

Minutes of the Lake Hopatcong Commission

January 16, 2007

A meeting of the Lake Hopatcong Commission was held on January 16, 2007 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: Colleen DeStefano, Elizabeth Gantert, Eric Grove, Frank Hughes (Morris County Alternate), David Jarvis (7:51 p.m.), Kenneth Klipstein, Daniel McCarthy, Richard O'Connor, Charles Richman and Arthur Ondish

Absent: Richard Zoschak

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

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

Also present were: Lewin Weyl – Legal Counsel and Fred Lubnow - Princeton Hydro

Chair Ondish stated there was an updated agenda and read a prepared statement to acknowledge the December 22 passing of Bill Clark, Commission Field Director for many years. Ms. Macalle-Holly stated Bill's two daughters, Susan and Janet, were in attendance. Janet had written a poem for her father and Susan agreed to read the poem. [A copy of the poem, "Where do you start? Written in Loving Memory of William Clark" is available on file.] Ms. Macalle-Holly stated that Bill loved to take pictures and she wanted to share memories of Bill through photographs most of which were taken by Bill in a presentation she prepared. Chair Ondish thanked Bill's daughter and stated that Bill would be missed.

Communications

Chair Ondish asked for any comments or questions regarding the Communications List. Mr. McCarthy asked if during the Princeton Hydro report the Lake Hopatcong Watershed Riparian Project would be discussed because he had some comments on it. Dr. Lubnow

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stated he would address this in his report. The report was submitted to the EPA but stated that it was a working document for the Commission and any input could be incorporated. There being no further comment on the communications, Chair Ondish continued to the next agenda item.

Treasurer's Report/Payment of Bills

Mr. Grove stated the Valley National Bank account had a register balance of \$257,170.51 as of December 31, 2006. The Revised Bill List was distributed totaling \$51,593.52. Chair Ondish requested a motion to approve the Revised Bill List. Ms. Gantert made a motion to approve the Revised Bill List. Mr. Hughes seconded the motion. [A copy of the Revised Bill List is available on file.]

ROLL CALL:

DeStefano	Yes	O'Connor	Yes
Gantert	Yes	Richman	Yes
Grove	Yes	Hughes	Yes
Klipstein	Yes	Ondish	Yes
McCarthy	Yes		

Motion carried 9 to 0.

Ms. Macalle-Holly stated for the record that two of the items on the Revised Bill List indicate that they will be paid from the 319 grant and the EPA Wetlands grant.

Minutes of Meeting of December 18, 2006

Chair Ondish asked for any comments or questions regarding the December 18, 2006 meeting minutes. Ms. DeStefano made a motion to move minutes. Mr. Hughes seconded. There being no further comment, Chair Ondish requested a roll call vote.

ROLL CALL:

DeStefano	Yes	O'Connor	Abstained
Gantert	Yes	Richman	Yes
Grove	Yes	Hughes	Yes
Klipstein	Yes	Ondish	Yes
McCarthy	Yes		

Motion carried 8 – 0 – 1 (one abstention).

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.

Selma Reichert, resident of Lakeside Boulevard in Hopatcong, addressed the money issue for the Commission. She stated that Mayor Paul Krishler provided the name and phone

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number of a firm, Capital Alternatives that can help the Commission get grants and the firm gets 10% of the grant. [Ms. Reichert provided the contact information for the firm.]

Chairman's Report

Chair Ondish stated he had a lengthy report beginning with wishing everyone a Happy New Year. He stated he is trying to look positively for the New Year from the Commission's perspective, but the signs are not looking too good.

Since the last meeting, the Chair reported he attended the Hopatcong Council Meeting on January 3 to pay homage to Mayor Hodson who served on the Commission since its inception in 2001 and served on the Lake Hopatcong Regional Planning Board for many years prior to the Commission. The Chair stated Mr. Hodson is to be commended for his years of service to protect and maintain Lake Hopatcong. The Chair welcomed Mr. McCarthy, who served as Hopatcong alternate for many years, as the regular Commissioner representing Hopatcong. He also welcomed and thanked the new Hopatcong Alternate, Joel Servoss.

The Chair stated on January 8, 2006 there was a meeting at the Mount Arlington Borough Hall with the State Police. The meeting involved four lieutenants in leadership positions at the Marine Bureau of the State Police, the four police chiefs and four fire chiefs from around Lake Hopatcong, Morris County Sheriff Ed Rochford, Morris County Park Police Chief Heiler, Superintendent Helen Maurella and her staff from the Hopatcong State Park rangers as well as representation from Picatinny Arsenal. It was a follow-up from a previous meeting held in Trenton to discuss State Police coverage on the Lake.

During the January 8th meeting, several suggestions were made and research is being done on feasibility. He spoke with one of the Lieutenants after the meeting that was unable to attend the Commission's meeting tonight. The Lieutenant stated discussions are taking place with the Coast Guard Auxiliary to work with the State Police to maintain safety on the Lake. The Chair stated the bottom line is that the State Police face budget constraints and do not have the luxury of posting troopers on Lake Hopatcong 24x7 like it used to. They are limited on manpower and will cover the Lake based on data collected from previous reports on the Lake, commonly referred to as covering the dots. For example, the State Police received more calls about the Lake in July so there would be more coverage at that time than say in December. Chair Ondish stated his concern was having coverage in the fall when the ice is forming and in the spring when it is melting. At the January 8 meeting a strategy to safely protect Lake Hopatcong was discussed. The Chair stated even though safety is not the charter of the Commission, he wanted to take a role in this issue because no one else is in a position to get everyone together. He stated the Commission works with the State Police from an environmental perspective when there is a spill on the Lake. The Chair stated there will be another follow-up meeting, but a date has not been set.

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He stated on January 12, there was a personnel committee meeting to meet with the Commission staff to provide an overview on the salary structure and future meetings will be conducted to meet individually with each employee to discuss their personal salary.

The Chair read the statement that was added to the USGS contract per Commission discussion at the last meeting. He stated the Commission is paying for the USGS gage to monitor the lake level from the Internet. The Commission may not be able to continue to pay for the gage if funds are not available.

The Chair stated the two other Commission Resolutions banning the use of phosphorus fertilizer and to request funds from Public Question #2 for a LHC Office and Maintenance Building were distributed as per the resolutions.

The Chair stated Senator Bucco received a letter from DEP Commissioner Lisa Jackson dated December 28, 2006 and he read a portion from the letter about the Commission into the record. [A copy of the letter is available on file.] Chair Ondish stated that the letter indicated the Commission was not getting any future money from the State. Chair Ondish stated he acted in the most professional way over the past six months as far as approaching the issue of funding for the Commission's operating budget. The Chair summarized the actions he has taken over that time. He asked that the people of the Lake Hopatcong region as well as anyone interested in the Lake to write a letter to the Governor and DEP Commissioner Jackson asking them to fund the Commission's operating budget in order to maintain the Lake.

The Chair then read the letter he had prepared to respond to Commissioner Jackson's December 28 letter. [A copy of the Chair's proposed letter is available on file.] The Chair stated he was not happy writing a letter like that, but the Commission was not getting anywhere. He asked Mr. Grove to review the budget situation. Mr. Grove reviewed the budget situation for FY07 and said a shortfall exists. The average monthly operating cost for the Commission is approximately \$68K. He stated the Commission projects the funds will last until April and that does not include reserves that would have to be set aside to deal with issues yet to be determined. Mr. Grove stated the Commission has not looked closely at the details because it did not really think this situation would culminate.

Chair Ondish stated he was waiting for Mr. Klipstein to ride in with a check as he had done over the past couple years and questioned if there was a check today. Mr. Klipstein responded not today, but he is working on it. He understands the Chair's frustration and stated he would discourage him from sending a letter like this. The Chair stated he would ask the Commissioners to discuss the letter and to make a decision on whether to send it. He stated he had already run the letter through Senator Bucco's office and he did not have a problem with it. Mr. Klipstein stated the letter would hurt more than it would help and that the Chair was appointed by the Governor to work through these issues. The Chair stated the Commission did not have time to get alternative funding in place before the year is over, but he is all for looking for alternative funding. Mr. McCarthy stated that most funding options would require a change in the Commission's legislation.

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Mr. Klipstein indicated to the Chair that he spoke with him about what he was working on. The Chair responded that he was very appreciative of that and hopes it comes through. In response to Ms. DeStefano's inquiry, Mr. Klipstein stated that the Commission budget was reviewed very carefully and as much as possible was moved off line as possible. The core operating cost is still from the \$400K base funding that the Commission received. Mr. Klipstein stated he is racing the clock and hopefully will have more details available by next month. In response to the Chair's inquiry, Counsel Weyl stated he believe the staff should get 45 days notice, but he would check into it further. There was discussion about furloughing the employees, removing the equipment from the maintenance facility and possibly training new employees if existing employees do not return.

The Chair again encouraged the public to write letters to ensure we are not left with a Lake that is not useable, unless Mr. Klipstein can come through with alternative funds. Mr. McCarthy discussed his meeting with legislative officials last year to discuss the Commission funding issue, but he is not getting any sort of direction from them. Mr. McCarthy stated that the Commission cannot lobby and will have to rely on the public to save the lake. Chair Ondish stated this is why he is bringing up the issue now because he does not want it to be after the weeds are growing and everyone is upset.

Mr. Klipstein stated there are two different issues. One is the FY07 shortfall, but the Governor will be proposing the new budget next month. This is where the legislators have the opportunity to weigh in. Now there has to be a process to reallocate money that is in the budget which is a different process.

Ms. DeStefano stated that the Commission will not be able to start from scratch in July by trying to hire staff and get the weed harvesters out of storage. Mr. Richman provided comment on some of the language used in the Chair's proposed letter. The Chair agreed to take suggestion on changing the letter stating it is only a draft letter he wanted the Commissioners to review. Mr. O'Connor agreed that the letter should stick to pleading the Commission's case and explain the dire straights. There was considerable more discussion on the issue of the letter and the Chair referring to previous letters that had been sent and the actions he has taken to plead the Commission's case about funding as well as what the municipalities have done to protect the Lake.

The Chair stated he has had conversations with Assemblyman Gregg about the bill to introduce that a portion of the boat registration fees come back to Lake Hopatcong as a dedicated fund. That is one option of alternative funding that could be explored. A member of the public suggested adding an extra dollar onto fishing licenses or the cost to the State Park admission.

Mr. Richard Bunce, Hopatcong Councilman, stated that the Lake belongs to every person in the State of New Jersey including the State Parks and the seashore. Ms. DeStefano stated she hopes Mr. Klipstein is telling the Commissioner of the dire straights the Commission is in and if the Commission has to stop and start up again, she was unsure if

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that could happen before November. Mr. Grove stated the letter to the Commissioner should state the facts, make her understand what the implications are and it is not an easy on/off switch. The Chair stated he would take another look at the letter and run it by everyone again. Mr. McCarthy suggested copies of the letter should be sent to legislatures, freeholders, and municipal governing bodies. Chair Ondish stated he spoke with Jack Schrier and he said that although Sussex or Morris Counties are not interested in funding the Commission, they will send resolutions to have the State fund the Commission.

Chair Ondish concluded the discussion by again encouraging the public to send letters to the Governor and DEP Commissioner.

Mr. Clancy, resident of Jefferson, encouraged the Commission to find out the number of boats on the lake and how much tax revenue base is there so the State can better understand the potential of the lost revenue stream. He referred to an associate that is Attorney General in New York State. When Mr. Clancy inquired about losing the great fishery on Lake Ontario, the AG stated they did not realize how much money the natural resources brought into the State treasury and they thought they would save money by cutting the stocking, instead they had cut their revenue stream from upstate New York.

Jeanie on Maxim Drive in the Borough of Hopatcong stated that no one knows what the Commission is up against and questioned why the Commission cannot lobby. It was clarified that the Commission could not hire a lobbyist. She stated that the Commission should send a letter to every lakefront homeowner describing who the Commission is, what the funding situation is and to encourage residents to send letters to State government. Chair Ondish stated that someone has to organize a campaign and volunteers here tonight can help with a letter writing campaign.

Estelle Klein, Hopatcong Councilperson, speaking for Hopatcong stated that her township would find the money to do a mailing and she would urge everyone in their community to send a letter out.

Mr. Bunce, Hopatcong Councilperson, suggested the Commission send a letter to each municipality explaining the Commission's situation to solicit the Council's support for funding or volunteers to send letters to the Governor. He stated that the Chair's remarks in his letter that the funding situation was a partisan issue were very courageous.

Selma Reichert resident of Hopatcong stated she is paying top dollar for her home and when she looks at the lake she is considering resale and investment in her home.

Mr. Fernandez stated the Commission needs to address the business people because they are the backbone of the lake community. He referred to the petition that the businesses had last year. He suggested that the Governor be invited to the Lake or the residents go to Trenton. He stated his business pays a \$750 fee for water runoff. He suggested another petition. The Chair stated letters work better than a petition. Mr. Fernandez also asked about when the dam would be closed.

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Mr. Cliff Bebee of Bebee Marina, distributed pictures and stated that the lake being lowered is not in everyone's best interest. He stated he lost over \$20K last year because there was no water in the lake. He stated the lake should be dredged instead of harvested. He also stated that there is still a sandbar in front of the Brady Bridge. Mr. Bebee stated that the law states the lake will be kept at the high water mark subject to the elements. He referred to a law that states the State is responsible for the riparian rights and conserving the rights along the banks of the Lake. Mr. Bebee referred to his case in front of Judge Stanton before Judge retired. Mr. Bebee stated that Judge Stanton indicated that if he had been there 30 days earlier, the Judge would have issued a stop order, but he could not because they were fixing riprap in Mount Arlington. Counsel Weyl stated he was the deputy that opposed Mr. Bebee's motion in front of Judge Stanton when Mr. Bebee tried to stop the lake from being lowered. According to Counsel Weyl, besides being late, the Judge also said that Mr. Bebee's remedy was not in front of him or a superior court, but should go through the DEP and they have a lake management plan. Counsel Weyl continued that the Judge stated there is an administrative process to go through because there is a lake management plan. Mr. Bebee stated Judge Stanton dismissed his case and the Judge suggested Mr. Bebee should return at another time to pursue the same issue to stop the lake lowering because that is the law. Chair Ondish stated the lake level is not under control by the Commission and it is under control by the DEP. Mr. Klipstein stated that the Attorney General's office is looking at the lake level issue.

Ms. Gantert encouraged residents to contact the Commission office to get the addresses of where to send letters. She stated that there is strength in numbers and many letters need to be sent tomorrow, not next month.

Mr. McCarthy referred to the lake water level management plan and indicated it has years of data in it. Mr. McCarthy stated the plan indicated that "on March 15 or earlier if the ice has broken away from the shore the gates are closed except as may be necessary to maintain 7.5 MGD and the lake allowed to fill by spring rain."

Old Business

Field Staff Report

Ms. Macalle-Holly stated that Barry Marke from the field staff was in attendance. She stated that the staff is working on the equipment maintenance at this time. Mr. Marke briefly described the type of maintenance work being done on the equipment. Chair Ondish encouraged the Commissioners that have not been to the maintenance facility to schedule a visit. Ms. Macalle-Holly stated Commissioners should call the office to make arrangements.

Princeton Hydro Report

Dr. Lubnow provided an update on the 319 grant. PH should be receiving comments on the bid specifications for the BMP structures to be installed in Hopatcong. Once the comments are received, a pre-bid meeting will be arranged.

Dr. Lubnow addressed the water quality comments by the public. He stated that there are two primary pollutants in the Lake. The one is phosphorous which stimulates algae and plant growth and the other is total suspended solids (TSS) which is basically dirt. There is heavy weight in sedimentation and that is why dredging has to be done. One of the reasons why money for dredging is so difficult to find is because organizations that provide funding want to see that the sources of the dirt entering the Lake are reduced. He stated that the LHC is working on grants that will begin to work on the sources of solids entering the lake.

There was an inquiry about safe drinking water and Dr. Lubnow responded that it depends on the time of the year, where you are collecting it from and it depends on the rate of biological activity. Lake Hopatcong is an emergency source of drinking water.

Once the plans are completed for Jefferson 319 project, the DEP, Jefferson Township and the Commission will receive copies for review and then PH will submit for the DEP permit needed for the project.

Dr. Lubnow stated he did not have the end of year monitoring report because he is tying in the data from the field staff collected over the last year.

Dr. Lubnow stated the completed Wetlands report was submitted and asked for any comments by Commissioners to be forward to Ms. Macalle-Holly. Chair Ondish stated it was a great report and wanted to compliment PH on it. Dr. Lubnow stated that Ms. Macalle-Holly reached out to the municipalities for locations for sources of concern for Lake Hopatcong specifically with wetlands and invasive species. Ms. Macalle-Holly stated a copy of the report would be sent to the four municipalities and both counties, but it was distributed to the Commissioners first for any comments. Chair Ondish stated at some point the report would be available on the Commission website, www.lakehopatcong.org.

Dr. Lubnow stated that PH is doing a lot of monitoring in this area of New Jersey and it is going to be a nasty year for weed growth. Last year there was a little bit of ice, but this year there still is no ice so there is going to be quite a bit of weed growth. Ms. Macalle-Holly added that normally when the water recedes and there weeds by your bulkhead, the weeds are typically dried up weeds from the summer. She stated that just last week there were still fresh green weeds coming in. Dr. Lubnow stated that recently while standing on a dock at Lake Mohawk he could already see the fresh strands of curly leaf pondweed which is a cold water species breaking out of the sediment.

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Dr. Lubnow stated that PH received information this afternoon about the installation of some smaller version of the BMPs that will be installed at Lake Hopatcong. Some of the removal rates for phosphorus and TSS are between 80 and 90 percent. With the data that the field staff is collecting, it is anticipated that these BMPs will be removing a lot of solids and phosphorus to remove the nutrients that stimulate algae and plant growth.

Dr. Lubnow stated that during the meeting, there was some misinformation in terms of limnology and watershed management. If anyone is interested in lake management, there is a two day lake course offered by Rutgers by February 2-3, 2007. Also on February 19 there is a course to develop and implement watershed management plans. Ms. Macalle-Holly stated she would be attending a meeting hosted by Byram Twp Environmental Commission on Monday, January 29 at 7:00 on lake management and Fran Smith of Coalition of Lake Association would be speaking. The meeting is open to the public.

Mr. McCarthy stated that based on what Dr. Lubnow reported that it is easier to keep stuff out of the lake to begin with. It is easier because there are permits and DEP regulations to get BMPs installed and it is less onerous to clean catch basins. Chair Ondish stated that in the fall and spring the Commission field staff works with shared services around the lake fixing storm drains and projects that affect the Lake.

Sub-Committee Reports

Chair Ondish reiterated that the Personnel Committee met and will be scheduling future meetings with Commission staff. He stated the Supplemental Funding Committee would have more meetings.

New Business

Resolution 07-01 Setting Time and Date for 2007 Regular Meetings

Chair Ondish asked if Commissioners reviewed the resolution. He stated January and February meetings would be at the Hopatcong State Park and March was at Roxbury. The meetings in April through June would be at Jefferson, in July through September at Hopatcong Civic Center and October through December at Mount Arlington and in January back at the State Park. Chair Ondish thanked the municipalities that host the Commission meetings. He stated instead of meeting at a different municipalities every month, the Chair suggested meeting for a couple months at one location. He encouraged everyone to bring friends to the Commission meetings to learn about the Commission.

The Chair asked for a motion to approve Resolution 07-01. Mr. McCarthy made the motion and Ms. DeStefano seconded. The Chair requested a roll call.

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ROLL CALL:

DeStefano	Yes	McCarthy	Yes
Gantert	Yes	O'Connor	Yes
Grove	Yes	Richman	Yes
Jarvis	Yes	Ondish	Yes
Klipstein	Yes		

Motion carried 9 to 0.

Resolution 07-02 Designation of Official Newspapers

The Chair requested a motion for the Resolution 07-02. Ms. Gantert made the motion and Mr. Jarvis seconded. The Chair stated the official papers were the Daily Record, the New Jersey Herald, Aim Jefferson and the Star Ledger. Ms. Macalle-Holly stated official notice goes to the Daily Record and the Herald. The Chair requested a roll call.

ROLL CALL:

DeStefano	Yes	McCarthy	Yes
Gantert	Yes	O'Connor	Yes
Grove	Yes	Richman	Yes
Jarvis	Yes	Ondish	Yes
Klipstein	Yes		

Motion carried 9 to 0.

Resolution 07-03 Changes to Checking Account and Safety Deposit Box at Valley National Bank

The Chair requested a motion for Resolution 07-03. Mr. Richman made the motion and Ms. Gantert seconded. There being no discussion, the Chair requested a roll call.

ROLL CALL:

DeStefano	Yes	McCarthy	Yes
Gantert	Yes	O'Connor	Yes
Grove	Yes	Richman	Yes
Jarvis	Yes	Ondish	Yes
Klipstein	Yes		

Motion carried 9 to 0.

Ms. Macalle-Holly stated the Commission received time-sensitive information today from The Heritage Conservancy about their grant for low-impact development training. Each municipality was asked to complete a survey. Approximately 30 surveys have been returned and the first workshop is scheduled for Saturday, February 10 from 9:30-11:30. She indicated she is planning to attend the workshop and that Jefferson Twp Environmental Commission responded to the survey. If the other three municipalities did not complete the survey, she encouraged the towns to do so at this time and to plan to participate in the workshop. She stated that the Conservancy is looking for two townships to volunteer to be part of an assessment process.

Public Comment

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

Tim Clancy, resident of Lake Hopatcong, stated at the last meeting he planned to attend the Fish and Wildlife meeting at Hackettstown Hatchery where the issue of Largemouth Bass Virus (LMBV) at Lake Hopatcong was discussed as well as the impact to the fishery. The status is that fishing organizations are working together including the Bass Federation. He described LMBV and how it spread. The Knee Deep Club would be meeting with the Bass Federation, other fishing groups and Fish and Wildlife representative to develop a plan. He also discussed another virus found in Lake Ontario called VHS which is transferred by boats to lakes that impacts the fishery. He stated that when anglers transfer their boats from one lake to another, they should clean their bait wells accordingly. He thought perhaps grant money could be obtained to focus on public education aspect of this issue. In response to Ms. Gantert's inquiry about possible affects on other animals that may ingest an infected fish, Mr. Clancy stated that so far not that much is known about it. He stated he was leaning towards steaming stations to clean the pathogens to make sure they are not transported from or introduced into our lake. Mr. Clancy agreed to keep the Commission informed.

Mr. Bebee discussed filtration systems in the lake and also suggested the use of volunteers to operate the harvesters. The Chair explained how equipment needs to be carefully operated and the damage that could be done would outweigh the savings.

Mr. Bunce, Hopatcong Councilman, encouraged the public to write letters to the editor not only stressing the financial aspect, but the environmental disaster that could occur. Mr. Bunce thanked the volunteer Commissioners for all they do.

In response to an inquiry from a member of the public, Mr. Klipstein stated the DEP is funding a project on the Musconetcong River and Lake Musconetcong which is part of Hopatcong State Park. According to the TMDL, the largest phosphorus load going into Lake Musconetcong is coming from Lake Hopatcong. Mr. Klipstein stated that part of the Musconetcong River received the federal designation as a Wild and Scenic River.

A member of public stated that when a boat is launched at Lake George, the marinas can check the boat to ensure that they are clean. He asked why this is not done at Lake Hopatcong. The Chair stated that the boats should clean before being launched in the Lake but again it is an issue of funding and enforcement.

The Chair stated again he is asking for help for the funding issue for the Commission and encouraged everyone to get involved. He also thanked Susan and Janet for being at the meeting and sharing their wonderful tribute to their father who will be missed. Ms DeStefano made motion to adjourn at and Ms. Gantert seconded the motion. There being a unanimous "aye" the motion was carried.

Submitted by: Donna Macalle-Holly