MEETING MINUTES

City of Melrose
City Hall
562 Main Street
Melrose, MA 02176

Committee/Board: Board of Health
Meeting Day/Date/Time: Thursday, April 18, 2024

Location: Milano Center, 201 West Foster Street
Tierney Hall

Call to Order: Frank Brincheiro Time Called: 6:36 PM
Second by: Lillian Kelly

In Attendance/Roll Call:
Board Members: Frank Brincheiro, Lillian Kelly
Health Department: Director Anthony Chui; Administrative Assistant Christy Bolduc; Maureen Buzby Regional Tobacco Program Coordinator

Approval of Minutes for March 21, 2024, Meetings:
Lillian Kelly made a motion to accept the minutes from the meeting.
Frank Brincheiro second the motion
Further Discussion: None

Frank Brincheiro– Yes
Carol Ann Licitra – Absent
Lillian Kelly – Yes
PASSED 2-0-1

Deliberation on Nicotine Free Generation is open, and the Board decides to vote although a member is absent.

Frank Brincheiro explains how over the years and decades the tobacco companies are very creative in finding ways around any restrictions and rules in place.

Anthony Chui gives the Board a summary with the updates from the last Board of Health meeting in Stoneham and Wakefield. Brookline is the first community statewide enforcing Nicotine Free Generation effective date January 1, 2025, followed by Stoneham and Wakefield.

Lillian Kelly agrees. Although Nicotine Free Generation is not 100% perfect and tobacco users will still purchase products in other towns, to go ahead and adopt the policy as we need to look at this from a health perspective.

Frank Brincheiro also agrees. With life working as a physician, smoking is the #1 cause of preventable death, on a wider level this will impact the community in a positive way with a longtime effect.

Call to vote Nicotine Free Generation as written effective date January 1, 2025:
Lillian Kelly made a motion to accept the adoption
Frank Brincheiro second the motion
Further Discussion: None

Frank Brincheiro– Yes
Carol Ann Licitra – Absent
Lillian Kelly – Yes
PASSED 2-0-1

Next up was Anthony Chui's Health Director's Report, however Maureen Buzby asked if the Board would consider opening public comment first.

Lillian Kelly made a motion to take other business out of order so the public people could be heard.
Public Comment was opened by Lilian Kelly
Frank Brincheiro second the motion

Frank Brincheiro– Yes
Carol Ann Licitra – Absent
Lillian Kelly – Yes
PASSED 2-0-1

Frank Brincheiro explained how it has been brought to the Boards attention an issue about leaf blower noise and this has been a concern in the past.

Anthony Chui explains the noise ordinance complaints fall under the health department, police, and building commissioner.

Betsy Garrett from 70 Ardsmoor Rd – See attached letter

The board discussed how difficult it is to enforce noise complaints because the noise must be witnessed at the time of the complaint. Also, it is impossible to ban one specific item as the city would have to regulate everything. For example, how can we put a ban on leaf blowers but not motorcycles, construction projects, lawn mowers, and loud music. Also, it would be unfair to target landscaping companies only. The Board agreed to discuss this topic at the next meeting.

Frank Brincheiro made a motion to table Public Comment
Lillian Kelly second the motion
Further Discussion: None

Frank Brincheiro– Yes
Carol Ann Licitra – Absent
Lillian Kelly – Yes
PASSED 2-0-1

Next BOH Meeting in Melrose is May 23, 2024

Frank Brincheiro made a motion to adjourn the meeting at 7:22 PM
Lillian Kelly second the motion to adjourn the meeting.
Further Discussion: None

Frank Brincheiro– Yes
Carol Ann Licitra – Absent
Lillian Kelly – Yes
PASSED 2-0-1

Meeting Adjourned at 7:22 PM

I'm Betsy Garrett, 70 Ardsmoor Rd in Melrose and I'm here representing Don't Blow It Melrose, a citizens-led initiative with the mission to work toward a ban on gas-powered leaf blowers in our city.

My questions are about the Melrose noise ordinance (Chapter 164) as it pertains to leaf blowers. The noise ordinance was adopted by the Melrose Board of Aldermen on May 20, 1996 by ordinance number 96-103. It was amended on August 21, 2017 to state that the "enforcement personnel shall be the Police Chief, the Building Commissioner, the Director of Public Health and their designees." (Chapter 164-11)

As I read through the ordinance, it is clear to me that the use of gas-powered leaf blowers in our city violates the terms of the ordinance on many levels.

Landscaping companies use gas-powered leaf blowers from March through November in our city. Every time they mow and clean up a yard they blow not only leaves but also sticks, nuts, seeds, grass clippings and anything else in the yard that is loose and can be blown. Typically, two or three leaf blowers will blow continuously for at least 30 to 45 minutes and longer if it's a spring or fall cleanup.

The lightweight two-stroke engines of gas-powered leaf blowers have no muffler so they emit sound at the level of 90 to 110 decibels. The sound carries far. I have measured the sound of two leaf blowers across the street and several houses down at 80 decibels in my back yard. When there are three leaf blowers used it's even louder.

Here are recent observations:

Saturday April 6 from 8:30 am to 9:15 am

92 Ardsmoor (4 houses up the street from me)

I woke up to the sound of 3 gas-powered leaf blowers that ran continuously for 45 minutes. The sound penetrated the walls of my bedroom, waking me out of a sound sleep.

Wednesday April 10 from 12 noon to 3 pm

85 Ardsmoor Rd (across the street and 3 houses up the street)

2 gas-powered leaf blowers ran continuously for three hours. I measured 70 to 85 decibels in my backyard.

Monday April 15 at 4:37 pm and continuous

37 Slayton Rd.

3 gas-powered leaf blowers ran continuously: I stood across the street and measured 90 decibels as they blew the driveway. I was on my way for a walk in the woods adjacent to Mt. Hood and I could hear the sound continuously during my entire walk - all the way to the hill overlooking Towners Pond. The sound carried that far.

The Melrose noise ordinance states in Chapter 164-2 part A that

It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the City.

In 164-2 Part B it defines a noise disturbance as any sound that:

(1) May cause temporary or permanent hearing loss in persons exposed.

(2) Is injurious to public health.

(3) Causes a nuisance which is prohibited by law.

(4) Is defined as a noise disturbance pursuant to the provisions of this chapter.

Among the list of sounds that violate the noise ordinance in Part C is

(10) Blowers. The operation of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such a noise.

The 2-stroke engine of a gas-powered leaf blower has no muffler.

Chapter 164-7 says that from 7:00 am to 6:00 pm the duration of sound at 75 decibels and above should last for no more than 10 minutes. So landscapers' use of leaf blowers, running continuously for 30 - 45 minutes and sometimes hours at 90 - 100 decibels or measured at 80 decibels across and down the street, is in clear violation of this section.

I was interested to see that 164-8 states that power lawn tools can only operate on the weekends between 9 am and 9:30 pm, so when those leaf blowers woke me up at 8:30 on April 10 the landscaping service was in clear violation of this part of the ordinance.

As for fines, 164-9 states that

A violation of any provision of this chapter shall be punishable by a fine of not more than $50 for a first offense, $100 for a second offense and $150 for each subsequent offense. After the third offense, there shall be no automatic renewal of a municipal license. Each

separate occurrence in violation of this chapter shall constitute a separate and distinct offense.

So I am wondering—is the landscaping company the entity that pays the fine for violating the noise ordinance? Are landscapers licensed by the city? If so, when they apply for their license, are they informed of the noise ordinance and asked to abide by it? Has a license ever been removed because a landscaping company violates the noise ordinance?

I also ask you: if the health department is the entity to enforce the noise ordinance, how do we as community residents lodge complaints? What information do you need to process the complaint effectively? How do we follow up to see if the complaints are being handled appropriately? And what are you doing as a department to safeguard the health of our community with regard to noise?

There are many more things I can talk about with regard to the dangers to public health of gas-powered leaf blowers but I want to start my conversation with our noise ordinance, which was created to preserve the health of our community. I am requesting that the health department, as the named "enforcement personnel," discuss how you will enforce the noise ordinance with respect to gas-powered leaf blowers and inform us what your policy will be going forward. I look forward to hearing from you. Thank you.

Betsy Garrett

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