

**NEW JERSEY
NOISE CONTROL COUNCIL (COUNCIL)
JUNE 9, 2026
MEETING MINUTES**

ATTENDEES

Council Voting Members: Steve Szulecki (Chair, Public Member, Ecologist), Jack Zybura (Vice Chair, Public Member), Sal Fama (Motor Vehicle Commission), Philip Makrelis (Public Member, Local Governing), David Triggs (Public Member), Arnold Schmidt (Public Member), Joseph DiFillippo (Public Member), Chris Bergacs (Public Member), Syed Rashid (Department of Labor), and Daniel Lefkowitz (Department of Health).

Rutgers and NJDEP Representatives: Michelle Feasel (NJDEP Liaison to the Council) and Christy Choo (NJDEP Co-Liaison to the Council).

MEETING MINUTES

May 2026: Chairman Szulecki and Jack Zybura submitted comments ahead of the June meeting. Jack Zybura motioned to accept the minutes as amended, with Arnold Schmidt seconding. Philip Makrelis proposed editing one of his comments to keep the sentence concise. *All were in favor, so the motion carried.*

EXECUTIVE SESSION

Jack Zybura motioned to go into Executive Session, with Daniel Lefkowitz seconding. All were in favor, so the motion carried. This meeting was closed to the public and held in accordance with the Open Public Meetings Act. Michelle Feasel and Christy Choo distributed the May Executive meeting minutes. *Jack Zybura motioned to approve the Executive meeting minutes, with Philip Makrelis seconding.* Two minor corrections were made. *All were in favor, so the motion carried.* *Jack Zybura motioned to close Executive Session, with Philip Makrelis seconding. All were in favor, so the motion carried.*

CHAIR REPORT

Status of 7:29 Amendments: Michelle Feasel provided updates and stated that the *N.J.A.C. 7:29* amendments were signed by the acting Commissioner. Ms. Feasel stated that they should hopefully be published in the July 6th NJ Register and that it will be effective upon promulgation. Ms. Feasel stated that the Council can wait until *N.J.A.C. 7:29* is published to post the updated Model Noise Ordinance (MNO) on the noise webpage, they can post it now, or they can wait for Eric Zwerling's write-up to be completed first. Chairman Szulecki stated that the write-up would be a brief introduction on what the MNO is, with a short discussion of the changes to the MNO and encourage municipalities who adopted previous versions of the MNO to adopt the most recent version. Jack Zybura suggested that the Council should post the MNO now. Ms. Feasel stated that she can have the MNO posted by the end of the day and that there are towns waiting for the updated MNO. David Triggs and Chairman Szulecki also agreed that they should post the MNO. Chris Bergacs asked if there is a DEP notice that goes out when the MNO is posted. Chairman Szulecki stated there is not but they do compliance advisories. Ms. Feasel stated it would be more applicable for *N.J.A.C. 7:29* than the MNO. Arnold Schmidt asked if Eric Zwerling's replacement has been selected yet since Mr. Zwerling reviews the MNO in his noise classes. Chairman Szulecki stated

that Mr. Zwerling will be teaching the June noise classes, and the next session is in September. Mr. Triggs asked if the noise course will continue to be online or in person. Chairman Szulecki stated that it is up to the new instructor. Chairman Szulecki stated that since the pandemic, Mr. Zwerling taught the classroom portion remotely and had the field portion and final exam in person. Sal Fama asked if this is the only national noise course. Chairman Szulecki responded yes. Mr. Zybura stated that the Institute of Noise Control Engineering (INCE) has a noise course that was launched in the past year based on ANSI and ASTM noise measurement methods.

Modified Muffler Bill: Chairman Szulecki stated that there are no modified muffler updates. He stated that it is up to the Speaker of the Assembly to get it on the agenda, and it needs to be called up for an Assembly floor vote. Chris Bergacs asked if the Council has a supporter on the floor. Chairman Szulecki stated that he does not know.

Re-appointments/Vacancies: Michelle Feasel and Christy Choo drafted an appointment letter for Eric Zwerling.

Drone Deliveries: Chairman Szulecki sent the Council an article about the testing of a delivery service using drones in New Jersey. Chairman Szulecki stated he sent the article for the Council's awareness regarding the topic, since drone deliveries had been a discussion point.

Data Centers: Chairman Szulecki stated that there is discussion on the state level for evaluating data centers. Chris Bergacs asked if there were calls about data centers. Michelle Feasel stated that she has received a few calls from residents and that the counties are investigating. Philip Makrelis stated that citizens have reached out with concerns of testing and emissions from data centers. Chairman Szulecki stated that he has received a call for consulting over concerns about air quality from a data center with many backup generators being built in a Pennsylvania town that borders New Jersey. Mr. Bergacs asked how complaints across state borders are handled. Chairman Szulecki stated that the Council has had cross-border issues before. Jack Zybura stated that Pennsylvania does not have a state code and it will depend on if the town has a code. Mr. Zybura asked if Chairman Szulecki was able to find any more updates on Governor Sherrill's plan regarding data centers. Sal Fama stated that government agencies do not consult with the Council when going through the legislature. David Triggs mentioned the beach bar example where they came to the Council after the exemption was passed asking for the definition of a beach bar. Chairman Szulecki stated that the beach bar legislation sidestepped the Noise Control Act.

PUBLIC DISCUSSION

There was no one present from the public to comment.

NEW BUSINESS

Review Guidance Document: The Council stated that there are quite a few things that need to be updated and addressed in the guidance document, such as references to the amended *N.J.A.C. 7:29*, procedural changes, and modified definitions. For example, "exception" needs to be changed to "exemption." Chairman Szulecki stated that footnote 20 is missing. Jack Zybura stated that there is a link there, but no numbering. Chairman Szulecki stated that the Council should review the guidance document for the July meeting so they can resolve all of the issues. Joseph DiFillippo asked when the most recent draft of the guidance document was sent out. Mr. Zybura stated that

the most recent draft was sent in April 2026. Chairman Szulecki stated that the most recent date on the document was January 14th, 2025. Chairman Szulecki suggested comparing the guidance document to *N.J.A.C. 7:29* with tracked changes. Mr. Zybura stated that the Council did not do tracked changes with *N.J.A.C. 7:29* and only did it for the MNO. Michelle Feasel stated that *N.J.A.C. 7:29* has the changes in bold and brackets. Mr. Zybura asked if there is a clean copy of *N.J.A.C. 7:29*. Chairman Szulecki asked if the Office of Administrative Law does the final formatting. Chairman Szulecki asked what the “Supp. 7-2-12” reference in the manual was. Chairman Szulecki stated that the Code of Federal Regulations is updated once a year and that the Federal Register is referenced in the interim. He also asked if New Jersey updates the administrative code on a rolling basis or once a year. Arnold Schmidt stated that the first page of the state code says that the effective date is June 7, 2012, in case that is what “Supp. 7-2-12” is referring to. Chairman Szulecki stated that the state code expired in 2019. Ms. Feasel stated that the Council readopted it without change, then opened it up to edits, so the Council is technically working on the 2019 version. Chairman Szulecki stated that the document and website show that the only one published is the 2012 version. Ms. Feasel stated that the document did not expire, the date was never updated, and that it was readopted without change in February 2026, so this is not a readoption but rather an amendment. Ms. Feasel will ask the DEP when there will be a clean finalized version of *N.J.A.C. 7:29*. Mr. Zybura stated that there was a 2-page notice of readoption posted in 2019 and 2026 on the DEP website. Sal Fama stated that when he worked for the county, it was helpful to have the readoption information for the prosecutor to build a strong case.

Penalty Calculations: Michelle Feasel received a question about issuing penalties regarding violations from multiple complainants. Ms. Feasel provided a general example where the investigator found a violation and issued an NOV with a 30-day grace period at complainant number 1’s property. After 30 days, the facility was found in violation again for complainant number 1. Then, the same facility was found in violation at complainant number 2’s property. Sal Fama stated it would be separate cases since they are on separate lots and blocks. Chairman Szulecki asked if it was the same source within the same source property. Ms. Feasel stated that once there are 2-4 verified complaints, the noise enforcement officer can add 10% from the penalty matrix. Mr. Fama and Chairman Szulecki stated that it is a separate violation. Chairman Szulecki stated that for air enforcement, there cannot be a second violation until the facility is notified of the first violation; only if the facility has been notified of the first violation and there was a 30-day grace period, then there could be a second violation. Philip Makrelis stated that Middlesex County has their own penalty matrix and NOV document. Chairman Szulecki stated that each day during the grace period is a separate and distinct violation, and that as long as the facility makes the correction before the 30 days expire, then the penalty will all go away, but if not, then they can be cited for all of the violations. Ms. Feasel stated that both complainants found violations, but complainant 1 had the NOV issued. Jack Zybura asked what a “verified complaint” is and if it is a confirmed violation or just a complaint. Joseph DiFillippo stated that it is a verified exceedance. Mr. Makrelis stated as a noise enforcement officer, they usually pick the closest complainant to the source if there are multiple calls at the same time, as that is the most representative one, and if a violation is not found at the first one, they will work their way down the line. Mr. Zybura asked if there are two complainants, are these two separate cases. Ms. Feasel clarified in the example that none of the complaints were on the same day. Chairman Szulecki stated that if they were on the same day, then it would be a single violation penalty; if they were on separate days, then they are separate violations. Mr. Zybura asked about different sources at the same facility. Mr. Makrelis

provided an example where a violation was found on a Tuesday and the paperwork was not finished until Friday, but there was another violation found on Wednesday, so they would technically be received the same day. Chairman Szulecki stated that verbal confirmation does not count as confirmation. Mr. Fama stated that he thinks it should be up to the discretion of the health officer. David Triggs stated that the penalty cannot be more than \$3,000 a day for the county. Mr. Zybura stated that the maximum penalty is \$2,000 in the MNO. Mr. Zybura stated from 13:1-G that it is not more than \$3,000 for each offense but it does not say per day; further down, it says every day, it is another offense. Chairman Szulecki stated that it reads that you can have multiple offenses on the same day. Chairman Szulecki stated that the Council is potentially misinterpreting *N.J.A.C. 7:29* and 13:1-G. Chairman Szulecki stated that if there is a violation, no matter how many happen on separate days in the 30-day period, they are all separate first offenses; then at the end of the 30 days, if the issue has not been resolved, the facility could get hit with several violations. He stated that only after the 30-day grace period can they incur second offenses. Ms. Feasel asked if the grace period could be extended past the 30 days in that situation. Ms. Feasel stated that the question was more about multiple complainants with verified complaints. Mr. Fama stated that the facility may be able to engineer a solution for the first complainant but not the second or third, so they should be separate cases so that the inspector has to make sure that the violation has been abated at each location. Chairman Szulecki stated that it is not resolved unless it is resolved for all complainants. Chairman Szulecki stated that the Council needs to clean up the penalty matrix and provide guidance. Arnold Schmidt asked if the Council should get guidance from a DEP attorney on the meaning of "each offense". Chairman Szulecki suggested that the Council provide their interpretation and see if the DEP attorney agrees or not. Mr. DiFillippo asked how Eric Zwerling handles the penalty matrix in the Rutgers noise courses and if any jurisdiction attempted to enforce that way and what the results were. Mr. Triggs stated that he does not think this question has ever come up before. Chairman Szulecki stated that in general, the facility needs to be notified in writing of the first offense before another NOV is issued. Mr. Makrelis asked if they need to wait for the facility to receive the first NOV to then follow up with the second. Ms. Feasel asked if the penalties should be separated and assessed by complainant. The Council stated no; the complaints should not be separated by person and that it is based on the facility, not the complainant. Chairman Szulecki stated that the facility needs to be notified of one offense before it is taken to the next offense level. Ms. Feasel clarified that everything after the second offense is a third violation for the whole year. Chris Bergacs asked once it is one year after the first offense, does it go back to an NOV and first offense again. Mr. Schmidt stated that it is up to the county what the monetary penalty is.

OLD BUSINESS

There was no old business to discuss.

ADJOURNMENT

Arnold Schmidt motioned to adjourn the meeting, with Joseph DiFillippo seconding. All were in favor, so the motion carried.

NEXT MEETING

The next meeting is scheduled for Tuesday, July 14th at 9:30 AM.

Respectfully submitted by Michelle Feasel and Christy Choo, NJDEP Liaisons to the Council.