

**NEW JERSEY
NOISE CONTROL COUNCIL
FEBRUARY 8, 2022
MEETING MINUTES**

ATTENDEES

NCC Voting Members: Arnold Schmidt (Chairman, Public Member), Steve Szulecki (Vice Chairman, Public Member, Ecologist), Randy Hauser (Department of Labor), Salvatore Fama (Motor Vehicle Commission), Dr. Iris Udasin (Public Member, Medical Doctor), Jack Zybura (Public Member). Joe DiFillippo (Local Governing Body), Gina Fischetti (Dept. Community Affairs) and Daniel Lefkowitz (Department of Health)

Rutgers and NJDEP Representatives: David Triggs (NJDEP Liaison to the NCC), and Michelle Feasel (NJDEP Co-Liaison to the NCC).

MEETING MINUTES

December 2021: Dr. Udasin motioned to approve the meeting minutes with Randy Hauser seconding which opened the minutes for discussion. The December meeting minutes reflected that Chairman Schmidt had motioned to focus the rest of the meeting on the “Agricultural activities” and “Public celebration” exceptions. Chairman Schmidt disputes that he made the motion. He said he stated he wanted to focus on these two issues but did not make a motion to do so. Steve Szulecki added that he made a motion to move on to other topics and not to include hunting as a potential amendment to *N.J.A.C 7:29*, which is what he and the chairman believed was part of the approved motion. He therefore wants it noted that there was a disagreement regarding whether excluding consideration of a hunting exception was included in the language of the motion. Dr. Udasin motioned to accept the meeting minutes as amended and Randy Hauser seconded. All were in favor except for new members Gina Fischetti and Daniel Lefkowitz, who abstained due to not having attended the meeting. The motion therefore carried.

CHAIR REPORT

- The January meeting was cancelled due to a change in Rutgers’s COVID-19 policy in December. Since then, the policy has loosened up, so the NCC will continue to meet in person with masks required.
- *New Members:* The Department of Community Affairs (DCA) has appointed Gina Fischetti to the NCC to replace John Lago, who will be retiring from the DCA in July. The Department of Health has appointed Daniel Lefkowitz as the replacement for Eric Lieberman, who resigned from his position on the NCC almost a year ago. The NCC members briefly introduced themselves followed by Ms. Fischetti and Mr. Lefkowitz, who gave a brief statement about their backgrounds. The new members were asked to submit a short bio to David Triggs so they can be added to the DEP’s NCC website.

COMMUNICATIONS

No correspondence to report.

NEW BUSINESS

No new business was discussed.

PUBLIC DISCUSSION

There were no members of the public present.

OLD BUSINESS

- *7:29 amendments:* Jack Zybura noted that the IEC standard is not the exact equivalent to the ANSI standard for calibrators. He suggested replacing “/” with the word “or” in between the IEC and ANSI numbers. There was no opposition from the NCC. Michelle Feasel noted that the exceptions written in the “Exceptions section” appeared to have previously been listed alphabetically. The proposed amendments add new exemptions at the end of the list. Therefore, the “Exceptions section” will no longer be alphabetical. She asked the NCC if they would like them rearranged alphabetically or to leave them as is. Mr. Zybura stated that they should be left as is, since he has always referenced them by number and re-alphabetizing them would change the numbers and add confusion. The NCC agreed to keep them as they are currently written.
- *Vacancies:* There are currently two open positions on the NCC. Joseph Lepis resigned in November, so the NCC intends to move current member Jack Zybura (who is a PE) into the vacant “Public Member, Civil Engineer” position. Joseph DiFillippo has also retired from the Middlesex County Office of Health Services and will be moved from his current NCC position of “Public Member, Local Governing Body” into an open “Public Member” position. This leaves a vacancy for a “Local Governing Body” member and a “Public Member”. Chairman Schmidt stated that the resumes he has from interested candidates were over a year old so prior to the meeting he reached out and asked them to send him an updated resume and cover letter. Five of the six candidates complied. The Subcommittee will meet again before the March NCC meeting, to review the applications and then bring their recommendations to the full NCC.
- *Hunting Exception:* Steve Szulecki motioned to reopen discussions for a proposed “Hunting” exception, with Jack Zybura seconding. All were in favor except Mr. Lefkowitz and Ms. Fischetti who abstained. Chairman Schmidt read an email exchange between himself and Salvatore Fama, who is proposing the new exception. Mr. Fama stated in the e-mails that the person who prepared the NCC meeting agendas has prevented him from speaking on this topic. Chairman Schmidt responded by referencing prior meeting minutes where Mr. Fama and the NCC members discussed this multiple times and that he, as Chairman, did not recall ever disallowing a NCC member from speaking about any topic. Mr. Fama then gave a PowerPoint presentation to the NCC to support his proposal. After his presentation and a discussion, Mr. Fama motioned to add the “Hunting and taking of wildlife as regulated by the Department of Environmental Protection,” to the exceptions list. Jack Zybura seconded the motion, which opened it up for further discussion. To answer some questions from the December discussion, Mr. Triggs had emailed a DEP attorney who stated that they considered noise from hunting as a non-issue, not enforceable, but the proposed

exception also would not be considered a policy shift and therefore would not require another stakeholder meeting. Mr. Triggs reiterated that hunting has been a nonissue since taking over the Department's Noise Control Program in 2001 and he has only received one gunshot noise complaint during that time, and it was a non-enforceable event. He added that it would be difficult, if not impossible to enforce, because by the time an investigator responds to a complaint the hunter(s) would likely be gone. Mr. Szulecki added that to take the proper measurements the investigator must do a 360-degree survey around the suspected area, which would be difficult in a large forest and in a timely manner. Gina Fischetti asked that since it is nearly impossible to enforce, wouldn't an exception be beneficial, since it would save enforcement from having to attempt to go out and take a reading? Mr. Szulecki countered that any new exception can have unintended consequences, adding that there needs to be a compelling reason to introduce it. People have a right to the peaceful enjoyment of their living space, and hunters can move while houses are stationary. Dr. Udasin asked if it was illegal to hunt close enough to a house for there to be a noise issue? Mr. Fama stated that you only need to be 450 feet from a residence and that there could be a violation, especially for hunting that occurs at dawn which would need to meet the nighttime limit of 50 dBA. Gun suppression equipment is illegal in NJ. Mr. Szulecki stated that if the NCC creates a blanket exception, then hunting groups won't be motivated to advocate for suppressors. Chairman Schmidt added that the authors of the original 7:29 regulations likely considered guns as they partially exempted gun ranges, without exempting hunting. Mr. Fama stated that he feels this should be considered an emergency that could close a majority of the Wildlife Management Areas (WMA) in the state. Mr. Szulecki asked Mr. Fama for an example from 7:29 which prevents hunting. Chairman Schmidt echoed a previous statement that there has never been a violation for hunting or the closure of a WMA. Mr. Fama stated that at Assunpink's WMA, pheasant hunting takes place at dawn near a residential area and that hunters could face a shutdown. Currently this has not been an issue but if it becomes one then the NCC could revisit the proposal. A vote was taken with Mr. Fama and Mr. Zybura voting in favor, and Arnold Schmidt, Steve Szulecki, Randy Hauser, Dr. Udasin, Joseph DiFillippo, Gina Fischetti and Daniel Lefkowitz voting against. The motion subsequently did not carry. Mr. Fama motioned to move the NCC's proposed amendments to *N.J.A.C. 7:29* forward to the DEP attorney for review. All were in favor except Ms. Fischetti and Mr. Lefkowitz who abstained, so the motion carried.

- *Gun Range Issue*: The farmer complaining about noise from a nearby gun range will send information to Chairman Schmidt to share with the NCC prior to the March meeting, which he plans to attend. He is seeking the NCC's guidance as to whether the range was maintained continuously at the same location, which would qualify it for the exception in 7:29-1.5.
- *N.J.A.C. 7:29*: No new updates.

- *Vehicles entering and exiting*: Due to a lack of time for a discussion this topic was tabled.

EXECUTIVE SESSION

The NCC did not need to meet in Executive Session.

ADJORNMENT

Randy Hauser motioned to end the meeting with Steve Szulecki seconding. All were in favor, so the motion carried, and the meeting ended.

NEXT MEETING

The next meeting is scheduled for Tuesday, March 8th at 9:30 A.M. possibly at the green building (Extension Conference Center) across the street from the Operator Training Center, as there is more room available for social distancing.

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