

Minutes of the Lake Hopatcong Commission

June 20, 2005

A meeting of the Lake Hopatcong Commission was held on June 20, 2005 at the Mount Arlington 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: Elizabeth Gantert, Richard Hodson, Walter Kerner, Kenneth Klipstein, Wayne McCabe, Herman Volk, Richard Zoschak, Robert Mitchko (Jefferson Alternate), John Risko (Sussex County Alternate) and Arthur Ondish

Absent: Colleen DeStefano, Eric Grove, David Jarvis

Alternates Present: Richard O'Connor (Mount Arlington), Brandon Phillips (Roxbury)

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

Also present were: Fred Lubnow - Princeton Hydro
John Cervino – Alternate Commission Legal Counsel

Communications

Chairman Ondish asked for any questions or comments on the communications. Mr. Zoschak referred to the variance for the boathouse indicating he hoped Mount Arlington would not allow the boathouse to be built with two bathrooms in it. Mr. Phillips stated that although boathouses are exempt from Stream Encroachment, additions of over 300 square feet on single-family houses within 50 feet of the shoreline are subject to stream encroachment laws. Chairman Ondish stated the application was for Lascano, Block 14, Lot 4 and they are reviewing records to determine if the boathouse was ever used as a residence. There was discussion whether there was an existing sewer line to the structure and Councilman John Driscoll, a member of Mount Arlington Board, stated a line was run to the structure. Mr. Zoschak stated the intensification of use was unwarranted. Chairman Ondish said the application will be discussed at Mount Arlington at the July 13 meeting. He thanked Mr. Phillips for reviewing the application.

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Treasurer's Report/Payment of Bills

In Mr. Grove's absence, Ms. Macalle-Holly stated that the Reconciliation Summary was distributed for review. She stated as of May 31, 2005 the VNB register balance was \$288,477.38, BNY register balance of \$24,758. and JP Morgan Money Market was \$43,554.24 for total balance in all three accounts of \$356,790.20. She stated a Revised Bill List of was submitted for review. Mr. Zoschak made a motion to move the Treasurer's Report and Bill List. Mr. McCabe seconded the motion

In response to Mr. Zoschak inquiry if the financial report could be included in the meeting package, Ms. Macalle-Holly stated the financial reports were included if she received the bank's statements in time. She stated that online banking is available through VNB, but she has not set it up yet. Mr. Zoschak asked for the financial reports to be included in the meeting package. Mr. Kerner asked if the Commission could switch to Verizon to save money. Ms. Macalle-Holly stated she had just switched from Verizon to MCI last year.

Chairman Ondish requested a roll call vote.

ROLL CALL:

Gantert	Yes	Volk	Yes
Hodson	Yes	Zoschak	Yes
Kerner	Yes	Mitchko	Yes
Klipstein	Yes	Risko	Yes
McCabe	Yes	Ondish	Yes

Motion carried 10 to 0.

Minutes of Meeting of May 16, 2005

Chairman Ondish asked that when the final minutes are prepared, in the financial report section there were two seconds to the motion. Chairman Ondish asked for any comments or questions regarding the May 16, 2005 meeting minutes. Mr. McGabe made a motion to move the May minutes. Mr. Zoschak seconded the motion. All those in favor signified by saying "aye" and those opposed by saying "no." There being a unanimous "aye" the motion was carried.

Public Comment

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

Bill Doran, resident of Mount Arlington, thanked the harvester operators for doing the best job in the King Cove area. He addressed the Commission about his concerns, based on his observations, that the Lake level is extraordinarily high during the past two years. He stated that two to three inches of rainfall results in a high water mark, which lasts for days on end. Mr. Doran stated that the Lake is higher longer than he has ever seen in the 15 years as a resident on the Lake. He stated that the level of waves on Sunday, June 12

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were cause for his concern. He stated he has heard of damage to boats and docks on Bertrand Island. He stated high water combined with high activity and high waves which cause the damage mentioned, but worse is the damage that is not yet seen such as damage to bulkheads and erosion visible on the Lake. Mr. Doran stated he does not have an answer for this, but he has seen boats that participate in the sport of wake boarding. He stated these boats put out as large a wake as possible to increase the level of fun. Mr. Doran stated that the wakeboarding is contributing to the high activity in the waterway. He questioned if something could be done.

Mr. Ondish stated that he would be setting up a meeting with the State Police soon to discuss many issues. There was further discussion about the size of the waves, the size of the boats and the volume of traffic on the Lake. Mr. Kerner offered to participate in a meeting with the State Police.

John Kurzman, resident of Lake Hopatcong, stated he was concerned that the water level was too low. He discussed the different uses of the Lake and suggested that the current boating regulations be enforced. He stated that everyone that wake boards is not trying to make a massive wake. He stated boaters should stick to the boating rules. Mr. Kurzman stated he is anxious to hear about the harvesting efforts.

Mr. Klipstein suggested since the water level gages are in place, there could be a monthly report on the water level.

Chairman Ondish stated Mr. Clark had been contacted by residents of Lakeshore Village on Bertrand Island about the erosion situation along the lower parking lot. He stated that Kara Homes created the problem and Mount Arlington is in the process of having Kara Homes resolve the issue. The Chair stated he advised Mr. Clark to have the residents contact him because there was no reason for the Commission to be involved in this issue.

Old Business

Chairman's Report

The Chairman stated he spoke with USGS. He stated it would be prudent now for the Commission to sign the contract for the gage. Regarding funding, he stated the MSA has some questions and he will attend their meeting on July 6 to address them, but it does sound positive.

Chairman Ondish stated he spoke with Senator Bucco's office today and his office has still not heard if the Commission will be a line item, but the Commission is very close to becoming one.

In response to inquiries, Ms. Macalle-Holly stated the USGS contract runs from October 1, 2004 through September 30, 2005 and read from the contract, "...if the work is not carried on in a mutually satisfactory manner, either party may terminate this agreement upon 60 days written notice to the other party." Ms. Macalle-Holly stated that if the DEP

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contributes \$10K and if the MSA contributes, the Commission would have to pay the balance. If the Commission wants to look into other sources to contribute towards funding the gage beginning in October 1, 2005, then the Commission should approach them now to have the funding arranged prior to receipt of the contract. She stated that the USGS gage is not budgeted for in the FY06 Commission budget. The USGS bill has to be paid in December. Chairman Ondish stated that the Commission would write some letters to the groups mentioned at the last meeting to see if they can assist with funding.

Chairman Ondish stated that he wanted to reach out to the Knee Deep Club (KDC) to help get the word out about a situation at Mount Arlington Public Beach where a young child was swimming and stepped on something. When she reached down a huge lure was stuck in her foot and then hooked into her hand. She remained that way for 45 minutes before the ambulance took her to the hospital to have the lure removed. He hoped to get the word out that people should not fish near swimming facility. If your fishing line breaks near a swimming facility, every effort should be made to find the lure or hook. He encouraged other Commissioners to get the word out to their towns about this issue. Ms. Gantert stated that she has tried to deal with the Marine Police to address this issue previously. She did not think it was the Knee Deep Club, but more so, a problem when there is fishing tournament on the Lake. She stated that the Commission should look into the issue with the Marine Police. Mr. Kerner said he also spoke with the State Police previously about this issue. He was advised that if a boat or lure touches your dock, if a homeowner gets their registration number, a trespassing complaint could be filed. Ms. Gantert said she has tried this, to no avail.

Mr. Clark described the different types of bass fishing tournaments. Bass anglers fish around docks. He stated that most KDC members fish in the deep water with live bait or are trolling to catch trout or walleyes.

Ms. Gantert suggested that the Commission notify the bass associations before their tournaments. Chairman Ondish stated that he was only asking the KDC to help get the word out. Mr. Clark stated that since the Mount Arlington beach area is a known hot spot for fishing, he suggested putting a "no fishing" sign near the beach. Chairman Ondish stated that this would be another topic to discuss at a meeting with the State Police. Mr. Zoschak asked if a representative from the State Police could attend the Commission meetings. The Chairman offered to look into having representative from the State Police at meetings. He stated that the Hopatcong Power Squadron is interested in meeting with the Commission. He stated that communication amongst all these groups is critical and needs to be addressed.

Chairman Ondish stated that he had some free time recently on a Sunday. He wanted to use the Commission boat to approach residents about the Lake and to use the boat for public relations. The Chair wanted to get the Commissioners' opinion on using the boat when he had free time. Mr. Clark stated that when the Commission received the boat, a Commissioner had requested to use the boat. At that time, it was decided that only staff could operate the boat or any commission-owned vehicles. Ms. Macalle-Holly stated she provides a list of all employees to the insurance company and they run DMV checks on

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the employees, which could affect insurance rates. Mr. Zoschak stated he did not think it was a good ideal. Mr. Kerner stated the boat could be used for bona fide public outreach. Chairman Ondish reiterated he thought he would be a good ideal to use the boat for public outreach and asked the Commissioners to think more about this.

Old Business

Field Staff Report

Mr. Clark stated a copy of the Field Staff report was distributed and he would address any questions. He stated two new seasonal employees started a week ago and another person started this morning. Mr. Clark stated that the staff has been harvesting for a week. Mr. Clark stated the Landing area was completed last week because they are treating those areas. In response to an inquiry, Mr. Clark stated that the new hires are full time seasonal employees.

USGS Monitoring Gage

Chairman Ondish stated again that the Commission should sign the contract and the Commission would not be billed until December. He stated that the Commission should not hold off any longer on this because DEP funds may not be available. Mr. McCabe made a motion to authorize the Chair to executive the contract with the USGS for \$19,500 for the monitoring gage for this year. Mr. Kerner seconded the motion. The Chair requested a roll call vote.

ROLL CALL:

Gantert	Yes	Volk	Yes
Hodson	Yes	Zoschak	Yes
Kerner	Yes	Mitchko	Yes
Klipstein	Yes	Risko	Yes
McCabe	Yes	Ondish	Yes

Motion carried 10 to 0.

Code of Ethics

Chairman Ondish asked if the Commissioners had any questions on the Code of Ethics. Ms. Macalle-Holly stated another copy of the Code was distributed and that Counsel had distributed a document addressing this.

Mr. John Cervino stated that a universal Code of Ethics would be coming out pursuant to the Governor's Executive Order of May. In response to an inquiry from Mr. Hodson, Ms. Macalle-Holly stated that Counsel Chudzik had contacted Commissioners individually to address their concerns about the Code of Ethics. Mr. Kerner stated that was a typographical error of Sate instead of State. Mr. Cervino stated that minor typographical error could be corrected. The Chair requested a motion to adopt the Code of Ethics. Mr. Zoschak made motion to adopt the Code of Ethics with corrections to

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typographical errors. Mr. Risko seconded. In response to an inquiry, Mr. Cervino stated the purpose of the Governor's Executive Order would be to have a uniform Code of Ethics apply to all agencies. Ms. Macalle-Holly stated that Counsel Chudzik would provide disclosure forms after the Commission adopts the Code of Ethics. In response to an inquiry, Mr. Cervino stated that when someone recluses themselves it is not require that they explain why, but often they do.

ROLL CALL:

Gantert	Yes	Volk	Yes
Hodson	Yes	Zoschak	Yes
Kerner	Yes	Mitchko	Yes
Klipstein	Yes	Risko	Yes
McCabe	Yes	Ondish	Yes

Motion carried 10 to 0.

Chairman Ondish thanked the Commissioners for their input on it. In response to an inquiry, Chairman Ondish stated that Mr. Zoschak was previously appointed as both the Affirmative Action and Code of Ethics Officers.

Resolution 05-09 Grant Agreement between LHC and NJ DEP

Ms. Macalle-Holly stated that this resolution may look familiar because the Commission already approved this, but she tried to explain the background in the meeting package cover letter. DEP wanted the Commission to specify the actual grant match and to indicate the actual percentage of the match in order to move forward with the grant contract paperwork. Ms. Macalle-Holly stated that the Commission Legal Counsel stated that the resolution could be provided to DEP, but the Commission would have to vote on a modified resolution. She stated that the Commission is not changing the match amount and is only including the dollar amount in the resolution. Mr. Zoschak made a motion to move the Amended 05-09 Resolution. Mr. McCabe seconded the motion. There being no further discussion, Chairman Ondish requested a roll call vote.

ROLL CALL:

Gantert	Yes	Volk	Yes
Hodson	Yes	Zoschak	Yes
Kerner	Yes	Mitchko	Yes
Klipstein	Abstained	Risko	Yes
McCabe	Yes	Ondish	Yes

Motion carried 10 to 1 (one abstention).

Princeton Hydro Report

Dr. Lubnow stated that Princeton Hydro (PH) is in the process of finalizing the TMDL report. He stated that he, Mr. Clark and Ms. Macalle-Holly met with DEP about potential projects for the next round of 319 funding. Dr. Lubnow stated he is tentatively preparing a proposal to fund the projects that did not receive funding in 2005 which include projects in Mount Arlington, Jefferson and Roxbury. The grant application will be prepared for the July 8 deadline.

Dr. Lubnow stated that PH would be scheduling a monitoring event with Mr. Clark, Ms. Macalle-Holly and representatives from DEP in July. He stated that although PH typically does the monitoring, once a year Commission staff members and DEP representatives accompany PH to review other areas of concern that are typically not within the monitoring areas. Dr. Lubnow stated that he and Ms. Macalle-Holly would try to schedule a meeting for the TMDL in July.

Dr. Lubnow stated a memorandum had been distributed on the water quality sampling events in May and June. He provided the Secchi disk readings. As is typical for Lake Hopatcong, the water clarity increased from May to June. He stated that last week he had reviewed some algal samples for the Lake and there was a high number of blue-green algal, which is the bad algal. He stated that there was more blue-green algal this time of year. He asked the Commissioners to keep their eyes open for unusual colorations or surface scum to advise PH. In response to an inquiry, Dr. Lubnow stated that it was a very cool, wet spring just like the last three years, which partially explains the initial high water level. However, May was very dry and there was a hot spell.

Dr. Lubnow stated that he, Mr. Clark and Ms. Macalle-Holly had a meeting with the Hopatcong Engineer to confirm the location for the 319 grant awarded to get an ideal of where to survey to collect information. In response to an inquiry, Dr. Lubnow responded that DEP representative visited the sites with Commission staff the following week. Dr. Lubnow stated that he spoke with Mr. Klipstein about potential site changes. PH will be collecting more survey data than the original targeted sites so if there are any potential site changes, the survey information will have already been collected.

Dr. Lubnow stated he would provide a list of scientific reasons why the Commission should have the flow and water level data.

He stated that DEP is requesting data for their water quality reports. Since the monitoring of Lake Hopatcong has an approved Quality Assurance Protection Plan (QAPP), PH will submit the 2003 and 2004 data on behalf of the Commission to the State so it could be included in the water quality reports. He will also provide a copy of the data to the Commission.

Mr. Zoschak stated that while in attendance at the Raritan Highland Compact meeting, Ray Zabliach of Morris County was very impressed with the TMDL.

New Business

Although there was no new business listed on the agenda, Ms. Macalle-Holly stated that she had distributed the Jefferson Septic Management Plan just received today from Jim Leach, Jefferson Administrator. Jefferson is also submitting the plan to Mr. Klipstein for DEP. She stated that Mr. Leach offered to attend a Commission meeting to speak about septic management.

Mr. Kerner stated on behalf of the Lake Hopatcong Yacht Club, he thanked the Commissioners and Staff that attended the Memorial Day Service. He stated the fireworks are scheduled for Friday, July 1. He thanked everyone that contributes and encourages contributions because the fireworks get more expensive every year.

Ms. Macalle-Holly stated that if the LHYC offers to let the Commission include something in their time capsule they are borrowing on Labor Day weekend, the Commission would need to come up with something creative and innovative to remind people of the lake preservation efforts. Dr. Lubnow suggested a Secchi disk to remind everyone about the water clarity.

Mr. Hodson stated he needed to speak with the members of the by-laws committee.

Public Comment

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

John Kurzman, resident of Lake Hopatcong, stated that there should be a boating and fishing courtesy document prepared for the Lake. Ms. Macalle-Holly stated that PH had advised her about grants available from Boat US Foundation. Although the Commission is not eligible because it is a State agency, however, most groups that apply are Coast Guard Auxiliary group. One of the Commission's employees, Sal Cottone, is a member of the Coast Guard Auxiliary group. Ms. Macalle-Holly stated she asked Mr. Cottone if his Chapter is interested in applying for a grant to do a boating safety brochure. Boat US Foundation guideline are not available until August. Mr. Kurzman stated he had been to a local group's website and it had the old boating regulations. Mr. Kurzman stated that the fees for non-tidal boating licenses should be directed toward the Commission. He questioned why the weeds only grow in certain areas. Dr. Lubnow responded there are a number of factors including light, turbidity, amount of nutrients, sand to clay ratio, fish activity that could affect the patch network of plants. This will vary from year to year because these factors vary from year to year. He stated that the long-term cause of the weeds is the sediments and phosphorus entering the Lake.

Mr. McCabe made a motion to adjourn at 9:45 p.m. Mr. Zoschak seconded the motion. All those in favor signified by saying "aye" and those opposed by saying "no." There being a unanimous "aye" the motion was carried.

Submitted by: Donna Macalle-Holly