

**NEW JERSEY NOISE CONTROL COUNCIL (NCC)
SEPTEMBER 14, 2021
MEETING MINUTES**

ATTENDEES

NCC Voting Members: Arnold Schmidt (Chairman, Public Member), Steve Szulecki (Vice Chairman, Public Member, Ecologist/in between teaching a class in an adjacent building), Randy Hauser (Department of Labor), Salvatore Fama (Motor Vehicle Commission), Dr. Iris Udasin (Public Member, Medical Doctor), Joseph DiFillippo (Public Member, Local Governing Body), 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).

Public: Christopher Bergacs (Robbinsville, NJ)

MEETING MINUTES

August 2021: Salvatore Fama submitted revisions to his “Hunting Exemption” proposal. Since Steve Szulecki, who was teaching a class in an adjacent building, responded to Mr. Fama’s comments, approval of the Minutes was tabled until the next meeting.

CHAIR REPORT

- Chairman Schmidt reminded the NCC members that masks must be worn during the meeting.
- An update of the NCC Member List has been completed. The list is intended to be used internally and will not be available to the public. A more condensed version will be drafted for that purpose.
- Elections for NCC Chairman and Vice Chairman will be held in November. Further discussion and amendments to the By-laws concerning elections will take place at the October meeting.
- 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. Unfortunately, Mr. Lepis could not attend due to personal reasons. The plaque will hopefully be presented at the October meeting.

COMMUNICATIONS

No correspondence to report.

PUBLIC DISCUSSION

Randy Hauser motioned to go into public session and Dr. Udasin seconded. All were in favor, so the meeting was open to the public. Chairman Schmidt first read a statement regarding the NCC’s role and responsibilities.

Christopher Bergacs stated that he submitted a letter of interest and his resume for the NCC’s consideration. He is applying for the vacancy left by John Kapferer’s passing; however, because

of current member Joseph DiFillippo's recent retirement, his position/title representing "Local Governing Body" may have to be adjusted by moving him into the current "Public Member" vacancy. Mr. Bergacs would not qualify for Mr. DiFillippo's current position.

Mark Roskein motion to close the meeting to the public and Norm Dotti seconded it. All were in favor, so the first public session was closed.

NEW BUSINESS

- *Inexpensive Sound Level Meters*: The topic of inexpensive sound level meters designed for enforcement use was brought up by NCC member Norm Dotti. He stated that inexpensive Type 2 meters are being used by "civilians" that may not meet the relevant ANSI or International standards. He contacted West Caldwell Labs for information. West Caldwell responded by stating that they generally test meters under IEC 61672-3 limits. Most of them were found to be within calibration limits. Eric Zwerling stated that he has seen law enforcement use meters that are unreliable and difficult to calibrate. Salvatore Fama found this concerning and asked whether N.J.A.C. 7:29 should be amended to address this, which the NCC felt was unlikely at this time. Jack Zybura added what's more important, accuracy or price? There should be a reasonable compromise between the two. David Triggs stated that we don't want to discourage municipalities from adopting the Model by forcing them to purchase expensive meters. Norm Dotti suggested adding language to the guidance document regarding a suggested meter(s) to purchase. Salvatore Fama, who once worked for Passaic County, stated that a defendant in a noise-related case could use the "low quality meter usage" as a defense to escape a violation. Randy Hauser mentioned that requiring a noise investigator to use a meter that exceeds OSHA standards would be unreasonable. Jack Zybura suggested that we review a "redacted" calibration certificate from a certified lab related to these meters.
- *Modified Exhaust Systems*: This topic was tabled due to Steve Szulecki's absence.
- *Fixed Wing Aviation*: A recent article highlighted that the U.S. Military is seeking feedback from the public regarding noise from military aircraft.

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 will submit a revised definition to review at the October meeting.
- *Shooting Range Exemption*: Chairman Schmidt recommended that someone draft a policy statement to add to our guidance document. Salvatore Fama stated that we have discussed this enough and that we should leave the current exemption as is. He was not in

agreement with the DAG's recommendation. Chairman Schmidt will table this topic until Steve Szulecki returns.

- *Hunting Exemption:* Salvatore Fama initiated a conversation regarding adding a possible "Hunting" exemption to N.J.A.C. 7:29-1.5. Another possibility would be for the Department to issue a "Policy Statement." He emphasized that if you have the proper permits and have permission to hunt on private property, it is legal. David Triggs shared that, possibly for the first time, he recently received a duck hunting noise complaint. The hunting occurred on a lagoon, but when he asked for additional information regarding whether the lagoon was on private or government-owned property and whether the hunters were on a boat or in a blind, no additional information was provided. Chairman Schmidt requested a "straw poll" on whether the NCC should draft an exemption. Norm Dotti, Mark Roskein, Salvatore Fama, Randy Hauser and Joseph DiFillippo were in favor. Therefore, additional discussion regarding this is warranted.
- *NCC Vacancies:* Chairman Schmidt emphasized that he would like to see more diversity on the NCC whether by gender or race. We have not heard anything from the Health Department regarding replacing Eric Lieberman. Chairman Schmidt suggested creating a subcommittee to review the resumes submitted, which includes three women. The subcommittee will consist of Chairman Schmidt, Vice Chairman Szulecki, David Triggs, Michelle Feasel, Eric Zwerling and Salvatore Fama. Eric Zwerling stated that having a private citizen on the NCC would offer a unique perspective on how noise impacts the public; however, since Chairman Schmidt, Mark Roskein and Joseph DiFillippo are all retired, they can now be considered citizen members. The question of specific titles, such as "Civil Engineer" was discussed. Could another engineer fill that position, should Joseph Lepis decide to resign? Jack Zyburra, who is a public member, is an acoustical engineer and Norm Dotti, who currently fills the "Industrialist" position, is a mechanical engineer. We may have to ask the Department's DAG for further clarification.

Vehicles entering and exiting: Norm Dotti is drafting a document to address his concerns regarding this topic. One of his points is that if a truck/vehicle entering a facility doesn't create more noise than it did on the adjacent roadway, why would it be regulated if it isn't considered the maximum sound level? Eric Zwerling stated that baseline noise from the highway might be skewed by a vehicle accelerating to achieve road speed. Salvatore Fama suggested that a ramp set up at the facility exit could help to reduce the noise since accelerating wouldn't be necessary. Jack Zyburra added that setbacks might help to alleviate some of the noise impacting nearby residents. Norm Dotti cautioned that this type of enforcement could potentially shut down commerce.

MODEL REVIVISIONS

This has been tabled until other agenda items have been addressed such as the By-laws, elections, and filling NCC vacancies. David Triggs will send out the latest version of the Model amendments already approved by our members. Eric Zwerling and Jack Zyburra will 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

Randy Hauser motioned to open the second meeting to the public and Mark Roskein seconded. All were in favor, so the motion carried. Chris Bergacs thanked the NCC members for allowing him to attend and he conveyed that it was a good, informative discussion. There were no other public comments, so Mark Roskein motioned to close the public session with Norm Dotti seconding. All were in favor, so the motion carried.

ADJORNMENT

Norm Dotti motioned to end the meeting and Jack Zybura seconded. All were in favor, so the motion carried, and the meeting ended at approximately 12:05 P.M.

NEXT MEETING

The next meeting is scheduled for Tuesday, October 12th at 9:30 A.M. at the Rutgers Operator Training Center.

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