

Thomas Pond Improvement Association (TPIA) General Membership Meeting - 20 August 2022

The meeting was scheduled to begin at 9 a.m. Prior to this time, discussion began on water level, flow of water over the dam, & registration of TPIA with the state (items which will be covered under New Business).

Attendees: Alan Aaskov, Christine Bradbury, Candace Carr, Bob Chapin, Sue Chapin, Diane Cormier, Dave Deluca, Jerry Eaton, Bob Farthing, Sheri Farthing, Noel Genova, Brenda Hall, Brooke Hidell, Frank Jaffe, Robert Moran, Robert Murch, Mary Osgood, Gil Richard, Mark Richard, Dana Watkins. In addition, Steven Hazen attended the meeting as Power of Attorney representative for two residents who were unable to attend: Lloyd Locklear (1583 Roosevelt Rd, Raymond) and Robert E. MacDonald (20 Valley Rd, Casco).

Meeting Minutes

Bob Chapin began the meeting asking for a **moment of silence** for **Lucille Griffin** who passed away within the past year. Lucille had been a board member and officer of TPIA since its inception in 1985 until 2019.

Secretary: Sue Chapin read the minutes from the 2021 General Membership Meeting. These minutes were voted upon and approved to accept by the majority.

Treasurer's Report: Christine Bradbury presented the finance report as of 19 August 2022:

Opening Balance: \$14,789.16

Deposits: **\$ 4,040.35** (2021/2022 Appeals, DO meter
Reimbursement)

Expenses: **\$ 2,598.71** (new Dissolved Oxygen meter,
Thank You Postcards & Postage for 2022 Appeal, Cultivator
for removing debris that accumulates at the dam, additional
Courtesy Boat Inspection (CBI) coverage, 2022 Appeal
Postcard & Mailing, Snacks during beaver dam removal work)

Closing Balance: \$16,230.80

Christine also presented a summary of recent Appeal results which are: 2020 - \$2590; 2021 - \$3418; 2022 - \$2335 (to date).

Mr. Hazen asked a question ~~was asked~~ about dam insurance, noting that the 1990 Order of the Department of Environmental Protection (DEP) granting the TPIA title to the dam and authority to operate it required that the TPIA maintain a liability policy of at least \$500,000 in coverage. The ~~answer is~~ President (Mr. Chapin) responded that TPIA does not currently have liability insurance on the dam due to the cost which is approximately \$7500/year, an amount deemed by the board to be unaffordable for the organization to maintain on an annual basis. Mr. Hazen inquired whether the DEP had been informed of that decision, and Mr. Chapin responded that he did not believe it had been.

The Treasurer's report was voted upon and approved to accept by the majority.

Thank You: In the fall of 2021, a large number of beaver cuttings were noticed in the water at the boat launch near the Rte 302 bridge. These cuttings represented the early stages of a beaver lodge. Frank Jaffe and Bob Chapin began removing these cuttings at that time. Work continued this spring with the help of Gil and Mark Richard, Frank, Dave DeLuca, Brooke Hidell, and Bob, who thanked everyone for their time and effort.

New DO Meter: A new Dissolved Oxygen (DO) meter was purchased to replace the old one. Dick Horr, Thomas Pond Water Quality Monitor, stated at the spring Board meeting that the old meter was not functioning properly and replacement parts and servicing were no longer available. Cost of new meter: \$1524.70
Christine and Bob applied to Raymond Waterways Protective Association (RWPA) for a grant to subsidize the cost which resulted in RWPA paying 50% of the DO meter cost (\$762.35). Bob spoke to the Portland Water District (PWD) to see if they would pay for the remaining 50% of the cost of the meter but was eventually told that the meter did not qualify under PWD's grant program.

Water Quality: Most recently, Bob went with Dick to monitor the water quality. In Dick's absence from the annual meeting, Bob reported that the measured clarity, using the Secchi Disk, was 6.85 meters which is a good reading. DO and temperature readings were also good readings. Phosphorus testing has been done. Results are not yet available. Bob reported that the members would be informed of those results once they were received.

~~One individual~~Mr. Hazen mentioned that ~~since~~the Town of Casco Comprehensive Plan (as amended in 2007; copies of which he made available to the meeting), Thomas Pond has been on a “watch” list” under the State of Maine Water Quality Assessment and he inquired whether the officers knew why it was so listed and whether it still was. ~~There was no answer as to what criteria are used to put a body of water in Maine on a “watch” list~~Mr. Chapin responded that he did not know. Mr. Hazen reported his understanding that the Town of Casco was in the process of updating the Comprehensive Plan and recommended that the TPIA officers reach out to the Town of Casco Board of Selectmen to see if the TPIA could learn more, including whether the TPIA could take any action that would have the effect of removing Thomas Pond from that list.

Candace Carr, who lives on Watkins Shores Rd, has noticed a plume of cyanobacteria (blue-green algae) in her area of Thomas Pond during the past three years. The algae appears in mid-November and lasts about ten days to two weeks. She has sent photos of the algae bloom to Lakes Environmental Association (now Lake Stewards of Maine) and the ~~Department of Environmental Protection (DEP)~~. She has reports to share if anyone is interested in them. Christine briefly researched cyanobacteria while the meeting was in progress and found that the cause(s) can be related to water flow and/or water temperature.

Election of Board Members and Secretary & Treasurer: Christine Bradbury, Dave DeLuca, Sue Chapin, and Brooke Hidell were elected to serve another 3 year term on the board. Jerry Eaton was elected to replace Elizabeth Warren as board representative of the Thomas Pond Condominium Association. Christine and Sue were elected to continue to serve as Treasurer and Secretary respectively for 3 years.

A question arose as to board representation from the various sections of the pond as listed in the ByLaws. A board representative from each of these neighborhoods would be ideal. Currently, the board is represented by those volunteers who are willing to serve.

Dues will remain \$25. 350 postcards were sent out to residents in the Thomas Pond watershed area for this year’s appeal. Bob thanked Frank for further ~~purify~~updating the address data base.

New Business:

Water Level & Flow of Water over the Dam: There was lengthy discussion~~and differing opinions~~ on these two issues. Both are governed by the dam management

plan as approved in accordance with the 1990 DEP Order, and opinions differed as to whether the dam management plan was being followed accurately. Opinions ~~also~~ differed as to whether the lake level was objectively high or low. An attendee, who has been a lakefront resident for over 40 years, stated that high/low water has arisen as an issue at TPIA meetings several times before. Bob read from the plan which states that the target water level of Thomas Pond ~~should be maintained at~~ 17-20" below the concrete top of the dam during this time of year ~~and but that~~ water flow over the dam ~~should~~ was required under the Order to be 2.4 cubic feet per second (cfs) which is approximately 3" of flow. As dam monitor, Bob felt that the water level goal and the water flow requirement ~~se two requirements~~ are incompatible ~~as relates to meeting them~~ during the summer months and could not both be met at the same time.

Mr. Hazen pointed out that the 2.4 cfs flow was specified in the Order to be mandatory and the permissive standard of the stop logs being maintained at 17-20" below the top of the dam did not supersede that. He did, however agree that the 17-20" goal probably could not be met during periods of drought such as the current one while meeting the 3" flow requirement. He noted that he had observed the dam the day before the meeting and showed the water level to be below the bottom of the highest drop log and that no water was flowing over it.

Bob ~~also~~ read from what he described as a 2002 letter from the DEP that ~~allows an exception to the water flow requirement so that half the volume of water (1.2 cfs) flows over the dam during drought months, particularly the month of August~~ addressed how the flow requirements were calculated and indicated that in some cases the DEP would approve a request to reduce the flow requirements during the summer months when drought conditions were prevailing. There were differing opinions as to whether this was a one time exception for the year 2002 or a general allowance for drought month(s) in 2002 and subsequent years. No indication was given at the meeting as to whether the TPIA had submitted such request after receiving the 2002 letter or, if so, whether that request had been granted. Differing understandings of the attendees at the meeting emerged the meaning of the 2002 letter emerged during the discussion, but Mr. Hazen noted that the only opinion that mattered on such question rested solely with the DEP. No indication was given as to whether the DEP had been asked to provide such guidance or, if so, what it had been.

Alan Aaskov, owner of Alyssa's Motel (on Thomas Pond) felt that the water level was too high. He also seemed to have a greater issue with the water level in the winter rather than summer levels. Bob generally begins removing dam boards for

winter on Oct 15 of each year. A motion was made to authorize Bob to begin removing boards working down to the last board NLT October 15, to follow the management plan to the best of his ability, and to replace boards after the spring thaw and runoff, as permitted under the Order ~~according to the plan beginning in the spring.~~

~~Following discussion of the motion, it was amended to read that Bob will begin removing boards beginning NLT October 1. The~~ Following discussion, on motion duly made (and amended in accordance with the discussion and with the consent of the moving member) ~~was,~~ seconded, ~~voted on,~~ and approved by majority vote, the members adopted the following resolutions:

RESOLVED, that

_____ ; and

RESOLVED FURTHER, that

_____.

Return to Record Keeping: Bob kept logs on the water level for several years since he began monitoring the dam in in 2012. He said that for the past couple years he did not record levels in a log even though he physically went to the dam on a regular basis to check the water level and flow. Mr. Hazen reported that he had on several occasions assisted his father (Franklin G. Hazen) in fulfilling the duties as dam operator, including the record keeping requirements. Mrs. Osgood reported that she had delivered the records kept by Franklin Hazen (also her father) to Mr. Chapin, describing the notebook containing them. Mr. Chapin reported that he would check where such records might be stored but that he had no recollection of having received them or of having seen the notebook Mrs. Osgood described.

Dana Watkins volunteered to visit the dam twice each week to record water level, as measured from the top of the concrete next to the spillway gate. A motion was made to accept Dana's offer to do this and that he would coordinate his recording with ~~and~~ Bob Chapin so that Bob could maintain the full ~~will each keep a~~ log ~~on~~ (including water level flow over the dam and insertions/removals of dam board, insert and removal which only Bob is authorized to do and is authorized entry into the chain link fence enclosure from which reliable water flow measurements were only possible). ~~This motion was seconded, voted on, and approved.~~

Following discussion, on motion duly made (and amended in accordance with the discussion and with the consent of the moving member), seconded, and approved by majority vote, the members adopted the following resolutions:

RESOLVED, that _____

_____ ; and

RESOLVED FURTHER, that _____

_____.

Registration of TPIA: Prior to the start of the meeting, Brenda Hall inquired whether the President was aware that the 2022 annul report required by law prior to the date of this meeting had not been filed with the Secretary of State. During the New Business portion of the meeting., Mr. Hazen reported that TPIA has ~~not~~ been consistently registered frequently failed to file such annual report from its date of formation but has usually corrected that oversight relatively promptly, annually as an organization with the state, that the Secretary of State website showed that the TPIA charter had been “administratively dissolved” since August 27, 2018, and that the Registered Agent to whom the Secretary of State provided notices (Calvin Nutting, a distant cousin of Mr. Hazen) had informed Mr. Hazen that he had not served in that capacity for “many years.” Mr. Hazen also reported that the Secretary of State records indicated that it would be very easy to have the TPIA “reinstated” and to update who its Registered Agent is. A motion was made to authorize the board to hire a law firm/attorney to act as a registered agent for TPIA to annually file the required documents to ensure compliance. This attorney/law firm would also be asked to review and interpret the dam management plan. The motion was seconded, voted on, and approved.

Insurance: It was suggested that the board purchase Directors and Officers (D&O) Liability Insurance which is a common practice of nonprofit organizations. The board will address this issue as well as reopen a discussion on liability insurance for the dam.

Website Development and Photographs: Frank asked if anyone has older photographs of Thomas Pond. One such photograph from about 1920's was

given to him by Mr. Hazen at the meeting, showing a view from the Pond of Camp Thomas, first seasonal residence built on the Pond (in 1901). Frank also asked if anyone is interested in developing a website for TPIA. Dave DeLuca said he would check on this with someone he knows.

General Information

Christine has some information on the **7 measurements of lake health** published by Lake Stewards of Maine. She will bring it to the next board meeting.

The Thomas ~~Pond~~ House (formerly the Thomas Playhouse) has been retrofitted for rental. The cost is \$1250/night, accommodates up to 30 people, and has waterfront and a boat ramp. It is owned by the Campbells who are most interested in renting off-season as a corporate retreat.

The meeting adjourned at 11:21 a.m.

Respectfully submitted,

Sue Chapin
Secretary