

Mayor Tracey Furman

**Council Member Darin Bartram
Council Member Nate Engle**



**Council Member Conor Crimmins
Council Member Ann Lichter**

Released: September 9, 2022

**Monday, September 12, 2022
Town Council Meeting, 7:00 pm**

The Town Council Meeting will be held through the Zoom Video Conferencing application and access to the meeting is available through the following link:

<https://us02web.zoom.us/j/88043346352?pwd=WVExcFBpaidweVc0Tnl6N1ZzNlBuUT09>

Meeting ID: 880 4334 6352

Password: 121256

Or you may join the meeting by calling: +1 301 715 8592 US (Washington D.C) and entering the Meeting ID and Password above.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

APPROVAL OF MINUTES

Town Council Meeting Minutes of August 8, 2022

THE MAYOR AND TOWN COUNCIL

1. 10025 Frederick Avenue (Variance Hearing):

- a. Review a Variance request from 10025 Frederick Avenue in accordance with Section 5-104, "Building Lines", of the Town Code.
 - i. *If the Council supports the Variance request, a Resolution will be drafted for approval at the October 10, 2022, Town Council meeting.*

2. County Bill 18-22, Noise Control – Leaf Removal Equipment:

- a. Discuss and review the Town's options with regards to County Bill 18-22.

3. Kensington Walktober Event:

- a. Discuss and promote the Kensington Walktober event scheduled for Saturday, October 29, 2022.

4. Green Team:

**Town of Kensington 3710 Mitchell Street Kensington, MD 20895
Phone 301.949.2424 Fax 301.949.4925
www.tok.md.gov**

- a. Discuss the proposed next steps after establishing the Green Team to support the certificate process for Sustainable Maryland.
- 5. Design Guidelines:**
 - a. Discuss whether the Town would like to update our existing Design Guidelines in conjunction with the County's revised General Plan.
- 6. Housing Opportunities Commission – Playground Equipment:**
 - a. Discuss providing financial support to the Housing Opportunities Commission to upgrade the playground equipment at 10400 Detrick Avenue.

THE TOWN MANAGER AND STAFF

1. Discuss the meeting format and date for the proposed October 10, 2022, Council Meeting.

PUBLIC APPEARANCES

(The public is invited to speak on any subject that is not a topic on tonight's agenda)

ORDINANCES, RESOLUTIONS, AND REGULATIONS

(Ordinances, resolutions, and regulations to be introduced or adopted following appropriate procedures required by the Town Code; or resolutions that may require discussion by the Mayor and Council prior to approval)

1. **Resolution No. R-24-2022** – A Resolution of the Mayor and Council of the Town of Kensington Authorizing a Declaration of Covenant for the use of 1,580 square feet (SF) of Public Right-of-Way as Public Space by 10509 Summit Avenue Venture, LLC, adjacent to 4000 Knowles Avenue, LLC.
2. **Resolution No. R-25-2022** – A Resolution of the Mayor and Council of the Town of Kensington Authorizing the Town Manager to accept the proposal from Rippeon Equipment Company for the purchase of a Kubota V-Series RTV under Sourcewell Quotation #2447851.
3. **Resolution No. R-26-2022** – A Resolution of the Mayor and Council of the Town of Kensington Authorizing the Town Manager to accept the proposal from Contracting Specialists Incorporated for certain brick repointing within the portico at the Kensington Town Hall.

ADJOURNMENT

(The Mayor and Council may move to close the meeting and may move to reopen the meeting)

THE NEXT SCHEDULED MEETING(S) OF THE MAYOR AND TOWN COUNCIL WILL BE HELD:

Monday, October 10, 2022, 7:00 pm

Reva and Aaron Snow
10025 Frederick Avenue
Kensington, MD 20895

Town Council
Town of Kensington
3710 Mitchell Street
Kensington, MD 20895

August 26, 2022

Dear Councilmembers:

Pursuant to Kensington Town Code 5-104(d), we write to request a variance from the side yard setback requirement in Kensington Town Code 5-104(4)(b) for proposed construction of an addition to our home at 10025 Frederick Ave.

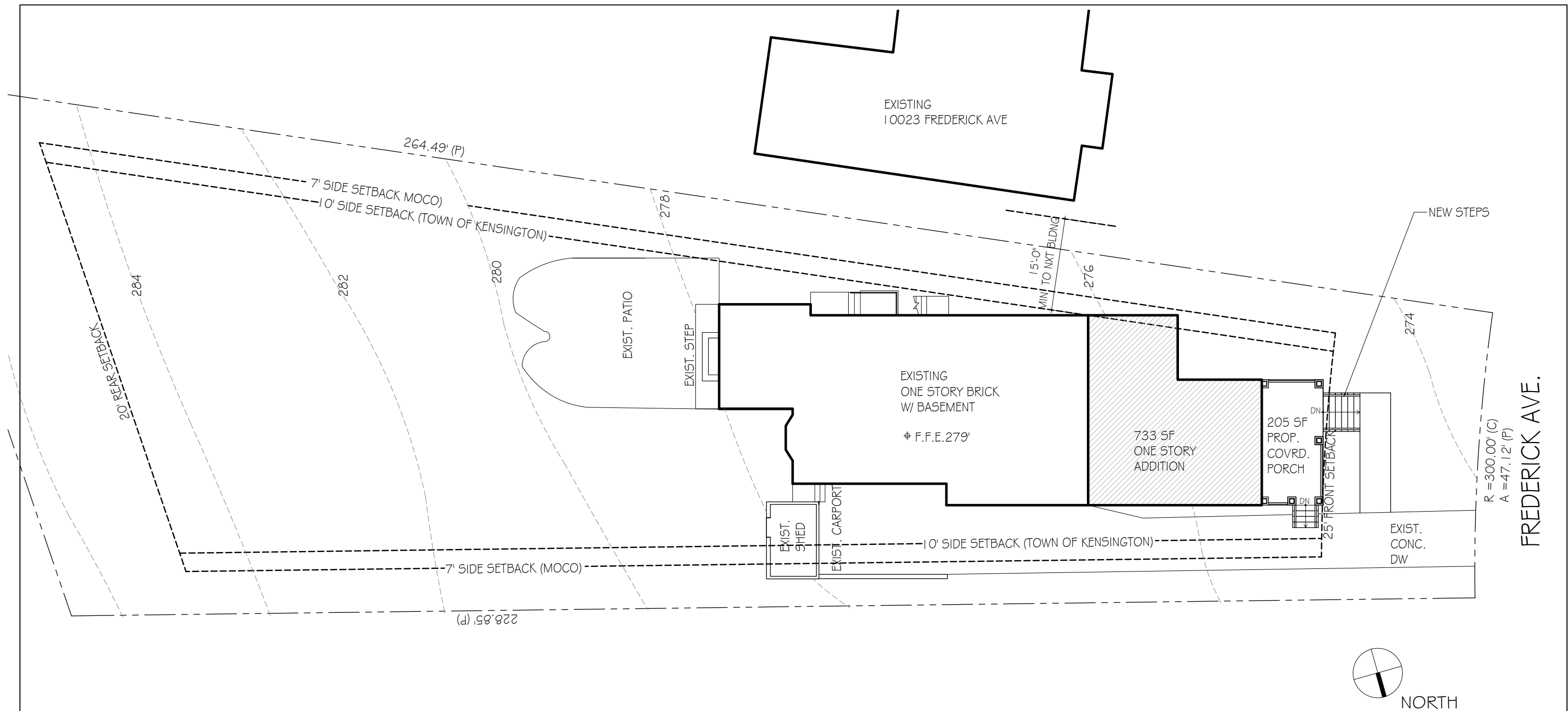
Our proposed addition adds a front entrance (which the house currently lacks altogether) and entry room, and expands its bedrooms. The proposed addition complies with all Kensington Town Code and Montgomery County Code requirements, including Montgomery County's setback requirements, except for a small (15.6 sqft) portion of the southwest (front) corner of the proposed addition which would extend modestly beyond the Town's 10' setback requirement. Our architects, Upton Architecture, will separately send our proposed site plan.

This design is necessitated by the uniquely thin "pie slice" shape of our lot, which narrows significantly as it approaches the street. (The existing house is essentially set sideways on the property due to this narrowness.) Our proposed design keeps the addition in line with the existing structure — that is, we do not propose to widen the house at all — and we have intentionally designed the addition in an "L" shape, to extend forward significantly less on the southern side (where the variance is required) than on the northern side, to minimize the footprint that crosses the 10' setback line. As the site plan demonstrates, the encroaching corner abuts only our neighbor's driveway, and is well clear of their house.

We thank you for your time and consideration.

Best regards,

Reva and Aaron Snow

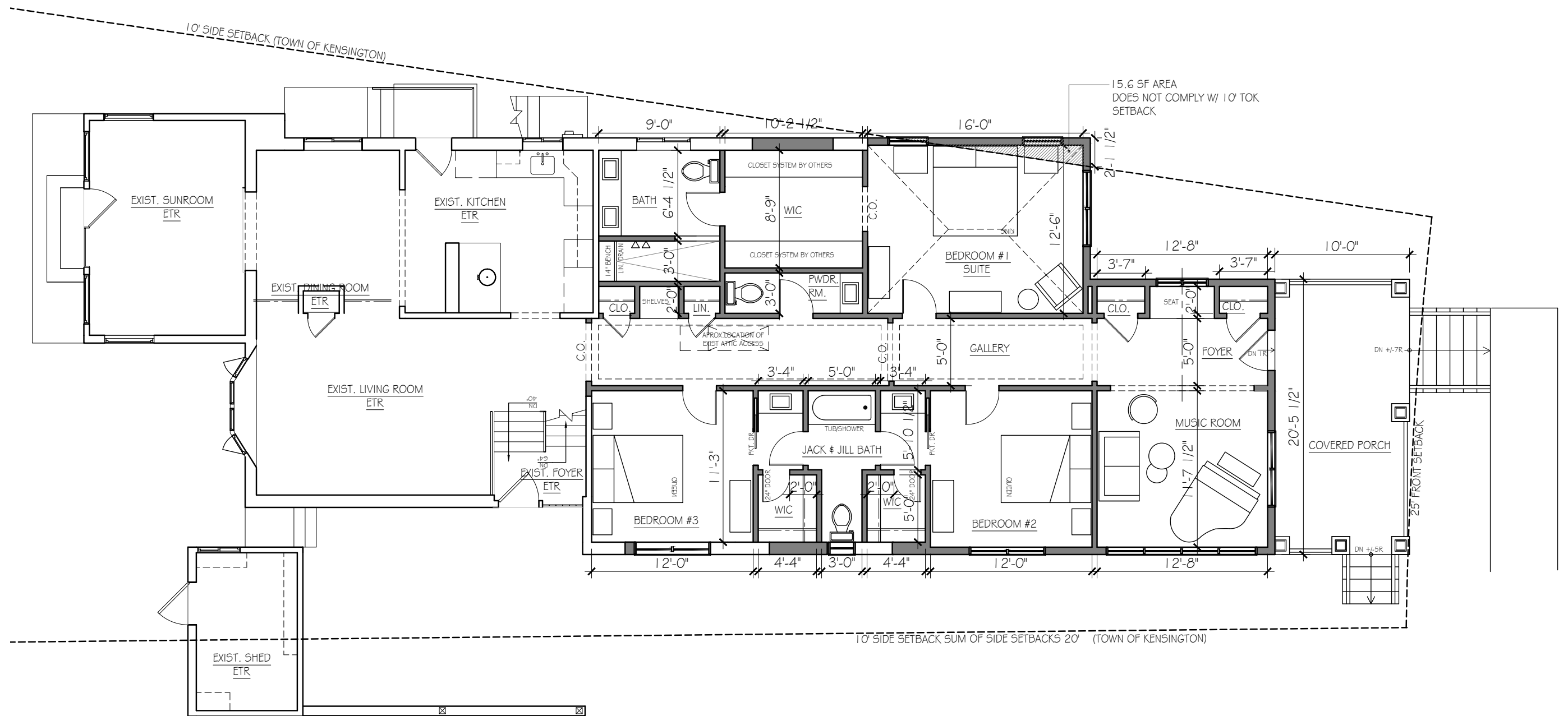


PROPOSED SITE PLAN

SNOW RESIDENCE
10025 FREDERICK AVE., KENSINGTON, MD 20895

PROJECT: 20056
SCALE: $\frac{1}{16}" = 1'-0"$
DATE: 08/29/ 2022
DRAWN BY: AA

upton
ARCHITECTURE
4524 Saul Road
Kensington, MD 20895
301-646-3606
mgu@uptonarchitecture.com



PROPOSED MAIN FLOOR

PROJECT: 20056

SCALE: $\frac{1}{8}" = 1'-0"$

DATE: 08/29/2022

DRAWN BY: AA

SNOW RESIDENCE

10025 FREDERICK AVE., KENSINGTON, MD 20895

upton
ARCHITECTURE
4524 Saul Road
Kensington, MD 20895
301-646-3606
mgu@uptonarchitecture.com



Committee: T&E
Committee Review: At a future date
Staff: Ludeen McCartney-Green, Legislative Attorney
Purpose: To introduce agenda item – no vote expected
Keywords: #LeafBlowers #NoiseControl

AGENDA ITEM #4
June 28, 2022
Introduction

SUBJECT

Bill 18-22, Noise Control – Leaf Removal Equipment - Amendments

Lead Sponsor: Council President Albornoz at the request of the County Executive

EXPECTED ATTENDEES

None

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- N/A; Introduction

DESCRIPTION/ISSUE

- Bill 18-22 would:
 - (1) prohibit the sale and use of combustion engine-powered leaf blowers and leaf vacuums by a certain date;
 - (2) authorize a grant program to partially offset the cost of replacing a combustion engine-powered leaf blower or leaf vacuum with an electric leaf blower or leaf vacuum; and
 - (3) generally, revise the law regarding noise control.

SUMMARY OF KEY DISCUSSION POINTS

- N/A

This report contains:

Staff Report	Pages 1 - 2
Bill 18-22	© 1
Legislative Request Report	© 4
Fiscal Impact Statement	© 7
County Executive Memo	© 13

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MEMORANDUM

June 23, 2022

TO: County Council

FROM: Ludeen McCartney-Green, Legislative Attorney

SUBJECT: Bill 18-22, Noise Control – Leaf Removal Equipment - Amendments

PURPOSE: Introduction – no Council votes required

Bill 18-22, Noise Control – Leaf Removal Equipment – Amendments sponsored by the Lead Sponsor Council President at the Request of the County Executive, is scheduled to be introduced on June 21, 2022. A public hearing is tentatively scheduled for September 20 at 1:30 p.m.¹ The fiscal impact statement is ©7.

Bill 18-22 would:

- (1) prohibit the sale and use of combustion engine-powered leaf blowers and leaf vacuums by a certain date;
- (2) authorize a grant program to partially offset the cost of replacing a combustion engine-powered leaf blower or leaf vacuum with an electric leaf blower or leaf vacuum; and
- (3) generally, revise the law regarding noise control.

BACKGROUND

The purpose of this bill is to ban gas-powered leaf blowers to address environmental, noise, and health concerns raised by County residents. In Montgomery County, noise from leaf blowers resulted in 62 formal complaints to the Department of Environmental Protection (DEP) in 2021. *See* Legislative Request Report ©4.

Under Code §31B-9, the law requires noise level for leaf blowers must not exceed 70 dba at a distance of 50 feet. However, it has been increasingly difficult for DEP to measure and enforce

¹ #noisecontrol#leafblower

leaf blowers that no longer have original manufacturer labels. As cited in the County Executive Memorandum,

“Research shows combustion engine-powered leaf blowers have specific low and mid-frequency noise qualities or tones that are highly penetrative and result in noise being two to four times louder than electric plug-in or battery-powered options at the unit and up to 400 feet away. The low-frequency noise is particularly penetrative of non-heavy building materials and easily carries through windows and doors. Beyond being distracting, this noise can have adverse health effects, both auditory, such as hearing loss and tinnitus, systemic vascular disease, and mental illness.” ©13.

There are more than 170 communities that have regulations related to leaf blowers with more than 100 prohibiting or limiting their use. Both DC and Chevy Chase Village have bans on leaf blowers that went into effect on January 1, 2022. DC’s legislation allows for the sale of a petroleum-powered leaf blower, if the customer is given written notification that it cannot be used in DC after January 1, 2022. The Town of Chevy Chase is offering a rebate on electric blowers of \$200 as of April 2021. They have processed over 20 applications to date. California, in May 2021, introduced legislation to require the determination of an appropriate phase-out of gasoline equipment, but regulation timelines are not yet proposed. *See* Legislative Request Report ©4.

BILL SPECIFICS

Bill 18-22 would prohibit the sale of a combustion engine-powered handheld, backpack, or walk-behind leaf blower or leaf vacuum *six months* after the legislation is enacted.

Further, it would prohibit the use of combustion engine-powered handheld, backpack, or walk-behind leaf blowers or leaf vacuums *a year* after the legislation is enacted.

Bill 18-22 would also authorize DEP to establish a reimbursement program by providing a partial credit, subject to regulations, for residents and businesses who purchase an electric leaf blower and in exchange return the gas-powered leaf blower or leaf vacuum to the County. To receive the credit, the gas-powered leaf removal equipment must be purchased prior to a certain date.

Generally, two witnesses are required for an enforcement officer to issue a noise citation under Chapter 31B. However, under this bill, a person may be subject to a Class A fine (up to \$1,000), if the Director of DEP or designee receives a single noise complaint, with photographic evidence, demonstrating the use of a combustible leaf blower or leaf vacuum.

This packet contains:

Bill 18-22
Legislative Request Report
Fiscal Impact Statement
County Executive Memorandum

Circle #

1
4
7
13

Bill No. 18-22
Concerning: Noise Control – Leaf
Removal Equipment - Amendments
Revised: 6/10/2022 Draft No. 1
Introduced: June 28, 2022
Expires: December 28, 2023
Enacted: [date]
Executive: [date signed]
Effective: [date takes effect]
Sunset Date: [date expires]
Ch. [#], Laws of Mont. Co. [year]

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

AN ACT to:

- (1) prohibit the sale and use of combustion engine-powered leaf blowers and leaf vacuums by a certain date;
- (2) authorize a grant program to partially offset the cost of replacing a combustion engine-powered leaf blower or leaf vacuum with an electric leaf blower or leaf vacuum; and
- (3) generally, revise the law regarding noise control.

By amending

Montgomery County Code
Chapter 31B, Noise Control
Sections 31B-9 and 31B-12

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. Sections 31B-9 and 31B-12 are amended as follows:**

2 **31B-9. [Leaf blowers] Leaf removal equipment.**

3 * * *

4 (e) *Sale of combustion leaf removal equipment – Prohibited.* A person must
5 not sell or offer for sale a combustion engine-powered handheld,
6 backpack, or walk-behind leaf blower or leaf vacuum.

7 (f) *Use of combustion leaf removal equipment – Prohibited.* A person must
8 not use a combustion engine-powered handheld, backpack, or walk-
9 behind leaf blower or leaf vacuum.

10 (g) *Reimbursement.* The Director may establish a time-limited program
11 based on criteria set by regulation to partially reimburse County residents
12 and businesses that purchase electric leaf blowers or leaf vacuums to
13 replace combustion engine-powered leaf blowers or leaf vacuums.

14 (1) To receive reimbursement under subsection (g), an owner of a
15 combustion engine-powered leaf blower or leaf vacuum must
16 apply to the Director in a form prescribed by the Director and
17 deliver the combustion engine-powered leaf blower or leaf
18 vacuum to the County.

19 (h) An enforcement officer may issue a civil citation under this Section if the
20 Director receives a complaint of a noise disturbance supported by
21 photographic evidence of a violation of subsection (f).

22 **31B-12. Enforcement and penalties.**

23 * * *

24 (f) Except as provided in Section 31B-9(h), [An] an enforcement officer may
25 issue a civil citation for any violation of this Chapter if the enforcement
26 officer:

27 (1) witnesses the violation; or

(2) receives complaints from at least 2 witnesses of a noise disturbance.

30 Complaints by 2 witnesses are required to issue a citation under paragraph (2), but are
31 not required to prove that a person violated this Chapter.

32 * * *

Sec. 2. Effective Date. Subsection (e) of Section 31B-9, under Section 1 of this Act, must take effect 6 months after the Act becomes law. Subsection (f) of Section 31B-9, under Section 1 of this Act, must take effect 1 year after the Act becomes law. Subsection (g) of Section 31B-9, under Section 1 of this Act, must apply reimbursement only for purchases of combustion engine-held leaf blowers or leaf vacuums made before this Act becomes law.

LEGISLATIVE REQUEST REPORT

Introduction of Bill XX-22, Amendments to Chapter 31B

DESCRIPTION: Bill XX-22 would prohibit the sale and use of combustion engine-powered leaf blowers and leaf vacuums, authorize a grant program to partially offset the cost of replacing a combustion engine-powered leaf blowers or leaf vacuum with an electric leaf blowers or leaf vacuum, and revise County law regarding enforcement in noise control for leaf blowers.

PROBLEM: Leaf blowers are currently regulated in Chapter 31B to not exceed 70 dBA at a distance of 50 feet. However, gasoline leaf blowers, or combustion engine-powered leaf blowers (further referenced as CEPLBs) are common in landscaping, yard maintenance, and snow removal. These are a growing noise issue in Montgomery County, and are a public health risk to workers and residents in the communities where they are used.

Noise is known to create adverse health effects, as well as simply be a distraction and interrupt work for many. As to health effects, it is known to create hearing loss and tinnitus, as well as effects such as reduced mental performance and health and hypertension. Leaf blowers are known to create significant noise. These effects are exacerbated for leaf blowers operators in landscape companies often minorities, as well as those nearby especially children and elderly, those working from home, and those that work overnight shifts, sleeping during typical leaf blowing hours.¹

In Montgomery County specifically, noise from leaf blowers resulted in 62 formal complaints to DEP in fiscal year 2021. The current legislation regulates CEPLBs in Chapter 31B to not exceed 70 dBA at a distance of 50 feet. This legislation is difficult to measure and enforce if leaf blowers no longer have the original manufacturer labels. Additionally, noise is measured on a logarithmic scale in dBA. As such, the current 70 dBA allowance is doubly as loud a low 60s dBA noise more commonly seen in BLBs. As stated above, BLBs also don't have the penetrative low frequency tone. With the noise and health effects of CEPLBs, DEP is seeking to phase out CEPLBs through prohibiting sale January 1, 2022 and use beginning January 1, 2023.

The legislation also enables DEP to create a grant program for trade-in of CEPLBs or purchase of new BLBs to support this transition

¹ <https://www.audubon.org/magazine/spring-2021/why-cities-are-taking-action-limit-loud-and>

away from CEPLBs for private citizens and companies in the County. With this grant program, and already affordable alternatives, this legislation is a benefit to communities and workers ensuring Montgomery County is a healthy place to live and work.

**GOALS AND
OBJECTIVES:**

Bill XX-22 addresses the increasing noise issues from combustion engine-powered leaf blowers through phase-in of plug-in electric and battery options. This is supported through authority to create a grant program and updates to the enforcement mechanism for the noise control ordinance.

COORDINATION:

Department of Environmental Protection

FISCAL IMPACT:

Office of Management and Budget.

ECONOMIC IMPACT:

Office of Legislative Oversight.

**RACIAL EQUITY
AND SOCIAL
JUSTICE IMPACT:**

Office of Legislative Oversight.

**EXPERIENCE
ELSEWHERE:**

There are more than 170 communities that have regulations related to leaf blowers with more than 100 prohibiting or limiting their use.² Both DC and Chevy Chase Village have bans on leaf blowers that go into effect January 1, 2022.³ DC's legislation allows for the sale of a petroleum-powered leaf blower, if the customer is given written notification that it cannot be used in DC after January 1, 2022. The Town of Chevy Chase is offering a rebate on electric blowers of \$200 as of April 2021. They have processed over 20 applications to date. California, in May 2021, introduced legislation to require determination of an appropriate phase out of gasoline equipment, but regulation timelines are not yet proposed.⁴

**SOURCE OF
INFORMATION:**

Jason Mathias, Department of Environmental Protection

² <https://www.audubon.org/magazine/spring-2021/why-cities-are-taking-action-limit-loud-and>

³ <https://trackbill.com/bill/district-of-columbia-bill-234-leaf-blower-regulation-amendment-act-of-2017/1445642/> and https://www.chevychasevillagemd.gov/DocumentCenter/View/3414/ReslNo_12-01-19_Chapter-20-Sec--20-2-Leaf-blowers_finaladopted

⁴ https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1346

APPLICATION
WITHIN
MUNICIPALITIES:

This bill applies to all municipalities that accept or adopt the County Noise Control Ordinance.

PENALTIES:

Class A

Fiscal Impact Statement
Introduction of Bill XX-22, Amendment to Chapter 31B

1. Legislative Summary.

Bill XX-22 prohibits the sale and use of hand-held and backpack combustion engine-powered leaf blowers and vacuums in the County. It further establishes a grant program to offset the cost of replacing the equipment and revises the law regarding noise control.

2. An estimate of changes in County revenues and expenditures regardless of whether the revenues or expenditures are assumed in the recommended or approved budget. Includes source of information, assumptions, and methodologies used.

Bill XX-22 is not expected to have an impact on County revenues.

As shown in Tables 1 and 2, over a six-year period, Bill XX-22 could increase expenditures by up to \$1,489,546.

Table 1							
Implementation Cost Summary							
	FY22	FY23	FY24	FY25	FY26	FY27	Total
Outreach and Education (DEP)	\$420,000	\$120,000	\$0	\$0	\$0	\$0	\$540,000
Equipment Replacement	\$907,023	\$907,023	\$0	\$0	\$0	\$248,250	\$2,062,296
Contractual Changes	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$90,000
Transition Grants	\$110,000	\$100,000	\$100,000	\$0	\$0	\$0	\$310,000
Personnel Costs	\$75,000	\$75,000	\$75,000	\$0	\$0	\$0	\$225,000
Operational Cost Avoidance	\$0	(\$347,550)	(\$347,550)	(\$347,550)	(\$347,550)	(\$347,550)	(\$1,737,750)
Total	\$1,527,023	\$869,473	(\$157,550)	(\$332,550)	(\$332,550)	(\$84,300)	\$1,489,546

Table 2 Implementation Cost Summary Description		
Item	Expected Cost	Details
<u>Education and Outreach</u>		
Mailers	\$240,000	Based on costs from mailers from the pesticide ban, to every resident and business in the County. This would be for two mailers. Reducing to one mailer saves \$120,000 or one full mailer with an additional just to single family homes would save \$57,000.
Advertisements	\$300,000	Radio, television, and internet ad campaigns, based on costs from implementing the pesticide ban.
Subtotal	\$540,000	
<u>Equipment Replacement</u>		
DGS Replacements	\$14,000	Equipment replacements for Department of General Services (DGS), including gasoline handheld, backpack, and walk behind blowers.
DOT Replacements	\$28,000	Equipment replacements for Department of Transportation (DOT), including gasoline handheld, backpack, and walk behind blowers.
Year 5+ DOT and DGS Battery Replacements	\$7,500	Batteries require replacements after enough use, expected in year five (5) or six (6) for many pieces of equipment.
Subtotal	\$49,500	
<u>Non-County Equipment Replacement - These are State entities that the County cannot enforce the legislation for, but may still want to support in replacing equipment.</u>		
MNCPPC Replacements	\$473,710	The Bill isn't enforceable to MNCPPC but is recommended for MNCPPC to replace equipment if possible.
MNCPPC Year 5+ Battery Replacements	\$66,750	The Bill isn't enforceable to MNCPPC but if MNCPPC is able to replace equipment, battery replacements are needed as well.
MCPS Replacements	\$1,298,336	The Bill isn't enforceable to MCPS but is recommended for MCPS to replace equipment if possible.
MCPS Year 5+ Battery Replacements	\$174,000	The Bill isn't enforceable to MCPS but if MCPS is able to replace equipment, battery replacements are needed as well.
Subtotal	\$2,012,796	
<u>Contractual Changes</u>		
DGS Contract Increases	\$90,000	DGS notes that County contracts for lawn care and landscaping are unpredictable, due to the complexity of required replacements and operational savings, but this estimate accounts for doubling the leaf management cost portion of its contracts due to the cost of equipment switching incurred to contractors.
<u>Transition Grants</u>		
Equipment Turn-in Rebates/Grants for Individuals and Small Businesses	\$300,000	Three-year program offering \$100 rebates for 1,000 applicants per year. The legislation gives DEP the authority for grants, but it is not a requirement. Prohibiting use of equipment still in useful life without offering a grant or rebate is not recommended.
Grant Management Software	\$10,000	Software to manage turn-in rebates/grants (first year cost only)
Subtotal	\$310,000	
<u>Personnel Costs</u>		
Grant Management	\$225,000	Term-limited staff member for 3 years. Alternatively, if the Septic legislation is approved and a position added for that workload, that position can handle these responsibilities.
<u>Operational Cost Avoidance</u>		
Operational Cost Avoidance	(\$1,737,750)	Assuming an average of \$350 in cost avoidance per piece of equipment per year for fuel and maintenance.
Total	\$1,489,546	

Assumptions included in this cost estimate are detailed below.

A. Education and Outreach.

A 2015 EPA study estimates that there are 11 million leaf blowers in the United States.¹

Using this nationwide information and extrapolating using County population estimates, there could be more than 35,000 leaf blowers in Montgomery County. Montgomery County is also home to one of the largest landscaping companies in the region, Ruppert, which employs nearly 2,000 employees.² To succeed in having 35,000 leaf blowers retired or replaced with electric alternatives, this legislation will require a robust education campaign of the phase out and alternatives. The Montgomery County Pesticide Ban featured a similar rollout and education campaign. In that campaign, DEP spent \$120,000 in a single direct mailing to each household and business in Montgomery County, and an additional \$300,000 in advertising on radio, television, and internet ads. This campaign will be similar in order to ensure awareness of the legislation, timeline, rationale, and alternatives. Additional mailings, if needed, would cost \$120,000 to every address or \$63,000 to single family households owned over two years. A follow up mailing to single family households owned over two years at a later point is recommended.

B. Equipment Replacement.

Bill XX-22 will require direct replacement of leaf blowers that are owned and operated by the County government, namely DGS and DOT. To abide by the 12-month implementation timeline of the legislation, replacements will need to take place in FY22 and FY23 for all leaf blowers.

MNCPPC and MCPS have a significant quantity of leaf blowers in the County, but as State entities, MNCPPC and MCPS are not required to comply with this legislation. If the County wishes to support MNCPPC and MCPS in switching to electric leaf blowers, estimates for MNCPPC and MCPS are included as well.

The estimated replacement unit costs for leaf blowers are shown in Table 2.

Table 3. Equipment Replacement Unit Costs		
Equipment Type	Unit Cost	Notes
Handheld	\$ 200	
Backpack	\$ 715	
Walk Behind	\$ 715	These are uncommon and expected to be replaced with backpack options
Battery Only	\$ 250	Extra or replacement batteries. Batteries are typically replaced after five years for frequently used equipment.

Leaf blowers vary in costs, from \$100 to \$1,100, for electric, battery operated plus additional battery costs, with handheld being on the lower end of costs and backpack more expensive. Additional batteries may cost \$150 to \$700 as well, and are needed for when leaf blowers are used for extended periods and not able to be plugged in. MNCPPC made purchases in 2021 that were roughly \$200 each per handheld blower, but with backpack models being \$325 and \$1,100. These vary based on strength, in air blown and time each lasts on a charge. A variety of backpack selections will likely be made at an average cost of \$715. MNCPPC, MCPS, DOT, and DGS assisted in calculating these estimates.

¹ <https://www.epa.gov/sites/production/files/2015-09/documents/banks.pdf>

² <https://www.lawnandlandscape.com/page/top-100/>

C. Contractual Changes.

Indirect costs will include increased costs for County contracts for lawn care and landscaping services. DGS is the main contract holder for these services and noted that it cannot predict how bids will come through. This is likely due to the complexity of increased capital costs required by contractors to abide with this legislation; however, the contractors are expected to see savings over the lifetime of the equipment. Based on a DGS contract for service in 2016 for 22 facilities, the cost per year for leaf removal is slightly more than \$5,000. This is one of three contracts that DGS has for lawn services; estimation of doubling all contracts for leaf blowing service will result in about \$15,000 per year.

D. Transition Grants – Grants/Rebates for Individuals and Small Businesses.

Bill XX-22 includes enabling legislation to offer a grant or rebate program for upfront costs of the electric leaf blowers or leaf vacuums for private residents and commercial entities. Such a grant program would require expenditures for both staff/stand up of establishing the grant program and the grants themselves, including an estimated \$10,000 for software management of grants. Staffing needs are noted below.

Grants would be designed to incentivize trade in, and potentially additional battery costs, especially for small and minority businesses. Such a grant could look like \$100 per piece of equipment for the first 1,000 applicants per year. This would total \$100,000, annually, for the first three years, or \$300,000 in total.

E. Personnel Costs.

There is currently leaf blower legislation that requires enforcement of the decibel level, not to exceed 70 dBA at 50 feet. To enforce the current law, DEP responded to 38 cases in FY19 and FY20. This responsibility falls to the Environmental Compliance group within DEP which has staff that responds to noise code violations. For enforcement, there is no additional staffing requests to comply with this legislation, as this Bill will be easier to enforce than the current legislation on decibel level.

One term staff member to coordinate or manage the grant/rebate program and education and outreach is expected to cost \$75,000 annually for three years, or \$225,000 in total.

F. Operational Cost Avoidance.

Based on literature studies, there may be cost avoidance from electric leaf blowers that will offset some additional costs, fuel savings, and maintenance savings. A University of Arkansas study found that its campus electric leaf blowers cost less than one-third of the operations and maintenance costs over a five-year period as compared to its gasoline or combustion engine-powered alternatives.³ This was a savings of \$360 per year per piece of equipment. Similarly, the Town of Chevy Chase calculated up to \$345 in annual operations and maintenance savings.⁴ Based on these, we estimate \$350 in annual savings per leaf blower.

G. Discussion on Estimates.

At a time when all leaf blowers are being replaced, it would be strategic to evaluate needs of total leaf blowers, and/or purchase of corded electric leaf blowers instead of powered, as which is best for individual needs and cost reduction. However, replacements for DGS, DOT, MCPS, and MNCPPC are estimated using battery powered (not plugin), with expectations for additional batteries for each piece of equipment. In areas where leaf blower operations

³ https://sustainability.uark.edu/_resources/publication-series/project-reports/reports-electric_power_tools_ua-2017-ofs.pdf

⁴ <https://www.townofchevychase.org/DocumentCenter/View/3097/Leaf-Blower-Cost-Comparisons->

require heavy use for multiple hours a day, the operators will require the purchase of additional battery(ies) at \$250 or more each, estimated at three additional batteries per blower. These costs are captured in the estimates shown above.

Additionally, for heavy use, a gasoline leaf blower lasts five to ten years, and an electric will last five years then likely require some replacement batteries in future years. For less use batteries will need to be replaced less frequently. This estimate is based on heavier use. This estimate assumes that there is no need to update infrastructure for charging batteries overnight, as a 110v outlet is acceptable. This estimate also assumes that there will be no daytime charging in trucks and that spare (excess) batteries would be used to meet daily needs. Upgrades are available for outlets, electrifying trucks for single plug ins, or battery backups on trucks for charging, that will greatly increase costs, and may be used strategically for heavy use.

3. Revenue and expenditure estimates covering at least the next six fiscal years.

See the response to Question 2.

4. An actuarial analysis through the entire amortization period for each bill that would affect retiree pension or group insurance costs.

The Bill is not expected to impact retiree pension or group insurance costs.

5. An estimate of expenditures related to County's information technology (IT) systems, including Enterprise Resource Planning (ERP) systems.

Bill XX-22 is not expected to impact the County's IT or ERP systems.

Later actions that may affect future revenue and expenditures if the bill authorizes future spending.

The Bill does not authorize future spending.

6. An estimate of the staff time needed to implement the Bill.

During implementation it could take up to approximately 40 hours per week to provide education, outreach, and manage the grant program. The anticipated workload will require one new position if a grant program is offered, a Program Specialist II. The estimate above reflects the hiring of one term staff member to handle these tasks. In addition, existing staff will also be needed to conduct enforcement functions from time to time. This requirement can be handled as part of existing staff workload in the to be created DEP Enforcement and Compliance Division.

7. An explanation of how the addition of new staff responsibilities would affect other duties. In addition to a new term staff position for grants management, the implementation of this Bill will be handled mainly by the Environmental Compliance Unit. The enforcement is expected to be less than current enforcement efforts of the decibel level requirements.

8. An estimate of costs when an additional appropriation is needed.

See the response to Question 2.

9. A description of any variable that could affect revenue and cost estimates.

Electric equipment costs are decreasing, and the EmPower Maryland Utility program is under review. These two variables could reduce future costs to purchase new electric leaf blowers and leaf vacuums.

11. Ranges of revenue or expenditures that are uncertain or difficult to project.

Not applicable.

12. If a Bill is likely to have no fiscal impact, why that is the case?

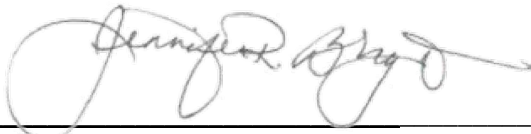
Not applicable.

13. Other fiscal impacts or comments.

Not applicable.

14. The following contributed to and concurred with this analysis:

Jason Mathias, Department of Environmental Protection
Patty Bubar, Department of Environmental Protection
Stan Edwards, Department of Environmental Protection
Mary Travaglini, Department of Environmental Protection
Steve Martin, Department of Environmental Protection
Gus Montes de Oca, Department of General Services
Jeffrey Knutsen, Department of Transportation
Lynne Zarate, Department of Transportation
Amanda Aparicio, Montgomery County Department of Parks
Rich Harris, Office of Management and Budget



Jennifer R. Bryant, Director
Office of Management and Budget

2 - 22 - 22

Date



OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

M E M O R A N D U M

March 15, 2022

TO: Gabe Albornoz, President
Montgomery County Council

FROM: Marc Elrich, County Executive *Marc Elrich*

SUBJECT: Introduction of Bill XX-22, Amendments to Chapter 31B

I am transmitting the attached proposed legislation, which amends Chapter 31B in response to significant noise complaints and research on the noise impacts of gasoline or combustion engine-powered leaf blowers. This legislation would phase out the sale of handheld and backpack combustion engine-powered leaf blowers and vacuums beginning six months from enactment, and their use twelve months from enactment.

Combustion engine-powered leaf blowers are known to exceed World Health Organization and the National Institute of Occupational Safety and Health standards for daytime noise and occupational safety noise standards, respectively. Although efforts have been made to regulate the overall noise volume of such leaf blowers in recent years, the Department of Environmental Protection (DEP) still receives significant complaints from residents across the County. Research shows combustion engine-powered leaf blowers have specific low and mid-frequency noise qualities or tones that are highly penetrative and result in noise being two to four times louder than electric plug in or battery powered options at the unit and up to 400 feet away. The low frequency noise is particularly penetrative of non-heavy building materials and easily carries through windows and doors. Beyond being distracting, this noise can have adverse health effects, both auditory, such as hearing loss and tinnitus, systemic vascular disease and mental illness.

With cost effective alternative equipment available as electric options, this prohibition will phase out combustion engine-powered equipment and phase in much less noisy electric plug-in and battery powered equipment. To assist in this phase-in, the legislation also authorizes a grant

March 15, 2022

Page 2 of 2

program for DEP to ease the transition for residents and companies in the County. The legislation also allows a citation to be issued from one witness complaint, rather than the two required for other noise ordinance issues.

I appreciate your prompt consideration of this action.

ME:ah

Attachments

cc: Richard S. Madaleno, Chief Administrative Officer, Office of the County Executive
Debbie Spielberg, Special Assistant to the County Executive
Adriana Hochberg, Acting Director, Department of Environmental Protection
Ken Hartman, Director of Strategic Partnerships, Office of the County Executive
Patrice Bubar, Deputy Director, Department of Environmental Protection
Jason Mathias, Legislative Manager, Department of Environmental Protection

Bill No. XX-22
Concerning: Noise Control – Leaf
Removal Equipment
Revised: [date] Draft No. 1
Introduced: [date]
Expires: [18 mos. after intro]
Enacted: [date]
Executive: [date signed]
Effective: [date takes effect]
Sunset Date: [date expires]
Ch. [#], Laws of Mont. Co. [year]

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Transportation & Environment Committee

AN ACT to:

- (1) prohibit the sale and use of combustion engine-powered leaf blowers and leaf vacuums;
- (2) authorize a grant program to partially offset the cost of replacing a combustion engine-powered leaf blower or leaf vacuum with an electric leaf blower or leaf vacuum; and
- (3) generally revise County law regarding noise control.

By adding

Montgomery County Code
Chapter 31B, Noise Control
Section 31B-9

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. Sections 31B-9 and 31B-12 are amended as follows:**

2 **31B-9. [Leaf blowers] Leaf removal equipment.**

3 * * *

4 (e) Effective [insert a specific date that is six months after this act becomes law], a
 5 person must not sell a combustion engine-powered handheld, backpack, or walk-
 6 behind leaf blower or leaf vacuum.

7 (f) Effective [insert a specific date that is one year after this act becomes law], a person
 8 must not use a combustion engine-powered handheld, backpack, or walk-behind leaf
 9 blower or leaf vacuum.

10 (g) The Director may establish a time-limited program based on criteria set by
 11 regulation to partially reimburse County residents and businesses that purchase
 12 electric leaf blowers or leaf vacuums to replace combustion engine-powered leaf
 13 blowers or leaf vacuums that were purchased before [insert the date that this act
 14 becomes law]. To receive the reimbursement, an owner of a combustion engine-
 15 powered leaf blower or leaf vacuum must apply to the Director in a form prescribed
 16 by the Director and deliver the combustion engine-powered leaf blower or leaf
 17 vacuum to the County.

18 (h) An enforcement officer may issue a civil citation under this Section if the Director
 19 receives a complaint of a noise disturbance supported by photographic evidence of a
 20 violation of subsection (f).

21 **31B-12. Enforcement and penalties.**

22 * * *

23 (f) Except as provided in Section 31B-9(h), [An] an enforcement officer may issue a
 24 civil citation for any violation of this Chapter if the enforcement officer:

25 (1) witnesses the violation; or

26 (2) receives complaints from at least 2 witnesses of a noise disturbance.

27 Complaints by 2 witnesses are required to issue a citation under paragraph (2), but
 28 are not required to prove that a person violated this Chapter.

29 * * *

30
 31 Approved:

32

Gabe Albornoz, President, County Council

Date

33 *Approved:*

34

Marc Elrich, County Executive

Date

35 *This is a correct copy of Council action.*

36

Selena Mendy Singleton, Clerk of the Council

Date

Approved as to form and legality:



Office of the County Attorney
Walter E. Wilson

Resolution No. R-25-2022

Adopted:

A Resolution of the Mayor and Council of the Town of Kensington Authorizing the Town Manager to accept the proposal from Rippeon Equipment Company for the purchase of a Kubota V-Series RTV under Sourcewell Quotation #2447851.

Whereas, pursuant to Chapter II, "Government and Administration", Article 4, "Purchasing Contracts", Subsection 2-404, "Awarding of Bids", all purchases in excess of \$10,000 shall be approved by the Mayor and Council by a simple majority vote at a regular meeting or a duly called special meeting for that purpose; and

Whereas, pursuant to Chapter II, "Government and Administration", Article 4, "Purchasing Contracts", Subsection 2-403, "Exceptions", items, services, and materials not more than \$30,000 in value may be purchased by negotiation at the direction and recommendation of the Town Manager; and

Whereas, the Town requested a proposal from Rippeon Equipment Company for a Kubota V-Series RTV, to include the following scope:

1. Enclosed Cab w/ A/C, Heater, and Defroster.
2. Snow Blade w/ Hydraulic Lift and Angle.
3. Front and Rear Work Lights.
4. Hazard Lights and Turn Signal.
5. Side Mirror Kit.

Whereas, Rippeon Equipment Company provided a proposal, detailed within Exhibit A, for a total sum of \$31,417.58; and

Whereas, Rippeon Equipment Company is a participating agency of Sourcewell allowing for a government discount of \$6,310.26 under Sourcewell Quotation #2447851; and

Whereas, the Town Manager is recommending that the Mayor and Council accept the proposal from Rippeon Equipment Company for an amount not to exceed \$25,107.32.

Now, Therefore, Be It Resolved by the Mayor and Council of the Town of Kensington that the Town Manager be and is hereby authorized to accept the contract proposal from Rippeon Equipment Company for the scope and services detailed within Exhibit A for an amount not to exceed \$25,107.32, subject to the review by the Town Attorney.

ADOPTED by the Town Council of Kensington, Maryland, at the regular public meeting assembled on the 12th day of September, 2022.

EFFECTIVE the 12th day of September, 2022.

ATTEST: TOWN OF KENSINGTON, MARYLAND

By: _____
Susan C. Engels, Clerk – Treasurer

Tracey C. Furman, Mayor

-- Standard Features --

-- Custom Options --



V Series RTV-X1100CWL-H
 *** EQUIPMENT IN STANDARD MACHINE ***

DIESEL ENGINE

Model Kubota D1105
 3 Cyl. 68.5 cu in
 +24.8 Gross Eng HP
 75 Amp Alternator

TRANSMISSION

VHT-X
 Variable Hydro Transmission
 Forward Speeds:
 Low 0 - 15 mph
 High 0 - 25 mph
 Reverse 0 - 17 mph
 Limited-slip Front Differential
 Rear differential lock

HYDRAULICS

Hydrostatic Power Steering
 with manual tilt-feature
 Hydraulic Cargo Dump
 Hydraulic Oil Cooler

FLUID CAPACITY

Fuel Tank 7.9 gal
 Cooling 8.3 qts
 Engine Oil 4.3 qts
 Transmission Oil 1.8 gal
 Brake Fluid 0.4 qts

CARGO BOX

Width 57.7in
 Length 40.5 in
 Depth 11.2 in
 Load Capacity 1102 lbs
 Vol. Capacity 15.2 cu ft

+ Manufacturer Estimate

KEY FEATURES

Factory Cab w/ A/C, Heater,
 Defroster
 Fully opening roll-down door
 windows
 Digital Multi-meter
 Speedometer
 Pre-wired w/ speakers/antenna for
 stereo
 Front Independent Adjustable
 Suspension
 Rear Independent Adjustable
 Suspension
 Brakes - Front/Rear Wet Disc
 Rear Brake Lights / Front
 Headlights
 2" Hitch Receiver, Front and Rear
 Deluxe 60/40 split bench seats
 with driver's side seat adjustment
 Underseat Storage Compartments
 Deluxe Front Guard
 (radiator guard, bumper, and lens
 guard)

SAFETY EQUIPMENT

SAE J2194 & OSHA 1928 ROPS
 Horn
 Dash-mounted Parking Brake
 Spark Arrestor Muffler
 Retractable 2-point Seat Belts

DIMENSIONS

Width 63.2 in
 Height 79.5 in
 Length 120.3 in
 Wheelbase 80.5 in
 Tow Capacity 1300 lbs
 Ground Clearance 10.4 in
 Suspension Travel 8 in
 Turning Radius 13.1 ft

Factory Spray-on Bedliner
 "L" Models Only

Bright Alloy Wheels (Silver-
 painted)
 Silver-painted with machined
 surface
 "S" Models only

TIRES AND WHEELS

Heavy Duty Worksite 25 x 10 - 12, 6 ply

RTV-X1100CWL-H Base Price: \$23,549.00

(1) 72" XTRA DUTY FRONT BLADE W/ELECTRO-
 HYDRAULIC LIFT AND ANGLE \$4,319.00
 V5060-72" XTRA DUTY FRONT BLADE W/ELECTRO-
 HYDRAULIC LIFT AND ANGLE

(1) LED FRONT WORK LIGHTS KIT (2) \$179.00
 77700-11811-LED FRONT WORK LIGHTS KIT (2)

(1) TURN SIGNAL/HAZARD LIGHT KIT \$359.00
 K7731-99610-TURN SIGNAL/HAZARD LIGHT KIT

(2) SIDE MIRROR KIT - CAB (1) \$178.00
 77700-V5059-SIDE MIRROR KIT - CAB (1)

(1) LED REAR WORKLIGHT (1) \$99.00
 77700-11812-LED REAR WORKLIGHT (1)

Configured Price: **\$28,683.00**

Sourcewell Discount: (\$6,310.26)

SUBTOTAL: **\$22,372.74**

Dealer Assembly: \$453.33

Freight Cost: \$1,031.25

PDI: \$400.00

Additional Dealer Assembly - Plow \$200.00

Dealer Assembly for Lights & Mirrors \$400.00

Delivery to Kensinton \$250.00

Total Unit Price: \$25,107.32

Quantity Ordered: 1

Final Sales Price: \$25,107.32

**Purchase Order Must Reflect
 the Final Sales Price**

**To order, place your Purchase Order directly with the quoting
 dealer**

*Some series of products are sold out for 2022. All equipment specifications are as complete as possible as of the date on the quote. Additional attachments, options, or accessories may be added (or deleted) at the discounted price. All specifications and prices are subject to change. Taxes are not included. The PDI fees and freight for attachments and accessories quoted may have additional charges added by the delivering dealer. These charges will be billed separately. Prices for product quoted are good for 60 days from the date shown on the quote. All equipment as quoted is subject to availability.

Resolution No. R-26-2022

Adopted:

A Resolution of the Mayor and Council of the Town of Kensington Authorizing the Town Manager to accept the proposal from Contracting Specialists Incorporated for certain brick repointing within the portico at the Kensington Town Hall.

Whereas, pursuant to Chapter II, "Government and Administration", Article 4, "Purchasing Contracts", Subsection 2-404, "Awarding of Bids", all purchases in excess of \$10,000 shall be approved by the Mayor and Council by a simple majority vote at a regular meeting or a duly called special meeting for that purpose; and

Whereas, pursuant to Chapter II, "Government and Administration", Article 4, "Purchasing Contracts", Subsection 2-403, "Exceptions", items, services, and materials not more than \$30,000 in value may be purchased by negotiation at the direction and recommendation of the Town Manager; and

Whereas, the Town requested a proposal from Contracting Specialists Incorporated for certain brick repointing within the portico at the Kensington Town Hall, to include:

1. Saw-cut and repoint up to 651 SF of brick at the interior face of the veranda columns, return walls, and the walkway surface within the portico.
2. Saw-cut and repoint up to 115 SF of brick sidewalk along the perimeter of the portico.

Whereas, Contracting Specialists Incorporated provided a proposal, detailed within Exhibit A, for a total sum of \$13,858.46; and

Whereas, the Town Manager is recommending that the Mayor and Council accept the proposal from Contracting Specialists Incorporated for an amount not to exceed \$15,000.00, to cover any additional costs or change orders.

Now, Therefore, Be It Resolved by the Mayor and Council of the Town of Kensington that the Town Manager be and is hereby authorized to accept the contract proposal from Contracting Specialists Incorporated for the scope and services detailed within Exhibit A for an amount not to exceed \$15,000.00, subject to the review by the Town Attorney.

ADOPTED by the Town Council of Kensington, Maryland, at the regular public meeting assembled on the 12th day of September, 2022.

EFFECTIVE the 12th day of September, 2022.

ATTEST: TOWN OF KENSINGTON, MARYLAND

By: _____
Susan C. Engels, Clerk – Treasurer

Tracey C. Furman, Mayor



CONTRACTING SPECIALISTS
INCORPORATED

CSI Job No.: 21-058

August 19, 2022

Mr. Matt Hoffman
Town of Kensington
3710 Mitchell Street
Kensington, MD 20895

**RE: Kensington Entrance Repairs – CO No. 5 Additional Entrance Veranda Repairs
3710 Mitchell Street
Kensington, MD 20895**

Dear Mr. Hoffman,

Per your recent request, **CSI** hereby provides this proposal to complete various repairs at the entrance veranda.

1. At up to 30 SF of entrance door alcove slab, we will resurface, locally reslope the slab up to 1" thick to provide positive slope and raise the door threshold. Then we will reapply the pedestrian grade membrane system on the exterior to match the existing.
2. On the interior, we will locally reslope 30 SF of floor slab, extending up to 4' from the door threshold inward up to 1" thick.
3. Remove and reinstall the 1 EA existing threshold to accommodate new elevation and trim doors up to 1" in height.
4. Saw-cut and repoint up to 651 SF of brick at the interior face of the veranda columns, return walls and the walkway surface below.
5. Along rear wall of veranda, we will construct a bulkhead measuring approximately 1'x1' in section, consisting of light gage metal framing, cement board with a textured elastomeric coating to match the slab soffit color.

Add Option – Repoint Sidewalk Border

6. Saw-cut and repoint up to 115 SF of brick sidewalk perimeter border.

Note: Removal, repair and/or replacement of carpet and interior finishes along door threshold are excluded. Repair of and/or repainting of doors are excluded.

CORPORATE OFFICE
Boston, MA

REGIONAL OFFICES
Fort Lauderdale, FL
Portland, ME
Washington, DC

Entrance Door Resloping Lump Sum Price
Repointing Below Veranda Slab Lump Sum Price
Construction of Bulkhead Lump Sum Price

\$ 4,884.24

\$ 11,985.05

\$ 4,527.93

Total Lump Sum Price

\$21,397.22

Add Option**Repoint Walkway Border Lump Sum Price****\$ 1,873.41****Schedule:**

The overall project schedule will be increased by ten (10) working days.

Payment Terms:

To remain as agreed upon in the existing contract between **CSI** and the Town of Kensington.

Expiration:

This proposal expires thirty (30) days after proposal date.

If you have any questions or require additional information pertaining to the above proposal, please feel free to contact me.

Sincerely,



Ville Vainio
Branch Manager

Acceptance of Proposal:

Authorized Signature _____

Name _____

Title _____

Date _____

