

**Lake Musconetcong Regional Planning Board
Reorganization Meeting
January 20, 2021**

The Clerk opened the Reorganization 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 16, 2020 and was sent to the Clerks of the four municipalities, the State and the two counties. Furthermore, notice of the change in the meeting to an electronic meeting via Zoom was sent to the New Jersey Herald and Daily Record on January 12, 2021 and was placed on the official website of the Board.

OATH OF OFFICE: The Clerk administered the Oath of Office to Steven Rattner and Lester Wright.

ROLL CALL:

Michael Balogh - present	Greg Poff - present
Mark Crowley - absent	Steven Rattner - present
Robert Hathaway – present	Rudy Shlesinger – present
Joseph Keenan – present	Lester Wright - present
Rosemarie Maio – present	Earl Riley - present

ANNUAL BUSINESS:

Election of Officers

Chairman: Mr. Keenan nominated Earl Riley as Chairman, seconded by Mr. Wright. Ms. Maio motioned to close the nominations, seconded by Mr. Hathaway. Earl Riley was elected as Chairman on majority voice vote. Mr. Riley abstained. Chairman Riley stated he agrees to continue as Chairman for one more year due to a number of reasons. The COVID-19 pandemic has affected the Board’s meetings and usual business and there have been some major changes in the Board as well as unfinished business. He felt it would be in the best interest of the Board to continue another year until there can be a proper turnover.

Vice Chairman: Ms. Maio nominated Mr. Hathaway as Vice-Chairman, seconded by Mr. Wright. Mr. Keenan motioned to close the nominations, seconded by Mr. Wright. Robert Hathaway was elected as Vice-Chairman on majority voice vote. Mr. Hathaway abstained.

Secretary/Treasurer: Mr. Hathaway nominated Joseph Keenan as Secretary/Treasurer, seconded by Mr. Wright. Ms. Maio motioned to close the nominations, seconded by Mr. Hathaway. Joseph Keenan was elected Secretary/Treasurer on majority voice vote. Mr. Keenan abstained.

Resolutions

Chairman Riley offered the following resolutions as Consent Agenda items, which were read by title and acted on under one motion.

Resolution #1 Meeting Notice:

WHEREAS, the Lake Musconetcong Regional Planning Board is required to select a public place for the posting of all notices of regular and special meetings of the Board, and

WHEREAS, said Board must provide notice of all regular and special meetings of the Board to at least two (2) newspapers, one of which must be designated as the official newspaper of the Board.

NOW, THEREFORE, BE IT RESOLVED, that the public place for the posting of all notices of regular and special meetings of the Board shall be the bulletin board within the administration building of the Borough of Netcong Municipal Building, located at 23 Maple Avenue, Netcong, Morris County, New Jersey; and

BE IT FURTHER RESOLVED, that the **New Jersey Herald** is designated as the official newspaper of the Lake Musconetcong Regional Planning Board for the year 2021.

AND BE IT FURTHER RESOLVED, that the **New Jersey Herald** and the **Daily Record** are hereby designated to receive all notices of Board meetings in 2021 as required under the Open Public Meetings Act.

Resolution #2 – Annual Notice:

WHEREAS, the Lake Musconetcong Regional Planning Board must provide annual notice of all regular meetings of the Board to be held during a calendar year;

NOW, THEREFORE, BE IT RESOLVED, that the schedule of all regular meetings as listed below, be and hereby is declared to be the official list of all dates of the regular meetings of said Board for the year 2021, and

BE IT FURTHER RESOLVED, that the said meetings shall commence at 7:00 p.m. and will be scheduled to end no later than 10:00 p.m. with all meetings to be held at the municipal building of the Borough of Netcong, 23 Maple Avenue, Netcong, Morris County, New Jersey, unless otherwise noted

MEETING DATES

February 17, 2021	August 18, 2021
March 17, 2021	September 15, 2021
April 21, 2021	October 20, 2021
May 19, 2021	November 17, 2021
June 16, 2021	December 15, 2021
July 21, 2021	

BE IT FURTHER RESOLVED, that the Annual Reorganization Meeting for the calendar year 2022 will be the third Wednesday of the month.

Reorganization & Regular Meeting January 19, 2022

BE IT FURTHER RESOLVED that said meetings will observe the following tentative Agenda:

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|----------------------------|---------------------------|
| Salute to Colors | Reports of Committees |
| Call to Order | Treasurers Report |
| Compliance to Sunshine Law | Approval of Bills |
| Roll Call | Unfinished (Old) Business |
| Modifications to Agenda | New Business |
| Open to the Public | Open to the Public |

Action on Minutes
Communications

Adjournment

BE IT FURTHER RESOLVED, that all special meeting dates and agendas shall be published according to law.

Resolution #3 – Notification of Meetings:

WHEREAS, N.J.S.A. 10:4-6 et seq., known as the “OPEN PUBLIC MEETING ACT” provides for the fixing of a reasonable charge to be paid by any person requesting notification of meetings and minutes of the Lake Musconetcong Regional Planning Board.

NOW, THEREFORE, BE IT RESOLVED, by the said Board that the sum of fifteen dollars (\$15.00) is hereby fixed as the fee to be paid by any person or organization requesting that notice of meetings and minutes of the Board for the calendar year 2021 are mailed to same.

BE IT FURTHER RESOLVED, as provided by N.J.S.A. 40:4-19, no charge shall be made to any newspaper or municipality, named board or agency, county or state that requests the mailings of such notice(s) and/or minutes of the Lake Musconetcong Regional Planning Board to its business office.

Resolution #4 – Clerical Personnel:

WHEREAS, there exists a need within the Lake Musconetcong Regional Planning Board for the retention of personnel to perform such clerical duties and office work as required by the Board’s job description to hold a monthly public meeting, at the monthly compensation of \$500.00, and in addition, other such work as deemed necessary by the Lake Musconetcong Regional Planning Board at a \$15.00 hourly rate or other rate negotiated per task, and

WHEREAS, the funds for such duties and services are available for this purpose;

NOW, THEREFORE, BE IT RESOLVED, by the said Board that it hereby appoints Ellen Horak, as the Clerk, to be retained on a month-to-month basis, as an independent contractor, for the balance of the calendar year 2021 to perform such duties and office work, outlined previously, with reimbursement for all expenses, such as postage, phone bills, etc.; and

BE IT FURTHER RESOLVED by said Board that if the Clerk should not be available during the year for the above services, she is to provide for coverage.

Resolution #5 – Consultants:

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 Marvin Joss as Qualified Purchasing Agent for the sum of \$1.00 annually;

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. Hathaway, seconded by Mr. Wright, and carried by the following unanimous roll call vote, the above resolutions were adopted.

ROLL CALL:

Mr. Balogh - yes	Greg Poff - yes
Mr. Hathaway - yes	Steven Rattner - yes
Mr. Keenan – yes	Rudy Shlesinger – (was not present during vote)
Ms. Maio – yes	Lester Wright - yes
	Earl Riley - yes

COMMITTEE APPOINTMENTS: Chairman Riley made the following committee appointments:

- Canal Society** – Chairman Riley asked for a volunteer to serve.
- Site Plan/Stream Encroachment** – Mr. Balogh
- Audit Committee** – Mr. Wright
- Musconetcong Watershed Association** – Mr. Rattner
- Lake Awareness** – Ms. Maio
- Lake Management** – Mr. Hathaway
- Operating Budget** – Mr. Keenan

Chairman Riley offered to serve as the liaison to the Canal Society until a replacement is appointed.

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 Mr. Keenan, seconded by Mr. Hathaway, the Minutes of the December 16, 2020 meeting were approved on unanimous voice vote.

COMMUNICATIONS: The following communications have been placed on file:

- 12-23-20 Daily Record – Affidavit of Publication re: December meeting change to Zoom
- 01-08-21 Netcong Borough – Memorandum re: appointment of Robert Hathaway as Netcong’s representative to the Board

- 01-11-21 NJS Dept. of Procurement – check in the amount of \$4,000 re: final payment of WM16-047 Grant
- 01-13-21 Stanhope Borough – Appointment of Rudy Shlesinger as Stanhope’s representative to the Board
- 01-15-21 Sussex County Board of Chosen Freeholders – Appointment of Greg Poff as Sussex County’s representative to the Board
- 01-15-21 Morris County Board of Chosen Freeholders – Appointment of Steven Rattner as Morris County’s representative to the Board
- 01-19-21 Daily Record - Affidavit of Publication re: January meeting change to Zoom
- 01-19-21 Roxbury Township – Appointment of Lester Wright as Roxbury’s representative to the Board

Chairman Riley commented on the NJS Department of Procurement check in the amount of \$4,000 listed. This is the check for closure of the grant for the hydro rake. The Board had not received the check so Chairman Riley contacted the NJDEP. He was told the check was mailed on December 3, 2020. On January 5, 2021, the check was still not received so Chairman Riley asked that the check be cancelled and a new one issued. The check was cancelled on January 8, 2021. On January 11, 2021, the check was received; however, it had already been cancelled. It appears the State mailed the check to the Board’s old post office box so it was returned to Trenton. The Board is waiting to receive the replacement check. On motion by Ms. Maio, seconded by Mr. Hathaway 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 noted that under normal circumstances, he and Chairman Riley honor all of the volunteers that put in time on the lake, but due to COVID-19, it was not possible to do that this year. Mr. Hathaway would like the names of the following volunteers entered into the record: Chairman Riley for his tremendous amount of time and effort in many different aspects including, but not limited to, negotiations, training of volunteers and his many hours on the lake; John Rogalo, who is always ready to help with his equipment and the small amount he charges is of great value for the huge amount of work he does for the Board; Mr. Guyre, whose service including operating and maintenance is invaluable; Mr. Swistak (and at times with his grandchildren) for his many hours on the water; Mr. Shlesinger, who is a new operator, but has spent much time on the lake; Mr. Keenan and Mr. Balogh (Mike’s father) who are in training as operators; the Kinney brothers who helped this summer; Mr. Perry who is always ready for welding when needed and the LMCA who made an enormous financial impact this year. Mr. Hathaway and the Board thank all of the volunteers.

Operating Budget – There was no report.

TREASURER’S REPORT: Mr. Keenan noted 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. 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
Selective Insurance – liability insurance monthly premium	\$1,891.00
Daily Record – legal notice re: December meeting change to Zoom	\$ 53.49
Times Herald Record (NJ Herald) – legal notice re: Dec mtg change to Zoom	\$ 17.40

Lake Management Account:

JCP&L – electric at shed	\$ 3.15
Solitude Lake Management- Lake Management Services (01/01)	\$2,249.00

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| Mr. Balogh - yes | Greg Poff - yes |
| Mr. Hathaway - yes | Steven Rattner - (was not present during vote) |
| Mr. Keenan – yes | Rudy Shlesinger – yes |
| Ms. Maio – yes | Lester Wright - yes |
| | Earl Riley - yes |

UNFINISHED (OLD) BUSINESS:

Ms. Maio asked for an updated on the attorney’s review of the potential sale of the hydro rake. Chairman Riley stated he forwarded an email he received from Ms. Born to the Board; however, his email to Ms. Maio was returned. He has not been able to send Ms. Maio emails for the last 3 weeks, as they all come back as “Spam” or “Rejected.” It appears he is blocked from sending her emails. Ms. Maio will look into correcting the matter. In the meantime, the Clerk will forward all emails Chairman Riley sends the Board to Ms. Maio. Chairman Riley explained that he received an email from Ms. Born saying she was sorry, but that she was very busy and could not respond to his request. Chairman Riley said the Board needs to consider a new attorney. Mr. Hathaway said he reached out to Senator Bucco’s firm to see if there was someone in his firm to represent the Board. Senator Bucco recommended Jim Bryce as a potential candidate. Chairman Riley spoke about the Board’s former attorney, Cliff Lundin. The Board had much success with Mr. Lundin in the past. He is an individual attorney and not a member of a large firm. Chairman Riley expressed his opinion that the larger law firms are too busy for this small Board. The Board needs an attorney on an “as needed” basis. Ms. Maio suggested Stanhope’s attorney, who is a member of Laddey, Clark & Ryan. There was a short discussion on the qualifications of the attorney. Chairman Riley stated he would prefer an attorney in the State of New Jersey with an expertise in the area of municipal government. Mr. Hathaway added the attorney’s qualifications should include experience in Land Use. Chairman Riley noted Mr. Hathaway has put forth an attorney in Senator Bucco’s firm and he has had previous dealings with Senator Bucco in Land Use. It is a knowledgeable firm and if they understand we are small with a limited need, they may be interested in serving the Board on an “as need” basis. Mr. Hathaway stated he believes there is a benefit and value in having the Senator’s office attached to this Board. Ms. Maio said she is not in favor of paying a monthly retainer. The Board agreed, they will not pay a monthly retainer for their attorney. Chairman Riley suggested also contacting Cliff Lundin. Chairman Riley noted Mr. Lundin had personal issues in 2019 which is why the Board sought a new

attorney. Mr. Lundin was a good attorney for the Board. He always responded to the Board's requests and charged very reasonable fees. Chairman Riley would like Mr. Lundin to also be considered as a potential candidate as long as he is still admitted to the bar. On motion by Mr. Hathaway, seconded by Mr. Keenan and carried by unanimous voice vote, the Board authorized Chairman Riley to contact Stanhope Borough's attorney, James Bryce from Senator Bucco's firm and Cliff Lundin about the position of Board attorney and to bring the information he receives back to the Board for discussion at the next meeting.

NEW BUSINESS:

Annual Report – Chairman Riley stated the Annual Report was emailed to the Board for review and comment. The Annual Report was prepared by the Clerk with Chairman Riley's input. On motion by Mr. Hathaway, seconded by Mr. Keenan and carried by majority voice vote, the Annual Report was accepted and placed on file. Mr. Balogh abstained. The Clerk will distribute the Annual Report to the four municipalities, two counties and state.

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