

NEW JERSEY NOISE CONTROL COUNCIL (NCC)
FEBRUARY 10, 2015
MEETING MINUTES

ATTENDEES: Arnold Schmidt (Chairman, Public Member), Joseph Lepis (Vice Chairman, Public Member), Jerome Feder (Secretary, Public Member), Steven Szulecki (Public Member, Ecologist), Dr. Iris Udasin (Public Member, Medical Doctor), Randy Hauser (Department of Labor), Eric Lieberman (Department of Health), Eric Zwerling (Director, Rutgers Noise Technical Assistance Center) and David Triggs (Department of Environmental Protection, Noise Control Council Liaison). **Member candidate:** Joseph DiFillippo.

I. MEETING MINUTES

The December and January meeting minutes were approved with minor changes.

II. CHAIR REPORT

- NCC member candidate Joseph DiFillippo submitted his resume to Chairman Schmidt for review.

III. OLD BUSINESS

- *Council Member Appointments:* Chairman Schmidt will review Joe DiFillippo's resume and distribute an amended version to the NCC once it is completed. There are no other candidates at this time for John Surmay's position.
- *Guidance Document:* A lengthy discussion took place regarding an e-mail sent to DEP Assistant Commissioner John Giordano (AC) by NCC Vice Chairman Joseph Lepis regarding the approved guidance document. Mr. Lepis offered to meet with the AC to discuss why he believes the document weakens the complainant's protection based on the use of "recreation, repose and conversation" as a criteria for taking sound level measurements. The NCC was disappointed that Mr. Lepis reached out to the AC without first consulting with them or including them in the meeting or e-mail. In addition, the document had already been approved by a near-unanimous vote by the NCC and was approved by DEP's upper management, including the AC. The document was posted on the DEP noise website prior to his e-mail being sent. The development process took over two years and was considered completed with no further discussion needed. Chairman Schmidt subsequently followed-up with an e-mail to the AC requesting that he be invited to any meeting regarding this along with Eric Zwerling, Director of the Rutgers Noise Technical Assistance Center, Steve Szulecki, the primary author of the document and David Triggs, DEP Liaison to the NCC.
- *Stakeholder Meeting (Emergency Generators):* The room in the Rutgers Extension Conference Center has been reserved for June 9.th At some point prior to the scheduled date Eric Zwerling will notify generator manufacturers and he plans to give a presentation on current technology. David Triggs will notify the CEHA agencies and municipalities. A press release should also be sent. David Triggs will send Chairman Schmidt an example. Dr. Udasin suggested including a discussion on the dangers of carbon monoxide emissions. It was agreed that both portable and standby units need to be discussed. The NCC should also establish what goals need to be accomplished as a result of the meeting. One goal would be to gather information to be used in evaluating the current regulatory structure. Randy Hauser suggested researching

information from other states such as California on how they regulate generators. Steve Szulecki has experience with regulations in other states. There are two known municipalities in New Jersey that have ordinances to regulate generators (Tewksbury and Bridgewater).

- *Part 150 Noise Study:* The Newark Liberty International Airport Noise Roundtable Committee (Roundtable) by-laws have not been approved so any discussion on the resolution drafted by Joe Lepis to include two members of the NCC on the Roundtable was tabled.
- *Condominium Noise:* Chairman Schmidt informed the NCC the he and David Triggs were contacted by a lawyer representing a condominium complex involved in a lawsuit regarding an HVAC unit. Although both parties were going to be issued subpoenas to appear in court, the case was settled before the hearing took place. Both were contacted as a result of the NCC's recent motion to consider condominium associations as a viable source of noise.
- *Adding Attachments to the Meeting Minutes:* This discussion was tabled since Norm Dotti, who suggested it, was not present.
- *By-laws Review/Revisions:* There was no discussion on the NCC by-laws. David Triggs agreed to e-mail the NCC another copy.

IV. NEW BUSINESS

- *Windowsill Sound Level Readings:* In response to an e-mail initiated by Eric Zwerling the NCC discussed the proper procedures for taking a sound level reading from outside the window of an apartment that is elevated above ground level.
- David Triggs brought up the previously agreed upon wording that is to be posted on the Department's noise website regarding pre-approved noise ordinances. Mr. Triggs was concerned that the language indicates that all ordinances that were approved by the Department are grandfathered; however, some were approved in the 1980s, long before the first Model was drafted. Steve Szulecki recommended adding wording that indicates that pre-approved ordinances that are less stringent than the state regulations are invalid. The following wording is suggested for the NCC to approve at the next meeting: *"The Model Noise Ordinance was last updated in 2014. While we highly recommend that municipalities re-adopt the most up-to-date version, any prior-approved DEP noise ordinance is considered valid, unless it is deemed less stringent than the current regulations."*
- David Triggs indicated that the Model ORV noise ordinance posted on the noise website still has the \$3,000 maximum penalty. The NCC agreed that the recommended change of \$2,000 should apply to that model as well. David Triggs agreed to make the change.

V. OPENING OF THE MEETING TO THE PUBLIC

No one from the public was in attendance.

VI. EXECUTIVE SESSION

There was no discussion

VII. NEXT MEETING

The next meeting date is scheduled for March 10th.

Respectfully submitted:

David E. Triggs, NJDEP, Liaison to the NCC

