

**Lake Hopatcong Commission**  
**Regular Meeting Minutes – August 10, 2020**  
**Remote Virtual Meeting**

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

- a. In accordance with the Open Meeting Law (N.J.S.A. 10:4-9.1), The Lake Hopatcong Commission has caused notice of this meeting to be published by having the date, time, and place thereof via electronic notification to the following:

The Lake Hopatcong Commission website (lakehopatcongcommission.org)

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

**III. Roll Call**

Present: Mark Crowley, Bradley Hoferkamp, Daniel McCarthy, Anne Seibert-Pravs, Fred Steinbaum, Todd Stevens, Ronald Smith, Robert Tessier, Eric Wilsusen

Absent: Melissa Castellon, Mark Fisch, Joshua Osowski,

Alternates Present: Tom Foley, Ryan Gilfillan, Bill Hirshfeld, Tom Sellaro, Neil Senatore, Richard Zoschak

With ten members present, Chair Smith declares a quorum.

**IV. Executive Session**

Chair Smith indicates that an executive session will be held at the end of the meeting to discuss legal matters.

**V. Approval of Meeting Minutes**

Chair Smith entertains a motion to approve the minutes. Colleen Lyons states that there are three sets of meeting minutes which need approval, the July Regular Meeting, the July 20<sup>th</sup> Special Meeting, and the August 3<sup>rd</sup> Special Meeting. Commissioner Steinbaum makes a motion to approve the minutes for the July meeting, Alternate Commissioner Senatore seconds the motion.

Roll Call:

Crowley	Yes	Steinbaum	Yes
Hoferkamp	Yes	Stevens	Yes
McCarthy	Yes	Tessier	Abstain
Pravs	Yes	Wilsusen	Yes
Senatore	Yes	Smith	Yes

The motion passes 9-0-1 (one abstention).

Commissioner Steinbaum makes a motion to approve the minutes for the July 20<sup>th</sup> Special Meeting, Commissioner Wilsusen seconds the motion.

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Roll Call:

Crowley	Abstain	Steinbaum	Yes
Hoferkamp	Yes	Stevens	Yes
McCarthy	Yes	Tessier	Abstain
Pravs	Yes	Wilsusen	Yes
Senatore	Abstain	Smith	Yes

The motion passes 7-0-3 (three abstention).

Commissioner Steinbaum makes a motion to approve the minutes for the August 3<sup>rd</sup> Special Meeting, Commissioner Pravs seconds the motion.

Roll Call:

Crowley	Yes	Steinbaum	Yes
Hoferkamp	Yes	Stevens	Abstain
McCarthy	Yes	Tessier	Yes
Pravs	Yes	Wilsusen	Yes
Senatore	Abstain	Smith	Yes

The motion passes 8-0-2 (three abstention).

**VI. Treasurer’s Report**

Colleen Lyons provides the Treasurer’s report in Commissioner Fisch’s absence. She states that the bill list totals \$13,542.80 covering Princeton Hydro’s work, Zoom monthly fees, Internet and Phone and Administrative Consulting fees. She states that one additional invoice came in before the meeting from Princeton Hydro for the HAB grant related expenses. She states that the invoice currently reflects three aeration units to be purchased, however the Commission does not have confirmation from Mount Arlington, so the invoice needs to be revised to reflect the purchase of only two units. She states that the updated invoice would be for \$104,170.00. Commissioner Tessier asks how long the aeration units last. Dr. Lubnow states that as long as they are maintained they will last a decade or longer. There is a general discussion of the aeration units. Colleen Lyons states that the balance in the Commission’s account is \$605,744.73. Since last month the Commission received the HAB grant advanced payment of \$283,000, \$125,000 FY2021 first quarter payment of the Commission’s statutory funding, and \$30,000 carry forward balance from FY2020. After a discussion of the aeration units, Chair Smith entertains a motion to approve the list of bills. Commissioner Crowley makes a motion to approve the list of bills, Commissioner Tessier seconds the

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motion. Commissioner Hoferkamp requests the total amount to be approved, Colleen Lyons states \$117,712.80.

Roll Call:

Crowley	Yes	Steinbaum	Yes
Hoferkamp	Yes	Stevens	Yes
McCarthy	Yes	Tessier	Yes
Pravs	Yes	Wilsusen	Yes
Senatore	Yes	Smith	Yes

The motion passes unanimously.

**VII. Correspondence**

Colleen Lyons provides a summary of the correspondence. She states that the Commission’s land use applications are posted on the OneDrive account and are all up to date. Received notification from DEP that the Commission was awarded \$206K as part of the second grant in the Governor’s HAB initiative. Princeton Hydro provided an addendum to their general consulting contract. The Borough of Hopatcong requested assistance from the Commission for funding bioblast treatment in Crescent Cove. She states that the Commission received a draft tolling agreement from Weldon Quarry. Chair Smith states that the Commission’s legal counsel will provide additional information on the agreement. Commissioner McCarthy asks whether the agreement would be discussed in Executive Session. There is a discussion of the agreement and the Chair states that an executive session will be held at the end of the meeting.

**VIII. Lake Hopatcong Foundation Updates**

Marty Kane provides an update from the Lake Hopatcong Foundation. He states that since the last meeting, Congresswoman Sherrill and Governor Murphy visited the lake. The Foundation has been working on the sterile grass carp trial again. He states that on July 27<sup>th</sup> they had a meeting with DEP as a result of a request Mayor Francis made to the Governor. DEP suggested that another proposal be provided to show whether the fish would migrate out of Crescent Cove. He states that they have a draft right now and they will decide about whether it will go to DEP from the Borough of Hopatcong or the Foundation. Jessica Murphy states that the Foundation had to cancel the Block Party for 2020 and has decided to make the Lake Loop a virtual event.

**IX. Chairman’s Report**

Chairman Smith states that he, with Colleen and Marty have been working on a set of bid specifications for weed harvesting through the end of the season. He states

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that they are hoping to finalize the specifications for publication in the paper next week so that some harvesting can be completed by the end of the season. Commissioner Tessier asks if there will need to be a special meeting to approve the specifications. Chair Smith states that a meeting will be required only to award the contract. There is a discussion of the bid specification. Chair Smith states that during the Governor's meeting the Commission requested assistance with securing our statutory and grant funds and they were helpful in making sure the funds were provided to the Commission.

**X. Commissioner Comments**

Commissioner Hoferkamp asks whether the Commission has a qualified purchasing agent. Chairman Smith states that he is a qualified purchasing agent, but is not an employee of the Commission. Commissioner Crowley asks whether the Commission heard about the non-point source pollution grants. Colleen Lyons states that they did receive a grant for \$206,000 and that Morris County Parks also received a grant. Commissioner Tessier comments on the grant projects. Dr. Lubnow states that under the HAB grant they are evaluating innovative technologies to determine what works and is cost effective for Lake Hopatcong. He states that the 319 grant will work on the internal load of the lake and four additional watershed projects.

**Princeton Hydro Presentation**

Dr. Fred Lubnow of Princeton Hydro provides an update on their activities. He states that on July 30<sup>th</sup> he and Colleen Lyons collect cyanobacteria samples. Princeton Hydro's data cannot be used to inform an alert level because the only data that can is data collected by NJDEP. He states that the data they collect is useful because it can provide management guidance, information on HAB dynamics, and the data collected can be provided to DEP so they can decide whether to do confirmatory sampling. Going forward the data collected by Princeton Hydro will be provided to the Commission and then the Commission can provide it to DEP. He provides the July cyanobacteria results and states that all results were negative for cyanotoxins. The lake is starting to look greener, he states that this year's July surface water temperatures were the second highest on record. Dr. Lubnow provides an overview of the HAB grant projects. He states that July 2020 phosphorus concentrations are higher than July 2019 concentrations, so there is more phosphorus in the water this July. Dr. Lubnow provides a quick overview of the 319 projects that were announced this week. This will include a study of the lake's internal phosphorus load, shoreline plantings around Memorial Pond in Mount Arlington, rehabilitation of a wetland in Hopatcong, replacement of filter material in stormwater devices in Jefferson and installation of floating wetland islands in Landing Channel in Roxbury. There is a general discussion of the 319 grant and sources of non-point sources of pollution on Lake Hopatcong.

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**GreenVest**

Brian Cramer of GreenVest introduces himself and provides information on their company. He states that the watershed implementation plan outlines the issues throughout the watershed, but the Commission needs funding to complete the projects. He states that GreenVest can provide loans through Hannon Armstrong for the implementation and maintenance of the projects. There is a general discussion of the program.

**XI. Updates**

**State Park Updates**

In Alternate Commissioner Castellon's absence Colleen Lyons shares an update that was provided to the Commission. She states that water is over the dam due to the recent rains and the stream gauge was disconnected on June 30<sup>th</sup> due to lack of funding. DEP is working on finishing the paperwork for the gauges to be operational. There is not a timeline on when they will be back up and running. She states that Hopatcong State Park continues to be on HAB watch and Crescent Cove at Hudson Avenue is on an advisory notice based on the August 6<sup>th</sup> sampling by NJDEP. The weed harvesting staff are all still working at the Franklin Building. Commissioner Steinbaum asks if the DEP is working to fill the mechanic position. Colleen Lyons states that she has reached out to the Governor's office as well as DEP to request an exemption from the State's hiring freeze. Commissioner Steinbaum states that the three gauges for the lake are offline. Commissioner McCarthy provides historic background on the gauges and measurements.

**NJDEP/LHC MOU**

Colleen Lyons has no update on the MOU.

**CAC Meeting**

Commissioner Osowski is not present, there are no updates on the CAC meeting. Colleen Lyons will follow-up with Commissioner Osowski about the next meeting.

**Grant Updates**

Colleen Lyons states that Dr. Lubnow had covered most of the HAB grant projects in his update. She states that the Rutgers Rain Garden Program is in its design phase for interested residents who had attended the workshop. She states that ten gardens have already been designed.

**Ice Retardant Committee**

Commissioner McCarthy requests a meeting of the ice retardant system committee. Colleen Lyons states that she will schedule a meeting in the next week.

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**Land Use**

Colleen Lyons states that she will schedule a meeting of the Land Use Committee to discuss the ordinance review and how to distribute work between the two professionals. Commissioner Tessier states that the committee will discuss the ordinance review and dividing the application reviews between the two planners. There is a general discussion of variance requests around the lake and exceedances of impervious coverage.

**XII. New Items**

**Commission FY2021 Statutory Funding**

Discussed earlier in the meeting.

**Governor’s HAB Initiative Grant Award**

Discussed earlier in the meeting.

**Letter to the Clean Air Council**

Colleen Lyons introduces a letter that was drafted by Marty Kane to the Clean Air Council after the Foundation received an update from DEP on an initiative for reducing air pollution at airports. The Commission and Foundation discussed the possibility of drafting a letter to the Clean Air Council requesting that a similar initiative be introduced for quarries in the state. Marty Kane states that the letter addresses the concerns of having more than 40 quarries state-wide and will be sent to Commissioner McCabe. Commissioner Crowley asks what happened to the Commission renting an air monitor to collect data on air pollution as a result of the quarry. Colleen Lyons states that the Commission did vote to rent a monitor, but DEP stated that the data collected would not be useable for litigation because DEP Air Compliances needs to be onsite to observe dust pollution so they can issue a citation. The other issue is where to place the monitors on private or public property. Commissioner McCarthy states that the discussion of the cost of remediation should be discussed in executive session.

**Request for funds from the Borough of Hopatcong**

Chair Smith introduces the request for funds from the Borough of Hopatcong. Colleen Lyons states that Mayor Francis is in attendance and may have some input in the discussion. She states that when the Borough applied for funds through the State HAB grant they were awarded funds for an aeration system. The second part of their project which was not funded by the grant was for a biological treatment called Bio Blast. The Borough is requesting funds from the Commission so that they can complete this part of their project. There is a general discussion of the Borough’s request. Commissioner Tessier makes a motion to fund half (\$12,000)

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of the Borough of Hopatcong’s request for funding of a biological treatment in Crescent Cove. Commissioner Steinbaum seconds the motion.

Roll Call:

Crowley	Yes	Steinbaum	Yes
Hoferkamp	Yes	Stevens	Yes
McCarthy	Yes	Tessier	Yes
Pravs	Yes	Wilsusen	Yes
Senatore	Yes	Smith	Yes

The motion passes unanimously.

**XIII. Public Comments**

Chair Smith opens the meeting to the public.  
No public comments.

**XIV. Executive Session**

Chair Smith states that the Commission will enter executive session to discuss legal matters. He states that no action will be taken after the executive session if the public members choose to leave. He entertains a motion to move to executive session. Commissioner Steinbaum makes a motion. Commissioner McCarthy seconds the motion. All those in favor signified by saying “aye” those opposed said “no”. The motion passed unanimously.

Chair Smith entertains a motion to re-enter the public session. Commissioner Steinbaum makes a motion. Commissioner Tessier seconds the motion. All those in favor signified by saying “aye” those opposed said “no”. The motion passed unanimously.

**XV. Action Items (Resolutions)**

Colleen Lyons states that the Commission needs to approve the amendment to Princeton Hydro’s general consulting agreement so that Dr. Lubnow can begin his review of the quarry’s existing conditions report. Commissioner McCarthy states that because the Commission told the public that no action would be taken after executive session, the approval should be held until the next meeting.

**XVI. Close of Meeting**

Chairman Smith entertains a motion to adjourn. Commissioner Steinbaum makes a motion to adjourn the meeting. Commissioner Pravs seconds the motion. The meeting is adjourned.

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