

142 North Shore Drive
Wantage, New Jersey 07461
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Mr. James Doherty, Township Administrator-Clerk
Wantage Municipal Building
888 Route 23
Wantage, New Jersey 07461

Soon the Township committee will be finalizing their decision in regard to continued support for the implementation of the assessment for the rehabilitation of the Lake Neepaulin dam. Everyone on the committee, including yourself, is extremely knowledgeable about the subject, and I respect you for taking the time to educate yourselves on the matter.

Because the decision in regard to the assessment is so crucial to the future of Lake Neepaulin, I am personally taking the liberty to organize, into outline form, the arguments for the continued support of the assessment, as well as the arguments for the rejection of it, so that you might be reminded of the impact that making the right, or wrong, decision will have on our community. Some of this information will be very familiar to you, while other information might be completely new.

Please understand that my intention in presenting this information is not to persevere upon my viewpoints, nor is it to badger you into making a favorable decision for FOLN. Rather, my intent is to provide you with complete information so that you may cull and use those parts which you think are the most important to keep in mind when reaching your decision.

If you should deem it appropriate, please disperse this information to the mayor, the council members and the township attorney so that they may confidently conclude the wisest decision in regard to determining whether, or not, the Township should continue its support to implement an assessment for the rehabilitation of the Lake Neepaulin dam.

I am so grateful for the support that the Township Committee has shown thus far. Thank you.

Respectfully,

Betsy Jable

Betsy Jable

**REACHING THE RIGHT DECISION IN DETERMINING WHETHER, OR NOT, TO
REHABILITATE THE LAKE NEEPAULIN DAM**

Some citizens of the Lake Neepaulin community do not want to be assessed for rehabilitating the Lake Neepaulin dam. They feel that the organization which owns the lake (Friends of Lake Neepaulin which is also known as FOLN) has an obligation to meet the responsibility for repaying the loan in the same manner as a private citizen has a responsibility to pay for the cost of fixing or repairing his own property. These people are absolutely correct in their assumption. The owner of a piece of property is responsible for its repair, and Friends of Lake Neepaulin has already assumed the responsibility of raising \$50,000 over the years. All of this money has been applied directly to the dam rehabilitation effort. Unfortunately, however, FOLN is a small organization with approximately 125 members who often fluctuate from year to year. Therefore, it becomes very difficult for the organization to raise sufficient funds (\$750,000 to \$1,000,000) to bring the dam rehabilitation project to fruition. In fact, the task is totally impossible because "blood simply can not be squeezed from a stone,"

The State of New Jersey will not allow the Lake Neepaulin dam to remain in the condition that currently prevails because the State is concerned that heavy rainfalls could cause a breach in the dam (such as in the recent case of nearby Sparta) and the State is further concerned that a breached dam could bring much harm to the people in the community. Therefore, the State's primary goals for mandating that the dam be reconstructed are, first, to protect human beings from possible loss of life or from injury and, second, to prevent destruction to private property.

To insure that no such catastrophe ever occurs, the State has implemented two alternatives to save the community from the dangers of floods which could be resultant from a breached dam. Proprietors of small lakes, with the co-signature of their township, may: 1) apply for and obtain a loan from the State of New Jersey to fix the dam or 2) they can allow the State to drain the lake).

EXPLANATION OF ALTERNATIVE #1

The State, realizing that small associations or private owners (whether they be one, five, ten, or 125) of small lakes could never, feasibly, accumulate enough money to repair a dam, initiated a bond issue for the purpose of raising enough money to lend these people funds so that they could complete the reconstruction of their dams. This bond issue, which was placed on the general ballot in 2003, was passed by the public of New Jersey and, after the appropriate period of time, became an official State law. The approval of this piece of legislation places responsibility on the township to co-sign a loan (without this co-signature, funds will not be dispensed) with private owners of lakes so that monies, which otherwise would not be available, could be obtained to repair the outmoded dams in order to protect people and property from the danger of a flood. This piece of legislation dictates that the loan for the rehabilitation of a dam shall be repaid to the State in the same manner (through community assessment) as would the repayment of a loan for a local community improvement.

EXPLANATION OF ALTERNATIVE #2

Should alternative #1 be rejected, the State would, then, automatically commence procedures to breach the dangerous dam and would drain the lake so that no harm would come to people or property as a result of a flood. However, the State would not bear the costs for this demolition. The individual township and its citizens would be held responsible for paying the demolition expense which, in many instances, could be greater than the reconstruction expense.

In addition to the State's primary reasons for enforcing the rehabilitation of the dam, the community of Lake Neepaulin has additional concerns, unique to the community's locale, that warrant serious consideration before any action is finalized in regard to the repair of the Lake Neepaulin dam. Therefore, to reach the most prudent, as well as to reach the "right," decision in determining whether, or not, to rehabilitate the Lake Neepaulin dam, one must look at and compare all of the consequences and all of the advantages in regard to those options that are available for finding a solution to the problem of the dam.

There are four possible positions that the Township of Lake Neepaulin might take in regard to their decision: Do nothing; Allow the state to drain the lake; Postpone the repair to another time; Repair the dam as soon as possible. Unfortunately, all of the choices have some drawbacks. However, some obstacles are greater in certain choices than in others, and not all choices have equal advantages

Outlined below are the four options. Each lists the negative and positive effects they will produce on the community. You must decide the most wise and the most ethical choice to effect because the future of Lake Neepaulin depends upon your selection. You must focus on selecting the "right" action, regardless of the intensity of opposing opinion in regard to your decision.

I DO NOTHING

A NEGATIVES

1. During the time that the dam remains unimproved, a heavy rainstorm could occur which would cause the dam to breach. Possible consequences are many:
 - a The State would not look favorably upon a township that ignored a mandate to reconstruct a dam in order to save human life, to insure human safety, and to prevent destruction of private property.
 - b. It would be counter productive to refuse a loan which the State has offered.
 - c It would be imprudent to withhold support for the repair of the dam since there is no legal justification for distrusting the constitutionality of a bone-fide law (PL2003, Chapter 162), passed by the State of New Jersey, which stipulates that townships have a responsibility to give support to small lake associations (or private owners of dams) for the rehabilitation of outmoded dams that, without the township's help, would otherwise remain uncorrected and dangerous to human welfare.
 - d Denying support for dam rehabilitation when so many other New Jersey townships have already lent support to their lake associations for that exact reason would not reflect judiciousness.
 - e. Becoming fearful of implementing an assessment on a community for the repair of a dam when a State law specifies that it is perfectly legal to do so, even though the dam is privately owned, could encourage the development of devastating repercussions for the community.
 - f. Tragedy of the greatest proportion, involving loss of life, human injury, and/or property damage, could occur if the dam is not repaired.
 - g Such tragedy would be irreparable.
 - h It would be unethical to place concern for the amount of money saved by refusing to rehabilitate the dam over the concern for the value of human life and safety.
 - i Individual victims might personally be confronted with the high cost of medical bills.
 - j It would be irrational to refuse to repair a structure that could cause harm to others.
 - k Individual victims could personally incur great expense for funeral arrangements.
 - l Individual victims could personally face exorbitant fees for reconstruction and/or replacement of damaged property.
 - m The Township could be sued for all resultant harm and expense.

- n Higher taxes to pay for the litigation initiated by victims would be transferred to the taxpayers of Wantage.
2. The State would drain the lake to prevent the future loss of lives, injury or property damage. Possible consequences:
 - a The taxpayers of Wantage will bear the expense for draining the lake.
 - b Deconstruction of the dam could cost as much, or more, than rehabilitation.
 - c Additional fees could accrue: paying for the creation of the design for the dam deconstruction, obtaining permits to drain the water, paying for the permits necessary to remove the lake-bed soil, paying for the permits to test the toxicity of the soil, paying for the removal of the soil from the lake, paying for the transportation of the soil to a new location (if one can even be found), paying for the permits necessary to remove the fish, paying for the delineation of the wet lands after the lake has been drained, paying for the transportation of the fish to a new location, paying for the use of the machinery to deconstruct the dam, paying for the use of the machinery to drain the water from the lake, paying for the labor to deconstruct the dam, paying for the labor to drain the lake, etc.
 - d Money would be wasted on the implementation of a negative exploit which has no capability of producing any positive results for the community.
 - e The State Attorney General's Office, rather than Township, would become the primary collector of the deconstruction fees.
 - f The Attorney General's Office would be very rigorous in enforcing repayment).
- B. POSITIVES-** Absolutely nothing, except possibly, for some people, a positive effect may be the fact that the choice:
1. Prevents the implementation of the Township assessment to rehabilitate the dam (approximately \$92 per year for 20 years)..
 2. Saves the taxpayer approximately \$2,000 over a twenty year period.

II. ALLOW THE STATE TO DRAIN THE LAKE

A. NEGATIVES

1. The future of Lake Neepaulin could be in jeopardy.
2. The taxpayers of Lake Neepaulin could be faced with more exorbitant taxes than what they would be required to pay for rehabilitation of the dam.
3. Deconstruction of the dam could cost the same or even more than it does to rehabilitate the dam.
4. A negative action will occur which will produce no positive result for the community.
5. It would be unwise to spend money on a project that is destructive rather than constructive.
6. Taxpayer money will be wasted.
7. Repercussions from non payment of the expense to drain the lake will be more stringently enforced thru the State Attorney General's Office.
8. Lake Neepaulin taxpayers will be held responsible for repayment of the debt for deconstruction.
9. Well water supply in Lake Neepaulin could diminish.
10. Private expense to locate a new well water supply would be expensive.
11. Taxpayers might have to pay for the transport of municipal water into the community if additional water is not located.
12. Ground water pollution could increase and could contaminate the drinking supply.
13. The Township could be sued if the well water supply is depleted or polluted as a

- result of the lake having been drained.
- 14 Taxpayers will pay the litigation fees.
 - 15 A valuable backup source for fighting raging fires will be gone.
 - 16 Valuable time would be wasted in traveling to a further location to obtain additional water for fire suppression.
 - 17 Containment of flames from property to property would be difficult and fire would proliferate, causing widespread destruction.
 - 18 The safety of humans would be sacrificed.
 - 19 Multiple human lives could be lost.
 20. The Township could be held liable and sued for the fire destruction if the lake was not available to quickly obtain additional water.
 - 21 Taxpayers would pay the litigation fees.
 - 22 The money already use to construct and place a dry fire hydrant by the lake in order to protect the community would be wasted.
 - 23 Fire insurance rates of Lake Neepaulin residents would likely increase.
 - 24 The environment around the lake (for which the community was named) would return to the unsightly condition it experienced fifteen years ago because FOLN would disband and the members of FOLN would not be available to serve as caretakers.
 - 25 The entire community image will revert to its former negative image.
 - 26 Outsiders would, once again, refer to Lake Neepaulin as "the armpit of the world."
 - 27 Outsiders would, once again, perceive and refer to the residents of Lake Neepaulin as "second class citizens," too poor to buy in another community.
 - 28 The humiliation of admitting that one is a resident of Lake Neepaulin would, once again, prevail.
 - 29 People would become hesitant to buy a house in the Lake Neepaulin community.
 - 30 Property values would de-escalate if the home market plummets..
 - 31 The fair market price from selling a home will be unattainable.
 - 32 Profits from home sales would be minimal.
 - 33 Realtors would, once again, avoid showing homes to prospective buyers because the realtors will not profit from a sale.
 - 34 Home sales could stagnate.
 - 35 Many homes may never even sell at all.
 - 36 Sellers may not be able to relocate exactly when they want, or when they need, to move.
 - 37 The environment of the entire community would change.
 - 38 Repair, renovations and remodeling of homes would be ignored.
 - 39 Shack like conditions could become profuse.
 - 40 First time buyers and lower income home buyers would multiply.
 - 41 Commitment to the community, involvement in the community and concern for the community's future success would likely dissipate.
 - 42 Township rateables would decrease.
 - 43 Current amenities could disappear because Township funds are not available.
 - 44 Higher taxes may be implemented to restore already existing amenities.
 - 45 New amenities might have to be sacrificed.
 - 46 People who are inconvenienced, who have lost employment because of the inability to move, or who have to pay higher taxes for currently existing amenities may sue the Township.
 - 47 Taxpayers would pay the litigation expense.
 - 48 A most valuable, life-giving and endangered resource (water) would be carelessly and needlessly destroyed .
 - 49 Wildlife would be displaced and would have to relocate or else be relocated.
 - 50 Wildlife would be killed.
 - 51 The natural environs would be destroyed.
 - 52 The watershed could be negatively effected from Lake Neepaulin clear down to the

Hudson river where the water empties.

53. A five year waiting period would be put into effect before any mucky soil could even be removed from the drained lake.
54. A muddy pit would exist in the center of Lake Neepaulin.
55. Marshlands would remain in perpetuity because of the natural springs existent in Lake Neepaulin.
56. It would be illegal to build any type of construction on the wetlands.
57. Inquisitive children exploring the wetlands may become injured.
58. The Township could be sued for any occurring injury.
59. The taxpayer would pay the cost of the litigation fees.
60. An abundance of mosquitoes could breed in the marshlands.
62. The Township could be sued for the health problems that develop from the draining of the lake.
63. The taxpayer would pay the litigation fees.
64. FOLN would disband.
65. A recreational facility, necessary to redirect community youth away from destruction and negative activity, would be removed.
66. Juvenile delinquency could increase.
67. Recreation for adults, which helps them relax from a long drive and a hard day at work, would be gone.
68. The sport of fishing, loved by so many enthusiastic anglers, would no longer be available.
69. Social activities which have provided "Golden Agers" with companionship, purpose to life, stimulation and activity would become extinct, forcing "Seniors" to a solitary life behind closed doors.
70. Young mothers, seeking an opportunity to experience necessary adult companionship during the day, would have a more difficult time finding adult socialization.
71. Tiny tots would lack opportunities to enjoy playgroup activities and to make friends and socialize with other children of their age group.
72. Children and youth would be denied the opportunity to interrelate with other people of different ages, different races, different status and different beliefs which would suppress their development of good interpersonal skills.
73. The high pitched squeals of laughter emanating from children on the beach who are experiencing good, clean fun would be forever silenced.
74. A community spirit which, more than likely, can not be easily rivaled by any other community would become non-existent.
75. The organization of Friends of Lake Neepaulin, which exists primarily because of the presence of the lake, would, very likely never be formed again.
76. All the time, effort, money, and improvements that FOLN has given to the community over the past eleven years would be wasted.
77. With the disbandment of FOLN, many valuable community contributions sponsored by FOLN would disappear.
78. Charitable services subsidized by FOLN (Thanksgiving dinner donations; Christmas toy donations; food pantry donations to churches and local soup kitchen facilities; canned soup donations to Head Start; monetary donations to the Fire department, First Aid Squad, Katrina victims, and Habitat for Humanity; lend-a-hand assistance to the elderly, dinners provided to the grieving and ill; educational scholarships to graduating seniors; clothing donations to individual needy families; invitations to boy scout groups, girl scout groups, day care centers, battered women's shelter for free day of fun at the beach; Halloween, Christmas and Easter Programs which all distribute free gifts to participating children) would evaporate from the Lake Neepaulin scene.
79. Community service programs (community garbage clean-ups; Neighborhood Crime Watch; educational presentations; painting of storm drain warnings; lobbying for

storm drain, dry fire hydrant, and bumper strip installations; etc.) would also disappear.

80. If the lake is drained, it would remain that way in perpetuity for the expense would be far too great to, sometime in the future, build up all that has been destroyed.

B. POSITIVES- Absolutely nothing, except possibly, for some people, a positive effect may be the fact that that the choice:

1. Prevents the implementation of the Township assessment to rehabilitate the dam (approximately \$92 per year for 20 years)..
2. Saves the taxpayer approximately \$2,000 over a twenty year period.

III. POSTPONE THE REPAIR OF THE DAM TO ANOTHER TIME

A. NEGATIVES

1. The State may not be so quick to offer Lake Neepaulin a second opportunity for another loan
2. Individuals may no longer be available to write the applications and to devote the effort to obtain another loan.
3. Costs of labor and materials would double or triple in the future.
4. The assessment for dam rehabilitation would be far greater than approximately \$92 per year.
5. Postponing rehabilitation would lengthen the confrontation and would do nothing to resolve the problem.
6. Economic times could be even worse than today and people may struggle even more to pay the assessment.
7. It would be immoral for today's generation to shun its responsibility onto the generation of tomorrow.
8. The State might drain the lake before Lake Neepaulin had the chance to apply for another loan.
9. An opportunity to "purchase cheap household insurance" to protect the community against a plethora of repercussions would be lost.
10. It would be injudicious to turn down an opportunity to protect the community when a constitutional law provides a feasible and legal way to rectify the problem, which if left unattended, could destroy the community.
11. The continuation of playing "ostrich" by hiding one's head in the sand would cause much suffering and many consequences to the residents of Lake Neepaulin.

B. POSITIVES- Absolutely nothing, except possibly, for some people, a positive effect may be the fact that the choice:

1. Prevents the implementation of the Township assessment to rehabilitate the dam (approximately \$92 per year for 20 years)..
2. Saves the taxpayer approximately \$2,000 over a twenty year period.

IV. REHABILITATE THE DAM AS SOON AS POSSIBLE

A. NEGATIVES- Absolutely none, except possibly, for some people, the negative effect may be the fact that the choice:

1. Forces them to pay approximately \$92 per year for 20 years to rehabilitate the dam..
2. Commits them to spend approximately \$2,000 over a 20 year period to repair the dam.

B. POSITIVES-

1. All threat to human life and injury would be removed.
2. All threat of property destruction would be eliminated.
3. All Township liability for injury and destruction caused by an unrepaired dam would be removed.
4. All future litigation initiated by victims of a breeched dam would be non existent.
5. The dam problem and controversy, which has existed forever, would be resolved and put to rest forever.
6. All negative repercussions, described previously, would be completely removed and

would no longer pose a threat to the Lake Neepaulin community.

7. The Lake Neepaulin taxpayers would have saved themselves a "bundle of money," far in excess of the \$2,000 they thought they saved by not repairing the dam.
8. The State of New Jersey would not drain the lake.
9. The lake would continue to be viable and would bring a positive image to the community.
10. The future of Lake Neepaulin would develop from a point of strength rather than from a position of negativity.
11. Although residents would have to pay an assessment for rehabilitation, they would be spared an even more exorbitant cost which could come from the demolition of the dam, litigation fees for damage to victims, loss of human life, destruction of property, lack of a water supply, inability to suppress raging fires, lack of profit in selling real estate, stagnation of house sales, inability to move in a timely fashion, pollution, transportation of municipal water, demise of recreational and social activities, etc., etc.
- 12... Well water supply would not be so scarce.
13. Water for fire suppression would be readily available.
14. Property values would remain consistent with other communities.
15. Township rateables would not decrease.
16. The \$2,000 spent over a 20 year period to rehabilitate the dam would be recovered many times over.
17. The rehabilitation of the Lake Neepaulin dam would become a "down-payment" for the purchase of a successful tomorrow in Lake Neepaulin..
18. The Township committee will have done the "right thing" for the community they serve.