

## **Minutes of the Lake Hopatcong Commission**

### **July 18, 2016**

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A meeting of the Lake Hopatcong Commission was held on July 18, 2016 at the Lake Hopatcong Senior Center, 32 Lakeside Boulevard Hopatcong, New Jersey. At approximately 7:00p.m., Acting Chair McCarthy called the Meeting to order. He stated the meeting was being held in accordance with "Open Public Meetings Act."

**Salute to the Flag:** Daniel McCarthy (acting chairman) and all those in attendance joined in a flag salute.

**Moment of Silence:** Daniel McCarthy asked for a moment of silence for our armed forces.

**Roll Call:**

Present: Mark Crowley, Kerry Kirk Pflugh, Daniel McCarthy, Mark Fisch, Joel Servoss, Anne Seibert-Pravs, Fred Steinbaum, Richard Zoschak, Arthur Clarke

Absent:

Speakers:

With seven members present at Roll Call, Daniel McCarthy declared a quorum

**Treasurer's Report**

Commissioner Mark Fisch had nothing new to report, however he indicated that the check book has not been located and that he will be closing one account.

**Communications**

Acting Chairman McCarthy indicated that correspondence is going to the Jefferson Township Municipal Building because the Commission does not have a PO Box or physical address.

Acting Chairman McCarthy sent out three letters. One was sent to Charles Richman who is the head of the Department of Community Affairs. The Department has one seat on the commission, which has been vacant for years. A second letter was addressed to Governor Christie for the same reason and because there is a vacancy for the citizen's seat. Acting Chairman McCarthy noted that the Commission is required to have 11 members by statue, and has been missing three for some time. The third letter went to the Commissions legal counsel.

Acting Chairman McCarthy created two versions of letterhead for the Commission for sending official correspondence. One version of the letterhead includes the names of all of the acting members of the Commission. The Commission agrees to use the letterhead with the names of the acting members.

Commissioner Seibert-Pravs thanks Acting Chairman McCarthy for composing the letters and sending them to the appropriate recipients.

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#### **7-18-2016 Meeting Minutes**

Acting Chairman McCarthy begins the meeting by welcoming new people to the meeting. The purpose of this meeting is to address the water level in the lake and the weed situation. The Commission is a group of 11 volunteers from each governmental entity which touches or concerns Lake Hopatcong. The members are available to provide comment on the position of each the government entities (ex. NJDEP or Sussex County) and provide comments and concerns to their governmental group and the community. The commission is advisory in nature and does not have statutory capabilities. The lake level and dam are controlled by the State of New Jersey and NJDEP, and the lake level is determined pursuant to the Lake Level Management Plan. Acting Chairman McCarthy indicates that during tonight's meeting there will be a discussion of proposed changes to that plan. The Commission is intended to be funded for the purpose of stewardship of Lake Hopatcong, however currently the Commission is not funded.

#### **Comments**

Commissioner Zoschak commented that he attended the Lake Musconetcong Community Association meeting last Wednesday night. The board has six to seven members and the residences pay for the chemical treatment of the weed and water chestnut removal around their residences. The Association has about 15,000 dollars in the budget and Commissioner Zoschak was shocked to see the participation and money in an association of that size. He also commented on the reasons for Lake Hopatcong State Park closing its gates at less than full capacity. The first reason is because of water testing quality, and second when there are not enough lifeguards on duty. Commissioner Zoschak inquired as to whether the latter was a budgeting issue or not. Melissa Castalan of the Hopatcong State Park Service responded to Commissioner Zoschak's comments by agreeing that the park does close before reaching capacity when they are short staffed for safety reasons. Right now they are fully staffed, but that may change beginning August 10<sup>th</sup> as employees head back to college. Regarding water quality, the park tests weekly and if the results do not meet water quality standards then they are required to close for safety reasons. Melissa explained that water quality can be affected by rain events or droppings due to waterfowl among other possibilities.

Acting Chairman Dan McCarthy comments that the guard program is rigorous, and that it is good to see such high standards for the employees.

Commissioner Steinbaum introduces Colleen Conover who is volunteering to take meeting minutes for the Commission. He also mentions that the lake level is 6 inch below top of the dam, which is unusual for this early in year, and is more "normal" for August and September. Commissioner Mark Crowley has no comments other than recognizing that a representative of Senator Bucco's office is in attendance. Acting Chairman McCarthy recognizes a representative from Senator Oroho's office, Assemblyman Space's office, and Assemblywoman Phoebus' office.

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Acting Commissioner McCarthy comments that there is a clipboard circulating that must be signed if those in attendance would like to make comments during the public comment portion of the meeting, which will be limited to two minutes per speaker.

Commissioner Pflugh has no comment

Commissioner Fisch has no comment

Commissioner Servoss has no comment

Commissioner Pravs comments that the Commission's frustration last meeting became obvious to the attendees over the lack of funding. At that meeting the commission reached out for social media outreach to Trenton NJ. Commissioner Pravs believes that Trenton should be reminded of the issues on the lake. She mentioned that Jessica Murphy published her blog entitled "Keeping the Pressure on Trenton."

*"The Lake Hopatcong Foundation had started a petition in January asking the State to make 2016 the year of Lake Hopatcong. More than 30k letters have been generated from that petition, more than 2100 signatures, and each signature results in more than 14 letters sent to various officials in Trenton."*

She mentions that the legislature passed a budget; Senator Bucco has prepared a resolution for 500,000 dollars for the lake, however it still needs to be signed by other officials.

The representative from Senator Bucco's office (Amy \_\_\_\_\_) explains that the budget for the lake did not make it through. A budget resolution was submitted, but it didn't get through in the final budget, unfortunately. Commission Steinbaum comments that he heard that this is introduced every year and does not make it through. The representative from Senator Bucco's office confirms Commissioner Steinbaum's comment. Senator Bucco typically introduces it and Senator Oroho typically sponsors the budget. It is up to the majority party to keep it in the budget and then it's up to the Governor to not line item veto it out. This year it was removed and did not make it into the final budget. Senator Bucco along with the other lake legislators have been advocating in other ways with Commissioner Morgan, and they are aware of the situation with the weeks and the outflow and are pursuing those issues as well. Senator Bucco and Assemblyman Bucco did want to be at the meeting but are traveling out of state.

### **Old Business**

Acting Chairman McCarthy introduces Commissioner Pflugh to talk about the water level review update. Commissioner Pflugh comments that members are in receipt of a July 7 2016 email, which addresses the issue of the lake reaching "full pool". This issue has been a concern over the past few years due to the change in weather patterns including warmer, drier spring, and less cold winters with less precipitation. Over the past two years the lake has not reached "full pool". Over the lake's history this has happened in the past in 1990. At the time the lake was being drawn down 30 inches and the lake missed "full pool" by 4 inches. At that time the Regional Committee Board made a decision to change draw down from 30 inches to 26 inches. Since that time the lake has been drawn down annually 26 inches. Commissioner Pflugh explains that drawdowns happen for the purpose of protecting property owners from ice damage, not

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environmental reasons. Commissioner Pflugh introduces a proposal for future drawdown based on experiences and analysis of lake conditions. The current plan drops down 26 inches annually, and every five years the lake is dropped five feet for dock and bulkhead repair work. The refill of the lake starts when the ice is soft, usually between early to mid-March according to the Lake Water-level Management Plan (LWMP). The target of 9 feet is June 1<sup>st</sup>, which has not been reached in the last few years. Additionally, the appropriate outflow as determined in the LWMP is 12 cubic feet per second (CFS) to maintain surface water quality standards (SWQS) for the river, the Musconetcong River is a Category 2 trout maintenance stream. The SWQS are required to be met by law. Commissioner Pflugh introduces Lisa Barno to explain the plan further. Lisa Barno is a representative from the Division of Fish and Wildlife (FWS). Lisa explains that precipitation is the largest factor affecting lake refill, there are no additional tributaries feeding the lake level. Jeff Hoffman a geologist for the state has prepared calculations which attribute a 6 inch per month decline in lake level, the 12 CFS outflow rate results in a 3.6 inch drop in lake level, and an 8 CFS outflow rate results in a 2.4 inch drop in lake level per month. The difference between 12 CFS and 8 CFS is 1.2 inches drop in lake level in one month. Lisa also explains that late ice significantly reduces the potential for the lake to refill.

Commissioner Pflugh presented lake refill dates for the years 2011 – 2014 (2011 June, 2012 June 4, 2013 May 23, 2014 April 26) and explains that the differences between years is largely due to precipitation each year. In 2013 lake front property owners received a survey. The result of this survey showed that there were two issues of extreme importance to lake front owners. The first was that the lake would not refill in the spring, and the second was the risk of ice damage in the winter. Commissioner Pflugh feels that this conflict demonstrated the challenge of managing the lake. Over the last few years the NJDEP has looked at data and come up with a proposal.

- 1- Reduction in draw down from 26 inches to 22 inches, which will increase the lake level by 4 inches.

This decision was made based on consultation of a citizen's advisory committee, mayors, and the Lake Hopatcong Commission. Then it was requested that the department get involved. Acting Chair McCarthy asks Commissioner Pflugh to comment on the role of the citizen's advisory committee. Commissioner Pflugh explains that in 2009-2010 the marina owners sued the state over drawdown, and as part of the settlement the state would establish a citizen's advisory committee to review the current water level management plan. There were representatives from each of the four towns, and two counties, business community, residence, and downstream residences. They made recommendations on drawdown and outflow to the NJDEP. Commissioner Pravs comments that the plan is available on the Commission's webpage or Hopatcong State Park website. Jeff Hoffman a geologist from NJDEP presents on the studies done on the lake.

- 2- Replacement of the current plan, in which the potential for a reduction in flow from 12 CFS to 8 CFS is dependent on whether the total 90-day spring precipitation is less than 7". The new plan allows for a reduction in outflow from the dam from 12 CFS to 8 CFS in March until April 30<sup>th</sup>, if conditions of sufficient flow (at or above normal) and ideal

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water temperature are met. After April 30<sup>th</sup> water temperature typically increases and precipitation decreases. At this time flow would be set back to 12 CFS.

NJDEP believes that this will result in anywhere from 4-6 inches of increase dependent on rainfall. The next step is the roll-out, DEP has spoken to mayors of the towns, the chair, and commission, certified letters will be sent to all lake front owners, commercial and residential, and there will be a meeting of the citizen advisory committee in August. One letter will be distributed to a commercial property such as a lake club; it is the responsibility of the owner to distribute the letter to its members. There will be a public hearing on September 19<sup>th</sup> in Jefferson address to follow. There will be a designated email address for comments; NJDEP encourages people to leave detailed comments with reasons why the plan is or is not working, so that issues can be addressed. This is a proposal for a one year pilot, if it is a normal year with ice, at the end of the season NJDEP will reach out to lake front property owners to find out how the pilot worked. Additionally Lisa Barno and her team will evaluate the stream and downstream communities. If there is no widespread opposition or fatal flaw then this will become part of the water level management plan.

Commissioner Crowley asks if there will be a 5 foot proposal before the September 19<sup>th</sup> meeting. Commissioner Pflugh comments that there will not. Commissioner Crowley asks if each member of the citizen advisory committee was selected by the town and for what duration, Commissioner Pflugh answers yes, but there is some discrepancy between commissioners about the duration of the commitment.

Commissioner Steinbaum comments that the lake is like a bowl and therefore believes that there could be a greater impact than 1.2 inches per month due to the adjusted outflow from 12 CFS to 8 CFS. The NJDEP addresses the comment by saying that it may be slightly higher, but not significantly more than 1.2 inches per month.

Commissioner Zoschak asks how the stream temperature is affected by the recent four day heatwave, and if temperatures exceed the SWQS does NJDEP increase the outflow from the lake. Lisa Barno of NJDEP responds by stating that the plan does not account for changes in the outflow as a result of high temperatures in the stream, or if the stream is high. She adds that currently the plan only allows reduction in outflow if the 90-day precipitation is below 7".

Commissioner Steinbaum compliments Commissioner Pflugh and the NJDEP for compromising on the drawdown. In addition, he and Cliff London present a proposal for the timing of the lake refill in the spring. Cliff London is a former mayor of Hopatcong, on the regional planning board and chairman of the regional planning board, and a member of the Citizen's Advisory Board. Mr. London explains the history of the lake level measurement of 26 inches, and the current fill up procedures. First discussed in the 1990 plan lake refill should start when the ice has broken from the shoreline sufficiently enough to allow rise, or March 15<sup>th</sup> whichever is earlier with one exception, if the ice was so thick on March 15<sup>th</sup> that the superintendent of the park could consult the chairman of the regional planning board it

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could be delayed and reviewed every three days. Over time this language has become misinterpreted. Not intended to address the ice flows. In the early 2000s language was added to attempt to further define what conditions determine soft ice. Mr. London also provides an example of how the decision of raising the lake level must go through a chain of command that includes government officials in Trenton. Commissioner Steinbaum and Cliff London propose that 1) the decision to raise lake levels should be a local decision by the Superintendent of the Hopatcong State Park in consultation with the chairman of the Lake Hopatcong Commission. 2) Refilling of the lake will begin when the ice has sufficiently broken from the shoreline so as to minimize damage to structures from rapidly changing lake levels. At this point the ice will be generally less than 4 inches thick. The timing of the lake refill is not designed to prevent damage from flowing ice sheets, to the extent feasible the timing of the refill shall be aimed to capture the runoff water arising from the melting snow. 3) Refilling of the lake shall commence no later than March 15<sup>th</sup> to ensure adequate lake levels during the recreation season. If significant ice conditions are present on March 15<sup>th</sup> the superintendent shall consult with the chairman of the Lake Hopatcong Commission to determine if the process of refilling Lake Hopatcong shall be delayed. Any such delay shall be re-evaluated every five days to determine if refilling of the lake can commence. 4) Once the refilling process has commenced the Superintendent shall notify the Lake Hopatcong Commission, the Lake Musconetcong Regional Planning Board, the Musconetcong Sewage Authority, and the Hackettstown Municipal Utilities Authority. The sewage authority and utilities rely on the flow in the river and should know about a reduction in outflow from the lake. A notice shall also be posted on the State Park website.

Acting Chair McCarthy is in support of the proposal. Commissioner Pflugh comments that the proposal the Department provided tonight is the proposal that Mr. Bob Martin is comfortable with. This proposal would be considered during the public comment period and will be considered during the open public comment period and will be responded to by the Department along with other responses to public comment. The Department proposal discussed tonight will not be altered, but the proposal by Commissioner Steinbaum and Mr. London will be reviewed and provided comments. Commissioner McCarthy asks if it would be possible that the proposal provided by Mr. London and Commissioner Steinbaum be on the agenda for the citizen's advisory committee. Commissioner Crowley makes a motion for NJDEP to review the proposal on a formal basis for the meeting of the Citizen's Advisory Committee on September 19<sup>th</sup>, 2016. The motion is seconded by Commissioner Fischer. The vote is 6 to 1 and the motion passes.

#### **Public Comment**

Acting Chairman McCarthy opens the meeting to public comment on the issue of the NJDEP water level management proposal.

Barbara Lauren resident of Hopatcong stated that the Commission needs to consider postponing the five year drawdown. She is in favor of the 22 inch drawdown and believes that lake front residences should put bubblers in during the winter months to prevent dock

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damage. Additionally, she believes that during years when temperatures are predicted to be high and precipitation low, trout should not be stocked in the Musconetcong River or should be moved to the lake.

Chuck Gullage with the Musconetcong Watershed Association asked if once the decision is made to go from 12 CFS to 8 CFS, FWS monitoring indicates that temperature increases in the stream, will flow be restored to 12 CFS. Commissioner Pflugh yes it would be done immediately. Mr. Gullage then asked if the plan will address the 6.8 CFS requirement for the Musconetcong Sewage Authority, and commented that he would like to see another stream gauge downstream near Saxon Falls of the sewage treatment plant to have more accurate readings of stream flow. The Musconetcong Watershed Association is concerned about the change in water flow past the sewage plant when the new plan is put in place and notification of the sewage authority when outflow rates change.

Commissioner Steinbaum comments that in the current water management plan it is stated that only about five percent of the water that flows to the sewage treatment plant is provided by Lake Hopatcong, and that a change from 12 CFS to 8 CFS should not affect the downstream flow very much. Commissioner Steinbaum comments that he will confirm the percentage at a later time.

Joe Bonjourno Hopatcong resident comments that he is concerned that there is no consideration of the relationship between the water level of the lake and the aquifer. Mr. Bonjourno states that when the State pumped water from the lake to the Boonton Reservoir some of the wells around the lake were dry and is concerned that the addition of sewers around the lake may be diverting water away from the lake. He requests that a study be done of the relationship between the aquifer and the lake level be completed.

Jean Burkevary lake resident comments that the (outflow) does not seem to be about the fish anymore, it seems to be about the sewage plants and how much water they need to operate. She also comments that something needs to change about the chain of command for determining when to begin refilling the lake, or a back-up person should be made available if the Assistant Commissioner is unavailable. Commissioner Pflugh comments that the chain of command is that the NJDEP assesses the lake, a recommendation is made to the Assistant Commissioner, and the AC makes a decision whether a change can be made. If the Assistant Commissioner is not available then we wait until he becomes available. No one else is empowered to make the decision. Commissioner Pflugh indicates that if this is a change that Ms. Burkevary would like to see, she should submit a comment during the public comment period. Commissioner Crowley and Acting Chair McCarthy comment that the proposal put together by Commissioner Steinbaum and Jeff London covers this issue.

Melissa the Lake Hopatcong State Park Superintendent comments that she would not adjust lake levels without first consulting the fisheries and downstream communities because they are a priority as much as anything else.

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Robin Delorenzo a lake resident commented, whatever you (NJDEP) are doing is not working. Her stairs are not covered by water anymore and there are weeds. She adds that the NJDEP should go back to what used to work.

Warren Gallagher of Lakeside Boulevard comments that he likes the compromise of reducing outflow from 12CFS to 8 CFS, but would like to know if it can be extended beyond April. He also asks if a study has been done to track the impact of increasing the duration of reduction of outflow from 2 months to 3, 4, or 5 months. Commissioner Pflugh comments that there was a reconstructive flow study conducted between the NJDEP and the citizen's. Jeff Hoffman comments that a study was conducted to see what flow in the stream would look like if the dam and lake were not there and a natural flow existed. The NJDEP determined that 12 CFS was a reasonable summer low flow, and 8 CFS is a very low drought condition flow. Mr. Gallagher asks if NJDEP can extend the reduced outflow for additional one or two months. Commissioner Pflugh comments that this proposal is a pilot study, and NJDEP is going to look at what happens to properties around the lake, the river, and make an evaluation of the affects at the end of the year. This is dependent on whether it is a normal year with ice on the lake, ice melt on the lake in the spring, normal spring precipitation so that you can reduce outflow.

Cliff Beebe owns Beebe Marina and comments that he is directly affected by the water level in the lake, that he had a very poor season and could not put boats in the marina because the props were hitting the bottom of the lake. Mr. Beebe believes the best option is to let nature run its course, and mentions the waiver law signed by the governor. He quotes "1312-5 the lake shall be kept at the high water mark at all times subject to the elements" and believes that people should not be able to go around that. He also comments that he is not concerned for the Musconetcong River because there are three other lakes that provide water to the river. He believes that there should be an obligation to keep the lake full for recreational uses.

Beth Styler-Barry the Project Quality Assurance Officer for the Musconetcong Watershed Association comments that they support the drawdown from 26 inches to 22 inches, and further support the concept of Mr. London and Commissioner Steinbaum's proposal. The MWA would like to take a closer look at the proposal to reduce flow from 12 CFS to 8 CFS. She comments that the river is low and has not hit average flows more than a couple of times since January and is at half of its average flows. She is concerned of the impact reduction will have on Lake Musconetcong, the use of the river for recreation, and water requirements for the sewage commission.

Elizabeth Scarbino of Point Pleasant thanks Commissioner Pflugh for helping, she a house in Hopatcong. She comments that the lake water level is significantly decreasing, and that there is not enough water for her boat. She notes that when she was on the Board of Trustees for Indian Lake there were similar issues with outflow and they were able to fix it. She

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comments that it's possible that the storm drains need to be cleaned and she has not seen an increase even with the rain.

Brain Defreeze of Henderson Cove comments that he appreciates the proposal and believes it will help the beginning of the season, but suggests that the outflow has to be adjusted to maintain lake level throughout the year. He asks where do the trout go at the end of the year, and why do they have to be restocked. Commissioner Pflugh comments that the outflow is not about the trout in the stream, but it is about the clean water act and SWQS. There are federal and state laws quality standards must be met based on the classification of the river. NJDEP job is to maintain the high quality waterway, the Musconetcong River is category 2 trout maintenance, it is high quality water and the purpose of managing the waterway is to keep it as that. The NJDEP cannot deliberately degrade such a high quality waterway.

Earl Riley is the chairman of the Lake Musconetcong Regional Planning Board he comments that he agrees with the 26 to 22 inch draw down, however is concerned about the impact on water quality when the outflow is reduced from 12 CFS to 8 CFS.

Scott Garter of Hopatcong asks if the lake water is rated to be the same quality as the Musconetcong River, and is the water quality in the lake being maintained. Ms. Barno comments Lake Hopatcong is classified as a trout maintenance lake and is able to support trout. The outflow of the lake does not affect the quality of the lake water. Mr. Garter asks if the water temperature goes up later in the year, can the shift in outflow rate be made later in the year. Ms. Barno responds that when there are hot days in the spring (as we had this year) water temperature in the stream can rise very quickly so it is important to adjust the outflow in April. Mr. Garter comments that it seems like the fisherman are more important than the recreation on the lake. Ms. Barno comments that NJDEP has to follow the Clean Water Act and meet the State standards for trout maintenance waterways and that is what dictates the outflow from the lake.

Jean Burkevary asks why the dams were removed on the Musconetcong Ms. Barno comments that the water behind dams is impounded water, and causes the temperatures in those areas to rise. Dam removal keeps water moving, and allows for the free movement of aquatic biota back and forth.

Commissioner Pflugh comments that she would like to add to what Melissa Castalan said about consulting all parties before raising lake levels. She states, if I were unavailable and there were emergency then Melissa, Lisa and Jeff will go through the chain of command. There is a process that NJDEP is required to follow and no one is authorized to alter the lake flow or refill due to the fact that State was sued over the water management plan. Staff level people cannot make those decisions, and it has to go up the chain.

Acting Chair McCarthy moves the meeting on to the next topic of weed harvesting. Melissa comments that the park has had personnel setbacks. Currently there are three harvester operators on payroll, one has been out due to death in family, one is harvesting, and the third is

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in training. There is another backup operator that is part-time who is covering for the operator who is out. She has been receiving calls from local residents, and understands that the weeds are bad. She is trying to keep things open so that it is passable. They are currently near Raccoon Island and Ashley Cove. She hopes to get the weed harvesters to Halsey Island Henderson Cove and Castle Rock Park. The park also had issues with the haulers. She wants to have 3 harvesters on full time and one on part time. She plans to stay out as long as they can this year. She comments that because they didn't get everything done last year, they are seeing the impact this year. The harvesters move at one speed and it takes time, she is trying to get the harvesters to all areas, but she also need to stick to the plan.

Commissioner Servoss asks if Dan Bellow is gone and who regulates chemical applicators. Melissa Castalan comments yes he was reassigned and that the NJDEP regulates the applicators and has asked NJDEP to let her know when they are applying so that she can work in coordination with them. Commissioner Servoss comments that chemical treatments allow dead weeds to sink and creates fertilizer for the following year. Commissioner Pravs comments that she appreciates what the park is doing. She reaches out to the representatives who are at the meeting to say that the budget used to be 500-700,000 dollars and is now 150,000 dollars. Acting Chair McCarthy comments the original budget forecast was 1.5 million dollars which would fully look after Lake Hopatcong and that you can't do for 155,000 dollars with three people what was done with 600,000 dollars and 9 people and large management program. He states that the pressure needs to be from more than the local legislators.

Acting Chair McCarthy moves the meeting onto the MOU's with the state of New Jersey and the Lake Musconetcong Regional Planning Board, which expired on December 31, 2015. They have been renewing the plan monthly and there is a letter into the DAG regarding legal issues. Acting Chair McCarthy files a motion to continue the MOU's for another month. Commissioner Pravs seconds the motion. Commissioner Zoschak asks why it is month-to-month, and Acting Chair McCarthy comments that changes need to be made to the MOU's, but they need to be left in place at least temporarily in order to have the weed harvesting function. Letters were sent earlier this week on July 11th. The vote passes unanimously.

Acting Chair McCarthy moves the meeting onto the funding and budget. He asks Commissioner Steinbaum if there is anything to report. Commissioner Steinbaum comments that it is hard to propose a budget after so many years of not having one. He will submit a bare bones budget, and a second budget that outlines the funds needed to restore weed harvesting and other tasks properly that will be taken from prior budgets. Commissioner Crowley agrees that a bare bones budget should be submitted, but does not want to go back into weed harvesting. He would like to see a budget to have others do weed harvesting.

Commissioner Zoschak comments that the bare bones budget should also include funding for measuring parameters and water quality.

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Acting Chair McCarthy comments that he would like the budget to focus on the law, which states that the commission has 11 statutory obligations prepare a budget that addresses each of these needs. One of the obligations is to address weeds. In the future the commission should recommend to legislature that commission does not want to be responsible for harvesting, but right now the commission is responsible for weed harvesting and it should be included in the budget.

Commissioner Crowley would like to ask the DAG what the 11 obligations include now that the funding is unavailable. Is the commission still responsible for all the obligations?

Acting Chair McCarthy mentions the need to refill the vacant DCA, chairman, and citizen's seats. The state needs to send the appropriate people to fill the vacancies. He mentions that Commissioner Steinbaum has filled the citizen seat for 6 years, but that the seat was vacant for six years prior to his arrival. The DCA chair has been vacant since 2012 and is up to the State to fill. The commission is looking for someone to fill the citizen seat and the vacant chair seat.

#### **New Business**

Acting Chair McCarthy comments that legislation calls for annual reports from the State Police for activities on lake, and that this hasn't been received in some time. Similarly, FWS is also responsible for sending annual reports. With the consent of the committee he would like to send letters to the State Police and FWS asking for the reports. The commission agrees. Lisa Barno comments that the missing FWS may be due to a change in management. She also states that the required information is included on the website.

Acting Chair McCarthy states that according to 584B8-C the FWS should alert the commission of any changes regarding lake management. Ms. Barno agrees and adds that this was done prior to the fisheries management plan. Commissioner Pflugh asks Commissioner Pravs if the Commission can add the link to FWS to the website and let Ms. Barno know if any required information is missing from the Site. Commissioner Pravs comments yes. Acting Chair McCarthy asks would FWS alert the commission if changes were made to the management plan, Ms. Barno comments yes.

#### **Public Comment**

Mr. Gallagher of Lake Hopatcong comments that there is a rumor of a new species of trout in the lake that requires more water. Ms. Barno comments that this is not true, and that they are currently raising strictly rainbow trout. In the future they plan to raise more brook and brown trout. Mr. Gallagher asks if the trout will suffer if the dams are reinstalled. Ms. Barno comments that this would not benefit the stream or the fish because the water pooling behind the dams is warmer and of lower water quality than if the river can flow freely. Mr. Gallagher comments that he has a Facebook page called Lake Hopatcong Citizens for Action and he hopes to get 2,000 to 3,000 votes for the lake. Acting Chair McCarthy adds that the issue needs to be raised outside of the watershed by surrounding county legislatures. The commission cannot lobby, but other groups can lobby.

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Barbara Lauren of River Styx comments that she uses the lake water in her home since 1947. She has recently had to replace the filters and pumps more often than she used to because of the weeds. She is having a contractor come in to chemically treat the lake. Commissioner Pflugh comments that she should understand what chemicals are being used since she uses the lake water in her home.

Jean Burkevary requests the legislator's name who she should contact. Commissioner Pflugh recommends talking to Jessica Murphy of the Lake Hopatcong Foundation who is doing outreach. Acting Chair McCarthy suggests reaching out to Senator Oroho's office to get the information.

Joe Bounjourno comments that the sewage treatment plants need tertiary treatment. He believes that if there is tertiary treatment then you would not need dilution. He asks if the plants didn't require dilution what the flow would need to be. Commissioner Steinbaum comments that the cost to convert the plants would be too much. Mr. Bounjourno comments that he would like to know the cost, and have a study performed to see what the flow requirement would be. Acting Chair McCarthy comments that Commissioner Pflugh can point him to the right person.

Commissioner Pflugh comments that she is also concerned about the 5 foot draw down as Barbara mentioned earlier. In the WLMP there is language that we can cancel the drawdown if needed. There have already been discussions with people who are concerned, and it will be revisited on the meeting September 26<sup>th</sup>. Acting Chair McCarthy comments that this would be a deferment not a cancellation. Commissioner Steinbaum comments that a proposal could be made where the drawdown could be quicker and refill could happen a month earlier. Commissioner Pflugh comments that an email address will be established for comments and it will be included in the letter as well as on the website.

Scott Carter of Hopatcong comments that last meeting there was a call for social media campaigns. He has a Facebook page with 5,500 followers that he can use to further the message of the Commission. Last month he sent 11 letters to legislators, but only received three back. He asks if the Commission can have a fundraiser. Acting Chair McCarthy comments that the Commission cannot fundraise, but can accept donations. Mr. Carter comments that the public could do a fundraiser and can put it on his Facebook page.

Prepared by: Colleen Conover