

Rushford Lake Recreation District
Regular Meeting
May 15, 2009

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Meeting call to order at 7:10pm by Chair, Deb Aumick. All joined in the Pledge of Allegiance.

Present: Deb Aumick, Chair
Dave Hirsch, Vice Chair
Dick Hubbard, Commissioner
Kathy Hock, Commissioner
Gene Morton, Commissioner
William Szabo, Treasurer
Terri Rogers-Assistant Secretary

Absent: Rhonda Kozlowski, Secretary

Guests: Janet Gaczewski	Judy Wirth	Joe L'Annunziata
Rick Reed	Dave & Linda Powers	Michelle Turner
Jim Estruch	Mary & Frank Stanczewski	MaryJo Hubbard
Rob & Amy Murray	Bill & Mary Witkopf	Nick & Sue Evaniak
Jim & Mary Hock	Dan & Jenny Harris	Don Waddell
Ceil Grzybek	David Grzybek	Dale A. Young
Anthony DiFilippo IV-Atty		

Dave made a motion to go into Executive Session to discuss: Huttons Bay, personnel matters and legal issues. Gene made the second. All voted aye. Executive Session began at 7:12pm.

Kathy made motion to return to regular session at 8:15pm. Dick made second. Motion carried.

Deb requested no comments unless asked directly until open forum.

Dick made motion to modify the agenda to add resume from potential attorney: Raymond Pfeifer. Kathy made motion to accept agenda as amended. Dave made second. Motion carried.

Kathy made motion to accept the minutes of the April 15, 2009 meeting. Dave made second. Motion carried.

Dave made motion to accept the minutes of the April 20, 2009 meeting. Gene made second. Motion carried.

Requests

Timberland Trails-Dave discussed issue of Evaniak dock and that they would have 1st right of refusal. Dave made motion to give to them in writing-1st right of refusal. Kathy didn't think we could do that. They had already received a letter awhile back. Dave did not realize this. Mute issue.

D'Annunzio, George. Lakeshore Dr. Area G. Request for floating dock. Board stated connected to Timberland Trails issue. No further discussion.

Old Business

Discussion about hiring a new attorney. We don't want to pay a retainer. Discussed need to interview him (Raymond Pfeifer). Dick to find out when it's convenient to meet with him and will email all to arrange the meeting. Any decision to be made will be done at next meeting.

DEC fines-Dave discussed DEC will fine RLRD since contractor worked in the lake bed while water was flowing. Discussion ensued. Dave to meet with the DEC on Sat. May 16, 2009. Dick made motion to discuss possible reduced fine with the DEC. If not, RLRD will pay it. Gene made the second. Motion carried. Deb noted that all are now under the understanding that no one speaks to the media or press without everyone first agreeing. All agreed.

Dale Young-Sunset-Dave looked at lift and decided it is to close to determine by eye if within limit. If a survey is submitted to show differently-fine, otherwise to close to call. Also discussed tree-new tree has been planted. Also discussed dock needed to be cabled back this year. This has also been done and has until next spring to repair dock. Therefore all issues resolved. Letter and photo's submitted for record.

Note: Youngs didn't receive letter requesting all-only verbal.

Huttons Bay-Michelle Turner. Kathy noted that RLRD sent letter to all docks in Huttons Bay area requesting information to bring records up current, as we've been requested to check on dock licenses regarding a legal matter. In the case of the Turners, a letter

was sent out and license was revoked. The Turners attorney-Anthony Difilippo IV was also present at the meeting. Noted RLRD attorney was not able to be present but did forward on information to the district. Kathy stated we're now entertaining additional information they'd like to submit. Discussion followed of whether their property is in the district as that is the first guideline for licensing. Turners atty. stated they do have property rights that go right up to district property and viewing corridor easement. Kathy noted that viewing corridor easement is not the same as property rights up to the 1450. Michelle Turner noted license given to them would be grandfathered in. Kathy stated that under NYS law, there is no grandfathering so putting that off the table as it's not legal. Kathy also stated at the time license issued in 2007, the District was under the assumption that the Turner property was within the Lake District. Kathy stated the first thing on the license says you show a deed that is in Lake District property. **Decision of board:** Kathy stated the RLRD decision is that since the property does not fall in the Lake District, that the dock in question belongs to the RLRD. It abuts our property and decision is we will allow Turners to rent that dock this season for \$400 which is the going rate in the district. Kathy noted additional lawsuits pending whether any of those docks are placed there (Huttons Bay) correctly. Attorney questioned "litigation" and wanted to know if there was pending litigation or threatened. Kathy responded "threatened". Attorney then discussed the Turners pending sale and how the dock ties in. Kathy said RLRD willing to rent to Turners or subsequent person for this season. Kathy made motion that RLRD keep the license for said dock and that rental of the dock will be offered perpetually with first option to homeowners pending any additional legal decisions in that area. \$400 for 2009 season with a monetary amount to be set yearly from here on. When they want to use it-they pay. Dick made the second. Deb abstained from the vote. All others voted aye. Motion carried.

Grants: Discussion of status of grant money. Last letter sent to them was 11/24/08 giving them all information they'd asked for. Board asking Rhonda to ask Bill Sikorski for written update. Discussion of need to arrange meeting in Albany with the DEC. Kathy will arrange meeting which will include her, Bill Szabo and Bill Sikorski. Gene made motion to pay transportation and food for all, and pay Bill Sikorski for his time. Bill Szabo noted there is money in the budget for Bill Sikorski's consulting. Dave made the second. All voted aye. Motion carried.

Fencing: All work completed by Tom Thomas at the swim beach. Issue complete.

Ciolek: Dock is blocked off. They cannot apply for licensing since they don't fit requirements to have a dock. Nothing has been submitted.

Cox: Regarding trees cut down on RLRD property without permission-resulting in suspension of dock license for 2 years. Mrs. Cox came to meeting and expressed opinions regarding this matter and would like the privilege to go back below the 1450. Dick made a motion to fine them \$500 and grind stumps down and level off the area and replace the 5 trees. Need to pay the \$500 within 30 days; have stumps ground by 8/1/09 and the 5 trees replanted by 10/1/09. Consequences would be absolutely no dock rights next year. Also noted that RLRD would show good faith to allow use by the time fine is paid and allow boat to be placed at the dock in the meantime. Dave made the second. Gene voted nay. All others voted aye. Motion carried.

Dave requested we go back to Huttons Bay issue and where the 1450 exactly runs. Discussion of how we need to use our own survey and not surveys of individuals who paid for their own surveys. Determination made that we have a survey by URS; we just need it staked out. Kathy made motion to call URS and get estimate for staking Huttons Bay area at the 1450 line. If more than \$500, she'll email all 1st. Dave made second. Deb abstained. All others voted aye. Motion carried.

Coon-Dave given folder with survey that had been submitted regarding docks on Coon frontage. Board reviewed survey. Decided site visit needed as it's supposed to be all staked out. Dave will coordinate (thru Rhonda) with all board members and arrange a site visit about 1 week before next meeting.

Finance

Changing order of agenda to allow Bill Szabo to talk about finance & 2009 budget and issues that must be addressed regarding dam and how all the issues regarding the dam will be done. Kathy will work with Bill Szabo to outline what is needed and contact Bill Sikorski to get all contacts and also get additional contacts from Rhonda. Kathy will get back to us in June 2009 to let us know where they're at. Will wait until June to do recruiting for Dam committee.

Bill continued with discussion of bill received from Hatch for \$888. and two bills from Hiscock-Barclay back to December 2008 for \$1152.50 and \$9337.70. All board members requested copies to review before paying.

Bill also distributed disbursements and payroll made since 4/6/09 for board approval.

*Deb Aumick had to leave the meeting. Dave took over as Chair.

New Business

Boat Launch: Discussion regarding possibly changing launch fees. Dick made motion to increase the \$25.00 fee up to \$35.00 and change the days that fees would be charged from Friday, Saturday, Sunday and Holidays to: When attended. Effective immediately. Leaving watercraft with motors under twenty-five horsepower ie: fishing boats as Free. Kathy made second. The 4 remaining members all voted aye. Motion carried.

Annual launch passes to residents in the towns of Rushford & Caneadea to stay at \$40/yr.

Dave no longer taking charge of launch issues. Dick will now handle all issues involving the boat launch at Balcom Beach.

Open Forum

Question of launching boats at ramp in Huttons Bay. All motorized boats must be launched at Balcom Beach. Non-motorized are not a problem.

M. Turner again stated that the Board is supposed to be here to make the lake enjoyable. She feels there is bias on the board. Dave assured her a lot of work has yet to be done and it will be done fairly. Mrs. Turner stated there is no way to know how much will be charged for dock rental in 2010. Dave stated the 2010 fee and any further discussion would have to be addressed at the next meeting.

Question asked of what the \$9000.00 legal bill was for. Board stated it was just received by them, so needs to be reviewed, but appears it's all over the board for different issues.

Issue came up as to whether the Board ever imposed a fine (as was just done in the Cox case) or whether they even had authority to impose a fine. Dick said he did not know, but would find out, but it was offered more as an option to Mrs. Cox and seemed in everyone's best interest.

Discussed sheriffs lift and whether or not it would be moved and who would pay for it. The Board decided to have Dave contact the sheriff and discuss with him about their moving of the lift (sheriff to move) to the dam side of the 1st boat launch at Balcom before the Memorial Day holiday. Also discussed there is a spot down by the beach that says "sheriff" on the dock. Dave will look into that spot as well.

Discussed Huttons Bay issue. It was again noted that since many of the files are old and parts missing, it was decided-what was fair-was to have everyone who had licenses to re-

submit documentation so we could be sure all documents correct. Board again stated we have to enforce policies based on our rules. The Board wants everyone in our district to have dock licenses. That's our ultimate goal!!

Discussion of prior question of disclosure of legal bills. It was stated anything on legal research or issues and legal cases being worked on-cannot be disclosed.

Kathy made motion to adjourn. Dick made second. Adjourned at 10:20pm

Submitted by: Terri Rogers-Assistant to District Secretary-Rhonda Kozlowski

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