

Rushford Lake Recreation District  
Regular Meeting  
January 19, 2005

Meeting called to order at 7:30 PM by Chairman, Bill Sikorski.

Present: Bill Sikorski, Chairman Rhonda Kozłowski, Secretary  
Rick Gaczewski, Jr., Vice Chairman  
Gene Morton, Commissioner  
Dick Boas, Commissioner

Absent: Scott Walter, Commissioner Bill Szabo, Treasurer

Agenda approved upon motion by Dick.

Requests:

Warner, Eric and Roxanne. 8536 Sunset Circle. Area K. B429 (formerly D'Avolio). Tabled. A diagram showing who is in each space is needed.

Tredway, Guy and JoAnn. 8112 County Road 49. Area J. L073. (formerly Kitt) Upon motion by Dick, approval was given for breakwall repair.

Deer Valley Ranch East LLC. (formerly Haettich) 8190 Trail 3. Area H. B341. Removed dock and retain position on proposed Community Dock. Upon motion by Dick, approval was given for dock removal pending all licensing procedures are completed. The District will retain the license for reissue in the event a new community dock is built.

Clinton, Gary. 8186 Trail 1. Area H. L181. Breakwall at the existing shoreline, designated tree removal, replanting trees approved upon motion by Dick subject to DEC approval.

Mayer, Eric and Maureen. 8882 Old State Road. Area B. L426. (formerly Smith) License approved upon motion by Dick.

Worden, Elizabeth. 8176 Lakeshore Drive. Area G. L220. Dock, breakwall and tree removal approved upon motion by Gene.

Reviewed Community Dock declaration. Noted there was no problem with the wording. Bill will contact the attorney for the District.

Old Business: Discussed maintenance of the generator. Upon motion by Gene approval was given to have Penn Power inspect the generator and offer advice on maintenance.

Agreed the lake level would be taken to 1410' and then allowed to rise.

Agreed Bill will call Al Corwin regarding the spillway gates.

New Business: Noted there will be a meeting February 2 or 3 at Mt. Morris Dam at 2 PM.

Finance: No report

Executive Session was entered into for the discussion of litigation upon motion by Dick at 8:40 PM. Returned to regular session at 9:25 PM.

Open Forum: Dick introduced the subject of allowing the Landowner's Association to construct a pavilion in memory of Derek Ward at Balcom Beach. Rick noted a map would be needed showing plans, placement and parking.

Submitted by,

Rhonda Kozlowski  
District Secretary

February 2005 Meeting Cancelled Due To Lack of Quorum (Illness)

Rushford Lake Recreation District  
Regular Meeting  
March 17, 2005

Page 1 of 3

Meeting was called to order at 7:37 PM All joined in the Pledge of Allegiance.

Present: William Sikorski, Chairman William Szabo, Treasurer  
Rick Gaczewski, Vice Chairman Rhonda Kozlowski, Secretary  
Dick Boas, Commissioner  
Gene Morton, Commissioner  
Scott Walter, Commissioner

Guests: Sheldon Smith Tom Butler Thomas Thomas  
Mike Holmes Russell Morris

Agenda was approved upon motion by Dick.

December 2004 minutes were approved upon motion by Rick. January 2005 minutes were approved upon motion by Rick. February 2005 meeting was canceled due to illness which resulted in a lack of quorum.

Requests:

R & K Marina (Scott Walter). Approved license upon motion by Dick. Rick noted the license is to be issued in the name of R & K Marina. Vote: Gene – aye, Rick – aye, Dick – aye, Scott abstained from the vote.

Bauer, Charles and Sharlene. (formerly Price) 8096 Lakeshore Drive. Area G. L199. Approved license upon motion by Dick.

Augugliaro, Richard Jr. (formerly Reisenberger) 8170 Trail 5. Area H. B365. Approved license upon motion by Dick.

Murray, Ronald and Amelia. 8251 Rush Creek Road. Area I. B382. (Hutton's Bay) Rick noted the dock is in disrepair. Upon motion by Rick repairs must be completed before license is issued. Murrays are to notify board when repairs are done.

Thomas, Thomas J. (formerly Leon and Marie Kelly) 8106 B County Road 49. Area J. B404. License was approved upon motion by Dick.

Biondolillo, Janet. 8617 Sunset Drive. Area K. L022. Upon motion by Dick approval was given for the installation of an alumnadock, deck and lift. Rick noted she should be reminded to remain five feet from neighbor's property lines.

Reeves, Dale and JoAnn. (formerly Baldoni) 8009 Lake Road. Area A. L465. Rick noted the dock is in need of repair. Upon motion by Dick, repairs must be completed before license is issued. They are to notify the board when repairs have been completed.

Kostrozebski, Michael and Hammond, Deborah. 8603-5 Ryan Inlet Road. Request for a license was tabled for an inspection. It is doubtful the District has control over this area.

Morris, Russell. 8191 Trail 3. Area H. After discussion it was agreed the new dock is to be rotated 9 degrees and set back from the original plan to allow for navigation. He was reminded of the five foot rule. The Board requested and Mr. Butler of URS agreed to submit a revised drawing. Upon motion by Rick, a permit will be issued on condition the dock is adjusted as noted above, a revised drawing is submitted and the board be notified for an interim inspection. It was noted navigation will be easier for Russell Morris with the adjusted plan. All parties agreed to the adjustments.

Upon motion by Dick, Gary Clinton's dock plan only was approved. The DEC has denied the breakwall plan.

Sheldon Smith, HodgsonRuss noted the community dock plan for Trail 3 is withdrawn. After discussion the board stated the people affected by the Trail 2-3 breakwall proposal must be approached by the person requesting the construction and the board needs to know there are no objections. It was agreed there can be a continuation of the breakwall where there are no docks. It can continue 86.84' to the Kay breakwall and 124.6' from Morris to Brogan.

Discussed a plan for a breakwall and community dock at the Trail 1 stub. Points made in response to Sheldon Smith's questions were as follows:

- 1) many requests are denied
- 2) there have been no new docks for many years
- 3) a group inspection and research is needed for Trail 1
- 4) Trail 1 residents need to be consulted and on board with the plan
- 5) Fences are not permitted on District property
- 6) James Kay does not own property on Trail 1

Mr. Sheldon Smith, Mr. Tom Butler and Board members were all speaking at the same time. Note taking was discontinued; tape cannot be deciphered.

Continued with note taking only.

Old Business:

Lake elevation is 1423'; lowering to 1421' in an effort to break ice.

Bill Sikorski continues to make an effort to contact Alon Dominitz regarding grant money.

Discussed conducting a load test on the generator.

Acres International is conducting preliminary test at the dam in anticipation of spillway gate repair or replacement.

New Business: None

Finance: Bill Szabo will be contacting Al Corwin for a more specific breakdown of Acres invoices.

The annual report has been filed with the State of New York.

Upon motion by Dick the "actual to budget" comparison was approved.

Discussed preparing a spring newsletter.

Upon motion by Dick the Board moved into executive session at 9:37 PM for legal and personnel discussions.

Upon motion by Dick, the Board returned to regular session at 10:12 PM.

Upon motion by Dick, the Board approved a unified search for attorneys for representation of the District.

Adjourned at 10:14 PM

Submitted by,

Rhonda Kozlowski  
District Secretary

## **Rushford Lake Recreation District**

Regular Meeting

April 7, 2005

Page 1 of 3

Chairman, William Sikorski called the meeting to order at 7:40 PM. All joined in the Pledge of Allegiance.

Present: William Sikorski, Chairman Rhonda Kozlowski, Secretary  
Rick Gaczewski, Vice Chairman  
Gene Morton, Commissioner  
Dick Boas, Commissioner  
Scott Walter, Commissioner

Absent: William Szabo, Treasurer

Guests: Matt Chimera Jeff Price William Conell  
Mike Holmes Don Marinucci Russ Morris  
Sheldon Smith Maggie Krzyzanowski

Requests:

Price, John and Diane. 8886 Balcom Beach. Area C. L392. Upon motion by Rick approval was given for a license and rebuilding the existing dock. New dock construction was denied pending clearly marked property lines, revised drawing with dimensions and a group inspection.

Zehnder, Bruce and Kim. 8822 Balcom Beach. Area C. L370. Upon motion by Rick approval was given for a license and installation of a boat hoist.

Hunter, Mark. 8085 Lakeshore Drive. Area G. B282. Upon motion by Rick approval was given for a license and removal of a post in the lake.

Sturm, James. 8111 Woodside Drive. Area G. B279. Upon motion by Rick, the request for rebuilding the dock was tabled. Drawings with overall dimensions are needed.

Trail 1 Community Dock (James Kay Jr) Upon motion by Rick the request was denied. This area would not support the additional traffic that this dock would cause, additionally there would be excessive erosion of the banks again due to the increase in traffic.

Kay, James Jr. 8192 Trail 2. Area H. L177. Request to install approximately 400' of breakwall was denied upon motion by Rick. The District has no authority to remove docks without just cause. This never would have been a problem had the breakwall not been removed.

April 7, 2005

Kostrzebski and Hammond. Ryan Inlet. Requested a dock license. A letter will be sent explaining why they are included in the District and that the District does not have jurisdiction over the docks in that area. Noted their concern and willingness to cooperate is appreciated.

Old Business: Approved payment for computer upon motion by Gene.

Weiser Community Dock concerns were addressed. Scott noted the breakwall is falling in and considers it unsafe. Matt Chimera noted the dock is also leaning. It was further noted that the tie backs were not done properly. A letter will be sent to request a meeting with members of the dock association.

Discussed setting a deadline for submittal of late winter/early spring requests. All agreed a resolution should be submitted creating a Feb.1 deadline (based on water conditions). All other requests will be required by the first of each month. It was noted the time frame could still create problems, because a request cannot be submitted on the first and be ready for a meeting on the fifth or sixth for example.

Maggie noted she was happy to see the lake rising.

Discussed Dick's suggestion for a new lock system for the office. Gene stated the price was too much. Gene suggested just re-keying the locks. Upon motion by Dick a decision was tabled in order for Dick to pursue further options.

New Business: Rick suggested the Board utilize working from Committees more. Because of the increased work load, he believed this would aid in progress. All agreed to review. Sheldon Smith asked if committees would be just board members or would some residents be included. The Board stated they would consider use of volunteers.

Rick suggested drafting a "letter of intent". This would be issued stating a permit will be issued subject to DEC approval. He stated in some instances, a request should be denied and a "letter of intent" issued. These letters would be for construction. Sheldon asked if this would be a three step process. Rick stated yes.

Bill noted a meeting with the DEC is needed.

Discussed contractor's concerns. Discussed a breakwall reported to be of untreated lumber. Dick stated he believed they were referring to the Tredway breakwall and it is fine. Scott stated he believed the ties were not treated. Dick and Rick stated they were pressure treated ties.

All agreed to personally contribute to the SPCA in memory of Sen. Pat McGee. All were reminded that District funds cannot be used for this purpose, thus the personal contributions.



April 7, 2005

Noted the valves on the dam were closed Tuesday, April 5, 2005. Elevation is 1435.5' and rising at about ½ foot every 12 hours. Ice is no longer a concern.

Noted Acres International cored the piers on April 6, 2005.

Answering questions from Sheldon Smith, it was noted the lake is filled at ice out. The Board and employees at the dam have to possess the authority to open and close the valves as needed. Often quick decisions need to be made.

Bob Pomeroy was advised the valves would be closed Tuesday, April 5. Bob Weed was unavailable. The Board relies a great deal on Bob Pomeroy's expertise. At the present time, ice on the lake is not an issue. It was noted managing the lake level is a constant challenge.

Open Forum:

Sheldon asked about permission for his client, James Kay to sandbag per DEC recommendations.

Rick noted the DEC is concerned about erosion where the breakwalls were removed. It was noted the DEC is considering ordering sandbagging. It was further noted the breakwalls were removed without a DEC permit.

It was stated permits from the DEC and the RLRD are needed before work below the 1450' elevation can proceed. It was further noted the Board was very specific about which sections of breakwall could be replaced.

All agreed to issue a letter of permission to proceed with the DEC for a Community Dock at the end of the Trail One stub. Noted this is just a letter to go to the DEC. It is not a permit or agreement.

Sheldon asked about his clients request to continue a breakwall near Dick Farwell's at Trail 2. The Board stated they cannot go behind the existing docks without approval from the licensees. It was noted if the dock licensees agree, the Board will reconsider the request.

Meeting adjourned at 9:43 PM upon motion by Rick.

Submitted by,

Rhonda Kozlowski  
District Secretary

Rushford Lake Recreation District  
Regular Meeting  
April 21, 2005

Page 1 of 3

Chairman, William Sikorski called the meeting was called to order at 7:37 PM. All joined in the Pledge of Allegiance.

Present: William Sikorski, Chairman Rhonda Kozlowski, Secretary  
Rick Gaczewski, Vice Chairman  
Dick Boas, Commissioner  
Gene Morton, Commissioner

Absent: William Szabo, Treasurer

Guests: Chuck Knier Jerry G. Brown Mike Holmes  
Bob Dearstyne Mike Geschwender Janet Gaczewski  
Paul Gibbs Unknown

Requests:

Shumaker, Dennis et al. Sunset Drive. Area K. B466. Request to reconstruct the community dock was tabled for inspection upon motion by Rick.

Groves, Richard. 8190 C Parkside Drive. (formerly Dixon) Area G. B217. Request for a license was approved upon motion by Rick.

Sturm, James. 8111 Woodside Drive. Area G. B279. Previously tabled request to replace the dock was again tabled upon motion by Dick. It needs to be remeasured.

Sherry, Joanne. 8138 Lakeshore Drive. Area G. L209. Request to install breakwall was tabled upon motion by Rick. An inspection is needed.

Bestine, James. 8320 County Road 49. Area H. L143. Request to repair breakwall was tabled upon motion by Dick. An inspection is needed.

Lange, Steven and Deborah. 8052 Ryan Road. Area B. B043. Previously tabled request for a license was approved upon motion by Rick. A thank you for having the dock so well marked is to be extended.

Knier, Charles. 7965 W Lake Road. Area A. No # (new dock) A change is the plan from pressure treated lumber to an alumnadock was approved upon motion by Rick. There will be no change is size or location from original plan.

Discussed the Trail One community dock proposal of James Kay Jr. It was noted there is currently other more suitable space available and navigation is a concern. Proposal was denied upon motion by Rick. It was noted a community dock will be considered with a location change.

Old Business: Bill Sikorski noted he had an article to submit for the newsletter.

Resolutions were introduced for Board consideration (attached).

New Business: Briefly discussed working more from committees.

Upon motion by Dick final payment was approved for attorney, Jeremiah Moriarty.

Discussed Acres design for the gates. Noted the center pier needs repair or replacement. Upon motion by Dick payment for Acres invoice for guide design, and engineering drawings was approved.

Dick noted that David Sinclair (hydro power) would be looking at the dam on May 18.

Gene asked if expenditures for the dam needs to be put before the voters. It was noted "no" there is a reserve fund for such expenditures.

Bill noted the Board needs to review if replacement or repair is more feasible.

Dick asked about changing the gate design. Bill noted because of the way the dam is constructed, the engineers have proposed what works.

Rick asked if a crane will be involved. Bill noted yes, there are rocks that need to be moved. Bill noted there will be a crane and an excavator with a buster on it. Bill will set up a meeting with Al Corwin, Acres International.

It was noted that the project needs to be out for bid by June and ready to start by late summer or early fall.

Regretfully accepted the resignation of Scott Walter.

Bob Dearstyne volunteered to fill the vacancy on the Board. Upon motion by Dick, the Board approved the appointment of Bob Dearstyne. Rhonda issued the Oath of Office.

Open Forum:

Michael Geschwender briefly discussed a desire to purchase 75' of frontage from Tredways and dividing in into three parcels. Dick noted there is a 5' set back so if split there is a 10' set back.

Gene stated he disagreed with Dick. Michael stated the town and county are both okay with the idea.

Bill stated if and when the Tredways agree to sell, the Board would need a detailed proposal in writing for review.

Jerry Brown asked about the Resolutions submitted. Bill explained that spring construction is a problem because often people want to start two weeks before a full lake. One resolution is only for the spring season. Permits may be issued, but no construction may start until draw down.

Jerry asked how much was paid to Moriarty, and how much of a retainer was paid to the new firm? It was noted this information is believed to be attorney/client privilege.

Upon motion by Dick, the Board moved into execution session for discussion of a personnel issue at 8:28 PM.

Returned to regular session at 9:09 PM and adjourned at 9:10 PM upon motion by Dick.

Submitted by,

Rhonda Kozlowski  
District Secretary

## **Rushford Lake Recreation District**

Regular Meeting

May 20, 2005

Page 1 of 3

Chairman, William Sikorski called the meeting to order at 7:36 PM. All joined in the Pledge of Allegiance.

Present: William Sikorski, Chairman  
Rick Gaczewski, Vice Chairman  
Gene Morton, Commissioner  
Dick Boas, Commissioner  
Bob Dearstyne, Commissioner

William Szabo, Treasurer  
Rhonda Kozlowski, Secretary

Guests: Al Corwin, Acres International  
Russell Morris  
Maggie Krzyanowski

Mike Holmes  
Janet Gaczewski

Requests:

Jarosz, James. 8021 Tate Road. Area A. L483. Concern that neighbor's dock infringes into his space. The Board suggests he come to a solution with his neighbor. There should be no further encroachment. He and Board members discussed the situation and no letter is required.

Sturm, James. 8111 Woodside Drive. Area G. B279. A revised diagram was submitted. Upon motion by Dick approval was given for the updated plan to rebuild the dock.

Nicol, Louis. 8146 Lakeshore Drive. Area G. L212. Upon motion by Dick, approval was given to install a new leach field and sand filter system.

Gleed, David. 8148 Lakeshore Drive. Area G. L213. Upon motion by Dick, approval was given for installation of a new septic system and sand filter.

Hunter, Mark. 8085 Lakeshore Drive. Area G. B282. Request for hoist installation was tabled pending an inspection.

My Residence East, LLC. 8192 Trail 2. Area H. L177. Request to install a floating community dock at the Trail 1 stub was tabled upon motion by Rick. A diagram is needed.

Mescall, Dennis. 8172 Trail 5. Area H. B364. Request for license was tabled upon motion by Rick. An inspection is needed.

*RLRD mts*

May 20, 2005

Doster, Michael. 8116 County Road 49. Area J. L093. Upon motion by Rick approval is given for a portable jet ski lift with the stipulation it must be placed tight to the dock. It cannot encroach beyond 5'.

Serwacki, Michael and Sheryl. 8586 Sunset Drive. Area K. B467. Request for license was tabled pending receipt of a dock association agreement.

Pattinian, Chuck. 8645 S Dam Road. Area K. B483. Tabled pending meeting with Mr. Pattinian and members of the Board for a detailed explanation of a three phase plan for a new home, dock and stairway.

Old Business: Discussed gate reconstruction. Noted the core samples were not good. Just the track option is not feasible. The piers need to be replaced.

*Dusel - Ap. drain line (natural water)*

Discussed the timeline for the gate project. It is possible the lake will need to be drawn down earlier this year (possibly September). The painting needs to be done in late summer or early fall. The designing will take approximately one and one-half months. The pier looks good from the outside, but the shotcrete done 20 years ago fooled everyone. The gates need to be sandblasted.

It was noted figures need to be doublechecked. The housings could be \$30,000. and the painting \$20,000. The square timber at the bottom of the pier needs to be replaced. This is a seal timber and reinforces the bend in the gate.

The sealing system design will be changed. It is presently metal to metal. The gates are being squeezed from concrete. The new design will take care of these problems.

Gene asked about the life expectancy. Al stated they will try to allow for additional growth. It will be years and years. The rollers will take the thrust load. Al noted caterpillar gates are a good design but a lot trickier.

Upon motion by Gene, the Board approved retaining Hiscock & Barclay as counsel also approving all work done thus far.

Discussed the hydro-turbine meeting. Al noted he would like to do some research on this subject and the company contacted. He stated he feels very uneasy about everything.

Al stated a 2 ½ Mg turbine is just too much. He noted the Board may not want to get FERC involved.

Dick asked about replacing the valve with a turbine. Al noted the Board would not want to do that.

*RLRD mts*

May 20, 2005

Dick proposed allowing the landowners to construct a pavilion at Balcom Beach. Tabled further discussion upon motion by Rick.

New Business:

Discussed staffing at the launch. It was noted Adam will work again this year. Allison Hubbard may also be interested in working.

Discussed limiting the size of pontoon boats. Not only is docking a problem, but Rushford is a small lake. Agreed to decide what limits are needed and submit to towns for law. Rick suggested defining as "multi hull". All agreed this was a good idea.

Considering "multi-hulled" boats not to exceed 25'.

Bill Sikorski was invited to address the June 11 Landowners meeting.

Open Forum: Maggie welcomed Bob to the Board.

Bill Szabo noted he would be asking Scott Walter if he knows anything about the invoice from Milton-Cat.

Upon motion by Dick, the Board went into executive session at 9:04 PM. Returned to regular session at 9:55 and adjourned upon motion by Dick.

Submitted by,

Rhonda Kozlowski  
District Secretary

Rushford Lake Recreation District  
Regular Meeting  
June 17, 2005

Page 1 of 3

Chairman, Bill Sikorski called the meeting to order at 7:37 PM. All joined in the Pledge of Allegiance.

Present:           William Sikorski, Chairman           William Szabo, Treasurer  
                  Rick Gaczewski, Vice Chairman       Rhonda Kozlowski, Secretary  
                  Gene Morton, Commissioner  
                  Dick Boas, Commissioner  
                  Bob Dearstyne, Commissioner

Approved amended agenda upon motion by Gene.

Approved previous meeting minutes.

Requests:

Knier, Charles. 7963 W Lake Road. Area A. No dock number assigned to date. Request to plant various bushes and install electric to dock approved upon motion by Dick. Reminded Mr. Knier he must submit a copy of the certificate showing the electric passed inspection.

Pantera, Eugene and Carol. 8665 S Dam Road. Area A. Dock L001. License approved upon motion by Dick.

Pattinian, Charles. 8645 S Dam Road. Area A. Dock B483. A three phased proposal was addresses as follows: Plan for the dock was approved upon motion by Dick. Approved upon motion by Dick. Phase 3 is a zoning issue and does not involve District involvement.

Dusel, James. 8126 Lakeshore Drive. Area G. Dock L205. Upon motion by Rick, approval was given for a drain line.

Becker, Jerry. 8190 Lakeshore Drive. Area G. Dock L223. Request for a license was approved upon motion by Dick.

Hunter, Mark. Request for a hoist was approved upon motion by Gene providing it is drawn in tight to the dock.

Hunter, John. Concern over neighbor's breakwall causing him problems will be looked into.

Sherry, Joanne. Upon motion by Rick all agreed a letter be sent telling her to replace present breakwall. She is to submit a material list. This is to be completed by November 15, 2005.

Mescall, Dennis. Upon motion by Dick, approval was given for a license.



Grzedicki, Greg. Request for a license was tabled pending receipt of a community dock agreement.

Panter, Bob. Approval was given for removal of an unsafe tree upon motion by Dick.

Aumick, Deb. Discussed a jet ski lift that should not be where it is.

Discussed the Shumaker, Pullen, Serwacki dock situation. All will be invited to attend a meeting to discuss possible remedies. Upon motion by Dick, approval was given for a license for Mr. Serwacki.

Upon motion by Dick, approval was given for Tim Franger to remove an unsafe tree.

Old Business: Discussed the spillway gate project. It was noted the bond documents have not yet been received.

Discussed a turbine to generate power. Noted Advance Hydrosolutions are requesting diagrams.

Bob stated there is a need to look at feasibility, flow charts, etc. Bill will call Al Corwin to see what his research came up with. Bill will also speak with Alon Dominitz regarding this.

No New Business:

Finance: Bill Szabo presents a letter from M&T bank stating a restraining note had been submitted on behalf of James Kay Jr. freezing the District's account for double the amount owned. James Kay's attorney at HodgsonRuss will be contacted to find out what this may be about.

Bill Szabo submitted disbursement and invoices for Board approval. Upon motion by Dick approval for payment was approved.

Noted that a vote will be needed to disburse \$250,000. from the dam reserve fund for the spillway gate project.

Suggested thinking about raising taxes the next five years by \$50,000. to restore the \$250,000. disbursed from the reserve fund, since it is prudent to have ONE MILLION in the reserve fund.

Open Forum:

Maggie shared two letters the RLLA received in support of the RLRD Commissioners and the thankless job they do.

Upon motion by Rick the Board moved into executive session at 8:45 PM for the discussion of litigation.

Upon motion by Dick ended executive session and returned to regular meeting at 9:30 PM.

Noted the Board would be willing to have Judge Glowonia mediate negotiations instead of going into litigation. Bruce Zeffel, attorney of the District, suggested this as an alternative, and the Board indicated their agreement with his suggestion.

Adjourned at 9:34 PM upon motion by Dick.

Submitted by

Rhonda Kozlowski  
District Secretary

Rushford Lake Recreation District  
Regular Meeting  
July 15, 2005

Page 1 of 3

Vice Chairman, Richard Gaczewski Jr. called the meeting to order at 7:34 PM. All joined in the Pledge of Allegiance.

Present: Rick Gaczewski, Vice Chairman William Szabo, Treasurer  
Dick Boas, Commissioner Rhonda Kozlowski, Secretary  
Gene Morton, Commissioner  
Bob Dearstyne, Commissioner

Absent: William Sikorski, Chairman

Guests: Cal Reigle Gary Clinton Kathy Hock James Kay  
Dick Brown Janet VanSkiver Doris Gallose Sherl Stephan  
Bob Stephan Deb Aumick Mike Holmes Dave Hirsch  
Sheldon Stromberg Amy Stromberg Tom Marron Allen Hirsch  
Mr. Anonymous Janet Gaczewski Mark K Adam K  
Maggie Krzyzanowski Sheldon K Smith Esq.

Approval for the previous month's minutes was tabled pending corrections.

Requests:

Sheehan, Ted and Debra. 8958 Crescent Drive. Area B. L421. Request for a dock license was approved upon motion by Dick.

Hubbard, Richmond and Mary Jo. Glen Road. Area E. L307. Request to install a personal watercraft lift was approved upon motion by Dick.

Dunn, Marc and Mary. 8668 Hillcrest. Area F. L269. Request for a dock license was approved upon motion by Dick.

Terhaar, Richard and Hirsch, Jack. Area G. B262 and B251. Request to exchange dock slips was approved upon motion by Dick. It was noted all parties involved are agreeable to the change.

My Residence East. 8192 Trail 2. Area H. L177. Request for breakwall was tabled upon motion by Dick pending an inspection. It was noted Rick cannot inspect due to a retraining order. Sheldon Smith noted he may inspect with 24 hours advance notice.

Klein, Gordon. 8066 B County Road 49. Area J. B409. Request to repair hill (bank stabilization) was approved upon motion by Dick.

Davies, John. 8092 Lakeshore Drive. Area J. L197. Request to install electric was approved upon motion by Dick. Electrical inspection certificate must be on file with the District.

Old Business: Reviewed letter from Al Corwin of Acres International regarding the power generation proposal. Upon motion by Gene, a decision was tabled until all Board members are present. It was noted Bill Sikorski's input in light of his knowledge and expertise is desired.

Discussed adopting a resolution for submittal to the town boards limiting the size of multi-hulled boats. Noted bigger and bigger boats are appearing on the lake and there is a fear of overcrowding.

New Business:

Discussed floating docks and trampolines. Noted placement is out of control. Many are too far from shore. Many have no permit for placement or a license.

Gene asked about the size limit. Noted the belief there is a size limit for floating docks and a placement guideline for navigational safety.

Upon motion by Gene, approval was given for Rick to inspect, photograph and compile a list of violations.

Discussed the rule of "no sheds" on District property. Lockers on docks two feet high or less are allowed. Noted Joseph L'Annunziata has moved a shed below the 1450' elevation. Also noted existing sheds are "grandfathered". It was noted Rick will also photograph all sheds.

Unanimously adopted attached Resolution.

Brief discussion regarding Dick Brown's hoist. There has been a concern expressed by his neighbor Chuck Knier. Upon motion by Gene, it was agreed a group inspection to include all Board members, Chuck Knier and Dick Brown will be conducted (hopefully within the next three weeks).

Dam: Discussed the spillway gate project and a target date for the fall of 2006.

Upon motion by Gene, approval was given for a draw down date of October 15, 2005.

Finance: Bill Szabo noted he will give an insurance renewal report at the next meeting. Submitted Acres International invoices for Board approval in the amount of \$13,831.39 for design work of the spillway gate guides. Upon motion by Dick, approval was given for payment of \$13,831.39 to Acres International. Note: Gene abstained from the vote.

Additional disbursements were submitted for Board approval.

Open Forum:

Sheldon Smith noted that Rick may do inspections at My Residence East with proper advance notice.

After various questions from Sheldon Smith, Attorney for James Kay, Kristie Stomecki, Attorney for the District noted that Open Forum is a time to share thoughts, not a question and answer session.

Maggie Krzyzanowski asked about the status of various lawsuits. It was stated there would be no discussion of legal issues. Maggie et al noted they believed the Commission to be fair and all should live by the same rules.

It was asked if cabanas are allowed below the 1450? It was stated no sheds are allowed.

Sheldon Stromberg voiced concerns over personal watercraft (jet-skis). He stated they are too close to shore and careless in regard for others.

Further concerns were expressed over water-skiing after dusk, jet-skiers after dusk, skiers with no spotters, etc. Many stated they would like to see enforcement of the laws before someone is seriously injured.

Gary Clinton expressed concern over sheds on the Trail One peninsula. He said they are in a state of terrible disrepair and the area is sometimes used for a bathroom.

The Board discussed sending letters about the Trail One structures and personal care habits.

Mr. Anonymous noted he is an outsider but has enjoyed Rushford Lake for many years. He stated he sees a problem with a ruckus caused this year and hopes everyone will just try to be happy and get along.

Upon motion by Dick, the Board moved to executive session at 8:33 PM for discussion of legal matters.

Upon motion by Dick returned to regular session at 9:38 PM.

Upon motion by Dick adjourned at 9:39 PM

Submitted by,

Rhonda Kozlowski  
District Secretary

Rushford Lake Recreation District  
Re-organizational Meeting  
August 5, 2005

Treasurer, William Szabo called the meeting to order at 7:33 PM. All joined in the Pledge of Allegiance.

Present:	William Sikorski	William Szabo, Treasurer
	Dick Boas	Rhonda Kozlowski, Secretary
	Gene Morton	
	Rick Gaczewski	
	Bob Dearstyne	

Guests:

Bill Szabo thanked William Sikorski for running for another term. Mr. Szabo noted he had been involved with every Board of Commissioners since 1981 and believed Mr. Sikorski to be one of the best.

Bill Szabo then opened nominations for Chairman of the Board. Rick nominated Bob Dearstyne. There was a second to the nomination by Dick. No other nominations. Secretary cast one ballot.

Rick nominated Bill Sikorski for Vice Chair. Dick seconded the nomination. No other nominations. Secretary cast one ballot.

Bob stated he hoped he was up to the task and moved on to the business at hand.

Approved the amended agenda upon motion by Bill.

Minutes for June and July stand as written.

Requests:

Krzyzanowski, Maggie. License approved upon motion by Dick.

Moriarty, Helen. Removal of dead trees approved upon motion by Rick.

Rossow, Violet. License approved upon motion by Dick.

Call, Bob. Request for license tabled for inspection.

Augugliaro. Request for removal of old hoist and installation of new was approved upon motion by Rick pending receipt of an amended application. It was noted the old hoist had already been removed.

Snyder, Bob. Request for a hoist was approved with stipulations on motion by Bill. As long as hoist #2 is not removed, he may replace hoist #1. Cannot infringe on 5' property line rule. He may remove the arms. The new hoist has to fit in the same area. The second hoist cannot be moved. Rhonda is to send a letter to Mr. Snyder explaining the stipulations.

Old Business: Rick brought to the attention of the Board that Russell Morris new dock did not include a dock in the back and a dock on the other side. A letter is to be sent stating since it is so late in the season, he may wait to correct the situation after draw down. Upon motion by Rick, the dock in the back and the green dock on the side of Russell Morris's new dock need to be removed after the 2005 draw down.

Agreed to a group inspection of the L'Annunziata and Young frontages in Area K. A letter is to be sent asking Joe L'Annunziata to remove the shed to above the 1450'. A letter is to be sent to Dale and Grace Young asking them to remove the lift out of the water, but on District property and clean up the area in a timely fashion. Joe noted the hoist is in the water over his property line. Upon motion by Rick, all agreed to meet Sunday, August 7 at Noon to inspect the area. Bob noted he would not be free at that time.

Discussed concerns of Mr. John Hunter. He appears when Mr. Sturm replaced the breakwall, damage was done to Mr. Hunter's breakwall. The deadmen have pulled out. Upon motion by Rick, all agreed to also inspect this area on Sunday, August 7 (Bob not available at that time).

Discussed Gary Clinton's dock request. Upon motion by Rick, it was agreed a new drawing needs to be submitted showing no dredging and the dock moved out per Mr. Clinton's explanation. Mr. Clinton is to submit a full size drawing.

Upon motion by Dick a group inspection of the Knier and Brown frontage will be done Sunday, August 7.

Mr. Knier noted he placed his dock where the Board suggest<sup>ed</sup> and at that time was told Mr. Brown would have to remove his hoist. He noted ~~that had never happened~~<sup>the hoist removed</sup>. He noted he feels it is unsafe to try and bring in the jet ski on wavy days with the hoist so close. He stated he would like to see some kind of decision made. He further noted he had no problem with Mr. Brown, but does have a problem with this Board.

Mr. Pullen expressed displeasure over the lack of a decision by the Board regarding dock plans. He stated he felt he had wasted his time attending the meeting when still no decision had been made.

Agreed to ask for a limit to the size of multi-hulled boats on Rushford Lake to a maximum length of twenty-eight feet and a maximum width of eight and one-half feet.

Upon motion by Rick, all agreed to renew the lease with the Town of Rushford for the office space. The lease will continue for an additional five years.

New Business: Discussed options for the District to have its own boat patrol. Upon motion by Bill all agreed to invite Sheriff Belmont to the January Board meeting.

Upon motion by Bill, all agreed to have a letter sent to all on Community Docks about keeping up-to-date and supplying the office with the name of a contact person.

Briefly discussed the 2006 meeting schedule.

Discussed appointing a dam repair committee. Possibly using volunteers from around the lake. This could free up some Commissioner time.

Upon motion by Rick the Board agreed to close the office to visitors and telephone calls on Wednesday afternoons.

Al Corwin stated Acres is working on special and general conditions for the spillway gate project.

Al Corwin discussed the report from Advanced HydroSolutions. He noted he disagreed with the figures they presented. He further noted he did not think this was anything feasible. He noted they had applied for over 100 preliminary permits and only built two which were marginally successful. He noted he is very suspect and has concerns. He suggested the Board tread lightly. He stated he thought it may be wise if the District were to file for a preliminary permit, but stated he would investigate further. He noted the lake's size and flow is not advantageous to power generation.

Some stated they felt the idea would not be worth the headache. Also, stated getting involved with FERC could give the area something like Onoville.

Upon motion by Rick the generation idea was tabled until after the gate project is complete. The Board will then revisit possibilities.

Finance: Noted the insurance premium went down. The coverage is the same.

Upon motion by Rick, Bill Szabo was given approval to submit payment to Acres International, Freeman & Freeman and Hiscock & Barclay.

Bill submitted disbursements for Board approval.

Open Forum: Maggie welcomed Bob and stated she hoped to continue to good working relationship. She noted the job of Commissioner was thankless. She stated she appreciated the time they volunteer to address issues and take care of the landowners.

She stated some ideas and concerns.

1. Geese invading the lake
2. Exempt status for boats of landowners
3. Boats launching from the canal



Noted that draw down has been set for October 15!

Bob noted he was looking forward to working with the public and would like to get more people involved.

Joe L'Annunziata stated he thought an independent inspector might be something the Board would like to consider. He stated he believed someone independent could be more objective and less subjective.

Phil Moar noted his father had been a dock inspector. He stated he was the first one to do the job.

Phil stated he thought there would never be anyone as good as the Board in 1981, but he apologized. He stated he was wrong. He further stated the present Board does a great job. He suggested the Board videotape the lake like they used to.

Some felt the lake needed an independent inspector; others wanted to speak with Clair Beeman about inspections.

Kathy Hock asked about the dam repair fund amount. It is One Million. It was noted the late Senator McGee assisted the Board a great deal.

Upon motion by Dick the Board went into executive session for discussion of legal matters at 9:40 PM.

Returned to regular session at 10:03 PM and upon motion by Dick the meeting adjourned.

Submitted by,

Rhonda Kozlowski  
District Secretary

Rushford Lake Recreation District  
Regular Meeting  
August 27, 2005

Page 1 of 2

Chairman, Robert Dearstyne called the meeting to order at 7:30 PM. All joined in the Pledge of Allegiance.

Present: Bob Dearstyne, Chairman Rick Gaczewski, Commissioner  
Gene Morton, Commissioner Rhonda Kozlowski, Secretary

Absent: Bill Sikorski, Vice Chairman William Szabo, Treasurer  
Dick Boas, Commissioner

Guests: Dave Pullen Calvin Reigle Chuck Knier  
Richard Malter Janet Gaczewski Eileen Tomaka  
Tom Debolski Mike Holmes Joe L'Annunziata  
Vince Smith Eleanor Smith Dennis Shumaker  
Mark Klodzinski Andy Lewis Phil Moorar  
Deb Aumick

Minutes: Accepted as written upon motion by Rick.

Requests: Discussed concerns from Mr. L'Annunziata and Dale and Grace Young. It was noted the Young's hoist is within the 5' rule and the whips on the north side are not a hazard. Some issues are not the RLRD's concern; the concrete slabs were pre-existing; a tree should be replanted on the line to replace the one removed. Upon motion by Rick the issue was tabled for further review after protest by Mr. L'Annunziata.

Upon motion by Rick, Mr. John Hunter is given permission to push back and tie off areas of his breakwall. He needs to replace deadmen. A letter will be sent giving approval.

Shumaker/Pullen et al: Discussed building the dock out 5' further. Noted area is very cramped. Suggested narrowing the walkway. The Board indicated they may allow a total of 8 more feet out. The Board asked for submittal of new plans with the dock not being on Dubick's frontage. Also asked for an updated list of all people involved and in agreement with the plan.

Dave Pullen asked about a temporary easement. Rick stated he did not believe this to be a desirable solution. Phil Moorar noted these decisions are in the Board's control, not the neighbors. Dave Pullen noted the Board must be even handed. Rick noted if the dock is built out further it will be neither a navigation hazard or infringement issue.

Upon motion by Rick, the dock plan for Shumaker, Pullen et al was denied. A new plan will be considered.

Page 2 of 2

Brown/Knier; Noted the L on Mr. Knier's dock was to be placed on the Johnson side, but was placed on the Brown side. If it had been place where the Board agreed to there would be 4' more room. Rick volunteered to speak with Mr. Brown about moving his hoist forward. Mr. Knier asked if Mr. Brown had obtained a permit for the hoist installation. Rick noted it was an R & R. Mr. Knier stated he did not believe that to be so. Mr. Brown will be asked to move his hoist 4' closer to the shore. Upon motion by Gene this was tabled for further discussion.

Old Business: Noted the Sheriff's patrol pulls over an average of 20 watercraft per day. They are instructed to warn, not ticket.

New Business: Discussed putting an article in the newsletter regarding responsible boating.

Gene noted he had landowners expressing concerns regarding parties in front of the David Edmunds property. People climb on his dock and come onto his property. They are anchoring pontoon boats. Behavior is rude and obnoxious. This will be further reviewed.

Bob will prepare a 2006 meeting schedule

Discussed the damage done to a water filled tank at Balcom Beach. Noted Rhonda had made contacts and it has been removed, the hole has been filled in, and it has been graded. The one near the dam park area has been taken care of also.

Open Forum: Phil Mooar noted new "area" signs have been installed. This was done by the Landowners Association. He stated he thought it would be nice to recognize the efforts of Allison Hubbard. He noted she was very organized, dealt with the state and county, and did a fantastic job.

The Board agreed to send her a letter about a job well done. A letter will also be sent to the Landowners acknowledging their support of her effort. Discussed sending something into the newspapers commending her for her efforts.

Upon motion by Rick, the Board moved into executive session for litigation discussion at 8:49 PM; returned to regular session at 9:24 PM upon motion by Rick. Adjourned at 9:24 PM.

Submitted by,

Rhonda Kozlowski  
District Secretary

# DRAFT

Rushford Lake Recreation District  
Regular Meeting  
September 16, 2005

Page 1 of 4

Chairman, Robert Dearstyne called the meeting to order at 7:35 PM. All joined in the Pledge of Allegiance.

Present: Bob Dearstyne, Chairman  
William Sikorski, Vice Chairman  
Dick Boas, Commissioner  
Rick Gaczewski, Commissioner

William Szabo, Treasurer  
Rhonda Kozlowski, Secretary

Absent: Gene Morton, Commissioner

Guests:	James Donovan	Valerie Donovan	Joe L'Annunziata
	Jim Sturm	Roseanne Sturm	Robert Penton
	Carol Penton	Deb Aumick	Greg Jay
	Kathy Jay	Chuck Knier	Will Tucker
	Mike Holmes	Earl M. Rhoney	Janet Gaczewski
	Kathy Hock	Patricia Bellis	Robert F. Bellis
	Eileen Tomaka	Phil Mooar	Carol J Healy
	Jim Healy	Ron Panter	Linda Panter
	Jim Pomeroy		

Minutes from August 27 were accepted as written.

## Requests:

Healy, Jim. 8351 Route 243. Area D. L316. Rick and Bob inspected; request to remove marked trees was approved upon motion by Rick. A thank you was extended to Jim for having the trees so well marked.

Villafranca, Miguel. 8642 County Road 49. Area F. L258. Rick and Bob inspected. Noted the dimensions are okay; the stairs are different than what is shown on the diagram; Request to rebuild dock was approved upon motion by Rick.

Hirsch, David. 8229 Parkside Drive. Area G. B251. Rick and Bob inspected. Request for dock license was approved upon motion by Dick.

Hirsch, Allen. 8219 Parkside Drive. Area G. B314. Request for dock license was approved upon motion by Dick.

# DRAFT

Panter, Ronald. 8172 Lakeshore Drive. Area G. L219. Noted part of the dock will be cantilevered; part will be floating. Request to rebuild dock was approved upon motion by Dick.

My Residence East LLC. 8192 Trail 2. Area H. B348. Request for a dock license to dock B348 was denied upon motion by Rick for the reason this dock was licensed to Russell Morris and was to be removed when he built his new dock.

Hock, Kathleen. 8195 Trail 2. Area H. B349. Request for a dock license to dock B349 was denied upon motion by Rick for the reason this dock was licensed to Russell Morris and was to be removed when he built his new dock.

Hallett, William J. 8175 Trail 5. Area H. L170. Rick and Bob inspected; the request to rebuild the dock and install a hoist was approved upon motion by Rick.

Dearstyne, Robert. 8165 Trail 4. Area H. L173. Rick and Dick inspected; request to replace and extend the breakwall was approved upon motion by Rick based on the drawings submitted August 26, 2005. The DEC has been addressed and he is awaiting joint approval. Note: Mr. Dearstyne did not participate in the vote.

Jay, Gregory and Kathleen. 8593 Noontide. Area K. B457. Rick and Dick inspected; the dock is in need of a rebuild; an application is on file for rebuilding; request for a dock license was approved upon motion by Rick.

Penton, Bob, et al. Noontide. Community Dock B456 – 461. Rick and Bob inspected; must remain the same width it is at present; can not come out far enough to be a navigational hazard; request to rebuild the dock was approved upon motion by Rick; reminded them to apply to the DEC for a permit also; reminded them permits from the RLRD and DEC are required before commencing work. The Board conveyed to the Donovans, Jays and Pentons that the placement of property owners to slips has to be worked out among the members. Majority rules. Some community docks limit the boat size because of spacing and overcrowding issues. Some go by seniority; others do not. They were asked to meet, elect officers, and keep the District office updated of any changes. A community dock agreement needs to be signed and on file with the District. The District needs to be kept updated on who the contact person and members are. They agreed to the above suggestions.

Karwowski, Christopher and Marcia. 8546 Sunset Drive. Area K. B456 - 461. Request to move to a different slip on the Community Dock was denied upon motion Dick. It is suggested this be worked out as a group as noted with the Penton and Jay requests.

Schmidbauer, Edwin and Carol. 8531 Sunset Circle. Area K. L049. Request for a dock license was approved upon motion by Dick.

# DRAFT

Page 3 of 4

RLRD Minutes

September 16, 2005

Snyder, Robert. 8647 S Dam Road. Area K. L013. Adjustments to previously approved request (August 2005), was approved upon motion by Dick with the stipulation hoist marked #2 remains in the present location.

## Old Business:

Joe L'Annunziata asked to physically meet with someone to discussion erosion and to be shown where the 1450' elevation is. Rick will meet with him Saturday, September 17, 2005 at 2 PM.

Chuck Knier noted the Board's suggestion of Mr. Brown moving the hoist forward would make the situation worse; back would not be good either. Discussed Mr. Brown moving his hoist from the Gallose/VanSkiver side to the Knier side without a permit; noted the second drawing Mr. Knier submitted shows the L where it presently is and this was Board approved. Dick stated the situation needs further review.

Mr. Knier stated he is concerned about the rules and that all need to be considered. He stated if there is no following of the rules by those who need to abide and by those who govern, there is anarchy. Bob stated he appreciated Mr. Knier's comments and took them seriously.

Discussed Mr. Liguori digging a trench from his cottage to the lake. The DEC has indicated this is not in their jurisdiction. Bob is discussing this further with the DEC. Rick will look into having a summons issued to Mr. Liguori.

Mr. Bellis noted Mr. Liguori has dug a trench 3 to 4 feet deep and into the lake. He asked if the Board of Health could address this. It was noted a complaint to the Health Department has been filed.

Will Tucker noted Mr. Liguori is still working on the trench.

Bob submitted the proposed 2006 meeting schedule for review.

Mr. Jim Pomeroy presented a program on the early days of East Rushford, Kellogsville and the building of Caneadea Dam. All agreed it was a very entertaining and educational presentation.

## New Business:

Bill Sikorski reported that the filings have been made with the state for all permit applications for the gate project at the dam. This will likely be done in 2006.

Draw down is scheduled for October 13, 2005.

Jim Pomeroy noted it is a "balancing act" to manage the lake level.

# DRAFT

Page 4 of 4

RLRD Minutes

September 16, 2005

Bill Sikorski stated the Board may want to remortar another upstream section of the dam (side closest to gates).

Rick noted the N valve monitoring device is not functioning.

Finance:

Bill Szabo presented the final budget proposal. He noted that the major spillway gate project is proposed to cost approximately \$600,000. The District has been awarded a grant in the amount of \$267,000. A remaining \$333,000 will be removed from the reserve fund. The 2006 tax assessment total is \$200,000. Interest income is down a little. Legal expenses are projected to be approximately \$150,000. Normal operating expense is \$100,000. There is a projection for \$200,000 in tax revenue and \$50,000 in interest income. Upon motion by Dick, the Board approved the 2006 budget.

Bill further noted the rate is going from 2.43 per 1,000 to 2.89 per 1,000. On a \$100,000 property, the dollar amount will go from \$244. to 390. The tax rate will be maintained to increase the reserve fund and hopefully legal fees will lower.

Phil Mooar asked if the legal fees go down, could the reserve fund be built back up more quickly? Bill stated yes and the tax rate could go down without the projected legal fees.

Phil stated he was glad to pay to keep the lake. Many expressed the same sentiment.

It was asked if the rate increase goes to a public vote. It was noted the budget hearing is always the last Saturday in August.

Open Forum:

It was stated from the audience that maintaining the dam is critical. It was asked who is contacted for creek cleaning, dredging, etc. The answer is the Army Corps of Engineers and the Department of Environmental Conservation.

Noted a meeting is planned with the DEC at their request to discuss these concerns (silt, dredging, etc).

Bob noted that comments and input from the residents is welcomed.

Maggie asked why the lake has to be lowered early to do repairs. It was noted weather is a factor and use of a barge is another factor.

Maggie asked about a District newsletter. It was noted one is being put together.

# DRAFT

Page 5 of 5

RLRD Minutes

September 16, 2005

It was noted the landowners association held a kid's fishing derby and a food drive Labor Day weekend. Maggie noted the food drive is always Labor Day Sunday.

Joe L'Annunziata suggested an article in the newsletter about quiet times, neighborly conduct, common courtesy and consideration.

Phil Mooar stated he thinks the lake is quieter now than it used to be.

Upon motion by Rick the Board moved into executive session for the discussion of legal matters at 10:03 PM

Returned to regular session at 11:04 PM upon motion by Dick.

Adjourned at 11:05 PM upon motion by Rick.

Submitted by

Rhonda Kozlowski, District Secretary



Rushford Lake Recreation District  
Regular Meeting  
October 13, 2005

Page 1 of 5

# DRAFT

Meeting called to order at 7:30 PM by Chairman, Robert Dearstyne. All joined in the Pledge of Allegiance.

Present: Robert (Bob) Dearstyne, Chair  
William (Bill) Sikorski, Vice Chair  
Richard (Dick) Boas, Commissioner  
Gene Morton, Commissioner  
Richard (Rick) Gaczewski, Commissioner  
Rhonda Kozlowski, Secretary

Absent: William Szabo, Treasurer

Guests: Cal Reigle Phil Mooar Chuck Knier  
Joe L'Annunziata Sheldon Smith Bruce Zefel  
Herb Schaub Unidentified Deb Aumick  
Maggie Krzyzanowski Janet Gaczewski  
Bob Weed Pat O'Connor

Minutes of September 16 were approved as written upon motion by Dick.

Bob Dearstyne stated on this Board nobody is trying to tamper with landowners rights; they try to be even-handed and err on the side of caution for good reason.

Bruce Zefel noted taping of the minutes being conducted by Sheldon Smith, Attorney for James Kay and reserved the rights on taping. It was noted Mr. Smith was recording with a hand held Dictaphone.

## Requests

Winnert, JoAnn. 7973 Lake Road. Area A. L480. It was noted this is an aluminum dock. Upon motion by Dick, a license to use and maintain dock L480 was approved.

Sheehan, Theodore and Debra. 8958 Crescent Drive. Area B. L421. This dock could not be found. Noted concerns about height upon reviewing the drawings. Upon motion by Dick the request to rebuild the dock was tabled.

Smith, Harold and Mary. 8900 Balcom Beach. Area C. L398. Upon motion by Dick, breakwall construction was approved pending NYSDEC approval.

Denny, Norman. 8666 County Road 49. Area F. L268. Upon motion by Dick, approval was given for rebuilding the dock.

# DRAFT

Berger Family. 8088 Lakeshore Drive. Area G. L196 Upon motion by Dick, breakwall construction was approved pending NYSDEC approval.

Godert, Donald. 8083 A Lakeshore Drive. Area G. L185. Discussed concern over the height and line of sight for surrounding properties. Upon motion by Dick, request for dock construction was approved. It was noted all covered structures need to be reviewed and approved by the NYSDEC.

Gmerek, Ronald and Dawnmarie. 8238 Trail 1. Area H. B286. The request to rebuild the dock was tabled upon motion by Dick. There is a need to review and consider the impact on adjacent landowners.

Mescall, Dennis. 8172 Trail 5. Area H. B364. It was noted he has the neighboring dock information incorrect on his application. There is another dock between the ones he names. Upon motion by Dick, the request to install a boat lift is tabled for further review.

Longo, Steven and Kelly. 8326 Trail 7. Area H. L148. Upon motion by Dick, approval was given for a license to use and maintain dock L148.

## Old Business

Discussed the L'Annunziata and Young disagreements. It was noted they now agree on the 1450' elevation. Young is eighteen inches over the line with the hoist next to the dock. The hoist needs to be removed or the dock moved over. Upon motion by Rick, it was agreed a letter will be sent stating they have a choice of either removing the hoist or replacing the dock. It was noted the dock and breakwall need work. Discussed tree removal and replacement. Upon motion by Bill, they will also be asked to plant a tree to replace the one removed. They will be told a temporary repair of the dock and breakwall will be considered until plans for a permanent fix can be considered. Rick noted the dock is not a safety issue. The letter is to include a breakwall is needed because of the erosion being experienced.

Discussed the Knier and Brown concerns. Rick stated Mr. Brown needed to submit a permit request for the other lift noting it is six feet from the property line. It was noted there is a tabled permit request for Mr. Brown. Phil Mooar noted he is aware of the conversations which took place and being that Mr. Brown installed a hoist without permission, he should be made to remove it. He noted at one time, Mr. Brown had agreed to remove the hoist. Chuck Knier addressing Rick noted Rick had told him to move his dock and Mr. Brown would have to move his lift. He stated he located his dock where he was told to, but Mr. Brown has not been made to move his lift. Rick stated he had made a mistake. Bob asked if both individuals were within the five foot rule? Yes.

Discussed a trench dug by Jack Liguori. Noted the Health Department and the NYSDEC has inspected and determined it to be for ground water. A letter will be sent to Mr. Liguori stating

# DRAFT

the Board would be happy to permit the trench if he had asked. It will noted there are to be no further violations on District property and it is realized there was a water problem being experienced.

Noted the presentation of the Charter made by Mr. Debolski will be reframed. A plaque will be made honoring Mr. Debolski's contribution to the District.

Asked for everyone to spread the word about those on community docks getting better organized and keeping the District up to date with changes.

Briefly discussed dock renumbering.

Noted the parts are in for the valve. This is a monitoring device.

Discussed the letter sent informing the public of the District tax increase. Noted the increase is to cover the reserve fund and anticipated legal expenses. It was noted legal expenses are not coming out of the reserve fund. The reserve fund is for dam repair and maintenance only. It was further noted that in 2004 the District tax was 5.7% of the total tax, in 2005 is was 5% and in 2006 it will be 7.5% of the total tax.

Herb Schaub asked what the lawsuits are about. Bruce Zefel stated he represents the RLRD and noted Sheldon Smith represents James Kay. Bruce noted there are five lawsuits pending that deal with dock rights, permit issues, board procedures and other residents.

Sheldon Smith stated settlement discussions were rejected by the Board.

Bruce noted he and the Board are always interested in resolving and the Board supports a resolution and always has.

Deb Aumick stated the court date is October 21 and all eligible to vote in Allegany County should attend. She further noted Judge Brown is an elected official.

Joe L'Annunziata asked if the communities could or would help with repairs of the dam. It was noted the District was formed partly because the towns did not want the responsibility of the dam.

Chuck Knier noted that by raising the tax another 2% a land planner could be hired to conduct inspections. He stated it should be someone unrelated to either town and a professionally trained person. Bob stated he thought it more fair if going in this direction to have it be a fee situation rather than taxing all for a few. Chuck stated a fee could be charged for all applications.

# DRAFT

Noted the Federation of Lakes meeting Saturday, October 22 will be attended by Bob and Dick.

Noted Jim Pomeroy had been sent a thank you letter for his presentation at September's meeting. It was an excellent presentation and very informative. It was noted how difficult it is to manage water levels.

Discussed a meeting with Bob, Bill and the New York State Department of Environmental Conservation representatives Ken Taft, Mary Hohmann and Joe Evans. The District will be sending letters to the DEC after approving permit requests noting there is a tentative agreement, the NYSDEC will then approve or deny, the District will then give a final approval or denial. This is for all work below the 1450' line of elevation. Any docks with covers has become a concern for the DEC. Bill will update requirements. Noted the DEC prefers rip rap breakwalls to other methods. Applications to the DEC should include photos. To summarize: There are three steps 1) Letter of permission from District 2) DEC permit or denial 3) RLRD permit or denial

Discussed possible dredging near the bridge at the swim beach end of the lake. When the lake is down the DEC and Board will do an inspection.

Discussed procedures for drawdown to best prevent loss of wildlife and soil. Noted drawdown has been delayed from the projected October 13 date due to the Army Corps of Engineers and Allegany County. Hopefully, the lake will be lowered over the upcoming weekend.

Discussed the procedure for workers at the dam. It was noted Bob Pomeroy is the chief dam operator. Employees must contact him or he them for instructions. No employee is to go down on the dam without another employee or Board member.

Reviewed the meeting schedule for 2006 to be voted on at the November meeting.

Discussed a resolution limiting the size of deck boats, pontoon boats, etc. Noted there is a need to be specific and identify various types of boats. Upon motion by Dick, approval was given to contact R & K Marina for assistance in clarification.

Rick noted he attended the District 1 Legislative meeting held this week. He stated Medicaid costs in Allegany County are \$200,000 per month.

Bob noted the secretary will be out of the office the first week of November to care for a family member. She will come to the office evenings to check on things and gather work to take with her.

Phil Mooar asked if a response to the letter sent to the Comptroller by Dave Pullen and the towns of Caneadea and Rushford has been done. Bruce noted points had been addressed and a

# DRAFT

response sent. Phil stated the comptroller should be invited to come in and follow the trail. He stated it is all lies.

## New Business

It was noted there was an understanding the towns did not agree to this letter. It was stated this draws a line in the sand with the towns. It was stated Mr. Pullen reflected the towns in a bad light and should be fired.

Phil Mooar noted he had known Bill Szabo for all his Rushford life and trusts him completely. He cannot believe anyone would question his integrity.

Further noted this past Commissioner election was the biggest turnout ever. It is believed residents were trying to send a message.

Bruce noted nobody involved with the Board has an objection to an audit, they do object to the partisan letter.

A statement was made we've been kicked around long enough.

It was stated the State Bar Association should be contacted about the letter and the conflict of interest. Many had the sentiment the towns should fire Dave Pullen. They stated this puts the towns in a very bad light. Many expressed the knowledge of how many falsehoods and inaccuracies there were in the letter. Many are outraged.

No financial report due to the absence of Treasurer, Bill Szabo.

## Open Forum

Herb Schaub asked about and received an explanation about submitting requests for dock work.

Phil asked if payment can be authorized for a therapist for the Board noting if all the false accusations etc. continue, they will need one.

Upon motion by Dick the Board went into executive session with the RLRD's attorney for the discussion of legal matters at 9:46. Returned to regular session upon motion by Dick and adjourned at 10:12 PM.

Submitted by,

Rhonda Kozlowski

**Rushford Lake Recreation District**  
Regular Meeting  
November 17, 2005

Page 1 of 5

Chairman, Bob Dearstyne called the meeting to order at 7:29 PM. All joined in the Pledge of Allegiance.

Present:        Robert Dearstyne, Chair                    William Szabo, Treasurer  
                  William Sikorski, Vice Chair                Rhonda Kozlowski, Secretary  
                  Gene Morton, Commissioner  
                  Rick Gaczewski, Commissioner

Absent:        Richard Boas, Commissioner

Guests:        Deb Aumick                    Larry Stephens                Amy Stromberg  
                  Shelly Stromberg            Sheldon Smith                Bruce Cox  
                  Barbara Cox                    Janet Gaczewski              Mark Klodzinski  
                  Robert Weed                    Joe L'Annunziata

Minutes were amended and approved upon motion by Rick.

**Requests**

Loftus, Martin and Mary. 8001 Lake Road. Area A. L468. Request to rebuild cottage within same footprint as old was approved upon motion by Rick.

Steven, Jeffrey. 8060 Ryan Road. Area B. B036. Request for a license to use District property was approved upon motion by Rick.

Percy, Alan. 8062 Smith Road. Area B. B040. Request to replace a section of breakwall was approved pending a detailed drawing upon motion by Bill. It was noted this would be a new breakwall and the DEC needs to review. A letter to proceed will be sent.

Sheehan, Ted and Debra. 8958 Crescent Drive. Area B. L421. Previously tabled request to rebuild the dock was approved based on the amended diagram. Rick so moved, Gene made the second.

Valvo, Michael and Joyce. 8830 Balcom Beach. Area C. L373. Request to remove trees was denied upon motion by Bill. It is not certain what is wanted. It is not stated what the desired action is and appears one of the trees circled on the diagram is in actuality on the lot line. Neighbor's agreement would be needed. The District is not in

RLRD Minutes, November 17, 2005

Page 2 of 5

the business of removing trees. The Valvo's are the responsible party for trimming or removal.

Granger, Jake and Penny. 8660 County Road 49. Area F. L266. Request to modify dock was approved upon motion by Gene with the stipulation that the pipes presently in the lake bed be removed and disposed of.

Fischer, Rita L. 8654 Hillcrest. Area F. L265. Request for a license to use District property was approved upon motion by Rick.

Anderson, William. 8612 County Road 49. Area F. L254. Request to trim and remove trees was approved upon motion by Gene. Two trees may be removed; third tree may be trimmed.

Harrington, Richard and Jeanne. 8588 Hillcrest. Area F. L249. Request to construct breakwall was approved upon motion by Gene pending DEC approval.

Larry Stephens Group Dock. Area G. Action on reconstruction concerns was tabled upon motion by Gene pending discussion with the attorney for the District.

Gmerek, Ronald and Dawnmarie. 8238 Trail 1. Area H. B286. Request to rebuild dock was approved upon motion by Rick. It was noted all involved are in agreement.

Call, Bob. 8210 Woodside Drive. Area G. B289. Request to rebuild dock was denied upon motion by Rick. Detailed plans are needed.

LLC, Meadowlands East. 8187 Trail 3. Area H. B342. Request for joint licensing with Gerald T. Smith, Eileen Smith Tomaka and Alfred E. Smith was approved upon motion by Gene.

Hock, Kathy. 8195 Trail 2. Area H. Request to construct covered dock was tabled upon motion by Bill. It was noted there was a dock there which was removed, planned height is a concern, why move...place where previously, discuss with attorney.

Colangelo, Dan. 8167 Trail 3. Area H. B351. Request to add roof to dock was denied upon motion by Rick. It was noted he did not comply with original request, removed trees without approval, and the height is an issue. He is in violation of District policy for tree removal and not staying with the original plan.

RLRD Minutes, November 17, 2005

Page 3 of 5

Schaub, Herb. 8346 Trail 7. Area H. L150. Noted he needs to be thanked for staking the area out so well...it made the inspection easy. Upon motion by Bill, approval was given to rebuild the dock reducing the extension into the lake by 7' (seven feet). It will go from a planned 39' to 32'. This can be achieved by reducing the planned 14' section to 7'.

Walter, Scott and Julie. 8159 Trail 4. Area H. L175. Upon motion by Rick approval was given to replace the old hoist with a new one.

Augugliaro, Richard Jr. 8170 Trail 5. Area H. B365. Upon motion by Rick the request to install a hoist was tabled pending the signatures of those involved. Distances need to be clarified.

Mescall, Dennis. 8172 Trail 5. Area H. B364. Upon motion by Rick the request to install a boat lift was denied. A new request needs to be submitted reflecting removal of the walkway and signatures of those involved.

Stromberg, Amy and Sheldon. 8175 Hillcrest. Area H. L161. Upon motion by Bill, approval was given to send a "permission" letter to the DEC. Also approved was permission for removal of three dead pine trees.

Cassara, Ken. 8052 Klein Road. Area K. L059. Sent letter of concern regarding Cox's breakwall proposal. Noted jet ski lift needs to be moved to the other side; no permit for lift found on file; he needs to apply for the lift and application needs to reflect placement on the other side. When time to rebuild the dock it needs to be moved. The dock presently encroaches.

Cox, Bruce. 8050 Klein Road. Area K. L058. Upon motion by Gene, construction of a breakwall was tabled pending a detailed plan from the contractor.

L'Annunziata, Joe. Upon motion by Gene, approval was given to move the hoist from the south side to the north side.

Serwacki, Michael. 8586 Sunset Road. Area K. B467. Upon motion by Rick the hoist presently stored at Dale and Grace Young's property will be placed at dock B467. The old lift will be disposed of properly. There will be a deadline of Jan. 1, 2006 to complete this project.

Godert request from previous meeting was approved as submitted upon motion by Rick.



**Old Business**

Noted a change in the 2006 meeting schedule. The September meeting will be moved for adoption of the annual budget.

Discussed limiting the size of multi-hull boats on the lake. It was noted the biggest being sold locally is 28' L and 102" W. This needs to be presented to the towns for appropriate ordinances.

The spillway was flushed October 30; low alarm is set for 1400'. The level is being held at 1400' per DEC recommendation.

Noted the Dave Pullen request for an audit by the State Comptroller has been denied for now.

Noted a meeting with the towns is scheduled for Monday, November 21. It was noted the RLRD is always willing to communicate.

Noted a call is being anticipated from the electrician concerning the south valve monitoring device.

Noted Bill Sikorski will contact the DEC concerning an inspection of the Rush Creek inlet channel. Noted possible contouring is needed.

Discussed preparing a newsletter; noted volunteers are desired for committees. Mark Klodzinski volunteered to work on a newsletter committee. Input is to be forwarded to the District Secretary.

Noted community dock associations need to update member lists and bylaws.

**New Business**

Named Deb Aumick to Chair a Historical Records Committee and act as the County/Legislative Liaison.

It was noted that Allegany County celebrates its bicentennial year in 2006.

**Finance**

Preparing for gate project. Submitted disbursements for Board approval.

RLRD Minutes, November 17, 2005

Page 5 of 5

**Open Forum**

Noted Alon Dominitz who was handling the gate project for the DEC has been replaced. The RLRD has a new person to acquaint with and bring up to speed.

Noted a meeting with Senator Young is being arranged.

Upon motion by Rick, the Board moved to executive session at 9:44 PM for discussion of legal matters.

Upon motion by Gene, returned to regular session and adjourned at 10:20 PM.

Submitted by,

Rhonda Kozlowski  
District Secretary

No  
Dec. 2005  
mtg.

Illness