

Public Hearing held June 13 2016 at 5:30 P.M. at the Town Hall in Schroon Lake N.Y.

Present:

Town Supervisor: Michael Marnell

Councilpersons: Roger Friedman, Don Sage and Meg Wood (Clara Phibbs Excused)

Town Clerk: Patricia Savarie

Also Present: Peter and Carolyn Pelone, David and Blanche Beck, Art Slaterpryce,

Supervisor Marnell moved to have the Town Clerk, Patricia Savarie, read the Public Hearing Notice.

TOWN OF SCHROON Public Hearing

PLEASE TAKE NOTICE that the Town Board of the Town of Schroon, New York, will meet at the Town Hall, 15 Leland Avenue, Schroon Lake, New York, on the 13th day of June, 2016 at 5:30p.m. for the purpose of conducting a Public Hearing on amending Local law #1 for 2012 “Preventing the Spread of Aquatic Invasive Species in the Town of Schroon”.

PLEASE TAKE FURTHER NOTICE that at said Public Hearing to be held at the time and place set forth above, the Town Board will consider this amended Local Law #1 for 2012 and hear all parties interested therein concerning the same.

PLEASE TAKE FURTHER NOTICE that a copy of the full text of amended Local Law #1 for 2012 may be obtained upon request from the Town Clerk of the Town of Schroon.

TOWN OF SCHROON

LOCAL LAW NUMBER 1 OF 2012

A local law in relation to preventing the introduction and spread of aquatic species into the waters of the Town of Schroon

TITLE: This local law shall be known as “The Town of Schroon Aquatic Invasive Species Prevention Law.”

PURPOSE: The purpose of this local law to provide guidance to all residents and visitors to the waters of the Town of Schroon to prevent the introduction and spread of non-native invasive species, animals, plants, etc. into and within the waters of the Town of Schroon, and to protect aquatic native species populations, biodiversity, and aquatic recreational activities for the public good.

APPLICABILITY: The provisions of this law shall apply in addition to any other local law or ordinance, or any New York State laws, regulations, etc. Where there is a conflict, the most restrictive provision shall apply.

DEFINITIONS:

“Invasive Species” are non-native species that can cause harm to the environment or to human health. As a threat to our biodiversity, they have been judged second only to habitat loss. Invasive species shall include all plants and animals that are listed by the New York State Department of Conservation, Department of Agriculture, and other agencies as detrimental to native vegetation, animal, fish, shellfish, wildlife, or natural resources.

“Habitat loss” is a problematic effect on our ecosystems including all natural systems that includes agriculture, forests, food supply, wildlife, fish, shellfish, infrastructure, industry, gardens, pets, recreation, human health, and our environment.

Users: A person, individual, firm, partnership, company, society, corporation, association, group, government entity, or others seeking access to or use of the waters of the Town of Schroon.

Launch: To place a watercraft, dock, or other float able device into or on the waters of the Town of Schroon, including any activity that takes place within fifty feet of the high water mark, moving by trailer or other device, or carrying said object.

Watercraft: A motorized or non-motorized boat, canoe, kayak, or other vessel capable of being used or operated as a means of transportation in or on water.

“Waters” means all lakes, ponds, rivers, streams, creeks, and all other places wet (more than one foot of water), impounding reservoirs, springs, wells, estuaries, marshes, inlets, canals, within the territorial limits of the Town of Schroon, and all other bodies of surface or underground water, natural or artificial, inland, fresh, public or private, which are wholly or partially within the Town of Schroon or within its jurisdiction.

Standing water: shall mean bilge water or other water inside a water vessel’s compartments and shall be removed before launch of said vessel.

PROHIBITIONS – (Unlawful activities):

1. It shall be unlawful for any person to launch or attempt to launch a watercraft into the waters of the Town of Schroon with any aquatic invasive species, plant or animal, or parts thereof, visible to the human eye on or attached to any part of the watercraft, motor, or trailer, or other launching device. All exterior areas of the craft, motor, and trailer shall be inspected including, but not limited to, rudder, anchor, other appurtenant, equipment, gear that may come in contact with the water. Whenever possible a Lake Steward will be on duty at the primary Schroon Lake boat launch near the Public Beach and the boat launch at the Paradox Lake State Campground. The function of the Lake Steward is to insure user’s compliance with this local law and offer helpful advice and/or assistance. Failure to comply or follow the Lake Steward’s instructions will result in the boat registration number being taken and forwarded to the Essex County and Warren County Sheriff Departments, and to the DEC.

Private lake-front property owners shall enforce this local law on all crafts before allowing them access to the waters in the Town of Schroon from their property.

2. All persons utilizing boat launches within the Town of Schroon shall be required to first pass through the designated bilge emptying area where they will insure that bilges, live wells, and other water containing wells are drained. All vegetation, animal and other foreign objects shall also be deposited in this area.

3. All persons before placing a dock or other device on to the waters will inspect said device to insure it is free of all vegetation, animal, and other foreign matter.

EXCEPTIONS: The Prohibitions shall not apply to:

1. The carrying and use of legal bait for the purpose of fishing, consistent with all applicable laws and regulations related to bait fish.
2. The use of above water line native vegetation for camouflage of the craft, decoys, or other such items for the purpose of hunting, consistent with all applicable laws and regulations.
3. Pets or hunting dogs.
4. The intentional transport of plants or animals, including for food, landscaping, habitat restoration, or other home related activity, provided they are fully secured within the craft.

ENFORCEMENT:

This local law shall be enforced by the Essex County and Warren County Sheriff Departments, the DEC, or other enforcement officers having jurisdiction in the same manner as a traffic violation.

VIOLATION:

Any person found guilty in court of a violation of this local law shall be subject to such fines or

sentence prescribed by the local court with a maximum fine not to exceed \$1,250. Additionally, at the discretion of the local court, the New York State Boater Registration Office may be contacted by the court to request the suspension of the craft's registration.

SEVERABILITY:

If any section, subdivision, paragraph, sub paragraph, clause, or item of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

This local law shall take effect immediately upon written notice of filing by and in the New York State Department of State.

AMENDMENT #1 TO LOCAL LAW NUMBER 1 OF 2012 – June 2016

Aquatic invasive species are one of the major threats facing the ecological health and economy of the Town of Schroon Area and the Adirondack Park. These invasive species can rapidly change the ecology of a lake, wetland, stream or river as well as significantly impair and diminish recreational enjoyment. Once an invasive species has been introduced the fight to contain or eradicate it can be cost prohibitive. Thus, our goal is to protect both our natural assets and the taxpayers.

Commencing on _____, __, 2016 all trailer boats being launched into Schroon Lake and Paradox Lake must undergo an inspection before they launch during the time that boat launch stewards are on duty. If it is the opinion of the lake steward that the subject boat is coming from a lake area that could jeopardize Paradox Lake and Schroon Lake the lake steward shall have the authority to have the boat go through a decontamination process at an official boat wash station.

The purpose of this inspection is to ensure that boats and trailers are clean, drained and dry, and are harboring no invasive species. The goal is to keep our lakes clean for the future, so that we can all enjoy their current high quality for generations to come. There is no cost to boaters for these inspections or the washing of the boat and trailer if determined necessary by a lake steward.

Exception: boats that have unbroken inspection tags (vessel inspection control seal -- VICS) signifying compliance with Clean-Drain-Dry standards from Schroon and Paradox Lakes will be permitted to re-launch with no inspection, the inspections tag will be removed upon launch and new tags will be secured to the trailer upon leaving the launch.

DEFINITIONS

“Cleaned, Drained and Dry” means that a trailer vessel is cleaned of all visible plant and animal growth, has had all bilges and other areas capable of storing water drained and is fully dried.

“Decontamination” means High Pressure Hot Water (HPHW) wash of a vessel and/or trailer, or other method determined to be as effective to eliminate any threat of introduction of AIS to Paradox Lake and Schroon Lake.

“Vessel inspection control seal (VICS)” means a plunger seal which is certified by the Commission and applied by a lake steward or authorized launch operator and which connects a vessel to its trailer, or other device to be equally as effective.

Prohibitions

It shall be unlawful for any person to alter or modify any VICS. This prohibition shall not apply to the removal of a VICS that has been properly installed to the vessel being launched into Paradox Lake and Schroon Lake.

It shall be unlawful for any person to use, or attempt to secure a vessel to a trailer, with an unauthorized VICS so as to avoid the requirements of this Local Law.

All vessels inspected shall be subject to decontamination if determined not to meet the cleaned, drained and dry standard by any lake steward prior to launching into Paradox Lake and Schroon Lake during the boating season. Trailer-ed vessels decontaminated at an official decontamination station shall receive a VICS.

Supervisor Marnell opened the floor to the public for comments.

Peter Pelone from Paradox Lake stated that he would like to thank the Board for being upfront on this issue and it has been very positive. We have a few verbal changes. In the title Aquatic Invasive Species, New York State has dropped the word Invasive, it would help if we did the same and somewhere in the amended law include the New York State reference to Aquatic Species. By doing this you have removed the burden for identifying some of these exotic species from anybody who is acting as a Lake Steward. You eliminate any of the detailed training and eliminate the worry if the Lake Steward has misidentified something. We think it would be good to add this in your new amended law.

In number one of the reference for launching such as watercraft, vessels, rafts, and floating docks it gets rather confusing. We think the standard consistent reference throughout the amended law to watercrafts, floating docks and equipment all which is defined in the New York State Law would be a good place to key in the amendment and make sure we don't overlook a particular item or allow somebody a loop hole to try to scoot around these kind of things.

In paragraph two on the amendment there is a statement where it says the Lake Stewards will have the authority to have the boat go through a boat wash to decontaminate their boat. As a Lake Steward we think it should say the Lake Steward has the authority to direct or request the boater to go have the boat cleaned. So in general by using the same language and reference as New York State does and putting it into the Local Law.

There is a reference in the vessel inspection tags and the word Commission is in there. What Commission is this? Councilman Friedman stated that maybe a mistake and that it was taken from the Lake George Park Commission, so that would be a good word to take out, but we would have to find a word to replace the word commission.

Councilman Friedman stated that it was my intent to give the Lake Stewards the authority to say if the boaters don't have a tag from where they came from then you have the authority to say you're not launching here. It is not a request it is more of a directive and the more that we have of that the more the boaters will know they must go to a boat wash before launching in our waters, this is the intent of the amendment. You have some good points, we can take the word commission out. If you look at the beginning of the local law this is a add on to the original. With a local law it must be approved by the Department of State and if we don't get it done quickly we will be into September without having teeth. How can we make the changes without slowing down the process? We think we could do it by getting together for a couple of hours and clean it up a little.

Supervisor Marnell stated that it won't take you long, but then we will have to have our Town

Attorney look it over. Councilman Friedman stated for them to get a copy of the amended law and change what they would like to change. It was our intent to vote on it tonight, we wish you had come sooner with your ideas. Peter Pelone stated I think we can get it done within forty eight hours to change the verbiage.

Supervisor Marnell moved to close the Public Hearing at 5:55 P.M.

I, Patricia J. Savarie, do hereby certify the foregoing to be a true and correct transcript from the minutes now on file in my office and of the whole such original minutes.

Dated: June 15, 2016 _____
Town Clerk