

# **Minutes of the Lake Hopatcong Commission**

## **June 21, 2004**

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A meeting of the Lake Hopatcong Commission was held on June 21, 2004 at the Mount Arlington Municipal Building, 419 Howard Boulevard, Mt. Arlington, New Jersey. At 7:34 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: Eric Grove, Samuel Hoagland, Richard Hodson, Walter Kerner, Frank Hughes (Morris County Alternate), Robert Mitchko (Jefferson Alternate), Brandon Phillips (Roxbury Alternate), and Ken Klipstein (Vice Chair)

Absent: Colleen DeStefano, Dave Jarvis, Lorraine Lees, Richard Zoschak

Alternates Present: Daniel McCarthy (Hopatcong Alternate)

With eight 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. Mr. Phillips requested that the Governor's office be contacted to remove Don Feliciano's name from correspondence addressed to the Commission office.

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

Mr. Grove's reported that for period ending May 28, 2004 the checking account register balance was \$22,543.46. The JP Morgan account had a balance of \$285,154.54 for a total balance in the JP Morgan and Bank of New York accounts of \$307,698.00

The Bill List for \$13,831.74 was presented for approval. Mr. Hoagland made a motion to approve the Bill List. Mr. Mitchko seconded the motion. [A copy of the Bill List is available on file.]

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### ROLL CALL:

|          |     |           |     |
|----------|-----|-----------|-----|
| Grove    | Yes | Hughes    | Yes |
| Hoagland | Yes | Mitchko   | Yes |
| Hodson   | Yes | Phillips  | Yes |
| Kerner   | Yes | Klipstein | Yes |

Motion carried 8 to 0.

Vice Chairman Klipstein stated that a special meeting needs to be scheduled after July 1 when Governor approves the budget to discuss action necessary if the Commission does not receive a budget allocation. The tentative date for the special meeting is Tuesday, July 6, 2004. It was agreed to have the special meeting earlier at 6:30 p.m. The tentative location would be the Hopatcong State Park, but the location would be confirmed prior to the meeting.

### **Public Comment**

At this time, Vice Chairman Klipstein opened the meeting for public comment. John Kurzman, resident of Lake Hopatcong, commended the harvesting work done by the crew in the Woodport Bay area. He questioned how long the staff could continue to keep operating with such enthusiasm without knowing if they will have jobs at the end of the summer. Vice Chairman Klipstein responded to Mr. Kurzman's inquiry about the budget stating that the Governor did not include the Commission's budget in his proposal to the legislator and Commissioner Campbell indicated that funding would be worked out through the legislative process. Mr. Kurzman also questioned funding for Highlands Bills and Vice Chairman Klipstein responded that although he could not speak on the specific details, there was a separate funding piece for the Highlands. He also questioned whether Lake Hopatcong was a man-made Lake because it would then be included in the core Highlands area and about installation of sewers in the core area within Lake Shawnee because it drains into Lake Hopatcong. He was referred to Senator Bob Smith's website for a verbal description of the Highlands core area. Vice Chairman Klipstein indicated that there is a list of exemptions for the Highlands Bill and certain activities can be developed in the preservation area.

Will Avers, resident of Lake Hopatcong, also spoke about Lake Shawnee and expressed concerned over where the Highlands boundaries were drawn. He also discussed the drainage from the area around the old post office in Lake Hopatcong and other areas that need to be sewerred. He also discussed how these areas can not be septic-managed because of the lot size and because they are on hills and rocks. He indicated he contacted NJ DEP requesting if certain areas within the Highlands could be reconsidered. Their response was that a review board was being established. He also discussed how technology should have been used to delineate the Highlands boundaries instead of using streets. He stated that it was a good bill, but it could be improved. He also discussed some of the Jefferson Township projects that would be impacted because of the Highlands bill.

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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.

### **Minutes of Meeting of May 17, 2004**

Having inadvertently skipped over the agenda item to approve the meeting minutes, the Vice Chairman asked for any comments on the May 17<sup>th</sup> meetings. Mr. Hoagland made a motion to move the May 17, 2004 minutes. Mr. Mitchko seconded the motion. Mr. Grove indicated he was not in attendance at the May meeting and questioned the statement on page 2 in the public comment, "Mr. Phillips said the storage shed referred to in the editorial was actually a maintenance facility that went out to bid." Mr. Grove indicated that it never went out to bid because the project was put on hold. Mr. Phillips clarified that what he meant was that the estimates were done. Mr. Hodson indicated the May minutes were correct and Vice Chairman Klipstein requested that the June minutes reflect the correction. There being no further comment, Vice Chairman Klipstein requested a roll call vote.

#### **ROLL CALL:**

|          |           |           |     |
|----------|-----------|-----------|-----|
| Grove    | Abstained | Hughes    | Yes |
| Hoagland | Yes       | Mitchko   | Yes |
| Hodson   | Yes       | Phillips  | Yes |
| Kerner   | Yes       | Klipstein | Yes |

Motion carried 7 to 1 (one abstention).

### **Old Business**

#### **Field Staff Report**

Mr. Clark reviewed his June 21, 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 concluded on May 18<sup>th</sup> and asked if Mr. Grove could comment on the agreement at the end of his report. Mr. Clark reported that members of the Field Staff participated in the Mt. Arlington Memorial Day Parade and they were very well received by the public along the route. Mr. Clark indicated a correction was necessary in his report for June 21 entry to change the south team to the north team.

In response to the Vice Chairman inquiry about the overall condition of the Lake, Mr. Clark stated that it is very variable. Some sections are almost barren of any weed growth

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and in other sections the weeds are already growing above the surface of the water. Mr. Clark responded that the tonnage is down from last year and theorized that the drawdown and cool spring weather attributed to this.

In response to an inquiry from the Vice Chairman about status on negotiation with Picatinny, Ms. Macalle-Holly indicated that a thank you letter should be sent to the Commander. Mr. Clark indicated that Picatinny does not require any services until August, but it is still up in the air at this point.

Mr. Grove stated he was very pleased with the cooperative effort exhibited between the County and Commission. He indicated the agreement is for a year and there is potential for work in the fall and possibly for next spring as well. Mr. Grove reported there was training of the field staff secured from Sussex County and the Commission used some of the County's equipment to located outfalls in the Lake on the Sussex side and a collaborate effort on the installation and maintenance of catch basins. He commended the staffs for working so well together. Vice Chairman Klipstein stated that some good work with the shared services agreement had been done and it should be revisited to do more.

Mr. Kerner commented on the area within King's Cove that went from no weeds to weeds to the surface within a week. He had received numerous complaints from residents, contacted Mr. Clark about it and the staff responded immediately.

Mr. Hughes stated the weed harvester was one of the highlights of the parade and people were given a better understanding of what a complex piece of equipment the harvester was and the necessary required maintenance.

### **Fidelity Bond Insurance**

In Ms. DeStefano's absence, Ms. Macalle-Holly reported that the Commission received a quote from Fairview Insurance. Payment of \$2261 was included on the Bill List to renew the fidelity bond insurance in the amount of \$325,000 for one year commencing the end of May.

### **PRINCETON HYDRO REPORT**

Dr. Lubnow reported he had two main items:

319(h) Grant – Princeton Hydro meet with DEP on June 11 to discuss the potential project for Lake Hopatcong. Since the Lake restoration plan is currently in progress, it was decided to focus on the recommendation originally identified in the first version of the TMDL, the one that has been approved. In the TMDL first version, stormwater management is very important. At last month's Commission meeting, it was proposed to do a regional stormwater management plan for the 319(h) grant application, but after the DEP meeting on June 11, it was clear that that type of project would not be funded this year. The alternate grant project discussed was an implementation project. Dr. Lubnow

distributed an outline of a proposal to install four best management practice (BMP) structures called Continuous Deflective Separation (CDS) structures. The CDS is an improved retrofit by DEP and can be a potential eligible project. Because the implementation project is based on the original TMDL which has already been approved, it was decided that two units would be installed in Hopatcong and two units in Jefferson. These sites were selected because both municipalities are the largest contributors of phosphorous to the Lake. The grant proposal would be to select sites within each municipality, develop the design and size of the structure, develop its specifications, select a contractor, purchase the materials, install the structure, and monitor the BMP to assess its effectiveness to remove phosphorous. The site work and GPS survey work would be done with the field staff. The selection of the site would be done with the municipalities. Both of these would be part of the in-kind contribution. In addition, Princeton Hydro will work with DEP to DEP-certify the Commission field staff to collect stormwater samples. Local personnel such as the field staff, is necessary to sample stormwater runoff and assess the nutrients running into the Lake.

Phosphorous TMDL Restoration Plan – Dr. Lubnow reported that a draft document was distributed for the Commission’s review. The plan provides each municipality with their contribution to the phosphorous load and a plan to reduce the stormwater-based load and provide maps with targeted zones for stormwater infrastructure upgrades. Due to space limitation within the targeted zones, the restoration plan focuses on retrofits and smaller BMPs. The final version of the plan will provide the methodology and BMPs. Dr. Lubnow recommended that this be distributed to the respective municipalities and stated that they had already met with Jefferson and Hopatcong to provide this information. Dr. Lubnow asked the Commissioners to provide any comments or suggestions on the draft.

Dr. Lubnow indicated that Princeton Hydro negotiated with Rutgers to obtain a no-cost, three month extension on the TMDL project until the end of August. Their target is to have it completed by the end of July and to submit to DEP at that time. Dr. Lubnow indicated that Princeton Hydro has been submitting monthly updates to Rutgers. Vice Chairman Klipstein indicated that the value of the Rutgers Ecocomplex team is the peer review and their feedback.

Dr. Lubnow indicated that Princeton Hydro began sampling the Lake in May and the turbidity was higher than in past years. Dr. Lubnow stated the cloudier the water, the lower the weed growth. In Woodport at the end of the May the water was very turbid. He will examine the June data as soon as possible.

Dr. Lubnow stated he has checked EPA’s website and there is no update on the Watershed Initiative Grant. Vice Chairman Klipstein stated that the State will soon announce their new lake monitoring program.

Dr. Lubnow will provide an extra copy of the TMDL-Based Restoration Plan so Commissioners Kerner and Zoschak can provide a copy to Mt. Arlington and Roxbury. Vice Chairman Klipstein stated that the first part of the approved TMDL for the Upper Musconetcong is available online.

Ms. Macalle-Holly stated that the Commissioners previously authorized the FY05 319(h) Intent to Apply for the Regional Stormwater Management Plan and septic management proposal, but at the DEP meeting it was recommended to apply for an implementation project. Mr. Hoagland made a motion to authorize Princeton Hydro to submit a 319(h) grant application for an implementation project in Hopatcong and Jefferson by June 30. Mr. Mitcho 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**

#### **Public Relations Sub-Committee**

Ms. Macalle-Holly indicated the Public Relations committee had met twice and is moving forward with the website. She recognized John Driscoll, who is helping with hosting and registering the site at lakehopatcong.org. Mr. Driscoll made a monetary donation to register the site on the Commission’s behalf. The committee met and reviewed the homepage. The Frontpage software has to be purchased. Mr. Driscoll has offered to help develop the site. Mr. Kerner stated some of the other issues the sub-committee can address effectively with the manpower and time available. Some items discussed were educational outreach at the schools. He also reported that an article he authored about the Commission appeared in the Mt. Arlington newsletter. Mr. Kerner stated that the Commission would have a small piece in the Mt. Arlington newsletter going forward. Mr. Hughes discussed the newsletter channel with the other municipalities. Mr. Hodson stated that the committee, because of its limited resources, is trying to target one area and selected the phosphorous issue. Flyers and outreach to the schools and businesses would address this topic. Mr. Hodson stated that all four communities have phosphorous ordinances. Mr. Hoagland indicted that he uses the non-phosphorous fertilizers and his lawn is just as a green. He obtained the fertilizer at Frank’s. Mr. Hughes introduced John Driscoll, a Councilman from Mt. Arlington who was in attendance and volunteered to help with the Commission website, Ms. Macalle-Holly stated other avenues for Frontpage training would need to be explored, since the class she registered for was cancelled.

Ms. Macalle-Holly stated that the budget sub-committee will be meeting prior to the Commission special meeting on July 6<sup>th</sup> to review the budget. Mr. Grove indicated that a meeting would be arranged sometime next week to review the overall budget status.

#### **New Business**

Mr. Klipstein indicted that there was no new business.

**Public Comment**

Mr. Phillips thanked the Commission for the flowers at Mayor Vickery's funeral. He also replied to the Vice Chairman's question that the site plans application reviews were included in the communications package.

Dan McCarthy, Hopatcong Alternate Commissioner, indicated that in a conversation with a high school classmate that has been on the Lake his entire life, he was amazed at the misperceptions about the Commission. He thanked John Driscoll for his assistance and was pleased with the status of the website which can address the misconceptions about the Commission.

Will Avers, Lake Hopatcong resident, had some questions for Dr. Lubnow about his report. Dr. Lubnow stated that the major source of phosphorous entering Lake Musconetcong is from Lake Hopatcong so anything that improves Lake Hopatcong will improve Lake Musconetcong. In response to his question asking if sewers were being considered to remove phosphorous, Dr. Lubnow indicated that as part of the Total Maximum Daily Load (TMDL), the sewer component was included for the Borough of Hopatcong. In the analysis, Hopatcong's stormwater contribution is after sections have been sewerred. For Jefferson, they are required to do a certain amount of phosphorous control and although the stormwater will help, it will not take care of all their required reductions. Vice Chairman Klipstein stated that there was a website on the BMP manual at [njstormwater.org](http://njstormwater.org).

Mr. Hoagland made a motion to adjourn at 8:45 p.m. The motion was seconded. 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