

**Rainbow Lake Water Protection District**  
Board of Commissioners Meeting  
May 3, 2017

The Board of Commissioners meeting was called to order by President Charles Gibbs at 1:00 p.m. at the Brighton Town Hall. In addition to President Gibbs, Commissioners present included Peter Shrope, Peter Geertz, Ralph Bennett, and Roger Gorham. Absent: Jeanette Tummons and Jim Hauber. Also present, John Carr, Professional Engineer, representing Blue Mountain Engineering, PLLC.

**Announcements:**

President Gibbs announced that Les Eggleton, DEC representative to the RLWPD, has retired and a new DEC representative will need to be appointed. He also noted that Roger Gorham's term as a RLWPD Commissioner has expired and that he will be in contact with Jamie Rivers, Secretary to the Franklin County Legislature, to have Roger reappointed to another term. Finally, he noted that he will inform Ms. Rivers of his intent to resign from his position as President and member of the RLWPD, necessitating the need for the RLWPD to appoint a new chair after the Legislature acts upon Roger's appointment and his own resignation.

**Approval of Minutes:**

President Gibbs asked for approval of the minutes of the August 17, 2016 RLWPD meeting. Peter Geertz noted that the proposed 2017 RLWPD budget approved at this meeting was the version without the loan, rather than the version with the loan, as noted in the proposed minutes. President Gibbs will make the correction.

**Treasurer's Report:**

President Gibbs indicated that the RLWPD has a current balance of \$23,276.52.

President Gibbs provided Commissioners with a copy of Barbara Dwyer's Independent Accountant's Report dated December 31, 2016. Her conclusion: "Based on my review, I am not aware of any material modifications that should be made to the accompanying financial statements in order for them to be in conformity with accounting principles generally accepted in the United States of America."

President Gibbs also provided Commissioners with the 2018 Tentative Tax Apportionment for the RLWPD (as of May 1, 2017), provided by Jeanette Tummons.

Motion was made by Peter Shrope and seconded by Peter Geertz to accept the Treasurer's Report. Motion was approved unanimously.

**Dam:**

John Carr reviewed the contacts he has had with NYDEC offices since June 2015 when the RLWPD's application for a permit was deemed incomplete. These have included various meetings, conference calls, and email exchanges with both the NYSDEC Dam Safety Unit (Syed Alam and Alon Domintz) and the NYSDEC Forestry Division (Robert Daley). In essence, Mr. Carr noted that the proposed sluice gate installation in the existing dam was deemed inadequate by the Dam Safety Unit because it would prefer the dam to be able to pass the 100 year flow without having to manually operate the gate. Alternatives were proposed and discussed, including raising the top of the dam and building an earthen berm on both sides of the dam. However, since such an embankment would need to be constructed on or adjacent to NYS forest preserve lands, Bob Daley of the Forestry Division has expressed skepticism that approval would be granted for such work since forest preserve land cannot be disturbed. This issue is exacerbated by the fact that property ownership in the vicinity of the dam is vague. Deeds indicate the RLWPD has certain rights to maintain, repair and raise the dam, but the deed(s) do not accurately describe the extent of land ownership. In making his presentation, Mr. Carr provided drawings and analyses prepared by Blue Mountain Engineering, as well as blue prints of the dam dated 1933 and 1948 and a copy of the current deed for the dam property.

In Mr. Carr's view, based on his discussion with Mr. Domintz, the most promising alternative might be constructing the hydraulic sluice gate, as proposed, and armoring the current embankments (with grouted rip-rap or other means). Such an alternative might be deemed reasonable if raising the dam and building the berms was prohibited by forest preserve issues. Even this alternative, however, may face difficulty with the forest preserve considerations.

After much discussion, the Commissioners agreed that to move forward it was imperative to request a face-to-face meeting of RLWPD Commissioners and John Carr with both the NYDEC Dam Safety Unit and Forestry Division representatives present. To that end, Peter Shrope (in his role as both Brighton Town Supervisor and RLWPD Commissioner) will email DEC Region 5 Director, Robert Stegemann and request that the Director intervene to make such a meeting happen. Mr. Carr will provide background information to Mr. Shrope. In this email, Mr. Shrope will also express the need for Mr. Stegemann to appoint a DEC representative to the RLWPD to replace Mr. Eggleton.

Mr. Geertz noted that it was unclear as to who provided back-up to Steve Smith with regard to dam maintenance and operation. Mr. Gibbs will check with Mr. Smith and report on this at our next meeting.

**Adjournment:**

Mr. Bennett moved to adjourn, which was seconded by Mr. Geertz. Motion was approved unanimously, and the meeting was adjourned at 2:39 p.m.