

**MINUTES OF THE SPECIAL MEETING OF THE MAYOR AND COMMITTEE OF  
THE TOWNSHIP OF WANTAGE, HELD AT THE HIGH POINT REGIONAL HIGH  
SCHOOL AUDITORIUM, 299 PIDGEON HILL ROAD, WANTAGE, NEW JERSEY  
ON JUNE 1, 2009**

Mayor Parker Space called the meeting of the Mayor and Committee of the Township of Wantage to order, and requested the Clerk to call the roll. Upon roll call, the following members of the governing body were present: Mayor Space, Committee members DeBoer and Nuss. The following member was absent: None

Also present Township Attorney, Michael Garofalo

Mayor Space stated, "This meeting is being held in compliance with the provisions of the Open Public Meetings Act, Public Laws 1975, Chapter 231. It has been properly noticed and posted to the public, and certified by the Clerk."

Mayor Space led the assembly in the Salute to the Flag.

Mayor Space explained that the purpose of this meeting was public to accept input regarding the options available for addressing the Repair of the Lake Neepaulin Dam.

Mayor Space recognized Ms. Eileen Born, attorney representing the Friends of Lake Neepaulin.

Ms. Born offered a brief background explanation regarding the issue of repairs being sought for the Lake Neepaulin Dam.

With Mayor Space's approval, Ms. Born called upon Victor Maglio, representing Civil Dynamics Engineering, who offered a presentation regarding the process for decommissioning a dam in the State of New Jersey and the anticipated costs associated with that process.

Ms. Born called upon Larry Kovar of Aquatic Analysts, who offered input regarding what he considers to be likely negative impacts of decommissioning the Lake Neepaulin Dam on fish, well water, fire response, environmental impact and wetlands management.

Ms. Born called upon Nathaniel Sajdak, Coordinator of the Wallkill River Watershed Management Group, who attested to the dedication of the membership of Friends of Lake Neepaulin to watershed management activities, and the likely impact of decommissioning the Lake Neepaulin Dam would have on the entire Papakating Creek Watershed.

Mayor Space opened the floor to those residents of Wantage Township residing in the R-2 Zone not affiliated with FOLN, who wished to speak.

Ms. Karen Merritt spoke in favor of decommissioning the dam, and offered comments on the history of Lake Neepaulin and the Friends of Lake Neepaulin.

Ms. Kathy Gorman spoke in opposition to the proposed special assessment option to pay for the costs of repairing the Lake Neepaulin dam.

Mr. Barry Storms asked for clarification on how the decision would be made regarding who would receive a special assessment, and stated a belief that the taxpayers should have a say about the decision made.

Mr. Rocco Russo suggested that if the cost of repairing the dam were divided among the 100 – plus members of the Friends of Lake Neepaulin, the cost burden for fixing the dam would not be unreasonable. Mr. Russo expressed concerns regarding the health of Lake Neepaulin and the use of pesticides that wind up in the lake water.

Mr. Warren Wisse asked how many bids have been received to establish the cost of repair to the Lake Neepaulin Dam.

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Ms. Born explained that the time for taking bids has not yet arrived in the process, that the cost estimates have been derived by mutual investigation of FOLN engineers and NJDEP engineers who are designing the dam repair project in accordance with required specifications of the NJDEP.

Mr. Wisse questioned the accuracy of the one million dollar cost estimate.

Ms. Born stated that this was an upper limit expectation for project cost, and that if the project cost is less than one million dollars, the pay back on the loan would be calculated only on what money is actually needed, not on the whole million dollars.

Ms. Born also commented regarding the history of the court ruling from twenty years ago, and the impact of Judge Stanton's decision regarding restrictions and covenants.

Ms. Born also offered input regarding why the suggestion of Mr. Russo would not work regarding the payment of the dam repair by the FOLN membership, explaining that the state law requiring a special assessment was adopted in recognition that such a strategy would ultimately fail in situations such as this.

Mr. Tom Jable, member of FOLN and Wantage Township resident living in the R2 Zone, expressed his views regarding the positive contributions of FOLN to the Wantage Township community.

Ms. Karen Merritt offered her understanding regarding the cost estimates for repair of the dam, and expressed the belief that the statements and positions of Mr. John Ritchie at the NJDEP were being misrepresented this evening.

Ms. Pat Valentine, Wantage Township resident living in the R2 Zone, offered rebuttal comments to Mr. Jable's statements regarding the contributions of FOLN, expressed support for a town-wide cost assessment for dam repair, and refuted the concept that Lake Neepaulin was a private lake.

Ms. Jill Russo, Wantage Township resident living in the R2 Zone, expressed her views regarding recent letters which have been written by members of FOLN to the newspaper and to the attention of the governing body.

Mr. Nick Luciano, Wantage Township resident living in the R2 Zone, expressed dissatisfaction with the proposals being given consideration which would require people who do not own something to pay for its repair, likening that to socialism. Mr. Luciano asked about details regarding the escrow payment that would be required from FOLN in this matter.

Ms. Born stated that an escrow amount would be included as part of a negotiated Co-Borrower's Agreement between the Township and FOLN.

Mr. Luciano asked if taxpayers would have to replenish the escrow if it gets drawn down too low.

Ms. Born stated that taxpayers would not be required to replenish an escrow account.

Mr. Edward Caporuscio, Wantage Township resident living in the R2 Zone, asked what would happen if the cost of the project exceeded one million dollars.

Ms. Born stated that the statute envisions that all of the costs would be paid by special assessment, and if necessary, would go back to NJDEP for additional loan funds, and the statute requires that all property owners of Lake Neepaulin pay back the costs.

Mr. Caporuscio expressed unhappiness with being asked to bail out private entities.

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Mr. Frank Galligan, Wantage Township resident living in the R2 Zone, expressed the belief that paying for the repair of the Lake Neepaulin dam is no different from being asked to pay taxes for school costs.

Mr. Michael Schick, Wantage Township resident living in the R2 Zone, asked for details regarding the notification process for this issue.

Administrator Jim Doherty responded.

Mr. Schick expressed unhappiness with the extent of outreach and effort by the Township in this matter.

Mr. Schick asked if FOLN can pick up part of the dam repair cost and debt repayment.

Ms. Born answered that all members of the association who are property owners would be assessed the same way that the other property owners of Lake Neepaulin are assessed.

Mr. Schick inquired if the financials of FOLN had been reviewed to see if FOLN could contribute to the costs.

Ms. Born stated that this information is available from Mr. Jable and outlined several of the on going cost factors of the association. Ms. Born stated there is nothing in the statute that envisions FOLN paying for the costs.

Ms. Julia Heiden, Wantage Township resident, refuted claims that Lake Neepaulin was not clean.

Ms. Ann Perry, Wantage Township resident living in the R2 Zone, offered statements in opposition to the special assessment option.

Ms. Rebecca Fitzgerald, Wantage Township resident living in the R2 Zone, offered a statement of support for FOLN and expressed her support for efforts to save Lake Neepaulin.

Ms. Gorman asked for clarification regarding statements made by Ms. Born, specifically with respect to whether or not Ms. Born has expressed a position that the residents of Lake Neepaulin are part of a private Lake Association.

Mr. Doherty stated his belief that Ms. Born was expressing the difference between a public lake owned by a government entity, and a private lake in the hands of private property ownership. Mr. Doherty encouraged Ms. Gorman to speak directly with Ms. Born for any further clarification regarding statements made.

Ms. Gorman asked if the residents of Lake Neepaulin were part of a lake association.

Mayor Space stated no.

A Wantage Township resident living in the R2 Zone stated that while she is not a member of FOLN, she nevertheless supports efforts to repair the dam, and does not want to see the lake drained.

Mr. Russo expressed the belief that if the FOLN membership cannot pay for the dam repair, then the Township ought to take over ownership of the Lake.

Mr. Robert Heiden, Wantage Township resident, expressed support for repairing the dam and favors a town-wide cost assessment.

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Ms. Jo Ann DeMaria, Wantage Township resident living in the R2 Zone, expressed concern regarding historical problems with septics, expressed a belief that the water in the lake is polluted, and expressed support for a town-wide assessment to fix the dam.

Mr. William Gettler, Wantage Township resident, expressed disagreement with comments made by the speakers introduced by Ms. Born; took issue with the position of the attorney as it relates to the special assessment statute; offered his views on the history of the lake; and expressed the opinion that the membership of FOLN should pay for the dam repair as the owners of the lake.

Ed Weissman, Wantage Township resident living in the R2 Zone and FOLN member, stated his belief that it was both appropriate that money be spent to fix the dam; that decommissioning the dam and draining the lake is not a realistic option; that continuing with FOLN in ownership of the lake is the proper choice.

Kathy Denheyer, Wantage Township resident living in the R2 Zone, offered comments stated that no legislators are correct a hundred percent of the time, sometimes you have to listen to the people.

A FOLN contributor expressed support for the Lake and the efforts of FOLN.

Mr. Tom Gilmore, Wantage Township resident living in the R2 Zone, asked if a special assessment were imposed, would it be possible for a property owner to pay it off all at once.

Mayor Space and Mr. Doherty responded yes.

Ms. Dawn Mugno, Wantage Township resident living in the R2 Zone, wondered how the cost of repairing the dam increased so much over a short period of time, and expressed concern regarding over all tax costs in the Township, and concern that the special assessment would be a tax lien.

Ms. Mary Rose Castro, Wantage Township resident living in the R2 Zone, expressed disappointment at the animosity being shown toward the governing body and members of FOLN this evening; offered comparison between Highland Lakes and Lake Neepaulin; suggested that the public should learn from the testimony of the experts who spoke this evening rather than on emotional reaction, and commented on likely impact of property values if the lake is drained.

Mr. Jable offered rebuttal comments to refute claims that Lake Neepaulin is polluted.

Mr. Matt Toy, Wantage Township resident living in the R2 Zone, suggested that there are differences between Highland Lakes and Lake Neepaulin, and expressed the belief that the members of FOLN are not inclusive of the entire community when they conduct their activities.

Marie Dopson, Wantage Township resident living in the R2 Zone, asked what happens if the lake is sold; if the lake is drained, who would own it; and wondered regarding liability exposure.

Mr. Doherty explained that, to date, discussions he has had with individual members of the governing body indicate their desire to include a provision in any co-borrower agreement to be signed that would require costs over a million dollars to be paid by FOLN, and a provision that would require repaying the special assessment charges prior to the ownership of the lake realizing any profit from sale of the lake.

A resident of Wantage Township living in the R2 Zone, asked if the lake gets drained, who is responsible in terms of liability if some one is injured.

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Mr. Doherty stated that whoever is the owner of the property when an injury takes place would have liability exposure in response to the situation.

The resident asked if the land is Township-owned, would there be liability for an injury sustained.

Mr. Doherty stated that any time an individual gets injured on Township-owned property, the likelihood is that there would be a lawsuit against which the Township would have to defend.

Ms. Maryann Shevlin expressed support for the activities of FOLN within the community.

Ms. Jo Smith, Wantage Township resident living in the R2 Zone, expressed concern over revenues that could be lost from tax assessment reductions if the lake is drained.

Mr. Chris Barnes, Wantage Township resident living in the R2 Zone, suggested the need to use a small town attitude toward paying for necessary improvements within the community, and for the residents to come together in support of preserving Lake Neepaulin.

Ms. Christine Feoranzo, Wantage Township resident, offered comments regarding difference in liability exposure regarding whether a person drowns versus if a person is injured in a park.

Mr. Garofalo stated that he could not speculate on that difference. Mayor Space indicated that liability exposure involves ownership rather than use.

Ms. Feoranzo asked if a town wide assessment is being considered.

Mayor Space stated that this was an option on the table and the governing body would give it due consideration along with all options presented.

Ms. Feoranzo expressed her beliefs regarding issues of private ownership, public ownership, and impact of who the State of New Jersey would seek reimbursement of costs from any decommissioning of the dam.

Mr. Garofalo stated that he was not in a position to speculate beyond the fact that the State would pursue reimbursement from whatever parties they could, to whatever extent they could.

Ms. Feoranzo requested that the governing body look over this issue very carefully before making a decision, and took issue with some of the written comments made by FOLN in support of the dam special assessment.

At this time, Mayor Space thanked every one for their input, and stated that the governing body would take a five minute recess.

After recessing, Mayor Space called the meeting back to order and indicated his belief it was time to come to a decision on this issue.

Mayor Space commended FOLN for their efforts and accomplishments. Mayor Space stated that some residents wanted to have this question put on the ballot for public input. However, in reviewing this possibility, Mayor Space checked with the County Clerk who informed him that it was not allowable under state law to hold a special election for only the residents of Lake Neepaulin within the R2 Zone, so that was not an option.

Mayor Space stated that it was difficult for him to assess a special tax assessment, pointing out that it is the NJDEP who has threatened enforcement action on this matter, not the governing body, so it would be preferable for the State to impose a special assessment rather than the Township to do so. Mayor Space concluded that he is not in favor of assessing a special assessment for dam repairs.

Ms. Nuss said she does not support a special assessment for dam repairs.

Mr. DeBoer reminded all present that this issue started several years back, and at first, the governing body said no for the very same reasons they were saying no tonight. Mr. DeBoer expressed the belief that it was the NJDEP bringing this issue up for action. Mr. DeBoer stated that he does have concerns regarding negative impact on property values and well water if the lake is drained.

Ms. Nuss stated that she had visited two lakes which had been drained, and that after doing so, she now has a comfort zone regarding the likely cost impact of decommissioning the dam at Lake Neepaulin.

Mayor Space made a motion to authorize the Township Attorney to prepare an ordinance to rescind Wantage Township Ordinance 2008-16, for the purpose of withdrawing the Township's commitment to co-sign a loan with the Friends of Lake Neepaulin and impose a special assessment to repay said loan. Ms. Nuss seconded the motion. Upon roll call,  
**Ayes:** DeBoer, Nuss, Space **Nays:** None **Absent:** None **Abstain:** None

There being no other items for consideration at this time, Mrs. Nuss moved to adjourn the meeting. Mr. DeBoer seconded the motion. Upon roll call,  
**Ayes:** DeBoer, Nuss, Space **Nays:** None **Absent:** None **Abstain:** None

Mayor Space declared this meeting to be adjourned.

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James R. Doherty, Administrator/Clerk