

**NEW JERSEY
NOISE CONTROL COUNCIL (COUNCIL)
May 14, 2024
MEETING MINUTES**

ATTENDEES

Council Voting Members: Steve Szulecki (Chair, Public Member, Ecologist), Jack Zybura (Vice Chair, Public Member), Randy Hauser (Department of Labor), Daniel Lefkowitz (Department of Health), Sal Fama (Motor Vehicle Commission), Norm Dotti (Public Member, Industrialist), Dr. Iris Udasin (Public Member, Medical Doctor), Philip Makrelis (Public Member, Local Governing), David Triggs (Public Member), Arnold Schmidt (Public Member), and Chris Bergacs (Public Member),

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

Members of the Public: Ana Kirov and Jon Hendl – Glenn Rock

MEETING MINUTES

April 2024: Arnie Schmidt motioned to approve the meeting minutes, with Chairman Szulecki seconding. The minutes were open for discussion. Jack Zybura had emailed a copy of his proposed amendments ahead of the meeting. David Triggs also had modifications that were discussed. *A vote was taken to approve the minutes as amended. All were in favor, except Philip Makrelis, Dr. Iris Udasin, Jack Zybura and Chris Bergacs who abstained due to being absent at the April meeting. The motion carried.*

COMMUNICATIONS

Glenn Rock Elementary School: Chairman Szulecki stated that a member of the public would be attending the meeting to discuss an emergency signaling device located at an elementary school. Chairman Szulecki stated that the regulations regarding emergency signaling devices are both regulatory and statutory. The Department is unable to amend the statute. Eric Zwerling stated that the township could regulate this and read a case note aloud. David Triggs asked if the siren would be a POSHA violation. Eric Zwerling stated that the exposure would likely not be long enough. Norm Dotti stated that many fire companies started out with sirens but have since switched to cell phones. Arnie Schmidt added that testing of the device would not be exempted.

Website: David Triggs noted that the council's Covid-19 prevision, recommending face masks was still on the website. He also added that the website states the Extension Center is across from the Agricultural Museum, but that the building has been renamed. It was suggested that the address of the extension center be added. Chairman Szulecki stated that it is North Brunswick and not New Brunswick. He added that the website could state it was on Cook Campus to help people get a sense of where it might be. David Triggs added that the "Current Member Biographies" needed to be updated to include the new members. Michelle Feasel stated that she would send out the lasted version for members to update their biographies. She also added that she would be sending out the State's Ethic's training for everyone to complete.

CHAIR REPORT

Chairman Szulecki had nothing to report.

OLD BUSINESS

Model Update: Eric Zwierling stated that the Title of section VII. was inaccurate. He added that many people misinterpret the term “limit” during his class. Chairman Szulecki suggested the term “standards” instead. He stated that the sound levels listed were not to be equaled or exceeded. Sal Fama asked if the term “Maximum Permissible” would be removed from the title as well. Chairman Szulecki clarified that it would be. Daniel Lefkowitz stated that he liked the term “standard” if the “less than” symbol was added in front of the numbers in the tables. *Chairman Szulecki motioned to change the title of section VII. to Sound Level Standard and add the “less than” symbol to relevant tables. Chris Bergacs seconded the motion.* Norm Dotti stated that he was not sure if the verbiage needed to be changed if the “less than” symbol was added. Mr. Fama asked if the proposed change would create any inconsistencies with the measurement report. Mr. Zwierling stated it would not. Jack Zybura noted that the indoor limits in Tables II and III were not in the state code and therefore already more stringent. Chairman Szulecki stated that for consistency they should still have the “less than” symbol. Mr. Zwierling added that the verbiage in VII. states Tables I, II and III should not be equaled or exceeded. Chairman Szulecki stated that all places with references to sound level limits would be changed to sound level standard. Mr. Zybura stated the statute only stated that the ordinance must be more stringent than the state code, not specifically the limits. Chairman Szulecki stated he has always understood it as everything needed to be more stringent. Mr. Zwierling stated that in the tables the way the receiving property categories were amended did not make sense, he suggested “Commercial, community service facility, or non-residential portion of a multi-use property”. *Chairman Szulecki amended his motioned to also include removing “maximum permissible” from the Tables II and III. All were in favor, so the motion carried.*

PUBLIC DISCUSSION

Dr. Iris Udasin motioned to go into Public Session with Arnie Schmidt seconding. All were in favor. The meeting was now open to the public. Chairman Szulecki started by reading the council’s statement to the public aloud. Ana Kirov joined the council in person, she brought along an iPad device so that Jon Hendl could participate in the discussion remotely. Ms. Kirov stated that they were from Glen Rock and were dealing with a fire siren on top of an elementary school. She stated that their town is 2.7 square miles and has eight active fire sirens, two of which are on top of elementary schools. She added that the noise statute NJSA 13:1G section 4.2 allows for this placement if the siren was placed there before 1992. She stated that a noise survey was done and found that decibel levels reached 110 at the playground. She added that it is used for emergencies and therefore goes off indiscriminately. Ms. Kirov stated that sirens are not the only form of communication the responders use, they also have pagers. She stated that the fire chief claims that the siren was put in place before 1992 making it exempt, although they were unable to provide them documentation through an OPRA request. Chris Bergacs asked if she had OPRA requested the school’s building permits? Ms. Kirov stated she put in a request with her municipality, and they sent it to the fire department. Chairman Szulecki added that schools need to have modification permits, such as architectural and electrical. Jon Hendl asked if the burden of proof was on them or on the town. Mr. Bergacs stated the township. Jack Zybura asked if the siren has a manufacturer’s date on it. Chairman Szulecki asked if the school is in agreeance with the siren’s removal. Ms. Kirov stated the school has not been vocal on the issue. Chairman Szulecki stated that in order to compel evidence this may need to be taken to a court. Ms. Kirov asked if the Department has any responsibility. David Triggs stated that the Department funds the Counties to investigate noise complaints through the CEHA grant, and that they could file a complaint with Bergen County. Mr. Hendl stated that he spoke with a woman from the county. Eric Zwierling asked if they had gone to their city council. Ms. Kirov stated they have gone twice. Mr. Hendl added that the town is going to put an ordinance in place to restrict the hours of the siren’s use but that it will not fully cover the times when children may be in the school. Mr. Zwierling stated that the siren is subject to local regulations, and acknowledged it can be political, he advised it is best to continue to apply pressure at the meetings and to show up often and in large groups. Ms. Kirov asked how to go about getting the statute amended. Mr. Triggs stated that an Assemblyman would need to sponsor the amendment and then the amendment would need the approval of the Senate, the Assembly and then the Governor. Sal Fama stated that a statute change

would affect the entire state and not just this school. *David Triggs motioned to end Public Session with Randy Hauser seconding. All were in favor.*

COMMUNICATIONS

NJ Planning Commission Warehouse guidelines: Jack Zybura stated that the ordinance they propose would not be limited to noise and may simply require a noise survey to be conducted. Michelle Feasel stated she reached out to the DEP contact to the commission to let them know there were issues with the memo and did not receive a response.

N.J.A.C. 7:29 comments: Michelle Feasel stated that the amendments to *N.J.A.C. 7:29* were with the Department's upper management for review.

NEW BUSINESS

There was no new business discussed.

ADJOURNMENT

*David Triggs **motioned** to end the meeting with Arnie Schmidt seconding. All were in favor, so the motion carried.*

NEXT MEETING

The next meeting is scheduled for Tuesday, June 11th at 9:30 A.M.

Respectfully submitted by Michelle Feasel, NJDEP Liaison to the Council.