

**Cedar Meadow Lake Watershed District
Minutes of Management Committee Meeting
May 8, 2014**

The meeting commenced at 7:40 P.M. at the Leicester Police Department's Community Room.

In attendance: Tommy Lee
Wayne Ridley
Richard Johnston, Clerk
Terence O'Coin, Treasurer

Michele Cospers, District Member

Minutes of Previous Meetings

Minutes of the previously distributed 4/10/14 Management Committee meeting were offered for approval. One omission was corrected. A motion was made, seconded, and voted unanimously to accept the Minutes as amended.

Clerk's Report

See attached memorandum dated 5/8/14 for Clerk's communications for the period 4/11/14 through 5/8/14. Mr. Johnston summarized and highlighted some of these communications.

Treasurer's Report

Mr. O'Coin presented a Treasurer's Report dated 5/8/14 showing that the District had \$200,684.98 on deposit in the Spencer Savings Bank. Of this amount, \$181,362.80 was deposited in the money market account containing betterment payments. Of the remained, \$18,212.47 was in a general funds checking account, and \$1,109.71 was in the stabilization account. The only activity during the month was the recording of \$67.05 in interest in the betterment account.

Mr. O'Coin reported communications he had with Spencer Savings Bank Vice President Steve Quink in an effort to secure a \$30,000 line of credit guaranteed by the District's own funds on deposit at the bank. Mr. Quink raised many questions. One was whether the District even needed the line. There was discussion in this regard and the Management Committee agreed that the line was, in fact, needed.

There was a brief discussion about a notification received from the USDA advising that District's first loan payment in the amount of \$84,835 would be transferred automatically on 6/20/14.

Old Business

Lake Level Management:

Mr. Johnston reported that he installed the channel stop and closed the low level outlet 90% on 4/10 when the water level was 16 inches below the spillway elevation. Leaving the low level outlet partly opened ensured a continuation of flow in the brook below the dam. This practice is consistent with the recommendation of MA Fish and Wildlife to attempt to replicate the actions of

this brook before the dam was installed. After making minor repairs to one of the flash boards, Mr. Lee and Mr. Johnston installed the flash boards in the spillway channel on 4/12. Members Ed Rose and Mark Hobson observed the installation and viewed the water control facilities. Mr. Johnston fully closed the low level outlet on 4/21 when the water level was at

minus 1 inch, and water flowed over the spillway for the first time this Spring on 4/22. Following heavy rain, there was 2.5 inches flowing over the spillway on 5/3. On 5/8, there was one inch of water flowing over the spillway.

Mr. Johnston described the location of two possible leaks, both of which were very slight, located 25 feet east of the spillway and 25 feet east of the gatehouse respectively. He suggested that these locations, and the long standing minor leak that results in a small pool below the dam near Charles Street, be monitored periodically. He also reported that, once the water level reached approximately one foot below the spillway elevation, flow could be heard and observed below the spillway. He reiterated that this was not of concern to Lenard Engineering and the Office of Dam Safety because all the fines had washed out long ago under Mr. Shea's ownership.

Document Retention:

Mr. Johnston reported that he cleaned his computer files of dated material, or material that was no longer of value to the District. Mr. Lee agreed to meet Mr. Johnston after the Annual Meeting to download these files to a thumb drive and to transfer this information to the new Clerks's computer.

Annual Meeting Preparation:

Mr. Johnston shared copies of a revised version of the 2014-2015 Action Plan. It was agreed that this could be printed for distribution at the Annual Meeting and that Mr. Lee would present the Plan to the members at the Meeting.

Mr. O'Coin shared copies of a revised budget and discussed it line-by-line. Significant amounts include \$5,000 for legal expenses to deal with a complaint from Mr. Shea, \$5,000 for dam repair, \$18,000 for herbicide weed control. The details of the budget will be included in the minutes of the Annual Meeting. He shared copies of the pie charts that he usually shared with members at the Annual Meeting showing budget to actual comparisons. The budget included \$15,000 carried forward from FY14, and \$3,000 from free cash. \$39,679 will be raised through taxation. This, on average, represents \$460 per member.

Mr. O'Coin also plans to present a Powerpoint presentation that includes a summary of where the money came from to pay the judgement and how the loan proceeds were disbursed.

There was discussion regarding the presentation and discussion of motions, and agreement was reached on the distribution of these responsibilities among elected officials. The table at the front of the room would be set up to accommodate the newly elected Clerk and Management Committee member.

A list containing the contact information for all District members was used to distribute responsibility for contacting members to encourage attendance at the Annual Meeting and/or to secure proxies to help ensure a quorum. Copies of proxy forms were distributed.

Document Retention Update:

Mr. Johnston shared a three ring binder containing the "Clerk's Reference Material," an accumulation of documents and material of value to the incoming clerk and those that follow. Mr. Johnson's aim was to provide information that could be of value to successor elected officials 30 to 40 years from now.

Revised Emergency Action Plan:

Mr. Johnston distributed copies a revised Emergency Action Plan that includes updated contact information and transfers responsibility for maintaining and controlling the dam from the Clerk to the Management Committee. Following the Annual Meeting and the election of new officers, Mr. Johnston will distribute copies to the Office of Dam Safety, Lenard Engineering, Leicester Emergency Management and the gate house.

New Business

Charles Street Guardrails:

Mr. Johnston met with Leicester Highway Superintendent Tom Wood at the dam on 5/5 to discuss the possibility of replacing a portion of the guardrails at the access point to the dam with some form of a wide swinging gate. Mr. Wood advised that the guardrails were not installed for safety reasons but, rather, were installed by the Town, many years ago as a favor to the Cedar Meadow Lake Association to keep cars off the dam. Mr. Wood will have no objection to installing a swing gate provided that any exposed guardrail ends be covered with the appropriate end piece, as is currently the case.

Herbicide Weed Control:

Mr. Johnston reported conversations with member Jeremy Wooden and personnel at the ESS Group. Jeremy previously accompanied ESS personnel as they gathered weed population data. He volunteered to continue to be involved in weed management. ESS informed Mr. Johnston that good budget numbers for first year herbicide control of Fanwort would be \$5,500 for permitting and \$500 per acre for treatment. The permit should be good for at least three years. The \$18,000 carried in the proposed FY15 budget should be adequate to secure the necessary permits and to treat the two northern coves. Ideally, treatment would be applied in early summer.

Liability Insurance:

Mr. Johnston reported the receipt of liability insurance nonrenewal notices. This is something that typically takes place each year, apparently by regulation. This year, however, the stated reason was "Failure to provide/disclose information material to risk." Mr. Johnston contacted John Brissette at the Braley and Wellington Insurance Agency. John immediately started to investigate this matter.

Rawson Street Bridge Replacement:

Mr. Johnston contacted Leicester Highway Superintendent Tom Wood to ask about the design of the bridge, and use of surrounding land, to find that the State has not shared any information with the Town. Town understands that the funds are included in the current, FY15, transportation bill.

Tax Sharing Concept:

Mr. Johnston shared a memorandum in which he describes the sharing of the higher property taxes on waterfront property between the Town and lake abutters. Waterfront property owners pay twice as much as non-waterfront property owners in property taxes on land. The Town benefits from this property tax premium, but the waterfront property owners do not. The Town will continue to receive these higher taxes only as long as the effected water bodies remain healthy. The tax sharing concept in the memorandum calls for the Town to give back 25% of the tax premium to help maintain the bodies of water and dams to ensure a continuation of the ability to collect the tax premiums.

Executive Session

The meeting was recessed at 9:00 P.M. to go into Executive Session to discuss outstanding litigation in the form of a complaint from Raymond E. Shea, Jr. through the law firm of Army and Lee demanding payment of \$100,000 for flooding land below the dam. The Executive Session concluded at 9:09 P.M..

Next Meeting

The Management Committee will meet immediately following the Annual Meeting on 5/22 to elect officers to serve until the next Annual Meeting.

The next regularly scheduled meeting of the Management Committee was scheduled for 7:30 P.M. on Thursday, June 12, 2014 in the Leicester Police Department's Community Room.

Adjournment

A motion was made, seconded and voted unanimously to adjourn the meeting. The meeting adjourned at 9:10 P.M..

A true Copy Attest:

Richard D. Johnston
District Clerk
Cedar Meadow Lake Watershed
Memorandum

Date: May 8, 2014
Subject: Clerk's Communications
To: Management Committee
From: District Clerk

District Clerk Richard Johnston reported the following communications for the period April 11, 2014 through May 8, 2014. This memorandum will be attached to the May 8, 2014 Management Committee Meeting minutes:

- 4/9 Letter of complaint from Attorney Mark Twombly Lee on behalf of Raymond Shea, Jr. seeking \$100,000 in damages for "flooding" his land below the dam
- 4/12 Exchange of e-mails between Clerk and Treasurer regarding Friends contributions
- 4/14 Exchange of e-mails between Clerk and Tom Forsberg regarding contact information
- 4/15 Exchange of e-mails between Clerk and member Jeremy Wooden regarding the conduct of weed survey
- 4/18 Privileged communications between Clerk and Attorney Gorman regarding complaint from Raymond Shea, Jr.
- 4/25 e-mail from Treasurer to Management Committee covering proposed FY15 budget
- 4/26 Mailing of 91 newsletters
- 4/29 Exchange of e-mails between Treasurer and Spencer Savings Bank regarding line-of-credit
- 5/1 Realtor letter to ERA Key Realty regarding 63 Fairview Drive
- 5/3 Notices of Nonrenewal of Insurance from Darwin National Insurance Company
- 5/5 Exchange of e-mails between Clerk and Braley and Wellington Insurance Agency regarding nonrenewal notices
- 5/5 Mailing of 89 Warrants
- 5/5 Exchange of e-mails between Clerk and ESS Group regarding proposed weed treatment program
- 5/8 e-mail from USDA advising that \$84,835 first loan payment would be withdrawn from bank account on 6/20