

Environmental Commission

December 12, 2019 Meeting Minutes

Prepared by:
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Opening Remarks

Chairman Colwell called to order, at 7:45pm, the Regular Monthly Meeting of the Environmental Commission for the Borough of Closter, New Jersey, convening Thursday, December 12, 2019 in the Council Chamber of Borough Hall.

Attendance

Oath of Office

Krishna Rege (Appointed as Associate Member)-
Existing 1-Year Term Expires: December 31, 2019;

Present

Thomas Colwell- Chairman
Steven Isaacson- Full Member
Miriam Lockhart- Full Member
Grace Whitney- Full Member
Scott Devlin- Full Member/Council Liaison
Nancy Pergament- Full Member/Shade Tree Commission Liaison
Bobbie Bouton-Goldberg- Alternate #2/Historic Preservation Commission Liaison
Krishna Rege- Associate Member

Absent

Sophie Heymann- Full Member/Planning Board Liaison
Ethel Abrams- Alternate #1

Minutes

A motion was made by Ms. Lockhart and seconded by Mr. Isaacson, to approve the minutes for the November 14, 2019 Meeting with noted corrections. The motion passed unanimously.

Open to Public

Chairman Colwell opened the meeting to the public for questions and/or comments. No one wished to be heard.

Treasurer's Report

Chairman Colwell provided a summary of the Commission's expenditures to date from its 2019 operating budget (see appended account report).

Chairman Colwell stated the remaining funds in the 2019 operating budget is \$55.12 before deducting purchases of 3 storage bins (\$9.99 each) for the new shed at Mac Bain Farm and caution tape (\$14.99). He noted he would soon pick up the lumber purchased from Dykes Lumber, Inc. (23 Naugle Street) for Eagle Scout candidate, Connor Goranson, to construct a picnic table at the Farm.

Old Business

2020 Commission Operating Budget

Chairman Colwell said the Borough had yet to respond to the Commission's proposed 2020 budget, though the Assistant Chief Financial Officer, Maria Passafaro, requested updated cost information on both the proposed irrigation system installation at Mac Bain Farm as well as potential repairs to the residence on-site. He said the Governing Body wants to be able to adopt 1 ordinance for the entire next year which would encompass all open space funding requests from of the Borough's entities. In response to Ms. Lockhart, Councilman Devlin said the Borough Administrator would conduct 1-on-1 budget meetings with department heads in January; he said he was uncertain if chairs of the Borough's various boards and commissions would be afforded the same. He stressed, however, that by the end of January, the Commission should know if its proposed budget will be approved, unlike in years past when such a decision would not transpire until March because, in part, the Governing Body would receive very little input from departments and boards/commissions.

Mac Bain Farm

Chairman Colwell said Mark Schwartz, operator of Precision Sprinklers & Outdoor Lighting, LLC is still awaiting John Mc Caffrey, caretaker and resident of the Farm, to supply certain data relating to the Farm's land measurements and/or obtaining a property survey in order to complete a plan and estimate for the installation of the irrigation system. Ms. Pergament revealed the current unofficial estimate is \$60,000.00, which would include a complete system with a spigot (not water fountain) as well as associated electrical and plumbing components (pumps, attachments, seasonal water meter, etc.). Ms. Lockhart questioned if the still-unknown water pressure at Hickory Lane is why Mr. Schwartz' plan and estimate have not been completed. In response to Mr. Isaacson, the Commission agreed that the water sourcing for the irrigation system and spigot should not be separated, with the former being the public utility and the latter being the water well on-site, mainly due to the difficulties that would result if the well were to dry up. Chairman Colwell promised to ask Mr. Schwartz what specifically is causing his delay.

Ms. Pergament said the temporary columns of the house's side porch situated at Mac Bain Farm are in desperate need of being permanently fixed according to Mr. Mc Caffrey. In speaking with him about Ms. Heymann's suggestion that the Borough seek a non-matching grant available for the preparation of a preservation plan of the farmhouse, which is a historic structure, Ms. Pergament said he was concerned that based upon the time it would take to secure the grant, there may be more pressing house repairs needing attention. She stated Mr. Mc Caffrey said the side porch's columns remain the top priority, which he estimated would cost \$4,400.00 for wood trim and an additional \$1,500.00 for stonework. Next, she said he needed the 40+ year-old storm windows and screens for the entire house (amounting to 30 windows and 4 doors), some of which have leaked, to be replaced which was estimated to cost \$15,000.00 to \$20,000.00; both Chairman Colwell and Mr. Isaacson believed such a cost to be too low. Ms. Bouton-Goldberg stated such work would require a Certificate of Appropriateness

to be issued by the Historic Preservation Commission (HPC) being a Borough-designated Historic Landmark is involved. Ms. Pergament said the 3rd top priority would be to treat and preserve the house' exterior wood siding with turpentine and linseed oil, which Mr. Mc Caffrey estimated to cost \$7,000.00; she noted he has performed regular maintenance on sills and trim over the course of his almost 20-year stay at the Farm. Lastly, she said several gutters and downspouts need replacing, some of which Mr. Mc Caffrey has done in the recent past, and his estimate those remaining was \$1,500.00.

Noting the administrative overlap and utilization of the Farm between the Commission and HPC being the passive park is home to a Historic Landmark, Ms. Whitney wanted clarity on which body should handle such repairs. Chairman Colwell said apparently the Commission has authority because it has oversight of the Farm, and it is able to spend unlike the HPC. He questioned if the recent historic designation of the farmhouse by the Governing Body has been recognized by others, and is such enough to legitimize the Commission's forthcoming grant request for a historic preservation plan. Ms. Bouton-Goldberg stressed that a local historical designation holds much more weight than county, state or even national. Chairman Colwell pointed out that while the Harold Hess Lustron House (421 Durie Avenue) is a museum without residents who would have had to otherwise be displaced during the House's recent rehabilitation, the farmhouse serves as a private residence for the caretaker and his family. Ms. Bouton doubted the farmhouse's residents would have to be relocated while the repairs are made. She clarified that the side porch, windows, exterior staining and gutters may not all require HPC approval being the residence is not visible to the public from Hickory Lane. Ms. Pergament felt the simplest approach would be to consider the residence under the Commission's control to have 1 point of contact given it is located within a passive park and the Commission collaborates with Mr. Mc Caffrey on most matters related to the Farm. Ms. Whitney countered that liaising is different from actually performing time-consuming projects which may not be the Commission's role. Chairman Colwell agreed, saying it should be approving projects and securing the associated funding but not dealing with the minutiae. He promised to get the opinion of the Borough Administrator and Borough Attorney, noting the HPC does not retain the same contractual authority as does the Commission and Recreation Commission. Ms. Pergament said further complicating matters is that the farmhouse is a Historic Landmark occupied and owned by the Borough, which is a rarity. Ms. Bouton-Goldberg noted that improving the Harold Hess Lustron House falls under the authority of the HPC, but next in the chain of command is the Historic Society of Closter as well as a separate committee dedicated to House issues which works directly with the House's caretaker; she said all 4 entities collaborate with each other to secure funding (donations, etc.), noting the grant in question, which the HPC won to put towards the rehabilitation of the House, provided estimates for related costs. Chairman Colwell believed it was premature to solicit official quotes for the house repairs until getting more direction from Borough officials. Councilman Devlin noted Mr. Mc Caffrey's lease with the Borough should dictate task assignments relating to the farmhouse's upkeep.

Chairman Colwell said the Department of Public Works (DPW) is still handling curbside leaf pickup, but once the winter begins, he said the apple tree at Mac Bain Farm causing fence damage would be removed, to be followed by Dimick Fence Co. providing an estimate for repairs.

Ms. Pergament said the Farm committee would be meeting with Mr. Mc Caffrey to review how implementation of 2019's land use/planting plan went and what ideas they have for next season; she said the meeting would precede an official presentation to the Commission at either its January or February 2020 meeting, a requirement as per his contract with the Borough.

Chairman Cowell reminded that staining of the Farm's new shed, which now houses tomato stakes recently collected by Commission member hopeful Mordechai Feibish (76 Hickory Lane), would occur when the weather becomes warmer.

Trails

In light of Ms. Heymann's absence, there was no discussion.

Sustainable New Jersey Certification

Ms. Whitney said she had yet to hear back from Sustainable New Jersey regarding questions she had about updating the Borough's existing application for certification, specifically, about which activities have been completed or are outstanding; she said she would contact Ms. Heymann for assistance.

Buzzoni Farm Park Fencing

Chairman Colwell said the Superintendent of the DPW, William Dahle, opined a fence should not be installed because it would limit the DPW's ability to maintain the surrounding grounds; Ms. Pergament questioned if the associated open space funds could then be transferred to fence repairs at Mac Bain Farm. Councilman Devlin said he was uncertain as to the process but assured it was possible to do so.

Potential Ban on Foam Food/Beverage Container Usage by Borough Merchants

Councilman Devlin said the Ordinance Committee would be discussing the proposal in January. He informed that the New Jersey State Senate's Environment and Energy Committee recently released a bill concerning a ban on polystyrene foam. He noted there is now a question of preemption if the State passes its own ban. He said the current legislative session ends on January 13, 2020 and thus the bill would have to be passed by then, with the Governor signing it into law within 7 days; otherwise, he said the new Legislature would have start the process all over; he thought it would be prudent for Closter to proceed cautiously with its own ban proposal.

New Business

Creation of New Commission Officer Position(s)

Chairman Colwell said he and Ms. Pergament wish to request that the Governing Body amend Chapter 16 of the Borough Code such that the Commission, not the Mayor, selects its Chairperson and the position(s) of either Vice Chairperson or (2) Co-Chairpersons are created. He said the reasoning behind such is that all other Borough boards/commissions are given the authority to select their own officers. He said he and Ms. Pergament were willing to share and/or alternate duties as Chairperson for the foreseeable future; Councilman Devlin said he has no objection to the proposal.

2020 Commission Prospects

Chairman Colwell asked for highlights of the Commission's accomplishment this year to provide to the Governing Body to recognize officially. He said he asked the Commission members to brainstorm what they wish to strive for in 2020 and how to refocus their priorities. He mentioned that the information concerning the Commission on the Borough website is very outdated.

Chairman Colwell said he and Ms. Pergament thought because Mr. Mc Caffrey's lease with the Borough expires next year, it may be best to hold off on deciding on a new contract to allow for the Commission to analyze and reset its mission for Mac Bain Farm. He reminded that the creation of the Farm began 19 years ago with the Borough soliciting requests for proposals (RFP's); he said Mr. Mc Caffrey's was chosen and it has evolved into its current state. He said last year, the Commission's roster was overhauled and its new members may need an

additional 1 or 2 years to evaluate their vision for the Farm; he pondered if the Commission likes that it has become a planting experience for families. In speaking with former Borough Administrator, Erik Lenander, Chairman Colwell said he learned the Commission could go out to bid for RFP's at any time during the year to have ideas on how to enhance the Farm. He noted because of the tremendous time put into the Farm by volunteers in 2019, paid labor may be an option moving forward. With more knowledge and experience, he said the Commission would be better equipped to write a new lease for the Farm's caretaker. Ms. Pergament said apparently if there is no action taken upon the expiration of the lease, it would continue in effect. Chairman Colwell reminded that Mr. Mc Caffrey recently told the Commission in writing he wanted to his renew his lease. Ms. Lockhart said the Commission's response to him must be carefully considered, noting it is a partnership. Chairman Colwell said having printed copies of the Farm's mission available to the public would be beneficial. Ms. Bouton-Goldberg said she retained the original 3 RFP's received by the Borough at the inception of the Farm 2 decades ago and would supply them to the Commission. Chairman Colwell remembered that 1 RFP emphasized the site become a specimen tree farm.

Chairman Colwell asked that the Commission review who serves on which of its various committees in hopes of better organization. Ms. Pergament said the Commission should not have to solve every issue and discuss them in length during their regular monthly meetings when the committees are tasked with just that. Councilman Devlin concurred, noting the committees should be given deference unless there is a major objection on a particular matter under its authority; Ms. Lockhart stressed there should still be a free exchange of ideas by the Commission before a final decision is made. Chairman Colwell stressed the Commission needs to streamline its regular monthly meetings. Ms. Whitney agreed, saying the committee handling the annual Borough-wide Cleaning Effort gathered several times before reporting to the Commission with a simple overview of this year's event. Chairman Colwell reiterated that committees cannot consist of more than 3 members to prevent a quorum and, ultimately, an illegal meeting. He said, however, Associate Members of the Commission have no voting rights so they would not count towards the 3-person count of a committee. Ms. Bouton-Goldberg said she would give up her position as Alternate #2 to Ms. Rege so she could vote. Ms. Pergament questioned if Ms. Bouton-Goldberg also being the HPC Liaison would present a problem. Councilman Devlin replied it depends on when her term ends and if she would have to resign and be reappointed to a different position; he said the Borough Clerk should be consulted on whether it is best for such a change to occur before or after the 2020 Reorganization. Chairman Colwell said the only members up for reappointment are Ms. Abrams and Ms. Rege and the Borough Clerk was informed that both wanted to continue serving. The Commission agreed that any reassigning of Commission members would not be proposed until after the Reorganization. Chairman Colwell stated there should be committee(s) formed to oversee every passive park in Closter with respect to maintenance/improvements. Ms. Lockhart said a committee assigned to education and outreach should be considered separate from the Commission's goal of establishing an education program; Ms. Pergament agreed, saying such should be a part of the Farm's mission statement.

Liaison Reports

Governing Body

Councilman Devlin said amendments to Chapter 181 of the Borough Code, which regulates tree removal, were adopted.

Councilman Devlin said recently-installed signage listing rules for the public use of Schauble Park has been covered with paint and tape where revisions/omissions are needed, such as the incorrect rule "Adult Supervision Required". He said the DPW and Police Department are

rectifying the situation, which includes adding a “No Dumping” message; he said both the Commission and Governing Body would see the revisions before new signage is ordered. Mr. Isaacson felt all passive parks should have such signage installed on-site; Councilman Devlin said the Commission should 1st review that matter at its committee-level. Chairman Colwell said once the wording of the signage is accurate, more could be ordered for other locations.

Planning Board

Given Ms. Heymann’s absence, no report was given.

Shade Tree Commission (STC)

Ms. Lockhart said of the 48 street trees proposed for planting along thoroughfares, 11 abutting property owners refused 12 because they would be situated 15’ in from the curb line which is considered private, not Borough, land. She said the STC’s protocol is to place a flag at the subject site accompanied by a letter informing them of the intended planting based upon the Borough’s 6 election districts.

Ms. Lockhart said the STC is continuing to ensure Chapter 59 of the Borough Code, specifically as it relates to the planting of street trees by property owners performing new construction or major renovations, is enforced. She said the procedure assuring the STC is given plans to provide its planting recommendations for projects not requiring land use board approval is in place with the Building Department; she said such is vital for maintaining/improving Closter’s tree canopy. Councilman Devlin said a mechanism to make sure the STC’s requests are fulfilled prior to the issuance of a Certificate of Occupancy is to require a bond to ensure the continued health of the tree. He said the revised ordinance requires that a placard be posted on-site to inform the public of approved tree removal.

Historic Preservation Commission (HPC)

Ms. Bouton-Goldberg said that holiday festivities would be held at the Harold Hess Lustron House (421 Durie Avenue) on December 14th, an event celebrating the English rock band, The Beatles, is being planned for January as is a hat/bonnet display in March to celebrate Easter; she mentioned a leak in the House’s breezeway was repaired.

Plan Review

Planning Board

60 ANDERSON AVENUE: This is an application for Major Soil Movement Approval involving the construction of a new 1-family house. The Commission made the following comment: 1.) provide additional overall detail to conduct plan review.

86 MAC ARTHUR AVENUE: This is an application for Major Soil Movement Approval involving the construction of a new 1-family house. The Commission made the following comment: 1.) relocate proposed swimming pool to retain maple and beech trees slated for removal.

Adjournment

In response to Ms. Heymann’s recent warning about Phragmites, an invasive grass with feathery spikes that thrives near water, being in full bloom along Ruckman Road, Chairman Colwell said Mr. Dahle informed him the growth has been present in that area for roughly 20 years, but that it does regularly trim it back at least once a year; he said Mr. Dahle emphasized there is a culvert in the vicinity that drains into a waterway designated as Category One (C-1) by

the New Department of Environmental Protection (NJDEP), which means activities in and around it are highly regulated.

Chairman Colwell said that the DPW would address badly-needed tree maintenance at Schauble Park, in response to recent complaints from nearby residents, once curbside leaf pickup is completed throughout the Borough.

Referring to a local news article about a lawsuit filed on behalf of a child who died from a rare form of cancer possibly due to toxic soil (containing methyl tert-butyl ether (MTBE) benzene) found in the family's garden located next to a service station, Mr. Isaacson said there are many properties located in Closter that are deemed contaminated sites by the NJDEP. He suggested the Board of Health assist the Commission in educating the public about potential risks and precautions available. He said the Borough should strive for additional testing of sites such as the now-defunct Closter Swim Club property located on Blanch Avenue and 121 Schraalenburgh Road, the former site of a Supervalu service station located near the Abram Demaree Farm and Oradell Reservoir. He further suggested that there should be a Board of Health Liaison serving on the Commission to enhance communication between the 2 bodies; Ms. Pergament agreed, saying that is why she proposed an education and outreach committee be formed. Ms. Whitney said it would be best to target specific contaminants rather than sites for an education program. Councilman Devlin said the Borough Clerk is notified of all contaminated sites by the NJDEP; Ms. Whitney replied that the Borough could make such information (type of contaminants, date of discovery, status of remediation, etc.) more public. Mr. Isaacson said the sites should be posted on the Borough website; he said the Commission should be less proactive and serve more in an advisory capacity to the Board and Governing Body. Ms. Whitney said most of the contamination in question is likely decades old; she said there could be more education disseminated about residential heating oil storage tanks. The Commission agreed to contact the Board of Health.

There being no further items to discuss, a motion was made by Ms. Pergament and seconded by Councilman Devlin, to adjourn the meeting at 9:31pm. The motion passed unanimously.