OFFICE OF THE TOWN ADMINISTRATOR
MEMORANDUM

TO: **Board of Selectmen**

FROM: **Melvin A. Kleckner, Town Administrator**

RE: **Pay-As-You-Throw (PAYT)**

DATE: **December 30, 2016**

Please find attached a memorandum from the DPW Commissioner responding to comments received at the recent public hearing and making specific recommendations for implementation of a modified Pay as You Throw (PAYT) system. On Tuesday, we will prepare actual votes for the Board to take involving the fee schedule, an exception policy and other relevant provisions of the program. You will also receive a copy of an opinion from the Town's legal department, responding to a challenge by Mr. Stanley Spiegel on the legality of the proposed fee structure. Attorney Simpson has opined that the PAYT pricing structure as originally proposed is properly classified as a "fee" pursuant to the Emerson line of analysis. He further concludes that the proposed pricing proposal represents a legitimate attempt to incentivize residents to minimize their disposal of MSW, and he does not perceive a legal impediment to implementing it.

We believe that the Town has successfully balanced all of the concerns and issues raised about the program. I wish to highlight the following aspects of the program:

1.) The variable cart sizes reflect a practical solution to accommodate different household situations while retaining the automatic collection of trash through uniformly designed bins (as opposed to having excessive manual collection of overflow plastic bags).

2.) While not a pure PAYT system, the variable pricing schedule incentivizes more recycling, limiting the cost and the negative environmental consequence of burying/burning trash.

3.) The variable fee schedule is intended to generate the same amount of revenue as the current $200 flat fee.

4.) An exception system based on the physical capacity of a household and/or property is responsive to the Town Meeting Resolution and provides those eligible households with an option to use plastic bags or a smaller sized bin (18 gallon).

5.) Two special collections scheduled at the most appropriate dates will provide residents with the opportunity to dispose of excess trash at no cost.

The Town of Brookline prides itself on providing exceptional public services using best practices. PAYT and automation represent this goal and we enthusiastically recommend your approval of its implementation at this time.

Thank you for your consideration.