

***Minutes of the Special Town Board Meeting of the Town of Arietta held August 18, 2015 at the Piseco Community Hall, commencing at 6:00pm.***

***Others present:*** Charlotte Opel, Pam Filippi, Bill Edwards, Dick Miller, Doug Stobo, Bryan Rudes, Maggie McCabe, Bill McCabe, Ryan Germain, Christine Irish, Diane Holiat, Janet Thrower, Joanne Brewer, Richard Brewer, Tom Callahan, Diane Deaner, Ann Western, Ed Svetlik, Henry Rogers, Justin Davis, William Parslow, Jill Cuthbertson, Patti Hotaling, Mary Kiewcz, William Hotaling, Sue Callahan, Pat Leadley, George Sloan, Doris Sloan, Al Price, Ed Cox, Tony Colby, Winkie Colby, Joe Cosenza, Rick Zihowski, Marie Buanno, Judy Damkohker, Sarah Rudes

***Supervisor Wilt opened the meeting at 6:02pm.***

*Roll Call:*

***Barry Baker present***  
***Michael Knapp present***  
***Jackie Grier present***  
***Christy Wilt present***  
***Richard Wilt present***

***Supervisor Wilt:*** The main purpose of coming together tonight is to discuss the dam again. There have been a lot of ongoing issues; I have paper work that goes back to 1974. Some of the things that people don't know back in 1992, then Supervisor Henry Rogers started working on a mean high water mark. The mean high water mark is the highest level at a ten year average. It took from 1992 to get it done in 2008. That mark is established, it gives us a lake level that never existed before. There was a DEC inspection on the dam in 2007. Bill Parslow is representing the property owner; (Spy Lake Corp.) And he has some questions.

***Parslow*** reported, he thinks we are looking for a dam that is safe and ran legal and brought up to DEC regulations and the Park Agency, this could be a goal for both the town board and land owner.

***Wilt*** said, in June of this year the town has procured the services of a dam engineer out of Maine. We have him under contract and he will start the study in September when the lake is at its lowest level. The boards will be going out probably Labor Day, so the lake level will be down so he can start the study. There was also a question on the insurance by the land owner and that is in the works and being taken care of. The owner has a liability concern so Wilt asked if he Spy Lake Corp. would sell the dam property to the town and his answer was no. Wilt asked if there are any other concerns or are we on track from the land owner? Parslow replied that he would like to get the easement cleaned up, because the town has been operating the dam backwards until the court settlement was finalized. The owner is concerned of the dam safety. The owner would like to see a three year easement and nullify the old one. He would like to see things brought up to standards with the proper permits. He would like to see the town operate the dam in a legal and safe way.

***Wilt:*** replied that there is nothing in the easement on how to operate the dam. We are following through with DEC and once the engineering is done it will go to DEC. Wilt said he had papers that said the town does not need a permit to operate the dam. When the engineer is done with the study the town will send it to DEC and the appropriate departments and see what they say. Wilt said he is trying to clean all the stuff up. Parslow is in agreement to continue.

***Councilman Grier:*** asked Supervisor Wilt to clarify the dates when you are opening and closing the dam right now? Wilt replied when the ice goes out we can put the boards in when the lake goes down to zero it is coming out labor day.

***Councilman Baker:*** reported that there is a town Lake level committee to oversee the operation during the summer months.

***Wilt:*** replied the lake level committee tries to keep it between 0 and 4, with a three foot opening, and when the lake gets low the study will tell us if we can close it up more. There seems to be nothing in writing about the three foot opening. Parslow replied that 25% free flow of water is what the bureau of dam safety recommends, that is the way they want it operated. Wilt replied that he believes there is a handshake deal between the town and the owner and DEC. One DEC official said there needs to be free flow, and Wilt replied until it is engineered to determine what the free flow should be there is probably something that says there has to be free flow.

***Parslow*** would like the town to write down the town's policy so we can sit down and go over it. Wilt replied he will get the engineers to talk to the agencies.

*Public Comment:*

There were various questions and statements, Parslow and Supervisor Wilt responded to these questions

*Sarah Rudes* asked if the dam easement documents and the minutes to this meeting can be placed on the Town Web page before the next town board meeting in September.

*Wilt:* reported it appears right now we are in agreement that the engineering will get done and it may take a year. There are a lot of studies and parts of this and the scope of work is going to change and we will send it on to the state and get a rubber stamp and a blessing and continue to operate how they allow us to. That is the path the town is headed in, I don't think we should be talking dam until the engineering report it done.

*Bryan Rudes:* in respect of the PLA, we support everything the town is trying to do, trying to get the engineering study done to come up to compliance with the 2011 letter from DEC. We as tax payers and members of the Association totally oppose any renegotiation of the lease which appears to me to be binding to the parties for now and into the future. I know you are not in favor renegotiating a new lease or exchanging any money. I think it is a terrible idea we have already spent enough money with this situation.

**Motion was offered by:** B Baker

To adjourn the meeting at 6:30pm.

**Second was offered by:** C. Wilt

**Ayes:** Baker, Grier, Knapp, C. Wilt and R. Wilt.      **Nays:** none

**Entered by:**

**Marion Parslow, Deputy Town Clerk**