

N.J. NOISE CONTROL COUNCIL (COUNCIL)
JULY 12, 2022
MEETING MINUTES
(There was no quorum at this meeting)

ATTENDEES

Council Voting Members: Arnold Schmidt (Chairman, Public Member), Daniel Lefkowitz (Department. of Health), Gina Fischetti (Department of Community Affairs), Jack Zybura (Public Member), Dr. Iris Udasin (Public Member, Medical Doctor), and Mark Roskein (Public Member)

Council Candidate Members (Pending confirmation from the Governor's Office): Lynette Dooley (Local Governing Body/Public Member candidate) and Christopher Bergacs (Public Member candidate)

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

Members of the Public: Philip Makrelis (Middlesex County Health Department)

Arnold Schmidt began the meeting by reading the Sunshine Act.

PUBLIC DISCUSSION

Mark Roskein motioned to go into Public Session, with Jack Zybura seconding. All were in favor, so the motion carried. Public participant Philip Makrelis said that he had nothing to discuss. Mark Roskein then motioned to end the Public Session, with Jack Zybura seconding. All were in favor, so the motion carried.

MEETING MINUTES

June 2022: Due to the lack of a quorum the Council did not discuss the June meeting minutes.

CHAIR REPORT

- Arnold Schmidt noted that the Council's website is missing Joseph DiFillippo and Mark Roskein biographies. He asked them to submit one to David Triggs.
- Arnold Schmidt reminded the Council members to complete the mandatory Ethics training and submit the certification of completion to David Triggs. Mr. Triggs stated that he is still missing Norm Dotti and Joseph DeFilippo's confirmation.

COMMUNICATIONS

7:29 update: David Triggs stated that the Department's D.A.G. reached out for an update on the amendments to N.J.A.C 7:29. Michelle Feasel stated that she is working on it but doesn't have an estimate as to when it will be completed.

Clove Spring Gun Range: Eric Zwerling received a call from Anita DeMatteo (Sussex County Health Department), about the gun range issue and whether it was appropriate to investigate the noise complaints. Mr. Zwerling recommended that she take noise measurements to see if there is

an exceedance of the permissible limits. If there is, it would be up to Sussex County to advance it to court if there is noncompliance and then let a judge decide if the exemption applies. He emphasized that it is not up to the Council to judicate this case. David Triggs stated that he previously encouraged Ms. DeMatteo to take noise measurements and that he considered it enforceable and subsequently emailed her some reasons that the Department's D.A.G. gave for how a gun range could lose its exemption. Mr. Zwerling stated that based on their phone call, he thought that Ms. DeMatteo may take measurements. Arnold Schmidt stated that at the next meeting, the Council could discuss the possibility of adding something to the guidance document regarding the gun range exemption. He noted that a subcommittee may need to be formed.

Open Positions: David Triggs stated that the Council's appointment memo is currently with the Department's Chief of Staff.

OLD BUSINESS

Ordinance Update: Prior to the meeting, Eric Zwerling emailed the Council an updated version of his proposed document about the Impulsive Noise issue, for inclusion in the guidance document. He stated that he felt that there was merit to send a memo to the municipalities who have an approved noise ordinance regarding this issue. He added that if a memo was sent, it would be in addition to adding his proposed language/clarification to the guidance document.

Master List: Eric Zwerling noted that the language in the header of the Master List of Approved Noise Ordinances had been updated on June 21, 2022. He felt that the updated language did not encompass what he felt was needed so he handed out an example of his proposed language. The Council members reviewed it, and no one had any comments. David Triggs added that since this list was something the Department posts on its website, changes to it do not need to be voted on by the Council. He asked Mr. Zwerling to email him a copy of the handout.

Inexpensive sound level meters: Eric Zwerling stated that inexpensive sound meters are being used by the public, including everything from free phone apps to meters that do not meet the ANSI standards. David Triggs added that members of the public are not certified to take noise measurements, so it does not matter what readings they take or how they measure them. Jack Zyburka stated that he recently purchased a used, low-end, Type 2 sound level meter from eBay. He sent it out to get calibrated and it came back certified. Mr. Triggs asked if he used the cheaper meter side-by-side with his high-end meter. Mr. Zyburka stated that Type 2 is not as good as Type 1, but N.J.A.C. 7:29 allows Type 2 meters to be used.

Recording Council meetings: Arnold Schmidt stated that it would be good to have full audio/visual recordings of the Council meetings for record purposes. He also added the possibility of doing hybrid or virtual meetings but didn't think it was viable. Chris Bergacs asked if there was a way to conduct virtual meetings during an emergency. Mr. Schmidt stated that the DEP has not equipped us with a way to do virtual meetings and they need to be open to the public with adequate notice. Dr. Udasin added that since these meetings take place at Rutgers, they could use a campus account although she wasn't sure how to include the public. Daniel Lefkowitz stated that the Council could create a Microsoft Teams event, post the link on the Council's website, and have the public request an invitation. He added that Microsoft Teams meetings have a record button and

that the meetings can be stored in the Teams chat window. He also stated that a recording could make the meeting minutes more accurate. Michelle Feasel asked if there was a recording of the meeting, would it be necessary to continue writing the minutes? Jack Zybura stated that the recordings would be kept private and would not be posted so the minutes would still be required. Arnold Schmidt added that the recordings could still be requested through OPRA and viewed by the public if requested. Gina Fischetti stated that she is on several committees and some of the meetings are still held virtually through Teams, which are open to the public. Ms. Feasel asked what kind of equipment would be needed for a hybrid meeting and how would the members present at the meeting see the virtual ones? Mr. Zybura stated that it would be more realistic to just hold virtual rather than hybrid meetings. Ms. Feasel added that if the Council were to switch to virtual meetings, we would have to ensure that all Council members had access to a computer, so that no one is excluded from attending. She also added that when the 7:29 Subcommittee met virtually during the COVID isolation, the meetings frequently started late due to connectivity and audio issues throughout the meetings. It was decided that Michelle Feasel, Daniel Lefkowitz and Gina Fischetti would form a small subcommittee to discuss the possibility of holding virtual meetings as an alternative to the current method.

NEW BUSINESS

No new business was discussed.

EXECUTIVE SESSION

The Council did not meet in Executive Session.

PUBLIC DISCUSSION

Jack Zybura motioned to open the meeting to the public again, with Mark Roskein seconding. All were in favor, so the motion carried. Philip Makrelis said that he had nothing to discuss. Gina Fischetti then motioned to close the meeting to the public with Dan Lefkowitz seconding. All were in favor, so the motion carried.

ADJORNMENT

Mark Roskein motioned to end the meeting with Jack Zybura seconding. All were in favor, so the motion carried.

NEXT MEETING

The next meeting is scheduled for Tuesday, August 9th at 9:30 A.M. possibly at the building across the street from the Operator Training Center, as there is more room available for social distancing.

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