

**Cedar Meadow Lake Watershed District
Minutes of Management Committee Meeting
September 16, 2009**

The meeting commenced at 7:35 P.M. at 1 Maple Glen Lane, Leicester.

In attendance: Tommy Lee
Wayne Ridley
Richard Johnston, Clerk

Minutes of Previous Meetings

Minutes of the previous Management Committee meeting had not, as yet, been prepared.

Clerk's Report

There was no Clerk's Report.

Treasurer's Update

Mr. O'Coin could not attend the meeting, but prepared a Treasurer's Report dated 9/16/09 showing that the District had \$29,590.22 on deposit with the Spencer Savings Bank. He also sought and received approval for Warrant #133.

Old Business

Trial Outcome:

After hearing the presentation of evidence over three and one half days from 9/1 through 9/4, a jury of 14 determined that the fair value of the dam and lake was worth more than a million dollars in 1997.

The District, the Defendant in the case, based its payment for the property on the actual sale of similar bodies of water. An independent appraiser, hired by the District, determined that the highest and best use of the property was as a recreational body of water and that \$1,300 per acre represented the fair market value. This was reduced by the \$100,000 estimated cost to repair the dam. The net payment was \$87,200.

Central Water District Associates, the Plaintiff in the case, argued that the highest and best use of the property was as an amenity to the surrounding property and that the owners of the 91 lots around the lake, and 49 owners of property on back lots, would be willing to pay a large one-time fee for the right to use the lake. The Plaintiff's appraisal expert testified that the value of these fees was \$1.3 million in 1997. The District argued that the abutters to the lake already had the right to use the lake, as they have done for many years. District property owners with family histories of using the lake for recreational purposes dating back to 1940 testified to illustrate the long term, continued use of the lake by the abutters.

The judge gave very specific instructions to the jury to recognize the rights that the abutters had to use the lake in their deliberations. Further, he instructed them to recognize the \$90,200 assessed evaluation of the property by the Leicester Board of Assessors in 1997. The jury deliberated for less than two hours and returned a verdict that the property was worth \$1,157,000 at the time of the taking on May 30, 1997. The District plans to contest this verdict in the Courts.

New Business

Informational Meeting:

It was agreed that the best way to explain the trial and outcome to the Proprietors of the District would be through an informational meeting to be held in early October. Mr. Johnston was instructed to prepare a newsletter inviting the Proprietors to this meeting.

Executive Session

The meeting was recessed for an extended period of time to discuss the outcome of the trial and future legal actions.

Next Meeting

The next regular meeting of the Management Committee was scheduled for 7:30 P.M. on Wednesday, October 14, 2009 at 1 Maple Glen Lane, Leicester.

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