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April 22, 2009

Wantage Township
Municipal Building
888 Route 23 South
Wantage, NJ 07461
Attn: Mayor Parker Space and Committee Members

Re: Friends of Lake Neepaulin / Direct Dam Assessment

Dear Mayor Space and Committee Members:

This office represents Friends of Lake Neepaulin. I am writing to update the Committee on some recent developments, and to follow-up with some of the issues raised at recent Wantage Township Committee meetings.

We are pleased to report that Lake Neepaulin was recently notified by the New Jersey Department of Environmental Protection ("NJDEP")/ Bureau of Dam Safety that they are the recipients of a conditional loan award under the Dam, Lake, Stream, Water Resources and Wastewater Treatment Project Bond Act of 2003, P.L. 2003, Chapter 162 ("Act"). According

the NJDEP, the conditional loan awards under the Act are subject to legislative approval. The matter has been referred to the Office of Legislative Services for the drafting of an appropriations bill. Sponsors are being sought for that bill. If passed in this legislative session, the funds will be available to borrowers after July, 2009. The NJDEP will require the execution of a Loan Agreement, as well as Co-Borrower Agreement from both the municipality and the lake association. Resolutions from each the municipality and the lake association must be included with the loan documents. Once the engineering for final design is approved by the NJDEP and all other conditions are met, a permit will issue for the construction of the dam repairs. Once the project is complete, the costs are certified by the Township Assessor, and the direct assessment is made pursuant to the Act.

As you know, the Township Committee has already agreed to assess the costs of the dam rehabilitation project against the residents of Lake Neepaulin, pursuant to the Act, as memorialized in Ordinance #2008-16.

It is our understanding that the Township Tax Assessor will present a preliminary proposal at the Wantage Township Committee meeting on May 7, 2009. Representatives of Lake Neepaulin will be in attendance at that meeting.

Representatives of Lake Neepaulin who have been attending regular township meetings have expressed concern that there may be some confusion over the alternative scenario³ to rehabilitation of the dam as mandated by NJDEP, which is the decommissioning of the dam, should Lake Neepaulin fail to make the required repairs. I spoke yesterday with John Rictchey of NJDEP Bureau of Dam Safety, who clarified the procedure. If Lake Neepaulin fails to make the repairs to the dam, the dam owners will be compelled to have the dam physically removed, and the lake drained. As the Friends of Lake Neepaulin will be without the financial resources to do so, the NJDEP will consider the dam abandoned, and will proceed to remove the dam. The matter will then be referred to the Attorney General's office so that reimbursement of the cost of the removal of the dam can be assessed against those affected properties. The Attorney

General's office will likely determine which property owners have an interest based on historical deeds and restrictions in each chain of title. Liens would then be placed by the State of New Jersey, most likely against all those properties in the original Lake Neepaulin development. The cost of removing a dam is significant, and John Ritchey advises that it may be as much as the cost of repair.

In order for the Wantage Township Committee to have an accurate description of the procedure and costs for the removal of the dam, I respectfully request an opportunity to bring three experts before the Committee:

- Chris Adams, P.E., President, Civil Dynamics Engineering, Stockholm, NJ. Mr. Adams is a highly respected engineer who has more than 20 years experience in rehabilitating and de-commissioning dams. His firm is currently designing the plan to decommission West Milford Lake Dam. He will discuss the procedures and costs for such a project and apply his knowledge to the cost of decommissioning Lake Neepaulin Dam which may equal or exceed the cost of rehabilitating it.
- Larry Kovar, President, Aquatic Analysts, Stillwater, NJ. Mr. Kovar is a biologist/limnologist and licensed to apply herbicides and algacides to control weed and algae growth in lakes. He also has more than 25 years experience in removing sediment from lakes and streams. He will discuss the procedures and costs of securing the appropriate permits, testing lake sediment, and removing it. He will speak specifically in terms of removing sediment in Lake Neepaulin should the lake be drained.
- Nathaniel Sajdak, Coordinator, Wallkill River Watershed Management Group (WRWMG), Lafayette, NJ. Mr. Sajdak is a biologist who is currently serving as director of WRWMG. He has been monitoring the Wallkill River Watershed for more than 10 years. His expertise lies in aquatic plant and animal life and ecology and non-point source pollution entering lakes, streams, and rivers. He will discuss the lake bottom of Lake Neepaulin after the dam is removed.

We believe it is critical that Wantage officials, as well as the members of public, be presented with all of the facts in this matter, and will await your response regarding available time to make this presentation.

Finally, we would once again like to take an opportunity to express our appreciation to the continued efforts of Mayor Space, Committee Member DeBoer and Committee Member Nuss, as

well as Administrator Doherty. As I am sure you are aware, without the guidance and support of Wantage Township, Lake Neepaulin may have ultimately faced the draining of the lake. Through the efforts of our state legislators and the support of local municipal officials, the NJDEP loan program provides that all lakes now have the opportunity to preserve the natural beauty of the community, as well as ensure the public safety and the stabilization of the individual property values for all residents. We are grateful to the Committee for your foresight in recognizing the critical nature of this project.

Very truly yours,

DOLAN & DOLAN, P.A.


Eileen McCarthy Born

EMB/ljb

cc: Tom Jabel, Friends of Lake Neepaulin, Chair, Board of Trustees
Joy Steinbacher, Friends of Lake Neepaulin, President
James R. Doherty, Township Administrator ←
Michael Garofalo, Esq., Township Attorney
John Ritchey, NJDEP Bureau of Dam Safety