Minutes of the Lake Hopatcong Commission
February 19, 2008

A meeting of the Lake Hopatcong Commission was held on February 19, 2008 at the Jefferson Municipal Building, 1033 Weldon Road, Lake Hopatcong, New Jersey. At 7:05 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 to remember our troops and their families.

Roll Call:

Present: Russell Felter, Elizabeth Gantert, Eric Grove, Kenneth Klipstein, Daniel McCarthy, Richard O'Connor, Nicholas DePalma (Roxbury Alternate), Ray Fernandez (Morris Alternate) and Arthur Ondish

Absent: David Jarvis, Benjamin Spinelli, Richard Zoschak

Alternates Present: Robert Gruber (Mount Arlington), Robert Mitchko (Jefferson) Patricia Rector (DEP), Joel Servoss (Hopatcong)

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

Also present were: Dr. Steve Souza - Princeton Hydro
Lewin Weyl – LHC Counsel

Communications

Chair Ondish asked for any questions on the communications package. Mr. McCarthy stated he was pleased to see the Fish & Wildlife report and asked for data to be included on stocking. The Chair requested that Ms. Macalle-Holly prepare a letter to request the information. There being nothing further regarding communications, the Chair moved to the next agenda item.

Treasurer's Report/Payment of Bills

The Chair stated that Mr. Grove would be stepping down after tonight. The Chair took a moment to recognize his 30 plus years of service. Mr. Grove stated that a reconciliation report was not available and that the report is based on the Valley National Bank Statement. There was an ending balance of $260,584.58 as of January 30, 2008. The

Bill List was distributed totaling $21,252.59 as revised by staff. Chair Ondish requested a motion to approve the Revised Bill List. Mr. McCarthy made the motion and Mr. O'Connor seconded the motion. [A copy of the Revised Bill List is available on file.]

ROLL CALL:

Felter	Yes	O'Connor	Yes
Gantert	Yes	DePalma	Yes
Grove	Yes	Fernandez	Yes
Klipstein	Yes	Ondish	Yes
McCarthy	Yes		

Motion carried 9 to 0.

Minutes of Meeting of January 15, 2008

The Chair requested a motion to move the January 15, 2008 minutes. Mr. Grove made the motion and Ms. Gantert seconded. Chair Ondish asked for any comments or questions regarding the meeting minutes.

Ms. Macalle-Holly stated Mr. Mitchko noticed that under Resolution 08-03 that the roll call was incorrect. It was a unanimous vote, but the roll call should be the same as Resolution 08-02. Dr. Souza stated under the Flood Hazard rules during the Princeton Hydro report there were some technical nuisances that should be corrected and he would work with Ms. Macalle-Holly on that. The Chair requested a roll call vote with the changes. There being no further comment, Chair Ondish requested a roll call vote.

ROLL CALL:

Felter	Yes	O'Connor	Yes
Gantert	Yes	DePalma	Yes
Grove	Yes	Fernandez	Yes
Klipstein	Yes	Ondish	Yes
McCarthy	Yes		

Motion carried 9 to 0.

Based on Mr. McCarthy's request the Chair directed Ms. Macalle-Holly to transcribe the minutes from the September 10, 2007 LHC work session. Ms. Macalle-Holly explained that it is not mandatory to prepare minutes for work sessions.

Guest Speakers – New Jersey Highlands Council

The Chair introduced Eileen Swan and Tom Borden of the New Jersey Highlands Council. He stated they would be educating everyone about the new Highlands law and how it will impact Lake Hopatcong and the surrounding area. He thanked them for attending.

Ms. Swan thanked the Commission for the invitation to present at the meeting. She stated she would provide a quick overview of where the Highlands is, report on the work that has been done and answer questions.

She reviewed the land use changes from 1972 to 2000 and why there was concern for the future of the Highlands region. The two main areas in the Highlands are the preservation area and the planning area, with seven counties and 88 municipalities within the Highlands region. She discussed the drawing of the line between the preservation and planning area because the preservation area brings with it DEP regulations and rules that are very prohibitive and very protective of the resources. The lines were drawn by the legislature and are out of the control of the Highlands Council. For municipalities in the preservation region, they must conform to the Highlands Regional Master Plan. For the municipalities in the planning area, the Master Plan is optional. She stated of the 88 municipalities five are entirely in the preservation area, 36 entirely in the planning area and 47 have land in both areas.

Ms. Swan reported that the reason the area is as critical to the state as a whole is that the water supply, both the quality and quantity from that region, feeds the greater area outside of the region. There are 524 million residents that receive their water from the Highlands region. The Highlands Council has supported the call for residents outside of the region, who receive their water from the region, to pay a water use fee to support the protection of the region.

Ms. Swan stated a resource assessment was required by the Highlands Act for the region to determine the amount and type of development that could be accommodated in the Highlands Region while sustaining and protecting the overall value of the region.

She stated a resource assessment was done for the area on surface and groundwater, terrestrial and aquatic ecology, scenic and ascetic resources, cultural and historic resources, open space, farmland and recreation. Land use policies were established to maintain and enhances these resources.

The regional master plan was first released in November 2006 and 3,600 comments on the draft were received from 1000 different people, advocacy groups, municipalities and counties. The final draft was released in November 2007 and is currently in the comment period which closes on February 28, 2008. The Highlands estimates the best case scenario the plan could be considered for adoption is as early April, but more realistically between May through June for adoption of the regional master plan. She discussed the major changes in the plan from 2006 to 2007 including a more user-friendly format and reviewed the organizational structure of the plan. The major changes include a land-use capability map that addresses all capacity issues and this plan includes a five map series. One of the maps addresses septic density to see what the region could sustain in terms of future septic systems.

Ms. Swan discussed the Transfer Development Rights (TDRs) which is mandated by the Act to see where in the region there are areas for TDR. She stated the Council received many comments on the first draft that spoke to lake areas and even though there has been a lot of development around many of the lakes, there needs to be a different strategy to assist those areas in future development and in managing existing development. In the draft there is a program to assist lake management areas which are shown on the map as a 1000 foot area for lakes of ten acres or greater. The lake community sub-zone is where the 1000 foot intersect with already existing development.

She also discussed cluster development, net water availability/water deficit mitigation, transportation infrastructure, planned performance, and regional master plan update. The Highlands Council will accept data and review it to update the map if necessary. The Highlands mapping was done at a regional level and the Council will work with municipalities and counties to improve that. She also discussed the map adjustments process which has strict criteria that allows the municipalities to bring certain project before the Council to discuss in terms of making map adjustments.

Ms. Swan reported on the three primary zones in the mapping which are the protection zone which is where the most critical resources are, conservation zone which is more open land/agricultural land which also needs to be protected, and existing community zone is where a certain level of development has already occurred. There are three sub zones within the major zones: conservation zone, environmental constraints, lake community sub zone. She stated the maps and models are available on the Highlands website.

She reviewed what the Highlands Act mandated the Council to do regionally based on the overriding goal to protect, restore and enhance the quality and quantity of surface and groundwater, preserving farmland, historic sites, preserving outdoor recreational opportunities, conservation of water resources, groundwater remediation and redevelopment. The goal for the preservation area are very protective and prohibitive and limiting to as much of an extent as possible, development which would incompatible with the preservation of the region.

She reviewed and provided maps for each of the municipalities on the lake including the lake management areas and sub-zones around the lake. Ms. Swan stated the plan conformance is equivalent or superior to plan endorsement because of the benefits one can derive from plan conformance process. She discussed the benefits to the municipalities of going through the conformance process. One of the benefits was grant funding available, approximately $4.5M annually, from the Highlands Council to municipalities for updating municipal plan or ordinances in order to be in conformance with the Highlands Master Plan. She also discussed the Council on Affordable Housing (COAH). She stated the Act was clear that the COAH had to consider the regional master plan for third round obligations.

She concluded her presentation and offered back to the Chair for comments or questions. The Chair stated there was a lot of information to grasp and opened to Commissioner for questions before members of the public.

Mr. McCarthy inquired if the concept of charging the end users for water use if it could go back to the Commission. Ms. Swan stated that the intent by the Council is that money would go back to fund preservation projects in the areas. Ms. Swan stated she believes the focus would be on preserving tracts of land within the region that are critical within the Highlands. Dr. Souza stating that the Commission needs implementation funding not planning funding. Ms. Swan stated that this year's priority for Highlands funding is working with towns to be in conformance with the master plan if the town chooses.

Mr. Felter stated that more education should be done statewide about water use and questioned if anything is being done to encourage people to use less water throughout the State. He also asked if any new reservoirs or water storage areas are being proposed. Ms. Swan stated that the North Jersey and New Jersey Water Supply Authority were looking to see if there were any other sites and it looked promising especially within the region. She also discussed the possibility of the Scrub Oaks Mine Storage which she thinks most people would support. Ms. Swan stated education is addressed in the Highlands Plan, but they have a lot to do right now with the plan adoption. Mr. Klipstein stated that New Jersey is redoing the statewide water management plan and in the plan there will be emphasis on reuse. Chair Ondish stated the water purveyors should be conducting water conservation outreach to their customers. There was discussion on other proposed dam projects that never came to fruition. Chair Ondish stated that there is the need to do better planning which is what the Highlands is all about

Mr. Fernandez asked how the Highlands Act directly affects Lake Hopatcong. Ms. Swan stated it will affect the lake by coming into conformance. The plan prohibits future development in the protection zone. The plan is data-rich to assist municipalities in making planning decisions. If there are septic systems in the area, they would promote a community system. Looking at teardowns around the lake, it would promote buffer areas for infiltration purposes. Mr. Borden stated the lake itself is primarily in planning area and the standards in the planning area are voluntary so it will depend on municipal decisions and whether they conform or not.

In response to Dr. Souza inquiry about septic density, Mr. Borden stated in the preservation area, the septic density are DEP adopted. In the planning area, the Highlands used a similar approach with an analysis of the nitrogen concentration based upon the zones to establish different targets. The Highlands septic density numbers are not as stringent as DEP. The plan does encourage for new residential development or redevelopment that do not have a conventional septic approach, sewers can be extended where appropriate or on-site advanced wastewater treatment can be considered.

Dr. Souza asked for clarification on the 1000 foot lake zone. Mr. Borden stated there is a lake management zone for all lakes over 10 acres or more and basically identified reuse zone to examine the impacts within the 1000 foot buffer. He stated the Highlands just finished a flyover of the region which has slope through LIDAR to refine the lake management zones. Mr. Borden stated there are exemptions in the Act pertaining to single family homes.

Ms. Macalle-Holly asked if the speakers could discuss the economic analysis that is being done by Highlands. Mr. Borden stated a baseline financial analysis of municipalities in the region was done and a build out of the region to project outgrowth and its financial implication. Mr. Borden stated there have been studies that show that land that has been preserved that their land values tend to go up.

Mr. Gruber asked about the source of Highlands grant funding. Mr. Borden stated that the Highlands legislation states a certain percentage from the realty transfer fund would be dedicated towards planning dollars. The Highlands has been saving the allocation from each year for total of $16M to be used for towns. Ms. Swan described how the funds would go to the 88 eligible municipalities for conformance with the plan.

Mr. Beebe inquired where the Highlands funds come from and where they go. Ms. Swan stated the funds are dedicated funds for the Highlands Councils through the realty transfer fee to assist the municipality. Ms. Swan stated the presentation would be available on the Council website.

In response to Mr. Kurzman's inquiry if the municipalities around the lake could receive money, Ms. Swan replied yes. He also discussed his concern on how the other parts of New Jersey will conserve water. He referenced the aquifer data on DEP website and asked if what drives the Highland Act, either aquifer data or water that is visible in the area. Ms. Swan stated it is primarily the water that is visible that is feeding the areas outside of the region. She stated the Highlands really protects the quality of the water that goes to the outer region. The Highlands is promoting both the protection and conservation of water. Mr. Kurzman discussed preserving the water in Lake Hopatcong by either raising the dam or increasing the depth of the lake. The lake cannot hold enough water because it is shallow and getting more shallow all the time. He asked if money from the Highlands could be used to improve the water quantity in the region. Ms. Swan stated the Highlands Council could recognize the Commission's issues and indicate this is something that needs to be address. The Highlands does not have a lot of money and she does not think the user fee would amount to a large amount of money. Mr. Kurzman stated how the Highlands Act did not allow for sewer systems in Lake Shawnee. Chair Ondish stated that it took Mount Arlington four years to get approval to extend sewer system, but a plan has to be put together. Ms. Swan stated that have worked with many communities where the Highlands addresses the septic issues if it becomes a safety issue.

Mr. Hodson discussed the water deficit area and Ms. Swan indicated these areas are mapped. He also asked about the lake management area which Ms. Swan provided further information. The first 300 feet are more protective, the water quality management tier is 1000 feet and the scenic resources tier depends on each lake. She stated the Highlands would like to get to the use of the LIDAR which is more logical to match drainage area. Chair Ondish stated that LIDAR is a way to scan to show topography including trees, wires, etc.

There being no further questions, the Chair thanked the presenters and indicated there would be a brief break.

Public Comment

At this time, Chair Ondish opened the meeting for public comment to address items on the agenda only. There was no public comment.

Chairman's Report

Chair Ondish stated there was a Funding Committee meeting on January 30. He stated on January 31, he was on the train to Washington and spoke to Governor Corzine. On February 9, the Chair attended a Sussex County event and spoke with Senator Oroho who replaced Senator Littell. He stated he is planning a meeting with the Senator regarding Lake Hopatcong. The Chair stated on February 15 he attended the Mayor's Green Economy Summit in Paramus where DEP Commissioner Jackson was a speaker. He spoke with her about the user fee issue. He stated the Funding Committee met again on February 15.

He welcomed Ray Fernandez to the Commission replacing Frank Hughes as the Morris County Alternate Commissioner. Mr. Fernandez is the owner of Bridge Marina, a local marina and he has been a member of the Funding Committee and attended many Commission meetings.

Chair Ondish stated last year Ms. Macalle-Holly had requested some assistance with clerical help. He stated she would be doing that again this year to help with clerical activity.

Chair Ondish took another moment to thank Mr. Grove for all the hours over the years he contributed to Lake Hopatcong. Mr. McCarthy asked Mr. Grove to share his experience. Mr. Grove stated he started with the Lake Hopatcong Regional Planning Board (LHRPB) in February 1977 representing Sussex County. He was the original Chair of the Lake Management Committee and later served as Chair of the Planning Board. He stated the LHRPB was fee-basis based on shoreline which was about $8K annually in dues for the weed harvesting program. Over the years, the LHRPB received grants to continue its efforts, but it got to the point where the Board could not generate enough funds. He stated he was going to slow down over the next year and focus more on his personal direction. He appreciated his time with the Board over the years and thank everyone for their friendship.

Old Business

Field Staff Report

Ms. Macalle-Holly stated she spoke with at Mr. Calderio and they are moving ahead on the repairs and he is working on obtaining quotes for a firm to repair the hydraulic systems. Several firms were contacted and only one responded that that they have a mobile technician service. A second firm was identified today with a mobile service and a second quote will be obtained. The rates from PowerTech in Mahwah is $102/hr plus mileage. The estimate is to replace the main pump, remove contaminated oil and metal in hydraulic lines, new oil, and pressure testing for both harvesters. The Chair stated it will also be a training to learn what is being done. Ms. Macalle-Holly responded that the number of hours could not be determined until the service tech saw the job. Once Mr. Calderio gets the second quote, he will work through the logistics to get the service technician access to the maintenance facility.

<u>User Fees</u>

The Chair stated that Mr. Felter volunteered to Chair the Funding Committee. Mr. Felter stated at the last meeting, that the Commission would implement a user fee. He stated that the Commission choices were to implement a user fee for a dedicated fund or the other option is to use up the remaining funds and the Commission would go away. Mr. Felter stated the Committee looked at many other alternatives, but the only option the State would approve is the user fee for boaters.

Mr. Felter stated the scope of work (SOW) for professional services to implement a user based fee was distributed. Using grant money from the State, $77K would be used to hire a professional to implement a user fee. The Commission has draft legislation and approval of the SOW would get the legislation finalized. He reported that the draft legislation charges a fee from $50-$100 using 6,000 boats as an estimate. He stated some of the grant money should be used to get each municipality to count the boats and number of docks. The committee is considering the first year fee to be $100, but would be pro-rated to $50 since it would not be implemented at the start of the boating season. The user fee needs to be implemented by the start of the new fiscal year, July 1.

Mr. Felter stated the next step would be to approve another SOW to have someone design the system that would implement the boat decal system. It would have to be re-visited next year to redefine it based on size or horsepower of boats. The legislation this year would include a daily. Chair Ondish stated this is all information that is being discussed in the committee, but is not finalized. The Chair stated the Commission needs to approve the draft SOW presented tonight for a professional to assist the Commission in the legislation. Chair Ondish stated that with the boat user fee, the Commission will have a solid source of funding.

Mr. Felter stated that the DEP has agreed to help the Commission with implementation and enforcement of boating decal. He stated he is concerned whether the commission will still have the means to implement and enforce the program with the Governor's slash and burn budget and proposed cuts.

There was discussion on how a proposed fee could drive boaters away and the impact on the local economy. Others indicated that boaters would not go to another lake just because $100 was being charged for Lake Hopatcong. Mr. McCarthy provided a recap on other alternatives the Commission proposed such as taking a percentage of the realty transfer tax from Morris and Sussex County and a surcharge on the state park visitors. Mr. Felter emphasized how little time the Commission has to implement the user fee program.

Chair Ondish stated that the DEP is not precluding the Commission from looking at other funding alternatives in the future, but DEP wants the Commission to focus on the boat decal fee now. Mr. McCarthy questioned why the Commission could not implement a system similar to the fishing licenses. Mr. DePalma asked if anything had changed since the last meeting when it was reported that other funding options were being considered. Mr. Felter responded yes that DEP would only approve a boat user fee this year and that is it.

Mr. Klipstein stated the State has put $6M in towards the Commission over the years. He stated across the country this is the most common approach to deal with the basic operations cost of a commission to go with a user fee that is collected from the local area. He continued that the user fee would be to support basic operations, but funding for other capital projects would have to come from grants. Mr. Klipstein stated the Commission could continue to go in front of the legislature to get its $800K appropriation, but that has not worked from the start and it is not working now. According to the Governor and the DEP Commissioner, the user fee is the one alternative that is going to work now.

Mr. O'Connor said that all the ideals the Commission came up with the DEP closed the door on the Commission. Mr. DePalma stated he felt like the Commision lost three months waiting for information from Mr. Zellner and now this is the only option being considered. Mr. Klipstein stated he would not worry much about the clock but would worry more about making progress.

Mr. Felter stated that conversation needed tonight is if the Commission is ready to do user fees and if so, the SOW needs to be passed to get this done. He inquired if all Commissioners received a copy of the draft legislation. He advised that the legislation should be sent to all Commissioners. Mr. DePalma stated that all the other options considered by the Commission should be communicated to the consultant. He also recommended that the Commission should decide what fee is charged and the legislation should still allow for the Commission to get an annual appropriation from the State. Mr. Felter stated that the legislation could include that the Commission reviewed other funding alternatives, but the bulk of the legislation would have to be user fees and how they will be implemented, as well as DEP helping with the implementation, administration and enforcement.

Mr. Klipstein emphasized that the legislation is draft, for deliberative purposes only. Mr. O'Connor asked if any Commissioner could attend the Funding Committee Meeting. The Chair advised that too many Commissioners could not attend because if there was a quorum it would have to be advertised. There was discussion on changing the proposed date for the Funding Committee meeting.

Mr. Klipstein stated the legislation started with a model similar to Lake George for charging different fees based on boat length. For administration purposes, the Committee decided on a flat fee for seasonal and weekly. There was discussion on other language in the legislation.

Ms. Gantert asked how many people were on the Funding Committee and was advised there are nine members. She stated every commissioner should be privy to the conversation at the Funding Committee meetings or be present at their meetings and should not be excluded. Every Commissioner should be involved in the discussion because it is extremely important. Chair Ondish stated the whole Commission cannot be involved in the meetings unless it is advertised as public meetings. He stated there are members of the public included on the Committee and only a certain number of Commissioners can participate in a committee meeting or else it has to be advertised as a formal meeting. Mr. Klipstein stated that since Mr. Fernandez was appointed to the Commission it would tip the balance of members on the Committee. The Chair stated the committee would have to be refigured. Ms. Gantert stated every member of the Commission should be involved in the user fees discussion.

Chair Ondish stated special meetings could be held, but every Commissioner will need to be there. After considerable discussion it was agreed that all discussion regarding user fees would be conducted at regular or special meetings and would be advertised.

Ms. Macalle-Holly stated if the SOW is approved, calls would be made to obtain three bids, the Chair would be authorized to hire a consultant and a contract will have to be prepared. Once the contract is signed, that is when the 21 days described in the SOW starts. Mr. Felter questioned if the SOW should have 21 days and suggested 14 days. Counsel Weyl stated the price would go up. Counsel suggested having the SOW include both 14 and 21 days in the SOW. The Chair stated the SOW is to work on the enabling language for user fees. Ms. Macalle-Holly stated that Counsel Weyl would work with Counsel Chudzik for editorial purposes and to include 14 and/or 21 days. Mr. Felter made the motion to approve the SOW as to be revised by Counsel. Mr. O'Connor seconded.

ROLL CALL:

Felter	Yes	O'Connor	Yes
Gantert	Yes	DePalma	Yes
Grove	Yes	Fernandez	Yes
Klipstein	Yes	Ondish	Yes
McCarthy	Yes		

Motion carried 9 to 0.

Alternate Location for 2008 Regular Meetings in Hopatcong Borough

Ms. Macalle-Holly stated after the resolution as passed last month, the Commission was advised that the Hopatcong Civic Center was not available. As an alternate location, Mr. McCarthy contacted the public schools and Mr. Servoss contacted St. Judes. Mr. McCarthy stated it was Hopatcong High School cafeteria or St. Judes' parish hall. Counsel Weyl recommended staying with publicly own property. Mr. McCarthy stated the school system has the Commission penciled in, but a facilities request must be completed and was given to Ms. Macalle-Holly to complete. Ms. Macalle-Holly asked that after a first meeting, if the recorder does not pick up the meeting, an alternate location should be considered. Mr. McCarthy said there is a public address system at the school. The Chair advised Ms. Macalle-Holly to advertise the new location.

Princeton Hydro Report

Dr. Souza stated he would provide a brief report. He stated user fees could possibly be used as match for state and federal grants. He stated a digital copy of the annual report was provided to Ms. Macalle-Holly and she would be sending to the Commission. The good news is the quality of the lake continues to hold its own. The work by the Commission is helping to save some of the increased eutrophication rates that would definitely be happening if the work was not being done. The bad news, which is supported by the stormwater data collected, is that a greater amount of phosphorus is coming into the lake particularly in the cove areas during storm events.

He stated approximately 1200 tons of weeds were removed from the lake last year which removed a lot of phosphorus. He stated with the way the winter is going, it will be another bad season for weeds like last year.

Dr. Souza reported on the 319 grant, stating that Hopatcong projects should be in the ground in the Crescent Cove area by Memorial Day. The Jefferson project on Castle Rock is under permit review by DEP.

Dr. Souza stated the Commission is purchasing stormwater automated samplers to collect samples from different locations at any time. Princeton Hydro will be conducting a training session and developing an operations manual for the staff to calibrate and operate the sampling device.

In response to an inquiry about funding from the Highlands, Dr. Souza stated that municipalities have to opt into the program to get grant money.

Sub-Committee Reports

There being no other reports other than the Funding Committee discussed earlier, the Chair moved to the next agenda item.

New Business

Scrub Oak Mines Presentation Announcement

The Chair announced that the Morris County Municipal Utilities Authority will do a presentation on the Scrub Oaks Mine Storage Feasibility Study at the next Commission meeting on March 17 in Jefferson Township.

Public Comment

Chair Ondish stated he would open the meeting to the public but wanted to note the Commission will need a brief executive session after the public comment before the meeting is adjourned.

Mike Brunson resident of Hopatcong stated he sits on the Funding Committee and was vehemently opposed to fees. He stated his position now is those who use the park pay a fee and those who use their boat on the lake pay a user fee which is the same as paying admission to the park. He stated something needs to be done because he does not want to lose the lake.

Cliff Bebbe, Beebe Marina, stated his business will be impacted when user fees are added because it will discourage a lot of people. He discussed how the State does not own the lake. He stated the people around the lake who own land have a right to use the lake. He stated outsiders should pay and not the people who are contributing their land to this lake. He stated it is law that the State should pay for the Commission.

Ron Sorenson, owner/operator of Lake Hopatcong Marina, San Bar Marina and Woodport Marina stated that marinas should have some input into how the user fees are put together because they will be the ones that will face their customers. He wants to make sure someone on the committee represents the marinas so there is input from them. He questioned how marinas could be fined if a boater does not have a sticker and thought it was harsh because he could not be a cop. He requested to see the legislation and comment on it. He stated when he has to ask for $100 from boaters it will take some time to speak to his customers. A nominal fee will not cover the time it will take for all the discussion that will take place. He requested a paper be put together to indicate why the fee is being collected and why state tax is not covering the fee. He stated the Commission is putting a big load on the marinas and encourages the Commission to get input from marinas. He asked if there was any information he could get out to his customers now. The Chair recommended that Mr. Sorenson advise his customers that some type of fee is coming.

Mr. Felter acknowledged that the Commission might not be able to get fees implemented this year and the Commission may have to use grant money to get through the year. Mr. Klipstein stated that the outreach piece is critical and needs to be done right.

Mr. Kurzman, resident of Lake Hopatcong Commission, asked about his role as a volunteer member of the funding committee. The Chair stated the Committee still exists, but meetings to discuss the user fee will be done at public meetings and will be advertised. Mr. Kurzman discussed the funding alternates that were considered by the Committee. He stated that the marinas would be in a hard spot now for saying there may or may not be a fee and people have already signed a contract for their dock space. Year one is important because that is when the Commision will get the data.

Robert Gruber, alternate commissioner for Mount Arlington, asked if the legislation is being modeled after legislation used elsewhere. The Chair stated that Lake Hopatcong Commission user fee would be a model for the State. He asked about the Commission's authority to determine the language in the legislation. Mr. Klipstein stated there is a legislative process and it could get changed along the way. He stated the initial draft legislation had changes made by the committee and still needs to be sponsored by someone.

Robert Place, resident of Lake Hopatcong, asked if the legislation would include only motorized boat, but indicated if it is a user fee it should be anyone using the lake. He also asked about people using the lake in the winter. He questioned about the legal issue.

There being no further public comment, the Chair asked everyone to step out so the Commission could hold an Executive Session. The Chair requested a motion to adjourn to Executive Session to discuss real estate. The motion made by Mr. DePalma and seconded by Mr. McCarthy was unanimous.

Mr. DePalma made the motion and Mr. Klipstein seconded the motion to return to open session. There being no further business, at 10:35 p.m., the motion to adjourn by Mr. Klipstein and seconded by Mr. DePalma was unanimous.

Submitted by: Donna Macalle-Holly