

TOWN OF RUSHFORD PUBLIC HEARING
July 11, 2016

PRESENT: John A. Jessop, Supervisor
Councilmen: Lynn Pomeroy, Don Bliss, Charles Bliss and Scott Walter

OTHERS PRESENT: Tracy Pastorius, Town Clerk	David Brautigam, Atty.
Joe Miller, Atty. RLRD	
Dave Black	Betsy Black
Rita Hunt	Howard Hunt
Dale Wittig	Philip Stockin
Karen MacGamwell	Tom Dudas
Pat Dudas	Chris Wittig
Bob Clark, Olean Times Herald	Linda Zahm
Rod Thomas	Bev Thomas
Tim Cansdale	Judy Waldmiller
Brad Falsion	Mike Bird
Chris Wolfer	Cheryl Madina
Ken Winter	Jim Johnson
Glenn O'Connor	Kathleen Hock
Mary Witkopf	Bill Witkopf
Deb Aumick	Les Clark
Tina Smith	Richard Duboch
William Hart	Harmon Smith
Audrey Wolfer	James Pierce
George Maw	2 illegible names

The Supervisor called the public hearing to order at 7:00 PM to discuss the adoption of a Local Law of the Town of Rushford for the year 2016 which would restrict the locations from which boats could be launched onto Rushford Lake.

The Town Clerk presented Proof of Publication.

Kathy Hock a resident of the lake stated that she is supporting the enactment of this law. Evasive species is a threat to our lake, limiting boat launching (not limiting public access) will help with the evasive species in the lake.

Ken Winter spoke that there are hundreds of types of evasive species out there. He was questioning what kind in particular is the concern in the lake.

Mike Bird stated that evasive species are not present in the lake due to the drawdown of the lake. He also stated that the Department of Environmental Conservation will confirm this.

Cheryl Madina stated that she would like to better understand the law. John Jessop addressed her question that the law was to limit access to Rushford Lake because of evasive species. The Towns of Caneadea and Rushford have to both pass the Law in order for it to become a Local Law.

Jim Johnson stated that he had met with Senator Young and the DEC on June 30 in regards to this proposed law. He also stated that the DEC will appeal the Law if passed.

Harmon Smith stated that he is a resident of the lake and is part of the Genesee River Wilds and he has helped with the development of launches into the Genesee River.

Glenn O'Connor stated that he attends all RLRD meetings and has become very involved in the RLRD since 2008. In 2008 there was talk of restricting access to the lake and it has grown into a bigger concern as time has gone on. Is it because of evasive species or to limit public access? It has been stated that Rushford Lake is a private lake with public access.

Brad Falsion took over his Grandmothers campground about 13 years ago. Mr. Falsion stated that a cable was installed on his land because last year people had gone onto his property to launch their boats when he was not there because they did not want to pay the fees that the RLRD was charging. His campers do have access to the launch at the campgrounds and he does not allow others to launch unless they are campers. Mr. Falsion is willing to anything to be able to launch at his property. He stated that he has already gone through some training in regards to evasive species. Mr. Falsion also stated that Chad Wittenrich had emailed him giving him permission to use his boat launch that was on his own property. Mr. Falsion stated he was not sure about this email.

Deb Aumick a resident of the lake and a Lake Commissioner stated that the wash station would cost approximately \$100,000 per year to operate. This is money that need to be used to fix the Dam.

Rod & Bev Thomas owners of campground on the lake. Bev is the Granddaughter of Mildred Falsion. Rod & Bev stated that proposals have been made between their campground, Brad Falsions campground and the RLRD. Their launch site is locked 24/7 all year.

Cheryl Madina stated that she is looking for clarification as to if this law is passed will Brad Falsion's and Rod and Bev Thomas' Campground be an exception in the law.

Attorney Joe Miller stated that he drafted the Law. In September of 2014 he had sent letters to both the Town of Caneadea and the Town of Rushford in regard to launching sites. In the past 72 hours he had learned about these other launching sites. (Campgrounds). There are four reasons for this law. Them being evasive species concerns, water quality, traffic on the lake and general economic concerns.

Cheryl Madina questioned if this law will be revised.

John Jessop advised her that the board can decide to Table this Law and revisions can and will need to be made to this law.

Attorney David Brautigam stated that if there are significant revisions made to this Law, another public hearing will have to be scheduled.

Charles Bliss had some questions about the proposed law in regards to Kayaks, Row boats, Canoes being launched at the lake. Are there restrictions for them? Charles also had some other question about the proposed law such as in Section 4 and Section 5 regarding peace officers. He also had questions in regards to the violations of the Local Law.

Tina Smith a resident of the lake stated that she has to pay a fee to launch her boat because she does not have a launch site on her property. She also stated that we need to take care of what we have or the fish and bird will die off.

Glenn O'Connor stated that restricting access to the water that the DEC stocks with fish is not right.

Kathy Hock presented amounts that the DEC spent on stocking the Lake with fish. Approximately \$10,552 was spent on Rainbow Trout and approximately \$4450 was spent on Brown Trout.

Tim Cansdale a resident of the lake sated that he does not feel that anyone is trying to stop access to the lake. Lake residents pay extra taxes in order to live on the lake. So he feels that the lake is somewhat a private lake because lake residents have to pay more to live there.

Glenn O'Connor stated that the DEC has given the RLRD money over the years. He also stated that a Grant through DEC has just been applied for in the amount of \$1.4 million. This grant is to be used to help with the repair of the Dam.

Cheryl Madina stated that she wanted to thank everyone for their concerns regarding the Lake and the launching sites. Everyone needs to work together in the decision making of lake issues.

Judy Waldmiller a resident of the lake voiced her concerns about the evasive species because of the cost to get rid of it if the lake does it.

All persons desiring to be heard, having been heard, a motion by Charles Bliss, second by Lynn Pomeroy to adjourn the hearing at 7:59 PM. Motion Carried.

Respectfully Submitted