

**Lake Musconetcong Regional Planning Board**  
**Regular Meeting**  
**July 19, 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 -present	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 communications and bills 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:** On motion by Ms. Maio, seconded by Mr. Hathaway, the Minutes of the June 21, 2017 meeting were approved on majority voice vote. Mr. Graham abstained.

**COMMUNICATIONS:** The following communications have been placed on file:

06-29-17 Roxbury Township – Purchase Order in amount of \$8,187.53 re: 2017 budget contribution  
06-30-17 Netcong Borough - Purchase Order in amount of \$7,607.07 re: 2017 budget contribution  
06-30-17 Netcong Borough - Purchase Order in amount of \$700.00 re: 2017 herbicide treatment  
06-30-17 Stanhope Borough – Check in amount of \$700.00 re: 2017 herbicide treatment  
07-05-17 Byram Township - Purchase Order in amount of \$1,435.87 re: 2017 budget contribution  
07-11-17 Notice to Property Owners – site plan application to construct a 5,000 sq. ft. warehouse at 130 Allen Street, Netcong (Block 8, Lot 28)  
07-14-17 Roxbury Township – Check in amount of \$8,187.53 re: 2017 budget contribution  
07-18-17 Byram Township – check in amount of \$1,435.87 re: 2017 budget contribution  
07-18-17 Netcong Borough - check in amount of \$8,307.07 re: 2017 budget contribution (\$7,607.06) and herbicide treatment (\$700.00)

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 the MWA was active participants in the hand pull. The Americorps Watershed Ambassador was very thorough in coordinating the event and it was a successful day. There were 45 volunteers and they removed close to 7,000 pounds of water chestnut and coontail in Byram Bay. Chairman Riley added the Board is provided with the Watershed Ambassador from the MWA.

**Site Plan Review/Stream Encroachment** – Mr. Rogalo reported the Board received notice of a Netcong Planning Board hearing for the development on Allen Street that the Board previously discussed. The hearing is scheduled for Monday, July 24, 2017 at 7:30 p.m. at the Netcong Municipal Building. Mr. Hathaway stated they need to check on the sump pumps at the site because there is a drainage issue. Ms.

Maio asked Mr. Hathaway if they identified the sumps that are going into the lake. Mr. Hathaway responded in the affirmative, adding they are visible. They are discharging into the stream from the sump pump. This is contrary to DEP regulations; however, the DEP is saying it is a pre-existing drain. The Board spoke about the need to have a presence at the hearing to speak about the Board's concerns about drainage into the lake. There must be no industrial drainage into the lake. Mr. Hathaway stated there are multiple lots involved. They are going to build a warehouse on one of the lots that is being reconfigured and it has a sump drain on it. Mr. Hathaway is of the opinion there will also be drainage issues on the other lots. The property is on a County road so the County will weigh in on the project. Mr. Rattner stated Morris County's engineer will be doing a site visit. Mr. Rogalo will be out of town on the day of hearing and therefore, unable to attend on the Board's behalf. Chairman Riley will visit the site with the county engineer and attend the hearing and express the Board's concern to the Netcong Planning Board. They must make sure the drainage plan does not allow direct drainage into the lake. Ms. Maio will also attend the hearing if she is available. Mr. Rattner will coordinate the site visit with the County engineer.

**Lake Awareness** – Ms. Maio asked if the Board will be participating in Byram Day, which is scheduled for Saturday, September 9, 2017 from 9:00 a.m. to 11:00 a.m. The Board is already registered for a table at Netcong Day which is being held Sunday, September 10, 2017. After a brief discussion, it was the consensus of the Board not to participate in Byram Day. Ms. Maio asked for volunteers for Netcong Day. Mr. Rattner will help with set up in the morning, Mr. Keenan will help with the take down; Mr. Hathaway, Mr. Rogalo, Mr. Wright and Ms. Maio will help throughout the day. Chairman Riley will be out-of-town and unable to attend.

**Lake Management** – Mr. Hathaway reported earlier today, in which it was the second day in a row, he received a complaint from residents that they were told by state park police that they were not allowed to use the lake. They were swimming in the lake and were told swimming in the lake anywhere is not permitted. Mr. Hathaway added that he has also received complaints from fisherman stating that they were displaced from the lake in the evening while fishing. Mr. Hathaway sent an email to Senator Bucco on the issue and cc's Ms. Maio, Netcong's Mayor Joe Nametko and Chairman Riley. Mr. Hathaway stated early this spring they had a meeting with the Senator on this issue and he was assured this was going to stop. Mr. Hathaway added one of the residents told him a park police official said parents of children swimming could be fined up to \$2,500. Mr. Hathaway stated these children were swimming at the boat launch and it is very troubling that they are being threatened with hefty fines for doing so. Chairman Riley asked Mr. Hathaway's permission to forward his email to Bob Martin and everyone below him in the DEP. He will add comments with the email and "cc" the Board, the local legislators and the Morris and Sussex County Administrators. Mr. Hathaway gave approval to Chairman Riley to forward his email. Chairman Riley will add his comments stating residents of this lake pay taxes and the State of New Jersey contributes nothing to the support of the lake and to disallow residents to use a State facility is absolutely unacceptable. Chairman Riley stated the state park police are also prohibiting fishing after dark. Mr. Rogalo said the DEP regulations state a person engaged in legal Title 23 activities are exempt from the sunrise/sunset restrictions. Mr. Rogalo asked Chairman Riley to add in his email that regarding public lands nationwide, whatever agency is entrusted as a caregiver of that land is not the owner. They are the caretaker of the land for the public's benefit, but the land belongs to the taxpayers.

Mr. Hathaway also reported the hydro rake should be delivered within the next 10 to 14 days. There will be training associated with it which will be before the next meeting. An email will be circulated to the current operators. Mr. Hathaway said he also anticipates another treatment of 24D. The area most needed is the Stanhope side of the lake just off the island. Mr. Hathaway noted the lake is in very good condition. The LMCA's perimeter treatment has been highly effective. Mr. Hathaway stated members of Solitude

Lake Management (and their children) attended the hand pull. Mr. Hathaway mentioned the drawdown 2 years ago and said he surveyed areas in Roxbury searching for some seeds of the water chestnut; areas that were knee deep in muck without water and those same areas now have a sandy bottom and 18 inches of water. Mr. Hathaway asked the Board to authorize the purchase of a Sludge Judge at a cost not to exceed \$200. He would like to re-survey the areas they previously surveyed and he will use the Sludge Judge to see if there has been a depth increase in the lake. Chairman Riley added that while on the harvester in the back end of Byram Bay where last year the small harvester got stuck in the mud, it went through the area easily this year and he saw carp swimming across the sandy bottom. Mr. Hathaway stated the kayaks at the hand pull were getting the water chestnut from areas never before accessible by boat. Mr. Hathaway reported he spoke to an engineering firm about doing pro bono consulting on disposal of the material. Chairman Riley stated he received a quote for testing of about \$780 to do the test when the material is gathered. It was suggested that they get the material from multiple locations on the lake and send to the testing facility. The Board already authorized the testing, but at a lesser amount than needed so the Board needs to amend the amount. He was also given sample documents with the suggestion that the Board makes changes to the document specific to our needs. He would like Cliff Lundin to review the documents and to have all documents signed by the Board's attorney, and not signed by a member of the Board. The Board members agreed that the attorney should review and sign the documents. Mr. Hathaway reported that he and Chairman Riley are working on a potential relationship with Roxbury Township and the Board may be able to place the material on State land. Mr. Hathaway suggested also having the "lottery" program ready in case the other options they are working on do not work out. Mr. Hathaway will formulate the lottery system and have it reviewed and ready to be authorized at the next meeting.

On motion by Mr. Graham, seconded by Mr. Hathaway and carried by the following unanimous roll call vote, the Board authorized the purchase of the Sludge Judge at a cost not to exceed \$200.00.

ROLL CALL:

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

On motion by Mr. Hathaway, seconded by Ms. Maio and carried by the following unanimous roll call vote, the Board agreed to amend the amount previously approved for the test and increase the amount to an amount not to exceed \$800.00.

ROLL CALL:

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

On motion by Mr. Hathaway, seconded by Mr. Rogalo and carried by the following unanimous roll call vote, the Board authorized Cliff Lundin to review the documents relating to the disposal of the Sludge Judge muck.

**ROLL CALL:**

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

**Operating Budget** – There was no report.

**TREASURER’S REPORT:** Chairman Riley noted the Treasurer’s Report was emailed to the Board. Mr. Keenan said the report emailed showing a balance of \$12,437.67 does not reflect the checks received from Byram and Netcong totaling \$9,742.94.

On motion by Mr. Hathaway, seconded by Mr. Graham, and carried by unanimous voice vote, the Treasurer’s Report was accepted and placed on file.

**BILLS:** On motion by Mr. Wright, 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
U.S. Postal Service – Annual PO Box Fee	\$ 198.00

**Lake Management Account:**

JCP&L – electric at shed	\$ 3.48
Solitude Lake Management – Lake Management Services	\$2,500.00
Solitude Lake Management – Muni/Park Lake Treatment	\$1,800.00
Rich Perry – Reimbursement for Metal Supermarkets Receipt	\$ 190.96

**Debit/Credit Card**

Westchester Machinery – Hydraulic Hose	\$ 97.24
GoDaddy – website domain	\$ 56.01
U-Name It – trophies for fishing contest	\$ 65.32

**ROLL CALL:**

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

**OLD BUSINESS:**

Disposal - Chairman Riley stated he met with John Shepherd, the new Town Manager for Roxbury Township and Rich Blood, Public Works Director to discuss disposal of the hydro rake material. Rich Blood suggested putting the material on the road in front of Port Morris Park and let it dry out. It is a paved road and the material can be put there to de-water and then it can be removed. The Board would need to monitor it. Mr. Blood was in charge of disposing of the material when they did the experiment in the Landing area of Roxbury. They put the material on State land. The material was very soupy so he surrounded the material with hay bales. Roxbury did not spend any money on the project. They found a farmer willing to remove the material and take it to his farm. Mr. Blood is going to give Chairman Riley the farmer’s name and the names of everyone else he reached out to. Ms. Maio

suggested contacting farmers in Warren County. Mr. Graham will find out who is on the Sussex County Agricultural Board and see if there is any interest.

Firemen's Challenge – Chairman Riley stated information on the event is posted on the Board's website. The event will be held on August 19<sup>th</sup> from 1:00 p.m. to 4:00 p.m. The concept of the event has been changed and instead of using ducks, they will be using a beer barrel. The two fire departments will conduct a trial run to see if they can control it and if the hoses can push the barrel across the lake. There are 1,000 50/50 tickets to sell. The price is \$10.00 per ticket and there will be three winners. The first prize is 25% of the proceeds, second prize is 15% of the proceeds and third prize is 10% of the proceeds. The Board will receive 60% of the proceeds and the two fire departments (Netcong and Stanhope) will receive 20% each. The winning fire department will receive a trophy. There was a brief discussion on the trophy and all agreed that it should be a large trophy with a place to put this year's winners name as well as future winners. Chairman Riley will speak to U-Name It about the trophy. On motion by Ms. Maio, seconded by Mr. Hathaway and carried by the following unanimous roll call vote, the Board authorized Chairman Riley to purchase a trophy at an amount not to exceed \$200.00.

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

The competition will start about 2:30-3:00 p.m. After the trial run they will know better how long it will be. The 50/50 drawing will be held at 4:00 p.m. and the winner need not be present. Chairman Riley expects the hydro rake to be delivered before the event, which will be a “wet-down.” Chairman Riley will take the hydro rake out on the lake for the event.

There was discussion about how the Board is to accept the donation of the 50/50 proceeds which will be from the Stanhope Fire Department because they have the raffle license. Chairman Riley will ask Cliff Lundin if the Board needs to adopt a resolution to accept the donation. Mr. Hathaway suggested inviting the political entities that helped the Board secure the grant money for the hydro rake. The Clerk will send the invitations.

Grant Money – Chairman Riley provided an update on the grant money. He received a note from Jay Springer, the Grant Manager, saying he was meeting opposition on giving the Board advance payment and he needed more information in order to issue the check. Chairman Riley sent the requested information supporting our request for advance funding. The Board has obligations, i.e. material testing, and the manufacturer expects payment as soon as the equipment is delivered.

#### **NEW BUSINESS:**

Chairman Riley stated he attended the Lake Hopatcong Commission meeting. The Lake Hopatcong Commission has been awarded \$105,000 funding from the State of New Jersey (general legislative funds) for the purpose of “running” the Commission (office staff). Also at the meeting Josh Osowski announced that if they fill the MUA site, they will be taking the remaining weeds from Lake Hopatcong to the Tilcon site. When Chairman Riley said the Board was told we cannot take our weeds to Tilcon, Mr. Osowski responded by saying they do not want weeds from our lake anywhere near the Tilcon site because of the water chestnut. At the meeting, it was also mentioned that Princeton Hydro is looking at a new round of 319 grants. In 2019 the focus of federal grants is going to be in the Delaware River Basin up to and including Lake Hopatcong and the Musconetcong River. About 10 years ago, Princeton Hydro prepared a restoration plan for Lake Hopatcong and Lake Musconetcong. Chairman Riley said since Princeton

Hydro is proposing that Lake Hopatcong redo their plan and apply for grant money, he recommends the Board propose a joint venture and have Princeton Hydro again do a restoration plan for both Lake Hopatcong and Lake Musconetcong. The Board will then have an up-to-date restoration plan and funds to utilize.

Chairman Riley noted in 2015 the Board received and agreed to a request for use of the small harvester in Clinton. They are in trouble again and sent him an email requesting use of the small harvester. Chairman Riley noted this season, the Board has only used the small harvester for the hand pull and he cannot in good conscience deny the request. Chairman Riley added the Board does not have a signed Memorandum of Understanding ("MOU") for the small harvester. When they lent it out last time there was a signed MOU. There was concern expressed by Board members about being in possession of the small harvester and not having a signed MOU with the State of New Jersey. Chairman Riley said he will not relinquish control of the small harvester until he is provided with a signed MOU from the State.

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

Pat Marsico, Netcong resident and LMCA member, asked about when the Board will lend out the small harvester. Chairman Riley responded he does not know when. Ms. Marsico said the LMCA is thinking about when they should start the application to request approval to treat the lake next year. She noted last year it was a very lengthy process. Ms. Marsico also said she was told by Melissa Castellon that the State is going to require the LMCA and LMRPB to submit a single plan at the same time. Chairman Riley said if Melissa Castellon wants a single plan, she will have to write it.

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 Mr. Rogalo and carried by unanimous voice vote, the meeting was adjourned at 8:25 p.m.

Respectfully submitted,

Ellen Horak, Clerk