

**NEW JERSEY  
NOISE CONTROL COUNCIL (COUNCIL)  
APRIL 11, 2023  
MEETING MINUTES**

**ATTENDEES**

*Council Voting Members:* Arnold Schmidt (Chair, Public Member), Steve Szulecki (Vice Chair, Public Member, Ecologist), Randy Hauser (Department of Labor), Jack Zybura (Public Member), Joseph DiFillippo (Public Member, Local Governing Body), and Dr. Iris Udasin (Public Member, Medical Doctor), Salvatore Fama (Motor Vehicle Commission), and Norm Dotti (Public Member, Industrialist)

*Council Candidate Members (Pending confirmation from the Governor's Office):* Philip Makrelis (Public Member, Local Governing Body Candidate)

*Rutgers and NJDEP Representatives:* Eric Zwerling (Director of the Rutgers Noise Technical Assistance Center), David Triggs (NJDEP Liaison to the Council), Michelle Feasel (NJDEP Co-Liaison to the Council) and Walter Beland (Bureau Chief for BLEM).

*Members of the Public:* Kathy Valente, Gina Valente, and Mike Valente.

**PUBLIC DISCUSSION**

*Randy Hauser **motioned** to go into Public Session with Dr. Iris Udasin seconding. All were in favor, so the meeting was now open to the public.* Chairman Schmidt read an opening statement to the public regarding the Council's role. Mike Valente told the Council that he has been living in his home since 1979, and since then a company, Straight Edge Striping, has moved near him that generates loud noises, and odors that interfere with his enjoyment of property. He stated that they had reached out to their township, Middlesex Borough, as well as Middlesex County. He noted that the township has not had much involvement, but that Philip Makrelis from Middlesex County has been out to take measurements before. The issue comes from the trucks idling, while they are mixing paint in the early morning, sometimes starting at 4:30 am -5:00 am. He notes that they are not supposed to begin operating until 7:00 am as part of an agreement with Middlesex Borough. Norm Dotti stated that his township's code enforcement would need to enforce that curfew. Mr. Valente added that on top of the noise the striping company also produces odors that smell like plastic. Philip Makrelis stated that he believes the initial complaint was in 2019 when Mr. Valente's family as well as a neighbor made a complaint. He stated that the striping trucks are not idling when the paint is being mixed as the mixing is done in a separate part of the truck when the engine is not running. He believes that Middlesex County has written about five violations to the company and that they paid the penalties. He also added that the company has stated that they have purchased another property and are supposed to move some of their operations. Kathy Valente offered that the new property is smaller than the original, so the company is unlikely to move their entire operation. She added that they have called the police several times. Chairman Schmidt asked if they have submitted anything to a court? Philip Makrelis stated that the county will continue to go out if a complaint is made. Norm Dotti stated that the penalty amounts should increase after each violation with a cap of \$3,000. Mr. Dotti asked what is stopping the county from going out and giving a maximum violation each day? Mr. Makrelis stated that county noise investigations are complaint driven so a complaint would need to be made each day for them to go out and investigate. Eric Zwerling suggested that the family and neighbors affected by this attend town meetings together until the township enforces their codes. He noted that from the township's website they are not enforcing their nuisance code. David Triggs stated that they should mention the Environmental Rights Act at the town meeting. Steven Szulecki stated that while the Council does not advise on odors that they can also pursue that issue and that

odor violations carry heavier fines. Mr. Szulecki also added that the Council could add guidance on how to handle repeat offenders in the guidance document. Jack Zybura ***motioned*** to close the Public Session, with Norm Dotti seconding. All were in favor, so the meeting was closed to the public.

### **EXECUTIVE SESSION**

Steve Szulecki ***motioned*** to go into Executive Session with Randy Hauser seconding. All were in favor, so the motion carried. This meeting is closed to the public and candidate members. Meeting minutes are recorded separately from the regular meeting minutes and are filed at the DEP's Trenton headquarters.

Jack Zybura ***motioned*** to leave Executive Session with Dr. Iris Udasin seconding. All were in favor, so the motion carried.

### **MEETING MINUTES**

March 2023: Steve Szulecki ***motioned*** to accept the meeting minutes as they were written with Jack Zybura seconding. All were in favor, so the motion carried.

### **CHAIR REPORT**

Chairman Schmidt stated that today marks the end of an era, it is David Triggs' last meeting as the DEP Liaison to the Council. Chairman Schmidt stated that he met Mr. Triggs 20 years ago through Union County's CEHA program before serving with him on the Franklin Township Environmental Commission and then 17 years ago he joined the Noise Control Council. He stated that Mr. Triggs is the ultimate professional as well as being a very good and valued friend. Chairman Schmidt added that Mr. Triggs will be missed by the Council, but hopefully it will not be too long until he becomes a member of the Noise Control Council. David Triggs thanked Chairman Schmidt for the kind words, adding that he considers the members of the Council as close friends, and he looks forward to attending future meetings until he is appointed by the Governor's Office. Eric Zwerling stated that he has known Mr. Triggs for 20 plus years, and that Mr. Triggs has helped countless people in New Jersey. He also credited Mr. Triggs with saving the Department's Noise Control Program and the Noise Control Council from elimination during the Chris Christy Administration.

### **COMMUNICATIONS**

There was no new Communications.

### **OLD BUSINESS**

N.J.A.C. 7:29 (Response to DEP attorney's comments): The Council continued to discuss the comments made by the DEP's attorney in response to their proposed amendments. The discussion began at "Procedure for a field investigation" and finished at the end of the chapter. A detailed accounting of the responses and votes is being prepared in a separate document.

### **NEW BUSINESS**

No new business was discussed.

### **ADJORNMENT**

Steve Szulecki ***motioned*** to end the meeting with Norm Dotti seconding. All were in favor, so the motion carried.

### **NEXT MEETING**

The next meeting is scheduled for Tuesday, May 9th at 9:30 A.M.

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