



# Sherwood Forest Lake District Prudential Committee Meeting

Date Saturday, February 11, 2012

Time: 10:00 AM

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

## MEETING MINUTES (DRAFT)

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

Committee Members absent: William J Osborn III, and Richard D. Hackbarth.

Public Present: None

The meeting is opened at 10:03 AM.

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

**Introduction** - Mr. Lerner calls the meeting to order at 10:09 AM and announces that parliamentary procedural rules previously adopted will regulate the conduct of the meeting in accordance with the provisions of the Open Meeting Law and other pertinent Massachusetts general laws, the by-laws of the district and local customs and traditions. Mr. Lerner asks if there is anyone who 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. Mr. Lerner states to all present that the aforementioned guidelines are to be followed so as to insure that the district is in compliance with the General Laws of the Commonwealth. Mr. Lerner confirms that these guidelines are met and followed by the Massachusetts General Laws.

**Prudential Committee Members Comments and Announcements** - Mr. Lerner asks if any committee members have any time restraints, which could have an impact on today's meeting. He indicates that in the interest of time he will attempt to move the meeting along as quickly and efficiently as possible.

**Prudential Committee Members Review and Approve Meeting Minutes** - Mr. Lerner states he has a few minor changes to the November meeting minutes; Mr. Lerner eliminates a sentence that states that he and only one other committee member were present. He also notes that for accuracy he would like the minutes to have the name of the individual who makes a motion as well as who seconded it annotated even if the decision is unanimous. Mr. Lerner cites a grammatical error as well. Mr. Robert Ronzio asks Mr. Lerner to give him a copy of the changes, and he will make the corrections on the official copy. Mr. Lerner also advises that he has added the specific date of the FEMA meeting that he and Mr. Ronzio attended. Mr. Taylor makes a motion to approve the November meeting minutes as amended, Mr. Eldred seconds motion; Unanimous Approval.

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December Meeting Minutes – Mr. Ronzio notes that the December meeting was cancelled when he learned that a quorum of the prudential committee would not be present. Mr. Ronzio stated he posted a cancellation notice but went to the town hall in case anyone showed up. He stated that he remained at the town hall about 20 minutes.

January Meeting Minutes - January meeting minutes are distributed to the committee members present for their review. In the interest of time, Mr. Lerner tables their approval until the end of the meeting.

Committee members discuss changing the March meeting date. After some discussion a motion is made by Mr. Eldred to re-schedule the meeting for the third Saturday, March 17<sup>th</sup>. Mr. Taylor seconds; Unanimous Approval.

**Hurricane Irene-Big and Little Robin Dam Damage Repair-** Mr. Ronzio notes that he has been informed by FEMA that the district will receive approximately \$39,000 in reimbursements. He briefly reviews the total amount of expenditures to repair the damage for this event stating that they greatly exceeded that amount. He goes on to remind everyone that 75% is the maximum amount reimbursable by FEMA and some repair cost such as mitigation were not fully covered. Mr. Ronzio also explains that FEMA'S policy is to not reimburse until all the bills are paid. However, he states that he is working on getting that waived, due to the fact that the district is a newly formed governmental subdivision and as such does not have sufficient reserves to complete payment to the contractors prior to receiving reimbursement. Mr. Ronzio concludes by stating that FEMA representatives will be coming to the district next week to make a final inspection of the project.

**Little Robin Phase II Engineering Report, Easement Survey & Agreements -** Mr. Eldred reviews the tasks that need to be completed. Mr. Lerner reports that all is going very well so far with the Conservation Commission. Mr. Eldred advises that the Office of Dam Safety still needs to approve what is being proposed. Mr. Eldred also advises that they need to have the survey completed. Mr. Ronzio states that Foresight Land Services has been to the forest, surveyed Little Robin dam and submitted a preliminary site plan. Mr. Ronzio indicates that that he did not bring a copy with him today but he did make it available to everyone via email and has set a copy to Root Engineering. Mr. Ronzio states that the surveyors from Foresight did have some difficulty in locating some of the corner pins but were able to complete the initial phase of the survey. Mr. Ronzio presents a report for the committee members to read and review regarding the easements, which will be required to move forward with the dam restoration project. Mr. Ronzio presents documentation from both Dawn Bloom, the town's foreclosure attorney, and Elizabeth Goodman, the district's attorney regarding the beach property. He notes that the Town has also received an updated from Kopleman and Page regarding the requisite procedures necessary for the disposition of surplus property. He explains that one potential solution may require a warrant article being drafted and presented at Town Meeting. Under this scenario the district would not be able to acquire the property until mid May. Mr. Lerner states that with all that still has to be done in preparation, it is becoming evident that it is highly unlikely that the district will be able to begin work on Little Robin dam this summer. Mr. Ronzio advises the committee of another potential problem, referencing the Lot 490 property. He advises that the district's attorney has attempted to reach the property owner but thus far has not been able to reach him. All mail sent to this individual has been returned as undeliverable. Additionally, Mr. Ronzio stated that the town initiated foreclosure procedures having placed a lien on the property as the result of nonpayment of taxes. The tax taking of the property was recorded at the Berkshire Middle District Registry of Deeds in 2006. All attempts by the town to contact the individual have likewise been unsuccessful.

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Committee members discuss again the issues regarding the Lot 490 property, and ask Mr. Lerner and Mr. Ronzio to attempt to discuss what possibly could be done with the town.

### **Phasing of Big Robin and Lancelot Projects - Lancelot Spillway Appraisal (Obstructed Outflow Culvert) -**

Committee members discuss initiating Phase II of the Big Robin dam project in the spring. Mr. Lerner explains that if Morris Root has to come to the district for Big Robin, it should save the district some money if he could inspect the Lancelot Spillway at the same time. Since it is determined that the water level in Lancelot is somewhat stabilized, no immediate action is necessary but the committee asks Mr. Ronzio to keep an eye on the water level and notify them if the situation changes and/or the problem gets worse. Mr. Lerner advises that he has not yet had a chance to speak with Mr. Bonney, the chair of the road district regarding this matter. However he plans on doing so as soon as he returns from his trip in March.

**Nottingham Spillway Appraisal (Beaver Dam)** - Mr. Ronzio states that the district will have to go before the Conservation Commission unless the beaver problem is a health related issue. For example, if the property owner's septic system is impacted, then an emergency order could be issued by the Board of Health to rectify the problem. In any case, there will be unanticipated costs associated with it. Committee members discuss drafting a beaver policy in the future. Ms. Ferris explains that each of the five (5) lakes are very different and that coming up with one policy may be very difficult. The committee decides to take no action at the present time but to monitor the problem in a manner similar to the Lancelot issue. Mr. Ronzio notes that he lives on the lake and that the beavers have not increased their activity since the fall. He will report back to the committee next month.

**Aquatic Controls (Stockbridge Bowl Drawdown)** - Mr. Maier asks if the ACT bill has been paid. Mr. Ronzio advises that all submitted bills have been paid, and he will review the ledger to see if the check has been issued and cashed. Mr. Maier informs the committee that he has spoken with Mercedes Galligher and Kathy V from the conservation commission regarding "hand-pulling". Mr. Maier advises that at the next meeting the committee need to be prepared to vote on which method, "hand-pulling" vs. chemicals, should be scheduled for this summer season. He elaborates somewhat on the advantages and disadvantages of each method. He also indicates that he believes that many states including Massachusetts are moving away from approving chemical treatment, and in the future this may not be an option. He believes the district should at least begin a "hand pulling" program on a trial basis.

Mr. Ronzio informs committee members about the Community Preservation Act (CPA), an additional tax that appears on their tax bills. He reviews with them how the monies raised from this tax are used. He states that he believes that Center Pond received some CPA money for "hand pulling" at the town beach, and that they should further look into this matter to see if the district qualifies and can ask for funding.

**Website Postings** - Ms. Ferriss advises that she has been posting all the agendas. Mr. Ronzio apologizes for not getting the meeting minutes to Ms. Ferriss, but explains that he will do so. Ms. Ferriss offers to give Mr. Ronzio her flash drive to put the minutes on. Mr. Lerner asks Mr. Ronzio and Ms. Ferris to discuss this matter after the meeting. Ms. Ferriss explains that she has posted all the job descriptions she has received. She welcomes any input and advises of putting

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up a link to the Town's website. Ms. Ferriss advises that she will be doing a lot of traveling and that she would prefer to get this task done in the next ten days or so.

**Opt-Out Request Update-** Committee members briefly discuss all opt-out requests received thus far. Mr. Ronzio advises that Mr. Nicora still has not gotten back to him at this point.

**Beach and Boat Management-** Mr. Lerner confirms that there wasn't any money in this year's budget for Mr. Rosenthal's request but that they will discuss the matter again before the end of the fiscal year. As with last year, if any money becomes available, the committee needs to develop a prioritized contingency plan to expend surplus funds prior to the end of the FY. This plan will be presented to the proprietors in the form of warrant articles at a Special Meeting prior to the Annual Meeting.

**Annual Meeting Warrant/Operating Budget FY 2013 -** Mr. Lerner advises that it is very important that everyone get their information to Mr. Ronzio before the next meeting. Mr. Ronzio explains that he will work on preparing a preliminary budget for the committee members to review at the next meeting.

**Any Other Business to come before the Committee -** Mr. Ronzio asks if the prudential committee is planning to adopt the open meeting law remote access provision. Mr. Lerner states that he feels that this may become too cumbersome. Committee members agree. Mr. Taylor makes a motion not to adopt the open meeting remote access provision, Ms. Ferriss seconds motion; Unanimous Approval

Committee members discuss routine maintenance and repair of the dams and discuss the whereabouts of the two boards that were pulled from the Big Robin dam. They also inquire about a missing steel hook, which is used to remove the boards. It is decided to have a replacement hook fabricated if the missing one is not located, since one hook is insufficient.

**Warrant/Budget Review -** Mr. Ronzio advises that they have roughly sixteen thousand dollars in the district's account. He goes on to review the outstanding bills, stating that the funds currently available are insufficient to fully pay them all. Mr. Ronzio advises that monies are down due to the payment of the Tropical Storm Irene bills. Mr. Ronzio advises that if they get the previously discussed reimbursement from FEMA, they will again be in good shape. Mr. Lerner advises that they will have to consider raising next year's budget, committee members agree.

Mr. Ronzio references Chapter 61B, and explains that the SFNA should explore using this law to reduce their taxes. He explains that Becket Woods has researched this statute and is using it to their advantage. Mr. Ronzio explains that there are at least two other private communities in Becket that negate increased waterfront taxes for property owners through the use of a buffer. Mr. Ronzio explains that he will continue to research both of these provisions and report back to the committee.

**Warrant Approval -** Committee members review the warrant as presented; Mr. Stuart Eldred makes a motion to approve the warrant, Mr. Stanley Taylor seconds motion; Unanimous Approval.

**Public Input -** None

**Correspondence -** Mr. Ronzio states that he has received two letters for Mr. Rosenthal regarding boat stickers.

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**Adjournment-** A motion to adjourn the meeting is made by Mr. Eldred, the motion is seconded by Mr. Maier; Meeting is adjourned at 11:44 am.

**Schedule** Next meeting Saturday, March 17, 2012.

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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Stanley C. Taylor (Alternate)

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Joseph P. DeCarolis