

# **Minutes of the Lake Hopatcong Commission**

## **November 21, 2011**

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A meeting of the Lake Hopatcong Commission was held on November 21, 2011 at the Roxbury Municipal Building, 1715 Route 45, Ledgewood, New Jersey. At 7:02 p.m., Acting Chair D. McCarthy called the meeting to order. The Acting Chair stated that the meeting was being held in accordance with "Open Public Meetings Act."

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

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

**Roll Call:**

Present: Kerry Pflugh, Anne Pravs, Joel Servoss, Richard Zoschak, E. McCarthy (Morris Cty Alternate), Acting Chair D. McCarthy

Absent: Betty Lou DeCroke, Elizabeth Gantert, David Jarvis, Robert Mitchko, Chairman Felter

Alternates: Richard Keir

With six members present at Roll Call, Acting Chair D. McCarthy declared a quorum.

**Communications**

In response to Mr. Zoschak's inquiry about the Loss Prevention Report, Ms. Macalle-Holly indicated a safety audit was required.

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

In Ms. Gantert's absence due to illness, Ms. Macalle-Holly provided the report. She stated the Valley National Bank checking account balance as of October 29, 2011 was \$37,739.08 The Revised Bill List of \$16,543.23 was submitted for approval. Mr. Zoschak made the motion and Mr. Servoss seconded. The Acting Chair requested a roll call vote.

**ROLL CALL:**

Pflugh	Yes	Zoschak	Yes
Pravs	Yes	McCarthy, E.	Yes
Servoss	Yes	McCarthy, D.	Yes

Motion unanimous.

Ms. Macalle-Holly stated for the record that the Chairman contacted the office today asking if Mr. D. McCarthy could fill in for him while he was out ill tonight.

**Approval of Meeting Minutes**

Mr. Zoschak made a motion to approve the October 17, 2011 meeting minutes and Mr. Servoss seconded. There being no discussion, the Acting Chair requested a roll call.

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Pflugh	Yes	Zoschak	Yes
Pravs	Yes	McCarthy, E.	Yes
Servoss	Yes	McCarthy, D.	Yes

### **ROLL CALL:**

Motion unanimous.

### **Commissioners' Comments**

In response to Mr. Zoschak's inquiry about the weed harvesting service, Ms. Pflugh stated there will be a schedule posted on the website. Acting Chair McCarthy stated the sub-committee met once and the meeting this morning was cancelled due to the Chairman's illness since he is the State's representative and the person in the know. Another date will be scheduled for the meeting. Ms. Macalle-Holly stated the next LHC meeting is early in December 12 and it will depend on everyone's schedule. Acting Chair McCarthy stated the charge of the committee is to review the Business Plan and enabling legislation to determine what the Commission will be doing going forward. There are many other tasks that have to be accomplished such as grants.

In response to Mr. E. McCarthy's inquiry, Ms. Pflugh stated an offer would be made for one full time employee year round and six seasonal employees will be hired to work 940 hours annually to assist in the weed harvesting operation. The maintenance and storage of equipment will become the State's because the State is self-insured. She stated the Franklin Building is being modified to fit most of the harvesting equipment. Ms. Macalle-Holly reviewed the plan to make Mr. Calderio an offer for full-time and to bring two of the seasonal employees back to work once the Franklin Building construction is completed so staff can move equipment into the building. Once the equipment is moved, staff will work on the repairs, but the seasonals will not be able to stay on through the winter because of the 944 hour constraint for each seasonal employee. The longer seasonal staff stays on in the winter, the less time they can work on harvesting before the end of the fiscal year. Ms. Macalle-Holly responded to Mr. E. McCarthy inquiry about the Commission's budget that the majority of the budget over the past few years has been for harvesting other than the work paid for through grants.

Acting Chair McCarthy stated he is hopeful the staff will be able to do some catch basin work and do some shared services, and a lake wide cleanup in 2013, but there are limitations with the seasonal hourly employees. Ms. Pflugh stated the seasonal employees will be reporting to the State Park and not to the Commission and their activities will be dictated by the work plan set for them through the Park. In response to his inquiry if the Commission could have an advisory role in what the staff might do, Ms. Pflugh responded no that it is not likely. In response to Ms. Pravs inquiry about the ownership of the harvesters, Ms. Pflugh stated that a MOA has been developed and will be distributed to the Commission. Ms. Macalle-Holly stated the Chair had asked for Counsel's opinion on ownership, but he has not received anything in writing, but he did speak with Commission Counsel on it. Ms. Pflugh stated the legal review done by the Department is that it will be a transfer because the Commission is "in, but not of" and it will not be an issue. Ms. Pflugh stated the MOA would not be a leasing arrangement.

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### **Public Comment**

There being no speakers signed in for the first public comment, the Acting Chair moved to the next agenda item.

### **Chairman's Report**

The Acting Chair did not have anything to report on the Chair's behalf.

### **Grants Update**

Ms. Macalle-Holly stated the Commission has been receiving regular reimbursement from the NJ DOT for the I BOAT NJ grant. She reported the grant should be closed out by the end of December. Approximately \$18K remaining in the grant will be used for parts and supplies for harvesting. She stated it is her understanding once the Commission finishes the I BOAT grant that the Foreman will go through Parks for maintenance costs.

For the 319(h) grant, as she had previously reported, the NJ DEP permit for the alternate septic project at the Jefferson Childcare has been received, but Ms. Macalle-Holly is waiting to get an agreement from Commission Counsel to ensure the Daycare will pay for the septic expansion and the Commission will pay for the alternate septic portion. There have been no additional activities on the 319 grants and she is waiting for Princeton Hydro to provide draft bid specs to move forward on the new 319 projects in the spring.

In response to an inquiry from Mr. E. McCarthy, Ms. Macalle-Holly responded it was her understanding that the Commission would not be renewing the insurance on the equipment. The Commission will seek to renew public officials insurance. Mr. Zoschak asked Ms. Macalle-Holly to check under what type of insurance the Administrator is covered. Ms. Macalle-Holly stated she would check. In response to Ms. Prav's inquiry about the equipment, Ms. Pflugh reiterated that the ownership of the equipment, insurance and maintenance will transfer to the State Park. Mr. Zoschak inquired about the Commission truck and Ms. Macalle-Holly stated she would no longer be able to drive the vehicles since she is not a State employee. There was further discussion about the ownership of the equipment.

### **Old Business**

Acting Chair D. McCarthy stated the issue of ice eater would be discussed. An email was sent which included the draft press release for ice eater safety. The Acting Chair discussed his concerns about ice eaters and winter recreation. Ms. Macalle-Holly stated the Chair advised that he was okay with his quote in the release. She suggested the release be distributed on December 5 if all were agreeable. She would ask if the municipalities could put something on their websites as well.

### **Sub-Committee**

The Acting Chair stated this was discussed earlier.

### **New Business**

Ms. Macalle-Holly stated she had previously mentioned about the insurance. She will look into the public officials insurance and what insurance should be carried. Workers

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compensation insurance does not renew until July, but the Commission's history claims may impact renewal quotes.

Mr. E. McCarthy inquired about what other deals were on the table for the harvesting. Acting Chair D. McCarthy and Ms. Pflugh outlined the actions the Chair took to reach the agreement with the State. Mr. E. McCarthy inquired if it would be more expensive for the State to run the harvesting. There was further discussion on what the cost for harvesting would be. Acting Chair D. McCarthy stated residents come to the Commission about the harvesting and the Commission should continue to have some role to respond to the public harvesting concerns. Ms. Pflugh stated that could be discussed, but the Commission should look at this as an opportunity to get out of something that has been a burden. There was discussion on the Park Superintendent's participation with the Commission.

### **Public Comment**

The Acting Chair stated there was a two minute time limit.

Mr. Cliff Beebe, Beebe Marina, stated the Ms. Pflugh is the liaison between this Board and the State. He made reference to the letter Ms. Pflugh sent him, which was in response to a letter to Commissioner Martin. In response to his inquiry about Mr. Martin's receipt of the letter, Ms. Pflugh reviewed how correspondence are handled by the Department and assigned to staff throughout the Department. Mr. Beebe stated Commissioner Martin is accountable to him as a taxpayer and he wanted an answer from him. In response to his inquiry to Ms. Pflugh to make an appointment with the Commissioner, she responded she could not, but she would take back what he was saying. Mr. Beebe questioned who owns the lake and the State cannot take over private property unless they compensate for it. He stated there are things that are wrong and should be straightened out amicably. Things should be settled without going to court. Ms. Pflugh stated the Department had answered Mr. Beebe's questions over the years and have provided the same answer that the issue of ownership of the lake is not something that the Commissioner or DEP can or will be in discussions with Mr. Beebe on. It is something Mr. Beebe has to take up with his attorneys. He asked that an appointment be made with Commissioner Martin. Mr. Zoschak suggested Mr. Beebe speak with his Senator to arrange a meeting. In response to an inquiry from Mr. E. McCarthy, Mr. Beebe stated that Mr. Martin has never answered it. Ms. Macalle-Holly advised Mr. E. McCarthy that the State does not question the ownership of the lake like Mr. Beebe does.

Mr. Bill Doran, resident of Mt. Arlington and current member of Lake Level Management Committee sated that is what he is here to discuss. He was unable to come after the great floods this year. As a committee member, he was and still is, extremely disappointed at the outcome of the Committee. The rains for which he was fearful of caused the consequential flooding. He asked to have the committee reconvene to re-evaluate its decision in response to his question as to whether the lake could tolerate a major rain storm for several days and could those managing the dam compensate to prevent the flood. He stated there was too much pressure on DEP regarding commercial interests on the lake level which needs to be looked at. Ms. Pflugh responded that per the

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water level management plan, the committee will meet annually. She will probably be scheduling a meeting in January or February and sending an email to the sub-committee members. She asked Mr. Doran to provide input if he had anything as an agenda item.

The Acting Chair requested a motion to adjourn. Mr. Ed McCarthy made the motion to adjourn at 7:55 and Ms. Pflugh seconded.

Prepared by: Donna Macalle-Holly