



CANDLEWOOD LAKE AUTHORITY

P.O. BOX 37 • SHERMAN, CONNECTICUT 06784-0037 • (860) 354-6928 • FAX (860) 350-56

Minutes of Meeting May 12, 2010

Attending:

R. Stroh	New Fairfield
H. Mayer	New Milford
M. Toussaint	New Milford
R. Guendelsberger	New Milford
G. Dufel	Danbury
C. Reppenhagen	Sherman
H. Berger	Sherman
F. Cioffi	Brookfield
W. Lohan	Brookfield

Absent:

J. Murphy	Brookfield
M. Calandrino	Danbury
B. Kemble	New Fairfield
E. Siergiej	Danbury
P. Schaer	Sherman

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

Recorder: R. Stroh

Guests: D. Gilbert, Danielson, CT, CT Bass Federation Nation
M Propper, Danbury (arrived 8:15 PM)

Howie Berger, Chairman, called the regular meeting of the Candlewood Lake Authority to order at 7:32 P.M. at Brookfield Town Hall, Brookfield, CT. He welcomed Bill Lohan the new delegate from Brookfield. Mr. Lohan said a few words about himself.

Secretary's Report: Rich Stroh, Secretary, noted that there was one correction to the minutes of the April 28, 2010 Special Meeting. The date of May 19, 2009 was incorrect and the special meeting was on April 28, 2010. Charlie Reppenhagen moved to accept the minutes of the special meeting as corrected, seconded by Gary Dufel and voted with all in favor, minutes have been accepted. Mr. Stroh noted that there were no changes, corrections, additions or deletions to the minutes of the April 14, 2010 meeting, Mr. Reppenhagen moved to accept the minutes of the April 14, 2010 Regular Meeting as written, motion seconded by Mr. Dufel and voted with all in favor, minutes have been accepted as written.

Chairman Howie Berger advised that he will not be at the June meeting and noted that a report on the progress of ongoing projects will be presented at the July meeting.

Vice- Chairman Report – Mark Toussaint noted there was nothing to report.

Treasurer's Report: In the absence of the Treasurer, Mr. Berger noted that Phyllis Schaer will try to collect the balance due from New Milford and has sent a letter to FirstLight regarding

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BY: 

their annual donation and is waiting for a response. He advised that Mrs. Schaer noted that if FirstLight had a concern on how their money would be used she thought that it could be appropriated to Public Safety i.e., not just patrol but education, buoys, etc. Frank Cioffi made a motion to approve the Treasurer's Report of Income and Expenses for the month ended April 30, 2010 as presented, seconded by Rich Stroh. Mr. Toussaint had a question about Line #118 Professional Services – that is a payment to the attorney. Mr. Berger reported that it appears that the CLA budget will be close to break even but should know more next month. That break even is without the two receivables. Mr. Toussaint added that he thought that the annual donation from the Utility needed to be discussed so that it is not continually paid so late in the fiscal year. The CLA needs to be proactive and maybe formalize it in writing.

With no further discussion the motion was voted with all in favor and Treasurer's Report for month ended April 30, 2010 has been accepted and filed for audit.

Executive Director: Larry Marsicano noted that his report is attached to these minutes. He covered a few items: The bill regulating the length of boats has passed the legislature and is awaiting the Governor's signature. The regulation should be in place by January 1, 2011. He has been working with Attorney Ted Backer on Lake Patrol issues. He and Gary Dufel did a site walk at a New Fairfield location. He, Brian Wood of FirstLight and New Fairfield inland wetlands and zoning enforcement officers will be meeting about Pine Island tomorrow afternoon. Project Clear will have its last classroom day later this month and Field days will be June 24, 25, 28 and 29 - he is still in need of volunteers and their boats to transports the students. He, together with Abbey Peklo of Education Connection, has done a community access program for Charter Cable TV on the Project CLEAR program. Education Connection has taken Project CLEAR into the middle school this year and it will culminate at Squantz Pond on May 26. The Clean Up is scheduled for May 22, the Boat Captain's meeting will be next Thursday May 20. The Women's Club of Danbury and New Fairfield grant was received and used toward the purchase of software. He reported that he had called the Deputy Commissioner of the DEP today regarding the letter that was sent by Attorney Backer last Friday – she advised him that she had not yet seen the letter.

Watershed Management: Harold Mayer reported that he and Mr. Marsicano are meeting with CL&P tomorrow to open a discussion about the future of the peninsula (Vaughn's Neck / Candlewood Mountain). Also the committee had put together a final letter to FERC, which was submitted.

Equipment/ Facilities: In the absence of the Committee Chair, Mr. Marsicano reported that buoys are in, goose depredation was done, truck is running, new tires were purchased and boats are in the water. Mr. Berger added that Mr. Kemble is looking into the web cam. Mr. Marsicano also reported that a work party has been organized to patch and paint Sherman Base.

Public Awareness: Mark Toussaint reported that an electronic Newsletter went out, letters for Clean Up and Dragon Boat Race sponsors were sent with a positive response. He noted the committee would discuss whether or not a spring appeal letter would be needed. He noted that Mr. Marsicano, Mr. Howarth and crew are doing a great job.

Public Education Director: Mark Howarth reported that the 2010 magnets were in and passed them to the delegates. He also passed posters, and information sheets for the Dragon Boat Race (August 21, 2010) asking the delegates to put them up in their communities. This year registration discounts will be given for early registrations: June 15th – \$75/ per person; July 15th

– \$85/per person and August 2nd – \$95/per person – A \$100 deposit for the team must be received by the above date.

Mr. Marsicano noted that if there are weeds then Enviroscience will be stocking weevils in June – they will also be giving a talk - date to be announced.

Mr. Berger asked the guest, Mr. Gilbert, if he wanted to address the Authority – he noted that he just wanted to say thank you.

Mr. Berger asked Mr. Lohan to check the committee list and advise the office of where he would like to be assigned.

Public Safety: Mr. Berger gave a presentation with points from the Special meeting held last month. First the Lake Authority was formed by the Towns under State Statute, Second Delegates are appointed by their towns to do what is in the best interest of the towns and the lake and third the statute allows the Lake Authority to do water quality and public safety. Therefore the Lake Authority is the employer of the Lake Patrol – it hires the officers, sets their pay scale, vacation policy, provides uniforms, supports bullet proof vests, and provides boats either the CLA's or reimbursement for use of their own. But to be an officer paid by the CLA they must meet DEP qualifications which requires a background check, psych exam, allows them to carry a gun, continuing certification by DEP and all of the above are paid for by the CLA as the employer. Discussion on the carrying of guns followed. Enforcement – the Lake Patrol is granted by the DEP the right to enforce the Boating Laws of the State- they have no power of arrest.

Mark Propper of Danbury arrived at 8:15 PM

Operating procedures of the lake patrol are outside the employment responsibilities as they are not within in the power of the CLA. Regarding indemnification – Delegates are held harmless, indemnified by the Towns and the Lake Patrol Officers (LPO's) and staff are indemnified by the CLA as employers. The CLA, not the DEP, indemnifies the officers.

In the 1999 Agreement between the DEP and the CLA it set forth how the Lake Patrol would be supervised. A DEP Sergeant oversaw the function of the patrol. That Agreement may or may not have been cancelled last year. Nothing in the Statutes, Ordinances or by-laws say that the CLA is anything other than the employer. How do you hire people you have no ability to tell them how to perform their job? LPO's have no authority to investigate accidents, and their weapons are carried as a private citizen. Now if you have a DEP Sergeant the CLA has then outsourced the management of the patrol. CLA's position has been that guns are an optional carry – they are not required. The letter sent by Attorney Backer to the Deputy Commissioner of DEP deals with the supervision by the DEP – trying to get answers regarding supervision and operations. What if the DEP says “NO”? The Lake Patrol is extremely important both publicly and politically to the Authority. How would the CLA be looked on without the Patrol? As their employer the CLA could tell the LPO's what they cannot do such as they cannot engage in pursuit, they cannot use handcuffs, etc. In the future it may be required to hire Post Certified officers. The Statutes allows the patrol officer to enforce the boating laws of the State of CT – they are given an enforcement manual by the DEP annually – the State Statutes gives the DEP the power to give the power to the Lake Patrol officers to enforce the boating laws. But the CLA can have a list of what the LPO's cannot do. Mr. Berger asked Mr. Stroh, Chairman of the Public Safety Committee to bring the list to the committee for review and recommendations to the full board. Discussion followed. It was noted that a reply from the DEP is needed before the CLA

can proceed with a decision. Again it was noted that DEP grants the right to the LPO's to enforce boating laws, i.e. issue an infraction and State Statutes gives them the right to carry a gun. The CLA policy is "not use force" but they can carry a gun. If the officer wears the gun for their own protection the CLA has two goals: one is to limit the liability of the CLA and the other is to limit the liability of the people who work for the CLA directly or indirectly. The officers "do not understand the magnitude of their own actions". The CLA has no obligation to indemnify but as an employer it does.

Old/New Business: Bob Guendelsberger made a motion that the new 2010 policy regarding the carrying of a firearm by an LPO relies solely on authority given by State Statute and the DEP, seconded by Mr. Toussaint and voted with all in favor.

With no further business to come before the Candlewood Lake Authority, Frank Cioffi moved to adjourn, seconded by Harold Mayer. Meeting adjourned at 9:15 P. M.

Respectfully submitted,


Richard Stroh, Secretary
Frances Frattini, Administrative Coordinator

r/b/s



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Executive Director's Report

May 10, 2010

Larry Marsicano

The following report summarizes activities from April 6, 2010 to May 10, 2010.

RECREATION / PUBLIC SAFETY MANAGEMENT

As noted in recent news media, HB 5241 – AN ACT CONCERNING CANDLEWOOD LAKE was unanimously passed by both House and the Senate and just requires the signature of the Governor. The legislation will require CT DEP to develop regulations by January 1, 2011 that limits the size of vessels on Candlewood Lake to less than 26 feet.

We have worked closely with Attorney Ted Backer in addressing the issue uncovered by the draft General Orders. A number of legal opinions have been received regarding the situation including those of State Attorneys. A letter was drafted by Attorney Backer, reviewed by the CLA and sent to the CT DEP on Friday, May 7, 2010 requesting an immediate meeting to resolve issues of supervision and oversight as it pertains to law enforcement procedures.

SHORELINE MANAGEMENT PLAN

The Watershed Committee met on April 27th to discuss the recent submittal of FirstLight commenting on the letters of the CT DEP, the US DOI, and the CLA regarding the Shoreline Management Plan. Another letter to FERC was drafted.

A project is underway to catalog all the correspondence relevant to the FERC license and subsequent management plans. Documents are being electronically cataloged by topic (e.g. EIS, License, RMP, SMP) and by author (FERC, FirstLight, CLA, and Others). This work is being done by a WCSU intern under our oversight. Our intern, Shannon Ring, is a Political Science major and is considering making the Housatonic Hydro License Renewal the topic of her Senior Thesis next year.

WATERSHED / SHORELINE MANAGEMENT

On May 3rd, Gary Dufel and I participated in a site walk at 8 Sylvan Road in New Fairfield where a cart path is proposed over steep and rocky terrain down to the lake.

We have scheduled a meeting for May 13th with Brian Wood of FirstLight and the Enforcement Officers of New Fairfield to continue discussions on resolving the Pine Island issue.

PROJECT CLEAR / EDUCATION

Project CLEAR students met again on April 16th, are scheduled to participate in the Candlewood Lake Clean Up on May 22nd, and then meet again on May 24th at WCSU. The May 24th meeting will be the last classroom meeting of the year with only the summer field research remaining as scheduled for June 24, 25, 28 – 30.

On April 20th, Abby Peklo, who is the Inter-District Grant Coordinator for Education Connection, and I were guest on a Charter Cable Community Access program on local education issues to discuss Project CLEAR. The program will air on May 12 & 19 at 7:00 pm; and May 13 & 20 at 1:30 pm.

On the morning of May 6th I was the guest of Larry Lieberman, science teacher at the Schaghticoke Middle School in New Milford, and his student teacher, Mike McEarchern, where I discussed lake ecology and helped students examine microscopic phytoplankton and zooplankton from the Lake.

JOHN MARSICANO MEMORIAL CANDLEWOOD LAKE CLEAN UP

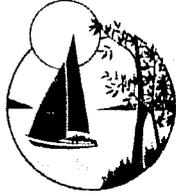
We are still preparing for the upcoming JMM Candlewood Clean Up scheduled for Saturday, May 22nd. We have received a number of sponsorships and commitments from local restaurants to provide the lunch to the volunteers. We invite all delegates to participate in some fashion.

OTHER

I attended the presentation of Ray Crawford on Sunday May 2nd at the New Milford Historical Society Museum. Ray presented on his experiences diving in Candlewood and relayed that back to the history of the lake. Ray had invited us to his presentation to help provide some information and to promote the CLA.

On the morning of April 27th I attended the "Celebration of Giving" by the Woman's Club of Danbury/New Fairfield, where the CLA received a gift of \$500 in response to a grant application we had submitted in January. The WCDNF awarded 20 not-for-profit organizations totaling \$13,000 dollars and also provided another \$7,000 dollars in scholarships with funds raised through their annual poinsettia sale. Jamie Lynch of the WCDNF has been our sponsor for many years.

Bill Lohan of Candlewood Shores in Brookfield was recently appointed by Brookfield to serve as Delegate to the CLA.



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May 12, 2010
Public Education
Mark Howarth

2010 Dragon Boat Races:

As mentioned before, on April 1st, we mailed out our sponsorship information to area businesses. We have been following up with area businesses that received our sponsor package to let them know that the time to take advantage of the dual sponsorship (Clean Up and Dragon Boats) is nearing the end. We have received several new sponsorships as a result of this effort.

The marketing for the event is in process, with a number of initiatives under way. Posters, sales kits, one-on-one sales visits, advertising and other methods are and will be used to generate interest and increase team participation and grow this event from last year.

Visitors to the CLA website now see the dragon boat race logo on the home page and can click on it to gain direct access to the race website. We will also now promote the races through our Facebook page to help generate as much interest before the first early registration discount deadline of June 15th. The second early registration discount ends July 15th and all registrations must be received by August 2nd. All details are available on the race site.

April Electronic Newsletter:

In April we sent out our second electronic newsletter of the year. We covered topics such as the Clean Up, Soil Testing Day, the Woman's Club of Danbury/New Fairfield as well as two events: a diving presentation by Ray Crawford and a display and benefit of framed, pressed aquatic plants.

Clean Up:

This year, thanks to Howie's skills, we are able to offer online registration for the Clean Up. This online system leads people through a series of easy questions to gather the data we need to organize this event. The information is logged electronically and can be exported to Excel where it can then be sorted in a number of ways. It was designed to help streamline the registration process and ensure we get the data we need for Frank to organize the clean up crews.

Project CLEAR:

Project CLEAR met at WCSU in April and the students all partook in the classroom learning exercises in preparation for this summer's field days. The exercise I had prepared for public service announcements was postponed until the May Project CLEAR meeting date due to unexpected time constraints this past meeting date.