

**Crystal Lake Association
Fall Meeting Minutes
October 15th, 2014 7 PM
Old Crystal Lake School House**

CALL TO ORDER

The meeting was called to order at 7:03 pm.

SECRETARY REPORT

The secretary's report from the July 23rd meeting will be read at the next meeting.

TREASURER'S REPORT

The treasurer's report was read; motion to accept was made, seconded and approved.

MEMBERSHIP REPORT

It was noted that there are 68 families that are members. Everyone was encouraged to have their neighbors join. There are serious issues currently with the dam and water rights to the lake and more participation is recommended.

CORRESPONDING SECRETARY

No update.

COMMITTEE REPORTS

Water Testing Committee – Bill reported that a 4 meter test had been performed. Reports are that it is still a very clean lake with a great deal of clarity. No algae bloom has been seen.

Fund Raising Committee –no update.

New Website Committee – There have been 20,000 hits on the site so far, with additional 5,000 from the last meeting. More pictures will be added to the site and the milfoil report will be also be added to the site. Email traffic continues to come to the site with questions. Emails will be posted once Roger reviews them. Monique Lussier wanted to know if negative things could be posted, i.e. pictures of how the cove has changed. It was generally felt that the website should be positive. Still outstanding is the possibility of advertising on the site. The dam report and pictures will be put on the site once published. Roger is open for suggestions and improvements on the site. Everyone is encouraged to send emails through the website with suggestions.

Milfoil Committee – There is a \$25,000 budget. Divers were brought in and removed invasive plants. Spent \$21-22,000 for divers. They spent 2 days off Northeast Cove where they performed the annual maintenance and spent the remainder of the time in an area outside of Aborn Cove. There is still milfoil

in Aborn cove and the Northeast Cove and it will be addressed as budget and priorities established by Northeast Aquatic Research allows.

Kayakers have noticed milfoil off the beach. This is adjacent to the area worked this year and the budget was expended before the work was completed. Need to keep funding this to keep up with removing it. There will be a plot created to locate the invasive plants and priorities established for its removal. The plan is to use the budgeted amount to get as much done as possible for next year.

By Laws Committee – no report.

NEW BUSINESS:

Dam Report:

Al Breton reported. Dam failure pictures were passed around to all present at meeting. The lake is at a 25 year low so no water was currently going over the dam. Water is leaking below the dam.

Monique Lussier organized a meeting with the dam owner and several politicians. It was held on October 4th and it was discuss the flowage rights of the lake. The Crystal Lake Clean Water Preservation owns the dam, represented by Dale Robison, Attorney. He was the only representative of the owners present and no other members. Selectman Gugliamo, CLA Board and Aborn Association Board attended also.

The leaking dam is reason for the current low water level of the lake. Buck & Buck, the town engineering firm inspected the dam and noted it is in a state of gradual failure. If the dam breaches, the lake will drop 8 feet and will revert back to a pond. Picture renditions of a dam breach were passed around. This would have a catastrophic effect on lake side homeowners. The town beach, fishing, etc. would also be impacted.

The attorney said the dam needs repairing but they have no money. Also, they said Stafford built a bridge without proper approval. And Stafford allowed Skyline Quarry to use the bridge which is impacting the destruction of the dam. The Attorney was going to write Stafford Selectman to tell Skyline Quarry to stop using the bridge and to set weight limits for the bridge. Robison wants funds to fix the dam and wouldn't oppose 3rd party fix. Robison said he could sell off the water rights.

State Senator will check to see if there are funds. The State says there are no funds for private dam and there are no funds, could take \$1million to fix. There was discussion of a temporary repair. Don't fix gateway and will present to Robison and DEEP. On 1/16/15, there will be another meeting with the Senators *Gugliamao, Selectmen and Robison.

It was also noted that Aborn brook has nothing flowing, due to beavers that are back and have established a dam blocking the Aborn brook. Could also be low groundwater, as this is a very dry year. Monique Lussier's looking for a permit to remove the beavers. It was felt that the Ladd Road beaver dam was back too. 2 weeks ago, the beavers built the dam back up again and stopped the Ladd Road flowage.

Flowage rights – Stafford Printers had rights to the water, built water level up 8 feet. 25 years ago, Stafford Printers sold the rights for 70k. Clemens Royer was going to drain the lake and sell property but DEEP said it'd be wetlands and no building would be allowed. He had legal fees to settle with Robison and they took over the rights to the water. Attorney Julian (Stafford) was part of this. Robison is the agent for the association.

DEEP didn't come to meeting but DEEP's going to tell Robison to fix the dam.

Recommendation is to do temporary fix but Robison still owns flowage rights. Robison said 'his entity has no money' and will not contribute to anything. Robison will give up the dam but not the water rights. It's not possible to separate the dam from the water rights. DEEP needs to force Robison to address the dam. DEEP is non-committal to enforcing or pushing Robison to address the dam. The DEEP sent letters 4 times to Robison and all were ignored.

Nobody wants the dam. Town tried to collect taxes and got a tax exemption so no one's paying taxes. Suit actually went to the Supreme Court to get an exemption. Robison feels he can sell the water. Stafford wants nothing to do with anything. Have to keep dam and water rights together.

Rusty Moody doesn't feel we should support repairing the dam till the water rights are resolved. Owners could easily drain the lake once the dam gets fixed. The dam is a liability but he's got the water rights. If we support fixing the dam, Robison will not pass on water rights. If private individuals own the water, there will always be the risk of draining off the water. Or let the dam breach and then maybe state would take over the dam. But the state will put the onus back on the owners for inspection. State makes owners pay for inspection for private dams.

Al Breton does not agree. Robison will not give up water rights. They have no money and will not fix the dam, let it breach and lake will drain down 8 feet. Lake Williams was privately held and they let the dam breach and the lake drained out. There was no lake for approximately 8 years until the homeowners funded the dam repair.

Suggestion was that the temporary fix for stopping the breaching be presented to Robison. Would need to get DEEP approval and need to have funding for this. Need to get homeowners, town, and fishermen to have an interest in this.

Just starting to get proposals for the 3 phase temporary fix. Permits would take 3-6 months to pull. If the dam breaches and the lake drains down 8 feet, cannot sell off water. But Robison feels they have no liability. Owners can't be sued, i.e. Crystal Lake Clear Water Association. There is no funding this year or in the future.

Bottom of the lake ownership question – Town attorney Ryan says dam owners own the bottom of the lake. Robison isn't sure either. Still of a questions of who owns the bottom of the lake. Should we hire a lawyer to define these terms? i.e. flowage, ownership, etc. Maybe the new town attorney could help.

Monique Lussier wants to be sure she and Al Breton stay in sync with steps being done. Al will touch base with town attorney tomorrow.

Weight instructions should be on Conklin Road, part of Stafford rules. Al's letting Robison follow up with this. Heavy trucks are ruining the dam.

Politicians would react to clout from the group. Folks need to work on neighbors. Still need to work on this to get word out and encourage folks to join the association. Need to get word out.

Before raising funds, need to find out if 3 phases will be able to be done. Phase 1 could be \$2,000. Phase 2 could be \$500. Phase 3 could be \$15,000 for epoxy. Talked to town Engineer and he said it should be done right.

Robison will pull permits, wants us to do leg work, wants us to pay for it and wants us to do temporary fix. But he says Crystal Lake Clear Water Association has no funding. No funding for private dam and no funding for anything.

Question – who would be against the temporary fix without gaining water rights? 8 opposed. Temporary fix ruling was undecided.

OLD BUSINESS:

Sand Erosion – Sand is filling in the Aborn Cove via run off from the beach. Roger sat with town officials and measured swimming area depth. 150 cubic yards of sand were added to the beach last year. 5-10 year look was requested. No records of sand being added, so they guessed and felt sand was added only twice, 300 cubic yards. They indicated they dredge the sand from the lake and replace it at the beach. Roger told them about the sand bar and the predominant currents in the winter. These currents are also caused by boat direction. Roger will ask about erosion control measures in the winter. He will also ask if the town could cut down the sand bar.

DEEP won't support dredging of cove and permits would not be supported. CLA would not support Aborn cove analysis and instead put the funds toward milfoil removal. Mark felt the contractor's proposal was not of a benefit to all due to limited resources.

Roger will continue to follow up with Tim Webb to try to break down the sand bar. And this would improve the water flow in and out of the Cove. DEEP won't let material be removed from the lake without a ton of permits.

Capital improvement budget is asking for \$40k (**Parks or DPW?**). Tim Webb indicated the pump station needs to be rebuilt and that they'd go after a step *STEP grant for funding.

NEW BUSINESS:

Aborn cove – Aborn cove has a lot of milfoil. Concern with bass boats cutting up milfoil and transporting back into the main lake. Discussion on whether no trespassing signs should be put up.

Motion to adjourn meeting at 8:37. Seconded and all approved.

Respectfully submitted,

Diane Cristelli, Secretary
Crystal Lake Association