

Minutes of the Lake Hopatcong Commission December 20, 2004

A meeting of the Lake Hopatcong Commission was held on December 20, 2004 at the Jefferson Municipal Building, 1033 Weldon Road, Lake Hopatcong, New Jersey. At 7:35 p.m., Chairman 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: Chairman Ondish and all those in attendance joined in a salute to the flag.

Roll Call:

Present: Colleen DeStefano, Elizabeth Gantert, Eric Grove (7:40), David Jarvis, Walter Kerner, Ken Klipstein, Wayne McCabe, Herman Volk, Richard Zoschak, Daniel McCarthy (Hopatcong Alternate-7:33) and Chairman Ondish

Absent: Richard Hodson

Alternates Present: Brandon Phillips (Roxbury Alternate – 7:38), John Risko (Sussex County Alternate)

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

Also present were: Fred Lubnow - Princeton Hydro
Helene Chudzik – Commission Counsel

Chairman Ondish thanked everyone for their kind words and looked forward to working with a well-versed group with much talent. He also thanked Ken Klipstein for his work over the past months and also thanked Anthony Albanese for his startup work with the Commission. Mr. Zoschak welcomed the new Chairman.

Communications

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

Treasurer's Report/Payment of Bills

In Commissioner Grove's absence, Ms. Macalle-Holly gave the financial report. She reported that for the period ending November 30, 2004 the checking account register balance was \$23,867.02. The JP Morgan account had a register balance of \$261,262.97

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for a total balance in the JP Morgan and Bank of New York accounts of \$284,129.99.

The Revised Bill List for \$29,504.08 was presented for approval. Also distributed for review is the Petty Cash Reconciliation. Of the \$500 petty cash on hand during 2004, \$371.53 was spent. In response to Mr. McCabe's inquiry about the \$20,000 technical services for US Geological Survey, Mr. Klipstein responded that it was for the monitoring of the lake level which was a previous agreement. Mr. Klipstein stated that there is a new agreement pending. Mr. Zoschak made a motion to approve the Revised Bill List. Mr. Gantert seconded the motion. [A copy of the Revised Bill List is available on file.] In response to Mr. Zoschak inquiry about the receipt of the check, Ms. Macallem-Holly indicated that a payment voucher was prepared for the Chairman's signature and Mr. Klipstein would hand carry it to Trenton the next day.

ROLL CALL:

DeStefano	Yes	McCabe	Yes
Gantert	Yes	Volk	Yes
Grove	Yes	Zoschak	Yes
Jarvis	Yes	McCarthy	Yes
Kerner	Yes	Ondish	Yes
Klipstein	Yes		

Motion carried 11 to 0.

Minutes of Meetings of November 15, 2004

Chairman Ondish asked for any comments or questions regarding the meeting minutes. Mr. Kerner stated on page 7 the sentence should read, there being no further business, the Vice Chairman requested a motion to adjourn. Ms. DeStefano made a motion to move the November 15, 2004 minutes. Mr. Kerner seconded the motion. There being no further comment, the Chairman requested a roll call vote.

ROLL CALL:

DeStefano	Yes	McCabe	Abstained
Gantert	Yes	Volk	Yes
Grove	Abstained	Zoschak	Abstained
Jarvis	Yes	McCarthy	Yes
Kerner	Yes	Ondish	Abstained
Klipstein	Yes		

Motion carried 7 to 4 (four abstentions).

Public Comment

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

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Robert Place, Lake Hopatcong Commission, stated on behalf of the Field Staff he thanked Ken Klipstein for keeping the ball rolling. He hopes everyone keeps the ball going.

Russell Felter, Mayor of Jefferson Township, congratulated the Chairman and thanked Ken Klipstein. Mayor Felter was asked to wait to address his comments on trout stocking during new business.

There being no further public comment, the Chairman moved to the next item on the agenda.

Old Business

Field Staff Report

Mr. Clark reviewed his December 20, 2004 Field Staff Report with the Commissioners. [A copy of the field staff report is available on file.] Mr. Clark elaborated on the shared services work the field staff was doing with Roxbury Township and Morris County. He indicated that the staff was doing catch basin maintenance, cleaning road debris along the side of the road, marking and repairing catch basins and a lot of what ever had to be done.

Mr. Clark reported that on PEOSH training and inspection. In response to Mr. Zoschak inquiry if the Commission could get a discount on insurance after the training is complete, Ms. DeStefano responded that it is possible.

Mr. Clark discussed the Sussex County Stormwater Management meeting which he and Ms. Macalle-Holly attended. He indicated that stormwater maps are available for Sussex County through their GIS coordinator Dave Kunz.

In response to Mr. Jarvis inquiry, Mr. Clark indicated that the stormwater meeting he attended was a general meeting. Mr. Klipstein stated that as discussed in past meeting, a meeting is being coordinated with the municipalities around the Lake to talk about stormwater progress and what help could be provided to get their plans done.

In response to Mr. McCarthy's inquiry, Mr. Clark responded that the outflow survey data gathered by the Field Staff was used by Sussex County.

Mr. Zoschak stated he received good reports from Roxbury on the shared services arrangement and thanked the staff.

FY05 Budget

Mr. Grove stated the budget sub-committee will be meeting within the next few weeks to review the budget status and to determine how funds will project out through the end of the fiscal year in light of the recent allocation. He indicated he hopes to be able to report on this issue at the next meeting. Ms. Macalle-Holly stated that when Senator Bucco

called to advise the Commission staff of receipt of funding, he asked that the Commission keep him apprised of the budget situation.

Lee's Park Garage Lease Renewal/Pollution Insurance

Ms. Macalle-Holly reported that after the Commission's Counsel reviewed the lease, former Chairman signed lease and it was returned to the Morris County Park Commission. The two outstanding issues in relations to the lease renewal are whether to continue to carry the pollution insurance which Ms. DeStefano looked into and the emergency response vendor. Ms. Macalle-Holly stated that Mr. Clark had provided a letter to the Commissioners which included a recommendation for an emergency response firm. Ms. DeStefano clarified that these two items are totally separate because whether or not you have insurance, the Commission still needs to be prepared to respond to an emergency. Ms. DeStefano stated that the pollution insurance is the only policy the Commission has that does not issue a credit if the policy is cancelled. She forwarded Mr. Clark's memorandum on the Commission's pollution risks to Cathy Savage, the Commission's insurance representative for review. Ms. DeStefano recommended since the Commission has the pollution insurance, it should keep it because insurance is difficult to obtain insurance and is especially difficult to get when the newspapers report that the Commission doesn't know from month to month if it will receive funding. Ms. DeStefano indicated that at this point, it would be foolish to cancel the pollution insurance since we are unable to get a credit and since it is difficult to get insurance for the Commission. In response to Mr. Zoschak's inquiry, Ms. DeStefano would follow-up with the Cathy Savage regarding the Commission's deductible for pollution and if there was any type of catastrophic insurance to self-insure up to \$10K or \$20K.

Ms. DeStefano indicated the other issue to be considered is, in the event of a spill, does the Commission want to designate a company to deal with it. Mr. Clark stated that there is no cost to use these companies until they are called out on site. Counsel Chudzik stated that changes would have to be made in the contracts, but once the Commission decides what they want to do, she can work through it. In response to Mr. Zoschak inquiry, Mr. Zoschak indicated he contacted the DEP office in West Orange. DEP provided a list of contractors in New Jersey that can respond to situation the Commission would have to deal with and Able Environmental was not on that list. Mr. Clark indicated most of the companies he contacted were not equipped to handle on the water response. Mr. Zoschak stated that Able responded to the Musconetcong spill which was on the water. In response to Mr. Phillips' concern about Able, Mr. Zoschak stated that Able Environmental is a different company than the Able propane company. At Mr. Zoschak's request, Mr. Clark agreed to contact Able Environmental. Mr. Zoschak wants to ensure that the same individual that may respond to a spill does not charge for different types of positions and to address this in the contract.

Mr. Volk suggested that the reasons for selections such as proximity, company size and previous experience should be expanded on for the Commission's record when this is acted on. Mr. Volk questioned the sentence in the contract inquiring if this is standard

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language. “Contractor shall respond as promptly as practicable to all emergencies.” If possible, he suggested adding some specificity to it.

In response to Mr. McCarthy’s inquiry about the State insuring the Commission, Mr. Klipstein indicated that Counsel Chudzik has been inquiring. Counsel Chudzik stated that there has been a change in personnel at Treasury. She will start up again with the new person, but there will be limits on coverage. Counsel Chudzik stated that what makes the Commission unattractive to other carriers will make the Commission attractive to the State because Treasury helps prioritize for those that do not have budgets to support getting insurance in the private market. Counsel Chudzik indicated that sometimes there is a minimal premium that the agency gets charged through Treasury.

Mr. Klipstein discussed his efforts regarding the Directors and Officers insurance since the Legislature can create a State agency and not provide at least the Directors and Officers insurance premium, but Treasury said the Commission should carry its own.

Ms. DeStefano stated her concern that if the Commission has less insurance, the Commissioners are potentially putting at risk their personal assets on the Commission’s behalf.

Counsel Chudzik indicated she attended a banking and insurance seminar at which time she questioned how much coverage should Boards carry for Directors and Officers insurance. The presenter’s response was as much as they can buy. Counsel Chudzik summarized that the experts are saying to the extent you can get insurance, you should buy it.

Ms. Macalle-Holly also reported on her contacts with an insurance consultant from the State which Mr. Klipstein referred her to. The insurance consultant reviewed the current liability, auto, and umbrella policy up for discussion later and indicated that the consultant advised that the insurance the Commission is getting is at an appropriate rate.

In response to Mr. Zoschak’s inquiry if the Commission can participate on the Joint Insurance Fund (JIF) and Municipal Employee Liability Insurance (MEL), Counsel Chudzik stated that the Commission is not municipal government. Ms. DeStefano had previously asked Cathy Savage the same question. The Commission is not a municipality so they cannot participate and also the Commission is not big enough.

Princeton Hydro Report

Dr. Lubnow reported on the following:

Total Maximum Daily Load (TMDL) Project - He provided a copy of the plan to Ms. Macalle-Holly for Lake Hopatcong. PH is putting together the plan for Lake Musconetcong. The Lake Hopatcong TMDL is broken down to a sub-watershed basis and includes a series of maps for each municipality identifying prioritized areas, BMPS

and also includes budgets for future grants. Each municipality receive a copy of the plan from Princeton Hydro over the last month indicating they could use the TMDL document as part of their stormwater management plan. The Musconetcong portion should be completed by the beginning of the year and will include specific plans for Hopatcong and Roxbury for Lake Musconetcong.

EPA Wetland Grant – PH submitted a grant to EPA last year to identify wetlands throughout Lake Hopatcong and prioritize the wetlands in terms of value. This will be useful to identify natural resources within the watershed and to help with future build out scenarios. The Commission was notified two months ago that the grant was received and PH began to initiate the grant. PH is collecting the State and Federal existing GIS data and layering it on to existing wetlands inventory for the Lake Hopatcong watershed. PH is also reviewing the ordinances from State, County and Local referencing wetlands and the types of wetlands. They are also reviewing the ecological value of the wetlands. PH is just beginning the grant and Dr. Lubnow will be providing updates on grant. The grant is for 18 months and the Commission match is administrative. Dr. Lubnow will provide an in-kind match sheet so when anyone reviews documents related to this grant, their time should be recorded to use towards in-kind contribution.

Algal Samples – The samples taken from the lake [on November 22] by Chris Krupa of PH were blue-green algal which form surface scum that looks like metallic or dark green paint on the water surface. They were primarily a cold tolerance species and there are not many that are cold tolerant. The blooms lasted until late in November which is unusual for Lake Hopatcong. After reviewing the long-term data set, the chlorophyll *a* concentration which measures algal, was an average of 14 for the entire Lake in 2004 and in 2003 it was about 7. The 14 was the second largest since the 1991 long-term database was initiated. When comparing the phosphorous concentration, there was not a large difference in the surface concentration for 2004 compared to previous years, but after reviewing the deep water concentrations they were substantially higher. When reviewing the algal, these types persist in the bottom so Dr. Lubnow believes, based on the data, that the algal was blooming deeper in the water, but wind and wave action brought the phosphorus up to the surface water especially with the wind blowing towards the eastern side of the Lake.

Dr. Lubnow indicated that is why the TMDL study was necessary to ensure the phosphorous concentrations are kept below the levels so these types of problems do not occur. The more phosphorous that enters the Lake, the more common the algal blooms will become and this is what the Commission is trying to prevent with the TMDL analysis. PH will continue to monitor this situation especially early in the spring because with the cold snap the algal either dies or go into resting spores and sinks to the bottom.

Dr. Lubnow was unsure of why the deeper water concentrations of phosphorous increased. During 2003 there were many storm events and a relatively cool, wet year so the concentration down below were not very high. Just the opposite happened in 2004, but 2004 was still a relatively wet and cool year. Dr. Lubnow would have to review the weather, but believes what happened was between the storm events there were dry, hot

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conditions that allowed the material to accumulate in the bottom. Dr. Lubnow will investigate further to compare it to past data.

In response to Mr. Kerner's inquiry, Dr. Lubnow indicated the past way to address the algal is through the installation of stormwater infrastructure throughout the watershed to reduce the load before entering the Lake. Dr. Lubnow will incorporate this information into the final report.

Mr. Klipstein asked Dr. Lubnow to discuss the next steps for the Commission in the TMDL plan emphasizing to take it to specific implementations, specific basin retrofits and to work out the detailed game plan working with the municipalities and counties around the Lake which ties into obtaining other grants. Dr. Lubnow indicated that now the focus will be on implementation to get funding to help install these structures to do watershed management practices to reduce phosphorous from entering the Lake.

Ms. DeStefano reported that the North Jersey District Water Supply Commission is sponsoring part two of the stormwater rules and regulations [on February 14, 2005]. Princeton Hydro is conducting the free seminar and attendees receive municipal credits. Ms. DeStefano left the flyers with Ms. Macalle-Holly if anyone is interested.

Dr. Lubnow discussed the work to be done by the field staff if the 319(h) grant is received such as collecting the engineering and topology data as well as the information to size and structure the BMPs. Mr. Klipstein stated his view is for the Commission to work closely with the shared services arrangement to develop strategies to make the TMDL plan come to life. Mr. Zoschak indicated a potential area to focus on is the King Cove area where they began to remove the silt from the Cove last year and will continue this year. Dr. Lubnow asked to be included in the stormwater meeting being held at the beginning of the year with the Commission and municipalities and to also include the counties so he can cover some of the prioritized areas in the TMDL plan.

Mr. Kerner suggested that some of the information regarding algal should be included in the public education component within the website. Dr. Lubnow offered to send a copy of PH's "What That's Stuff" document. Chairman Ondish indicated he would like to see the website get more data on it. Ms. Macalle-Holly indicated to develop the content and would need at least a good solid week's worth of work to develop the site.

Mr. McCarthy distributed a document from the Pennsylvania DEP called, "When It Rains, It Drains." He suggested that perhaps either the Commission or the towns can send out this type of material with their tax bills. Mr. Klipstein indicated that the State has a CD with similar information and would supply copies of the CDs. Ms. Macalle-Holly stated that the municipalities had already received the CDs.

New Business

Coldwater Fishery Management Plan – Mr. Klipstein stated the Division of Fish and Wildlife is redoing their trout stocking program since 1991. The plan looks at two components: (1) health of fishery and (2) return on investment. The Division is looking to redistribute 25,000 trout from larger lakes to smaller lakes where they feel they get a better return on their investment, e.g., more fish caught. The Division investigated the economics, the number of trout stamps sold, they completed surveys and believe they have done their homework well. The Division is circulating the proposal for comment for implementation in spring 2005 so there is ample time for public comment and agencies such as the Commission to provide input in appropriate ways. Mr. Klipstein stated the Division indicated Lake Hopatcong was one of the top five fisheries in the State and in working with the Knee Deep Club and other constituents, believe Lake Hopatcong gets a good share of stocking of other fish species. Mr. Klipstein stated his concern for Lake Hopatcong is that once the trout stock goes to zero and it's based on return on investment, how can the Lake ever get trout stocked again because the data is not available to improve it. Mr. Klipstein stated that the Commission can make the case that it has a good cold water fishery in Lake Hopatcong, but the Commission needs to make the case that the return is there. Mr. Klipstein suggested that the Commission, as an agency in but not of DEP, should approach their response differently than the municipalities or other constituents.

Mr. Zoschak indicated that Roxbury is pursuing the issue on the economic level because municipalities around the Lake heavily depend on fishermen coming to open the season and trout is a part of that season.

Mr. Clark stated he was in attendance at the meeting with Ken Klipstein and Lisa Barno. According to Ms. Barno, a survey was done of businesses around the Lake to determine if their business would be affected if they stop stocking trout in Lake Hopatcong. Only one business indicated they would be affected. Mr. Clark suggested that the Commission find out how the survey was conducted and who was contacted. Mr. Klipstein offered to get the survey data and suggested that the Commission review how the survey was conducted and possibly earmark money to do a survey. Mr. Clark also stated that Dr. Lubnow and Dr. Souza were also present at the meeting and had documentation of holdover capabilities of brown trout which has been researched extensively and Ms. Barno did not accept their data. Mr. Clark had requested that Dr. Lubnow conduct a comparison of Swartswood Lake and Lake Hopatcong. The data concluded that with Swartswood Lake mechanical aeration system, their water quality barely meets the quality of Lake Hopatcong, yet Swartswood is classified as a trout holdover lake.

Chairman Ondish opened the floor to members of the public to speak on this issue. Mayor Russ Felter, Jefferson Township, indicated that Jefferson had made some phone calls to survey businesses and they received very different results. Mayor Felter stated that in the early part of the year, trout fishing gets the business going. Jefferson Township did pass a resolution on the issue. He stated that the State continues to move in a negative fashion towards the Lake. Mayor Felter stated that the Governor is talking

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about visiting Lake Hopatcong. Mayor Felter commented on his concerns for funding for the Commission with the \$4B deficit. He suggested that perhaps some towns contribute for trout stocking, but then the State returns some revenue from trout stamps.

Dr. Lubnow stated he understands their data, but does not agree with their approach. If you have so many fish in a very large water body, the odds of getting those fish are not as high if you stock a moderate amount of fish in a small water body.

Mr. McCarthy referred back to the Commission legislation that the Division of Fish and Wildlife should consult with the Commission and suggested that the Division should present their proposal to the Commission. Mr. Klipstein stated that the Division would be happy to do that.

[Lou Marcucci, resident of Mt. Arlington addressed the Commission although his comment did not record on tape.]

Tim Clancy, resident of Lake Hopatcong, discussed the water quality issues in Lake Hopatcong from 1991 and discussed the Division's proposal at that time to reduce the number of trout stocked in the Lake. He stated that the Knee Deep Club (KDC), at that time, was given assurances by top people at Fish and Wildlife that they would not revisit this issue because the KDC had presented such a strong case. Since that time the communities have spent another \$60M on water quality initiatives including the initiation of the Commission. He stated that the KDC spends on \$15K on trout to augment the Division's deficient stocking because Lake Hopatcong gets less fish per acre than any other lake in the State. Mr. Clancy stated the KDC will be meeting with the Division. Mr. Clancy stated that the fish they are taking from Lake Hopatcong and six other water bodies will be put into the most popular and heavily stocked streams in the State. He stated that in January the KDC will advise anglers not to buy a trout stamp so there will be a net loss in revenue. Chairman Ondish asked that Mr. Clancy report back to him on the outcome of their meeting with the Division.

John Kurzman, resident of Lake Hopatcong, recalled four to six years ago when DEP started talking about not doing the trout stocking. They had quoted some statistics about hold over fish and recalled that had they used just regular bingo balls, in other words, it was not proving anything. Statistically it agreed with their theory but had nothing to do with fish. He recalls that the Division changed their mind and continued stocking. He referred to a document VII-9B which is the surface water quality standards that has to be published every couple years. It stated Lake Hopatcong was a fresh water two lake meaning not pristine, but TM for trout maintenance. He inquired if there has been an update to this document. Mr. Kurzman was shocked to hear that instead of moving towards a FW1 TP, the Lake is moving to a no trout category.

Lou Marcucci addressed the Commission indicating that the KDC did a survey at Dow's Boat Rental, Lakes End Marina and Ramsey's Outdoor. They generated \$160K in license sales and almost \$4K in trout stamp sales with a large portion being non-resident stamps.

Mr. Clancy indicated that 60% of the KDC members do not live in the Lake Hopatcong area; they have members in every county within the State. There are no other Lakes within the State for anglers to fish from their boats and it's important for Fish and Wildlife to understand that its people from all over the State that benefit.

Mr. Clark stated that the proposal goes to the Fish and Game Council in August and then there is a 60 day hearing. It needs to be finalized by October to be included in the Fishing Digest for the upcoming year. Mr. McCabe suggested that if Mr. Klipstein can obtain the Division's survey data, the Commission should form an ad-hoc committee to review the data and make recommendations back to the entire body on how to handle that. Ms. DeStefano stated that the Commission should conduct its own survey. She also asked that before the Division of Fish and Wildlife presents to the Commission, she would like to educate herself on the data issues that Dr. Lubnow and Dr. Souza discussed.

Mr. Clancy offered to give a refresher course to the Commission on the tagging study that the Division conducted.

Mr. McCarthy also participated in the tagging study at Pequest Hatchery. He commented that the LHRPB kept asking for the data from the study and never received it. Others in the audience also stated they had asked for the data from the tagging study and never received it.

Chairman Ondish stated that the KDC can report back to the Commission on January 18th and then in March arrange for the Division to present to the Commission. Ms. DeStefano requested that the Commission authorize Dr. Lubnow to prepare a report on the issues and facts.

Dr. Lubnow suggested that the economic factors of eliminating trout stocking from the Lake should be supplied to the Division in a public forum to show the value of the trout. He also discussed a point made by Dr. Souza. There is much time and effort from the local to federal governments that are pushing to preserve and protect the Lake. It is disheartening if something like eliminating trout is decided.

Ms. Gantert questioned whether the Division is aware that they should be consulting with the Commission prior to doing fish stockings or studies for the lake. Ms. Macalle-Holly indicated that the former executive director had sent a letter to the Division citing the paragraph from legislation. Mr. Klipstein stated that the Commission put some effort into establishing a way to be notified by various DEP departments.

Mr. Phillips stated that perhaps the Commission should remind the Division that government business interest should not trump commercial or private business. He also indicated that in Title VII, Section 9 the Lake is listed as a FW2 trout maintenance. As a trout-associated water, the Lake has added regulatory protection on the State level specifically with regards to stream encroachment permitting. From a biological aspect, he commented that 5000 pounds of caged trout are going into the water and trout are

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providing a good food source for muskies. By not having the trout in the Lake, it could have other detrimental effects to the fishery.

Princeton Hydro 2005 Contracts

Lake Monitoring Contract for 2005

Ms. Macalle-Holly stated that 2005 monitoring and general consulting resolutions for Princeton Hydro were distributed. As in the past, these contracts run on an annual basis. Mr. Zoschak made a motion to approve Resolution #04-06. Ms. DeStefano seconded the motion. [A copy of the Resolution #04-06 is available on file.] Mr. Zoschak requested that the 7th whereas statement be removed since a Chairman has been appointed and in the Resolved paragraph change the Vice Chairman title to Chairman. Dr. Lubnow indicated that only difference with the monitoring in 2005 that the Station in Woodport would include discrete sampling and increase the cost by \$550. There is no additional labor cost, but additional costs for lab analysis.

There being no further discussion, Chairman Ondish requested a roll call vote.

ROLL CALL:

DeStefano	Yes	McCabe	Yes
Gantert	Yes	Volk	Yes
Grove	Yes	Zoschak	Yes*
Jarvis	Yes	McCarthy	Yes
Kerner	Yes	Ondish	Yes
Klipstein	Yes		

Motion carried 11 to 0. Voted yes with the indicated change.

General Consulting Services for 2005

Mr. Zoschak made a motion to approve Resolution #04-07. Mr. McCabe seconded the motion. Mr. Zoschak requested that the same changes as the previous resolution. [A copy of the Resolution #04-07 is available on file.]

ROLL CALL:

DeStefano	Yes	McCabe	Yes
Gantert	Yes	Volk	Yes
Grove	Yes	Zoschak	Yes
Jarvis	Yes	McCarthy	Yes
Kerner	Yes	Ondish	Yes
Klipstein	Yes		

Motion carried 11 to 0.

Liability Package Insurance Renewal

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Ms. DeStefano reported that Donna Macalle-Holly in email to Cathy Savage of Fairview Insurance questioned why the umbrella insurance increased. Ms. DeStefano stated that the umbrella insurance is for the Commission's public official, general liability and auto. Ms. DeStefano indicated that the reason the umbrella had increased, and Ms. Savage concurred, was because of the open case against the Commission. Counsel Chudzik indicated that it was previously reported that the case was resolved favorably. Ms. DeStefano reported that insurance at North Jersey and other Commissions she checked with increased also had rate increases. Ms. DeStefano stated that the insurance agent will be bringing in a new market next year and will look into this for the Commission. Ms. DeStefano reported that to compensate for some of the increase, Fairview Insurance did reduce their agency fee. Ms. DeStefano's recommendation would be approve the insurance renewals and ask Ms. Savage when another market becomes available to look at this for the Commission.

There was discussion on Fairview's fee and Ms. DeStefano stated that Fairview shops for insurance for the Commission, organizes and advises the Commission on their insurance needs and if there is a problem with a claim, Fairview will assist the company. Ms. DeStefano stated that without Fairview services, it would be difficult to evaluate the insurances because one needs an extensive understanding of insurance. Counsel Chudzik stated that other boards she works with hire a risk management consultant to provide this service so you pay one way or the other.

In response to Mr. Jarvis inquiry, Ms. DeStefano stated that the Commission declines terrorism insurance coverage. She also indicated that we would have to check with the insurance company if the umbrella insurance cost could decrease.

Mr. Jarvis made a motion to accept the insurance package presented. Ms. DeStefano seconded the motion. [A copy of the renewal quote is available on file.]

ROLL CALL:

DeStefano	Yes	McCabe	Yes
Ganert	Yes	Volk	Yes
Grove	Yes	Zoschak	Yes
Jarvis	Yes	McCarthy	Yes
Kerner	Yes	Ondish	Yes
Klipstein	Yes		

Motion carried 11 to 0.

Mr. Zoschak reported that he met Governor Codey. When asked what types of special projects were needed in Roxbury, Mr. Zoschak indicated the seawall because there were many calls from residents. The Governor offered to provide some funding for the project. Mr. Zoschak is providing a package of information on the project for the Governor.

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Chairman Ondish stated he was very optimistic with Governor Codey and he understands the value of the Commission. The Chairman discussed why he was against the Commission when it first came out because it would be a political football, but they received a lot of money to setup the Commission which the LHRPB did not have. The issue is not about politics but preserving the Lake.

Ms. Macalle-Holly extended her sincere thanks to Ken Klipstein for all his work. She commented on his unique way of getting things done without making a lot of waves. She stated that although he was in many difficult positions, often caught between a rock and a hard place, he managed to find his way for the betterment of the Commission.

In response to Mr. McGabe's inquiry, Ms. Macalle-Holly stated that in order to arrange for meeting locations, she contacts the municipalities for their space availability sometime in January after their annual calendar is set. She stated that when the Commission has their reorganization meeting in January, she proposes a schedule which is usually the 3rd Monday of the month unless of a holiday and the Commissioners vote on the schedule at the January meeting. Chairman Ondish stated it would be nice to have a more stable place for meetings. In response to an inquiry regarding the League of Municipalities conference, Ms. Macalle-Holly indicated she reported on that at the November meeting.

Public Comment

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

Brandon Phillips, Roxbury Alternate, attempted to describe the blue-green algal as a resident of Kings Cove stating it looked like a thick green sludge or paint dumped on the shoreline. Mr. Clark came through the next day with the results of what it was. He stated he looks forward to 2005 with a full eleven person team.

Mr. Zoschak wished the Commissioners and staff a Merry Christmas and Happy New Year and a happy holiday season. There being no further business Mr. Zoschak made a motion to adjourn the meeting at 9:55 p.m. Mr. McCabe seconded. 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