

**Cedar Meadow Lake Watershed District  
Annual Meeting  
May 22, 2013**

The 2013 Annual Meeting of the District was scheduled to be held at the Knights of Columbus Hall in Leicester at 7:30 P.M. on May 22, 2013. The Proprietors of the District were notified of the meeting by First Class mail more than 14 days in advance of the meeting. Further, a copy of the same Warrant sent to the Proprietors (attached) was posted on the Leicester Town Clerk's bulletin board more than 14 days in advance of the meeting.

**Meeting Minutes**

The Meeting Clerks, Anita Johnston of 101 Charlton Street, Rochdale and Mary O'Coin of 12 Caron Road, Sturbridge registered Proprietors, also referred to as members, and offered hand-out material prior to the start of the meeting. The meeting was convened at 7:45 P.M. by moderator Ruth Kaminski with the understanding that general discussion could take place, but no voting could take place until a quorum was established. While Tommy Lee left to secure enough proxy votes to establish a quorum, a number of subjects were discussed. These subjects include wildlife sightings of Eagles around the lake, and the abundance of Fishercats, and a warning from the Police Department regarding Black Bear sightings in Town. Also discussed was the unusually high number of Sunfish and small Bass found dead near the shoreline of the lake. Paul Dufresne discussed the annual killing of Sunfish by Bass when the Sunfish try to eat eggs laid by the Bass. He also talked about the possible effects of storms depleting oxygen from the lake at the same time the fish are spawning and are exhausted. Richard Johnston related a conversation he had with member Mark Hobson who observed leaches inside the mouths of Bass. Mr. Johnston mentioned that he counted 20 dead Sunfish and small Bass up against the dam earlier in the day, and speculated that this might be a normal occurrence that goes unnoticed because, ordinarily, the fish are being washed over the spillway at this time of year. Wayne Ridley discussed the findings of his water sampling efforts and took the members through a hand-out summarizing these findings. Mrs. Kaminski announced that, after twenty years, this meeting was going to be her last with the District. After Mr. Lee returned with two proxy forms, and after being assured that a quorum existed, Ruth Kaminski confirmed with the District Clerk that the Proprietors of the District were properly notified and read the first Article on the Warrant at 8:30 P.M..

Owners of property within the District totaling \$8,130,400 in assessed valuation were represented at the meeting in-person or by proxy. Representation representing one-third of the \$22,755,800 assessed valuation of property within the District, currently \$7,585,300, is required to establish a quorum.

Article 1

Ruth Kaminski read the Article. Paul Dufresne of 47 Fairview Drive, Leicester moved that the District votes to elect a moderator to preside for the duration of the meeting. The motion was seconded. Mrs. Kaminski asked for nominations. Mr. Dufresne nominated Ruth Kaminski to moderate the Annual Meeting of the District and noted that Mrs. Kaminski moderated almost all of the District's Annual Meetings for the last twenty years. There were no other nominations. Mrs. Kaminski asked for a vote on the nomination. Ruth Kaminski was voted as Moderator unanimously.

Article 2

The Moderator read the Article. Tommy Lee of 61 Fairview Drive, Leicester moved that the District votes to hear a report from the Management Committee summarizing their activities since the last Annual Meeting of the District. The motion was seconded. The Moderator read the motion and asked for a vote. The motion was voted unanimously.

District Clerk Richard Johnston of 101 Charlton Street, Rochdale stated that the Management Committee met ten times during the year and that recent meetings were held at the Police Department's community room. State Meeting Laws require that Management Committee meetings must now be held in a public building. He stated that the minutes of these meetings are posted on the District's website

approximately 6 weeks following the meetings. Mr. Johnston took the Proprietors through a summary of

the Management Committee's activities since the last Annual Meeting and used the attached document entitled "Cedar Meadow Lake 2012-2013 Action Plan Status Report" as a guide.

With respect to Goal 1 - Dam Maintenance, Mr. Johnston stated that the routine maintenance on the dam was completed including the cutting of the grass on the dam crest. The planned siphon installation was also completed.

Goal 2 - Engineering Services, was incomplete because the planned mandatory dam inspection had been postponed pending completion of dam repairs. The District did engage the services of Lenard Engineering, and Mr. Johnston talked about how easily and inexpensively they are to work with.

Goal 3 - Dam Repairs, was also complete. Earlier in the day, Mr. Johnston measured the lake level at 43 inches below the spillway elevation. Ordinarily, at this time of year, the lake is full. He talked about how slow the regulatory approval process is given that the Office of Dam Safety (ODS) has only one engineer to review all proposed dam repair plans throughout the State. Plans to excavate and supplement the dam's core wall were completed last year, but not until the end of December because the District, through Lenard Engineering, did not receive timely approval of its repair plan. A void within the internal structure of the dam was discovered in during December construction and the ODS ordered a plan to correct this. Cold weather conditions prevent any further work from taking place during the winter months. The ODS did not want the lake filled until dam repairs were complete and ordered that the water level remain at five feet below the spillway elevation. The District and Lenard Engineering convinced the ODS to allow this level to be raised to three feet below the spillway elevation to avoid a fish kill. Lenard Engineering devises a plan to inject concrete and chemical grout in the Spring, but, again, ODS approval was slow coming. A request to postpone this work until the Fall during the regular draw down was denied by the ODS. Grouting work that could have been done in March was not started until April. The ODS ordered that the water level be held down four feet during Spring repairs. The Spring grouting work revealed two other potential problems that the ODS ordered corrected before the lake could be refilled. Concrete was poured into the downstream side of the original stone lined discharge channel to prevent water from seeping through the dam at this location. Additionally, chemical grout was injected along the spillway training wall and channel to, hopefully, prevent water from seeping through the dam at this location as the concrete grout did earlier. The last of the dam repair work was completed on April 25 and the low level outlet was closed on April 21 to allow the lake to refill. On April 21, the lake level was down 50 inches below the spillway elevation. By May 22, this level had risen only seven inches due to very dry conditions. The entire French River headwater area was dry and French River flow in Oxford was substantially reduced.

The repair work performed over the past year was a learning experience. We now know more about the internal construction of the dam. It was discovered that sometime, long ago, the spillway was raised to hold more water behind the dam. The impervious core wall of the dam was not, however, also raised. Over time, water that seeped through the face of the dam flowed over the top of the core wall and caused the sinkhole that appeared a couple of years ago. The grouting experience, and the results of core sampling done in the Spring will help determine future repair activity.

Mr. Johnston also discussed the need to determine the amount of water held back by the dam as part of a hydrologic and hydraulic study. It was hoped that this would come in at less than 1,000 acre feet, but was measured at 1,400 acre feet. This put the lake in the category of a "large" body of water that will subject the District to an added level of regulation and potential expense. Lenard Engineering has warned that the ODS will likely soon demand that the spillway be increased in size. Mr. Johnston discussed all the help provided by member Brian Waterman to map the lake bottom, saving the District \$2,000 to \$2,500. Brian and his brother's company devised an inexpensive way of collecting depth data through the ice. Then Brian, and his 12 year old son, collected additional data on Sundays.

Mr. Johnston talked about the low water level in the lake and the need for a lot of rain to fill it up. He stated that what is needed are downpours. The slow steady rain that occurred the previous week was absorbed in the surrounding dry watershed. He provided some encouragement by stating that, over the past three years, more rain has fallen during June than in either April or May.

Goal 4 - Tree Removal, was incomplete because Raymond Shea, the owner of the land below the dam, refused to even talk about the sale of this land until the judgement was paid. It is hoped that he will

negotiate a purchase price when a date for payment is established.

Goal 5 - Legal Defense, was complete. This called for seeking and achieving the best possible outcome for the District in the matter of Central Water District Associates v. Cedar Meadow Lake Watershed District. Mr. Johnston stated that the outcome was lousy, but that this was the best possible outcome.

Goal 6 - Financing, called for appointing a committee to manage repayment of the USDA loan and to invest betterment pre-payments. Members Rich Carr, a certified financial planner and owner of his own investment firm, Norman MacLeod, a long time successful business owner, and Terry O'Coin, our District Treasurer, have agreed to serve on this committee.

Goal 7 - Conduct Water Quality Monitoring Program, was complete and was discussed by Mr. Ridley during discussions while waiting for a quorum to be established. A hand-out was made available at the sign-in table that summarized the results of testing. Mr. Ridley collects samples and member Mike Dupruis analyzes these samples. Total phosphorus levels continue to be low, and water clarity, as measured through the use of a Secchi Disc, continue to be very good. Informally, tests are performed to check for the presence of fecal bacterial and none has ever been detected.

Goal 8 - Weed Control, was complete. Mr. Johnston speculated that we had such a good draw down last December that it might be possible to give the lake a "rest" this Fall and limit the draw down to three feet and to delay the start of this until November.

Goal 9 - Fund Raising, was incomplete. Solicitation were made to collect from non-abutter neighbors to the lake, but a committee to look at other programs to raise revenue to offset the costs of operating the District was not put together and this task will be carried forward to next year. About \$250 was collected from the "Friends of Cedar Meadow Lake."

Goal 10 - Communications, was complete with newsletters being sent to members and the District's website being updated by Mr. O'Coin

### Article 3

The Moderator read the Article. Wayne Ridley of 39 Lakeview Drive moved that the District votes to hear a report from the Treasurer. The motion was seconded. The Moderator read the motion and asked for a vote. The motion was voted unanimously.

Terence O'Coin of 12 Caron Road, Sturbridge, the District Treasurer, referred the members to two hand-outs entitled "FY2013 Report on Budget vs. Actual Expenditures" (attached) and a pie chart comparison (attached) showing budgeted vs. actual expenses that had been distributed prior to the start of the meeting. This documents showed that, of the \$67,585.00 budgeted for FY2013, \$46,919.32 had been spent to date, \$4,431.22 in spending before June 30 was pending, and \$6,509.39 had been transferred from the Reserve Account to the Repair and Maintenance and Administration accounts. He discussed each of six accounts, and actual and pending expenditures. There was no need to fund the Stabilization Account. Of the \$6,000 set aside in the Reserve for Bad Debt Account, nothing was spent. In the Legal Account, only \$1,631.20 of the budgeted \$10,000 was spent. Mr. O'Coin stated that this was the first year in many years in which the District spent less than \$10,000 on lawyers. Expenditures, at \$33,424.37, exceeded the \$27,670.00 budgeted in the Repair and Maintenance Account, requiring a transfer of \$5,754.37 from the Reserve Account. This was due to all the unexpected dam repairs described by Mr. Johnston earlier. Spending in the Administration Account, at \$4,170.02, with another \$490.61 in anticipated spending before the end of the fiscal year, exceeded the budget of \$3,415.00 and required a transfer from the Reserve Account in the amount of \$755.02. The \$10,000 budgeted in the Reserve Account was transferred as described above to the Repair and Maintenance and Administration Accounts. Finally, of the \$10,500 budgeted for Debt Repayment Account, only \$1,184.33 was spent with an additional \$450 in spending anticipated before the end of the fiscal year. The pie chart illustrated the percentage differences between budget and actual spending.

### Article 4

The Moderator read the Article. Mr. Lee moved that the District votes to elect a District Clerk to hold office

for a term of one year or until the next Annual Meeting. The motion was seconded. The Moderator read the motion and asked for nominations. Mr. Lee nominated Richard Johnston. There were no other nominations. The Moderator asked for a vote on the nomination. Mr. Johnston was voted District Clerk unanimously.

#### Article 5

The Moderator read the Article. Mr. Dufresne moved that the District votes to elect a District Treasurer to hold office for a term of one year or until the next Annual Meeting. The motion was seconded. The Moderator read the motion and asked for nominations. Mr. Dufresne nominated Terence O'Coin. There were no other nominations. The Moderator asked for a vote on the nomination. Mr. O'Coin was voted District Treasurer unanimously.

#### Article 6

The Moderator read the Article. Mr. Ridley moved that the District votes by ballot to elect a member to the Management Committee for a term of three (3) years. The motion was seconded. The Moderator read the motion and asked for nominations. Mr. Ridley nominated Tommy Lee. There were no other nominations. The Moderator explained the voting procedure. The Proprietors would enter the name of the person they wished to vote for on the ballots they received at the registration desk. The Meeting Clerks will collect and tally these votes. The voting then proceeded as described and Mr. Lee was voted as a member of the Management Committee to hold office for three years. There were 30 votes for Mr. Lee. No other votes were cast.

#### Article 7

The Moderator read the Article. Mr. Lee moved that the District votes to accept the Cedar Meadow Lake 2013-2014 Action Plan in the hands of the Proprietors. The motion was seconded. The Moderator read the motion and asked for discussion. Mr. Johnston referred the Proprietors to the Cedar Meadow Lake 2013-2014 Action Plan (attached) that had been distributed prior to the start of the meeting. He summarized the Current Situation page and reminded the members that the dam was considered to be in fair rather than good condition due to the trees in close proximity to the downstream side of the dam. Lenard Engineering will put together a long range plan for repair and maintenance of the dam based on knowledge gained during repairs conducted in December and April. Since it has been determined that the dam holds back 1,400 acre feet of water, and the lake is considered a large body of water. Lenard Engineering has warned that the Office of Dam Safety is likely to order that the spillway be increased in size. Nuisance weeds continue to be a problem, particularly in the two coves on the north end of the lake. Lastly, the final paragraph summarized the current state of the law suit, court decision and judgement and payment of this judgement.

With respect to Goal 1, Dam Maintenance, Mr. Johnston stated that this goal dealt with routine maintenance including mowing the dam surface, and this year also called for repair of the siphon that were damaged during the winter. Goal 2, Engineering Services, calls for maintaining a professional relationship with an engineering firm to provide expertise and guidance with respect to maintaining and repairing the dam. This relationship already exists with Lenard Engineering. This goal also calls for completion of the State mandated Phase I follow-up dam inspection. Goal 3, Dam Repair, calls for completion of the next phase of a multi-year program to repair and upgrade the dam. The work to be performed in the next year will be based on the results of core samples of recently completed work and samples from in an area of minor seepage. Goal 4, Tree Removal, calls for acquiring the land below the dam and cutting large trees within 15 feet of the downstream side of the dam. Goal 5, Succession Planning, is necessitated by the planned departure, in 2014, of Mr. Johnston. His work as District Clerk and Dam Caretaker must be assumed by others. The Management Committee and Mr. Johnston will be working over the next year to identify and re-assign these duties. Mr. Johnston stated that, ideally, the new Clerk would either be retired or have the ability to meet with public officials during the day. Goal 6, Financing, calls for collecting betterments and repaying the USDA loan, and investing betterment pre-payments through the Finance Committee. Goal 7, Conduct Water Quality Monitoring Program, calls for continuing to collect and analyze lake water sample. Wayne Ridley will continue to collect sample and Mike Dupuis will continue to analyze these samples. Goal 8, Weed Control, will continue through the annual draw down program. Additionally, efforts will be made through volunteers to map non-native weed populations. With respect to Goal 9, the non-abutters neighbors to the lake will continue to be solicited for voluntary contributions through the

"Friends Program" and efforts will be made to identify other programs to raise funds to offset operating costs. Lastly, in Goal 10, Communications, the Management Committee will continue to communicate with the members via newsletters and the District's website. The Moderator read the motion and asked if there was any further discussion. There being none, the Moderator read the Article and asked for a vote. The motion was voted unanimously.

#### Article 8

The Moderator read the Article. Mr. Dufresne moved that the District votes to authorize the Management Committee to renew a line-of-credit loan in an amount not to exceed \$30,000 to pay District operating expenses pending receipt of annual tax revenue. The Moderator asked for discussion. Mr. O'Coin explained that, due to the annual delay in receiving tax revenue, it is necessary to borrow money to pay expenses. The balance of the line-of-credit would be paid upon receipt of the tax revenues. He stated that the current balance due on the existing line-of-credit will be paid from tax revenue. Mr. O'Coin provided the members with a history on the line of credit. We had a line with Spencer Savings Bank which was not renewed once the court decision and judgement was known. Commerce Bank then issued a line of credit to the District. This, too, was not renewed because of the risk associated with the outstanding judgement. Spencer Savings Bank again provided the current line of credit. The Moderator asks for additional discussion. There being one, the Moderator read the motion and called for a vote. The motion was voted unanimously.

#### Article 9

The Moderator read the Article. Mr. Lee moved that the District votes to carry forward and/or transfer funds as described in a document in the hands of the Proprietors. The motion was seconded. The Moderator read the motion and asked for discussion. Mr. O'Coin stated that the budget that he would discuss in the next article called for carrying \$3,000 forward in the Repair and Maintenance Account. This would slightly reduce the amount of money to be collected through taxation. The Moderator read the motion and asked if there was any further discussion. There being none, the Moderator read the Article and asked for a vote. The motion was voted unanimously.

#### Article 10

The Moderator read the Article. Mr. O'Coin moved that the District votes to approve the Fiscal 2014 budget in the hands of the Proprietors, the appropriation of monies to be raised by assessment upon the Proprietors in support thereof. The motion was seconded. The Moderator read the motion and asked for discussion. Mr. O'Coin referred to a hand out entitled "Proposed Budget and Appropriation of Monies Fiscal Year July 1, 2013 - June 30, 2014 (FY2014)" that had been distributed prior to the start of the meeting and described each item. He explained that the left hand column showed the annual Budget Amounts totaling \$182,487.84. The next column showed the \$3,000 voted on the last article as being carried forward from FY2013. The next column, entitled "From FY2014 Tax Revenues" represented the amount, \$53,456.84, to be raised through taxation. The next column to the right represented the amount, \$5,000.00, to be taken from Free Cash. He explained the process of the District's auditor certifying the amount of available free cash, and the Department of Revenue approving the use of this free cash. Although only \$5,000, this amount would otherwise have to be raised through taxes. The next column on the right entitled "From Issuance of Debt" showed \$18,146.00, the amount to be borrowed from the line-of-credit. The next column to the right entitled "From Betterments" totaled \$102,885.00. Of this amount, \$88,445.00 of that amount represented the expected first payment on the USDA loan plus loan administration expenses. The remaining \$14,440 represented the amount set aside to ensure the ability to repay the loan, and the amount that the Finance Committee would invest. He went on to describe a conversation he had with the District's Financial Advisor, Clark Rowell of UniBank regarding the possibility of paying down the principal on the USDA loan or otherwise taking steps to reduce the amount of time it will take to pay off the loan. He stated that he and the Finance Committee would talk with our auditor, Dan Haynes about this as well. The last column on the right entitled "From Stabilization Account" did not include any activity.

He discussed the current budget in detail. Although no specific expenditures were anticipated, \$2,500 was budgeted for legal expenses. \$6,000 was budgeted in the Reserve for Bad Debt account in case some members did not pay their betterments in time to make the annual loan payment. This amount will be adjusted in the future based on actual experience. The Debt Repayment - Spencer Bank - Line of Credit account included \$18,871.84. This includes the amount borrowed plus interest. The Repair and

Maintenance Account totaled \$36,570 including \$100 for gate house upkeep, \$450 for grass mowing on the dam, \$20,000 for dam repair and maintenance, \$3,500 for dam inspection, \$4,000 for engineering, \$1,000 for parts to repair the siphons, \$20 for water sample testing, and \$7,500 to manage the land below the dam. The Administrative Account totaled \$5,661 including \$900 for communications, and \$2,250 for auditing. This latter amount is higher than the \$1,000 we have been paying for the annual audit due to the need to prepare additional audit documents to satisfy USDA loan requirements, \$1,050 is included in the Treasurer's Bond expense due to the need to bond both Mr. O'Coin and Mr. Johnston to satisfy USDA loan requirements. \$10,000 was included in the Reserve Account to cover unexpected expenses. The \$88,445 shown in the USDA Loan Payment-Long Term Debt Account is the same amount to be collected from betterments and contains \$84,835, the first annual loan payment, and \$3,610 for loan administration expenses. The Moderator asked if there were any questions or if there was any other discussion. There being none, the Moderator asked for a vote on the motion. The motion was approved unanimously.

#### Article 11

The Moderator read the Article. Mr. Ridley moved that the District votes to discuss any other business that may properly come before this meeting. The motion was seconded. The Moderator read the motion and asked for discussion. There was no discussion. The Moderator asked for a vote and the motion was approved unanimously. Mr. Ridley explained to the audience that this was their opportunity to bring up questions not previously answered during the meeting or to raise new subject for discussion. He pointed out that a lot of what might be discussed here was dealt with at the start of the meeting while waiting for a quorum to be established. Mr. Johnston stated that he failed to tell the members where the USDA loan stood. He explained that the process is going very slowly and that Bond Counsel "dragged their feet." He understood that the paperwork is currently being reviewed in Washington and he hoped that the judgement could be paid within two weeks. Mr. Johnston and Mr. O'Coin reminded the members that the line of credit with the Spencer Savings Bank would not be available unless one of the District members guaranteed repayment by setting aside \$30,000 of his own money in a Spencer Savings Bank account.

#### Adjournment

The Moderator stated that she would entertain a motion for adjournment. This motion was made and seconded and approved unanimously. The meeting adjourned at 9:30 P.M..

A True Copy Attest:

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Richard D. Johnston  
District Clerk