

NEW JERSEY NOISE CONTROL COUNCIL (NCC)
MARCH 13, 2018
MEETING MINUTES

ATTENDEES: Arnold Schmidt (Chairman, Public Member), Steve Szulecki (Vice Chairman, Public Member, Ecologist), Randy Hauser (Department of Labor), John Lago (Department of Community Affairs), Salvatore Fama (Motor Vehicle Commission), Dr. Iris Udasin (Public Member, Medical Doctor), Joseph Lepis (Public Member, Civil Engineer), Joseph DiFillippo (Candidate Public Member for Local Governing Body vacancy), Eric Zwerling (Director, Rutgers Noise Technical Assistance Center), David Triggs (Department of Environmental Protection, Noise Control Council Liaison) and Michelle Feasel (NJDEP).

MEETING MINUTES

The January meeting minutes were approved with minor revisions. Salvatore Fama motioned to accept and Dr. Udasin seconded. All were in favor except Joseph Lepis who abstained due to his absence. The motioned was therefore passed.

The approval of the February meeting minutes was tabled.

CHAIR REPORT

- There has been no update from the Governor's Office regarding pending appointments or re-appointments.
- Chairman Schmidt will contact new member Nancy Tanella regarding her absence from the last few meetings.

NCC COMMUNICATIONS/CORRESPONDENCE

There was no correspondence to the NCC to report.

OLD BUSINESS

- *Round Table Part 150:* The TAC meetings will go from four to two meetings per year unless more are indicated. The next meeting will be at the beginning of the summer. Chairman Schmidt recommended taking the Part 150 study off the agenda unless something substantial needs to be discussed. Joseph Lepis, the TAC Chairman, agreed.
- *Revisions to N.J.A.C. 7:29:*

Public Celebration: Steve Szulecki handed out an updated draft definition for "Public Celebration." The proposed definition, which was approved for further discussion by the subcommittee, reads as follows:
Public Celebration – An event such as a festival or parade commemorating a special occasion where the event is open to the public and there is no entrance fee or a minimal entrance fee to offset basic costs associated with the event.

The proposed amended exemption reads as follows: *Public celebrations that are authorized by a governmental entity through a resolution of the governing body or by issuance of a permit.*

Salvatore Fama wanted more time to provide additional comments. He requested that the definition be discussed further at the next subcommittee meeting. The NCC agreed to table it until that occurs.

Z-Scale Definition: Eric Zwerling is drafting a definition for Z-weighted sound levels to update the regulations for modern sound level meter terminology. It was determined that this also needs to be discussed further at the next subcommittee meeting before presenting it to the full NCC.

NEW BUSINESS

- David Triggs asked for the NCC's advice on a municipal noise ordinance that was submitted to the Department for review and approval. The ordinance was identical to the Department's Model except for the Restricted Uses and Activities Section, which included a provision that banned all construction and demolition activities on Sundays. The NCC felt that you cannot explicitly prohibit any activity that can comply with the Model's permissible limits. If a municipality wants to exclude an activity, they can do so in a stand-alone ordinance, but not in their noise ordinance.
- Michelle Feasel of the NJDEP's Bureau of Local Environmental Management and Right to Know, was introduced to the NCC by David Triggs. She is a new employee who will be attending the meetings with the goal of eventually transitioning into the role of NJDEP liaison to the NCC. Each member introduced themselves with a brief description of their history and role on the NCC.
- Steve Szulecki recommended developing a disclaimer that could be read by the Chairman when a member of the public comes to a meeting to seek the NCC's advice. The disclaimer would inform the public that the NCC's role is not to act as a consultant or advisor. Mr. Szulecki volunteered to draft something.
- Steve Szulecki announced that the State Agricultural Committee will be attending the April meeting to discuss how they handle noise complaints under the Right to Farm Act.
- John Lago might be able to provide the NCC with a copy of the ANSI Standards.
- Eric Zwerling drafted a disclaimer statement to add to the top of the Department's list of approved municipal noise ordinances. The disclaimer states the following:
Pursuant to N.J.S.A. 13:1G-21 and N.J.A.C. 7:29-1.8 a local noise ordinance establishing specific sound level limits must meet with the written approval of the New Jersey Department of Environmental Protection. To the best of our knowledge, this list is accurate and complete. However, individual jurisdictions should review their files, as a letter from the Department regarding the approval status of a local ordinance supersedes the information contained herein. If a discrepancy is found, please notify the Department.
David Triggs is also in the process of reviewing the accuracy of the list by comparing it to letters approving/disapproving the municipal ordinances.
- The NCC discussed whether local municipalities that do not have a Department-approved noise ordinance can enforce N.J.A.C. 7:29 as it is stated in the definition of "Authorized Enforcement Agency." Steve Szulecki and David Triggs both felt that only agencies certified through the County Environmental Health Act and municipalities with approved noise ordinances would be qualified. Eric Zwerling and Arnold Schmidt stated that local officials who successfully pass the Community Noise Certification Course, should be allowed to enforce the noise regulations based on the current definition and as promulgated in section K of the DEP's guidance document. Mr. Zwerling has been teaching this at the Rutgers Community Noise Enforcement Course. This may have to be brought to the DAG's Office for further clarification.

PUBLIC DISCUSSION

There was no public discussion.

EXECUTIVE SESSION

There was no need to go into Executive Session

NEXT MEETING

The next meeting is on April 10th at 9:30 A.M.

Respectfully submitted by David Triggs, NJDEP Liaison to the NCC