

Lake Musconetcong Regional Planning Board
Regular Meeting
June 19, 2019

Chairman Riley opened the Regular Meeting at 6:30 p.m. 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 17, 2019 and was sent to the Clerks of the four municipalities, the State and the two counties. Furthermore, notice of the change in meeting time was sent to the New Jersey Herald and Daily Record on June 10, 2019.

ROLL CALL:

Mark Crowley - present
George Graham – absent
Robert Hathaway - present
Joseph Keenan - present

Rosemarie Maio - present
Steven Rattner - present
John Rogalo - absent
Lester Wright - present
Earl Riley - present

CLOSED SESSION:

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231 P.L. 1975 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently existing;

NOW, THEREFORE, BE IT RESOLVED by the members of the Lake Musconetcong Regional Planning Board as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter(s).
2. The general nature of the subject matter(s) to be discussed is as follows:

1 Contract
3. It is anticipated at this time that the above stated subject matter(s) will be made public at the conclusion of each individual specified subject matter.
4. This resolution shall take effect immediately.

On motion by Ms. Maio, seconded by Mr. Keenan, and unanimously carried by voice vote, the foregoing resolution was adopted.

The Board went into Closed Session at 6:33 P.M.

RETURN TO OPEN SESSION:

At the conclusion of the Closed Session, the Board reconvened the public meeting at 7:17 P.M. with all present.

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On motion by Mr. Crowley, seconded by Mr. Hathaway, and unanimously carried by voice vote, the foregoing resolution was adopted.

The Board went into Closed Session at 7:18 P.M.

RETURN TO OPEN SESSION:

At the conclusion of the Closed Session, the Board reconvened the public meeting at 7:25 P.M. with all present.

MODIFICATIONS TO THE AGENDA: Additional bills listed.

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

Yonnie Guyre, LMCA Treasurer, informed the Board that for the first quarter of 2019 they had 280 volunteer hours. Ms. Guyre, on behalf of REG Communications presented the Board with a check for \$75.00 as reimbursement for the trophies. Chairman Riley thanked Ms. Guyre for the donation. Ms. Guyre also informed the Board that Ray Guyre and some of her neighbors worked for 14 hours on the backhoe last week.

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

ACTION ON MINUTES: On motion by Mr. Hathaway, seconded by Mr. Rattner, the Minutes of the May 15, 2019 meeting and closed session were approved by majority voice vote. Mr. Crowley, Ms. Maio and Chairman Riley abstained.

COMMUNICATIONS: The following communications have been placed on file:

- 05-23-19 NJ Motor Vehicle Commission – boat registration renewal (weed harvester)
- 05-28-19 Morris County – check in the amount of \$5,425.00 re: 2019 budget contribution
- 05-30-19 Selective Insurance – Commercial Liability Insurance renewal policy
- 05-31-19 Notice to Property Owners – Variance Application to use commercial property as residential property at 273 Route 206, Stanhope
- 06-03-19 NJ Motor Vehicle Commission – Registration for backhoe

- 06-03-19 Sussex County – Purchase Order in amount of \$5,425.00 re: 2019 budget contribution
- 06-03-19 New Jersey State – check in the amount of \$3,000.00 re: MW16-047
- 06-03-19 Stanhope Chamber of Commerce – Vendor Instructions for Stanhope Day
- 06-11-19 Stanhope Fire Department – sale of boat

Mr. Hathaway asked the context of the letter from the Stanhope Fire Department. Chairman Riley stated the Stanhope Fire Department wants to sell the boat the Board had donated to them. Chairman Riley noted the Fire Department was supposed to use the boat for lake safety and to place and remove the buoys in the lake, which they did not do. Mr. Hathaway clarified that the Fire Department did provide some hours with the boat, but not many. Board members placed and removed the buoys in the lake most of the time. Chairman Riley reminded the Board that Mr. Bookspan attended a Board meeting and told the Board the Fire Department could not afford the cost of the boat (insurance, maintenance, etc.). Ms. Maio noted that at that time, Chairman Riley told Mr. Bookspan to sell the boat. Chairman Riley acknowledged that he told Mr. Bookspan if they did not want the boat, they could give it back to the Board or they could sell it. The Board discussed whether to ask that the Fire Department give to the Board half of the sale price, since the Board gave it to the Fire Department for \$1.00 with the promise that they would place the buoys in the lake and remove them, which they did not do. On motion by Mr. Hathaway, seconded by Mr. Crowley and carried by majority voice vote, the Board authorized Chairman Riley to contact Alan Bookspan and work out the issue of the boat. Ms. Maio and Chairman Riley abstained.

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 – Mr. Rattner reported the New Zealand Mud Snail is becoming a bigger problem. They are starting to travel up the river. They have done testing at Saxton Falls and are waiting for the results. Chairman Riley stated he has been involved with the Lake Hopatcong Foundation and just south of the Hopatcong Dam there are no New Zealand Mud Snails. Mr. Rattner reported there is a draft policy for trees blocking the Musconetcong River and they are looking for volunteers. If someone is using a chain saw they must be certified. Mr. Rattner also reported the MWA is looking at possibly getting the Parks Service to create brochures and they are looking for support for that. Mr. Rattner mentioned that by Tilcon Lake, in May Mount Olive approved an asphalt and concrete recycling plant and asphalt and concrete factory. The Board expressed concern with the facility. Mr. Rattner will follow up on the matter.

Site Plan Review/Stream Encroachment – Mr. Rogalo had nothing to report.

Lake Awareness – Ms. Maio deferred to Chairman Riley and Mr. Hathaway for a report. Mr. Hathaway reported the fishing contest was a success. There were 25 participants and every child received a prize. There was no cost to the Board for the event. Mr. Hathaway stated in addition to himself, Chairman Riley, Mr. Rattner and Mr. Rogalo assisted with the fishing contest. Chairman Riley agreed it was a successful day and he again thanked Yonnie and Ray Guyre for the donation covering the cost of the trophies. Chairman Riley reported the first four fish caught were trout and the prize for the largest fish was for a 12-1/2” trout. Chairman Riley stated John Rogalo donated \$300 from the Sportsmen Federation for prizes and Ramsey’s donated two fishing poles, rods and reels.

Chairman Riley stated he did not attend Stanhope Day since Mr. Hathaway, Mr. Rattner and Mr. Rogalo had prior commitments and he could not commit to sitting at the table alone all day. Mr. Hathaway stated, as Netcong Borough Council, he listened to a presentation from the New Jersey Highland Coalition which is a group funded by the William Penn Foundation. They are offering integrated management planning and funding of stormwater management. They represented that they would have access to restoration money and they want to bring their engineer and make a presentation to the Board. Mr. Hathaway said it is for the improvement of the Upper Delaware Watershed. Ms. Maio noted the Board has no control over stormwater; it is the responsibility of the municipalities, which is why they approached Netcong Borough. Mr. Crowley stated he also attended one of their presentations. They are putting in a stormwater utility for the townships. Mr. Crowley cautioned about getting involved in something that is not within the realm of this Board. The Board agreed they should not get involved and they do not wish to have a presentation made to them.

Lake Management – Mr. Hathaway reported the buoys are in the lake and there are more buoys this year than ever before. The harvester is in the lake and has harvested 30 cubic yards of weeds compacted. Mr. Hathaway noted Ray Guyre did needed work on the machine and with the help of the Netcong DPW, it was put in the lake. There is additional work that needs to be done, but it is not costly work. The support for the conveyor needs work. They need to purchase some material. Mr. Hathaway said his company will donate the gravel needed. Chairman Riley purchased bolts and they need to purchase lumber. Mr. Rogalo’s company offered to do the work for \$500, which is a very good value. The work requires the machine and manpower that Mr. Rogalo has. Ms. Maio asked if work on the seawall requires the State’s approval. Chairman Riley stated they will not touch the seawall when doing the work. Chairman Riley explained it is the structure that the conveyor sits on. They need to pick-up the conveyor, reconstruct the support area and then sit the conveyor back on it. They will not touch the lake. Since they will not be touching the lake, no permits are required. Mr. Rattner thanked the two businesses for their donations. On motion by Mr. Hathaway, seconded by Mr. Keenan and carried by the following roll call vote, the Board approved paying Mr. Rogalo \$500.00 to do the project.

ROLL CALL:

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| Mr. Crowley – abstain | Ms. Maio - yes |
| Mr. Hathaway – yes | Mr. Rattner - yes |
| Mr. Keenan – yes | Mr. Wright – yes |
| | Chairman Riley - yes |

Mr. Hathaway also reported the \$5,000 40 acres treatment was done last Thursday. The material is already falling out. They harvested that material before it fell out. The shorelines were also treated. Mr. Hathaway noted a lot more acreage was affected than the Board paid for. The material is thicker than anticipated but it can be harvested. Chairman Riley reported the material from the harvester is being taken to Ag Choice. Ag Choice agreed to take the weeds at \$7.00 per yard. Chairman Riley noted the amount was negotiated by Melissa Castellon and the State agreed to pay for disposal. Mr. Hathaway also reported the probiotic terms were negotiated, as requested by the Board. Rutgers has agreed to oversee the study give a third-party review. The Board and Rutgers will receive information at the same time. Mr. Hathaway said he negotiated for the bare minimum the Board agreed, which was 12 acres and 30 pounds per acre. Mr. Hathaway expressed his opinion that the Board got a good deal. Mr. Hathaway will be involved in the first outing and all outings, if possible. If he cannot be there, he would like someone else from the Board go out with them. The initial data collection will be done tomorrow and once done they will make the first application. Application will be made monthly

through September and a final analysis will be given to the Board and Rutgers. Mr. Hathaway stated he spoke with Chris from Rutgers and they are excited about this project, adding no one has done this before. Chairman Riley noted no permits were required for this project. Chairman Riley reported he has been in contact with Ag Choice and they have denied the Board the ability to take the muck from the hydro rake to their facility. As of today, the Board has no place to take that material. Chairman Riley said he would like to put the hydro rake in the lake and use it to pick up tires and stumps in the lake. Mr. Hathaway agreed, adding there is debris in the lake that can be cleaned out with the hydro rake and in doing so, they will make some utility of the machine. Chairman Riley stated the Board has an agreement with Byram Township to transport the material, but there is no place to take it. Mr. Hathaway said Mr. Bucco suggested to him that the legislature that empower the Lake Hopatcong Commission to receive the \$500,000 is being rewritten in the budget and the Board will receive \$50,000 for Lake Musconetcong. On July 1st the Board will know if it actually happens.

Operating Budget Committee – Mr. Keenan had nothing to report.

TREASURER’S REPORT: The Treasurer’s Report was emailed to the Board. Mr. Keenan reported this month he included a report for the transaction in the hydro rake grant account. The Board received the \$3,000 check from the State which he deposited and then he issued a \$3,000 check to Rutgers. The balance in the lake management operating account is \$21,921.59. The balance in the long-term savings account is \$685.38 and the balance in the hydro rake grant account is \$929.24 for a total amount of \$23,536.21. Chairman Riley stated with respect to the hydro rake grant, he will be completing the quarterly reports. There was \$6,000 remaining in consulting fees which he transferred to personnel fees so the Board can apply for the \$6,000 as he completes the quarterly reports for the last three quarters. There is also \$1,000 in operating costs for which he can submit a voucher and get reimbursed. The Board will receive a total of \$7,000 from the grant by the end of this year. On motion by Mr. Rattner, seconded by Mr. Hathaway 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:

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| Ellen Horak - Clerk’s Monthly Compensation | \$500.00 |
| Daily Record – legal notice re: meeting time change | \$ 45.75 |

Lake Management Account:

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| JCP&L – electric at shed | \$ 3.63 |
| Ray Guyre – reimbursement of expense (NAPA Auto Parts) | \$ 26.76 |

Debit/Credit Card

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| Ramsey (2 charges – to be reimbursed) | \$203.57 |
| U-Name It – trophies (to be reimbursed) | \$ 75.00 |
| Approved Auto Electric Exchange | \$129.90 |
| Approved Auto Electric Exchange | \$207.40 |

ROLL CALL:

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|--------------------|----------------------|
| Mr. Crowley – yes | Ms. Maio - yes |
| Mr. Hathaway – yes | Mr. Rattner - yes |
| Mr. Keenan – yes | Mr. Wright – yes |
| | Chairman Riley - yes |

NEW BUSINESS:

Sussex County Representation - Mr. Hathaway stated George Graham has not met the attendance standards according to the Board's By-Laws. Chairman Riley agreed, adding Mr. Graham never attended one meeting last year and has not attended any meetings this year. According to the By-Laws, the Chairman should ask for the member's resignation and if that does not happen, the Chairman should ask the appointing body to declare the seat vacant. Chairman Riley stated he has attempted to contact Mr. Graham over the past two years; however, he has never returned any of his calls. The Board agreed a letter should be sent to the Sussex County Freeholders asking for them to declare the seat vacant. The Clerk was asked to draft a letter to the Freeholders.

Resolution Appointing Board Attorney

Chairman Riley offered the following resolution:

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 Eileen Born, Esq. of Dolan & Dolan as Attorney for the Board for the period June 19, 2019 through December 31, 2019 at the rate of \$275 per hour;

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 affect immediately.

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

ROLL CALL:

Mr. Crowley – yes
Mr. Hathaway – yes
Mr. Keenan – yes

Ms. Maio - yes
Mr. Rattner - yes
Mr. Wright – yes
Chairman Riley - yes

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

Ray Guyre, Landing resident, asked when the hydro rake will be placed in the lake. Chairman Riley responded it will be done once he can arrange it with the Stanhope DPW. Mr. Guyre informed the Board it needs a new battery.

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 8:30 p.m.

Respectfully submitted,

Ellen Horak