

**Lake Musconetcong Regional Planning Board**  
**Regular Meeting**  
**December 21, 2022**

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 20, 2022 and was sent to the Clerks of the four municipalities, the State and the two counties.

**OATH OF OFFICE:** Chairman Riley administered the Oath of Office to Laura Franek.

**ROLL CALL:**

Laura Franek – present	Shawn Potillo - present
Robert Hathaway – present	Steven Rattner - present
Joseph Keenan - present	Rudy Shlesinger - present
Rosemarie Maio - present	Lester Wright - present
	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. 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. Hathaway, seconded by Ms. Maio the Minutes of the November 22, 2022 regular meeting were approved on majority voice vote. Mr. Rattner and Mr. Potillo abstained.

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

- 11-21-22 John Cecil, Assistant Commissioner, State Parks – Appointment of Laura Franek as the State’s representative on the LMRPM
- 12-05-22 Theresa Dunay – River Park monthly oil/water separator inspection log (November)
- 12-08-22 Solitude Lake Management – Statement of Account

Ms. Maio questioned Solitude Lake Management’s Statement of Account. Chairman Riley said the Statement of Account shows there is a balance of \$-8,371.00, which says that somehow the Board overpaid by \$8,371. Ms. Maio said she would like to see the starting balance, what we owe them and month by month what the Board paid. Mr. Hathaway stated he believes it is understood how this contract is supposed to perform and they need to demonstrate it to the Board. Mr. Hathaway said they began on or about the point where they agreed on the program which typically is May when we negotiated and agreed on the terms. The first bill would be in May and would run concurrently with 12 payments. It would not finish this contract’s payments sooner than May. Mr. Hathaway noted last month he requested an assignment of payments and balance sheet of payments to the contract, which he believes is a reasonable request. Since the requested information was not provided, he recommends withholding payment until this is resolved. Mr. Hathaway noted they were concurrently running three separate contracts last year and a previous contract that was still running to June. The Board had three contracts with Solitude this year. There was a 12-month contract and a previous running contract which we may still owe them money for. The Board signed a 22-month contract with Solitude and it is possible we owe them \$8,371 for the remainder of the contract. Ms. Maio said she would like all future bills to indicate what payment number it is for. The Clerk will contact Solitude and request a month-by-month accounting of the three contracts that were operated in 2022.

On motion by Mr. Hathaway, seconded by Mr. Keenan 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** – There was no report.

**Lake Awareness** – There was no report.

**Lake Management** – Chairman Riley reported the Board was approved for the grant. The Board requested \$790,000 and of those funds over \$150,000 was dedicated to probiotic treatment. Because the NJDEP has not supported the probiotic treatment, Chairman Riley asked that the amount of money requested for the probiotics be taken out of the grant request. Chairman Riley said he had discussions with Anika Andrews of the NJDEP and he provided her with all the information she requested. The Board was approved for \$572,000 for the purchase of a new harvester, a trailer for the harvester, a new shore conveyor and a new backhoe. Chairman Riley said he looked into options and the quote he received is \$389,000 for the harvester, trailer and conveyor. He has a quote for a backhoe of \$144,000. The prices quoted were from May of 2022 so he does not know if the prices are still good. Chairman Riley said he added 10% to each number in the grant request. Chairman Riley expressed his opinion that the Board will be able to purchase everything new with the \$572,000 grant. Ms. Maio and Mr. Shlesinger questioned the need for a new backhoe given the cost versus the use. Chairman Riley stated the current backhoe is not road-worthy. You cannot steer it. The new backhoe will be used to move the weeds into the dumpster and will also be used to bring the harvester in and out of the lake. The new backhoe will be road-worthy so it can be driven to the storage location in Stanhope and they will not have to rely on the Stanhope and Netcong DPW. Mr. Hathaway noted Ms. Maio's concern and said, if an opportunity arises that a backhoe can be purchased through the dealer, it should be. Mr. Hathaway noted Mr. Shlesinger comment that \$144,000 is a lot for a backhoe and stated he will no longer repair the equipment. He has himself and he has had his mechanics fix the current backhoe and he will no longer continue to do that. Ms. Maio expressed her opinion that the Board should not completely wash their hands from the help they get from the Borough of Netcong and Borough of Stanhope to do those tasks, noting no one has said they will no longer help the Board. Chairman Riley stated the grant covers the cost of a new backhoe and the cost of the other new equipment. If the Board decides not to purchase any of that equipment, the Board will have to go back to NJDEP and modify our grant. Chairman Riley said if the NJDEP finds any discrepancies, they will re-work the grant amount. Mr. Hathaway noted when the last 319 Grant was awarded to the Board, they had to supply the quote and the build information from Barber Welding to NJDEP for their review process. There will be the same process with this current 319 Grant. The NJDEP will send the check after they receive the quotes so they will know where the money is going. Ms. Maio again expressed concern on why they need a new backhoe and she would like to see the specifications on the backhoe. Chairman Riley said the \$572,000 is for the materials he spec'd out and sent to the NJDEP, which was for a new harvester, trailer, shore conveyor and backhoe. Mr. Potillo commented that if the Board spends less than the grant amount, they do not get to spend the money on anything else so why not spend what they get. The Board's attorney, Cliff Lundin present at the meeting, said the NJDEP should be sending the Board a grant agreement between the Board and the NJDEP which will outline the terms and conditions. Chairman Riley stated the Board will not receive the contract until mid-January. There was a lengthy discussion on the use of the grant money for a new backhoe. Chairman Riley noted the need

for a new dumpster, which would cost about \$20,000. The Board would have to modify the grant request prior to the NJDEP approving what was sent and then giving the Board the funds, which will be in mid-January. Mr. Lundin stated the Board would need to adopt a resolution to modify the grant. Mr. Lundin noted the NJDEP will take the Board's proposal and attach it to the contract. Mr. Potillo expressed his opinion that the Board stay the course and to look into purchasing a dumpster next year. Mr. Hathaway agreed. Ms. Maio questioned the cost of insurance for the new equipment, adding a less expensive backhoe would have lower insurance. There was a brief discussion on the insurance cost and it was noted that the Board would be removing equipment from the insurance policy and adding the new equipment. Mr. Hathaway stated Inland Marine insurance covers these types of equipment. The cost of the Inland Marine policy on the hydro rake was significant at about \$3,000. It is about \$1.00 on every \$100 you are paying. Some of the equipment is viewed by some insurance companies as less likely to be stolen. Mr. Hathaway expressed his opinion that the insurance cost will be a similar amount as what they had for the hydro rake. Mr. Hathaway noted there are a number of different backhoes. The backhoe he spec'd has an enclosed cab which they need in order to keep vandals out. It is also 4-wheel drive and has a running extender hoe. These are extra costs, but are needed. Chairman Riley noted from the discussion, they are all in agreement that they need a new harvester, trailer and shore conveyor. The only question is the backhoe. Chairman Riley expressed his opinion that since part of the grant money is for a backhoe, they should purchase a backhoe. Mr. Rattner expressed his opinion if the Board receives a grant they should use the money because if the money does not go to the Board, it will go to someone else. The government gave the Board the grant and the Board should take the grant and purchase what they want; however, he is not in agreement with spending the money the Board already has in its account. Chairman Riley said hopefully, by the next meeting, he would have heard from the NJDEP on what will be in the contract and the Board can discuss it further at that meeting. If he hears earlier, he will let the Board know. Ms. Maio suggested they contact the insurance company and get an estimate on what the cost will be by removing equipment from the policy and adding the new equipment to the policy. Mr. Keenan will contact the insurance company. Chairman Riley informed the Board that Aquarius is interested in purchasing the current harvester, trailer and conveyor, but he does not yet know what they will pay for it. Ms. Maio questioned if they need to go out to bid to sell the equipment. Mr. Lundin responded in the affirmative. Mr. Rattner noted there will be a reduction in maintenance costs with the new equipment which will offset the increase in the insurance cost. Mr. Hathaway reported he has not heard back on the micro experiment that was promised to be considered. Senator Bucco had a discussion with the granting entity and there are some alternatives that the NJDEP will allow. This was not communicated to Mr. Hathaway or Chairman Riley. Mr. Hathaway said, as he moves forward, he will try to find out more information on if they are allowing this to happen or not. The NJDEP representatives suggested to him that it was not going to be considered, but what they communicated to Senator Bucco, that was not the case.

**Operating Budget** – There was nothing to report.

**TREASURER'S REPORT:** The Treasurer's Report was emailed to the Board. On motion by Mr. Rattner, seconded by Mr. Wright and carried by unanimous voice vote, the Treasurer's Report was accepted and placed on file.

**BILLS:** On motion by Mr. Hathaway, seconded by Ms. Maio and carried by the following unanimous roll call vote, the bills on the bills list were approved, with the exception of the bill from Solitude Lake Management in the amount of \$1,284.00:

Operating Account:

Ellen Horak - Clerk's Monthly Compensation

\$ 550.00

Fulton Bank – Safe Deposit Box Rental Fee	\$ 63.97
Lake Management Account:	
JCP&L – electric at shed	\$ 4.09
Morris County MUA – weed disposal	\$ 150.00

**ROLL CALL:**

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

**OLD BUSINESS:**

Grant Application – Chairman Riley noted this topic was discussed earlier in the meeting.

CD Interest Rates – Mr. Keenan provided the Board with a list of four local banks he found and information on their CDs, with the exception of PNC in Flanders that has not gotten back to him with a quote. The best rate is Valley Bank in Landing with a 13-month CD at 4.40% / 4.50%. Mr. Shlesinger stated he is not in favor of a 13-month CD, suggesting a shorter term and possibly roll it over into a ladder system where you go from shorter to longer. Mr. Shlesinger noted you can also buy CD's from a brokerage firm. Mr. Rattner agreed with the ladder system, but suggested staying local and splitting the money so as not to have the total amount in one CD. There was a lengthy discussion on the various CD options. Mr. Hathaway recommended forming a sub-committee to research the options. Chairman Riley asked Mr. Rattner, Mr. Shlesinger and Mr. Keenan to sit on the sub-committee. On motion by Mr. Hathaway, seconded by Mr. Potillo and carried by majority voice vote, a sub-committee was formed consisting of Mr. Rattner, Mr. Shlesinger and Mr. Keenan to research and make a recommendation to the Board on the best option for their investment of the funds. Mr. Rattner abstained.

**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. Maio, seconded by Mr. Shlesinger, and carried by unanimous voice vote, the meeting was adjourned at 8:10 P.M.

Respectfully submitted,

Ellen Horak, Clerk