

**Lake Musconetcong Regional Planning Board**  
**Regular Meeting**  
**May 18, 2022**

Chairman Riley opened the Regular Meeting at 7:03PM 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 20, 2022 and was sent to the Clerks of the four municipalities, the two counties and the State.

**ROLL CALL:**

Robert Hathaway, Netcong – present	Shawn Pottillo, Roxbury – present
Joseph Keenan, Netcong – present	Steven Rattner, Morris County – present
Rosemarie Maio, Stanhope – present	Rudy Shlesinger, Stanhope – absent
Greg Poff, Sussex County – present	Lester Wright, Roxbury – present
	Earl Riley, Byram – present

**MODIFICATIONS TO THE AGENDA:** Two additional checks were received from the following: 5-15-22 Sussex County – Check in the amount of \$6,259.38 for the 2022 budget contribution and 5/17/22 Stanhope Borough – Check in the amount of \$17,124.53 for the 2022 budget appropriation.

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

*Yonnie Guyre, Port Morris resident and LMCA member*, asked Mr. Hathaway if he has obtained the cost to control the bugs in the Port Morris Park area. Mr. Hathaway stated he does not have that figure as yet. He will contact Solitude. Mr. Hathaway stated he is of the opinion that the area consists of five (5) acres and the cost of the three (3) applications will be \$250 per application. The product has been allotted for in the order. Mr. Pottillo asked Mr. Hathaway to keep him informed so he can take care of the issue.

*Laura Franek, NJ State Park*, stated the DEP Commissioner will be visiting the northern lakes on May 24<sup>th</sup>. The Commissioner will be visiting Greenwood Lake, Lake Musconetcong and Lake Hopatcong. The Commissioner plans to be at Lake Musconetcong at 12:45pm. Ms. Franek invited everyone who is available to attend.

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

**ACTION ON MINUTES:** On motion by Ms. Maio and seconded by Mr. Wright, the Minutes of the April 20, 2022 regular meeting were approved by a majority voice vote. Mr. Hathaway and Mr. Pottillo abstained.

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

04/29/22 Mike Hubble – River Park monthly oil/water separator inspection log (revised March)  
05/02/22 Theresa Dunay – River park monthly oil/water separator inspection log (April)  
05/02/22 Notice to Property Owners – Anna Temporale Re: Variance Application for retail store in portion of Bell’s Mansion, 11 Main Street, Stanhope  
05/02/22 Morris County – Memorandum of Understanding Re: 2022 budget contribution  
05/11/22 Princeton Hydro – NJDEP Lake Restoration Grant Writing Proposal  
05/12/22 Ag Choice – Surcharge Notice (effective May 16, 2022)  
05/13/22 Motor Vehicle Commission Registration Renewal Application Re: 1988 Backhoe

Ms. Maio stated the hearing scheduled for Anna Temporale with Stanhope's Land Use Board was postponed due to the fact the published notice was not done within the required timeframe.

Mr. Keenan stated Ag Choice will now be charging a \$1.00/cubic yard surcharge. Chairman Riley stated last year Ag Choice charged \$300/load. With the surcharge that will be an additional cost of \$30/cubic yard, for a total of \$330/load. The hauler is charging \$275/load with an additional \$25.00 fuel surcharge. The total overall cost is now going to be \$630/load. These costs are being incurred due to the fact the State of NJ will not take the weeds. Chairman Riley stated he would like to discuss this issue during the Commissioner's visit.

## **REPORTS OF COMMITTEES:**

**Canal Society** – There was no report.

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

**Site Plan Review/Stream Encroachment** – Mr. Wright stated there was nothing to report. Ms. Maio asked if Cliff Lundin will be attending the Netcong Land Use Board meeting regarding the FJZ site plan? Chairman Riley stated it may not be necessary for Mr. Lundin to attend as the board's legal representative. At this point, the letter is on record and there is not much more Mr. Lundin can add. Mr. Lundin's presence at the meeting will generate a bill to the board for his time. Ms. Maio stated she is concerned about an "out of sight, out of mind" issue which will exist if Mr. Lundin is not in attendance to represent the LMRPB. Chairman Riley called for a vote.

On motion by Ms. Maio, seconded by Mr. Wright, and carried by a majority of the following roll call vote, approval was granted for Cliff Lundin to attend the Netcong Land Use Board meeting.

## **ROLL CALL:**

Robert Hathaway – abstain	Shawn Potillo – yes
Joseph Keenan – yes	Steven Rattner - abstain
Rosemarie Maio – yes	Rudy Shlesinger - absent
Greg Poff – absent	Lester Wright – yes
	Earl Riley – yes

Chairman Riley stated he will ask Cliff Lundin to attend the Netcong Land Use Board meeting. Mr. Wright stated he will also be attending the meeting.

**Lake Awareness** – Ms. Maio stated she is of the opinion that the LMRPB should have a booth at Stanhope Day. Chairman Riley agreed and asked if the booth could be located below Bell's Mansion's driveway for ease of setup after the fishing contest. Trying to navigate through Main Street after everyone else is already set up is too difficult. Ms. Maio stated she will submit that request to the organizers. Ms. Maio stated the fishing contest is scheduled for June 12<sup>th</sup> at Lake Musconetcong. Chairman Riley asked for anyone available that day to help with the event and with the booth at Stanhope Day. Chairman Riley also asked for assistance with obtaining the prizes. Chairman Riley stated Ramsey Outdoor will donate equipment and prizes. Chairman Riley will purchase additional prizes which will be reimbursed by the NJ Sportsmen's Club in the amount of \$200. Mr. Hathaway stated he will go with Chairman Riley to Ramsey Outdoor.

**Lake Management** – Mr. Hathaway stated the probiotic will cost the same as last year and the plan will remain the same. The Lake Musconetcong Community Association (LMCA) will cover the cost to treat 8 acres of significant areas. The contract between Solitude and the LMRPB includes this cost. The vendor has changed their position and will only sell to one source. The LMCA portion totals \$7,000.00. Ms. Maio stated the overall cost of materials is going to total approximately \$40,000.00 and therefore will require approval from the Qualified Purchasing Agent (QPA). Mr. Hathaway stated this was an oversight and he will contact Marvin Joss, QPA. It is unknown at this time whether or not Solitude is in the State Co-op.

Mr. Hathaway stated the 100 acres to be treated have not been determined as yet. He will work with Solitude to determine the best areas for the probiotic to filter out into the lake. Mr. Hathaway stated Bob Schindler will be consulted if the treatment is done to the northside of Towpath or Arbolino Bay. The river moves stronger toward Byram Bay. The other location is in Byram Bay to the North of the river. This is an easier area to access but Mr. Hathaway stated he has some reservations. Ms. Maio stated the area at Musconetcong Park should be treated. This area is used by the Fire Department to fill the trucks. Mr. Hathaway stated 100 acres could be attached there and east to the island but that may not reach the greatest amount of the lake. Twenty acres could be done at Musconetcong Park and the additional 80 acres could be treated elsewhere. As a measure of good will, it would look good to have that area done but it could give the appearance of benefiting certain residents and not others. Ms. Maio stated Stanhope Borough pays the most amount of funding to the LMRPB. Chairman Riley stated the 20 acres by Musconetcong Park, opposite the island, is an area which should be treated in his opinion, as well as the 80 acres away from the Towpath.

Chairman Riley stated he will be monitoring and measuring the sludge in eight (8) different areas. The depth of the muck in the water column against the lake level will be measured near Mr. Hathaway's house using the meter which was purchased for this. The past treatments have dissolved the oxygen, phosphorous, salinity, and dissolved solids. There will be eight (8) treated areas monitored and two (2) control areas. The depths will be measured at one, two and three feet at all locations monthly. The results will be shared with the board and if there is no reduction in the sludge, the program will be stopped. Mr. Keenan asked if the results will be seen quickly. Mr. Hathaway replied that in the past there was a measurable difference. This should create the affect we are trying to obtain. The measuring is an important aspect. In the past, Rutgers and Solitude did not take water level vs. water column measurements. Mr. Hathaway stated he and Chairman Riley have done a great deal of research and this program and it should reduce the nutrients in order to reduce the quantity of weeds for the viability and health of the lake. If the ten (10) acres are obtained from Roxbury Township, they will be treated.

Chairman Riley stated he is continuing to make cement anchors for the yellow buoys which will be placed in the lake. Chairman Riley will ask that a note be placed at the boat ramp to inform people not to pull up the buoys. Twenty (20) buoys were donated by the State Park and the board has additional buoys.

Mr. Hathaway stated he has done the goose egg addling but there have not been any eggs. He will be going out again. Netcong Borough covers the cost for the addling. There is a group of activists who have stated their objections to the addling and goose round up. Their suggested alternatives are capital intensive. They are applying for a 319 grant to obtain specific types of plants. If they are successful they will bring the plants to us. Mr. Hathaway stated there is a special grass which he has never heard of but it is very costly. The activists have a consultant

that they are paying who is a riparian zone expert. The consultant has critiqued the lakes and said the riparian zones should be wider. The State Park does not have riparian zones. Mr. Hathaway stated Netcong Borough and the Board are not going to change course until there is a viable recourse. The geese are an invasive species. The activists have stated they would be able to train the geese to fly north. No goose eggs have been added but there have been quite a few swan eggs added.

Mr. Hathaway stated the LMRPB is going to apply for part of the \$10 million grant which is now available. The LMRPB equipment is on its last legs. Quotes have been reviewed. The probiotic will deter the weed growth but weeds will still need to be harvested. The diminishment of the nutrients will affect the blooms.

**Operating Budget Committee** – There was no report.

**BILLS:** On motion by Mr. Rattner, seconded by Mr. Wright and carried unanimously by the following roll call vote, the following bills are to be paid as amended. Chairman Riley added two debit card receipts from Lowe's.

Operating Account:

Ellen Horak – Clerk's Monthly Compensation	\$ 550.00
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Lake Management Account:

JCP&L – Electric at Shed	\$ 4.09
Solitude Lake Management – Water Chestnut Treatment (50% Deposit)	\$ 625.00
Solitude Lake Management – Lake Management Services (05/01)	\$ 900.00

Debit/Credit Card:

White Oak Environmental & Safety – Horiba U-52 WQM 2m Cable	\$3,540.50
Lowe's	\$ 24.23
Lowe's	\$ 12.96

Ms. Maio asked why there is a payment of \$625.00 to Solitude for Water Chestnut Treatment which has not been treated to date. Chairman Riley stated the agreement is to pay a deposit of 50% for the upcoming year. Ms. Maio asked what the \$900.00 payment to Solitude covers and why is it being paid in advance. Mr. Hathaway stated the \$900.00 is for the application of the probiotic. The survey and mapping are included in the costs and this a good faith agreement. The total cost will be \$4,500 and the \$900 is a portion of this. There will be five payments of \$900 each for May, June, July, August and September. There will be a total of three applications over the five-month period. Mr. Hathaway stated the water chestnut is a separate contract. The \$625 is half of the cost to treat the five acres in Byram Bay.

Mr. Hathaway stated the general application of 150 acres of herbicide treatment will be done in areas of need to treat for eurasian milfoil weed. Once the survey is received, the actual chemical will be discussed. The cost was pre-negotiated and it is less than it was last year. The cost will be \$1,200 per month for twenty-two months. Ms. Maio stated the board will be paying Solitude over \$20,000 this year, which exceeds the threshold. QPA approval is going to be required. Mr. Hathaway stated he will discuss this with the QPA. Ms. Maio asked if the board has a contract with a QPA. Chairman Riley stated the QPA was appointed at the reorganization meeting but this will be confirmed.

Chairman Riley stated Princeton Hydro, in the past, has been appointed as the environmental consultant to the board at the reorganization meeting on an as needed basis. The appointment was not made at the reorganization meeting and therefore there is a resolution on tonight's agenda. Appointing Princeton Hydro as the consultants which will enable them to prepare the 319 Grant.

**ROLL CALL:**

Robert Hathaway – yes  
Joseph Keenan – yes  
Rosemarie Maio – yes  
Greg Poff – absent

Shawn Potillo – yes  
Steven Rattner - yes  
Rudy Shlesinger - absent  
Lester Wright – yes  
Earl Riley – yes

**TREASURER'S REPORT:** The Treasurer's Report was emailed to the Board today by Mr. Keenan. Mr. Keenan stated, while he was quarantined in the Netherlands, Chairman Riley moved \$50,000 from the LMRPB's CD which totals \$200,000. The \$50,000 was moved to the operating account. The bank made an error and duplicated the transaction. A total of \$100,000 was moved to the operating account. The bank has been made aware of the error and it is being corrected. The CD will now have a total of \$150,000. Mr. Keenan stated there is a deduction on the bank statement totaling \$2.00 for an AA fee on April 18<sup>th</sup>. Mr. Keenan asked if anyone knew what the charge was for. No one knew what the charge is. Mr. Keenan will check with the bank to make sure it is not a new monthly charge for some reason. Mr. Keenan stated the bank will no longer be mailing statements for free. A charge of \$12.00 will be required for mailed statements. There is no cost for statements to be emailed.

On motion by Mr. Rattner, seconded by Mr. Wright and unanimously carried by voice vote, the Treasurer's Report was accepted and placed on file.

**UNFINISHED OLD BUSINESS:** None

**NEW BUSINESS:**

Fishing Contest – Chairman Riley stated he will need help for the fishing contest. He will be at the park setting up the tables at 8:30am on June 12<sup>th</sup>.

Water Quality Restoration Grants Program – Chairman Riley stated New Jersey has \$10 million in grant opportunities for lakes. Greenwood Lake and Lake Hopatcong each receive \$1 million. The grant application is 79 pages long. Chairman Riley stated a resolution is on tonight's agenda to contract with Princeton Hydro as the grant writers. Pat Rector wrote the grant for the AM 2000 Harvester in the past, but is unavailable to assist with this grant and recommended Princeton Hydro. Chairman Riley stated Princeton Hydro is working on this grant application for other entities as well. The application is due in a week and a half on May 28<sup>th</sup>. The cost for the contract would not exceed \$3,000. The LMRPB would be asking for approximately \$600,000 to cover the costs of an 820 Aquarius Weed Harvester, a new conveyor and a new backhoe totaling \$570,000 and \$150,000 to cover the costs of the probiotic treatment for the lake. Under the grant, they are looking for new and innovative ways to reduce the muck in the lakes in the State of NJ. Ms. Maio stated the grant is heavily weighted toward stormwater issues. Chairman Riley stated the phosphorous has been reduced through harvesting and the board has the data to prove this. Chairman Riley is of the opinion spending \$3,000 for the grant application to hopefully receive \$600,000 is worth the cost. Mr. Rattner asked if Princeton Hydro can get the application done

and submitted within the timeframe. Chairman Riley confirmed the application will get done in time. He will work with Princeton Hydro and the SAGE application has already been started. Chairman Riley stated he is committed to Lake Hopatcong three days a week for 6-7 hours per day but other than that he will dedicate whatever time is needed to get the grant submitted. The board has 12 years of data. The resolution will appoint Princeton Hydro as the consultants for the remainder of the year. In the past, Princeton Hydro was contracted as the LMRPB's consultants. As the need for a consultant diminished, the appointment was not continued. Mr. Hathaway stated Pat Rector had been able to assist with grant writing in the past but she has since retired and does not have the available resources. Ms. Rector has stated she will work with Princeton Hydro. She has read through the grant packet and she was the one to suggest that the board also ask for funds to cover the probiotic costs.

**RESOLUTION APPOINTING PRINCETON HYDRO AS  
ENVIRONMENTAL CONSULTANT**

**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 it hereby retains Princeton Hydro as Environmental Consultants for the Board for the period of May 18, 2022 through December 31, 2022;

**BE IT FURTHER RESOLVED** by said Board that this contract 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. Pottillo, seconded by Mr. Hathaway and unanimously carried by the following roll call vote, the foregoing resolution was duly adopted.

**ROLL CALL:**

Robert Hathaway – yes  
Joseph Keenan – yes  
Rosemarie Maio – yes  
Greg Poff – absent

Shawn Pottillo – yes  
Steven Rattner - yes  
Rudy Shlesinger - absent  
Lester Wright – yes  
Earl Riley – yes

Mr. Hathaway stated he and Chairman Riley met with Pat Rector to discuss the grant for over an hour and Ms. Rector is of the opinion the grant is a good fit for Lake Musconetcong. Chairman Riley stated the DEP Commissioner will be visiting Lake Musconetcong on May 24<sup>th</sup> and he urged everyone on the board to attend in order to strengthen the board's position and desire for the grant. The Commissioner is visiting prior to the grant application deadline.

On motion by Mr. Wright, seconded by Mr. Hathaway and unanimously carried by the following roll call vote, approval was granted to contract with Princeton Hydro, for a fee not to exceed \$3,000, to write the Water Quality Restoration Grant.

**ROLL CALL:**

Robert Hathaway – yes	Shawn Potillo – yes
Joseph Keenan – yes	Steven Rattner - yes
Rosemarie Maio – yes	Rudy Shlesinger - absent
Greg Poff – absent	Lester Wright – yes
	Earl Riley – yes

Mr. Hathaway thanked Chairman Riley for doing all the work to get this process in motion. Chairman Riley stated he is hoping for a positive outcome and the worst thing which could happen is the board might lose \$3,000.

Chairman Riley stated that Marty Kane, Director of the Lake Hopatcong Foundation, has been involved in trying to get this funding in place for all of the lakes in New Jersey. Mr. Kane sent out an email approximately three weeks ago asking everyone who belongs to Plan J, which is an association of lakes in north jersey which Chairman Riley is a member of, to reach out to any contacts they may have in middle and south jersey. None of those areas have applied for this funding. Chairman Riley stated that is why he was of the opinion that Lake Musconetcong should apply. Swartswood Lake is also applying. Ms. Maio asked if this has anything to do with Hopatcong State Park. Chairman Riley stated there is no connection and the LMRPB will not get folded in with Lake Hopatcong Commission. Laura Franek, NJ State Park Representative present in the audience, stated she has not submitted for grant funding. The Lake Hopatcong Commission has submitted a request and the Lake Hopatcong Foundation is working on their request. The funding which comes from the State of New Jersey to Lake Hopatcong does not go to the State Park, it goes to the Commission.

**OPEN TO THE PUBLIC:** Chairman Riley opened the meeting to the public. Seeing no one wishing to speak, Chairman Riley closed the public portion of the meeting.

**ADJOURNMENT:** On motion by Mr. Hathaway, seconded by Mr. Wright, and carried unanimously by voice vote, the meeting was adjourned at 8:23PM.

Respectfully submitted,

Linda Chirip