
Public Hearing

before

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

SENATE BILL No. 1714

*(Appropriates \$135 million to the Department of
Environmental Protection for dam, lake, and stream projects)*

LOCATION: Jefferson Township Municipal Building
Jefferson Township, New Jersey

DATE: November 3, 2000
1:00 p.m.

MEMBERS OF COMMITTEE PRESENT:

Senator Robert E. Littell, Chairman
Senator Anthony R. Bucco

ALSO PRESENT:

Senator Gerald Cardinale
Assemblyman E. Scott Garrett
Assemblyman Guy R. Gregg



Lucinda Tiajolloff
*Office of Legislative Services
Committee Aide*

Rosemary E. Pramuk
*Senate Majority
Committee Aide*

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SENATOR ROBERT E. LITTELL (Chairman): Would everybody please take a seat?

Good afternoon.

This is a meeting of the Senate Budget and Appropriations Committee. I want to acknowledge some people first, and then we'll get started with the testimony.

Senator Bucco and I have introduced a piece of legislation, S-1714, to deal with the need for dam inspection and dam design and dam repairing of the engineering so that your dams can be put back in first-class shape.

Senator Bucco has to his left Senator Cardinale of Bergen County. We welcome him here. And to the right, we have Assemblyman Scott Garrett from the 24th District and Guy Gregg from the 24th District.

Let me first call up the Mayor of Jefferson Township, Russ Felter and Michael Sanchelli, so I can thank them and let them know how much we appreciate the hospitality here today.

Would you like to testify, Mayor?

MAYOR RUSS FELTER: Yes, I would.

I think Councilman Sanchelli would like to, too.

Right now, we're just trying to turn up your microphone a little bit so we can get some more volume in here.

Somebody talk into the microphone.

SENATOR LITTELL: I want to tell you, the last meeting we held, the microphones didn't work at all, and the meeting only lasted 15 minutes.
(laughter)

MAYOR FELTER: First of all, we'd like to, on behalf of Jefferson Township and all the affected towns, welcome you here and thank you for coming, Senator Littell, Senator Bucco, Senator Cardinale, and Assemblyman Garrett, and Assemblyman Gregg.

We're here today to speak in support of this bill 1714. During the storm of August 12, 2000, we had, as you know, extensive damage done to our town -- flooding. We had extensive damage done to dams, which are privately owned here in town. We also had a considerable amount of siltation, which has filled in some of our lakes -- three, four, five feet, depending on what lake we're talking about. And a lot of those lake communities aren't positioned on their own to correct that situation. So this bill will go a long way in helping us get financing for those areas.

And that would be about all I have for right now.

Mr. Sanchelli, if you could--

MICHAEL J. SANCHELLI: Yes.

Senator Littell, Senator Bucco, Senator Cardinale, Assemblymen Gregg and Garrett, and your hard-working staff, who is also here--

As you know, and everyone knows, we talked about the damage from the August 12th, August 13th storm in Jefferson Township. And as a Jefferson Township Councilman, along with my colleagues, I fully support this bill and applaud your dedication to improving our waterways and the safety for all the residents of not only our township, but for every township in New Jersey. And you have our support 100 percent.

That's all.

Thank you.

SENATOR LITTELL: Thank you very much.

How much did the damage add up to in Jefferson Township?

MAYOR FELTER: What was the final number, Mike? (no response)

Well, \$425,000 is what we used to fight the storm, to repair roads -- for our fire departments and the rescue squads. Personal properties were into the millions here in town. I know on a personal level, I had about \$25,000 done to my house. We keep finding things.

We just had a bridge we had to close over Lake Hopatcong, which we're going to have to totally dismantle. The county is going to come in. And we think that will be out of commission for 10 to 12 months. We reinspected some other bridges.

So there's considerable damage. And we're still finding-- This bridge didn't get closed until two or three weeks ago, which was about two months after the storm. So we're into a lot of money here. And any help we can get we would greatly appreciate. And anything we can do to help, we would be glad to.

Again, thank you for coming, and thank you for your support.

SENATOR LITTELL: It would have been a lot cheaper to repair the damage ahead of time.

MAYOR FELTER: Yes, it would have. We actually were, I think, the first town in New Jersey to take advantage of the loan program. We cosigned for a loan here at Lake Swananoa about two or three years ago. The work was complete. Unfortunately, we had a problem with the dam. We

almost lost it during the storm. It needs considerable repair. So we're a little concerned about that.

But we have two or three other dams in town which need some work which we're very glad we didn't lose during the storm. It would have--

I know Sparta certainly would have liked the repairs and inspections done sooner. And hopefully, we'll get the money to be able to do this and avoid-- Hopefully, we never see anything like this again. But if we do, at least we're prepared -- the dams are able to hold back the waters -- we don't have to have another hearing like this.

MR. SANCHELLI: Senator, and also the people-- What people should understand also is dealing with the DEP, as I do daily with my job with the county-- They need the help. They need the staffing to get these jobs done. And this bill will supply that for them. And people should understand that not only is this for relief, it's also to help us get the staffing out there to get these dams inspected and get everything repaired.

Thank you, Senator.

SENATOR LITTELL: Thank you.

Let me just explain so everybody knows what the bill does. The bill provides \$135 million. It presently says for three years. We intend to change that to five years. That's \$27 million a year for Dam Safety to send out to whoever's applied for it if they qualify.

If it's a publicly owned facility, it will be in the form of a grant, which is not refundable to the State. If it is a private lake community, it's a 2 percent loan for 20 years paid back by the association or whoever applies for the loan.

In the event that there is a default on the payment, the municipality has agreed to charge an assessment for benefits to those property owners it defaulted.

We need to modify and make sure that the engineering and the permitting that needs to be done before people can get started should be part of the loan program.

We're scheduled to hire no less than nine additional engineers for the Department, and that funding is part of the legislation.

So I think if anybody has any questions, we can get you more detailed information after the hearing.

Next we have my opening statement, which I'll try and breeze through -- and Senator Bucco's statement.

I want to take this opportunity to thank everyone for joining us today as we examine the crisis in our state -- faces, regarding the condition of our dams. There are 1600 dams in New Jersey, and of those, 187 are considered high-hazard dams, meaning their failure would likely cause loss of life and major property damage. We have 372 significant-hazard dams, which, if they were to fail, we would experience serious property damage.

With lives and property at risk, it's our responsibility to take every precaution to ensure the integrity of our dams and the safety of those in the surrounding area.

The floods that hit our area this past August demonstrate the fragile condition of New Jersey's dams. During the storms, four dams failed, and twenty-one dams were damaged. And that contributed to massive flooding

that caused approximately \$200 million worth of damage to homes and businesses in the area.

In my district, there was over \$100 million in damage. That primarily affected Sparta, Franklin, Hardyston, Ogdensburg, Newton, Byram, and Stanhope and other areas that were downstream in Sussex County. Clearly, we need to do that with our power to address the dangerous situation that exists within so many of our dams.

That's why Senator Bucco and I have sponsored S-1714, a measure that will provide \$135 million over a five-year period for the repair and rehabilitation of the state's dams.

In addition, this legislation will require the Department of Environmental Protection to hire at least nine additional dam inspectors. Once the dams are repaired, it is essential that they are inspected on a regular basis. So I expect that will be a permanent hiring.

Today, we're holding a public hearing to gain input from the most affected by these devastating floods. Hopefully, this legislation, combined with the input of local officials and residents, will help us determine how best to move forward on this issue so that this type of calamity can never happen again.

I also want to point out that Rutgers Cooperative Extension Service of Sussex County has a booth outside. And they have some excellent information. If you take the time and stop and pick that up, it may be very helpful to you.

Senator Bucco.

SENATOR BUCCO: Thank you, Senator Littell.

First of all, I'd like to thank the Mayor and Council for opening up their meeting room to us so that we can have this hearing today.

So I thank you, Mayor.

Also, I'd like to welcome you to the 25th District, my district.

The State of New Jersey's dams are at a critical point. And residents in this area know firsthand what can happen when a dam fails.

Back in August, Sussex and Morris counties were hit with heavy rains, causing dam failures and damaging about 20 others. And who could forget Tropical Storm Floyd last year -- torrential rains turned into raging flood waters, destroying homes and businesses. During Floyd, three dams failed, and twenty-one others were damaged. These two incidents highlight the fact that New Jersey dams failed when they were most needed. In fact, over the past 15 years, 51 dams have failed.

Many of these failures were due to the lack of inspections and repairs. Our dams are deteriorating, leaving New Jersey residents vulnerable to a disaster worse than Tropical Storm Floyd and the rains of August 12th and 13th.

We have been fortunate that none of these dams' failures have resulted in the loss of life. We should not wait for someone's life to be taken before we take action. We must make sure that each of the state's 1600 dams are inspected before it is too late.

And that is why Senator Littell and I are here today. We want input from those of you who know what happens when a dam fails. We also want to take this opportunity to explain exactly what we propose to do to improve this dangerous situation. We need to begin rebuilding and repairing

our state's dams to prevent future failures and protect residents from another dangerous situation.

Without the necessary improvements, our dams will continue to fail. We cannot wait for another disaster. We must repair all of our dams now.

And, Senator Littell, I thank you for calling this meeting and giving the residents of Sussex and Morris counties the opportunity to come in and discuss this bill with us.

SENATOR LITTELL: Thank you, Senator Bucco.

Next we will call on four people from the Sussex County government: Carmine Marchionda, the County Administrator of the county of Sussex; Eskil Danielson, Sussex County Emergency Management; Howard Burrell, Sussex County Freeholder Board; and Eric Grove, Sussex County Engineer.

So if you would all come up at once, I'd appreciate it.

By the way, John Moyle is here from the division of Dam Safety. He's been an outstanding individual to work with. He's always receptive to listening when there's a problem. And I wanted to thank him publicly.

Freeholder.

HOWARD L. BURRELL: Thank you, Mr. Chairman.

Thank you very much, Mr. Chairman and members of this Committee, for sponsoring this bill and for actually bringing this hearing to our area so that you could have the opportunity to hear us personally in terms of how the situations with the dams and the floods in general have affected us.

I know that this is primarily a hearing on dams, but the results of many of the dams failing resulted in some of the damage to our highways and some of our bridges.

As a result of the August 12th storm, the county of Sussex experienced significant damage to 10 bridges and four sections of two county roads, Route 620 and Route 517. At this point, the county of Sussex is estimating infrastructure repair costs, just to the roads and bridges, of approximately \$19 million.

And as we proceed, Senator, with some of the detailed work, it will probably be even more.

The night after the disaster, my freeholder colleagues and I held a special meeting and authorized \$3 million in emergency funds to respond to the needs of our county's citizens. The needs of those affected by this disaster were great. And quite frankly, the \$3 million that we authorized in emergency funds for our surplus was not enough. But that was all we could afford at the time, because that \$3 million equals approximately 100 percent of our surplus.

At the following meeting, the Board of Chosen Freeholders authorized a \$200 million ordinance for the replacement of those surplus funds and to do other things that we need to take care of right away. I think it's clear that the taxpayers of Sussex County really cannot afford that kind of expenditure.

Anything that you can do to help us out will be greatly appreciated. And so I wholeheartedly support this bill.

I just want to give that perspective. And my other colleagues will talk in more detail. But we really, really need your help on this.

Again, thank you for this opportunity.

SENATOR LITTELL: Thank you.

Carmine.

CARMINE MARCHIONDA: Mr. Chairman and members of the Committee, I echo Freeholder Burrell's comments in saying that we appreciate this opportunity, especially since you brought this hearing here to us.

While we were not here expressly to discuss the bill that's here before you, as Freeholder Burrell had stated, much of the damage that was caused was caused as a result of the dam failures. And what we've provided you, which is a companion document to that, that was presented to the Assembly Appropriations Committee earlier, is an update of the county infrastructure damage and repairs that we're currently working on.

As Freeholder Burrell had mentioned, we're faced with 14 major projects at this time, 10 of which involve bridges, 4 involving county roads. Of those 10 bridge projects, 7 involve the complete replacement of those structures.

While our estimates have been questioned, and we've discussed them, they are high. And obviously, we're very concerned about our ability to replace them in a timely fashion and to ensure that the funding is in place to do that.

Freeholder Burrell mentioned the bond ordinance. In our appearance before the local government finance board, it was very clear that Sussex County is relying on both the State and Federal dollars to come back to the county to pay for that debt service. We had agreed to front that money to begin expeditious work. But certainly, the taxpayers of the county are not

prepared to pay the debt service that would be involved with a \$20 million ordinance, which represents roughly 30 percent of the entire debt that we carry at this current time.

We would like to, on behalf of the county, express our gratitude to the Department of Transportation, the DEP, the local government finance board, the State Police, the Office of Emergency Management. All the State agencies have been tremendously responsive in assisting both us, the municipalities, and our residents all the way around. It's been a team effort of local, municipal, county, State, and Federal in pulling together.

We have with us Mr. Grove, who's our County Engineer. If there's any specific questions-- I know Mr. Danielson's here to highlight some of the emergency response issues, which resulted during that event.

Thank you very much.

SENATOR LITTELL: Thank you.

Eric Grove, County Engineer.

ERIC G. GROVE: Thank you, Mr. Chairman and members of the Committee.

Thank you for the opportunity to be able to come before you today.

As Carmine said, the document, which we handed to you, summarizes, in detail, the various projects and problems that we have. The bridges are very demonstrative in both the extent of the damage and the repairs that we have done and what we need to do. But actually, the largest project and most demanding project involves a lower section of Glen Road, which we've closed from Main Street in Sparta up and to East Mountain Road.

And that particular section is really-- That particular problem and collapse is really of a regional perspective. And that involves the Newton water main, and our road going down also affects the park. And it all interrelates to the flood waters that really came through the center of Sparta. And that's one of the most demanding and challenging projects. We're very close to hiring a geotechnical consultant. But that's only the beginning step in a long process.

Essentially, what has to be done in conjunction with this project, is looking at flood control in the short- and long-term. And even though certain work was done in the glen relative to reestablishing some kind of a channel, really I think it needs to be looked at in terms of flood control in that whole area and in other similar areas in Sussex County and probably Morris, as well. And essentially, this project, I think, is so complex and so interrelated, it's probably going to take us approximately a year and a half, I think, to really get the road back into shape. And it really involves reconstructing the whole section of the glen as you work up to the county road.

And the water main, of course, is critical, because both sections were destroyed. Not only was it in the county road, but it was also in the park, as well. So these are all interrelated in terms of water supply, flood control, and ease of transportation, emergency access, and what have you.

We're working concurrently with the Department of Transportation, NJDEP, and also in other areas, with Federal Highway. It appears now that approximately half of our projects will involve the Federal Highway Administration and not just FEMA.

So any kind of help that the State government can give to us or the locale would be greatly appreciated, because in any of these grant funding

programs, there's usually shortfalls or there's things which aren't really covered under the guise of the program.

Thank you very much.

SENATOR LITTELL: Thank you.

Eskil Danielson, Emergency Management.

ESKIL DANIELSON: I was told I had to move over closer.

Again, thank you, Senators and Assemblymen, for having us here today.

As Senator Littell himself mentioned at the Assembly Appropriations Committee meeting back in September, we did experience some serious communications problems. And the Senator specifically asked me to elaborate on those situations today.

It should be isolated or be considered isolated to this particular storm, because the same or like situations occurred in Bergen County during Tropical Storm Floyd in September of 1999.

I have prepared a written set of remarks for you. And if I can just basically paraphrase those--

We've experienced many serious disasters -- serious emergencies over the past couple years, but none the likes of August 12th and 13th and subsequently the 14th, because one of our last mud slides occurred that particular day.

During all of these events, or after all of these events, we do debriefing and critiquing of the events pursuant to guidelines from the Federal Emergency Management Agency through the New Jersey State Police, Office of Emergency Management. This results in the generation of what we call a

9544 form, which is a required critiquing of situations -- a tracking device. Every one of these, and there have been over 28 filed, 8 of them for the particular storm of August 12th and 13th-- Over 28 of these have been filed in the past year, year and a half, and every one of them have pointed out that we have very, very serious emergency services communications problems in Sussex County.

And I briefly pointed out some of these problems. Particularly during the storm, we had one occasion when we were -- one of our fire departments were evacuating 900 children from a day camp due to the threatening flood waters. The fire chief could not get through to his communications center because doughnuts and coffee were being ordered by an out-of-county fire department over the same frequency, and they could not get the emergency messages through.

During the height of the storm, we lacked communication between Sparta Township and Hardyston Township. There was the need for swift water rescue teams in Sparta. Indeed, there were 39 rescues made over the flood waters of the waters coming down the glen at the peak of the storm. We were looking for swift water rescue teams. There were swift water rescue teams sitting in Hardyston Township as part of their efforts, yet we didn't know that. We had to call in. And we called in swift water rescue teams from the Stroudsburg area in Pennsylvania to assist us in effecting those rescues. These are just a couple of little, basically, vignettes of the problems that we had.

Sussex County is an area of large expanse. And it also is a county that -- we share the emergency services functions throughout. There are six public safety answering points in the county. And these answering points are

doing a good job. And none of my remarks should be construed as needing to change that particular situation.

However, our radio system -- our hardware, particularly in the area of our fire service communications, is decades old. The technology has been improved upon so many times that it's basically a Dixie cup situation with a string attached between them. And it's a serious problem.

And I pointed out, throughout here, some of the problems. For instance, in Montague Township, where we have the potential of flooding along the Delaware River, both due to ice jams and to other types of serious storms and that -- that once the fire department is blown out to go out to respond to the Montague area, they can't even talk back to their communications center via radio. Sometimes they have to use cell phones, and sometimes the cell phones don't work. These are just a few of the problems that we are experiencing.

And I would point out the fact that the communications -- the emergency services people have been trying to get Sussex County for about 30 years to try to correct at least this fire band system. The technology has been implemented in the police area. The technology has been implemented in the EMS area, although it's being done on a basis that's uncoordinated and lacks -- what we're talking today -- interoperability. The ability that the emergency -- Federal Emergency Management Agency and the State Police, Office of Emergency Management, are looking to achieve as a goal -- that when we have an incident command set up, we're all working under the incident command system -- that when we have the incident command set up -- that we have a single set of frequencies that we can coordinate this particular emergency on.

We did not have that on August 12th. We do not have that today. We've never had that. And it's a serious situation.

Concurrent with the storm of August, all of the county coordinators in the State of New Jersey were tasked with the job of doing what we call county-wide terrorism assessment project -- program. That particular program asked us, among other things, to look at the communications interoperability and to complete a matrix of communications interfacing in our county, as well as the other 21 counties in the state. I can tell you that, essentially, our interface does not exist. We cannot adequately talk back and forth. And this was clearly pointed out during the storm of August 12th.

I'd just like to close by reading one paragraph that I think places it where it should be. Placing the onus on each municipality to endorse a system as opposed to buy into a system would seem to be a realistic approach. But that means we have to bring to the table the necessary funding. Over the past three decades, our municipalities have been perpetuating a wholly inadequate and dangerous fire radio system and have been improving their other emergency radios without serious concern for interoperability. There needs to be a highly cooperative and thorough look at the situation and a cure for this illness sought, not just a Band-Aid approach. Anything less will only perpetuate a system which is dangerous to the public and to the volunteers and professionals who stake their lives on it.

And I thank you for this opportunity.

SENATOR LITTELL: Thank you, Skip.

I would ask the staff to prepare a bill that would direct the administration to look for a method by which we can have a dedicated channel

on a statewide basis for emergency management to connect all the emergency services, police, fire, rescue, and that includes the State helicopters.

And we'll run that by the rest of the members and see how it goes.

Thank you very much for being here. I appreciate your cooperation and participation.

I want to also tell the audience that Senator Cardinale is a sponsor of a bill in the Senate. And Assemblymen Gregg, Merkt, and Garrett are the sponsors in the Assembly. I thank all of them for their participation and cooperation.

Next, Henry Underhill, the Administrator in Sparta Township; and Camille Furgiuele, Town Manger; and Thea Unhoch, Councilwoman from the Town of Newton.

The Town of Newton, if you don't know, lost their complete water supply during the storm when it washed out.

And I'll leave the miracle explanation to the one that put it together.

Good afternoon.

H E N R Y U N D E R H I L L: Good afternoon, Senators and Assemblymen.

Mr. Powell is handing out a list of all the damages that we had during the storm.

I'd like to just touch on that briefly, and then I'll speak to the dam issue.

Sparta's, I think, unique because we've been dealing with several municipalities, counties, governments, and Federal administrations. We're

dealing with the NRCS. We're dealing with FEMA, and the Federal Highway. And everybody's been very cooperative. And we're working -- but it's been very slow. So some of the numbers we have are less than firm, because every day they seem to change a little bit. We're also working with DEP. And I'll leave Camille to talk about the water. That's more her's.

But you'll see in here that we have damage from the storm that exceeds several million dollars. And the very last gives you a pie chart that really details the different areas and the damages that we had.

What we're specifically interested in is that the State has agreed to pay some of the FEMA local shares. But NRCS and some of the other local matching shares that are required -- we have not had a real commitment from. So we've detailed some of those numbers in here so we can get your consideration. The Governor's Office has been working on that and has been trying to come up with it, but we have not had 100 percent commitment to those numbers yet.

As far as the dams are concerned, there are at least 12 dams that are in private ownership that were affected by the storms. Two failed, several were damaged, and some we're not sure yet, because they haven't done all their inspections.

I step back just a bit to say that the two larger water bodies that could have failed, which would be Morris Lake Dam, that is operated by Newton. They've done work over the years to make sure that held. This whole situation would have been I don't know how many times worse if that dam had gone away.

The other dam would be Lake Mohawk. And they did take advantage of this program through the State over the last year and have spent almost \$1 million. And again, if that dam had gone during this situation, it would have been many times worse.

Of the 12 dams that we do have, we're now estimating that it could reach at least \$2 million to do the corrective measure to those dams. The biggest problem we have in those situations are-- The home owners' associations are, in some cases, very small, and they do not have a near deed restriction -- things like Lake Mohawk did so that some people around the lake are members of the association and others are not.

So we are ready to do whatever we have to, as a township, to aid those associations, if the grants come through, to do the local assessment.

And I think that covers everything, unless you have some questions for me or Mr. Powell.

SENATOR LITTELL: Were you going to give us some slides there?

ERIC POWELL: We could do that if you would like to see the presentation. We could probably do it in about five minutes.

SENATOR LITTELL: Do you need the lights put down?

MR. POWELL: I'm not sure how bright-- I think it will be okay for you.

What I've prepared for you is a very basic overview of the activities that we've conducted to try to get Sparta back on track in terms of the storm.

As you all know, 14 inches of rain fell on August 12th, causing major mud slides, flood damage. It cut off residents, roads, washed out

bridges, etc. What we experienced-- Some of the heaviest damage occurred in Sparta Glen, which was a very well-known picnic area.

Presently, we're working with the National Resource Conservation Service in stream realignment, slope stabilization. We're getting into some planting of willows and doing some other things along with them. And we've been at that since the first of September. Some other locations that we did were the Old Forge Road area, which four houses were deemed completely inaccessible.

We've spent, along with FEMA and NRCS -- to realign the stream, put the road back. And those residents now have full access to their houses, as well as emergency vehicle access.

As you'll see in the handout that we provided to you, we have some major project areas that I've listed here. As I said before, Sparta Glen was probably one of the hardest hit Sparta facilities that we've had. And again, we've worked very hard to get that back to some level of normalcy. The Eagle's Nest Well housed a major supply of water to the township -- was affected by the mud slides, which we've, in turn, cleaned up and gotten our access back -- and been able to turn the wells back on.

The Germany Flats system, which is mentioned in the report, is our future supply, along with helping out with Newton's water supply. And we're presently working to get the wells turned on, get some water mains installed.

Another location in town was Station Park. It was very hard hit with the flooding of the Wallkill River, depositing silt and washing away picnic

areas. And we're in the process of getting together numbers to get that finished.

Again, I mentioned about Old Forge Road. We had major reconstruction of the river. And you can see from the before and after photos, it's two different worlds. Now you wouldn't believe that the damage had actually occurred.

Lower Main Street, which is the opposite side of the county bridge, sustained heavy damage, as well. And you can see by that picture (indicating) that the stream had no sense of where it was headed. And we've since repaired it to what you see there.

We had some minor bridge work -- that we helped the county out. This (indicating) is Edison Bridge up on Edison Road. And we also had Tomahawk Trail Bridge, which was the result of the Seneca Lake Dam failure -- washed that out, which we assisted the county in getting that bridge reopened to the local traffic.

As mentioned before, there is a pie chart in your handout that talks about what the necessary funding that we have is. We talk about Federal funding from FEMA and NRCS and other sources. We talk about the State share. We talk about insurance proceeds from our insurance policy. We also talk about some undetermined funding, because we are not quite sure whether FEMA or NRCS or any other Federal agency is going to come on board to fund the projects and the permanent restoration work.

And at that time, that's pretty much what I have for you.

SENATOR LITTELL: Thank you.

Will you please state your name, because the recorder--

MR. POWELL: Yes. My name is Eric Powell, Engineer with the town of Sparta.

SENATOR LITTELL: Thank you.

MR. POWELL: You're welcome.

SENATOR LITTELL: Would everybody please state your name and position when you come up so that she knows on the record.

MR. UNDERHILL: Yeah, I think the biggest project that we have left is trying to get the glen back into a condition where it can be used as a park again. Right now it's mostly dirt and rocks. And in the next few years, we're going to try and replant and do whatever it takes to get that restored. And that's going to be an ongoing project.

Thank you.

SENATOR LITTELL: Thank you.

I just want to thank everybody for their cooperation during the storm. It was absolutely outstanding. Everybody pulled together in the same direction. And we were able to protect the lives of the public.

Camille.

CAMILLE FURGIUELE: I think Ms. Unhoch is going to start.

THEA UNHOCH: I'm Thea Unhoch. I'm the Councilwoman from the Town of Newton. And I just want to thank Senator Bucco and Senator Littell for this bill.

The day after the storm, I went up and I saw the devastation. Newton's water pipes were just laying there. Newton was fortunate in that it did not have any damage to our residents' properties. However, we were cut off from our entire water supply.

Fortunately, Sparta came to our aid and permitted us to hook into their wells. Without their aid, Newton would have been “a dry town.”

Now, we need funding to repair and possibly relocate our water lines. The Town of Newton taxpayers cannot afford this monumental expense. Three-quarters of our tax pay -- of our tax properties are not on the tax rolls. They're nontaxable. We furnished water to the county seat offices. We have a college. We have schools, hospitals, nursing homes, and a senior citizen complex. And there's just so much we can ask of our taxpayers.

I thank you very much for the opportunity to speak.

MS. FURGIUELE: Senator Littell, Senator Bucco, Senator Cardinale, and representatives -- Assemblymen Gregg and Garrett, I want to thank you for this opportunity.

We have a different kind of swing on this. We absolutely and positively support this bill -- this Senate Bill 1714. And the different kind of swing we have on this is--

As Henry had mentioned, Newton has been very progressive insofar as their 100-year-old Morris Lake Dam, as rightly so. It is our responsibility. That dam holds back approximately 400 million gallons of water -- Morris Lake -- our reservoir. And just recently -- I'd say within the last six-to-eight months -- we did have an inspection of that dam. And thank God its structural integrity was never in question, but there were some repairs and some studies that needed to go -- to be performed to keep the integrity of the dam and the process in place.

In fact, Senator Littell called me and suggested that we put together an application for funding through the program that he had put --

that you had put in place last year. And we did submit that. And we were not approved for funding at the time.

And I say that-- Thank God there was not any structural repairs that needed to be made, because on August 12th -- that night, one of the main concerns of Sparta Township, of the county OEM, and of all of the people involved with that disaster was the structural integrity of Morris Lake Dam. If that dam went, we would have had a disastrous problem above and beyond what we already had. So we're grateful for the fact that it did hold -- that there was no problem.

We are waiting for this to pass, because we're going to resubmit our application to the DEP for those different repairs that need to be done and the studies that need to be done in order to keep it structurally sound and safe for all of the people in that community.

So we do support that insofar as Newton's position concerning the disaster in August.

We have nothing but positives to say about everything involved with that. The cooperative effort of all of the people -- OEM, Sparta Township, the DEP-- And I'm talking about an effort that came almost within 24 hours of the disaster.

And it was a major disaster for the Town of Newton. We weren't physically hurt by the storm, but we probably have a more permanent problem than most in that we're looking at being cut off from our water supply that has served the Town of Newton for 100 years.

As Senator Littell has said, Sunday morning, when we saw the condition of the glen, we saw both our 16- and 10-inch mains were totally

destroyed. We sat there and looked at a nightmare facing us. How do we bring a million gallons of water to the people of our community -- to those that work, to the courts, to the jail, to the hospitals? As Mrs. Unhoch said, how do we bring that water? By Sunday night, that miracle occurred. We found a solution. And that was a total team effort, a team effort on the part of Eskil Danielson and his group, on the part of the Town of Newton, on the part of Sparta Township, on the part of the DEP, FEMA. There were just so many people involved. By Monday evening, water was flowing back to the Town of Newton. And I'm happy to tell you that 40 percent of the people, including the hospital, were never without water in the Town of Newton even though we were cut off from our supply. And that had to do with the ability to manipulate and to take the water that was there and kind of spread it around.

We have nothing but glowing remarks to make with regard to FEMA, with regard to the State OEM, with regard to the DEP, and I don't often say that, so keep in mind -- they will attest. But I do say it now.

SENATOR LITTELL: That brought a smile to John's face, I want you to know.

MS. FURGIUELE: I'm sure.

--with regard to Sparta Township and their generosity.

It is such a wonderful example of all agencies and all levels of government coming together to serve the people of our community -- the people that need us. I said so many times, this is the time -- when there's an emergency, this is what we're being paid to do. This is what we're being asked to do by our citizens. Anybody can plow a street. Anybody can fill a pothole. Anybody can collect taxes. But when the people have an emergency and they

need to be served, that's when we need to all come together and work, and we did. And I think the State, the Federal government, the county, and the municipalities involved have shined in this.

I have nothing but good to say. We have already prepared a letter to go to President Clinton, with a copy to James Lee Witt and to Governor Whitman, with a copy to the Superintendent of the State Police, thanking them sincerely for those people that have worked with us.

And again, we are -- we have nothing but glowing things to say about working with those people. The moneys that have already been given to us -- the moneys that have been promised to us-- They have already-- FEMA and the State of New Jersey have already obligated \$775,000 to the town of Newton for the reconstruction of our 16- and 10-inch mains. And they've assured us that if it costs more -- and we have no idea at this time what it's going to cost, because we don't know where, how, and when we're going to be able to put those lines back in -- but they have already sent us our engineering money. They've sent us all the moneys -- the State and Federal government -- that we've already spent. And they are, in fact, reimbursing us 100 percent for the billing that Sparta Township is doing to the Town of Newton for the water that they're providing.

In addition, the DEP has given approval for the two wells that were brought on line on August 14th, which gave Sparta the capacity to serve the Town of Newton. Also, we've gone down and they've given us approval for one of their wells on Germany Flats to come on line so that we not only can serve the people, but we can have a plentiful flow and not be at the mercy of any other event that could come and cut either one of the towns off.

So we thank you. We support your bill. And again, I think all of you should be very proud of that fact that you have the quality of people that you have working for you on the State level, as the Federal level, the county, and the town should, as well.

Thank you.

SENATOR LITTELL: Thank you very much, Camille.

Thank you.

Next, we'll call on Marianne Smith from Hardyston Township.

M A R I A N N E S M I T H: Senator, if it would be okay, I also have Jim Armstrong, who is the President of the Lake Tamarack Association, who would offer similar contributing testimony to my statement.

Would it be all right if he--

SENATOR LITTELL: Yes, yes.

MS. SMITH: Good afternoon.

Thank you for allowing us this opportunity to share with you our concerns and support of your bill.

My name is Marianne Smith, and I'm the Planning and Community Development Director of Hardyston Township. I'm representing the Hardyston Township Mayor and Council. And on behalf of the Hardyston Township Mayor and Council, we'd like to go on record as being in support of this Senate bill -- No. 1714. Hardyston Township is the home to several lake communities, so this issue is very close to home.

As a result of the August rain, Lake Tamarack, in particular, nearly lost their dam. It was only through the vigorous efforts of emergency

management professionals and volunteers -- community volunteers and emergency management volunteers that it was not lost.

Understandably, the loss of the dam would have created untold safety issues and hazards, as well as property damage in the immediate vicinity, as well as downstream.

We agree that the proposed bill will provide the much needed funding to facilitate dam restoration and repairs and related activities. And we further agree that the funding is appropriate to provide for additional DEP staff to administer and carry out the objectives of the act.

Having said that, I'd like to also add that I am an interlocal employee. So I'd like to make a few comments on behalf of the Franklin Borough Mayor and Council, as well. They did also sustain damage to their Franklin Pond area and other related flooding problems as a result of that storm. They are in the process of undertaking several projects related to the Franklin Pond, including a dam project. But it is their intent to also offer support for the bill, because the maintenance of upstream dams in the other communities have a direct impact on their preservation of the dam and the pond and the entire community.

Thank you.

I'll pass it to Jim, who is the President of the Lake Tamarack Association and can give more details as to the exact efforts that had to take place in order to preserve the dam.

JAMES G. ARMSTRONG: Thank you.

My name is Jim Armstrong. I'm from Lake Tamarack. I'm the President of the home owners' association.

We were within one hour of losing our dam on that day. It was only the efforts of the community-- We had about 200 people out there sandbagging. We had the county emergency management people with us. We had the town fire department, the EMT squad. It was a community effort that saved our dam.

We are in the 10th year of a dam restoration project. And that's why I'm here, to basically-- We're here seeking assistance from the State to help finish our project. The estimated cost of our project is \$350,000 to \$400,000. We have applied in the past to the State for assistance in helping fund the project, but we were turned down due to lack of funds. The Association has raised \$300,000 toward the project through a special assessment of the home owners.

By the end of this year, we will have spent the entire \$300,000 to bring the project near completion. That included a grouting of the dam to ensure the structural integrity of the dam. It included the rebuilding of the bulkheads and the spillways.

To finish the project, we need to do an overlaying -- an overtopping. And the cost of that is roughly between \$150,000 to \$200,000. Each year that we wait, it takes -- it costs a little bit more to finish the project due to inflation in construction costs.

As part of this bill, I'd like to see-- I'm glad to see that you're giving more assistance or more employees to the DEP, because we found it very frustrating dealing with this entire dam project process. It took us over four years to get approval for the permits. And that alone helped raise the cost of the project.

So again, I do support the bill, and I am looking to the State to help us fund the final part of this process.

SENATOR LITTELL: What is your need right now? It's my recollection that it's somewhere around \$175,000 or \$200,000. Is that correct?

MR. ARMSTRONG: Yes.

SENATOR LITTELL: And that will finish your project?

MR. ARMSTRONG: That will finish the project.

SENATOR LITTELL: Mr. Moyle, has that money been released yet from the Floyd hurricane?

JOHN H. MOYLE: No, we have not gotten that money from the Treasury yet.

SENATOR LITTELL: You're anticipating it soon?

MR. MOYLE: The indications are that it should, probably-- Within the next month we'll have some direction how to spend that money.

SENATOR LITTELL: Hopefully, within a month, we'll have an answer for you. There is some money left over from Hurricane Floyd, at least we hope there is. And we should be able to help out with a lot of these small projects to clean them up and get them finished.

Thank you very much.

MR. ARMSTRONG: Thank you.

MS. SMITH: Thank you.

SENATOR LITTELL: Senator Bucco, do you want to take over for a while?

SENATOR BUCCO: Thank you, Senator Littell.

We have with us from the town of Denville -- the Mayor, Gene Feyl. And he brought with him his town engineer, Nick Rosania.

MAYOR GENE FEYL: Thank you, Mr. Chairman, members of the Committee, Senator Bucco.

Obviously, we support this bill. We think it's very wise legislation. However, we'd like to encourage the interpretation of the scope to be widened or widen the scope.

Flooding and dam failure is of eternal concern to Denville. When this flood hit last summer, it was barely raining in Denville, and the water was rising. And then we heard of the horrid devastation that this area here and into Sussex County had suffered. And yet Denville residents were truly unaware of what was happening, except they were being flooded and the river was rising.

Flooding and water devastation is something that happens in Denville once a year, twice a year -- certainly not to the extent that it's happened in this area, but it's something we've experienced for decades.

We are delighted that the State has taken an interest in our problem and the flooding problem of the entire region. In the past, we've really relied on a county effort and a local effort. Jim Murry, Engineer for the County of Morris, he's been very helpful in assisting us to develop local plans. I know the State is working with the Army Corps to develop an overall regional plan.

We believe there are things we can do locally, that the State Legislature can do, to at least mitigate some of our flood damage.

Dam failure to us would obviously be devastating. Anything that happens upstream affects Denville. We are at the bottom and at a plateau in the profile of the river. So what happens upstream just destroys Denville. We were waiting through this flood patiently with fingers crossed that a dam in Warden at Washington Pond would not breach. If that had happened, Denville would be under several feet of water.

We dodged the bullet this time as we watched the water rise and fall and rise and fall. And we think some efforts at the county level to raise a bridge on Diamond Spring Road -- it had a very positive impact. We think some desnagging by the Morris County Mosquito Commission had some positive impact. But had the water continued, Denville would have been devastated.

We have seven private dams in Denville that feed into the Rockaway River Basin. And there are several public dams of which we have a lot of concern. We, in the spring, did an analysis of some of the issues that we can address. And I'm going to ask our engineer to give you a copy of this that perhaps you can address through legislation or through the scope of this bill.

One is the dredging of certain high spots in the river. Now, you discussed desnagging in the bill. Perhaps desnagging can include plaining down some of the high spots to permit greater flow and easier flow through the river channel.

Skip Danielson indicated the warning system failure in Sussex County. This is something that we could use in funding to assist us in installing a warning system -- an early warning system to let residents know that a flood was imminent.

In this particular flood, I and several other members of the committee went door to door, and we told people to prepare for a flood. It was coming from the west. They said, "You've got to be kidding. It isn't even raining in Denville." And so that type of notice -- advanced notice would be very helpful to the people within the floodplain. The floodplain in Denville, by the way, encompasses about 1000 acres. A two-year flood-- We hear often the 100-year flood number. A two-year flood puts Denville's streets underwater.

There is fill that has been placed in the floodplain through construction of Route 80 and additional construction on Route 46. With good science and logical excavation, we could increase our flood storage if we had the money to do that. It is not a cheap project. It's something we feel the State should be responsible for. The State put it there. The State should take it away -- or the State's contractors put it there. We're talking about 1500 cubic yards of dirt to have a meaningful impact.

The Powerville Dam is a dam that we have great difficulty in assessing ownership to. It's a dam built during the Morris Canal area. Underlying the concrete is a wooden dam. It is the main stop in the Rockaway River from Boonton to Dover. And with some spillway activity there or some sluice that can be open, the water could be allowed to go through Boonton, which is not -- does not have a flood problem -- through the town of Boonton, into the Jersey City Reservoir a lot quicker. We really believe the Powerville Dam, and its upgrade or maintenance, is a key issue in the flooding of the entire region west of Boonton.

Desnagging, again, was performed on a limited basis by the Mosquito Commission, and they have done an outstanding job with Denville. However, their mission is mosquitos and not desnagging where there isn't a threat of mosquito infestation. So here again, we can use assistance in further desnagging of logs and debris that have accumulated in the river that are not mosquito related.

There are a number of other issues that we've addressed in our study that we won't bother you with today, because they don't go to the issue of what we feel the State can do to help us. But we would encourage the State to work with and encourage the Army Corps of Engineers to get the plan for Denville and the region completed. It is in the feasibility study stage at this point. It really is not moving with any repetitiveness. We recognize it is not a problem that Denville can solve. We really need State and Federal help to address this issue.

I was born on the river. I have lived on the river. And nothing meaningful has been done to mitigate flood damage ever, except for minor issues that the county has addressed and the State has been able to assist us with. But no major effort has ever been undertaken at the level of the Army Corps. And we're concerned that that effort is languishing now with the Army Corps. And we would encourage them to move forward.

Nick, did you have anything you wished to add?

SENATOR BUCCO: Mayor, I want to thank you for your testimony. But just a reminder to everyone, when you come up to testify, please state your name and where you're from. Some of us up here know you,

and we just take it for granted that everyone else knows you. And for the record, we'd like to have your name.

MAYOR FEYL: Gene Feyl, Denville Mayor.

SENATOR BUCCO: Okay. Thank you, Gene.

Nick Rosania, Denville Engineer.

NICHOLAS ROSANIA: Thank you, Mayor Feyl.

There's not much I can add to what the Mayor has just told you except for the fact that the people in Denville live with that constant threat of flooding and the impacts of flooding on a daily basis. Even when the storm was just starting here in the northern part of the Rockaway River, nobody had even seen rain yet in Denville. But Denville is where the profile of the river flattens out more than a half-a-mile wide in some areas. And as the Mayor had said, 1000 acres of residences and businesses are constantly under the threat of impacts of the Rockaway River.

Low-frequency storms fill the channel now. And a more intense storm like we had during Hurricane Floyd or October of 1996 -- Senator Bucco, you were there -- the bridge at Savage Road during that time and throughout history impact the whole downtown area in a significant manner.

We've done things on a local level that can be done in terms of the desnagging and river cleanups and those types of things. We've encouraged ordinances that allow for groundwater recharge, as well as detention bases -- these type of things. But it has to be remembered that Denville is suffering with a regional problem. Although Denville receives the impacts of the flooding, it's where the profile flattens out. Upstream properties don't normally have the same problem as Denville. Downstream properties don't

either, but yet, that's where the inadequate channel lies, that's where the Powerville Dam lies that could be modified.

To echo the Mayor's comments, if the State would support the Army Corps recommendations, which is large, upstream detention basins-- That will certainly help all the flood impacts along the Rockaway River, right from the top down to the bottom.

In addition to that, we, of course, support any bill that will fund the lakes and the various dams that are maintaining those lakes. These dams and lakes are also flood control items, not simply recreational amenities. And perhaps-- I know the Mayor had some thoughts on lake levels and how that could be monitored, perhaps -- lowered prior to known storms. The storm that we're talking about took everybody by surprise. But when a hurricane is coming up the East Coast, it takes more than a week, perhaps, to get up to where we are. There are certain remedial measures that can be, perhaps -- taken place and provide more storage on these lakes. And hopefully it will -- pass these suggestions on.

I know Senator Bucco has been really helpful -- a great deal for the people in Denville in dealing with the Army Corps and getting them on board. And I hope the panel finds some of our suggestions as being innovative so that we're not here -- or you're meeting in Denville someday a couple years from now and us looking for money for remedial measures after the fact. We like to try and do some of these things ahead of time.

Thank you very much for hearing us today.

Mr. Chairman, can I leave these comments with you?

SENATOR BUCCO: Thank you.

MR. ROSANIA: We have a list of some items that we'd like to leave with the panel.

SENATOR BUCCO: Yes.

MAYOR FEYL: Senator, one addition to -- comment on Nick's remarks. The lake levels are all controlled by DEP at the Trenton level. There is no authority within any agency in the State to arbitrarily lower dam levels during a storm or to prohibit lakes from opening spillways during a storm.

A number of years ago in Denville, a lake community opened its spillways in the middle of the storm because they were getting wet in the lake community, and it just swamped downtown Denville.

But there is no authority for Denville to prohibit that or to encourage it -- that perhaps if we saw a storm coming, we could ask the lakes to drop their water level by a foot. We don't have that authority, and we-- It's been indicated by the State that really no one has that authority -- but permitting process through DEP.

So, in closing, I really believe it's cheaper to mitigate than it is to remediate and pick up the pieces after. And we encourage you, through this bill and other bills, to assist us in that mitigation process.

Thank you.

SENATOR BUCCO: Thank you, Mayor.

Just one thing, Mayor. There is money available in this bill for these streams -- for the desnagging and cleaning and dredging. So that is part of this bill. And what you had said earlier about nothing really being done with our streams--

Over the years-- You're, I guess, what, 32 years old? I guess nothing has been done for those 32 years. (laughter) And that's the problem.

There was a commercial years ago, "Pay me now or pay me later." Well, it's pay-me-later time.

MAYOR FEYL: You bet.

SENATOR BUCCO: And that's what's happening.

MAYOR FEYL: Thank you.

SENATOR BUCCO: Thank you.

MAYOR FEYL: I did read that in the bill. I was just hoping that the interpretation was clear and that the drafters of this legislation make it very clear to those who will interpret and dispense the money at the State level.

SENATOR BUCCO: Thank you.

MAYOR FEYL: Thank you.

SENATOR LITTELL: Can we ask, while you're up here, Director Moyle, to address the sluice issue?

MR. MOYLE: Certainly.

As the Mayor indicated, it's true, there's no State--

SENATOR LITTELL: Just state your name.

SENATOR BUCCO: State your name.

MR. MOYLE: It's John Moyle, DEP, Dam Safety.

It's true that -- what the Mayor indicated -- that there is no standard regarding the opening and lowering of lakes during storms or prior to storm events. The Department sees that need, and we look at it as it should be something that is coordinated at the emergency management level -- that they have a set plan to implement it.

It's true, you don't want one guy opening the lake in the middle of the storm when your dam is already downstream -- may be jeopardized. So it has to be a full watershed approach. But it is something that we--

SENATOR LITTELL: Would emergency management supervise that?

MR. MOYLE: I think so.

MAYOR FEYL: At the county level or the local level?

MR. MOYLE: I think, because the watersheds go outside of the township, it should be at the county level, maybe with some coordination at the State level.

MR. ROSANIA: Is that something, John, that you could ask or that you would take the lead on -- initiating that, because we coordinated with your Department a while back. You told us that we really could not do anything at a town level besides ask for the cooperation of the lake community to do something -- that you can't go up and down with -- sort of set a chain of command by which some -- whether it was our local emergency management people or--

MR. MOYLE: Certainly, you have to have the cooperation from the lake owner. If the lake owner isn't going to open his gate prior to the storm, you don't-- There is not authority to tell him he has to. It has to be a cooperative level.

Now, can we approach State Police and try to coordinate with the county OEMs? Yes, that's something we can do. And I'll reach out to State Police.

MR. ROSANIA: Okay. Thanks a lot.

MAYOR FEYL: Thank you.

SENATOR BUCCO: Next, we have the Mayor of Roxbury, Sandy Urgo.

Sandy, please state your name.

MAYOR SANDY URGO: Hi, I'm Sandy Urgo, Mayor of Roxbury Township.

I'd like to thank all of our State legislators for coming out here today.

I just have a few quick comments.

First, I'd like to wholeheartedly support your bill and thank you for S-1714. I'm not sure whether or not \$135 million -- how that compares to the identified needs.

Based on Senator Littell's previous comments on roughly 560 dams, just counted the high-hazard and significant-hazard, I suspect -- that while it's an awful lot and it's a significant amount over last year's virtual lack of funding, it may not be enough.

I would suggest, also, that as long as we have the Senate Budget and Appropriations Committee here, which is an opportunity, that the State routinely does not budget enough to fund maintenance for lakes -- State-owned lakes in general, which has been an issue, which I know Senator Bucco's been trying to address-- If more could be done on that end, it might help maximize how much of this \$135 million makes it to the municipalities and the privately owned lakes.

I understand from reading the bill that it may be used for State lakes. And I'm not suggesting that that language shouldn't be in there, but

that the more the State can budget towards routine maintenance of their own State lakes, the further this bill will go. And there's certainly no shortfall of need.

I would also agree with Mayor Feyl's comments. I'm very interested in the issue of being able to desilt streams. We have issues with stream capacity because of several feet of siltation as a result of storms. So I would agree that the interpretations should be sure to include that.

And I do have, also, a comment on the hazard mitigation program. I believe that's a Federal program, not a State. But whatever input you might have into the way that program works-- We've experienced an issue where we had a house that, without the intervention of our fire department on several occasions, would have been a total loss, particularly in August during the storm. And while our immediate response, which was somewhat costly, is reimbursable, we now have a need to mitigate immediately prior to the winter months coming and prior to more potential storms. If we don't, what we're going to do is cause an icing situation on Mount Arlington Boulevard, which is where we're bringing the water right now.

So we have a need to immediately mitigate that problem. And unfortunately, if we go ahead and do it, as I understand it, the project will not be subject to reimbursement by the hazard mitigation program. And I would suggest that if you have any input into that program, that maybe municipalities should be able to register a project -- go ahead and do it and then seek reimbursement. There should be some way, because there's no way that this could wait until the spring, when we could get approval from that program. We're going to have to go ahead and do it, and then it's not going

to be reimbursable. And to do otherwise would be risking this home. It literally could end up in the roadway. From what we understand, it would be a total loss.

Again, thank you very much for this bill. I wholeheartedly support it. And thank you for coming.

SENATOR BUCCO: Thank you, Mayor.

Next we have, from the Borough of Mountain Lakes, the Borough Manager, Gary Webb.

G A R Y W E B B: I was going to hold my comments this afternoon.

Gary Webb, Borough Manager, Mountain Lakes.

I was going to hold my comments this afternoon, only because Mountain Lakes was not one of the municipalities who experienced the devastation of the August 12th flood. However, I think it's important for you to know that Mountain Lakes does support Senate Bill No. 1714 and the moneys that it would afford the municipalities and the associations in the state in correcting several situations, the high-hazard dams and the cleaning of lakes and streams.

I've had the pleasure of serving three municipalities in Morris County, all three of which do have high-hazard dams and who could have been in the shoes of Jefferson, Newton, and Sparta townships during the August 12th flood. However, fortunately, we did not experience that, but we do have the possibility of that. Mountain Lakes is a community of roughly three-and-a-half square miles. It has 180 acres of water, which is comprised of nine lakes, five of which have high-hazard dams. One dam in the early -- in the late 1980s was rehabbed by the borough itself -- two dams, through the efforts of John

Moyle's Department -- and I applaud those efforts -- two dams were funded. We have remaining, two dams which are on the State's top 20 list for high-hazard dams. An estimated cost would be approximately \$700,000. We're presently -- have all our -- not all our permits, but we have all of our engineering into the Office of Dam Safety. We're in the final stages before permits are released. Certainly, this type of a bill, and the moneys that are afforded this bill, would help us prevent future damage that may occur during storms.

I would like -- just one other thing -- to mention the three dams that have been corrected thus far in Mountain Lakes are downstream of the two dams that need to be corrected. So, if either one of those two dams are affected, there, in a sense, may happen -- a domino effect, which may damage work that we've previously done and work which the State has previously helped assist in and pay for.

And then finally, I would like also to say that I think the previous bills that I'm aware of, in terms of this, did not fund additional employees within the Division (*sic*) of Dam Safety. I applaud that effort. I think that's an important role for this bill to play. It's not only important for it to look at funding engineers who can look at the other dams that are not on the high-hazard list -- but take a look at those dams and evaluate them.

But I also feel it's important for a continued inspection to take place, even though municipalities are in charge of that, and we do have to do mitigation for the future. I think it's important for those engineers also to be used in the future to make sure that the dams and the work that was done is doing what they're intended to do.

So I thank you for being here also. And thank you for the opportunity.

SENATOR BUCCO: Thank you, Mr. Webb.

Mr. Chairman, what I'd like to to is maybe get away from the government aspect of this and call up Mr. Tom Dickinson from the Compac Corporation. It was one of the businesses in Netcong that was devastated with the August 12th and 13th flooding.

T O M D I C K I N S O N: Good afternoon.

My name is Tom Dickinson. I work for Compac Corporation in Netcong. And yes, we are in Stanhope. Most of our building is actually in Stanhope.

This is my colleague, Dean DeGhetto.

I just have a brief statement about our viewpoint of that disaster on the 12th.

Our company is located on the border of Sussex County and Morris County. The Musconetcong River runs under one of the parts of our building and actually separates the two counties.

Our company produces converted paper products used in the insulation industry. We employ approximately 95 persons, many who live in the communities that surround our facility.

On August 12th, the Musconetcong River flooded, causing severe damage to our facility. On the 13th, the river breached the dam behind our building, causing additional damage to the facility. The river diverted itself through the facility, and the water level in the plant ranged from three to seven feet in depth. The entire first floor of our facility was underwater, and most

of our major equipment was damaged. We lost approximately 80 percent of our inventory. Our business was shut down.

The devastation caused by that storm is difficult to describe. In addition to equipment problems, there were massive amounts of rock, mud, and debris deposited inside our building and under the building, where the river's path goes.

There was extensive structural damage to the dam behind our building and to parts of our facility. Our parking lot was destroyed, and the road and storm sewer in front of our building were affected.

Senator Littell, Assemblyman Gregg, and Congressman Frelinghuysen witnessed the damage firsthand when they visited our facility. I believe that's the last time we saw each other -- was with these big, heavy boots on our feet.

Needless to say, many hours have been devoted to restore our facility and to control the flood, protect the surrounding communities, and bring it back up to operational status. This effort has included Compac personnel, outside contractors, members of the local police and fire departments, and members of other local government and volunteer agencies.

I'm proud to report that during the disaster, there were no injuries to any persons involved in the work.

To date, our facility -- the damage to our facility is well into the millions. We were fortunate to have part of the loss covered by insurance. Unfortunately, part of the loss was not covered by insurance. Mr. DeGhetto from our office launched an extensive search to find out what types of financial assistance were available. It was disappointing to find that there was nothing

available to privately held businesses. The low-interest loans that were recommended were at rates not much better than we could get at our own bank. In addition, there was no grant money available.

In the event that legislation is enacted, we are asking that you consider the impact of this event -- that this type of event has had on businesses such as Compac.

When our employees are affected, there is a ripple-like effect to their families, communities, and surrounding businesses that they rely upon to support their lifestyles.

In addition, our business is a vital part of the tax base for both Stanhope and Netcong. Disasters of this magnitude have a negative effect on the value of our property and threaten our long-term existence in those communities. It is important that financial assistance be made available to businesses to restore them to operational status as quickly as possible.

I thank you for your time

SENATOR BUCCO: Please state your name.

DEAN DeGHETTO: Dean DeGhetto, Director of Environmental Engineering for Compac Corporation.

The only thing I'll add -- really, Tom covered it very well.

The one thing I would say is, do consider the plight of businesses, particularly manufacturing businesses, when you set up a funding mechanism both for flood mitigation and for recovery. It is very important to understand that a business like ours really has a big impact on the economics of the community that we do business in.

We were fortunate to have the financial resources and the human resources to recover quickly. Had we abandoned ship, had we said, "This is it, we can't do anything," it would have had a big impact on the town. It would have had a big impact on the other businesses in the area. So it's not just us, it's, as Tom said, the ripple effect. And that's very important to consider. As he said, I did extensive research, and all I could come up with, in terms of financial assistance, were some low-interest loans that were no more attractive than what we could get from a local bank or from the bank we do business with.

SENATOR LITTELL: Were they through the SBA?

MR. DeGHETTO: Yes, but they're sliding. The SBA loans are sliding.

SENATOR LITTELL: What about the Economic Development Authority? Did you--

MR. DeGHETTO: We did not go to the EDA.

SENATOR LITTELL: I don't know whether they cover it or not, but we'll find out.

Thank you very much. I'm glad you're back up and running and got 100 employees back in there working, because that impacts on both counties substantially.

MR. DICKINSON: We appreciate your concern. It definitely goes a long way with us.

Thank you.

SENATOR BUCCO: John Mangan.

Please state your name and where you're from, John, please.

JOHN MANGAN: My name is John Mangan.

I lost my house in the flood. I lost my whole house.

SENATOR BUCCO: Where do you live, Mr. Mangan?

MR. MANGAN: Jefferson Township.

I lost my whole house. And I go to the tax assessor to see if I could get an adjustment in my taxes. I can't live in the house. It's condemned. I've got to knock it down. And they told me I can't get an adjustment in taxes until the year 2001. But I can't get any rebate for this time of the year. It's the year 2001.

I want to know the reason why.

SENATOR BUCCO: That's not part of this bill.

MR. MANGAN: No, but--

SENATOR BUCCO: We're here to discuss this bill.

MR. MANGAN: Yes, but my house was destroyed, and I've got to pay taxes on the house that's destroyed. I don't live in it. There's something far wrong.

SENATOR LITTELL: How was it destroyed?

MR. MANGAN: By the flood.

SENATOR LITTELL: By the flood.

MR. MANGAN: Yes.

SENATOR LITTELL: And you had no flood insurance.

MR. MANGAN: I lost everything. The way I stand is the way I walked out of my house.

And I've got to pay taxes on my house, and I can't live in it.

SENATOR LITTELL: We'll check that out and see if there is any--

MR. MANGAN: The house has been inspected five times -- the building inspector from Jefferson Township, FEMA, the Red Cross, and three times by the government -- and the Red Cross and the township. My house is totaled.

SENATOR BUCCO: Mr. Chairman, last year, with Hurricane Floyd, I know we had passed quite a few bills trying to help the people in that area. And if I recall correctly, one of them, I think, was for people who had lost the use of their home -- that the taxes did not have to be paid until you did get back into that home.

Can we look into that?

And if it needs a bill for this area, I would be happy to--

SENATOR LITTELL: John, do you know off the top of your head?

MR. MOYLE: No, I'm not familiar with that.

SENATOR LITTELL: We'll check it out for you.

MR. MANGAN: What?

SENATOR LITTELL: We'll check it out.

MR. MANGAN: I have something else to say.

I went to FEMA, and they told me I have to go to the small-business people for the loan. And I signed up for the loan, but I can't get a grant. And everybody in the township I know of -- the house can be repaired if you get a grant. I was told, if my house is destroyed, I can't get a grant.

I want to know the reason why.

SENATOR BUCCO: We'll check into that for you.

MR. MANGAN: And I have to sign up for a loan for \$163,000. In another four months I'll be 69 years of age. I only get \$800 Social Security. And my mortgage would be that. Plus, I have to pay taxes, flood insurance, everything. And they give me a loan for that for 30 years?

SENATOR BUCCO: We'll check into that for you, Mr. Mangan.

MR. MANGAN: Okay. Thanks very much.

SENATOR BUCCO: Thank you.

Raymond Lomax, White Meadow Lake Property Owners' Association, Rockaway Township.

RAYMOND LOMAX: My name is Ray Lomax. I'm the General Manager of the White Meadow Lake Property Owners' Association.

I can appreciate the bill, and we do support the bill. However, I do have a concern for it.

We do have a high-hazard dam. We are classified as that. But at the same time, we've been hearing today team effort all across the board. And as far as other property owners' associations, I feel that we are, although we want to get some money, we're in a process of a dredging project right now, as well as dam repair, which is going to cost in excess of \$125,000 right now. And I don't think it is fair that property owners' associations have to apply for a loan at an interest rate when a lot of this money is already coming from tax dollars in the beginning. So we, in effect, are being taxed twice by not only paying our taxes -- but then when we go for a loan, we then have to pay interest on that.

I believe that the bill could be or should be amended to say that there should be one, some grant money available for repairs to maintain it, because you've heard today that property owners and private associations also protect the various communities. Last year, during Floyd-- Denville just talked a little bit about how much flooding they get. Our lake happened to be down 28 inches. And we held back an awful lot of water that would have ended up in Denville. We've also had the effect of having our lake pumped out, because during a drought situation, when areas needed water-- So property owners' associations are helping.

Some of our dredging is a direct result of storm sewers where sediment is being washed into our lake by the township roadways. So therefore, property owners' associations are responsible for maintaining, dredging, and doing everything. And then when they go and get a loan, they have to pay interest on that loan.

I do believe that a recommendation might be that they're allowed some grant money to assist in some of these damages or maintenance projects, as well as maybe no interest for a period of time. And if they don't make a timely payment back of the loan, then they would be charged interest rates accordingly.

But we are a team effort, and I think property owners' associations-- All people who live in private properties are not necessarily wealthy. We do have some lower-class people who have a difficult time. And by added taxation to them in the form of interest for maintaining property, is a burden for some of these people. And I do think we should all work together.

Thank you.

SENATOR BUCCO: Thank you, Mr. Lomax. We appreciate your testimony.

Charlie Weldon, Indian Lake Association from Denville. (no response) Not here.

Swannanoa Sentinal Association. Mr. Martin.

L. SCHUYLER MARTIN: Good afternoon, ladies and gentlemen, I'm Schuyler Martin from Lake Swannanoa. I'm the President. With me, to my left, is Bill Sylvernal. He's our Treasurer. I would just like to thank Jefferson Township Mayor, Council, and Administration for hosting this meeting today, and also, I would like to thank Senators Littell and Bucco for sponsoring this bill, S-1714.

It is badly needed to help both private and public dam owners rehabilitate and repair their dams, as well as improve the water quality in our lakes. It will also give John Moyle and his staff at Dam Safety the tools and resources they need to inspect and bring the State's aging dam infrastructure to a safe public level of confidence. Lake Swannanoa, as mentioned earlier, was the first private lake to receive a \$575,000 State loan from the 1992 Green Acres Bond Referendum, and cosigned by Jefferson Township.

Our lake is classified as a high-hazard structure. It's approximately 57 acres, and we have 120 members. The dams were rehabilitated in 1998, just about two years ago. And we've actually made two payments towards, I think, that State loan.

WILLIAM SYLVERNAL: I sent them the checks, yes.

SENATOR BUCCO: The check's in the mail?

MR. MARTIN: The check's in the mail.

MR. SYLVERNAL: The check's in the mail. (laughter)

MR. MARTIN: Our two dams are located along Berkshire Valley Road, a major artery between Route 15 and Route 23. On August 12, 2000, as a result of the excessive rainfall and flooding, our dams overtopped, and Berkshire Valley Road was inundated with approximately four-and-a-half to five feet of water. We enacted our newly completed emergency action plan notifying the State OEM, county, and township officials. We then spent the entire night, from approximately 5:00 p.m. to 3:00 a.m. the next morning, buttressing the downstream slope of the South Dam and the spillway area with heavy boulders to keep the toe of the dam from sliding and collapsing. Thank God, with the help of local volunteers, contractors, the Township Police and Fire Departments, we were able to save it from a total disaster.

As a result of the storm, we are now faced with additional costs that our membership must spend to safely bring the repairs back into compliance with the Dam Safety Section. We have been working with John Moyle's office and also procuring estimates for engineering and construction for the repairs. We have also been working with the Federal Small Business Administration in hopes to get funding. We would also like to mitigate the downstream channel that flows to the county bridge under Berkshire Valley Road, but our lake membership cannot fund and fix all the needs that we see need to be addressed. We are obviously in favor of the bill and any additional funding the State can muster to address the State's aging dam infrastructures, particularly, in our case, small private lake communities who cannot afford to rehabilitate their dams and in many cases have no covenant or deed restrictions to do so.

So I thank you again for sponsoring the bill. And hopefully, the money will get out there so that all of us can do what we need to do.

SENATOR BUCCO: Thank you, Mr. Martin. We appreciate it.

MR. MARTIN: Thank you.

MR. SYLVERNAL: Thank you.

SENATOR BUCCO: John Scalzitti from the Lake Winona Civic Association, here in Lake Hopatcong.

Please state your name.

JOHN SCALZITTI: Yes. My name is John Scalzitti with the Lake Winona Civic Association. I don't know how many people are aware of what Lake Winona is or where it is.

But first, I would like to thank the Senators and the Township of Jefferson for having this hearing, and for you guys to sponsor this very important bill to all of us in the State.

Lake Winona is a very small community. It's a lake with 18 homes on it, so you can imagine the size of it. It's between 10 and 12 acres. And in the course of the last years, between Floyd's filtration and what happened with the millennium storm of August, the lake is getting shallower and shallower. In the August storm, in the course of four-and-a-half hours, the lake rose four feet. That four feet represents, with the size of our lake, nearly 2 million cubic feet of water which Lake Winona protected from the people who are down water of Lake Winona, which is Brights Cove (phonetic spelling), and those people were flooded out. Some people had actual feet of water in their homes. Lake Winona was able to hold back and release this water very slowly.

Our dam held, and it needs repair. I mean, it's in the state where we can't even afford, as a very small lake association, the cost of the inspections. I've noticed, in the past, every year, every time it rains-- When I first moved into my home about 15 years ago, it was -- would rain an inch, and the water in the lake level would come up two inches. A couple of years later, it would rain an inch, and it would come up four inches. It's coming up so fast now with the massive developments upstream from us, including what's happened over the last 25 years to 50 years. Lake Winona was basically built by Arthur Crane (phonetic spelling) about 50 years ago -- the same developer who built Lake Mohawk. In the meantime, through 15 month's room, major developments upstream and in Sparta, off Route 181, all this water is just becoming a flash flood.

In the green acres behind Lake Winona, which protected us for many, many years, there are multiple beaver dams, which, as we completed our habitat, the beavers disappeared, the big holding ponds that they would hold back stopping the flash flood situations that we're now seeing are getting worse every year. The township engineer from Denville had a very good point: construction of holding ponds upstream so there's some way to slow down this water, because there is no way that we're going to continue to protect ourselves.

In the last 50 years, Lake Winona has become part of the infrastructure of a storm system in northern New Jersey. We have runoff from Route 15, and all this water comes underneath Route 181, through the backwoods. And a little stream that used to feed a very small lake, which was privately owned, has now had the State of New Jersey, the Department of

Transportation, the City of Jefferson, the Township -- the counties of Morris and the counties of Sussex forgetting about what happens when they do their development. And these little streams that used to hold and direct water through a very small lake have now become rivers.

And I don't understand-- I understand how you say you want to take care of the publicly owned dams, but privately owned, little communities with very small little ponds, let's call them, have now become part of New Jersey's watershed. And how can you say that, yes, we could divert water through your little lake, but you're still responsible for the maintaining, the dredging, the inspections of the dams, when you have maybe 20 to 30 families who are actively involved with the situation? Mothers and fathers who both work don't have time to get off from work to do the work. Everything is done on a volunteer basis. And I was wondering how you could depict what's a privately held situation and what really is now a publicly held watershed storm drain system. And where do we go from here, Senators?

I know that you are very warmhearted, openhearted, feeling people. When you look at the picture, a privately owned and held little community has become part of the State of New Jersey's watershed. Has anybody ever thought about what everybody else has been doing, and what the impact of our development in northern New Jersey at the higher elevations does to people like us and the people at Denville and Rockaway and Dover, where all this water and the development is not being planned out properly?

I just wanted to state those points, because this is not-- We are not a private community. We are part of the State of New Jersey. Yes, we have a very small little lake that we use to sponsor everything from the Girl

Scout troops to letting our local fire departments test and maintain their pumping equipment. We are part of our community, and we would like the State and our community to back us and say, "Here's the money to do the inspections, because that's a problem."

We've hired a consultant, a contractor, an engineer to look into this for us. But you know what? We don't have money to pay her for the inspections. And it's funny. It's funny? I don't think it's funny. I think that the people of the State of New Jersey know what the value of these small lakes and ponds do to protect the people of Brights Cove, where 2 million additional gallons would have went into that cove and flooded out the people there even more -- maybe another two feet of water in their homes. Instead of six inches to a foot, maybe they would have had two feet of water if Lake Winona wasn't there to protect them. And there's nothing to protect us now, and we need help.

And if you have anything to add Valerie?

V A L E R I E H R A B A L: Yes. My name is Valerie Hrabal. I'm a professional engineer with Keller and Kirkpatrick. I sent a letter to Senator Littell. I met him up at the Lake Mohawk 50th anniversary. And when I found out about the legislation, I found it encouraging, because I've worked with several home owners' associations and done a bunch of dam inspections. The problem being that they cannot come up with the money to do the engineering that's required to get to the stage where they have construction drawings in order to be able to get the funding to actually do the construction. The cost of doing inspections and then the engineering work can run you into

tens of thousands of dollars before you have a set of construction drawings from which to send out to DEP to try to get your funding.

Now, when Hurricane Floyd happened, which was in 1999, the Department contacted the Lake Winona Association and directed that they do some work. They in turn had contacted me, and we had put together some figures for doing some repair work and some studies. And at that time, the program that was in place allowed some funding for the engineering portion of it, but they, I guess, didn't accumulate enough points in the tally system, and they were not high enough on the list to get any money to do anything. So, for the past year, they have been unable to do anything.

And along came August 12, and this time rather than keeping everything in the spillway and almost overtopping, they overtopped, and they had some damage on the downstream slopes. At this point, they've gotten to the stage where we've removed their timber flashboards, and they're stable for this time, but they still don't have the funding, really, to go ahead with the significant engineering studies that are required on this dam. The Department has upgraded this dam from a significant hazard to a high hazard, because the municipality has permitted building to occur on the downstream slope, so they automatically got booted up, which should give them a better standing for funding, but they still don't have money to get to the point where they have construction drawings to do anything.

SENATOR BUCCO: Thank you. We appreciate that.

But a question for your association: Do you charge a maintenance fee to your home owners?

MR. SCALZITTI: Our association is rather unique. In my guess, there are 200 families in the Lake Winona Reservation. When Arthur Crane built it and developed the area, everybody was assessed a \$15 yearly fee, which is \$3000 a year, which doesn't pay the taxes.

SENATOR BUCCO: How long ago?

MR. SCALZITTI: Fifty years ago.

SENATOR BUCCO: Fifty years.

MR. SCALZITTI: We were able to increase that--

SENATOR BUCCO: That was a lot of money 50 years ago.

MR. SCALZITTI: Yes, it was. And we were able to increase that slightly, but there was no way that we can enforce these people to pay their assessment.

SENATOR BUCCO: Let me ask you a question. If the Legislature of the State of New Jersey gave you that ability, would your association-- You have a board of directors, I imagine?

MR. SCALZITTI: Absolutely.

SENATOR BUCCO: Would you be interested in something like that, where you could assess the home owners?

MR. SCALZITTI: I would-- Yes. We're hearing yes. (response from audience) Obviously, we're represented. Yes, absolutely.

SENATOR BUCCO: They're all from Lake Winona (referring to people in audience) who said yes or from other lake associations? (response from audience) Other lakes also.

MR. SCALZITTI: Because I guess it's not unique.

SENATOR BUCCO: Because I see that as a problem. These small lake communities that were developed 50, 60 years ago, and a lot of them, I think, were developed as summer residences, really--

MR. SCALZITTI: Correct.

SENATOR BUCCO: --and now became a year-round residence. And there were no deed restrictions as we have today with our condominium associations and town houses' associations, where you have to pay a monthly maintenance fee for the upkeep of the properties that you have. So what I'm thinking of is trying to see if we can put through legislation allowing you -- if you so desire, not the State imposing it -- if the lake association itself wants to impose a maintenance fee, you can impose it on your residents. Because I know there's some-- You're getting yeses throughout the audience, but not every resident guaranteed in each lake association would want to pay it.

MR. SCALZITTI: Is going to want that.

MS. HRABAL: Can I add to that? The current loan program allows for the municipality, who's basically a coapplicant, to assess proportionally--

SENATOR BUCCO: Right.

MS. HRABAL: --to recoup the money. But apparently, legally, it's not very -- it's pretty difficult to get that enforced with the language that's in there right now.

SENATOR BUCCO: Right.

SENATOR LITTELL: We're going to change that language.

SENATOR BUCCO: We're going to look into it.

MR. SCALZITTI: I believe we have in arrears right now enough money to do the studies.

SENATOR BUCCO: You have enough money in arrears?

MR. SCALZITTI: In arrears, but we cannot get the money. We can't do the inspections, and we can't move forward. And it's important, because again we are protecting not only our wildlife, and we're protecting the people downstream from us. We are part of this infrastructure that you guys are trying to build and make better. Holding ponds upstream from us would help us.

MS. HRABAL: They're basically a regional storm water detention basin is what they are--

MR. SCALZITTI: Absolutely.

MS. HRABAL: --for water quality and for storm water rate and volume.

MR. SCALZITTI: One of Jefferson Township's wells is 400, 500 yards downstream from us. If we're not there, where's all this water going to be coming from when we have a drought situation? In drought situations, Lake Winona--

SENATOR BUCCO: Is recharging that well field?

MR. SCALZITTI: Is recharging the wells for the township. And I'm sure that this is not unique to Lake Winona, but it's probably widespread throughout the state.

SENATOR BUCCO: I'm sure it is.

Okay, thank you very much. We appreciate your comments.

MR. SCALZITTI: Thank you for your time, and thank you for the bill.

SENATOR BUCCO: John Kurzman from the Lake Hopatcong Regional Planning Board here in Jefferson.

John.

JOHN KURZMAN: Can I start?

SENATOR BUCCO: Go ahead, John.

MR. KURZMAN: Hi. My name is John Kurzman. I am a resident of Jefferson Township. I am also one of the representatives on the Lake Hopatcong Regional Planning Board. Most of what I want to present today is my personal observations. I've lived on the lake for 13 years and have family on the lake for more than 50 years. And from everyone I've spoken to, this was definitely a unique event.

I brought photographs that I took during the storm of the brown river mud just as it was going down the different paved roads and entering the lake. And there's also pictures there (indicating photographs) of the actual lake itself basically having been filled with mud as it was coming across people's lawns, across septic systems, and into the lake.

I see two kinds of issues of impact from the storm. Just like there's point and nonpoint sources of environmental damage based on location, there is damage that is point-in-time and nonpoint-in-time in damage that occurs. There is always nonpoint-in-time damage to Lake Hopatcong, but this storm was a severe significant point-in-time damage that will impact the lake for years to come.

There are two types of main categories of damage from this point-in-time storm. One, you can immediately see the damage, but there is also damage that can't yet be seen with the naked eye, but is more significant that will ultimately be recognized for years to come because of the storm. These first tangible ones can answer the question, how much does it cost -- the kind of damage that anyone can understand.

The second, more nefarious impacts are the ones that only expert biologists, engineers, or perhaps expert fishermen would know about or someone of unique expertise. The second category is also where we discover the significant more costly damage in the future, such as the Espanong Bridge, which was not recognized immediately, and similarly, there's actual help to the lake's ecosystem that was damaged.

Let's start with the basic category, which is immediate damage. First is the storm drains. There's many storm drains across the lake, and they were pumping material into Lake Hopatcong. At the exits to the lake from the storm drains, there are now mounds of sand and dirt. Much of this appears to actually be road sand from years of previous winters that never had ever moved into the lake. And of course, we're lucky that it wasn't salt that actually was going into the lake. But all this material needs to be removed. It still is there, and whether it is the towns that own the storm drains or some sort of lake management commission, but they need to do the repairs at the end of these storm drains. There are repairs that need to be made.

But right in the township itself, above the water line, there are a number of storm drains that have become totally clogged with dirt and sand. This means they are no longer functioning and need to be repaired. Not just

the drains themselves, but in many places the connectors between the drains are totally clogged, making the storm drains useless. There are many places where one drain leads to another drain that leads to another drain, and the whole system is clogged up. These storm drains -- they'll give newspapers or others a significant gasp of, "Oh, my gosh, looks what's happened due to the storm." But when you multiply this damage across all the storm drains, the cost of the repairs becomes quite significant and still needs to be done. In the main link itself, where there were more small channels, such as under the bridges, there are now mounds of material underwater also being a hazard to navigation, as well as other significant changes to the lake bottom that do not appear to be recognized or repaired yet.

At the exits into the main lakes past the Brady (phonetic spelling) and Espanong Bridges-- The Espanong Bridge, the one-- I actually went under it two weekends ago to see the big crack in the foundation of the bridge. And after exiting the bridge, just going into the channel, the bow of my boat that I was using actually lifted up from the mound of debris that actually had washed from the force of all the water going under the bridge -- had actually filled up and changed the bottom of the lake. So there are a lot of things that we're not seeing yet that needs to still be addressed.

The second category of impacts -- the main things where, at least, that you can go measure -- you can actually take a depth gauge, and we can see what's happened. But the secondary is the more devastating effects for the lake in the future, and yet we can't necessarily assign a dollar value to it yet. One is the increase of phosphorus and nitrogen load. Much material washed in across lawns and septic fields, where the future impact will be seen over

years in the future. I believe there may be testimony with more factual numbers about that, but the bottom line is there is drastic damage that will surface in the form of weeds and further silt problems throughout the lake, kill the lake further and faster than the regular damage that occurs.

The second is increased in total material in the lake. Lakes go through a gradual eutrophication, where ultimately they are, hopefully, dredged, such as I just read about was about to be done in Lake Parsippany, in yesterday's paper, and other parts of New Jersey as well. The amount of material that went into the lake could be the equivalent of many years' worth of damage, especially since it took that significant storm to cause those large masses of dirt and pollutants to hit the lake, something that might never happen through years of normal storms. It is this kind of damage that is harder to measure, but is the most devastating impact to the lake.

Again, I leave it to the experts to quantify, but it is quite clear that the damage was significant and that Lake Hopatcong has just gotten that much further, over certain parts of the lake, that much past the need for immediate dredging.

Next is damage to fisheries. I leave that to the experts, as well, to quantify, but it is clear that fish are very susceptible to oxygen, temperature, and a number of other factors, all of which were significantly disrupted during the storm. The impact of this, as well, may be difficult to measure, but does not make the damage to the fisheries or the subsequent ecosystem damage severe as well. The bottom line is that people look at the lake and see someone fishing and immediately decide that there was no damage and everything is

fine. There was significant damage to the lake, both immediately and long-term damage to the lake, all needing restoration.

I applaud this bill, and I hope that S-1714 in its current form, or future form, will provide a way so that funding could be made available for the dredging and repair of Lake Hopatcong, at least to the extent of the damage from this storm, both for the immediately obvious impacts, but also for those more subtle but potentially much more significant impacts that will otherwise be the legacy of the storm for years to come.

Thank you very much, and thank you very much for this bill.

SENATOR BUCCO: Thank you, Mr. Kurzman, for your testimony. You know, Senator Littell and I also have the Lake Hopatcong Commission bill, and hopefully it's going to answer some of the questions and problems that you've presented here.

MR. KURZMAN: Well, I mentioned the commission, but that was done prior to this big hit by the storm.

SENATOR BUCCO: Right.

MR. KURZMAN: It would be a shame to have to use that what you've built there -- you know, didn't know about the storm, obviously.

SENATOR BUCCO: Correct.

MR. KURZMAN: So thank you.

SENATOR BUCCO: Thank you very much.

Mr. Miller from Booton Township, Oak Hills. Not here? (no response)

Rene Bernier from Booton Township. Not here? (no response)

Ron Wolfe, Lake Shawnee, Jefferson Township.

Please state your name.

R O N W O L F E: Yes. Ron Wolfe, from the Lake Shawnee Club, representing the club as its President, and I have with me Marc Sanderson, who is the Treasurer of the club.

Senator Littell and Senator Bucco, again we would echo expressions of thanks already in appreciation for what you're doing. We certainly support your efforts and this particular bill. I'll be very brief, because I don't want to be repetitive here.

Our dam held out very well, and it did its job. We've been working with John Moyle with Dam Safety and his crew, and that's gone extremely well. We have taken the small amount of money that we do raise in dues and addressed -- and been proactive in addressing the dam and things that need to be done, but one of the things which seems to be very cost prohibitive is the need for dredging the lake. Given this last storm and the one before that, and the, you know, I think we called it unbridled development, we've had a great deal of silt come into the lake to the point now where the average depth is probably about three to three-and-a-half feet. So you continue to choke the lake where pretty soon you don't have a lake.

So I think you can probably tell you struck a nerve, Senator Bucco, in -- if you could provide some kind of wording in legislation which would enable many lakes to do something about making the maintenance fees more compatible with the present age, as opposed to when they were established 50 years ago.

Right now, we have deed restrictions which call for home owners to pay \$18 a year. It's \$1.50 a month, which hardly addresses the need of any

lake. You can't basically do what needs to be done in a proactive way with those kinds of funds. So that would be extremely helpful. Obviously, any grant, matching grant funds, even loans would be helpful, because the latest we've heard in terms of our lake, Lake Shawnee, the estimated cost for this dredging is about \$750,000. And there is no way that given the amount of folks we have in this volunteer organization that that money is really feasible to be raised.

So again, we thank you for your efforts and support and hope that there's some way that this language can be adopted and a part of this thing. So that would be one way to address it, as well as any funds that would come out of this bill to address lakes like ours.

Marc.

SENATOR BUCCO: Please state your name for the record.

M A R C S A N D E R S O N: Marc Sanderson, Treasurer of the Lake Shawnee Club. I've been on the phone with the Small Business Administration for the equivalent of probably three days over the last two weeks and have been successful in securing dredging and damage repair money to the tune of about \$335,000. Originally, they were going to give us 30 years to repay at a 4 percent loan. That has been cut to a 4 percent loan to be repaid in 2.5 years, which means a volunteer membership organization will have to triple its dues, which means we're not going to have any members.

So whatever we were going to do with the \$335,000 becomes a moot point right now, because there's nobody who's going to pay three times their dues to get probably not all of the lake dredged. So I just wanted to bring that to your attention.

SENATOR BUCCO: Okay. Thank you. I appreciate your testimony. It was just about a year ago that I was at your lake--

MR. WOLFE: Yes, you were.

SENATOR BUCCO: --at your clubhouse looking at the problem up there and discussing it with Senator Littell at that time and looking to see what we could do to try to help you with the problem. I'm very grateful that your dam did hold, but I understand that it has been raised in the category, is that-- Am I correct, Mr. Moyle? The category of their dam, was that raised?

MR. MOYLE: (speaking from audience) No. It's remained what we call a significant-hazard dam.

SENATOR BUCCO: Significant, okay. All right. You know, it's beyond me where residents living in an association, a lake association, are not interested or not considering paying additional dues to the association. I mean, because what's happened, you're only going to hurt your property values in that community -- your own property values.

MR. SANDERSON: We have approximately 550 families, of which 275 are members, so approximately half. Now, like I said, it's voluntary. The only thing that is mandatory is the \$18 a year. And one of the things that we're looking into right now -- and you mentioned something about a bill to support an assessment -- one of the things that we're looking into right now is how legally we can index that for inflations for the last 50 years. Maybe raise it, who knows how high, but get it up to a reasonable amount of money. I'm going to have some fun over the next couple of years in trying to figure out how to pay for whatever loans or work that we do. But hopefully, you can give us some help in that area.

SENATOR BUCCO: Well, you know, you had the ability over the last 50 years to raise your dues or your assessment. You probably would have had a nice reserve as a cushion at this time to help you.

MR. SANDERSON: Surely.

SENATOR BUCCO: Okay. Thank you very much.

MR. SANDERSON: Thank you.

MR. WOLFE: Thank you very much.

SENATOR BUCCO: William Frint, Township of West Caldwell.

WILLIAM FRINT: My name is Bill Frint. I'm the Emergency Management Coordinator and Director of Public Works for the Township of West Caldwell, which is in Essex County.

My purpose here today is to comment on, certainly, the understanding of the situation which took place here in August. We did not suffer anywhere near the way the residents and businesses did here. But we did have a similar situation with Tropical Storm Floyd. I realize that this bill, more so, is addressing the outfall of what took place in August. But as we experienced, well into looking into what took place after Floyd, it caused a lot of damage, came up well after all of the work was done and looked into, just as people here are stating they feel there's more damage out there than they're aware of.

What I would suggest to the Committee is your wording of dams, stream clearing, desnagging is all good, but you may want to look into trying to expand that, as been stated by some of the people, to include a lot of work. With the opening of the streams is where you'll find a lot of things are still going to come to light that we are discovering. And we're asking that you look

at that in your bill. And also, maybe include the wording of the events of Tropical Storm Floyd that caused some of this throughout the state, that you might get a much more broader support for this bill statewide.

The dams are certainly an important issue, but many, many communities will look at that as it's not going to benefit them. A good part of the state still has damage from that tropical storm, and we are still struggling with the way to address the clearing of these streams from the sediment, which you're hearing about here, going into your lakes and into your streams. It's an area that is not as obvious as a damaged dam, but it's there. If that water and that waterway cannot accept that runoff, it's going to leave it, and it's going to do the damage further down the road.

So again, my take here is just to try to put forward to you that this is a statewide issue, as you're aware. I know our political people would certainly support any kind of bill that would somehow get us back in the picture of repairing our waterways. Because at a local level, we cannot do it. We do not have the engineering expertise or the actual equipment on a town level to go into these streams. And in many cases, we don't have the ability to get access, which is an issue completely in itself. But a lot of these streams are on private property, but they again affect other residents further down, as you're aware with your lakes in small communities.

I applaud you for putting this through. Your residents and the businesses of your district are being well-represented by this, and I hope you good luck with getting it through. But again, that's all old. You know, we border Morris County, our township, you're aware of, but we do have interest on what happens in this area. Rockaway River comes into our watershed. Our

water supply is the Booton Reservoir. That storm caused significant problems with the United Water, Jersey City System, entering that reservoir with turbidity levels, and that all related to detention, as has been stated here. That water just moved through all the lakes and the streams at such a rate that by the time it ended up in the Booton Reservoir, the receiving body, the turbidity levels were at a level that were unacceptable to the plant. That water supply went off line, and West Caldwell suffered. And we're all related in this. It's foolish to take a narrow view that one community is only looking out for itself, and you aren't, and I know you aren't. But the State has to look at these programs in a whole statewide situation.

So, really, that's all I had to comment on, and I thank you.

SENATOR BUCCO: Thank you, Mr. Frint. I appreciate your testimony. We passed quite a few bills for helping the problems that Floyd had caused. I don't know, have you been in touch with DEP or the State in reference to getting some of that moneys, because it's not all been used?

MR. FRINT: Yeah, we did well with FEMA. Yeah, with FEMA. One of the issues, unfortunately, which has somewhat fallen through the cracks is through stream dredging or clearing. You were able to recoup funds through specific damage, our county did, but what's left now from this terrific runoff of Floyd-- And then again, we were nowhere near like this area, but we got several inches of rain from the August event. Again, we're having a lot of road grit and sediment depositing in these streams that, as stated before, would not normally happen for lifetimes. But the severity of these storms and the velocity of these waters are removing the material from the roads and the hills, and where it is deposited is in these streams or lakes. In our case, it isn't lakes,

but in streams that we are very concerned about on getting back to the depths that they originally were. Because again, if another event occurs anywhere like what we've seen, the capacity of these channels is no longer there, and the water will find other spots, as it always does, to run, and it will not be down the channels of these streams, because their capacities have been severely reduced. And it's a large problem. It's not a simple, you know, doing 100 feet of stream, but it's something we, in our area, we are trying to figure out how to address. And it is beyond us, you know, on a local level for the resources.

Thank you.

SENATOR BUCCO: Thank you.

SENATOR LITTELL: I just want to tell you that the money in this bill can be used for desnagging and dredging.

MR. FRINT: Yes. I saw that.

SENATOR LITTELL: Yes, sir.

Fran Smith from COLA, Coalition of Lake Associations. I want to thank her publicly for all her help with the--

FRANCES SMITH: You're welcome.

SENATOR LITTELL: --lakes and the problems that have come up. Lake Mohawk was fortunate that they got their work done before the storm hit.

State your name.

MS. SMITH: Thanks to you, too, Senator.

My name is Frances Smith, and I represent the Coalition of Lakes in New Jersey. One thing we don't have to remind Senator Littell, but we would like to remind the other people involved, that of the 1200 lakes in the

state, 800 are privately owned. These people have to do all of the things that you've heard here in this meeting from their own pocketbooks, and we are slowly but surely losing the lakes of our state. I won't belabor everything that was said, but everything that was said is important and factual. The only thing I would like to say that hasn't been said before, the point system that was used in the last bill for lakes to apply for the money eliminated almost every small lake. They just could not fit the criteria. Consequently, a lot of them could not get money that they applied for.

I would like to hope that in this bill the criteria recognizes the smaller lakes and smaller communities that don't have 10 beaches or a lot of boating or all these other activities. They are still jewels in the state, and they sincerely need your help, which I appreciate you are giving us right now.

SENATOR LITTELL: What was the process?

MS. SMITH: The process was a point system, and you got points for the amount of people that used the lake. You got points for the amount of recreation that was on the lake, boating, sailing, motorboating, things of that nature. Now some of the small lakes don't even have motor boating, so that eliminated points for them. Some of them just have one beach, maybe two beaches on a lake. A lake like Lake Mohawk has 13 beaches. Obviously, we would help more people with recreation, but the smaller lakes, in proportion, help as many people, and they really have to be given that consideration. If they service 100 people where we service 7000 proportionately, they should have consideration in that point system.

SENATOR LITTELL: John, can you speak to that?

John Moyle.

MR. MOYLE: (speaking from audience) If I get you correct, this is the dredging money. This is not the dam repair money that you're talking about.

MS. SMITH: And the dam money. Well, the dredging money, too.

MR. MOYLE: I can't speak on behalf of the dredging money. I can certainly pass those comments back to our lakes management people and tell them that there is support for revisiting the point system on lake dredging. As far as the dam restoration, we awarded points based upon the larger the dam, the higher the dam--

MS. SMITH: Right.

MR. MOYLE: --the more damage it's going to create downstream in the more populated community, because it was a public safety ranking system. So it's difficult for us to say, okay, we have a dam that may impact 20 people downstream versus a dam that may impact one house. We feel that we should impact a lot of the money to those dams that provide the greatest public safety. We recognize the need that the money doesn't go too far, and that's why we prioritized the way we did. Certainly, with this new bill, there's an opportunity -- they reevaluate how the funding is applied -- to fund more than the high-hazard dams in the state.

MS. SMITH: I'm not faulting John Moyle's office, and I'm happy this bill supports him. John has been patient and wonderful to all of us out here, but it just-- He only could do what he could do with the amount of money he had. We're happy and we're thankful to you for the additional

funds, but as you can see, a small lake like the lakes that did lose their dams this time, even though they were a high hazard, created a great deal of damage.

I thank you all very much for the bill and for the time you spent here today.

SENATOR LITTELL: Thank you. Thanks for all your help, too.

Cliff Lundin and Dick Hodson, the Mayor of the Borough of Hopatcong.

C L I F F L U N D I N: Good afternoon, Senator. My name is Cliff Lundin. I'm with the Lake Hopatcong Regional Planning Board and former mayor of Hopatcong Borough. With me is Dick Hodson, the current mayor. I won't belabor your time. I appreciate your coming here today. I think both Senator Littell and Senator Bucco have a long history of lake protection, and we very much appreciate your efforts.

Lake Hopatcong is the largest lake in the State of New Jersey. It's the jewel of New Jersey's mountains. During the August 12th flood, we saw a rise of 34 inches in lake level over a 20-hour period. That represents 2.5 billion gallons of water. That is a huge amount of water. It was an unprecedented flood. The previous high-water level was 18 inches above the top of the dam, not 34. This represented almost double that flood event over 141 years of records. We're still finding today the damages that the lake, in fact, suffered: the estimate on Road Bridge, which was only discovered maybe three weeks ago, as Mr. Kurzman mentioned; the shifts in the sediments by Brady Bridge. There may be some need for dredging an out location on an emergency basis, because boats are, in fact, hitting deltas of sand that have been washed out. The impact on the lake of, in fact, the flooding may be seen

for years to come. And in part, some of the reasons for flooding is the loss of storage capacity in our lakes, because New Jersey, as well as the Federal government, has not actively funded dredging projects for many, many years. And the storage capacity of our lakes are, in fact, diminished.

But I'm here really today to speak in support of the bill. We applaud you that, in fact, the bill includes lake restoration efforts, as well as dredging efforts and stream desnagging, because it is all part of the overall problem. I don't think the amount in the bill is going to solve all the problems of all the lakes in New Jersey, but it is a good first step, and we commend your efforts. It's a great first start, and we thank you for your support and long history of support in Lake Hopatcong.

SENATOR LITTELL: Thank you.

MAYOR RICHARD HODSON: Thank you, Senator.

Richard Hodson, Mayor, Borough of Hopatcong. I'm also on the Lake Hopatcong Regional Planning Board. It's appropriate today that we're in a room with the "Save The Lakes" banner. Senator Bucco is here because he's championed the Lake Hopatcong Commission. And we thank you and the Assemblymen who have since left. I know of your concern with the lake communities, your efforts with tours, and the two Assemblymen with bills to help with wheat harvesting. Your current legislation, I think, is just an extension of the effort that you've put forth in the past for lakes and lake communities.

I realize you have to sell this to other members of the Legislature, not always an easy task. But in doing that, remind them that by addressing hazards, those hazards are often to communities which are downstream. The

34-inch level that former Mayor Lundin referred to, compared with the previous all-time high, which was 16 inches, is a mind-boggling figure. Had that dam not held, you would have lost the dam on the Musconetcong, and you would have lost a large part of the city of Hackettstown, as well. So that the bill does address the idea of hazards, that the impounded water is often a source of water supply. Back in the '70s, water was pumped from Lake Hopatcong down east for areas down there because of droughts. So, by taking care of the dams, and therefore, the impounded water that results from that, there is actually a contribution to the longtime water supply for the State of New Jersey. And also, the impounded waters add to the aesthetic beauty of the communities and recreation.

There is a resolution circulating around the communities in this area, which has been mailed, I'm sure, down to your offices, asking for additional funding for stocking of fish and efforts with respect to siltation because of what took place back on the 12th and 13th of August. I noticed that in the bill, in Sections 2(b) and 2(c), it does, in fact, say, "State local and private owners." And we would ask that in allocating the funds that the residents at the smaller lakes get a fair share. I realize that's kind of hard to do, maybe when you're trying to sell this to many other people in the Legislature. But as we have in the past, we trust to your efforts on our behalf.

Thank you again.

SENATOR LITTELL: Thank you, Mayor.

MR. LUNDIN: Just one final word, Senator. There was some discussion earlier concerning the dam on Lake Hopatcong and emergency efforts. One, the Lake Hopatcong Regional Planning Board is embarking on

an effort with all the emergency management coordinators of the four towns around the lake to update our emergency management plans and have one uniform Lake Hopatcong flood response. At the same time, we are working with DEP, and in fact, Lake Hopatcong is unique in that the park superintendent at the State Park does have the authority to change dam levels if, in fact, conditions warrant. And we are looking to coordinate that with Musconetcong and Saxton Falls so that there can be a uniform approach to the Musconetcong River. But a lot of these emergency plans are very old, and we're finding out that it's urgently in need of update. The Regional Planning Board of Lake Hopatcong is taking the lead role in getting that discussion going.

SENATOR LITTELL: I think Fish and Game, or Parks and Forests, or one of those budgets, had some money in to repair that--

MR. LUNDIN: Yes.

SENATOR LITTELL: --dam.

MR. LUNDIN: Yes, but we all thank God that that dam held, because 14 billion gallons flowing downstream would have been major destruction.

SENATOR LITTELL: How does he control the level? Does he have a sluice gate?

MR. LUNDIN: Yes. You can pretty much let out about 100 million gallons of water from Lake Hopatcong. At 70 million gallons an inch, you can pretty much let out 100 million gallons a day without impacting downstream significantly. There were four sluice gates on the lake that can be controlled. There was no way with no advance warning that the lake could

have been lowered to have a little bit more flood capacity. But when the storm hit, thank God our dam held, and we didn't have to release any more than what was going over the dam, because we couldn't have a little bit more storage to protect downstream.

SENATOR LITTELL: Well, if the storm or hurricane is coming up the East Coast, you would have a couple of days.

MR. LUNDIN: Right. Yes. And if that, in fact, happened, the superintendent at the park has the flexibility to lower Hopatcong and Musconetcong at Saxton Falls and have a little bit more storage.

SENATOR LITTELL: Well, thank you very much.

MAYOR HODSON: That's why the emergency management would be--

MR. LUNDIN: Thank you, sir.

SENATOR LITTELL: Rose Tittle, home owner, Glen Road in Sparta.

R O S E T I T T L E: My name is Rose Tittle. I live on Glen Road in Sparta. I sat here while they talked about the beautification of the glen, which I live above. That hole they're talking about -- it's in my front yard. I thought that maybe you could push the road getting fixed just a little faster. My only access to my home is over a rocky road and in a small path. That's all I have to say.

SENATOR LITTELL: Well, I'm sure the officials from the township and the county are doing all they can to restore and rectify the problem. I think we are having great cooperation from everybody involved through the process. I'm sorry you're going through such a tough time, but

they're really trying. I've heard of floods before on television in different parts of the country and--

MS. TITTLE: It's bad.

SENATOR LITTELL: --massive firestorm, and people were complaining in most cases about the lack of attention. That didn't happen in this situation.

MS. TITTLE: No.

SENATOR LITTELL: Everybody was pulling together and doing all they could to make it safe and sound for the area.

MS. TITTLE: It don't sound encouraging for a year. You know, I'm walking through-- I'm on a rock.

SENATOR LITTELL: Well, I'm sure that they'll do something for you.

MS. TITTLE: Well, thank you.

SENATOR LITTELL: Thank you for coming.

Chester Wallace, attorney for Tomahawk Lake.

MS. HRABAL: Mr. Wallace had to leave, so I'll just try and cover a little bit for him.

SENATOR LITTELL: Oh, okay.

MS. HRABAL: My name is Valerie Hrabal. I'm the engineer for Tomahawk Lake. Tomahawk Lake suffered a breach as a result of the breach of Seneca Lake, and we're in the process of trying to obtain DEP approval to replace the embankment. However, initially, we started out the process within a week of the breach. We were told that we could repair the breach, simply fax

down some plans and some specifications, and they would issue a permit to bring the dam into place.

Mr. Wallace is a little unique, because Tomahawk Lake is a commercial recreation business. It's a water park and a corporate picnic ground, so he had to lay off 100 employees, and he has had virtually no business since the breach. He's been unable to book corporate parties, because he has no lake from which to book for the summer, and he doesn't know when he's going to get a permit from the Department to do the renovation or the restoration and repair.

The Department came back and asked us to do an inspection and determine if there were any other repairs that would be needed. So we did the inspection, and then they said, "Well, we really don't want to issue a permit unless the dam is brought into full compliance with the regulations." So we then had to go into a complete hydraulics and hydrology study to assess the spillway capacity. And as we're doing that, the Department, as usual, were negotiating what cue to use, and we're going to meet again with Mr. Moyle next week to try and go through the numbers again and see if we can get this under way.

But that's Mr. Wallace's experience, and at this point, he still doesn't have a permit. And he is actually funding his own work. He's not looking to the State for the funding at this point. But that's what he had wanted to say.

SENATOR LITTELL: Well, I had read your letter, and it was good to see. I think one of the things we got to talk about is whether we can loan some money out to do some of the preliminary things--

MS. HRABAL: Yes, exactly.

SENATOR LITTELL: --out of the program.

MS. HRABAL: The engineering portion of it is very expensive. You get into surveying and hydraulics and hydrology, and you know, arguing over which spillway design storm to use. I guess one of my-- As I'm doing this more and more, and right now I have six dam safety inspections reports sitting on my desk, and literally, every small lake in the state, whether it's a small, a low, a significant, or a high-hazard dam, has a deficient spillway. And it's deficient, because regulations came into effect after the dam was designed. So, in Mr. Wallace's case, he has a dam that was built in the '50s that was perfectly adequate for its time. It's structurally sound, but it doesn't comply with the current design standards. The current State design standards are more conservative than, say, the Corps of Engineer design standards for the same hazard level.

So, in Mr. Wallace's case, I have to design for a 100-year storm. Under the Corps criteria, it would be a 50- or 100-year storm. You could downgrade it a little bit. But the amount of work is extensive and, depending on which methodology you use to compute what that spillway flow is, can get very expensive. And in the most cases, you start looking at new spillways, completely new spillways, or overtopping protection, which runs hundreds of thousands of dollars.

SENATOR LITTELL: Well, I would ask that you make an appointment with Mr. Moyle, Director Moyle--

MS. HRABAL: Yes.

SENATOR LITTELL: --and I'm sure he can pull together all the people that you need at one meeting so that you--

MS. HRABAL: Yeah. We're meeting with him next week.

SENATOR LITTELL: --can fast-track. The problem is, we don't have any money right now. We got a bill that appropriates the money, but they're trying to clean up all of the outstanding bills from the Floyd storm. And he said earlier, it would be probably a month before we knew.

MS. HRABAL: Right.

SENATOR LITTELL: But I think you should get your paperwork done.

MS. HRABAL: Well, the paper--

SENATOR LITTELL: The best way to do that is to bring everybody together in one room at one time.

MS. HRABAL: For Lake Winona, they don't have the money to pay me to get to the point where they have design drawings to take to Mr. Moyle to go to get the funding. Tomahawk Lake, they have the financing to be able to pay the engineers to be able to get to the construction. Once you agree on the hydraulics of the project and the hydrology, the easy part is designing the repair and getting the plans approved. The hard part is deciding what flow you're going to use.

So Mr. Wallace is in a position, or will be in the position within a couple of weeks, hopefully, to be able to fill out an application form and be able to get State funds to do his work, whether it's a loan or-- Well, he can't get grant money, because he's a private lake. But Lake Winona is still not in

that position, because they simply do not have the money to pay to get to the point where they have construction drawings.

SENATOR LITTELL: I'm not sure we can solve everybody's problem, but we're trying.

MS. HRABAL: Right. Well, I know the Hurricane Floyd money, as I recall, I believe covered some of the soft costs, as well as the actual repair. You were able to lump in some of the engineering fees with the construction. But the regular loan program, and that's what your legislation is pointing to is the regular loan program, only goes to construction. It doesn't do them any good for the engineering aspect. So anything you can do to--

SENATOR LITTELL: We'll take a look at that.

MS. HRABAL: --try and deal with that.

Thank you.

SENATOR LITTELL: Thank you, Valerie.

Ronald Pietranowicz, Seneca Lake Club.

R O N A L D P I E T R A N O W I C Z: Good afternoon. My name is Ronald Pietranowicz. I'm the Treasurer of the Seneca Lake Club. I'd like to thank you for bringing this hearing closer to home and close to the residents that have been affected. And I'd like to say, on behalf of all the residents of the Seneca Lake community, that we are in full support of this bill and hope that it passes with flying colors and goes through an expedient process.

I can give you firsthand knowledge of what happens with the devastation of the dam breakage, because I was on top of the Seneca Lake Dam when it broke. And it's something that I never want to relive again. I was there from when the breach was less than a foot wide to and watched it

grow to about 40-feet wide and watched the lake empty out in about less than an hour. I also watched hundreds of thousands of fish and wildlife die on the spot, wetlands destroyed, waterfowl take off. We're basically looking at a wasteland around the Seneca Lake community.

Like Lake Winona, we had a D-structure that was set up by the Arthur Crane Company back in 1950 that called for a \$15-a-year maintenance fee. Subsequently, it's like pulling teeth to get some money out of some of these people. I've been threatened physically, legally, and verbally by some of the property owners that do not wish to become a part of the lake association, even though some of them even live on the lake. So we got a big problem -- is that we have no lake. We have a busted dam and about a \$200,000, \$300,000, \$400,000 bill to pay, and I have to convince the community of about 150 property owners to pay for this. And it's going to be a tough nut to crack. And we would appreciate any help that you could give us on it and be--

The reference before to have legislation to get these property owners to start paying for what they are -- appreciative value on their home is because of the lake. Now, none of the properties were actually physically damaged because of this dam break, but I estimate that the monetary damage in property values -- more for the lakefronts than off the lakefront -- must range in the hundreds of thousands of dollars. I myself am a lakefront property owner, and I've heard estimates that my property value dropped about \$30,000 to \$40,000 when that lake drained out. So I can imagine what the other property owners have suffered as well. There's also a restaurant on the lake who has suffered considerably with his clientele, because nobody wants to look out the window at a mud hole while they're dining. So it's a big

dilemma that we have, and we're trying hard to pull the property owners together. Most of them are very supportive, but then there's those few that have that I-don't-care attitude, and it's very tough to get them to be supportive of a project that they might be having to shell out a lot of money for.

So I would appreciate any help you can give us. We also are currently trying to look into dredging. I've filed a permit application for dredging with the DEP now, and it's being snagged a little bit, and I hope we can get this permit through with an expedited process, because our window is not going to be that long, because we want to get this stand back fixed. And once the lake is back and filled again, then we lose our window for dredging. I hope we can get that process moving along good, too.

I thank you for your time, and I hope that this bill can help us out. And once again, on behalf of the Seneca Lake community, we wholeheartedly support this and any help you can give us.

Thank you very much.

SENATOR LITTELL: We're trying. We're trying.

Thank you, sir.

Rich Conover, Rock Island Lake Owners' Association, Sparta.

R I C H A R D C O N O V E R: Richard Conover, Rock Island Lake Owners of Sparta. Senator, I admire your stamina. Your compatriots kind of couldn't last, but you did. You hung out. I admire that.

Our dam is located off of County Route 620, Glen Road, in Sparta. On August 12, the dam did overtop, but it held. It didn't fail. The DEP came out and inspected it on August 17th and found that the overtopping had compromised the dam to the point that they required an

emergency inspection by a firm that we contracted with -- Civil Dynamics out of Stockholm, New Jersey. It is a private lake and a private dam. Different than some of the other lake owner associations, we're six members.

The exact cost estimates on what rehabilitation our dam's going to need aren't back yet. A report from Civil Dynamics won't be available until sometime next week. Some of the initial estimates are staggering, definitely not an amount that six property owners could afford to bear. Our lake supports a vast number of different species of fish and wildlife. It's just a beautiful lake. More importantly, with the extensive development on Glen Road below us, currently our dam is classified as a significant-hazard Class II dam, but there has been a significant amount of development below us, and maybe that classification needs to be revisited. But a couple of things. We do support the bill that you're introducing, by the way. There are just a couple of things that we think are very important that it's not specific to.

The first issue, there are an awful lot of significant-hazard dams like ours in the state, and it's our concern that the money from this bill will be gobbled up by the high-hazard dams. They're a high-hazard dam, and we understand the priority, but we think it's very important that a portion of that money get earmarked or set aside or in some way ensure that it can end up taking care of the vast number, ours one of them, of the significant-hazard dams in the area. The significance to this is, it's been explained to me that if we do have State money, State funds, be it a grant or a loan backing our project, that the process of getting permits from wetlands, from DEP, from all the necessary agencies puts our project on a fast track so that whatever repairs need to be done can be done in an expedient manner.

We would also request that the bill address situations like ours. We are a small property owners' association. We're six property owners. If our dam rehabilitation costs \$200,000, that's an awful lot of money to be divided between six people. So we would request that your bill does address the issue of ensuring that there are grants available for the small, privately owned lakes and dams.

We do accept responsibility for the annual routine maintenance and upkeep of our dam. We enjoy it on a regular basis, and we accept that responsibility, but the situation that we face now is not something that we could have foreseen or prepared for. The rain came out of nowhere, and the water just kept coming. And as a result of a disaster, we're left with a dam that is compromised. We don't want to lose our lake. We don't want to lose our dam. But speaking on behalf of the other property owners, a loan for the amount that we may be looking at is not necessarily a feasible solution to the problem. With only six families involved, this is a tremendous expense. And again, I would just ask that the bill does address opening the door for grants for small, privately owned lakes and dams and earmark some of the money specifically for the significant-hazard dams like ours.

Thank you.

SENATOR LITTELL: Thank you.

Elaine Buchtman, Lake Lookover Property Owners' Association, in Hewitt, New Jersey.

ELAINE BUCHTMAN: Elaine Buchtman, Lake Lookover Property Owners' Association in Hewitt, New Jersey. We were not affected by the--

SENATOR LITTELL: Did you give your name?

MS. BUCHTMAN: Elaine Buchtman.

SENATOR LITTELL: Oh, I'm sorry. I heard it earlier.

MS. BUCHTMAN: You've heard too many today.

SENATOR LITTELL: Go ahead.

MS. BUCHTMAN: We were not affected by the floods of Sussex County, but I am here to, as President of the Lake Lookover Property Owners' Association, to support this bill, because in West Milford there are many lakes, and we can certainly have a disaster such as what happened in Sussex County. There are many lakes in West Milford that are struggling very hard to repair their dams. I don't think there is one lake in West Milford or in Hewitt that does not need some kind of repair. Our own lake we have managed through an assessment of our property owners of \$1500 for the first year and \$720 for the next six years. We are putting together the funding for other repairs of our dam. We have completed one phase, which was to rebuild our spillway and bring it up to specification and to install a drawdown valve through the generosity of the contractor, which actually gave us a loan for half of the project. And we are paying off that loan to the tune of about \$3000 a month. So we are struggling very hard financially from our members, of which there are 100, as 70 of which are contributing. So the need is great for a loan to just ease that financial burden.

Secondly, the legislation for somehow making it so that property owners living in the lake associations have to pay this money -- we do have in our deed the right to use the lake. There is a law, a ruling. It's a class action suit from *Upper Greenwood Lake Association vs. Ford* (phonetic spelling), which was actually for roads, whereby the court ruling was that if you have an

easement right to use something, you have an obligation to pay for this, and that applies to lakes as well. And if you have an easement right to use something, you have an obligation to pay for it. However, you must take these people to court who are not paying in order to force them to pay. And of course, you can't really make them sign the check. You can only have the court order. We have done that, and that ruling is now going into appeal.

So the expense of just taking these people to court is taking away from the money that we could be putting into the repair of the dam. And anything in the way of legislation on the part of the Senators and Assemblymen to make this a mandatory situation for lake associations would be very, very helpful.

SENATOR LITTELL: We have language that's in the law right now. I got a staff to prepare an amendment to this bill to spell it out more clearly about the assessment for benefit process. One of their problems brought to my attention was that the assessment for benefits was being acknowledged by the Department of Community Affairs as a capital debt of the municipality. In no way was that the intention of the Legislature. Therefore, we're going to clear that up with language that says that the assessment for benefit is not a portion of the capital debt service for the municipality, but rather just a collection process. They can put an assessment for benefit on the property tax bill if somebody who's refusing to pay for what they got so that the loan will be paid back.

MS. BUCHTMAN: In our case, we didn't borrow any money from the town. We are doing this privately within our own lake association. But the members, the property owners that have refused to contribute their

fair share, those are the people that we took to court. So the money is owed directly to us. And that is the court ruling. It was an August court ruling out to Judge Reisner's Court in Passaic County. This is the ruling that is now being appealed. I'm hoping that the court will uphold the court opinion, but if it doesn't, it is a disaster for all the lake communities, because that island section association versus Ford is where the principals for all of these lake associations to go in and force their membership to become a mandatory dues-paying association. So legislation, you see, would circumvent this. And I don't know the law that well, but certainly, legislation would circumvent this idea that you can even go to court and appeal that kind of a decision.

SENATOR LITTELL: Can you get us a copy of that?

MS. BUCHTMAN: Absolutely.

SENATOR LITTELL: Send us a copy of that, and we'll take a look at it.

MS. BUCHTMAN: Absolutely. Because that's really what all these lake associations here, especially when they have deeded rights to their lake, that's the principal. And there are others, too, but that is the main one in which-- And I'm sure Mr. Moyle is very familiar with it, also, in which these lake associations can force--

SENATOR LITTELL: Well, the assessment for benefits is a fair way to do it, because the people who get the benefits should pay.

MS. BUCHTMAN: Yes, they should. Yes, they should.

SENATOR LITTELL: It boggles my mind that they wouldn't want to protect their properties.

MS. BUCHTMAN: We have lakefront people that are not paying.

SENATOR LITTELL: It's hard to believe.

MS. BUCHTMAN: If I could have your address where to send it to you, I would make sure you get a copy of it. And I do support this bill.

SENATOR LITTELL: Thank you.

MS. BUCHTMAN: Thank you.

SENATOR LITTELL: Richard Marcickiewicz, John Ragan.

JOHN RAGAN: Yes. Good afternoon, Senator Littell.

SENATOR LITTELL: Good afternoon.

MR. RAGAN: My name is John Ragan. I'm a New Jersey licensed professional engineer, and I am representing Shongum Lake Property Owners' Association today. Mr. Marcickiewicz is an attorney for the association, but he had a court matter and had to leave earlier.

The Shongum Lake Property Owners' Association is not unlike many of the others that have testified here before you today. They are a lake association which maintains a dam and an impoundment which serves a regional area. During the past, Hurricane Floyd, there were significant impacts to the dam structure, and for properties that surround this impoundment, which have affected this association.

One point that I'd like to make in support of some other points that were made, the fact that this private association maintains and owns and operates this dam and impoundment is certainly a regional benefit. An interesting point that has not been brought up yet today is the fact that the State is really a trustee of the waters that flow through this structure, as well as other impoundments. It seems reasonable that the Legislature consider

grants for dams and impoundments such as Shongum Lake and others that provide a regional benefit.

The other item that I wanted to discuss today was, my firm had monitored and tracked Hurricane Floyd prior to the event actually affecting New Jersey and Shongum Lake. We had anticipated the impacts of that storm, and we opened the low-level outlet of the dam structure prior to the rain starting. Irrespective of those efforts that we made due to the quick runoff that occurs to the impoundment, the dam quickly was overtaxed and overtopped its structure. As a result of that, there were damages made to the structure which have not been repaired as of yet. The association has expended over \$100,000 to date in engineering and studies to prepare plans which will be submitted to the Dam Safety Section shortly. We're hopeful that with an approval of those plans that they can proceed forward with the construction. The problem at this point is, the association doesn't have the financing to support the construction.

I support the position made by a gentleman earlier that there needs to be a mechanism included in this bill that allows there to be funding available for dams other than high-hazard dams. Shongum Lake is a significant-hazard dam. I was present through the entire Hurricane Floyd event. And even as a professional that expected to see what I saw that day, I was awestruck by what actually happened. The damage that occurred, the potential threat to loss of life was significant. I had contacted emergency management people prior to the event, as well as during the event. It was very difficult to get any response. I actually closed roads myself. I actually evacuated residents from downstream areas myself. It was a very, very difficult

situation to manage. I need to emphasize the point that these dams, other than high-hazard dams, are significant. And even the loss of one life should not occur, and that we should ensure that there are means to provide funding for these other dams.

Thank you very much.

SENATOR LITTELL: Thank you, John.

Where is Shongum?

MR. RAGAN: Shongum Lake in is Randolph Township, Morris County.

SENATOR LITTELL: Randolph Township.

And you had trouble getting action from emergency management?

MR. RAGAN: Yes. Yes.

SENATOR LITTELL: Did we go through the local police force?

MR. RAGAN: The local police force. We also notified Denville. The problem is, is that when an event like this happens, it happens very rapidly. And to coordinate and organize that, Shongum Lake was very proactive. They implemented an emergency action plan, which we followed during the event. We notified the State Police, all the necessary agencies, but actually to get those agencies to mobilize, to evacuate people, and to respond was very difficult.

SENATOR LITTELL: I'm sorry to hear that, because we had a wonderful response in our area. The way that law works is, the municipal emergency management personnel responds to the county, the county to the State, the State to the Federal government. It's a process that was established when Eisenhower was president of the United States.

MR. RAGAN: Yes.

SENATOR LITTELL: And it was intended to give the governors of each state the authority that they needed in the event there was an attack against this country. It's been used through a lot of other things since then, but it's a pretty good system. Have you followed up with your emergency management director to find out what happened?

MR. RAGAN: Yes, we did. We actually met with them prior to the events and said, look -- again, I have a lot of experience with this particular dam. And I said, if we get over five inches of rain today, we're going to have an overtopping event. We're going to have an emergency condition. He advised me that they had already discussed it. They were prepared for it. However, I started calling them at 10:00 in the morning saying, we are about to overtop. We overtopped at approximately 11:00, 11:30 that morning. It wasn't until about 1:00 in that afternoon that I received police assistance. At that point, I had already closed off the road with cones and emergency caution tape that I had brought by myself. So discussing with them afterwards, they said, "We were prepared. We didn't expect the conditions that actually resulted to be what they were."

And I think that's the importance of understanding the work that needs to be done with these dams, and what's specified in the regulations, in my opinion, I believe is adequate. The Dam Safety Section has been very supportive of our efforts at this dam, as well as other dams that my firm represents. I think the system is good and the laws that are in place are good. It's just that the seriousness of the situation is not respected because-- First of all, I think a lot of people haven't experienced things like this, and they tend

to dismiss them as being important. Again, I tell you firsthand, having been there and understanding the technical side and actually being there for the practical side, it's a significant event. It's awe inspiring, and it's very dangerous. It's a situation which demands respect.

SENATOR LITTELL: I know it's dangerous. That's why we're doing this.

MR. RAGAN: Yes. I appreciate the efforts.

SENATOR LITTELL: Thank you.

MR. RAGAN: Thank you.

SENATOR LITTELL: Is there anyone else who wants to testify that hasn't signed up? (no response)

Well, thank you very much. That concludes our hearing for today. Thank you again to the folks of Jefferson Township for making this facility available. We'll send you copies of the report when we have it.

Thank you, John.

(HEARING CONCLUDED)