



CANDLEWOOD LAKE AUTHORITY

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

Minutes of Regular Meeting February 14, 2018

Attending:

P. Schaer	Sherman
G. Linkletter	Sherman
D. Cushnie	Sherman
J. Hodge	New Fairfield
W. Lohan	Brookfield
E. Siergiej	Danbury
D. Rosemark	Danbury (electronic)
J. Wodarski	New Milford
S. Kluge	New Milford

Absent:

C. Robinson	Danbury
J. Murphy	Brookfield
B. Brown	Brookfield
M. Toussaint	New Milford
J. Keating	New Fairfield
J. Main	New Fairfield

F. Frattini, CLA Administrative Coordinator
M. Howarth, CLA Public Education Director
Members of the CLA Marine Patrol - Capt R. Barnard

Recorder: F. Frattini

Guests:

Approximately seven members of the public.

Prior to the regular business meeting, Aquatic Ecosystem Research presented their report on the Water Quality sampling for the 2017 season. Larry Marsicano and Dr. Mark June-Wells went over the report with a PowerPoint presentation. Their findings show that the lake is in good shape. Findings indicate both Candlewood and Squantz Pond have experienced improvements in trophic variables (*lowering of nutrient levels, improving Secchi transparency*) but both are increasing in conductivity levels due in large part to increasing sodium, calcium, magnesium, chloride, and possibly, alkalinity related to road salt usage. They also noted changes in thermal stratification patterns provide adaptive advantages for BGA. Also noted based on accumulated data was improved water quality after Deep Drawdown years as compared to water quality after shallow drawdown years. They also included recommendations which are in the written report. The report will be finalized and sent to the Authority. Copies will be sent to all delegates and ex-officio members. The report and PowerPoint presentation will be available at the CLA office. Mrs. Schaer thanked them for their time and presentation.

Chairman, Phyllis Schaer, called the regular meeting of the Candlewood Lake Authority to order at 8:37 P.M. at Brookfield Town Hall Brookfield, CT. She welcomed the guests.

Pubic Comment: Mrs. Schaer asked that anyone wishing to speak keep their comments to no more than three minutes.

John Hodge addressed the CLA not only as a delegate but a taxpayer and former First Selectman of the Town of New Fairfield. He read a prepared statement regarding concerns for the CLA and it is attached to these minutes.

Mrs. Schaer thanked Mr. Hodge and commented that Mr. Keating's opinion was his own personal opinion and not that of the Town of New Fairfield. She noted the 2015 MOA is up for renewal and she had reached out to Melinda Decker, the legal counsel of the DEEP to request their help "to clarify the employment authority of the CLA regarding the Lake Patrol officers and address a recent concern on employment chain of command."

Mrs. Schaer noted that the 2015 MOA already states in two places that the CLA is the employer of the Patrol Officers. She explained “CLA hires and employs and the DEEP appointment permits them to; enforce boating law” Mrs. Schaer read the response received Feb.6th, 2018 from the DEEP Supervising ENCON officer Colonel Kyle Overturff confirming that “**the Agency has no objection to adding language to the MOA confirming that the Candlewood Lake Authority is the employer of the Lake Patrol officers.**”...Please add the language that **clarifies** the employment responsibility of the Authority that you desire in track changes and send it back for us to review.”

Secretary’s Report: In the absence of the Secretary, Frances Frattini noted that there was an addition to the minutes of the December Annual meeting in that the results of the election were not complete. The addition is as follows on Page 6 of the December 13, 2017 minutes election results should reflect the following: “*Votes for **Chairman** Phyllis Schaer – 8 yes and 3 no Joe Wodarski, Jack Keating and John Hodge. For George Linkletter – one vote Chris Robinson and For Joe Wodarski, one vote George Linkletter. Votes for **Vice Chairman** Mark Toussaint – 10 yes, one abstained – John Hodge and one no, Jack Keating., for Jack Keating one vote George Linkletter. Votes for **Secretary** Jerry Murphy and **Treasurer**, Bill Lohan were unanimous.” With no other changes, Bill Lohan made a motion to accept the minutes of the December 13, 2017 meeting as amended, seconded by John Hodge, motion was voted with all in favor. Motion carried and minutes have been accepted as amended.*

Chairman’s Report: Phyllis Schaer, Chairman asked the committee chairmen to have their committee goals (at least three) for the 2018 season for the next board meeting, and include: the goals, how it will be done, who will handle it and provide a year-end report in October on the results. Mrs. Schaer mentioned 3 Goals she would like to work on this year: revision of our Candlewood Lake Management Plan, consolidating and updating prior components; work on Lake Overlay Zone development with Municipal Leaders; and find a way to initiate the Boat Inspection Decontamination program, even if it begins in a modified way. Some of this also hinges on our hiring of new personnel to fill the Executive Director position.

Committee Assignments have been postponed to next month, and Mrs. Schaer asked the delegates to review their current assignments and advise if they would like to stay or move to another committee. She reported that the FOIA complaint filed by Mr. Hodge on the Executive Session at the November 29th meeting has been withdrawn and the hearing scheduled for tomorrow February 15th has been canceled. But it was agreed that the CLA Board will attend an FOIA class – she gave two dates of classes in the area – New Fairfield – Tuesday, March 6th 7PM in the Community Room at 33 RT 37 and Brookfield Town Hall - Wednesday, April 18th at 6:30PM. She also advised that the April meeting may need to be rescheduled. She also reported that the DEEP/CLA MOA for the operation of the Lake Patrol is in review, one item is clarifying employee oversight by the CLA.

Vice Chairman’s Report: In the absence of the Vice Chairman, there was no report.

CLAMP/Public Safety: Capt. Ron Barnard advised that the Chief is in Florida as his brother has passed away. Capt. Barnard welcomed the new New Milford Delegate Steve Kluge on behalf of the Patrol. He advised that they had conducted oral interviews last weekend and have settled on eight very good candidates (two are POST certified) to move forward, training will begin on February 27 and run Tuesdays and Saturdays totaling forty hours. He advised that they had recommended that a two-year limit to for an officer to complete FTO be part of the MOA and that the position of Assistant Chief be removed, but he was unaware that the position is part of the CLA By-Laws not the MOA. It was noted that the MOA requires a minimum of two shifts a month but the Patrol usually requires at least 4. This year the B shift will be back on weekends and they hope to use the Jet Skis more. He noted that one of the eight candidates is a past CLAMP officer who had become a Danbury Police Officer and had to leave the Lake Patrol but now thanks to Jerry Murphy’s efforts, he has been able to return, he is one of two POST certified officers. There was a short discussion on the pump out boat noting that the CLAMP officers were not interested. Joe Wodarski, reported on the Public Safety Committee noting that he had received a copy of the MOA in early January but has been away and was surprised to see a revised version. He and the committee would like to meet to review the revisions, speak to the attorney, if necessary and report back with their

recommendation at either the March or April meeting. He will check on having a Special Public Safety Committee meeting as their next regular meeting is scheduled for March 28.

Treasurer's Report: Treasurer Bill Lohan reported that the last report was for November and this report included December and January – year-to-date income is 91% of budget. It looks like 95% to 97% is doable to the end of the fiscal year. Expenses year to date are Administration (without an Executive Director) is at 35%, Equipment/Facilities 60%, Public Safety 62%, Public Awareness 56% and Watershed Management 67% making the total year to date expenditures 50% of the total. He advised that there were a number of transfers totaling \$5,822.61 as follows:

\$28.00 from Line #113 Insurance to Line #101A Workers Comp; \$643.56 from Line #102 Exec Dir/Fringe to Line #123 Computer Hardware/Software; \$84.00 from Line #321 Radio to Line #318 Maint/Misc; \$117.05 from Line #417 Fundraising to Line #414 Subscriptions; \$3,075.00 from Line #516 Satellite Imaging to Line #511 Lake/Stream Monitoring; \$1,500.00 from Line #541 GIS to Line #531 Professional Development; and \$375.00 from Line #516 Satellite Imaging to Line #531 Professional Development = totaling \$5,822.61. Bill Lohan moved that the above transfers be made as outlined, seconded by John Hodge. Discussion followed – What was the \$3075 over in Line #511 Lake and Stream Monitoring? Mr. Lohan advised the monitoring contract with AER and lab costs. It was mentioned we did not have a January meeting so the transfer approval was delayed till this month and the expenditure had previously been approved by the board in June or July of 2017. With no further discussion the motion was voted with all in favor, John Hodge opposed as the transfer request was not done in a timely manner and George Linkletter was also opposed. Motion carried, transfers will be made on the books as of January 31st.

Mr. Lohan reported that the Authority will be incurring increased legal fees due to the FOI issues, the CLAMP legal opinion and the review of the MOA and advised that he would like to increase Line #118 Professional Fees by six thousand (\$6,000.00) dollars from the unassigned funds at the June 30, 2107 year end audit to cover legal fees as per discussion with our Auditor. Mr. Lohan moved this \$6,000.00 appropriation from unassigned funds to Line #118 Professional Fees, seconded by Phyllis Schaefer. Discussion – Mr. Hodge noted in his opinion, this will throw off your expenses for the current year and the Board did not approve this expense. Mrs. Schaefer moved the question and it was voted with all in favor and John Hodge and George Linkletter opposed.

Public Education Director/Public Awareness Committee:

Mark Howarth, Public Education Director, noted his report is attached to these minutes. He noted that FLPR has advised they will be accepting grant applications for their Housatonic Grant Program this year and any items that you may want included to please let him know as soon as possible. Two items were mentioned – additional Hazard Buoys and the Decontamination unit in Brookfield. Any more ideas just let him know. A few of the highlights from his report: FLPR will be attending the March meeting – any topics or questions you may have in advance please let him know, he has been working on migrating the CLA email off of earthlink to @candlewoodlakeauthoriry.org and has set up the two of the three staff on the Microsoft system that is included with 365 they will be moving into using this address. He noted that if the board wants to get email addresses for the delegates it would cost \$4.00 per month for each email box. Mrs. Schaefer noted about an additional one thousand dollars would be needed to cover this expense. Those that may want to be included could be CLA board officers i.e. Chairman, Vice Chairman, Secretary, Treasurer, operations manager, committee chairs, CLAMP Chief and Assistant Chief. – Something for the Board to think about.

Mr. Lohan noted that it appeared that the monthly Treasurer's Report was not approved. Mr. Lohan moved that the Report of Profit and Loss Budget vs. Actual for the month ended January 31, 2018 be approved as presented, motion seconded by Doug Cushnie and voted with all in favor. The report has been approved and filed for audit.

Committee Reports:

Public Safety Committee: reported with CLAMP earlier in the meeting.

Equipment/Facilities: Doug Cushnie, Committee Chair advised nothing to report.

Public Awareness Committee: Chair George Linkletter advised that at the State of the Lake they would make an effort to enlist volunteers and asked the committees if they may have tasks for volunteers as a way to get the community more involved.

Watershed Management Committee: Mark Toussaint, Committee Chairman was not in attendance so there was no report

HR Committee: Mrs. Schaer reported that telephone interviews were conducted with 7 or 8 candidates and the final four will be having personal interviews on Saturday, February 17th. The committee hopes to have a recommendation to the board by the next CLA meeting.

Old Business: None

New Business:

Mrs. Schaer advised Committee assignments were tabled to next month

*John Hodge moved to adjourn the meeting. Seconded by Bill Lohan,
Meeting adjourned at 9:50 P. M.*

Respectfully submitted,

Jerry Murphy, Secretary
Frances Frattini, Administrative Coordinator
r/b/ps

***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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January 10, 2018
Public Education
Mark Howarth

Monthly Report:

- Packed and shipped numerous holiday store orders from CLA online store.
- Began prep work for CLA budget materials.
 - Worked with City of Danbury to complete requested materials.
- Created electronic appeal for CLA electronic mail and social media followers.
- Produced Candlewood Lake Ice Safety Message in response to FirstLight's announcement of ISO New England request to generate more electricity to help with energy needs of CT during extended cold snap in early January. CT DEEP and FirstLight joined in this joint message from the CLA.



If you plan on enjoying the lake in the winter, please keep in mind the following basic ice safety tips for Candlewood Lake.

- No ice is 100% safe!
- Ice on Candlewood doesn't freeze uniformly and thickness can vary drastically in as little as a few feet of distance, which may present a life threatening situation.
- Ice conditions (ice shelves, underwater springs, water movement, ice quality) can significantly change the strength of the ice from one spot to another.
- Lake levels on Candlewood rise and fall throughout the winter which can impact ice strength and stability, especially along the shoreline.





**CANDLEWOOD
LAKE AUTHORITY**
- Preserving and Protecting Candlewood Lake Since 1972 -

Working to keep Candlewood clean, safe and healthy...

Last days to give for 2017!

DONATE NOW
Protect Candlewood Lake

We're making progress, but there's more to be done...

• **Thousands More Sterile Grass Carp Arrived in 2017**

Good to know: 4,450 additional sterile grass carp were stocked in Candlewood Lake (plus 585 in Squantz) this June. With the sterile grass carp population now more than doubled in Candlewood as a result of a second major stocking this summer, both Candlewood Lake and Squantz Pond now have the State recommended 15 carp per vegetated acre. As the fish grow we expect the carp program to increase its ability to help control milfoil. We will actively assess the results of the program and plan to perform future supplemental stockings as necessary and permitted by the State of Connecticut Department of Energy and Environmental Protection, in order to continue this long-term milfoil control method.

• **Fewer Blue-Green Algae Blooms Seen During the Summer of 2017**

Good to know: Blue-green Algae is something that lakes and rivers around the world are dealing with, and the causes and solutions can vary from one body of water to another. While we had a good year with fewer blue-green algae blooms this summer that doesn't mean we can relax, or expect the same next year. The CLA will continue to research and work to understand what is triggering our blooms as well as identify possible solutions, custom tailored to our lake, in an effort to reduce their occurrences. In the meantime, we will continue our partnership with Western Connecticut State University to sample and test the water for blue-green algae toxins at the town beaches, the results of which we will continue to post on our website and social media.

• **New Patrol Boat Launched in 2017**

Good to know: The CLA launched a new patrol boat this summer - our first one in the past 15 years! This boat is better equipped to allow the CLA Marine Patrol to respond to the needs of the boaters on Candlewood Lake and provide public safety on the water. We also conducted three Safe Boating Classes and thankfully there were no major accidents on the lake this year. We look forward to continuing to serve the boating public and providing public safety on the water for you as you recreate here as we have been since 1972.

Your financial support will help ensure that the Candlewood Lake Authority can respond to the ever-changing challenges here on Candlewood Lake, as we make every effort to preserve and protect this beautiful lake, wonderful natural resource...and home to many.

Thank you for your support!

Visit us at www.candlewoodlakeauthority.org or click to donate online.

Checks may be made out to CLA and sent to us at PO Box 37, Sherman, CT 06784

DONATE



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February 14, 2018
Public Education
Mark Howarth

Monthly Report:

- Helped prepare for town budget meetings with the creation of supporting documents.
- Participated in Town Budget Meetings.
 - New Fairfield Budget Meeting - January 10th
 - Danbury Budget Meeting - January 18th
 - New Milford Budget Meeting - January 29th
 - Brookfield Budget Meeting – February 6th
 - Sherman – (coming February 24th)
- Implemented new email system for CLA office staff.
 - Microsoft Office 365 email addresses (with @candlewoodlakeauthority.org email addresses) have been created for Fran and Mark and our email systems in the office have been migrated and updated. New email addresses are live.
 - Opportunity for additional email addresses to be added as board sees fit.
- FirstLight Power Resources has announced that the Housatonic River Project Fund will once again be accepting grant applications. Applications are due in by April 1, 2018.
- We have several interns looking to work with us this coming season.
 - We are exploring options and opportunities for them to possibly help here or with partners of ours who may have an opportunity for them.
- The Marine Patrol is planning to offer a boating class on March 23rd and 24th.
 - We are currently developing a new online registration system for that class to replace our old, outdated system.
- We have extended an invitation to FirstLight to speak at the March CLA Board Meeting.
- We have resumed the development of the Candlewood Lake Homeowner's Guide and it is in its final stages of revision. We anticipate sending it out for print when final edits are completed.

I have taken the unusual step of speaking under public comment tonight because I would like to be heard, not only as a CLA delegate this evening, but also as a resident taxpayer and former first selectman.

The Candlewood Lake Authority has been stuck at a crossroads for quite some time with their efforts and/or interests divided between politics, lobbying, and attempting to get a handle on all of the environmental pressures that have befallen the lake in recent years.

While many in this room tonight probably believe that the latter is the most pressing concern for the CLA, I believe that the biggest threat to the lake is actually the CLA and how it is operating under the current leadership. The Lake Authority has been locked in one conflict after another, with various agencies or entities, for well over a decade. The conflicts have varied from issues with First Light Power, or whoever the former owners of the lake were, DEP or DEEP, the Town of New Fairfield, the Lake Patrol, and now me personally. I am sure that as soon as they have beaten me into submission they will move on to someone or something else, because that is how they operate. "Agree with the CLA or pay the price." Through their political activities - *which are not sanctioned or contemplated under the enabling state statutes for lake authorities, nor are they appropriate for a public agency to participate in* - they have taught local

politicians to line up behind them and agree with them or they will be painted by the CLA as anti-Candlewood Lake. Add to that the frequent turnover of CEOs from the five towns, and you have a situation where, without proper controls in place or institutional memory on the part of the town leaders, there is a perfect storm brewing for abuse of power. We are currently in the middle of that storm.

Without a detailed re-hashing of the public failings of the current management as far as prior overspending of budgets, multiple violations of FOIA law, failure to provide timely notice of employment disciplinary issues to the full board, and a vote of No Confidence in the current chairman by the Lake Patrol supervisors, the most damaging improper actions are now playing out behind the scenes with regard to who the real decision making authority is on the CLA.

The state statutes provide for 3 delegates from each of the 5 towns that surround Candlewood Lake to sit on the CLA. When issues arose this fall with regard to who had the final authority on the re-hiring of Lake Patrol officers for 2018, our chairman brought the matter to an employment attorney for a legal opinion. It was her opinion that the power rested with the Executive Committee - solely. Based upon the limited and incomplete information provided to the attorney, an opinion letter was drafted supporting her contention. Unfortunately the opinion letter, as drafted, raised many other potential issues. Dan Rosemark,

a CLA delegate from Danbury, sent a list of follow up questions to the chairman on November 30th, seeking clarification on issues raised by the opinion letter including:

(1) Does the Public Safety Committee report to the Executive Committee?

If so, where is such authority granted and what is the process? Are all matters under the Executive Committee review?

(2) Do all of the other committees (not subcommittees) report to the Executive Committee? If so, where is such authority granted and what is the process? Are all matters under the Executive Committee review? Does the Executive Committee override, for instance, the Watershed Committee or Finance Committee? How would that occur?

(3) If the Executive Committee is a super committee (or intended to have the oversight over all other committees), what is the relationship between the Executive Committee and the Board of Delegates?

Clearly, Mr. Rosemark had questions on how much power will rest solely with the Executive Committee, which is made up of one delegate from each town.

To further complicate matters, as previously mentioned, our chairman had not provided the attorney with all relevant information in order for them to reach an informed opinion. CLA delegate, Jack Keating, a municipal attorney, submitted

a memorandum to the CLA attorney at the December 13, 2017 meeting pointing out the deficiencies in the opinion letter.

To date, neither delegates Rosemark or Keating's questions/memos have been addressed by the CLA attorney. Answers to all of these matters are essential with regard to how we move forward.

Our MOU with DEEP is up for renewal this year. Ms. Schaer informed the Executive Committee last night that she had been in discussions with DEEP about changing the wording with regard to supervision of the Lake Patrol officers so that the power rested with the CLA Executive Committee. Currently state statute 7-151b provides that, "The Commissioner of Energy and Environmental Protection may appoint lake patrolmen to enforce any boating laws..."

Lake patrol officers are not appointed as the Authority "sees fit," but as DEEP "sees fit." As a matter of fact, the Commissioner has the "discretion to decline to appoint as a Candlewood Lake patrol officer any applicant the Authority deems acceptable."

The MOU delegates DEEP's authority to recruit, supervise, and evaluate Lake Patrol officers to the Chief of Patrol in conjunction with the supervising En Con officer. It does not delegate any authority to the Executive Committee.

Lastly, the Chief of Patrol is under the "direct supervision" of the En Con supervising officer.

The MOU originally came about, or was updated based upon real issues surrounding the Lake Patrol. The intent of the MOU was to remove civilian, non-law-enforcement personnel from the chain of command.

Prior to the MOU, Lake Patrol officers were carrying guns on patrol. They were not required to have any of the testing or rigorous training that actual police officers were required to have in order to carry a side arm; leaving the public open to tremendous risk and the towns open to tremendous liability. Additionally, there were no written policies for pursuit of boats that were speeding, etc. So there were no guidelines on how to pursue or break off a chase - something that all of the local police departments have guidelines on.

We should not be returning back to the days of civilian control of the Lake Patrol. The MOU that is up for renewal was drafted after much discussion over a long period of time by CLA attorneys.

In any case, before any changes are contemplated by the CLA to the MOU, we need answers to the questions posed by delegates Rosemark and Keating because that will tell us what, if anything, should be done under the MOU.

State statutes contemplated 3 delegates from each town governing the
CLA, not one delegate on an Executive Committee wherein most decisions are
made on an off-night, in a small office in New Milford, away from public scrutiny.

File: CLA 2-14-18