

Lake Musconetcong Regional Planning Board
Regular Meeting
June 21, 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.

ROLL CALL:

Laura Franek – absent	Shawn Potillo - present
Robert Hathaway – present (arrived @ 7:08 pm)	Steven Rattner - present
William Hayden - absent	Rudy Shlesinger - present
Joseph Keenan- present	Lester Wright - present
Rosemarie Maio – present	Earl Riley - present

MODIFICATIONS TO THE AGENDA: Additional communication and bill 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 Mr. Wright, seconded by Ms. Maio the Minutes of the May 17, 2023 meeting were approved on majority voice vote. Mr. Keenan, Mr. Potillo and Mr. Rattner abstained.

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

- 05-19-23 Byram Township – check in the amount of \$1,765.14 re: 2023 budget contribution
- 05-30-23 Roxbury Township – check in the amount of \$10,815.08 re: 2023 budget contribution (\$10,065.08) and herbicide treatment (\$750.00)
- 06-02-23 Netcong Borough – Purchase Order in the amount of \$10,151.51 re: 2023 budget contribution (\$9,351.51) and herbicide treatment (\$800.00)
- 06-05-23 Theresa Dunay – River Park monthly oil/water separator inspection log (May)
- 06-06-23 Notice to Property Owners – Site Plan Amendment Application of Metro Storage for additional 7 parking spaces and installation of a swing gate at 159 Rt 183, Stanhope
- 06-12-23 Netcong Borough – check in the amount of \$10,151.51 re: 2023 budget contribution (\$9,351.51) and herbicide treatment (\$800.00)
- 06-20-23 Sussex County – check in the amount of \$6,259.38 re: 2023 budget contribution

On motion by Mr. Rattner, 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 – There was no report.

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

Lake Awareness – Ms. Maio reported they had a good turnout for the junior fishing contest. There were 25 children who participated and all had a great time. The senior fishing contest did not fair as well, as there was only 1 participant. Ms. Maio recommended running both the junior and senior

fishing contest concurrently if they decide to do it again next year. Chairman Riley noted, for the first time in the history of the fishing contest, every Board member present tonight, was at the fishing contest and he thanked them for their help. He also thanked Al Cook who showed up and helped. Chairman Riley said since there was only 1 senior participant, who would have won in all three categories, he gave her a \$20 cash prize. Chairman Riley thanked Ms. Maio for a great job on the advertising for the fishing contest. There are prizes left over for next year. Chairman Riley also thanked the Sportsmen's Federation who again donated \$200 for the fishing contest. Chairman Riley commented that the highlight of the day was a 4-year old girl who caught the largest fish and most fish in her age group and the most fish and largest fish overall.

(Mr. Hathaway arrived.)

Lake Management – Mr. Hathaway reported all the equipment is working and they have begun harvesting. The deployment of the harvester by the Netcong DPW went very well with no issues or difficulties. The plan is to prioritize the lake, doing the lake from the dam bridge, which is largely completed, then move on to the Musconetcong Park area in Stanhope and then they will move to the Arbolino Cove and then to the Perfetti Park area in Roxbury. They will likely then begin in Byram Bay. Mr. Hathaway noted the lake is in good condition. Mr. Hathaway also reported he has been in contact with Landon from Aquafix, who has been in discussions with the NJDEP and Landon forecasts a potential settlement for usage of the md pellets which the Board owns. Landon indicated he expects a decision by the end of the month. Mr. Hathaway informed the Board that he signed a Non-Disclosure Agreement (“NDA”) with a third-party entity and their offer for the md pellets was 40% value for whatever is sold. This entity is an applicator and is not concerned with the shelf life of the product. Mr. Hathaway commented that this is not a great offer, but it is an offer and he would have the Board's attorney prepare the agreement if the Board were to contract with this entity. Mr. Hathaway recommended waiting on this offer until the next meeting to see if anything happens with the NJDEP regarding the use of the md pellets. Chairman Riley expressed his opinion that if this offer is the only alternative, then they should take it, but as long as Aquafix is in discussions with the DEP, they should hold off until those discussions reach some type of conclusion. Ms. Maio and Mr. Potillo questioned Mr. Hathaway signing a NDA when the property it relates to is owned by the Board. Mr. Hathaway responded he signed the NDA to not disclose the entity and if a deal is to be made, he will disclose the name of the entity. Mr. Hathaway stated he has not negotiated anything with the entity and in order to get their offer, they required he sign the NDA. He has not committed nor negotiated anything on the Board's property, he only signed the NDA to hear their offer. Ms. Maio stated this Board operates as a Board, not as an individual and she had strong concerns with the signing of the NDA. Mr. Hathaway stated he was asked by the Board to do whatever was possible to deal with the issue of the md pellets and in order to receive an offer, he had to sign the NDA and that the entity's name will not be disclosed until their offer is accepted. Chairman Riley noted they do not have a written offer and once they receive the offer, it will go to the Board's attorney for review. Chairman Riley stated that right now this is a moot point as they are waiting on the decision of the NJDEP and until a decision is made, the Board will take no action. Mr. Hathaway also reported the goose round up will happen next week, but he does not have the specific date. The USDA will do the goose round up. They monitored 41 geese that are molting. The Board did the addling, which Netcong Borough will compensate the Board for.

Operating Budget – There was no report.

CD Investment –Mr. Keenan noted the report emailed to the Board shows the three CD accounts. Mr. Shlesinger said, rather than depositing 1/3, 1/3 and 1/3, he would like to discuss changing that and looking at possibly longer than a 90-day CD. Chairman Riley stated he prefers the \$50,000 in a 3-month CD because in three months things may change and the Board may need the money. Mr. Shlesinger agreed a short-term CD should be at least one of them. Chairman Riley noted that, according to the report, the 3-month, 6-month and 9-month have the same interest rate. Mr. Hathaway suggested receiving a recommendation from the committee at the next meeting on how to invest the funds. The CD Committee agreed to meet to discuss and create a recommendation to the Board.

TREASURER’S REPORT: The Treasurer’s report was emailed to the Board. The report does not include the check received from Sussex County, nor the invoice from Selective Insurance. 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: Mr. Keenan noted the email for the charge to Ramsey’s indicated \$182.36; however, the bank statement shows \$182.35. On motion by Ms. Maio, seconded by Mr. Hathaway and carried by unanimous voice vote of the Board, the amount charged for Ramsey’s was changed from \$182.36 to \$182.35. On motion by Mr. Hathaway, seconded by Ms. Maio 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
Selective Insurance – commercial insurance installment payment	\$ 945.00

Lake Management Account:

JCP&L – electric at shed	\$ 4.24
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Debit/Credit Card:

Payment to Robert Hathaway and friend for deploying buoys in lake	\$ 100.00
Newton Trophy – fishing contest trophies	\$ 92.00
Ramsey’s – fishing contest prizes	\$ 182.35
Earl Riley – reimbursement for adult fishing contest prize	\$ 20.00

ROLL CALL:

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

OLD BUSINESS:

\$572,000 Grant Agreement Resolution – Chairman Riley reported he has not yet heard anything from the State regarding the grant. He made another inquiry this week on when the Board will receive the funds. Other organizations who received acknowledgement that they received a grant have not received the funds yet either. Chairman Riley stated he signed the contract with Aquarius; however, realized the Board had not adopted the authorizing resolution yet so he contacted Aquarius and they destroyed the signed contract. After adopting the resolution on tonight’s agenda, Chairman Riley and Mr. Keenan, as Secretary, will sign the contract. The contract states Aquarius will put the order in the “build” process and pending receipt of the money from the State of New Jersey, they will accept it. The contract has been reviewed and approved by the Board’s attorney. Aquarius is a year out on build orders so by signing the

contract the Board will be placed in the queue to have something built. Ms. Maio questioned the \$69,000 contribution from the Board indicated in the authorizing resolution. Chairman Riley responded the \$69,000 is an in-kind contribution and is contained in the grant proposal. It is not a cash contribution. The resolution was prepared by the Board's attorney. Mr. Potillo asked if there is any language in the contract about if the Board does not pay by a certain date. Chairman Riley responded there is nothing in the contract stating a certain date to pay by. The Board does not pay Aquarius until they receive a check from the State of New Jersey. The contract states they want one-third down payment which is about \$150,000. The Board will have enough money in the first payment from the State to pay it. Chairman Riley said he has been informed by the State that the Board can get their second advance payment as soon as they receive our written justification that we paid the first one-third. The contract with Aquarius states the Board does not owe them anything if the Board does not receive the money from the State.

NEW BUSINESS:

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

**LAKE MUSCONETCONG REGIONAL PLANNING BOARD
AUTHORIZING THE PURCHASE OF AQUATIC WEED HARVESTING EQUIPMENT**

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

Whereas, since 2001, the LMRPB has operated an aquatic weed harvesting program on the lake that annually removes a significant amount of biomass from the lake; and

Whereas, the LMRPB's harvesting equipment is aging (in excess of 20 years of age) and is in need of replacement; and

Whereas, the LMRPB is in receipt of a grant from the State of New Jersey Department of Environmental Protection (NJDEP), Grant number: Lakes-2022-Lake Mus-00023, in the amount of \$572,000.00. The use of said grant requires a contribution of \$69,000.00 from the LMRPB; and

Whereas, by Resolution adopted May 17, 2023, the LMRPB determined to accept said grant and to enter into an agreement with NJDEP; and

Whereas, said grant provides funds for the purchase of a new aquatic weed harvester, new shore conveyor equipment and supplies for use in the LMRPB's harvesting program; and

Whereas, aquatic weed harvesters are a very unique specialized piece of equipment that must be designed and manufactured for the unique needs of the intended water body. The time required to design, manufacture, and deliver the equipment taking from 12-18 months; and

Whereas, prior to the submission of the grant application, the LMRPB contacted various US manufacturers of harvesting equipment and received proposals from the following manufacturers: Alpha Boats (2 proposals) and Aquarius Systems; and

Whereas, after review of the equipment options available, the LMRPB determined that the most appropriate piece of equipment was manufactured by Aquarius Systems, Model number HM-820. Said decision was based upon a cutting width of 10 feet, a cutting depth up to 5.6 feet and a capacity of 820 cubic feet or 17,000 pounds; and

Whereas, the proposal submitted by Aquarius Systems was the lowest cost proposal that met the requirements of the LMRPB; and

Whereas, the grant application submitted to and approved by NJDEP was premised upon the purchase of the specified piece of equipment from Aquarius Systems; and

Whereas, the LMRPB has consulted with the NJDEP as to the need to for public bidding and has provided NJDEP with copies of three proposals received; and

Whereas, after review of the proposals submitted by the LMRPB, the NJDEP notified the Board by email of April 18, 2023 that no further advertisement or bidding is required.

NOW THEREFORE BE IT RESOLVED by the Lake Musconetcong Regional Planning Board that it hereby authorizes a purchase in the amount of \$453,805.00 of a model HM-820 Plant Harvester as manufactured by Aquarius Systems of North Prairie, Wisconsin in accordance with the attached specifications; and

BE IT FURTHER RESOLVED that the Chairperson and Secretary of the LMRPB are authorized to execute the attached Contract as well as any other necessary documents to implement said purchase; 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. Rattner, seconded by Mr. Wright and carried by the following unanimous roll call vote, the above-referenced Resolution was adopted.

ROLL CALL:

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

Chairman Riley stated there will be a “pre-build” meeting with Aquarius on either July 11 or 12 at which he, Mr. Hathaway and Wayne Swistak will be present. At the meeting, they will go over all of the equipment. The meeting will be a Zoom meeting at the Netcong Municipal Building. Any members of the Board are welcome to attend. Chairman Riley stated the total cost for the harvester is \$301,460.00, the cost of the trailer is \$31,500.00, the cost for the shore conveyor is \$44,300.00 and the freight charge is estimated at \$22,500.00 for a total cost of \$453,805.00. Chairman Riley noted there remains approximately \$125,000 for a backhoe, for which they will need to go out to bid. Ms. Maio stated the Board has only spoken about whether they will purchase a backhoe and has not made a decision yet. Ms. Maio noted the Board also spoke about leasing a backhoe. Chairman Riley said the grant specifically states “for a backhoe.” Mr. Hathaway said that according to how the grant was given, you do not get what you do not spend. If the Board wants to lease a backhoe, it will be out of the Board’s pocket. Mr.

Hathaway said he agrees leasing may be the most efficient way to go. The backhoe has the most problems that are difficult to resolve. The backhoe is a complicated piece of equipment and it may be a wise decision to lease it.

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.

GENERAL DISCUSSION: Ms. Maio questioned who has authority over the canal. Mr. Hathaway responded State Parks has authority. When he was discussing the md pellets, he was told State Parks has exclusive control over the area. Ms. Maio recommended the installation of an aerator for the canal and she asked who has authority and should purchase the aerator. Mr. Hathaway said the approval would have to go through and be signed off by a number of the State departments including Historic Preservation. Mr. Hathaway also said that if permitted, the aerator may be something the Board should consider paying for. There have been grants for the purchase of aerators; however, he does not know if those grants will be offered again. Ms. Maio spoke of the poor condition of the canal parallel to Main Street in Stanhope and that it would benefit from an aerator. Chairman Riley questioned if the canal is the responsibility of the Board as it is not the lake. Mr. Hathaway responded saying he has been told by State Parks that the canal and out to the turn-around is part of State Parks. Chairman Riley noted the goal is to put an aerator in the portion of the canal that runs parallel to Main Street in Stanhope between Route 183 and the basketball courts. Chairman Riley will reach out to Josh Osowski, the Regional Superintendent, and ask if State Parks would support the installation of an aerator, and if so, who would be responsible for the cost of the aerator and the upkeep as well as if there are any grants available for the purchase and if permits would be required.

ADJOURNMENT: On motion by Ms. Maio, seconded by Mr. Hathaway, and carried by unanimous voice vote, the meeting was adjourned at 7:53 P.M.

Respectfully submitted,

Ellen Horak, Clerk