

Minutes of the Lake Hopatcong Commission

February 17, 2004

A meeting of the Lake Hopatcong Commission was held on February 17, 2004 at Jefferson Township Municipal Building, 1033 Weldon Road, Lake Hopatcong, New Jersey. At 7:35 p.m., Vice Chairman Klipstein called the meeting to order and stated that the meeting was being held in accordance with "Open Public Meetings Act."

Salute to the Flag: Vice Chairman Klipstein and all those in attendance joined in a salute to the flag.

Roll Call:

Present: Colleen DeStefano, Eric Grove, Samuel Hoagland, Walter Kerner, Frank Hughes (Morris County Alternate), Brandon Phillips (Roxbury Alternate), and Ken Klipstein

Absent: Richard Hodson, Dave Jarvis, Lorraine Lees, Richard Zoschak

Alternates Present: Jack Chaplin (Mt. Arlington Alternate)

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

Also present were: Steve Souza - Princeton Hydro

Communications

Vice Chairman Klipstein asked for any comments or questions regarding the Communications List. There being no comment on the communications, Vice Chairman Klipstein continued to the next agenda item.

Treasurer's Report/Payment of Bills

Mr. Grove stated that according to the financial report distributed to Commissioners, the Bank of New York checking account as of January 31, 2004 had a cleared balance of \$24,975 and the JP Morgan Money Market cleared balance was \$490,410.35 for a total balance in both accounts of \$515,125.35. The Revised Bill List was distributed. Mr. Kerner made a motion to approve the Revised Bill List. Ms. DeStefano seconded the motion. [A copy of the Revised Bill List is available on file.]

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ROLL CALL:

DeStefano	Yes	Hughes	Yes
Grove	Yes	Phillips	Yes
Hoagland	Yes	Klipstein	Yes
Kerner	Yes		

Motion carried 7 to 0.

Minutes of Meeting of January 20, 2004

Vice Chairman Klipstein asked for any comments or questions regarding the January 20, 2004 meeting minutes. Ms. DeStefano made a motion to move the January 20, 2004 minutes. Mr. Hughes seconded the motion. There being no further comment, Vice Chairman Klipstein requested a roll call vote.

ROLL CALL:

DeStefano	Yes	Hughes	Yes
Grove	Yes	Phillips	Yes
Hoagland	Yes	Klipstein	Yes
Kerner	Yes		

Motion carried 7 to 0.

Public Comment

At this time, Vice Chairman Klipstein opened the meeting for the first public comment stating there was a two minute limit.

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

Old Business

Field Staff Report

Mr. Clark distributed a copy of his February 17, 2004 Field Staff report to the Commissioners. Prior to reviewing his report, Mr. Clark introduced Jack Chaplin, the new alternate commissioner for Mt. Arlington. Vice Chairman Klipstein welcomed Mr. Chaplin.

Mr. Clark stated that since the last meeting the Field Staff has been conducting maintenance and repairs to the equipment at the maintenance facility. Mr. Clark further reported that the two crew chiefs, Bob Place and Mike Calderio, continued with the outflow survey project. After completing the Jefferson Township portion of the survey on January 23 they began working at the maintenance facility with the other field staff.

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Mr. Clark stated that he, along with Bob and Mike, attended Trimble GPS training from Dave Kunz, Sussex County GPS/GIS coordinator. When the staff conducts the outflow survey in Hopatcong, Mayor Hodson had requested that the survey be done with the Trimble units since they are more accurate.

Mr. Clark reported that he attended Microsoft Access training class during the evening. Access is the database software to be used for inputting the outflow survey data.

Mr. Clark advised the Commissioners that following the Alternate Funding Subcommittee meeting on February 10, he accompanied Vice Chairman Klipstein to the maintenance facility to meet with the Field Staff and to see the work involved overhauling the machinery. On February 13, Mike Rizzo, the nautical engineer from Aquarius System visited the maintenance facility to check-out the machinery and address some concerns. In response to an inquiry regarding the heat, Mr. Clark reported that one heater is working at the maintenance facility and anticipates that the remaining heaters will be repaired soon.

Vice Chairman Klipstein stated he was glad to visit the facility to see the work involved in maintaining the equipment. He also stated that the equipment has a lot of wear and tear after two seasons. Mr. Klipstein stated that Aquarius System was there to address the excessive wear on equipment for the short amount of time it has been in service. Vice Chairman Klipstein stated that if the Commission did not have a maintenance program in place, the equipment would be in trouble. He further commented that the work taking place is valuable and necessary to ensure the longevity of the equipment. Mr. Clark emphasized that the maintenance program prevents down time during the season. The Vice Chairman agreed if the maintenance was not occurring, productivity during the season would be impacted.

FY 2005 Budget Status and Designation of Budget Hearing Representative

Vice Chairman Klipstein reported that he did not have anything additional to report on these agenda items. He stated that the budget will be released soon and the budget speech is scheduled for early next week. Vice Chairman Klipstein stated that he tried to speak with Gary Sodenmeyer on the status of the appointments, but he was unable to reach him.

Mr. Grove stated he intends to attend the budget hearing and would appreciate learning of the date as soon as possible. Vice Chairman Klipstein agreed to notify Mr. Grove and Ms. Macalle-Holly as soon as possible.

Before moving on to the next agenda item, Ms. Macalle-Holly stated for the record that Counsel Helene Chudzik was unavailable due to a family emergency. Counsel Chudzik is accessible during the meeting via phone if necessary.

Princeton Hydro Report

Dr. Souza provided handouts including a synopsis of the Year End Report and an update to the TMDL Analysis. Dr. Souza reported on the following:

2003 Year End Report Synopsis – With record rainfall in May, June, August and September, which is reflected in the data, the Total Phosphorous (TP) was greater this year. A larger amount of rainfall contributes to more runoff which increases the phosphorous loading for the Lake. With increased precipitation come saturated soils, elevated groundwater and greater opportunity for septic-related phosphorous loading into the Lake. Relative to 2001 and 2002, the average TP measured at mid-Lake were greater, but compared to the 12 year running average, TP was at average or slightly below.

The next graph measures the Chlorophyll *a* concentrations which measure the algae productivity, e.g., how green the Lake is. In 2003 it was lower than other years and lower than the running average. This lower level is attributed to the cooler, wetter climate combined with a greater amount of Lake flushing, which presented unfavorable conditions for algae bloom.

In 2003, overall clarity at mid-Lake is comparable to the past three to four years. The middle of the Lake is always used as a barometer for the overall health of the Lake.

To summarize, Dr. Souza stated that the data from the 2003 Year End Report indicates that the Lake is “holding its own.” This is a similar trend observed over the past four to five years which can be attributed to increased attention to stormwater management and to the aggressive weed management program. When removing more than two million pounds of weeds from the Lake, a significant amount of phosphorous is being removed which is another benefit of the weed harvesting which is often overlooked.

Dr. Souza stated that the full End of Year Report will be available next month. The graphs distributed at tonight’s meeting were based on the mid-Lake monitoring station #2. There is data available from this monitoring station dating back to 1982-83. Dr. Souza stated that currently Princeton Hydro is monitoring 7-9 stations and sometimes 11 stations in the Lake.

Upper Musconetcong Watershed Total Maximum Daily Load (TMDL) Analysis –

Dr. Souza distributed the TMDL scenario for each of the four municipalities on the Lake which is also a follow-up to the data Dr. Lubnow discussed at the January Commission meeting. Dr. Souza stated that the TMDL project is ongoing and information is provided to the Commission as PH moves along in the process. Dr. Souza reviewed the Lake Hopatcong Watershed Annual TP Load handout. Dr. Souza reiterated that the purpose of the TMDL is to establish target loads to identify how much phosphorous the Lake can assimilate or process without creating problems. The annual TP load is well above the targeted TP load. The analysis examines contributing sources and identifies ways to reduce the loads in a practical and cost-efficient manner.

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Dr. Souza noted that managing the septic related phosphorous loading in Jefferson and Hopatcong would have a significant impact to reach the target load; however, that should not be the only focus to manage the TP load. Realistically, the load should be decreased across the board.

Dr. Souza then asked the Commissioners to review the draft scenarios for the TMDL analysis which are very preliminary. Dr. Souza stated again that the document is a work in progress and gives a general scenario for each municipality. The scenarios will be divided further into sub-watersheds. The bottom line is that the Lake has more phosphorous than needed and a better job needs to be done to manage the load.

In response to an inquiry from Vice Chairman Klipstein, Dr. Souza responded that PH is considering proposing an aggressive septic management program as one of the options for Jefferson. In general literature indicates, a 30% reduction can be achieved through aggressive septic management which includes pump out and maintenance of the leach field. Dr. Souza stated that Lake Mohawk has had positive benefits because of their aggressive septic management ordinance which requires pump out every three years and delivery of a pump out certificate to the Town.

Dr. Souza stated that he has been advocating for some time that the Commission should be deeply involved with stormwater management at the municipal level. Dr. Souza stated that the Commission would be the perfect entity to serve as the lead planning group for a regional stormwater management plan and suggested that this be pursued in the 2005 319H grant application.

Dr. Souza stated that the next phase of the TMDL analysis is to provide a breakdown on a sub-watershed specific basis within each municipality and elevate each of the sub-watersheds to a priority list. Dr. Souza believed that PH would have drafts available to share with the municipalities within 60 days, but needed to double check the TMDL schedule.

EPA Wetland Grant – Dr. Souza reported that PH followed up with the EPA again last week and reported that no decision has been made at this time.

SUB-COMMITTEE REPORTS

Vice Chairman Klipstein stated that an updated sub-committee listing was provided in the meeting package and that this list would continue to be updated as needed. He stated that regarding the Shared Services Agreements, Mr. Hodson convened a meeting with the mayors around the Lake and some of the LHC Shared Services representatives.

Since Mr. Hodson was not in attendance at tonight's meeting, Vice Chairman Klipstein asked any other members to report on the shared services meeting. Mr. Grove responded, although he did not attend the shared services meeting, stating that Sussex County is preparing a draft for a shared services agreement. John Risko was in attendance at the meeting representing Sussex County. A previous agreement with Jefferson Township

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was distributed to all those in attendance at the Shared Services meeting to use as a model to move forward with the shared services arrangements. Vice Chairman Klipstein reported that progress is being made.

Mr. Klipstein reported that the alternate funding sub-committee met last week. The meeting objective was to look at all the potential alternative funding sources and try to match to budget categories to determine where alternative funding can be obtained. The sub-committee will next prioritize the list to determine which funding sources to pursue. Vice Chairman Klipstein stated that even if the Commission is fully funded, the need for additional funding will be a constant challenge. The Vice Chairman stated that since this is such a critical issue, more volunteers are needed for this sub-committee including volunteers outside of the Commission. Some alternates being considered are a Friends of Lake Hopatcong group that does fundraising and obtaining additional grants. Vice Chairman Klipstein anticipated that after the sub-committee has another opportunity to meet, the sub-committee will share their alternate funding list with the full Commission.

There seemed to be general agreement from the Commissioners to allow members of the public to volunteer on the alternate funding sub-committee.

Dr. Souza stated that the model Deal Lake uses is that Commission, which is strapped for funding, identifies a project, e.g., a cleanup. The Friends of Deal Lake are mobilized to get contributions. The work is done under the direction of the Friends, which the Commission could not do because of its limited funds.

Vice Chairman Klipstein stated they were considering asking Dr. Souza, as past NALMS president and Fran Smith of COLA to attend a meeting to discuss funding techniques utilized by other organizations. Dr. Souza agreed to meet with the alternate funding sub-committee.

Vice Chairman Klipstein stated that if anyone was interested in volunteering for the alternate funding sub-committee, they should contact Ms. Macalle-Holly in the Commission office.

There being no further discussion on sub-committees, Vice Chairman Klipstein moved to the next agenda item.

New Business

Commission Service Award

Vice Chairman Klipstein presented a certificate of appreciation to former Commission Bill Doran and thanked him for his contributions to the Commission over the last couple years. Mr. Doran thanked the Commission and offered to join the "Friends of the Lake Hopatcong Commission."

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Lake Management Seminar for Commissioners and Staff

Vice Chairman Klipstein stated that Ms. Macalle-Holly had inquired about attending a Rutgers Lake Management seminar. The Vice Chairman had suggested as an alternative, that the Commission explore having a course tailored for Lake Hopatcong. Dr. Souza stated that the cost for the Rutgers' lake management class with the two books is roughly about \$200 per person. For PH to provide a one day customized program for Lake Hopatcong, the cost would be approximately \$1,800 people so only nine people would need to attend to make it cost effective. The price would include the two NALMS books. Dr. Souza stated he could provide a syllabus to focus on Lake Hopatcong. Vice Chairman Klipstein stated that there are budget funds available. Ms. Macalle-Holly stated that the class would be open to commissioners and staff. Mr. Phillips suggested opening the class to the Lake mayors and municipal employees. There was general agreement to offer the class on a Saturday.

Vice Chairman Klipstein suggested limiting the number of attendees to keep cost down and to manage the logistics of the class. Ms. Macalle-Holly agreed to poll the municipalities around the Lake to gauge their interest. Dr. Souza stated that Rutgers sends the lake management course announcement to lake associations using COLA's database. Mr. Kerner suggested contacting beach associations and clubs around the Lake about their interest in the class.

Overview of Stormwater Management Rules

Vice Chairman Klipstein introduced Pat Rector who provided an overview on stormwater management, the new rules that were signed into law on February 2, 2004 and what the towns are required to do. Ms. Rector advised the Commission that the information in her presentations and other related materials were available on www.njstormwater.org. After Ms. Rector's presentation there was discussion amongst the Commissioners and Dr. Souza regarding the regulations and a regional stormwater management plan.

Mr. Grove briefly discussed the GIS program that Sussex County has in place. Vice Chairman Klipstein stated that Morris County also has a strong GIS program and that Morris County Planning Director has been very involved in developing the stormwater rules over time.

Public Comment

Vice Chairman Klipstein opened the meeting for the second public comment period.

Will Avers, resident of Jefferson Township, discussed abandoning the use of phosphorous fertilizer and that Jefferson has encouraged other townships to implement a zero phosphorous fertilizer ordinance. Mr. Avers stated that Hopatcong has implemented a .5% ordinance and Roxbury also has a similar ordinance. Mr. Doran of Mt. Arlington stated that Mt. Arlington also implemented an ordinance last year. Mr. Avers asked Dr. Souza how to enforce this and Dr. Souza response was through educational outreach. Mr.

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Hoagland discussed the difficulty of purchasing low phosphorous fertilizer at local stores and Home Depot. Mr. Avers stated he wrote a letter to Home Depot to have low phosphorous fertilizer stocked at local stores, but if the fertilizer does not sell, Home Depot will not restock. Mr. Avers also discussed the educational outreach programs they ran at the schools. Dr. Souza stated that the educational outreach should be directed specifically to Lake users reminding them that they do not want a weedy, scummy Lake and use of low phosphorous fertilizer needs to be equated to that.

Mr. Avers requested additional time from the Chairman to discuss implementation of aggressive septic management programs similar to Lake Mohawk. Mr. Avers stated that about 60% of the lots in Lake Hopatcong/Musconetcong River basin are less than one-quarter acre. Mr. Avers stated that the only way one can manage these septic systems is to pump them every week so no water gets into the septic. Mr. Avers stated there are other things that can be done besides trying to manage septic systems because that does not work.

Dr. Souza discussed the septic management plan being used at Culver Lake. Mr. Avers said that he read Culver Lake's report and they didn't sell the public on it. Mr. Avers commented that he would hate to see money go into septic management when it could be better spent for sewers.

Mr. Avers questioned if Lake Hopatcong is a Category I water and was advised that the Lake was in Category II so the 300 foot buffer does not apply to Lake Hopatcong. Mr. Avers also inquired about the cost of the new stormwater permitting rules.

John Kurzman, resident of Lake Hopatcong, questioned how much of the stormwater management rules that were presented earlier will pertain to Lake Hopatcong and the towns around the Lake. Vice Chairman Klipstein reported that all four municipalities are Tier A and need to fulfill the requirements for a Tier A permit. Vice Chairman Klipstein also responded to Mr. Kurzman's inquiry stating that the Commission is trying to determine what services the Commission can provide to the towns that will keep the cost lower for areas of common interest.

Mr. Kurzman stated he was surprised to hear that most of the information for the Commission report is hypothetical and based on science, not on fact. Mr. Kurzman questioned why the information in the report is based on a sensor in the middle of the Lake instead of looking at specific areas such as Woodport or River Styx. Dr. Souza stated that the information provided to the Commission was an overview and that the full report will provide information on the each sub-section of the Lake.

In response to Mr. Kurzman's concern that the Commission use factual information as much as possible, Dr. Souza responded that there are seven to eleven different stations that are monitored and that some of the stations are monitored because the Commission has been approach by the municipalities to look at specific coves in the Lake.

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Mr. Avers suggested that the Commission look at the 40 beach associations on Lake Hopatcong which all rent out boat slips and perhaps add a small fee onto some of their slips. Vice Chairman Klipstein responded that an exhaustive list of alternative funding options is being put together for review.

Mr. Hoagland made a motion to adjourn at 9:50 p.m. Ms. DeStefano 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.

Submitted by: Donna Macalle-Holly