

Lake Musconetcong Regional Planning Board
Regular Meeting
June 16, 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 - absent
Mark Crowley - absent	Steven Rattner - present
Robert Hathaway – present	Rudy Shlesinger – present
Joseph Keenan – present	Lester Wright - present
Rosemarie Maio – present	Earl Riley - present

MODIFICATIONS TO THE AGENDA: Additional communications and bill 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 May 19, 2021 meeting were approved on unanimous voice vote.

COMMUNICATIONS: The following communications have been placed on file:
06-14-21 Solitude Lake Management – Service History Report

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 – Mr. Rattner reported they are trying to get the rest of the Musconetcong River into the Wild & Scenic. Mr. Rattner also reported that going to the mid-section, there is a log jam in the river which is blocking the river. Mr. Rattner stated there are a number of NGO's (non-government organizations) that are join the Association. The most recent is from Byram. Mr. Rattner also stated that the Lenape Indian Tribe Chief is getting active and becoming involved through the MWA. Chairman Riley reported the MWA has signed up to do HAB (harmful algae bloom) testing and he has signed up with the MWA to do three to four different locations in the lake on a weekly basis. Chairman Riley said he has been trained on how to use the meter. Next week he will test in the following three locations: 1) Port Morris area in Byram Bay; 2) on the Stanhope side of the area by the maintenance shed and 3) in Musconetcong Park. Chairman Riley noted that the water is stagnant in those areas. He will keep watch on the rest of the lake and if a suspect area is reported, they will test that area. The MWA is being funded by the State of New Jersey to do this and they are using all volunteers.

Site Plan Review/Stream Encroachment – Mr. Hathaway spoke about the site plan for the project on Allen Street by Arbolino Cove that is before the Netcong Land Use Board. The applicant was not present at the May 24th meeting so the hearing is now scheduled for June 28th. Mr. Hathaway said he spoke with Mr. Rattner and Morris County's overview is similar to Netcong Borough's. Violations are continuing and the issues need to be addressed by this Board at the hearing. It was to be a flex space

warehouse with limited parking. It has become a bus repair facility with extensive parking of buses inside and outside of the building. The owner is in violation and has been fined. He filed an application with the Land Use Board for a change of use. The Board made a statement when the initial application was made that the Board was concerned about repair uses at the site and there were assurances given that would not happen. Mr. Hathaway expressed his opinion that a member of the Board should attend the meeting and make a statement that they are opposed to it. Chairman Riley noted Mr. Balogh attended the last meeting on the Board's behalf, but there was no discussion at that meeting because the applicant did not appear. Chairman Riley said Mr. Balogh told him that he will attend the hearing on the 28th as a representative of the Board and he will bring the Board's concerns to the Land Use Board. Since Chairman Riley commented on the first hearing of this applicant, it was decided that he should attend the meeting together with Mr. Balogh. Mr. Rattner noted a comment at the last meeting that they are washing the vehicles with acid wash. Chairman Riley and Mr. Balogh will attend the Netcong Land Use Board meeting on June 28, 2021 and they will stress the Board's opposition to the expanded use of the facility as a bus maintenance inside and outside of the approved parameters. It was agreed that this issue is important to the lake. Chairman Riley suggested Mr. Rattner attend the meeting as a representative of Morris County. Mr. Rattner will ask for permission to attend on behalf of Morris County.

Lake Awareness – Ms. Maio said, although she could not attend due to a family commitment, she was told they had an outstanding turn-out at the fishing contest with approximately 39 participants. Mr. Hathaway noted the large turn-out of Board participation. The largest fish which was a 17-1/2" large-mouth bass was caught by a 7-year old, who also caught a 12" rainbow trout. Chairman Riley said all the participants enjoyed the day and he has put pictures on the Board's website under "Events." Mr. Hathaway agreed it was a great day. Chairman Riley thanked Ms. Maio for promoting the event.

Lake Management – Mr. Hathaway reported there have been a couple of herbicide applications to the lake. The LMCA treated the shoreline which included waterlily management and the Board made an application to the lake that targeted milfoil and coontail. On June 26th an application will be made to target water chestnut. Mr. Hathaway stated he has not yet seen a map, but he has been in discussions with Bob Schindler. He has also been in contact with Pat Marsico of the LMCA regarding the water chestnut and she provided him with a map. Mr. Hathaway reported Rich Perry volunteered his time and some material to change the docking mount for the harvester. Mr. Hathaway and Chairman Riley put the jon boat in the water. Mr. Hathaway said he is withholding putting the harvester in the water because they do not yet have transport. Byram sold their roll-off truck and Ag Choice also sold their roll-off truck. Chairman Riley stated he is in discussions with Ag Choice and they are trying to work with him to make the transport happen. Chairman Riley said he would know within a week if it can be done. Mr. Hathaway reported the weeds are under control with the exception of about 2 acres of water chestnut. The water quality and clarity in the lake is very good. Chairman Riley noted the HAB testing will impact lake management. There have been 3 readings in the lake that have been reported to the DEP this already year. If the meter reading is more than a 12, you have to report it to the DEP and they make the decision. Chairman Riley said he is not sure what the 12-count means. The readings reported to the DEP were 14, 16 and 12, but he does not know where in the lake those readings were taken. There are 12 people who volunteered to monitor Lake Musconetcong. Chairman Riley said that, although no longer a member of the Board, John Rogalo volunteered and jacked up the mooring bar and Mr. Perry secured it. John Rogalo also participated all day at the fishing contest. Chairman Riley thanked John for his help. Chairman Riley recognized Ramsey's and the New Jersey Sportsmen Federation for their donations. Ramsey's donated 2 fishing combinations which cost \$25 each and they gave the Board 20% off our purchases. With Ramsey's donations and discount and the Sportsmen Federation's \$200, the Board only spent \$168 on the fishing contest.

Operating Budget – There was no report.

TREASURER’S REPORT: Mr. Keenan noted the Treasurer’s Report was emailed to the Board. The invoice from Cliff Lundin is not reflected in this report. It will be included on next month’s report. On motion by Mr. Hathaway, seconded by Mr. Rattner 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 following bills are to be paid if and when funds are available:

Operating Account:

Ellen Horak - Clerk’s Monthly Compensation	\$ 500.00
Gannett NJ (Daily Record) - legal notice re: March meeting change to Zoom	\$ 53.92

Lake Management Account:

JCP&L – electric at shed	\$ 3.15
Solitude Lake Management- Lake Management Services (06/01)	\$2,249.00
You Name It -trophies for fishing contest	\$ 79.00

Debit/Credit Card:

West Chester Machinery –parts	\$ 191.16
Discount Tire Centers – trailer tire repair	\$ 30.00
Ramsey Outdoor – fishing contest prizes	\$ 168.13

ROLL CALL:

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

UNFINISHED (OLD) BUSINESS:

Sale of AM 2000 (Hydro Rake) – Chairman Riley stated he received an email from the DEP saying the equipment is the Board’s provided the Board uses the funds from the sale for another harvester or probiotic treatment or another appropriate activity to reduce the nutrient level in the lake, which is exactly what the Board is looking to do. The Board can now sell the AM2000.

NEW BUSINESS:

Resolution Authorizing the Board to Enter Into Cooperative Pricing Agreement:

**RESOLUTION FOR MEMBER PARTICIPATION
IN THE PASSAIC COUNTY COOPERATIVE PRICING SYSTEM ID# 38PCCP**

**A RESOLUTION AUTHORIZING THE LAKE MUSCONETCONG REGIONAL PLANNING
BOARD TO ENTER INTO A COOPERATIVE PRICING AGREEMENT**

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the County of Passaic, hereinafter referred to as the "Lead Agency " has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services;

WHEREAS, on June 16, 2021, the governing body of the Lake Musconetcong Regional Planning Board (LMRPB), of the Counties of Morris and Sussex and State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services.

NOW, THEREFORE BE IT RESOLVED as follows:

TITLE

This **RESOLUTION** shall be known and may be cited as the Cooperative Pricing Resolution of the **LAKE MUSCONETCONG REGIONAL PLANNING BOARD**.

AUTHORITY

Pursuant to the provisions of *N.J.S.A. 40A:11-11(5)*, the Chairman and Clerk of the LMRPB are hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

CONTRACTING UNIT

The Lead Agency shall be responsible for complying with the provisions of the *Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.)* and all other provisions of the revised statutes of the State of New Jersey.

EFFECTIVE DATE

This resolution shall take effect immediately upon passage.

On motion by Mr. Rattner, seconded by Mr. Hathaway and carried by the following unanimous roll call vote, the above Resolution was adopted.

ROLL CALL:

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

Resolution Authorizing Advertisement for Sale of Personal Property:

**LAKE MUSCONETCONG REGIONAL PLANNING BOARD
AUTHORIZING THE ADVERTISEMENT FOR SALE OF PERSONAL PROPERTY
PURSUANT TO N.J.S.A. 40A:12-13 and N.J.S.A. 40A: 11-4.7 et. seq.**

Whereas, the Lake Musconetcong Regional Planning Board (LMRPB) is an intergovernmental entity of the six governments with jurisdiction over Lake Musconetcong; and

Whereas, the LMRPB is in possession of and holds title to a power vessel and appurtenant pieces of equipment known as a Hydro-rake, said equipment being more specifically described as follows:

- 1) Hydro-rake – Vessel/Hull
 - a) Manufacturer: Alpha Boats Unlimited
 - b) Model: Universal Water Management Boat AM-2000
 - c) Serial Number: ABU9210092100900031317
 - d) Hull ID no.: HGU00313E717
2. Tilt Deck Trailer TLT-800 Serial # ABU9270440031117
3. Shore Conveyor Model SL-6036 Serial # ABU93501200031217
4. All associated options and spare parts

Whereas, said equipment was acquired through a grant from the NJ Department of Environmental Protection (NJDEP) under Grant Agreement number WM16-047; and

Whereas, all Board obligations under the grant have been satisfactorily completed and said grant agreement has been closed and the Board reimbursed for all expenditures; and

Whereas, at the conclusion of the grant agreement, title to the equipment was transferred to the LMRPB; and

Whereas, since the time of the entering into the Grant Agreement with the NJDEP, certain matters have changed or become apparent making it infeasible for the LMRPB to continue to utilize the hydro-raking equipment for the intended purposes; and

Whereas, these changes include but are not limited to:

- 1) Changes in NJDEP regulatory interpretations which now require extensive permitting for any hydro-raking effort. The initial grant application relied on NJDEP informal guidance that various permits were not necessary for the operation;
- 2) The inability of the LMRPB to identify an acceptable disposal location for any materials removed from Lake Musconetcong by the hydro-rake. The LMRPB originally anticipated that the materials could be placed on state property. The NJDEP Division of Parks and Forests subsequently determined not to allow this placement; and
- 3) A determination by the NJDEP Division of Fish and Game that restricts the permissible time period for a hydro-raking effort on Lake Musconetcong to an extremely limited season; and

Whereas, under the Grant Agreement, the LMRPB is required to send to NJDEP a Notice of Intention to Sell prior to the sale of any equipment acquired pursuant to the grant; and

Whereas, on March 30, 2021 said Notice of Intention to Sell was sent to James Duffy, the Department's designated representative under the Grant Agreement; and Jay Springer, Grant Manager NJDEP; and

Whereas, the Department responded by communications dated April 1, 2021, April 15, 2021 and June 14, 2021. The said June 14, 2021 communication approved the sale of the equipment on condition that the

proceeds from the sale will be applied towards other appropriate activities for managing nutrient loads on Lake Musconetcong.

NOW THEREFORE BE IT RESOLVED by the Lake Musconetcong Regional Planning Board pursuant to N.J.S.A. 40A 12-13, that it finds and declares that the hydro-raking equipment and appurtenant accessories are no longer needed for public purposes; and

BE IT FURTHER RESOLVED that the LMRPB authorizes the Chairman and Secretary to advertise the equipment for public sale utilizing the services of Gov Deals. Gov Deals is an authorized provider of auction services pursuant to the Passaic County Cooperative Agreement. The LMRPB is a member of the Passaic County Cooperative Agreement pursuant to a Resolution of the Board adopted on June 16, 2021. The use of internet sales of government property is specifically authorized by the New Jersey Local Unit Electronic Procurement Act, N.J.S.A. 40A: 11-4.7 et. seq.; and

BE IT FURTHER RESOLVED that a copy of the Notice of Auction shall be posted at the municipal buildings of the municipal members of the LMRPB; and

BE IT FURTHER RESOLVED that the LMRPB requires one lump sum bid for the four items described herein; and

BE IT FURTHER RESOLVED that the equipment shall be sold free of all restrictions, encumbrances, conditions, interests, or estates on the part of the board; and

BE IT FURTHER RESOLVED that the LMRPB reserves the right to reject all bids; and

BE IT FURTHER RESOLVED that the proceeds from the sale will be applied towards other appropriate activities for managing nutrient loads on Lake Musconetcong and

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to NJDEP and the governing bodies of the constituent members of the LMRPB.

On motion by Mr. Rattner, seconded by Ms. Maio and carried by the following unanimous roll call vote, the above Resolution was adopted.

ROLL CALL:

Mr. Hathaway - yes
Mr. Keenan - yes
Ms. Maio – yes

Mr. Rattner – yes
Mr. Shlesinger - yes
Mr. Wright – yes
Chairman Riley - yes

Chairman Riley explained the process of selling the equipment. The Board will sign an Agreement with Passaic County Cooperative. Once the Agreement is signed by both parties, he will contact Govdeals and they will want to put their marketing department on the job. They will do a photo display of everything being sold and they will market it for the Board. Ms. Maio questioned if there is a separate marketing agreement. Ms. Maio expressed concern, saying she does not want the Board to pay for those services. Chairman Riley is not sure, but will find out. Chairman Riley noted when they sold the truck on Govdeals, the Board received all the money. There is a percentage charged depending on the amount of the sale and the Board will require the purchaser pay the fee. On motion by Mr. Hathaway, seconded by

Mr. Wright and carried by unanimous voice vote, the Board authorized Chairman Riley to move forward with Govdeals, as long as there is no charge to the Board. If there is any fee to the Board, Chairman Riley will not proceed; he will inform the Board and action will be taken at the next meeting.

Ms. Maio noted the sale of the equipment will bring a large sum of money to the Board and she strongly recommended that the Board have a written plan for the money. They also need to let the municipalities and counties know that it will not result in a reduction of their assessment and that the money is allocated towards something specific. Ms. Maio suggested a subcommittee be created to come up with a long-term plan for the money. The Board discussed a number of options for the money including a more appropriate smaller harvester. The Board has had the large harvester for years and they are starting to have issues with it. There was a suggestion that the Board possibly sell the large harvester on Govdeals and purchase another newer one. Another suggestion was the probiotic treatment on the lake being self-administered by the Board. It is proven that the probiotic treatment has a positive impact on the lake. After a brief discussion, it was agreed that a subcommittee should be formed to come up with a definitive 5-year plan. Chairman Riley formed the "Lake Improvement Committee." Mr. Hathaway will chair the committee and Ms. Maio, Mr. Rattner and Chairman Riley will serve on the committee.

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 7:55 P.M.

Respectfully submitted,

Ellen Horak, Clerk