

**Lake Musconetcong Regional Planning Board**  
**Regular Meeting**  
**August 16, 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 - present
Robert Hathaway – present	Steven Rattner - present
William Hayden - present	Rudy Shlesinger - present
Joseph Keenan- present	Lester Wright - present
Rosemarie Maio – 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 submitted a receipt in the amount of \$68.13 for reimbursement. Chairman Riley explained they had several problems with the shore conveyor and he asked Ray to repair it. Ray purchased new gas lines at a cost of \$68.13 which the Board should reimburse him for. The reimbursement to Ray in the amount of \$68.13 will be added to the bills list.

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

**ACTION ON MINUTES:** Chairman Riley made one correction to the minutes. The first line on page 2 under Lake Management states “Ellen Cook” and should read “Alan Cook.” On motion by Mr. Keenan, seconded by M. Rattner the Minutes of the July 19, 2023 meeting, as amended, were approved on majority voice vote. Mr. Hathaway and Mr. Potillo abstained.

**COMMUNICATIONS: :** The following communications have been placed on file:  
07-31-23 United States Liability Insurance Company – Notice of Policy Conditional Renewal re:  
Public Officials Liability  
08-04-23 Theresa Dunay – River Park monthly oil/water separator inspection log (July)

On motion by Mr. Hathaway, seconded by Mr. 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 5-year cooperative agreement was signed with the federal government for the Watershed Association and the MRMCC. Mr. Rattner noted it was actually a 5-year audit and they had to account for every penny spent. Mr. Rattner also reported they are hoping to start the Beatty’s Mill Floodplains Restoration. They have the permits, but need to wait for the rainy season to end.

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

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

**Lake Management** – Mr. Hathaway reported they had some breakdowns, but they are now operational. Mr. Hathaway noted his absence from the last meeting and that he read in the Minutes about the bass weed infestation in Byram Bay. Mr. Hathaway noted there is also milfoil in the area and they are making progress in that area. The pond lily seems to be expanding in the area in front of the old restaurant and they will clean some of it out, but leave some patches for the fisherman. The pond lily has grown to almost three acres. Chairman Riley noted the pond lily is not the endangered species. Mr. Hathaway stated that since the last meeting, he attended the fireworks that were launched from the Board's site. Mr. Hathaway said he did a pre-inspection and a post-inspection. They made a lot of improvements to the site and the clean-up was immaculate. Chairman Riley noted there were nails left on the ground that Ray Guyre picked up with a magnet. Mr. Hathaway expressed his opinion that it was a good collaborative effort and speaks well to this Board. The fireworks in August were not launched from the Board's site. Ms. Franek reported there is a new gauge over where the fishing tournament is held on the Stanhope park side. Ms. Franek said, if you go to locss.org (Lake Observation By Citizen Scientists & Satellites) you will see they are studying nine lakes in New Jersey (including Lake Musconetcong). They are also studying lakes in different countries. The gauge in the lake is operating, but it needs to be adjusted. Chairman Riley asked if it is measuring the depth of the lake at that point or at the dam point. Ms. Franek responded she believes it is at that location, but she will check. Mr. Hathaway stated he has a gauge at his house and the bottom changes and it does not have a lot to do with the flow. The important number to monitor is the thickness of the water going over the dam which is what his is set for. Mr. Franek asked if the Board will be doing a two-foot drawdown. Mr. Hathaway responded this is the year it would be scheduled for according to their lake management plan, but it needs to be decided by the Board. Mr. Hathaway noted the 2-foot drawdown is good because it allows them to clean a lot of the debris in the lake that you cannot get with without the large drawdown. Mr. Hathaway recommended adhering to their schedule in their lake management plan and have a 2-foot drawdown. Mr. Hathaway noted when they have a larger drawdown, they have less weeds in the lake and the volunteers cleaning the shoreline can do a better job with the large drawdown. There was a brief discussion about the dates for the drawdown. The drawdown will be from October 1<sup>st</sup> to November 1<sup>st</sup> to get the water down and then it will hold from November 1<sup>st</sup> to December 15<sup>th</sup> and then it will be refilled.

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

**CD Investment** – Mr. Shlesinger noted there is a large amount of money in the checking account and he suggested putting it in the Fidelity money market account which is at about 4%. Mr. Hathaway agreed saying it is concerning having a six-figure amount in an account that does not make much in interest. Chairman Riley noted they may see something that they need that money for. Mr. Shlesinger responded the Board can move the money in the money market account. Mr. Keenan explained the \$630.00 in the money market account is the interest from the 9-month CD that matured which they rolled into another CD. The deposits in a CD have to be in \$1,000 increments so the interest was put in the money market account. Mr. Hathaway noted there is over \$106,000 in the checking account. On motion by Mr. Hathaway, seconded by Mr. Rattner and carried by the following unanimous roll call vote, the Board authorized the transfer of \$80,000 from the checking account into the money market account:

ROLL CALL:

Ms. Franek – yes  
Mr. Hathaway – yes

Mr. Potillo - yes  
Mr. Rattner - yes

Mr. Hayden – yes  
Mr. Keenan – yes

Mr. Shlesinger – yes  
Mr. Wright – yes  
Chairman Riley - yes

**TREASURER’S REPORT:** The Treasurer’s report was emailed to the Board. On motion by Mr. Hathaway, seconded by Mr. Wright and carried by unanimous voice vote, the Treasurer’s Report was accepted and placed on file. Mr. Potillo questioned the increase in the electric bill. Chairman Riley responded they ran the compressor which caused the increase.

**BILLS:** Chairman Riley reported the bill from Aquarius Systems (D&D Products) in the amount of \$129,391.50 is being removed from the Bills List. The sales person at Aquarius failed to inform their staff that the agreement was modified and the Board does not owe them anything until we receive the check from the State of New Jersey. Chairman Riley will notify Aquarius the day the Board receives the check from the State and as soon as the Board receives the first payment of the grant, we will write a check for \$150,000 to Aquarius, not \$129,000. The State will be giving the Board the first payment in the amount of \$150,000. On motion by Mr. Hathaway, seconded by Mr. Wright 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
United States Liability Insurance Company – Public Officials Liability Insurance Policy Renewal	\$ 884.00

Lake Management Account:

JCP&L – electric at shed	\$ 7.49
Intrepid Carting & Hauling – Container Transportation	\$ 300.00
Morris County MUA – Shade Tree (Lake Weeds – July)	\$ 150.00
Ray Guyre – Reimbursement for gas lines for the shore conveyor	\$ 68.13

ROLL CALL:

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

Chairman Riley said, rather than wait for the next meeting, as soon as the Board receives the check from the State of New Jersey he would like a motion to authorize Mr. Keenan to immediately write a check to Aquarius System in the amount of \$150,000, which is the amount the Board will receive from the State.

On motion by Mr. Hathaway, seconded by Mr. Rattner and carried by the following majority roll call vote, the Board authorized Mr. Keenan to write a check to Aquarius Systems in an amount not to exceed \$150,000 after the Board receives the check for \$150,000 from the State of New Jersey:

ROLL CALL:

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

Chairman Riley noted the Board has a signed contract outlining payment so they do not need an invoice from Aquarius in order to send the check.

**OLD BUSINESS:**

\$572,000 Grant Agreement – Chairman Riley reported heard from the State of New Jersey yesterday and the Board’s grant is in the budgetary process. They had two questions for which they needed clarification. The first is they questioned if D&D Products was going to operate the equipment to which Chairman Riley responded no, D&D Products will not be operating the equipment. The second question was what the advanced payments will be used for to which Chairman Riley responded the first payment will be spent in its entirety to D&D Products as the down payment for building the machine; the second advance payment will be used to purchase a backhoe by a vendor after the Board creates and publishes an RFP for the backhoe and the third and fourth payments will be used to pay the balance of the D&D Products costs when the equipment is delivered. Chairman Riley noted this is how the contract with Aquarius is written. Chairman Riley said he anticipates the grant money being received before the next meeting.

Chairman Riley spoke about a conversation he had via teleconference with Aquarius at a pre-construction meeting that included Mr. Hathaway and Wayne Swistak. During the conversation they discussed originally planning for the operator’s station on the harvester to have a secondary seat. It was a good idea but they found out during that meeting that the secondary seat would make it very confined on the operator’s platform and difficult to move around. Instead they discussed a jump seat, but since that discussion he and Mr. Swistak decided they do not want a jump seat because it will be in the way. The operator’s seat will be able to turn 180 degrees. The way they operate the harvester now is when you dock it, which is from the rear end, the operator has to stand up and operate backwards. The new machine will have a joy stick. Chairman Riley stated they opted to include a \$6,000 charge to make that seat operational. This will cut down the console size so there will be no room for a jump seat. Chairman Riley has not yet informed Aquarius of the change. Chairman Riley also said that he thought they were purchasing a completely stainless-steel machine, but Aquarius proposed that the superstructure was going to be all carbon steel which Chairman Riley does not want. Chairman Riley received a quote for the entire machine to be stainless-steel which will be approximately an additional \$9,000. The grant covers \$453,000 for the machine as designed, but that is with a carbon steel superstructure. Chairman Riley asked for the Board’s authorization to spend some of the Board’s money of about \$10,000 to make the entire machine stainless steel. Mr. Potillo asked the estimate for the cost of the backhoe. Mr. Hathaway responded he believes it will be at least \$150,000 and possibly \$170,000. Mr. Hathaway noted that making the equipment better makes it more efficient for the volunteers to operate and they will remove more phosphorus from the lake. Mr. Hathaway noted the Board does not have the number of volunteers as in the past because the present equipment is not easy to operate. They need the volunteers to be comfortable operating the equipment. Chairman Riley stated this change will extend the life of the equipment another five to ten years. On motion by Mr. Hathaway, seconded by Mr. Shlesinger and carried by the following majority roll call vote, the Board authorized the contract change order to not exceed \$10,000 for change the decking from a carbon superstructure to stainless steel:

**ROLL CALL:**

- |                      |                       |
|----------------------|-----------------------|
| Ms. Franek – abstain | Mr. Potillo - abstain |
| Mr. Hathaway – yes   | Mr. Rattner - yes     |
| Mr. Hayden – yes     | Mr. Shlesinger – yes  |
| Mr. Keenan – yes     | Mr. Wright – yes      |
|                      | Chairman Riley – yes  |

Chairman Riley will inform Aquarius of the change order to exclude the carbon steel superstructure and make it stainless steel and to remove the jump seat.

**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 7:50 P.M.

Respectfully submitted,

Ellen Horak, Clerk