

Lake Musconetcong Regional Planning Board
Regular Meeting
August 18, 2021

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 21, 2021 and was sent to the Clerks of the four municipalities, the State and the two counties.

ROLL CALL:

Michael Balogh - absent	Greg Poff – present (arrived @ 7:03pm)
Mark Crowley - absent	Steven Rattner - present
Robert Hathaway – present	Rudy Shlesinger – present
Joseph Keenan – present	Lester Wright - absent
Rosemarie Maio – present	Earl Riley - present

MODIFICATIONS TO THE AGENDA: Additional communications as 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 July 21, 2021 meeting were approved on unanimous voice vote.

COMMUNICATIONS: The following communications have been placed on file:

- 07-22-21 Cliff Lundin, Esq. – Memorandum of Understanding with Liquidity Services Operations (Gov Deals) re: findings and recommendations
- 08-09-21 Netcong Borough – Purchase Order in the amount of \$2,400 re: 2021 goose addling
- 08-12-21 Solitude Lake Management – Service History Report
- 08-16-21 Sussex County – check in the amount of \$6,259.38 re: 2021 budget contribution

On motion by Mr. Hathaway, seconded by Mr. Rattner and carried by unanimous voice vote, the communications were accepted.

REPORTS OF COMMITTEES:

Canal Society – Chairman Riley reported a lot of events will be coming up. There will be Canal Days at Waterloo Village at the end of August through September. The Canal Society’s website has information on other things they are doing, many which are at Waterloo Village.

Musconetcong Watershed Association – Mr. Rattner reported MWA received the 2018/2020 Integrated Water Quality Report from the NJDEP. The MWA will be filing a response to the report. Mr. Rattner read the following excerpts from the report: “The Clean Water Act requires that states conduct assessments of water quality on a regular basis. Resources are limited for water quality assessments (and declined over the past three decades), so New Jersey rotates their assessments across 5 regions of the state. On the Lower Musconetcong River, water quality was being impaired by sediment erosion. With a focus on addressing erosion control projects, the NJDEP indicates that a sediment TMDL was avoided. In the 1990s, as development increased, the Integrated Water Quality Reports indicated water quality declines in the Upper, Middle and Lower Musconetcong. The 2020 Integrated Report identified several new impairments for the Musconetcong watershed, including bacteria, temperature and pH. This includes several larger tributaries like Mine Brook (in our 319 Planning Area), Lubbers Run, Weldon Brook, Willis Brook, Lake Hopatcong and others. From a human health point of view, bacteria being identified

between Willis Brook and Lake Hopatcong (which would include all of Lake Musconetcong – a recreational area), and the bacteria identified from Mine Brook are probably of most concern. But some of the other water quality changes in the upper watershed are concerning for habitat, including the steep temperature increase on Lubbers Run, and pH that negatively impact or extinguish habitat for Brook Trout or other wildlife. By the numbers: 100% of the Musconetcong watershed is NOT attaining water quality for primary contact recreation (16 out of 16 HUC 14 watershed units); 50% of the Musconetcong watershed is NOT attaining water quality for Trout Habitat (9 out of the 18 HUC 14 watershed units); 33% of the Musconetcong watershed is NOT attaining water quality for Aquatic life (6 out of 18 out of the 15 HUC 14 watershed units); 44% of the 36 water quality impairments came in the last 2 years.” Mr. Rattner stated the MWA does not accept the results and will be sending their response prior to the due date of August 21st. The Board discussed the contents of the report. Chairman Riley noted Lake Musconetcong cannot support trout because the water is too warm. Chairman Riley stated the river monitoring group takes the water temperature at the same time, being between 2:00 and 3:00; however, the last two times all the temperatures were recorded only from Hackettstown and west. He questioned “what about Lake Musconetcong” and the response he received was they are working with Trout Unlimited and they do not want it done at Lake Musconetcong. The Clerk will scan the Integrated Water Quality Report to the Board members. Mr. Rattner also reported the MWA had a presentation from the USDA Rural because there may be funding including grants available. There are many areas that qualify and they gave Frenchtown as an example. Mr. Rattner updated the Board on the issue of the log jam mid-river. Someone took it upon themselves to call the Warren County Mosquito Control, who is working with the Sussex County Mosquito Control to find out who is doing it. Mr. Rattner also reported that with regard to the Chevron Pipeline, that has been inactive, and after about 10 years, Chevron is going to remove and restore the pipeline.

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

Lake Awareness – There was no report.

Lake Management – Mr. Hathaway reported they managed to fill one dumpster. There is a normal bloom of coontail in the Byram area. Mr. Hathaway noted the last time they enjoyed this type of results and good condition of the lake coincided with the last time they were able to have a winter long drawdown. Mr. Hathaway stated twice begs that the ideology that this type of drawdown works and it is troubling why it is not done here. Mr. Hathaway noted they now have a second time it was documented in this lake. Hopefully the Board can find a better partner in the DEP and they will be allowed to have the drawdown. The results have created a nice condition in the lake and there is a great amount of use on the lake. It is a benefit to the lake and the community. Chairman Riley noted the volunteers that are doing all of the work are doing a great job. He also believes that the water chestnut hand pull program has made a huge positive impact.

Lake Improvement – Mr. Hathaway reported the committee had their first meeting, at which he presented his thoughts on where he thinks they are at this time. We know we will sell the equipment for some amount of money. Although he would like to suggest that the probiotics are first and the best option for management strategy, he does not think it should be a priority in moving forward because if he is wrong, and they still need to harvest, the present harvesting equipment is at the end of its life span. He would suggest the Board sell everything and renovate with new or used, but new to the Board, equipment that volunteers could manage. Mr. Hathaway expressed his opinion that there will be a catastrophic breakdown in the near future. He does not think they will get another winterlong drawdown this year so they will then be back to harvesting. He would suggest that going forward the budget plan be continued

with Solitude, or another treatment agency, treating the majority of the lake and continue a harvesting program to collect what blooms, be it large or small. Mr. Hathaway believes the money from the sale of the hydro rake should be prioritized for new equipment and what remains be allocated to last 2 years. It would cover three applications during the course of the year. Mr. Hathaway said he does not think they can have a management plan until they know how much money they have and how much the new equipment will cost. Mr. Hathaway reported it was the consensus of the committee to create a management plan after they know the amount of money they will be dealing with. Mr. Hathaway said he has begun looking into the cost for some of the equipment. Chairman Riley will contact Aquarius Systems and get the cost of a weed harvester. Mr. Rattner said he agrees with Mr. Hathaway's findings, but noting his comment about whether the probiotics was really part of the results, questioned what is the explanation of the improvement of the water columns in the lake if not the probiotics. Mr. Hathaway said he has been using probiotics on his property for 2 years and he now has a firm sand bottom. Tom Kinney is doing the same across the lake and he has the same results, being firm sand on the bottom. Mr. Rattner stated he believes in the cause and effect. Mr. Hathaway stated he agrees and it is his opinion also, but they do not have the science to prove it. Ms. Maio stated harvesting is something the Board will be able to do, noting it is allowed by the State of New Jersey and DEP and therefore, she believes the equipment should be pristine which the present equipment is not. Mr. Hathaway said he would like to go to the LMCA meeting to inform them of the Board's plan and to recommend to them to disseminate the information about the probiotic the Board is going to be using and suggest to them that this could be available and they could treat their own shoreline. Mr. Hathaway noted the Board will not be treating any shorelines with the probiotic. It was the consensus of the Board to authorize Mr. Hathaway to attend the LMCA meeting as long as it is made clear that the Board will continue to do what they have been doing, which is to treat the open waters and continue to harvest. The Board only treats the park shoreline of the towns that contribute for the treatment. Chairman Riley commented that the Board cannot spend money they do not yet have. To date, there have been 13,000 views on Gov Deals. Until the Board sells the equipment, this is all speculation. Chairman Riley said he does not want to immediately talk about selling the equipment the Board presently has. He does not believe the equipment is at the end of its life span. He thinks they still have a couple of years of usefulness and as long as they can continue to repair it and keep it running, they should keep it. He does believe that at some point there will be a catastrophic breakdown at which time they will need to get rid of it. The Board agreed to continue this discussion after the sale of the equipment, at which time they will know how much money they have. Mr. Hathaway questioned how many times they need to advertise for bids before they can just sell it. Mr. Poff said, since they are following the Public Contracts Law for disposition, they should follow it completely. Mr. Poff will look into the Public Contracts Law and inform the Board of his findings.

Operating Budget – There was no report.

TREASURER'S REPORT: Mr. Keenan noted the Treasurer's Report was emailed to the Board. The total balance is \$42,835.91. On motion by Mr. Rattner, seconded by Mr. Hathaway 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. Poff 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
Postmaster – 100 stamps @ \$.55 each	\$ 55.00
Times Herald-Record (NJ Herald) – legal notice re: online auction	\$ 45.60

Lake Management Account:

JCP&L – electric at shed	\$ 4.69
Solitude Lake Management- Lake Management Services (08/01)	\$2,249.00

ROLL CALL:

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| Mr. Hathaway - yes | Mr. Poff – yes |
| Mr. Keenan - yes | Mr. Rattner - yes |
| Ms. Maio – yes | Mr. Shlesinger – yes |
| | Chairman Riley - yes |

UNFINISHED (OLD) BUSINESS:

Sale of AM 2000 – Chairman Riley reported there have been 13,621 views to date. He received one question that he responded to immediately. The bidding closes on September 8th. There is another inspection date next week and a final inspection date the day before the close of the bidding. To be a bidder and to inspect the equipment, they must put down a \$5,000 deposit.

Netcong Land Use Board Application – 128 Allen Street – Chairman Riley stated the building in question is across from Arbolino Park. The Netcong Planning Board previously approved a use at the site as a warehouse/light industrial with multiple tenants. There were specific restrictions including that there was to be no vehicle storage or repair and a limited number of vehicles permitted to be parked on the property. Vehicle repairs and cleaning are not a permitted use. Mr. Hathaway noted Chairman Riley testified at the original hearing. Chairman Riley stated the concern as a Board is (1) stormwater run-off; and (2) they are in violation of their use permit because they are now repairing and storing buses in a large quantity. The hearing is scheduled for September 27, 2021. There was a lengthy discussion about this application and its negative impact on the lake. Ms. Maio expressed her opinion that Cliff Lundin, the Board’s attorney, should speak on behalf of the Board, be it in a written letter or his attendance at the Netcong Planning Board hearing. Chairman Riley stated he received emails from the Netcong Administrator, the Planning Board Attorney and the Planning Board Secretary. They are requesting the Board’s input at their next meeting. Chairman Riley noted Mr. Balogh is the Chair of the Board’s Site Plan Review Committee and he was going to ask him to attend the hearing, but at Ms. Maio’s suggestion, he would like to engage the Board’s attorney to address the Planning Board on the Board’s behalf. On motion by Ms. Maio, seconded by Mr. Kennan and carried by the following majority roll call vote, the Board authorized Chairman Riley to contact Cliff Lundin and ask him to address the Netcong Planning Board on the Board’s behalf.

ROLL CALL:

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| Mr. Hathaway - abstained | Mr. Poff – yes |
| Mr. Keenan - yes | Mr. Rattner - abstained |
| Ms. Maio – yes | Mr. Shlesinger – yes |
| | Chairman Riley – yes |

Chairman Riley will contact Cliff Lundin and ask him to attend the Netcong Planning Board meeting on behalf of the Board. He will make sure Mr. Lundin is clear on the Board’s objection to the change of use and the concern about stormwater run-off from a bus repair facility that is just over 200 feet from the lake. It was also noted the stream that runs through the property goes into the lake. It has potential for pollution into the lake. Chairman Riley reported the applicant submitted a site plan that includes vehicles around the site, storage and number of buses they plan on storing on-site. They have turned all of the warehouse area into a bus facility repair and storage area. It is now a single tenancy not multiple tenants as was approved. Chairman Riley noted it must comply with the town’s Master Plan.

NEW BUSINESS:

Mr. Rattner corrected his comment earlier about the logs in the river. It is not the Warren and Sussex Counties Mosquito Control looking into it. It is the Warren and Hunterdon Counties Mosquito Control.

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 Ms. Maio, seconded by Mr. Hathaway, and carried by unanimous voice vote, the meeting was adjourned at 7:55 P.M.

Respectfully submitted,

Ellen Horak, Clerk