

**Lake Hopatcong Commission**  
**Regular Meeting Minutes – July 22th, 2019**  
**Hopatcong High School, 2A Windsor Ave, Hopatcong**

**I. Opening of Meeting/Open Public Meeting Statement**

- a. In accordance with the Open Meeting Law, The Lake Hopatcong Commission has caused notice of this meeting to be published by having the date, time, and place thereof delivered or mailed or electronically mailed to the following:

*DAILY RECORD* and posted on the Lake Hopatcong Commission website (lakehopatcongcommission.org)

**II. Salute to the Flag and Moment of Silence**

**III. Roll Call**

Present: Mark Crowley, Mark Fisch, Daniel McCarthy, Joel Servoss, Fred Steinbaum, Todd Stevens, Robert Tessier, Ronald Smith

Absent: David Jarvis, Anne Seibert-Pravs

Alternates Present: Eric Wilsusen, Tom Sellaro, Neil Senatore,

With eight members present, Chair Smith declares a quorum. Commissioner Tessier arrives at 7:05pm.

**I. Introduction and Purpose of the Meeting**

Chairman Smith provides an overview of the meeting, and states that the purpose is to provide some additional information because of what is happening on the Lake and to the surrounding businesses. Princeton Hydro will provide some information on short-term and long-term goals, and there will be an opportunity for public comment at the end of the meeting. He recognizes State and Local officials who are present at the meeting.

**II. History of Efforts to Care for the Lake**

Commissioner McCarthy provides a presentation on the history of efforts to protect and save Lake Hopatcong. He states that in 1976 an article indicated that 55 million dollars in revenue is generated by the lake each year. He states that in 1999 the Commission was provided funding of 1.5 million dollars per year and gives an overview of funding requirements and the economic value of Lake Hopatcong. When the Commission lost funding, other groups tried to step in, including the Lake Hopatcong Foundation. A year ago, the Commission was provided \$500,000 per year through state appropriations. He states that it is not enough to address all of the items in the Lake Hopatcong Protection Act. Commissioner McCarthy provides an overview of a properly functioning catch basin with iron oxide filters that trap phosphorus before it can enter the lake. The algae is a symptom of a greater problem. He states that they need an immediate infusion of funding so that they

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can work to limit nutrient loading for the future. The hard work has been done in the form of studies and there are projects that are ready to go.

**III. Development of Lake Hopatcong**

Marty Kane states that there is a long history of how the lake got to this point. He states that if the Commission had been funded at 1.5 million over the past ten years he does not believe that the bloom would be happening today. He states that there are some environmental factors, but funding is necessary for the health of the lake. He states that there are 2,200 homes on Lake Hopatcong and only 45% of the lake has sewers. There are septic and stormwater issues that increase nutrient loading to the lake. He states that there are also a lot of boats on the lake, and although everyone shares the lake, the boats can add to stress on the lake. Mr. Kane states that in 1975 the lake was shut down because too many herbicides were put into the lake and cautions against chemical use to solve problems. The weed harvesting program was borne in an effort to reduce chemical use in the lake. He states that when the Commission was well funded the amount of phosphorus in the lake was declining, but when funding was lost, the phosphorus began to increase again. He states that adequate funding is needed to maintain the lake.

**IV. Summary of Current Water Conditions**

Dr. Fred Lubnow shows a chart of phosphorus in Lake Hopatcong over time, compared with funding availability for the Commission. He states that when the Commission is well funded, phosphorus decreases and when there is not adequate funding, phosphorus increases. He provides an overview of phosphorus in the Lake during 2019. He states that concentrations were high around the lake, Station 10 near the quarry stream discharge was highest for phosphorus and TSS. He states that the quarry stream is also producing more phosphorus and TSS than other streams that feed the lake. He introduces a four-point strategy for short-term and long-term mitigation strategies. He states that the first step is to complete the revision of the watershed implementation plan. Second and third steps are near-shore demonstration projects and beach/cove restoration plans. He states that there also needs to be scientific investigation on Lake Hopatcong to address questions of aeration or alum use and other large-scale projects. Dr. Lubnow provides a very preliminary budget of three million for the restoration plan which does not include sewerage. It does include three million for 26 stormwater projects that Princeton Hydro is recommending for the watershed, \$460,000 for four full-time staff with benefits for the Commission to help with shared services and weed harvesting, \$210,000 for beach restoration projects, \$220,000 for municipal demonstration projects, and an additional \$135,000 for scientific studies. He states that the total funding requirement would be an estimated four million dollars.

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**V. Commissioner Comments**

Commissioner Steinbaum states that the lake has always had problems. It is a state-owned lake, and they have not supported it properly. The Commission was supposed to receive \$1.5 million annually, which only lasted one year. He states that although the Commission receives \$500K, \$355K is kept by the NJDEP to do weed harvesting. The Commission only receives \$145,000 to accomplish everything else.

Commissioner Crowley states that in the four years he has been on the Commission there hasn't been enough funding to accomplish any of the projects that Princeton Hyro recommends. He would like to see some of the projects finished.

Alternate Commissioner Wilsusen thanks the presenters for their dedication and states that the Commission needs funding.

Commissioner McCarthy states that \$1.5 million in 2001 equates to \$2.2 million in 2019.

Commissioner Tessier states that intensification of use of the shoreline through municipal land use applications impact stormwater that enters the lake. He indicates that this needs to be addressed by the local, state governments, and the residents.

Commissioner Servoss states that he is happy to see the crowd that turned out to learn about the HAB.

Chair Smith states that over the last month the Commission has been working to learn more about harmful algal blooms and thanks everyone involved in the meeting.

**VI. Comments from the Audience *(on agenda items only, if applicable)***

Chair Smith opens the meeting to the public. He starts by offering the floor to local and state officials first. Hearing no comments, he moves on to local groups.

Assemblywoman DeCrose states that she used to sit on the Commission as a representative of DCA. She states that she and the other representatives present are going to hold the State responsible to help the lake. The State gave \$4 million out of appropriations to Wildwood for tourism this year, and she believes that Lake Hopatcong should receive the same.

Assemblyman Bucco thanks the Commission and Foundation for initiating the process of developing short-term and long-term plans for the lake. He states that a solution will be developed that will help legislators present a solution to the State to get adequate funding that is necessary. He states that the lake is a State asset and if the State does not take responsibility for it there can be long-term implications.

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Freeholder Darling states that there is a lot of data already, and it is time to implement projects to relieve the burden on citizens.

Freeholder Shaw states that Morris County is currently maintaining catch basins and implementing septic maintenance pump outs. He states that it is good that the WIP is being redone because a lot has changes since the restoration plan was written.

Mayor Stanzilis asks why the threshold is so much lower for New Jersey than for other states. Leslie McGeorge of DEP states that the State has a HAB recreational strategy which includes cell count guidelines to prevent irritative effects with contact with the water. The guidelines were developed from the World Health Organization to prevent against a moderate level of risk from contact with the water. She states that some states use a higher level, while some other states use similar numbers to New Jersey.

Mayor DeFillippo states that he is impressed with the plan going forward. He has been in meetings with our legislature and states that they are holding the State accountable. He states that the DEP should be monitoring more frequently, and that where the lake is safe the advisory should be lifted. He states that Roxbury is fully sewered in all but one location, the State Park.

Mayor Francis states that when they tried to introduce triploid grass carp and DEP failed the lake by not allowing a pilot program. He states that DEP should be looking at similar lakes and do something in Lake Hopatcong that has worked for other lakes to limit HABs. He asks why there is an advisory if the water is below cyanotoxin criteria. He states that the advisory is hurting businesses around the lake.

Mayor Wilsusen states that Representative Mikey Sherill visited the lake and they have challenged her to find funding. He states that Jefferson Township is revisiting the idea of sewers. He states that in 2002 the cost to sewer 3,300 dwellings along the lake front was \$61 million, in 2019 it is about \$85 million. He states that they need to find funding.

Michelle Drulis of Congressman Malinowski's office states that he understands the needs of the municipalities. She states that Congressman Malinowski supported \$1.8 million in clean water state revolving funds, dedicated to improving water quality.

Jim McDonald, Health Officer for Sussex County presents questions from the Freeholders. He asks if dredging would help. Dr. Lubnow states that funding isn't available for dredging until the TMDL is met. Mr. McDonald states that some beaches are getting results below threshold and asks that the DEP forward results to the County so that they can all be on the same page.

Michelle Putnam, Assistant Commissioner of Water Resource Management states that the DEP sampling on Tuesday will include the beaches. She states that they

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are working with Dr. Lubnow on eligible projects through the 319h grant program and low interest loan programs for infrastructure improvements.

Elliot Ruda, NJ Highlands Coalition states that there will be a public information session at the Roxbury Performing Arts Center on August 20<sup>th</sup>. He states that experts on lake management, stormwater, and ecology who will be speaking.

Chair Smith opens the meeting to the public for comment.

Leslie Sullivan, Ice Cream Afloat asks if it is an advisory or if swimming is restricted. Blanca Chevrestt of Parks and Forestry states that the beaches are mandated to close if there is a sign of a suspected HAB. The health department requires that any other regulated beach closes as well. She states that the advisory is for the rest of the lake, the signage is specifically for Hopatcong State Park.

Rich McFadden, Hopatcong states that other states do not have the same standards, he states that the signs on route 80 need to be changed to reflect that it is only an advisory.

Maria Romano, Lake Hopatcong states that the DEP is sampling, but not doing anything to fix the problem. She states that the State has a responsibility to the lake front homeowners.

John Tuchi, Ever Blue Lakes states that the core impairment of the lake is that it is out of oxygen between 15-20 feet. He states that the dead zone is an algae factory for the waterbody.

Tim Clancy, Lake Hopatcong states that he asked DEP if the quarry is a possible source for the HAB. He states that they have yet to test the quarry stream for phosphorus. He shows a photo of the quarry detention basin. Leslie McGeorge states that the rock from the quarry is a very minor source of phosphorus and the DEP will be testing tomorrow.

John Kursman states that if the rock from the quarry bound to the metals in the lake then it could have been part of the problem. He states that he has asked the DEP for data from the stream sampling from when the discharge occurred.

Lou Tarascio, Lake Hopatcong states that on February 8, the quarry discharge occurred, why is it taking so long for DEP to collect samples.

Mara Modes, Hopatcong states that she requested an environmental impact statement when the Hopatcong Land Use Board approved the quarry. She states that the Land Use Board denied her request.

William Pennie poses a series of questions to the DEP, what is being done to remedy the HAB, why is the DEP always reactive instead of proactive. He asks what measures have been taken to avoid HABs since the rain tax was signed. Why has there been no herbicide application to stop the bloom? How many people have reported skin rash? Is the air quality effected when the water from the lake evaporates? What is the plan to avoid future blooms?

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Mike Purdue, Elba Point asks whether DEP needs access to the Elba Point Beach. He states that the quarry may not contain phosphorus, but it could also effect pH of the lake. Bruce Friedman states that initially DEP tested many of the beaches, but now they are testing regions. When the regions are below 20,000 cells/mL then they will go out and sample the beaches. They will sample all of the beaches tomorrow and the results will be available on Wednesday. He states that when the DEP lifts an advisory for a region, then the beaches require two samples that are below criteria, and the beach can be reopened. He states that on the continuous monitoring stations you can see the pH and currently pH in the lake is around 9. This is indicative of an algal bloom.

Adreena, Hopatcong states that she is interested in hearing about the stormwater flood defense bill and if it could provide funding to save the lake. Marty Kane states that the stormwater utilities bill is a town by town decision.

Theresa Guarino asks how much of a threat the bloom is to public health and how long does it persist. Dr. Lubnow states that cell counts are used because it is difficult to monitor every species of cyanotoxin. The conservative measure is look at cell count because you are considering the risk from any species of cyanotoxin that is present. He states that the cyanotoxins can persist from 2-18 days dependent on conditions.

Deena Lichens, Sussex County states that if this were happening at the shore the State would be providing daily testing and funding. She asks why Lake Hopatcong doesn't get the same attention.

Anthony Vassallo, Mount Arlington asks if DEP will be reviewing the existing HAB strategy.

Willa Santlebury, Crescent Cove asks if the flyover figure is an flight pattern. Bruce Friedman states that yes that is the flight pattern and the sensor detects pigment wavelengths to detect phycocyanin levels. It is a screening tool and an efficient way to find hot spots so that they can send out sampling teams. Ms. Scantchelberry asks if flights can go over Crescent Cove. Mr. Friedman agrees.

Marybeth Andrikanich, Lake Hopatcong asks why they can just put aerators in the lake.

Dan Smith, asks what are you going to do to reimburse small businesses who are suffering as a result of the HAB.

John Kurzman states that the HAB is dangerous to animals. He states that bacteria is not a good indicator of toxins. He states that the ratio of nitrogen to phosphorus is important.

Lisa Plevin, Highlands Council states that research is being done for the Watershed Implementation Plan and the Highlands Council provided funding for the project. She states that the Council can also provide planning grants to work on a lot of the issues that have been talked about tonight including, septic maintenance, stormwater etc.

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Drew Trien states that both the water and air that comes from the quarry are bad. He states that he called his town for stormdrain maintenance and he was told that he is on the schedule for 2020.

Ilene Shonfeld asks why sewers can't be put in for lakefront homes.

Jeffrey Carey asks how many confirmed cases are due to this. Chair Smith states that it could be confirmed with the County Health Departments. He asks if the DEP will consider a change so that the signs that are around will reflect the current advisory. Bruce Friedman states that they will get back in touch with DOT to revise the signage.

Chair Smith entertains a motion to adjourn. Commissioner McCarthy makes a motion, Commissioner Steinbaum seconds the motion. The meeting is adjourned.

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