

COMMONWEALTH OF MASSACHUSETTS



Sherwood Forest Lake District Prudential Committee Meeting



Date March 12, 2011

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), Joseph P. DeCarolis, William, F. Maier, and Lucy A. Ferris. Clerk/Treasurer present Robert T. Ronzio.

Committee Members Absent: Richard D. Hackbarth, William J Osborn III and Stanley C. Taylor (Alternate).

Public Present: Steve Rosenthal (via telephone)

The meeting is opened at 10:01 AM.

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

Introduction - Mr. Lerner brought the meeting to order at 10:01 AM and announced that parliamentary procedural rules previously adopted will regulate the 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. Since Mr. Steve Rosenthal, a proprietor is in attendance listening via telephone Mr. Lerner asked Mr. Rosenthal if he is familiar with the pertinent laws and procedures. Mr. Rosenthal acknowledged that he was and so Mr. Lerner dispenses with reading the remainder of the document and then asked if there are any questions. Hearing none he proceeded with the business of the meeting, asking if anyone was going to record the proceeding. Mr. Ronzio stated that his brother, Richard Ronzio, who is a proprietor, has asked to record the meeting and with the consent of the board the recorder is activated.

Prudential Committee Members Comments and Announcements - Mr. Lerner then asks the committee if any member wishes to make any comments and/or announcements; hearing none he moves on.

Approval of Meeting Minutes of February 12, 2011- Prudential Committee members read and review the meeting minutes of February 12th as presented. Members present suggest some minor grammatical changes and modifications; Members agree upon all modifications presented; Mr. Ronzio states that he will make modifications necessary. Mr. Lerner polls the committee members for a vote; Mr. Eldred makes a motion to approve the minutes, pending revisions made, Mr.

COMMONWEALTH OF MASSACHUSETTS

DeCarolis seconds the motion; Unanimous Approval. Mr. Ronzio passes the meeting minutes around and asks that everyone please be sure to sign it.

Collection of Taxes/database - Mr. Ronzio advised that committee that he has received and deposited \$8,971.77 into the SFLD's account. He explains that the full deposited amount remains in the account because the previously approved of payment warrant item could not be paid, as he did not have the checks at this point. Mr. Ronzio stated that Lee Bank told him that the district's checks had to be re-ordered and it is expected that they will be in by next week. Mr. Ronzio explains to members present that the tax collector informed him that tax money collected for the district could not be deposited until the town received a copy of his bond. Mr. Ronzio explained that this was yet another new request by the town that could have been completed much earlier had the tax collector made him aware of the requirement during numerous previous conversations over the course of several months. He continued that he immediately submitted the bonding paperwork the next day. Unfortunately, he then learned that because district money had not been transferred earlier in the month when it had been available Lee Bank cancelled the previously ordered checks because there were no funds in the account. Lastly, Mr. Ronzio stated that he supports Mr. Lerner's idea of having the committee encourage as many people as possible to pay their lake district tax bill. Committee members question whether or not they can get a list of all the people that have already paid their taxes.

Indemnification/Liability Insurance - Mr. Ronzio advised the committee that he will pay the indemnification bill as soon as the checks arrive. Mr. Ronzio then brought up the issue of general liability insurance and informed the committee that the SFNA is currently covering the district as part of its policy, but when their policy ends later this year the SFLD will have to get its own general liability policy. He asked Mr. Lerner if he would contact the SFNA to get a copy of the current policy and the associated costs, since a funding request would have to be presented as part of the FY2012 projected budget.

Annual Meeting - Mr. Lerner asked members to think about the agenda for the next meeting. It is suggested that any changes to the by-laws should be taken care of now. The loan for the dam repair is also brought to the table, as it will be a major project to figure out the associated long-term costs. Mr. Eldred stated that Phase II reporting requirements, due to start in the spring comes in at a cost of \$20,000.00. This leaves \$15,000.00 in the budget to spend on engineering. Committee members agree that the cost of the repairs for the next couple of years needs to be planned for and budgeted for now. It is questioned what the configuration of the loan will be. Stuart advises that they need to figure out all of this, along with terms and conditions and have the figures ready by the next meeting so that they can be ready for the annual meeting. Mr. Ronzio informs members that the Annual meeting is scheduled for June 11, 2011. He confirms that the projected budget estimates need to be completed before the beginning of the next meeting.

Opt-Out – it is believed that opt-put requests need to be made before the fiscal year starts since each request needs to be voted on and approved by the proprietors at the annual meeting. Ms. Ferris states that the fiscal year begins July 1st. Mr. Ronzio advises that he

COMMONWEALTH OF MASSACHUSETTS

has already talked to the attorney regarding this matter and passed out the information that he has gathered to all present. Mr. Ronzio states that there was a letter sent to the Prudential Committee, by the Norton's, questioning exactly how the opt-out provision works. Mr. Ronzio explained the process to them and also explained that they needed to go to the Registry of Deeds and have it legally recorded. Mr. Ronzio reports that the Nortons have now successfully met the requirements and that their deed has been amended. Mr. Ronzio advises that other opt-out requests will have to be addressed at the Annual Meeting. Mr. Ronzio explains that he will again speak to the attorney about this, however he feels that it is pretty clear that the committee is following the procedures outlined in the enabling legislation correctly. Committee members continue to voice question and confusion over this matter; Mr. Ronzio states that he will get a definitive answer, in writing, for the next meeting. Committee members discuss what they should tell proprietors if future questions and requests come their way regarding the time deadlines. Mr. Lerner advises that this topic will be tabled and that a legal opinion will be provided for the committee at the next meeting. Mr. Ronzio gives Mr. Lerner the forms that the committee has previously approved explaining specifically how they will need to be filled out.

Dam Engineer Contract - Committee members discussed what has been laid out and what remains to be done, regarding Phase I and Phase II. Mr. Eldred presented an explanation of each phase to the committee members and reviewed engineering diagrams, which showed graphically the dam in cross section. He states that the cost of Phase II is approximately \$20,000.00. Mr. Eldred asks that they get Morris approved as the engineer at this point and to also, approve the funding for Phase II work, which would start this spring. Mr. Ronzio reads a letter from the attorney, which clearly states that there are many issues that need to be resolved prior to a contract being signed. The letter goes on to state that the attorney is currently working on a resolution and will have it ready for the April meeting. Mr. Ronzio explains that they can go ahead and approve Mr. Root; however, both parties will not have a legally binding contract until the April meeting. Committee members agree that they still need to have a contract in place before any work begins. Mr. Ronzio confirms that Atty. Goodman has all the necessary information and is aware of exactly what needs to be done. Mr. Ronzio explained that a lot of preliminary groundwork has been completed, but it is in the best interest of the SFLD that Atty. Goodman iron out the remaining issues. Mr. Ronzio informs committee members that according to the Open Meeting Law with proper 48 hour notice the prudential committee could schedule a meeting if one was needed. Mr. Eldred makes a motion to approve the hiring of Morris, pending the tweaking of formal contract language which will be finalized by Elizabeth Goodman; Ms. Ferris seconds motion; Unanimous Approval.

Office Expenses and budget - Mr. Ronzio stated that this discussion can wait until next month, advising that he personally has not yet submitted any requests for reimbursement since the district has no checks. Mr. Ronzio informs committee members that he will take any items that members would like to archive and place them in the District's safety deposit box; he requests items be placed in a labeled manila envelope.

COMMONWEALTH OF MASSACHUSETTS

Committee members briefly discuss the water testing results that have been done in the past. Mr. Ronzio suggests that much of this information can be put on a disc or other suitable electronic storage device and saved. Some members felt a duplicate hard paper copy was also needed. Mr. Lerner advised that ongoing documentation should be saved for at least seven years. He requested that any material, which the committee wishes to be archived be given to Mr. Ronzio who is the records custodian for safekeeping.

Website Design/Development/Publication Status - Mr. Ronzio stated that he has not yet been in touch with Mr. McEnerney but will coordinate through Mr. Rosenthal. Mr. Rosenthal, via cell phone, joins the conversation in progress. It is suggested that there be links added to other websites such as the town's so that individuals seeking information there could easily be redirected to connect to the lake district home page. He also felt that there should be a link with the road district. Mr. Lerner agrees to look into this matter. Someone brought up that the webpage didn't have any information. Mr. Ronzio stated that one needed to click on the district's official seal on the opening page to enter the site. Some felt that this was not intuitive to some while others felt that this was a generational thing since most computer savvy individuals would know what to do. Discussion ensued regarding items for to be posed at the webmaster's earliest convenience such items to include but not be limited to all the previous meetings minutes.

Mr. Ronzio advised that the committee that they should have the Webmaster put a disclaimer on the website, explaining that electronic files are not secure and that an official copy of all posted documentation can be obtained from the clerk. He suggests that the SFLD use the disclaimer which is on the Town of Becket's website.

Boat Sticker & Stationary Logos- Mr. Rosenthal is consulted on this matter. Mr. Ronzio advises that he has the proofs that Mr. Maier prepared and that he can send them to the printer. Committee members agree that they need to get a cost estimate and that this should be put on next month's agenda. Mr. Lerner advises Mr. Rosenthal that he will need to first get an estimate before he can give the printer the approval to go ahead. Mr. Rosenthal advises that he believes that he has issued about 400-500 SFNA stickers since the inception of that program and would need that number when the new program goes into effect. Mr. Lerner advises that going forward they will most likely need to have an annual year tag like the registry of motor vehicles uses for auto registrations. Committee members agree that money for this addition has not yet been budgeted although it could be paid for out of the reserve account if there are funds available.

Any other business to come before the Committee - Mr. Maier advised the group that he has contracted Berkshire water testing to begin at the end of May. He also updated the committee on issues before the Conservation Commission regarding current license regarding aquatic control measures and the associated costs. Amounts budgeted are briefly discussed and Mr. Maier appraised the committee that funding levels for the next

COMMONWEALTH OF MASSACHUSETTS

FY will be significantly greater (approximately \$12,000 dollars) due to the scheduled treatment plan. Mr. Lerner confirms that the next year's budget will need to be finalized at the next meeting. Mr. Maier explains that the process is taking a little longer than expected but he would like to continue with the spring survey. A motion is made and seconded, giving Mr. Maier the approval to continue moving ahead with this project.

Ms. Ferris brings up the fact that there is still not an official asst. treasurer; board members briefly discuss the pro and con of putting an item on the warrant.

Mr. Eldred hands out diagram of the dam construction, pointing out that flood level is actually below the crest of the dam. He goes on to explain the issue that the trees may pose and the reasons as to why they need to be take care of appropriately. Mr. Ronzio speaks about the actual slope angle of the Big Robin Dam pointing out that it is significantly different from the one recommended and shown on the diagram. Committee members discuss other dams in the area, including the Knightville Dam and its emergency spillway construction. Proposed engineering plans and a variety of conservation issues that may arise are discussed. Conversation concludes with a discussion of full and partial drawdowns and drainage issues, as well as the impact these may have on aquatic flora and fauna and the wetland habitat in which they reside.

Mr. Ronzio presents a proposed bill that has been received from Beaver Solutions. Mr. Ronzio explains that he was unaware that the district was going to be responsible for any maintenance this year. Ms. Ferris advises that Beaver Solutions is required to conduct one scheduled maintenance visit per year. She explains that a group of concerned homeowners made the \$48.00 maintenance payment to cover last fall's bill. Committee members discuss taking the money from aquatic control. Mr. Ronzio asks committee if he should pay the bill or not at this point. Committee agrees to have Mr. Lerner discuss the maintenance issue with Beaver Solutions to see if the maintenance could be preformed during the summer.

Mr. Ronzio advises that all documents regarding contracts need be sent to the district's attorney for review and that a back-up copy be given to the records custodian.

Mr. Lerner brings up the fact the committee needs to continue to discuss publishing an informative SFLD newsletter and get the proxy ready for the annual meeting. Ms. Ferris asks who will be writing this newsletter and how will it be issued. Mr. Lerner states that everyone on the committee needs be involved in drafting articles for inclusion in the newsletter. He requests that Ms. Ferris who has particular expertise in this area help by doing the proof reading and editing. Mr. Lerner advises that the final product may then be mailed using a bulk rate. Committee members agree to highlight all the good that has been accomplished thus far; pointing out a great deal of progress has been achieved in a very short amount of time. Ms. Ferris suggests that it should be quite easy to put together a tri-fold the newsletter for mailing purposes. Committee members agree that it is important to do this properly and make it as easy as possible for the recipients. Mr. Rosenthal explains that he agrees with the suggestion from Ms. Ferris to use the tri-fold system, he also suggests posting the form on the Internet. Mr. Ronzio expresses a concern

COMMONWEALTH OF MASSACHUSETTS

that there are quite a few elderly people that do not have Internet access and he would not want to miss reaching those people. He added that in the by-law it states that the warrant along with a copy of the proposed budget need to be mailed via first class mail. He adds that the newsletter could be included in this mailing. Mr. Lerner advises that from the timing perspective, they really need to have two separate mailings. Mr. Rosenthal reminds members that the warrant needs to be mailed out 45 days prior to the meeting. Committee members end the discussion with a brief talk suggesting that bringing in some sand for the beaches, mowing some of the grass and just doing a general sprucing up of the properties, may be advisable before the beginning of summer.

Warrant Approval - Mr. Ronzio presents the warrant to committee members present; it covers four critical bills, which are overdue. Mr. Lerner asks about the Haberman Insurance bill; Mr. Ronzio advises that that was on the previous warrant and will be paid as soon as the checks arrive. Committee members discuss the current post office box situation since the post office suspended delivery until payment was made; Mr. Ronzio advised the committee that a \$15.00 re-activation fee needed to be included in the payment and that the warrant needed to be so amended and that the change be initialed. Committee members read and review; warrant was approved unanimously as presented.

Public Input - Mr. Rosenthal asks Mr. Eldred if the total cost of the damn repair is \$455,000, stating that he couldn't hear exactly what he said earlier, Mr. Eldred confirms that estimated amount. Mr. Rosenthal also advises that he attended past conservation commission meetings and that any lake drawdown must go through them. At this point he reminds committee members that he will need to be sent a copy of the artwork.

Mr. Ronzio reminds committee members to sign the warrant otherwise checks will not be issued until after the next meeting.

Correspondence - Read and Reviewed. Mr. Ronzio advised that he has received a letter from Mr. & Mrs. Devane. Mr. Ronzio presents the envelope it was received in, noting it was dated February 14th and addressed to SFLD at 19 Sherwood Drive. He believes that someone in the SFNA received the letter and then forwarded it to the district. A post-marked envelope showing when it was sent to the SFLD was also presented. This letter was picked up at the post office on March 8th. Mr. Ronzio advises that the Devane's are requesting documentation to include: meeting minutes, meeting agendas, opt-out forms, the proxy form, etc. Mr. Ronzio advises that he drafted a letter of response, which he then read to the committee. Mr. Ronzio confirms that he has reviewed his response with the attorney. Committee members discuss the letter received and the best way to gather and transmit the information requested. Committee members discuss the option of using certified mail so that a receipt is provided.

Motion to adjourn the meeting is made; seconded; Unanimous Approval. Meeting is adjourned at 12:30 am.

Schedule Next meeting for April 9th, 2011