

Minutes of the Lake Hopatcong Commission

January 17, 2012

A meeting of the Lake Hopatcong Commission was held on January 17, 2012 at the Hopatcong State Park, Lakeside Boulevard, Landing. At 7:14 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 our troops and also for Assemblyman Alex DeCroce who passed away last week. Ms. DeCroce is a member of the Commission and our thoughts and prayers are with her.

Roll Call:

Present: Mark Fisch, Daniel McCarthy, Kerry Pflugh, Anne Pravs, Edward McCarthy (Morris Cty Alternate), Richard Keir (Roxbury Alternate), Chairman Russell Felter

Absent: BettyLou DeCroce, Elizabeth Gantert, David Jarvis, Joel Servoss, Richard Zoschak

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

Communications

The Chair asked for questions on the communications package. In response to Ms. Pravs and Mr. D. McCarthy's inquiry about the notice of claim and counsel representation, the Chair responded that the letter was included in the package to put everyone on notice and that it may be discussed at the next meeting in Executive Session and, if necessary, Counsel could be available.

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 December 29, 2011 was \$14,707.30. The Revised Bill List of \$9,085.75 was submitted for approval. Mr. D. McCarthy made the motion and Ms. Pravs seconded. Mr. D. McCarthy's inquired about how the Administrator's salary would be paid for when this money runs out. Ms. Macalle-Holly stated that there are reimbursement funds coming for the Administrator's salary from the 319(h) grant and from the DOT I BOAT NJ grant. The Chair requested a roll call vote.

ROLL CALL:

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|--------------|-----|--------------|-----|
| Fisch | Yes | McCarthy, E. | Yes |
| McCarthy, D. | Yes | Keir | Yes |
| Pflugh | Yes | Felter | Yes |
| Pravs | Yes | | |

Motion unanimous.

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Approval of Meeting Minutes

Ms. Prav made the motion to accept the December 12, 2011 minutes and Mr. D. McCarthy seconded. The Chair requested a roll call.

ROLL CALL:

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|--------------|-----|--------------|-----|
| Fisch | Yes | McCarthy, E. | Yes |
| McCarthy, D. | Yes | Keir | Yes |
| Pflugh | Yes | Felter | Yes |
| Pravs | Yes | | |

Motion unanimous.

Commissioners' Comments

In response to Ms. Pravs' comments, the Chair stated the MOU that was just distributed would be discussed later. Ms. Pflugh offered her condolences to Ms. DeCroce for the tragic loss of her husband.

Public Comment

Cliff Beebe, Beebe Marine, discussed how he visited Lake Musconetcong which is full and that they have a weed harvester there. He stated Lake Hopatcong is down 26 inches and it causes havocs on his dock pilings. A healthy lake is a full lake and it should be kept full like Lake George.

Clint Smith of West Milford from the Greenwood Lake Commission but he was not representing the Commission. He was interested in the State taking over the harvesting.

Chairman's Report

The Chair stated the Commission is still ironing out a lot of details. He spoke with a DEP representative on Friday and a new agreement was just distributed to the Commissioners which will probably be discussed later. The Chair outlined the options stating it could possibly be a combination of any of the first three:

- The State will take over the weed harvesting and the Commission will reinvent itself focusing on water monitoring and working with the towns.
- The State does not take over harvesting and fully funds the Commission which is being considered again within the last week or so.
- The Commission tries to raise private funding.
- The Commission goes out of business, which is not a real option.

There are questions with the State taking over the equipment regarding maintenance and payment of employees. He stated the Commission could have user fees but that is very controversial and the legislators have said they will not sponsor a bill. The Chair stated the DEP converted the building so they have a place to put the harvesters, but it is approximately 14 miles from the lake.

The Chair stated the DEP made some changes to the Memorandum of Understanding (MOU) for the equipment transfer. He asked Commissioners to provide their comments on the MOU in one week to Ms. Macale-Holly. Ms. Pflugh asked about timing for approving the MOU and how it will impact to pay insurance while the agreement is being worked on. The Chair stated there will be a \$5K payment next Monday for insurance

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because the harvesters cannot be without protection and that was his decision to insure the equipment.

The Chair stated there were no Old Business or Sub-Committee reports.

New Business

Resolution 12-01 Setting Time and Date for 2012 Regular Meetings

Chair Felter stated Resolution 12-01 was to set the time and dates for the regular meetings. Mr. D. McCarthy stated he had asked Mayor Petillo to resolve the conflict so the Commission could use the Hopatcong facility since it was not available for Commission meetings. Ms. Macalle-Holly discussed her efforts to get some proposed dates for availability at the Hopatcong Senior Center to no avail. The Chair stated the dates would be fine, but Mr. McCarthy will get back to Ms. Macalle-Holly if there is availability for the Hopatcong Senior Center. Ms. Macalle-Holly explained it would need to be done before the next ten days because the resolution called for publication in the newspapers within ten days. Mr. D. McCarthy moved the resolution with the understanding that he would get back to Ms. Macalle-Holly with dates the Hopatcong facility would be available within the next ten days and Chair Felter seconded. There being no comments, the Chair requested a roll call vote.

ROLL CALL:

| | | | |
|--------------|-----|--------------|-----|
| Fisch | Yes | McCarthy, E. | Yes |
| McCarthy, D. | Yes | Keir | Yes |
| Pflugh | Yes | Felter | Yes |
| Pravs | Yes | | |

Motion unanimous.

Resolution 12-02 Designation of Official Newspapers

Chair Felter stated Resolution 12-02 was to designate the official newspapers. Ms. Macalle-Holly stated the resolution named the Daily Record and New Jersey Herald to publish Commission notices and the meeting schedule is provided to the Record, the Herald, Aim Jefferson and Star Ledger and is available on the Commission website. D. McCarthy moved the resolution and Chair Felter seconded.

ROLL CALL:

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|--------------|-----|--------------|-----|
| Fisch | Yes | McCarthy, E. | Yes |
| McCarthy, D. | Yes | Keir | Yes |
| Pflugh | Yes | Felter | Yes |
| Pravs | Yes | | |

Motion unanimous.

Public Comment

Mr. Cliff Beebe discussed the Tocks Dam in New Jersey and who the water supply was for. The dam project fell through and now they needed water and looked to Lake Hopatcong so they are removing 7.5 MGD which is in violation of the law. The lake should be kept full. If the lake is taken down 26" it should be dropped from the 10.3 foot level and not from the top of the spillway.

Mr. Clancy asked if there was an update on the MOU. The Chair stated that the DEP made a few changes as requested. The Commissioners just received the MOU and there will be discussion at the next meeting. The Chair stated he needed to discuss some

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funding options with Mr. Clancy. He reported that Senator Bucco had some discussions with the administration about putting money in the budget for the Commission. He stated that user fees remain a non-starter because there is no legislative support. The salaries of employees are being discussed with the State. Mr. Clancy asked about whether money the State is spending for harvesting could be provided to the Commission to keep the function with the Commission. Chair Felter introduced Steve Ellis who is covering for Superintendent Helene Maurella. Ms. Pflugh stated Mr. Ellis is not only filling in for Superintendent Maurella until another Superintendent is appointed, but he is also a Regional Superintendent and is responsible for other parks throughout the region. Mr. Ellis stated he stays in contact with Michael Calderio and if anyone has any issues he would give his contact number to Chair Felter. Mr. Clancy asked if a mechanism could be set up where bridge money is put into an account and then user fees would go back to replenish the bridge money because of the fear that if money goes to Trenton it will never come back. The Chair stated he is trying to get the protection to keep the harvesting equipment at Lake Hopatcong in the MOU. The Chair stated many of these issues are being discussed and he thanked David Glass at the DEP for his cooperation. Mr. Clancy discussed the advantages of user fees if the State provided bridge funding and then the Commission replenishes it with money from user fees.

Barry Marke stated he was glad to hear there was movement to keep machines on the Lake. He stated he would like to get back to work and there is work to be done. The Chair stated they are working on the salary structure and there are issues with Civil Service. The Chair stated it was not appropriate to have salary discussion at this time. There was further discussion on the ownership of equipment and how state employees could not operate non-state equipment. Ms. Pflugh stated if the Commission leased the insurance to the State, the Commission would still have to cover the cost of the insurance. The state cannot insure equipment it does not own. Mr. McCarthy discussed issues with the insurance coverage which is the problem.

Mr. Clancy questioned why the Department could not just provide the money to the Commission for what they are going to spend on operating the harvesting program. The Chair stated it was included in the MOU that if the Commission has funding then harvesting would go back to the Commission. The Chair stated a budget was provided to the State and the Senator for \$400,000 to run the Commission for a year which included two full-time employees and seasonal employees.

The Chair reiterated that Commissioners should provide their comments on the MOU between the DEP and the Commission for further discussion at the next meeting. Based on requests from Commissioners, the Chair asked for comments back in two weeks.

Ms. Pflugh stated the meeting for the annual review of the Water Level Management Plan will be sometime during the week of February 13 from 10:00-12:00 and members of the Citizens Advisory Committee will be notified. Mr. E. McCarthy made the motion to adjourn at 8:10 and Mr. Keir seconded.

Prepared by: Donna Macalle-Holly