



The Pascoag Upper Dam Association

An Important Message to the Membership from the Board of Directors

Over the past few months, the town of Burrillville was contacted by the current owners of the dam and lake to see if they were interested in taking possession of both of these. In pursuit of that, the Association was contacted by the town and asked to work with them to investigate this opportunity. The following is our best attempt at putting this all together so as to bring you up to date on the opportunity and the current status.

Even with the efforts of many individuals, it is clear that the Upper Dam of the Pascoag Reservoir (the “Dam”) has received minimal, if any, maintenance for the last decade or longer. The Pascoag Upper Dam Association (the “Association”) has, over the past few years, made numerous but unsuccessful attempts to gain permission from the owner of the Dam to perform minimal maintenance.

The Association is currently responsible for maintaining the historical seasonal water levels of the Reservoir through the manipulation of the dam gate. It does not currently have any authority to improve the Dam. In addition, the Association’s inability to generate funding under the current voluntary membership structure makes any significant improvements unaffordable. There is also a long-standing issue of fairness relating to the participation by all property owners around the lake in the costs of maintaining the Dam.

Presently, owners of property abutting the lake remain insecure in their legal right to access to the lake. Even though the State of Rhode Island attained the right to access the Reservoir via the state-owned boat launch, the property owners around the Reservoir could still be subject to a legal challenge by the owner of the dam and land under the lake. This risk negatively affects the property values of residents living around the lake and undermines their quality of life.

Recent changes in state law have created an opportunity for the Town of Burrillville to address these issues.

The Rhode Island Department of Environmental Management (“RI DEM”) is in the process of developing Rules and Regulations for Dam Safety that will, in part, establish minimum requirements for maintenance of a dam, registration of dams, and the responsibilities of RI DEM and dam owners for inspecting and repairing dams. The Rules and Regulations will require dam owners to perform certain maintenance and inspections at specific intervals. Under the regulations, if a dam is determined to be unsafe, the RI DEM may require the reservoir be drawn off in whole or in part, until the dam is made safe. The Rule and Regulations are expected to be completed in the second quarter of 2007 and can be viewed by going to the following link:

[Click here to read the Regulations](#)

Once these regulations are adopted, our lake and the quality of life we currently enjoy could be in serious jeopardy if certain actions are not taken to improve the condition of the dam.

Fortunately for us, the State Legislature has already passed legislation that authorizes the cities and towns of the state to adopt ordinances creating dam management districts for dams. These ordinances are to be designed to prevent threats to public safety and public and private property caused by the failure or breach of dams and to protect the values associated with dams through the implementation of dam repairs, maintenance, management and/or removal. Dam management districts created pursuant to this chapter shall be separate corporations, having legal existence distinct from the town and from the state, for the purpose of managing dams and providing for dam safety within the boundaries of the district.

This legislation, Title 45, Chapter 45-62 of the Rhode Island General Laws, can be found at the following link:

[Click here to go to RIGL 45-62](#)

In part because of these changes in state law, the current owner of the Dam and land under the Reservoir is seeking to donate the property to an appropriate entity. The Association Board of Directors unanimously supports working with the Town Council to create a dam district. This Dam District would accept title to the Dam and the land under the Reservoir. This district would be responsible for maintaining the Dam and would have the ability to protect the interests of land owners abutting the lake. This corporation would also be able to create a fair and equitable system for sharing the cost of dam maintenance among the residents who benefit from the enjoyment of the Reservoir. By vesting the ownership and responsibility for the Dam and land under the lake in such a corporation, the Town would provide legal security, protect property values and improve the quality of life for the property owners on the Reservoir.

With this background and on behalf of the members of the Association, the Board of Directors of the Pascoag Upper Dam Association unanimously urges the Town Council of the Town of Burrillville to establish a Dam Management District in the Town of Burrillville, specifically for the Pascoag Reservoir, pursuant to Title 45 Chapter 45-62 Dam Management District. The Board of Directors believes that such an action will be in the best interests of the Town and of the residents of the Town whose properties abut the Pascoag Reservoir.

Working up to this point, the Town engaged the Board of the Association for a number of discussions on the issue of the dam, dam safety and the best solution for all involved. After much discussion, research and consideration, the Board of Directors delivered the Resolution below to the Town Council for the April 11, 2007 meeting.

If you have any questions concerning this matter, you can contact me or anyone on the Board of Directors.



The Pascoag Upper Dam Association

A Resolution to the Town Council of the Town of Burrillville

Title 45 Chapter 45-62 of the Rhode Island General Laws authorizes the cities and towns of the state to adopt ordinances creating dam management districts.

The Pascoag Upper Dam Association proposes working with the Burrillville Town Council to establish a dam district that would accept title to the Dam and the land under the Reservoir. This dam district would be responsible for maintaining the Dam and would have the ability to protect the interests of land owners abutting the lake. This corporation would also be able to create a fair and equitable system for sharing the cost of dam maintenance among the residents who benefit from the enjoyment of the Reservoir.

The Board of Directors of the Pascoag Upper Dam Association unanimously urges the Town Council of the Town of Burrillville to establish a Dam Management District in the Town of Burrillville, specifically for the Pascoag Reservoir, pursuant to Title 45 Chapter 45-62 Dam Management District. The Board of Directors believes that such an action will be in the best interests of the Town and of the residents of the Town whose properties abut the Pascoag Reservoir.

Respectfully submitted by the members of the Board of Directors, Pascoag Upper Dam Association:

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Kayla Sliney, Secretary
Gary Briggs
Edward Brennan
Edward Hochwarter
Leo Plouffe

Mark Farrar, Vice President
Richard Tropper, Treasurer
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The Pascoag Upper Dam Association

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