Minutes of the Lake Hopatcong Commission
December 19, 2005

A meeting of the Lake Hopatcong Commission was held on December 19, 2005 at the Jefferson Municipal Building, 1033 Weldon Road, Lake Hopatcong, New Jersey. At 7:33 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.

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

Roll Call:

Present: Colleen DeStefano, Elizabeth Gantert, Eric Grove, David Jarvis, Kenneth Klipstein, Herman Volk, Richard Zoschak, Daniel McCarthy (Hopatcong Alternate), Richard O'Connor (Mt. Arlington Alternate) and Arthur Ondish

Absent: Richard Hodson, Walter Kerner, Wayne McCabe

Alternates Present: Frank Hughes (Morris County), Robert Mitchko (Jefferson), Nick DePalma (Roxbury)

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

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

Mr. Zoschak introduced Nick DePalma to serve as the new alternate commissioner for Roxbury. Chairman Ondish welcomed Nick and thanked him for his service.

Communications

Mr. Zoschak stated he had requested that a copy of the rules for Watershed Management Group (WMG) be reviewed by the Commission Counsel before a decision is made to participate in the group. Ms. Macalle-Holly stated she gave Counsel a copy of sub-chapter nine previously provided by Mr. Klipstein. Chairman Ondish stated he spoke with Doug Zellman regarding the WMG and the Commission would be a member of the group to seek out grants for the area. There is no obligation according to Mr. Zellman besides a Commissioner to serve as a member on the WMG. Counsel Weyl questioned if the Commission joins the WMG, could it continue to file with the DEP for its own grant applications. Mr. Klipstein stated the Commission would be able to file its own grant application. Mr. Klipstein stated there is currently no money available for grants for WMAs. Mr. Zoschak asked to get legal clarification about the Commission participating in the group. Counsel Weyl stated he would look into it further. Mr. Klipstein stated that he is the person in DEP that recognizes WMGs. Mr. Klipstein requested clarification on the time commitment for the Commission to participate. Chairman Ondish directed Ms. Macalle-Holly to send a letter to Doug Zellman asking for further clarification on the commitment.

Mr. Zoschak addressed the letter about the septic system in Jefferson and asked Dr. Lubnow to comment on it. Ms. DeStefano stated that there would be further evaluation of the situation by Jefferson Township. She stated that Mr. Leach has asked the Jefferson Board of Adjustment Engineer to review the plans. Ms. DeStefano stated that the Commission should not take action and wait to hear what the Jefferson engineer has to say. Ms. Macalle-Holly stated that Mr. Phillips, on behalf of the LHC, submitted comments on the site plan in August.

Treasurer's Report/Payment of Bills

Mr. Grove stated the Reconciliation Summary, as of November 30, 2005 had a register balance of $550,412.60 in the VNB account. He stated a Revised Bill List of $20,010.09 was submitted for review. Ms. Gantert made a motion to move the Revised Bill List. Ms. DeStefano seconded.

ROLL CALL:

DeStefano	Yes	Volk	Yes
Gantert	Yes	Zoschak	Yes
Grove	Yes	McCarthy	Yes
Jarvis	Yes	O'Connor	Yes
Klipstein	Yes	Ondish	Yes

Motion carried 10-0-0.

Mr. Zoschak stated that at a meeting he attended earlier in the day, someone was asking what the Commission would do with all the money it received in the grant. Chairman Ondish stated he receives many similar comments and clarifies that the grant money does not go toward the Commission operating costs, but is designated for special projects.

Minutes of Meeting of November 21, 2005

Mr. McCarthy stated on page 1 of 9 that the meeting location should be change from Mount Arlington to Roxbury. He also stated on page 7 under New Business to change “evasive” to “invasive” species. He also stated that during public comment, Mr. Hodson left the meeting and he took over to represent Hopatcong.

Mr. Zoschak made a motion to move the November minutes with the corrections. 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.

Public Comment

Chairman Ondish stated a Scout was present to address the Commission about a project and accompanying him was Staff Sgt. Todd Schmidt of the Marine Bureau. Sgt. Schmidt stated he spoke with the Scout Vince Berretta of Troop #73 in Riverdale, New Jersey about his proposed Eagle Scout Project, which has come to fruition. Scout Berretta distributed a copy of his Eagle Scout Service Project to the Commissioners [available on file] and discussed the project to help the State Marine Police better locate emergencies on Lake Hopatcong. He stated his project was called “Dock Addresses” and he proposed to put addresses on docks in the Byram Cove area to assist police in locating emergencies. He discussed the costs involved in the making dock signs for approximately 100 homes in Byram Cove at the cost of $2,000. He asked if the Commission could assist with some of the cost. Mr. Zoschak commended the project and asked if he could provide a copy of the project to scout troops in Roxbury to copy the ideal. Scout Berretta explained he did not propose to use the street address as the dock address because homeowners may not want other boaters to know their street addresses. Chairman Ondish stated it was a great project, but the Commission is not in a position to have extra money to fund these types of projects. He suggested that the Commission could put something on its website to advertise the project. Suggestions were made for Scout Berretta to check with his Rotary Clubs and other organizations, local businesses, and possibly residents for contributions. It was also suggested that the Commission endorse the project. There was discussion on the location of the sign on the dock and Scout Berretta provided clarification on how the numbering system would work. Chairman Ondish commended Scout Berretta for the project concept and thanked him for presenting it to the Commission.

Mr. Clark stated this project would assist the harvesting effort to help pinpoint where residents are calling from and stated it would be a valuable project for the entire lake. There was further discussion on funding and Dr. Lubnow stated that the Boating Safety Foundation might be one possible grant source for continuing the project. Another possibility would be funding through the EPA if the project were tied to GPS coordinates of the location. Mr. Berretta stated his son would need to finish the project by his 18th birthday to qualify for Eagle Scout and he recently turned 17. He also asked if the Commission could provide a letter with the benefits of the projects relative to harvesting or boating accident. The letter could be presented to other groups to support the project. The Commission agreed to draft a letter supporting the project and a resolution for consideration at the January meeting. Chairman Ondish stated he would contact News 12 about the project. He again thanked Scout Berretta for his efforts.

Chairman's Report

Chairman Ondish stated that he did not have much to report on for his Chairman's Report. He appeared on News 12 to address ice safety on Lake Hopatcong and further discussed the dangers of thin ice. He stated that he also addressed the ice safety issue in the Mount Arlington Newsletter. Chairman Ondish stated he has had received positive feedback on the grants awarded to the Commission. The Chair thanked the Commissioners for being part of the Commission and for volunteering their time. He also thanked the Commission staff and consultants.

Old Business

Field Staff Report

Chairman Ondish asked for any questions regarding the Field Staff Report. Mr. Clark stated the staff is working on the equipment and discussed the poor heating in the maintenance building. Mr. Zoschak encouraged other Commissioners to visit the maintenance facility to see the work being done.

In response to an inquiry about on the Bill List, Mr. Clark stated he ordered two new cutter bars because they can only be straighten so many times and all the front rollers on the four big harvesters had to be replaced. Mr. Clark responded that he has been keeping maintenance logs on the machine on a board at the maintenance facility. He also discussed that some changes have been made on the harvesters since they were purchased and Aquarius System has adopted these modifications. Mr. Zoschak stated the staff has developed innovations on the equipment that cut down on the wear and tear such as the Teflon strips on the rollers that protect the belting. Mr.

Zoschak stated that the staff has done an excellent job and they do many repairs on their own. Mr. Clark described how the harvesters are used to pick up floaters around the docks.

FY07 Budget Request

Ms. Macalle-Holly stated the budget request was submitted to OMB by its deadline. Copies were also sent to Senator Bucco, Dave Barth in DEP Finance and Ken Klipstein. The Commission does not anticipate hearing anything further until the Governor proposes his budget. Chairman Ondish asked Mr. Klipstein if he could advise him when the budget hearing would occur so he could testify.

Chairman Ondish asked if there was any further discussion in Old Business. Mr. Zoschak stated he and Mr. Hoagland visited businesses such as Home Depot in Roxbury to present the lake-friendly fertilizer program. The Home Depot Managers from Roxbury and Rockaway were both present and very receptive to the program as were other stores (Wal Mart and Sam's Club) they visited. He stated Ms. Macalle-Holly would contact the stores in the beginning of the year to follow-up with the stores. Mr. Zoschak stated that the State is looking to pass a law for zero phosphorous for wastewater management plans.

Ms. Macalle-Holly stated the Outreach Committee would be working with an Americorp representative from DEP to promote improved water quality through the schools. The lake-friendly fertilizer message will be incorporated into the Americorp program in local schools. The Committee is also looking to have a public recognition program for the stores that participated in the program last year. The key to the lake-friendly fertilizer campaign this year is to inform residents when buying lake-friendly fertilizer to look for the zero-in-the middle on the bag of fertilizer. Chairman Ondish suggested that companies such as Chem-Lawn and landscapers be contacted to promote the lake-friendly fertilizer program.

Princeton Hydro Report

Dr. Lubnow stated the year-end lake report is being reviewed and should be submitted to the Commission in January. He stated that that an EPA Education grant application for under $15K for an education program with schools in Mount Arlington and Hopatcong was submitted. The grant application was to educate students and do fieldwork on lake and watershed ecology and to provide materials so staff could give educational presentations.

Dr. Lubnow stated that even though everything was on hold for the 319 grant, PH met with two companies that provide certified manufactured treatment devices and they are meeting with a third company. This will help to cost out and determine which certified technology is best for the stormwater projects.

He also reported on the Wetlands EPA grant stating that most of the mapping is completed. The draft maps may be available by the next meeting.

He stated he provided a draft letter to Ms. Macalle-Holly to respond to the inquiry from Allied Biological to DEP regarding milfoil in Lake Hopatcong and why chemicals are not used. Ms. Macalle-Holly stated the letter was distributed for Commissioners' review and input.

Dr. Lubnow addressed the letter discussed earlier about septic system. He stated PH could have a soil scientist review the detailed information because it looks conflicting now, but would hold off until Jefferson completes its review. He stated this is an issue of concern for water quality.

Dr. Lubnow stated PH would be submitting a Quality Assurance Protection Plan (QAPP) for the tributary monitoring for the spring and summer, which is a scheduled project for 2006. The QAPP would be submitted to DEP for their review and comment within the next month.

Dr. Lubnow stated that Minnesota already had a statewide ban on phosphorus fertilizer. He stated in Pennsylvania, the state works with lawn care companies to bundle a lake maintenance program. Ken Klipstein said he would be putting together a task force to deal with the phosphorus issue for the State. At this point, they are not looking for a statewide ban, but are trying to have the phosphorous-free fertilizer available. He stated he would be kicking off the taskforce in the spring. Ms. Macalle-Holly stated that Maine's website had a list of stores that carry phosphorous-free fertilizer.

Counsel Weyl asked about PH meeting with contractors for the sites for the 319 grants. Dr. Lubnow stated that the meetings were about understanding the company's technology. Counsel Weyl stated the technology should be one that the Commission could receive multiple bids. Dr. Lubnow stated the company that the device is purchased from, designs and builds it and the bids go out for the installation, grading and restoration of the site. Mr. Klipstein questioned if the devices being considered are certified for phosphorus removal. Dr. Lubnow stated that NJ DEP Stormwater website has a list of vendors certified for total suspended solids (TSS) removal, but no companies have been certified for phosphorus removal.

Ms. Macalle-Holly asked again about the draft letter prepared by Princeton Hydro to be sent to the DEP Commissioner. It was agreed that the Commissioners would review the letter and provide any feedback. Mr. Klipstein stated that the DEP Commissioner had received email from the President of Allied Biological. Mr. Klipstein stated that the content looks good, but questioned the context in which the Commission is sending it.

<u>New Business</u>

<u>Resolution 05-14 Approving Professional Services for Princeton Hydro for 2006</u>

Mr. Zoschak made a motion to move Resolution 05-14. Ms. DeStefano seconded the motion. Chairman Ondish asked if the Commissioners reviewed the resolution and had any questions. Mr. Klipstein stated the Resolution in the package was numbered as 05-15 and Ms. Macalle-Holly stated the Resolution number should be changed to 05-14. Mr. Klipstein asked if consulting services with Princeton Hydro were included to assist in developing the full EPA grant proposal or questioned if it would come from the award amount. Dr. Lubnow stated to develop the grant to receive EPA approval typically comes from Princeton Hydro's consulting services. Mr. Klipstein requested that this be captured in the Resolution because a lot of effort will be needed to develop the full EPA grant proposal. Dr. Lubnow stated that the PH contract with the Commission is a fixed cost and PH does not bill beyond that.

Counsel Weyl recommended the following revision to #1 under the Now, Therefore Be It Resolved:

1. General consulting services for an amount not exceed $6,500 including preparation and finalization of the formal grant application for the US EPA Targeted Watershed Grant Initiative.

Mr. Zoschak and Ms. DeStefano accepted the amended motion. [A copy of Resolution 05-14 is available on file.]

ROLL CALL:

DeStefano	Yes	Volk	Yes
Gantert	Yes	Zoschak	Yes
Grove	Yes	McCarthy	Yes
Jarvis	Yes	O'Connor	Yes
Klipstein	Yes	Ondish	Yes

Motion carried 10-0-0.

<u>Resolution 05-15 Approving Execution of Contracts with Princeton Hydro for USEPA and NJ DEP 319 Grants</u>

Ms. Macalle-Holly stated the Resolution was distributed as part of the handout tonight. Mr. Klipstein questioned if Resolution 05-15 would replace 05-13. Counsel Weyl stated it would. Ms. Macalle-Holly suggested the following statement be added, "All resolutions or parts thereof inconsistent with this resolution shall be and the same are hereby repealed."

Mr. Zoschak made a motion to move the amended Resolution 05-15 and Mr. McCarthy seconded the motion. Chairman Ondish asked for discussion. Mr. Klipstein stated that there was a great deal of legal assistance to ensure this was done right. [A copy of Resolution 05-15 is available on file.]

ROLL CALL:

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

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

<u>Insurance Package Renewal for 2006</u>

Ms. Macalle-Holly referred the Commissioners to the Communication package to the renewal comparison chart, which compared pricing to last year. She stated last year's package was $62,236.52. This year quotes were received from three firms: (1) Selective for $56,810; (2) Travelers/St. Paul for $57,010.52; and (3) Bank of America for $60,091.66. She stated that she had asked Cathy Savage from Fairview Insurance to compare the coverage for the equipment since that is the Commission's biggest investment. Based on information received, Selective Insurance provided the best value for coverage. She also stated that on the second page of the renewal pricing, Selective Insurance umbrella coverage goes over Public Official and the EPLI coverage. Selective's umbrella insurance goes over more than the other companies' umbrella coverage. Ms. Macalle-Holly stated that Selective Coverage is not only the most cost-effective proposal, but it appears to provide the best coverage.

Ms. DeStefano stated that she was surprised that the coverage went down. Ms. Macalle-Holly stated she worked to get the insurance proposal in early and Fairview did a good job since it is normally a busy time of year for insurance renewals. Ms. Macalle-Holly stated the insurance should be voted on tonight because the coverage expires at the end of the year. Chairman Ondish stated it looks like Selective has the best coverage. Mr. Zoschak made a motion to move the insurance proposal from Selective Insurance and Ms. DeStefano seconded.

ROLL CALL:

DeStefano	Yes	Volk	Yes
Gantert	Yes	Zoschak	Yes
Grove	Yes	McCarthy	Yes
Jarvis	Yes	O'Connor	Yes
Klipstein	Yes	Ondish	Yes

Motion carried 10-0-0.

Ms. Macalle-Holly confirmed that the Commission wanted to accept the insurance without the terrorism coverage.

Mr. Klipstein stated he had one other issue to address. At the last meeting, he stated Mr. Hodson brought up the water quality management plan amendments. Mr. Klipstein stated Mr. Hodson had some questions on it, there was discussion, but the Commission did not take a position. He stated that it was brought to his attention by the DEP Commissioner that the LHC was listed as a speaker at an event being organized by Freeholders from Morris and Sussex Counties. Mr. Klipstein stated this was not appropriate for a number of reasons. First, because it was discussed at the Commission meeting and a position was not taken. Second, and of special issue, is because it is a proposal by DEP and the LHC is "in but not of DEP." Mr. Klipstein stated that if the Commission is going to take a position like that it should advise the Commissioner. Mr. Zoschak stated he attended representing Roxbury and made a statement. He further stated that at the last minute during the meeting he was advised that Mr. Ondish could not attend and he was asked to speak on behalf of the Commission. Mr. Klipstein questioned how the Commission was on the list to begin with. Chairman Ondish stated he was invited to attend, but was unable to due to a Council meeting. Since he was unable to attend, he offered to have a member of the Commission attend to listen, but he did intend for anyone to speak on behalf of the Commission. Mr. Zoschak stated that during the meeting Sue [Zellman] advised him that Chairman Ondish said he should speak on behalf of the Commission and he repeated his comments he made previously.

Chairman Ondish stated that it was not a statement from the Commission. Ms. DeStefano stated that the Commission did not make a policy on it and there is a lot of misinformation on the issue. Chairman Ondish advised the Commissioners that unless he asks them directly to speak for the Commission, not to say a word. Mr. Klipstein stated that the Commissioner reacted to the Commission being listed as one of the speakers. Chairman Ondish stated he did not give permission to do that and stated he would contact Sue Zellman to speak with her about it. Chairman Ondish apologized to Mr. Klipstein about the mix-up.

Public Comment

Bill Clark stated there were copies of the Shoppers' Friend paper available in the Lobby. The paper had a full page on the Lake Hopatcong Commission.

Ms. Macalle-Holly, resident of Jefferson Township, stated in the fall she had discussed with the Chairman Ondish about serving on Jefferson's Environmental Commission. She stated she believes she will be appointed to that Commission.

Mr. Zoschak made a motion to adjourn. Ms. Gantert 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 9:14 p.m.

Submitted by: Donna Macalle-Holly