

Ashford Lake Property Owners' Association Board Meeting

Zoom

February 6, 2024

1. Call to Order: Tom Barry

Tom Barry called the meeting to order at 7:12 p.m.

Those Board members present were: Tom Barry, Paul Brown, Nancy Conlan, Arta Dobbs,
Don Judson, Pat O'Leary, Denise Pillion, Diane Preble, Jason Pufahl, Brent Raymond and Ann Milner.

Absent was: Robin Clapp.

Homeowners Present were: Janet Belamy, Judy Campbell, and Bernie Dubbs.

2. Approve Meeting Minutes

Tom moved to approve minutes of January Board Meeting as submitted. Don seconded the motion. There were no comments. All present were in favor.

3. Treasurer's Report: Don Judson

Below is an executive summary of our account activity for January including expenses, outstanding assessments, and year to date payment activity:

Checking Account		
Beginning Balance	\$690.48	
Deposits		\$27,300.00
Interest		\$0.02

Payments to: Mansfield Tree Service \$400.00 Clear storm damage 12-8-23 Jacobs, Walker, Rice & Barry \$650.00 GHD Agreement modifications & revisions USPS \$10.45 Certified Mail documents Amazon \$13.50 5pk Reflectors Mansfield Tree Service \$2,560.00 1-6/7-2024 Plow, Sand x 4 @ \$390 \$1,560.00 JCL Lawncare, LLC \$175.00 1-11-2024 Clear debris ALD & Farm Dr. Jacobs, Walker, Rice & Barry \$390.00; \$292.50 Records request, \$97.50 GHD Agreement final USPS \$60.12 Certified Mail 12 Small Claims Notices Staples \$26.14 Mailing Supplies Document Demand M&T Bank \$5.30 Credit Card Processing Fees	\$4,290.51			
ENDING BALANCE	\$23,699.99			
2024 YTD Spend				
<table border="1" style="width: 100%;"> <tr> <td style="width: 80%;">Expenses and projects</td> <td style="text-align: right;">\$4,290.51</td> </tr> </table>	Expenses and projects	\$4,290.51		
Expenses and projects	\$4,290.51			
Capital Fund				
Beginning Balance - Savings Account	\$34,221.39			
Deposits	\$0.00			
Interest	\$139.50			
ENDING BALANCE	\$34,360.89			
Beginning Balance - Certificate of Deposit	\$40,368.07			
Interest	\$151.13			
ENDING BALANCE	\$40,519.20			
Total Capital Fund	\$74,880.09			
Outstanding Assessments		% of Owed		

Delinquent Previous plus Current year (15)	\$29,452.20	37.70%
Current year only (70)	\$47,466.00	60.76%
Current through 3/1/24 (4)	\$1,200.00	1.54%
Total Owed (89)	\$78,118.20	100.00%
2024 Payments		
2024 Assessment Total (131 Property Owners, 143.11 Assessments)	\$85,866.00	
2024 Assessments Received		% of Assessment
Paid in Full (42)	\$26,400.00	30.75%
Delinquent Previous plus Current (3)	\$900.00	1.05%
Current year only (0)	\$0.00	0.00%
Current through 3/1/24 (4)	\$1,200.00	1.40%
Total Paid (49)	\$28,500.00	33.19%
Payments to prior balances	\$0.00	
		% of Budget
Total Payments Received in 2024	\$28,500.00	33.19%

Current Activity

Don reviewed the January Executive Summary. We started the year with a low checking account balance; however, we have already received \$27,300.00 in payments which is ahead of last year. Most are paying in full rather than in two installments.

Don changed the checking account to a non-interest checking account because the bank continued to charge fees which he then had to have reversed. The previous account was only paying .01% interest.

Don is watching the credit card processing fees since the Association is paying them now. So far it seems like more people are paying by check this year.

The majority of the spend is snow plowing. We ended the month with a healthier checking account balance.

The Capital Fund is holding steady and receiving healthy interest.

Payments are a little better than last year but fairly similar. Small claims activity should improve the payments.

Credit Card Payments

Credit card payments have now been changed from PayPal to M&T Bank. Don will close the PayPal account at the end of the month.

2023 Tax Return

In preparing the federal tax return, Don verified that all of ALPOA's common areas are in sync with the town records of Ashford and Eastford. The tax return will be done by the end of February.

Document Request

ALPOA responded to another document demand from a property owner. Expenses continue for document demands.

Small Claims

Certified letters were sent to 12 property owners who are delinquent. (The other 3 who are delinquent are already on payment plans.) They have until March 1st to make payments to be current or contact Don to set up a payment plan. If there is no response, small claims will be filed. So far, we have heard from three. We are in discussion with the largest debtor for a payment plan. We will request that anyone on a payment plan make credit card payments.

Jason expressed a privacy concern about the discussion of small claims. He recommended reserving time each month to go into executive session to discuss the small claims to afford privacy to members. The Board agreed. Jason motioned to hold an executive session at the conclusion of each Board meeting for the purpose of discussing financial matters regarding delinquency. Don seconded the motion. All present were in favor. There were none opposed.

4. Committee Reports

Roads and Grounds: Tom Barry

Green Hill Drive Agreement Update

The Green Hill Drive agreement is completed but not signed. The Forbes have had a personal health issue which will delay the agreement being signed.

14 Ashford Lake Drive Underground Utilities

The owners of 14 Ashford Lake Dr. sent a letter to the Board regarding the underground utilities for the home they are building. They prefer to use the pole on their side of street rather than going under the street to the pole across the street. The utility company has an easement which will allow them to run the utilities underground. They will send the certificate of insurance from the contractor who will be digging the trench.

Cattail Removal

The dead cattails will be removed since there is ice on the lake near them.

Dirt Road Conditions

The dirt roads are observed to have been beaten up since they were not frozen when the storms occurred.

Dam: Pat O'Leary

Emergency Action Plan (EAP) Revision Update & Formal Complaint from R&M Holdings

Pat explained that he is a professional engineer in CT and has a strong background with dams. He is volunteering his time to assist with the EAP revision.

ALPOA received a request from the state DEEP regarding ALPOA's EAP, accompanied with a letter by Robert and Judy Campbell. (See attached) There were a number of misstated facts in letter. Pat stated that ALPOA is in full compliance. There are no deficiencies with maintenance on the dam. The letter suggested that the recent Bozrah dam problem was a result of an EAP not being in place. However, Bozrah was overtopped by flooding since it has many tributaries going into it. It also had many issues that were not addressed in the past. We do not have unaddressed issues with our dam.

An EAP addresses catastrophic events. It includes a notification process to those downstream. The EAP does not impact the safety of the people on the lake. The EAP provides a list of events that would have to be addressed. A sudden rise in water, would require the use of the EAP and require notification. The measure stick at the spillway shows high level flows. The highest marking seen so far is 3 inches. This is nowhere near the bottom of bridge deck.

We are in the process of updating to the new EAP standards. It will be set up so we know what and when it needs to be updated. The Campbells implied that ALPOA considered the revision a low priority and that there was a cost concern. Pat explained that he is working on it with Karl Acimovec, the engineer hired, so it won't cost the Association as much money.

The Campbell's letter misstated that we are a Class B High Hazard dam. We are not. We are a Class B Significant Hazard dam because the downstream pond is not big enough to handle the water in a dam failure and the water would go over north road, as well as the scout camp down from that. Suggesting that the Board is imperiling the safety of the residence of lake is not correct.

Pat asked the President to be recused as a member of the Board and speak as a member of the community. The President granted Pat's request.

Pat stated that we have had a nice community. Sending letter to the DEEP without speaking to the Board first was the type of behavior he would not encourage. If people feel aggrieved, feel free to contact him. He'd like to see people work better as community and not so aggressively.

Janet Bellamy stated that she has been on the lake for 18 years. She stated that there has always been a good update of the dam at the annual meetings.

Pat stated that the first thing that was done when the Association began was to put together a Capital Fund since the dam is the life of the lake.

Tom stated that an engineer inspects the dam on five-year basis and the report is sent to the DEEP. The last

inspection was in 2021. The maintenance issues from the 2021 report have been addressed comprehensively. Don added that he has been in receipt of inspection reports and there are always maintenance recommendations such as cutting and trimming trees.

Environmental: No Chairperson

TLGV Volunteer Water Quality Monitoring

Tom reported that Jean Pillo from TLGV Water Quality Management program contacted him about participating in their program. We would have to submit a monitoring plan by the 15th to participate in TLGV program. We were previously involved with cyanobacteria and turbidity last year. Nancy tried to contact Jean for more information. Let Tom know if interested.

Community Watch: Brent Raymond

Brent will contact Robin regarding a link to submit suspicious activity information.

Communication

Ann will deliver a welcome basket to 10 Oakview Dr.

Don reported that the new assessor in Ashford sends monthly report for Ashford Lake. ALPOA records are consistent with the Town of Ashford.

Jason suggested since we have a new website and new board members that we add a link to bios of the Board members. This can be an upcoming topic to discuss.

5. Next Meeting

The next Board meeting will be held on March 5th on Zoom.

6. Adjournment

At 8:20 p.m. Tom motioned to adjourn the Regular Session of the Board meeting. Jason seconded the motion. All present were in favor. Jason motioned to go to Executive Session. Don seconded the motion. All present were in favor.

Respectfully Submitted,

Ann Milner

Recording Secretary

March 5, 2024

FW: Ashford Lake Dam, Ashford Ct #301 Class B HIGH HAZARD NON COMPLIANCE of the EAP REPORT.

Laskin, Anna <Anna.Laskin@ct.gov>	Mon, Jan 22, 1:17PM		
to board@alpoa.org, Judy, csilversmith@ashfordtownhall.org, kconnolly@ashfordtownhall.org, Michael, wfalletti@ashfordtownhall.org, rdc@homebuilders.net, michelle@michellaracelaw.com, Rosalynn, Charles			

Good morning, Mr. O'Leary,

Attached is the Ashford Lake Dam Emergency Action Plan (EAP) review letter that was sent out on February 18, 2021. Per the letter, a revised EAP was requested to be submitted to DEEP within 60 (sixty) days of the date of said letter. Our records indicate that we have NOT received an updated EAP and therefore the owner of this dam is in violation of the Connecticut General Statutes (CGS) Section 22a-411(a) and the Regulations of Connecticut State Agencies (RCSA) Section 22a-411(a) 1 and 2.

In order to correct this violation:

Within 15 days of the date of this email, submit the attached Compliance Statement identifying the details of the corrective actions you have taken to address and correct the violation of CGS Section 22a-411(a) and RCSA Section 22a-411(a) 1 and 2.

The attached correspondence will also be mailed to Ashford Lake Property Owners Association, Inc. 20 Hillcrest Drive, Ashford, CT 06278 via certified mail.

Please acknowledge receipt of this email.

Thank you,
Anna

Anna Laskin
Supervising Civil Engineer, Dam Safety Program
Bureau of Water Protection and Land Re-Use
Water Planning and Management Division
Connecticut Department of Energy & Environmental Protection
79 Elm Street, Hartford, CT 06106-5127
p: 860.424.3522 | c: 860.936.5860 | Anna.Laskin@ct.gov

-----Original Message-----

From: Judy Campbell <jac@homebuilders.net>
Sent: Tuesday, January 16, 2024 1:00 PM
To: Laskin, Anna <Anna.Laskin@ct.gov>; csilversmith@ashfordtownhall.org; Katrina Connolly <kconnolly@ashfordtownhall.org>; Michael D'Amato <zeo@ashfordtownhall.org>; wfalletti@ashfordtownhall.org
Cc: Robert Campbell <rdc@homebuilders.net>; Michelle <michelle@michellaracelaw.com>
Subject: Ashford Lake Dam, Ashford Ct #301 Class B HIGH HAZARD NON COMPLIANCE of the EAP REPORT.

EXTERNAL EMAIL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Good Afternoon, Anna, Board of Selectmen, Land Use Office,

Please accept this email letter as a Formal Complaint.

My husband and I feel it necessary to reach out to the Ct DEEP and Ashford Board of Selectmen's office again and any other State or Town department on the status of the non compliant ALPOA EAP report, and any additional details related too the Ashford Lake Dam #301 Class B High Hazard for the safety of our property, family, guest, ALPOA Community and the Ashford Community. After the Fitchville Pond Dam in Bozrah, Ct, a privately owned dam that recently had flooding issues, and was Out Of Compliance with their EAP report, it is of great concern that the ALPOA come into compliance ASAP and not continue to stall any length of time for the safety of the Ashford community.

I'm paraphrasing from the ALPOA Board meeting January 9th 2024, @ 7pm.

Patrick O'Leary who is a ALPOA member and overseeing the ALPOA dam mentioned that he would be reaching out to Don Judson ALPOA Treasurer for a couple of back EAP reports and working with Karl Achimovic the engineer firm handling the ALPOA EAP in the next several months discussing the EAP report and the priority be low sensitive and cost to the ALPOA.

Questions:

- 1) Why is it Not a HIGH PRIORITY for the ALPOA and current engineering firm, P. E. Karl Achimovic hired by the ALPOA to complete the EAP report and to file all necessary documents to the CT DEEP ,Town Municipal departments, Emergency Services departments, clubs, camps and private land owners seeing the ALPOA is currently out of Compliance over a year or more!!
- 2) If the current engineering firm has other obligations with other projects on going then the CT DEEP and any other Municipal departments should require a new engineering firm to be hired by the ALPOA to comply to the State Statute Regulations in a time sensitive manner.
- 3) If the cost of the EAP report is an issue for the ALPOA Board to maintain, due to inadequate funding or any other financial shortfall budget constraints that is handled by the ALPOA Treasurer Don Judson and overseen by the ALPOA President Thomas Barry and ALPOA Board members, which is a fiduciary obligation for the safety of the ALPOA dam stated in the ALPOA Covenants and By- Laws, and required by the Town of Ashford Board of Selectmen and all other agencies. Why is the ALPOA not complying?
- 4) Why is the safety of LIVES of all residents of the ALPOA and Ashford community NOT A HIGH PRIORITY with a class B High Hazard Dam and why is there no disciplinary action taken by the CT DEEP or Town Board of Selectmen's office allowing a private dam owner that is out of COMPLIANCE of over a year, which puts risk of legal liability on the CT DEEP, Town Board of Selectmen and above all the ALPOA Board members who allow such actions to happen with disregard to State Statute Regulations. Why is this action allowed?
- 4) The ALPOA is an HOA that collects yearly assessments dues from property owners and applies the revenue in maintaining all common areas including the dam. Every year an annual meeting takes place open to all members of the HOA community to attend. The ALPOA has the authority within the rights of the Covenants and By-Laws to Adjust the assessment dues accordingly to MEET the NEEDS of the HOA. There should be no conflict on lack of budget restrictions or cost control when human lives are put at risk. It would be perceived as being negligent in a way when non compliance of the CT DEEP statue is ignored by the ALPOA Board and High Risk of failure with a Class B Hazard Dam.
- 5) It is necessary for the actions of the ALPOA as a private dam owner to adhere to all CT DEEP and Town Municipal Regulations promptly and accordingly and not be allowed to extend any further delays that would put risk on the Ashford community.
- 6) All necessary documentation regarding this matter have been submitted to CT DEEP, William Falletti Board of Selectmen's office on 10/31/223 the IWWC along with the latest ALPOA Dam inspection report that shows areas of non compliance and maintenance issues needed along with non compliance of the EAP report sent to the ALPOA Board.

We feel it necessary for the safety of our property, family, guest, ALPOA and Ashford community to seek legal guidance regarding this matter.

Please reach out to us if any further information is needed.

Thank you,
Robert & Judy Campbell
21 Lakeside Dr
Ashford, Ct 06278