

Why a Dam Funding Referendum?

Why This Referendum Is Necessary

Over the past several years, the condition of the Lake Hayward Dam has been carefully evaluated through required engineering inspections. The 2019 Dam Safety Report identified deficiencies that must be addressed to comply with Connecticut DEEP dam safety requirements.

Following extensive review and coordination with DEEP, the Association applied for a permit in February 2024 to make the required repairs, which was officially approved and signed on October 5, 2025.

At our August 2020 Annual Association Meeting, the membership voted to allocate \$10,000 toward dam repairs. Subsequently, at the August 2024 Annual Association Meeting in 2024, the membership voted to authorize the first phase of the process - proceeding with permitting and contractor bidding to determine the full scope and cost of the required repairs. That vote allowed the Association to move forward responsibly and obtain firm, professional cost estimates. It did not authorize funding for construction.

The second and final phase - and the purpose of the referendum, was for the membership to vote on how the dam repair project would be funded, including whether to approve a Special Assessment once the total project cost and outside funding contributions were finalized. The referendum vote was mailed to each registered, voting POALH Member in March 2026. The ballot was mailed because the member vote needed to take place in the "off season" before the next Association, due to time constraints with the dam project start dates. The deadline to mail back was April 30, 2026. On May 1, 2026 the votes were tallied and the majority of voting members voted to approve the dam project and allocate \$50,000 from capital reserves to help fund the project and lower the special assessment.

Mandated Repairs vs. Funding Approval

It is important to distinguish between two realities:

- The dam repairs themselves are mandated by the State of Connecticut.
- Under Connecticut law, dam owners are legally required to maintain dams in a safe condition and to complete any work ordered or permitted by DEEP.

- The funding mechanism for those repairs must be approved by the membership (and was successful in May 2026).
- While the work is not optional, the Association's Charter and By-Laws require that a Special Assessment be approved by a vote of the membership.

If the funding referendum were not approved, the legal obligation to repair the dam would still exist. In that scenario, the Association; and by extension its members, would face severe consequences, including:

- Daily fines of up to \$1,000 per day.
- Potential loss of dam insurance coverage.
- DEEP intervention to complete the repairs at up to twice the cost, billed directly to the Association.

Any of these outcomes would have resulted in a far greater financial burden than the Special Assessment.

Voting Rights and Fairness

The referendum was mailed via USPS to all registered voting members of the Property Owners' Association of Lake Hayward (POALH) in March, 2026.

As stated clearly in POALH's Charter and under Connecticut law:

- Each eligible Member is entitled to one vote only.
- Ownership of multiple properties does not confer additional voting rights.
- Proxy voting is not permitted.

This structure ensured fairness and equal representation across the Association.

In Closing

The referendum was not about whether the dam would be repaired - that decision has already been made by law.

The vote was about how we, as a community, responsibly fund a mandated project in a way that minimizes long-term risk, protects our property values, and avoids far greater costs in the future.