

# CANDLEWOOD LAKE AUTHORITY

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

## Minutes of Meeting April 1, 2009

### Attending:

P. Callahan	New Fairfield
B. Kemble	New Fairfield
R. Stroh	New Fairfield
H. Berger	Sherman
P. Schaer	Sherman
C. Reppenhagen	Sherman
E. Siergiej	Danbury
G. Dufel	Danbury
H. Mayer	New Milford
R. Guendelsberger	New Milford
M. Toussaint	New Milford

### Absent:

G. Hofsess	Brookfield
F. Cioffi	Brookfield
S. Murphy	Brookfield

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

Recorder M. Toussaint

Guests: R. Arconti, Esq., Danbury  
A. Angerman, Danbury  
C. Ricci, New Milford

Chairman, Pat Callahan, called the regular meeting of the Candlewood Lake Authority to order at 7:36 P.M. at Brookfield Town Hall, Brookfield, CT. Mr. Callahan welcomed the guests.

Secretary's Report: Mark Toussaint noted that there was one correction to the minutes of the March 11, 2009 meeting – on page three the table of the wage scale should show \$12.50 as the starting wage for a non-post certified lake patrol officer and not \$12.00 as noted. With no other changes or corrections to the minutes, Bruce Kemble moved to accept the minutes of the

2009 APR - 6 P 2:43  
BY: 

March 11, 2009 meeting as corrected, Harold Mayer seconded and motion was voted with all in favor, minutes have been accepted as written and corrected.

Before the general business meeting, Mr. Callahan noted that Atty. Rich Arconti was here to discuss the pending possible lawsuits. Mark Toussaint moved to go into Executive Session to discuss the pending possible litigation, seconded by Bruce Kemble and voted with all in favor. Guests left and delegates went into Executive session. Bob Guendelsberger arrived at 7:45 PM. At 8:18 PM the delegates returned to the meeting from the Executive Session noting that no votes or motions were made during the Executive Session. Mr. Arconti left and the other guests joined the meeting.

Chairman's Report: Mr. Callahan noted that he had recently sent a letter to the CEO's of the five towns requesting a meeting to discuss Lake Patrol issues. He had also sent a letter to DEP requesting policy issue clarification. And finally, he noted that he had been contacted by FirstLight regarding the CLA contacting FERC for clarification on a recent lake related issue.

Vice Chairman's Report: Howie Berger had stepped out and his report was moved to after the Executive Director at which time he noted there was nothing to report.

Treasurer's Report: In the absence of the Treasurer and the early date of the meeting, there was no report. Mrs. Frattini noted that both March and April would be prepared for the May meeting.

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), FirstLight Power Resources issues, Recreation Use Issues, Legislative Agenda, the Candlewood Lake Watershed Initiative, the New Fairfield Weevil Project and the Technical Committee/Weed Mapping. Regarding the FirstLight Power Resources (FLPR) issues discussion followed noting that there is a communication breakdown – when there was no response from FLPR he contacted FERC. Howie Berger had an idea for a Communication Matrix which will outline how FLPR will respond to the CLA when contacted and a given timeframe for a response and when FERC will be contacted. Discussion followed. It was noted that the SMP is not addressing the overcrowding on the lake. Discussion continued. Harold Mayer advised that Mr. Marsicano is presently preparing an investigative report to show what a disaster not addressing this issue can be. Some of the material to back up the report comes from the FLPR aerial flyover study. Howie Berger proposed to make a motion that was not seconded but led to a lively discussion. Bob Guendelsberger made a motion that the CLA is on record that the current proposed SMP is not complete and not ready to be presented to FERC as it does not address public safety and overcrowding on the lake, seconded by Mark Toussaint. Discussion followed. Motion was voted with all in favor.

Mr. Marsicano advised that he had received notice that the Women's Club of Danbury and New Fairfield has approved a five hundred dollar grant. He also noted that volunteers are needed for the Clean Up which will be held on May 16<sup>th</sup>.

Public Education Director Report: Mark Howarth reported that the planning Committee has been working hard on preparing the sales package which should be going out shortly for teams and sponsors. Boats will cost \$2000 each – this for 20 rowers and one drummer plus one person from 22 Dragons. Overhead for the event is estimated to be around \$26K. Mr. Guendelsberger was thanked for reviewing the "event waiver". Mr. Howarth reviewed the process of race events.

Mr. Howarth also reported that he will be the director for a Project CLEAR (Candlewood Lake Environmental Awareness and Responsibility) documentary with the help of our own Producer Harold Mayer. He will be teaching the children the procedure of making a documentary film and helping them to formulate the film.

Committee Reports:

Public Safety: Committee Chair, Rich Stroh reported that they have prepared a short 5-point "scope of authority" for the lake patrol. Mr. Callahan noted that it might need to be modified once the new MOA is received from DEP. The Scope of Authority has been reviewed by Atty. Arconti. He noted that it outlines the limits of the patrols authority. Mr. Callahan noted that after the meeting with the Town CEO's this may need to be addressed. Mr. Guendelsberger asked that a special CLA meeting be called and it was noted that until then it will be business as usual.

Public Awareness: Mark Toussaint noted that the committee had not met. There will be a committee meeting in April.

Equipment/Facilities: Ed Siergiej, Committee chair, reported that they are getting ready for the season. The Steigercraft will be taken to the factory for an inspection in the next couple of weeks to determine the integrity of the boat. The new buoys have not yet been delivered.

Watershed Management: Harold Mayer, Committee Chair, noted the committee had met and they discussed SMP concerns. He recommended Mr. Marsicano work on the investigative report on overcrowding and public safety on the lake. Mr. Mayer asked for a combined Watershed Management and Executive Committee meeting when the report is complete

Old/New Business:

Charlie Reppenhagen asked if delegates were invited to the CEO meeting - Mr. Callahan noted that it will be a CLA meeting.

With no further business to come before the Candlewood Lake Authority, Mr. Mayer moved to adjourn, seconded by Mr. Stroh. Meeting adjourned at 9:24 P. M.

Respectfully submitted,



Mark Toussaint, Secretary  
Frances Frattini, 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.*



# CANDLEWOOD LAKE AUTHORITY

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***Executive Director's Report  
March 31, 2009  
Larry Marsicano***

*The following report summarizes activities between March 3, 2009 and March 31, 2009.*

## **SHORELINE MANAGEMENT PLAN**

Additional meetings with FLPR, the Chief Elected Official, the Lake Authorities and other Interveners to work on the SMP occurred on Friday, March 6<sup>th</sup> and Monday, March 30<sup>th</sup>. The CLA, as promised, created and sent to the involved parties a buffer definition and sliding scale for vegetative buffer widths in an eight page report. However, the report, definition, and sliding scale were never discussed at either SMP meeting.

At the March 6<sup>th</sup> meeting, FLPR shared a worksheet which compared the original draft SMP to the new draft SMP to make sure they were covering the same material. Some of the omissions in the new draft have been addressed (e.g. guidelines for docks). In addition, the CLA created an additional worksheet which compared the requirements in License Article 407 – Shoreline Management Plan to measure in the old and new draft SMP to meet those requirements. While that worksheet which identified potential omissions in the new draft was sent to FLPR, the CEOs, and other Interveners prior to the March 30<sup>th</sup> meeting, it was never discussed.

There are several directions proposed by local leaders that are contrary to the CLA's historical positions. These include having no buffer requirements on Squantz Pond and not pursuing better measures in the SMP to address overcrowding and user conflict. The next meeting is tentatively scheduled for April 14<sup>th</sup>.

## **OTHER FLPR ISSUES**

Prior to the March 30<sup>th</sup> SMP meeting, FLPR met with the CEOs to discuss an action of the CLA Executive Director. The CLA did not participate in the meeting. At the time of the writing of this report, I have not been informed of the specifics of the meeting nor the resolutions proposed. However, Howie Berger has discussed the meeting with First Selectman Andrea O'Connor.

The issue stems from a call the CLA received on March 11<sup>th</sup> from a member of the Hickory Hills community who intended to bring machinery out onto the lakebed before the lake was filled to "scrape off" the top two inches of sediment in an effort to manage Eurasian watermilfoil. Prior to calling us, the community member met with FLPR at the site of the proposed project. FLPR informed the community member of the FLPR policy to defer review and approval of this type of proposal to the lake authority and Brookfield IWWC as described by the member of the community. I asked the community member for a copy of the proposal and FLPR policy. I also asked FLPR for a copy of the policy. While no policy or proposal was sent to the CLA, FLPR did send the CLA a map and aerial of the proposed site.

After approximately a week's time, I called the member of the community up and again asked for the proposal. He informed me that he was of the understanding that FLPR was sending that to the CLA. I also corresponded with FLPR again on Monday, March 11<sup>th</sup> asking them for the

proposal and asking them to reconcile their decision to defer review and approval of the proposal in light of License Article 413 – Use and Occupancy. On Friday, March 20<sup>th</sup>, after not receiving any response, I put a call into FERC describing the series of events, my concerns and asking them to reconcile FLPR decision and advise me if I had reasons for concern.

On March 26<sup>th</sup>, FERC responded back to me and asked for the proposal and informed me that they would need to contact FLPR for their side of the story. I responded by sending them everything FLPR sent me. On Friday, March 27<sup>th</sup>, I corresponded with FLPR to give them advanced warning that FERC might be contacting them. FERC apparently contacted FLPR that same day. FLPR expressed great dissatisfaction to at least the CLA Chairman and Mayor Murphy of New Milford, both contacting me that Friday. The meeting held on March 30<sup>th</sup>, prior to the SMP meeting, between FLPR and the CEOs appeared to be a result of my actions.

### **RECREATIONAL USE ISSUES**

In early March we received a letter from CT DEP Deputy Commissioner Susan Frechette in response to our January 15<sup>th</sup> letter summarizing our December 29, 2009 meeting with her. The Deputy Commissioner did provide clarification on some of the issues discussed and thank us for clarifying other issues. Of particular importance in her letter was the following statement:

*One issue discussed during our 29<sup>th</sup> December meeting but not mentioned in your letter was the responsibility that the Federal Energy Regulatory Commission (FERC) and by extension FirstLight bears in assisting in the management of these recreational pressures. Candlewood Lake is used to generate millions of dollars in revenues as a result of electric power generation by way of rights granted by FERC, yet none of those revenues are spent on measures to address these extraordinary recreational pressures brought about by the creation of the lake and the developments it spawned.*

We have continued to work on our investigative report on the recreational pressures on Candlewood Lake. This report should be ready for dissemination in about one month.

### **LEGISLATIVE AGENDA**

Several of the bills discussed in earlier reports have continued to gain momentum including HB 5823 – An Act Concerning the Recreational Use of Candlewood Lake. A copy of the Joint Favorable Report of the Environment Committee is attached to the end of this report. Other information on this bill can be found at

[www.cga.ct.gov/asp/cgabillstatus/cgabillstatus.asp?selBillType=Bill&bill\\_num=HB05823](http://www.cga.ct.gov/asp/cgabillstatus/cgabillstatus.asp?selBillType=Bill&bill_num=HB05823)

### **CANDLEWOOD WATERSHED INITIATIVE**

On Saturday, March 7<sup>th</sup>, the presentation entitled *LEARN HOW LANDSCAPING CAN PROTECT YOUR LAKE* by Sean Hayden from the Northwest Conservation Service and Lisa Turoczi of EarthTones, a native plant nursery in Woodbury was given and a success. The next events we are collaborating with the CWI are: Soil Testing Day on Saturday, April 18<sup>th</sup> at the Shaws supermarket in New Fairfield; and seminars on aquatic and terrestrial invasive plants. At 11 AM on the 18<sup>th</sup>, Greg Bugbee of the Connecticut Agricultural Experiment Station will talk on "The Proper Use of Fertilizers to Protect Lakes and Ponds" and "Invasive Aquatic Plants." In the latter, he will address such nuisance plants as milfoil in Candlewood Lake and pink water lilies in Ball Pond. At 1:00 PM, University of Connecticut Senior extension educator Donna Ellis will give a talk entitled, "Not in My Backyard: Invasive Plant Identification and Control."

### **NEW FAIRFIELD WEEVIL PROJECT**

As reported earlier this year, we assisted Danbury and New Fairfield in developing grant applications to the CT DEP Invasive Plant Eradication Grant Program. In early March we learned that the funding for this program had been lost due to State's economic status. In mid March I was contacted by staff in New Fairfield to help revise the Town's budget in their proposal in the event that the Town wanted to fund the study itself. We revised the budget and communicated with other parties, including EnviroScience, the interest of the Town of New Fairfield in pursuing the continuance of the feasibility study of weevils as biological controls of Eurasian watermilfoil. After several communications with the First Selectman, I was asked to attend the Selectmen's meeting on the night of March 26<sup>th</sup> where the plan was discussed further. The Selectmen voted in favor of pursuing the funding for the project and asked me to attend the Board of Finance meeting on April 6<sup>th</sup> to discuss it further.

### **TECHNICAL COMMITTEE / WEED MAPPING**

On March 10<sup>th</sup> we were sent a link to the 85 page draft Invasive Aquatic Weed Mapping Report by FLPR for review and a request to attend a meeting of the Technical Committee to discuss that report on March 25<sup>th</sup>. We reviewed the report and also submitted our report on *Historical Drawdowns to Manage Milfoil*. Both reports and another on remote sensing to map weeds were discussed at the meeting that was attended by staff from FLPR, the CT DEP, the CAES, and the CLA. Minutes of that meeting have recently been received and will be reviewed.

**Environment Committee**

**JOINT FAVORABLE REPORT**

**Bill No.:** HB-5823

**Title:** AN ACT CONCERNING THE RECREATIONAL USE OF  
CANDLEWOOD LAKE.

**Vote Date:** 3/18/2009

**Vote Action:** Joint Favorable

**PH Date:** 2/2/2009

**File No.:**

**SPONSORS OF BILL:**

Environment Committee  
Rep. Chapin  
Rep. Carson  
Rep. Kehoe  
Sen. McLachlan

**REASONS FOR BILL:**

To reduce the recreational use of Candlewood Lake.

**RESPONSE FROM ADMINISTRATION/AGENCY:**

Department of Environmental Protection has concerns regarding this bill, specifically concerns with the staff time and financial resources that would need to be committed. The DEP would be happy to work with the lake communities to assess whether there is a general acceptance for these types of regulatory changes. They further suggest that the communities and user groups engage in a collaborative process to discuss these ideas with a goal of making recommendations to the DEP for regulatory consideration.

**NATURE AND SOURCES OF SUPPORT:**

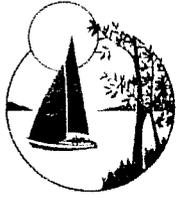
Candlewood Lake Authority supports this bill. Testimony states that Candlewood Lake suffers from overcrowding and recreational user conflict. Further they state that many local residents, elected leaders and the Candlewood Lake Authority believe that the recreational use at Candlewood Lake jeopardize public safety on the lake despite the current efforts of the DEP.

**NATURE AND SOURCES OF OPPOSITION:**

No testimony submitted.

**Reported by:** Kathleen Salvio

**Date:** 3/30/09



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**April 1, 2009**  
**Public Education**  
**Mark Howarth**

## **June 20<sup>th</sup> Dragon Boat Race:**

Progress continues with the planning of our fundraising event.

- **Planning:** The planning process has been moving along at an increased pace due to the time constraints we have before us. Our volunteers have been working hard to ensure we can meet our goals. With their help we have nearly completed our sales kit/marketing package for the races. Those kits will contain information on our event, a promotional DVD and the other relevant information necessary for all of us to go out and sell team spots to area businesses, organizations, lake communities, schools etc.
  
- **Permits & Applications:** We have been approved by New Milford Parks and Recreation to hold the event at Lynn Deming Park and we will go before their commission again on April 14<sup>th</sup> to work out more details regarding hosting our event at that location. We are waiting to hear back from DEP regarding our Marine Event application and we have sent an application through New Milford Public Schools Facilities Department, to be able to use the New Milford High School parking lot for our shuttle service.

## **Project CLEAR:**

Project CLEAR has been going through some exciting changes and improvements this year, one of them being the addition of a documentary group that will film Project CLEAR week and produce a 30-minute documentary to be shown at the conclusion of the week. The students seem to be excited about the opportunity to be a part of this new addition and I have been asked to head up the group of students that will be chosen for this assignment. On April 3<sup>rd</sup> and April 24<sup>th</sup> I will be leading all Project CLEAR students in a classroom exercise at WestConn to help prepare them for this portion of Project CLEAR. Harold Mayer has been an invaluable resource in teaching me what makes for an effective documentary film.

**April E-Newsletter:**

The April E-Newsletter is nearly complete and should be send out shortly. Some of the topics that will be included in this issue will be the Dragon Boat Race, the 11<sup>th</sup> Annual John Marsicano Candlewood Lake Cleanup on May 16<sup>th</sup>, the proposed bill on boat size regulations for Candlewood, an SMP update and notifications for upcoming events: Soil Testing Day, Earth Day Plant Sale, Long Meadow Lake Management and Go Green, Save Green – Energy Efficiency In Your Home.

