

# Minutes of the Lake Hopatcong Commission

## November 26, 2012

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A meeting of the Lake Hopatcong Commission was held on November 26, 2012 at the Mount Arlington Municipal Building, 419 Howard Boulevard, Mount Arlington, New Jersey. At 7:38 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, Kerry Pflugh, Anne Pravs, Richard Zoschak, Chair Felter

Absent: Daniel McCarthy, David Jarvis, Joel Servoss

Alternates Present: Richard Keir (Roxbury)

With six members present, Chair Felter declared a quorum.

### **Communications**

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

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

Ms. Gantert provided the financial report. She stated the Valley National Bank balance as of October 31, 2012 was \$19,558.85. The Bill List submitted for approval was \$69,763.17 and bills as noted were paid from the grants. Mr. Zoschak made the motion to approve the Bill List and Mr. Fisch seconded. In response to inquiry from Mr. Zoschak about funds available for end of the year and unemployment, Ms. Macalle-Holly stated there is approximately \$6.5K coming from the 319(h) grant and unemployment is now paid quarterly. The Chair stated that public official insurance would need to be renewed. Ms. Macalle-Holly stated the Commission would look to renew public officials only and not liability insurance. She stated Fairview Insurance recommended the Commission ask the municipalities where the public meetings are being held to list the Commission as additional insured. Workers Compensation insurance would be notified that the policy should be cancelled by end of December. The Chair stated public officials insurance should be carried for at least another year and then a decision will have to be made at that time.

### **ROLL CALL:**

Fisch	Yes	Pravs	Yes
Gantert	Yes	Zoschak	Yes
Pflugh	Yes	Felter	Yes

Motion unanimous.

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### Approval of Septmeber 17, 2012 Meeting Minutes

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

#### **ROLL CALL:**

Fisch	Yes	Pravs	Yes
Gantert	Yes	Zoschak	Yes
Pflugh	Yes	Felter	Yes

Motion unanimous.

### Commissioners' Comments

Mr. Zoschak and Chair Felter commented about the impacts of Hurricane Sandy in their communities.

### Public Comment

Tim Clancy, resident of Lake Hopatcong, stated after watching the destruction on television from Sandy, he was hoping NJ DEP would look at that and realize we do not want to have damage like that at Lake Hopatcong, but the water level surveys are still going out. He finds it absurd. With the survey still going forward, he inquired about what mechanisms are in place to make sure this is not just a popularity contest. Will Tim Clancy only be given one opportunity to complete the survey, but his wife will not be able to. Ms. Pflugh stated Survey Monkey would be used and described the sign-in process and setup of the program which will only allow the person with their name or some other mechanism to complete the survey one time. Ms. Pflugh responded the survey is done and the initial draft was shared with the CAC members, but the CAC has not seen the final version.

John Kurzman resident of Lake Hopatcong stated he asked himself why the drawdown was reduced from 30" to 26" in 1990 and the reason was concern about refill. Mr. Kurzman distributed copies of a model he developed of a refill comparison by emulating the five foot drawdown during the winter. [A copy of the model graph is on file.] He discussed how he created the model using USGS data and other data points. On the graph the purple indicates what would happen in 5 year drawdown and the orange represents what happened in the 26" drawdown. In 2009 he did the opposite because it was a five foot drawdown. The interesting observation in the graph is in 2007 and 2008 there would be no difference to the lake by April 1 whether there was a five foot or 26" drawdown because there was sufficient precipitation to restore the lake level. In 2005, the lake would never go above eight feet if there was a five foot drawdown. In 2006, the lake would have started in April at four feet and would have been five feet down. In 2009, if there was only a 26" drawdown instead of five foot, there would not have been any turmoil or lawsuits about the lake level. In 2010 or 2011 you would hardly know the difference. In 2012 if there was a five foot drawdown, the lake never would have went above 7-1/2 feet. He would be happy to provide the spreadsheet to DEP or anyone that would want it. He stated when the Lake is five foot down there is not the same surface area of water. He suggested a question to include in the survey would be during the five

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foot drawdown if you have a problem or damage from the ice rising and asked about providing the graph so people could review before answering the survey. Ms. Pflugh stated the survey contained simple questions about maintenance, cost, ice and flooding.

Ms. Pflugh stated the group of people that provided input to the survey are aware of the issues on the lake and were very informed. In response to Mr. Kurzman's inquiry about the volunteers, Ms. Pflugh stated that the CAC recommended bringing a group to test the survey to include a representative sample of residents around the lake. She stated Ms. Macalle-Holly identified the sample group.

Cliff Beebe, Beebe Marine, stated as Mr. Kurzman indicated, the drawdown is detrimental to many businesses. His business had a bad season because he could not rent his slips until June 16 and he had to cut rents to bring people in. It is imperative the lake level be kept like the law says at the high water mark subject to the elements. For some reason, the State is ignoring it. In response to his question, Ms. Pflugh stated she did not get his latest letter to the State which he sent in October. The Chair stated everyone has been very busy at DEP with the Hurricane. Mr. Beebe discussed other issues on the water level and the economy is not helping. Mr. Zoschak referred to a 1952 issue of the Lake Hopatcong Times which discussed the water level.

### **Chairman's Report**

The Chair stated with Ms. Macalle-Holly leaving next month, the Commission is still going to have to exist because it still has its mission. Ms. Macalle-Holly developed a list of items to discuss with NJ DEP staff including Robin Madden, John Trontis, Mark Texel, Steve Ellis and Emily Rich from the Parks Division. He discussed what was agreed to at the meeting. The DEP would like the Commission to keep its office there and to keep records and assets in the office. There are two water samplers owned by the Commission and used by Princeton Hydro to conduct stormwater monitoring for the 319(h) grant. The samplers will remain at the Commission office and PH can use as needed. Cameras and other equipment will be locked in a vault in Jefferson. The two grants are closing out. The last is the SFY10 319(h) grant and they would like to reassign to Jefferson Township to complete the floating wetland islands project in Ashley Cove. Jefferson Administrator Jim Leach will be in charge of the grant. There is a letter that the Commission will need to vote on later to send to NJ DEP about the grant. Then Jefferson Township has to pass a resolution that they will be responsible for administering and completing the grant. The other item to vote on tonight is the one year extension of the MOU between NJ DEP and LHC for ownership of harvesting equipment.

The Chair stated without Ms. Macalle-Holly providing administrative assistance, meeting preparation work will be done by his secretary in Jefferson Township as long as he is Chairman. Website and phone connection will remain for a couple months until they figure out how to handle calls. Commission signs at the Hopatcong State Park will be removed and a joint DEP and Commission press release will be sent out. Commission photographs and awards will be kept at the Commission office. NJ DEP will not provide

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clerical support. The lease between the Commission and Morris County Park Commission for the garage at Lee's County Park will now be between the DEP and Parks Commission directly. The Park will keep the harvesting operations. Chair Felter read the letter addressed to Kyra Hoffman at NJ DEP to advise her that at tonight's meeting the Commission approved the transfer of 319(h) NPS Pollution Control and Management Implementation Grant #RP10-087 to the Township of Jefferson. Ms. Macalle-Holly stated this grant has money left for floating wetland islands and for the Morris County project that is being installed in King Cove. There was an inquiry from the public and Ms. Macalle-Holly provided an overview on the proposed floating wetland island project. Mr. Zoschak made the motion to send the grant transfer letter and Ms. Pravs seconded.

### ROLL CALL:

Fisch	Yes	Pravs	Yes
Gantert	Yes	Zoschak	Yes
Pflugh	Yes	Felter	Yes

Motion unanimous.

The Chair stated the one year extension for the MOU could be addressed now. Mr. Zoschak made the motion to extend the MOU for one year and Ms. Gantert seconded. In response to Mr. Zoschak's inquiry the Chair stated all the harvesting assets were included in the transfer and the Commission could not use the boat. The Chair stated Princeton Hydro does the water quality monitoring and their boat is used. The lake monitoring will be funded through the 319(h) grant for the fourth year of monitoring. A change in the 319 grant scope of work was submitted to NJ DEP to request grant funds be approved for the fourth year of monitoring by Princeton Hydro. Ms. Pravs inquired if this was for temporary ownership. The Chair stated the MOU extension was for a year or until such time that the Commission gets funding to get the equipment back.

### ROLL CALL:

Fisch	Yes	Pravs	Yes
Gantert	Yes	Zoschak	Yes
Pflugh	Yes	Felter	Yes

Motion unanimous.

### **Grant Update Report and Harvesting Maintenance Update**

The Chair indicated grant and harvesting maintenance updates were not needed.

### **New Business**

Renewal of MOU between NJ DEP and LHC for harvesting equipment

Commission Insurance Update

(Both items were address earlier in the meeting.)

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### **Public Comment**

Mr. Kurzman inquired if in a year or two the DEP might say they are not interested in harvesting anymore and if either party has the right to decline. The Chair stated he was told it was an ongoing item, but things can change. Their commitment has been encouraging.

Cliff Beebe stated that 60% of the United States is facing drought conditions. Also the main water supply for the lake has been the watershed and the watershed is down 101 feet. The weather is no guarantee of when the water will fill the lake up. The lake level system does not make sense.

Mr. Zoschak stated DEP made a commitment and he thinks they will keep it because the ramifications if they do not will be huge because of the public outcry.

The meeting adjourned at 8:20 p.m. with a motion by Ms. Pflugh, seconded by Mr. Fisch.

Prepared by: Donna Macalle-Holly