

COMMONWEALTH OF MASSACHUSETTS



# Sherwood Forest Lake District

## Prudential Committee Meeting

Date Saturday, January 14, 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, Stanley C. Taylor (Alternate) and Joseph P. DeCarolis and Clerk/Treasurer present Robert T. Ronzio.

Committee Members absent: William J Osborn III, Lucy A. Ferriss, and Richard D. Hackbarth, and Clerk/Treasurer present Robert T. Ronzio

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 10:03 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 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. Mr. Lerner asks if there is anyone who is planning on recording the meeting and if so, please state your name. Mr. Ronzio states the meeting is being recorded at the request of Mr. Richard Ronzio on his own personal equipment. Mr. Lerner asks if there is anyone else present who is planning on recording the meeting. Mr. Lerner advises that there are agendas on the table for all present. Mr. Lerner states to all present that these guidelines are to be followed so as to insure that the district is in compliance with the General Laws of the Commonwealth.

**Prudential Committee Members Comments and Announcements** - None

**Prudential Committee Members Review Meeting Minutes** - Mr. Lerner defers the approval of the November 2011 meeting minutes until the end of the meeting, advising that some committee members need to leave by noon.

**Hurricane Irene-Big and Little Robin Dam Damage Repair** - Mr. Ronzio states that the emergency repairs to Big and Little Robin dams have been completed at this time. The actual low bid repair cost was approximately \$49,000. Other associated engineering and legal fee and posting costs add another \$12,000. Mr. Ronzio states that with the treasury funds being low, he has suggested a partial \$14,000 payment be made to D.R. Billings and put that amount on this month's warrant. The balance due will be paid as additional funds become available. Mr. Ronzio reminds members that FEMA will only reimburse 75% of the

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cost of the repairs. The district will have to fund the remainder of the cost using district funds.

**Little Robin Phase II Engineering Report, Easement Survey & Agreements** - Mr. Eldred reviews cost of material, etc. with committee members present. Mr. Eldred advises that Morris Root, the district's engineer, wants to put steel plates into the weaker parts of the dam's berm for reinforcement. He explains that the low level outlet valve would be located in the dam's berm and accessed via a secured manhole. The valve would be safe from the weather and the locked manhole cover would prevent unauthorized access and render it safe for pedestrian traffic and kids, etc. Mr. Eldred explains that by replacing the low level outlet in the vicinity of the original outlet pipe Morris would like to get a better look at the materials within the dam's interior structure. Mr. Eldred explains that they need to decide if they want to do the embankment now or wait until later. He advises that the other option, which the committee might consider, is to breach the dam. Committee members agree that breeching the dam is not a good option and that the repairs need to be done correctly. Mr. Ronzio advises the members of the money situation, explaining that projected estimate is more than double the estimate made prior to the formation of the district and that the district will have to incur other associated additional expenses due to the fact that they need to pay for a survey in order to get the easements from abutting properties which encroach onto the dam itself. Mr. Ronzio advises that he has solicited three estimates for the survey work that needs to be completed before any construction work can begin and he will present the bids to the committee later in the meeting. He advises that with the annual meeting right around the corner, the committee will have to consider requesting an additional bond anticipation note (BAN) authorization to complete this and future projects for Big Robin and Lancelot. Mr. Lerner advises that they should try to do what is absolutely necessary for now, leaving other less important things to be done after the fact. Mr. Lerner entertains a motion to make the necessary repairs as prescribed. Mr. Eldred makes a motion to move forward with points 1, 2, 3 and 4b, 5, 6 (minimum amount possible) 7 and 8 (see attached report). Mr. Maier seconds the motion; Unanimous Approval.

Mr. Ronzio states that he has obtained estimates from three of the reputable surveyors in the Berkshire County. They are as follows: Foresight Land Services, Hill Engineering, and Kelly, Granger and Parsons. Mr. Ronzio advises that all of these firms have done work for and within the Town of Becket, coming frequently before the Planning Board. They are extremely reliable and do good work. Mr. Ronzio reviews the different estimates of each of the firms as well as when they would be available to start. The quotes are as follows: Hill Engineering \$4,700, Kelly, Granger and Parsons \$4,000, and Foresight Land Services \$2,850. Mr. Ronzio and Mr. Lerner state that they personally have dealt with and prefer Hill Engineering's work above all; however Hill's bid was the highest. Mr. Ronzio suggests that the committee prudently start with low bidder Foresight Land Services provided this firm can begin the work immediately. Mr. Eldred makes a motion to go with the least expensive firm, as long as they can do the work as proposed, and then if necessary move to the middle estimate, lastly the firm with the highest estimate, only if necessary. Mr. Maier seconds motion as presented; Unanimous Approval.

**Phasing of Big Robin and Lancelot Projects** - Mr. Lerner advises that considering all the costs and expenses involved with the hurricane, etc., he would like to raise the budget for next year, taking out a loan so that all this important work can be taken care of before another major weather event jeopardizes the community. Committee members briefly discuss what size loan would be needed and what they could realistically pay back in 15

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years. Mr. Ronzio advises that he will talk to the bank; however, he warns that they are really going to need to figure out how much more money they need to ask for before the annual meeting. Committee members discuss speaking to Morris regarding specifics and getting a projected cost estimate. Committee members agree that some taxpayers could be especially impacted by an increase, advising that developed lot owners will most likely see the greatest increases. A motion is made to have the work started on both Big Robin and Lancelot in the spring, motion is seconded; Unanimous Approval.

**Lancelot Spillway Appraisal (Obstructed Outflow Culvert)** - Committee members briefly discuss a temporary repair to correct the obstructed pipe. The committee believes that, per an inspection of the problem, it apparently is beneath the roadway where the outfall pipe enters the road culvert. Mr. Ronzio and Mr. Lerner agree that if the problem is not taken care of, the road could wash out during a severe weather event similar to what happened on Sherwood Drive and Whistling Arrow during Tropical Storm Irene. Mr. Maier makes a motion to approach the chair of the SFRMD, Mr. David Bonney, and make him aware that there is nothing in the SFLD's charter that makes the lake district responsible for road/culvert repairs and that this problem falls most likely into the jurisdiction of the road district. Mr. Eldred seconds motion; Unanimous Approval.

**Nottingham Spillway Appraisal (Beaver Dam)** - Mr. Ronzio distributes an email he received from proprietors who are concerned with the dam that the beavers on Nottingham Lake have constructed and the impact it is having on their property. Mr. Lerner reads aloud a letter received from the four owners of 185 Nottingham Court. Mr. Ronzio states that Morris Root has looked at the problem and suggests that the committee consider installing a beaver pipe, flexible pond leveler, similar to the one that was placed on Excalibur Lake. Mr. Ronzio states the MSPCA is no longer offering grant funding for projects of this nature. He further states that he believes the cost of installing a beaver pipe utilizing Beaver Solutions, the firm that installed the pipe for the MSPCA on Excalibur, is about \$1,500 dollars, but the project can be deferred for now. He also points out that the district will need to apprise the Becket's Board of Health to get emergency approval order that then needs to be presented to the conservation commission before the work can commence.

Committee members discuss the beaver issue and putting in a beaver pipe, using Beaver Solutions. Mr. Maier makes a motion to proceed with the steps necessary to correct this problem. Mr. Taylor seconds motion; Unanimous Approval.

**Aquatic Controls (Stockbridge Bowl Drawdown)** - Mr. Ronzio briefs informs the committee members on this issue and the effect drawdowns have in weed control prevention. Mr. Lerner speaks to what they did on the Stockbridge Bowl. Mr. Maier indicates that to be effective a drawdown greater than four feet is necessary and without a operational low-level outlet in Big Robin dam this can't be done since the removal of the spillway boards only lowers the lake by two feet. Mr. Lerner then states that two of the boards in the Big Robin spillway seem to have disappeared and that two replacements are being made.

**Tax rate; 3<sup>rd</sup> and 4<sup>th</sup> quarter bill** - Mr. Ronzio states that the rate has been set at \$1.32. Mr. Ronzio explains that the value of  $\frac{1}{4}$  acre lots have gone down considerably from where they were last year. Last year these lots were appraised for more than \$9,000 dollars and this year they are just over \$3,000. He goes on to explain that many properties, to include saltbox style houses, went up considerably, and ranch style homes have dropped. Mr.

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Ronzio advises that they need to be prepared to deal with questions and concerns that proprietors will be bringing up at the annual meeting regarding assessments.

### **Prudential Committee Meetings-Notification/Quorum Requirement (Dec. Cancellation)**

**Cancellation**- Mr. Lerner apologizes for the confusion surrounding the December meeting, stating that with the holidays, etc., things got somewhat crazy. Mr. Lerner asks if there is any problem with moving the meeting in March from the second Saturday, to the third Saturday. He states that if possible he would like to have the meeting on March 17<sup>th</sup>, as opposed to March 10<sup>th</sup>.

**FEMA Reimbursement**- Previously discussed; Mr. Ronzio advises that the reimbursements can take up to two months after the bills are submitted, and that FEMA rules state that these bill must be paid before they will issue reimbursement. Mr. Ronzio is pursuing a waiver for this requirement due to the lack of funds because the district is so new.

**Website Postings** - Mr. Lerner states that he recently went on the new website and found it very easy to navigate. It is suggested that meeting minutes be posted promptly on the website. Mr. Ronzio advises that there should be a disclaimer stating that an official copy can be obtained by contacting the clerk. Other website updates are briefly discussed, to include job descriptions.

**Opt-Out Request Update** - Committee members briefly discuss all opt-out requests received thus far. Mr. Ronzio advises that the original request made by Mr. Nicora was approved at the annual meeting. He further explains that Mr. Nicora has now submitted all documentation requested and complied with all of the statutory requirements. However, Mr. Ronzio suggests that because Mr. Nicora did not meet the January 1<sup>st</sup> filing deadline a letter be sent to Mr. Nicora stating that he will not be responsible for the FY2013 taxes, but he is required to pay the FY2012 tax bill. Mr. Taylor makes a motion to have Mr. Ronzio draft a letter and send it to Mr. Nicora, also to add Mr. Nicora's Opt-Out request to the annual town meeting warrant. Motion is seconded; Unanimous Approval.

### **Beach and Boat Management-Hurricane Storm Damage Issues & Board of Health**

**Regs.** - Mr. Ronzio suggests that the committee defer Mr. Rosenthal's request at this time because there are no funds available. Mr. Ronzio states that there is a no-smoking rule at the town beach and he was wondering if the committee wanted to have this board of health rule apply to beaches within the community.

Beach water quality testing is discussed. Members also discuss the body of water at the end of Niskyuna Drive in Indian Lakes. A question is brought up whether or not the district should open up a dialogue with the residents of Indian Lake Estates since water from Sherwood Forest flows into the Niskyuna Lake.

**Other Business** - Mr. Ronzio brings up a new addition to the Open Meeting Law, concerning remote participation, advising that a quorum still needs to be present at the place where the public meeting is held. Remote participation allows absent members to participate via speakerphone or video conferencing and vote. He asks the committee to review this new provision and decide whether or not they want to accept it. To do this the committee must formally vote to accept these additional provisions.

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Mr. Lerner reads aloud a letter he received regarding the silt deposited at the point where the stream enters Big Robin. Mr. Lerner advises that this is a dredging issue that does not fall under the jurisdiction of FEMA. Therefore, the district will have to bring this before the conservation commission if the district decides to remediate the problem. Furthermore he states that it will most likely be a very lengthy and expensive process.

Mr. Lerner tables the approval of the meeting minutes until next month.

Mr. Lerner reads aloud a letter from the attorney regarding Mr. Miller and his insurance claim against the SFNA liability policy which covers the SFLD. He explains that Mr. Miller's claim has been denied, due to the fact that the lake district was not found to be negligent in the actions it took prior to Tropical Storm Irene.

**FY 2013 Budget Input & Annual Meeting Warrant** - Warrant is presented and unanimously approved.

**Adjournment** - Mr. Taylor makes a motion to adjourn the meeting, Mr. Eldred seconds motion; Meeting is adjourned at 12:09pm.

Scheduled next meeting for December 17th, 2011.

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