

**Lake Musconetcong Regional Planning Board
Reorganization Meeting
January 15, 2020**

The Clerk opened the Reorganization Meeting at 7:00 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, 2020 and was sent to the Clerks of the four municipalities, the State and the two counties.

ROLL CALL:

Mark Crowley - absent
Robert Hathaway – present
Joseph Keenan - present
Rosemarie Maio – present

Greg Poff – absent (awaiting re-appointment)
Steven Rattner – present (arrived @ 7:13 pm)
John Rogalo – present
Lester Wright - present
Earl Riley - present

ANNUAL BUSINESS:

Election of Officers

Chairman: Mr. Hathaway nominated Earl Riley as Chairman, seconded by Mr. Rogalo. Mr. Riley nominated Mr. Hathaway as Chairman, there was no second to the nomination. Ms. Maio motioned to close the nominations, seconded by Mr. Rogalo. Earl Riley was elected as Chairman on unanimous voice vote.

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

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

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 2020.

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 2020 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 2020, 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 19, 2020	August 19, 2020
March 18, 2020	September 16, 2020
April 15, 2020	October 21, 2020
May 20, 2020	November 18, 2020
June 17, 2020	December 16, 2020
July 15, 2020	

BE IT FURTHER RESOLVED, that the Annual Reorganization Meeting for the calendar year 2021 will be the third Wednesday of the month.

Reorganization & Regular Meeting January 20, 2021

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

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	Adjournment
Communications	

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 2020 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 2020 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;

NOW, THEREFORE, BE IT FURTHER RESOLVED by said Board that it hereby retains Eileen Born, Esq. of Dolan & Dolan as Attorney for the Board for the period January 1, 2020 through December 31, 2020 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. Rogalo, and carried by the following unanimous roll call vote, the above resolutions were adopted.

ROLL CALL:

Mr. Hathaway – yes	Mr. Rattner – (not present)
Mr. Keenan – yes	Mr. Rogalo - yes
Ms. Maio - yes	Mr. Wright- yes
	Chairman Riley - yes

COMMITTEE APPOINTMENTS: Chairman Riley made the following committee appointments:

- Canal Society** – Mr. Hathaway
- Site Plan/Stream Encroachment** – Mr. Rogalo
- Audit Committee** – Mr. Wright
- Musconetcong Watershed Association** – Mr. Rattner
- Lake Awareness** –Ms. Maio
- Lake Management** – Mr. Hathaway
- Operating Budget** – Mr. Keenan

MODIFICATIONS TO THE AGENDA: There were no modifications to the agenda.

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

Melissa Castellon, NJ State Parks Superintendent, stated she emailed Josh Osowski to schedule a meeting on January 29, 2020. Ms. Castellon stated they are at a holding pattern with respect to the Water Level Management Plan at Lake Hopatcong. They are still working on the MOU discussed at the last meeting. Mark Texel will be preparing the MOU and Ms. Castellon said she is putting together the drawdown plan discussed to share with Mr. Texel and he will prepare the MOU from that plan. Chairman Riley asked Ms. Castellon if she heard anything from her Division as to who will be appointed to this Board. Ms. Castellon responded in the negative and said she will share the Board’s concern about the lack of a State representative on the Board. Chairman Riley noted the Board has not had a State representative since 2017 when Dan Bello sat on the Board and he only served approximately 3 months in 2017.

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

ACTION ON MINUTES: Mr. Rogalo noted a correction to the minutes on the second page under Lake Management where it states “Mr. Hathaway stated they will refill for the fishing season” should read “ice-fishing season.” Mr. Hathaway agreed, stating the concern was not about the fishing season, but ice-fishing and that at the point there was significant icing, the lake would be refilled. (Mr. Rattner arrived) On motion by Mr. Hathaway, seconded by Mr. Keenan, the Minutes of the December 18, 2019 meeting, as amended, were approved on majority voice vote. Ms. Maio and Mr. Rattner abstained.

COMMUNICATIONS: There were no communications received.

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; however, Mr. Rogalo noted the question at the last meeting about the environmental investigation at the construction site in Netcong. He called the number listed and was told they were just taking a look because they found out there is no soil, it is all industrial waste. Mr. Hathaway stated they were aware there was no natural fill at the site.

Lake Awareness – There was no report.

Lake Management – Mr. Hathaway reported they took apart the hydro rake to exchange the cylinder with the builder of the machine. The builder brought one with him, but it did not fit. It is the builder’s intention to absorb the cost. Once the cylinder is returned and the weather permits, the hydro rake will be put back together. Mr. Hathaway noted discussion at last month’s meeting relating to the swirl chamber and he asked Ms. Castellon, present in the public, for a report. Ms. Castellon stated she only knows that someone went out, serviced the swirl chamber and then left. She does not believe they inspected it in December. Ms. Castellon said she will follow up on this matter. Mr. Hathaway said he heard there was quite a bit of debris left at the site. Ms. Castellon responded she is not aware of this since she was not involved in the project. Chairman Riley asked Ms. Castellon for a report from Josh Osowski on what was accomplished. Ms. Castellon will include the request in her report to Mr. Osowski. Chairman Riley suggested the Board send a letter to Mr. Osowski asking him to quantify and qualify what was done to the swirl chamber and why it was done. Ms. Castellon asked if the final report from the engineer was shared with the Board. Mr. Hathaway responded it was shared with Netcong Borough, but not with the Board. The nature of it was how the measurements should be taken. Ms. Castellon noted the engineer was on-site. Ms. Castellon will provide the Board with a copy of the report. Mr. Hathaway recommended continuing to hold the \$3,000 payment to Solitude Lake Management, who was to attend tonight’s meeting and give a presentation. Mr. Hathaway stated the report has been forwarded to Rutgers for review, but the presentation to this Board is part of the work set. Mr. Hathaway said that, although the Board gave authorization to him, he has not engaged an herbicide plan. He would like the presentation made to the Board before he authorizes the herbicide plan. He expects the presentation to be given to the Board at the February meeting. Mr. Hathaway also reported there are 2 grants available that may be of interest to the Board. Netcong’s Mayor informed him of the grants. One is an HAB Control grant and the

other is a Non-Point Source Pollution Phosphorous Control 319(h) Grant. Mr. Hathaway said he researched how other places are controlling HAP. The algicide does not seem to be affected where there is specific non-point source in the water column which is what we have in our lake. The studies are using products like the products the Board uses for muck control. One study is on a 6-1/2 acre lake with heavy residential development and the other is a 500 acre lake described as residential, but a sport fishing lake and they had a similar result. The reports are made by the companies doing the application. Netcong's engineer will do the review. Mr. Hathaway said, with the 319(h) Grant, they are looking for phosphorous reduction. Ms. Maio said there is not a phosphorous problem in the lake. Chairman Riley responded they do according to the TMDL which is almost 9 years old. The TMDL states we need to reduce phosphorous in the lake by 27%. We have been taking down the phosphorous with our weed harvesting. Ms. Maio stated the phosphorous in Lake Musconetcong is coming from Lake Hopatcong and expressed her opinion if we treat this lake but the source is still there, we are wasting money. Mr. Rattner commented that the phosphorous is not the problem, it is the nitrogen. Chairman Riley agreed that 95% of the lake's problem comes in from lake Hopatcong. Ms. Maio said unless the problem is addressed at the source, we will be throwing our money away. Mr. Hathaway said, if you do not impact the phosphorous, it will grow. Chairman Riley agreed doing nothing will increase the phosphorous. Mr. Hathaway and Chairman Riley agreed the nutrient is the major problem. Mr. Hathaway expressed his opinion that the Board must do something. Mr. Hathaway said Netcong will underwrite the engineering and grant writing at this time. Ms. Maio questioned what expertise they have in this area. Mr. Hathaway responded the engineer firm is Mott MacDonald, which is a large firm with some expertise. Mr. Hathaway added this is a new problem and not much expertise is out there and he again expressed his opinion that they must do something because doing nothing is not good. Chairman Riley said it is a \$500,000 maximum grant and if the Board can get \$100,000 grant, they can do something such as the probiotic treatment which has been successful. Chairman Riley stated the Board should not walk away from the opportunity to have someone else pay for something to try to improve the water quality on the lake. If it is not costing the Board or the municipalities any money and there is a possibility that we can come out ahead, we should look into it. Mr. Hathaway agreed. Chairman Riley said if the engineer determines there is not enough time, or it is not good to do, we will not do it. Mr. Hathaway will look further into this matter and report to the Board. Chairman Riley noted both grant applications are due prior to the next Board meeting. Any information received will be emailed to the Board for a possible email vote. The Clerk reminded the Chairman that a special meeting can be called if needed.

Operating Budget – There was no report.

TREASURER'S REPORT: Mr. Keenan reported the total of all accounts is \$5,828.59. Chairman Riley noted the Board will receive \$4,000 within the next 6 to 8 weeks from the grant. Mr. Keenan noted the total in the accounts does not include the \$3,000 owed to Solitude Lake Management. Chairman Riley noted last year the Board paid a substantial amount of money to Solitude Lake Management (about \$32,000). Chairman Riley said of that \$32,000 there was \$11,000 that was owed to them from 2018 so when he prepared the reports with budget versus actual, he only included the amount actually paid for 2019 so it balances out. Chairman Riley said the \$3,000 owed to Solitude Lake Management is for 2019 and does not impact the 2020 budget. Chairman Riley noted they ended the year with a positive balance as opposed to the negative balance at the end of last year. Chairman Riley stated he completed the 12th quarterly report and filled out the voucher for \$3,000 for the reporting and \$1,000 fuel cost which totals \$4,000 from the grant and once he prepared the final report, it will close out the grant. Chairman Riley reported that part of the grant says that at the end of the grant, unless the Board receives a written statement from the DEP stating we can keep the equipment, the Board has to return the equipment to the

DEP. Chairman Riley said he will request a statement from the DEP saying the Board can keep the equipment. Ms. Maio said if the DEP agrees and lets the Board keep the equipment, it is her opinion that the Board should sell the equipment and use the money to treat the lake the way it needs to be treated.

On motion by Ms. Maio, seconded by Mr. Rogalo and carried by unanimous voice vote, the Treasurer’s Report was accepted and placed on file.

BILLS: Chairman Riley removed the bill for the yearly domain name renewal (lakemusconetcong.net) in the amount of \$19.99 from the bills list since he cancelled the subscription. It was agreed that payment of the \$3,000 bill from Solitude Lake Management will be held until their presentation is given to the Board. On motion by Mr. Rogalo, seconded by Mr. Hathaway 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	\$1,855.00
Lake Management Account:	
JCP&L – electric at shed	\$ 3.15
Solitude Lake Management – Lake Management Services (hold over)	\$3,000.00
Debit/Credit Card:	
Website Renewal – 3-year at \$14.99 per month	\$ 539.64

ROLL CALL:

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

NEW BUSINESS:

Annual Report – Chairman Riley stated the Annual Report was emailed to the Board for review and comment. Mr. Keenan made the following corrections: under Lake Management, it states “The Board members searched, mapped and addled 50 swan nests.” It should read “50 swan eggs;” and under Annual Budget, the beginning of the first sentence reads “The membership for the governmental entities” and it should read “The budget for the governmental entities.” On motion by Mr. Hathaway, seconded by Ms. Maio and carried by majority voice vote, the Annual Report, as amended, was accepted and placed on file. The Clerk was instructed to 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.

GENERAL DISCUSSION:

Chairman Riley noted that with respect to the income from last year, there was a group of things not in the budget, i.e. the \$2,600 from the LMCA, \$2,300 from Netcong for the egg addling program and the donation from Yonnie Guyre. He itemized all of those amounts in the 2019 Annual Report. The budget

for 2020 does not include any of those items; however, there is the possibility the Board will receive the funds again this year for the goose egg addling program. Mr. Hathaway noted Netcong has not adopted their budget so the Board cannot yet include the funds. Chairman Riley said he wants the Board to understand that although not budgeted, these items will be reported as a donation.

ADJOURNMENT: On motion by Mr. Rogalo, seconded by Ms. Maio, and carried by unanimous voice vote, the meeting was adjourned at 8:15 P.M.

Respectfully submitted,

Ellen Horak, Clerk