

Lake Hopatcong Commission
Regular Meeting Minutes – June 11, 2018
Hopatcong Senior Center, Hopatcong NJ

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 (lakehopatcong.org)

II. Salute to the Flag and Moment of Silence

III. Roll Call

Present: Mark Crowley, Mark Fisch, Daniel McCarthy, Joshua Osowski,
Anne Seibert-Pravs, Fred Steinbaum, Todd Stevens, Ronald Smith

Absent: David Jarvis, Joel Servoss, Robert Tessier

Alternates Present: David Smith

With eight members present, Chairman Smith declared a quorum.

IV. Executive Session

Chair Smith explains to the public that there will be an executive session for personnel and legal discussions. Commissioner McCarthy makes a motion to go to executive session. Commissioner Stevens seconds the motion. The motion passes unanimously. The public and Colleen Conover exit the meeting.

The public is invited back into the room, and the meeting continues.

V. Minutes of Meetings

Chair Smith entertains a motion to approve the minutes. Commissioner Steinbaum makes a motion to approve the minutes and Commissioner Fisch seconds the motion.

Roll Call:

Crowley	Yes	Pravs	Yes
Fisch	Yes	Steinbaum	Yes
McCarthy	Yes	Stevens	Yes
Osowski	Abstain	Smith	Yes

The motion passes 7-0-1 with one abstention.

VI. Treasurer's Report

Commissioner Fisch gives the Treasurer's Report. He states that the balance in the bank account is \$56,181.54. This includes the additional deposit from the State including of \$40,000. The list of bills includes three checks, Optimum \$88.82,

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Colleen L Conover LLC \$4,400.00, and Colleen Conover for reimbursement of the computer and software for \$1,724.09. The total list of bills of \$6,212.91 is submitted for approval. Commissioner Fisch makes a motion to approve the list of bills, Commissioner Pravs seconds the motion.

Roll Call:

Crowley	Yes	Pravs	Yes
Fisch	Yes	Steinbaum	Yes
McCarthy	Yes	Stevens	Yes
Osowski	Abstain	Smith	Yes

The motion passes 7-0-1 with one abstention.

VII. Correspondence

Colleen Conover states that the Commission received two land use applications. She states that she will go to Hopatcong to review the applications in person. Each Commissioner also received a Code of Conduct from Commissioner Osowski. Commissioner Osowski states that there is a signature page attached to the email that was sent and is required to be submitted to the NJDEP. Chair Smith requests that Colleen Conover print the signature page and bring it to the next meeting for each of the Commissioners to sign. Commissioner Steinbaum asks Colleen Conover if it is feasible to work with the entire watershed for each of the four townships on land use applications. Commissioner McCarthy and Steinbaum state that they do not believe it is necessary to review land use applications for the entire watershed. Colleen Conover states that the towns don't have any additional responsibilities, but that she will call each of the townships ten days prior to their meetings and ask if there are any new applications. Colleen then explains the response process. She states that letters will be sent to indicate whether the application poses an impact to the lake, and suggestions to mitigate impacts to the lake. Commissioner Steinbaum asks if the Land Use Subcommittee should be meeting to review all of the applications. Colleen states that she reviews the applications and drafts a response letter, which is sent to the subcommittee. If the subcommittee has comments she incorporates them and submits the letter to the township. She states that she will try to incorporate the whole watershed, and if it isn't feasible then she can work on applications that are within 200 feet of the lake. She states that few of the townships are sending the applications to the Commission because the townships are relying on the applicants to send paperwork to the Commission. Either there is still some confusion about the Commission address,, some applicants are not sending the paperwork to the Commission, or there are no new applications. By calling each of the townships ten days before their meeting, Colleen is ensuring that the Commission is aware of all applications around the

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lake. Commissioner McCarthy states that part of the problem may be that the Commission was dormant for so long and is trying to go back to what they did in the past. He states that Chairman Gilbert of Hopatcong Borough sent a letter to Commissioner McCarthy stating that a member of the Commission should attend the Land Use Board meetings. He states that he had a phone call from another member of the Hopatcong Land Use Board asking what the Commission hopes to achieve. He responded by telling them that the Commission is concerned with lake front construction or stormwater entering the lake. He states that the Commission does not have the power to dictate to the Land Use Board, but can make recommendations. Commissioner McCarthy states that he plans to attend the next Land Use Board meeting in Hopatcong and will explain to the local boards what it is that the Commission does. He states that he spoke with Marty Kane about possibly using the floating classroom to educate each of the land use boards about Lake Hopatcong.

VIII. Lake Hopatcong Foundation Updates

Marty Kane gives an update from the Lake Hopatcong Foundation. He states that the Boating Regulation Commission (BRC) will be at the Lake Hopatcong Yacht Club on July 11th at 10am, and the BRC will take a tour on the floating classroom following the meeting to learn about Lake Hopatcong. He states that June 23rd from 10am-4pm is the free antique boat show at the Yacht Club. He states that tomorrow is the last day of this year's floating classroom schedule and that this year has been very successful. The Foundation is trying to move along the sterile grass carp application, but the State has indicated that it is a three-year process before they can be introduced to the lake. Commissioner Steinbaum asks if Mr. Kane can comment on the pre-BRC meeting that was held. Mr. Kane states that the purpose of the meeting was to look at the section of the boating rules that deal with Lake Hopatcong specifically and determine if they are still relevant. The general consensus was that the rules should remain with just a couple of refinements. There was a discussion of wake surf boats and how to educate the public regarding their use. Commissioner Steinbaum states that Colleen Conover had sent out an email which stated that attendance by more than five members of the Commission would create a quorum. He states that he feels that this is disruptive to the business of the Commission and that if they would like to attend they should be able to. Colleen states that the email was in regards to the Watershed Implementation Plan meeting, and because the WIP project is a Commission project, the Open Public Meeting Act rules would apply. She states that they would not apply to the BRC meeting because it would be informational and no action by the LHC would be taken. She states that after speaking with a lawyer she was told that the Commission would need to notify the newspapers who the Commission advertises with, so that they could have a reporter present at a meeting where a quorum may be present. They do not have to post a formal notification as they do when they advertise their meetings at the

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beginning of the year. Commissioner McCarthy asks Mr. Kane about Byram Cove. Mr. Kane states that everything has been going pretty well in the Cove.

IX. Princeton Hydro Updates

Dr. Fred Lubnow gives an update from Princeton Hydro. He states that in May they started the water quality monitoring and they will continue through September. He states that they will also be doing two aquatic plant surveys and will collect samples for harmful algal blooms three times throughout the swimming season. He states that earlier today they had a kickoff meeting for the watershed implementation plan, which includes Lake Hopatcong and Musconetcong. The last plan was completed ten years ago and this will be an update. The New Jersey Highlands Council had some funding available for planning and they will use this funding to complete the WIP. The WIP will open up opportunities to apply for grant opportunities. He introduces Mike and Jack from Princeton Hydro, who will be working on the project. Dr. Lubnow states that next year they will apply for funding for a hydrologic study after the WIP is drafted. He states that there is no monetary requirement from the townships for the WIP, but they are asking the townships to participate. He states that the townships are being asked to spend some time giving suggestions for new projects and provide information on projects that have been done in the past.

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

John Kursman comments on the 60"/5-year drawdown. He states that the DEP should let the ice rise, and that the current plan does not allow for that. He states if this is not allowed, they the lake will not recover for the following summer. He states that the refill must start by December 1st and allow the ice to rise then there is not issue with the 5-year drawdown with 90% certainty. He adds that on March 1st you will still have the normal refill issues.

XI. Chairman's Report

Chair Smith states that legislation was introduced in Trenton that will change the designation of the Commission. They will no longer be "in, but not of" the DEP. He states that this may affect how the Commission goes forward with weed harvesting.

XII. Updates

State Park Weed Harvesting Update

Commissioner Osowski gives the weed harvesting update in Melissa Castellon's absence. He states, there are five seasonal harvester operators, two permanent operators, and two seasonal dump truck operators. He states that one large harvester did break down on June 6th, but they have the part in stock and should be up and

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running again soon. He states that there are three large harvesters, one shore conveyor, and one barge in Crescent Cove/Lee's County Park. The harvesters have not been able to get under Brady Bridge. He states that 697cy of weeds have been harvested to date. There is water currently going over the dam, and there will be no other expenditures through July 1 except for fuel. Commissioner McCarthy asks why the harvester can't get under the bridge. Commissioner Osowski replies that the report only says that it cannot get under the bridge. Colleen Conover states that she spoke with Michael Calderio and that the water is too high for the harvesters to pass under the bridge even with the towers down. The water will need to drop so that the harvesters can go under the bridge. Commissioner Steinbaum states that it will be a disaster if they cannot harvest that part of the lake soon. Commissioner Steinbaum asks Colleen Conover about the boat slip at Lee's Marina. Ms. Conover states that she spoke with Reynold Fauci from Morris County Parks and was told that the Parks Commission will discuss a boat slip for the Commission at their next meeting on June 25th. After the meeting, the Commission would be notified about receiving the slip. Commissioner Steinbaum states that the boat will need some work since it has not been used in a few years. He states that he will volunteer to bring it to Barnes Brothers if they get a slip. Commissioner McCarthy asks about the outfall cleanout permit application that Ms. Castellon was working on. Colleen Conover states that she reached to Jefferson Township but hasn't heard anything back yet.

Alternate Appointments

Commissioner McCarthy introduces the appointment of an alternate for Sussex County Commissioner Joel Servoss. Colleen Conover states that she wrote a letter to the Sussex County Freeholders and needs to follow-up again. Commissioner McCarthy states that Mr. Servoss may have some suggestions.

Ice Retardant System Committee Updates

Commissioner McCarthy introduces the next agenda item, the Ice Retardant System Subcommittee. He states that a flyer was put together and the next step is to meet with other townships. He suggests Jefferson could be the next meeting and he will send out some possible dates.

Dilapidated Docks

Commissioner Steinbaum states that there are dilapidated docks around the lake. He shows some photos of debris that he removed from the lake and of dilapidated docks around Lake Hopatcong. He states that this is dangerous to boaters and the docks are often owned by the township or a group of homes for a right-of-way. He states that during the ice retardant subcommittee meeting the zoning officer of Hopatcong agreed to contact the owners of the docks located in Hopatcong. Commissioner Steinbaum also points out the Old Alamac Hotel. Mr. Kane states that

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Mayor Stanzilis of Mt. Arlington has been looking into that property to see what can be done. He suggests reaching out to the mayor or township administrator. Commissioner Steinbaum states that dilapidated docks could become a real liability. Chair Smith suggests that the town remove the dock and then put a lien on the property for the cost of the repairs. Commissioner Steinbaum states that the other part of the problem is that if a citizen removes a piece of debris from the lake, they do not have anywhere to dispose of it. Ms. Conover states that citizens can take lake debris to the Mt. Olive MUA transfer station if they are Morris County residents, and to the Lafayette dump if they are Sussex County residents. Commissioner Steinbaum states that that is inconvenient, and that a more reasonable solution is to have a dumpster available for residents to dispose of lake debris. He indicates that there is already a dumpster at Lee’s Park for shrink wrap and there should be one for lake debris. Ms. Conover states that she has spoken to Lee’s Park about the possibility of having a dumpster on their property and they have indicated that they are not interested. Commissioner Steinbaum suggests contacting the freeholders about the issue. Ms. Conover states that last meeting there were citizens who were pulling weeds onto their docks with nowhere to dispose of them. She states that the Morris MUA would be willing to accept dried and bagged weeds at the MUA for Morris County residents. Commissioner Steinbaum states that there should also be a dumpster at Lee’s for weeds. He states that Michael Calderio also picks out a lot of garbage off of the weed harvesters, and disposes of the garbage.

XIII. Action Items (Resolutions)

Benecke Economics

Colleen Conover states that she had conversation with Mr. Benecke and he has agreed to come to the next meeting. He will answer any questions that the Commission has at that time. She states that Mr. Benecke also sent an amended contract as per the discussion at the May meeting. Commissioner Steinbaum moves to approve the updated contract. Commissioner Fisch seconds the motion.

Roll Call:

Crowley	Yes	Pravs	Yes
Fisch	Yes	Steinbaum	Yes
McCarthy	Abstain	Stevens	Abstain
Osowski	Yes	Smith	Yes

The motion passes 6-0-2 with two abstentions.

Resolutions

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Commissioner McCarthy introduces a resolution, Resolution 18-05. He states that due to the increasing responsibilities of Colleen Conover the Commission will increase the services of Colleen L Conover LLC to 30 hours per week starting July 1st with a base payment of \$45,000 plus a 5% increase for performance. He states that the total is \$47,250 for a twelve-month contract, subject to funding. Commissioner Steinbaum moves to pass the resolution. Commissioner Fisch seconds the motion.

Roll Call:

Crowley	Yes	Pravs	Yes
Fisch	Yes	Steinbaum	Yes
McCarthy	Yes	Stevens	Yes
Osowski	Abstain	Smith	Yes

The motion passes 7-0-1 with one abstention.

Chair Smith proposes a memorandum of agreement between the LHC and DEP. He states that the MOA will dependent on the legislation to make LHC a part of DEP. Commissioner Osowski asks for something in writing that can be reviewed by DEP. Commissioner McCarthy states that Ms. Conover will draft an MOA and it will be reviewed by the Commission at the next meeting. Commissioner McCarthy makes a motion to reformulate the budget that was presented to the Commission at the last meeting not to exceed \$355,000 for weed harvesting for the next fiscal year starting July 1, 2018. The payment of \$355,000 will be subject to funding. Commissioner Commissioner Steinbaum seconds the motion.

Roll Call:

Crowley	Yes	Pravs	Yes
Fisch	Yes	Steinbaum	Yes
McCarthy	Yes	Stevens	Yes
Osowski	Abstain	Smith	Yes

The motion passes 7-0-1 with one abstention.

Commissioner Pravs asks for a detailed budget for when the cost of weed harvesting was \$155,000. Commissioner Osowski states that he has already provided that budget. Commissioner McCarthy states that what the Commission is looking for is a breakdown of each year's budget so that the Commission can see how the program evolved from \$155,000 to over \$400,000. Commissioner Osowski states that he doesn't believe that they can provide more detail than what is on the attachment he sent.

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XIV. Public Comments *(please refer to Section V “Public participation shall be governed by the following rules:”)*

John Kursman comments that he did not get a response to his last question about the drawdown. Chair Smith states that the Commission does not determine the drawdown. Mr. Kursman states that he read an article that said that Cliff Lundin’s recommendations would not be followed. He wants to know what will be followed. Commissioner Osowski states that the NJDEP will follow the water level management plan as it is written. He states that unless there is a drought, the plan will be followed as written for the 5-year drawdown. Mr. Kursman requests that the Lake Hopatcong Commission send a letter expressing their concerns. Commissioner Steinbaum states that the Commission has sent letters and the NJDEP rejected the recommendations. The DEP proposes to rewrite the plan starting in 2019. There is a general discussion of the water level management plan. Mr. Kurzman asks about a new restaurant law that will be proposed at the BRC meeting on July 11th. Chair Smith states that the Commission has no information on the matter, and has not heard of any proposed restaurant regulations.

Tim Becza asks if everything that was stated at the meetings is available to the public. Chair Smith states that there are minutes available on the website. Mr. Becza states that he read the same article about restaurant regulations. Chair Smith states that the Commission doesn’t regulate the restaurants on the lake. Mr. Becza asks if they review the minutes if there where will be anything about the Commission involvement in boat regulations or restaurant regulations. Chair Smith states that there will not. Colleen Conover states that all of the meeting minutes are available on the website after they are approved at the next month’s meeting. So, they are one month behind, but they are all posted. Mr. Kane states that the Boating Regulation Commission is a completely separate group from the Lake Hopatcong Commission and there is nothing on the agenda for restaurant regulations. He states that at the request of the boat regulation commission the rules that are specific to Lake Hopatcong were revisited to see if they are still relevant.

Commissioner Steinbaum makes a motion to adjourn, Commissioner McCarthy seconds the motion.

Meeting adjourned.

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