



CANDLEWOOD LAKE AUTHORITY

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

Minutes of Special Meeting May 19, 2009

Attending:

P. Callahan	New Fairfield
G. Hofsess	Brookfield
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:

S. Murphy	Brookfield
F. Cioffi	Brookfield
B. Kemble	New Fairfield
R. Stroh	New Fairfield

L. Marsicano, CLA Executive Director
 F. Frattini, CLA Administrative Coordinator
 M. Howarth, CLA Public Education Director
 Chief J. Yedowitz, CLAMP
 Deputy Chief C. Johnson, CLAMP
 Officer M. Rodgers, CLAMP

Recorder M Toussaint

Guests: M. Propper, Danbury

Chairman, Pat Callahan, called the special meeting of the Candlewood Lake Authority to order at 7:44 P.M. at the New Milford Office of the CLA at 30 Bridge Street, New Milford, CT. Mr. Callahan welcomed the guests.

1. Finance Issues: Treasurer Glenn Hofsess noted that as the end of the fiscal year is approaching and certain budget lines were or were approaching being over budget that he would ask for a motion to allow spending so long as the line items do not exceed the total of the department budget. Motion made by Ed Siergiej to approve the Treasurer's request to allow spending to the end of the fiscal year as noted above, seconded by Mark Toussaint after some short discussion, the motion was voted with all in favor.

2. Lake Patrol issues: Mr. Callahan advised the delegates of concerns of the Towns concerning the operation of CLAMP (Candlewood Lake Authority Marine Patrol) namely that the officers carry firearms. Howie Berger reported that he and fellow delegates from Sherman met with the Sherman Board of Selectmen and explained the policy and procedures of the patrol including the required training and annual recertifications. First Selectman O'Connor noted that she would contact the other CLA Towns advising that the CLA should obtain a 5 million dollar umbrella liability policy, name the Towns in all policies and only veteran officers (those who have completed the Field Training Program (FTP)) would be

BY:

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allowed to carry firearms. Discussion on putting the patrol on the water followed. It was noted that in correspondences between CLA Chairman Patrick Callahan the CEOs of Danbury and New Fairfield compromises were reached similar to First Selectman O'Connor's suggestions. Discussion continued. It was noted that this has been a learning experience in that the Towns do not seem to know what the CLA does or how the CLA functions in its role of protecting both the public safety and water quality of Candlewood Lake, e.g. the level of training required of the patrol officers. It was noted that the Field Training period of one to two years during which a new officer rides with a seasoned officer to learn the procedures is a good way to assess qualifications. Again it was noted that only officers who have passed the FTP would carry firearms. Bob Guendelsberger noted that he is not in favor of guns and had several questions. He asked about a high-speed chase policy – Chief Yedowitz noted that the policy is “no” high-speed chases. Phyllis Schaer advised that at the Sherman Selectmen's meeting she learned that the firearm is more a deterrent – just the fact that the gun is on the officer appears to mitigate potential confrontations. Chief Yedowitz expressed his feelings that the majority of seasoned officers on the patrol from two to thirty years would not go out on patrol without a firearm. Mr. Callahan noted that by State Statute CLAMP officers are allowed to carry handguns. Discussion continued. Mr. Callahan noted again that state statutes allow the patrol to carry a firearm, and they are trained and certified by DEP. He further noted that several of the CEO's who were not in favor changed their position after they learned of the amount of training required of the officers. Discussion on number of officers per vessel, new patrol officers, number of shifts, etc. followed. Chief Yedowitz added that to carry you have to pass the standard police qualification annually. Discussion followed on the need for psychological testing.

Mike Rodgers, former CLA delegate and Chairman and now a Lake Patrol officer of 19 years spoke to the delegates. As a member of the search committee for new officers he advised that the process is done very carefully and takes a couple of months to determine who will be offered a chance to attend the 60 hour training required by DEP while the background checks are performed and references are checked. Mr. Rodgers concluded that he has seen that just the sight of the firearm has calmed situations on the lake. He relayed his experiences on the lake including encounters with boaters who had a gun in the boat and occasions where punches were thrown. He also expressed that no one really understands most of what goes on out there. He agrees that the CLA is underinsured but believes that all officers should be permitted to carry firearms. Gary Dufel asked if the rules presently permit the officers to carry firearms, response “yes”. Mr. Dufel noted that unless the delegates vote to change that, then the rule remains the same. Mr. Berger added that the only change to the rule would be that only Field Certified officers (those who have completed the FCP) would be permitted to carry firearms. Mr. Berger made a motion for the CLA to obtain a five million dollar umbrella liability policy, seconded by Mr. Guendelsberger. Discussion – coverage is per incident and cost for this coverage is eleven thousand three hundred seventy-nine (\$11,379) dollars. Two of the Towns may be willing to help fund this, two noted they have no money available and one was uncertain. Motion was voted with all in favor. Additional insurance will be obtained ASAP. Mr. Berger moved that the insurance add the five towns as additional insured to indemnify them, and Northeast Utilities should be removed as additional insured – he was advised that the use of Deer Island required that they be named as such. Mr. Berger withdrew the section to remove NU. Motion seconded by Charlie Reppenhagen, and voted with all in favor. The five towns will be named as additional insureds on all CLA policies.

Mr. Berger made a motion that the CLA have at least two insurance liability experts review our operation to see if five million or a greater amount, not to exceed ten million dollars of coverage, is sufficient. Motion seconded by Mark Toussaint. Discussion followed. Mr. Berger noted that as a delegate from Sherman he is indemnified by the Town to the ten million dollars that the Town of Sherman carries – maybe that same amount should cover the CLA employees and patrol officers. That is why a review is being requested.

Howie Berger moved to form a committee to investigate removing the condition in the present agreement with the DEP requiring the CLA to indemnify the DEP. No second. Chief Yedowitz noted

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that there is new MOA between the DEP and the CLA that does not have the indemnification clause in it. Discussion followed.

Howie Berger moved that the CLA will not deploy the patrol until a binder for a five million dollar umbrella is in place. Seconded by Harold Mayer and voted with all in favor.

Bob Guendelsberger moved that the patrol not carry firearms for the season, NO second.

Mr. Callahan entertained a motion to amend the current policy of the CLA to restrict the carrying of a firearm to Field Certified Officers as deemed approved by the CLAMP, Chief of Marine Enforcement. Moved by Howie Berger seconded by Harold Mayer, ballots passed and vote was 9 in favor and one opposed (B Guendelsberger). Motion carried.

Mr. Guendelsberger noted that a new agreement with DEP should be negotiated not just given to the CLA without CLA input.

3. SMP Discussion:

Mr. Mayer asked for a change in the agenda to discuss the SMP here. He reported on the work that Mr. Marsicano has done on preparing a document on the "Recreational Pressures" on the lake. Mark Toussaint moved to approve the document with minor revisions (e.g. court case information) for submittal to FERC and to approve the two page synopsis which will be presented at the SMP public hearing on Thursday night (May 21 – 7:00 PM at NFHS) seconded by Gary Dufel, discussion followed. Motion voted with all in favor.

Item #2 continued.

Chief Yedowitz presented the following new officers to be appointed to the lake patrol: Emily Covelli, John Giafone, Alexander Johnston, Nicholas Mellas, Joshua Murphy Jamie Schiller and Frank Zipp. All have successfully passed the 60 hour DEP course and need just one on water exercise with DEP before being formally appointed by the Commissioner. Charlie Reppenhagen moved to accept the hiring of the above named to the Lake Patrol, seconded by Phyllis Schaer and voted with 9 in favor and one opposed (B. Guendelsberger).

Chief Yedowitz, Deputy Chief Johnson and Officer Rodgers left the meeting at 9:20 PM.

Howie moved that the psychological testing of the lake patrol begin, within the financial constraints of the CLA. Seconded by Mr. Toussaint, discussion – if testing is to be paid for by the CLA then the money should be available prior to committing to it. Delegates agreed that it could need a new budget line item. Motion voted – all in favor.

Harold Mayer left the meeting at 9:25 PM.

Howie Berger made a motion to form a committee to negotiate with the DEP on the revision of the agreement between the DEP and the CLA with regard to the Lake Patrol, seconded by Mr. Toussaint. Discussion – possible makeup of the committee could be one delegate from each town. This would be a subcommittee of Public Safety or an Ad Hoc committee for the purpose of the agreement negotiations – committee and its members to be appointed at the discretion of the Chairman.

Motion voted with all in favor.

4. Dragon Boat Race: Mark Howarth reported on the progress of the event planning – noting that two teams have been sponsored, ads have begun to run in the Danbury News Times, will also be in

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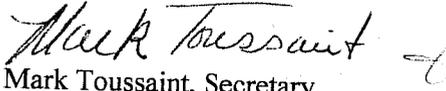
the Spectrum, and on 98Q (who is looking for an ad sponsor). He had handouts for the communities and asked everyone to support the event.

Mark Propper asked if there are any other issues that the CLA has with the SMP besides the overcrowding issue. – Mr. Berger noted just the issue that for six years, the Utility has been unresponsive to the question of funding for public safety on the lake.

With no further business to come before the Candlewood Lake Authority, Mr. Hofsess moved to adjourn, seconded by Mr. Toussaint.

Meeting adjourned at 9:45 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.*