

COMMONWEALTH OF MASSACHUSETTS



Sherwood Forest Lake District

Prudential Committee Meeting



Date February 12, 2011

Time: 10:00 AM

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

DRAFT MEETING MINUTES

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

Committee Members Absent: Richard D. Hackbarth, Lucy A. Ferris and Stanley C. Taylor; Alternate.

Public Present: Gene Pike

Prudential Committee Members Comments and Announcements - The chair and committee members present have the opportunity to make a statement.

Introduction: Mr. Lerner brought the meeting to order at 10:03 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. Gene Pike, a proprietor is in attendance Mr. Lerner decided that he might be unfamiliar with these provisions so he read aloud an overview of the pertinent information 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.

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 January 15th, 2011- Mr. Lerner asked if there are any changes, additions or omissions to be made to the meeting minutes. Everyone agreed that the minutes are in order and Mr. Lerner polled the committee members and called for a vote. A motion is made to approve the minutes as presented; motion seconded, Unanimous Approval. Mr. Ronzio passed the official meeting minutes' copy around and asked that only those present at the last meeting sign them.

Legal Counsel Procurement documentation- Mr. Ronzio explained that everyone should have a copy of topics to be discussed in front of them. The different phases of repair of a dam are discussed. Hazard classifications are briefly discussed and reviewed. Homes that are in the flood plain are discussed. Mr. Ronzio advised that Stu Eldred has been in contact with Morris Root Engineering Group and a preliminary contract is in the process of being drawn up. He again reiterates that engineering services are exempted from the procurement rules of the Commonwealth of Massachusetts and the district can

COMMONWEALTH OF MASSACHUSETTS

hire an engineer of their choosing for design and professional services for public works construction projects or consulting services of their choosing without going out to bid under changes made to M.G.L. 30B. It is stated that Ms. Goodman, district counsel, will review the contract once completed prior to sending it to the committee for a vote. Mr. Eldred stated that the engineer works with a drilling crew that is located in the Springfield area and that the district potentially could save some money if they were able to do all the dams at one time.

Collection of taxes/database - Mr. Ronzio informed the committee that the tax bills have gone out. He stated that Kathy Hahn, the town's tax collector, told him that the funds collected would be held by her office for two weeks to ensure that the payment checks clear. Mr. Ronzio explained that funds would be electronically transferred from town's Lee Bank account directly into the district's Lee Bank account. Mr. Ronzio explains that when he last checked with Kathy in the tax office, she advised that thus far approximately \$8,000.00 had been collected. Mr. Ronzio confirmed that everything appears is in place and working properly. Mr. Lerner stated he believes that the district should be receiving money as soon as next week provided everything goes as planned.

Loan Authorization: Book of Notes - Mr. Ronzio stated that he has had conversation with Unibank about securing a RAN/BAN. Mr. Eldred suggested an alternative option such as getting a line of credit. This he believes would potentially be a way to save on interest payments since the money wouldn't be used until needed. Mr. Lerner brought up the fact that business, as a result of the economic downturn, is still pretty slow and that the timing may be perfect to get a very good rate. Mr. Ronzio stated that once the engineering study is complete the committee would have the cost data needed to request and secure a loan or line of credit if this is a viable option. He added that the committee previously concluded that the loan option should be brought up at the annual meeting.

Indemnification/Liability Insurance - Mr. Ronzio informs the committee that he has prepared the first warrant and that it covers the bill from Haberman Insurance Group for indemnification coverage. Committee members confirm that since they serve as district volunteers they individually may be covered under their own umbrella insurance policy but they need to check with their carriers to confirm that they have coverage. Mr. Ronzio explains that once the warrant is signed, he will go ahead and send payment to Haberman Insurance Group once the bank has confirmed that funds have been deposited into the treasury (bank account). He states that the liability insurance issue will need to be addressed next year once the current policy expires.

Annual Meeting - Mr. Ronzio and Mr. Lerner agreed that everyone really needed to start thinking about the annual meeting now as it is just around the corner. Mr. Lerner asked committee members to think of what they would like to see on the agenda. Committee members agreed that by the next meeting they will begin to discuss the ideas presented.

Opt-Out Provision - The chair announced that requests for the opting-out of the district and the associated paperwork submitted after the formation of the district on October 9, 2010 but before December 31, 2010 are for FY 2012 and those submitted before December 31, 2011 are for 2013. All required paperwork must be finalized per the Special Act if the property is going to be excluded from the district. He reiterated this point, and stated that all opt-out requests submitted now are for the next fiscal year FY-

COMMONWEALTH OF MASSACHUSETTS

2012. Mr. Lerner confirmed that this is clearly stated in the Special Act. Mr. Ronzio explained that the Opt-Out requests need to be acted upon at the annual meeting by the proprietors therefore any paperwork requests need to be submitted before that date.

The chair recognized Mr. Pike, a member of the public in attendance. Mr. Pike spoke about the cost of this new tax bill and explained that he heard a rumor that monetarily eventually this bill could be comparable to the Road District bill. Committee members explain that certainly was not the intention of the legislation. Mr. Ronzio pointed out that it is really too early to make any comparison since proprietors have not received the final Road District bill for FY2011. He stated that this is because the road district apparently hadn't yet submitted needed paperwork to the assessors' office. He further declared that he was informed by the assessor that once the Road District bill are sent out payment will not be due until May since the Road District missed the December 31, 2010 deadline.

The chair then asked Mr. Pike if he would be willing to hold off on any further discussion until Public Input. Mr. Pike agreed.

Website Design/ Development/Publication Status - Howard stated that he spoke with Mr. McEnerney and Mike is willing to do whatever needs to be done. He added that Mike has agreed that as long as the task stays relatively simple, he will continue to do it on a voluntary basis, however in the future if it becomes more complicated he will advise the committee of any possible reimbursement he may need.

Stationery/Boat Stickers - Committee members briefly discussed the printing of the approved stickers. Mr. Lerner advises that they should be ready by mid April. Mr. Ronzio again stated he will contact the printer once funds are available to have the Boat Sticker printed and ready for dissemination this spring/summer. He also stated that when Mr. Rosenthal, the Superintendent of Boats & Beaches, returns Steve will take the responsibility of distributing the stickers. Mr. Lerner asked that committee members to complete and update any job descriptions that have been submitted thus far. Mr. Ronzio confirms that these job descriptions should be completed as soon as possible.

Other Business to come before the Committee - Sending an email meeting reminders out to all committee members is discussed and a request is made to have Mr. Ronzio send reminders via email. Mr. Ronzio agreed that this is something that he will do prior to all future meetings. He also hoped that committee members will confirm their intention regarding attendance because some members have a long distance to travel and don't want to make the trip unless a quorum is anticipated.

Old Business - Committee members briefly revisited the previously discussed topic of ATV/snowmobile usage within the Forest and on the lakes. Mr. Lerner states that he has also had a conversation with Marty Feit, the clerk/treasurer of the Road District referencing this problem.

Warrant Approval - Mr. Ronzio briefly reviewed a single item on the warrant and discussed the other bills that have been received thus far. Mr. Lerner stated that hopefully proprietors will start paying their tax bills early because once the money starts flowing in, the district would be able to pay its obligations and expenses. Mr. Lerner suggested that committee members be proactive and begin by talking to their friends and neighbors, letting them know they don't have to wait until May 2nd to make payments.

COMMONWEALTH OF MASSACHUSETTS

Public Input - Mr. Gene Pike stated that he would like to continue talking about the Opt-Out clause and how it may pertain to him.

Mr. Pike presented to the committee his Opt-Out request for the properties he owns.

Mr. Lerner and Mr. Ronzio read Mr. Pike's Opt-Out request as presented. Mr. Ronzio then cited the Special Act referencing the Opt-Out or exclusion process as it is specifically stated. A discussion ensued as to whether this request was for this current fiscal year FY2011 or FY2012. Mr. Pike admitted that he attended the October 9, 2010 meeting and had not submitted the Opt-Out form to the town clerk prior to the meeting as required by the Special Act because he wanted to vote on the formation of the district.

The committee again discussed and explained due dates for an Opt-Out application, the subsequent actions by the applicant to include filing with the Berkshire Middle District Registry of Deeds, paying any recording fees due and finally giving the district a copy of the completed Registry of Deeds paperwork which would be submitted to the town assessors' office where the exemption would be finalized.

The committee explained the proprietor's recourse to legally file an action in Superior Court. Mr. Lerner and the committee then decided that more clarification is needed when referencing the legalities of the approval of a legitimate opt-out request. Mr. Lerner suggests that Mr. Ronzio and he will make arrangements to meet with the Town Clerk as well as the Tax Collector for further clarification on the areas in question.

Mr. Ronzio was also asked to have legal counsel review Mr. Pike's request. In turn the committee gave Mr. Pike all the additional paperwork he needed to complete and submit. The committee also discussed the deadline for turning in the documents for this FY2011 as well as for FY2012.

Mr. Lerner states that they will be prepared to report their findings at the next regularly scheduled meeting. At that time, legal interpretations can be discussed.

Lastly, Mr. Pike explains that the way the bills are now does not concern him, however his concern is for the future and the fact that the bills may continue to go up profusely. Mr. Pike states that he owns five (5) lots as well as his house. He explains that at first he considered the Opt-Out provision for the five (5) lots and just pay on the house lot. Mr. Pike also stated that he didn't count on the land values quadrupling, as they apparently have this past year. Mr. Ronzio concurred that some land assessments have in fact almost quintupled and he gave a specific example, but he further stated that the district had nothing to do with the increase. He stated that property assessment was a matter that landowners need to discuss with the assessor.

Correspondence - Read and Reviewed. Mr. Ronzio again advised that he has received another statement from Lee Bank that reflects a negative balance due to service charges that are being assessed because no balance is on hand.

Adjournment - Motion to adjourn the meeting is made; seconded: Unanimous Approval. Meeting is adjourned at 11:30 AM.

Schedule - Next meeting March 12th, 2011.