

**Lake Musconetcong Regional Planning Board**  
**Regular Meeting**  
**April 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 - absent	John Rogalo - present
Joseph Keenan - present	Lester Wright - present
Rosemarie Maio - present	Earl Riley - present

**MODIFICATIONS TO THE AGENDA:** There were no modifications to the agenda.

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

Joe Nametko, Mayor of Netcong Borough and a homeowner on the lake approached the Board and asked what the plans are for weed management this season. Last year the lake was a challenge. Homeowners treated around their property, but milfoil is a problem. Mayor Nametko stated something must be done to create a channel through the middle of the lake. Mayor Nametko also asked about the plans for weed disposal. Chairman Riley responded that as of today, the Board has no place to dispose of the weeds and he is not committing to putting the harvester in the water at all this season. Ag Choice failed the DEP VOC test in their compost. They have not determined the source of the failure. They believe it came from "lake weeds." The difference in the compost between 2013 (when they did not fail) and 2016 was they started accepting weeds from Lake Hopatcong and Lake Musconetcong. According to Ag Choice, they have not received back the results of the tests they are running on their compost and there is no commitment to accept weeds from Lake Hopatcong, Lake Musconetcong or anywhere else. Chairman Riley said if the Board cannot harvest weeds this year, there has been discussion about taking the entire funds and dedicating them towards herbicide treatment this year. He and Mr. Hathaway met with the LMCA to try to work out a solution to use the same chemical. Chairman Riley stated, due to the extremely mild winter, he expects milfoil to be a significant problem again this year. Chairman Riley also cautioned that they must be mindful of the water chestnut because it is still in Byram Bay. Chairman Riley also stated he contacted the Morris County MUA, who hauled the Board's weeds in the past. They are now restricted to 800 cubic yards and it has been dedicated to Lake Hopatcong and they have no room for our weeds. Chairman Riley also called Natures Choice in Roxbury and he is waiting to hear back on if they are willing to take our weeds and what the cost would be. Chairman Riley stated they must continue with the lake management program. He is meeting with Solitude Management next week to discuss herbicide treatment. There is \$13,000 in the budget for herbicide treatment. If they cannot harvest they can increase the herbicide budget by \$10,000. Chairman Riley added, if they go over \$17,500, they must go out to bid.

Melissa Castellon, State Parks Superintendent, stated for the past week she has made numerous telephone calls about the disposal issue and she has not received help from anyone she contacted. The reason the State has not tested the weeds in either lake is because they will not do it on a method that may not give the answers they need. Testing soil and plants is not the same. There is a process before it turns into Ag Choice is testing and while Ag Choice cannot find out where this is coming from she will not waste money until they know what should be done. Chairman Riley said in the past the Board disposed of weeds at Tilcon and RC Field and the solution is to go back to what they were doing 2 years ago which

was taking the weeds to State Park property. This is a State lake and it is the State's weeds and the State is not doing anything to help us. Mr. Graham suggested SWAC members bring this to the attention of the Freeholders. Mayor Nametko is a member of SWAC and will bring it to their attention. Chairman Riley also stated he and Mr. Rogalo are working with Professors from Rutgers who have ties into Solid Waste and the DEP. We have taken them samples of weeds that have been sitting in the field for 3 years and they have determined they have decomposed completely by themselves. Chairmen Riley stated DEP does not have regulations regarding aquatic weed disposal. Land weeds (terrestrial weeds) decompose differently than aquatic weeds. Chairman Riley said the goal is to show DEP there is a difference and to allow us to dispose of our weeds at multiple sites around the area.

Pat Marsico, LMCA member, is the lack of a disposal site puts a stop on use of the hydro rake as well as the harvester. Chairman Riley responded in the affirmative, adding the Board will have a \$300,000 piece of equipment that they will not be able to use, a fact that he will need to explain in his grant reporting to the State.

Jetur Riggs, LMCA member asked if he Board has an estimate on the number of acres harvested last year. Chairman Riley responded he did not tract the acreage. They removed 4,000 cubic yards of weeds and he would estimate over 200 acres.

Ann Galin, Port Morris resident, informed the Board that she completed her River Watch training. She also noted the hydro rake testing being done in Roxbury and asked the status of the disposal. Mr. Rogalo responded the weeds are being taken to a farm (with a one-time approval). The weeds were tested prior to disposal and came back clean.

Yonnie Guyre, Port Morris resident, stated Josh Osowski was at the last Lake Hopatcong meeting and he said he is looking into dewatering Lake Hopatcong's weeds. She suggested the Board check on the location he is using for the weeds and possibly the Board can use the same one. Chairman Riley responded he spoke to Josh and he is trying to find a location to put the weeds temporarily to dewater and after dewatered, in the winter, they can be taken to Ag Choice. Chairman Riley added this is not an option for the Board because it adds an additional cost and will not solve our problem.

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 Ms. Maio, seconded by Mr. Keenan, the Minutes of the March 15, 2017 meeting were approved on majority voice vote. Mr. Graham abstained.

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

3-20-17 Lovell Safety Management – Certificate of Workers' Compensation Insurance re: Barber Welding Inc t/a Alpha Boats Unlimited

3-24-17 Copy of letter from NJS DEP to LMCA re: 2017 Shoreline Invasive Plant Remediation Request

3-27-17 Byram Township – 2017 weed disposal request (limit 36 pulls at \$100 per pull)

3-29-17 Notice to Property Owners – variance request to construct a garage addition to existing single family dwelling at 16 Union Street, Byram.

3-29-17 Edwin Seabury - \$100 donation in memory of Barney Hunts

3-29-17 Selective Insurance Company – Commercial Liability Insurance Renewal Policy

4-06-17 Barber Welding Inc., dba Alpha Boats Unlimited – updated Certificate of Liability Ins. and Workers' Compensation Insurance

4-10-17 Notice to Property Owners - Notice to Property Owners – site plan to permit redevelopment of site into gas filling station with convenience store and use variance re: Block 4104 Lot 1 (15 Route 46), Mount Olive

On motion by Ms. Maio, seconded by Mr. Wright 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 they are putting sensors in the river; one by the steel bridge near Mr. Rogalo’s house and the other location will be in Riverside Park in Byram. The sensors will measure the flow, “DO” and temperature prior to the MSA and then after the MSA so they will have a comparison of any changes. They are “real time” sensors. These 2 sensors are the first of about a dozen that will eventually be installed. Chairman Riley also reported River Watch will be held within the next month.

**Site Plan Review/Stream Encroachment** – Mr. Rogalo reported the Board received one notification for property in Mt. Olive. The site is downstream and does not affect the lake.

**Lake Awareness** – There was no report.

**Lake Management** – In Mr. Hathaway’s absence, Chairman Riley read the following written report provided by Mr. Hathaway: “We are moving forward with equipment preparation to mobilize sometime in mid to late May. Weed harvesting will be contingent on resolution of the Ag Choice concern relating to the quality of the material. The board will certainly be required to submit to some manner of testing and reporting related to materials going to the facility this year. We continue to work to resolve this issue.

Earl and I met with the mayors of Roxbury, Netcong, and Stanhope along with Melissa from SPS and members of the LMCA to discuss long term lake management strategies. It was suggested that this group, limited to President and lake management person from the LMCA, and the Chairman of the board and the lake management person from the LMRPB along with the aforementioned persons, form a super committee to engage a more comprehensive long term lake management strategy sensitive to the needs and goals of both organizations. This group would meet on a predetermined regular basis in a non-public forum. Mutually agreeable plans would be designed and maintained in this forum and brought back to the respective boards for consent and approval with obvious oversight by representatives from the municipalities and SPS.

Earl and I are meeting with Solitude next week to discuss options for herbicide treatment 2017.

Earl continues to have productive dialogue with Rutgers environmental scientists connected with NJDEP as to a review of composting aquatic weeds. Our goal is to have a review of composting and disposal regulations of aquatic weeds so as to allow the LMRPB and SPS to dispose of aquatic weeds on SPS property in the same manner as was enjoyed in the past. Additionally, the goal is to include having all spoils from the lake, weeds and hydro rakings, classified as organic. Currently this is complicated by the LMCAs possible use of glyphosate in the past. Additionally, the LMCA herbicide permit for this year has permissions for several glyphosate containing products. I believe the board should send official objection to DEP relating to authorization given for glyphosate use. It should be requested that the permit be either

amended or suspended due to the glyphosate usage and its significant conflict with long term lake management as it relates to disposal. Additionally, NJDEP compulsory applicator records submitted to DEP by Aquatec (LMCA herbicide contractor) of actual application dates and materials used last year should be requested. This may involve sending an OPRA request as the LMRPB is still not listed as oversight on the permit as was agreed last year. Curiously the Lake Hopatcong Commission is listed as one of the authorizing agencies. I would at this point advise that we engage Cliff Lundin and our elected officials to take a more direct approach on this issue as more our informal approach last year was obviously inefficient. If this permitting process had been followed as agreed last year I would have caught the potential glyphosate usage and this would not be at issue. We will likely have a moratorium of some years before receiving organic status relating to glyphosate even appearing on the permit. Currently anyone LMCA or other can hire a contractor, get a permit via their contractor and dispense anything in the lake for which that permit provides. We are chartered to be the overseers. Within this current paradigm that is not possible. This is likely only the first of many potential problems if this condition remains unresolved. You may recall we discussed at length last year the potential for this type of problem. Any person or entity can still apply to DEP for permits for herbicide, or any other controlled watershed operation and the LMRPB will not have opportunity for comment prior to approval.

We have agreed with Netcong FD, Stanhope FD, LMCA, Roxbury township, Netcong Borough, and Stanhope Borough to conduct a 50/50 type fundraiser to be conducted on June 11 (Stanhope Day). This may also converge with a potential wet down type event for the hydro rake. Funds raised are to be used exclusively to continue our microbial sludge eater experiments. Specifically, the goal would be to conduct an experiment on Arbolino cove next year.”

During the reading of the report, Pat Marsico, in the public, questioned mention of the use of glyphosate in the LMCA’s herbicide permit. Ms. Marsico approached the dais to view the language in the permit.

Chairman Riley noted the entities listed on the permit for prior approval includes the Lake Hopatcong Commission and he questioned why it is not the LMRPB. He asked Ms. Castellon to find out why the Board is not included to review the permit applications prior to issuance.

Chairman Riley also spoke about the 50/50 and Duck Race planned, adding the proceeds will be used for the probiotic experiment in Arbolino Cove.

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

**TREASURER’S REPORT:** Chairman Riley noted the Treasurer’s Report was emailed to the Board. Mr. Keenan reported there is a remaining balance of \$822.73, which includes tonight’s bills.

On motion by Mr. Graham, 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. Graham, 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	\$ 3.32

**ROLL CALL:**

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

**OLD BUSINESS:**

Ms. Maio asked the status of discussion at last month’s meeting regarding a site plan for a warehouse on Allen Street. Mayor Nametko, present in the public, stated the matter went before the Netcong Planning Board and was deemed incomplete.

Mr. Rogalo asked if the Board was holding the fishing derby again this year. Chairman Riley responded in the affirmative noting it will be held on June 11<sup>th</sup>. Chairman Riley asked Mr. Rogalo if he would be able to get the \$200 donation again from the Sportsmen Federation. Mr. Rogalo asked that a donation request letter be sent and he believes the Board will receive the donation. The Clerk will send a letter to the Sportsmen Federation requesting the \$200 donation.

**NEW BUSINESS:**

Chairman Riley asked Mayor Nametko to speak about the ADA access to Lake Musconetcong he is putting in place. Mayor Nametko stated this is part of a 3-year process. Netcong Borough did a recreational inventory and Phase I is rehabilitation in Arbolino Park. They will redo the tennis courts and move the basketball courts plus install a tennis wall. As part of that, they will have a side project to do an ADA compliant ramp and dock in Arbolino Park. There will also be 4 ADA parking spaces within 10-15 yards of the dock. The application has been submitted to State Parks and he expects to receive approval from Ms. Castellon shortly. So far 2/3 of the project is being funded through grant money. They are looking for the additional 1/3 in funding. He reached out to Trout Unlimited and they showed interest. Hopefully there will be funding for the entire dock and ramp and DEP approval to have it in place this year. They may not be able to have the 4 parking spaces completed this year. Cameras will be added to the area and the entire project will be done without spending any taxpayer money.

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

Melissa Castellon, Superintendent of State Parks, addressed the issue of funding and she expressed the fact that she understands the Board’s frustration and she asked that the Board please understand they are all in the same boat. State Parks Service can only use what is given to them and she asked that the Board not blame State Parks. She wishes they had the money the Board wants; however, it is beyond their control. Plus, there is a side of DEP that governs regulations that State Parks must adhere to. Ms. Castellon spoke about the process the LMCA has been put through for their permit. Ms. Castellon noted the Board’s desire for more oversight on the lake and she also would like that to happen. She is in the process of looking at it and how to approach. She wants to work in the direction of their being Board oversight because it will be a huge impact on the health of the lake. Ms. Castellon also said when working together (the Board, LMCA, Mayors) on the lake management plan, be mindful that when there is a plan, it will go through the complete review process and to be aware there are a lot of other parameters they may not know about. Parks Service wants to work with the Board; however, there is a

process they must also go through. Chairman Riley stated “it appears that the DEP does everything they possibly can do to prohibit the Board from taking care of their property.”

Ray Guyre, Port Morris resident, asked the Board to provide a copy of the Board’s herbicide permit for review to see if it contains the same language as the LMCA’s permit.

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

**DISCUSSION:**

Mr. Rogalo said his son is working for a local “dredge” company that will be doing some local properties and there are connections to get money to do such activities on the lake. Mr. Rogalo will keep the Board informed.

**ADJOURNMENT:** On motion by Mr. Graham, seconded by Ms. Maio and carried by unanimous voice vote, the meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Ellen Horak, Clerk