

**Cedar Meadow Lake Watershed District
Minutes of Management Committee Meeting
March 21, 2013**

The meeting commenced at 7:45 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

Previously distributed Minutes of the Management Committee meeting on February 13, 2013 were offered for approval. A motion was made, seconded and voted unanimously to accept the Minutes as written.

Clerk's Report

See attached memorandum dated 3/14/13 for Clerk's communications for the period 2/14/13 through 3/14/13.

Treasurer's Report

Mr. O'Coin presented a Treasurer's Report dated 3/21/13 that showed that the District had \$347,163.73 on deposit in the Spencer Savings Bank. He went through the highlights of the report including the deposit of 13 advance betterment payments totaling \$235,682.61, the transfer of \$25,000 from the District's line-of-credit with the Spencer Savings Bank, and the payment of invoices totaling \$26,940.17. These payments included \$1,242 paid to Antanavica Construction to send a worker to the dam daily to break up ice around the low level outlet valve until the ice cap rose above the valve, \$135 for an increase in the amount of the Treasurer's bond, \$2,211 to Lenard Engineering for dam repair related engineering services, \$3,800 to Waterman Design Associates to collect data for lake bottom and depth mapping, and \$19,552.17 to R. H. White Construction for December dam repairs.

Mr. O'Coin discussed a previously distributed report that showed that betterment options letters sent in late January resulted in the collection of \$341,626 in complete or partial advance betterment payments. Twelve members paid off their betterments, and another six members paid a substantial portion of their betterments. Thirteen members elected to pay their betterments over 10 years, five members elected to pay over 20 years, and the remainder elected to pay over 40 years. The full and partial pre-payment of betterments, has allowed the District to reduce its request for USDA financing from \$1,800,000 to \$1,444,000.

The Management Committee authorized the drawing of \$25,000 from the District's line-of-credit to pay outstanding dam repair related expenses. Mr. O'Coin arranged this transfer into the District's checking account on 3/20/13. \$5,000 remains available should it be necessary to borrow more funds.

Mr. O'Coin discussed the need to increase the amount of his bond to \$150,000, an amount required by the USDA to cover the amount of the annual Rural Development loan payment and budgeted operating expenses.

Anticipated near future engineering and dam repair costs were discussed. \$45,000 was included in the USDA loan amount for dam repairs. This included \$30,000 for work to be performed by R. H. White and \$15,000 for engineering services by Lenard Engineering. The District should have

adequate funds to pay all anticipated expenses and to pay off the line-of-credit loan during the current fiscal year provided that there are no unplanned additional dam repair expenses.

Mr. O'Coin also sought and received approval for Warrant #167.

Old Business

Dam Repair Update:

Mr. Johnston shared copies of a Lenard Engineering letter dated 2/14/13 to the Office of Dam Safety (ODS) covering detailed plans dealing with real or anticipated stability problems discovered during the December capping of the clay core within the dam. The understaffed ODS finally approved the proposed plans on March 14. Mr. Johnston shared a copy of the approved Chapter 253 Dam Safety Permit. The planned work included the injection of chemical and cement grout under pressure during the first two weeks of April.

Lake Level Management:

Mr. Johnston reported that the lake level was currently 30 inches below the spillway elevation, and that the ODS permit called for dropping this level to 48 inches below the spillway elevation as a prerequisite to starting the above described dam repairs.

Lake Depth Survey:

Waterman Design Associates of Westboro, and District member Brian Waterman, gathered lake depth data and produced a contour map showing water depths throughout the lake. The resultant data was sent to Lenard Engineering where calculations were performed to measure the volume of water being held behind the dam. This work was required by the ODS as part of hydronic and hydraulic survey that will determine the estimated flow of water into the lake under flood conditions.. Thanks to Brian, the District saved approximately \$2,000. Brian and his brother designed a cost effective program that included a minimal amount of Waterman Design employee labor hours, and Brian and his son collected a lot of data on their own time. The survey work was completed through the ice during late January and early February and revealed that, at 100 year flood levels, the dam hold back 1400 acre feet of water. This results in the lake being categorized for regulatory purposes as a "large" body of water. This will have yet-to-be defined regulatory implications.

Land Below the Dam:

Mr. Johnston shared copies of a Plan of Land metes and bounds survey of the piece of wetlands below the dam that it currently owned by Raymond Shea. This Plan is dated 2/28/13 and was completed by Field Resources, Inc.. This parcel is bound by the vertical wall of the dam on one side and land owned by New England Power on the other. It is land-locked and contains 15,948 square feet, or 0.3661 acres.

Mr. Johnston also shared a copy of an e-mail exchange pertaining to the purchase of this land between Attorney Nickless and himself. Attorney Nickless, on behalf of the Management Committee, offered to convey \$340,000 of advance betterment payments to Mr. Shea as a good faith payment while waiting for USDA loan approval if Mr. Shea and his attorney got serious about selling the land below the dam to the District. Attorney Egan talked to Mr. Shea and relayed Mr. Shea's response of "No" and in Attorney Nickless' words "Hell No."

Betterment Billing:

Mr. Johnston shared sample copies of "receipt" letters he sent to members that paid all or a portion of the individual betterments along with copies a schedule prepared by Mr. O'Coin showing the amounts paid by these members and the selected repayment periods of all members that had not paid off their betterments. This schedule showed that the betterment options letters sent in late January resulted in the collection of \$341,626 in complete or partial advance betterment payments. Twelve members paid off their betterments, and another six members paid a substantial portion of their betterments. Thirteen members elected to pay their betterments over 10 years, five members elected to pay over 20 years, and the remainder elected to pay over 40 years. The full and partial pre-payment of betterments, has allowed the District to reduce its request for USDA financing from \$1,800,000 to \$1,444,000.

USDA Loan:

The process of gaining final loan approval is extremely slow and Mr. Shea is understandable annoyed. Mr. Johnston learned that the District's bond counsel is responsible for preparing the final bond documents to be sent to the USDA for approval. Bond counsel has known of the District's need for these documents for months, but did not begin to prepare them until this month.

With respect to the USDA loan, Rural Development Specialist Steve Bonavita asked for evidence of three things, liability insurance, treasurer's bond, and authorization to seek a lesser loan amount than the originally approved \$1,800,000. Mr. Johnston asked the Management Committee to formally vote to reduce the amount of the loan request. A motion was made, seconded and voted unanimously "that the Cedar Meadow Lake Watershed District Management Committee vote to reduce the amount of the loan requested from USDA Rural Development from \$1,800,000 to \$1,444,000." Mr. Johnston shared copies of a "Certificate of Vote" in this regard that he planned to send to Mr. Bonavita along with the requested insurance information.

Possible Lake Pollution Source:

Mr. Ridley reported that he observed discoloration of the ice and a foul odor on the shoreline where a brook that crosses the northern end of Lakeview Drive enters the lake. He agreed to follow up on this, and Mr. Johnston agreed to find out what role, if any, the Board of Health would play if polluted water was entering the lake.

Municipal Liens:

Mr. Johnston related conversation he had with Kathy Asquith, Clerk of the Board of Assessors and Deb Wilson who performs administrative functions for several water and sewer districts within the Town. Based on the experience of these districts, Deb recommended that municipal liens be filed against all property within the District to ensure payment of outstanding betterment amounts. There have been instances in these districts in which betterments went unpaid when property changed hands and the buyers were not made aware of the outstanding betterments. Deb recommended that a formal vote be taken to this effect. A motion was made, seconded and voted unanimously "that the Cedar Meadow Lake Watershed District Management Committee votes to apply municipal liens at the Registry of Deeds to Proprietor-owned real property within the District with outstanding betterment balances as of March 21, 2013

Draw Down / Dam Repair Notice of Intent:

Mr. Johnston reported that he planned to present the District's request to extend approval of annual draw downs at the April 10 meeting of the Leicester Conservation Commission. He stated that, at the request of the Chairman, this request would include the ability to perform certain repair tasks without the need to gain additional Conservation Commission approval. The Conservation Commission also raised questions regarding the need to notify the abutters to the lake. Mr. Johnston agreed to contact the Department of Environmental Protection for guidance in this regard.

New Business

Finance Committee Assignments:

There was discussion about the need for a committee to manage the investment of future lump sum betterment payments to realize a return on investment equal to, or in excess of, the USDA interest rate. At the previous request of the Management Committee, Mr. Johnston approached members Rich Carr, an investment counselor, and Norman MacLeod, a long time business owner, to solicit their interest in this committee assignment. Both agreed to serve on the committee. It was agreed that, at least initially, the Finance Committee would be comprised of Richard Carr, Norman MacLeod, and District Treasurer Terence O'Coin.

Dam Maintenance Committee:

There was discussion about the need to put together a plan to perform the dam related duties performed in the past by Mr. Johnston. The possibility of forming a committee to do this work at the direction of the Management Committee was discussed. Also discussed was the possibility of hiring a local contractor to perform some of these duties. It was very clear that there was no interest in hiring someone to perform dam related duties due to Workmen's Compensation and other liability issues.

Fund Raising:

There was a brief discussion about the possibility of asking several members to participate in fund raising efforts intended to reduce net District operating expenses. Mr. Johnston mentioned fund raising efforts at Burncoat Pond. The names of several members were mentioned as possible candidates.

Ice Damage to Siphons:

Mr. Johnston reported that he found the vertical siphon drops on the lake bottom below the dam during a recent visit to the dam. It was apparent that this damage was caused by ice movement. A plan will be developed to retrieve these siphon sections.

Letter of Support to the Conservation Commission:

Mr. Johnston applied to have accumulated organic material removed from the lake bottom in front of his home at 1 Maple Glen Lane. At its 3/13/13 meeting, the Conservation Commission asked for evidence that the District approved of this work. A Conservation Commission decision on Mr. Johnston's request was postponed to a 3/27 meeting so that the Commission could gather additional information before making its decision. Mr. Johnston presented a draft letter from the Management Committee to the Conservation Commission stating that Mr. Johnston was authorized to remove the organic material, and listing the many environmental benefits of removing this material. The letter was signed by each member of the Management Committee.

Executive Session

No executive session was conducted.

Next Meeting

The next regular meeting of the Management Committee was scheduled for 7:45 P.M. on Wednesday, April 11, 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 9:05 P.M..

A True Copy Attest:

Richard D. Johnston
District Clerk

**Cedar Meadow Lake Watershed
Memorandum**

Date: March 21, 2013
Subject: Clerk's Communications
To: Management Committee
From: District Clerk

District Clerk Richard Johnston reported the following communications for the period February 14, 2013 through March 21, 2013. This memorandum will be attached to the March 14, 2013 Management Committee Meeting minutes:

2/14 letter from Clerk to ConCom covering NOI filing for continuation of draw down and maintenance program

2/15 letter from Clerk to Entwistle returning check for first year betterment payment

2/15 letter from Clerk to Joncas returning check for first year betterment payment

2/15 receipt of invoice from Lenard Engineering

2/15 letter from Lenard Engineering to the ODS covering request for Chapter 253 permit to complete grouting program

2/15 e-mail from Treasurer to Clerk regarding raising Treasurer's Bond level

2/16 e-mail from Clerk to Treasurer covering minutes of Special Meeting to be posted on website

2/16 e-mail from Clerk to O'Coin containing question regarding selected betterment repayment term

2/16 letter from Clerk to MA DEP covering NOI for draw down and maintenance program

2/16 minutes of 2/13 meeting to Management Committee

2/17 - 2/18 exchange of e-mails between Clerk and Paula Stiles regarding Davis property

2/18 letter from Clerk to Carr regarding District finance committee

2/18 e-mail from Clerk to Management Committee advising of upcoming meeting dates

2/19 e-mail to Clerk from Stiles regarding ownership of Davis property

2/19 exchange of e-mails between Clerk and Lenard Engineering regarding sluiceway photos

2/21 Fourteen (14) betterment receipts sent from Clerk to members - See samples

2/22 Two (2) betterment receipts sent from Clerk to members

2/22 letter from Clerk to John Vangos, successful bidder on 19 Rawson Drive regarding betterment on this property

2/22 e-mail from Clerk to Paula Stiles thanking her for information regarding ownership of 19

Rawson Drive

2/23 e-mail from Clerk to Management Committee providing update of betterment pre-payments

2/23 e-mail from Clerk to Clark Rowell regarding upcoming loan closing.

2/23 One betterment receipt letter sent by Clerk to member

2/24 Clerk returned check to Mason

2/25 e-mail from Clerk to Treasurer summarizing betterment letter responses

2/25 note from Clerk to Management Committee covering summary of betterment letter responses

2/27 email from Clerk to Attorney Nickless providing USDA loan progress update

2/27 e-mail from Clerk to Attorney Nickless listing loan closing requirements and concerns

2/27 e-mail from Clerk to Steve Bonavita at USDA Rural Development providing update loan amount (resent 3/1)

2/28 ZBA abutters notice regarding plans to make addition to Carr home

3/2 - 3/3 exchange of e-mails between Clerk and Treasurer regarding summary schedule of member betterment choices for Assessor's office

3/4 letter from Clerk to Principal Assessor covering betterment schedule

3/4 - 3/5 exchange of e-mails between Clerk and ConCom regarding April NOI hearing following telephone contact between Clerk and DEP

3/6 meeting between Clerk, Lenard Engineering and RH White Construction in Auburn to discuss Spring dam repair plan

3/6 e-mail to Clerk from Lenard Engineering covering engineering agreement for USDA loan

3/7 and 3/8 exchange of e-mails from Brian Waterman to Lenard Engineering covering depth survey mapping and tables

3/7 received betterment payment check from Forsberg

3/8 e-mail from Lenard Engineering describing estimated cost of converting depth survey information provided by Waterman Associates into an impoundment model

3/8 e-mail from Clerk to Brian Waterman thanking him for his efforts in collecting pond depth data

3/8 exchange of e-mails between Clerk and Forsberg regarding first betterment payment

3/8 return of betterment payment check to Forsberg

3/11 e-mail from Lenard Engineering regarding the calculated volume water in the impoundment

3/8 - 3/11 exchange of e-mails between Clerk and USDA regarding contractor paid notice timing

3/12 e-mail from Office of Dam Safety to Lenard Engineering with questions about planned dam repairs

3/12 e-mail from Lenard Engineering to ODS in response to above e-mail

3/13 letter from Clerk to Moisan regarding land monuments at dam abutting their property

3/13 e-mail to Clerk from Field Resources covering plan of land below the dam

3/13 e-mail from Clerk to Attorney Nickless covering plan of land below the dam

3/13 e-mail from Wayne Ridley to Clerk reporting that he could not detect any pollution entering the lake off the northern end of Lakeview Drive

3/14 Revision to M.G.L. Chapter 253 Dam Safety Permit from the DCR

3/18 e-mail from Clerk and others Lenard Engineering seeking time for preconstruction meeting

3/18 e-mail from Clerk to Attorney Nickless offering good faith money to Shea

3/19 e-mail to Clerk and others advising of 3/28, 7:30 AM preconstruction meeting at the dam

3/19 e-mail from Clerk to Management Committee confirming 3/21 meeting

3/20 e-mail from Clerk to Treasurer regarding the receipt of new invoices

3/20 e-mail from Attorney Nickless providing Attorney Egan response to an offer of good faith money in exchange for a start of negotiations on the purchase of the land below the dam.