

# Minutes of the Lake Hopatcong Commission

## April 19, 2004

---

A meeting of the Lake Hopatcong Commission was held on April 19, 2004 at the Roxbury Municipal Building, 1715 Route 46, Ledgewood, New Jersey. At 7:32 p.m., Vice Chairman Klipstein called the meeting to order and stated that the meeting was being held in accordance with "Open Public Meetings Act."

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

### **Roll Call:**

Present: Colleen DeStefano, Samuel Hoagland, Richard Hodson, Walter Kerner, Lorraine Lees, Richard Zoschak , Frank Hughes (Morris County Alternate), John Risko (Sussex County Alternate), and Ken Klipstein (Vice Chair)

Absent: Eric Grove, Dave Jarvis

Alternates Present: Daniel McCarthy (Hopatcong Alternate), Robert Mitchko (Jefferson Alternate), Brandon Phillips (Roxbury Alternate)

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

Also present were: Fred Lubnow - Princeton Hydro  
Lewin Weyl – Commission Alternate Attorney

### **Communications**

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

## LHC 4/19/04 Meeting Minutes

---

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

In Mr. Grove's absence, Vice Chairman Klipstein reviewed the reconciliation summary for period ending March 31, 2004. The Bank of New York checking account had a cleared balance of \$24,935.04 in addition to the JP Morgan account balance for a total balance of \$415,798.47. The Vice Chairman acknowledged that the staff has done a terrific job holding down expenses and the burn rate has been significantly reduced. The Commission will try to maintain this to get through the legislative budget process. Vice Chairman Klipstein reported that when the Budget Sub-Committee met it was determined that, with a continued effort to keep expenses down and depending on the budget news from Trenton, at the current rate of expenditures and pending any unforeseen circumstances, the Commission should be able to continue through September. The Budget Sub-Committee will continue to monitor the situation.

The Revised Bill List was presented for approval. Vice Chairman Klipstein requested a motion to approve the Revised Bill List of \$15,889.97. Mr. Zoschak made a motion to approve the Revised Bill List. Ms. Lees seconded the motion. [A copy of the Bill List is available on file.]

#### **ROLL CALL:**

DeStefano	Yes	Zoschak	Yes
Hoagland	Yes	Hughes	Yes
Hodson	Yes	Risko	Yes
Kerner	Yes	Klipstein	Yes
Lees	Yes		

Motion carried 9 to 0.

### **Minutes of Meeting of March 15, 2004**

Ms. DeStefano made a motion to move the March 15, 2004 minutes. Mr. Risko seconded the motion. Vice Chairman Klipstein asked for any comments or questions regarding the March 15, 2004 meeting minutes. Mr. Zoschak commented that in reading the minutes the Commission is doing a good job. There being no further comment, Vice Chairman Klipstein requested a roll call vote.

#### **ROLL CALL:**

DeStefano	Yes	Zoschak	Abstained
Hoagland	Yes	Hughes	Yes
Hodson	Yes	Risko	Yes
Kerner	Yes	Klipstein	Abstained
Lees	Abstained		

Motion carried 6 to 3 (3 abstentions).

**Public Comment**

At this time, Vice Chairman Klipstein opened the meeting for public comment. He stated that there was a two minute limit per speaker. Mr. Klipstein responded to Mr. Clancy's request stating that the Commission has always been fairly reasonable about the two minute limit.

Mr. Tim Clancy of Lake Hopatcong addressed the Commission regarding the actions taken by his township referring to an article which indicated Jefferson Township Council plans to dump sewer plans. Mr. Clancy reported that while in attendance at the last Jefferson Council meeting, he could not get clear answers on the issue of how Jefferson made the determination of not going through with the sewer project. Mr. Clancy stated that nothing could be done that would have as positive an impact as installing sewers in the Lake Hopatcong section of Jefferson Township.

Mr. Clancy stated that the actual cost of installing sewers per household annually without any grants would be \$1,414. Mr. Clancy stated that since grants are no longer available and will not be in the near future, there is no reason to wait to do this project. Mr. Clancy estimates that this \$61M project will increase \$2M annually based on inflation and will add \$50 to the actual annual household cost. Mr. Clancy requested that the Commission consider any sanctions, either from the Commission's township representatives or as a Commission, to make Jefferson step up to the plate. Mr. Clancy stated that the downstream neighbors are suffering as a result of Jefferson's actions. Mr. Clancy stated that he believes Jefferson will be mandated in the near future to install sewers and as a Township resident his cost will go up each year this project is delayed. Mr. Clancy will be attending the next Jefferson Council meeting and will have a copy of the Killam report available with the actual costs to confront the Council again. He believes the Council will rescind their decision since it was in clear violation of the Open Public Meeting Act. Mr. Clancy cited sections from the Killam report and stated that Jefferson Township more than the other towns had the most septic failures and should have been the first town to be sewered. He concluded by again requesting that the Commission municipal representative address this issue with the Towns and that the Commission also consider sanctions against Jefferson Township.

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

**Old Business**

**Field Staff Report**

Mr. Clark stated that since the March meeting, the majority of the Field Staff continued to conduct the maintenance and repair of the equipment which was completed on April 16. The two crew chiefs, Bob Place and Mike Calderio, continued with the outflow survey which was completed on April 8. Mr. Clark reviewed his April 19, 2004 Field

## LHC 4/19/04 Meeting Minutes

---

Staff Report with the Commissioners. [A copy of the field staff report is available on file.]

Mr. Clark extended his thanks to Helene Maurella and Steve Ellis of Parks & Forestry for allowing Mr. Clark and the two crew chiefs to attend the Stated Owned Lake Management Class on April 5 and 6. Mr. Clark stated that having Bob Place accompany the Aids to Navigation crew in the placement of the buoys was a good experience. Mr. Clark stated that all the Lake buoys are numbered the buoy crew explained how they put the buoys out. The crew placed all the buoys in the Lake in 1-1/2 days. Mr. Clark also thanked Mr. Grove for his efforts to arrange for the Field Staff to attend a Work Zone and Traffic Safety Class at Sussex County.

Mr. Clark stated that through the Shared Services Agreements, four members of the Field Staff reported to work with Sussex County on April 19 and 3 members will report to work at Roxbury on April 20.

Mr. Clark also reported that he accompanied Mr. Hoagland and Bob Place to the sandbar buoys by the Brady Bridge. The sandbar buoys have been placed even though there is no sandbar and the shallowest location was 3 feet, 7 inches below the water line. This is an agenda item for discussion later in the meeting.

Mr. Zoschak reported that the Shore Hills area was dredged thanks to the cooperation of Roxbury Township and Morris County. The Kings Cove area is scheduled for next year and the county will provide equipment. Mr. Zoschak also thanked the DEP for getting the necessary permits through.

### Appoint Independent Accountants

Ms. DeStefano reported that as agreed at last month's meeting, the accountant would be hired contingent upon if an audit was required for insurance purposes and she would contact Fairview Insurance. Ms. DeStefano stated that the underwriters confirmed that the Commission does not need an audited financial this year since the limit is under \$1M. The insurance agent is working with a new underwriter and the Commission's limits will be approximately \$350K. Ms. DeStefano stated that since an audit was not required, there is an approximate \$5K cost-savings. Ms. DeStefano stated she was grateful for the assistance Fairview Insurance provided. Ms. DeStefano responded to Vice Chairman Klipstein's inquiry about the accounting procedures, stating that she had previously worked with Ms. Macalle-Holly to review the procedures with the insurance company, such as two signatures on checks and some of the other safeguards, and they were satisfied that our procedures are strong. Mr. Zoschak suggested that a courtesy letter be sent to Nisivoccia and Company.

### **Princeton Hydro Report**

Dr. Lubnow distributed an outline describing the materials he plans to cover at tonight's meeting. [A copy of the outline is available on file.]

Upper Musconetcong Watershed Total Maximum Daily Load (TMDL) – He provided a copy of the TMDL methodology used as well as an updated Lake Hopatcong Watershed Annual TP loads. This protocol will be discussed at meetings with Hopatcong and Jefferson. Dr. Lubnow reported that DEP wanted more detailed information based on the soils. The soils were layered digitally with GIS over the septic zone to identify the septic limitations of the soil based on various criteria established by ANJEC. In Lake Hopatcong, there are moderate or severe limitations for septic systems. With the revised data, septic systems are slightly over half of the annual phosphorous load entering Lake Hopatcong. Jefferson accounts for almost 60% of the municipal load and Hopatcong accounts for 34%.

Dr. Lubnow also referred to the Lake Musconetcong table which was also provided stating that the largest load entering Musconetcong comes from the Borough of Hopatcong. In terms of restoration with Musconetcong, most of the work will focus primarily on preventing future increases in loads through the new stormwater rules and in-lake restoration measures. Everything done in Lake Hopatcong will benefit Lake Musconetcong.

Dr. Lubnow distributed a draft set of Best Management Practices (BMPs) to give to the municipalities as a way of identifying BMPs if they are pursuing grants or if a developer is proposing a development. Dr. Lubnow also distributed drafts of four flyers as part of the educational outreach component of the grant. He asked the Commission to provide comment on the drafts. [Copies of the drafts are available on file.] PH is planning to setup a booth at Lake Musconetcong Day and wants to provide this information to the residents. PH is also working to set up a public workshop through NJ COLA as part of the grant outreach initiative.

Dr. Lubnow stated that the point to be made is that Lake Hopatcong, because of its diversity of plants and the size the watershed, restoration work will focus on watershed control measures and Musconetcong will focus on getting rid of the exotic, nuisance species which completely dominates the entire Lake.

Dr. Lubnow agreed with Ms. DeStefano that the loading analysis was based on empirical analysis and not from specific sampling data done over many years or a specific model for Lake Hopatcong, but was verified as best as possible from actual data. Dr. Lubnow stated that the State did the TMDL analysis for stormwater and PH broke down the data on a municipal basis.

2003 Year End Report – Dr. Lubnow distributed copies of the report which he reviewed at last month's meeting. He once again briefly discussed some of the report highlights. [A copy of the final report is available on file.]

At Ms. DeStefano's request, Dr. Lubnow explained the redfield ratio which basically says that with algae the carbon to nitrogen to phosphorous ratio should be very consistent. If there is more phosphorous than nitrogen, then nasty algae blooms occurs. In contrast, high nitrogen and low phosphorous favors the good algae which is the basis of the food for the zooplankton. Ms. DeStefano requested that when Dr. Lubnow discusses the TMDL plan with the municipalities, he discuss all these factors with the towns so they understand the importance of this.

NJ DEP FY05 319(h) Grant – Dr. Lubnow stated that DEP is requesting that a one page intent-to-apply form be completed and submitted by the end of April. Dr. Lubnow stated that for Lake Hopatcong some possible grant suggestions were the development of a regional stormwater plan as well as implementing some of the recommended restoration plan. Dr. Lubnow reviewed the DEP's priorities for the grants. After considerable discussion, it was agreed that PH would submit the intent to apply for the Commission to develop a regional stormwater management plan and to develop a septic management plan. Vice Chairman Klipstein believed that these two areas would receive priority over some other areas. Dr. Lubnow stated that once the intent to apply is submitted, then DEP will arrange a meeting to discuss potential projects with the applicants.

Mr. Zoschak made a motion to authorize Princeton Hydro to submit the one page intent to apply for the 319(h) grant for Lake Hopatcong. Ms. Lees seconded the motion. All those in favor signify by saying "aye" and those opposed by saying "no." There being a unanimous "aye" the motion was carried.

### **SUB-COMMITTEE REPORTS**

#### Supplemental Funding

Vice Chairman Klipstein reported that the sub-committee met last week and plans to meet again in May. The committee is looking at different potential sources and continues to make progress on the initial groundwork. The committee discussed what Greenwood Lake is doing in New York State to get legislative authority to impose user fee. The committee is reviewing the fee scheduled proposed by Greenwood Lake.

Vice Chairman Klipstein would like to have a smaller group including a representative from the Field Staff work with Princeton Hydro to shape the 319(h) grant application.

Vice Chairman Klipstein responded to Mr. Zoschak's inquiry stating that one of the sub-committee members was charged with getting feedback from a member of legislature on the user fee. He also stated that he raised the user fee issue in Trenton as something the administration might want to begin talking about. There were many different types of users' fees the committee is reviewing and is not ready to discuss the specifics at this time.

## **LHC 4/19/04 Meeting Minutes**

---

Ms. Macalle-Holly stated she will be working with Ms. Lees to put together a brief questionnaire to the marinas on the Lake to determine how many dock slips they have and to update the Commission's database on contact information.

### Shared Services

Ms. Macalle-Holly stated that Mr. Clark had discussed the shared services agreements in his Field Staff report. She advised that part of the Field Staff has begun working with Sussex County and the remaining field staff members will be working with Roxbury. Discussions have also begun with Morris County.

### Budget/Personnel

Vice Chairman Klipstein reported that this topic was covered earlier in the meeting. The committee met to determine where the Commission is financially. He also stated that while the committee was meeting, he received word on the appointments. Vice Chairman Klipstein reported that the DEP Commissioner will be meeting with the candidates and Mr. Klipstein will be participating in those meetings. He stated that this is positive news for the budget because the Governor is moving forward with the appointments and the Commissioner has been positive when responding to inquiries about funding for the Lake.

### Site Plan Reviews

Mr. Phillips stated he spoke with Rick Riley from Land Use Regulation Stream Encroachment Program regarding some of the site plans he has been reviewing. The regulations state that any development within 50' of a freshwater trout maintenance water body such as the Lake is subject to their jurisdiction, but they will pick and choose what needs a permit. When Mr. Phillips prepares a site plan letter, he includes a statement that if the work is within 50' of the Lake, the owner may be subject to stream encroachment.

### Public Relations

Vice Chairman Klipstein stated that when he reviewed the meeting minutes from last month, there was discussion on public relations. Mr. Zoschak made a motion to move some of the funds from the \$5K audit cost savings, to setup a website. In response to the Vice Chairman's inquiry, Ms. Macalle-Holly stated that the State offered to setup a website at no cost, but the problem with the State setting up the site is that the Commission staff would not have access to update the site. Some Commissioners had expressed interest in having a website that could have regularly updated information on weed harvesting, no wake, etc.

Ms. Macalle-Holly stated that a considerable amount of content would still need to be developed for the site, but the draft brochures prepared by Princeton Hydro was a good start. There were suggestions to get volunteers from colleges and high schools to develop a website. Mr. Hughes offered to check with individuals in Mt. Arlington that could

## **LHC 4/19/04 Meeting Minutes**

---

provide help in setting up a website. Vice Chairman Klipstein stated that the public relations committee should begin meeting to follow-up on these issues. Mr. Klipstein offered to participate on the committee and Donna would coordinate the first meeting of the public relations committee.

### **New Business**

#### **Jefferson Township Sewer Plan**

Ms. DeStefano stated that the numbers developed for the TMDL plan are not finalized and DEP has not accepted them yet. Ms. DeStefano, speaking on behalf of Jefferson, stated Jefferson is one of the largest hosts of watershed land which they are currently not compensated for. Ms. DeStefano stated that Jefferson's Council is not canceling its sewer plan, but is postponing it for a better time and until they can get some funding for it. Ms. DeStefano reviewed the estimates for the cost of installing sewers. The original estimate of \$51M could reach \$61M with changes and other uncontrollable issues. Based on these figures, per unit cost would range from \$1,414 to \$1,614 and there would be an additional range from \$2K-\$5K for hookups.

Vice Chairman Klipstein stated as part of the DEP he is reviewing Jefferson's recently submitted wastewater management plan. The Commission's focus should be on what the Commission can do to help address the issues in Jefferson for the benefit of the Lake. To that end, the Vice Chairman noted the Septic Management Workshop scheduled in Hopatcong on April 26 from 4:00-6:00 and from 7:00-9:00. Jefferson representatives did attend the kickoff meeting and plan to attend the workshop.

Vice Chairman Klipstein stated that the Commission needs to be working on the effectiveness of septic management to provide reduction in the near future. There is also pressure on the Musconetcong Sewerage Authority (MSA) to expand sewer service area into other areas that are currently not designated. Without any expansion, currently there is no allocation in the MSA to service Jefferson.

Mr. Zoschak commented that the longer anyone waits to install sewers, the more expensive it will be. Ms. DeStefano responded that if the economy improves and hopes funding for sewers will become available. Ms. DeStefano stated in response to the suggestion to not cut Jefferson's weeds that Jefferson is a taxpayer to the State and as a right to any benefits the Commission provides.

Mr. Zoschak suggested that the Commission township representative contact their municipal engineers to request that they send letters to local businesses advising them of the phosphorous ordinance.

Vice Chairman Klipstein suggested that through shared services, the Commission should pursue a septic management program that can work and there is a lot of educational outreach involved.

## LHC 4/19/04 Meeting Minutes

---

### Brady Bridge Sandbar Buoys

Mr. Clark reported that within 200 yards of the sandbar the average depth is four feet and as you approach the bridge and move under the bridge the depth is 20 feet. The buoys are located straight across the bridge and the sandbar is about the size of a table. Mr. Clark stated that basically one buoy right on top of the sandbar because it is a five mile restriction in that area and any boat that will draw more than 3 feet will not go under the bridge. Mr. Clark indicated that the buoys were placed again this year because they were on the buoy map. Ms. Macalle-Holly stated that Aids to Navigation should be notified that the sandbar no longer exists so Aids to Navigation can contact the marine police to have the sandbar buoys by the bridge removed.

Mr. Clark stated that the Commission staff has been in contact with the marine police about other buoys that have been misplaced and the marine police will be contacted to relocate them. The marine police can relocate buoys, but cannot remove buoys. Mr. Clark stated that once the Marine Police have notified the Commission that the all buoys are in the correct location, Dave Kunz, Sussex County GPS/GIS Coordinator offered to let the Commission borrow their Trimble unit to map the Lake buoys. Mr. Zoschak stated he would like to see the Commission take on responsibility for buoy placement in the future.

Mr. Zoschak made a motion to send a letter to Aids to Navigation to have the Brady Bridge sandbar buoys removed. Mr. Kerner seconded the motion. All those in favor signify by saying "aye" and those opposed by saying "no." There being a unanimous "aye" the motion was carried.

Mr. Zoschak stated that DEP was conducting a diesel fuel cleanup which came through a stormwater outlet into Lake Musconetcong on April 16. A report will be provided to Roxbury Township.

Mr. Kerner stated that Mt. Arlington Mayor Ondish has been attending the Highlands meeting and voicing support for Lake Hopatcong Commission and funding for the Commission, as well as trying to gain support from other legislators. Mr. Kerner suggested that the Commission investigate CPR training for the Field Staff and the towns EMT squad should be contacted to see if they could provide training. Ms. Macalle-Holly stated that she had previously explored CPR training and there was an associated cost for the training. She agreed to look into CPR training further. Mr. Kerner also suggested that the Public Relations Committee look into Marina Day.

### Public Comment

Vice Chairman Klipstein opened the meeting for the second public comment period.

Tim Clancy, resident of Lake Hopatcong, clarified the numbers he previously provided for Jefferson sewers. Mr. Clancy commented that 83% of the lots in Jefferson have severe soil condition. He stated that every year that sewers are delayed, the cost increases. Mr. Clancy read from Jefferson's meeting minutes which stated that the Council has decided to stop any progress right now with regards to sewerage Lake Hopatcong. Ms. DeStefano stated that at that council meeting, Council President Yocum wanted to make it clear that Jefferson was not scraping the plan, but is postponing it.

Mr. Clancy addressed his question to Dr. Lubnow asking if there is any other project that would have as positive an impact on the water quality of the Lake as Jefferson Township being sewerage. Dr. Lubnow stated that sewerage the sections of Jefferson within 300 meter zone would benefit the Lake. He also stated that Jefferson does have the largest amount of land of the four municipalities. Mr. Clancy stated that federal legislation is pending to make the Musconetcong River a wild, scenic river and this could place more stringent restrictions on the river and the MSA. Mr. Zoschak and Vice Chairman Klipstein agreed that this should not impact the MSA. Mr. Clancy stated that the time to install sewers is now.

Dan McCarthy, Alternate Commissioner for Hopatcong, addressed the Commission funding issues stating that they are trying to find supplemental funding. Mr. McCarthy stated that the Commission legislation indicates that the funding should be through a line item in the State budget. Mr. McCarthy questioned how the Governor's office can zero out the Commission's budget request when only the legislature has the ability to redline the Commission's budget. Vice Chairman Klipstein indicated that the process was followed and the Governor has the responsibility to present a balanced budget. He indicated that the administration is very positive about funding the Commission.

Will Avers, resident of Jefferson and current Chairman of Lake Hopatcong Sewer Board, questioned the figures Ms. DeStefano provided for sewerage Jefferson. Ms. DeStefano reviewed the figures again provided by Jefferson Township Administrator Jim Leach. Mr. Avers indicated that Jefferson is losing about \$2M per year by waiting.

He also stated that a buoy in front of his boathouse with the "A" on it in Brady Channel is missing.

Mr. Avers also indicated that Jefferson Township is not committed to septic management and voiced his concern that it was Commissioner Campbell's agenda. He along with other members of Jefferson, plan to attend the Septic Management workshop and offered to share literature on septic management.

Mr. Avers indicated that Jefferson needs help not to implement septic management but to lobby legislators and the Governor to get money for sewers. Septic management will put

## LHC 4/19/04 Meeting Minutes

---

an additional financial burden on Jefferson residents. Mr. Avers compared the cost of implementing septic management to installing sewers. Mr. Avers questioned by septic management for Jefferson was being pursued. Vice Chairman Klipstein indicated that he wants to see a commitment from Jefferson in one direction or another and part of that is the responsibility in the waste water management plan approval process. According to Ms. DeStefano at the last Jefferson Council meeting, the Council was leaning in the direction of septic management at this point in time because they postponed the sewers. Vice Chairman Klipstein emphasized that it is the role of the Commission to help Jefferson reduce the phosphorous load in the Lake. Mr. Avers requested that the Vice Chairman try to arrange appropriate meeting to get support for Jefferson sewers.

Mr. Avers also asked the amount of phosphorous that enters the Lake from septic systems, fertilizers and non-point source pollution. He also question why no action is being taking to implement educational outreach for the use of non-phosphorous fertilizers. He also questioned what enforcement activities the municipalities have for the fertilizer ordinances. Jefferson is trying to put together a flyer for all students to take home about this issue. He also questioned what municipalities around the Lake other than Jefferson have goose egg addling programs. Mr. Avers indicated his hopes that the Commission is working for the betterment of the people and working towards improving the watershed and not carrying out the agenda of the NJ DEP.

Ms. Lees made a motion to adjourn. Ms. DeStefano seconded the motion. 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