

**Lake Musconetcong Regional Planning Board  
Regular Meeting  
September 15, 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
Mark Crowley - absent	Steven Rattner - absent
Robert Hathaway – present	Rudy Shlesinger – present
Joseph Keenan – present	Lester Wright - absent
Rosemarie Maio – present	Earl Riley - present

**MODIFICATIONS TO THE AGENDA:** Additional communication as listed. Chairman Riley revised the Agenda to move adoption of the Resolution to sell the AM 2000 to this portion of the meeting.

**RESOLUTION OF THE LAKE MUSCONETCONG REGIONAL PLANNING BOARD  
AUTHORIZING THE SALE OF PERSONAL PROPERTY PURSUANT TO N.J.S.A. 40A:12-13  
et. seq., N.J.S.A. 40A: 11-4.7 et. seq., and N.J.S.A. 40A-11-36 (4).**

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.

(Hereinafter referred to as “the equipment.”)

Whereas, by Resolution dated June 16, 2021, the LMRPB declared the equipment and appurtenant accessories to be no longer needed for public purposes; And

Whereas, the LMRPB, through its membership arrangement with the Passaic County Cooperative Pricing System entered into an agreement with Liquidity Services d/b/a/ GovDeals.com for the sale of the equipment via an electronic auction; and

Whereas, said auction was advertised on the govdeals.com website from the period of July 23, 2021 through September 8, 2021; and

Whereas, a public notice of the auction was published in the New Jersey Herald on July 30, 2021 in accordance with N.J.S.A. 40A:12-13(a) and N.J.S.A. 40A: 11-4.12 (b); and

Whereas, a notice of the auction was provided to each of the municipal members of the LMRPB with a request that the notice be publicly posted; and

Whereas, the LMRPB had previously determined that the estimated fair value of the equipment and appurtenant accessories was \$215,000.00; and

Whereas, in accordance with that determination, the LMRPB set the minimum bid price in the auction at \$215,000.00; and

Whereas, the notice of auction provided three one-day periods where perspective bidders could inspect or view the equipment; and

Whereas, no potential bidders took advantage of the opportunity to inspect the equipment; and

Whereas, during the notice period, the LMRPB notice was viewed by over 19,800 internet visitors; and

Whereas, despite said interest, the auction period closed on September 8, 2021 without the submission of any bids; and

Whereas, N.J.S.A.40A: 11-36 (4) provides that in the event that a public auction is held and no bids are received, a public entity may proceed to sell the public property at private sale without sale without further publication or notice, provided that the selling price meets or exceeds the estimated fair value; and

Whereas, subsequent to the closure of the auction period, the LMRPB was contacted by a representative of the manufacturer of the equipment, Alpha Boats Unlimited, d/b/a Barber Welding of Weedsport, NY, expressing an interest in the purchase of the equipment; And

Whereas, subsequent to the initial communication, Alpha Boats submitted a written communication offering to purchase the equipment for \$215,000.00, said price equaling the estimated fair value.

**NOW THEREFORE BE IT RESOLVED** by the Lake Musconetcong Regional Planning Board pursuant to N.J.S.A. 40A: 111-36 (4) that it hereby authorizes the chairman and secretary to enter into a Contract with Alpha Boats Unlimited d//b/a Barber Welding Inc for the sale of the equipment at a price of \$215,000.00; and

**BE IT FURTHER RESOLVED** that the chairman and secretary are authorized to execute any and all certificates of title and other papers to effectuate the sale; 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 the governing bodies of the constituent members of the LMRPB.

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

ROLL CALL:

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

Mr. Poff – yes  
Mr. Shlesinger - 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.

**DISCUSSION** – Cliff Lundin, Esq. (*Netcong Land Use Board Application – 128 Allen Street*)

Mr. Lundin noted Chairman Riley contacted him after last month's meeting at which the Board discussed the application by FJZ in Netcong. Chairman Riley sent him all the materials received, including the site plan application, the review letter by the Netcong Planner and exhibits. Mr. Lundin said he tried several times to speak to the planning board secretary and the administrator. He finally reached someone at Netcong who told him the application was adjourned, at the applicant's request, to their October meeting. Mr. Lundin stated he is not qualified as an expert to provide testimony, but he can speak on behalf of the Board and the Board's concerns. Mr. Lundin noted it is a large commercial building approved for up to 4 tenants, up to 12 employees and 12 visitors per day. The application states they would like to store buses outside and to extend the length of buses to 40 feet and to have 4 buses at any time. Mr. Lundin said he drove past the site on two occasions and both times there were more than 4 buses parked outside and they were over 40 feet. On both days there were 5 buses parked outside and a 6<sup>th</sup> bus offsite on an adjacent property. He drove by prior to tonight's meeting and there were 3 double-buses and 5 parked outside. If they are applying for 4 buses, they are already violating what may be approved based on their application. Mr. Lundin stated the applicant needs a "d" variance so they need to have a planner stating it meets the positive and negative criteria. They have to show it will not impair the zone plan nor interfere with the neighborhood. Mr. Lundin noted the uses in the area include a school van facility, an auto repair space and another truck operation and further down is the NJ Transit rail yard. The whole street for several hundred feet in both directions involve heavy equipment parking and maintenance so the applicant will argue it fits very well with the other uses in the area. Mr. Lundin noted concern with the lack of a stormwater plan. They are saying there was a stormwater plan with their 2017 application and the requirement for one is not applicable with this application. Mr. Lundin said stormwater plans are triggered by impervious coverage and there is no new impervious coverage proposed. Mr. Lundin stated he needs to read Netcong's ordinances. Mr. Lundin said he is looking for the Board's input. Chairman Riley stated the concern of the Board is the stormwater management and the run-off into the lake. Other than that, the use of the facility is up to Netcong; the Board has no authority. The Board can recommend that they adhere to the approved plan. The Board can only make recommendations because it is an advisory board. Chairman Riley stated the Board's concern is the security and well being of the lake. Mr. Hathaway stated he will not speak on this matter as he is conflicted. Chairman Riley noted Mr. Hathaway is a Netcong Councilman as well as a Netcong business. Ms. Maio noted they are doing auto body work and repairs and they are washing buses and she asked what provisions are being made to capture run-off. Mr. Lundin said there is nothing in the application that states they are washing vehicles; however, it can be a condition of any approval. Chairman Riley asked if the facility was originally a repair facility. Mr. Lundin responded in the negative. Chairman Riley said in most repair facilities, they have methods of filtering oil, gasoline, etc. and he asked if this facility is doing this. Mr. Lundin responded he does not believe they are. Chairman Riley said ground water contamination is also a concern of the Board. Mr. Lundin said he will monitor the application.

Chairman Riley thanked Mr. Lundin for his attendance and guidance.

**ACTION ON MINUTES:** On motion by Mr. Hathaway, seconded by Mr. Poff, the Minutes of the August 18, 2021 meeting were approved on unanimous voice vote.

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

- 09-01-21 People First Property & Casualty Services – Public Officials Liability for Special Service Districts Confirmation of Material Information Form for Renewal Policies
- 09-08-21 Ralph Blakeslee, Netcong Borough – 2022 Budget Request
- 09-09-21 Cliff Lundin, Esq. – email re: AM 2000
- 09-14-21 Netcong Borough – check in the amount of \$2,400 re: goose addling program

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

### **REPORTS OF COMMITTEES:**

**Canal Society** – Chairman Riley reported Waterloo Village Canal Day will be held this Saturday from 10:00 a.m. to 4:00 p.m. It is the first Canal Day they have had in a long time. It is open to the public.

**Musconetcong Watershed Association** – There was no report.

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

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

**Lake Management** – Mr. Hathaway reported they have sold the hydro rake and they will create a management plan.

**Lake Improvement** – Mr. Hathaway reported the committee has met a few times and the recommendation of the committee is to engage in a 3-year plan of probiotics of 100+ acres treatment area three times per year for three years. They believe this will greatly impact the need for weed harvesting. There will be a change in the lake clarity and water columns and it will drive the weeds down because there will be less nutrient loads. The committee believes the smart move is not to invest in any new equipment at this time. The 3-year plan would cost a little over \$100,000 and the remaining \$115,000 will be left to address issues of the backhoe, the harvester (which has a front conveyor deterioration) and the conveyor. If they need to harvest weeds and need to spend money on that equipment, it will be spent. Mr. Hathaway said the Board must come to terms that there are not many of them volunteering. It is becoming less likely for the present volunteers to operate and repair the machinery. The cost for maintaining the equipment will likely increase. Mr. Hathaway said the ideal result will be like last year's result. Last year they cleared out 15 dumpsters. The herbicide program is working. The lake looks better than it has in 20 years. Mr. Hathaway noted they may have breakdowns that take time to address which means they may have public attending meetings because they are not harvesting. Mr. Hathaway said, being smart and looking at the long range, they should wait and see, which is the committee's recommendation. Mr. Hathaway said he received a quote on the material and he will be meeting with the LMCA to let them know the Board's plan and ask for their help with some volunteers. It will be one ton of material three times per year. Solitude Lake Management treats that amount of area in less than 4 hours. Mr. Hathaway said if not the LMCA, maybe high school students would volunteer to help with the

bagging. Mr. Hathaway noted the probiotics worked at his property and Tom Kinney's property. Also, there are test areas in the lake, i.e. Byram Bay that is all sand and the water columns have gotten significantly deeper. Mr. Hathaway said they will be diminishing the weed population so not addressing the equipment is a reasonable and responsible plan.

Chairman Riley reported all the buoys have been taken out of the lake. He wanted it done before the AM 2000 is gone because it is much easier to do with that machine. Chairman Riley said t this time last year they had taken 15 loads to Ag Choice and this year, so far, they have taken only 1 load of weeds to Ag Choice. They have basically cleared Byram Bay of water chestnut. It is about 98% gone. The water chestnut is almost totally eradicated in the lake. Chairman Riley thanked Mr. Hathaway, who designed that program. Chairman Riley reported there are 216 hours on the AM 2000, of which he has driven 214 hours. The funds the Board is receiving for the sale of the AM 2000 and associated equipment is \$215,000. The manufacturer of the equipment agreed to buy it back for the price the Board was asking. They already have the conveyor and will be picking up the AM 2000, the trailer and the spare parts sometime in the near future.

**Operating Budget** – Mr. Keenan reported the Board received a request from Netcong Borough for the 2022 budget. Chairman Riley asked Mr. Keenan to prepare the budget for the next meeting. It was agreed that the budget will be a replication of this year's budget. There will be no changes in the 2022 budget.

**TREASURER'S REPORT:** Mr. Keenan noted the Treasurer's Report was emailed to the Board. The total balance is \$30,054.81 and it does not include the \$2,400 recently received from Netcong Borough. Mr. Keenan asked to discuss how to handle the \$215,000. Mr. Keenan recommended it be deposited in a separate account rather than in the operating budget account. The Board agreed it should be deposited in a separate account. Mr. Keenan noted the Board has a long-term savings account that it could be deposited in. The Board discussed options for depositing the \$215,000 and agreed it should be deposited into an account that draws more interest than the Board's present accounts. Mr. Hathaway said they only need \$40,000 next year for the plan he devised. He would like the Board to consider paying a consultant fee and materials of \$36,000. He suggested taking \$40,000 from the funds and doing something more responsible with the remaining money because they will not need it next year. Mr. Keenan suggested depositing the funds into the existing savings account while he looks into another type of account. On motion by Ms. Maio, seconded by Mr. Hathaway and carried by unanimous voice vote, the Board authorized Mr. Keenan to deposit the funds into the existing long-term savings account until he makes a determination on where to deposit the funds that will draw better interest.

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:** Chairman Riley noted there are two bills listed for Intrepid Carting and Hauling for \$300 each. There were two emails sent; however, the second one was just a reminder. There is only one bill from Intrepid Carting & Hauling for \$300. Mr. Poff questioned why the charge from Dixon Oil noted in Chairman Riley's email in the amount of \$398.69 is not listed. The Clerk stated she did not receive an email or bill for Dixon Oil. Chairman Riley stated he does not have the receipt with him, but the charge should be added to the bills list under Debit/Credit Card. 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

Lake Management Account:

JCP&L – electric at shed \$ 3.41

Ag Choice – Aquatic Vegetation Disposal (30 cu yds) \$ 330.00

Solitude Lake Management- Lake Management Services (09/01) \$2,249.00

Debit/Credit Card:

Intrepid Carting & Hauling – trucking weeds (8/20/21) \$ 300.00

Dixon Oil \$ 398.69

ROLL CALL:

Mr. Hathaway - yes

Mr. Poff – yes

Mr. Keenan - yes

Mr. Shlesinger - yes

Ms. Maio – yes

Chairman Riley – yes

**UNFINISHED (OLD) BUSINESS:**

Sale of AM 2000 – Chairman Riley reported the sale is completed.

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

Yonnie Guyre asked if the Board will be treating the shoreline or only the lake. Mr. Hathaway responded they will not do the shorelines, only the center of the lake. He will inform the LMCA that he has brokered a deal with the provider and the 100-acre treatment by the Board will include frontage of the parks and the remaining acreage will be the center of the lake and Byram Bay. Ms. Guyre asked how much an acre would cost. Mr. Hathaway responded for the treatment plan it is \$360 per acre for 3 applications per year. It is \$120 an acre per application, but you need 3 applications to do it right. Mr. Hathaway noted the provider recommends doing 5 applications per year, but there is little data on water bodies of the size of our lake. They are applying 20 pounds per acre and he believes 3 applications is sufficient for this lake. Mr. Hathaway expressed his opinion that they will have the same results as he has on his property. Mr. Hathaway noted the water on the shoreline is much shallower so weeds will still grow. The application will address the muck. The sunlight will always be on the shallow shoreline and it will need weed treatment. Mr. Guyre asked if it eats the lily pads. Mr. Hathaway responded nothing these bugs do will greatly impact the lily pads, but it may make them thinner. Mr. Guyre asked if the residents must apply it themselves. Mr. Hathaway responded in the affirmative. Mr. Hathaway stated the weed control program will not change. They will not be able to stop spraying for weeds and that will probably be forever. Ms. Guyre asked what the impact would be if the LMCA did the entire shoreline and the Board does the 100 acres. Mr. Hathaway said he hopes the residents will do their shoreline, or possible the LMCA may do some of the shorelines. Regardless it will be a substantial impact.

Ms. Maio asked Mr. Hathaway if it can be used in the canal in Stanhope. Mr. Hathaway responded in the affirmative. He is consulting with a group who will be using it, not in the canal, but something similar.

Seeing no one further 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