

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

ATTENDEES: Arnold Schmidt (Chairman, Public Member), Joseph Lepis (Vice Chairman, Public Member), Randy Hauser (Department of Labor & Workforce Development), Eric Lieberman (Department of Health) John Lago (Department of Community Affairs), Don Dinsmore (Motor Vehicle Commission), Susan Debiec (Motor Vehicle Commission), Steve Szulecki (Public Member, Ecologist), Dr. Iris Udasin (Public Member, Medical Doctor), Norm Dotti (Public Member, Industrialist), John Kapferer (Public Member), Jerome Feder (Public Member), David Triggs (Department of Environmental Protection, Noise Control Council Liaison) and Joseph DiFillippo (Member Candidate)

I. NOMINATIONS/ELECTIONS (2016)

Chairman: John Kapferer nominated Arnold Schmidt for Chairman and Mr. Schmidt accepted. There were no other nominations. A handwritten, closed-ballot vote was cast by the members and counted by the DEP Liaison. There were ten in favor and one abstaining. Mr. Schmidt will therefore be Chairman for two more years.

Vice Chairman: Joseph Lepis declared his candidacy for Vice Chairman. John Kapferer nominated Steve Szulecki and Mr. Szulecki accepted. Each candidate was given five minutes to state their qualifications. A handwritten, closed-ballot vote was cast by the members and counted by the DEP Liaison. The results were seven in favor of Mr. Szulecki and four in favor of Mr. Lepis. Mr. Szulecki won by a majority and will therefore replace Mr. Lepis as Vice Chairman as of January 1, 2016.

II. MEETING MINUTES

The meeting minutes for October (John Kapferer motioned and Randy Hauser seconded) were approved with minor changes. Joseph Lepis voted no and Susan Debiec and Norm Dotti abstained.

III. CHAIR REPORT

- Mr. Triggs has received certificates of completion for the required ethics training from NCC members John Kapferer, Joseph Lepis, Arnold Schmidt, Steve Szulecki, Randy Hauser, Eric Lieberman and John Lago. Norm Dotti took the training but could not print the certificate of completion.
- Bios for the website have been submitted by Chairman Schmidt, Dr. Udasin, Eric Lieberman, Jerome Feder, Joseph Lepis, John Kapferer, Norm Dotti, Randy Hauser and Steve Szulecki.
- Chairman Schmidt handed out a proposed 2016 NCC meeting schedule to review. The main issues were the weather in January/February, summer recess in July/August and Election Day which is on a regularly scheduled meeting day. It was agreed that it is easier to list the meetings and then cancel them when necessary rather than not scheduling them and then posting them within a reasonable timeframe before the meeting. David Triggs will get the schedule placed on the NCC website.

IV. OLD BUSINESS

- *Council Appointments:* There was no update on Joseph DiFillippo's recommendation. Don Dinsmore, a new representative from the Motor Vehicle Commission (MVC) attended the meeting. He will replace Susan Debiec as the representative for the MVC once a letter from the MVC Commissioner is received.
- *Stakeholders Meeting:* Joseph Lepis is working on a "statement summary." David Triggs will send him the minutes and presentations from the stakeholders meeting.
- *Motor Vehicles Entering/Exiting Facilities:* Norm Dotti has reached out to other noise consultants to meet and discuss the issue. While there seems to be interest, no meeting has been scheduled. The current DEP policy is that when a vehicle (excluding patrons/employees) crosses the property line, it becomes part of the facility's operations. Joseph Lepis and Don Dinsmore requested to participate in any discussion.
- *Emergency Generators Best Practices Guide:* Steve Szulecki provided Joseph Lepis information on codes promulgated in other states. Some New Jersey towns and counties send a letter to consumers that purchase outdoor wood boilers, advising them that they might have to comply with the State Air Regulations. A similar consumer-oriented letter geared toward noise from emergency generators might be beneficial.
- *Roundtable Part 150 Study:* There was no update.
- *Bylaws Review/Revisions:* There was no discussion due to time constraints.

V. NEW BUSINESS

Chairman Schmidt pointed out that many DEP regulations provide a penalty matrix as guidance for issuing violations. The Noise Control Regulations and the Model do not. There are inconsistencies among the counties when it comes to issuing noise penalties. At the very least, Chairman Schmidt would like to see language added to the guidance document. Mr. DiFillippo stated that Middlesex County generally doesn't issue noise penalties as they can usually achieve compliance without them. A general rule of thumb for egregious violations is \$1,000 (first) \$2,000 (second) and \$3,000 (third). Hudson does not issue penalties for an initial violation. The activity reports submitted to David Triggs as a CEHA Coordinator generally show no penalties or penalties of just a few hundred dollars. Rather than establishing specific amounts, it would be more beneficial to offer guidance on what to consider when evaluating the severity of a violation. However, if it isn't arbitrary and capricious you can justify a set amount.

VI. OPENING OF THE MEETING TO THE PUBLIC

No one from the public was in attendance.

VII. NEXT MEETING

The next meeting date is scheduled for December 8th

Respectfully submitted:

David E. Triggs, NJDEP, Liaison to the NCC