

**NEW JERSEY
NOISE CONTROL COUNCIL (COUNCIL)
July 11, 2023
DRAFT MEETING MINUTES**

ATTENDEES

Council Voting Members: Arnold Schmidt (Chair, Public Member), Steve Szulecki (Vice Chair, Public Member, Ecologist), Randy Hauser (Department of Labor), Daniel Lefkowitz (Department of Health), Gina Fischetti (Department of Community Affairs), Salvatore Fama (Motor Vehicle Commission), Dr. Iris Udasin (Public Member, Medical Doctor), Norm Dotti (Public Member, Industrialist) and Joseph DiFillippo (Public Member, Local Governing Body)

Council Candidate Members (Pending confirmation from the Governor's Office): David Triggs (Public Member Candidate)

Rutgers and NJDEP Representatives: Eric Zwerling (Director of the Rutgers Noise Technical Assistance Center), and Michelle Feasel (NJDEP Liaison to the Council)

Members of the Public: Eleanor Gruber and Julie Kolehouse

PUBLIC DISCUSSION

*Randy Hauser **motioned** to go into Public Session with Joe DiFillippo seconding. All were in favor, so the meeting was now open to the public.* Eleanor Gruber stated that she was a member of the League of Women Voters and had attended the Council's meeting to get more information on noise. She stated her town council in Ridgewood has pushed back against adopting the Model Noise Ordinance due to the cost of equipment and training. Eric Zwerling stated that he was the Director of the Noise Technical Assistance Center which trains noise investigators, he stated training is around \$500 and a noise meter kit is around \$1,000. David Triggs stated that if the source of the noise is an industrial, commercial or a community service facility that her county could investigate, noting that they do not investigate noise from residential sources. *Randy Hauser **motioned** to close Public Session with Joe DiFillippo seconding. All were in favor, so the meeting was closed to the public.*

MEETING MINUTES

June 2023: Chairman Schmidt **motioned** to accept the meeting minutes as they were written with Randy Hauser seconding. The minutes were now open for discussion. Sal Fama had previously emailed his proposed amendments to the council, amending his statements in the meeting minutes. He read through his proposed changes. *Chairman Schmidt **motioned** to approve the meeting minutes as amended, with Steve Szulecki seconding. All were in favor, the motion carried.*

CHAIR REPORT

Chairman Schmidt asked the Council if after finalizing the amendments to *N.J.A.C. 7:29*, if they wanted to take a month's break in either August or September. Dr. Iris Udasin stated that she cannot attend the September meeting with Michelle Feasel and Steve Szulecki stating they also possibly weren't going to be able to attend. *Chairman Schmidt then **motioned** to cancel the September meeting, with Steve Szulecki seconding.* The motion was open for discussion. Steve Szulecki stated that going through all of *N.J.A.C. 7:29* was a monumental task to get through and that Michelle Feasel still had more to do with preparing it for the next steps. *A vote was taken, all were in favor, the motion carried.*

COMMUNICATIONS

Chairman Schmidt asked Michelle Feasel how far along the Council's new appointment memo was. Ms. Feasel stated that the memo had been sent on June 28th. David Triggs, Dr. Iris Udasin and Norm Dotti stated that they received a questionnaire that they needed to fill out.

Michelle Feasel stated that she saw a piece of legislation about nuisance vehicles traveling on public roads, that would prohibit the sound system from being plainly audible at a distance of 50 feet. Steve Szulecki read the sections of 13-1G about regulating noise from vehicles. Eric Zwerling stated that he read an article online about this as well. Sal Fama stated he did not receive anything about this legislation, but he did have an update on modified exhaust systems when the council is able to get to that topic on the agenda.

OLD BUSINESS

N.J.A.C. 7:29 (Response to DEP attorney's comments): Eric Zwerling had some minor amendments to the definitions of dBA and dBZ, to add "setting" at the end. **Steve Szulecki motioned to accept these changes;** *Chairman Schmidt seconded. All were in favor, so the motion carried.*

Mr. Zwerling had proposed minor amendments to the examples of the definitions of Extraneous Sounds and Neighborhood Residual. Steve Szulecki **motioned** to accept Mr. Zwerling's proposed changes; Chairman Schmidt seconded. It was now open for discussion. Mr. Szulecki stated that the example could be made less specific so it did not just reference birds and could be about wildlife in general. Sal Fama gave the example of spring peepers. Mr. Zwerling stated that he wanted a distinction to be made to differentiate between extraneous sound and neighborhood residual. He stated that it is not an all-encompassing example and is meant to be exemplary and not exclusive. Mr. Szulecki suggested to have the examples correspond, the word "non-transient" should be used instead of "stationary". **Steve Szulecki motioned to add "transient birds" and to make the other example of "airplanes" singular, in the definition of Extraneous Sounds, with Chairman Schmidt seconding. All were in favor, so the motion carried.** Mr. Szulecki asked if in the definition of Neighborhood Residual, it should be "non-transient birds" he asked if referencing them as a "flock" was necessary. Mr. Zwerling stated that it was important to imply that it was a big group, which is why it would be continuous sound. **Steve Szulecki motioned to add "a flock of non-transient birds, in the definition of Neighborhood Residual Sound Level, with Chairman Schmidt seconding. All were in favor, so the motion carried.**

Steve Szulecki motioned to change "greater" to "more" under 2.9(v) Procedure, with Norm Dotti seconding. All were in favor, so the motion carried.

Steve Szulecki had proposed a new "Applicability" section and passed around a handout with his suggested changes. He stated it could either be added before or after the definitions section, with all the subsequent sections then being renumbered. Norm Dotti stated that it should say "use" instead of "property" Mr. Szulecki stated that it was written using the terms in the current definition section. Mr. Zwerling suggested instead of making this a new section and renumbering everything after, that it could be added under section 1.2. He also suggested that the title of section 1.2 could be changed from "Industrial, commercial or community service facilities" to "Permissible sound level limits". **Dan Lefkowitz motioned to change the title of 1.2 to "Permissible sound level limits" and add in the Applicability section as 1.2(a), with Steve Szulecki seconding. All were in favor, so the motion carried.**

Mr. Szulecki had proposed changes to 1.7(f). he gave two options of how he thought the section could be improved as well as included Jack Zybur's suggestion. Mr. Szulecki stated that he thought his second option was not practical. Mr. Zwerling stated that we are defining a minor violation by what it is not rather than by what it is. Mr. Fama stated that it is true the way it was originally written, and he thinks it gets the point across. Both Mr. Fama and Mr. Lefkowitz felt that having the "and" in between the two conditions and adding "both" in the beginning made it the easiest to understand. **Steve Szulecki motioned to add "both**

of” and keep the “and” between conditions one and two, with Dan Lefkowitz seconding. All were in favor so the motion passed.

In section 1.2 it was noted that it did not specify “at or within” it simply said “at” when referencing where a measurement should be taken. Randy Hauser asked if just “within” was sufficient Mr. Szulecki stated that the “at or within” is used in various places throughout *N.J.A.C. 7:29* so it should be consistent in 1.2 as well. Steve Szulecki ***motioned*** to add “or within” to section 1.2(a) and (b), with Chairman Schmidt seconding. All were in favor, so the motion passed. In section 1.2(b) “person” was not changed to “responsible entity”. Steve Szulecki ***motioned*** to change it to “responsible entity” for consistency, with Chairman Schmidt seconding. All were in favor, so the motion passed.

The council then moved on to dividing up these proposed amendments, so that members could work on the justification section. Michelle Feasel asked once they are done with their justification sections that they let her know so she can finalize it. She asked Mr. Szulecki if he wanted her to send it back out to the council once she was finished. Mr. Szulecki stated that once it is done she should just send it to the DEP attorney for their comments.

Virtual Meetings: Chairman Schmidt then moved on to the agenda topic of virtual meetings. Stating that the council had previously agreed to hold the December and January meetings as virtual meetings as a test. Stating this got put off as the Council needed to work on the amendments to *N.J.A.C. 7:29*. He stated that he was against virtual meetings but understands there may be a need for them in the event of a weather-related emergency or Covid-19. He added that the records would need to be maintained and that the public would need access. Ms. Feasel stated that the Clean Air Council does it so it should be possible. She added that the difficulty of using it for an emergency is notice. Chairman Schmidt stated that the Sunshine Act requires 48-hour notice of a change of meeting venue, noting that the council meets on a Tuesday so the notice would need to be posted Friday. Ms. Feasel stated that it may be difficult to know that far in advance if the weather would be an emergency, and that it seems like virtual meetings would be most practical if they were set ahead of time. Norm Dotti stated that for record maintenance the meeting minutes would still be drafted and posted just as a regular meeting. Chairman Schmidt stated it would be difficult for Ms. Feasel to administer the meeting while also recording notes for the meeting. Ms. Feasel asked if the Clean Air Council had a member of the Council as their meeting administrator or if it was someone else? Dan Lefkowitz stated he would look into it.

NEW BUSINESS

No new business was discussed.

PUBLIC DISCUSSION

Randy Hauser ***motioned*** to go into Public Session with Chairman Schmidt seconding. All were in favor, so the meeting was now open to the public. Chairman Schmidt read the Council’s statement to the public. Julie Kolehouse, who had joined the meeting after the initial public meeting session, stated that she had attended just to see what the meetings were all about. She added that sometimes she reads the meeting minutes.

Steve Szulecki stated that the Council could continue working on the Model Ordinance at the next meeting now that *N.J.A.C. 7:29* was finished and the amendments were still fresh in everyone’s mind. He added that members should prepare to discuss it at August’s meeting. Michelle Feasel stated that there were many amendments previously voted on and approved by the Council and she would look to see if she had a draft she could send to members before the next meeting.

*Norm Dotti **motioned** to close Public Session with Dan Lefkowitz seconding. All were in favor, so the meeting was closed to the public.*

ADJORNMENT

*Norm Dotti **motioned** to end the meeting with Randy Hauser seconding. All were in favor, so the motion carried.*

NEXT MEETING

The next meeting is scheduled for Tuesday, August 8th at 9:30 A.M.

Respectfully submitted by Michelle Feasel, NJDEP Liaison to the Council.