



CANDLEWOOD LAKE AUTHORITY

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

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2010 JUN 14 P 12:52

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Minutes of Meeting June 9, 2010

Attending:

R. Stroh	New Fairfield
B. Kemble	New Fairfield
H. Mayer	New Milford
M. Toussaint	New Milford
E. Siergiej	Danbury
G. Dufel	Danbury
C. Reppenhagen	Sherman
J. Murphy	Brookfield
F. Cioffi	Brookfield
W. Lohan	Brookfield

Absent:

H. Berger	Sherman
P. Schaer	Sherman
M. Calandrino	Danbury
R. Guendelsberger -	New Milford

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

Recorder R. Stroh

Guests: J. Hodge, First Selectman, New Fairfield
Rep M. Carson
D. Gilbert, Danielson, CT, CT Bass Federation
M Propper, Danbury
Debra - Patch.com
Mr. & Mrs. S. Hotchkiss, New Fairfield

In the absence of the Chairman, Vice Chairman Mark Toussaint called the regular meeting of the Candlewood Lake Authority to order at 7:32 P.M. at Brookfield Town Hall, Brookfield, CT. He welcomed the guests and advised that Attorney Ted Backer would be arriving shortly to speak about the meeting today with the DEP at Danbury City Hall.

Secretary's Report: Rich Stroh, Secretary, noted that Executive Director Larry Marsicano had some changes to the minutes of May 12, 2010. On Page 4 the line "The CLA policy is 'not use force' but they can carry a gun" should be stricken from the minutes. Also the last line in that paragraph strike "it does" and add "has taken the responsibility to indemnify". Harold Mayer moved to accept the minutes of the May 12, 2010 meeting as corrected, seconded by Charlie Reppenhagen and voted with all in favor, minutes have been accepted as corrected.

Chairman/Vice- Chairman Report – Mark Toussaint noted that Attorney Ted Backer had arrived and would go over the events of today at the meeting with DEP. Those attending that meeting were: Commissioner Amy Marrella, Deputy Commissioner Susan Freshette, Eleanore Mariani, Col. Kyle Overturf, Melinda Decker, Graham Stevens, Dennis Schain and Michelle Concannon from DEP, Larry Marsicano, Gary Dufel, Mark Toussaint and Joe Yedowitz, CLA, Attorney Ted Backer, First Selectman Andrea O'Connor of Sherman, First Selectman Bill Davidson of Brookfield, First Selectman John Hodge of New Fairfield, Mayor Patricia Murphy of New Milford, Ed Hayes Selectman from Sherman, Representatives Mary Ann Carson, Jan Giegler, and Joe Taborsak and Senator Mike McLachlan as well as others. The main topic of the meeting was "how do we get a patrol on the water?" The goal was to forge a working relationship with the DEP as a way forward– DEP will supervise but will not supervise LPO's with guns that are not POST certified. There are many issues that need to be resolved but in the short term there needs to be some agreement to get through this season and figure out how to handle the liabilities of the Towns, the DEP and the CLA. DEP's view of the world is a lot different than their view ten years ago. Mr. Backer thanked Mr. Hodge for his assertive position on behalf of the Lake. As the question of supervision had been raised in the past with DEP, Mr. Backer read from a letter from DEP Assistant Counsel E. S. Katz, dated January 27, 1999 wherein it states ".....Commissioner may appoint lake patrolmen to enforce any boating laws delegated by the Commissioner. As the legislative history of the statute makes clear, any such lake patrolmen operate under the control and supervision of the Commissioner.....although the lake patrolmen are employees of the CLA, all policies and procedures under which they operate are set by the Commissioner as part of his appointment of the lake patrolmen.....while the Commissioner may choose to delegate a great deal of the day to day supervision of the lake patrolmen to the CLA, he is responsible for their overall supervision." At the meeting DEP's stance was non-negotiable if a Lake Patrolman carries a firearm, he must be POST certified. Even though the Statute allows them to carry a firearm, times have changed. Rep. Carson advised that in 2006 the Statute was revised so that the legislative bodies of the towns need to agree to it. There are presently two POST certified and one State Police trained officers on the lake patrol. Discussion followed. Attorney Backer read from an email he had received today from DEP which states "...DEP is taking immediate action to provide supervision of the Candlewood Lake Authority (CLA) lake patrol officers, based on our understanding that: 1) NO CLA lake patrol officer will carry firearms unless he/she has received and maintains current certification from the Connecticut Police Officer Standards Training Council (POST). 2) CLA, the Chief Elected Officials (CEO's) of the CLA member towns, and DEP will work together cooperatively to finalize promptly an agreement establishing the respective responsibilities of the DEP and CLA for supervision and operation of the lake patrol during the 2010 summer season. Discussion followed. Atty. Backer asked permission from the CLA to respond to Deputy Commissioner Frechette that the CLA did not breach the 2009 agreement as that agreement pertained only to radios/communications. The Towns, Legislators and CLA need time to review any document/agreement but this email is confirmation that if the CLA agrees to item #1 they will supervise the patrol. Charlie Reppenhagen made a motion to acknowledge the email from DEP and to agree with Item #1) NO CLA lake patrol officer will carry firearms unless he/she has

received and maintains current certification from the Connecticut Police Officer Standards Training Council (POST). Motion seconded by Jerry Murphy and voted with all in favor – motion carried. Attorney Backer noted in the absence of current policies and procedures the general orders of the 1999 agreement as amended would be in effect except for the provision of an LPO carrying a firearm as stated in the above noted email Item 1) NO CLA lake patrol officer will carry firearms unless he/she has received and maintains current certification from the Connecticut Police Officer Standards Training Council (POST). Moved by Jerry Murphy and seconded by Charlie Reppenhagen and voted with all in favor. Discussion continued. The LPO's had been poled by the Chief and eleven would be willing to patrol without a firearm. Atty. Backer asked the CLA to adopt a resolution for him (Atty. Backer) to confirm in writing with DEP that they (the DEP) will have a temporary supervising Sergeant in place before the patrol goes out on the water Saturday June 12th. Moved by Frank Cioffi and seconded by Rich Stroh, voted with all in favor motion passed. Next discussed was the event that if there is no response or no supervisor before June 12th. The discussion ended when First Selectman Hodge noted "without a supervisor the patrol does not go out". Chief Joe Yedowitz was complimented for his very professional manner while standing up for his position. It is important that the patrol is out there for the fireworks and noted that the DEP rescinded their proposed fee to the Danbury VFD for patrolling the event. First Selectman Hodge noted that the supervision now directly from a DEP Sergeant should not be in name only –we should have higher expectations and require active supervision.

Mr. Backer was thanked and he left at 8:30 PM.

Mr. Toussaint asked the guests if they had anything for the CLA. Mr. Sherman Hotchkiss of New Fairfield spoke about disturbances on Pine Island. Mr. Marsicano advised the board of CLA's efforts to move forward efforts to resolve the issue of trash below the 440, Gary Dufel's communication with FirstLight and the letter from FirstLight that went out last week. Mr. Dufel asked Mr. Hodge for his help in soliciting more timely responses from FirstLight as he had difficulty getting FirstLight to respond. After some discussion First Selectman Hodge advised that he would look in to this as the island is located in his town and look into the matter of timely responses from FirstLight.

Treasurer's Report: In the absence of the Treasurer, Bruce Kemble made a motion to approve the Treasurer's Report of Income and Expenses for the month ended May 31, 2010 as presented, seconded by Rich Stroh. With no discussion the motion was voted with all in favor and Treasurer's Report for month ended May 31, 2010 has been accepted and filed for audit. Mrs. Frattini noted that there were two delegate reimbursements - \$59.00 to Harold Mayer for mileage to a meeting in Berlin with CL&P and \$285.25 to Ed Siergiej for materials for repairs to ARKII. Motion was moved to reimburse the above by Frank Cioffi, seconded by Bruce Kemble and voted with all in favor.

Ed Siergiej asked the delegates to approve an additional \$1,500 for the balance of the year to allow Equipment and Facilities to continue to operate as they have gone over their bottom line. Rich Stroh moved to allow the additional \$1500.00 seconded by Charlie Reppenhagen and voted with nine in favor and Gary Dufel opposed. Motion passed.

It was also noted that Phyllis Schaer had advised that she had learned from FirstLight they are processing the check for their annual donation. She will also be in touch with the Town of New Milford regarding the balance they owe.

Executive Director: Larry Marsicano noted that his report is attached to these minutes. He advised that the Clean Up had been very successful, he is still looking for boat captains for Project CLEAR and there will be a seminar at WESCONN on the Milfoil Weevil on June 22nd.

Public Awareness – Mark Toussaint noted nothing to report.

Public Education Director: Mark Howarth reported that the Dragon Boat Race posters are going up all over the 5 Towns. He attended the Norwich Dragon Boat Festival last weekend to observe. He noted that July 1st is the cut off for early registrations.

Public Safety: Rich Stroh nothing to report.

Watershed Management: Harold Mayer reported on the meeting he and Mr. Marsicano attended with representatives of NU/CL&P regarding preserving Vaughnns Neck/Candlewood Mountain as open space. He advised that they were very pleasant and would like to see the lands preserved but Mr. Mayer noted how he pointed out that the lands may be in danger. They advised that they would speak to their superiors and get back to the CLA. Mr. Mayer had invited them for a boat ride on the lake and will follow up with a phone call. Mr. Mayer did say he would like to see these lands protected “in his lifetime”.

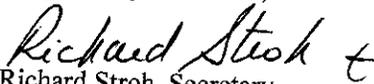
Equipment/Facilities: Ed Siergiej reported one patrol boat is in the water and the other will go in shortly. All buoys are deployed, and today a group from the United Way painted Sherman Base. He advised that there are some issues with the cabin on ARK II – he noted that to reskin the cabin with “Starboard” will cost about two thousand (\$2000.00) dollars. He asked if the delegates would authorize it now or would prefer to wait until next month – discussion followed. Mr. Toussaint advised next month.

Old/New Business: None

Bruce Kemble moved to go into Executive Session at 9:40 PM to discuss a legal issue, seconded by Harold Mayer, voted with all in favor. The delegates went into Executive Session and all the guests left. At 9:55 PM the delegates returned from Executive Session noting no actions, decision or motions were made.

With no further business to come before the Candlewood Lake Authority, Frank Cioffi moved to adjourn, seconded by Harold Mayer. Meeting adjourned at 9:55 P. M.

Respectfully submitted,


Richard Stroh, Secretary
Frances Frattini, Administrative Coordinator

r/b/s



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Executive Director's Report June 4, 2010 Larry Marsicano

The following report summarizes activities from May 10, 2010 to June 4, 2010.

RECREATION / PUBLIC SAFETY MANAGEMENT

Last month it was reported that a letter was drafted by Attorney Ted Backer on behalf of the CLA and sent on May 7th to the CT DEP regarding the issues pertaining to the CLA Lake Patrol. Deputy Commissioner Susan Frechette responded with a letter on May 20th providing the CT DEP's perspective. A meeting was scheduled and held in Hartford at the CT DEP offices on May 26th. Attending from the CLA were Howie Berger, Attorney Backer, and me. CT DEP personnel attending included Tom Tyler, Colonel Overturf, and Attorney Melinda Decker. Also attending was State Senator Michael McLachlin. While the meeting was informative and constructive, we were unable to resolve our issues. On May 27th and into May 28th we informed the CT DEP and the CEO's of our member municipalities that we were not putting our Patrol on the water for the Memorial Day weekend. A subsequent meeting was scheduled and held on June 1st in New Fairfield for the CEOs or their representatives to discuss the problem and potential resolutions to the issue with the CLA. Subsequently a teleconference was tentatively scheduled for June 4th for local elected leaders to further discuss the issue with the CT DEP Commissioner. Today we learned that a meeting is being scheduled for June 9th in Danbury at 9 AM with CT DEP Commissioner Amy Marrella to work on this issue.

SHORELINE MANAGEMENT PLAN / FERC LICENSE

Additional comments were received by FERC on the SMP submitted by FirstLight including comments by First Selectman Hodge on behalf of the Town of New Fairfield. Work continues on cataloging all the important FERC submittals and issuance in the CLA SharePoint system.

WATERSHED / SHORELINE MANAGEMENT

On Wednesday, May 13th Brian Wood of FirstLight, Tim Simpkins and Maria Horowitz of New Fairfield, Mark Howarth and I met to discuss progress on addressing the garbage problem on Pine Island. At that meeting Brian informed us that the letter from FirstLight to the property owners on the Island was completed; he needed to double check the names and addresses of property owners against town records; that the letters would be going out the week of May 17th; and that I would receive a copy of one of the letters by Friday, May 21st as confirmation that the letters went out. I had received no letter or confirmation until June 4th after Gary Dufel contacted Brian. I have also briefed First Selectman John Hodge on the issue.

We have received correspondence from the owners of 8 Sylvan Road in New Fairfield who will be submitting revised plans. We have offered to review them.

We met with Jim McAlister of the Candlewood Watershed Initiative to assist in the planning of their stormdrain marking program on May 17th.

PROJECT CLEAR / EDUCATION

We participated in the middle school's version of Project CLEAR at Squantz Pond on Tuesday, June 25th. There approximately 100 middle school students converged on the State Park to conduct field experiments and have lunch.

We have begun planning the logistics of the Project CLEAR field program for the 125 high school students to take place on June 24th, 25th, 28th, 29th, and 30th. We are still in need of volunteers with boats to transport students to different research sites on the lake. Fuel will be reimbursed and volunteers will be fed.

JOHN MARSICANO MEMORIAL CANDLEWOOD LAKE CLEAN UP

We successfully planned and executed another John Marsicano Memorial Candlewood Lake Clean Up on Saturday, May 22nd. An estimated 200+ volunteers contributed to the collection of enough debris and garbage to fill a 30 yard dumpster. We had a number of sponsors whose names can be seen at the CLEAN UP Sponsor website. Special thanks go to Frank Cioffi for planning out the logistics for the fleet of vessels that transported the volunteers.

EURASIAN WATERMILFOIL MANAGEMENT AND RESEARCH

On June 3rd we assisted in the collection of live plant specimens for continued research at Western Connecticut State University under the direction of Dr. Thomas Lonergan. Dr. Lonergan and students will begin to examine some of the variables that affect the freezing and desiccation of milfoil during deep drawdowns including the effects of soil, snow, ice, etc. Dr. Lonergan efforts will also expand into understanding the fragmentation / propagation of the plant, e.g. do all cuttings create roots?

We have been coordinating the training of student researchers on June 21st who will monitor the original and new stocking and control sites that are part of the milfoil weevil project; and coordinating the return of EnviroScience on June 23rd for additional stocking of milfoil weevils and. In addition, we are coordinating a seminar on the science of the milfoil weevil and its use in managing Eurasian watermilfoil. The seminar is tentatively planned for the night of June 22nd at WCSU.

OTHER

On May 13th Harold and I met with representatives of NU / CL&P to discuss the status the open space lands on Candlewood Lake.

We conducted the water quality monitoring on May 27th for Candlewood Lake and Squantz Pond.

I attended the CLA Marine Patrol Officers' meeting Wednesday night, May 19th, to discuss plans to utilize them in reporting shoreline activity and the use of the form to report with. The CLAMP officers were very willing to help.

We met with the New Fairfield Senior Environmental Corps at the NF Town Beach to review the methods for collections of bacteria samples. The NFSEC has been collecting the bacteria samples for several years. We were joined by the Director of Health and Sanitarian for the Town along with the Director of the Senior Center and the team of seniors who do the sampling.



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**June 9, 2010
Public Education
Mark Howarth**

2010 Dragon Boat Races:

We are proceeding with the race preparation and signing up new teams. Our goal is to double the team count from last year and we are hopeful we can achieve our goal.

We are actively out looking for teams through area businesses, groups and lake communities. We are putting up posters and visiting one-on-one with those we feel may have an interest in having a team. Our volunteers are doing a great job in helping us to prepare for and market the races. Interest is building and we are excited for this year's event. We are also continuing to look for additional sponsors for this year.

Clean Up:

We had a successful Clean Up. Approximately 200 volunteers filled a 30 yard dumpster (plus some) and everyone gathered after the event at the New Fairfield Town Park for a great cookout. We took photos and video of the event and we plan to edit the video together into something we can post on our Clean Up website page and show elsewhere if needed.

Project CLEAR:

The Project CLEAR students met for the last time this season at WCSU. Following a brief presentation and examples of public service announcements, they all partook in an exercise to help create public service announcements for Candlewood Lake. After that, they continued with their preparation for the summer field days at the end of June. We hope to film some of those PSA's during Project CLEAR week and show them at the evening presentation.

Milfoil Research:

On Thursday, June 4th, we met with Dr. Thomas Lonergan from Western Connecticut State University and others at Ray Crawford's house in New Milford. There, Ray suited up in his dive gear and I was in the water as well assisting him in collecting milfoil stems and root systems for continuing research on the invasive plant by Dr. Lonergan and his research team. We collected roughly 60 stems and root systems that afternoon.