

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY, SEPTEMBER 9, 2015

Present: Ald. Sangiolo (Chairman), Rice, Leary, Blazar, Baker and Kalis

Absent: Ald. Norton and Hess-Mahan

Also Present: Ald. Harney, Fuller and Schwartz

City Staff Present: David Olson (City Clerk), Dori Zaleznik (Chief Administrative Officer), Karyn Dean (Committee Clerk)

#31-15 PROGRAMS & SERVICES COMMITTEE proposing an ordinance to limit the use of leafblowers. [01/26/15 @ 2:20PM]

ACTION: **HELD 6-0**

NOTE: This item as well as #31-15(2) will be discussed concurrently.

Ald. Sangiolo explained that the Committee was being joined by representatives from the Town of Brookline to share their experiences with forming a leaf blower ordinance and any changes that took place in their noise ordinance relative to leaf blowers, as well as plans for a new warrant to make further changes.

History and Current By Law

Andrew Fisher, Irene Sharp and Richard Nangle, Town Meeting members from the Town of Brookline addressed the Committee. Mr. Fisher explained that he was the co-petitioner of a warrant article in 2008 that would limit the use of leaf blowers to the spring and fall, as well as limit the times to coincide with construction and other lawn maintenance equipment which is 8am – 8pm on weekdays and 9am to 6pm on weekends. In 2008, there was a Board of Selectman Committee to update and clarify the noise ordinance and the article was on the same Town Meeting agenda as the leaf blower warrant. There was a perception that the reforms to the noise ordinance would take care of the leaf blower problem, therefore, the leaf blower warrant was voted No Action. Three years later, the leaf blower problems had not abated and in their opinion, had gotten worse. The warrant article was then brought back, was passed in 2011 and went into effect in 2012. There were some concerns about enforceability and that it wasn't strong enough. The idea at the time, however, was to pass the by law and see how it might work. The leaf blower bylaw allows use from March 15 to May 15 and September 15 to December 15 only.

Enforceability has been quite difficult because most often, by the time the police arrive following a complaint, the workers are done and gone. If the workers are still there, the police have to verify whether or not the leaf blower is licensed and is within the decibel range which has proven extremely difficult. They also found that there were many excuses when they police confronted landscapers complaining they did not understand the by-law. The conclusion to all this was that the bylaw was basically unenforceable.

New Warrant

Mr. Nagle and Ms. Sharp are currently co-petitioners on a warrant article that proposes to amend the leaf blower by law by deleting all the language relative to leaf blowers and simply stating that the use of all leaf blowers be banned in Brookline. This would also include all Town properties and large parcels as well. The other change would be to increase the fine for violations. A complete ban makes enforcement much simpler and easier. If any leaf blower is operating at any time of day or year, it is illegal. A resident could take a video of someone operating a leaf blower and if the police don't arrive until after they the contractor is gone, the video would show the violation. No decibel reading has to be taken, or confirmation of time of day.

Mr. Fisher said that civilization had survived just fine up until 1980 without the use of leaf blowers and they now add to the danger of the earth's health from carbon emissions. He understands that banning leaf blowers will not stop climate change, but this is something people can live without that could reduce carbon emissions.

Committee Questions

It was asked how Brookline chose the 67dB level as their maximum limit on leaf blowers. Ms. Sharp said she believed that in 2011 67dB was state of the art but db levels of the machines have since gone down.

It was also asked if there were any exemptions to the current bylaw. Electric leaf blowers are allowed and the ban applies to resident users as well as professional landscapers. Mr. Fisher said the town Department of Public Works is exempt. Also exempt are non-residential property owners with parcels of 5 acres of open space or more. There is definite confusion in the way the bylaw is currently written. Leaf blowers are mentioned in the noise ordinance and also have a separate section as well and it has been unclear to many people how they interact and if they are clear. Because of this confusion a Selectman's Noise Bylaw Committee was formed and they recently submitted their report. It had a narrow scope but the ongoing discussions illuminated the general confusion and set out some recommendations. Ald. Sangiolo asked if that report could be provided and it is attached to this report.

The Committee asked what sort of feedback the town has received from residents, from the town contractors and from landscapers. Ms. Sharp said their total ban warrant was just published and they will be going before all the Committees in Brookline for support. She and Mr. Nagle found that the opposition wasn't just from landscapers, but the landowners who support their contractors. Their main concern was that their bills would be more expensive but she believes there are statistics out there that show that will not be true. Mr. Nagle said that he and Ms. Sharp sense a tremendous amount of public support for this and Mr. Nagle has received more calls on this issue in the past two years than he has received on anything else in the 20 years he has been a Town Meeting Member.

The nature of the enforcement has been made nearly impossible with neighbors complaining about each other which makes things even more difficult. Most complaints made to police ended with the landscapers already being gone by the time they were able to get there, usually because

the leaf blower is used at the end of the job. Ms. Sharp noted that other type of contractors use leaf blowers as well such as roofers and it has become a universal tool and she feels it is out of control.

A Committee member asked if they worked with landscapers at all or a group was formed to work out the bylaw. Mr. Fisher said there is a registration process by which the landscaper would receive information from the Police when they registered. Most landscapers, however, have not registered and express ignorance of this regulation and the workers using the leaf blowers are not the owners of the company. There is a Town Meeting member who spoke vehemently against the restrictions in 2011, but there was no coalition of landscapers who organized and spoke out against them. Mr. Fisher's own landscaper, who works out of Newton, started to use a leaf blower and Mr. Fisher told him to stop using it. The landscaper has complied and has not charged him any higher fee for lack of using a leaf blower.

Ms. Sharp noted that one of the conclusions of the Noise Bylaw report was to increase the educational components to increase compliance including signs, the website and other options. Regardless, people use all sorts of excuses to break the law. Ald. Kalis felt that if Newton worked with the landscapers on education and how to comply, it could be helpful. Mr. Nagle noted that the bylaw has been in effect for 3 years and contractors should be well aware of the regulations, but they have their business model and choose to ignore it for the most part.

A Committee member asked about data on enforcement in Brookline, noting that Newton landscapers in their public comments have claimed that the Brookline police follow them around. Mr. Fisher said he was not sure exactly how many citations have been issued, but will forward that information. It is attached to this report. It was asked if the fine would be levied to the contractor of the homeowner. Ms. Sharp noted that the fines are going to the contractor, but the current warrant is calling for more accountability to homeowners if they are aware of what is going on.

Ald. Sangiolo thanked Mr. Fisher, Mr. Nagle and Ms. Sharp for joining the Committee. Ald. Sangiolo would like to take this item up in a working session on September 30th. She will make a chart of the suggestions and concerns the Committee has collected over the past months and try to get to some consensus soon. She is hoping to report it out of Committee by the end of the term, then it will be in the hands of the full Board. Ald. Blazar said he would really like see this resolved by the end of the Aldermanic term.

The Committee voted to hold both items.

#31-15(2) THE PROGRAMS & SERVICES COMMITTEE requesting to amend *Chapter 20-13, Noise Control*, relative to time restrictions on the use of yard, garden or grounds maintenance equipment. [03/19/15 @ 12:14PM]

ACTION: **HELD 6-0**

NOTE: See note above. This item was held.

Appointment by His Honor the Mayor

#183-15 DEBORAH YOUNGBLOOD, appointed as the Commissioner of Health and Human Services, effective September 22, 2015 pursuant to Section 3-3 of the City of Newton Charter. [08/03/15 @ 2:15PM]

ACTION: **APPROVED 5-0 (Baker not voting)**

NOTE: Ald. Sangiolo noted that the docket item states that Ms. Youngblood would be appointed effective September 22nd, however, she has started as Commissioner today, September 9, so the item should be amended. Dori Zaleznik, Chief Administrative Officer, explained that the appointment becomes effective 30 days from the last docket if the Committee has not acted upon it. Since the item came in when the full Board and the Programs & Services Committee were not meeting in the summer, the 30 days past without any action. The Committee is still pleased to meet Ms. Youngblood and hear about her experiences and what she would like to see happen in the Health and Human Services Department as the new Commissioner.

Ms. Youngblood addressed the Committee. She explained that she has been working in human services for about 20 years. In the last 10 years she has been responsible for the strategic planning and evaluation of impact within social services at Crittendon Women's Union in Boston. She has been doing work around economic mobility, emergency services for families, and has run a host of programs. She is leading the organization, helping to design programs based on best practices nationwide and sometimes out the country, and leading initiatives to build new models and look for what is having impact and achieving the objectives.

She recently started to think of making a change and was delighted to hear of the opportunity in Newton since she lives here and is very invested in her community. She felt it spoke to some of her strengths in human services and community health as well such as issues of teen pregnancy, emotionally traumatized youth, foster care, substance abuse and prevention and she has always worked in a position of finding out what is working and changing those that are not.

Committee Questions/Comments

Ald. Schwartz was on the search committee and the position was open for 15 months. The search committee felt that the health issues were being well taken care of by the Acting Commissioner, but they met with a wide range of candidates including some that had broad experience in both health and human services. The Mayor was looking for someone who had extensive experience in human services in order to address the programs the City is hoping to do over the next year or two. The decision was ultimately made by the Mayor after the search committee made their candidate recommendations.

Ald. Schwartz would also like to hear more about the strategy and what programming the City is moving toward. Dr. Zaleznik said that will be presented soon. Ald. Schwartz offered any type of support Ms. Youngblood might need and looks forward to working with her.

Many Committee members wondered what the strategy would be for the Department. Dori Zaleznik, Chief Administrative Officer, and former Commissioner of Health and Human Services explained that Human Services was folded into the department and it used to be just the Health Department. Dr. Zaleznik's predecessor, David Naparstek was Commissioner for 23

years and was not a physician, but his background was almost entirely in environmental health. Many of the public health aspects were handled by the nurses and she was only the second person in Newton’s history who was a physician to hold the position. She knew much about public health but not much about environmental health and could do fine with human services. The strength of the department now is that there are wide ranging experiences in all aspects with the addition of Ms. Youngblood. The current staff is very strong in the public health arena. Ms. Youngblood has a very strong research background which allows her to access any further information she might need for public health issues. Most Commissioners would have strengths in one area over another.

A Committee member was particularly concerned about environmental health and contamination issues around the City and working with the Department of Environmental Protection. Ms. Youngblood said she has not had experience with DEP but looks forward to learning more and working with aldermen on any issues that are of concern. Walkability was also a concern of some Committee members and this would require working closely with other departments. Ald. Schwartz noted that was a quality they were looking for in a candidate.

Another Committee member noted that many of the services are brought into the department from non-profit organizations and it takes quite a bit of coordination. This of course broadens the City’s department and its reach but it does take some skill to build coalitions. Ms. Youngblood said she has done quite a bit of coalition building in her career. The Crittendon Women’s Union has grown to include 45 different members which were local, regional and some out of the country. Some work with vulnerable low income families, some with seniors, some with foster care, etc. Monthly webinars, various written communications, telephone calls, site visits were part of the process in bringing the groups together with great success.

Ms. Youngblood was asked her first impressions on this, her first day. She noted that the department is very clear on their objectives and the role that each member is playing. She would like to learn more about that in depth to find out where there might be gaps in services. Newton has the ability to be a leader and provide models for other communities to import. She would like to capitalize on that for the future.

Ald. Sangiolo was hoping she could find more ways to connect and support the youth in the City and welcomed her to community.

Ald. Rice moved approval and the Committee voted in favor unanimously.

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#214-15 **HIS HONOR THE MAYOR** requesting authorization to transfer the sum of fifty-nine thousand two hundred thirty-three dollars (\$59,233) from budget reserve to the following accounts in the City Clerk Department for the purpose of funding the preliminary election:

Seasonal Wages	\$16,840
(0110105-512001)	
Work by Other Departments	\$42,393
(0110105-513004)	

FINANCE TO MEET**ACTION: APPROVED 5-0 (Kalis not voting)**

NOTE: David Olson, City Clerk, joined the Committee. He explained that when the budgets were being developed for this fiscal year, he included funds for three elections: the preliminary election in September; the municipal election in November; and the presidential primary in March. At the time the budget was being approved, it was unclear whether a preliminary election would be needed, therefore, the Executive Office asked that it be cut from the budget with the caveat that funds would be made available should the election be necessary. This request is to cover the costs of the needed preliminary election.

Ald. Blazar moved approval of the item and the Committee voted in favor unanimously.

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#215-15 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of two hundred three thousand eight hundred fifty dollars (\$203,850) from bonded indebtedness for the purpose of purchasing a Library Automated Material Handling Check-in/Sorter Unit. [08/31/15 3:08 PM]

FINANCE TO MEET**ACTION: APPROVED 5-0 (Baker not voting)**

NOTE: Phil McNulty, Director of the Library addressed the Committee. He explained that he spoke of this unit during his budget presentation and it's a key piece of equipment in the development of the Library going forward. There is a strategic shift being made with transaction processing to follow the trends in the industry. The Library is looking to be more service and customer focused rather than transaction focused.

The collection has been going through the process of RFID tagging over the past 2 and half years and over 400K are tagged out of their 500K item collection. They really can't realize the full value of that tagging until they have the check-in machine to automatically check items in and the RFID plates at the check-out station. This sorter will require an RFP imminently and he hope to have it procured and installed in mid-winter. It will be able to be put into use immediately since so many items are already tagged with RFIDs. A patron will be able to just place a pile of books on the plate and they are all automatically checked out. They do not need to be scanned one by one.

The immediate impact of the sorter is not only checking in items more quickly, and the Newton library has a tremendous load of check ins and check outs. Patrons are very aware of how quickly their items are returned and they comment on it as they can check their accounts online. Ultimately, it will allow some staff to move away from the transaction processes and broaden their fields by working with patrons and being involved in programs. Mr. McNulty is hoping to create a service point that is a call center. They do annual state reports and one element of that is tracking questions and how they are handled. They handled 153K reference questions last year with 26% of those by telephone and another 4% by email or text. They want to bring all those to one point instead of having requests bounce from desk to desk. He would like 90% of the questions to be answered by the first person a caller speaks to.

Committee Questions

It was asked if the cost of the unit supports the need. Mr. McNulty said he had worked with one in Milton and it makes a tremendous amount of difference. Software may change and upgrades in software are easily made. The unit itself should last a decade or two and should pay for itself within a year or so. It was also asked if many libraries are incorporating these machines. Mr. McNulty said that most are being added as part of building projects, since the upfront cost is so high.

A Committee member noted that it seems very valuable to free up library staff to assist patrons in other areas and be involved in programs. The Committee was concerned and did not want this machine to replace staff. They would not want to hear that because it was saving staff time, that staff would be eliminated. Mr. McNulty said that is not the intention at all. He has plenty of work for all his staff and is excited to be using them in more customer-centered ways.

Ald. Rice moved to approve this item. The Committee voted unanimously in favor.

#184-15 ALD. SANGIOLO AND HARNEY, on behalf of Newton Lower Falls resident, Anthony Munchak, requesting a non-binding question be placed on the November 3, 2015 municipal ballot to gauge voter sentiment regarding bans on plastic bags, polystyrene and leaf blowers. [08/03/15 @ 2:15PM]

ACTION: **NO ACTION NECESSARY 4-1-0 (Sangiolo opposed; Baker not voting)**

NOTE: Ald. Sangiolo explained that as Aldermen, it is part of their responsibility to respond to constituents concerns and bring forward items when requested, regardless of their support or non-support of any particular cause. Mr. Munchak approached her and Ald. Harney and they docketed this item on his behalf. There is a short time-frame on this item as the election is on November 3 and it would have to be approved in Committee tonight and voted out at the next Board meeting in order to meet the elections timeline. Language would also need to be approved by the Law Department in the meantime.

Mr. Munchak addressed the Committee. He thanked Ald. Harney and Sangiolo for sponsoring the item and noted that he had just recently become aware of how much work Aldermen really do and how much time they spend on behalf of the City. He explained that the item relative to the Pilgrim Nuclear Station got his attention and he wondered why Newton would be involved in that, and would propose a non-binding ballot question as to whether the Governor should ask the NRC for its closure. His issues regarding bans on plastic bags, leaf blowers and polystyrene seem more closely related to the everyday life of the residents and businesses in the City than the Nuclear Station question, or requesting withdrawal from Iraq, or welcoming refugees, which have been discussions in the past.

He was not aware of the plastic bag ban until he saw something in The Tab and he felt there was not enough communication about the ban before it was put in place. The leaf blower issue seems to be getting more attention and the public knows more about that, which is reassuring. He feels most people do not support a leaf blower ban or many of the other bans that are in place or are being considered. His feeling is that the Board should want to learn the general sentiment of the

community through a ballot question before any sort of ban is put in place. Even though it will likely be a low-turnout election, that results should not be discounted since most Aldermen have been elected in low-turnout elections.

Ald. Harney said that there was quite a discussion that opened up on the Newton Lower Falls listserv and there were more than a few people who were very frustrated that a plastic bag ban was in place. They said they had no idea it was going to happen and questioned whether it was the role of the legislators to ban one thing or another, or should it be determined by hearing from the largest number of residents possible to make that decision via a ballot question. Ald. Kalis said that he reaches out to as many constituents as possible on these types of issues, and he believes many of his colleagues do the same.

Mr. Munchak felt that although he was against the plastic bag ban, if it were put for a vote on a ballot, and it ended up being enacted, he could feel better about that. It would have been the will of the people and that would be fair and the opposition would feel better about an outcome in that matter. Seeing a vote of 24-0 to approve this by the Board of Aldermen confused him – he did not understand how there could be no dissent at all. The leaf blower ban has not been enacted at this point, so it's a good time to find out if people want this ban through this question. Ald. Harney agreed it might be a good idea to find out before passing new leaf blower regulations. It was noted, however, that the Committee has been actively working on the leaf blower issue for more than 6 years off and on. Would they want to set aside that work with a simple ballot question at this point. Ald. Sangiolo also felt this was a philosophical question as to whether the Board operates by referendum or operates by bringing ideas to the table, listening to constituents, vetting everything out and making the decisions.

Ald. Leary explained that the plastic bag ordinance was worked on for more than 7 years and a tremendous amount of work and research went into it and various attempts to include the public were enlisted including many public meetings, articles in the Tab, information on the website, listserv emails, etc. The Committee and Board received a high number of emails and phone calls and quite a bit of input. There was much debate in Committee over a long period of time so a 24-0 vote by the full Board is not an indication that it was just voted through without consideration. There will always be residents who say they do not know anything about a particular issue and never heard anything about it. But at a certain point, people need to be aware of what is going on in their community and seek out information if they are interested in what is happening in their City. Ald. Leary felt that one of the roles of government is to protect public health and the environment. The Clean Water and Clean Air Acts have had tremendous health, environmental and economic benefits.

There were differing views in Committee as to whether it would make sense to ask the question before an ordinance goes into effect or after. The plastic bag ban is in place, and perhaps it needs some time to develop and see how the residents react and become accustomed to it. Change requires some getting used to and it may be more effective to give it some time before asking if it should be repealed.

Some Committee members were concerned that a question like this is presented without all the information that the Committee accessed in order to decide to institute the plastic bag ban. All

that information is available but unless residents take the time to look at it and inform themselves, it seems unfair to ask the question and get an accurate sentiment, and the Board would be unlikely to change its decision regardless. Ald. Leary would support this question but there would need to be information distributed throughout the City, online, at polling places to inform voters about what they're actually voting on with both the plastic bag and leaf blower restrictions. The questions need to be more complicated than a straight yes or no question and answer. These issues have gone through many iterations before coming to a final form.

Ald. Sangiolo thought perhaps there could be a survey in the water or tax bill, or something on the website to get the sentiment of the residents and did not necessarily have to be through a ballot question.

It was pointed out once again that the timeline is very tight for the November 3rd ballot. Considering the Committee would like to see how the plastic bag ban is working or a potential leaf blower ban might work, they would prefer to have this on a ballot at a later time. Ald. Leary and Sangiolo would be in favor of putting the question on this ballot, but Ald. Kalis, Rice and Blazar would prefer to see this on a ballot at a later time. This item could be brought back to Committee for the next election in 2 years and in a more timely manner for consideration.

Ald. Kalis moved No Action Necessary on this item which was approved 4-1 with Ald. Sangiolo opposed.

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]

ZONING & PLANNING VOTED NAN ON 2/19/15

ACTION: NO ACTION NECESSARY 3-0-1 (Kalis abstaining; Blazar and Baker not voting)

NOTE: Ald. Sangiolo explained that the Urban Tree Commission has been unable to come to consensus on what they would like to put forward. The UTC reported that this is a difficult ordinance to construct and determine exactly which standards would be used to classify a tree as "significant". They need more time to consider all the elements involved. She would like to move No Action Necessary so that when they are ready, the Urban Tree Commission can re-docket a more directed item.

The Committee voted No Action Necessary with Ald. Kalis abstaining

Respectfully Submitted,

Amy Mah Sangiolo

Final Report of the Selectmen's Noise Bylaw Committee
June 24, 2015

Executive Summary

The Selectmen's Noise Bylaw Committee was established by the Board of Selectmen in October, 2014 in response to community desire to review Article 8.15 and 8.31. The Selectmen charged the committee with:

- Examining enforcement of the two articles
- Determining whether the articles are inconsistent with each other
- Making recommendations to improve enforcement and the clarity of the articles

In carrying out its charge, the Selectmen's Noise Bylaw Committee recognizes the importance of the current rules governing the generation of noise in the Town of Brookline. The committee offers twelve recommendations that, if implemented, will improve the clarity and effectiveness of the existing Brookline bylaws governing generation of noise. The committee's recommendations can be divided into two types – those immediately implementable and those that require additional public process.

The committee's recommendations that are immediately implementable are as follows:

1. *Implement a registration system for all landscape contractors operating in Brookline.*
2. *Improve public education about the existing restrictions on the use of leaf blowers and other lawn care equipment by residents and contractors.*
3. *Edit Article 8.31 of the Bylaws to improve its readability, to clarify who and what it applies to, and to include a reference to Article 8.15 of the Bylaws.*
4. *Edit Article 8.15.6(f) of the Bylaws to include a reference to Article 8.31.*
5. *Encourage the police department to maintain its policy of proactive enforcement of Articles 8.15 and 8.31 of the Town's Bylaws.*
6. *Encourage the police department to feel empowered to issue citations for violations of Articles 8.15 and 8.31 of the Town's Bylaws when it is appropriate. The objective of enforcement should be to control noise and the department, and its officers, should feel comfortable using both warnings and citations to achieve this goal.*
7. *Encourage the Department of Public Works to continue purchasing replacement equipment that complies with the decibel levels set out in Article 8.15.*
8. *Encourage the Parks and Open Space Division of the Department of Public Works to develop a formal policy that identifies ways to minimize the use of leaf blowers, when it is practical.*

The committee's recommendations that require additional public process and, possibly, the formation of a successor committee(s) are as follows:

1. *The committee recommends that Article 8.15 of the Bylaws be reviewed and, possibly, rewritten to update its requirements and improve its clarity.*
2. *The committee recommends that a public process be undertaken to consider whether the restrictions that currently apply to gasoline powered leaf blowers in Article 8.31 of the Bylaws should be extended to leaf blowers powered by other means.*
3. *The committee recommends that the work "portable" be explicitly defined in Articles 8.15 and 8.31 of the Bylaws.*
4. *The committee recommends that consideration be given to citing both the contractor and homeowner when a landscape contractor violates Article 8.15 and/or 8.31 of the Bylaws.*

Introduction

The Selectmen's Noise Bylaw Committee was established by the Board of Selectmen in October, 2014. The committee was established following the filing by a citizen petitioner of two warrant articles at successive town meetings (Annual 2014 Town Meeting and November 2014 Special Town Meeting). The articles sought to amend the existing noise bylaw (Article 8.15 of the Town's Bylaws). The town meetings voted No Action on the articles indicating rejection of the changes sought. Still, the Board of Selectmen felt it appropriate to form a committee to review Article 8.15 and 8.31 because of comments received during the warrant article review processes.

The Board of Selectmen appointed eight Brookline residents to serve on the Selectmen's Committee (see Appendix 1). The committee met five times and invited effected and interested parties to its meetings to help the committee carry out its charge and to provide personal and expert testimony.

The Noise Bylaw Committee charge adopted by the Selectmen was:

1. Reviewing the enforcement provisions and procedures of the existing By-Law to ensure effective and efficient regulation of excessive noise;
2. Considering whether inconsistencies exist in the town's general by-law between the noise by-law – Section 8.15 – and the leaf blower by-law – Section 8.31;
3. Recommending to the Board of Selectmen in the form of a warrant article or policy changes, if appropriate:
 1. Changes to the noise by-law enforcement provisions and procedures
 2. Remedies to inconsistencies that may exist between Sections 8.15 and 8.31 of the general by-laws.

To the extent any of the recommendations or issues discussed in this report goes beyond the Selectmen's charge it is the result of comments received from the public and impacted parties during the committee's meetings.

Summary of Meetings

The Committee held five meetings to conduct its work and fulfill its charge. A summary of the meetings and the conversation follows. For a more complete record of individual meetings please refer to the committee's meeting minutes (<http://brooklinema.gov/1221/Noise-Bylaw-Committee>).

- March 19, 2015: Organizational meeting that included discussion of the Selectmen's charge to the committee, how the committee planned to approach its work, and the committee's schedule.
- April 16, 2015: Meeting with Police Chief Dan O'Leary to learn about the Police Department's experience with noise issues in Town, including Articles 8.15 and 8.31 of the Bylaws, and the department's approach to enforcement.
- April 29, 2015: Meeting with Town Counsel Joslin Murphy to discuss Articles 8.15 and 8.31 and Counsel's interactions with the Articles. Specific attention was paid to the question of whether Articles 8.15 and 8.31 are in conflict with each other as was suggested during the warrant review processes that took place when the two Warrant Articles were filed.
- May 18, 2015: Meeting with Commissioner of Public Works Andy Papastergion to discuss enforcement of Articles 8.15 and 8.31, testing of equipment to ensure it meets the requirements set out in Article 8.15, and the Public Works Department's interactions with the Articles. Committee members also reviewed draft committee recommendations.
- June 24, 2015: Public meeting at which the committee reviewed a draft committee report.

The minutes of the committee's meetings are posted on the Town website. To view them, visit www.brooklinema.gov, navigate to the "Boards/Commissions" section of the website, and then select "Noise Bylaw Committee."

Fact Base

After meeting five times and conversations with Town staff, residents, and interested parties the Selectmen's Noise Bylaw Committee established the following:

- There is no general dissatisfaction with the regulation of noise in Town except in the area of noise generated by lawn care equipment. This statement is made based on the lack of testimony from residents about noise generated from sources other than from lawn care equipment. Some residents believe too much noise is being generated when lawn care is performed.
- Violations of Articles 8.15 and 8.31 of the Bylaws stemming from the inappropriate use of lawn care equipment do occur, but there is no evidence to suggest one group (residents vs. contractors) offend at a greater rate than the other.

- Members of the public are confused about what Articles 8.15 and 8.31 say; what the rules governing noise are, particularly noise generated by lawn care equipment; and to whom Articles 8.15 and 8.31 apply.
- The rules that govern gasoline powered leaf blowers are not clear because they are divided between two articles in the bylaws and no mention of the companion article is currently included in either of the articles, and because the language used to set out the rules is, at times, unclear and confusing.
- Article 8.15 is written in a confusing way and in part its content is possibly outdated.
- There is desire by some residents to see additional restrictions on the use of leaf blowers and other lawn care equipment discussed and implemented.
- There is dissatisfaction among some residents with the enforcement of Articles 8.15 and 8.31.
- Efforts to educate residents and impacted parties about the rules governing the generation of noise in the Town of Brookline are ongoing, but could be expanded.

Recommendations

The Selectmen's Noise Bylaw Committee developed two types of recommendations:

- Those that fall within the scope of the committee's charge and can be implemented immediately
- Those that go beyond the charge the committee received from the Board of Selectmen and, therefore, require additional public process

The eight recommendations that fall within the committee's charge are concrete recommendations that can be implemented immediately or with minimal additional work. These recommendations were developed in direct response to the Selectmen's request of the committee.

The four recommendations that fall outside of the committee charge will require the Selectmen to implement additional public process, if they wish to proceed with the recommendations.

Immediately Implementable

Recommendation 1: Implement a registration system for all landscape contractors operating in Brookline.

At its June 24th meeting, the Selectmen's Noise Bylaw Committee voted 7-0 to recommend the Town implement a registration system for all landscape contractors operating in Brookline.

The City of Cambridge, MA currently requires all private landscape contractors to register with the city before they are allowed to operate in the city. The committee recommends that the Town of Brookline implement a similar registration system. The committee suggests

implementing a registration system will improve the enforcement of Articles 8.15 and 8.31. Contractors would be required to:

- Pay a small registration fee
- Provide proof that their equipment is compliant with the Town's Bylaws (Article 8.15)
- Provide proof that their staff has been made aware of the rules covering the use of landscaping equipment in Brookline (Articles 8.15 and 8.31)
- Provide a list of properties at which their firm has been contracted to provide landscaping services

Recommendation 2: Improve public education about the existing restrictions on the use of leaf blowers and other lawn care equipment by residents and contractors.

At its June 24th meeting, the Selectmen's Noise Bylaw Committee voted 7-0 to recommend the Town improve public education about the existing restrictions on the use of leaf blowers and other lawn care equipment by residents and contractors.

The committee heard that residents and contractors operating in Brookline lack an awareness of the Brookline specific restrictions on noise generated by lawn care equipment. In fact, it was represented to the committee that some residents believe the noise and use restrictions found in Articles 8.15 and 8.31 of the Bylaws only apply to contractors. Separately, the committee observed that there is no single easy to reference document that outlines the rules. In order to address these issues the committee recommends:

- For the time being, the Town continues its current practice of mailing notices to all contractors about the existence of Articles 8.15 and 8.31 and that the mailing list be updated and expanded to capture additional contractors.
- That a pamphlet be developed that explains the rules that govern the use of leaf blowers and lawn care equipment in Brookline and that the pamphlet be printed in multiple languages (English and Spanish, at minimum). The pamphlet should be used as an educational tool and distributed to multiple audiences throughout the year (at enforcement calls, at Brookline Day, and year round at Town Hall and in the libraries).
- The Town partner with neighborhood associations and civic groups to improve awareness of the current rules governing the generation of noise and to whom the rules apply.
- Specific to the times of the year it becomes permissible to use/not use portable leaf blowers, increased advertising should occur to make the public aware that it will soon become permissible/impermissible to use leaf blowers. Advertising could take the form of:
 - Sandwich boards at key intersections (as is done for Town elections)
 - Posting notice at the Town dump around hazardous waste disposal days
 - Placing an insert in Townwide mailings (property tax and/or motor vehicle excise tax)

- Social media posts on the Town's social media accounts (Twitter and Facebook)
- An advertisement in the TAB

Recommendation 3: *Edit Article 8.31 of the Bylaws to improve its readability, to clarify who and what it applies to, and to include a reference to Article 8.15.*

At its June 24th meeting, the Selectmen's Noise Bylaw Committee voted 7-0 to recommend the following Bylaw amendment.

The committee believes Article 8.31 is confusing and difficult to understand in its current form. Also, the lack of reference in it to Article 8.15 which also sets out rules governing the use of leaf blowers gives readers the mistaken impression that Article 8.31 is the only article in the bylaws that addresses leaf blowers.

Underlined text is proposed for addition; struck through text is proposed to be eliminated.

Article 8.31 Gasoline Powered 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 gasoline powered 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 gasoline powered leaf blowers as defined and set forth herein.

Section 8.31.2: USE REGULATIONS

1. Gasoline Powered Leaf Blowers.

Gasoline Powered 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. Gasoline Powered leaf blowers ~~shall not~~ may 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.~~

b. The provisions of Articles 8.15 shall also apply to gasoline powered leaf blowers.

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 Gasoline Powered 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", as referenced in Articles 10.1, 10.2 and/or 10.3, 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. Exemptions

The provisions of this subsection shall not apply to the use of leaf blowers by the Town and its contractors when said contractor is working pursuant to its contract with the Town. The provisions of this section also do not apply to commercial and industrial 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 gasoline powered leaf blowers by the Town or its designees for performing emergency operations and clean-up associated with storms, hurricanes and the like.

~~5.~~ 6. Effective Date.

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

Recommendation 4: *Edit Article 8.15.6(f) of the Bylaws to include a reference to Article 8.31.*

At its June 24th meeting, the Selectmen's Noise Bylaw Committee voted 7-0 to recommend the following Bylaw amendment.

The insertion of reference to Article 8.31 in Article 8.15 is recommended in hopes of making it clear that additional restrictions on the use of leaf blowers exist beyond those found in Article 8.15.

Underlined text is proposed for addition; struck through text is proposed to be eliminated.

(f) Leaf Blowers

No person shall operate any portable Leaf Blower(s) which does not bear an affixed manufacturer's label or a label from the town indicating the model number of the Leaf Blower(s) and designating a Noise Level not in excess of sixty-seven (67) dBA when measured from a distance of fifty feet utilizing American National Standard Institute (ANSI) methodology. Any Leaf Blower(s) which bears such a manufacturer's label or town's label shall be presumed to comply with the approved ANSI Noise Level limit under this By-law. However, any Leaf Blowers must be operated as per the operating instructions provided by the manufacturer. Any modifications to the equipment or label are prohibited. However, any portable Leaf Blower(s) that have been modified or damaged, determined visually by anyone who has enforcement authority for this By-law, may be required to have the unit tested by the town as provided for in this section, even if the unit has an affixed manufacturer's ANSI or town label. Any portable Leaf Blower(s) must comply with the labeling provisions of this By-law by January 1, 2010. However, the owner's of any Leaf Blower(s) operating after January 1, 2010 without a manufacturer's ANSI label on the equipment, may obtain a label from the town by bringing the equipment to the town's municipal vehicle service center or such other facility designated by the Town for testing. The testing will be provided by the town's designated person for a nominal fee and by appointment only. Testing will be provided only between the months of May and October. If the equipment passes, a town label will be affixed to the equipment indicating Decibel Level.

Whether the equipment passes or not, the testing fee is non-refundable. Leaf blowers may be operated only during the hours specified in Section 8.15.6(a)(1). In the event that the label has been destroyed, the Town may replace the label after verifying the specifications listed in the owner's manual that it meets the requirements of this By-law.

Gasoline powered leaf blowers are further regulated in Article 8.31.

Recommendation 5: Encourage the police department to maintain its policy of proactive enforcement of Articles 8.15 and 8.31 of the Town's Bylaws.

At its June 24th meeting, the Selectmen's Noise Bylaw Committee voted 7-0 to recommend that the police department continue to proactively enforce Articles 8.15 and 8.31 of the Town's Bylaws.

Proactive enforcement of these Articles is the current policy of the Brookline Police Department. Proactive enforcement in the eyes of the committee means that enforcement should not be solely complaint driven. Officers should anticipate where problems might occur based on past experience and should not wait to receive a complaint before undertaking enforcement activities in these areas or locations.

Recommendation 6: Encourage the police department to feel empowered to issue citations for violations of Articles 8.15 and 8.31 of the Town's Bylaws when it is appropriate. The objective of enforcement should be to control noise and the department, and its officers, should feel comfortable using both warnings and citations to achieve this goal.

At its June 24th meeting, the Selectmen's Noise Bylaw Committee voted 7-0 to recommend that the police department rely upon officer discretion when deciding how to enforce Articles 8.15 and 8.31.

Currently, there is a perception by members of the public that officers are encouraged to issue warnings for violations of Articles 8.15 and 8.31 as opposed to citations. To the extent such encouragement has been given it should cease. While those enforcing the Articles should not be encouraged to write warnings, they should also not be encouraged to solely write citations. The committee recommends enforcement is carried out using appropriate discretion.

Recommendation 7: Encourage the Department of Public Works to continue purchasing replacement equipment that complies with the decibel levels set out in Article 8.15.

At its June 24th meeting, the Selectmen's Noise Bylaw Committee voted 7-0 to recommend that the Department of Public Works continue to purchase equipment that complies with Article 8.15 when it is available.

Recommendation 8: Encourage the Parks and Open Space Division of the Department of Public Works to develop a formal policy that identifies ways to minimize the use of leaf blowers, when it is practical.

At its June 24th meeting, the Selectmen's Noise Bylaw Committee voted 7-0 to recommend that the Parks and Open Space Division of the Department of Public Works develop and adopt a formal policy that identifies ways to minimize the use of leaf blowers when possible. The Parks and Open Space Division is exempted from Articles 8.15 and 8.31, but this should not prevent the division from striving to reduce the use of leaf blowers.

Additional Process Required

Recommendation 1: *The committee recommends that Article 8.15 of the Bylaws be reviewed and, possibly, rewritten to update its requirements and improve its clarity.*

At its June 24th meeting, the Selectmen's Noise Bylaw Committee voted 7-0 to recommend that Article 8.15 of the Town's Bylaws be reviewed and, possibly, rewritten.

After listening to testimony and reviewing the Bylaw, the committee believes the Article 8.15 is confusing and outdated. This led to the conclusion that a comprehensive review of the noise levels permitted by the Article should occur to ensure they reflect technological improvements and efficiencies that have been realized since the bylaw was written. The comprehensive review should also consider whether Article 8.31 of the Town's Bylaws should be folded into Article 8.15. Currently, the rules that govern gasoline powered leaf blowers are found in Articles 8.15 and 8.31. Finally, the comprehensive review should specifically consider what the appropriate noise level is when two or more leaf blowers are operating simultaneously next to one another. Currently, this practice is permissible even if the cumulative noise is greater than the amount allowed for a single leaf blower.

Recommendation 2: *The committee recommends that a public process be undertaken to consider whether the restrictions that currently apply to gasoline powered leaf blowers in Article 8.31 of the Bylaws should be extended to leaf blowers powered by other means.*

At its June 24th meeting, the Selectmen's Noise Bylaw Committee voted 7-0 to recommend a public process be convened to discuss extending the restrictions on leaf blowers to non-gasoline powered equipment.

The committee heard passionate testimony on this issues that touched on quality of life, scientific, and operational lawn care needs. Because a recommendation to extend the rules currently in place for gasoline powered leaf blowers to leaf blower powered by other means was outside the committee's charge and because the committee lacked the technical expertise to make a fully informed recommendation the Selectmen's Noise Bylaw Committee did not take the question up. Instead the committee recommends that a public process informed by the technical and practical knowledge necessary to address this question be convened and that appropriate action be taken.

Recommendation 3: *The committee recommends that the word "portable" be explicitly defined in Articles 8.15 and 8.31 of the Bylaws.*

At its June 24th meeting, the Selectmen's Noise Bylaw Committee voted 7-0 to recommend a definitive definition of the word "portable" in Articles 8.15 and 8.31 be created.

After considering this question from several angles and examining the legislative record, the Selectmen's Noise Bylaw Committee was unable to arrive at a clear conclusion about what

devices are intend to be classified as portable in Articles 8.15 and 8.31. This question needs to be resolved to address issues of clarity in both Articles.

Recommendation 4: *The committee recommends that consideration be given to citing both the contractor and property owner when a landscape contractor violates Article 8.15 and/or 8.31 of the Bylaws.*

At its June 24th meeting, the Selectmen's Noise Bylaw Committee voted 7-0 to recommend consideration be given to citing both the contractor and property owner when a landscape contractor violates Article 8.15 and/or 8.31.

The committee heard from landscape contractors that they are often pressured by their clients to violate Articles 8.15 and 8.31 of the Bylaws. Committee members observed that property owners are not punished when their contractor operates a gasoline powered leaf blower outside of the allowed times of year or when a non-dBA compliant leaf blower is used. In these situations only the contractor is warned or cited. Brookline's Nuisance Control Bylaw - Article 8.29 – allows for citations for violations of the bylaw to be issued to a property's owner as well as the violating occupant(s). The committee believes adopting the same enforcement strategy for Articles 8.15 and 8.31 could lead to better compliance by landscape contractors; citing property owners as well as the violator could decrease client pressure to violate these two articles.

Acknowledgements

The Selectmen's Noise Bylaw Committee thanks all Brookline residents, Town Meeting Members, landscape contractors, and community leaders that offered their views to the committee. The committee thanks Chief of Police Dan O'Leary, Commissioner of Public Works Andy Papastergion, Town Counsel Joslin Murphy, and, especially, Patty Parks for their assistance to the committee in discharging its responsibilities.

Appendix 1: Committee Membership

Selectman Ben Franco, Chair
Daniel Reuven Fishman
Neil Gordon
Judy Meyers
Richard Nangle
Irene Scharf
Beth Shuman*
Maura Toomey

*Beth Shuman served as a member of the committee until she resigned on June 10, 2015.

Location	Sector	Date	Time	Complaint	Disposition	Narrative	Name of Company
Park St/ Marion	4	5/1/2015'	7:54	Complaints of Leaf Blowers that were operating before 0800. In the rear of building on Marion St at corner	Adv/Complaint	Spoke with the foreman of A&P Landscaping. Advised of TBL. Will enter info into FI system.	A&P Landscaping
109 Lee St	8	5/1/2015'	10:18	Nature Works Lanscaping using leaf blowers above allowed decible level.	For the Record	Spoke with the foreman for Nature works Landscape. Leaf blowers had been used prior to PO's arrival... advised to get machine tested.	Nature Works Landscaping
46 Garrison Rd (Rear)	5	5/7/2015'	10:50	Leaf blower in use lot behind 46 Garrison Rd	Adv/Complaint	Spoke with paryt out back. No use leafblowers in use. Advised and FI'd	
85 Alberta Rd	8	5/9/2015'	8:33	In the area. Caller unsure of exact address.	Adv/Complaint	Delemente leafblower is in compliance. 65 Decibels not bein gused at time of officers arrival. Advised.	
811 Hammond St	8	5/9/2015'	16:21	C and S Brothers from Newton working at 811 Hammond St, Loud leaf blowers and blowing into the st call is in the area...	Assist Rendered	Using leaf blowers earlier they were unaware of the bylaws and advised that the need it approved by the town. Follow up will be conducted with the owner of the company. Language barrier with the crew.	C and S Brothers
0 Juniper St	4	5/12/2015'	15:57	RP Complaining of loud noise from leaf blowers. Believes they are in violation of the decibel limit.	Assist Rendered	Landscaping company in front of 91 Juniper. No leaf blowers being used they have been advised of complaint.	Riverside Services
Pleasant St	1	5/16/2015	8:20		Nothing showing	Area Checked	Unknown.
210 High St	4	5/18/2015	12:46	Working in courtyard	Unit clear	Hogan enterprises. Not in use at this time. They had been used previously employess ID'd	Hogan Enterprises
Chilton St/ Churchill St	1	5/21/2015	15:02	Contractor on roof blowing gutters.. White van in driveway unsure of name of contractor.. Possibly 37 Churchill.	Adv Complaint	Was not leaf blowing, vaccume that was cleaning the gutters. They were advised.	
193 Wolcott Rd	9	5/23/2015	8:48		Subjects FI'd	Mr. Tong Ho of Tong Pro Landscaping advised. No leaf blowers observed operating, indications that they had been in use. FI by 552.	Tong Pro Landscaping.
18 Atheron Rd	3	5/23/2015	14:52	Noisy leaf blower unsure of the name of the landscape co.	Nothing Showing	Nothing showing the length of Atherton.	Unknown
16 Churchill St	1	5/26/2015	9:41	Unknown contractor, heavy set male with grey tank top operating leaf blower.	Nothing showing	Area checked. No noise or landscaping being done at this time.	Unknown
8 Aston Rd	8	5/26/2015	17:10	Contractors using leaf blowers at 8 Aston. A & something landscaping from waltham.	Cancelled in route	Called back and said landscaping company have left, no need to send a car.	Unknown
249 Russett Rd	9	5/29/2015	8:54	Kelstom Landscaping	Adv Complaint	No noise upon arrival, just speaking outside of truck. Owner of Kelsooom landscaping Mr Kelliher was advised again.	Kelsoom Landscaping
464 Newton St	9	5/29/2015	16:01	Mariano Landscaping using leaf blowers	Nothing showing		Mariano Landscaping
5 Aston Rd	8	6/4/2015	16:24	Fairview landscaping 617 325 1890	Nothing showing		Fairview landscaping
9 Beecher Rd	5	6/5/2015	8:30	Landscapers using gas leaf blowers	Adv Complaint	Gigliotti Landscaping Advised	Gigliotti Landscaping
150 Woodland Rd	8	6/5/2015	13:40	caller will be at gate - Leone Landscaping	For the Record	No leaf blowers being used, lawn mower are being used to blow stuff.	Leone Landscaping
464 Newton St	9	6/5/2015	15:38	Mariano landscaping using leaf blowers. 2nd complaint on same company (call stacked per disp sup lessard, emergencies on south side)	Released Call		Mariano Landscaping

Location	Sector	Date	Time	Complaint	Disposition	Narrative	Name of Company
1 Village Way	2	6/6/2015	8:41	Leaf blower use in the area	Adv Complaint	Winn MGMT unaware of By Law Regarding blowers, has been in touch with DPW, will be looking into being exempt.	
8 Churchill St	1	6/10/2015	13:28		Subjects FI'd	Roy Urban Landscaper Co, electric leaf blower in use, advised and FI to be entered	
42 Laurel Rd	8	6/12/2015	14:06	Vozella & Sons 617 323 2504 leaf blower in use.	For the Record	No violations, raking dirt. Advised of town by laws. Caller satisfied.	Vozella & Sons
17 Summit Ave	3	6/12/2015	14:19	Caller stating Global Landscapers are using leaf blowers.	For the Record	No violations observed. Advised of TBL.	Global Landscapers
74 Summit Ave	3	06/21/2015	14:37	Leaf Blower being used	Bylaw Citation Issue	Same individual as 17 Sumit Ave 10 Minute ago- Global Improvements issued by law citation will foerward email to community service division	Glonbal Improvements
Glenoe RD/ Woodland RD	8	06/13/2015	10:10	Caller stating that there are gas powered leaf blowers being operated	Nothing showing		
Eliot ST / Loveland RD	6	6/13/2015	10:40	On Eliot ST....Caller sees a red truck but can't see the name	adv Complaint	Foreman- Mastroianni Landscaping, advised of complaint and advised of town by law. FI.	Foreman- Mastroianni
37 Baker CR	9	6/13/2015	14:50	Leaf Blowers in use	Adv Complaint	Landscaper has been identified and advised	
South street/ Newton Street	9	6/18/2015	9:49	San Marino Company using leaf blowers, caller waiting by	Subjects FI'd	Verbal Warning - 1 FI	Marino Landscaping
Eliot St/ Eliot Cres	6	6/19/2015	15:28	Brown House on Eliot St.. No other Info	Nothing Showing		
275 Cypress St	7	6/22/2015	9:35	Pat Torcacio/ Landscaper using blowers in rear lot	Bylaw Citation Issue	Rear 275 1 written warning Pat Torcasio Lanscaping	Pat Torcasio Landscaping
Holland/Buckminister	5	6/22/2015	16:09	Panameno Landscaping using leaf blowers	Adv/Complaint	Landscape crew working but not using blowers. All parites advised	Panameno Landscaping
14 Vernon St	4	6/24/2015	9:01	Building Maintenace personell using leaf blowers	Nothing showing	Spoke to Hampton Mgmt weed trimmer being used	
284 Woodland Rd	8	6/24/2015	15:43		Assist Rendered	Handyman Company advised of Leaf Blower Bylaw	
150 Woodland Rd	8	6/26/2015	10:29	Leone Lanscaping using leaf blower	Nothing showing		Leone Landscaping
78 Crowninshield Rd	1	6/29/2015	20:06	Caller complaining of landscape company using leaf blowers and blowing dust/dirt all over the street	Adv/Complaint	Spoke to landscaping company they were using a saw do not have leaf blower with them, they were advised and are packing up for the night	
300 Woodland Rd	8	6/30/2015	15:33		Adv/Complaint	Bonadio Landscaping Company advised of leaf blower by law. Will be sent to officers Tehan and Muise	Bandio Landscaping
26 Holly Lane	8	7/2/2015	7:57	Landscape collaborative of New England	Nothing Showing	Nothing showing in surrounding areas	
59 Cramond Rd	8	7/2/2015	9:23	White truck with Sullivan on the side.	Unfounded Call	Truck on scene, no leaf blower being used	
Ashville Rd/Russett Rd	9	7/2/2015	9:46	MA B67059, using leaf blower in area	Unfounded Call	No Vehicles/Leaf Blowers in that area at all	
Eliot St/ Eliot Cres	6	7/2/2015	11:58	Brown House	For the Record	Department Approved, Officer has info	
40 Cedar Rd	8	7/6/2015	13:41	Marzilli Landscaping of Medway, Leaf Blower in use	By Law Citation Issue	Michael Eliot, RP Marzilli Landscaping CO was issued a \$50 Town By-Law Violation	Marzilli Landscaping Company
120 Cabot St	8	7/9/2015	12:05		Adv/Complaint	Blower Not in use and are aware of the By Law	

Location	Sector	Date	Time	Complaint	Disposition	Narrative	Name of Company
225 Woodland Rd		7/14/2015	13:12		Nothing showing	No sign of leaf blowers, construction company power washing on Woodland Rd.	
150 Woodland Rd	8	7/16/2015	14:05	Spotted from golf course. By hous, at the end of 500ft driveway	Checks out ok	No leaf blowers , using hedge clippers	
Laural/Hammond RD	8	7/17/2015	9:25	Manzilli Lanscaping using blowers	Adv/Complaint	Manzelli crew working there, did not witness them using blowers. They did admit to using electric blower. Advised.	Manzelli Landscaping
Holland/Buckminister	5	7/17/2015	15:27	Panameno Landscaping Company using a gas powered leaf blower	Gone on arrival	Spoke to caller he was advised	Panameno Landscaping
27 Francis St0	2	7/20/2015	11:54	Gas Blower being used by someone at Lawerence school playground	For the Record	Park Landscaping workinf for town, they are exmpt. Done for day	Park Landscaping
15 Penniman Rd	6	7/24/2015	10:23	Lush Lanscape usiung leaf blower in the area	Adv/Complaint	"Lush" Lanscaping at 15 Penniman advised of Town By Law and will submit and Fi	Lush Landscape
0 Village Way	2	7/24/2015	17:07	Village Management using leaf blower. Have a sticker from the DPW. No landscaping company	Adv/Complaint	Leaf Blowers in use. Could not ID Company	
Columbia St/Russell St	3	7/26/2015	12:03		Nothing showing	Checked the area	
0 Village Way	2	7/29/2015	8:44		By Law Citation Issue	Issued to Wynn Management	Wynn Management
42 Chatham St	?	7/29/2015	10:10	Truck is parked on Borland-Caller would like to see officer	Verbal Warning	Rad Landscape	Rad Landscape
247 Fisher Ave	5	7/30/2015	11:09	Charles Lawn Service	Nothing showing	Company working on fisher but not using any Leaf Blowers	Charles Lawn Service
15 Penninman Rd	6	8/5/2015	9:54	Lush Landscape	Nothing Showing		Lush Landscape
21 Penniman Rd	6	8/5/2015	9:55	UNK Company	Nothing showing		UNK Company
Taapan St/ Garrison Rd	5	8/5/2015	11:37	Landscapers in are using blowers	Nothing showing	Checked the area	
91 Shaw Rd	9	8/10/2015	13:19	Leaf Blowers is use, caller believes in violation	By Law Citation Issue	Elvis Sanchez 1/25/87, P144688 TBL citation	
249 Russett Rd	9	8/12/2015	10:06	A neighbor reported to caller that someone is using a leaf blower at this address	Nothing showing		
384 Harvard St	3	8/13/2015	7:06	Loud Leaf Blowers in use on temple grounds	Adv/Complaint	Valley Landscaping was advised	Valley Landscaping
40 Williams St	3	8/13/2015	11:04	Basile's Crew? Unknown name of landscape company	Adv/Complaint	Vivas Landscaping they have been ID'd and advised of the town By Law their	Vivas Landscaping
71 Village Way	2	8/13/2015	14:08	Leaf Blower in use by maintance company	Adv/Complaint	Wind Gate Management They were cleaning up from the storm last week. They were advised	
117 Shaw Rd	9	8/14/2015	10:42	Leaf Blowers in the area of 117 Shaw as well as on Alberta Rd	Nothing showing		
10 Brookline Pl West	2	8/15/2015	6:18	2 Male workers with blue shirts. Likely staff, using blowers, anonyomous white place compalintant	Adv/Complaint	MDC and Son was advised about the Town By Law	
Beacon St/ Fairbanks St	4	8/17/2015	8:59	Unmarked Ford F-150	Subjects FI'd	No leaf blowers on arrival, there was a gentleman carrying leaf blower back to his truck he was advised of t	
ST Paul ST/ FREEMAN ST	1	8/19/2015	14:27	Nick Landscaping., Arlington	Unit clear	Lawnmower being used no leaf blowers	
306 Buckminster Rd	5	8/20/2015	15:07	Gigliotti landscaping using leaf blowers	Adv/Complaint	Gigliotti Landscaping was advised they did have a blower on briefly	Gigliotti Landscaping
26 Craftsland Rd	9	8/24/2015	13:19	UNK Co using blowers. Previously advised by resident/caller regarding By Laws trailer licesne plate above\	Gone on arrival		
1155 Beacon St	2	8/25/2015	8:22		Subjects FI'd	Advised and fled Lahey Landscaping	Lahey Landscaping
20 Ogden Rd	9	8/25/2014	8:43	Healy Landscaping red truck, using leaf blower	Nothing showing	From South to the parkway	
47 Craftsland Rd	9	8/26/2015	10:36		Gone on arrival	Contractor had left. Former LT Lucas saw them leave.	
36 Craftsland Rd	9	8/26/2015	13:29	Palermoi Landscaping blowing leaves	Adv/Complaint	Carbone and Sons Landscaping Advised	Carbone and Sons Landscapin
Boylston St/Cypress St	4	9/1/2015	14:58	9 East, 2 Families before Cypress	Nothing showing	Checked Area nothing showing both sides of Boylston	
50-60 Longwood Ave	2	9/2/2015	11:24		Unit clear	Calling Operations MGMT	
South St/Newton St	9	9/2/2015	11:41	Landscaping Colloborative of New England working on South St	X-Referenced		
1791 Beacon St	5	9/3/2015	9:39	Maintence is cleaning the parking lot behind these buildings	Adv/Complaint		
24 Powell St	1	9/4/2015	13:33	Bloto Landscaping from Newton, Caller Standing by	By Law Citation Issue	Leaf Blowers were in use prior to arrival-warning citation issued	Bloto Landscaping
101 Somerset Rd	5	9/5/2015	11:55	Landscaper name UNK	By Law Citation Issue	Genesis Landscapign advised and given TBL warning, were unaware of REGS	Genesis Landscaping
Russett / Independence	9	9/7/2015	13:11	leaf blower caller believes in violation	nothing showing	Nothing showing in area	
80 Pleasant St	1	9/8/2015	10:40	Hart landscapping caller believes in violation	nothing showing	nothing showing in the area	



CHIEF OF POLICE

DANIEL C. O'LEARY

BROOKLINE POLICE DEPARTMENT

Brookline Massachusetts

Below are the Contractors that have been advised of the Leaf Blower By Law since May of this year.

Contractors Advised of Leaf Blower By Law

<u>Company</u>	<u>Advised</u>	<u>Location</u>	<u>Action</u>
Riverside Services	5/12/2015	0 Juniper St	Advised
Horgan Enterprises	5/18/2015	210 High St	Advised
Tong Pro Landscape	5/23/2015	193 Wolcott Rd	Advised
Gigliotti Landscape	6/5/2015	9 Beecher Rd	Advised
Mariano Landscape	6/5/2015	464 Newton St	Advised
Winn Management	6/6/2015	1 Village Way	Advised
Roy Urban Landscape	6/10/2015	8 Churchill St	Advised
Vozella + Sons	6/12/2015	42 Laurel Rd	Advised
Global Improvements	6/12/2015	74 Summit Ave	Citation Issued
Mastroianni Landscape	6/13/15, 6/17/15	Elliot / Loveland Rd	Citation Issued
San Marino Landscape	6/18/2015	South St / Newton St	Verbal Warning
Pat Torcasio Landscape	6/22/2015	275 Cypress St	Written Warning
Bonadio & Sons	6/30/2015	300 Woodland Rd	Advised
R.P. Marzilli Landscape	7/2/2015	40 Cedar Rd	
Lush Landscape	7/24/2015	15 Penniman Rd	Advised
Wynn Management	7/29/2015	0 Village Way	Citation Issued
R & D Landscaping	7/29/2015	42 Chatham St	Verbal Warning
Complete Property Care	7/31/2015	670 Washington St	Written Warning
Espindola Complete	8/10/2015	91 Shaw Rd	Citation Issued
Valley Crest Landscape (Boston)	8/13/2015	384 Harvard St. Temple Kl	Advised (2 times)
Vivas Landscaping	8/13/2015	40 William St	Advised
MDC & Son	8/15/2015	10 Brookline Pl West	Advised
Leahy Landscaping	8/25/2015	1155 Beacon St	Advised
Carbone + Sons	8/26/2015	36 Craftsland Rd	Advised
Landscape Collaborative	9/2/2015	South / Newton St	
S & S Construction	9/3/2015	1791 Beacon St	Advised



Bilotta Landscape
Genesis Landscape

9/4/2015
9/5/2015

24 Powell St
101 Somerset Rd

Warning Citation
Warning Citation

