

Rainbow Lake Water Protection District
Board of Commissioners Meeting
December 6, 2017

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

Approval of Minutes:

Chairman Gorham asked for approval of the minutes of the September 21, 2017 RLWPD meeting. They were approved unanimously, as corrected (Adjournment section, next meeting date should read December 6, not October 6).

Treasurer's Report:

Treasurer Geertz indicated that the RLWPD has a current balance of \$19,726.28. Items paid since the last meeting included Adirondack Daily Enterprise (ADE) for \$8.80 and Sid Spear Insurance for \$2,857.00. Anticipated bills through the end of the year include ADE and engineering.

Dam Modifications:

Peter Geertz reported on efforts relating to dam improvement financing including a request to attorney Robert Hafner for a time line of events and a cost estimate. Hafner's response of November 3, 2017 indicates that he proposes to draft a Bond Resolution for the Legislature to adopt, his willingness to contact banks and to prepare the necessary Bond Counsel opinion required for the financing. He proposes to bill on an hourly basis and anticipates the total cost to be approximately \$2,500.00. According to an email notification received from Jonathan Miller, the Franklin County Board of Legislatures passed a resolution on November 17, 2017 authorizing hiring bond counsel as proposed. Bob Hafner anticipates having the draft bond resolution ready to present to the Legislature at its December 21, 2017 meeting.

John Carr presented an engineering update indicating that all documents for the application of permits and related agency jurisdictional issues have been submitted. He received a response from the Adirondack Park Agency declining jurisdiction and a response from the New York Natural Heritage Division of the Department of Environmental Conservation indicating that the only rare animal documented at the site were common loons. John indicated that the DEC is the lead agency for the project and they have a 30 day timeline to respond to his submission and he anticipates follow-up questions and additional minor revisions to the plans prior to the issuance of permits, none of which should affect the current cost estimate. Also discussed was the possibility of replacing the existing stop logs with prefabricated galvanized steel or aluminum. If required by the DEC or desired by the Commission, this change may be included as a bid alternate. In summary he indicated that Tasks 1 and 2 of the Engineering Agreement with Blue Mountain Engineering were 100% complete and Task 3 was 90% complete. He also presented and reviewed a draft of the bid specifications. There was

discussion concerning the bid process and the need for water levels to be maintained during the construction period.

The commissioners agreed to move ahead with the scheduled meeting with the Franklin County Legislature on December 21, 2017 in order to present an update of our progress, present the draft bond resolution and request that the Legislature proceed with scheduling a hearing to present the proposed improvement, its related costs and financing to the public.

Following is an update of the desired timeline for future milestones:

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| Receipt of required permits: | February 1, 2018 |
| Adoption of bond resolution: | March 1, 2018 |
| Circulation of construction bids: | April 1, 2018 |
| Review of bids and award of contract: | May 1, 2018 |

Other Business:

Roger Gorham spoke of the notice received from a DEC attorney concerning a conflict of interest ethics issue by having a DEC representative on the Rainbow Lake Water Protection District Board of Commissioners. Therefore, Kris Alberga can no longer be on the Board. Roger Gorham is still awaiting a response from Robert Stegemann as to whether Kris Alberga may continue to be available as counsel and liaison. Changes to the Commissioners' governing instrument as a result of this determination will be deferred to the County attorney.

Roger Gorham presented an updated draft of policies and procedures for the operation of the flashboards and performance of dam maintenance, based on an outline obtained from John Carr. After discussion, it was determined that some further modifications were required and the updated policy will be presented at the next meeting for approval.

Roger Gorham reported on his communication with Dam Operator Steve Smith. His company has provided the necessary insurance certificate and the names and contact information of those authorized to work at the dam. The latter confidential information will be emailed to Commissioners. Roger also reported on his discussion with Steve regarding payment for services, a topic which will need to be addressed upon receipt of Steve's bill for this past season and in anticipation of next season.

Adjournment:

Roger Gorham moved to adjourn, with multiple seconds. Motion was approved unanimously, and the meeting was adjourned at 3:30 p.m. The next meeting of the RLWPD is scheduled for 1:00 p.m. Wednesday, March 7, 2018 at the Brighton Town Hall.

Respectfully submitted,
Peter Geertz, Secretary