

Lake Musconetcong Regional Planning Board
Regular Meeting
May 16, 2018

Chairman Riley opened the Regular Meeting at 7:00 p.m. with a salute to the flag and a reading of the Open Public Meetings Notice which was sent to the Daily Record and New Jersey Herald on January 18, 2018 and was sent to the Clerks of the four municipalities, the State and the two counties.

ROLL CALL:

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| Mark Crowley - absent | Rosemarie Maio - present |
| George Graham - absent | Steven Rattner - present |
| Robert Hathaway - present | John Rogalo – present (arrived @ 7:02pm) |
| Joseph Keenan - present | Lester Wright – present |
| | Earl Riley - present |

Chairman Riley noted the excessive absences of Mr. Graham. According to the By-Laws, if a member has three consecutive unexcused absences, the Chairman may ask for his resignation. Chairman Riley stated Mr. Graham is an asset to the Board and he does not want to have him replaced, but the Board needs representation from Sussex County. Chairman Riley will reach out to Mr. Graham about his absences.

MODIFICATIONS TO THE AGENDA: Additional communication listed.

OPEN TO THE PUBLIC: Chairman Riley opened the meeting to the public.

Yonnie Guyre, LMCA Treasurer, informed the Board that for the months January, February, March and April of 2018, the LMCA had 112.75 volunteer hours. Chairman Riley will include those volunteer hours in the next quarterly report for the grant.

Seeing no one further from the public wishing to speak, Chairman Riley closed the public portion of the meeting.

ACTION ON MINUTES: Mr. Rattner stated the words “water tower” in the second to last sentence under Musconetcong Watershed Association report should be deleted. Chairman Riley stated in the third sentence under Lake Awareness that says “there was no pollutants” should be corrected to read “there were no pollutants.” On motion by Mr. Rattner, seconded by Mr. Hathaway, the Minutes of the April 18, 2018 meeting, as amended, were approved on majority voice vote. Mr. Rogalo abstained.

COMMUNICATIONS: The following communications have been placed on file:

04-23-18 Stanhope Borough – Purchase Order in the amount of \$750 re: 2018 herbicide treatment
04-25-18 Stanhope Borough – Check in the amount of \$13,956.36 re: 2018 budget contribution
04-30-18 Netcong Borough – Purchase Order in the amount of \$8,770.49 re: 2018 budget contribution of \$7,970.49 and 2018 herbicide treatment in the amount of \$800
04-30-18 Sussex County – Check in the amount of \$5,335.00 re: 2018 budget contribution
05-07-18 Morris County – Memorandum of Understanding and Voucher in the amount of \$5,092.00 re: 2018 budget contribution
05-11-18 Stanhope Borough – Check in the amount of \$750.00 re: 2018 herbicide treatment
05-14-18 Netcong Borough – check in the amount of \$8,770.49 re: 2018 budget contribution of \$7,970.49 and 2018 herbicide treatment in the amount of \$800

Chairman Riley stated Morris County sent a Memorandum of Understanding and voucher in the amount of \$5,092.00 for their 2018 budget contribution. Chairman Riley noted this is the third year in a row that Morris County has shorted the Board in their contribution. The Board requested \$5,335.00 from both counties. Morris County has not changed their contribution in the past three years. Everyone responded in the positive to the Board's budget request, except Morris County. Chairman Riley asked Mr. Rattner, as Morris County's representative on the Board, to look into this and to get something in writing explaining why they will not contribute what is requested.

On motion by Mr. Hathaway, seconded by Ms. Maio and carried by unanimous voice vote, the communications were accepted.

REPORTS OF COMMITTEES:

Canal Society – There was no report.

Musconetcong Watershed Association – Mr. Rattner reported they are trying to organize having their August meeting at the Musconetcong Sewerage Authority's ("MSA") facility which will include a tour that will show where their two monitoring stations are. Mr. Hathaway noted the William Penn Foundation funds and questioned distribution of the money. Mr. Rattner responded the William Penn Foundation has been a reliable source of funding. He will look into the distribution of the funds. Chairman Riley offered to show Mr. Rattner, and any member of the Board interested, the exact location of the stream monitors. Chairman Riley reported the MWA has moved their River Watchers monitoring station from Willow Street down to the iron bridge. The reason for the change was because a resident at Willow Street continues to build and rebuild a weir and the entire area is pooled and the wetland area in the back of it is flooded, which negatively impacts the readings.

Site Plan Review/Stream Encroachment – There was no report

Lake Awareness – Ms. Maio reported the Board is registered for a table at Stanhope Day on June 10th. The Board discussed having the fishing contest the morning of Stanhope Day, as has been done in the past. Mr. Hathaway, Mr. Rogalo and Chairman Riley will assist with the fishing contest. Mr. Rattner and Mr. Wright will assist at the Board's table. The fishing contest will be held from 8:00 a.m. to 10:00 a.m. Chairman Riley asked Mr. Hathaway and Ms. Maio to look into getting the electronic sign from their respective towns to advertise the event. Chairman Riley will get the trophies and prizes. The Clerk will send a letter to Ramsay's requesting a donation. Chairman Riley asked Melissa Castellon, present in the public, if State Parks will provide the trophies this year. Ms. Castellon responded saying she has no money to spend on trophies. Mr. Rogalo will ask the Sportsmen's Federation, who donates \$200, to donate additional money. It was agreed Mr. Rogalo will request a \$300 donation from the Sportsmen's Federation. The Clerk will send a letter to the Sportsmen's Federation requesting the donation. Ms. Maio will prepare a flyer for the fishing contest and distribute the flyer to Netcong School and Stanhope School. She will also try to find a contact for the scouting organization to send them a flyer.

Lake Management – Mr. Hathaway reported he and Chairman Riley have been on the water effectuating the goose addling program. They encountered some goslings and now know where they are nesting. There were no new nests. They did not do any swans and have not seen any. Mr. Hathaway stated either he or Chairman Riley will complete the required form for the USDA. Mr. Hathaway reported the Board has received the funds from Netcong and Stanhope for herbicide

treatment of their parks, which should be advanced to the LMCA. Mr. Hathaway said he believes the LMCA will begin their program shortly and he recommended advancing the monies to them. On motion by Mr. Hathaway, seconded by Ms. Maio and carried by the following unanimous roll call vote, the Board authorized the release of the \$800 received from Netcong and the \$750 received from Stanhope to the LMCA for payment of herbicide treatment of the parks:

ROLL CALL:

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| Mr. Hathaway – yes | Mr. Rattner - yes |
| Mr. Keenan – yes | Mr. Rogalo – yes |
| Ms. Maio - yes | Mr. Wright – yes |
| | Chairman Riley – yes |

Mr. Hathaway also reported he and Chairman Riley attended a meeting with State Parks Police and explained the Board’s concern with inconsistencies in communications regarding certain issues on the lake and the disconnection experienced. They met with Sergeant James Bauernfeind, and now have a communication portal to administer with them in the future.

Mr. Hathaway said at the meeting he and Chairman Riley attended with Pat Hamilton from Fisheries, at which there were concerns about hydro raking, they were told they should make an application and it should go through the Land Management Review (“LMR”) process. The LMR resulted in the DEP suggesting we not hydro rake until August 1st. Chairman Riley clarified this came from Josh Osowski. Chairman Riley read into the record the following email he received from Josh Osowski: “I received word back about your request to hydro-rake on Lake Musconetcong. The location you indicated in your map has been approved for hydro-raking. However, there are time frames in which this work may be done. In order to protect fish and their spawning habitat during the spawning/egg incubation/newly hatched fry period, hydro-raking is not permitted from ice-out in (which typically occurs late March/early April) to July 31. This means the hydro-raking operation cannot begin until Aug 1, 2018. This time period includes protections for pickerel (esocids) and other warm-water fishes (bass, sunfish, etc).” Chairman Riley noted they were only going to be removing approximately 900 cubic yards of material in front of Musconetcong Park, which is less than a 5-acre plot. Chairman Riley has no written information from DEP other than the email from Josh Osowski. Chairman Riley sent an email response to Josh Osowski asking that he reach out to the grant manager to see if they want the equipment back since it will be impossible for us to fulfill the terms of the grant agreement with these restrictions. Mr. Hathaway stated, after the meeting with Pat Hamilton, he contacted the regional elected officials and expressed his concern. The Board’s research of this grant suggested that the operation of the hydro rake is unregulated and not subject to any LMR process. Mr. Rogalo stated that is changing, to which Mr. Hathaway responded it has not changed yet. Mr. Hathaway said the Board can proceed if they want to; however, the elected officials recommend they wait and see the response after the next meeting. Mr. Hathaway expressed his displeasure with State’s actions, adding the Board’s course has been set and he recommended not putting any money in the budget to operate the hydro rake and to continue their relationship with Solitude. When they attend the meeting the State officials they will let them know that it will now cost \$20,000 to operate the machine. Ms. Maio suggested they take a less aggressive approach and try to work on a solution. Chairman Riley noted his name and signature is on the grant agreement and he committed the Board to follow the guidelines of the grant. The grant that was submitted clearly states what the Board was going to do and now another division within the DEP, prompted by who knows what, now says the Board cannot do what we have given you the money to do. Chairman Riley stated the grant requires quarterly progress reports. Ms. Maio suggested stating in this quarterly report that as a result of the ultimatum from Josh Osowski, the

Board has been unable to proceed. Chairman Riley stated they can proceed, but Josh Osowski made it clear to him that he will now not let the Board dispose of the material. Mr. Hathaway said the meeting with the officials will be held within the next 7 to 10 days and nothing should be done until after that meeting. Mr. Hathaway said the Board should consider what action to take in the management plan. If they cannot use the new machine, they will have to fund herbicide treatment. Chairman Riley will need to look at the numbers in the budget, adding they do not have the funds needed to effectuate herbicide treatment. Mr. Hathaway said the \$8,000 for biological treatment can come out and added to herbicide. Chairman Riley agreed and will need to reallocate the entire budget.

Mr. Hathaway asked for volunteers to coordinate clean-up of the lake of non-organic debris which may take a couple of days. He hopes to begin the clean-up next week. Mr. Hathaway also asked for volunteers to help deploy the hazard markers and to relocate some already deployed by the Stanhope Fire Department.

Mr. Hathaway recommended continuing the arrangement with Solitude, as already negotiated and try to create an herbicide program. Mr. Hathaway stated he will take this meeting as authorization to move on enabling the herbicide treatment and he will report on the action at the next meeting. The Board had no objection to Mr. Hathaway moving forward.

Chairman Riley noted a number of tires taken out of the lake and he asked Ms. Maio if Stanhope recycles tires. Ms. Maio will speak to the Administrator about disposal of the tires and a possible waiving of the fees. Mr. Hathaway will deposit the tires by the shed until they find someone to pick them up.

Operating Budget Committee – There was no report.

TREASURER’S REPORT: The Treasurer’s Report was emailed to the Board. The balance in the lake management operating account is \$12,489.37. Mr. Hathaway stated money may still be owed to Solitude Lake Management. Mr. Keenan will calculate how much money has been paid to Solitude to date. On motion by Mr. Rogalo, seconded by Mr. Hathaway and carried by unanimous voice vote, the Treasurer’s Report was accepted and placed on file.

BILLS: On motion by Mr. Hathaway, seconded by Mr. Wright and carried by the following unanimous roll call vote, the following bills are to be paid if and when funds are available:

Operating Account:

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| Ellen Horak - Clerk’s Monthly Compensation | \$ 500.00 |
| Selective Insurance re: insurance premium installment payment | \$1,844.00 |

Lake Management Account:

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| JCP&L – electric at shed | \$ 3.65 |
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ROLL CALL:

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| Mr. Hathaway – yes | Mr. Rattner - yes |
| Mr. Keenan – yes | Mr. Rogalo – yes |
| Ms. Maio - yes | Mr. Wright – yes |
| | Chairman Riley – yes |

UNFINISHED (OLD) BUSINESS:

Mr. Hathaway asked if communication was made to Netcong regarding the money for the USDA goose addling program. The Clerk responded she sent a letter to Netcong's Administrator after the last meeting.

NEW BUSINESS:

**Resolution 2018-01 PARTICIPATION IN UPDATING THE RESTORATION
PLAN AND EXPANDING IT INTO THE WATERSHED
IMPLEMENTATION PLAN (WIP)**

WHEREAS, the Lake Musconetcong Regional Planning Board (the LMRPB), located in Stanhope, Sussex County, NJ, are recognized as the stewards of Lake Musconetcong and its watershed; and

WHEREAS, the Lake Hopatcong Commission (the Commission) has received funding to update the existing Restoration Plan for the Upper Musconetcong River Watershed (which includes both Lake Hopatcong and Lake Musconetcong) from the New Jersey Highlands Council; and

WHEREAS, updating the Restoration Plan and expanding it into a Watershed Implementation Plan (WIP) will increase the LMRPB's chances of receiving State and Federal funding for the design and implementation of lake and watershed restoration activities; and

WHEREAS, the LMRPB has been requested to participate in updating the Restoration Plan and expanding it into a WIP for both Lake Hopatcong and Lake Musconetcong; and

WHEREAS, the LMRPB does not need to provide any monetary support or contributions toward the development of the updated WIP; and

WHEREAS, the LMRPB is willing to provide in-kind (time) contributions toward the development of the updated WIP, which will include providing input on 2018 Lake Musconetcong water quality / aquatic plant monitoring program, the potential selection and consideration of watershed locations for project implementation, field survey work associated with identifying potential watershed project locations; and

WHEREAS, the LMRPB will review the updated WIP once the draft report is available in February 2019 and endorse it so it can be used to secure potential State and/or Federal funds to implement watershed-based projects;

NOW, THEREFORE, BE IT RESOLVED BY THE LAKE MUSCONETCONG REGIONAL PLANNING BOARD that on this the 16th day of May, 2018, the LMRPB will work with the Lake Hopatcong Commission under the NJ Highland Council project to update the existing Restoration Plan for the Upper Musconetcong River Watershed and that the LMRPB's contribution will be in-kind only and will not include monetary contributions.

Chairman Riley stated he has not received anything more from Fred Lubnow on the existing plan that Mr. Lubnow indicated the Board signed years ago. The Clerk will look and see if the plan is in the Board's file.

Ms. Maio stated she cannot support the resolution at this time, adding she needs more information. Chairman Riley said it is his understanding this is a watershed improvement plan. Ms. Maio stated she does not see any benefit at this time. It is a plan Princeton Hydro is going for Lake Hopatcong. Chairman Riley stated he was approached at the Lake Hopatcong Commission meeting about this. Princeton Hydro is being paid to do this plan. Mr. Hathaway agreed with Ms. Maio's comments and added, he is not confident in Princeton Hydro relative to past experience. Mr. Hathaway expressed his opinion that, if Princeton Hydro wants the Board's participation, then they should make a presentation to this Board like they did the Lake Hopatcong Commission.

On motion by Mr. Hathaway, seconded by Ms. Maio and unanimously carried by unanimous voice vote, the foregoing resolution was tabled.

Chairman Riley asked the Clerk to send a letter to Fred Lubnow of Princeton Hydro and request he attend the Board's next meeting and give a presentation on the WIP, which should include what it means, what changes need to be done to the history of this Board and what the benefit is to this Board.

OPEN TO THE PUBLIC: Chairman Riley opened the meeting to the public.

Melissa Castellon, Superintendent of State Parks, stated the information from Josh Osowski regarding hydro raking was a result of internal conversations with Fisheries. Chairman Riley stated someone complained to Bureau of Fisheries that they believe that the LMRPB is illegally dredging the lake and depositing the material too close to Tilcon lake causing an environmental concern. Chairman Riley noted hydro raking is currently an unregulated process. The Board is being required to submit information to the DEP to comply with the regulated process of Land Management Review (LMR). Ms. Castellon said she would like to attend the meeting with the officials from the State and DEP. Ms. Castellon also said with respect to the grant issue, if circumstances have changed, she would hope the State would change their requirements based on what just happened. They should be able to modify the requirements put on the Board under the grant.

Joseph Nametko, 13 Highland Avenue, Netcong and Vice-Chairman of the LMCA, stated the LMCA's membership drive is coming to an end. Mr. Nametko noted there is nothing in the By-Laws that prohibits members of this Board from becoming a member of the LMCA. Mr. Nametko left membership applications for anyone interested in joining the LMCA. If you do not want to join, the LMCA would like the Board members to be included on their mailing list. The LMCA is also starting their program to reach out to the public regarding treatment of the lake. Mr. Nametko mentioned a presentation made to the LMCA about the use of grass carp in Lake Hopatcong. Chairman Riley stated the Lake Hopatcong Foundation is interested in using grass carp in the lake. Mr. Hathaway noted this topic was brought up by Yonnie Guyre a few years ago. They attended meetings in Trenton and it was explained to him that any inlet or outlet must have a screen. Mr. Hathaway stated they were told they would not be able to screen the river; so grass carp will not happen in Lake Musconetcong or Lake Hopatcong. Chairman Riley stated at the Lake Hopatcong Commission meeting, they misrepresented the LMCA as the entity overseeing Lake Musconetcong. Chairman Riley clarified that the Board is the entity that oversees Lake Musconetcong.

Ann Gail, Port Morris resident and member of the Roxbury Environmental Commission, said the environmental commission is going to connect some of their members with the Watershed Association to mitigate the weir.

Pat Marsico, LMCA Chairperson, stated the LMCA had a presentation by Fred Lubnow of Princeton Hydro and Marty Kane of the Lake Hopatcong Foundation, which was an informational session on the grass carp. Ms. Marsico said she is not sold on the process, but is open to hearing more. Regarding the tires mentioned by Chairman Riley, Ms. Marsico informed the Board that she has counted a number of tires along the lake as well as an LMCA member living in the Lloyd Avenue area of the lake who also has counted at least 5 tires. Ms. Marsico also said the LMCA would have treated the lake this week but, due to the weather they were not able to. As soon as the weather clears, they will treat the areas that are ready to be treated. Ms. Marsico addressed the chestnut pull and asked if the Board would provide the harvester or johnboat for collection. Chairman Riley responded he cannot give an answer at this time, to which Ms. Marsico asked the reason why. Chairman Riley responded that the Board is not getting the small harvester this year and he does not know if he can get an operator to operate the large harvester. Chairman Riley said there are only 3 operators and he cannot at this time, guarantee one will be available. Mr. Hathaway told Ms. Marsico if she can get someone to operate the machine, he will make it available to her. Ms. Marsico asked for use of the johnboat if the harvester is not available. Chairman Riley responded he would rather not have the water chestnut on the johnboat. Mr. Hathaway will work with Ms. Marsico to try and coordinate use of the machine. Ms. Marsico questioned floating islands on Lake Hopatcong mentioned by Fred Lubnow. Mr. Rogalo said they are useless and a joke and should not be considered for Lake Musconetcong. Mr. Hathaway responded it has significant maintenance issues and neither this Board, or the municipalities are looking to take on any additional maintenance.

Seeing no one further from the public wishing to speak, Chairman Riley closed the public portion of the meeting.

ADJOURNMENT: On motion by Mr. Hathaway, seconded by Ms. Maio, and carried by unanimous voice vote, the meeting was adjourned at 8:15p.m.

Respectfully submitted,

Ellen Horak, Clerk