

Township of West Milford
ENVIRONMENTAL COMMISSION

MINUTES

JANUARY 5, 2009

The regular meeting of the Environmental Commission was called to order at 7:36 p.m. by Chairman Stephen Sangle followed by a reading of the Legal Notice.

ROLL CALL:

Present: Andrew Abdul (7:48) Gillian Hemstead, Timothy Metcalf, Douglas Ott, Bernie Stapleton, *Vacant*, Alternates Maryellen Gabay, David Watson Hallowell, Chairman Stephen Sangle, GIS Specialist/Liaison Robert Sparkes.

Absent: None.

Also Present: Fred Lubnow, Princeton Hydro, and Councilman Joseph Smolinski.

Chairman Sangle reported that Irene Smith had requested not to be reappointed to the Commission, so there is one vacancy at this time.

APPLICATIONS – None.

TELECOMMUNICATION APPLICATIONS - None.

GRANT MANAGEMENT AND STATUS REVIEW – FRED LUBNOW

604(b) OTWS Grant: Fred Lubnow of Princeton Hydro was present to report on several projects that he has been involved with. Mr. Lubnow reported that he and Rob Sparkes are reviewing the data with regard to categorizing septic systems in order to develop a plan for restoration of outdated systems. A draft may be available in about six months and the QAPP data will need to be approved by the State. Rob Sparkes explained that the environmental factors are categorized with the data, which will assist in creating the BMP, adding that this is a groundbreaking project. Mr. Lubnow reported that the information can be compiled for future grants and also to develop methods for treating waste and removal of phosphorous. He also reported that he is working on a project with Lake Hopatcong on an older septic system and may be able to use the data when working with the West Milford model. Mr. Sparkes noted that \$15,000. is available, the amount remaining from the genetic testing that was not permitted by the State. He and Mr. Lubnow will review possible uses for the funds and present them to the Commission.

319H Grant: Fred Lubnow reported that his firm was working on design plans and bid specs for the Township with regard to storm water management, adding that these should be available for the next meeting. He reported that there is one site on a county road, so he and Rob Sparkes will meet with the county, with the remaining sites on Township property. He noted that the DEP will require maintenance and upkeep of the sites, including cleaning the structures and grass cutting.

2004 and 2007 Grants – Fred Lubnow reported that the DEP has permitted the Commission to “bundle” the two grants, that we had received the approved QAPP, and when the structures go in they will be monitored to see how effective they will be for pollution control. The project is on schedule and installation should begin this year.

West Milford Lake – The Chairman reported the following on the West Milford Lake issue: the NJ Bureau of Dam Safety had required a plan for the West Milford Lake Dam to be breached by the owner. The owner installed PVC piping in various locations to hasten the draining of the lake, but did not file formal applications to the NJ Division of Fish and Wildlife. The Chairman stressed that while the lake is being drained the fish and wildlife need to be protected, and the DEP was unaware, until today, of the piping that was installed for drainage. He personally inspected the site and identified the pipes, but it was not determined how far the pipes were immersed. Rob Sparkes advised the Commission that he had spoken with the owner’s engineer, Tibor Latincics of Conklin Engineering, and the engineer was aware that the pipes were installed, adding that he is fairly new to this project. Mr. Sparkes noted that permits were required and had not been applied for. Chairman Sangle advised that the Bureau of Dam Safety and the Division of Fish and Wildlife needed to be contacted. The DEP had requested a plan to be submitted by the owner, outlining what course of action they intended to take. The Chairman and Commission expressed serious concerns about damage to the fish and wildlife, including turtles, and also the silt and nitrates that

are being siphoned off and washed downstream. The Chairman added that the lake had been lowered six feet in the last two weeks. Rob Sparkes advised that he would make an inspection of the lake and dam once he receives permission to access the site through private property, and invited the Commissioners to be present and assist in monitoring the lake and stream. Mr. Sparkes reminded the Commission that there are two State departments/bureaus that are involved in this matter, and each has its own concerns. The Chairman requested that a letter from the Commission be sent immediately to the NJ DEP Division of Fish and Wildlife and the Bureau of Dam Safety. He also requested that a letter be sent to the owner requesting that all work cease until a plan has been accepted and the permits have been received. Mr. Sparkes noted that the owner had requested to drain the lake but did not receive permission to use the piping. Chairman Sangle commented about the Pinecliff Lake drawdown that included a plan submitted to the DEP with details on the time of year, how it would be lowered, etc. Gillian Hemstead expressed dismay over the owner not considering the effects downstream when he decided to lower the lake without an approved plan. Rob Sparkes advised that the owner had requested permission to open the valve that is present, and received that permission, but the installation of piping was not approved, adding that the lake and streams should now be monitored for turbidity. The Commission discussed various ways to proceed and all agreed that the owner needed to be contacted so that their concerns could be made known about the violations. Mr. Sparkes was requested to forward the necessary permit applications to the owner with the letter from the Commission. With consensus from the Commission, the Chairman directed correspondence to the DEP requesting that they use enforcement in having the owner of West Milford Lake immediately cease from lowering the lake. The Chairman will reach out to the owner to advise him of the Commission's position.

Steve DeFeo, New York Commissioner from the Greenwood Lake Bi-State Commission, was present and advised that he received some data from Greenwood Lake, and that the damage may have already occurred, especially to the wildlife. The Chairman asked that the Mayor and Township Council and Greenwood Lake Commission receive copies of the letters. Councilman Smolinski suggested that the Township Attorney be apprised of the matter as he may be able to assist.

With no further technical questions from the Commission, Fred Lubnow left the meeting at this time.

Streetscape Grant: Rob Sparkes reported that Rich McFadden had met with the County and they approved the concept plans. The concept plans will be reviewed by the Planning Board and the Council. The first phase concentrates on sidewalks and curbing, with tree planting and lighting in the next phase.

Urban Forestry Grants: Rob Sparkes had nothing new to report on this matter.

ON GOING BUSINESS

Community Forestry Plan: Rob Sparkes had nothing new to report at this time.

Lakes Committee: Chairman Sangle noted that a representative from the EC was needed now that Irene Smith had left the Commission. Bernie Stapleton inquired about the meeting dates and times, and Rob Sparkes replied that the meetings were held once a month at Town Hall on the third Monday at 7:00 p.m.

Wetland Mitigation Project: Rob Sparkes reported that signage design comments had been forwarded to George White and he has not received any response to date.

Septic Maintenance: Rob Sparkes noted that the Commission felt this item could be taken off the agenda and revisited twice a year for updates. Councilman Smolinski commented that the Township Council expects to have amendments on this so he suggested that it be left on. Mr. Sparkes also advised that the Council had approved the purchase of an integrated data base system that would allow access by various departments in the Township, linked to the GIS, and would be used to monitor the septic maintenance.

NEW BUSINESS

Sustainable Jersey - David W. Hallowell commented on Sustainable Jersey, noting that he wanted the Township to take advantage of this program opportunity and requested that the Council adopt a resolution to support application for funding. Rob Sparkes advised that there are grants for implementation and that we have met the criteria for grant dollars. Mr. Hallowell noted that there are resources available for the Township, but Sustainable West Milford, a non-profit organization, is not eligible for grant monies. Chairman Sangle suggested that the Commission form a Sustainability Subcommittee with Mr. Hallowell as

a member. Mr. Sparkes asked if the Environmental Commission is in support of a presentation to be made to the Township Council. The Chairman requested more information be made available to the Commission, including an outline for the presentation. Andrew Abdul advised that two points should be stressed to the Council: 1. we have met the criteria; 2. outline the benefits to the Township from this program. More information would be forwarded to the Commission by Mr. Hallowell.

Annual Year End Report – Gillian Hemstead has made the Environmental Commission's annual report to the Township Council in the past and Rob Sparkes suggested February for a presentation that would include the anticipated goals for the coming year. She and Mr. Sparkes would get information together for this. Councilman Smolinski commented that the Township Council is often not aware of the number and types of projects that the Commission is involved with except through the minutes. He requested that a Commission representative attend Council meetings and perhaps report quarterly on the EC's efforts.

MINUTES

The Minutes of the October 6, 2008 and November 3, 2008 Environmental Commission were held to the next meeting pending review.

HIGHLANDS WATER PROTECTION AND PLANNING ACT – None.

DEPARTMENT OF ENVIRONMENTAL PROTECTION – None.

The following were noted and filed:

CORRESPONDENCE

1. ANJEC Highland Herald – December 2008 Newsletter
2. Certification Notice from the Hudson Essex Passaic Soil Conservation District HEPSCD for Kerry Greene, Vista Road, Block 7615; Lot 10 received December 8, 2008.
3. Resolution 2008-459 – Township Resolution Authorizing the Submittal and Acceptance of a 2009 Recreational Trails Program Grant from the NJ DEP.
4. Request for information from the NJ DEP Green Acres Program regarding possible acquisition of property off Hemlock Lane, Block 17302; Lot 9.
5. Pequannock Post – December 2008 Issue.

PUBLIC COMMENTS

No one was present from the public wishing to address the Environmental Commission.

ADJOURNMENT

With no further business to come before the Environmental Commission, the meeting was adjourned at 8:53 p.m. on a **motion** by Doug Ott with a **second** by Bernie Stapleton.

Approved: 03/02/09

Respectfully submitted,

Tonya E. Cubby, Secretary