

Minutes of the Lake Hopatcong Commission

August 15, 2005

A meeting of the Lake Hopatcong Commission was held on August 15, 2005 at the Hopatcong State Park Administration Building, Landing, New Jersey. At 7:30 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, Elizabeth Gantert, Richard Hodson, David Jarvis, Herman Volk, Brandon Phillips (Roxbury Alternate), Patricia Rector (DEP Alternate) and Arthur Ondish

Absent: Eric Grove, Walter Kerner, Kenneth Klipstein, Wayne McCabe and Richard Zoschak

Alternates Present: Frank Hughes (7:33 p.m. – Morris County; Dan McCarthy (7:45 p.m. - Hopatcong), Robert Mitchko (Jefferson)

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

Also present were: Fred Lubnow - Princeton Hydro

Communications

Chairman Ondish asked for any questions or comments on the communications. Mr. Phillips asked about the rejection letter stating the 319 grant application was administratively incomplete. Dr. Lubnow stated he had a call into Kim Cenno at DEP to inquire about this, but it was his general understanding that not enough information was provided on the sites. He did state that the grant did include the Lot and Block locations for four of the five sites. Dr. Lubnow agreed to contact the Commission once he hears back from Ms. Cenno. Ms. Rector stated that if the grant application was missing anything on the administrative checklist a rejection letter was sent. She suggested that the Commission continue to develop a list of projects containing lot and block and very site-specific information.

Mr. Phillips addressed Mr. Hodson's question about a letter from an attorney regarding [1 Winnonah Trial Notice of Violation.] Mr. Phillips stated the Lake is considered state-open waters, which are covered under the Freshwater Wetland Protection Act. The attorney was confused about the notice of violation with the literal wetlands translation.

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Ms. DeStefano commented that the document prepared by Dr. Lubnow on the USGS gage was very well done and it provides a true understanding of the value in funding the gage.

Treasurer's Report/Payment of Bills

In Mr. Grove's absence Ms. Macalle-Holly gave the financial report. She stated the Revised Reconciliation Summary was distributed. The Bank of New York Statement was not received until after the meeting package was distributed. As of July 29, 2005 the VNB register balance was \$262,200.93, BNY register balance had a negative balance of \$75.12 and JP Morgan Money Market was \$84.26 for total balance in all three accounts of \$262,210.07. She stated that the BNY and JPM accounts are in the process of being closed and funds are being transitioned to the VNB. She stated a Revised Bill List of \$21,605.54 was submitted for review. In response to an inquiry, Ms. Macalle-Holly stated the Ajilon Finance was used for assistance with payroll transition. Ajilon was used by the Commission previously. Ms. Gantert made a motion to move the Revised Bill List. Mr. Hodson 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.

Motion carried 8 to 0.

Minutes of Meeting of July 18, 2005

Chairman Ondish asked for any comments or questions regarding the meeting minutes. Ms. Rector stated she attended the last Commission meeting and this was not reflected in the minutes. In response to an inquiry from Ms. DeStefano, she was advised that the salary increase approved at the last meeting were for seasonal employees only. She stated that since this issue was referenced in a letter from staff, that this be referred to the Personnel Committee. Chairman Ondish directed the Personnel Committee to review the issue and make a recommendation to the Commission. Ms. Gantert made a motion to move the July minutes. Ms. Rector seconded the motion. All those in favor signified by saying "aye" and those opposed by saying "no." The motion carried with one abstention by Mr. Phillips.

Public Comment

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

Michael Bronson, resident of Hopatcong, referenced copies of his letters, which were included in the Communication package. He questioned what the Commission's jurisdiction was concerning his complaints regarding the unsafe conditions of the State Police presence on the Lake. He stated he was a former Marine Police Officer before the State Police took over. He addressed issues regarding restroom facilities for boats anchoring overnight, noise pollution from the boats and the overall declining quality of life for residents in Byram Cove. He suggested to Hopatcong's Police Chief to keep

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records when residents call in with complaints and refer them to the State Police. He questioned whether the Commission could stop the overnight anchoring on the Lake.

Chairman Ondish responded that the Commission does not have any authority on the Lake and Commission is responsible for the Lake's water quality and weed harvesting. The State Police have the authority and the four towns around the lake have ordinances that control what happens on the shoreline. He discussed a meeting he attended earlier today with the Sgt. Schmidt and two of his superiors from the State Police and Senator Bucco to discuss this matter and Mr. Bronson's letter was discussed. He stated there is not enough police presence on the Lake, but the State Police will work on this and it will be an ongoing issue. The Commission will work with the State Police and other agencies such as possibly the Park Police or County that can possibly get involved with patrolling the Lake. Chairman Ondish stated that the Commission can make recommendations, but it's the State Boating Commission that can change the boating regulations on the Lake. Ms. DeStefano stated that the Sheriff in Passaic County is sending patrols to Greenwood Lake and suggested the Commission look into this further. Chairman Ondish stated he spoke with Sheriff Rochford in Morris County and he was willing to having his staff and a boat on the Lake, but this issue needs to be worked through the State Police. He stated that Senator Bucco had offered to sponsor any legislation to assist the State Police to address the noise issue. Mr. Bronson offered any assistance he could give to pursue this further.

Jim Salerno, resident of Hopatcong and Knee Deep Club Director, stated he wanted to publicly thank Donna Macalle-Holly and Bill Clark who graciously gave a few hours of their time at the KDC general membership meeting to present a slideshow about the Commission and its functions.

Estelle Klein, resident of Hopatcong, commended Bill Clark in response to her numerous inquiries about why the Boston Whaler was purchased for \$72K. She stated that Mr. Clark gave her a plausible explanation indicating it was the only Boston Whaler that could tow a harvester if it broke down on the Lake.

Jim Baccaro, resident on Bertrand Island, stated he was there to share a concern of 80 owners of the townhouses on the Island. They have been trying to initiate a request for slow or no-wake buoys to line the east and west shore of Bertrand Island due to the severe shore erosion. He stated that the State Police advised him to contact Aids to Navigation and their response was that they only install, maintain and remove devices that the State Police request to have in the water. They are getting nowhere and are looking for 3 buoys on each side of the island to keep people 50' off the shoreline. In response to Mr. Baccaro's inquiry on how the Commission could help, Chairman Ondish indicated that there can be rules and buoys, but if the State Police are not there to enforce it, it will not do any good. Chairman Ondish stated the State would only allow Kara Home to put in riprap and Kara has cleaned up the erosion. Chairman Ondish asked Todd. Schmidt to address some issues.

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Sgt. Schmidt, stated he has been a member of the Marine Unit for 8-1/2 years. He stated that he just became aware of the issue around Bertrand Island. He stated that everyone on the Lake would want a no-wake buoy in front of his house for the same reason. Only constrained areas have slow-speed, no-wake buoys. He reviewed what a homeowner should do if a boater comes to close to his dock. He stated that the State Police is discussing changing the hours of patrol on the Lake, based on manpower available.

Chairman Ondish stated that Sgt. Schmidt has volunteered to attend the LHC meeting to act as a liaison to the State Police. Sgt. Schmidt addressed other issues from Commissioners and members of the public. Ms. Gantert discussed her concerns over the bass tournaments, shore erosion and discharge of human waste. In response to an inquiry, Sgt. Schmidt stated the State Police does not have any noise measuring devices. He will be providing information to Senator Bucco about these devices to possibly appropriate funds for their purchase. Chairman Ondish stated that Senator Bucco is very concerned about the safety issues on Lake Hopatcong.

Sgt. Schmidt stated to file a complaint about a boater, a physical description in addition to the boat registration and boat description is necessary.

Mr. Clark addressed why Barnes Bros. would no long respond to sinking boat. Sgt. Schmidt stated the marina wants to be paid and will not tow unless they can contact the boat owner. They also do not have the space to dock boats for non-paying customers when boats are towed there. The State Police does raise, tow and dispose of some boats.

In response to Mr. Volk suggestion, Sgt. Schmidt stated that he had suggested that the State Police conduct tactical patrols, which was being done until Code Orange caused a shift in manpower and overtime funds were redirected to other areas. He did emphasize that the patrol hours on the Lake will be staggered. Mr. Bronson suggested that there be better communication between the State Police and the local police. Chairman Ondish asked Sgt. Schmidt to look into this issue. Mr. McCarthy suggested that some alternate police methods be used by the local police to assist the State Police. Chairman Ondish stated there are many issues to be discussed, but today's meeting was a start and he thanked Sgt. Schmidt.

Chairman's Report

The Chairman stated he was going to cover the issue of more enforcement on the Lake during his report, but this has already been discussed. He will continue discussions with the State Police as well as Morris and Sussex County Sheriffs.

Old Business

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Field Staff Report

Chairman Ondish asked for questions on the Field Staff report. Ms. Gantert stated she had an opportunity to see the machine in operations and complimented and thanked the full-time field staff on their efforts.

Chairman Ondish asked Mr. Clark about the harvesting on Bright's Cove. Mr. Clark stated access is a problem and he suggested to the homeowners that they consider starting a homeowner's association to treat the cove. Mr. Clark stated a meeting was being considered with the homeowners to help educate them about what they can do to decrease the amount of nutrients from entering the cove. Chairman Ondish stated it takes a great deal of time to harvest such a small area.

USGS Monitoring Gage

Chairman Ondish stated there was nothing further to report on this issue other than DEP had committed \$10K to this. The MSA had responded that they would be interested in attending a meeting with other organizations that might be willing to contribute that have use of the gage. He stated that it takes a great deal of time to put these types of meetings together and he does not have the time. He asked if any other Commissioners wanted to volunteer to spearhead a funding campaign. His recommendation at this time is for the Commission to pay the \$10K and obtain the \$10K from DEP for this year. For next year, perhaps a committee can seek alternate funding for the gage.

Ms. DeStefano addressed the importance of the gage relative to the water budget of the Lake. Dr. Lubnow addressed the importance of the empirical data when considering how the removal of the septic systems could affect the water level. When the empirical data is available, it can be compared to the model to determine the model's accuracy. Ms. DeStefano offered to work with other Commissioners to get outside support for funding of the gage. Ms. Rector suggested that the Alternate Funding Sub-Committee look into funding for the gage for next year. Ms. Macalle-Holly stated that the new USGS contract will begin on September 30 and it will be payable in December 2007.

FY06 Proposed Budget Request

Chairman Ondish stated the Commission received \$500K but it was not a line item for the Commission. It was allocated from Water Resources Planning Management State Aid in the budget. Chairman Ondish stated that Senator Bucco will try to find money for the remaining \$343K.

Office Lease Renewal

Chairman Ondish stated he signed the office lease renewal after Counsel Chudzik reviewed it. The office has been leased for another two years with an option after that.

Princeton Hydro Report

Dr. Lubnow addressed the following items in his report.

1. The TMDL meeting was held on July 21 with the counties, municipalities and DEP to discuss the Stormwater Management Plans and how it affects Lake Hopatcong. Dr. Lubnow will be providing a worksheet on the tasks the municipalities should track, e.g., catch basin removal, stabilizing eroding banks, etc.
2. On July 21, Dr. Lubnow conducted the lake monitoring with the Commission staff. In addition to the 11 stations, some other stations were done adjacent to the 319 grant. He stated that the phosphorous does not look that bad except in River Styx where it is .05. For nuisance algal you need .03 or greater.
3. A memo was sent to Jefferson containing comments on their septic management plan. [A copy of the memo is on file.]
4. He distributed a memo on Bright's Cove. Mr. Clark had provided a water sample at the last meeting from the Cove. He identified the nuisance organisms, which are discussed in the memo. [A copy of the memo is on file.] Dr. Lubnow would like to participate in a meeting with Bright's Cove residents.
5. Princeton Hydro purchased a Secchi Disk for the LHC to donate to the Lake Hopatcong Yacht Club's time capsule. He also provided a map of the sampling stations to show where the samples are collected, some information on how to use the Secchi Disk and the water clarity data from 1991-2004. Chairman Ondish thanked Dr. Lubnow for the donation.
6. Dr. Lubnow will be contacting DEP about the administratively incomplete letter for the Commission's 319 grant. Ms. Macalle-Holly stated, upon receipt of the letter from DEP, she asked Dr. Lubnow what was done differently from the grant submission in FY05. All the same, components were included. She stated it was important to understand why the application was considered administratively incomplete for next year. The application prepared was based on the meeting with DEP.
7. For the current 319 grant, Dr. Lubnow stated once the grant contract is received a kick-off meeting should be organized. Ms. Macalle-Holly stated that Legal Counsel reviewed the contract, Chairman Ondish signed it and it was returned to DEP for their signature.
8. Dr. Lubnow offered to nominate the Commission for the NJ DEP Environmental Excellence Award. Mr. Phillips suggested sending the application the Commission previously submitted and PH could build on that application.

Mr. Hodson inquired about increasing the number of water quality monitoring stations in conjunction with Jefferson's septic management plan. Dr. Lubnow stated monitoring stations would have to be set up in septic leach field and that data would need to be collected. He stated that if the EPA grant is funded, there is funding in the grant for an alternate septic system. Dr. Lubnow suggested establishing sampling protocol and stations to collect the data around Lake Shawnee. Ms. Rector stated that Mr. Klipstein received a call from the EPA Region 2 and they are looking very favorably on the

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application. She will be sending a copy of the PH Restoration Plan as backup. The grant does have to be considered on a national level.

Dr. Lubnow stated Ms. Macalle-Holly provided another sample of Bryam Cove. He stated the last two years were relatively wet and cool. Although 2005 started out as wet and cool, it turned into a hot, dry summer. He stated that the weeds were not growing in the spring and it was not until the last six weeks that the weeds began to grow in the hot weather. He stated he would provide a memo similar to what was provided for Bright's Cove.

Ms. Rector stated that DEP has a funding source 604B for wastewater management plan. There will be an RFP distributed in the near future; however, one of the projects funded from last year has dropped out. They were able to secure approximately \$24K in funding for septic management planning for Lake Shawnee. It is imperative to gather data before septic management is implemented.

New Business

Dental Benefits Resolution

Chairman Ondish stated that Ms. Macalle-Holly had brought this to his attention. He directed the Commissioners to the last page of the meeting package, which contain a cost analysis for dental benefits for full-time employees. He stated that the cost was not that much and the Commission could move forward with it. He asked Commissioners for their thoughts. There was discussion on employees sharing the cost.

Ms. Macalle-Holly stated when the Budget Sub-Committee met to prepare the FY06 budget, there was sufficient money budgeted for the full time employees to cover the total cost of the dental benefits. A cost-sharing component of it was not discussed. One of the reasons was when the Sub-Committee was discussing the salary increases for the staff, the two CWA salary increases for 2006 was 4.25%. The Commission employees' 2006 salary increase is 3.5%. The salary increase was less to include the dental insurance cost. She also provided an overview of what occurred previously with dental benefits for Commission employees. She advised the State just began offering dental benefits to local government employees.

Mr. Jarvis made a motion to move the Resolution to Authorize participation in the State of New Jersey HSBP Dental Plan Coverage. Ms. DeStefano seconded the motion. There being no further discussion, Chairman Ondish requested a roll call.

ROLL CALL:

DeStefano	Yes	Volk	Yes
Gantert	Yes	Phillips	Yes
Hodson	Abstained	Rector	Yes
Jarvis	Yes	Ondish	Yes

Motion carried 7 to 1 (one abstention).

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Pollution Insurance

Ms. Macalle-Holly referred to her Communication Package letter. Fairview was unable to obtain a quote at this time. The pollution insurance does not expire until the end of August. Ms. Macalle-Holly stated she contacted Cathy Savage at Fairview Insurance today and she had still not received a quote from AIG. She also has not been able to obtain a second quote from another provider. Ms. Macalle-Holly recommended that the Chairman review the quote and provided the quote was within the amount budgeted for, that he be authorized to continue the pollution coverage so the pollution insurance does not lapse. Ms. DeStefano offered that motion. Ms. Gantert seconded the motion.

There being no further discussion, Chairman Ondish requested a roll call.

ROLL CALL:

DeStefano	Yes	Volk	Yes
Gantert	Yes	Phillips	Yes
Hodson	Yes	Rector	Yes
Jarvis	Yes	Ondish	Yes

Motion carried 8 to 0.

Public Comment

A resident of Byram Cove commended the Commission in their work in Bryam Cove. This year he has not had any weeds in Byram Cove.

On behalf of the staff, Mr. Clark thanked the Commissioners for reinstating the dental benefits. Chairman Ondish thanked the field staff for the work they were doing.

Ms. DeStefano made a motion to adjourn at 9:15 p.m. Ms. Gantert 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