

**MINUTES OF THE SPECIAL MEETING OF THE TOWN BOARD OF THE TOWN OF FORT ANN HELD ON THURSDAY, MAY 18, 2017 AT 6:00 P.M. AT THE FORT ANN TOWN HALL**

**PRESENT:** Supervisor Richard Moore  
Councilwoman Gretchen Stark  
Councilman Dennis Fletcher  
Councilman Floyd Varney arrived at 6:20 p.m.

**ABSENT:** Councilwoman Deborah Witherell

**OTHERS PRESENT:** Barbara Winchell, Town Clerk, Joseph Loszynski, Floyd Ladd, Rob Ladd, Gene Connell, Chuck Allen

Meeting was called to order at 6:00 p.m. with the Pledge of Allegiance to the Flag.

Purpose of this meeting is for Mr. Loszynski to share with the Board the status of DEC and APA regarding the use of benthic barriers at Hadlock Pond.

Mr. Loszynski spoke of who has jurisdictional authority over the installation of benthic barriers:

Both the Adirondack Park Agency and DEC – just because both have jurisdictional authority doesn't necessarily mean that they will regulate this particular discipline but in this instance both agencies have decided to do so.

Each agency has very different guidelines and requirements as it pertains to benthic barriers.

Mr. Loszynski explained about depth of water and jurisdiction first. The APA has jurisdiction over all fresh water wetlands with the Adirondack Park, as this related to Hadlock, the lake bottom in 2 meters or less of water which equates to about 6.56' of water. DEC then takes over for depths of water more than 2 meters. He emphasized that he hopes everyone is starting to see how difficult it's going to be to manage if homeowners request installations that cover the lake bottom from one jurisdictional area to another.

Mr. Loszynski went on to outline the parameters of what each regulatory agency will allow, assuming that permits have been issued to the Town of Fort Ann allowing lake owners to install barriers.

**ADIRONDACK PARK AGENCY:** We already have a general permit in place and approved by the APA for the installation of barriers. The permit in essence puts the town in charge of oversight and management of this program and all the responsibility that goes with it as to complying with statutory requirements. The town is required to issue permits to individual lake owners after all the following conditions have been met and an application has been submitted for approval.

1. The application area must be milfoil dominant. You can't use barriers to get rid of just native vegetation. It's against the law.
2. To determine if the field of application is milfoil dominant, it must be surveyed by a certified APIPP technician or other expert that is qualified in aquatic plant identification i.e. Darrien Freshwater Institute, AIM, etc.

3. The application site must be inspected to ensure that no water supply intakes, discharges or other manmade features are not being covered, including archeological resources.
4. The size of each mat must be recorded by square footage and GPS coordinates.
5. The material for the barriers must meet specifications, allowing gases to escape, and having proper anchors to hold the barrier to the bottom of the lake. This will be determined by Mr. Loszynski's inspection of the barriers. Barrier material must be in good shape and deteriorated barriers will not be permitted.
6. There is no square footage restriction by the APA as to the size of the mats.
7. If barriers are deployed through the winter months, they must be removed by May 31<sup>st</sup> of the year following the installations.
8. No individual plot shall be managed using benthic barriers more than two times within any consecutive three year period. It's been recorded what was in the water last year so if homeowners decide to make application for barriers in 2017, they will not be allowed to do barriers in 2018 under this provision.
9. Any site that has the presence of NYS rare, threatened or endangered species, benthic barriers will not be used in these areas but hand harvesting will be permitted, if necessary.
10. APA will expect that any individual lakefront that has had barriers two out of three consecutive year period, that subsequent maintenance is done through hand harvesting and not barriers.

**NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION:**

1. No permit for benthic barriers is currently in place from the DEC. An application was completed and submitted almost a week ago and no feedback has been received from their permit section regarding the application. Mr. Loszynski communicated extensively with the department prior to the submission and isn't expecting any major hurdles but you never know with a regulatory agency because of the different layers of review.
2. In the application the town has requested permission to allow 15 installation sites, with no more than 300 square foot of barrier. These numbers did not originate from Mr. Loszynski but rather from Tim Post, Regional Manager for Fish Habitat.
3. If the town permit is approved, all lake owners will have to get a permit from the town and will not be allowed to go directly to the DEC for authorization to put barriers on the lake bottom.
4. The application site will have to be milfoil dominant, and infestations identified within the last two years.
5. The barriers will have to be of good quality, material meeting specifications and proper anchors.
6. No barriers will be installed until after active fish spawning beds or between March 15th and June 30th unless area is confirmed by DEC to not include active spawning beds.
7. All barriers will have to be out of the water and off the lake bottom by October 15<sup>th</sup> of each year or within 3 months of installation, whichever comes first. Each removal will be confirmed.
8. DEC is working on a state-wide general permit scenario which they expect will be in place by the beginning of next season. That will supersede anything that is currently in place. The objective is to create uniformity and consistency throughout the state as it pertains to barrier.

**GOING FORWARD:**

DEC has asked us to not issue any permits under the APA guidelines until their approval process has been completed. Mr. Loszynski will honor that to a certain degree but if DEC doesn't handle the application process timely then he is of the opinion to move forward with barrier permitting for sites

that are 2 meters or less. Mr. Loszynski will monitor the approval process with DEC closely and keep the board advised.

Once both permits are in place, this is how we will proceed with issuing permits under the authority of the Town of Fort Ann.

1. A permit application form will be designed and available to lake owners to use.
2. The pre-conditions of obtaining a permit will be outlined and all lake owners must meet the requirements in order to obtain a permit.
3. The lake owner will submit all permit applications to Mr. Loszynski for review and approval.
4. If all permit requirements are met, a permit will be issued with specific guidelines and requirements as to the installation, removal and monitoring of the barrier site.
5. The Park Manager will inspect all barriers, documenting size, material and site coordinates for the installation. The Park Manager will confirm that the application site is milfoil dominant and meets all other criteria.
6. The Park Manager, if possible, will visit the application site on the date of the installation.
7. The Park Manager will ensure that the mats are removed consistent with each regulatory agency requirements.
8. Permit files will be maintained on each individual application and permit. The retention period for these files will be a minimum of five (5) years.
9. The Park Manager will submit annual reports to each regulatory agency outlining the number of permits issued, their location by GPS coordinates, installation and removal dates and any other information either APA or DEC requires.

Any violations of permit conditions or statutes will be reported to the enforcement division of each respective agency for their follow-up. Permits must be adhered to in order to keep a good working relationship with the entities that have the authority over what occurs on our lake.

Please be reassured that this process and/or conditions or requirements has nothing to do with the wants and needs of Mr. Loszynski. Mr. Loszynski believes that there is solid scientific reasoning behind most of the requirements which in essence is our insurance policy that the lake bottom is being handled properly and in compliance with excellent scientific standards.

**RESOLUTION #64-17**

**AUTHORIZING THE HIGHWAY SUPERINTENDENT TO PURCHASE A MOTOR GRADER**

On motion of Councilman Fletcher, seconded by Councilwoman Stark to accept resolution entitled "Resolution Authorizing the Highway Superintendent to purchase a Motor Grader."

ADOPTED        AYES 4 Fletcher, Varney, Stark, Moore  
                      ABSENT 1 Witherell

**RESOLVED**, that the foregoing purchase is approved and that the Town Supervisor is authorized to execute any and all purchase orders and contracts necessary to carry out the aforementioned purchase.

**RESOLUTION #65-17**

**BOND RESOLUTION AUTHORIZING THE ISSUANCE OF \$163,027.00 AGGREGATE PRINCIPAL AMOUNT OF SERIAL BONDS OR A STATUTORY INSTALLMENT BOND OF THE TOWN OF FORT ANN TO PAY THE COSTS FOR THE PURCHASE OF A 2016 CASE 865B MOTOR GRADER FOR THE HIGHWAY DEPARTMENT**

**OF THE TOWN OF FORT ANN AND AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES OF THE TOWN OF FORT ANN FOR THE AFORESAID PURPOSES AND IN CONNECTION THEREWITH**

On motion of Councilman Varney, seconded by Councilwoman Stark to accept resolution entitled "Bond Resolution Authorizing the issuance of \$163,027.00 Aggregate Principal Amount of Serial Bonds or a statutory installment Bond of the Town of Fort Ann to pay the costs for the purchase of a 2016 Case 865B Motor Grader for the Highway Department of the Town of Fort Ann and Authorizing the issuance of Bond Anticipation Notes of the Town of Fort Ann for the Aforesaid purposes and in connection therewith."

ADOPTED        AYES 4 Fletcher, Varney, Stark, Moore  
                    ABSENT 1 Witherell

**RESOLVED**, this resolution, or a summary hereof, shall be published in full in the Post Stark, which has been designated as the official newspaper of the Town for such purpose, together with a notice of the Clerk of the Town in substantially the form provided in Section 81.00 of the Local Finance Law.

**RESOLUTION #66-17  
DECLARING SURPLUS PROPERTY**

On motion of Councilman Fletcher, seconded by Councilwoman Stark to accept resolution entitled "Resolution Declaring Surplus Property."

ADOPTED        AYES 4 Fletcher, Stark, Varney, Moore  
                    ABSENT 1 Witherell

**RESOLVED**, that the Fort Ann Town Board hereby declares the 2009 Case 865 Motor Grader surplus property and the Town hereby authorizes the sale or trade of the Property to the person or entity providing the highest and best offer through private sale

Motion was introduced by Councilwoman Stark, seconded by Councilman Fletcher to enter into executive session at 7:14 p.m. for personnel matter.

Motion was carried.

Motion was introduced by Councilwoman Stark, seconded by Councilman Fletcher to enter into public session at 7:30 p.m.

Motion was carried.

Motion was introduced by Councilman Varney, seconded by Councilman Fletcher to adjourn the meeting at 7:31 p.m.

Motion was carried.

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Barbara J. Winchell, Town Clerk  
Town of Fort Ann, New York

Dated: May 25, 2017