

**Rainbow Lake Water Protection District**  
Board of Commissioners Meeting  
August 16, 2021

The Board of Commissioners meeting was called to order by Chairman Roger Gorham at 9:00 a.m. at the Brighton Town Hall. In addition to Chairman Gorham, Commissioners present included Ralph Bennett, Peter Shrope, and Peter Geertz.

**Board Minutes**

Minutes from the meeting of the Commissioners on June 14, 2021 were unanimously approved as presented.

**Treasurer's Report**

Treasurer Geertz reported that since June 14, two bills were paid, one to Blue Mountain Engineering for \$172.56 and one to Adirondack Daily Enterprise for \$8.12. The bank balance as of August 16, 2021 was \$47,074.37. Major expenditures anticipated until the end of the year include the annual loan payment to Franklin County of \$19,942 and insurance premiums of approximately \$3,000, leaving an expected year-end balance of approximately \$24,000. This amount was considered to be a reasonable reserve should unexpected emergency repairs be required.

Treasurer Geertz then reviewed the proposed budget for 2022, noting that the proposed tax levy would be the same as the prior year. The budget was unanimously accepted as presented (see attached).

**RLWPD Governance**

Roger Gorham reported that Jon Miller, Esq. had reviewed the draft bylaws presented at the last meeting, indicating that they were acceptable and that County Legislators Ellis and Dumas would review them as well. As the Legislators did not present any issues, the bylaws were unanimously adopted by the commissioners (copy attached).

**Dam Operation**

Higher than normal water levels were noted over the previous week. Roger Gorham reported that Steven Smith opened the center flashboard several days ago and would continue to monitor water levels and would drop the flashboard after water levels return to normal.

**Succession Planning**

Roger Gorham reported that the County had ratified his renewal as Commissioner for another four years and his current term will expire on July 5, 2025. There was discussion concerning the need for staggering board member terms either via early replacement of an existing commissioner or shortened terms for future commissioners. The matter of succession planning will remain as a future agenda item under old business.

**Other:**

The next meeting date will be held on February 21, 2022 at 9 a.m. at the Brighton Town Hall.

**Adjournment**

The meeting was adjourned at 9:27 a.m.

Respectfully submitted,  
Peter Geertz, Secretary

**RAINBOW LAKE WATER PROTECTION DISTRICT**  
**PO Box 20**  
**Rainbow Lake, NY 12976**

Budget 2022

Revenue			
Tax Revenue			\$27,000
Operating Expenses			
Minor Repairs		500	
Gate Raise/Lower, Debris Removal		1,750	
Dam Inspection		<u>500</u>	
			(2,750)
Administrative Expenses			
Insurance (General Liability)	\$1,100		
(Public Official)	<u>1,900</u>	3,000	
Accounting		850	
Other Professional Fees		250	
Office		<u>208</u>	
			(4,308)
Debt Service			(19,942)
			<u>                    </u>
Balance			<u>50</u>

## **Bylaws of the Rainbow Lake Water Protection District Board of Commissioners\***

Whereas, the Franklin County Board of Legislators of Franklin County, New York passed Local Law 3 of 1993, as amended by Local Law 1 of 2021, establishing the Rainbow Lake Water Protection District,

Therefore, the Board of Commissioners of the Rainbow Lake Water Protection District established by this law hereby adopt the following bylaws.

### **ARTICLE I**

#### **PURPOSE AND DUTIES**

- (A) The purpose of The Rainbow Lake Water Protection District (hereafter referred to as the “District”) is to provide a method of levying assessments on landowners within the District, all of whom are benefited by the Lake Kushaqua dam.
- (B) The duties and responsibilities of the Rainbow Lake Water Protection District Board of Commissioners (hereafter referred to as the “District Board”) shall be to provide for the study, maintenance, administration and ultimate replacement of the Kushaqua Dam.
- (C) The District Board shall endeavor to effect a sensible water level within the District, as possible, through the workings of the dam mechanism.

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\* Adopted August 16, 2021

## **ARTICLE II**

### **DISTRICT BOUNDARIES AND REAL PROPERTY**

- (A) The map and the written description filed and referenced in the Franklin County Board of Legislators Local Law 1 of 1993, as amended by Local Law 1 of 2021, shall constitute the final boundaries of the District.
- (B) The District shall include all riparian lands on Rainbow Lake, Lake Kushaqua, Clear Pond and Buck Pond, New York from the mean high water mark point to a point 200 feet back from such mean high water mark.

## **ARTICLE III**

### **ASSESSMENT METHODOLOGY AND FINANCES**

- (A) The District Board will utilize the assessment data as regularly maintained and updated by the town assessors in the towns in which the District lies. It is understood riparian lands are assessed according to the last updating of assessments and land schedules that determine their values.
- (B) All improvements and land within the 200-foot zone, are assessed a percentage of the funds the District Board has budgeted for any fiscal year. Non-riparian land outside the 200-foot zone are not subject to the special assessment of the District.
- (C) The Franklin County Real Property Tax Service and the County Treasurer's Office shall finalize assessments annually.

## **ARTICLE IV**

### **GOVERNANCE**

- (A) The District shall be governed by the Franklin County Board of Legislators as and when necessary by its rule making power provided for in New York County Law Section 264 (A). In addition, pursuant to New York County Law Section 261, this Legislature shall appoint a five (5) member Board of Commissioners as the administrative head or body of the District. Such appointments shall be made after receipt and review of a list of recommended appointees from the Rainbow Lake Association, Inc. and after consultation with the Franklin County Real Property Tax Service, the Town Board of the Town of Brighton, the Town Board of the Town of Franklin and Region 5, Department of Environmental Conservation in Ray Brook, New York.
- (B) Vacancies in the District Board shall be filled in accordance with the Rules and Regulations of the Franklin County Board of Legislators.
- (C) All such members shall be residents of the District.
- (D) The terms of such members shall be four (4) years, except however the initial appointments may be less than four (4) years to provide that the turnover on the District Board shall not be complete.
- (E) The officers of the District Board shall be the chairperson, secretary, and treasurer.
- (F) The officers shall be elected by the District Board at the annual meeting by a simple majority of those Commissioners present and voting.

- (G) The chairperson shall be the presiding officer of the District Board and shall perform all of the duties which custom and parliamentary practice associate with this office.
- (H) The treasurer shall receive all monies due the District and shall disburse such monies. He/she shall make a report on the financial transactions and conditions of the District at each of the regular and annual meetings.
- (I) The secretary shall record and preserve the minutes of the proceedings of meetings of the District Board.

## **ARTICLE V**

### CONFLICT OF INTEREST

- (A) Whenever a Commissioner has a financial or personal interest in any matter coming before the Board, that person shall fully disclose the nature of the interest and withdraw from discussion, lobbying, and voting on the matter.
- (B) Any transaction or vote involving a potential conflict of interest shall be approved only when a majority of disinterested Commissioners determine that it is in the best interest of the District to do so. The minutes of meetings at which such votes are taken shall record such disclosure, abstention and rationale for approval.

## **ARTICLE VI**

### **INDEMNIFICATION**

- (A) The District shall, to the extent legally permissible, indemnify any Commissioner against expenses incurred by such Commissioner in connection with the defense of any action, suit, or proceeding in which that Commissioner is made a party by reason of being or having been a Commissioner, except when that Commissioner shall have been adjudged liable for negligence or misconduct in the performance of a duty.
- (B) The District may purchase and maintain insurance on behalf of any person who is or was a Commissioner against any liability asserted against such person and incurred by such person in any such capacity or arising out of such person's status as such.

## **ARTICLE VII**

### **BOOKS AND RECORDS**

- (A) All records of the District Board shall be open to the public, except for the limited exception set forth in applicable sections of state statutory law and/or regulations
- (B) Books and records shall include meeting minutes, financial records, insurance policies, and governing documents.
- (C) All such records shall be maintained at the Brighton Town Hall, 12 County Route 31, Paul Smiths, NY 12970.

## **ARTICLE VIII**

### **MEETINGS**

- (A) The District Board shall meet not less than three (3) times each year. The annual meeting shall be between February 1<sup>st</sup> and April 1<sup>st</sup> of each year. Another meeting shall be between Memorial Day and the Fourth of July each year. Another meeting shall be between the Fourth of July and Labor Day each year.
- (B) Three Commissioners shall constitute a quorum. Action at any meeting shall be taken by not less than a full majority or at least three votes.

## **ARTICLE IX**

### **AMENDMENTS TO THESE BYLAWS**

- (A) Amendments to these bylaws may be made at any regular or annual meeting of the District Board by concurrence of four fifths of the members present and voting, provided each such proposed amendment is presented to the membership of the District Board at least ten (10) days prior to the meeting at which the proposed amendment is to be acted upon.
- (B) Any amendment to these Bylaws shall not be contrary to the requirements of the Franklin County Board of Legislators Local Law 3 of 1993, as amended by Local Law 1 of 2021.