

Minutes of the Lake Hopatcong Commission

January 17, 2006

A meeting of the Lake Hopatcong Commission was held on January 17, 2006 at the Hopatcong State Park, Lakeside Blvd., Landing, New Jersey. At 7:33 p.m., Chairman Ondish called the meeting to order.

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

Moment of Silence: Chairman Ondish called for a moment to silence for our soldiers and their families.

Roll Call:

Present: Eric Grove, Walter Kerner, Robert Mitchko (Jefferson Alternate), Nicholas DePalma (Roxbury Alternate), Patricia Rector (DEP Alternate) and Arthur Ondish

Absent: Colleen DeStefano, Elizabeth Gantert, Richard Hodson, David Jarvis, Kenneth Klipstein, Wayne McCabe, Herman Volk, Richard Zoschak

Alternates Present: Richard O'Connor (Mt. Arlington Alternate)

With six members present at Roll Call, Chairman Ondish declared a quorum.

Also present were: Steve Souza – Princeton Hydro
Lewin Weyl – Commission Legal Counsel

Communications

Ms. Macalle-Holly stated there was a letter from Ellen Horak of the Lake Musconetcong Regional Planning Board (LMRPB) responding to the Commission's inquiry about the commitment the LHC would have to make to participate in the Watershed Management Group (WMG). Chair Ondish stated that it looks like the only commitment would be to have someone to attend the meetings. The Chair asked Mr. DePalma if he would be interested in serving in that position. Mr. DePalma stated he was approved by Roxbury to serve as the LMRPB representative also. The Chair stated he had previously spoken about this with Mr. Zoschak and LMRPB Chair Zellman and it would be a logical choice to have the individual that serves on the LHC and the LMRPB to be the WMG representative. Mr. DePalma stated he would serve as the Commission representative to the WMA as long as he had a schedule of the meeting. Chair Ondish advised Mr. DePalma to check with Mr. Zellman directly. Ms. Macalle-Holly stated that form would have to be submitted with the Commission's interest into participate. Chair asked Counsel for his position and Counsel responded that he saw no problem with it. There was discussion about grant funding for the Commission and WMA. Ms. Rector stated the WMG needs to have as many stakeholders as possible participating and it would be beneficial. Mr. Kerner made a motion to create the position of liaison to the WMG and to appoint Mr. DePalma as the liaison. Mr. Grove seconded the motion.

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ROLL CALL:

Grove	Yes	DePalma	Yes
Kerner	Yes	Rector	Yes
Mitchko	Yes	Ondish	Yes

Motion carried 6-0-0.

Ms. Macalle-Holly stated in the Hopatcong Borough Resolution regarding Daniel McCarthy should be corrected to appoint Mr. McCarthy as alternate commissioner, not as commissioner.

Treasurer's Report/Payment of Bills

Mr. Grove stated the Reconciliation Summary, as of December 31, 2005 had a register balance of \$500,349.92 in the VNB account. He stated a Revised Bill List of \$25,618.56 was submitted for review. Mr. Kerner made a motion to move the Revised Bill List. Mr. DePalma seconded.

ROLL CALL:

Grove	Yes	DePalma	Yes
Kerner	Yes	Rector	Yes
Mitchko	Yes	Ondish	Yes

Motion carried 6-0-0.

Minutes of Meeting of December 19, 2005

There being no corrections to the minutes, Mr. Mitchko made a motion to move the December minutes. Mr. Grove seconded the motion.

ROLL CALL:

Grove	Yes	DePalma	Yes
Kerner	Abstained	Rector	Abstained
Mitchko	Yes	Ondish	Yes

Motion not carried 6-0-2.

Counsel advised that six votes were needed to approve the minutes. Ms. Rector had a question on the minutes she wanted to check with Mr. Klipstein. Mr. Grove made a motion to table approval of the minutes to the next meeting. Mr. Mitchko seconded. All those in favor signified by saying "aye" and those opposed by saying "no." There being a unanimous "aye", the motion was carried.

Public Comment

The Chair moved to the next agenda item since there was no public comment.

Chairman's Report

Chair Ondish stated he had previously spoken with Ms. Macalle-Holly about having two public comments on the agenda and questioned if it was necessary. He brought the topic up for discussion recommending the elimination of the first public comment on the agenda and to only have one public comment period near the end of the meeting. He stated he observed at the

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meetings over the past year, that most public comment is made during the second public comment period. It would cut down on time to eliminate the first public comment period. Mr. Kerner stated most other public meetings only have one public comment meeting. There was consensus to eliminate the first public comment period.

Chair Ondish stated he would like to control having public questions asked and the Commission giving immediate answers. He stated that the Commission might respond that they will answer the question at the next meeting. There was discussion about the change in Princeton Hydro's representation at the meeting. Ms. Macalle-Holly stated that Dr. Lubnow would be accompanied by Chris Krupka of PH. There will be a lengthy transition period through part of the year. At some time Ms. Krupka and Dr. Lubnow will begin alternating their meeting attendance. Dr. Souza stated the Ms. Krupka would not have the institutional memory about the LHC. Dr. Souza said between himself, Ms. Krupka and Dr. Lubnow, PH would be at the LHC meetings. Chair Ondish stated he does want to continue the practice of letting members of the public be heard. He stated that although he may be too lenient at times because individual comment is lengthy, he believes members of the public should not be cut off unless they are getting carried away. Mr. Kerner thought it would be best to continue the dialogue and answer questions to the best of the Commission's ability.

He stated he spoke with Senator Bucco on a number of issues including the budget. He also discussed the site plan reviews and his hope to continue having that done in-house. He stated there are some vacancies on the Commission with Mr. Kerner leaving in a few months. Someone with an engineering background should be considered which would be helpful for site plan reviews. He also reported on the State Police possibly moving to the garage by the Lee's Park. He spoke with Mr. Felter and that will not happen for quite some time. The Commission uses that garage for their weed harvesting operation.

Chair Ondish stated that Ms. Macalle-Holly proposed a site visit to the maintenance facility for the Commissioners on a Saturday in February or March to see the work being done on the harvesters. He stated that he would try to arrange for an appreciation luncheon for those that volunteer their time to the Commission. He directed Ms. Macalle-Holly to find the most convenient time for Commissioners. There was agreement to move forward with this.

He stated he recently met someone that does monitoring gages. He will pursue discussions with the individual about other options for monitoring gages. He discussed the \$20K the Commission currently pays for the gage. Ms. Macalle-Holly reported that Mr. Klipstein had taken care of getting the DEP's commitment of \$10K towards the USGS monitoring gages for this year. The Commission recently received the \$10K check from DEP and it was deposited into the Commission account.

Mr. Grove stated he had volunteered Mr. Risko (LHC Alternate Commissioner) to help with the effort in the site plan reviews for the Commission. Due to his health condition, Mr. Risko is restricted to working 8-hour days, but he willingly agreed to take on the effort of handling the site plan reviews for the Commission. Mr. Grove stated that if others wanted to get involved in reviewing the site plans that would be helpful. Chair Ondish stated that it could be a lot for one person.

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Old Business

Field Staff Report

Chairman Ondish asked for any questions regarding the Field Staff Report. Mr. Grove stated that the site visit was a great idea. There were no questions for the Director.

Princeton Hydro Report

Ms. Macalle-Holly stated that three handouts were distributed from Princeton Hydro. [The Monthly Report for the LHC, Summary of 2005 Water Quality Monitoring Program and Summary of Site Plan Review Report are all available are on file.]

Dr. Souza stated that the EPA Educational Grant application was submitted, but there has been no further word on that. The 2005 Water Quality Report is nearing completion, and a summary of the report was distributed. To summarize, Dr. Souza stated with the exception of the coves where there are usual problems, the main body of the lake held its own. There was still an adequate amount of oxygen for the trout to survive. One interesting point based on the tonnage of aquatic vegetation removed from the lake during the harvesting season equates to the removal of 200-400 pounds of phosphorous. Dr. Souza pointed out that harvesting is not just for weed control and improving the recreational utilization of the lake, but there is an improvement in terms of phosphorous removal.

Dr. Souza reported on the EPA Wetlands grant. He will be providing maps for the Commission to review. PH had to change pace with the grant project. Initially when the project was started there were no buffers on any of the streams, but with the buffer zones as part of the Highlands or C1 streams, PH took more of a habitat approach to the grant. PH will be contacting the Knee Deep Club for information on fishing spawning areas to integrate that into the mapping to create the habitat area or buffers. In response to an inquiry from Ms. Rector, Dr. Souza stated that PH would be providing prioritized areas that need protection. It looks like the prioritization will focus on the streams in Hopatcong, the headway streams, instead of the streams in Jefferson, which are in the Highlands area.

Dr. Souza stated he provided a checklist for site plan reviews. He stated there is no need for professional review on approximately 95% of the application the Commission receives. He provided a list of the types of items that application should contain. He also provided a list of the types of projects that the Commission would need professional assistance on. He suggested that the Commission ask the planning board to provide testimony in a review that would be paid for through the applicant escrow account. The LHRPB did this in the past with large projects.

Dr. Souza asked that PH be involved in any future discussion regarding the gage. He also stated that he was selected as a member of the Governor-elect transition team. He was the only person on the sub-committee dealing with water. When reviewing the proposed items the Governor-elect would address during the first six months of his administration, there was nothing on it about lakes. Dr. Souza addressed this and stated that lakes were addressed in the final report that went to the Governor. It covered lake funding and different utilization of 319(h) grant funding to provide more funding for implementation projects on lakes. He stated that the use of the corporate business tax as a potential source to fund lake restoration activities was also proposed.

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Ms. Macalle-Holly stated that regarding Dr. Lubnow's status report a small group is meeting on January 30 to begin to prepare the application for the US EPA grant, which is a big effort, and it will take some time to put the application together.

Dr. Souza stated that PH engineers visited the proposed BMP site locations and some sites will have to be modified including the one on Bell Avenue. His engineers are preparing a memo for Dr. Lubnow describing the sites and explaining which sites need to be modified and alternate technology being considered.

Sub-Committees

Chair Ondish stated the sub-committee list was distributed. Ms. Macalle-Holly stated the sub-committee list was not updated. It does not reflect the new members or possible consolidation of some committees. It was distributed for discussion purposes. Since not many Commissioners attended tonight, Chair Ondish tabled discussion to the next meeting. He also wants to discuss moving forward with the by-law sub-committee and will discuss with Mr. Hodson.

Mr. Grove reported on the Budget/Personnel sub-committee. He spoke with Ms. DeStefano indicating she apologized for being unable to complete all the work for the sub-committee. She plans to have it done within the next couple week and to send information for review prior to the sub-committee next meeting. Mr. Grove stated that it was the plan to bring the recommendation of the sub-committee to the full commission at the February meeting. Chair Ondish stated that Ms. DeStefano has prepared information on different jobs and their salaries to compare to Commission staff. Mr. Grove stated it would include some immediate recommendation, implementation and a long-term plan. Chair Ondish stated that the budget/personnel sub-committee would meet one hour before the February regular meeting.

New Business

Resolution 06-01 Setting the Time and Date of Regular Meetings for the Calendar Year 2006

Ms. Macalle-Holly stated there was a revised resolution distributed. The only change in the resolution was to include the meeting locations based on availability of meeting facilities at the municipalities. In response to an inquiry, Ms. Macalle-Holly stated there is a conflict with Hopatcong's Chambers. Mr. Kerner suggested the Hopatcong Civic Center as a alternate Hopatcong site. Chair Ondish made a correction on the February meeting date to February 21. Ms. Macalle-Holly stated that in the first be it resolved paragraph, the date should be changed to January 17. Chair Ondish stated that the resolution should include the meeting date for January 2007. The date for the January 2007 meeting would be on the 16th. Ms. Macalle-Holly reviewed the other revisions to the resolution so the wording would be appropriate for January 2006-January 2007 meeting dates.

Mr. Kerner made a motion to move the revised Resolution 06-01. Ms. Rector seconded. [A copy of Resolution 06-01 is available on file.]

ROLL CALL:

Grove	Yes	DePalma	Yes
Kerner	Yes	Rector	Yes
Mitchko	Yes	Ondish	Yes

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Motion carried 6-0-0.

Resolution 06-02 Designation of Official Newspapers

Chairman Ondish introduced the standard resolution. Mr. Grove made a motion to move Resolution 06-02. Mr. Kerner seconded the motion. [A copy of Resolution 06-02 is available on file.]

ROLL CALL:

Grove	Yes	DePalma	Yes
Kerner	Yes	Rector	Yes
Mitchko	Yes	Ondish	Yes

Motion carried 6-0-0.

Resolution 06-03 Eagle Scout Service Support Project

Ms. Macalle-Holly stated that Counsel's revision had been made to the resolution and were underlined in the revised resolution distributed for the Commissioners' review. Mr. DePalma made a motion to move Resolution 06-03. Ms. Rector seconded. [A copy of Resolution 06-03 is available on file.] Mr. Kerner stated that resolution could give the impression that the dock-mapping participation is mandatory. Counsel stated that in the resolution paragraph, the language used is encourages and supports instead of orders or mandates. Chair Ondish stated he had a call into Kerri O'Brien from News 12 about this project.

ROLL CALL:

Grove	Yes	DePalma	Yes
Kerner	Yes	Rector	Yes
Mitchko	Yes	Ondish	Yes

Motion carried 6-0-0.

Professional Services – Accounting Firm

Chair Ondish stated that since the Commission was created there has not been a professional audit done. He assured that there is nothing wrong going on, but believes the Commission should have an audit done. Ms. Macalle-Holly stated an audit is required for the 319(h) grant. Ms. Macalle-Holly stated she spoke with Counsel on the issue and he suggested that the Commission develop specifications and qualification for an accounting firm and move forward from there. Chair Ondish asked Ms. Macalle-Holly if she could put something together or offered to have a committee work on it. Ms. Macalle-Holly offered to look into it. Counsel suggested that she check with other authorities put together. Dr. Souza suggested the LHC contact the Deal Lake Commission for input.

Shared Services and Stormwater Management Project

Ms. Macalle-Holly reported that the Commission had agreements in 2005 with Sussex County, Mt. Arlington and Jefferson. In looking forward to planning the work schedule for the spring and next fall, the staff would like to continue agreements and begin shared services again with Roxbury as well as looking into the agreements with Hopatcong and Morris County. She also stated that the Commission had budgeted for a stormwater management project to install snout

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devices on catch basins. According to Dr. Lubnow, and based on research from Mr. Clark, only one company makes the snout devices. She stated that Counsel has advised the staff to work with Princeton Hydro to prepare a resolution stating that only one company manufactures these devices. She stated staff would work with Jefferson and Hopatcong to install the snout devices in catch basins near the proposed 319(h) sites. If all goes according to schedule, the project is planned for the spring before the harvesting. Depending on how this project goes, that will affect the resources available for the shared services agreements.

Chair Ondish stated he would be speaking with Morris County to get a shared services agreement in place. For Mount Arlington, he anticipates the Borough will be in a position to use LHC staff in shared services. He will look into the shared services agreement with Mount Arlington. Ms. Macalle-Holly stated that the model being used with Jefferson and Sussex County has worked very well. The LHC provides the staff and they supply the equipment to clean and rebuild catch basins focusing on work within the Lake Hopatcong Watershed. Ms. Macalle-Holly stated that Princeton Hydro will be working on a project to determine how much phosphorous is removed in the catch basin sediment. Chair Ondish stated the Commission should move forward with getting the agreements in place, but the snout project should be its priority. Any remaining time before harvesting could be devoted to shared services.

Targeted Watershed Conference

Chair Ondish asked the Commissioners if they reviewed the document, which requires grant recipients attend the EPA conference from February 14-16 in Albuquerque, NM. He stated that Ms. Macalle-Holly looked into the conference and the cost of the travel to the conference could be applied to the grant budget. She stated that when the grant budget is developed, according to Carol Peterson of the EPA, the Commission should work through our regional EPA representative to get a 90-day advance on grant funds to pay for travel costs for the conference. Dr. Souza stated that would not be a problem to incorporate the travel costs into the grant budget, but it would have been helpful to know that if you receive a grant there are travel-related costs involved. Ms. Macalle-Holly stated the Commission would be required to give a 10-minute presentation on the grant project. She stated at least one person has to attend and the EPA recommends no more than three representatives from each selected watershed.

Dr. Souza stated someone from Princeton Hydro would be available to attend and PH would pay their firm's travel costs. Chair Ondish stated it would be very appropriate for Ms. Macalle-Holly to attend since she will be managing the grant. He stated that at least one more person should attend and asked if any Commissioners would be interested in attending to support Ms. Macalle-Holly. If no other Commissioners were available, the Chair indicated he might be able to attend. There was discussion about the approximate cost of the conference. Dr. Souza estimated that travel costs to the conference would be no more than 1% of the total grant. He stated that based on the amount of paperwork EPA is requiring for the grant, he believes it is valuable to attend. Ms. Macalle-Holly stated that as part of the EPA grant match, NJ DEP has committed a resource to the grant. Although she was unsure who the DEP grant resource would be, it might be appropriate to send that person. Ms. Rector stated that the time would be split between her and Mr. Klipstein. In response to the Chair's inquiry, Ms. Rector said she would be interested in attending, but would need to check with Mr. Klipstein. She stated that there is emphasis on the performance measures and documentation at the conference.

Chair Ondish stated that he would be transitioning to a new job around the conference period. He would be speaking with his new employer to inquire if he would be able to attend the conference.

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Ms. Macalle-Holly stated the Commission must submit registration forms for attendees by January 27. Chair Ondish stated if the scheduling works for him, he will plan to attend along with Ms. Macalle-Holly and Ms. Rector will check if she can attend. Mr. Grove made a motion to send Ms. Macalle-Holly, and possibly Mr. Ondish and Ms. Rector to the EPA conference. Mr. Mitchko seconded.

ROLL CALL:

Grove	Yes	DePalma	Yes
Kerner	Yes	Rector	Yes
Mitchko	Yes	Ondish	Yes

Motion carried 6-0-0.

Ms. Macalle-Holly asked for clarification that if someone from Princeton Hydro attends, PH would pay for their own expenses. Dr. Souza agreed. Counsel Weyl reiterated that grant recipients are required to go and it would be part of the grant budget so in affect there are no state funds involved.

Mr. DePalma stated that Mr. Zoschak asked him to inquire about the proposed use of abandoned mines in Mine Hill for water storage. He asked for comments by DEP members and asked Princeton Hydro to address the possible impact to the Lake. Chair Ondish stated that he spoke with Larry Ragonese at the Star Ledger about the story because it seemed like decisions were being made to divert water from the Lake Hopatcong before discussing it with the Commission. The Chair stated that he learned that it was all very preliminary. Dr. Souza stated that the project would need to meet DEP's water allocation permit requirements and that would involve an extensive review. Ms. Macalle-Holly stated that funding was issued to look into a study for this water storage project. Chair Ondish stated that there is nothing further to do at this point.

Ms. Rector stated she is preparing the TMDL update and she met with Jeff Elam of Jefferson and John Ruschke of Hopatcong. She would need to meet with Engineers from Roxbury and Mt. Arlington as soon as possible. Septic and sewerage were discussed with Jefferson and Hopatcong. The TMDL update needs to be done to meet the 319 deadline.

She stated that a grant was sent to Jefferson for the septic management study under the 604b. Jefferson needs to sign and return the contract. She stated the grant was for \$24,565 and it includes a component of the monitoring for the septic, but it is not for the volunteer monitoring for Lake Shawnee. There possibly may be another component of the 604b to include soil and well monitoring proposed by Princeton Hydro along with some more educational outreach as part of phase 2. The volunteer monitoring for Lake Shawnee will be basic, long-term monitoring over a ten-year period.

Mr. Kerner had two minor items. He suggested moving Old Business on the agenda right before New Business. He suggested the Commission invest in an electric time/date stamp to track when items come in.

Public Comment

There was no public comment. However, Chair Ondish discussed the issues with the MSA to get an inter-basin transfer done for Pub 199, which falls within the Raritan Watershed. He stated that to get additional gallons released, they would have to take gallons from within the Lake Hopatcong watershed. The MSA is holding tight to the gallons for Jefferson so when the

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Township decides to sewer and as Hopatcong continue to sewer, those gallons are available for lake protection.

Mr. Kerner made a motion to adjourn. Ms. Rector seconded the motion. All those in favor signified by saying "aye" and those opposed by saying "no." There being a unanimous "aye", the motion was carried and the meeting adjourned at 9:22 p.m.

Submitted by: Donna Macalle-Holly