

**DEAL LAKE COMMISSION
MINUTES – REGULAR MEETING
FEBRUARY 16, 2023**

Due to COVID-19 the Regular Meeting of the Deal Lake Commission was held via teleconference using the Zoom Meeting Platform. The Commission Chairman called the meeting to order at 7:00 PM. After the Salute to the Flag, the Commission Clerk announced that the notice requirements of the Open Public Meetings Act C.231, P.L. 1975, were met by transmitting the notice to the Commission's official newspaper on February 2, 2022, posting where required and filing a copy of the notice with the Commission Clerk. The Deal Lake Commission meeting will be audio and video taped and will be shown on APTV, Optimum 77 and throughout Monmouth County on FIOS 28.

ROLL CALL

	PRESENT	ABSENT
Allenhurst	x	
Asbury Park (J. Toher)	x	
Deal		x
Interlaken (C. Roarty)	x	
Loch Arbour (Alt. M. Nowlin)	x	
Neptune (E. Houghtaling)	x	
Ocean (D. Brockel)	x	

OTHERS PRESENT:

Hunt Parry, Esq., Commission Attorney
Peter R. Avakian, Commission Engineer
Dr. Stephen Souza, Environmental Consultant
Jessie M. Joseph, Commission Clerk

**Resolution #23-020 – Resolution to Approve the Minutes of the Reorganization Meeting
January 19, 2023**

UPON MOTION of Ocean, seconded by Asbury Park, carried that the following Resolution be and the same is hereby adopted:

NOW, BE IT RESOLVED that the Minutes of the Reorganization Meeting of the Deal Lake Commission held on January 19, 2023 be and the same are hereby approved (Deal does not vote).

RECORDED VOTE:

Ayes: Asbury Park, Interlaken, Loch Arbour, Neptune, Ocean
Nays: None
Abstain: Allenhurst
Absent: Deal

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Resolution #23-021 – Resolution to Approve Treasurer’s Report and Pay Bills

UPON MOTION of Neptune, seconded by Interlaken, carried that the Treasurer’s Report for February 16, 2023 be approved and the bills listed authorized for payment.

BALANCE ON HAND PREVIOUS MONTH:

Manasquan Bank	\$138,024.61
NJ Cash Management Fund	42,819.24

TOTAL ON DEPOSIT	\$180,843.85
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RECEIPTS:

Borough of Deal – 2023 Assessment	\$ 1,750.00
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TOTAL RECEIPTS	\$ 1,750.00
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TOTAL AVAILABLE	\$182,593.85
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DISBURSEMENTS:

2022 Appropriations:

Clean Ocean Action – Pollution Trackdown	\$ 3,975.00
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Messinas – Goose Damage Control – 8/24/22, 10/6/222	1,050.00
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Don Brockel – Reimbursement for Weather Station, Lake Maintenance Supplies	407.52
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JCP&L	83.50
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Leon S. Avakian, Inc. – General Engineering Invoice 20589	1,020.00
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Princeton Hydro, LLC – Environmental Consulting Services, Oct-Dec. 2022	1,677.50
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Sub-Total	\$ 8,213.52
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2023 Appropriations:

Don Brockel – Storage Unit Rental, January, 2023	\$ 160.28
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Jessie M. Joseph, 2023 Water Lowering Permit (NJDFW)	2.00
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Leon S. Avakian, Inc. – General Engineering Invoices 20590, 21041	700.00
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Clean Waters Consulting, LLC – Environmental Consulting Services	350.00
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Sub-Total	\$ 1,212.28
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319H, WM18-016:	
Leon S. Avakian, Inc. – Green Infrastructure Grant, DLC17-02 – Invoice 21042	\$ 77.50
Sub-Totals Grants	\$ 77.50
TOTAL DISBURSEMENTS:	\$ 9,503.30
TOTAL BALANCES AS OF FEBRUARY 2023	
Manasquan Bank	\$130,271.31
NJ Cash Management Fund	42,819.24
TOTAL ON DEPOSIT	\$173,090.55

RECORDED VOTE:

Ayes: Allenhurst, Asbury Park, Interlaken, Loch Arbour, Neptune, Ocean
Nays: None
Absent: Deal

OLD BUSINESS

1. 2107 – 319(H) Grant – Don Brockel, Commission Chairman, reported that the contracts are signed and all of the paperwork has been received from Precise Construction, the contractor doing the rain gardens. We have received the extension of the Grant from the State of New Jersey until the end of April. We are hoping to have the project complete by then, if not we will ask for another extension until the end of September.

Peter Avakian, Commission Engineer, said that the contractor is ready to mobilize as soon as the weather permits. He gave a brief explanation of the construction timeline and again gave the locations for the rain gardens. There will also be a tree box installed in Allenhurst.

2. 319 Grant Phase I with NJIT – No Update

3. Nobility Crest – Mr. Brockel reported that there are no updates but the Township of Ocean Board of Adjustment voted down the senior facility that was planned for by the entrance to Cedar Village. If the development had passed it would have a tremendous impact on Deal Lake. He wanted to thank and acknowledge all of the residents that attended the zoom meetings to voice their concerns.

Jeannie Toher, City of Asbury Park Commissioner, read from a prepared statement, once again asking if the DLC Attorney ever sent a letter to the Attorney General asking them to enforce the clean water act against Nobility Crest.

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Hunt Parry, Deal Lake Commission Attorney, explained that the letter was not sent. At the time he couldn't get any information from the file due to COVID. The municipal offices were closed. The alternative was to send a letter to Nobility Crest and their Attorney, which was done. All of this was explained to the Commissioners at that time.

4. Shoreline Protection/Education – Mr. Brockel asked Ms. Toher to go over the two actions that were discussed today during a meeting between Dr. Souza, Jeannie and him. Ms. Toher said they talked about creating a boiler plate form to be attached to construction permits for the towns that would say any work conducted on Deal Lake waterfront may need additional permits from NJDEP. They also discussed giving the construction departments from the various towns the pamphlets that we did on the lake to residents that come in for permits.

5. Goose/Carp Remediation – Mr. Brockel said each town should be getting a letter about nests and who to alert from USDA. Surveillance starts next month of the shorelines.

Melanie Nowlin, Alternate Commissioner from Loch Arbour, spoke to someone from the Raptor Association and they are interested in taking the carp.

Dr. Souza said the best approach would be to have some of the fisherman from Belmar come and get the carp or farmers in the area that want to use them as organic fertilizer.

6. Clean Water Action – Mr. Brockel and Dr. Souza met with CWA a few weeks ago to discuss our plan of action. We need to wait until more residents are in town to do more testing.

7. Restoration of 4 lakes/ponds west of Wickapecko – Mr. Brockel reported that Ocean Township will be dredging Fireman's Pond and the back of Terrace Pond by the golf course.

8. Water Testing: Monmouth University – Dr. Adolf will be holding a Workshop prior to the Regular DLC Meeting on April 21s to discuss his most recent water testing results. His presentation will begin at 6:15 pm. Dr. Souza will co-present with Dr. Adolf.

9. New DEP Stormwater Management Grant – Mr. Brockel explained that it's a slow-moving process. He and the CFO have a meeting with the Grant people on March 7th to go over the procedures and the contract. We don't anticipate getting the contract for at least six to eight months.

Mr. Avakian and Dr. Souza would like to do a presentation in a month or two that would give a brief overview of what the project entails.

10. JCP&L Violation – Mr. Brockel has received an answer to his OPRA request from the State regarding the Notice of Violation that was sent to JCP&L. Once he and Dr. Souza review it they will determine what the next move will be.

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NEW BUSINESS

1. 2023 Algaecide and Herbicide Treatment – Dr. Souza needs to make some slight modifications to the proposal for this year's treatment.

There was a brief discussion on last year's treatment. We'll be treating the same areas that we did last year. The treatment can't start before April 1st. We are looking to do the treatment in late May, early to middle of June.

Resolution #23-022 – Authorizing Requests for Proposals for the 2023 Algaecide and Herbicide Treatment at Select location of Deal Lake

UPON MOTION of Ocean, seconded by Neptune, carried that the following Resolution be and the same is hereby adopted:

WHEREAS, there exists a need for a herbicide treatment of Deal Lake in the Colonial Terrace and Hollow Brook Cove section of Deal Lake.

NOW, THEREFORE, BE IT RESOLVED by the Deal Lake Commissioners that it hereby authorizes the Commission Clerk to advertise the Requests for Proposals for the 2022 Herbicide Treatment at select areas of Deal Lake.

RECORDED VOTE:

Ayes: Allenhurst, Asbury Park, Interlaken, Loch Arbour, Neptune, Ocean

Nays: None

Absent: Deal

2. Shared Services Agreement between the Deal Lake Commission and the Township of Ocean for Commission Clerk and Chief Financial Officer Services – Mr. Brockel gave a brief explanation of the Agreement and said that instead of paying the Commission Clerk and CFO directly for their services the DLC will now pay the Township of Ocean and they will pay the Commission Clerk and CFO. It will go through the Township's payroll system.

Resolution #23-023 - Authorizing a Shared Services Agreement between the Deal Lake Commission and the Township of Ocean for Commission Clerk and Chief Financial Officer Services

UPON MOTION of Asbury Park, seconded by Interlaken, carried that the following Resolution be and the same is hereby adopted:

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WHEREAS, the Deal Lake Commission requires the positions of Commission Clerk and Chief Financial Officer to be filled and the Township of Ocean has a Registered Municipal Clerk and a Chief Financial Officer, which they are willing to provide to the Deal Lake Commission in a Shared Services Agreement; and

WHEREAS, the Township of Ocean is able and willing to provide said services to the Deal Lake Commission for one (1) year from January 1, 2023 through December 31, 2023 with optional two (1) year renewals; and

WHEREAS, the Deal Lake Commission agrees to pay the Township of Ocean the sum of Twelve-Thousand Five-Hundred dollars (\$12,500.00) per annum for the 2023 Calendar year with no annual increase for the second and third year optional (1) year renewals for 2024 and 2025;

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Deal Lake Commission that the Commission Chairman and the Commission Clerk are hereby authorized to execute and deliver the Inter-local Services Agreement between the Deal Lake Commission and the Township of Ocean for Commission Clerk and Chief Financial Officer Services for one (1) year from January 1, 2023 through December 31, 2023 with option two (1) year renewals; and

BE IT FURTHER RESOLVED that said Agreement will be maintained by the Deal Lake Commission and the Township of Ocean and will be available for public inspection during regular business hours; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded to the following:

1. Chief Financial Officer – Township of Ocean
2. Municipal Clerk – Township of Ocean
3. Deal Lake Commission

RECORDED VOTE:

Ayes: Allenhurst, Asbury Park, Interlaken, Loch Arbour, Neptune, Ocean

Nays: None

Absent: Deal

3. Mr. Brockel reported on a project in West Allenhurst that is over 30 acres that has applied for a Wetlands Delineation Report. The property is located between Roseld, Wickapecko, Milwin Farms and the Golf Course. There is no much information or plans for the property right now but we need to keep an eye on it, as it would affect the lake.

4. Lollipop Pond – Mr. Brockel said there was a lot of action over at Lollipop Pond.

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5. Mr. Brockel reported that construction has begun over at the old Coke plant and they seem to be complying with the stormwater rules.

COMMISSIONER'S LAST WORD

Carolyn Roarty, Interlaken Commissioner, is doing a follow-up from last month's meeting where she offered to report on what she observes around the lake. This month she spoke about a great app for people who walk around the lake. It's called Merlin and when you download the app it brings up a list of birds that are indigenous to the area at different seasons throughout the year. She went on to announce that there is a wayward canoe on the western side of the railroad bridge. Don has posted it on Facebook.

Jeannie Toher, Asbury Park Commissioner, is grateful to all of the Commissioners for their support of the Deal Lake Commission working with the USDA for goose remediation this year.

Bruce Fromer, Allenhurst Commissioner, has noticed a large quantity of geese – let's stay on top of it.

Eric Houghtaling, Neptune Commissioner, reported that Neptune has completed a living shoreline on their portion of the Shark River. It might be something that could be used on Deal Lake.

Eddie Winder, Alternate Asbury Park Commissioner, spoke briefly about the "Billion Oyster Project" that he is involved in New York. He is hoping to get the project here in New Jersey. If the oyster reefs were in place before Super Storm Sandy, Staten Island and Coney Island would have been spared from the disaster that occurred.

Melanie Nowlin, Alternate Loch Arbour Commissioner, said Loch Arbour is still pushing for a tree ordinance.

Resolution #23-024 – Authorizing the 2023 Spring Deal Lake Clean-Up

UPON MOTION of Ocean, seconded by Neptune, carried that that the following Resolution, be and the same is hereby adopted:

WHEREAS, the Deal Lake Commission sponsors an annual spring clean-up to removed accumulated debris and trash from the watershed; and

NOW, THEREFORE, BE IT RESOLVED that the 2023 Spring Clean-Up be scheduled for March 25, 2023 from 9:00 AM to Noon.

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RECORDED VOTE:

Ayes: Allenhurst, Asbury Park, Interlaken, Loch Arbour, Neptune, Ocean

Nays: None

Absent: Deal

PUBLIC HEARING

UPON MOTION of Interlaken, seconded by Asbury Park, moved that the meeting be opened to the public.

Patricia Hartman, has volunteered for the water sampling and has not heard from anyone.

Ms. Toher asked her to send her information to her and she will make sure someone gets back to her for training.

James Veach, thanked the Commissioners for their service and he had questions, comments and concerns on numerous issues that were discussed this evening. Mr. Veach's e-mail with his concerns and comments is attached ("Schedule A") at the end of the Minutes.

Ms. Toher and Mr. Brockel both addressed some of his concerns.

There being no further comments and **UPON MOTION** of Neptune, seconded by Ocean, carried that the public hearing be closed. There being no further business and **UPON MOTION** Interlaken, seconded by Asbury Park, carried that the meeting be finally adjourned at 8:06 PM.

Jessie M. Joseph, RMC
Commission Clerk

From: james.veach@gmail.com,
To: deallake.org@gmail.com,

Subject: Deal Lake Commission "My public comments at last night's meeting"
Date: Fri, Feb 17, 2023 10:05 am

From: James Veach <james.veach@gmail.com>
Subject: My public comments at last night's meeting

Message Body:

The Deal Lake website states that the DLC "welcomes comments, suggestions, and questions" and encourages "public participation" in its meetings, but a stranger to your meetings would wonder about that aspiration if she/he watched last night's meeting.

While I wait to review the tape of the meeting, I want to record a few of my comments/questions while still fresh.

1. The letter to the NJ Attorney General concerning possible violations of state clean water legislation should have been promptly written and sent. The DLC leadership should have directed that this letter be delivered and left interpretation of the Clean Water Act to the Attorney General. Suggesting that the letter was not written because records couldn't be recovered due to COVID restrictions is . . . bizarre.

2. Your Mission Statement states that you strive to "provide leadership, guidance, and resources to preserve and restore Deal Lake and its tributaries as a healthy and stable ecosystem." One would think, therefore, that the proposal to build quarters for senior "Nobles" living on the "Crest" would have elicited a clear written statement from the DLC opposing this project, followed by effective advocacy by the DLC opposing this project. But I'm unaware of any official position taken by the DLC. Having individual members of the DLC appear in their individual capacities before a municipal planning board doesn't count as opposition from the DLC.

3. I'm still unclear about the changes in how moneys will be passed from the DLC to pay the DLC's Clerk and CFO. I want to listen to the tape of that brief announcement. Nevertheless, no member voted on this arrangement, at least that I know of. If this proposal means that taxpayers will be required to pay for an enhanced retirement benefit for the clerk and CFO, these arrangements should be discussed openly, and the Commissioners should vote on and own this arrangement.

4. OPRA materials obtained by the DLC should be posted immediately so that all residents can read them.

5. The discussion about proposed construction in the Roselle Avenue (?) area confused me. I couldn't understand what the proposed construction involved or where it was located but it certainly sounded like this could have a very harmful effect on the Lake's water quality and rate of infilling. I sure hope that the DLC will handle this matter more aggressively than has been the case with "Nobility Crest"!

6. Ocean Township's dredging of Fireman's Pond and Lollipop Pond may be a completely Ocean Township project, but as Dr. Souza noted, a sloppy job moving and using this sediment could harm the Lake in short order. This dredging should be more carefully discussed.

7. Finally, the DLC continues to apply for NJ state and other grants pursuant to which taxpayer funds are spent on one-off projects, like bioswales and rain barrels, but without any measurement of whether these projects are helping, hurting, or having essentially no effect on the Lake. The consultants who are completing the grant applications are being paid to do so. Residents do not hear from independent consultants with respect to grants or how they're working. Most importantly, the DLC has not set scientifically sound baselines and measurements with respect to the Lake's depth, rate of infilling, water quality, shoreline degradation, or tree canopy preservation within the DL watershed.

Perhaps these one-off projects are helping. Or perhaps they're having no effect at all. Or maybe they're hurting the Lake.

The DLC doesn't know whether this money is being put to good use or just spent for those feel-good moments that captured in the Coaster.

This resident wants baselines that work. Testing water quality in a few "hot spots" or using volunteers to collect a little water here and there, isn't getting it done.

You should be spending some of the tax dollars handed to the DLC determining which projects work and which don't.

Finally, cutting off residents trying to address issues raised during a meeting doesn't fit well with your professed desire to encourage public participation.

In that spirit, I ask that these comments be added to the minutes and posted.

Thank you. James Veach, 31 Wanamassa Pt. Road, Ocean Township.

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This e-mail was sent from a contact form on Deal Lake Commission (<http://deallake.org>)