

**NEW JERSEY NOISE CONTROL COUNCIL (NCC)**  
**OCTOBER 13, 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), Steve Szulecki (Public Member, Ecologist), Dr. Iris Udasin (Public Member, Medical Doctor), John Kapferer (Public Member), Jerome Feder (Public Member) and David Triggs (Department of Environmental Protection, Noise Control Council Liaison).

## **I. MEETING MINUTES**

The meeting minutes for September (Joseph Lepis motioned and John Kapferer seconded) were approved with minor changes.

## **II. CHAIR REPORT**

- An updated list of NCC members was handed out for review and revisions.
- A list of membership bios was sent out. Some bios are still missing. Joseph Lepis reaffirmed that his bio was accurate and that he served as Chairman of the NCC for at least twenty years, five of which were when he was appointed as Vice Chairman, but chaired in Dr. Soporowski's absence.
- NCC member Carl Accettola e-mailed his resignation to Chairman Schmidt due to his imminent retirement and scheduling problems. He still plans on attending some meetings as a member of the public. The NCC will try to fill his vacancy with a member of law enforcement. His many years of dedicated service were appreciated.
- Each member must complete the on-line ethics training as a state requirement for all board and committee members. Members need to submit a certificate of proof to David Triggs upon completion. To date, he has received confirmation of completion from Arnold Schmidt, Steve Szulecki, Joseph Lepis, Jerome Feder and Randy Hauser.

## **III. OLD BUSINESS**

- *Council Appointments:* The Department is waiting for the Governor's Office to request submissions for candidates for committee vacancies, therefore, the recommendation to have Joseph DiFillippo fill John Surmay's position hasn't been sent.
- *Stakeholders Meeting:* A brief meeting summary should be drafted and sent to the Commissioner of the DEP. Joseph Lepis will develop a draft with information provided by Steve Szulecki.
- *Motor Vehicles On/Off Site:* The discussion was mainly tabled until Norm Dotti returns since he initiated the conversation. Steve Szulecki pointed out that vehicles on public roadways (exempt under the state regulations) generally have a greater impact to nearby residents than those on private property. He believes that there should be some "reasonableness" with vehicles entering and exiting private property. When on private property, it should not exceed the levels recorded on public roadways. The guidance document may have to be amended if the NCC is in agreement.
- *Emergency Generators Best Practices Guide:* Joe Lepis drafted six "talking points" which were not discussed due to time constraints. Some municipalities may already have guidance on this. Steve

Szulecki will look into it and provide Mr. Lepis with the information. A completed guidance document can be posted on the noise control website and be forwarded to municipalities via e-mail.

- *Bylaws Review/Revisions*: There was no discussion due to time constraints.
- *Roundtable Part 150 Study*: NCC member Randy Hauser sent an e-mail to the Mayor of Bayonne regarding the next roundtable meeting on October 14<sup>th</sup>. The meeting will focus on helicopter noise. He would like to attend but only if a representative from the city is present. The Port Authority is trying to get as much public participation as possible. Jerome Federer gave a presentation at the last meeting on DNL measurements around airports, pointing out that subtle changes in flight patterns can reduce noise impacting thousands of residents. Joe Lepis recommended that the FAA give a presentation to the NCC.

#### **IV. NEW BUSINESS**

- *“At or Within” Conflict of Interest*: Joe Lepis suggested that NCC members working in the noise consulting industry and representing the regulated community, should have abstained from the vote regarding the policy for taking measurements “at or within” a complainant’s property line. While the “at or within” language is in the regulations, the “recreate, repose or converse,” wording is not. Mr. Lepis contends that measuring further back from the property line in some instances could benefit a neighboring facility that makes noise, as the sound levels would be lower and possibly below the day and nighttime standard. Jerome Federer somewhat agreed with Mr. Lepis if the facility in question stood to benefit from the current interpretation. Eric Lieberman pointed out that law enforcement must use the “Totality of Circumstances” rule when investigating a crime. The same principal should apply to a noise investigator when deciding where to take a measurement. Randy Hauser added that this argument has been discussed over a long period of time and voted on by a majority of the NCC. This democratic process should be acknowledged and accepted by Joe. Dr. Udasin pointed out that there is always a potential conflict of interest when measurements are taken and that NCC members who are consultants must take the ethics training and must maintain their professionalism in good standing with both the business community and the public. She believes that their advice would be based on science and not biased toward their client’s benefit. Most clients hire consultants because they are sensitive to potential noise problems and they therefore want to mitigate/minimize the source to acceptable levels. John Lagos said the Department of Community Affairs has several advisory boards whose members are chosen to serve because of their expertise. This isn’t a conflict of interest. A vote was subsequently taken to determine if there was a conflict of interest by having NCC members who are also noise consultants vote on the “at or within” concept. John Kapferer motioned and Eric Lieberman seconded. Jerome Federer abstained while Joe Lepis voted yes and all other members present voted no. The majority therefore finds no conflict. Chairman Schmidt considers the case closed and there will no longer be any discussion regarding this at future meetings unless the State legislators revise the regulations in reference to this.
- *Condominium Court Ruling*: No court ruling was ever provided.

#### **V. OPENING OF THE MEETING TO THE PUBLIC**

No one from the public was in attendance.

#### **VI. NEXT MEETING**

The next meeting date is scheduled for November 10<sup>th</sup> (Elections are scheduled)

Respectfully submitted:  
David E. Triggs, NJDEP, Liaison to the NCC