

21-057
COMMITTEE OF THE WHOLE
MEETING REPORT
WDNESDAY, FEBRUARY 21, 2024 @ 6:00 P.M.

Attendees: Council President Isaac “Zac” Bears; Council Vice President Kit Collins; Councillor Anna Callahan; Councillor Emily Lazzaro; Councillor Matt Leming; Councillor George Scarpelli; Building Commissioner Scott Vandewalle; Head Clerk Annie Kelly, City Clerk’s Office; other participants as noted in the body of this report.

President Bears called the meeting to order at 6:00 p.m. on February 21, 2024 in the Medford City Council Chambers on the second floor of Medford City Hall, and via Zoom. The purpose of the meeting was to discuss the Proposed Leaf Blower Ordinance (**Paper 21-057**).

President Bears thanked participants for attending. He detailed work done to date on the ordinance, which dates from 2021 and was offered by former Council President Morell and by President Bears. The last meeting on this was in November of 2023, and there is an updated draft with legal comments.

The ordinance stayed similar to the initial draft. There are definitions for commercial leaf blowers, electric leaf blowers, gas-powered leaf blowers, and owners of large property. The general regulation would require compliance with safety emission standards of the EPA, not permit more than one continuous hour of operation per day, on parcels of 10,000 square feet or less, one leaf blower can be used at a time; for areas larger than 10,000 square feet, one leaf blower per 10,000 square foot parcel is allowed. The ordinance discusses debris deposits onto public ways or into catch basins. Legal counsel suggested removing swept or raked debris from some of these provisions.

Electric leaf blowers would be allowed at any time of year, subject to noise and nuisance ordinances in place. There would be prohibitions on the time frame for use of gas-powered leaf blowers, which would be allowed at certain times of year, from March 15-May 31, and September 15-December 15, which are prime times, but also subject to noise and nuisance ordinances. Contractors would have to apply to OSHA requirements, particularly with PPE.

Larger operators and commercial operators would have to submit an operations plan to the Building Commissioner, including noise mitigation plans and other requirements.

President Bears said that there would be a fee submitted with the operations plan which would cover the costs of administering the ordinance under the Emerson College test.

De minimis use of less than ten minutes per day would be allowed. A phase-out of gas-powered leaf blowers would begin in 2026, first for commercial and large owners and then in 2028 for municipal and residential owners. Four-stroke engines are not subject to this.

The Building Department shall enforce under Chapter 40, with non-criminal dispositions. The highest fine would be \$200 for a third or subsequent offense. Counsel recommended some changes to this. The effective date would be July 1, 2024, except for contracts the city has already signed, and then it would be on termination of those contracts.

Vice President Collins thanked President Bears. She said that the comments received have been helpful. She said we have tacked our way into a middle path, addressing concerns about pollution but also making sure that this is manageable, and balances commercial users and private users. She said we have received feedback from commercial users and private users. She said she is happy to see that municipal users would have the same prohibitions that commercial users would have.

Councillor Tseng arrived at 6:14 p.m.

Councillor Callahan said that she is happy to see these changes. She said she likes the readability. She said she heard from residents that it was not as strict against municipal users as it was against commercial users. She asked about wheeled leaf-blowers powered by four-stroke engines. She asked why they were carved out.

President Bears said that there is a difference in emissions between a four-stroke engine and a two-stroke engine.

Councillor Scarpelli said that some residents would feel negative impacts. He said most of the people who reached out are senior citizens with lawns that need care and fixed budgets. He asked what will happen to the batteries after use. He said that the biggest question is the impact on the environment when we have to destroy or bury these batteries. He said that the average cost is between two and four million dollars for municipalities to retrofit charging stations for vehicles and for replacement of these batteries. He said a neighboring municipality has \$3 million budgeted for this. He said he finds these things concerning. He said landscapers are discussing that this is going to move away from Medford. He said landscapers use leaf blowers. He said he uses his electric blower. He said that there are a lot of variables. He said that there are good goals with this ordinance like supporting the environment, but he said that these are difficult times and that there are a lot of variables here that he cannot support.

Councillor Lazzaro said that this is a great first step toward more environmentally appropriate behaviors throughout the City. She said she doesn't rake her leaves because it is better for the ecosystem at her home. She said she looks forward to working out the details on these edits. She said she particularly likes the portion that one leaf blower operate at a time. She thanked President Bears and former President Morell for putting this forward. She said she is a supporter.

Councillor Tseng discussed quality of life issues and environmental impacts. He said he realized that we also had to reach out to other stakeholders. He said this draft reflects a

great deal of hard work and is much better shape from even what we saw late last year. He said it's important to understand the history of this piece of text.

Vice President Collins said we are at a point where we can report this out of committee. She said we have plenty of space to continue focusing in on this.

Commissioner Vandewalle said he is just getting up to speed. He said he thinks all the intentions of the ordinance can be addressed. He said he is comfortable with what he has heard. He said he didn't want this to be a punishment exercise and thinks that the ordinance is not a punishment exercise.

Patrick Kears, 178 Woburn Street, asked how many complaints have been received about leaf blowers. President Bears said he has received a lot. Mr. Kears asked repeatedly for an exact number. He said that we are going off the complaints, not off the number of people who have not complained. He said he has a family landscaping business and has been doing this for more than 30 years. He detailed the operations of his business. He said he does not use leaf suckers in the spring but does use them in the fall. He said otherwise he has workers carrying heavy bags of leaves into a truck. He said he uses electric blowers in other cities.

He said he has concerns about electric batteries. He asked about the commercial phase-out. President Bears said that commercial operators and large property owners would be phased out of using gas blowers in 2026, and then four years for the average resident and for the City. Mr. Kears asked how we expect to do the cleanup. He asked how Councillors got to the meeting tonight, and whether they walked or took cars. He said we are talking about pollution from blowers when we have thousands of cars in the City every day. He asked if lawnmowers would be next. He said that this is not fair for the people who own businesses. He said he has owned a business in this City for longer than most people have been in this City. He said it would cost \$150,000 to set up trailers for this ordinance. He said that the Council in asking for a phase-out just doesn't want to see landscapers in Medford. He said that he and his workers clean up after their work. He said that the City runs street sweepers throughout the night. He said that the Council is picking on one group of people. He said other towns fight for the landscapers and he sees nobody in this room fighting for landscapers. He said he doesn't think this is fair. He said he supports 14 people who work with him, 17 including his family, and that his workers are his family.

Harold MacGilvray, 4 Piedmont Road, said he supports Mr. Kears and the landscapers. He said he thinks that this is an overreach. He said he is not sure how eliminating these leaf blowers is going to save the environment. He said lithium batteries are extremely dangerous and that in the past year he has investigated four fires in the City related to lithium batteries. He said that they are not environmentally friendly to dispose of. He said he's not sure how you can buy a product in a hardware store but the City says you can't use it. He said he has a gas leaf-blower, a gas weed whacker, a gas lawnmower, a gas snowblower.

Andrew Castagnetti, 23 Cushing Street, asked Councillors if they had any intentions of going after lawnmowers and snowblowers. President Bears said that the ordinance is about leaf blowers. Mr. Castagnetti said that this could be a hardship for some landscapers. He said he used to be awakened by leaf blowers when he was on his honeymoon in San Francisco. He said he would have no further comment unless the Council were to go after our Second Amendment rights.

Bill Giglio, Winthrop Street, said he supports Mr. Kearse. He said people have spoken about the dangers of lithium batteries and asked if any member of the Council had looked into the dangers of lithium batteries. Vice President Collins said it is something we discussed. Mr. Giglio said that the Council has not looked into this but is ready to get rid of gas leaf blowers. Vice President Collins said that she had just said that we looked into it. Mr. Giglio asked what specific information Vice President Collins had found about getting rid of lithium batteries. President Bears said that the batteries are recyclable and can be recycled at Home Depot.

Councillor Scarpelli said he has done research on lithium batteries and there is a huge question about them. He said they contain cobalt and nickel and they contaminate the water system, particularly when they are in landfills. He said they cause a lot of fires, as Officer MacGilvray said. He recommended that the new Building Commissioner do some outreach. He said that this is not going to be easy. He said some people do take advantage of this and it can be loud. He said in his conversations that this doesn't make a difference and he doesn't see a groundswell in favor of an ordinance. He said he respects his colleagues.

Ellen Levecchia, 27 Ramshead Road, asked if we have reached out to increase the budget for grounds and maintenance for Oak Grove and all the City-owned properties where leaves need to be removed, and what the increase in costs will be, since the experts say it will take 2 to four times as long to do the work as it does now. President Bears said he is sure that the School Committee will look at the School budget and the Administration will look at that. Ms. Levecchia said that this money will just come out of thin air. She said that lithium batteries are just as detrimental to the environment so let's not pretend that they aren't. She said that the condescension is disgusting.

Mr. MacGilvray said that it's a pretty well known fact that the recycled batteries are more dangerous than the ones that are new. He said if we had a Fire Chief, he could probably weigh in on this. He said there was a significant house fire in the City related to a lithium battery. He said that Mr. Kearse makes a good point about the number of complaints received. He said he lives in West Medford and doesn't hear the leaf blowers. He said he personally doesn't believe there are a lot of people complaining. He said he thinks it is less than 500 people. He said we don't have an actual number and that this is not very transparent.

Councillor Tseng said that looking at a variety of academic reports, all the reports say there is an environmental impact to creating and storing batteries, but that there is also a lifespan during which there are no emissions. He said gas-powered leaf blowers far

exceed the environmental impacts. He said a number of us have been working on this ordinance for a while, in the public eye, and we were re-elected by a majority of the voters.

Councillor Callahan said that it is environmentally more responsible to use electric, and battery technology changes, and changes fairly quickly. She said that the designs of leaf blowers are different, and as technology changes, we will more easily get the benefit of new batteries.

Mr. Kearse asked what the resources are that go into making one lithium battery. He then recited a number of statistics from his phone. He said one electric battery requires digging up 500,000 pounds of the earth's crust. When President Bears asked for the source, Mr. Kearse said he would provide it after the meeting, and then said it was on VitalMix.com. Mr. Kearse asked what the cost is for cleaning up the Oak Grove Cemetery for one season. Mr. Kearse said it is \$80,000 per year. He said that the cost will go up four times that amount. He said he will go with the months he is given but said that the Council has to be reasonable, and that phasing out gas blowers in two years is not reasonable. He asked how many votes each Councillor received. President Bears recited the approximate totals for each Councillor. Mr. Kearse said it was 7,500 votes with 60,000 residents and 40,000 registered voters. President Bears said we would all be very happy if more people voted.

Anthony Levecchia, 27 Ramshead Road, asked how many Councillors use lithium batteries on a daily basis. He said he would guess the answer is zero. He says he uses them daily and the average lifespan is 12 months. He said we understand we need to do something but that the costs will be too high. He said that there was a huge rat problem and they like to live under leaves. He said that this is an agenda item that you want to check. He asked if the Building Department has the time to take an inventory on past leaf-blowing equipment.

President Collins thanked everyone who spoke tonight and in previous meetings. She said all of our projects come out of constituent feedback. She said that this project is the product of compromise. She said we've worked hard to get from our starting point, which was much more onerous, to a place where it is a better fit for our community, to make sure that there is a more appropriate balance, and that balances commercial operators and municipal operators. She said we are hearing from constituents that we want to have a lever to pull on this level of noise pollution. She said we have the opportunity to take action on something that is known to be especially polluting. She thanked all the constituents who have weighed in on this over the past eight public meetings on the topic.

In section 38-58, subsection 5, Vice President Collins moved to delete "sweep or rake," with the intent to make the ordinance more readable; she further moved in the same section, subsection 6, moved to delete "in a sanitary manner" and replace with "in such a manner", using the word "operator"; she further moved in section 38-59, subsection 4, using the date for the operations plan as annually by September 1' she further moved, in

38-62, subsection 3, she moved to delete that section; Councillor Tseng amended to accept the inline changes by counsel (Councillor Callahan second)—approved as amended on a roll call vote of six in favor and Councillor Scarpelli opposed.

Councillor Callahan said that there have been many public meetings on this. Dozens of people have spoken in favor of passing this. She said she believes that there are more residents in Medford who are incredibly frustrated with both the noise and pollution of gas leaf blowers than there are people who do not want this ordinance to move out of committee and move to the City Council for passage. She said that very well respected institutions and scientists in climate science have studied whether battery powered leaf blowers or gas powered leaf blowers are environmentally better in the long run, and they have determined that electric powered gas blowers are better for the environment in the long run, and they include all sorts of things in that determination including the dangers of lithium batteries, including the metals that go into the batteries. She said that we do not need to debate these things here and talk about individual metals that go into them because we are not those experts. Those experts have concluded that it is better to use electric. She said that passing this is what the majority of our residents want, considering the environmental impact and the noise pollution, which is why she supports it.

Vice President Collins moved to report the paper out of committee, as amended, and to adjourn, at 7:15 p.m (Councillor Callahan second)—approved on a roll call vote of seven in favor and zero opposed.

President Bears adjourned the meeting at 7:15 p.m.