

NEW JERSEY NOISE CONTROL COUNCIL (NCC)
JULY 13, 2021
MEETING MINUTES

ATTENDEES

NCC Voting Members: Arnold Schmidt (Chairman, Public Member), Steve Szulecki (Vice Chairman, Public Member, Ecologist), Norm Dotti (Public Member, Industrialist) Randy Hauser (Department of Labor), John Lago (Department of Community Affairs), Joseph DiFillippo (Public Member, Local Governing Body), Jack Zybura (Public Member).

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

Public: No one present

MEETING MINUTES

January 2020: Chairman Schmidt clarified that “internal meeting” meant DEP representatives and not the Noise Control Council. Steve Szulecki motioned to approve the January meeting minutes with this amendment and Jack Zybura seconded. All were in favor except Norm Dotti who abstained because he was not at the meeting. The motion was therefore carried.

February 2020: Eric Zwerling noted that his title was misrepresented, as it is the Rutgers Noise Technical Assistance “Center” not “Program”. He also found an inaccuracy in the draft minutes which had stated that he held training for the Morris County Sheriff’s Office when he did not. Jack Zybura motioned to approve the February meeting minutes with these amendments and Steve Szulecki seconded. All were in favor of approving them, except John Lago who abstained because he was not there, so the motion carried.

CHAIR REPORT

- *NCC member appointments:* Jack Zybura, Mark Roskein and Joseph DiFillippo have officially been appointed as members of the Noise Control Council. Current members Arnold Schmidt, Steve Szulecki, Joseph Lepis and Norm Dotti were all reappointed.

NEW BUSINESS

- *N.J.A.C. 7:29 Draft Amendments Update:* During the pandemic, the NCC created a Subcommittee to review and revise their proposed amendments based on the DEP and DAG attorney’s comments. The Subcommittee has completed their review and will submit their proposed new amendments with changes based on their comments. Michelle Feasel is currently updating the document which will be sent back to the DEP attorney for further review. Once the amendments are agreed upon by all, the Rule Manager will set up a Launch Meeting. N.J.A.C. 7:29 is scheduled to be in the February 2022 New Jersey Register.

- Eric Zwerling stated that the current proposed definition for “Public Celebration” is vague on exempting athletic events, such as high school football games. David Triggs stated that football games, specifically the marching band playing at halftime, has always been exempted. Amplified sound during the game would not be, as would the marching band practices. Norm Dotti mentioned that there was a noise complaint from bleacher stomping during a game and the Council agreed that this would be exempt. Generally, the Council agreed that the marching bands should continue to be exempted during game time. Eric Zwerling proposed new language to the public celebration definition that would allow events with uniformed participants to be included and that amplification devices should be excluded. Stephen Szulecki stated that excluding amplification devices in the definition should perhaps apply to all public celebrations. This would include events such as parades, which may need them and should be allowed to have them exempt. Mr. Zwerling also noted that the current proposed definition only allows public celebrations to make enough money to cover the costs of that event, but some festivals, such as the Greek Orthodox gatherings, use it as a chance to raise money for the organization. This would not be considered exempt under the current definition. Mr. Szulecki reminded the NCC that previously there was no definition and that the reason they agreed to create one was to clarify the current blanket exemption for government-permitted events. John Lago stated that it should be up to the townships to decide what they considered to be a public celebration. Mr. Zwerling will resubmit his revised language for the definition before the next meeting.
- *NCC open positions:* Eric Lieberman, the Department of Health and Senior Services representative on the NCC, has resigned and he is working with his department to find a replacement. Longtime member John Kapferer sadly passed away in April of 2020. He was a valuable member of the NCC for many years, and he will be missed. This leaves a vacancy for a Public Member position. During the pandemic, Joseph DiFillippo was appointed to the position of Local Governing Body/Public Member, but he will be retiring soon from his county position. Arnold Schmidt suggested that once he retires, Mr. DiFillippo should be moved into the vacant Public Member position, and a new representative for “Local Governing Body” be found. The NCC would still like to seek a police officer as a member, but their varied schedules would make it difficult to attend the meetings. Eric Zwerling recommended that a public citizen would also be a good addition to the Council. Chairman Schmidt noted that adding more diversity to the Council would be appropriate and beneficial. Currently the Council has no people of color and one woman. Mr. Szulecki suggested that the Council should actively find a replacement. Chairman Schmidt stated that an email was sent out about a year ago asking for applications, but due to the pandemic, applicants were put on hold. Mr. Szulecki suggested that the email be re-sent. David Triggs mentioned that Mark Roskein has missed multiple meetings prior to the Pandemic, and he was not at this meeting. Chairman Schmidt said that he would reach out to him regarding his availability to attend future meetings.

- *Gun Range and Hunting Exemption:* Since this is NCC member Salvatore Fama's proposed exemption, it was agreed that this would be tabled until the next meeting that Mr. Fama is present.
- Eric Zwerling stated that he noticed there is an error in the Model Noise Ordinance. Section VII(B). "Impulsive sound" which states that "Impulsive sound which repeats four or more times in any hour shall be measured as continuous sound." N.J.A.C. 7:29 states that "Impulsive sound which repeats more than four times in any hour shall not exceed 50 dBA" This makes the Model less stringent than the state code. Mr. Zwerling emphasized that this should be prioritized, and he requests that the DEP create a policy letter of interpretation to clarify that point.

OLD BUSINESS

No old business was discussed.

EXECUTIVE SESSION

The NCC did not meet in Executive Session.

Norm Dotti motioned to adjourn the meeting and Randy Hauser seconded. All were in favor, so the meeting ended.

NEXT MEETING

The next meeting is tentatively scheduled for Tuesday, August 10th at 9:30 A.M. based on the availability of NCC members.

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