

NEW JERSEY NOISE CONTROL COUNCIL (NCC)
JUNE 11, 2019
MEETING MINUTES

ATTENDEES: Arnold Schmidt (Chairman, Public Member), Steve Szulecki (Vice Chairman, Public Member, Ecologist), Salvatore Fama (Motor Vehicle Commission), Norm Dotti (Public Member, Industrialist), Eric Lieberman (Department of Health), Randy Hauser (Department of Labor), Joseph Lepis (Public Member, Civil Engineer), Dr. Iris Udasin (Public Member, Medical Doctor), David Triggs (NJDEP Liaison to the Council) and Michelle Feasel (NJDEP Co-Liaison to the Council).

PUBLIC: Jack Zybura (Lewis Goodfriend and Associates).

MEETING MINUTES

The April meeting minutes were discussed since the NCC did not have a quorum in May. They were amended to reflect Eric Zwierling's comments on Oceanic Seismic Testing. There were no further comments, so Steve Szulecki motioned to approve, and Randy Hauser seconded. All were in favor, so the April meeting minutes were approved.

Arnold Schmidt motioned to approve the May meeting minutes and Norm Dotti seconded. Salvatore Fama voted to approve, while Joseph Lepis, Randy Hauser, Eric Lieberman, and Steve Szulecki all abstained, as they did not attend the May meeting. The May meeting minutes were therefore approved.

CHAIR REPORT

- Chairman Schmidt has not received any update from the Governor's Office regarding NCC appointments and re-appointments. David Triggs and Walter Beland from the DEP, reached out to Mike Gordon Esq, a Senior Advisor for the Office of the Commissioner, a few weeks earlier. They are still waiting for a status update. According to the current membership list, everyone's term has expired except for Dr. Udasin and John Kapferer.
- NCC member John Kapferer is still out due to medical issues. Chairman Schmidt was able to speak with him, and Mr. Kapferer reported that he was feeling well enough to possibly attend the next meeting.
- The NCC discussed whether to cancel their August meeting, unless there is an urgent matter that needs their immediate attention. Chairman Schmidt motioned to cancel the meeting, and Joseph Lepis seconded. All were in favor, so the motion passed. David Triggs will update the website to reflect the cancellation.

OLD BUSINESS

N.J.A.C. 7:29 Re-adoption: Chairman Schmidt drafted a letter with edits by Steve Szulecki, to NJDEP Commissioner Catherine McCabe to request that the Department re-open N.J.A.C. 7:29 to address the NCC's proposed amendments. He presented the letter to the NCC and asked for additional comments. Some minor changes were made. Joseph Lepis and Salvatore Fama felt

that the use of the word “technical” to describe the suggested amendments misrepresented the significance of the changes. Mr. Fama also stated that changes to the agricultural exemption would be detrimental to farmers and wineries. Steve Szulecki stated that the existing exemption is too vague and inconsistent with other state codes. Farms were in fact never exempt for non-agricultural activities such as weddings and other events such as rodeos. The definition of “Agricultural activities” clearly states that only activities related to cultivating soil, producing crops or raising livestock and selling farm-related products would be exempt. The provision for “selling farm-related products” can add support to the argument for exempting weddings and other occasions held at vineyards and farms that exclusively use and sell their products at an event. The suggested amendment was for clarity, which would be a technical change. Eric Lieberman pointed out that farmers might be against the change and may request a public hearing, but since 7:29 was readopted without change, there was no hearing. David Triggs stated that if 7:29 is reopened and the proposed amendments are introduced, there would be a public hearing and possibly a stakeholders meeting where the public can comment on the proposed amendments. Chairman Schmidt motioned to approve the letter with the minor changes and leaving “technical” as is. Norm Dotti seconded. Randy Hauser, Dr. Udasin, Steve Szulecki, and Eric Lieberman were in favor, while Salvatore Fama and Joseph Lepis were opposed. The motion therefore passed.

NEW BUSINESS

There was no new business.

PUBLIC DISCUSSION

Norm Dotti motioned to open the meeting to the public and Joseph Lepis seconded. Jack Zybura, representing Lewis Goodfriend and Associates, offered revisions to the Model Noise Ordinance. These suggested changes were discussed at the May meeting, but the NCC did not have a quorum, so there was no vote. The NCC agreed on the suggested changes from pages one through five, with the changes to the definition of “real property line” being tabled. Chairman Schmidt motioned to accept the changes and Norm Dotti seconded, all were in favor except for Steve Szulecki, who abstained, as he objected to voting on the changes in parts.

EXECUTIVE SESSION

The NCC did not meet in Executive Session.

NEXT MEETING

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

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