

From: **Steven Slimm** <smslimm@collingslakes.org>

Date: Thu, Jul 31, 2025 at 11:58 AM

Subject: Re: Cushman Dam

To: Gregg Shivers

Cc: Donald Watson <dwatson@collingslakes.org>, Donavan Saunders

<dsaunders@collingslakes.org>, Mark Wainwright <mwainwright@collingslakes.org>, Brian

Trasatti <btrasatti@collingslakes.org>, Michael Hollander <mhollander@collingslakes.org>,

AnnaMarie LaRocca <alarocca@collingslakes.org>, J Kauffmann, Robert J Sutts

I understand.

On Thu, Jul 31, 2025 at 10:58 AM Gregg Shivers wrote:

I am not sure because I only have a very superficial knowledge of the facts but there are cases where the dispute is ongoing and you make agreements or take action that is interpreted as acquiescence or may otherwise come back to haunt you later.

Gregg Shivers, Esq

Office: [\(856\) 616-8080](tel:8566168080) | Fax: 856-616-8081

1415 Route 70 East, Suite 309, Cherry Hill, NJ 08034

www.hillwallack.com | vCard

This Law Firm is a debt collector. This email is being written in an attempt to collect a debt and any information contained herein is for that purpose only.

To Opt-Out of any further emails from our firm, please click [here](#).

From: Donald Watson <dwatson@collingslakes.org>

Sent: Thursday, July 31, 2025 10:07 AM

To: Gregg Shivers <gshivers@HillWallack.com>

Cc: Steven Slimm <smslimm@collingslakes.org>; Donavan Saunders <dsaunders@collingslakes.org>; Mark Wainwright <mwainwright@collingslakes.org>; Brian Trasatti <btrasatti@collingslakes.org>; Michael Hollander <mhollander@collingslakes.org>; AnnaMarie LaRocca <alarocca@collingslakes.org>; J Kauffmann; Robert J Sutts
Subject: Re: Cushman Dam

CAUTION: This email originated from outside of Hill Wallack. Do not click links or open attachments unless you recognize the sender and know the content is safe.

What types of things would prejudice our case?

On Thu, Jul 31, 2025, 09:58 Gregg Shivers wrote:

OK. Let me know if/when the Board wants to meet with me. You should evaluate whether you want to take legal action sooner rather than later because if the matter is ongoing, you may take action that could prejudice your case.

Gregg Shivers, Esq

This Law Firm is a debt collector. This email is being written in an attempt to collect a debt and any information obtained will be used for that purpose.

To Opt-Out of any further emails from our firm, please click [here](#).

From: Steven Slimm <smslimm@collingslakes.org>
Sent: Thursday, July 31, 2025 9:47 AM
To: Donavan Saunders <dsaunders@collingslakes.org>; Donald Watson <dwatson@collingslakes.org>; Mark Wainwright <mwainwright@collingslakes.org>; Brian Trasatti <btrasatti@collingslakes.org>; Michael Hollander <mhollander@collingslakes.org>; AnnaMarie LaRocca <alarocca@collingslakes.org>; J Kauffmann; Robert J Sutts; Gregg Shivers

Subject: Re: Cushman Dam

CAUTION: This email originated from outside of Hill Wallack. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Gregg,

As it stands now RDZ is \$371,000.00 this does not include the engineering fees> I feel this will top the \$400,000.00 mark. I think you should be aware of that.

On Thu, Jul 31, 2025 at 9:43 AM Steven Slimm <smslimm@collingslakes.org> wrote:

I just received this from Gregg.

----- Forwarded message -----

From: **Gregg Shivers**

Date: Thu, Jul 31, 2025 at 9:34 AM

Subject: RE: Cushman Dam

To: Steven Slimm <smslimm@collingslakes.org>

Steve, I have been following this issue from afar but obviously do not have all of the facts. If the Board wants to start spending legal fees on the matter, the first step would be to set up a sit down where you can give me copies of all relevant documents and explain the issues to me in detail. One thing to keep in mind is that construction litigation is very expensive and there is a minimal chance of recovering your attorney fees even if you win. If it is a \$100,000 fix and you are going to spend \$75,000-\$100,000 on legal and expert fees, it does not make a lot of sense from a business perspective. Have you had another engineer review the issues? My firm does handle construction litigation but from what you have told me, this may be more of an engineering malpractice issue and we may not be the best option. In any event, I can certainly meet with the Board, review what you have and provide guidance. My schedule is pretty clear in August so let me know if and when you would like to meet.

Gregg Shivers, Esq

This Law Firm is a debt collector. This email is being written in an attempt to collect a debt and any information obtained will be used for that purpose.

To Opt-Out of any further emails from our firm, please click [here](#).

From: Steven Slimm <smslimm@collingslakes.org>

Sent: Thursday, July 31, 2025 6:30 AM

To: Gregg Shivers

Subject: Fwd: Cushman Dam

CAUTION: This email originated from outside of Hill Wallack. Do not click links or open attachments unless you recognize the sender and know the content is safe.

----- Forwarded message -----

From: Steven Slimm <smslimm@collingslakes.org>

Date: Thu, Jul 31, 2025 at 6:28 AM

Subject: Fwd: Cushman Dam

To: Donavan Saunders <dsaunders@collingslakes.org>, Donald Watson <dwatson@collingslakes.org>, Mark Wainwright <mwainwright@collingslakes.org>, Brian Trasatti <btrasatti@collingslakes.org>, Michael Hollander <mhollander@collingslakes.org>, AnnaMarie LaRocca <alarocca@collingslakes.org>, Robert J Sutts, J Kauffmann

Please feel free to interject your thoughts. I feel we should now request a consultation with our construction attorneys.

I have copied Gregg Shivers in this email.

----- Forwarded message -----

From: **James P. Markham**

Date: Wed, Jul 30, 2025 at 12:24 PM

Subject: RE: Cushman Dam

To: Steven Slimm <smslimm@collingslakes.org>, John Zarsky, Beth-Ann Grasso

Steve,

On July 16th, Pennoni met onsite with members of the Association to answer questions about the additional work and design modifications requested for the outlet structure. As explained, Pennoni's design was performed in accordance with professional engineering standards, state requirements, and we obtained the permits required to perform the repair work. This work included utilizing the previous studies and designs as the Association requested and agreed to in its contract with Pennoni.

We also explained that the design of the outlet structure was based on the Lippincott plans and matches the state permitted and historic water levels evident on the structure. The Association wanted Pennoni to start with the Lippincott design to save cost for the Association and included this requirement in its contract. The outlet structure design has been consistent in every subsequent set of plans sent to the Association.

There was no evidence of seepage in the 2003 or 2011 inspections. The Association did not report any seepage prior to construction.

During our field visit, Beth-Ann Grasso, PE, reminded the Association that the water level should be fully lowered to an elevation that stops the boils until the additional work is completed. We also identified a new boil at the outlet of the southernmost culvert that was not previously identified. To reiterate, until these repairs are completed, the water level should be lowered because the existing level may be exacerbating the seepage situation.

The Association is responsible for the cost of the repairs as it would have been if the seepage issue was identified prior to construction. Additionally, that cost would include Pennoni's design

and construction consultation fees. We continue to help the Association address these issues at considerable expense to Pennoni. This additional work has included the redesign of the outlet structure and the design to remediate the seepage, both issues were not in our contract and we have not been paid to address.

Again, we are available to discuss as we work together to resolve these issues.

James P. Markham, PE

Vice President, Regional Transportation Principal

Pennoni

[1900 Market Street, Suite 300 | Philadelphia, PA 19103](#)

Direct: +1 215-254-7733 |

[www.pennoni.com](#)