

**NEW JERSEY NOISE CONTROL COUNCIL (NCC)
OCTOBER 12, 2021
MEETING MINUTES**

ATTENDEES

NCC Voting Members: 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), Norm Dotti (Public Member, Industrialist), Mark Roskein (Public Member), Jack Zybura (Public Member).

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

MEETING MINUTES

August 2021: Salvatore Fama suggested changes to the language of the August meeting minutes to add more details to the discussion and include an example Steve Szulecki had mentioned. Mr. Szulecki had previously seemed opposed to some of these changes, which is why the discussion was tabled until he was present. Mr. Szulecki choose to not object to Mr. Fama's addition to the minutes. After a brief discussion, Dr. Udasin motioned to approve the minutes with Mr. Fama's changes with Mark Roskein seconding. All were in favor except for Jack Zybura and Norm Dotti, who abstained due to being absent from the August meeting.

September 2021: Norm Dotti motioned to approve the minutes with Jack Zybura seconding. The minutes were then open for comments. There was a discussion about the relevant ANSI and International standards as well as meter accuracy and quality. It was agreed that there was a sentence which made it sound like Eric Zwerling was recommending a meter, which was not his intent. The relevant ANSI and International standards also had to be changed. Mark Roskein motioned to approve the meeting minutes as amended with Salvatore Fama seconding. All were in favor except for Steve Szulecki who abstain due to being absent from the September meeting.

CHAIR REPORT

- Chairman Schmidt reminded the NCC that elections for NCC Chairman and Vice Chairman will be held in November.
- The NCC intended to present long-time member and former chairman Joseph Lepis with a plaque to honor his over 40 years of service and dedication to promoting noise control in the State of New Jersey. However, Mr. Lepis could not make the meeting so the plaque will hopefully be presented in November.
- David Triggs updated the NCC on DEP's reorganization. Compliance and Enforcement is being disbanded, and inspectors are being moved to their respective programs. David Triggs' and Michelle Feasel's bureau is now under the Office of Enforcement Policy. They now have a new chain of command and have moved to a lower floor at 401 East State Street.

COMMUNICATIONS

No correspondence to report.

PUBLIC DISCUSSION

There were no members of the public present.

NEW BUSINESS

Agricultural Exemption: Steve Szulecki discussed a case in Morris County where a brewery on a farm was holding concerts. Morris County deferred the case to the County Agricultural Board. Mr. Szulecki pointed out that state noise regulations (7:29) are not subject to the Right to Farm Act, but the Model is. He handed out a three-page printout of the language he is proposing to add to the guidance document related to the Agricultural Activities exemption, as well as new language to the exemption and definition itself. He then read through it. Norm Dotti felt that the proposed language Mr. Szulecki intended to add did not belong in the definition. Salvatore Fama stated that a source needed to be added to the definition of “background music,” which was included in Mr. Szulecki’s handout. He added that he used to be a DJ, and what if the farmer’s market had the DJ make announcements related to the farm products? Norm Dotti added that it would be better to have an upfront summary that simplifies the point instead of being three pages long. Mr. Szulecki countered that “the devil is in the details” and the whole thing is needed to fully understand the exemption. Mr. Szulecki motioned to approve the proposed language for the guidance document with Randy Hauser seconding. Jack Zyburra suggested the NCC take more time to review the document before voting on it. A vote was subsequently taken and Dr. Iris Udasin, Randy Hauser, Salvatore Fama, Mark Roskein, Arnold Schmidt, and Steve Szulecki all motioned to approve. Opposed were Jack Zyburra and Norm Dotti who wanted more time to review it.

The NCC then focused on the proposed language to the Agricultural Activities exemption and definition. Dr. Udasin had to leave so there was no longer a quorum to vote. It was generally agreed that Mr. Szuecki’s reference to farmers markets needed to be removed from his proposed exemption language. Michelle Feasel pointed out that the NCC had previously voted on and approved new language for the exemption of Agricultural Activities. She suggested that the currently approved exemption be read before discussing additional changes. It appeared that this exemption’s language does not fit with the new guidance the NCC just approved to be added to the guidance document. It was then discussed whether the NCC should have to change the exemption before having the newly approved language added to the guidance document. It was decided that it would be up to the discretion of the DEP to add it to the guidance document now or wait for the exemption to be amended.

OLD BUSINESS

- *N.J.A.C. 7:29:* No update. We may have to request an extension beyond the projected publishing date in the February 2022 New Jersey Register.
- *Public Celebration:* Eric Zwerling is still in the process of drafting a revised definition for the Council’s review.

- *Vehicles entering and exiting*: Norm Dotti emailed an Entering and Exiting document to Chairman Schmidt, Steve Szulecki, and David Triggs the day before the meeting.

MODEL REVIVISIONS

This has been tabled until other agenda items have been addressed such as the By-laws, elections, and filling NCC vacancies. Eric Zwerling and Jack Zybura plan to meet separately to discuss “Impulse sound” and how the language in 7:29 contradicts the wording in the current Model.

EXECUTIVE SESSION

The NCC did not meet in Executive Session.

PUBLIC COMMENT

No members of the public were present.

ADJORNMENT

Norm Dotti motioned to end the meeting and Salvatore Fama seconded. All were in favor, so the motion carried, and the meeting ended.

NEXT MEETING

The next meeting is scheduled for Tuesday, November 9th at 9:30 A.M. at the Rutgers Operator Training Center.

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