

A Public Hearing to discuss proposed Local Law Number 2 of the Year 2001, entitled Establishing a Personal Watercraft and Specialty Prop-craft Regulation Zone, was held on August 6, 2001 at 7:00 p.m. at the Brighton Town Hall, Paul Smiths, NY, with the following:

PRESENT: Supervisor Christopher Leifheit
Council Members: Alicia Bodmer
Linda Dobson
John Quenell

OTHERS PRESENT: Elaine Sater-Town Clerk

RESIDENTS: There were over 76 people present

ABSENT: Council Member Roger Smith

Public Hearing was **Called to Order** by Supervisor Christopher Leifheit **at 7:04 p.m. for the Purpose of public input on proposed Local Law Number 2 for the Year 2001 entitled Establishing a Personal Watercraft and Specialty Prop-craft (PWC's) Regulation Zone**

Public Notice was published in the Adirondack Daily Enterprise and the Press Republican on Friday, July 6, 2001 (30 days before the hearing as per the law) and posted at the three local post offices and local businesses and on the Town Clerk's signboard at the Town Hall.

Supervisor Christopher Leifheit thanked all the people for coming and introduced the Town Board to the attendees. Everyone who wished to speak was asked to state their name and where they lived before they spoke.

Council Member John Quenell gave a short briefing on the highlights of the proposed Local Law #2-2001 that is attached in its entirety. The preamble notes the adverse effects of the use of personal watercraft and specialty prop-craft on the specified lakes. Personal watercraft and specialty prop-craft are defined. Bodies of water to be affected were noted. Zone to be regulated is within 1500 feet of the shore. Enforcement and violation and penalties were noted. Effective date will be when the law is filed with the Secretary of State.

The Floor was opened for discussion and this is a summary of the discussion:

People who spoke for the Local Law:

Bob Scott-Osgood Pond
Rev. Joan Shelton-Cranford Camp-Osgood Pond-read statement of support from Frances and Kenneth McElheny
Chip Brieant- McColloms
Carolyn Reiners-Jones Pond
Judge Ketcham-Spitfire Lake
Joe Hanerfeld-Beech Hill Road-Osgood Pond
Bob Callaghan-Lake Clear Association
Gary Nordmann-Spitfire Lake
Howard Kirschenbaum-White Pine Camp-Osgood Pond
Charles Brumley-Saranac Lake
Dana Fast-Lake Clear
Bud Church-White Pine Camp
Greg Rettew-Spitfire Lake
Yvonne Fast- Lake Clear
Shelia Grady-Bourgeault-Osgood Pond
Betty Scott-Osgood Pond-read letter of support from President Miller of Paul Smith College, submitted 50 more signatures on a petition from the Osgood Pond Association in support of the law
Jonathan Miller-Lone Pine Association -Osgood Pond
Lee Keet-Lake Colby Association-Saranac Lake
Laura-Jean Schwartau-Northbrook Lodge-Osgood Pond
Karla Brieant-McColloms
Calvin Bourgeault-Osgood Pond
Leonard Kent-Upper St. Regis
Joe Mecurio-Lake Kiwassa-Saranac Lake
Ann Van Ingen-Upper St Regis-St Regis Foundation
Rebecca Richardson-Brig-A-Doon-Osgood Pond
Carl Shedd-Spitfire Lake
Dick Beamish-Saranac Lake
Randy Duncan-St. Regis Lake
Michael Humes- Camp Apple Jack - Lower St. Regis Lake
James Kirchner-Lower St. Regis Lake
Barbara Duncan-Upper St Regis Lake
Sandy Trevor-Spitfire Lake
Mark Kurtz-Town of Franklin
Susan Hanerfeld-Osgood Pond
Sylvia Roberts-Spitfire Lake
Bob Hall-Osgood Pond
Jeffery Marchand-Beech Hill Road-Osgood Pond
Delores Marchard-Beech Hill Road-read a letter from Pat Willis, Chair of the Non-Native Species Committee of the Franklin County Network of Shoreline Associations addressing the spread of Eurasian Watermilfoil
Barbara Herbert-Osgood Pond
Whitelaw Reid-Upper St. Regis Lake
Diane Griffin-Jones Pond

Karen Bovis-Paul Smiths College Recreation Program
Isabell Shedd-Spitfire Lake
George Earl-Spitfire Lake
Kathy Weld - Upper St Regis Lake
John Allen- Upper St. Regis Lake
Beth Allen –Upper St. Regis Lake

Summary of Comments:

-A new watercraft is being introduced on the market called a “powerski jetboard” that can get up to 45 mph. This Law will keep this craft and all PWCs off the small lakes. PWCs are designed for “thrillcraft” and have no other use. Advertisements for PWCs want people to “Own the Lake.” The companies that create the PWCs are trying to make a profit and they don’t care about the lakes.

-Osgood Pond (and the lakes mentioned in this law) is a small, shallow and environmentally sensitive lake and home to year-around residents as well as many summer people. The people like the peace and quiet of the lake as well as the wildlife that includes loon and eagles. The lake is used for swimming and fishing as well as canoeing, rowing, sailing and kayaking. The speed, noise, pollution and water turbulence caused by PWCs will destroy the peace and quiet, interfere with wildlife, and could spread Eurasian Watermilfoil (EWM). PWCs are a menace to fishermen and a positive danger to swimmers. Osgood Pond is not a good place for users of PWCs; its deepest point is 15 to 20 feet. There are many shallow or rocky places including a large boulder just below the surface in the middle of the lake. There is substantial risk for PWCs of collision with moorings, swimmers, and other boats arriving at or departing from shore especially at the state-owned boat launches.

-PWCs are designed for jumping wakes and should be used on larger lakes or on the ocean. These lakes do not have the wave action that makes PWCs fun. “Bay Watch” is about the only good place for PWCs to be used.

-Swimmers use these lakes because they are shallow and someone on a PWC going 45 mph will not see them, safety is an issue for children and adults alike. Camps have marathon swims on the lakes and campers could be hurt while in the water. Areas should be set aside on larger lakes for PWC use away from swimmers. Children would not be safe swimming if PWCs were used on these lakes.

-Residents living on the lakes should not have to put up with people not following the basic rules of the water with any boats or watercraft just as people who use the highway. Any type of boat can be used on the lakes; a person’s right to use the lakes is not being taken away with this law. Boats stay away from the shoreline unlike the PWCs

-The boat traffic on the lakes has increased and if this is bad then more bad (i.e., PWCs) should not be added. Boats have been used for generations on these lakes and whatever effect they have doesn’t need to be increased by the PWCs. Cumulative environmental impact of using the lakes needs to be addressed at some point.

-PWCs are portable and easily moved from lake to lake and can spread EWM easily between bodies of water. EWM is at its canopy stage in July and August when PWC users would be most active. At canopy stage the plant is most easily fragmented and particles could be broken off and spread around the pond. Osgood Pond is such a shallow pond that it would soon be a swamp if EWM were introduced into the water. Part of the Mohawk River near Albany is unusable due to EWM infestation.

-Water quality is being affected, concerned for the flora and fauna, animals, birds, and fish for generations to come. Would like to maintain the water quality for swimming. PWCs emit oil into the water equal to 1 quart for every gallon of gas since they use a 2-cycle engine. Constant acceleration and deceleration is the norm for PWC operation. Camps use lake water in their water systems. This law will prevent degradation of water quality in the water bodies.

-Property values on lakes will be affected by appropriate use of the lakes. Businesses on the lakes will lose customers if the peace and quiet cannot be maintained, people will go where they can find it. Visitors spend money at the businesses in the town. Businesses on the lakes employ residents and use contractors of the Town so the Town does profit. Property owners and visitors will go elsewhere to get the peace and quiet they desire.

-Property owners have made a huge contribution to keep the lakes pristine for public use. The lakes are renowned for their water quality across the United States. Boat washing stations have been added at the St. Regis Landing paid for by the St. Regis Lake Association. The Association also monitors the water quality of the lake. PWCs are not compatible for these lakes

-Enforcement of boat laws is unrealistic without a local law to control the PWCs. Shoreline owners can control use of PWCs on the lakes if they have the law to back them up. PWC owners don’t have an inherent right to use their PWCs on the small lakes where they will cause damage to the ecosystem.

-Not all inventions of man are compatible with use in the Adirondacks and PWCs are designed to make loud noise. Noise of PWCs can be heard for a long way and will disturb the natural peace and quiet of the small lakes. The rapid turning, jumping, and acceleration cause a constant chainsaw-like noise. PWCs are incompatible with the tranquil lifestyle in the area. This is a good opportunity for the people to act to keep PWCs off the lake.

-The St. Regis Lakes are part of the Wilderness Canoe Area and canoe traffic has increased 500% in this area. Boats are not allowed in the Canoe Area. PWCs can turn quicker and faster than a boat and go in shallower areas, they are dangerous to canoeists who cannot get out of the way quickly. There is an area called the “slough” which is the only way to get from the public access points to parts of the lakes. The PWCs will disturb the wildlife living in this area.

-PWCs are getting a lot of attention across the United States and regulating them upfront will help control them on the lakes. On lakes where PWCs have been used for three years the wildlife has been chased off. PWCs have forced canoeists off the Connecticut River, people are trying to regulate them on the river now. PWCs are very powerful, they have been taken up to the “Whirlpool” area on the Niagara Falls River. PWC users on Lake Flower and Lake Clear do not seem to be concerned about the safety of the users of the smaller hand-powered crafts. PWC users have “charged” toward boats then turn away at the last instant. This upsets boats that depend on predictable behavior for safe navigation. Not passing this law may make it a case study in the future for Paul Smith's College students on PWC usage.

People who spoke against the Local Law:

Peter Yaglou-Gabriels
Sara Holvik-Bert LaFountain Road, Gabriels
Doug Martin-St Regis Lake-Keese Mills Road

Jennifer Leavitt-Gabriels
Dave Martin-Gabriels
Scott Leavitt- Gabriels
Jeff Leavitt-Gabriels

Summary of Comments:

- People who own PWCs operate them responsibly. “Chris Crafts” and other motorboats cause more damage than PWCs to the ecosystem. People who act irresponsibly and are not following the laws need to be penalized not the people who are acting responsibly. People using PWCs are subject to the same laws as boaters. People need to talk to PWCs users if they are being irresponsible and ask them to ride responsibly.
- People who live here year-round should be able to use PWCs on the lakes. The lakes are state-owned and all should be able to use them equally.
- Boats make a larger wake than PWCs as they displace more water. This is more noticeable at a higher rate of speed. There are children using boats on the lakes that cause huge wakes and disturb waterfowl nests. Turtles eat more loon eggs than the PWCs or boats drown. Areas should be marked if there are wildlife nests. Fourth Lake in Inlet has a thriving loon population and is very busy with boats and PWCs
- Water quality is affected by the “Flush and Splash” Septic systems used by many camps and houses on the lakes.
- Bass boats come in from all over the United States to these lakes and could bring EWM.
- Boats are louder than the PWCs because of the engine design; PWC engines’ are fully enclosed and surrounded by foam. There is no noise ordinance in the Town.
- If 46% of accidents are caused by PWCs then 54% are still caused by boats
- Navigational Laws should be obeyed on the lakes with regard to right of ways, speeds, and markings. Use common sense not more laws.
- Profits made by lakeshore owners benefit the owners not the town; all landowners are paying taxes not just shoreline owners.
- Generations change and so do inventions; at first there were hand-powered boats, then sail, then power. The PWC is just another step in that evolution.
- It (the Law) sounds like banning books
- The lakes in Brighton are too small for PWCs to be enjoyed so the law is not needed.
- There are several smaller lakes where people can go to find peace and quiet and where PWC users won’t go. There are also mountains to climb where the views are great and it’s peaceful and there won’t be PWCs.

Other Comments: Carol Reiners-Jones Pond: Was the APA consulted for this law? Can Jones Pond be added to the Local Law? Supervisor Christopher Leifheit stated that this law is within the jurisdiction of the Town and the APA was not consulted. To add another lake would change to scope of this law and cause another public hearing. The procedure to follow would be to submit a petition to the Town Board from shoreline owners and lake users to create another local law to cover any other bodies of water.

Rouse Fountain-Paul Smiths: Neither for or against law-Should not be having so many public hearings for separate laws but should have zoning and planning to cover all the Town of Brighton. How many people in this crowd are taxpayers? Most of them are strangers to me.

Lionel Schuman-Rainbow Lake Association: Concerned with PWCs increase usage on Rainbow Lake if this law is passed. What can be done to regulate PWCs on Rainbow Lake if needed in the future? Supervisor Christopher Leifheit stated a petition from the Rainbow Lake Association to the Town Board addressing the concerns of the shoreline owners would be necessary to start the process.

There were no further comments from the public.

**Several letters and emails were mailed to the Town or given to Board Members concerning this law
Information on Water Pollution from boats was given to the Board.**

Motion to Adjourn the Public Hearing was made by Supervisor Christopher Leifheit at 9:06 p.m., second by Alicia Bodmer; Aye 4, Absent 1 (Smith)

Respectfully Submitted,

Elaine W. Sater
Brighton Town Clerk