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October 20, 2012

May Chin
Assistant Counsel, Bureau of Legal Affairs
NYC Dept of Environmental Protection
71 Smith Avenue
Kingston, NY 12401

Sent via email - mchin@dep.nyc.gov

Re: Seven Hills Lake Property Owners Association

Dear Ms. Chin,

Thanks for your letter dated September 28, 2012. Let me respond and make a few requests ... and again invite DEP to a meeting.

1. SHLPOA has retained an engineer and is working with the New York State DEC to complete all required work on our portion of the dam. We will of course share information with you, though I'm not sure what more you need from us at this point.
2. In my letter, I had asked if you could provide routine details about DEP's proposed work on your portion of the dam – specifically, to make sure your work doesn't damage our portion of the dam.¹ Is there some reason you cannot provide that simple information?
3. We take your communication as threatening and somewhat arrogant. SHLPOA members have been in contact with DEP for over a year now, sharing information and seeking common solutions to problems. (Initially, I'm told, DEP proposed to make necessary repairs, then deed your portion of the dam to SHLPOA). As you know, we feel the dam might have been mis-classified, and our efforts to review your data in this regard have been rejected. It never hurts to have another set of

¹ I asked, "Please provide me with the details of the proposed construction work, including drawings stamped by a professional engineer so that I may provide them to my clients' engineer for review."

eyes re-examine the data – this could well result in savings to DEP also.

4. I don't believe the tone of threats and bullying is consistent with the DEP's responsibilities under the watershed agreements. DEP should be a partner, not an overbearing bully. I speak to your threat to breach the dam, destroying the ecology of the area, as well as the recreational benefits of the lake. That's not a productive way to reach a "mutually acceptable solution" that you say you seek. By the way, I'm sure you've researched DEP's legal rights and obligations in this regard; would you share with me DEP's legal analysis of that aspect? If we both see the legal landscape clearly, this might indeed encourage agreement. Otherwise, it sounds like terrorism.

5. I understand your actual point to be as follows. You understand we are each obligated to maintain our respective properties compliant with DEC dam safety regulations. You want us to share the cost of the work you plan to perform on your portion. Again, if you could share with me your legal analysis of this issue, it might indeed facilitate agreement. Bluster is not a substitute for communication.

6. There is a General Membership meeting on October 21 at 5:00 p.m. at the Kent Fire House on Route 301. DEP is invited to send a representative (please, not an entourage) to participate in discussion of this issue. As always, SHLPOA sends you notices, and invites your participation.

Thank you for your consideration.

Sincerely,

/s/

David O. Wright

cc: Michael Robilotta, President Seven Hills Lake Property Owners Association
Sent via email