

Minutes of the Lake Hopatcong Commission

December 12, 2011

A meeting of the Lake Hopatcong Commission was held on December 12, 2011 at the Mount Arlington Municipal Building, 419 Howard Boulevard, Mount Arlington, New Jersey. At 7:02 p.m., Chair Felter called the meeting to order. It was 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 flag salute.

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

Roll Call:

Present: Daniel McCarthy, Robert Mitchko, Kerry Pflugh, Anne Pravs, Joel Servoss, Richard Keir (Roxbury Alternate), Chair Felter

Absent: Betty Lou DeCroce, Elizabeth Gantert, David Jarvis, Richard Zoschak

With seven members present at Roll Call, Chair Felter declared a quorum. He introduced Mark Fisch who was appointed to the Commission at the last Jefferson Council meeting.

Communications

There being no questions or comments, 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 November 29, 2011 was \$31,105.89 The Revised Bill List of \$12,159.53 was submitted for approval. Mr. Servoss made the motion and Mr. McCarthy seconded. The Chair requested a roll call vote.

ROLL CALL:

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| McCarthy | Yes | Servoss | Yes |
| Mitchko | Yes | Keir, R. | Yes |
| Pflugh | Yes | Felter, R. | Yes |
| Pravs | Yes | | |

Motion unanimous.

Approval of Meeting Minutes

Mr. McCarthy made a motion to move the November 21, 2011 minutes with minor spelling corrections and Mr. Servoss seconded. The Chair requested a roll call.

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| McCarthy | Yes | Servoss | Yes |
| Mitchko | Yes | Keir, R. | Yes |
| Pflugh | Yes | Felter, R. | Yes |
| Pravs | Yes | | |

ROLL CALL:

Motion unanimous.

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Commissioners' Comments

Ms. Pravs inquired about the MOA. The Chair stated that it is off the table for right now. The Chair stated he met with five Legislators on Friday about it and they asked the Chair to put it on hold because some Legislators were meeting with officials today. There are some other things going on. Mr. McCarthy stated May will come around quickly and regardless of who will be in charge of harvesting, maintenance work will need to be done.

The Chair inquired about going into executive session after the meeting and Ms. Macalle-Holly advised if the Commission needed to discuss personnel, contract or legal issues it could hold executive session. The Chair stated he would go into executive session to discuss personnel matters later in the meeting.

Public Comment

Barry Marke commented on the DEP commitment to weed harvesting. He was told he would get a job with the DEP and signed papers to do so weeks ago. He received no answer regarding pay for weeks. Finally on Friday he received a call from the State Park saying they would hire him at \$12.50/hour. He stated it was an insult. He compared running a lawn mower to operating a \$200,000 piece of equipment. He discussed his ten years of training on the harvesting in addition to water quality monitoring and maintenance. The position offered was only seasonal work. He questioned the DEP's commitment to taking care of the equipment. He stated three people were offered jobs and two will be not accepting the position and he was unsure what the third person would do. He thinks it's the responsibility of the DEP to provide a commitment to the Commission about harvesting because it does not look good to him. He discussed his position as Commission equipment operator and how his level of pay with the Commission was established.

Tim Clancy, lakefront homeowner, questioned the efficiency of taking the dollar amount to run the harvesting operation and giving it to Parks & Forestry that has no history or track record on running the operation instead of giving it to the Commission. If the State is agreeing to fund the operation, the dollars should be given to the Commission to run the operation although it may not be as robust as everyone would like. He discussed the local knowledge that should be utilized to run the operation and the environmental impact of removing the biomass. He has fears that the harvesting operation will wind down to nothing in the end if it is taken over by Parks and Forestry.

Art Ondish, Mayor of Mount Arlington, stated he was in attendance along with Mayor Petillo of Hopatcong. He had called her because he was very concerned. He stated he disagreed with the statement from meeting minutes that no one wants user fees. He stated many people understand the concept of user fees. He discussed how he pays trail fees for snowmobiling in other States that are used to maintain the trails and there is no difference of paying a user fee for Lake Hopatcong. The difference here is elected officials that do not want to see that. He discussed how embarrassing it was for the State to offer experienced staff \$12.50/hour. He stated the Commission is at a crossroads. It can either go to the State and loss control of the equipment or have the equipment be

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destroyed. Or you can talk about user fees to maintain the equipment and move forward. He stated if the Commission gives the equipment away, the Commission may as well close up. People understand the need to pay more to protect the lake. He emphasized giving user fees a try. He discussed the employees' dedication to protecting the lake. He stated he hopes the MOA contains language that the Commission can get the equipment back at any time. He stated he appreciated the Chair going after this but it needs to be thought through. The Chair stated he is talking to elected officials but the doom and gloom stuff has to stop. The Chair stated he could not get user fees through the Legislators right now and they are off the table right now.

Ms. Pflugh reviewed the arrangements for those that might have not been at previous meetings. She stated the Governor met with the DEP Commissioner and Legislators and an arrangement made. Due to the fact that there was no money for the Commission, the State park would assume the harvesting program responsibility as a property owner on the Lake. She stated there would be one full time person and six seasonal employees, but there was never any discussion on salaries. Once you become State employees, there are specific titles through Civil Service which have set salary ranges. As of August, the people running the harvesting program were hired as seasonal employees until the full time position could be approved. All seasonal employees can work 944 hours in a fiscal year. What was not discussed was the harvesting equipment and how could the State operate the program without the equipment. In fairness to the Commission, a MOU was developed transferring the State assets back to the DEP. These are State assets purchased with State funds and this is an "in but not of" State program. She spoke with the Attorney General and it is perfectly legal to transfer the titles to the DEP. She concluded that since these arrangements were made, as the Chair pointed out, there have been discussions with the Legislators which she is not privy to. She does understand there are discussions going on.

The Chair stated everyone thought this was a good plan until the salaries were given. He stated he was not that happy with the salaries and he called the meeting with the Legislators.

Mayor Ondish continued with his concerns on the impact to the local communities and once its goes to the State there will not be local representation. He stated he hopes it works, but he is scared that will not happen. He stated he knows the State is trying to do the best it can. He is a strong proponent of the Lake George model and the Commission should look into it to keep local control.

Mr. McCarthy discussed the positive arrangements such as unnecessary costs that do not benefit the lake for insurance. He discussed how there were suppose to be meetings between Commission and State representatives. His legal question was whether the delegation of weed harvesting can be sent to Parks Service when the Legislation says it should be done by the Commission. Ms. Pflugh stated he could be. There was discussion on the Commission's legal representation. He stated the Commission should take its time with this and get it right.

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Mr. Keir stated the Commission should look further into it, but it is a hard thing to do because the Commission was going broke.

Chairman's Report

The Chair did not have anything further to report. He did extend best wishes for a Merry Christmas and Happy New Year.

Grants Update

Dr. Lubnow was in attendance. He stated for the EPA TWG, Princeton Hydro received the sediment control permit for the peat biofilter project. For the SFY10 319 grant, he spoke with a Princeton Hydro engineer, and PH is working on the information for the recommendation of the trash rack in Jefferson. Princeton Hydro will address how to include the roof runoff from the snack bar building into the biofiltration system at the State Park. Princeton Hydro is in the process of finalizing the bid spec for the Morris County project.

As part of the SFY10 319 grant, Princeton Hydro has been doing the water quality monitoring which was completed in October. He provided a summary and the full report will be submitted in January. He stated because it was a very wet year with lots of storms in the spring and late in the season, the lake was fairly well oxygenated from surface to bottom with the exception of October when there was no oxygen at the bottom of the lake. He referred to a graph on the phosphorus concentration in River Styx/Crescent Cove where there is improvement in this area especially compared to the 1990s. He discussed the installation of the stormwater structure in Crescent Cove and its impact on the water quality. He stated the structures needs to be properly clean and maintained. With the installation of the second device, there are favorable concentrations again and show that the basins have water quality benefits when they are properly maintained. Ms. Macalle-Holly clarified that the term basin as Dr. Lubnow is describing are actually mechanical devices installed in the ground. Dr. Lubnow stated the recommended maintenance is at least once a year, but it will depend on the load coming in and the storms. The basins should be clean and the filter pillows changed. Ms. Macalle-Holly stated the municipalities are responsible for the maintenance because the Commission paid for the installation of the devices through grant funding. Ms. Macalle-Holly reviewed where the stormwater management devices are installed in all four towns. Ms. Pflugh stated the DEP has reported these project efforts to the EPA as a documented success story. Ms. Macalle-Holly asked Ms. Pflugh to provide the final document sent to the EPA.

Dr. Lubnow stated the phosphorus concentration at the mid-lake station for this year was one of the lowest seen in nine years. Last year's was a little lower. The carryover brown trout habitat was seen throughout most of the water column through the entire growing season except for July when it was compressed between four and five meters (12 to 20 feet) which is very common. He stated the harvesting was done between mid-July through mid-September and Princeton Hydro estimated that .4% of phosphorus was removed, which is the lowest removal amount and is due to the limited amount of harvesting done. Some years the phosphorus removal rate from harvesting was as high as 8%.

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In response to Mr. McCarthy's request for Princeton Hydro to provide a written status report of the required maintenance for all the stormwater management structures, Ms. Macalle-Holly stated that Princeton Hydro's role is not to monitor how well the devices are being maintained and it was not part of grant arrangement. The Commission is aware that the Crescent Cove Aqua-Filter requires maintenance because when the second Aqua-Filter was installed, they checked on the Aqua-Filter which was installed first. Mr. McCarthy discussed the importance of proper maintenance and how maintenance is a backburner issue for the towns due to budget issues. Ms. Macalle-Holly stated that Princeton Hydro provided maintenance plans for each of the structures and described how she stays in contact with the municipalities to properly maintain the devices. Ms. Pflugh stated public funds are available to install the devices, but it is the responsibility of the local municipalities to maintain them. In response to Mr. McCarthy's inquiry if there were grants available to address maintenance, he was advised that grants are not available for maintenance, only implementation. Mr. McCarthy inquired if Dr. Lubnow's participation would continue to be covered by grants. Ms. Macalle-Holly stated Dr. Lubnow attends the LHC meetings and his attendance is paid for through the SFY10 319 grant which the Commission has one more year for the monitoring which includes Dr. Lubnow's attendance at the meeting. Dr. Lubnow states he tries to attend meetings once a quarter.

Ms. Macalle-Holly stated it had been discussed that in order to get money, the Commission needs to show successfully completed projects. She stated she previously reported that the Commission was looking to get an agreement with the daycare to ensure they would have the funds to pay for the septic expansion and the Commission would pay for the peat filter. Commission Counsel recommended that the Commission requests that the daycare put those funds into an escrow account. She requested that the Commission authorize the Chair to enter into an agreement with the Daycare if the Daycare is agreeable to put the money in escrow before a contract is issued for the project. Commission Legal Counsel will prepare the agreement. Ms. Pravs made a motion to authorize the Chair to negotiate with the Daycare Center on Nolan's Point to collect money to be held in escrow by the Commission for the EPA TWG project. Mr. McCarthy seconded.

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| McCarthy | Yes | Servoss | Yes |
| Mitchko | Yes | Keir, R. | Yes |
| Pflugh | Yes | Felter, R. | Yes |
| Pravs | Yes | | |

ROLL CALL:

Motion unanimous.

Old Business

Ice Eaters Press Release

Ms. Macalle-Holly stated she is holding off on issuing the release until the weather is more seasonable.

Sub-Committee

The Chair stated there were no reports at this time.

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New Business

Proposed Meeting Schedule

Ms. Macalle-Holly stated her intend was to check with the Commissioners about continuing with the third Monday of the month as the meeting date at 7:00 p.m. so she can check with the municipalities for availability of facilities. There was general agreement to keep meetings on the third Monday. She will try to have the meetings on a rolling schedule with three months at each location.

Insurance Package Renewal for 2012

Ms. Macalle-Holly stated the Commission did not receive any quotes for the renewal. She referred to her letter in the meeting package to the Commission's insurance agent. Since the equipment issue is still in flux she would recommend the Commission authorize the Chair to review any quotes and if necessary, depending on whether the equipment need to be insured, to obtain insurance to avoid a break in coverage. Ms. Pravs made a motion to authorize the Chair to take appropriate action to insure there is no lapse in the insurance subject to funding. Mr. Keir seconded.

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| McCarthy | Yes | Servoss | Yes |
| Mitchko | Yes | Keir, R. | Yes |
| Pflugh | Abstained | Felter, R. | Yes |
| Pravs | Yes | | |

ROLL CALL:

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

Public Comment

Mr. Tim Clancy stated, based on his estimates, he thinks the State is committed to between \$300K and \$500K to run the operation. He stated the State should absorb the Commission into its self-insured pool. There would only be eight employees out of 80,000 State employees and it is not even a drop in the bucket. He sees the money being better spent here. Employees like Barry are more valuable than \$12.50/hr. There was discussion on the interpretation of what exactly the "in but not of DEP" statement means. Mr. Clancy stated for purposes of insurance the Commission should be in. The State should agree to give the money to the Commission to use and find a creative way to insure the Commission.

The Chair distributed a letter to the Commission. It was agreed that the Commission would not adjourn to executive session. The Chair requested a motion to adjourn. Mr. McCarthy made the motion to adjourn at 8:16 and Mr. Servoss seconded.

Prepared by: Donna Macalle-Holly