

## **Minutes of the Lake Hopatcong Commission October 15, 2012**

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A meeting of the Lake Hopatcong Commission was held on October 15, 2012 at the Mount Arlington Municipal Building, 419 Howard Boulevard, Mount Arlington, New Jersey. At 7:07 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, Elizabeth Gantert, David Jarvis, Daniel McCarthy, Kerry Pflugh, Anne Pravs, Richard Zoschak (7:45), Richard Keir, (Roxbury Alternate), Chair Felter

Absent: Joel Servoss

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

With only eight members present, Chair Felter declared a quorum.

### **Communications**

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

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

Ms. Gantert provided the financial report. She stated the Valley National Bank balance as of September 30, 2012 was \$21,135.67. The Bill List submitted for approval was \$93,613.05. Ms. Pravs made the motion to approve the Bill List and Mr. Keir seconded.

In response to an inquiry from Mr. Keir, Ms. Macalle-Holly stated it was discussed in July that the Commission would have sufficient funds to continue through the end of the year. He also asked about unemployment and was advised that the Commission unemployment was previously changed from reimbursable to contributory rate so the Commission only pays unemployment quarterly. Ms. Macalle-Holly stated the DeJohn Equipment, Princeton Hydro and Ferraro Construction amounts on the Bill Lists are all paid from grants and does not come from Commission operating funds.

### **ROLL CALL:**

Fisch	Yes	Pflugh	Yes
Gantert	Yes	Pravs	Yes
Jarvis	Yes	Keir	Yes
McCarthy	Yes	Felter	Yes

Motion unanimous.

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### Approval of Septmeber 17, 2012 Meeting Minutes

Mr. Fisch moved the minutes and Ms. Pravs seconded.

#### **ROLL CALL:**

Fisch	Yes	Pflugh	Yes
Gantert	Abstained	Pravs	Yes
Jarvis	Yes	Keir	Yes
McCarthy	Yes	Felter	Yes

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

### Commissioners' Comments

The Chair stated the Lake Hopatcong Citizens Advisory Committee (CAC) Update would be moved to this portion of the meeting prior to public comment. Mr. McCarthy stated if the Commission's budgetary status was going to be discussed later he would bring up his comments then.

### Hopatcong Citizens Advisory Committee (CAC) Update

Ms. Pflugh stated two CAC meetings were held this year. There were issues raised in the first meeting that required some homework. The issues had to do with the value of lowering the lake and risk/benefit of the lake not refilling versus property damage risk from ice and other factors. A lakefront property owners' survey was developed. Discussion continued at the CAC meeting last week. Ms Pflugh reported on the lake level recovery this year from the 26" drawdown. There were lake level management efforts conducted by the Division of Fish & Wildlife and Division of Parks & Forestry to make outflow adjustments based on the criteria in the plan. In spite of many efforts and many hours evaluating various factors, the only thing that filled the lake was precipitation. With all the outflow adjustments made, it only allowed for recovery of one inch of water in the lake. Ms. Pflugh stated at this point there will be no changes to the management of the lake level. There will continue to be a 26" drawdown and she expects to have a five foot drawdown, but going forward there will be discussion with lakefront property owners about the management of the lake level as it relates to their property. With that purpose in mind, a survey was developed. A meeting was just held with a group of lakefront property owners to do a pre-test of the survey and provide feedback. Modifications will be made to the survey based on their feedback. Then a postcard will be sent out to 1800 lakefront property owners which will provide a secure link to Survey Monkey to answer the survey. Ms. Macalle-Holly stated the lakefront property owners addresses were obtained from property tax maps. Ms. Pflugh thanked the CAC for their feedback and work on the committee. She acknowledged the Knee Deep Club (KDC) who took the time to consider impacts of changes in the lake level management, but she was unable to distribute the document to the CAC prior to their last meeting. The Club's input will weigh heavily into the survey questions. She also thanked other colleagues for their input. Ms. Pravs asked for a point of clarification that there is no change to the 2012 and 2013 draw downs and Ms. Pflugh responded there is no change for now. Ms. Macalle-Holly stated the next CAC meeting will be sometime in the beginning of next year.

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### **Public Comment**

Tim Clancy, speaking on behalf of the KDC, stated he wished the white paper the Club developed had been distributed to the CAC in time. He asked that Ms. Pflugh resubmit the paper to the CAC prior to the next meeting. He discussed the damage of the 2002 flood and the last year's flood at various lakefront locations. If a foot of ice is added when the lake is not drawn down, the low-lying homes could have oil tanks be separated from those homes by sheets of ice being blown around. There is an 85 year history with the drawdown always working but once. You can err on the side of being inconvenienced or err on the side of tragedy. In 2011 the lake came up 26" in less than a week. Imagine if there were acres of ice on the lake. He discussed how there was no money for the Commission or the Administrator's salary, but there is money from the State to chase our tails with a survey and resources should be better applied.

Cliff Beebe, Beebe Marine, discussed lakefront owners' property rights and how people on the Commission work for the people. There are laws that cannot be overlooked and the laws are being violated. He discussed the history of the lake drawdown and the changes in how docks are built today. Businesses depend on the lake being at constant level. This year the lake did not come up until June 16. He objects to it.

Sam Hoagland, resident of Hopatcong, was delighted to hear that a survey was being done. He asked about a paper version of the survey since he is not computer literate. Ms. Pflugh stated she believes paper copies of the survey will be available at the park.

Joe Buongiorno, representing the Elba Point Homeowners' Association, owns 300' of lakefront comprised of a beach, club house and small boat marina with 28 boats. Their concern is mainly with the five year drawdown which they depend on for maintenance. He realized there are modern techniques, but they cannot afford that. It would probably use their entire operating budget for a year. He hopes they will be on the list for the survey. Mr. McCarthy confirmed with Ms. Pflugh that beach associations can only submit one survey regardless of the number of members.

Ms. Pflugh acknowledged Richard Pedati and indicated he was one of the reasons that the survey was being done because of what he had previously said [at an earlier meeting] which is important.

Bill Doran, Mount Arlington resident, shared something sad. For years he heard that the lake cannot be lowered anymore than 1-3/4" per day even if there was a tremendous flood because there is a business over the Musconetcong River that after a certain flow rate is achieved, the building starts to flood. That one piece of property has been holding up the ability to evacuate this lake when there is a flood. The potential for flooding out hundreds, if not a thousands of homes, by eliminating the annual and five year drawdown is absurd.

### **Chairman's Report**

The Chair stated he did not have a report.

### **Grant Update Report**

Ms. Macalle-Holly stated there is not much to report on that is different from last month. The septic project is still in progress. The King Cove project should be starting within

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the next month because the device is on order. Princeton Hydro is developing the scope of work to do the change for the 319(h) grant to install the floating wetland islands and to add in the fourth year water quality monitoring as previously approved by the Commission

Ms. Pflugh stated the public will be able to see the results of the survey. And the recent experiences of managing the dam and the CAC minutes and white paper from the Knee Deep Club will be available. She stated Mr. McCarthy will be putting together an ice report from his personal experience and journals. Mr. McCarthy stated it would be from 1981 and he has to pull out the important facts. He stated there was a period in the late 1990s during the 26" drawdown and there were two freak rainstorms one week after another. The lake came within 4" of the summertime level. Had the lake been at full pool and the rainstorms happened, it could have been disastrous.

### **Harvesting Update**

Mr. Steve Ellis stated there are one permanent and three seasonal staff still working. The Regional Office has received the FY2013 budget and the program is fully funded. Operations for 9/17-9/24/12 harvesters removed about 185 cubic yards which puts it over 2000 mark for the season. Maintenance equipment and staff have been relocated to Franklin facility. The machines have been cleaned and will now be repaired. He is meeting with Mr. Calderio this week to develop an annual report for the Commission, a winter staffing plan and 2013 operations plan. Mr. McCarthy asked about using the transport barges and small harvesters next year. Mr. Ellis will discuss this with Mr. Calderio. Mr. McCarthy also asked about the staff being used to participate in a lake wide clean-up during the five foot drawdown. Mr. Ellis stated the staff will probably be focusing on equipment maintenance. He could not commit to a cleanup right now. Mr. McCarthy asked that the lake wide cleanup be included as an objective in the schedule so no one loses sight of this goal. There was discussion of the amount of hours it would take to meet this objective since most of the hourly staff has a set number of hours they can work and they need to focus on harvesting operations. Ms. Macalle-Holly stated the field staff did not keep track of the hours on the previous lake-wide cleanups, but does have a list of cleanup items. Mr. Keir thanked Mr. Ellis for his efforts indicating he did a fantastic job for his first year taking this on.

The Chair stated the record should reflect that Mr. Zoschak has joined the meeting.

### **Old Business**

#### **Commission Funding/Personnel Action**

The Chair stated the update was not very good. The Bill before the Senate Budget Committee which was supposedly going to be voted out of Committee was not. Senator Bucco tabled the Bill because it was not going to be released and he would have to start over again. There is gridlock in Trenton between the Governor, Senate and Assembly which some disagreement on things and the Commission is stuck in the middle. The Bill

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went from \$700K to \$400K to \$150K. He stated he has spoken with some other elected officials who are working on some other funding sources, but he does not have further details. He directed Ms. Macalle-Holly to contact the Attorney General Office to find out what the Commission responsibilities are for the Commission. The Commission has to figure out where it is going after their staff is not here anymore. The towns and counties may have to provide some in-kind services.

Mr. McCarthy presented a conceptual draft for purposes of discussion which he summarized. The first part is about what the Chair just discussed about the Bill. The duties and obligations under the Lake Hopatcong Protection Acts still have to be addressed. There has to be a clearinghouse for Lake Hopatcong and for the public to attend meetings to voice their concerns and comments. The Commission needs to exist. If the State is providing funding and the Law still exists, perhaps its up to the Legislature to re-write the Law and impose the duties upon someone else if not the Commission. He put the draft letter address to the Governor and Legislature out there for the Commissioners' thoughts. The Chair asked that a copy of the document be sent to the AG for comments.

The Chair asked Ms. Macalle-Holly if it was necessary to vote on personnel action. She stated the way it was done previously was for the Commission to authorize the Chair to issue a termination notice. Chair Felter summarized the letter to terminate Ms. Macalle-Holly's employment with the Commission effective Friday, December 21, 2012. The Chair stated Ms. Macalle-Holly has done nothing but a great job for the Commission, the lake and the State. Because the Commission is here due to political bickering, at this time, is embarrassing. The State should be ashamed of itself for putting the Commission in this position. The State has done a lot of great things for the Commission, but to leave the Commission with no one to help administers the grants is irritating especially because the Commission has been used as a success story in talking to the EPA. The Chair requested a motion to authorize him to send the letter. As requested by Mr. Zoschak, the Chair read the full letter into the record. [A copy of the letter is available on file.] Ms. Gantert made the motion Chair Felter seconded.

### **ROLL CALL:**

Fisch	Yes	Pflugh	Yes
Gantert	Yes	Pravs	Yes
Jarvis	Yes	Zoschak	Yes
McCarthy	Yes	Felter	Yes

Motion unanimous.

Ms. Pflugh stated she worked with a lot of people in her 25 years with the Department and it was a great experience working with Ms. Macalle-Holly, a consummate profession. The Lake community is very lucky to have her.

### **New Business**

#### **Planning for Fall 2013 60-inch Drawdown**

The Chair asked the representatives to go back to their towns and the County to let them know assistance will be needed with the cleanup and if they can provide dumpsters or some manpower during the drawdown. Ms. Macalle-Holly asked if they could also check to see if the towns and counties would be willing to organize a day for a volunteer community cleanup on a weekend. Mr. McCarthy had asked about the outfall dredging Jefferson did. Chair Felter stated he would have Jefferson Township put together a package for all the towns, but the process took a while. Ms. Macalle-Holly stated she could send it out.

### **Public Comment**

Mr. Clancy described how he watched Ms. Macalle-Holly progress from the secretary when she was hired. She met every challenge and he wishes her well. He stated it is disturbing that there was not a greater effort to try to hold on to her.

Mr. Beebe referred to the 1903 Commissioner's Report which investigated the lake and determined that the lands and waters of this lake are in private ownership. There are still no deeds for Lake Hopatcong nor under imminent domain did they offer to buy owners out. The Commission is only an advisory panel and should weigh in on the rights of what is justified under our State and Federal Constitutions.

Mr. Hoagland, resident of Hopatcong and former LHC Commissioner, stated he was disturbed that the Administrator has to go. He worked so closely with her and Bill Clark for many years and she was fantastic. He wished Ms. Macalle-Holly good luck.

Mr. Justin McCarthy, resident of Hopatcong, addressed the development of trails to be built on Liffy Island. What happens on Liffy Island would affect the lake around it. Trails would disturb the natural charm of Liffy Island which is uninhabited since the Boy Scout camp on the island relocated to New York. Liffy Island is one of the only undeveloped areas on the Lake. Bears and raccoons are eating everyone's garbage because we push them out of their land and trails will do that even further. He referenced a Lake Hopatcong News & Reviews article which stated, "When the Lake is drawn down in 2013 a bridge will connect Liffy Island to the mainland and will give the opportunity for local residents to picnic and fish." He presented an aerial photograph of Liffy Island to see how different it is from the rest of the Lake. Chair Felter stated he grew up playing on Liffy Island which was then referred to as Pete's Island. He stated the trails will be natural trails. On the mainland, stone trails will be installed with assistance from the Lake Hopatcong Foundation and grant money from the State. A bridge was being considered with help from the KDC, but there has been a lot of discussion about that. They will be very careful and will take Mr. McCarthy's comments under advisement. Mr. D. McCarthy stated his son has been talking about this and they spend a lot of time

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around there so it's important to him. In response to Mr. D. McCarthy's inquiry about the bridge, the Chair indicated they are not sure what they will do.

Ms. Pravs stated she has been bombarding Trenton with emails as a resident and was wondering if other citizens could contact them which could help. She inquired about the funding Bill again. The Chair summarized what happened with the Bill. Ms. Pflugh stated most Commissions she has worked with over the years are all volunteers. There are a number of Councils that support natural and historic resources and to her knowledge none of them are funded. Ms. Pflugh discussed how the Greenwood Lake Commission collects user fees and since they are a Bi-State Commission, the fees collected in New Jersey are kept by the Commission and money collected in New York has to go to the NY State Treasurer. The LHC is listed in the State Budget and Greenwood Lake is not, so therefore money collected on behalf of Lake Hopatcong has to go to the State Treasurer, but money collected for Greenwood Lake, because it is not listed in the State Budget, can be collected and managed by the Commission. Chair Felter stated Legislators on both sides are opposed to fees for Lake Hopatcong.

Mr. Jarvis made the motion and Chair Felter seconded to adjourn meeting at 8:10 p.m.

Prepared by: Donna Macalle-Holly