

Minutes of the Lake Hopatcong Commission

March 18, 2008

A meeting of the Lake Hopatcong Commission was held on March 18, 2008 at the Jefferson Municipal Building, 1033 Weldon Road, Lake Hopatcong, New Jersey. At 7:35 p.m., Chair Ondish called the meeting to order and stated that the meeting was being held in accordance with "Open Public Meetings Act."

Salute to the Flag: Chair Ondish and all those in attendance joined in a salute to the flag.

Moment of Silence: Chair Ondish requested a moment of silence to remember our troops and their families.

Roll Call:

Present: Russell Felter, Elizabeth Gantert, Kenneth Klipstein, Daniel McCarthy, Richard O'Connor, Joel Servoss, Nicholas DePalma (Roxbury Alternate), Ray Fernandez (7:55 - Morris Alternate), Benjamin Spinelli (8:05) and Arthur Ondish

Absent: David Jarvis and Richard Zoschak

Alternates Present: Robert Gruber (Mount Arlington), Robert Mitchko (Jefferson) Patricia Rector (DEP)

With eight members present at Roll Call, Chair Ondish declared a quorum.

Also present were: Dr. Fred Lubnow - Princeton Hydro
Lewin Weyl – LHC Counsel
Lieutenant Cieplenski – New Jersey State Police

Communications

Chair Ondish asked for any questions on the communications package. In response to Mr. DePalma inquiry, Ms. Macalle-Holly advised that the Commission never received a request from Senator Buono for contract information. Mr. McCarthy inquired if the Lake Hopatcong Commission Progress Report on user fees was a draft. The Chair indicated Ms. Macalle-Holly put together the report and Mr. Klipstein stated it was received already to report on progress required under the Memorandum of Agreement with DEP. Ms. Macalle-Holly stated the Lake Hopatcong Statistics for 2007 was provided by the New Jersey State Police and a representative was present tonight to answers any questions or concerns. Lt. Cieplenski responded to Mr. McCarthy indicated the numbers would undoubtedly be higher if there was 24-hour coverage on the Lake. He discussed

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specifics on how the reports numbers were counted indicating what was shown were formal charges that were brought to court. He stated that it would be difficult to track the fines because the State Police do not know what the fine imposed is. Lt. Cieplenski indicated he would try to get a digital copy of the report for it to be available on the Commission's website. Mr. Klipstein discussed the letter from Scott/Miracle Grow and reported that a press event is coming up for the kick off of the effort to reduce phosphorus state-wide by 50 percent over the 2007 baseline. Chair Ondish read into the record the Scotts/Miracle Grow letter which was included in the meeting package. [A copy of the letter is available on file.]

Chair Ondish read into record the following letters that are being mailed:

- Mr. John Driscoll to thank him for the donation to pay for the Commission's domain name from 2004 through 2010 and for his technical assistance.
- Ms. Colleen DeStefano and Mr. Eric Grove to acknowledge their service to the Commission.
- Donation thank you letters to Mr. & Mrs. Reynolds (\$25), Schulyer Automotive (\$25), Gregory Sisko (\$50), Michael Seymour (\$25).

Ms. Macalle-Holly indicated the latter individuals are members of the East Shore Property Owners Association that solicits their members annually for donations for the Commission.

There being nothing further regarding communications, the Chair moved to the next agenda item.

Treasurer's Report/Payment of Bills

The Chair stated in the absence of Mr. Grove, Ms. Macalle-Holly would read the Treasurer's report. The Valley National Bank checking account balance as of February 29, 2008 was \$219,990.09. The Revised Bill List was distributed totaling \$60,937.84 and additions to the List are indicated accordingly. She stated two of the payments to Princeton Hydro for \$4,421.25 is from the DEP 319(h) Grant and the other for \$3,023.75 is from the EPA Targeted Watershed Grant (TWG). Chair Ondish requested a motion to approve the Revised Bill List. Ms. Gantert made the motion and Mr. Felter seconded the motion. [A copy of the Revised Bill List is available on file.]

ROLL CALL:

Felter	Yes	Servoss	Yes
Gantert	Yes	DePalma	Yes
Klipstein	Yes	Fernandez	Yes
McCarthy	Yes	Ondish	Yes
O'Connor	Yes		

Motion carried 9 to 0.

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Minutes of Meeting of February 19, 2008

The Chair asked if everyone had a chance to review the minutes and requested a motion to move the February 19, 2008 minutes. Mr. McCarthy stated on page 5 “attempt” should be changed to “intent” and “tracks” to “tracts” and remove the (sp?). Mr. O’Connor made the motion to approve the minutes with changes and Mr. Fernandez seconded. Chair Ondish asked for any comments or questions regarding the meeting minutes. The Chair requested a roll call vote with the changes.

ROLL CALL:

Felter	Yes	Servoss	Abstained
Gantert	Yes	DePalma	Yes
Klipstein	Yes	Fernandez	Yes
McCarthy	Yes	Ondish	Yes
O’Connor	Yes		

Motion carried 8-0-1 (one abstention).

Public Comment

At this time, Chair Ondish opened the meeting for public comment to address items on the agenda only. There was no public comment.

John Kurzman, resident of Lake Hopatcong, discussed the money collected for boat user fees and it would be dedicated to the lake. He discussed a February 21 Daily Record article on education which stated revenue dedications can be overridden by the annual state budget legislation if voters do not amend the state constitution to specifically link a stream of revenue to a particular program. Counsel Weyl stated the Commission is faced with a more urgent need to support whatever legislation the Commission and the DEP agree upon so the Commission has the authority to charge those fees and to look for a constitutional amendment is a much harder hill to climb. Mr. Kurzman discussed a Star Ledger article about how Morris County Parks received voter approval for a quarter of a penny for every \$100 for a trust fund to maintain the parks which equals \$2M a year. If the Commission charged a tenth of a percent, a house worth \$600K would be charged \$6 a year.

Ron Sorensen, owner of Lake Hopatcong, San Bar and Woodport Marinas, stated at the last meeting he asked if the rumor he heard that the user fee legislation would fine a marina a \$1,000 if a boat gets launched from a marina without a decal and was told it would not be done. He stated he saw that in print. The Chair stated it was only a draft that was distributed for Commission review. Mr. McCarthy stated the draft was prepared by the DEP. Mr. Klipstein discussed the legislative process and State public hearing process that needs to happen before legislation is adopting.

Mr. Brunson, resident of Hopatcong, discussed how other funds such as EMT and Boat Licenses fees in the past were robbed from Paul to pay Peter for other funding needs. He inquired if other police statistics from around the lake such as the Park Police were

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captured on State Police Statistics report. Lt. Splinski stated that they supplied only what the State Police are responsible for and the Act does not require that they supply data from the local departments. Lt. Cieplenski stated that Morris County Police accompanied the State troopers on the lake and their statistics are included.

Mr. Beebe, owner of Beebe Marina, discussed how Al Gheto, formerly with the State, was supposed to delineate the lands in Lake Hopatcong and it was never completed. He stated the State probably owns only twenty percent of the lake and the rest is in private ownership. He discussed owners' property rights. He suggested drying the weeds out prior to disposing of them to save money. He provided pictures of the water going over the spillway and how the lake level is going down. Chair Ondish asked Lt. Cieplenski to discuss the efforts regarding the high water level and the action that was taken through the Office of Emergency Management (OEM) to monitor the rain and water runoff and the impact it would have on residents down stream. There was further discussion on the water level.

Chairman's Report

Chair Ondish stated on March 5 he met with Jay Watson and Al Payne at the State Park. It looks like the Commission will be able to move the LHC office into the existing State Park building. He stated Mr. Payne is in charge of State Park capital projects and is willing to make the necessary modification for office space to accommodate the Commission. In the future, Mr. Payne will look into adding on to the existing meeting room to make it large enough for the Commission to have its meetings there. Chair Ondish stated he contacted the individual that offered the Commission office space at half of the current cost to let him know the Commission would not be interested. The Chair stated he is waiting to hear back from Mr. Valiante to determine if the Commission can go month to month after the Commission's lease is up in July. Ms. Macalle-Holly stated Mr. Valiante contacted her today and stated that the Commission would have to finish out its lease for this year which is until August 15. The Commission would need to give 90 day notice which would require that we give notice by May 15.

He stated they also visited the maintenance facility and gave Mr. Watson and Mr. Payne a tour. They offered to move the storage/maintenance facility to a state-owned building in Franklin. He reported that on March 24 he will be visiting the proposed building with Mr. Calderio to determine if it meets the Commission's need and if the route to transport the equipment is safe.

On March 6, the Chair attended the Highlands Council meeting to represent Mount Arlington with a resolution to have sewers installed on Southern Circle to protect the lake from failing septic. The resolution did pass and it is going out to bid to get the work done.

On March 8, the Chair stated he contacted Lt. Cieplenski about the lake level and he offered to contact OEM and monitor the lake level.

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The Chair reported that he and Mr. Fernandez would be attending the Morris County Planning Board meeting on Thursday to get an opportunity to meet Mr. Fernandez and for the Chair to provide a status report on Commission activities.

Mr. McCarthy requested if it was possible for new Commissioners to go to the maintenance facility and it was agreed to hold off on this for now. Mr. Klipstein stated Mr. Watson is trying to work out having the Commission stay at its current maintenance location.

Old Business

Field Staff Report

Ms. Macalle-Holly stated they are moving ahead with getting someone to complete the hydraulics work and that Mr. Marke of the Field Staff was in attendance if there are any questions. She stated she reported last month that staff was obtaining quotes for the hydraulics work and PowerTech Hydraulics provided a quote for \$1,315.42 which does not include purchasing the pump. Once the second hydraulic pumped is received, PowerTech representative will complete the work.

She stated she spoke with Mr. Calderio today and due to staffing issues caused by staff potentially being out on disability and workers' compensation, they are looking into having one person go out on shared services. Based on the two staff members' proposed return to work dates from leave, the harvesters would be moved in early May to start harvesting in mid-May.

The Chair stated he intended to cover another issue in his report regarding the Commission committees. Commission members reviewed the committee members list and the following changes were made:

- Audit and Evaluation Committee – no change
- By-Laws - Mr. McCarthy accepted the vacant position
- Budget/Personnel/Insurance - Ms. Gantert is considering accepting the Chair position. Mr. Felter replaced Ms. DeStefano on the committee.
- Project Planning – Mr. Spinelli to replace Mr. Richman
- Public Outreach – Mr. Servoss, Chair
- Site Plan Reviews – no change
- Supplemental Funding – Since Mr. Fernandez has been appointed to the Commission and a subcommittee cannot have more than five Commission members serving on the Committee, Mr. Zoschak was removed from the Committee and Chair Ondish agreed to step down. Ms. Macalle-Holly indicated Mr. Zoschak had volunteered to step down. Committee Members include: Felter-Chair, Fernandez, Klipstein, McCarthy, Spinelli, Rector (Alternate), Macalle-Holly and Community Volunteers – Brunson and Kurzman
- Aquatic Habitat – no change

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Mr. McCarthy made a motion to approve the Committee Appointments and Mr. Spinelli seconded. The motion was unanimous.

User Fees

Mr. Felter stated that after discussion with Mr. Klipstein, it was determined that the grant money was available for weed harvesting. Mr. Klipstein stated a piece of funds in the grant is for weed harvesting and there is some other lake restoration work. He stated under the budget there are ways to do amendments to the agreement as long as progress is being made on user fees and both parties agree.

Mr. Felter stated that in order to get input from the public, user fees would not be implemented until next year so there would be no fee this year. This would give the Commission time that to do research on boat count and some other things that need to be done.

Ms. Macalle-Holly reported on the status of the consultant's quotes for the scope of work to implement user fees. She stated of the three consultants initially contacted, one already provided a quote, one opted not to submit a quote, one did not provide a quote yet and a fourth firm was contacted today. Counsel Weyl stated if the Commission does not receive a response then you can award the bid.

Mr. Klipstein stated the DEP Commissioner continues to push to get legislation moving and she would like to find a sponsor for legislation. He stated the Commissioner is sensitive to Greenwood Lake's need to approve legislation because the clock is running out on their companion legislation approved in New York.

The Chair stated Commissioner Jackson is waiting for the Commission to get draft legislation to her and the consultant will work with the Commission on drafting the legislation.

Mr. Fernandez questioned how the latest version of the legislation included certain information. Mr. Klipstein stated he could share all the comments that were previously provided on the legislation from the first draft to the second draft, but there were many comments that were very difficult to translate into any kind of changes in the specific legislation and that is partly because we are laypeople that have their own perspective and interests.

The commissioners discussed their concerns about the process to revise the legislation and how the other options proposed to fund the Commission were not being considered by DEP. The Chair stated the Commission has to move forward with fees and is not going to be able to meet everyone's expectations. Mr. McCarthy brought up the burden a decal program will bring on the State Police. Mr. Felter stated that the only option the State has left the Commission with is boat user fees. Chair Ondish stated that once the Commission has users' fees in place, the Commission will have a solid revenue source and the DEP will not have so much control over the Commission. The Chair stated that

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boat user fees is where the Commission must start with to generate a revenue source because the State believes boaters use the lake and boaters should pay to maintain it. Mr. Klipstein stated there were answers given on some of the other options proposed by the Commission and the Commission may have not liked the reason why other funding sources could not move forward at this time. He stated if one looks nationally on how public lakes are maintained, the most common accepted way of funding a lake is boat user fees.

At Mr. McCarthy's request, Lt. Cieplenski addressed the enforcement issue for user fees. He stated the State Police will enforce any legislation that is out there, but does not get involved in local ordinances. He stated his main focus is safety and not necessarily on issuing summonses. He stated if the Commission wants maximum enforcement efforts, he will have troopers writing a hundred summonses a day. He prefers that boaters take the State Police's suggestion seriously, realizing that they are looking out for boaters' personal safety.

Lt. Cieplenski brought up other issues such as if a sticker fell off, can stickers be forged, where is the database going to be maintained and how can the State Police get in touch with the Database Administrator at 2:00 a.m. to see if a boater actually has a decal. If they do have a certificate, is there a fine for not having the decal displayed on the vessel. He stated at some point, the legislation will have to go to the Attorney General's office and they will make a recommendations on what needs to be done with regards to chain of custody, maintenance of the database, reduction of fine if it is not registered or if the decal is not displayed. If a boat is stopped and a boater does not have a user decal, will the boater be given a warning with a grace period to get a decal or just issue a fine because ignorance is no excuse. Lt. Cieplenski agreed to have a trooper available at the meetings to provide this type of input as the Commission moves forward with fees.

Mr. McCarthy inquired if the State Police would have the resources and manpower to see the users' fees through. Lt. Cieplenski stated he would liken it to the new law for hand-held cell phones stating that the Governor did not put 50 extra troopers on the road because he initiated an additional violation for hand-held cell phones.

Mr. Klipstein stated that the public outreach is a critical piece of user fees and that misinformation is as bad as anything that's out there. As the state representative, even when the Commission has user fees, it will only cover a portion of the Commission's budget. The State is not abandoning Lake Hopatcong and the State has grant money that will be available. He indicated the statement that all of the burden will now fall on the boaters, is completely false. He stated the public should not be told that the State is abandoning Lake Hopatcong, as a way for Commission members to advocate for a commissioners' own personal belief. Lake Hopatcong is a State agency and fixing it is a collaborative effort because the cost to fix the lake is going to be a lot more expensive than \$100 per boat. The Chair stated the user fee will only cover the Commission operating expenses.

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Lt. Cieplenski stated he has commitment from his supervisors that Lake Hopatcong State Police will maintain the same presence on the lake as last year since they previously have already been cut to the bear bones.

Lt. Cieplenski stated he is meeting with Morris County to get his commitment on the Lake as they did last summer. Chair Ondish stated that he spoke with Sheriff Rochford and they realize the value of what they are doing.

Lt. Cieplenski stated he will make an effort to have a representative available at Commission meetings.

Ms. Macalle-Holly reviewed the next steps regarding what would happen with user fees. She would obtain the remaining quotes by early next week. At the last meeting, it was agreed that once the quotes were obtained the Chair was authorized to hire the consultant and then staff would work with Counsel to prepare a contract. Once the consultant is on board, then the Commission would need to call a special meeting. She stated at the last meeting, it was her understanding that the Commission agreed to move forward with hiring the consultant and that the legislation would be to have a boating decal program and that is what the legislation would include.

Counsel Weyl stated the Commission should include some generic language in the legislation which authorizes the Commission to undertake whatever measures are necessary to implement a user-fee program that the legislature approves. Mr. Klipstein stated the draft legislation does not give the Commission regulatory authority to write regulations. Counsel Weyl stated that the Commission should provide information upfront to the consultant that will help expedite the project.

Chair Ondish stated once the consultant is hired there would be a public meeting and the Commission could provide documents prepared on the issue. Ms. Macalle-Holly reviewed what was agreed to regarding the consultant. Once the consultant was hired, she would put together a package to send to consultant and then there will be a public meeting.

High School Auditorium for Regular Commission Meetings

The Chair stated the LHC regular meeting for May, June and July would be held at the Hopatcong High School Cafeteria. This location takes the place of the Hopatcong Civic Center last year because there are other events going on. The April meeting will be in Jefferson.

Princeton Hydro Report

Dr. Lubnow stated on the 319(h) Grant, PH is waiting to hear back from the State on the permit submitted for the basin in Jefferson. The contract is being finalized for the 319(h) projects in Hopatcong and if possible, installation will be done by Memorial Day and if

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not the project may be postponed until the fall so to not interfere with the Crescent Cove Beach Club operations.

For the EPA TWG, Dr. Lubnow did some additional field work on the Hopatcong sites for installation of the iron-oxide sleeves and provided the information to the manufacturer. There were some issues with piping that needed to be addressed.

For the Roxbury TWG projects, all information has been received and PH started engineering work. The Commission is waiting to hear back from Mount Arlington's engineer at Suburban Consulting regarding input PH provided on the TWG project by the municipal beach. PH reviewed it for water quality purposes. Jefferson has to provide some additional information on their TWG sites. Also in Jefferson an alternate site was selected and some wetlands information was collected. Ms. Macalle-Holly stated that the alternate site at Jefferson was discussed and approved by Jefferson. She stated when a letter is prepared to the EPA to request moving the project to another detention basin in Jefferson, the letter will also request a grant extension. For the alternate septic system in Jefferson, information and plans was been provided by the daycare and Township and PH is working on the design plan. Dr. Lubnow stated the tentative date for the automated samplers training to be installed at TWG sites is scheduled for March 25. The automated samplers are being purchased with funds available through the DEP MOA.

Dr. Lubnow also reported on the 604B grant for the development of a septic management plan for Jefferson Township. A technical meeting is being scheduled with DEP to review PH criteria to rank sites for future funding for alternate septic systems.

Dr. Lubnow apologized to Ms. Gantert for not getting back to her about her inquiry on stormwater management. She was inquiring about stormwater management during the recent heavy rain storm. There was discussion about stormwater management and outreach initiatives.

Mr. McCarthy stated he would like to advance the lake curriculum ideal. Dr. Lubnow suggested that Mr. McCarthy provide the names of local contacts to setup some meetings. Ms. Macalle-Holly suggested that the public outreach committee should be involved in the effort.

Sub-Committee Reports

Ms. Gantert stated a brief by-laws meeting was scheduled for Wednesday. Some committee members had conflicts and Ms. Gantert suggested they send her email to schedule a meeting.

The Chair suggested public outreach committee get together to post signs about fertilizer.

There being no other reports, the Chair moved to the next agenda item.

New Business

EPA Targeted Watershed Grant (TWG) Community Outreach

Ms. Macalle-Holly reported that the Commission has a \$260K match as part of the grant application. The grant application indicated the Commissioners would be involved in the community outreach. PH developed, and Ms. Rector and Ms. Macalle-Holly refined a presentation which addresses fertilizer, how to protect the lake, the grant projects and lake ecology. She will be scheduling two train-the-trainer sessions for Commissioners, one during the day and one in the evening. This way the Commissioners can make presentation to organizations.

She discussed her recent emails to the Commissioners, municipalities, the counties and the lake yacht clubs, Knee Deep Club, historical society, school superintendents informing everyone that an outreach program was available. She asked each Commissioner that represents a municipality or county to check when they are interested to schedule training for employees and elected officials.

She discussed how surveys will be conducted before and after each presentation to document how behaviors are being changed as a result of the outreach program. She emphasized the importance of tracking time towards the grant and will provide a tracking sheet for each Commissioner to use. The presentation can be customized based on audience needs and their time constraints.

Donations to LHC

The Chair stated he already covered this agenda item when he read the letters earlier in the meeting. He suggested that the letters to Ms. DeStefano and Mr. Grove should be framed and presented to them at a meeting they can attend.

Mr. Klipstein stated he has some other new business that effective March 28 he will no longer be working at DEP. He encouraged the Commission to keep moving forward and stated he enjoyed the work. Chair Ondish stated hopefully Mr. Klipstein would be returning as the gubernatorial appointee to fill a vacancy that has been open for a while. He also stated that Mr. Servoss is now the Sussex County representative replacing Mr. Grove instead of serving as Hopatcong alternate.

Mr. Klipstein stated the DEP Commissioner has not taken any action on who would permanently be taking his spot.

Public Comment

Chair Ondish stated he would open the meeting to the public.

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Laurence Orlans, resident of Hopatcong and a member of U.S. Coast Guard Auxiliary operating in Lake Hopatcong stated the Auxiliary has three boats patrolling the lake and periodically invites boats from other regions for joint training and patrols. Owners of other auxiliary boats not kept on the lake have advised them that they would not be willing to bring their boats to the lake because of the contemplated user fee which would adversely impact their ability to train and conduct certain types of mission on the lake. The Coast Guard Auxiliary requests that their boats be exempt from any user fees and they are talking about a maximum of six boats. The Chair asked for the request to be submitted in writing.

Will Avers, resident of Lake Hopatcong addressed how quickly the water level is dropping on the lake. He encouraged the dam gates to be closed to keep the water. He inquired about the user fees and was advised that the DEP is directing the Commission to charge user fees for boaters on the lake. He stated the Commission seems to be more concerned about enforcement but it should be focusing on how to get the money. He stated the decals were onerous and suggested instead that an in and out fee be charged at the ramp at the marinas. He encouraged the Commission to consider fees on homeowners stating he recalls there are approximately 4000 homes on the lake. He also suggested that a fee should be charged on boats that dock at marinas.

Thelma Reichert, resident of Hopatcong, stated she is a homeowner that pays huge taxes and she has four boats. She stated it would be inconceivable to tax the homeowner.

Mr. Beebe inquired how much the Commission would be getting for FY09. Chair Ondish stated the Commission was getting zero funding for next fiscal year. He addressed how the Commission's legislation states that the Commission should be funded. He agreed that people that own the property on the lake should be exempt from another tax. He asked if Dr. Lubnow can check if the mussels in the lake are on the endangered species list because by dropping the lake their habitat could be getting destroyed.

Richard Bunce, Councilman of Hopatcong and Vice Chairman of Sussex County Chapter of New Jersey League of Municipalities, stated at their last meeting their legislative aide suggested that they write letters to Governor, but it is more appropriate to write letters to the Senate and Legislation Appropriation Committee.

Mr. Kurzman stated as part of the funding committee he did not see a copy of the progress report sent to the DEP especially since it is being sent to the consultant. He asked if the committee members would get copies of the resumes of consultants and if the committee would be doing telephone interviews. Ms. Macalle-Holly stated that the resolution passed last month authorized the Chair to hire the consultant without the committee being involved. Mr. Kurzman suggested a meeting be held with the towns and counties to discuss the boat fees and suggested that now is the time to ask them to reconsider putting something on the ballot for residents' approval such as a tenth of a percent. He stated he was pleased to hear that boat fees will be deferred for this year and suggested getting the data about the boats on the lake. He suggested that the Commission

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give a free sticker this year to get the data on the boats. Mr. Felter discussed what type of data needs to be collected. Mr. Kurzman stated that in the last minutes that were approved that he said the Scrub Oaks Mine was a good thing. He wants to make it clear that anything that drains the water is very bad and the only way it was good is if we also coordinate that with raising the dam a certain amount. He shares concern that the water in the lake is being squandered if those gates are really opened.

Mr. Bunce inquired about the Scrub Oaks Mine presentation. The Chair stated it was scheduled for tonight, but the MUA has to present the findings to the DEP before they can present to other parties.

Ron Sorensen stated there are about a dozen marinas on the lake that probably can account of 95 percent of the information needed and a sophisticated survey is not needed. The Commission needs to know how mainly how many daily launches and how many slips are in a marina. The Chair stated the Commission has a survey that has been completed. Mr. Sorensen suggested communicating with the marinas and it needs to be done now. He wants to be treated fairly. The Commission agreed to have the survey sent out.

There being no further public comment, the motion to adjourn to Executive Session to discuss personnel matters was unanimous.

The Chair stated the meeting returned to open session. He stated the Commission discussed this benefit issue in personnel committee and asked Ms. Macalle-Holly to provide the background. She stated in 2001 when the Commission started to hire employees, the Commission unanimously approved a resolution for the Commission employees to participate in the State Health Benefits Plan (SHBP). When Commission employees were hired, they were told they would be provided the same health benefits as State employees. She reported that during some recent research on the benefits plan to answer an employee's question and she came across information she was unaware and apparently the Commission was unaware of when they approved the initial resolution. In order to offer health benefits to employees as retirees a separate resolution is required. A copy of the resolution has been provided to offer State health benefits to retirees. State employees are eligible for benefits when they go on disability retirement and after 25 years of service.

The Chair stated when employees were hired this benefit was part of the package and this is on record. This was something that was overlooked and needs to be passed to be corrected. Mr. Klipstein stated there was some further clarification that he would need inquiring if it is 25 years with the Commission or 25 years of State service. The Chair directed Ms. Macalle-Holly to investigate if it is the service for the Commission or if other service counts and does the Commission incur any continuing costs if or when it adopts the resolution. Ms. Macalle-Holly stated that the Commission would have to pay for retiree benefits at the time of retirement or disability retirement. She agreed that there is no way of knowing if any employee will reach 25 years of service or if the Commission will even be around in 25 years, but she brought it to the Commission's

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attention now instead of when an employee has 25 years of service and is expecting to receive retirement benefits as they were told they would when they were hired. In response to Mr. McCarthy inquiry, Counsel stated it is not an issue for Counsel but is a benefits issue that the Commission should look at because it is not a legal issue. Ms. Macalle-Holly clarified the difference between being out on temporary disability and retiring disability benefits which has a state criteria that needs to be met.

There being no further business, at 11:10 p.m., the motion to adjourn by Mr. O'Connor and seconded by Mr. Klipstein was unanimous.

Submitted by: Donna Macalle-Holly