

Minutes of the Lake Hopatcong Commission

May 17, 2004

A meeting of the Lake Hopatcong Commission was held on May 17, 2004 at the Roxbury Municipal Building, 1715 Route 46, Ledgewood, New Jersey. At 7:37 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.

Vice Chairman Klipstein asked those in attendance to remain standing for a moment of silence for former Commissioner Robert Aughey.

Roll Call:

Present: Colleen DeStefano (7:39), Samuel Hoagland, Richard Hodson, Walter Kerner, Richard Zoschak, Frank Hughes (Morris County Alternate), John Risko (Sussex County Alternate), and Ken Klipstein (Vice Chair)

Absent: Eric Grove, Dave Jarvis, Lorraine Lees,

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

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

Also present were: Fred Lubnow - Princeton Hydro

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. Mr. Zoschak suggested that John Kurzman address his issue of hazardous waste being stored at a storage facility with Jefferson. He also thanked the Commission on behalf of Roxbury for their assistance with the catch basin repair work. Mr. Hodson stated that Hopatcong also benefited from the shared service arrangement through the work the Commission did with Sussex County. In response to an inquiry about the Espanong Road stockpile by, Donna Macalle-Holly responded that the pile was removed and she thanked Jim Leach for his assistance.

LHC 5/17/04 Meeting Minutes

Treasurer's Report/Payment of Bills

In Mr. Grove's absence, Vice Chairman Klipstein covered the reconciliation summary for period ending April 30, 2004. The JP Morgan account had a balance of \$332,019.31 for a total balance in the JP Morgan and Bank of New York accounts of \$351,708.09.

The Revised Bill List was presented for approval. Mr. Zoschak made a motion to approve the Revised Bill List of \$10,621.34. Mr. Risko 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

Motion carried 8 to 0.

Minutes of Meeting of April 19, 2004

Mr. Zoschak made a motion to move the April 19, 2004 minutes. Mr. Phillips requested that on page three a correction be made to change dumb to dump sewer plans. Mr. Hoagland seconded the motion. Vice Chairman Klipstein asked for any further comments or questions regarding the meeting minutes. There being no further comment, Vice Chairman Klipstein requested a roll call vote.

ROLL CALL:

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

Motion carried 8 to 0.

Public Comment

At this time, Vice Chairman Klipstein opened the meeting for public comment. Mr. Brandon Phillips, Alternate Commissioner for Roxbury, referenced a Daily Record editorial from April 30, 2004 that said the Commission deserves state funding and he addressed his comments to the statement in the article that the commission is not without sin. Mr. Phillips said the storage shed referred to in the editorial is actually a maintenance facility that went out to bid. Mr. Phillips referred to the Commission's legislation which says to establish and construct, if necessary, facilities to conduct business. He concluded that after purchasing \$1M of equipment, the Commission would be derelict if they did not propose a maintenance facility.

LHC 5/17/04 Meeting Minutes

Vice Chairman Klipstein stated that the Commission has been very fortunate to have use of a facility at Picatinny which will hopefully continue into the future. Without use of Picatinny facility, the Commission will have a serious problem with maintaining the equipment.

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

Old Business

Field Staff Report

Mr. Clark reviewed his May 17, 2004 Field Staff Report with the Commissioners. [A copy of the field staff report is available on file.]

Mr. Clark stated that the shared services arrangement was a valuable learning experience for all parties. Not only did the Commission staff learn how to maintain, clean and construct catch basins, but it provided an opportunity for Roxbury and Sussex County DPW workers to learn about the Commission's concerns as to why the catch basins should be maintained to prevent material from flowing into the Lake. Mr. Clark stated he received good reports from Roxbury and Sussex County.

Mr. Clark stated Sgt. Todd Schmidt of New Jersey State Police was in attendance tonight because he wants to get more involved with the Commission.

Mr. Clark indicated he had contacted Russ Felter of Morris County Park Commission to inquire about renewing the lease for Lee's County Park. According to Mr. Clark, Mr. Felter indicated the lease would remain the same with the exception of changing the date.

In response to Mr. Zoschak's inquiry, Mr. Clark indicated that upon examination of the Lake there were not many weeds, but the plans will be the same as last year to begin in Crescent Cove section of River Styx and the north end of Woodport. The harvesters cannot be put into the State Park until after the boat races to be held over the May 22nd weekend.

Mudcat Harvester Status

Mr. Clark stated he had suggested to the Vice Chairman to transfer the LHRPB Mudcat Harvester to the Greenwood Lake Commission. He spoke with Steve De Feo of the Greenwood Lake Commission and he was interested in the harvester. According to Mr. Clark, the Commission's legal counsel referred him to Alvin Payne at DEP who is responsible for reassigning DEP assets. Mr. Payne is investigating transferring ownership of the harvester to the Greenwood Lake Commission. Vice Chairman Klipstein stated the Commission's concern is to ensure that there are no liability issues. In response to offering the harvester to Lake Musconetcong, Ms. Macalle-Holly indicated that Counsel Chudzik advised that the harvester must be offered within DEP first. Vice

LHC 5/17/04 Meeting Minutes

Chairman Klipstein anticipated the transaction could occur within the next thirty days. Mr. Clark stated he had no objection to moving the harvester with one of the Commission trailer and putting it in the water.

Vice Chairman Klipstein stated he would be at the Greenwood Lake Commission meeting on Wednesday night serving as a new Commissioner.

Mr. Zoschak made a motion to authorize the Vice Chairman to move forward with the harvester transfer. Mr. Hoagland seconded the motion.

ROLL CALL:

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

Motion carried 8 to 0.

Brady Bridge Sandbar Buoys

Mr. Clark stated, as previously reported, that he and Mr. Hoagland measured the water level at the sandbar and determined that it was approximately 3-1/2 feet down. After contacting the New Jersey State Police, they investigated the sandbar, took their own readings and determined that the buoys should remain where positioned for this season. Ms. Macalle-Holly added that she contacted the Police first after the Commissioners voted to send a letter to Aids to Navigation to have the buoys removed because their input is necessary before any buoys can be added or removed on the Lake. Sgt. Schmidt of the State Police stated that he checked the buoys again to possibly move the buoys in closer, but because of the sandbar location, the buoys should remain as is. Sgt. Schmidt stated that the sandbar area is currently at 4' and although most boats can go through the sandbar because of the high lake level, it may be a problem if the Lake level is lower and for large boats that draft more. Sgt. Schmidt did agree that the sand bar had dissipated, but not to the point where the buoys should be removed.

Mr. Zoschak inquired about a missing buoy by the Landing channel. Sgt. Schmidt agreed to look into the situation.

Mr. Hodson inquired about using special buoys to indicate the high water level when no wake restriction is in place. Mr. Hoagland stated that this issue had been previously discussed with the State Police, but was not resolved due to various issues such as insurance, placement, etc. Sgt. Schmidt was unsure of whose responsibility it would be to setup signs to indicate the no wake restriction. Vice Chairman Klipstein suggested that the Commission look into a plan for a no wake banner. Vice Chairman Klipstein inquired if there had been calls about misplaced buoys and Mr. Clark responded that there were probably less calls this year than usual. He also indicated that once the buoys were in their correct place, the field staff would borrow Sussex County's Trimble GPS unit to mark the buoy locations on the Lake and put the coordinates into a database. Mr.

LHC 5/17/04 Meeting Minutes

Hodson suggested using electronic flashing buoys to indicate the high water level instead of positioning other buoys or banners on the Lake for the no wake restriction. Lt. Schmidt stated there is currently one light buoy on the Lake this year at Elba Point and it will serve as a test to see how the buoy does.

Vice Chairman Klipstein acknowledged an individual in the audience from Greenwood Lake and stated that he missed the discussion on the harvester. Mr. Klipstein indicated the Commission passed a resolution to authorize the Vice Chairman to transfer the equipment to the Greenwood Lake Commission and not to West Milford. The individual, who later introduced himself as Eric Hastings serving as a liaison between West Milford and the Bi-State Lake Commission in charge of the New Jersey and New York end of Greenwood Lake, presented a letter to the Vice Chairman. The Vice Chairman stated Mr. Hasting could contact him tomorrow. Mr. Hastings offered to return the favor however possible, such as providing a backhoe, etc. and thanked the Commission for their help.

NJ DEP 319(h) grant

Vice Chairman Klipstein indicated this agenda item would be covered as part of the Princeton Hydro report.

Princeton Hydro Report

Dr. Lubnow discussed a number of issues including:

NJ DEP SFY05 319(h) Grant Application – A meeting to discuss what type of project should be recommended for the 319(h) grant application was held at the Princeton Hydro office. The current recommendation is to develop an application for a Regional Stormwater Management Plan (RSWMP). Due to the limitation of funding available through 319(h) monies, a RSWMP for the entire watershed, due to the size the project, would probably not be funded. It was recommended to do a portion of the watershed to include Jefferson, Mt. Arlington, part of Roxbury and part of Lake Shawnee on the Morris County side of the Lake for a RSWMP. Between the data collected through the outflow survey and the TMDL project, there is existing information available to develop this plan. Dr. Lubnow indicated that a meeting to discuss the Commission's grant application with DEP is scheduled for June 11 when DEP will provide input on the proposed RSWMP prior to the grant June 30 submission deadline. The RWSMP proposal would have to be discussed with the municipality and county prior to the June 11 meeting because they have to be on board to participate in developing a RSWMP. The municipalities and county would have to give their agreement through a resolution to (1) review the RSWMP and (2) adhere to the recommendation of the RSWMP.

In response to Mr. Hodson's concern, Dr. Lubnow indicated that the decision not to include Hopatcong in the proposed RSWMP was a fiscal decision in terms of funding available through 319(h) program. Dr. Lubnow indicated that since the RSWMP is only a partial plan, the Commission could apply for additional funds at a later date to expand

LHC 5/17/04 Meeting Minutes

the plan to include the entire watershed. Dr. Lubnow indicated that a two page summary was developed to share with the three municipalities and county that would be involved in the grant. He plans to discuss Jefferson's participation in the grant when he meets with Township to discuss the TMDL project on May 19.

Dr. Lubnow agreed to email the TMDL presentation he was preparing for Jefferson Township meeting prior to the meeting.

Mr. Risko suggested that when the 319(h) grant application is submitted it should be made clear that it is a two phase project.

Vice Chairman Klipstein stated that for an effective RSWMP for the entire Lake Hopatcong watershed would cost millions of dollars and he did not think that was a good direction to pursue for the grant proposal.

Dr. Lubnow indicated that Princeton Hydro would begin monitoring the Lake during the last week of May.

Dr. Lubnow did inquire about the status of the EPA Watershed Initiative Grant and was advised by EPA that they are still reviewing them and announcements should be made by the end of May.

SUB-COMMITTEE REPORTS

Supplemental Funding

Mr. McCarthy reported that the sub-committee met during the week of May 10. He was tasked to look at the Commission's legislation to propose a mechanism to implement boat or dock fees. The Greenwood Lake Commission proposed revised legislation will be used as a model to revise our legislation. There was a question about the scope of the fees and it was agreed that the legislature would probably want to see some type of fee cap. Ms. Macalle-Holly reported that she worked with Commissioner Lees to develop a survey to quantify the number of boats on the Lake to send to all lake-front business, yacht clubs and associations on the Lake. The municipalities were contacted to get an address list. The survey also inquires about their available facilities.

Ms. DeStefano stated that the Pinelands has a proposal out to begin to charge fees for reviews of plans and after checking with Counsel Chudzik, she was advised that there has to be special authorization in the legislation. The Commission does not have authorization in their legislation for this.

Pat Rector, sub-committee member, discussed working with the Americorp program to bring an educational program into the schools to deal specifically with the Lake. Ms. Rector stated that there may be ways to accomplish some of the Commission's goals without actually having funding for certain types of projects. Vice Chairman Klipstein discussed revisiting the educational curriculum Princeton Hydro developed for the Lake

LHC 5/17/04 Meeting Minutes

Hopatcong Regional Planning Board. He complimented the sub-committee for looking at specific tasks that can be accomplished using other funding sources besides standard operating funds.

Mr. McCarthy requested that a representative from Princeton Hydro meet with the sub-committee in the future to get a better grasp of funding alternatives. Vice Chairman Klipstein stated that this type of information is available through DEP. Ms. Rector agreed to bring that information to the next sub-committee meeting. In response to Mr. Kerner's concern about user fees, Mr. McCarthy stated that he hopes user fees are a last resort. Mr. McCarthy discussed the two schools of thought for supplemental funding (1) pursue existing dollars and demand a fair share for the Commission which puts us in competition with others or (2) start with something local such as user fees because an Assemblyman or Senator from another county will authorize the Commission to collect user fees for the Lake, since it would not come from their constituents' pockets.

Vice Chairman Klipstein discussed that the sub-committee has also looked at other models such as the Lake George model and spent time with Dr. Souza on how other Lake Commission are funded.

Public Relations Sub-Committee

Mr. Kerner reported on the initial meeting of the sub-committee stating that although there is currently a lack of funding available, there still is a need for an awareness campaign about the Commission. The sub-committee will be meeting on a regular basis to finalize their objectives, goals and to determine what can be done in both the short and long-term. They also discussed a Commission website to get word out to the public on various issues.

Mr. Zoschak asked Mr. Philips about the Windermere property. Mr. Philips stated after conducting a field inspection, he prepared a memorandum stating that the Lake is not in any immediate danger, but the property could be under regulation from the Morris County Soil District. Mr. Philips stated that the Stanhope Spring Festival at Lake Musconetcong is scheduled for June 12. Princeton Hydro will also have a booth at the event.

New Business

Fidelity Bond Insurance

Ms. DeStefano indicated that the Commission's bond insurance would expire before the end of May and Fairview Insurance was in the process of obtaining quotes to renew the insurance. Since no renewal quotes were available for the meeting, Ms. DeStefano offered a motion to authorize the Vice Chairman to take appropriate action to secure the bond insurance in the amount of \$325,000. Ms. DeStefano did clarify that the insurance was for the Commission's fidelity bond. Mr. Zoschak seconded the motion.

LHC 5/17/04 Meeting Minutes

ROLL CALL:

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

Motion carried 8 to 0.

Public Comment

Mr. Zoschak addressed the trash issue from the Hopatcong State Park and encouraged the park to place trash receptacles because the trash ends up on the streets in Roxbury and Hopatcong. Mr. Klipstein suggested the Commission discuss this issue with Helen Maurella at the park.

Mr. Zoschak also discussed the oil spill on Lake Musconetcong and he agreed to send a copy to Mr. Phillips who also serves on Lake Musconetcong Regional Planning Board.

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

Tim Clancy, resident of Lake Hopatcong, discussed the signage issue on the no wake condition suggesting using the same Hopatcong State Park sign on Route 80 and to possibly add to the signage. He also mentioned the light buoys at Round Valley and although funding maybe an issue, this could be an effective alternative. In response to Mr. Clancy's inquiry, Dr. Lubnow advised that he will be discussing the advantages of sewerage compared to septic management. Dr. Lubnow did not believe Jefferson could reach the target goals of the TMDL through septic management in the long term. Dr. Lubnow stated that to comply with the TMDL, eventually Jefferson Township would have to be sewerage. Mr. Clancy also questioned if any action has been taken regarding Jefferson's position on sewers other than Roxbury asking Jefferson to reconsider. Ms. DeStefano stated that Jefferson received a \$715K grant for the design and is actively pursuing grants. Ms. DeStefano stated that Jefferson did not stop the project; they only postponed it while they search for funding. Mr. Clancy stated he will be preparing a cost benefit analysis for the sewers. Ms. DeStefano suggested that Mr. Clancy keep pursuing the issue and suggested that he consider running for office on that ballot.

Vice Chairman Klipstein stated that Dr. Lubnow is meeting with Jefferson and is proceeding with good science to develop and work with all four towns and the counties to address the issues of the Lake which is the charge of the Commission. The Vice Chairman encouraged Mr. Clancy to continue to be a strong advocate, but we should not continue to debate Jefferson politics at the Commission.

Ms. Macalle-Holly made some announcements regarding the boat races sponsored by Roxbury DARE program which is scheduled for May 22-23 at Hopatcong State Park. Pequest Trout Hatchery is hosting their annual Open House and Fish Festival this weekend and Mr. Clark serves as a volunteer for the entire weekend.

LHC 5/17/04 Meeting Minutes

Prior to the meeting close, Vice Chairman Klipstein acknowledged the presence of Mr. Horace Chamberlain, the nominee for Chair of the Lake Hopatcong Commission.

Mr. Hodson stated that catch basin work the Commission Field Staff was doing with Sussex County that the road will be paved on May 18.

Mr. Hoagland made a motion to adjourn. Mr. Zoschak 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