

Minutes of the Lake Hopatcong Commission

November 21, 2005

A meeting of the Lake Hopatcong Commission was held on November 21, 2005 at the Roxbury Municipal Building, Route 46, Ledgewood, New Jersey. At 7:40 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: Colleen DeStefano, Elizabeth Gantert, Eric Grove, Richard Hodson (left during second public comment and Daniel McCarthy covered), Kenneth Klipstein, Herman Volk, Richard Zoschak, Richard O'Connor (Mt. Arlington Alternate) and Arthur Ondish

Absent: David Jarvis, Walter Kerner, Wayne McCabe

Alternates Present: Daniel McCarthy and Patricia Rector

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

Also present were: Fred Lubnow – Princeton Hydro
Lewin Weyl – Commission Legal Counsel

Chairman Ondish stated the next item on the agenda was Executive Session and questioned whether to hold it now or later in the meeting. Mr. Hodson suggested that the Executive Session be done prior to Agenda Item 5C FY07 Budget Request. Mr. Zoschak made a motion to amend the agenda and Mr. Grove seconded. There being a unanimous “aye”, the motion was carried and the agenda was amended.

Communications

Chairman Ondish asked for any questions or comments on the communications. In response to inquiries about the insurance letters, Ms. Macalle-Holly stated the notice to rescind insurance was due to a mix-up with the payment being sent from Fairview Insurance. Fairview corrected the situation as soon as they were contacted and the notice to reinstate was received shortly thereafter.

Chairman Ondish discussed the letter from Doug Zellman about the Watershed Management Group (WMG) and the Commission's involvement in it. Mr. Klipstein explained that the purpose of the letter is to get recognition under the Water Quality Management Planning Rules as a Watershed Group to be eligible for grants if monies were made available. Mr. Klipstein stated there was no harm in participating, but there is no money for grants. Chairman Ondish stated he would contact Mr. Zellman about this and report at the next meeting. Mr. Klipstein stated he would provide the rules about this, which discuss the categories for memberships.

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Chairman Ondish asked if there was a replacement pending in light of Mr. Phillip's resignation. Mr. Zoschak stated Nick DePalma, a Roxbury resident, was nominated. He hopes to have approval of Roxbury Council at their next meeting. Ms. Macalle-Holly stated that Mr. Phillips was responsible for reviewing site plans and he graciously offered to review sites plans for the Commission while he remains in New Jersey. She stated that someone would need to review site plans for the Commission and that a small amount of money was budgeted for Princeton Hydro to do site plan reviews.

Mr. Zoschak stated that the Commission should set a stricter policy on what is approved and not approved as far as variances especially in the immediate area of the Lake. Chairman Ondish stated that the Commission should recognize Mr. Phillip's contribution to the Commission. Mr. Zoschak suggested that Princeton Hydro provide guidance on site plans. Dr. Lubnow stated he would discuss this with Dr. Souza and prepare a document for the Commission.

In response to an inquiry, Ms. Macalle-Holly stated that some municipalities submit the site plans directly to the Commission and other municipalities have the residents submit the site plan to the LHC.

Treasurer's Report/Payment of Bills

Mr. Grove stated the Reconciliation Summary, as of October 31, 2005 had a register balance of \$605,764.78 in the VNB account. He stated a Bill List of \$33,171.40 was submitted for review. The Bill List date should be changed to November 21, 2005. Mr. Zoschak made a motion to move the Bill List. Ms. Gantert seconded.

ROLL CALL:

DeStefano	Yes	Volk	Yes
Gantert	Yes	Zoschak	Yes
Grove	Yes	O'Connor	Yes
Hodson	Yes	Ondish	Yes
Klipstein	Yes		

Motion carried 9-0-0.

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Mr. Zoschak made a motion to move the October minutes. Mr. Grove seconded the motion. Mr. Zoschak asked to correct his name to Mr. instead of Ms.

ROLL CALL:

DeStefano	Yes	Volk	Abstained
Gantert	Yes	Zoschak	Yes
Grove	Yes	O'Connor	Yes
Hodson	Yes	Ondish	Yes
Klipstein	Abstained		

Motion carried 7-0-2 (two abstentions).

Chairman Ondish introduced Frank Federico of the Coast Guard Auxiliary Flotilla 107. Mr. Federico, Flotilla 10-07 Commander, stated they currently meet in Pompton Lakes on the second Wednesday of the month. Their flotilla has a low member count and wants to increase its

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membership by providing service to Lake Hopatcong. Mr. Federico provided an overview of the U.S. Coast Guard history and its services. He stated to learn more about the Coast Guard, visit <http://www.nws.cgau.org/index.html>.

He introduced Marge Cortland, Captain-Elect of Division 10 and Alex Cascione, Flotilla 10-13. Mr. Federico said that they want to hold more boating education classes, focus on boating safety and obtain more members. He emphasized that they do not do law enforcement, but they do have radio communication with the State Police. He stated that the Coast Guard would be holding a class at the Lake Forest Yacht Club next May. In response to an inquiry on how the Commission could help, Mr. Federico stated that a place is needed for a permanent meeting site, which he previously discussed with Chairman Ondish. The Old Lady of our Lake School in Mount Arlington is a possible site that could be used in Mount Arlington and another possible site is the library in Roxbury. Mr. Federico stated that an operational plan is being prepared for Lake Hopatcong.

Mr. Cascione described the procedures for the current Coast Guard patrols on Lake Hopatcong. Chairman Ondish thanked Commission staff member Sal Cottone for his continued involvement with the Coast Guard Auxiliary. Mr. Federico asked about obtaining dock slips at marinas so when a Coast Guard member has to trailer his boat, a dock slip is available. Chairman Ondish stated that something could be worked out to keep the boat on the trailer for a weekend during patrols, but dock slips are difficult to obtain. Mr. Cottone stated that five different marinas would allow Coast Guard members to launch their boats at no cost when patrolling the Lake. Mr. Federico stated the first meeting would be in February. He also gave some literature to Ms. Macalle-Holly. Chairman Ondish thanked the Coast Guard auxiliary members. Mr. Cascione stated he could arrange to for an over flight of the Lake.

Ms. Macalle-Holly stated that Todd Schmidt of the State Police was unable to attend tonight's meeting because he was working at Newark Bay station.

Chairman Ondish asked members of the audience if they had any questions for the coast guard.

John Kurzman, resident of Lake Hopatcong, questioned if there were coast guard-marked boats. Mr. Cascione stated when their boats are on the Lake they become government boats. There is an orange/yellow light when they are towing, sideboard that read U.S. Coast Guard Patrol and they have bright orange lifejackets are worn when patrolling. Mr. Cascione stated that in his class he provides a copy of the Lake Hopatcong boating regulations and Mr. Federico stated his flotilla would also do that. Ms. Macalle-Holly stated the Lake Hopatcong boating regulations are on the Commission website.

Dr. Lubnow, Princeton Hydro, asked if there was a grant to do remote sensing or fly-overs associated with infrared aerial analysis, could the coast guard participate in that. Mr. Cascione would inquire about this.

Dan McCarthy, Hopatcong Alternate, inquired about wintertime ice safety and the general response was that the flotilla is not involved in that. There was generally discussion about ice safety. Chairman Ondish stated that tips on ice safety were discussed in the Mount Arlington newsletter.

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Public Comment

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

John Kurzman, resident of Lake Hopatcong, congratulated the Commission on the DEP award. He discussed the vortex unit installed on Route 181 and the sediment increase in the lake near the unit. Mr. Kurzman had asked if the Commission could visit the site. He stated he recently read in the paper that this was Phase One of a multi-phase project and there are additional storm drains to be converted and routed to the Lake. It was postponed because they could not obtain the necessary right-of-ways. Ms. Macalle-Holly stated that Princeton Hydro and Mr. Phillips had reviewed the proposed project that would install vortechnic units on it about two years ago. The resident near where the first vortechnic unit was installed believes the unit did not work as expected. Mr. Kurzman emphasized that it is important for the Commission to examine the storm drain by comparing it to the photos taken during the last major drawdown to determine if this design is in the lake's best interest.

He also discussed the issue of geese on the Lake and hunting of geese. He questioned whether the Commission would spearhead anything with the communities to focus on an August abatement program. Chairman Ondish stated that it should be addressed by the local communities. Mr. Kurzman also discussed that when the State switches from MBTE gas to ethanol-based gas that boaters should try to use up MBTE gas in their tanks before switching to ethanol-based gas. Boaters from other states are having their engines foul when mixing the two types of gas because there is water in the gas tank.

Chairman's Report

Chairman Ondish reported that he accepted on behalf of the Commission, the DEP Environmental Excellence Award on Tuesday night (November 15). Mr. Hodson, Mr. Phillips, Dr. Lubnow and Ms. Macalle-Holly were also at the awards ceremony.

He stated at the League of Municipalities Conference he spoke with Acting Governor Codey to thank him for his appointment. He also spoke with Governor-Elect Corzine about the Commission.

Chairman Ondish stated that a press conference with the Environmental Protection Agency (EPA) would be held on November 22 at the Hopatcong State Park at 9:30. The Commission will be presented with a ceremonial check for the Targeted Watershed Grant. Ms. Macalle-Holly stated that neither Acting Governor Codey nor Commissioner Campbell would be able to attend. Ken Klipstein would represent DEP. She stated that Acting Governor Codey nominated the Lake Hopatcong for their EPA grant.

Mr. Klipstein stated it is the third year for the EPA Targeted Watershed Grant program and the EPA was very impressed from the start with the Lake Hopatcong submission. The Commission won out over 70 applications and only 12 were selected for the \$9M.

Chairman Ondish stated that it is a team effort to win these awards. He wanted to clarify that the grant will be used for certain projects and cannot be used for Commission operating costs. The grant award was for \$745K. Ms. Macalle-Holly stated that grant would help the Commission meet its overall objective to improve the water quality in Lake Hopatcong. Mr. Klipstein stated

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that it is not a small accomplishment to receive \$1.6M for lake management initiatives. The Commission needs to rely on grants to do this type of work.

Chairman Ondish asked Dr. Lubnow to discuss the other award the Commission received. Dr. Lubnow stated that Commission received a Technical Excellence Award from the North American Lake Management Society (NALMS). It was a competition for projects for groups or individuals who excel in technical merit from either a scientific or management perspective in lakes. Dr. Lubnow nominated the Commission. Three organizations won and Lake Hopatcong won for mechanical weed harvesting and the phosphorus-free fertilizer campaign. He presented the plaque and congratulated the Commission. Chairman Ondish thanked the Princeton Hydro staff for accepting the award on behalf of the Commission.

Chairman Ondish is still pursuing the electronic signs for communication purposes for the Commission. A representative from a sign company and Barbara Kinback from Senator Bucco's office accompanied the Chair around the Lake to determine where electronic signs could be placed in a visible location. Costs would be provided and Senator Bucco's office will work with the Commission to obtain funding for the signs through grants or through Homeland Security. The signs could be used for amber alerts.

He also wanted to back up to the ice safety discussion by recognizing Mr. O'Connor, who in 1992, saved people's lives on the ice.

Chairman Ondish stated the Morris County Open Space Committee funded the property in Jefferson Township, which will be used by the Commission for harvesting purposes. Mr. Zoschak stated Roxbury received open space grants for properties in close proximity to the Lake.

Old Business

Field Staff Report

Chairman Ondish asked for questions on the Field Staff report. Chairman Ondish encouraged the Commission staff to continue their training efforts. He stated if any staff member was interested in training, they should not hesitate to ask. He stated he would look into the issue about Mount Arlington and their shared services arrangement with the Commission.

319 Grant Project Planning Meeting

Ms. Macalle-Holly stated that Dr. Lubnow would address that in his Princeton Hydro report.

Princeton Hydro Report

Dr. Lubnow stated that on October 24 a project-planning meeting was held with the municipalities, counties and the Commission about the 319 grant. A memo was sent to the grant participants to request the topographic information and property information for easements. This will be used to develop the engineering specs for the projects. Dr. Lubnow met today with Princeton Hydro staff including two engineers and two environmental scientists that will be working on the project. Sometime after Thanksgiving, the two engineers will visit the sites again with the Commission staff. PH will review data received and determine what additional information is needed. He stated that the Ingram Cove site may need a stream encroachment permit and it is part of PH services in the grant to take care of that. PH may try to include a

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stabilization plan for that stream so if money is remaining, it could be implemented. If no grant funds are left for the stabilization work, the permit is good for five year and the Commission could possibly include funding for this work in a future budget. Dr. Lubnow indicated Chris Krupka would be managing the project and she reminded Dr. Lubnow that according to Pat Rector's schedule, the quarterly report is due by the end of this year.

Mr. Klipstein indicated there was an issue related to the 319 grant that needed to be worked through. Since the Commission received the 319 grant, it needs to formally engage Princeton Hydro to do that work and there is a question of how best to go about that. Dr. Lubnow stated that for past 319 grants such as Greenwood Lake, a resolution was passed indicating that if the grant were awarded Princeton Hydro would do the contractual work as opposed to the construction work. The construction work would still go out to bid, but the contractual work was done through resolution. Ms. Macalle-Holly stated that a resolution was passed by the Commission last month for contractual services for Princeton Hydro and the amount was indicated in the resolution. Counsel Lewin requested that he speak with Mr. Klipstein next week to determine if the resolution is adequate and if not to move forward from there.

Dr. Lubnow stated that for other grants they work on, PH has been such a long-term consultant over decades that PH provides a statement to EPA or DEP. The statement describes the reason why PH is working on the project is because they have been working with the grantee for so many years, PH is familiar with the ecology and site-specific limitations and condition. Mr. Klipstein indicated there is a process for a sole-source waiver that the resolution would not cover. Dr. Lubnow stated that a sole-source waiver would also have to be done for the EPA grant.

Mr. Klipstein discussed one other issue on the 319 grant stating that Pat Rector has been reviewing the watershed restoration plan to meet the EPA nine minimum requirements. These requirements must be met to be eligible for implementation money moving forward. Mr. Klipstein asked that the municipalities' engineering staff be available to work with Ms. Rector to give feedback on the plan. Ms. Rector stated she needs input from the engineering staff to document the sewerage and stormwater projects the municipalities have done. Dr. Lubnow stated that some of the nine requirements have been met, but what Ms. Rector is working on will address the gaps to keep the Commission on a high level for potential funding sources.

Dr. Lubnow inquired if Princeton Hydro should hold off on doing any work on the 319 grant until the issue of whether the grant contractual work needs to go out to bid. Mr. Klipstein stated that he would discuss this issue with Counsel next week to determine if the approved resolution is sufficient or what else needs to be done. Dr. Lubnow stated that PH would not move forward with any additional 319 grant work until the issue is resolved.

Dr. Lubnow stated that PH would be submitting an environmental education grant application to the EPA to work with two school districts to provide in-class lessons and field trips for students and to train Ms. Macalle-Holly and Mr. Clark to give presentations to various stakeholders on the ecology of Lake Hopatcong and how the Commission protects the Lake. The grant amount is approximately \$12,000. It was limited to two school districts initially because grant applications under \$15K have a better chance to receive funding. The schools that agreed to participate in the grant were Mount Arlington and Hopatcong.

Dr. Lubnow stated that the Dodge Foundation advised the Commission that the grant project they had submitted was not the type of project the Foundation was interested in funding. Dr. Lubnow

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advised that another grant application would be submitted to the Dodge Foundation in the spring under their environmental program.

New Business

The Chairman indicated there was no new business listed on the agenda and asked if anyone had any to discuss. Mr. Klipstein stated he received email from Commissioner Campbell today about an inquiry from Glen Sullivan, a certified lake manager from Allied Biological. Mr. Klipstein read the following, "The weed harvesting program continues to guarantee that the Eurasian Milfoil will spread under this plan. The way Eurasian Milfoil spreads is through fragmentation and a mechanical harvesting program actually leads to increases in density and range." Mr. Klipstein stated that Commissioner Campbell asked to consider this. Dr. Lubnow stated that if a system does not have milfoil and a patch shows up, then mechanical weed harvesting is not the way to go because then it would spread. However, milfoil is already throughout the whole lake. He stated he reviewed data from the early 80s during the Phase 1 Study of Lake Hopatcong and milfoil, as well as tape grass, was the most common plants in the 80s and today. Mr. Klipstein questioned how to eradicate the invasive species. Dr. Lubnow stated one way is to use a systemic herbicide, but a lake the size of Lake Hopatcong and chemicals as expensive as sonar, is why mechanical weed harvesting is used to not only move away from chemicals, but to remove phosphorous. Dr. Lubnow offered to draft a response letter for the Commission to review and the Chair directed him to do so. Dr. Lubnow stated that Allied Biological is a company that specializes in use of chemical applications.

Mr. Hodson asked Mr. Klipstein to address the proposed DEP changes to the wastewater management systems. Mr. Hodson stated the Musconetcong Sewage Authority (MSA) held a meeting recently to discuss it. Mr. Klipstein stated that it is in public comment period. Mr. Hodson stated that public comment assumes one thoroughly understand the document. He stated that what DEP has done is contradictory, questioning how one can comment on it. Mr. Hodson stated that it may be known what is going on behind closed doors, but they do not know what is going on in public. Mr. Klipstein stated that it is in public comment and notice for public comment gets the approval of the DEP Commissioner, staff is briefed and whether it is adopted formally will depend on the comments received. Chairman Ondish stated that one of the Commissioners sent email asking if the Commission should do a resolution against the proposed changes. The Chairman questioned if it was the place of the Commission to do that. There was discussion on how the proposed changes would affect the municipalities.

Mr. Zoschak stated that Margaret Nordstrom is organizing a press conference on Monday, November 28 at Netcong Town Hall at 7:30. Mr. Klipstein stated he had discussed the MSA situation a number of times at the Commission meetings and the concerns about the actual plant build out. When the amendment was done to allow the increase for Hopatcong, the MSA was required to do studies to look at what the ultimate build out would be. Mr. Klipstein stated the MSA has not completed the studies to go to the 4.3 MGD. He added that the MSA is still flowing at much less than that. Mr. Klipstein stated that in the mean time, DEP would not approve any expansion of the approved sewer service area. In response to Mr. Zoschak's inquiry as to why DEP was pulling Roxbury's, Mr. Klipstein stated it was done as a state-wide amendment to require all wastewater management plans to get up to date in planning areas three, four and five. Mr. Ondish stated that this would affect Mount Arlington as well.

Mr. Ondish stated that there would be the need to go to the public hearings and watch the newspapers to see what goes on.

Public Comment

John Kurzman discussed the eradication of the milfoil through sonar or chemical and inquired if the Commission investigated using a hybrid approach. Dr. Lubnow stated that Lake Hopatcong is so large and has such a diversity of habitats, that a multi-year approach would be necessary. Dr. Lubnow stated that at one time PH estimated that one treatment for the some of the lake's shoreline would be \$100K and he believes that it is a conservative estimate. Dr. Lubnow stated that there is no source of funding available for chemical applications, but there are funds to do the mechanical weed harvesting which also removes phosphorous. Mr. Kurzman also discussed how Mr. Phillip's vacancy would leaves a gap in completing site plan reviews. He stated that funding is needed to have staff or PH complete the site plan reviews.

Dr. Lubnow stated that PH would review site plans and provide general guidance only if the Commission had a specific site or issue that needed environmental or engineering expertise. Mr. Zoschak stated if PH provided guidelines, then the Commission could use that to complete the site plans.

Chairman Ondish closed the public comment session and read the resolution to adjourn to executive session to discuss personnel. At 9:35 p.m., Mr. Zoschak made a motion to adjourn to Executive Session. Mr. Grove seconded the motion.

Mr. Klipstein made a motion to return to open session. Mr. Zoschak seconded the motion. The Chairman stated the next item on the agenda was the FY07 Budget. In response to an inquiry, Ms. Macalle-Holly stated that the notes column of the budget compared the FY07 budget to the FY06 budget submission and stated if it was an increase or decrease. In response to a question about the workers' compensation cost, she indicated the increase was based on the WC increase from one year to another. Ms. Macalle-Holly explained that the Commission had two WC claims during the previous years and after the insurance company conducts a WC audit, the Commission usually receives an adjustment to the WC premium.

There was discussion about the FY07 budget submission compared to the FY06 submission. The staffing in the budget is for six full-time staff members and two field staff vacancies. It does not represent a staffing increase from last year and includes funds for seasonal staff. Mr. Klipstein stated that if the line item the Commission receives were less than requested, then the Commission would need to look at the staffing line item to adjust it accordingly. In response to a question about the meters, Ms. Macalle-Holly stated that meters were installed in the maintenance facility, which were never there before. The budget includes an increase in electric and gas for the maintenance facility if the Commission is asked to pay for it. Ms. Macalle-Holly stated that the Commission provides services in lieu of rent for the maintenance facility.

In response to Mr. Klipstein's inquiry, Ms. Macalle-Holly stated that when speaking with the Office of Management and Budget, OMB directed the Commission to submit the FY07 budget by December 1. A copy of the budget is submitted to OMB, with a copy to Dave Barth in DEP and Senator Bucco. Mr. Klipstein stated that in late-January/early-February, the Governor's proposed budget will be available and the Commission can learn what is in the proposed budget that will be submitted to the Legislature. Ms. Macalle-Holly stated that the budget is submitted in the OMB requested format, which includes the FY07 budget request, a budget narrative, previous expenditures and a staffing complement. There being no further discussion, Chairman Ondish

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requested a motion to move the budget. Mr. Zoschak made a motion to move the FY07 budget submission and Mr. Grove seconded the motion.

ROLL CALL:

DeStefano	Yes	Volk	Yes
Ganert	Yes	Zoschak	Yes
Grove	Yes	O'Connor	Yes
Klipstein	Yes	Ondish	Yes
McCarthy	Yes		

Motion carried 9-0-0.

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 10:35 p.m.

Submitted by: Donna Macalle-Holly