

Lake Hopatcong Commission
Regular Meeting Minutes – July 9th, 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, Daniel McCarthy (arrived late), Joshua Osowski, Fred Steinbaum, Todd Stevens, Ronald Smith

Absent: David Jarvis, Joel Servoss, Robert Tessier, Mark Fisch, Anne Seibert-Pravs

Alternates Present: David Smith, Eric Wilsusen, Aitor Ostolaza

With eight members present, Chairman Smith declared a quorum.

IV. Approval of Meeting Minutes

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

Roll Call:

Crowley	Yes	Stevens	Yes
Osowski	Yes	Wilsusen	Yes
Ostolaza	Yes	Smith	Yes
Steinbaum	Yes	Smith	Yes

The motion passes unanimously.

V. Treasurer's Report

In treasurer Fisch's absence, Colleen Conover gives the report. She states that the bank statement is at the State Park office, but the balance is around \$44,000.00. She reads the list of bills which includes \$181.48 for Optimum internet and phone, Colleen L. Conover LLC consulting fee \$4,400.00, reimbursement for printer ink to Colleen Conover \$69.99, and reimbursement for boat gas to Fred Steinbaum \$119.70, totaling \$4,771.17. Chair Smiths asks Colleen Conover to arrange for the Optimum bill to be paid automatically. Colleen Conover explains that the paper bill was discontinued by Optimum and that she has requested that the Commission be sent paper bills in the future. Therefore, no further action by the Commission is necessary. Commissioner Steinbaum makes a motion to approve the bill list. Commissioner Stevens seconds the motion.

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Roll Call:

Crowley	Yes	Stevens	Yes
Osowski	Abstain	Wilsusen	Yes
Ostolaza	Yes	Smith	Yes
Steinbaum	Yes	Smith	Yes

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

VI. Correspondence

Land Use Meeting – Borough of Hopatcong

Chair Smith gives a summary of the meeting between the LHC and Borough of Hopatcong Land Use Board. He states that Hopatcong has requested that the Commission send a representative to the meetings if the Commission would like to present recommendations. He states that the position of Chairman Gilbert, and Mayor Francis is that it is not legal to vote on recommendations that are made in writing. Commissioner Crowley states that the Commission should keep track of how much time it takes to attend the meetings. Commissioner Steinbaum states that he can also help if Ms. Conover cannot attend the meeting. He states that the meeting can be hours or they can be brief. Chair Smith states that Ms. Conover should ask that the Board review applications that affect the Commission first. Commissioner Crowley states that if they find that the meetings are taking a lot of time, the Commission may want to request that they be allowed to submit a letter.

NJDEP Code of Conduct – Signature Page

Colleen Conover states that she attached the signature page to the Commissioner packets. If they have read the agreement and are ready to sign the document than they can submit the signature page to Commissioner Osowski. Commissioner Crowley states that the signature page states that it must be returned before the last day of service, and asks why it is being required now. Commissioner Osowski states that the letter is sent out every year and the letter must be signed and returned every year. Commissioner Steinbaum asks if the letter applies to volunteers. Commissioner Osowski states that the purpose of the form is to identify any conflict of interest between a person’s regular job and their work on the Commission. He states that the Commissioners can read and sign the form later if they would like.

Steve Matis, NJDEP – FY18 Budget Extension

Ms. Conover states that she has spoken with NJDEP Comptroller, Steven Matis to discuss FY18 submission requirements. She states that the NJDEP has granted the Commission a three-month extension for the FY18 budget (September 30, 2018). Chair Smith has signed the form, for the Commission to agree to the new terms.

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Chair Smith asks Commissioner Steinbaum if the boat needs service and indicates that any bills could be applied to the FY18 budget. Commissioner Steinbaum states that it was in for service, but the Commission has not received a bill yet. He states that the boat is in the water and the Commission has a slip at Lee's Marina.

VII. Lake Hopatcong Foundation Updates

Marty Kane presents the update for the Foundation. He reintroduces Jessica Murphy their Executive Director who was out on education leave. Marty states that the floating classroom is now available once a week for the public to go out, sign up is on the website. The Foundation is hoping to hear about the carp program from Fish and Wildlife in the next few days. He states that their first meeting should be with FWS. The meeting will be to discuss what documents will be required for a proposal to be reviewed by the FWS. The meeting will not be for approval of the carp pilot program. Marty states that the Boat Regulation Commission is holding a meeting on Lake Hopatcong on Wednesday at 10am at the Lake Hopatcong Yacht Club. He states that this is a regular bimonthly meeting, and it will be held on the lake for the first time in a long time. Marty states that he has had discussions with Ray Fernandez regarding the upcoming drawdown. He states that Mr. Fernandez will address the Commission from the standpoint of the public. He states that there is concern from the Marina owners that the LHC/CAC recommendations were not accepted by the State.

Jessica Murphy states that if the drawdown continues as scheduled, the first Saturday in November will be the lake-wide cleanup. She states that the Foundation is partnering with the Commission this year. Last time, 350 people volunteered and they are hoping for even more this year. She states that the Foundation has been holding focus groups to discuss strategic planning. The groups involve a variety of people from around the lake to hear what concerns people have about the lake and also about what the Foundation does. She states that the information has been compiled and the Foundation would like to share the information with the Commission. Commissioner Steinbaum asks whether the Foundation is interested in bringing back the cleanup that used to occur after the Fourth of July. Ms. Murphy states that they did not have a lot of volunteers, and they found that a lot of debris was pushed into privately owned shoreline by the wind. She states that they could have a regular meetup where people could come with their kayaks to scout the lake for garbage on Monday mornings. She suggests the water scouts could target the garbage as well.

VIII. Princeton Hydro Updates

Colleen Conover states that Princeton Hydro was not able to attend the meeting, but Dr. Fred Lubnow did send an update. She reads from his update; Princeton Hydro will be meeting with various stakeholders to collect data on specific projects

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that have been completed over the last ten years for the Watershed Implementation Plan. She states that they would like a representative from the Commission and Foundation to participate in at least some of the upcoming meetings. Princeton Hydro conducted water quality sampling for the lake in May and June. During the August Commission Meeting Dr. Lubnow will provide a verbal and written midyear review. The next water quality monitoring event is on July 19th, cyanotoxin testing on July 24th, and the aquatic plant survey on July 31st. Chair Smith asks for a volunteer to attend the meetings, Commissioner Steinbaum volunteers.

Benecke Economics

Mr. Bob Benecke and his associate Mr. Tom Carroll address the Commission. Mr. Benecke states that they work within the State of NJ and were recommended by Commissioner Tessier. They will focus on developing a special improvement development (SID) for Lake Hopatcong. He states that the goal of the SID would be to provide a sustainable funding source for the Commission. He states that an SID would be established through the townships and could be funded a number of ways. The funding could then be used fulfill the mission of the Commission. He states that they would meet with each township and explain the SID and would hope to generate interest from the towns and businesses. Benecke Economics is available to attend any meetings to discuss the SID with interested parties. Commissioner Steinbaum asks how they would generate money. Mr. Benecke states that the SID is enabled in two steps by municipal ordinance and then the businesses must buy into the SID. The township would pass an ordinance that would enable a fee to be defined by the businesses. He explains that the businesses have to decide to pay a fee, which would help to improve the lake. Commissioner Crowley asks if Mr. Benecke has a document that he could take back to his township manager that explains the SID process. He states that he would like to gauge interest in the project before work begins. Mr. Benecke states that they would be happy to speak to the townships or to provide documentation. Commissioner Steinbaum states, during the initial meeting between Benecke Economics and the LHC, Mr. Benecke indicated that boat user fees could be an avenue for funding the LHC. He asks Mr. Benecke to elaborate. Mr. Benecke states that fees could be assessed through a state licensing fee or a licensing fee that would be sponsored by the State that is channeled to the LHC, it could also be assessed through a docking fee, or launching fee which would require monitoring. There is a general discussion of special improvement districts and if it can be enabled on Lake Hopatcong.

IX. Commissioner Comments

There were no comments from the Commissioners.

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

John Kurzman, Lake Hopatcong – states that he sent a letter to the Commission about the five-foot drawdown. He states that they went from 30, to 26, to 22-inch drawdown and in the spring the lake will be at the 30-inch drawdown level. He states that they will not bring the lake back to the 22-inch drawdown level after they begin refill in December. He states that this is eight inches lower than it should be because the five-year drawdown plan was not updated. He states that this will be a big problem, and asks that the NJDEP reconsider this. He states that the ice should also be allowed to rise, but in this plan, they did not do this. He states that five years ago they did allow the ice to rise and there were no complaints of damage. He states that if they do not allow the ice to rise then the lake may be even lower than the 30-inch drawdown level. He states that this is an emergency and that the Commission should do something.

Ray Fernandez, Bridge Marina – states that he is opposed to the five-foot drawdown. He states that the Commission has discussed changes to the drawdown and refill procedure. He states that he sits on the Marine Trades Association of NJ Board and they have developed an alternate plan to drawdown and refill the lake, which provides a better chance of a successful refill. He asks if the Commission would be willing to work with the Marine Trades Association to set up a meeting with the NJDEP and LHF to ask the State representatives to alter the drawdown and refill procedure.

XI. Chairman's Report

Chair Smith states that he attended a meeting with Ms. Conover with the Borough of Hopatcong Land Use Board and they discussed ways to accommodate their request to attend meetings in person rather than sending recommendations via letter. He states that he would like documentation that details the legality of testifying in person vs a letter. He states that he also rode on the LHF floating classroom and it is a terrific program.

XII. Updates

Water Level Update

Commissioner Steinbaum states that there is a lot of evaporation and the water is dropping rapidly and is two inches below the top of the dam.

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 the weed harvesters have been operational for eight weeks some of the equipment is staged at Lee's

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County Marina and Crescent Cove including two large harvesters, one shore conveyor, and one pickup truck. He states that at Ashley Cove there are two large harvesters, one small harvester, and one barge. All equipment is currently in operation and running. He states that one shore conveyor was repaired, but is now up and running. They are currently in phase II of the weed harvesting operation. They are finishing in River Styx and are moving on to Halsey Island, Prospect Point, Great Cove, Davis Cove, and East of Brady Bridge. On Friday's harvesters focus on picking up floaters. Weeds harvested to date, 1,305 cubic yards. Chair Smith asks Commissioner Osowski for an estimate to repair the small harvester. Commissioner Osowski states that Mike Calderio cannot take time to repair it right now because all staff is out on the lake.

Five Year Drawdown – Stormwater Maintenance Permit

Commissioner Osowski states that Melissa Castellon has contacted Land Use and is working on the permit application. Ms. Conover states that Ms. Castellon is looking for a map that shows all of the stormwater outfall locations on the lake to include in the application. Commissioner McCarthy states that a map was created in the past and should be in the LHC files in the office. Commissioner Osowski has comments on the NJDEP/LHC Draft MOU, Chair Smith states that he would like to hold that discussion for executive session later in the meeting. Commissioner Steinbaum asks if the permit application for the drawdown has been submitted, he states that it must be applied for by August 1st. Commissioner Osowski states that he will check with Ms. Castellon, but he believes she has applied for the permit.

Recalibration of Gauges – USGS

Commissioner Osowski states that Ms. Castellon has contacted USGS and they are supposed to be sending her official written correspondence that can be relayed to the Commission. Commissioner Steinbaum asks Commissioner Osowski to respond to Mr. Fernandez's question regarding the five-year drawdown plan. Commissioner Osowski states that State has reviewed the recommendations from the LHC and CAC, but the NJDEP has concerns regarding some of the recommendations. He states that the recommendations deserve further review, however any changes must go through a public process and NJDEP will not do a public review at this time. He states that there will be a review of the WLMP starting in 2020. Commissioner McCarthy states that on the USGS website it shows that there are 13.34 cubic feet of water leaving the lake, which is more than 12cfs. He asks if and when the NJDEP would consider reducing the outflow to 8cfs. Commissioner Osowski states that at this time of year the only reason they would reduce flow to 8cfs is during drought conditions. Commissioner McCarthy asks Commissioner Osowski to check why the current outflow is 13cfs instead of 12cfs. Commissioner Osowski states that he will find out. Commissioner McCarthy states that the reason

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for the CAC is to review the WLMP and make recommendations to the NJDEP. He states that the recommendations by the LHC and CAC were for “fine tuning” the plan, and this was denied. He states that the NJDEP is considering a complete overhaul of the plan, although it is not what the CAC and LHC recommended. Commissioner McCarthy asks if there is an appeal process for the Commission to request that their recommendations be reconsidered. Commissioner Osowski states that the Commission can write another letter. He states that he is just relaying the information from the people who reviewed the letter. Commissioner McCarthy asks if there will be a CAC meeting scheduled for this year. Commissioner Osowski states that he will schedule it.

NJDEP Updates

To be discussed during a closed session.

Alternate Appointments – Sussex County

Chair Smith 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.

Ice Retardant System Committee Updates

Commissioner McCarthy nothing new for this month. He will contact Jefferson to set up a meeting with their administrator and code enforcement officer.

Dilapidated Docks

Commissioner Steinbaum gives a presentation with slides, which demonstrates dilapidated docks around the lake. He states that dilapidated docks pose a dangerous threat to boaters when they shed wood into the lake in the spring when the water rises. He states that 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 as one location with a dilapidated dock. Mr. Kane states that 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 the docks could be cleaned up prior to the drawdown the wood could be disposed of during the drawdown.

Accounting updates

Todd Stevens gives an accounting update. He states that he and Ms. Conover have been learning the accounting software and by the next meeting they should be able

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to provide income statements and balance sheets. He states that there are so few transactions that they may only want to provide updates quarterly at the meetings.

Executive Session

Chair Smith states that he would like to have an executive session to discuss personnel and legal matters. Commissioner Steinbaum makes a motion to enter executive session, Commissioner McCarthy seconds the motion. The motion passes unanimously.

Commissioner Steinbaum makes a motion to exit executive session and come back to the public meeting, Commissioner McCarthy seconds the motion. The motion passes unanimously.

XIII. Action Items (Resolutions)

There are no action items.

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

Ray Fernandez, Bridge Marina – asks if it is possible for the LHC to say no to the drawdown. Commissioner Smith states that there is not, only way is if there is a drought. Mr. Fernandez asks if the Commission is willing join in an effort with the Marine Trades Commission to set up a meeting with our legislatures. Would someone from the Commission attend a meeting with the State? Commissioner Crowley states that they Commission has passed a resolution stating that they are in favor of updating the drawdown procedure. Mr. Fernandez asks if someone from the Commission would be willing to attend the meeting as a representative. The Commission agrees. Mr. Fernandez asks if someone from the Foundation would be willing to attend. Mr. Kane agrees.

John Kursman, Lake Hopatcong – states that at the last meeting the Commission was upset about his comments regarding the restaurant regulations. He states that he wants to make sure that his communication was received by the Commissioners. He states that he sent an email attachment from the Jefferson Chronicle which states that Marty Kane made a statement about the BRC meeting and discussions would include wake surfing rules and section a section of the Commission’s bylaws that cover Lake Hopatcong and its restaurants specifically. He states that he wants to make sure that the Commission understands where he was coming from. He states that the LHC minutes were not available at the time, but the second item was actually going to be a discussion of lake specific regulations. He states that if you go back to the April meeting minutes Commissioner McCarthy asked if at the BRC meeting Byram Cove would be discussed and Mr. Kane said yes. Ms. Conover

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states that Commissioner McCarthy asked Mr. Kane if there would be a statement at the meeting to describe the success in Byram Cove. Mr. Kursman states that the minutes may not have been correct. Mr. Kane states that the meeting minutes were correct, the LHF will make a statement in front of the board. He states that they will not be making any recommendation about Woodport Cove. He states that the statement they will read will be the exact statement that Ms. Murphy posted on social media and on the LHF website. Mr. Kursman states that he wants to make sure that the Commission received his communication that from the Lake Hopatcong Protection Act the duties and responsibilities of the Commission are to recommend appropriate State legislation and administrative action pertaining to the protection, preservation, restoration, maintenance, management and enhancement of Lake Hopatcong and watershed. He states that this clearly says that you have the responsibility to recommend appropriate action regarding the drawdowns. Mr. Kursman states that the Commission has done this, but he recalls that the Commission also gets to refer to the permit application for them to do the drawdown and try to put a stop to it. He states that for the meeting that may happen with Mr. Fernandez he suggests that the 3.6-inches that is let out in warm weather could be held in the lake during freezing weather and it will give more of a buffer for refill. He states that they should also request that the ice be allowed to raise and this would provide a 90% certainty that the lake will reach the 30-inch drawdown level. Chair Smith states that the Commission has had discussions about the drawdown and made recommendations, the State has decided to follow the plan as written and there is nothing else the Commission can do. Mr. Kursman states that he lives in Florida and he does not need to come back and use the lake. He states that he cares enough about the lake to make sure that the lake survives for next summer. He states that the Commission should do everything possible not to have a drawdown.

Commissioner Steinbaum makes a motion to adjourn, Commissioner McCarthy seconds the motion. The motion passes unanimously. Meeting adjourned.

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