

Lake Musconetcong Regional Planning Board
Regular Meeting
March 15, 2023

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 19, 2023 and was sent to the Clerks of the four municipalities, the State and the two counties.

OATH OF OFFICE: Mr. Riley administered the Oath of Office to Shawn Potillo

ROLL CALL:

Laura Franek – present	Shawn Potillo - present
Robert Hathaway – present	Steven Rattner - absent
William Hayden - absent	Rudy Shlesinger - 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. 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. Keenan the Minutes of the February 15, 2023 meeting were approved on majority voice vote. Ms. Maio, Mr. Potillo and Mr. Wright abstained.

COMMUNICATIONS: : The following communications have been placed on file:
03-03-23 Theresa Dunay – River Park monthly oil/water separator inspection log (February)
03-06-23 Selective Insurance – Notice of Change in Policy Terms

On motion by Mr. Hathaway, seconded by Ms. Wright and carried by unanimous voice vote, the communications were accepted. Chairman Riley said the Board received a bill from Solitude Lake Management for \$1,284.00, which is the monthly charge, without showing a \$0 balance. This means they did not apply the credit towards that bill. Chairman Riley stated he will have another discussion with Solitude to find out why the amount was not billed against the Board's credit. Ms. Maio suggested writing on the bottom of the bill that the amount should go towards the credit and send it to Solitude. The Board agreed and asked the Clerk to indicate on the bottom of the bill that the amount should go towards the credit. The Clerk was asked to show the credit, minus the amount of the bill and the remaining credit, which will be way the Board responds to any future bills. The Clerk will send a copy to Mr. Keenan.

REPORTS OF COMMITTEES:

Canal Society – There was no report.

Musconetcong Watershed Association – There was no report.

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

Lake Awareness – Ms. Maio informed the Board there will not be a Stanhope Day this year. Ms. Maio also stated she would like to meeting with the schools to talk about the fishing contest. The Board discussed the fishing contest and agreed it will be held on Sunday, June 11th from 9:00 a.m. to 11:00 a.m. Chairman Riley stated the fishing contest will be sponsored by New Jersey Parks, NJ Sportsmen

Federation and the LMRPB. Ms. Maio will prepare a flyer for the event and list the sponsors. Ms. Maio asked if the Board would consider in addition to the children's fishing contest, going in the other direction and have a fishing contest for senior citizens that would begin after the children's fishing contest. The Board members thought it was a great idea and were all in favor of holding a senior citizen's fishing contest after the children's fishing contest. Anyone 70 years and older does not need a fishing license. If they are under 70 years old they would need a fishing license to participate. After a brief discussion, it was agreed the "junior" fishing contest will be held from 9:00 a.m. to 11:00 a.m. and the "senior" fishing contest will be held from 12:00 noon to 2:00 p.m. Ms. Maio suggested serving hot dogs in between the fishing contests. Ms. Maio will contact Rosie from Polo's. Ms. Maio will also reach out to the Senior Citizen Club and ask for their assistance at the event.

Lake Management – Mr. Hathaway reported he has not done any goose monitoring due to the weather. The Borough of Netcong and the USDA are proceeding with the contractual arrangements. Mr. Hathaway noted there are a lot more geese on the lake than there has been in a long time. As soon as the weather improves they will begin the monitoring. Mr. Hathaway stated Chairman Riley has been working on the grant. There have been several "hiccups," the most recent being the Board put in a maintenance factor that they are questioning. Mr. Hathaway reported he and Chairman Riley have a call scheduled with Aquarius to discuss how the new machine will be outfitted and they will work on some maintenance schedules and costs with them. Chairman Riley explained that in the grant application there are two places for an in-kind match. According to NJDEP, in-kind match is labor only. The Board can use the average rate of \$29.95 per hour as the labor match. Chairman Riley used that number as the in-kind match for \$51,000 over three years. They can justify that number with the total number of volunteer hours. Chairman Riley said he also thought it would be beneficial to put in a cash match. He put in \$5,000 for maintenance. The Board has budgeted \$5,000 several years for maintenance. The grant office came back and said that amount is only for one year according to our budget and they suggested \$15,000. Chairman Riley then put in 415,000 and they came back and asked what he would be spending the \$15,000 on. Chairman Riley said he asked them if taking out the cash match would negatively affect them. He is waiting for their answer to that question. Chairman Riley said he wants the specific specifications of the equipment in the grant so they may not have to go out to bid. After discussions with Aquarius, he will put their options on the grant because the Board was approved for more than they asked for. Chairman Riley said he will ask the grant office for an advance payment of 50% so they can pay to have the equipment built. The equipment will take about six to eight months to build, so the Board will not have the equipment this year. Chairman Riley noted there is a method of advance payment. They will give up to 90% of the total grant upfront if you ask for it. Chairman Riley said he already asked for the advance payment. Chairman Riley noted this is similar to when they received the upfront money for the hydro rake. Chairman Riley reported they will need to go out to bid for the backhoe. Mr. Hathaway received a quote of \$150,000 a year ago. Chairman Riley stated they want the Aquarius 820 harvester. Chairman Riley explained the grant process of the grant award. They are now in the modification area and the next step is the award of the grant. Then the next step is to create a grant agreement, then the water quality management provision, then sign the grant agreement, then receive financial approval through NJDEP and then to execute and receive the payment. Mr. Hathaway stated they have substantially modified the present equipment and it does not make sense to get new equipment that they will have to modify. The equipment will be modified before the Board takes possession. Chairman Riley stated Aquarius does business with any government entities and is aware of the process. Chairman Riley stated the equipment the Board has now will be sold on GovDeals. Mr. Hathaway stated the present equipment will get through another year and he expects a year similar to last year. Mr. Hathaway noted the season is starting early and he would expect the Solitude survey in early April rather than late April.

He will inform the Board at the next meeting of the herbicide they will be using and the weeds they will be targeting.

Operating Budget – There was nothing to report.

CD Investment – Mr. Keenan noted the Resolution designating the depositories is on the Agenda. Mr. Keenan said the committee recommends a ladder CD with Fidelity. Mr. Keenan distributed information showing a breakdown of interest rates for various terms. After a brief discussion, it was agreed to put \$150,000 in CD’s and spread it across the ladder. Mr. Hathaway recommended nothing be invested for more than 12 months. Ms. Maio agreed not to a maximum of 12 months, but would prefer a 9-month maximum term. Mr. Hathaway noted the Board previously voted on the terms. Mr. Hathaway motioned to deposit \$150,402.67 in a ladder CD for 3 months, 6 months and not to exceed a 9-month terms and to deposit not more than 33-1/3% in the 9-month CD. Chairman Riley recommended depositing only \$150,000 from the current CD into new CD’s. Mr. Hathaway amended his motion and motioned to have \$150,000 from the current CD #95746436 rolled into a ladder format of CD with Fidelity, not to exceed 9 months in term and not to exceed 33-1/3%. Mr. Keenan seconded by motion. The motion was carried by the following unanimous roll call vote:

ROLL CALL:

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|--------------------|----------------------|
| Ms. Franek – yes | Mr. Pottillo – yes |
| Mr. Hathaway – yes | Mr. Shlesinger - yes |
| Mr. Keenan - yes | Mr. Wright- yes |
| Ms. Maio – yes | Chairman Riley – yes |

TREASURER’S REPORT: The Treasurer’s Report was emailed to the Board. On motion by Mr. Hathaway, seconded by Ms. Maio 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. Wright and carried by the following unanimous roll call vote, the bills on the bills list were approved:

Operating Account:

Ellen Horak - Clerk’s Monthly Compensation	\$ 550.00
Ellen Horak – Reimbursement of Expense (Name Plate)	\$ 21.31

Lake Management Account:

JCP&L – electric at shed	\$ 4.09
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Debit/Credit Card:

GoDaddy – 3-year SSL certification (securing site)	\$ 239.97
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ROLL CALL:

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|--------------------|----------------------|
| Ms. Franek – yes | Mr. Pottillo – yes |
| Mr. Hathaway – yes | Mr. Shlesinger - yes |
| Mr. Keenan - yes | Mr. Wright- yes |
| Ms. Maio – yes | Chairman Riley – yes |

OLD BUSINESS:

Grant Application – Chairman Riley noted this topic was discussed earlier in the meeting.

NEW BUSINESS:

Resolution Designating Depositories for the 2023 Calendar Year: Chairman Riley offered the following resolution which was read by title:

**RESOLUTION DESIGNATING DEPOSITORIES
FOR THE 2023 CALENDAR YEAR**

BE IT RESOLVED by the Lake Musconetcong Regional Planning Board that the attached Cash Management Plan is hereby approved and adopted for Calendar Year 2023; and

BE IT FURTHER RESOLVED by the Lake Musconetcong Regional Planning Board that the following bank and brokerage firm are hereby designated depositories for the Lake Musconetcong Regional Planning Board for 2023:

- Fulton Bank, N.A.
- Fidelity Investments

**CASH MANAGEMENT PLAN OF THE
LAKE MUSCONETCONG REGIONAL PLANNING BOARD**

I. STATEMENT OF PURPOSE

This Cash Management Plan (the “Plan”) is prepared pursuant to the provisions of N.J.S.A. 40A:5-23 in order to set forth the basis for the deposits (“Deposits”) and investment (“Permitted Investments”) of certain Public funds of the Lake Musconetcong Regional Planning Board (the “Board”) pending the use of such funds for the intended purposes. The Plan is intended to assure that all public funds identified herein are deposited in interest bearing Deposits or otherwise invested in Permitted Investments hereinafter referred to. The intent of the Plan is to provide that the decisions made with regard to the Deposits and the Permitted Investments will be done to insure the safety, the liquidity (regarding its availability for the intended purposes), and the maximum investment return within such limits. The Plan is intended to ensure that any Deposit or Permitted Investment matures within the time period that approximates the prospective need for the funds deposited or invested so that there is not a risk to the market value of such Deposits or Permitted Investments. All investments shall be made on a competitive basis insofar as practicable.

II. IDENTIFICATION OF FUNDS AND ACCOUNTS TO BE COVERED BY THE PLAN

- A. The Plan is intended to cover the deposit and/or investment of the following funds and accounts of the Board:
- Lake Management Operating
 - Long Term Savings
 - Any other accounts within the Board’s name and any of its agencies

III. DESIGNATION OF OFFICIALS OF THE LAKE MUSCONETCONG REGIONAL PLANNING BOARD AUTHORIZED TO MAKE DEPOSITS AND INVESTMENTS UNDER THE PLAN

The Treasurer of the Board the “Designated Official” is hereby authorized and directed to deposit and/or invest the funds referred to in the Plan and shall thereafter be relieved of any liability for loss of such moneys due to insolvency or closing of any depository designated by, or the decrease in value of any investment authorized, by the Cash Management Plan.

IV. DESIGNATION OF DEPOSITORIES.

The following banks and financial institutions are hereby designated as official depositories for the Deposit of all public funds referred to in the Plan, including any Certificates of Deposit which are not otherwise invested in Permitted Investments as provided for in this Plan:

- Fulton Bank of New Jersey
- Fidelity Investments

V. AUTHORIZED INVESTMENTS

A. Except as otherwise specifically provided for herein, the Designated Official is hereby authorized to invest the public funds covered by this Plan, to the extent not otherwise held in Deposits, in the following Permitted Investments:

- (1) Bonds or other obligations of the United States of America or obligations guaranteed by the United States of America;
- (2) Government money market mutual funds;
- (3) Any obligation that a federal agency or federal instrumentality has issued in accordance with an act of Congress, which security has a maturity date not greater than 397 days from the date of purchase, provided that such obligation bears a fixed rate of interest not dependent on any index or other external factor;
- (4) Bonds or other obligations of the Local Unit or bonds or other obligations of school districts of which the Local Unit is a part or within which the school district is located;
- (5) Bonds or other obligations, having a maturity date not more than 397 days from the date of purchase, approved by the Division of Investment of the Department of the Treasury for investment by Local Units;
- (6) Local government investment pools;
- (7) Deposits with the State of New Jersey Cash Management Fund established pursuant to section 1 of P.L. 1977, c.281 (C.52:18A-90.4); or
- (8) Agreements for the repurchase of fully collateralized securities if:
 - (a) the underlying securities are permitted investments pursuant to paragraphs (1) and (3) of this subsection a;
 - (b) the custody of collateral is transferred to a third party;
 - (c) the maturity of the agreement is not more than 30 days;
 - (d) the underlying securities are purchased through a public depository as defined in section 1 of P.L. 1970, c.236 (C.17:9-41); and

- (e) a master repurchase agreement providing for the custody and security of collateral is executed.
- B. Any investments not purchased and redeemed directly from the issuer, government money market mutual fund, local government investment pool, or the State of New Jersey Cash Management Fund, shall be purchased and redeemed through the use of a national or State bank located within this State or other financial intermediary through a broker-dealer which, at the time of purchase or redemption, has been registered continuously for a period of at least two years pursuant to section 9 of P.L. 1997, c.93 (C.49:3-56) and has at least \$25 million in capital stock (or equivalent capitalization if not a corporation), surplus reserves for contingencies and undivided profits, or through a securities dealer who makes primary markets in U.S. Government securities and reports daily to the Federal Reserve Bank of New York its position in and borrowing on such U.S. Government securities.

For purposes of the above language, the terms “government money market mutual fund” and “local government investment pool” shall have the following definitions:

Government Money Market Mutual Fund. An investment company or investment trust:

- (a) which is registered with the Securities and Exchange Commission under the “Investment Company Act of 1940,” 15 U.S.C. sec. 80a-1 et seq., and operated in accordance with 17 C.F.R. sec. 270.2a-7.
- (b) the portfolio of which is limited to U.S. Government securities that meet the definition of any eligible security pursuant to 17 C.F.R. sec.270.2a-7 and repurchase agreements that are collateralized by such U.S. Government securities; in which direct investment may be made pursuant to paragraphs (1) and (3) of subsection (a) of this section and
- (c) which has:
 - (i) attained the highest ranking or the highest letter and numerical rating of a nationally recognized statistical rating organization; or
 - (ii) retained an investment advisor registered or exempt from registration with the Securities and Exchange Commission pursuant to the “Investment Advisors Act of 1940”, 5 U.S.C. sec.80b-1 et seq., with experience investing in U.S. Government securities for at least the most recent past 60 months and with assets under management in excess of \$500 million.
- (d) which does not permit investments in instruments that: are subject to high price volatility with changing market conditions; cannot reasonably be expected, at the time of interest rate adjustment, to have a market value that approximates their par value; or utilize an index that does not support a stable net asset value.

Local Government Investment Pool. An investment pool:

- (a) which is managed in accordance with 17 C.F.R. sec. 270.2a-7;
- (b) which is rated in the highest category by a nationally recognized statistical rating organization;
- (c) which is limited to U.S. Government securities that meet the definition of an eligible security pursuant to 17 C.F.R. sec. 270.2a-7 and repurchase agreements

that are collateralized by such U.S. Government securities. Same as Money Market;

- (d) which is in compliance with rules adopted pursuant to the “Administrative Procedure Act,” P.L. 1968, c.410 (c.52:14B-1 et seq.) by the Local Finance Board of the Division of Local Government Services in the Department of Community Affairs, which rules shall provide for disclosure and reporting requirements, and other provisions deemed necessary by the board to provide for the safety, liquidity and yield of the investments;
- (e) which does not permit investments in instruments that: are subject to high price volatility with changing market conditions; cannot reasonably be expected, at the time of interest rate adjustment, to have a market value that approximates their par value; or utilize an index that does not support a stable net asset value; and
- (f) which purchases and redeems investments directly from the issuer, government money market mutual fund, or the State of New Jersey Cash Management Fund, or through the use of a national or State bank located within this State, or through a broker-dealer which, at the time of purchase or redemption, has been registered continuously for a period of at least two years pursuant to section 9 of P.L. 1967 c.9 (C.49:3-56) and has at least \$25 million in capital stock (or equivalent capitalization if not a corporation), surplus reserves for contingencies and undivided profits, or through a securities dealer who makes primary markets in U.S. Government securities and reports daily to the Federal Reserve Bank of New York its position in and borrowing on such U.S. Government securities.

Any official involved in the designation of depositories or in the authorization for investments as permitted pursuant to section 8 of P.L. 1977, c.396 (C.40A:5-23.1), or any combination of the preceding, or the selection of an entity seeking to sell an investment to the local unit who has a material business or personal relationship with that organization shall disclose that relationship to the governing body of the local unit and to the Local Finance Board or a county or municipal ethics board, as appropriate.

VI. SAFEKEEPING CUSTODY PAYMENT AND ACKNOWLEDGMENT OF RECEIPT OF PLAN

To the extent that any Deposit or Permitted Investment involves a document or security which is not physically held by the Board, then such instrument or security shall be covered by a custodial agreement with an independent third party, which shall be a bank or financial institution in the State of New Jersey. Such institution shall provide for the designation of such investments in the name of the Lake Musconetcong Regional Planning Board to assure that there is no unauthorized use of the funds or the Permitted Investments or Deposits. Purchase of any Permitted Investments that involve securities shall be executed by a “delivery versus payment” method to ensure that such Permitted Investments are either received by the Board or by a third-party custodian prior to or upon the release of the Board’s funds.

To assure that all parties with whom the Board deals either by way of Deposits or Permitted Investments are aware of the authority and the limits set forth in this Plan, all such parties shall be supplied with a copy of this Plan in writing and all such parties shall acknowledge the receipt of that Plan in writing, a copy of which shall be on file with the Designated Official.

VII. REPORTING REQUIREMENTS

On the first day of each month during which this Plan is in effect, the Designated Official(s) referred to in Section III hereof shall supply to the Board a written report of any Deposits or Permitted Investments made pursuant to this Plan, which shall include, at a minimum, the following information:

- A. The name of any institution holding funds of the Board as Deposit or Permitted Investment.
- B. The amount of securities or Deposits purchased or sold during the immediately preceding month.
- C. The class or type of securities purchased or Deposits made.
- D. The book value of such Deposits or Permitted Investments.
- E. The earned income on such Deposits or Permitted Investments.
- F. The fees incurred to undertake such Deposits or Permitted Investments.
- G. The market value of all Deposits or Permitted Investments as of the end of the immediately preceding month.
- H. All other information which may be deemed reasonable from time to time by the governing body of the Board.

VIII. TERM OF PLAN

This Plan shall be in effect from January 3, 2023 to December 31, 2023. Attached to this Plan is a resolution of the Board approving this Plan for such period of time. The Plan may be amended from time to time. To the extent that any amendment is adopted by the Board, the Designated Official is directed to supply copies of the amendments to all of the parties who otherwise have received the copy of the originally approved Plan, which amendment shall be acknowledged in writing in the same manner as the original Plan was so acknowledged.

On motion by Mr. Hathaway, seconded by Ms. Maio and unanimously carried by the following roll call vote, the foregoing resolution was duly adopted.

ROLL CALL:

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| Ms. Franek – yes | Mr. Pottillo – yes |
| Mr. Hathaway – yes | Mr. Shlesinger - yes |
| Mr. Keenan - yes | Mr. Wright- yes |
| Ms. Maio – 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. Hathaway, seconded by Ms. Maio, and carried by unanimous voice vote, the meeting was adjourned at 7:46 P.M.

Respectfully submitted,

Ellen Horak, Clerk