

CITY OF NEWTON  
IN BOARD OF ALDERMEN  
PROGRAMS AND SERVICES COMMITTEE AGENDA

WEDNESDAY, FEBRUARY 18, 2015

7:45 PM  
Room 211

**ITEMS SCHEDULED FOR DISCUSSION:**

- #30-15      NEWTON ELECTION COMMISSION recommending that the Board of Aldermen seek Home Rule Legislation to remove the restriction on holding Preliminary Elections on Tuesdays, and set the date of the 2015 Preliminary Election for Thursday, September 17, 2015. [01/22/15 @ 11:28AM]
- #31-15      PROGRAMS & SERVICES COMMITTEE proposing an ordinance to limit the use of leafblowers. [01/26/15 @ 2:20PM]
- #8-15        ALD. HESS-MAHAN, NORTON, SANGIOLO AND LEARY requesting discussion with the Law Department and Inspectional Services Department regarding enforcement of the noise ordinance as it pertains to leaf blowers. [12/15/14 7:44 @ PM]
- #399-13     ALD. LINSKY, HESS-MAHAN, ALBRIGHT, CROSSLEY, DANBERG, BLAZAR, LAREDO & SCHWARTZ requesting to re-charge a task force to devise recommendations as to best practices and/or potential regulatory approaches to achieve improvements regarding the use of leaf blowers in the City of Newton. [10/28/13 @ 7:01 PM]
- #34-13      ALD. DANBERG, ALBRIGHT, BLAZAR, RICE, LINSKY AND CROSSLEY requesting a prohibition on polystyrene-based disposable food or beverage containers in the City of Newton if that packaging takes place on the premises of food establishments within the City. [01/03/13 @ 11:01 AM]

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The location of this meeting is handicap accessible and reasonable accommodations will be provided to persons requiring assistance. If you need a special accommodation, please contact John Lojek, at least two days in advance of the meeting: [jlojek@newtonma.gov](mailto:jlojek@newtonma.gov), or 617-796-1064. For Telecommunications Relay Service dial 711.

**ITEMS NOT SCHEDULED FOR DISCUSSION:**

#10-15 ALD. HESS-MAHAN, BAKER, BROUSAL-GLASER, COTE, JOHNSON, SANGIOLO proposing a RESOLUTION requesting the Licensing Commission to adopt a policy requiring all applicants for a license to notify the Aldermen from the respective ward whenever applicants are required to send legal notice to abutters, public or private schools, churches, synagogues, religious institutions of worship and/or hospitals within 500 feet from the proposed licensed premises regarding their application. [12/29/14 @ 12:17 PM]

#483-14 PROGRAMS & SERVICES COMMITTEE proposing a RESOLUTION to promote a cooperative program with food establishments in the City, the Newton-Needham Chamber of Commerce, the Economic Development Commission, the Director of Economic Development and members of the Board of Aldermen, to find opportunities for these establishments to provide their food services for events in the City. [12/02/14 @ 3:56PM]

**REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES**

#464-14 ALD. SANGIOLO requesting discussion with the Department of Veteran's Services and the Executive Department regarding updates on programming at the Newton Senior Center and budgeting for new initiatives.[11/24/14 @ 3:41PM]

#377-14 THE PROGRAMS & SERVICES COMMITTEE requesting a discussion with the Director of Senior Services, the Council on Aging and the Executive Department relative to changes in the use of the Senior Center at 345 Walnut Street. [10/16/14 @ 5:43PM]

**REFERRED TO FINANCE AND APPROPRIATE COMMITTEES**

#375-14 HIS HONOR THE MAYOR submitting the FY16-FY20 Capital Improvement Plan pursuant to section 5-3 of the Newton City Charter. [10/15/14 @ 3:01 PM]

**REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES**

#216-14 ALD. HESS-MAHAN, ALBRIGHT, BAKER, CROSSLEY, NORTON AND SANGIOLO proposing the following amendments to Chapter 12 Health and Human Services of the Revised Ordinances to:

- require owners of dwellings requiring a Certificate of Habitability under Section 12-1 and real estate agents/brokers who receive compensation in connection with the particular real estate transaction to notify the Commissioner of Health and Human Services whenever an apartment, tenement, or room in a lodging house is vacated by the occupant or when an area in an existing building is converted to a condominium prior to being reoccupied by a new tenant, lodger or occupant;
- require educational institutions to disclose addresses of undergraduates living off-campus in Newton;
- require a fee for certification; and
- impose a fine for violation of these provisions. [05/14/14 @ 11:51 AM]

**REFERRED TO PROGRAMS & SERVICES AND PUBLIC FACILITIES COMMITTEES**

- #119-14 ALD. ALBRIGHT AND CROSSLEY requesting discussion with the Inspectional Services Department to explain the development of short and long term plans to identify and correct buildings, sidewalks, playgrounds, etc., that do not conform to American Disability Act (ADA) standards. The discussion should include information on how improvements will be incorporated into the Capital Improvement Plan or if less than \$75,000 into a comprehensive budget plan to correct ADA deficiencies. [03/12/14 @ 4:18 PM]
- #59-14 ALD. HESS-MAHAN AND BLAZAR requesting discussion with the Executive Department and the Health Care Advisory Committee concerning plans to implement recommendations contained in the First Report of the Health Care Advisory Committee to control the cost of health insurance while improving or maintaining the quality of care. [02/18/14 @ 6:39 PM]

**REFERRED TO FINANCE AND PROGRAMS & SERVICES COMMITTEE**

- #402-13 ALD. FULLER, GENTILE, RICE and LINSKY requesting a Home Rule Petition to amend Article 9 of the Charter to clarify that Neighborhood Area Councils shall maintain and control their own financial accounts and records, independent of City finances; and to further clarify that such independent financial accounts and records shall remain subject to City audit. [10/28/13 @ 10:18 AM]
- #398-13 ALD. BAKER & DANBERG requesting a discussion of a possible ordinance, regulations or otherwise, to complement zoning regulation of any licensed Registered Marijuana Dispensaries to respond to any secondary impacts so as to make the operation of such dispensaries as successful as possible. [10/28/13 @ 10:00 AM]

**REFERRED TO ZAP, PROG & SERV AND FINANCE COMMITTEES**

- #397-13(3) ALD. SANGIOLO AND DANBERG requesting creation of an ordinance to protect trees deemed ~~historie~~ significant by the ~~Historical Commission and the~~ City's Tree Warden with the advice and counsel of the Urban Tree Commission. [05/05/14 @ 4:32 PM]

**AMENDED IN PROGRAMS & SERVICES 11/19/14**

**REFERRED TO FINANCE AND APPROPRIATE COMMITTEES**

- #257-12 RECODIFICATION COMMITTEE recommending (1) review of the Fees, Civil Fines/Non-Criminal Disposition contained in Chapter 17 LICENSING AND PERMITS GENERALLY and Chapter 20 CIVIL FINES/NON-CRIMINAL DISPOSITION CIVIL FINES to ensure they are in accordance with what is being charged and (2) review of the acceptance of G.L. c. 40 §22F, accepted on July 9, 2001, which allows certain municipal boards and officers to fix reasonable fees for the issuance of certain licenses, permits, or certificates.

**REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES**

#254-12(3) PROGRAMS & SERVICES COMMITTEE proposing an ordinance to require a fee, charged to consumers, for the use of paper bags at certain retail establishments in the City of Newton. [01/10/14 @ 3:36 pm]

#229-12 RECODIFICATION COMMITTEE recommending a review and possible amendment to the *Board of Aldermen Rules & Orders 2012-2013* relative to review of draft ordinances by the Law Department.

#199-13 ALD. JOHNSON AND SANGIOLO requesting an update from the School Committee and School Department regarding the request from the Board of Aldermen to reduce the family cap on activity fees. [05/20/13 @ 11:05 PM]

**REFERRED TO PROG & SERV, PUB. FACIL. AND FINANCE COMMITTEES**

#312-10 ALD. LENNON, LAPPIN, SCHNIPPER, SANGIOLO requesting a discussion with the School Committee on its plans to address space needs in the Newton public schools. [10/27/10 @ 11:07 AM]

Respectfully Submitted,

Amy Mah Sangiolo

# **TOWN OF BROOKLINE**



## **Article 8.31**

### **LEAF BLOWERS**

## **Article 8.31**

### **Leaf Blowers**

#### Section 8.31.1: STATEMENT OF PURPOSE

Reducing the use of gasoline and oil fuels and reducing carbon emissions into the environment are public purpose of the Town and the reduction of noise and emissions of particulate matter resulting from the use of leaf blowers are public purposes in protecting the health, welfare and environment of the Town. Therefore, this by-law shall limit and regulate the use of leaf blowers as defined and set forth herein.

#### Section 8.31.2: USE REGULATIONS

##### 1. Leaf Blowers.

Leaf blowers are defined as any portable gasoline powered machine used to blow leaves, dirt and other debris off lawns, sidewalks, driveways, and other horizontal surfaces.

##### 2. Limitations on Use.

a. Leaf blowers shall not be operated except between March 15 and May 15 and between September 15 and December 15 in each year. The provisions of this subsection do not apply to the use of leaf blowers by the Town and its contractors. The provisions of this section also do not apply to non-residential property owners but only with respect to parcels that contain at least five acres of open space. The provisions of this subsection also shall not apply to the use of leaf blowers by the Town or its designees for performing emergency operations and clean-up associated with storms, hurricanes and the like.

##### 3. Regulations.

The Commissioner of Public Works with the approval of the Board of Selectmen shall have the authority to promulgate regulations to implement the provisions of this Leaf Blower By-Law.

##### 4. Enforcement and Penalties

a. This bylaw may be enforced in accordance with Articles 10.1, 10.2 and/or 10.3 of the General By-Laws by a police officer, the Building Commissioner or his/her designee, the Commissioner of Public Works or his/her designee and/or the Director of Public Health or his/her designee.

b. For the purposes of this section "person" shall be defined as any individual, company, occupant, real property owner, or agent in control of real property. Each violation shall be subject to fines according to the following schedule:

- (a) a warning or \$50.00 for the first offense;
- (b) \$100.00 for the second offense;
- (c) \$200.00 for the third offense;
- (d) \$200.00 for successive violations, plus
- (e) court costs for any enforcement action.

5. *Effective Date.*

The provisions of this Leaf Blower By-Law shall be effective in accordance with the provisions of G.L.c.40, s.32.



#### 8.16.081 - Leaf Blowers

Statement of purpose. The City Council hereby finds that the reduction of noise and emissions of particulate matter resulting from the use of leaf blowers is a public purpose that protects the public health, welfare and environment of the City of Cambridge and its citizens. The City Council recognizes that a total ban on the use of such equipment would have a severe adverse impact on the ability of the City to effectively remove leaves, dust, dirt, grass clippings, cuttings and trimmings from trees, shrubs and other types of litter and debris from streets, sidewalks, cemeteries and large recreational facilities and other open spaces and to clean and maintain such facilities without relaxing restrictions on the use of such equipment for maintenance operations of such facilities.

(Ord. 1311, Added, 12/10/2007)

8.16.081.1 Use Regulations. The use of leaf blowers shall be regulated as follows:

1. *Definitions.*

- a. *Definition of leaf blower.* Leaf blowers are defined as portable, handheld or back pack style power equipment that is powered by fuel or electricity and used in any landscape maintenance, construction, property repair, or property maintenance for the purpose of blowing, moving, removing, dispersing or redistributing leaves, dust, dirt, grass clippings, cuttings and trimmings from trees and shrubs or any other type of litter or debris.
- b. *Definition of commercial leaf blower operator.* Any entity or organization that employs two (2) or more employees that receives income, remuneration or compensation of any kind, whether as a fee, a charge, a salary, wages or otherwise, for operating a leaf blower, except that municipal operators and municipal contractors are excluded from this definition.

(Ord. 1311, Added, 12/10/2007)

8.16.081.2 Limitations on Use.

- a. The use of leaf blowers is prohibited except between March 15 and June 15 and between September 15 and December 31 in any year. The provisions of this subsection 8.16.081.2.2(a) do not apply to the use of leaf blowers in accordance with the provisions of this Leaf Blower Ordinance and regulations promulgated hereunder by municipal operators and municipal contractors performing leaf blower operations in Mayor Thomas W. Danehy Park, Fresh Pond Reservation, Thomas P. O'Neil, Jr. Municipal Golf Course at Fresh Pond, Cambridge Municipal Cemetery, Old Burial Ground or performing emergency operations and clean-up associated with storms, hurricanes and the like or by operators performing leaf blower operations on one or more adjoining parcels of land in common ownership that together comprise a total of two (2) acres or more, so long as the owners of such land comply with the provisions of subsection 8.16.081.2.2(c).
- b. The use of leaf blowers is further prohibited on Sundays and legal holidays except Columbus Day and Veterans' Day and prohibited on other days except between the hours of 8:00 a.m. and 5:00 p.m. Mondays through Fridays and 9:00 a.m. and 5:00 p.m. Saturdays, Columbus Day and Veterans' Day. Commercial leaf blower operators may operate leaf blowers between the hours of 12:00 noon and 5:00 p.m. only on Columbus Day and between the hours of 1:00 p.m. and 5:00 p.m. only on Veterans' Day, consistent with the provisions of G.L. c. 136, §13 as it may be amended. The provisions of this subsection 8.16.081.2.2(b) do not apply to the use of leaf blowers in accordance



with the provisions of this Leaf Blower Ordinance and regulations promulgated hereunder by municipal operators and municipal contractors performing leaf blower operations in Mayor Thomas W. Danehy Park, Fresh Pond Reservation, Thomas P. O'Neil, Jr. Municipal Golf Course at Fresh Pond, Cambridge Municipal Cemetery, Old Burial Ground or performing emergency operations and clean-up associated with storms, hurricanes and the like or by operators performing leaf blower operations on one or more adjoining parcels of land in common ownership that together comprise a total of two (2) acres or more, so long as the owners of such land comply with the provisions of subsection 8.16.081.2.2(c).

- c. Commercial leaf blower operators and owners of one or more adjoining parcels of land in common ownership that together comprise a total of two (2) acres or more seeking to operate leaf blowers on such land shall not be permitted to operate leaf blowers, but may be exempted from the prohibition of this subsection 8.16.081.2.2(c) if they submit an operations plan to the City Manager or his or her designee for review and approval. At a minimum, the operations plan shall: address the owner's or operator's efforts to mitigate the impacts of noise and emissions upon citizens and the occupants and owners of nearby property, include an inventory of all leaf blowing equipment owned and to be used by the owner or operator in its operations program, which shall comply with the noise and emission restrictions set forth in this Leaf Blower Ordinance and regulations promulgated hereunder, and include the owner's or operator's plan for educating users of its equipment on the proper use of equipment as well as the need to mitigate impacts upon others. The operations plan shall be reviewed by the City Manager or his or her designee, who shall ensure that it complies with the applicable provisions of this Leaf Blower Ordinance and regulations promulgated hereunder, and shall impose any conditions that may be required in order for the owner or operator to comply with the provisions of this Leaf Blower Ordinance and regulations promulgated hereunder. No operations plan submitted by owners of one or more adjoining parcels of land in common ownership that together comprise a total of two (2) acres or more seeking to operate leaf blowers on such land shall be approved by the City Manager unless there has been a showing of significant hardship.
- d. Leaf blower operations shall not cause leaves, dirt, dust, debris, grass clippings, cuttings or trimmings from trees or shrubs or any other type of litter or debris to be blown or deposited on any adjacent or other parcel of land, lot, or public right-of-way/property other than the parcel, land, or lot upon which the leaf blower is being operated. Leaves, dirt, dust, debris, grass clippings, cuttings or trimmings from trees or shrubs or any other type of litter or debris shall not be blown, swept or raked onto or into an adjacent street or gutter, except by municipal employees or municipal contractors or leaf blower operators placing leaves, dust, dirt, grass clippings, cuttings and trimmings from trees and shrubs on a municipal street or sidewalk for collection and pick-up, during municipal street and sidewalk sweeping and cleaning operations. In no event shall leaves, dirt, dust, debris, grass clippings, cuttings or trimmings from trees or shrubs or any other type of litter or debris be blown, swept or raked onto or into catch basins or onto vehicles, persons or pets. Deposits of leaves, dirt, dust, debris, grass clippings, cuttings or trimmings from trees or shrubs or any other type of litter or debris shall be removed and disposed of in a sanitary manner which will prevent dispersment by wind, vandalism or similar means.
- e. All leaf blowers shall satisfy the emissions standards of the United States Environmental Protection Agency and noise level standards as follows: the sound emitted from any leaf blower shall be rated by the manufacturer to be no greater than 65 decibels.
- f.



On parcels of 10,000 square feet or less, only one leaf blower at a time may be used, and on parcels larger than 10,000 square feet, only one leaf blower may be used within each 10,000 square foot area.

*(Ord. 1311, Added, 12/10/2007)*

#### 8.16.081.3 Fees.

A fee for the City to recover all costs connected with emission or sound testing and enforcement may be charged in an amount set by the License Commission and approved by the City Manager.

*(Ord. 1311, Added, 12/10/2007)*

#### 8.16.081.4 Regulations

The License Commission and the Commissioner of Public Works shall have the authority to promulgate regulations to implement the provisions of this Leaf Blower Ordinance.

*(Ord. 1311, Added, 12/10/2007)*

#### 8.16.081.6 Severability.

The provisions of this Chapter are severable. If any section, provision or portion of this Chapter is determined to be invalid by a court of competent jurisdiction, the remaining provisions of this Chapter shall continue to be valid.

*(Ord. 1311, Added, 12/10/2007)*

#### 8.16.081.7 Effective Date.

The provisions of this Leaf Blower Ordinance shall be effective commencing on March 1, 2008 except as to City of Cambridge contracts now in effect, as to which the provisions of this Leaf Blower Ordinance shall be effective commencing on September 15, 2008.

*(Ord. 1311, Added, 12/10/2007)*

# **TOWN OF BROOKLINE**



## **Article 8.32**

### **Prohibition on the Use of Polystyrene Disposable Food Containers**

## **Article 8.32**

### **Prohibition on the Use of Polystyrene Based Disposable Food Containers**

Effective December 1, 2013, polystyrene food or beverage containers shall not be used in the Town of Brookline to package or serve food or beverages if that packaging takes place on the premises of food service establishments, as defined in Article 8.10.2, within the Town of Brookline.

In the event that compliance with the effective date of this by-law is not feasible for a food service establishment because of either unavailability of alternative non-polystyrene containers or economic hardship, the Director of Health and Human Services may grant a waiver of not more than six months upon application of the owner or the owner's representative. The waiver may be extended for one (1) additional 6 month period upon the showing of continued infeasibility as set forth above.

And by adding a reference to this Article 8.32 in the General By-Laws, Article 10.2 Prosecutions and Enforcement, by including Article 8.32 under the list of by-laws enforceable by the Director of Health and Human Services.



**Somerville, MA**  
Mayor Joseph A. Curtatone

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## City of Somerville Foam Container Ordinance



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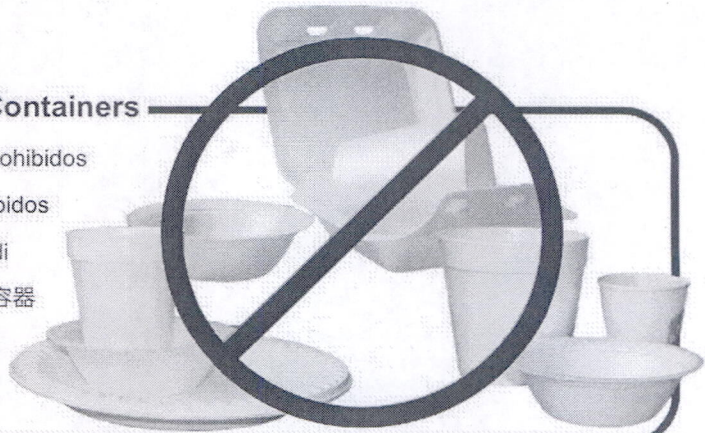
### Prohibited Containers

Contenedores prohibidos

Recipientes proibidos

Resipyan ki intèdi

禁止使用的餐盒容器



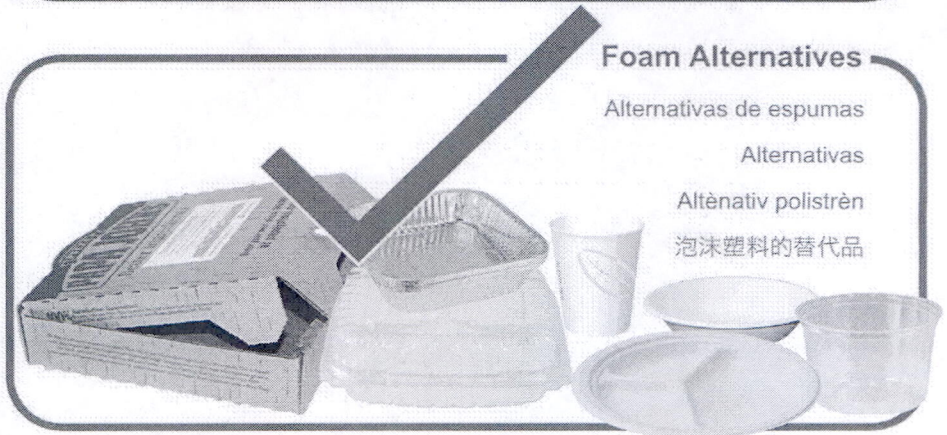
### Foam Alternatives

Alternativas de espumas

Alternativas

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泡沫塑料的替代品



**View Sample Products and Pricing:**  
*Environmentally Friendly Products*



*Many businesses have already transitioned to foam container alternatives. Contact your current vendors to see what options are available. You can view*



**sample products and pricing at this link: <http://bit.ly/1wsDZIZ>**



#### Alternative materials include:

- Paper/cardboard
- Plastic
- Aluminum
- Biodegradable plastics (corn, soy, potato, etc.)
- Compostable materials from plant fibers (sugar, bamboo, rice, etc.)

#### Who does this apply to?

- Any business that requires a permit from the Somerville Board of Health
- Any business that provides prepared food for customers
- Eat-in restaurants
- Take-out restaurants
- Food trucks
- Fast-food establishments
- Delis
- Food vendors

#### Why are foam containers prohibited?

- Expanded polystyrene, which is made of oil, is not biodegradable and can break into small pieces. As a result, litter from foam containers is very durable and hard to clean up, making our streets and parks dirty.
- Foam containers are not easily recyclable. They add to the amount of trash that we must pay to send to landfills and incinerators.
- The key ingredient in polystyrene was added to the U.S. Department of Health's list of carcinogens (cancer causing agents).

#### Who does this apply to?

- The Inspectional Services Division (ISD) will inspect for the use of prohibited foam food containers during pre-operational and routine inspections, as well as at the time of food license renewal.

First Offense	Second Offense Within 1 Year	Third and Subsequent Offense
Warning	\$100	\$300

**Call 311 (or 617-666-3311) for general information or specific questions regarding alternatives to foam.**





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# FOAM CONTAINER BAN ENFORCEMENT BEGINS

Sep 03, 2014

FOAM CONTAINER BAN ENFORCEMENT BEGINS

## FOAM CONTAINER BAN ENFORCEMENT IN EFFECT, INFORMATION SENT TO BUSINESSES

*Information about alternative products provided as City begins enforcement of ordinance*

SOMERVILLE - Somerville restaurants and food-related businesses were sent a letter and fact sheet in August detailing the City's ban on the commercial use of expanded polystyrene, commonly known as Styrofoam or foam, along with information about alternative products those businesses can use and the penalties for violating the ordinance that are now in effect.

The ban affects restaurants, delis, food trucks and other food-related businesses, which are no longer allowed to use foam for cups, plates and carry-out containers. Alternatives include paper and cardboard, plastic, aluminum, biodegradable plastics and compostable materials. Businesses are being encouraged to contact their current vendors to see what alternative options are available. Many businesses in Somerville have already transitioned to foam container alternatives, and all are required to comply.

Beginning Oct. 1, Inspectional Services (ISD) will inspect for the use of prohibited foam food containers during pre-operational inspections, routine inspections and during food license renewals. A first violation of the foam ban will result in a warning, a second violation will result in a \$100 fine, and third and subsequent violations will result in a \$300 fine.

The Board of Aldermen unanimously passed the polystyrene ban ordinance in May 2013 prohibiting Somerville restaurants and food establishments from using polystyrene, which is not biodegradable or easily recyclable and contains an ingredient on the U.S. Department of Health's list of carcinogens.

"The City of Somerville is sharing in the commitment to reduce foam use-this year, Somerville Public Schools stopped using expanded polystyrene trays to serve meals," said Oliver Sellers-Garcia, City Director of Sustainability and Environment. "We look forward to working with our local businesses and encourage them to reach out with any questions they may have, so they



can transition to other materials for their business."

"The Board of Aldermen passed this ordinance last year because of the impact expanded polystyrene has on our personal health and the health of the environment," said Ward 6 Alderman Rebekah Gewirtz, chairwoman of the Board of Aldermen's Legislative Matters subcommittee. "Our local businesses have been great partners with the City in reducing our impact on the environment, increasing our recycling and making Somerville a healthier city for all, and I know they will partner with us on this initiative too to rid our city of polystyrene."

For more information about the foam ban in Somerville and the fee schedule for violations, please visit [www.somervillema.gov/foam](http://www.somervillema.gov/foam) <sup>[1]</sup>, call 311 or contact the Office of Sustainability and Environment at 617-625-6600 ext. 5070. Questions regarding enforcement of this ordinance or other Board of Health regulations should be directed to the ISD Health Division at (617) 625-6600, ext. 4331. All information online is available in English, Spanish, Portuguese, Haitian Creole and Mandarin Chinese.

### **Styrofoam Recycling Day, Sat., Sept. 13**

The City will host a Styrofoam Recycling Day on Saturday, Sept. 13 from 9 a.m.-12 p.m. at the Department of Public Works, located at 1 Franey Rd. Businesses and residents are welcome to bring any unused or clean foam containers and packaging materials for recycling.

[news](#) <sup>[2]</sup>

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[2] <http://www.somervillema.gov/category/news-rrs-feed/news>