

# Minutes of the Lake Hopatcong Commission

## October 17, 2005

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A meeting of the Lake Hopatcong Commission was held on October 17, 2005 at the Mount Arlington Municipal Building, Howard Boulevard, Mount Arlington, New Jersey. At 7:34 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.

### **Roll Call:**

Present: Elizabeth Gantert, Eric Grove, Richard Hodson (left at 9:10, Daniel McCarthy covered), David Jarvis, Herman Volk, Richard Zoschak, Robert Mitchko (Jefferson Alternate), Richard O'Connor (Mt. Arlington Alternate), Patricia Rector (DEP Alternate) and Arthur Ondish

Absent: Colleen DeStefano, Walter Kerner, Kenneth Klipstein, Wayne McCabe

Alternates Present: Frank Hughes (Morris County Alternate), Daniel McCarthy (7:38 p.m.), Brandon Phillips (Roxbury Alternate)

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

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

Chairman Ondish was joined by others present to welcome Mr. Hodson back to the Commission. Mr. Hodson responded that he did not recommend a stroke as a weight loss regimen. He did indicate that he would have to leave the meeting at 9:00.

### **Communications**

Chairman Ondish asked for any questions or comments on the communications. Mr. Hodson inquired about the letter on the lake-bottom blanket. Ms. Macalle-Holly stated it was an unsolicited letter and the company wanted to provide some information on their product. Dr. Souza stated he would report on this later.

### **Treasurer's Report/Payment of Bills**

Mr. Grove stated the Reconciliation Summary, as of September 30, 2005 had a register balance of \$650,764.17 in the VNB account. He stated a Revised Bill List of \$17,027.31 was submitted for review. Ms. Macalle-Holly responded to an inquiry that the rent check is now made payable to Lakeside Reality LCC and not Tom and June Valiante. Mr. Zoschak made a motion to move the Revised Bill List. Mr. Mitchko seconded.

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### ROLL CALL:

Gantert	Yes	Zoschak	Yes
Grove	Yes	Mitchko	Yes
Hodson	Yes	O'Connor	Yes
Jarvis	Yes	Rector	Yes
Volk	Yes	Ondish	Yes

Motion carried 10-0-0.

Ms. Macalle-Holly stated another item needed to be discussed regarding the financial aspect of the meeting. She stated Princeton Hydro is working on the EPA Wetlands Grant for the Commission. Princeton Hydro recently submitted a bill that needs to be submitted for payment to the EPA this month. It has been recommended, for recordkeeping purposes, that the Commission authorize any payments from the grant by way of resolution. Therefore, a motion is needed to authorize payment to Princeton Hydro for \$1,477.50 for reimbursement of services for the EPA Wetlands Grant from April 1, 2005 through September 30, 2005 and to approve a retroactive reimbursement for Princeton Hydro for \$6,645 for EPA Wetlands Grant from November 1, 2004 through March 31, 2005. Mr. Jarvis made a motion to move the resolution. Mr. Mitchko seconded.

### ROLL CALL:

Gantert	Yes	Zoschak	Yes
Grove	Yes	Mitchko	Yes
Hodson	Yes	O'Connor	Yes
Jarvis	Yes	Rector	Yes
Volk	Yes	Ondish	Yes

Motion carried 10-0-0.

### Minutes of Meeting of September 19, 2005

Ms. Macalle-Holly stated Dr. Souza submitted a small change on page 3. The correction should read as follow, "... if concentrations are greater than 0.1 mg/L or nitrate or 0.05 mg/L for ammonia, from an ecological standpoint that is a problem..." Mr. Zoschak made a motion to move the September minutes with the changes. Ms. Gantert seconded the motion. The motion carried with one abstention (Hodson).

### Public Comment

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

John Kurzman, resident of Lake Hopatcong, discussed his suggestion to consider drawing the lake down longer on alternating years or to a lower level. He discussed the recent low water level and the quick rise in the level and noticed clearer water clarity. In response to his inquiry about monitoring data to track the lake recharging, Dr. Souza stated that the last scheduled sampling event was done around September 28 and that is the last scheduled event for the year. Any additional sampling is outside of the monitoring contract. Dr. Souza stated he reviewed the monitoring data before the meeting and phosphorus levels have not been running that high this year. Dr. Souza stated that in terms of providing the Commission with a predictive tool, further

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monitoring at this time would not give the Commission that much insightful information. Mr. Kurzman advocated for additional sampling to understand the impact of the recent flushing of the lake. After further discussion, it was decided not to conduct any additional sampling at this time. Mr. Kurzman asked about the availability of the monitoring data and was advised that the monitoring data was available on the website. There was discussion about that water entering the lake and Ms. Macalle-Holly stated funds were in the budget for Princeton Hydro to do tributary monitoring on certain streams. Princeton Hydro will be preparing a contract in the November/December timeframe for the Commission to consider.

In response to an inquiry about what type of storm this was, based on the amount of rain recorded on the USGS rain gage at Musconetcong which was recorded at approximately eight inches in a 24-hour period, Dr. Souza stated it was around a 100-year event. Dr. Souza stated the probability is one in one hundred that a storm event of that magnitude will occur in any one year.

Mr. Clark stated that although Mr. Kurzman observed that the water was clearer in the Woodport area after the storm, the Commission has received complaints from stream runoff causing a discoloration of the water. Mr. Clark observed murky water in Henderson Cove and a milky white color by the quarry in Woodport.

Frank Hughes, Morris County Alternate, discussed the low-phosphorous fertilizer program and proposed discussions begin for next year including having signs made that say it is the law. Mr. Ondish stated that the existing committee should meet to discuss the program. Chairman Ondish stated that the Commission cannot enforce the ordinance and the Commission wanted to use an educational approach. Ms. Rector volunteered to serve on the Committee. Mr. Hughes stated that the stores that carried non-phosphorous fertilizer sold it because he checked with some stores himself. Chairman Ondish stated the results of the outreach program were very positive.

Sam Hoagland stated the companies and individuals that supported the program should be recognized. He also stated that he checked with some stores and their sales were very positive.

Mr. Hodson suggested that the municipalities also list the stores that carry non-phosphorus fertilizer. Mr. Zoschak suggested the stores be listed on the signs.

### **Chairman's Report**

Chairman Ondish thanked Sam Hoagland for filling in as alternate commissioner during Mr. Hodson's absence. Mr. Ondish asked staff to report on the status of the grey water coming into the lake from the quarry. Ms. Macalle-Holly stated that there was a situation with the Weldon Quarry and residents were contacting the Commission office about it. The State Police, Jefferson Township, Sussex County Soil Conservation (because the quarry originates in Sussex County and DEP were involved. Mayor Felter advised the Commission staff that he is waiting to hear back from Sussex County for their report and he plans to schedule a meeting with the quarry owner to take further action to resolve the issue. DEP Enforcement visited the site the day after they were contacted. Ms. Macalle-Holly reported on her conversation with Chris Brindle from DEP Enforcement. Ms. Brindle walked from the two detention basins in the quarry and all the way down along the stream until it entered the Lake. During her site visit, she reported the water was muddy, but there was no milky white substance and when the water entered the Lake it was clear. Ms. Brindle stated that the best course of action is having the municipality work with the quarry to resolve the issue.

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Dr. Souza stated in the past it has been quarry process entering the lake and causes a total suspended solids problem, but does not contain harmful pollutants harmful to the lake other than some sediment. Chairman Ondish requested that the Commission obtain NJPDES permit for the quarry.

Chairman Ondish stated Ms. Macalle-Holly is interested in getting more involved in public outreach such as bringing information to the school. Chairman Ondish suggested that the personnel committee meet to discuss the expansion of her responsibilities.

Chairman Ondish reported he received a call about the Commission boat over the weekend. The boat is kept at the end of the dock at Lee's Park and with the wind yesterday the boat needed to be moved which he did. He indicated that he was not anyone fault on how the boat was docked, but the boat could not be protected in that location with the high winds. Mr. Clark stated he went to see the boat today and agreed that it could be fixed with gelco. In response to an inquiry about putting protection on the dock, Mr. Clark stated that Lee's Park does not allow anything permanent to be added to the dock. He indicated that he inquires each year about getting another slip, but none are available. Chairman Ondish agreed to look into getting an actual dock slip at Lee's Park. Mr. Clark has been trying to get a slip by the Lee's Park garage the Commission uses.

Chairman Ondish stated he has spoke with Commission employee Sal Cottone about getting a coast guard flotilla on the Lake to work with the existing auxiliary group. Chairman Ondish stated Mount Arlington has offered its civic center for the coast guard group.

He stated he will follow-up with Senator Bucco's office about getting signs for the Commission.

### **Old Business**

#### **Field Staff Report**

Chairman Ondish asked for questions on the Field Staff report. Mr. Zoschak stated there was a good article in the Roxbury Register about two weeks ago. Mr. Clark stated it was not safe to remove the equipment in the heavy rain last week, so the staff worked on the trailers. The trailers needed more attention than anticipated because some brakes were not working properly. The staff began cleaning the equipment today and the equipment will be moved to the maintenance facilities.

#### **State Disability Plan**

Ms. Macalle-Holly provided a follow-up on this indicating that a letter to the State to resolve this issue was included in the communication package. The Commission received a notice of eligibility for the employee that had filed disability. From that respect, the issue has been resolved.

### **Princeton Hydro Report**

A copy of the Princeton Hydro report was distributed and is available on file. Dr. Souza reviewed the report and discussed water quality monitoring, 319 grant project, future projects and activities for possible implementation by Commission, US EPA Wetland Grant and potential educational funding through the Dodge Foundation.

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Regarding the water quality monitoring based on the September data, there is good oxygen down to approximately 27 feet and it drops off quickly after that. The lake is still stratified, but there is more than enough oxygen to support fish down to 27 feet.

Dr. Souza discussed information provided at a conference at Villanova on how soft data is being used for TMDL to quantify material being removed from catch basins, BMPs, retrofits and applying a co-efficient to understand what it mean to meeting TMDL requirements. The Commission will be doing this as part of its 319 grant. Ms. Macalle-Holly stated that at the semi-annual TMDL meeting the Commission held in January, a worksheet to track what is being removed from the catch basin was distributed for the municipalities to use. She stated that this will be helpful in calculating the removal rates and encourages the Commissioners to check with their DPW staff to make sure they are being used. The next TMDL meeting will be in March. Dr. Souza stated the worksheet is a tool the municipalities can use to establish that they are meeting their own MS4 permit requirements.

Dr. Souza stated that he and Dr. Lubnow are excited to get the Commission staff involved in the water quality sampling and wants to assure that the staff is trained appropriately so the data can be accepted by DEP. A Quality Assurance Program Plan (QAPP) will be developed.

Dr. Souza stated Dr. Lubnow submitted a letter of interest to the Dodge Foundation to determine eligibility to submit a grant application for public education to forward the Commission's agenda. Ms. Macalle-Holly stated if the Commission is eligible to submit a grant application, it is due by November 1. She stated that Mount Arlington and Hopatcong schools expressed initial interest. If a grant is received, this will get the ball rolling and the plan is to make a program available to schools in the local municipalities.

Ms. Rector stated that her bureau in DEP has been reorganized and the Education and Outreach program is now under Ken Klipstein. She offered the services of education and outreach to provide tools and guidance.

In response to an inquiry, Dr. Souza described how the water quality monitoring program conducted by Princeton Hydro would differ from the tributary monitoring the Commission staff will do.

There was further discussion on pursuing funding through the Dodge Foundation. Ms. Macalle-Holly stated that this grant deadline was for the education funding, but the Commission can also apply for funding through the environmental program that has a deadline in the winter. Chairman Ondish stated that the Dodge Foundation funds so much, he does not want to get everyone's hopes up.

Dr. Souza stated that Princeton Hydro would have to provide an update to the Commission at a future meeting on the EPA Wetlands Grant because the passage of the Highlands Act impacted the grant project scope. There will not be an overlap with the existing protections already in place through the Highland Act.

Regarding the letter in the communication package about lake-bottom blanket, Dr. Souza suggested the Commissioners review the company's websites and read the testimonials. One testimonial from the Three Lakes Council discussed the difficulty they had putting the material

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out. Dr. Souza said the solution works but it is not a panacea. It could be considered as a tool in the toolkit, but it will not take the place of weed harvesting in a water body of this magnitude.

Ms. Macalle-Holly stated the Commission, working with Princeton Hydro, is looking into applying for a grant from the EPA Environmental Education grant program. The grant would be similar to what is being proposed for the Dodge Foundation and the deadline is November 23.

Dr. Souza stated that hopefully by November the Commission will receive the NALMS award. Princeton Hydro staff will be there at the conference for NALMS 25<sup>th</sup> anniversary. Chairman Ondish thanked Dr. Souza for nominating the Commission.

### New Business

#### USGS Contract Renewal (October 1, 2005 through September 30, 2006)

Chairman Ondish stated the renewal material was in the communication package. The cost for the renewal is \$19.2K. He reviewed his previous efforts to obtain funding from the MSA. Chairman Ondish indicated he did not have the time and asked for a volunteer to approach other organizations to defer the cost of the gage. In a response to an inquiry, Counsel Weyl stated that he could not see any reason why the Commission could not accept funding from other organizations for the gage. Mr. Zoschak stated the Commission should send letters to solicit for funding for the gage. Chairman Ondish asked Ms. Macalle-Holly to draft a letter to other organizations and develop a list of organizations. Mr. Zoschak volunteered to serve as a contact on the letter and to meet with organizations. Mr. Ondish requested a motion to approve the contract renewal. Mr. Grove made the motion and Ms. Gantert seconded.

#### **ROLL CALL:**

Gantert	Yes	Zoschak	Yes
Grove	Yes	Mitchko	Not present
Hodson	Yes	O'Connor	Yes
Jarvis	Abstained	Rector	Yes
Volk	Yes	Ondish	Yes

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

#### FY07 Budget Request

Mr. Grove reported that the sub-committee would meet to develop the FY07 budget and to review the FY06 budget in light of future projects, staffing and funding. The sub-committee will prepare a recommendation for the full Commission for the FY07 budget for the November meeting.

#### 319(h) Grant Project Planning Meeting

Ms. Macalle-Holly stated that the Commission received the executed 319h grant agreement and the initial project-planning meeting is scheduled for October 24 at 1:00 in Jefferson Municipal Building. Participants from Hopatcong and Jefferson and both counties will have representative in attendance. She stated that Princeton Hydro's Engineer visited the proposed BMP sites today.

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### Resolution 05-13 Approving Princeton Hydro as Consultant for 319h Grant

Ms. Macalle-Holly stated the resolution was distributed to approve Princeton Hydro as the consultant for the 319h grant for a contractual services fee of \$95,900 as indicated in the grant budget. Mr. Zoschak made a motion to move Resolution 05-13. Mr. Grove seconded the motion. [A copy of Resolution 05-13 is available on file.]

In response to Mr. Jarvis inquiry, Dr. Souza described the services Princeton Hydro would provide for the grant. Ms. Macalle-Holly stated Princeton Hydro would submit invoices to the Commission for reimbursement from the grant funds similar to how Princeton Hydro is paid for the EPA Wetlands Grant.

#### **ROLL CALL:**

Gantert	Yes	Zoschak	Yes
Grove	Yes	Mitchko	Yes
Hodson	Yes	O'Connor	Yes
Jarvis	Yes	Rector	Abstained
Volk	Yes	Ondish	Yes

Motion carried 9-0-1 (one abstention).

[Mr. Hodson left the meeting and Mr. McCarthy represented Hopatcong for the remainder of the meeting.]

#### **Public Comment**

John Kurzman inquired about the cost of the gage and the response was that the majority of the cost is the satellite uplink. Chairman Ondish indicated the USGS letter stated the cost of the gage has gone down for this year and may continue to go down as technology improves. Mr. Kurzman questioned the need for real-time data. Chairman Ondish stated he received numerous calls of concern when the gage was going to be shutdown. He also discussed a letter he previously sent to the Commission about lake barrier techniques and a bog in Lake Hopatcong. He discussed his concerns about septic systems or lack of systems on the islands in the Lake. Mr. Kurzman suggested that the Commission compare previous photos of the lake during the drawdown and take new photos of the area of concern in Woodport.

Mr. Zoschak made a motion to adjourn. Mr. McCarthy 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 9:17 p.m.

Submitted by: Donna Macalle-Holly