

**Cedar Meadow Lake Watershed District
Minutes of Management Committee Meeting
April 11, 2013**

The meeting commenced at 7:45 P.M. at the Leicester Police Department Community Room.

In attendance: Tommy Lee
Wayne Ridley
Richard Johnston, Clerk

Minutes of Previous Meetings

Minutes of the previous meeting were not available.

Clerk's Report

See attached memorandum dated April 11, 2013 for Clerk's communications for the period 3/22/13 through 4/11/13.

Treasurer's Report

Mr. O'Coin was unable to attend the meeting, but prepared a Treasurer's Report dated 4/11/13 that showed that the District had \$369,660.93 on deposit at the Spencer Savings Bank. This report showed the deposit of \$22,497.20 in tax receipts from the Tax Collector.

Old Business

Dam Repair Update:

Mr. Johnston discussed planned additional repair work on the dam surface. Drilling was completed on 4/8 and the injection of concrete and chemical grout was planned for later in the week. Holes were drilled to depths of 13 to 18 feet next to the gate house and between the stone upstream face of the dam and the clay core to accept chemical grout. Additional, more shallow holes, were drilled in the top of the vertical spillway wall to accept concrete grout to insure a good bond between the concrete spillway wall and the newly installed clay core.

Lake Level Management:

The low level outlet was opened to reduce the lake water level to 48 inches below the spillway elevation as ordered by the Office of Dam Safety during grouting operations.

Purchase of Land Below the Dam:

There was no progress in this area. Mr. Shea recently changed his stance to say that he would not talk about the sale of this land until a firm date was established to pay the judgement.

The Management Committee reiterated its desire to have its offer to pay Mr. Shea \$340,000 in betterment payments committed to writing. These funds would be paid while waiting for the USDA loan proceeds to become available, as a gesture of good faith in exchange for serious talks about the land below the dam. Mr. Johnston was instructed to convey this to Attorney Nickless.

USDA Loan Progress:

Mr. Johnston stated his dissatisfaction with the performance of Bond Counsel. They received the District's request to proceed to prepare the necessary bond and loan closing documents months ago, but have not, as yet, completed these documents. This is holding up closing the loan and paying the judgement.

Lien Filing Update:

Mr. Johnston reported that Kathy Asquith of the Assessor's Office, on her own time, completed the necessary paperwork to allow the District to file municipal liens on District member property to ensure payment of betterments when properties change hands. He had not, as yet, had time to file this paperwork with the Registry of Deeds.

Draw Down/Dam Repair Notice of Intent:

Mr. Johnston reported that he appeared before the Conservation Commission on 4/10 to present a Notice of Intent (NOI) to extend authorization for annual lake draw downs and to perform certain dam maintenance and repair functions without further Conservation Commission approval. He was advised at this meeting that formal a formal NOI was not necessary as the Commission was authorized to provide a two year extension. Mr. Johnston stated that the new NOI included language that would allow certain dam repair work without further Commission approval. He was instructed to file the new NOI as an addendum to the existing NOI on file with the Registry of Deeds.

New Business

Annual Meeting Planning:

Mr. Johnston requested, and the Management Committee agreed to move the Annual Meeting date one week forward to 5/22. This one week delay will, hopefully, allow Mr. Johnston to include some good news regarding dam repairs into the same newsletter that announces the Annual Meeting date. Mr. Johnston was instructed to secure the Knights of Columbus hall as a meeting site, and to draft a newsletter.

Action Plan:

Mr. Johnston plans to end his tenure as District Clerk and Dam Caretaker in May of 2014. There was discussion about the need for succession planning, particularly with respect to taking care of the dam. It was agreed to include this need as a goal within the 2013-2014 Action Plan.

It was agreed that goals regarding legal defense and long term financing were no longer necessary. It was also agreed that it would be necessary to reword the goal regarding engineering services. Mr. Johnston agreed to draft a new Action Plan for presentation at the next Management Committee meeting.

FY14 Budget Planning

It was agreed that this would be taken up at the next Management Committee meeting when more information is available concerning future dam repair expenses.

Mail Addresses:

It was decided that the District would use a post office box rather than Mr. Johnston's home address, and that, subject to Terry O'Coin's approval, tax revenue and banking statements and related documents would be sent directly to the Treasurer's home address.

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 either Wednesday, May 15 or Thursday May 16, 2013 at the Leicester Police Department Community Room subject to the availability of this room.

Adjournment

A motion was made, seconded and voted unanimously to adjourn the meeting. The meeting adjourned at 8:55 P.M..

A True Copy Attest:

Richard D. Johnston
District Clerk

**Cedar Meadow Lake Watershed
Memorandum**

Date: April 11, 2013
Subject: Clerk's Communications
To: Management Committee
From: District Clerk

District Clerk Richard Johnston reported the following communications for the period March 21, 2013 through April 11, 2013. This memorandum will be attached to the April 11, 2013 Management Committee Meeting minutes:

3/22 e-mail exchange between Clerk and Attorney Nickless containing management Committee request for written offer of partial judgement payment to Shea.

3/22 e-mail exchange between Clerk and new member John Vangos regarding betterment payment option.

3/25 e-mail exchange between Clerk and Steve Bonavita of Rural Development regarding Management Committee vote on lower loan amount.

3/26 e-mail to Clerk from Steve Bonavita of Rural Development stating that Diane Inglot of Rural Development will be handling closing documents.

4/1 e-mail to Clerk from Clark Rowell asking questions about loan amount and payment option.

4/1 memorandum from Lenard Engineering containing Reservoir Refill Plan following dam repairs.

4/2 e-mail from Lenard Engineering to Clerk and others covering minutes of 3/28/13 Pre-construction Meeting.

4/2 exchange of e-mails between Clerk and Attorney Phillips regarding Rural Development information requirements.

4/4 e-mail from Clerk to Clark Rowell makign it clear that loan repayment must by on fixed principal payment basis.

4/4 exchange of e-mails between Clerk and member Bober regarding recent newsletter.

4/4 exchange of e-mails between Attorneys Nickless and Egan regarding potential complaint on the execution of the levy.

4/4 e-mail from Clerk to Management Committee regarding threat from Attorney Egan and USDA loan implications.

4/8 e-mail from Treasurer to Clerk regarding report for upcoming meeting.

4/8 e-mail exchange between Clerk and Vangos regarding lake level.

4/8 e-mail exchange between Clerk and Hobson regarding lake level.

4/9 and 4/10 exchange of e-mails between Clerk and Lenard Engineering regarding the timing of planned grouting operations.

4/10 e-mail from Clerk to Management Committee reminding of 4/11 meeting.

4/11 e-mail from Treasurer to Clerk covering Treasurer's Report and draft FY14 budget.