

Rainbow Lake Water Protection District

Board of Commissioners Meeting

March 22, 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 August 24, 2020 were unanimously approved as presented.

Treasurer's Report:

Treasurer Geertz reported that since December 31, 2020 two bills were paid, Randy Smith & Sons for \$1,575 and RA Mercer, CPA for \$850. The bank balance dropped from \$22,688.85 at December 31, 2020 to \$20,263.85. On Saturday, March 20, we received the tax check for \$27,000.00 from the Franklin County Treasurer which would be deposited today.

Peter Geertz then presented the 2020 financial statements prepared by Roger Lis, CPA of R.A. Mercer & Co., P.C. He summarized the financial position and activity as of and for the year ended December 31, 2020 and reported on a positive and smooth transition from the previous accountant, Barbara Dwyer, who is no longer providing financial statement services.

Franklin County Local Law 1 of 2021:

Roger Gorham summarized the documentation accumulated in connection with the efforts to have the 1993 law governing the Rainbow Lake Water Protection District updated (see attached *Local Law 1 of 2021 Amending Local Law No. 3 of 1993 Relating to the Establishment of Rainbow Lake Water Protection District*) to be filed with the other records of the district. He will provide a final copy as soon as it is received from the County. Peter Shrope will remove the posting of the public notice from the Rainbow Lake Association website.

Dam Control and Maintenance:

Roger Gorham presented the Annual Records of Flash Boards and Dam Maintenance prepared by Steven Smith and noted the open items of the new sign that needs to be affixed as well as the need for a new water gauge, which has been ordered by John Carr. Ralph Bennett suggested that the flash boards be lowered as early as feasible in order to replenish the lake level, which is somewhat lower than the historical level as a result of the dam modifications.

Roger Gorham referenced some minor revisions and updates to the Emergency Notification Chart. The need to have the Village of Saranac Lake Fire Department as additional contact was questioned. Roger Gorham will consult with John Carr, the original author, on this. Peter Shrope will talk with Tom Tucker to determine if the Paul Smiths – Gabriels VFD would have an interest in being listed.

RLWPD Governance:

Roger Gorham presented the 2021 Board terms and contact information and noted that he would be willing to extend his term another four years when his term expires in July, 2021.

Peter Shrope moved that the current officers, Roger Gorham as Chair and Peter Geertz as Treasurer and Secretary, be re-elected for another year. The motion was passed unanimously as presented.

Discussion ensued concerning identifying resident lake shore owners to be considered for succession on the Board of Commissioners. Peter Shrope will contact the County Board of Elections for a list of eligible voters to be compared to the list of lake shore owners, which Peter Geertz will request from the Franklin County Real Property Services in alphabetical order. Peter Geertz will also review with the Rainbow Lake Association Board their role in recommending appointees to the RLWPD Board.

Other:

Roger Gorham presented a 1997 copy of Bylaws for the District, which appear to have been (re)adopted, unchanged, in 2001. A review of the Bylaws indicated that they were in dire need of updating. Roger Gorham and Peter Geertz will work on a draft revision to be presented to the Board at a later date. Peter Geertz suggested that the revised draft be reviewed by an attorney prior to adoption.

Roger Gorham expressed a desire to recognize Jeanette Tummons for her years of service on the Board. Roger offered to draft a letter recognizing her service.

The next meeting date will be held on June 14, 2021 at 9 a.m. at the Dam.

Adjournment:

The meeting was adjourned at 10:00 a.m.

Respectfully submitted,
Peter Geertz, Secretary

LOCAL LAW 1 OF 2021
AMENDING LOCAL LAW NO. 3 OF 1993
RELATING TO THE ESTABLISHMENT OF
RAINBOW LAKE WATER PROTECTION DISTRICT

Be it enacted by the Franklin County Board of Legislators of the County of Franklin as follows:

SECTION 1. Preamble and Purpose:

This Legislature's Resolution No. 346 entitled "Establishment of Rainbow Lake Water Protection District" (hereinafter referred to as "District") passed on December 9, 1991 as well as this Board's initiating Resolution No. 139 of May 15, 1990 are hereby incorporated by reference. The sponsor of such Resolutions was a private New York Not-for-profit Corporation, Rainbow Lake Association, Inc. The purpose of this District is to provide a method of levying assessments on landowners within the District, all of whom are benefited by the Lake Kushaqua dam and to provide for the study, maintenance, administration and ultimate replacement of said dam.

SECTION 2. District Boundaries and Real Property:

The filed map and the written description that is also filed are hereby incorporated by reference and made exhibits to this Local Law and shall constitute the final boundaries of the District. The District shall include all riparian lands on Rainbow Lake, Lake Kushaqua, Clear Pond and Buck Pond from mean high water mark point to a point 200 feet back from such mean high water mark. The private sponsor, Rainbow Lake Association, Inc., shall convey the Lake Kushaqua dam parcel to the District upon its formation.

SECTION 3. Governance:

(a) The District shall be governed by this Legislature as and when necessary by its rule making power provided for in N.Y. County Law Section 264(A). In addition, pursuant to N.Y. County Law Section 261, this Legislature shall appoint a five (5) Member Board of Commissioners (hereinafter referred to as "District Board") as the administrative heard or body of the District. Such appointments shall be made after receipt and review of a list of recommended appointees from Rainbow Lake Association, Inc. and after consultation with the Franklin County Real Property Tax Service, the Town Board of the Town of Franklin, the Town Board of the Town of Brighton and Region 5, Department of Environmental Conservation in Ray Brook.

(b) Members of the District Board shall be residents of the District.

(c) 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.

d) The Franklin County Real Property Tax Services and the New York State Department of Environmental Conservation shall make staff available to participate in Board Meetings on an as-needed basis to assist the Board of said District.

SECTION 4. Assessment Methodology and Finances:

(a) The District will utilize the assessment data as regularly maintained and updated by the Town Assessors in the towns in which it lies. It would reimburse the towns their charges, if any, to utilize such data. Presently, it is understood riparian lands are assessed as follows:

\$825.00 per front foot for the 1st 50 front feet;
\$275.00 per front foot for the 2nd 50 front feet;
\$200.00 per front foot for the 3rd 50 front feet;
\$200.00 per front foot for the 4th 50 front feet;
\$ 20.00 per front foot for the rest of front footage.

All improvements and land within the 200 foot zone as depicted on the map would annually be assessed a percentage of the funds the District has budgeted for any fiscal year. Non-riparian land outside 200 foot zone would not be subjected to the special assessment of the district. No adjustment of assessment or lowering of assessment shall be made for those parcels whose boundaries do not extend up to or beyond the 200 foot zone. However, adjustments shall be made if any parcels to be included have significant improvements outside the 200' zone but were assessed as if such improvement were inside the District.

(b) The maximum budget for the Districts first year shall be not greater than \$18,000.

(c) The Franklin County Real Property Tax Service and the County Treasurer's office shall assist the Board of said District in calculations necessary to finalize assessment for its first initial year as an assessing district and thereafter as necessary.

SECTION 5. Powers Retained:

This Legislature retains its power to adopt, amend and repeal additional rules and regulations for the operation of this County District pursuant to County Tax Law Section 264.

SECTION 6. Repayment of Expenses:

The reasonable cost of establishing the District shall be reimbursed to the County first and then to the private sponsor and its contractors in accordance with the initial Resolution in May 1990 and County Law Section 267.

SECTION 7. Cooperation with Franklin County and the D.E.C:

The Franklin County Real Property Tax Services and the New York State Department of Environmental Conservation, Region 5, Office of Natural Resources, shall be notified ten (10) day in advance of any and all District meetings and shall be allowed to attend all District meetings.

SECTION 8. Records Access:

All records of the Board of Commissioners shall be open to the public except for the limited exception set forth in applicable sections of state, statutory law and/or regulations.

SECTION 9. Meetings:

The Board of Commissioners shall meet not less than three (3) times each year. One 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. Another meeting shall be between February 1st and April 1st of each year. 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.