

Minutes of the Lake Hopatcong Commission

April 18, 2005

A meeting of the Lake Hopatcong Commission was held on April 18, 2005 at the Roxbury Municipal Building, Howard Boulevard, Mount Arlington, New Jersey. At 7:35 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, Elizabeth Gantert, Richard Hodson, Dave Jarvis, Walter Kerner, Kenneth Klipstein, Richard Zoschak, John Risko (Sussex County) and Arthur Ondish

Absent: Eric Grove, Wayne McCabe, Herman Volk

Alternates Present: Daniel McCarthy (Hopatcong), Robert Mitchko (Jefferson), Richard O'Connor (Mount Arlington), Brandon Phillips (Roxbury), Patricia Rector (DEP Alternate)

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

Also present were: Fred Lubnow - Princeton Hydro
Helene Chudzik – Commission Legal Counsel

Communications

Chairman Ondish asked for any questions or comments on the communications. In response to an inquiry, Mr. Phillips stated that Mr. Donegan [Hopatcong Zoning Officer] wanted further clarification of the term Best Management Practices (BMP) in the site plan review letters. He stated the current letter further describes BMPs.

Treasurer's Report/Payment of Bills

In Mr. Grove's absence, Ms. Macalle-Holly presented the Treasurer's Report. She stated a Revised Bill List of \$11,433.44 was presented for approval. She stated, as of March 31, 2005 the Bank of New York checking account had a cleared balance of \$25,000 and the JP Morgan Money Market there was a balance of \$406,513.70 for a total balance of \$420,289.75.

Mr. Zoschak made a motion to move the Revised Bill List. Mr. Risko seconded the motion. In response to the Chair's inquiry, Counsel Chudzik stated it could be done as an

LHC 4/18/05 Meeting Minutes

all in favor vote. All those in favor signified by saying “aye” and those opposed by saying “no.” There being a unanimous “aye” the motion was carried.

Minutes of Meeting of March 21, 2005

Chairman Ondish asked for any comments or questions regarding the March 21, 2005 meeting minutes. Chairman Ondish thanked Ms. Macalle-Holly for clearly summarizing his discussion on how the lake was treated years ago. Dr. Lubnow stated he would check with Dr. Souza on this inquiry. The Chair stated he hoped to find out at the next meeting because he has been asked this question numerous times. Mr. Zoschak made a motion to move the March minutes. Mr. Risko 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.

Public Comment

At this time, Chairman Ondish opened the meeting for public comment.

Dan McCarthy, resident of Hopatcong [and Hopatcong Alternate] addressed the issues of staffing on the meeting agenda. He was concerned about hiring part time field staff. He suggested the situation be thoroughly analyzed and perhaps not to make a final determination tonight. He stated there is a track record with the full time staff and what is necessary to operate the harvesters, as well as the TMDL issue and shared services agreements. These efforts all involve staff. He also discussed that the issue of hiring an executive director and that it should be determined what is not being done by Ms. Macalle-Holly or Mr. Clark. If part time seasonal staff is hired to work during this summer, the door should be kept open to retain some of the seasonal staff in the fall depending on how the budget goes. He stated he hopes the staffing issue is given careful consideration.

Tim Clancy, resident of Jefferson Township, also discussed the staffing issue stating that it was addressed earlier in the Commission’s history. He stated the full time staff proved themselves very worthy. He stated as a person who works in construction, he would be leery of using part-time, poorly paid seasonal staff because of the million dollars worth of equipment. Mr. Clancy stated that if the hiring of a part time executive director will diminish its ability to staff the field crew, he would weigh that carefully. He questioned what would be done better with a part time executive director since the Commission just received a very large grant and won a battle with Fish and Wildlife over the trout stocking. Mr. Clancy stated that hourly employees would not take good care of the equipment since they would be laid off at the end of the season. He stated the public overwhelmingly supported the full time staff initially.

There being no further public comment, the Chair moved to the next agenda item.

Old Business

Chairman's Report

The Chairman addressed the lake-friendly fertilizer campaign stating he was happy with the way it was turning out. There has been a lot of positive public feedback. He stated that more information available on the website. He thanked Barry Marke for taking the initiative to ask the Jefferson Township Rescue Squad to advertise the non-phosphorous fertilizer on their sign and he thanked everyone else involved in the lake-friendly fertilizer campaign.

The Chair stated he is still pursuing a message board sign in Landing. Mr. Zoschak stated the Council is not receptive to a flashy sign. He stated that Roxbury's sign ordinance applies to that location even though it is a fence on State property. Chairman Ondish stated he was thinking of having a local landscaper volunteer to do something there around a sign. He asked Mr. Zoschak to keep pursuing the sign issue and he would continue to pursue the issue. The Chair stated that some type of sign or message board is needed to get high-level information out on the Lake such as the high water level.

The Chair stated that the Commission received a letter from the Lake Musconetcong Regional Planning Board to request a liaison between their Board and the Commission. He stated Brandon Phillips also sits on that Board. He stated he Mr. Phillips expressed interest in the liaison role. Mr. Zoschak made a motion to appoint Brandon Phillips as the liaison to the Lake Musconetcong Regional Planning Board. Mr. Risko seconded the motion. There being a unanimous "aye" the motion was carried. Chairman Ondish thanked Mr. Phillips for the effort.

In response to an inquiry, Mr. Phillips discussed the Board's harvesting program and funding for the program. Mr. Ondish stated he is waiting for a letter from Musconetcong Board. Mr. Phillips stated he would speak with the Board's Chairman, Doug Zellman on Wednesday.

Field Staff Report

Chairman Ondish stated that the Field Staff report is now distributed as part of the meeting package. He asked if anyone had any questions for the Field Staff Director. In response to an inquiry, Mr. Clark stated the equipment would be moved from the maintenance facility sometime during the end of May.

Mr. Clark stated he had provided a list of the chemical permit applications for the Lake. He stated the orange dots on the Lake Hopatcong map represented treatment locations for a total of 13 applications for this year. Typically, there are between 25-30 applications and he anticipates more will be received. Chairman Ondish stated the map was exactly what he was looking for to get a better understanding of the treatment locations.

LHC 4/18/05 Meeting Minutes

Commission Banking/Payroll Alternatives

Ms. Macalle-Holly provided a follow-up on the Commission banking and payroll transition. The payroll was cut over to Paychex during the beginning of the second quarter and the transition appears to be going smoothly. The Commission banking transition will take some time because the utility, pension and benefits payments are done through electronic fund transfers (EFT) and paperwork has to be processed over the next couple of months. Once the transfers are no longer debited to the Bank of New York account, the funds will be transferred to Valley National. She stated Mr. Zoschak had just signed a check to move a large portion of the funds to Valley National.

In response to an inquiry if the Commission employees were taking advantage of the Valley National employee program, Ms. Macalle-Holly stated she has not communicated the program to the staff as this point, but plans to in the near future.

Lake-Friendly Outreach Initiative

Chairman Ondish questioned if anything else needed to be covered on this. Ms. Macalle-Holly stated she distributed a draft press release for the Commissioners review. She stated the press release would get the word out on where residents could purchase the fertilizers. She stated the release should be issued by May 20 in order to meet the Shoppers Friend cutoff date for their May publication. Chairman Ondish asked Ms. Macalle-Holly to contact Frank Hughes about the website that distributes press release at no charge. The Commissioners agreed to review the release and provide comments to Ms. Macalle-Holly.

Commission Office Lease Renewal

Counsel Chudzik stated she reviewed the lease and would offer some preliminary changes to the Commission if they want to move forward with it. She would send the lease with her comments to the Commission. She stated the Commission could commit subject to appropriations.

Mr. Zoschak stated from what he gathered the monthly rent for the lease are in the ballpark of others.

USGS Monitoring Gage

Mr. Klipstein stated that the DEP would provide \$10K toward the USGS monitoring gage. He was unsure what the funding source would be but it probably would be from Watershed Management budget or through the Dam Safety Program. In response to an inquiry as to others that may be interested in the gage, Mr. Klipstein stated Water Supply, Parks, Fish and Wildlife have an interest and possibly Musconetcong Sewage Authority (MSA). Helene Maurella, Hopatcong State Park Superintendent, stated she spoke with the USGS tech that installed the Hopatcong monitoring station. She was told the cost is high because of the satellite uplink. According to Superintendent Maurella, the tech

LHC 4/18/05 Meeting Minutes

suggested that for approximately \$5K a direct line could be installed from the unit to the Hopatcong State Park office and somehow could be connected to the State or Commission website. Ms. Maurella stated she does not want to go back to the old way where her staff reads the gage and she get numerous daily phone calls daily to inquire about the level. She stated the gage is beneficial and to go backwards would be foolish. Mr. Klipstein stated it would be necessary to figure out the logistics of how to connect the gage to the Commission's website. Mr. Ondish stated that the Commission would have to pay \$20K for the monitoring gage and he did not think the Commission should absorb such a huge cost when other agencies are using the gage. Superintendent Maurella re-emphasized that she spoke with a tech and it could get complicated, but believes it is worth pursuing. Mr. Klipstein stated he would pursue this possible alternate solution through his USGS contact. Mr. Klipstein stated that if the Commission becomes a line item, the gage cost should be part of the Commission's budget.

In response to an inquiry, Superintendent Maurella stated she heard money had been appropriated for bulkhead in the State Park. She would speak with her supervisor about this.

Mr. Kerner suggested that the State Police should contribute toward the gage funding since they have to enforce the no-wake restriction. Chairman Ondish stated he is planning a meeting State Police and other interested parties to discuss a number of issues.

Ms. DeStefano stated that Verizon has discontinued the ability to do the analog processing and her Commission had to upgrade to satellite to continue to receive data.

Chairman Ondish stated that Mr. Klipstein would speak with his USGS contact and move forward from there. In response to an inquiry, Mr. Klipstein stated the USGS contract is for both gages at the dam and below the dam. Mr. McCarthy suggested the Boating Regulation Commission since they adopted the slow-speed, no wake and other organizations may also contribute toward the gage. Mr. Klipstein stated there is some urgency to resolve this with USGS so he will report back before the next meeting.

Princeton Hydro Report

Dr. Lubnow stated the Lake Hopatcong Commission was awarded a FY05 319 grant. There were a number of revisions to the grant proposal in order to maximizing the return on dollars spent to demonstrate to EPA and DEP that there will be a sizable reduction in the amount of phosphorous entering the Lake as a result of these projects.

Once the DEP paperwork is completed, PH will move forward with developing the Quality Assurance Protection Plan (QAPP) and begin working with both the municipalities and Commission staff on the site selections specifics such as gathering the topographic and survey information.

LHC 4/18/05 Meeting Minutes

Chairman Ondish stated that he wanted to make clear that the Commission would not be getting any money from the grant for the Commission's operating budget. The grant money will go directly towards the grant projects.

Ms. DeStefano proposed the sharing of credits on the Lake for the reduction of phosphorous load between all four municipalities instead of the reduction being credited to a specific municipality. This approach may alleviate the Commissioners wanting the funding for their towns so their towns could get credit toward their TMDL requirement. Dr. Lubnow indicated he agreed with Ms. DeStefano's suggestion; however, he stated both DEP and EPA, when looking at a watershed and the projects being done in the watershed, they are not looking at municipal boundaries. If there is a program in place for the watershed, then all the communities participating will receive the credit from this grant. Dr. Lubnow stated that projects that were not funding through the 319 grant will be included in future grant applications. Dr. Lubnow stated that after the projects in the River Styx/Crescent Cove area are completed, that portion of the Lake will show improvement and that is the objective of focusing multiple projects in a localized area.

Ms. DeStefano stated to allow credit trading between municipalities is really a DEP issue. Dr. Lubnow stated a phosphorous trading program would have to be developed so it could be applied throughout the entire watershed. Dr. Lubnow stated that representatives from EPA Region 2 and Region 3 indicate that in order to keep their budgets, they must show improvement in the numbers in water quality. That was the link to the grant award to implement projects within the Lake area with the worst water quality to show an improvement to increase the chances for future funding.

Mr. Klipstein stated he did not have a problem with counting for the overall target for the Lake's phosphorus reduction and showing that the overall watershed is being reduced by a certain amount and give all four municipalities credit. Mr. Klipstein stated that the municipalities deserve credit. He stated that in order to receive the grant, projects had to be identified and everyone stepped up to the task.

In response to Ms. DeStefano's request if DEP could prepare a formula, similar to what is being studied in the Passaic River Basin, Mr. Klipstein stated it has yet to be seen whether trading can actually work. He stated that the trading study is being done in a point-source dominated basin.

Dr. Lubnow stated that the proposed projects in Hopatcong and Jefferson will remove 18kg and Hopatcong sewerage will remove approximately 1,000kg for a total of 1,110kg removed from 3,300kg for a 33% reduction. Dr. Lubnow stated that the four municipalities within the watershed would get credit for that. Dr. Lubnow stated that the number arrived at for each municipality was a mechanism to get to the TMDL. The purpose of the TMDL was to develop a plan to get from point A to point B, but point B is what everyone should strive for within the watershed.

Ms. DeStefano requested that the DEP give credit towards the reductions to all municipalities that participate.

LHC 4/18/05 Meeting Minutes

Mr. Klipstein stated the big problem with trading is that the impairments tend to be localized and to try to trade it does not relieve the local impact. He stated it would be difficult to set up a nonpoint source-trading scheme.

Dr. Lubnow discussed two other items in his report. PH will begin the 2005 lake monitoring in May and will coordinate with Commission staff. In response to an inquiry about adjusting the Lake monitoring, Dr. Lubnow stated PH could collect more in-situ data at no additional money. The phosphorous sample is a minimal cost at \$18 per sample over five or six sampling periods. Dr. Lubnow stated he would talk with Ms. Rector in more detail about that.

Dr. Lubnow stated that there is a federal Watershed Initiative Grant available and some brainstorming was done on what to submit. Ms. Macalle-Holly stated that the outline for the grant prepared by Dr. Lubnow was distributed to the Commissioners and a copy was sent to DEP at Mr. Klipstein's request. Dr. Lubnow described the proposed projects as outlined in the document. Mr. Klipstein stated that for this EPA grant, two in-state projects could be selected by the Governor for submittal in addition to bi-state submittals. The Commission applications were selected by the Governor last year, but not the previous year. Mr. Klipstein stated that it is a national grant, not many are awarded and it is a long shot. Mr. Klipstein indicated that assuming the Commissioners were satisfied with what was being proposed nothing further was needed at this time.

Dr. Lubnow stated that DEP is asking for the intent to apply for FY06 319 funding and at this point it appears the best approach would be to continue implementation of the BMP structures to reduce the phosphorous load. Dr. Lubnow stated that the projects that had been previously identified and not funded would be the projects to focus on. In response to an inquiry, Dr. Lubnow stated he could prioritize the projects further, but would need to review the mid-90s study because the projects are based on studies from 20 years ago which is why he did not rank the projects initially. The approach used to obtain the current proposed projects was to have each municipality review the prioritized sub-watersheds and to identify sites that have room for the installation structures which is an important component to install these structures.

Mr. Klipstein stated the reason the Commission received the 319 grant was because it was better prepared to do implementation. The Commission needs to continue to work to identify the next projects.

Dr. Lubnow will submit the FY06 319 intent to apply to DEP.

New Business

Resolution 05-09 FY03 Grant Agreement between LHC and NJ DEP

Mr. Zoschak made a motion to move resolution 05-09. Mr. Hodson seconded the motion. There being no discussion, the Chair requested a roll call vote.

LHC 4/18/05 Meeting Minutes

ROLL CALL:

DeStefano	Yes	Klipstein	Abstained
Ganert	Abstained	Zoschak	Yes
Hodson	Yes	Risko	Yes
Jarvis	Yes	Ondish	Yes
Kerner	Yes		

Motion carried 7 to 2 (two abstentions).

Resolution 05-10 Establish Checking Account at Valley National Bank for 319(h) Grant

Mr. Zoschak made a motion to move Resolution 05-10. Mr. Risko seconded the motion. There being no discussion, the Chair requested a roll call vote.

ROLL CALL:

DeStefano	Yes	Klipstein	Yes
Ganert	Yes	Zoschak	Yes
Hodson	Yes	Risko	Yes
Jarvis	Yes	Ondish	Yes
Kerner	Yes		

Motion carried 9 to 0.

LHC Staffing

Chairman Ondish stated he had concerns about discussing staffing in open session. The discussion would focus on hiring part-time instead of full-time employees. He stated that there could be a probationary period with the possibility to bring an employee on full-time. He thought this approach would be appropriate since the Commission is still not a line item in the budget. Mr. Zoschak agreed with showing prudence in hiring for part-time employees instead full-time. Mr. Klipstein stated that DEP employees with experience in seasonal hires said there is a tendency to see the same people return for seasonal employment. Ms. DeStefano stated her understanding was to keep a core group of employees that know the Lake, are familiar with the equipment, and have seasonal employment positions that could be extended if funds are available. Mr. Jarvis stated he was concerned if the Commission went with seasonal employees, our options may be limited. He also had concern about the skill set seasonal employees would have.

In response to an inquiry, Mr. Phillips discussed the harvesting on Lake Musconetcong. Superintendent Maurella stated one employee is on her payroll to harvest Lake Musconetcong and she is reimbursed for it. Mr. McCarthy stated the LHRPB did the harvesting through a private contractor, but the equipment was being repaired more than it was operated.

Chairman Ondish stated he wanted to have further discussion on this issue in closed session.

Public Comment

Chairman Ondish opened the meeting for the second round of public comment.

Tim Clancy, resident of Jefferson, brought the Commissioners up to date on the trout issue. He stated of the seven lakes proposed to eliminate trout stocking, Lake Hopatcong was the only one that was not eliminated. Mr. Clancy stated he learned a lot about the science of brown trout in Lake Hopatcong and the Lake does have a suitable, marginal summer trout habitat. He spoke with Dick Gross, a fishery biologist from 1953-59 who did extensive studies when the lake's fishery was first developed. Mr. Gross tracked every fish they stocked, tagged it, and determined what species and what size. Mr. Gross found with certainty that stocking primarily with brown trout early in the season and all over 11 inches because the smaller trout were never holdovers. By stocking trout earlier, the trout would acclimate before the summer marginal conditions exist.

If trout have body preserves, like the trout the Knee Deep Club stocks, they will survive the marginal condition through the summer and once the Lake turns over in September the trout go back on a heavy feed. Once a trout survives one summer in the Lake, it will be ideally suited to survive for years and years. In the mid-80s, the trout habitat in the Lake's fishery collapsed going from hundreds of trout between 5-8 lbs. being caught and documented to only handfuls of trout caught. The assumption for the decline was the declining water quality within the watershed, but what no one realized was that Fish and Wildlife over the course of time stop stocking brown trout over 11 inches early in the season. The trout averaged 9 inches and was 50 percent brook trout. The brown trout were not stocked until the last week of May. The 9 inches trout did not have the energy reserves to survive the summer conditions.

The KDC will be modifying their stocking plan. During early April, the Club stocked 3,100 trout (70 percent brown and 30 percent rainbow) of which 3,000 were tagged. All the KDP stocked trout were over 11 inches. The Club is asking the public to release trout caught during the spring and summer.

Mr. Clancy stated he is preparing a paper on this issue for the Commission to analyze. Based on his research, Mr. Clancy asked that the Commission recommend that Fish & Wildlife stock Lake Hopatcong with 4,000 brown trout in excess of 11 inches. He believes that if F&W uses this approach, along with the KDC efforts, there will be a tremendous change in the holdover trout fishery in the Lake. He asked that the Commission promote catch and release of the trout until September on their website and to send a letter to the F&W to stock 4,000 trout over 11 inches. Mr. Clancy stated he a request was made to the F&W Director and was advised that F&W could not stock trout over 11 inches.

Mr. Phillips, Roxbury Alternate, stated in the package there was a Mount Arlington dock inspection ordinance that duplicates jurisdiction of DEP Land Use Regulation Program and Hopatcong State Park dock permitting. He suggested that Mount Arlington modify

LHC 4/18/05 Meeting Minutes

their ordinance to reference these so a resident does not think they only have to comply with Mount Arlington's ordinance.

Ms. Macalle-Holly stated she regretfully had to backtrack to an earlier agenda item, Resolution 05-09. Attached to the resolution was a Statement of Adequacy of Accounting System that DEP requires. Typically, DEP requires that the CFO sign the document and since the LHC does not have a CFO, a Commissioner should be named to sign the document. The Chair signs the contract and it was her understanding that he could not sign this form. Since Eric Grove was not in attendance, Chairman Ondish did not want to name him. Ms. Macalle-Holly stated that the grant paperwork was due back to DEP by the end of April. Counsel Chudzik stated any member of the Commission could sign the form to certify that the Commission complies with the audit requirements. Mr. Zoschak made a motion to authorize Mr. Hodson to sign the form. Ms. DeStefano seconded the motion. There being a unanimous "aye" the motion carried.

There being no further public comment, Chairman Ondish requested a motion to adjourn to executive session to discuss personnel matter. There being a unanimous aye, the motion carried.

The Commissioners returned to public session. Counsel Chudzik summarized the discussion and suggested a motion authorize hiring two seasonal employees and two additional seasonal employees in lieu of the permanent positions, subject to reconsideration at any time that it is appropriate. Mr. Klipstein made a motion to move this recommendation. Mr. Zoschak seconded the motion.

Ms. DeStefano asked Mr. Clark if he has any specific problems or work that could not be done, that he documents them. This way the Commission could make decisions based on his documentation.

Chairman Ondish requested a roll call vote.

ROLL CALL:

DeStefano	Yes	Klipstein	Yes
Ganert	Yes	Zoschak	Yes
Hodson	Yes	Risko	Yes
Jarvis	Yes	Ondish	Yes
Kerner	Yes		

Motion carried 9 to 0.

Mr. Zoschak made a motion to adjourn at 10:02 p.m. Mr. Klipstein 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.

Submitted by: Donna Macalle-Holly