



Regular Council Meeting

Monday, March 22, 2010

- Time:** 7:00 p.m.
- Place:** Council Chambers
Richmond City Hall
- Present:** Councillor Derek Dang, Acting Mayor
Councillor Evelina Halsey-Brandt
Councillor Greg Halsey-Brandt
Councillor Sue Halsey-Brandt
Councillor Ken Johnston
Councillor Bill McNulty
Councillor Harold Steves
- Acting Director, City Clerk's Office – Gail Johnson
- Absent:** Mayor Malcolm D. Brodie
Councillor Linda Barnes
- Call to Order:** Acting Mayor Dang called the meeting to order at 7:00 p.m.

RES NO. ITEM

MINUTES

- R10/5-1 1. It was moved and seconded
That:
- (1) the minutes of the Regular Council Meeting held on Monday, March 8, 2010,***
 - (2) the minutes of the Special Council Meetings held on Monday, March 8, 2010 and Thursday, March 18, 2010; and***



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(3) *the minutes of the Regular Council Meeting for Public Hearings held on Monday, March 15, 2010,*

each be adopted as circulated.

CARRIED

PRESENTATION

Suzanne Bycraft, Manager, Fleet & Environmental Programs, introduced Green Can, a new recycling program effective April 1st, which allows residents to add organic food scraps to garden trimming collection.

With the aid of a PowerPoint presentation (copy on file, City Clerk's Office), Ms. Bycraft highlighted the following information:

- effective April 1st, (i) collection service will begin at 7:30 a.m.; (ii) no plastics bags will be accepted for yard trimmings; and (iii) food scraps may be added to garden trimmings;
- there will be a one-month transition period whereby yard trimmings will be accepted in plastic bags;
- paper yard waste bags are compostable and durable, and may be purchased from retailers such as Canadian Tire, Home Depot, and Rona; and
- the City is providing 'Green Can' labels to residents to affix on their own cans, which may be no larger than 80 litres.

In reply to a query from Council, Ms. Bycraft advised that the new program is currently only available to residents receiving yard-trimming service now. Further, it is hoped that Richmond residents will embrace the new program as positively as they have in the past with regard to other recycling programs.



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COMMITTEE OF THE WHOLE

R10/5-2 2. It was moved and seconded
That Council resolve into Committee of the Whole to hear delegations on agenda items (7:21 p.m.).

CARRIED

3. Delegations from the floor on Agenda items – None.

R10/5-3 4. It was moved and seconded
That Committee rise and report (7:22 p.m.).

CARRIED

CONSENT AGENDA

R10/5-4 5. It was moved and seconded
That Items 6 through 13 be adopted by general consent.

CARRIED

6. COMMITTEE MINUTES

That the minutes of:

- (1) the General Purposes Committee meeting held on Monday, March 15, 2010;*
- (2) the Planning Committee meeting held on Tuesday, March 16, 2010;*
- (3) the Public Works & Transportation Committee meeting held on Wednesday, March 17, 2010;*
- (4) the Council/School Board Liaison Committee meeting held on Wednesday, March 17, 2010;*

be received for information.

ADOPTED ON CONSENT



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7. **APOWER INTERNATIONAL TRADING INC., DOING BUSINESS AS JANG MO JIB KOREAN RESTAURANT – RICHMOND 8320 ALEXANDRA ROAD**

(File Ref. No.: 12-8275-30-040) (REDMS No. 2838969)

That the application by Apower International Trading Inc., doing business as Jang Mo Jib Korean Restaurant - Richmond, for an amendment to increase the hours of liquor service under Food Primary Liquor License No. 301639 from Monday to Sunday 9:00 a.m. to Midnight to Monday to Sunday 9:00 a.m. to 2:00 a.m., and to add patron participation, be supported and that a letter be sent to the Liquor Control and Licensing Branch advising that:

- (1) *Council recommends the amendment of the increase in liquor service hours and the patron participation endorsement as no negative comments have been received from the community and will not have a significant impact on the community.*
- (2) *Council's comments on the prescribed criteria (set out in section 53 of the Liquor Control and Licensing Regulations) are as follows:*
 - (a) *The potential for additional noise and traffic in the area if the application is approved was considered.*
 - (b) *The impact on the community if the application is approved was assessed through a community consultation process and considered.*
 - (c) *That the amendment to permit patron participation and extend the hours of liquor service under the Food Primary liquor licence should not change the establishment so that it is operated in a manner that is contrary to its primary purpose as there has been no history of non-compliance with this operation.*
- (3) *As the operation of a licensed establishment may affect nearby residents the City gathered the views of the residents as follows:*
 - (a) *Property owners and businesses within a 100 metre radius of the subject property were contacted by letter detailing the application and provided instructions on how community comments or concerns could be submitted.*



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(b) In addition, signage was posted at the subject property and three public notices were published in a local newspaper. This signage and notice provided information on the application and instructions on how community comments or concerns could be submitted.

(4) Council's comments and recommendations respecting the views of the residents are as follows:

(a) That based on the number of letters sent and the lack of response received from all public notifications, Council considers that the amendment is acceptable to the majority of the residents in the area and the community.

ADOPTED ON CONSENT

8. DISPOSAL OF UNCLAIMED BICYCLES AND USED SURPLUS COMPUTERS

(File Ref. No.: 02-0640-03) (REDMS No. 2850416)

That 30 unclaimed bicycles and 42 used surplus computers be donated to the Refilwe Community Project through the Richmond Sunset Rotary Club.

ADOPTED ON CONSENT

9. UBCM RESOLUTION ON THE PROHIBITION OF SALES OF RABBITS IN RICHMOND

(File Ref. No.: 12-8060-20-8566) (REDMS No. 2853360)

That the proposed resolution (Attachment 1 to the staff report dated March 10, 2010 from the General Manager, Parks and Recreation, entitled "UBCM Resolutions on the Prohibition of Sales of Rabbits in Richmond") encouraging the Union of British Columbia Municipalities (UBCM) to request that the Province of British Columbia enact legislation to ban the sale of rabbits in pet stores, be forwarded to the UBCM for consideration.

ADOPTED ON CONSENT



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10. **APPLICATION BY WILLIAM AND WENDY CHAU FOR REZONING 10240/10260 RUSKIN ROAD & 8371 RYAN ROAD TO RS2/B TO CREATE 5 SINGLE-FAMILY LOTS**

(File Ref. No.: 12-8060-20-8590, RZ 08-403161) (REDMS No. 2832703, 292539, 2838962)

That Bylaw No. 8590, for the rezoning of 10240 & 10260 Ruskin Road and 8371 Ryan Road from "Single Detached (RS1/E)" to "Single Detached (RS2/B)", be introduced and given first reading.

ADOPTED ON CONSENT

11. **SOLID WASTE & RECYCLING REGULATION BYLAW 6803, AMENDMENT BYLAW 8578**

(File Ref. No.: 106370-10-05, 12-8060-020-8578) (REDMS No. 2801766, 2801260)

That:

- (1) Solid Waste and Recycling Regulation Bylaw 6803, Amendment Bylaw 8578, be introduced and given first, second and third readings; and*
- (2) the revised annual contract value of T.2988, Residential Solid Waste and Recycling Collection Services, in the amount of \$4,496,396.97, plus applicable taxes, for 2010, plus annual increases of 3% on January 1st of each subsequent year of the contract, starting January 1, 2011, be approved.*

ADOPTED ON CONSENT

12. **HAMILTON AREA SANITARY SERVICING STRATEGY**

(File Ref. No.: 10-6340-20-P.10601) (REDMS No. 2847998)

That the staff report dated March 1, 2010 from the Director, Engineering, entitled "Hamilton Area Sanitary Servicing Strategy" be endorsed for future public consultation.

ADOPTED ON CONSENT

13. **SINGLE-FAMILY AND DUPLEX VOLUNTARY WATER METERING PROGRAM – 3793P**

(File Ref. No.: 03-1000-20-3793P) (REDMS No. 2824147)

That the Single-Family and Duplex Voluntary Water Metering Program be contracted to Neptune Technology Group (Canada) Ltd. for a three-year term ending December 31, 2012.

ADOPTED ON CONSENT



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COUNCIL/SCHOOL BOARD LIAISON COMMITTEE –
Councillor Linda Barnes, Chair

14. **MODULAR LEARNING CENTRES**
(File Ref. No.: 01-0100-20-CSBL1-03) (REDMS No. 2854052)

R10/5-5

It was moved and seconded

That a letter be sent to the Ministry of Education, Richmond MLAs and the Premier outlining the City's concerns in regards to modular learning centres going in school park sites in Richmond and that the proposal of school expansions be considered as a viable alternative.

CARRIED

PUBLIC DELEGATIONS ON NON-AGENDA ITEMS

R10/5-6

15. It was moved and seconded

That Council resolve into Committee of the Whole to hear delegations on non-agenda items (7:53 p.m.).

CARRIED

Lisa Robinson, 5999 Andrews Road, stated that she was representing RiverWind, a 62-unit town house complex that is subject to non-stop noise from compressors located on the roof of True World Foods. She advised that complaints have been filed with the City and Vancouver Coastal Health (VCH) and that her objective was to present the residents' concerns and propose a resolution, as none has been forthcoming.

Ms. Robinson reviewed her submission that is attached to and forming part of these Minutes as Schedule 1, and the following was noted:

- in her opinion, the testing done by VCH was not done in accordance with the intent of the noise bylaw, in particular in relation to the bylaw's definition of 'point of reception';
- the tests were not long enough and as such did not give an accurate reading of the constant and fluctuating noise;



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- it is uncertain if all five compressors were on and running while VCH conducted their tests;
- tests were not taken during the actual hours of complaint even though VCH agreed that night time testing over several hours should be conducted,; and
- VCH denied a resident's testing request.

Also, she commented that as a result of numerous complaints and sound tests, True World Foods relocated three of their five rooftop compressors within their warehouse and built partly enclosed structures around the remaining compressors in an effort to mitigate noise. However, residents believe that the partly enclosed structures have since augmented noise from the compressors.

Ms. Robinson concluded by requesting that (i) Council members standby their statements and have VCH perform noise readings in direct line of sight between the compressors and the residences, at the property line; (ii) VCH conduct multiple noise readings between the hours of 10 p.m. and 7 a.m.; and (iii) a third party from either the City or VCH be present at True World Foods to confirm that all compressor units are running at their loudest level during all future tests.

In reply to queries from Council, Steve Chong, Manager, Health Protection, Richmond Public Health, VCH, advised that (i) 45 decibels is comparable to living room conversation; (ii) tests were not conducted over a 24 hour period; (iii) during tests, even with the window closed, the hum and vibration could be heard and felt through the wall; and (iv) VCH enforces the City's Public Health Protection bylaw through an agreement with the City.



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Discussion ensued and Council commented on (i) the nuisance of low level constant noise; and (ii) noise bylaws for other lower mainland municipalities and how Richmond's regulations compare, particularly in relation to mitigation of low frequency constant noise.

Wayne Mercer, Manager, Community Bylaws, also responded to questions from Council, noting that staff have been working on a response to an existing referral regarding the effectiveness of the current noise bylaw in situations such as this.

In reply to a query from Council, Mr. Chong advised that VCH would consider further testing during night time hours if directed by the City to do so.

Upon conclusion of the discussion, the delegation was thanked for her presentation.

- R10/5-7 16. It was moved and seconded
That Committee rise and report (8:29 p.m.).

CARRIED

PUBLIC ANNOUNCEMENTS AND EVENTS

Arising from the Regular (Closed) Council meeting held on Monday, March 22, 2010, the following was announced in relation to the use of a city property for a shelter for women and children:

That:

- (1) *a city property be moved from the Strategic Land inventory into the Affordable Housing inventory by way of an internal payment of \$732,840.24 from existing Affordable Housing projects to the Industrial Use Reserve;*



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- (2) *the lease of the property to Family Services of Greater Vancouver for a total term up to 25 years at a nominal rent of \$1 per annum for the operation of a 10 bed shelter for women and children be approved subject to a commitment from BC Housing of sufficient operating funding for the facility;*
- (3) *staff be authorized to take all necessary steps to complete the matters detailed in Recommendation 2 above, including authorizing the Manager, Real Estate Services to negotiate and execute all documentation required to effect the transaction;*
- (4) *should the necessary operating funding for the shelter not be secured by June 30, 2010, staff report back;*
- (5) *a letter be sent to the Honourable Rich Coleman, Minister of Housing and Social Development, with a request that the required operating funding for the emergency shelter for women and children be committed on a priority basis.*

NEW BUSINESS

Acting Mayor Dang sought and received Council's unanimous consent to waive the Notice of Motion requirements so that Councillor E. Halsey-Brandt's proposed motion regarding amendments to the Noise Bylaw could be considered immediately rather than at the next Regular Meeting of Council.

Accordingly, the following **referral** was introduced:

R10/5-8

It was moved and seconded

- (1) *That staff be directed to prepare a report and appropriate amendments to the Public Health Protection Bylaw 6989, Noise Control section to:*
 - (a) *amend the bylaw to include maximum interior sound levels on both the dBC and dBA scale to address the issue of the bass component of amplified sound originating from commercial and industrial establishments that impact on residential premises;*



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- (b) define the point of reception for sound readings as the property line of a residential dwelling;*
- (c) revise the allowable dBA and dBC sound levels so that they are based on the recommendations from the World Health Organization;*
- (d) amend the bylaw to include mitigating measures for low level continuous noise;*

(2) That the report and bylaw amendments be brought forward to the General Purposes Committee by May 17, 2010.

The question on Resolution R10/5-8 was not called as discussion ensued and the following **amendment** was introduced:

R10/5-9

It was moved and seconded

That staff meet with MB Tarr and Associates Consulting Ltd. and True World Foods to assess the effectiveness of the baffling around the compressors on the roof of True World Foods to ascertain if improvements can be made to the baffling to considerably reduce the noise and vibration, and report back.

CARRIED

The question on Resolution R10/5-8 as amended to read,

“(1) That staff be directed to prepare a report and appropriate amendments to the Public Health Protection Bylaw 6989, Noise Control section to:

- (a) amend the bylaw to include maximum interior sound levels on both the dBC and dBA scale to address the issue of the bass component of amplified sound originating from commercial and industrial establishments that impact on residential premises;*
- (b) define the point of reception for sound readings as the property line of a residential dwelling;*
- (c) revise the allowable dBA and dBC sound levels so that they are based on the recommendations from the World Health Organization;*
- (d) amend the bylaw to include mitigating measures for low level continuous noise;*



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- (2) *That the report and bylaw amendments be brought forward to the General Purposes Committee by May 17, 2010.*
- (3) *That staff meet with MB Tarr and Associates Consulting Ltd. and True World Foods to assess the effectiveness of the baffling around the compressors on the roof of True World Foods to ascertain if improvements can be made to the baffling to considerably reduce the noise and vibration, and report back."*

was then called and it was **CARRIED**.

BYLAWS FOR ADOPTION

R10/5-10

It was moved and seconded

That the following bylaws be adopted:

Housing Agreement (8160 Park Road) Bylaw No. 8589

Zoning & Development Bylaw No. 5300, Amendment Bylaw No. 8082 (8680 No. 3 Road, RZ 05-294804)

Zoning & Development Bylaw No. 5300, Amendment Bylaw No. 8527 (5571 and 5631 Parkwood Way, ZT 09-462526)

Zoning & Development Bylaw No. 5300, Amendment Bylaw No. 8430 (3651/3671 Lockhart Road, RZ 08-434629)

CARRIED

DEVELOPMENT PERMIT PANEL

R10/5-11

17. It was moved and seconded

- (1) *That the minutes of the Development Permit Panel meeting held on Wednesday, March 10, 2010, and the Chair's report for the Development Permit Panel meetings held on March 10, 2010, December 16, 2009, April 29, 2009, and April 15, 2009, be received for information.*



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- (2) *That the recommendations of the Panel to authorize the issuance of:*
 - (a) *a Development Permit (DP 08-429669) for the property at 10999 Steveston Highway (formerly 10911, 10931, 10951, 10971 and 10991 Steveston Highway);*
 - (b) *a Development Permit (DP 09-505655) for the property at 6551 No. 3 Road;*
 - (c) *a Development Permit (DP 06-333170) for the property at 8680 No. 3 Road;*
 - (d) *a Development Variance Permit (DV 09-480570) for the property at 9700 No 3 Road;*
 - (e) *a Development Variance Permit (DV 09-504241) for the property at 5811 Cooney Road;*
 - (f) *a Development Permit (DP 09-472843) for the property at 5571 and 5631 Parkwood Way;*
 - (g) *a Development Permit (DP 08-441184) for the property at 13191 Princess Street; and*
 - (h) *a Development Permit (DP 07-402052) for the property at 8140 and 8160 Park Road;*
- be endorsed, and the Permits so issued.*

CARRIED

ADJOURNMENT

R10/5-12

It was moved and seconded
That the meeting adjourn (8:51 p.m.).

CARRIED



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Certified a true and correct copy of the Minutes of the Regular Meeting of the Council of the City of Richmond held on Monday, March 22, 2010.

Acting Mayor (Derek Dang)

Acting Corporate Officer (Gail Johnson)

The City Needs to Take a Leadership Position by Enacting Bylaws Based on Careful Analysis of All the Issues.



Resolutions Regarding Measurable Noise Bylaw Enforcement at River World

Objective

- ▶ **Present Our Concerns:** regarding the testing that has been conducted in relation to the City's 'Measurable Noise Bylaw'.
- ▶ **Propose a Resolution:** we would like Richmond City's Councillors to follow through on their statements and request further tests be taken from our properties.

Testing Done by VCH Was NOT Done in Accordance with the Intent of the Bylaw:

- ▶ **City of Richmond, Measurable Noise Bylaw:**
 - ▶ 3.2.2.2 A person must not make, cause or permit to be made a continuous sound exceeding sound levels: (a) of 55 dBA or more during the daytime, or (b) of 45 dBA or more during the nighttime, when received at a point of reception within a quiet zone.
- ▶ **City of Richmond definition of Point of Reception:**
 - ▶ (a) any place or parcel where the originating sound is received, other than the place or parcel where the sound originated, provided that after 2:00 a.m. and before 8:00 a.m. on any day, point of reception is any point beyond the property line, of the source of the noise, on any parcel used as a site for a Commercial Entertainment Establishment as if it was in a Quiet Zone; or
 - ▶ (b) any place on a strata lot designated, shown or described on a strata plan, other than the strata lot or other or parcel from which the sound originated.

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Issues Regarding Testing Done in the Homes at RiverWind

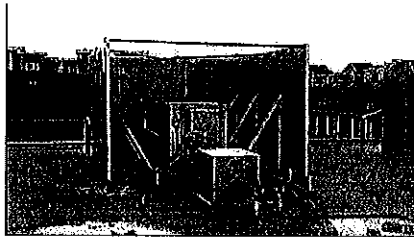
- ▶ **Testing Requests Were Denied:** One resident was denied the filing of a complaint by VCH from the outside of their three-year-old son's room. As per (b) of the point of reception.
- ▶ **Tests Were Not Long Enough:** conducted on-site by VCH were 3 minutes in length, which do not give an accurate view of the constant, fluctuating noise.
- ▶ **All 5 Rooftop Compressors May Not Have Been On:** VCH has been relying on TWF and their employees and sub-contractors to verify that the compressors are all on and that units are running at their loudest emission levels during testing, which we feel is a conflict.

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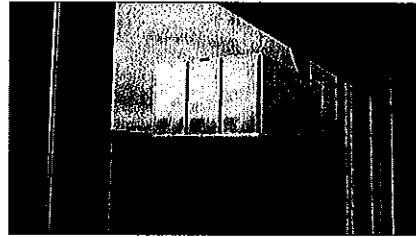
- ▶ **Tests Were Not Taken During Actual Hours of Complaint:** Tests have never been conducted between 10pm and 7am, which is the time duration in which the majority of complaints take place. As the noise fluctuates up and down, we also feel that multiple tests need to be taken during these hours to get an accurate view of noise emissions.
- ▶ **VCH Agreed That Nighttime Testing Over Several Hours Should Be Done, But Never Did Any:** On Sept 17, 2009- Nigel Headley with VCH emailed Steve Chong & TWF with the following statements:
 - "After Stan (Sonic Enclosures- hired by TWF to bring them to compliance with the City's bylaw) has completed all of the modifications to the compressor unit and has independently verified its reading to be below 45 dBA, I will conduct an inspection onsite with one of the residents to confirm his findings."
 - "It is our understanding that the compressors have multiple noise levels intermittently. I would suggest that Stan conduct a thorough noise survey at the residential complex to include a specified time frame, possibly 8-10 hours continuously, to accurately reflect the true noise levels coming from the compressor units."

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Compressors Units On the Roof of True World Foods



Neighbours complain that noise from compressors on the industrial complex's roof keeps them awake. (CBC)



Machines, seen here outside a bedroom window, run all night. (CBC)

6

Richmond City Council Members Agree With RiverWind Residents:

- ▶ Coun. Greg Halsey-Brandt said he "believes that the authors of the bylaw that limits noise levels to 45 decibels in Riverwind's light industrial zoned neighbourhood never intended that figure to be applied to the interior of a house, let alone a bedroom.".... "Halsey-Brandt believes the wall and roof of the warehouse shielded much of the noise from the ground level readings, as the sound from True World's five compressors sits on the roof more than two storeys up and projects directly at the upper floors of the multi-family residential complex"..... "Halsey-Brandt would like to see the noise readings taken in direct line-of-sight between the compressors and the residents, at the property line, even if it's 30 feet up."

Richmond Review Published: October 30, 2009

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- ▶ Coun. Evelina Halsey-Brandt said that "despite the preliminary finding from the Richmond health department that True World Foods is now in compliance with the city's noise limits in its light-industry zoned neighbourhood, that's not the end of the issue." "She wants to ensure that the testing done by the health department was done in accordance with the intent of the bylaw." "She believes the 45 decibel noise limit set forth in the bylaw applies to the noise level at the property line"

Richmond Review Published: November 06, 2009

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What We Expect of our Elected Officials:

- ▶ For Richmond City Council to stand by the statements they made and have VCH perform noise readings with line of site of the compressors at the property line. (ie. 2 stories up)
- ▶ Conduct multiple noise readings between the hours of 10pm and 7am.
- ▶ Have a third party from the City or VCH present at True World Foods to confirm that all compressor units are running and that they are running at their loudest levels (ie. Defrost mode) during all future tests.

MB Tarr & Associates

Consulting Ltd

Unit # 56 – 5999 Andrews Road,
Richmond, BC,
Canada V7E 6V1
Email: mbtarrandassoc@shaw.ca
Phone: 604-908-1353

March 12, 2010

RiverWind Homeowners
Andrews Road
Richmond, BC, Canada

Attention: Andrea Niosi

Dear Andrea:

Following is a summary of the sound level testing that was performed earlier this year. The sound level meter used was a Bruel & Kjaer Model 4436. This device is actually a dose meter used for WCB type applications. It measures basic noise levels and accumulates the dosage. Ideally, we should use an analyser that could detect different frequencies and harmonics of those frequencies. The following tests and readings were obtained:

- Test #1: Dec 30th. Time: 11pm. Location: Property line adjacent to Units #37 and #38.
Decibel readings as follows:
 - Background noise level was 28 - 38db.
 - Variation appeared to be mainly due to vehicular traffic.
 - Noise Levels from the refrigeration compressors did vary at over 40db and peaked at over 45db.
- Test #2: Jan. 5th. Time: 11:15pm. Location: Property line adjacent to Units #37 and #38.
Decibel readings as follows:
 - Background noise level was 30 - 37db.
 - Variation again appeared to be mainly due to vehicular traffic.
 - Noise Levels from the compressors varied at over 40db and appeared again to peak at over 45db.

I also attempted to take a look, as best as I could from ground level, at the enclosures over the refrigeration compressors. They do appear to be of sheet metal construction that encloses three sides of the compressor units. I suspect that the sheet metal is also vibrating and causing harmonics to be generated that are adding to the base noise levels. We would need access to a sound level analyser that can differentiate between frequencies and harmonics, but based on my previous experience, I'm fairly certain that is the case.

There are two additional points that should be considered in this analysis:

- The measurements referred to above were taken at ground level. They would almost certainly be higher if taken at the same level as the compressors.
- The meter used essentially averages the sound levels over the range of frequency being measured. From my experience, equipment similar to the refrigeration compressors in question typically generate sound over a wide range of frequencies, but they also typically have peaks at certain frequencies as well. Those peaks would most certainly be higher than the average reading supplied by the sound level meter used.
- Sound levels also have a tendency to sum together vectorially in some cases. Harmonics can then exacerbate the problem. I suspect that is the case with this situation.

Sound level attenuation is likely possible with these refrigeration units. I have experience attenuating noise from natural gas compressor stations. The techniques used are very much frequency dependent. In other words, high frequency noise attenuation will require different methods than those used to attenuate low frequency noise.

Unfortunately, due to the limits of the equipment I had access to, I was not able to confirm with scientific certainty that the sound levels are over the statutory limits, but I strongly suspect that they are. Please also note that the uncertainty isn't only due to the limits of the meter I had. Weather conditions and things like humidity levels also influence readings. I also took the readings after hours since background noises will add to the noise of interest. Usually, background noises are lower in the evening, so will not contribute as much to the sum.

Sincerely,

MB (Mike) Tarr
President