



# Sherwood Forest Lake District Prudential Committee Meeting



Date Saturday, April 21, 2012

Time: 10:00 AM

Location: Becket Room, Becket Town Hall  
557 Main Street, Becket, MA 01223

## MEETING MINUTES

Committee Members present: Howard G. Lerner (Chair), Stuart R. Eldred (Vice Chair), William F. Maier, Joseph P. DeCarolis, and Clerk/Treasurer present Robert T. Ronzio.

Committee Members absent: Lucy A. Ferriss, William J Osborn III, Stanley C. Taylor (Alternate) and Richard D. Hackbarth.

Public Present: None

The meeting is opened at 10:04 AM.

Location: Becket Town Hall, 557 Main Street, Becket, MA 01223

**Introduction** - Mr. Lerner calls the meeting to order at 10:04 AM and announces that parliamentary procedural rules previously adopted will regulate and conduct of the meeting in accordance with the provisions of the Open Meeting Law, other pertinent Massachusetts general laws, the by-laws of the district and local customs and traditions. Mr. Lerner asks if anyone would like to have the entire rules and regulations read aloud. Hearing no response, Mr. Lerner dispenses with the remainder of the reading, noting that everyone present acknowledged that they were familiar with the procedural provisions outlined above. Mr. Lerner asks if there is anyone present who is planning on recording the meeting. Mr. Ronzio states that the meeting is being recorded for Mr. Richard Ronzio. Mr. Lerner notes that there are agendas on the table for all present. He again states to all present that the aforementioned guidelines are being followed to insure that the district complies with the General Laws of the Commonwealth.

**Prudential Committee Members Comments and Announcements** - Mr. Lerner asks if anyone present has any comments or announcements, hearing none, he moves on.

**Prudential Committee Members Review and Approve Meeting Minutes** - Mr. Lerner suggests that they pause for five minutes to review the minutes before any further discussion. Mr. Stuart Eldred discusses what he thinks may be an error regarding waterfront properties and a tax decrease; Mr. Ronzio explains that in fact that statement is correct citing examples from the tax assessors' latest report to the district. Mr. Eldred then discusses the attorney's bill for the dam project and states he thinks it should be accounted for in the dam management portion of the budget. Mr. Ronzio agrees that is open for discussion with the committee, however nothing has been decided as of yet. Lastly Mr. Eldred mentions a spelling error; Mr. Ronzio takes note and enters the correction on his copy. Mr. Maier notes that when he discussed last year's chemical treatment program with Nancy Devane he clearly informed her that no chemical treatment was made at all last year. Mr. Maier wants the minutes to clearly reflect that fact. Mr. Stuart Eldred makes a motion to approve the minutes as amended; Mr. William Maier seconds motion; unanimous approval.

**Hurricane Irene - Big and Little Robin Dam Damage Repair FEMA Update** - Mr. Ronzio states that the paperwork with all the necessary signatures was hand delivered to MEMA headquarters. Mr.

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Ronzio noted that he informed MEMA that the packet he was given by MEMA contained an outdated W-9 IRS Form. When MEMA reps checked, and confirmed the error they were thankful. However, they then asked Mr. Ronzio if the district had been registered in the Central Contractor Registration (CCR) system. They informed him that if the district wasn't enrolled, the reimbursement packet would not be processed until a CAGE code was issued. The reps then checked the system and found that because this was the district's initial submission, no CCR was on file. MEMA gave Mr. Ronzio the necessary forms and explained what needed to be done in order to complete the process. Mr. Ronzio informed the committee that when he went on line he was dismayed because the form was eighteen pages long. Nevertheless, he completed and submitted it the next day. He concluded that he is hopeful that the district should receive the money in 3-5 weeks. Committee members are satisfied with the progress made. Mr. Ronzio states that once reimbursed by MEMA the district should have approximately twenty thousand dollars to spend before the end of the year.

**Engineering Status Report** - Mr. Eldred states that the district needs to figure out if they are going to have necessary easements in place in order to move on with the Little Robin dam project; or if the district will need to split the project into two parts. Mr. Ronzio states that the district's attorney has been communicating back and forth with the owners of the properties in question. Mr. Lerner advises Mr. Ronzio that the attorney needs to emphasize to the owners that they and the district are under orders from the Office of Dam Safety to get this dam repaired immediately. Mr. Ronzio advises that the owners in question have been given two options. Mr. Ronzio also explains that the town's building inspector has stated that due to the fact that two of the properties have been abandoned for more than two years, any plans may require a demolition permit and/or a special permit from the Planning Board in order to proceed. Mr. Ronzio explains that because both Mr. Lerner and he sit on the planning board they may have to recuse themselves from the proceedings because of the conflict of interest statutes. However, there is an overriding rule of necessity statute that could be applied in this case to allow deliberation to proceed.

Committee members agree that these efforts have been ongoing for months. Mr. Howard Lerner makes a motion to have the district's attorney negotiate in any way necessary to get these easements so the district can move forward with the project; Mr. Maier moves, Mr. Eldred seconds; unanimous approval.

Mr. Ronzio explains prescriptive easements to the committee members and cites the attorney's reasoning that the district may have a right to move forward because the issues at hand are considered to be in the best interest of public safety, however, this is a position of last resort and may cause further legal entanglements.

Committee members briefly discuss the last property in question: Map 216 Lot 190. Mr. Ronzio states that the district's attorney has contacted the town's attorney and is looking into this issue. Committee members confirm that the district's bylaws clearly state that the district can own property. Mr. Ronzio reminds committee members that any individual or public/private entity that owes back taxes is precluded from bidding on property at a public auction. Mr. Ronzio advises the committee that Root Engineering would like to have an answer by May 4<sup>th</sup> given that a conservation commission filing must be made by that date. Since the committee has already given the engineer the authority to proceed with the project, Mr. Ronzio is asked to send an email to Root Engineering informing them to file the Notice of Intent (NOI).

**Overall Dam Reconstruction Status** - Committee members discuss the 2013-2014 timeline that they have to work with to complete the proposed projects. Mr. Lerner reminds members that the point at hand is to complete all the dam work as quickly and efficiently as possible. Committee members

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discuss getting temporary easements as opposed to permanent easements. Mr. Ronzio states that permanent easements are not only preferable but also according to the engineer necessary; otherwise, over time, deterioration will occur beginning almost immediately.

**Lancelot Spillway Appraisal (Obstructed Outflow Culvert/Tree Removal)** - Committee members discuss the rules when cutting trees, according to the Conservation Commission guidelines. Mr. Eldred states if the tree is less than 4 inches in diameter 4 feet off the ground, it is considered brush and it can be cut down. Mr. Ronzio advises that there are a lot of ash trees around the proposed site. Committee members discuss whether there is enough money to contract out for the tree removal. Mr. Ronzio advises that they currently have no money budgeted or on hand for this work. Committee members discuss the MEMA monies that the district is expected to get within a month. Mr. Ronzio advises that the district has spent a large amount of money for legal expenses, explaining that they have exceeded the originally budgeted total, and additional funding is needed if the attorney is going to finish the work needed for the Little Robin dam project which is the district's number one stated priority. Committee members agree that they need these services and the money is well spent. Mr. Ronzio advises that at this point, they are so far off the proposed budget that nothing else can be planned until the MEMA reimbursement is forthcoming. Mr. Lerner asks if they actually have the entire month of July to spend money that is left over from this year's budget. Mr. Ronzio states that they only have ten days into the month of July, not the entire month. Committee members discuss the date for the first FY2013 prudential committee meeting,

**Nottingham Spillway Appraisal (Beaver Dam)** - Mr. Lerner tables this topic, advising that he has not yet had conversation with the road district's chairman. Mr. Ronzio states that he will get back to the homeowner, Mr. Lerner request that he reports back to the committee at the next meeting.

**Aquatic Controls** – Mr. Maier reports that by June the survey report will be completed and then the committee will be able to better ascertain the actual funding requirements needed for next year.

**Website Postings** - Ms. Ferriss is not present, topic tabled.

**Opt-Out request Update** - Mr. Ronzio advises the committee that the district has only two requests and the committee has already recommended that the proprietors approve the requests at the Annual District meeting.

**Beach and Boat Management** - Mr. Lerner tables topic because the superintendent is not present. He also states that he needs to get back to Mr. McCarthy regarding his inquiries.

**FY 2013 Budget Input & Annual Meeting Warrant** - Mr. Ronzio advises that some minor changes and modifications from last month's report. Committee members discuss these changes and the loan request as well as repayment schedules.

Committee members discuss that since much of their legal services fall under dam repair, these expenses should be reflected in that part of the budget. Committee members agree to add a line item called "Dam Repair/Legal Expenses". Committee members agree to put \$8000 into this line item. Members review quickly all other funds previously discussed and agree on all figures to be proposed on the warrant.

**Annual Meeting Warrant** - Mr. Ronzio reviews and explains all warrant articles to be presented; Committee members discuss. Mr. Stuart Eldred makes a motion to approve the budget and the warrant as proposed, Mr. William Maier seconds motion; unanimous approval. Committee members sign the amended annual warrant.

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Mr. Ronzio advises that he has the special meeting warrant that also needs to be approved, explaining that this will allow the district to move monies into needed accounts to balance the budget prior to the opening of the annual meeting. Joseph DeCarolis makes a motion to approve the warrant for the special meeting, Mr. Eldred seconds motion; unanimous approval. Committee members sign the amended special warrant.

**Monthly Expenditure Warrant** - Mr. Eldred makes a motion to approve the current warrant with the contingency to pay DR Billings with the MEMA money when it comes in; Mr. DeCarolis seconds motion; unanimous approval.

**Public Input-** None

**Review Correspondence** - Mr. Lerner advises that he has received notice that one of the residents who has opted out of the Lake District apparently has now with a district map in hand sought to obtain or renew an expired fishing license. Mr. Lerner reminds committee members that opting out automatically disqualifies a person from any use of the lakes, recreational or otherwise. Mr. Lerner advises that he would like to send this individual a letter explaining this policy; committee members agree. Mr. Eldred makes a motion that a letter be drafted and sent, Mr. Maier seconds motion; unanimous approval.

Mr. Eldred advises that they have received a response from the original order of non-compliance from the Office of Dam Safety.

**Adjournment** - Mr. Maier makes a motion to adjourn the meeting at 12:15 PM; Mr. Eldred seconds motion; unanimous approval.

**Schedule** - Next meeting Saturday, May 19, 2012 at 10:00 AM.

Respectfully submitted,

SIGNED: \_\_\_\_\_

Robert T. Ronzio  
Clerk & Treasurer  
Sherwood Forest Lake District

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Howard G. Lerner Chair

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Stuart R. Eldred Vice-Chair

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William F. Maier

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Joseph P. DeCarolis