

Minutes of the Lake Hopatcong Commission

December 17, 2007

A meeting of the Lake Hopatcong Commission was held on December 17, 2007 at the Mount Arlington Municipal Building, 419 Howard Boulevard, Mount Arlington, New Jersey. At 7:35 p.m., Chair Ondish called the meeting to order and stated that the meeting was being held in accordance with "Open Public Meetings Act."

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

Moment of Silence: Chair Ondish requested a moment of silence for all the troops and their families.

Roll Call:

Present: Russell Felter, Elizabeth Gantert, Eric Grove, David Jarvis, Ken Klipstein, Richard O'Connor, Nicholas DePalma (Roxbury Alternate), Joel Servoss (Hopatcong Alternate), Arthur Ondish (Chair)

Absent: Daniel McCarthy, Benjamin Spinelli and Richard Zoschak

Alternates Present: Frank Hughes (Morris County), Robert Mitchko (Jefferson) Patricia Rector (NJ DEP)

Others Present: Dr. Fred Lubnow, Princeton Hydro
Lewin Weyl, Commission Counsel

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

Chair Ondish welcomed Russell Felter, Mayor of Jefferson to the Commission, replacing Ms. DeStefano.

Communications

Chair Ondish asked for any questions or comments on the communications. Chair Ondish stated the Site Plan Review Report for 41 McGregor Avenue in Mount Arlington came before the Land Use Board and the impervious coverage was reduced.

Treasurer's Report/Payment of Bills

Mr. Grove stated the Reconciliation Summary was distributed. The register balance as of 11/30/07 was \$357,964.11. Mr. Grove stated the Bill List for \$36,714 was included in the package. Mr. DePalma made the motion to approve the Bill List and Ms. Gantert

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seconded. Mr. Klipstein stated the Commission should make sure it is getting reimbursement from the DEP grant for its cash flow. [A copy of the Bill List is available on file.] The Chair requested a roll call vote.

ROLL CALL:

Felter	Yes	O'Connor	Yes
Ganert	Yes	DePalma	Yes
Grove	Yes	Servoss	Yes
Jarvis	Yes	Ondish	Yes
Klipstein	Yes		

Motion carried 9 to 0.

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Mr. O'Connor made the motion to move the minutes and Mr. Grove seconded. The word "statement" in first paragraph on page 2 of 9 was removed.

ROLL CALL:

Felter	Abstained	O'Connor	Yes
Ganert	Yes	DePalma	Yes
Grove	Yes	Servoss	Yes
Jarvis	Yes	Ondish	Yes
Klipstein	Abstained		

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

Public Comment

At this time, Chair Ondish opened the meeting for public comment to address items on the agenda only.

Mr. Brunson, resident of Hopatcong, discussed user fees and questioned what had progressed because it was on the agenda. He was advised that user fees remains on the agenda for public comment purposes. Mr. Klipstein stated he has not called a Funding Committee meeting because he is trying to schedule a meeting with Adam Zellner first. Mr. Klipstein stated DEP is dealing with major budget issues. Chair Ondish stated if there is a committee meeting, Mr. Brunson will be advised of it.

Chairman's Report

The Chair stated he attended a Raritan Highlands Compact Meeting at the Highlands offices in Chester on November 29 for an overview of the final Highlands draft recently released. He stated Highlands Executive Director Eileen Swan was agreeable to giving a Highlands presentation at a Commission meeting. He stated Ms. Macalle-Holly will try to arrange for the meeting in January, February or March and the meeting would start at 7:00 that night. There was general agreement for the earlier time. Mr. Klipstein stated Dan Van Abs from Highlands Council attended the Lake Hopatcong TMDL meeting as

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well. Mr. Klipstein stated he was impressed with the reports given at the TMDL meeting from the towns with what is going on.

The Chair stated he tried contacting Adam Zellner a couple times and is still waiting for a response. He stated he spoke with DEP Commissioner Lisa Jackson at the League of Municipalities conference about hydro generation at the Hopatcong dam and was trying to follow-up on that.

The Chair stated the new DEP regulations will affect the shoreline of Lake Hopatcong with a 150' buffer. Dr. Lubnow stated that Princeton Hydro will be having an internal meeting about the issue before the Commission's January meeting so he can report on how it will affect the lake. Dr. Lubnow is also having someone in his office review the Highlands draft to prepare a summary report on how it will affect lakes. Ms. Rector stated she had the rules and a generic reading of it indicates the 150' buffer would apply to trout-production and trout-maintenance or a segment of water flowing through an area that contains documented habitat for T&E species or acid-producing soil. Other than that the riparian zone, if it's not C1, would be 50'. Mr. Klipstein stated the general riparian buffer used to be 25', but the new rules and how to apply them are complicated. Mr. Klipstein stated this is the first major re-write of the Flood Hazard Area Rules commonly referred to as the Stream Encroachment rules. There was further discussion on the new rules, stormwater regulations and the Highlands Act.

Chair Ondish discussed the issue of more affordable office space. A meeting was arranged by Ms. Klein for Ms. Macalle-Holly to look at some other office space. She reported back that the space has a common area which has very little security for the Commission's equipment and paperwork. The other tenants and landlord would need access 24x7 to the fuse box and furnace. The Chair asked if the Commissioners were interested in exploring further. He stated the office space would be a substantial savings but the cost associated with securing the Commission property and Ms. Macalle-Holly's responsibility for the Commission property could be hampered. She stated that some Commission equipment would have to be put in storage. There was general agreement to keep looking. Ms. Macalle-Holly stated the current office lease expires in August and requires 90 days notice. Chair Ondish stated that according to the State, they continue to look for space for the Commission office. Mr. Klipstein confirmed that at the last meeting he had on this issue with the Assistant Commissioner for Natural Resources and Acting Director of Parks the State is moving in that direction to locate space for the Commission. It was agreed that Mr. Klipstein and the Chair would both follow-up on the space issue with DEP.

Ms. Macalle-Holly stated the Commission does spend what some people may think is a lot of money on office space, but the Commission does have other very affordable arrangements. Morris County provides half of a garage and dock space at no cost and the Commission has an arrangement with the federal government for a building for the harvesters so there is substantial savings there. The Chair stated the Commission would keep working on getting all the Commission space together in one place.

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Chair Ondish stated the personnel and by-laws committee needs to get together to discuss the Commission's decision last month to create the Executive Field Director position. Mr. Felter agreed to sit on the personnel and by-laws committees and the Chair made the official change to those committees.

Chair Ondish stated in non-commission business, that on Sunday, January 20 at 11:00 a.m., Mount Arlington would be having the grand opening of the new train station and everyone is welcomed. He discussed further details planned for the opening.

Old Business

Field Staff Report

Ms. Macalle-Holly stated the staff is working on shared services and will then begin working on the equipment maintenance. A meeting will be held with Hopatcong DPW supervisor to determine which catch basins in Ingram Cove area will be targeted for the EPA TWG.

User Fees

The Chair stated this item was previously discussed.

Lake Hopatcong TMDL Meeting – December 7, 2007

Ms. Macalle-Holly stated the meeting was well attended with representatives from both counties and four towns. This year, representatives from the Morris County Park Commission as well as Jefferson Township and Hopatcong's environmental commission members attended as well with over 25 attendees present. She stated town representatives come prepared to the meeting to share what they are doing to address stormwater issues or to assist with the implementation of the TMDL. She thanked Dr. Lubnow for his presentation and Ms. Rector for her Step-L model presentation which encourages the towns to submit their project data to measure the reduction in phosphorus. At the TMDL meeting, Mr. Klipstein reported on the efforts of the State to work with the fertilizer companies to reduce the amount of phosphorus in fertilizer.

Princeton Hydro Report

Dr. Lubnow stated that Ms. Macalle-Holly has arranged for the mandatory pre-bid meeting on January 3 for the stormwater structure and the bioretention structure to be installed in Hopatcong as part of the DEP 319 grant. Ms. Macalle-Holly stated the date to submit the bid is Wednesday [January 16] prior to the LHC January meeting. Hopefully the bid can be awarded at the meeting.

Dr Lubnow reported that for the EPA TWG grant, over the last month there have been three meetings associated with the alternative septic system at the daycare in Jefferson. There was a conference call this morning with PH, DEP, LHC. More data will be

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collected on the flow of the septic lechate. He stated that Jefferson Twp is installing a pump meter so we will know how much water is used at the site in order to size the structure. Dr. Lubnow stated it is a peat biofilter that will be attached on the existing structure to increase the removal of bacteria, nitrates, TSS and phosphorus.

For the other EPA TWG stormwater projects, he stated Mount Arlington provided their plans which were given to the PH engineer in mid-December as their part of the project match. He stated Roxbury still owes the survey data and will provide in January. Ms. Macalle-Holly stated that Jefferson Twp has already provided the data for two of three project sites for the TWG grant, but if PH needs any further data, Jefferson would have to be contacted.

Dr. Lubnow stated he has provided a budget and a draft proposal to Ms. Macalle-Holly for the EPA Environmental Education grant due the end of the week, but PH is working on some revisions. Funds are requested for Ms. Macalle-Holly's time for grant project and an in-kind match. He reviewed the four tasks associated with the grant proposal. On the second task, a demonstration project, Dr. Lubnow visited the recommended site proposed by Jeff Elam of Jefferson to plant some native vegetation near the recreational field by Route 15. He stated there is \$13K in salaries for the Commission, \$3.2K for fringe benefits and \$17K in-kind match which would include the Commission and towns reviewing the material, \$21,000 for consultant and \$10,000 for other (signage, plants, photocopying and mailing). The total budget requested is approximately \$48K and with the match the total is \$65K. He stated if the Commission is comfortable with the grant proposal, Princeton Hydro will submit by December 20 deadline.

Sub-Committee Reports

Chair Ondish stated there were no sub-committee reports. In response to Ms. Gantert's inquiry about the Aquatic Habitat Committee, she was directed to check with the Committee Chair, Mr. McCarthy.

New Business

Resolution 07-08 Approving 2008 Services for Princeton Hydro, LLC

Mr. O'Connor made a motion to approve Resolution 07-08 and Ms. Gantert seconded. Counsel Weyl stated he put a reminder in his calendar to raise the issue again in September 2008 for the Commission to obtain verbal quotes from other consultants that may be interested in the projects for the following calendar year. The contracts are under the bid threshold. The Chair inquired if it was legal for the Commission to do it through resolution this year and Counsel agreed. The Chair requested a roll call vote. [A copy of Resolution 07-08 is available on file.]

ROLL CALL:

Felter	Yes	O'Connor	Yes
Gantert	Yes	DePalma	Yes
Grove	Yes	Servoss	Yes

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Jarvis	Yes	Ondish	Yes
Klipstein	Yes		

Motion carried 9 to 0.

Insurance Package Renewal for 2008

Ms. Macalle-Holly stated she asked Fairview Insurance to provide multiple bids for the package insurance, but they were unable to provide multiple quotes for package insurance. A one-page handout received today was distributed and she reviewed the renewal comparison for automobile, general liability, equipment, property and umbrella insurance provided by Fairview Insurance. She stated the crime insurance renewal was included on the Bill List. All these insurances comprise the package insurance for the Commission to operate. Chair Ondish stated a motion was needed to approve the Chair to sign the paperwork once it was received from the insurance company. Mr. DePalma moved the motion and Mr. Felter seconded. The motion was unanimous.

2008 Staff Salaries

Mr. Grove distributed a draft resolution prepared by Ms. Macalle-Holly for the 2008 staff salary adjustments. Mr. Grove provided an overview of the activities of the personnel committee and Ms. DeStefano's work to develop an employee salary structure based upon the market place and job descriptions. Last year the Commission developed the salary structure with a ten-step range for each salary with a January 1 and July 1 adjustments for staff. A plan was put together to get employees to the competitive rate which is the fifth-step of the ten-step plan. Mr. Grove stated the lowest January increase would be 1.21% and the highest would be 2.63%. The Chair requested that Mr. Grove provide copies of the salary guideline for new Commissioners. Mr. Grove stated there would be another consideration in June for the July 1 increase, but that is in the next budget year.

Mr. Grove also discussed the seasonal hourly rate for starting and returning seasonal employees. For those seasonal employees returning for the third year if you apply the average 2.28 increase, third year returning seasonal employees would increase to \$14.64. The first and second year seasonal employees' hourly salary would remain at their current rate. He stated that should be considered as well.

Ms. Macalle-Holly stated that the salary increases are based on the ten-step plan from last year and there is no cost of living increase included in the increase. Mr. Klipstein stated that the Commission never adopted the ten-step plan, but used the plan as guidance for an annual recommendation and that is what is presented again. Ms. Macalle-Holly stated that the resolution distributed is the same resolution that was used last year which is not to adopt the plan itself, but to allow the Commission to increase the salaries as stated in the plan effective January 1, 2008.

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At Counsel's request, Mr. Grove provided the proposed salary increase percentage for four of the five employees that would be eligible to receive an increase in July based on the salary guideline.

Ms. Gantert approved Resolution 07-09 Adoption of 2008 Employee Compensation Plan and Mr. O'Connor seconded. [A copy of Resolution 07-09 is available on file.]

ROLL CALL:

Felter	Abstained	O'Connor	Yes
Gantert	Yes	DePalma	Yes
Grove	Yes	Servoss	Yes
Jarvis	Yes	Ondish	Yes
Klipstein	Yes		

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

Chair Ondish stated Resolution 07-10 would be to adjust the hourly rate for seasonal staff returning for the third year to \$14.64. Mr. Grove indicated it would be a 2.28% increase. Mr. O'Connor made the motion and Mr. Servoss seconded. Ms. Macalle-Holly clarified that the increase for seasonal staff would be effective when seasonal employees return for their third year.

ROLL CALL:

Felter	Abstained	O'Connor	Yes
Gantert	Yes	DePalma	Yes
Grove	Yes	Servoss	Yes
Jarvis	Yes	Ondish	Yes
Klipstein	Yes		

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

Mr. Felter stated he is abstaining not because he is opposed, but he has not had the opportunity to see the salary package.

Mr. Klipstein stated he had one other item for new business and indicated that Ms. Macalle-Holly prepared a letter and he is okay with sharing copies of the cover letter for the annual budget submission which was discussed at the last meeting. The meeting includes the standard language which outlines the 1.3% decrease from last year's budget. He stated the Commission is aware that they will not be included in the Governor's budget package, but the Commission wanted to submit the budget anyway to talk about the Commission's commitment to work on user fees and investigating other fee-type proposals. He suggested that the letter be revised to indicate that the other fee-type proposal "should include but are not limited to." He asked for the Commissioners to provide any feedback to Ms. Macalle-Holly via email before the end of December in order to get the budget to Trenton.

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In response to Ms. Gantert, Mr. Klipstein stated that the Commission would not be a line item in next year's budget, but it does not preclude the Commission from being a line item in the future.

Public Comment

Chair Ondish opened the meeting for the second round of public comment and asked to limit the comment to two minutes.

Stu Cooper of Woodport discussed a program to gather inner-city children to build a 15 foot boat in one day and was interested in finding in-door space for eight people and wood for the rowboat. He would like to video the boat building and launching.

Mike Brunson, resident of Hopatcong, reviewed October meeting minutes and inquired if Counsel reviewed the comments made about the anchorage laws for the boating commission. Ms. Macalle-Holly stated Counsel provided the regulations to the Commission. He discussed his frustrations with getting the Boating Regulation Commission to act and his frustration with the rafting issues. The Chair reviewed the outcome that the Boating Regulation indicated there was not much they could do because when you enact legislation you impact everyone who is enjoying the lake even though there may be only a few people doing something wrong. Mr. Klipstein stated the bulk of the discussion with the Commission was that they did not have jurisdiction, but it might be handled through a municipal ordinance. Mr. Klipstein stated the Boating Regulation Commission asked about representation from the lakes in the north, because they are basically a shore-related commission and that there is a vacancy for a northern representative. The Chair asked Mr. Brunson about his interest in serving on their Commission. Mr. Brunson said he would make an application the beginning of the year to serve on that Commission.

Ted Spatz, resident of Lake Hopatcong, came to hear about the DEP regulation. He also offered to look into real estate for the Commission even though he is not a realtor. Mr. Felter discussed the Lee's Park Pavilion and how it needs a lot of work. The Park Commission thinks it will be well over a million dollars to renovate. Mr. Felter said he would ask about the Park Commission garage across the street from the Pavilion for the boat building project.

Mr. Hughes discussed what was reported at the TMDL meeting by Mount Arlington and that the Borough picked up 42,000 pounds of waste material from catch basins and 37,000 pounds the year before. He also discussed lake-friendly fertilizer campaign and how the Commission should start to say that it is the law when signs are made for next year.

Mr. Klipstein discussed a signing in March with the Scott Fertilizer Company, Lebanon Seaboard and a couple other firms to sign on to a 50% reduction to their 2006 baseline number of pounds in phosphorus fertilizer sold in New Jersey. This would result in a 50%

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reduction by 2010 of the 2006 baseline. The clean water campaign would be rolled out to the retailers containing information which compliments the lake-friendly fertilizer.

Mr. Beebe of Lake Hopatcong asked about level of the lake and what mark is used to drop the lake level by. He stated that when the lake is lowered it should be lowered from the 10.32" above the spillway. He stated when the lake is low, it causes damage to his docks because his ice eater does not work right. He asked about efforts to dredge the lake and discussed how this would benefit the lake.

Chair Ondish requested a motion to adjourn to Executive Session to address possible litigation. Ms. Gantert made a motion to adjourn to Executive Session at 9:15 p.m. and Mr. O'Connor seconded. The meeting returned to open session.

At 9:28 p.m. Mr. O'Connor made a motion to adjourn and Mr. Felter seconded. The motion to adjourn was unanimous.

Submitted by: Donna Macalle-Holly