

Minutes of the Lake Hopatcong Commission

October 16, 2006

A meeting of the Lake Hopatcong Commission was held on October 16, 2006 at the Mount Arlington Municipal Building, 419 Howard Boulevard, Mount Arlington, New Jersey. At 7:34 p.m., Chair Ondish called the meeting to order.

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

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

Roll Call:

Present: Colleen DeStefano, Elizabeth Gantert, Eric Grove, Richard Hodson, Ken Klipstein (7:40 p.m.), Richard O'Connor, Richard Zoschak, and Arthur Ondish

Absent: David Jarvis, Charles Richman

Alternates Present: Dan McCarthy (Hopatcong Alternate), Robert Mitchko (Jefferson Alternate), Pat Rector (DEP Alternate)

With eight members present at Roll Call, Chair Ondish declared a quorum. Mr. Zoschak stated that Mr. DePalma was not feeling well and could not attend.

Communications

The Chair asked for any comments or questions regarding the Communications List. The Chair commented that the lake level seems to be going down. Ms. Macalle-Holly stated the lake level was lowered for dam repair work, but according to the permit the drawdown will commence on November 1. After further discussion about the lake lowering, the Chair moved to the Treasurer's Report.

Treasurer's Report/Payment of Bills

Mr. Grove reported a register balance of \$401,356.70 from the September 29, 2006 Reconciliation Summary. He stated a Revised Bill List for \$52,037.83 was distributed for approval. Mr. Zoschak questioned why the amount of the Bill List went down. Ms. Macalle-Holly stated Aquarius System was listed on the Bill List twice. Ms. Macalle-Holly called attention to two reimbursements for Princeton Hydro in the amounts of \$7,992 and \$9,923 from the checking account for the 319(h) grant. Mr. Zoschak made a motion to move the Treasurer's Report and Revised Bill List. Ms. DeStefano seconded the motion. There being no further comment, the Chair requested a roll call vote.

ROLL CALL:

DeStefano	Yes	O'Connor	Yes
Gantert	Yes	Zoschak	Yes
Grove	Yes	Rector	Yes
Hodson	Yes	Ondish	Yes

Motion carried 8-0-0.

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Minutes of Meeting of September 18, 2006

The Chair requested a motion to move the meeting minutes. Mr. Zoschak made a motion to move the September 18, 2006 minutes. Mr. O'Connor seconded the motion. There being no comment, the Chair requested a roll call vote.

ROLL CALL:

DeStefano	Yes	O'Connor	Yes
Gantert	Yes	Zoschak	Yes
Grove	Yes	Rector	Yes
Hodson	Yes	Ondish	Yes

Motion carried 8-0-0.

Public Comment

Chair Ondish stated that the first public comment is to address items on the agenda. There being no public comment, the Chair moved to the next agenda item.

Chairman's Report

Chair Ondish stated he spoke to Senator Bucco and he has not heard from DEP Commissioner Jackson as far as any additional funding. The Chair indicated he spoke with Senator Codey and he advised the Chair to have Senator Bucco get in touch with him which the Chair viewed as positive. The Chair stated he would be meeting with Commissioner Jackson & Senator Bucco next Monday and he would report back next month.

While discussing funding, the Chair read a letter he prepared to the Morris County and Sussex County Freeholders and asked for the Commissioners to review it before sending. Chair Ondish read the letter to request funding for the Commission's annual operating budget. [A copy of the letter is available on file.] The Chair inquired if this letter was appropriate to send to the two counties. Mr. Zoschak and Mr. Grove questioned if a dollar amount should be included. The Chair responded the amount could be discussed with the Freeholders. Mr. Hodson suggested removing the reference to the "Governor's Office." He asked Commissioners to provide changes to Ms. Macalle-Holly prior to sending the letter.

The Chair brought up the issue to possibly change the regular monthly meeting date. There was lengthy discussion on this issue as well as the practice of rotating the monthly meeting locations. Mr. Zoschak stated the State Park meeting room was uncomfortable, hot during the summer and is crowded. Mr. Hodson stated that one meeting location is an option. He suggested the Hopatcong Civic Center as an option. The Chair suggested meetings be held in one location for a quarter. Although some Commissioners thought Thursday would be the best day, Counsel Weyl stated that Thursdays could create problems for Counsel because Fridays are motions days. Chair Ondish stated that of all the emails regarding the issues, only two Commissioners had a problem with Mondays, but unfortunately it seems like Mondays is the best day. There was agreement not to have the meetings on Friday night. It was agreed that Ms. Macalle-Holly would review the towns' schedule to check for potential alternate days. There seemed to be agreement about holding the meetings quarterly in one location. Ms. Macalle-Holly stated that she believed

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having meetings at the Hopatcong Civic Center would require more setup and breakdown for meetings than is necessary at Council Chambers.

Old Business

Field Staff Report

Ms. Macalle-Holly stated she spoke with Mike Calderio. The Field Staff completed the harvesting on Friday, October 6. The staff will be removing the equipment from the lake and cleaning it before transporting it to the maintenance facility. She stated if all goes according to schedule, although the rain forecast could impact the schedule, the staff will plan to begin Shared Services in the beginning of November. She stated she spoke with Roxbury Township and she has firmed up work with them and is waiting to hear back from the other three municipalities.

She stated that the staff completed two stormwater sampling events for the 319(h) grant. Four sampling events are required prior to the installation of the BMPs. She stated that the staff also completed two tributary sampling events.

The Chair commented that he observed the field staff was still removing a lot of weeds for so late in the season. Ms. Macalle-Holly stated she was on the lake on a Sunday morning in early October and observed that the weed growth between Prospect Point and Halsey Island was thick pondweed and as you moved around Halsey Island there was heavy milifol growth. The water depth in these areas was between four and eight feet. She stated these areas had been harvesting a couple times and yet the weeds were right to the top of the water. In response to the Chair's inquiry about Crescent Cove, Ms. Macalle-Holly stated there was not much weed growth in this area at this time of year, but the water clarity was not as good.

Princeton Hydro Report

Dr. Lubnow discussed the 319 grant. He stated that in discussion with DEP and Ms. Macalle-Holly, PH is preparing a timeline for the grant as requested by the State to track and follow the grant by task. He stated he provided draft copies of the timeline to Ms. Rector and Ms. Macalle-Holly, but the timeline needs to be revised based on more current information. He provided a quick update on the schedule stating that on October 24, there would be a meeting with the Borough of Hopatcong to review the designs for the three BMPs and ask for the Borough's comments. After the plans are finalized, the bid specs would be prepared and copies sent to Counsel for review. He stated the goal is to have the design work and bid specs completed by November, release the bids to the public in December, have the pre-bid meeting in January and install in March. He stated that the Jefferson project is behind due to the extra step to obtain a DEP permit which may delay the installation of the BMP into the spring or summer. He stated the timeline would be revised and resubmitted to Ms. Macalle-Holly. The Chair asked Ms. Rector if the timeline was acceptable to the State. She stated that is being worked on. Mr. Klipstein stated the project could be adjusted accordingly, but a realistic timeline is needed.

In response to Dr. Lubnow's inquiry about the EPA TWG, Ms. Macalle-Holly stated that EPA advised that grant approval takes time. She stated that the Commission provided the last revisions about three months ago.

Dr. Lubnow also discussed the collection of the two of four pre-installation storm events.

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Dr. Lubnow stated he met with Dr. Souza earlier today to discuss the EPA Wetland Grants and some modifications are being made to rank the wetlands in terms of resource value. He stated he is waiting for comments back from the Highlands Commission for further refinements on some of their statements in the Highlands Act. He stated that he would like to have the draft for the Commission's next meeting. The grant budget ended September 30 and the final report has to be submitted to the EPA within 90 days. The grant report will include a list of potential high-priority projects. Dr. Lubnow provided a map of the Highlands preservation area relative to the watershed.

Mr. Hodson stated the Upper Delaware Water Management Group developed a matrix for prioritizing land to be preserved and the same matrix is used by the Walkill. Mr. Klipstein stated that information was already shared with the Highlands Commission. Dr. Lubnow stated that PH would most likely use a template similar to what was done for NRI.

Dr. Lubnow stated that PH has completed the water quality monitoring and would provide the water quality report by year end. He also discussed the lab results from the plant analysis and total phosphorous. He asked Ms. Macalle-Holly to provide the amount harvested for the year to calculate how much phosphorus was removed. Dr. Lubnow stated that Dr. Souza would be giving a presentation on this at North American Lake Management Society (NALMS) in Indiana and he would provide a copy of the presentation to the Commission.

Sub-Committees

Audit and Evaluation

In Mr. Richman's absence, Ms. Macalle-Holly stated the letter was included in the package requesting that the audit be done by the DEP Office of Audit and we are waiting to hear back.

Budget and Personnel

Mr. Grove reported that the committee met twice since the last meeting and is preparing the budget. He anticipates one more meeting is needed prior to distributing the budget to the full Commission. He stated that the committee is working in collaboration with the efforts of the Supplemental Funding Committee which is investigating funding options prior to a final recommendation on the FY08 budget which would tie in with the FY07 budget.

Bylaws

Mr. Hodson stated he met with Ms. Macalle-Holly earlier today to clarify practices in the Bylaws. He referenced the recent emails about changes the Committee was addressing. He stated he is assuming that everyone has kept up with the Bylaws updates. Mr. Hodson stated a final document would go to all Commissioners on Monday, October 24 and he hopes it can be adopted at the November 20 meeting. He does not anticipate that review of the Bylaws will take that long at the November meeting. The Chair thanked Mr. Hodson for his time and effort on the Bylaws.

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Sign Committee

Ms. Gantert stated Nick DePalma is assisting with this effort and is investigating some contacts, but it is not something that will happen overnight. Chair Ondish stated the signs will make a difference in communicating with residents around the Lake.

Supplemental Funding

Mr. Klipstein stated that committee had a good meeting, but is not quite ready to make a recommendation to the full Commission. The Committee needs to meet again, but supplemental funding ties closely with budget issues at this point.

New Business

USGS Contract Renewal

The Chair inquired if the contract renewal could be postponed for consideration until next month's meeting due to budget issues. Ms. Macalle-Holly stated that the Commission has been late in the past in returning the agreement, but does pay on time. Ms. Macalle-Holly stated the bill is due by the end of the year for the current USGS contract. Mr. Zoschak made a motion to table discussion on the USGS contract renewal until the next meeting. Mr. Grove seconded the motion. There being a unanimous "aye", the motion carried.

TMDL Semi-Annual Meeting

Ms. Macalle-Holly stated this agenda item is to discuss the proposed November 15 date with the Commissioners prior to contacting other meeting participant. She stated what make the meeting a success is having participation and representation of the Commissioners, the municipal engineers, DPW staff, DEP and PH. Mr. Zoschak stated the meeting should be pushed back to ensure that the data Dr. Lubnow discussed earlier is available for the semi-annual meeting. Ms. Macalle-Holly stated she tries to give a month lead time to notify participants. In response to Ms. DeStefano's inquiry, Ms. Macalle-Holly stated that Commission tries to have the meeting semi-annually. The alternate date agreed to was December 6 in the afternoon at the State Park if its available. Dr. Lubnow stated he was available. Ms. Macalle-Holly stated the meeting date would be determined if there is adequate representation form the municipalities.

Water Resources Evaluation

The Chair indicated he reviewed the report and requested that Dr. Lubnow provide his professional opinion. Dr. Lubnow stated he thought the evaluation was good give the limited data available. He stated he spoke with Ms. Macalle-Holly about it and he recommends that Hopatcong and the Commission continue to promote water conservation as discussed in the report. He stated at this time the data indicates there is no substantial decline in groundwater, but water conservation is something that every resident should be aware of because water is a valuable resource. The public hearing for water evaluation is scheduled for October 17. Mr. Hodson indicated that the Water Resources Evaluations an appendix to the Natural Resources Inventory (NRI) which provided to the Commission as well as provided a copy of the Trails Plan. Ms. Macalle-Holly reiterated that the Commission's recommendation would be for the

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municipality to continue to promote water conservation. In response to Mr. Klipstein's inquiry, Mr. Hodson stated that the NRI did not go as far as some members on the municipal Planning Board thought it would. The Water Resources Report addresses one feature and is an appendix to the NRI. Mr. Hodson stated the Zoning Study is an amendment to the Master Plan, which as a document, does not go to the Council. In the recommendations, there is an ordinance recommending changes to the lot size in one of the zones from two acre to five acre lots.

Chair Ondish stated that the Borough of Mount Arlington is receiving a water conservation award from the Morris County MUA. He stated the municipality lowered their minimum and charges more for anyone that uses more. The Chair stated Mount Arlington switched to odd/even watering days permanently.

Mr. Hodson asked Mr. Klipstein for an update on the drawdown rates. Mr. Klipstein indicated that Counsel had some additional questions, but he has not received anything back from Counsel formally. Counsel Weyl stated he would let the Counsel that is investigating this issue know the Commission was inquiring about it.

Chair Ondish reported that the State Police are no longer occupying the Lake Hopatcong station during the week and are only there on the weekends. He stated that he contacted Senator Bucco's office and a meeting is being arranged through the Senator's office with Superintendent Fuentes. Ms. Gantert inquired if the Hopatcong State Park Police could patrol the lake.

Public Comment

Greg Somjem, resident of Squaw Trail in Roxbury, discussed his concerns about boats anchoring in Bryam Bay for long periods of time as well as the number of boats that tie up together which sometimes approach 30-35 boats. This blocks in the entire bay and makes it difficult to maneuver in the bay. He also brought up the issue about people drinking on the boats and the use of toilet facilities. Chair Ondish stated he has spoken to the State Police about this issue. Some Commissioners inquired if there were any restrictions on the number of boats that could tie up together. Mr. McCarthy stated some of the laws Mr. Somjen mentioned about the speed limit, water skiing restrictions, etc. were laws enacted by the Boating Regulation Commission which is a separate group from the LHC. Mr. McCarthy stated the Boating Regulation Commission holds meetings throughout the State and they used to have a meeting in the region once a year. Mr. McCarthy suggested sending a letter to the Boating Regulation Commission to inquire about having a meeting in the Lake Hopatcong region to address residents' concerns. Ms. Macalle-Holly stated there are boating regulations that dictate how close you can moor to a dock, buoy or in a channel, but she did not believe there were any regulations that indicated how many boats can tie up together or mandate how many boats can moor in a particular cove. Chair Ondish stated he would speak with Sgt. Schmidt about the issue and asked Mr. McCarthy to draft a letter to the Boating Regulation Commission. Mr. O'Connor suggested that the letter offer to have someone from the Lake Hopatcong area serve on the Boating Regulation Commission.

John Kurzman, resident of Lake Hopatcong, stated he contacted the Boating Regulation Commission and described his experiences with them. He stated that he worked with the Boating Commission to regulate where you could waterski on Lake Hopatcong. He stated the Boating Commission can make changes, but cautioned that one should work very closely with them during the process. Mr. Kurzman stated the Lake Hopatcong Regional Planning Board had

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similar complaints about boat docking in Byram Bay. Mr. Kurzman stated if there was a committee to recommend changes to the Boating Regulation Commission, he would volunteer to be on it.

Mr. Fernandez, Jefferson Township resident, inquired about the lake drawdown and what was being done to assure that the water level was brought back up at the proper time in the spring. The Chair stated Mr. Klipstein is working on this issue. Mr. Klipstein stated as the lake is drawn down every year to protect the docks, the dam gates are closed on schedule to make sure it fills up on time. He referred to the long-term historical hydrograph of the lake, which indicates the lake fills up most of the time.

Mr. Zoschak made a motion to adjourn the meeting. Ms. DeStefano seconded the motion. All those in favor signify by saying "aye" and those opposed by saying "no". There being a unanimous "aye", the motion was carried and the meeting was adjourned at 9:00 p.m.

Submitted by: Donna Macalle-Holly.