

Lake Musconetcong Regional Planning Board
Regular Meeting
February 19, 2020

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 16, 2020 and was sent to the Clerks of the four municipalities, the State and the two counties.

ROLL CALL:

Mark Crowley - present	Greg Poff - absent
Robert Hathaway – present	Steven Rattner - present
Joseph Keenan - present	John Rogalo – present (arrived @ 7:05 pm)
Rosemarie Maio – absent	Lester Wright - absent
	Earl Riley - present

MODIFICATIONS TO THE AGENDA: Additional communication received. Chairman Riley added a presentation by Solitude Lake Management to the agenda.

PRESENTATION: Solitude Lake Management

2019 Lake Musconetcong Probiotic Treatment Program Summary - Chairman Riley invited Robert Schindler to come forward to present the results of the experimental probiotic treatment done in Arbolino Bay. Mr. Schindler gave a brief historical overview of the trial treatment. Mr. Schindler provided the Board with a written report entitled “2019 Lake Musconetcong Probiotic Treatment Program Summary,” a copy of which has been placed on file. Mr. Schindler said he worked with Chairman Riley and Mr. Hathaway and together they developed a treatment they felt would fit within the Board’s budget, but which they felt would be a successful application. They targeted an area less impacted by flow and in which they would see the most honest impact of the treatment. The report contains two pages showing a treatment map. The first map shows the control site 13 meant to replicate treatment areas behind the towpath and the second map illustrates a GPS application. The treatment program began on June 21, 2019 with a pre-treatment sediment sampling, water quality sampling and water depth sampling. A total of fourteen water sampling data sites were established for the program. Twelve of the sites were within the treatment area and two control points were established; one in Byram Bay and the other along the shoreline, south of the towpath. The product was distributed throughout the area by airboat. They did one treatment per month (June, July, August and September). At each sampling point sediment samples were collected for analysis of total phosphorus, total organic carbon, total volatile solids and total solids. At each monitoring site dissolved oxygen was measured approximately six inches off of the bottom, water clarity, water temperature and water depth, as well as sediment depth using a sludge judge. The report also contains a number of charts that indicate various results from each of the sites pre and post treatment, which were reviewed by the manufacturer, Aquafix, and by Rutgers. Mr. Schindler noted they received guidance from Aquafix. Mr. Schindler reported that on October 7, 2019 a post treatment sampling was conducted and replicated the sampling that was performed during the June 21, 2019 pre-treatment sampling to give them complete pre and post treatment data. On November 19, 2019 they returned to the lake for a water depth survey. The water depth was measured on three occasions at each sampling site, being on June 21, October 7 and November 19. The average water depth increase between June 21st and November 19th was 5.7 inches. Ten of the twelve monitoring sites showed an increase in water depth with the smallest increase at site 8 being 0.2 inches and the greatest increase at site 9 with a depth increase of 18.6 inches. Based on the available data, the average depth increase of 5.7 inches over twelve acres would be the equivalent of

5.7 acre-feet of water volume increase in Arbolino Bay. Mr. Schindler noted the bacteria is working; it is breaking down and softening the organic material. The Probiotic Treatment Program Survey contains a comparative review of each of the sampling parameters that were collected both pre and post treatment. Mr. Schindler noted the total organic and total volatile solvents were fairly consistent pre and post treatment. Even though the sediment percentage is unchanged, the lake is losing a large volume of organic material. The total phosphorus numbers in nine of the twelve sites decreased by 6,800 mg/kg with an average of almost 4,000 mg/kg of phosphorus. Chairman Riley said it is interesting that the phosphorus increased at site 14, which is the inflow from Lake Hopatcong. Chairman Riley noted the lake has produced a desirable affect in the reduction of phosphorus with this application; however, 95% of the phosphorus in this lake comes from Lake Hopatcong. Mr. Schindler noted between June 21st and November 19th the water depth increase was almost a 6" average depth increase, and if they were to do the treatment again, he would increase the water depth sites. Mr. Rogalo stated you need to have more than two control sites; you need something to compare with throughout the lake. Mr. Schindler said that within the treatment area, it broke down a lot of the organic plant growth biomass. Mr. Hathaway stated the previous year there were no weeds in Arbolino Cove so there was no influx of organic material. Whatever we were eroding was significant because they had a depth increase in the November observation and it is likely due to what we were doing. Mr. Schindler noted the impact of seeing there was no biomass; it was all very fine broken-down silt. Chairman Riley said the difference is the viscosity of the material you are pulling up with the sludge judge has changed and when you push down the sludge judge you may not be getting to the bed. Mr. Hathaway commented that this will be a benefit for the 319 grants. Chairman Riley will take samples of multiple sites and will take measurements with the sludge judge and he will forward the data to Mr. Schindler. Chairman Riley expressed his opinion that the experimental probiotic treatment is doing what they wanted it to do and he is satisfied with the results and the report provided by Solitude Lake Management. Mr. Hathaway asked that a copy of the report be sent to Rutgers for review to which Mr. Schindler responded he has already done so. Mr. Hathaway said he would also like Aquafix to share their overview of the study. Mr. Hathaway stated, if the Board would consider doing this again, the sites should be the vibra core sites they choose throughout the lake. These are sites we have significant data on and all of the GPS coordinates.

Lake Treatment Contract – Chairman Riley asked Mr. Schindler to speak about the lake treatment contract. Mr. Schindler said the request for a planned herbicide treatment was for a lake-wide management program with a budget of \$25,000 per year. Within that figure, they can do a lake-wide treatment with a liquid 2,4-D that will target milfoil. They will do the initial application early in the season when there is active milfoil growth. They will do two treatments with liquid 2,4-D. The second treatment is a remedial application to the original application. They will also treat for water chestnut. The application will not impact a lot of the native species. Mr. Schindler stated they will do monthly surveys and will likely treat the first week of April if there is significant milfoil actively growing. A fully copy of the contract from Solitude Lake Management has been placed on file. Chairman Riley noted this is a two-year lake management contract. The cost for the two years is \$49,478, broken down to 22 monthly payments of \$2,249 per month. On motion by Mr. Rogalo, seconded by Mr. Hathaway and carried by the following unanimous roll call vote, the Board authorized Chairman Riley to sign the two-year lake management contract with Solitude Lake Management.

ROLL CALL:

Mr. Crowley – yes	Mr. Rattner - yes
Mr. Hathaway – yes	Mr. Rogalo - yes
Mr. Keenan– yes	Chairman Riley – yes

Mr. Schindler will work with Mr. Hathaway on the supplemental sites and the treatment areas.

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

Ray Guyre, Landing, noted the State Park has a septic and he asked when they will get off the septic. Chairman Riley responded he does not know when. Mr. Crowley stated they asked the Lake Commission if they can wait for next year to do it because it is too late to start and be completed before the summer season.

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

ACTION ON MINUTES: Mr. Hathaway noted a correction to the minutes being on the second line of page 6, HAP should be corrected to read HAB. On motion by Mr. Rattner, seconded by Hathaway, the Minutes of the January 15 meeting, as amended, were approved by unanimous voice vote.

COMMUNICATIONS: The following communications have been placed on file:

- 01-16-20 Netcong Borough – Purchase Order in the amount of \$10,151.51 re: 2020 budget contribution and 2020 herbicide treatment
- 01-27-20 Daily Record – Affidavit of Publication re: annual meeting notice
- 01-27-29 Sussex County Freeholders – Reappointment of Greg Poff as Sussex County Representative to the Board
- 01-27-20 NFP Property & Casualty – Enrollment Form for Group Accident Insurance
- 02-18-20 Netcong Borough – check in the amount of \$10,151.51 re: 2020 budget contribution and 2020 herbicide treatment

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 – Mr. Rattner reported the National Parks Service’s name changed to Department of Interior and we are in Region 1. Mr. Rattner also reported that they are having the same problem the Board is having dealing with the DEP with the Wild & Scenic Management Plan, as they too are not receiving promised funds. The budget approved for all Wild & Scenic rivers across the country increased 57%, but the Musconetcong only received 26%. They are asking the county to get involved and provide someone in their Economic Development to go to Washington, D.C. in March and request Water Trail designation for funding.

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

Lake Awareness – Mr. Hathaway reported he was able to arrange to have an ice safety presentation given to the Netcong School students by an ice safety company, who gave the presentation pro bono. Mr. Hathaway said he would like the Board to get involved next year and get the presentation to Byram, Roxbury and Stanhope schools. Mr. Hathaway stated he attended the presentation and it was well done and well received by the students. Chairman Riley asked Mr. Hathaway to forward the information to the Board and he asked each Board member to take the information to their town’s school representatives.

Lake Management – Mr. Hathaway stated his report was covered during discussion with Mr. Schindler and he has nothing else since his last report. Chairman Riley reported he submitted the final report on the grant for the hydro rake. The final payment will not be made until the final report has been accepted. When the report is accepted, the Board should receive \$4,000. Chairman Riley reported he has been in contact with Alfa Boats regarding replacing the cylinder. Chairman Riley noted shipping will be costly so if the Board has to pay for shipping, he will personally pick it up.

Operating Budget Committee – There was no report.

TREASURER’S REPORT: The Treasurer’s Report was emailed to the Board. Mr. Keenan reported the check for \$3,000 to Solitude Lake Management has been voided so the opening balance on this month’s report is \$3,000 higher than the last report. Mr. Keenan noted this report does not include the check received from Netcong. Chairman Riley stated the domain registration for \$19.99 should not be on the report because it was cancelled. The balance in the report should be adjusted accordingly. 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: On motion by Mr. Hathaway, seconded by Mr. Rattner 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
NFP Property & Casualty – renewal of Volunteer Accident Policy	\$ 200.00
Daily Record – legal notice re: Annual Meeting Notice	\$ 65.96
New Jersey Herald –legal notice re: Annual Meeting Notice and Award of Contract	\$ 39.90

Lake Management Account:

JCP&L – electric at shed	\$ 3.10
Solitude Lake Management- Lake Management Services (Oct. bill)	\$3,000.00

ROLL CALL:

Mr. Crowley – yes	Mr. Rattner - yes
Mr. Hathaway – yes	Mr. Rogalo - yes
Mr. Keenan– yes	Chairman Riley – yes

OLD BUSINESS

Mr. Hathaway noted he had written a letter to the Governor, which was not received by the Board, the topic of which was the hydro rake and the Board’s inability to use it. Mr. Hathaway stated he

would like to convene a meeting with the mayors of the towns and see if they can get a political initiative to help the Board resolved this problem. Mr. Hathaway said this process needs to be addressed because it will not change. Chairman Riley stated he requested a letter from the NJDEP for the Board to retain ownership of the equipment. According to the grant, at the end of the grant period, we have to turn the equipment over to the NJDEP unless we have something in writing from them saying the Board can retain the equipment. Chairman Riley stated, if the Board wants to retain the equipment, which he thinks they should, they need to be able to use it. There is no sense in keeping the equipment unless we can use it for the purpose it was acquired. Chairman Riley noted there was opposition to Mr. Hathaway's original letter, but he does not know any other way to their attention. Chairman Riley said he would like to open discussion on this topic. Mr. Hathaway said there were previous meetings and nothing promised by the NJDEP has happened. The process was irrational and promises not follow up with. Mr. Hathaway said he is asking the Board to authorize an outreach for him and Chairman Riley to reach out to the Mayor's of the towns and try to start the process and get to where they can give the legislators a tool to use to help the Board. Mr. Crowley suggested asking the towns for a resolution of support of the letter and to also include the counties. Chairman Riley asked if the Board would authorize Mr. Hathaway to compose a letter and for him and Mr. Hathaway to meet with the Mayors and present to them this dilemma. Chairman Riley asked who on the Board is in support of doing this. Mr. Keenan voiced his support. Mr. Crowley voiced his support. Mr. Rogalo stated federal law prohibits use of mechanical equipment in a regulated waterbody without a dredging permit. Mr. Rogalo said he would be in support of using the hydro rake for removal of water lily or stumps, but digging and removing from the bottom of a water body is prohibited, meaning any sediment, including the organic. Chairman Riley noted the permit states within 100' of any inflow. Mr. Rogalo stated it requires a plan and monitoring in addition to engineering. Mr. Rogalo stated, "if the Board decides to use this equipment without following the proper channels, he will step down from the Board because the Board will be liable." Mr. Rattner voiced his support. Mr. Rogalo stated he is not opposed to using the hydro rake as a rake. Chairman Riley said they can only remove floating weeds. Chairman Riley added that they have a permit to dig and if they need a dredging permit, the Board will go through the proper process. Mr. Hathaway stated his intention is to create a letter that inspires cooperation of the DEP to use this equipment. Chairman Riley and Mr. Hathaway will coordinate a meeting with the Mayors.

NEW BUSINESS:

Chairman Riley noted Ms. Castellon was not able to attend tonight's meeting, but she informed him that she went to a meeting of the Musconetcong River Management Council and met Kerry Green from the Highlands Council, who told her there is grant money available from the Highlands Council for many different things; some of which may be of interest to the Board. Chairman Riley reviewed the documentation and one of the grants is for lake management planning and one grant is for water quality monitoring. Chairman Riley stated the Board should have a formal written lake management plan in place. Mr. Hathaway noted they are still waiting for the MOU from Mark Texel that was agreed to. Mr. Hathaway noted it has been over 90 days since the discussion and he suggested the Board send a letter to Mr. Texel asking where the MOU is. Chairman Riley asked the Board members if he should investigate the grants. It was the consensus of the Board to have Chairman Riley investigate the grants.

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.

ADJOURNMENT: On motion by Mr. Rogalo, seconded by Mr. Keenan, and carried by unanimous voice vote, the meeting was adjourned at 8:39 p.m.

Respectfully submitted,

Ellen Horak