

Basin, David Tilton Pond Association

Lake Level Committee Report

September, 2019

- On September 20th, about 120 sandbags and filter fabric were removed from the dam and overflow area and stockpiled to drain, dry and be subsequently transported away from the dam area.
- Established and recruited members for Dam Remediation work that was agreed to with MEDEP.
- Developed release and waiver of liability form for volunteers to assist with dam maintenance.
- We learned that Mark Bergeron was no longer with MEDEP and that Mark Stebbins was now our point of contact.

October, 2019

- On October 19, 2019 - sandbags were removed from the dam area to Sandy River Road and distributed to various takers. Pathway was made passable on or about October 16, 2019.

June, 2020

- Dam was vandalized on June 6, 2020 at 4:30 in the morning. Vandalism was discovered and the dam was restored. DEP was informed of the incident, as was the Town of Fayette and the 30 Mile River Watershed Association.

July, 2020

- Dam was again vandalized on July 24, 2020 at 7:30 in the morning, discovered on Saturday and repaired.
- DEP was informed of the incident, as was the Town of Fayette, 30 Mile River Watershed Association and the Chesterville Code Enforcement Officer. Received call back and discussed matter with Mark Robinson.
- Opened dialogue with Mark Stebbins (DEP); reviewed history, DEP's understanding and authorization for BDTPA to maintain dam; updated him on recent vandalism and requested guidance on how to handle and stop repeated vandalism. Mark will discuss with his boss (attorney) when he returns from vacation. In general, DEP cannot step in unless the dam is permitted through them. Claims against trespass and/or willful destruction of private property would have to be brought forth by the property owner(s).
- Noted that both the Town of Fayette and DEP would prefer that media exposure be minimized.

Actions Moving Forward

- Fortify the dam to protect against vandalism – within guidelines of easement and in accordance with DEP written communications;
- Establish an Emergency Response Team to monitor and repair the dam, if vandalized, or if damaged from natural causes; need names and contact numbers and waiver forms;
- Revisit permitting options, details and timeframes to implement, so that DEP can provide enforcement;
- Determine which enforcement parties can act against activities that damage the environment, ie.:
 - Town Code Enforcement Officers
 - DEP
 - County Sheriffs
 - County Wardens
 - State Police
 - Inland Fish and Wildlife
- Follow up on and pursue legal avenues and procedures

Submitted by: Tom Jenkins, Vice President - BDTPA