

Town Topics, Princeton, NJ June 11, 1997

## **Revised Version of Township's Leafblower Ordinance Voted Down by Committee After Lengthy Discussion**

After a lengthy discussion Monday night in which 17 members of the Township Committee audience were again given the opportunity to speak about the controversial leaf blower ordinance, the revised version was voted down.

The vote was 3 to 2, with Committeewoman Phyllis Marchand joining Committeeman Carl Mayer in voting for the ordinance. After closing the public hearing, Mayor Michele Tuck-Ponder announced that she would not vote for the revised version. "I came here tonight intending to vote for it," Ms. Tuck-Ponder said. "I thought the intention was right, that the public deserved peace, and that we have an obligation to offer" assistance in obtaining that peace.

"But after listening to the comments tonight," she continued. "I think it's our obligation to pass good laws; we should not pass junk." She said the ordinance was unenforceable and would place a burden on the police.

"I'm concerned about noise, but I am more concerned about passing laws that make sense," the mayor said. "I don't want to get lost in good intentions. This ordinance gives people an out, by calling the police. It discourages communication. You can't legislate respect. We haven't tried education. This isn't the best we can do."

Mr. Mayer said that Committee had an obligation to the groups that had endorsed a leaf blower ban to set a time limit by which it would adopt an ordinance. His motion to that effect was seconded by Mayor Tuck-Ponder but defeated 3 to 2. Mr. Mayer's motion to put the matter to the public in the form of a referendum did not receive a second, nor did the two amendments he offered.

In the public discussion that preceded the vote, several speakers expressed disappointment that the ordinance had been "watered down" from its original version but urged Committee to vote for it because it was "a step in the right direction," or as Emily Cook of Dempsey Avenue put it, "It's better than nothing."

The revised version would have prohibited use of gasoline-powered blowers entirely from Memorial Day to Labor Day. During the remaining nine months of the year residents would have been allowed to use blowers from 8 to 6 weekdays and from 10 to 5 on weekends, provided they met the no-louder-than 65 decibels test. The ordinance would have given exemptions to property owners who would be using them 250 feet from the nearest residence.

It also established penalties in dollar amounts of increasing severity, starting at \$25 for the first infraction, and mandated a review of the ordinance a year after it went into effect.

### **Show Some Backbone**

Cook told Committee she was looking forward to that review, because "maybe Committee would show some backbone" and pass a more stringent ordinance. Grace Sinden, chair of the Health Commission and one of the original proponents of an outright ban, read a letter saying the Health Commission supported the ordinance to carry out the Township's noise ordinance and the effort "to keep excessive and non-essential noise to a minimum," but she called the nine out of 12 months in which blowers are allowed to be used "excessively permissive" and offered five ways in which the ordinance should be tightened.

They included making the property owners, not the owners of lawn services, the responsible party; not allowing any exemptions; communicating with the lawn services; and starting the review period before the one year is up. Others

also urged that September and May be added to the time period that blowers are prohibited, saying that leaves are only a problem in October and November.

On the other hand, there were those, such as Steve Slaby, Ewing Street, who noted that trees drop more than leaves and they do it at various times of the year, depending on the type of tree. Mr. Slaby suggested that the committee consider registering all gasoline-powered machinery and specifying a certain date by which they would have to have a muffler.

"What about senior citizens?" Mr. Slaby asked, expressing concern for those who have arthritis or other conditions that make it easier to maneuver a hand-held leaf blower to tidy their property than to wield a rake. "I'm all for a quiet town," he continued, "but are we going to have a mess of a town?"

Helmut Schwab told the committee that its "compromise" ordinance was "going in the wrong direction." Suggesting that Sundays and evenings should be noise-free, he proposed that blowers be allowed weekdays to 6 and Saturday mornings, but not on Sundays. This was the substance of one of the amendments that Mr. Mayer made that did not receive a second. Mr. Schwab said he was a Borough resident but was there because the Borough is following what the Township does with this matter.

The strongest criticism of the ordinance came from Hunt Stockwell, The Glen, who suggested turning the clock forward to the review period and seeing what is likely to be said about what the ordinance has accomplished. Mr. Stockwell said the good thing would be the restricted hours and perhaps some people buying blowers with lower decibels. He noted that the police have the equivalent of a Radio Shack metering device and that if there were any challenges to the ordinance they would probably be thrown out of

court.

"Will we be quieter? Who knows? There is no measurement in this ordinance. Will the public be better educated? There is no component for education in this ordinance. He predicted that users will be unhappy, the voters will be unhappy, and the Township may have a lawsuit. "What grade shall we give this ordinance that is arbitrary, ineffective, unfair to buyers who buy lower than 65 decibel blowers and can't use them? Some people will give it a D. I give it a flaming F.

"How do we get a better grade?" Mr. Stockwell went on. "Incentive (to purchase lower decibel blowers) and education. Let's defeat this grade F ordinance. We are from Princeton and we can do a lot better."

### **Problems for University**

Committee also heard strong words from Roger Smart, a Township resident, who is director of grounds and building maintenance for Princeton University. Mr. Smart said the ordinance "as written is a bad ordinance." He said it would prevent the University from using the best equipment to do clean-up jobs in the shortest possible time with the closest attention paid to the environment.

"It forces bad choices," Mr. Smart said of the ordinance, predicting that it will increase the cost of doing business. He described Poe-Pardee field filled "wall-to-wall" with litter following the University's outdoor orchestra concert and fireworks display on the last night of reunions to close the 250th anniversary celebration. "With the right equipment that field was cleaned up in two hours, and none if it [the lifter] went into the roads, the catch basin, the woods, the lake, the river."

He spoke of the doubling of visitors to the University over the past 10 years and the halving, from 70 to 35, in the maintenance crew. "It's a whole new world today," Mr. Smart said, citing an increased amount of litter and legal liability. "Wet leaves are a lawsuit waiting to happen."

Mr. Mayer also proposed allowing the University to apply for a special permit to use gasoline powered machines to clean up after events such as Reunions, but the motion was not seconded.

If the leaf blower ordinance surfaces again, It will be because, as Committeeman Steve Frakt suggested, someone on Committee has crafted an ordinance that is guaranteed to receive the votes of a majority of Committee. On the other hand, as Mrs. Marchand hinted, the members of the public who want a ban may get up a petition with the requisite signatures to put the matter to a referendum vote In the November election. The deadline is August 27.

—Barbara L. Johnson