

Minutes of the Lake Hopatcong Commission

January 20, 2004

A meeting of the Lake Hopatcong Commission was held on January 20, 2004 at the Hopatcong State Park, Lakeside Boulevard, Landing, New Jersey. At 7:32 p.m., Vice Chairman Klipstein called the meeting to order and stated that the meeting was being held in accordance with "Open Public Meetings Act."

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

Roll Call:

Present: Colleen DeStefano, Eric Grove, Samuel Hoagland, Richard Hodson, Walter Kerner, Lorraine Lees, Frank Hughes (Morris County Alternate), Brandon Phillips (Roxbury Alternate), and Ken Klipstein

Absent: Dave Jarvis, Richard Zoschak

Alternates Present: Robert Mitchko (Jefferson Alternate), John Risko (Sussex County Alternate)

With nine members present at Roll Call, Vice Chairman Klipstein declared a quorum.

Also present were: Fred Lubnow - Princeton Hydro
Helene Chudzik – Commission Attorney

Vice Chairman Klipstein read the motion to adjourn to Executive Session to discuss personnel. Ms. Lees made the motion. Mr. Kerner seconded the motion. There being a unanimous "aye" the motion was carried.

Vice Chairman Klipstein reconvened the regular meeting at 7:54 p.m. He stated that during the Executive Session, the Commissioners discussed compensation for the Commission's administrative staff that has been performing beyond the scope of their job titles for a period of time. Mr. Hoagland made a motion to increase the administrative staff salary by 2.2% effective the beginning of the next pay period. Mr. Grove seconded the motion.

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ROLL CALL:

DeStefano	Abstained	Lees	Yes
Grove	Yes	Hughes	Yes
Hoagland	Yes	Phillips	Yes
Hodson	Yes	Klipstein	Yes
Kerner	Yes		

Motion carried 8 to 1 (1 abstention).

Communications

Vice Chairman Klipstein asked for any comments or questions regarding the Communications List. There being no comment on the communications, Vice Chairman Klipstein continued to the next agenda item.

Treasurer's Report/Payment of Bills

Mr. Grove stated the Bank of New York checking account had a cleared balance of \$24,975 with uncleared transactions of \$993.43 for a December 28, 2003 register balance of \$23, 981.57. The JP Morgan account had a cleared balance of \$601,954.91 for a total balance in both accounts of \$625,936.38. The Revised Bill List was distributed which total \$78,739.43; the majority was for the insurance bill. Mr. Grove stated there was also a Petty Cash Reconciliation itemizing payments of \$409.09 leaving a petty cash balance of \$9.91. Ms. Lees made a motion to approve the Revised Bill List. Mr. Hodson seconded the motion. [A copy of the Revised Bill List is available on file.]

ROLL CALL:

DeStefano	Yes	Lees	Yes
Grove	Yes	Hughes	Yes
Hoagland	Yes	Phillips	Yes
Hodson	Yes	Klipstein	Yes
Kerner	Yes		

Motion carried 9 to 0.

Minutes of Meeting of December 15, 2003

Vice Chairman Klipstein asked for any comments or questions regarding the December 15, 2003 meeting minutes. Mr. Phillips stated that the amount for the DEP permit should be changed to \$900 on Page 5. Mr. Hoagland made a motion to move the December 15 minutes. Ms. Lees seconded the motion. There being no further comment, Vice Chairman Klipstein requested a roll call vote.

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ROLL CALL:

DeStefano	Abstained	Lees	Yes
Grove	Yes	Hughes	Yes
Hoagland	Yes	Phillips	Yes
Hodson	Abstained	Klipstein	Yes
Kerner	Yes		

Motion carried 7 to 2 (2 abstentions).

Public Comment

At this time, Vice Chairman Klipstein opened the meeting for public comment.

John Kurzman, resident of Lake Hopatcong, stated he was impressed to see the Commission staff surveying and photographing inflows and deltas around the Lake in zero degree temperatures. In response to Mr. Kurzman's inquiry as to how the survey data will be used, Vice Chairman Klipstein stated that information collected will be entered into a database and is available for the towns to use as part of their stormwater Phase II permitting requirements. Dr. Lubnow stated PH will use the data for a variety of implementation projects when considering the different BMPs and retrofits where the structures would be viable.

Dan McCarthy, Hopatcong Alternate Commissioner, offered to help out where possible on the sub-committee structure. As a member of the Alternate Funding Committee, Mr. McCarthy shared an article entitled, "Drive Launch to Recoup State Gas Taxes" from Boat US Magazine. [Article is available on file.] Mr. McCarthy pointed out that according to the article no state gas tax is used for boating in New Jersey. Mr. McCarthy provided copies for the Commissioners. He suggested that this be looked into and perhaps craft model legislation with the assistance of counsel.

There being no further public comment, Vice Chairman Klipstein moved to the next item on the agenda.

Old Business

Field Staff Report

Mr. Clark distributed a copy of his Field Staff report to the Commissioners. He stated that on December 16, the Field Staff continued with the drawdown cleanup. He also stated the two crew chiefs, Bob Place and Mike Calderio, started the outflow survey project. On January 8, the Field Staff completed the shoreline cleanup project and began moving the tools and supplies to the temporary maintenance facility. On January 12, the staff began the maintenance on the equipment. As of January 20, the crew chiefs have completed 107 outflows entering into the Lake.

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Mr. Clark also reported that in conjunction with the Kathy Hourihand, the District Recycling Coordinator at Morris County MUA and Bobby Ross, Parsippany Transfer Station Manager, the MUA gave the Commission a credit of \$934 toward the removal of tires. The funds were available through a State grant issued to the Mosquito Commission to remove illegally disposed tires.

Mr. Clark referred to the final debris cleanup report which indicated that 9,628 pounds of metal debris was taken to the MUA and well over 200 bags of litter were collected. He also referred to the map of Lake Hopatcong which also indicated the outflows into the Lake. Mr. Clark stated when the outflow survey is completed in Jefferson, they will move to the Hopatcong section of the Lake. Mr. Clark distributed a sample of the outflow survey data collection sheet which is being used as well as some sample outflow pictures. Conducting the survey would be virtually impossible if the Lake was not drawn down, because some outflows are located under docks and under boathouses. Mr. Clark stated that the crew chiefs completed the outflow survey by walking the entire shoreline.

Vice Chairman Klipstein recognized Pat Rector's contribution to the outflow survey project by designing the database and providing assistance to the Vice Chairman behind the scenes. The Vice Chairman stated this was a terrific effort.

Mr. Clark acknowledged Ms. Lee's contribution to the drawdown cleanup effort by giving permission to use the dumpster at her marina. Mr. Clark also acknowledged Jefferson's Fire Department #2 which also gave the Field Staff permission to use their dumpster.

EPA Watershed Grant Proposal

Vice Chairman Klipstein stated the grant proposal was submitted to EPA prior to the deadline with Governor McGreevy's nomination. The Vice Chairman thanked everyone for their effort. In response to Mr. Hodson's inquiry, Vice Chairman Klipstein reported that the Governor also nominated a Greenwood Lake proposal and a Rutgers proposal for trading in the Passaic and Wallkill received an endorsement. The Vice Chairman stated that last year there were approximately 180 proposals submitted and 20 grants were awarded. Vice Chairman Klipstein stated that letters of support were already included in the grant submission. Vice Chairman Klipstein offered to provide updates periodically on the status of the Commission's grant submission.

Mr. Clark stated that Donna Macalle-Holly worked to obtain all the letters of support and deserves credit for her efforts. The Chairman acknowledged her efforts.

FY 2005 Budget Status and Designation of Budget Hearing Representative

Vice Chairman Klipstein reported on the status of the FY05 budget submission to OMB. The schedule for the Governor to present his budget address has been changed from previous years and this year it will be presented on February 24. The details of the budget are still in process and hopefully prior to the next meeting, the Commission will

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receive notification on exactly what the DEP line item will be for the Commission budget.

Vice Chairman Klipstein also reported that he spoke with DEP Chief of Staff Gary Sondermeyer on January 20 regarding the budget hearing and the status of the Commission appointments. Apparently the Governor and Commissioner Campbell spoke the end of last week and the new appointments should happen very soon. Vice Chairman Klipstein is looking forward to getting word on the appointments.

Vice Chairman Klipstein stated he would be uncomfortable as a DEP employee to represent the Commission's at the budget hearing and the Commission's Treasurer should participate in that process. Mr. Grove stated he would need to know the date of the budget hearing and requested that Donna Macalle-Holly attend with him. Vice Chairman Klipstein responded to Mr. Grove's inquiry that he could sit in on the budget hearing to provide moral support. Mr. Grove stated he will be away during the first week of March.

King Cove Update

In Commissioner Zoschak's absence, the Vice Chairman stated he spoke with Rob Piel in Land Use and Mr. Piel had communicated directly with the contact on the application and the application was moving forward. The application could not be treated as an emergency situation, since there was ample time to prepare it; however, the application is being addressed.

Princeton Hydro Report

Dr. Lubnow provided a brief summary on the following items:

EPA Watershed Initiative Grant – Dr. Lubnow reiterated that the grant was submitted to DEP on time for submission to the EPA.

EPA Wetland Grant Proposal – He stated PH made a few contacts and has not heard back at this time. They are still in the waiting stage.

2005 319 Grant – Dr. Lubnow stated he anticipates DEP will make an announcement within the next month about the 2004 319 grants. Once the grants are announced, the Commission can discuss a specific project under that grant program.

Upper Musconetcong Watershed Total Maximum Daily Load (TMDL) – Dr. Lubnow stated that PH completed the pollutant budget analysis which he distributed to the Commissioners. [A copy of the analysis is available on file.] PH recalculated the phosphorous load. They updated the surface and septic surface water runoff loads in terms of how much phosphorous is going into the Lake and then they identified how much of a reduction is required. If you compared the existing phosphorous level to the

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State's original TMDL calculation, over a watershed basis the required reduction is about 32%.

Dr. Lubnow noted that the original Phase 1 Study completed in the early 1980s had an annual load of 1,617 kilograms/year and in the 1990 study, the load was approximately 2,500 kg/yr. Based on the most current land use from 1995-96, surface runoff is at 2,856 kg/yr. Over a period of ten years for surface runoff, the phosphorous load has increased by 35% and over a period of twenty years it has increased by approximately 43% which is attributed to changes in land use. Dr. Lubnow stated that TMDL will focus on reducing the phosphorous load originating from surface runoff and septic systems.

Dr. Lubnow reviewed the details of the analysis by runoff type and for each municipality with the Commissioners. He stated that PH will provide a plan for each municipality which will include different scenarios. For example, PH will recommend that Jefferson focus on a combination of stormwater runoff and septic systems. A plan to reduce each municipality's load to the acceptable level will be provided to the municipality. PH will ask each municipality to provide feedback on the plan.

In response to Ms. DeStefano suggestion, Dr. Lubnow stated that PH could provide the municipal plans on a tiered basis or on as a proposed five year plan. Dr. Lubnow stated that the goal for each municipality is to have a set of projects available so when EPA or 319 grant funding is announced, the municipalities have a prioritized list of projects.

In response to Ms. Lees' inquiry, Dr. Lubnow stated PH will have the draft plans completed by the February meeting and the plan would be submitted to each of the Commission's municipal representative. Each municipal representative is responsible for sharing the plan with the municipality.

Vice Chairman Klipstein, speaking as the DEP representative, stated that DEP negotiated an administrative consent agreement with Jefferson to update their wastewater management plan and they are behind in completing it. Vice Chairman Klipstein stated either sewers or an aggressive septic management plan needs to be implemented. In response to Ms. Lees' concern about failing septic systems in Jefferson, the Vice Chairman stated there is more advanced technology available.

In response to Mr. Hodson's suggestion, Dr. Lubnow agreed to use whole numbers in the analysis to make it clearer.

Mr. Clark stated that according to the outflow survey map, Mt. Arlington and Roxbury combined have a total of 33 outflows entering the Lake and Jefferson has approximately four times more outflows entering the Lake.

SUB-COMMITTEE REPORTS

Insurance

Ms. DeStefano reported that although she was unable to attend the December meeting, she did provide a memo on insurance renewal. She stated that she understands the liability policy is in order. Ms. Macalle-Holly stated the liability insurance included the umbrella policy which was paid as part of this month's bill list for payment. The policy covers the Commission liability and umbrella insurance through January 1, 2005.

In response to Vice Chairman Klipstein's inquiry about looking to the State for more affordable insurance, Ms. DeStefano responded that the Commission should continue to explore it. Counsel Chudzik stated she started the process on that by contacting Treasury to get the forms. She further reported that the State's position has been if insurance can be purchased on the private market, you don't need to get insurance through the State. However, lately they have moderated that because while you can buy insurance, you cannot necessarily afford the insurance. Counsel Chudzik stated that the State insurance is consistent with other insurance agreements to insure for accidents and mistakes but not willful misconduct.

Ms. Macalle-Holly stated that the next insurance policy up for renewal in May is the fidelity bond insurance.

Budget

Mr. Grove reported that the subcommittee met with Ms. Macalle-Holly on January 15 to review the Commission's finances as of the end of December. He further reported that halfway through the budget year, overall expenditures are at 37%, but the truck which is budgeted for \$50K, has not been purchased yet. Mr. Grove reported that there were surpluses in some areas and some deficits, for example, insurance costs. In response to Vice Chairman Klipstein's inquiry, Mr. Grove stated that the budget sub-committee is reviewing the budget line-by-line, but is planning to manage to the bottom line. Mr. Grove stated the sub-committee will be meeting again in three months.

Reorganization of Sub-Committees/Shared Services Commissioners

The Vice Chairman reported that some of the sub-committees have been updated, but with the pending appointments, the Commission will wait to see how they impact the sub-committees. Vice Chairman Klipstein stated the sub-committees that hold more urgency are the Shared Service Representatives and Alternative Funding. Vice Chairman Klipstein stated that the Shared Service Representatives should begin to explore how to move the shared services plans forward which will be different for each town. Mr. Hodson stated that Mayor Ondish of Mt. Arlington had a Mayors-Around-The-Lake meeting on January 10th. He suggested that this might be an interesting group to discuss the shared services concept. Mr. Hodson offered to email Mayor Ondish about this. Mr.

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Hodson stated that the Shared Services Reps could interact with all four towns at this meeting and the County reps could also be invited.

Ms. Macalle-Holly stated that according to the work plan prepared by Mr. Clark, the Commission would need to have agreements formalized with the towns and/or counties by the beginning of April. Dr. Lubnow offered to have someone from Princeton Hydro attend the meeting to provide information. There was no opposition to the Shared Services assignments when the Vice Chairman inquired if the appointed Commissioners were agreeable to taking on the responsibility.

The Vice Chairman stated that the Alternate Funding sub-committee, previously chaired by Mr. Doran prior to his resignation, should also begin work. Vice Chairman Klipstein was looking for volunteers that wanted to participate because there is no shortage of needs for funds for projects. He stated that besides exploring grants, there are other possibilities that need to be investigated such as the suggestion made by Mr. McCarthy earlier. Besides looking for additional volunteers, Vice Chairman Klipstein offered to serve on that sub-committee with Dan McCarthy and Lorraine Lees. Mr. Hodson suggested that Mr. Klipstein serve as the Chairman of this sub-committee.

Ms. Macalle-Holly offered to send a copy of the agreement the Commission had with Jefferson Township for the Shared Services Commissioners to use as a model.

Ms. DeStefano questioned the phosphorous trading policy and Dr. Lubnow replied that it is necessary to have established criteria and protocol which would be included in the recommended plan PH is preparing, but there are complications involved in trading.

New Business

Resolution 04-01 Setting Time and Date for 2004 Regular Meetings

Vice Chairman Klipstein stated since this is Commission's organizational meeting, a resolution has been prepared to set the time and dates for the 2004 regular meetings and he would entertain a motion. Mr. Hodson made a motion to move Resolution 04-01. Mr. Grove seconded the motion.

In response to Mr. Hodson question, if the Commission could meet on the second or fourth Monday in February, Counsel Chudzik stated that this would result in two meetings being close together. There was general discussion about switching the meeting date to another day of the week, but it was generally agreed to keep the meetings on Mondays at this time. Counsel Chudzik advised that the meeting dates had to be announced at the organizational meeting, but the dates could be revisited later when Commissioner's schedules are available.

Vice Chairman Klipstein requested a roll call vote. [A copy of Resolution 04-01 is available on file.]

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ROLL CALL:

DeStefano	Abstained	Lees	Yes
Grove	Yes	Hughes	Yes
Hoagland	Yes	Phillips	Yes
Hodson	Yes	Klipstein	Yes
Kerner	Yes		

Motion carried 8 to 1 (1 abstentions).

Resolution 04-02 Designation of Official Newspaper

Vice Chairman Klipstein stated the resolution would designate the newspapers to receive notices of meeting dates. In response to Mr. Hodson's question, Ms. Macalle-Holly replied that this is the same resolution as last year. Mr. Hodson made a motion to move Resolution 04-02. Ms. Lee seconded the motion.

Vice Chairman Klipstein requested a roll call vote. [A copy of Resolution 04-02 is available on file.]

ROLL CALL:

DeStefano	Yes	Lees	Yes
Grove	Yes	Hughes	Yes
Hoagland	Yes	Phillips	Yes
Hodson	Yes	Klipstein	Yes
Kerner	Yes		

Motion carried 9 to 0.

Public Comment

Vice Chairman Klipstein opened the meeting for the second public comment period.

John Kurzman, resident of Lake Hopatcong, had inquiries on a number of items. In response to his first two inquiries, Vice Chairman Klipstein responded that:

1. The official newspapers selected were the Daily Record, New Jersey Herald, Aim Action News and Star Ledger.
2. Lake Hopatcong is not a Category 1 designated waterway.

Mr. Kurzman also inquired about the TMDL analysis prepared by PH. Dr. Lubnow responded that the TMDL program is a federal recommendation on how to address non-point source pollution and NJ DEP used the established TMDL protocol to model the watershed to generate the targeted load. In response to Mr. Kurzman's inquiries, Dr. Lubnow explained how the surface runoff and septic system loads were calculated in the analysis.

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Dr. Lubnow responded to Ms. DeStefano's inquiry, stating that the flushing rate for Lake Hopatcong is 1-2 years and the flushing rate varies from season to season.

In response to Mr. Kurzman's inquiry, Dr. Lubnow responded that dredging is not an alternate to reduce TMDL, but it would help the Lake's habitat and recreation.

Vice Chairman Klipstein asked a member of the State Police in the audience to provide an update on the snowmobiling accident on the Lake. The response was that they are still searching.

Ms. Lees made a motion to adjourn at 9:15 p.m. Mr. Hoagland 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.

Submitted by: Donna Macalle-Holly