

**DEAL LAKE COMMISSION
MINUTES – REGULAR MEETING
FEBRUARY 21, 2008**

The Regular Meeting of the Deal Lake Commission was held in the Village of Loch Arbour Municipal Building, 550 Main Street, and was called to order at 7:05 PM by Chairman John Everson. After the Flag salute, the Commission Clerk announced that the notice requirements of C.231, P.L. 1975, have been met by transmitting the notice of this Regular Meeting to the Commission’s official newspapers on January 25, 2007, posting the notice where required and filing a copy of the notice with the Commission Clerk.

ROLL CALL:

| | PRESENT | ABSENT |
|-------------|---------|--------|
| Allenhurst | X | |
| Asbury Park | X | |
| Deal | X | |
| Interlaken | X | |
| Loch Arbour | | X |
| Neptune | | X |
| Ocean | X | |

RESOLUTION #1: APPROVE MINUTES, JANUARY 17, 2008 MEETINGS

Offered by: Interlaken

Seconded by: Deal

BE IT RESOLVED, That the Minutes of the Reorganization and Regular Meetings of the Deal Lake Commission held January 17, 2008 be and the same are hereby approved. (Loch Arbour does not vote).

RECORDED VOTE:

Ayes: Allenhurst; Asbury Park; Deal; Interlaken; Ocean-Aye.

Nays: None

Absent: Neptune Not Voting: Loch Arbour

RESOLUTION #2: APPROVE TREASURER’S REPORT AND PAYMENT OF BILLS

Offered by: Interlaken

Seconded by: Ocean

BALANCE ON HAND – PREVIOUS MEETING

| | |
|--|------------------|
| Bank of America Checking Account | \$ 9,754.20 |
| NJ Cash Management Fund | 38,461.48 |
| TOTAL | 48,215.68 |

RECEIPTS

| | |
|---|---------------|
| Interest from Bank of America (January) | 27.01 |
| Interest from Cash Management Fund (January)..... | 131.47 |
| TOTAL RECEIPTS..... | 158.48 |

BILLS PRESENTED FOR PAYMENT – February 21, 2008

| | |
|---|-----------------|
| Village of Loch Arbour (February)..... | \$ 563.33 |
| The Coaster | 53.40 |
| JCP & L | 22.54 |
| TOTAL BILLS AND OTHER DISBURSEMENTS..... | \$639.27 |

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RESOLUTION #2 (continued)

TREASURER’S REPORT (continued)

BALANCES AFTER JANUARY DISBURSEMENTS

| | |
|------------------------------------|--------------------|
| CHECKING | 9,141.94 |
| NJ CASH MANAGEMENT | 38,592.95 |
| TOTAL BALANCE ON HAND | \$47,734.89 |

RECORDED VOTE:

Ayes: Allenhurst; Asbury Park; Deal; Interlaken; Ocean

Nays: None

Absent: Loch Arbour, Neptune

OLD BUSINESS

1. **Resolution #3**– Weed Treatment –westerly section, main lake

Offered by: Asbury Park

Seconded by: Ocean

WHEREAS, the Deal Lake Commission wishes to address the problem of excessive weed growth in the westerly section of Deal Lake west of the Sunset Avenue bridge; and,

WHEREAS, in conjunction with the previously authorized weed harvesting to take place in early August 2008, the Commission believes it will be beneficial to treat areas of the Lake west of the Sunset Avenue bridge that are not accessible to the weed harvester with a DEP-approved herbicide; and,

WHEREAS, the Commission received a quotation from Princeton Hydro, LLC, Applicator License #50330B, for the treatment of areas of the Lake west of the Sunset Avenue bridge with DEP-approved herbicides in an amount not to exceed \$2,900; and,

WHEREAS, this quotation is less than 15% of the bid threshold as promulgated by the Local Public Contracts Law and therefore, the Commission is not required to obtain any other quotations.

NOW, THEREFORE, BE IT RESOLVED by the Deal Lake Commission that the quotation of Princeton Hydro, LLC to treat areas of the Lake west of the Sunset Avenue bridge that are not accessible to the weed harvester with a DEP-approved herbicide(s) in the amount not to exceed \$2,900.00.

BE IT FURTHER RESOLVED that the herbicide application shall begin in mid-June or sooner depending upon the weed growth in the area to be treated and be completed by mid-July, 2008.

BE IT FURTHER RESOLVED that Princeton Hydro, LLC shall obtain any necessary DEP permits prior to the application of any herbicides.

RECORDED VOTE:

Ayes: Allenhurst; Asbury Park; Deal; Interlaken; Ocean

Nays: None

Absent: Loch Arbour, Neptune

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OLD BUSINESS (continued)

The Clerk announced that William Kiss, Loch Arbour's new representative, had arrived during the prior discussion; she requested that Mr. Kiss take his place on the dais. Mr. Everson greeted Mr. Kiss, introduced him to the other Commissioners and thanked him for attending.

2. Regional Stormwater Management Plan: Dr. Souza reported that he met with DEP representatives last Wednesday. He advised that the DEP representatives were very pleased with the report and the subtle corrections incorporated into the Report after the Milestone 3 meeting. Dr. Souza distributed the Milestone 4A (mandatory elements, i.e., lake-side buffers, zero silt run-off from any area of disturbance) and 4B (optional elements, eligible for 319 funding) and requested feedback before mid-March. He further advised that the Plan must be completed by April 15. He further explained that the adoption of the Plan will create an overlay zone in all participating municipalities and supercede municipal Stormwater Management Plans. Peter Avakian clarified that the RSWMP will only supercede municipal Plans in the areas of the municipality contributing to the Deal Lake Watershed. Dr. Souza stressed that all the goals listed within the Plans are achievable goals. Prior to final adoption, the Plan will be published in the New Jersey Register, there will be a 90-day comment period from interested parties followed by DEP response to the comments. There was a lengthy discussion of the various key elements of the Plan.

Mr. Parry asked if there was any possibility of having maintenance dredging approved as a part of the Plan. Dr. Souza responded that dredging is not part of the umbrella of stormwater rules, and this plan is tied to stormwater regulation. Dr. Souza further stated that this plan should be considered pre-emptive and is not retroactive.

The Allenhurst representative asked for clarification about the Lake's ownership. He further asked if 319 funding is possible for dredging purposes. Dr. Souza responded that the State owns the Lake, and 319 funding cannot be used for dredging. Peter Avakian commented that although the State claims ownership, it does not take any responsibility for maintaining the Lake. Mr. Fromer suggested litigation against the State for their failure to maintain the Lake. Mr. Rogers stated that litigation would not be effective given the State's current financial situation.

3. Gatehouse Electrification/Trash Rack Reconfiguration: Mr. Everson stated that he and the Clerk had drafted a letter to send to Senator Kean and the 11th District Assemblypersons requesting funding for Lake maintenance projects, and further stated that a similar letter would be sent to Monmouth County Freeholders. Peter Avakian suggested sending a request for funding to the DEP Office of Construction and Engineering who administer funds for flood control. The Commissioners concurred with sending a request to DEP.
4. Kohl's at Middlebrook: Mr. Everson reported that the Ocean Planning Board did not agree with the Commission's premise that the redevelopment triggered Phase II stormwater rules. Mr. Everson also stated that as a part of this application, Kohl's was required to apply for a DEP Stream Encroachment Permit and that application was approved five (5) days before the Planning Board meeting. Dr. Souza stated that the soil tests are mandatory, but the Planning Board did not require the testing to be done before the application was heard.
5. Geese Police: Mr. Everson stated that he had asked for, but has not received, a quotation for adding the eggs. Mr. Fromer stated that he had spoken to Mrs. LoBuono, who agreed to coordinate this activity for the Commission again this year, working with volunteers. Mr. Parry indicated that

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OLD BUSINESS (continued)

Interlaken has appropriated funds in this year's budget for the oil. Mr. Rogers asked if there was any ballpark figure for this activity in the problem areas. Mr. Everson indicated that he did not know.

6. **Resolution #4:** Hollow Brook Water Elevation: UPON MOTION of Ocean, seconded by Interlaken, carried, the Commission authorized the Engineer to perform an as-built study of the bridge elevation, the spillway elevation and the current water elevation in Hollow Brook as compared to the respective pre-construction (August 1996) elevations at the cost not to exceed \$500.00.

RECORDED VOTE:

Ayes: Allenhurst; Asbury Park; Deal; Interlaken; Loch Arbour; Ocean

Nays: None

Absent: Neptune

NEW BUSINESS

1. Mr. Everson suggested that the Commission should address the vegetation growing through the bulkhead and retaining walls in Loch Arbour and Asbury Park. Dr. Souza clarified that the Commission may have to look into whether this will fall under the purview of a right-of-way maintenance and may not require a permit, and he suggested treatment with Rodeo or Habitat by a licensed applicator. Mr. Avakian suggested that Neptune may have licensed personnel on staff. Dr. Souza will check the rules and report back to the Commission at the next meeting.

PUBLIC HEARING

UPON MOTION of Ocean, seconded by Interlaken, carried, that the meeting be opened to the public for comments.

Brian Mullens, Bimble Blvd., representing Sol and Diane Harrah, who were critical of a suggestion made at the last meeting that weed harvesting be canceled because of the failure of Asbury Park to remit its annual assessment in 2007. Mr. Everson stated that the weed harvesting project will take place in early August per the arrangements made in December 2007.

Brian Mullens, Bimble Blvd., read a statement from the Friends of Deal Lake criticizing the Commission for not sending a representative to the Ocean Township Planning Board meeting at which the Kohl's application was discussed. He suggested that simply sending the letter to the Board was not sufficient, and the volunteer members of the Friends of Deal Lake did not have the expertise to supply justification for the recommendations suggested in the letter. He further suggested that educating the public as to the role of the Commission is necessary.

Marty Martino, asked if the chemical treatment of the weeds will take place this summer. Mr. Everson responded that the project was awarded this evening. He further asked if the Commission had received a model ordinance for mandating that the homeowner be responsible for downed tree removal from public property. The Clerk suggested that the League of Municipalities may have such an ordinance in its library.

The comment was made that Kohl's touts itself as an environmentally-friendly and community-minded business entity, so maybe a letter should be sent to Kohl's directly. The Commission members concurred.

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Mr. Rogers suggested that from the town's perspective, the Kohl's project is a good, clean ratable and in this day and age, with the budgetary constraints imposed by Trenton, an increase in revenue by the addition of a ratable is a positive, helping to stabilize the township's tax rate.

There was a lengthy discussion of the manner in which Neptune Township applies the stormwater rules and the differing philosophy in how the rules are applied in Ocean Township. Dr. Souza left the meeting during this discussion.

Bob Jarosewicz, Wanamassa, advised that a lake clean-up is scheduled for Saturday, March 29, the same day as the Asbury Park Fishing Club clean-up at the east end of the lake. He asked if a pick-up of debris can be arranged; . He also advised that Fish and Game regulations applicable to lake lowerings are changing, to make it more difficult to do so.

Mr. Everson advised the public that copies of the "State of the Lake Report" report are available this evening.

There being no further comments, and UPON MOTION of Interlaken, seconded by Allenhurst, carried, that the public hearing be closed. Mr. Everson apologized for not attending the Ocean Planning Board hearing at which the Kohl's application was discussed, but stated that he was ill the evening of the meeting.

UPON MOTION of Interlaken, seconded by Deal, carried, that the meeting be finally adjourned at 8:40 PM.

LORRAINE CARAFA, R.M.C.
Commission Clerk