

Lake Musconetcong Regional Planning Board
Regular Meeting
December 18, 2019

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 17, 2019 and was sent to the Clerks of the four municipalities, the State and the two counties.

ROLL CALL:

Mark Crowley - absent
Robert Hathaway – present
Joseph Keenan - absent
Rosemarie Maio – absent

Greg Poff - absent
Steven Rattner - present
John Rogalo – present
Lester Wright - present
Earl Riley - present

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

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: Mr. Rattner noted the spelling of his last name is incorrect. The minutes will be revised to show the correct spelling of Mr. Rattner’s name. On motion by Mr. Rogalo, seconded by Wright, the Minutes of the November 20, 2019 meeting, as amended, were approved by unanimous voice vote.

COMMUNICATIONS: There were no communication received.

REPORTS OF COMMITTEES:

Canal Society – There was no report.

Musconetcong Watershed Association – Mr. Rattner noted there is a new Executive Director (Cindy Joerger). Mr. Rattner reported that on the Congressional appropriations, they increased funding for the Wild & Scenic by 56%. Mr. Rattner also reported that Montclair State University has been doing a study under a grant to look at the tests over the last 12 years and overall the Musconetcong River is still one of the cleanest rivers in the State. Mr. Rattner noted on of the things he found interesting is they took a section from Asbury to Bloomsbury and showed what went up and what went down. What was coming in when measured at Asbury was much better than what it was when they measured it at Bloomsbury which means the Ecoli is coming down river. They have no idea why the total dissolved solvents are going up other than more and more erosion.

Site Plan Review/Stream Encroachment – There was no report. Chairman Riley asked about the Furnace Pond development. Mr. Rogalo responded he saw a sign at the site stating “Environmental Clean-up and Investigation in Process.” Chairman Riley asked the status of the Stanhope re-zoning in that area. Mr. Rogalo responded the ordinance was voted down by the Council.

Lake Awareness – There was no report.

Lake Management – Mr. Hathaway reported he and Chairman Riley had a meeting with Pat Hamilton. Mark Texel was scheduled to attend, but he did not. He participated via a telephone call. Mr. Hathaway noted it was a productive meeting. An MOU is expected for a draw down

policy of a 2 foot draw down every 3 years and a 1 foot draw down every year. The 2 foot draw down would be a point of negotiation and be largely around weed control. It would be a “weather depend” trigger for the refill date. Mr. Hathaway stated they will refill for the fishing season. He is waiting on the MOU as well as minutes of the meeting that he requested be taken. Mr. Hathaway said that at the meeting, Pat Hamilton stated her distain for the lack of cooperation between the Boards, i.e. relative to the pesticide treatment. Chairman Riley said that with respect to herbicide applications, this Board will be notified by Pest Control of every application and every applicator for applications on the lake. The Board will have complete knowledge of all applications. Mr. Hathaway stated the LMCA will not be able to continue to use the Board’s pathway to permitting.

Mr. Hathaway noted Wayne Anthony, the OEM for Netcong and Stanhope and he asked him to come forward. Mr. Hathaway asked Mr. Anthony to attend this meeting to discuss SOP for lake emergencies, which was prompted by the recent truck in the lake incident and how it was handled. Mr. Anthony stated he was not present, but he spoke by phone with Mr. Hathaway. Chairman Riley asked why the Netcong Fire Department was called when the Stanhope Fire Department has a rescue boat. Mr. Anthony explained dispatch called the Netcong Fire Department because of the location and they thereby became the lead agency for that incident. Chairman Riley asked if the call should have gone to State Park Police. Mr. Anthony said Netcong and State Park Police received a call. Chairman Riley noted the property is physically in Netcong, but it is State property. Mr. Anthony noted that if there is a fire at a home in a town, that homeowner is not responsible to handle it, the fire department for that town handles it. Mr. Anthony said he does not know if they contacted a water rescue team, which has scuba divers. There are not a lot of water rescue teams around. Regarding the Netcong call, the Netcong Fire Department does not have scuba gear so they were not going under the water to hook it up. Boonton is one of their water rescue teams, but they will not come here for a vehicle in the water. They will only come for a person in the water. Chairman Riley expressed his opinion that the incident was handled well and no one was hurt, but he questioned who was the responsible party and he believes it should be the State Park Police. Mr. Anthony responded that on the lake emergency in this case, it was the Netcong Fire Department because they received the call. Mr. Anthony noted that the Ambulance Squad has ice rescue equipment; not water rescue equipment. Chairman Riley informed Mr. Anthony that the Board has a 50-foot oil boom available if needed. Chairman Riley asked Mr. Anthony’s opinion on whether the incident was handled properly and responsibly. Mr. Anthony responded he was not present during the incident. Chairman Riley noted the issue was raised by the present Stanhope Mayor that it was not handled properly and questioned if the Board was protected as far as liability goes. Chairman Riley stated the truck was removed from the lake and no one was hurt, but whether it was done expeditiously is a moot point. Chairman Riley said in his opinion, he does not know how much better it could have been handled. Mr. Anthony said he thinks it was handled correctly, but if he was there, he would have asked for a Hazmat team’s supervisor to come as a second set of eyes to look at the lake to see if he saw anything floating. Mr. Hathaway questioned if the State Park Police had showed up or were called (they showed up late) and they were there as the lead agency would they have had the oversight to call the Hazmat team. Mr. Anthony responded that the Fire Department was the lead agency at that incident. Mr. Anthony added that the local fire chief would call the county dispatch and ask for a Hazmat supervisor to report to the site. Chairman Riley said he believes the proper procedures were followed. Mr. Anthony noted the Netcong firefighter who went into the lake is also on the North Region Task Force. Mr. Anthony said they do not have an SOP. They have an SOG (guidelines). Chairman Riley said there was a concern on is there any liability to the Board for a wrong decision and if there were wrong decisions made. Mr. Anthony

said he cannot make a comment on the truck in the water incident because he was not there and he will not comment on hearsay. The Board thanked Mr. Anthony for his attendance.

Mr. Hathaway reported the swirl chamber has been cleaned. Mr. Rogalo asked what was done. Mr. Hathaway responded they were not forthcoming with information and he has not yet spoken to the DPW coordinator who had taken measurements. He does not think it was completely cleaned as it has been in the past. Mr. Hathaway also reported that they continue to work on the Board's equipment. Mr. Rogalo said he met a gentleman (Victor) who is heading up a State Task Force. He is trying to go to as many professionals as he can to pool factual information to give recommendations to entities like the Board and to in the future mitigate it. Mr. Hathaway said there may be a benefit to have him come to a Board meeting in the Spring since he is presently only at the beginning of the process. Mr. Hathaway would like to interact with him later in the process. Mr. Rogalo agreed it would be better to have him attend a meeting when he is further into the process.

Operating Budget Committee – There was no report.

TREASURER'S REPORT: The Treasurer's Report was emailed to the Board. The Board is presently in good financial shape. Chairman Riley noted the Board is still holding the \$3,000 payment to Solitude Lake Management because they do not have an acceptable final report. Mr. Hathaway asked Chairman Riley's consent to distribute the report to the Board for review. Chairman Riley said he and Mr. Hathaway received the report from Solitude on the probiotic treatment. The report is what was expected as far as demonstrating the beginning versus the end. They did scientific measurements and we have water column and sediment results from the beginning and end. Chairman Riley said he believes the experiment was successful and very encouraging. The Board does not have the funds this year to continue, but we know this product did what we expected. The DO and phosphorous was not negatively impacted. Chairman Riley approved distributing the report to the entire Board. Mr. Rogalo commented that prior to 8 years ago, the Board did not use herbicide on the lake and he suggested continuing the measurements without the application of probiotics but continuing with the herbicide application. Mr. Rogalo expressed his opinion that they need to do this to in order to prove or disprove. Mr. Rogalo stated they are not dumping as much biomass on the bottom of the lake since they started the herbicide treatment. Mr. Hathaway agreed the fallout is different and he understands Mr. Rogalo's reasoning. Mr. Rogalo said they should continue measuring without the new application and he believes they will see the same results. Mr. Hathaway said he believes the areas have been affected differently with the probiotics. Mr. Rogalo said that as long as you use herbicide, you will see a reduction in the biomass and you should have an independent third party take the measurements, adding it is to the benefit of the contractor to show positive results. He is skeptical of the company applying the product also taking the measurements since it is to their benefit to show positive results. Mr. Hathaway agreed. Chairman Riley said they cannot continue with the probiotics due to lack of funding, but he agrees they should keep measuring with their own Sludge Judge and set up their own points. Chairman Riley noted they need someone to take the measurements and he questioned who would do it. They do not have the funds to pay someone to take the measurements and questioned if anyone on the Board is qualified to take the measurements. Mr. Rogalo offered to look into getting someone to take the measurements without compensation. On motion by Mr. Rogalo, 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. Rattner and carried by the following unanimous roll call vote, the following bills are to be paid if and when funds are available, with the exception of the \$3,000 bill from Solitude Lake Management, which bill will be put on the next meeting agenda.

Operating Account:

Ellen Horak - Clerk’s Monthly Compensation \$ 500.00

Lake Management Account:

JCP&L – electric at shed \$ 3.25

Solitude Lake Management- Lake Management Services (Oct. bill) \$3,000.00

ROLL CALL:

Mr. Hathaway – yes

Mr. Rogalo - yes

Mr. Rattner– yes

Mr. Wright - yes

Chairman Riley – yes

OLD BUSINESS

Composting Facility – Chairman Riley stated that with respect to the composting facility, the company he had contacted got back to him. He needs to give them additional information. He told them there would be about 100 pounds of compost per day between the Board and Hopatcong, but he is not sure. Chairman Riley said they are moving forward on this, but still communicating.

Probiotic Treatment Presentation – Chairman Riley said Mr. Schindler was scheduled to attend tonight’s meeting and give a presentation on the probiotic treatment; however, he is unable to make it due to the inclement weather. Mr. Hathaway read the following email he received from Mr. Schindler: “Guys, I cannot get there. Route 80 is a parking lot.” Chairman Riley said he would like to publish the report on the Board’s website, but there is a disclaimer on every page which states “this is confidential and proprietary of Solitude Lake Management” so he does not want to publish it on the website until he speaks with Solitude.

NEW BUSINESS:

Contract with Solitude Lake Management – Chairman Riley stated they received a lake treatment contract for 2020 and 2021 (2-year contract) from Solitude. He and Mr. Hathaway reviewed the contract. It is a total of \$2,062 per month for two years which totals \$49,488 for a two-year period (\$25,000 per year). Mr. Hathaway stated the contract is what they asked for and it will treat the Eurasian Milfoil and Coontail. The water chestnut program is also in the contract. Mr. Hathaway said he is not satisfied with some of the language regarding areas and he would like the Board to approve the \$50,000 contract commitment for a two-year contract and allow him to have some of the language revised so he can tell Solitude they can apply for the permit. On motion by Mr. Rogalo, seconded by Mr. Wright, and carried by the following unanimous roll call vote, the Board approved the two-year contract with Solitude Lake Management at a cost of \$25,000 per year.

ROLL CALL:

Mr. Hathaway – yes

Mr. Rogalo - yes

Mr. Rattner– yes

Mr. Wright - yes

Chairman Riley – yes

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. Wright, and carried by unanimous voice vote, the meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Ellen Horak