Minutes of the Lake Hopatcong Commission
March 15, 2004

A meeting of the Lake Hopatcong Commission was held on March 15, 2004 at the Mount Arlington Municipal Building, 419 Howard Boulevard, Mt. Arlington, New Jersey. At 7:30 p.m., Acting Vice Chairman 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 Vice Chairman Grove and all those in attendance joined in a salute to the flag.

Roll Call:

Present: Colleen DeStefano, Samuel Hoagland, Richard Hodson, Walter Kerner, Frank Hughes (Morris County Alternate), Brandon Phillips (Roxbury Alternate), and Eric Grove (Acting Vice Chair)

Absent: Dave Jarvis, Lorraine Lees, Richard Zoschak, Kenneth Klipstein

Alternates Present: Daniel McCarthy (Hopatcong Alternate), Robert Mitchko (Jefferson Alternate), John Risko (Sussex County Alternate)

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

> *NOTE: After roll call Mr. Mitchko, Jefferson Alternate, was inadvertently asked to participate as Alternate for Ms. Lees, gubernatorial appointee. Mr. Mitchko can only serve as Alternate for Jefferson Township; therefore, the votes cast by Mr. Mitchko are not included in the minutes.*

Also present were: Fred Lubnow - Princeton Hydro

Communications

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

Treasurer's Report/Payment of Bills

Mr. Grove stated the Bank of New York checking account had a cleared balance of $25,000 as of February 27, 2004 with unclear transactions of $260.00 for a register balance of $24,740. The JP Morgan account had a register balance of $442,427.08 for a total balance in both accounts of $467,167.08. The Bill List was modified since it was mailed out to Commissioners. Acting Vice Chairman Grove requested a motion to approve the Bill List of $18,580.97. Mr. Hoagland made a motion to approve the Bill List. Ms. DeStefano seconded the motion. [A copy of the Bill List is available on file.]

ROLL CALL:

DeStefano	Yes	Hughes	Yes
Hoagland	Yes	Phillips	Yes
Hodson	Yes	Grove	Yes
Kerner	Yes		

Motion carried 7 to 0.

Minutes of Meeting of February 17, 2004

Acting Vice Chairman Grove asked for any comments or questions regarding the February 17, 2004 meeting minutes. Mr. Phillips requested that on Page 3 the spelling of Tremble be changed to Trimble and on Page 7 change Mr. Brandon to Mr. Phillips. Acting Vice Chairman Grove requested a motion to move the minutes as amended. Mr. Hughes made a motion to move the amended February 17, 2004 minutes. Mr. Phillips seconded the motion. There being no further comment, Acting Vice Chairman Grove requested a roll call vote.

ROLL CALL:

DeStefano	Yes	Hughes	Yes
Hoagland	Yes	Phillips	Yes
Hodson	Yes	Grove	Yes
Kerner	Yes		

Motion carried 7 to 0.

Public Comment

At this time, Acting Vice Chairman Grove opened the meeting for public comment. He stated that there was a two minute limit per speaker.

Mr. Tim Clancy of Lake Hopatcong, addressed the Commission inquiring if they had seen his editorial stating that he has been actively working to address the vacant Commission appointments (DCA, Chairman and for Mr. Hoagland) by traveling to public places where Governor McGreevey was in attendance. Mr. Clancy stated he did not believe his editorial was too harsh and has received phone calls from Lake stakeholders concurring with him. Mr. Clancy stressed the importance of following up with letters and emails. He has been advising Lake stakeholders to seek five additional people to explain the issues which are the appointments and funding.

Mr. Clancy expressed his satisfaction as to the way the editorial was handled by the paper by including it on the front page of the Opinion Section. Mr. Clancy stated he had met a DCA representative at an event and was informed by the representative that DCA was actively working on a replacement. Mr. Clancy stated he responded that it was not being done within an adequate timeframe. Mr. Clancy's viewpoint was that the Commission is part of partisan politics to hold the Commission hostage to persuade Senators Bucco or Littell or possibly other assemblymen for future votes.

Mr. Clancy stated he hopes the Commission supports his effort so that within the next week, the State will see the public support. Mr. Clancy brought additional copies of the editorial to share with others. Mr. Clancy emphasized since the Commission is on the verge of bankruptcy, the Commission cannot plan for the future.

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

Old Business

Field Staff Report

Mr. Clark stated that since his last meeting, the Field Staff has continued to conduct the maintenance and repair of the equipment and is in the process of re-assembling the equipment. On February 18, Mr. Clark stated that he and crew chiefs Bob Place and Mike Calderio attended a GPS/GIS meeting with Dave Kunz in Sussex County. On March 3, Mr. Clark met with Al Frank, reporter from the Star-Ledger. Mr. Frank had contacted the Commission to do a story about the Field Staff work during the winter. Mr. Clark made arrangements for Mr. Frank to see the work at the maintenance facility. The story appeared in the Sunday Star Ledger.

Mr. Clark further reported that Helen Maurella advised him that on March 8 they began refilling the Lake. Mr. Clark reported that the current lake level is at 6.5' and the normal full pool level is 9.0'. The Lake is down 2-1/2' from the top of the dam. On March 8, Mr. Clark completed the Access class and has been designing databases for the outflow survey. On March 11, Dave Kunz brought a Trimble Pro XR GPS unit for the two crew chiefs to use during the outflow survey in Hopatcong. This is a joint effort with the Commission, the Borough of Hopatcong and Sussex County. The Trimble GPS unit is capable of sub-meter accuracy and is valued at approximately $14K. Mr. Kunz trained Commission staff in the use of the unit and has loaned it to the Commission until the project is completed. On March 12, Commission staff met with Al Frank again to complete a follow-up story on the outflow survey project. Dave Kunz also attended and they showed Mr. Frank what was involved in surveying the outflow. The story should appear in the Sunday paper on March 22.

In response to Mr. Grove's inquiry, Mr. Clark responded that the heat at the maintenance facility has been taken care of. He stated that thanks to the efforts of the Commission's liaison, Marie Felix at Picatinny, the Commission may not have to use the $7.5K which was reserved for the heat repair. The Commission has not received a bill at this time for the heat repair.

<u>FY 2005 Budget Status and Designation of Budget Hearing Representative</u>

Acting Vice Chairman Grove stated that designating a budget hearing representative has become a mote point since the Commission was not solicited to attend a hearing. He asked the Commissioners for their thoughts on the FY05 budget. Mr. Hoagland stated the Commission should be proactive in getting funds for the Lake. Ms. DeStefano recalled a statement from a newspaper article which stated that Commissioner Campbell indicated that funding would be appropriated through the legislative process. She also stated that in the Legislative Index there was legislation sponsored by Senator Bucco and Assemblyman Guy Gregg for $1.5M. Mr. Hodson stated that the legislation is the same as previous legislation submitted last year which at that time went to the Environmental Commission and never came out of the Committee for a floor bill. Ms. DeStefano stated she will investigate who is on the Environmental Committee and what can be done.

Acting Vice Chairman Grove stated that it is necessary for the Commission to contact local legislators in both houses to apprise them of our situation. He stated that the Commission is working in cooperation with the municipalities and the counties within the Lake region. The Commission conducted a cleanup during the drawdown and the survey with the outflows. Acting Vice Chairman Grove stressed that the Commissioners need to get the word out individually and as a Commission body.

Acting Vice Chairman Grove stated that during the budget process the Commission submitted a budget based on guidance provided and cut as much as possible from the budget request. He stated that the Commission will have to keep pushing forward along with assistance from the residents.

Mr. Phillips commented on the positive media coverage Mr. Clark was getting from Al Frank. He stated that accompanied by positive word of the mouth and pressure on the legislators is the only course of action, unless an alternate funding mechanism is pursued for funding specific projects.

Ms. Macalle-Holly reminded the Commissioners that when the Commission was in a similar situation last year, the municipalities and counties passed resolutions supporting the work of the Commission which were forwarded to the appropriate legislators. She suggested this as another possible action that could be pursued.

Ms. DeStefano stated she remained optimistic and could not believe that they would just let the Lake go because it is too important to the State and as an emergency source of drinking water.

Mr. Clark stated he and most of the LHC staff attended a Morris County venison dinner on Saturday which Assemblyman Gregg attended. He stated that Senator Bucco and Morris County Freeholder Director Jack Schier were also in attendance and committed their support.

Princeton Hydro Report

Dr. Lubnow stated he had a few items to report on.

2003 Year End Report – Dr. Lubnow gave Ms. Macalle-Holly a copy of 2003 Year End Report prepared by Princeton Hydro and will also provide a digital copy. Full printed copies for all the Commissioners will be provided at the next meeting. To summarize the report, Dr. Lubnow stated that because last year was a wet year, there was a slightly elevated nutrient concentration in the Lake. In terms of algae growth and water clarity, there was no effect because it was a cool year and there was a lot of flushing. One other area that stood out was in the shallow coves especially in the northeastern end in the canal area, there were elevated nitrate concentrations which is indicative of septic leaching.

EPA Wetland Grant – Dr. Lubnow stated that Ms. Macalle-Holly had provided paperwork on the EPA Wetland proposal. Dr. Lubnow stated it looks like EPA is going to fund the project for the prioritization to layer maps of existing wetlands and ranking them within the watershed. This is another tool to help protect some of the important natural resources within the watershed.

Upper Musconetcong Watershed Total Maximum Daily Load (TMDL) – Dr. Lubnow stated that PH met with DEP last week to discuss the technical models and the work completed to date. DEP has been satisfied with the work, but asked to have the septic numbers modified. PH ascribed a phosphorous efficiency for the entire watershed. DEP wants it done on a local soil basis. PH will use existing GIS data on the soils, layer it over the buffers presented during the last meeting, and identify efficiencies for various sections throughout the watershed. The draft numbers in the report presented last month will be revised. Dr. Lubnow did not believe this would modify the relative contribution within each municipality.

Dr. Lubnow had copies of maps showing each municipality where the red color indicates priority areas for future stormwater restoration projects. [Copies of the map are available on file.] PH used the results of a 205J study completed in the 1990s to determine the prioritized areas. The 205J study ranked, in terms of the septic loads, all 42 sub-watersheds throughout the watershed of both Hopatcong and Musconetcong. PH will be presenting a list of actual projects next month recommended for these priority areas. The project list will be given to the municipalities for their review and to discuss what may or may not be feasible or to expand to other areas that may not be in a prioritized area.

Dr. Lubnow indicated that even though the State Park in Hopatcong does not generate a lot of phosphorous, it has been identified as a prioritized zone because there is a lot of space to possibly install some type of best management structure within the area.

Ms. DeStefano stated that PH had previously suggested meeting with the Townships directly. She also stated that she provided a copy of the TMDL analysis prepared by PH to Jefferson Township and the township had many technical questions. She suggested that before PH puts their plan together, they meet with the technical personnel of Jefferson. Ms. DeStefano made a motion to authorize Dr. Lubnow to meet with Jefferson technical personnel and Hopatcong personnel. Mr. Hoagland seconded the motion.

Dr. Lubnow responded that in terms of the phosphorous loads entering the Lake, both Hopatcong and Jefferson have the largest amounts, so he could see the need to meet with both these municipalities. Mr. Phillips stated that Roxbury has reviewed the plan and is okay with it. Mr. Kerner stated that Mt. Arlington does not need to meet with PH.

Acting Vice Chairman Grove asked all those in favor signify by saying “aye” and those opposed by saying “no.” There being a unanimous “aye” the motion was carried.

In response to Mr. Hodson’s inquiry, Dr. Lubnow reviewed in detail how the targeted loads for reduction were calculated. Dr. Lubnow stated that the data is based on empirical studies and not in-lake concentrations, but compared with the State’s criteria and based on the long-term data, the models do agree with the data collected on Lake Hopatcong. Dr. Lubnow then discussed how Lake Musconetcong differs from Lake Hopatcong in that it can assimilate more phosphorous because of the high flushing volume since Musconetcong is such a shallow Lake.

Ms. DeStefano stated that the Commission wants an obtainable plan and Dr. Lubnow agreed that the discussion with the municipalities is vital.

In response to Ms. Macalle-Holly’s inquiry, Dr. Lubnow stated PH contacted the Coalition of Lake Associations (COLA) to have them sponsor one of the four public meetings which are required as part of this project. Three of the projects are very water quality related, but the fourth one on stormwater/municipal phosphorous contribution should be sponsored by the Commission. Dr. Lubnow stated that the educational meetings which are more specific to Musconetcong and to the shallow areas of Hopatcong should be held between May through July. PH has prepared flyers containing general information on lake ecology and DEP has reviewed the draft flyers

SUB-COMMITTEE REPORTS

Shared Services Agreement

Acting Vice Chairman Grove stated that in the meeting package, there were draft agreements to be considered with County of Sussex and Township of Roxbury. He stated that in consultation with Counsel Chudzik, she recommended a resolution be put forth to allow the Commission to enter into agreements with the counties and municipalities for various water quality and other related efforts based on approval by the Chairman or Vice Chairman in consultation with the Director Field Operations. This would expedite the negotiating process so the shared services agreement could be put in place as needed.

Acting Vice Chairman Grove asked for any comments on the proposed resolution. He also stated that the Sussex County Freeholder Board is looking to adopt their resolution for the shared services agreement on March 24. Ms. DeStefano inquired if Counsel Chudzik would review any shared services agreements to ensure all necessary details are covered. He responded that Counsel Chudzik has copies of the proposed agreements and he provided a brief overview of the Sussex County agreement.

Mr. Hoagland made a motion to move Resolution #04-03 <u>Authorizing the Lake Hopatcong Commission to Enter into Shared Services Agreements with Municipalities and Counties</u>. Ms. DeStefano seconded the motion. In response to Mr. Hodson's inquiry, Acting Vice Chairman Grove stated that for future shared services agreements, action would not have to be taken by the Commissioners, but would be authorized by the Chairman or Vice Chairman. Mr. Hodson stated that since the work that would have been done with Hopatcong is being handled through the Sussex County agreement, Hopatcong would not be doing a separate agreement at this time.

Acting Vice Chairman Grove stated that the proposed resolution provides for ample latitude for the Chairman and staff to negotiate the details of future shared services agreement. Copies of future agreements should be provided to Commissioners for their information and to Counsel Chudzik for her review. [A copy of Resolution 04-03 is available on file.]

ROLL CALL:

DeStefano	Yes	Hughes	Yes
Hoagland	Yes	Phillips	Yes
Hodson	Yes	Grove	Yes
Kerner	Yes		

Motion carried 7 to 0.

<u>Site Plan Reviews</u>

Mr. Phillips stated that Ms. Macalle-Holly gave him Roxbury site plans materials before the meeting started, but since no plans were included, he would have to visit the municipal building to get copies of the plans. He also advised the Commission that letters for the past month's site plan reviews were included in the communication package. In response to Mr. Hodson inquiry, Mr. Phillips replied that for the Impink residence the plan would be under the jurisdiction of the Stream Encroachment Act.

New Business

Appointment of Commission Accountants

Acting Vice Chairman Grove stated that included in the meeting package was a proposal prepared by Nisovacchi & Company. He asked Ms. Macalle-Holly to provide the background. Ms. Macalle-Holly stated that the Commission had one audit completed by DEP Office of Audit. She further stated that Counsel Chudzik advised her that DEP would not be able to conduct another audit at this time, so she recommended the Commission obtain a proposal for services from an independent accountant. For the Commission to obtain fidelity bond insurance, which is up for renewal in May, an audit is requested as part of the application process. Ms. Macalle-Holly stated that at Mr. Grove's suggestion, she contacted the accounting firm that Lake Hopatcong Regional Planning Board used to do an audit for FY03. Ms. Macalle-Holly stated that an audit was budgeted for and Niscohvvai cost would not exceed $5,250. To cover this amount, funds would have to be used from other line items such as temporary personnel and consultants. In response to inquiries from the Commissioners, Ms. Macalle-Holly reiterated that the reason she was looking into having an audit done was for renewal of the fidelity bond insurance. Last year the insurance company provided a policy based on the budget and the small audit from the DEP. Ms. DeStefano stated that if the Commission agrees she will speak with John Graham of Fairview Insurance to see what he thinks. Ms. DeStefano stated that the Commission should seek other proposals, although the firm looks very qualified. Mr. Hodson spoke to the familiarity of the firm and to the quality of the service.

Ms. Macalle-Holly stated that if the Commission postponed this agenda item to next month, since the fidelity bond insurance will expire at the end of May, the application needs to be completed in early May, so it would not provide ample time to have an audit completed.

Ms. DeStefano stated she would contact Fairview Insurance the next day. Acting Vice Chairman Grove suggested hiring the firm contingent upon feedback from the insurance carrier or to authorize the Vice Chairman to move forward with an audit with some firm after additional quotes are obtained. Ms. Macalle-Holly stated that the accountant said the audit would take two weeks.

Mr. Hodson made a motion to authorize the Vice Chairman to move forward with the audit if it is deemed necessary by the insurance company and at his discretion to determine if additional quotes are appropriate. Mr. Hoagland seconded the motion.

ROLL CALL:

DeStefano	Abstained	Hughes	Yes
Hoagland	Yes	Phillips	Yes
Hodson	Yes	Grove	Yes
Kerner	Yes		

Motion carried 7 to 1 (one abstention).

Public Comment

Acting Vice Chairman Grove opened the meeting for the second public comment period.

Daniel McCarthy, Hopatcong Alternate Commissioner, addressed the Commission on the importance of funding and Commission appointments. He discussed his participation on Supplemental Funding Sub-Committee (formerly Alternate Funding). Mr. McCarthy stated he was pleased to see the agreements with the surrounding towns and counties. He stated that the Commission needs to beat its own drum and a Commission website is critical to let people know what the Commission is doing. He stated he has shared Mr. Clancy's article with visitors to his office, educating them about the Commission and our funding problems. Most people he had spoken are shocked and appalled that this situation exists. He said he hopes the Commission does not have to worry about funding year after year and that the energy level of the Commissioners is being affected. The Commission needs to focus its energy on getting funding. McCarthy concluded his remarks by asking everyone to hang in there and keep up the good fight.

Mr. Clancy of Lake Hopatcong also stressed the importance of public education and the website to disseminate information such as where weed harvesting is occurring on the Lake at a given time. Mr. Clancy suggested that some staff can approach the towns to put together an accurate mailing list of lakefront homeowners to provide information on septic maintenance or lawn fertilizers. This information could also update the actual number of homes and boats on the Lake.

Mr. Hughes discussed his trip to Nevada and how they have a program on public access TV on stormwater management. He stated he watched the program three times within two days during his visit. They also have a program available to public schools and basically have a very aggressive public effort. Mr. Hughes also stated that our publicity only covers Morris County and should be expanded to other newspapers read by the State Legislators such as the Trenton Times, Philadelphia Inquirer, Bergen Record and Asbury Park Press. The Commission's cleanup newspaper articles in the fall could have been better served by trying to have the story published in the Trenton area.

Mr. Kerner stated that Vice Chairman Klipstein was trying to get sub-committee rolling based on their importance. He stated he would like to request that a public relations committee be moved to the top of the list and a PR committee chair be appointed. Mr. Kerner suggested that Commissioners approach their town or county not only about issuing a resolution support the Commission, but also publicizing this issue on their own website and perhaps reprinting Mr. Clancy's article.

A motion was made to adjourn. All those in favor signify by saying "aye" and those opposed by saying "no." There being a unanimous "aye" the motion was carried.

Submitted by: Donna Macalle-Holly