

**Lake Musconetcong Regional Planning Board
Regular Meeting
March 20, 2024**

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 18, 2024 and was sent to the Clerks of the four municipalities, the State and the two counties.

OATH OF OFFICE: Chairman Riley administered the Oath of Office to Steven Rattner.

ROLL CALL:

Laura Franek – absent	Shawn Potillo - present
Robert Hathaway – present	Steven Rattner - present
Joseph Keenan - present	Rudy Shlesinger - present
Rosemarie Maio - absent	Lester Wright - present
Judith McGrath – present	Earl Riley - present

MODIFICATIONS TO THE AGENDA: Additional communication listed.

Chairman Riley revised the order of the Agenda and moved action on the Resolution appoint the Board attorney to this portion of the meeting.

Chairman Riley offered the following resolution which was read by title:

RESOLUTION APPOINTING BOARD ATTORNEY

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 James Bryce as Attorney for the Board for the period March 20, 2024 through December 31, 2024 at the rate of \$150.00 per hour with no retainer;

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. Keenan, seconded by Mr. Hathaway and carried by the following unanimous roll call vote the aforesaid resolution was adopted.

ROLL CALL:

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

Chairman Riley welcomed Mr. Bryce, who was present in the public.

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. Pottillo, seconded by Mr. Wright the Minutes of the February 21, 2024 regular meeting, were approved on majority voice vote. Mr. Hathaway and Mr. Rattner abstained.

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

02-26-24 Fidelity Investments – Transaction Confirmation

03-06-24 Selective Insurance Company – Notice of Reduction in Coverage re: coverage related to Perfluoroalkyl and Polyfluoroalkyl Substances

03-08-24 Fidelity Investments – Investment Report (1/1/24 – 2/29/24)

03-18-24 US Liability Insurance Group – request for updated information re: Public Officials Liability Insurance

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

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 – There was no report.

Lake Management – Mr. Hathaway reported he received a communication from Aquarius stating they are ahead of schedule and they asked about colors to be painted. Mr. Hathaway told them none of the stainless steel and aluminum surfaces are to be painted and the remaining surfaces will be painted cobalt blue. Mr. Hathaway noted, they are moving forward and they will need to sell the equipment that they will not be using. They will be putting the equipment on GovDeals with a starting bid of \$80,000. If no one bids above \$80,000, he believes Aquarius intends to purchase the equipment for \$80,000. Mr. Hathaway spoke about the need to get on the lake and do the goose nesting survey to comply with the USDA goose round-up. Mr. Hathaway said he would like the other towns to share in the expense. Presently, Netcong covers the entire cost of the round-up and they do the round-up on every town's park.

The Board took on the task and agreed to collect from all areas around the lake. Mr. Hathaway noted they are collecting lake-wide. Mr. Hathaway said he will communicate with Ms. Maio and he asked Mr. Potillo and Chairman Riley to communicate to their respective towns about sharing in the expense, which will also be a mechanism of endorsement. Mr. Hathaway stated the cost would be about \$1,500 each if the four towns shared the expense. Mr. Hathaway said the goose egg addling is supposed to be done three times, but he usually does it twice. He will do the initial survey before the next meeting. Ms. McGrath offered to help. Mr. Hathaway also reported they need to put the buoys in the lake. He believes they will have another meeting before it needs to be done, but it will be better if they went out a little earlier. He would like to have it done early May. Mr. Hathaway noted last year his son and a friend put the buoys in the lake, adding they know where all the hazards are. The boys will put the buoys in the lake; however, they will not be compensated by the Board.

Operating Budget – There was no report.

CD Investment – Mr. Keenan reported the list of CDs is in the Treasurer’s Report and he asked when the Board will need a large amount of money. Chairman Riley responded, not before the next meeting. Mr. Shlesinger expressed his opinion that interest rates should hold for the year.

TREASURER’S REPORT: The Treasurer’s report was emailed to the Board. On motion by Mr. Hathaway, seconded by Mr. Wright 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. Potillo 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

Lake Management Account:

JCP&L – electric at shed (if billing issue is resolved – or \$60.49) \$ 4.19

Morris County MUA – Shade Tree (lake weeds - October) \$ 150.00

ROLL CALL:

Mr. Hathaway – yes

Mr. Rattner - yes

Mr. Keenan – yes

Mr. Shlesinger - yes

Ms. McGrath – yes

Mr. Wright - yes

Mr. Potillo – yes

Chairman Riley – yes

OLD BUSINESS:

\$572,000 Grant Agreement – Chairman Riley reported he has filled out all of the required reports and they have been accepted. They are onto the next phase which includes another \$150,000 advanced payment. He will follow up and ask when they can expect to receive the \$150,000. Chairman Riley said the intent of the \$150,000 was to purchase a backhoe. Chairman Riley noted the Board needs to discuss this because they have been in touch with Aquarius and they are ahead of schedule and they may see the harvester delivered mid-June. Chairman Riley said they should start thinking about using the \$150,000 advanced payment and seriously looking at purchasing a backhoe. Chairman Riley stated he thinks it would be prudent to have everything in place when the harvester arrives. A new backhoe will cost about \$120,000. Mr. Hathaway noted they cannot deviate from the grant. Chairman Riley said they can rent a

backhoe, but when the grant ends, they will have no backhoe. Mr. Hathaway said he thinks they will have significant diminished weed presence and they will get through on the funds from the towns. He does not think they need to rush to get a backhoe between now and June; however, they should plan to purchase one this year. Mr. Hathaway noted they will need an RFP or to find a backhoe on State contract. They need the attorney to write an RFP or identify another pathway on the herbicide contract.

Board Attorney Mr. Bryce said, when it comes to algicide and herbicide application, it is clear the applicator requires a State license and certifications and advanced training. The Board has always done this by a professional service agreement; however, Mr. Bryce believes this qualifies as an Extraordinary Unspecifiable Service. An Extraordinary Unspecifiable Service is exempt from the Local Public Contracts law. Mr. Bryce explained that under the Local Public Contracts law, for an Extraordinary Unspecifiable Service you can go out for RFP's, you can advertise and solicit proposals, but you are not bound by the lowest responsible bidder, but by who you think is best for your needs. The Board can also award the contract without any public advertising. Mr. Bryce did not recommend the Board go out to bid. Mr. Hathaway recommended soliciting a proposal from Solitude, as he believes they will be the lowest bidder and would give them an idea of where the market would be on the low. He would also solicit a proposal from Glenn Sullivan's new company, Ready Scout, LLC and also from Aquatic Technologies, who is the applicator for the LMCA. Mr. Hathaway spoke about the unsatisfactory service the Board received from Solitude last year, noting that prior to this past year, the service from Solitude Lake Management was exemplary. Unfortunately, everyone at Solitude that the Board interacted with left and the services and communications were not satisfactory. The Board discussed the options for the herbicide treatment contract. Mr. Bryce advised that the service qualifies as an Extraordinary Unspecifiable Service and as such, the Board does not need to go to a public solicitation. The Board can negotiate directly with the contractor. The Board can solicit publicly for contracts and put qualifications in it and the Board is not obligated to choose the lowest bid, but who the Board believes is most qualified. After a brief discussion, it was agreed that the Board will not go out for RFP's; they will solicit a proposal from the three companies mentioned. Mr. Hathaway will work on the specifications and he will work with the Board Attorney on a document to send to the contractors. Mr. Hathaway will bring the results to the Board for discussion and a decision.

Mr. Potillo asked Chairman Riley for a breakdown on how they are paying for the harvester. Chairman Riley responded they gave Aquarius \$150,000 deposit and they agreed that upon delivery, the remainder or as much as the State will give the Board is due and when the grant has ended, they will get the balance. Mr. Hathaway noted Mr. Keenan's question about when they may need money and said they should have \$150,000 liquid in order to transact accordingly with Aquarius. Whether the \$150,000 from the State is going to Aquarius or going for a backhoe, it needs to be available.

NEW BUSINESS:

Resolution Authorizing Disposal of Surplus Property – Chairman Riley offered the following resolution which was read by title:

RESOLUTION AUTHORIZING DISPOSAL OF SURPLUS PROPERTY

WHEREAS, the Lake Musconetcong Regional Planning Board (the "Board") is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, the Board is desirous of selling said surplus property in an “as is” condition without express or implied warranties.

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

1. The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-70967/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals is available online at govdeals.com and also available from the Board.
2. The sale will be conducted online and the address of the auction site is govdeals.com.
3. The sale is being conducted pursuant to Local Finance Notice 2008-9.
4. A list of the surplus property to be sold is as follows: 2001 Aquarius Weed Harvester 820, ID # XU023; 2001 Weed Harvester Trailer, ID #XU025; and 2001 Aquarius Shore Conveyor #XU024.
5. The surplus property as identified shall be sold in an “as-is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
6. The Board reserves the right to accept or reject any bid submitted.

On motion by Mr. Hathaway, seconded by Mr. Pottillo and carried by the following unanimous roll call vote the aforesaid resolution was adopted.

ROLL CALL:

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

Chairman Riley stated he will list the equipment on Gov Deals at the end of April or beginning of May. It will be on Gov Deals for two to three weeks and if they receive no bids, Aquarius has agreed to purchase the equipment for \$80,000.

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 Mr. Keenan, and carried by unanimous voice vote, the meeting was adjourned at 7:52 P.M.

Respectfully submitted,

Ellen Horak, Clerk