

Torsey Pond Association Director's Meeting  
July 9, 2010

Present: Keith Coulling ,Cynthia Kuhns, Fran Zambella, Mike Pastore, Judith Beck, Sandra Gorry, Linda Lally, Don Rahmlow, Holly Rahmlow, And Zuorski. A quorum was established.

We discussed the need to add the TPA website address to the Newsletter so people can read the annual minutes.

Needless to say there was much dam discussion. Keith expressed his concern that there would be more time involved in dam maintenance and that the lake level would rise as a result. Don, Mike and Fran were convinced that that would not be a problem. Keith was also worried that the new dam would be so good that there would be no leakage. Don replied that we would then create leakage. As it is, Cobbossee Watershed District (CWD) wants more flow downstream. We are providing the minimum. Keith also suggested that the wind is more of an erosion problem than boats and argued for lower lake levels.

The issue of DEP permits was raised in case we have to dredge in front of the present dam before we put in the coffer dam. We need to check on this. Andy brought up the issue of liability insurance and mentioned that each of us could be sued if someone got hurt. We also need to make sure that the contractor has insurance. There ensued much discussion regarding who owns what parts of the dam – TPA, DOT, Readfield. Keith commented that according to a consent agreement with DEP, we need to have approval from DOT to do any work.

Andy moved that “The Board of Directors agrees to proceed with replacement of the dam but will insure that liability of the Board of Directors and the membership as a whole will be limited”. Sandra seconded. 6 yes, 3 no. The implication is that this will only apply to the time of dam replacement.

Keith moved that “The Board of Directors recommends that we start a yearly liability policy for the TPA”. Andy seconded. Mike doesn't think this is needed and that it will raise dues. Yes 5, no 4.

All agreed that Chip needs to update the website.

Fran moved to adjourn, Linda seconded, all in favor.

Respectfully submitted,

Cynthia Kuhns, Clerk

Torsey Pond Association Director's Meeting

July 10, 2010

Present: Mike Pastore, Judy Beck, Linda Lally, Keith Coulling, Andy Zuorski, Cynthia Kuhns, Mark Dershwitz, Sandra Gorry, Gail Turner, Don Rahmlow.

This meeting was held to bring everyone up to date on what transpired at the previous day's meeting.

Mark opened the meeting at 9:20 am. We established a quorum but he stated that not enough notice had been given for the meeting so no business could be transacted. He also stated that since there was not enough notice for the July 9 meeting that nothing transacted then will count as official business. (Since then, the by-laws have been reviewed and it has been determined that the meeting was official.)

He suggested :

1. The Webmaster should provide a left navigation system that addresses dam reconstruction issues.
2. The deed is not clear in terms of who owns what parts of the dam but since we are not disturbing the concrete part, DOT won't care. He appointed Keith Coulling to be on the committee to liason with DOT.
3. Liability. A legal opinion from 22 years ago said that we don't need to worry about it because as an organization we are covered. However, if the contractor doesn't have enough worker's comp, then an injured employee could go after the Association but not individual members. Or, what if the dam blows and we flood Readfield – could they file a lawsuit against the Association? Since the laws might have changed in 22 years, we need to establish a committee to meet with a lawyer to get a legal opinion. Mark has a firm in mind and offered to be on the committee. He will consult with Maine's Attorney General to see if laws have changed.

We need to make sure that the contractor has insurance to fix or pay for anything they damage.

Mark was of the opinion that the cost of a PE stamp for the dam design would be more expensive than the entire project. The decision for the thickness of the steel used in the replacement was made by calculating the strength of the existing 4 inch (?) boards and determining that 3/8" of steel would be adequate. That was doubled to arrive at the current plan for ¾" steel – a "back of the envelope estimate". Don was concerned that malfeasance on the part of the Board or contractor could be shown in the installation of a dam without knowing what we're doing or being qualified to do such a thing. Mark thought it would come down to "good faith effort".

There was further discussion regarding water levels, especially in the winter. Don remarked that it will take more winter maintenance with the new system and that access to the dam is dangerous in the winter. It was agreed that the dam committee meet with the fabricator to reconsider the design based on some of Keith's suggestions (which the scribe in this case cannot repeat without fear of misrepresenting them!!).

Mark moved to adjourn, Gail seconded, all in favor.

Respectfully submitted,

Cynthia Kuhns, Clerk

Torsey Pond Director's Meeting Following Annual Meeting  
July 10, 2010

Present: Cynthia Kuhns, Mike Pastore, Don Rahmlow, Mark Dershwitz, Linda Lally, Keith Coulling, Judy Beck, Sandra Gorry, Gail Turner, David Gross.

We established the meeting dates for next year as: June 25<sup>th</sup> Director's Meeting, July 9<sup>th</sup> Annual Meeting and, August 20<sup>th</sup>, Director's Meeting, all at 10am. **In addition, we established the the Director's meeting directly following the Annual Meeting on July 9.** If for any reason any of these dates need to be changed, the announcement must be made in a timely manner. Much frustration was expressed over the apparent invalidation of the previous day's meeting.

It was determined that we need to get a legal opinion on fencing the dam (as mentioned in the deed from DOT – or DEP Board Order, can't remember which) and our liability in the installation of a new dam and the long-term liability in the event someone or something is injured or damaged because of the dam. Mark moved to go ahead and hire a lawyer to give an opinion of our liability, the cost not to exceed \$2000. Sandra seconded. 7 for, 3 against.

Keith agreed to meet with DOT.

David Gross suggested we contact a local lawyer who has experience with lake associations to give us an opinion before we go to a big law firm but it was decided to stick with the current plan.

Mark moved to adjourn, Judy seconded, all in favor.

Respectfully submitted,

Cynthia Kuhns, Clerk