

NEW JERSEY NOISE CONTROL COUNCIL (NCC)
NOVEMBER 12, 2019
MEETING MINUTES

ATTENDEES

NCC Voting Members: Arnold Schmidt (Chairman, Public Member), Steve Szulecki (Vice Chairman, Public Member, Ecologist), Norm Dotti (Public Member, Industrialist), Randy Hauser (Department of Labor), Joseph Lepis (Public Member, Civil Engineer), John Lago (Department of Community Affairs) and Dr. Iris Udasin (Public Member, Medical Doctor).

NCC Non-voting Candidate Members (Pending approval by the Governor's Office): Jack Zybura (Public Member candidate to replace Jerry Feder).

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

Public: No one from the public was present.

ELECTIONS

Chairman Arnold Schmidt read the NCC by-laws pertaining to the election process.

Joseph Lepis nominated Arnold Schmidt for Chairman and Randy Hauser seconded. There were no other nominees, so an anonymous vote was taken with slips of paper. David Triggs counted the votes and all seven voting members were in favor of Mr. Schmidt to remain as Chairman with none opposed. Mr. Schmidt will therefore continue his duties as Chairman for the next two years.

There was a discussion on whether the by-laws should be amended so that if someone is running un-opposed a vote would not be needed. It should be discussed further at the next meeting.

The election for Vice-Chairman began with Joseph Lepis nominating Steve Szulecki and Randy Hauser seconding. There were no other nominees, so an anonymous vote was again taken with slips of paper. David Triggs counted the votes and all seven voting members were in favor of Mr. Szulecki continuing as Vice Chairman with none opposed. Mr. Szulecki will therefore continue his duties as Vice-Chairman for the next two years.

Chairman Schmidt asked if anyone would like to be nominated as Secretary, (this is a position that the Chairman appoints, and a vote is not needed). Michelle Feasel volunteered to continue taking the meeting minutes with edits by David Triggs, since none of the members volunteered to take over this role. Chairman Schmidt agreed to continue this way.

MEETING MINUTES

Joseph Lepis and Jack Zybura pointed out some minor spelling and grammatical errors in the October meeting minutes.

This led to a discussion about whether non-voting member candidates who are not yet appointed should be allowed to talk freely during the NCC meetings or if they should only speak when the NCC is in Public Session. The NCC members also recommended changing the attendee headings in the minutes to more accurately reflect the status of membership (the change is reflected starting with the October meeting minutes). Chairman Schmidt stated that members who haven't been appointed should not receive the draft minutes ahead of the NCC meetings. It was brought up that David Triggs, Michelle Feasel and Eric Zwerling are also non-voting attendees who should be under a separate category than appointed members. A separate category for the "Public" would be for anyone who comes to a meeting and is not a voting member, candidate member or associated with Rutgers or the NJDEP. The categories for attendance will therefore be Voting Members, Non-Voting Candidate Members, Rutgers representative, DEP Liaisons, and the Public. This format will have to be approved at the December meeting. It was also agreed that "Candidate Members" will no longer be getting the draft minutes ahead of the NCC meetings. Steve Szulecki suggested that we change the by-laws to specify that the "Candidate Members" and "Liaisons" can talk openly during the meetings but not vote, and that "Candidate Members" cannot participate during the Executive Session portion of the meetings.

The approval of the October Meeting Minutes will be tabled pending the changes to the "Attendees" headings.

CHAIR REPORT

Joseph Lepis inquired about John Kapferer's health. Chairman Schmidt agreed to reach out to him to get an update.

OLD BUSINESS

N.J.A.C. 7:29 Stakeholder Meeting: The DEP has scheduled a Stakeholder Meeting on January 8, 2020, from 9 A.M. to 1:30 P.M. in the Public Hearing Room at 401 East State Street, Trenton, N.J. The meeting will be held to discuss the NCC's draft amendments to the State Noise Code at N.J.A.C 7:29. The amendments and their justification, will be reviewed and open for public comment. The amendments are considered technical in nature with no significant changes to the rule that might be considered controversial or have an economic/social or environmental impact. The entire code is not open for public discussion or comment, just the draft changes. An official invitation to the Stakeholder Meeting will be posted on the DEP's website prior to the meeting date. Additional outreach may also take place as per the Commissioner's Office. All attendees must R.S.V.P David Triggs at david.triggs@dep.nj.gov as soon as is conveniently possible.

Joseph Lepis inquired about who was going to attend the Stakeholder Meeting. Jack Zybura, Norm Dotti, Joseph Lepis, Steve Szulecki, and Eric Zwerling all stated that they planned to attend. David Triggs informed the group that anyone else who plans on attending should let him know via email in advance so that he can get them visitor parking.

David Triggs informed the Council that the Stakeholder Meeting Invitation has been submitted to his Director along with the draft agenda. Upon approval by the Assistant Commissioner and

the DEP's Chief of Staff, the next step will be to determine which Stakeholders should be invited and how to notify them. Part of the discussion revolved around what makes a Stakeholder meeting and whether it is open to the public. The public is considered a stakeholder because they are impacted by noise. The meeting is by invitation only and you must R.S.V.P to attend, but since the invitation is to be posted on the NJDEP's website it will be available for anyone to see. Steve Szulecki read a passage from the DEP website that seemed to list two kinds of meetings, one open to the public and one that was more selective. David Triggs will reach out to DEP's upper management for clarification on what category the 7:29 Stakeholder Meeting is considered.

NEW BUSINESS

NCC Meeting Agenda: Chairman Schmidt would like to change the order of the agenda so that "New Business" is discussed before "Old Business". He stated that "New Business" usually has topics with a greater sense of urgency than "Old Business". Joseph Lepis felt that "Old Business" should remain at the top of the agenda after "Public Session." Most of the NCC members agreed that it was at Chairman Schmidt's discretion to choose or move the order of agenda topics prior to and during each meeting depending on the circumstances.

2020 NCC Meeting Schedule: The Noise Control Council's monthly meetings for 2020 are to be held on January 14th, February 11th, March 10th, April 14th, May 12th, June 9th, July 14th, August 11th, September 8th, October 13th, November 10th, and December 8th. David Triggs commented that the December, January, and February meeting dates should say "Pending weather" and that the August meeting should include "Pending Summer Recess." Norm Dotti motioned to approve the schedule with the minor changes and John Lago seconded. All were in favor, so the motion carried. Michelle Feasel will request to have the new schedule posted on the Council's website.

Noise Investigation Field Report Form: Norm Dotti stated that Continuous Noise should be measured on the "slow response" setting and Impulsive Noise should be measured on the "fast" or "impulse" setting. However, there is no place on the inspector field form to indicate what setting a measurement was taken on. Eric Zwerling added that when he teaches the noise certification course, he advises the investigators to make a note of the setting on the form. Eric agreed to re-examine the form. Norm Dotti also pointed out that the language in 7:29 about how neighborhood residual gets subtracted is ambiguous and should be clarified further. It was suggested that it may be indicated in the guidance document when background is higher than the total sound level measurement. Eric will also make changes to the manual, upon NCC and DEP approval and will instruct his course attendees to review the guidance document before they arrive.

Part 150: Joseph Lepis informed the NCC that a TAC meeting is scheduled for November 13th at 6:30 P.M. at Newark Liberty International Airport in Building One.

PUBLIC DISCUSSION

No members from the public were present.

EXECUTIVE SESSION

The NCC did not meet in Executive Session.

John Lago motioned to adjourn the meeting and Steve Szulecki seconded. All were in favor, so the meeting ended approximately 12:00 P.M.

NEXT MEETING

The next meeting is scheduled for Tuesday, December 10th pending weather at 9:30 A.M.

Respectfully submitted by Michelle Feasel with contributions by David Triggs, NJDEP Liaisons to the NCC.