

Environmental Commission

November 14, 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, November 14, 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
Bobbie Bouton-Goldberg- Alternate #2/Historic Preservation Commission Liaison

Absent

Ethel Abrams- Alternate #1

Minutes

A motion was made by Ms. Lockhart and seconded by Ms. Pergament, to approve the minutes for the October 10, 2019 Meeting with unnoted 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 said Eagle Scout candidate, Connor Goranson, who recently constructed the replacement shed at Mac Bain Farm, confirmed he would also build a picnic table for on-site;

after deducting the cost of associated material for the table, he said the total remaining balance of the Commission's operating budget would be \$55.12.

Old Business

Mac Bain Farm

Chairman Colwell said he, William Dahle, Superintendent of the Department of Public Works (DPW), Edward Hines, Borough Administrator and John Mc Caffrey, caretaker and resident of the Farm, met recently with Mark Schwartz, operator of Precision Sprinklers & Outdoor Lighting, LLC at the Farm; he said Mr. Schwartz promised to submit a detailed plan of the proposed irrigation system by November 30th, but he needed to know the water pressure at Hickory Lane, which would be investigated by Mr. Dahle. Ms. Pergament said Mr. Mc Caffrey and Mr. Schwartz would be taking field measurements next week.

Chairman Colwell said the DPW would remove the branch of an apple tree that fell onto a northeastern section of fencing at the Farm, at which point, Dimick Fence Co. would review the overall condition of the fencing during the wintertime when all of the trees' leave have fallen and provide an estimate for repairs to be made in the spring of 2020; he reminded that open space funding exists for such repairs. Ms. Lockhart said all of the points at which deer enter the Farm have not been found. She further commented that a 2nd branch of the same apple tree which cause fence damage is very porous and about to break off, thus, the entire tree should be removed unfortunately; Ms. Heymann reminded that said tree and the row in which it is situated consists of transplants from other areas of the Farm. She said if the tree were to be cut down in its entirety, the row would still consist of 5 trees.

Chairman Colwell said Ms. Lockhart would be distributing a letter of thanks to Farm volunteers for their efforts in 2019.

Chairman Colwell said in order to stain the exterior of the new shed, it would have to reach at least 50°F outside.

Ms. Lockhart said the Farm Committee would gather on November 17th to begin preparing a planting plan for next year.

Ms. Pergament informed that the owner of 22 Mc Cain Court removed a tree that was leaning over its shared property line and onto the Farm's driveway; she said a Commission letter thanking the property owner for a prompt response was warranted. Also, she said upon several complaints from neighboring property owners, Mr. Mc Caffrey removed bamboo from the farmland, and he will further treat affected areas on-site in the spring. Mr. Isaacson revealed that he recently spent \$30,000.00 to remove bamboo from his own property. He also informed that an 85' tall tree rooted on his neighbor's property fell onto his yard a few years ago, resulting in his own homeowner's insurance policy being activated, not the neighbor's. Ms. Bouton-Goldberg noted if Mr. Isaacson had informed the neighbor in writing prior to the incident about the hazardous condition, then the responsibility for cleanup and damages would transfer to the owner of the parcel where the tree was rooted.

Chairman Colwell said he and Ms. Lockhart collected all of the metal stakes identifying crops and placed them along with red buckets and leftover paint cans, bags, tarp, etc. on the upper shelf in the new shed at Mac Bain Farm, separate from Mr. Mc Caffrey's mechanical equipment.

A motion was made by Ms. Lockhart and seconded by Mr. Isaacson, to purchase both large bins for securing Mac Bain Farm items in the shed on-site from animal infiltration and caution tape. The motion passed unanimously.

Ms. Lockhart questioned if the benches and planters scattered throughout Mac Bain Farm could be stored in the shed during the winter months; Chairman Colwell replied there is not enough space available. Mr. Isaacson said they could be collected together outside with a tarp placed over them as an alternative; Ms. Heymann responded that if moisture were to get under the cover, more damage would be caused to the benches and planters than if they were left exposed to the elements. The Commission agreed that the stakes and benches would be stored in the shed with the planters remaining uncovered outside during wintertime.

2019 Harvest Festival

Chairman Colwell reiterated what a success this year's Festival was and congratulated the Commission's on its efforts.

Trail Maintenance & Improvements

Ms. Heymann said she would ask Kevin Riley, a Board member and Grounds Manager of the Borough of Demarest Nature Center, who in past years provided substantial trail maintenance for the Commission, if he would be interested in doing more next year. She said there is a plethora of fallen trees blocking trails throughout Buzzoni Farm Park. She said the DPW performed some basic cleanup last winter, however, a trail specialist such as Mr. Riley, would be optimal. Chairman Colwell said there are open space funds available for such. He noted if Mr. Riley were to continue to take issue with providing the required insurance documents to the Borough in order to be hired as a vendor, Todd Bradbury, a member of the Shade Tree Commission and owner/operator of a landscaping contracting business, could possibly handle the trail work involved; Ms. Heymann disagreed, saying trail maintenance and improvements is a specialized field regulated by the New York-New Jersey Trail Conference, which is comprised of both professionals and volunteers. She said the Nature Center pays a tremendous amount for the Conference to perform trail work on its grounds. She stressed that Mr. Riley was trained by the Conference and if he agreed to continue working for the Commission, it would be a bargain (he previously was paid \$25.00 per hour). Ms. Heymann said the \$6,000.00 in open space funds would not be nearly enough when considering the trail work will involve installing boardwalks, etc. She said the DPW, not Mr. Bradbury, should handle any tree removal. Ms. Lockhart agreed that the rebuilding of paths and bridges should be categorized as a separate task. Ms. Pergament questioned if the Commission should search for a vendor now in case Mr. Riley is not available, avoiding further delays. Councilman Devlin said because the Borough recently hired a very competent Administrator and Qualified Purchasing Agent, Mr. Riley could be given 1 more opportunity to fulfill what is required to go into contract with the municipality.

Chairman Colwell said he had yet to contact the DPW about removing fallen trees both in Schauble Park, brought to the Commission's attention by frustrated nearby residents, and behind the Stop & Shop supermarket (400 Demarest Avenue).

Ms. Lockhart agreed to contact the New York-New Jersey Trail Conference for estimates; Ms. Heymann revealed it has a new Executive Director.

Sustainable New Jersey Certification

Ms. Whitney said that after reviewing the Commission's existing application to the certification program, she found the 1st step was completed via a 2009 Commission vote, with an updated application completed in 2013. She said she read all of the action items involved (completed and outstanding) and itemized whichever were expired/no longer qualified and those which are considered ongoing with updates required to be seen to fruition, noting several items relating to

Mac Bain Farm are influx. Ms. Whitney said she is awaiting feedback from both Sustainable New Jersey as well as the Environmental Commission of the Borough of Wyckoff, which recently obtained its 2nd Silver certification. She stressed there are time limits on most of the action items, usually 12 months to 18 months with some expiring after 5½ years depending on the activity. She said an official action item checklist is warranted to outline what is realistically achievable by the Commission in a short timeframe. Ms. Whitney said the program's application cycle is posted online, and she aimed to submit a new application by June 2020 or 2021; she said the program would then allow for a revised application to be submitted in September for ongoing activities such as Mac Bain Farm items, a practice she felt was more helpful in the certification process. Ms. Whitney said recertification is required every 3 years. She said the Boroughs of Paramus and Westwood are Bronze-certified. In response to Mr. Isaacson mentioning the Northern Valley Earth Fair is a 7-municipality effort, she promised to inquire if the program would authorize certification regionally as well as at the local level. Ms. Heymann said the Fair should be used for purposes of Closter's certification.

Buzzoni Farm Park Fencing

Chairman Colwell said he had yet to discuss with Mr. Dahle the installation of a split-rail fence to better decipher the open space from the unimproved portion of Blanch Avenue; he noted there are open space funds available for the project.

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

Ms. Heymann reiterated that 3 years ago the Ordinance Committee was provided examples of ordinances adopted by other New Jersey municipalities with respect to polystyrene foam bans, and Closter still has taken no action on the matter. She said she would forward other draft ordinances endorsed by the Association of New Jersey Environmental Commissions (ANJEC). She emphasized that the type of foam in question is the worst of all plastics because it does not deteriorate. She said such bans are commonplace these days. She believed Commission members should attend the Governing Body's next meeting to express the urgency for a ban. Councilman Devlin mentioned that the received sample ordinances include a ban on plastic cutlery to which Ms. Heymann replied such would eventually be pursued after a foam ban was accomplished. Councilman Devlin hoped the topic would be discussed at the next Committee meeting in January. Mr. Isaacson reminded that the Borough of Haworth passed a similar ban only to rescind it after an outcry by businesses. He recommended the Commission research alternatives to polystyrene foam before proposing a ban so merchants have affordable options as replacements, thereby, eliminating much of the anticipated resistance. He mentioned that Whole Foods Market uses wax-coated cardboard containers, and the City of New York has virtually phased out plastics altogether. Ms. Lockhart and Ms. Pergament agreed the Commission should take advantage of ANJEC as a resource for writing its ban as well as finding viable alternatives to foam. Ms. Whitney believed that hard plastic is much more prevalent than foam; Ms. Lockhart reminded that foam packaging is used by supermarkets for their meat departments as do coffee retailers like Dunkin' Donuts. Ms. Heymann said in order for a ban to be implemented, merchants would have to be allowed to use up all of their existing supplies of foam packaging so not to be wasteful, noting the Senior Citizens Center recently ordered 5,000 foam cups. Ms. Lockhart emphasized there needs to be an example set in everyday life for the public to get off its dependence on plastics.

New Business

2020 Commission Meeting Schedule

At the request of the Borough Clerk, Ms. Pergament said she drafted the Commission's calendar for next year, noting she included 2 meeting dates per month to be proactive so that if it wishes to convene more than 1 meeting in a particular month, a last-minute public notification

and an additional expense would not be necessary since the Borough Clerk would be advertising for 24 total meetings in December; she said all secular and religious holidays, as well as Borough events, were taken into consideration when selecting the 2nd additional meeting date each month. The Commission agreed it would strive never to cancel its regular monthly meeting which occurs on the 2nd Thursday of each month.

A motion was made by Chairman Colwell and seconded by Ms. Heymann, to approve the Commission's 2020 Regular and Special Meeting schedule. The motion passed unanimously.

A motion was made by Ms. Lockhart and seconded by Mr. Isaacson, to have the 2020 Borough-wide Cleaning Effort and Harvest Festival held on April 4th and October 17th respectively. The motion passed unanimously.

2020 Commission Operating Budget

Chairman Colwell distributed a draft of the Commission's 2020 operating budget proposal as prepared by him and Ms. Heymann, totaling \$6,540.00, a 23% increase from the \$5,290.00 adopted by the Governing Body for 2019. He said open space funding requests for next year would include the proposed irrigation system at Mac Bain Farm and much needed repairs of the house on-site; Chairman Colwell questioned if the Historic Preservation Commission (HPC) would have oversight of the residence given the structure was recently deemed a Historic Landmark by the Governing Body while the surrounding farmland remains under the auspices of the Environmental Commission. Ms. Heymann opined the HPC would not. She informed that there is a non-matching grant (full amount awarded averages \$20,000.00) available for an architect to review what is needed for preservation of historic structures, for which the application deadline is January 2020; she noted the HPC was awarded the same grant, which amounted to \$24,000.00, a few years ago to pay for a design professional to prepare a preservation plan for the Harold Hess Lustron House (421 Durie Avenue). Ms. Heymann agreed to write said grant application which would be a co-sponsored HPC/Commission request. Mr. Isaacson questioned why the Commission would involve itself in repairs for a building located in a Borough park, believing the municipality should be responsible; Ms. Heymann disagreed, saying Mac Bain Farm is a passive park. Ms. Bouton-Goldberg urged both Commissions file the grant application to enhance the odds of being awarded. Chairman Colwell mentioned Mr. Mc Caffrey's existing contract with the Borough states the residence is under the Commission's authority; Mr. Isaacson said the subject clause in the contract should be clarified when it expires in August 2020.

In response to Ms. Bouton-Goldberg inquiring about hiring a grant writer, Councilman Devlin said a vendor recently presented to the Governing Body, and its service comprised of web portal access to available grants for an annual fee of \$8,000.00; he said for actual grant writing services, the vendor would bill at \$100.00 to \$150.00 per hour). He said the Mayor and Council believed the cost outweighed the benefit. Ms. Heymann stressed the purchasing of web portal access would be wasteful because she, and any other Borough employee or volunteer, can directly access all grants being offered and advertised by federal, state or local bodies. She noted that Mr. Mc Caffrey had been asked previously to conduct the needed Mac Bain Farm house repairs when funds had been available, but he failed to do so.

Chairman Colwell said he and Ms. Heymann felt the Commission should refrain from taking on any additional large-scale projects in the coming year. With respect to the subaccounts within the Commission's 2020 operating budget, he said Mac Bain Farm would be increased keeping in mind larger purchases such as gravel for the Farm's roadway and material for building the picnic table were completed using 2019 funds. As for the Harvest Festival, he said there are 80 participants in the Recreation Commission's Challenger disability program, which would have resulted in too many attendees to cater to at this year's Festival if the Commission extended an

invitation on such short notice. Chairman Colwell said the Commission could host a separate "Farm Day" specifically for the Challenger program members to enjoy the handicap accessible areas of the Farm; as a result, he said the Harvest Festival warrants an increase. He explained the afterschool/weekend program accepts ages up to 21 regionally. Ms. Heymann suggested a new subaccount be added to the Commission's operating budget for the Challenger program, which she assumed would be approved by the Borough given the program has universal appeal; Chairman Colwell said the Commission should review the feasibility of such during the next year before requesting a new budget line item for it; he noted if the Commission were to decide it can handle a "Farm Day" in 2020, there would be extra monies in Miscellaneous to absorb the cost. Mr. Isaacson and Ms. Lockhart inquired about the Recreation Commission funding such an event given it oversees the Challenger program. The Commission agreed, irrespective of a potential "Farm Day", that the Harvest Festival should be increased to cover existing expenses as a result of greater public interest in the Farm altogether as of late. Ms. Lockhart disagreed that the subaccounts for the Farm and Festival should both have the same funding (\$1,500.00) since the former is a 5-month long obligation while it is open to the public and the latter is merely a 1-day event. Ms. Pergament said there may be pushback to a large increase in the funding of the Farm because Mr. Mc Caffrey's contract obligation calls for him to provide at least \$25,000.00 in Farm-related labor and expenses annually in exchange for residing on-site free of charge. Chairman Colwell said he envisioned inviting those in the Challenger program to the Harvest Festival prior to the idea of having a separate event. Ms. Heymann believed they should come along with those attending the Harvest Festival like the Recreation Commission does for its sports/activities instead of segregating them from those without disabilities; besides, she said, to hold a separate event for the Challenger program would require a tremendous amount of supervision; she noted, however, the disabled sometimes do not thrive in a highly-populated environment such as the Festival. Mr. Isaacson suggested the members of the Challenger program be invited to the Festival the day before the event opens to the general public. Chairman Colwell said the Commission's budget proposal was due yesterday, and since its vision for involving the Challenger program into the Festival is not completely thought out, he advised against amending the budget proposal; he promised to discuss the matter with James Oettinger, Chairman of the Recreation Commission.

A motion was made by Ms. Heymann and seconded by Ms. Pergament, to approve the Commission's 2020 operating budget as drafted by Chairman Colwell and Ms. Heymann. The motion passed unanimously.

Mr. Isaacson stressed it would be behoove the Commission to get the Borough's blessing to fundraise if its budget were completely spent in a given year; Councilman Devlin disagreed, saying there is sufficient funds proposed for next year and explained that fundraising rights require a cash management plan, etc.

Mr. Isaacson asked if the Building Department could inspect the Mac Bain Farm residence to evaluate what requires rehabilitation. Ms. Heymann reiterated that the condition of the side porch's pillars have long been of concern. Ms. Pergament said Mr. Mc Caffrey provided her with a list of repairs and upgrades for the house, but no pricing; she noted the temporary pillars, shoring up the roof of the side porch in lieu of permanent columns, have been present for several years now. She noted the storm windows and gutters also need fixing. Ms. Pergament said he regularly stains the exterior siding with turpentine and preserves it with linseed oil. Ms. Heymann said the HPC would need to approve the materials used for any exterior work. She reminded that open space funds can be used for all open space projects as well as those involving historic sites. The Commission agreed to give Mr. Mc Caffrey 6 months to provide a thorough inventory of what repairs are needed for the residence, at which point, the outcome of their grant application would be known. Mr. Isaacson questioned if the HPC has jurisdiction

over the residence if it is not visible from Hickory Lane; Ms. Heymann said it does because the public can see the structure once on-site.

Liaison Reports

Governing Body

Councilman Devlin said the Borough is proposing amendments to Chapter 181 of the Borough Code, which regulates tree removal. He summarized the would-be changes: 1.) require mitigation for trees removed within proposed footprint of building; 2.) increase payment per tree lieu of planting from \$300.00 to \$650.00 or market value whichever is greater; 3.) discourage/prevent tree removal preceding filing of land use board application; 4.) require additional information on application form including licensing documentation, written scope of work and land survey; 5.) require cash bond if more than 3 trees are removed in 2-year period; 6.) require Borough Engineer review of soil erosion and sediment control if more than 5 trees are removed in 2-year period. Chairman Colwell questioned the protocol if the tree removal is justified due to a hazardous condition, etc.; Councilman Devlin replied the existing provision not requiring a permit fee or mitigation for 2 or less tree removals in a 2-year period would remain and safety concerns negate mitigation. With respect to a tree being located too close to a building, Councilman Devlin was uncertain if such constitutes a hazardous condition.

Councilman Devlin said the Governing Body recently denied a request by a micro-schooling establishment (Acton Academy of Bergen County), located at 300 High Street, for its students to use certain active/passive parks in the Borough during gym classes and lunch recess.

Councilman Devlin said the Police Department are handling the design and installation of signage for Schauble Park, opting to list all prohibited items/actions rather than strictly stating motorized vehicles and dumping yard waste are illegal as intended by the Commission. He summarized the listed items mentioned: 1.) clean up after pets; 2.) closing time is at sunset; 3.) use playground at own risk; 4.) adult supervision is required; 5.) do not litter; 6.) fires are prohibited; 7.) horseplay is prohibited; 8.) beverages and glass containers are prohibited. The Commission agreed that the rule stating the Park closes at sunset should be eliminated because there are light poles near the ballfields as should the requirement of adult supervision. While deferring to the Department on enforcement, Councilman Devlin said relevant ordinances will not be cited on the signage. Ms. Pergament noted recent complaints filed by residents living around the Park concerned motor vehicles, dog and yard waste. Chairman Colwell reminded that a past issue with enforcing illegal dumping had been the lack of ordinances being cited on signs.

With respect to the proposed Northern Valley Greenway, Councilman Devlin said the proposed Bergen County Parks Master Plan was released, but the Greenway was only mentioned in passing; before its adoption, he informed that the Plan is undergoing its public comment period until November 21st and comments are encouraged.

Councilman Devlin said Mayor John Glidden verbally appointed Krishna Rege (15 Colgate Street) during a recent Governing Body meeting but because the appointment was not listed on the agenda, he was uncertain if it is official but assumed she would be an Associate Member.

Planning Board

Ms. Heymann said there were no new matters to discuss other than emphasizing the importance of the Commission's plan review comments which the Board regularly takes into consideration.

Shade Tree Commission (STC)

Ms. Lockhart said the STC recently encouraged the Borough's Certified Tree Expert to take the strictest approach when enforcing tree mitigation.

Ms. Lockhart said the STC is attempting to guarantee enforcement of 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. She said there is still a procedural obstacle pertaining to those projects not requiring land use board approval, which often results in the STC not being given an opportunity to provide its planting recommendations.

Historic Preservation Commission (HPC)

Ms. Bouton-Goldberg said landscaping as well as some hardscapes have been upgraded at the Harold Hess Lustron House (421 Durie Avenue). She informed that holiday festivities would be held there on December 14th, and an event celebrating the English rock band, The Beatles, is being planned for January.

Plan Review

The Commission did not receive any land use board applications for its consideration.

Adjournment

Chairman Colwell mentioned that a \$2,000.00 grant is available for acquiring radon test kits, which cost \$10.00 each, for a total of 200 kits; he clarified that the test results cost \$40.00 each, which is not included in the grant. Ms. Heymann stated the previously-tested radon levels for Closter overall are extremely low, the data of which is verifiable through state and county maps. The Commission decided it would not pursue the grant.

Ms. Heymann said Phragmites, an invasive grass with feathery spikes that thrives near water, is in full bloom along Ruckman Road; she said its root system is more difficult to control than bamboo. She urged the Borough to address the issue; Chairman Colwell said he would discuss the matter with Mr. Dahle. She said the Commission and the greater public need to be more cognizant of damage caused by invasive plants and the disappearance of those native. She informed that the Palisades Interstate Park Commission, of which she is a member, recently had to vacate an entire section of plantings in Bear Mountain State Park because of the Japanese barberry. She pointed out that deer tend to eat native, not invasive, plants. She warned such will lead to a monoculture of wrong vegetation if action is not taken on a broad scale.

Chairman Colwell stated Mr. Mc Caffrey sent a letter confirming his hope of renewing his contract next year with the Borough as caretaker and resident of Mac Bain Farm.

Ms. Lockhart said the Commission also received a letter from Peggy Austria, thanking it for its well wishes to her husband, Roger, who recently passed away; she noted both were volunteers at this year's Harvest Festival.

The Commission went into closed session at 9:25pm.

Chairman Colwell reopened the meeting to the public at 9:40pm; the topic(s) of discussion were not divulged.

Chairman Colwell said the Commission was copied on an interpretation request and/or permit filing to the New Jersey Department of Environmental Protection (NJDEP) by the property owner of 160 Harrington Avenue, a vacant parcel upon which a new 1-family house is proposed.

In 2020, Chairman Colwell said the Commission should begin to rely much more on the legwork of its Committees which are given specific tasks and oversight obligations, thereby, expediting the Commission's discussions during its meetings; the Commission agreed that its future meeting agendas should include Committee Reports as well as Liaison Reports.

There being no further items to discuss, a motion was made by Mr. Isaacson and seconded by Ms. Lockhart, to adjourn the meeting at 9:43pm. The motion passed unanimously.

