

**NEW JERSEY NOISE CONTROL COUNCIL (NCC)  
SEPTEMBER 10, 2019  
MEETING MINUTES**

**ATTENDEES:** Arnold Schmidt (Chairman, Public Member), Steve Szulecki (Briefly for the public discussion) (Vice Chairman, Public Member, Ecologist), Salvatore Fama (Motor Vehicle Commission), Norm Dotti (Public Member, Industrialist), Joseph Lepis (Public Member, Civil Engineer), Randy Hauser (Department of Labor), Eric Zwerling (Director, Rutgers Noise Technical Assistance Center), David Triggs (NJDEP Liaison to the Council) and Michelle Feasel (NJDEP Co-Liaison to the Council), Jack Zybura (Public Member Candidate).

**PUBLIC:** Lisa Corliss (Netcong), Lisa Sibbald (Landing), Rudy Vallee (Budd Lake) and Sheridan Jones (Netcong).

**MEETING MINUTES**

The July meeting minutes were discussed, and a few minor changes were suggested, but there was not a quorum so the minutes could not be voted on and will therefore be approved at the October meeting.

**CHAIR REPORT**

- David Triggs informed the NCC that the re-appointment memo was submitted to the Commissioner's Office. Chairman Schmidt is considering contacting the Commissioner's Office as the NCC has been struggling for well over a year to maintain a quorum. Salvatore Fama added that the call should be framed as a follow-up to the letter being submitted. Mr. Triggs mentioned that before Labor Day he received an email from someone in the Commissioner's Office requesting an update of the NCC candidates, which might indicate progress. He added that he will go back through his emails and forward the person's name to Chairman Schmidt as a possible contact.
- Elections for the NCC Chairman and Vice Chairman will be held at the November 12<sup>th</sup> meeting.

**OLD BUSINESS**

- Eric Zwerling will draft comments on changes for interior impulse noise.
- *Reopening N.J.A.C. 7:29:* The NJDEP Commissioner chose to re-open 7:29 to address the NCC's proposed amendments. The first step is to hold a stakeholders meeting, if necessary. David Triggs has prepared a memo through his director Knute Jensen requesting that the Chief of Staff explore the need. Based on the purely technical changes, Director Jensen questioned whether a stakeholder meeting was needed. The stakeholder process has been ongoing for the last two years as the NCC meetings are open to the public and business community. The public will also have an opportunity to comment on the proposed changes, in the absence of a stakeholders meeting. Joseph Lepis was concerned that opening the NCC meetings to the public doesn't necessarily equate to a formal stakeholders meeting. It could imply that the public could have recommended changes to 7:29 over a year ago, while the NCC was discussing the proposed amendments. Chairman Schmidt agreed with Mr. Lepis.

- *Woodland Ordinance:* Mr. Triggs reached out to Woodland Township regarding their reason for proposing less restrictive curfews than those recommended in the Model Noise Ordinance. He did not get a response. Since the curfew hours were still more restrictive than the State Code, Woodland's ordinance was approved in compliance with the law.

### **NEW BUSINESS**

There was no new business.

### **PUBLIC DISCUSSION**

Norm Dotti motioned to go into Public Session and Randy Hauser seconded. All were in favor, so the motion passed.

- Jack Zybura will submit in writing before the next meeting his reasons for removing strip malls from the 7:29 definition for "Real property line".
- Over the last four years the St. Cesario Society of Netcong has held the St. Cesario Feast, which is marked with blasts from mortar rounds to recognize donations. The yearly event starts around 7 A.M. and lasts all day. The mortar fire comes from a vacant lot possibly owned by the Assumption Society. The celebration also ends with a 30-minute firework display that starts at 11 P.M. at Arbolino Park. A similar celebration is held by Netcong's Assumption Society in August, which is referred to as the Assumption Festival. These festivals have been kicked out of other towns for being too loud and have now settled in Netcong. Many residents, including those who spoke at the NCC's September meeting (see list of public in attendance on previous page), are being adversely affected by the constant noise. One resident said she lives 275 feet away from the lot where the mortars are fired and regularly finds shrapnel in her yard. Shelves have also been knocked off her walls from the vibrations caused by the mortar fire. The resident suffers from a neurological disorder caused by a car crash, which results in headaches that are exasperated by the noise. Phone app measurements recorded a peak sound level of 129 dBA. Her family must now stay at a hotel to avoid the festival noise. A Vietnam Veteran attending the meeting is 100% disabled and has been diagnosed with PTSD, which can be triggered by the loud and random mortar rounds, forcing him to take refuge in his bathroom all day with his dog. A third public speaker lives in Landing, New Jersey and can still hear the blasts from her home. She must also stay in a hotel during the two festivals. The group stated that the Netcong fire chief, sits on the public safety seat for the township board that approves the festivals firework resolution and he is also the Vice President of the St. Cesario Society and a possible partial owner of the field where the mortars are fired. The group, referred to as "The Netcong Compromise Committee" brought their concerns to the town council and have collected 419 signatures on a petition, but no changes have been made. Eric Zwerling suggested that because the mortar blasts occur on private property owned by the Assumption Society, the activity would not be exempt. Norm Dotti suggested that they look at a tax map to determine who owns the property. Mr. Zwerling also suggested that they take a map of the area and mark the addresses of the 419 people who signed the petition to create a visual representation of all those affected by the noise. It was also suggested that they seek legal representation on the matter. The Veteran's Administration may also be of assistance since a veteran with PTSD is being impacted. The group indicated that they would follow-up with the fire inspector. They also have a meeting with Congressman Malinowski. Joseph Lepis

stated that the festivals have been moved from several other locations due to the same noise issues and that the group should find out how the other towns were successful. The residents thanked the NCC for their time and consideration on this matter.

- Chairman Schmidt read the NCC's public disclaimer statement.

Norm Dotti motioned to close the public portion and to adjourn the meeting, Randy Hauser seconded. All were in favor, so the meeting ended approximately noon.

### **EXECUTIVE SESSION**

The NCC did not meet in Executive Session.

### **NEXT MEETING**

The next meeting is scheduled for Tuesday, October 8<sup>th</sup> at 9:30 A.M.

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