

**Township of West Milford
ENVIRONMENTAL COMMISSION**

MINUTES

AUGUST 6, 2012

The August 6, 2012 regular meeting of the Township of West Milford Environmental Commission was called to order at **7:40 p.m.** with a reading of the Legal Notice.

ROLL CALL: Present: Andrew Abdul, Douglas Ott (L), Thomas Tamayne, Don Weise, Chairman Stephen Sangle,
Absent: Gillian Hemstead, Gary Oppenheimer, Alternates Timothy Dalton and Lucas Slott.

Chairman Stephen Sangle advised that 4 regular members were present at the beginning of the meeting, constituting a quorum.

PRESENTATIONS

Prior to Dr. Lubnow beginning his update to the Environmental Commission, Chairman Stephen Sangle requested that Dr. Lubnow include a review of the expenditures of the remaining 319H Stormwater Implementation Grant, indicating the total amount of funds remaining, the projects that are proposed, and the order of priority for the projects that we can obtain approval for. Chairman Sangle advised that he will be presenting his annual report to the Township Council within the next month or two and he needed to be apprised of the projects that we will be receiving funding for, and which projects the Commission will be recommending to the Council to proceed with if the funds are available. Dr. Lubnow provided a summary of the grants that Princeton Hydro and the Commission/Township have been involved with, to date:

604b OWTS Grant – Dr. Lubnow reported that this grant developed the on-site wastewater management plan; a copy of the draft plan was received by the Commission. The plan has been completed, and a letter from the NJDEP received approximately a month ago indicated that this grant is closed.

2004 Greenwood Lake 319H Grant – Dr. Lubnow reported that this old 319H grant “*Section 319H Non Point Source Pollution Control and Management Implementation Grant: Lake Characterization and Restoration Plan for Greenwood Lake*” had just been completed in the Spring (April 2012) with the Environmental Commission volunteering for the riparian buffer stream bank planting [Morsetown Brook at the Wallisch site on Lincoln Avenue.] He reported that all of the final reimbursement forms have been submitted. He advised that Princeton Hydro is now required to complete and submit the final report to the NJDEP. This grant developed the stormwater implementation plan, completed a bathymetric survey for the lake, installed the Vortech stormwater device, did the shoreline planting, and also collected a variety of watershed and in-lake data. Dr. Lubnow advised that this grant could be considered complete.

2007 Stormwater Implementation 319H Grant – Dr. Lubnow reported to the Commission on the 2007 cycle of grants. He explained that in May/June of last year, three stormwater structures were installed as part of the grant with the first structure on Beaver Avenue, the second on Birch Avenue, with a pre-treatment on the Beaver Avenue site, and the third on Rutgers Avenue. He noted that those projects had been completed, but there were funds remaining totaling approximately \$600,000. **Dr. Lubnow stated that he would email a PDF file to the Commission the following day to provide the most up to date information in the long process, which will include the expenditure details. He continued, noting that in July, representatives from the Township of West Milford, the NJDEP, and Princeton Hydro met to review a plan to utilize the remaining funds for stormwater projects. He advised that there are criteria that have to be met, including the fact that the stormwater structures have to be water quality based to improve water quality before it flows into Greenwood Lake, and the projects that are preferred are those that are in the high prioritized sub-watersheds, which the new proposed projects are. He further advised that Belchers Creek has produced the largest pollutant levels, with phosphorous and total suspended solids the main focus for Greenwood Lake. Phosphorous generates algae blooms and weed growth, and the suspended solids settle to the bottom of the lakebed making the water depth shallower. With those criteria in mind, Princeton Hydro has been working with the West Milford and NJDEP to develop a series of acceptable projects. The most recent version of the four potential projects they have proposed and submitted in May 2012 to the NJDEP are:

1. Marshall Hill Road – the proposed projects will include the installation of a rain garden at the school, culvert replacement, and swale/stream bank stabilization. This was the largest project proposed, and although it will

focus on water quality, it may help with some issues of localized flooding that occurs in front of the Marshall Hill School, which is something that the Township has been anxious to address.

2. Stainsby Road – the proposed project includes the removal of a culvert (daylighting) and swale stabilization.
3. Adelaide Terrace – the proposed installation of manufactured treatment devices.
4. Reidy Place – optional projects if there are remaining funds: installation of a Filterra – a small structure to settle out solids, and installation of a mini rain garden.

Dr. Lubnow reported that with one of the first projects they will have to wait until the quotes come in before they have the approximate costs. He noted that the Township and the NJDEP have determined that the first three projects are a priority, with the last project on Reidy Place to be included if there are funds remaining. If there are insufficient funds, a planting project will be done in place of the manufactured (Filterra) filtration system. Dr. Lubnow pointed out that since the economy slowed down, the quotes that have been received are lower than originally projected, so more work can be accomplished with less.

With regard to the first two projects (Marshall Hill and Stainsby Road) Dr. Lubnow advised that quite a bit of permitting is required. The remaining two projects (Adelaide Terrace and Reidy Place) do not require much permitting. He further advised that he had drafted a letter of budget modifications and a request for a no-cost time extension in May, noting that the monies in the grant do not change, but they have allotted \$140,000. for engineering to complete the projects. He advised that the no-cost time extension was received in June and is good until October 2013. Dr. Lubnow noted that there have been some issues with the DEP and he was not sure if personnel changes are the reason. He reported that Princeton Hydro has completed the survey work for the first two projects, but they need authorization from the DEP, which they anticipate receiving within the next week or so. Chairman Sangle inquired whether the DEP preferred using vegetative measures for filtration rather than concrete structures. Dr. Lubnow responded that they favor more natural vegetative BMP'S (Best Management Practice) for absorption, and although Princeton Hydro agrees with this, in small lake communities with limited space, manufactured underground devices are used because they provide a decent rate of removal of the phosphorous. He noted that the Filterra system includes natural plantings and manufactured filtration measures. Originally Princeton Hydro proposed all manufactured devices, but the DEP did not approve the proposal, so they developed some alternative projects. Chairman Sangle inquired whether there was any chance of overage costs for these projects, because the Commission did not want to incur additional expenses that would become the Township's responsibility. He clarified that there should be sufficient funds appropriated for the first three projects, with the last project considered only if there were remaining funds, and Dr. Lubnow concurred with this, adding that any remaining funds will be used for smaller projects that would not require permitting if the Filterra system cannot be done. Chairman Sangle advised Dr. Lubnow that if any projects require planting of trees, that funds for labor to complete the plantings are included.

Dr. Lubnow also reported about several small wetlands islands that Princeton Hydro is installing in isolated areas in Lake Hopatcong that aid in natural vegetative filtration of the lake. He provided a brief description of the floating wetland islands that they have used for three years, and he noted that they are made of frayed plastic material filled with plants, which, when installed, allow the plant vegetation to absorb the excess nutrients. He stated that he would email information on these "islands" to the Commission, as well as send a paper that he wrote for "Lakeline" about the floating island system. He provided a list of the plants used for the islands to Andy Abdul so that he could inform the Lakes Committee about the process. The Commission continued to discuss the floating islands, which are anchored to the shoreline, and Dr. Lubnow noted that a 250 s.f island was equal, in surface area, to one acre of wetlands, with the average cost at \$20. per s.f., not including the plants and goose fencing. He remarked that with larger lakes, public outreach was necessary if considering the larger floating islands since most people aren't familiar with how the islands work or how they will look on the lakes. There is also a misconception that the plants used on the islands are aquatic plants, but Dr. Lubnow noted that they are terrestrial and will not become establish in the lakebed or along the shore. Native species are used, and the spaces between the plants provide room for microbes, bacteria and algae that help to absorb the excess nutrients. He advised that if there is money remaining at the end of the proposed projects that are planned to be implemented in West Milford, this might be something to be considered. With regard to maintenance, Dr. Lubnow advised that little to no maintenance is required for the islands, with the exception of inspection of the goose netting, adding that the geese will consume the plants if left without

netting. He provided some additional information, including that the islands are not affected by the ice and are anchored to the shore by cinder blocks and rope. He stated that a 250 s.f. island can remove about 10 lbs of phosphorous a year, and he qualified this by noting that 1 lb of phosphorous can create 1,100 lbs of algae on the lake surface. Chairman Sangle noted that the lake communities may be able to save money with this instead of using chemical treatments for controlling algae growth. Dr. Lubnow did note, however, that it was not an answer to all the issues surrounding phosphorous leaching into lakes, and advised that the stormwater structures being proposed are needed for the suspended solids and turbidity that enters the lakes.

Upon conclusion, Chairman Sangle inquired when Dr. Lubnow will be completed with the first project and whether he will begin the second project before they are finished with the first project. Dr. Lubnow noted that the permitting is extensive and the extension goes to October 2013, so Princeton Hydro and the Township will make every effort to bundle the projects to try to get a better price, just as they did for the first set of projects. He added that, from a paperwork perspective it was more complicated, but from a price perspective, we were able to get a better price, so the intention is to bundle the three priority projects together to insure the best pricing. **Dr. Lubnow will send an email to the Commission when he receives authorization from the NJDEP. Doris Aaronson inquired if Ella Fillipone, the Chairperson from the Greenwood Lake Commission, would be getting the information that he provided at this meeting, and Dr. Lubnow acknowledged that they are the “co-recipients of the grant” and he would update them, and planned to attend the September meeting of the GWL Commission.

Following the presentation by Princeton Hydro, the Environmental Commission continued with their regular agenda items.

APPLICATIONS - None.

TELECOMMUNICATION APPLICATIONS - None.

GRANT MANAGEMENT AND STATUS REVIEW

Recreational Trails Signage Grant: No update was available from Bob Jonas on this grant project.

2010 ANJEC Smart Growth Planning Grant - Trails Master Plan: Chairman Sangle advised that he met with the Township Administrator, Nancy Gage, and she advised that the Township has not received the funds from ANJEC for this grant project, although the Township has paid the consultant’s (George White) services. He requested that the Township Administrator inform the Township Attorney that the consultant has not completed his contract and we have been unable to reach him following numerous attempts. The Secretary suggested that a certified letter be sent to Mr. White to inquire the status of the project, with a copy to the Township Administrator and the Township Attorney. Chairman Sangle commented that he did not want the Township to be responsible for the cost of the grant if ANJEC does not reimburse the Township for the services that were performed by the consultant. The Secretary was instructed to send a certified letter to Mr. White in a last attempt to get some response on this matter.

ON GOING BUSINESS

Lakes Committee: Andy Abdul advised that at a recent meeting the Lakes Committee discussed the need for a Health Officer since the septic ordinance is apparently not being enforced. The Committee discussed Lake Lookover and their continuing problem with silting. He noted that the Tennessee Gas Pipeline representatives made a settlement offer to Lake Lookover for the damage to the lake and they rebuffed the offer and will hire legal counsel for this matter. He also advised that the Lakes Committee discussed their issues with the recent tax re-evaluation in the Township. Mr. Abdul also advised that the Lakes Committee had a new chair(?), Blanche DeSimone. With regard to the proposed soil testing grant, the Lakes Committee were advised that they would be responsible to monitor the distribution of the soil test kits. Chairman Sangle suggested that they keep a sign off sheet, with the EC to get a copy, and he also noted that Mr. Abdul and another EC member coordinate with the Lakes Committee to follow up on all the facets of the grant project and get the information processed. Tom Tamayne stated that a time frame for returning the soil kit samples should be established, and he noted that he would assist in this, but the Lakes Committee and the EC may not have the authority to insure that the homeowners return the tests. Chairman Sangle observed that if the agreement is worded properly, the homeowners may act responsibly in this matter. Mr. Tamayne also noted that we have the option of having Rutgers report the results to the Commission, and he also suggested that an informational meeting may be

required to instruct homeowners how to do the soil samples. Chairman Sangle advised Mr. Abdul that he should bring the matter up at the September Lakes Committee meeting and suggested that representatives from each lake give a presentation to their association members.

Open Space Subcommittee: Chairman Sangle reported that the Township Administrator is very receptive to the connection of the trails and the trails master plan concept, which will parallel the Township's and Highland's Master Plans. He spent about 1 ½ hours getting her up to date on some of the past and current projects that the Commission has been involved with. Don Weise reported that Bob Jonas of the NY/NJ Trails Conference is walking another property the following day for a potential open space acquisition. Chairman Sangle stated that the Commission is encouraged to provide Linda Glosinsky of the Land Conservancy with information about trails and properties that they feel would be beneficial to the Township, and she will research the properties for their feasibility. Chairman Sangle suggested that a list be compiled and it can be addressed at the next open space meeting.

Environmental Contamination Issues: Tom Tamayne reported that no new contamination site information is available as the Township does not have a Health Officer, to date. Doris Aaronson advised that she had been informed that the Township is negotiating a contract for shared services with another town for a Health Officer, and she had been advised that his name was Matt Fitzpatrick. He would be working in West Milford two days a week.

Green Team–Sustainable Jersey: Tom Tamayne advised that the grant had been submitted by the July deadline, and that Sustainable Jersey had received the grant. They emailed that they will be reviewing the grant projects and provide an update in September.

Tennessee Gas Pipeline: No update was available.

NEW BUSINESS

Autumn Lights – The Secretary advised that any information or brochures the Commission wishes to disseminate should be provided to her so that copies can be prepared. Chairman Sangle suggested trails information with a map so it can be displayed during Autumn Lights. Andy Abdul suggested that the space be shared with the Lakes Committee.

Anti-Idling Resolution - It was reported that the Township Council did not want any reference to laws and fines, etc., due to any legal ramifications that may result. The resolution should be simply an educational tool, and any reference to state law should be removed. Tom Tamayne advised that he would have the resolution revised by Renee Alessio and have it re-submitted to the Commission for review.

ANJEC Workshop - Chairman Sangle advised that he was requested to speak at an ANJEC Workshop in October on the qualities that make a successful and productive environmental commission. He requested the Secretary to compile a list of the past projects that the Commission has been involved with over the years in preparation for the workshop.

MINUTES

The final version of the minutes of the May 2012 Regular Meeting of the West Milford Environmental Commission were available for approval, but Chairman Sangle requested that they be held to the following meeting until the Commission had an opportunity to carefully review them before approval.

The following documents were reviewed by the Commission and filed:

HIGHLANDS WATER PROTECTION AND PLANNING ACT

1. Copy of an application received from Wander Ecological Consultants, dated June 20, 2012, regarding a request for a Highlands Applicability Determination Exemption #4 for proposed improvement at Block 4701; Lot 38.02, 374 Morsetown Road (Momentos II). Application is in response to Notice Of Violation received from the NJDEP for expansion without a Highlands determination.
2. Notice of Intent to Cancel, dated June 21, 2012 received from the NJDEP regarding a Highlands Applicability and WQMP Consistency Determination application submitted for Donald & Kathleen Davies, Block 5003; Lot 9, Rockburn Pass, regarding construction of a single family dwelling, requesting that the

required documents outlined in the Notice of Technical Incompleteness, dated December 22, 2011, be submitted within 15 days or provide an explanation for the delay.

NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION

1. No Further Action-Covenant Not To Sue notice dated June 15, 2012 received from the NJDEP regarding removal of a 1000 gallon #2 Heating Oil Underground Storage Tank from 251 Bearfort Road, Block 7402; Lot 11, and advising that all monitoring wells should be decommissioned as part of the remediation.
2. Notice of an application to the NJDEP from MAP Engineering for a GP#25 for the alteration to a malfunctioning septic system at Block 8102; Lot 1, 1948-1950 Macopin Road. Subject property is in a Freshwater Wetlands Transition Area.
3. Notice of a proposed application to the NJDEP from Map Engineering for a GP#25 for the remediation of an existing septic system for an existing residential dwelling, with no proposed expansion, for Block 12001; Lot 28, 1002 Macopin Road. Subject property is in a Freshwater Wetlands Transition Area.
4. Copy of a Receptor Evaluation Form submitted to the NJDEP Bureau of Case Assignment and Initial Notice for Site Remediation Program, dated July 7, 2012 from LAN Associates, regarding Village Garage, 101 Otterhole Road, Block 12403; Lot 1, aka Block 12402; Lot 7.
5. No Further Action-Covenant Not To Sue notice dated July 13, 2012 received from the NJDEP regarding removal of a 550 gallon #2 Heating Oil Underground Storage Tank from 112 Lake Park Terrace, Block 4303; Lot 9.
6. Notice of Violation and Offer of Settlement (NVOS) dated July 11, 2012 received for Upper Greenwood Lake POA regarding the Upper Greenwood Lake Dam (NJDEP File No. 22-97), Block 2007; Lot 9.03, advising that the owner was required to submit a formal inspection report on May 16, 2011, which has not been received, to date, a violation of the Safe Dam Act. Owner was requested to have the dam inspected and submit a report by August 15, 2012, in addition to submitting \$2500.00 as a settlement offer for the \$5000. fine.
7. Private Potable Well Water Analysis received for GPS Enterprises (Old School Pub), 551 Warwick Tpk, Block 703; Lot 2, advising that the water obtained from the well was acceptable for drinking.
8. Notice from Map Engineering dated July 18, 2012, advising of an application for a GP#25 for Block 14301; Lot 24, 859 Macopin Road for remediation of a malfunctioning subsurface septic system.
9. NJDEP Individual Permit and Freshwater Wetlands GP#10B dated July 23, 2012 for Passaic County regarding reconstruction and realignment of Clinton Road Bridge over Mossmans Brook within Clinton Road ROW and disturbance of 0.011 acres and 0.10 acres of wetlands and transition areas for the reconstruction of the bridge.
10. NJDEP Flood Hazard Area Individual Permit and Freshwater Wetlands GP #1 dated July 26, 2012 for Passaic County regarding the placement of 481 s.y. of A-Jacks concrete armor unit scour protection under an existing bridge spanning Clinton Brook on La Rue Road and disturbance of 3,054 s.f. of State open waters for the proposed bridge scour protection.
11. NJDEP Flood Hazard Area Individual Permit and Freshwater Wetlands GP#1 dated July 26, 2012 for Passaic County regarding the placement of scour protection on the stream bed and banks of the West Brook Road Bridge and authorization to disturb 1,326 s.f. of State open waters and freshwater wetlands for proposed scour protection.
12. Letter from the NJDEP Bureau of Dam Safety, dated July 24, 2012, to Lake Lookover Property Owners Association, Hewitt, NJ regarding the Lake Lookover Dam 2011 Formal Inspection Report submitted on December 9, 2011, advising that, per the report, the dam was found to be in satisfactory condition with regular maintenance items recommended; these activities will not require a permit. Also advised that an inspection report is required within two years of the original report.

CORRESPONDENCE

1. Letter from Passaic County Planning Department, dated June 25, 2012, regarding the filing of a Certificate of Appropriateness with the Township of West Milford for the demolition of the Tichenor House, a local historic landmark, which is in a state of advanced deterioration and must be removed for public safety, with attached

photos of the site's current condition. Also advising that the Historic Preservation commission and Friends of the Tichenor House will be included in the Parks, Recreation and Open Space Master Plan.

2. Memo dated July 16, 2012 from the Planning Board to the Township Administrator requesting that funds be appropriated for a tarp to cover the roof of the Wallisch house and barn.
3. Letter of introduction dated July 6, 2012 from Gene Feyl, Executive Director of the Highlands Council providing contact information.
4. Notice from Passaic County Planning advising of the Morris Canal Greenway Study and Draft Transportation Element of the Passaic County Master Plan public hearing on September 20, 2012 at their office on Riverview Drive in Totowa, NJ.
5. Notice from William Gas Pipeline, operators of the Transco Pipeline, received July 10, 2012, advising of security measures that are in place regarding emergency response, and listing contact information regarding their operations.
6. The Pequannock Post – Volume 17, Issue 4

PUBLIC COMMENTS

Doris Aaronson – Bearfort Road, was present to request the Commission send a letter of recommendation for the Emerald Trails Project. She noted that the grant has received favorable marks on their first submission, but they need a letter of support for the second phase. On a motion by Chairman Stephen Sangle with a second by Don Weise, the Commission unanimously approved sending a letter of support for the concept of the trail. The Commission's Secretary was instructed to prepare a letter of support for the concept of a trail going through the Emerald Forest site. Chairman Sangle noted that the access to the site is not the Commission's concern at this time. He also advised Ms. Aaronson that he provided her contact information to a local contractor with regard to cleaning up the trail if the grant is awarded to her non-profit organization. He added that they should attempt to keep the contractors local, to which Ms. Aaronson concurred. Ms. Aaronson commented that she may be advised of the grant award sometime in November. The Commission discussed the proposed trail bed and whether it could be wheelchair accessible, and Chairman Sangle noted that people who lose mobility would embrace a trail that they could traverse. Don Weise commented that there was a trail on Bearfort Mountain that has crushed stone which compacts over time and may be wheelchair accessible. Ms. Aaronson requested more information on pervious materials that could be considered for the trails. The Commission discussed the proper pitch for the trails if they are to be handicapped accessible, noting that they should be, at minimum, 4 feet wide. Ms. Aaronson discussed some follow-up grants that could be applied for, noting that the glaciers left a large variety of rocks on the site, and with the numerous plant species, it will be very educational.

Dave Oshinsky – Democratic Candidate for Township Council, was present to introduce himself to the Commission, and express his interest in environmental issues. He stated that he was a 26-year resident and a member of the M.U.A., and commented on the steps that the M.U.A. has taken to try to reduce phosphorous leaching into the lakes. He noted that Belchers Creek crosses his property, and he is concerned with the health of the local water bodies. He reviewed some of the hurdles that the M.U.A. must face with aging sewer treatment plants and the DEP requirements becoming stricter, resulting in increased costs to the users. He also noted that the M.U.A. has been using alum to reduce the phosphorous.

ADJOURNMENT

With no further business to come before the Commission, the Regular Meeting of August 6, 2012 was **adjourned** at **9:10 p.m.** on a **motion** by Chairman Sangle and a **second** by Douglas Ott.

Approved: September 10, 2012

Respectfully submitted,

Tonya E. Cubby, Secretary