

**Lake Musconetcong Regional Planning Board**  
**Regular Meeting**  
**May 15, 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.

**ROLL CALL:**

Robert Hathaway – present (arrived @7:04pm)	Shawn Potillo - absent
Joseph Keenan - present	Steven Rattner - present
Rosemarie Maio - present	Rudy Shlesinger - present
Judith McGrath - present	Lester Wright - absent
	Earl Riley - present

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

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

Ray Guyre said, weather permitting, tomorrow he will get the harvester ready for the water. He will test the batteries and test the pressure.

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

(Mr. Hathaway arrived.)

**ACTION ON MINUTES:** Mr. Shlesinger noted a revision to the minutes. Under CD Committee it should be stated that Chairman Riley and Mr. Shlesinger recommended they go with a three-month CD. On motion by Ms. Maio, seconded by Mr. Keenan, the Minutes of the April 17, 2024 regular meeting, as amended, were approved on majority voice vote. Mr. Hathaway abstained.

**COMMUNICATIONS:** The following communications have been placed on file:  
04-29-24 Nisivoccia LLP – Audit of Morris County MUA 2023 records  
04-29-24 NJ Motor Vehicle Commission- Registration Renewal for Backhoe  
05-01-24 Jack Sylvester – proposal for unused land along Lake Musconetcong in Netcong  
05-07-24 Theresa Dunay – River Park monthly oil/water separator inspection log (May)

Ms. Maio questioned the communication from Nisivoccia. Chairman Riley clarified it relates to an audit they were doing of the MUA's records. The Clerk stated the audit was of their 2023 records and it showed an outstanding bill due for the Board. The Board paid the bill in March of 2024, but as of the end of 2023 it was an outstanding bill.

Chairman Riley spoke about the communication from Jack Sylvester and expressed concern with the proposal of a seawall from Arbolino field along the entire front of that property which includes the State property where the Board has their shore conveyor. Chairman Riley noted the seawall wraps around where the Board needs to be to put the conveyor in the lake. Chairman Riley also noted they dock the harvester on the westerly shoreline of that point. Chairman Riley said he is unsure if a seawall would impact the Board's ability to operate there. Chairman Riley also said, for safety reasons, he does not want to encourage people to travel from Arbolino field through where they have the harvester and dumpster.

Ms. Maio noted the invasive species in the area and spoke about the invasive species Stanhope Borough cleared and the trouble they got into with the DEP for doing so, including a fine. All they were trying to do was make the area better so people would have access to the river for fishing purposes. Mr. Hathaway stated there is a historical record of a seawall up to where the conveyor is and there are remnants of it. He looked at the site years ago with Helen Maurella and he tried to address the invasive species then and he was given a lot of trouble. Mr. Hathaway said he does not think Mr. Sylvester understands he is asking for things that cross municipal lines. Mr. Hathaway said he is in support of his proposal as far as it goes on Netcong's property, but thinks this is a heavy lift to try to get a seawall where one never existed before and he informed Mr. Sylvester of this. Mr. Hathaway said his hope is for the Board's support, but he recommended waiting until this is hashed out before giving a letter of support. Ms. Maio said she is reluctant to give a letter of support unless they receive something in writing from the NJDEP addressing the invasive species. Mr. Hathaway informed the Board that Netcong Borough has hired an environmental consultant who will be involved with this project. Mr. Hathaway noted presently a letter of support is premature. Mr. Rattner said he spoke to officials at the MWA meeting about Mr. Sylvester's proposal and said he is a dreamer. Mr. Rattner noted it will be about five years before you would get a permit for the proposal.

On motion by Mr. Hathaway, seconded by 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 MWA met last night. There is an entirely new staff including Alan Hunt. They have more staff now than before. Mr. Rattner stated they received a report from the National Parks Service and the budget was increased. They continue to take out dams and there are a few towns that are taking out feeder one dams going in. Mr. Rattner also reported they are creating a Water Vision Plan which will be the first in the State. They will be having their summer camp again this year. They also have an outreach program in Hackettstown for the Spanish speaking residents. Mr. Rattner noted this is the 25<sup>th</sup> anniversary of the Management Council and they will have a get together sometime in the future and the public will be invited. Mr. Rattner said he told the officials he was speaking to about Mr. Sylvester's proposal that it is premature for a letter of support from the MWA.

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

**Lake Awareness** – Ms. Maio distributed a flyer for the fishing contest for the Board's review. Ms. Maio will email the flyer to the Clerk who will forward it to the Board. The fishing contest will be held on June 9<sup>th</sup>. Chairman Riley will contact Mr. Rogalo about the \$200 donation from the Sportsmen Federation.

**Lake Management** – Mr. Hathaway noted last month's report by Chairman Riley in his absence and Ms. Maio saying he did not get back to her. Mr. Hathaway said he wants to clarify that he thought her message to him meant there was no ability of Stanhope to participate this year and that a response back from him was not necessary. Mr. Hathaway explained that a permit is required to administer the geese control on the lake. The USDA is the control agency on the permit. There are two operations required; goose monitoring and addling of egg and each comes at a separate fee to the USDA. Netcong had paid

the USDA to do the monitoring and addling services only at the Netcong parks. At a meeting with the USDA Mr. Hathaway became aware that if the monitoring was done by the regional planning board, they would look at the entire lake. Mr. Hathaway asked Netcong to let the Board do it, which he and Chairman Riley did and Chairman Riley filed the report on behalf of the Board and then the USDA would collect the geese from all public land on the lake. That is the \$2,300 that Netcong pays the Board to do the addling and then they pay another fee for the harvesting of the eggs. Mr. Hathaway noted that the regional planning board doing this opens the door for the USDA to clear the entire lake. Mr. Hathaway said that Netcong exclusively pays that fee; however, all of the towns are administered and he believes the municipalities should share that fee three ways because Byram does not have a park or public land according to the USDA. Mr. Hathaway said he had proposed a three-way split of the fee. Presently, Netcong bears the entire expense of administering the addling through the Board and the USDA views the lake as a regional basis. Ms. Maio recommended they make this part of the budget as a Board expense because it is an expense this Board will assume. It can be part of the assessment to the towns and the counties. The Board agreed this should be included in their budget. Mr. Hathaway will provide the Board with the numbers when he receives them. Mr. Hathaway stated he receives numerous emails from people against the addling of the eggs. Mr. Hathaway noted this is a health hazard due to the fecal matter. Mr. Rattner offered to contact Peapack and ask how they are funding their geese management program. Mr. Hathaway said he produced the map and did the addling. Mr. Hathaway reported they will be putting the harvester in the water next Thursday. They will need to do some harvesting to manage the weeds in the lake. Mr. Hathaway also reported they received three proposals for the herbicide treatment. The first proposal is from Solitude Lake Management which is the company the Board has had and which he had difficulty with. The only person who communicated with him no longer works for the company, and they had billing problems with Solitude. The contract is a proposal for water chestnut and a proposal for algaecide, but it does not disclose the intended chemical to be used. Ms. Maio said she is not in favor of continuing any business with Solitude. She feels they are unethical and cost the Board much time and money in resolving the billing issue, and the fact that they lost the Board's product that they were storing. Mr. Hathaway agreed they should not continue business with Solitude. The next proposal is from Lake Management Sciences. Mr. Hathaway said the owner, Chris Hanlon, has reached out to him a number of times. This company administers for the LMCA. Mr. Hathaway said they propose a chemical labeled for the invasive and pervasive weeds in the lake. Mr. Hathaway stated they provided everything requested in their proposal. Mr. Hathaway noted the proposal price of \$55,000 is as much as the Board has ever spent in one time on the lake with herbicide. Since that one time, the most they have spent is approximately \$20,000 a year on herbicide of the 150 acres. Chairman Riley said he believes they can sustain the proposal amount. There was discussion about increasing the budget assessments, which have not been increased in four years. The third proposal is from Ready Scout which is Glenn Sullivan's company. They proposed a couple of chemicals mixed together. Mr. Hathaway noted this would be the "Cadillac treatment." Mr. Hathaway said although he and the Board has had a positive relationship with Mr. Sullivan, he has a hard time seeing that this is what the Board would do for that kind of money, which is almost \$80,000. Mr. Hathaway recommended the Board go with Lake Management Sciences. Mr. Hathaway said the proposal is for 150 acres and he will have it include the park shorelines. The Board reviewed the proposal and pricing of Lake Management Sciences. Ms. Maio questioned the possibility of negotiating the price down. Mr. Hathaway responded that the company is already working with the LMCA and there is a benefit to him to work with the Board; however, the way the regulations are, he cannot do the Board's service and the LMCA's service in the same month and you can only treat 50% of the lake at one time. Chairman Riley agreed with Mr. Hathaway's recommendation and expressed his disappointment with Glenn Sullivan's price. Mr. Hathaway motioned to move forward with Lake Management Sciences and to give him and Chairman Riley the authority to enter into the agreement, as

written. Ms. Maio suggested a “not to exceed” be included. Mr. Hathaway amended his motion to authorize him and Chairman Riley to enter into an agreement with Lake Management Sciences for an amount not to exceed \$55,333.00 for the 150-acre administration and not to exceed \$671.00 per acre up to 10 acres for the water chestnut and not to exceed \$635.00 per acre up to 25 acres for the algaecide. The motion was seconded by Ms. Maio and carried by the following unanimous roll call vote:

**ROLL CALL:**

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

Chairman Riley reported he has been in contact with Frank Base Hauling and they agreed to take the weeds for the same price of \$300 per load. He also discussed with him, should the harvester not sell at auction the Board will need to stage a process where the dumpster is located, and he agreed to take the dumpster and store it. Chairman Riley also reported he contacted the Morris County MUA about receiving the weeds and their price increased from \$5.00 per cubic yard to \$6.00 per cubic yard. It will cost \$450 per load for the weeds. Mr. Hathaway stated Netcong agreed to send the backhoe over to administer the dumpster on Mondays and Thursdays until the Board’s backhoe issue is resolved.

**Operating Budget** – There was no report.

**CD Investment** – Mr. Keenan reported the CD matured on May 13<sup>th</sup> and will be put into a new 3-month CD on May 22<sup>nd</sup> at 5.45%. The money from the CD was rolled into the money market account at maturity. Mr. Keenan stated \$50,000 will be rolled into the 3-month CD. Mr. Keenan will find out how much interest was made on that CD.

**TREASURER’S REPORT:** The Treasurer’s report was emailed to the Board. Chairman Riley noted, in the past, the Treasurer’s Report listed on a monthly basis the budget for each town and county and what was paid or outstanding. This information has not been included in the report over the last few months. Chairman Riley asked who paid their assessment and who still owes. Mr. Keenan said he will include this information in next month’s report and all reports going forward. A report on the audit conducted by Mr. Keenan, Mr. Potillo and Mr. Shlesinger will be provided to the Board at the next meeting. 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:** Chairman Riley stated the bill from Domain Listings should be removed from the bills list. This bill is a solicitation for a service the Board does not need. The Board pays GoDaddy for the domain and the ability to update the website. On motion by Mr. Hathaway, seconded by Ms. McGrath and carried by the following unanimous roll call vote, the bills on the Bills List were approved with the exception of the bill from Domain Listing which was removed from the bills list.

**Operating Account:**

Ellen Horak - Clerk’s Monthly Compensation	\$550.00
Ellen Horak – Reimbursement of Expenses (name plate for J McGrath)	\$ 21.31
Selective Insurance – Commercial Liability Police Installment Payment	\$965.00

**Lake Management Account:**

JCP&L – electric at shed	\$ 4.09
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ROLL CALL:

Mr. Hathaway – yes  
Mr. Keenan – yes  
Ms. Maio – yes

Ms. McGrath - yes  
Mr. Rattner - yes  
Mr. Shlesinger - yes  
Chairman Riley – yes

**OLD BUSINESS:**

\$572,000 Grant Agreement – Chairman Riley reported he was concerned because he had not heard anything from the State about the Board’s second advance payment of \$150,000 and there is the possibility of the harvester being delivered at the end of June or beginning of July. He contacted the NJDEP and asked about the second \$150,000 told them the Board may want \$300,000. They told him the Finance Department said they need proof of payment of the two invoices, which he had sent them in January. Apparently, he did not have one proof of payment from June 27<sup>th</sup> so he sent them that month’s bank statement. Yesterday they told him they were forwarding all of the information to the Finance Department. Chairman Riley said he told them the company manufacturing the machine wants payment when delivered and he wants \$300,000 and he was told they agreed to three different payments of \$150,000 and are sticking with it. As soon as they receive an invoice for the second \$150,000 and proof of payment, they will start the next \$150,000 payment. Chairman Riley noted the total cost of the machine is \$460,000 and the Board owes Aquarius \$310,000. Mr. Hathaway said Aquarius agreed to deliver the machine for another \$150,000 payment. The Board will still owe them another \$160,000.

Sale of Equipment – Chairman Riley reported the Board’s current equipment was on GovDeals for 14 days and received no bids. The Board can now sell the equipment independently. Aquarius agreed to purchase the equipment of \$80,000. Chairman Riley asked the Board if they would prefer to re-list the equipment at a lower starting bid. The Board was in agreement that they should not re-list the equipment.

Delivery of Equipment – Chairman Riley reported the harvester is coming on a lowboy trailer. He is going to have the dumpster moved. The Board has to hire a crane to pick up the existing shore conveyor and set it aside. There will be two lowboy trailers coming. The Board’s current shore conveyor will be set aside and they will put the new conveyor in its place. They will put the Board’s current trailer and shore conveyor back on the lowboy trailer. The other lowboy trailer will have the harvester. The crane will have to place that harvester in the water and take the Board’s current harvester out of the water and put onto the lowboy trailer for them to take back to Aquarius. The crane will be needed for one day. Mr. Hathaway will make arrangements for the crane. Chairman Riley distributed photos of the new harvester, which is in pieces, for the Board to view.

**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 Ms. McGrath, seconded by Mr. Shlesinger, and carried by unanimous voice vote, the meeting was adjourned at 8:30 P.M.

Respectfully submitted,

Ellen Horak, Clerk