

Cedar Meadow Lake Watershed District

www.cedarmeadow.org

- Newsletter -

June 2009

Annual Meeting Results

The Proprietors of the District attended the Annual Meeting of the District at the Leicester Police Department Community Room at 7:30 P.M. on Wednesday, May 20, 2009. Fifty-eight percent of the Proprietors were represented in person or by proxy. Proprietor Norman Macleod served as Moderator. Thanks Norman!

Election of Officers

Dick Johnston of 1 Maple Glen Lane was elected to his sixteenth one year term as Clerk. Terry O'Coin of 6 Lake Shore Drive was elected to his thirteenth one year term as Treasurer.

Paul Dufresne of 47 Fairview Drive was elected to his fourth three year term as a member of the Management Committee. Paul joins Tommy Lee of 61 Fairview Drive and Wayne Ridley of 39 Lakeview Drive on the three member Management Committee. Following the Annual Meeting, the Management Committee met to elect their officers for the following year. Tommy Lee was elected Chairman and Wayne Ridley as Vice-Chairman.

2008 - 2009 Results

The Management Committee summarized their activities since the last Annual Meeting. They met ten times during the year. General dam maintenance was completed as planned with the exception of painting the gate house which is expected to be completed soon by volunteer Jeremy Lloyd of 1 Lakeview Drive. * Efforts to gain access to the land below the dam for tree cutting purposes were postponed pending the outcome of the upcoming trial. * A team of "hard hat" professional divers were used to find the source of leaks in the dam. A crew from R. H. White Construction hand packed the upstream face of the dam with concrete to correct these leaks and to fill any voids in the gunnite coating on the face of the dam. Despite these efforts, the dam continued to show signs of leaking when the lake was refilled this spring. * The lake was drawn down five feet in the fall to facilitate the dam repairs and was held at this level until the lake bottom froze. Lake levels were maintained between 31 and 36 inches below the spillway elevation between January and March to minimize ice damage to shoreline structures. * A benthic barrier material was deployed and redeployed in the north east cove successfully. * Three sets of water samples were collected and analyzed since the last Annual Meeting. Water quality continues to be very good with excellent clarity and total phosphorus readings well within acceptable limits. * Mr. Johnston provided a detailed explanation of the results of the five day Central Water District Associates vs. Stiles Lake Water District trial that concluded in February. See the paragraph below for more information. * The Management Committee continues to solicit voluntary contributions from non-abutters to the lake and continues to communicate with Proprietors through periodic newsletters.

District Web Site

District Treasurer Terry O'Coin designed, and is maintaining, the new District web site which can be found at www.cedarmeadow.org. This site contains lots of interesting information including the Act that established the District, minutes of meetings, past newsletters and photographs of the dam. Take a look. You'll like it. Send any suggestions for content to Terry at the.ocoins@verizon.net. Thanks Terry!

Law Suit Status

At issue in the Stiles Water District vs. Central Water District Associates trial, as will be the case in our trial and the Burncoat Pond District trial, is whether Stiles paid an amount commensurate with the highest and best use of the property. Mr. Shea and his experts took the position that Stiles Lake and the other ponds flowing into Rochdale Pond were a viable source of drinking water supply and that Stiles Lake was worth \$3.2 million at the time of the 1994 taking. The Stiles District and their experts took the position that the highest and best use was as a recreational body of water and that the \$400,000 they paid was adequate compensation. Mr. Shea based most of his argument on a 1987 engineering study performed for the City of Worcester in its search for potential additional water supplies. The Stiles experts testified that surface bodies of water were no longer considered viable sources of drinking water supply due to regulatory changes. They further testified that water could not be transferred between river basins and that water bodies with septic systems in close proximity could not be developed as drinking water sources. A City of Worcester water supply official testified that the City never completed the study in question, was not interested in additional supplies in 1994, and are still not interested today. Despite all this evidence, the jury concluded that, at the time of the taking, Stiles Lake was worth \$1.5 million. The Stiles District is appealing the jury verdict. The Burncoat District trial is scheduled to begin on July 22 and our trial is scheduled for August 24, both in the Worcester Superior Court. Our attorney, Ernie DeSimone, and expert witnesses will be very well prepared to defend our District.

Budgeting

Actual expenses through May, plus pending expenses through June 30, 2009, are \$54,887 including \$23,165 in mortgage payments, \$10,419 in legal expenses, \$9,612 in dam repairs and maintenance, and \$3,728 in administrative expenses that include an auditing fee, treasurer's bond, liability insurance, and communications expenses.

The Proprietors approved a \$121,385 budget for Fiscal year 2010, the July 1, 2009 through June 30, 2010 period. Of this amount, \$41,998 will be raised through taxation, \$19,387 will come from free cash, and \$60,000 will come from a loan to cover legal costs. District taxes will increase approximately \$8,500 from prior years. This increase is necessary to replenish the District's free cash so that bills can be paid on time. The average Proprietor will experience a District tax increase of approximately \$100. The largest budget item is \$75,000 in the legal account. The Proprietors authorized the Management Committee to borrow an amount not to exceed \$75,000 to pay District legal cost in the upcoming trial. The budget assumes it will be necessary to borrow \$60,000 for this purpose. The remainder will come from free cash and taxation. \$23,933 has been budgeted to repay the loan. Other budget items include \$3,050 for repairs and maintenance and \$3,629 for administrative expenses. As has been the practice for many years, \$10,000 is carried in the reserve account to pay for unexpected expenses.

Action Plan

The Proprietors approved the 2009 - 2010 Action Plan which has been attached for your review.

Boating and Swimming Safety Reminder

Massachusetts water craft regulations state that **it is illegal to operate a vessel at any speed within 150 feet of shorelines used as swimming areas, rafts, floats and swimmers.** Operators and skiers are asked to turn away from shore as soon as possible upon exiting the ski course. Massachusetts law states that **no person shall swim or float more than 50 feet from shore unless accompanied by a boat.** MA water craft regulations state that **no craft may operate faster than 10 miles per hour between the hours of sunset and sunrise. Powered craft must display running lights and unpowered craft must carry flashlight or lanterns.**

Have a Safe and Fun-filled Summer