

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

WEDNESDAY, JANUARY 22, 2014

Present: Ald. Rice (Acting Chairman), Sangiolo, Baker, Kalis, Hess-Mahan, Blazar, Leary and Norton

Also present: Ald. Danberg

Others Present: Karyn Dean (Committee Clerk)

#399-13 ALD. LINSKY, HESS-MAHAN, ALBRIGHT, CROSSLEY, DANBERG, BLAZAR, LAREDO & SCHWARTZ requesting to re-charge a task force to devise recommendations as to best practices and/or potential regulatory approaches to achieve improvements regarding the use of leaf blowers in the City of Newton.
[10/28/13 @ 7:01 PM]

ACTION: **HELD 7-0 (Ald. Norton not voting)**

NOTE: Ald. Hess-Mahan explained that this item was re-docketed at former alderman Linsky's suggestion. The original task force that was formed a couple of years ago received plenty of interest from citizens who wanted to participate. However, the Resolution stated that the task force also require representatives from a landscaping company, an educational institution, and from one of the golf courses. There was no interest from any of those constituencies to join the task force so it could not be formed. Placing limits on leaf blowers came to a vote on a proposed regulation a number of years ago but did not pass the full board although the vote was fairly close. It was sent back to Committee and that is where the idea of a task force originated.

Ald. Hess-Mahan has been approached by many members of the community who would like to see a task force formed to address the problems that have been arising from the use of leaf blowers. This time around, he felt there could be some active recruitment of people and he has had discussions with representatives from golf courses and educational institutions. He also feels they could find at least one landscaper this time to participate in the process.

Some Committee members asked if this new task force would have the same participant requirements. Ald. Hess-Mahan said he would try to get all the same constituencies involved, but if any group refused to participate, they would like to move ahead nonetheless. What happened in the past was that groups who were not in favor of discussing this issue just refused to participate and it put veto power in their hands. He did not want this to stall again and he felt that if people knew it would continue even without their input, they would come to the table. The Programs & Services Committee and the President of the Board would appoint the members. Ald. Hess-Mahan would be working with the City Clerk and making plans to advertise in The Tab. Green Decade would also be working on recruiting as well through their

newsletter and other means they have at their disposal. Ald. Hess-Mahan has been contacting the legal representatives of all the golf courses to get them interested and there are some landscaping firms that have shown interest in participating. Some private organizations are also working on this, so he has confidence the task force will come together. He has been working on this issue since 2004 and knows so many of the stakeholders. He will work very hard to get as many as possible.

The timeline on this will be at least a couple of months once the task force is formed. Ald. Hess-Mahan noted that other communities that have enacted bans instituted postponed effective dates in order to allow companies to change their practices. Any ban that may come out of this process in Newton would not likely be in effect this season, but more likely next year. The City departments would have to be involved in these discussions as they do landscaping on city properties.

Community Comment

Several members of the community attended the meeting and spoke to their concern regarding the use of leaf blowers. Included in these concerns were excessive noise in and outside their homes that ruined their ability to work, talk on the phone, sleep, and enjoy their outside spaces. There were also concerns about hearing damage due the extremely high decibel levels of the leafblowers, especially when more than one was being operated at the same time. The issue of toxic particulates flying into the air and into homes and cars was also mentioned, as well as the problems caused to allergy sufferers. Several residents explained that they have had to leave their homes when the noise became too loud. Residents were worried about the damage to children's sensitive ears. Ald. Hess-Mahan explained that there is a noise ordinance that limits the dB level of landscaping machinery. However, the police have very few dB meters and often by the time they respond, the landscapers have left or turned off their equipment.

Another area of concern was that when they approach landscapers they refuse to stop using them and they also blow debris onto their properties and then refuse to remedy the situation. Landscapers are also blowing debris into the streets and causing safety hazards to cars driving by, as well as to children who are forced to walk in the street to avoid them. Residents reported that some neighbors are using leaf blowers on a daily basis all year long, not to mention the landscaping companies that come into neighborhoods every day in succession. They report they have tried to speak to their neighbors who use the landscaping companies but have not been received well. Those neighbors complain that prices will go up if the companies don't use leaf blowers.

Suggestions from residents included at the very least a summer time ban as is instituted in the Town of Brookline. It was suggested that a vacuum should be used to collect clippings and not leaf blowers.

Some Committee members asked that the community stay involved in this issue. When this came before the Board a few years ago, landscapers showed up in huge numbers to oppose this idea and that's what the Board saw. The Board would need to see that residents are in favor of some limits and they would need to show up through the whole process in order to give this a chance of passing.

Ald. Hess-Mahan asked the Committee to hold this item so that he may have some time to recruit members of the task force. He will bring this back to Committee as soon as possible.

The Committee voted to hold this item.

#254-12(2) THE PROGRAMS & SERVICES COMMITTEE recommending an ordinance to ban single-use plastic bags at certain retail establishments in the City of Newton.
[01/10/14 @ 3:36 PM]

ACTION: **HELD 7-0 (Ald. Norton not voting)**

NOTE: Ald. Hess-Mahan explained that this item was docketed by the Programs & Services Committee. The original item considered a fee on the use of plastic bags and paper bags and the discussion led to an overwhelming sentiment in Committee that a ban for plastic would be more desirable. A second item was docketed to discuss a fee for paper bags, but the plastic bag ban was the focus at this point.

The draft ordinance from the City of Cambridge was included with the agenda for review by the Committee. It was noted that the Brookline ordinance was not used as a template because they made an exemption for “compostable” plastic bags. It was explained that the last meeting that “compostable” bags are not actually compostable. They simply degrade into much smaller pieces than the typical plastic bag and find their way in the water supply and food supply. This Committee felt they would not want to include that exemption.

The **Definitions, Requirements** and **Effective Date** in the Cambridge draft would be consistent with what Newton would be asking for.

Some Committee members asked why dry-cleaning bags were specifically exempt from the “check-out bags” definition. It was thought that the single-use bags used at grocery check outs are the ones that end up flying around on the street, collect in trees and at the side of waterways. The dry cleaning bags generally go into someone’s house and are not see in the environment. Also the volume is much higher on the grocery check-out bags than dry-cleaner bags.

The Cambridge draft ordinance does allow three **Exemptions**.

1. When there are no reasonable alternatives
2. When situations unique to a particular retail establishment such that compliance with the ordinance would deprive a person of a legally protected right
3. To allow some time to draw down on existing inventory of single-use bags

The Committee would like to hear some examples of what the first two exemptions might include. It was thought that wrapping fish might be one of the situations where there are no reasonable alternatives, but Ald. Hess-Mahan was going to look into that as he was skeptical. Medical Marijuana Dispensaries may require by law certain types of packaging and that could be an example of the first and second exemptions. Again, members of the Committee would do some research to determine if that would be a problem. Smaller establishments would more likely be asking for a longer period of time to draw down their stock as their margins are smaller

than with the larger chain stores. It was explained that the burden would be upon the retail establishment to make their case for any one of these exemptions. The alternative would be to make no exemptions whatsoever which is also a good option. Ald. Leary said she was in touch with the DPW contact and the Director of Recycling in Cambridge to get some more background on their process in composing their draft.

The **Enforcement** section for Cambridge designates DPW, Licensing, ISD and the Health Department as the enforcing persons. The Brookline ordinance designated the Health Department. That would need to be determined for Newton. Ald. Hess-Mahan felt that the Health Department would be the logical enforcement agency for Newton since they do Licensing as well.

Follow Up

The issues that need to be determined are whether to have any exemptions at all, or to determine what they might be; and to determine the enforcing agency. Because there is a fine involved, this item will have to be referred to the Finance Committee as well once the fine is determined. Ald. Hess-Mahan will need to discuss and review all of this with Law Department. A public meeting will also be scheduled to get input from retailers and residents. It was also mentioned by a Green Decade member that a large educational component is needed to create a new cultural norm around not using these types of environmentally damaging products and proper disposal of recyclable and non-recyclable items.

The Committee would like to see this item come back to Committee on March 5th. The Committee voted to hold this item.

Respectfully Submitted,

John Rice, Acting Chair