

Minutes of the Lake Hopatcong Commission

April 17, 2017

A meeting of the Lake Hopatcong Commission was held on April 17, 2017 at the Roxbury Municipal Building, 1715 Route 46, Ledgewood, New Jersey. At approximately 7:00 p.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 and all those in attendance joined in a flag salute.

Moment of Silence: The Acting Chair asked for a moment of silence for our armed forces.

Roll Call:

Present: Mark Crowley, Daniel McCarthy, Anne Seibert-Pravs, Joshua Osowski, Fred Steinbaum, Joel Servoss, Robert Tessier, David Jarvis, Mark Fisch
Absent: Eric Wilsusen, Richard Zoschak, Ron Morris
Alternates Present: Arthur Clarke

With nine members present, Acting Chair McCarthy declared a quorum. He speaks briefly about quorum issues and filling vacancies.

Approval of Meeting Minutes

There is a general discussion of meeting minutes. No minutes are approved.

Treasurer's Report/Payment of Bills

Acting Chair McCarthy had previously sent around the latest statements. He stated that the Valley National Bank balance was \$515.83 and the 319(h) grant balance is \$41,730.87 most of this has been allocated to LHF, the Township of Jefferson, and Princeton Hydro. Additional checks were issued, Acting Chair McCarthy suggests deferring the vote on payment until the next meeting, because they do not have detailed receipts for services rendered.

Commissioners' Comments

No comments from the commissioners.

Acting Chairman's Report

Acting Chair McCarthy does not have any updates until later in the meeting.

Old Business

Water Level Review Update

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Commissioner Osowski states that the lake has hit full pool and water is flowing over the dam. He states that public comments about the reduction in drawdown from 26 inches to 22 inches were received by the Department through the website. The comments are being reviewed and a statement will be prepared. He states that they are not changing outflow until after the water level drops. There is a general discussion about management of the lake level.

Commissioner Steinbaum states that in 2015 (updated this year) he made a three-part proposal about the lake water level. Part one proposes that the yearly drawdown be reduced from 22 inches to 16 inches to protect docks and that the drawdown be started later and be completed by December 16th saving an additional 6 inches of water. Part two proposes that the 60-inch five-year drawdown be continued, but done in a shorter time frame at 2 inches per day instead of the current 1.5 inches. The drawdown would be completed by October 15th rather than November 1st and the refill would begin on December 1st rather than December 15th. Part three proposes that the NJDEP must be more flexible in the plan when the lake level is below normal. The 12 cfs outflow should be lowered to 8 cfs when the lake level is below 8 feet. Acting Chair McCarthy expresses his support of parts two and three and concerns about part one. Commissioner Steinbaum's proposal will be discussed at the next meeting.

Old Business

Weed Harvesting Update

Commissioner Osowski stated that the park is hiring and needs to fill vacancies. They are concerned because they are not getting many applicants. He states that AgChoice (one of the weed disposal facilities) has been fined by NJDEP because they have found concentrations of VOCs and SVOCs in their disposal materials. AgChoice believes this could be coming from the weeds in the lake and the State is working now to analyze weeds to confirm AgChoice's conclusion. He states that until testing is complete and the state park service can prove that there are no contaminants in the weeds, AgChoice will not accept weeds from Lake Hopatcong.

Memorandum of Understanding

Acting Chair McCarthy defers to Commissioner Pravs to provide an update of the subcommittee meeting regarding MOUs. She states that members of the committee reviewed a draft letter prepared by Acting Chair McCarthy. The committee decided to temporarily continue monthly approval of the MOUs. She states that the subcommittee also discussed decals on the weed harvesters. Decals will be updated to show both the Division of Parks and LHC. Acting Chair McCarthy discusses the how the MOUs came about and inquiries how the Commission feels about having an addendum rather than a new proposal. Commissioner Osowski states that an addendum would require less review by the Attorney General's office. Commissioner Steinbaum makes a motion to submit an addendum to the existing agreement, Commissioner Fisch seconds the motion. A vote is held.

Roll Call

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

The motion passes unanimously.

Commissioner Pravs moves to renew the current MOU monthly or until the Commission has a quorum. Commissioner Steinbaum seconds the motion.

Roll Call

Steinbaum	Yes	Servoss	Yes
Osowski	Abstain	Pravs	Yes
Tessier	Abstain	Crowley	Yes
McCarthy	Yes	Clarke	Yes
Fisch	Yes		

The motion carried 7-0-2 (two abstentions).

Fiscal Budget

Acting Chair McCarthy does not have any updates on next year's fiscal budget. He states that an email was received by Commissioner Osowski stating that the budget was not included in the NJDEP budget. There is a discussion of the role of the Commission and the fiscal budget.

NJDEP Municipalities Draft MOU

Acting Chair McCarthy states that over the past few months there have been meetings between the mayors of townships around the lake and representatives of NJDEP. He states that NJDEP produced a draft MOU that was sent to the four mayors around the lake to review. The MOU states that 1) the State's Division of Parks and Forestry will allocate \$200K/year to hire seasonal personnel to operate the weed harvesting program for fiscal years 2017 – 2020. 2) The municipalities agree to establish a stable funding source, or a shared services agreement to replace the Department's existing weed harvesting program by the time this agreement expires (2020). He states that the Mayor of Lake Hopatcong views this as an attempt by the Department to provide a short-term service after which responsibility will shift to the towns and taxpayers. Commissioner Steinbaum states that the State ignored water quality and water testing in the proposal, and the amount of money is inadequate. There was a discussion of how the MOU would affect the townships, and if the money provided would be suitable.

New Business

Local Improvement General Discussion

Acting Chair McCarthy states that one of the (funding) devices that can be used by the Commission can utilize is a special improvement district which is determined by the DCA. Commissioner Tessier states that the Commission is not in the governor's budget,

and the NJDEP has indicated through the MOU that they are attempting to find funding to keep the weed harvesting program going. He states that one of the ways to fund the ongoing mission is through local special improvement districts for the purposes beneficial to Lake Hopatcong and its watershed including storm water runoff and non-point-source pollution and the preservation of significant environmental areas. He states that there is a state statute to set up the improvement districts and that an improvement district is set up by a municipal government. Each municipality would have to buy ordinance to set up an improvement district and designate a special district management corporation (which could be the LHC) who would receive and manage the funds through an annual budget. There was a discussion of special improvement districts including how they are defined and how the funding can be used.

Treasurer’s Report

Acting Chair McCarthy revisits the topic of issuing a check to Jefferson Township. Marty Cain has spoken with Donna Macalle-Holly and states that the expenditures were detailed in the financial report that was approved by the Commission in October 2016. He states that the approval was then sent to NJDEP who generates the funding based on the request made by the Commission. The money was then placed in the Commission’s bank account. He states that DPW in Jefferson Township donated the time, but the expenditures reflect auxiliary costs (equipment) that were incurred during work. Commissioner Steinbaum moves to issue the three pending checks. Commissioner Crowley seconds the motion.

Roll Call

Steinbaum	Yes	Servoss	Yes
Osowski	Yes	Pravs	Abstain
Tessier	Yes	Crowley	No
McCarthy	Yes	Clarke	Yes
Fisch	Yes		

The motion carried 7-1-1 (one abstention).

There is a discussion of retrieving the October 2016 approval for their records, which could be used in a future audit, if necessary.

Public Comment

Yonne Geyer Port Morris, states that she understands the commissioners’ frustration because she fights for Lake Musconetcong. She states that the state park impacts all of their towns with traffic etc. and suggests that the Commission determine how much revenue the park accrues. She states that the Commission should do the same for the boat licensing program. She suggests that the Commission should have the public do a letter writing campaign. Commissioner Osowski states that in order to receive their full budget, the state park has to make a certain amount of money. He states that they have a mandatory amount of money that they have to raise, which goes into general treasury before they receive funds for purchasing equipment and operational money.

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Cliff Beebe states that 90% of what was said in the meeting was unconstitutional, and the governor has made this clear when he stopped passing the budget. He states that the state owns the waters in the lake and they control it. He states that he cannot get in and out of his property on Halsey Island because of NJDEP interference.

The meeting adjourned at 9:30 p.m. with a motion by Commissioner Crowley, seconded by Commissioner Steinbaum.