

NEW JERSEY NOISE CONTROL COUNCIL (NCC)
APRIL 12, 2016
MEETING MINUTES

ATTENDEES: Arnold Schmidt (Chairman, Public Member), Steve Szulecki (Vice Chairman, Public Member, Ecologist), Randy Hauser (Department of Labor), John Lago (Department of Community Affairs), Salvatore Fama (Motor Vehicle Commission), Joseph Lepis (Public Member, Civil Engineer), Norm Dotti (Public Member, Industrialist), Dr. Iris Udasin (Public Member, Medical Doctor), John Kapferer (Public Member), Jerome Feder (Public Member), Joseph DiFillippo (Public Member candidate) and David Triggs (Department of Environmental Protection, Noise Control Council Liaison).

PUBLIC: Jack Zybura (Lewis S. Goodfriend and Associates), William Allen (Metuchen)

MEETING MINUTES:

The January (John Kapferer motioned and Randy Hauser seconded) and March (Salvatore Fama motioned and Randy Hauser seconded) meeting minutes were approved.

CHAIR REPORT:

- The NCC bios are now posted on the website.
- Mark Roskien of the Somerset County Department of Health expressed an interest in the NCC vacancy. Chairman Schmidt invited him to attend a meeting to introduce himself.
- David Triggs discovered that a number of current member's terms have expired even though their four year term limits haven't been reached. He will ask the Commissioner's Office for an explanation. They include Norm Dotti (January 2015), Steve Szulecki (January 2015), Arnold Schmidt (January 2016) and Jerome Feder (January 2016).
- Joseph Lepis was asked to forward the League of Municipalities contact information to Chairman Schmidt to establish a noise contact for their question/answer website.

NEW BUSINESS (Moved up in the agenda):

David Triggs asked for the NCC's advice regarding an amendment to a recently submitted noise ordinance. Wayne Township's noise ordinance was approved in 2013. They recently submitted a minor amendment that differs from the Model language by banning construction and demolition on Sundays. The current Model allows this, but there is a curfew and within the curfew hours they must meet the day and nighttime noise standards. The NCC felt that the Model language is fair because most homeowners can only do construction on the weekends and many contractors might lose other working days due to poor weather conditions. The amendment will therefore be rejected.

OPENING OF THE MEETING TO THE PUBLIC (Moved up in the agenda):

- William Allen of Metuchen mentioned that his town recently adopted the Model which made him curious about how the NCC operates. According to him, a major source of noise in Metuchen is trains, in particular coupling. The NCC informed him that the State Noise Control Regulations allows for the

enforcement of coupling trains by referencing the Federal Regulations (N.J.A.C. 7:29-1.3). Mr. Allen pointed out the Middlesex County Office of Health Services is supposed to enforce their ordinance, although NCC member candidate Joe DiFillippo, who supervises the county's noise program, indicated that there is no unified shared services agreement for this.

- Jack Zybura presented pages from the Model in comparison to a page taken from the Fanwood noise ordinance which was approved in 2004. He pointed out a contradiction between the two for taking interior measurements. The Fanwood ordinance allows for the measurement when two commercial properties share a common wall/ceiling/floor, while the definition for “real property line” in the current Model excludes a commercial source and commercial receptor, which are both located on the same parcel of property (e.g., a strip mall). The added language in the Model does contradict the ordinance approved in 2004. The Council will deliberate on whether the 2004 approved ordinance is grandfathered for that type of measurement.

OLD BUSINESS:

- *Motor Vehicles Entering/Exiting Facilities:* Norm Dotti thinks people are still interested in the subject but he has not reached out to anyone recently. He will try again before the next meeting.
- *Penalty Assessments:* Some minor amendments were suggested, such as spelling out NOPA, moving the example to the far right so the inspector can use the form and to take out the last sentence. Steve Szulecki said that he would like to take the form home to review and comment on it.
- *Emergency Generators:* Some minor changes were suggested. The completed guidance document may be provided to municipalities and box stores, as well as being posted on the noise website.
- *Roundtable Part 150 Study:* Jerome Feder indicated that the FAA is reclassifying Newark Liberty International Airport from a Level 3 to a Level 2 facility, which means less regulation. This was done without a public hearing. The change will also remove “slot control” (# of takeoffs and landings). The FAA's environmental analysis states that the change will increase traffic and reduce noise. Both JFK and LaGuardia Airports will stay at Level 3. Mr. Feder wants this as an agenda item at a future roundtable meeting. The next meeting is scheduled for June 8th.
- *By-Laws:* Minor changes were suggested for pages 11 and 12. Chairman Schmidt also introduced a new section regarding “Council Member's Conduct” with an emphasis on preventing members from going outside of the NCC to discuss their discontent about a decision that was made through a quorum majority. The new language requires members to first inform the NCC at a regularly scheduled meeting before elevating their disagreement with any legislative representatives, NJDEP Commissioners, Assistance Commissioners or media outlets. Any breach of this protocol could result in disciplinary action ranging from a verbal warning to dismissal.

EXECUTIVE SESSION:

The NCC did not need to go into Executive Session.

NEXT MEETING:

The next meeting is scheduled for May 10th

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