

**Cedar Meadow Lake Watershed District  
Minutes of Management Committee Meeting  
May 8, 2013**

The meeting commenced at 7:50 P.M. at the Leicester Police Department Community Room.

In attendance: Paul Dufresne

Tommy Lee  
Wayne Ridley  
Richard Johnston, Clerk  
Terry O'Coin, Treasurer

Minutes of Previous Meetings

Minutes of the previously distributed Management Committee meetings on March 21, 2013 and April 11, 2013 were offered for approval. A motion was made, seconded and voted unanimously to accept these minutes as written.

Clerk's Report

See attached memorandum dated 5/8/13 for Clerk's communications for the period April 11, 2013 through May 8, 2013.

Treasurer's Update

Mr. O'Coin presented a Treasurer's Report dated 5/8/13 showing that the District had \$368,658.87 on deposit at the Spencer Savings Bank. He described transactions including the receipt of \$1,369.94 in tax receipts from the Tax Collector and the payment of three invoices; \$200 to rent the Knights of Columbus hall for the Annual Meeting, \$942 in engineering services to Lenard Engineering, and \$1,080 to Field Resources to survey the land below the dam.

Mr. O'Coin cited the need to transfer funds to the Repair and Maintenance Account. A motion was made, seconded and voted unanimously to transfer \$754.37 from the Reserve Account to the Dam maintenance and Repair Account.

Mr. O'Coin cited the need to transfer funds to the Administration Account. A motion was made, seconded and voted unanimously to transfer \$200.00 from the Reserve Account to the Administration Account. With these two transfers, only \$3,500 remained in the Reserve Account.

Mr. O'Coin stated that, with the addition of \$1,369.94 in tax receipts, the District had collected most of the tax revenue due from the February billing. There was a discussion about the importance of timely processing of tax payments by the Tax Collector's office. Mr. Johnston reported that the Tax Collector's office was at full staff again with the return of a clerk from maternity leave.

Old Business

Dam Repair Update:

Mr. Johnston reported that the third round of Phase I dam repairs were finally completed on 4/25/13. A dam inspector from the Office of Dam Safety ("ODS") observed all three days of this work. Mr. Johnston reviewed the events that occurred in this regard since the last Management Committee meeting. Chemical and concrete grout was injected into holes drilled down through the dam crest, as deep as 18 feet near the gatehouse and less deep in the vicinity of the spillway. This process went well but required a follow-up injection of chemical grout along the spillway wall. This was necessary because concrete that was injected into holes adjacent to the spillway channel and east training wall seeped out of the embankment below the dam in an area 25 feet east of the spillway. Water has been seeping from this location for at least 15 years. It is hoped that the addition of concrete and

chemical grouting at this location will stop any future water seepage.

Concrete injected into a void just west of the gatehouse seeped out of the original low level outlet channel. Lenard Engineering and the ODS expressed concern that water could find a new path through the dam and into this same channel while carrying material out of the internal structure of the dam. A form was installed by R. H. White Construction around the 16 inch exterior diameter of the low level outlet pipe and concrete was injected to fill the down stream end of the channel with concrete. The upstream side of this channel was filled with concrete in 1997.

A visual inspection of the land below the dam by Lenard Engineering and Ed Hughes of the ODS confirmed the existence of known seepage on the east side of the dam next to Charles Street and found evidence of minor seepage about half way between the gate house and Charles Street. The ODS ordered core drilling at several locations to, 1) measure the adequacy of the core supplement, 2) to determine the depth and content of core material east of the spillway, and 3) to install a test well for later use.

#### Lake Level Management:

The ODS ordered that the lake level be held down at least 48 inches below the spillway elevation until dam repairs were completed to their satisfaction. During the April construction activity, the lake level continued to drop and requests to stop the lowering of the lake were denied. Mr. Johnston closed the low level outlet on 4/21 when the water level was at minus 52 inches. Since then the water level had increased to approximately minus 48 inches. Mr. Johnston expressed his frustration with the regulatory approval process. Had the ODS provided timely approval of dam repair plans in the Fall, the installation of supplemental core material could have been completed long before the end of December when the first round of repairs were completed. Voids discovered during this process could have been corrected at that time, but could not because of winter weather conditions. Timely approval of a grouting program by the ODS in the Spring would have allowed this work to be completed in March rather than April, and would have allowed the lake to be refilled during the Spring rain period.

#### USDA Loan Progress:

Mr. Johnston reported his frustration with dealing with the very slow process of final approval of the Rural Development loan. Final documents were not scheduled to be delivered by Bond Counsel to Rural Development until 5/3/13. Bond Counsel apparently sat on the development of these documents for weeks. Kim from the Bond Counsel office called Clark Rowell to confirm that the loan amount would be \$1,444,000 and would be repaid through the fixed principal method on 4/1/13. This was over a month ago. Mr. Johnston confirmed that he spoke with Attorney Nickless and asked him to offer to pay Mr. Shea \$340,000 in advanced betterment collections to show good faith. This same offer was made previously, but was tied to the need to sit down to negotiate a selling price for the land below the dam, which Mr. Shea refused. Mr. Johnston also asked Attorney Nickless to express the District's disappointment and dismay with the slow speed of the document development process. The Management Committee fully expected to be conveying the judgement to Mr. Shea by the end of March. It now looks like this will not happen until the end of May. Mr. Johnston asked Clark Rowell to talk with Steve Bonavita at Rural Development to see if he could do anything to expedite the approval process in the General Counsel's office in D.C..

#### Lien Filing Update:

Mr. Johnston reported that he met with Kathy Asquith in the Assessor's office and that Kathy arranged for Mr. Johnston to meet Carla at the Leicester Water District to gain Carla's assistance in developing the cover document for filing betterment liens against District property.

#### Annual Meeting Preparation:

Mr. Lee's three year term will expire this year. He will run for re-election, as will Mr. Johnston and Mr. O'Coin. Proxy forms were distributed. The elected officials will encourage their usual contacts to attend the Annual Meeting.

Mr. O'Coin shared a draft budget. Most fiscal discussion focused around the need to budget for dam repairs. The amount to be raised from taxation appears to be similar to the current budget in the area of \$52,000. Several minor changes to other line items were discussed. Mr. O'Coin agreed to redraft the budget and to share with the Management Committee before the Annual Meeting.

A draft of an 2012-2013 Action Plan Status Report was reviewed and agreed to as written. This report will be the basis for the Annual Meeting Report to members.

A draft of a proposed 2013-2014 Action Plan was reviewed and modified. The final draft will be printed and distributed at the Annual Meeting.

#### Clerk's Document Inventory System:

As a follow-up to discussions at the last Management Committee meeting concerning succession planning and record keeping, Mr. Johnston shared samples of his Clerk's Document Inventory System. All District documents and correspondence are assigned a unique number and recorded in this system. Original documents are filed in corresponding loose-leaf binders. Computer searches can be performed to locate specific filed documents. There was discussion about the possibility of automating this system and of storing documents by year with Iron Mountain, the document storage company.

#### New Business

##### Self Help Weed Control:

Mr. Johnston discussed preliminary contact he made with Carl Nielsen, a Certified Lake Manager with the ESS Group. He planned to meet with Mr. Nielsen in June to discuss programs conducted by volunteers, with Mr. Nielsen's guidance, in area lakes to kill weeds.

#### Next Meeting

The next meeting of the Management Committee will be held immediately following the Annual Meeting to elect officers for the next year. The next regular meeting of the Management Committee was scheduled for 7:45 P.M. on Wednesday, June 12, 2013 at the Leicester Police Department Community Room.

#### Adjournment

A motion was made, seconded, and voted unanimously to adjourn the meeting. The meeting adjourned at 9:20 P.M..

A True Copy Attest

Richard D. Johnston  
District Clerk

**Cedar Meadow Lake Watershed  
Memorandum**

Date: May 8, 2013  
Subject: Clerk's Communications  
To: Management Committee  
From: District Clerk

District Clerk Richard Johnston reported the following communications for the period April 11, 2013 through May 8, 2013. This memorandum will be attached to the May 8, 2013 Management Committee Meeting minutes:

4/12 Spencer Savings Bank (SSB) acknowledgment of address change from 1 Maple Glen Lane, Leicester to 101 Charlton Street, Rochdale

4/17 exchange of e-mails between Clerk and Hobson regarding lake level and dam repairs

4/18 e-mail from Lenard Engineering to the Office of Dam Safety regarding third round of Phase I dam repairs

4/24 exchange of e-mails between Clerk and Attorney Phillips regarding the status of USDA loan progress

4/24 exchange of e-mails between Clerk and Carl Nielsen of ESS Group regarding self-help weed control

4/24 exchange of e-mails between Clerk and Hobson regarding dam repairs and requesting information regarding total dam repair expense since 1997 and title insurance litigation

4/24 e-mail from Clerk to Treasurer posing question regarding A-133 audit for Burncoat Pond WD

4/25 e-mail exchange between Attorney Phillips and Rural Development in Holden

4/25 e-mail from Clark Rowell to Clerk regarding timing of loan document transmission from Bond Counsel to Rural Development and estimate of time remaining in approval process

4/26 e-mail from Clerk to Management Committee providing dam repair update, payment on line of credit, change of District mail address with SSB, and need to remove siphons from dam crest

4/26 note from Clerk to Treasurer regarding SSB loan payments detail and covering Lenard Engineering invoice

4/28 mailing of 88 newsletters to members

4/29 exchange of e-mails between Clerk and Parke regarding dam repairs and lake level

4/29 exchange of e-mails between Clerk and Ruth Kaminski asking her to moderate Annual Meeting

4/29 response from SSB regarding Clerks 4/26 request for information regarding line-of-credit

4/29 mailing of 37 newsletters to Friends of Cedar Meadow Lake

4/30 e-mail from Treasurer to Clerk regarding SSB request for latest audited financial statements

5/2 e-mail from Clerk to Attorney Nickless asking him to offer to pay Mr. Shea \$340,000 of advance betterment payments

5/5 exchange of e-mails between Clerk and Treasurer regarding tax deposit at SSB and inclusion of Field Resources invoice on Warrant

5/5 mailing of 89 Annual Meeting Warrants to members

5/6 letter from Clerk to Tax Collector requesting change of address on future tax revenue checks to Treasurer's home address

5/6 e-mail from Clerk to Town Clerk covering Management Committee meeting notice

5/6 e-mail from Clerk to Management Committee advising of 5/8 meeting

5/7 e-mail from Treasurer to Clerk covering draft of FY14 budget

5/7 e-mail from Lenard Engineering to Clerk regarding unplanned engineering expenses during third round of Phase I dam repairs

ZBA abutters notice regarding approval of addition to Carr home

Minutes of 3/21/13 Management Committee meeting to Management Committee

Minutes of 4/11/13 Management Committee meeting to Management Committee