

Lake Hopatcong Commission
Regular Meeting Minutes – February 12, 2018
Hopatcong State Park, Landing, 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, David Jarvis, Daniel McCarthy, Joshua Osowski, Anne Seibert-Pravs, Fred Steinbaum, Todd Stevens, Robert Tessier, Ronald Smith

Absent: Joel Servoss, Mark Fisch

Alternates Present: Russell Felter

With ten members present, Chairman Smith declared a quorum.

IV. Minutes of Meetings

Commissioner Steinbaum moves to approve the minutes, Commissioner Tessier seconds the motion.

Roll Call:

Crowley	Yes	Pravs	Yes
Felter	Abstain	Steinbaum	Yes
Jarvis	Yes	Stevens	Yes
McCarthy	Yes	Tessier	Yes
Osowski	Yes	Smith	Yes

The motion passes 9-0-1 (1 abstention)

V. Treasurer’s Report

In Commissioner Fisch’s absence Colleen Conover gives the Treasurer’s Report. She states that the balance is \$49,612.87. Chair Smith reads the list of bills.

Roll Call:

Crowley	Yes	Pravs	Yes
Felter	Abstain	Steinbaum	Yes
Jarvis	Yes	Stevens	Yes
McCarthy	Yes	Tessier	Yes
Osowski	Yes	Smith	Yes

The motion passes 9-0-1 (one abstention).

VI. LHC Budget

Commissioner Steinbaum states that a letter was sent to the NJDEP Office of Budget and Finance requesting that the second disbursement of funds be

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distributed. Colleen Conover states that a response to the letter was received this morning, and the NJDEP has indicated that encumbered funds will not count towards the 50K needed to be spent for the next disbursement to be initiated. Chair Smith states that he will call NJDEP to discuss the topic further. Commissioner Steinbaum states that the Commission has received funding through boat licensing fees in the amount of 500K and is concerned how the money will be spent. He states that it is possible that the NJDEP will expect the Commission to reimburse them for the cost of weed harvesting going forward, and that 500K may not be enough money if the Commission is required to pay for weed harvesting, and suggests that the Commission discuss and possibly negotiate the budget with NJDEP prior to agreeing to terms. Chair Smith states that the Commission is waiting to find out if the Commission will be considered “in, but not of” the NJDEP or if they will be covered under the State’s insurance. Commissioner Osowski adds that State Parks has funding through NJDEP to continue weed harvesting through June 2018. Chair Smith states that the Commission won’t receive funding until July 1st 2018 so the State Park will continue the weed harvesting program until that time. A one year contract between NJDEP and the LHC has been proposed, but has yet to be approved. Chair Smith adds that the LHC is seeking alternative forms of funding including grants. Alternate Commissioner Felter states that the NJDEP took over weed harvesting when the LHC lost their source of funding. This was done with the understanding that once the Commission regained funding, they would resume weed harvesting. Commissioner McCarthy states that initially the LHC received \$1.5 million per year and they made sure that the staff had work to do 365 days per year. He agrees that \$500K may not be what they need, but it is \$500K more than they had last year. He states that there is a lot that needs to be discussed between the LHC and NJDEP regarding the budget and weed harvesting program. Commissioner Osowski states that up until last year the budget for weed harvesting was \$155K and it was only in the last year that the budget increased to \$355K. Commissioner McCarthy asks that the State Park share the details of the weed harvesting budget for the past few years. Commissioner Osowski agrees and adds that a separate meeting may be helpful for that purpose.

VII. Correspondence

Commissioner McCarthy states that he sent a letter to the LHC on behalf of a client and it was returned due to a wrong address. He suggests that each of the land use clerks for each of the towns be made aware of the new address.

VIII. Grass Carp Presentation – LHF

Marty Kane of the Lake Hopatcong Foundation gives a presentation on grass carp. He starts by giving some facts about the grass eating carp. He states that the carp used would be triploid grass eating carp, they are sterile fish that are non-native to the USA. They are timid and avoid people, are vegetarian and will not eat other fish, only leafy plants, not shoreline plants, algae, but they do like milfoil. The carp tend to stay in one place as long as there is food, 10% die every year and they grow to 25 pounds and 26 inches in length. He states that most states allow grass eating carp with a permit application, and that they are widely used in NY State. He gives an example of Candlewood Lake in Connecticut for people who would like to find

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a similar example to Lake Hopatcong. He states that the carp are not intended to be a single remedy to all the weeds in the lake, but it would be an alternative/addition to weed harvesting. Currently the NJDEP does not approve of stocking carp in waterbodies larger than 10 acres. The LHF believes that there would be a lot of work and meetings to gain approval for the carp in Lake Hopatcong, and if it is approved it would likely be on a three-year cycle. Mayor Francis adds that the carp were initially hypothesized as an alternative weed control option by University of Western Connecticut. He states that biologists developed a model, tested the model and analyzed data. They also developed a cost analysis for management of weeds. He adds that grass carp could be a good alternative to herbicides and the byproduct would be a healthier lake.

IX. Grass Carp Presentation – Dr. Fred Lubnow, Princeton Hydro

Dr. Fred Lubnow of Princeton Hydro gives a presentation on grass carp. He states that Princeton Hydro has experience stocking grass carp in NY and PA. He gives an overview of grass eating carp and their differences from common carp. He gives several examples of the use of grass eating carp in lakes in PA and NY. Carp barriers were installed in these lakes prior to the introduction of grass carp and this is an added cost. He adds that grass eating carp are not an immediate solution, they take time to remove weeds. He uses a careful and conservative model for stocking the fish, and adds that if this is not done and too many fish are added than the carp can negatively impact fisheries as they wipe out vegetation.

X. Commissioner's Comments

Alternate Commissioner Felter states that Bob Mitchko passes away this morning. He was an original alternate for the Commission and there will be a memorial scheduled. Commissioner McCarthy states that alternate Dave Smith was appointed as an alternate for Hopatcong. Dave is a knee-deep club member. He is expected at next month's meeting.

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

No comments.

XII. Chairman's Report

Chair Smith comments on the success of the LHF Event to thank the Senators and Assemblymen for their hard work in getting legislation for Lake Hopatcong passed.

XIII. Updates

State Park Weed Harvesting Update

Superintendent Melissa Castellon gives the weed harvesting update. She states that half of the purchase orders have been received. The equipment has been disassembled and they are waiting for parts. There is \$7,000 available to service dump trucks and the second trailer as well as some additional parts for the machines. This money will also cover the fuel for the remainder of the year. Chair Smith states that he and Dan McCarthy visited the garage and he was impressed by the work they are doing. Melissa states that they have received the seasonal hiring packets and she intends to send them out soon. Commissioner Osowski inquires

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about the seasonal outfall permit and the recalibration of the USGS gauges. Melissa states that she does not have any updates.

NJDEP

Commissioner Osowski states that he is working on having Melissa Castellon appointed as his alternate, and that the equipment MOU is ongoing with no updates. He states that the NJDEP is finalizing a letter to the CAC and LHC regarding the Water Level Management Plan (WLMP). The DEP has decided to complete the 5-year/60-inch drawdown in the Fall of 2018 unless there is a drought condition. However, the NJDEP cannot adopt the recommendations as presented by the LHC/CAC without a formal public comment period, and adds that the WLMP pilot program will continue. He states that the NJDEP is proposing to revise the WLMP in 2021 when the plan is 10 years old and in need of revisions. He states that the public comment period will begin in 2019 and will cover the recommendations of the CAC and LHC. There is a general discussion of the public comment period, if it is necessary and if it can be done more quickly. Commissioner McCarthy makes a motion to write a letter requesting that the public comment period be held prior to the Fall 2018 drawdown.

Roll Call:

Crowley	Yes	Pravs	Yes
Felter	Yes	Steinbaum	Yes
Jarvis	Yes	Stevens	Abstain
McCarthy	Yes	Tessier	Abstain
Osowski	Abstain	Smith	Yes

The motion passes 7-0-3 (3 abstentions).

Ice Retardant Systems on Lake Hopatcong

Commissioner McCarthy gives a presentation on the use of ice retardant systems on Lake Hopatcong. He shows a video of an ice eater in the Bass Rock Road section of the lake where an ice eater is being used improperly and opens too large of an area of water. He shows several photos, which demonstrate improper use of ice retardant systems around Lake Hopatcong. Commissioner McCarthy states that as a homeowner there is a doctrine in the law called the doctrine of mantrap or pitfall, which relates an owner having knowledge of the existence of something dangerous and a conscious indifference to the consequences. In this scenario, an intent to inflict injury is inferable and a homeowner may be held liable if there is injury or damage. Commissioner McCarthy presents options such as timers and thermostats, which can be operated in conjunction with ice retardant systems to open smaller areas of water (3-4 feet) around lake structures. He suggests schedules for the timer that he uses at home such as 15 minutes on and 15 minutes off, and setting the thermostat to 32 degrees so that systems will not run above the set temperature. Commissioner McCarthy states that the ordinance is enforced by the construction official, although currently the zoning officer Bill Donegan has taken responsibility. He suggests that there should be additional levels of oversight and a public relations campaign in the Fall. Commissioner Steinbaum agrees and shares additional photos showing improper and proper use of ice retardant systems. He states that

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conditions on the lake this year are perfect for recreation including ice boating. He adds that this could bring commerce to the lake, but large open areas of water may prevent this. He suggests education as the first line of oversight and then enforcement and fines if necessary. Commissioner Tessier suggests that the Commission look at what other lake communities have done to enforce the ordinances, they may possibly need to re-write ordinances to make them more enforceable. Alternate Commissioner Felter states that there have been issues in Jefferson and two marinas have been instructed to shut off their systems. Commissioner McCarthy reads an ordinance from New Hampshire, Lake Winnepesaukee Section 270;33 - Heating, agitating, or other devices, safety hazard. He reads that no person shall place a heating, agitating, or other device, which inhibits or prevents the natural freezing of water and impedes access to or from ice by means of any public access. If the device is placed anywhere else a sign shall accompany the device to warn of possible danger. The ordinance is enforced by any law enforcement agency under the direction of the Department of Safety and the Department of Fish and Games. There is a general discussion of ordinances. Commissioner Jarvis suggests speaking to the residents to educate them on how to properly run their systems, rather than fine them. Commissioner McCarthy suggests sending a flyer out to lake front residents and business owners. A committee is formed including Commissioners McCarthy, Jarvis, and Steinbaum. Tim Clancy of Lake Hopatcong states that he is able to keep water open near his dock using a propeller driven system for 15 minutes at a time and an hour a day. Commissioner Osowski suggests that letters be sent to known offenders. Commissioner McCarthy states that roughly 40 letters have been sent this year by Bill Donegan.

XIV. New Business

Oil Spill on Lake Hopatcong

Melissa Castellon states that last week she received a call from a resident who asked if she knew anything about the spill. At the time, she didn't know anything about the spill, so she called dispatch who confirmed that the Sunday before a call was received and hazmat was sent out. She states that she believes that hazmat was there Monday and has been there ever since. She was told that the spill is related to a company up gradient of the lake who had an issue with one of their tanks. She was told that calls should be directed to the NJDEP press office. Commissioner Pravs states that she thinks that this is very serious and adds that one quart of oil can contaminate 2 million gallons of water. Alternate Commissioner Felter states that there is a commercial building on Prospect Road where the spill came from. They believed that they had contained the spill and then they found that the spill was running down hill and into the stream. The stream then feeds into the lake. He states that he received a call from the Governor regarding the spill. There is a general discussion of the oil spill. Lou Tarascio of Lake Hopatcong states that he lives in the cove where the oil spill occurred. He states that the NJDEP is doing a great job of cleaning up the spill. Tim Clancy states that he heard that a licensed site remediation professional (LSRP) was hired to oversee the cleanup.

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XV. Action Items

Lake Hopatcong Block Party

Chair Smith states that he is interested in having the Commission participate in the Lake Hopatcong Foundation Block Party. Marty Kane states that he believes it is important for the LHC to participate.

Watershed Implementation Plan

Commissioner Steinbaum inquires about the status of the WIP. Dr. Fred Lubnow states that it has been submitted by Princeton Hydro and the LHC to the Highlands Council and they are awaiting feedback.

Public Comment (*please refer to Section V “Public participation shall be governed by the following rules:”*)

No Comments.

XVI. Close of Meeting

Commissioner Steinbaum moves to adjourn the meeting, Alternate Commissioner Felter seconds the motion.

Next Regular Meeting at 7:00 p.m.
Monday, March 12, 2018
Roxbury Municipal Building, 1715 Route 46, Ledgewood NJ