Minutes of the Lake Hopatcong Commission
November 15, 2004

A meeting of the Lake Hopatcong Commission was held on November 15, 2004 at the Mount Arlington Municipal Building, 419 Howard Boulevard, Mt. Arlington, New Jersey. At 7:30 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, Elizabeth Gantert, Walter Kerner, Herman Volk, Frank Hughes (Morris County Alternate), Daniel McCarthy (Hopatcong Alternate- 7:33), Richard O'Connor (Mt. Arlington Alternate – 7:40), Brandon Phillips (Roxbury Alternate), John Risko (Sussex County Alternate) and Vice Chairman Ken Klipstein

Present – Non-Voting: Richard Hodson (7:37 – attended part of meeting)

Absent: Eric Grove, David Jarvis, Wayne McCabe and Richard Zoschak

Alternates Present: Robert Mitchko (Jefferson Alternate)

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

Also present were: Fred Lubnow - Princeton Hydro

Vice Chairman Klipstein welcomed Herman Volk from the Department of Community Affairs. Mr. Volk provided a brief introduction and stated he looked forwarded to working with the group.

Communications

Vice Chairman Klipstein asked for any comments or questions regarding the Communications List. Hearing no comment, the Vice Chairman moved to the next item on the agenda.

Treasurer's Report/Payment of Bills

Vice Chairman Klipstein provided the treasurer's report. He reported that for the period ending October 30, 2004 the checking account register balance was $22,218.88. The JP

Morgan account had a ending balance of $305,391.13 for a total balance in the JP Morgan and Bank of New York accounts of $327,610.01

The Revised Bill List for $14,329.45 was presented for approval. Mr. Phillips made a motion to approve the Revised Bill List. Mr. Risko seconded the motion. [A copy of the Revised Bill List is available on file.]

ROLL CALL:

DeStefano	Yes	McCarthy	Yes
Gantert	Yes	Phillips	Yes
Kerner	Yes	Risko	Yes
Volk	Abstained	Klipstein	Yes
Hughes	Yes		

Motion carried 8 to 1 (one abstention).

Minutes of Meetings of September 20, 2004 and October 18, 2004

Vice Chairman Klipstein indicated two sets of minutes were to be considered. He would entertain a motion for the September meeting. Mr. Phillips made a motion to move the September 20, 2004 minutes. Mr. Hughes seconded the motion. There being no further comment, the Vice Chairman requested roll call.

ROLL CALL:

DeStefano	Abstained	McCarthy	Yes
Gantert	Yes	Phillips	Yes
Kerner	Yes	Risko	Yes
Volk	Abstained	Klipstein	Yes
Hughes	Yes		

Motion carried 7 to 2 (two abstentions).

Mr. Phillips made a motion to move the October 18, 2004 minutes. Mr. Hughes seconded the motion. There being no further comment, the Vice Chairman requested roll call.

ROLL CALL:

DeStefano	Yes	McCarthy	Yes
Gantert	Yes	Phillips	Yes
Kerner	Abstained	Risko	Abstained
Volk	Abstained	Klipstein	Yes
Hughes	Yes		

Motion carried 6 to 3 (three abstentions).

Public Comment

At this time, Vice Chairman Klipstein opened the meeting for public comment. There being no public comment, he moved to the next item on the agenda.

Old Business

Field Staff Report

Mr. Clark reviewed his November 15, 2004 Field Staff Report with the Commissioners. [A copy of the field staff report is available on file.] Mr. Clark reported on his meeting with Commissioner Jarvis and Ray Zabihach and Ed Bennett of Morris County to discuss a shared services agreement with the County. At the meeting, Mr. Clark proposed that the field staff work with the County to clean the catch basins, but Mr. Bennett was unsure if the County's one vacuum truck would be available during the Commission's off season. He will continue to work the issue through Commissioner Jarvis. Mr. Clark also reported that Aitor Ostolaza gave his verbal notice of resignation on November 8th. To conclude his report Mr. Clark spoke at length and provided pictures of a dead Pacu, a member of the piranha family, which was found washed up on shore at Lee's County Park. It was determined by the Division of Fish & Wildlife that the fish was released by a former pet owner.

At the Vice Chairman's request, Mr. Clark and Ms. Macalle-Holly provided more details on the Lake Management class held on October 28th and 29th at Swartswood Lake hosted by the Division of Parks and Forestry. Donna Macalle-Holly and field staff members Sal Cottone and Barry Marked attended the class. Ms. Macalle-Holly indicated it was a good exchange of information and there were representatives in attendance from Parks and Forestry as well as other lakes, Mountain Lake and Greenwood Lake. She also stated that DEP had contacted the Commission prior to the course to ask for some information on the Commission's weed harvesting efforts which were included. She also suggested that perhaps Hopatcong State Park can host the next class. Vice Chairman Klipstein suggested that the Commission contact Steve Ellis, Regional Head of North Jersey Parks about possibly hosting a future lake management class at Lake Hopatcong.

Stormwater Regulations

The Vice Chairman indicated that at a previous meeting he had asked the Commission's municipal representatives to look into the status of the municipal plan development to comply with the stormwater requirements. He indicated that DEP is doing an outreach and would like to proceed by having DEP do the outreach to the four municipalities to organize a meeting to discuss where the towns are. He stated that Pat Rector will be organizing the meeting or meetings.

FY05 and FY06 Budget

Ms. Macalle-Holly provided a status on the FY06 budget indicating that a copy of the budget submitted to OMB was included in the meeting package and it was submitted on time. Vice Chairman Klipstein stated that he spoke with Dave Barth today and was advised that JBOC has not met again. The Department's agenda for a number of transfers including the Lake Hopatcong transfer has not gone to the JBOC yet. The Vice Chairman also stated that the FY06 budget was sent to OMB and Dave Barth confirmed that he also received a copy of the '06 budget.

Princeton Hydro Report

Dr. Lubnow reported on the following:

Total Maximum Daily Load (TMDL) Project - The project is complete and the final report is being prepared. Last week the plans with the final map of the prioritized sites were sent to the municipalities. A complete copy of the plan for each municipality will be sent to the Commission.

FY05 319(h) Grant – The grant application has made it to the 3rd round. Princeton Hydro responded to DEP's request which was sent on November 15th. The State requested that the recommendations from the draft TMDL be used in the 319(h) application. Initially DEP had requested using the previously approved, original TMDL, but now DEP has requested that the application be based on the draft refined TMDL. The initial grant application called for installing four CDS units which function like Vortechnic units. Based on a demonstration project which Princeton Hydro is working on in Luzerne County, PA, the removal rate for phosphorous was not working well. Additionally, Dr. Lubnow attended the NALMS conference and heard a presentation on Lake Okeechobee where a CDS unit was used and it also had poor removal rates for phosphorous. After contacting DEP, PH revised the proposal to recommend an alternative BMP. The proposal was revised to install one sand filter BMP in Hopatcong and another in Jefferson. DEP has already identified phosphorous removal rates for these structures. Ms. Macalle-Holly clarified that the revisions to the grant proposal, which was also distributed to the Commissioners, have been highlighted in bold text. Dr. Lubnow stated the budget remained the same but funds were shifted within the construction category from materials to labor because the footprint of impact for the sand filter is larger than it would be with the CDS unit. Also the sand filter unit costs more than the CDS unit so it decreased from four to two units.

In response to the sand filter maintenance inquiry, Dr. Lubnow stated that the frequency of maintenance depends on the size of the drainage area. He went for a larger drainage area in both municipalities so they will require considerable maintenance. In the grant, the Commission was identified to work with the municipality to maintain the filters. As part of the grant project, the Commission and the two municipalities will identify the appropriate sites for the filters.

Drawdown for Aquatic Plant Control – Dr. Lubnow briefly reviewed the report submitted at the last meeting on the drawdown. [A copy of the report is available on file.] In the report Dr. Lubnow focused on how draw downs operate to control rooted aquatic plants. When a lake is drawn down during the winter, the sediments are exposed to the cold conditions. With a lot of cold weather prior to snow, the biomass on top or immediately under the sediments die and this allows for a good winter kill of plants. When the lake refills, the amount of rooted aquatic plants is considerably lower. The report discusses advantages and disadvantages of this approach. He further stated that if the Commission is considering changing the Lake Hopatcong Water Level Management Plan, more quantitative data should be collected on aquatic plants. In response to a previous inquiry from resident John Kurzman, Dr. Lubnow indicated he is in the process of reviewing the data to check the nutrients concentration. He will have this data for the next meeting. Dr. Lubnow stated that if the Commission relies on the drawdown more extensively to control rooted aquatic plants, then Limbia may move into areas where it has not been before. Normally Limbia is not a problem because it usually stays at the bottom, but after a heavy storm Limbia rises to the surface and looks like black/dark green balls floating along the surface. Limbia is a difficult algal to control.

Vice Chairman Klipstein stated that the Lake Level Management plan is not really the Commission's decision, but agreed that it is a good idea to review the plan.

In response to an inquiry, Dr. Lubnow stated that a quantitative study should be done for at least two years during the 26' and 60' draw downs, but the more data available the better. Princeton Hydro does not currently collect the data for this study. He stated that the last time a quantitative weed study was done was during the Phase 1 study. Princeton Hydro previously recommended a project for next summer to measure the phosphorous in the weeds and as part of this project PH will measure the plant biomass.

Vice Chairman Klipstein stated that there is also a bigger concern for the drawdown to make sure that there is the hydrograph over a period to of time to ensure the refill and these needs to be considered.

New Business

Lee's Park Garage Lease Renewal/Pollution Insurance – Ms. Macalle-Holly provided an overview of the lease arrangement with Lee's County Park which is for $1 per year in addition to $350 dock fee for the boat. Vice Chairman Klipstein stated that the major change in the lease that the Morris County Park Commission no longer requires that the Lake Hopatcong Commission carry pollution insurance which was a major budget item of approximately $15K. In lieu of the insurance the Park Commission requested that the Commission have an emergency response contract in the event of a spill. He indicated that the risk of a serious spill is fairly small. Vice Chairman Klipstein stated an agreement with an emergency response firm has been submitted for consideration. Mr. Clark could provide the time and material rates for this firm. Ms. DeStefano stated that the emergency response contract and the pollution insurance are two separate issues and suggested getting a letter from the Commission's insurance agent advising the Commission of the risk of they cancel the pollution insurance. Mr. Clark stated that in speaking with Russ Felter of the Morris County Park Commission and advising him of the cost of the pollution insurance for the lease, Mr. Felter explained the situation to his

Commission. Mr. Phillips suggested that the Commission obtain bids from different contracts including the time and material rate sheets. In response to an inquiry, Mr. Clark provided an overview on the type and amount of fuel used for the Commission's equipment, trucks and boat as well as the fueling process. Ms. DeStefano requested that Mr. Clark put the fueling information into a memo for the insurance company to review. Mr. Clark also stated that the sentence removed from the lease last year was put in again this year that the Commission would continue to negotiate in good faith for the Lee's Park Pavilion. Apparently there is renewed interest in discussions for the Commission and State Police to occupy the Pavilion. Ms. Macalle-Holly advised that Counsel Chudzik is still reviewing the lease but indicated that if the Commission wanted to act on the lease they could authorize the Chairman to renew it after consultation with counsel. Since the Commission will continue to carry the pollution insurance, it will move forward on getting additional bids for emergency response contract and agreed to sign the lease. Mr. Clark emphasized that there is no cost to the contract until a firm has to respond to a spill. Vice Chairman Klipstein suggested that staff get additional bids. He also stated that there may not be a requirement to go to the lower bidder, if the proximity is the bigger issue. Mr. Phillips agreed to work with Mr. Clark on other emergency response firms. Ms. DeStefano requested that Mr. Clark provide the information regarding the Commission's fueling procedures and she would speak with the Commission insurance agent.

Ms. DeStefano made a motion to authorize the Chairman to sign the Lee's County Park lease agreement. Mr. Kerner seconded the motion.

ROLL CALL:

DeStefano	Yes	McCarthy	Yes
Gantert	Yes	Phillips	Yes
Kerner	Yes	Risko	Yes
Volk	Yes	Klipstein	Yes
Hughes	Yes		

Motion carried 9 to 0.

<u>By-Laws</u> – Ms. Macalle-Holly stated that Mr. Hodson was unavailable to stay for the entire meeting and deferred the by-law agenda item to the Vice Chairman to choose to postpone or take appropriate action in his absence.

The Vice Chairman stated he did not have an opportunity to review and comment on the sections and questioned how the other Commissioners felt. Ms. DeStefano made a motion to postpone the agenda item. Mr. Risko seconded the motion. There being a unanimous "aye" the motion was carried.

<u>Public Comment</u>

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

Mr. John Kurzman, resident of Jefferson Township, stated when he was on the Regional Planning Board, they looked at data from Princeton Hydro and their predecessor's and in that data each year the quality of the water was worse until the drawdown. Mr. Kurzman stated that since the drawdown was not done for six years, it was a progressively worse, but there are other factors involved in the data such as the harvesting, rainfall, etc. Mr. Kurzman suggested other alternate drawdown levels be considered. Mr. Kurzman also discussed the timing of when the drawdown should start. He questioned whether devices could be installed in a series and to combined technologies. Dr. Lubnow stated that in the Commission's FY06 budget request, there is funding requested for upgrading water quality inlet with a sump and snout device. If the budget request is received to do this project and the 319(h) grant is awarded, it is recommended to put the snout device in front of the sand filter to take care of the solids and increase the expectancy of the filter.

Dr. Lubnow stated that while working with Lake Hopatcong for the past 11 years, they have said the extensive drawdown would improve water quality in terms of weed growth, but has never seen anything to improve water quality. Dr. Lubnow stated that the goal is to move away from algal blooms to weed growth because weed growth is easier to manage.

Betty Gantert commented on Bill Clark and Donna Macalle-Holly's presentation to the Antique Boat Club on October 21st. She stated that they did a fabulous job. She indicated there were about 50 members present which is good for their meetings. She encouraged more public outreach of this type. Mr. Clark stated that the presentation focused on what the Commission does besides weed harvesting such as retrofits of catch basin and emphasis on equipment maintenance.

In response to an inquiry, Mr. Clark stated the field staff enjoys having Commissioners see their work at Picatinny. Mr. McCarthy stated that by having Commissioners see the maintenance facility it will be beneficial when it comes time to plan to build a maintenance facility.

Mr. Phillips stated that Commissioner Zoschak indicated the incoming Governor has asked to meet with Senator Bucco regarding the Lake Hopatcong Commission. In response to an inquiry, Ms. Macalle-Holly indicated she would send a copy of the FY06 budget to Senator Bucco.

The Vice Chairman stated that the DEP issued a press release on the Lake drawdown and encouraged the Commission to do press releases and not to only rely on the press attending at Commission meetings.

There being no further business, the Vice Chairman requested a motion to adjourn. Mr. Kerner made the motion to adjourn and Mr. McCarthy seconded the motion. All those in favor signify by saying "aye" and those opposed by saying "no." There being a unanimous "aye" the meeting adjourned.

Submitted by: Donna Macalle-Holly