

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

WEDNESDAY, SEPTEMBER 30, 2015

7:00 PM – NOTE EARLY START
ROOM 204 (Previously 209)

ITEMS SCHEDULED FOR DISCUSSION:

REFERRED TO PROG & SERV AND PUBLIC FACILITIES COMMITTEES

- #141-15(3) PROGRAMS & SERVICES AND PUBLIC FACILITIES COMMITTEE requesting a RESOLUTION from the Board of Aldermen to His Honor the Mayor requesting that he, on behalf of the city, complement ongoing discussion with National Grid by preparing and filing litigation to recover damages and appropriate remediation and prevention relating to harm to City trees from gas leaks from National Grid infrastructure. [07/15/15 @ 8:30 PM]
APPROVED BY PUBLIC FACILITIES 7-0 ON 9/9/15

Chairman's Note: The following items will be taken up in working session. No vote will be taken at this meeting:

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

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 Jini Fairley, at least two days in advance of the meeting: jfairley@newtonma.gov, or 617-796-1253. For Telecommunications Relay Service dial 711.*

ITEMS NOT SCHEDULED FOR DISCUSSION:**REFERRED TO PROGRAMS&SERVICES AND PUBLIC FACILITIES COMMITTEES**

- #201-15 ALD. SANGIOLO requesting a discussion with the Commissioner of Public Buildings, the Commissioner of Parks and Recreation, and the Executive Department regarding the condition of the property located at 246 Dudley Road (Kennard Estate) and how much, if any, repairs and upgrades will be needed as the City relocates the Parks and Recreation Department to that location. [09/01/15 @ 4:00 PM]

REFERRED TO PROG & SERV AND PUBLIC FACILITIES COMMITTEES

- #141-15 ALD. BROUSAL-GLASER, SANGIOLO, HESS-MAHAN, COTE, NORTON AND ALBRIGHT requesting a discussion with *the Director of Urban Forestry*, a representative of the Department of Public Works and a representative of the Law Department about tracking and improving the condition of the gas utility infrastructure in Newton, new state statutes governing infrastructure repairs, coordination of increased repair work with city operations, the status of negotiations with National Grid to compensate for tree deaths resulting from gas leaks, and the possibility of creating a utilities working group to monitor progress on these and related issues. [05/26/15 @ 2:52 PM]
- #126-15 ALD. JOHNSON, ALBRIGHT, NORTON AND SCHOOL COMMITTEE MEMBER ALBRIGHT requesting a discussion with the Newton School Department, Newton North High School principal, and the Newton Police Department regarding ways to address the student smoking issue at Newton North High School. [05/11/15 @ 9:30AM]

REFERRED TO PROG & SERV AND PUBLIC FACILITIES COMMITTEES

- #140-15 PROGRAMS & SERVICES AND PUBLIC FACILITIES COMMITTEES requesting that the School Department and/or the Executive Department provide updates on the progress of the potential purchase of the Aquinas site as well as short and long term plans for uses and operations at the site. [05/20/15 @ 8:53 PM]

REFERRED TO PROG. & SERVICES AND ZONING & PLANNING COMMITTEES

- #127-15 ALD. SANGIOLO requesting discussion with Health Department, Inspectional Services Department and the Economic Development Commission regarding the policy of food truck operations in the City of Newton. [05/11/15 @ 10:22AM]

REFERRED TO PUB FACIL, PROG & SERV, AND PS&T COMMITTEES

- #46-15 ALD. JOHNSON & CICCONE, requesting a discussion with the Commissioner of Department of Public Works and the School Department to determine and discuss parking options including use of school properties based on the current municipal parking lot programs including the issuance of permits. [02/11/15 @ 1:35 PM]

#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]

#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]

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

EXCERPT FROM 7/15 PUBLIC FACILITIES REPORT**REFERRED TO PROG & SERV AND PUBLIC FACILITIES COMMITTEES**

#141-15 ALD. BROUSAL-GLASER, SANGIOLO, HESS-MAHAN, COTE, NORTON AND ALBRIGHT requesting a discussion with the Director of Urban Forestry, a representative of the Department of Public Works and a representative of the Law Department about tracking and improving the condition of the gas utility infrastructure in Newton, new state statutes governing infrastructure repairs, coordination of increased repair work with city operations, the status of negotiations with National Grid to compensate for tree deaths resulting from gas leaks, and the possibility of creating a utilities working group to monitor progress on these and related issues. [05/26/15 @ 2:52 PM]

PROGRAMS & SERVICES HELD 8-0 on 07/15/15

ACTION: HELD 7-0

NOTE: The Committee met jointly with the Programs & Services Committee to discuss the item, which was taken up first so as to inform the discussion of the proposed resolution. Assistant City Solicitor Alan Mandl provided a status report on the legal issues related to compensation from National Grid for tree deaths resulting from gas leaks. The trees were identified in a study completed in 2010 and issued in January 2011. The city and National Grid only began negotiations in September 2014. In 2014, the city sent National Grid a letter requesting that National Grid replace 220 trees that have already been removed and prune 190 existing trees that have damage from gas leaks. The city is in the process of going back out to each of the 190 locations to see if the needs of the trees have changed. Director of Urban Forestry Marc Welch will also be reviewing each tree with an Arborist from National Grid.

The city met with National Grid in January 2015 and agreed to joint inspections of the trees to allow National Grid to come up with a counter proposal. The inspections have not taken place due in part to numerous delays because of the severe winter. The city entered into a “standstill” agreement with National Grid in May 2015. A standstill agreement is an agreement under which litigation is forestalled between the two parties. National Grid has committed to inspecting the trees sometime in the first week of August.

The Town of Brookline filed a suit against National Grid in 2010 for compensation for trees killed by gas leaks, which has not moved forward. Mr. Mandl recently contacted Brookline to request an update on their litigation and expects to hear back on that shortly. The city is working on drafting a complaint to file against National Grid. It was suggested that the city prepare the complaint and file it in Superior Court, as it could motivate National Grid to meet for the inspections and negotiate a settlement. Aldermen were supportive of pursuing a lawsuit and there was mention of looking into filing a joint lawsuit with other municipalities.

Members of both Committees pointed out that it is likely that additional trees were damaged or killed due to gas leaks since the study and asked how the city intends to recoup damages for those trees. Mr. Mandl stated that the requested compensation pertains to the information contained in the study but the city has the right to seek further damages for

additional trees. Commissioner of Parks and Recreation Bob DeRubeis added that Marc Welch probably has an up to date list of damaged trees.

Commissioner DeRubeis informed the Committees that Mr. Welch is already working with National Grid on coordinating tree plantings to ensure that the plantings are not within the vicinity of gas leaks. It is difficult to find spots to plant street trees that are not in the vicinity of a gas pipe, as most streets contain gas mains and pipes for house connections. Mr. Welch is also mapping out known leaks. National Grid is required to provide an annual list of gas leaks to the Department of Public Utilities that includes the grade of each leak. Category 1 leaks are considered to be existing or probable hazards to people or property and require the immediate action of the company supplying the gas. Grade 2 leaks are non-hazardous when discovered but are likely to be a future hazard and should be repaired within 15 months of discovery. A grade 3 leak is non-hazardous and can be expected to remain non-hazardous, but should be reevaluated within 15 months of being reported.

Fire Chief Bruce Proia explained National Grid is required to notify the Fire Department of all Grade 1 leaks and immediately address those leaks. The Chief stated that there are between three and four Grade 1 leaks in the city per week. The Fire Department works with National Grid on the Grade 2 leaks. Chief Proia added that he continues to work with National Grid and Eversource on manhole explosions. There have been three manhole explosions in the area of Needham Street. There was also a manhole fire on Centre Street in Newton Corner. Chief Proia explained that the majority of manhole explosions are the result of electrical issues and not gas leaks. Underground cables become frayed from aging, corrosive chemicals, overload or rats biting them. These electrical wires heat up the paper, lead and rubber insulation and the insulation smolders and catches on fire, releasing gases. The pressure from the gas builds up inside the manhole and the electrical wires arc and ignites the gases, causing a powerful manhole explosion.

The gas infrastructure within the city is very old and the gas company tends to address leaks by doing the lowest cost repair possible. The State's Department of Public Utilities (DPU) recently approved regulations to allow gas companies to increase rates in order to repair gas leaks, which is based on 2014 state legislation but the legislation does not specify the nature of the required repair. The DPU has the authority to enforce legislation pertaining to National Grid and other gas utilities.

A National Grid list of the planned proactive main replacement miles for Calendar Year 2015 and a list of proactive main replacement miles for Calendar Years 2016 – 2019 were attached to the Committee agenda. Members of both Committees requested that the Administration request that National Grid provide an overall plan for Newton. The city's Public Works Department and National Grid are sharing their five-year construction plan to coordinate work. Interim Commissioner of Public Works Shane Mark added that he, Chief Proia, and Alan Mandl are meeting with the utilities regularly to discuss the manhole explosions.

It was suggested that the Board of Aldermen request that the Administration establish a working group to address the gas leaks. President Lennon and the Chairs of both Committees will continue discussion regarding the establishment of a working group. In addition, there was

a proposal to docket an item requesting a resolution from the Board to the Mayor requesting that the city pursue litigation to recover damages and remediation for damages to city trees from gas leaks from National Grid. All members of both Committees supported docketing the request for a resolution. Chief of Staff Maureen Lemieux assured the Committees that she had heard the concerns. Ald. Albright and Ald. Hess-Mahan moved hold in their respective Committees in order to continue discussions. Both motions to hold were supported by unanimous votes in Committee.

EXCERPT FROM 9/9/15 PUBLIC FACILITIES REPORT

REFERRED TO PROG & SERV AND PUBLIC FACILITIES COMMITTEES

#141-15(3) **PROGRAMS & SERVICES AND PUBLIC FACILITIES COMMITTEE**
requesting a RESOLUTION from the Board of Aldermen to His Honor the Mayor requesting that he, on behalf of the City, complement ongoing discussion with National Grid by preparing and filing litigation to recover damages and appropriate remediation and prevention relating to harm to City trees from gas leaks from National Grid infrastructure. [07/15/15 @8:30 PM]

ACTION: **APPROVED 7-0**

NOTE: During the Committee's previous discussion on gas leaks on July 15, 2015, there was a proposal that the Programs & Services Committee and the Public Facilities Committee propose a resolution to His Honor the Mayor requesting that the Mayor pursue litigation against National Grid to recover damages for City trees that have been damaged or died as a result of gas leaks in infrastructure owned by National Grid. The request was docketed at the last Board of Aldermen meeting. The hope is that litigation will motivate National Grid to address the gas leaks in Newton.

The City is meeting with National Grid but discussions are in initial stages. Gas leaks damaging trees have been an issue for years and there has been almost no progress in addressing it. Ald. Lappin moved approval of the proposed resolution, which carried unanimously.

#31-15 (LEAF BLOWERS)

DRAFT REDLINE FOR DISCUSSION PURPOSES (4/28/2015)

(Added language underscored; deleted language struck through)

ARTICLE II.

NOISE

Sec. 20-13. Noise control.

(a) This ordinance may be cited as the "Noise Control Ordinance of the City of Newton."

(b) *Declaration of findings and policy.* Whereas excessive sound is a serious hazard to the public health and welfare, safety, and the quality of life; and whereas a substantial body of science and technology exists by which excessive sound may be substantially abated; and, whereas the people have a right to and should be ensured an environment free from excessive sound that may jeopardize their health or welfare or safety or degrade the quality of life; now therefore it is the policy of the City of Newton to prevent excessive sound which may jeopardize the health and welfare or safety of its citizens or degrade the quality of life.

(c) *Scope.* This ordinance shall apply to the control of all sound originating within the limits of the City of Newton except as follows:

- (1) the emission of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound in the performance of emergency work or in training exercises related to emergency activities; and
- (2) all snow clearance activities; and
- (3) any program or activity supervised by the parks and recreation department of the city in effect and as it exists on June 1, 1983.

(d) *Definitions.* For the purposes of this ordinance the following words and phrases shall have the meanings respectively ascribed to them by this section:

Construction and demolition: Any excavation, highway construction, land development or land clearing work, or the erection, demolition, alteration, repair, or relocation of any building or structure, which uses powered equipment such as backhoes, trucks, tractors, excavators, earth moving equipment, compressors, motorized, or power hand tools, manual tools, or equipment of a similar nature as well as two-way radios or other communication equipment; or use of any equipment for recycling, screening, separating, or any other processing of soil, rocks, concrete, asphalt or other raw material.

Electronic devices: any radio, tape recorder or player, television, phonograph, public address system, loudspeaker, amplified musical instrument or any other similar device, except two-way communication radios.

Emergency: any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

Emergency work: any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

Gross vehicle weight rating (GVWR): the value specified by the manufacturer as the recommended maximum loaded weight of a single motor vehicle. In cases where trailers and tractors are separable, the gross combination weight rating (GCWR), which is the value specified by the manufacturer as the recommended maximum loaded weight of the combination vehicle, shall be used.

#31-15 DRAFT REDLINE FOR DISCUSSION PURPOSES (4/28/2015)

§ 20-13 NEWTON ORDINANCES — CIVIL FINES AND MISCELLANEOUS OFFENSES § 20-13

Leaf blower: any portable hand-held or backpack style motorized device, whether powered by gasoline or other fuel, electricity or battery, used in any landscape or property construction or maintenance activity, for the purpose of blowing, dispersing, vacuuming, redistributing, or removing dust, dirt, leaves, grass or plant clippings, litter or other debris.

Motorcycle: any unenclosed motor vehicle having two or three wheels in contact with the ground, including, but not limited to, motor scooters, minibikes, and mopeds.

Motor vehicles: any vehicle which is propelled or drawn on land by a motor, such as, but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, campers, go-carts, snowmobiles, dune buggies, or racing vehicles, but not including motorcycles.

Noise pollution: a condition caused by a noise source that increases noise levels 10dB(A) or more above background noise level, except that if the noise source produces a tonal sound, an increase at 5dB(A) or more above background noise level is sufficient to cause noise pollution.

Tonal sound: any sound that is judged by a listener to have the characteristics of a pure tone, whine, hum or buzz.

(e) *Noise Pollution prohibited.*

- (1) No person shall willfully, negligently, or through failure to provide necessary equipment or facilities or to take necessary precautions permit the establishment or continuation of a condition of noise pollution caused by a noise source (other than a dog or bird) owned, leased, kept, or controlled by such person, or caused by any activity of such person.
- (2) When the offending noise source is located in public spaces, noise measurements shall be made at, and noise pollution determinations made in relation to, any location a passerby might reasonably occupy. When the offending noise source is located on private property, noise measurements shall be made at, and noise pollution determinations made in relation to, the boundary line of the property within which the offending source is located, or as close thereto as feasible.
- (3) All noise level measurements made pursuant to subsection (e) shall be made with a Type I or II A-weighted sound level meter as specified under the American National Standards Institute (ANSI) standards.

(f) *Time Restrictions.*

- (1) Notwithstanding the provisions of subsection (e) and subject to the maximum noise levels listed in subsection (g), the generation of any noise from all electric motors and/or internal combustion engines employed in yard, garden, or grounds maintenance is prohibited except during the following time periods:
 - (A) Between 7:00 a.m. and 8:00 p.m. on weekdays; or
 - (B) Between 9:30 a.m. and 8:00 p.m. on Saturdays, Sundays and legal holidays as established in section 2-26 of these revised ordinances.
- (2) Notwithstanding the provisions of subsection (e) and subject to the maximum noise levels listed in subsection (g), the generation of any noise from construction and demolition activity is prohibited except during the following time periods:

#31-15 DRAFT REDLINE FOR DISCUSSION PURPOSES (4/28/2015)

§ 20-13 NEWTON ORDINANCES — CIVIL FINES AND MISCELLANEOUS OFFENSES § 20-13

(A) Between 7:00 a.m. and 7:00 p.m. on weekdays; or

(B) Between: 8:00 a.m. and 7:00 p.m. on Saturdays;

(C) Generation of any noise from construction and demolition activity is prohibited at any hour on Sundays and legal holidays as established in section 2-26 of these revised ordinances, except by permit issued in accordance with subsection (h)(1).

(3) All public address loudspeakers, either mobile or stationary, shall be prohibited from operating every evening from 9:00 p.m. until 7:00 a.m. the following morning.

(4) No automobile, motorcycle, truck or vehicle-mounted refrigeration equipment or other motorized vehicle shall be left running when not in traffic, within three hundred (300) feet of any dwelling, hotel or residence, for a period of greater than five (5) minutes.

(5) Between the hours of midnight and 6:00 a.m. deliveries and pick-ups for commercial or business purposes are prohibited within 300 feet of any dwelling within a residential zone excepting deliveries to such dwellings, deliveries of gasoline to gasoline stations, deliveries or pick-ups at state or federal governmental offices and any other commercial or business delivery or pick-up operation that does not increase noise levels 5dB(A) or more above background noise level. For purposes of this subsection, "deliveries" and "pick-ups" shall include the loading and unloading of a vehicle.

(6) Between the hours of 7:00 p.m. and 7:00 a.m. trash collection shall be prohibited within five hundred (500) feet of any dwelling.

(7) Between the hours of 11:00 p.m. and 7:00 a.m. no person or persons shall disturb the peace by causing or allowing to be made any unreasonable or excessive noise, including but not limited to such noise resulting from the operation of any electronic device, or from the playing of any band or orchestra, or from the making of excessive outcries, exclamations, or loud singing or any other excessive noise by a person or group of persons, provided however, that any performance, concert, establishment, band group or person who has received and maintains a valid license or permit from any department, board, or commission of the City of Newton authorized to issue such license or permit shall be exempt from the provisions of this section. Unreasonable or excessive noise for the purposes of this section shall be defined as 5dB(A) or more above background level when measured not closer than the lot line of a residential lot or from the nearest affected dwelling unit.

(g) *Maximum Noise Levels.* Notwithstanding the provisions of subsections (e)(1) and (e)(2), the following are the maximum noise levels that are permitted for the specified purposes:

Maximum noise level dB(A) permitted:

(1) *Vehicles*

Vehicle Class Stationary or Moving

#31-15 DRAFT REDLINE FOR DISCUSSION PURPOSES (4/28/2015)

§ 20-13 NEWTON ORDINANCES — CIVIL FINES AND MISCELLANEOUS OFFENSES § 20-13

All vehicles over 10,000 lbs. GVW
or GCWR 86

All Motorcycles 82

Automobiles and light trucks..... 75

Noise measurements shall be made at a distance of fifty (50) feet from the closest point of pass-by of a source or fifty (50) feet from a stationary vehicle.

(2) *Construction and demolition.*

The cumulative noise level of all construction and demolition on one site at any one time shall not exceed 90dB(A). No individual piece of equipment shall exceed a maximum noise level of 90 dB(A). If noise barriers are used that effectively shield nearby areas from a condition of noise pollution, the following devices shall be exempt from the maximum noise level limitations: jackhammers; pavement breakers; pile drivers; and rock drills.

Maximum noise level dB(A) permitted:

Backhoe, bulldozer, concrete mixer, dump truck, loader, paver, pneumatic tools, roller, scraper 90

Air compressor 85

Generator 90

Electric drills, sanders, saws (except chainsaws) or other power tools of all types, whether hand held or otherwise 75

Noise measurements shall be made at a distance of fifty (50) feet from the source, or from the nearest lot line, whichever distance is less.

(3) *Yard, Garden, or Grounds Maintenance Equipment*

Maximum noise level dB(A) permitted:

Commercial Chipper, 3 1/2 inch or greater limb capacity (running at full speed but not chipping) 90

Commercial truck-mounted leaf
vacuum..... 90

All other equipment, including home
tractor, ~~leaf blower~~, lawn mower
or trimmer 65

#31-15 DRAFT REDLINE FOR DISCUSSION PURPOSES (4/28/2015)

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Noise measurements shall be made at a distance of fifty (50) feet from the source, or from the nearest lot line, whichever distance is less.

- (4) *Tonal Sound Corrections.* When a tonal sound is emitted by a noise source specified in subsections (g)(1), (g)(2) and (g)(3) herein, the limit on maximum noise levels shall be 5dB(A) lower than as specified in subsections (g)(1), (g)(2) and (g)(3).
- (5) *Maximum Noise Levels for HVAC systems.* No person shall operate any air conditioning, refrigeration or heating equipment for any residence or other structure or operate any pumping, filtering or heating equipment for any pool or reservoir in such manner as to create any noise which would cause the noise level on the premises of any other occupied property or if a condominium, apartment house, duplex, or attached business, within any adjoining unit, to exceed the background noise level by more than 5 dB(A). This provision shall not apply, however, to periodic or emergency maintenance or testing of such equipment reasonably necessary to maintain such equipment in good working order. Noise measurements and noise pollution determinations shall be taken in accordance with subsections (e)(2) and (e)(3).
- (6) *Alternative Measurement Procedures.* If it is not possible to make a good noise level measurement at the distance specified in subsections (g)(1), (g)(2) and (g)(3), measurement may be made at an alternate distance and the noise level subsequently calculated for the specified distance. Calculations shall be made in accordance with established engineering procedures.
- (7) All noise-level measurements made pursuant to subsection (g) shall be made with a Type I or II A-weighted sound level meter as specified under the American National Standards Institute (ANSI) standards.

The following language of section (h) shall be effective until June 1, 2018:

(h) Transitional Restriction on use of leaf blowers. Until June 1, 2018, no person, including any City employee or contractor, shall use or operate a leaf blower within the City of Newton except between March 15 through May 1 and October 15 through December 1 in each year, subject to the following provisions:

(1) Permitted hours of use. Notwithstanding the provisions of sections 20-13 (f) (1) and (f) (2), leaf blowers may be operated only during the following times:

Monday – Friday: 8:00 a.m. – 5:30 p.m.

Saturday – 9:30 a.m. – 5:30 p.m.

Operation of leaf blowers is prohibited on Sundays and legal holidays.

(2). Only leaf blowers meeting the following criteria are permitted for use:

A. Leaf blowers must be manufactured after January 1, 2005 for EPA Class 4 engines and after January 1, 2008 for EPA Class 5 engines;

B. Leaf blowers must bear an affixed manufacturer’s label indicating the model

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§ 20-13 NEWTON ORDINANCES — CIVIL FINES AND MISCELLANEOUS OFFENSES § 20-13

number of the leaf blower;C. Leaf blowers must bear an affixed manufacturer's label documenting a noise rating of 65 dB(A) or less; andD. Leaf blowers may only be used with any muffler, full extension tube and sound attenuating devices supplied by the manufacturer of the leaf blower.(3) *Emergency Use.* During times of emergency caused by a storm or other special circumstance, the Mayor may temporarily suspend application of this section for purposes of cleaning up from such storm or other special circumstance.*The following language of section (h) shall be effective after June 1, 2018:*(h) *Use of leaf blowers prohibited.*(1) After June 1, 2018, no person, including any City employee or contractor, shall use or operate a leaf blower within the City of Newton.(2) During times of emergency caused by a storm or other special circumstance, the Mayor may temporarily suspend application of this section for purposes of cleaning up from such storm or other special circumstance.(hi) *Permits for exemptions from this ordinance and for extensions of time to comply with this ordinance.*

- (1) The mayor or his designee may grant a permit for any activity otherwise forbidden by the provisions of this ordinance upon a determination by the mayor or his designee that compliance in the conduct of such activity would cause undue hardship on the person or persons conducting such activity or on the community, taking into account: (i) the extent of noise pollution caused by not requiring such compliance; and (ii) whether reasonable efforts have been made to abate the noise. The mayor or his designee shall establish appropriate procedures for the processing of requests for such permits, including such hearings as the mayor or his designee deems appropriate. In granting any such permit, the mayor or his designee may impose such appropriate conditions as he deems necessary pursuant to this section. Copies of all such permits shall be filed with the clerk of the board of aldermen promptly after issuance. Promptly after issuance, copies of all such permits shall be filed with the clerk of the board of aldermen and to each ward alderman for the affected ward.
- (2) The mayor or his designee may extend to a specified date the time for compliance with this ordinance in the case of any particular activity with respect to which a determination is made that such extension is necessary to provide a reasonable opportunity for such activity to be brought into compliance. No such extension shall be granted which has the effect of exempting such activity from compliance with this ordinance. The mayor or his designee shall establish appropriate procedures for the processing of requests for such extensions of time, including such hearings as the mayor or his designee deems appropriate.

#31-15 DRAFT REDLINE FOR DISCUSSION PURPOSES (4/28/2015)

§ 20-14 NEWTON ORDINANCES — CIVIL FINES AND MISCELLANEOUS OFFENSES § 20-20

(~~h~~) *Judicial Review.* Any person aggrieved by the grant or denial of a permit pursuant to subsection (h)(1) or an extension of time pursuant to subsection (h)(2) may seek relief therefrom by a civil action in any court of competent jurisdiction as provided by the laws of the Commonwealth of Massachusetts.

(~~j~~) *Penalties.* Violation of any of the provisions of this section shall constitute a misdemeanor and any person, upon conviction of such violation, shall be fined an amount not to exceed three hundred dollars (\$300.00). Each day that such violation continues shall be considered to be a separate offense.

(~~k~~) *Non-criminal disposition.* In addition to the penalties set forth in subsection (j), where non-criminal disposition of specified sections of this ordinance by civil fine has been provided for in sections 20-20 and 20-21 of the Revised Ordinances, as amended, pursuant to the authority granted by G.L. c. 40, sec. 21D, said violations may be enforced in the manner provided in such statute. The civil penalty for each such violation is set out in Sections 20-21(c) and 20-21(d).

(~~m~~) *Severability.* If any provision(s) of this ordinance or the application of such provision(s) to any person or circumstances shall be held invalid, the validity of the remainder of this ordinance and the applicability of such provision to other persons or circumstances shall not be affected thereby. (Ord. No. R-331, 6-20-83; Ord. No. T-62, 12-4-89; Ord. No. T-200, 12-16-91; Ord. No. V-286, 3-6-00; Ord. Z-32, 7-14-08; Ord. No. Z-78, 02-22-11; Ord. No. Z-104, 04-02-12)

Cross reference—Sounding warning devices on motor vehicles, § 19-72; noise by hawkers and peddlers, § 17-26.

Secs. 20-14—20-19. Reserved.

ARTICLE III. CIVIL FINES/NON-CRIMINAL DISPOSITION

Sec. 20-20. Certain ordinance violations subject to civil fine.

(a) As an alternative to initiating criminal proceedings, the sections of these revised ordinances which are listed in section 20-21 may be enforced in the manner provided in General Laws c. 40, section 21D.

(b) Any such enforcing person, as listed in section 20-21, who takes cognizance of a violation of such an ordinance may give to the offender a written notice to appear before the clerk of the district court for Newton at any time during the court's office hours, not later than twenty-one (21) days after the date of such notice.

(c) Non-criminal disposition upon payment of notice of violation. *Any person notified to appear before the clerk of a district court as hereinbefore provided may so appear and confess the offense charged, either personally or through a duly authorized agent or by mailing to the city clerk together with the notice such specific sum of money as established under section 20-21 as penalty for violation of the ordinance. Upon receipt of such notice and payment, the city clerk shall forthwith notify the district court clerk of such payment and the receipt by the district court clerk of such notification shall operate as a final disposition of the case. An appearance under this subsection shall not be deemed to be a criminal proceeding. No person so notified to appear before the clerk of a*

City/Town	Brookline	Cambridge	Arlington
Prohibited Dates	Prohibited all days except March 15 th – May 15 th and September 15 th – December 15 th .	Prohibited all days except March 15 th – June 15 th and September 15 th – December 15 th . No Sundays or legal holidays except Columbus Day and Veteran’s Day.	Prohibited all days between June 15 th and September 15 th . No Sundays or legal holidays.
Hours Permitted	Mon. – Fri.: 8 a.m. – 8 p.m.; Weekends: 9 a.m. – 8 p.m.	Mon. - Fri.: 8 a.m. – 5 p.m.; Saturdays, Columbus Day and Veteran’s Day: 9 a.m. – 5 p.m. Commercial Leaf Blower Operators: 12 p.m. – 5 p.m. on Columbus Day and 1:00 p.m. – 5:00 p.m. on Veteran’s Day.	Mon. – Fri.: 7:30 a.m. – 5:30 p.m.; Saturdays: 8 a.m. – 4 p.m.
Exemptions	Town and its contractors and emergency operations. Also, non-residential property owners but only with respect to parcels that contain at least 5 acres of open space	Municipality and it’s contractors performing leaf blowing operations at Mayor Thomas Danehy Park, Fresh Pond Reservation, Thomas O’Neil Jr. Municipal Golf Course at Fresh Pond; Cambridge Municipal Cemetary; Old Burial Ground; and emergency operations. Also provides for exemption for Commercial Operators and Large Property Owners. *	Emergency Operations. Although it does not state it in the ordinance, the Police Department confirms it would not apply to the Town and it’s contractors.
Enforcement	Brookline Police Department, Building Commissioner, Commissioner of Public	Police Commissioner, Commissioner of Inspectional Services and Chairperson of License Commission.	Arlington Police Department.

City/Town	Brookline	Cambridge	Arlington
	Works, Director of Public Health or their designee.		
Decibel Levels:	67 db or less. Brookline PD inspects and issues labels for leaf blowers. Ordinance allows for a non-refundable fee for this service.	No greater than 65 db.	74 dBA @ 50 feet full throttle
Where ordinance/bylaw located	Contained in Noise Ordinance provision and separate ByLaw.	Contained in Health and Safety section of their municipal codes.	Contained in their Bylaws under Regulations Upon the Use of Private Property
Penalties/Fines	(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.	Violations. Authorized enforcement personnel may: order and specify reasonable remedial actions to be taken by a violator of this chapter to achieve compliance; or issue citations, pursuant to G.L., c. 40, § 21D, for violations of these provisions assessing fines of three hundred dollars for each day such violation is committed or permitted to continue. Additionally, any person found in violation of any of the provisions of this chapter may be prosecuted for a misdemeanor and upon conviction thereof shall be fined three hundred dollars. D. Injunction. As an additional	Any person violating any provision of this Article shall be subject to a fine of \$200.00 for each offense and/or an action in a court of competent jurisdiction, seeking an order to cease and desist from such activity. Each day or part thereof if any violation continues shall constitute a separate offense.

City/Town	Brookline	Cambridge	Arlington
		<p>remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision of this chapter and which causes a noise disturbance may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.</p> <p>E.</p> <p>Suspension or Revocation of License or Permit. As an additional remedy for violation of any provision of this chapter, any enforcement official under subsection A of this section may summarily suspend, and after a hearing may revoke, any license or permit, including a building or demolition permit.</p>	

*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.

OPTION 1 - TOTAL BAN - DRAFT FOR DISCUSSION

Add a new section 20-14 as follows:

20-14 Regulation of Use of Leaf Blowers

(a) *Purpose* In order to protect the environment, health, well-being and safety of residents from excessive and unnecessary noise, fumes, dust and debris, use of leaf blowers within the City of Newton is hereby regulated as follows.

(b) *Definition*

Leaf blower. Any portable hand-held or backpack style motorized device, whether powered by gasoline or other fuel, electricity or battery, used in any landscape or property construction or maintenance activity, for the purpose of blowing, dispersing, vacuuming, redistributing, or removing dust, dirt, leaves, grass or plant clippings, snow, litter or other debris.

(c) *Use of leaf blowers prohibited*

It shall be unlawful for any person within the City, including any City employee or contractor, to use or operate a leaf blower within the City of Newton.

(d) *Emergency Use.* During times of emergency caused by a storm or other special circumstance, the Mayor may temporarily suspend application of this section for purposes of cleaning up from such storm or other special circumstance.

(e) *Violations/Penalties*

- (1) Each instance in which a person operates a leaf blower within the City limits in violation of the foregoing provisions of this ordinance shall constitute a separate violation of the ordinance, and such person, upon conviction shall be fined an amount not to exceed three hundred dollars (\$300.00). If the person who violates the foregoing provisions of this ordinance is an employee acting under the supervision and control of an employer, and such violation is committed with the knowledge and consent of such employer, the employer shall be deemed to have committed such violation and the employee shall not be liable therefor.
- (2) *Non-criminal disposition.* In addition to the penalty set forth in (a), where non-criminal disposition of specified sections of this ordinance by civil fine has been provided for in sections 20-20 and 20-21 of the revised ordinances as amended, pursuant to the authority granted by G.L. c. 40, sec. 21 D, said violations may be enforced in the manner provided in such statute. The civil penalty for each such violation is set out in section 20-21(d).

- (e) *Severability*. If any provision of this ordinance or the application of such provision(s) to any person or circumstances shall be held invalid, the validity of the remainder of this section and the applicability of such provision to other persons or circumstances shall not be affected thereby.

AMEND Sec. 20-21(d) by adding the following new section:

Sec. 20-14 Leaf Blowers

- () First offense in calendar year warning
- () Second offense in calendar year \$100.00
- () Third offense in calendar year \$200.00
- () Fourth and subsequent offenses in a calendar year \$300.00

AMEND Sec. 20-13 by deleting all references to leaf blowers.

OPTION 2 - SEASONAL BAN - DRAFT FOR DISCUSSION

Add a new section 20-14 as follows:

Regulation of Use of Leaf Blowers

(a) *Purpose* In order to protect the environment, health, well-being and safety of residents from excessive and unnecessary noise, fumes, dust and debris, use of leaf blowers within the City of Newton is hereby regulated as follows.

(b) *Definition*

Leaf blower. Any portable hand-held or backpack style motorized device, whether powered by gasoline or other fuel, electricity or battery, used in any landscape or property construction or maintenance activity, for the purpose of blowing, dispersing, vacuuming, redistributing, or removing dust, dirt, leaves, grass or plant clippings, litter or other debris.

(c) *Use of leaf blowers restricted.* No person, including City employee or contractor, shall use or operate a leaf blower within the City of Newton except between March 15th – June 15th, and September 15th – December 15th, subject to the following provisions:

(1) Permitted hours of use:

Between 8:00 a.m. and 7:00 p.m. on weekdays,

Between 9:30 a.m. and 5:00 p.m. on weekends or legal holidays.

(2). Only leaf blowers meeting the following criteria are permitted for use:

A. Leaf blowers must be manufactured after January 1, 2005 for EPA Class 4 engines and after January 1, 2008 for EPA Class 5 engines;

B. Leaf blowers must bear an affixed manufacturer's label indicating the model number of the leaf blower;

C. Leaf blowers must have a manufacturer documented noise rating of 65dB(A) or less;

D. Leaf blowers may only be used with any muffler, full extension tube and sound attenuating devices supplied by the manufacturer of the leaf blower.

(d) *Emergency Use.* During times of emergency caused by a storm or other special circumstance, the Mayor may temporarily suspend application of this section for purposes of cleaning up from such storm or other special circumstance.

(d) *Violations/Penalties*

(1) Each instance in which a person operates a leaf blower within the City limits in violation of the foregoing provisions of this ordinance shall constitute a separate violation of the ordinance, and such person, upon conviction shall be fined an amount not to exceed three hundred dollars (\$300.00). If the person who violates the foregoing provisions of this ordinance is an employee acting under the supervision and control of an employer, and such violation is committed with the knowledge and consent of such employer, the employer shall be deemed to have committed such violation and the employee shall not be liable therefor.

(2) *Non-criminal disposition.* In addition to the penalty set forth in (a), where non-criminal disposition of specified sections of this ordinance by civil fine has been provided for in sections 20-20 and 20-21 of the revised ordinances as amended, pursuant to the authority granted by G.L. c. 40, sec. 21 D, said violations may be enforced in the manner provided in such statute. The civil penalty for each such violation is set out in section 20-21(d).

(e) *Severability.* If any provision of this ordinance or the application of such provision(s) to any person or circumstances shall be held invalid, the validity of the remainder of this section and the applicability of such provision to other persons or circumstances shall not be affected thereby.

AMEND Sec. 20-21(d) by adding the following new section:

Sec. 20-14 Leaf Blowers

- () First offense in calendar year warning
- () Second offense in calendar year \$100.00
- () Third offense in calendar year \$200.00
- () Fourth and subsequent offenses in a calendar year \$300.00

AMEND Sec. 20-13 by deleting all references to leaf blowers.

**OPTION 3 – TOTAL BAN FOR GAS POWERED - SEASONAL BAN FOR ELECTRIC
- DRAFT FOR DISCUSSION**

Add a new section 20-14 as follows:

Regulation of Use of Leaf Blowers

(a) *Purpose* In order to protect the environment, health, well-being and safety of residents from excessive and unnecessary noise, fumes, dust and debris, use of leaf blowers within the City of Newton is hereby regulated as follows.

(b) *Definition*

Leaf blower. Any portable hand-held or backpack style motorized device, whether powered by gasoline or other fuel, electricity or battery, used in any landscape or property construction or maintenance activity, for the purpose of blowing, dispersing, vacuuming, redistributing, or removing dust, dirt, leaves, grass or plant clippings, litter or other debris.

(c) *Use of gasoline powered leaf blowers prohibited*

It shall be unlawful for any person within the City, including any City employee or contractor, to use or operate a leaf blower powered by gasoline or other fuel within the City of Newton.

(d) *Use of electric leaf blowers restricted.* No person, including City employee or contractor, shall use or operate a leaf blower powered by electricity or battery within the City of Newton except between March 15th – June 15th, and September 15th – December 15th, subject to the following provisions:

(1) Permitted hours of use:

Between 8:00 a.m. and 7:00 p.m. on weekdays,

Between 9:30 a.m. and 5:00 p.m. on weekends or legal holidays.

(2) Allowed equipment. Only leaf blowers that meet the following criteria are permitted for use:

A. Leaf blowers must be manufactured after January 1, 2005 for EPA Class 4 engines and after January 1, 2008 for EPA Class 5 engines;

B. Leaf blowers must bear an affixed manufacturer's label indicating the model number of the leaf blower;

C. Leaf blowers must have a manufacturer documented noise rating of 65dB(A) or less;

D. Leaf blowers may only be used with any muffler, full extension tube and sound attenuating devices supplied by the manufacturer of the leaf blower.

(d) *Emergency Use.* During times of emergency caused by a storm or other special circumstance, the Mayor may temporarily suspend application of this section for purposes of cleaning up from such storm or other special circumstance.

(d) *Violations/Penalties*

(1) Each instance in which a person operates a leaf blower within the City limits in violation of the foregoing provisions of this ordinance shall constitute a separate violation of the ordinance, and such person, upon conviction shall be fined an amount not to exceed three hundred dollars (\$300.00). If the person who violates the foregoing provisions of this ordinance is an employee acting under the supervision and control of an employer, and such violation is committed with the knowledge and consent of such employer, the employer shall be deemed to have committed such violation and the employee shall not be liable therefor.

(2) *Non-criminal disposition.* In addition to the penalty set forth in (a), where non-criminal disposition of specified sections of this ordinance by civil fine has been provided for in sections 20-20 and 20-21 of the revised ordinances as amended, pursuant to the authority granted by G.L. c. 40, sec. 21 D, said violations may be enforced in the manner provided in such statute. The civil penalty for each such violation is set out in section 20-21(d).

(e) *Severability.* If any provision of this ordinance or the application of such provision(s) to any person or circumstances shall be held invalid, the validity of the remainder of this section and the applicability of such provision to other persons or circumstances shall not be affected thereby.

AMEND Sec. 20-21(d) by adding the following new section:

Sec. 20-14 Leaf Blowers

- () First offense in calendar year warning
- () Second offense in calendar year \$100.00
- () Third offense in calendar year \$200.00
- () Fourth and subsequent offenses in a calendar year \$300.00

AMEND Sec. 20-13 by deleting all references to leaf blowers.

To The Program and Services Committee:

I was asked to find out information pertaining to how many Newton Clients are using landscapers. After many phone call interviews with my colleagues I came up with the following information.

The 56 Landscapers that work and live in Newton have about 5000 clients in total in Newton and its Villages. This number does NOT include ALL the Landscapers who work in Newton.

The overwhelming majority of Landscapers that I spoke with agree that the labor time to rake/sweep as opposed to using the Leaf Blowers is 3 to 4 times more which will affect the cost in the same ratios for the spring and the Fall Cleanups.

We also agree that if a house has multiple ground cover flower beds that the time ratio will increase by 10 Times to clean without a leaf blower since rakes cannot be used in those types of flower beds and hand work would have to be used to achieve the desired results that our customers want.

I have enclosed some examples of different size houses with costs from Spring and Fall Cleanups with and without Leaf Blowers.

RECEIVED
Newton City Clerk
2015 SEP-14 AM 11:09
David J. Gerson, Clerk
Newton, MA 02459

Joe Caruso Landscaping

- 1. Seminary Ave, Auburndale MA (15,027 square feet)**
 - a. Spring Cleanup with Blowers - \$360.00
 - b. Spring Cleanup with Rakes- \$1,080.00
 - c. Fall Cleanup with Blowers- \$825.00
 - d. Fall Cleanup with Rakes-\$2500.00
- 2. Day Street, Auburndale, MA (7,864 square feet)**
 - a. Spring Cleanup with Blowers - \$190.00
 - b. Spring Cleanup with Rakes- \$570.00
 - c. Fall Cleanup with Blowers- \$390.00
 - d. Fall Cleanup with Rakes-\$1560.00
- 3. Brookline Street, Newton Center, MA (31,093 square feet)**
 - a. Spring Cleanup with Blowers - \$785.00
 - b. Spring Cleanup with Rakes- \$2355.00
 - c. Fall Cleanup with Blowers- \$1010.00
 - d. Fall Cleanup with Rakes-\$3140.00

Caruso Brothers Inc

144 Webster Street

Auburndale, MA

Property "A" Auburndale 33,000 sq ft

Many mature trees and many shrub beds large grass area.

Spring 2015 spring clean up cost. 21 man hrs @\$45 \$945

Estimated clean up cost without the use of leaf blower 42 man hrs @\$45 \$1890

Fall 2014 October and November Actual costs

October \$250 Leaf Disposal \$125

November \$250 Leaf Disposal \$125 Total fall 2014 cost on this property was \$800

Estimated costs for this same property for a fall season without the use of a leafblower will be as follows

6 Man hrs per week October total 24 Man hrs

6 Man hrs per week November total 24 Man hrs

Total 48 Man hrs @ \$45 Total cost 2160 Plus \$250 leaf disposal \$2410

Property "B" West Newton 9500 sq ft

Many mature trees and many shrub beds medium size grass area.

Spring 2015 spring clean up cost. 8 man hrs @\$45 \$360

Estimated clean up cost without the use of leaf blower 15 man hrs @\$45 \$675

Fall 2014 October and November Actual costs

October \$240 Leaf Disposal \$125

November \$240 Leaf Disposal \$125 Total fall 2014 cost on this property was \$605

Estimated costs for this same property for a fall season without the use of a leafblower will be as follows

6 Man hrs per week October total 24 Man hrs

6 Man hrs per week November total 24 Man hrs

Total 48 Man hrs @ \$45 Total cost 2160 Plus \$250 leaf disposal \$2410

Property "C" West Newton Hill 11,000 sq ft

Many mature trees and many shrub beds Small size grass area.

Spring 2015 spring clean up cost. 10 man hrs @\$45 \$450

Estimated clean up cost without the use of leaf blower 18 man hrs @\$45 \$810

Fall 2014 October and November Actual costs

October \$240 Leaf Disposal \$125

November \$240 Leaf Disposal \$125 Total fall 2014 cost on this property was \$730

Estimated costs for this same property for a fall season without the use of a leafblower will be as follows

4.5 Man hrs per week October total 18 Man hrs

4.5 Man hrs per week November total 18 Man hrs

Total 36 Man hrs @ \$45 Total cost \$1620 Plus \$250 leaf disposal \$1870

Philip Jepsen & Sons
43 Anthony Rd
Newtonville, MA 02460

Below please find comparison estimates of properties that blowers are used vs. rake and broom

Prices based upon 1576 sq. ft. property located in Newton Centre:

<u>Home #1</u>	<u>Use of Blower</u>	<u>Rake and Broom</u>	<u>Difference</u>	<u>Per Month Cost</u>	<u>Additional Cost for Season</u>
Spring Clean Up	\$ 250.00	\$ 750.00	\$ 500.00	N/A	N/A
Weekly Service	\$ 37.50	\$ 100.00	\$ 62.50 per visit	\$ 250.00 per month	\$1,625.00
Fall Clean Up	\$ 350.00	\$1,500.00	\$1,150.00	N/A	N/A

Additional cost to customer for the season: \$3,275.00

Prices based upon 3224 sq. ft. property located in Newton Centre:

<u>Home #2</u>	<u>Use of Blower</u>	<u>Rake and Broom</u>	<u>Difference</u>	<u>Per Month Cost</u>	<u>Additional Cost for Season</u>
Spring Clean Up	\$ 400.00	\$1,400.00	\$1,000.00	N/A	N/A
Weekly Service	\$ 40.00	\$ 200.00	\$ 160.00 per visit	\$ 640.00 per month	\$4,160.00
Fall Clean Up	\$ 600.00	\$2,600.00	\$2,000.00	N/A	N/A

Additional cost to customer for the season: \$7,160.00

Prices based upon 6123 sq. ft. property in West Newton:

<u>Home #3</u>	<u>Use of Blower</u>	<u>Rake and Broom</u>	<u>Difference</u>	<u>Per Month Cost</u>	<u>Additional Cost for Season</u>
Spring Clean Up	\$1,500.00	\$9,000.00	\$7,500.00	N/A	N/A
Weekly Service	\$ 250.00	\$1,225.00	\$ 975.00 per visit	\$3,900.00	\$25,350.00
Fall Clean Up	\$2,400.00	Not possible on a property this size	N/A	N/A	

Additional cost to customer for the season: Unable to determine given the impossibility of performing a Fall clean up on a property of this size.

Below please find comparison estimates of properties that blowers are used vs. rake and broom

Prices based upon 1576 sq. ft. property located in Newton Centre:

<u>Home #1</u>	<u>Use of Blower</u>	<u>Rake and Broom</u>	<u>Difference</u>	<u>Per Month Cost</u>	<u>Additional Cost for Season</u>
Spring Clean Up	\$ 250.00	\$ 750.00	\$ 500.00	N/A	N/A
Weekly Service	\$ 37.50	\$ 100.00	\$ 62.50 per visit	\$ 250.00 per month	\$1,625.00
Fall Clean Up	\$ 350.00	\$1,500.00	\$1,150.00	N/A	N/A

Additional cost to customer for the season: \$3,275.00

Prices based upon 3224 sq. ft. property located in Newton Centre:

<u>Home #2</u>	<u>Use of Blower</u>	<u>Rake and Broom</u>	<u>Difference</u>	<u>Per Month Cost</u>	<u>Additional Cost for Season</u>
Spring Clean Up	\$ 400.00	\$1,400.00	\$1,000.00	N/A	N/A
Weekly Service	\$ 40.00	\$ 200.00	\$ 160.00 per visit	\$ 640.00 per month	\$4,160.00
Fall Clean Up	\$ 600.00	\$2,600.00	\$2,000.00	N/A	N/A

Additional cost to customer for the season: \$7,160.00

Prices based upon 6123 sq. ft. property in West Newton:

<u>Home #3</u>	<u>Use of Blower</u>	<u>Rake and Broom</u>	<u>Difference</u>	<u>Per Month Cost</u>	<u>Additional Cost for Season</u>
Spring Clean Up	\$1,500.00	\$9,000.00	\$7,500.00	N/A	N/A
Weekly Service	\$ 250.00	\$1,225.00	\$ 975.00 per visit	\$3,900.00	\$25,350.00
Fall Clean Up	\$2,400.00	Not possible on a property this size	N/A	N/A	

Additional cost to customer for the season: Unable to determine given the impossibility of performing a Fall clean up on a property of this size.

From: Aimee Mason <aimee@pmclandscape.com>

To: ggcmcg <ggcmcg@aol.com>

Subject: Leaf Blowing

Date: Thu, Sep 3, 2015 10:07 am

Attachments: FallCleanupInvoice.pdf (250K)

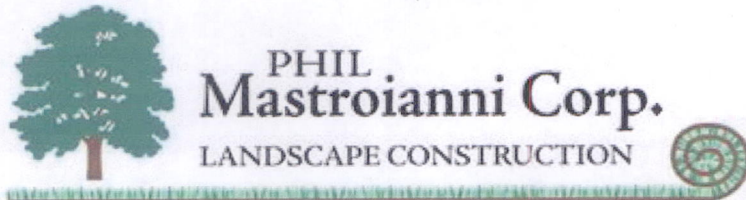
Good morning, Mr. Caruso,

I am writing on behalf of Phil Mastroianni, Jr. on the subject of the leaf blowing ordinance. Attached are 3 invoices reflecting the cost of our leaf blowing services from 2015 spring cleanups at 3 homes in West Newton using back pack leaf blowers. Understandably, the price would rise dramatically if restrictions are placed on blowing leaves. Phil hopes this helps visualize the affect such a ban would have on our clients.

Should you have any questions or comments, please call Phil or the office at (617)527-8445.

Many thanks,

Aimée Mason
Administrator



Phone: 617-527-8445

Fax: 617-527-2872

www.philmastroiannicorp.com



This email has been checked for viruses by Avast antivirus software.

www.avast.com



Phil Mastroianni Corp.
LANDSCAPE CONSTRUCTION

17 FOUNTAIN STREET, WALTHAM, MA 02453-4138
TEL: (617) 527-8445 FAX: (617) 527-2872
www.philmastroiannicorp.com
EST. 1976



Invoice Number:
26868

Invoice Date:
4/27/15

Page
1

Sold To:

Work Site:

West Newton Property

Quantity	Item	Description	Unit Price	Extension
18.00	SC	Spring Cleanup consists of raking lawn & bed areas; thatching; edging the beds & removal of all debris, using a 5 man crew on 4/17/15.	53.00	954.00
1.00	DUMP	Dump Fee	45.00	45.00
			Total Invoice Amount	\$999.00

Check No: vc 5/5/15

Payment Received
TOTAL

We accept VISA and MASTERCARD (up to \$3K)

(A 3% surcharge will be added to unpaid balances over 30 days)



Phil Mastroianni Corp.
LANDSCAPE CONSTRUCTION

17 FOUNTAIN STREET, WALTHAM, MA 02453-4138
TEL: (617) 527-8445 FAX: (617) 527 2872
www.philmastroiannicorp.com
EST. 1976



Invoice Number:
26863

Invoice Date:
4/27/15

Page:
1

Sold To:

Work Site:

West Newton Property

Customer ID	Customer PO	Payment Terms	
	Acct # 109	Net Due	
Sales Person		Due Date	
MASTROIANNI		4/27/15	
Quantity	Description	Unit Price	Extension
21.00	SC Spring Cleanup consists of raking lawn & bed areas; thatching; edging the beds & removal of all debris, using a 5 man crew.	53.00	1,113.00
1.00	DUMP Dump Fee	40.00	40.00
	Thank you!		
		Total Invoice Amount	\$1,153.00

Check No. 9177

Payment Received
TOTAL

We accept VISA and MASTERCARD (up to \$3K)

(Late charges) will be added to unpaid balance over 30 days



Phil Mastroianni Corp.
 LANDSCAPE CONSTRUCTION
 SCA

17 FOUNTAIN STREET, WALTHAM, MA 02453-4138
 TEL. (617) 527-8445 FAX (617) 527-2872
 www.philmastroiannicorp.com
 EST. 1976

invoice

Invoice Number :
 26932
 Invoice Date :
 5/4/15
 Page :
 1

Sold To :

Work Site:

West Newton Property

Customer ID		Customer PO		Payment Terms	
		Acct # 211		Net Due	
Sales Person				Due Date	
MASTROIANNI				5/4/15	
Quantity	ITEM	Description	Unit Price	Extension	
12.00	SC	Spring Cleanup consists of raking lawn & bed areas; thatching; edging the beds & removal of all debris, using a 5 man crew on 4/27/15.	53.00	636.00	
1.00	DUMP	Dump Fee	45.00	45.00	
		Thank you!			
			Total Invoice Amount	\$681.00	

Check No : EFT
 6/29/15

Payment Received
TOTAL

We accept VISA and MASTERCARD (up to \$3K)

(Late charges) will be added to unpaid balance over 30 days