

TOWN OF CHEVY CHASE
COUNCIL MEETING
April 19, 2023

OPEN SESSION TO VOTE TO ENTER CLOSED SESSION (6:30 p.m.)

The Town Council will meet in open session for the purpose of voting to enter a closed session pursuant to the Open Meetings Act, Maryland Code, General Provisions Article, Section 3-305(b)(1) to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction.

REGULAR MEETING (7 p.m.)

- I. GENERAL BUSINESS (7:00-7:15 p.m.)
 - A. Call to Order
 - B. March 2023 Financial Report
 - C. Town Manager's Report
 - D. Public Comments

- II. COUNCIL DISCUSSIONS (7:15-9:00 p.m.)
 - A. Corso Chevy Chase Rezoning/Redevelopment
 - B. Bethesda Market Park Development & Park Amenities Survey
 - C. Naming New Zimmerman Park Path for Scott Fosler
 - D. Water Flow in Coquelin Run
 - E. [Gas-Powered Leaf Blower Regulations](#)
 - F. Antisemitism Awareness Resolution

- III. ADJOURNMENT (9:00 p.m.)

How to Join the Council Meeting

1. In-Person
Town Hall, 4301 Willow Lane, Chevy Chase, MD 20815

2. [Online via Zoom](#)

3. By Phone via Zoom
(301) 715-8592 US
Meeting ID: 301 654 7144
Passcode: 6547144

MEMORANDUM

I-B

April 13, 2023

To: Town Council
From: Mike Lightfield, CPA
Re: Financial Report for March 2023

Attached please find the financial report for **March 2023**. This report represents the ninth month or 75% of fiscal year 2023.

We have received approximately 87% of budgeted operating revenue and spent approximately 65% of budgeted operating expenditures as of March 31, 2023.

As of March 31, 2023, we have spent \$51,903 from the capital budget on street and sidewalk work, street signage, new trees/reforestation, and information technology.

Below is the status of income tax receipts as of March 31, 2023.

Income Tax Receipts

Month of Tax Distribution	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
July ⁽¹⁾	\$6,689.01	\$4,782.09	\$9,723.92	\$12,601.05	\$4,794.75
August	-0-	-0-	-0-	-0-	-0-
September	-0-	-0-	-0-	-0-	-0-
October	\$41,380.77	\$79,873.42	\$67,665.55	\$51,312.79	\$90,949.30
November*	\$900,294.14	\$1,567,765.98	\$1,388,499.80	\$1,631,049.16 ⁽²⁾	\$1,242,057.91 ⁽²⁾
January	\$474,707.06	\$21,993.78	\$144,837.22	\$280,364.86	\$499,808.26
February	\$495,000.00	\$569,250.00	\$611,036.04	\$702,691.45 ⁽²⁾	\$673,515.59 ⁽²⁾
March	\$24,387.12	\$26,861.09	\$37,434.43	\$16,284.84	\$41,414.72
May	\$495,000.00	\$627,751.30	\$611,036.04 ⁽²⁾	\$702,691.45 ⁽²⁾	-0-
June	\$315,467.05	\$495,941.54	\$501,313.27 ⁽²⁾	\$582,317.85 ⁽²⁾	-0-
TOTAL	\$2,752,925.15	\$3,394,219.20	\$3,371,546.27	\$3,979,313.55	\$2,552,540.53

*Nov. Dist. \$495,000 \$569,250 \$611,036.04 \$702,691.45 \$673,515.59
(3rd quarter withholding and estimated payments for current tax year)

*Nov. Dist. \$405,294.14 \$998,515.98 \$777,463.76 \$928,357.71 \$610,362.05
(4th reconciling distribution for previous tax year)

- (1) The July distribution is accrued to the prior fiscal year.
- (2) These distributions are gross of Wynne credit repayments.

Please let me know if you have any questions or would like additional information.

From: [Christina Files](#)
To: [Todd Hoffman](#)
Cc: [Joy White](#)
Subject: Proposal: Full Year Ban on Gas-Powered Leaf Blowers
Date: Friday, April 14, 2023 11:47:40 AM
Attachments: [GPLB Full Year Ban April 2023.docx](#)

Town Council Members:

The Climate and Environment Committee is forwarding for your consideration a proposal for a full year ban on gas-powered leaf blowers (GPLBs) effective immediately. The CEC believes that residents and landscapers have had sufficient notice that a ban on the use of GPLBs is coming for such a change to be accomplished promptly without significant cost or disruption. Many landscapers and residents have made the shift away from GPLBs already during the transition period. Delaying the full implementation of this shift would prolong the continuing harm to the health and welfare of Town residents and landscape workers associated with the use of GPLBs.

The Town's concession to lift the GPLB ban temporarily for the fall leaf clean up made sense at the time. However, the process of seasonally lifting and imposing the ban has been confusing to landscapers. Also lower costs and improved effectiveness of BPLBs, as substantiated in an economic analysis contained in the proposal, have removed earlier obstacles for adoption of BPLBs.

The proposal for a full year ban on GPLBs includes a few changes to the current ordinance regarding penalties and enforcement :

- Only one resident witness required to report a violation. We don't want neighbors ganging up on other neighbors.
- Warning issued for first violation. Fines for second and third violation set at \$100 and \$200.
- Though the current GPLB ordinance indicates fines of \$200/\$400/\$1000 to be levied, no fines to date have been levied against landscapers. The CEC feels that fines are essential as some landscapers are openly violating the ordinance. The Village of Chevy Chase also feels fines are essential for enforcement. The Village has set its fine for infractions of their GPLB ban at \$100. We recognize that levying fines is problematic and requires further discussion.

Enforcement procedures and fines are a difficult issue, and we look forward to a discussion with the Town Council about the recommendations we have provided in the proposal.

The several attachments that we reference in the proposal will be provided separately and in advance of the upcoming Council meeting.

Christina Files, Stuart Sessions, Sheila Blum, George Schu
CEC Committee Members

Request for Action to Address Noise and other Impacts from Gas-Powered Leaf Blowers

Request

The Town of Chevy Chase Climate and Environment Committee (CEC) respectfully proposes that the Town Council amend the noise ordinance to extend the prohibition on use of gas-powered leaf blowers (GPLBs) from the current 9 ½ month period (January 1 through October 14 each year) to the entire year. In effect, this would prohibit the use of GPLBs at all times.

- We recommend that the use of gas-powered leaf blowers be banned in the Town of Chevy Chase effective immediately, upon enactment of appropriate changes to the ordinance.

The CEC believes that residents and landscapers have had sufficient notice that a ban on the use of GPLBs is coming for such a change to be accomplished promptly without significant cost or disruption. Indeed, many landscapers and residents have made the shift away from GPLBs already during the transition periods of the Town’s progressive noise ordinances over the past few years. Delaying the full implementation of this shift would prolong the continuing harm to the health and welfare of Town residents and landscaping workers associated with the use of GPLBs.

During the progression toward a full ban on GPLBs, the CEC proposes that the Town Council continue to support Town and CEC efforts to:

- Conduct an educational and outreach campaign to facilitate a full year shift to electric-powered equipment.¹
- Identify and publicize landscape companies that offer “quiet & clean” services (in cooperation with the Village and Somerset).
- Reinstate a rebate for the purchase of electric-powered leaf blowers (EPLBs) to cover both the blower and/or any associated equipment such as batteries, chargers, connectors, harnesses and the like.
- Raise the maximum rebate for purchase of EPLBs and/or associated equipment to \$300, which will be one-time only and only for landscape companies (not residents).
- Design an enforcement procedure which allows for a first time warning to be issued to both landscaper and resident, and a fine of \$100 on second infraction and fine of \$200 for third infraction.
- Develop practical and neighborly guidance and procedures for response by residents who believe they may be witnessing a violation of the ban. We suggest this could include encouraging the resident to call the Town office to report the incident with as many details as possible, and providing residents with a short

¹ Electric-powered blowers include both corded-electric blowers and battery-powered blowers (BPLBs). Corded electric blowers can often be used cost-effectively by homeowners for in-yard use, but are rarely practicable for use by landscapers serving multiple properties because of issues involving access to outlets and electric cord management. For this reason, we consider mostly in this proposal the transition from GPLBs to BPLBs.

multilingual handout that can be given to the operator of the GPLB and/or homeowner.

- Require the Town office to keep a tally of warnings and fines issued and report results regularly to the CEC.
- The Town should lead by example by having its leaf removal contractor completely avoid the use of GPLBs. How this is to be accomplished is to be determined.

History:

The Town Council adopted the Town of Chevy Chase Gas Powered Blower Ordinance on December 9, 2020. The ordinance established a phased transition toward reduced use of GPLBs. For the year 2021, the ordinance reduced the hours during which GPLBs could be used, prohibiting their use before 10 am on weekdays and before noon on weekends and after 6 pm on all days. For 2022 and subsequent years, the ordinance then also prohibited the use of GPLBs at any time on any day between the 1st day of January through the 14th day of October. Use of GPLBs continues now to be allowed between the 15th day of October through the 31st day of December.

Prior to adopting this ordinance, the Town Council and CEC solicited resident and landscaper opinions on the potential GPLB restrictions and the Town Council conducted public hearings on the proposed ordinance. The Landscaping Noise Reduction Task Force (a sub-committee of the CEC) worked with two neighboring jurisdictions to conduct information-gathering, educational and outreach efforts for Town and nearby residents, local government officials and landscapers, including presentations, equipment demonstrations, mailings, surveys, coordination with national experts, cross-community meetings and more.

In addition, the Task Force prepared an analysis comparing the costs of GPLBs and EPLBs at Mayor Rush' request. Since enactment of the ordinance, the Town and CEC have continued their publicity, outreach and educational efforts including signs, brochures, newsletter and listserv communications, letters and emails to landscapers, maintenance of quiet, clean landscaper lists, and so forth. We have recently updated the economic analysis.

Compliance with the Town's expanded quiet hours has appeared to be quite good, while compliance with the 9 ½ month ban on use of GPLBs has been mixed. No overall data has been developed and our observations are scattered:

- Some landscapers have switched completely from GPLBs to BPLBs and report no problems from having done so.
- The Town's fall leaf removal contractor, a strong believer in the greater efficacy of GPLBs over BPLBs, has nevertheless agreed to use BPLBs to the extent possible and has conducted the large majority of his work for the Town in this manner. He states, however, that meeting his contractual schedule commitments sometimes requires him to accelerate his work and use his more powerful GPLBs (e.g., to catch up after he has missed a day or two of work during a week because of adverse weather conditions, or when he has to deal with a large quantity of heavy, wet leaves.)
- CEC and Task Force members have spoken with landscapers using GPLBs illegally and/or the homeowners employing them on several occasions while the 9 ½ month ban

has been in effect. The responses have been mixed. One landscaper who clearly knows that he was operating illegally was evasive. Another landscaper expressed regret and said he did not know the rules and would comply in the future. Another recently thought that using a GPLB was allowed since he had been told last fall that it was allowed – he was unaware that the rules varied over the course of a year. One homeowner was confrontational when a CEC member attempted to photograph her landscaper using a GPLB illegally.

Residents observing what appear to be illegal use of GPLBs have called the Town office requesting intervention. Usually no staff member has been available for prompt investigation. Staff have followed up if the identity of the potentially offending landscaper could be determined and approximately 50 warnings have been given to landscapers. No fines have been levied. The Town has recently allocated additional hours to a code enforcement officer to address these situations. We have not yet discussed with Town staff their most recent impressions on overall complaints from residents and compliance.

The District of Columbia banned GPLBs **effective January 1, 2022**. In December 2019, the Chevy Chase Village Board of Managers voted to adopt a ban on gas-powered leaf-blowers parallel to the DC ban, and the Village ban also went into effect **January 1, 2022**. The Village Board cited as particularly persuasive the findings of the Chevy Chase Village Chief of Police that nearly every gas-powered leaf-blower that he assessed exceeded Montgomery County's noise ordinance decibel limitations. The Town of Chevy Chase enacted our partial 9 ½ month ban on use of GPLBs similarly effective on **January 1, 2022**. The Town of Somerset banned the use of GPLBs effective **September 1, 2022**.

This spring the Montgomery County Council considered legislation to ban the sale and use of GPLBs. While the County Executive and a majority of the Council members appear to support a ban in concept, the legislation is now held in abeyance pending resolution of issues involving financial support to assist landscaper transition to EPLBs and issues involving landscaper use of GPLBs for very large properties.

The CEC believes that these more than three years of local activity have given landscapers and residents substantial notice that the transition from GPLBs to EPLBs and other methods of conducting their work must occur. We believe the time to complete the graduated shift away from use of GPLBs in the Town is now. While the Town's 2 ½ month seasonal period during which GPLB usage is allowed made sense at the time to smooth the transition, ending this window for usage will make our requirements unambiguous and reduce the uncertainty that exists among some landscapers. Also, the lower costs and improved effectiveness of BPLBs, as substantiated in the economic analysis in this proposal, have removed earlier impediments to adoption of BPLBs.

Penalties:

The CEC proposes that violation of the full 12 month ban GPLB ordinance shall be considered a municipal infraction and subject to a warning for the first infraction, a \$100 fine for the second infraction and a \$200 fine for the third infraction.

Enforcement:

The CEC proposes that an enforcement officer of the Town may issue a citation for a municipal infraction if he/she witnesses the violation or receives a complaint from a resident. Residents will be encouraged to call the Town office to report an infraction of the noise ordinance. They will be required to give the address at which the infraction occurs and if possible the name of the landscaper. **Only one witness to the infraction will be required.**

The warning for the first infraction will be delivered to the resident and the landscaper. **Fines will be levied on the landscaper but if the landscaper does not pay the fine then the resident will be liable for the fine.**

The Case for Banning Gas-Powered Leaf Blowers

Excessive Noise: Noise from GPLBs often exceeds 100 decibels (“dBs”) at the ear of the operator, far higher than the level of 85 dB beyond which the Environmental Protection Agency and the National Institute for Occupational Safety and Health have declared noise exposure to be harmful to health. The Occupational Safety and Health Administration (OSHA) has set 75 dB as an Action Level. If a worker is exposed consistently above the OSHA Action Level, his or her employer is required to provide and assure the use of effective hearing protection. Most local landscapers fail to protect their workers in this required manner. The excessive noise from GPLBs can damage hearing, interfere with sleep, and increase blood pressure, adrenaline, and heart rates, affecting both workers and nearby residents. Many Town residents have complained that the noise from GPLBs significantly negatively impacts their quality of life. GPLBs typically produce noise levels several times those from battery-powered blowers, and the lower-frequency character of GPLB noise makes it travel farther and penetrate indoors more than battery blower noise.

Pollution Impacts: GPLBs emit large quantities of air pollutants that harm landscape workers as well as Town residents and the environment generally. The two-stroke engines used in GPLBs burn their fuel less completely than the four-stroke engines typically used in cars and other larger equipment. As a result, GPLBs emit significant quantities of ozone-forming chemicals, fine particulate matter, carbon monoxide and a variety of other toxic air pollutants. Battery-powered leaf blowers are responsible for far lower quantities of these air pollutants, and their emissions occur mostly at power plants rather than in neighborhoods. (If residences rely on renewable energy sources for their electricity, the emissions from electric battery-powered blowers can be negligible.) Notably, GPLBs generate total CO₂ at all locations at a rate per hour of use some 3 to 9 times higher than electric-powered blowers.

Harmful Health Impacts: Pollutants emitted by GPLBs are well-known causes of many adverse health impacts. The particulates and other emissions are inhaled directly by equipment operators and nearby residents, and they contribute as well to regional air pollution. Even short-term exposure can be harmful. Children, seniors, people with chronic illness, and certainly landscape workers are at greatest risk.

Equity Concerns: Those at highest risk of health damage from the noise and combustion engine emissions are landscape workers, who in Montgomery County are predominantly lower income and Hispanic. Many of these individuals use GPLBs throughout the day during the heavy leaf

season and frequently during the spring and summer. Indifference to their exposure implicitly ignores their long-term health concerns.

Economics of The Transition from GPLBs to EPLBs

The CEC has recently updated our earlier economic analyses developed for the Town Council to support their revision of the noise ordinance in 2020. See the annex for further detail on the update.

The major development since 2020 affecting leaf blower economics has been the introduction by manufacturers of increasingly powerful blower/battery combinations that are intended to compete at the high end of the professional landscaper market. The battery blowers themselves have become only somewhat more powerful, but the batteries paired with these blowers have increased greatly in capacity. A relatively powerful battery blower in 2020 would typically require several of the largest batteries available at that time to power the blower for a full day of work under demanding conditions (e.g., clearing heavy, wet leaves). Now a single, new, very large battery can power a blower slightly more powerful than the 2020 versions for a full day under demanding conditions. The costs to buy and use powerful battery-powered blowers have thus declined significantly, because: a) There are economies of scale in manufacturing large batteries; and b) A landscaper using a single sufficiently large battery for a day's work avoids the labor costs of swapping out and then recharging multiple smaller batteries each day.

Partly as a function of shifting economics, many of the landscapers serving the Town have transitioned completely to BPLBs. The shifting economics is also reflected nationally and internationally. California has adopted legislation ending the sale of gasoline powered landscape equipment in 2024. Electric-powered leaf blowers were estimated in 2021 to constitute more than 80% of the market (<https://www.maximizemarketresearch.com/market-report/global-leaf-blower-market/108959/>)

Current Costs for Electric vs. Gas Blowers

- Buying and operating a small-to-medium-sized electric-powered leaf blower is now 30-40% less costly on a life-cycle basis than for a comparably powered gas-powered leaf blower (GPLB)
- A high-powered battery-powered leaf blower (BPLB) -- when used for full days of heavy work (requires backpack-style blower) during fall leaf season or for spring cleanups – is now about 10-15% less costly on a life-cycle basis than a comparably-powered GPLB. This is a reversal from our previous analysis, when a powerful BPLB was found to be more costly on a life-cycle basis than a comparably powerful GPLB.
- These comparative cost analyses assume the landscaper is “starting fresh” and considering whether to purchase and use a GPLB or to purchase and use a BPLB. A different “early retirement” scenario – which likely will apply for some landscapers if a ban on GPLBs is implemented without several years of lead time – occurs when the

landscaper's GPLBs have some useful life remaining at the time when the switch to BPLBs must occur.

- Assuming that GPLBs on average have half of their useful lives remaining at the time when the switch must occur reduces the cost advantage of BPLBs only very slightly relative to the figures cited above for “starting fresh”.

Monetized Benefit-Cost Analysis for Switch to EPLBs

- We estimate the cost savings for a landscaping crew to switch from their existing GPLBs to BPLBs to be about \$360/year of service by the crew.²
- We estimate the monetized benefits from this switch in terms of avoided adverse health effects and statistical excess mortality from GPLB emissions of fine particulate matter to be about \$4,000 per year per crew.³ This includes health benefits to both workers and residents.
- Additional benefits in the form of reduced hearing loss among blower operators and avoided need for hearing aids might be about \$500 per year per crew.⁴
- We have not attempted to monetize the other very significant benefits of switching to BPLBs, including avoided adverse health effects from GPLB emissions other than fine particulates, the value to County residents of avoiding nuisance noise, etc.
- It seems safe to conclude that the net societal benefits (total benefits minus total costs) of switching to BPLBs are at least \$5,000 per year per crew.

For further economic analysis detail, see Annex X.

Summary

The Climate and Environment Committee respectfully requests that the Town Council move to adopt a full ban on the use of gas-powered leaf blowers effective immediately .

² This estimate assumes 2 blowers per crew – one smaller blower for mostly cosmetic use throughout the growing season, and one large, powerful blower for fall leaf removal and spring cleanups. Costs include capital and all operating and maintenance costs, amortized and combined so as to arrive at a single total annual cost figure. Some landscapers may use one smaller BPLB throughout the entire year, avoiding the cost of a second, particularly powerful blower during fall leaf season and for spring cleanups. However, these one-blower landscapers will then incur higher labor costs with supplemental raking and/or more time spent blowing, and we believe their total costs will be similar to the two-blower scenario that we analyze.

³ Estimated using published data and methods from USEPA, California Air Resources Board and others.

⁴ GPLBs frequently measure greater than 100 decibels at the ear of the operator. Chronic noise exposure at this level will cause significant hearing damage unless adequate hearing protection is employed, which it typically is not.

Attachments (to be provided)

Economic Analyses: comparative costs of GPLBs vs. EPLBs, benefit-cost analysis

Fines and enforcement

Education and outreach to residents and landscapers

Quick review of rebate program