

## **Brantingham Community Association**

### **Directors and Officers Meeting - August 30, 2014**

Eric Martin address members present announcing the resignation of Pat Dowling. Eric reports that he is the acting president of the BCA. Mr. Martin reports that according to the BCA By-Laws, the Directors and Officers generally meet three times each year. This meeting was called specifically to deal with several issues that could not wait until next season.

**TREASURERS REPORT:** Gail Roes reports that as of today, we have 251 memberships in the BCA out of over 400 properties on the lake. The BCA is a purely volunteer organization, but it enhances our quality of life. If you have a neighbor that does not see the benefit of membership, please encourage them to join. Gail Roes reports that Directors and Officers Omissions and Errors Insurance was purchased last week to protect the board members from liability. There is currently \$28,000 in the bank. Gail reminds us that this surplus is necessary in the event the lake is infected with an invasive plant species.

Linda Reardon asked if it is worth going door to door to increase membership?

Another member asked how property owners are supposed to know what "area" their property is located. Gail Roes responded that there is a map and listing in the BCA Annual Directory.

**BUOYS:** Eric Martin states that here has been recent concern about liability to the BCA board members in relationship to the buoys. The BCA board has a quote for \$2600 for liability insurance for the board.

Eric reports that he contacted the New York State Federation of Lake Associations (NYSFOLA) to gather information about how other lake associations in New York are handling the issue of liability insurance. In response, NYSFOLA has developed and sent out a survey to all members to see what other lakes are doing about insurance. This survey created in direct response to Eric's query will provide information about what insurance these organizations carry, how much they carry and what they pay. In addition, the survey asks if the lake includes a dam, if there are buoys on the lake, etc. ([www.nysfola.org](http://www.nysfola.org)) (Appendix Item #1)

Don Higgins asks if there any likelihood that the town will take over responsibility for the buoys. Mr. Higgins states that he understands the need for insurance. The buoys are

there to protect people. What incidents have occurred with injuries? What type of incident would lead to a lawsuit?

Mr. Martin stated that this is why the BCA needs the advice of an attorney. The town and the county have refused to carry liability.

Karen Murphy refers to prior minutes that declare that in 2009 the Lewis County Sheriff's Department provided a letter declaring they would carry liability for the buoys. This was obtained during the original permitting process that involved the DEC, the Sheriff's Department and another organization (See Appendix #3)

Carol Kunkel states that we have 11 directors and 4 officers. \$2600 dollars each year seems reasonable to cover 15 persons at approximately \$173 per person.

John Lomber states that no volunteer for have to carry liability for decisions. I don't think you should go to bed at night worrying about whether or not you are going to be sued.

Eric Martin cited an accident that occurred in 2012 on Oneida Lake involving a concrete buoy. Mr. Martin states we must be prepared and represented. Mr. Martin states that the insurance issue will be presented to the membership by email ask for members to vote online.

Collette Vanyo states that some members do not like to receive emails and prefer to get information by mail.

Randy Anderson asks about the \$800 listed on the Treasurer's Report labeled D.O. Insurance.

Eric Martin responded that charge was for directors and officers insurance "errors and omissions" insurance to cover the board members for decisions. This insurance is not broad liability insurance.

Bob Hindman reports that he had spoken to Recreational Officer Mike Leviker earlier in the day. Mike Leviker reported that a buoy was missing. Karl Keiffer responded that he the buoy had broken free and that he had the buoy in his possession

Bob Hindman asked about the process for decision making as to navigational buoys vs. "no wake" buoys. Between the island and Red Pine Point there are two areas that would benefit from buoys to slow down traffic and then there are areas in the lake that have buoys that are not necessary.

Dave Rider responded that his property is within the cove specifically mentioned by Mr. Hindman. He stated that it is a small cove and traffic tends to come into the cove quickly. Because the cove is small, this traffic creates a large wake that is rapidly eroding the shoreline.

Karl Keiffer reports that a buoy, that was included in the permitting process, and had been missing, has been replaced. The buoy marks an underground crib and includes rocks that project out of the crib shallow enough to have boat propellers hit them. Boaters continue to damage their props and motor shear pin on the rocks.

Gail Roes states that the buoy had been in someone's garage after it had been rescued from the lake.

Don Higgins states that as the board as already purchased insurance for errors and omissions, you have already taken responsibility for water quality. The question is whether you need to have legal advice in place for all decisions made. What should you be covered for based on the BCA By-Laws and mandates of the association

Sue Lorenzini asks is there is a way to add a line on the membership form to solicit \$5 to specifically cover cost of liability insurance.

**COMPREHENSIVE LAKE MANAGEMENT PLAN:** Eric Martin reports per prior meetings that an option may become available to utilize a graduate student from the SUNY Oneonta Lake Management program to develop a lake management plan for Brantingham Lake. Eric reports that the professor from the program is going to be visiting the lake, among others, next week. Eric report that he will be meeting with the Professor to gather more information about the program and share this information with the membership. Eric reports that there has been Lake Management Plan created in the past. The most recent was created in 2001 by past BCA president, Jim Murphy and John Droz. The earlier plan from 1994 was created by a division at Rensselaer Polytechnic Institute (RPI)

Bob Hindman reports that former president Pat Dowling address the Town of Greig regarding assistance with cost of the SUNY Oneonta student. (See prior meeting minutes) SUNY Oneonta is asking for \$2500 per year for the student. SUNY Oneonta matches the \$2500

Eric Martin reports that Pat Dowling drafted a budget request to the town (please see appendix) requesting assistance in measures to prevent the infection of an aquatic

invasive species. There are many issues we do not want in the lake including zebra mussels and Eurasian Water Milfoil. The budget request asks the Town of Greig for \$14,000. Town is requesting the information now as they are developing their budget for the next fiscal year.

Pat Mooney Loukes asks if we could partner with the Town of Greig to see who is using the boat launch as part of the bigger picture in preventing invasive water species.

Eric Martin reports that Paul Smiths College Watershed Program has a boat launch steward program. *“The principle mission of our Stewardship Program is to prevent the introduction of new invasive species into Adirondack waters and to prevent the spread of established invasive species between Adirondack waters. We accomplish this mission through a combination of boat inspection, public education, field monitoring, and service work. Boat inspection and public education are the main activities of our stewards, which both happen on-site at public boat launch sites throughout the region.”* (<http://www.adkwatershed.org/invasive-species/stewardship-program>)

John Lomber states that it would make sense to require that a boat show evidence of having been washed.

Eric Martin reports that the BCA has already approached the 3-G Fire Department about using the fire station as a boat washing station. The location must be far enough from the lake to prevent run off from the boat wash spilling into the lake. However, the fire department is concerned that the water pressure would not be sufficient to support a boat washing station

Eric reports that the Otter Lake boat launch is locked and property owners are provided a key to open the gate. However, Eric reports he does not know who owns the lake.

Carol Kunkel responded by stating that owners could be giving their renters a key to open the gate.

Gail Roes states that the Brantingham Lake boat launch is owned by the Town of Greig and is a public boat launch. All Town of Greig property owners have the privilege of launching their water craft at the boat launch.

Jeff Morgan reports that people are leaving their trailers next to the boat launch despite the fact that there is no parking available. Mr. Morgan reports that the Lewis County Sheriff's Department has not been responsive to the issue.

Karen Murphy asks if there is any signage to indicate what private property is and what is Town of Greig.

Mr. Morgan responded the he has personally placed a sign to indicate such.

Bob Hindman states that an additional problem is cars parked at the boat launch for days at a time. Mr. Hindman reports that the Town of Greig has purchased signs but they have not been installed

John Lomber states that kayakers provide as much of a threat as any other watercraft.

Don Higgins states that he believes we need a more comprehensive plan that addresses not only a proactive plan but a reactive plan. What happens if a boat steward encounters someone who refuses to clean his boat and launches the boat?

Jeff Morgan asks if there is an ordinance that states that boaters planning to launch a boat on the lake they MUST wash their boat first.

Gail Roes responds that we should encourage the Town of Greig to adopt legislation regarding the boat launch.

Maria Dowling suggests that the gate be locked during the boat inspection and the boat steward would not open the gate until after the boat has cleared inspection.

Gail Roes states that the gate at the boat launch used to be locked for years in the 1970's. Property owners on the lake had access to the lock combination.

Al Predmore states that in 1991 the BCA issued stickers that identified boats belonging to property owners. These members were given access to the lock on the boat launch.

Linda Reardon reports that she owns a kayak and did not realize she needs to wash it if it has been in another body of water. Linda suggested that more information be provided in the newsletter

Nancy Van Saun asks if we have a representative from the Town of Greig to attend BCA meetings.

Eric Martin responded that Marilyn Patterson has been invited to our meetings. Eric reminds members present that any Town of Greig resident has the right to enter the lake. The question is can we prevent non-property owners from entering the lake.

Bob Hindman states Brantingham Lake is not a public waterway.

Eric Martin states the lake is owned by the Army Corps of Engineering.

Pat Mooney Loucks as is there is a way to get clear definition of the duties and rights related to the boat launch. Pat suggests requesting information from Town of Greig attorney Mark Gebo.

Gail Roes states that the Town of Greig clearly stated at a recent meeting that they are responsible for the boat launch and raising and lowering the lake.

Pat Mooney Loucks responds that the Town of Greig is responsible for the water district and we are taxed for their role in the water management. The town needs to be part of the solution to prevent infection of the lake.

Eric Martin reports that he felt there was an element of resistance from the Town of Greig to be involved.

Neil Pepper, former town board member, states that the Town of Greig will not send a representative to BCA meetings. They have monthly meetings that are open to the public. Mr. Pepper states that he believes not that many people come and use the lake because there is no place to park their trailers. In his opinion, the majority of boats being launched, aside from property owners, are renters. The gate to the boat launch cannot be legally locked because it is a public boat launch. The town should not have a big problem accepting liability over the buoys and may even carry liability for the dam. Tell the town we will manage the buoys if they accept liability. Mr. Pepper reports he spoke to the Town of Inlet Supervisor regarding the financial burden of the boat stewards. He reports that he has the sense that the Paul Smiths Watershed Program Boat Stewards provide more education than enforcement. The steward can ask the person to wash their boat, but they can still launch their boat.

Linda Reardon asks if the Town of Greig Board members are up to speed on why water milfoil could drastically affect town property taxes.

John Lomber states that a continual presence at the Town of Greig meetings is important. If we remain persistent they may respond to the pressure

Pat Mooney Loucks states that the town did provide permission for the game camera. Information at the boat launch would be helpful.

Eric Martin responded that there are signs, banners and brochures regarding invasive water species currently at the boat launch.

John Lomber states that more information should be included in the newsletter including the correct procedure for washing a boat.

Karen Murphy responded that this is a great suggestion. In fact, the biggest threat present on the lake is the personal watercraft. The water craft draw water inside and may be harboring invasive water plants which would not be seen. The procedure for cleaning the personal watercraft is more complicated.

[http://www.dec.ny.gov/docs/fish\\_marine\\_pdf/boatdisinfect.pdf](http://www.dec.ny.gov/docs/fish_marine_pdf/boatdisinfect.pdf)

Bob Hindman reports that the state has passed legislation regarding monitoring of DEC boat launches **(please see appendix #3)**

Karen Murphy asks if the legislation affects the Town of Greig boat launch and Brantingham Lake or if we need to propose that the Town of Greig develop and pass similar legislation

Bob Hindman responded that he believes the Town of Greig would need to develop similar legislation

John Lomber states that he believes that we need to have a lake management plan that addressed what will be done if the lake should become infected with an Aquatic Invasive Plant (AIS)

Karen Murphy recognized the efforts of Judy Wilson, Polly Peterson and other volunteers who have championed the cause of preventing AIS and spent hours “tossing the rake” looking for AIS in Brantingham Lake. Polly Peterson has recently reported that all survey’s performed in 2014 have been negative.

Eric Martin followed up by stating that the BCA is comprised entirely of volunteers and if anyone is interested in being more involved is always welcome.

Carol Kunkel asks if we can bring in a portable boat washing station as was demonstrated years before.

Eric Martin responded that the boat washing station is not the issue, but a station would require a water source with good water pressure. Apparently, the water pressure at the fire station is not great.

Joanne Lomber asked if the BCA could present a copy of the existing lake management plan to all members of the BCA

Gail Roes responded that she would provide a copy to her by email and will send it to any BCA member who is interested.

Don Higgins asks if we have a lake management plan, but we do not follow the entire plan currently, do we really need to have another lake management plan?

Eric Martin stated that he shared Mr. Higgins concern over compliance with a larger lake management plan.

Deb Tedford introduced herself as a lawyer and stated that to have a lake management plan in effect and not be following is probably a greater liability concern. Deb suggested amending the plan and removing duties that the BCA cannot or does not perform.

Pat Mooney Loukes asks if there was a vote to provide funds for the students to perform the lake management plan. Is the money needed for the students included in the budget plan for the Town of Greig?

Bob Hindman responded that the town was asked to match the funds that would potentially be funded by the BCA. They stated that they would consider it as they develop their budget.

Pat Mooney Loukes states that the topic had come up at a town board meeting that she had attended. She suggested that the Town of Greig may need clarification of what is needed and why.

Gail Roes stated that any proposal made to the Town of Greig board must be clearly documented.

Maria Dowling stated that there is a staggered start date for the SUNY Oneonta Lake Management Student Internship. If we cannot secure the funds for 2015, we may be able to secure funds for 2016.



Karen Murphy reports that Brantingham Lake may not even be selected for the program.

Eric Martin reinforces his concern about using the SUNY Oneonta Lake Management Intern program. Our current lake management plan is only 4 pages long. Should the intern produce a lengthy and complicated management plan, we may be challenged in compliance.

John Lomber re-stated his concern that there must also be a plan of how to respond in the event that the lake becomes infected with AIS.

Deb Tedford states she is aware of a lake with AIS. Treatment involves either pulling the weeds or using an herbicide which requires a permit from the state.

## **GENERAL MEETING ADJOURNED**

### **MEETING WITH DIRECTORS and OFFICERS PRESENT**

**Carol Kunkel motioned that Eric Martin be appointed to the position of President of the Brantingham Community Association. The motion was seconded by Karl Keiffer and so passed by a unanimous vote.**

**Eric Martin motioned that Gary White be appointed as District 1 Area Director, effective immediately. Carol Kunkel seconded the motion and the motion was so passed by a unanimous vote.**

Past President and Area Director Randy Anderson stated that we should wait to appoint a vice president. This will allow Eric Martin to find someone as he will be working closely with him/her.

Meeting adjourned at 11:45am.

Respectfully submitted,

Karen Murphy  
BCA Secretary

# APPENDIX ITEM #1



1. Does your lake association have Directors & Officers coverage?

2. Does your lake association have General Liability insurance?

4. If you answered YES to #2. what is the annual premium cost of the coverage?

Amount of liability coverage?

5. Does your own or maintain any of the following items?

	YES
Dam	<input type="radio"/>
Beach	<input type="radio"/>
Buoys (in the water)	<input type="radio"/>
Buildings	<input type="radio"/>
Roadways	<input type="radio"/>
Other	<input type="radio"/>

8. Please enter your e-mail address (optional):

**9. Name of Lake Association**

**Name of Contact Person**

**Phone Number:**

## APPENDIX ITEM #2

**BCA D.O. Meeting, May 25, 2009 minutes:** “Mr. Schneider has been assured by Lewis County that it will take liability for buoys to be placed in the Brantingham Lake shallow areas. He states that he is awaiting a letter from the county dictating their responsibility for the buoys. Once the letter is received, the buoys will be placed by Sheriff Mike Leviker. Deputy Sheriff Leviker has previously marked, via GPS, the appropriate placements for the buoys last summer. “

**BCA Spring Dinner Meeting June 27, 2009:** “Mr. Schneider informed members that there was a delay in completing the necessary paperwork for the buoys as the New York State Department of Environmental Conservation (NYS DEC) apparently lost the applications. In addition, Mr. Schneider stated he was able to obtain a letter from the county stating they will cover liability for the buoys.”

As a side note, I spoke to Mike Leviker on September 9, 2014. He informed me that Pat Dowling approached Lewis County with the letter stated above. The current county attorney stated after careful review they would not honor the letter of liability.

– Karen Murphy

## APPENDIX ITEM # 3

### NYS Aquatic Invasive Species Control Legislation Passed

By Peter Bauer

Legislation passed at the bitter end of the 2014 NYS Legislative Session included a historic bill that will help transition New York to a greater focus on the prevention and interdiction of aquatic invasive species (AIS). **This bill** was carried by Assembly member Barbara Lifton from Ithaca and Senator Thomas O'Mara from Chemung County. Both have communities engaged in trying to stop the spread of hydrilla (*hydrilla verticillata*) on Cayuga Lake and elsewhere. Adirondack legislators all supported this bill and Dan Stec was one of the Assembly co-sponsors.

This bill is important for the Adirondacks because we still have many lakes and ponds that are not yet infested with AIS. While the list of infested waters grows and the number of AIS increases, we now have an important new tool to try and stop the spread. The Department of Environmental Conservation (DEC) finalized rules this month that prohibits the launching of boats with any visible plant or animal matter or standing water at DEC boat launches and fishing access sites. This is important but limited. This new legislation will allow the DEC to develop similar regulations for all public, private and commercial boat launches across the state.

For the first time ever New York will have a law that blankets the entire state.

What this bill does is effectively prohibits the transport of AIS in New York. Dirty boats can be fined. This is the first, and vital, step in building a comprehensive statewide program for the prevention, management and control of AIS. This gives many organizations, local governments, lake associations, among others, an important tool for stopping the spread of AIS. This law is an important building block for a strong, comprehensive statewide AIS control program.

Many non-profits, local governments, and academic institutions such as The **Adirondack Watershed Institute at Paul Smith's College**, have organized programs where Lake Stewards provide public information about the threats and hazards of AIS. The people and organizations on the front lines of AIS education have been calling for a state transport law for years. Many other states have passed such laws. There are many local boater educational efforts, which have helped to teach boaters about AIS, but these programs provide limited coverage across New York. The new legislation places an emphasis on boats being moved around the state in a cleaned, drained and dry condition. This will help statewide efforts to control AIS.

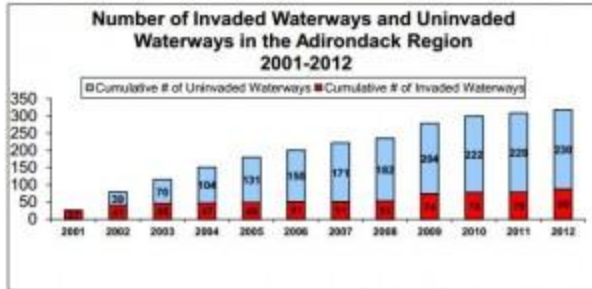


In the management of AIS, great emphasis has been placed on direct control and management of AIS in infested water bodies. These efforts often had the support of boaters and property owners and local governments. These control efforts did not change recreational use patterns or limit opportunities. It was safe for lake managers to work on control, with less emphasis on intervention. As infestations continued to grow, the field of AIS management evolved to make prevention a core part of a comprehensive program to combat AIS. While prevention changes recreational boating, it is an effective strategy to prevent new AIS outbreaks, which is far cheaper for communities to manage and far better for the ecological health of a waterbody.

The days of dirty boating must end. The threat of AIS infestation is real and the costs are high, both in dollars and in ecological harm. The recent costs of control efforts on Lake George for the Asian clam (*Corbicula fluminea*), Eurasian watermilfoil (*Myriophyllum spicatum*), and zebra mussels (*Dreissena polymorpha*) show the high costs of control efforts. Over \$7 million has been spent to control AIS on Lake George for all the various AIS since the 1980s. Recently, over \$1 million has been spent to try and control hydrilla in Cayuga Lake. Given this reality, New York needs to significantly improve its AIS prevention and interdiction infrastructure.

The protection of lakes, ponds, and rivers from AIS infestation will help the economy and quality of life of Upstate New York communities. It will help the economy and quality of life in the Adirondack Park.

Many rallied behind this effort to pass a statewide AIS transport law. All the environmental groups from the Adirondack Park and many from across the state stepped up. The Local Government Review Board supported this effort and made its views known. Local governments passed resolutions, including the Warren County Board of Supervisors just hours before the Senate vote. Trout Unlimited was a strong supporter and the New York State Federation of Lake Associations mobilized scores of lakes associations from across the state. [A fine joint statement is here.](#)



Lake George has built a comprehensive boat control program. It is fortunate to have a **state commission** for the lake that has authority to regulate boats. In Chester, Loon Lake now has a comprehensive boat control program too. In these places, boats are inspected and if a boat fails inspection it must go through a decontamination process, which involves power washing and cleaning. The communities around lake George and Loon Lake have built systems for inspection and decontamination, which minimize interference for boaters while preserving the beauty of the Loon Lake and Lake George experiences and ecological health of those lakes.

These programs show the future of boating in New York and protective programs to prevent the spread of AIS.

In a related effort, Senator Betty Little **passed a bill** to require the DEC to place signs at all boat launches warning the public about the dangers of AIS and the importance of boat cleaning. This bill would have been a big deal 10 years ago. It was also passed by the Assembly.

The AIS transport bill will likely take a year to fully put in place. The 2014 boating season will see the status quo, but many will work to make sure that the new law is fully operationalized by spring 2015.

This new state law that prohibits the launching of dirty boats on New York State waters and will necessitate replication of the Lake George and Loon Lake models across the Adirondacks and across the state. This law is a step change in AIS management and control and marks a badly needed greater investment in the protection of New York lakes, ponds and rivers – vital natural resources that in many ways underwrite and define the Adirondack Park experience.

- See more at: <http://www.adirondackalmanack.com/2014/06/nys-aquatic-invasive-species-control-legislation-passed.html#sthash.RgkxHCPT.dpuf>