

Minutes of the Lake Hopatcong Commission September 17, 2012

A meeting of the Lake Hopatcong Commission was held on September 17, 2012 at the Jefferson Township Municipal Building, 1033 Weldon Road, Lake Hopatcong, New Jersey. At 7:15 p.m., Chair Felter called the meeting to order. He stated 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 armed forces.

Roll Call:

Present: Mark Fisch, Daniel McCarthy, Kerry Pflugh (7:20pm), Joel Servoss, Richard Zoschak, Chair Felter

Absent: Elizabeth Gantert, David Jarvis, Anne Pravs,

Alternates Present: Richard Keir, Robert Mitchko

Speakers: Steve Ellis, NJ DEP Regional Superintendent for Park Service

With only five members present, Chair Felter stated the Commission did not have a quorum and would not take any action until the sixth Commissioner arrived.

Communications

The Chair asked for questions about the Communications. In response to Mr. Zoschak's inquiry about a meeting update on the Citizens Advisory Committee, Ms. Macalle-Holly stated Ms. Pflugh had planned on reporting on the committee meeting tonight. The Chair referenced the letter from Captain Robert Yaiser of NJ State Police Marine Services Bureau Chief. He stated the letter could be distributed to the press since it deals with reporting incidents on Lake Hopatcong. Mr. McCarthy stated the letter did not really address the issue of coverage at critical times on the lake especially on weekends.

Treasurer's Report/Payment of Bills

In Ms. Gantert's absence, Ms. Macalle-Holly provided the financial report. She stated the Valley National Bank balance as of August 31, 2012 was \$16,921.68. The Bill List submitted for approval was \$89,241.20 of which \$79,516.33 is payable to contractor from the EPA TWG account. The Chair stated Ms. Pflugh has arrived and the Commission now has a quorum. Mr. Zoschak made the motion to approve the Bill List and Mr. Fisch seconded.

ROLL CALL:

Fisch	Yes	Servoss	Yes
McCarthy	Yes	Zoschak	Yes
Pflugh	Yes	Felter	Yes

Motion unanimous.

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Approval of July 16 and August 20, 2012 Meeting Minutes

Mr. Zoschak moved the minutes for both meetings and Mr. McCarthy seconded. Ms. Macalle-Holly thanked Mr. Zoschak for repairing the recorder.

ROLL CALL:

Fisch	Yes	Servoss	Yes
McCarthy	Yes	Zoschak	Yes
Pflugh	Yes	Felter	Yes

Motion unanimous.

Commissioners' Comments

There being no comments, the Chair moved to the next agenda item.

Public Comment

Sam Hoagland, resident of Hopatcong, stated he thinks it would bring great harm to the lake if the 26" and five foot draw downs were not done. There are many people that can just afford to live on the lake. If the five foot drawdown is eliminated the only way they could fix a seawall is to have a coffer dam. People normally fix the wall themselves or employ local masons to repair the wall. Cofferdam are expensive and would bankrupt people. Without the annual drawdown, docks and pilings would come up and cause great damage. He had pictures from last fall of the problems he had with his docks and the high water. He stated he would prefer for the draw downs to remain as they are.

Tim Clancy, resident of Lake Hopatcong, stated he was startled that the discussion occurred about the elimination of the draw downs. The Water Level Management Plan review had taken two years and was finally implemented. Even though this year was the most extraordinarily dry winter in recorded history, by June 4, prior to the full boating season, the lake was at full pool. He referred to charts about the water level. In 2011, the lake went from 26" down to spilling over the dam in seven days. In 2010, the lake went up 24" in 48 hours and these are typical spring events that occur all the time. In 2008, it came up 16-1/2" in 5 days. He discussed the environmental benefits of the draw down to expose shoreline lake bed and penetrating frost kills the weeds. The shallow areas when they are frozen and snow-covered, retard weed growth in the problematic weed areas. The lake loses valuable fish during high waters that cannot survive in the river or Lake Musconetcong. He discussed the dangerous ice floats. Changing the draw down is a zany ideal that will cause great harm to the lake, the fishery and personal property. The five year drawdown is risky business but it needs to be done for repairs to personal property.

Chair Felter stated the Citizens Advisory Committee (CAC) has some homework to do and will meet again to discuss the draw downs. At next month's meeting, the Commission will have a full discussion on the draw downs. He stated it is not this Commission's decision; the DEP is the decision maker. Mr. Clancy stated his concern is that by the time it is open for full formal public comment, it's a done deal. The Chair stated that is not the case. In response to Mr. Clancy's inquiry if this was coming from commercial interest on the CAC, Ms. Pflugh stated a question was raised not only by the business community, but by DEP professionals. There are a number of people questioning the merits and an evaluation of the data is being conducted to look at it from all aspects including economical and ecological. Mr. Clancy stated the local knowledge is here.

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Winfred Ginter, resident in Byram Cove, inquired about the rafting/anchoring in Bryam Cove. The Chair asked Ms. Macalle-Holly to respond. She stated there are no regulations that address the number of the boats that can anchor. He stated sometimes there are 14-25 foot lengths of boats. Ms. Macalle-Holly stated other than close proximity to bulkheads, docks, buoys or shoreline there are no restrictions on anchorage in Lake Hopatcong regardless of the cove. The Chair asked Mr. Ellis to address it. He stated anchorage problems would be the responsibility of the State Police, but there are no specific rules or regulations on dropping anchors. There was discussion on how the Commission contacted the Boating Regulation Commission about this issue previously. The Boating Regulation Commission chose not to act on it or provide changes to the boating regulations based on Commission comments for additional mooring/docking restrictions on the Lake. Ms. Macalle-Holly stated a representative from the Boating Regulation Commission did attend the LHC meeting when the number of boats docked and the amount of noise in Bryam Cove was brought to this Commission's attention several years ago. Ms. Macalle-Holly stated the Boating Regulation Commission meets about six times a year typically in the South Jersey area and they address the boating regulations.

Jeannette Vreeland, Hopatcong resident, inquired if people that live around the lake would be asked about the issues for not lowering the lake. Ms. Pflugh stated they are trying to complete a survey to be sent to lakefront property owners. Seasonally she cannot get her boat out at certain times because there is not much water. If it is not lowered, she will have a problem with more weeds than ever because they will keep growing. The harvesters cannot get into her cove because of its small size and rocks. If the lake is not lowered she cannot repair her seawall and she cannot afford to have a dike put up to do the work.

Bill Doran, Mt. Arlington resident, CAC member and former LHC Commissioner, stated he has the lakefront property owners at heart in terms of what they have to deal with. He stated he was extremely disappointed that the CAC spent over two hours discussing the need for eliminating the draw downs. There is absolutely no scientific reason to have a knee jerk reaction to a bad refill time that occurred this spring, but ultimately it recovered like it always does. One thing has been proved is that rain is what makes the lake fill up. Adjustments to the dam truly have little or no impact on the lake level, yet one rainstorm can give you a two foot increase over a period of three days. To run the risk of having high floods in the spring time or to have a freeze at the high water level, how can it possibly even be discussed when there over 80 years of data? It should not be up for discussion. The Park personnel did a wonderful job on the managing the lake as best they could.

Richard Pedati, resident of Landing, asked if anyone considered what would happen to the smaller homes that were built like his was in the 1930s. His home's footings are in the water table. If the water table does not go down in the winter, his house could heave and the foundation could crack.

Chairman's Report

The Chair stated he did not have a report.

Grant Update Report

Ms. Macalle-Holly stated the final report for the SFY05 319 grant prepared by Princeton Hydro and submitted to NJ DEP was in the meeting package. For the SFY10 319 grant,

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the contractor completed items on the punch list for the State Park Rain Garden. Princeton Hydro will be doing the stormwater monitoring at the rain garden tomorrow since significant rainfall is in the forecast. For the King Road project, the contractor held off on starting it and should begin by the end of the September. The floating wetland island is moving forward. Princeton Hydro is putting together a change in the scope of work for the grant to NJ DEP for their approval. There should be sufficient funds because the rain garden project and bid award for the King Road should be under budget. The water quality monitoring is also paid for through the 319 grant. At the July meeting, the Commission took action to request funding for the water quality monitoring program from the Lake Hopatcong Foundation. Because the grant projects cost savings, the DEP Grants Project Manager has authorized the Commission to submit a change of scope to allow the grant funds to pay for one more year of the water quality monitoring program if the Commission chooses to do so. She requested that the Commission authorize Princeton Hydro to include a reallocation of grants funds for a fourth year of water quality monitoring in the scope of the work for the SFY10 grant instead of requesting funding from the Foundation. Mr. Zoschak made the motion and Mr. Fisch seconded. The motion was unanimous.

She stated the Jefferson Child Care & Education System had two change orders submitted for the Alternate Peat System. Dr. Lubnow addressed the first change order last month. The second change order included relocating the vegetated depression because it was too close to another leach field. The contractor has been excellent. Princeton Hydro will do the final monitoring of the device prior to closing out the grant in mid-November. That is the last project for the EPA TWG.

Harvesting Update

Mr. Steve Ellis stated there is currently five staff instead of the six. Barry Marke resigned. The Chair stated Mr. Marke found a full-time position. He stated the State Park Office has received its SFY13 harvesting operation appropriation for \$79K for staffing and the same amount or more for maintenance which is sufficient funding to run the operation. Last year the Park would spend and pay staff and then they would be credited from the Watershed group, but this year Management & Budget appropriated the money up front. He discussed the harvesting breakdowns, conveyor malfunction and the areas harvested. Total cubic yards of weeds removed are 1,893 which is well ahead of last year. The credit goes to the crew. He stated that Mr. Calderio notified him that Curtis Mulch is looking to move on. He sees it will be difficult to replace that type of skilled labor. He stated the harvesters will be removed around September 24. Ms. Pflugh stated all the mass removed will help minimize the phosphorus impairment. The Chair stated Mr. Ellis has done a great job as well this year.

Old Business

Lake Hopatcong Citizens Advisory Committee (CAC)

Ms. Pflugh stated important issues were addressed at the CAC meeting. It was an extremely difficult spring and NJ DEP jumped through hoops to try to manage the lake

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according to the various options in the Water Level Management Plan (plan). In the end the lake came up because of rain and not because of any of the management activities. A preliminary assessment was done and will be reported on further at the October LHC meeting, but the activities showed that if the outflow had not been adjusted, the lake would only be one inch less than where it is now. The message is clear that it is rain that fills this lake. At the CAC there was discussion on what risk is the lake community willing to take. There was discussion about ice damage, flooding, property damage and the risk of the lake not refilling and the impact to the economics of the lake community. She felt it was appropriate to look at some of that to try to get some data so the DEP can make an informed decision. The CAC will be looking at ice damage over the last several years, rain data, operational information and economic data if the lake does not refill. She is sensitive to the issues raised by Mr. Doran and the speaker that addressed concerns with home footings in the water table as well as ice and flooding impacts. She stated no one is jumping to any conclusions and no decisions have been made or recommended.

Mr. McCarthy stated the continuation of whether the 26' and five foot draw downs were necessary was raised at the CAC, but no decision was made. The CAC and the Commission are both advisory only and have no decision making authority. Mr. McCarthy quoted from the Abandonment of the Morris Canal dated March 1903 from page 55. He read, "...the draft upon the lake varies with the dryness of the season. One season it was as great as 11 feet, but usually from 6-8 feet in the driest part of the year. On one occasion in 1879, the waters of the lake became insufficient to supply the canal with navigation and navigation was suspended for a few weeks in consequence." He also referenced a 1924 Lake Hopatcong Breeze article about a disastrous flood in Musconetcong Valley in 1896 "because of excessive rains which filled Lake Hopatcong full to the rim." He does not think any decisions should be made based on one year of data. The two foot drawdown addresses flood control and ice creep. He discussed other issues about the needs for the drawdown including dock repairs and weed control. Mr. McCarthy stated he sits on the CAC representing the Commission along with Chair Felter. Ms. Pflugh stated her role in the CAC is not decision maker, but to facilitate the session and to bring information. Mr. Zoschak asked for the CAC attendance record to address representation from Roxbury.

Ms. Pflugh reported that Water Chestnut was found in Greenwood Lake by a DEP staff that was fishing on his day off. They found it in the New York side, but she does not know if it was found on the New Jersey side. She reminded everyone to be vigilant and if you see something that looks like Water Chestnut let us know as soon as possible before it establishes itself. Ms. Macalle-Holly stated if someone is trailering boats from one water body to another, it's important to clean off aquatic vegetation and to sanitize boats and fishing wells.

New Business

Planning for Fall 2013 60-inch Drawdown

The Chair stated he included this on the agenda because it is important to start drawdown discussions with the surrounding towns and counties to have plans in place to include dumpsters for clean up and possible dredging projects. Jefferson Twp. has a five year permit to do a lot of dredging projects in town. Some informational outreach will need to be done on the drawdown. At the next meeting the Commission can discuss further. Ms. Macalle-Holly suggested that Lake Musconetcong received Clean Community grants for doing shoreline cleanups. Although the Commission would not be in a position to apply for a clean communities grant, if the towns around the Lake consider applying for one for dumpsters, garbage bags and stuff to coordinate a cleanup. Ms. Pflugh stated there also needs to be a discussion on what if the lake doesn't refill and what the community will do to deal with that. It did not refill in Greenwood Lake and there were economic ramifications.

Public Comment

Mr. Clancy stated the Water Scouts came back all clear on Water Chestnut. He discussed Water Chestnut will be an ongoing threat to this lake because of the close proximity of other lakes that have it. He also inquired again about the lack of funds for the Administrator and if the four towns and two counties could work among themselves to come up with enough to keep the Commission functioning. Chair Felter stated he could not speak for any other entity, but Jefferson Township could probably come up with some money. The Chair apologized for not being at the last meeting and was put off that Mr. Clancy thought the Commission did not do anything about funding. The Chair stated the Commission met with the State Senators, the Governor, Congressmen, Federal Senators and others. They stepped up to take care of the weed harvesting and the Commission needs to find the money. Some towns will not be able to afford it. Mr. Clancy stated there needs to be a stop gap measure found.

Bill Doran addressed the five year drawdown. People start to plan for the five year drawdown the week after the last five year drawdown when they make inspections on their dock when the lake level is down. Most people are stretched with their dollar and will buy bags of concrete to do the work themselves. You cannot even consider taking away a five year drawdown that we are on the eve of. Homework needs to be done and people will have to be given a five year alert if you truly ever decide to make the mistake of eliminating a five year drawdown.

Cliff Beebe, Beebe Marine, discussed the property ownership of the lake and who owns the deeds to the lake. NJSA 13:12-5 states the lake will be kept full at all times subject to the elements. Who is above the law?

Raymond Fernandez, Lake Hopatcong resident, stated he would benefit from a five foot drawdown because he owns about 400 feet of headwall that has to be repaired. But he is

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not the only person that benefits from Lake Hopatcong. The lake is here for boaters, fisherman, lakefront property owners, bathers, and any tourist that comes to the State. It is not just for lakefront property owners to do repairs to their property. One of the major things that Lisa Barno said after studying the Lake for two years, is that it would be foolish for us to do a five foot drawdown and we have been lucky that it has come back every time. History does prove that the lake recovers from the 26" drawdown numerous times, but over the last few years we have not been successful with a five foot drawdown due to issues. How a drawdown will affect everyone in the State of New Jersey and not just property owners or businesses should be looked at.

Mr. Fisch made the motion to adjourn and Mr. McCarthy seconded.

Prepared by: Donna Macalle-Holly