

Minutes of the Lake Hopatcong Commission

April 17, 2006

A meeting of the Lake Hopatcong Commission was held on April 17, 2006 at the Roxbury Municipal Building, 1715 Route 45, Ledgewood, 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: Robert Mitchko (Jefferson Alternate), Colleen DeStefano (7:45 p.m.), Elizabeth Gantert, Eric Grove, Richard Hodson, Richard O'Connor, Kenneth Klipstein, Charles Richman, Richard Zoschak and Arthur Ondish

Absent: Wayne McCabe, David Jarvis

Alternates Present: Daniel McCarthy (Hopatcong), Robert Gruber (Mt. Arlington), Nicholas DePalma (Roxbury), Patricia Rector (DEP)

With nine members present at Roll Call, Chair Ondish declared a quorum. The Chair announced changes to the Commissioners. For Mt. Arlington, Mr. Kerner stepped down due to family commitments. Alternate Commissioner O'Connor will step up to the Commissioner position for Mt. Arlington. He introduced Rob Gruber, resident of Bertrand Island, as the new Alternate Commissioner for Mt. Arlington. Mr. Gruber stated he is a life-long resident on the lake. He thanked the Commissioners for their participation. He also introduced Charles Richman as the new representative for the Department of Community Affairs (DCA) since Herman Volk stepped down due to retirement. He thanked Mr. Richman for his service to the Commission.

Chair Ondish stated that Mr. Volk and Mr. Kerner would be invited to the next meeting to recognize their efforts on the Commission.

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

Communications

Chair Ondish asked for comments on the communications package. Mr. Zoschak made note of the efforts to provide a monthly article to the Shoppers' Friend.

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Treasurer's Report/Payment of Bills

Mr. Grove reviewed the Reconciliation Summary, as of March 31, 2006. He reported an ending register balance of \$348,597.42 in the VNB account. He stated a Revised Bill List of \$30,899.90 was submitted for approval. Ms. Macalle-Holly stated that at last month's meeting, the two Princeton Hydro (PH) items were removed from the Bill List for payment for the EPA Wetlands Grant and the DEP 319 Grant. The Commission did receive an additional invoice from PH and both items have been included on the Bill List again. She noted that the two payments are for the EPA and 319 grants and are both from separate checking accounts to administer these grants. Payment is not from the Commission's operating account. There being no further comment, Ms. Gantert made a motion to move the Revised Bill List. Mr. Hodson seconded.

ROLL CALL:

DeStefano	Yes	Klipstein	Yes
Gantert	Yes	Richman	Yes
Grove	Yes	Zoschak	Yes
Hodson	Yes	Ondish	Yes
O'Connor	Yes		

Motion carried 9-0-0.

Minutes of Meeting of February 21, 2006

Chair Ondish requested a motion for the minutes. Mr. Zoschak made a motion to move the February minutes. Mr. Hodson seconded the motion. There being no comment, the Chair requested a roll call vote.

ROLL CALL:

DeStefano	Yes	Klipstein	Abstained
Gantert	Abstained	Richman	Abstained
Grove	Yes	Zoschak	Yes
Hodson	Yes	Ondish	Yes
O'Connor	Yes		

Motion carried 6-0-3 (three abstentions).

Minutes of Meeting of March 20, 2006

Chair Ondish requested a motion for the minutes. Mr. Zoschak made a motion to move the March minutes. Mr. O'Connor seconded the motion. There being no comment, the Chair requested a roll call vote.

ROLL CALL:

DeStefano	Abstained	Klipstein	Yes
Gantert	Abstained	Richman	Abstained
Grove	Yes	Zoschak	Yes
Hodson	Yes	Ondish	Yes
O'Connor	Yes		

Motion carried 6-0-3 (three abstentions).

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Chairman's Report

Chair Ondish discussed appointments to Committees to replace Mr. Kerner and Mr. Volk. Mr. O'Connor agreed to fill the vacancy on the Public Outreach Committee to replace Mr. Kerner and serve on the Site Plan Review Committee as well. Ms. Gantert volunteered to serve on the By-Laws Committee. Mr. Richman agreed to serve on the Project Planning Committee. All those in favor of the committee appointments signified by saying "aye" and those opposed by saying "no." There was a unanimous "aye".

Chair Ondish stated he attended a GIS presentation at Morris County. During last month's meeting there was discussion on the State Park's request to use the Commission boat. He stated that the Commission Attorney present at last's month meeting suggested that aerial photos could be considered as an alternative. Chair Ondish stated that during the GIS presentation he spoke with Walter Krich, Director of Planning for Morris County about this. The Chair spoke with Hopatcong State Park Superintendent Maurella about using aerial photos instead of doing the survey by boat. Superintendent Maurella agreed and contacted the County about providing the necessary information. Due to an error, the contractor for the County had to take satellite pictures again and they did it for the entire Lake including Sussex County. He stated that at this point the State Park's request to use the Commission boat is on hold.

He stated on March 30 a letter was sent to the Governor, which is included in the package, inviting him to the Lake.

The Chair stated he attended and spoke at an FAA meeting on April 4 in Parsippany regarding the change in flight patterns of the airlines, which could triple or quadruple the number of flights over Lake Hopatcong. He was concerned due to noise issues and pollution from jet fuel. He discussed the alternate FAA proposals being considered.

The Chair reported that on April 13 there was a meeting with Jose Fernandez [Director of Parks and Forestry], Senator Bucco and Barbara Kinback and Rich Zoschak regarding the Landing wall in Roxbury Township, which is falling down. Mr. Fernandez agreed that it is a safety issue. Mr. Zoschak stated that construction fencing was put around the area to deter people from getting too close to the wall. Chair Ondish stated Mr. Fernandez agreed to put a priority on this project, but there is no money available. He reported Senator Bucco responded that he could find money. The Chair stated Mr. Fernandez offered to contact DEP Commissioner Lisa Jackson about visiting Lake Hopatcong. Mr. Clark stated that Jeffrey Gould of Princeton Hydro had previously conducted an evaluation on the Landing wall and provided an estimate. There was discussion on the use of riprap to repair the wall. Mr. Zoschak stated that two weeks prior to the meeting, Roxbury sent a resolution to the Governor requesting that the Landing wall be investigated.

Chair Ondish stated he spoke with Superintendent Maurella today regarding the Lake level. He received a call from Jefferson Mayor Felter who is very concerned about the level and that water is being discharged through the dam. Lake Shawnee is going to allow more water to flow out since they are full. He stated that the Lake is down because there was very little snow late in the season and less rain, but there is still April, which usually brings more rain. He stated Mayor Felter inquired if the flow could be slowed down through the dam to bring the lake level up and Superintendent Maurella informed the Chair that DEP has to authorize that. Mr. Klipstein stated that DEP would keep an eye on the water level. Ms. Macalle-Holly stated the lake is down about two feet. Chair Ondish stated that the Lake Water Level Management Plan is followed regarding the lake level.

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Chair Ondish stated he spoke with Counsel Chudzik regarding the background requirements for members of the Commission's Audit Committee. He stated there are no specific requirements for members of the Committee. He stated that Counsel advised that staff could develop the RFP for the auditor. When proposals are received, the staff is excluded from those proposals and the audit committee should review the proposals to make a recommendation to the full Commission for selection of an auditor. When the auditor is selected, the Committee will meet with the auditor to review the proposal to ensure it covers all appropriate areas. Chair Ondish stated it was also recommended that the Chair of the LHC Budget Committee not serve on the Audit Committee. Chair Ondish stated serving on the committee is not a huge ordeal, but he feels it is very important. When the final report is done by the Auditor, there may be recommendations to improve efficiency. Chair Ondish asked for three volunteers for the Audit Committee. Mr. Zoschak, Mr. O'Connor and Ms. Gantert agreed to serve on the Audit Committee. Chair Ondish reviewed the functions of the Audit Committee stating that when the RFP responses are submitted, the Committee selects an auditor to recommend to the full Commission. The Committee reviews the draft of the audit findings for Commission review. Counsel Weyl suggested Ms. Macalle-Holly contact the Water Supply Commission for a RFP model although theirs may be more complicated due to bonding. Ms. DeStefano stated that although the Commission is required by the Executive Order to do an audit, the Commission is aware of some potential issues such as no written procedures and lack of appropriate controls due to small staff size. She stated that the Commission does not have adequate funding and staff to correct these issues and no one is currently qualified to write financial procedures. The Chair stated that maybe the Commission would not have to conduct an audit annually, but it should be done so there are no questions.

Ms. DeStefano stated she saw the note from Ms. Macalle-Holly that the Commissioners would not need to file financial disclosure forms, but it is not included in the minutes. Counsel Weyl reported that Counsel Chudzik spoke with Rita Strmensky and, at this point, the financial disclosure information is only being collected for the named bodies and they are not asking for submission from unnamed bodies yet under Governor Corzine's Executive Order 1. Mr. Zoschak stated he had filed his financial disclosure and he received a call today inquiring who he was. He responded that he was a Commissioner for the Lake Hopatcong Commission, which is in but not of DEP. The caller responded that our Commission is not a named Commission and it does not have to file the financial disclosure. Mr. Zoschak did not recall the name of the caller. Counsel Weyl stated that served as independent confirmation.

Chair Ondish stated that there was \$400K appropriated to the Commission instead of the \$500K the Commission received last year and the \$900K the Commission requested for next fiscal year. He stated that Commissioner Jackson would be speaking to Senator Bucco and the Appropriation Committee. At that time, Senator Bucco would ask for more money for the Commission. In response to Mr. Richman's inquiry, an overview was provided by various Commissioners of the Commission's funding history. Chair Ondish stated that each year the Commission receives less funding. Ms. DeStefano commented that the lack of funding is jeopardizing the Commission's ability to operate efficiently and safely. Chair Ondish stated he is confident that Senator Bucco will be able to find funding. Ms. DeStefano stated that information should be provided for the Senator to use. Chair Ondish stated that the Senator has most of the information he needs. He stated that the \$400K would enable the Commission to continue operations at least through the summer. Chair Ondish stated the Commission has a valid purpose and is a professional organization that will succeed. He stated the Commission has received grants for specific projects, but grant funds are not for the Commission's operations costs.

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Old Business

Field Staff Report

Chair Ondish asked if anyone had questions for Mr. Clark and his report. In response to an inquiry, Ms. Macalle-Holly stated that staff had made a request to renew the agreement for the maintenance facility.

Mr. Klipstein stated a motion was made a few meeting ago concerning hiring additional staff and inquired about the status. Chair Ondish stated that the motion was approved to hire those people. Ms. Macalle-Holly stated the motion was to fill two vacant full-time positions and the staff was advised to advertise for those positions and go from there. Ms. DeStefano stated that before the Commission begins cutting staff, it should be discussed first by the Personnel Committee. Mr. Klipstein stated that the Commission should not fill those positions. Chair Ondish stated that the decision was already made. Mr. Klipstein made a motion to hold off filling the positions until the Commission hears about the budget. Mr. Zoschak seconded. Mr. Klipstein stated it was irresponsible and he cannot move forward with that knowing the Commission will only receive \$400K. Chair Ondish stated that filling the two positions would not make or break this Commission. It will break the Commission if someone gets hurt because not enough people are working. Chair Ondish stated that the two positions were already in the budget. Chair Ondish reviewed the staffing situation from last year and the affects on the operations by hiring only seasonal staff. There was discussion about the seasonal hiring versus hiring full-time personnel. Chair Ondish asked Mr. Clark for his thoughts. Ms. DeStefano stated she had asked the Field Staff Director for information relative to staffing needs and he should be able to provide that information so the Personnel Committee can evaluate it.

In response to Mr. Hodson's inquiries, Mr. Clark reported that the positions were advertised and there are about six applicants. No interviews have been conducted. The individuals would report to work around the end of May. The starting salary is \$17/hour for full-time and \$14/hour for seasonal. In response to the Chair inquiry about last year's seasonal staff, Mr. Clark stated one seasonal employee was a returning seasonal employee and he worked out all right. Three or four others were trained and after training decided, they did not like the work and quit. Mr. Clark stated he would like to hire two more people that are full-time because the staff is behind at the maintenance facility because four employees are doing the work of six. They are shorthanded to move the equipment. He would like to hire two more people, but he does not want to hire two more people that are full-time if means laying off his current staff.

Mr. Richman stated the Commission has fiduciary responsibility. Ms. DeStefano stated she is suggesting that the Commission operate efficient to the point where it can continue to operate and at the point when the Commission can no longer continue to operate safely and efficient, the weed harvesting operation may have to be shut down for four weeks early, but the Commission has to live within its budget. Mr. Richman stated if merely shutting down the work early could make up the budget shortfall, he can understand, but if the budget shortfall means lying staff off four months from now, he would be unable to vote for it. Mr. Klipstein stated the Commission knows now that the budget is only \$400K and it will not be able to sustain eight full time employees with six harvesters running through September. Ms. DeStefano stated would it make more sense to have two harvesters running all season and people complaining, then the Commission would not be able to do one job correctly. Mr. Klipstein stated when the vote was originally taken, the Commission did not know what the line item would be and he needs to be on

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record to oppose hiring full time. Mr. Zoschak stated that the Commission cannot control the Governor's thinking, but it has to keep the Commission's current employees. Chair Ondish recognized that there were differences of opinion on the approach and called for a vote. He thanked Mr. Clark for his input. He reiterated that the motion was not to fill the two vacant full-time positions.

ROLL CALL:

DeStefano	No	Klipstein	Yes
Gantert	No	Richman	Yes
Grove	No	Zoschak	Yes
Hodson	No	Ondish	No
O'Connor	No		

Motion carried 6-3-0.

Chair Ondish directed Mr. Clark to begin interviewing.

Creation of Audit and Evaluations Committee

Chair stated his was covered earlier.

Hopatcong State Park Request for LHC Boat Use

Chair stated this was already addressed.

Mr. Zoschak stated that there was no public in attendance. He spoke with John Kurzman and he stated that he did not attend the Commission meeting because the public session in the beginning of the meeting was voting out. Mr. Zoschak stated Mr. Kurzman believed some of the public might not want to stay for the entire meeting through 9:00 or 9:30. Mr. Zoschak suggested as a courtesy to the public the first public comment should be added reinstated. Ms. DeStefano stated the Commission meeting sometime lasted until midnight. Mr. Hodson stated that without the first public comment, the Commission votes on topics without hearing from the public. He stated that the Commission agenda is very loose. Chair Ondish stated the decision was made previously, but could be revisited. After further discussion, the Chair stated that if the majority wanted to reinstate the first public comment, it would be added to the agenda again.

Princeton Hydro Report

Dr. Lubnow stated for the EPA grant, he prepared three different technologies that can be suggested besides the Peat System. He would prepare this and provide to Ms. Macalle-Holly for submission to the EPA.

He stated the Tributary Monitoring Quality Assurance Protection Plan (QAPP) was submitted to DEP last month and PH has received comments from DEP. PH addressed DEP's comments and returned it to DEP.

Dr. Lubnow stated PH is finalizing the 319 QAPP. Dr. Lubnow stated he visited alternate location to take digital photos for one of the smaller project sites in the 319 grant based on input from Hopatcong Engineer John Ruschke. That information will be included in the QAPP.

He stated he has to speak with Chris M. at PH regarding the EPA QAPP.

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Dr. Lubnow discussed the EPA Wetlands Grant stating that PH will need to contact the municipalities, the Commission and the Knee Deep Club to help identify locations as potential restoration projects. This plan is focusing more on wetlands, riparian, stream banks and fish habitat to identify sites for restoration. Mr. Klipstein suggested that Dr. Lubnow discuss this EPA project further at the TMDL meeting.

Dr. Lubnow stated he received a call from Grace Messinger of North Jersey RC&D and from Mr. Leach about information PH had gathered years ago about vegetation to use at the Ashley Cove riparian buffer project.

Ms. Macalle-Holly stated the Commission is trying to arrange for its semi-annual TMDL meeting on Wednesday, May 17 at 2:00. She stated that representatives from each municipality and county as well as DEP and PH should attend and anyone that is knowledge of drainage or restoration projects should plan to attend. Ms. DeStefano asked for a copy of the agenda about a week and a half prior to the meeting. Ms. Macalle-Holly stated that if the appropriate representatives from each town could not participate, an alternate date would be considered.

Dr. Lubnow stated that the majority of the information for the 319 BMP sites has been received, but still needs some additional information from Hopatcong. A pre-application meeting with DEP has been requested for one of the projects in Jefferson.

He stated that PH would be initiating the annual water quality-monitoring program next month. PH has been conducting the monitoring for approximately 18 years and has a long-term data set for Lake Hopatcong.

Sub-Committees

There was discussion about the proposed dates for the next bylaws meeting. Mr. Grove stated he would have a meeting to discuss the personnel and budget issues. Mr. Weyl stated that there is a schedule for the budget hearing. Ms. Macalle-Holly stated that the project planning committee meets in late summer to provide input to the budget committee on proposed projects. Ms. Macalle-Holly stated the letter about the lake-friendly fertilizer use was distributed to local organizations and it was included in the meeting package. She is inquiring about getting permission from the counties to hang banners on both bridges on the Lake. She stated that Mr. Hughes arranged for Mt. Arlington to include the lake-friendly fertilizer message to look for the zero in the middle on the public flashing signs throughout the borough. Chair Ondish thanked Mr. Risko for his work on the site plan reviews.

Mr. Klipstein reported on the supplemental funding committee meeting stating that the committee reviewed various options. He stated the committee discussed that the Commission might want to consider preparing letters to the appropriation committee members regarding funding. He stated that the committee discussed Greenwood Lake's success with having legislation sponsored by Senator Doria for dock fees. He stated that he knows Senator Bucco has not been in favor of that approach for the Lake Hopatcong. Mr. Klipstein stated that a prior meeting a survey was discussed and it was resurrected at the committee meeting and a sample of the survey is included on the last page of the meeting package. He stated it was good information about marinas and types of facilities available regardless of what happens with the direction of supplemental funding. Chair Ondish suggested the surveys be returned by Memorial Day and follow-up calls

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for unreturned surveys could be made the following week. Mr. DePalma stated at a recent budget hearing, Senator Bucco approached Senator Doria about Senate Bill 1121 and suggested the Commission may inquire about that. Mr. Klipstein stated he was obligated to suggest that someone else Chair the Supplemental Funding Committee besides himself because he is not in sync with the majority on the need for this. Mr. Zoschak stated that in speaking with the Senator, he is of the opinion that the State should fund the Commission. Chair Ondish stated that the lake area generates over \$200 million in tax revenue and he agrees with the Senator that funding should be through the State. Chair Ondish stated that supplemental funding for equipment such as a hydro-rake that Mr. Jarvis has approached him about or funding for the gage is something the committee could pursue. Mr. Klipstein stated that if the state appropriation is only \$500K and the Commission budget is \$900K then other alternatives such as "Friends Of" or volunteer organizations should be considered. There was discussion on grants being used towards operations costs and shared services agreements being used as a revenue source. Mr. McCarthy stated the Commission is statutorily charged to seek funding mechanisms and took the opportunity to discouraged Mr. Klipstein from resigning as Chair of the Supplemental Funding Committee because his knowledge is needed to seek grants and other alternate sources.

New Business

Although there was no specific new business on the agenda, Ms. Macalle-Holly stated that in the past the municipalities and the counties have sent resolutions supporting the Commission's funding. Chair Ondish stated that he would like Morris and Sussex Freeholders to do that.

Public Comment

Dan McCarthy, Hopatcong Alternate Commissioner, welcomed the new commissioners and congratulated Mr. O'Connor. He discussed the Commission legislation and the eleven duties and responsibilities. He stated that in 2002 there were eight full time employees and three part time employees to run the harvesting operations. He stated the harvesting equipments needs to be operated and maintained. He discussed the field staff storm drain-mapping project. He stated that the Commission is much more than a weed harvesting operation and it is important to review the legislation to see what the Commission is charged to do. Mr. McCarthy stated that before Mr. Volk left the Commission he was about to tackle a project regarding the dock construction on the lake and working with the municipality regarding a uniform ordinance. Chair Ondish asked Mr. Richman to speak with Ms. Macalle-Holly regarding this issue.

There being no further public comment, Chair Ondish requested a motion to adjourn. Mr. Grove made a motion to adjourn. Mr. Richman 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.

Submitted by: Donna Macalle-Holly