

NEW JERSEY NOISE CONTROL COUNCIL (NCC)
MARCH 10, 2015
MEETING MINUTES

ATTENDEES: Arnold Schmidt (Chairman, Public Member), Joseph Lepis (Vice Chairman, Public Member), Steven Szulecki (Public Member, Ecologist), Norm Dotti (Public Member, Industrialist), John Kapferer (Public Member), Eric Lieberman (Department of Health), Eric Zwerling (Director, Rutgers Noise Technical Assistance Center) and David Triggs (Department of Environmental Protection, Noise Control Council Liaison). **Member Candidate:** Joseph DiFillippo.

I. MEETING MINUTES

The meeting minutes were not reviewed since the NCC did not have a quorum.

II. CHAIR REPORT

Chairman Schmidt handed out a NCC member phone and address list to review and update.

III. COMMUNICATIONS TO THE COUNCIL

There was nothing to report.

IV. OLD BUSINESS

- *Council Member Appointments:* Chairman Schmidt will contact Drake Rizzo and Susan Debiec regarding their attendance record and their desire to remain as NCC members. The review and approval of candidate member Joseph DiFillippo's resume was tabled until the next meeting.
- *Stakeholder Meeting (Emergency Generators):* The stakeholders meeting is scheduled for the NCC's regular June 9th meeting. Eric Zwerling drafted an invitation letter to members of the Portable Generator Manufacturer's Association for the NCC to review and comment on. He will also include an article or announcement in the Rutgers Noise Technical Assistance Center Newsletter. Joe Lepis volunteered to research and contact generator installers. He also suggested that since many of the generator regulations apply to the Department of Community Affairs (DCA), that NCC member and DCA employee Drake Rizzo might want to give a presentation. Another suggestion for a presenter was either a vendor or manufacturer on the newest available generator technology. The League of Municipalities, along with other CEHA agencies, should also be invited to the meeting. Chairman Schmidt thought that scheduling the meeting on the second Tuesday of the month might conflict with the County Health Officer Association meetings. He will speak to someone within Union County to see if other counties schedule their meetings on that day.
- *Part 150 Noise Study:* There will be a meeting at Newark Liberty International Airport on March 25th to discuss the by-laws and to elect a chairman and vice-chairman for the Aviation Noise Community Roundtable Committee. Chairman Schmidt stated that the NCC may want to re-consider who represents it on the roundtable committee. It was agreed that whoever is recommended, can be appointed by Chairman Schmidt without the NCC members voting on it.

- *Council Member Biographies:* Most of the NCC members have submitted their bios which Chairman Schmidt has compiled into one document. Once all of the members have complied with the request the bios will be available on the NCC website for public viewing. Missing bios include, Drake Rizzo, Susan Debiec and Dr. Udasin. Although not NCC members, Eric Zwerling and David Triggs may submit theirs as well.
- *Adding Attachments to the Meeting Minutes:* While Norm Dotti's suggestion to add attachments to the meeting minutes has merit, it will likely delay the process of getting them approved since they are reviewed by DEP's upper management and the process can take time. It was agreed that the submittal of attachments with the minutes will be considered on a case-by-case basis depending on the importance of the document(s).
- *Model Ordinances:* The suggested website language clarifying whether the older DEP-approved noise ordinances can be grandfathered was tabled since the NCC did not have a quorum. It was pointed out that the "Consistency, Severability and Repealer" clause in the Model should address any inconsistencies with older DEP-approved noise ordinances. David Triggs pointed out that three more municipalities have recently submitted the newest version of the Model with the \$2,000 maximum penalty.
- *By-laws Review/Revisions:* The NCC by-laws state that elections should be held "bi-annually," which conforms to the state noise control statute under N.J.S.A 13:1G; however, the NCC feels that this is in error and that it should not be twice per year but every other year. This portion of the by-laws may be difficult to change without amending to the statute. It was suggested to look at how the election portion of the by-laws for the Clean Air Council is written.

V. NEW BUSINESS

- *Stationary Food Trucks Idling on the Street:* Chairman Schmidt brought up a recent case in Asbury Park where a plan was submitted to allow "grease trucks" to operate under a city permit in a designated area. Residents from a nearby condominium complex were against the idea due to the potential for noise and garbage. Not enough information was provided to determine if the trucks would fall under the noise regulations; however, if they are on a public roadway the noise may not be enforceable. They also may not be considered stationary and therefore would not be a source category. Permits issued by the town to operate the trucks should be structured to comply with any applicable regulations.
- *Agricultural Exemption:* Eric Zwerling stated that some farms are seeking an exemption from the noise regulations for events such as weddings and rodeos. He suggested that they approach the NCC to discuss the implications. Most of the NCC members in attendance felt that the agricultural exemption should only apply to farming activities associated with livestock and crop production. There are some circumstances that may require further evaluation such as a winery hosting a dinner party that serves wine as a part of an advertising campaign to promote their product or a Halloween "Fright Fest" that sells products such as pies, pumpkins and cider produced on the farm. These types of events may have to be looked at on a case by case basis.
- *Measurements "At or Within":* Norm Dotti offered two supporting examples of when the "at or within" guidance to taking a sound level measurement should apply. While the NCC appreciated his assistance in clarifying the issue, it was felt that the topic had been thoroughly discussed up to that point and the NCC's position on this matter is clearly defined in the new guidance document.

VI. OPENING OF THE MEETING TO THE PUBLIC

No one from the public was in attendance.

VII. EXECUTIVE SESSION

There was no time left and no quorum to go into executive session.

VIII. NEXT MEETING

The next meeting date is scheduled for April 14th.

Respectfully submitted:

David E. Triggs, NJDEP, Liaison to the NCC