

**NEW JERSEY NOISE CONTROL COUNCIL (NCC)
DECEMBER 10, 2019
MEETING MINUTES**

ATTENDEES

NCC Voting Members: Arnold Schmidt (Chairman, Public Member), Steve Szulecki (Vice Chairman, Public Member, Ecologist), Norm Dotti (Public Member, Industrialist), Joseph Lepis (Public Member, Civil Engineer), Salvatore Fama (Motor Vehicle Commission), John Lago (Department of Community Affairs) John Kapferer (Public Member), Dr. Iris Udasin (Public Member, Medical Doctor) and Eric Lieberman (Department of Health).

NCC Non-voting Candidate Members (Pending approval by the Governor's Office): Jack Zybura (Public Member candidate to replace Jerry Feder), Joseph DiFillippo (Public Member candidate to replace John Surmay) and Mark Roskein (Public Member Candidate to replace Nancy Tanella).

Rutgers and NJDEP Representatives: Eric Zwering (Director of the Rutgers Noise Technical Assistance Program), David Triggs (NJDEP Liaison to the Council) and Michelle Feasel (NJDEP Co-Liaison to the Council).

Public: Kathy Valente and Gina Valente from Middlesex Borough.

MEETING MINUTES

October: With the correction of one spelling error, Norm Dotti motioned to approve the October Meeting Minutes with Dr. Udasin seconding. All were in favor, so the minutes were approved.

November: With one minor date correction, and the introduction of the new attendance categories, Dr. Udasin motioned to approve the November Meeting Minutes as amended with Norm Dotti seconding. All were in favor, except for Salvatore Fama and Eric Lieberman, who abstained, since they did not attend the meeting.

CHAIR REPORT

- Chairman Schmidt reported that he spoke with John Kapferer earlier in the week, and he reported feeling better and planned on attending the meeting. He subsequently arrived a short time later.

- Chairman Schmidt announced that he would be arriving back from his January vacation the night before the January 14th NCC meeting, but was unsure if he'd be able to attend. He asked that the Draft December Meeting Minutes be sent to him as soon as possible, so he can prepare the January agenda before leaving for vacation. If weather is an issue for the January meeting David Triggs and Vice Chairman Steve Szulecki will notify the members that it is cancelled. The focus of the meeting will be to discuss the outcome of the January 8th Stakeholder Meeting.

- David Triggs was copied on a recent e-mail from the Commissioner's Office which suggested that the NCC member appointment and re-appointment candidates would be looked at shortly by the Governor's Office.

PUBLIC DISCUSSION (Chairman Schmidt moved this item up on the agenda to accommodate the NCC's guests)

Eric Lieberman motioned to open the meeting to the public and John Lago seconded. All were in favor, so the NCC went into Public Session.

Guests Kathy and Gina Valente from Middlesex Borough came to discuss a facility (Straight Edge Striking) near their home that operates a fleet of trucks six days a week, starting at 5:00 A.M. According to them, the trucks frequently idle for more than two hours. They requested assistance from their Borough without success. The Valentés were able to collect signatures from other neighbors who are also bothered by the noise and idling. The Borough does not have a Department-approved Noise Ordinance. Joseph DiFillippo, the Noise Supervisor for Middlesex County, recalled that one of his investigators did respond to a complaint regarding this facility but did not record an idling violation. He stated that he would follow-up on their complaint. He gave them his card and instructed them to call him when the operation is at its peak. His office can address both the noise and idling complaints, but not the glare of headlights.

NEW BUSINESS

NCC By-laws: During the November meeting it was suggested that the by-laws be amended to show that a vote was not needed if the Chairman and Vice Chairman positions run unopposed during an election. Steve Szulecki offered that the by-laws should not be changed as someone might want to write in a name. The other NCC members agreed.

Chairman Schmidt brought up the issue of whether candidate members and the public (who attended a meeting) should receive a copy of the draft meeting minutes prior to the following meeting. Eric Lieberman stated that members of the public should not get a copy of the draft minutes, even if they attended the meeting. The public can view the completed minutes on the NCC's website and then submit comments, which would be recorded in the next meeting minutes. Mr. Lieberman also stated that candidate members have "standing" since they attend NCC meetings, some for years. Mark Roskein, a candidate member, stated that being able to review the draft minutes helps him to prepare for the meeting. Eric Zwerling commented that candidate members should have the right to speak at meetings and receive the draft minutes ahead of time to offer comments, especially if the minutes reflect something they said.

Steve Szulecki wrote the following statement to add to the by-laws:

"Liaisons to the Council (NJDEP personnel and representative from the Rutgers Noise Technical Assistance Center) and those nominated by the Council and forwarded by the NJDEP to the Governor, but are awaiting formal approval, ("Candidate Members") may participate in general discussions at Council meetings. Liaisons and "Candidate Members" are not counted in

determining a quorum and may not vote in any Council matter. “Candidate Members” are not permitted to participate in executive sessions of the Council.”

Steve Szulecki motioned to add the language to the NCC By-laws and Norm Dotti seconded. All were in favor, so the motion passed.

Norm Dotti called a motion to allow Eric Zwerling and NCC candidate members to receive the draft meeting minutes in advance and Joseph Lepis seconded. All were in favor, so the motion passed.

The NCC members agreed that the entire by-laws document should be reviewed and updated.

Part 150: Joseph Lepis stated that at the last TAC meeting it was shared that there is a reduction in the LDN profile at Newark Liberty International Airport, which resulted in a drop in the number of residents impacted by noise. The roundtable met to discuss current projects underway and methods to reduce noise further. Norm Dotti added that more noise is created from landing as opposed to takeoffs, which deviates from the past.

OLD BUSINESS

N.J.A.C. 7:29 Stakeholder Meeting: David Triggs informed the NCC that the invitation has been sent to the stakeholders. The draft amendments along with rationale were not included. Mr. Triggs indicated that any NCC member who wants to extend an invitation must do so as a private citizen. Salvatore Fama stated that he would like the Garden State Wine Growers Association to be included on the Stakeholder Invitation list.

Noise Measurement Report: Based on NCC member feedback, Eric Zwerling updated the field report used by noise investigators. The main change was the addition of the type of measurement (fast/slow/impulse) used. The new form will be included in the training manual along with the procedures for C-scale investigations. The new form is also posted on the Rutgers Noise Technical Assistance Center website. John Kapferer suggested identifying the form with a recognizable code or number and a revision date. Eric Zwerling agreed to add it.

C-Scale Demonstration: At the request of Salvatore Fama, Eric Zwerling handed out sound level meters and gave a demonstration on C-scale measurements by knocking at various intensities on the outside wall to mimic a base tone. The nighttime limit cannot exceed 3 dBC above background and the daytime limit is 6 dBC. Mr. Zwerling pointed out that while this can be easily exceeded, there are engineering methods available to effectively reduce the noise to comply with the permissible limits.

Model Noise Ordinance Revisions: After discussing paragraph A. on page 10, the following language was suggested to be added at the end:

...shall be operated with “*an original, properly functioning, manufacturer-installed or OEM acoustically-equivalent muffler,*”...

Steve Szulecki motioned to accept the added language and Eric Liberman seconded. All were in favor, so the motion passed.

EXECUTIVE SESSION

The NCC did not meet in Executive Session.

John Lago motioned to adjourn the meeting and Steve Szulecki seconded. All were in favor, so the meeting ended approximately 12:00 P.M.

NEXT MEETING

The next meeting is scheduled for Tuesday, January 14th pending weather at 9:30 A.M.

Respectfully submitted by David Triggs and Michelle Feasel, NJDEP Liaisons to the NCC.