

DRAFT
MODERATOR'S COMMITTEE ON LEAF BLOWERS
July 20, 2016 Minutes

The Moderator's Committee on Leaf Blowers held a meeting on June 14, 2016, 5pm – 7pm, in Room 408 of Town Hall. Present were Committee members John Doggett, Dennis Doughty, Jon Margolis, Faith Michaels, Maura Toomey, Neil Gordon (at 5:15), and Benedicte Hallowell (at 5:15).

The Committee postponed reviewing minutes until the August 9th meeting.

The purpose of this meeting was to discuss possible options for Warrant Articles or other proposals for the upcoming Fall and Spring Town Meetings.

The set of items to be considered at this and subsequent meetings includes:

- Fining the homeowner instead of (or in addition to) the landscaper
- Creating a new Town position of “leaf blower officer” or “leaf blower ombudsman”
- Implementing a registration system
- Changing the compliance dates
- Shifting enforcement away from being the sole responsibility of the Police Department
- Restrictions on the number of leaf blowers (per lot, per acre)
- Removing the electric exemption
- Defining a 15m cleanup time exemption
- The Town Use exemption
- Enumerating specific machines which are legal to operate
- Revising the complaints system
- Suggesting visible branding for DPW workers
- Defining “standing” — who is allowed to report a violation
- Whether anonymous complaints should be allowed

The Committee was not able to discuss all of these items at this meeting.

FINING THE HOMEOWNER

The Committee discussion regarding the merits of issuing fines to the property owner included the observations that administratively the Town is already set up to do something similar with respect to snow removal and that the existing noise by-law explicitly provides for citing the homeowner after a warning has been issued. The Committee took a straw vote to see if there was a sense that including the homeowner in some capacity (warnings or fines) would be warranted; no objections were raised. John Doggett volunteered to make the first attempt at cleaning up the two relevant by-laws (8.15 and 8.31).

LEAF BLOWER USAGE OFFICER

The committee discussed the concept of a new position, appointed by the Selectmen, who would work with the Police Department and with neighbors to help resolve leaf blower disputes. In

some cases it seems that the sort of mediation/negotiation that such a position would help facilitate could result in higher overall satisfaction than just issuing fines over and over. Possibility: could this report into the Measurers of Wood and Bark?

IMPLEMENTING A REGISTRATION SYSTEM

There was no support among the Committee for implementing a registration system for leaf blowers. Such a system seemed complicated and would be better handled by a Leaf Blower Usage Officer as described above.

CHANGING THE DATES

There was strong support on the Committee for shifting the Fall period during which it is allowed to operate gasoline-powered leaf blowers to be from October 1 to Dec 31. (I.e., push it back two weeks from the current by-law.)

SHIFT TO CIVIL ENFORCEMENT

The Committee noted that, as with snow removal, the authority already exists in the current by-laws for other departments (e.g., Health, DPW, Building) to issue citations for violations of the leaf blower restrictions. However, unlike snow removal, there is a time-critical “rapid response” issue — often there is no longer evidence of violation if the enforcement authority arrives too late, and only the Police Department has a rapid response capability.

RESTRICTIONS ON HOW MANY LEAF BLOWERS CAN BE OPERATING ON A PROPERTY

The sense of the Committee was that this was a good idea but the details were left for a subsequent meeting.

REMOVE ELECTRIC EXEMPTION

(I.e., restrict ALL leaf blower usage in the summer months.) This was a controversial topic and no consensus was reached. Some Committee members believed that the noise issue is so visible that only a comprehensive ban will solve the problem. Others point out that Town Meeting votes as well as the surveys conducted by this Committee show that there is not widespread support for wholesale changes.

DEFINE A “15 MINUTE CLEANUP” RULE

Faith Michaels explained this idea as acknowledging that cleanups that require leaf blowers do exist in the summertime. Perhaps if we changed the law to allow any leaf blower to operate but only for a very brief (10 or 15 minutes) interval, lower dB leaf blowers would be used and everyone might be happier. This idea failed to gain traction with the rest of the Committee.

REMOVE THE EXEMPTION FOR TOWN USE

The Committee decided that this topic required more time to discuss than remained in the meeting.

ENUMERATE SPECIFIC LEGAL LEAF BLOWERS

More questions than answers were raised about this topic.

Having already exceeded the allocated time, the Committee agreed to pick up the discussion at the next meeting.