

## **Mountain Lakes Environmental Commission Meeting Minutes**

June 13, 2012

Attendance: B. Albergo, J. Bay, J. Horan, M. Gossett, K. Sheikh, T. Terhune, M. Vyff

Members of Public: B. Marshall, D. McWilliams

Meeting Minutes: May 2<sup>nd</sup> minutes were amended and approved.

### Special Presentation – JCP&L Tree Cutting

Borough resident, Brian Marshall, presented his perspective on JCP&L tree cutting activities in the Borough. The utility prunes every 4 years in 2 cycles along roads and sub-transmission lines. The goal is to prune enough to sustain the lines for 4 years. In the past, the Shade Tree Commission was involved to monitor the cutting to ensure that it was not excessive. The utility and the Commission had a good working relationship and the Borough was notified before any cutting commenced.

Evidently, this relationship is no longer in place and Brian cited numerous instances in which JCP&L cut excessively. The area in which the discussion focused was across from the Post Office along the new sub-transmission line alongside the railroad tracks. When the line was installed in 2010, Brian noted that several very large trees were cut along Morris/Powerville Avenues. Evidently, the utility did not consult the Borough or STC before doing this and the end result has been upsetting to some residents who rely upon the trees as a buffer to the railroad lines. Since the initial installation, JCP&L has routinely cut everything 30 feet along the new lines from Fanny Road to Route 46. A regulation book Brian obtained noted that the official policy is to cut only 15 feet along the lines. He noted that a rare Yellowwood tree was cut behind The Market and that forsythia bushes planted in the train station/post office parking lot as a Community Service project were cut to the ground despite the fact that the planting was okayed by JCP&L's arborist and that forsythia are specifically listed in JCP&L regulations as not being a threat to electrical lines.

Also of concern is the fact that JCP&L has not properly removed tree debris, sometimes leaving it in stormwater drainage ditches. This is a violation of their policy (must be removed within 5 days), creates a Borough eyesore, and is not ecologically sound in that at least one of the ditches involved (between the Post Office lot and the RR tracks), has been flagged as a wetland (possibly flagged by the RR which is a landowner; not officially noted as a wetland with NJDEP). In May of this year Brian spotted a rare Wood Turtle on his property that lies x feet from the wetland ditch in question. The Wood Turtle is a NJ endangered species and requires both terrestrial and wetland habitat for survival.

In response to the perceived excessive cutting, Brian met with JCP&L representatives, Barry Lewis and Mark Prusina in the Fall of 2011. JCP&L agreed to notify the Borough in advance and coordinate cutting activities. JCP&L completed extensive cutting in June 2012 and did not notify the DPW until prompted. Net: they cut unsupervised for 4 weeks.

The Commission discussed what options are available to restore the balance between sensible tree management and environmental/cosmetic concerns. The new siting of the Wood Turtle was discussed as a possible "bargaining chip" to force better utility compliance. Agreed upon next steps: a.) investigate how we would document the turtle siting with the NJDEP; b.) Pull together a meeting with STC, Bob Tovo and Mark Prusina to determine how the Borough wants to be notified and what our policy will be as to how cuttings are monitored/negotiated; c.) Schedule another meeting with JCP&L. Other actions considered: write letters to the editor and potentially hold a resident meeting to seek feedback on JCP&L activities.

### Wellhead Protection Ordinance Update

Khizar detailed his recommendation that the EC not pursue a new ordinance. He believes that the existing zoning ordinance can adequately protect our wellheads if it is amended to include Tier 1 and Tier 2 zone restrictions as defined by the Highlands Council.

- Tier One: a.) Prohibit land users that have a significant potential to result in the discharge of pathogens and b.) Construction of sewer lines – make sure to prevent seepage of untreated sewage into ground water.
- Tier Two: Prohibit land uses that have a significant potential to result in the discharge or persistent organic or toxic chemical sources.

The next step is to determine what lots fall within these tiers; reach consensus around what protections we want in each Tier as well as we want to restrict the entire parcel or only that portion that borders the tiered zone. We will then approach the Planning Board to get their support before going to Council.

#### Municipal Solid Waste Committee Update

A very positive public forum was held in June. Many elements of the existing plan will remain in place like: single vendor, single day/zone and dual stream collection. The shape of recyclables will no longer be an issue and the vendor will be required to take #4,5 and 7 in addition to #1 and 2. The Committee is still exploring the cost differential for us to maintain ownership of the garbage as it leaves town. This ownership could create a potentially new revenue stream.

#### Sustainable New Jersey

Marnie has applied for a \$2000 grant that will be used to show environmental films in Mountain Lakes.

**Next Meeting: Wednesday, August 1, 2012 at 7:30pm**