

Rainbow Lake Water Protection District
Board of Commissioners Meeting
June 28, 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, Jeanette Tummons (Franklin County) and Kristofer Alberga (DEC). Also present, John Carr, Professional Engineer, representing Blue Mountain Engineering, PLLC.

Announcements:

President Gibbs announced that Roger Gorham's term as a RLWPD Commissioner will be acted upon by the Franklin County Legislature within a week.

Commissioner Geertz indicated he would be meeting with resident Gordon Sawyer regarding his possible interest in filling the upcoming vacancy on the RLWPD Board of Commissioners.

Approval of Minutes:

President Gibbs asked for approval of the minutes of the May 3, 2017 RLWPD meeting. They were approved unanimously, as written.

Treasurer's Report:

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

New Business:

Prior to his resignation from the RLWPD, President Gibbs recommended that it would be wise for the Commission to reserve a Post Office box at the Rainbow Lake Post Office. It was agreed to do so. President Gibbs will take care of this.

Commissioner Tummons distributed Tax apportionment documentation for the RLWPD, as of July 1, 2017.

Dam:

Kris Alberga reported on the status of the DEC's Forest Preserve issues regarding the current dam proposal. He noted that the Albany office of the Forestry Division will ultimately need to act on the dam permit, but that preliminary discussion with that office indicates that they will accept a plan to raise the berm on the west side of the dam to a height of approximately 2 ½ feet above the current dam wall. They also recognize the need for, and would approve, a west-side access road, for tree cutting, berm construction,

and for routine maintenance of the berm and dam. Approval will depend on specific plans that demonstrate as little impact on the forest preserve as possible.

John Carr distributed a preliminary “Raised Dam and Embankment Plan” and used this design drawing to illustrate his firm’s latest thinking. In addition to the berms on both sides of the dam and raising the dam walls approximately 2 ½ feet, the proposal would likely include a spillway or culvert located on the east side of the dam wall that would allow the release of high water and potentially reduce the size requirements of the berms. This plan eliminates the need for a hydraulic sluice gate, which the DEC Dam Safety Unit objected to in our initial proposal.

In addition to an updated proposal reflecting the above, Mr. Carr indicated the need to approach the APA for a Jurisdictional Inquiry, and to seek updated approval from the Army Corps of Engineers.

Mr. Carr indicated that it would be mid-August before a final design would be ready for consideration by the RLWPD Commissioners and submission to the DEC for a permit. A broad-ranging discussion followed, touching on the permitting process, estimated costs, bidding, bank loans, tax levy and budget determinations, construction, communication of progress, legal counsel, and need for public meetings. With regard to the latter topic, Commissioner Shrope will seek advice from Lori Mithen-DeMasi, Counsel for the Association of Towns of the State of New York.

At this point, the Commissioners voted to agree, in principle, to continue pursuing improvements to the dam. A motion to that effect was made by Commissioner Bennett, seconded by Commissioner Shrope, and passed unanimously. In so doing the RLWPD authorized Blue Mountain Engineering to finalize a proposal for consideration by the Commission, ~~DEC, and other relevant jurisdictional entities.~~ **for engineering services, including submission to the DEC and other relevant jurisdictional entities for permits, assistance with bid process, inspections and any other required services to complete the project.** The Commission’s next meeting was scheduled for Wednesday, August 23, at which time Mr. Carr will present his completed proposal.

Old Business

Mr. Geertz asked for an update with regard to his request at the May 3, 2017 meeting for information concerning the services of Steve Smith and the status of any back-up plans in the event of Mr. Smith’s absence. President Gibbs indicated that he had not yet pursued those questions with Mr. Smith, but would do so.

Discussion of the proposed 2018 RLWPD budget was tabled until the next meeting at which time the Commission will have more complete information regarding proposed dam improvements.

Adjournment:

Ms. Tummons moved to adjourn, which was seconded by Mr. Shrope. Motion was approved unanimously, and the meeting was adjourned at 2:35 p.m. The next meeting of the RLWPD is scheduled for 1:00 p.m. Wednesday, August 23, 2017 at the Brighton Town Hall.