

Environmental Commission

June 13, 2019 Meeting Minutes

Prepared by:
Paul Demarest

Opening Remarks

Chairman Colwell called to order, at 7:41pm, the Regular Monthly Meeting of the Environmental Commission for the Borough of Closter, New Jersey, convening Thursday, June 13, 2019 in the Council Chamber of Borough Hall.

Attendance

Present

Thomas Colwell- Chairman
Steven Isaacson- Full Member
Miriam Lockhart- Full Member
Grace Whitney- Full Member
Scott Devlin- Full Member/Council Liaison
Sophie Heymann- Full Member/Planning Board Liaison
Nancy Pergament- Full Member/Shade Tree Commission Liaison
Ethel Abrams- Alternate #1
Bobbie Bouton-Goldberg- Alternate #2/Historic Preservation Commission Liaison

Absent

n/a;

Minutes

The Commission did not vote on the minutes for the April 11, 2019 Meeting.

A motion was made by Mr. Isaacson and seconded by Ms. Heymann, to approve the minutes for the May 9, 2019 Meeting. The motion passed unanimously.

Ms. Pergament questioned if the Commission was mandated to have minutes of its proceedings which are quasi-transcribed or could they be a summary of action items only. Ms. Heymann answered the minutes are not required to be so detailed, however, she enjoys reading them and finds them to be a valuable tool for absent members and the public alike. The Commission agreed to table the discussion to a later date.

Treasurer's Report

The Commission did not discuss the Report.

Open to Public

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

Old Business

2019 Mac Bain Farm Land Use Plan

Chairman Colwell said William Dahle, Superintendent of the Department of Public Works (DPW), would gladly order a load (24 tons) of 3/4" clean gravel to stabilize the roadway on the Farm as requested by John Mc Caffrey, caretaker and resident of the Farm; however, he said Mr. Dahle asked that the Commission handles the associated paperwork beforehand. Chairman Colwell said the funds would either come from the Commission's operating budget or be considered part of Mr. Mc Caffrey's \$25,000.00 minimum requirement of annual farm-related labor/supplies stipulated in his contract with the Borough. He was certain the roadway on-site needs to be addressed given the recent harsh weather conditions and increased drainage, but the parking lot area may not require reinforcement at this time. Ms. Lockhart expressed frustration that the need for the roadway repair was not relayed to the Commission by Mr. Mc Caffrey last season to avoid having to scramble for funding this year. Chairman Colwell said there may have been repairs made to the pavement fairly recently which then washed away during this past winter; he said he would ask Mr. Dahle to acquire pricing of gravel for the roadway only (gravel for the shed ramp is still under consideration). Councilman Devlin said if the prices are reasonable, such as \$200.00, then the Commission's 2019 budget could handle such, but if they were in the range of \$2,000.00, then next year's budget would need to take the cost into account. Mr. Isaacson suggested the Commission ask Extech Building Materials Co. (100 Bogert Street) if it had any waste gravel/stone available. He also mentioned there is a huge pile of crushed concrete located at 44 East Madison Avenue in the Borough of Cresskill, originating from the recent demolition of the building which housed the restaurant, Hungry Peddler. He said the developer may be willing to give the material away; Chairman Colwell replied Mr. Mc Caffrey was not in favor of using concrete instead of gravel.

Chairman Colwell informed that he received the 2 most recent quarterly invoice reports from Mr. Mc Caffrey to substantiate his Farm-related labor and purchases, noting the Commission has 30 days to dispute any claims. He mentioned he had questions about the legitimacy of some charges and reiterated his contract with the Borough expires on July 31, 2020. He questioned the definition stated in the contract relating to required maintenance by the Farm's caretaker as opposed to what Mr. Mc Caffrey puts into the Farm above and beyond his requirement. For instance, he said Mr. Mc Caffrey charges for snowplowing on-site as part of his \$25,000.00 threshold. In speaking with Mayor John Glidden, Chairman Colwell said he was asked to approach the newly-hired Interim Borough Administrator, Edward Hynes, about the issue of the contract once becoming acclimated in 1 week or so. Chairman Colwell stated he and Ms. Pergament asked Mayor Glidden and the Borough Attorney, Edward Rogan, Esq., to advise the Commission about its overall role in potential contract renegotiations with Mr. Mc Caffrey. He said there should not be further discussion on the submitted invoices until it is determined which Borough official will be tasked with reviewing Mr. Mc Caffrey's charges on a regular basis.

Chairman Colwell informed that Mr. Mc Caffrey asked the stain for the newly-constructed shed be dark to match the residence on-site.

Ms. Lockhart distributed a spreadsheet she prepared which categorizes and assigns Commission members certain domains and tasks for operating Mac Bain Farm based on their

feedback; she said the 5 main categories are 1.) Caretaker Oversight; 2.) Storage/Supplies/Equipment; 3.) Volunteers; 4.) Publicity/Advertising; 5.) Signage/Printed Materials. Ms. Pergament said the Commission should review the document to assure there is an even distribution of responsibilities; Ms. Lockhart agreed saying it will likely be amended as the season progresses. Mr. Isaacson clarified he agreed to partake in designing maps and brochures; Ms. Bouton-Goldberg informed that she was in possession of old planting maps which could assist in preparing new versions. Mr. Isaacson said a computerized template of the Farm should be created so the planting plan can be amended easily throughout the season; Ms. Heymann agreed saying enhanced versions of the elementary sketches the Commission is currently utilizing must be more specific and documentative. Ms. Bouton-Goldberg said she has already completed a master inventory list of Farm equipment, which is mentioned in the spreadsheet. She said she has 2 shovels and 1 hoe but no rakes stored at her residence, noting she is awaiting a response from Mr. Mc Caffrey as to where the remaining tools are located; Ms. Lockhart promised to formalize Ms. Bouton-Goldberg's inventory notes into the spreadsheet. Ms. Pergament asked if 1 Commission member should oversee all 5 categories on the spreadsheet or if each category should be managed individually; Chairman Colwell said the Farm Committee, consisting of Ms. Heymann, Ms. Pergament and Ms. Lockhart, should conduct the oversight. Ms. Bouton-Goldberg said a padlock is needed for the new shed on-site in order for her to securely store Farm items she has had in her possession for quite some time; Chairman Colwell promised to handle the matter. Mr. Isaacson clarified the subcategory on the spreadsheet entitled "Repairs- design system for repair and maintenance" refers to creating a log to record actions taken rather than the actual repairs themselves, and he suggested a binder with carbonless copy paper be used to keep track of completed and desired tasks. He questioned if the Commission can utilize open space monies to buy farm tools; Ms. Heymann replied last year the Borough approved the purchase of 3 rakes, 3 hoes and 3 shovels for the Commission's use; Chairman Colwell noted there are funds available in the Commission's 2019 operating budget for such. Ms. Bouton-Goldberg said 1 of the 6 storage bins housed in the new shed is dilapidated. Ms. Pergament said such minutiae pertaining to the Farm is more appropriate for those tasked with that specific item as indicated on the spreadsheet rather than the Commission having to discuss it during its monthly meeting.

Ms. Lockhart suggested the Commission convene a 2nd meeting during each of the summer months, starting this year, in order to address the plethora of issues impacting Mac Bain Farm; Ms. Whitney questioned the need given the Farm Committee is supposed to handle such matters. Ms. Lockhart replied the workload is too much for the 3-person Committee to handle; she noted it intends to operate quite differently from the past in terms of enhancing communication and accountability with Mr. Mc Caffrey. Mr. Isaacson said the Commission should form a nonprofit, suggesting it be named "Friends of the Farm", and register it with the Internal Revenue Service as a 501(c)(3) organization to be operated by volunteers, thereby making it tax-exempt as well as eliminating concerns about quorums and public noticing. Ms. Heymann said the management of the Harold Hess Lustron House (421 Durie Avenue) operates as a nonprofit and is comprised of mostly Historic Preservation Commission (HPC) members; Mr. Isaacson reminded that the Northern Valley Earth Fair registered as a nonprofit as did a coaches' association affiliated with the Recreation Commission. He said the Fair converted to a nonprofit in only 2 days; Ms. Heymann disagreed, saying the HPC experienced a lengthy and costly process in order to make its management of the House a nonprofit. She questioned the need for the Commission to create a nonprofit being the Farm does not solicit money from the public; as an alternative, she volunteered to organize an informal club to concentrate on Farm matters which would have no authority, and any of its requests would require Governing Body approval. Ms. Pergament expressed confusion how the Commission can now rationalize that its proposed club, consisting of any number of its members, can gather without fear of it constituting an illegal meeting having no prior public notification whereas in the recent past, it always avoided gathering more than 3 Commission members at Borough Hall or

off-site to avoid having a quorum. Mr. Isaacson replied the Commission simply needs to declare the "Friends of the Farm" has been established and suggested it gather next week. Ms. Pergament noted there are many tasks that need to be addressed before the Commission's next regular monthly meeting on July 11th. Mr. Isaacson suggested the Commission gather 1 hour before or after its upcoming orientation for new Farm volunteers which is slated for later this month.

A motion was made by Ms. Pergament and seconded by Mr. Isaacson, to have the Commission convene 3 additional monthly meetings this summer, specifically, June (specific date will be determined via email), July 25th and August 22nd, strictly for the purpose of discussing Mac Bain Farm issues. The motion passed with Ms. Heymann voting no.

The Commission agreed to hold its orientation for new Farm volunteers on June 29th from 10:00am and 11:00am.

The Commission agreed that the 2019 season opening of Mac Bain Farm would be on July 3rd.

Mr. Isaacson suggested the Commission hold a crop-picking event annually, commencing next year, at the start of each planting season to garner public awareness and solicit volunteers for the Farm; he felt such would nicely compliment the Harvest Festival which is held at the end of the season in October. Ms. Heymann noted that July 3rd would be a soft opening given much of the crops will not be ready for picking and many people would likely be on summer vacation.

As a cost saving measure, Councilman Devlin pointed out that the Borough would not be required to have a notice published in 2 designated local newspapers to advertise the 3 additional Commission meetings being held this summer, and the Borough can prepare its own affidavit; he explained municipalities often misinterpret what the New Jersey Open Public Meetings Act requires of them, saying the notice must merely be sent to the 2 newspapers to post on their bulletins (publication is not mandated). He promised to discuss the issue with the Borough Clerk, Loretta Castano. Ms. Pergament stated as per Ms. Castano, all Borough-sanctioned meetings must be held in the Council Chamber of Borough Hall so the proceedings can be digitally recorded.

The Commission agreed that it would take its own summary notes for the 3 additional meetings it will hold this summer in lieu of official minutes being prepared which is customary for its 12 regularly monthly meetings.

Chairman Colwell said improved communication between the Commission and Mr. Mc Caffrey is of utmost importance. After several failed attempts to contact the Farm's caretaker, he said he was informed by Mr. Mc Caffrey that there is no tree nursery established at the Farm. Chairman Colwell noted that he recently placed pine seedlings in the ground on-site to keep them moist, so the only explanation is that Mr. Mc Caffrey plowed them by accident; he said he had also tied a bag of seedlings to the shed door. He believed the best approach to getting Mr. Mc Caffrey's attention is to continue sending him notification via certified mail/return receipt, and if his appearance is required at a Commission meeting, it should be mailed 1 week prior to the meeting. Ms. Pergament said Mr. Mc Caffrey's nephew had to be contacted recently to assure that he was not having a medical emergency, which would have necessitated Farm coverage in his absence.

Ms. Heymann said while the crop row spacing this year at Mac Bain Farm may not be 5', it has certainly increased from previous years and will accommodate the width of a tiller but not negate weeding by hand. Ms. Lockhart said Mr. Mc Caffrey agreed to plant 20% less this season to curtail the weeding problem, however, he failed to respond to several inquiries by

individual Commission members. Ms. Heymann said she interpreted 20% less to mean less planted not less plants, and being the rows are wider, it equates to 20%. Ms. Pergament noted the proposed tree nursery on-site was intended to be part of the reduction in planting. Ms. Bouton-Goldberg said he failed to install pathways as requested, noting an entire semi-circle area has no intersections; Ms. Heymann agreed, saying the area is too large to travel from 1 end to the other. On a positive note, Ms. Bouton-Goldberg said Mr. Mc Caffrey installed far more tomato stakes this year.

Chairman Colwell said another measure that can enhance communication with Mr. Mc Caffrey would be to assign 1 member of the Farm Committee to be the Commission's sole contact with him, which would eliminate confusion caused by several people reaching out to him. Ms. Lockhart reiterated the Farm's domain and task spreadsheet indicates Ms. Heymann and Ms. Pergament are to coordinate interaction with Mr. Mc Caffrey; the Commission agreed both will serve as the point persons moving forward.

Mac Bain Farm Volunteers

Ms. Lockhart asked the Commission to comment on the welcome letter she drafted for distribution during the orientation for new Mac Bain Farm volunteers; she said the document is enthusiastic but purposefully vague so not to discourage newcomers. Mr. Isaacson said the memo indicates the Farm would be open to the public 3 days a week, but he felt it should be 1 day only for the public and 3 days weekly for volunteers only. Ms. Heymann replied that at its inception, the Farm was open to the public 5 days a week, and approval by the Governing Body was required when the Farm reduced public access to 3 days weekly; Ms. Lockhart countered, saying the Governing Body relinquished administration of the Farm and gave it to the Commission in 1999. Ms. Pergament and Ms. Heymann said the memo should indicate that any questions the public may have, including alternatives for those wanting to volunteer but cannot attend the June 29th orientation, should be sent to Ms. Lockhart. Councilman Devlin said he would obtain the password to access the portal on the Borough website so Commission members can read and send email via its own email address (envcomm@closternj.us). Mr. Isaacson said the Commission can create a Facebook page for "Friends of the Farm"; Ms. Lockhart stressed the added publicity would only add to the problem of non-residents picking at the Farm. Mr. Isaacson responded the page could be set up for a private group only or so that only an administrator can post online. Ms. Whitney informed that through networking during the recent Borough-wide cleaning effort and Northern Valley Earth Fair, the Commission collected 83 email addresses for 135 people showing interest in volunteering at the Farm.

Chairman Colwell believed the Commission should budget next year for the hiring of children to work at the Farm and perform simple tasks such as weeding by hand and monitoring the front gate; he thought an hourly rate of \$10.00 would be reasonable; he revealed the Recreation Commission regularly employs children ages 14+ to serve as summer camp counselors for its 1/2 day program. Ms. Permanent pondered if adult supervision would be required for underage workers as was the case with the high school senior student service program.

Schauble Park Complaints (Tree Maintenance & Illegal Bicycle/Motorcycle Activity)

Chairman Colwell said the Commission needs to reschedule a gathering at Schauble Park, which had been slated for April 20th, to evaluate its trails and surrounding woodlands in response to surrounding neighbors' complaints about tree maintenance and illegal use of the grounds as bicycle/motorcycle obstacle course(s); he noted the Governing Body would be invited to join in on the tour. He said he walked the blue-blazed trail earlier today and confirmed fallen tree(s) still block path(s); he promised to contact the DPW to abate the condition. Furthermore, he said he viewed a wheel barrow, shovels, debris, etc. on-site, a clear indication that illegal bike activity persists. Ms. Heymann said she spoke with the outgoing Chief of the Police Department, Dennis Kaine, who emphasized that his officers could only take action if an

offender is caught in the act; she said that is why the surrounding property owners must be vigilant and inform the Department immediately upon seeing wrongdoing. Mr. Isaacson asked if the Governing Body needs to adopt an ordinance to facilitate enforcement. Ms. Heymann answered in the negative, saying the Department previously chastised offenders in major ways. Mr. Isaacson said the Borough should simply dismantle/remove the illegal structures that were built on public land; Ms. Heymann agreed, saying the Borough would be merely returning the property to its natural state. However, she said there is a part of the population that is not adverse to children having an outlet to be active outdoors, a plus in today's age of computers which often leads to the youth becoming lazy and sedentary; Chairman Colwell agreed, but stressed the illegal structures on-site are very dangerous.

The Commission agreed to meet on the corner of Bergenline Avenue and Haring Street on June 20th at 6:30pm to tour Schauble Park, noting there would be ample sunlight to view the conditions.

New Business

Ms. Pergament said the Commission recently received a complaint from several residents living on Haring Street regarding dumping of yard debris into Schauble Park; the Commission agreed to investigate the matter during its upcoming tour of the Park and evaluate if additional signage stating dumping is illegal would be beneficial.

Liaison Reports

Governing Body

Councilman Devlin said Mr. Hynes was previously employed by the City of Englewood as its City Manager; he anticipated that the Borough's purchasing process and coordination of financing projects will improve greatly under his watch.

Councilman Devlin congratulated Ms. Whitney on the Governing Body recently elevating her from Associate Member to Full Member.

Planning Board

Ms. Heymann said there were no new matters to discuss.

Historic Preservation Commission (HPC)

Ms. Bouton-Goldberg said a landscape plan has been prepared for the Harold Hess Lustron House, with planting on-site soon to follow. She reminded that the site is open to the public the 2nd Saturday of every month. Ms. Heymann expressed joy over the consistent public interest in the landmark site.

Ms. Bouton-Goldberg said the private collection of former Borough Historian, the late Orlando Tobia, would be permanently relocated from the House to the Closter Public Library.

Shade Tree Commission (STC)

Ms. Pergament said the STC is trying to ensure compliance with Chapter 59-4B of the Borough Code, which regulates the planting of street trees for project involving new construction and major renovations; she said the species, size and location of the plantings are the sole discretion of the STC. Councilman Devlin said there would be a gathering of relevant officials at Borough Hall on June 21st to resolve why enforcement is not occurring and whether the ordinance needs to be amended. Mr. Isaacson questioned if developers and property owners

could seek a waiver of the planting requirement as is often attempted with curbing and sidewalk installations; he stressed the fact that the Borough has been losing out on so many tree plantings along its thoroughfares, makes the establishment of a tree nursery at Mac Bain Farm even more important. Ms. Pergament said the STC has compiled an official list of tree planting recommendations based on both science and aesthetics for a particular location. Ms. Lockhart informed that the Borough of Demarest is contemplating its 1st ordinance pertaining to tree removal. She informed that 50% of Closter's street trees are tall hardwood species located on the side of thoroughfares where utility poles are not present while the other 50% is comprised of shorter ornamental species situated below utility poles.

Chairman Colwell said Chapter 181 of the Borough Code should also be reviewed to eliminate the provision stating trees removed from the footprint of a future building or driveway/parking lot are not subject to mitigation.

Ms. Pergament said the STC recently heard from a local teenager with an interest in landscape design who wishes to get involved with the Borough. She said the STC suggested he prepare an inventory of trees lining the thoroughfare on which he resides. She asked if the Commission had any recommendations. Mr. Isaacson replied he could design and construct a water feature at Pollack Square, a passive park located at the intersection of Closter Dock Road and Piermont Road which is an open field and would be greatly enhanced aesthetically; he said the feature could be in honor of Closter's volunteers, both past and present.

Regarding Richard Lamb (533 High Street) offering to donate a 7' high walnut tree sapling having a caliper measurement of roughly 1½", Councilman Devlin stated George Futterknecht, a STC member and landscaper by trade, explained the species cannot be easily transplanted due to its taproot structure, and the tree's nuts falling onto the thoroughfares and sidewalks would create a public nuisance; he noted while the nuts are edible, they are not flavorful. Ms. Lockhart suggested the walnut tree be part of the proposed tree nursery at Mac Bain Farm while Mr. Isaacson said it can be planted in Pollack Square.

Plan Review

Planning Board

130 HERBERT 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.) insufficient depiction of proposed tree removal to critique.

132 HERBERT 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.) insufficient depiction of proposed tree removal to critique.

86 WAINWRIGHT AVENUE: This is an application for Major Soil Movement Approval involving the construction of a new 1-family house. The Commission had no comment.

29 HAWTHORNE TERRACE: 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.) proposed tree removal equates to clear-cutting and should be prohibited.

178 ALPINE DRIVE: 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.) insufficient depiction of proposed tree removal to critique.

174 DURIE AVENUE: This is an application for Major Soil Movement Approval involving the construction of a new 1-family house. The Commission had no comment.

Adjournment

Councilman Devlin said he recently attended a meeting on deer management which had roughly 40 animal rights protestors present. He said representatives of both the New Jersey Division of Fish and Wildlife and Animal Protection League of New Jersey spoke. He said the deer breeding season and hunting methods were discussed in detail. He noted that the most common non-lethal method, birth control, is only efficient if at least 90% of the deer are fixed, not to mention it is very expensive. He revealed the Borough of River Vale averages 1 automobile accident per week as a result of it being home to a herd of 600 deer. He stated in New Jersey, shot guns can be fired if a minimum of 400' from structures and bow hunting can take place no closer than 100' from structures. Councilman Devlin said the consensus of those in attendance was that municipalities must be cautious especially since Bergen County is densely populated, unlike Sussex and Warren Counties; he said River Vale, a more rural community than most in the County, would likely sanction a bow hunt within its borders sooner rather than later. He found it hypocritical that the State of New Jersey prohibits hunting on its land but has no problem dictating what municipalities should do on theirs; Ms. Heymann, a member of the Palisades Interstate Park Commission, agreed. Councilman Devlin summated that the Northern Valley, which consists of 15 municipalities, is of the opinion that the deer problem should be addressed regionally, not locally. Chairman Colwell said the water utility, Suez North America, is willing to allow a deer hunt on its vast land surrounding Oradell Reservoir. Mr. Isaacson reminded that the Borough of Rockleigh may have conducted a hunt in recent years.

Ms. Heymann said she and Ms. Pergament recently attended a seminar hosted by the Association of New Jersey Environmental Commissions (ANJEC); she said she was impressed with the ANJEC staff, which was very engaging and knowledgeable. She handed out an ANJEC handbook which she hoped the Commission would order copies for each member. She said some of ANJEC's suggestions for Closter are 1.) provide environmental games at Harvest Festival; 2.) publicize ANJEC website (all Borough employees must view online course about storm water management); 3.) compare Borough's definition of impervious coverage with that of ANJEC; 4.) request ANJEC's assistance with environmental impact statements for large construction projects. Ms. Pergament mentioned the Commission will be required to help the Borough formulate its environmental resource inventory when the Planning Board reexamines the Master Plan. Councilman Devlin pointed out the Borough would gain several points towards the Sustainable Jersey certification program once it had such an inventory; Ms. Heymann pointed out the Borough may need to retain a consultant to prepare such an inventory.

There being no further items to discuss, a motion was made by Mr. Isaacson and seconded by Ms. Pergament, to adjourn the meeting at 9:40pm. The motion passed unanimously.