

**Public Hearing held July 11, 2016 at 5:30 P.M. at the Town Hall in Schroon Lake N.Y.**

**Present:**

**Town Supervisor:** Michael Marnell

**Councilpersons:** Clara Phibbs, Roger Friedman and Don Sage,(Councilwoman Wood- Excused)

**Town Clerk:** Patricia Savarie

**Also Present:** Peter and Carolyn Pelone, David and Blanche Beck, Jay Phibbs, Mark and Kathy Granger, Glen and Sue Repko and Casey King

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 11<sup>th</sup> day of July, 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 floatable 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, inlands, 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 or Vessel Inspection Technician 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 or Vessel Inspection Technician 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 or Vessel Inspection Technician’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, subparagraph, 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. Our goal is to protect both our natural assets and the taxpayers.**

Commencing on \_\_\_\_\_, \_\_, 2016:

- 1. All watercraft inspected by a Lake Steward or Vessel Inspection Technician shall be subject to decontamination if determined not to meet the cleaned, drained and dry standard prior to launching into Paradox Lake or Schroon Lake. Watercraft decontaminated at an official boat wash/decontamination station shall receive a Vessel Inspection Control Seal (VICS).**
- 2. Whenever a Lake Steward or Vessel Inspection Technician is on-duty, all watercraft, trailers, floating docks, rafts or other equipment being launched into Schroon Lake or Paradox Lake must undergo a Lake Steward or Vessel Inspection Technician (VIT) inspection before launching. If, upon inspection of the watercraft, trailer, floating dock, raft or other equipment, the Lake Steward or Vessel Inspection Technician notes the presence of any visible plant or animal, or parts thereof, the Lake Steward or Vessel Inspection Technician shall have the authority, at his/her discretion, to direct the boater to an official boat wash station for decontamination of the watercraft, trailer, floating dock, raft or other equipment. No watercraft, trailer, floating dock, raft or other equipment may be launched with any visible plant or animal, or parts thereof, present.**
- 3. If it is the opinion of the Lake Steward or Vessel Inspection Technician that the watercraft, trailer, floating dock, raft or other equipment is coming from a waterbody contaminated with aquatic invasive species or from a waterbody with unknown aquatic invasive species status, the Lake Steward or Vessel Inspection Technician shall have the authority to direct the boater to an official boat wash/decontamination station for decontamination of the watercraft, trailer, floating dock, raft or other equipment.**
- 4. Lake Stewards and Vessel Inspection Technicians are authorized to inspect watercraft exiting Paradox Lake and Schroon Lake. At their discretion, they may recommend decontamination at an official boat wash/decontamination station.**

**The purpose of the Lake Steward or Vessel Inspection Technician inspection is to ensure that watercraft, trailer, floating dock, raft or other equipment is cleaned, 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 the Lake Steward or Vessel Inspection Technician inspections or the washing/decontamination of the watercraft, trailer, floating dock, raft or other equipment if determined necessary by a Lake Steward or Vessel Inspection Technician.**

### **Exceptions:**

- (1) Watercraft, trailers, floating docks, rafts or other equipment that arrive at a launch site displaying an unbroken Vessel Inspection Control Seal (VICS) from Schroon Lake or Paradox Lake will be permitted to launch with no further inspection; the VICS will be removed by the Lake Steward or Vessel Inspection Technician. The boater may remove the VICS if a Lake**

Steward or Vessel Inspection Technician is not on duty.

(2) Watercraft, trailers, floating docks, rafts or other equipment displaying an unbroken green VICS from another waterbody and with the boater confirmation that the watercraft, trailer, floating dock, raft or other equipment has been through the high-pressure/hot water decontamination process will be allowed to launch with no further inspection.

### **DEFINITIONS**

(a) **Cleaned, Drained and Dry** means that a watercraft, trailer, floating dock, raft or other equipment is free of all visible plants and animals, or parts thereof; all bilges and other areas capable of storing water have been drained; and the watercraft, trailer, floating dock, raft or other equipment is dry.

(b) **Decontamination** means a High Pressure Hot Water (HPHW) wash of a watercraft, trailer, floating dock, raft or other equipment, consistent with manufacturer's directions, by spraying/rinsing external areas or equipment with high pressure (2500psi) hot water (140 degrees F) for a minimum of 30 seconds at a location that does not drain into a waterbody and, if equipment is available, and consistent with manufacturer's directions, rinsing/flushing water-cooled motors with hot water (140 degrees F) at a location that does not drain into a waterbody; additionally, consistent with manufacturer's directions, rinsing/flushing the bilge area, live wells, bait wells and other water-holding compartments with hot water (140 degrees F) for a minimum of 30 seconds at a location that does not drain into a public waterbody. If water is being drained from any water holding compartments via a pump, flushing/rinsing may be accomplished at temperatures lower than the recommended 140 degree F temperature consistent with the manufacturer's directions. Decontamination may also include other methods determined to be as effective to eliminate any threat of introduction of AIS.

(c) **Launch** means to place a watercraft, trailer, floating dock, raft or other equipment into a waterbody for any purpose and any activity that takes place within fifty feet of the high water mark of the waterbody, including moving by trailer or other device or by carrying by hand a watercraft, trailer, floating dock, raft or other equipment toward the waterbody, or entering a queue prior to launching.

(d) **Vessel Inspection Control Seal (VICS)** means an approved plunger seal or other equally effective device which connects a watercraft to its trailer. VICS are secured by a Lake Steward or Vessel Inspection Technician following an inspection or decontamination process. VICS are labeled with a number and the name of the waterbody or boat inspection/decontamination station where the VICS was applied or where the decontamination was completed.

(e) **Vessel Inspection Technician (VIT)** means a person who is trained to provide inspection and decontamination services.

### **Prohibitions**

1. It shall be unlawful for any person to alter or modify any VICS.

2. It shall be unlawful for any person to use, or attempt to secure a watercraft vessel to a trailer, with an unauthorized VICS in order to avoid the requirements of this Local Law. Re-use of a VICS is not permitted.

### **Public Participation**

Mark Granger stated that on behalf of myself and the taxpayers I would like to thank this board for protecting our lakes and for moving forward with this local law. We need to keep looking forward to the future to keep our lakes safe from all invasive species. Thanks to Councilman Friedman the Becks and the Pelones for their input on working on the amendments to the local law. It makes a statement that Schroon Lake stays clear of these very threatening organisms that are all around us.

Councilman Friedman stated he would like to thank the Becks and the Pelones for their suggestions. When we had our first Public Hearing and they stated they had some suggestions we went

back and looked it over and made some more adjustments.

Carolyn Pelone stated she supported the amendment and appreciates the board in doing this, it gives a clear direction for the Stewards.

Casey King, stated he is a volunteer for the Lake Stewards and this new amendment will give us some teeth and spread the law to all the boaters.

Glen Repko thanked the board for setting the standards and to keep it going.

Supervisor Marnell made a motion to close the Public Hearing at 5:45 PM.

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: July 15, 2016

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