

Lake Fairlee Dam – Some Questions and Answers

The Selectboards of Fairlee, Thetford, and West Fairlee have been working on a plan to fix the ailing Lake Fairlee dam for three years. Many town residents are just hearing about this, and have asked a lot of good questions. Here are a few.

1. *Why has this come up just now when the dam has been in disrepair for years?*

The dam's deteriorating condition has been recognized for decades by owners around the lake, by the State's Dam Safety Section, and the Thetford Selectboard for decades. The flow of water through and under the dam has gotten markedly worse in the past few years, perhaps because of the unusual rain events in 2011 (Irene). The threat posed by the dam has provided the impetus for the three towns to join together.

2. *Are there no other options to fund these repairs?*

The State will not provide funding. What little funding they have for dams is to remove those that have become unsafe. The Lake Association has been raising and spending nearly \$100,000 per year dealing with Eurasian milfoil, and feels it cannot raise significantly more. We have been able to identify no sources of private grants for this purpose.

3. *Why should all the property owners pay for the repairs? Why not just the lakeshore property owners?*

The towns are acting to preserve their tax base. The selectboards have determined that the towns must act to prevent the loss of about 1.4 million dollars of tax revenue each year – which would have to be made up for by increasing everybody's taxes. Simply put, paying for the bond is cheaper than allowing the dam to fail. It is in all of our interests.

4. *What are the dam owners going to give in return for the towns doing the repairs?*

The owners are transferring title to the dam to the three towns, completely and in perpetuity. The towns will own the dam, and the owners will only have the right to go across the dam to access their camp.

5. *What provisions have been made in written contracts for removing trees, improving private road access, establishing a staging area for the work crew and equipment?*

According to the (written) proposal from the contractor, access and staging will be from the north end of the dam, using the owners' driveway and parking area. There will be minimal traffic around the south side. The contract includes returning all access and staging routes to their original condition.

6. *What attorneys have reviewed the contracts? Have you gotten a second legal opinion? What is their experience in this area?*

Jack Candon did much of the original work on the interlocal agreement and the property transfer. Paul Giuliani did the final review of the agreement and the bonding arrangements. Both have extensive experience in these areas.

7. *Considering the expanding list of tax delinquencies and foreclosures, can the Town afford this additional burden?*

The towns feel that they cannot afford *not* to undertake the repair of the dam at this time. Failing to repair the dam would place a significant and unnecessary burden on the taxpayers.

8. *Why put the house back on the dam [paraphrasing the questions]*

The towns wrestled with the issue of the camp on the dam. The owners have lifelong attachments to their cottage, and are unwilling to sell it. We considered taking it by eminent

domain, but that would cost much more and take years. The State is willing to let us jack up the camp, rebuild the dam under it, and then lower the house down on pilings in its same location but *over* the dam. The towns will own the dam outright and the owners of the camp will not control access, inspection, nor maintenance of the dam.

9. *How will the towns inspect and maintain the dam going forward?*

The towns are creating a Tri-Town Commission, with representatives from each Selectboard, which will oversee the dam after its reconstruction. We are assured that its construction will require no maintenance for a long time. We will establish a schedule of inspections, and have an accredited dam engineer take a closer look periodically.

10. *How will the level of the lake be controlled?*

The level of the lake is determined by the State and should remain constant throughout the year. In the past it has varied, and the dam now is leaking so much that the lake level goes up and down depending on the amount of rain. The new dam will not leak, and will maintain a steady lake level. This should mitigate, if not alleviate, the shoreline erosion issues being observed. (Note that wave action from boats also causes shoreline erosion) The new dam will include a low level outlet. This 3 foot square gate will allow for the lowering of the water level, but for maintenance purposes only. It is not intended nor designed to control the water level at a lower elevation.

11. *What provisions have been made for the eventual sale of the camp?*

The towns will continue to own the dam. Any buyer of the camp will take title understanding that part of her cottage sits on property she does not own. The present owners will have no debt to the towns, and no obligation to 'pay down' the bond.

12. *What plans have been made for overrun expenses?*

The bid amount (\$643,460) contains a percentage for contingency set by the contractor. The bond amount (\$850,000) contains an additional unallocated contingency to cover unforeseen expenses. The bond itself is for an amount "not to exceed \$850,000." We have planned conservatively, and are hopeful that we will not spend it all.

13. *What are the lakeshore property owners putting up?*

The lakeshore property owners, including the Aloha camps and the Lake Fairlee Association, donated the funds for the initial studies back in 2011. Then in 2012 Aloha, Billings, Lochearn, and the LFA joined *with* the three towns to contribute funding for the initial engineering studies. Since this project is being undertaken by the towns with public funds for public ownership, we decided that it would be inappropriate and potentially problematic to combine private with public funding. Since the lakeshore owners provide a little more than 10% of the three towns' tax revenue, this is the proportion they will be putting up.

14. *Who will oversee the construction of the dam?*

Engineers from Dubois & King will supervise the contractor and will manage the construction process on behalf of the three towns. All contractor invoices will be approved by the engineer prior to payment.

15. *How much will it cost to maintain the dam?*

A modern dam of this kind requires very little annual maintenance. It is possible that the role will be filled by one of the Town's public works personnel.