

**Lake Musconetcong Regional Planning Board
Regular Meeting
December 16, 2020**

Chairman Riley opened the Regular Meeting at 7:00 p.m. with a reading of the Open Public Meetings Notice which was sent to the Daily Record and New Jersey Herald on January 16, 2020 and was sent to the Clerks of the four municipalities, the State and the two counties. Furthermore, notice of the change in the meeting to an electronic meeting via Zoom was sent to the New Jersey Herald and Daily Record on December 10, 2020 and was placed on the official website of the Board.

ROLL CALL:

Michael Balogh - present	Greg Poff - present
Mark Crowley - present	Steven Rattner - absent
Robert Hathaway – absent	John Rogalo – present
Joseph Keenan – present	Lester Wright - Absent
Rosemarie Maio – present	Earl Riley - present

MODIFICATIONS TO THE AGENDA: Additional communication and bill listed.

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: Chairman Riley noted the following two typographical errors under “Lake Management” that should be corrected. At the bottom of page two it reads “Mr. Hathaway responded the challenge is that the weight of the machine requires a “bd” to roll the equipment.” The word should be “bed.” The last sentence reads “Chairman Riley thanked Bunky’s Towing and said he would highly “recommended” them. The word recommended should be corrected to read “recommend.” On motion by Mr. Keenan, seconded by Mr. Poff, the Minutes of the November 18, 2020 meeting were approved, as amended, by unanimous voice vote.

COMMUNICATIONS: The following communications have been placed on file:
11-23-20 Netcong Borough – Purchase Order in the amount of \$2,300 re: 2020 Goose Addling Program
12-14-20 Netcong Borough –check in the amount of \$2,300 re: 2020 Goose Addling Program

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

REPORTS OF COMMITTEES:

Canal Society – There was no report.

Musconetcong Watershed Association – There was no report.

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

Lake Awareness – There was no report.

Lake Management – Chairman Riley said, in Mr. Hathaway’s absence, he would like to comment on a letter sent to the NJDEP by the Stanhope Environmental Commission, which letter was not copied to the Board. Chairman Riley noted the letter was sent to him 15 days after it was sent to the NJDEP. Mr. Hathaway was very upset at the accusations and tenor of the letter and he

sent a response to the DEP. Chairman Riley noted the letter has since been forwarded to all the Board members. Stanhope's Mayor, Patricia Zdichocki, contacted Mr. Hathaway and informed him that the Mayor and Council were not aware of the letter until they received a copy of Mr. Hathaway's response and that they did not approve the letter being sent by the Environmental Commission. Chairman Riley noted there is nothing further to report under Lake Management.

Mr. Rogalo said he would like to comment, on the record, about the drawdown. Three years ago, the Board was told by the DEP that going forward there would never be an entire winter 2' drawdown at Lake Musconetcong. There was a catastrophic fish kill after doing so 8-9 years ago. Mr. Rogalo said Mr. Hathaway's response to the Commissioner misrepresents the facts. Mr. Rogalo stated the DEP tested the conditions under the ice when the lake was kept down all winter and most parts came back with "0" DO and the rest of the lake came back "extremely distressed." Mr. Rogalo said when you remove 24 inches of water, the remaining water body becomes too cold to sustain a fish population in a healthy condition. The drawdown leaves the fish in a very stressed condition which led to the catastrophic fish kill. The massive fish kill is why the DEP said they would not do it again. You can drawdown, but must return to full pool before the first ice. Chairman Riley asked Mr. Rogalo who authorized the drawdown for the winter. Mr. Rogalo responded that, as a Lake Board, they should stand up and oppose it because it is causing damage. Chairman Riley stated the NJDEP, Fisheries authorized this drawdown for the entire winter. Mr. Rogalo claimed Fisheries was opposed to the winterlong drawdown and it was given the okay by the Assistant Commissioner. Chairman Riley noted the Environmental Commission's letter accuses two people from the Board as authorizing it. Chairman Riley said the "two people" in the letter is referencing himself and Mr. Hathaway. Mr. Rogalo stated it was not discussed or approved by the Board. There was never public discussion or public comment. Mr. Rogalo claimed Chairman Riley called Melissa Castellon and asked her what they are doing about a drawdown since it has been three years. Chairman Riley stated Mr. Rogalo is incorrect, adding this Board has been completely transparent. Mr. Rogalo claimed Chairman Riley sought the drawdown on his own and the Board never discussed it. Chairman Riley noted that during the previous winter draw down it was proven that freezing the water chestnut makes the seeds not viable. Chairman Riley reiterated that the Board is not doing the drawdown, the NJDEP is doing it. Mr. Rogalo said he believes the drawdown was done by Melissa, at Chairman Riley's request. Mr. Rogalo said he wanted it to go on record that what is being done is damaging the environment. Chairman Riley said he does not believe it was this Board's choice and it was not his choice nor Mr. Hathaway's choice and neither of them authorized a winterlong draw down; it was the NJDEP. Mr. Rogalo stated Chairman Riley emailed Melissa and asked for a drawdown and she made it for the entire winter. Chairman Riley asked Mr. Rogalo to provide the referenced email. Chairman Riley stated the Stanhope Environmental Commission should have included the Board in the letter they sent to the DEP. Mr. Balogh, as Chairman of the Environmental Commission, said it was their intention to send it to the Board at the same time they sent it to the DEP and when they noticed it was not done, it was immediately sent. Their Secretary did not copy the Board and they corrected that as soon as they found out. Chairman Riley again said the drawdown was not the decision of this Board. The Board does not have authority to do that. The NJDEP, including Fisheries, has the authority. Mr. Rogalo said Fisheries opposed the winter drawdown, but it was forced on them by the Assistant Commissioner. Mr. Balogh said he believes a winter drawdown damages the lake and he asked why not tell that to the DEP. Mr. Balogh also said the water chestnut have not been shown to be affected by the drawdown, but it does kill the fish. Chairman Riley responded that they never proved that the drawdown caused the fish kill. Mr. Rogalo stated the water chestnut has been

persistent in the lake. Chairman Riley stated that until this year, the water chestnut was not coming back. Mr. Rogalo said, as a member of the Lake Board, the Board should not be doing anything that is harmful to the lake.

Operating Budget Committee – There was no report.

TREASURER’S REPORT: The Treasurer’s Report was emailed to the Board. Mr. Keenan reported he closed the one account discussed at the last meeting and transferred the balance of \$900 in the account into the management account. The report also reflects the \$2,300 check from Netcong. On motion by Mr. Poff, seconded by Mr. Rogalo and carried by unanimous voice vote the Treasurer’s Report was accepted and placed on file.

BILLS: On motion by Mr. Poff, seconded by Mr. Balogh 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
Fulton Bank – Safe Deposit Box Annual Fee	\$ 63.97

Lake Management Account:

JCP&L – electric at shed	\$ 3.10
Solitude Lake Management- Lake Management Services (12/01)	\$2,249.00

ROLL CALL:

- | | |
|-------------------|----------------------|
| Mr. Balogh – yes | Ms. Maio - yes |
| Mr. Crowley – yes | Mr. Poff - yes |
| Mr. Keenan – yes | Mr. Rogalo - yes |
| | Chairman Riley – yes |

OLD BUSINESS:

Sale of AM 2000 (Hydro Rake) – Chairman Riley stated he has not heard from the Board Attorney, Eileen Born. After the last meeting he sent her an email to which she replied she was going to get back to him in a few days. He sent her another email two days ago and has not received a response. Chairman Riley stated he is hesitant to do anything about selling the equipment on govdeals.com without first receiving the attorney’s advice on whether the Board can legally sell it with no negative impact on the grant. Chairman Riley will call Ms. Born tomorrow. Mr. Keenan asked, if the Board is able to sell the equipment, is govdeals.com the right place to sell it. Chairman Riley responded in the affirmative, adding since the Board is a public entity, they must put it out to bid and govdeals.com will give them the largest exposure across the country. Mr. Poff said Munibid is another entity and they have the state contract. Mr. Poff said on-line bidding is how governments are doing it now. Ms. Maio asked if, in light of the type of equipment it is, would it be appropriate to include it in a marina setting and reference govdeals.com for the bidding. Mr. Poff said putting an advertisement elsewhere would not be an issue. Chairman Riley said as soon as the attorney tells him the Board can sell the equipment he will list it on govdeals.com. The account the Board previously used is still active. The Board agreed they need the attorney’s advice and approval before doing anything about selling the equipment. Chairman Riley reported after the last meeting, he asked Mr. Keenan to put together a listing of all of the fuel charges under question by the State for finalizing their payment. Mr. Keenan provided the requested documents and he received a

response back saying everything meets the New Jersey State Treasury's requirements and the check is in the mail. To date, the Board has not received the check.

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

Nicole Member, a member of the Stanhope Environmental Commission, read excerpts from a fact sheet on water chestnut from Rutgers Cooperative Extension. The fact sheet states that water chestnut is an annual floating herb and is easily distinguished from other floating aquatic plants. As new leaves are formed, the older leaves and developing fruit move and are pushed further down the stem and underwater, leading to the development of several layers of leaves during a single growing season. The mature fruit falls from the plant and sinks to the bottom of the water body and may remain viable in the sediments from four months to five years, with some reports of viable seeds after twelve years. Each plant can produce 300 new seeds in a year. The fact sheet also states that water chestnut grows best in shallow, soft-sediment, nutrient-rich lakes and rivers. Ms. Member said that by lowering the lake, you are not freezing the seeds as they can remain viable for up to 12 years. Ms. Member also directed the Board to a Musconetcong Watershed Association link on water chestnut. Ms. Member noted a decision must be made by science and she urged the Board to look into this further and to question the winterlong drawdown.

Patricia Zdichocki, Mayor of Stanhope Borough, said she spoke to Mr. Hathaway regarding the letter sent by the Environmental Commission. Mayor Zdichocki noted the letter was an unauthorized letter with false accusations and was very demeaning. Mayor Zdichocki expressed her opinion that if the Environmental Commission felt there were issues, they should have attended a Board meeting before writing the letter. The Environmental Commission has since been told they cannot send letters without approval by the Governing Body and/or the Administrator. If this issue was brought to her attention she would have directed them to attend a Board meeting and speak about their concerns. Chairman Riley stated the Board was unaware of the letter and the feelings of the Environmental Commission. He respects Mr. Rogalo and the work of the members of the Environmental Commission, adding both the Board and Environmental Commission have the best interest in the lake in mind.

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

ADJOURNMENT: On motion by Mr. Rogalo, seconded by Mr. Keenan, and carried by unanimous voice vote, the meeting was adjourned at 7:55 p.m.

Respectfully submitted,

Ellen Horak