

# Minutes of the Lake Hopatcong Commission

## May 16, 2011

---

A meeting of the Lake Hopatcong Commission was held on May 16, 2011 at the Mount Arlington Municipal Building 419 Howard Blvd., Mt. Arlington, New Jersey. At 7:07 p.m., Chair Felter called the meeting to order. Ms. Macalle-Holly 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, Daniel McCarthy, Kerry Pflugh (7:11pm.), Joel Servoss, Edward McCarthy (Morris County Alternate), Ann Seibert-Pravs (7:10pm - Mount Arlington Alternate), Robert Mitchko (Jefferson Alternate), Chairman Felter

Absent: Tom Foley, Elizabeth Gantert, Richard Zoschak

Alternates: Michael Brunson

With six members present at Roll Call, Chair Felter declared a quorum.

**Communications**

The Chair asked for questions or comments. He recognized Ms. Macalle-Holly who added that email about this was sent to the Commissioners, but since it impacts the public she provided an update from Sussex County Engineering on the River Styx Bridge construction project as of May 10. The Chair stated Commissioner Jarvis has stepped down after ten years with the Commission and thanked him for his hard work and dedication asking that a resolution be prepared. He congratulated Bridge Marina on being named the 2010 Marina of the Year by Marina Dock Age Magazine.

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

In Ms. Gantert's absence, Ms. Macalle-Holly stated the Valley National Bank checking account balance as of April 30, 2011 was \$104,256.92. The Bill List of \$7,723.99 was submitted for approval. Ms. DeCroce made a motion to approve the Bill List. Mr. D. McCarthy seconded. There being no comments, the Chair requested a roll call vote.

**ROLL CALL:**

DeCroce	Yes	McCarthy, E.	Yes
McCarthy, D.	Yes	Pravs	Yes
Pflugh	Abstained	Mitchko	Yes
Servoss	Yes	Felter	Yes

Motion carried 7-0-1 (one abstention).

## LHC 5-16-11 Meeting Minutes

---

### Approval of April 18, 2011 Meeting Minutes

Ms. DeCroce made a motion to approve the April 18, 2011 Meeting Minutes and Mr. Mitchko seconded. There being no comments, the Chair requested a roll call vote.

#### **ROLL CALL:**

DeCroce	Yes	McCarthy, E.	Yes
McCarthy, D.	Yes	Pravs	Yes
Pflugh	Yes	Mitchko	Yes
Servoss	Yes	Felter	Yes

Motion unanimous.

### Commissioners' Comments

There being no Commissioners' comments, the Chair moved to the next agenda item.

### Public Comment

Chair Felter opened the meeting to public comment.

Tim Clancy reported on the status of the Water Scouts project for this year. Email response from this weekend was tremendous. More than half the lake is accounted for with last year's Scouts. Based on last year's successful effort, he is confident that if anything is found it will be tiny emerging colonies. This year the start date will be later so if rosettes are found they will be larger and they are still harmless because they do not go to seed until August 1. The start date will be June 17 and due to conflicts during the boating season with other lake events, it has been extended to July 5. The Scouts all know what to do and how to report, photograph, mark and send in their maps. He stated with the good press, the public education aspect of the effort will win the day. It will be an ongoing battle forever as it is showing up in more ponds in lakes in New Jersey. In response to Ms. Pflugh's inquiry about organizing his efforts with DEP, Mr. Clancy stated he was on the taskforce but resigned because it wanted to focus his efforts here and he did not see enough things of substance based on sightings he reported in other areas of the State. He does communicate everything to Pat Rector. He discussed how he would share the Water Scouts model with other lake communities to prevent the spread of water chestnut.

Ron Sorensen, Lake Hopatcong Alliance, stated a press release is being issued sometime this week about the boating festival at Lee's Park from August 18-21, 2011. They hired Cliffhanger Productions, a professional event coordinator to solicit sponsors and bring in rides and vendors. It will be a nice fundraising event hopefully for weed harvesting. The State has sent a clear message that there is not a lot of funding out there and to figure out ways to raise its own funds. Since the Commission cannot raise funds, hopefully the Alliance will be the arm that can. It could be a significant fundraiser, if not the first year, hopefully in years to come once it grows. He stated that they need help and asked the Commission on how to work together to minimize expenses for police, EMS, fire, marine police. He asked if municipal representatives can work with their towns to minimize expenses. Chair Felter stated all stakeholders should be identified, then have a meeting to discuss all the issues including parking, traffic control and everything. The Chair stated he would try to set the date and get representatives. Ms. Macalle-Holly stated it would be helpful if the Alliance prepared a list of their needs prior to the meeting. The Chair

## LHC 5-16-11 Meeting Minutes

---

discussed which departments should be represented and if permits would be needed. Ms Pflugh asked if there could be displays from the Commission and DEP about the lake. Mr. Sorensen stated anything to do with the lake, they want tables displayed there. Ms. Pflugh asked if they could share the program once it is worked out. Mr. Sorensen provided a copy of the press release to the Administrator.

Mr. Beebe, Beebe Marine, discussed the ownership of Lake Hopatcong and distributed paperwork showing that the State at the time of the Morris Canal and Banking Company by deed had about 56 acres of land they owned. The rest of it, about 600 acres, were flowage rights which disappeared after they did away with the canal. This adds up to about 19% of the lake and he questioned who own the other 80% which needs to be addressed. He stated it was agreed that Lake Musconetcong would control the flow of the Musconetcong River, not Lake Hopatcong which is in contradiction to 13:12-5. He discussed how the DEP has their eye on Lake Hopatcong water if there is a drought with 7.5 MGD going down the river into the ocean.

John Kurzman, referenced the April 29 letter to Senator Bucco from Kerry Kirk-Pflugh. He was advised that the Water Level Management Plan was finalized. Chair Felter stated he had a letter from Ms. Pflugh dated May 11, 2011 which will be in the June meeting package. Mr. Kurzman discussed the outflow and almost every year there were periods of time when it was not flowing over the dam and it was less than 12 cfs. The new rules in the plan make it a much worse situation. He stated the dam should be closed before the drought and it is not characterized in the plan which he has recommended from the start. If an inch is let out, in 12 weeks that is 12 inches plus evaporation the level will go down.

Ray Fernandez, Lake Hopatcong Alliance, stated the weed map is in the final review with Princeton Hydro. It has changed to include an instruction booklet to use as a tool for property owners to help address water quality and weed issues on their own. He hopes to get together with the Commission in the future to discuss alternate weed control methods such as hydro-rake project being considered in Bright's Cove and a weevil project for this season. There was further discussion on the weevil project and Princeton Hydro's potential involvement. The Chair stated an email would be sent requesting volunteers from the Commission to meet and then Ms. Macalle-Holly would set a date. Mr. Fernandez thanked the Commission for offering to help with the festival which he believes is the tool that might end up saving the lake long-term.

Ms. Pflugh apologized for not being at last month's meeting due to illness, when she planned to speak about the new fertilizer law. She reviewed the minutes and everything in the minutes is correct, but she said if anyone has questions, she could answer them. She discussed the efforts of the Healthy Lawns, Healthy Water work group which is working on the online certification and registration program that Rutgers is developing which needs to be completed by January 5, 2012 in accordance with the law. The 20% slow release for products does not go into effective until January 5, 2013, but the manufacturing industry is in the process of reformulating their products to comply. She suggested at the festival there could be information on this topic. In response to Ms.

## LHC 5-16-11 Meeting Minutes

---

DeCroce suggestion, Ms. Macalle-Holly stated she already contacted the towns to ask them to put a link to the healthy lawns/healthy water website. Ms. Macalle-Holly clarified that the certification is for commercial applicators not residential. Mr. Fernandez stated the Lake Hopatcong Awareness Project is underway which includes an informational booklet being distributed to all lakefront owners and to marinas hopefully by July 4<sup>th</sup>. The booklet will include a section on environmental issues. They will send to LHC for input before it is finalized. They hope to have marinas put up an informational signs as well.

### **Chairman's Report**

He stated last month the Commission talked about using \$20K to get harvesters ready and the seasonal staff started last Monday. He stated the Treasurer's Report indicated the Commission had about \$100K. To get through June 30 including the Administrator salary, three current seasonal staff and two additional seasonal staff, salary costs would be \$32K. Another \$14K is needed to pay for unemployment for January through June 2011 based on the Administrator's estimate. The Chair stated he did not have a chance to speak with Mr. Calderio to get a report, but he thinks the Commission needs to commit to due harvesting through end of this fiscal year, June 30. At least the Commission can get the harvesters ready to put them in the water. This would leave about \$60K and it is taking a chance, but the Commission needs to be proactive. Ms. Pflugh asked if there is no money and the staff is brought on, what happens when there is no money left and what potential legal problems the Commission might face. The Chair stated that he thinks there will still be money to pay for things, but harvesting is important and should be the focus. The Chair stated there are now three Senators representing the Lake including Senator Pennachio. There was discussion on the Commission's budget submission and funding mechanism that were previously discussed. The Chair clarified that another \$12K would be needed to cover the cost for the current three seasonal staff, the Administrator and two additional seasonal staff beginning on June 1 to work on the harvesters. The Chair requested a motion. Ms. Macalle-Holly clarified that the motion would be to use an additional \$12K for staff salaries through June 30 to allow hiring two more full-time, seasonal employees. Mr. Mitchko made the motion and Mr. D. McCarthy seconded. Mr. D. McCarthy inquired about the cost of parts. The Chair stated he has some people that are willing to put some money into parts for one-time and the town will help move the harvesters. Ms. Macalle-Holly stated there is money left in the I-BOAT grant, but it is a reimbursable grant so money needs to be put out first.

### **ROLL CALL:**

DeCroce	Yes	McCarthy, E.	Yes
McCarthy, D.	Yes	Pravs	Yes
Pflugh	Yes	Mitchko	Yes
Servoss	Yes	Felter	Yes

Motion unanimous.

### **Grants Update**

The Chair asked for the grants update. Ms. Macalle-Holly stated she was at the Crescent Cove Beach Club. The Aqua-Filter is in the ground. They will be pouring the slab on Friday. She extended the Commission's sincere thanks to the Crescent Cove Beach Club because it is going to be tough on their patrons over the Memorial Day weekend, because

## **LHC 5-16-11 Meeting Minutes**

---

the parking lot will not be fully useable, but contractor will minimize how many parking spaces will be taken up at the beach club over the holiday weekend. For the current 319 grant, there was a problem with the Jefferson Township project. Due to the depth-of-bedrock at the proposed grant location, there is not a CAT-certified device that is suitable for that location. She stated she spoke with the new DEP grant project manager about this. The options are to waive the CAT certification or to try to find another site. The design plans are moving forward with the King Cove project. The State Park would try to get the approval from the Parks' Director to finalize the design plan. It has been problematic to get stormwater samples because three dry days are needed before a storm event to take samples. For the EPA TWG, Jefferson Township approved the alternate septic design and went to Daycare for signature. Princeton Hydro upon receipt of the signed application, will forward to DEP for approval. She stated she is looking into getting the \$2,500 DEP permit fee waived. An agreement will need to be done with the daycare to assure that they will pay for their share of the septic expansion and the Commission will pay for the peat system.

### **Old Business**

There was no old business to discuss.

### **Sub-Committee**

There were no sub-committee reports.

### **New Business**

The Chair asked if anyone had any new business. Mr. E. McCarthy asked if progress was made on restructuring the Commission to become an Authority so at some time if a fee structure is imposed, the money would stay here. Ms. Pflugh stated they are not speaking about that in her department, but it may be one of the things on the list for possible funding mechanisms. Ms. Pflugh asked if the Commission was restricted from charging for harvesting. Mr. D. McCarthy quoted from Commission legislation. He stated the Commission previously looked at having the towns develop something and town attorneys said it was a dead end. Mr. D. McCarthy inquired about an the State appointment since June will be the fifth year of the vacancy. The Chair stated hopefully he would have something to report in June on it.

### **Public Comment**

Barbara Loring, resident of Hopatcong, stated she has been coming to these meetings before the Commission and nothing has changed. She stated many homeowners pay to remove the weeds from their property to use the lakefront. She discussed how her real estate taxes are twice what people off the lake pay and gets nothing for it. She had to use a private contractor for weed removal in past summers to do weed removal. She may go to the town to ask for her taxes to be lowered since she cannot use the lake. She had boating problems last summer because of the weeds. She doesn't mind paying a fee if everyone is paying a fee, but does not want a fee that is only for lakefront property owners. She stated the State can't have residents pay for use of the lake, but they can use

## LHC 5-16-11 Meeting Minutes

---

the water for drinking. She paid for a weed rake and may have to pay for having someone put chemicals in the lake or do hydro raking.

Mr. Beebe discussed ownership of the lake and said it is up to the State representatives to bring these disputes back. He is willing to speak with the Governor and Judge Stanton said we have a right to have hearings and discussions because the laws passed are flawed. Having people pay to clean the lake is unconstitutional.

John Kurzman asked about whether a constitutional amendment is needed for the Commission to keep any funds collected and Ms. Pflugh said one would be needed because the Commission is in the State Budget. He discussed a funding scenario of other lakes hiring the Commission equipment to subsidize and pay for upkeep of equipment, but that was before the invasive species concerns, but it came down to how to keep the money. Mr. E. McCarthy discussed how something has to be done. Property owners may be better to pay extra dollars every year to ensure their property values. Mr. Kurzman questioned what users would be charged. Mr. Kurzman stated he appreciates the Commission's leadership to try to do what it can for this year and to try and position itself for the future.

Barbara Loring discussed the \$5 New York fee for every burial for restoration of abandoned cemeteries and how the money collected was raided by every Governor for the general purpose. She would not be opposed to a boating fee if there was a dedicated fund that the State could not raid. Chair Felter stated many on the Commission were ready to move on fees a couple years ago because the former Chair stated that there was nothing to stop it from being raided. There was further discussion about developing a fee that could not be raided. Ms. Pflugh applauded the Alliance for taking on ownership of being the fundraising branch of the lake. She sees a non-for-profit can become the guardian of Lake Hopatcong to do ongoing fundraising. She discussed how national estuary programs have similar non-profit fundraising efforts to supplement federal funding. She sees this as the solutions at least in the immediate future. Ms. Loring discussed how the State will not pay, but still wants the water. The Chair stated the State and Federal government put \$3-\$4M in the lake for water quality. He stated the water quality has been much better than it was ten years ago. To say the government is not putting money into the lake is wrong because of all the grant projects going on. The State said it would not pay for harvesting, but will pay for other projects to improve lake.

Mr. Gebeloff provided information on the milfoil weevil which is considered a native insect to the area. The weevil prefers feeding on Eurasian Water milfoil. In the first year they will purchase 20,000 eggs and larvae which are tied to the plants. The project area is by Liffy Island. Once the milfoil collapses, hopefully native plants will take over area. The second year they are budgeted for an additional 8,000 insects. Hopefully the insect will spread to other areas. He stated they are focusing on areas not harvesting by the Commission. Ms. Macalle-Holly stated when the Commission was formed, there was a decision made not to harvest certain areas and Liffy Island was one of those areas because they want to leave it as a natural area for fish habitat. In response to Mr. D. McCarthy's inquiry, Mr. Gebeloff responded their main predator was sunfish.

## LHC 5-16-11 Meeting Minutes

---

Chair Felter stated there was a student, Taylor, attending the meeting who asked about the date of the harvesting. The Chair stated the harvesters are being repaired and once ready will be put in the lake. If there is money in the State budget, hopefully it can keep going after June. Mr. Beebe suggested getting outside contractors, but the Chair explained there were no funds to pay for it. Mr. E. McCarthy described events in Chester and how much money they made.

The Chair requested a motion to adjourn. Mr. D. McCarthy made the motion and Mr. E. McCarthy seconded.

Prepared by: Donna Macalle-Holly