

## Minutes of the Lake Hopatcong Commission October 17, 2016

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A meeting of the Lake Hopatcong Commission was held on October 17, 2016 at the Jefferson Municipal Building, 1033 Weldon Rd. Lake Hopatcong New Jersey. At approximately 7:00p.m., Acting Chair McCarthy called the Meeting to order. He stated the meeting was being held in accordance with "Open Public Meetings Act."

**Salute to the Flag:** Daniel McCarthy (acting chairman) and all those in attendance joined in a flag salute.

**Moment of Silence:** Daniel McCarthy asked for a moment of silence for our armed forces.

**Roll Call:**

Present: Mark Crowley, Fred Steinbaum, Anne Seibert-Pravs, Daniel McCarthy, Mark Fisch, David Jarvis, Robert Tessier, Joshua Osowski, Arthur Clarke

Absent: Eric Wilsusen, Richard Zoschak, Joel Servoss, Commissioner Morris

Speakers: None

Acting chair McCarthy introduces Josh Osowski the interim regional superintendent for the New Jersey State Park Service Northern Region. He has worked with the park service for 18 years including Swartswood State Park and Stokes State Forest. Acting Chair McCarthy declares a quorum with eight commissioners present.

**Role Call**

Commissioner Servoss - Yes

Commissioner Fisch - Yes

Commissioner Pravs - Yes

Commissioner Steinbaum – Yes

Commissioner Jarvis - Yes

Commissioner Tessier - Yes

Commissioner Crowley – Yes

Commissioner Osowski - Yes

Acting Chair McCarthy – Yes

Alternate Commissioner Clarke - Yes

Commissioner Osowski introduces himself to the commission. He has worked with the state park service for 18 years, and started at Swartswood State Park where he ran the weed harvester. He became a superintendent and spent 12 years in Liberty State Park, and 3 years at Stokes State Forest.

The July and August meeting minutes are approved as written by a vote of six.

**Treasurer's Report**

## Minutes of the Lake Hopatcong Commission October 17, 2016

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Commissioner Mark Fisch reports approximately 400 dollars in the account, although he needs to go to the bank.

### **Communications**

Commissioner Steinbaum reads letter dated 16 October 2016 addressed to Acting Chairman McCarthy from the Lake Hopatcong Ice Shot Club. The club started with 6 members and is currently up to 45. The Club writes to notify the commission that the ice eaters are making the lake dangerous during ice season. They respectfully request that the Commission enforce current rules and regulations regarding “ice eaters” to protect all recreational users of the lake during the winter months. Acting Chair McCarthy will read the letter and asks that the members of the Commission distribute the letter to the person in their township who is responsible for enforcing the regulations.

Acting Chair McCarthy states that it is an ice eater is a type of ice retardant system used to keep ice away from structures in an attempt to prevent damage. Regulations regarding the use of ice retardant systems should be listed as a part of the town’s local ordinance. If the retardant system is used improperly than it may keep too large of an area open. Commissioner Tessier suggests that a public service announcement be made so that people understand how to use the ice retardant systems. A general discussion of ice retardant systems continues.

Commissioner Jarvis comments that leaves from the island are being blown into the lake and asks if a reminder could be sent to the islanders that leaves cause eutrophication and promote weeds the following year. Commissioner McCarthy asks Commissioner Fisch if he could send something out to people in Jefferson Township. Commissioner Fisch agrees to do so.

Acting Chair McCarthy states that he needs to follow up with Kerry about how NJDEP wanted the commission to perform and audit. He is unsure as to whether the Commission is required to hire someone to perform an audit. Commissioner Osowski also indicates that he will follow-up with Kerry.

### **Commissioners Comments-**

Commissioner Tessier- No comment, but will comment later in the meeting on the budget

Commissioner Jarvis- No comment

Commissioner Fisch- Move to the budget as soon as possible

Commissioner Pravs- Comments that on October 9<sup>th</sup> she attended the lake loop, which was successful despite the weather. She notes that prior to the organization of the Foundation the Commission operated as single townships. Now, because of the Foundation there is a sense of comradery between the townships.

Commissioner Steinbaum – Has comments regarding the weeds. He has been on the lake since 1946 and this is the worst weeds he has ever seen. Along the east and west shore the weeds are to the surface in deep water 50-60 feet out from shore. He adds that there are algae blooms like he has never seen and he presents pictures. He is very concerned, and he has learned from Princeton Hydro is that the water temperature is higher than it has ever been. This year it was as

## Minutes of the Lake Hopatcong Commission October 17, 2016

---

high as 83 degrees, which is abnormal. The water has been shallower so there is more light reaching the algal beds. Budd Lake had the same situation with tremendous weeds where they never were previously. He does not believe that it has to do with the weed harvesters; there is no way that the harvesters could keep up with it. He mentions that the lake is down 17” below the top of the dam, and even with the draw down it will still be down over 5 inches. He thinks it is possible the EPA may need to reconsider the designation of the Musconetcong as a Trout stream because it may not be sustainable.

Commissioner Crowley – No comment

Commissioner Osowski – Comments on the public comment period for the drawdown change from 12 CFS to 8 CFS during the spring ends on Wednesday the 19th. Kerry will be back next month to talk about the findings with others from NJDEP. Drawdown is due to start November the 15<sup>th</sup>, and finish on December 15<sup>th</sup>.

### **Acting Chairman’s Report**

Acting Chair McCarthy – Comments on what Commissioner Steinbaum said. He hasn’t seen the lake this bad either in terms of weeds. He went fishing around Raccoon Island, Kerry Cove, Byram Cove, and it is worse than he has ever seen before. This demonstrates the need for an adequate weed harvesting system.

Commissioner Pravs adds that when Dr. Loughno presented the water quality report, he said that weed harvesting is a cumulative effort. Years with limited weed harvesting can have an effect the weed growth for the next year.

### **Old Business**

Acting Chair McCarthy asks if there is any public comment on lake level after the presentation by NJDEP at the last meeting. There are no comments.

### **Weed Harvesting Update**

As of today 3,902 cubic yards have been harvested. They have two permanent weed harvesters and three seasonal, and they are working to maintain three harvesters on the lake. The park also has two drivers now. The machines will be pulled next Wednesday or Thursday and they will be working with Lake Musconetcong to coordinate when they will be transporting their weed harvester.

Commissioner Steinbaum asks if the park has the funds to complete the necessary repairs to the harvesters. Melissa comments that they do have the funds. Two permanent workers will be working on the repairs, and some of the seasonal staff will stay on part-time.

Melissa comments that there have been discussions regarding the budget, and that it looks promising. She hopes that they will be able to maintain the machines, and replace the belts on the conveyors prior to next year. The breakdowns that occurred during 2016 were considered routine, and she believes that avoidance of large repairs is due to the proactive maintenance done over last winter. Melissa adds that compared to last year, the park harvested 1100 cy more weeds.

## Minutes of the Lake Hopatcong Commission October 17, 2016

---

Commissioner Steinbaum asks if Melissa has any information about funding for the program for next year. Melissa responds that the budget is looking positive for funding. Commissioner Jarvis asks if there will be a budget for a hydro rake. Melissa comments that she is unsure, but that they are looking into purchasing an additional dump truck. Commissioner Jarvis responds that in the past Jefferson Township was able to help with weed trucking. Melissa notes this and will look into this option for next year. Acting Chair McCarthy asks if the park anticipates having everything ready for next year including the dormant equipment. Melissa responds that she hopes to have everything ready on May 1<sup>st</sup> 2017, but that the schedule is dependent on staffing. She reminds everyone that hiring is difficult due to the training, and that she plans to post job availability in January.

Acting Chair McCarthy addresses the Memorandum of Understanding in which Lake Hopatcong loans equipment to the State of New Jersey. In turn one of the small harvesters is on loan to Lake Musconetcong under a separate MOU. Both of the MOU's expired last December, and they have been renewed monthly since then. Acting Chair McCarthy has a letter into the DAG in July and a follow-up letter, but has not received any response. Until he receives a response they will continue to renew month-to-month. Commissioner Pravs makes a motion to extend the MOU to the State of New Jersey DEP as well as to Lake Musconetcong until the next meeting. Commissioner Steinbaum seconds the motion, and Commissioner Tessier comments that this should not be a long term solution to the issue, and another method should be researched. A vote is called,

Commissioner Steinbaum – Yes  
Commissioner Osowski - Yes  
Commissioner Jarvis - Abstain  
Commissioner Tessier - Yes  
Commissioner Fisch - Yes  
Commissioner Pravs - Yes  
Commissioner Crowley - Yes  
Acting Chair McCarthy - Yes

### **Next Year Fiscal Budget, Discussion and Vote**

Acting Chair McCarthy offers special thanks to Commissioner Tessier and the budgetary committee including Commissioner Steinbaum and Commissioner Crowley. The Commission plans to submit a budget this year. Commissioner Steinbaum gives some background on the sub-committee which was originally called the supplemental funding committee. The committee originally proposed funding the lake's needs through boat user fees. This proposal was never implemented, and since then a new budget has not been submitted.

The new sub-committee is proposing a budget that will allow for a secretary administrator and small office at the state park with computers, telephone etc. They would also like to fund the continued maintenance of water quality as Princeton Hydro has done. There are no more grants available currently to continue that work.

## Minutes of the Lake Hopatcong Commission October 17, 2016

---

Commissioner Tessier reviews the budget with the committee including the cover letter, outline of the budget items. The outline contains categories covered under a \$102,000 budget. A general discussion of the budget continues.

Acting Chair McCarthy comments that in the past the committee had searched for any available funding for the lake. He notes that the Commission was told by the NJDEP that it is illegal to collect money for the use of Lake Hopatcong because it is a state lake, and only the state can collect money for the lake. He also comments on the Lake Hopatcong protection act which led to a law approved on January 8, 2001. This allowed for 3 million dollars; 1.5 million dollars was for the initial startup, and an additional 1.5 million to continue a lake maintenance program. A plan was developed for 52 weeks a year, so that there was not down time. When funding dwindled the nine staff were let go, including the administrator, and the commission hasn't developed a budget since 2011. He suggests that the cover letter include the notion that the budget is a bare bones cost of management, that it is not proactively addressing the Lake Hopatcong Protection Plan, and that the budget also assumes that the state park will continue to cover the cost of week harvesting operations.

Acting Chair McCarthy opens the meeting to public comment related to the budget.

John Kuezman comments that there is a section that shows \$12,000 would be allocated to assessing adjacent properties for alternate funding. He suggests that this comment could be changed to be a more general statement for funding sources that are available to the LHC rather than specifically addressing real estate as an option for funding opportunities.

No additional public comments are made.

Commissioner Steinbaum makes a movement that the budget be approved and sent to Trenton with the additional letter. The motion is seconded by Commissioner Fisch. A vote is held.

Commissioner Steinbaum - Yes  
Commissioner Osowski - Abstain  
Commissioner Jarvis - Yes  
Commissioner Tessier - Yes  
Commissioner Fisch - Yes  
Commissioner Pravs - Yes  
Commissioner Crowley - Yes  
Acting Chair McCarthy - Yes

Seven affirmatives with one abstention, a general discussion of whether the vote passes continues based on the total number of filled positions on the commission. For the record Acting Chair McCarthy reads into record 58.4(C) "A majority of the membership of the commission shall constitute a quorum for the transaction of commission business. Action may be taken in motions and resolutions adopted by the commission at any meeting there-of by the affirmative vote of the majority of the full membership of the commission. Except that any action to

## Minutes of the Lake Hopatcong Commission October 17, 2016

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recommend or adopt an annual operating or capital budget shall require an affirmative vote of at least two thirds of the full membership of the commission."

Acting Chair McCarthy comments that in the early days of the commission they were looking to hire council and were told that they couldn't do that because the Attorney General's office is the sole representative for the commission. However, in order for the DAG to render an opinion there must be a legal budget for the agency they are giving advice to. Therefore, because the LHC does not have a budget they cannot get legal counsel from the DAG or an answer to what the full membership of the commission includes. A general discussion continues on this topic, and the commission agrees that the budget passes based on two-thirds of the full membership of the commission (including only the chairs that are currently filled).

Commissioner Tessier comments that the commission will need to do more than just mail the budget to Trenton, and that they should hand deliver it to someone who can provide support and meet with state senators in an effort to get the budget passed.

### **New Business**

Commissioner Osowski comments on the five year drawdown. He believes that by the December or January meeting the commission should have an idea of whether they want to postpone the 2018 drawdown because the process takes that long to initiate. Acting Chair McCarthy notes this for the agenda of the next meeting. He suggests that they can ask Kerry Kirk-Pflugh questions during next month's meeting specific to the drawdown.

Acting Chair McCarthy comments that if the weather is not ideal for the drawdown there have been instances where they postpone the drawdown. On the opposing side of that, there may be lake front property owners who are considering work on their docks etc. He also mentions that dredging may be an option, and should be discussed with the towns.

### **Public Comment**

John Kuezman comments on the weed issue in the lake being due to the lake falling a foot below what it was. The lake is currently losing water at 5 inches a month, and by the time they would normally drawdown they may already be below 22 inches. He believes that they need to address the drawdown rates and dates that NJDEP is implementing to prevent the weeds and algae blooms. He asks that people can go to the Lake Hopatcong Citizen for Action Facebook page.

Marty Kane Lake Hopatcong Foundation - Last June there was a dredging workshop and there is an interest by many towns. He is concerned that the state requires 2 years in advance of the drawdown because none of the towns will push for a drawdown in drought conditions. A general discussion continues on this topic.

Earl Riley Lake Musconetcong Regional Planning board would like to say thank you to the commission for the use of the harvester. They plan to take the harvester out before their

## Minutes of the Lake Hopatcong Commission October 17, 2016

---

drawdown in November. They have taken out 1000 cubic yards with that harvester alone. Their lake level is a half inch above the dam, but they do have many issues with weeds.

No other public comments. Commissioner Steinbaum moves to adjourn. Commissioner Jarvis comments that he believes that the reason that the weeds are bad is because of the 12 CFS requirement for the downstream communities and water treatment facilities. He believes that they may need to address the water quality of the stream. Commissioner Steinbaum agrees that this would be addressed at a Federal level. Acting Chair McCarthy adds that local control was removed after the NJDEP was sued over the lake drawdown and recovery. This leads to a disconnect between the local community who sees the lake level every day, and Trenton who makes the decision. A general discussion continues on this topic.

Acting Chair McCarthy adjourns the meeting.