



Bruce E. Young  
Chairman

Dave Wick  
Executive Director

## **MEETING MINUTES**

**MEETING NO. 476**

**TUESDAY, JULY 24, 2018**

**BEST WESTERN OF TICONDEROGA, TICONDEROGA, NY**

**PRESIDING:** Bruce E. Young, Chairman

**COMMISSION MEMBERS PRESENT:** Kenneth Parker  
Marc Migliore  
Joe Stanek  
James Kneeshaw  
Catherine LaBombard  
Dean Cook  
Dave Floyd  
William Mason

**COMMISSION MEMBERS ABSENT:** John McDonald

**COMMISSION STAFF PRESENT:** Molly Gallagher, Environmental Analyst II  
Joseph A. Thouin, Environmental Analyst I  
Joseph Johns, Director of Law Enforcement  
Roger Smith, Conservation Operations Supervisor III  
Justin Luyk, Park Ranger  
Michelle D. Way, Office Assistant II  
Constance Harris, Environmental Permits Aide

**COMMISSION COUNSEL PRESENT:** Karla Buettner

**OTHERS PRESENT:**

Dawn Koncikowski	Steve Ramant
Richard Wray	Richard Stefanski
Buzz Lamb	Gwendolyn Craig
Ted Wray	Walt Lender
Cathy Clark	Joshua Patchett

**Item #1 — Introductions, Roll Call, Minutes of Previous Meeting: Bruce E. Young, Chairman**

The meeting was called to order at 10:09 a.m. and the roll call was taken.

Dean Cook made a motion to approve the June meeting minutes which was seconded by Dave Floyd; members present voted unanimously.

**Item #2 — Fiscal Actions Report for June 2018: Bruce E. Young, Chairman**

James Kneeshaw made a motion to approve the June Fiscal Actions Report which was seconded by Joe Stanek; all members present voted unanimously.

**Item #3 — Project Review, Acceptance of the Project Review Actions Report: Molly Gallagher**

***Resolution 2018-32 — Project Review Actions Report***

Joe Stanek read and moved to approve the Project Review Actions Report which was seconded by Dean Cook; all members present voted unanimously.

**WHEREAS** the Commission has received and reviewed the Project Review Actions Report prepared by staff and dated July 10, 2018.

**WHEREAS** the Project Review Committee recommends acceptance of the Project Review Actions Report.

**NOW THEREFORE BE IT RESOLVED** that the Commission directs that the Project Review Actions Report be incorporated in the minutes of the full Commission meeting.

**Item #4 — Law Enforcement Awards: Lt. Joe Johns, Law Enforcement Director**

**Officer of the Year Award**

The Officer of the Year Award was presented to Marine Patrol Officer, Robert Sutphen, by Richard Stefanski of the Office of NYS Parks & Recreation. Mr. Stefanski read from a prepared statement.

Mr. Sutphen has worked with the Lake George Marine Patrol for a number of years and always strives to do his best. Mr. Sutphen was given this award for his dedication to Lake George and for making safety his number one priority. He made a large number of stops for BWI and is being honored for this. He had a total of 19 arrests and operated additional night patrols on Lake George.

### **Life Saving Award**

The Life Saving Award is being presented to both Sergeant Angelo Paccione and Marine Patrol Officer Keith Knoop for their courage, bravery and extraordinary act in service to the Commission and to Lake George.

On July 15, 2018, Sergeant Paccione and MPO Keith Knoop responded to the call for a swimmer in distress and performed a number of life-saving skills. Had these officers not been there to assist, the swimmer would have died.

Kenneth Parker read and moved to approve Resolution 2018-35 which was seconded by Marc Migliore; all members present voted unanimously.

**WHEREAS** the Lake George Park Commission's Marine Patrol is an integral part of the Commission's efforts to preserve, protect, conserve, and enhance the natural scenic beauty of Lake George, and to provide for the education and safety of the public and compliance with the NYS Navigation Law and the Commission's Rules and Regulations, and

**WHEREAS** Marine Patrol Officers Sgt. Angelo Paccione and MPO Keith Knoop are employed by the Lake George Park Commission with the Lake George Park Commission's Marine Patrol, and have been valued members of the patrol, and

**WHEREAS** on July 15, 2018 at approximately 5:30p.m. Sgt. Paccione and MPO Knoop responded to Boon Bay for a reported swimmer in distress, and

**WHEREAS** upon arrival Sgt. Paccione and MPO Knoop found the victim, who had been face down in the water for three to five minutes, on the dock after being pulled from the water by guests and staff at the resort, and

**WHEREAS** after finding no pulse Sgt. Paccione and MPO Knoop started CPR, switching back and forth, and

**WHEREAS** the victim had a pulse and was breathing upon the arrival of EMS, and

**WHEREAS** if not for Sgt. Paccione and MPO Knoops's quick and decisive actions throughout the entire incident, the victim would surely have died, and

**NOW THEREFORE BE IT RESOLVED** that the members of the Lake George Park Commission and Staff offer to Sgt. Angelo Paccione and MPO Keith Knoop, the Life Saving Medal in recognition of their courage, bravery and extraordinary act in service to the Commission, to Lake George, and to the community.

**Item #5 — Law Enforcement Committee Report: Kenneth Parker, Vice-Chairman**

Vice-Chairman Parker said that a Law Enforcement meeting was held at 9 a.m. where they met and discussed on going enforcement cases. He said that they spoke about new equipment and the exchange of a 2018 Boston Whaler for a smaller boat that was to be moved elsewhere.

**Resolution 2018-33 — Log Bay Day**

Kenneth Parker read and moved to approve Resolution 2018-33 which was seconded by Cathy LaBombard; all members present voted unanimously.

**SUBJECT:** RESOLUTION AUTHORIZING THE LAKE GEORGE PARK COMMISSION MARINE PATROL TO CLOSE LOG BAY AND SHELVING ROCK BAY FOR MONDAY, JULY 30<sup>TH</sup>

**WHEREAS** The Lake George Park Commission is established by Article 43 of the Environmental Conservation Law (ECL) to preserve, protect and enhance the unique natural, scenic beauty of Lake George, and to regulate the use of the lake for appropriate specified purposes; and

**WHEREAS** “Log Bay Day” was a past unofficial gathering that was held on the last Monday of July in Shelving Rock Bay and Log Bay; and the event had become disruptive, dangerous and a threat to the public safety and health and welfare of Lake George and its users;

**NOW THEREFORE BE IT RESOLVED** that Log Bay and Shelving Rock Bay shall be closed to the motorized boating public on the last Monday of July and no motorized vessels shall be allowed access to those bays from sunrise to sunset on such day; and

**BE IT FURTHER RESOLVED** that the Lake George Law Enforcement Director, the Executive Director, staff and counsel are hereby authorized to take any lawful measures to enforce this directive; and

**BE IT FURTHER RESOLVED** that the Lake George Law Enforcement Director, the Executive Director, staff and counsel, shall cause all relevant state and local agencies to be notified of this resolution.

**Resolution 2018-34 — Law Enforcement Committee Report**

Kenneth Parker read and moved to approve Resolution 2018-34 which was seconded by Joe Stanek; all members present voted unanimously.

**WHEREAS** the Law Enforcement Committee met July 24, 2018 to review matters pertaining to the Lake George Park Commission’s Marine Patrol and the Commission's Law Enforcement Program, and

**WHEREAS** active Law Enforcement cases and their status were reviewed in Executive Session, and

**WHEREAS** the Law Enforcement Committee has reported on the results of that committee meeting at this full Commission meeting, and

**WHEREAS** the Law Enforcement Committee recommends acceptance of this month's Law Enforcement Report.

**NOW THEREFORE BE IT RESOLVED** that the Commission accepts the report of the Law Enforcement Committee.

**Item #6 — Public Information Session: Lake George Park Commission Stormwater Regulations Update: Dave Wick, Executive Director**

Dave Wick, Executive Director, of the Lake George Park Commission gave a presentation on the mandated review of the stormwater regulations and spoke about the current standards versus the possible revisions to the regulations.

Mr. Wick said that he has had conversations with local supervisors, not-for-profit groups and local businesses about the proposed revisions and everyone seems to be on board with the changes and those who are not on board, have not yet read the revised regulations.

Dawn Koncikowski said that she does have concerns regarding the stormwater regulations and said that she is against it. She said that contrary to the statement made previously, she has read the revised regulations. She said that they were on the LGPC website previously where they were found and saved last year.

Ms. Koncikowski asked to read from a prepared statement because she has a lot of facts and said that she may not remember to mention all of them.

Ms. Koncikowski said that these proposed changes will negatively impact existing properties and will make property improvements difficult due to the unnecessary costs to homeowners.

Dawn Koncikowski said that applying shoreline cutting standards to DEC's roadside stream standards is a bad idea. She said that bad examples of scientific studies conclude that natural vegetative stream buffers provide significant nutrient reduction and benefits to stormwater runoff. Contradicted in the studies that used to be on the LGPC website which were part of the record in 2009. These records are no longer available on the website. They are full of a lot of great information and a lot of studies were included.

In a matter to confuse, the Director states that they are implementing the long expected APA cutting standards to the NYS regulated DEC stream standards throughout the watershed. They neglect to tell you one important fact – the existing APA law impacts only those properties on navigable lakes, streams and ponds. The Lake George Park Commission's proposed changes would extend those restrictions to properties that are not on navigable streams and waterways. If they are DEC regulated streams that means this is a major change that would negatively impact many more tax payers and their private property rights in the Lake George basin.

As stated in RPI's State of the Lake 30 year study, the existing regulations are working and have been since the 1980's and that no further regulations are needed until the studies have been completed.

Dawn Koncikowski also spoke about stormwater retrofitting for minor project applications. She said that the Director states that the overall quality of Lake George continues to decline even with the Lake George Park Commission stormwater regulations. The sentiment is inaccurate based on RPI's conclusion of the 30 year study.

More regulations to retrofit existing private property which represents only 5% of the basin will solve absolutely nothing. Asking the state and municipalities to fix to the maximum extent practicable the existing highway runoff would accomplish something – 95 percent of the runoff.

Dawn Koncikowski said that again you mention that the goal hasn't changed – no new net discharge. Right now, all major projects of 15,000 square feet or more mitigate stormwater from the developed portion of the property. The LGPC is now proposing to reduce that threshold to include minor projects which now do not fall under such restriction.

Ms. Koncikowski said that they will not allow these ideas to be considered – not even for a moment. She said that the Lake George Park Commission Director and Commissioner are not elected officials and, therefore, should not be proposing anything that would infringe on the taxpayer constitutional private property rights.

**Cathy Clark, Town of Hague Zoning Officer and Resident**

Cathy Clark gave an example of a property that may seek to replace a garage or someone who would like to add a screened in porch that has money for the project but may not have enough money to retrofit the property. She asked the Commission if they have considered an exemption for minimal stormwater retrofits.

**Joshua Patchett, Town of Hague Resident**

Joshua Patchett said that he had some questions regarding the need to use an engineer to retrofit properties or is this something that the Commission can help with.

Mr. Wick spoke about the Lake George Park Commission Stormwater Design Manual and said that he would like to see the Park Commission staff and its clients work together. He said that the Commission is available to offer assistance.

You may watch the complete presentation on our website at [www.lgpc.state.ny.us](http://www.lgpc.state.ny.us) by going to the July 2018 Commission meeting video.

Kenneth Parker read and moved to approve Resolution 2018- 35 which was seconded by Dean Cook; all members present voted unanimously.

SUBJECT: AMENDMENTS TO 6 §NYCRR 646-4 – STORMWATER MANAGEMENT

WHEREAS, Environmental Conservation Law (“ECL”) §43-0112, effective January 1, 1988, empowers the Lake George Park Commission (“the Commission”) to adopt rules and regulations for the preparation of local stormwater management plans and stormwater regulatory programs for the purpose of protecting the people, resources and water quality of the Lake George Park; and

WHEREAS, ECL §43-0112 specifies that the rules and regulations shall be developed in consultation with the Department of Environmental Conservation (“DEC”), Adirondack Park Agency (“APA”) and each municipality located in whole or in part within the Lake George Park, and further specifies that the regulations are subject to approval by DEC and APA; and

WHEREAS, ECL §43-0112 specifies that the regulations and the Stormwater Management Plans and Regulatory Programs must be designed to prevent any

increase in stormwater runoff from any development in order to reduce flooding, siltation and streambank erosion, and must be designed to prevent any increase in pollution caused by stormwater runoff from development which would harm or degrade the water quality of the Lake George Park, render Lake George unfit for human consumption, interfere with water-based recreation or adversely affect aquatic life within the Lake George Park and shall be based on a standard which requires that the total annual volume of surface water runoff from a site during and following development shall not exceed that which prevailed prior to development; and

WHEREAS, the Commission's regulations at 6 NYCRR §645-4 were adopted on August 20, 1990 and became effective on September 19, 1990, and were thereafter amended in 1998; and

WHEREAS, the Commission has reviewed 6 NYCRR §645-4 with the intent of achieving enhanced protection of the water quality of Lake George while balancing the impact on the regulated community; and

WHEREAS, the Commission has determined it is necessary to amend the current regulations to more adequately reduce existing and future impairments to Lake George quality and clarity; and

WHEREAS, an agency, prior to submitting a notice of proposed rule making for publication in the State Register, must submit the text of the proposed rule and supporting documentation to the Regulatory Reform Unit for a determination of whether the proposed rule is complete and in accordance with the goals, criteria and requirements of the rule-making process and authority; and

WHEREAS, the Commission has reviewed the full text of the proposed amendments to 6 NYCRR § 645-4; and

WHEREAS, the Commission desires to submit the full text and the required State Administrative Procedure Act ("SAPA") documents to the Regulatory Reform Unit for review;

NOW, THEREFORE, BE IT RESOLVED, that the Commission hereby authorizes the Chairman, Executive Director and Counsel to submit the proposed text of the amendments to 6 NYCRR § 645-4 with all supporting documentation as required by SAPA to the Regulatory Review Unit within the New York State Division of Budget for review; and

BE IT FURTHER RESOLVED, that Chairman, Executive Director and Counsel are hereby authorized to make any and all modifications to the proposed amendments to 6 NYCRR § 645-4 and documents in support of the proposed amendments as they deem



necessary and appropriate and prepare and file any additional documents requested by the Regulatory Review Unit to permit publication in the State Register.

### **Item #7 — Public Comments**

Steve Ramant of Hague said that he enjoyed the talk about the safety of the lake and commended the officers for a job well done. He also thanked the Department of Environmental Conservation (DEC) for adding channel markers at the Hague Town Beach/Launch.

Mr. Ramant spoke about mandating that small craft such as canoes and kayaks be required to add a flag to their vessel so that they can be seen while out on the lake. He said that this has been discussed before and said that he has done some research and a flag kit can be purchased for less than 10% of the cost of a kayak.

Mr. Ramant asked the Commission to consider taking action on this issue for the safety of guests and the users of Lake George.

### **Item #8 — Adjournment**

Kenneth Parker made a motion to adjourn which was seconded by Dean Cook, all members present voting affirmatively. The meeting was adjourned.

**SECRETARY'S NOTE:** The next Commission meeting is scheduled for **Tuesday, August 28, 2018 at the Hague Town Hall, Hague, NY.**