

**NEW JERSEY
NOISE CONTROL COUNCIL (COUNCIL)
October 8, 2024
MEETING MINUTES**

ATTENDEES

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

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

MEETING MINUTES

September 2024: Chairman Szulecki and Sal Fama had a few minor amendments they emailed to the council ahead of the meeting. *David Triggs motioned to approve the minutes as amended, with Randy Hauser seconding.* Michelle Feasel clarified if Chairman Szulecki meant for the citizens to send their impact statements to the town or the DEP, adding that the Department would bring the issue back to the council. He stated he had intended the DEP, adding that the town would not have to give a written response. Eric Zwerling stated that when working on his presentation for the Washington DC symposium he came across a presentation on drone noise, he added that he did not have time to look it over to know what it was about but offered to share it with interested members of the council. He stated that he would reach out to Mr. Platt about it as well. Ms. Feasel stated that it would not only be CEHA personnel enforcing the model ordinance's exemptions. It was agreed to add "local enforcement personnel". *A vote was taken to approve as additionally amended, all were in favor, except Dr. Iris Udasin and Arnie Schmidt who abstained due to being absent at the September meeting. The motion carried.*

CHAIR REPORT/ COMMUNICATIONS

Bill S507: Chairman Szulecki stated that the legislature had moved Bill S507 out of the Senate Transportation Committee to the floor, adding he felt this was a good step forward. He stated the standard set is "excessively loud" adding that that limit is not defined. He reminded the council that this proposed Bill will target modified exhaust systems in three ways, at state owned and private inspection stations, with restrictions on the facilities that install these units, and field enforcement. Eric Zwerling stated he thought it was good if the standard was left at just "excessive," adding inspection protocol would need to be specified as some modified exhausts are loudest at acceleration and deceleration. Chairman Szulecki stated that the council's position is to advise the DEP, he stated that the council is supportive of the Bill. Mr. Zwerling suggested releasing a letter to the press, suggesting the Star Ledger, in a personal capacity and not from the Council. Arnie Schmidt suggested drafting a template letter with the same language that everyone could sign individually. Chairman Szulecki stated that the legislature should also hear directly from residents. Chris Bergacs pointed out that a violation of this Bill carries jail time. Chairman Szulecki stated that the noise regulation doesn't carry a criminal penalty but has a heftier fine than most at \$3,000 a day. Mr. Zwerling added that there is also injunctive relief.

Mr. Zwerling asked if the Boom car legislation can be enforced upon. Michelle Feasel stated it could and added that she has had numerous calls from a warehouse in Patterson. She stated that the residents are in a

neighboring town and claim the Patterson police aren't enforcing the issue. Chairman Szulecki suggested she recommend that they call their county prosecutor's office. Sal Fama stated that the council should ask the DEP to advise the MVC Commissioner, stating that these rules, the boom car and modified exhaust are being passed outside of the Departments. Chairman Szulecki stated that the Legislature often passes a Bill without input and reaches out to the experts who will then need to develop regulations. David Triggs gave the example of the Beach Bar exemption that was passed years ago. Mr. Zwerling asked how we get the legislatures to seek out the experts. He added that the Boom Car Bill states that the car will be impounded for a week following the first offense. He stated that that was a great penalty as it will discourage repeat offenders. He then gave an example of an old Sony advertisement for speakers, where they marketed them as disturbing the peace and irritating the 40+ year old community.

Chairman Szulecki stated that he will send a letter to the DEP Commissioner from the council, to let him know the council supports Bill S507. Chris Bergacs stated that this is a good opportunity to let the Commissioner know the council is researching active legislation and informing him of our opinions on how this affects NJ. Chairman Szulecki agreed and stated that we could follow up asking for a meeting once a year, like the Clean Air Council has. Although sending a letter has been voted on in the past Chairman Szulecki suggested voting again to reaffirm the council's support. *Sal Fama motioned to create a letter to send to the DEP Commissioner in support of the modified exhaust bill. David Triggs seconded. All were in favor, so the motion passed.*

Mr. Zwerling stated that the Boom cars could be enforced stationary as well as in motion and that the regulation was 50 feet at all times. Chairman Szulecki stated that the model ordinance is 50 feet during the day and 25 feet at night, he added that the Boom Car Bill is a new state law, and that the Model ordinance needs to be more stringent adding that the daytime limit is equal to the Boom Car Bill. Mr. Zwerling pointed out that the language in the Bill is 50 feet "or more". Chairman Szulecki stated the model ordinance should be updated to state ...more than 50 feet.

PUBLIC DISCUSSION

There was no one present from the public to comment.

OLD BUSINESS

Model Update: There was a discussion on how the sections under Motor Vehicle are lettered but the note at the top states "any numbered paragraph". Chairman Szulecki asked if it should be mandatory that townships adopt the entire Motor Vehicle section and not just certain sections. Eric Zwerling stated that he felt it wasn't the council's place to force towns to enforce all the sections, if they only want certain regulations. Mr. Zwerling suggested that "numbered" be removed. Chairman Szulecki stated that "in its entirety" is confusing and suggested "without modification." Michelle Feasel stated that the Restricted Uses section has the same note at the top, but that section allows modifications to the curfew hours. She added that in the beginning of the ordinance it states that towns must certify if it has been adopted without change. Chairman Szulecki stated that towns adopt the ordinance but do not send it to DEP for approval. David Triggs stated that when towns want to add things to their ordinance banning activities, commonly on a day like Sunday they need to do it in a standalone ordinance and not the model. Chairman Szulecki stated he feels the model should be more customizable and would like to allow particularly rural towns to drop the decibel limit during nighttime hours to 45dB if they want. Mr. Zwerling stated he would like to see a nuisance provision in the model. Chairman Szulecki stated he would like to continue the conversation on allowing towns broader limits. *Dave Triggs motioned to change the note for sections IX and X and to add*

“or more” after the distances of 50 and 25 feet in X(c), X(d) and IX(f). Philip Makrelis seconded. All were in favor, so the motion carried.

Mr. Zwerling asked that the amended model have the addition at the top for the people who use a printout version at the meetings.

Mr. Zwerling had drafted and sent out a new exemption for footfalls prior to the meeting. He stated that the new exemption would cover the entirety of the model and not just the indoor impulsive limit. He added that purposeful banging on the floor should not be exempted. Sal Fama stated that it should say footfalls and mobility devices. Mr. Zwerling stated that they should need to use rubber or a tennis ball to mitigate the sound. Arnie Schmidt asked what if a grandchild used it to bang on the ground, if we are simply exempting footfalls and mobility devices, the device would be covered no matter its use. Mr. Fama added that some canes have wheels and may not be able to have rubber or a tennis ball. Chairman Szulecki suggested adding “to the extent available” adding that not all devices might be able to have the sound impact reduced, but we don’t want people being malicious. Mr. Fama agrees that ill intent should not be covered. Chairman Szulecki added it would be difficult for enforcement to discern whether it is being used improperly. Mr. Fama asked if the language needed to distinguish between a cane’s rubber tip and heel stomping. Chairman Szulecki stated it should have a properly maintained rubber tip to the extent they are available. *Steve Szulecki motioned to approve the exemption as amended, Sal Fama seconded. All were in favor, except Chris Bergacs who abstained.*

Steve Szulecki motioned to strike the last sentence in 7.2(b) in relation to footfalls, with Arnie Schmidt seconding. A vote was taken, all were in favor except Norm Dotti who abstained.

There was a brief conversation about enforcement officers and investigators working together, and that it is not consistent. It was agreed to revisit this topic at the next meeting. Mr. Zwerling stated that the police who can enforce the state code need a guidance document on how to enforce.

NEW BUSINESS

No New Business was discussed.

ADJOURNMENT

Steve Szulecki motioned to end the meeting with Randy Hauser seconding. All were in favor, so the motion carried.

NEXT MEETING

The next meeting is scheduled for Tuesday, November 12th at 9:30 A.M.

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