

**Township of West Milford  
ENVIRONMENTAL COMMISSION**

**MINUTES**

**November 1, 2021**

**Main Meeting Room**

The November 1, 2021 Regular Meeting of the Township of West Milford Environmental Commission was called to order by Chairman Stephen Sangle beginning at 7:00 pm with a reading of the Legal Notice.

**ROLL CALL**

**Present:** Janet Little, David Ofshinsky, James Rogers, Thomas Tamayne, Douglas Trainor, Don Weise, Chairman Stephen Sangle.

**Absent:** None.

**Also Present:** Mayor Michele Dale, Councilwoman Marilyn Lichtenberg.

**Open Space Fund Allocation** – A discussion ensued among the Commissioners, Mayor Dale, and Councilwoman Lichtenberg regarding the current Open Space Trust Fund and the recent removal (by the Governing Body) of the current 1/3 portion of the tax dedicated for open space. This decision was based on the fact that there remains approximately 1.2 million that predated 2014 that had been dedicated specifically for open space acquisitions/projects. Mayor Michele Dale advised the Commission that the Governing Body voted to remove the 1/3 allocation due to the funds that were previously dedicated for open space. She further advised that it was a misconception that there would no longer be funding available for open space related projects. She noted that the Governing Body was not aware of the on-going projects that the Commission has been involved with since they had not received Commission minutes on the “cloud”. The Secretary advised that minutes are posted on the Township website once they have been approved by the respective entities. Mayor Dale noted that the Township Attorney was researching whether or not the Governing Body could approve the original open space fund for acquisitions and/or maintenance of properties, or the costs associated with easements required for some of the properties along Belchers Creek. She maintained that the residents may not be pleased with 1.2 million in a trust account when there are other needs in the Township that are unfunded. This fund couldn't be used for anything other than open space acquisitions, but a portion of the taxes continue to be added to the post 2014 fund (1/3 each for open space, recreation and maintenance of historic properties). She noted that there doesn't seem to be sufficient funds for either of the three, nor to make improvements on anything else in the municipality. Mayor Dale indicated that there could possibly be a referendum to broaden the scope of the original trust fund to permit more to be accomplished.

Chairman Stephen Sangle advised that the Environmental Commission/Open Space Committee have not taken any funds from the 1/3 allotment [in the post 2014 open space fund] and the consensus was that the funds shouldn't be used if they were needed elsewhere. But, he maintained, if an opportunity arose that needed matching funds for a project, the 1/3 fund should be available. Chairman Sangle referred to the NNL Reforestation Grant project, and stated that funds are needed to maintain the trees that had been planted. He noted that the original open space trust fund was dedicated and approved by the residents for open space acquisitions. Mayor Dale remarked that grants are often awarded, and the Township and the Commission have been good stewards, but funds are rarely available from the State or Highlands to implement the projects. Applying for grants for projects that have no funds for maintenance is not advisable, and she commented that

the Township is leery about spending for upkeep and maintenance of various projects. Chairman Sangle noted that the reforestation grant was from funds from the Tennessee Gas Pipeline to replant trees they removed for their pipeline update project, and if the project is not closed out, the Township would not be eligible for grant funds for necessary projects in the future. Mayor Dale stressed that her intent is to accomplish good budgeting with yearly budgets, as well as consistency with the Council members. Having 1.2 million only to be used for land acquisition is holding on to money that the taxpayers may want for something else. She proposed a referendum that could allow the opportunity for the dedicated open space fund to be approved for a specific open space related project, but a referendum would have to be filed by August 1. She requested the Commission to research proposals for projects that can utilize the 1.2 million. With regard to projects related to Greenwood Lake, Chairman Sangle noted that the State has awarded millions to Lake Hopatcong for various environmental related projects, but not for Greenwood Lake.

Chairman Sangle expressed his concern that the resolution to remove the 1/3 of the current Open Space Trust Fund was not done in the best interest of the Commission/Open Space Committee, and without their prior knowledge. Mayor Dale stressed the need for obtaining legal counsel from the Township Attorney with regard to a referendum, which will require the assistance of the Commission in getting the referendum approved by the voters. The public will need to be assured that the funds are being used for something important that will benefit the Township. Chairman Sangle noted that the Commission has not requested any funds and assumed that other Township entities needed the funds. The Commission is always willing to part with the funds for other much needed Township projects, but it seems that their hands are tied when testing equipment is needed to be purchased as well as other Commission related items. Mayor Dale remarked that the funds were used in the prior year for a gym floor, and this year they require the funds for new fields, but they need the fund to grow to be able to complete projects, such as a senior center at the Nosenzo Pond Park. Marilyn Lichtenberg offered to replace the funds and have the resolution rescinded. She observed that all the committees have Council representatives or liaisons, and Chairman Sangle commented that Councilmembers are welcome to attend the meetings as some have in the past, but was not sure that a permanent liaison was necessary.

With regard to the referendum, the Mayor inquired about a specific proposal the Commission wanted to allocate the 1.2 million to. Assessments of open space properties and recommendations from various sources showed that there weren't too many properties that the Township would, or could, acquire for open space. Councilwoman Lichtenberg suggested that the funds could be used for conservation easements, and Chairman Sangle noted that this had been discussed by the Commission a number of years prior to this. Commissioner Don Weise stressed that the Commissioners have maintained a consistent policy regarding the purchase of open space properties, and parcels are not recommended for removal from the tax roles if they contribute substantially to the tax base. In his experience, land acquisition moves very slowly until an opportunity arises, and then the Township needs to be in a position to move quickly to act. Mayor Dale suggested that, if possible, a portion of the funds be kept for acquisitions. The purchase of easements to complete the Greenway project with paved walkways may be an option. Mr. Weise commented that there are not a lot of community trails, which the funds may also be applied to, in addition to the rail-trail system that has been proposed. Chairman Sangle inquired whether the funds could be used to repair the Township's Environmental Boardwalk site, and also to purchase additional testing equipment.

Mayor Dale encouraged the utilization of the 1.2 million in the original fund and for a proposal to be prepared. She suggested that the Commission meet with Chris Garcia to see the plans that he has which the Commission could collaborate on. With regard to

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Chairman Sangle requested Don Weise to contact the TLC to request a contract proposal from them to work with the Commission/Township on the potential projects. The Commissioners continued to discuss other possible proposals for use of some of the original open space funds, and were enthusiastic regarding the non-traffic greenway connecting West Milford Town Center to the Hewitt – former A&P section of the Township. Commissioner Tom Tamayne commented on recurrent maintenance fees and also suggested electric vehicle chargers be installed at trailheads. Chairman Sangle requested the Commissioners to develop some proposals and have them assessed by TLC for viability. Commissioner Doug Trainor commented that the trailheads are remote and electricity may not be available for the charging stations. Jim Rogers suggested that the funds be utilized to hire a forester to review the final assessment report and survey the condition and maintenance of the trees. Chairman Sangle maintained that the original 1.2 million was to be used for acquisition, but if adopted by the public in a referendum, the funds may be utilized for several smaller open space related projects. Chairman Sangle then recommended that if the 1/3 portion of open space is returned for open space projects and maintenance of open space properties, the Township should hire a forester as well as meet with TLC to review the Commission's vision and then determine a budget. Funds may also be used for the repair and maintenance at the Environmental Boardwalk site. He also suggested that he would be in contact with the Administrator to keep him apprised of the Commission's intentions. The Open Space Committee members will consist of Don Weise, Tom Tamayne, and Doug Trainor.

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#### **Bulk Variance # ZB-09-21-16**

Block 3903; Lot 18

30 Old Greenwood Lake Tpk; R-4 Zone

**Seeking:** Bulk Variance approval for a side yard setback, where 60 ft are required, 68.4 ft exists, and 52.5 ft is proposed for the reconstruction of a single-family dwelling with a garage addition.

Following a review of the above referenced application, the Commission made the comments below:

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### **DANIEL RICHARDS**

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Block 7518; Lot 6

10 Prospect Lane; LR Zone

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### **ON GOING BUSINESS**

**Belchers Creek Testing:** The Commission reviewed the recent results of the Belchers Creek testing and the increase in the nitrate readings. Doug Trainor noted that some of the re-agent packets may be outdated or unusable. He requested clarification of the sites on the testing data log. Chairman Sangle commented that during the winter months the testing may be difficult, so the Commission thought it may be better to test at home rather than try to get to the meeting earlier to test. Janet Little advised that she would be traveling during the month so would be unavailable to do the sampling. She remarked that she saw the Jon Boat and it is still at the same location. The Commission remarked that the owner of the property should be thanked for permitting the boat to be moored at the site for easy access.

**Community Forestry Mgt. Plan:** AAR - Annual Accomplish Report–CEU's required for 2020 & 21 – No update on this matter.

**NNL Reforestation Grant:** Chairman Sangle advised that he had provided the Mayor with the information on the reforestation project. The Secretary was asked to send the Commission's report and closeout analysis to the Administrator. The Commission concurred that a forester is required to assess the report from the State and the survey from the Commissioners. The \$32,000 retained by the Township should be used to contract with a forester to compile a list of the items needed to close out the project and satisfy the terms of the grant.

**Greenwood Lake Bi-State Commission:** Janet Little advised that she was unable to attend the most recent GWLC meeting.

**Lakes Committee:** Jim Rogers reported that at a recent Lakes Committee meeting, the Township Administrator was present. He spoke about the sale of properties of land and adjacent properties, and the matter of saline vs. grits on Township roads, noting that grits are not in widespread use at this time. Saline is used to pretreat, and the process is more effective and a better process from their assessments. The Administrator advised that storm drains are the Township's responsibility except in private communities. With regard to maintaining easements and ROW's in lake communities, that would be matters for the Township attorney. The Lakes Committee inquired whether the 10 million awarded for HAB's in NJ included private lakes, and if they could apply for funds.

**Open Space Committee:** Chairman Sangle advised that Open Space matters were reviewed earlier in this meeting.

**Environmental Contamination Issues:** Tom Tamayne reviewed environmental contamination notices received by the Commission.

**Green Team–Sustainability Committee:** This item should be removed from the agenda per a consensus of the Commission.

**Environmental Boardwalk:** Tom Tamayne provided an update to the Commission on the Boardwalk and advised that a contractor was needed for maintenance of the site. He attempted to pull out some of the phragmites and overgrowth, but he needs someone to pick up the vegetation that he removed. He was advised to contact the DPW to request a truck to remove the weed debris, and to inform them, if funds are available from Open Space, that the Commission recommends the Township hire a contractor for maintenance of the site.

### **NEW OR CURRENT BUSINESS**

**Electric Vehicle Ordinance** – Jim Rogers reported that the Planning Board Ordinance Committee had reviewed the draft model electric vehicle and charging station ordinance.

On a motion by Don Weise, with a second by Chairman Stephen Sangle, the Commission voted unanimously to support the draft model ordinance for electric vehicles and charging stations. Mr. Rogers noted that the State plans to convert a majority of their fleet to electric by 2035.

**Passaic Valley Water Commission Filtration Project:** PostBrook Water System – Tom Tamayne noted that a reverse osmosis and 5 stage filtration system with a compression tank is being proposed.

**Adopt a Storm Drain Initiative** – Jim Rogers reviewed a possible “adopt a storm drain” program which would include a public relations campaign. Generally, the residents would be requested to keep storm drains near their residences clear of leaves, debris and snow so that they can effectively allow storm water to drain. The Commission reviewed the public notice and made some suggestions. Residents will be urged to notify the DPW if they notice any issues with storm drains. Chairman Sangle noted that many years ago there was a proposal to number the storm drains in the Township. Mr. Rogers will speak to the Public Works Dept and if there are no issues with the proposal, the notices can be posted on the website and sent to the newspapers as part of the storm drain publicity campaign.

### **MINUTES**

The minutes from the September 13, 2021 Environmental Commission meeting were **approved** on a **motion** by Dave Ofshinsky, with a **second** by Chairman Stephen Sangle.

**CORRESPONDENCE RECEIVED:** *The following items were reviewed by the Commission:*

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

1. None.

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

1. Notice from Suez Water New Jersey (CP Engineers) dated October 26, 2021 advising that an application has been submitted for a NJDEP Treatment Works Approval (TWA) to advance the Olde Milford Wastewater Treatment Facility – Mechanical Bar Screen project, installing a mechanically cleaned bar screen and appurtenances to remove rags and debris entering the plant.
2. Notice from Suez Water New Jersey (CP Engineers) dated October 26, 2021 advising that an application has been submitted for a NJDEP Treatment Works Approval (TWA) to advance the Bald Eagle Village WWTP – Mechanical Bar Screen project, installing a mechanically cleaned bar screen and appurtenances to remove rags and debris entering the plant.

3. Notice from Ferriero Engineering, received 10-29-21, advising of FHA GP 13 and FW GP 17 applications are being submitted for the Nosenzo Pond Walkways, Block 9302; Lot 16.
4. Suspected hazardous discharge notification, dated October 26, 2021, regarding Block 16401; Lot 2, 11 Pierce Avenue, with respect to the removal of a 550 gal UST, with clean up pending.
5. FWW GP 18, Permit # 1615-21-0014.1 LUP210001, dated September 30, 2021, received from the NJDEP for Farm Crest Acres regarding Block 16701; Lot 4, 5, 6, 10, 11, 12, authorizing the rehabilitation of Upper Crest Lake Dam and Lower Crest Lake Dam.
6. Suspected hazardous discharge notification, dated October 14, 2021, regarding Block 7621; Lot 10, 14 Vista Road, with respect to the removal of one 1000 gal UST, with clean up pending.

### **Miscellaneous**

1. HEP Soil Conservation District, re-certification of soil erosion and sediment control plan, dated June 23, 2021, regarding Shiloh Bible Camp Maintenance Bldg & Indoor Pool, 753 Burnt Meadow Rd., Block 6002; Lot 47.
2. HEP Soil Conservation District, certification of soil erosion and sediment control plan, dated Sept. 9, 2021, regarding Safargar Burnt Meadow Driveway & Grading, B 4601; L 15, 890 Burnt Meadow Road.
3. HEP Soil Conservation District, certification of soil erosion and sediment control plan, dated Sept. 27, 2021, regarding Passaic County DPW Vehicle Storage, 30 Lycosky Dr, B 6002; L 8.01.

**PUBLIC COMMENTS** – None.

### **ADJOURNMENT**

Chairman Sangle noted that the next Environmental Commission meeting is scheduled for December 13, 2021. With no further business to come before the Environmental Commission, the November 1, 2021 regular was **adjourned** at 9:30 p.m. on a **motion** by Chairman Stephen Sangle and a **second** by Jim Rogers.

Approved: January 10, 2022

Respectfully submitted by

Tonya E. Cubby, Secretary

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### **Miscellaneous**

1. HEP Soil Conservation District, re-certification of soil erosion and sediment control plan, dated June 23, 2021, regarding Shiloh Bible Camp Maintenance Bldg & Indoor Pool, 753 Burnt Meadow Rd., Block 6002; Lot 47.
2. HEP Soil Conservation District, certification of soil erosion and sediment control plan, dated Sept. 9, 2021, regarding Safargar Burnt Meadow Driveway & Grading, B 4601; L 15, 890 Burnt Meadow Road.
3. HEP Soil Conservation District, certification of soil erosion and sediment control plan, dated Sept. 27, 2021, regarding Passaic County DPW Vehicle Storage, 30 Lycosky Dr, B 6002; L 8.01.

**PUBLIC COMMENTS** – None.

### **ADJOURNMENT**

Chairman Sangle noted that the next Environmental Commission meeting is scheduled for December 13, 2021. With no further business to come before the Environmental Commission, the November 1, 2021 regular meeting was **adjourned** at 9:30 p.m. on a **motion** by Chairman Stephen Sangle and a **second** by Jim Rogers.

Approved: January 10, 2022

Respectfully submitted by

Tonya E. Cubby, Secretary