

**PUBLIC HEARING FOR PROPOSED LOCAL LAW #1 FOR THE YEAR 2011
TOWN OF BRIGHTON - FRANKLIN COUNTY, NY**

June 9, 2011

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A Public Hearing for proposed Local Law #1 for the Year 2011, Aquatic Invasive Species Prevention, was held on Thursday, June 9, 2011 at 6:30 p.m. at the Highway Garage, 17 County Road 31, Paul Smiths, NY, with the following:

CALL TO ORDER:

The Public Hearing was Called to Order by Supervisor John Quenell at 7:02 p.m.

TOWN OFFICERS

PRESENT: Supervisor John Quenell, Council Members: Jeffrey Leavitt and Steve Tucker

ABSENT: Council Members Peter Shrope and Lydia Wright

OTHERS PRESENT: Paul Blaine - Code Enforcement Officer and Elaine Sater - Town Clerk

RESIDENTS: Seven residents were present

Pledge to the Flag was recited

NOTICE OF PUBLIC HEARING: Notice of this public hearing was published in the Adirondack Daily Enterprise on Thursdays, May 26 and June 2, 2011. The notice was also posted on the Town Clerk's Sign Board and at three post offices and businesses in the Town on May 26, 2011.

Supervisor John Quenell read the following prepared statement on proposed Local Law #1 for the Year 2011, titled "The Town of Brighton Aquatic Invasive Species Prevention Law".

"The so called Invasive Species Prevention Law was introduced to the town board by certain members of the Brighton community back in September of last year (2010).

The town supervisor then circulated the law to the County District Attorney, the DEC, the APA, the Association of Towns, and the Nature Conservancy's Adirondack Park Invasive Plant Program. The County District Attorney, in particular, recommended that we change the law's enforcement from a criminal to a civil offense because as a criminal offense any actual adjudication of the law would be extremely difficult, at best. We were also advised that we should not expect the County Sheriff, the DEC Conservation Police or the State Police to take part in enforcement of the law, leaving us with only the town Code Enforcement Officer as an enforcement agent. We made the appropriate changes in the law and eventually presented the altered version at a public hearing, held on March 10 of this year (2011).

Several suggestions for further changes were made at that hearing and other were suggested by Brighton citizens via email and phone afterward. The town supervisor assembled all of the suggestions and sent them to Mr. Duncan, who is an attorney and who is principally responsible for proposing the law to the Brighton town board back in September (2010). Mr. Cameron responded with a memorandum on March 23 with suggested specific changes in the law. These were incorporated and a marked-up version of the law was then sent by the supervisor to the town council on March 29. Copies of that version are available here, if you wish to review details of the changes. The substantive changes were:

- Expansion of the definition of "Boater" to include "paddler or rower" as well as "operator"
- Expansion of the clause directing that items removed from a boat before launching, such as aquatic plants and animals, must be disposed on land distant from the shoreline so that they cannot re-enter the water body.
- Clarification of the definition of those who are exempt from the discarding requirements, to state that it includes those who have a license to do so.

The changes were reviewed in our regular board meeting on April 14 and it was decided that another public hearing would be warranted because of the nature of the changes. We scheduled the hearing for 6:30 p.m. on June 9.

Subsequently, on May 14, the supervisor transmitted via email and hard copy to the town council an updated copy of the law incorporating all the changes, available here."

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The floor was opened to the public for comment on Proposed Local Law # 1 for the Year 2011, "Aquatic Invasive Species Prevention".

Pat Willis – Rainbow sent a letter dated June 1, 2011, to the Board in favor of the law. The Town water bodies are so far free of most harmful invasive species, but these waters are threatened by the existence of these species in nearby waters where they can be picked up by boats, trailers and equipment. We need this law to help educate the public of the threat and to give support to preventative measures. Most people are finally aware of the need to keep boats and equipment clean. Sometimes, however, some boaters are either not aware or in a few instances are not willing to stop and clean. In these cases, it would be useful for stewards or citizens to explain about this lawn and even to report a violation. Any officer of the law can make the few arrests that could occur-this is not a huge enforcement issue, and the benefit to our water bodies would be enormous.

Resident A – asked if NYS had a law of this nature or does every town have to pass a law; will the town have to post all the lakes, and how will out-of-town people know about the law.

Supervisor John Quenell said NYS does not have a law; DEC has a list of bad creatures and plants. He feels it would be prudent for this town to pass this law. He said the law will not be enforced aggressively. The law does not provide for posting.

Resident B- asked if other lakes have Associations like Rainbow Lake that can work with this law. Rainbow Lake and Paul Smith's College have stewards who work with the invasive species program

Supervisor John Quenell said St. Regis Lake has an Association that is active.

Resident C – said the lake Associations can do their own postings.

Resident D – asked how lakes without an Association, like Jones Pond, get a copy of the final law to post.

Supervisor John Quenell said the Town Clerk can provide a copy of the final law after it is approved by the Town Board.

Resident E – asked if there was a provision for fines and who can enforce this law

Council Man Jeffrey Leavitt said Article C addresses fines up to \$500.

Supervisor John Quenell said the Code Enforcement Officer would be the one to enforce the law

Paul Blaine, CEO – said it will be difficult to enforce this law, it is only a deterrent. If there are repeat offenders, they will be prosecuted.

There were no further comments from the floor.

Motion to Adjourn the Public Hearing at 7:15 p.m. made by Steve Tucker, second by Jeffrey Leavitt, Aye 3 (Leavitt, Quenell, Tucker), Absent 2 (Shrope, Wright)

Respectfully Submitted,

Elaine Sater
Brighton Town Clerk