

# Burden Lake Association (BLA) Monthly Membership Meeting

## Minutes

**Date:** September 21, 2021

**Location:** Camp Adventure at 6:30 PM.

### Board Members Present:

- Theresa Flynn, President
- Gary LaMay, Vice President
- Maryjo Valentine, Treasurer

### Others Present:

- (see sign-in sheet)

### Call to Order:

President Flynn called the meeting to order at approximately 6:35 p.m.

### Announcements:

- President Flynn thanked those offering support to her family.
- October meeting will be last Tuesday of the month, 10/26/21, and possibly held at the golf course.

### August Minutes:

Approved without changes.

### Treasurer's Report:

The BLA has a surplus of \$27,700.00 to carry into next year's budget for water treatment. (Before the meeting's donuts & cider are deducted). This is in addition to the BLA's Emergency fund.

### New Business:

- **Weir/Dam/Spillway:**

[From the August 2021 Minutes: The three work together to help prevent the water from draining out of the lake. Recent storm severely damaged the weir and in need of emergency repair... From the Department of Environmental Conservation (DEC) the Burden Lake Preservation Corporation (BLPC) obtained a 30 day emergency permit to sandbag preventing further water draining from the lake. Sandbags are now in place, but this is not a sustainable option. The emergency permit can be extended (in 60-days increment)]

Wayne Pratt and Frank Lewandusky explain the following:

- The dam is owned by the Burden Lake Preservation Corporation (BLPC) and the County maintains the road across it (Burden Lake Rd). The BLPC is responsible for maintain the dam, the county, only the road.

- The weir — located about 900ft into the woods off the north end of the Lake — the weir is owned by the BLPC but the land surrounding it is owned by 2 families. Permission is needed by these families in order to access the weir.
- The spillway — Helps discharge flood waters. The 900 ft berne that leads to the Wynants Kill from Burden Lake.

Pratt said the elevation of the lake was established 160 years ago. When we lost part of the weir during the flood, DEC gave permission to sandbag, in order to maintain the lake level.

Lewandusky explained that the two property owners agreed to sell the property around the weir to the BLPC. The BLPC will bill BLA for their portion of the fees needed to pay for the lawyer and the survey.

Pratt explained that there is a likely threat of losing the lake (all 3) within 10 years, if a permanent fix isn't made to the 160-year-old weir/dam/spillway system. He stressed that owners on all three lakes will be dramatically affected in a catastrophic event.

Lewandusky said Flynn asked him to explain to the BLA members that this bill will be coming but they aren't really sure of the amount.

Flynn: "We (Flynn and Mark) had talked, initially, that they want \$5,000."

Lewandusky asked if that was with 12 people members of the BLPC. Flynn said yes. Lewandusky thinks it will be a little more.

Lewandusky: "You have to understand, too, that Mark (Cioffi), Wayne (Pratt), Joe Johnson, Frank Myers, Paul (Ashline) and Dan (Hogarty), (the members of the BLPC) will need to come up with potentially \$500 out of their pocket, too. So, there's no money being wasted." "Nobody is doing something they shouldn't be doing."

Lewandusky said he just got the tax bill the other day and it lists all of what was paid and by whom, including what we (the BLA, represented by him) paid. "What they did years ago to protect us was a great thing." He said that it's time for both associations (BLA & BLCA) to step up and put money into straightening things out. "Without the weir, we're not going to have a lake."

LaMay asked Pratt what type of repairs are needed or if a complete replacement is needed?

Pratt: "...Right now, we're looking into getting engineering studies on the weir and spillway to get a better idea of what kind of cost it will be to bring it (lake) back to a level we're going to be satisfied with for another 150 years. ... It's your lake, if you want to preserve it, and the value of your property, we've got to take care of the dam, spillway and the weir. I'm not sure how we're going to do that, at this point, but we have no choice."

Pratt went on to say it wasn't just the associations that needed to step up, but all landowners with property on the lakes, because it affects them too. Then he repeated earlier comments.

- **Burden Lake Road Closure**

Female BLA member: "Wayne, you're talking in 10 years there may not be a lake, but why is Burden Lake closed, right now? Why has it been determined by the county that it's dangerous?" "Is it going to be closed for 10 years?"

Pratt: "There's a possibility it will never open again."

He explains that a meeting took place with the county, at the county offices. Present were Bob Loveridge (BLA By-Laws Chair and Rensselaer County Legislator), Wayne Pratt and other members of the BLPC, a couple county legislators, a county attorney, County Executive Steve McLaughlin, County Director of Communications Rich Crist.

Pratt: "We basically went there to say and to show them, ok, you're riding over a private dam, the county hasn't put one penny into this dam that they're running the over." ... He explained that the 160-year-old dam was not built for the amount of tonnage that rides over it today. "We were afraid that something was going to happen to the west wall of the dam. And we wanted the county ... to at least ... do an engineering study. ..."

Pratt explained that after about an hour into the meeting, things got heated, and “I got a little bit hot -- after showing them all these pictures of what was happening -- and they said ‘Well what do you want to do in this meeting?’ “I said I want you to shut the road down now, before someone gets hurt.” At that point, he said, McLaughlin and Crist decided to shut the road.

Pratt: “They didn’t have to shut the road down. They could have said ‘Alright, look-it, we’ve been running over this dam for decades, we want to own the dam.’ Well, that’s fine, now let them take full responsibility of it in case someone gets hurt.”

Pratt went on to paraphrase that they said the county road is in good shape, it’s your dam, you fix it.

Pratt asks the present BLA members, “why would we want to spend the money to fix a dam that (the county) is going to be putting their tonnage over this thing. Pay for it out of our pockets. So, the best thing I could think of, made it easier for the county to get out of this by just saying ‘permission to do that (close the road).”

Then Pratt referred to Bob Loveridge, who was also at that meeting.

Loveridge: “The only thing that I want to say, and I said this to Wayne before, I don’t think that Wayne needed to tell them to close the road. When Wayne said I’m the owner, and the dam is not good -- and (he) mentioned there’s school busses that drive over it, and somebody is going to get hurt -- and as the owner, I want the road closed now.”

Loveridge: “They (county official) asked (Pratt) again, ‘Are you, as the owner, telling us that we have to close that road because it’s going to collapse?’ and (Pratt) said ‘yes.’” “They looked at each other and said ‘We gotta close the road. God forbid something happens here and the owner is telling us to close the road.”

Loveridge said he doesn’t think the road is dangerous right now, and wished they could have continued the conversation to entice the county reps to collaborate with the BLPC to find solutions, including sharing the cost. “But we didn’t get there. It ended pretty abruptly.”

A disagreement ensued between Pratt and Loveridge over the conversation between Pratt and county reps. Pratt disputed his demanding the road be closed, but Loveridge reminded him of the conversation and that he instructed the road be closed multiple times.

A BLA member asked if an engineer has looked at it. Pratt said he didn’t know and asked Loveridge.

Loveridge: “I believe, I could be wrong so don’t put me on the record, but I believe they had an engineer look at the road and the engineer told them that the road is not in danger. They did not have anybody look at the dam, but since this time, I believe they have had an engineer company put in a proposal to look at the dam.”

He went on to say it will cost a lot of money just to look at the dam. He guessed 80-100K to do an audit of the dam. And figures no one really wants to accept responsibility for those costs. And that he doesn’t know what’s going to happen and that he is no longer privy to those details because of his association with the BLA and BLPC, even though he works for the county.

Then he went on to repeat earlier statements about the cost of the audit.

Someone said that the traffic that the county has allowed to go over that road for years could have done damage to the dam. “It could have,” responded Loveridge. “... drainage on the top of the road may have contributed some of the problems on the side. And I think the county was willing to admit it. We never got to talk about it because it just ended real quick. ...”

The same gentleman mentioned that even when walking on the road, you can see where it slants towards the lake.

Loveridge responded, “...I don’t know what to say. ... It happened the way it was, and the first thing I said to Wayne was ‘Why did you do that?’ He said people (county reps) walked out. He told Wayne, and the others left in the room, “That didn’t get us anywhere. Their done.”

Loveridge: “I had been told before that the county was researching grant money, was willing to probably pay part of some cost to repair. And that they were looking to see how to help us with the Water District,

where everybody could contribute money, annually, that could go towards a fund that could eventually be used to repair the dam, the weir and anything else that needed repair over a long period of time. (In addition) ... a 30-year loan with a very low right, 1% (or something), to do it.”

“... (The meeting) didn’t get to where it could have, it ended way too quick.”

Loveridge was asked “Can we get back there?” He responded, “I can’t ask. Because I’ve already been criticized for setting up an ambush.”

Then Pratt interjected with his understanding of what Loveridge was saying. He said, “No matter what, we don’t have the money to do an engineering study. And after all these decades that the county has been running over the private dam. We have photographs going back 10 years – the road itself and the west wall where the stones are. And we brought those pictures to the county in this meeting.”

Pratt went on to say that a few months back there was a 2-hour meeting in his office with Loveridge, another county rep, and the county attorney to review photos. He expressed his concern about photos that came back from Dec. 2020 photos showed “more stones were moving from the weight of the traffic coming through there. Because you could tell the way the stones were moving was the same direction as the truck traffic was running in.” He said he sent them to Loveridge and the county attorney also had them.

He explained that this discussion has been going on for 14-15 months. He went on to say that he addressed problems with the dam to Steve McLaughlin two years ago at a boy’s club meeting. He said that Steve responded with “Our road is in good shape. You got your own problem, you take care of the dam.”

Pratt said we waited for some time for Loveridge to set up the latest meeting with the county. He said the meeting wasn’t going anywhere, “Are we going to walk away from them, allowing them to continue on running over that road ... No money has been transferred to the BLPC, even to try and take care of repairing the dam!”

He then went on to say it was true that the way the road is curved and leans downward, drainage is contributing to the problems. That the water is carried over the top of these stones and freezes in the winter. “It really should be repaired.”

Loveridge expressed his frustration with being in the middle. “The way government works, when you had the county executive, his chief of staff, the county attorney, two county legislators, and three people from the (BLPC) present, and you presented the photos you presented, and the evidence you presented, you made a lot of inroads at that meeting by being able to turn those documents over to the officials. They can’t put blinders on, but they were willing to continue to talk. The talk ended instantaneously, when you (Pratt) said ‘I want it closed right now.’”

Loveridge said that they wouldn’t be able to ignore the issue being brought up in a meeting of record, and that they would have been obligated to continue the conversation. But the meeting ended as soon as Pratt said he owned the dam, it’s dangerous and the road needed to be closed. “There answer is I guess we gotta close the road.”

At this point, Flynn interjected to conclude the conversation. But a female member spoke up with concerns, “so we’re facing, not only the cost of a weir, but also the dam and all the legal stuff with that...”

Flynn: “...long term, if it was all us, ...we’re talking about a lot of money.” She asked Pratt what he estimated everything we had to pay for would be, “we aren’t even willing to do that, right?”

Pratt first responded with there being additional photos from the July storm damage. He said Frank Myers showed him pictures of the water starting to run over the spillway, “If that started moving, a little bit, the erosion would be so quick, it would take out that spillway.” He said we got lucky.

President Flynn brought him back on topic and Pratt said, “We could be talking about 1-2 million dollars.” She responded with, “We just have to go one step at a time. “

- **The Vote (first attempt)**

President Flynn then called for someone to make a motion to authorize us (BLA) to pay the Corporation (BLPC) up to \$2,000. Which will hopefully cover the survey, and lawyer fee for purchasing the (weir) property. And hopefully the attorney fee for the emergency permit.

**Frank Lewandusky made the motion.**

**Maryjo Valentine second the motion.**

**Asked for those in favor. Majority said "I".**

**Asked for those who objected.** Jennifer Munyan asked for clarification on the vote and what our responsibilities are.

Flynn explained, "If we want to maintain membership in the BLPC, and have 25% influence and voting rights as to what happens with the lake and everything that they own – they own the bottom, and the bank and the bed and all that, and the weir, the dam and the spillway. So, if we want to have anything to say in that, we need to, we're committed to pay 25% of the expenses that are incurred. And if it's more than \$200, I need to bring it to the membership for a vote. If it's under \$200, I can just ask MaryJo (Valentine) to go ahead and pay it. But anything more than \$200 needs to be voted on. So, what I'm asking for is authorization to spend up to \$2,000 on those bills, our 25% of whatever that is."

LaMay: "It doesn't necessarily mean that if a \$1 million bill comes through in five years that we're committed to paying it. It just means that for right now..."

Flynn: "There would be another vote. So if they come back next month and say we need \$5,000 more, that would be another vote that we would have. And I guess, ultimately, we would have to determine, if we actually want to be part of the Corporation."

Lewandusky: "This \$2,000, from what I understand, is to just get possession of that property. We'll own the property around the weir." He said that's so we won't have to through the homeowner to get engineer studies or work with DEC.

Bonnie Willard asked the BLPC what happens to the people downstream if the dam and weir give way. Are we responsible for property damage downstream?

Wayne responded with, "more than likely, probably not."

Lewandusky: "The Burden Lake Corporation (*I think he misspoke, here, did he mean BLA?*) really isn't responsible for anything. We don't own the bottom of the lake, the Corporation does. They let us have three representatives that go to the meetings to speak for everybody. The owners BLPC are the ones really on the hook. Our job is to just raise money to give to the Corporation to treat the lake. All the permits to treat the lake come through the Corporation."

He went on to say that when he was President, he determined that the BLA didn't need to have insurance because it don't treat the lake, the Corporation does. The BLA only donates the money. "As far as the BLA being on the hook for anything, I don't see it."

Valentine then asked if the Corporation ever considered becoming a non-profit so they don't have to pay taxes.

Lewandusky: "They are."

Valentine: "Well, then why are you paying town and school taxes?"

Pratt: "They're very minor."

Valentine: "Yeah, but why are you paying them? We could file a form to be exempt from them?" ...

Pratt: "We're working on that."

Valentine: "It's easy to complete if you are a non-profit?"

Valentine went on to discuss possibilities to of saving on the taxes, but acknowledging that they may have to pay for the fire department. "...We could use that money to go towards the engineering fees or the legal fees that are coming up. (laughing)"

Loveridge: "I believe the Corporation, right now, is either not tax exempt, or a 501c4, which means they still pay the taxes. I believe they are trying to change it to a 501c3, which would put it into the category you're saying ... I don't know if you can be helpful with that process, with your knowledge and experience, but maybe we need to get some help to get it done?"

He praised Flynn for being able to do it for the BLA, by herself, in a short period of time. "So I don't know what the delay is?"

Flynn: "Mark (Cioffi) is talking to an attorney about doing it. I don't know if ultimately that's going come back and we're going to have to pay for it, too."

Pratt: "It's under discussion."

- **The Vote (second attempt)**

**President Flynn called for the vote again.**

**All in favor, none against, several refrained.**

**Passed.**

- **Water Quality**

President Flynn: We're going to talk about water quality, but we have some other issues that we need to discuss first, so we're going to put that off until the October meeting. That will likely be the only topic for the meeting, the water treatment 2022.

She asked if anyone had any comments. A female member expressed concerns that the milfoil is taking over. Flynn said we are looking to do more extensive treatment for milfoil and other invasive species, and that we have a good base to start with for next year -- nearly 7K left from contributions, and 11K from the raffle.

Lewandusky said he hopes to have a proper reserve fund for lean years for treating the lake in the future. That it's best to have the funds in advance to treat the lake for better treatment planning.

Flynn, is praised for her fundraising efforts that have resulted in a surplus of funds.

Discussion ensued regarding other property owners on the lake that do not contribute. A female member suggested placing an add in the Advertiser to let the public know what our problems are and what we're facing, with the hopes of drumming up public support.

It was discussed that many members have tried to get support going door by door, with almost no success.

The Corporation is talking about a tax district. [From August minutes: President Flynn and Frank Myers are looking into BLPC becoming an Aquatic Water District.]

LaMay suggested an article in the Advertiser, a thank-you letter to the businesses who donated, and use it as an opportunity to address the issues.

Munyan agreed that communication to area residents could be increased, as people are very curious.

A discussion ensued about what could be said in the letter.

## Motion to close the meeting

**Frank Lewandusky made a motion to close the meeting.**

**President Flynn second it.**

**Meeting adjourned**

*Submitted by Jennifer Munyan*