



Bruce E. Young  
Chairman

Dave Wick  
Executive Director

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## **MEETING MINUTES**

**MEETING NO. 512**

**TUESDAY, NOVEMBER 23, 2021**

**VIA TELECONFERENCE**

**PRESIDING:**

Bruce E. Young, Chairman

**COMMISSION MEMBERS PRESENT:**

Kenneth W. Parker  
Catherine LaBombard  
James Kneeshaw  
William Mason  
Erin Burns  
Joe Stanek  
Dean Cook  
Dave Floyd

**COMMISSION MEMBERS ABSENT:**

John McDonald  
Bruce Young

**COMMISSION STAFF PRESENT:**

Dave Wick, Executive Director  
Joseph Johns, Director of Law Enforcement  
Jason Kokkinos, Environmental Analyst I  
Joe Thouin, Environmental Analyst II  
Justin Luyk, Park Ranger

**COMMISSION COUNSEL PRESENT:**

Karla Buettner

**OTHERS PRESENT:**

Walt Lender	Ginger Kuenzel	Tricia Freer	Harrison Freer
Lorraine Ruffing	Carol Collins	Bob Carbognin	Lorraine Carbognin

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

The meeting was called to order at 10:00 a.m. and the roll call was taken.

Dave Floyd made a motion to approve the October meeting minutes which was seconded by Cathy LaBombard; all members present voted unanimously.

**Item #2 — Fiscal Actions Report for October 2021: Bruce E. Young, Chairman**

Dave Floyd made a motion to approve the October Fiscal Actions Reports which was seconded by Joe Stanek; all members present voted unanimously.

**Item #3 — Lake George Harmful Algae Bloom Update: Dave Wick, Executive Director**

Dave Wick, LGPC Executive Director, spoke about the most recent harmful algae bloom that occurred in Lake George which he said has considerable interest with visitors and locals. He said that a lot of people are doing a lot of work on this issue now and he has asked Jackie Lendrum to speak to this. Mr. Wick read directly from a letter from Ms. Lendrum and showed a couple pictures for those who don't know what a harmful algae bloom looks like.

Ms. Lendrum has reported that DEC has confirmed 14 harmful algal bloom reports for Lake George in 2021. Specific protocols are followed when these happen and DOH was notified of each bloom.

Mr. Wick said that harmful algal blooms can vary in appearance with shades of blue-green, yellow, brown, red or white and can appear as scattered dots, clumps in the water, long, linear streaks on the surface, appears pollen like, or like pea soup or spilled paint.

For more details on this presentation please watch the video at [www.lgpc.ny.gov](http://www.lgpc.ny.gov).

**Item #4 — LGPC Septic System Ad-Hoc Committee Update: Ken Parker, Vice-Chairman**

Vice-Chairman Parker spoke about updates to the LGPC septic system inspection program, however, due to technical difficulties no data was found on the meeting video. Additional details have been added to Item #9. Please see below.

**Item #5 — Presentation — 2021 Milfoil Control Progress on Lake George: Dave Wick, Executive Director**

Due to technical difficulties, there was no data found on the meeting video, however, to see the documents related to this presentation you may visit [www.lgpc.ny.gov](http://www.lgpc.ny.gov). Additional details have been added to Item #9. Please see below.

**Item #6 — Project Review, Acceptance of the Project Review Actions Report: Joe Thouin**

***Resolution 2021-48— Project Review Actions Report***

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

**WHEREAS** the Commission has received and reviewed the Project Review Actions Report prepared by staff and dated November 16, 2021.

**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.

**Dock Modification Submitted by William Pannell, Town of Hague, Warren County**

Jason Kokkinos introduced the application submitted by William Pannell. He explained that the applicant is looking to replace an existing crib dock with a 40' long, 25' wide pile supported dock with an open-sided sundeck and a boat lift, pwc lift, and a mooring.

Mr. Kokkinos explained that the application was received on September 2, 2021 by Chris Girard of the Dock Doctors on behalf of William Pannell. The property is a

private lake-front home located in the Town of Hague. During the public comment period, we received letters of opposition regarding visual obstruction, boat traffic, water quality and the construction timeline.

Chris Girard of the Dock Doctors spoke on behalf of the application. He said that Jason provided a great description of the project and they are basically looking to install a new U shaped dock that is less than 700 square feet with an open-sided sun deck structure with rails and aesthetic to match the house which is under construction now.

Mr. Girard spoke further about the provided drawings, water depths and lift locations and limitations.

Mr. Pinella said that the mooring wasn't discussed but they wouldn't always be using the mooring and when it is being used, they would use it for their sunfish sailboat. He said that he believes having the boat on the mooring will make for a safer shoreline.

Pamela Miller-Zier spoke against the project citing visual concerns regarding the boat house. She said she can see a small section of it now because it's tucked in, but the new boat house will be right in the middle of her view. She said that she looks out her window right up the lake while cooking. She said that this is the view that her family has had for 81 years. She said this is the view she likes and what makes the lake, the lake for them. She said that she isn't excited about having an obstructed view.

Mr. Pinella pointed out that a very large pine tree was in this very location that was removed during construction, so he doesn't believe her statement is entirely accurate.

Vice-Chairman Parker spoke further about the rules of order.

The Niebel family expressed additional concerns regarding obstructions looking to the side up the lake and have strong opposition to the timeline of the project.

Chris Girard spoke to the timeline of the project and explained that it is tough to put an exact week or month to a project based on other variables such as getting all the contractors involved at the same time. This is the reason that a one-year time frame is typically used, however, a pile dock system like this one typically takes 5-6 days to complete, and they limit the work hours from 7:30 a.m. to 4:30 or 5:00 p.m. so they aren't causing too much disturbance to the neighbors.

Vice-Chairman Parker asked the Commissioners if they had any comments related to the project.

Commissioner Stanek noted that Commissioner's Mason and LaBombard were also present at the site visit.

Commissioner Stanek said that while at the site visit, they went on the porch, and they walked both the south and north properties and do not believe that the impact is significant – you can see the mountains from either side. Chris had put up some poles and sticks to show the dimensions of the dock itself and in my opinion, there is no major visual impact.

Commissioner LaBombard said that she was also present at the site inspection and thought it was really good that the Dock Doctors were there with the divers and liked the fact that the rails would be the type that are wire where you can still see through them. She said that the Commission members but in some good time there looking at everything and really do not believe that there will be any kind of a negative impact.

Commissioner Burns said that she was also at the site inspection and believes there is a little visual loss to the waterbody itself but not to the view or the vistas and appreciated that the visuals were provided by the Dock Doctors.

Joe Stanek read and moved to approve Resolution 2021-49 which was seconded by Cathy LaBombard; with all members present voting affirmatively.

**WHEREAS** the applicant has applied for a permit to modify a pre-existing, covered U-shaped dock by construction of a new U-shaped dock with a sundeck; and

**WHEREAS** the Lake George Park Commission has reviewed the application, supporting documents, comments received and other information which appears in the record; and

**WHEREAS** the Commission has made a determination that the project is a Type II action pursuant to the State Environmental Quality Review Act 6NYCRR 617.5, and no further review is required for the purposes of the State Environmental Quality Review Act; and

**WHEREAS** the action is considered to be a Minor project pursuant to 6 NYCRR 645-5.3 and public notice has been published and distributed in accordance with Commission regulation; and

**WHEREAS** the proposed dock complies with the regulatory design requirements for docks at 646-1.1; and

**WHEREAS** the Commission finds that the project will have no adverse impact on the health, safety or welfare of the public, the environment or the resources of the Park; will not alter the essential character of the area in which it is

proposed; will not lead to congestion in the Park and will not have an undue visual, cultural or audible impact on the neighborhood or the Park.

**NOW THEREFORE BE IT RESOLVED** that the Lake George Park Commission hereby approves the above application as proposed.

### **Item #7 — New Recreational Use: Evaluation of Motorized Boards for Use on Lake George**

Joe Thouin said that we have a new recreational use that has come before the Commission which is essentially an electric motorized surfboard. There are a few different types of “e-foils” and “jet boards” but they are essentially the same thing.

Mr. Thouin explained that our regulations state that if a recreational use wasn't on the lake in 1991, it is considered a new recreational use and it must be reviewed and approved by the Lake George Park Commission before it is used on the lake.

Mr. Thouin indicated that there have been a couple discussions regarding e-foils and it should be noted that these are already regulated by the NYS Navigation Law – the same regulations that apply to specialty prop craft and pwc's.

Lieutenant Joe Johns said that as Joe Thouin stated, under NYS Navigation Law, these are considered specialty prop craft and there are regulations that cover these.

Lt. Joe Johns continued by going over the NYS Navigation rules that would apply to their use.

- they are motorized so they must be registered and display registration number
- they must also display a LGPC registration decal
- boater safety certificate is required for any operator and must be with them
- a uscg approved personal floatation device must be worn during operation
- a whistle or sound producing device is required as well as a distress flag
- if the vessel is equipped with a lanyard, it must be attached to you
- operating hours are from sunrise to sunset
- cannot be operated within 500 feet of a swim area unless you are going to or from a launch
- minimum age of operation is 14 years

Joe Stanek read and moved to approve Resolution 2021-50 which was seconded by Dave Floyd; with all members present voting affirmatively.

- WHEREAS** Commission regulations at 6 NYCRR 646-2.3(a)(1) identify that a “New Recreational Activity or Use - means a recreational activity not introduced on the waters of Lake George as of January 1, 1991;” and
- WHEREAS** electric surf boards such as eFoils and jet boards have been recognized as a New Recreational Use on Lake George; and
- WHEREAS** pursuant to 646-1.4(a), “No person shall operate or engage in any new recreational activity as defined in Section 646-2.3 (1) of this Title or recreational use without first obtaining a special permit from the Commission pursuant to this Subpart;” and
- WHEREAS** pursuant to 645-2.1(aw) “Permit means any permit, certificate, license or other form of Commission approval;” and
- WHEREAS** NYS Navigation Law contains existing restrictions governing the use of these vessels to promote safe operation; and
- WHEREAS** New Recreational Uses are considered to be a Major project pursuant to 6 NYCRR 645-5.3 and public notice has been published and distributed as required; and
- WHEREAS** the Lake George Park Commission has reviewed this New Recreational Use, supporting documents, comments received and other information which appears in the record; and
- WHEREAS** the Commission has made a determination that this activity is an Unlisted action pursuant to the State Environmental Quality Review Act 6NYCRR 617.5 and, as Lead Agency for the purposes of the State Environmental Quality Review Act, has made a determination that the project will have no significant impact on the environment; and
- WHEREAS** the Commission finds that the activity will have no adverse impact on the health, safety or welfare of the public, the environment or the resources of the Park; will not alter the essential character of the area in which it is proposed; will not lead to congestion in the Park and will not have an undue visual, cultural or audible impact on the neighborhood or the Park.

**NOW THEREFORE BE IT RESOLVED** the Lake George Park Commission hereby approves electric surf boards as a New Recreational Use on Lake George as proposed.

**Item #8 — Law Enforcement Committee Report: Kenneth W. Parker, Vice-Chairman**

Kenneth Parker said that the Law Enforcement Committee met this morning where they discussed the remaining boat in the lake which will be there until the end of December, should it be needed.

Kenneth Parker read and moved to approve Resolution 2021-51 which was seconded by Joe Stanek; all members present voted unanimously to approve the application.

**WHEREAS** the Law Enforcement Committee met via teleconference October 26, 2021 to review matters pertaining to the Lake George Park Commission's Marine Patrol and the Commission's Law Enforcement Program, 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 #9 — Public Comments**

Vice-Chairman Parker took a moment to discuss septic inspections in the Lake George Park, those surrounding the body of Lake George.

Mr. Parker said that the program is moving forward very quickly and since the last time we all met we have formed a design standards subcommittee made up of professionals – some that are on the Ad-Hoc Committee and some that are new additions. The larger group (Ad-Hoc Committee members) have discussed annual maintenance of septic systems as well as APA and DEC regulations, grant money that will (hopefully) be available and who may be eligible and who is going to manage the grants as they are applied for and successfully received.

Mr. Parker said they have also discussed property transfer tracking to keep inventory of new systems being installed, etc. He also said that the internal committee made up



of six commissioners sitting on the septic committee have talked about preferences as to what types of systems we will be allowing.

Mr. Parker said that this is going to be an on-going project that has to run annually and funds will be needed for employees to do the inspections or for outside contractors to complete the inspections. These are the things that we are discussing. We are always here to answer any questions from staff, commission members or the public.

Dave Wick, Executive Director, gave a brief overview of the Lake George Milfoil program. The LGPC is currently using the D.A.S.H. (diver assisted suction harvesting) method with AE Commercial Diving of Manchester, Vermont. This is the process of divers hand pulling the milfoil and placing it into a suction hose which then brings the plants to the surface boat for disposal. Four suction harvesters are being used on Lake George from about June 1 through mid-October.

The total milfoil funding for 2021 is as follows:

\$110,000: LGPC & EPF

\$100,000: LGA

\$40,000: The Fund for Lake George

\$164,790: Warren County & Department of State Grant

Total 2021 funding for milfoil removal in Lake George was \$414,790.

Mr. Wick said that this program is very much a partnership, and he thanked our partners for their support and went on to discuss long term progress. He said that the original goal when we received the DOS grant of \$600,000 that was administered by Warren County was to try to eliminate all dense beds of milfoil within three years and we believe we have been successful with the exception of Glenburnie/Sheep Meadow Bay. Individual site locations vary and some rebound very quickly with milfoil while some remain clear. Even with the clearing of the dense bed locations, a need will always exist for long term maintenance due to scattered sites, etc.

Mr. Wick said that we cannot give enough thanks to the Warren County Planning Department and more specifically Sara Frankenfeld who is their GIS Coordinator. We had a conversation on how we could better manage the information coming in from the milfoil harvesting crews in a way that makes sense for everybody. A site was created that anyone can access from the LGPC website by going to [www.lgpc.ny.gov](http://www.lgpc.ny.gov) and then by clicking on Programs, Invasive Species and click on 2021 Milfoil. This is a user friendly program (essentially a heat map) that shows the progress that is being made on Lake George. All of the information is provided by the divers and uploaded to a program that is administered by the Warren County Planning Department.

Ginger Kuenzel said that she thinks that the HAB presentation might have gotten cut short so maybe we can get back to that at a later meeting but I wanted to point out that a lot of people are asking questions and was thinking that a faq should be put together and be publicized by various agencies.

Ms. Kuenzel also had questions regarding toxins found in the habs and how people who get their water out of the lake will know to stop drinking or using it for showering or bathing because it can be harmful to your skin.

This very same question was posed to DEC approximately a year prior. Erin Burns said that she is aware that DEC does have a website regarding habs but, unfortunately, she has not been involved in any of the recent conversations, however, she will see what she can find out.

William Mason said that he believes the Lake George Park Commission should bring people together and try to figure out a way to get the information out there, although he is aware that this is not something the LGPC would typically be involved in but it is critically important.

Mr. Wick said that we have had repeated conversations with the DEC about this topic and we will continue those conversations. It seems like an easier thing than it is, the challenge we have is the fact that the habs we have had are fairly diffuse, fairly small and are not toxic so the concern is that is if a hab shows up on Lake George and everyone is notified we wouldn't yet know the geographic scope or the toxicity of the hab. DEC has been managing these for decades now and the standard is that they never recommend anyone drink untreated water out of any water body.

Mr. Wick said that his understanding is that your traditional chlorination systems do exceptionally well, not only against habs but the toxins that result from those. He added that additional conversations need to occur and he is hoping to get Jackie Lendrum back to discuss the DEC notification system.

Harrison Freer spoke about folks that have milfoil near their docks that are willing for whatever services the LGPC approves as a removal mechanism. He said that he would encourage the LGPC to provide a list of approved providers.

Mr. Wick explained that this scenario has happened in the past – he believes it was in Bolton Bay where residents paid the provider to have the area near their docks cleared out. It is not inexpensive – it is \$7500 for a four-day week but they can do a fair amount of work in a day. Most of these calls end up on his desk where he works at connecting the homeowner with the provider to work that out.

Carol Collins said that habs are extremely complicated and our system right now is flawed in the way that it is operated. She spoke further about a notification system and what information is being sought.

Ms. Collins also said that she would like to see the LGPC set up a system where we define what would be the basis for making a determination on notification of habs. She said that a better job needs to be done on monitoring and measuring these algal blooms.

Bob and Lorraine Carbognin wondered if a study has been done on the implication for procellaCOR in drinking water.

Mr. Wick explained that New York State has one of the most restrictive, if not the most restrictive permitting systems in the country. He noted that he is not an expert on the subject but said that the application rate of three to five parts per billion has no drinking water indications at all which means it can be applied one day and you can drink the water the same day. It shows up as non-detectable in cases at the actual application rate.

Mr. Wick said that procellaCor's treatment efficacy and lack of impact is incredible and he noted that there are extremely minimal impacts to flora or fauna and there are no contact recreation indications. All of this will be discussed further over the winter when the applications are submitted.

### **Item #10 — Adjournment**

William Mason made a motion to adjourn which was seconded by Joe Stanek, all members present voting affirmatively. The meeting was adjourned at 11:30 a.m.

**SECRETARY'S NOTE:** The next Commission meeting is scheduled for **Tuesday, January 25, 2021 via Teleconference**