

NEW JERSEY NOISE CONTROL COUNCIL (NCC)
NOVEMBER 15, 2016
MEETING MINUTES

Note: This meeting was held a week after the regularly scheduled date due to Election Day.

ATTENDEES: Arnold Schmidt (Chairman, Public Member), Steve Szulecki (Vice Chairman, Public Member, Ecologist), Randy Hauser (Department of Labor), Salvatore Fama (Motor Vehicle Commission), Dr. Iris Udasin (Public Member, Medical Doctor), Joseph Lepis (Public Member, Civil Engineer), Norm Dotti (Public Member, Industrialist), John Kapferer (Public Member), Jerry Feder (Public Member), Joseph DiFillippo (Public Member Candidate, Local Governing Body), Eric Zwerling (Director of the Rutgers Noise Technical Assistance Center) and David Triggs (Department of Environmental Protection, Noise Control Council Liaison).

PUBLIC: Jack Zyburra (Lewis S. Goodfriend and Associates) and Mark Roskein.

MEETING MINUTES:

The October meeting minutes were reviewed and approved with Norm Dotti motioning to accept without changes and Salvatore Fama seconding. All were in favor so the motion passed.

CHAIR REPORT:

- It was pointed out that at this time of year there is an increase in the use of landscaping equipment, in particular leaf blowers. Chairman Schmidt referenced multiple noise complaints to the DEP from a resident in Englewood New Jersey who claimed to be a part of a neighborhood group who were contemplating “suing the Department for not enforcing N.J.A.C. 7:29.” David Triggs has informed her on numerous occasions that the Department no longer has an Office of Noise Control and that resident-to-resident complaints of this nature can only be handled by municipalities with an approved Model Noise Ordinance as the counties do not respond to resident-to-resident complaints. In addition, some municipalities have opted to prohibit the use of leaf blowers entirely and she could petition her town to do the same. She was invited to attend a NCC meeting to explain her position but has thus far chosen not to.
- The 2017 meeting schedule was handed out. All were in agreement with the dates with the addition of (pending weather) for December, January and February and (pending summer recess) for August. David Triggs will have the schedule posted on the NCC’s website.
- Chairman Schmidt emphasized that the NCC should begin reviewing N.J.A.C. 7:29 to discuss potential changes to the regulations once they Sunset in November 2019. Some important issues to consider include landscaping equipment (leaf blowers), motor vehicles entering and exiting facilities and emergency sirens.

NCC COMMUNICATIONS/CORRESPONDENCE:

There was no correspondence to the NCC.

OLD BUSINESS:

- *Emergency Generators:* The updated consumer guidance document was handed out and more changes were recommended. Salvatore Fama will incorporate those changes into a new document before the next meeting.
- *Penalty Assessment Matrix:* The subcommittee will convene after the regular NCC meeting to try to agree on a final template that can be presented to the NCC by the December meeting.
- *Motor Vehicles Entering and Exiting Properties:* Norm Dotti handed out maps with sound level contours for two facilities to illustrate his point that vehicles operating on a facility’s property could not meet the current noise level

standards. One example showed how a truck would be exempt on a public road leading up to the facility but upon entering and using the private roadway on site, the truck would have to comply with the regulations. One possible solution would be to measure the noise level on the public roadway to be used as a reference point for levels at or below the standards when traveling on site. Mr. Dotti pointed out that there is an historical perspective on this, spanning decades, which includes public hearings at the NJDEP in Trenton. He will try to draft some recommended guidance to present to the subcommittee by the next meeting.

- *Roundtable Part 150 Study*: Jerry Feder reported that a draft Part 150 report which includes a noise study with proposed mitigation options is now posted on the Internet. A substantial increase in noise at EWR is projected over the next five years. The Technical Advisory Committee will meet on November 16th to discuss a noise mitigation strategy which may include Port Authority's use of quieter planes. Mr. Feder suggested a moratorium on operational increases until the DNL 65 is adequately addressed. He expressed disappointment that the public turnout at the meetings is low.
- *Model Ordinance Wording*: There was no discussion.
- *NCC By-Laws*: Joseph Lepis suggested leaving in Section 3 "Changes of Content," which the NCC voted to remove at the October meeting. Chairman Schmidt called a second vote. All were in favor of keeping it out except Mr. Lepis. At this point the by-laws are considered updated.
- *DOH*: Mr. Lepis stated that the Department of Health's review of the current Model can be taken off the agenda.

NEW BUSINESS:

No new business was discussed.

PUBLIC DISCUSSION:

A list of seven noise-related questions was submitted to David Triggs by Jack Zybura. Mr. Triggs brought them to the meeting with the intention of reading and answering them with the NCC's assistance but due to time constraints, they were not addressed. Mr. Triggs informed Mr. Zybura, who was in attendance, that he would respond to the questions via e-mail and copy the NCC chairman and vice chairman.

EXECUTIVE SESSION:

The NCC did not go into Executive Session.

NEXT MEETING:

The next meeting is on December 13th at 9:30 a.m.

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