

Lake Musconetcong Regional Planning Board
Regular Meeting
October 18, 2023

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 19, 2023 and was sent to the Clerks of the four municipalities, the State and the two counties.

ROLL CALL:

Laura Franek – present	Shawn Potillo - absent
Robert Hathaway – present	Steven Rattner - present
William Hayden - absent	Rudy Shlesinger - present
Joseph Keenan- present	Lester Wright - absent
Rosemarie Maio – present	Earl Riley - present

MODIFICATIONS TO THE AGENDA: Additional communication and bill listed.

Chairman Riley added an additional bill to the bills list. Chairman Riley stated he hired three teenagers to remove all of the buoys from the lake, remove the Jon boat, replace the prop on the Jon boat and power wash the harvester. The three teenagers he hired were Robert Hathaway III, Michael Sheridan and Ryan Peets. They agreed on a price of \$75.00 per person for a total of \$225 for the entire job. The amount of \$225.00 will be added to the bills list.

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

Jack Sylvester, on behalf of Saint Cesario Society presented the Board with a check in the amount of \$100 as a donation and thank you to the Board for permitting them to use the Board's property to shoot the fireworks from this past summer. The Board thanked the members of the Saint Cesario Society for the work they did preparing the site. Mr. Sylvester stated CRA Trucking donated all of the stones used and Timber Taylor gave them a very low price to cut down the tree.

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. Rattner, seconded by Mr. Hathaway the Minutes of the September 20, 2023 meeting, were approved on unanimous voice vote.

COMMUNICATIONS: : The following communications have been placed on file:

- 09-22-23 Edgewood Partners Ins. Center – Certificate of Liability Ins. for Solitude Lake Management
- 09-25-23 NJS Department of Treasury – check in the amount of \$150,000.00 re: grant (Water Resources Planning Management)
- 09-27-23 Stanhope Borough – Resolution appointing Judith McGrath as Stanhope's representative to the Board
- 09-29-23 Netcong Borough – copy of USDA's Canada goose management final report for Netcong
- 10-05-23 Theresa Dunay – River Park monthly oil/water separator inspection log (September)
- 10-11-23 Fidelity Investments – Account Statement (Sept. 1, 2023 – Sept. 30, 2023)
- 10-17-23 Fidelity Investments – Notice of CD Maturity Date (11/08/23)

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

DISCUSSION: Chairman Riley informed the Board he asked Cliff Lundin, the Board's attorney to attend this meeting for a couple of reasons. The grant is in process, the Board received money and they paid Aquarius the first down payment for the new harvester. Chairman Riley said they need to think about getting rid of the current equipment, but not the harvester or conveyor yet. They can dispose of the backhoe and he would like the attorney's advice on how they can do that and how they can purchase a new one. Mr. Lundin advised the Board that to offer to purchase a backhoe would be using the open public bidding process. There are exceptions. For an organization of the size of this Board, it would be costly and time consuming. Mr. Lundin noted other options are the Board can see if it is on a State contract. Another option is to do what the Board did with the sale of the AM 2000 and see if a Co-op has a backhoe. If you still cannot find a backhoe on a State contract or through a Co-op, you may need to look at specs. You can ask a vendor if they have specs which you can borrow and use. Mr. Lundin said the Board should start asking around to find the equipment they want. Chairman Riley noted in the grant was a piece of equipment they had a quote for; however, the quote was from May of 2022 and that piece of equipment is gone. Chairman Riley recapped the attorney's recommendation, being to try and get something under State contract first, then secondly try to go through a Co-op and finally if neither of those work, to write an RFP and to out to bid. Mr. Lundin stated Chairman Riley is correct and that is his recommendation. Mr. Lundin explained the bidding process, adding they do not need a certain number of bids; they only need one bid. Chairman Riley asked if they find a piece of used equipment on Govdeals that meets their needs, can be bid on it on Govdeals? Mr. Lundin responded he will check to be sure, but he believes they can bid on it. Mr. Lundin also said, if there is another governmental agency getting rid of a backhoe, the Board can purchase it without going out to bid. It can be done as an interlocal service between two government agencies. Chairman Riley will continue to look on Govdeals in addition to looking elsewhere. Mr. Hathaway will prepare the specifications for the equipment. Mr. Hathaway expressed his thoughts and discouraged going the Govdeals route, and questioned who would repair the machine when needed. Mr. Hathaway said he believes it is unwise to get a Govdeals piece of equipment and he believes a better alternative would be to have a five to six-month lease per year. Mr. Hathaway said he researched leasing the equipment and he received a quote from Foley Rents for a machine similar to what they have. The quote was \$2,750 per month and would be for five months (May 15 through October 15) for a cost of \$15,000 per year. Mr. Lundin noted the amount is under the bid threshold. Mr. Hathaway suggested this as one route the Board may want to consider taking. The Board discussed the possibility that the rental fee and availability of the equipment may change, as well as the insurance requirements on the rental. Mr. Hathaway noted when his business rents equipment, he puts it on a Rider, adding there may be some insurance costs, but he does not think it will be any different than what the Board would pay. Mr. Hathaway stated another option would be to purchase the machine with options, including something similar to an extended warranty to address the maintenance. The Board received a quote for \$150,000, but he thinks the cost now will be about \$175,000 for a new backhoe. The equipment would then be available to them all of the time; however, from now until May, it just sits and does nothing. Mr. Hathaway noted the rental may be the better option. He will further explore a relationship with Foley Rents, which is a reputable company. Mr. Lundin advised the Board that they will need to get some other proposals. Chairman Riley noted the grant states the Board is going to purchase a backhoe. He will work with the NJDEP grant manager and find out if the Board can use the money for a rental. Mr. Lundin noted the term of the grant is three years and he said there may be funds available after the grant term and those funds would have to go back to the State. Mr. Lundin also said the Board may be able to get a one to two-year extension of the grant. The Board agreed that they first need to find out from

the State if they can rent the equipment and not have to surrender the balance of the grant funds. Mr. Hathaway noted they will never have a backhoe maintenance bill if they rent the equipment. Mr. Shlesinger expressed his opinion that owning the equipment is more cost effective than renting it, noting if it is not used all year, there should not be many repairs needed. Chairman Riley stated the insurance cost is an issue and there is nine months of inactivity with the backhoe. Chairman Riley will ask the grant manager if they do not purchase a backhoe, can they utilize the funds for leasing a backhoe. Mr. Hathaway noted they have a large amount of money to be used in TMDL management which will include herbicide and he suggested having the attorney write an RFP for a one-year contract using an oil-based 24D. On motion by Mr. Hathaway, seconded by Ms. Maio and carried by the following unanimous roll call vote, the Board authorized Mr. Lundin to prepare a Request for Proposals for an herbicide program for the 2024 management year to include all of the details and specifications as done in the past and to specify the herbicide and the acreage.

ROLL CALL:

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

Chairman Riley noted, in the past Solitude took care of the permitting process and the survey of the lake and that should be included in the bid specifications. Mr. Hathaway said the algaecide application should be included in the bid specifications, but being on an “as needed” basis.

REPORTS OF COMMITTEES:

Canal Society – There was nothing to report.

Musconetcong Watershed Association – Mr. Rattner reported there was discussion at the Musconetcong River Management Council meeting regarding the Haberman/Hampton site. In 2017 the MWA asked for an adjudicatory to determine if a stream on the property met the appropriate size to be regulated. Site visits were conducted; however, there was no determination made at the time of the stream evaluation. A recent court determination was that the NJDEP did not act in a timely manner and there had been no proper denial procedure followed. Mr. Rattner stated this may influence other such property challenges. There may be a remand with a new public comment in January and the National Park Service has said they will be commenting. Mr. Rattner also reported the Beatty’s Mill dam removal and floodplain restoration has been delayed due to the Lake Hopatcong and Lake Musconetcong drawdown and the recent rain.

Site Plan Review/Stream Encroachment – There was nothing to report.

Lake Awareness – There was nothing to report.

Lake Management – Mr. Hathaway reported the equipment is out, it has been cleaned and is ready for sale. Mr. Hathaway said he asked Chairman Riley to reach out to Solitude about the Board’s pallets that are in Solitude’s possession. Mr. Hathaway stated when they are delivered, if the shed is cleaned out, there will be room in the shed to store them. Mr. Hathaway noted there is a great number of things that can be removed and he suggested hiring the three teenage boys to be directed by himself, Chairman Riley and Wayne Swistak as to what can be removed. Ms. Maio questioned if the Board’s

liability insurance coverage will cover the teenagers. Chairman Riley noted the Board's liability insurance covers the Board's volunteers. Mr. Lundin stated the teenagers would be considered independent contractors and there is a potential liability to the Board in hiring them. Chairman Riley said, since liability is an issue, if the boys wanted to volunteer to do the work, then that would be fine. If not, the Board needs volunteers and members of the Board to help clean out the shed. Mr. Hathaway said this needs to be done before the weather changes. Chairman Riley said that as of this evening, he does not have a commitment from Solitude that they will deliver the pallets and they did not acknowledge it belongs to the Board so they may need to have the Board's attorney get involved. Mr. Hathaway said he would like to schedule a shoreline clean-up sometime in the beginning of December. It was agreed the shoreline clean-up will be held on December 2nd with a rain date of December 9th. Mr. Hathaway will reach out to Bell's Mansion about entertaining a lunch as they have done in the past. Ms. Maio will create a flyer to be given to the municipalities to be put on their websites. Mr. Hathaway will also reach out to the LMCA about participating in the clean-up. The clean-up will be from 9:00 a.m. to 12:00 noon with lunch at 12:30 p.m. They will meet at the boat launch. Mr. Hathaway will have the plans for the clean-up finalized by the next meeting. Mr. Hathaway also reported he had a drum of oil delivered at a cost of approximately \$3,000, which will be on the credit card. It is a food grade hydraulic oil which is recommended for the machine. Chairman Riley stated they need to get rid of the old backhoe and he would like to list it on Govdeals.com. The backhoe is immobile and cannot be driven. The Board discussed selling the backhoe on Govdeals.com. On motion by Mr. Hathaway, seconded by Mr. Keenan and carried by unanimous voice vote, the Board authorized Chairman Riley to list the backhoe on Govdeals.com at whatever price Govdeals recommends.

Operating Budget – There was nothing to report.

CD Investment – Mr. Keenan reported the \$50,000 CD will be maturing on November 8, 2023 and he suggested rolling it into a 9-month CD. Mr. Shlesinger spoke about recent world events and suggested spreading the CD's over a period up to 2 years to guarantee the rates. Mr. Hathaway stated the funds will not be a long-term investment and he cautioned the Board on getting into any extended timeline, adding anything beyond 12-months could be problematic. On motion by Mr. Hathaway, seconded by Ms. Maio and carried by unanimous voice vote the Board authorized Mr. Keenan to roll the maturing \$50,000 CD into a 9-month CD.

TREASURER'S REPORT: The Treasurer's report was emailed to the Board. Mr. Keenan noted the report includes a new page on the harvester grant so there will be a separate category for the grant. 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 \$1,284.00 bill from Solitude Lake Management should be pulled from the Bills List. According to the Board Clerk's calculations, the Board has a \$3,883.00 credit remaining since May of this year. The last bill received for \$1,284.00 was May 2023. There was no bill for June, July, August or September. The Board agreed the bill should be pulled from the Bills List and they instructed the Board Clerk to contact Solitude and inform them the Board will not approve the bill until they receive an accounting. On motion by Mr. Rattner, seconded by Mr. Keenan and carried by the following unanimous roll call vote, the bills on the bills list, as amended, were approved.

Operating Account:

Ellen Horak - Clerk's Monthly Compensation \$ 550.00

Lake Management Account:

JCP&L – electric at shed	\$ 4.09
Aquarius Systems (D&D Products) – equipment down payment	\$150,000.00
Intrepid Carting & Hauling – weed transportation (9/8/23-10/3/23)	\$ 300.00
Morris County MUA – Shade Tree (lake weeds - September)	\$ 150.00
Debit/Credit Card:	
Discount Tires – trailer tire repair	\$ 45.00
U-Name It – embroidery on harvester operator hats	\$ 61.80
Dixon Oil – oil	\$ 465.02
(Cash Out – payment to Robert Hathaway III, Michael Sheridan and Ryan Peets re: clean-up)	\$ 225.00

ROLL CALL:

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| Ms. Franek – yes | Ms. Maio- yes |
| Mr. Hathaway – abstain | Mr. Rattner - yes |
| Mr. Keenan – yes | Mr. Shlesinger - yes |
| | Chairman Riley – yes |

OLD BUSINESS:

\$572,000 Grant Agreement – Chairman Riley reported the Board received \$150,000 of the grant money and a check was written to Aquarius for \$150,000 to start construction of the harvester. The estimated delivery date is mid-July 2024, but he is trying to get an earlier delivery date. Chairman Riley noted everything for the grant is done electronically in SAGE. He has tried multiple times to access the system and report the in-kind hours and the Board’s progress, but he cannot get into the system to submit the progress reports. He wanted to show the State of New Jersey the invoice from Aquarius and show that the Board spent the money sent and ask for the next \$150,000 advanced payment, but he cannot get into that system either. Chairman Riley said he has been in contact with the grant manager and she is working on it. The issue is on their side and should be resolved. Chairman Riley noted they cannot get the next \$150,000 until the first \$150,000 is accounted for.

NEW BUSINESS:

2024 Budget – Chairman Riley stated the Board received the annual request from Morris County looking for justification for them to pay the Board the budget amount. The annual report contains all of the information they are seeking. Chairman Riley suggested keeping a flat budget. The Board discussed the budget, including the recent grant money. The Board Clerk stated the budget request letter to the towns and counties does not breakdown the budget. The letter includes the shoreline percentage and the amount requested. On motion by Mr. Hathaway, seconded by Mr. Keenan and carried by the following unanimous roll call vote, the Board agreed to keep a flat budget for 2024.

ROLL CALL:

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| Ms. Franek – yes | Ms. Maio- yes |
| Mr. Hathaway – abstain | Mr. Rattner - yes |
| Mr. Keenan – yes | Mr. Shlesinger - yes |
| | Chairman Riley – yes |

The Board Clerk will send a budget request letter to the towns and counties advising that the Board will have a flat budget.

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. Franek, and carried by unanimous voice vote, the meeting was adjourned at 8:20 P.M.

Respectfully submitted,

Ellen Horak, Clerk