

To: Keuka Lake Channel Perimeter Committee - 25 October, 1990 - Page 3

As a note of interest, Keuka Lake is unusually high for this time of year and thus presents the opportunity to test flow rates approaching 500 cfs during the tour. We will need Mr. Stuck's assistance in this matter.

7. Timetable for Balance of Project

We have three significant documents to complete:

- A. Exhibit C of Compact
- B. Contract between NYS DEC and Compact members
- C. Local co-operation agreement (LCA) between NYS and the USA.

If items A & B can be completed in the next month and the NYS - USA - LCA agreement can follow shortly thereafter, it is still my hope that the Corps of Engineers can go to bid in early '91 and begin construction in the Spring of '91.

If anyone knows of a reason why the above timetable cannot be met, I would like to hear from them so we can address the problem(s), if possible.

Please send me your comments or call me to further discuss any of the issues I have raised.

William A. Weber
Secretary to the Committee
(607) 868-4874 (evenings)

encls.

W.A. Weber
10/29/90



BEAUMONT & STORK, INC.

Insurance

P.O. Box 428
8468 Bath-Hammondsport Road
Hammondsport, New York 14840
(607) 569-2363

September 12, 1990

Dear Bill,

In answering your questions about Keuka Lake Outlet Compact,

1. The individual municipalities' public officials liability would not cover the exposure for the property in Penn Yan
2. Nor can that property be covered through the individual municipalities' policies.

I've discussed this venture with Jim Stork, and the best I can provide you at this time are "ball park" quotes for the general liability and public officials liability. The Gen Liab. premium should range between \$3,500 and \$5,000 and the public officials premium should be in the area of \$2,500.

I've enclosed a public officials liability application for you to complete and sign. I'll be able to give you an accurate quote upon submitting it to the company. The same procedure applies for the general liability.

In answering your question about Erik's premium, the statement was correct. The premium came in a little higher than quoted due to Erik being 20 years old at time of inception. However, since he turned 21 that same month, the premium should be adjusted down to what was originally quoted.

Please let me know if I can be of assistance in either of these matters.

Best Regards,

M. Jeffrey Van Gelder, Manager

C. E. SHAW, Inc.

Insurance Service —:— *Real Estate Broker*
Hammondsport, N. Y. 14840



Mr. William Weber
954 West Lake Road
Branchport, NY 14418

October 12, 1990

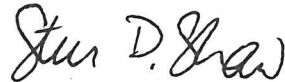
Dear Bill:

Per your request, I have the following information regarding insurance options for the Keuka Lake Flood Control Compact. After discussing the proposed organizational structure for the compact among the various affected Townships there are at least two ways to look at the insurance question. After speaking with you it is my understanding that a loosely organized contract has existed since the 1950's on the operation of the current Keuka Lake outlet gates. Most municipalities have certain limited coverage for the contractual agreements they have made. After reading the proposed new contract language, it appears to me the new compact is a refinement of the old one. I have told some Town representatives that have asked me, any insurance coverage you do place on this exposure will exclude flood and resulting damages. Therefore, it appears to me and the insurance company I have dealt with, the only real exposure is the premises liability where the gates are located. If each Town is responsible for a certain percentage of the operational budget, then that budget could be included in their general liability insurance premium calculations. I looked in the commercial lines manual and found a classification that is to be separately classified and rated. That classification reads "Dams, levees or dikes-existence hazard". This is a classification that would be added to the general liability section the same way a ski facility or a zoo would be. At this time I would estimate the cost to add this code would be approximately \$300, the minimum premium.

On the other side of the coin, there are those who might prefer that this exposure, if it is separately incorporated and treated as a specific separate entity, be insured on a separate general liability policy. I am not able to tell you what the cost of that arrangement would be at this time.

Finally, it is important to note, most of these Townships carry Public Entity Board Liability. Most policies of this type would need to be specifically endorsed to include the exposures of participation in a compact of this kind. It is likely that participation in the compact would show up in the various public entities annual budget breakdown. These budget breakdowns are used by both general liability and Board liability insurers to help determine final liability premiums. Again, the main exposure, flood, would not be covered. At this time, this is the best information I can provide you and I certainly cannot predict the future regarding the treatment of this type of exposure. I highly recommend the affected Townships consult in depth with their Town Counsel.

Sincerely,

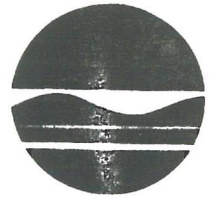


Steven D. Shaw
C. E. Shaw, Inc.

xc: Thomas Schwartz, Travelers
Connie Moorehouse, Supervisor Town of Urbana
Richard Para, Mayor of Hammondsport
Mert Plaisted, Supervisor Town of Wayne
Mrs. Peek, Supervisor Town of Pulteney

New York State Department of Environmental Conservation

Flood Control Field Office
180 Clemens Center Parkway
Elmira, New York 14901
Telephone: (607) 734-6289



Thomas C. Jorling
Commissioner

MEMORANDUM

10/1/90

Talked to Witt Yonge
perhaps best time
would be Nov, 90.

[Handwritten signature]

TO: Al Butkas
FROM: Allan Buddle *AFB*
SUBJECT: Penn Yan Flood Protection Project
DATE: September 24, 1990

The annual inspection of the Penn Yan Flood Protection Project revealed a deposition of silt and gravel in Keuka Outlet at the mouth of Kimball's Gully.

Representatives of the U.S. Army Corps of Engineers and the Department advised the Perimeter Committee that the deposit should be removed again. Removal of deposits at this site is required periodically as part of the maintenance responsibility addressed in the contract between DEC and the U.S. Army Corps of Engineers and between DEC and the Perimeter Committee.

It is my understanding that a permit is not required for maintenance of Corps Flood Protection Projects. In the past, at other projects, a representative of Fisheries and Flood Control met on site, discussed procedure and concerns, and provided the necessary drawings and other information to describe the work, but no permit was issued.

We prefer to proceed in this manner at Penn Yan and request an on site visit as soon as possible with the Fisheries representative responsible for Keuka Outlet. Would you also send me all of the application materials that have already been submitted by the Village and/or their engineer?

Thanks.

AFB:jb

315-536-3031
↑

cc: NYS Department of Health, Geneva
Carl Stuck/Witt Young - Village of Penn Yan
Bill Weber - Keuka Lake Perimeter Committee

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