

**Lake Musconetcong Regional Planning Board  
Regular Meeting  
August 21, 2024**

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 18, 2024 and was sent to the Clerks of the four municipalities, the State and the two counties.

**ROLL CALL:**

Robert Hathaway – present	Shawn Potillo - absent
Joseph Keenan - present	Steven Rattner - absent
Rosemarie Maio - present	Rudy Shlesinger - present
Judith McGrath - 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 Mr. Wright, the Minutes of the July 17, 2024 regular meeting were approved on unanimous voice vote.

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

07-22-24 GovDeals - Check in the amount of \$76.25 re: Passaic County AVDP 4/1/23-3/31/24  
07-30-24 Fidelity Investments - Notice of Upcoming CD Maturity Date  
08-14-24 Fidelity Investments - Transaction Confirmation

On motion by Mr. Hathaway, seconded by Mr. Wright 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** – Mr. Hathaway reported that he and Chairman Riley had a telephone conversation with Aquarius relating to the crane, delivery of the equipment and giving them the Board's current equipment. It was understood by all that they are going to be at the boat launch. Mr. Hathaway also reported he and Chairman Riley met with the crane operator and he understands everything that needs to be done. Mr. Hathaway said he has not received a quote yet and he does not have an idea on the cost, but a decision will have to be made before the next meeting. He believes it will probably be an entire day. Mr. Hathaway did not solicit other quotes since this is the one crane operator in the area that everyone uses. If the Board would like, he will solicit other quotes. Mr. Hathaway noted this is specialized work and usually is work that is not bid on and is given to the most experienced operator. Ms. Maio said she is

not comfortable with only one quote as they have no point of reference and she would prefer a second quote. Mr. Hathaway will find another source and get a second quote for crane services. Chairman Riley stated they have to get the harvester, conveyor and trailer to the launch area and set them aside. They need to close the parking lot in order to do so. Chairman Riley noted Jacob Hamilton, State Parks Superintendent, in the public and informed him of the need to close the parking area; however, he does not have a date yet. Chairman Riley explained that Aquarius will deliver to the parking lot and they will offload the new equipment. The crane will pick up our harvester and put it on the tractor trailer after we disassemble it. Mr. Hathaway noted there has been similar equipment in that area by State Parks when they were cleaning the swirl chamber. Mr. Hathaway also noted that the crane operator took extensive measurements of the area. Mr. Hathaway also reported they had a bloom of water chestnut on the lake that was not in the treatment area. He tasked the harvester to clean it out. Mr. Hathaway said people have raised concern and asked that they do another treatment, but he does not think that amount of expense would be justified. It is sporadic in nature. The use of the chemical used would render those plants infertile. Mr. Shlesinger agreed with Mr. Hathaway, noting it is mostly in Byram Bay where they can get it with the harvester. Mr. Hathaway said he does not think the retreatment results would be better than they are seeing now. Mr. Hathaway reported they had a few minor repairs, but a major repair was the broken cutting bar. Wayne Swistek had previously manufactured three cutting bars and this was the last one we had as a spare. Mr. Hathaway noted, within the next two weeks, the bringing in of the new equipment and sending out of the old equipment will have taken place. The Board valued their old equipment to be \$80,000 and Aquarius countered and offered \$65,000. All parties agreed on \$72,500 for the Board's old equipment. Chairman Riley has a contract from Aquarius, which he will ask the Board Attorney to review. Chairman Riley said contained in the contract from Aquarius are their terms and conditions of the sale, which states the buyer is responsible for all arrangements and costs associated with loading and unloading the equipment including the crane cost and transportation cost of the old equipment. Chairman Riley noted Aquarius is responsible to pay for the loading of the old equipment onto their trailer. Chairman Riley will ask for a separate price for the crane loading the old equipment onto the trailer. Mr. Hathaway suggested a 50%-50% split between the Board and Aquarius for the cost of the crane. Chairman Riley informed the Board that they need to make the harvester fit on the trailer so they have to take off the paddle wheels. Chairman Riley will need help dismantling the equipment and will let the Board know when the date has been set. Mr. Hathaway also reported the lake is well managed and is largely weed free. There has not as yet been a resurgence and he thinks they will get through the season without doing any supplemental treatments. Mr. Hathaway noted this was the year of a 2' drawdown and it makes a big difference in the management of the lake. The difference between the 1' drawdown and 2' drawdown is significant in the Board's management of the lake and the costs involved.

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

**CD Investment** – Mr. Keenan reported he transferred \$30,000 from the Fidelity money market account and deposited it into the Fulton checking account to pay the bills. There is a \$50,000 CD that matures tomorrow and he directed Fidelity not to renew it but to transfer it into the Fidelity money market account as the Board will need those funds in the near future to pay for the new equipment. Mr. Keenan noted that after tomorrow, the Board will have only two CD's.

**TREASURER'S REPORT:** The Treasurer's Report was emailed to the Board. On motion by Mr. Hathaway, seconded by Ms. McGrath, the Treasurer's Report was accepted and placed on file.

**BILLS:** Ms. Maio noted the bill from the Board's attorney for \$75 for his attendance at last month's meeting and she asked why the attorney is attending meetings. Chairman Riley noted the attorney was present at the last meeting, but it was his understanding he was going to do it gratuitous. Ms. Maio expressed her opinion that the attorney should not attend a meeting unless he is asked to by the Board. Chairman Riley agreed with Ms. Maio. Mr. Hathaway said he told the attorney it would not be gratuitous, but if the Board needs him at a meeting, they will ask him to attend. On motion by Mr. Hathaway, seconded by Ms. McGrath and carried by the following unanimous roll call vote, the Board approved the bills on the Bills List.

Operating Account:

Ellen Horak - Clerk's Monthly Compensation	\$ 550.00
Selective Insurance - Commercial Insurance Installment Payment	\$ 965.00
United States Liability Insurance Company (USLI) - Public Officials	
Liability Insurance Installment Payment	\$ 406.25
Murphy McKeon, P.C. - attorney attendance at July meeting	\$ 75.00

Lake Management Account:

JCP&L – electric at shed	\$ 4.72
Lake Management Sciences -Seasonal Contract Installment #2 (revised)	\$26,166.50
Lake Management Sciences - Water Chestnut Treatment	\$ 6,317.50
Crazy Cans - Container Transportation	\$ 300.00
Morris County MUA - Shade Tree	\$ 104.00
Morris County MUA - Shade Tree	\$ 180.00
West Chester Machinery - parts	\$ 221.26

ROLL CALL:

Mr. Hathaway – yes	Mr. Shlesinger - yes
Mr. Keenan – yes	Mr. Wright - yes
Ms. Maio – yes	Chairman Riley - yes
Ms. McGrath - yes	

**OLD BUSINESS:**

\$572,000 Grant Agreement – Chairman Riley noted the Board received \$300,000 of the grant in two advance payments of \$150,000 each, both of which were immediately paid to Aquarius. The first \$150,000 was a down payment to start building the harvester and the second was a “mid-way” payment. The Board still owes Aquarius \$162,000 for the equipment. Chairman Riley reported he completed and submitted the second financial report to NJDEP. It has been accepted and is in the process of being approved and must go to Finance to be approved before they issue the next check. Chairman Riley told the NJDEP that the Board will have the equipment within the next three weeks and Aquarius will be billing the Board and he asked when the Board can expect the next advanced payment. He is waiting for their response. Chairman Riley said Aquarius will bill the Board when the equipment is delivered and after thirty days they charge interest; however, the interest will be waived for the Board. Chairman Riley expressed his opinion that they will receive the next \$150,000 and be able to send it to Aquarius within the next month or two. Chairman Riley stated the Board will have to use about \$30,000 of their funds for final payment to Aquarius. Chairman Riley noted Aquarius will be sending a check to the Board in the amount of \$72,500 for the old equipment. Ms. Maio suggested they wait until they receive Aquarius's \$72,500 check and then write them a check for \$30,000. The Board agreed with Ms. Maio. Chairman Riley stated the final payment of the

grant money will be \$122,000 which the Board will not receive until all reports are done. There is one final advance payment he will request and that is to purchase a backhoe. The Board will probably have to use some of their money to purchase a backhoe. Mr. Hathaway said he does not think they will receive the money for the backhoe for a while. Chairman Riley responded that as soon as everything is done, he will submit the third financial report three months after and, after that report is submitted, a check will be sent. Mr. Hathaway expressed his opinion that, if they want a backhoe for the spring, it is not realistic to think they will have the money from the State. Mr. Keenan stated he asked Fidelity what the penalty would be if you take a CD out before the maturity date and he was told there is no penalty. You only lose the interest going forward. Mr. Shlesinger expressed surprise with there being no penalty, adding he believes there will be some form of penalty, possibly interest wise.

### **NEW BUSINESS:**

Payment for Crane - Mr. Hathaway noted the need for a decision regarding the crane operator prior to the next meeting. The Board needs to authorize payment for the crane to facilitate the transfer of the equipment. Mr. Hathaway will obtain a second quote for a crane operator and will transact with whoever has the lesser quote. Mr. Hathaway will inform the Board of the two quotes once they are received. Chairman Riley will share the quote with Aquarius because they will be responsible for the loading of the old equipment to their trailer as per the contract and he will tell them it will be a 50-50 split. On motion by Mr. Hathaway, seconded by Mr. Shlesinger and carried by the following unanimous roll call vote, the Board authorized Mr. Hathaway to accept the lesser of the two quotes for the crane operator for an amount not to exceed \$10,000, with the amount being split equally between the Board and Aquarius (\$5,000 each).

### **ROLL CALL:**

Mr. Hathaway – yes	Mr. Shlesinger - yes
Mr. Keenan – yes	Mr. Wright - yes
Ms. Maio – yes	Chairman Riley - yes
Ms. McGrath - yes	

**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. Wright, and carried by unanimous voice vote, the meeting was adjourned at 7:42 P.M.

Respectfully submitted,

Ellen Horak, Clerk