



# Sherwood Forest Lake District

## Prudential Committee Meeting



Date November 13, 2010

Time: 10:00 AM

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

### MEETING MINUTES

Pursuant to Section 6 of Chapter 107 of the Acts of 2010 and the Sherwood Forest Lake District (SFLD) By-Laws the Prudential Committee conducted its first monthly meeting as required.

Prior to the meeting the Clerk & Treasurer, Mr. Ronzio, administered the oath of office to the Mr. William F. Maier, Richard D. Hackbarth, and Joseph P. DeCarolis.

Prudential committee present: Howard G. Lerner, Stuart R. Eldred, Joseph P. DeCarolis, Richard D. Hackbarth, William, F. Maier, and Stanley C. Taylor; absent William J Osborn III and Lucy A. Ferriss. Clerk/Treasurer present Robert T. Ronzio.

Others in attendance: Richard B Marx, 125 Mystic Isle Way, and Clay A Martinell, 141 Nottingham Circle.

Howard G. Lerner, chair of the prudential committee, brought the meeting to order at 10:03 AM announced the parliamentary procedural requirements that would 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.

The first order of business afforded the prudential committee members to make comments and announcements. The chair as well as all the committee members present offered general remarks. They offered heartfelt congratulations all to all of the individuals who were part of the organization committee as well as those who freely volunteered their time and worked so diligently in establishing the SFLD.

Appointment of Legal Council Mr. Ronzio presented a Legal Services Agreement that had been submitted by the law office of Ware & Goodman LLP. The committee reviewed the agreement. Discussion centered on the excellent work Ware & Goodman had provided in getting the district established. A motion was made by Mr. Taylor to accept and approve Ware & Goodman as legal council and sign the agreement. Mr. Maier seconded. Mr. Lerner called for the vote. Ware & Goodman LLC were unanimously approved and the agreement was signed.

Open Meeting Law/Ethics Law/Anti-Harassment Policy/Anti-Discrimination Policy/Fair Employment Practices/Conflicts of Interest. Mr. Ronzio presented the committee with copies of the listed documentation and stated the legal requirements. The committee reviewed the documentation. Everyone present agreed that they understood what they

needed to do to be in compliance with the statutes and stated they would provide the clerk with the necessary paperwork. Discussion then centered on the necessity for an Anti-Harassment Policy. It was pointed out that in addition to having the policy in place for good reason it was also an insurance company requirement as part of the application for indemnification. Mr. Ronzio stated that the Officers and Directors policy would not be underwritten until the district provided it. After a thorough review of the Anti-Harassment policy a motion was made by Mr. Hackbarth to accept the policy as written. Mr. DeCarolis seconded. Mr. Lerner called for further discussion. Hearing none he called for a vote. The motion to accept the Anti-Harassment policy as written was approved unanimously. The committee deferred reviewing the Fair Employment Practices policy until after the beginning of the next calendar year.

Insurance/Liability/Indemnification/Bonding. Mr. Ronzio stated that he had been bonded as of October 9, 2010. He provided the committee with the appropriate documentation from Haberman Insurance Group showing that he had secured a Public Official Bond as required by state statute. Indemnification insurance was the next topic for discussion. Several members wanted to know the status of the application, Mr. Ronzio provide the committee with a copy of the application submitted to Haberman Insurance Group. He pointed out the requirement for the Anti-Harassment policy and stated that he was prepared to send in the completed application for quotes. Mr. Maier made a motion to have the application processed ASAP. Mr. Eldred seconded. Mr. Lerner called for further discussion. Hearing none he called for a vote. The motion to submit the application for Indemnification, Officers and Directors insurance, was approved unanimously. Mr. Lerner then brought up the issue of liability insurance. He informed the committee that they did not have to discuss the matter since the SFNA policy was still in effect as the premium had been paid until next year. The committee agreed to table any discussion until next year when the SFNA policy was ready to end.

Banking account/Safety deposit box/Document storage/Loan (RAN/BAN) Mr. Ronzio provided the committee with the documentation showing that the SFLD now had a bank account and a safety deposit box for document storage from Lee Bank in Lee, MA. He stated that although the district had no funds everything was in place once the revenue was turned over to the district. The committee commended him for getting this done. Mr. Ronzio next provided the committee with information regarding its ability to secure a Revenue Anticipation Note/Bond Anticipation Note RAN/BAN loan. He stated that he had discussed the matter with several banks including UniBank, Berkshire Bank and Lee Bank. He recommended that the committee seriously consider working with UniBank since it had an extensive client base with over two hundred municipalities in the state, had the best rates and Margaret Maclean of UniBank had even helped the district get answers about its ability to borrow by talking directly with the DOR. However, Mr. Ronzio then stated that nothing could be done until the DOR and the Town of Becket established the SFLD on the state's Gateway computer system. The committee decided to table further discussion and directed Mr. Ronzio to work with the town and state to help get the SFLD on the system.

Excalibur Lake "Flexible Pond Leveler" Installation/ MSPCA grant application Mr. Ronzio informed the committee that the Excalibur Lake "Flexible Pond Leveler" installation was complete and that Lucy Ferriss should be commended for securing this

grant from the MSPCA. It was a \$1,500 dollars expense that was given to the community free of charge. Mr. Ronzio did stated that he had gone before the Becket Conservation Commission to assure that body that the SFLD would proved continued maintenance funding for the device. He informed the committed that money for maintenance of aquatic controls was in the SFLD budget but wouldn't have to be used during the first year. The Conservation Committee satisfied to see that the SFLD was on top of the matter and approved the installation. Mr. Ronzio also informed the prudential committee that he had Beaver Solutions, the company that installed the device; look at other sites in the forest to see if they might qualify for future grants from the MSPCA. Beaver Solutions said they would be in contact with the MSPCA and get back to the district next year if funds were available. Mr. Lerner and the committee commended Ms Ferriss for her efforts and Mr. Ronzio for his follow-up work.

Appointment of Superintendents Mr. Ronzio suggested that the committee consider appointing three superintendents. He stated that it would be easier if one person was responsible for the management of each major area: the dams, the lakes, and the beaches. He suggested that the budget was designed with this concept in mind and it seemed to make sense that it now be formally approved. The committee discussed the matter and agreed it should be done. Three name were put on the table: Mr. Maier as Superintendent for Aquatic Controls (Lakes), Mr. Eldred as Superintendent for Dams and Mr. Steve Rosenthal as Superintendent of Beach& Boat Management. Discussion centered on each individual's prior commitment, knowledge, and expertise in each area. Mr. Ronzio pointed out that according to the by-laws a superintendent did not have to be a member of the prudential committee. Mr. Harkbarth made a motion to accept and appoint the individuals under discussion to the respective positions provided they agreed. Mr. Maier and Mr. Eldred accepted. Mr. DeCarolis seconded. Mr. Lerner called for further discussion. Hearing none he called for a vote. The motion to appoint Mr. Maier, Mr. Eldred and Mr. Rosenthal was approved unanimously. Mr. Ronzio was directed to contact Mr. Rosenthal to see if he would accept the appointment.

Opt Out Provision. Mr. Ronzio stated that thirteen individuals had submitted paperwork to 'opt out' or be excluded from the district. The committee discussed what needed to be done in order for this action to be completed. It was decided that each proprietor needed to be sent a letter informing them as to the specific procedures and steps which had to be completed before they would be excluded. The committee stated that no action would be taken until a copy of a Release of Easement Rights, which has been filed and accepted by the Middle District Registry of Deeds, was provided to the committee. The committee directed the clerk to prepare the paperwork and send out the necessary correspondence.

Approval of Dam Engineer/Dam Inspection/Maintenance Mr. Ronzio provided the committee with a summary of the provisions of M.G.L. c.30B. He stated that it appeared that under the procurement regulations the committee may be required to solicit bids or advertise for request for qualifications due to the fact that public money will be expended. The committee discussed how this would impact all the preliminary work, which has been done to date. The committee was also concerned about how this would be received by the Office of Dam Safety. A motion was made by Mr. Eldred to have Mr. Ronzio contact district council to have them research the law regarding the hiring of an engineer for this project. Mr. Maier seconded. Mr. Lerner called for further discussion.

Hearing none he called for a vote. The motion to have Mr. Ronzio contact Ms Goodman was approved unanimously.

Procurement Requirements in MA/Office of the Inspector General/Procurement Officer Mr. Ronzio provided the committee with a three-inch binder that contained the procurement requirements in Massachusetts. He informed the committee that after having several discussions with the state office of the Inspector General the district needed to appoint someone to be the procurement officer for the district and that it be someone other than the clerk/treasurer. He pointed out the potential for a conflict of interest was too great. The committee agreed. He further stated that Mr. Lerner as chair was the most logical and recommended choice. The committee agreed and asked Mr. Lerner if he would accept. Mr. Lerner responded that he obviously had little choice in the matter and so agreed.

A motion was made by Mr. Taylor to appoint Mr. Lerner as chief Procurement Officer for the District. Mr. Maier seconded. Mr. Lerner called for the vote. Mr. Lerner was unanimously approved.

Official telephone number/line location/and answering machine Mr. Ronzio presented the cost of getting telephone service from a variety of carriers and plans. He then suggested that in the absence of funds to pay for any of these plans he would be willing to use one of his existing cell lines provided the district agree to pay the charges connected with that service. He informed the committee that the basic cost would be approximately \$10.00 per month plus any taxes and line charges. He also stated that the phone had its own mailbox for recording incoming calls. When the committee compared this with the project \$60 -70 monthly charges for a business plan they agreed. A motion was made by Mr. Hackbarth to pay Mr. Ronzio's monthly charges and fees for the use of his telephone number (413) 281-0109. Mr. Maier seconded. Mr. Lerner called for the vote. It was unanimously approved.

Office Expenses/Computer/Hardware/Software/Backup/Archives Mr. Ronzio presented the committee with the current dilemma the district has in this arena. He is using his personal computer and ancillary devices such as a printer and an archival backup. He stated he has put all the district's information on a separate external hard drive and this information can be accessed by other computers if necessary but it is less than ideal. The committee agreed that without funds they were in a bind. Again Mr. Ronzio offered to continue in this manner until the budget issues were resolved. Mr. Eldred made a motion to have Mr. Ronzio continue to use his personal computer until the district obtains the funds needed to resolve this problem. Mr. DeCarolis seconded. Mr. Lerner called for further discussion and hearing none then for the vote. The issue of funding for office expenses, computer hardware, software and peripheral device acquisition was put on hold until the budget issues were resolved and Mr. Ronzio was authorized to use his personal computer system until then.

Web Site selection/design/development/publication Mr. Ronzio provided the committee with three bids he obtained to have a web site designed, developed and published. The highest bid was \$2,000 and two other bids came in at \$850 and \$800 respectively. The committee asked about the design criteria, which was given to the prospective vendors.

Mr. Ronzio told them that he used the Becket Woods and Indian Lakes web sites as a basis for the vendors to submit proposals. Mr. Ronzio then brought Mr. McEnerney's name to the committee's attentions as he was a possible web designer and asked if anyone on the committee knew if he was interested in doing the work or being the district web master since he had done so for the SFNA. Mr. Lerner said he would contact Mr. McEnerney and get back to the committee at the next meeting. The committee agreed to table the discussion.

Any other business to come before the Committee The committee discussed the merits of joining the Lakes and Pond Association – West (LAPA-West). After some discussion Mr. Lerner asked for a motion. A motion was made to join LAPA-West; motion seconded, Unanimous Approval. Next there was discussion about getting new boat stickers. The committee thought this was a good idea now that the SFLD was in charge of the lakes. Mr. Lerner asked for a motion, a motion was made and seconded. Unanimous approval. Bill addressed the water level issues in the lakes throughout the year but most importantly about Big Robin, as it is the only lake where this can be significantly controlled at the spillway. The committee thought it would be a good idea to put out this information on the web site once it is up and running. It is also something that could be published in a newsletter.

Warrant Approval This was tabled until funding becomes available.

Public Input Mr. Martinell brought up several items. He stated he was concerned about the catch and release program and the fish propagation program, which seemed to have been abandoned. Mr. Maier and several others talked about how the MA department of Fish and Game was involved. Mr. Martinell also questions the committee about how the lakes might now be open to the public at large since fishing licenses were required. He was told that the Environmental Police who had attended several meeting which were sponsored by the SFNA had addressed this issue stating that this was not the case. Mr. Martinell then cautioned the prudential committee about becoming too close with the SFNA, as some residents in the Forest were somewhat skeptical about that organization given what had transpired when it was reorganized. He also thought it would be a good idea to do something for all the people of the Forest such as installing boat racks at the beaches. Doing something like this would promote goodwill in the community.

Review correspondence One individual had sent his tax bill to the district using the prepaid envelope for the establishment of the district. Mr. Ronzio was directed to turn over this correspondence to the Becket Tax collector. Charlotte Miller spoke to Bill Maier and Richard Hackbarth about maintaining a uniform lake height to mitigate the erosion of the shoreline

Adjournment A motion was made by Mr. Taylor to adjourn the meeting. Mr. Maier seconded. Mr. Lerner called for the vote. The motion passed and the meeting adjourned at 12:34 PM

Schedule - Next meeting December 11<sup>th</sup>, 2010.