

Minutes of the Lake Hopatcong Commission

January 15, 2008

[Due to a recorder malfunction, the beginning of the meeting up through the Roll Call was not recorded and is based on meeting notes.]

A meeting of the Lake Hopatcong Commission was held on January 15, 2008 at the Hopatcong State Park, One Lakeside Blvd., Landing, New Jersey. At 7:35 p.m., Chair Ondish called the meeting to order and stated that the meeting was being held in accordance with "Open Public Meetings Act."

Salute to the Flag: Chair Ondish and all those in attendance joined in a salute to the flag.

Moment of Silence: Chair Ondish requested a moment of silence to remember our troops and their families.

Roll Call:

Present: Russell Felter, Elizabeth Gantert, Eric Grove, Kenneth Klipstein, Daniel McCarthy, Richard O'Connor, Benjamin Spinelli (8:27 p.m.), Nicholas DePalma (Roxbury Alternate) and Arthur Ondish

Absent: David Jarvis, Richard Zoschak

Alternates Present: Robert Gruber (Mount Arlington), Robert Mitchko (Jefferson) Patricia Rector (DEP), Joel Servoss (Hopatcong)

With eight members present at Roll Call, Chair Ondish declared a quorum.

Also present were: Dr. Fred Lubnow - Princeton Hydro

Communications

Chair Ondish reported that Mr. Hughes' resignation from the Commission was included in the meeting package which was forwarded to Morris County in order for another Alternate to be appointed from Morris County. He thanked Mr. Hughes for his commitment and services to the Commission. There being no further discussion on the communications, the Chair moved to the next agenda item.

Treasurer's Report/Payment of Bills

Mr. Grove stated that a reconciliation report was not available and that the report is based on the Valley National Bank Statement. There was an ending balance of

LHC 1/15/08 Meeting Minutes

\$368,062.07 as of December 31, 2006. The Bill List was distributed totaling \$24,109.43. Chair Ondish requested a motion to approve the Bill List. Ms. Gantert made the motion and Mr. Felter seconded the motion. [A copy of the Bill List is available on file.]

ROLL CALL:

Felter	Yes	McCarthy	Yes
Gantert	Yes	O'Connor	Yes
Grove	Yes	DePalma	Yes
Klipstein	Yes	Ondish	Yes

Motion carried 8 to 0.

Ms. Macalle-Holly stated those items that are reimbursed from grants as marked accordingly on the Bill List.

Minutes of Meeting of December 17, 2007

The Chair requested a motion to move the December 17, 2007 minutes. Mr. O'Connor made the motion and Mr. Grove seconded. Chair Ondish asked for any comments or questions regarding the meeting minutes. There being no further comment, Chair Ondish requested a roll call vote.

ROLL CALL:

Felter	Yes	McCarthy	Yes
Gantert	Yes	O'Connor	Yes
Grove	Yes	DePalma	Yes
Klipstein	Yes	Ondish	Yes

Motion carried 8 to 0.

Public Comment

At this time, Chair Ondish opened the meeting for public comment to address items on the agenda only and indicated there is a two minute limit per speaker. He stated the Commission was on a tight schedule for tonight's meeting because the building was only available until 10:00.

Mr. Cliff Beebe, Beebe Marina, discussed using the waters of Lake Hopatcong for a reservoir and believes that should not even be entertained. Chair Ondish stated a presentation will be made on this issue at the March 17 meeting at 7:00. Mr. Beebe also wanted to discuss putting the hydro-electric power plan on the spillway which was off the wall. The Chair stated this would be discussed in his report. Mr. Beebe also discussed the property rights of the lakefront homeowners.

LHC 1/15/08 Meeting Minutes

Chairman's Report

Chair Ondish welcomed everyone to the New Year of meetings for the Commission. He also hopes that the area will get some cold weather because we need it for the lake to freeze over.

He stated it was quiet during the holiday season, but he did have a few meetings. On January 9 he met with DEP Commissioner Jackson and a group to discuss micro-hydro generation at the Hopatcong dam. He attended with a vendor that is looking to do a similar project at the Delaware River. The vendor had prepared reports for different lakes and the one similar to Lake Hopatcong he believes was Spruce Run which discharges four million gallons per day. Since Lake Hopatcong dam has very little height it would be difficult to generate electricity and could only possibly generate between \$5-6K annually which the Chair did not think was feasible.

On January 15 there was an LHC Personnel Committee meeting to discuss the Commission's previous recommendation to hire an Executive Field Director. The Committee felt it was not appropriate at this time to hire for this position until the funding situation is resolved. He asked the Commissioners how they felt about the decision. In response to an inquiry about how this would affect the Commission's business plan, the Chair responded that at the Funding Committee meeting there was discussion about possibly hiring a consultant with money available from the grant for implementation of the fee system. Ms. Gantert stated the job description for this position should be included in the By-Laws. Mr. Klipstein stated in the \$1,055M grant executed as part of the Memorandum of Agreement to work cooperatively with DEP to get a user fee system in place, there was \$77K earmarked from that grant to help with the implementation of the program.

Mr. Klipstein stated the discussion at the Funding Committee meeting was to bring on a professional to help the Commission through the implementation, but the Commission needs to decide exactly what services are needed. He believes a credible piece of that is to develop a business plan so there is a good blueprint on how to get user fees in place.

Mr. O'Connor inquired as to what the next step is to do the business plan. The Chair stated there were some recommendations for individuals that do this type of work. Mr. Klipstein stated the challenge is that the Commission really has to work within a tight budget for this. Mr. Klipstein stated three names were provided because under the State contracting law three phone quotes are needed for professional services or for hiring someone, but there is a limit of \$29K on that. If it goes over \$29K, an RFP needs to be done. Mr. Klipstein stated there needs to be further discussion on this.

Chair Ondish continued with his report stating that he met with Commissioner Jackson. Adam Zellner who was working with the Commission has changed jobs and is now the Policy Director for Governor Corzine. The Commissioner is trying to divide up the work Mr. Zellner was doing amongst her staff. The Chair stated Commissioner Jackson advised him to get moving forward on the user fee program and to show progress in order

LHC 1/15/08 Meeting Minutes

for the State to consider giving the Commission any kind of help with funding or grant money. According to the Chair, the Commissioner also advised that she will work with the Commission on getting some type of facility at the State Park for the Commission to use for office space. DEP is receiving word regarding the facility the Commission uses for its equipment, that there is no problem with the Commission continuing to use the facility, even though the Chair meet with others involved at the facility and was advised that the Commission would need to get out. He is trying to determine who is getting the right information on this maintenance facility.

The Chair stated the Funding Committee met prior to the Commission meeting and another will be schedule to continue to meet until these details are put together. When the committee decides what to do as a group, they will report back to the Commission on the consultants. The Chair stated there may be the need to have Special Meetings of the Commission to work through this and if there are, they will be advertised.

Chair Ondish inquired if Dr. Lubnow would be reporting on the new laws during his report and Dr. Lubnow said he planned to cover that.

Old Business

Field Staff Report

Ms. Macalle-Holly stated that the maintenance work on the equipment is being done. She stated that Mr. Calderio has some concerns about the extent of repairs that need to be done once they started the repair work. She discussed the big jobs that need to be done this year that have not been done before by the field staff and since there are only four full-time employees they may not be able to get all the repairs done in the allotted timeframe. Last year there were six employees during the repairs.

Mr. Klipstein stated they should not begin the work unless it is broken and inquired why this level of maintenance needs to be done. She discussed the hydraulic work that needs to be done on the equipment stating it is not an optional job. There was discussion on getting pricing for an outside person to do the hydraulic work. Mr. McCarthy discussed the obstacles with the LHRPB harvesters because they were not maintained and more time during the summer was spent repairing the harvesters.

The Chair stated he talked with Mr. Calderio about possibly bringing in some mechanics to work with the staff, but he would have further discussion with him. Chair Ondish stated the intent of the discussion was to make the Commissioners aware of why the equipment needs to be maintained during the off season and not that they need more staff.

User Fees

The Chair stated this was already discussed. He reiterated the Funding Committee would be meeting for the third time since the last meeting to look into a user fee system. He stated that the public should know that there will be some kind of user fee coming.

LHC 1/15/08 Meeting Minutes

Otherwise the Commission will be unable to operate. The Funding Committee is working on the specifics to determine how much and how it will be implemented.

Mr. Klipstein stated that biggest problem is that there is limited time to think about it and to do all the things necessary for implementation. That is why there was discussion on bringing someone on and use grant money to continue to move forward. The Funding Committee put out many different alternatives out to the State and DEP and it is down to basically one for starters. He stressed again the urgency to get boat fees in place and how discussion about other fees or other ways to raise fund could be reconsidered after the boat fees are implemented.

The Chair stated that Commissioner Jackson emphasized the importance of moving forward with boat fees regardless of if it is the right one or wrong one at this time because the Commission needs to have a revenue stream in place. He stated once that is in place, the State will work with the Commission on grants and possible capital funding for a facility at the State Park.

Mr. Klipstein stated that the Greenwood Lake Commission has been in favor of having boat fees in place for some time and are trying to get the sponsorship and legislation passed now for a couple years. At this point, they are trying to get another sponsor for the legislation. He provided further background on the Greenwood Lake efforts to get boat fees in place which are modeled after Lake George's program.

The Chair stated the user fees are not by choice, but are a necessity. Mr. McCarthy stated that a list of suggestions was provided to the State, but the State want to focus only on user fees. There was discussion on how Mr. Zellner did not provide the user fee data that he had promised to the Commission when he attended the last LHC work session. Ms. Gantert discussed how the cost of fuel and the financial situation might limit the number of boaters on the lake next year and how this would impact the user fee program. Mr. Klipstein stated that a conservative planning number should be used for the first year.

Princeton Hydro Report

Dr. Lubnow stated he would provide updates on the existing grants and then would provide a presentation on the existing DEP rules and regulations. He stated he would not discuss in detail the 319 grant because it is listed under New Business. Princeton Hydro made a recommendation on the contractor for the Hopatcong projects for the 319 grant. PH submitted a permit application to DEP for the Castle Rock Road 319 project, but has not heard anything further on that. For the EPA TWG, PH is reviewing plans received from the Mount Arlington for their project. PH is also working on the peat septic system for the daycare facility in Jefferson Twp. as part of the EPA TWG. He also provided an update on the EPA TWG retrofit project to install iron oxide sleeves in catch basins.

Dr. Lubnow stated he would provide to Ms. Macalle-Holly the information on the automated samplers. He stated how it is difficult for staff to collect stormwater samples

LHC 1/15/08 Meeting Minutes

for storms during the night. The automated samplers can collect data anytime the storm event happens. PH engineers will also be looking at the alternate detention basins for the Jefferson EPA TWG basin.

He stated that he is the bottleneck for the final water quality monitoring report and will try to provide to the Commission within the next few days. Ms. Macalle-Holly reminded him that the report is needed in word and in adobe with all the graphs included so it can be posted on the Commission website.

Chair Ondish stated there is a lot of work going on with these grants that should not be taken for granted. Ms. Macalle-Holly took this opportunity to display a poster prepared with assistance from Pat Rector and Steve Jacobus from DEP to display at the EPA TWG conference. She reviewed all the locations on the maps associated with the 319 and TWG grants.

Dr. Lubnow stated PH staff reviewed the new DEP regulations, Flood Hazard Area Control Act Rules, which replaces the stream encroachment rules. Below are the highlights of the regulations provided by Dr. Lubnow.

- All surface waters in the State are regulated, but there are three exceptions
 - Manmade canal
 - Regulated under the Wetlands Act of 1970
 - Drainage area of less than 50 acres and either no definable channel or no outlet.
- Lake Hopatcong is a regulated waterbody
- There are two distinct areas of jurisdictions:
 - Flood hazard area - regulated waters that drain at least 50 acres that have a flood hazard area for the 100 year storm. The land in the 100 year storm event is regulated. There are two checklists that can be submitted to the State to determine if the area is regulated and if so, what you are under.
 - Riparian zone – Beyond the 300 foot buffer for C-1 designation, any water body that is a trout-production, trout-maintenance, has identified or threatened endangered species, acid-producing soils (not relative to Lake Hopatcong, more of an issue for Pinelands), it is a 150 foot buffer
- All other regulated waterbodies have a 50 foot buffer
- Development is restricted, but not prohibited under the stringent rules for the riparian zone.
- Key to determining what can be done within the existing new regulations is to go through the legislation and to review the tables within the regulations to determine what permits may or may not be required.

Dr. Lubnow stated that the Highlands Act Laws and Stormwater Rules can complicate this. His suggestion to determine what you can and cannot do, is to file for the checklist to determine if you are in the Flood Hazard Zone and to determine where your project is relative to the riparian buffer (within 300 or 150 foot buffer).

LHC 1/15/08 Meeting Minutes

The Chair thanked Dr. Lubnow for his report and asked for any questions. Mr. McCarthy had copies of the LHRPB school curriculum designed to teach children about Lake Hopatcong. He stated it needs to be updated and reintroduced. He is working with Hopatcong to do this. Ms. Macalle-Holly stated there is the need to work with all four municipal school district to look into this through the next year in order to get everyone on board to participate in a grant application for the EPA Environmental Education next year. Mr. Klipstein stated that his organization funds Project WET through a Rutgers' contract for teacher's training on watershed education.

Sub-Committee Reports

There being no discussion, the Chair moved to New Business.

New Business

Resolution 08-01 Setting Time and Date for 2008 Regular Meetings

Chair Ondish stated this is the resolution to set the time and dates for the regular meetings. The Chair asked for a motion to approve Resolution 08-01. Mr. McCarthy made the motion and Mr. O'Connor seconded. The Chair requested a roll call.

ROLL CALL:

Felter	Yes	O'Connor	Yes
Gantert	Yes	Spinelli	Yes
Grove	Yes	DePalma	Yes
Klipstein	Yes	Ondish	Yes
McCarthy	Yes		

Motion carried 9 to 0.

Resolution 08-02 Designation of Official Newspapers

The Chair requested a motion for the Resolution 08-02. Mr. O'Connor made the motion and Mr. McCarthy seconded. There being no questions, the Chair requested a roll call.

ROLL CALL:

Felter	Yes	O'Connor	Yes
Gantert	Yes	Spinelli	Yes
Grove	Yes	DePalma	Yes
Klipstein	Yes	Ondish	Yes
McCarthy	Yes		

Motion carried 9 to 0.

Resolution 08-03 Approving the Selection of a Contractor to Install the BMP Retrofits Within the Borough of Hopatcong and Authorize Payment for Two Aqua-Filters™ from Aquashield as part of NJ DEP SFY05 319(h) Grant

LHC 1/15/08 Meeting Minutes

The Chair requested a motion for Resolution 08-03. Mr. DePalma made the motion and Mr. Grove seconded. Ms. Macalle-Holly reviewed the Resolution stating two bids were received and reviewed by Princeton Hydro. Princeton Hydro provided a letter that Earth-Tec Associates should be selected for the retrofit project. Earth-Tec provided the lowest bid which is not to exceed \$228,275. The resolution would authorize the Commission to purchase separately two AquaFilters to be installed at the Crescent Cove Beach Club and at the bottom of Bell Avenue in an amount not to exceed \$187,550. Funding is through the SY05 319(h) grant. It was agreed to add a 10% contingency amount on the EarthTec contract cost that the Chair could approve in a change order. The Chair requested a roll call.

ROLL CALL:

Felter	Yes	O'Connor	Yes
Gantert	Yes	Spinelli	Yes
Grove	Yes	DePalma	Yes
Klipstein	Yes	Ondish	Yes
McCarthy	Yes		

Motion carried 9 to 0.

State of New Jersey Initiative for Phosphorus Fertilizer Reduction

Mr. Klipstein discussed NJ DEP pending memorandum of agreement (MOA) with a couple fertilizer manufacturers including Scotts and Lebanon Seaboard to reduce the amount of phosphorus applied in fertilizer. There will be a 50% reduction in the 2006 phosphorus baseline by 2010 which they are voluntarily doing. The agreement has an opportunity for the Commission to participate since it has been active in the lake-friendly fertilizer program. The Commission could participate in a state-wide initiative to share in those initiatives outlined in the MOA. Manufacturers branding accompanied by the New Jersey Clean Water logo will be emphasized in the stores including the big-box stores such as Wal-Mart. He inquired if the Commission had any interest in participating in that and if so, would carry that message back. There was agreement that the Commission should participate and it was determined that Ms. Macalle-Holly would be the appropriate contact and person to participate. Mr. Klipstein stated the signing of the MOA is scheduled for March in time for spring fertilizer.

Highlands Presentation Announcement

The Chair announced that the Highlands Council would be making a presentation at the February 19th LHC meeting. To accommodate the presentation, the LHC meeting will begin a half hour earlier at 7:00 p.m. Mr. Felter stated that the Highlands Council would also be presenting at the Jefferson Township Council meeting tomorrow evening and all are welcomed.

Marking Obstructions in Lake Hopatcong

Ms. Macalle-Holly stated the Commissioners had requested addressing this topic and asked Mr. Servoss to discuss his conversation with the Borough of Hopatcong about

LHC 1/15/08 Meeting Minutes

drawing water from the lake. Mr. Servoss stated there are still a number of homes that draw water from the lake for drinking water and there are no municipal or state rules regulating this. Hopatcong Borough is not interested in pursuing any type of ordinance to mark water lines in the lake because it would imply legitimacy to that source of water for the homeowner. Ms. Macalle-Holly stated there is still the need to get homeowners to mark their water lines when pulling from the lake. It was agreed to address this issue to mark obstructions near homeowners' docks on the Commission website as well as to provide information to the municipalities to include in the municipal newsletters and their websites.

Public Comment

Chair Ondish opened the meeting for the second round of public comment.

John Kurzman, resident of Lake Hopatcong, discussed how the harvester operator continued to operate the machine even though the machine was very loud which indicated a major repair was needed. He provided documentation on a product called Phosphex for septic systems and a study done at Lake Tahoe on filtration studies for turbidity and nutrient removal.

Cliff Beebe, discussed the hydraulics issues on the harvester and that there is a hydraulic shop near Camp Jefferson that can rebuild it in order to cut Commission expenses. He stated the user fees should come from licensing and plates on the boats. The value of lakefront land is based upon being on the lake so indirectly residents are paying for the use of the lake in their taxes.

John Kurzman provided information on and discussed the New Jersey aquifer data available on the DEP website regarding aquifers in Highland area which is less than 24 yield and another area which is greater than 500 yield. He also discussed the Oak Scrubs Mine Storage facility. He reviewed the USGS gage data which indicated one day in April, 1.29M gallons was released because the dam is at nine feet instead of it being at the high water mark at 9.6. He provided documentation from the USGS website and an analysis which he believes if the dam was raised by three or six inches because after a significant rainfall the lake is losing two or three inches of water. If the Morris County MUA wants to take 3MGD it is not that bad.

Ms. Gantert thanked Selma Reichert for her research on alternate office space and Chair Ondish thanked Estelle Klein and Ted Spatz for their research on this topic as well. Ms. Gantert stated the Commission should still look for alternate office space.

At 9:25 p.m., the motion to adjourn by Mr. McCarthy and seconded by Mr. Grove was unanimous.

Submitted by: Donna Macalle-Holly