

Township of West Milford
ENVIRONMENTAL COMMISSION

MINUTES

MAY 3, 2010

The regular meeting of the Environmental Commission of the Township of West Milford was called to order at 7:31 p.m. by Chairman Stephen Sangle, followed by a reading of the Legal Notice.

ROLL CALL: **Present:** Andrew Abdul (7:37), Gillian Hemstead, Douglas Ott, Bernie Stapleton, David Watson-Hallowell, Alternates Gary Oppenheimer, Maryellen Gabay (7:51), and Chairman Stephen Sangle.
Absent: Timothy Metcalf.

PRESENTATIONS

New Jersey Water Association – Draft Source Water Protection Plan – Jay Vouglitois was present to address the Environmental Commission about a draft source water protection plan for the Township. He noted that his organization is a statewide, non-profit organization that is providing technical assistance to the Township’s Municipal Utilities Authority. He reviewed the source water assessment requirement and the sources that are being identified for supplying public water systems, including surface and ground water. He stated that the MUA has 24 wells, varying from Tier 1, 2 and 3, which represent the travel time through the aquifers of 2, 5 or 12 years. Identification was made of the sites that need protection and those wells that are susceptible to contamination. He stated that the NJDEP and EPA are encouraging the M.U.A.’s to recognize the information and provide measures to protect the sources from contamination. He reviewed the source water protection plan and the various management strategies to be used, both regulatory and non-regulatory. He noted that the master plan and land use ordinances should be revised, adding that West Milford has met this requirement with the Highlands Master Plan. For the non-regulatory measures, education in schools and the community, signage, and website information are all tools to encourage conservation.

Mr. Vouglitois noted that he included information and language in this draft plan from the Regional Master Plan that was submitted to the Highlands Council in order to avoid any conflict of information. Several commissioners inquired about the plan and its affect on the Township. Mr. Vouglitois stated that he works with the M.U.A.’s to develop plans, and this plan for the Township will include all water suppliers in the area. He observed that there were about 6,000 homes on wells. The EPA estimates from 1987 noted 6349 public water supplies, with 3374 served by the M.U.A. Chairman Sangle inquired about the uranium issue near Lincoln Avenue, and Mr. Vouglitois advised that the plan identifies a high susceptibility to radium in the area. He also noted that an annual consumer confidence report is required as part of the plan, providing a summary of the results to all the customers of a public water supply.

Mr. Vouglitois commented about the concern that the Environmental Commission was being referenced several times in the draft source water protection plan. He assured the Commission that they were mentioned only in instances where they could become more involved in the water protection process. Gillian Hemstead stated that she did not see the Commission’s involvement in this plan as problematic, adding that the Commission does educate about stormwater management. Chairman Sangle commented that the M.U.A. and the Commission had worked together in the past, referencing the cooperative effort in disseminating water saving shower devices at an Autumn Lights Festival. He further commented that he would like to see future cooperative efforts. A commissioner made a comment about the proposed lawn watering ordinance and its relation to the water protection plan. Doug Ott advised that the Township Council has the revised ordinance for review and that it had not been adopted yet. Mr. Vouglitois concluded by stating that he would be in contact with the Commission via email to the Secretary and Chairman.

NY – NJ Trail Conference – Recreational Trails Grant Signage Project – Bob Jonas and Chris Imbry from the Trails Conference were present to address the Environmental Commission on the trails signage grant project. Mr. Imbry reported that the first kiosk on Clinton Road (T-4) was installed. He distributed photos of the kiosk. He noted that he would request Newark Watershed to place boulders in front of the kiosk to protect it from vehicle damage. He reported that it took about 4 hours to install the prototype unit. He distributed maps of the identified sites for installation that includes an estimated 8 kiosks and 22 road signs. The Commission discussed logistics for the kiosk locations and reviewed plans

with the Trails Conference. Gary Oppenheimer suggested signage to include danger of bears, ticks, snakes, etc. Bob Jonas noted that it was a good idea, but the project was somewhat limited and he thought space would not allow the additional text. Mr. Oppenheimer also suggested a road sign for Trail #10 near the environmental boardwalk. Mr. Jonas noted that the signs are to make traffic aware of hikers and make the area more hiker friendly. Mr. Imbry reviewed the monies available with the grant, noting that \$5,000 was spent on plans, and \$15,000 was for construction of the signs. Gillian Hemstead said that she spoke to Rob Sparkes and he indicated that \$30,000 was supposed to be allocated for the project. Chris Imbry concurred that this was the original figure, but that the final figure was \$20,000 for this project, adding that \$14,000 currently remains in the fund. Doug Ott observed that this all became somewhat confusing because the Westbrook Park grant was included in this grant. Chairman Sangle inquired whether \$15,000 will cover the costs, and Mr. Imbry replied that each kiosk cost \$1,000. He inquired whether the Township could install the road signs to cut down on expenses. Mr. Ott replied that he had spoken to Eric Miller in the Township Engineering Department and he indicated that he was committed to getting this project completed. The Trails Conference will be in touch with the Township seeking confirmation of their assistance. Bob Jonas commented that when installing the first kiosk, solid rock was encountered, making the excavation very difficult. Chairman Sangle suggested using concrete and bolts for the kiosks as an alternative. Chris Imbry noted that fabrication and installation will be less costly if multiple units are constructed at one time. He also pointed out that black locust wood was being used for the construction of the kiosks, as this was preferable for its strength and durability. The Trails Conference will be placed on the next agenda to provide an update to the Commission.

APPLICATIONS – None.

TELECOMMUNICATION APPLICATIONS - None.

GRANT MANAGEMENT AND STATUS REVIEW

604(b) OWTS Grant and 2004 Greenwood Lake 319H Grant and 2007 Stormwater Implementation 319H Grant: Gillian Hemstead emailed Fred Lubnow and will provide an update at the next meeting.

Streetscape Grant: Doug Ott reported that he contacted Rich McFadden, Township Engineer, and Rich reported that the draft plan went to the County, there were changes, but the County is not paying for the changes, so there is no certainty about the funds that will be available for the construction. It is moving forward, but not at a great rate.

Recreational Trails Grant: David W. Hallowell reported that he received a call from ANJEC's Kerry Miller, asking specific questions, so he feels that they may be considering awarding the grant to the Commission. She inquired about open space funds availability in case we were not awarded the full amount requested from ANJEC. She also had some questions about George White and Mr. Hallowell responded to her inquiries. He noted that it looks positive for the grant award.

Urban Forestry Grants: Nothing to report

ON GOING BUSINESS

Community Forestry Plan: Nothing to report.

Lakes Committee: Andy Abdul advised that he could not attend the last Lakes Committee meeting. Doug Ott suggested he report from their minutes at the next meeting.

Open Space Subcommittee: Chairman Sangle had an email from Matt Dank of the Land Conservancy regarding the status of open space purchases and Chairman Sangle replied that the Council was leaning towards a combination of recreation and purchasing properties around lakes to keep lake areas from being overdeveloped. He advised Mr. Dank to check with the Council and Township Administrator. He noted one particular property that Mr. Dank was encouraging the Township to purchase, but it was not one of those recommended by the Commission.

Renewable Energy Subcommittee: David W. Hallowell reported that he, Bernie Stapleton, and Tim Metcalf met with Councilman Weisbecker and Councilman Jurkovic regarding Newark Watershed possibly doing an alternative energy venture. The Township is researching projects for the production of renewable energy with the goal of receiving more ratables. It was noted that Newark gets approximately

\$40 million annually in revenue from the watershed. At the meeting with the Councilmen, Mr. Hallowell reported that there was discussion about Newark Watershed being zoned as a water treatment facility, or commercial water conservation zone. Chairman Sangle inquired about the proposed wind turbine ordinance restricting use to commercial properties, and not permitting them in residential zones. Doug Ott commented that roof mounted wind turbines would be permitted in a residential zone with the proposed ordinance. Mr. Hallowell also noted that an inquiry was made to the Councilmen about utilizing Jungle Habitat property for a renewable energy site to benefit the Township. The Commission was asked by the Councilmen to review and consider open space sites for solar power projects. Several commissioners suggested school roofs as possible sites. Bernie Stapleton added that he wants to meet with Brian Townsend to confirm the figures on Newark Watershed and how renewable energy can be produced to get more ratables. He commented that Newark has successfully appealed their assessment several times and the zoning has not been changed, so zoning changes are being reviewed.

Environmental Contamination Issues: Bernie Stapleton reported that he requested an update the week prior from the Health Officer and had not received any response to date.

Beaver Dam at Environmental Boardwalk: No update at this time.

NEW BUSINESS

Sustainable West Milford - Green Fest: David W Hallowell reported that the Green Team held a meeting the month prior and a document for establishing the Green Team was drafted that attempted to outline their focus on green issues. As proposed, the Green Advisory Committee will consist of one Chairman, appointed by the Environmental Commission, one or more members of the Township Council, a member of the Environmental Commission, and one or more members of the Township staff. Gillian Hemstead advised that she faxed the registration form to the Greenfest for the Environmental Commission's participation. Chairman Sangle received a request to provide the Planning Department with information, brochures, etc. that the Commission distributes at various events with regard to education for stormwater management. A record of the information needs to be submitted each year with the Township's Stormwater Management Plan. Maryellen Gabay noted that Rob Sparkes used to get information from the NJDEP youth oriented website. She will try to get some information on this.

Volunteer Night: Doug Ott reported that David W Hallowell and Gary Oppenheimer made a fine presentation at the Volunteer Night, outlining some of the projects that the Commission is involved with, in addition to their own efforts with the Sustainable West Milford, Community Garden, and Ample Harvest programs. He noted that not many volunteer groups were present that night, but the Commission was well represented.

ANJEC – Trails Master Plan: With regard to the issue of bicycles being permitted on hiking trails, Mr. Hallowell advised that the Trails Conference has jurisdiction and their own rules about bikes being used on trails, adding that they feel the trails are for hikers on foot, and that bicycles do damage to the trails. He further commented that he, personally, would like to see additional bike trails in the Township. Mr. Ott suggested that the problem of trail damage would be greater from motorized bikes. Mr. Hallowell noted that with the Highlands Master Plan's anticipated adoption, he felt that aquatic trails (along streams) should be emphasized, in addition to trails that allow public access to lakes. This would help to promote in ecotourism in the Township.

Apple Valley Estates: Mr. Hallowell expressed concern about stormwater runoff into Belchers Creek from the Apple Valley Estates remediation site on Union Valley Road. He suggested that testing be done on Belchers Creek. Gillian Hemstead suggested a memo to the Administrator with the Council copied expressing the Commission's concerns about this matter. Chairman Sangle noted that this was a contamination issue and Bernie Stapleton was our liaison with the Township on contaminated sites. Bernie Stapleton replied that he had requested a quarterly report from the Health Officer and has not had a response. Chairman Sangle suggested a memo to the Township Administrator about the movement of lead and arsenic contaminants from the remediation site to the surrounding areas and Belchers Creek. Gary Oppenheimer commented that he had testing completed by Rutgers on the soils from the community garden and they were fine. There was concern about the surrounding residential communities being affected by contaminants. The Secretary will bring any reports available to the next meeting.

Annual Report to Township Council: Gillian Hemstead advised that she thought it better to wait until the grant projects are underway before providing an annual report to the Council.

MINUTES

Motion by Gillian Hemstead with a **second** by Doug Ott to **approve** the Minutes of the April 5, 2010 Regular Meeting of the West Milford Environmental Commission.

HIGHLANDS WATER PROTECTION AND PLANNING ACT

1. Notice of application to the NJDEP, received March 30, 2010, for a Highlands Preservation Area Approval and Highlands Resource Area Determination submitted by Oak Ridge Road Associates LLC, 209 Oak Ridge Road, Block 15901; Lot 1 with regard to an existing industrial facility with a proposed parking lot expansion.
2. Highlands Act – Exemption #4; Water Quality Management Plan – Consistent, dated April 1, 2010, for improvements to the Nosenzo Pond Dam, Block 9302; Lot 16, for the Roman Catholic Diocese of Paterson.
3. Highlands Act – Exemption #5; Water Quality Management Plan – Consistent, dated March 29, 2010, for a residential addition and septic system replacement, Block 12001; Lot 36.01, 166 Maple Road, for Oleksiy and Tomira Luchynski.
4. Updated Highlands Act Determination – Exempt; Water Quality Management Plan – Consistent, dated March 26, 2010, for Shiloh Bible Camp Gymnasium, Block 6002; Lot 47, based on the revisions to the WQMP to identify the existing discharge to groundwater wastewater treatment and disposal facility that serves the Shiloh Bible Camp.
5. Copy of an application for a Highlands Applicability and WQMP Consistency Determination for Michael Zupp with regard to a minor subdivision Block 12110; Lot 6.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

1. Notification of an application to the NJDEP, received April 7, 2010, for a GP #25 with regard to the repair of an existing septic system for Yoram Rosen, 64 Kitchell Lake Drive, Block 4901; Lot 15.

Copy of an application for a GP#25, received April 6, 2010, for Block 3005; Lot 1, 47 Dogwood Lane, with regard to replacement of a malfunctioning septic system.

2. Authorization for a Freshwater Wetlands General Permit, Water quality Certification and Waiver of Transition Area for Access for Block 9302; Lot 16, Roman Catholic Diocese of Paterson, with regard to the rehabilitation of the Nosenzo Pond Dam.
3. Copy of an application for a general permit received April 13, 2010 for Block 6001; Lot 7, 418 Morsetown Road, Raymond Spellman, with regard to clearing of trees and installation of a subsurface sanitary system.
4. *No Further Action* letter, dated March 26, 2010, for Block 14702; Lot 8, 18-24 Kanouse Road, for Kanouse Enterprises Inc, with regard to removal of a 6,000 gallon underground #2 Fuel Oil Storage Tank.
5. *No Further Action* letter, dated March 25, 2010, for Block 408; Lot 25, 64 Larchmont Drive, for Michael and Deborah Prus, with regard to remediation of a 550 gallon underground fuel oil storage tank and associated contaminated soils and limited area of contaminated surface runoff on Lot 24.
6. Public Notification from Exxon Service Station, Block 3504; Lot 31, Lakeside Road, NJDEP Case #09-07-20-1606-22, noting that compounds have been detected in the soil and groundwater within the property boundary, and advising that Exxon Mobil is working with the NJDEP to complete the environmental work at this site.
7. Copy of a Letter of Resolution from the NJDEP, dated March 26, 2010, sent to Gregg Rodriguez, 50 Oxbow Lane, Block 14901; Lot 35, with regard to restoration of the site under the direction of the DEP.
8. Copy of a letter from NJDEP, dated March 25, 2010, to Christopher Coughlin, Camp Wyanokie Commission, with regard to completion of the work on the Boy Scout Lake Dam, NJDEP File No. 22-182, Class III, and noting that inspections are required every 4 years.
9. Letter from Tennessee Gas Pipeline, dated March 29, 2010, notifying the Township of outreach efforts that will be ongoing during the 300 Line Project.

10. Copy of a letter from the NJDEP to the City of Newark regarding the Macopin Reservoir Dam and Cedar Pond Dam, advising that the Macopin Reservoir Dam compliance schedule (CS) is acceptable, but the CS for the Cedar Pond Dam is unacceptable, and requesting a more aggressive schedule for repair of the dam.
11. Copy of a letter from the NJDEP, dated March 29, 2010, to the Roman Catholic Diocese of Paterson, regarding the Nosenzo Pond Dam (NJDEP File No. 22-241), advising that the dam is a Class II dam (Significant Hazard), and requiring the owner to provide a construction schedule within 15 days of the receipt of this letter.
12. Potable Well Water Analysis in the vicinity of the Shell Service Station #138443, Route 23 and Union Valley Road for the following: Marco Silvestri, Block 14605; Lot 1-4, Lakeland Plaza 1 & 2, Buddy Bealer, Shell Oil Co., Block 14604; Lot 1, and 23 Electric Supply, Block 576; Lot 1, noting that the water obtained from the wells were acceptable for drinking water purposes.

*The Environmental Commission reviewed the above listed correspondence. There were some inquiries about #6 under the DEP correspondence (Exxon Service Station – Lakeside Rd.) Bernie Stapleton will seek additional information from the Health Department on this matter. The Commission briefly discussed the correspondence received (#10) regarding the DEP's request for a compliance schedule of the Cedar Pond Dam repair, noting that it is in a remote area and did not seem to pose a danger to the surrounding environs.

PUBLIC COMMENTS

No one was present to address the Commission.

ADJOURNMENT

With no further business to come before the Commission, the meeting was adjourned at 9:05 p.m. on a **motion** by Douglas Ott and a **second** by Gillian Hemstead.

Approved: August 2, 2010

Respectfully Submitted,

Tonya E. Cubby, Secretary