

**Township of West Milford  
ENVIRONMENTAL COMMISSION**

**MINUTES**

**March 9, 2015**

The March 9, 2015 Regular Meeting of the Township of West Milford Environmental Commission was called to order at 7:34 p.m. with a reading of the Legal Notice.

**ROLL CALL**

**Present:** Andrew Abdul (7:51), Tim Dalton, Thomas Tamayne, Gary Oppenheimer, Douglas Ott, Don Weise, Alternate #2 Lucas Slott, Chairman Stephen Sangle.

**Absent:** Alternate #1 Jennifer Easterbrook.

**Also Present:** Bob Jonas, Renee Alessio.

Luke Slott was requested to sit in for Andy Abdul until he arrived. Chairman Sangle advised that a quorum was present to conduct this meeting.

**PRESENTATIONS** - None.

**APPLICATIONS FOR REVIEW** – None.

**GRANT MANAGEMENT AND STATUS REVIEW**

**NJDEP Green Comm. \$3000.00 Grant for Community Forestry Management Plan:** Ron Farr, Certified Forester, advised that the document was completed and should have been filed by the Township with the State. The Secretary will follow up on this.

**NJDEP NNL Reforestation Grant - \$620,197.00:** Ron Farr reported that he had met with a representative of the Board of Education, Eric Sandve, Supervisor of Buildings and Grounds, who was in agreement with the location of the trees that were proposed for planting on the schools' property. He would approach the principals of the individual schools to get their approval, with final approval to be obtained from the Board of Education. Chairman Sangle commented that someone will need to contact PSE&G for a markout for the proposed tree planting locations. Mr. Farr also advised that there were cameras on the exterior of the building of the Macopin Middle and High Schools, so trees would need to be planted in locations that wouldn't interfere with the cameras. Another concern was the location of the proposed trees at the Macopin Middle School in an area that the snow is plowed to during winter months. Mr. Farr also advised that the Township Clerk sent him an email with the legal jargon required for formal bids. He would email that information to the Commission's Secretary for review.

Chairman Sangle suggested that the contractors be required to supply all material and labor, as well as do the maintenance on the trees, and have this stipulated in the bid documents. Based upon his business experience, he felt it would create a stronger contract to have one contractor be responsible for all the work, although the choice of tree materials would have to be approved by the Environmental Commission. The Commission concurred with the Chairman's comments. Gary Oppenheimer inquired whether the trees could be sourced locally, and Mr. Farr replied that the NNL grant requires trees to be purchased within an approximately 200-mile radius from the planting location. Chairman Sangle questioned whether local landscapers would have the amount or type of materials required for this grant. Mr. Farr said that Mr. Sandve was concerned that the trees would be too small, and Mr. Farr advised him that they needed to be 2 – 2.5-inch caliper, with various trees from 6 to 10 foot in height. Chairman Sangle inquired about planting trees at the new library, and Doug Ott advised that he had obtained a copy of the site plan for the Forestry Committee to review. Mr. Farr commented that planting at the new library would be at least a year away, adding that the initial proposed planting sites would be the schools, Museum, Veterans Park, Bubbling Springs, Apple Acres. Bob Jonas inquired whether the NJ Tree Foundation could be a possible contractor, and wondered if the project might be too large for them to handle. He noted that they are a great organization to work with. Mr. Farr commented that he had spoken to Lisa (?) from their organization and she indicated that they had never done planting this far north, and Mr. Ott noted that they helped to plant white pines at one time in the Township. Mr. Farr advised that the contractor who planted trees on the Tennessee Gas Pipeline was also interested in bidding on the job, and the Commissioners agreed that this contractor would be familiar with the terrain, soil, etc. Since the contract would be awarded for one year,

Chairman Sangle remarked that awarding a contract to one contractor would be the best option for processing payments and having accountability. Tom Tamayne inquired about bonding, and Chairman Sangle said that it would be up to the Township Attorney and the grant and contract requirements. Mr. Farr advised that he wanted to hear back from the schools before another meeting with the Forestry Committee was scheduled, and site visits were needed when the snow melts. With regard to the former Westbrook KOA (Township Teen Center) he noted that he was informed that they have lost numerous young trees due to unauthorized ATV use at the park. Mr. Ott concurred that trees had been planted there as a scout project, but many were destroyed by ATV riders. Chairman Sangle inquired whether certain trees could be planted for wildlife food, and Mr. Farr replied that those species were not included in the tree list recommended by the State. Commissioner Don Weise suggested that Mr. Farr should also contact someone in the W.M. School District's Athletic Dept. since some of the fields are very windy and they may want trees planted as a windbreak, and Chairman Sangle recommended that arborvitae be considered for windbreaks. Bob Jonas commented that an ADA accessible trail was once proposed for the Westbrook Park, and they had determined where most of the ATV vehicles were coming from, and suggested that the Township install a barrier to discourage them from going through the trails at the site. Mr. Jonas also inquired who should be contacted regarding the power line property in the Township since the milkweed that had been planted was removed during the recent vegetative maintenance project; the Commission briefly discussed utility line maintenance.

### **ON GOING BUSINESS**

**Lakes Committee:** Andy Abdul distributed minutes from the Lakes Committee meeting from January 2015 and noted that their February meeting was cancelled, so he had nothing new to report. Renee Alessio reported that the Lakes Committee and Sustainable West Milford were presenting a program at Town Hall, March 16, 2015 at 7:00 p.m., regarding Green Lawns. Three speakers will be present including a representative from Rutgers Cooperative Extension, and two from the Passaic County Health Dept.

**Greenwood Lake Bi-State Commission:** Andy Abdul reported that the Greenwood Lake Commission minutes were forwarded via email, and he reviewed various subjects of discussion at their recent meeting, including septic ordinances and dock lengths. He noted that New York State had sent a representative to the meeting, but much of the meeting involved discussion about the day-to-day operation of the Greenwood Lake Commission, and he thought that certain discussions would be better served by subcommittees.

**Belchers Creek Testing:** Andy Abdul reported that he provided a price quote for nitrate and phosphate testing equipment for Belcher's Creek testing, and the quote was given to Lou Signorino to present to Administration and the Council. The Commission was waiting for the Township Council to approve the approximately \$2500. in funding for the equipment in their 2015 budget. The Secretary was directed to send a memo to the Township Administrator to inquire what the status is regarding this matter. Mr. Abdul has offered to obtain the necessary training for conducting the testing. The Health Officer, Michael Fitzpatrick, had committed to obtaining additional price quotes for the equipment. Chairman Sangle discussed phosphate and nitrate testing on Belchers Creek to compare with the results from the 2005-2007 testing program. They discussed various sites that would be prime locations for testing, including before and after the horse farm off of Adelaide Terrace and near the M.U.A. plants. The Secretary was also directed to send a memo to the Health Officer regarding additional quotes for this equipment.

**Open Space Committee:** A report from Linda Glosinski, from The Land Conservancy, was provided via email since she was unable to attend this meeting of the Environmental Commission. In her update, she reviewed some of the details regarding the Weaver Road property, including funding sources, title work and surveying. She reported that the contracts were signed on January 29, 2015, but negotiations are ongoing for the smaller properties contiguous to the larger parcel. Chairman Sangle noted that there were some potential open space acquisitions being reviewed, including a trail connector parcel on Westbrook Road that would include easements for hiking trails.

**Green Team-Sustainable Subcommittee:** Tom Tamayne reported that the Green Team meetings were cancelled for the months of January and February due to inclement weather.

**Beaver Dam at Environmental Boardwalk:** Bob Jonas reported that the beaver dam at the Environmental Boardwalk was essentially "closed for the winter."

**Environmental Contamination Issues:** Tom Tamayne had nothing new to report on environmental contamination issues at this time, other than the items noted on the correspondence section of the agenda.

### **NEW OR CURRENT BUSINESS**

**Septic Pumping Ordinance** – Chairman Sangle reported that he and several Commissioners met with the Health Officer in February and they discussed ideas to encourage residents to keep up with septic pumping. The Health Dept. was to be logging when and how often the septic systems were being pumped, and they discussed sending out notices to residents. There were no definite conclusions, but they also discussed adding a nominal fee to the septic pumping fee to cover the cost of the staff that was needed to maintain the records for the septic ordinance requirements.

**Council Request – Pilgrim Pipeline** – Chairman Sangle advised that the Township Council had requested the Commission to comment on the proposed Pilgrim Pipeline that would cross through neighboring towns. Luke Slott observed that he read that PSEG would not permit the Pilgrim Pipeline to use their easements. Tim Dalton suggested that the Commission review the video that Renee Alessio sent via email since it contains scientific information regarding the proposed pipeline, and he offered to assist in composing a memo to the Council regarding this issue. Doug Ott commented that the Pilgrim Pipeline is not going to be located in West Milford, and Renee Alessio remarked that the proposed location could change. Ms. Alessio provided some background information on the oil pipeline, stating that there was a private company that is proposing to install a supply and return oil pipeline from Albany NY to Linden NJ. She noted that there was a potential for major spills and that the oil being supplied consisted of bracken oil, which was a very volatile oil, raising the environmental risk. She acknowledged that the exact route had not been confirmed, but is proposed to cross Bloomingdale, Wanaque and Pompton Lakes. She expressed concern about the water that millions of people use which originates in our Township, and an oil leak would have a disastrous effect. Ms. Alessio stated that 33 towns have adopted resolutions opposing the pipeline, in addition to Passaic County and the NJ Legislature. Chairman Sangle advised that the Commission needed to discuss this matter, and he did not feel that enough research has been done in order for the Commission to come to a conclusion on this in order to make a recommendation. He raised the possibility of a train carrying petroleum products derailing, which could cause major environmental damage. Gary Oppenheimer reviewed the proposed pipeline locations, and noted that it was planned to be installed near the Ramapo Fault, so there is a greater risk in this active region. Chairman Sangle suggested that the Commission discuss the matter thoroughly before providing a recommendation to the Council on this matter. Mr. Slott suggested that a utility usually installs new lines along existing pathways and not in new locations, adding that the proposed pipeline could potentially affect the drinking water for a large portion of the State, as well as the process for fracturing for the oil, which was a major concern. Don Weise suggested that the Commission/Township request that the company proposing this project should go back to the drawing board and come up with a better solution for what they are attempting to accomplish with the pipeline. He noted that rather than taking it through, for example, the Delaware River Region, they are proposing to install it in an earthquake region, although, he added, running a line through faults could be addressed with proper engineering. But, he added, cutting down trees for the project may be more devastating with the potential for major deforestation in the pipeline locations. The proposed pipeline would run from North Dakota to Albany, then down to Linden. Tim Dalton observed that the real issue is that monies are being invested in fossil fuels rather than alternative energy sources. Ms. Alessio offered to send a video to the Commissioners from a recent meeting in Madison on this matter.

With the majority of the Commissioners expressing opposition to the proposed Pilgrim Pipeline, the Secretary was directed to send a memo to the Township Council that the Commission was not in favor of the pipeline, and that the Township Council should consider adopting a resolution of their choice from the various resolutions that have been adopted by other government entities who were opposed to the pipeline.

### **MINUTES**

The Minutes for the September 8, 2014 Environmental Commission meeting were **approved** on a **motion** by Tim Dalton with a **second** by Chairman Stephen Sangle following a correction in the public comment portion noted by Luke Slott.

## **CORRESPONDENCE RECEIVED:**

*The following correspondence was reviewed by the Environmental Commission at their regular meeting and filed:*

### **Highlands Water Protection And Planning Act Correspondence**

1. Notification from Omland Engineering regarding an application for a Highlands Applicability and WQMP Consistency Determination for Shop Rite Amended Site Plan - Theater Building Renovation, seeking an Exemption #4. Project previously received Exemption #4 from the NJDEP/Highlands on March 27, 2009 for the proposed Shop Rite expansion/renovation. This application is seeking an exemption for the former theater building renovation.

### **NJ Department of Environmental Protection Correspondence**

1. Flood Hazard Area Individual Permit and Freshwater Wetlands General Permit No. 10B, dated Dec. 23, 2014, received from the NJDEP for the NJDOT regarding the installation of camera surveillance systems, dynamic message signs, and generator facilities along I-78 at Beaver Brook in the Township of Clinton and along Rt. 23 at the Pequannock River within the Township of West Milford. This permit also authorizes the disturbance of approximately 0.001 acre of freshwater wetlands transition area and the temporary disturbance of 0.013 acre of freshwater wetlands transition areas.

2. Withdrawal of the Response Action Outcome that was dated October 9, 2014, received from Kleinfelder, received January 9, 2015, regarding the former Exxon Facility #35139, NJDEP Case #89-08-03-2304, currently owned by Petro Two, Inc., 4 Marshall Hill Road, Block 5701; Lot 3, advising that the NJDEP has determined that the Classification Exception Area (CEA)/Wellhead Restriction Area (WRA) for the site had not been lifted, and therefore, the RAO should be withdrawn while Kleinfelder works to lift the CEA/WRA.

3. Flood Hazard Area Individual Permit Application Deficiency Notice received from the NJDEP, dated January 6, 2015, regarding 727 East Shore Road, Block 4301; Lot 7, advising that items related to N.J.A.C. > 7:13-10.2 (Riparian Zone) were not addressed as outlined in this letter and in a deficiency letter dated May 23, 2014. Applicant was requested to submit the information with the original LURP-2 application within 30 days for this application to be processed.

4. Notice from the NJDEP – Bureau of Dam Safety & Flood Control, dated January 15, 2015, to the Gordon Lakes P.O.A., advising that the dam safety visual inspection report for Gordon Lakes Dam, NJ Dam File No. 22-74, was overdue. A dam safety report, performed by a NJ licensed P.E. experienced in the design and construction of dams, was required to be submitted by April 15, 2015.

5. No Further Action – Covenant Not To Sue notification received from the NJDEP, dated January 15, 2015, received for Dhuyvetter, 381 Macopin Road, Block 13203; Lot 23, for the removal of a 550 gal #2 Heating Oil UGST.

6. Treatment Works Approval #14-0431 notification received from the NJDEP, dated January 23, 2015, for the West Milford M.U.A., regarding the Wesley/Leslie Drive Extension (Charlie Aikey) for the construction of a sanitary sewer extension consisting of 400L.F. 8” PVC to serve a proposed residential subdivision located at Block 9501; Lots 19.03, 19.04, 19.05 and 19.06. TWA Permit expires 01-15-17.

7. Notice from the NJDEP regarding a recent partnership between Drew University and Lake Hopatcong Foundation to survey docks on Lake Hopatcong to create a key planning and enforcement tool for the lake.

8. NJDEP has announced that 2015 fishing licenses and trout stamps are available as they prepare for the rainbow trout stocking of water bodies. Fishing season opens on April 4, 2015.

9. Copy of an application to the NJDEP for a Freshwater Wetlands General Permit #1, Coastal General Permit #23, Coastal Wetlands Permit, Flood Hazard Area (5-Yr Maintenance) Individual Permit, and Water Quality Certificate from Paulus, Sokolowski, & Sartor LLC for (JCP&L) Jersey Central Power and Light Company regarding Vegetative Maintenance, Utility Infrastructure Maintenance, Repair and Replacement Activities in 235 Municipalities, 13 Counties in New Jersey.

10. Correspondence from United Water New Jersey Mid Atlantic Operations, dated January 28, 2015, transmitting the 2014 Community Right To Know Survey for the Sewer Treatment Facility located on Richmond Road.
11. Notice from Rutgers NJ Agricultural Experiment Station regarding the Environment & Public Health 12-week course that is taking place from June 1 – July 17, 2015 in preparation of the REHS – Registered Environmental Health Specialists licensing exam.
12. Notification from the NJDEP, dated February 17, 2015, advising that eight citizens had recently been charged with illegal dumping on State Lands as part of the “Don’t Waste Our Open Space” initiative, bringing the total to 36 enforcements.
13. Notification of a General Permit #25 regarding 5 Keel Road, Block 7508; Lot 29, for the alteration of a septic system.

### **Miscellaneous Correspondence Received/Sent**

1. H.E.P. Soil Conservation District notice, dated December 1, 2014, received January 12, 2015, regarding the Re-review of the Aiello East Shore Wetlands Mitigation Plan for Berm and Drainage Calculations, 828 East Shore Road, Block 4402; Lot 1, advising that the plan remains Certified until August 4, 2016.
2. Notice from NJ Conservation Foundation regarding the 19<sup>th</sup> Annual Land Conservation Rally on March 6, 2015, Wyndham Garden Hotel, Trenton, NJ.
3. ANJEC Report, Winter 2015.
4. Notification of ANJEC’s basic training course for environmental commissioners – Fundamentals for Effective Environmental Commissions, to be held March 7, 2015–Haddon Twp., March 21, 2015–Pennington, and March 28, 2015–Roseland.
5. NY-NJ Trail Conference Publication Wholesale Order Form for Trail conference Guidebooks and hiking Maps.
6. Announcement from Sustainable Jersey regarding the 2015 New Jersey Sustainability Summit on June 10, 2015 from 8 am to 4 pm at the College of New Jersey in Ewing, NJ.
7. 2015 New Jersey Planning Officials Dues Notice – Dual Board Membership \$360.; ANJEC 2015 Annual Dues Notice – Includes All Workshops \$400.; NJAPZA Membership \$225. (PB, BOA, ZO).
8. Copy of correspondence from Windels Marx Lane & Mittendorf, LLP on behalf of Jersey Central Power & Light Company, dated February 5, 2015, to the State of New Jersey Board of Public Utilities regarding Exceptions of Petitioner, Jersey Central Power & Light Company to the Initial Decision Dated January 8, 2015 related to the “Verified Petition of JCP&L For Review and Approval of Increases In and Other Adjustments to Its Rates and Charges for Electric Service and For Approval of Other Proposed Tariff Revisions in Connection Therewith; And For Approval of an Accelerated Reliability Enhancement.

**PUBLIC COMMENTS** – None.

### **ADJOURNMENT**

With no further business to come before the Environmental Commission, the March 9, 2015 meeting was **adjourned** at **8:53p.m.** on a **motion** by Tim Dalton and a **second** by Douglas Ott.

Approved: August 3, 2015

Respectfully submitted,

Tonya E. Cubby, Secretary