

Minutes of the Lake Hopatcong Commission

June 20, 2011

A meeting of the Lake Hopatcong Commission was held on June 20, 2011 at the Jefferson Municipal Building, 1033 Weldon Road, Lake Hopatcong, New Jersey. At 7:02 p.m., Chair Felter called the meeting to order. The Chair 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: Elizabeth Gantert, David Jarvis, Daniel McCarthy, Kerry Pflugh (arrived late), Joel Servoss, Ann Seibert-Pravs (Mount Arlington Alternate), Robert Mitchko (Jefferson Alternate), Chairman Felter

Absent: Betty Lou DeCroke, Tom Foley, Richard Zoschak

Alternates: Michael Brunson

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

Communications

There being no questions, the Chair moved to the next agenda item.

Treasurer's Report/Payment of Bills

Ms. Gantert's stated the Valley National Bank checking account balance as of May 31, 2011 was \$95,897.01. The Bill List of \$79,928.93 was submitted for approval. Mr. Mitchko 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:

Gantert	Yes	Pravs	Yes
Jarvis	Yes	Mitchko	Yes
McCarthy	Yes	Felter	Yes
Servoss	Yes		

Motion unanimous.

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Approval of May 16, 2011 Meeting Minutes

Mr. McCarthy made a motion to approve the May 16, 2011 Meeting Minutes and Mr. Mitchko seconded. There being no comments, the Chair requested a roll call vote.

ROLL CALL:

Gantert	Yes	Pravs	Yes
Jarvis	Yes	Mitchko	Yes
McCarthy	Yes	Felter	Yes
Servoss	Yes		

Motion unanimous.

Commissioners' Comments

Mr. Jarvis suggested putting a funding committee back together to revisit some of the ideals previously suggested. The Chair stated he was going to discuss that in his report. A sub-committee should be put together again. Mr. Jarvis stated he has been doing some research for asset tracking software. The Chair discussed the harvesters, the repairs that were ongoing and stated four harvesters will be in the water by the end of the months. Mr. Jarvis inquired if the Commission's transport barge could be used for the Lake Hopatcong Alliance hydro-raking project. The Chair stated the transport barges have been sitting outside for three years. Mr. McCarthy stated the barges need maintenance. The Chair stated if someone wanted to look at the barges that could be discussed.

Mr. McCarthy stated it has crossed the five year mark with the State vacancy. The Chair stated he would follow-up. Mr. McCarthy stated the least the State could do is to send someone to be on the Commission.

The Chair stated he added another part to the agenda of people giving us money. He introduced Justin McCarthy who discussed his save the lake campaign which he started two years ago. It is a donation program for the weed harvesters and he described how he raised the money. He stated he thinks he raised \$250-\$300 over the years. The Chair and Commissioners thanked him.

Public Comment

Chair Felter opened the meeting to public comment and stated there was a two minute limit per speaker.

Keith Kesheneff, 57 Yacht Club Drive, asked about volunteers operating the harvesters. The Chair stated he was advised by the Attorney General for the Commission that it could not be done and it went no where. He discussed the waterskiing law on the lake and the restricted areas especially in Woodport Cove. He stated the State Police advised him that they did not have the manpower to enforce it. He asked if the Commission could get some signage to educate people on it. It is an accident waiting to happen on the weekends.

Mr. McCarthy inquired about police patrol on the lake. Ms. Macalle-Holly stated when she spoke with a trooper this year, she was advised that they are manning the lake the same as last year. Morris County is not patrolling with the State Police this year. Ms.

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Macalle-Holly stated she would check with State Police on enforcement of waterskiing restrictions.

Cliff Beebe, Beebe Marina, stated he has been preaching about keeping the water high and not playing with the dam. He asked if the Commission approved the Water Level Management Plan and was advised that a letter was sent in February and was posted on the Commission website. The Chair read into the record a letter from Ms. Pflugh of NJ DEP about the water level management plan stating the plan has been approved by the Commissioner confirming the 12 cfs lake outflow appropriately balances the need of the lake and downstream communities. [A copy of the letter is on file.] Mr. Beebe stated with all the input, Trenton ignores the people. He stated the Commission doesn't use all of its authority as its states in its charter. He stated he wrote a letter to Commissioner Bob Martin and has a call into him to request a meeting.

Charles Morel, 37 Mohawk Trail, wanted to officially be on record that he is north of the two islands in the Woodport area. The entire cove there is completely full of weeds and there is a green scum on it. He discussed how he could not use his boats because the weeds and scum clogs the motor and shuts down his pontoon boat. He discussed how he spends \$2,000 to store and get his two boats ready and he cannot use one boat. He does not have an objection to users' fees if they were dedicated. He suggested the municipalities could collect a fee through the marinas and donate to the Commission. The Chair stated there is an issue because the towns cannot collect a fee for a State lake. The Commission does not have legislation to collect fees and as of now no Senators will sign on for fees because they see it as another tax. The Chair stated he has spoken to many people who say that as long as the money stays here they do not have an objection to the fee. Mr. Morel stated he does not think a fee is as closed an issue with the average boater as it was initially. The Chair stated the Commission has to find some sort of funding and he thinks the Commission is prepared to do that. Mr. Jarvis stated donations can go to the Commission. The Chair stated perhaps the Alliance or another non-profit could take donations and funnel it to the Commission.

Ron Sorensen, Lake Hopatcong Marine, stated that cove is horrible and harvesting is needed badly. He stated the Alliance tried to do a fundraiser with the boating festival to raise money for weed harvesting. Ms. Macalle-Holly stated that the Commission did, as we agreed to at the last meeting, setup a meeting with 19 representatives from the municipalities, Alliance, State Police and County Park. Mr. Sorensen stated the meeting was to discuss helping the Alliance divert costs for police, fire, EMS and Marine Police to make more money for harvesting. He stated the former LHC Chair does not want the event to be successful. Chair Felter stated the former Chair was also Mount Arlington Mayor and that the Borough's Council President made it clear there were some issues. Mount Arlington voted 5 to 1 against allowing the festival to take place in Mount Arlington. Mr. Sorensen said he is passionate about the lake and will do anything to help, but he is frustrated to the point where he gives up. Mr. Sorensen stated that Chair Felter and the Commission were supportive. He asked the Commission to give him a call and let him know when he can help.

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John Kurzman stated it was tragedy not having the festival and the things Mr. Sorensen and others are trying to do to help and are told no. He questioned whether Roxbury has a say when events are held at the State Park. The Chair stated the issue is that the County has control over what happens at their park. The problem was that the Alliance would have had to use other areas for shuttle buses, parking and traffic issues. Mr. Kurzman discussed the waterskiing restrictions in Woodport Cove which are north if a line was drawn from what was formerly Smitty's across to Mason Street.

Tim Clancy, resident of Lake Hopatcong and speaking as a private lakefront homeowner, stated everyone he speaks with would be agreeable to a user fee to help fund the Commission. He discussed his initiative in speaking with several marinas and unanimously they would take the cost, absorb it and pass on to their customers next year. There is a revenue stream available. Other marinas stated they would not charge, but just pay \$25 a boat for every one of their slips. He stated he would agree with Mr. Morel and that area is as bad as he has ever seen and there are other areas of the lake that are being terribly impacted. He discussed boating stickers on a volunteer basis and the unanimous support the concept has received due to the gravity of the situation. He stated it could be setup for next year.

Chairman's Report

The Chair stated a June 7th a meeting was held with Alliance representative to discuss alternate weed control projects. They are hydro-raking in Bright's Cove and a weevil project near Liffy Island. He stated that those are viable projects and looks forward to working with Alliance on them.

The Chair confirmed the Commission balance with Ms. Gantert indicated it was \$95K. There was discussion on how the grants are reimbursed and Commission funds available. The Chair stated if harvesting is done in July, it will cost \$30,700 for three pay periods in July so there is money to do the harvesting to try to make the lake passable. Ms. Pflugh asked how long the money will last if nothing else comes in and what is the Commission's responsibility for insurance and unemployment. Ms. Macalle-Holly stated approximately \$14K is owed for unemployment through March 31, but the Commission has not received any bills from the State for unemployment. The Chair stated the existing funds would not last much longer. Ms. Pflugh stated there should be a budget for remaining funds so the Commission knows exactly how long it will last. Ms. Macalle-Holly reviewed the salary estimates for July and provided cost estimates for insurance and workers' compensation. The Chair stated that Jefferson could pay for the fuel for July. There was discussion on maintenance cost and how much was remaining for reimbursement from the I Boat NJ grant. Ms. Pflugh stated that the decision the Commission is making tonight if the Commission spends this money for one month of harvesting and no other money comes in other than the grant reimbursement, it will be shutting down the Commission. She stated it is a big decision to make. The Chair stated at least the Commission could do harvesting for one month. Next month the Commission can start on alternative funding to get a plan working. Mr. Mitchko stated the Commission needs to start doing something now. The Chair stated the Commission would go to the towns to run the trucks if needed. Ms. Pflugh inquired about

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Commission's legal obligation and whether Commissioners would be held personally liable. Mr. McCarthy suggested conditionally approving this subject to Counsel's recommendation. Ms. Macalle-Holly confirmed the motion being voted on was whether the Commission wanted to keep employees on through end of July conditionally based on personal responsibility to the Commission. Ms. Pflugh stated she would like a legal answer. Mr. McCarthy inquired if the Commission was voting on the \$30,700 figure for three pay periods in July. Mr. McCarthy made the motion and Mr. Mitchko seconded

ROLL CALL:

Gantert	Yes	Pravs	Yes
Jarvis	Abstained	Mitchko	Yes
McCarthy	Yes	Felter	Yes
Servoss	Yes	Pflugh	Abstained

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

Princeton Hydro Report/Grants Update

Dr. Fred Lubnow reported that the second Aqua-Filter has been installed and the paving and stripping has been done so the project is complete. For SFY10 319, Princeton Hydro (PH) engineer is doing a redesign on the basin for Cherry Lane because they needed a shallower basin. They received confirmation from DEP to move forward with redesign. PH is waiting to hear back from Morris County on the Roxbury project and the State Park on the biofiltration project. PH collected one storm event for the structures. PH initiated monitoring last month in the lake. He stated that he will be joining Ms. Macalle-Holly and Chris from PH to do the lake monitoring tomorrow.

Ms. Macalle-Holly reported that for the EPA TWG grant for the alternate septic project, the Commission learned the DEP would not waive the permit fee for the project because there was nothing in their regulations to allow a waiver for any organizations including "in but not of DEP" groups. She is no longer confident that the project will be in the ground before the grant expiration in November because the project has to go out to bid and the contractor needs to be certified to install the technology. If the contractor is not certified they will have to go through a certification process. As a result she will have to ask the EPA for another grant extension.

Ms. Macalle-Holly stated she asked the DEP grant project manager, if the Commission should extend the SFY05 319 grant to look for other small-scale projects with remaining grant funds because the project costs less than anticipated because of the different site or hopefully DEP will allow the Commission to transfer the remaining funds into the current fiscal year grant. She and Dr. Lubnow do not anticipate that the DEP will allow the Commission to transfer the funds.

Ms. Macalle-Holly asked Dr. Lubnow to address the weed growth relative to other lakes in northern New Jersey. Dr. Lubnow stated for northern NJ, NY and PA, PH has been seeing a high amount of both weed and algae growth. He stated it was a heavy winter and a lot of rain which washes in nutrients and sediments into water bodies. In early summer, there were some dry, hot conditions and during that hot spell there was a triggering of blooms and high growth of aquatic plants. There was an inquiry from the

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audience about water quality checks and Dr. Lubnow described the monitoring plan which focuses on phosphorus because that is the nutrients that stimulate plant and algae growth.

Chair Felter noted that Mr. McCarthy had to leave and Mr. Brunson would cover. Mr. Brunson inquired about Ms. Macalle-Holly staying on to take care of the grants. The Chair stated her salary is paid for through a grant. Ms. Macalle-Holly stated money for her salary is included in the 319 grant through December 30, but can only request reimbursement every three months. Ms. Pflugh stated either the responsibility would be assigned to someone to continue to manage the grants or the contract would be closed out. For Greenwood Lake, the 319 grants are managed by the Town of West Milford. If the Commission cannot implement the restoration plan for Lake Hopatcong, then the towns would have to do it.

Dr. Lubnow responded to inquiries from the public about the phosphorous load in the lake which led to a discussion on dredging.

Old Business

There was no old business to discuss.

Sub-Committee

The Chair stated if anyone wanted to be on the Funding Committee, to email Ms. Macalle-Holly.

Ms. Macalle-Holly clarified that for the staffing the employees were Michael Calderio (Foreman), Barry Marke, Curtis Mulch and Stephen Douglas Howe and herself are five current employees. The \$30,700 amount is based on existing staff.

New Business

There was no new business to discuss.

Public Comment

Cliff Beebe discussed the weeds and phosphorus problem in the lake. Dredging is the answer because the enemy of any lake is shallowness as they age and dry up. He stated the 12 cfs or 7.5 MGD is a lot of water and how the lake has to supply water to the river which begins down below in Lake Musconetcong. In July and August with the 7.5 MGD going out, the lake will drop and the weeds will grow better with the shallow water. It is not being managed properly. Ms. Pflugh responded that DEP Commissioner received Mr. Beebe's letter.

Mr. Kurzman referred to a Daily Record article that the DEP told the Commission that they had to find strategies for raising their own funds because the State cannot continue to do this. He stated there is a law which says specifically that the Commission would prepare an annual budget for submission to the DEP and then to the legislature and

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Governor for approval. They just cannot say they are not going to give the Commission money. He referenced a letter he sent to the Commission about changes to the Lake Management Plan after the public meeting and after the letter with the Commission's concerns. There were 10 pages added to the plan with mutually exclusive requirements regarding monitoring. He stated the DEP could have done what he asked for now that there are sensors to release less than 12 cfs during the winter to prepare for a drought. Ms. Pflugh stated there were comments and concerns raised during the public meeting and they were address and discussed with the Citizens Advisory Committee before the plan was finalized. Mr. Kurzman stated CAC representatives from the lake were against those changes and they did not respond to the questions he and others raised. He hopes the Commission could have a comment about the new plan.

Fred Steinbaum, resident of Hopatcong, inquired if arrangements were made to dispose of the floating lake debris as was done last year due to dock damage. He discussed what was done last year to have surrounding Mayors and marinas accept floating debris. Ms. Macalle-Holly indicated arrangements were not made for this year because she was unaware that floating debris was an issue. Mr. Steinbaum stated there is enough debris out there for it to be dangerous. The Chair agreed to have an email sent to the other Mayors to inquire if dumpster could be available again.

Mr. Clancy asked to be contacted by the Chair if funding materializes and he agreed.

The Chair requested a motion to adjourn. Mr. Brunson made the motion and Mr. Servoss seconded. Meeting adjourned at 8:45.

Prepared by: Donna Macalle-Holly