Minutes of the Lake Hopatcong Commission
February 21, 2006

A meeting of the Lake Hopatcong Commission was held on February 21, 2006 at the Hopatcong State Park, Lakeside Blvd., Landing, New Jersey. At 7:32 p.m., Chairman Ondish called the meeting to order.

<u>Salute to the Flag</u>: Chairman Ondish and all those in attendance joined in a salute to the flag.

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

<u>Roll Call:</u>

Present: Colleen DeStefano, Eric Grove, Walter Kerner, Kenneth Klipstein, Herman Volk, Daniel McCarthy (Hopatcong Alternate), Nicholas DePalma (Roxbury Alternate) and Arthur Ondish

Absent: Elizabeth Gantert, Richard Hodson, David Jarvis, Wayne McCabe, Richard Zoschak

Alternates Present: Frank Hughes (Morris County Alternate); Richard O'Connor (Mt. Arlington Alternate), Patricia Rector (DEP Alternate)

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

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

<u>Guest Speaker – Doug Jay, Watershed Ambassador</u>

Chair Ondish introduced Mr. Jay and he discussed the Ashley Cove Riparian Restoration. He briefly described the Watershed Ambassador Program which is an Americorp Program ran through NJ DEP. He stated the office he works with is the North Jersey Resource Conservation and Development Council (RC&D) and described the riparian restoration work in streams the RC&D does to improve water quality in certain areas, but the RC&D is currently trying to do more work with lakes. He stated that NJ DEP has conditionally approved the Ashley Cove Riparian Buffer project on Lake Hopatcong in Jefferson Township. The exact date for the project in the spring is unclear and volunteers are needed. He provided handouts (available on file) on riparian buffers and their importance. He also stated that on March 22, Jefferson Township Environmental Commission is having a lake association meeting where more details on the Ashley Cove project will be discussed. Ms. Macalle-Holly stated that Ashley Cove is the cove that was recently purchased through Morris County Open Space and the Commission docks its harvesters at this cove on the corner of Ripplewood and Espanong Roads. Mr. Jay stated he would notify the Commission about future developments with the project and thanked the Commission for its time. Ms. Macalle-Holly stated she would email the press release issued by Jefferson Environmental Commission for the lake management meeting.

Communications

Chair Ondish stated that Communications should be added to the agenda at this time and inquired if there were any questions on Communications. Chair Ondish asked for a letter to be sent to Alex Banos in response to his letter about dock widening and to advise him to deal with the State Park. There was discussion on which towns require construction permits for docks and Mr. Klipstein discussed the meeting the Commission had with municipal representatives on dock construction permitting. Chair Ondish stated that Mount Arlington has an ordinance in place to address dock construction. Chair Ondish asked Mr. Volk to look into the State construction code issue for dock construction and Ms. Macalle-Holly stated she would provide a copy of the UCC code to Mr. Volk. Ms. Macalle-Holly stated she contacted Mr. Banos to advise him that permit applications for docks are handled through the Hopatcong State Park. Mr. Klipstein stated that when the Commission met with construction officials from the Towns, they referred to a letter from Community Affairs Code Standards that a standard for docks was developed and there was a jurisdictional question of whether the towns could be issuing dock construction permits. There was concern about liability in doing that. Mr. Volk stated he would look into this. Ms. Macalle-Holly stated that dock permits still need to be applied for through Hopatcong State Park. Chair Ondish asked Mr. Klipstein to organize another meeting with the towns to address this issue.

Treasurer's Report/Payment of Bills

Mr. Grove stated the Reconciliation Summary, as of January 31, 2006 had a register balance of $471,570.20 in the VNB account. He stated a Revised Bill List of $20,994.89 was submitted for review. Mr. Kerner made a motion to move the Revised Bill List. Mr. DePalma seconded.

ROLL CALL:

DeStefano	Yes	Volk	Yes
Grove	Yes	McCarthy	Yes
Kerner	Yes	DePalma	Yes
Klipstein	Yes	Ondish	Yes

Motion carried 8-0-0.

Minutes of Meeting of December 19, 2005

Chair Ondish stated since there was a lack of members at the January meeting, the minutes were not approved. He asked for any changes to the December 19 minutes. There being no corrections to the minutes, Mr. Grove made a motion to move the December minutes. Mr. McCarthy seconded the motion.

ROLL CALL:

DeStefano	Yes	Volk	Yes
Grove	Yes	McCarthy	Yes
Kerner	Yes	DePalma	Yes
Klipstein	Yes	Ondish	Yes

Motion carried 8-0-0.

Minutes of Meeting of January 17, 2006

Chair Ondish asked for any changes to the minutes. Mr. Kerner asked that his name be changed from Ms. Kerner to Mr. Kerner on page 9. Mr. Kerner made a motion to move the January minutes with the change. Mr. DePalma seconded the motion.

ROLL CALL:

DeStefano	Yes	Volk	Abstained
Grove	Yes	McCarthy	Abstained
Kerner	Yes	DePalma	Yes
Klipstein	Yes	Ondish	Yes

Motion carried 6-0-2 (two abstentions).

Ms. Macalle-Holly thanked her co-worker Mr. Clark for making copies and sending out the meeting package while she was at the TWG conference.

In response to an inquiry about removing the first public comment period, Chair Ondish directed Mr. McCarthy to review the January minutes for the discussion about this issue.

Chairman's Report

Chair Ondish thanked the Commissioners that attended the site visit at Picatinny and a lunch. He stated that it is amazing to see the equipment that the Commission has stored in the 10,000 sq ft building and there is about 5 feet remaining. He stated he was impressed with the work the staff was doing and thanked the staff for their participation in the site visit and for arranging the visit.

He also discussed the trip to Albuquerque where he, Ms. Rector and Ms. Macalle-Holly along with Chris from Princeton Hydro attended. He stated is was a great opportunity to learn what is going on in watersheds across the United States and there is a common thread of trying to improve the environment although there are different challenges that face each TWG project. He stated that the EPA did a good job of developing the agenda to share best practices and to provide a learning environment for the participants. He commended Ms. Macalle-Holly, who was the first presenter at the conference, on the presentation. Chair Ondish stated he made many contacts with the EPA and other attendees at the conference.

Ms. Macalle-Holly stated her major take away from the conference was that in order for the President and Congress to continue to fund the EPA Targeted Watershed Grants going forward, the EPA is looking for the 2005 grant recipients and past grant recipients to promote the knowledge transfer of their project. Lake Hopatcong needs to transfer the results of our projects to other watersheds to see improvement in the water quality nationwide. Chair Ondish stated the EPA strongly encourages past grant recipient to attend the conference every year to share their project information.

Ms. Rector concurred with Chair Ondish stating that Ms. Macalle-Holly did a great job in representing the Commission and putting together the conference handout, which is being circulated. Chair Ondish thanked the Commissioner for sending the team and stated he thought it would be beneficial to send someone again next year.

He also thanked Mr. Risko for reviewing the site plans and thanked Dr. Souza for the document he prepared on the site plan reviews. Chair Ondish stated Mr. Risko was addressing the impervious coverage in the site plan reviews, which is an important issue. He stated that in Mt. Arlington if you increase the size of your dwelling by more than 20%, it must go to the Land Use Board. He stated Mt. Arlington would be changing the 20% to a much larger percentage since the town now has sewers. Mr. Klipstein stated that sewers move the water that would have otherwise been recharged, and discharges it somewhere else. Chair Ondish stated that Mt. Arlington is working with residents because they want to make sure the impervious issues are covered because the recharge is so important and impervious coverage would not be changing in Mt. Arlington. He stated the Borough is working to use grass pavers instead black top and cement so it allows recharge. Mr. Klipstein offered to review Mt. Arlington's proposed ordinance.

Chair Ondish discussed again the audit the Commission should have. Ms. Macalle-Holly stated the DEP Office of Audit had previously conducted a partial audit. He stated that the agenda includes a resolution to create audit and evaluation committees and volunteers would be needed. The committee would make a recommendation for an auditor for the Commission. Ms. DeStefano questioned if the Commission had qualified people to serve on the committee and stated that the staff cannot be involved in the committee so Counsel would have to work with the Commission on this. Counsel Weyl stated he would be involved in the Committee.

Old Business

Field Staff Report

Chairman Ondish asked for any questions regarding the Field Staff Report. Ms. DeStefano stated that until she went on the site visit, she was unaware that because of staffing with seasonal employees there were days when the equipment was not used which reduced the Commission's performance level in cutting the weeds. She stated this should be taken into consideration when the Commission discusses staffing for the summer. She stated there was damage to the equipment by seasonal workers and the Commission should not have its performance decline in its efforts to save money. Mr. McCarthy discussed the importance of the Commission's shared services program to clean and maintain the catch basins with the towns and questioned if that program would suffer with the staffing level to fulfill it. Mr. Kerner stated the Commission is getting an excellent return on investment because of the proactive maintenance program. He stated because of the small staff size they may not be able to get the equipment together and back in the water and is a serious issue that needs to be addressed.

Targeted Watershed Grant Conference

This was discussed during the Chairman report. Ms. Macalle-Holly stated that the work plan has to be submitted to the EPA by March 1. The grant work plan should focus on the project outcomes.

Princeton Hydro Report

Dr. Lubnow stated that PH is working on the EPA grant narrative and Ms. Rector provided the public education portion of the grant as well as DEP's contribution toward the grant for in-kind services. He is also working on restructuring the budget. He will provide Ms. Macalle-Holly with the in-kind contribution for each municipality and the related tasks. He will need hourly rates and salaries from municipality for the budget. Ms. Macalle-Holly stated that she and Mr. Clark are scheduled to meet with the municipalities to review the in-kind contribution. Dr. Lubnow stated that other than employee's time toward the grant, other cost to the municipality could be property survey costs. Dr. Lubnow stated that in the EPA Grant original scope of work, PH priced out sand filters, but he recently received pricing for the certified retrofits, which cost less than the originally priced BMPs in the grant. Dr. Lubnow stated the one small project in Hopatcong is the installation of the iron-oxide sleeves, which is not a certified technique and will be considered a demonstration project. Ms. Macalle-Holly stated that Jefferson Township did agree to install the actual devices, which would be used toward the grant match.

Dr. Lubnow stated that there was a meeting tonight to discuss the 319 grant. He stated the Quality Assurance Protection Plan (QAPP) for the monitoring would be submitted within the next few days. After the locations are finalized which will be done as part of the QAPP, they will move forward with the design work.

Dr. Lubnow stated he submitted the final report for the 2005 monitoring. Ms. Macalle-Holly stated the 2005 monitoring report would be available on the website so Commissioners can review it. Ms. Macalle-Holly stated at the TWG conference, each grant recipient was asked to bring an item to include in a time capsule. Two pages of tables from the long-term monitoring report to track the phosphorus and water clarity were included in the EPA time capsule.

Dr. Lubnow stated that he recently visited Lake Mohawk to address their questions about weed growth underneath the ice. Dr. Lubnow stated it was curly leaf pondweed, which is a cold-water tolerance species. Since there was little ice and very little snow, he anticipates it will be a heavy weed harvesting season and will start early. Chair Ondish asked if anyone could remember a year when the lake did not freeze. Mr. McCarthy stated his personal records go back to 1980 and he never remembers anything like this. Dr. Lubnow stated he has been working with Lake Mohawk since 1992 and this is the first time he could remember in that time that the lake was not completely frozen over.

Sub-Committees

Ms. Macalle-Holly stated that last month the list of sub-committee was reviewed and the purpose was to discuss how to move forward with the sub-committee structure. She stated that Mr. Hodson sent out email requested dates for the by-law committee to meet. Ms. Macalle-Holly reviewed the sub-committee structure and indicated which committees were active. The Chair combined the public relation and fertilizer outreach committee. There was discussion on whether Mr. Risko could handle site plan review. Ms. DeStefano stated she would check with Mr. Mitchko about serving on the site plan committee. Mr. O'Connor volunteered to serve on the committee. There was discussion about the short turnaround time provided for the review. Mr. O'Connor suggested committee members review site plans on a rotating basis. Chair Ondish appointed Mr. O'Connor to the Site Plan Review Committee and Mr. Risko as Chair. He stated if Mr. Mitchko were interested in volunteering, he would appoint him at the next meeting.

Ms. DeStefano made a motion to concur with the appointment of Mr. Risko and Mr. O'Connor to the Site Plan Review Committee. Mr. McCarthy seconded the motion. All those in favor signified by saying "aye" and those opposed by saying "no." There being a unanimous "aye", the motion carried.

Chair Ondish discussed the volunteer for the Audit and Evaluation Committees. He reiterated that Counsel Weyl would participate in that committee. He questioned if anyone had an accounting background. Counsel Weyl reviewed the background requirements from the Executive Order 122 from former Governor McGreevey and if "the Board does not have sufficient members qualified or available or wishes to broaden the expertise on the audit committee, the Board can ask the State Treasurer to recommend someone." Chair Ondish stated the appointment issue should be researched. He suggested the resolution be put in place to create the Committee and he will make the appointments at the next meeting.

Chair Ondish asked for anyone other questions relative to the sub-committee. Mr. Klipstein questioned if the Chair wanted the Committees and that the burden is on the Chair for the Committee to meet and have charges. Mr. Klipstein stated that the Bylaws committee was not meeting and it did not work well to review the Bylaws at the full Commission meeting. Chair Ondish stated that the Bylaws Committee was meeting and Mr. Hodson has most of the Bylaws done, but believes the holdup is the structure of the Bylaws without an Executive Director. Chair Ondish stated he was asking if the Commissioners wanted to be on different or new committees. Ms. Macalle-Holly discussed the Lake George Commission by-laws and its' executive committee structure. She suggested that the LHC consider a similar approach to expand the budget and personnel committee to address financial and legal issues as well. The executive committee would have four members representing the state, county and municipal levels and the Chair.

The Chair stated he did not see this issue being resolved at tonight's meeting and asked that it be included on next month's agenda.

New Business

FY07 319(h) Grant Intent to Apply

Ms. Macalle-Holly stated that the intent to apply for a 319(h) grant is due by March 24. The purpose of the discussion is for the Commission to decide if it wants to submit the intent to apply. Chair Ondish asked for Commissioners' input. Mr. Klipstein stated he did not think the Commission should apply since there was enough on the plate now. DEP has approximately $3.5M available for 319 grant funds. An approved plan must be submitted with the Intent to Apply to do an implementation project. DEP needs to approve the plan, which is still being worked on by Ms. Rector. Dr. Lubnow stated that Deal Lake is currently working on a 319 grant and two years in a row it submitted an intent to apply, but both time the review staff's comment was to finish the current grant project so they could assess how the grant. Mr. Klipstein stated there is still much work to be done on getting the plan finalized. There was consensus that the Commission should hold off for a year.

Resolution 06-04 Creation of Audit and Evaluation Committees

Chair Ondish requested a motion to move Resolution 06-04. Mr. Grove made the motion and Mr. Klipstein seconded. [A copy of Resolution 06-04 is available on file.]

ROLL CALL:

DeStefano	Yes	Volk	Yes
Grove	Yes	McCarthy	Yes
Kerner	Yes	DePalma	Yes
Klipstein	Yes	Ondish	Yes

Motion carried 8-0-0.

Chair Ondish stated he would hold off assigning members on that Committee until Counsel looks into it. Counsel Weyl stated he would need to speak with the Chair further about this issue.

Resolution 06-05 Stormwater Management "Snout" Retrofit

Chair Ondish asked if there were any questions on Resolution 06-05. Mr. Klipstein inquired why the resolution was needed. Ms. Macalle-Holly stated that the resolution would authorize the Commission staff to purchase the snout devices from Best Management Products Inc. in Lyme, Connecticut that has a patent on the device to manufacture it. Ms. Macalle-Holly stated that the resolution indicates the catch basin maintenance will continue to be the responsibility of the respective municipalities and counties. She stated that the Commission would work with the municipalities to determine which catch basins to install the snout devices. Dr. Lubnow stated the snout device is a cover that goes over the outlet pipe. When the stormwater enters, floatable items stay on top and the solids settle. Catch basins need a sump for snout installation and cannot be the type where the pipe is on the bottom of the basin. He stated it is an effective way of increasing the settling rate of the solids and the phosphorous absorbed onto it.

Mr. Kerner made the motion and Ms. DeStefano seconded. [A copy of Resolution 06-05 is available on file.]

ROLL CALL:

DeStefano	Yes	Volk	Yes
Grove	Yes	McCarthy	Yes
Kerner	Yes	DePalma	Yes
Klipstein	Yes	Ondish	Yes

Motion carried 8-0-0.

Public Comment

Chairman Ondish opened the meeting to public comment. Mr. Hughes inquired if the Commission was getting closer to becoming a line item in the State budget. Mr. Klipstein stated he did not know. Chair Ondish stated he asked Senator Bucco to let him know when the budget hearing was so he could testify if needed. Mr. Klipstein stated the Governor was working almost exclusively on budget issues and department heads were advised that this is the number one priority. Chair Ondish stated that was a big question and it will make a significant difference on how the Commission moves forward.

Ms. Rector stated Lake Shawnee is moving forward with Phase 1 funded for $24,565 for septic management. There is a potential to move forward with Phase 2 and the long-term volunteer lake monitoring.

Chair Ondish stated the Commission would go to an executive session to discuss personnel issues. Ms. DeStefano made a motion to adjourn to Executive Session and Mr. Klipstein seconded. There being a unanimous "aye", the motion was carried and the meeting adjourned Executive Session.

The meeting resumed to open session. Chair Ondish asked if the budget includes funds for two more full time employees. Ms. Macalle-Holly stated the budget includes funds to fill two vacant field staff position.

Mr. Kerner made a motion to move forward with replacing the two vacant field staff positions as soon as possible for training purposes and shared services projects. Ms. DeStefano seconded the motion. Mr. Klipstein stated it was irresponsible and said the Commission was setting up a scenario where people will be laid off. He stated it is unfair and believes the Commission is dreaming if they think it will get a full budget. He stated that if the Commission wants to go this route, it should kick the alternate funding committee into high gear. Ms. DeStefano discussed the importance of having additional full time staff because staff members spend a great deal of time training seasonal employees that have high turnover rates. The training takes 2-3 weeks for each new employee and then equipment is not being used. Employee productivity decreases because of the time spent training seasonal employees. She also discussed the issues of additional damage by seasonal employees and decrease in the Commission performance level because there is not enough staff.

Mr. McCarthy stated the positions being filled are to replace field staff vacancies. Mr. Kerner stated that if Princeton Hydro was correct, we should anticipate a heavy weed growth year and staff would be needed on board sooner. Ms. DeStefano stated using seasonal employees does not work and it lowers the production and performance of the regular staff, not to mention the wear and tear on the equipment. Mr. Klipstein stated that although he is supportive of the Commission, it will be difficult to sell a weed harvesting program of this magnitude, but the Commission will have to step up on the funding side as well. Ms. DeStefano stated that the weed harvesting program is an immediate way to remove phosphorous. Mr. Kerner stated it is the Commission's job to remove the weeds from the lake and if the Commission is down one or two harvesters, it is a big problem.

Mr. Volk inquired about the staff's view to fill the two positions. Chair Ondish stated when they had the site visit, the staff was begging because they did not have enough people to get the equipment broken down and put back together before the season start. Mr. Kerner addressed the safety issue indicating that the staff has a skeleton crew working on heavy equipment. Mr. Volk stated it does send a message because in light of the overall budget, all departments have vacancies.

After further discussion, the Chair called for a vote. Mr. Kerner reviewed the motion to fill two vacant full time field staff positions immediately for safety purposes. Mr. Clark stated he appreciated the support, but similarly as Mr. Klipstein indicated, the budget should be available in the next week or so and questioned the need to move on this immediately. Chair Ondish replied to run the ads immediately if the motion is passed to see what kinds of candidates apply.

ROLL CALL:

DeStefano	Yes	Volk	Yes
Grove	Yes	McCarthy	Yes
Kerner	Yes	DePalma	No
Klipstein	No	Ondish	Yes

Motion carried 6-2-0.

Chair Ondish directed Mr. Clark to place an ad in the newspaper and see how many applicants apply. He anticipates the budget would be available before the Commission hires anyone. Ms. DeStefano stated that the hiring salary would be made available to Ms. Macalle-Holly.
Chair Ondish stated the personnel committee discussed the salary structure and job description. Job descriptions have been created and steps have been put in place that the Commission will be looking at implementing towards the end of the year. He stated that one position is separated from the other steps enough that a salary adjustment should be made for the employee. When the

steps are implemented, it will be a smooth transition to the new step. The position to be created is for the Administrator position because the position held by Ms. Macalle-Holly was actually Secretary. The Administrator position will include grant administration. He stated Ms. Macalle-Holly salary would be move to the Step 2 position to bring her into the range for the work she is doing.

Chair Ondish requested a motion to move forward with the increase. Mr. Kerner made the motion. Ms. DeStefano seconded.

ROLL CALL:

DeStefano	Yes	Volk	Yes
Grove	Yes	McCarthy	Yes
Kerner	Yes	DePalma	Yes
Klipstein	Yes	Ondish	Yes

Motion carried 8-0-0.

Chair Ondish asked for a motion to adjourn. Mr. Grove made a motion to adjourn. Mr. McCarthy seconded the motion. All those in favor signified by saying “aye” and those opposed by saying “no.” There being a unanimous “aye”, the motion was carried and the meeting adjourned at 9:53 p.m.

Submitted by: Donna Macalle-Holly