

# **Minutes of the Lake Hopatcong Commission**

## **February 20, 2007**

---

A meeting of the Lake Hopatcong Commission was held on February 20, 2007 at the Hopatcong State Park, One Lakeside Blvd., Landing, New Jersey. At 7:35 p.m., Acting Chair Grove called the meeting to order and stated that the meeting was being held in accordance with "Open Public Meetings Act."

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

### **Roll Call:**

Present: Eric Grove, David Jarvis, Daniel McCarthy, Richard O'Connor, Nicholas DePalma (Roxbury Alternate), Robert Mitchko (Jefferson Alternate) and Patricia Rector (DEP Alternate)

Absent: Colleen DeStefano, Elizabeth Gantert, Kenneth Klipstein, Charles Richman, Richard Zoschak, Arthur Ondish

Alternates Present: Frank Hughes (Morris County)

With seven members present at Roll Call, Acting Chair Grove declared a quorum.

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

### **Communications**

Acting Chair Grove asked for any comments or questions regarding the Communications. There being no comment on the communications, Acting Chair Grove continued to the next agenda item.

### **Treasurer's Report/Payment of Bills**

Acting Chair Grove stated a Revised Bill List totaling \$28,385.34 was distributed. He stated according to the Reconciliation Summary for period ending January 31, 2007, the Valley National Bank account had a register balance of \$204,763.66. Acting Chair Grove requested a motion to approve the Revised Bill List and Treasurer's Report. Mr. Mitchko made a motion to approve and Mr. O'Connor seconded the motion. [A copy of the Revised Bill List is available on file.]

## LHC 2/20/07 Meeting Minutes

---

### ROLL CALL:

Jarvis	Yes	Mitchko	Yes
McCarthy	Yes	Rector	Yes
O'Connor	Yes	Grove	Yes
DePalma	Yes		

Motion carried 7 to 0.

### **Minutes of Meeting of January 16, 2007**

Acting Chair Grove asked for any errors or omissions regarding the January 16, 2007 meeting minutes. Acting Chair Grove stated that under the Treasurer's Report/Payment of Bills, the date on the Reconciliation Summary Report should be corrected. On page six, "The average operating cost" should be changed to "The average monthly operating cost" and on page 6 correct the address for Jeanie. The Chair requested a motion to approve the minutes as amended. Mr. McCarthy made the motion to move minutes and Mr. Mitchko seconded. There being no further comment, Acting Chair Grove requested a roll call vote.

### ROLL CALL:

Jarvis	Yes	Mitchko	Yes
McCarthy	Yes	Rector	Yes
O'Connor	Yes	Grove	Yes
DePalma	Abstained		

Motion carried 6 – 0 – 1 (one abstention).

### **Public Comment**

At this time, Acting Chair Grove opened the meeting for public comment to address items on the agenda only and indicated there is a two minute limit per speaker.

Tim Clancy addressed the Commission as a private citizen of Lake Hopatcong regarding the funding issue stating it is similar to the issue the Lake Hopatcong Regional Planning Board (LHRPB) had. He discussed how the Commission should discuss a matching fund user fee concept which may gain attention from the State. He stated everyone he has spoken to is agreeable to the fee concept with the exception of the Commission. He stated the fee would need to be dedicated, go directly to the Commission and the State should match the funds derived by the user fee since the State has an obligation to fund the Commission. Mr. Clancy distributed a handout entitled, "Possible Land Based Funding Mechanism for Lake Hopatcong" which could be used as a model to get the user fee discussion started. [A copy of the handout is available on file.] The model is different than the fleet-based option used at Lake George, but he recommends it because it does not add an unnecessary layer of bureaucracy, but raises real money. If the State matches the funds proposed in the model, the Commission could raise \$950K. He discussed the difficulty in getting the Commission going again if funds should run out and the Commission would have to stop operations.

## LHC 2/20/07 Meeting Minutes

---

John Kurzman, resident of Lake Hopatcong, asked when the operations would end if the Commission does not receive more funding before June 30 or what the plans are. Although he supports the ideal for raising money for the Lake, he believes that an agreement should be discussed with the State ahead of time. He stated as a member of the LHRPB he believed disbanding the Board was appropriate because the plan was for there to be a Commission that came with money.

Mr. Kurzman also discussed how DEP gives funding to others such as \$2M to restore roof of Batsto Mansion as well as a funding to partially restore a tower in Edison. He discussed the rumor that there are politics involved in the Commission funding issue. He asked why the Commission cannot apply for capital improvement funds. In a DEP Press Release, it indicates there is \$15M until 2015 and \$32M between 2016...for maintenance and capital improvements in State Parks, historic sites and wildlife areas. He stated the entire lake is a State Park and questioned if the Commission is applying for the money. Although he has already been told the Commission cannot apply for these funds to run the harvesters, capital improvement is dredging or building a facility for the Commission which the Commission should be going after. He questioned why the DEP was not coming to the Commission's support at this stage with all the money it has for other projects. He also suggested the Commission should sell some advertising on the Lake.

Ms. Macalle-Holly referred to the communications package which included resolutions from other governing bodies supporting resolutions the Commission had previously approved requesting funds from the public question for capital improvements to fund the Commission's maintenance facility and office space. She stated the Commission is looking to access those funds for capital projects, but those funds are not available for operating expenses. Acting Chair Grove said those two projects were still outstanding from the Commission's original startup money.

Cliff Beebe, distributed copies of some pictures and questioned if the Commission did anything with the information he previously provided about the lake water level. Mr. O'Connor stated that Mr. Klipstein is working on it, but legally the Commission does not control the lake level. Based on his pictures, he questioned whether there would be water in the lake in time for the season which hurts business. He discussed the earth warming and affects on the change in the weather patterns on the Lake. He stated he did not see any reason why the lake should be lowered. He discussed the ice impacts on the dock pilings. He stated he opposed any additional taxation.

Mr. Beebe read a letter he sent to Governor Corzine. The letter discussed many issues regarding the lake level, funding for the lake, health impacts and how it is the duty of the State to maintain the aquatic highway. [Mr. Bebe did not provide a copy of the letter.] The Acting Chair thanked Mr. Beebe for his letter and his comments.

Daniel McCarthy, IV stated he collected \$4.02 to pay for the weed harvesters at school. Acting Chair Grove thanked Mr. McCarthy for his initiative and efforts. Commissioner McCarthy provided the background on how his son decided to help collect money for the harvesters.

## **LHC 2/20/07 Meeting Minutes**

---

### **Chairman's Report**

Acting Chair Grove stated the Chairman is not in attendance due to a work obligation and the Chair appointed Mr. Grove to sit in for him at tonight's meeting. Acting Chair Grove read the following report provided by Chair Ondish.

1/17/07- I attended the Mayors Legislative Day in Trenton. I spent time speaking with Ron Sworen, Mayor Frenchtown, Freeholder in Hunterdon County and also President of Conference of Mayors. He offered to help spread the word about our funding issues. He was going to be attending the US Conference of Mayors convention and would speak about it there as well.

1/24/07- Attended the Sussex County Freeholder meeting to thank them for passing two resolutions:

First supporting the LHC request to include construction for the list of proposed projects financed through the 2006 public question two.

Second in support of the state funding the LHC operating budget.

1/30/07- Had a Lake Hopatcong Summit, called by Senator Bucco, with several of our local legislators to discuss a strategy for funding. I will discuss this with everyone at our next meeting.

1/31/07- Interviewed by Chris DeBello from Clear Channel radio about our position with lack of funding for our operating budget.

Volunteered to be on the New Jersey League of Municipalities Legislative Review Committee-today was my first meeting- I spoke to elected officials from all around NJ about the LHC funding situation and asked for support by visiting our website, downloading letters and mailing them. I received very positive responses from everyone. I befriended a Councilman from Camden as well.

2/1/07- Received word that my friend Al Napoliello, a councilman in Randolph, brought up the subject at his Council meeting, per my request at the Legislative Review Committee meeting, and they unanimously passed a resolution supporting the LHC in our funding efforts.

2/1/07- Went on the "Walk to Washington", which is a train ride from Newark to Washington DC and a great networking opportunity. Governor Corzine addressed the group in Newark prior to our departure. I spoke to the Governor immediately following his talk. I told him I mailed letters and he has not responded. Told me he did not read my letters. Told his aide to give me his phone number and that we need to sit down and talk about this situation. He sounded very sincere and positive. I did call his office the following day and am on the list to meet with the Governor. Do not have an exact date and time yet but will continue to call until I have a meeting to discuss our funding.

Just a quick explanation of my thoughts on "Selling Lake Hopatcong". The reason behind this is simple. One definition of insanity is doing the same thing over and over, the same way, and expecting different results. Well this Commission and the Regional Planning board have been fighting with the State for funding for 30 years. I

## LHC 2/20/07 Meeting Minutes

---

think it is time to look in a different direction. The state has been telling us to find supplemental funding. I personally do not think it is right or ethical for the State to expect someone else to pay for the maintenance of Lake Hopatcong yet still have control of the lake. I think it should be either they pay and control or give up control to someone else. Someone else can be a private person, group, association, alliance or what might work well is the two Counties. Think about it, if the two Counties controlled the lake, there would be closer control, local police control and fees imposed would come directly back to the lake. I know this would be a huge undertaking that would take a long time with many details to be worked out. The point is we need to do something, one and for all, to end this waste of time and effort. We can debate this at our next meeting but I just wanted Eric to let you know my thoughts since I am not here tonight to tell you. Please feel free to email or call me at any time with any thoughts you may have regarding this situation.

Acting Chair asked for any comments on the report. Mr. McCarthy reviewed several news articles from the 1970s about saving the lake and efforts to get funding for the lake. He discussed his fear with the matching funds approach because the State might not be able to match Commission funds or the funds would not be dedicated to the lake.

Mr. O'Connor stated that if the Commission does go out and aggressively seek other funding, it could be the Commission's downfall. Mr. McCarthy stated something needs to be done in the short-term and he does not know where the staff will go. He stated he hopes that the towns may be able to absorb our staff into their DPWs. He stated that there would be no weed harvesting, but if the staff is absorbed into the municipal DPWs, when everyone wakes up and realizes what a disaster the lake is without weed harvesting, the Commission staff would be able to return.

Acting Chair Grove stated the Commission is on a course where it will run out of funds sometime around the end of April. Mr. McCarthy stated he floated his ideal to the Hopatcong representatives and stressed the importance of keeping the Commission staff together.

### **Old Business**

#### Field Staff Report

Ms. Macalle-Holly stated the field staff is continuing with the equipment maintenance and at this time they are on schedule to have the repairs completed by the end of March or early April. She stated some necessary purchases from Aquarius need to be made over the next couple weeks to continue work on the equipment repairs.

#### USGS Contract Renewal

Ms. Macalle-Holly stated Chair Ondish advised her that USGS contacted him regarding the Commission's revisions to the contract. USGS advised that they could not accept the contract with that language and would be preparing another contract for the Commission to consider. She stated the contract is for the gages at dam and down river. In response

## **LHC 2/20/07 Meeting Minutes**

---

to Counsel's question, Ms. Macalle-Holly indicated it is her understanding that the USGS is aware of the funding situation and will address the issue in a revised agreement.

### Commission Funding Letter Writing Campaign

Ms. Macalle-Holly reported that last month Chair Ondish discussed getting the public involved in a letter writing campaign. She stated that Jefferson Mayor Felter took the initiative to call a meeting for interested individuals and businesses around the Lake to garner support and get a letter writing campaign going. The meeting took place on January 25 at Camp Jefferson and approximately 70 people attended. She stated that Mayor Felter's intent for the meeting was to garner community support for the letter writing campaign. However, some members of the audience talked about supplemental funding and other types of funding alternatives like those being considered for Greenwood Lake. She stated Jefferson Township put together a letter and it is available on their website. The Commission website has a link to the Jefferson Township letter. Ms. Macalle-Holly acknowledged Mayor Felter's efforts on the Commission's behalf.

Mr. Clancy interjected that the Knee Deep Club sent emergency communications to its 1,000 members for lake residents as well as members outside of the lake region. Mr. Clancy stated that 65% of the club's members live outside the area codes represented by the towns around the lake.

### Heritage Conservancy Low Impact Development Training/Byram Township Lake Seminar

Ms. Macalle-Holly stated she attended both the training session and seminar. On February 10 she attended the Low Impact Development Training for the Musconetcong River Watershed and discussed the handouts distributed. During the training, a presenter discussed the work the Lake Hopatcong Commission was doing. Ms. Macalle-Holly stated she invited representatives from the Musconetcong River Watershed Association to participate in the Commission's semi-annual TMDL meetings. She stated the Conservancy is available to review municipal ordinances to review them for low-impact development techniques. The Conservancy would conduct this process free-of-charge and would need to meet twice with representatives from the towns.

She also reported on Byram Township Tough Love for Lakes Seminar on January 29. Fran Smith from the Coalition of Lake Associations (COLA) spoke and the meeting was well attended. The focus of the meeting was on how to better manage lakes. She stated during the COLA presentation, Ms. Smith stated when Lake Mohawk was planning its lake restoration strategy, they reviewed alternatives and dredging was ruled out opting instead to go with other lake management techniques to reduce the phosphorus going into the lake. During the seminar, a consultant spoke about the importance of addressing the non-point sources first before considering dredging as an option.

### **Princeton Hydro Report**

Dr. Lubnow distributed summaries of the 2006 Lake Hopatcong Monitoring Report and provided two digital copies for the Commission and DEP. He briefly discussed some of the findings from 2006. In terms of overall water quality, 2006 was slightly better than 2005; however, 2004, 2005 and 2006 water quality has been lower relative to 2000 through 2003. The primary reason is precipitation. During 2000 through 2003, they were very dry years, particularly in 2002. When you have very dry years, there is not as much rain washing the nutrients and solids from within the watershed into the lake. He further reported that in 2006, there was a dry spell during the summer with some periodic storms, but the dry conditions explain why there was slightly better water quality relative to 2005. To summarize, Dr. Lubnow stated that the more rain you have, it washes the nutrients from the watershed into the receiving waterways. This causes the phosphorus and nitrogen to fuel algal and weed growth while the solids increase sedimentation and reduce watershed depth. The goal of the Lake Hopatcong restoration plan is to reduce the pollutant loads before they go into the lake which is what the 319 BMP projects will focus on.

Dr. Lubnow stated the monitoring report was expanded to include the tributary and stormwater monitoring. The Commission staff was trained to collect water samples for baseline sampling during non-storm events of the streams going into the lake. As part of the 319 grant, the staff was trained to collect stormwater samples. The 2006 database includes stream data during non-storm event conditions and stream data during storm event locations, although they are different locations. During the baseline conditions, phosphorus and TSS going into the lake is extremely low which is what you would expect, but during storm event there were high concentrations of phosphorus, nutrients and solids going into the lakes.

Dr. Lubnow stated that scientific literature indicates that for the most part, the majority of phosphorus in stormwater is absorbed onto sediment. For example, 80% of the phosphorus in stormwater is stuck onto dirt that is being washed into the lake. He reported that in the four sites monitored in Lake Hopatcong, the solid load varied between 0%-50% which means there is more phosphorus in the stormwater. He stated this is important because the BMP structures to be installed are specifically identified to remove solids and have a filter media to absorb the phosphorus that is coming in.

He stated the report also discusses that approximately 6% of the phosphorus in the lake is being removed from the weed harvesting program.

He also reported on the 319 grant stating that the plan and the permit for the Jefferson project are still be finalized by Princeton Hydro. He stated that as soon as PH received the revised bid specs, he would like to go out to bid as soon as possible to select contractors to install the three BMP structures in Hopatcong.

Dr. Lubnow discussed the Jefferson Township project for Lake Shawnee to develop an on-site wastewater management plan. A plan to prioritize locations based on existing

## LHC 2/20/07 Meeting Minutes

---

groundwater, soils and topography of Lake Shawnee was developed. The long-term goal of the Lake Shawnee project is to reduce phosphorous coming from the Lake Shawnee watershed which accounts for 7% of the annual phosphorous load entering Lake Hopatcong. Residents of the Lake Shawnee community will participate in this project.

Mr. McCarthy noted that the Water Quality Report Summary indicated there was brown trout habitat throughout the entire 2006 growing season which are consistent with those measured in previous monitoring years at Lake Hopatcong. Dr. Lubnow clarified that PH has continuous data on Lake Hopatcong since 1990. Dr. Lubnow stated there was optimal trout habitat in May and June and there was a carryover habitat in July and August and optimal habitat returned in September. Mr. McCarthy requested that a copy of the monitoring report be sent to Fish and Wildlife. Dr. Lubnow agreed to send Ms. Rector another disk to send to F&W.

In response to Mr. McCarthy's inquiry, Dr. Lubnow stated the ice and snow cover on the lake certainly helps stunt the weed growth. He did discuss another problem that is occurring in other lakes in New Jersey that even though the lakes are iced over there are large sections of the lakes that did not ice over. Princeton Hydro is getting calls from lakes inquiring why this is happening. Dr. Lubnow stated since this is occurring regionally, because of the mild, warm winter up until January and when the freeze occurred later in January it did not allow the seasonal release of the heat. What happens is that the temperature instead of being between zero to four degrees Celsius in the lake is actually five to six degrees Celsius so there are slightly warmer waters under the ice and that helps to erode the ice which causes these patches of open water. Dr. Lubnow stated this is occurring through the State of New Jersey. Ms. Macalle-Holly stated that Lake Hopatcong has large areas of open water across the lake. The Knee Deep Club canceled their ice-fishing contest. She stated that areas of the Lake have open water this winter that were iced over last year. Mr. Clancy and Dr. Lubnow discussed how the bird activity can prevent freezing in certain areas. Mr. McCarthy stated that there were pressure ridges in the lake in spots where they never were. Areas of open water were by Bertrand Island, Sharp's Rock, Chestnut Point, by Barnes Bros and Prospect Point.

Mr. Jarvis questioned if the lake were not drawn down, what impact it would have on the weed growth or TMDL. Dr. Lubnow stated it would not impact the TMDL. If you drawdown and have very cold conditions before there is snow, you can kill a lot of species of plants. It is the freezing of the sediment that helps to kill a lot of the species of plants. He stated there are some species that actually do better in that situation because they are tolerant of that. Dr. Lubnow stated that when using extensive drawdown for weed control, you should alternate to every second or third year to keep the aquatic plant community off balance. He stated it would work for aquatic plant control for many of the nuisance species, but you are at the mercy of the weather because you need freezing condition before the snow. If the snow comes first, it acts as insulation. Dr. Lubnow stated you need snow over the ice to prevent the sun from penetrating through the ice. He stated that with the milder winters, the weed growth starts earlier and earlier.

### **Sub-Committee Reports**

## LHC 2/20/07 Meeting Minutes

---

Acting Chair Grove asked if there were any sub-committee reports. Without any, he moved to the next agenda item.

### New Business

#### Grant Funding

Acting Chair Grove asked if there was any report from Mr. Klipstein's office. Ms. Rector stated she hoped she would have more information. She stated that Mr. Klipstein is trying to work out details for a short-term solution. He hopes to have an answer momentarily. Mr. McCarthy asked if it may require an emergency meeting. Ms. Rector indicated that is a possibility. Acting Chair Grove stated the Commission hoped there would be more definitive information in the last couple weeks. He stated the Commission should schedule a tentative meeting the week of March 5. Ms. Macalle-Holly stated she would check Commissioners' availability for that week and would arrange for a meeting location based on availability. Mr. O'Connor made a motion to schedule a special meeting and Mr. Mitchko seconded. Mr. McCarthy asked for any information to be made available prior to the meeting if possible. There being a unanimous "aye" the motion carried.

Ms. Macalle-Holly stated there was one other issue relative to grant funding. She reported that that Commission received the EPA Targeted Watershed Grant (TWG) Agreement, but the EPA needed to make a correction in the grant agreement and asked to have it returned. The EPA requires that the signed grant agreement be returned within 21 days upon receipt. The TWG grant from the EPA is for \$745K with matching funds of \$248,349 based on match from the Commission and the four municipalities, the counties and DEP. If the Commission wants to move forward with the grant agreement, the Commission could authorize the Chairman to enter into the EPA TWG grant agreement contingent upon Commission funding. This way if the Commission receives the grant, it could be returned to the EPA within 21 days. The EPA anticipates they will be sending the revised grant agreement by the end of February and it would need to be returned to the EPA prior to the March 19 regular meeting. Mr. McCarthy made the motion to authorize the chair to enter into the EPA TWG grant agreement contingent upon Commission funding and Mr. Mitchko seconded.

#### **ROLL CALL:**

Jarvis	Yes	Mitchko	Yes
McCarthy	Yes	Rector	Yes
O'Connor	Yes	Grove	Yes
DePalma	Yes		

Motion carried 7 to 0.

#### Support for US EPA Targeted Watershed Grant (TWG) Program Funding

## LHC 2/20/07 Meeting Minutes

---

Ms. Macalle-Holly stated two draft letters were distributed tonight addressed to the EPA Administrator and the other letter would be sent to Senators and Congressman for support of continuing funding of the TWG program of which she just reported that the Commission received \$745K from. The purpose of the letter is to urge the EPA to allocate at least \$16.6M in FY07 for the TWG program which is comparative to the current funding level. She stated she spoke with Cyndy Kopitsky, the Commission TWG project office and Ms. Kopitsky encouraged the Commission, as a TWG recipient, to send a letter to support funding for this program. The letter addressed to the elected officials also summarizes the TWG for Lake Hopatcong and the anticipated outcome of the grant. Mr. Grove requested a motion to authorize the Chair to send the letters in support of funding for the TWG program from the EPA. Mr. McCarthy made the motion and Mr. Mitchko seconded. There being a unanimous "aye" the motion was carried.

### Resolution 07-04 - Authorization to Reduce and/or Cease Lake Hopatcong Commission Operations

Acting Chair Grove added an agenda item to address the Commission's situation with funding and its future direction. He stated that the Commission must be realistic of the fact that the checkbook is getting drawn down and the Commission does not have any credit cards or a way to manufacture money. He stated the Commission is trying to move forward with business while at the same time being concerned about how long it can continue to operate. He directed Counsel to review what he prepared for the Commission's consideration to address the issue. Counsel Weyl stated it is a proposed resolution to authorize the Commission and DEP in the event there is not any money to reduce operations or to take any necessary measures and give any needed notices. Mr. Grove stated that if the situation does not turnaround as anticipated, the resolution puts a framework in place for the Commission to act. In response to Mr. McCarthy's inquiry, Counsel Weyl stated that Counsel Chudzik spoke with DEP and a 45-day notice is not necessary because the operations are below a certain threshold. Mr. Grove read the resolution into the record. Counsel stated that since Ms. Macalle-Holly is not a DEP employee, Commission employees should be added to the resolution. Counsel stated the resolution provides generic authorization for DEP and Commission employees to shut down the operations if funds are not available. Ms. Macalle-Holly stated that the resolution is enabling those involved to send notices to employees and take whatever necessary action to close down the Commission operation if funding is not available. In response to an inquiry as to what would happen if the Commission did not pass the resolution, Counsel Weyl stated that passing this resolution is good business, that the Commission has a fiduciary responsibility and if there is litigation, you want the State to defend you.

Acting Chair Grove stated that the Commission no longer has residue carryover and although approximately \$900K was requested, the Commission only received \$400K in funding. He stated there are still efforts going on behind the scenes with elected officials, the letter writing campaign and the Chair's efforts, but passing the resolution is the prudent option.

## LHC 2/20/07 Meeting Minutes

---

Mr. O'Connor made a motion to approve the resolution as amended and Mr. McCarthy seconded. The final resolution resolved that the Commission authorizes its counsel, Commission employees and all appropriate officials with the NJ DEP and DOP, as these may be applicable, to issue all appropriate notices and take all needed measures to reduce and/or cease operations, as the Commission may so determine, subject to available funds. [A copy of the resolution 07-04 is available on file.]

### **ROLL CALL:**

Jarvis	Yes	Mitchko	Yes
McCarthy	Yes	Rector	Yes
O'Connor	Yes	Grove	Yes
DePalma	Yes		

Motion carried 7 to 0.

### **Public Comment**

Acting Chair Grove opened the meeting for the second round of public comment.

Michael Brunson, resident of Maxim Drive in Hopatcong, thanked the Jefferson's Mayor for his action to get something going on funding. He inquired about the meeting the Chair attended regarding the State Police. Ms. Macalle-Holly responded to his inquiry stating that a second meeting was held and participants are examining how to best cover patrols for the lake based on resources and funding. Participants did include Hopatcong State Park rangers. She stated the Chair reported there would be another meeting. Mr. Brunson reiterated how citizens complained back in 1978 and the Governor and Legislature reacted. He stated everyone's involvement is needed. He suggested the Commission take measures to close the lake. Mr. Hughes stated the Commission does not have the authority to close the lake. He asked again about the status of the Supplemental Funding Committee and why there has not been a committee meeting since September 18. He stated there are people that want to help, but they cannot do it without guidance from the Commission. Ms. Macalle-Holly stated that in the Chair's report read earlier in the meeting, the Chair had a discussion with the legislators about supplemental funding for the Commission and the Chair would be reporting on this at the next meeting. Ms. Macalle-Holly stated the Commission is not authorized to do anything with supplemental funding until there is a statutory change.

Mr. McCarthy stated the Commission will shut down in April without additional funding and the other issue is to solve the funding issue permanently.

Michael Brunson stated thirty years ago, fees paid for the marine police services and those fees were then put into the General Fund.

Tim Clancy discussed how the anglers lobbied to increase their fee because they knew the Division of Fish & Wildlife that did work to benefit their sport, were going bankrupt. He stated user fees can be dedicated. He stated the Commission needs to distinguish

## LHC 2/20/07 Meeting Minutes

---

itself from other groups that are also in desperate situation by getting started to aggressively pursue a user fee revenue stream by next year's budget.

Jeremy, resident of Jefferson, suggested that the Commission send notices that it will be shut down. Mr. O'Connor stated it has been on the radio, newspapers and TV about the Commission closing.

Estelle Klein, Hopatcong Councilperson, directed a question to legal counsel asking if the Hopatcong governing body has the right to empower the marinas within their jurisdiction to charge a fee for people using the lake to fund the lake. Counsel advised that she should check with Hopatcong's municipal counsel to see what the Borough can do. Ms. Klein stated she would ask her council tomorrow night. She asked Mr. McCarthy for a copy of the Lake Hopatcong Protection Act.

Michael Brunson suggested a local tax by the municipalities similar to Atlantic City parking tax. Counsel stated towns have different forms of government so it depends on the town's charter.

Mr. McCarthy suggested the Commission develop a model ordinance so there is consistency around the lake and then approach each municipality to use the full extent of their powers.

John Kurzman stated he was nervous about the resolution that was passed. Counsel clarified for Mr. Kurzman that the Commission will take the necessary steps to stop the Commission's financial obligations which are occurring. Counsel stated only the legislature can take away the Commission's authority. Mr. Kurzman had questions regarding the Commission's legal counsel and the Commission's shutdown process. He also questioned why if the maintenance of the Edison Tower is receiving funding and there are salaries involved to do that maintenance project, why the Commission is not able to receive funds to maintain the lake. Ms. Macalle-Holly stated the Commission was advised that the funds from the public question were for capital improvement projects and not operating cost such as salaries. Mr. Kurzman pointed out that capital improvement projects include salaries and perhaps the Commission should bid out the weed harvesting as a project to be able to access the public question funds.

Tim Clancy stated he would pay a user fee. He pays \$10,000 annually for property taxes and his home would be worthless if the Commission ceases operations. Mr. Clancy urged the Commission to stop dodging the issue of user fees. He stated everyone that he explains the user fee ideal to, when its explained correctly, embraces it.

Councilperson Klein stated she is a lakefront homeowner and she is willing to give some money for it.

Cliff Beebe asked if anyone had explored getting money from the gasoline tax on the lake. He inquired since Lake Hopatcong is an aquatic highway, has anyone approached the road departments for money for the lake.

## LHC 2/20/07 Meeting Minutes

---

John Kurzman inquired why the Commission is not questioning why he cannot get funds from the public question to maintain the lake other than for a building. He also brought up the snowmobiling accident death that occurred on the Lake over the weekend. He asked why the Commission did not have the snowmobiling regulations on its website.

Councilman Bunce from Hopatcong suggested that for Tuesday, March 6 the Hopatcong Council Chambers may be available for the Commission's use. He also addressed previous comments about shutting down the lake and indicated if there is not any weed harvesting, the lake will shut itself down. He also addressed the environmental aspects of the lake and urged theDEP to take that into consideration to preserve the watershed.

Ms. Macalle-Holly stated that on Wednesday, February 28, Roxbury Township Environmental Commission is hosting a free workshop in conjunction with ANJEC on Your Town's Future. How Towns Can Use a Buildout Analysis to Build a Better Tomorrow.

The Acting Chair thanked everyone for their participation and for bringing their ideals forward. He will report back to the Chair with some of tonight's recommendation. He stated the Commission will continue to work towards a more fruitful solution than it seems right now. Mr. Mitchko made a motion to adjourn at 9:30 and Mr. Jarvis seconded the motion. There being a unanimous "aye" the motion was carried.

Submitted by: Donna Macalle-Holly