

**Rainbow Lake Water Protection District**  
Board of Commissioners Meeting  
Aug 23, 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, Roger Gorham, Gordon Sawyer, Jeanette Tummons (Franklin County) and Kristofer Alberga (DEC). Also present, Barbara Dwyer, CPA, RLWPD Independent Accountant and John Carr, Professional Engineer, representing Blue Mountain Engineering, PLLC.

**Approval of Minutes:**

President Gibbs asked for approval of the minutes of the June 28, 2017 RLWPD meeting. They were approved unanimously, as written.

**Treasurer's Report:**

President Gibbs indicated that the RLWPD has a current balance of \$22,601.56. Formation of the 2018 RLWPD budget has been delayed, pending decisions made at this meeting.

**Election of Officers:**

Roger Gorham was nominated for the position of Chairperson by Peter Geertz; Peter Geertz was nominated for the position of Secretary/Treasurer by Peter Shrope. Both nominations were approved unanimously.

Following the election of new officers, Peter Geertz, representing both the Rainbow Lake Association and the RLWPD Commissioners, presented Chuck with a plaque in honor of his 26 years at the helm of the Board of Commissioners. It reads:

*To Dr. Charles C. Gibbs*

*For your many years of dedicated service as Chair of the Rainbow Lake Water Protection District Board of Commissioners. Your numerous contributions to the well-being of Rainbow Lake is hereby recognized and very much appreciated.*

*Rainbow Lake Association  
June 2017*

A round of applause followed. Thank you Chuck!

## **Dam:**

Peter Shrope reported on his research with regard to legal and governmental issues related to the proposed dam work. He noted that once we have a project plan from the engineer, we will need to present that, along with financial estimates and all required DEC, Army Corps of Engineers, and Franklin County reviews and/or permits to the Franklin County Legislature. They will hold a public hearing and approve, reject, and/or modify the plans presented. As part of the discussion it was agreed that we would propose to the legislature that we do a “Pre-Presentation” to this group at their September 28 meeting (subsequently changed to October 5), based on the completion of BME’s “Task No. 1” (see below). Given a favorable response to this preliminary information, as well as successful completion of BME’s Task Nos. 2 and 3, a final presentation would be made to the legislature at their December 28 meeting (subsequently changed to December 21). Peter Shrope agreed to contact Andrea Dumas and request that we be placed on the October 5 legislative agenda.

Barbara Dwyer reported that once a plan has been approved we should approach Craig Stevens at Community Bank for a municipal-rated loan. It is within Mr. Stevens’ authority to approve a loan using the bank’s community-rated loan portfolio. Doing so would lower our interest rate to that of the current municipal bond rate. Since acquiring the bank loan has 2018 RLWPD budget implications, Peter Geertz will meet with Craig Steven prior to our next meeting to discuss specifics such as anticipated debt service and duration of the loan. Looking farther along in the process, Barbara noted that, once the County approves the project, we would be subject to NYS bidding rules.

Limited discussion took place with regard to selecting an attorney to represent the RLWPD during this process. John Carr suggested Brian Stewart, a Malone attorney who represents a number of north country municipalities. No decision was made.

Citing other emergency priorities, Blue Mountain Engineer, John Carr, did not have a preliminary BME design to share with the Commission, as anticipated. He did, however, note progress in updating plans dating from 1948, a site visit, and conversations with other players in this process and outlined next steps, as he envisioned them. In our conversation members of the Commission emphasized two purposes of the anticipated dam work:

1. Ensure the long-term viability of the current structure, and
2. Allow for a more efficient and effective run-off during high water events.

Mr. Carr next passed out and presented information from a document entitled, “Addendum No. 1 to Long Form Engineering Agreement,” dated August 22, 2017. In continuing his firm’s services to the Commission, Mr. Carr discussed six tasks, as below:

- Task No. 1: Field Survey, Preliminary Design and Cost Estimates
- Task No. 2: (SEQR) Documentation and Permit Assistance
- Task No. 3: Final Design
- Task No. 4: Bid Assistance

Task No. 5: Construction Review and Administration

Task No. 6: Construction Observation and Documentation (per day)

Given these tasks, as well as prior Supplemental Services, Mr. Carr proposed an anticipated budget for engineering services of \$26,500 (including the \$4,080 spent to date). Peter Shrope moved to accept this agreement; seconded by Jeanette Tummons. Approved unanimously. It was noted that our 2018 RLWPD budget will need to reflect anticipated debt service and engineering fees.

Based on the above discussion, a tentative calendar was developed, based on the tasks outlined in Mr. Carr's proposal, as below:

- September 21: RLWPD Meeting. Task 1 completed by BME. That is, John Carr will present to the Commission a preliminary design and cost estimates necessary for a "Pre-Presentation" to the Franklin County Legislature, as well as for all that is required for BME's Task 2 to get underway (documentation and permit assistance).
- October 5: Presentation of a preliminary design and cost estimates to the Franklin County Legislature (date changed from September 28 to reflect the scheduled meeting dates of the Franklin County Legislature).
- December 1: Tentative date for the completion of BME's Tasks 2 and 3, including all necessary permits and financial information required for final approval by the Franklin County Legislature.
- December 21: Presentation of final design, including all necessary permits and financial information, to the Franklin County Legislature for its approval (date changed from December 28 to reflect the scheduled meeting dates of the Franklin County Legislature).
- By February 1: Public Hearing on the approved plan. Weather and conditions permitting, bidding for tree clearing might commence immediately to allow cutting before March 31. Bidding for construction work likely to commence in late spring.

**2018 RLWPD Budget:**

As noted above, Commissioner Geertz will meet with Craig Stevens at Community Bank to seek information regarding a construction loan and its implications

for the 2018 RLWPD budget. That, plus the information provided by John Carr regarding engineering services, will allow him to present a proposed 2018 RLWPD budget for consideration by the Commission at its September 21 meeting.

**Other Business:**

Commission membership. Kris Alberga raised the question of whether the DEC and Franklin County representatives on the RLWPD need to be formally approved by the Franklin County Legislature, as is required of the other five members of the Commission. Peter Shrope will check on this, as well as request a listing of each member's term on the Commission (starting and ending dates).

PO Box. Chuck Gibbs reported that the RLWPD now has its own Rainbow Lake Post Office Box. Our address is now PO Box 20, Rainbow Lake, NY 12976. Chairperson Gorham has the key and will check the box periodically.

Square Bridge. The "square bridge" on Meenahga Mountain Road is being replaced by the homeowners who use this road to access their properties on Clear Pond. The construction is due to take place October 15, and the homeowners have requested that the lake be at its lowest possible level at this time. Roger Gorham and Ralph Bennett will communicate this to Steve Smith and request that the dam level be adjusted by October 1 to accommodate this request.

Communication with the Rainbow Lake Association. The Rainbow Lake Association has requested that they be regularly informed of the actions of the RLWPD. It was suggested that the minutes of our meetings be posted on the Rainbow Lake Association website. Peter Geertz will contact RLA President Sue Fallone with this proposal.

Dam control and maintenance. John Carr indicated that the Dam Safety Unit of the DEC will require written procedures for operating the dam as part of their approval process. This coincides with expressed concerns for a more specific understanding of the raising and lowering of the dam level, as well as other maintenance duties, as currently performed by Steve Smith. Mr. Carr indicated that he had several examples of such written procedures on file in his office, which he will forward to Roger Gorham. Commissioners Gorham and Bennett will meet with Steve Smith prior to our next meeting.

**Adjournment:**

Ms. Tummons moved to adjourn, which was seconded by Mr. Geertz. Motion was approved unanimously, and the meeting was adjourned at 3:22 p.m. The next meeting of the RLWPD is scheduled for 1:00 p.m. Thursday, September 21, 2017 at the Brighton Town Hall.