

NEW JERSEY NOISE CONTROL COUNCIL (NCC)
DECEMBER 12, 2017
MEETING MINUTES

ATTENDEES: Arnold Schmidt (Chairman, Public Member), Steve Szulecki (Vice Chairman, Public Member, Ecologist), Randy Hauser (Department of Labor), Dr. Iris Udasin (Public Member, Medical Doctor), Joseph Lepis (Public Member, Civil Engineer), Norm Dotti (Public Member, Industrialist), John Kapferer (Public Member), Jerome Feder (Public Member), Nancy Tanella (Public Member), Joseph DiFillippo (Candidate Member), Eric Zwerling (Director, Rutgers Noise Technical Assistance Center) and David Triggs (Department of Environmental Protection, Noise Control Council Liaison).

PUBLIC: Jack Zybura (Lewis S. Goodfriend and Associates), Mark Roskien.

MEETING MINUTES

With one minor change to the Part 150 section, Joseph Lepis motioned to accept the November meeting minutes with Randy Hauser seconding. Norm Dotti and John Kapferer abstained due to their absence from the meeting. All other members were in favor so the motion passed.

CHAIR REPORT

- Chairman Schmidt welcomed new member Nancy Tanella, who was appointed by the Governor's Office to fill the vacancy left by Carl Acettolla who resigned. Each member gave a brief introduction and background information, as did Ms. Tanella. Her term will expire in 2019.
- Chairman Schmidt has been in contact with the Governor's Office regarding the delay in re-appointing Jerome Feder, and himself, as well as the appointment of Joseph DiFillippo to fill the vacancy left by John Surmay who resigned. Joseph Lepis was apparently re-appointed, even though his term does not expire until 2019.
- Chairman Schmidt announced his retirement from the Union County Office of Health Management on March 1st. He intends to continue serving as Chairman of the NCC; however, his ability to make copies will be diminished. David Triggs has volunteered to assume this role after Chairman Schmidt retires.
- The 2018 meeting schedule was approved. The NCC has access to the Operator Training Center on September 17th, which is the third Tuesday, not the typical second Tuesday of the month.

NCC COMMUNICATIONS/CORRESPONDENCE

- A Palisades Health Department inspector e-mailed the NCC regarding a complaint about noise from a kitchen exhaust fan in an apartment complex. The fan runs constantly with no means to turn it off. The complainant indicated that the apartment management has not been cooperating. The NCC could not provide advice on how to proceed without first knowing who owns the fan, what the lease agreement language states and whether the fan is part of the HVAC system serving the entire building. If it is, it may be the apartment management's responsibility to address it, as the noise would then cross a property line. If it is not part of a building-wide HVAC system, then it is likely not an enforceable source of noise. The complainant was invited to attend the NCC meeting to offer more details but did not show up. Eric Zwerling indicated that he spoke to the complainant. He recommends that a noise investigator take sound level readings; however, the county will not take indoor readings and the municipality does not have a DEP-approved noise ordinance. Chairman Schmidt responded to the inspector's email but had not yet heard back.

OLD BUSINESS

- *Round Table Part 150*: The Roundtable has not met. The next scheduled meeting is in March.
- *Revisions to N.J.A.C. 7:29*: Chairman Schmidt read the following statement: “Before we proceed with our review process I will say this. During our subcommittee meeting Sal made some amendment recommendations for exemptions similar to the ones he made during our September meeting which we all, other than Sal, unanimously rejected. Items such as running, biking, swimming and clapping hands. Through recent emails with Sal and the other subcommittee members Sal stated he thought it was unfair that his recommendations were not included on the agenda for today’s meeting for review and discussion. Sal had previously indicated that he would not be here today – therefore I advised him that I did not want to present or discuss his proposals in his absence. Unless any of the other subcommittee members would like to discuss Sal’s proposals at this time we will move forward.” There was no subsequent discussion.

The NCC reviewed Eric Zwerling’s proposed amendments. The definition for “Person” was amended at the last subcommittee meeting; however, Joseph Lepis handed out a copy of another, more detailed version of the definition that he wanted approved. NCC members voiced their concerns that Mr. Lepis’s version was too complex and added too many sources. They instead voted to keep the subcommittee’s amended version with Steve Szulecki motioning to accept and Norm Dotti seconding. All were in favor so the motion passed. The NCC agreed that the exemption for “Public Celebration” needs to be better defined. Steve Szulecki and Eric Zwerling volunteered to draft a definition that will be presented at a future meeting. There was a discussion regarding public roadways, which are exempt in the Code but is listed as a source of noise in the Model. Language in the Model refers to “any source of noise,” which is contradictory, as noise from public roadways in the Model only applies to car stereos and un-muffled vehicles. It should be amended to state that “Public roadways only applies to the following sources.” Joseph Lepis volunteered to draft a more applicable definition. The NCC also discussed and voted on the following:

(It should be noted that the full changes will be tracked in a separate document)

7:29-2.1 Steady state sound: To remove the definition since it is not used anywhere in the Regulations. Steve Szulecki motioned to accept and Arnold Schmidt seconded. All were in favor so the motion passed.

7:29-2.4 Operating conditions during the test: To remove the designated times as they reflect a full day. Norm Dotti motioned to accept and Joseph Lepis seconded. All were in favor so the motion passed.

7:29-2.5 General requirements: 1. To add additional language to help confirm that the alleged source is the actual source. Nancy Tanella motioned to accept and Arnold Schmidt seconded. All were in favor so the motion passed. 2. To add wording to clarify that the measurement is for total sound and that neighborhood residual is measured as set forth in 7:29B(2). Norm Dotti motioned to accept and Joseph Lepis seconded. All were in favor so the motion passed. 4. To remove wording stating that the sound level meter “must be calibrated” and that “a copy of written documentation of such calibration in a form approved by the Department be kept with the equipment to which it refers.” Norm Dotti motioned to accept and Arnold Schmidt seconded. All were in favor so the motion passed.

NCC member candidate Joseph DiFillippo requested clarification on the amendment process. Chairman Schmidt explained that each member will have the opportunity to present their recommended changes to the NCC, which will then vote on whether to accept the changes. The NCC is currently discussing Eric Zwerling’s amendments.

NEW BUSINESS

No new business was brought up.

PUBLIC DISCUSSION

There was no public discussion.

EXECUTIVE SESSION

There was no need to go into Executive Session.

NEXT MEETING

The next meeting is on January 9th at 9:30 A.M.

Respectfully submitted by: David Triggs, NJDEP Liaison to the NCC