

Group files lawsuit to force dredging project

By Brian McGinn



A local citizens' group, Save Lake of the Lillies, has filed a lawsuit against the Borough of Point Pleasant Beach looking to force the borough to dredge the lake and return it to its former condition.

Photo by CANDICE KENMUIR, THE OCEAN STAR

POINT PLEASANT BEACH — In an attempt to force the council here to dredge the Lake of the Lillies and return that body of water to its former condition, a citizens' group calling itself Save Lake of the Lillies filed a lawsuit against the borough in Ocean County Superior Court this week.

Currently, the borough owns just over 19 acres of the 21-acre freshwater lake, with 13 private owners holding deeds to the remaining 2.44 acres.

"This lake is a beautiful natural resource which the borough has allowed to be virtually destroyed," said Stuart Liberman, the attorney representing Save Lake of the Lillies. "Now is the time for action to save this beautiful lake before it is lost for the ages."

In the lawsuit, Save Lake of the Lillies claims the Borough of Point Pleasant Beach violated the conditions of a deed agreement it was required to adhere to when it acquired the lake from George Makin in 1974.

According to the lawsuit, the agreement required the borough to keep the Lake of the Lillies a "natural lake" that should be maintained in a healthy condition for use and enjoyment of wildlife of the area and "the spiritual, moral and psychic enrichment of the people of the community."

The complaint claims the Lake of the Lillies used to be healthy body of water, with an average depth of 5 to 6 feet but is now in a "degraded" condition, and silting has reduced the depth to 1 foot or less.

In the complaint, the group is asking for judgement that the borough comply with the conditions of the 1974 deed agreement and "restore the lake to a healthy condition."

The group claims in its lawsuit that a study conducted in 2000 by Schoor DePalma — then known as Bay Pointe Engineering — stated plainly that "the key to restoring Lake of the Lillies was dredging"

Beth Gaelick, a lakeside homeowner for the past 13 years and the founder of Save Lake of the Lillies, said in a written statement issued this week that it is hard to see the lake in such a condition.

"I love Lake of the Lillies and it's breaking my heart to watch it die," Ms. Gaelick said. "There have been so many awful disasters recently ... when the wildlife and environment suffer, we all lose."

She cited a massive fish kill, old turtles found dead, mature trees cut down, children getting rashes and a hazardous gasoline leak as some of the recent incidents at the lake.

"My family and I will do anything we can to get this lake dredged and bring it back to life."

Neither Ms. Gaelick nor Mr. Liberman returned messages this week seeking additional comment on the lawsuit.

In addition, the lawsuit claims an agreement the Borough of Point Pleasant Beach entered into with the U.S. Fish and Wildlife Service on Sept. 19 is invalid. According to the lawsuit, the agreement would make, "only cosmetic improvements, including removal of reeds, known as phragmites australis, through the use of herbicide and mowing."

According to the court documents, the borough claimed it was the "complete owner" of the lake and surrounding property in its agreement with the fish and wildlife service. However, Save Lake of the Lillies is claiming there are 13 property owners that have interests in the lake and the land surrounding it who were not included in the agreement between the borough and the federal agency.

The complaint also claims the agreement was reached during an executive session meeting of the council and that the public was "illegally excluded from the discussion" because the accord is not protected under any of the reasons for excluding the public from discussion.

Under these counts, Lake of the Lillies would like to see the resolution adopted Sept. 19, 2006 entering into an agreement with the US Fish and Wildlife Service and the agreement itself, deemed invalid by the court.

Ultimately, the group seeks to "compel the Borough of Point Pleasant Beach to dredge Lake of the Lillies and restore it to its natural state."

This week, Point Pleasant Beach Mayor Thomas Vogel said he was surprised by the news of the group's intention to sue.

"My personal feeling is one of great disappointment," Mayor Vogel said. "We have had a very open process in terms of the status of all the borough's lakes."

The mayor said the borough has conducted several public meetings on recent lake studies and possible action taken to maintain healthy local lakes.

"The process is far from complete," Mayor Vogel said. "To see a group of individuals explore the possibility of legal action when they have the opportunity to come to the table and discuss the problem is disheartening."