

Lake Musconetcong Regional Planning Board
Regular Meeting
July 21, 2021

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 21, 2021 and was sent to the Clerks of the four municipalities, the State and the two counties.

ROLL CALL:

Michael Balogh - absent	Greg Poff - present
Mark Crowley - absent	Steven Rattner - present
Robert Hathaway – present	Rudy Shlesinger – present
Joseph Keenan – present	Lester Wright - present
Rosemarie Maio – present	Earl Riley - present

MODIFICATIONS TO THE AGENDA: Chairman Riley noted Cliff Lundin, the Board’s attorney, is present at the meeting to give guidance on the sale of the AM 2000 and he revised the Agenda by moving “Old Business – Sale of AM 2000” to this portion of the meeting.

UNFINISHED (OLD) BUSINESS:

Sale of AM 2000 – Board Attorney Cliff Lundin came forward. Mr. Lundin stated he reviewed the Memorandum of Understanding (“MOU”) and Exhibits A and B with Gov Deals and he emailed his comments and concerns to the Board. Mr. Lundin gave the following comments and concerns about the MOU:

- 1) The fee is provided in section 3 of the MOU and in the small box at the lower corner of page 2 of the MOU. There appears to be no fee to the Board. There is a 7.5% premium to be added to the Buyers side as the Gov Deals fee. Mr. Lundin noted they are charging the successful bidder a 7.5% premium which may influence what a bidder may bid. Mr. Keenan asked if the Board will be responsible to collect sales tax. Mr. Lundin responded that sales tax is usually paid to the State when registering the equipment, but he will check to make sure.
- 2) Page 1, para 2. Aren't some accessories included in the package? Do you have an inventory of the accessories to be included? Chairman Riley stated he prepared a complete list of everything including all accessories. Mr. Lundin stated they must be clear on what is included and what is not included.
- 3) Page 1, section 2.0. I would suggest that the MOU include a representation by Gov Deals that their services will comply with the State of New Jersey Statutes governing sales of governmental personal property. Mr. Lundin noted Gov Deals is providing for auctions through the Passaic Cooperative. There is a New Jersey Statute regarding sale of government equipment and there is a 2018 adopted statute dealing with electronic sales. The 2018 statute requires that notice of the on-line sale is published in the local newspaper. Notice must also be sent to the four municipalities. The Notice must be published a certain amount of time prior to the closing of the bids. Mr. Lundin strongly recommended language be added to state that Gov Deals will comply with the bidding laws of New Jersey. Mr. Lundin will work with the Board’s Clerk on the language for the notice to be published.
- 4) The MOU (section 2.1) allows the Board to set a minimum selling price. Has the Board done so. In appears from the draft advertisement that you have set the amount as \$215,000.00. Chairman Riley said if they receive a bid for \$215,000 and there are no other bids, the Board will accept the \$215,000.

Exhibit A to MOU

5) The provisions are all tied to when someone is a "winning bidder." It must be clear that the Board, rather than Gov Deals determines who is the "winning bidder." Gov Deals and any bidders must understand that there may be a delay between Board meetings, for the Board to determine who is the winning bidder. The Board should be allowed a 30-day time period from the conclusion of the bidding to determine to award. Chairman Riley stated the successful bidder will be determined by the Board. Ms. Maio suggested calling a special meeting to award rather than waiting 30 days for the next Board meeting. The Board agreed.

6) Page 3, paragraph 3. This provides that the Seller (the Board) will provide a "Bill of Sale" to the successful bidder. Does the Board have the necessary certificates of title for the various pieces of equipment? Chairman Riley responded in the affirmative, noting title to the equipment is in the Board's safety deposit box.

Exhibit B to MOU

7) The second paragraph (Description Warranty) on page 5 indicates that the sale can be invalidated if the items do not meet the description. I would caution the Board to carefully examine the description prior to the advertisement to ensure that it accurately reflects the equipment being sold. Chairman Riley stated he has been using the equipment the past two days so he will update the number of hours noted in the description.

8) The fourth paragraph (Consideration of bid) on page 5 relates to my comment number 5) above. This is probably where we can insert the 30-day time period for Board review of the submissions to determine who is the winning bidder and to adopt a resolution awarding the same. The Board agreed to hold a special meeting to award to the winning bidder rather than wait 30 days.

9) The seventh paragraph (Payment) on page 5 should be amended so that payment is due 5 days after the Board's award of the bid.

10) The second paragraph on page 6 relates to the vehicle titles. See comment number 6 above. Mr. Lundin noted Chairman Riley has indicated the Board is in possession of the titles.

Proposed Ad

11) Do we have a model year on the shore conveyor and on the tilt deck trailer? I would assume that they are probably 2016 as well. Chairman Riley stated they were manufactured in 2016, but the Board took possession in August of 2017. The titles indicate 2017.

12) Under "Removal" the proposed storage fee of \$10 per day differs from the \$25.00 per day provided for in the first paragraph on page 6 of Exhibit B.

Marketing

13) You might want to consider adding "lake associations" to the list of target new buyers. The Board agreed "lake associations" should be added to the list of target buyers.

Mr. Lundin stated it is imperative that Gov Deals includes language stating they will comply with all statutes of the State of New Jersey. Chairman Riley asked Mr. Lundin to prepare a letter to Gov Deals outlining his concerns. The Board agreed the letter should be prepared by Mr. Lundin.

Chairman Riley said all equipment will be completely operational for any inspections. If Chairman Riley is not available for an inspection, Mr. Hathaway will handle it. Chairman Riley stated only verified bidders will be able to contact him directly if they want to inspect the equipment. The equipment is at two locations. The trailer and shore conveyor are at the Stanhope well site.

Chairman Riley thanked Mr. Lundin for his attendance and guidance.

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. Rattner, seconded by Mr. Keenan, the Minutes of the June 16, 2021 meeting were approved on unanimous voice vote.

COMMUNICATIONS: The following communications have been placed on file:

- 06-18-21 Stanhope Borough – Purchase Order in the amount of \$17,124.53 re: 2021 budget Contribution (\$16,374.53) and herbicide treatment (\$750.00)
- 06-23-21 Michele Meade, NJS DLGS – State’s Acceptance Memorandum re: Passaic County Cooperative Pricing System
- 06-28-21 Stanhope Borough – check in the amount of \$17,124.53 re: 2021 budget contribution (\$16,374.53) and herbicide treatment (\$750.00)
- 06-29-21 Byram Township – Purchase Order in the amount of \$1,765.14 re: 2021 budget contribution
- 06-29-21 Commander Hawkins, American Legion Post 219 – email re: missing buoys
- 07-09-21 Byram Township – Check in the amount of \$1,765.14 re: 2021 budget contribution
- 07-09-21 Morris County Sportsmen Federation – Check in the amount of \$200 re: donation to fishing contest
- 07-12-21 Sussex County – Purchase Order in the amount of \$6,259.38 re: 2021 budget contribution
- 07-16-21 Gov Deals, Inc. – Memorandum of Understanding re: online auction

On motion by Mr. Rattner, 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 – Mr. Rattner reported the National Water Trails signs have been put up and the MWA thanks the Hopatcong Department of Public Works, State Parks and the Morris County Department of Public Works for their employees who installed the signs.

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

Lake Awareness – There was no report.

Lake Management – Mr. Hathaway reported the harvester is in the water. Arrangements were made for disposal with Ag Choice. The tipping fee will be \$11.00 per container for a total of \$330 and the hauling fee will be \$275. They can remove 10 containers and remain within the budget amount. Mr. Hathaway added that it should take care of the water chestnut. He does not think they will be harvesting anything else. The lake is in good condition which is the result of a long-term plan. Mr. Hathaway expressed his opinion that the drawdown significantly impacted the large biomass which is why the lake is now in such good condition. Mr. Hathaway noted he recently saw sailboats on the lake, which is a good sign. He also noted there are many areas in excess of 10 feet deep in the lake, which has never been before. The lake is changing and getting deeper which is a result of the Board's treatment in the lake. Chairman Riley reported he has been on the harvester and the AM 2000 and there is almost no water chestnut left in the lake. They do not have a single dumpster filled. They have cleaned out less than 500 yards. Chairman Riley noted the water chestnut is almost gone from the lake, but there is a lot of water lilies on the lake. Mr. Hathaway cautioned the Board on removing the water lily, adding he has resisted harvesting water lilies in the lake. Mr. Hathaway noted the water lily is mainly along the shoreline. The Board agreed with the LMCA that the LMCA will be responsible for the shoreline and the Board will be responsible for the rest of the lake. Mr. Hathaway recommended not clearing any water lily. They need to leave the habitat for the fish. Chairman Riley stated the harvesting program this year will be very sparse. Mr. Hathaway stated if there is any emergence, they have a treatment plan. Chairman Riley expressed his opinion that one more application of 2 4 D by Solitude Lake Management may eradicate the little water chestnut left in the lake.

Lake Improvement – Mr. Hathaway reported the committee has not done anything yet. He would rather wait until the Board has the money before discussing plans because the difference between \$215,000 and \$300,000 is significant and the amount received will determine the plan. Ms. Maio disagreed with waiting until the Board receives the proceeds from the sale, adding that as soon as the Board receives the money, many vendors and the municipalities will reach out to the Board. It is her opinion that the Board should have a basic plan in place beforehand and changes can be made, if necessary, depending on the amount of the sale. Mr. Hathaway will convene a committee meeting before the next Board meeting to arrive at a basic plan for the money. Mr. Hathaway said he will be suggesting the Board sell everything and get a fresh start with a new harvester, conveyor and a small harvester. The committee will meet and discuss their options.

Chairman Riley stated he asked Mr. Rattner to reach out to the Morris County MUA about getting a better rate for disposal. The rate was better, but their transportation charge is much higher. Mr. Rattner said they suggested the Board speak to Lake Hopatcong because they have a truck purchased by the State and to work out an arrangement to have Lake Hopatcong transport the material. Chairman Riley said it would not work out because they have a dump truck; it is not a roll-off and they will not permit the Board to use our backhoe to compact the weeds. They take the dump truck full of loose weeds to the disposal site, which the Board will not do.

Operating Budget – There was no report.

TREASURER'S REPORT: Mr. Keenan noted the Treasurer's Report was emailed to the Board. The total balance is \$37,465.65. 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: On motion by Mr. Hathaway, seconded by Mr. Wright 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	\$ 500.00
Ellen Horak – reimbursement of expenses (name plate-Mike Balogh)	\$ 21.31
Selective Insurance – insurance installment payment	\$1,880.00

Lake Management Account:

JCP&L – electric at shed	\$ 3.74
Solitude Lake Management- Lake Management Services (07/01)	\$2,249.00
Paxos Electric Co., LLC – on-site electrical work as per invoice	\$ 277.22

Debit/Credit Card:

Netcong Hardware – bolts for harvester (\$4.89 and \$14.32)	\$ 19.21
Amazon – bilge pump for Jon Boat	\$ 28.78

ROLL CALL:

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

Chairman Riley asked for authorization to move forward with the sale of the equipment, based on the discussion with Cliff Lundin and his comments. On motion by Mr. Hathaway, seconded by Ms. Maio and carried by unanimous voice vote, the Board authorized Chairman Riley to move forward with the sale of the equipment provided Cliff Lundin's concern about compliance with the New Jersey State Statute is addressed.

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. Maio, and carried by unanimous voice vote, the meeting was adjourned at 7:40 P.M.

Respectfully submitted,

Ellen Horak, Clerk