

NEW JERSEY NOISE CONTROL COUNCIL (NCC)
MAY 8th, 2018
MEETING MINUTES

ATTENDEES: Arnold Schmidt (Chairman, Public Member), Steve Szulecki (Vice Chairman, Public Member, Ecologist), John Lago (Department of Community Affairs), Salvatore Fama (Motor Vehicle Commission), Eric Lieberman (Department of Health), Dr. Iris Udasin (Public Member, Medical Doctor), Joseph Lepis (Public Member, Civil Engineer), Norm Dotti (Public Member, Industrialist), John Kapferer (Public Member), Joseph DiFillippo (Candidate Member for vacancy left by John Surmay), Eric Zwerling (Director, Rutgers Noise Technical Assistance Center), and Michelle Feasel (NJDEP).

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

MEETING MINUTES

The April meeting minutes and executive session meeting minutes because further discussion was needed by members not present.

CHAIR REPORT

- In accordance with Robert's Rules, Chairman Schmidt requested that NCC members refrain from responding to an email chain as a quorum. Minor discussions can take place as long as they involve less than seven members. Comments on the meeting minutes should be sent directly to David Triggs and Chairman Schmidt, preferably before the next meeting.
- Former NCC member John Surmay recently passed away. He was considered a valuable member who contributed to the reduction of noise in the State of New Jersey for many years.
- Chairman Schmidt has been in contact with the Governor's Office regarding appointments and re-appointments. Thus far, no action has been taken on the NCC recommendations, which were forwarded to the Governor's Office by the Commissioner of the NJDEP some time ago.

NCC COMMUNICATIONS/CORRESPONDENCE

There was no correspondence to the NCC to report.

OLD BUSINESS

- The NCC decided to only discuss the recommended changes to N.J.A.C. 7:29 and not vote on them since the subcommittee will be meeting again to further revise the amendments.
- *Revisions to N.J.A.C. 7:29* discussed:

Subcommittee Chairman Eric Zwerling presented his recommended changes. The approved changes will be tracked in a summary of amendments and a copy of 7:29 with deletions and additions noted.

7:29-2.1 Definitions

Revisions to the definition of Octave Band was presented with little discussion.

7:29-2.6 Equipment

The NCC discussed whether the recommended change of excluding the dates, would become a legal issue in court. Some members felt that the dates were important and that they should be kept in, but the title

should be changed. Other members felt that the dates were there just to show that it meets standard 1.11, so they were not needed.

- This topic is tabled for the subcommittee to discuss further.

7:29-2.12 Incorporation by reference

It was agreed that this section was to be removed, as the standards are mentioned elsewhere in 7:29.

Steve Szulecki presented his recommended changes.

7:29-1.1 Definitions

Emergency:

The NCC discussed whether the definition of “emergency” should be removed. Discussed changes/deletion to the phrasing “citizens or a municipality”. Also discussed was the removal of the word “the” which precedes “health, safety or resources”.

Emergency energy release device:

Steve Szulecki proposed adding the example (e.g. pressure release valve) for clarification.

- There was no discussion

Emergency services personnel:

Joseph Lepis suggested that the “reason” listed under the proposed deletion of the definition of emergency service personnel is changed to include that the phrase is being removed from the definition of 7:29-1.1 and therefore no longer needs to be defined, which more accurately reflect the motives behind the change.

- The other NCC members agreed

Community service facility:

Discussion on different complications enforcement may deal with due to ambiguity in the distinctions. Discussion to possibly add prisons to the list.

- This topic was tabled pending further discussion by the subcommittee.

Continuous airborne sound:

Joseph Lepis inquired about whether something needed to be added to clarify what they used to time the “one second” that constitutes continuous airborne sound. It was discussed and decided that this was not an issue so the NCC moved on.

Residential Property:

Item 3: add campgrounds as an example.

7:29-1.5 (a) Agricultural Activities

Salvatore Fama was not at the subcommittee meeting but he stated that he would have voted no to any change to the current exemption that would weaken it. He believes that agricultural activities should be strictly exempt, which includes hosting weddings, and other similar activities that can benefit farms. He stated that the NCC should leave the regulation alone and refer noise enforcement on farms to the State Agricultural Development Committee, since they have jurisdiction over farming activities. Norm Dotti

argued that farms have never had full protection. Steve Szulecki said that the NCC does not have the expertise to sort through the operations of farms.

There was a general agreement that there should be a statement such as “see the guidance document for more information” added to sections of the regulations.

NEW BUSINESS

There was no new business to discuss.

PUBLIC DISCUSSION

There was no public discussion.

EXECUTIVE SESSION

The NCC met in Executive Session. The meeting minutes are recorded separately and will be numbered and distributed at the June meeting and collected after they are reviewed and approved. The minutes will then be kept on file at the NJDEP.

Chairman Schmidt moved to adjourn the meeting John Kapferer seconded.

NEXT MEETING

The next meeting is on June 12th at 9:30 A.M.

Respectfully submitted by Michelle Feasel, NJDEP Environmental Services Trainee.