



CANDLEWOOD LAKE AUTHORITY

P.O. BOX 37 • SHERMAN, CONNECTICUT 06784-0037 • (860) 354-6928 • FAX (860) 350-5611

Minutes of Meeting March 11, 2009

Attending:

P. Callahan	New Fairfield
R. Stroh	New Fairfield
H. Berger	Sherman
P. Schaer	Sherman
G. Hofsess	Brookfield
S. Conroy	Danbury
E. Siergiej	Danbury
G. Dufel	Danbury
H. Mayer	New Milford
R. Guendelsberger	New Milford

Absent:

B. Kemble	New Fairfield
S. Murphy	Brookfield
F. Cioffi	Brookfield
M. Toussaint	New Milford
C. Reppenhagen	Sherman

L. Marsicano, CLA Executive Director
F. Frattini, CLA Administrative Coordinator
M. Howarth, CLA Public Education Director

Recorder F. Frattini

Guests: L. Johnson, New Milford
M. Propper, Danbury

Chairman, Pat Callahan, called the regular meeting of the Candlewood Lake Authority to order at 7:40 P.M. at Brookfield Town Hall, Brookfield, CT. Mr. Callahan welcomed the guests.

Secretary's Report: In the absence of the secretary, Frances Frattini noted that there were no corrections, additions or deletions to the minutes of the February 11, 2009 meeting. Mrs. Schaer moved to accept the minutes of the February 11, 2009 meeting, Phyllis Schaer moved to accept the minutes as presented, seconded by Rich Stroh and voted with all in favor, minutes have been accepted as written.

Harold Mayer arrived.

Chairman's Report: Mr. Callahan welcomed Phyllis Schaer, of Sherman, as he was not at the February meeting. He reported that he had sent a memo to the patrol officer and staff on the notice of potential lawsuit to answer some questions, that the CLA has engaged Atty. Rich Arconti regarding this action.

He reported on the discussion from the Executive Committee meeting some questions, e.g. on who is responsible for the safety on the lake – DEP? Who indemnifies the Lake Patrol? The CLA passed a motion years ago to indemnify the officers. Some questions were referred to

BY: 

the Attorney. There is much confusion as to who is responsible for safety, who indemnifies, avenues of funding other than a Boat Sticker Program and who should patrol the lake. A recent letter from the CT DEP Deputy Commissioner suggested that additional funding could come from FirstLight Power Resources and not a Boat Sticker Program – quoting from that letter it states “FirstLight’s financial resources should also support law enforcement efforts on the lake”. Discussion followed. It was noted that State Statutes clearly give the responsibility to DEP. It was suggested that a letter go to FirstLight with copy of the letter from the Deputy Commissioner. It was noted that in the revised SMP overcrowding is one sentence. Discussion continued. It was noted that the Towns should be asked to indemnify the lake Patrol and staff as they do the delegates. Mr. Berger reviewed a few questions posed to Atty. Arconti regarding the Authority: 1) Is the CLA independent or part of the 5 Towns? Atty. Arconti’s response in correspondence was that the Authority is an agent of the Towns but also considered a municipality under Statute. 2) Who is responsible for providing Public Safety and indemnify the officers? Arconti’s response said that under Statutes the Towns indemnify delegates and Lake Authority may indemnify patrol officers. 3) What is the relationship between DEP and the Lake Patrol? Arconti’s response was that some enforcement duties are delegated to the Lake Patrol. DEP gives responsibility for Lake Patrol to the CLA. 4) Who is responsible for safety on public waters? Arconti responded by saying Statute 13-121A charges DEP with boating and boating safety on inland waters of the state – a 2001 court case (regarding an accident of Candlewood) confirms this. So the buck stops at DEP, should DEP contact FirstLight directly?? Discussion on how to proceed followed. It was suggested that a letter go to the 5 Towns explaining the present situation and asking for a meeting to discuss – this is of utmost importance as the Patrol season begins in 5 weeks. Mr. Callahan noted that it would be sad for a potential lawsuit to cause the Authority to pull the patrol off the lake. Mr. Stroh noted that patrol officers might choose not to go out on patrol. Discussion continued. Mr. Berger questioned why are the Towns paying for public safety on the lake? Discussion continued. DEP notes that they put adequate patrols on the lake. It is a good idea to air concerns regarding liability with the Towns. Mr. Callahan will draft a letter. Mr. Berger asked if the delegates agree that the staff and lake patrol should be indemnified by the Towns and, if not, do they feel comfortable putting a patrol out there on the lake? The delegates were in agreement. Indemnification is the primary concern and funding is secondary. Mr. Johnson from the audience noted that if FirstLight were to help fund the public safety on the lake the money should go the CLA where it would be used for the Lake Patrol if it were to go to the DEP it would end up in the general fund. Discussion concluded with Mr. Callahan noting he will draft a letter.

Vice Chairman’s Report: Howie Berger reported that as chair of the HR committee he wanted to report that they have been looking into a Health Saving Account Plan for medical coverage of CLA employees – it appears that there could be a substantial savings with this. With the CLA putting the \$1250 deductible into each account there would be comparable coverage. He will report back next month.

Treasurer’s Report: Glenn Hofsess, Treasurer, advised that there was little activity in February. He advised that Line #318 has been exceeded. Rich Stroh moved that Line #318 be allowed to exceed its line total as long as it remains within the committee budget total, seconded by Ed Serge and voted with all in favor.

Mr. Hofsess asked for a motion to approve the Treasurer’s Report of Income and Expenses for the months ended January 31, 2009 and February 28, 2009 as presented, moved by Gary Dufel and seconded by Phyllis Schaer and voted with all in favor. Treasurer’s Report of Income and Expenses for the months ended January 31, 2009 and February 28, 2009 has been approved and filed for audit.

Larry Marsicano reported on the town Budget hearings, it appears that the Selectmen in New Fairfield and Brookfield have recommended the full amount in the first round, he discussed the budget in Sherman and thought it went well, New Milford is a 10% cut and there was no word on Danbury.

Executive Director's Report: Larry Marsicano noted that his report is attached to these minutes. He reviewed a few items covered: Shoreline Management Plan (SMP) – the revised plan can be seen at www.firstlightpower.com. He reported that the overcrowding issue was reduced to the following “licenses for residential docks shall be for the mooring of not more than two registered boats and two registered personal watercrafts.” He reported that the recreation bill presented by Rep. Carson has passed a committee vote to draft language which will be done before it moves on. He is presently reviewing the 2008 Invasive Aquatic Plant Monitoring Report – he noted that the weeds in 2007 were 250 acres and in 2008 over 450 acres. The Authority has received a two thousand dollar grant from the Meserve Foundation in response to the submitted proposal for a publication on what you should do in a watershed. He asked for help with the annual Clean up which is now two months away.

Public Education Director's Report: Mark Howarth reported that he presented the Dragon Boat Race Festival to the New Milford Park and Recreation Commission last night and it was well received and they gave permission to use their park. The Planning Committee consists of 14 members, both delegates and non-delegates. The first committee meeting included a representative from 22 Dragons and was a very productive meeting. Discussion followed on the event including need for insurance, need for a regatta permit from DEP, targeted vendors and sponsors. Mrs. Schaer made a motion to move ahead with the event planned for June 20, 2009 at Lynn Deming Park in New Milford, seconded by Rich Stroh. Discussion followed and Glenn Hofsess amended the motion to include "begin fundraising for the event expenses", both Mrs. Schaer and Mr. Stroh accepted the amendment, motion was then voted with all in favor. Motion carried. Discussion on the contract with 22 Dragons followed. As some of the delegates wanted to review the document before approving it, Gary Dufel moved that the delegates shall review the contract, report any comments/objections to the Chairman, Pat Callahan, by the close of business on Tuesday March 17th and will authorize the Executive Committee to approve and sign the contract. Seconded by Glenn Hofsess and voted with all in favor.

Committee Reports:

Public Safety: Committee Chair, Rich Stroh asked Mr. Callahan to report. Mr. Callahan reported on the proposed new pay scale for the Lake Patrol officers as follows:

Wage Schedule	Current	Proposed Non Certified	Proposed Post Certified	
1 st year	\$9.00	\$12.00	\$17.50	
2 nd year	\$10.00	\$14.00	\$19.00	
3 rd year	\$11.00	\$15.50	\$21.00	
4 th year	\$12.00	\$17.00	Same as above	
5 th year	\$12.50	\$19.00	Same as above	
After 5 years	\$14.00 Maximum	Same as above	Same as above	

After 10 years	Same as above	\$20.00	Same as above	
Asst Chief	\$20.40	\$23.00		
Chief	\$21.21	\$25.00		

Public Safety is asking that this go into effect with the start of the season. - The increases will be done within the present budget by modifying the work schedule by having only one officer on certain patrols. Discussion followed. It was noted that this is to help attract new officers and keep present officers and to be more in line with other Lake Patrols. Mr. Dufel moved that the delegates approve the proposed pay scale for lake patrol officers as presented, seconded by Harold Mayer and voted with all in favor. Motion passed and new scale will begin with the May payroll.

Public Awareness: No report. There will be a committee meeting on March 19th.

Equipment/Facilities: Ed Siergiej, Committee chair, reported that he has ordered the new buoys for 2009. McKeeII has gone to the manufacturer for the T-top replacement.

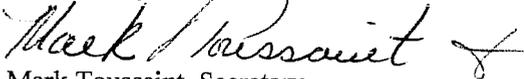
Watershed Management: Harold Mayer, Committee Chair, noted the committee had met and they discussed SMP concerns. He will review the revised SMP to see how those concerns were addressed.

Old/New Business:

Lake water level is presently at 421.7 and should be up by mid-April. Buoys should be in the lake by opening day of fishing season.

With no further business to come before the Candlewood Lake Authority, Mr. Mayer moved to adjourn, seconded by Mr. Stroh. Meeting adjourned at 9:48 P. M.

Respectfully submitted,



Mark Toussaint, Secretary

Frances Fratini, Administrative Coordinator

r/b/t

These minutes are not considered official until they have been approved at the next regularly scheduled meeting of the Candlewood Lake Authority.



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***Executive Director's Report
March 3, 2009
Larry Marsicano***

The following report summarizes activities between February 5, 2009 and March 3, 2009.

SHORELINE MANAGEMENT PLAN

In my last report I stated that at the February 4th SMP meeting FLPR discussed revisions to the SMP which included doing away with registration and annual fees. On February 24th FLPR made available a document which we believed were the revisions to the SMP to be discussed at the February 25th meeting with the municipal CEOs and other interveners in the FERC licensing project. At that meeting we learned that the 7 page document with those revisions were actually the discussion draft of the entire new SMP and that FLPR's legal council had described the original SMP, which we and other interveners worked on for several years, as a "mess." A number of shortcomings with the new discussion draft were aired, including those aired by us, e.g. language on overcrowding and user conflict, and language triggering buffer enhancements.

Sometime after the February 4th meeting, I was asked by one of the CEOs to consider a sliding scale for buffer widths. There is concern by some regarding buffers and their implementation. At the February 25th meeting I was asked to develop a definition for buffers. I have done that and continued investigating implementation of sliding scales for buffer widths. I have generated a draft 7-page report with the new definition and a proposed sliding scale. This report has been sent to the NPS, FWS, several local inland wetland enforcement officers, and the Watershed Committee for comment. The draft will be sent to the CEOs on Thursday, March 5th prior to the next SMP meeting on Friday, March 6th.

RECREATIONAL USE ISSUES

As reported earlier, a delegation from the CLA met with representatives of the CT DEP in Hartford on December 29th to discuss revisions to last year's proposed boat sticker program. At that meeting it quickly became clear that the CT DEP was not supporting any form of a BSP. In mid January we sent a letter to Deputy Commissioner Susan Frechette, who led the CT DEP at the meeting, in attempts to memorialize the discussion for the benefit of our local elected leaders. We asked her to send any recommendations/revisions of our accounting of that meeting. We haven't yet heard back from her. On February 23rd we sent along a letter to the local CEOs (and copied the Deputy Commissioner and our legislators) explaining recent events leading up to letter we sent to the Deputy Commissioner and included a copy of that letter in our correspondence.

We have continued to investigate and analyze recreational pressures on Candlewood Lake. We have received the digital copies of the aerial flyover / boat count data from FLPR and have begun analyses of in-use boat density using those images. Attached is a preliminary analysis of boat density on May 25, 2008 – the date with the lowest number of operating vessels (348 vessels) from the six areal flyover datasets. Datasets to be analyzed next include the June 21 data (451 vessels), July 19 data (515 vessels), and August 31 data (637 vessels). We have also collected data on a number lake communities including total number of homes in the

community, waterfront homes, and number of community slips to develop a sense of how many unexercised deeded right docks there could potentially be (see attached).

TESTIMONY ON SELECTED BILLS

An important public hearing was held in the State's LOB by the Environment Committee on February 23rd. I was unable to attend but submitted written testimony on the following:

- *HB 5277 – AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE INVASIVE PLANT COUNCIL*
- *HB 5465 – AN ACT CONCERNING PHOSPHORUS IN DETERGENTS*
- *SB 569 – AN ACT CONCERNING ENHANCEMENTS TO THE INLAND WETLANDS AND WATERCOURSES ACT*
- *HB 5461 – AN ACT PRESERVING AND PROTECTING INLAND WETLANDS AND WATERCOURSES*
- *HB 5820 – AN ACT CONSERVING NATURAL VEGETATION NEAR WETLANDS AND WATERCOURSES*

RESEARCH ON HISTORICAL DEEP DRAWDOWNS

We completed a report entitled *INVESTIGATIONS INTO EURASIAN WATERMILFOIL MANAGEMENT BY DEEP DRAWDOWN AT CANDLEWOOD LAKE*. We will send this out to our CEOs, make it available on our website, and distribute to FLPR and the Technical Committee at our next meeting. The report from the CT Agricultural Experiment Station on milfoil mapping in the 2008 season is due out shortly, which should precipitate a meeting of the Technical Committee as per the FERC approved Nuisance Plant Monitoring Plan.

CANDLEWOOD WATERSHED INITIATIVE

We and the Candlewood Watershed Initiative met again on February 26th. We have been assisting in the planning and advertising for the seminar scheduled for Saturday, March 7th. The seminar is entitled *LEARN HOW LANDSCAPING CAN PROTECT YOUR LAKE* and will be presented by Sean Hayden from the Northwest Conservation Service and Lisa Turoczi of EarthTones, a native plant nursery in Woodbury.

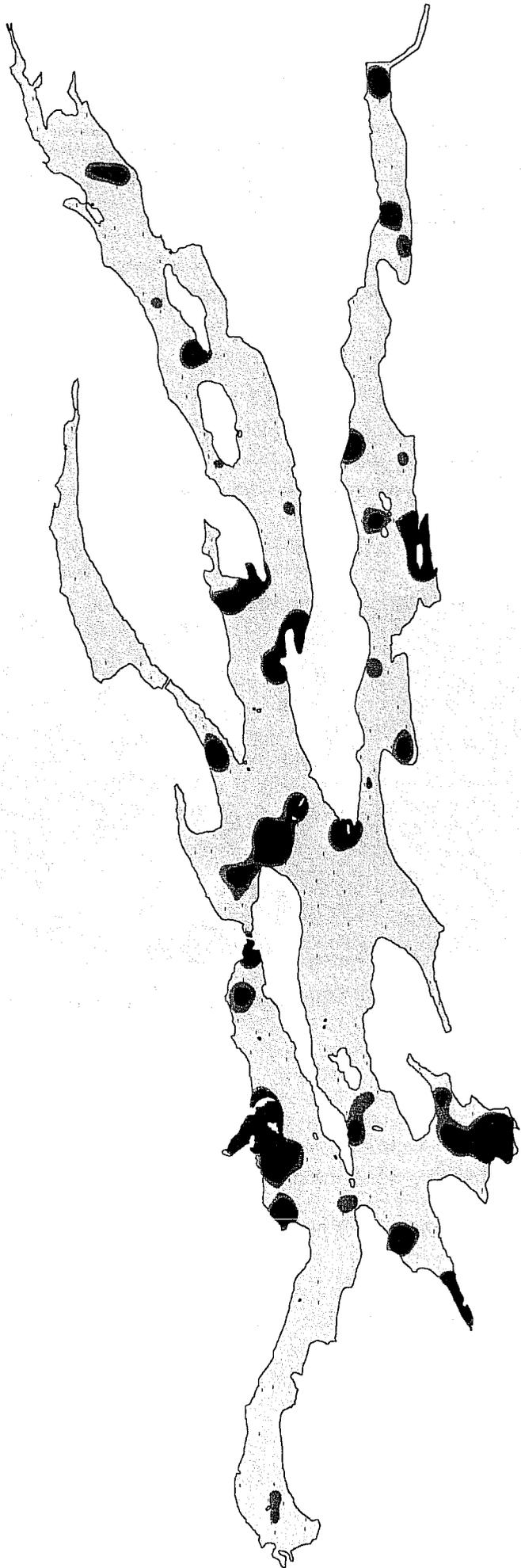
NSF GRANT PROPOSAL SUBMITTED

A good portion of two weeks was spent collaborating with Dr. Theodora Pinou of WCSU and Education Connection on a grant application to the National Science Foundation for 1.8 million dollars over five years to transform Project CLEAR. If funded the transformation would involve creating a four credit college (with a lab) course offered to high school seniors in the fall who have been committed to CLEAR in past years. A portion of those taking that course would have the opportunity to apply for a spring apprenticeship at WCSU to work with one of several faculty members at the University. A portion of those students would have the opportunity to apply for a paid summer internship to conduct research pertaining to Candlewood Lake. Research would be guided by the CLA, environmental scientists throughout CT, and by an Intern Research Coordinator – a full time Post-doc position at the University created through the grant.

PROJECT CLEAR

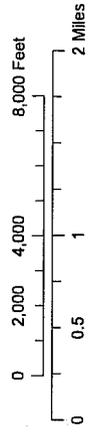
On February 6th and 27th, Project CLEAR students met at WCSU. The next classroom events are scheduled for April 3rd and 24th. We continue to work with Education Connection and the Project CLEAR program manager to plan out the field research week with the students scheduled for June 22nd to 26th.

Candlewood Lake
Vessel Density Analysis
Data collected May 25, 2008



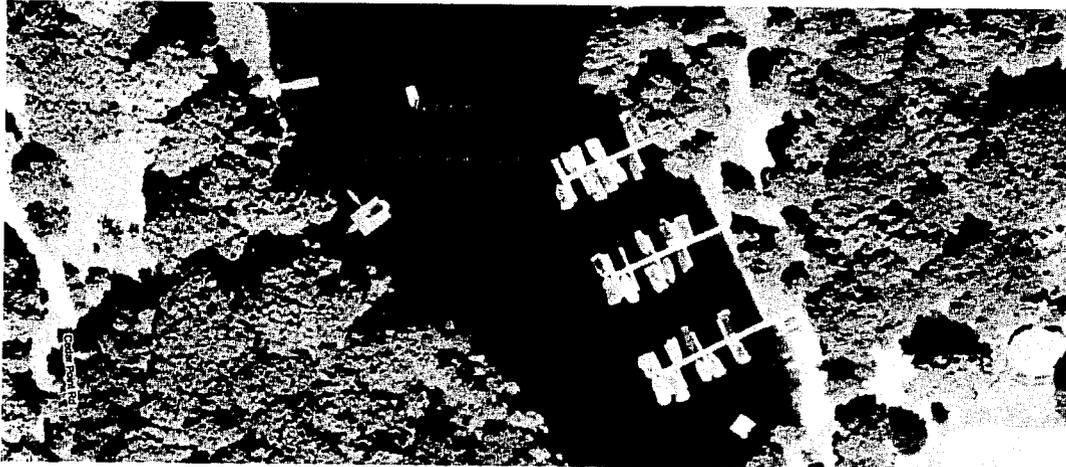
Legend

- Boating Density**
- Greater than 12 acres per vessel
 - 10 - 12 acres per vessel
 - Less than 10 acres per vessel

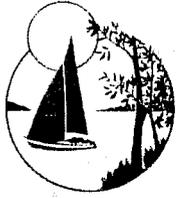


Community	Town	No. of Homes	No. of Lakefront homes	No. Community Slips
Candlewood Shores	Brookfield	450	110	24 †
Candlewood Lake Club	Brookfield	167	30	60
Aqua Vista	Danbury	96	10	24
Snug Harbor	Danbury	34	5	9 †
Candlewood Knolls	New Fairfield	250	41	94
Candlewood Isle	New Fairfield	350	125	46 *
Ferris Estates	New Milford	34	16	8
Millstone Ridge	New Milford	100	12	36
Candlewood Springs	New Milford	41	24	12
Candlewood Trails	New Milford	75	26	0
Atchison Cove	Sherman	55	10	36
Deer Run Shores	Sherman	85	30	45
Totals		1737	439	394

*36 slips + 10 moorings; † all moorings



Source: 2008 Imagery Microsoft Live Maps accessed through: <http://maps.live.com>



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March 11, 2009
Public Education
Mark Howarth

Dragon Boat Races & Festival:

We are moving forward with the planning of our June 20th Dragon Boat Festival.

- **Planning Committee:** We have assembled a volunteer planning committee for the races and festival. Our committee consists of several CLA delegates and others we reached out to in the community. We have a lot of work to do in a relatively short time frame, but with the help of the great people we have in our committee I have every reason to believe that we will put on a very successful event.

- **Site Visits & Meeting:** On Tuesday March 3rd, Matt Roberts from 22 Dragons made the trip down from Montreal to conduct our site visits. Despite the snowstorm the previous day, we were able to successfully visit four potential festival sites that he was able to then review and analyze. We visited Lynn Deming Park, Danbury Town Park, Squantz Pond State Park and Sherman Town Park. While he felt that we have several viable site options, his opinion was that Lynn Deming Park would be the best place for use to hold the festival. Following the site visits, that evening Matt Roberts held a planning meeting with Larry, myself and the planning committee members who were able to attend. There we reviewed our afternoon site visits with the group and we had a detailed discussion regarding the planning process we will use to prepare us for our upcoming races and festival.

- **Permits & Applications:** New Milford Parks and Rec has received our application to host the races at Lynn Deming Park. On Tuesday March 10th, we will be attending the New Milford Parks & Rec meeting at which time they will review our application and present us with any questions they may have regarding our proposed event. We are also preparing our DEP Marine Event permit and map for submission and approval.

Website:

Our website redesign is in its final phase. With the content pages essentially complete, we are now in the process of designing the look of the home page and making some aesthetic changes to the content pages to give the site a more appealing look.

Landscaping To Protect Your Lake:

On Saturday March 7th, the Candlewood Watershed Initiative along with the Candlewood Lake Authority held a public seminar at the New Fairfield Senior Center that presented ideas on how to landscape with lake protection in mind. Sean Hayden of the Northwest Conservation District discussed stormwater management while Lisa Turoczi of Earth Tones Native Plant Nursery focused on the use of native plants in landscape design. The presentations lasted roughly two hours and there were over 20 people in attendance.