

## **Minutes of the Lake Hopatcong Commission February 13, 2017**

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A meeting of the Lake Hopatcong Commission was held on February 13, 2017 at the Lake Hopatcong Senior Center, 32 Lakeside Boulevard Hopatcong, New Jersey. At approximately 7:00 p.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:** Acting Chair McCarthy and all those in attendance joined in a flag salute.

**Moment of Silence:** The acting chairman asked for a moment of silence for our armed forces.

### **Roll Call:**

Present: Mark Crowley, Daniel McCarthy, Mark Fisch, Joshua Osowski, Fred Steinbaum, Joel Servoss, Robert Tessier, Anne Seibert-Pravs,

Absent: Eric Wilsusen, Ron Morris, David Jarvis

Alternates Present: Richard Zoschak

With eight members present, Chair Smith declared a quorum.

Acting Chair McCarthy introduces the new chairman Ronald Smith.

### **Approval of Minutes**

Commissioner Pravs makes a motion to pass the meeting minutes as a block, for dates 12/12/2016, 3/20/2017, 4/17/2017, 5/15/2017, and 6/19/2017. Commissioner Fisch seconded.

The vote passes unanimously.

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

Acting Chair McCarthy had previously sent around the latest statements. He stated that the Valley National Bank balance as of June 30, 2017 was \$515.85 and the 319(h)-grant balance is \$456.19. Acting Chair McCarthy asks for comments. Commissioner Steinbaum makes a motion to accept the treasurers report. Commissioner Fisch seconded.

The motion passes unanimously.

### **Correspondence**

Acting Chair McCarthy states that the Commission did not receive any correspondence. Alternate Zoschak received an email about the site plan which he will address later in the meeting.

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Commissioner Steinbaum states that he received two emails one regarding ice “creep” and the other was from Joshua Osowski in response to the request for the budget last year the Commission requested an office space in the state park, but it was denied. Acting Chair McCarthy states that he sent an email related to the Commission’s equipment. He states a letter from the Governor to Ronald Smith was received appointing Ronald Smith as the Chairman of the Commission.

### **Lake Hopatcong Commissioners’ Comments**

Commissioner Tessier states that it is great to see so many people at the meeting. Acting Chair McCarthy states that there are still some openings in the alternate positions. Commissioner Steinbaum states that he is happy that the Commission is re-funded and appointments have been made. However, one of the Commissioners has not been here since October and he asks Chairman Smith to reach out to Dave Jarvis and his alternate Eric Wilsusen to confirm their interest in the Commission. He states that in the Lake Hopatcong For All agreement the section related to anchoring pertains only to Byram Cove and he would like it to be updated to include the whole lake.

### **Acting Chairman’s Report**

Acting Chair McCarthy states that this is his last acting chairman’s report and takes a moment to thank everyone for their support and effort during the Commissions’ hardships. He welcomes Chairman Smith. Chairman Smith states that he sits on the Jefferson Town Council and is planning to pass the State’s Draft MOU and he hopes that the other three towns will participate. Acting Chairman McCarthy gives a brief overview of the MOU and adds that the (former) portion about the towns taking over financial obligations in 2020 has been redacted and that he thinks that the Commission should have a seat at the table. This will be covered further later in the meeting. Commissioner Steinbaum inquires if the additional 200K for weed harvesting over three years is still in the MOU. Commissioner Crowley states that this is still in the MOU, and during a meeting between the townships and the NJDEP and they removed the portion related to township takeover in 2020. He adds that there are some additional requirements for the townships such as the MS4 guidelines and sewer systems. He states that Roxbury has decided not to sign it because the MOU is for the entire township and not just the portion of Roxbury that is in the watershed. He states that Roxbury is asking that this be amended. There is a general discussion of the MOU and its requirements. Chairman Smith states that he spoke with several Senator’s offices to have an ad hoc committee to discuss the MOUs. He would like to meet with the Senators before the next meeting.

### **Old Business**

#### **Water Level Review Update**

Commissioner Osowski reports that the staff continues to monitor water level and adjust as needed.

#### **NJDEP Water Level Management Plan update proposal**

Commissioner Osowski has nothing new to report. Acting Chair McCarthy inquires if there will be a meeting of the CAC. Commissioner Osowski responds that he would speak with Kerry Kirk-Pflugh to have the meeting in the Fall. Commissioner Steinbaum comments that it will be an important meeting because of the five-year drawdown. Commissioner Crowley states that he would like to understand how the townships gain representation at the CAC meetings. He is concerned that Roxbury doesn't have adequate representation and needs to know how to appoint or modify an appointed person before the next meeting. McCarthy states that each township appoints a person and a business person. Commissioner Steinbaum states that the appointment process is detailed in the lake level management plan. Commissioner Osowski responds that he will find out when the next meeting will be and how appointments are made.

### Commissioner Steinbaum's Proposal

Commissioner Steinbaum states that he would like a vote by the Commission on his recent three-part proposal. However, because this is Chairman Smiths' first meeting, he will table the vote until next meeting. He reiterates that Part one proposes that the yearly drawdown be reduced from 22 inches to 16 inches to protect docks and that the drawdown be started later and be completed by December 16<sup>th</sup> saving an additional 6 inches of water. Part two proposes that the 60-inch five-year drawdown be continued, but done in a shorter time frame at 2 inches per day instead of the current 1.5 inches. The drawdown would be completed by October 15<sup>th</sup> rather than November 1<sup>st</sup> and the refill would begin on December 1<sup>st</sup> rather than December 15<sup>th</sup>. Part three proposes that the NJDEP must be more flexible in the plan when the lake level is below normal. The 12 cfs outflow should be lowered to 8 cfs when the lake level is below 8 feet. There is a general discussion of Commissioner Steinbaum's proposal.

### Weed Harvesting Update

Commissioner Osowski reads the 2017 harvesting updates posted on the Hopatcong State Park website. He states that they have seven seasonal employees, five weed harvesting operators, and two dump truck drivers on the lake full time. There are four weed harvesters on the lake, each operating on a full-time basis. He states that they had a late start due to part orders and equipment repairs. The four large weed harvesters have been overhauled, two shore conveyors received new chain link belting, two trailers were overhauled, and two dumpsters received routine maintenance. A pressure washer was purchased to assist with cleaning of all equipment in the Fall. He states that the machines were placed on the water on June 21<sup>st</sup> and they began training new hires the same day. A permanent, experienced harvester was sent to Crescent Cove, north of the bridge and it has been cutting in the cove since June 21<sup>st</sup>. He states that since that time they have been focusing on all shorelines and coves south of Bertrand's Island to the State Park and are nearing the end of Phase 1. Phase 2 will run from July 24<sup>th</sup> through August. Two harvesters will be staged at Lee's County Park and two harvesters will be staged at Ashley's Cove. The harvesters at Lee's County Park will cover River Styx, Great Cove, Davis Cove, east shoreline south of Brady's Bridge, and areas around Halsey Island which include Prospect Point. The harvesters at Ashley's Cove will focus mainly in

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Woodport. He states that Friday of each week is designated for cleaning up floating weeds. Phase 3 will most likely begin early to mid-September and it will cover Byram Cove and Henderson Cove. He states that 454 cubic yards of material have been harvested from June 24<sup>th</sup> through July 11<sup>th</sup>. He states that funding for the 2018 fiscal year will be set up within the next few weeks and any funds remaining in the 2017 fiscal year budget will be carried over into 2018. He states that the 2018 budget is expected to be \$355,000 plus remaining unused funds from 2017. The estimated remaining 2017 budget is \$12,000. He states that they are currently disposing of weeds at the MUA, but once they have reached their allotted amount (typically 800 cubic yards) they will begin to dispose of weeds at Tilcon. He states that the basic outline of the Phases is on the State Park website. Commissioner Servoss inquires if there is another place to bring weeds, Commissioner Osowski states that they do not have another location yet and in response to Commissioner Pravs he states that AgChoice is not accepting material from the lake or any of their other 19 sources until they figure out where the detected volatiles came from.

### CAC Question

Acting Chair McCarthy revisits the CAC discussion from earlier in the meeting and states that page 41 of the water level management plan provides information on how representatives for the CAC are appointed. He states that they can appoint whoever they choose.

### Memorandum of Understanding

Acting Chair McCarthy states that he will defer the vote on the Musconetcong MOU until the Commission receives feedback from the NJDEP on a letter sent to the Attorney General's office. The letter states that the weed harvesting equipment should be used solely on Lake Hopatcong unless approved by the Commission. The agreement will terminate on December 31, 2017 at which time it can be renewed by the LHC and NJDEP for additional one year term(s). The LHC may terminate the agreement with 30 days' notice through a resolution to the NJDEP at which point the equipment will be returned to the Commission. Commissioner Osowski states that he expressed his support of the addendum to the Attorney General.

Commissioner Steinbaum inquires about the location of the Commission's Boston whaler. Acting Chair McCarthy states that it is being stored in Franklin.

### This Year's Fiscal Year Budget

Acting Chair McCarthy comments on the Princeton Hydro 35-year water quality monitoring data stream and the Commission's need for an administrator. He inquires when the money can be expected. Commissioner Osowski responds that he does not have that information.

### Next Year's Fiscal Year Budget – Due November 2017

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Commissioner Steinbaum commends Commissioners Crowley and Tessier for their ideas for funding. Acting Chair McCarthy states that they need to design a budget around the requirements of the original agreement and what the public wants the Commission to be. Commissioner Crowley suggested working on a budget that focuses on what they are able to do, but continue to monitor all of the items laid out in the original agreement. There is a general discussion of the 2018 budget.

### Website

Commissioner Steinbaum reports that Commissioner Pravs and he met with John Driscoll who is the current administrator. He owns the domain and the website (the cost is \$10/year for the domain and \$100/year for the website). He states that John has been paying to keep the website and domain up all these years. He states that John Driscoll suggested that the Commission take over the Commission website. John would like to make the site more user friendly and he will coordinate to turn over the website.

### New Business

#### Commission Mailing Address

Commissioner Steinbaum inquiries about a mailing address for the Commission. He suggests a P.O. Box or the State Park. He inquiries about an office location at the State Park. Commissioner Osowski responds that he will find out about an office location, but confirms that Commission mailing address can be updated to the State Park. Acting Chairman McCarthy states that he will effectively update the mailing address to the State Park.

#### LHC Meeting Dates

Chair Smith requests changing the meetings to the second Monday of the month starting on September 11<sup>th</sup>. Acting Chair McCarthy states that he will have to check with each meeting location to confirm availability. The following dates have been confirmed.

August 21<sup>st</sup> – Jefferson Board of Education Administrative Office, 31 State Hwy 181, Jefferson NJ

September 11<sup>th</sup> - Jefferson Board of Education Administrative Office, 31 State Hwy 181, Jefferson NJ

#### Site Plan Reviews

Commissioner Zoschak received a letter from Dykstra Walker for Commission review of a house teardown. He has a draft response letter which prioritizes protection of the lake through best management practices (BMPs). Commissioner Pravs states that she also received a call and she told them to speak to her predecessor, Tom Foley, and that the issue has been resolved. There is a discussion of the role of the Commission in zoning and permitting etc. Commissioner Zoschak reads the draft letter, and Commissioner Tessier suggests editing the letter template to reduce liability. The Commission concurs

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that they should agree on what their involvement should be in zoning and permitting in the future.

### Water Quality Monitoring MOU with Lake Hopatcong Foundation

Lubnow states that the foundation will carry the cost of monitoring (May – September). Lake Hopatcong Foundation (LHF) has footed the bill for monitoring \$16,350 with the understanding that if the Commission got funding the Foundation would be reimbursed.

### Secretary Minutes Record Keeping

Commissioner Steinbaum states that there is money allocated for a Secretary. Would like to have part-time secretary, office, website, internet and phone. Chair suggests putting together a budget committee meeting between now and next meeting.

### Dr. Lubnow's Report

Fred Lubnow of Princeton Hydro gives his report. He states that the LHF and Princeton Hydro had a meeting to close out the 319h grant. NJDEP is reviewing the final report and if there are no problems the payment will be submitted. That is the last of the existing grants. He states that there is another round of 319 funding coming up in October. NDEP recommends a joint application between the LHF and the LHC because LHF has the administrative capacity to manage the grant, however presentations will still continue at the LHC meetings. He states that they are seeking funding for a restoration plan to update the current one, which is ten years old. LHC was one of the first in the state to be approved. After their approval, new guidelines established nine elements of a watershed. Updating the restoration plan to include the elements will make LHC eligible for additional grants. Over ten years TMDL was 33%, they want to get as close to 100% as possible so that the lake can be approved for dredging. He suggests two watershed implementation plans (WIPs); one for the Lake Hopatcong watershed and one for the Musconetcong Watershed. He states that in 2019 the Musconetcong river will be a prioritized watershed. It's important to be ready with the WIP at that time. He moves on to the monitoring report, a written report covering the first half of the year will be ready for next meeting. He makes two points 1. There is elevated phosphorus in Crescent Cove and in the northern area of Jefferson. 2. In June River Styx and Crescent Cove had heavy weeds. Princeton Hydro noted that at the bottom (6-7' deep) there was a low point of dissolved oxygen (DO) around 1.3mg/L. He notes that when DO dips below 1 mg/kg phosphorus can be released.

### Lake Hopatcong Foundation

Marty Cain mentions the LHF Symposium for the Commissioners, Freeholders, community leaders, Lake Musconetcong leadership etc. at the symposium they will discuss lake level, weed alternatives, dredging, and security on the lake. He mentions that the LHF is happy with the cooperation of the boaters in Byram Cove and the courtesy patrols are helping. He states that there is an ad hoc meeting next week. He comments that he hopes that revenue from boat registration fees can be a life-line for a

permanent source of funding for the Commission. He states that this year has been the busiest year in at least 15 years according to the marinas.

**Public Comment**

Mr. Kurzman comments that he would like to keep boats out of the main thoroughfare. He thinks that the weeds are better than they have been in years. He is still unhappy with the lake level plan because the State took away the dry weather protection. He went to the LHF to start committees from each community to determine what they want to put into the management plan. He inquires about the State budget boat-registration fees and would like to know if the State will they be using old fees for the lake or making a new tax?

Cliff Bebee states that nature should regulate the water level in the lake. He is happy that the Commission is contacting the government entities.

Earl Riley inquires, where the money is coming from for funding. Chair Smith states that it's just a line item, they do not know where it is from yet. He makes suggestions on how to hire a secretary and how to approve site plans based on what Musconetcong has done. He inquires whether Lake Musconetcong can also put their weeds in Tilcon Lake. Commissioner Osowski states that they cannot. Mr. Riley suggests that the State Park dry their weeds prior to disposal so that they do not meet the MUA limit too quickly.

Bob Crawford inquires about the process for when the rules and needs of the lake change. Specifically the distance from the shore for ski boats and now for wake boats. He would like to know how to make rules that keep boats away from the docks during wake surfing. Marty Cain suggests speaking to him after the meeting because the LHF is looking for input on this subject. Acting Chair McCarthy states a request was made that the boat regulatory commission (BRC) hold one meeting in Lake Hopatcong and one person from Lake Hopatcong be appointed to the BRC. Acting Chair McCarthy states that he thinks it will ultimately be the BRC who would make the new rules.

The meeting adjourned at 9:34 p.m. with a motion by Commissioner Steinbaum, seconded by Commissioner Fisch.