

## **Minutes of the Lake Hopatcong Commission March 21, 2011**

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A meeting of the Lake Hopatcong Commission was held on March 21, 2011 at the Hopatcong Senior Center, 32 Lakeside Blvd., Hopatcong, New Jersey. At 7:04 p.m., Chair Felter called the meeting to order and stated that the meeting was being held in accordance with "Open Public Meetings Act."

**Salute to the Flag:** Chair Felter and all those in attendance joined in a salute to the flag.

**Moment of Silence:** Chair Felter asked for a moment of silence for men and women serving in our troops.

**Roll Call:**

Present: Betty Lou DeCroce, David Jarvis, Daniel McCarthy, Kerry Pflugh  
Joel Servoss, Richard Zoschak, Ann Seibert-Pravs, Chairman  
Felter

Absent: Tom Foley, Elizabeth Gantert

Chair Felter indicated Mr. Mitchko is still serving, but will be stepping down. With eight members present at Roll Call, Chair Felter declared a quorum. The Chair recognized Mayor Ondish (of Mount Arlington). Mayor Ondish introduced Ann Seibert-Pravs, newly appointed to serve on the Commission since Mr. O'Connor stepped down. She has been a resident for many years and also served on the Lake Hopatcong Regional Planning Board. The Chair thanked her for volunteering and welcomed her to the Commission.

**Communications**

The Chair recognized Ms. Macalle-Holly who had some items to add to the Communications. She indicated the Commission received a copy of a resolution from Franklin Township in Warren County which was similar to the other resolutions the Commission has received over the past couple months regarding the Water Level Management Plan. She stated the Morris County MUA sent out notice that they will be doing the boat shrink wrap program again this year which can be recycled at Lee's County Park. Copies of the program flier were available for those interested. Mr. Zoschak stated the timeline for the Morris Canal that Mr. Beebe provided was very good.

**Treasurer's Report/Payment of Bills**

In Ms. Gantert's absence, Ms. Macalle-Holly stated the Valley National Bank checking account balance as of January 31, 2011 was \$96,490.18. The Bill List of \$22,576.60 was submitted for approval. Mr. Zoschak made a motion to move the Report and Bill List. Mr. McCarthy seconded. Mr. Zoschak asked how much of the \$96K was the Commission's and how much was for grants. Ms. Macalle-Holly stated this was the Commission's money which is being reimbursed primarily from the I-Boat NJ grant. The Commission received another I-Boat NJ grant reimbursements for approximately \$20K

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that was received after the report. She stated from the DEP MOA, there is only \$10K remaining and a report will have to be submitted to close out the MOA before the end of the fiscal year. There being no further comments, the Chair requested a roll call.

### **ROLL CALL:**

DeCroce	Yes	Servoss	Yes
Jarvis	Yes	Zoschak	Yes
McCarthy	Yes	Pravs	Yes
Pflugh	Yes	Felter	Yes

Motion unanimous.

### **Approval of February 22, 2011 Meeting Minutes**

Ms. DeCroce made a motion to approve the February 22, 2011 Meeting Minutes and Mr. Servoss seconded. There being no comments, the Chair requested a roll call vote.

### **ROLL CALL:**

DeCroce	Yes	Servoss	Yes
Jarvis	Yes	Zoschak	Abstained
McCarthy	Yes	Pravs	Abstained
Pflugh	Yes	Felter	Yes

Motion carried 6-0-2 (two abstentions).

### **Commissioners' Comments**

Mr. Zoschak stated that he saw Morris County DPW on the boulevard and it looked like they were retrofitting catch basins. Mr. Zoschak said he would look into it further. There being no further comments, the Chair moved to the next agenda item.

### **Public Comment**

Chair Felter opened the meeting to public comment with a two minute time limit per speaker.

Barry Marke, former employee of the Commission, stated all the harvesters are apart in Franklin. It will not be like last year because they used up the excessive parts they had. Everything has to be redone and it will take approximately two months to get the equipment ready. The sooner someone can get some money so they can get back to work, the better.

Steve Gebeloff, Lake Hopatcong Alliance (LHA), read a prepared statement which focused on the efforts of the Alliance's participation on the Citizens Advisory Committee for the Lake Hopatcong Water Level Management Plan and the 12 cfs minimum outflow. The LHA feels there is no legal, historical, scientific requirement for the mandatory outflow and DEP has failed to make a compelling argument in its favor. Mr. Gebeloff's prepared statement documented actions taken by the Commission after the public comment on the draft plan in a letter to DEP Commissioner Martin. At the February 22 CAC meeting, he was told the 12 cfs was never up for discussion, the delay in the start of the plan would be cut by half and a new document the Musconetcong River Monitoring Plan was presented which discussed conditions when the minimum outflow could be reduced. They were asked to support changes to the plan without even a chance to read it. The plan confirms the 12 cfs minimum outflow and reduces the maximum lake level recovery to ½ inch which is dependent on the outflow quality from Lake Musconetcong

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to be measured at or above FW2 or trout maintenance conditions. Lake Hopatcong property owners are being asked to maintain the river past the Lake Musconetcong dam at FW2 water quality levels. He provided a quote from the plan defining FW2. His comments focused on the increased demand for water from the lake in light of the Route 54 corridor and scenic river designation. The Water Level Management Plan rejects any water quality issues and it may cause the lake to suffer. The LHA encourages the Commission to adopt a formal resolution expressing the Commission's concerns in its letter.

In response to an inquiry from Mr. Zochak about studies done on the stretch between the two lakes, Dr. Lubnow indicated there has only been basic water quality data collected as part of the TMDL. For Lake Musconetcong 319 grant, PH collected some water quality data entering that lake.

Tim Clancy, representative of the Knee Deep Club (KDC) stated the Club will be stocking trout on April 3 at 10:00 at Dow's on Nolan's Point. The public is invited and encouraged to come. Approximately 2,500 trout primarily between 12" to 14" inches and 200 trophy trout between 3 lbs to 6 lbs will be stocked. In that timeframe, Fish & Wildlife will be doing their pre-season stocking so approximately 5,000 trout will be available for the angling public.

Mr. Cliff Beebe, Beebe Marine, stated the documents he submitted last time stated the Musconetcong dam controls the Musconetcong River and Lake Musconetcong is for storage. He questioned why this is still being addressed. The State should keep after itself to control Lake Musconetcong to keep the water flowing during the drought. Everyone ignores the 13:12-5 Law. There are owners that have the deeds that own the lake. People have confirmed everything he says. He stated he has been in touch with the Governor. So they cannot say they do not know about it and it violates their duty to uphold the U.S. Constitution Article Four and New Jersey Constitution. Help them uphold their rights, keep the lake clean and do not play with the level. Let Musconetcong be used to control the river.

Mr. Kurzman, resident of Lake Hopatcong provided documents relative to the agenda. He discussed an October 2009 letter to Larry Baier from Steven Rattner, Musconetcong Sewage Authority (MSA) Chair, which refers to an issue that may be driving the 12 cfs which seems not to have been up for discussion. He also made reference to the MSA as the underlying theme as the justification to keep outflows from Lake Hopatcong. He hopes the LHC is looking at what is going on downstream because if they are using chemicals that are causing Alzheimer's maybe they shouldn't use those chemicals and expect the Lake to fill in the gaps for this. He also provided the October 2010 Musconetcong River Management Council resolution and references sections of the resolution. Mr. Kurzman suggested the Commission do a resolution stating that the DEP just added those new six pages or whatever else they are trying to change and stand up for Lake Hopatcong's right. He discussed the Counties' sewage plan updates and how it's necessary for the Commission to weigh in on what is happening downstream. He hopes the Commission can also do a resolution to protect Lake Hopatcong.

### Princeton Hydro Report/Grants Update

Dr. Lubnow stated Ms. Macalle-Holly would provide the update on the SFY05 319 grant so he will not address it. For the SFY10 319 grant, the plan for the bioretention basin/rain garden has been submitted to the State Park for review. For the Morris County King Cove project, it is a go. A courtesy copy was submitted to Mr. Kobylarz at Roxbury. Mr. Kobylarz identified a gas line which resulted in PH modifying the position and location of the structure. The Cherry Road stormwater structure size needs to be decreased due to shallow depth to bedrock. PH will reach out to Bob Mancini, DEP grant project manager and copy Ms. Pflugh so DEP knows where that project is going.

Ms. Macalle-Holly stated once a space is located for the stormwater devices there are two issues that have to be dealt with which are bedrock and utilities which has been an issue with the grant projects. Dr. Lubnow stated PH will be doing the second year of the in-lake water quality monitoring for the SFY10 319 grant which will begin in May. For the stormwater monitoring, we are still waiting on the Quality Assurance Protection Plan (QAPP) from DEP. As soon as the QAPP is approved, the stormwater monitoring can begin because it is the time to start that monitoring. Dr. Lubnow will inquire about the QAPP status when he contacts Mr. Mancini. Ms. Macalle-Holly stated she and Dr. Lubnow met with Mr. Mancini back in November when the QAPP was submitted and she explained they wanted to get it approved to start monitoring in March/April. Ms. Pflugh stated the QAPP may be held up due to major reorganizations. She offered to provide assistance if needed.

Dr. Lubnow continued his report. For the EPA Targeted Watershed Grant (TWG), the Commission is waiting to hear from daycare on peat biofilter septic system which required expansion due to changes in the daycare. Depending on whether this project will proceed, or if it does not, the money will be used to do some additional projects within the watershed focusing on stormwater. The budget may need to be readjusted depending on what the outcome is with the septic project based on what the daycare wants to do. The Chair asked if there were any questions. There being none, he thanked Dr. Lubnow for his report.

Mr. McCarthy asked an unrelated question about the lake being covered with ice during the winter and if there were any observations since the ice was gone or to provide an opinion in terms of weeds. Dr. Lubnow stated the longer there is ice and snow-pack, generally the lower the amount of weeds, but it will not eliminate the weeds. The snow-pack is what really helps to reduce algae and plant growth early on. Ms. Macalle-Holly stated she did some observations over the weekend. She did not observe any fresh growth due to the earliness in the season, but there was still Eurasian water milfoil and some tapegrass. Mr. McCarthy stated he noticed a lot of weed growth in areas this year where he has been setting up tip-ups and has to move out further. The Chair recognized Mr. Clancy and he commented as an expert in the ice fishing stating what he saw this year was very disturbing. Areas that he has fished for 3-1/2 decades cannot be fished because the weed growth is so abundant.

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### Old Business

#### Lake Hopatcong Water Level Management Plan

The Chair stated this was on the agenda to discuss any comments about the letter the Commission sent which were provided to Commissioners.

### Sub-Committee

The Chair indicated that at the next meeting he thinks there will be discussion on some changes to sub-committee because of new members.

Mr. McCarthy stated last month he brought up the discussion of the vacant State seat which in June will be vacant for five years. The Chair stated he sent a couple names down for consideration.

### New Business

#### Resolution 11-03 Approving the selection of a contractor to install the treatment device within the Borough of Hopatcong from a NJ DEP SFY05 391(h) grant

The Chair stated the resolution was provided. It was not to exceed \$119,815 to Salmon Bros. Inc. He stated there have been problems in the past, but having dealt with Salmon Bros. previously, they are a very reputable construction company. He believes the Commission will have great success with them. The Chair requested a motion. Mr. Zoschak made the motion and Ms. DeCroce seconded. Mr. Jarvis asked Dr. Lubnow what could cause the 15 percent overage to exceed the \$119K. Dr. Lubnow stated bedrock, but no matter how much pre-work is done until there footprint is dug there can be outcropping of bedrock. Chair Felter stated the Town put some water lines in and a lot of pre-testing was done. When they started putting the lines in, they hit nothing but ledge. Ms. Macalle-Holly stated as she previously communicated that the Commission is trying to get this in by May and we do not want to be in a position where we cannot move forward on a project because the Chair does not have the authority to issue a change order. The project engineers are not anticipating any significant change orders, but you never know. In response to Mr. Jarvis's inquiry, Ms. Macalle-Holly stated the 15% change order was not mentioned to any bidders and he indicated that was fine. The Chair requested a roll call.

#### **ROLL CALL:**

DeCroce	Yes	Servoss	Yes
Jarvis	Yes	Zoschak	Yes
McCarthy	Yes	Pravs	Abstained
Pflugh	Yes	Felter	Yes

Motion carried 6-0-1 (one abstention).

In response to the Chair's inquiry, Ms. Macalle-Holly responded she has to get the contract to legal counsel. Counsel review is the unknown variable although they are trying to get it in before Memorial Day. The pre-construction meeting will be held as soon as the contract is signed.

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### **Public Comment**

Cliff Beebe, Beebe Marine, asked if the public would get to read the Commission's letter to the State. The Chair agreed to have it posted on the Commission website. Mr. Beebe discussed the level of the lake in his 80 years of experience back and forth to Halsey Island. He discussed how the ice freezes, pushes to the shore and when the lake is lowered, the ice pushes out which causes havoc on dock pilings. The thawing of the lake starts at the shore and when it's down 26" the shoreline is out further, the sun is hitting the bottom 8' or 10' further out than they would touch if the lake had been kept full. It is even worse in the 5' foot drawdown. It is better to keep the lake full like Lake George which is a very pure lake. Nature is a powerful thing and will work to get the weeds back in. The only solution is to cut the weeds and dredge it to get the roots out.

John Kurzman, resident of Lake Hopatcong, provided a scheduled of the New Jersey State Police Marine Services Boating Regulation Commission which neglects Lake Hopatcong for a meeting location as they done for many years. He asked about funding because the State has decided not to collect \$15 from saltwater fisherman and only charge freshwater boaters for operator license and freshwater fisherman for fishing licenses. He questioned why some of the money cannot come to freshwater lakes. He hopes the Commission can look into it. He discussed how the Lake Hopatcong Racing Association will be having their races at Greenwood Lake and how they tried to have it at Lake Hopatcong but there was a scheduling conflict at the State Park. He stated this is an important event. He discussed the January 31 meeting voicing concerns about the Water Level Management Plan and that some people put things in writing. He inquired when there would be a response on that. He stated that at the last Citizens' Advisory Committee a new set of ideals was introduced. The ideal when there is not a lot of rainfall, to restrict the outflow is backwards. He has suggested from the start that when there is rain, cut back the outflow.

The Chair asked Commissioners for any further comments. Mr. McCarthy inquired about resurrecting the boat races in Woodport. The Chair stated they were going to move them to Lake Forest, but he was not sure what happened. Ms. Pflugh stated they were at Greenwood Lake Commission meeting last month and it was reported that the races would be held at Greenwood Lake. The Chair stated he believes next year they are looking to have races in May at the State Park and another one in Lake Forest.

Steve Gebeloff, Lake Hopatcong Alliance, stated the problem with the MSA can be alleviated by extending the outflow by a couple hundred yards to pick up the flow from Lubbers' Run. Then they would not need any water from Lake Hopatcong. He inquired if everyone was aware of the Musconetcong River Monitoring plan. The only way there could be deviation from the 12 cfs outflow is if the previous three months rainfall was less than 7 inches. Six monitoring points will be setup and checked for DO and temperature. He referred to June 10, 2009 when the lake was down 30 inches. If this plan was in affect then, at the six monitoring points, four of them would have failed the temperature test which is set at 21° Celsius. During the last CAC meeting they limited the reduction in outflow to a two week period which would amount to a half inch of lake level. He stated it is worthless for the lake. There is a scheme to set up a monitoring plan

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for the Musconetcong River to actually increase the outflow from 12 cfs because they are failing their limits for FW2 water all the time. He discussed other temperature readings for the River on other dates indicating the river is failing FW2 parameters even in April. The Commission has to do something official to alleviate this outflow problem. Ms. Pflugh explained the document Mr. Gebeloff was referring to was a description of how Fish and Wildlife evaluates the streams which citizens and the DEP Commissioner asked to have included in the Lake Hopatcong Water Level Management Plan. There was further discussion on the parameters Fish and Wildlife uses to reduce the outflow from 12 cfs which will be included as an appendix in the Water Level Management Plan.

The Chair requested a motion to adjourn. Ms. DeCroce made the motion and Mr. McCarthy seconded.

Prepared by: Donna Macalle-Holly