

**Cedar Meadow Lake Watershed District
Minutes of Management Committee Meeting
February 13, 2013**

The meeting commenced at 8:00 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 January 13, 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 2/13/13 for Clerk's communications for the period January 16, 2013 through February 13, 2013.

Treasurer's Update

Mr. O'Coin presented a Treasurer's Report dated 1/16/13 showing that the District had \$113,421.29 on deposit in the Spencer Savings Bank. He described the deposit of five betterment pre-payments of totaling \$105,943.41. This amount will later be combined with the proceeds of the USGA loan to pay the judgement against the District. He also pointed out the receipt of \$39.08 in net tax revenues resulting from account adjustments in the Tax Collector's office, and the payment an invoice in the amount of \$2,983.74 to Lenard Engineering. He also reported that he sent the required 1099 tax form to just one vendor, Attorney Nickless, and that the Commerce Bank account was finally closed and dropped from his report. Mr. O'Coin sought and received approval for Warrant #166.

Old Business

Dam Repair Update:

Mr. Johnston distributed a document entitled "December 2012 Dam Repair Summary" which summarized contractor activity to supplement and cap the impervious dam core between 12/18 and 12/31/2012. Actual excavation and backfilling work occurred on only four days and was interrupted by weather and the Christmas holiday. The work took longer than expected due to the moisture content of the clay-like material that had the consistency of Playdough.

With respect to planned work in the Spring, Mr. Johnston described concerns raised by the Office of Dam Safety ("ODS") about the moisture content of the fill material, voids in the soil between the core and upstream face of the dam, and the absence of the ability to compact the fill material through conventional methods. The ODS has ordered core sampling and the filling of voids. Mr. Johnston shared a copy of a 1/24/13 letter from Lenard Engineering to the ODS containing photographs showing trenching to expose the existing core material, the placement of the impervious fill material, and the voids within the dam structure.

The ODS ordered work will be done in concert with planned Spring dam repair work. Mr. Johnston shared an engineering sketch showing the location of boring through the dam crest to accommodate the injection of concrete and chemicals under pressure to fill knows and suspected voids in the dam near the gate house and along the spillway side wall. In the latter

case, this work will ensure a good seal between the core material concrete structures.

Lake Level Management:

Mr. Johnston shared photos showing how the top of the low level outlet valve and trash rack frame were above the water when the water level, at 73 inches below the spillway elevation, was at its lowest level during dam repair work in December. Since then, water levels have slowly increased. On 2/4, the water was up to 41 inches below the spillway elevation, and was estimated to be 36 inches below the spillway elevation currently. Mr. Johnston stated his plans to chop ice away from the entrance to the spillway channel to allow the channel to control water levels.

Lake Depth Survey:

Personnel from Waterman Design Associates collected lake depth data with a three man crew by drilling holes in ice and shooting elevations from the shallow island near the center of the lake. District member Brian Waterman went around the shallow areas of the lake to file in information gaps with his son over a couple of Sundays to keep costs down for the District. Once all the data is collected and made a part of a topographical map, a computerized file will be transferred to Lenard Engineering where a lake volume calculation will be completed.

Purchase of Land Below Dam:

Mr. Johnston related a conversation he had with Field Resources regarding the status of the plot plan for the land below the dam. When Field Resources attempt to survey this land, they found the available monuments "out of whack." Mr. Johnston authorized them to go back down Fairview Drive to find accurate monuments. This work will cost an additional \$3,000 to complete. The field work has been completed and is expected to be translated into a drawing the week of 2/10.

USDA Loan Progress:

Little has been accomplished, or could be accomplished, with respect to getting ready for loan closing. The loan amount will not be known until 2/22, the betterment pre-payment deadline date. Mr. Johnston reported that he reviewed the checklist provided by the Rural Development office of USDA. He was working on documenting the availability of liability insurance and Mr. O'Coin was in the process of increasing Treasurer's Bond coverage to be equal to at least the annual loan payment plus annual district budget.

Member Betterment Communications:

Ninety-three letters and individualized betterment payment option schedules prepared by Mr. O'Coin were mailed by Mr. Johnston on 1/24. Mr. Johnston shared a summary of 32 responses received to date. Several members have sent checks for the full amount of their individual betterments. Others have indicated their plans to make full payments before the 2/22 deadline. Checks are being deposited by Mr. Johnston in the District's Spencer Saving Bank account. Deposit slips are then sent to Mr. O'Coin for reporting and recording.

New Business

Ice Removal From Low Level Outlet Valve:

Mr. Johnston presented an invoice from Antanavica Construction for slightly more than \$1,200. At his request, Antanavica sent a worker to the dam daily to chop ice away from the low level outlet valve to prevent ice damage to the valve. This work continued until the bottom of the ice cap was 8 inches above the top of the valve. Mr. Johnston explained that, while his attention was diverted away the controlling the water level in the lake to preparing for the Special Meeting

of the District on 11/28, the water level dropped to 73 inches below the spillway elevation. This was a foot lower than planned to complete dam repairs in December, thus making it more difficult to raise the water and ice level an adequate distance above the low level outlet valve to prevent ice damage to the valve. The need to chop ice away from the valve coincided with an illness that prevented Mr. Johnston from removing the ice himself. The Management Committee authorized Mr. O'Coin to pay the Antanavica invoice.

Contractor Invoice for December Dam Repairs:

Mr. Johnston presented an Invoice from R. H. White Construction for work performed by R. H. White and their subcontractor to excavate approximately 80 feet of the dam crest to expose the existing core and to supplement this with additional impervious material. This invoice was approximately \$1,700 greater than the original \$18,000 estimate due to difficulties with the weather and in handling the new core material. Mr. Johnston shared an updated summary of estimated dam repair costs. This showed that engineering cost for December were in line with expectations and, as described above, December dam repair work was approximately \$1,700 over budget. Estimated costs for work to be done this Spring were well above budget due to unexpected voids in dam construction discovered during December work. These higher costs were, however, less than the amounts included in the USDA loan for dam repairs, and included in the District's annual operating budget.

Possible Source of Pollution:

Mr. Ridley reported that, when out walking on the lake, he discovered discolored ice and a sewage odor where a small seasonal brook entered the lake between the Halpin and Simpson properties on the north end of Lakeview Drive. Mr. Johnston shared some Google Earth maps showing where this seasonal brook crosses Charles Street to the east and runs through undeveloped wooded areas until crossing Lakeview Drive next to the Simpson property. Mr. Johnston learned that this matter can be investigated by Leicester's Board of Health. Mr. Ridley agreed to pursue the matter with the Town's health agent.

Liens on At-risk Properties:

Mr. Johnston stated his concern that betterments might not be collected from two properties in the District unless steps are taken to protect the District. In both cases, the property owners have passed away and ownership of the properties was uncertain. He suggested that municipal liens be placed on the Davis and Theoharides properties to ensure that betterments are paid at the time of sale of these properties. He talked with the Tax Collector, and planned to talk with Deb Wilson who performs administrative functions for several of the water and sewer districts in Town, to learn how to go about filing municipal liens. The Management Committee authorized Mr. Johnston to take those steps necessary to file these liens.

Draw Down/Dam Maintenance Notice of Intent:

Mr. Johnston shared copies of a Notice of Intent ("NOI") that, subject to Management Committee approval, he planned to file with the Conservation Commission. This NOI will extend, by 3 years, ConCom's approval of the District's annual draw down program, and provides the ability to perform maintenance on the dam. The Management Committee authorized Mr. Johnston to file this NOI.

Next Meeting

The next regular meeting of the Management Committee was scheduled for 7:45 P.M. on

Thursday , March 13, 2013 at the Leicester Police Department Community Room. This meeting was moved from Wednesday to Thursday because police training was taking place on Wednesday evenings.

Adjournment

A motion was made, seconded, and voted unanimously to adjourn the meeting. The meeting adjourned at 9:15 P.M..

A True Copy Attest

Richard D. Johnston
District Clerk

**Cedar Meadow Lake Watershed
Memorandum**

Date: February 13, 2013

Subject: Clerk's Communications

To: Management Committee

From: District Clerk

District Clerk Richard Johnston reported the following communications for the period January 16, 2013 through February 13, 2013. This memorandum will be attached to the February 13, 2013 Management Committee Meeting minutes:

1/18 e-mail Notification of Free Cash Approval from MA Department of Revenue

1/20 e-mail from Treasurer to Clerk covering 93 betterment letters to members. Sample letter is attached

1/21 e-mail from Treasurer to Clerk covering 93 betterment payment option schedules for members. Sample betterment sheet is attached

1/21 e-mail exchange between Clerk and Treasurer regarding planned 1/23 mailing of betterment letters and schedules

1/23 e-mail from Lenard Engineering to Clerk covering 1/17/13 letter from the Office of Dam Safety to Lenard Engineering requesting follow-up actions concerning 12/2012 dam repairs. This describes planned actions by Lenard and District. Not that estimated engineering hours was later reduced. See 1/25 e-mail.

1/24 mailing of 93 betterment letters and payment schedules from Clerk to all members - See sample

1/24 note from Clerk to Attorney Nickless covering sample betterment letter and schedule

1/24 e-mail from Clerk to Clark Rowell providing update concerning betterments and loan closing schedule

1/24 letter from Lenard Engineering to Office of Dam Safety in response to ODS letter of 1/17. See Dam Repair and Maintenance file.

1/25 e-mail from Clerk to Lenard Engineering authorizing them to proceed with work described in attached e-mail. See Dam Repair and Maintenance file.

1/25 - 1/26 exchange of e-mails between Clerk and Mark Hobson discussing probable error in assessed valuation used to calculate his betterment and answering betterment related questions.

1/26 - 1/31 exchange of e-mails between Clerk to Treasurer regarding assessed valuation of Hobson property.

1/27 exchange of e-mails between Clerk and Jack LaCroix regarding partial up-front payment of betterment and effect on annual payments.

1/28 draft minutes of 1/16 Management Committee meeting from Clerk to Management

Committee

2/1 letter from Clerk to Murphy regarding advanced betterment payment.

2/1 receipt of invoice of ice removal at low level outlet valve by Antanavica Construction

2/4 exchange of e-mails between Clerk and Wooden

2/4 - 2/6 exchange of e-mails between Clerk and Attorney Lee regarding filing betterment liens on at risk properties around lake

2/5 exchange of e-mails between Clerk and Treasurer regarding betterment pre-payments.

2/6 letter from Clerk to Limoges regarding betterment payment.

2/6 exchange of e-mails between Clerk and Hobson regarding corrected assessed valuation.

2/6 corrected betterment letter from Clerk to Hobson

2/6 e-mail from Clerk to Treasurer regarding bank deposits of up-front betterment payments

2/6 e-mail from Clerk to Treasurer regarding corrected assessed valuation for Hobson property

2/10 e-mail from Attorney Corey Lee to Clerk regarding record ownership of two at-risk properties in the District

2/11 e-mail from Clerk to Lenard Engineering in response to request for 1997 dam repair photos

2/11 mailing of photos to Lenard Engineering

2/11 exchange of e-mails between Clerk and Carlson regarding betterment repayment options

2/12 e-mail from Lenard Engineering to Clerk attached to proposed grouting plan

28 responses to Betterment letters