

Cedar Meadow Lake Watershed District

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- Newsletter -

June 2010

Annual Meeting Results

The Proprietors of the District attended the Annual Meeting of the District at the Leicester Knights of Columbus hall at 7:30 P.M. on Wednesday, May 19, 2010. Fifty-four percent of the Proprietors were represented in person or by proxy. Ruth Kaminski served as Moderator for the fourteenth time. Thanks Ruth!

Election of Officers

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

Tommy Lee of 61 Fairview Drive was elected to his fifth three year term as a member of the Management Committee. Tommy joins Paul Dufresne of 47 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. Wayne Ridley was elected Chairman and Paul Dufresne as Vice-Chairman.

2009 - 2010 Results

The Management Committee summarized their activities since the last Annual Meeting. General dam maintenance was completed as planned. Jeremy Lloyd of 1 Lakeview Drive painted the gate house and has partially completed the installation of a new waterproof roof. * Efforts to gain authorization from Raymond Shea to access the land below the dam to cut large trees near the dam again failed. * The planned inspection of the water-side dam surface by volunteer scuba divers was postponed because these divers were too busy on other projects. * The lake was drawn down five feet in the fall and was held at this level until the lake bottom froze for weed control purposes. Lake levels were maintained between 30 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. * Two sets of water samples at four locations 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. Additionally, samples were collected to detect the presence of e-coli bacteria, and these results were also very good with little or no bacteria detected. * The "Friends" program, the annual solicitation of contributions from non-Proprietor neighbors, was not conducted because Management Committee members were too busy during the late summer months working on the trial. * The Management Committee continued to communicate with members through newsletters and the District's web site www.cedarmeadow.org.

Law Suit Status

As has been reported previously, the jury trial in the law suit by Central Water District Associates (CWDA) against the District was conducted in the Worcester Superior Court in the week prior to Labor Day last year. Despite our best efforts, the outcome was not good. We paid Central Water District Associates \$187,200, less \$100,000 to repair the dam, in 1997 as part of an eminent domain taking. The jury decided that, at the time of the taking, the dam and land under the lake was worth \$1,157,000. When statutory interest is added, the total net jury verdict exceeds \$1.5 million, an amount the members of this District cannot afford to pay.

The matters of the trial and total liability are not, as yet, concluded. CWDA sought a second trial to gain higher interest rates than those provided by statute. The trial judge ruled in favor of the District's motion for summary judgement which, in essence, dismissed the matter before it went to trial. CWDA is appealing this decision. Opinions and positions in the form of legal briefs and counter-briefs will be exchanged this summer, and the matter will probably not be heard by the Court of Appeals for another year.

An effort was initiated by this District in April to reach a settlement with all affected parties before the Burncoat Pond Watershed District incurred the expense of participating in a jury trial. A global settlement was proposed that included the Massachusetts Department of Revenue, Burncoat Pond Watershed District, Cedar Meadow Lake Watershed District, Stiles Lake Water District and CWDA. CWDA rejected this very fair and generous offer. A jury concluded in May that the 54 household Burncoat Pond Watershed District owned CWDA an additional \$790,000 including interest.

Budgeting

Actual expenses through May, plus pending expenses through June 30, 2010, are expected to be \$114,000, including \$101,000 in legal expenses. The current, one-time budget, which members made very clear is unsustainable, called for raising \$100,000 through taxation, an amount three times greater than the average amount raised each year through taxation over the past ten years. In the interest of simplicity, these figures do not include loan amounts borrowed and repaid. A Special Meeting of the District was held in November 2009 to authorize this one-time higher level of taxation necessary to pay legal expenses and a one year line-of-credit loan in an amount not to exceed \$100,000 from Commerce Bank. This loan will soon be paid off through tax receipts.

Members attending the Annual Meeting approved a budget for the July 1, 2010 - June 30, 2011 period (FY2011) in the amount of \$43,500. This includes more than \$11,000 in expert trial witness fees carried over from the last budget period, \$15,000 for legal expenses, \$3,900 for dam repair and maintenance, \$3,200 for Administrative Expenses including communications, auditing, and liability insurance, and \$10,000 in the Reserve Account. Authorization to secure an operating expenses line-of-credit in an amount not to exceed \$30,000 was approved. Again, in the interest of simplicity, the budget figures expressed above do not include loan borrowing and repayment. The Budget calls for \$33,600 to be raised through taxation, an amount that is consistent with amounts raised annually through taxation in the ten years leading up to the FY2010 budget period.

Action Plan

The Proprietors approved the 2010 - 2011 Action Plan which has been attached for your review.

Boating and Swimming Safety Reminder

Boaters, remember that it is illegal to operate a vessel at any speed within **150 feet** of shorelines used as swimming areas, rafts, floats and swimmers. **Swimmers**, remember that MA law states that no person shall swim or float more than **50 feet** from shore unless accompanied by a boat. MA water craft regulations also 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.**

To review the full text of MA Boater Safety Handbook go to www.boat-ed.com/ma/handbook/

Have a Safe and Fun-filled Summer