

Minutes of the Lake Hopatcong Commission

September 19, 2005

A meeting of the Lake Hopatcong Commission was held on September 19, 2005 at the Jefferson Municipal Building, Weldon Road, Lake Hopatcong, 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, Elizabeth Gantert, Eric Grove (7:40 p.m.), Walter Kerner, Kenneth Klipstein, Wayne McCabe, Daniel McCarthy, Richard Zoschak and Arthur Ondish

Absent: David Jarvis and Herman Volk

Alternates Present: Samuel Hoagland (Hopatcong), Robert Mitchko (Jefferson), Richard O'Connor (Mt. Arlington), Brandon Phillips (Roxbury Alternate), Patricia Rector (DEP Alternate)

With eight 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. Mr. Zoschak commented on the constituent's letter to Michael Calderio thanking him for the good job and he welcomed on board Dan McCarthy and Sam Hoagland although under unfortunate circumstances. Mr. McCarthy asked about Mr. Lundin's letter on the USGS survey. Ms. Macalle-Holly was directed to send the USGS data to Mr. Lundin after Dr. Lubnow from Princeton Hydro reviewed it. Mr. Klipstein stated the data in the study was only flow-metering data and there was no chemical data involved in the study.

Mr. McCabe stated that in the attachment to the letter from the Jefferson Township Administrator there were questions that had to be completed relative to the project. It was indicated that the attachment was a first draft of the grant application to provide the background to the Commission since this was a topic for discussion on the meeting agenda.

Ms. DeStefano commended Mr. Phillips for his hard work and all the efforts.

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Treasurer's Report/Payment of Bills

Mr. Grove stated the Reconciliation Summary was distributed. As of August 31, 2005 the VNB register balance was \$724,133.19. He indicated the two accounts at BNY and JP Morgan Money Market as of the end of August had a zero balance. The total balance in all three accounts was \$724,133.19. He stated a Revised Bill List of \$31,183.90 was submitted for review. Ms. Zoschak made a motion to move the Revised Bill List.

ROLL CALL:

DeStefano	Yes	McCabe	Yes
Ganert	Yes	McCarthy	Yes
Grove	Yes	Zoschak	Yes
Kerner	Yes	Ondish	Yes
Klipstein	Yes		

Motion carried 9-0-0.

Minutes of Meeting of August 15, 2005

Mr. Grove asked to have the minutes indicate that Mr. Risko was absent at the last meeting since he was hospitalized at that time. Ms. DeStefano made a motion to move the August minutes. Mr. McCarthy seconded the motion

ROLL CALL:

DeStefano	Yes	McCabe	Abstained
Ganert	Yes	McCarthy	Yes
Grove	Yes	Zoschak	Abstained
Kerner	Abstained	Ondish	Yes
Klipstein	Yes		

Motion carried 6-0-3 (three abstentions).

Counsel Weyl stated that voting for minutes when absent is acceptable. It is a ministerial action on the part of the Commissioners. It does not mean that the Commissioners are obliged to do so, but it is their option.

Public Comment

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

John Kurzman, resident of Lake Hopatcong, stated the harvesting crew was doing an exemplary job, but would have preferred they got to his area sooner. He also discussed his previous suggestion from nine months ago for the Commission to look at changing the annual drawdown level. He stated the following year after the five-foot drawdown, there is the least amount of weed growth. He did not request that the Lake be lowered any earlier, but asked if Commission could recommend to the State Park that the Lake be lowered slightly more than usual. Mr. Klipstein stated that when this was discussed previously Dr. Lubnow had prepared a document and the Commissioners would review it along with the water level management plan. Ms. Macalle-Holly stated that she recently received a copy of the permits to lower the lake level for Hopatcong and Musconetcong for this year. Dr. Lubnow stated the document previously

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distributed was a literature review and it identified the advantages and disadvantages to drawdown.

Bill Doran, resident of Mount Arlington, commented on Mr. Kurzman's suggestion. He also read a letter into the record to the Lake Hopatcong Commission commending the efforts of staff on the weed harvesting in the Kings Cove area. He presented a \$250 check for a monetary donation to the Commission for providing an essential service in gratitude of the Commission's effort. [A copy of the letter is available on file.] Chairman Ondish thanked Mr. Doran for his generous donation. He stated that other residents have also made donations and requested that these donations be announced during the meetings to have them noted in the record.

Dennis DiFrisco, resident of Lake Hopatcong, discussed Jefferson's proposed septic ordinance and is concerned that it is misguided because it is based on assumptions made by Princeton Hydro that septic systems are destroying the Lake. He referred to the Lake Hopatcong Monitoring Report for 2004. He discussed how the laboratory data in the report appendix does not support the report assertion. He suggested that the Commission revisit the data.

Dr. Lubnow stated if concentrations are greater than 0.1 mg/L for nitrate or 0.05 mg/L for ammonia, from an ecological standpoint that is a problem, but from a drinking water standpoint, it is not. Dr. Lubnow stated that the impact from the septic system on the lake is not a health impact. The impact is from the elevated nutrients coming from the leach fields into the Lake. Dr. Lubnow stated that models were used which were designed by EPA, but site-specific data is needed to confirm these models.

Chairman Ondish stated that Jefferson requested that the Commission review the proposed septic ordinance. Mr. Klipstein stated that Jefferson is under an obligation as part of the TMDL to develop a septic management plan. Ms. DeStefano stated that the site-specific data would be collected to justify and verify the model, but there is evidence to support what Jefferson is doing.

Dr. Lubnow stating the modeling process was shared with Jefferson Township and their engineer, Lake Shawnee Community Association, Rutgers University Eco-Complex and DEP. They all had the opportunity to comment on the model. Given the objectives of the plan, it was felt that it was the appropriate empirical model to use in the context of the TMDL.

Chairman's Report

The Chairman welcomed Dan McCarthy as a full-time Commissioner and Sam Hoagland for volunteering to come back on board. He also wished Mr. Hodson a speedy recovery. He also commended the staff on the weed harvesting efforts and acknowledged the letter about Michael Calderio's work.

Chairman Ondish stated he spoke with the Commander of a Flotilla in Pompton Lakes and they are interested in establishing a post on Lake Hopatcong to offer patrol and safety courses. Chairman Ondish stated he would speak with Todd Schmidt of the State Police to put together a meeting to pursue this. He stated there was positive outcome from the articles in the newspapers about the meeting held with Senator Bucco and the State Police about safety issues on the Lake. He wants to get other agencies involved to help educate people about boating safety issues. The coast guard auxiliary inspections are one way of doing this. He also discussed moving forward with funding the electronic signs to put around the Lake. He stated that the Commission is

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charged with improving water quality, but safety is a big part of it and believes the Chairman should be involved in this.

Old Business

Field Staff Report

Chairman Ondish asked for questions on the Field Staff report. In response to Mr. McCarthy's inquiry, Chairman Ondish stated he had asked Mr. Clark to advise him when the Commission boat was being used so he could respond to inquiries about the boat use. Mr. Clark discussed how the Commission's boat was recently used to assist a harvester with a ruptured hydraulic line containing food grade mineral oil. Mr. Clark also responded to an inquiry about the amount of repairs on the harvesting equipment indicating there were more repairs needed this year, although the equipment is holding up very well. In response to an inquiry from the Chair, since there were not many rainy days this summer, the trailers were not refurbished. Mr. Clark stated they would continue harvesting as long as they can continue to remove a substantial amount of biomass and they have enough water.

Pollution Insurance

Ms. Macalle-Holly stated this agenda item was a follow-up from last month. The Chair was authorized to move forward with the pollution insurance once the quotes were received for the insurance. She stated that was done and the payment to the insurance company was included on the Bill List. There was no lapse in coverage. Coverage cost was comparable to last year. However, Ms. Macalle-Holly stated she was unsure how insurance cost would be impacted with the hurricane situation.

Princeton Hydro Report

Dr. Lubnow addressed the following items in his report.

1. FY06 319 Grant Application – contacted Kim Cenno again to inquiry about the application.
2. Lake Monitoring – PH forwarded the August data to the Commission and the last sampling event will be done next week.
3. Jefferson Septic Management – As requested by Jefferson Administrator Jim Leach, cost estimates were provided for collecting data from septic lechate.
4. Nomination of Lake Hopatcong Commission – PH nominated the Commission for the NJ Environmental Excellence Award and NALMS Technical Merit Award. Dr. Lubnow provided a cd with the nomination applications and supporting documentation.
5. Lake Projects – Will provide a list of future projects around the lake and the worksheet for the municipalities.

Ms. Macalle-Holly stated that the future project list would be used by the budget subcommittee for consideration in the FY07 budget request.

In response to Mr. McCarthy's inquiry about data gathering for the sewerage impact, Dr. Lubnow stated the current data being gathered is in-lake. He stated some future projects being considered are to collect data from groundwater and septic as well as stormwater and base flow. Currently the Commission has a lot of detailed in-lake data, some limited watershed data and budget models. The Commission will be training the operations staff to collect empirical data to equate

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the models to what is occurring in the watershed. He discussed the different types of training for the field staff in regards to the BMP monitoring and tributary monitoring. The groundwater septic monitoring is part of a proposal for grant funding.

New Business

Jefferson Township Request for LHC Grant Commitment

Ms. Macalle-Holly stated that the information Jefferson Administrator Jim Leach had provided on this issue was included in the meeting package and she had drafted a letter for the Chair's signature based on that information. Mr. Zoschak made a motion to send the letter supporting the grant commitment. Ms. DeStefano seconded the motion.

Jefferson Mayor Russ Felter thanked Mr. Clark for attending the meeting regarding Jefferson's Open Space request indicating that Mr. Clark was well prepared and gave a great presentation. Mayor Felter said County Board Members were very impressed with his presentation. Mayor Felter thanked the Commission for having its meeting at the municipal building.

Mr. Grove stated this effort is beneficial for the Commission to work with the municipalities to continue harvesting efforts.

State Disability Plan

Chairman Ondish inquired if this was an open session issue. Since it was an insurance issue, it should be discussed in open session. The Chair stated a Commission employee was out and applied for disability. When the individual applied for disability, it was discovered that none of the employees were entitled to State Disability even though they had been contributing to disability insurance. Ms. Macalle-Holly indicated that when they tried to process the disability paperwork, they were advised that the Commission had not authorized a resolution for the Commission employees to participate in the New Jersey State Disability Insurance Program. Ms. Macalle-Holly stated that she spoke with an Assistant Director in Employer Accounts and was advised that the Commission needs to send an authorizing resolution to participate in it, which she drafted and had Counsel Chudzik review. The resolution is retroactive to January 2005. Ms. Macalle-Holly stated that when the Commission started, employees were covered under disability and she was unsure when the change took place. There was discussion about the employees contributing to the disability plan. Ms. Macalle-Holly was directed to follow-up on this issue and send the resolution to the State.

Ms. Macalle-Holly read Resolution 05-12 to Authorize Participation in the New Jersey State Disability Plan into the record. [A copy of the resolution is available on file.] Mr. McCarthy asked to correct spelling on statute. Mr. Zoschak made a motion to move Resolution 05-12. Mr. DeStefano seconded.

ROLL CALL:

DeStefano	Yes	McCabe	Yes
Ganert	Yes	McCarthy	Yes
Grove	Yes	Zoschak	Yes
Kerner	Yes	Ondish	Yes
Klipstein	Abstained		

Motion carried 9-0-1 (one abstention).

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In response to an inquiry regarding unemployment, Ms. Macalle-Holly stated that the Commission participates through a reimbursable account and last month there was a payment to the State of New Jersey for unemployment. The Commission did not have to submit a resolution to participate in unemployment. She stated that as a local government agency, the Commission agrees to participate in the State Disability Plan for at least two years. After two years, if the Commission decides it no longer wants to participate, the Commission must notify the State in January. Ms. Macalle-Holly stated she would report on this issue once she hears from the State.

Public Comment

John Kurzman discussed the education boating safety issue. He stated that when his son attended a boating safety course, there is no discussion about the Lake Hopatcong boating laws. It was stated that the boating regulations for Lake Hopatcong were available on the Commission website. Mr. Kurzman suggested that the Commission should try to distribute the boating regulations to the marinas for next spring. He suggested making the data available from PH for the before and after installing sewers in Mount Arlington. He also discussed a project done on Route 181 to divert water from storm drains into a vortex unit and sump pits before entering Lake Hopatcong. Although the model indicated this was a great project, there is a mountain of sand forming where the water flows into the Lake. Ms. Macalle-Holly stated a resident called the Commission office about this issue. Chairman Ondish stated that the devices do work when they are maintained.

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

Submitted by: Donna Macalle-Holly