

**Lake Musconetcong Regional Planning Board  
Reorganization Meeting  
January 18, 2017**

The Clerk 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 21, 2016 and was sent to the Clerks of the four municipalities, the State and the two counties.

**SWEARING IN NEW MEMBERS:** Mr. Riley administered the Oath of Office to Mr. Graham, Mr. Hathaway, Mr. Rattner, Mr. Rogalo and Mr. Wright

**ROLL CALL:**

Frances D’Auria – absent	Rosemarie Maio – absent
George Graham – present	Steven Rattner – present
Robert Hathaway – present	John Rogalo – present
Joseph Keenan – present	Lester Wright – present
	Earl Riley – present

Mr. Riley stated he informed Roxbury Township that Ms. D’Auria has been absent for more than 6 meetings within a 1 year period and, therefore, is no longer a member of the Board. Mr. Riley asked that a replacement be appointed as soon as possible. Mr. Riley noted there is also a vacancy from Stanhope as well as 2 vacancies from the State. The Charter indicates the Board consists of 12 members.

**ANNUAL BUSINESS:**

**Election of Officers**

**Chairman:** Mr. Rogalo nominated Earl Riley as Chairman, seconded by Mr. Graham. Mr. Rattner motioned to close the nominations, seconded by Mr. Graham. Earl Riley was elected as Chairman on unanimous voice vote.

**Vice Chairman:** Mr. Graham nominated Mr. Hathaway as Vice-Chairman, seconded by Mr. Rogalo. Mr. Rattner motioned to close the nominations, seconded by Mr. Keenan. Robert Hathaway was elected as Vice-Chairman on unanimous voice vote.

**Secretary/Treasurer:** Mr. Hathaway nominated Joseph Keenan as Secretary/Treasurer, seconded by Mr. Rogalo. Mr. Rattner motioned to close the nominations, seconded by Mr. Graham. Joseph Keenan was elected Secretary/Treasurer on unanimous voice vote.

**Resolutions**

Chairman Riley offered by following resolutions which were read by title. Chairman Riley stated Resolutions #1 through Resolution #3 will be acted on under one motion.

**Resolution #1 Meeting Notice:**

WHEREAS, the Lake Musconetcong Regional Planning Board is required to select a public place for the posting of all notices of regular and special meetings of the Board, and

WHEREAS, said Board must provide notice of all regular and special meetings of the Board to at least two (2) newspapers, one of which must be designated as the official newspaper of the Board.

NOW, THEREFORE, BE IT RESOLVED, that the public place for the posting of all notices of regular and special meetings of the Board shall be the bulletin board within the administration building of the Borough of Netcong Municipal Building, located at 23 Maple Avenue, Netcong, Morris County, New Jersey; and

BE IT FURTHER RESOLVED, that the **New Jersey Herald** is designated as the official newspaper of the Lake Musconetcong Regional Planning Board for the year 2017

AND BE IT FURTHER RESOLVED, that the **New Jersey Herald** and the **Daily Record** are hereby designated to receive all notices of Board meetings in 2017 as required under the Open Public Meetings Act.

**Resolution #2 – Annual Notice:**

WHEREAS, the Lake Musconetcong Regional Planning Board must provide annual notice of all regular meetings of the Board to be held during a calendar year;

NOW, THEREFORE, BE IT RESOLVED, that the schedule of all regular meetings as listed below, be and hereby is declared to be the official list of all dates of the regular meetings of said Board for the year 2017, and

BE IT FURTHER RESOLVED, that the said meetings shall commence at 7:00 p.m. and will be scheduled to end no later than 10:00 p.m. with all meetings to be held at the municipal building of the Borough of Netcong, 23 Maple Avenue, Netcong, Morris County, New Jersey, unless otherwise noted

MEETING DATES

February 15, 2017	August 16, 2017
March 15, 2017	September 20, 2017
April 19, 2017	October 18, 2017
May 17, 2017	November 15, 2017
June 21, 2017	December 20, 2017
July 19, 2017	

BE IT FURTHER RESOLVED, that the Annual Reorganization Meeting for the calendar year 2018 will be the third Wednesday of the month.

Reorganization & Regular Meeting January 17, 2018

BE IT FURTHER RESOLVED that said meetings will observe the following tentative Agenda:

- |                            |                           |
|----------------------------|---------------------------|
| Salute to Colors           | Reports of Committees     |
| Call to Order              | Treasurers Report         |
| Compliance to Sunshine Law | Approval of Bills         |
| Roll Call                  | Unfinished (Old) Business |
| Modifications to Agenda    | New Business              |
| Open to the Public         | Open to the Public        |
| Action on Minutes          | Adjournment               |
| Communications             |                           |

BE IT FURTHER RESOLVED, that all special meeting dates and agendas shall be published according to law.

**Resolution #3 – Notification of Meetings:**

WHEREAS, N.J.S.A. 10:4-6 et seq., known as the “OPEN PUBLIC MEETING ACT” provides for the fixing of a reasonable charge to be paid by any person requesting notification of meetings and minutes of the Lake Musconetcong Regional Planning Board.

NOW, THEREFORE, BE IT RESOLVED, by the said Board that the sum of fifteen dollars (\$15.00) is hereby fixed as the fee to be paid by any person or organization requesting that notice of meetings and minutes of the Board for the calendar year 2017 are mailed to same.

BE IT FURTHER RESOLVED, as provided by N.J.S.A. 40:4-19, no charge shall be made to any newspaper or municipality, named board or agency, county or state that requests the mailings of such notice(s) and/or minutes of the Lake Musconetcong Regional Planning Board to its business office.

On motion by Mr. Rattner, seconded by Mr. Hathaway, the above resolutions were approved on unanimous voice vote.

**Resolution #4 – Clerical Personnel:**

WHEREAS, there exists a need within the Lake Musconetcong Regional Planning Board for the retention of personnel to perform such clerical duties and office work as required by the Board’s job description to hold a monthly public meeting, at the monthly compensation of \$500.00, and in addition, other such work as deemed necessary by the Lake Musconetcong Regional Planning Board at a \$15.00 hourly rate or other rate negotiated per task, and

WHEREAS, the funds for such duties and services are available for this purpose;

NOW, THEREFORE, BE IT RESOLVED, by the said Board that it hereby appoints Ellen Horak, as the Clerk, to be retained on a month-to-month basis, as an independent contractor, for the balance of the calendar year 2017 to perform such duties and office work, outlined previously, with reimbursement for all expenses, such as postage, phone bills, etc.; and

BE IT FURTHER RESOLVED by said Board that if the Clerk should not be available during the year for the above services, she is to provide for coverage.

On motion by Mr. Hathaway, seconded by Mr. Rattner, Resolution #4 was approved on the following unanimous roll call vote.

ROLL CALL:

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

**Resolution #5 – Consultants:**

WHEREAS, there exists a need for the retention of consultant(s) by the Lake Musconetcong Regional Planning Board; and

WHEREAS, the funds for such services are available; and

WHEREAS, Section 40:55-71D of the Municipal Land Use Law states that said Board may employ or contract for, and fix the compensation of legal counsel and experts, and other staff and services, as it may deem necessary, not exceeding the amount appropriated by said Board for its use; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40:1101 et seq., requires that the resolution authorizing the awards of contracts for “Professional Services” without competitive bidding must be publicly advertised;

NOW, THEREFORE, BE IT RESOLVED by said Board that the Chairman and Secretary are hereby authorized and directed to enter into an agreement with Clifford R. Lundin, Esq., of 378 Maxim Drive, Andover, New Jersey for the furnishing of professional services as needed, at a rate of \$85.00 per hour to said Board; and

BE IT FURTHER RESOLVED by said Board that it hereby retains the firm Nisivoccia & Company, Five Emery Avenue Randolph, New Jersey, Certified Public Accountants, as auditor for the Board if needed, at a negotiated rate, whose rates are not to exceed \$1,500.00 for the year, per proposal dated November 4, 1993, which is in the Lake Musconetcong Regional Planning Board files, all such work being subject to the specific prior approval of the Board.

BE IT FURTHER RESOLVED, by said Board that these contracts be awarded without competitive bidding as a “professional service” under the provisions of the law because such services are of a qualitative nature as will not reasonably permit the drawing of specifications or receipt of competitive bidding; and that a copy of this resolution be published in the official newspapers of said Board as required by law within (10) days; and that this resolution take effect immediately.

On motion by Mr. Hathaway, seconded by Mr. Graham, Resolution #5 was approved on the following unanimous roll call vote:

**ROLL CALL:**

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

**COMMITTEE APPOINTMENTS:** Chairman Riley made the following committee appointments:

- Canal Society** – Mr. Graham
- Site Plan/Stream Encroachment** – Mr. Rogalo
- Audit Committee** – Mr. Wright
- Musconetcong Watershed Association** – Chairman Riley
- Lake Awareness** –Ms. Maio and Mr. Rattner
- Lake Management** – Mr. Hathaway and Mr. Rogalo
- Operating Budget** – Mr. Keenan and Chairman Riley

**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 Mr. Hathaway, seconded by Mr. Rattner, the Minutes of the December 21, 2016 Meeting were approved on unanimous voice vote. On motion by Mr. Hathaway, seconded by Mr. Graham, the Minutes of the December 28, 2016 Special Meeting were approved on majority voice vote. Mr. Rattner and Mr. Keenan abstained.

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

- 01-04-17 Stanhope Borough – Reappointment of John Rogalo as Borough’s representative on the LMRPB
- 01-09-17 Clifford Lundin – Invoice for Legal Services (summary letter)
- 01-10-17 Netcong Borough – Reappointment of Robert Hathaway as Borough’s representative on the LMRPB
- 01-11-17 van den Heuval & Fountain – Group Accident Insurance Application
- 01-11-17 Notice to Property Owners – Site Plan and Variance for Blk 42 Lots 113 and 115, Byram Township (conversion of portion of existing bldg. – former CVS – to retail package liquor store and bar)
- 01-17-17 Sussex County Board of Chosen Freeholders – re-appointment of George Graham as Representative to the Board
- 01-17-17 Morris County Board of Chosen Freeholders – re-appointment of Steven Rattner as Representative to the Board

On motion by Mr. Hathaway, 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 there is a new director (Mr. Hunt) who has been involved with watershed management for a number of years in different organizations. Chairman Riley also reported the River Watch added a new site which is right below the MSA outflow in the West Brookwood section of Byram. Chairman Riley will be taking measurements at the new site. Mr. Rattner added Mr. Hunt has a PHD in Urban Studies and he has been informed about the MSA’s concerns. Mr. Hunt has given a proposal suggesting they have private contractor to the MSA to conduct the monitoring of the river in this area. Mr. Hunt will be visiting the MSA and Mr. Rattner will invite Board members to attend when he has the specific date.

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

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

**Lake Management** – Mr. Hathaway reported a meeting was held with the contractor who is going to build the hydro rake. The Board may take delivery of the machine earlier than anticipated. The contractor indicated the machine may be delivered by Memorial Day. Mr. Hathaway said he spoke to Ms. Maio about storage of the machine and Stanhope is still offering to provide a storage facility. Mr. Hathaway will work on a plan for usage of the machine. His plan is to begin in Stanhope; however, he

must work out the details with Stanhope to make sure they are amenable before he brings his plan to the Board. Mr. Hathaway stated he has been corresponding with Solitude Lake Management regarding their study. Mr. Hathaway expressed his opinion that the study was significantly less detailed than expected and they did not adhere to the criteria. Mr. Hathaway noted as an example of the lack of cooperation was the core samples were not taken. One question raised would have been answered had that part of the study been effected. Mr. Hathaway advised Solitude that he would be recommending to the Board that they should not continue with the process until such time as the Board can design a study and hire a contractor who can adhere to it. Mr. Hathaway noted the budget constraints but advised the Board they need to purchase more dumpsters in order to have an effective management plan with the new machine and the money that would have been used on the probiotic testing, be spent on dumpster. Mr. Hathaway stated there were good results in the test areas; however, his goal was to have scientific proof to bring to the Freeholders and the State and ask them to invest in the lake, but they do not have that proof. Mr. Hathaway also spoke about pictures donated by Pat Rector that were created by volunteers of the hand pull. One of the pictures is in Netcong’s municipal building and the other is in Stanhope’s municipal building. Mr. Hathaway updated the Board on last month’s question about obtaining Sam’s Club card for all Board members. He approached Sam’s Club and was told that for a nominal fee all members could be issued a card, but their purchases cannot be included in the cash-back program. Only two members can participate in the cash-back program. Mr. Hathaway look further into this by contacting the corporate offices of Sam’s Club.

**Operating Budget** – Chairman Riley reported he and Mr. Keenan have created a budget for 2017. The Board could use another \$10,000 in the budget, but adhering to the 2% cap required by the towns, it limits the Board to an \$800 increase in their budget request. Chairman Riley advised they increased last year’s budget by 2%. The proposed 2017 budget is \$49,744.00. On motion by Mr. Hathaway, seconded by Mr. Rogalo and carried by the following unanimous roll call vote, the 2017 budget was approved.

Mr. Keenan mentioned insurance costs and the new equipment and the fact that use of the equipment is not a full year. Chairman Riley stated the Board insures the small harvester which is on loan from the Lake Hopatcong Commission and presenting is sitting in storage in Franklin yet the Board continues to pay insurance on the machine. Mr. Keenan will contact the insurance company and inquire if the Board can insure the machine for only the time it is in our possession which would be approximately 6 months. Chairman Riley noted this may result in a substantial cost savings to the Board. Mr. Graham questioned liability if the equipment is damaged while in storage. Chairman Riley responded the Board does not own the equipment and since it is not being used, why should the Board pay insurance. Chairman Riley stated it was Steve Ellis’ intent to have ownership of the small harvester transferred to the Board. Melissa Castellon, present in the public, stated the State holds title to the small harvester. Chairman Riley questioned why the Board has a Memorandum of Understanding with the Lake Hopatcong Commission if the State owns the machine. Mr. Keenan will contact the insurance company and report back to the Board.

**ROLL CALL:**

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

**TREASURER’S REPORT:** Mr. Keenan reported the Treasurer’s Report was emailed to the Board and shows there is only \$2,657 left in the budget. Chairman Riley noted funds from the municipalities and

counties will not come in until the spring. On motion by Mr. Rogalo, seconded by Mr. Graham and carried by unanimous voice vote, the Treasurer’s Report was accepted and placed on file.

**BILLS:** Chairman Riley noted the bill from Cliff Lundin in the amount of \$1,058.25. He spoke to Cliff about the budget and Cliff agreed that the Board can hold off payment until they have received some of their annual funding and have enough money in the bank. Chairman Riley stated the bill from Cliff Lundin in the amount of \$1,058.25 is being pulled from the Bills List.

On motion by Mr. Graham, 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
Ellen Horak - additional secretarial services	\$ 26.25
New Jersey Herald – special meeting notice	\$ 39.90
Postmaster – 100 stamps @ \$.49 each	\$ 47.00
Van Den Huevel & Fountain – group accident ins. renewal	\$200.00

Lake Management Account:

JCP&L re: electric at shed	\$ 2.81
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Debit/Credit Card

GoDaddy – website	\$281.94
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ROLL CALL:

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

**UNFINISHED OLD BUSINESS**

2016 Year End Probiotic Summary – Chairman Riley noted Mr. Hathaway’s comments on the report and, although he was a proponent of the experiment, he agrees with Mr. Hathaway that they did not get any scientific data in the report to support it. Due to that fact, the Board cannot ask the municipalities, state or any entity to fund this experiment. Chairman Riley also agrees with Mr. Hathaway that it should not be included in the 2017 budget. Chairman Riley suggested splitting the money that would have been used between herbicide treatment and weed disposal. Chairman Riley also noted the additional cost of disposal this past year due to the fact that the state would not allow disposal at their site.

Website – Chairman Riley stated he and John Wetzel, a former Board member, have been working on creating a new website. They have no access to the previous website. They are working with GoDaddy and purchased software to do web development. The Board has another domain: lakemusconetcong.net. Links will be included; the Board will have an email address on the site and information including the annual report will be on the site.

**NEW BUSINESS:**

Chairman Riley noted the need for additional dumpsters and suggested sending a letter to the municipalities and counties asking if they have a 30-cubic yard dumpster they can donate, lend or sell to the Board. The Board does not have the funds to purchase a dumpster which would cost about \$4,000.

Mr. Graham said he spoke to a representative of SCMUA and they have a dumpster that is not being used but he has not heard back from him. Mr. Graham will follow up with SCMUA on the dumpster. Mr. Graham stated he appreciates the strategy of the probiotic experiment and asked what will change now that the Board will have the hydro rake and how and if they will shift away from herbicide treatment. Mr. Hathaway responded it will be years before the hydro rake makes a substantial impact on acreage. It is his goal to first clear out Musconetcong Park area then administer through all public areas and then transition into open waters and then a lottery to private areas. Mr. Hathaway stated this year should be considered an experiment to see what can be expected and reasonable to do by Musconetcong Park. As far as the impact on the herbicide budget, he does not think it will have any impact. Mr. Graham noted the budget constraints of this year, and possibly next year and asked if the Board will switch their plan of thought. Mr. Hathaway responded in the affirmative adding they should shift to true restoration efforts. For this year's budget, the Board needs to understand what the hydro rake will do for their efforts. Mr. Hathaway added the Board must get relief on the weed disposal issue. The new machine will increase the volume of weeds. Not being able to dispose of the weeds at the State's site this past season put a huge burden on the budget and the Board does not have the funds to continue paying for disposal from two machines. Mr. Hathaway noted this year the Board will have the machine for half of year, but next year they will have it for a full year. This must be taken into consideration and he is in favor of a letter being sent to the State of New Jersey and the legislators, that he and Chairman Riley have been working on, asking that the Charter of the Board be followed which requires the State of New Jersey to provide an in-kind contribution. In the past, the State's in-kind contribution has been disposal of the weeds; however, that did not happen last year. Mr. Hathaway noted the State funds Lake Hopatcong and gives nothing for Lake Musconetcong. The Board is entitled to their share for the watershed that goes to Lake Hopatcong which would amount to about \$20,000. The Board supported the letter being sent. Chairman Riley and Mr. Hathaway will compose the letter, specifically asking for an alternative solution to the program. In-kind has been the weed disposal and if they will not provide the disposal site then the State should fund us proportionately as they do Lake Hopatcong. Chairman Riley stated, proportionately the State owes the Board \$20,000 for not providing an in-kind contribution (disposal site) last season. Mr. Hathaway said, in the past disposal was on farmland owned by the State of New Jersey and he added the State owns a lot of farmland. Mr. Graham recommended the letter be specific in what is wanted. Chairman Riley and Mr. Hathaway will finalize the letter and distribute it to the Board for review before sending. Mr. Graham suggested first sending a letter to the 2 Senators and 4 Assemblymen from the 2 Districts and ask for a supporting resolution from them.

Chairman Riley stated the Board owns a sidebar cutter that had been used on the jon boat but has not been used and has been stored outside the shed for the past 5 years. Chairman Riley would like to sell the piece of equipment on govdeals.com for between \$1,000 and \$2,000. On motion by Mr. Rogalo, seconded by Mr. Hathaway and carried by unanimous voice vote, the Board authorized Chairman Riley to post the sidebar cutter for sale on govdeals.com.

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

Pat Marsico, Netcong resident and LMCA member, expressed concern about unrestricted boat use on the lake after herbicide treatment. Herbicide should not be disturbed by boats for one day after application so as to not impact the effectiveness. Ms. Marsico asked to have notices posted to indicate "no boats within 48 hours of weed treatment" or have a wake speed restriction where there are weeds adding they need to get a handle on the weed fragmentation. Chairman Riley stated any restrictions on the lake would need to be regulated by the State. Melissa Castellon, present in the public, questioned how it would be monitored



adding the State will not monitor it. Mr. Hathaway agreed the posting is a good idea, but he too questioned enforcement. There was a suggestion to have the treatment dates posted on the kiosk at the Netcong boat launch with a request that boats avoid those areas on the treatment dates. Ms. Marsico suggested a large sign be posted at the boat launch which would be a courtesy posting and not enforceable. It will be only an awareness to the public.

Melissa Castellon, noted the Board's comments about the funding issue due to weed disposal this past year and stated what happened was out of her control. She would prefer to work with the Board to try and come up with a solution to the issue. The Board is helping to manage a State lake and, moving forward, she would like to meet with members of the Board to try and resolve the disposal issue. Weed disposal is very costly and she is in support of the Board's letter to the legislators; however, the budget she gets from the State is between \$70,000 and \$75,000 which she must use for a number of other lakes as well as her expenses.

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

**GENERAL DISCUSSION:**

Chairman Riley stated the budget will be included in the annual report. He did a tally for the past 7 years on the weeds removed from the lake and money spent by all entities including the LMCA, towns, counties and state. Since 2016, the amount of \$379,349 was spent on weed management in the lake and 19 million pounds of weeds was removed from the lake.

**ADJOURNMENT:** On motion by Mr. Hathaway, seconded by Mr. Rogalo, and carried by unanimous voice vote, the meeting was adjourned at 8200 p.m.

Respectfully submitted,

Ellen Horak, Clerk