

Minutes of the Lake Hopatcong Commission

March 20, 2006

A meeting of the Lake Hopatcong Commission was held on March 20, 2006 at the Mount Arlington Municipal Building, 419 Howard Blvd, Mount Arlington, New Jersey. At 7:35 p.m., Chair Ondish called the meeting to order.

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

Moment of Silence: Chair Ondish called for a moment to silence for our soldiers and their families.

Roll Call:

Present: Colleen DeStefano, Richard Hodson, Wayne McCabe, Richard Zoschak, Richard O'Connor (Mt. Arlington Alternate), Patricia Rector (DEP Alternate) and Arthur Ondish

Absent: Elizabeth Gantert, Eric Grove, David Jarvis, Walter Kerner, Kenneth Klipstein

Alternates Present: Daniel McCarthy (Hopatcong)

With seven members present at Roll Call, Chair Ondish declared a quorum. Ms. Macalle-Holly stated that Commissioner Volk is no longer with the DCA and DCA will be looking to replace him.

Also present were: Dr. Fred Lubnow – Princeton Hydro
Bill Anderson – Commission Legal Counsel

Certificate of Recognition Presented to Retailers for “Lake-Friendly” Fertilizer Outreach Participation

Chair Ondish read a brief statement to recognize the retail establishments that support and participate in the lake-friendly fertilizer outreach program. The seven stores that participate in the program are Lowes, True Value of Lakeside, Mohawk Gardens, Headley Lumber, Hopatcong Hardware, Roxbury Garden Center and Station Hardware. Accepting certificates of recognition were Eric Schaberick, Owner of True Value Hardware and Robert Kriete, Owner of Mohawk Gardens. The Commission also recognized former LHC Commissioner and Hopatcong resident, Sam Hoagland for spearheading the program. On behalf of the Commission, Chair Ondish also thanked the community associations, civic and volunteer groups and businesses that proudly displayed the lake friendly fertilizer sign to help the Commission spread the word about the outreach program.

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Mr. Zoschak stated that there were two good articles in the Daily Record today discussing low phosphorus, which Ms. Macalle-Holly distributed via email. The article mentioned that the LHC is doing a good job and New Jersey may possibly be taking up the cause to ban that type of fertilizer.

Communications

Chair Ondish asked for comments on the communications package. Mr. Zoschak stated that the bill proposed by Senator Doria should be amended to include the Commission's name to support fees on Lake Hopatcong. He stated that the Commission has been talking about boating fees since the Commission has been in existence. There was discussion about residents and boaters on the Lake supporting boating fees. Chair Ondish stated he would prefer to see a fee for boats that launch their boats. Ms. Rector stated that the Greenwood Lake Commission followed the Lake George model. There was discussion that the LHC Alternate Funding Subcommittee had been previously approached by Greenwood Lake Commission to consider boating fees. Mr. McCarthy stated that the committee discussed it and his objection to it was the bureaucracy to enforce it. He stated that the fee issue was never resolved at the Committee level. The Chair directed the Alternate Funding Committee to revisit the issue. Members of the committee include Mr. Klipstein, Mr. McCarthy and Ms. Rector. The Chair asked for a volunteer to fill the vacancy on the Committee. Mr. Zoschak volunteered. Chair Ondish appointed Mr. Zoschak as a member of the Alternate Funding Committee and requested concurrence. Mr. Hodson stated he would prefer that the Commission members review the pending legislation and discuss it at a Commission meeting. He did not want to tie up the committee's time if the Commission is against the fee approach. Mr. Zoschak stated that the Committee should look into the mechanics and do some homework on a fee program. Chair Ondish stated that all Commissioners should review the legislation and the committee should look into it further. Ms. Rector suggested that Commissioners email their comments and thoughts on the issue to committee members.

Ms. Macalle-Holly stated that Jefferson Township adopted an ordinance at their March 15 meeting on boat docks. She stated the State Park had some issues with docks in Jefferson. Ms. Macalle-Holly stated that when Mt. Arlington passed a resolution on docks it included the statement, "The application for permits shall be submitted on a form provided by the Dock Inspector of the Borough and shall include proof of all prior approvals issued by various State and County Agencies having jurisdiction." She stated that the ordinance did not advise residents in Jefferson that other permits might be required. Mr. Clark stated he spoke with Jefferson Administrator Jim Leach. It was explained that Jefferson did not include it because the Township had so many other lakes. He further stated that Mr. Leach agreed to make residents aware of this possible requirement by including a statement in their procedures manual. There was discussion if DEP permits were needed for other lakes in the Township. Chair Ondish suggested that a recommendation be made for Jefferson Township to include a similar statement in their boat dock ordinance.

Mr. Zoschak took a moment to request that the attorney present be introduced. Bill Anderson with the New Jersey Attorney General's Office introduced himself.

Mr. Anderson stated the ordinance should list what permits could be required in the ordinance. Chair Ondish asked that Ms. Macalle-Holly draft a letter suggesting that Jefferson review the ordinances from Mount Arlington, Roxbury and Hopatcong to conform to the other municipalities.

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Ms. DeStefano stated she reviewed Jefferson Council's workshop meeting minutes on this issue and stated that any information Ms. Rector could provide on permit requirements would be helpful.

Mr. Hodson stated that he was under the impression, some years ago during Lake Hopatcong Regional Planning Board, that when the four lake municipalities discussed issuing permits it was a requirement that all four adopt the same ordinance. He questioned why Jefferson did not have the same ordinance. Ms. DeStefano stated she would have a discussion with Mr. Leach on the issue. Mr. McCarthy stated that DEP permits may be required regardless of the Lake, but the State Park permit would not be needed on other lakes. There was further discussion on how the dock ordinances in the four lake municipalities should be similar. Ms. Macalle-Holly stated that Jefferson sends certain proposed resolutions to the Commission as required in our legislation and the Commission could comment on it.

Treasurer's Report/Payment of Bills

In Mr. Grove's absence, Ms. Macalle-Holly reviewed the Reconciliation Summary, as of February 28, 2006. She reported a register balance of \$426,165.83 in the VNB account. She stated a Revised Bill List of \$34,778.25 was submitted for review. Ms. Macalle-Holly requested a change to the Revised Bill List. She stated that for Princeton Hydro payment for the EPA Wetlands Grnt and DEP 319 Grant, invoices were only received for two out of three months for the quarter. Ms. Rector has advised that for the 319 grant, the Commission can only submit for reimbursement on a quarterly basis. The payments for the two grants should be removed from the Revised March Bill List and included on the April bill. Mr. Zoschak made a motion to move the Revised Bill List reflecting the changes. Mr. McCabe seconded.

ROLL CALL:

DeStefano	Yes	O'Connor	Yes
Hodson	Yes	Rector	Yes
McCabe	Yes	Ondish	Yes
Zoschak	Yes		

Motion carried 7-0-0.

Minutes of Meeting of February 21, 2006

Chair Ondish asked for any changes to the minutes. Ms. DeStefano made a motion to move the February minutes. Mr. O'Connor seconded the motion. All those in favor signified by saying "aye" and those opposed by saying "no." There being four "ayes" and three abstentions, the motion was not carried. The Chair asked that the February minutes be included on next month's agenda.

Chairman's Report

Chair Ondish stated that Counsel Chudzik is doing further research on the ethics issues. Mr. Hodson inquired about Ethics training and Counsel Anderson stated he would provide the URL for the State Ethics Training. There was discussion on the differences between the disclosures form required for the towns and the form required for the Commissioners.

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He stated he is looking forward to moving forward with the fertilizer campaign this year. He met with Millennium Visual Displays to visit different places for electronic signs and that is still on hold for now due to the high cost.

Old Business

Field Staff Report

Chair Ondish asked for any questions regarding the Field Staff Report. He commended Mr. Clark and Ms. Macalle-Holly for working with the towns to find different ways to approach the in-kind contributions.

Mr. Zoschak inquired about the new hires. Mr. Clark stated the ad ran in the paper a week ago. Mr. Zoschak stated that Roxbury Council felt the same about the issue as he, Mr. Klipstein and Mr. DePalma that it was not a good ideal to hire full time people. Ms. DeStefano stated that the Commission was filling vacant positions. Chair Ondish stated that Ms. Gantert sent an email supporting the issue.

Mr. Clark stated he brought a sample of a snout device and described the installation in catch basins. Dr. Lubnow discussed the benefits of the device indicating that there is about sixty percent removal of solids based on concentration and about thirty percent removal of phosphorous based on concentration. He stated that it is a cost effective way to remove solids and phosphorus but the key is to maintain the catch basins on a routine basis.

Creation of Audit and Evaluation Committees

Chair Ondish stated he was unable to get in touch with Counsel Weyl because he was preparing for an argument. Mr. Anderson stated he did not have any further information on this. Chair Ondish stated that Counsel was looking into the requirements necessary for the Commissioners to serve on the Committee. Chair Ondish tabled this until Counsel Weyl could provide more information.

Mr. Zoschak stated that the dredging project in King Cove that was started over two years ago was completed. Mr. Zoschak stated he could find out how much was dredged out of the lake. He also questioned if Roxbury could get a 319 grant to put a sand filter in that area on Township property. Dr. Lubnow stated that an aqua filter will be installed in Roxbury as part of the EPA grant instead of a sand filter because it removes dissolved phosphorus and the maintenance is less than a sand filter. Ms. Macalle-Holly stated the two projects in Roxbury include the existing detention basin on Mt. Arlington Boulevard for the 319 grant and the proposed EPA project is to install an aqua filter on the corner of Mt. Arlington Blvd. and Singac. Ms. Macalle-Holly stated when she met with Mr. Kobylarz and Mr. Rath in the township to discuss the proposed EPA grant, she reviewed the existing project list and asked if the township had any additional priorities. Dr. Lubnow stated that this alternative location should be identified and included as a prioritized project on the restoration plan. Mr. Zoschak stated that Mr. Blood in Roxbury advised that there is going to be a drainage project near Singac Road. Mr. Zoschak stated he would have Mr. Blood contact Ms. Macalle-Holly to discuss further.

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Princeton Hydro Report

Dr. Lubnow stated that PH spent a lot of time preparing the scope of work, budget and the Quality Assurance Protection Plan (QAPP) for the EPA grant. The grant application was submitted about a week ago. He stated that Mr. Clark and Ms. Macalle-Holly collected a lot of the information so PH could include it in the grant proposal.

Dr. Lubnow stated that today he submitted the QAPP for the tributary monitoring to get the LHC staff certified to collect baseline stream flow and pollutant data. It will involve an educational program provided by PH including on-site training to demonstrate the appropriate sampling protocol. The LHC staff will continue with the monitoring under the State's Quality Assurance Protection Plan. He provided information to Mr. Clark on a flow meter that the Commission will need to purchase for long-term data collection for discharge and flow data.

He stated he had hoped to have the QAPP for the 319 grant tonight, but he ran out of time. He will submit that directly to Ms. Rector at DEP. This QAPP will focus on collecting stormwater for the BMP to assess their pollutant removal capacity.

He stated he had some correspondence today from Mr. Ruschke from Hopatcong. They are continuing to firm up the locations of the sites for the 319 grant.

Dr. Lubnow introduced Chris Krupka of Princeton Hydro Ringoes' office stating she will be attending the LHC meetings every other month. Beginning next year, he anticipates they will be attending alternating meetings. He stated Chris is managing much of the 319 and EPA grant work for Princeton Hydro. Ms. Macalle-Holly stated that Chris also attended the EPA TWG conference in Albuquerque.

At Mr. Zoschak's request, Dr. Lubnow described the proposed EPA grant project for Roxbury at Singac and Mt. Arlington Blvd. He stated the project would install an aqua filter to remove the solids and dissolved phosphorus.

Mr. Hodson stated he had some questions for Dr. Lubnow about the articles in today's Daily Record. He stated he would forward the articles to Dr. Lubnow. Mr. Clark stated that the article was incorrect because it stated that sand filters would be installed. Dr. Lubnow stated that most of the grant projects are larger structures that would not generally go on someone's private property. Dr. Lubnow stated that for grant funding, the aqua filter devices cannot be installed on private property, but the bioretention and vegetative filter strips could be used by homeowners to reduce their contribution to the nonpoint source pollution.

Sub-Committees

Ms. Macalle-Holly stated that last month there was discussion on appointments to subcommittees. Chair Ondish stated that the Commission had previously discussed combining some committees. Ms. DeStefano stated she did not speak with Mr. Mitchko about serving on the Site Plan Review Committee yet. Chair Ondish asked that Mr. Hodson setup a bylaws committee meeting. It was agreed to combine the public relations and fertilizer outreach committee. Chair Ondish indicated the bylaws and budget/personnel committee would remain with its current members. Ms. Macalle-Holly stated the project planning committee meets prior to when the budget is drafted and typically meets in the late summer. Chair Ondish stated the Audit Committee will need to be established.

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New Business

Hopatcong State Park Request for LHC Boat Use

Ms. Macalle-Holly stated, as directed by the Chair, she contacted Superintendent Maurella to advise her that this issue would be on the agenda. Ms. Macalle-Holly previously discussed the insurance issues with the Superintendent indicating to her that only Commission employees can operate the Commission equipment. Superintendent Maurella would inquire if the State could also insure the Commission's boat if State Park personnel would be able to use it. Mr. Zoschak stated the State Park could reimburse the Commission for one of our employees to operate the boat for the dock survey.

Ms. DeStefano stated that this is a Commission asset and only a Commission employee should operate the boat. Ms. DeStefano stated the Commission's Insurance Company recommended that the State reimburse the Commission for its employee's time to operate the boat. Ms. DeStefano stated that Commission insurance does cover if other people are on the boat. Mr. Clark stated his concern that the Park Rangers are not familiar with the Lake and the DEP and Park own boats, which could be used for the project. Chair Ondish stated that the Commission does not have the employees to spare for this project. Ms. DeStefano stated that there is not enough information on the scope of the dock project. More information is needed on how many weeks/days or when the survey will be done. Chair Ondish suggested that the Commission recommend the State Park explore other alternates by going to the State Police or County first since there is a staffing and insurance liability issue for the Commission. Ms. DeStefano stated that this might be an opportunity to get additional funding if the State would pay the Commission to use one of its employees. Mr. Hodson stated that the Commission should not dismiss the request until it has more information. He stated he agreed with the extra revenue potential and that it could look well for the Commission to work hand-in-hand with another state agency.

Ms. Macalle-Holly stated the letter indicated the dock survey would take several years and the State Park does not have a boat to complete the task. They requested use of the Commission boat on select days over the years for use by State Park Officers. Ms. Macalle-Holly stated she believes the State Park is looking to update their inventory of docks on the Lake so when they get an application for a permit, they have some current information to review it against. Ms. DeStefano stated that there is not information available to make a decision. Mr. Zoschak stated it contradicts the argument of filling the two full-time positions. The Chair advised that the Commission should get more information from Superintendent Maurella relative to the exact time and whether they are willing to work around the Commission schedule since a Commission employee would have to operate the boat. Mr. Zoschak suggested including a statement about the insurance liability issue. Ms. DeStefano asked to include a statement about compensating a Commission employee.

Mr. Zoschak stated he had another item for new business. He reported on a request by a Girl Scout troop to use the State Park by Lake's End Marina. The State Park responded that it was unsafe to use that part of the State Park because of the sea wall. He is asking the Roxbury Engineering and Police Departments to put fencing up to keep people out because it is a danger to public safety.

Ms. DeStefano requested copies of the ordinances adopted by Mt. Arlington and Hopatcong to change their ordinance. She stated that the proposed ordinances might increase the amount of phosphorus entering the Lake. As Jefferson is tightening its ordinances, other towns are

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loosening theirs. Mr. Hodson stated Hopatcong's ordinance was included in the meeting package. Chair Ondish stated that Mount Arlington has not changed its ordinance. He stated that Mount Arlington is redoing all of its land use ordinances. Chair Ondish stated the ordinance has nothing to do with impervious coverage and deals with living space. Mr. Hodson stated he opposed Hopatcong's ordinance. The proposed Hopatcong ordinance increases the allowable lot coverage, which could cause a parking problem. Ms. DeStefano discussed other issues regarding recharge and increased water usage. Mr. Zoschak stated that this Commission should not be encouraging development around the lake and watershed by increasing the size of a home on a lot. Ms. DeStefano stated she was requesting a copy of the ordinance from both towns. Ms. Rector stated that when PH developed the restoration plan they did look at build out. She stated she is meeting with the towns and looking at the open space that is set aside to compare it to the projected development. Ms. DeStefano stated that the projected development would change now because of the change in these ordinances.

Ms. Macalle-Holly stated that she should have brought up this issue up under communications. She noted that the Jefferson Shared Services Agreement was included in the package. The Commission previously approved a resolution to authorize the Chair to Enter into Shared Services Agreements on behalf of the Commission. She stated that it is the same agreement that has been in place for the past two years. She stated the Commission is looking for shared services agreements with the other municipalities. She stated that Mr. Clark sent out an email to the administrators for Roxbury and Mt. Arlington and to the Mayor for Hopatcong. She stated that Mayor Ondish had previously advised that Mt. Arlington is moving forward to approve the shared services agreement.

Public Comment

Chair Ondish opened the meeting to public comment. Frank Gutowski, resident of 65 Ripplewood Drive, Lake Hopatcong, Jefferson Township addressed his concerns of property adjacent to his that a developer is planning to build a home on. The developer prepared a site plan with a septic system that was approved by the Jefferson Board of Health. Mr. Gutowski had an independent engineer evaluate the site plan and prepare a report which was sent to the Board of Health with a copy to the Commission. He stated that the report indicates the septic system will fail and leak into the lake. The stormwater drainage pipes that they want to install are inadequate and are close to the septic system. He requested the support of the Lake Hopatcong Commission to work with them on this cause. Ms. DeStefano stated it was her understanding that Jefferson has not made a final decision on it. She stated that she has not heard back from Administrator Jim Leach; he was going to keep her advised. Ms. DeStefano stated that Jefferson's Engineer should have the opportunity to review this. She would follow-up with Mr. Leach. In response to an inquiry from Mr. Zoschak, Mr. Gutowski responded that the DEP said the lot was not big enough for them to be concerned about. Ms. Rector stated that DEP has to follow their regulations so they may not have any jurisdiction over it. Mr. Gutowski stated he sent the DEP letter to Ms. Rector. Ms. Rector asked that Mr. Gutowski send another copy of the material to her attention, but the DEP does not review one septic system.

Mr. McCabe made a motion to adjourn. Mr. Zoschak 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 9:30 p.m.

Submitted by: Donna Macalle-Holly