



Eagle Lake Properties Owners Incorporated Newsletter

May 1995

I have been told by those who live on Eagle Lake during the winter, that the winter of 1994-1995 was the mildest in many years and that the snow fall was very little compared to the 1993-1994 winter. Bob J. Stevens informed me that the ice went out of Eagle Lake on March 31st, the earliest since he has lived there. So take heart, summer is not far off and the "gathering of the clans" will take place.

HIGHLIGHTS OF THE ANNUAL MEETING

Held July 2, 1994 at the Chilson Community Center

Officers elected for the year 1994-1995

President William Allen
 Vice President William Knauss
 Secretary Dianne Tiedemann
 Treasurer Peter Buechner

Those elected to the Nominating Committee were:
 Caroline Harris, Janie Stevens and Ann Conklin

Treasurer's Report

Beginning Balance (as of 7/3/93)	\$2143.01
1993-1994 Expenses	-\$1396.05
1993-1994 Total Income	\$1146.69
♦ Dues	\$710.00
♦ Picnic	\$87.50
♦ Milfoil Fund	\$315.00
♦ Interest	\$34.19
Ending Balance	\$1893.65

Contributions

The membership approved the following contributions:

Ticonderoga Emergency Squad	\$50.00
Moses Ludington Hospital Auxiliary	\$50.00
Chilson Volunteer Fire Department	\$50.00
Chilson Volunteer Fire Department Hall	\$25.00
Total Contributions	\$175.00

COMMITTEE REPORTS

Water Level-Robert J. Stevens, Chr.

The water level was very high in early to late spring due to the heavy snow run-off. Planks were inserted into the spillway in June and early July.

Bob obtained the necessary permit from the New York State Department of Environmental Conservation (NYS DEC) to trap beaver throughout the summer and fall.

A request was made to purchase two potato forks to remove debris from in front of the spillway caused by beaver activity and two new pad locks.

The water level from June throughout the summer fluctuated between +2 to 0 on the gauge at the bridge.

Fish Stocking-John Di Pofi, Chr.

1993 State Stocking	4320 Brown Trout, 90"
1994 State Stocking	Not available in time to insert
1994 Essex County	1,000 Browns, 1 yr olds 400 Browns, 2 yr olds, 13-14"

The number of fish stocked by the county in 1994 was significantly less than previous years. The county plans to stock 2600 in 1995. The Times of Ti reported on February 6 that a chlorine leak killed 90,000 fry trout at the hatchery in Crown Point. These trout were part of the 1997 stocking program. The 1995 and 1996 Stocking Programs were not affected.

Membership - Lloyd Burroughs, Chr.

Peter Buechner reported that as a result of Lloyd's letter to delinquent members, 20 members responded. Pete recommends we do it again this fall. Your President can't emphasize too strongly the need for all lake property owners to join our organization and to keep their dues current. Dues are our only source of funds except on rare occasions when we have to resort to special assessments to fund special projects or programs.

The various programs that our organization undertakes benefits each and every property owner. These programs cost money, even though they are implemented by volunteers, so please keep your dues paid up. Check with your neighbor, if they are not a member ask them to join.

Weed and Pollution Control - Rolf Tiedemann and Jim Davis Co-Chr.

Water Testing

Test results from the July 7th and September 14th, 1993 samples reveals that our lake water quality is good. Samples were taken from 10 different sites around the lake. Samples collected from 5 sites were tested for chemical analysis of the lake water while samples collected from all 10 sites were tested for Fecal Coliform. In analyzing these results the Fresh Water Institute (FWI) stated that the water quality of Eagle Lake had not varied from the 1992 tests. Additional tests were done for

calcium. The calcium level was 9.6 which according to FWI means the potential for Zebra Mussel infestation is relatively low. This does not mean that Eagle Lake will not experience some Zebra Mussel, just that it should not be severe.

Water temperature readings and tests for water clarity were taken throughout the summer and fall of 1993.

Members of the Weed and Pollution Control Committee were invited down to Lake George to accompany the FWI on one of its trips on the lake to learn the methodology and techniques used to gather water samples.

Septic Dye Testing

Septic Dye Testing has been placed on hold for the time being because of more pressing projects.

Non-Point Pollution (road run-off)

The Committee will be pursuing this source of pollution with the New York State Department of Transportation (NYS DOT) to determine what steps can be taken to reduce or minimize the amount of chemicals entering the lake from road run-off.

Fish Die Off

The Committee reported that a number of "Sun" fish had been noticed floating in the lake the later part of June. The Committee is consulting with the hatchery at Crown Point to determine whether this should be a matter of concern.

Generic Environmental Impact Statement (GEIS)

Wendy Davis, Bill Allen and Rolf & Dianne Tiedemann were in attendance and spoke at the GEIS hearings held by the NYS DEC at Lake George, Poughkeepsie and Rochester. According to a NYS DEC Spokesman the outlook for adoption is good.

Milfoil

Sonar is now registered for use in New York State.

The GEIS is proceeding through the hearing process as it relates to the written and oral comments made at these hearings. Adoption is expected sometime in the fall.

Rolf Tiedemann announced that Bill Kral, an attorney who has a place on Eagle Lake, has offered his services to pursue our permit application to use "Sonar" with the NYS DEC and the Adirondack Park Agency (APA). Rolf stated that Mr. Kral's offer will be explored further and the membership will be hearing more about this in the near future.

Environmental Monitoring and Assessment Program (EMAP) Study

It was reported that the Committee has so far been unsuccessful in obtaining the results of the Federal Government's "EMAP Study" that was conducted on Eagle Lake by helicopter on August 8, 1992. The Committee plans to continue pursuing this matter to obtain copies of the results of this survey.

Signs

The Committee has requested of the NYS DOT that the following types of signs be posted along Route 74 at Eagle Lake:

- Additional Chevron signs to mark the sharp "S" curve where the two tractor trailer trucks went into the lake in 1993.
- Pedestrian signs to be posted throughout Eagle Lake.
- "Hamlet of Eagle Lake" signs to be posted at each end of Eagle Lake.

The response from the Regional Engineer has been favorable. The signs will take from 6 months to 1 year to obtain and install.

The "Adopt a Highway Program" was discussed at length but no consensus was formed so the program was tabled for future consideration.

Budget Request

The 1993 budget was \$600.00. Of this \$600.00, \$300.00 was spent for Water Testing and \$60.00 was spent for a Dissolved Oxygen Test Kit.

For 1994 the Committee is requesting \$500.00.

- \$330.00 for continued water testing at 10 sites.
- \$100.00 for additional testing for road run-off.
- \$60.00 to purchase a temperature thermometer.
- \$10.00 for Marker Buoy maintenance.

Education - Wendy Davis, Chr.

Wendy displayed numerous leaflets and posters informing members of the various community activities that are scheduled throughout the summer.

Wendy announced that there would be a Boater Safety Course for kids 10-18 years of age. This course would be held on August 8th and 9th at the Paradox Community Center. Other items discussed were:

- Non-point source pollution/storm water run-off
- How to hand harvest watermilfoil.
- For control of Zebra Mussel in residential water systems, call (315) 341-3042 to receive a free copy of Sea Grants "Control of Zebra Mussel in Residential Water Systems".
- Town of Ticonderoga recycling procedures and regulations.

Coalition of Lakes Against Milfoil (COLAM)

Public hearings were held on GEIS, These hearings were held at 3 locations around the state. Representatives from our Association attended and offered comments at all three of these hearings.

COLAM drafted a proposal for a statewide Aquatic Plant Management Program. This proposal was submitted to Assemblyman King to be considered for legislative action. (A copy of this bill was a part of last year's 1993 Newsletter.) This

bill was never acted upon, it was killed by NYS DEC Commissioner Langdon Marsh, on the grounds that it was administratively unworkable and ignored existing regulatory jurisdiction.

The APA has put the issue of deep water marsh on hold. APA wants jurisdiction over these marshes and COLAM is challenging the APA on this issue.

New Business

The membership approved the following budget request:

- ◆ \$500.00 for the Weed and Pollution Control Committee
- ◆ \$100.00 for the Water Level Committee

The membership voted to hold the 1995 Annual Meeting at the Chilson Community Center.

Jim Davis announced that a second hydrant had been installed down by the bridge.

The Chilson Volunteer Fire Department thanked those members who contributed to their last winters' raffle.

At an informal gathering of some Association members that was held on 7/16/94 at Mr. Kral's residence to discuss in more detail, his letter to Mr. Robert J. Stevens of 6/28/94.

Mr. Kral addressed the gathering by complimenting all concerned regarding the efforts that have been undertaken with respect to the Milfoil problem on Eagle Lake. Mr. Kral felt that our Association's present approach will likely be unproductive, because you can not reasonably expect results from within the bureaucratic system that resides in the APA. Mr. Kral strongly feels they will only respond to a lawsuit.

Mr. Kral went on to say that our Committees have obtained all the expert opinions you need, and that the manufacturer of Sonar will supply the necessary data and technical documentation in support of a lawsuit. Mr. Kral stated the only rational course is to bring an Article 78 Proceeding to compel the NYS DEC and or the APA to either accept Eagle Lake as a NYS test site or step aside and allow our Association to act without their approval. By the time these State Agencies get around to approving Sonar treatment, Eagle Lake will be known as "Eagle Marsh".

Mr. Kral will donate his firm for the legal fees involved and will do the job. He did ask that his firm be reimbursed for out of pocket court costs and disbursements that he estimated should be under \$2000.00.

HIGHLIGHTS OF THE EXECUTIVE COMMITTEE MEETING

Held July 23, 1994 at the Chilson Community Center

At this meeting, Attorney Bill Kral provided the Executive Committee with anticipated expenses that the ELPOI might

incur from any litigation. These costs could vary from \$2000.00 to \$5000.00 depending on whether court proceedings became necessary. Cost would be minimal, \$50.00 permit filing fee and postage for 2 mailings, if no court action took place. If court proceedings became necessary, then costs would consist of: \$3.00 to \$6.50 per page for recording fees and if necessary depositions and hearings could run up the cost to \$5000.00.

In closing, Mr. Kral stated that if the Executive Committee wishes to take him up on his offer, he urged the Committee to proceed as follows:

1. Adopt a resolution retaining his law firm as counsel to the ELPOI to pursue permit application for use of Sonar in Eagle Lake.
2. Purchase a Directors and Officers Errors and Omissions General Liability Insurance Policy at an estimated cost of \$1000.00 per year coverage.
3. Send a letter to the ELPOI general membership explaining that Mr. Kral's law firm had been retained to obtain a permit to use Sonar and solicit any objections to the Executive Committee's Course of Action.
4. Establish a Sub-Committee to serve as the lawyer/corporation liaison. This Committee would be known as the "Eurasian Watermilfoil Sub-Committee". This Committee would consist of 3 to 5 members that would speed-up communications and decision making response time.

Action taken at this meeting consisted of:

1. Adopted a resolution that retained the law firm of Kral, Clerkin, Redmond, Ryan, Perry and Girvan as counsel for the purpose of obtaining a permit to use Sonar in Eagle Lake and to bring litigation against those state agencies where deemed necessary by the Eurasian Watermilfoil Sub-Committee.
2. Established the "Eurasian Watermilfoil Sub-Committee". Members appointed to this Committee were: President Bill Allen, Vice President Bill Knauss, Secretary Dianne Tiedemann, Membership Chairperson Lloyd Burroughs and Education Chairperson Wendy Davis.
3. A Correspondence Committee was formed to draft two letters. One letter to inform the membership of the Executive Committee's Course of Action and solicit their objections to the Committee's Action Plan. The other letter to solicit donations from our members to cover start-up and possible court cost. This Committee consists of Bill Knauss, Dianne Tiedemann and Lloyd Burroughs.
Note: The first letter was sent to all members and property owners on July 25, 1994. The second was sent on August 26, 1994.
4. A Permit Committee was formed to assist in filling out the permit application. This Committee consists of Rolf

Tiedemann, Jim Davis, Bill Allen and Bob J. Stevens.
Wendy Davis offered to help.

Items discussed for future consideration were:

1. Call a special informational meeting of the general membership for August to discuss the status of the Milfoil Action Plan.
2. Consider having a general attorney review the ELPOI's books, records, resolutions and By-Laws to make sure we are conducting the ELPOI's business in accordance with our Corporation's By-Laws.
3. Consideration as to how much authority should be granted to the Eurasian Watermilfoil Sub-Committee in order for it to function effectively.

SPECIAL MEETING OF THE MEMBERSHIP

Held August 20, 1994 at the Chilson Community Center

This meeting was called for informational purposes only to update the membership on the status of our Milfoil Action Plan and to solicit ideas on funding.

Considerable discussion centered on the current condition of the lake as it relates to the Milfoil problem and the anticipated problems we are likely to encounter with the NYS DEC and the APA in the course of filing our permit application.

Results of the membership letter dated July 25, 1994, describing our Action Plan and soliciting members objections were as follows:

- 105 letters were sent out.
- 1 letter objected to the use of Sonar and stated their reasons why.
- 1 letter gave conditional approval.

Discussion on funding was considerable with numerous potential sources and ideas put forth.

Funding sources included:

- Town of Ticonderoga
- Town of Crown Point
- "Member Item" from Senator Stafford
- International Paper Co.- Ticonderoga Mill
- Grants from various Foundations
- Eagle Lake Properties Owners Inc.
- New York State Department of Environmental Conservation

SPECIAL MEETING OF THE EXECUTIVE COMMITTEE

Held September 3, 1994 at the Burrough's residence

Bill Kral, ELPOI Counsel, announced that he had received the following responses to his letters to the NYS DEC and SePRO, the manufacturer of Sonar.

SePRO will assist as a resource in the permit preparation process and will provide an estimate of the cost of "Sonar" treatment for Eagle Lake.

DEC will submit our permit request to the APA for their review and comments.

Sonar is expected to be approved for use in New York State in September.

Action taken at this meeting:

- Approval was given to spend up to \$2500.00 for the Directors and Officers Errors and Omissions General Liability Policy. Companies requested to give "quotes" were the Gunning Agency of Ticonderoga and the Riedman Insurance of Clifton Park.
- The Eurasian Watermilfoil Sub-Committee was granted authority to act on behalf of the ELPOI and to direct the actions of legal counsel in proposing settlements and/or litigation proceedings that may develop throughout the permit process.
- This Sub-Committee was further authorized to purchase the Directors and Officers Errors and Omission Insurance within the \$2500 cap.
- The Executive Committee will pursue the matter of obtaining Federal Tax Exempt Status from the Internal Revenue Service.
- A "Milfoil Fund" was established to collect and disburse funds for the Milfoil project.
- Approval was given to retain a general law practitioner to review the ELPOI books and records of all proceedings to determine whether ELPOI business is being conducted in accordance with the Corporation's By-Laws. Up to \$500.00 was allocated for this review.

LATEST UPDATES

Roger Wicks, an attorney, has agreed to review the ELPOI books and records for By-Law compliance.

The Riedman Agency of Clifton Park was solicited to provide the Liability Insurance for the Officers and Directors. Coverage is for 1 million dollars for \$1250/yr. The Policy was obtained on March 9, 1995. Delays were encountered in receiving the 1023 forms from the IRS and the filling out of these documents. These forms are both lengthy and complex.

The Generic Environmental Impact Statement was finally accepted by the NYS DEC on January 25, 1995.

Marjorie Randles of Areyle, NY was retained to prepare and file the necessary forms with the IRS to gain Tax Exempt Status (501c form) for our corporation. The 501c form is required by various Foundations when seeking grants. Ms Randles was selected based on her experience in this field. Preparation of the 1023 form and others are both lengthy and complex. The Sub-

Committee was advised to seek professional help. The cost of this service is not to exceed \$500.00.

Permit Application Status

Our permit application to the NYS DEC, to use Sonar in Eagle Lake to control Eurasian Watermilfoil, has been placed on hold due to a restriction in the manufacturer's product label which states, "that Sonar is not to be applied within 1320 feet of any functioning potable water intake."

Since a number of our residents have water intakes present in the lake, the NYS DEC will not issue a permit unless these intakes are either removed or sealed. The other recourse is for the manufacturer of Sonar (SePRO) to remove this restriction from their product label. SePRO is currently in the process of lifting this restriction, but in any event, it will not be removed in time for us to effectively use Sonar this year. It should be pointed out that this same restriction was in the Federal Environmental Protection Agency's Sonar use documents, but was removed about 2 years ago.

The most favorable time for treatment using Sonar is early spring when Milfoil has started its growth and other plants are still dormant. Also, in early spring most seasonal cottages are still closed and lake activity is low. An early spring application would be while the lake water is still relatively cold. Dissolved Oxygen levels during this time would generally be high thereby mitigating any possibility of impacts to fisheries. Since this early spring "window" of opportunity will soon be closed, the Milfoil Sub-Committee and Mr. Kral do not anticipate any treatment taking place this year. The NYS DEC requires a May 15th deadline for application of Sonar. In the meantime, the Milfoil Sub-Committee along with the Executive Committee will continue to focus on:

- Assembling the necessary maps, labels, letters and any other documents required to satisfy the permit application. Note: This activity was impacted by the delay in securing the Liability Insurance.
- The selection of a licensed applicator.
- Update cost estimates.
- Explore additional funding sources.
- Explore other methods of treatment that may have become available or will be available by next year.
- Develop a follow-up plan for monitoring and preventive measures to reduce exposure to milfoil re-introduction, once treatment takes place.

Funding Status

Thirty households have donated a total of \$3400.00 to the Legal Defense Fund as of February, 1995.

Funding from the Towns of Ticonderoga and Crown Point looks very favorable.

Wendy Davis and Lloyd Burroughs submitted 56 requests for grant applications. They received 12 grant applications and 44 application rejections. Since the grant applications have been submitted there have been 5 rejections. Responses from the remaining 7 applications are pending. Some applications have been on hold waiting for the 501c form that certifies tax exempt status.

COLAM is currently organizing a "grassroots" lobbying organization to lobby various Federal Governmental Agencies for funds for Aquatic Weed Control. COLAM members recently sent letters to the Energy and Water Development Sub-Committee urging the continued funding with the Corps of Engineers budget, so that the fight to control nuisance weeds can continue.

Weed & Pollution Control Committee

Water Testing

The results of the June 7th, 1994 water test are summarized as follows:

1. The pH remains on the alkaline side, which will provide a good buffer for acid input from acid rain. FWI commented that the pH has changed very little since they did their lake wide study in 1989 and "Eagle Lake residents do not have fear of acid rain in the near future."
2. Available nutrients, such as nitrate and orthophosphorous, that act as fertilizers for rooted lake plants and floating algae are very low and are again comparable to those reported in 1989 and in our test of 1993.
3. Chloride was tested for this year and is one measure of the amount of salt present in the lake water. Chloride generally is a result of road de-icing, and was found at a moderate level. This indicates that Eagle Lake might experience impacts of highway run-off. In addition to the chloride run-off, other potential pollutants such as fuel, lubrication products and heavy metals might be entering the water. Further testing and monitoring will need to be done on this. FWI commented that with respect to water quality and the possible reconstruction of Route 74 in the future, we as an Association should be vigilant to see that proper control of storm water run-off is implemented. FWI suggested that we seek help from the local office of the Soil Conservation Service with regards to control of storm water.
4. The results of Fecal Coliform testing showed relatively low levels. The NYS Department of Health requires levels for contact recreation of less than 1000 colonies per 100 mls. Eagle Lake's 10 sample sites all showed levels of 10 or less colonies per 100 mls.
5. The last comment in the test results from FWI indicates that our chemical monitoring program is on the right track and that it should be continued in the future.

Fish Die Off

The Committee checked with Steve LaMere at the Crown Point Hatchery regarding a number of dead "Sunfish" found last spring/early summer. A sample fish was taken to Steve and after studying it he found no apparent reason for its death. If you see dead fish that are of concern to you, collect one, freeze it in plastic wrap and contact Jim Davis or Rolf Tiedemann.

Environmental Monitoring and Assessment Program

The study results have finally been obtained and are in line with measurements the Committee has taken for Dissolved Oxygen, temperature, secchi disc depth and many other parameters. The EMAP results will be filed and used for long term comparisons. See Rolf or Dianne Tiedemann, Jim Davis or Bill Allen if you wish to review a copy of the study results.

Route 74 Signs

The hamlet and chevron signs are still on order. Hopefully, we'll see them this summer, but no promises.

Adopt-A-Highway

The NYS DOT engineer originally contacted last year would like the ELPOI to again consider implementing this program along Route 74.

MEMBERS WHO HAVE PASSED ON SINCE THE 1994 ANNUAL MEETING.

Judge Sheldon Wicks
Marion Buechner

We extend our condolences to their families.
Both were long time residents of Eagle Lake.

ACKNOWLEDGMENTS ARE IN ORDER TO THE FOLLOWING:

To Patricia Hyde for donating 100 feet of nylon rope to anchor the 3 Milfoil buoys.

To all those who donated to the "Legal Defense Fund."

To all committee chairpersons and members of the various committees for their time and efforts in helping to address our lakes problems and concerns.

To Bill Kral and his law firm for his generous offer of providing legal counsel in processing our permit application.

To Roger Wicks in agreeing to review our organizations records for compliance to By-Laws

To Peter Buechner and friends for setting up and preparing the food for our Annual Picnic.

To the Chilson Volunteer Fire Department and its members and to Wendy and Jim Davis for arranging and obtaining the Chilson Community Center for our meetings throughout the summer at no cost to the ELPOI.

(NOTE: The Fire Department is also pleased to report that there were 2 Eagle Lake winners from the Fire Department Dinner Dance Raffle. The Fire Department wishes to thank our membership for its continued support.)

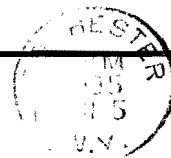
Here's hoping you all have an enjoyable summer. Don't forget to support your Lake Association.

We need your help.

Bill Allen, President

FOUND: One 12-foot aluminum boat, complete with oars and cushions, **SUNKEN** in Eagle Lake and last registered in 1974. Call Wendy and Jim Davis at (518) 585-6686 to inquire.

**Dianne Tiedemann
E.L.P.O.I. Secretary
358 Electric Avenue
Rochester, NY 14613**



Mr. & Mrs. Robert W. Emerich
P. O. Box 11335
Loudonville, New York 12211

RE: *Eagle Lake Properties Owners Incorporated*

12211-0335

