

## **Minutes of the Lake Hopatcong Commission August 15, 2011**

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A meeting of the Lake Hopatcong Commission was held on August 15, 2011 at the Jefferson Municipal Building, 1033 Weldon Road, Lake Hopatcong, New Jersey. At 7:04 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: David Jarvis, Daniel McCarthy, Kerry Pflugh, Joel Servoss, Richard Keir (Roxbury Alternate), Robert Mitchko, Chairman Felter

Absent: Betty Lou DeCroce, Elizabeth Gantert, Anne Pravs, Richard Zoschak

Alternates: Michael Brunson

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

**Communications**

The Chair recognized the Administrator for an announcement. On Saturday, August 20, Lake Musconetcong is having a water chestnut handling pulling and is looking for volunteers. Details were provided and flyers were available. Mr. McCarthy stated he was hopeful someone could attend the Northwood Community Association meeting although he was unable to. No one was able to attend the meeting and the Chair asked to inquire if they have another meeting that someone can attend. In response to Mr. McCarthy's questions regarding the OPRA request regarding Robert Hamann v. Township of Jefferson, the Chair indicated the Commission is not named and it has to do with drainage issues on Castle Rock. Ms. Macalle-Holly stated the Commission project dealt with water quality and the project did not do anything to existing drainage.

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

In Ms. Gantert's absence, Ms. Macalle-Holly provided the report. She stated the Valley National Bank checking account balance as of July 31, 2011 was \$34,347.80. The Revised Bill List of \$12,131.23 was submitted for approval. Mr. Mitchko made a motion to approve the Bill List. Mr. Servoss seconded. There being no comments, the Chair requested a roll call vote.

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### **ROLL CALL:**

Jarvis	Yes	Keir	Yes
McCarthy	Yes	Mitchko	Yes
Pflugh	Yes	Felter	Yes
Servoss	Yes		

Motion unanimous.

### **Approval of Meeting Minutes**

Mr. Mitchko made a motion to approve the July 25, 2011 minutes and Mr. McCarthy seconded. There being no comments, the Chair requested a roll call.

Jarvis	Yes	Keir	Yes
McCarthy	Yes	Mitchko	Yes
Pflugh	Yes	Felter	Yes
Servoss	Yes		

Motion unanimous.

### **Commissioners' Comments**

In response to an inquiry, the Chair indicated he would report on the transition during his report. There being no other comments or questions, the Chair moved to the next item.

### **Public Comment**

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

Ms. Macalle-Holly confirmed she distributed to the Commissioners present the three different documents Mr. Beebe provided. Mr. Beebe discussed the 1949 decision about someone wanting to fill in the around the bridge by Bridge Marina and the State said to go ahead and do it since they own the bottom of the lake. He discussed the decision made regarding the grist mills downstream and how much water would be allowed through. The other agreement for the Morris Canal and Banking Company was made when they created the Musconetcong dam which was to control the waters in the Musconetcong River and not Lake Hopatcong. He said the building of the fountain to release 7.5MGD was a court error. He stated there are a lot of things to be challenged. The Chair stated Mr. Beebe has the legal right to do that. This Commission and the State have already issued their opinions on the lake water level and the State has the right to set it. The Chair stated as far as the Commission is concerned that is the law and it is the way it stands.

John Kurzman, resident of Lake Hopatcong, discussed the pluses and minuses of the workers now being employed by the DEP. He was concerned that current and prior DEP representatives have made it clear that the DEP does not believe that harvesting is an effective use of their money because the DEP wanted to fund stormwater drain and other permanent projects. He wants agreements to be in place so harvesting will continue and is there a commitment. He is nervous as to where the equipment will go. He hopes the LHC maintains control of the equipment. The Chair stated the DEP Commissioner has committed to allow weed harvesting beyond this year and the equipment is still with the LHC until at some other time there is discussion.

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### **Chairman's Report**

The Chair stated as of today, 402 tons have been harvested with three harvesters. He stated in speaking with the Foreman today, the equipment is holding up and is being repaired as necessary to continue harvesting. He stated it looks like harvesting will continue until mid-September and the harvesters will be removed and brought back to Franklin. In response to Mr. Brunson's inquiry, the Chair stated the Roxbury facility was not big enough. The harvesters with the trailers were too long. There was a comment from a member of the public about the scheduling of the harvesting and that they have not been by the west shore. The Chair stated the Foreman had assured him that the harvesters have been everywhere at least once, but he would check with him. There was further discussion on what equipment could fit in the Franklin building. The Chair discussed the renovations scheduled for the Franklin Building. The Chair stated for the next meeting he would have a report on what is going to be done with the equipment. He would like to discuss what the long-term use of some of this equipment is.

### **Grants Update**

Ms. Macalle-Holly stated she distributed the mid-year water quality report from Princeton Hydro (PH) for the Commissioners' review. Dr. Lubnow is on vacation and will review the report at the September meeting. The report was provided to the DEP grants project manager.

She reported that on August 1 she met with Terry Romagna, the new DEP grants project manager and Mary Paist-Goldman, PH engineer and two other DEP engineers. The purpose of the meeting was to visit the locations for the SFY10 319 grant at Hopatcong State Park, Jefferson Township and near King Cove in Roxbury for the Morris County Project. She stated, as she previously reported, due to the depth-to-bedrock issue at the Jefferson site, a manufactured treatment device can not be identified so PH is suggesting that they pre-cast a device. The Jefferson site was selected because the Suntree Baffle Box that was installed near this site as part of the EPA TWG, gets a lot of leaf and organic matter which fills the device up quickly and requires regular cleaning. The other alternative PH is considering is a trash rack to collect some of the leaf matter. PH Engineer is looking into getting costs on the trash rack prior to discussing the alternative with Jeff Elam at Jefferson. Regarding the rain garden project at the State, Park, she reported that the Commission received the signed soil erosion permit application from Parks and Forestry. PH will be sending the application to the county. The rain garden project is moving forwarding

She stated the Commission received reimbursement from the SFY05 319 grant so Salmon Bros. was paid for the Crescent Cove project they completed in June.

### **Old Business**

There was no old business to discuss.

### **Sub-Committee**

There were no sub-committee reports.

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### New Business

#### Pollution Insurance

Ms. Macalle-Holly stated she distributed documents from Fairview Insurance for the pollution insurance quotes. Quotes were provided from two companies including the renewal quote from Chartis of \$6,380 and from Allied World Assurance for \$6,675. A third application was submitted to Philadelphia Insurance and they declined to quote since their premium was higher than that from our current firm. The insurance renews the end of the month and a motion would be needed to authorize to renew the insurance policy for one year if the Commissioners choose to do so. Ms. Macalle-Holly stated Commissioner Pravs is available by phone if needed. The Commission does not want to have a lapse in the coverage. Ms. Macalle-Holly stated if the commission enters into the policy the insurance is for the full year and if cancelled there is no pro-rated reimbursement. The Chair stated there has been some discussion as to whether the State will carry insurance, but the Chair stated the Commission should go ahead with this. Ms. Pflugh stated the Commission is in the unknown area right now. Because the Commission is “in but no of DEP” and can sue and be sued, the Commission should consider this a business decision. Mr. Brunson inquired if this would cover State employees operating the Commission’s equipment. Ms. Macalle-Holly stated she did not ask the insurance carrier this question. The Chair recommended the Commission take a vote to authorize the Chair to renew the policy and they will ask the question about covering non-employees. Ms. Macalle-Holly clarified that if the policy would not cover non-employees then there would be no sense to renew the insurance. She stated as long as the policy will cover non-Commission employees operating the Commission’s equipment then the policy will be renewed. Mr. McCarthy asked to inquire if this would impact other insurance policies. The Chair stated that the motion would be to authorize the Chair to sign the policy and if it is a problem he will get back to the Commission. Ms. Pflugh made the motion and Mr. McCarthy seconded. Ms. Macalle-Holly stated this is reimbursable through the I-Boat NJ grant. Commissioner Jarvis recused himself.

#### **ROLL CALL:**

Jarvis		Keir	Yes
McCarthy	Yes	Mitchko	Yes
Pflugh	Yes	Felter	Yes
Servoss	Yes		

Motion carried.

#### **Public Comment**

Fred Steinbaum, Hopatcong resident, requested that the money be included in the budget for next spring/summer to allow for dumpsters to be around the lake to help clean up floating debris. The Chair stated the Commission would keep it under advisement.

John Kurzman stated its terrific the lake level is at 9.5’ today. The 6 inches of rain raised the lake 9 inches. Normally its two-to-one, but some has gone over the dam already. He thinks a lot of his concerns that were raised in the past, when there is a dry season, still pertain. He stated a suggestion he made that is in the plan when the lake is below 9.25’

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and above 9', since 12 cfs goes over the dam, the gates are closed. The lake stayed higher longer and saved about 9/10" per week. He discussed other inexpensive options to consider for a building.

Cliff Beebe stated he has been watching the water level before the gift of rain that came. The lake was dropping fast at 7.5MGD. If the rain didn't come, the level would be in trouble and he cannot operate when the water is too low. Too much water is let out of the lake and there is not much use for it downstream. No one can guarantee when the rains are coming to fill the lake up.

The Chair requested a motion to adjourn. At 7:40 Ms. Pflugh made the motion and Mr. McCarthy seconded.

Prepared by: Donna Macalle-Holly