

**Cedar Meadow Lake Watershed District
Minutes of Management Committee Meeting
March 18, 2009**

The meeting commenced at 7:35 P.M. at 1 Maple Glen Lane, Leicester.

In attendance: Paul Dufresne
Tommy Lee
Wayne Ridley
Richard Johnston, Clerk
Terry O'Coin, Treasurer

Minutes of Previous Meetings

Previously distributed Minutes of the Management Committee meetings on January 14, 2009 and February 26, 2009 were offered for approval. A motion was made, seconded and voted unanimously to accept the Minutes as written.

Clerk's Report

Mr. Johnston reported the following correspondence since the last Management Committee meeting:

- 1/16 letter to R. H. White and 1/30 response contained in EAP
- 1/30 letter from Massamont Insurance
- 2/2 Invoice from DeSimone
- 2/12 letter to DCR covering recorded copy of Dam Safety Certificate
- 2/19 abutter's notice regarding 17 Fairview building extension
- 3/6 letter to DeSimone from Clerk covering agreements with experts
- 3/9 letter to Leicester Emergency Coordinator covering EAP
- 3/12 letter to DeSimone covering requested information
- 3/12 letters from DeSimone to experts covering approved expert agreements
- 3/13 letter from O'Neil and Bloom

Treasurer's Report

Mr. O'Coin presented a Treasurer's Report dated 3/18/09 that showed the District had \$36,949.37 on deposit with the Spencer Savings Bank. He went over the report and pointed out invoices he was prepared to pay and a transfer of \$10,000 from a Certificate of Deposit to the checking account. The penalty for this early withdrawal was \$150.61.

Mr. O'Coin sought and received approval for Warrant number 127.

There was discussion about the need to transfer money from the Reserve Account to cover existing and anticipated legal bills. A motion was made, seconded and voted unanimously to transfer \$3,000 from the Reserve to the Legal Account.

Mr. O'Coin discussed the need to file Federal 1066 and 1099 forms. This year, it was only necessary to file a 1099 for Lynch, DeSimone and Nylen because Oakland Landscaping was not paid during the reporting period.

Old Business

Annual Draw Down:

Mr. Johnston reported that he was able to hold the water level at between 31 and 39 inches below the spillway elevation between 1/8 and 3/18.

Tax Update:

The tax bills are out and due as a single payment on May 1.

O & M Manual:

Copies of the revised O & M Manual were distributed. Revisions included typographical corrections and the addition of a distribution list, a paragraph devoted to a training discussion, and the addition the ability to show updates as suggested by Mr. Lee.

Emergency Action Plan:

Revised Emergency Action Plans were distributed to Leicester's Emergency Management Coordinator, Robert Dupuis. Mr. Johnston also planned to send a copy of the EAP to the Office of Dam Safety.

District Website:

Mr. O'Coin discussed the website he created for the District's, the material that was included and encouraged the Management Committee to review the site.

New Business

Office Dam Safety Certificate:

Mr. Johnston reported making the required filing of the Dam Safety Certificate at the Registry of Deeds.

Streamflow Issues:

Mr. Johnston reported attending a seminar at COLAP's Winter Workshop regarding streamflow downstream of dams. The session was presented by Massachusetts Fish and Game. He presented a summary entitled "Dam and Streamflow issues." Fish and Game has studied the matter and has come to the conclusion that the best way to treat streams downstream of impoundments is to duplicate, to the extent possible, the streams flow characteristics if there is no impoundment. This includes drying up, or nearly drying up, the brook in July and August. An annual lake draw down program disrupts the normal streamflow to the extent that more water flows in the fall when the lake is being drawn down and less water flows in the spring when the lake is being refilled. The best way to minimize these disruption is to slow draw downs and refills by spreading out the processes over longer periods in the spring and fall. The District currently slows the fall process by completing the draw down over several months. Attempts will be made to slow the refill process in the spring of this and future years.

Proprietor Complaint:

Mr. Johnston reported a telephone conversation with Donald O'Neil, an attorney representing Proprietors John and Susan Krol, owners of 15 Fairview Drive. He shared a letter from Attorney O'Neill seeking intervention by the Management Committee into a dispute with the owners of 17 Fairview Drive. Mr. Krol has alleged that the owners of 17 Fairview Drive have installed a wall and have extended their property several feet out into the lake. In doing so, a "trap" has been created at the shoreline of the Krol property where floating material such as leaves and weeds accumulates.

The Krol's have reported a wetland by-law violation to the Conservation Commission seeking a return of the shoreline to its original location. Attorney O'Neil, on behalf of the Krol's, has requested a letter from the Management Committee to the ConCom stating that the owners of 17 Fairview did not have permission to encroach on District property (the lake bottom) and that restoration of the land to the original state was desired. After lengthy discussion, the Management Committee elected not to get involved in a dispute between Proprietors. This is consistent with a similar previous position taken with respect to a land access dispute between two Proprietors at the end of Fairview Drive.

Annual Meeting:

It was agreed that the Annual Meeting will be conducted on May 20, 2009 at the Leicester Police Department Community Room beginning at 7:30 PM.

Fiscal 2010 Budget:

There was lengthy discussion regarding upcoming legal expenses to prepare for and conduct the District's defense in the Central Water District Associates v. Cedar Meadow Lake Watershed District trial currently scheduled to begin on August 24 in the Worcester Superior Court. Based on the experience of the Stiles Lake Water District, it was agreed that it would be necessary to budget \$75,000 and, further, that it would be necessary to borrow funds to cover this expense. Such borrowing requires that approval of the Proprietors of the District. Mr. Johnston was instructed to prepare an Article for inclusion in the Warrant for the Annual Meeting seeking authorization to borrow this money.

Executive Session:

The meeting was recessed to hold an executive session to discuss pending litigation.

Next Meeting

The next regular meeting of the Management Committee was scheduled for 7:30 P.M. on Wednesday, April 8, 2009 at 1 Maple Glen Lane, Leicester.

Adjournment

A motion was made, seconded and voted unanimously to adjourn the meeting. The meeting adjourned at 8:55 P.M..

A True Copy Attest:

Richard D. Johnston
District Clerk