

Minutes of the Lake Hopatcong Commission September 19, 2011

A meeting of the Lake Hopatcong Commission was held on September 19, 2011 at the Roxbury Municipal Building, 1715 Route 45, Ledgewood, New Jersey. At 7:03 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: Betty Lou DeCroce, Daniel McCarthy, Kerry Pflugh, Anne Pravs, Joel Servoss, Robert Mitchko, Chairman Felter

Absent: David Jarvis, Elizabeth Gantert, Richard Zoschak

Alternates: Michael Brunson

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

Communications

There being no comment on communications, the Chair moved to the next agenda item.

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 August 29, 2011 was \$54,523.97. The Revised Bill List of \$14,546.86 was submitted for approval. Ms. DeCroce made a motion to approve and Mr. Servoss seconded. The Chair requested a roll call vote.

ROLL CALL:

DeCroce	Yes	Pravs	Yes
McCarthy	Yes	Servoss	Yes
Mitchko	Yes	Felter	Yes
Pflugh	Yes		

Motion unanimous.

Approval of Meeting Minutes

Mr. Mitchko made a motion to approve the August 19, 2011 minutes and Mr. Servoss seconded. There being no comments, the Chair requested a roll call.

9-19-11 Meeting Minutes

ROLL CALL:

DeCroce	Abstained	Pravs	Yes
McCarthy	Yes	Servoss	Yes
Mitchko	Yes	Felter	Yes
Pflugh	Yes		

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

Commissioners' Comments

Mr. Servoss inquired about the no-wake restrictions and discussed how people knew when the no-wake restriction was lifted.

Ms. DeCroce distributed a document for the six month audit. She read from a document prepared by Robert Bartolone, Office of Auditing. [A copy of the document is available on file.] Ms. DeCroce stated the auditor felt satisfied that the expenses through the year were accounted for. An audit for the last three years will be done. The Chair thanked Ms. DeCroce for getting this done.

Public Comment

Chair Felter opened the meeting to public comment.

Sam Hoagland, resident of Hopatcong, stated he was glad they started on Thursday, but wished they started on Tuesday to lower the lake. He described what needed to be done in his boathouse and how it avoided being flooded by an inch or two. He discussed his frustration with the wake boats and the damage they caused when the water is high. He also stated boats race around at night with no lights. He stated boaters know when the patrols are not on the lake. He would like to see the no-wake restriction to be lower than where it is now.

Cliff Beebe, Beebe Marina, stated he objected to the water level management plan which is in violation of his property rights. To be in compliance with the law, they are to keep the lake within the operating range. When the lake was above the high water mark, they failed to open the four gates to release water into the river. It's the State's duty to drain Lake Musconetcong and take up the slack of water that should have been let out of Lake Hopatcong. Many businesses and homes had destruction because of the high water level, but he escaped it by two inches because he works by the 10.32 feet of the high water level of the lake.

Tim Meredith, resident of Lake Hopatcong, stated it was his first time to a meeting. He has a boathouse and house on the lake and because of the storms he suffered damage. He asked a series of questions about the lake level and questioned who makes the decision to lower the lake. He was advised that the State Park was already looking into lowering the lake when the Commission Chair made the request to lower the lake prior to Hurricane Irene. Ms. Macalle-Holly reviewed how the State Park lowered the water approximately three to four inches prior to the storm and before the mandatory State Park closure. Mr. Meredith stated on Friday all four gates were opened but on Saturday three of the four gates were closed. Ms. Pflugh stated the State looked at the weather prediction and the water level of the river below the dam and to lower the lake to get the

9-19-11 Meeting Minutes

river to just below flood stage. There was an order to evacuate all State Parks and the gates had to be closed before staff left the park. She stated mostly likely the river had nearly reached flood stage when they were releasing the water. He questioned why with the media hype of Irene the decision was not made prior to Thursday. He stated he was thankful they opened the gates to begin with, but it should have been done sooner. Ms. Pflugh stated when the State was fairly certain of the tracking of the storm and knew about how much rain was anticipated, the Governor issued a state of emergency and Governor took charge of direction for the State because there would be an unusual amount of rain in New Jersey that would cause wide-spread, historic flooding. Mr. Meredith stated the water rises faster now than it did ten years ago because of development. The damage to his property occurred during the second storm. Chairman Felter stated according to a Star Ledger article, in 3-1/2 weeks, there was 23 inches of rain and some people measured 27 inches of rain on Lake Hopatcong. The Chair discussed this flooding compared to the flood of 2000 and provided details of what occurred during all the floods. He stated there was a lot more damage in Jefferson caused by Lee. In response to Mr. Meredith's inquiry, Ms. Macalle-Holly stated the lake reached 10.49 after Irene and 10.7 after Lee came through. In 2000, the lake went to 11.6 or 11.8 during that flood. He discussed how boats going faster than 5 mph caused damage when the water level is high. He stated that the State Police are under enormous pressure and constraints and are not monitoring the lake as they used to. The few that don't abide by the law, cause havoc for everyone else. Mr. McCarthy explained how the State Police should be contacted to report occurrences because the Police respond to hot spots around the lake and will show up if they get calls. Mr. Brunson stated you should specifically ask to speak to Newark Bay and to tell them to document the call. And the State Police may be on the lake more because of complaints being made. Mr. Meredith stated that since the lake is not going to be monitored as it has been in the past than the lowering of the lake because even more vital. Mr. McCarthy made reference to the scores of meeting when people asked why so much water was being let out. Mr. Brunson stated the Commission does not control the lowering of the lake at all. The Commission can make a recommendation, but it does not control the level. Mr. Meredith continued to ask questions about the lake lowering and how the State makes its decision. He stated if the lake was brought down six more inches before the storms, it may have been better for downstream. There was discussion on the impact of flooding downstream.

Chairman's Report

The Chair stated that harvesting was done and the equipment is being moved back to Franklin. He stated there was a pre-construction meeting on Friday and work started on the Franklin Building. When it is finished, all equipment will fit in the building except for the two small harvesters and one of the transport barges. He is hoping to find room for the remaining equipment at the Saffon Building owned by the Morris County Park Commission on Weldon Road. In response to an inquiry, he said they could check to see if the small harvester can fit in the one location in Roxbury. The construction at Franklin Building should be done in sixty days. The Chair stated there are positive plans for next year, but there are some personnel issues that need to be discussed. There is progress being made and will address insurance needs, machinery and maintenance. He stated the DEP has been extremely cooperative and hopefully next month he will be able to report

9-19-11 Meeting Minutes

further. The Chair stated once everything is settled with harvesting operation then the Commission needs to redefine itself to meet its mission.

Princeton Hydro Report

Dr. Lubnow stated last month he provided a mid-year report on the water quality which focused on data from May through July. He stated during this period, water clarity was pretty good and slightly better than in past years. In May, throughout the whole lake, the phosphorus concentration was in compliance with TMDL. In June phosphorous was generally in compliance except for the two canal stations. A year-end report will be submitted when all data is collected and completed.

Dr. Lubnow reported that for the SFY05 319 grant, the last project was installed in June. For that project, a second Aqua-Filter was installed at the Crescent Cove beach club. He stated PH will compile the information to submit the final grant report. Ms. Macalle-Holly responded that the DEP grant project manager advised the Commission that since there were funds remaining in this grant, the Commission needs to file for a no-cost time extension (NCTE) because the funds cannot be transferred from that grant to the current 319 grant. The plan is to try to install some small scale retrofits along Yacht Club Drive in Lake Forest where another stormwater device is installed. The NCTE request for another year until August 2012 was submitted to DEP. The Chair stated Jefferson may need to discuss East Shore project because heavy rain causes the pipe to back up.

For SFY10 319 grant project, Dr. Lubnow stated he reminded the PH engineer to provide the Commission with the trash rack specs as well as the Filterra information.

For the EPA TWG, the alternate septic system project, PH received comments from DEP and the Soil Conservation District last week and they are addressing those.

He stated he is hoping to have their management plan submitted to the Lake Hopatcong Alliance before the end of October. Ms. Macalle-Holly inquired about what type of management plan. Dr. Lubnow stated it was for the aquatic plant survey and site specific recommendations.

Dr. Lubnow also reported on the septic sampling done for the 604b grant at Lake Shawnee. Ms. Macalle-Holly clarified that this grant was not a Commission grant, but a grant through Jefferson Township.

Ms. Pflugh discussed how the stormwater structures should be cleaned of debris prior to any significant storms to avoid flooding. Dr. Lubnow stated it is identified in the management plan that the devices need to be inspected routinely and during unusually large storm events an inspection should also be done.

Ms. Macalle-Holly stated the Commission and State Park had some calls after the flooding inquiring about the water quality. She asked Dr. Lubnow to discuss how the lake monitoring Princeton Hydro does differs from the monitoring needed for recreational purposes. He stated PH monitors based on the restoration plan for the Lake

9-19-11 Meeting Minutes

and the priority pollutant of concern recognized by NJ DEP and US EPA is total phosphorus which stimulates algae and plant growth. The second pollutant is Total Suspended Solids or dirt in the water. The majority of the monitoring done focuses on nutrients, suspended solids, algal and plant growth. When there is a huge storm event there are other pollutants to be aware of such as petroleum hydro carbons, fecal coli form, e-coli that can negatively impact the water quality and can affect human health. This is why beach areas are required to monitor for those bacterial parameters. Mr. Servoss asked about monitoring of beaches and if after a storm are the beaches monitored. Ms. Pflugh stated the Health Departments are responsible for monitoring the beaches during the bathing season through weekly tests. Mr. McCarthy inquired about grant funding available for monitoring and Dr. Lubnow responded that grant funds available are for implementation projects. One might be able to work with a university or college students for monitoring. Ms. Pflugh stated the Danielle Donkerslooth is the DEP Coordinator for the Volunteer Monitoring program and the Musconetcong Watershed has a volunteer monitoring program. There was discussion on what type of monitoring the Commission staff was trained to do.

Old Business

There was no old business to discuss.

Sub-Committee

There were no sub-committee reports.

New Business

There was no new business to discuss.

Public Comment

Mr. Cliff Beebe discussed the lake's fluctuating level over the decades. Operating the lakes spillway at Hopatcong and Musconetcong is a very skillful workout and is a lot of responsibility. Lake Musconetcong should have been lowered to pick up the slack of Lake Hopatcong. Under the agreement of 1845, the State is in charge of the flow of the water down the Musconetcong River, not Lake Hopatcong because the lake should remain full at all times subject only to the elements.

Sam Hoagland, resident of Hopatcong, inquired about who is in charge of the boating regulation for the lake. He is having a problem with the wake boats that are causing such damage and wants regulation headed towards them to prevent damage during high water levels. Ms. Macalle-Holly stated the Boating Regulation Commission's schedule is available on the Internet and they meet about six times a year typically in South Jersey. Ms. Macalle-Holly stated she would send him the website.

John Yingling, resident of Hopatcong, wanted to better understand the stormwater management plan and if there is an inventory of all the stormwater discharges into the lake. Dr. Lubnow stated there is a considerable amount of data. As part of the restoration plan there is a prioritized list of locations and projects for stormwater

9-19-11 Meeting Minutes

management which focused on nutrient removal. He was advised that the list is available in the restoration plan which is on the website.

Chair Felter introduced Mark Fish. He should be appointed as Jefferson new representative and will be appointed this Wednesday.

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

Prepared by: Donna Macalle-Holly