

**NEW JERSEY
NOISE CONTROL COUNCIL (COUNCIL)
MARCH 14, 2023
MEETING MINUTES**

ATTENDEES

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

Council Candidate Members (Pending confirmation from the Governor's Office): Christopher Bergacs (Public Member Candidate) and Philip Makrelis (Public Member, Local Governing Body Candidate)

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

Members from the Public: Vincent Werling

PUBLIC DISCUSSION

*Jack Zybura **motioned** to go into Public Session with Steve Szulecki seconding. All were in favor, so the meeting was now open to the public.* Chairman Schmidt read an opening statement to the public regarding the Council's role. Vincent Werling asked the Council when the guidelines for shooting ranges would be finalized. Steve Szulecki stated that the Council has had many conversations about adding clarification to the guidance document, and it is an item on the agenda, but it is currently being tabled as the Council's focus is on the proposed amendment to N.J.A.C. 7:29. Mr. Werling asked the Council how could someone challenge a shooting range if the facility owners claim to be exempt and who would you bring your complaint to? Mr. Szulecki stated that the noise investigator must determine if the range falls under the exemption. He added that it is up to the DAG as to which court it is brought to if enforcement follows. David Triggs stated that if the township has a department-approved noise ordinance, then that town can enforce it. Otherwise, it is under the county's jurisdiction. He added that if the investigator is unsure whether the exemption applies, they can pursue the violation and let the courts decide if penalties are issued and ignored by the facility. He also stated that shooting ranges are not being addressed in the amendments to N.J.A.C. 7:29. Mr. Szulecki stated that the language currently in N.J.A.C. 7:29 comes directly from 13-1-G. He added that automatic weapons are not included in the exemption and are enforceable. *Jack Zybura **motioned** to close the Public Session, with Dan Lefkowitz seconding. All were in favor, so the meeting was closed to the public.*

EXECUTIVE SESSION

*Jack Zybura **motioned** to go into Executive Session with Randy Hauser seconding. All were in favor, so the motion carried.* This meeting is closed to the public and candidate members. Meeting minutes are recorded separately from the regular meeting minutes and are filed at the DEP's Trenton headquarters.

*Randy Hauser **motioned** to leave Executive Session with Jack Zybura seconding. All were in favor, so the motion carried.*

MEETING MINUTES

*January 2023: Jack Zybura **motioned** to accept the meeting minutes as they were written with Steve Szulecki seconding. All were in favor, so the motion carried.*

CHAIR REPORT

There was no Chair report.

COMMUNICATIONS

David Triggs received an email from a Fish and Game regulatory officer, inquiring as to whether noise from hunters is enforceable under N.J.A.C. 7:29. Her interest was based on Council member Salvatore Fama's expressed concerns to her regarding this. Mr. Fama represented himself as a concerned hunter and not as a member of the Council. Mr. Triggs informed her that in his twenty-two years as the Department's Noise Coordinator, that he has never gotten a complaint regarding noise from hunters firing their weapons and if there was a complaint, it would be nearly impossible to enforce as hunters fire their weapons intermittently and hunt in remote locations where they would be difficult to find or to determine whether or not the noise came from their weapon or someone else's. He also informed her that the amendments to N.J.A.C. 7:29 would not include language to address this as it is considered a nonissue and it would be considered a policy change. The regulatory officer was appreciative of the information and accepted his response. Mr. Fama was not present at the meeting to offer more details or to respond.

OLD BUSINESS

N.J.A.C. 7:29 (Response to DEP attorney's comments): The Council continued to discuss the comments made by the DEP's attorney in response to their proposed amendments. The discussion began at "Equipment" and ended with "Procedures." A detailed accounting of the responses and votes is being prepared in a separate document.

NEW BUSINESS

No new business was discussed.

ADJORNMENT

*Jack Zybura **motioned** to end the meeting with Chairman Schmidt seconding. All were in favor, so the motion carried.*

NEXT MEETING

The next meeting is scheduled for Tuesday, April 11th at 9:30 A.M.

Respectfully submitted by Michelle Feasel with edits by David Triggs, NJDEP Liaisons to the Council.