

## **RESOLUTION OF THE BOARD OF COMMISSIONERS OF RUSHFORD LAKE RECREATION DISTRICT**

At a regular meeting of the Board of Commissioners of the RUSHFORD LAKE RECREATION DISTRICT, Towns of Rushford and Caneadea, County of Allegany, State of New York held at the District Office on May 15, 2009 at 7:00pm, the following Resolution was offered by Dick Hubbard and seconded by Kathy Hock:

WHEREAS, the Board of Commissioners of the RUSHFORD LAKE RECREATION DISTRICT has the authority and responsibility for regulating the use of Rushford Lake and

WHEREAS, the RUSHFORD LAKE RECREATION DISTRICT operates a boat launch area at Balcom Beach for District residents and open to the General Public for the purpose of launching watercraft For use and enjoyment of Rushford Lake, and

WHEREAS, a uniform policy must be maintained for the purpose of fixing charges for the use of Said launch, now

THEREFORE, be it Resolved that the following charges will apply to the launching of watercraft From Balcom Beach when attended.

***Watercraft with motors of twenty-five horsepower and over = thirty five dollars (\$35.)***

***Personal watercraft = thirty five dollars (\$35.)***

***Watercraft with motors under twenty-five horsepower i.e.: fishing boats = free***

This Resolution HEREBY null and voids all previous resolution in regard to launch fees at Balcom Beach, Rushford Lake.

A vote having been duly taken was as follows:

Dave Hirsch	<u>Aye</u>
Dick Hubbard	<u>Aye</u>
Kathy Hock	<u>Aye</u>
Gene Morton	<u>Aye</u>
Deb Aumick	Absent

The Resolution was thereupon declared adopted.

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RESOLUTION OF THE BOARD OF COMMISSIONERS RUSHFORD LAKE RECREATION  
DISTRICT

At a regular meeting of the Board of Commissioners of the Rushford Lake Recreation District, Town of Rushford, in Allegany County, New York, held at the RLRD Office, May 20, 2005. The following Board members were present:

William Sikorski, Chairman  
Richard Gaczewski, Jr  
Richard Boas  
Gene Morton  
Robert Dearstyne

The following Resolution was offered by Richard Gaczewski, Jr. and seconded by Dick Boas.

WHEREAS, Rushford Lake Recreation District has established guidelines for the issuance of licenses and permits for use of District property, including construction upon District property, which guidelines require the issuance of license and/or permit approval by the Board of Commissioners, and

WHEREAS, it is in the best interests of the District to allow for continuity and a reasonable amount of time for processing and inspecting sites;

NOW, THEREFORE, BE IT RESOLVED, that the Board of commissioners, pursuant to its authority hereby RESOLVES that all permit requests be submitted to the District Office no later than the 1<sup>st</sup> of each month.

A vote being duly taken was as follows:

William Sikorski –

Richard Gaczewski Jr. –

Richard Boas –

Gene Morton –

Robert Dearstyne -

The Resolution was thereupon declared adopted.

Date: \_\_\_\_\_.

Signed: \_\_\_\_\_.

RESOLUTION OF THE BOARD OF COMMISSIONERS RUSHFORD LAKE RECREATION  
DISTRICT

At a regular meeting of the Board of Commissioners of the Rushford Lake Recreation District, Town of Rushford, in Allegany County, New York, held at the RLRD Office, May 20, 2005. The following Board members were present:

William Sikorski, Chairman  
Richard Gaczewski, Jr  
Richard Boas  
Gene Morton  
Robert Dearstyne

The following Resolution was offered by Richard Gaczewski, Jr. and seconded by Gene Morton.

WHEREAS, Rushford Lake Recreation District has established guidelines for the issuance of licenses and permits for use of District property, including construction upon District property, which guidelines require the issuance of license and/or permit approval by the Board of Commissioners, and

WHEREAS, it is in the best interests of the District to allow for continuity and understanding of procedures;

NOW, THEREFORE, BE IT RESOLVED, that the Board of commissioners, pursuant to its authority hereby RESOLVES that all construction permits for the spring construction season shall be submitted by February 1<sup>st</sup> of that year.

A vote being duly taken was as follows:

William Sikorski –

Richard Gaczewski Jr. –

Richard Boas –

Gene Morton –

Robert Dearstyne -

The Resolution was thereupon declared adopted.

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

## RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE RUSHFORD LAKE RECREATION DISTRICT

At a regular meeting of the Board of Commissioners of the Rushford Lake Recreation District, Allegany County, New York held at its office at 7:30 PM on the 30<sup>th</sup> day of October, 1998.

The following were present:

Charles Stewart  
Dale McIntyre  
Richard Clapp  
Josephine Tyler

The following Resolution was offered by Richard Clapp and Dale McIntyre and seconded by Charles Stewart.

WHEREAS, the Board of Commissioners of the District is empowered to manage and control the property of the District; and

WHEREAS, it is in the best interests of the District to allow for continuity and equality in issuing licenses;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Rushford Lake Recreation District pursuant to its authority include in the policy the following:

### ASSIGNMENT OF SPACE ON COMMUNITY OR ASSOCIATION DOCKS

Any new or expanded "community dock" shall have an association developed with bylaws and eligible membership applicable to the geographic area of the docks use.

The association shall not access its members any fee for the "privilege" of obtaining a space on the dock, except for normal expenses incurred in construction, maintenance and/or operation of the association.

Should any applicant for space on a community dock remain the property owner or primary user for less than five (5) years, the space will be reassigned by the RLRD Commission to the new property owner or user.

All docks shall conform to the dock policy currently in effect at the time of construction or renovation.

Eligibility: all association members shall own property within the geographic area described in the bylaws of the association (ie Parkside Dock Association allows membership only to Lakeshore Drive and Parkside Drive property owners).

Procedure: When submitting an application for a new association which includes construction, expansion or change in dock assignments,

1. the RLRD shall be given a copy of the bylaws and membership
2. users of space on the dock must submit a "change in use application" with an \$25. registration fee.
3. any unassigned space on a community dock or association dock after a period of one (1) year may be assigned by the RLRD Commission following the eligibility guidelines. The assignee shall pay the association only for the space share of construction, maintenance and reasonable interest incurred to obtain the space and would become a regular member of the association.

The foregoing Resolution was duly put to a roll call vote as follow:

Charles Stewart – aye  
Dale McIntyre – aye  
Richard Clapp - aye  
Josephine Tyler – aye  
Absent – None

The foregoing Resolution was thereby declared adopted.

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE RUSHFORD LAKE RECREATION DISTRICT

At a regular meeting of the Board of Commissioners of the Rushford Lake Recreation District, County of Allegany, State of New York, held at its office on the 9<sup>th</sup> day of October, 1998 at 7:30 pm, the following were present:

Charles Stewart, Chairman

Dale McIntyre

Richard Clapp

Josephine Tyler

The following Resolution was offered by Richard Clapp and seconded by Dale McIntyre:

WHEREAS, the Board of Commissioners of the District are empowered to manage and control the property of the District; and

WHEREAS, the Board of Commissioners by Resolution adopted September 24, 1982 established Guidelines for the issuance of licenses for the use of District property, which Guidelines require the issuance of a license and approval by the Board of Commissioners; and

WHEREAS, the Board of Commissioner has, from time to time, amended and changed the original Guidelines, and it has now been determined that it is in the best interests of the District to clarify some of these Guidelines in order to allow for continuity, fairness and equality in the issuance of licenses;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Rushford Lake Recreation District that Article 5.30 License, of the Commission Guidelines be hereby amended to replace Section 5.33 A (Eligibility), with the following to supersede all previous Guidelines and Resolutions with respect thereto.

**DOCK RE-LICENSING POLICY AT THE TIME OF PROPERTY SALE OR TRANSFER**

Policy – To provide property owners with a vehicle to transfer their dock rights with the property at the time of sale or transfer, assuring the buyer will have the same access to the “dock” after the sale is completed.

Procedure – Thirty days prior to closing, the current owner will submit a “property transfer request” to the Rushford Lake Recreation District containing the following information:

1. Dock number
2. Address of property assigned dock
3. Name(s) of seller(s)
4. Name(s) of buyer(s)
5. Name(s) of adjoining property owners

Attachments shall include:

1. Copy of current Deed
2. Copy of current survey for both property and dock
3. An accepted copy of the purchase or transfer agreement for property assigned the dock
4. A current electrical inspection certificate (for below the 1450' elevation line)

The RLRD will then perform an on-site inspection. If the dock meets District policy, an approved inspection certificate will then be issued to the seller which may then be presented to the buyer at closing. The buyer will then present it, a copy of the current recorded Deed (showing property to be in their name(s) and a copy of the septic inspection certification by Allegany County if property adjoins the 1450' elevation line to the RLRD office to obtain the dock permit after the sale is completed. (Note: All other documents should already be on file.)

If the dock does not meet District policy, a report identifying the issues will be sent to both the seller and the prospective buyer. The buyer may accept the responsibility of bringing the dock up to conformance, without any assurance a permit for use will be issued, by filing a “request to use or change District property” form after closing on the property.

The RLRD shall reserve the right to request additional information needed to conclude its decision.

The foregoing Resolution was duly put to a vote as follows:

Charles Stewart, Chairman – Aye

Dale McIntyre – Aye

Richard Clapp – Aye

Josephine Tyler – Aye

David McDuff – Absent

The foregoing Resolution was thereby declared adopted.

Date: \_\_\_\_\_. Signed: \_\_\_\_\_.

# **Rushford Lake Recreation District**

## **Policy for Use of District Property**

### **Purpose**

The responsibility for operating the Rushford Lake Recreation District (RLRD) is given to a five (5) member Board of Commissioners by Chapter 78, passed by the New York State Legislature in 1981. Users of District property are also subject to all laws, ordinances and rules of the towns of Caneadea and Rushford.

Chapter 78 charges the Board to maintain and manage all of the District's property for the safety and recreational benefits of the District's residents and to maintain public access.

The goal of this policy is to outline the process of use of District property.

### **Definitions**

Back Lot:	A plot of private land situated within the RLRD that does not abut District property on any of its sides
Board:	Abbreviation of the Board of Commissioners
District:	All lands basically bound by NYS Route 243 and County Road 49, which border Rushford Lake. The term may also be used to refer to the authority vested in the Board by the laws of New York State.
District Property:	Includes the dam and adjacent structures, certain surrounding lands and all lands below the line of elevation including that beneath Rushford Lake. The Public Beach (leased to Allegany County), Balcom Beach and the fishing area near Mill Street are a part of the District that is used for public access.
Front Lot:	A plot of private land situated within the District that abuts District property on one or more sides.
Line of Elevation:	Around the lake marking the distance above sea level at 1450 feet in most places; 1445 feet in a few places. This represents the boundary line of the property owned the RLRD and includes all land within this elevation.
Real property:	Land legally Deeded to private concerns or individuals.
Right of Way:	A section of District property that has been reserved as an access to the lake for back lot owners in that area.
RLRD:	Rushford Lake Recreation District

### License

Because the RLRD owns all the land under and around the lake below the line of elevation, it is necessary to request and be granted a License before any individual use is made of that specific property. NOTE: "Public Use" areas have regulations that govern the use of each and are not part of this section of licensing.

A license grants permission to use the property in its exact condition at the time the license is granted. This includes use for activities that involve the specified land, water and any in place structure. **IT DOES NOT GIVE PERMISSION TO CHANGE ANYTHING ON THE LAND OR IN THE WATER!**

There is neither allowance for nor sanction for any type of private commercial development whether by means of temporary vending stands or permanent structures for the same within the boundaries of land owned by the RLRD.

Anyone who owns property in the District may request a license, although no boat dock license nor access to boat docking space shall be granted to any person owning property within the District unless said property shall be improved by a permanent residence (whether used seasonally or year round) which is assessed on the tax rolls of the towns or Caneadea or Rushford.

A permanent residence as used within these guidelines shall mean a structure with a minimum square footage of 500 square feet used for living purposes and which is affixed to the ground by means of a foundation, piers, or other similar attachment. Said permanent residence must have a county approved sewage disposal system. A mobile home may be considered a permanent residence within the terms of this paragraph if it meets the above requirements and is anchored to the ground either as defined above or with standard anchors as normally used on mobile homes and the wheels have been removed.

In order to obtain a license, the following must be on file:

1. current recorded Deed in requestor's name
2. septic approval certificate (county)
3. survey
4. up to date electrical inspection certificate (for that below the line of elevation)

Signing and accepting a license is constituting an agreement to be bound by all of the policies of the District. The license is the property of the District and may be recalled and/or revoked at any time for just cause.

The grant to use District property does not extend any rights against the RLRD, its officers, employees, agents or anyone performing a service for the District.

All structures on District property must be kept in physical repair and aesthetically acceptable condition. Simple maintenance (work that only replaces deteriorated parts or finish) does not require a permit. Any structural change requires a permit.

The license holder agrees to save harmless the District for any action taken by anyone using that property.

No right is granted to fence, post or to take any other physical or legal action seeking to delineate the holders region or claim to use.



The license holder is responsible for all activity on that property whether or not approved by the holder. If illegal actions are performed on District property, the responsibility for that activity whether or not approved, is that of the named license holder.

The District and its officials reserve the right of ingress and egress to that property at all times.

The license holder agrees to use the property in such a way as not to create a nuisance for neighbors or other users. All docks, watercraft, hoists, etc. must remain at least five feet from neighboring docks, watercraft, hoists, etc. Conditions should remain pleasant and convenient for all.

The property will be maintained in such a way as to make it aesthetically acceptable. Control of grass, weeds, debris, waste and erosion is mandatory.

A nonrefundable fee is required at the time the application for a license is submitted.

A license is valid for the life of the named licensee or until legally withdrawn by the District. If for any reason a licensee gives up their license, all rights revert back to the District.

### **Front Lot**

Front lot owners have a dedicated site. Where property that is deeded abuts District property, the District property may be available for private use. The area available is that part between the line of elevation and the water's edge, which is between the real property boundaries as they are extended in a straight line. Where extended lines would cut off other boundary lines, cross open water or create other conflicting situations, the District will determine use based on the factors in each case.

### **ROW**

ROW areas have very limited space for additional docks. New space will be considered at sites when the present holder decides to sell or rebuild. In either case, docking space will be reviewed to determine if there is sufficient room to add additional docking space.

Where enough space is available, additional docks may be added. The original license holder (or new owner) will retain a dock space. New spaces will be assigned to eligible requestors within the immediately adjacent area.

Some dock sites cannot be reconfigured because of safety, space or environmental concerns. These docks can be repaired and/or used by the original or new owner of property that dock was licensed with.

Some ROW shorelines are not large enough to use for boat docking. Docks in areas with less than twenty feet of shoreline may be limited to swimming and fishing only.

Right of ways twenty feet wide or more will be considered individually for community docking and all factors will be considered.

The RLRD encourages ROW docking groups to form a docking association. All ROW docking associations will use a basic agreement with the District. Any conditions unique to any association must be approved by the District and written in the agreement. Copies of all agreements must be on file in the District office.

Each association will elect a spokesperson to speak for the membership. The right to license and permission to change remains the authority of the Board of Commissioners. The right to revoke also remains the authority of the Board of Commissioners.

The objective for Community Dock Associations is to assist the RLRD in the management of specific District property and to organize the users for the operation and maintenance of the area. Participants include all those with a license to dock in the ROW. All have equal rights and responsibilities for the control and maintenance of the approved structures. Repair may be specific to the individual license holder or it may be a function of the collective group.

All payments of fees made by members of each association must be based on the total cost of maintaining the area. Assessment will be assigned equally based on these costs. No other charge, initiation fee or fine will be made except as covered elsewhere in this policy or specially approved by the RLRD. A treasurer will be designated to keep record of all monetary actions.

The rules of procedure will be written into a governing Constitution to be approved by the membership and the RLRD. Each member should have a copy and a copy should be on file in the District office. All ROW constitutions and all changes to them must be submitted to the RLRD for approval before any action is taken under the terms. Officers will be members and serve at the discretion of the group. All cases of members not conforming will be discussed in a meeting open to all members. If the member is still not willing to cooperate, the matter will be brought to the Board of Commissioners.

### **Requests**

To receive a license to use or change District property, it is necessary to submit a completed request form. This should include all the information asked for.

Any proposed changes including addition or removal of ground, cutting or planting of trees, shrubs, etc. or improvements to District property including but not limited to docks, additions to docks of any type, breakwalls, boat lifts, ramps, structures of any type whether permanently attached or not, must be applied for in writing to the Board of Commissioners before any work or construction is commenced.

Failure to apply in writing or failure to obtain such consent prior to commencement may result in a total decline of use of District property and shall result in an automatic denial of said proposed change or construction. Further, the Board of Commissioners will not consider any application for said proposed change or construction for a minimum period of six (6) months.

Items requested for resident files include:

- a) Property Deed
- b) Survey or sketch showing boundaries described in Deed (in some instances a sketch will not be adequate and a survey will be required)
- c) Septic approval certificate from Allegany County
- d) Back Lot Dock Association Agreement (shared docking)
- e) Electrical inspection certificate (for electric on District property)
- f) All dimensions and materials to be used in construction or rebuilding must be listed and adhered to

All requests must be submitted by the 1<sup>st</sup> of every month to be considered at that month's meeting.

Consideration and action will be taken in a regularly scheduled meeting. All are invited to attend and sit in on discussions. If everything is in order and acceptable, an approval is granted. A permit will be issued. A copy of the permit should be given to your contractor and kept on site at all times. When work is completed, the signed original should be returned to the District office.

If information is missing or not clear during the consideration, the request may be tabled for further study. When information is complete and clear, the request will be reconsidered.

In some cases, the request cannot be granted as presented. When a request is denied, the requestor will be notified with the reason. If the request can be reworked to eliminate the objection, it can then be resubmitted for consideration.

Permits are valid for one year from the issue date. By request, they may be renewed for a second year. No more than two extensions will be granted.

Because all change requires an approved permit, no changes to the plans should be made after the permit is approved. If some adjustment is necessary, that change must be approved and documented on the permit.

Some of the following specifications are explicit in their requirement. Others are more suggestive in nature. The explicit terms are to be strictly followed, while the recommendations have some latitude of choice.

- The RLRD must approve all materials used for construction on District property before using. Preservatives and procedures will be approved on their merits.
- At front lot sites, the Board (based on factors at each site) will determine the extent of use, size, shape and other conditions for front lot use.
- At ROW sites, available space will be divided equally with the maximum personal use width of twelve feet (12'). In determining said dock size inclusive of boat hoist and areas used by watercraft docked thereat, the Board of Commissioners with respect to all new construction and the rebuilding of existing docks, will whenever possible limit the dock space to a width no greater than twelve (12') **NOTE: The twelve foot allowance is inclusive of dock area, hoist and/or any watercraft to be docked thereat.**
- No storage shed, boat houses or any other structure larger than 24 inches in any dimension may be built on District property within seventy feet of the water's edge.
- Storage chests may be constructed on the dock/deck by submitting a request and receiving Board approval. The top of these should be no higher than three feet above the deck and have a lock, which cannot latch by itself.
- From seventy feet to the Line of Elevation, the Board will decide each request for storage space.
- All docks, hoists, watercraft, etc. must remain five feet from neighboring property lines regardless of whether it is front lot or back lot property.
- Height of docks should be at least two feet above normal full lake level of 1440.4'.
- Docking space is not intended to be shared or sublet.
- Any platform not attached to the shoreline (floating) may not be larger than ten feet square. Platforms should not be placed so that the lake edge is past the ends of neighboring docks.
- In most cases, ROW decks will be single level at dock height; size will be limited to space not usable for docks.

- Breakwalls are requested where erosion is taking place. Breakwalls must be constructed where the shoreline is, not where it used to be. Lakebed excavation and fill is not accepted without specific Board approval. A Department of Environmental Conservation permit is also required.
- No metal breakwalls permitted.
- Stairs should not be constructed or placed so as to cause a hazard of any kind.
- No ramps of any size are to be cut into or built anywhere on District property. Handicap ramps do not apply.
- No liquids with contamination of any kind may be discharged into the water of Rushford Lake by surface or drain. Proposed drains which spill or exit on District property must be approved before installation begins. Buried drains that encroach on District property must be inspected for the drains full length before it is covered. The source of the flow must be visible. All approved drains will be exactly located on a plot plan on file in the District office. A permanent visible marker should be placed at the point of discharge below the line of elevation. Periodic test may be made of all discharges.

All use of District property is constantly monitored. Any misuse will be noted and the license holder will receive a letter indicating the character of the infraction and a demand for cessation of the act. In some cases where the act might have been approved if the proper request had been filed, the Board may only demand that procedures be followed and then approve continuation of the project. In cases where the act is caprice or contrary to the interest of the District or its policy, a hearing will be scheduled for the concerns of the license holder to be addressed. Continued rejection of District demand will be followed by a request to remove all material and restore the property to its previous condition. Disregard of District requests will be followed by due process procedures:

- 1) A notice of impending action will be sent
- 2) An order of eviction will be served
- 3) Action to restore will be taken under Court supervision
- 4) The license to use that property may be revoked for a specified period of time.

In cases where the District may feel the legality of an action is in question, the dispute may be referred to the Dispute Settlement Center for assistance in reaching a solution.

The foregoing was duly put to a vote as follows:

Keith Cromwell	Yea
David McDuff	Yea
John Bernhard	Yea
Stanley Koprevich	Yea
Josephine Tyler	Yea

This policy was hereby declared adopted February 24, 1994.

JoAnne White, District Secretary

RESOLUTION OF THE BOARD OF COMMISSIONERS OF RUSHFORD LAKE RECREATION  
DISTRICT

At a regular meeting of the Board of Commissioners of the RUSHFORD LAKE RECREATION DISTRICT, Towns of Rushford and Caneadea, County of Allegany, State of New York, July 23, 1999, the following were present:

Charles Stewart, Chairman  
Richard Clapp, Vice Chairman  
Gene Morton, Commissioner  
William Sikorski, Commissioner

The following Resolution was offered by Richard Clapp and seconded by Gene Morton:

WHEREAS, the Rushford Lake Recreation District has been conferred the power of Chapter 78 of the Laws of 1981, to maintain and provide supervision of the areas of public use owned by the Rushford Lake Recreation District and is charged with the responsibility of preserving the asset of Rushford Lake, and

WHEREAS, Rushford Lake Recreation District operates a launch site at Balcom Beach as an accommodation to District residents and the general public for the purpose of launching watercraft for use on Rushford Lake; and

WHEREAS, Rushford Lake is a small inland lake with considerable boat traffic, and in order to protect the health, safety and welfare of District residents and the general public, it is deemed in the public interest to limit the launching of watercraft on weekends and holidays from May 1<sup>st</sup> to October 1<sup>st</sup>,

NOW, THEREFORE, BE IT RESOLVED, that the Rushford Lake Recreation District is authorized to issue launch stickers for use of the launch site at Balcom Beach as follows:

1. To owners/tenants of property located within the District for a fee of five dollars each sticker
2. To owners of mobile homes located in Rick and Ellie's Trailer Park for a fee of five dollars each sticker
3. To owners of mobile homes located in Ryan's Trailer Park for a fee of five dollars each sticker
4. To members of the Board of Commissioners and Employees of the Rushford Lake Recreation District, at no charge
5. To members of the immediate family (mother, father, son, daughter, step-parents, step-children) of owners/tenants of property located within the District, at an annual fee of forty dollars each sticker
6. To residents of the Towns of Caneadea and Rushford, at an annual fee of forty dollars each sticker, and it is further

RESOLVED, that all other persons wishing to use the launch site at Balcom Beach shall be required to pay the fee as determined by the Board of Commissioners and posted at the launch site.

A vote being duly taken was as follows:

Charles Stewart – Voting in favor  
Richard Clapp – Voting in favor  
Gene Morton – Voting in favor  
William Sikorski – Voting in favor  
Richard Boas – Absent

The Resolution was thereupon declared adopted.

Date: \_\_\_\_\_.

Signed: \_\_\_\_\_.

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE RUSHFORD LAKE RECREATION  
DISTRICT

WHEREAS, the Board of Commissioners of the Rushford Lake Recreation District (Rushford) seeks to have professional guidance and periodic recommendations, as well as custodial services, as to its investment portfolio, all in accordance with its statement of Investment Policies and Guidelines; and

WHEREAS, Key Trust Company (KTC) undertakes to carry out this task;

NOW, THEREFORE, BE IT RESOLVED, that KTC be retained as investment advisor for Rushford's investments; be it further

RESOLVED, that William C. Szabo, Rushford's District Treasurer, is hereby authorized to execute an Investment Advisory Agreement with KTC, and any further or ancillary agreements in connection with said Agreement, and thereby bind Rushford to said Agreement; and be it further,

RESOLVED, recommendations by KTC, must be approved by Rushford's Board of Commissioners.

I, Joanne White, Secretary of the Board of Commissioners of the Rushford Lake Recreation District, hereby certify that the foregoing is a true copy of a Resolution duly adopted by said Board at a meeting duly held on February 24, 1994, at which a quorum was present and voting, and that the same has not been repealed or amended and remains in full force and effect.

Dated: February 24, 1994 and signed by JoAnne White.

Resolution of the Board of Commissioners of Rushford Lake Recreation District

At a regular meeting of the Board of Commissioners of the Rushford Lake Recreation District, Town of Rushford, in Allegany County, New York, held at its offices at 7:39 PM on the 10<sup>th</sup> day of September, 1993.

The following were present:

Keith Cromwell, Chairman  
David McDuff, Vice Chairman  
John Bernhard  
Stanley Koprevich  
Josephine Tyler

The following resolution was offered:

WHEREAS, the District has adopted bylaws by Resolution of May 27, 1983 which have been amended by Resolution of February 1, 1985, and

WHEREAS, Article IV of the Bylaws require the establishment of certain standing committees, and

WHEREAS, the needs of the District with regard to Committees and Committee activity change from time to time,

NOW THEREFORE, be it resolved that the Board of Commissioners, pursuant to Article VI of the Bylaws, hereby amends Article IV to provide that the Chairman of the Board of Commissioners will appoint committees from time to time, as appropriate, which Committees shall be comprised of at least one Commissioner and additional members as to be determined.

A vote, being duly taken was as follows:

Keith Cromwell, Chairman – Yea  
David McDuff, Vice Chairman – Absent  
John Bernhard - Yea  
Stanley Koprevich – Yea  
Josephine Tyler – Yea

The resolution was thereby declared adopted.

Resolution of the Board of Commissioner Rushford Lake Recreation District

At a regular meeting of the Board of Commissioners of the Rushford Lake Recreation District, Town of Rushford, in Allegany County, New York, held on the       day of September, 1993 at 7:30 PM at the office of the District.

Present were:     Keith Cromwell, Chairman  
                     David McDuff, Vice Chairman  
                     John Bernhard  
                     Stanley Koprevich  
                     Josephine Tyler

The following Resolution was offered:

WHEREAS, the Rushford Lake Recreation District Board of Commissioners is entrusted with the responsibility of maintaining the Dam known as Caneadea Dam, and

WHEREAS, funds from the sale of water to Rochester Gas & Electric Co. together with other revenues, are greater than the funds required for day to day operations of the Rushford Lake Recreation District, but without a well funded reserve account may not be sufficient to make major repairs to the Dam, it is therefore

RESOLVED, that the Board of Commissioners shall designate a portion of its funds to be held as a reserve fund, and it is further

RESOLVED, that each year an additional amount shall be designated to be added to said fund, and it is further

RESOLVED, that any expenditures made from said fund must be authorized by an affirmative vote of at least four (4) Commissioners, and it is further

RESOLVED, that any prior action taken by the Board of Commissioners in furtherance of the above policy is hereby ratified and shall be deemed to have taken place as if this Resolution had been adopted at said time. A vote having been duly taken was as follows:

Keith Cromwell, Chairman – Yes  
David McDuff, Vice Chairman – Yes  
John Bernhard – Absent  
Stanley Koprevich - Yes  
Josephine Tyler – Yes

Dated: October 8, 1993



September 1982

WHEREAS, the Rushford Lake Recreation District wishes to enumerate its guidelines in determining the issuance of licenses, NOW, LET IT BE RESOLVED AS FOLLOWS:

1. Pursuant to the authority granted to it by Chapter 78 of the Laws of 1981, the Rushford Lake Recreation District is hereby authorized and empowered to issue licenses for the regulation and use of property belonging to the Rushford Lake Recreation District and any encroachments thereon.
2. That the Board of Commissioners shall be entitled to fix the form or forms of licenses to be used, fees for the processing of licenses, manner for applying for licenses, penalties for the violation thereof, manner of hearings for the consideration of grants or revocation of licenses, and any and all other acts incidental to the proper regulations of said Rushford Lake Recreation District property through the use of licenses.
3. That in considering a license request, the Board shall take into account the following factors:
  - a) the type of encroachment or activity to be licensed
  - b) the impact such encroachment of activity will have on the Rushford Lake Recreation District as a whole and the surrounding property owners in particular
  - c) the number any type of licenses, if any, previously granted to a particular applicant
  - d) the record of cooperation with the terms of Rushford Lake Recreation District licenses, rules and regulations in regards to each applicant
4. The Board of Commissioners shall be able to consider a variety of factors regarding the impact of an encroachment or activity which shall include, but not be limited to the following:
  - a) environmental considerations
  - b) location of activity or encroachment
  - c) aesthetic considerations
  - d) concern over high water level
  - e) crowding of either people or structures
  - f) navigation concerns
  - g) swimming concerns
  - h) fishing concerns
  - i) noise concerns
  - j) attitude of surrounding property owners
  - k) erosion concerns
  - l) safety concerns
  - m) impact upon peaceful enjoyment of private property
  - n) maximization of benefits of the lake for people within the District
  - o) historical use of property
  - p) long term development plans of the Rushford Lake Recreation District
  - q) preservation of property values
  - r) ease of regulating activities on public property
  - s) economic investment upon public property
  - t) availability of licensee with regards to supervising conduct surrounding an encroachment
  - u) traffic concerns
5. That it is deemed to be in the public interest to locate encroachments in close proximity to the respective licensee's property on the lakefront. That to the extent possible, recognizing the limitations of topography and possible inequities resulting from a blanket application of this policy, docks and other encroachments will be located in front of a lake front owner's property. The front of a lake owner's property shall be determined by an extension of the two boundary lines going toward the water along a straight line to the water. That such an extension shall only apply if the two boundaries going toward the water are basically parallel to each other and an extension of said lines would not cut in front of neighboring property boundary lines, or an extension thereof, before reaching the water's edge. Where an extension on ones boundary lines would cut off peninsulas of land which actually fall in front of other lakefront properties, but for intervening water, any location of docks or other encroachments on said peninsulas shall be based upon a consideration of all the relevant factors as outlined above, effecting the particular peninsula. At no time shall a license be issued for encroachment or activities on peninsulas, which would grant exclusive use to a single licensee of a peninsula, which is out in front, but for intervening water, of another lakefront property. However, such prohibition as to exclusive use shall not prohibit the Board from restricting use of a peninsula to property owners in the immediate vicinity of the peninsula and conditioning said use upon reasonable behavior.

6. That the private use of District land below the 1450' elevation shall be determined by the extension of property lines to the water's edge. Areas of shoreline when the property lines are not parallel, or where property abuts the lake in coves or bays will require each area to be considered separately. Changes or improvements to District property must have approval of the Commission.
7. That the extensions of right of ways are intended for the use of back lot owners. Dock on right of ways will be licensed as follows:

**No docks on right of ways with a shoreline of less than 20 ft. in length. Existing docks may remain, but when the property is sold, the dock is subject to removal at the discretion of the Board of Commissioners.**

**Right of ways with a shoreline of 20 ft. in length and up, dock size and boat hoists, if any, to be determined by the Board of Commissioners.**

8. That a renter will not be issued permits or licenses.
9. That a permanent dock shall be limited to 200 sq. ft.
10. That the Commission may amend the above provisions whenever it is deemed in the best interests of the Rushford Lake Recreation District to do so.
11. That to the extent reasonably possible, licenses shall be issued upon an equal basis to all applicants when the factor for consideration concerning a proposed activity or encroachment does not pose substantial differences warranting different treatment.
12. For purposes of determining the existence of a substantial difference the Board shall consider existing encroachments or licenses for such encroachments. Therefore, equality of treatment shall not require the Board to issue a license, when for the existence of encroachments and/or license impacting on one area; equal treatment would require a similar grant or denial as with licenses already in effect.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

James Hock – In favor  
Roy J. Newhard – In favor  
Donald F. Goold – In favor  
Marianne Engasser – In favor

The Resolution was thereupon declared adopted.