

Lake Musconetcong Regional Planning Board
Regular Meeting
October 18, 2017

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 19, 2017 and was sent to the Clerks of the four municipalities, the State and the two counties.

ROLL CALL:

George Graham -absent	Steven Rattner - present
Robert Hathaway - present	John Rogalo – present
Joseph Keenan – present	Lester Wright - present
Rosemarie Maio – present	Earl Riley - present

MODIFICATIONS TO THE AGENDA: Additional communication and bills listed and a closed session.

OPEN TO THE PUBLIC: Chairman Riley opened the meeting to the public. Seeing no one from the public wishing to speak, Chairman Riley closed the public portion of the meeting.

ACTION ON MINUTES: Mr. Hathaway noted the following revision to the minutes under Lake Management: reference to the “Assistant Commissioner” of the DEP in the fourth sentence should be changed to “John Gray” as well as in the following sentence and further down where it reads “Mr. Hathaway recommended waiting until Monday and then have the Board endorse Chairman Riley’s sentiment and have it sent to the Assistant Commissioner,” the words “Assistant Commissioner” should be changed to “Commissioner.” On motion by Mr. Hathaway, seconded by Mr. Rattner, the Minutes of the September 20, 2017 meeting, as revised, were approved on majority voice vote. Ms. Maio abstained.

COMMUNICATIONS: The following communications have been placed on file:

- 09-27-17 Selective Insurance Co. – Commercial Insurance Renewal Policy
- 09-28-17 Morris County Sportsmen Federation - \$200 donation toward fishing derby
- 10-05-17 Eco-Fuel/Todd Elston Oil Inc. – receipt for fuel delivery (133 gallons)
- 10-13-17 Notice to Property Owners – Variance Application to change outside sign at 8 Route 206 North, Byram - the “Liquor Factory”
- 10-13-17 Notice to Property Owners – Site Plan Application for gas filling station at 15 Route 46, Mount Olive
- 10-17-17 Stanhope Land Use Board – Site Plan Application re: proposed gas station and convenience store at Block 11703 Lots 1 & 2

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

REPORTS OF COMMITTEES:

Canal Society – There was no report.

Musconetcong Watershed Association – Chairman Riley reported he attended a wine tasting event in Asbury last weekend. It was a nice event and attended by about 150 to 200 people. Chairman Riley also reported the sensors in the Upper Musconetcong are functioning. The plan is to install an additional 3 to 4 sensors downstream from us. There is one sensor by Mr. Rogalo’s house and one by Riverside Park in Byram. They are now able to measure the flow before and after the MSA.

Site Plan Review/Stream Encroachment – There was no report.

Lake Awareness –Ms. Maio stated she has no report, but asked if the Board would be scheduling a clean-up day in conjunction with the drawdown. Mr. Hathaway responded he will be addressing the clean-up date in his report.

Lake Management – Mr. Hathaway reported the lake will be drawn down as of November 1st and will be down 2 feet. The first day we would be able to have a clean-up day would be November 7th. The permit allows for the lake to be drawn down until November 25th. Mr. Hathaway recommended either November 12th or November 18th which is a Sunday and Saturday. We have held the event on both days in the past and there is a conflict with sports on Saturdays and church on Sundays. Mr. Hathaway noted they have been more successful on Sundays. It was agreed the clean-up day to clean the shoreline will be scheduled for November 12th from 8:00 a.m. to 12:00 noon. Mr. Hathaway will coordinate the event with the LMCA and State Parks and he will ask Bell’s Mansion to be the host and provide food for the volunteers. The purpose of the drawdown is to service the swirl chamber. It is in need of cleaning and there is now an interest in maintaining it better moving forward. Netcong Borough is working with State Parks for a better plan. Netcong does monitor the swirl chamber and the plan will create a more proactive manner to deal with the swirl chamber. John Trontis indicated there will be funds available for the work. Mr. Hathaway reported that all equipment will be removed from the lake on Monday. Stanhope Borough offered use of Wells 3 and 4, which is a secure facility, to store the equipment. This will not include the State’s equipment which will be stored at the State’s facility. Mr. Hathaway also reported they have removed nearly 100 tons of material from the lake with the hydro rake. The calculations that were given to Pat Rector when the grant was written, was about that quantity so the calculations used for the grant will be met. The issue regarding disposal has been resolved with State Parks Service and the DEP. The Board is dumping at Tilcon with the understanding this agreement needs to be firmed up for next year. The State agreed to pay our transportation costs. Mr. Hathaway said he and Chairman Riley intend to have another meeting with Chief of Staff Gray or his supervisor, David Glass together with the parties that met before, to discuss other issues about lake management, i.e. swimming, cooperative agreement on how the Board will be working with State Parks, etc. It was suggested that they hold quarterly meetings. Melissa Castellon requested the next meeting be held on October 24th, which Mr. Hathaway and Chairman Riley will attend. Mr. Rogalo questioned inspection of the small harvester by the State. Chairman Riley responded the State does a visual inspection and cleans the equipment before taking it to their facility. Mr. Hathaway reported the harvester has pulled an entire dumpster of weeds from the lake. The weeds have gone in with the hydro rake material. They cleaned out most of the vegetative material in Musconetcong Park. We have made significant progress with the hydro rake. Mr. Hathaway also said Stanhope has been extremely cooperative with our plan and will be an example for the other towns to follow. Mr. Hathaway also reported they made two sets of modifications to the equipment. Some pieces made by the manufacturer were installed by members of the Board and Rich Perry fabricated an engine cover for the conveyor at a much lower cost than the manufacturer was charging. Chairman Riley thanked Mr. Perry for his efforts.

Operating Budget – There was no report.

TREASURER’S REPORT: Chairman Riley noted the Treasurer’s Report was emailed to the Board. Chairman Riley reported the hydro rake has been paid in full and the title should be received in the near future. Once the title is received they must register the and get plates for the equipment. There was discussion on whether they should get “MG” (Municipal Government) or “In-Transit” plates. It was agreed to get MG plates. Mr. Keenan noted a previous discussion about keeping track of “lake

restoration” funds. Chairman Riley said income would be any donations received, i.e. Kelly Codd’s donation and funds from events, i.e., the 50/50 raffle. Expenses would be only the probiotic treatment. Mr. Keenan distributed a draft accounting of the lake restoration funds. Mr. Hathaway said it can be as simple as a separate line item in his report. The Board agreed that only an additional line item in the Treasurer’s Report would be needed. On motion by Mr. Hathaway, seconded by Ms. Maio and carried by unanimous voice vote, the Treasurer’s Report was accepted and placed on file.

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

Operating Account:	
Ellen Horak - Clerk’s Monthly Compensation	\$ 500.00
Lake Management Account:	
JCP&L – electric at shed	\$ 3.98
Solitude Lake Management – Lake Management Services	\$2,500.00
Alpha Boats Unlimited – 3 hinged plastic covers & wash down sprayer	\$ 355.95
Rich Perry – Reimbursement of Expense (conveyor engine cover)	\$ 300.81
Debit/Credit Card	
Eco-Fuel/Todd Elston Oil Inc. – 133 gallons #2 fuel	\$ 305.90

ROLL CALL:

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

OLD BUSINESS:

Ms. Maio questioned discussion at the last meeting noted in the minutes that there was a decision made that the LMCA is taking over treatment of the shorelines. Chairman Riley responded that is correct, adding they had a lengthy discussion during a meeting between himself, Mr. Hathaway and members of the LMCA at which it was decided the LMCA will treat the shorelines and the Board will take the funds received from the towns and write a check to the LMCA. Ms. Maio noted the LMCA uses a different chemical than the Board and she asked if there is an agreement that the Board will control what goes into the lake. Mr. Hathaway responded the LMCA agreed to consider the Board’s wishes and agreed to work cohesively with us to administer, where possible, changes in their chemical program. The LMCA will be in control of their program and the Board needs to be responsive to them for this year; not necessarily forever. Mr. Hathaway expressed his opinion that this is in the best interest and to the benefit of the Board. They will hold the municipal park shorelines to the same standards that they hold their residential shorelines. Mr. Hathaway added they have done a great job on the shorelines and they also do a lot of water chestnut removal. It is important that we empower them so when they are collecting funds they can say they take care of the shoreline along the lake. Ms. Maio said her concern is they are talking about public waters versus private waterfront. Chairman Riley stated they discussed only the shoreline, not the water. Chairman Riley said for clarity, they thought it was prudent for the LMCA to be responsible for all of the funded shoreline. Chairman Riley added, the shoreline in Byram Cove is unfunded so the LMCA will not be responsible for that park. The LMCA will be responsible for all the parks that the Board receives funds for and then in turn, fund the LMCA. The Board will fund the LMCA to treat those areas

with the same chemical they are using to treat their shorelines. Mr. Hathaway stated this is the first year they are trying this and if it works, they will continue; however, if the Board is not satisfied with the results, they will not continue it next year. Mr. Hathaway said this is a good value for the Board. Mr. Rogalo added that doing a continuation of the entire shoreline with the same chemical is more beneficial than only portions. Ms. Maio stated her question was only because she wanted clarification.

NEW BUSINESS:

Mr. Hathaway stated he would like to register the trailer before they need to be towed. Chairman Riley asked if they needed to register the hydro rake. Board Attorney Cliff Lundin, present at the meeting, stated the Board needs to register the trailer and the hydro rake.

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

Pat Marsico, Netcong resident and LMCA member noted discussion about whether people understand what the LMCA's program is and what they are donating to and said Mr. Hathaway and Chairman Riley and the LMCA have conversed via email about this. There is only a small percentage of people who do not understand where the money goes and she does not believe it is anyone who contributes to the program. The LMCA's donation letter clearly states where the funds are going. Ms. Marsico said about 60% of the funds collected comes from people who attend the LMCA's meeting or receive the donation letter and the other 40% is collected by going door-to-door. When collecting door-to-door they make every effort to be clear where the funds are going.

Yonnie Guyre, LMCA member, said in the past only 3 members from the LMCA collected funds and this year there were only 4 members and they are clear what the funds are being used for.

Ms. Marsico stated they also thoroughly discussed the amount of money collected for the lake this year was \$900 and she had explained to Mr. Hathaway and Chairman Riley that they do have expenses applied to this program. They have a \$1,500 insurance policy for the water chestnut hand pull. Ms. Marsico stated the LMCA does not collect excessive funds off the lake. Ms. Maio expressed serious concern about doing business via email, adding concern that the email conversation noted by Ms. Marsico was not sent to the entire Board. Ms. Maio also stated what the LMCA does is their business and not the purpose of the Board's meeting and it should not be discussed.

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

CLOSED SESSION:

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231 P.L. 1975 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED by members of the Land Use Board as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter-specified subject matter(s).

2. The general nature of the subject matter(s) to be discussed is as follows:

1 – Potential Litigation

3. It is anticipated at this time that the above stated subject matter(s) will be made public at the conclusion of each individual specified subject matter.
4. This resolution shall take effect immediately.

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

The Board went into Closed Session at 7:45 p.m.

RETURN TO OPEN SESSION:

At the conclusion of the Closed Session, the Board reconvened the public meeting at 8:15 p.m. with all present.

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

Respectfully submitted,

Ellen Horak, Clerk