

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

ATTENDEES: Arnold Schmidt (Chairman, Public Member), Steve Szulecki (Vice Chairman, Public Member, Ecologist), Randy Hauser (Department of Labor), Eric Lieberman (Department of Health), Salvatore Fama (Motor Vehicle Commission), Dr. Iris Udasin (Public Member, Medical Doctor), John Kapferer (Public Member), Eric Zwerling (Director of the Rutgers Noise Technical Assistance Center) and David Triggs (Department of Environmental Protection, Noise Control Council Liaison)

PUBLIC: Jack Zybura (Lewis S. Goodfriend and Associates)

MEETING MINUTES:

The review and approval of the June meeting minutes was tabled due to the lack of a quorum at the beginning of the meeting.

CHAIR REPORT:

- Chairman Schmidt pointed out that e-mail discussions with a quorum are in violation of the Sunshine Rule and should therefore not occur.
- Chairman Schmidt, Steve Szulecki and Jerry Feder have updated their resumes. Norm Dotti must update his before their names can be submitted to the DEP for re-appointment on the NCC.
- The meeting minutes are now posted on the DEP website. They therefore no longer need to be on the Rutgers website.

NCC COMMUNICATIONS/CORRESPONDENCE:

There was no correspondence to the NCC.

OLD BUSINESS:

- *Pickle ball:* The Northern New Jersey case of noise from pickle ball courts near residential homes was discussed. The courts were built and are maintained by the homeowners association. The issue is whether the courts can be considered a source of noise with the association as the responsible party. After a lengthy discussion it was determined that not enough information was provided to arrive at a reasonable conclusion. The following motion was introduced by Eric Lieberman and seconded by John Kapferer; *“The Noise Control Council does not have the full and appropriate facts to arrive at an opinion regarding noise from the pickle ball courts. At this time, the matter would best be decided by a court of competent jurisdiction should enforcement be pursued.”* In favor: Schmidt, Szulecki, Hauser, Lieberman, Udasin and Kaperfer. Opposed: Fama. Motion therefore passes. Sound level measurements subsequently taken by the county did not exceed the daytime standard.
- *Emergency Generators:* Joseph Lepis and Salvatore Fama have been communicating through e-mail to draft a guidance document on the proper use of a generator for the public that can be presented to the NCC at the September meeting.

- *Penalty Assessment Matrix:* A subcommittee was formed with Chairman Schmidt, Steve Szulecki, Eric Zwerling, David Triggs and Joseph DiFillippo. Since there is no regular meeting in August, the subcommittee agreed to meet on August 9th at the Cook College Operator Training Center to finalize the template which could then be presented to the other members at the September meeting.
- *Motor Vehicles Entering/Exiting Facilities:* Norm Dotti was not present to discuss the issue. Steve Szulecki recommended creating a subcommittee; however, none was formed.
- *Roundtable Part 150 Study:* None of the roundtable members were present to provide the NCC with an update.
- *NCC By-Laws:* Chairman Schmidt read an e-mail at the request of Joseph Lepis regarding what Mr. Lepis alleged to be a “reprimand” in the form of a resolution in response to an e-mail he sent to NJDEP Assistant Commissioner John Giordano in 2014. David Triggs informed the NCC that no resolution exists and that he must be referring to a “Memo to the File,” that was drafted at Mr. Lepis’s request instead of recording personal comments by NCC members regarding his actions in the meeting minutes, which are posted on the DEP website. Mr. Lepis was not present to defend or retract his allegations. The NCC discussed, revised and approved Section 9 of the by-laws pertaining to “Meeting Procedures.” They also discussed, revised and approved the new “Council Member Conduct” section of the by-laws. Chairman Schmidt motioned to accept the new section as revised and John Kapferer seconded. In favor: Schmidt, Szulecki, Hauser, Fama and Udasin. Abstaining: Lieberman. Motion therefore passes. Chairman Schmidt will e-mail the updated versions of both sections before the September meeting.

NEW BUSINESS:

No new business was discussed.

PUBLIC DISCUSSION:

There was no public discussion.

EXECUTIVE SESSION:

The NCC did not go into Executive Session.

NEXT MEETING:

The next meeting is scheduled for September 13th at 9:30 a.m.

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