

Lake Hopatcong Commission
Regular Meeting Agenda – September 11, 2017
Jefferson Board of Education Administrative Office, 31 State Hwy 181, Jefferson NJ

I. Opening of Meeting/Open Public Meeting Statement

- a. In accordance with the Open Meeting Law, The Lake Hopatcong Commission has caused notice of this meeting to be published by having the date, time, and place thereof delivered or mailed or electronically mailed to the following:

DAILY RECORD and posted on the Lake Hopatcong Commission website
(lakehopatcong.org)

II. Salute to the Flag and Moment of Silence

III. Roll Call

Present: Mark Crowley, Daniel McCarthy, Joshua Osowski, Fred Steinbaum, Robert Tessier, Anne Seibert-Pravs, Ronald Smith

Absent: Richard Zoschak, Mark Fisch, Joel Servoss, David Jarvis

Alternates Present: Eric Wilsusen

With seven members present, Chairman Smith declared a quorum.

IV. Comments from the Audience (*on agenda action items only, if applicable*)

V. LHC Commissioners' Comments

No Commissioner Comments

VI. Minutes of Meetings

Chair Smith moves to approve the meeting minutes from August 21st and Commissioner McCarthy seconds the motion. Commissioner Pravs has a question for Commissioner Osowski regarding the CAC meeting and will hold the question until he arrives. She also asks about the use of public space at the State Park for the Commission. Ms. Conover replies that she went to the State Park to see the space and it is available upon receipt of funding. Commissioner Pravs states that 20 boxes containing information related to the Commission were found in the basement of the Mt. Arlington Borough Hall. The Court is moving back to Mt. Arlington and they need the basement for storage. She asks if there is enough room for the boxes at the State Park; Ms. Conover replies that there is enough room to store them there. Commissioner Pravs inquiries about the date for the October meeting. Chair Smith states that it is October 23rd 2017 at 7:00pm at the Civic Center in Mt. Arlington. Commissioner McCarthy asks that there be an amendment to the September meeting minutes on page two, the MOU with lake Musconetcong should be changed to the MOU with NJDEP.

Roll Call:

Smith	Yes	Wilsusen	Yes
Osowski	Yes	Crowley	Yes
Tessier	Yes	Pravs	Yes

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McCarthy	Yes	Steinbaum	Yes
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The motion passes unanimously.

VII. Public Comment

No comments from the public. Commissioner Tessier asks if the new meeting date was posted at the old location. Ms. Conover replies that she posted an announcement on the door, and the new meeting dates are posted on the LHC website and in the newspaper.

VIII. Treasurer's Report

Commissioner Steinbaum presents the Treasurer's report in Commimssioner Fisch's absence. He states that one check has been written out to Princeton Hydro for \$48,791.25 which is the money that is due to them through the grant. A second check was written out to the Lake Hopatcong Foundation for \$588.86 to reimburse them for Donna's salary for working on the 319 grant.

Commissioner Steinbaum makes a motion that the two checks be signed and sent out. Commissioner Crowley seconds the motion.

Roll Call:

Smith	Yes	Wilsusen	Yes
Osowski	Yes	Crowley	Yes
Tessier	Yes	Pravs	Yes
McCarthy	Yes	Steinbaum	Yes

The motion passes unanimously.

IX. Correspondence

Commissioner Steinbaum states that the bank statements and mail will be sent to the State Park, Colleen Conover will pick up the mail. Commissioner Osowski states that after the contract between Colleen Conover LLC and the LHC and a contract between the LHC and the State Park are signed, the LHC can begin using the space as an office. They can pick up mail any time.

X. Chairman's Report

XI. Old Business

Water Level Review / Update

Commissioner Steinbaum comments on his proposal. He states that he does not believe that making changes to the proposal is necessary. He states that all parties will likely not be happy with the changes anyway. He believes that if they ask for too much from the NJDEP you may get nothing, but if you ask for things in a simple straightforward way they will be heard. Commissioner Pravs states that she believes that the recommendations to adjust the WLMP come from the CAC and not from the LHC. Commissioner Osowski states that the LHC has a seat on the CAC and he thinks that it is important that the LHC has an opinion on the 60"/5-year drawdown prior to setting up the meeting. The NJDEP is looking for guidance on the 60" drawdown from the community. He states that last years

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updated WLMP during a warm winter, they will likely stick to the same plan this year. Commissioner Steinbaum makes a motion to send his proposal to the NJDEP. He reads the proposal Part two proposes that the 60-inch five-year drawdown be continued for major repairs and construction, but be quicker at 2 inches a day instead of 1.5 inches to allow completion by October 15th instead of the current November 1st (drawdown should occur between Sept. 22 to Oct. 15). The refill would begin December 1st instead of December 15th allowing dock work to be done in better weather and allowing TWO EXTRA WEEKS FOR REFILL.

Roll Call:

Smith	Yes	Wilsusen	Yes
Osowski	Yes	Crowley	Yes
Tessier	Yes	Pravs	Yes
McCarthy	Yes	Steinbaum	Yes

The motion passes unanimously.

Commissioner Steinbaum makes a motion to vote on Part 3 of his proposal which states that the NJDEP must be more flexible in the Lake Level Plan when the lake level is below normal. The 12 CFS should be lowered to 8 CFS when the lake level is below 8.5 feet. The lowered flow is more consistent with the environmental reality of less rainfall. Commissioner Crowley states that the Commission understands that there are other issues beyond the lake, but if they are able to focus on the lake, this is what they would ask for. Commissioner Osowski states that since the trial WLMP completed last year there have been updates to the plan. Commissioner Steinbaum moves that number three be sent to the NJDEP for their consideration, Commissioner Pravs seconds the motion.

Roll Call:

Smith	Yes	Wilsusen	Yes
Osowski	Abstain	Crowley	Yes
Tessier	Abstain	Pravs	Yes
Jarvis	Yes	Steinbaum	Yes

The motion carries 6-0-2 (two abstentions).

Commissioner Crowley makes a motion that the LHC recommend to the NJDEP that the pilot program be extended for another year. Commissioner Pravs seconds. Commissioner Steinbaum disagrees, he compliments the NJDEP on lowering the drawdown, but he would like to see more. He proposes that number one of his proposal be considered as an alternative to the pilot plan. Commissioner Osowski states that this is a step in the direction that the Commission would like to go in, and they are concerned with property damage by doing too much too fast. Commissioner Crowley states that if they pass two and three to NJDEP its enough, and he doesn't want to take away credibility of the first two resolutions. He thinks that they should wait and see what happens with the pilot program. Commissioner McCarthy states that he is against number one and the pilot program. He states that there is evidence of damage caused by ice shifting and ice creep and he is concerned with following the plan and closing the gates when the ice is off the docks.

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Commissioner Osowski adds to the motion that they should continue the email system to report back.

Roll Call:

Smith	Yes	Wilsusen	Yes
Osowski	Yes	Crowley	Yes
Tessier	Yes	Pravs	Yes
McCarthy	Yes	Steinbaum	Yes

The motion passes unanimously.

Weed Harvesting Update

Commissioner Osowski reads the 2017 harvesting updates that are posted on the Hopatcong State Park website.

He states that they hired seven seasonal employees including four weed harvesting operators plus one permanent weed harvester and two dump truck drivers. They are still operating on four large weed harvesters on a full-time basis. The NJWSA has returned the small weed harvester to the Lake Musconetcong Regional Planning Board. One weed harvester has been out of order for a week. The machine overheated. Parts have been replaced and it should be back on the water by Wednesday 9/13/17. One dump truck had a major oil leak and was sent to the shop last Tuesday for repairs; an oil pan rusted and needed to be replaced. All other equipment has been running properly without any major repairs needed. He states that they are moving into Phase 3 which runs from September through October. They are finishing up in Woodport, both sides of Brady Bridge, and cutting behind Halsey Island and Raccoon Island. They will be clearing in Henderson Cove and Byram Cove. There are two harvesters staged at Lee's County Park, two harvesters at Eastshore and a transport barge stationed at Ashely Cove. On Friday's the harvesters focus on clean-up of floating weed. Harvesters have been trying to clear floaters as best as possible when they are on the machines to make up for any days lost due to rain. Between June 24 – July 11: 454 cu. yds., July 12 – July 15: 717 cu. yds., August 15 – September 11: 1,067 cu. Yds., Total: 2,238 cu. yds. 2016 they harvested about 4,000 cu. yds. Funding has been set up for 2018. Purchases made so far this fiscal year have been for food-grade hydraulic oil, grease, diesel fuel, hose ends, alternator, battery cables, and hydraulic pump.

Chair Smith states that they are way behind on their numbers for this year, he recommends that they should get the two-additional harvesters back on Lake Hopatcong and start cutting early next year. Commissioner McCarthy adds that they should get the second transport barge, and the Boston Whaler back on the lake so that there is a boat available to tow harvesters in case there is a break down. Commissioner Smith states that the loaders can't get to the beach because of the sand and would like to clear a spot where they loaders can pull up to the beach. Commissioner Osowski states he doesn't believe that bringing back all of the equipment will solve all of the harvesting issues. He states that the Park has had trouble finding people who can run the machines, he states that the barge and the Boston whaler should get back in Lake Hopatcong before ending the MOU for the small harvester

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from Lake Musconetcong. Commissioner Osowski replies that there is not enough time or staff to get all the equipment up and ready. There is a general discussion of weed harvesting equipment. Commissioner Crowley states that with the additional 200K he would like to hear how the NJDEP money is going to be appropriated. Commissioner Steinbaum states that it states that what they need is a full-time mechanic to work on the machines during the winter. Commissioner Osowski states that they have been spending money from the MOU on seasonal staff and mechanics. They are not permitted to use the money to hire full-time staff. Chair Smith makes a motion to return the LHC equipment from Franklin and Lake Musconetcong to Lake Hopatcong and get it prepared to go into the lake for next year. The motion is tabled until they receive the updated MOU from the NJDEP.

This Year's Fiscal Budget

Commissioner Steinbaum asks about whether the funds have been released yet. Chairman Smith states that they have not.

Next Year's Fiscal Budget

Chairman Smith states that they should set up a “needs based” budget to submit to the State for next year. Commissioner Steinbaum states that he would like to submit a budget that includes a full-time administrator. Chairman Smith states that they should try to get the proposed budget to the State by the November deadline.

Municipalities Draft MOU

Chairman Smith asks if Roxbury is getting any closer to signing the agreement. Commissioner Crowley states that they are, and that they will be signing the agreement with the stipulation that regardless of what the State plan says, Roxbury has a plan in place already and they will follow their own plan instead.

XII. New Business

Memorandum of Agreement (MOA) between the Lake Hopatcong Commission (LHC) and the Lake Hopatcong Foundation (LHF) for Water Quality Monitoring of Lake Hopatcong.

Chairman Smith asks if anyone has any comments or questions regarding the MOU. Commissioner Crowley states that he believes the MOU is stating that because the LHC does not have any staff to work with Princeton Hydro, the LHF will provide staff if the LHC will pay for the time of the LHF employees. He states that this money is included in their budget. Commissioner McCarthy makes a motion to adopt the MOU, Commissioner Pravs seconds the motion.

Roll Call:

Smith	Yes	Wilsusen	Yes
Osowski	Abstain	Crowley	Yes
Tessier	Abstain	Pravs	Yes
McCarthy	Yes	Steinbaum	Yes

The motion carries 6-0-2 (two abstentions).

MOA between the LHC and New Jersey Department of Environmental Protection (NJDEP) concerning supplemental funding for State Fiscal Year 2018.

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Chairman Smith states that he changed the terminology in the MOA from “grant” to “budget”. Commissioner Steinbaum states that he is uncomfortable with the LHC being a part of the NJDEP budget, and does not want to sign the MOA. Commissioner Tessier states that it is standard procedure for organizations that are “in, but not of”, to sign an agreement to show that they intend to spend money according to the budget. Commissioner Tessier also references the “hold harmless clause” on page three number six, and states that this statement should be incorporated into the LHF and the Administrator contracts. Commissioner McCarthy moves to amend the previous resolution to include number six in the MOU with the LHF. Commissioner Wilsusen seconds the motion.

Roll Call:

Smith	Yes	Wilsusen	Yes
Osowski	Yes	Crowley	Yes
Tessier	Yes	Pravs	Yes
McCarthy	Yes	Steinbaum	Yes

The motion passes unanimously.

Commissioner Wilsusen makes a motion to pass the MOU with NJDEP with the changes incorporated by Chairman Smith. Commissioner McCarthy seconds the motion for purposes of discussion. He states that he understands Commissioner Steinbaum's reluctance about why this is being presented to the Commission the way that it is. He states that he will vote yes only if this is the only way to get the money. Commissioner Steinbaum states that he is reluctant to how the MOU is being presented. Commissioner Steinbaum states that the NJDEP isn't very happy with their association with Lake Hopatcong. There was a lawsuit from the Lake, the CAC has been contentious, and the attitude toward lake Hopatcong issues has been dismissive. He feels that having the money come through the NJDEP doesn't make him comfortable. Commissioner Osowski states that once the LHC gets the money it's up to LHC how they spend it, NJDEP is not determining how they spend the money.

Roll Call:

Smith	Yes	Wilsusen	Yes
Osowski	Yes	Crowley	Yes
Tessier	Yes	Pravs	Yes
McCarthy	Yes	Steinbaum	Abstain

The motion carries 7-0-1 (one abstention).

XIII. Administrator Contract

Chairman Smith states that the contract is to be amended to include paragraph six (hold harmless) from the NJDEP MOU. Commissioner Pravs moves to approve the contract as amended. Commissioner McCarthy seconds the motion. The Chairman states that because the Commission approved the resolution during the last meeting there is no need for a vote.

XIV. Public Comments (please refer to Section V “Public participation shall be governed by the following rules:”)

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Commissioner Osowski presents information about harmful algal blooms. He states that the NJDEP is trying to increase awareness of harmful algal blooms. For the future he would like to discuss how to deal with this in the future. He would like to have a plan prior to next meeting. Commissioner Osowski suggests that the NJDEP do a program to educate people. There is a general discussion of algal blooms on the lake.

XV. Close of Meeting

Commissioner Steinbaum makes a motion to adjourn the meeting, Commissioner McCarthy seconds the motion.

Next Regular Meeting at 7:00 p.m.
Monday, October 23, 2017
Mt. Arlington Civic Center, Fern Road, Mt. Arlington