

Rainbow Lake Water Protection District

Board of Commissioners Meeting

June 22, 2020

The Board of Commissioners meeting was called to order by Chairman Roger Gorham at 9:02 a.m. at the Kushaqua Dam. In addition to Chairman Gorham, Commissioners present included Ralph Bennett, Gordon Sawyer, Peter Shrope and Peter Geertz. Also attending was Steven Smith (Randy Smith & Sons, Inc.)

Dam Update

Steven Smith reviewed the operation of the flash boards, reminded the board members of the lock combination for the gates and the new box containing the crane. Steven Smith had not yet included laminated instructions for operating the crane in the box and will provide them shortly. The existing *Dam Operation Contact Information and Emergency Operation Instructions 2017-18* were referenced and will be updated by Mr. Smith. Roger Gorham shared that John Carr mentioned in a phone conversation that he would bring new decals for the signs at the gate later this week and also offered to perform an annual inspection of the dam.

Board Minutes

Minutes from the meeting of the Commissioners on March 23, 2020 were unanimously approved as presented.

Treasurer's Report:

Treasurer Geertz reported that since the last meeting an invoice from Barbara Dwyer for \$600.00 and an Adirondack Daily Enterprise bill for \$8.80 were paid, leaving a current cash balance of \$45,635.21.

Peter Geertz briefly reviewed the 2019 financial report provided by Barbara Dwyer, CPA. He noted that the last two years the CPA provided reviewed reports whereas in the past she had alternated between reviewed and audited reports. As Barbara Dwyer is in frequent contact with the financial staff at Franklin County, it was assumed that the reviewed report was acceptable by the County.

Peter Geertz also reviewed the 2020 tentative assessment roll provided by Jeanette Tummons. He noted the change in equalization rates for the towns of Brighton and Franklin, indicating that this change would shift a greater burden of the tax to the properties in the Town of Franklin. However, due to the lower annual debt service requirement, the tax on the Town of Franklin properties may not change significantly whereas the Brighton property owners could notice a savings.

DEC Representation Update:

Roger Gorham indicated that he had received acknowledgements to his letter of May 28, 2020 (attached) from both Chairman Dabiew and Legislator Dumas indicating that the Franklin County Legislature would work with the Rainbow Lake Water Protection District to resolve the issue concerning DEC representation on the Board. To date, no response has been received from the DEC. Chairman Gorham referenced his conversation with former DEC RLWPD Board representative, Kris Alberga, who indicated that it was unlikely that the DEC will change its position, which led to a

discussion of possible alternatives, should the County request our input for a solution. No proposal was arrived at and it was decided to wait on the Legislature to address the issue.

Administrative:

The next meeting was set for Monday, August 24, 2020 at 9 a.m. at the Brighton Town Hall.

Adjournment:

The meeting was adjourned at 9:40 a.m.

Respectfully submitted,
Peter Geertz, Secretary

RAINBOW LAKE WATER PROTECTION DISTRICT

P. O. BOX 20

RAINBOW LAKE, NEW YORK 12976

**Roger Gorham,
Chairman**

**Peter Geertz,
Secretary/Treasurer
Tummons**

**District Commissioners:
Peter Shrope
Ralph Bennett
Gordon Sawyer
Jeanette**

May 28, 2020

Mr. Joseph Zalewski, Acting Regional Director
NYS Department of Environmental Conservation
P.O. Box 296
Ray Brook, NY 12977-0296

Mr. Donald Dabiew, Chairman
Franklin County Board of Legislators
355 West Main Street, Suite 409
Malone, NY 12953

Dear Sirs:

I am writing to you both to seek resolution to an issue that affects the membership of the Rainbow Lake Water Protection District (RLWPD) Board of Commissioners. The RLWPD is a "Special Use District" or Special Taxing District of Franklin County, and operates under the authority of the Franklin County Board of Legislators. The principal functions of the District are to own, operate, and maintain the Kushaqua Dam which regulates the water levels of Lake Kushaqua, Rainbow Lake, Buck Pond, Clear Pond and the Rainbow Lake Narrows.

The enabling Legislation (Franklin County Local Law No. 3 of 1993) establishing the District requires the Board of Commissioners for the District to have a representative of the Department of Environmental Conservation appointed as one of its seven members.

As both the Franklin County Board of Legislators and the DEC are aware, the RLWPD recently completed a very successful construction project at the dam, ensuring its viability well into the future. However, this project created what was termed a conflict of interest by the DEC. Specifically, in late 2017 then District Director Robert Stegemann removed the DEC representative on the RLWPD Board of Commissioners citing the impropriety of having DEC representation on the Board at the same time the DEC had oversight responsibilities for the Dam.

Now that the work at the dam is completed we would ask that the issue of DEC representation on the Board of Commissioners be resolved. Ideally, we would like to see DEC representation be reinstated as we believe the DEC's insight to be a valuable addition to our local and Franklin County representation. If, however, the DEC continues to regard its representation as a conflict of interest, then the Franklin County Board of Legislators will need to address the fact that the Commission's representation, as mandated by its enabling legislation, is not being met.

The RLWPD Board of Commissioners thanks you in advance for working together to resolve this issue. If I can provide any additional information, please let me know. We look forward to hearing from you.

Sincerely,

Roger Gorham, Chairman
Rainbow Lake Water Protection District
(518) 428-3106
rgorham47@gmail.com

cc: RLWPD Board of Commissioners
Andrea Dumas, District 3
Lindy Ellis, District 7