

Lake Musconetcong Regional Planning Board
Regular Meeting
October 17, 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.

Chairman Riley noted the absence of Mr. Graham. Chairman Riley said he communicated with Mr. Graham this past week about his appointment and absences from all meetings this year. Mr. Graham told him he would take care of everything. Chairman Riley noted the Board has no Sussex County representative because the appointed person has not attended a meeting this year.

ROLL CALL:

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

MODIFICATIONS TO THE AGENDA: Additional communications listed.

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

Pat Marsico, LMCA member, said she followed up from discussion at the last meeting regarding the water chestnut and product used. She confirmed they used Amine formula 2-4-D; however, in the past they were using Clearcast, which is why the results were different than this year. They were restricted from using 2-4-D until after July 1st. Ms. Marsico added that earlier treatment of water chestnut next year should be more effective. Mr. Hathaway stated Clearcast is the SePro product the Board used, not to treat water chestnut, but as a general herbicide. Mr. Hathaway had suggested Ester, but Mr. Schindler assured him that Amine would be the better route. Mr. Hathaway stated Ester was far superior than Amine in the control of water chestnut. Mr. Hathaway noted Ester is also much more expensive, but it does not matter what you pay if the product does not work.

Melissa Castellon, State Parks Superintendent, addressed the water level of Lake Hopatcong, informing the Board that they are still draining the lake. Ms. Castellon stated, regarding weed disposal, she met with officials from the Solid Waste Unit. They visited the Tilcon site. They discussed possible options of other disposal sites. Ms. Castellon will follow up on those discussions. Ms. Castellon said they did say that it might help the cause if she would ask the Board to provide her with the total cubic yards for the past two years of weeds harvested; fuel costs per season and cubic yards of what was hydro raked. She will send this request to the Board in writing. Chairman Riley stated the State has not allowed the Board to do any harvesting because we had no place to put the weeds plus the State did not allow the Board to remove any of the muck. For the past two years, the Board has done almost no weed removal or material removal. Mr. Hathaway suggested providing projections of what they could do with the hydro rake and the three years they were doing weed harvesting. Ms. Castellon said that hopefully next year issues will get resolved, adding that finding a solution to the disposal issue will help things go smoothly. Chairman Riley expressed strong concern with Olivia Glenn looking for justification for providing financial assistance in the form of what the Board has done in the past two years, adding that for the past two years, everything the Board has tried to do was stopped by State Parks. Chairman Riley questioned how they can give the information requested with the roadblocks put in place by the State. Ms. Maio suggested a response stating “because of the issues for the past two years, our activity was limited however, the prior two years it was” and give that

information and “projected for the hydro rake would be” and state what that number would be. Chairman Riley expressed great frustration that the State would ask for information, when in fact the State did not permit them to do the activities for that information. Ms. Castellon acknowledged Chairman Riley’s frustration and asked that the Board present the history of what the Board has done on the lake. Chairman Riley will provide Ms. Castellon with the information for the past ten years. Ms. Castellon said, with respect to the swirl chamber, there are discussions taking place right now and she expects to have a response within the next couple of days. She will share the response with the Board when received. Mr. Hathaway stated the DEP and State Parks has an obligation to clean the swirl chamber every year. It is his understanding that the State does not intend to perform the annual draw down this year and that the permit has not been acted on yet. He feels this is ill-advised and will have disastrous consequences for Netcong Borough. Mr. Hathaway said the manual for the swirl chamber states it must be cleaned annually. Ms. Castellon stated they discussed that lowering the lake was necessary in order to maintain the swirl chamber. Chairman Riley noted that lowering of the lake is for other things as well, i.e. dock maintenance and shoreline clean-up. Mr. Hathaway questioned why they are withholding the lake lowering permit if not connected to the swirl chamber. Ms. Castellon responded she is not withholding the permit and that she agrees with the Board’s comments. Mr. Hathaway stated the advice of this Board is to lower the lake so the swirl chamber can be cleaned. Mr. Hathaway also stated this is contrary to the quarterly meetings they have been having and the timeframe for lowering the lake is narrowing. The lake must be drawn down by November 1st to allow for a thirty-day drawdown period. If it gets too late, Fisheries will not permit the drawdown. Ms. Castellon will relay the Board’s comments and concerns to the State.

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

ACTION ON MINUTES: On motion by Mr. Hathaway, seconded by Mr. Wright, the Minutes of the September 19, 2018 meeting were approved by unanimous voice vote.

COMMUNICATIONS: The following communications have been placed on file:

- 09-21-18 Notice to Property Owners – variance appl. to construct multi-use bldg. & 8 residential apartments re: Block 42, Lot 5, Netcong
- 09-27-18 United States Liability Insurance Group – confirmation of Public Officials Liability Ins.
- 09-28-18 van den Heuvel & Fountain, Inc. – Public Officials Liability Policy
- 10-09-18 Notice to Property Owners – conditional use and site plan to redevelop vacant lot into gas station and service station re: 15 Route 45, Mt Olive (Blk 4104, Lot 1)
- 10-12-18 Motor Vehicle Commission – change of address
- 10-17-18 Notice to Property Owners – Amendment to site plan approval re: 2 Flanders Road, Netcong
- 10-17-18 Netcong Borough – copy of letter sent to Olivia Glenn re: lake lower and swirl chamber cleaning

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 went to the two monitoring locations; first the one by Mr. Rogalo’s house and attempted to take measurements in the river, but because Lake Hopatcong is now discharging at 275 cubic feet per second, he could not take

the measurements. He did get samples which were sent to the lab. The other location was Lubbers Run in Byram. Chairman Riley noted this is different than the River Watch.

Site Plan Review/Stream Encroachment – Mr. Rogalo stated there are no applications that affect the lake.

Lake Awareness – Ms. Maio deferred to Mr. Hathaway. Mr. Hathaway reported he was unable to get an agreement between the fire departments on a date to reschedule the Firemen’s Challenge so they will not hold the event. Mr. Hathaway returned the \$1,000 check to the Netcong-Stanhope Rotary. Mr. Hathaway also returned to Mr. Keenan the Board’s check for the DJ.

Lake Management – Mr. Hathaway reported Chairman Riley resolved the disposal issue of the material from the hydro rake. He communicated with Land Management of the DEP and there is no requirement for a permit for spoil disposal unless it is contaminated. The Board has tests to prove the soil from the lake is not contaminated so we do not need any permits for disposal. Chairman Riley will forward the email stating same to the Board members and the Clerk will include it on the communications list for the next meeting. Mr. Hathaway also reported he purchased the oil for the machine that was discussed at the last meeting. Mr. Hathaway identified the problem with the machine and it is the \$4,000 forecast of which they speculated might be \$7,000. They purchased a new pump and once received it will be replaced and they will flush the system, after which they believe the machine will work. After testing, it was determined it was only one pump. Chairman Riley noted his comment at the last meeting suggesting replacing both pumps, but after the testing showed it was only one pump he made the decision to purchase on one pump for \$4,500 instead of the \$7,000 purchase for two. The pump will arrive this Friday and Wayne Swistek will install the pump. Chairman Riley asked Mr. Guyre, present in the public, to change both hydraulic filters. Mr. Hathaway stated all the vegetable oil has been removed. Chairman Riley assured the Board that vegetable oil will never again be put into the machine. Mr. Hathaway reported there was harvesting done between the last meeting and tonight’s meeting; significantly in Byram Bay to address Mr. Walters concerns. Depending on the lake lowering schedule, they will continue to harvest until the machine must be removed from the lake due to the lake lowering or icing. They removed eel grass with the hydro rake and also used it in a small area to test removal of weeds; however, it was not successful with weed removal.

Operating Budget Committee – There was nothing to report. Discussion on the 2019 budget will take place under New Business.

TREASURER’S REPORT: The Treasurer’s Report was emailed to the Board. The balance in the account is \$18,564.18. On motion by Mr. Hathaway, seconded by Mr. Rogalo and carried by unanimous voice vote, the Treasurer’s Report was accepted and placed on file.

BILLS: The amount of the invoice from McMillan Oil was changed from \$2,300 to \$2,200. On motion by Ms. Maio, seconded by Mr. Rogalo 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
Selective Inc. – commercial liability insurance premium (installment)	\$1,844.00
Lake Management Account:	
JCP&L – electric at shed	\$ 3.32
Solitude Lake Management – Lake Management Services	\$2,575.00
Debit/Credit Card	
McMillan Oil - Hydraulic Oil	\$2,300.00

ROLL CALL:

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

OLD BUSINESS:

Mr. Hathaway noted the Board discussed sending a letter to Olivia Glenn and he asked if the letter was sent. Chairman Riley responded he sent an email to Olivia Glenn requesting two things: 1) During their meeting, she committed to have Melissa Castellon be appointed as a member of the Board and 2) researching and getting the Board \$16,000 of funding from NJDEP. Ms. Glenn responded to his email, saying both of those issues are in the works and she would get back to him next week. That email was dated September 28, 2018. Mr. Hathaway suggested a follow up letter, similar to Netcong Borough's letter, and express the Board's concern about the lake lowering and to revisit the other two topics expressed to her in Chairman Riley's email. The Board agreed, with the condition that they first receive a copy of Netcong's letter and that they review Chairman Riley's letter before it is sent. Chairman Riley asked the Clerk to email a copy of Netcong Borough's letter to Olivia Glenn to the Board.

NEW BUSINESS:

2019 Budget – Chairman Riley noted Morris County requested they receive the Board's budget request during the month of October. Chairman Riley prepared a preliminary budget which was distributed to the Board for review. Chairman Riley also provided a copy of the 2018 budget for comparison. The 2018 budget was \$42,680 for the municipalities and counties, including \$16,000 from the state. He increased the municipalities and counties budget by about 1.7% and increased the state's by about 15%, asking the state for \$21,000. Chairman Riley expressed his opinion that the amount is justified because the Board has no idea of their disposal costs next year or maintenance for the machine and he anticipates an increase in the insurance rate. Mr. Hathaway believes the state will ask how they came up with \$16,000 and now \$21,000. Mr. Hathaway noted that last year they believed transport and disposal costs were the responsibility of the State of New Jersey; however, the state has not paid. Mr. Hathaway said in his conversations with state representatives the \$16,000 was discussed as a separate line item. If this is what the Board believes the costs to be then NJ Parks Service should be \$16,000 plus \$9,000 for disposal. The numbers must line up. Mr. Hathaway suggested requesting \$22,000 and to change the weed transport/disposal line item from \$9,000 to \$6,000. The Board should request the \$16,000 promised for operating costs and the \$6,000 promised for transport costs. Ms. Maio asked if the amounts include the municipalities contribution for herbicide treatment in the parks. Chairman Riley responded in the negative adding that will be a separate line item and will be the same amount as last year. The Board reviewed the line items in the budget and suggested minor revisions. The total 2019 budget is \$64,400. Chairman Riley will email the final version containing the changes discussed, to the Board. On motion by Ms. Maio, seconded by Mr. Hathaway and carried by the following unanimous roll call vote, the Board approved the 2019 budget in the amount of \$64,400.00.

ROLL CALL:

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

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

Yonnie Guyre, LMCA Treasurer, noted the conversation with Mr. Crowley about the Board providing budget information to Roxbury in October. Chairman Riley responded the budget request will be sent to all the municipalities and counties this month.

Pat Marsico, LMCA Member, said she researched Clearcast and the active ingredients and she disagreed with the Board's comments. Mr. Hathaway stated it was the experimental chemical in SePro. It had nothing to do with water chestnut and he remembers lackluster results. He disagrees it is something they would use for water chestnut, adding it is not on the primary list to control water chestnut. Ms. Marsico said Bob Schindler told her it is the best product to treat water chestnut. Mr. Marsico also encouraged the Board to keep herbicide treatment a priority in the Board's budget. Chairman Riley stated the Board has budgeted \$25,000 for herbicide treatment next year. Ms. Marsico noted grant opportunities from the Kellogg Foundation and offered to help try to get funds for the lake if the Board assisted her efforts.

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. Hathaway, and carried by unanimous voice vote, the meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Ellen Horak