

Minutes of the Lake Hopatcong Commission

September 20, 2004

A meeting of the Lake Hopatcong Commission was held on September 20, 2004 at the Mount Arlington Municipal Building, 419 Howard Boulevard, Mt. Arlington, New Jersey. At 7:38 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: Colleen DeStefano, Elizabeth Gantert, Richard Hodson, Walter Kerner, Richard Zoschak, John Risko (Sussex County Alternate) and Ken Klipstein (Vice Chair)

Absent: Eric Grove, David Jarvis, Wayne McCabe

Alternates Present: Daniel McCarthy (Hopatcong Alternate), Richard O'Connor (Mt. Arlington Alternate), Brandon Phillips (Roxbury Alternate)

With seven members present at Roll Call, Vice Chairman Klipstein declared a quorum. He also welcomed Richard O'Connor, the new alternate from Mount Arlington. Mr. O'Connor, a resident of Bertrand Island, stated he was a lifelong resident of Lake Hopatcong and is in the construction business.

Also present were: Fred Lubnow - Princeton Hydro

Communications

Vice Chairman Klipstein asked for any comments or questions regarding the Communications List. In response to Mr. Zoschak's inquiry, Dr. Lubnow stated he has a revised copy of the 319(h) grant proposal and the letter responding to DEP. Mr. Zoschak also suggested that Director Clark contact the resident on Raccoon Island about the floaters. In response to Ms. Gantert's inquiry, she was advised that nothing had been received in response to Mr. Phillips' letter regarding the Lake Hopatcong Yacht Club.

Treasurer's Report/Payment of Bills

In Mr. Grove's absence, Vice Chairman Klipstein provided the treasurer's report. He reported that for the period ending August 30, 2004 the checking account register balance was \$24,915.17. The JP Morgan account had a balance of \$427,844.87 for a total

LHC 9/20/04 Meeting Minutes

balance in the JP Morgan and Bank of New York accounts of \$452,760.04. The \$300,000 check had been received and was included in the balance.

The Bill List for \$43,490.39 was presented for approval. Mr. Zoschak made a motion to approve the Bill List. Ms. DeStefano seconded the motion. [A copy of the Bill List is available on file.]

ROLL CALL:

DeStefano	Yes	Zoschak	Yes
Gantert	Yes	Risko	Yes
Hodson	Yes	Klipstein	Yes
Kerner	Yes		

Motion carried 7 to 0.

Minutes of Special Meeting of July 6, 2004

Ms. DeStefano made a motion to move the July 6, 2004 minutes. Mr. Kerner seconded the motion. Vice Chairman Klipstein asked for any further comments or questions regarding the meeting minutes. There being no further comment, the motion passed with one abstention [Mr. Zoschak].

Minutes of Meeting of July 29, 2004

Mr. Kerner made a motion to move the July 29, 2004 minutes. Mr. Gantert seconded the motion. Vice Chairman Klipstein asked for any further comments or questions regarding the meeting minutes. There being no further comment, the motion passed with two abstentions [Ms. DeStefano and Mr. Zoschak].

Public Comment

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

John Kurzman, resident of Lake Hopatcong, commented on the great job of the harvesting. He discussed a proposed project by the DOT on Route 181 to direct water into Lake Hopatcong indicating the differences between the storm drain retrofits methods. He suggested that for future storm drain projects, the Commission consider the baffle approach to block sediments from entering the Lake. He also discussed the five year cycle of weeds getting progressively worse after the major drawdown. Mr. Kurzman suggested that the Lake be drawn down lower, somewhere between the 30"-60" drawdown, during the other four years and to ensure the dam is closed to minimize the risk of a low lake level. He requested that the Commission consider this approach. Mr. Zoschak requested that Dr. Lubnow provide a report. Dr. Lubnow agreed to comment on this approach during his report.

There being no further public comment, Vice Chairman Klipstein moved to the next item on the agenda.

Old Business

Field Staff Report

Mr. Clark reviewed his September 20, 2004 Field Staff Report with the Commissioners. [A copy of the field staff report is available on file.]

Mr. Clark stated that since the last meeting, the Field Staff has been continuing with the weed harvesting operations. Mr. Clark stated that Matt Hofgesang, Foreman, submitted a letter of resignation and he wished him best of luck. He discussed the challenges of harvesting Bright's Cove and how the Commission relies on Jefferson Township to load the weeds placed on the shoreline into a Commission dumb truck. He also stated that Sal Cottone is working in Bright's Cove and is doing a bang up job. Mr. Clark stated that for the first time he has been doing this work, none of the harvesters had to have a cutter bar replaced this year. All the operators went through the entire season without damaging a cutter bar and Mr. Clark commended his staff .

In response to Mr. Zoschak's inquiry, Mr. Clark indicated he would be discussing the foreman replacement with the Personnel Committee.

Vice Chairman Klipstein thanked Matt Hofgesang for his hard work and wished him well in the future.

FY05 Budget

Vice Chairman Klipstein reported the budget sub-committee will meet to discuss where the current budget is and to discuss the FY06 budget since it has to be submitted in October to OMB. Ms. Macalle-Holly stated that email was sent to committee members to determine availability in early October. Vice Chairman Klipstein also stated that he is unaware of any JBOC meeting as of yet. He indicated that he has the maintenance plan, prepared by Mr. Clark, and will be making the appropriate number of copies. He stated that the maintenance plan was one of the deliverables the JBOC wanted and DEP is set to move the \$600K over as soon as JBOC approves it.

PRINCETON HYDRO REPORT

Dr. Lubnow reported on the following:

In response to the Vice Chairman's request, Dr. Lubnow addressed the various dynamics besides the drawdown that resulted in less than the expected amount of weeds. He discussed the differences between the BMP structures, vortex vs. CDS. Vortex unit requires a larger footprint and CDS unit requires a smaller amount of area but both have the baffle to help separate the oil and grease. He also described a structure called a snout which goes over the outlet pipe. The cost of a snout is only \$200-\$300 not including labor. It is very effective at keeping the solids down with an additional removal rate

LHC 9/20/04 Meeting Minutes

between 50% and 80% of the solids. The snout is not an approved or certified DEP technique, but can be used to augment existing basins.

Regarding the drawdown, Dr. Lubnow stated that it is a cost effective way to control aquatic plant growth, but an extensive drawdown every year will favor the plants that are adapted to the drawdown conditions and nuisance plants become tolerant to those conditions. If the drawdown is not properly planned or there is a very dry spring, there may be problems having the water level return to the normal level. He stated that he will submit a brief report to assess how effective a drawdown will be.

He stated that the lake data indicates that in addition to a drawdown, when there are wetter, colder years with more precipitation such as the last two years, more nutrients enter the lake earlier in the year and more phytoplankton growth during the early part of the season, help to shade out the plants and results in less weed growth. Dry, hot conditions cause the plants to grow.

Vice Chairman Klipstein stated that the water level management plan has not been revisited in some 20-25 years, but perhaps the Commission should meet with the State Park to have that discussion.

Dr. Lubnow discussed the water sampling conducted with the Commission staff and commented on the algal called limbia, which appears as dark black and green balls in the water. This year, even though there has not been much plant growth, there has been this algal which could be attributed to competition for the habitat.

Dr. Lubnow stated he had submitted to the Commission the mid-year sampling report and a quick report on the algal bloom.

Total Maximum Daily Load (TMDL) Project - On September 20, Dr. Lubnow met with Rutgers and NJ DEP to review the TMDL project for Lake Hopatcong and summarize the project results. He also brought copies to tonight's meeting of the TMDL with the maps for Mt. Arlington and Roxbury. PH is planning to have the entire draft report done by the end of October and will submit a copy of the draft report to DEP. Dr. Lubnow stated he will begin to contact the municipalities to ask for information and input.

FY05 319(h) Grant – DEP sent a letter stating that the grant was administratively complete. DEP had a few comments which PH addressed. Dr. Lubnow provided a copy of the letter sent to DEP along with the updated proposal.

EPA Wetlands Grant – DEP contacted Dr. Souza about the contact information on the grant application advising him that a contact from the Commission was needed. Vice Chairman Klipstein stated DEP contacted him about the Wetlands Grant.

Army Corp – Dr. Lubnow stated he met with Army Corp members regarding Carnegie Lake. He asked about funding to do some additional work for Lake Hopatcong. The Army Corp's response was that it was possible but they would want to participate in any

LHC 9/20/04 Meeting Minutes

program and they would want to review the data that has already been collected. Dr. Lubnow indicated that he spoke with Meghan Grub and she would speak with her supervisor about arranging a meeting. Dr. Lubnow indicated he discussed some of the study work PH would like to see done such as a fishery survey or an updated bathymetric survey.

Ms. DeStefano questioned whether providing the Lake's data could be an in-kind service. Dr. Lubnow stated that normally in-kind services do not begin until funding is awarded. He suggested a compromise of providing a list of what type of data the Commission has. He would have to inquire about this.

In response to the Vice Chairman's question about T-21 grants, Dr. Lubnow advised that PH applied for a number of them and may have received one for the Deal Lake Commission. He would check with Dr. Souza. Mr. Zoschak stated that Roxbury is getting a grant to provide a walkway path from the train station to the State Park and Morris County is doing their bike paths and trails. Dr. Lubnow stated that the water quality aspect has to be integrated into the other components such as bike paths for grant consideration. Vice Chairman Klipstein stated that T-21 is a large pot of money and discussion should continue on this.

New Business

Stormwater Regulations – Vice Chairman Klipstein stated that this agenda item was to check with the Commission's municipal and county representatives on the status of the deliverables for the stormwater regulations. As a follow-up for next meeting, the Vice Chairman asked the Commissioners to see where the municipal and county efforts are in developing their stormwater plans. He stated that the Commission should be involved with developing the plan to the extent that it affects the Lake. He indicated that the municipalities have until March to get their plans together. Ms. DeStefano stated that Princeton Hydro will be providing a stormwater management seminar for North Jersey Water Supply and municipal officials can attend. Ms. DeStefano agreed to fax information on the seminar.

The Vice Chairman asked each member to get feedback from the municipalities or county to get advice on their plans.

By-Laws – Mr. Hodson distributed the by-laws draft and copies of sample mission statements. He requested that the Chairman put together a committee to write the mission or vision statement. He stated that he and Mr. Zoschak had reviewed the draft by-laws a few months ago and discussed changes concerning lead time to get information on the agenda. Vice Chairman Klipstein suggested that there should be some discussion on the process to move forward with the by-laws because it is a difficult task to tackle at the public meetings. He stated that he spoke with Counsel Chudzik about how to move forward to adopt the by-laws and her advice was that the Commission should hold off and get a Chairman installed before adopting by-laws. He stated that Counsel also had concerns about the Chairman's prerogative and how much the by-laws will limit the Chair's prerogative. Mr. Hodson stated that the Commission functioned in a pattern where the Chairman called all the shots and the proposed by-laws put more responsibility

LHC 9/20/04 Meeting Minutes

on the Commissioners through a committee structure. Ms. DeStefano addressed what she believed Counsel's concerns were that the Chairman is appointed by the Governor and this limits the authority of the Chairperson by having a committee. She stated that whoever is on the membership assignment committee can control the direction of the Commission. Ms. DeStefano also addressed the issue that there is an Executive Director position in the by-laws and what his requirements are and the Commission does not have an Executive Director. Mr. Hodson requested that the Commissioners review the by-laws up to 2.1.4. Ms. DeStefano addressed her concerns about the insurance section of the by-laws. She requested that the Commission hold off on addressing the by-laws if the appointment of a Chairperson is appointed by the end of the year since there is nothing crucial in the by-laws that the Commission cannot continue to function.

There were questions if Counsel Chudzik's comments had been previously incorporated into the draft by-laws. There was also discussion on exactly how the nominating committee would be appointed.

After considerable discussion, Mr. Zoschak suggested that a specific portion of the by-laws be discussed and reviewed at each Commission meeting until the by-laws were completely reviewed and the by-laws can be ready to be presented to the new Chairperson for their comments. The Vice Chairman agreed to the approach as long as it was done in small pieces and will not move to adopt the by-laws until a new Chairperson is installed.

The Vice Chairman asked for Commissioner interested in working on the mission statement. Ms. Gantert and Mr. McCarthy were tasked with the effort.

Mr. Hodson offered to send any proposed changes to Counsel Chudzik. The following is a summary of changes recommended or issues to be addressed through section 1.16

- Section 1.5(b) - Remove Execution Director section
- Section 1.5(g) - Obtain clarification from Counsel on whether fax and Internet are in compliance with Open Public Meetings Act.
- Section 1.5(h) - Clarify if fiscal year or calendar year
- Section 1.5(j) – Define Secretary
- Section 1.6 - Change to read “Meetings of the Commission shall be held in accordance with the schedule adopted at the Annual Meeting.”

Mr. Hodson requested that the Commissioners review the duties and responsibilities [Section 1.12] to ensure it is the same as stated in the Act.

Mr. McCarthy suggested that in Section 1.14 instead of the by-laws directing others on what to do, perhaps it should indicate what the Commission should do with the information once it is obtained. For example, the State Police supply the Commission with annual information about Lake Hopatcong and the by-laws should indicate what the Commission does with this information and how the Commission should interact with them to better serve their purpose. Mr. McCarthy stated this is the same issue for Section 1.15. He suggested that a copy of the statue be appended to the by-laws. Vice Chairman

LHC 9/20/04 Meeting Minutes

Klipstein reiterated Mr. McCarthy's suggestion not to remove these sections, but to provide a response on what the Commission will do.

Mr. Hodson suggested that for the next meeting, Commissioners review up through Section 2.7. The Vice Chairman agreed to his suggestion. Ms. DeStefano suggested that the Commission's Counsel be present to address Counsel's concern that the role of the Chairman is being reduced to a presiding officer at the meetings. Ms. Macalle-Holly stated that Counsel is by phone for tonight's meeting. The Vice Chairman concurred that Counsel should be present.

Mr. Zoschak commented, based on Mr. McCarthy's suggestion, to have this listed under duties and responsibilities. There was continued discussion on whether to include the wording of the Act within the by-laws or to attach as an addendum to the by-laws.

Mr. Hodson indicated he kept track of the changes. The Vice Chairman requested that Ms. Macalle-Holly keep track of the ongoing changes.

Mr. Zoschak had some other issues to address during new business. He congratulated Lake Musconetcong Planning Board for their \$28K for the Lake. In response to his inquiry, Ms. Macalle-Holly stated she reported to the Committee last week that in trying to develop pages for the website, as suggested by John Driscoll, she was extremely unsatisfied with the amateur look. Mr. Zoschak stated that there is a free seminar on web design in October. Ms. Macalle-Holly indicated that the Chairman had authorized and the personnel committee previously authorized to take some web design classes which she has begun. She also agreed to check her availability for the free web class Mr. Zoschak recommended.

As he did last year, Mr. Zoschak also suggested that Ms. Macalle-Holly attend at least one day of the League of Municipality Conference as an educational and administrative experience which can only help the Commission. Mr. Phillips stated that the Environmental Excellence Awards will be announced at the conference on November 17 and Ms. Macalle-Holly has submitted an application for the Commission. After further discussion, Mr. Zoschak made a motion to authorize \$250 for Ms. Macalle-Holly to attend the NJLM conference. Mr. Risko seconded the motion. Ms. DeStefano stated she does not have a problem with approving training, but she would prefer if the Commission uses the \$250 for a new skill for Ms. Macalle-Holly.

ROLL CALL:

DeStefano	Abstained	Zoschak	Yes
Ganert	Yes	Risko	Yes
Hodson	Yes	Klipstein	Yes
Kerner	Yes		

Mr. Hodson voted yes on the stipulation that Ms. Macalle-Holly attend the session on the award. Motion carried 6 to 1 (1 abstention).

In response to Mr. Kerner's inquiry, he was advised that the drawdown will begin on November 1.

LHC 9/20/04 Meeting Minutes

Public Comment

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

Bob Place, Lake Hopatcong Commission, posed a question to Dr. Lubnow inquiring if any monitoring or water quality surveys are being done for Lake Shawnee since it is such a major contributor to Lake Hopatcong. Dr. Lubnow stated that PH held two meetings with Jefferson and during one of the meetings there were representatives from Lake Shawnee in attendance. The representatives stated that they do collect water quality data and will be sending it to PH. They know Lake Shawnee is identified in the TMDL. There are targeted loads in the TMDL specifically for the sub-watersheds. Dr. Lubnow discussed long-term plans to get the Operations Staff certified under DEP's sampling protocol for stormwater samples. Mr. Place stated the water coming over the dam looked very bad. Dr. Lubnow indicated Lake Shawnee is a private association and they would team with the Township of Jefferson to get funding. Mr. Place also questioned about other streams entering the Lake. Dr. Lubnow suggested that the long-term goal is to have the Field Staff do some tributary sampling. Recently PH has not done any tributary sampling, but some of the work may have been done by USGS with their flow data. Dr. Lubnow stated that stream bank stabilization is a future area to focus on because studies show that the 80%-90% of solids in the developed watershed come from eroded stream banks.

Mr. McCarthy, Hopatcong Alternate Commissioner, stated in the Commission's duties and responsibilities, it refers to Lake Hopatcong and its watershed. He stated that the Commission should have input into what goes on at Lake Shawnee, Lake Winona, Memorial Pond and anything that impacts Lake Hopatcong.

In response to Mr. Kerner's comment, Dr. Lubnow indicated Sparta has been identified in the TMDL, but since it is primarily forested and Sparta does not have lakefront property, the load has been separated. He suggested working with Sparta to preserve and protect some of that land.

Mr. Kurzman, resident of Lake Hopatcong, questioned how the Highlands legislature would impact sewerage Lake Shawnee and Lake Hopatcong. He also questioned how the monitoring data from May and June compared to similar times in the previous year. Mr. Kurzman suggested another alternative to be considered besides increasing the drawdown would be to increase the Lake's flush rate during the year. Dr. Lubnow responded that this technique is very effective for smaller systems. Mr. Kurzman also stated he observed fewer weeds in the Wodport area this year. Dr. Lubnow offered to include a list of which plants increase, decrease and have no effect during a drawdown.

There being no public comment, the Vice Chairman requested a motion to close. Mr. Zoschak made a motion to adjourn. Ms. DeStefano seconded the motion and it 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