

Minutes of the Lake Hopatcong Commission

September 18, 2006

A meeting of the Lake Hopatcong Commission was held on September 18, 2006 at the Jefferson Township Municipal Building, 1033 Weldon Road, Jefferson Township, New Jersey. At 7:35 p.m., Chair Ondish called the meeting to order.

Salute to the Flag: Chair Ondish and all those in attendance joined in a salute to the flag.

Moment of Silence: Chair Ondish called for a moment of silence for our soldiers and their families.

Roll Call:

Present: Elizabeth Gantert, Richard Hodson, Ken Klipstein (7:40 p.m.), Richard O'Connor, Charles Richman, Richard Zoschak, Frank Hughes (Morris County Alternate), Robert Mitchko (Jefferson Alternate), John Risko (Sussex County), and Arthur Ondish.

Absent: Colleen DeStefano, Eric Grove, David Jarvis.

Alternates Present: Dan McCarthy (Hopatcong Alternate) and Patricia Rector (DEP Alternate)

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

Also present: Dr. Fred Lubnow – Princeton Hydro
Lewin Weyl-Legal Counsel

Communications

The Chair thanked Mr. Risko for his continued work on reviewing site plans for the Commission. Mr. Richman referred to the September 7, 2006 [Gallo] Site Plan Review for the proposed dwelling replacement. He inquired whether the proposed 36% impervious coverage for the lot was minimal coverage. Mr. Zoschak stated 36% coverage is not for a variance on residential property and that variances in general are designated in the Variance Reports from the Board of Adjustments which are not provided. The Chair asked Mr. Zoschak to report back at the next meeting regarding the requirements for minimal coverage associated with different variances. Chair Ondish stated that every Zoning Board/Planning Board should look at how proposed site plans affect the surrounding towns. The Commission can make recommendations but the individual towns make the final decision. Referring to the September 7th [Gallo] Site Plan, Ms. Macalle-Holly explained that the Roxbury meeting to review this application occurred last week. Mr. Zoschak stated that the Variance Report should come with the all site plans. Ms. Macalle-Holly stated the Commission does not always receive the entire site plan application form and if she does, only the application cover page is included in the meeting package. Mr. Zoschak asked for Variance Applications to be requested from each Zoning Board.

The Chair asked for any comments or questions regarding the Communications List. Hearing no further comments, the Chair moved to the Treasurer's Report.

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Treasurer's Report/Payment of Bills

In the absence of Mr. Grove, Ms. Macalle-Holly stated the Reconciliation Summary was included in the packet for the period ending August 30, 2006. Ms. Macalle-Holly stated the ending register balance is \$474,533.86 and included the annual appropriation deposit of \$400,000.

Ms. Macalle-Holly stated the Revised Bill List of \$38,927.70 was submitted for approval. She stated the changes to the Bill List are indicated by an asterisk. Mr. Zoschak made a motion to move the Treasurers Report and Revised Bill List. Mr. Mitchko seconded the motion. Mr. Zoschak commented that the Commission finances are running low quickly and the Commission must look at being more frugal. The Chair asked for questions regarding the Revised Bill List.

In response to Ms. Gantert's inquiry regarding a rent increase, Ms. Macalle-Holly stated that there was an increase effective August 2006. A new two year lease was previously negotiated and has a buyout option after two years. She stated that having a two year commitment lowers the annual increase. The Chair stated the new lease will not stop the Commission from looking for less expensive office space but the current rent is a going rate. There being no further comment, the Chair requested a roll call vote.

ROLL CALL:

Gantert	Yes	Zoschak	Yes
Hodson	Yes	Hughes	Yes
Klipstein	Yes	Mitchko	Yes
O'Connor	Yes	Risko	Yes
Richman	Yes	Ondish	Yes

Motion carried 10-0-0.

Minutes of Meeting of August 21, 2006

The Chair asked for questions regarding the August minutes. Mr. Hodson made a motion to move the August minutes. Ms. Gantert seconded the motion. There being no comment, the Chair requested a roll call vote.

ROLL CALL:

Gantert	Yes	Zoschak	Abstain
Hodson	Yes	Hughes	Abstain
Klipstein	Yes	Mitchko	Yes
O'Connor	Abstain	Risko	Abstain
Richman	Yes	Ondish	Yes

Motion carried 6-0-4.

Public Comment

Chair Ondish stated that the first public comment is to address items on the agenda.

Mr. Clancy, resident of Lake Hopatcong, discussed alternative ways to keep the Commission's revenue flow moving. The Chair state any revenue through the State such as boat license, must

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be dedicated and must follow a particular procedure. The Chair asked Mr. Clancy to join the Supplemental Funding committee. There being no additional public comment, the Chair continued to the Chairman's Report.

Chairman's Report

Chair Ondish stated that Senator Bucco will be meeting with DEP Commissioner Jackson on Monday to discuss many issues regarding the lake. The Chair stated that will meet with members of the field staff and other Commissioner at the end of the year to discuss the efficiency of the weed harvesting program and other possible ways to approach the program.

Chair Ondish stated that prior to the storm before the Labor Day weekend, Councilmen Doran of Mt. Arlington called Superintendent Maurella at the State Park to ask about lowering the lake water level. The Chair stated that by lowering the water level prior to the heavy rainfall, the lake stayed below "no-wake" mark. Ms. Macalle-Holly stated during the holiday weekend, the water level was just below 9.5'. The Chair stated he would obtain a copy of a letter Sgt. Todd Schmidt sent Superintendent Maurella thanking the initiative to lower the lake level. The Chair thanked Councilmen Doran for contacting Superintendent Maurella.

While on the lake, the Chair has been listening to feedback from the public regarding lake issues. The Chair spoke to Mr. Brunson and emphasized to him that the Commission is working on the lake issues Mr. Brunson elaborated on in last months meeting but it takes time. Even though people do not see action taken, the issues are being addressed.

The Chair stated he was unable to reach Scout Berretta to congratulate him on completing his dock labeling project. The Chair stated he will try to contact him again. Chair Ondish stated that he would like Scout Berretta to attend the next meeting and the Chair would contact the Daily Record to attend the meeting as well.

Chair Ondish stated Senator Bucco will be setting up a meeting with Colonel Fuentes, Superintendent of the State Police and State Park Police to discuss the ongoing State Police issues.

Old Business

Field Staff Report

In Mike Calderio's absence, Ms. Macalle-Holly reported that the field staff has started harvesting again in Woodport and is also harvesting again south of Bertrand Island toward the end of the lake in Roxbury. The harvesting will continue into late September and early October depending on maintenance of the equipment and the weather. The harvesters are then taken out of the water for cleaning before being moved to the maintenance facility. Ms. Macalle-Holly stated at that time she will contact the municipalities to set up Shared Services for late October or early November. Ms. Macalle-Holly stated she faxed a Shared Services agreement to Michael Sanchelli of Morris County. Ms. Macalle-Holly stated she was unsure if the Commission would have enough staff for Shared Services with the four towns and both counties. The Chair asked Mr. Hughes to contact Morris County and find out the status of the Commission obtaining a Shared Services agreement.

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In response to Mr. Hodson's inquiry, Mr. Klipstein stated there is renewed energy in the AG's office to provide an opinion on where the clear authority lies to reduce the passing flow at the dam. Mr. Klipstein stated that he met with Commissioner Jackson a week ago and she said that was an issue she discussed with her Council. Mr. Klipstein stated there could be an opinion very soon regarding local triggers and local authority of the dam.

Princeton Hydro Report

Dr. Lubnow referred to the 319 Grant and stated he just received the preliminary plans for some of the BMPs and will review and comment on them. He gave an update on the four projects for the 319 Grant: 1) Jefferson Aqua Filter – Dr. Lubnow stated Ms. Macalle-Holly informed him the information needed from the town is in the mail. 2) Hopatcong Aqua Filter in Crescent Cove – Dr. Lubnow was told that blasting is unnecessary for the installation of that basin. He stated that he would like to move this project forward this year and will meet with engineers shortly. 3) Dr. Lubnow stated the site for the Bioretention Swale along the street at Dupont Avenue is shallow bedrock and that PH will not be able to install the Bioretention Swale at that site. After speaking to PH engineers, PH is considering recommending a small scale regrading and planting vegetation at this site as an alternate to the Bioretention project. 4) Dr. Lubnow stated he will speak to Mr. Ruschke, Hopatcong Engineer, to find out if the original site can be used for another Bio Retention Swale. In response to Ms. Macalle-Holly's inquiry, Dr. Lubnow stated the original site is at River Styx in Crescent Cove.

Dr. Lubnow stated that storm water samples must be taken for the State to approve the samples. He recommended that the Commission purchase a tank sampler to collect storm water samples when it is difficult to take samples from a pipe around an open basin. Ms. Macalle-Holly confirmed the Commission did receive the tank sampler. Dr. Lubnow stated that after shared services clean out the basins, the removed material can be sampled and analyzed for total phosphorus and the watershed program will receive credit for that sampled material.

Mr. Hodson inquired when the project bid will go out. Dr. Lubnow responded within the next two weeks. Mr. Zoschak stated that in Roxbury, projects end up costing more than originally budgeted. Dr. Lubnow responded that when the 319 Grant was put together everything was priced with sand filters and later it was decided that aqua filters would be more cost effective. Dr. Lubnow stated PH will prepare the bid specifications and then there will be a mandatory meeting at the municipality. The bid will go out under the Commission's name. Mr. Hodson inquired if the Commission would have to authorize the bid specification. After lengthy discussion, it was agreed that the bid spec would be reviewed at the next Commission meeting after the design plans are finalized and legal council reviews the bid specs. Mr. Klipstein stated that the Commission might want to consider a review committee to approve the bid specs because timing will continue to be an issue.

Dr. Lubnow stated four storm samplings events have to be collected prior to installation. The samples will be analyzed for four parameters that include: total phosphorus, soluble reactive phosphorus, total dissolved phosphorus and total suspended solids. Dr. Lubnow stated a DEP permit for the Castle Rock Road site would be needed as well as a possible local permit to dig up the road. Dr. Lubnow agreed to have the plans ready two weeks prior to the next Commission meeting. Counsel Weyl agreed that two weeks would be sufficient time for legal review for the bid specs. The Chair stated the bid spec should be in next meeting packet and any questions addressed to Ms. Macalle-Holly.

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Dr. Lubnow stated the Wetlands Grant report is being finalized. PH is finishing up the field work and developing a final GIS map with all data points from the GPS system. Dr. Lubnow stated the report will prioritize the various projects specific to wetlands or stream bank stabilization. The report will list the potential projects and costs for the four municipalities. The EPA Wetlands Grant expires at the end of September and a draft will be available by that time for general review. After the end of September, PH has 90 days to submit the final report for the grant project to the EPA. Ms. Rector inquired whether the Commission will receive the data from PH's GIS System to incorporate into the Commission's data. Dr. Lubnow stated that PH would provide a CD copy of the final data to the Commission. The Chair stated that Morris County has data available through their revised GIS system. Ms. Macalle-Holly stated that the information included in the plan is based on data from PH and from the municipalities. Dr. Lubnow stated the report should be updated with other sites as needed. He added that completed projects that are documented will show the progress of reducing the phosphorus to the State to increase the likelihood for future project funding.

Dr. Lubnow inquired if Ms. Macalle-Holly had heard anything further from the EPA on the Targeted Watershed Grant. Ms. Macalle-Holly indicated the EPA was waiting for the TMDL Restoration Plan on CD which she would mail.

Dr. Lubnow stated the last sampling of the year for the 319 Grant will take place next week at Crescent Cove, Ingram Cove and near the shoreline in Jefferson by the BMP site. He stated that the sampling events in the Crescent Cove area from June to August had total phosphorus concentrations from .05 to .09. The State's total phosphorus threshold is .05 and TMDL threshold is .03.

Dr. Lubnow stated there will be one more plant sampling in September to determine the amount of phosphorus removed from the lake during weed harvesting. He reiterated it also takes changes in environmental behavior and general management interests that contribute to removing the phosphorus in the lake.

The Chair asked Dr. Lubnow for a price quote for the Crescent Cove catch basin and maintenance cost. Dr. Lubnow stated that the Crescent Cove drainage area is larger than originally anticipated. The cost of the larger structure is within the budget but the maintenance costs associated with this structure will be higher. Dr. Lubnow will provide the Commission with a cost adjustment for the Crescent Cove BMP. The Chair clarified that the maintenance costs for the BMPs will be incurred by Hopatcong and Jefferson. Dr. Lubnow stated that as a part of the 319 Grant and the EPA Grant, PH will provide a training manual for each participating municipality that includes cleaning and maintaining the BMPs. Dr. Lubnow stated the advantage of this type of BMP is that neither certification nor a contractor is needed to do the maintenance work. He explained that the towns have ample equipment for the maintenance work on the BMPs and it requires replacing bags which cost approximately \$20 a piece. Ms. Macalle-Holly asked Dr. Lubnow to clarify which Crescent Cove BMP had a larger drainage area than anticipated. Dr. Lubnow stated it was the one in the parking lot by Crescent Cove.

In response to the Chair's inquiry, Dr. Lubnow stated that BMPs are designed to treat stormwater for storm events for ten years or less. He stated the basins are not designed for storm events larger than ten years. During storm events that exceed the ten year storm, the water is not treated, but the device is designed to keep the water moving to prevent flooding. Dr. Lubnow

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also suggested trenches and cross road grates for storm water runoff from roadside swales, to slow down the flow and minimize the impact of erosion on stream banks and flooding. The Chair asked for any further questions. There being no questions, the Chair moved to Sub-Committee Reports.

Sub-Committees

Mr. Richman distributed a near final draft of the RFP for the annual audit services. Mr. Richman stated the Audit RFP should be completed by the next Commission meeting if it has to be issued. He stated he asked the DEP Deputy Commissioner and Treasury if they could possibly due the audit given the size of the Commission's budget and that it would take more time and effort than the size of the commission's budget. Mr. Richman also stated that the RFP meets the requirements for Executive Order 122. There being no further questions for the Audit and Evaluation Committee, the Chair moved to the Budget Committee report.

Ms. Macalle-Holly stated that Mr. Grove asked her to schedule a Budget Committee meeting in the next few weeks. Ms. Macalle-Holly stated she will email committee members to check on their schedules. She stated that the next fiscal year budget submission should be discussed by the committee. The Chair asked if there was a date to submit the budget. Ms. Macalle-Holly responded no. Mr. Richman stated that a few weeks ago State agencies received a preliminary date for budget submission. Ms. Macalle-Holly stated the Commission usually submits the budget in a format requested by OMB. Ms. Macalle-Holly stated the Commission usually submits its budget request between the end of October and early November. She will call to confirm the submittal date. Ms. Macalle-Holly stated that since Commission did not receive a packet, she does not anticipate the process being different this year.

Mr. Hodson provided an update on the Commission Bylaws and stated that he received input from Counsel Chudzik regarding the Bylaws. He still had some outstanding issues from Counsel regarding the ethics portion of the Bylaws and whether it would be covered by the State Ethics Law. Counsel Weyl stated he believes Counsel Chudzik suggested the most recent Ethics code should be used.

Mr. Hodson addressed questions relative to the Bylaws regarding if Alternate Commissioners could serve as Committee Chairs of major committees. Mr. Klipstein agreed that the standing committees should be chaired by a Commissioner and not an Alternate Commissioner. The Chair asked for their input on this and Commissioners agreed that standing committees should be chaired by a Commissioner and not an Alternate Commissioner.

Ms. Macalle-Holly stated that there are many procedures written in the Bylaws document that are not part of the Commission process. Mr. Hodson stated he is aware of these and will address these issues. There being no further discussion on Bylaws, the Chair moved to the next committee report.

Ms. Macalle-Holly stated that tonight Dr. Lubnow submitted information in response to a request by the Project Planning Committee for more detailed information on some of the proposed projects. The Committee will review the information and move forward to make recommendations for FY08 projects to the Budget Committee.

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Ms. Gantert provided an update on the sign committee and they are considering other alternate funding for the signs. She received a possible lead for the Park Commission. The Chair stated he has received a lot of positive feedback regarding the electronic signs but is disappointed because although the electronic sign is a great idea, it has a high maintenance price. Ms. Gantert suggested a Shared Services approach for electronic signs. The Chair stated the sign committee will set up another meeting. Ms. Gantert stated the committee will have to keep pushing the effort and look for donations.

Mr. Hodson stated that the Commission has to plan out how to perform duties and responsibilities outlined in the Commission Act within its estimated budget. He suggested to first find out the cost of each required duty, compare those costs to the available dollars and then consider where to cut back. He proposed putting a committee together with representatives to review functions the Commission is required to do and to determine which of these responsibilities it could do based on its current level of funding. The Chair suggested that this is a task the Executive Director would be responsible for.

Mr. McCarthy concurred that he spent several hours with Mr. Hodson discussing this new committee and its purpose. He clarified that they are looking for a "steering committee" that would consist of familiar people from planning boards, environment commissions, construction departments and zoning offices. The Chair stated this committee is a good thought and sounds like an Executive Director's position. After lengthy discussion, the Chair suggested to continue the discussion at the next meeting.

New Business

Ms. Macalle-Holly stated she returned a call which she received while on vacation from the Heritage Conservatory in Doylestown, Pennsylvania. Ms. Macalle-Holly stated that the Heritage Conservatory is working on designating the Musconetcong River as a Wild and Scenic River. The Conservatory has received EPA funding for training and survey work. The project is for the twenty-seven municipalities within the Musconetcong Watershed and each municipality will be contacted directly. Ms. Macalle-Holly stated the goal of the EPA grant is to make the municipalities more aware of low impact development techniques and she described the grant objectives. She also stated the Heritage Conservatory is looking for environmental commission to participate.

Public Comment

John Kurzman, resident of Lake Hopatcong, pointed out that the EPA recently granted \$1.8M to the State Park Improvement and Historical Preservation Fund to repair a tower in Edison, New Jersey. Mr. Kurzman stated it seems that what the Commission is doing for the lake falls under the criteria of state park preservation and improvement. He inquired how the Commission could apply for a similar grant. Mr. Klipstein stated the Commission has been very successful in the last few years with receiving \$1.6M in grants. Mr. Klipstein also stated the main focus of the Supplemental Funding Committee is to search for grants.

Jim Gallo, resident of Landing, stated that the harvested weeds should be allowed to dry instead of hauling water-soaked weeds which would save on disposal costs. Mr. Gallo inquired how often and how much weeds are brought to the dump. Ms. Macalle-Holly stated that full truck loads of weeds are dumped everyday. Mr. Gallo stated he piles his weeds on the shoreline and

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pays someone to remove the weeds every few weeks. He suggested it would save the Commission manpower and fuel. Mr. Gallo also suggested a way to eliminate floating weeds, start weed harvesting in shallow areas of the lake where the weed concentration is the worst. Mr. Gallo provided photographs of weed growth in two feet of water.

Tim Clancy, resident of Lake Hopatcong, discussed revisiting different revenue streams for the Commission. He stated there is a need to know how many boat use the lake and how many homes are on the lake. He stated the LHRPB used a formula of 1.5 boats per house to estimate 13,000 boats on the lake. He suggested that the Commission complete the State Park seawall repair project for approximately \$200,000 and keep the remaining funds earmarked for the seawall project instead of returning the funds to Trenton.

Michael Brunson, resident of Hopatcong, referring to the Commission website, stated he did not find a web link for fertilizer ordinance in Roxbury and the fertilizer ordinance was not on Hopatcong's website. Mr. Brunson stated it is more convenient to use a web link instead of going to individual town websites. Mr. Brunson questioned why there is a \$500 monthly charge for electronic signs. He suggested getting around a maintenance cost for electronic signs by looking into signs with a cellular link. Mr. Brunson suggested that the Commission could have a motorcycle run as a fundraiser.

Mr. Zoschak inquired why the Commission website does not have a link to Roxbury fertilizer ordinance. Ms. Macalle-Holly stated the ordinance was not available on Roxbury's website when she created the webpage. Mr. Zoschak stated the Roxbury codebook is now available on the Township's website and asked for a link to be added from the Commission's website.

There being no further public comment, the Chair closed public comment. The Chair stated a brief Executive Session was needed to discuss personnel issues. Mr. Zoschak made a motion to adjourn to Executive Session and Mr. Hughes seconded. There being a unanimous "aye", the motion carried.

The Chair returned the meeting to public session at 10:10. Mr. Hodson made a motion to extend Mr. Calderio's salary increase for up to three months. Mr. Zoschak seconded the motion.

ROLL CALL:

Gantert	Yes	Zoschak	Yes
Hodson	Yes	Hughes	Yes
Klipstein	Yes	Mitchko	Yes
O'Connor	Yes	Risko	Yes
Richman	Yes	Ondish	Yes

Motion carried 10-0-0.

Mr. Zoschak made a motion to hire a part-time secretary through a temporary agency to help in the duties of the minutes and clerical office work and to assist Ms. Macalle-Holly for a period of up to six months. Mr. Risko seconded the motion. Mr. Hodson requested the motion be modified to allow Ms. Macalle-Holly to determine what responsibilities the clerical position would be handle. Mr. Zoschak amended the motion to leave the job responsibilities to the discretion of Ms. Macalle-Holly.

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ROLL CALL:

Gantert	Yes	Zoschak	Yes
Hodson	Yes	Hughes	Yes
Klipstein	Yes	Mitchko	Yes
O'Connor	Yes	Risko	Yes
Richman	Yes	Ondish	Yes

Motion carried 10-0-0.

Mr. Richman asked what the Commission's fiduciary responsibility is relative to having a budget that is balanced and allows the Commission to continue to operate within a fiscal year. At the Commission's present spending rate, it appears that the Commission would not be able to fund its functions through June 30. Counsel Weyl stated he understood the legal issue in question is whether the Commission has a fiduciary responsibility in dealing with its personnel to have a budget that lasts through the end of the fiscal year. Mr. Richman stated there was legislation passed several years ago dealing with criminal statutes dealing with spending more than one has. Counsel Weyl stated that the question was if the Commission is obliged to maintain its operations within the budget it has or should it take other action before the end of the fiscal year. Mr. Klipstein stated the budget committee would be discussing how to balance the budget. Counsel Weyl stated he would see if there was a legal answer.

Mr. Zoschak made a motion to adjourn the meeting. Mr. Risko 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 and the meeting was adjourned at 10:15 p.m.

Submitted by: Donna Macalle-Holly and Lori Dowhan