

Environmental Commission

July 9, 2020 Meeting Minutes

**Prepared by:
Paul Demarest**

Opening Remarks

Chairwoman Pergament called to order, at 7:35pm, the virtual Regular Monthly Meeting of the Environmental Commission for the Borough of Closter, New Jersey, convening via videotelephony service, due to governmental restrictions relating to the 2019-2020 Coronavirus (COVID-19) Pandemic, on Thursday, July 9, 2020.

Attendance

Present

Nancy Pergament- Chairwoman/Shade Tree Commission Liaison
Thomas Colwell- Full Member
Steven Isaacson- Full Member
Miriam Lockhart- Full Member
Scott Devlin- Full Member/Council Liaison
Sophie Heymann- Full Member/Planning Board Liaison
Bobbie Bouton-Goldberg- Alternate #2/Historic Preservation Commission Liaison
Krishna Rege- Associate Member

Absent

Grace Whitney- Full Member
Ethel Abrams- Alternate #1
Mordechai Feibish- Associate Member

Minutes

Chairwoman Pergament said that Paul Demarest, the Borough employee who has been preparing minutes for the Commission and recently informed that his schedule would no longer allow him to do so in a timely fashion, has agreed to continue preparing the minutes for the foreseeable future given the Borough's process for selecting his replacement would take longer than expected.

A motion was made by Ms. Heymann and seconded by Mr. Isaacson, to approve the minutes for the May 14, 2020 Meeting. The motion passed unanimously.

A motion was made by Ms. Heymann and seconded by Mr. Isaacson, to approve the minutes for the May 28, 2020 Special Meeting with 1 noted correction. The motion passed unanimously.

NOTE: The Borough's Information Technology (IT) Coordinator, Kevin Whitney, informed that the recording of the Commission's June 25, 2020 Special Meeting is not available due to an electronic malfunction. As a result, minutes cannot be prepared.

Open to Public

Chairwoman Pergament opened the meeting to the public for questions and/or comments.

Paul Weissman, 21 Mc Cain Court, Closter, New Jersey, introduced himself and asked if he could make suggestions on what should be included in the new lease being negotiated for the caretaker of Mac Bain Farm, a position currently held by John Mc Caffrey. Mr. Isaacson objected, believing this evening's meeting is not the proper forum; he noted that a nearby resident sits on the ad hoc committee tasked with assisting the Borough on both updating the lease expiring on July 31st and deciding whether the existing caretaker should remain or a public bid soliciting new applicants is warranted. He said suggestions should be directed to the Governing Body and/or ad hoc committee. The consensus of the Commission was to allow Mr. Weissman to speak freely this evening, noting its input to the Borough on the matter involves the Farm's property and operations only, not personnel/tenants issues. Mr. Weissman said he was still confused as to which municipal bodies are contributing to the discussion of a new lease for a caretaker, and he reiterated his suggestions pertain to the provisions of a new lease, not the Farm's property or operations. Chairwoman Pergament said the Commission's role is to facilitate the access of residents to the Farm and its operations via volunteers and produce; she stressed the Commission is not tasked with negotiating the lease or voting on it. Mr. Weissman said the current lease does not provide any protections to residences located in the vicinity of the Farm. He continued saying the new lease should make clear that the Farm's homestead will be a residence only and subject to all applicable ordinances, especially since the Farm is located in a residential zoning district. He said there has been confusion as to whether the Borough can enforce such regulations on-site or whether the Bergen County Agriculture Development Board and/or the New Jersey Department of Agriculture has jurisdiction. He noted the Police Department has previously been called to address violations in progress at the Farm, but it would be puzzled what and how to enforce upon arriving. Mr. Weissman stated the new lessee should not be permitted to operate a private business from the Farm nor be allowed to perform vehicular/equipment repairs on-site which are unrelated to the Farm or immediate family of the caretaker, noting it must be stated what municipal entity would enforce such provisions.

Lowell Mandelblatt, 42 Mc Cain Court, Closter, New Jersey, introduced himself and said he solicited suggestions from neighbors residing near Mac Bain Farm but has yet to provide them to the ad hoc committee, on which he serves as the lone non-Borough official. In response to him, Chairwoman Pergament said the Commission, like the concerned neighbors, was asked to compile a list of items relating to environmental issues that it would like in a new caretaker's lease, which she intended to be completed in time for the ad hoc committee's next meeting.

Gil Shaked, 32 Mc Cain Court, Closter, New Jersey, introduced himself and concurred with Mr. Weissman's comments, noting the Farm should have the best possible candidate to handle its daily operation by way of a fair and open process (public bid); he said no one is entitled to be the caretaker. Mr. Isaacson felt the Commission should have no involvement in the caretaker's lease being the residence is located on a Borough property. Mr. Mandelblatt mentioned that whenever there have been complaints about the Farm's caretaker by residents over the previous 2 decades, the response from the Mayor and Council has always been to defer the issue to the Commission. Mr. Colwell reminded that currently the Farm's caretaker, as well as the Farm itself, is under the auspices of the Commission as per the existing lease. He

said the ad hoc committee is working towards switching the role of landlord from the Commission to the Borough Administrator with the Commission retaining Farm operations and its volunteer program. Ms. Heymann said the new lease must clearly decipher the Borough and Commission's oversight with respect to the Farm. Mr. Colwell suggested Mr. Shaked bring any complaint about noise, vehicle idling, etc. occurring at the Farm to the attention of the Governing Body and/or Borough Administrator. Mr. Shaked replied calling the Police Department for a response on-site isn't ideal because sometimes such infractions happen several times daily; he considered the Farm basically a lawless enclave under the stewardship of Mr. Mc Caffrey. Chairwoman Pergament reiterated such matters must be handled by the Governing Body.

Treasurer's Report

Mr. Colwell said the Commission had made no purchases since its June 25, 2020 Special Meeting, noting shipments for a tarp to drape over the pergola at Mac Bain Farm to serve as a source of shade and vegetable markers with identifications cards are pending. In response to Ms. Heymann, he said there is money available in the Mac Bain Farm subaccount of the operating budget to buy buckets for pickers. Due to the Pandemic, Ms. Heymann said public access to the Farm has been reduced from 3 days to 1 day per week, resulting in visitors being permitted to pick 3x their normal allowance of produce in 1 visit; she emphasized the Farm's crops are especially plentiful this season.

A motion was made by Mr. Isaacson and seconded by Councilman Devlin, to have the Commission purchase 18 buckets for Farm picking and additional red spray paint (buckets are received silver-colored) for a total not exceeding \$150.00. The motion passed unanimously.

The Commission rejected the suggestion by Mr. Isaacson that it purchase knee pads and wheeled stools to ease the bodily strain involved in weeding at Mac Bain Farm because both would require constant disinfecting due to the Pandemic.

Committee Reports

Mac Bain Farm Operations

Ms. Lockhart said the Farm remains very productive even with the current drought conditions. She reported that there are 210+ households registered, averaging a dozen each week. She said the group of Farm volunteers remains robust, and residents are ecstatic, noting that there are as many new registrants as those renewing.

Chairwoman Pergament said a complaint was received from an unnamed resident on Hickory Lane who took issue with Farm visitors and volunteers being asked to park their vehicles in the thoroughfare rather parking on-site to ensure social distance as a result of the Pandemic. She noted that both Ms. Heymann and Ms. Lockhart wrote a brief history of Farm parking over the previous 2 years, including current safety measures required by the Police Department and Department of Public Works (DPW), such as limiting on-street parking to the south side of Hickory Lane only. Also, she said by reducing the number of days the Farm is open to the public from 3 to 1 has reduced the presence of cars overall on Hickory Lane. Ms. Lockhart revealed she offered the complainant, to no avail, a few of the Farm's construction cones to prevent his driveway from being by parked vehicles. Chairwoman Pergament said blocking driveways is a problem, but it is legal to park on Hickory Lane during the hours the Farm is open to the public. Ms. Lockhart refuted the complainant's claim that there is enough area to park as many as 8 vehicles in the Farm's parking lot, noting there are 4 parking spaces at most. Chairwoman Pergament agreed, saying she did not want misconceptions about the Farm's

parking arrangement to be perpetuated. Ms. Lockhart pondered if the Police Department could conduct more patrol of Hickory Lane on those days the Farm is open until the Pandemic has ended. In response to Councilman Devlin, she said the parking area on the hill of the Farm is reserved for the handicapped. To be proactive, Mr. Colwell said the Farm's visitors should be reminded to abide by parking regulations. Responding to Mr. Isaacson, Ms. Heymann said placing construction cones with signs inside them to refrain the blocking of driveways was not the responsibility of the Commission. Mr. Isaacson offered, as a means of showing Hickory Lane residents the Commission is not deaf to their being inconvenienced, to donate 3 to 4 lawn signs as a deterrent; he said he would prepare the artwork for such and await the Commission's approval before having them produced by a business associate. He believed the signage would get a far better response from residents than a simple email. The Commission determined it would also provide an emailed response to the complainant which would be reviewed by the Borough Administrator beforehand.

Mac Bain Farm Property

Chairwoman Pergament said there were no matters to discuss.

Events & Publicity

Chairwoman Pergament said the Commission could not augment its proposed "Call to Action Day", a scaled-back version of the annual Borough-wide Cleaning Effort due to the Pandemic, to the Labor Day festivities this year because the Borough cancelled them; she said an alternate date is being considered.

Trails & Passive Parks

Chairwoman Pergament said she and Mr. Colwell would be penning a memo to the Governing Body about the issues raised by residents concerning the dirt bike obstacles at Schauble Park. She said the Commission could recommend that the bike activity be permitted to continue at its current level, but not expanded.

Speaking of a sign apparently posted by Closter along its shared boundary line with the Borough of Demarest which states "Keep Pets Under Voice Control", Mr. Isaacson said Peter Coy, the President of the Board of Trustees for the Demarest Nature Center, intended to write a letter to Closter stating Demarest prohibits unleashed pets on its property, and Closter's signage is causing confusion to the public. Councilman Devlin said the sign in question was installed in the 1990's and noted the Borough has an existing ordinance which regulates pets in public. Chairwoman Pergament asked if simply placing tape over the sign would solve the problem; Mr. Isaacson suggested installing a permanent sign requiring pets to be leashed. He stated there are only 2 trails linking the 2 Boroughs, 1 being located behind the Stop & Shop supermarket (400 Demarest Avenue) and the other along Tenakill Street. Ms. Heymann said any new signage should be uniform throughout all parks and trails, something she pushed for in the northern portion of the Closter Nature Center and Buzzoni Farm Park; she noted there are constantly dogs unleashed and roaming said trails. Mr. Isaacson replied that signage could be placed at all trailheads. Councilman Devlin said the Commission should draft a request to the Mayor and Council, but it should be more comprehensive and address more than simply the unleashed pet problem. Ms. Heymann disagreed with Mr. Isaacson, believing there to be at least 6 trail access points between Closter and Demarest. In order for citations to be held up in Municipal Court, she said the signage must be issued by the Police Department and indicate the relevant ordinances. Chairwoman Pergament said the existing signs in Schauble Park could be used as a template. Mr. Isaacson promised to locate the sign being questioned by Mr. Coy and Councilman Devlin said he would research the Borough's existing regulations on the leashing of pets.

Education & Advocacy

Chairwoman Pergament said she would follow up with Catherine Ross, a Girl Scout hoping to attain her Gold Award, which is the highest achievement in Girl Scouts of the USA organization; she said she spoke at the Commission's June 25, 2020 Special Meeting about wanting to produce a Borough recycling pamphlet, which has been advocated for a long time by Ms. Heymann.

Chairwoman Pergament said Mr. Colwell had yet to contact a 10th grade student, Sophia Suarez, who recently inquired about becoming a member of the Commission.

Plan Review, Environmental Notification & Contaminated Sites

Chairwoman Pergament said there were no matters to discuss.

Executive

Ms. Pergament stated as of July 1st, she became Acting Chairwoman until Mayor John Glidden appoints her as the permanent replacement of Mr. Colwell for the remainder of 2020.

Chairwoman Pergament reminded that she, Mr. Colwell and Councilman Devlin serve on the ad hoc committee regarding the Mac Bain Farm caretaker's lease negotiations, and said the trio drafted a document entitled "Environmental Commission Mac Bain Farm Requests", the final version of which will be transmitted to the Mayor and Council for consideration. She explained it details what the Commission's Farm objectives were, are and should be, as well as what its role should be with respect to facilitating residents' access, volunteer coordination, public picking, short and long term operation goals and thoughts on its collective experience in overseeing and working the Farm; she mentioned offering education and arts on-site are also ambitions. Mr. Colwell said the memo emphasizes the need to erase any confusion in the existing lease about assignment of responsibilities. Councilman Devlin said that while the operation of the Farm, less the caretaker, falls on the shoulders of volunteers, the Commission must be open to the potential future need for paid support given both the lack of volunteers in years past and the Pandemic. With respect to long term projects such as the installation of an irrigation system, he said the associated electrical and plumbing costs are quite high, thus, the Commission may need to make do with what setup exists. Chairwoman Pergament said the Farm serves as a community builder differently than the Recreation Commission's ballfields do, to which Ms. Bouton-Goldberg questioned why both Commissions are not treated equally in terms of funding when it comes to properly caring for the land under their jurisdictions; she expressed concern if the Farm's water well dries up.

Ms. Heymann expressed her disappointment in the contents of the memo, saying it harps on what needs improvement without highlighting the Farm's successes. She said she disagrees that there is a lack of crop variety; on the contrary, she felt Mac Bain Farm exceeds that of most commercial farms. As for the suggestion of hired help, she believed the entire Farm experience is based on getting all of the community involved. She reminded that this year the Farm has had the largest number of volunteers join in its 20-year history in spite of the Pandemic; she stressed that hiring staff would increase expenses and likely result in Mac Bain Farm no longer being a community farm. Chairwoman Pergament asked Ms. Heymann to provide her specific concerns with the document in writing. Ms. Heymann said she was perplexed that the memo was drafted quite some time ago and the Commission is only getting to review it this evening; Mr. Colwell interjected, saying each Commission member received email(s) requesting their feedback on the initial and subsequent drafts 2+ weeks ago. He emphasized the memo has not been forwarded to the ad hoc committee yet; Ms. Pergament cautioned that the ad hoc committee may meet again as soon as July 17th and the Commission's memo should be finalized by then. Ms. Lockhart noted the document addresses much of the existing contract's deficiencies. However, she said whole families are volunteering, noting people become very proprietary with the Farm because they are participating in its enhancement. She stressed the

Farm's community building aspect is at least as important as its produce. Mr. Isaacson the Historic Preservation Commission (HPC) should be more involved with the Farm in terms of the residence given its recent designation as a Historic Landmark and the site overall given its history dating back to the Revolutionary War era. He agreed that funding the irrigation system project should be non-controversial given the Recreation Commission receives ample funding each year to maintain its active parks; he noted it is simply a capital improvement to a Borough property. He liked the idea having multiple uses of the Farm such as for sketching, landscape art and photography classes; he said nighttime activities could include controlled fires, stargazing, concerts, storytelling, poetry reading in addition to the annual Harvest Festival. Ms. Bouton-Goldberg reminded that the Commission previously discussed hiring a teacher to offer classes on-site. Mr. Isaacson explained that Closter was originally a Dutch farming community and Mr. Mc Caffrey's knowledge of local history makes him especially important given the recent passing of Borough Historian, Orlando Tobia. Ms. Rege questioned, besides mending crops, whose responsibility it is to maintain the smaller structures at the Farm, such as the pergola, dollhouse, table and benches. She also asked that the draft memo states the caretaker should be required to adhere to all Borough regulations in the part where the Commission's short term goals are discussed.

Councilman Devlin reminded that about a year ago, the Commission considered hiring a high school student for assistance at the Farm when the pool of volunteers was scarce, an arrangement which would have mirrored what the Recreation Commission does during its summer sports program; he said such was the basis for including verbiage about hired staff in the memo. Mr. Isaacson highly recommended Mac Bain Farm be registered with the Internal Revenue Service as a 501(c)(3) organization operated by volunteers, which the Northern Valley Earth Fair is now considered, which would make the entity tax-exempt; he said such would allow it to raise money for operations and solicit donations from businesses, which in turn, could earn tax deductions. He also said that the Farm provides produce to several local food banks, but felt it should not also be required to deliver the donations as well.

Chairwoman Pergament said that while some of the aforementioned ideas fall outside of the narrow scope of the ad hoc committee's purpose, they are all creative and valuable as the spirit of continuous improvement to the Farm both literally and figuratively. Ms. Heymann agreed, but opined the way the draft memo is written implies the Farm is lacking; Chairwoman Pergament reiterated that was not the intention. Councilman Devin said all points discussed in the memo were the subjects of prior discussions during the past 1½ years of Commission meetings. Chairwoman Pergament summated that the ad hoc committee is not being asked to sing the praise of Mac Bain Farm but rather address the contractual issues surrounding its future caretaker.

New Business

There were no new matters discussed.

Liaison Reports

Governing Body

Councilman Devlin said there were no matters to discuss.

Mr. Isaacson said the Borough may stop leasing its monopole, which is situated immediately next to Borough Hall, to telecommunication service providers. He said many cellular phone companies are upgrading their broadband network technology from 4G (fourth generation) to

5G (fifth generation), which he felt the Commission should be concerned with because 5G, which would provide high-speed internet service, likely has health risks associated with it. He warned that while the Commission cannot stop this development, it should become more knowledgeable on the topic so it can properly advise the Governing Body moving forward. He suggested the monopole be relocated to a more desolate location in the Borough because 5G could be harmful to employees working in Borough Hall. Furthermore, the main benefit of installing the monopole near Borough Hall originally was because the Police Department handled its own emergency dispatch service, when has now been outsourced to Bergen County. He said he would forward a short video on the hazards of 5G to the Commission. Chairwoman Pergament suggested the matter be researched by the Education & Advocacy Committee.

Planning Board

Ms. Heymann said the Board is quite concerned about trees and their value in preventing the loss of water in storm conditions. She said the Board, Commission and Shade Tree Commission (STC) should work together enforcing existing regulations on private and street trees as well as making residents aware of recently-enhanced ordinances regarding tree removal and preservation; Chairwoman Pergament agreed. Ms. Heymann said parties cited for illegal tree removal can apparently appeal the decision of the Borough's Certified Tree Expert, William Fuchs, with respect to permit fees, penalties and replacement value. Councilman Devlin confirmed such a procedure exists, noting the Borough Attorney must give his legal opinion as to how the Mayor and Council should proceed with appeals (involving Borough Prosecutor) and in what setting (quasi-judicial). Ms. Heymann said the Governing Body's past practice has been to drastically reduce penalties, which only reinforces that the Borough is not serious about the environmental impact of tree loss. Councilman Devlin promised to notify the Commission of the appeal process once it is confirmed but mentioned that there may sometimes be extenuating circumstances which the Mayor and Council must take into account such as giving a credit for existing tree plantings. Mr. Isaacson reiterated that tree service providers, as well as property owners, should be held equally accountable when there is illegal tree removal; Ms. Heymann noted that usually the trees are removed before the Borough can intercede; Chairwoman Pergament agreed, saying it is become more common to ask for forgiveness instead of permission.

Shade Tree Commission (STC)

Ms. Lockhart said there were no matters to discuss.

Historic Preservation Commission (HPC)

Ms. Bouton-Goldberg said there was nothing to report.

Adjournment

There being no further items to discuss, a motion was made by Ms. Heymann and seconded by Councilman Devlin, to adjourn the meeting at 9:18pm. The motion passed unanimously.