

NEW JERSEY NOISE CONTROL COUNCIL (NCC)
MAY 10, 2016
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), Eric Lieberman (Department of Health), Norm Dotti (Public Member, Industrialist), Dr. Iris Udasin (Public Member, Medical Doctor), John Kapferer (Public Member), Jerome Feder (Public Member), Joseph DiFillippo (Public Member candidate), David Triggs (Department of Environmental Protection, Noise Control Council Liaison) and Eric Zwerling (Director of the Rutgers Noise Technical Assistance Center).

PUBLIC: Jack Zybura (Lewis S. Goodfriend and Associates).

MEETING MINUTES:

The April meeting minutes were approved (Salvatore Fama motioned and Randy Hauser seconded) with minor changes.

CHAIR REPORT:

- Ethics training certificates of completion are needed from Salvatore Fama, Norm Dotti and Dr. Udasin.
- Mark Roskien of the Somerset County Department of Health submitted his resume for consideration for membership on the NCC. Jack Zybura also remains a candidate for the vacancy left by Carl Accetolla's resignation. Once the NCC chooses a suitable replacement, their name will be submitted to the Commissioner of the NJDEP, along with the four current members with expired terms. Joseph DiFillippo's resume will also be re-submitted.
- Eric Zwerling informed the NCC that the meeting minutes for 2015 have not been posted on the Rutgers Noise Technical Assistance Center's website yet.
- Chairman Schmidt received a phone call from a resident of Chatham who attended a previous NCC meeting to discuss condo noise from an adjacent air conditioner and upstairs footfalls. He provided her with advice and sent her a copy of the Model Noise Ordinance. The Township of Chatham does not have an approved noise ordinance.

OLD BUSINESS:

- *Motor Vehicles Entering/Exiting Facilities:* Norm Dotti had no update
- *Township of Wayne Noise Ordinance:* David Triggs informed the NCC that officials in the township might withdraw the amendment to their approved noise ordinance, which would ban construction/demolition activities on Sundays. Eric Zwerling felt that "home rule" should apply and the amendment should therefore be approved. John Lago stated that there is a "minimum/maximum" standard that doesn't allow activities to deviate from the Department of Community Affairs's construction codes.
- *Penalty Assessments:* Chairman Schmidt thought the penalty matrix was nearly complete; however, Steve Szulecki submitted significant revisions that were discussed. The original template, Mr. Szulecki's revised version and a compromise matrix incorporating some of his comments were distributed. The

amendments included a new introductory paragraph, moving the example to the right side of the page, removing the fourth and fifth offense and adding “or more” to the third offense and removing the words “mitigating or aggravating” from the top of the left-hand column. Joseph DiFillippo expressed some concern that if a county does not follow the template, it could result in legal action against it. It was noted that this document will be clearly presented as a guidance document only.

- *Emergency Generators:* There was no discussion.
- *Roundtable Part 150 Study:* There was no update due to time constraints.
- *By-Laws:* Most of the discussion pertained to the new draft section on “Council Member Conduct.” Eric Lieberman pointed out that this section should be consistent with the Open Public Records Act and it cannot restrict a member’s first amendment right. It was agreed that a member being recommended for discipline must be present at the time of the action. John Lago felt that it was not necessary to add this section to the by-laws. Chairman Schmidt provided an explanation regarding why this new section was drafted, which is based on a previous action by a NCC member.

NEW BUSINESS:

No new business was discussed.

PUBLIC DISCUSSION:

At the April meeting, Jack Zybura compared language from the current Model to a page taken from the Fanwood noise ordinance, which was approved in 2004. He pointed out a contradiction between the two for taking interior measurements. The Fanwood ordinance allows for indoor measurements when two commercial properties share a common wall/ceiling/floor, while the definition for “real property line” in the current Model excludes a commercial source and commercial receptor located on the same parcel of property (e.g., a strip mall). The language in the current Model contradicts the ordinance approved in 2004; however, the language in the Fanwood ordinance is consistent with the 2004 Model, so it is therefore grandfathered. None of the NCC members could recall what prompted the change.

EXECUTIVE SESSION:

The NCC did not need to go into Executive Session.

NEXT MEETING:

The next meeting is scheduled for June 14th

Respectfully submitted by: David Triggs, NJDEP Liaison to the NCC