

## Minutes of the Lake Hopatcong Commission January 9, 2017

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A meeting of the Lake Hopatcong Commission was held on January 9, 2017 at the Lake Hopatcong State Park, Lakeside Boulevard 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:** Acting Chairman McCarthy's and all those in attendance joined in a flag salute.

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

**Roll Call:**

Present: Mark Crowley, Anne Seibert-Pravs, Daniel McCarthy, Mark Fisch, Joshua Osowski, Fred Steinbaum, Joel Servoss, Mark Fisch

Alternates Present: Arthur Clarke

Absent: Eric Wilsusen, Richard Zoschak, Commissioner Morris, Robert Tessier, David Jarvis

Speakers: Trooper Chris Jones, Lieutenant Kenneth Ryan (New Jersey State Police)

Acting Chair McCarthy opens the meeting by introducing two speakers, Trooper Chris Jones and Lieutenant Ryan who will address the proposed new boating rule N.J.A.C. 13:82-3.11(l). Trooper Jones is the New Jersey State Police (NJSP) liaison to the New Jersey Boat Regulation Committee (NJBRC) and Lieutenant Ryan is the Operations Officer for the Marine Services Bureau.

Trooper Jones begins by referencing the article published in the Daily Record, which addresses the new boating regulations. He states that the NJBRC held a meeting where there were public attendees who asked for the proposal. Currently, the regulations are open for public comment. Comments can be emailed to the motor vehicle commission and/or NJBRC. He states that he does not know what Governor Christie is going to do, but in years past new proposals have been pulled if there is a lot of controversy involved. The public is welcome to attend the NJBRC meetings, which are posted on the NJSP.org website. The next meeting is scheduled for Wednesday January 11, 2017.

He states that there is an issue on the lake, specifically in Byram Cove. There is a trooper assigned to the cove every weekend in the summer and there are a lot of calls to that area of the lake. He states that based on the concerns of the residents of Lake Hopatcong he will propose to the NJBRC that a meeting be held in the northern part of the state so that they can attend.

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Acting Chair McCarthy comments that last year there was a meeting at the civic center that addressed the issues in Byram Cove. He states that the product of that meeting was that everyone understood there was an issue in Byram Cove. The State Police understood the issue and they would increase patrols. He states that after that meeting the issue seemed to get better, and the Commission had not heard anything further until the article in the Daily Record was published. He states that the Commission, as part of their statutory duties are supposed to have the opportunity to discuss any rules or regulations that affect the lake. He doesn't believe this opportunity was given.

Commissioner Pravs states that the disturbances were not necessarily a local issue but that the disturbances were mostly from the party boat rentals. The associations took it upon themselves to police Byram Cove and were proactive about identifying the issues. Lieutenant Ryan comments that the NJSP were aware of the issue in Byram cove, and increased patrols. They believe that they have the situation in Byram cove is under control. He states that there are 150,000 registered voters in the state and only 63 marine services troopers, so they are working as hard as they can to be out patrolling the lake. Acting Chair McCarthy asks what kinds of calls the NJSP were receiving. Commissioner Servoss asks how the proposal came about. Trooper Jones states that he didn't realize that the NJBRC was required to include the Commission in the regulatory decision, but is now trying to get public comment and a meeting of the NJBRC near Lake Hopatcong. He responds to the Commissioner's questions by stating that the original complaints are from 2015. Commissioner Steinbaum asks how a new regulation or rule gets passed. Trooper Jones responds that the NJBRC proposes a new rule and as long as it does not infringe on civil rights or negatively impact businesses, a document is submitted to the Attorney General (AG) who reviews it and passes the rule on to the Governor's office. He states that after that he is unsure of what happens. He encourages everyone to send comments regardless of what side of the argument you are on, and that the comments do matter. Commissioner Steinbaum asks if there is a legislative process or if the rule goes directly to the executive branch. Trooper Jones states that this is not legislative because it is a rule and rules can be proposed any entity. It is not like a bill, which would have to go through the legislature. Acting Chair McCarthy states that the rule was crafted due to a perceived need for new regulations, but there could be unintended consequences associated with the new rule. Lieutenant Ryan states that everyone will have a different view on the new rule, but asks that people try to see other perspectives such as homeowner, fisherman, and boater. Commissioner Crowley asks the Lieutenant, if he will state that increased patrolling since 2015 has resolved many of the issues in Byram Cove. The troopers respond that they will address the committee from a neutral position, but will explain that the situation has improved.

Commissioner Fisch reads statistics provided by Trooper Jones for 2016 on Lake Hopatcong. 666 boats were boarded, 558 warnings were issued, 11 summonses were written, 39 vessels were assisted, 76 persons were assisted, and 1 arrest was made.

Commissioner Servoss asks if these regulations effect other motorized lakes in the state, or if they are specific to Lake Hopatcong. Trooper Jones responds that they are specific to Lake

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Hopatcong. Acting Chair McCarthy asks Trooper Jones to review the specific regulations that are under review for Lake Hopatcong. Trooper Jones states that the regulations are to upgrade the water depth gauge from a stick to a USGS gauge (a request made by several parties), boat regulations include no anchoring within 200 feet of the shore line, rafting more than 10 boats together, and tethering less than 20 feet from a boat is prohibited.

Commissioner Pravs and Acting Chair McCarthy comment that there should be a letter submitted by the commission to the NJBRC, and that a public meeting should be held by the NJBRC in Lake Hopatcong before a vote is taken. He states that he would like to get statistics for the effectiveness of the NJSP increased enforcement in the cove. He states that the NJSP enforcement may be ahead of the new regulations and the issue may have already been adequately addressed. Commissioner Osowski states that the NJDEP is also making a comment/request of the NJBRC. Commissioner Pravs asks the troopers if there is a timeline for holding a meeting of the NJBRC in Lake Hopatcong. Trooper Jones states that there is not, but that the earliest would probably be February but will try to hold something earlier. Commissioner Osowski asks if the comment period for the new rule can be extended. Trooper Jones comments that he will look into it and respond with an answer to Mr. McCarthy. Acting Chair McCarthy states that he will add any information he receives to the Commission website and the Lake Hopatcong Foundation website.

Acting Chair McCarthy opens the meeting to public comment on the boating regulation topic only. Comments on other issues will be addressed later in the meeting.

Marty Cain of the Lake Hopatcong Foundation states that the Foundation was involved in requesting the gauge and is happy to assist in any way with the boating regulations. He would like to see people involved in these issues come together at a local level to come to an agreement.

Ed Mackin, President of the Knee Deep Club states that the club is opposed to the 200 foot rule because most of the fishing habitat is in the shallow areas. If the new rule passes, it cuts out several hundred acres of fishing.

Paul Moreveck states that he is opposed to the new rule. He asks how the new rule would be enforced and what the penalties would be. Trooper Jones responds that the AG has not ruled on where the measurement for the 200 foot rule would be measured from, but he assumes it would be between the closest two points of shoreline and boat. He states that the distance would likely be taken by a range finder and most marine violations cost between \$48 and \$200. He states that tickets for rafting would be issued to the person that the issuing trooper deems responsible.

Peter Commorata asks if the troopers will express their opinion that the issues in the cove have been resolved at the next meeting. Trooper Jones answers yes. Mr. Commorata asks if the NJSP has considered forming an Auxiliary for patrolling the lake. Lieutenant Ryan answers that there

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was some discussion of bringing in retired troopers part time, but that they have not discussed an Auxiliary made up of residents to patrol the lake. He adds that self-patrolling important.

Barbara Loring states that if you need more policemen we will petition. She states that she believes the original complaint has been overstepped. The fishermen that come right up to her dock or the sail boaters are not the problem. She thinks that the problem is the boats that tie up and keep people in Byram cove from getting to their own docks. Trooper Jones states that she should write a letter to the NJBRC.

Mike Francis, the Major of Hopatcong states that this might be an opportunity for us. He states that if the NJBRC would like to have a meeting in Lake Hopatcong, he will find a location. He states that he believes it is an opportunity for the residents of the lake to give proper input on the issue.

Bob Crawford states that Byram Cove is the only weed free cove and that is why people go there. He states that if the weeds are removed in other areas of the lake, the people will scatter around. He states that chemicals should be used in the lake to get rid of the weeds. Acting Chair McCarthy responds that the commission is prohibited by law from purchasing chemicals. He states that the commission has submitted a budget to the state government and it is pending in the legislature. He urges people to write letters to the government in support of funding the Commission.

Cliff Beebe states that he loves the lake and is a longtime resident. He would like to see everyone work together to solve these issues.

Brian Sheridan of Byram Bay comments that the 20 foot rule should be adjusted to 50 feet to prevent injury of people by other boats/boat props.

John Kursman states that public comment on the new rule must be submitted by February 3<sup>rd</sup> 2017, but the meeting in Lake Hopatcong would not be until February. He states that the rule that was created by the NJBRC cannot be enforced the same year it was created, so it should be for the 2018 boating season. He states that the Daily Record has published incorrect information on the rules. He asks whether the jet ski rules will remain in effect. Trooper Ryan responds that the jet ski rules should be readopted and encourages Mr. Kursman to write to the NJBRC with comments. The email address is [LPPMSB@GW.NJSP.org](mailto:LPPMSB@GW.NJSP.org)

Lisa Paluso of Byram Cove comments that lake front owners in the cove understand that it is the best swimming on the lake and that people want to have a good time. She states that she cannot enjoy her own dock and has been yelled at by the boaters who raft in the cove. She states that riparian rights are not respected in the cove, and that many lake front properties own land 100 feet into the lake.

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John Kneel of Chester New Jersey states that the police on the lake are not always state troopers, and suggests that more township police could be used to patrol the lake.

Dr. Guinner Hopatcong states that in Byram Cove there are safety issues that have been expressed by local governing boards, legislature, the NJSP and the AV office. The proposals were not created in a vacuum, but were made at the request of citizens. The proposal was made to prohibit certain activities on the lake between certain dates. He states that the new rule will make the lake a safer and more enjoyable place for everyone.

Julio Rivera of Dupont Avenue asks how the 200 foot rule was decided. Trooper Jones responds that he believes that the residents of the lake originally proposed 400-600 feet. The 200 foot rule was proposed as a compromise. He states that there was no research done to decide on this number. He states that the number of boats allowed to tie up was decided based on safety concerns for fire or carbon dioxide and to allow proper egress for a safety boat to get through.

Scott Carter asks if the 10 for boats that can tie up was made up. He states that there is no difference between 10 boats and 25 boats tied up. Trooper Jones comments that there is a difference and it creates a safety concern for fire.

Duane Chapman of Lake Hopatcong asks the NJSP if anyone as visualized the impact of the 200 foot buffer. He holds up a figure showing the buffer in red and explains that it restricts fishing in the lake and byways.

Steve Charakee asks the NJSP what impact the restrictions will have on events such as 4<sup>th</sup> of July fireworks. Trooper Jones responds that typically there is a waiver for special events.

Commissioner Steinbaum states that contention to the new rule could be solved if the wording was changed to say, "no rafting within 200 feet of the shoreline". Bob Rose comments that this would just lead to a lot of party boats with fishing poles on them to circumvent the new rule.

Commissioner Pravs asks the NJSP if the complaints were made by the shore people or lake people. Trooper Jones responds that the NJSP has not received any requests from shore people, and that the requests are coming specifically from Lake Hopatcong people.

Commissioner Clarke states that the lake does not have any input at the NJBRC. HE states that there should be a representative from Lake Hopatcong. He states that a fecal coliform test should be taken in the cove on a busy weekend. He believes the results would deter people from rafting in the cove. Trooper Jones responds that Phil Wiesbacher of Sparta was appointed to the commission and that the meeting dates have been established for the year.

Tom Coil states that the 200 foot proposal is a little extreme. He states that you can do 80 miles an hour 100 feet off shore, but that you cannot anchor within 200 feet. He thinks that the rule is too much.

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Kathy Member of Byram Cove doesn't see all the issues that other people see. She states that she moved to the cove five years ago for the fun and that this was the best summer so far. She states that the NJSP did a great job patrolling.

Michael Gruber of Oak Dale Avenue thanks the NJSP and states that when the NJSP are called and show up, the music calms down and beers go away. He states that he disagrees with Kathy because he has been there since 1960 and has seen Byram Cove change over the years. He states that the regulations will clear out Byram Cove, but that the rafting will just move to other portions of the lake. He states that he has riparian rights that extend 100 feet off of his shoreline, but he can't ask people to move off of his property because they are reactive. Lieutenant Ryan states that many of these problems are unique to Lake Hopatcong. He states that every opinion matters because there are so many different users of the lake. BC- 5-6000 boats tied up along island state park. Much of this is unique to Lake Hopatcong. Maybe it is a personal agenda, but we have to hear all peoples concerns. Acting Chair McCarthy asks the NJSP if undercover boats can be brought up to Lake Hopatcong. Lieutenant Ryan states that they have already been here.

A general discussion on policing the lake continues.

Trooper Jones states that the next meeting of the NJBRC is scheduled for Wednesday in Seabright. He urges attendees to send emails to the NJBRC email address to the attention of the NJBRC. He states that all of the meeting dates have been posted to the website.

There is a break in the meeting before Acting Chair McCarthy moves on to the general meeting.

### **Treasurers Report –**

Acting Chair McCarthy states that he has the key to the bank safety deposit box and will go to the bank this week to open it.

### **Correspondence**

There is no new correspondence.

### **Commissioners Comments**

Commissioner Steinbaum, Servoss, Fisch, Osowski, and Acting Chair McCarthy have no comments. Commissioner Crowley states that he would like to see a meeting of the NJBRC in Lake Hopatcong. Commissioner Pravs comments on the use of ice retardant systems.

### **Old Business**

Commissioner Osowski states that Kerry is still planning on giving a presentation on the water level management plan and public comments. He states that he is waiting on permission from the assistant commissioner. He states that the weed harvesters are in the process of receiving off season repairs. Employees are currently disassembling the harvesters to make repairs. He states that other priorities include brakes on the trailer, belting for the conveyors, and purchase of a pressure washer. There are two permanent and two seasonal workers, the part time workers are

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scheduled 2-3 days per week. Acting Chair McCarthy states that he would like to visit the Franklin Facility where the harvesters are stored and repaired during the off season. Additional Commissioners express and interest in visiting the facility.

Acting Chair McCarthy states that the commission needs to vote on the Musconetcong MOU pending final action. Commissioner Fisch makes a motion, Commissioner Crowley seconds the motion. A Vote is held.

Fisch	Yes	Pravs	Yes
Steinbaum	Yes	Servoss	Yes
McCarthy	Yes	Crowley	Yes
Osowski	Yes		

Motion unanimous

Acting Chair McCarthy states that there should be a subcommittee to discuss the future of the MOUs. Commissioner Pravs will schedule a date to meet.

Acting Chair McCarthy states that next year's fiscal budget has been submitted to Trenton. He states that he has called to schedule a meeting with the Governor's office and will follow-up again. He states that the commission has been asked to complete a 319 grant audit. He sent an email to Kerry Kirk Pflugh but has not received a response. Commissioner Osowski states that he believes Kerry forwarded the email along, but has no response.

### **New Business**

Acting Chair McCarthy Resolution 2017 – 01 establishing meeting dates for 2017 was sent to the commissioners. Commissioner Steinbaum moves to vote on the resolution. Commissioner Fisch seconds the motion. A vote is held.

Fisch	Yes	Pravs	Yes
Steinbaum	Yes	Servoss	Yes
McCarthy	Yes	Crowley	Yes
Osowski	Yes		

Motion unanimous

Acting Chair McCarthy states that the meeting dates have been confirmed by the respective municipalities for locations and spaces.

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Resolution 2017 – 2 Designation of the official newspaper.

Commissioner Steinbaum makes a motion to vote, Commissioner Servoss seconds

Fisch	Yes	Pravs	Yes
Steinbaum	Yes	Servoss	Yes
McCarthy	Yes	Crowley	Yes
Osowski	Yes		

Motion unanimous

### **Public Comment**

Marty Cain LHF states that Lake Musconetcong is purchasing a hydrorake through a grant with NJDEP. He asks whether Lake Hopatcong may be able to use it. Commissioner Osowski states that he does not know a lot about it, but heard that Lake Musconetcong is purchasing a hydrorake. He states that the commission should try to work something out. Acting Chair McCarthy states that he thinks it is important to know what grants are available.

John Kursman states that Lake Musconetcong has water chestnut and that Lake Hopatcong may not want to use the hydrorake if it has been used by Lake Musconetcong because the water chestnut seeds could spread to Lake Hopatcong. He states that the new water level management plan removes the protection for low rainfall in the spring. He states that the old plan used to use common sense for dry weather protection.

Barbara Loring states that the Sussex and Morris counties are down over a foot of rain compared to the rest of the state. She states that we are probably going into the spring in the same situation. Commissioner Steinbaum states that the level right now is at 7.22 feet which is 4 inches above what it was last year. He states that the commission has drafted a letter to the NJDEP to accommodate “creep”. He states that creep is a term used to describe rainfall during the winter when there is ice on the lake. By allowing creep and not drawing back down after a lake level rise after rain damage to docks can be prevented. He states that the NJDEP likes the idea, but that it has not been written into the plan yet. Barbara Loring states that people should be reminded that signs for thin ice are required when a bubbler is in use. Commissioner Steinbaum states that a letter was sent to the mayor of each municipality that ice retardant systems have been misused for years. Three of the four municipalities have rules regarding the use of bubblers. He states that you cannot bubble more than 25 feet in any direction and it is up to the zoning and code enforcement officer in each town to enforce it.

Cliff Beebe states that Chapter 13 of the law states that the waters of Lake Hopatcong shall be kept at high water mark subject to the elements. The lake is down 3 feet from the high water mark and it is in violation of the law to have it so low.



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Commissioner Steinbaum moves to adjourn, Commissioner Crowley seconds.

The meeting is adjourned.