

**Lake Musconetcong Regional Planning Board
Regular Meeting
February 17, 2021**

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 21, 2021 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 February 11, 2021 and was placed on the official website of the Board.

ROLL CALL:

Michael Balogh - absent	Greg Poff - absent
Mark Crowley - present	Steven Rattner - present
Robert Hathaway – present	Rudy Shlesinger – present
Joseph Keenan – present	Lester Wright - absent
Rosemarie Maio – present (joined at 7:24pm)	Earl Riley - present

MODIFICATIONS TO THE AGENDA: Additional communication 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 January 21, 2021 meeting were approved on unanimous voice vote.

COMMUNICATIONS: The following communications have been placed on file:

- 01-21-21 Netcong Borough–Purchase Order in the amount of \$10,151.51 re: 2021 Budget (\$9,351.51) and Herbicide Treatment (\$800.00)
- 01-25-21 NJS Dept. of Procurement – check in the amount of \$4,000 re: final payment of WM16-047 Grant
- 02-03-21 Daily Record – Affidavit of Publication re: Annual Meeting Notice
- 02-05-21 People First Property & Casualty Services – Volunteer Accident Renewal Policy
- 02-16-21 Netcong Borough - check in the amount of \$10,151.51 re: 2021 Budget (\$9,351.51) and Herbicide Treatment (\$800.00)

On motion by Mr. Hathaway, seconded by Mr. Keenan and carried by unanimous voice vote, the communications were accepted.

REPORTS OF COMMITTEES:

Canal Society – Chairman Riley stated there is no report. The Canal Society has not met, but they will be meeting next month.

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 reported he arranged, as a representative of the Board, ice safety courses at the elementary schools, which courses have been conducted. Chairman Riley stated he rode by the area in Stanhope where the AM2000 is stored and, although the gate was open, nothing has been disturbed. The harvester is completely snowed in. Chairman Riley also stated there has been no movement around the shed, adding “all is secure.”

Operating Budget – There was no report.

TREASURER’S REPORT: Mr. Keenan noted the Treasurer’s Report was emailed to the Board. The report includes the \$4,000 check from the State, but it does not include the \$10,151.51 check received from Netcong Borough. 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: On motion by Mr. Hathaway, seconded by Mr. Rattner 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
Daily Record – legal notice re: annual meeting notice	\$ 67.68
Times Herald Record (NJ Herald) – annual meeting notice & award of contracts	\$ 64.80
People First Property & Casualty Services – Volunteer Accident Policy	\$ 200.00

Lake Management Account:

JCP&L – electric at shed	\$ 3.15
Solitude Lake Management- Lake Management Services (02/01)	\$2,249.00

ROLL CALL:

Mr. Crowley - yes	Ms. Maio – (was not present to vote)
Mr. Hathaway - yes	Steven Rattner - yes
Mr. Keenan – yes	Rudy Shlesinger – yes
	Earl Riley - yes

UNFINISHED (OLD) BUSINESS:

Board Attorney – Chairman Riley noted discussion at last month’s meeting, after which he was to reach out to Cliff Lundin, Mr. Bucco and the firm of Laddey, Clark & Ryan regarding the position of Board Attorney. Chairman Riley stated he first contacted Cliff Lundin and asked why he had not responded to the Board’s RFP two years ago. Mr. Lundin informed him that, at the time, he was uncertain as to his longevity in the business and was contemplating retirement. He decided not to retire and to stay working as an attorney. Chairman Riley said he asked Mr. Lundin if he would be amenable to being the Board’s attorney. Mr. Lundin responded yes, but said he would be retiring on June 30th of December 30th of this year. Chairman Riley noted it would be a short-term appointment. Chairman Riley also told the Board that Mr. Lundin informed him that he could not charge the low hourly rate that he had previously charged the Board for many years and his rate would increase to \$175.00 per hour. There would be no retainer. Chairman Riley noted the Board had agreed to pay Eileen Born \$275 per hour. Chairman Riley also noted that Mr. Lundin has an incredible amount of longevity with this Board and he knows what the Board does and how the Board does it. He also understands the Board’s immediate need for review of the

paperwork for the hydro rake to see if the Board can sell it. Chairman Riley offered the following resolution, which was previously forwarded to the Board:

**RESOLUTION OF THE LAKE MUSCONCONG REGIONAL PLANNING
BOARD
APPOINTING BOARD ATTORNEY**

WHEREAS, the Lake Musconetcong Regional Planning Board (the “Board”) is in need of professional legal services; 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, R.S. 40A:11-5 specifically exempts professional services from this provision of the local public contracts law of 1971; and

WHEREAS, the funds for such services are available; and

NOW, THEREFORE, BE IT RESOLVED that Clifford Lundin is hereby appointed as Attorney for the Board at the rate of \$175.00 per hour for the period February 17, 2021 to December 31, 2021;

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 notice of the award of contract 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. Rattner and carried by the following unanimous roll call vote, the above resolution was adopted.

ROLL CALL:

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

Ms. Maio – (was not present to vote)
Steven Rattner - yes
Rudy Shlesinger – yes
Earl Riley - yes

Chairman Riley welcomed Mr. Lundin back as the Board’s Attorney. Chairman Riley and the Board Secretary will compile the grant paperwork and forward same to Mr. Lundin for his review.

NEW BUSINESS:

Mr. Shlesinger spoke about a new development of luxury rental apartments in Netcong across from Furnace Pond. (Ms. Maio joined the meeting.) Mr. Shlesinger addressed issues he is concerned about regarding the development. He was surprised to see such a large development. He went onto the developer’s website and the lake is being advertised as an enticement for the development. Mr. Shlesinger stated this is a private developer who is advertising the lake for personal gain and he

questioned if there should be some contribution towards maintaining the lake. Mr. Shlesinger noted the large number of people the development will bring to the lake. Chairman Riley said he agrees, since they are utilizing the lake to entice people to their development, it would be nice if they would contribute to the LMRPB's efforts. Ms. Maio stated a developer will utilize what he has to use to sell his apartments and there is nothing wrong with doing that. Mr. Shelsinger commented on the large number of additional people using the lake that will in turn create maintenance for the lake. Chairman Riley stated he welcomes more people utilizing the lake, adding it may lead to more people wanting to contribute to the lake.

Mr. Rattner stated he met, via a virtual meeting, the Superintendent of Hopatcong State Park, Blanca Chevrestt. Ms. Chevrestt's position is temporary and it is uncertain how long she will be there. The Department of Parks is down by 40% and it is only her and Josh Osowski. Mr. Rattner also stated the chief men of the Ramapough Lenape and Monache Indian Tribe want to join with the watershed association doing the cultural, historical and reclamation of the river.

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