

**Lake Musconetcong Regional Planning Board  
Reorganization Meeting  
January 18, 2023**

Mr. Riley opened the Reorganization 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, 2022 and was sent to the Clerks of the four municipalities, the State and the two counties.

**OATH OF OFFICE:** Mr. Riley administered the Oath of Office to Joseph Keenan and Steven Rattner.

**ROLL CALL:**

Laura Franek – present	Shawn Potillo - absent
Robert Hathaway – present (arrived @ 7:15pm)	Steven Rattner - present
Joseph Keenan - present	Rudy Shlesinger - present
Rosemarie Maio - present	Lester Wright - present
	Earl Riley – present

**ANNUAL BUSINESS:**

**Election of Officers**

**Chairman:** Ms. Maio nominated Earl Riley as Chairman, seconded by Mr. Keenan. Ms. Maio motioned to close the nominations, seconded by Mr. Wright. Earl Riley was elected as Chairman on unanimous voice vote.

**Vice Chairman:** Chairman Riley nominated Mr. Hathaway as Vice-Chairman, seconded by Mr. Rattner. Mr. Rattner motioned to close the nominations, seconded by Mr. Keenan. Robert Hathaway was elected as Vice-Chairman on unanimous voice vote.

**Secretary/Treasurer:** Ms. Maio nominated Joseph Keenan as Secretary/Treasurer, seconded by Mr. Rattner. Mr. Rattner motioned to close the nominations, seconded by Ms. Maio. Joseph Keenan was elected Secretary/Treasurer on majority voice vote. Mr. Keenan abstained.

**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 2023.

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 2023 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 2023, 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 15, 2023	August 16, 2023
March 15, 2023	September 20, 2023
April 19, 2023	October 18, 2023
May 17, 2023	November 15, 2023
June 21, 2023	December 20, 2023
July 19, 2023	

BE IT FURTHER RESOLVED, that the Annual Reorganization Meeting for the calendar year 2024 will be the third Wednesday of the month.

Reorganization & Regular Meeting January 17, 2024

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 2023 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 \$550.00, 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 2023 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;

BE IT FURTHER RESOLVED by said Board that it hereby retains Clifford Lundin as Board Attorney at the rate of \$175.00 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 effect immediately.

On motion by Mr. Rattner, seconded by Mr. Keenan, and carried by the following unanimous roll call vote, the above resolutions were adopted.

**ROLL CALL:**

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

**COMMITTEE APPOINTMENTS:** Chairman Riley made the following committee appointments:

**Canal Society** – Mr. Wright  
**Site Plan/Stream Encroachment** – Mr. Wright  
**Audit Committee** – Mr. Shlesinger  
**Musconetcong Watershed Association** – Mr. Rattner  
*(Mr. Hathaway arrived)*  
**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. Seeing no one from the public wishing to speak, Chairman Riley closed the public portion of the meeting.

**ACTION ON MINUTES:** Chairman Riley noted under “Communications” it indicates the “LMRPM” and should be corrected to read LMRPB. On motion by Mr. Hathaway, seconded by Mr. Wright, the Minutes of the December 21, 2022 meeting, as amended, were approved on unanimous voice vote.

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

01-04-22 Stanhope Borough – Reappointment of Rosemarie Maio as Borough’s representative on Board  
01-06-23 Netcong Borough – Reappointment of Joseph Keenan as Borough’s representative on Board  
01-06-23 People First Property & Casualty Services – Group Accident Renewal Application  
01-09-23 Roxbury Township – Reappointment of Shawn Potillo as Township’s representative on Board

01-12-23 Theresa Dunay – River Park monthly oil/water separator inspection log (December)

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

### **REPORTS OF COMMITTEES:**

**Canal Society** – There was no report.

**Musconetcong Watershed Association** – There was no report

**Site Plan Review/Stream Encroachment** – Mr. Wright reported that, with respect to the FJZ property and CRA Trucking, he stopped by and tested the water in the lake and the water was clean. Mr. Wright said he will stop by and do a test of the water once per quarter. Chairman Riley noted the meter the Board purchased and said he will give the meter to Mr. Wright to use in the testing. Chairman Riley said he will assign the meter to Mr. Wright's possession until such time as the Board needs it for the probiotics.

**Lake Awareness** – Ms. Maio reported she spoke to the principal at Stanhope School about her concern about the limited amount of publicity that went out through the school and he asked her to speak to the students and hopefully get them more excited. He suggested a possible competition between the classes which could get more students to attend the fishing contest. Ms. Maio will speak to the students at Stanhope School and if it works, then possibly do the same at the schools in Byram, Netcong and Roxbury. Chairman Riley agreed with starting a program through Ms. Maio as the Chair of the Lake Awareness Committee, at all the schools about lake awareness and clean water. Ms. Maio will work on the program.

**Lake Management** – Mr. Hathaway reported he and Chairman Riley met with Bob Schindler of Solitude Lake Management to discuss the billing issue and they came to the understanding that Solitude owes the Board money and they all agreed that his and Chairman Riley's number is the correct amount which is about \$9,000 of overpayment. Mr. Hathaway noted the Board is presently in a contract with Solitude. Mr. Hathaway asked Mr. Schindler to send documents that represent what the credit would be and the documents that he received are unsatisfactory. Mr. Hathaway noted he previously discussed with the Board about RFP'ing the Board's general scope of service and he suggested taking this year to work on the RFP and do it next year for the whole scope of what they want to do. Mr. Hathaway also noted Ms. Maio had mentioned possibly using Stanhope's QPA. The amount this year is less and the Board will not have to bid it out since it is under the bid threshold. Mr. Hathaway stated he is happy with Bob Schindler, but they have not been able to communicate about the cost and accounting. Mr. Hathaway recommended they RFP everything next year. Ms. Maio expressed her opinion that the Board should not stay with Solitude with that kind of discrepancy. Mr. Hathaway stated Solitude billed the Board incorrectly and he would like the Board to consider changing relationships. Chairman Riley asked the Clerk to pull all of the invoices from Solitude for 2022 and they will compare them to the checks that were paid, cashed and cancelled. Chairman Riley noted there is a significant discrepancy with their report and what he looked up. Chairman Riley stated the Clerk made numerous calls to the billing people and received different answers from each and received no direction or results. Chairman Riley said he agrees with Mr. Hathaway that Bob Schindler from Solitude really cares about this lake and wants to work with us, but he has nothing to do with the billing. Mr. Hathaway stated the Board has already contracted with Solitude

for the herbicide treatment for this year so they will move forward with Solitude with that business. The other components do not have to be given to Solitude, i.e. treating the water chestnut. The herbicide contract is a two-year contract and will be billed \$1,284 per month for 21-22 months. The Board has been doing two-year contracts with them and it was the same number for each year. The two-year contract came out of a proposal from them about six years ago when they offered the Board a significant discount to do a two-year contract and the Board has done it ever since. The present contract ends in 2023. The 2022 application was year one of the contract and the 2023 application is year two of the contract. The cost will be about \$13,000 per year. Mr. Hathaway said the challenge was the previous two years. The contract for the 2020 and 2021 application was entered into when the Board had financial issues so he structured that contract so it would be billed over three budget years. Ms. Maio said the Passaic Co-op, which the Board is a member of, can be very helpful. Mr. Hathaway agreed, noting the Board can purchase through the Co-op without having to do RFP's. Chairman Riley told the Board he will rectify the situation with Solitude's billing. He will review all invoices from 2022 that the Clerk will send him and he asked Mr. Keenan to provide all of the checks written to Solitude. He will compare the Board's payments with Solitude's record and he will contact them and tell them where they went wrong. Chairman Riley expressed his belief that future bills under the existing contract will be paid through the credit Solitude owes the Board and until that credit is used in its entirety, the Board will not write a check for any bills. The Board had three contracts with Solitude, one for general maintenance of the lake, one for herbicide to treat the water chestnut and one for probiotic treatment. The probiotic treatment was not exercised, but they billed the Board. Under that contract, they were to bill the Board five times in the amount of \$900 each, but according to the Minutes, they billed the Board six times; however, they never performed on that contract so they owe the Board \$5,400 on just that contract. Chairman Riley stated the Board will not pay anything until this issue is resolved. Mr. Hathaway also reported the USDA has already reached out to Netcong Borough regarding the goose addling program of which Netcong pays the Board to administer the goose addling. During COVID, Mr. Hathaway has been the sole administrator of the addling; however, it is challenging and he asked if everyone on the Board was still onboard with the program and if members could help with the addling. The Board was still in agreement to continue with the addling program and Chairman Riley, Mr. Shlesinger and Mr. Wright offered to help. Mr. Hathaway noted the Board is paid \$2,400 to administer the addling program. Ms. Franek reported she reached out to Katy Angarone at NJDEP about the canal experiment with probiotics and she said the Board needs to create a proposal for them to review and that the bar will be very high. They need a proposal before they can move on it. Mr. Hathaway said he will begin working on the proposal if the Board wants to move on the experiment. Ms. Maio expressed concern that the experiment can be done in the turn-around, noting there is an outflow. Ms. Maio offered to inspect the turn-around with Mr. Hathaway and others who are family with it, whom she will contact.

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

**CD Investment** – Mr. Keenan distributed information on accounts with Vanguard and Fidelity, adding the committee discussed this and agreed the banks are not going anything with regard to their interest rates. Mr. Rattner stated when you buy through a brokerage firm, if you want to break it early, you sell it at the market rate and there is a termination fee. At a bank, you know exactly what the amount will be if you drop a CD early. Mr. Rattner recommended depositing the funds in a number of different CD's and he suggested a 3-month and 6-month for the first year. Chairman Riley noted the committee researched the option, as requested at the last meeting, and he asked Mr. Keenan, as the Chair, for their recommendation. Mr. Keenan said it is the committee's recommendation to deposit the \$150,000 into 3 separate \$50,000 CD's with Fidelity, being a 3-month CD, 6-month CD and 9-month CD. Ms. Maio

asked if they are sure the Board is able, as a government entity, to invest this money in this way. The members were not certain it is permitted. Ms. Maio suggested asking the Board attorney’s legal opinion. The Board agreed they should find out from their attorney if they are allowed to invest in this manner. Chairman Riley will contact Cliff Lundin and ask if it is legal for the Board to invest the \$150,000 in a 9-month ladder with an investment firm rather than a bank. Mr. Keenan noted the CD they currently have with Fulton Bank matures on the 20<sup>th</sup> of every month; however, since the interest rate is so low, it will not have much of an impact if they withdraw it early.

**TREASURER’S REPORT:** Mr. Keenan noted the Treasurer’s Report was emailed to the Board. Mr. Keenan noted the Long-Term Savings Account in the amount of \$15,697.08 and he suggested rolling it into the \$150,000 the Board will be investing. Chairman Riley noted the funds can also be rolled into the Operating Account. On motion by Mr. Hathaway, seconded by Mr. Rattner and carried by the following majority roll call vote, the Board agreed to roll the funds from the Long-Term Savings Account into the Operating Account and to dissolve the Long-Term Savings Account.

**ROLL CALL:**

Ms. Franek – yes	Mr. Rattner - yes
Mr. Hathaway – yes	Mr. Shlesinger - yes
Mr. Keenan - yes	Mr. Wright - no
Ms. Maio - no	Chairman Riley - yes

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

**BILLS:** Mr. Hathaway motioned to approve the bills with the exception of the two Solitude bills, one being the bill pulled from last month’s bills list and the new bill for \$625. Ms. Maio seconded the motion. On unanimous voice vote, the two bills from Solitude Lake Management were pulled from the bill’s list. On motion by Mr. Hathaway, seconded by Ms. Maio 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	\$ 550.00
Ellen Horak – Reimbursement of Expense (Name Plate-Laura Franek)	\$ 21.31
Selective Insurance – Commercial Insurance Premium	\$ 945.00
PeopleFirst Property & Casualty Services – Group Accident Insurance	\$ 200.00
Clifford Lundin – Legal Services July 1, 2022 to December 31, 2022	\$ 621.25

**Lake Management Account:**

JCP&L – electric at shed	\$ 4.15
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**Debit/Credit Card:**

GoDaddy – website subscription renewal	\$ 539.64
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**ROLL CALL:**

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

**UNFINISHED (OLD) BUSINESS:**

QPA – Ms. Maio reported she spoke to the Administrator of Stanhope and right now there is no way the Board can utilize the Borough’s QPA on a regular basis. The QPA is also the Borough’s CFO and is a new employee. Also, the number 2 person in that department left so they made changes and hired a new person who will be part-time. The entire operation is in flux at this point. Chairman Riley said he does not believe the Board needs a QPA at this time. Mr. Hathaway agreed, adding they will need a QPA in 2024 for the RFP since they will exceed the threshold. Chairman Riley suggested putting appointment of a QPA on hold for six months, at which time the Stanhope QPA may have the time. The Board agreed, the QPA discussion will be put on hold.

Grant – Chairman Riley noted the Board received a \$572,000 grant for the purchase of new equipment. In order to get the grant funds, there is a lot of work that needs to be done, which he is doing. He filled out the required risk assessment form and supplied NJ Grants with a UEI number, which was required. Chairman Riley explained what needed to be done to get the UEI number, which is a “Unique Entity Identification” number. The Board is now registered with the federal government as an entity. The Board also now has an account on SAM.gov. In the future, if the Board needs to use the UEI, it will come back as recognized. It is a one-time number and does not need to be renewed. If the Board applies for any grants in the future, they will need that number. Chairman Riley gave the UEI number to the Clerk to be placed on file. Chairman Riley stated today he submitted all of the required paperwork for the grant and he received a thank you back from NJ Grants. NJ Grants is looking at the paperwork and will be validating everything. Hopefully the Board will have a clean path to receive the \$572,000.

**NEW BUSINESS:**

Annual Report – Chairman Riley noted he and the Clerk prepared the 2022 annual report, which was forwarded to the full Board. On motion by Mr. Hathaway, seconded by Ms. Maio and carried by unanimous voice vote, the Board approved the 2022 Annual Report. Mr. Rattner commented that it was a well written annual report. On motion by Ms. Maio, seconded by Mr. Hathaway and carried by unanimous voice vote, the Board instructed the Clerk to forward the Annual Report to the municipalities, counties and the 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.

**ADJOURNMENT:** On motion by Mr. Hathaway, seconded by Mr. Wright, and carried by unanimous voice vote, the meeting was adjourned at 8:30 P.M.

Respectfully submitted,

Ellen Horak, Clerk