

Theresa O'Riordan

**Lake Boon Commission
Meeting Minutes
January 22, 2015**

A meeting of the Lake Boon Commission (LBA) was held at the Stow Town Building, 380 Great Road, Stow, MA on January 22, 2015 at 6:30 pm.

Members Attending: Conray Wharff, Chair
Lee Heron, Patrol
Theresa O'Riordan, Secretary

Absent: none

The Lake Boon Commission meeting was called to order at 6:32 pm.

Ice Eaters

The reason for this meeting is because Don Hawkes saw open water by the Koloff's house. The Koloffs have been running an ice eater all winter and ice has not formed in a large swath in front his house and his neighbor's houses. There are photos taken by Don Hawkes attached to these minutes. Don Hawkes called Lt. Marino and they met at the Koloff's house to look at the situation. A car pulled into the driveway while they were there and it was Joey O'Connor Katz, who was checking the house while the Koloffs were gone. Joey called the Koloffs, who in return, called the police.

Don Hawkes read a note from Joseph Landry, the Fire Chief, dated January 20, 2015. He visited the Koloff property later in the day on the same day Don Hawkes and Lt. Marino met there. The note is attached after these minutes.

Don then read an email sent from the Koloffs to the fire chief. It is ^{T.O.} attached after these minutes. It stated that the Koloffs have Joey Katz watching their property while they are away and maintaining the ice eater. They had asked her to turn it way down or off.

Don left at 6:50.

A sign in sheet was sent around. The attendants of this meeting were: Kent Sieth, Riley Sieth, Cindy Curley, David Grey, Ellie Beaudette, Dan Beaudette, Linda Telfry, Andy Pollock, Rob Gratovsky, Dan James, Peter Christmas, and Bob Conolly.

Cindy Curley said that the fire chief acknowledges that this is a safety problem.

Kent Sieth said that Dave Swierski's son fell through the ice near the Koloffs.

Dan James said that both of his dogs fell through the ice last year near the Koloffs.

Cindy Curley said that if a person has an ice eater and gets sued, their insurance is going to cancel them due to "willful negligence".

Conray says that we need to send the Koloffs an email that says:

1. Please shut off your ice eater.

2. You are liable for \$50 per day fine per Rule 5.

3. Members of our community in insurance business say that ice eaters are willful negligence. He would not be covered if his insurance knows he has it.

4. Tell him one child already fell through the lake (and two dogs last year) because of his ice eater.

Do we have the ability to ban bubblers. And how do we implement it?

Conray said if we ban them it will be for next season.

We need to ask Bill Wrigley if we or the town has the right to ban them.

Lee says he already asked Bill if we have the right to ban them and he said he doesn't think so.

We need to go get clarification about insurance whether or not it really is cancelled if you have an ice eater.

We need to write a letter to the Board of Selectmen and ask them if we have the authority to ban them if the response from the Koloffs is negative.

Lee made a move about writing both letters (one to the Koloffs and one to the Selectmen) and Theresa seconded it. All in favor.

New Business

No new business.

Conray made a motion to recind the previous approved motion that permitted issuing permits on Lake Boon to allow ice eaters till further study has been done. Lee seconded the motion. All in favor.

7:49 Lee motioned to adjourn. Conray seconded. All in favor.



STOW FIRE DEPARTMENT

16 Crescent Street
Stow, Massachusetts 01775
Phone (978) 897-4537
Fax (978) 461-1400
Firchief@stow-ma.gov

Joseph Landry
Fire Chief

January 20, 2015

Lake Boon Commission
380 Great Road
Stow, MA 01775

Commission Chair,

It has been brought to my attention there may be a dangerous condition on Lake Boon during winter months when the ice is in. Last weekend I was requested by the Police to investigate a possible matter of public safety concerning an ice preventing device under the dock at 206 Davis Road. I visited the property in question and witnessed a large area following the shoreline of open water. The conditions that day were rainy and above freezing which made it difficult to determine the extent of the open water primarily contributed by the device. At my time of the visit the device was not operating but was connected to power. I revisited the lake today, January 20, 2015 and witnessed a similar opening, stretching around the cove in front of 206 Davis approximately 20-25 feet from shore. After reviewing the Lake Boon By-Laws I have found that it would appear section 5 would address this issue as an initial deterrent from this type of device.

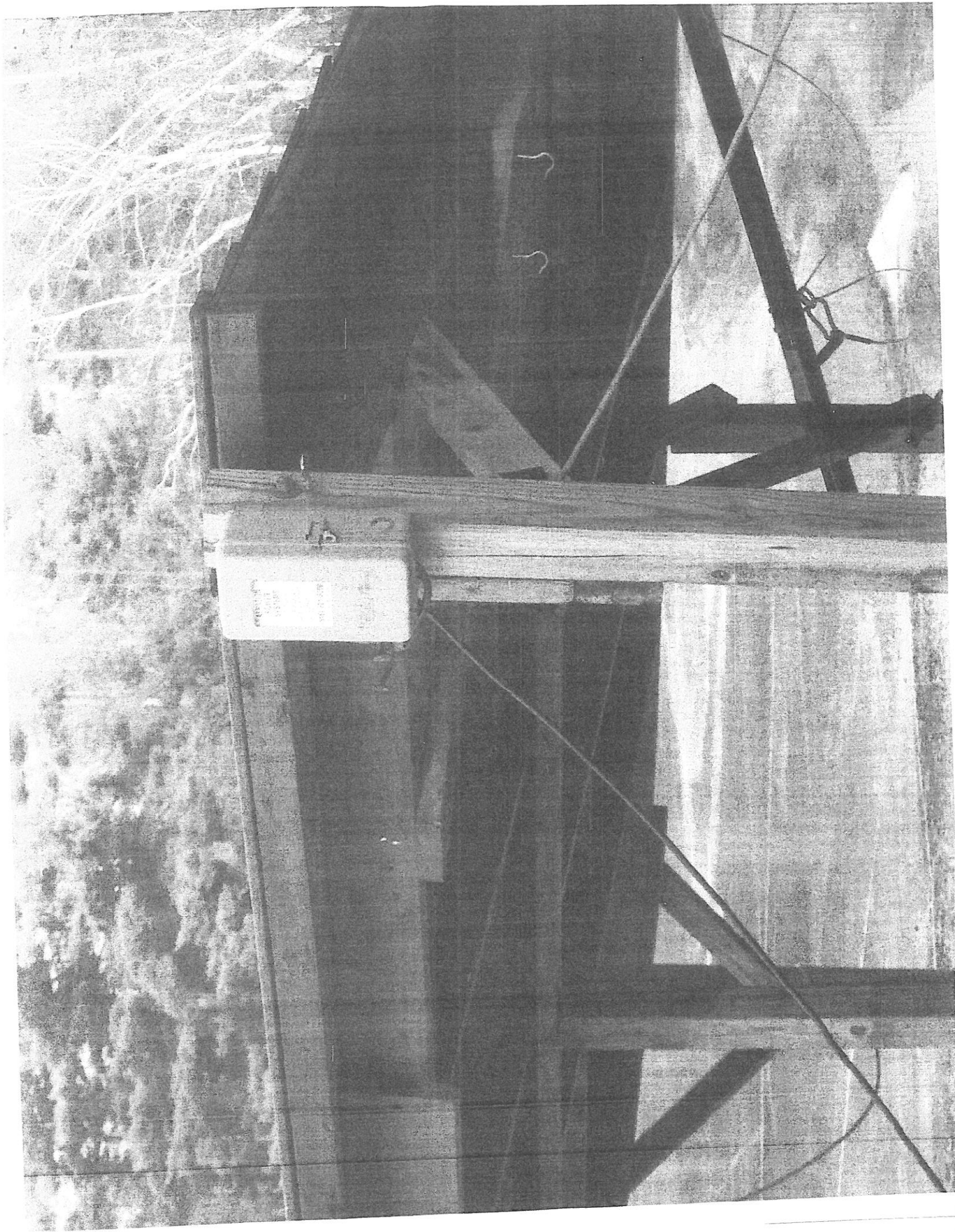
The Lake Boon Commission, acting under the authority of Chapters 712 and 713 of the Special Acts of the Legislature of Massachusetts of the year 1941, adopted the following rules on June 26, 1968, and has amended the same from time to time in accordance with applicable state laws.

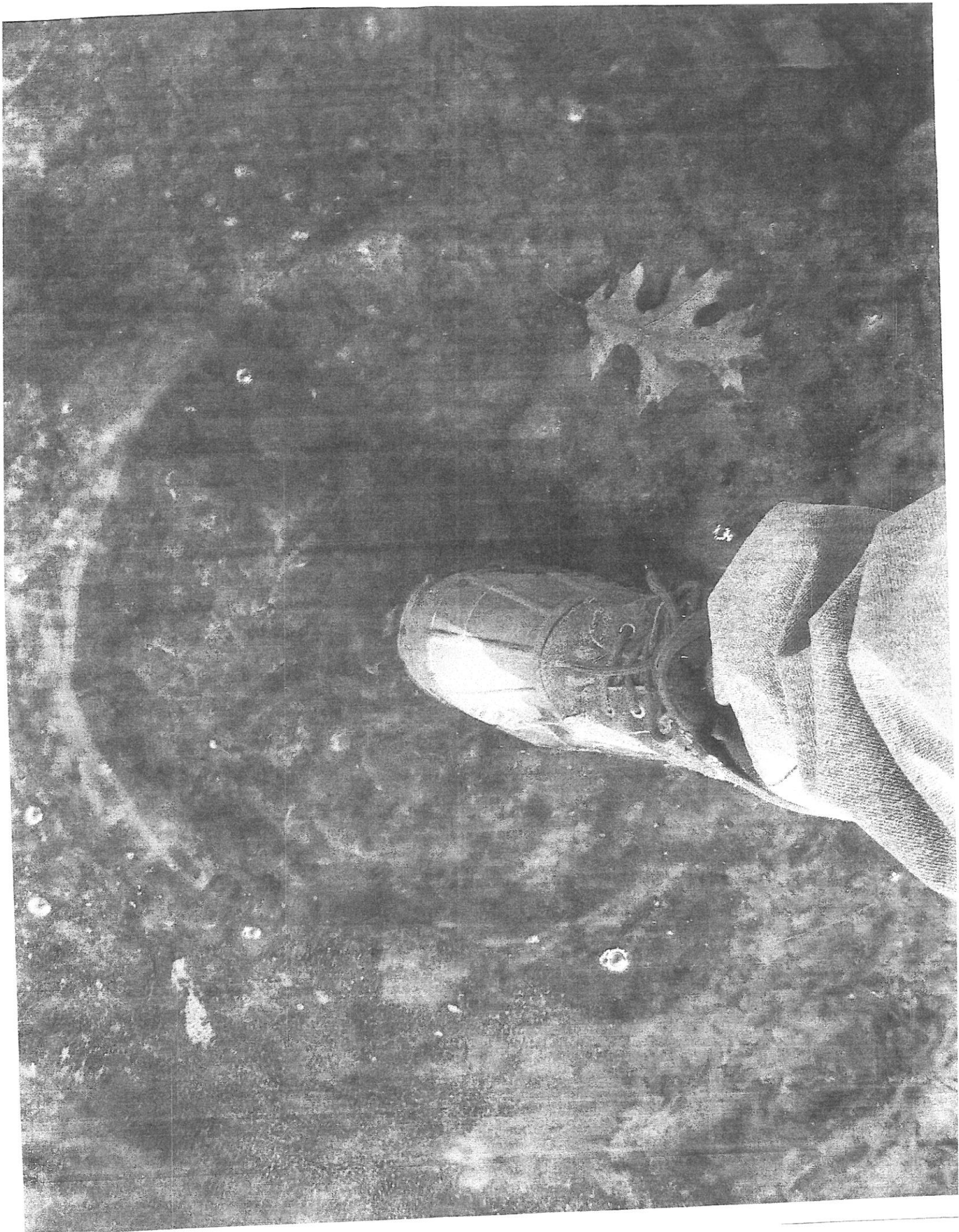
RULE NO. 5 - Whoever shall at any time make an opening in the ice of Lake Boon exceeding twelve (12) inches in diameter shall properly guard such opening by lights, ropes or brush so as to prevent accident

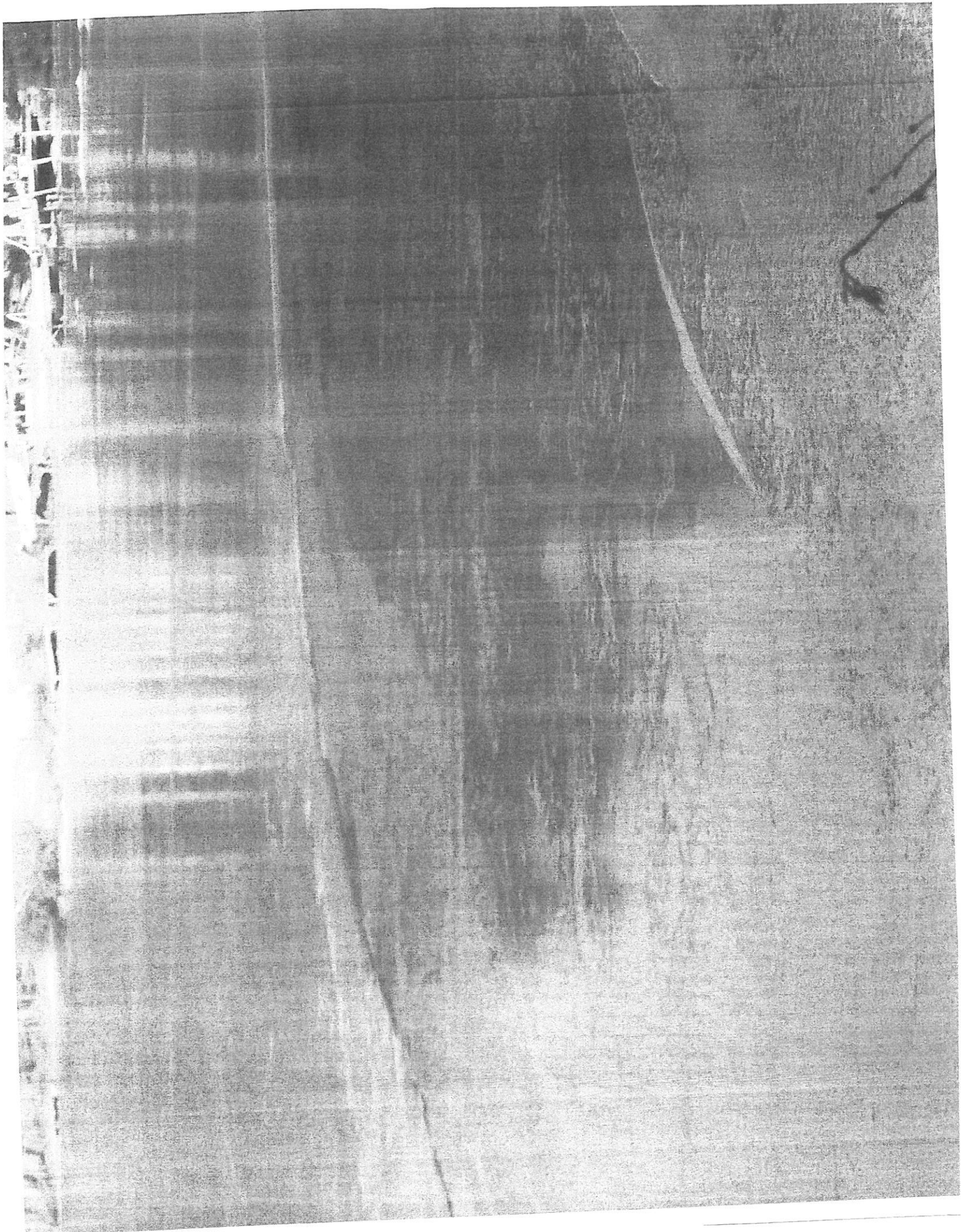
As a Public Safety Official for the Town of Stow it is my feeling that any condition that causes an unanticipated change of integrity in the ice surface without warning would be considered dangerous. I would respectfully suggest that the Commission reach out to surrounding communities with similar bodies of water to determine if they have encountered such a situation and if they found a resolution. I will do the same with the local Fire Chiefs.

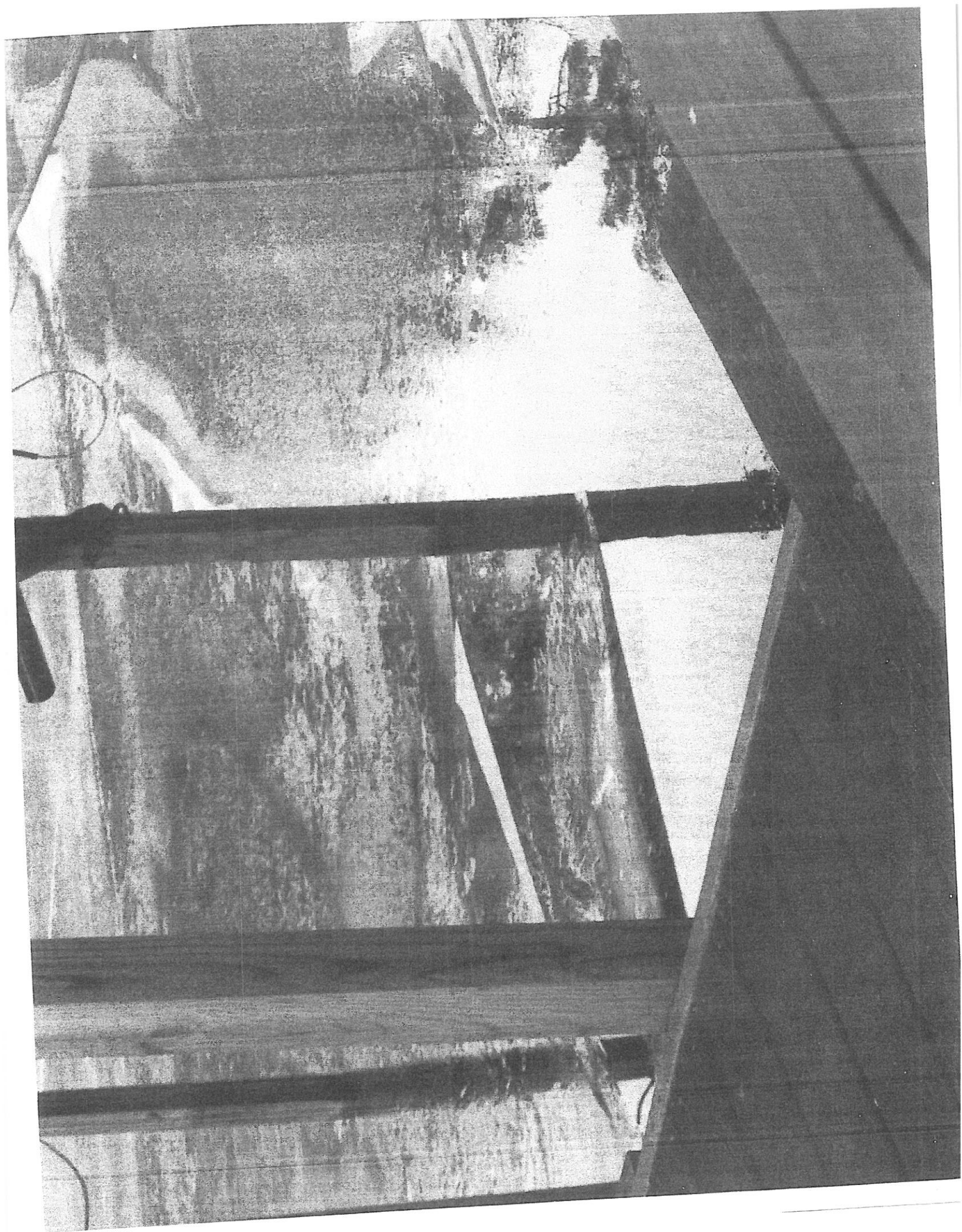
Joseph Landry

Fire Chief









Theresa O'Riorden

From: Conray Wharff [conraywharff@gmail.com]
Sent: Thursday, April 30, 2015 10:59 AM
To: Theresa O'Riorden
Subject: Kolloff leter and his e-mail

Dear Mr. Kolloff,

This is from the Lake Boone Commission {LBC} asking you to immediately unplug your ice eater for the rest of this season. We also request that you immediately comply with rule 5 of the Lake Boone Commission stated below, which allows for fines of \$50 per date until compliance is achieved as determined by The Lake Boone Commission.

The ice eater has created a large swath of open water extending well past the Koeloff the property and an unknown amount of thin ice that otherwise looks safe to walk on.

These actions are being taken at the request of the Stow selectmen and the Stow Fire Chief as well as to bring you into compliance with rule 5 as well as addressing the public safety issue per the Stow Fire Chief.

RULE NO. 5 - Whoever shall at any time make an opening in the ice of Lake Boon exceeding twelve (12) inches in diameter shall properly guard such opening by lights, ropes or brush so as to prevent accident.

The Lake Boone Commission will be holding public hearings on this issue to determine a course of action and possible new rules on Ice eaters/bubblers. Notice will be given as required by town ordinances

Sincerely,

The Lake Boon Commission

----- Forwarded Message -----
Subject:RE: Lake Boon Commission special meeting concerning "Ice Eaters"
Date:Wed, 21 Jan 2015 12:37:20 +0000
From:Kolloff, Craig A - BOSTON MA <craig_kolloff@ml.com>
To:David Gray <grayscale@earthlink.net>

Insofar as I just got that notice and I am in Florida now It is impossible to make that meeting. I have that kind of device and agree that too much open water has been created however the answer is to turn down the device which I have arraigned. The result will be to have an open water just around my dock area which is the original intent.

If used properly these devices can save a lot of ice damage in the spring and therefore I urge the commission to consider this as you make a ruling .

Craig Kolloff