

**Cedar Meadow Lake Watershed District  
Minutes of Management Committee Meeting  
August 18, 2010**

The meeting commenced at 7:40 P.M. at 1 Maple Glen Lane, Leicester.

In attendance: Tommy Lee  
Wayne Ridley  
Richard Johnston, Clerk  
Terence O'Coin , Treasurer

Minutes of Previous Meeting

Previously distributed Minutes of the Management Committee meetings on June 9, 2010 and July 13, 2010 were offered for approval. A motion was made, seconded and voted unanimously to accept these Minutes as written.

Clerk's Report

Mr. Johnston reported the following correspondence and communications since the last Management Committee meeting:

- Various court documents concerning the Central Water District Associates appeal of the summary judgement on the interest issue
- Insurance policies from Trident Insurance
- 6/15 letter from Clerk to Trident Insurance establishing address for gatehouse
- 6/15 letter from Clerk to Green Mountain Club regarding their 501 (c) (3) status
- 6/15 telephone call from Clerk to DOR seeking single tax rate clarification
- 6/19 letter of response from Green Mountain Club
- 6/23 letter from Commerce Bank seeking evidence of insurance coverage
- 7/5 and 7/13 letters from Clerk to Commerce Bank covering requested evidence of insurance coverage
- 7/14 letter from Oakland Landscaping announcing end of business operation
- 7/19 welcome letter from Clerk to new member Mario Borci
- 8/5 letter from Clerk to Mullins and Armington regarding grass cutting at dam

Treasurer's Report

Mr. O'Coin presented a Treasurer's Report dated August 18, 2010 which showed that the District had \$17,745.65 on deposit at the Spencer Savings Bank and Commerce Bank. Among other entries, this report showed the \$34,565.50 payment of the balance on the District's line of credit. He also sought and received approval of Warrant Number 142.

Mr. O'Coin related a conversation he had with Fran Lebeau at Commerce Bank. It was the District's plan to pay off the \$100,000 line of credit and to seek a new operating budget line of credit for \$30,000, as authorized by the members at the Annual Meeting. The bank has decided that it will not consider a new line of credit without first reviewing updated audited financial statements that will not be available until the end of the year. The bank suggested that any needed funds be borrowed under the \$100,000 line that will remain available until January. This cannot be done because District member authorized a new line of credit, not utilization of the original line.

The Management Committee was counting on the new line of credit to pay the balances due the two expert witnesses used at trial. It was agreed that, if sufficient additional revenue came in from the Tax Collector during the next month, Mr. O'Coin could pay one half of the remaining balances to these firms.

Mr. Johnston related a conversation he had with Tax Collector Deb Kristoff. Her office has fallen behind on tax payments to our District. There have been personnel changes within her office and a goal has been established to bring tax payments up to date as soon as possible and, thereafter, to deliver tax collections within 30 days of receipt.

Mr. O'Coin also discussed the inclusion of our District on the Massachusetts Local Officials directory and website. This is important because it is this site that the DOR uses to communicate tax package approvals.

### Old Business

#### Fish Kill:

A number of members reported in late May and early June that an unusually large number of dead fish had floated up on their shorelines. Mr. Ridley contact a member of the Massachusetts Fish and Game department and learned that their office had received a number of similar inquires. It was not unusual at that time of year to find dead fish. These fish kills occur every spring during the spawning period. During spawning, fish consume more oxygen than is usually the case. This can coincide with a period when the lowest oxygen levels are typically found in a body of water due to the presence of pollen. Low oxygen levels are particularly prevalent in the still, warmer, shallow water areas used for spawning. During discussion, it was also pointed out that, at the time of the fish kill, there were no Seagulls on the lake to clean up the dead fish. The number of dead fish showing up on the shorelines dropped dramatically in early June.

#### Dam Leakage:

The Management Committee authorized the use of professional divers to search for the origins of a number of leaks in the dam. A team of "hard hat" divers from Specialty Diving Services of North Kingston, RI thoroughly examined the water side face of the dam and lake bottom on July 27 and did not find any significant "suction points." Divers from this same organization found a number of suction points in the face of the dam in 2008 that, subsequently, resulted in the hand packing of the dam surface in late 2008. After two underwater examinations by expert divers, the source of the leaks is still unknown. Water can be heard cascading down within the dam structure. Most of the leaks stop when water levels are dropped during annual draw downs. It is assumed that there are internal structures within the dam that prevent water from flowing within the dam until the lake water elevations exceed the height of these structures.

Mr. Johnston met with John Kelley of R. H. White Construction at the dam on August 4 to discuss potential methods of stopping the leakage through the dam. Mr. Kelley will examine the availability of specialty contractors and put a plan together for consideration by the Management Committee in the Fall before the start of the annual draw down.

#### Gatehouse Roof Repair:

Jeremy Lloyd of 1 Lakeview Drive completed the installation of a rubber membrane and edge flashing on the gatehouse roof at no cost to the District. Jeremy previously provided free labor to paint the gatehouse.

#### ConCom Approval of Draw Down Application:

Mr. Johnston circulated a copy of the District's submittal to gain Conservation Commission approval of its annual draw down plans. This included a Notice of Intent that described the annual draw down plan, and a memorandum addressing points raised by the Department of Environmental Protection. A public hearing was conducted and Commission members were pleased with the completeness of the District's submittal, asked several questions, and approved the plan. The approval is good for a three year period, at which time the District must re-apply.

### New Business

#### Green Mountain Club Tax Exemption:

Mr. Johnston learned through its newsletter that the Green Mountain Club was granted 501 (c) (3) charitable organization status, and that the Town of Leicester had exempted the Club from property taxation. He contacted the Club and requested a letter seeking tax exempt status with respect to District taxes. The Club sent the requested letter and provided evidence of the IRS approval. Mr. Johnston explained that it has been the practice of the District to follow the Town's lead regarding tax issues. A motion was made, seconded and voted unanimously to grant tax exempt status to the Green Mountain Club.

#### Ice Fishing Derby Suggestion:

Mr. Johnson shared a conversation he had with Jeremy Lloyd in which Jeremy suggested an ice fishing derby to raise money to benefit the District. Jeremy has participated in a number of area ice fishing derbies. Although this might prove to be a good idea, concern was expressed in a number of areas. First, there is the matter of parking. Where will all the vehicles of attendees be parked? Would members be willing to allow parking on their property? Second, access to the lake is an issue. There are no public access points. Would members be willing to allow access to the lake through their property. Third, is the issue of liability? What kind of liability would the District assume by sponsoring such a derby? These events can attract a number of additional ATV's and snowmobiles that could be involved in an accident. Mr. Johnston was instructed to contact Jeremy to raise these concerns and to ask for his suggestions.

#### Grass Cutting:

Member Paul Pelley passed away in the Spring. His company, Oakland Landscaping, cut the grass on the dam crest for many years. Oakland Landscaping stopped doing business. It will be necessary to find a new contractor to cut the grass. Mr. Johnston reported meeting with Andrew Armington of Mullins and Armington at the dam on 8/4. It was agreed that, upon providing evidence of insurance coverage, Mullins and Armington would cut the grass once, bill for this work and provide a firm bid to cut the grass in the future based on their initial experience. Mullins and Armington keep their equipment at the corner of Pine and Charles Streets, less than a half mile away from the dam.

#### Open Meeting Law and Conflict of Interest Law Changes:

Mr. Johnston distributed copies of material provide by the Leicester Town Clerk concerning new Open Meeting Laws and Ethics Laws and requested completion of documents showing that the District's elected officials had received this material. He also asked each official to go to the MA State Ethics Commission website to take an on-line test regarding conflict of interest issues and to provide him a copy of a document showing that each had taken the test.

#### Tax Classification Hearings:

Now that the Green Mountain Club is tax exempt, Mr. Johnston will contact the Department of Revenue to seek authorization to suspend future tax classification hearings because all the property in the District is classified as residential property.

Other Lakes and Ponds:

Mr. Johnston discussed happenings at nearby lakes and ponds. Specifically, the dam at lake Lashaway in East Brookfield must be repaired or replaced. State money will be available because Route 9 forms much of the dam. At Lake Wickabog in West Brookfield, a controversy has emerged concerning the placement of docks. At Burncoat Pond, a controversy has emerged concerning the use of the pond by non-members. Responses to these plans and controversies may be instructive to our District.

Executive Session

The meeting was recessed to hold an executive session to discuss pending legal matters.

Next Meeting

The next meeting of the Management Committee will be held at 1 Maple Glen Lane at 7:30 P.M. on Wednesday September 8, 2010.

Adjournment

A motion was made, seconded and voted unanimously to adjourn the meeting at 9:10 P. M..

A True Copy Attested:

Richard D. Johnston  
District Clerk