

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY FEBRUARY 22, 2012

Present: Ald. Sangiolo (Chairman), Blazar, Hess-Mahan, Linsky, Merrill, Baker

Absent: Ald. Fischman, Rice

City Staff: John Lojek (Commissioner, Inspectional Services Department), Josh Morse (Public Buildings, Director of Operations)

Appointment by His Honor the Mayor:

#30-12        NAZIK KAZIMI, 16 Manemet Road, Newton Centre appointed as a member of the Human Rights Commission for a term of office to expire on January 1, 2015 (60 days 03/06/12). [01/30/2012 @ 4:34PM]

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

**NOTE:**        Items #30-12 and #32-12 were discussed together. Nazik Kazimi and Diane Chilingierian joined the committee. Both women currently serve on the Advisory Council for the Human Rights Commission. Ms. Kazimi is an Arab American and a Muslim. She shared that she provides a different set of eyes in a community where people with her background are not as prevalent. She would enjoy continuing as a full member of the Human Rights Commission.

Ms. Chilingierian is Armenian-American and a descendant of genocide survivors. She shared with the committee that she grew up in a place where she was different and because of that felt as though she was not a part of what was going on around her. Because of these experiences she feels she has a keen sense of recognizing people who may feel left out of things and understands what it feels like to be discriminated against. Ms. Chilingierian is currently a member of a PTO and is a METCO advisor. She works as a social worker at an outpatient mental health center and is trained in group skills and process.

Ald. Linsky inquired as to what the commission could do to improve their function. Ms. Kazimi explained that there is much misunderstanding and misinformation when it comes to human rights. Educational programs have been a big part of how the commission works with the public and those should continue. Ms. Chilingierian shared that the Commission has some issues communicating amongst themselves which needs to improve. Ald. Linsky commented that often the commission has charged issues which can make it very challenging. He suggested that they look at the area of civil discourse and how to address areas that are difficult to discuss as ways to manage communication within the group. He shared that there are a lot of resources in the area.

Ald. Merrill moved approval of the item which carried unanimously.

Appointment by His Honor the Mayor:

#32-12 DIANE CHILINGERIAN appointed as a member of the Human Rights Commission for a term of office to expire January 1, 2015 (60 days 03/06/12). [01/30/2012 @ 4:34PM]

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

**NOTE:** See note for item #30-12

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

#367-10 HIS HONOR THE MAYOR requesting authorization to appropriate an amount not to exceed five million dollars (\$5,000,000) from bonded indebtedness for the following:  
(B) installation of up to six modular classrooms at five elementary schools as well as the addition of permanent classrooms and renovations to the core of F.A. Day Middle School. [11/29/10 @ 3:23 PM]  
(A) \$75,000 for site plan work for 1 modular at Horace Mann, 2 at Zervas, and 1 at Burr was approved on December 20, 2010.  
(B1) \$923,375 for installation of 4 modulares was approved on July 11, 2011  
(B2A) \$86,545 for additional expenses related to the construction and installation of modular was approved on November 21, 2011.  
(B2B) \$102,117 for design of sprinkler systems at three elementary schools was approved on November 21, 2011.  
(B2C) Six hundred forty-three thousand five hundred dollars (\$643,500) of the remaining \$3,812,963 for the design and other related expenses associated with the building renovations to F.A. Day Middle School was approved on December 19, 2011.  
**#367-10(B2)** – \$3,169,463 (remaining balance) for renovations to the core of F.A. Day Middle School and sprinkler systems was held on December 19, 2011.

***NOTE: Item amended as shown below to reflect the following requests for funding from the remaining \$3,169,463:***

**#367-10(B2D)** – One million four hundred seventy-four thousand one hundred ninety-four dollars (\$1,474,194) of the remaining \$3,169,463 for the purpose of funding construction, construction administration and related expenses for the sprinkler system installations at the Burr, Zervas, and Horace-Mann Elementary Schools.

**APPROVED BY PUBLIC FACILITIES 7-0 on 02/22/2012**

**ACTION:** **APPROVED 3-0-3 (Ald. Linsky, Blazar, Sangiolo abstaining)**

**NOTE:** For the details on this please refer to the Public Facilities Committee Report..

#329-05(3) ALD. YATES requesting a discussion relative to amending the noise control ordinance to (A) prohibit the cumulative noise level from multiple pieces of equipment operating simultaneously on the same site to exceed

the maximum noise levels allowed when measured at the nearest lot line and (B) to eliminate various exemptions in residential districts.

**ACTION:** **HELD 5-0 (Ald. Baker not voting)**

**NOTE:** Ald. Yates directed the committee's attention to the red-lined version of the ordinance (attached) which shows his intended changes. Ald. Sangiolo shared that Atty. Lawlor, in her review of Ald. Yates proposal, took no issue with how this would be incorporated into the ordinance but did question how enforcement would take place. To address this, the committee welcomed ISD Commissioner, John Lojek, to the table. Commissioner Lojek explained that this would be an enforcement nightmare, similar to what currently goes on. The difference here though is that if you ask for a change to quieter equipment, then the effectiveness of the equipment may also go down, driving down efficiency and therefore increasing construction costs.

Enforcement of the noise ordinance was discussed. Enforcement is said to be an issue because landscapers turn off the machines as soon as the police come and turn them on again as soon as they pull away.

It was concluded by the committee that this change, and how it would affect building costs, would create concern in the community. The committee determined that before anything is decided that it would be beneficial to have a meeting where public comment would be accepted. This meeting will likely be the second meeting in March but could also be pushed into April.

The motion to hold was made which carried unanimously.

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

#422-06(2) **ALD. HESS-MAHAN** requesting that a task force be established to meet and prepare a report and recommendations regarding the regulation of noise, air pollution and best practices with respect to the operation of power equipment used in landscaping, property and yard maintenance, including, without limitation, leaf blowers. [01/27/09 @ 3:47 PM]

**ACTION:** **HELD 6-0**

**NOTE:** Ald. Hess-Mahan discussed this item with the committee. He began by briefly going over the memo he drafted outlining what has been done in other communities. For details on this please see the attached document. He explained that he believes the most important thing is to get stakeholders and residents to identify the problem and how it can be addressed, and what the landscapers are willing to do to resolve it. Additionally it would be a benefit to have city stakeholders involved, like the Police, to enforce it. The Department of Public Health, Parks and Recreation, Public Works, and Inspectional Services should also be consulted about this.

Ald. Hess-Mahan shared with the committee that he sees modeling this task force as a hybrid between what other communities, like Cambridge, have done and what Newton had done with the off-leash task force. He further noted that Brookline recently enacted restrictions against leaf blowers and Wellesley and Belmont are now considering this as well. He sees one option as perhaps requiring landscapers to use equipment that meets certain requirements for noise and is OSHA compliant which would cut down on much of the ailments for residents and workers.

The breakdown of task force members is the factor that needs to be determined. Understanding how to measure noise is also important. Whether this task force would

then advise this committee or whether another model is preferable is also to be decided, but the greatest concern as seen from Ald. Hess-Mahan is making sure that there is enough diversity and balance within the task force to allow for a variety of constructive input.

Ald. Baker shared his hopes that something will come out of this that is effective; he also suggested such educational efforts as distributing the noise ordinance to those who come in for a building permit. Ald. Hess-Mahan agreed that the goal is to have something come out of this which can be enforced. In a similar vein, it is concerning to some members of the committee that there is little enforcement of the noise ordinance and would like to discuss the issue with the Police Department to work through this dilemma.

Ald. Hess-Mahan offered to draft up a resolution for the next meeting so that the committee members can have something to mark up with their thoughts. He will have this for the March 7<sup>th</sup> meeting. The motion to hold was made, which carried unanimously.

Respectfully Submitted,

Amy Sangiolo, Chairman

Nazik D. Kazimi

To Whom It May Concern:

I have been a resident of Newton, Ma. for over 30 years and my interest in serving on the Human Rights Commission comes out of my passion for justice, international understanding and caring about people.

Being fortunate to travel to many parts of the world, I have been able to witness different cultures, which I feel has given me a broader appreciation for the world around us.

Serving on various boards of local Arab and Islamic organizations, being part of the Host Family program at M.I.T., volunteering with in-coming refugees from Iraq, and helping with burn victims brought to the Shriner's hospital has further strengthened my desire to help make our community a better place to live.

**DIANNE CHILINGERIAN, LCSW**

**EDUCATION**

**Boston College Graduate School of Social Work**  
MSW, Clinical Health/Mental Health, 2009  
Graduated with highest honors

**Wheelock College Graduate School of Education**  
M.S. in Human Development, 1997  
Certified teacher K-6

**Tufts University**  
B.A. in Social Psychology, Minor in English, 1977

**SOCIAL WORK EXPERIENCE**

**Riverside Outpatient Center, Norwood, MA, 2009-present**  
*Clinical Social Worker*

- Provide individual and family therapy for adults
- Collaborate with psychiatrists, social workers, and outside treatment planners

**Riverside Outpatient Center, Norwood, MA, 2008-2009**  
*Social Work Intern*

- Provided individual and family therapy for adults and children
- Collaborated with psychiatrists, social workers, and outside treatment planners
- Co-led a support group for clients with schizophrenia

**Lexington High School Multidisciplinary Support Team, Lexington, MA, 2007-2008**  
*Social Work Intern*

- Provided individual counseling for high school students
- Co-led weekly DBT Skills Training group
- Collaborated with team of psychologists, social workers, and teachers

**TEACHING EXPERIENCE**

**Self-employed 2000-2007**  
*English Tutor*

- Tutored high school students in writing development, composition, and grammar

**Newton Public Schools, Newton, MA, 1998-2000**  
*Substitute Teacher*

- Taught grades 1-8

**International School, Fontainebleau, France, 1997-1998**

*Assistant Teacher*

- Taught weekly class in English for bilingual students, grades 1-4

**Newton Public Schools, Newton, MA, 1996-1997**

*Reading Teacher*

- Taught reading to students with developmental delay
- Earned Orton-Gillingham certification

**EDITING/WRITING EXPERIENCE**

**National Association of Purchasing Management, Oradell, NJ, 1981-1997**

*Managing Editor*

- Edited and supervised production of International Journal of Purchasing Management

**Temple, Barker & Sloane, Lexington, MA, 1983-1985**

*Editor*

- Edited and supervised production of reports for strategic management consulting firm
- Wrote articles for company newsletter

**National Association of Purchasing Management, Oradell, NJ, 1981-1982**

*Publications Manager*

- Edited and supervised production of Report on Business and International Journal of Purchasing Management
- Wrote and produced all press releases
- Managed budget and staff of outside writers, editors, and printers

**Prentice Hall, Englewood Cliffs, NJ, 1978-1981**

*Production Editor*

- Organized and supervised production of college textbooks in the social sciences
- Copy edited college textbooks

**ADDITIONAL PROFESSIONAL EXPERIENCE**

**In the Moment, Natick MA, 2000-2005**

*Business and Public Relations Manager/Performer*

- Searched for performance opportunities, promoted via newspaper and radio, and performed with a cappella singing group
- Negotiated fees and contracts, coordinated performance logistics

**European Health Leadership Program, Insead, Fontainebleau, France, 2009**

*Graduate of 2-week intensive training program in health leadership*

**COMMISSIONS, BOARDS, & VOLUNTEER EXPERIENCE**

Newton Human Rights Commission, Advisory Council, 2005-present

Massachusetts Board of Bar Overseers, Hearing Committee Member, 2005-2009

Newton Public Schools: PTO President 1995-1996; Teacher Appreciation Committee, 1995-2005

Boston Children's Theatre, Member of the Corporation, 2004-present; Board of Trustees, 1994-2001

Armenian Memorial church, Sunday School Superintendent and Teacher, Deacons Chair,  
Music Committee Member, 1994-2005  
City of Newton, Girls' Softball Coach, 1993-1999



## 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 therefor 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.

*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:
  - (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 and](#) noise sources:

*Maximum noise level dB(A) permitted:*

(1) *Vehicles*

Vehicle Class	Stationary or Moving
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 equipment.~~*

Maximum noise level dB(A) permitted:

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.

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*

(i) 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

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.

~~(ii) Transition period. Notwithstanding the maximum maintenance equipment noise levels listed in subsection (3)(i), maximum noise levels dB(A) for all yard, garden, or grounds maintenance equipment, excluding commercial chippers and vacuums shall be as follows:~~

~~1. Maximum noise level dB(A) permitted up to two (2) years after effective date of this Section:~~

<del>a) Home tractor, leaf blower .....</del>	<del>80</del>
<del>b) Lawn mower or trimmer.....</del>	<del>75</del>

~~2. Maximum noise level dB(A) permitted from two (2) years to four (4) years after effective date of this section, all equipment..... 70~~

~~(4) *Maximum Noise Level Exclusions.* The following devices shall be exempt from the maximum noise limitations set forth in subsection (g)(2): jack hammers, pavement breakers; pile drivers, rock drills, provided that effective noise barriers are used to shield nearby areas from a condition of noise pollution. The time limitations contained in subsection (f)(2) shall still apply.~~

~~(54) *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).~~

~~(65) *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).~~

~~(76) *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.~~

~~(87) 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.~~

~~(h) *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.

(i) *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).

(l) *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)

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



# Memorandum

To: Programs & Services Committee  
From: Alderman Ted Hess-Mahan  
Re: #422-06(2) Leaf Blower Task Force  
Date: February 17, 2012

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During the previous discuss of this item at the January 18, 2012 meeting, via a straw vote, the Committee voted in favor of moving forward with the effort to establish a task force to meet and prepare a report and recommendations regarding the regulation of noise, air pollution and best practices with respect to the operation of power equipment used in landscaping, property and yard maintenance, including, without limitation, leaf blowers. The Committee also voted to hold the item in order to discuss a more detailed proposal for how to go about creating a task force, the charge and composition of the task force, as well as the appointing authority. The following proposal is based on my research concerning the establishment of task forces in other communities that have considered and/or adopted similarly legislation, as well as several discussions with the Law Department.

## Background

The leaf blower was invented in the early 1970s and introduced to the United States as a lawn and garden maintenance tool. Drought conditions in California and elsewhere facilitated the acceptance of the leaf blower as the use of water for many garden clean-up tasks was prohibited by state, county and local governments. By 1990, annual sales were over 800,000 nationwide, and hand-held leaf blowers had become a ubiquitous property maintenance implement. According to the Outdoor Power Equipment Institute, an international trade association representing the \$15 billion landscape, lawn and garden, forestry, and utility manufacturing industry, nationwide sales have continued to increase to nearly 2 million gas-powered leaf blowers and over 5 million gas-powered lawn trimmers in 2010.

Beginning in the mid-1970s, communities in a number of states have adopted legislation to regulate the noise and air pollution associated with leaf blowers and other landscaping and yard maintenance equipment, in particular, New York and California, which have a significant number of greater metropolitan areas that fail to meet minimum standards for air quality set by the United States Department of Environmental Protection. In Massachusetts, two nearby communities, Brookline and Cambridge, have recently adopted ordinances which restrict or ban the use of leaf blowers during certain times of the year, and many other communities, including Newton, have adopted noise ordinances that restrict the times when

leaf blowers and other power equipment can be used during weekdays and on weekends. Wellesley is also considering adoption of a by law to restrict their use.

The issues usually raised in objection to the use of leaf blowers and other landscaping equipment are adverse health and environmental impacts from noise, air pollution, and dust. In order to address these health and environmental concerns, various state, county and municipal governments have prepared reports in order to make recommendation for the adoption or amendment of laws, ordinances and regulations for their use. The major findings of each report are quite similar: leaf blowers produce exhaust emissions, re-suspend dust, and generate high noise levels. Recommendations, on the other hand, vary widely and may include limits on the time and manner of operation, licensing of equipment to ensure compliance with noise and environmental standards, seasonal bans and/or outright bans on the use of gas-powered leaf blowers and other landscaping equipment.

The study and assessment of health and environmental impacts and preparation of reports and recommendations for legislation to regulate the use of leaf blowers and other landscaping equipment has been performed by a variety of governmental agencies, committees and task forces. By way of example:

- In 1999, the Orange County Grand Jury, which is required by California state law to impanel a body of 19 to 23 members with a mandate to investigate and report on various criminal and civil matters, assessed the health hazards from air and noise pollution caused by gas-powered leaf blowers and issued a report and recommendations recommending actions by municipalities to reduce such health hazards and improve the quality of life in Orange County.
- In 2000, pursuant to a resolution adopted by the California Legislature, the professional staff of the California Environmental Protection Agency Air Resources Board, prepared a Report on the Potential Health and Environmental Impacts of Leaf Blowers “to summarize for the California Legislature existing data on health and environmental impacts of leaf blowers, to identify relevant questions not answered in the literature, and suggest areas for future research.”
- In 2001, in Toronto, Ontario, professional staff of the Board of Health prepared a report from a public health perspective on noise and air pollutant emissions from leaf blowers; an acceptable noise level for leaf blowers and other lawn/garden equipment; whether a leaf blower by-law or ban is justified based on health concerns; and by-laws and bans in major cities in North America that restrict leaf blower use.
- In 2006, the City of Cambridge, Massachusetts created a Leaf Blower Advisory Committee (“LBAC”) comprised of Cambridge residents, and representatives of businesses and institutions to assist city staff review the city ordinances and make recommendations regarding the use of leaf blowers. In 2007, the Cambridge City



Council ultimately adopted certain noise restrictions and a seasonal ban on the use of gas-powered leaf blowers within city limits.

- In 2007, the City of Yonkers New York created a Green Policy Task Force, which, among other things, recommended the adoption of leaf blower regulations and a seasonal ban that was adopted by the Yonkers City Council.
- In 2011, in Brookline, a group of town residents sponsored a warrant article to amend the noise bylaws regulating leaf blowers to establish a seasonal ban with exemptions for the town Department of Public Works and owners of properties containing more than 5 acres, which was ultimately adopted by town meeting members at a Special Town Meeting. There was no formal governmental agency, committee or task force established to study the impacts and make recommendations, although the article was reviewed by the Board of Selectmen and an Advisory Committee.

### **Proposed Task Force**

The proposed task force would be created by a resolution, modeled along the lines of Resolution #242-03(2), which created the Off-Leash Dog Park Task Force. The following proposal adapts various elements of the task forces created by the City of Yonkers, New York and the City of Cambridge, Massachusetts, which I concluded were most analogous to the City of Newton, and also incorporates some additional elements that are intended to address local factors unique to Newton and its municipal government. I have attached some background materials which I hope will be helpful to the members of the Committee.

### **Task Force Charge**

Docket Item #422-06(2) reads as follows:

ALD. HESS-MAHAN requesting that a task force be established to meet and prepare a report and recommendations regarding the regulation of noise, air pollution and best practices with respect to the operation of power equipment used in landscaping, property and yard maintenance, including, without limitation, leaf blowers.

In addition to the above charge, based on the experience of the Cambridge LBAC, I would suggest that the task force specifically be asked to review and evaluate research provided by various sources on the health and environmental impacts from noise, pollution and dust caused by the use of leaf blowers and other landscaping equipment, various approaches to regulating the use thereof including ordinances and by-laws adopted by other municipalities, complaints and concerns of Newton residents, and the financial and operational impacts of various regulatory schemes, including enforcement challenges.

### Task Force Members

Based on examples from Newton and other municipalities, the composition of the task force should include community volunteers and one or more aldermen representing the various wards of the City, representatives of landscaping businesses and institutions in the City that use leaf blowers and other landscaping equipment for property maintenance, and city personnel from various departments, with relevant interests, backgrounds or expertise to advise the Programs & Services Committee regarding the health and environmental impacts of the use of leaf blowers and other landscaping equipment and make recommendations for regulating their use. The task force should also include stakeholders, who would receive either the benefit or the burden of an ordinance further regulating or restricting the use of leaf blowers and other landscaping equipment, as well as the enforcement of such provisions. The proposed task force would include residents, representatives of businesses and institutions in Newton and one aldermen, appointed by members of the Programs and Services Committee, and designees from various City departments appointed by the Mayor, to be chaired by the alderman appointee.

The City of Yonkers' Green Policy Task Force is comprised of seven community volunteers, each appointed by a City Council member, and a representative selected by the city administration. Green Policy Task Force members compile research on and submit potential "green" initiatives to the city council, work on environmental quality-of-life improvements for the Yonkers community, apply for and administer environmental grants, define public health issues for the city, and foster educational outreach for Yonkers students and the community-at-large. The original appointees to the task force represent varying backgrounds and expertise, as detailed in the Yonkers Green Policy Task Force newsletter attached hereto. The task force members include environmental advocates, community activists, and members with experience and/or expertise in construction and installation of energy efficient products, solar and renewable energy, chemical engineering, conservation, writing grant applications for environmental initiatives and environmental education.

The Cambridge Leaf Blower Advisory Committee was asked "to evaluate research provided by various sources, review possible restrictions on the use of leaf blowers and discuss the pros and cons of eliminating or restricting leaf blowers" and make recommendation through the City Manager to the City Council. Initially, the LBAC was to include three residents, one business representative and one institutional member to work with City staff on this process. The membership of the LBAC, however, was subsequently expanded to include four residents, a representative from an equipment manufacturer, representatives from the MIT and Harvard Facilities Departments, a representative from a Cambridge landscaping firm, and departmental representatives from the City Manager's Office and the Public Health, Public Works, Emergency Communications, Licensing, Police, Inspectional Services and Law Departments.

In Newton, the Board of Aldermen has created various task forces over the years to advise the Board. The following are recent examples:

- The Zoning Task Force (“ZTF”), which I chaired, was created to recommend amendments to certain zoning ordinances containing ambiguities or inconsistencies. The ZTF was comprised of aldermen from the Zoning and Planning and Land Use committees, and community volunteers including land use attorneys, homeowners, architects, realtors, developers, builders, planners, and advocates for affordable housing and historic preservation, who were assisted by city personnel from the Planning and Inspectional Services departments.
- The Off-Leash Dog Park Task Force was created “to study whether and how the existing dog leash law should be amended, on a trial or other basis, to allow dogs off leash in Newton at certain places, times and environments, and under what conditions, and, if so, the places, times, environments and conditions therefor” in consultation with the Conservation and Parks and Recreation Commissions as well as the School Department. The task force members included 4 residents and 2 aldermen representing various wards appointed by the President of the Board, 1 member of the Conservation Commission designated by the commission, 1 member of the Parks and Recreation Commission designated by the commission, and an Animal Control Officer designated by the Chief of Police.
- The Zoning Reform Group (“ZRG”) was appointed by the Mayor and the Board President in consultation with the leadership of the Land Use and Zoning & Planning Committees, for the purpose of developing a plan to reform Newton’s zoning code. Responsibilities of the ZRG included, without limitation, determining long and short term objectives, identifying funding options, researching best practices of communities that have undergone zoning reform and identifying potential resources to assist in the process. The ZRG was chaired by Alderman Crossley and included a city planner, land use attorneys, an architect, a builder, and a retired Land Court judge, and was staffed by senior planners from the Planning Department.

Based on the proposed charge, I would propose that the task force be comprised of the following:

- Four (4) or eight (8) residents, representing the various wards of the City, and appointed by either the Programs and Services Committee or the President of the Board, based on recommendations from aldermen in the wards represented. Four residents could represent, for example, Wards 1-2, Wards 3-4, Wards 5-6 and Ward 7-8. Eight residents could each represent one Ward. To the extent possible, residents should include interest, experience or expertise including health care and environmental policy, having a home office or other home business (e.g., family day care), owning rental property(ies), recreation, conservation or other related field. In

order to maintain balance between residents and other appointees, I would recommend including eight residents from the various wards.

- One or more aldermen, representing various wards of the City. For example, one alderman could represent Wards 1-4 and one alderman could represent Wards 5-8.
- One representative from a landscaping firm in the City, appointed by the committee or the Board President, based on recommendations from aldermen.
- One representative from an institution (e.g., Boston College, Lasell College, Mount Ida College), which owns substantial land and uses leaf blowers and other landscaping equipment to maintain their property, appointed by the committee or the Board President, based on recommendations from aldermen.
- One representative from one of the public or private golf courses in the City, appointed by the committee or the Board President, based on recommendations from aldermen.
- One representative of the Police Department, appointed by the Mayor.
- One representative of the Parks and Recreation Department, appointed by the Mayor.
- One representative of the Department of Public Works, appointed by the Mayor.
- One representative of the Department of Health, appointed by the Mayor.
- One representative of the Law Department, appointed by the Mayor.

### **Appointing Authority**

I consulted Associate City Solicitor Ouida Young, who advised me that the Board can designate the appointing authority for members of the task force in the resolution, including the Mayor, President of the Board and/or a committee of the Board. Since the task force will be primarily advising the Programs and Services Committee, I would propose that the residents and representatives of landscaping businesses and institutions be appointed by the committee, based on recommendation from aldermen. In the alternative, the community volunteers could be appointed by the President of the Board, based on recommendations from aldermen. The Mayor would designate representatives from the various city departments. All appointments would be referred to the Programs and Services Committee.

# Green Policy Task Force



## City of Yonkers Green Policy Task Force

The City Council created the Green Policy Task Force (GPTF) on Earth Day 2007. The Task Force is comprised of seven community volunteers, each appointed by a City Council member, and a representative selected by the city administration. The City Council mandate to the Task Force is that it provide advice on issues that have an impact on the health of Yonkers residents, on the conservation of the city's resources, and on the overall health of the environment in which Yonkers residents live and work.

Green Policy Task Force members compile research on and submit potential "green" legislative initiatives to the City Council; work on environmental quality-of-life improvements for the Yonkers community; apply for and administer environmental grants; define public health issues for the city; and foster educational outreach for Yonkers students and the community-at-large.

The GPTF holds public meetings at City Hall (4th Floor Conference Room) at 6:30 p.m. on the third Wednesday of every month. Please check the city's website to confirm meetings.

The GPTF also publishes a monthly e-newsletter to keep the Yonkers public informed about current environmental affairs. [Click here to subscribe.](#) [Click here for past issues.](#)

## Green Policy Task Force Members

Chairperson: Molly Roffman

City Council President: Chuck Lesnick with Robert Walters

District 1: Majority Leader Patricia McDow with Margaret Setterholm

District 2: Councilmember Wilson Terrero with Nortrud Spero

District 3: Councilmember Joan Gronowski with Robert Hothan

District 4: Councilmember Dennis Shepherd with Terry Joshi

District 5: Minority Leader John Murtagh with Molly Roffman

District 6: Councilmember John Larkin with Mel Goldstein

Mayor's appointee: Open Seat

Coordinator: Laura Farenthold-Pittman, 914-337-6067

Email the Task Force here: [Laura.Farenthold@yonkersny.gov](mailto:Laura.Farenthold@yonkersny.gov)

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## Yonkers Green Policy Task Force News

What We Do  
Bob Walters - Chairman  
Laura Fahrenthold - Coordinator  
Joe D'Lando  
Mel Goldstein  
Terry Joshi  
Loretta Miraglia  
Molly Roffman  
Margaret Setterholm  
Nortrud Wolf Spero  
And the Greenies Winners  
Were...

### Sign Up

[SIGN-UP!](#)

### Quick Links

### Potluck Picnic

Please mark your calendars for 4:30 -7 p.m. on Sunday, June 7 to join green-minded residents for a Potluck Picnic being held at the [Groundworks Science Barge](#) on the Yonkers downtown waterfront.



To RSVP for the free barge tour and picnic, please email [greenies2009@gmail.com](mailto:greenies2009@gmail.com)

Everyone is welcome and asked to please bring a dish to pass. We will provide the supplies.

See you on the waterfront, RAIN or SHINE! We will email you again before the picnic with the alternative covered picnic site.

### What We Do



Welcome to the Yonkers Green Policy Task Force's first edition eblast newsletter. Our goal is provide you with great information and news updates on all green goings-on in Yonkers and its environs.

The GPTF was formed on Earth Day, 2007 and is comprised of seven deeply-devoted community



volunteers who were each appointed by a city council member.

The Task Force members research and submit potential "green" legislative initiatives to the City Council; work on potential quality-of-life improvements for the Yonkers community; apply for environmental grants; and foster educational outreach for Yonkers students as well as the community-at-large. They hold public meetings the first and third Wednesdays of each month at City Hall in addition to spending countless hours working toward their goals and policy agendas on their "off" time.

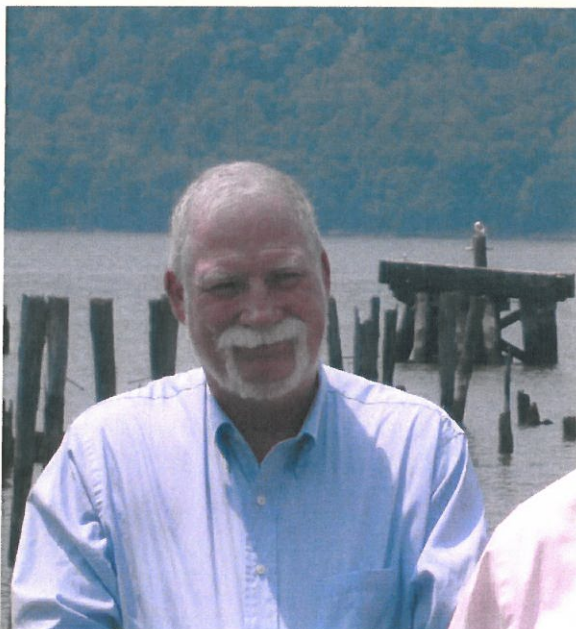
We encourage readers to send us photos (maybe of your first seed vegetable seed sprouts or a sunset); stories (send us the link to a great article you read on green construction, for example, or write one yourself); green postings (freebies, recipes, garage sales, barbers); green event listings; green tips (how to do XYZ); and more to keep the newsletter lively.

Note that the sooner you send in your news, the better chance it has of making it into the eblast on time. Send all ideas and information to [Laura.Fahrenheit@yonkersny.gov](mailto:Laura.Fahrenheit@yonkersny.gov) and note that PDF's (posters, etc.) must be accompanied by an informative word document that outlines the 5 w's (who, what, where, why, when, how) for easy editing and inclusion.

We need to come up with a clever, catchy name for the newsletter. The winner will receive eblast kudos, plus this/her *very own* LED lightbulb, two tickets to the [Museum of Natural History's Climate Change exhibit](#), and maybe even a reusable shopping bag compliments of the GPTF.

Here's who we are:

#### Bob Walters - Chairman



It is only fitting that Bob is chairman of the Green Policy Task Force as well as executive director of the Science Barge for Groundwork Hudson Valley.

As a child growing up in Inwood, Bob's formative years were spent exploring the nearby park and boating off an antique barge/boathouse on the Harlem River, something to which he attributes his life-long environmental passion.

"I was either in the water or on the water for most of my life," says the avid canoeist who once took a 12-day trip from Lake Champlain to the Long Island Sound. "I am happiest when working on and promoting the river."

A true environmental advocate, Bob started



what he hoped would be an alternative energy store selling solar panels, wind turbines, and other energy reduction products in the 70's after Jimmy Carter urged the country to use alternative energy sources.

"Originally I thought I would save the world, but it turned out to be a regular energy efficient window/door installation business," says Bob of the operation he continues running today. "Over the years, our interaction with average homeowners has saved millions of gallons of fossil fuel and made people more aware of their carbon footprint."

While still holding onto hope for residential geothermal installations, Bob has found other ways to forward a green agenda. He helped build the Hudson River Sloop, "The Sojourner Truth"; served as Beczak Environmental Education Center's first Executive Director and acted as a founding board member; wrote a 10-year local newspaper column called "River Notes"; and worked as a tour guide on the Yonkers Water Taxi among many other endeavors.

"More cities and communities need to follow Yonkers' lead in offering citizens a task force like this," he says. "We now have the government's ear and are making great green things happen in Yonkers."

#### Laura Fahrenthold - Coordinator

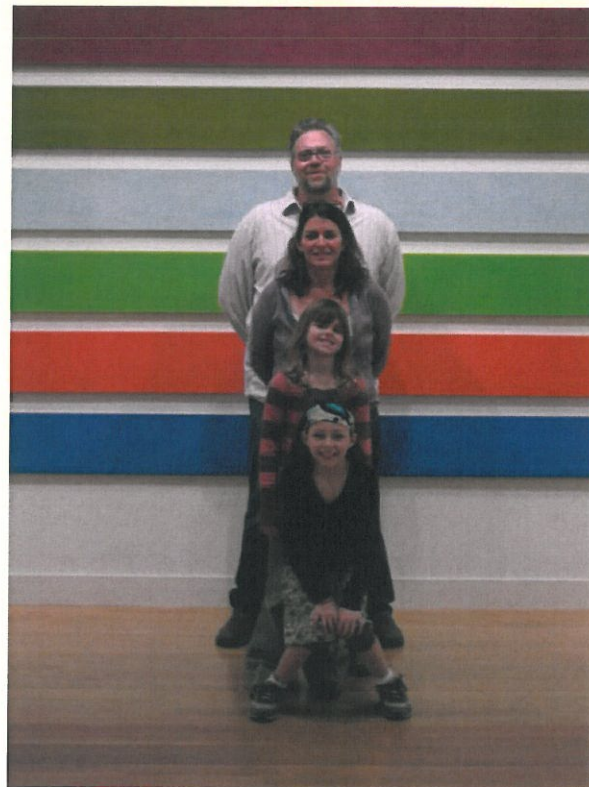
What they lacked in terms of long-term roots in Yonkers, Laura and her husband made up for in community service after moving to Yonkers in 2001.

Wanting to promote Yonkers to others as a great place to live, work and raise a family, the couple produced a major art show called Y.O.H. (Yonkers on Hudson) which attracted more than 1500 visitors on opening weekend in 2005. (The show ran for one month.) Laura then worked for the Yonkers City Council President's office in communications for two years before moving to the position of her passion: Yonkers Green Policy Task Force Coordinator.

After expanding Yonkers April calendar of green events from a week to a month and producing the Greenies environmental awards, she is currently tackling the EPA grant for retrofitting buses and promoting the no-idling law, among other legislative initiatives.

"Laura has become an immediate problem solver with her fresh approach to understanding and promoting our initiatives," says Bob Walters. "We as a task force and the city as a whole are happy to have someone with her talent and tenacity on the force."

Her family enjoys boating/swimming on the Hudson River, greenhouse and ground gardening, skiing, and camping.



#### Joe D'Lando



Looking out his office window, Joe D'Lando can see the fabric of his family's life here in Yonkers, from the house his grandparents moved to from Italy in 1906; his parents home where he was raised and even his own home where he raised his own three children. When he turns slightly to the left, he can see his church and grade school.

"My whole life is outside this window," he says, recalling a time when Yonkers had a true identity as a working class, industrial city and how that has changed over the decades since his father proudly worked at Refined Sugars for 40 years.

This is where his job as the city's Director of Special Projects comes in-- to help Yonkers gain a modern, economic edge through assisting for profit and non-profit developers to invest in the rebuilding of the city's downtown and waterfront.

"We need to reclaim the city by cleaning up the brownfields, designating open space and gaining access back to the river while developing the city for future viability," he says, adding that his position representing the Commissioner of Planning and Development on the Green Policy Task Force is vital to the balance.

He believes the Task Force is fulfilling its mission and looks forward to continuing his service.

"Other communities should look at our model of smart development and cooperation," he says. "I know I will see the changes in my lifetime and that is what's important to me to pass down to the next generation."

### Mel Goldstein

Mel and his wife moved to Yonkers in 1960 and still live in the same house where they raised and educated their three children.

As a retired chemical engineer with many years of working in the construction industry, Mel wanted to lend his expertise and technical knowledge of solar and renewable energy to the city via the Task Force.

"I have been interested in the environment since my early working days," he says. "This is a great opportunity to apply that knowledge to help Yonkers move ahead as the city





changes and develops."

Mel's work with the Task Force helping to craft LEED legislation with the city's legal and legislative resources is something he is especially proud of. As the legislation goes through the process before hopefully becoming adopted by the City Council, he has been trying to identify a grant to replace standard traffic signals with LED lights. While some have been changed out on Central Park Avenue, his goal is to convert even more if not all. He also would like to create a public outreach program to make residents more aware of potential energy and cost savings by turning off unnecessary lights, lowering thermostat temperatures, making home improvements such as re-insulation and/or window and door replacement, and more.

"The more people know, the more they can contribute to the overall goal, which is to reduce our energy needs and to reduce greenhouse gases," he says.

Mel jokes that he had more free time in life when he was working, as opposed to in his retirement. In addition to being a member of the Yonkers Green Policy Task Force and working as a certified boating safety instructor, Mel is active in a number of other organizations including his role as an officer in the United States Power Squadrons. He says his hobbies of photography, boating and stamp collecting have fallen off a bit lately.

"I take the same advice I give out in class, which is to ride the wave," he says.

*Photo: Mel is on the far right.*

#### Terry Joshi



Terry Joshi committed to environmentalism in 1962 after reading Rachel Carson's "Silent Spring."

She believes that each of us can contribute in small but vital ways to preventing and even redressing the decay of our physical environment if we are willing to work hard for effective change at the local level.

She thinks we should all think globally and act locally; work tirelessly for education initiatives that will instill awareness of the enormity of the problem; and fight for legislation that leads us through political change toward sustainable environmental goals that will preserve the remaining quality of world-wide air, water, forests and fields.

"The reality is that without our individual labors on this cause, this planet will not be able to support the human race, much



less the millions of other equally unique and valuable species that inhabit it with us," she says.

Terry's professional life has been primarily as an arts administrator within the realm of music and theatre. She holds a BA in music history and theory and an Arts Administration Certificate from NYU. In addition to her position on the Green Policy Task Force, Terry is the Vice Chairman of the Yonkers Land Conservancy and the President of Yonkers Committee for Smart Development.

### Loretta Miraglia

Loretta grew up in the Bronx and is raising her family in Yonkers, with two children in the public schools.

"Yonkers has such amazing diversity, especially in its student population. You can't find that anywhere else in Westchester," she says.

Loretta's patient exuberance makes her a strong Task Force member, as does her background as a lawyer and mediator. She has already made a big difference through securing, along with fellow Task Force member Molly Roffman, an EPA grant to install pollution control devices on school buses and to create an anti-idling campaign.

"I have always been concerned about the environment, and am especially worried about its impact on future generations," she says. "The task force is an important watchdog for the city."



Her hopes for the future? Loretta would like to see energy efficiency building standards in place before the development boom happens in the downtown.

"We need to be forward-looking in order to compete with other municipalities in the future," she says. "Federal and global environmental requirements are likely going to be implemented in the near term. If Yonkers sticks to the same old construction practices, its new residential and business tax base will be lured away by higher energy- efficient and cost-efficient housing and commercial space that will be coming available in the region under those new requirements."

### Molly Roffman



Molly Roffman and her husband moved to Yonkers in 1995 where she is currently raising two boys and two dogs.

She and fellow GPTF member Loretta Miraglia worked to secure a \$300,000 Environmental Protection Agency (EPA) Clean School Bus Grant to reduce school bus exhaust pollutants by a process called retrofitting and to launch a no-idling initiative that would create exhaust-free school zones over the



past year. They are optimistic that the project will be completed by August.

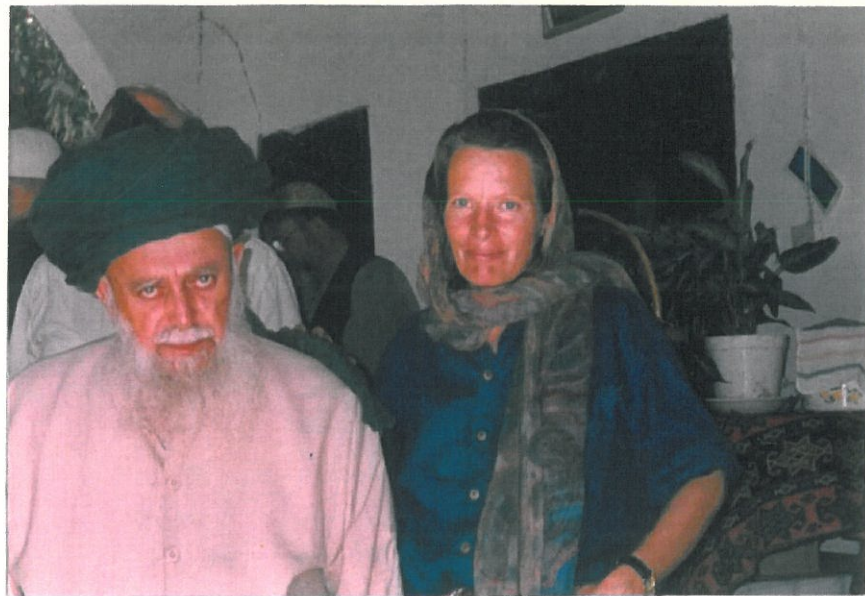
"Every reduction in air contamination is significant to the health of the developing lungs of young children and to the aging lungs of all adults," says Molly who was also instrumental in Yonkers adopting a seasonal ban on gas-powered leaf blowers which runs June 1- September 30 each year.

As a member of the Task Force Recycling Committee, Molly works closely with Ken Greehan of the Yonkers Recycling Center and together were awarded a Coca-Cola/National Recycling Coalition Grant to place 75 beverage recycling bins in Yonkers junior high and high school cafeterias.

"The students have been thrilled to receive the bins," she says. "It's great to see them so enthusiastic to green their schools."

### Margaret Setterholm

Growing up in Southern California, Margaret Setterholm's youth revolved around the sea. Her identical twin, Mary, became a national champion surfer. Her other siblings taught scuba diving. And Margaret's environmental passion landed her at City Hall working as the youth environmental liaison.



"I developed a profound respect and love of nature from that beach," says Margaret.

The family's passion for public service combined with her concern for the environment and the world's poor led Margaret to live most of her adult life overseas in remote villages. Combining her arts and fashion design background with environmentally-friendly practices, she introduced new methods for creative micro enterprises.

This required a working rapport with tribal leaders, whether in South East Asia or in the Middle East. A United Nations Chief of Mission for Refugees called Margaret "resourceful and ingenious," when faced with her challenges to help villagers.

In the late 70's to mid-80's before anyone had ever heard of Barack Obama, Margaret lived in a small Indonesian village at the same time that his mother was there. They met at a fashion show when she bought a batik wrap dress made by one of the village women Margaret had been working with, teaching how to create and sell their handiwork.

"I remember we talked about how frustrating it was to see these poor villagers have to fend for themselves while there was a global market out there that could help stimulate their lives," says Margaret. "Both of us were there trying to help, each in our own way."



Margaret returned to the United States in 2000 to manage a spiritual retreat house located in Yonkers. On her first day here, she walked down to the waterfront and was shocked to see a number of abandoned buildings and cars, litter and rubble. It was then that Margaret became a community activist-once again.

*Photo: Margaret in Cypress with His Holiness, Nazim, of the Naqshbandi Sufi Order.*

### Nortrud Wolf Spero



It's ironic that Nortrud has lived in Yonkers for the past 41 years after never wanting to leave New York City in the first place.

It was her husband's "fault" for putting a down payment on a comfortable house just over the city line with (*this is the clincher*) amazing river views and the Ludlow train station nearby.

Not one to easily become a suburbanite, Nortrud continued to work in the city while raising her family in Yonkers. One of her favorite train reads was the German news magazine "Der Spiegel" and it was during one of her commutes in 1969 (the year of the first earth day) that she read a disturbing expose on the environment.

She is not certain which came next - news that a sewage plant would soon be built on the Hudson below her backyard or fear of bringing children into the environmentally endangered world.

"That's when I decided to get involved," she says.

And involved she got. Nortrud has served on too many boards in Yonkers and Westchester County to list and has attended more meetings than one can count.

A few highlights include serving as president of the Beczak Environmental Education Center and on the Federated Conservationists of Westchester County for 14 years. Currently she is president of her residents' association, LPRA.

Her position on the Task Force is all encompassing as she lends her encyclopedic knowledge of Yonkers, if not of Westchester County, at every level.

"Yonkers as a large city has to stand up, be counted and be a model for other cities in all manner of environmental conservation, whether open space, clean air emissions and smart development," she says. "Things would not be happening without us. The task force has become the umbrella for a city-wide environmental consciousness to which the city council and the administration has been responsive."

### And the Greenies Winners Were...

On Earth Day, the GPTF held their first Greenies Awards ceremony to recognize the everyday green heroes among us by honoring their environmental efforts.

Here is the script that our host, Dave Ashton, of WFAS Radio read as the crowd cheered and clapped at the Park Hill Racquet Club party.

#### **Gail Averill - Revitalizing Leslie Sutherland Park**

Gail has reclaimed the wasteland that was the city's Leslie Sutherland Park and filled it with a butterfly garden, thousands of bulbs, pathways, and native plants.

#### **Norman Bantz - Beekeeper and Apitherapist Extraordinaire**

## A Message from the City Manager's Office

Aug 30, 2006

### Leaf Blower Task Force Members Sought

The City of Cambridge is establishing a new task force to review the city's Noise Ordinance and make recommendations regarding the use of leaf blowers.

The Task Force will be asked to evaluate research provided by various sources, review possible restrictions on the use of leaf blowers and discuss the pros and cons of eliminating or restricting leaf blowers. The Task Force will be responsible for making recommendations through the City Manager to the City Council by the end of the year.

For the Leaf Blower Task Force, the City is seeking three residential members, one business representative and one institutional member to work with City staff on this process.

Interested persons should submit a letter of interest **by Friday, September 29, 2006** via phone, fax or E-mail to:

Richard C. Rossi, Deputy City Manager  
City of Cambridge  
795 Massachusetts Avenue  
Cambridge, MA 02139  
E-mail: [deputycitymanager@cambridgema.gov](mailto:deputycitymanager@cambridgema.gov)  
Fax 617-349-4307

# CITY COUNCIL

## City Manager Letter

April 23, 2007

To the Honorable, the City Council:

In response to Awaiting Report Item Number 07-53, regarding a report on the actions and status of the Leaf Blowers task force, the Leaf Blower Advisory Committee reports the following:

### Overview and Recommendation:

Attached is a draft amendment to the Noise Ordinance, Chapter 8.16 of the Cambridge Municipal Code, which addresses noise and emissions from leaf blowers. This proposed amendment is recommended by a consensus of the Leaf Blower Advisory Committee ("LBAC") after much discussion, research and a field demonstration. The LBAC does not recommend a ban on all leaf blowers (although it proposes to ban use of equipment that does not meet current noise and emissions standards), acknowledging that when current technologies are used properly, leaf blowing can be an appropriate and cost-efficient maintenance tool. The draft Ordinance amendment accomplishes the following: restricts use of leaf blowers to those certified as meeting current noise and emission standards; limits use to between the hours of 7:00 A.M. and 7:00 P.M. Monday through Friday and between the hours of 8:00 A.M. and 5:00 P.M. Saturdays, Sundays and Holidays; requires training in proper use by commercial, institutional and municipal landscaping operators; provides education in the proper use of leaf blowers to the general public; and provides for the promulgation of regulations enabling the implementation and enforcement of the Ordinance.

### Background:

Pursuant to the City Council's October 16, 2006 order, the Leaf Blowers Advisory Committee ("LBAC") was appointed in October 2006 and consists of Cambridge residents, a representative from an equipment manufacturer, representatives from the MIT and Harvard Facilities Departments, a representative from a Cambridge landscaping firm, and departmental representatives from the City Manager's Office and the Public Health, Public Works, Emergency Communications, Licensing, Police, Inspectional Services and Law Departments.

The LBAC met through the fall of 2006 and winter of 2007 to review research from around the country on leaf blower noise and environmental impacts, various approaches to regulation, complaints and concerns of Cambridge residents, and the financial and operational impacts of various regulatory schemes, including enforcement challenges.

In the course of its review, the LBAC attended live decibel testing of a variety of older and newer leaf blower equipment and discussed with a manufacturer's representative the changes in equipment technology in recent years and changes in the EPA emissions standards and American National Standards Institute's (ANSI) noise standards, which have required manufacturers to make quieter, less polluting equipment. The manufacturer's representative explained that equipment built to meet the current (January 2006) ANSI standard, requiring leaf blowers not to exceed 65 decibels, resulted in equipment that would also meet current EPA emissions standards.

LBAC members contacted communities around the country that have enacted leaf blower restrictions and discussed those communities' experiences in their efforts to restrict or ban the use of leaf blowers.

Discussion by the LBAC addressed inappropriate use of equipment, lack of training in proper use, reasonable restriction on hours of use and a range of enforcement challenges experienced by other communities with leaf blower restrictions. Institutional, municipal and private landscape business members of the LBAC described the significant labor costs that a ban would impose, as well as increased costs to clients of private landscape businesses if leaf

blowers could not be used. The private landscape business representative also explained how overly restrictive hours on weekdays and weekends would adversely impact his ability to do business in Cambridge. The Public Works representative explained that if leaf blowers could not be used, then city parks could not be cleaned as frequently, due to the significantly reduced efficiency of work crews working without this time-saving equipment. She further explained that the cost of performing all landscape clean up work without leaf blowers would dramatically increase park and public land maintenance costs by a factor of 3-5 times current costs.

Discussions focused on how to address the many competing concerns. The LBAC reached a consensus that Cambridge should enact regulations that would address and mitigate noise and pollution impacts while enabling reasonable and appropriate use of leaf blowers. It was generally agreed by the LBAC that the problems arise from improper use and over use of leaf blowers, not from appropriate use of equipment that meets current noise and emissions standards.

The LBAC reviewed restrictions and laws from other communities and developed the proposed Ordinance amendment for Cambridge, a copy of which is attached. The proposed Ordinance amendment addresses the framework for limitations on the type of permissible equipment, certification and training in proper use, limitations on time of use, a description of improper use and limitations on numbers of leaf blowers permitted to be used in smaller parcels. A framework description of an education and training program is provided in the Ordinance amendment. Provisions for enforcement regulations are already included in the existing Ordinance.

It is anticipated that detailed development of an implementation program, including the training and certification program, outreach and promotional efforts, an enforcement strategy and staffing efforts, a dispute resolution program, development of a hotline and/or online reporting mechanism, and exploring the possibility of a discount/buyback incentive program will take approximately nine months from the time an Ordinance amendment is passed.

Very truly yours,

Robert W. Healy  
City Manager

RWH/mec  
Attachment(s)

***View attached letter***



CITY OF NEWTON

IN BOARD OF ALDERMEN

February 22, 2005

BE IT RESOLVED:

WHEREAS, a number of dog owners in Newton have requested that the Board of Aldermen consider amending the dog leash law to allow, on a trial or other basis, dogs off leash at appropriate locations throughout the city, if possible, under appropriate conditions, and/or at appropriate times; and

WHEREAS, many Newton residents have expressed concerns that dogs off leash pose risks to health, safety, and the peaceful enjoyment of public spaces; and

WHEREAS, residents of Newton have expressed concern that Newton's dog leash law is not working effectively to protect adequately the interests of residents generally and dog owners and their dogs specifically; and

WHEREAS, a number of other communities in Massachusetts and elsewhere have instituted, on a trial or other basis, measures to permit dogs off leash at specified locations, with or without fences, and/or during specified hours; and

WHEREAS, specific concerns have been expressed about allowing dogs off leash in areas where children customarily play, such as schoolyards and small neighborhood parks and playgrounds, or in conservation areas;

NOW, THEREFORE, BE IT RESOLVED by the Newton Board of Aldermen, that

1. the Board of Aldermen establish a Special Task Force to study whether and how the existing dog leash law should be amended, on a trial or other basis, to allow dogs off leash in Newton at certain places, times, and environments, and under what conditions, and, if so, the places, times, environments, and conditions therefor;
2. based on the results of its study, said Special Task Force shall make recommendations to the Board of Aldermen for any amendments to the dog leash law, on a trial or other basis, for consideration by the Board;
3. said Special Task Force shall conduct its study in whatever manner it deems appropriate, including, but not limited to, early consultation with the Conservation and Parks and Recreation Commissions about criteria and/or areas for consideration during the Special Task Force's study, as well as consultation with the School Department about special concerns about school playground sites, and the holding of such meetings or public hearings as the

Special Task Force deems appropriate, all in order to provide to the Board the fullest possible information about such topics as

- the functioning of the present dog leash law;
  - environmental, health, and safety impacts of dogs off leash, including the effects of other dog-related ordinances;
  - enforcement of measures allowing dogs off leash and related ordinances, including personnel, funding, and fines for violations; and
  - the experience of other communities with respect to measures allowing dogs off leash.
4. the membership of said Special Task Force shall consist of:
- 4 citizens (1 each from Wards 1-2, 3-4, 5-6, and 7-8), to be appointed by the President of the Board of Aldermen, from recommendations by the aldermen from such wards;
- 2 aldermen (1 each from Wards 1-4 and 5-8), to be appointed by the President of the Board of Aldermen;
- 1 member of the Newton Parks and Recreation Commission, to be designated by the Commission;
- 1 member of the Newton Conservation Commission, to be designated by the Commission; and
- an Animal Control Officer of the Newton Police Department, to be designated by the Chief of Police.
5. the members of the Special Task Force shall choose the Chair and the Vice Chair of the Special Task Force;
6. this resolution shall be forwarded to the Special Task Force as its charge from the Board of Aldermen; and
7. during such study by the Special Task Force the existing Newton dog leash law shall remain in full force and effect and shall be enforced even-handedly throughout the city.

This Resolution adopted by an 18 -2 (Ald. Gentile and Gerst opposed; Ald. Johnson, Merrill, Salvucci, and Schnipper absent) vote of the Newton Board of Aldermen this day of February 22, 2005.

(SGD) EDWARD G. ENGLISH, City Clerk