

Clary Lake Association

PO Box 127 Whitefield Maine 04353

24 October 2007
Whitefield Maine

Dear Clary Association Member:

It is my pleasure to inform you that a buyer for all of Pleasant Pond Mill's property in Whitefield has been found. This includes the dam, the large mill building on the westerly side of Route 218 and the lot on which it sits, the little red house on the dam, and the small lot of land next to the dam. The property transfer is expected to occur as soon as late November, at which time the new owner proposes to give the dam to the Association, free and clear, with no strings attached.

The Board has met to discuss this offer and is fully in favor of accepting ownership of the dam. As many of you may recall, this is not the first time the Association has tried to acquire the dam; I don't remember the first time, but the last time was back in 1994 when Art Enos offered it to the Association. We were unable at that time to raise sufficient funds to buy it. Now the dam is being offered to us for nothing and the Board feels we would be remiss if it did not take advantage of this generous offer.

Our Association by-laws require a majority vote of the full membership to acquire or dispose of real property. **To that end we are calling a Special Meeting of the Association to be held on Saturday the 17th of November at 3:00 PM in the old school house on top of the Whitefield Town Office building on Town House Road in Whitefield.** We are sorry for the short notice but circumstances require that we move quickly to take advantage of this offer. We also regret that some of you will not be able to attend this meeting in person. For that reason, included in this mailing are a proxy ballot and a self-addressed stamped envelope for you to return it in. Our by-laws require that a quorum of at least 1/3 of the membership attend a meeting. A properly filed proxy constitutes presence for quorum purposes. If there is any way you can arrange to attend the meeting in person, please do so.

For those of you who will not be able to attend the meeting, we have prepared the following responses to some of the more obvious questions that you might have about this proposal. Hopefully this information will help you come to a decision about whether or not the Association should accept the dam.

- **What about liability?**

The cost and availability of liability insurance to cover our ownership of the dam is unknown at this time. We are currently working with our insurance agent and negotiating with a number of insurance providers about obtaining liability insurance. We are fortunate in one regard- the dam on Clary Lake is considered a "low hazard" dam by the State of Maine, a classification that refers to the potential risk to downstream properties and not an indication of the dams condition or state of repair. In other words, nobody is going to die if the dam fails. That's a good thing ☺ I trust we'll be able to address this matter when the time comes.

- **Ideally, shouldn't the Town of Whitefield and/or the Town of Jefferson own the dam?**

Yes, and we have been working to make that happen but we have faced difficulties. For one thing, it's hard to deliver something you don't own. Pleasant Pond Mill LLC has offered the dam to the towns directly but with conditions attached and the town hasn't been interested. Perhaps when we actually own the dam and have already repaired it, the Town might be more interested in taking it over. We intend to continue to pursue this avenue but in any case, the town cannot move quickly and the dam needs a new

owner NOW.

- **The dam requires repairs. How will the Association pay for them?**

The Association is not without funds. We have over \$10,000 at our disposal to start with. Additionally, the Department of Inland Fisheries and Wildlife has indicated that substantial monies are available to us for dam repairs from the Maine Outdoor Heritage Fund, which they administer. Generally, grant money and other attractive funding alternatives are available to non-profit corporations that are not available to private individuals. We have already begun researching these alternatives. Assuming the Association votes to accept the dam, the first thing the Board will do is create a Dam Maintenance and Repair Fund.

- **Will our dues increase?**

Probably, eventually, but there are no plans at this time to increase Association dues as a result of acquiring the dam. As the Association matures and takes on additional responsibilities, operational costs will also increase. Dues increases are neither the most desirable nor the only means we have of raising money.

- **Has an engineering assessment of the dam been made? Do we know exactly what repairs need to be done, how much they will cost, and when they will be made?**

No. at least not a formal and complete assessment by an engineer. The current dam owner has not been fully cooperative in this regard. That said, we have a pretty good idea of the general work required to put the dam in good working order again. This work includes replacing the failing concrete “plug” in the center of the dam, repairing the existing gate, installing a sluice (spillway) with a provision for stop logs on top of the dam to control the lake level, and of course, plugging the leaks. Getting an engineer to review the situation and generating estimates and a timetable for the work are next in order.

- **What about the water level of Clary Lake?**

What about it! I'd LOVE to oversee a discussion with the membership about the water level of Clary Lake rather than wrestle with the problem of whether we'll have a lake level to worry about at all. The water level of Clary Lake is not the issue at this time. Whether there will be a functional dam in the future is the issue. First things first!

- **Why can't we just fix the dam?**

The Clary Lake Association has offered to repair the dam but we were not able to comply with all the requirements Pleasant Pond Mill LLC placed on us. Pleasant Pond Mill LLC is not interested in owning and maintaining the dam simply to make the Clary Lake shore owners happy. Their plans for developing the big mill building do not require there be a dam on Clary Lake at all and they'd be just as happy if the dam failed completely. Fortunately, the new owner values Clary Lake and feels strongly that the dam should be repaired and maintained.

- **Why doesn't the new owner want to own the dam?**

Why should anyone want to own the dam? The current owner doesn't want to own the dam, the former owner didn't want to own the dam, the State of Maine doesn't want to own the dam, we don't really want to own the dam and the Towns of Whitefield and Jefferson don't want to own the dam. Nobody wants to own the dam but clearly, SOMEONE has to own it or it will fail. The dam's sole purpose is to hold back the water in Clary Lake and as such, the Clary Lake shore owners are the ones that directly benefit from the continued existence of the dam. The general consensus by all parties at this time is that the Clary Lake Association should own the dam.

- **What about the little house on the dam and the lot next to it?**

We don't know what the new owners intentions are for the little house and the lot of land next to the dam. The only thing he's mentioned so far is his plan to remove the building from the dam, which is probably a good thing. He may offer the lot and building to the Association as well as the dam, or not. We're really only interested in the dam but should be willing to accept whatever he is willing to give us. The motion you are being asked to vote on is so worded.

I was 7 back in 1960 when Chester Chase drained the lake. The lake didn't disappear, but it sure got smaller and I don't recall ever seeing it that low since. I remember seeing stonewalls, fences, and tree stumps where there used to be water. I remember vast expanses of mud where I used to go swimming. I remember taking a canoe ride with my father up into the meadow. It was only a brook. Chester finally repaired the dam that summer and closed the gate and the lake eventually came back but the dam is still a problem. It looks like finally, we're in a position to solve this problem once and for all. I hope you are all as excited by this prospect as I am!

If you have any questions, comments, or concerns please let me know what they are. I hope to see you at the meeting!

Respectfully,

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