

Curtis Pond Dam - Frequently Asked Questions

We've been hearing the dam is in bad shape for decades, what's the rush now?

It's true, the Curtis Pond Dam has been classified by the State as a SIGNIFICANT hazard and the overall condition of the dam has been considered POOR since at least 2001. Ask anyone who monitors the dam over time and it is clear that it has gotten progressively worse over the years and in some places has shifted. With increasing numbers of high intensity storms, engineers have determined just one major overtopping "Irene style" storm could put it in imminent threat of collapse.

Why doesn't the State pay for it? Isn't there a ton of state and federal money for this type of project?

Unfortunately, while the State has a lot of Covid money right now, they don't have a big budget for dam reconstruction. They've been clear about that with us from day one. There may be Infrastructure funding, ARPA funding, Covid Funding and more floating around in the future, and our grant-writing team is working hard to secure those funds. However, grant funding takes time, and any grant will be used for the construction phase. It's critical we raise the "soft" costs funds from individuals as soon as possible to get the ball rolling.

We live on the pond and already pay higher taxes; shouldn't it be funded through town wide taxes? Everyone uses it!

The fact is we all benefit from the pond, and we all need to help pay for saving it. We've talked to a lot of people, and everyone has their own unique perspective on who should pay and how much. Based on a lot of factors, we believe the best path forward is for everyone who loves Curtis Pond to pitch in as generously as they can, and that if we can raise a significant portion of the funding, we believe the Calais Taxpayers will approve a bond covering the remaining construction costs.

I live in Calais and never go to Maple Corner or Curtis Pond; why should I have to fund it!

All taxpayers in Calais benefit from the tax revenue obtained from the increase in property values surrounding Curtis Pond and in Maple Corner. It is estimated that the shore-line property values would be reduced by at least 25% if the dam broke for an estimated loss of at least \$86,000 per year of property tax revenue. In addition, many properties throughout the Maple Corner area would lose value. The Town would lose substantial assessed value, which absent an immediate reduction in the Town budget, would require a compensatory increase in taxes for all properties in Calais. We estimate that an increase would be the same or greater than if the Calais taxpayers shared the entire cost of the dam renovation. Once again, the best path forward is for everyone who loves the pond to donate generously, together we can save the pond.

How much is it going to cost?

In 2013, the town hired the engineering firm, Dubois and King, to do an initial design and cost estimate. At that time, the project cost was estimated at \$318,000. We recently met with the engineer who did the estimate. He said he would need to redo the numbers for an official estimate, but that it would likely be \$580,000 today. Since there are always upfront, "soft" costs associated with a project of this magnitude, we're estimating that when all is said and done, we'll spend about \$650,000.

While the bulk of the expense will be construction fees, there are a lot of upfront "soft" costs that we need to have cash on hand for quick action. These include legal fees around ownership, permit application fees, engineering fees, the creation of bid-ready documents, and much more. We believe these "soft" costs, which need to be spent in the first year of the project, long before construction begins, will total about \$100,000. We need to spend the bulk of this money early in the process, and it's a time-consuming process. We estimate it will be about a year between initial expenditures and having a permit in hand and bid-ready documents.

Why not just have a private entity own and manage it?

Private entities or individuals cannot obtain affordable liability insurance for a dam. The Town can add the dam to its current insurance policy for around \$1,000 as per PACIF (Property and Casualty Intermunicipal Fund). The Town also has sources available for low-cost loans and are more easily able to obtain permits from the State.

Who owns the Curtis Pond Dam?

This is a question that has been dredged up and circled around for many years. In the eyes of the law, there is no one right answer. The good news is, it doesn't actually matter because we've found a legal workaround for this issue. It's complex, but the short explanation of the plan is as follows.

- (1) Everyone who owns adjoining property and/or could in any way ever be said to have any legal ownership over the dam will file a "Quit Claim Deed" - basically saying "I don't own the dam, but if anyone says that I do, I give up any of my rights to ownership".
- (2) The Town will file in a safety deposit box these quit claim deeds, along with a legal contract that Calais will take over ownership of the dam once construction is completed, meets State standards, and the dam is insurable. This provides the legal documentation of ownership for the State to issue a reconstruction permit.
- (3) Once the construction is finished, and insurable, Calais will file the quit claim deeds and contract in court, and officially take ownership of the dam. It will then be covered by the Town's existing insurance.

What is the dam going to look like when done? I like the way it looks now!

In a schematic design done in May 2013, the plan was to build a cement dam right behind the existing dam. This will keep the stone appearance for historical and picturesque purposes on the road-facing side of the dam with minimal difference in what appears on the water side of the current dam.

Why not just wait until it fails and then rebuild it? Surely the State will pay for it then!

Unfortunately for lovers of ponds, Vermont's Department of Environmental and Conservation prioritizes wetlands over human-created ponds. While that is likely the right choice for environmental sustainability, we lovers of Curtis Pond really don't want to live on a swamp! We've been told by numerous State officials that except in very rare circumstances; *the State does not approve permits to rebuild failed dams*. Thus, if we want a permit to replace the dam and ensure another hundred years of our cherished pond, we have to get it rebuilt BEFORE it fails.

More than \$50,000 has already been spent on studies/reports and other efforts that failed to repair the dam. Am I going to be contributing and then nothing happens again?

The two major efforts in 2003 and 2013 stopped because of the issue of ownership of the dam. A pathway for the Town of Calais to take ownership of the dam has been worked out in a Memorandum of Understanding signed by the Calais Select Board and executives of the Curtis Pond Association (<https://curtispond.files.wordpress.com/2021/12/curtis-pond-mou-unsigned.pdf>). The problems that have hindered progress previously have been solved, except for one - Funding. The question of who pays for it is the last, looming question. We are confident that we can solve that question, too - by raising the money needed to move this project forward! We are close to raising the "soft" costs, to get the plans and permits completed and costs determined. No money will be spent on the construction until we are sure we have the funding and approval for the repair of the dam. So, while the money for the soft costs will be spent, the construction money won't be spent until the approvals and all funding are obtained. If for some reason the construction can't be completed, any donations beyond the soft costs will be returned.

Didn't the Men of Maple Corner Calendar set aside seed money for the dam?

YES! The smart, forward-thinking community members involved with the 2003 Men of Maple Corner calendar earmarked \$30,000 in revenue from the calendar for the dam, and that money has sat patiently awaiting this moment.

How and when should I donate? Is my donation tax deductible?

A fund-raising campaign for the repair of the dam was launched this January 2022. Between the seed money from the MCCC and our fund-raising to-date, we are almost at our first fundraising goal of \$100,000 by August 2022. We have begun engineering design phase, applied for permits, and are starting to get the legal documents together.

We've partnered with the Maple Corner Community Center, which is a 501(c)3 in our fundraising campaign. To make a tax-deductible donation, write your check out to the Maple Corner Community Center (or "MCCC") and put "CPA" in the subject line. All checks should be mailed to **Curtis Pond Association, PO Box 162, Calais, Vt 05648**. Or donate online at www.curtispond.org/donate-now.

Visit www.curtispond.org or email curtispondcalais@gmail.com for more details!