

# Minutes of the Lake Hopatcong Commission

## February 22, 2005

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A meeting of the Lake Hopatcong Commission was held on February 22, 2005 at the Hopatcong State Park Administration Building, Landing, New Jersey. At 7:30 p.m., Chairman Ondish called the meeting to order.

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

### **Roll Call:**

Present: Colleen DeStefano, Eric Grove, Richard Hodson, Herman Volk, Richard O'Connor (Mt. Arlington Alternate), Brandon Phillips (Roxbury Alternate), Frank Hughes (Morris County Alternate), Pat Rector (DEP Alternate) and Arthur Ondish

Absent: Elizabeth Gantert, David Jarvis, Walter Kerner, Kenneth Klipstein, Wayne McCabe, Richard Zoschak

Alternates Present: Daniel McCarthy (7:35 – Hopatcong Alternate), Robert Mitchko (Jefferson Alternate)

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

Also present were: Steve Souza - Princeton Hydro  
Helene Chudzik – Commission Legal Counsel

### **Communications**

Colleen DeStefano discussed the two resolutions sent by Jefferson Township asking for the Commission's support. Jefferson is asking that the Commission support the referral of the legislation to allow public employees to receive additional benefits from workers compensation while receiving disability benefits to the Pension and Compensation Review Committee. Jefferson Township is also asking the Commission to support their opposition to proposed Assembly Bill No. 3538 with a companion Senate Bill No. 1895. The Township feels the legislation will create substantial hardship to area residents who are current individual homeowners or members of lake associations living adjacent to a lake created by a dam. Ms. DeStefano distributed copies of the Bill. She stated that if the Commission is not ready to address the issue at tonight's meeting, perhaps it could be addressed at the next meeting. She also discussed another pending Senate Bill No. 2177 to provide funds for loans for dam restoration and repairs projects. She distributed copies of the Bill and suggested that the Commission support the Bill because there are local dams listed including the Hopatcong dam. Chairman Ondish requested that the

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Commissioners take a month to review it and it will be discussed at the next meeting. There being no further comment or questions on the communications, Chairman Ondish continued to the next agenda item.

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

Mr. Grove stated staff had prepared and distributed a Revised Bill List of \$8,916.80. Chairman Ondish asked for any questions regarding the Revised Bill List. Mr. Hodson made a motion to approve the Revised Bill List. Mr. Grove 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. [A copy of the Revised Bill List is available on file.]

Mr. Grove stated the Bank of New York checking account had a cleared balance of \$24,975 as of the end of January. The JP Morgan account had a register balance of \$489,304.13 for a total balance of \$514,279.13.

### **Minutes of Meeting of January 18, 2005**

Chairman Ondish asked for any comments or questions regarding the January 18, 2005 meeting minutes. In response to Mr. McCarthy's statement, Ms. Macalle-Holly responded that the minutes reflect if the Alternates are present. The minutes do not track their absences. Mr. Phillips made a motion to move the January minutes. Mr. Grove seconded the motion. . All those in favor signified by saying "aye" and those opposed by saying "no." The motion carried with one abstention from Ms. DeStefano.

### **Public Comment**

At this time, Chairman Ondish opened the meeting for public comment. He asked that members of the public state their name and address for the record.

Mr. Sam Hoagland, resident of Hopatcong, stated he served on Hopatcong's Environmental Commission and offered to look into the fertilizer situation. Mr. Hoagland stated he had visited the four municipalities to request a copy of their fertilizer ordinance on fertilizer. He described how the fines differed and discussed the lack of enforcement for the ordinances. He indicated he received positive responses from the six businesses he visited in the area including hardware stores, nurseries, Home Depot and Lowes about carrying "lake-friendly" fertilizers. Mr. Hoagland suggested the Commission make signs for the businesses that they sell lake-friendly fertilizers and create flyers to distribute to the towns and schools asking residents to use lake-friendly fertilizer. Mr. Hoagland offered to be the point person for the Commission on the project. He requested that the Commission allow him to use the services of the Commission office staff and provide \$800 budget for the project. Chairman Ondish thanked him for his offer. There was considerable discussion including the suggestion to create a recognition program for the stores that carry lake-friendly fertilizer. Chairman

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Ondish suggested that Mr. Hoagland's suggestion be forwarded to the Public Relations. Ms. Macalle-Holly stated funds were budgeted for printing for letterhead and brochures. She also stated that the signs should be placed within the next few weeks when people are buying fertilizer. Counsel Chudzik stated the Commission would not be endorsing products and thinks it would be a good idea since the Commission should raise awareness. Chairman Ondish stated he would contact the newspapers about this effort. Dr. Souza offered to send an appropriate brochure template that was created for the Lake Hopatcong Regional Planning Board. Mr. Salerno, a member of the audience, stated that funds should be appropriate for this effort so the Commission does not look like a charity organization. He also offered his assistance to Mr. Hoagland. Chairman Ondish requested a motion to authorize up to \$1000 on signs and brochures for a lake-friendly fertilizer campaign and to have Mr. Hoagland designated as the point person working with Mr. Clark and Ms. Macalle-Holly and for the Chair to approve the sign. Ms. DeStefano made the motion and Mr. Hughes seconded the motion. Chairman Ondish requested a roll call vote.

### **ROLL CALL:**

DeStefano	Yes	O'Connor	Yes
Grove	Yes	Phillips	Yes
Hodson	Yes	Rector	Yes
Volk	Yes	Ondish	Yes
Hughes	Yes		

Motion carried 9 to 0.

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

### Chairman's Report

The Chairman took the opportunity to discuss the website. He wants to have the Commission meeting minutes posted on the site immediately. He also stated John Driscoll could convert the files and post them on the site. He wants to have a list of Commissioners on the website and the Commissioners can determine if they want their phone number included. He would also like to have the meeting agenda on the website the Friday prior to the meeting. He emphasized the importance of getting the website up and running. There was also suggestion to include links to other websites. The list of stores carrying lake-friendly fertilizer could be included on the site.

Chairman Ondish also stated that he is looking into getting access to the maintenance facility year-round. The staff could do maintenance work on the trailers during inclement weather.

He is also planning to meet with Senator Bucco to discuss various issues.

Old Business

Field Staff Report

Mr. Clark reviewed his Field Staff Report that is available on file. He stated the maintenance work is progressing. Mr. Clark indicated that the PEOSH classes he and Michael Calderio attended were free-of-charge. He acknowledged the efforts of Ms. Macalle-Holly. She made the initial contact with PEOSH representatives at the League of Municipality Conference in Atlantic City to inquire about safety training for the staff. Mr. Clark stated two other free PEOSH classes are scheduled for the entire in staff in March.

Division of Fish & Wildlife (F&W) Proposed Fishery Management Plan

Chairman Ondish introduced Lisa Barno, Bureau Chief from the Division of Fish and Wildlife (F&W) and thanked her for coming. Ms. Barno thanked the Commission for the invitation. She also thanked Commissioner Hodson for attending the Division's public meeting on February 12. Ms. Barno provided a handout and gave a PowerPoint presentation on the Potential Changes to the NJ Division of Fish and Wildlife's Trout Stocking Program for 2005 and 2006. Potential Change #2 proposed for spring 2006 called for discontinuing stocking 25,890 trout in seven large lakes greater than 100 acres including Lake Hopatcong, which is currently stocked with 10,440 trout. She also had available for distribution and discussed the following: [1] summary of results for the Lake Hopatcong Trout Tagging Study and [2] summary of angler recaptures of trout tagged by the F&W and Knee Deep Club and stocked in Lake Hopatcong over three consecutive years (1999-2001) which are also available on file. Ms. Barno clarified that F&W is not stocking less trout in the spring; they are just putting the trout in different locations. Mr. McCarthy stated, as an indicator of lake health, the trout stocking should remain constant for purposes of scientific study.

On behalf of the Commission Trout Sub-Committee, Dr. Souza reviewed the document prepared by the sub-committee as to why NJ Fish and Wildlife Should Continue Stocking Trout in Lake Hopatcong. A copy of the document is available on file. The document distributed at the meeting contains five concise points that Dr. Souza reviewed:

1. Trout Stamp Sales at Lake Hopatcong Have Not Declined
2. Ceasing the State's Trout Stocking Program Will Have Regional Economic Consequences
3. The Lake's Water Quality is Improving
4. Termination of the Trout Stocking Program Is at Odds with NJDEP and USEPA Water Quality Improvement Activities
5. There is Ample Summer Holdover Habitat for the Lake's Brown Trout Population

Dr. Souza stated that this document would be expanded and sent to the Fish and Game Council before February 27.

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Ms. Barno responded that the water bodies where the trout will be stocked have almost entire shoreline access for fishing. Ms. Barno responded that a list of stocked lakes is listed on F&W website. There was discussion on the regional economic impact, specifically how there is a definite negative economic loss to this area if trout is not stocked. Ms. Barno agreed to bring this to the attention of the Fish Committee. Mr. Phillips questioned whether Lake Hopatcong would lose its trout maintenance designation. If so, the Upper Musconetcong Watershed would be exposed to much more development pressure if the trout maintenance designation were lost. He explained that people could build up to 25 feet near the water instead of 50 feet. Ms. Barno stated F&W is not changing the trout maintenance designation. Ms. Barno stated that Lake Hopatcong is stocked as a holdover trout Lake, but it does not meet the water quality criteria established by the State for holdover trout. Ms. Barno clarified that there is a statewide designation under surface water quality standards and then there is a criteria designated by F&W for the trout program. She indicated that F&W establishes, for a holdover trout lake, less than 21 degrees centigrade, 4 milligrams per liter for holdover trout. Ms. Barno stated that there is a difference of criteria for trout stocking, but Princeton Hydro's water quality data is no different from their dissolved oxygen data. Ms. Barno stated that F&W stocks a number of places where they do not expect fish to survive the summer months, but these places yield higher returns for the anglers. The Division expects the fish to be caught out in these places.

Dr. Souza stated that the comments F&W received indicates that anglers feel the Lake should be stocked with trout. Jim Salerno of the Knee Deep Club stated that there have been \$30K in trout stamp sales from three baits shops in the area, Dow's, Lakes End and Ramsey Outdoors in 2004. Since it only costs the State \$20K to stock the trout in the Lake, there is a \$10K profit.

Chairman Ondish asked that Ms. Barno have all the facts that have been discussed tonight and to ensure that they are being stated in their entirety. Ms. Barno stated that one of the best arguments that have been raised is the trout stamp sales around the Lake. Ms. Barno stated that the Department uses this process to get information and it enables them to learn so much about their anglers. Mr. McCarthy asked Ms. Barno to discuss more about the process F&W uses concerning how they consult with the Commission regarding fishery management decisions. Ms. Barno stated that the process starts with the proposal to get feedback from the sportsmen involved and she did not feel that F&W jumped the gun since the F&G Council has not yet voted on any aspect of the proposal. Ms. Barno indicated she met with Mr. Klipstein twice to discuss the proposal. Ms. Barno stated her job is to gather the feedback and present the data back to the F&G Council. Ms. Barno stated that she urged the Knee Deep Club that the approach to encourage anglers not to buy trout stamps could actually be detrimental. She suggested taking the opposite approach to drive the point home on how popular trout fishing is on the Lake.

Mr. Todd Schmidt spoke as a private citizen that is on the Lake a lot. He stated he checks anglers' licenses and they are from all different areas in New Jersey and even other states. They have trout stamps and come to the Lake to fish for trout. If trout

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fishing were no longer available, it would have a large economic impact. He stated that when he visits other bodies of water, there are not as many anglers as there are on Lake Hopatcong.

In response to Mr. McCarthy's inquiry to have F&W present their data to the Commission each year, Ms. Barno said that would be possible. She also stated that they are also getting ready to conduct another inventory possibly next year or the year after since the last one was done in 1995.

[NOTE: For a complete copy of the New Jersey Division of Fish and Wildlife Draft Coldwater Fisheries Management Plan, visit <http://www.nj.gov/dep/fgw/cwfmp.htm>.]

Chairman Ondish thanked Ms. Barno for her time. Mr. Hughes made a motion to take a five-minute break. Mr. Grove seconded. The meeting reconvened at 9:40.

### **Princeton Hydro Report**

Dr. Souza very quickly addressed a few issues:

TMDL Report – Once PH receives final comment from Rutgers on the TMDL report, they will provide the final report to the Commission

2004 Water Quality Report – A summary of the report was provided to Commissioners as well as a CD version of the full report. The Lake maintained conditions at or above the water quality criteria established for Lake Hopatcong. There was more alga on the Lake then there has been in the past eight year, but that trend was apparent in a number of other Lakes in this region. There were periods of intense rain followed by warm dry spells when alga could take advantage of those conditions. The worst conditions were in July and there were only two rainfall events during that time. During August and September, there was more rainfall and there was a flushing affect in the later part of the summer.

FY05 319 Grant – Dr. Souza thanked Mr. Clark and Ms. Macalle-Holly for taking photos of proposed sites. With these locations identified, other BMPS such as vegetative swales, bio-infiltration, upgrade existing detention basin, can be integrated into the grant application. The photos have been integrated into the proposal.

EPA Wetland Grant – Dr. Souza stated that the Highlands Protection Act has provided protection for streams. PH is looking at the types of habitats that are provided at the interface of the streams with the Lake. PH is changing the direction of the project in mid-stream since these protections have been put into place. The analytical component of the project has been completed and they will begin fieldwork during the spring. Mr. Phillips offered to provide in-kind services during the fieldwork aspects. Dr. Souza stated they would be doing vegetative inventories and measuring the value of the riparian corridor. He agreed to make use of Mr. Phillips' services during the fieldwork.

### New Business

#### Shared Service 2005

Ms. Macalle-Holly reported on the status of the shared services agreement. Jefferson Township shared services agreement was included in the meeting package. Mr. Grove is still working on the agreement for Sussex County. The Commission is still waiting to hear from Morris County and Mount Arlington. Chairman Ondish stated that that Mount Arlington agreement is in process. Ms. Macalle-Holly stated the agreement with Jefferson is the same agreement as used for Roxbury. Counsel Chudzik stated that the Chairman should be authorized to sign all the shared services agreements as they are finalized. Ms. DeStefano made the motion to authorize the Chairman to sign the shared services agreements. Mr. Phillips 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.

#### US Geological Survey Monitoring Gage Contract

Chairman Ondish reported he has contacted the USGS and that he is in discussion with Mr. Klipstein about the issue. His concern is that the Commission should not pay \$20K for the gage and the monitoring station since the Commission is not a line item in the State budget. He indicated that Mr. Klipstein would be sending a letter stating his position. He hoped to have the letter for the next meeting and to possibly have a split for the cost or have someone else pick up the cost.

#### Commission Banking/Payroll Alternatives

Chairman Ondish indicated that at the Budget sub-committee meeting he had directed Ms. Macalle-Holly to look at what other banks might offer. Meetings were held with PNC Bank, Valley National, Bank of New York and payroll vendors. Ms. Macalle-Holly provided an overview of how the current payroll is completed in-house. The two reasons for outsourcing the payroll are: (1) concern on how the payroll would be done if the Administrator is not available; and, (2) poor customer support from QuickBooks regarding tax issues. She asked the Commissioners what information they would want to review for next month’s meeting to make a decision for a banking institution and payroll vendor other than obvious such as costs, interest rates, etc. Ms. DeStefano stated her organization is investigating payroll vendors and John Blonski may be of assistance. Chairman Ondish asked Ms. Macalle-Holly to prepare a spreadsheet describing the bank’s offers so the Commissioners can make a decision at the next meeting.

**Sub-Committee Reports**

Budget

Mr. Grove stated the Budget sub-committee met a couple weeks ago. The committee reviewed the budget with the recent funding received by the State as well as projections through the end of the fiscal year. Mr. Grove indicated the budget situation is positive; however, it is critical that the Commission become incorporated as a line item in the State budget. He stated that the Commission could not continue to operate in the hand-to-mouth concept. Mr. Grove stated funds were needed again as close to July 1 as possible.

By-Laws

Mr. Hodson reported that progress was being made and after one more meeting a document would be available for review. Chairman Ondish stated the process was going faster than he thought it would and thanked Mr. Hodson for his time.

**Public Comment**

Chairman Ondish opened the meeting for the second round of public comment. There was no further comment from the public.

Chairman Ondish stated Mr. Hughes offered to chair the Public Relations committee. Chairman Ondish requested a motion to confirm the appointment. Ms. DeStefano made the motion and Mr. Volk seconded. All those in favor signified by saying “aye” and those opposed by saying “no.” There being a unanimous “aye” the motion was carried. Chairman Ondish thanked Mr. Hughes.

Chairman Ondish stated that the Commission would adjourn to Executive Session. Counsel Chudzik read the motion to adjourn to closed session to discuss personnel matters. Mr. Grove made the motion and Ms. DeStefano seconded the motion. All those in favor signified by saying “aye” and those opposed by saying “no.” There being a unanimous “aye” the motion was carried.

The meeting reconvened to public session whereby Ms. DeStefano made a motion to adjourn and Mr. Phillips seconded. All those in favor signified by saying “aye” and those opposed by saying “no.” There being a unanimous “aye” the motion was carried.

Submitted by: Donna Macalle-Holly