

Minutes of the Lake Hopatcong Commission

July 18, 2005

A meeting of the Lake Hopatcong Commission was held on July 18, 2005 at the Roxbury Municipal Building, Ledgewood, 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, Eric Grove, Richard Hodson, David Jarvis, Walter Kerner, Kenneth Klipstein, Wayne McCabe, Herman Volk, Richard Zoschak and Arthur Ondish

Absent: Elizabeth Gantert

Alternates Present: Dan McCarthy (7:43 p.m. - Hopatcong), Robert Mitchko (Jefferson), Patricia Rector (DEP), John Risko (Sussex County)

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

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

Communications

Chairman Ondish asked for any questions or comments on the communications. There was discussion on the July 7 letter from a Concerned Citizen. Ms. Macalle-Holly stated that Hopatcong State Park Superintendent Helen Maurella advised she conducted a field visit to the location and the park staff will be removing the cribbing in the near future. Ms. Maurella asked that the Commission notify DEP Enforcement about this issue, which was done.

Treasurer's Report/Payment of Bills

Mr. Grove stated as of June 30, 2005 the VNB register balance was \$252,459.58, BNY register balance of \$24,975 and JP Morgan Money Market was \$43,345.03 for total balance in all three accounts of \$320,779.61. She stated a Revised Bill List of \$21,376.50 was submitted for review. Mr. Zoschak made a motion to move the Treasurer's Report and Revised Bill List. Mr. Kerner seconded the motion. Mr. Zoschak stated he would look into shared services with Roxbury for diesel fuel to save money.

Chairman Ondish requested a roll call vote.

LHC 7/18/05 Meeting Minutes

ROLL CALL:

DeStefano	Yes	Klipstein	Yes
Grove	Yes	McCabe	Yes
Hodson	Yes	Volk	Yes
Jarvis	Yes	Zoschak	Yes
Kerner	Yes	Ondish	Yes

Motion carried 10 to 0.

Minutes of Meeting of June 20, 2005

Chairman Ondish asked for any comments or questions regarding the meeting minutes. Mr. Zoschak asked to have the reference to Dr. Zoschak corrected and then made a motion to move the June minutes. Mr. McCabe seconded the motion. The Chairman requested a roll call vote.

ROLL CALL:

DeStefano	Abstained	Klipstein	Yes
Grove	Yes	McCabe	Yes
Hodson	Yes	Volk	Yes
Jarvis	Yes	Zoschak	Yes
Kerner	Yes	Ondish	Yes

Motion carried 9 to 1 (one abstention).

Public Comment

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

Steve Tarloff, resident of 21-25 Winona Trail on Bright's Cove, presented photos of Bright's Cove. He stated that the cove is 25 to 35 percent covered with stuff and asked that the Commission show up earlier than September. He requested that they make two trips to the cove this year and now would be a good time.

Old Business

Chairman's Report

The Chairman stated he attended the Musconetcong Sewage Authority (MSA) meeting to ask about funding for the USGS monitoring gage. Although the request was well received, he learned that the MSA was not sure how much they used the monitoring gage. He stated that the MSA would discuss it and get back to the Commission. The MSA suggested that the Commission also approach other organizations for funding.

He stated he spoke with many people around the Lake about the condition of the waves during the weekend. The Chair stated he needs to set up a meeting with the State Police and Boating Regulation and DEP to determine what can be done. Mr. Zoschak asked that

LHC 7/18/05 Meeting Minutes

the Commission request that a member of the State Police attend the Commission meetings.

Chairman Ondish addressed the erosion issue at Lakeshore Village. He stated the Borough of Mount Arlington is working with the developer Kara Homes to address this.

Chairman Ondish stated that Senator Bucco had advised him that the Commission was in the Senate version of the budget for \$500K and the Assembly bumped the Commission out of the budget. He stated that Mr. Klipstein is aware of a different outcome. The Chairman will look into if the Commission actually became a line item in the budget. He remarked about his dissatisfaction that out of a \$29 billion dollar budget, that the State government could not find \$500K to fund the Commission of which the State receives more than \$500K in revenue from this area. Chairman Ondish stated he has a call in to Assemblyman Merkt. Mr. Klipstein stated he was advised today that the DEP Commissioner appropriated \$500K for the Lake Hopatcong Commission and the paperwork is being prepared to issue a check.

There was further discussion about the size of the boats causing bigger waves. Mr. Kerner stated he would like to see the Commission endorse an ordinance that Hopatcong has where overnight stay on your boats is not allowed. He addressed the environmental impact about overnight usage and boaters not containing their waste. There was further discussion about this issue from an enforcement and economic perspective. It was suggested that the issue should be evaluated more and the Commission should be very careful any time it does anything to limit recreational use. It was also suggested to research best management practices on how other lakes handle this.

Old Business

Chairman Ondish requested a motion to amend the agenda. There being a unanimous "aye" the motion was carried. The agenda was amended to move Item E. under Old Business and Item A. under New Business as the next topics for discussion.

Mr. James Leach, Jefferson Administrator, addressed the Commission on two issues, update on sanitary sewers and request to have the Commission endorse a project. Mr. Leach described the project to acquire property owned by former Commissioner Lorraine Lees. The half-acre property is along Espanong Road on Callahan's Cove and has been used for many years for weed harvesting and storage of equipment. Mr. Leach distributed a copy of the consultant report on the Lee's property for the Commissioners' review. [A copy of the report is available on file.] Mr. Leach stated that in a prior meeting with Commission staff, Mr. Clark indicated the property was critical to the operation. He stated that he has a willing to sell letter for \$82,500 to purchase the property and Jefferson will apply for a grant in that amount to Morris County Open Space. He stated Jefferson would assume the soft cost of title search, surveys, legal fees, etc. If Jefferson is successful, they will offer the Commission a lease for one dollar per year. The Commission's only responsibility would be to maintain liability for its own equipment. Chairman Ondish thanked Mr. Leach for the generous offer. Ms. Macalle-

LHC 7/18/05 Meeting Minutes

Holly stated she drafted a resolution to endorse the project. Mr. Leach stated that Mayor Felter would be contacting the Township's fellow Morris County neighbors asking for an endorsement from each.

There was discussion about the property being listed on Jefferson's open space inventory, which has the same encumbrances as Green Acres property so anyone in the State can use it. Mr. Klipstein asked about the security issues. Mr. Leach showed how the property was divided into two parts. One part is used by the Commission and the other may be developed into a small pocket park or playground. To address security, Mr. Leach stated the property is on one of the most heavily traveled roads in Jefferson and there have not been any vandalism problems. Chairman Ondish questioned the legality of Jefferson leasing the land once it is in the Green Acres inventory. Mr. Leach stated the application is being filed on July 29 and it specifically states that the one area would be used by the Lake Commission. He stated it is his understanding that open space land can be used to support parks and since Lake Hopatcong is a State Park, it is permitted use.

Chairman Ondish asked if Legal Counsel had any comment on the resolution. There being none, he requested a motion to move the resolution. Mr. McCabe made a motion to move the resolution. Ms. DeStefano seconded the motion. There was further discussion about the legalities of the Commission using the property. [A copy Resolution 05-11 Support for Township of Jefferson Acquisition of Lee's Property is on file.]

ROLL CALL:

DeStefano	Yes	Klipstein	Yes
Grove	Yes	McCabe	Yes
Hodson	Yes	Volk	Yes
Jarvis	Yes	Zoschak	Yes
Kerner	Yes	Ondish	Yes

Motion carried 10 to 0.

Jefferson Township Proposed Septic Management Plan

Mr. Leach showed a map of Jefferson Township and outlined the core preservation area of the Highlands. The Township is in the process of making amendments to the Wastewater Management Plan. In discussion with DEP, the plan cannot be approved that does not comply with the law. The area originally intended to be sewerred will have to be excluded from the Wastewater Management Plan since they cannot extend sewer lines through the Highlands Preservation area. Mr. Leach discussed efforts taken by the Township to investigate installation of sewers and funding sources. He stated Jefferson Township and Council is still committed to the project, when and if funds become available. He stated when the Township did amendments to the Wastewater Management Plan, DEP requested a series of environmental ordinances including the adoption of septic management. Jefferson Township is proposing to implement a septic management program in the entire area of the Musconetcong Watershed. Mr. Leach discussed the details of the proposed septic management plan. [A copy of the proposed Ordinance to Amend the Code of the Township of Jefferson To Create Requirements for

the Operation and Maintenance of On-Site Sewage Disposal Systems is on file.] He stated that copies of the proposed ordinance were submitted to Mr. Klipstein for DEP input and a copy was previously provided to Ms. Macalle-Holly for the Commissioners' review. Mr. Leach stated he would include Dr. Lubnow's input regarding the TMDL in the proposed ordinance.

Mr. Zoschak inquired if the ordinance would be implemented for the entire Township. Mr. Klipstein stated that under the Wastewater Management Planning Rules, it is not required to be township-wide, but where there is failing septic it needs to be addressed. Mr. Klipstein stated going with what Jefferson has done is a good start. Mr. Klipstein discussed his concerns about the MSA capacity and that capacity may or may not be there when Jefferson has money to connect to Mt. Arlington's sewer line. He stated DEP is trying to work from their side to ensure there is reserved capacity, but the standards keep getting tighter and there is uncertainty whether the MSA will get to their planned capacity. Mr. Klipstein stated that the other big issue is for DEP and the Commission to work with Jefferson Township to put in place a monitoring program to measure the results. Mr. Leach stated the first area targeted is Lake Shawnee, which is a highly organized area with 540 residential buildings. The Township will work with them to monitor their water. Mr. Klipstein stated the Commission employee would be certified in monitoring techniques and perhaps a shared services agreement to provide LHC staff to do monitoring. Mr. Leach stated it would take some time to see any difference in the water quality.

There was further discussion regarding the program logistics. In response to an inquiry regarding pumping septic systems on the islands, Mr. Leach stated there were issues with bringing commercial trucks across the waters of Lake Hopatcong. He stated the Township does do inspection on the Islands and most septic systems on the Islands have limited use.

Mr. Leach inquired when he could expect feedback from Mr. Klipstein and DEP. Mr. Klipstein stated within the next couple of weeks he would provide comments and he will try to coordinate the schedule on the review of the Wastewater Management Plan. There was general agreement that it was a well-written ordinance. Mr. Leach was not looking for anything from the Commission at this point on the ordinance and only wanted to provide an overview. There was further discussion on the importance of a monitoring program in conjunction with this septic management plan.

USGS Monitoring Gage

The Chair stated he did not have anything further to report on this issue other than that the agreement was signed with USGS. He asked that this be put on next month's agenda.

Field Staff Report

Chairman Ondish apologized for skipping over this agenda item. Mr. Clark stated he had to make a correction to his report. He stated that one of the two trainees quit and he may have another seasonal employee starting on July 19. He described the difficulties of hiring seasonal employees, training them and processing the paperwork. He discussed why some seasonal staff left. Ms. DeStefano stated that this was the downside of seasonal employees and the Commission should think about this when the budget is prepared next year. Mr. Clark stated he has not had that many applicants and hired the qualified candidates. The Chair advised Mr. Clark to advise candidates that if full-time positions become available, seasonal employees may have an opportunity for full-time employment. There was discussion about the concerns of seasonal versus full-time employees. Ms. DeStefano stated that the Commission should not keep cutting back on its ability to do its job. Chairman Ondish stated that the Commission has to establish with DEP and other political powers of the importance of the Commission to become a line item. Mr. Kerner asked about the seasonal hourly rate. He was advised it was \$12 per hour. Ms. Macalle-Holly reported on the classified ads and efforts to hire seasonal staff.

Chairman Ondish asked about standard operating procedures for emergency response. There was discussion on how the Commission boat is used in cases of emergencies. Mr. Clark provided an overview of previous activities taken to have the staff involved in emergency response, but due to many issues, this was not pursued. He also discussed how the Commission boat was used in the past. Mr. Zoschak asked to inquire if the boat was insured to cover emergency response. The outcome of the discussion was that the Commission would not be involved in emergency response unless there is a dire need and that local, county and other agencies should respond first.

FY06 Proposed Budget Request

Since this agenda item was previously discussed, the Chair asked for any further questions on the issue. In response to an inquiry regarding the Commission submission of its FY06 budget request of \$843,807, the Chair indicated he would make some calls to inquire about this issue. Ms. Macalle-Holly questioned if the \$500K appropriation Mr. Klipstein referred to was the first appropriation towards the FY06 budget.

Office Lease Renewal

Chairman Ondish stated he received a call from Counsel Chudzik. She reviewed the lease prior to its expiration in August. The Chair stated Counsel had two issues (1) tort claims and (2) if the Commission wanted to get out of the lease. The Chair advised Counsel Chudzik to speak with the Tom Valiante directly. Regarding the second issue, the Chair indicated that was the agreement made to keep the rent lower. Chairman Ondish stated that the Commission could approve the office lease renewal, subject to final review by Counsel. Mr. Zoschak offered this motion. Mr. McCabe seconded.

LHC 7/18/05 Meeting Minutes

ROLL CALL:

DeStefano	Yes	Klipstein	Yes
Grove	Yes	McCabe	Yes
Hodson	Yes	Volk	Yes
Jarvis	Yes	Zoschak	Yes
Kerner	Yes	Ondish	Yes

Motion carried 10 to 0.

Princeton Hydro Report

Dr. Lubnow addressed the following items in his report.

1. PH submitted the FY06 319 grant by the due date. A copy of the application was sent to the Commission and distributed with the meeting package. The grant proposal continued with the additional installation of structural BMP to reduce stormwater-based phosphorous loads entering the lake. Ms. Macalle-Holly stated that Dr. Lubnow selected cost-effective implementation projects. He stated the cost of the \$370,900 grant proposal was considerably lower than the current 319 grant.
2. Dr. Lubnow emailed the Commission a list on why the USGS flow data was important. Ms. Macalle-Holly stated she had not noticed it in the email, but would forward it to the Commissioners.
3. Dr. Lubnow sent the 2002 and 2003 water quality data for Lake Hopatcong and the 2003 water quality data for Lake Musconetcong was emailed to DEP and July 15 and mailed today. This data was collected under an approved Quality Assurance Protection Plan (QAPP). Dr. Lubnow stated this is another reason why the data is so important because the State uses it to make water-planning decisions for the future.
4. Dr. Lubnow is in the process of finalizing the draft TMDL.
5. He stated he reviewed the proposed septic management ordinance and recommended it include a statement about how important this program is to the phosphorous TMDL. He would provide Mr. Leach with a statement to include.
6. Dr. Lubnow stated the lake sampling was going to be done today, but was rescheduled to Thursday after the TMDL meeting. He stated that Mr. Clark had provided a water sample from Bright's Cove and he will see what the organism is that is causing the problem there.

Ms. Macalle-Holly stated that the TMDL meeting is scheduled for Thursday, July 21 at the State Park. The meeting is held twice a year to discuss the TMDL and the stormwater regulations with the municipalities and counties. Dr. Lubnow stated he would send a document on the topics PH will cover at the meeting. Chairman Ondish stated he was planning to attend, but cannot due to a last minute work conflict. He would check to see who could attend from Mount Arlington. There was discussion about having the meeting at a more convenient time for the Commissioners. Ms. Rector stated that it might be preferable if the municipal attendees were more technical.

New Business

Background Checks and Medical Exams for Seasonal Employees

Chairman Ondish stated that Ms. Macalle-Holly had concerns about this issue. Chairman Ondish questioned who would pay for the background checks and medical exams for potential employees. Ms. Macalle-Holly stated she was concerned about the cost of these and if the Commission wanted to continue this practice with seasonal employees. Two out of three seasonal new hires that completed background checks and medical exams are no longer with the Commission. Background checks cost \$100. DMV checks are done by Fairview Insurance free of charge. The complete medical exam negotiated with St. Clare's hospital is \$375 and includes an extensive list such as urine analysis, blood work, chest x-ray, TSA blood test for males and EKG. Ms. Macalle-Holly stated this was originally negotiated by Mr. Feliciano; however, the rates did just increase this year. There was discussion on why medical exams were necessary and whether the Commission should request potential employees to pay for it. Ms. DeStefano stated that at North Jersey Commission, a local physician does their medical exam. She suggested that the Commission shop around for medical exams.

Mr. Kerner and Mr. Hodson began to address the hourly wage for seasonal employees. Ms. Macalle-Holly advised the full time employees started at \$17 per hour. She advised that last year the Commission did not hire seasonal employees and previously the Commission had a larger pool of applicants for seasonal employment.

Ms. Macalle-Holly asked if the Commission wanted to continue to do all the tests with the medical exam because some new seasonal employees need to have the medical exams completed. She stated her intention was to alert the Commissioners of the cost of the medical exams and if they wanted to take any action to change the policy. Ms. Macalle-Holly stated that she had checked with the State Park. Different positions have different requirements, but for seasonal employees that are not lifeguards they do not conduct a medical exam and the DMV checks are done through the State. Chairman Ondish indicated that the Park's employees are not operating a harvester. Chairman Ondish stated that the two seasonal employees should move forward with their medical exam. Ms. Macalle-Holly stated she would get more information on medical exams.

Mr. Hodson addressed the hourly wage for seasonal employees. The Chair suggested setting up a salary range based on experience. Ms. Macalle-Holly stated that the Commission did not have any candidates turn down the job because the salary. Mr. Zoschak suggested raising the \$12 rate for \$14 to see what happens. Mr. Jarvis stated he did not think it had anything to do with salary and that the Commissioners would be sending a message to the full time staff because they have to fight for a raise every year. He stated it is sending a wrong message by throwing money at the problem. Mr. Zoschak stated full time employees receive benefits. Mr. Kerner stated that the Commission is not getting enough response at \$12 an hour so what are the options to quickly increase the pool of applicants. Ms. Macalle-Holly stated there is one seasonal position open. There was discussion about applicants needing a boating license.

LHC 7/18/05 Meeting Minutes

Mr. Hodson made a motion to increase the hourly rate for current seasonal employees and new seasonal employee to \$14 hour effective the next pay period. Mr. Zoschak seconded the motion. There being no further discussion, Chairman Ondish requested a roll call.

ROLL CALL:

DeStefano	Yes	Klipstein	No
Grove	Yes	McCabe	Yes
Hodson	Yes	Volk	No
Jarvis	No	Zoschak	Yes
Kerner	Yes	Ondish	Yes

Motion carried 7 to 3.

Mr. Klipstein stated this was an inefficient way of doing this kind of business. He stated there is a bigger issue than a \$2 increase in pay including the background checks and fundamentally, why the Commission is not attracting people. He stated it should have been reviewed to the personnel sub-committee with a full recommendation to be made to the entire Commission to be voted on. Chairman Ondish responded that the Commissioners that voted yes feel it will help attract people to get the job done. Mr. Zoschak suggested that the Personnel Sub-Committee work on the issues outlined by Mr. Klipstein and prepare recommendations for the Commission. The Chair directed Mr. Grove, Chair of the Budget and Personnel Sub-Committee to address the issue of the background checks and medical exams. Mr. Kerner asked that the website be updated to reflect the new seasonal salary.

Public Official Insurance Renewal

Ms. Macalle-Holly stated the policy is up for renewal and a copy of the quote provided by Fairview Insurance was distributed for review. The cost for renewal is \$3,819.13 and \$4,300 is budgeted. The increase is approximately \$9. She stated the Commission does not take the terrorism coverage. Counsel Weyl suggested that the Commission get some additional quotes over the phone. In response to Ms. DeStefano inquiry regarding if Fairview Insurance shops around, Ms. Macalle-Holly stated she did not receive any other applications from Fairview. Ms. DeStefano stated that this may be the lowest quote and the Commission should inquire if that is the case. Ms. Macalle-Holly stated that in the past the Commission has had difficulty obtaining insurance.

Mr. Zoschak asked that the premium and all fees be included on the written quote. Fairview fees are not included on the quote because the quote is provided by another company. Ms. DeStefano stated that Fairview provides a service and was unsure if Ms. Macalle-Holly was explaining it correctly. Ms. DeStefano stated that this emphasized her point that she needs to get her meeting package earlier. Ms. Macalle-Holly stated she did not receive the quote in time to include it in the meeting package. Mr. Hodson stated there should be a cutoff date to include items in the package, which should be considered for action at the meeting. Mr. Zoschak stated the insurance company should provide the

LHC 7/18/05 Meeting Minutes

quotes earlier. Ms. DeStefano stated what her needs are and she needs to get the package earlier. Chairman Ondish asked if the package could be mailed on Tuesday.

Ms. Macalle-Holly stated that the current insurance expires on July 31. Ms. Macalle-Holly stated that she would advise Fairview Insurance that all future quotes should contain an invoice, which includes any fees including Fairview's fee. Chairman Ondish stated that the Commission should move forward with this quote since the Commission is having difficulty obtaining insurance and questioned how much would be saved by shopping around which could cause the insurance to lapse. The Chairman requested a motion. Mr. Kerner made a motion to renew the public official insurance. Mr. Grove seconded.

ROLL CALL:

DeStefano	Yes	Klipstein	Yes
Grove	Yes	McCabe	Yes
Hodson	Yes	Volk	Abstained
Jarvis	Yes	Zoschak	Yes
Kerner	Yes	Ondish	Yes

Motion carried 9 to 1 (one abstention).

Public Comment

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

Tim Clancy, resident of Lake Hopatcong, discussed the budget issues stating that the \$500K the Commission may be receiving is short of the goals of this Commission. He also addressed the boat size and too many boats on Lake Hopatcong. He stated that during the "Save the Lake" campaign they reviewed the Lake George model as a possible revenue stream. He suggested that the Commission look for ways to enhance its revenue stream based on the recreational use of the Lake. He suggested that a committee be established for this purpose. He stated that there is a lot involved in user fees. The Commission needs to enhance its revenue stream because \$500K is not enough. He stated that the big boats are a problem this year and the problem will continue to grow as more wealth comes to the State. Perhaps the solution is to make those types of boats so prohibitive to register it for use on Lake Hopatcong. He suggested trying to make the boats that have less impact on the environment free such as boats with less than 10 horsepower and sailboats. He also addressed the homes on the lake that have many docks slips. Mr. Clancy stated that perhaps the Commission could raise revenue and chase some of the big boaters away. Mr. Clancy stated that if the public was presented as a user fee dedicated to the Lake that it would be more acceptable now.

Mr. Hodson stated that on July 11, Sussex County Planning Board approved Hopatcong's Stormwater Management Plan. He also stated that on the hopatcong.org, there is a link to view the stormwater data and catch basin mapping with GIS.

LHC 7/18/05 Meeting Minutes

Mr. Hodson made a motion to adjourn at 10:10 p.m. Mr. McCabe 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