

**NEW JERSEY NOISE CONTROL COUNCIL MEETING
JANUARY 13, 2009
MINUTES**

NCC Attendees: J. Lepis, D. Triggs (DEP), R. Hauser, A. Schmidt, J. Feder, J. Surmay, S. Szulecki, T. Pitcherello, M. Klewin, I. Udasin.

Administrative

Chairman Lepis ran the meeting. The minutes of the December 9 meeting were reviewed and adopted with minor corrections. In terms of new member nominations, it was announced that a state police officer has withdrawn his name as candidate due to other obligations.

Sunset of State Noise Code

As an alert, it was announced that the State Noise Code would “sunset” on November 9, 2010 and that the approximately 18 month delay in adoption of the current code would not propagate and allow movement of the new date.

Motor Vehicle Noise Legislation

There had been a request from Bill Harclerode Union Township (Hunterdon County) for representatives to come to a NCC meeting to discuss drafts of several pending legislative changes. These had been distributed by David Triggs prior to the January NCC meeting. Some Bill changes related to noise and some only to general enforcement. It was unclear exactly what the Union Township representatives were seeking from the NCC – possibly advice, support, and a resolution.. There was a sense that they should be heard. Since the January meeting NCC was intended for the Model Ordinance, Chairman Lepis will follow up with the Union representatives to plan a date.

Mike Klewin reported on the NJ legislation changes sought by the NCC, including the violation penalty changes. Mike reported unfortunately that there still remained uncertainty as to the inclusion and adoption status of some of the NCC desired changes.

Model Noise Code

Review of the Model Ordinance was resumed from the last meeting at the Section on Motor Vehicles, particularly on the noise control devices. Attention moved on to the “Enforcement” Section, which surfaced a major issue that consumed the remained of the meeting. The issue concerns the “grace period” required by state law to be present in environmental regulations, prior to issuance of a summons. Such a “grace period” would effectively prevent any issuance of summons for motor vehicles, since it was unlikely that any given enforcement officer would encounter the same violator on the same offense following the grace period. Drafters of the original legislation apparently did not consider enforcement implications with respect to motor vehicles. No method of fixing

this problem was found and some members felt that the original legislation might need to be modified. Arnold Schmidt agreed to rewrite the section based on a number of the points discussed. Subsequent to the meeting, Chairman Lepis emailed details of the NJ Statute regarding the “grace period” and invited NCC members to find interpretations that might still allow enforcement with respect to moving violations.¹

NEXT MEETING

The scheduling of the February 2009 meeting would normally fall on February 10. However, there appeared to be some uncertainty with respect to whether the meeting would be held. Chairman Lepis will email information regarding this.

Respectfully submitted:

Jerome Feder

¹ The 1995 regulation is NJSA 13:1D-125 through 133. A reading of 13:1D-126 States that "environmental law" means(among almost all NJDEP rules)...Noise Control Act of 1971 NJSA 13:1G -1. It also states: "It shall also include any ordinance adopted by a local government agency to implement or effectuate the purposes or objectives of an environmental law". As such DEP approval of such an ordinance would clearly fall within the requirement/applicability of "Grace Period".