



CANDLEWOOD LAKE AUTHORITY

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

Minutes of Special Meeting December 14, 2011

Attending:

H. Berger	Sherman
P. Schaer	Sherman
E. Hayes	Sherman
H. Mayer	New Milford
F. Cioffi	Brookfield
J. Murphy	Brookfield
W. Lohan	Brookfield
E. Siergiej	Danbury
N. Gyle	New Fairfield

Absent:

M. Calandrino	Danbury
B. Kemble	New Fairfield
R. Guendelsberger	New Milford
J. Hodge	New Fairfield
M. Toussaint	New Milford

L. Marsicano, CLA Executive Director
M. Howarth, CLA Public Education Director
F. Frattini, CLA Administrative Coordinator
D. Vane, Chief of Marine Enforcement, CLAMP

Recorder: E. Siergiej

Guests: D. Gilbert, CT Bass Federation Nation
M. Propper, Danbury

Howie Berger, Chairman, called the special meeting of the Candlewood Lake Authority to order at 7:40 P.M. at Brookfield Town Hall, Brookfield, CT. He welcomed the guests.

1. Welcome to new Delegate from Town of New Fairfield:

Mr. Berger welcomed Norma Gyle as the new delegate from New Fairfield, noting that she was a former State Legislator and Deputy Director of Public Health.

2. Discussion and Approval of the Audit for the year ended June 30, 2011

Phyllis Schaer, Treasurer, addressed the audit report of Fiorita, Kornhaas & Company noting that Mr. Berger may be able to address the deficit amount better. He noted that the first thing is that the audit is done on the accrual basis and the CLA reports are on the cash basis. The expenses for legal work on the MOA between the DEEP and CLA for the supervision of the Lake Patrol exceeded the Legal budget by over 25 thousand dollars, the Dragon Boat Race spanned

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BY: *MMK*

two fiscal years and monies collected in one year for the race in another year would not be included, there was no annual appeal which had donations down. Discussion followed. With no further discussion, Jerry Murphy moved to accept the Audit for the year ended June 30, 2011, seconded by Ed Hayes and voted with all in favor. Audit will be forwarded to the Towns. Mr. Berger noted that based on the expenditures covered in that fiscal year this leaves less money in the designated reserve for this (2011-2012) fiscal year.

3. Discussion and Approval of proposed 2012-2013 Budget
and 5. Public Awareness/Fundraising Update

Mr. Berger advised the delegates that the proposed budget of \$431,740.34 is an increase of \$3,025.72 per town, which is a five (5%) percent increase over the present fiscal year. This budget includes a donation by FirstLight which has advised that they will be contributing again that year. Mr. Marsicano spoke to the changes in the budget proposal. Mr. Berger noted that the proposal includes an increase of 4% in salaries. Mr. Berger noted that the proposal also includes fundraising fifty thousand dollars to balance the budget. An appeal will go out to local residents, on line donations will be set up, thought to partner with local marinas for Candlewood related items, ads for lake related businesses on the website, boat donations that can be sold, seek grants for specific projects, etc. These are ideas that have come from the Public Awareness and Executive Committees on how to raise additional funds without a lot work from the delegates. Another area is a map of the lake which will have lake related information and space for advertising. Mr. Berger noted that he has informally spoken to two of the towns and will attempt to speak to the rest regarding the increase in the budget. Discussion followed. Howie Berger moved to approve the budget proposal for 2012-2013 in the total amount of \$431,740.34 which is \$63,540.06 per town which includes the CLA through a number of fundraising endeavors to make up the fifty thousand dollar shortfall included in the budget but not in the Town Appropriations, seconded by Ed Hayes and voted with all in favor. Budget will be submitted to the Towns in a timely manner.

6. Report on Public Safety/DEEP meeting

Mr. Berger reported the he and Chief Doug Vane met with Col. Overturf, Capt. Camejo and Sgt. Ramos of the DEEP and they had a very good meeting. The DEEP advised that the MOA would be extended for three years, the requirement for the polygraphs would be removed and the Agreement should be done by the end of the year.

4. Discussion of proposed meeting with Legislators

Since the preparation of the Agenda the meeting had taken place. Mr. Berger noted that back when FirstLight had advised that they would not fund the CLA for fiscal 2010-2011 the Towns advised FERC that they were withdrawing their support for the SMP and asked that FERC make the contribution mandatory. Senator Blumenthal and Congressman Murphy became involved and called a meeting which was held last Thursday (December 8th). There were the CEOs or representative of four of the five municipalities, representatives of the CLA, FirstLight, HVCEO, Senator Blumenthal's office and Congressman Murphy's office in attendance. The main message at the meeting was to get FirstLight and the CLA to talk to each other. Mr. Berger noted that the meeting went well and that Mr. Shue of FirstLight and Mr. Marsicano of the CLA will meet on a regular basis to keep an open dialogue. Mr. Berger noted that the CLA is an advocate for the lake; the Lake is the main concern of the Authority. There was good exchange of ideas. A piece of information is that when the CLA files with FERC the five Towns want to be notified. FirstLight noted that Rocky River is losing money and funding of the CLA is tied to their revenue generation at Rocky River. Also they advised that they would not pump up in the

spring in efforts to keep the zebra mussel out of the Lake. There had been a recent explosion in the yard at Rocky River that has prevented them from drawing down the lake but this should be taken care of next week and they will drawdown then.

7. Election of officers of the coming year

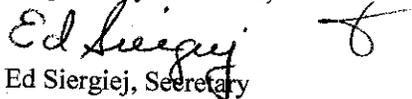
Ballots and instructions on election procedure were passed and Mrs. Frattini asked for nominations from the floor. With none, Mark Howarth was appointed counter. Ballots were cast and then collected by Mr. Howarth, tallied and he returned ballots to Mrs. Frattini who announced that with a unanimous decision the officers for the coming year would be:

Chairman	Howie Berger
Vice Chairman	Mark Toussaint
Secretary	Ed Siergiej
Treasurer	Phyllis Schaer

Mr. Berger noted that the CLA has come quite a distance in the last five years, there are more complex issues now than five years ago, the CLA is an advocate for the lake and may not always agree but does take a positive approach. Whether you agree or disagree, having an advocate for the lake is good for everybody in the lake community and moving forward would like to see the education and outreach of the CLA move the message forward. Mrs. Schaer interjected that the economic health of the entire region hinges on Candlewood Lake.

With no further business to come before the Candlewood Lake Authority, Jerry Murphy moved to adjourn, seconded by Phyllis Schaer. Meeting adjourned at 9:00 P. M.

Respectfully submitted,



Ed Siergiej, Secretary
Frances Frattini, Administrative Coordinator

r/b/lm

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
December 6, 2011
Larry Marsicano

The following report summarizes activities of November 3, 2011 to December 6, 2011.

ZEBRA MUSSELS / INVASIVE SPECIES

We continue to work with WCSU processing samples collected over the summer for the presence of zebra mussel veligers. A report should be ready by the end of December on that research.

We recently received a press release notifying the public that zebra mussels were found in Lake Housatonic, which is downstream of Lakes Lillinonah and Zoar.

We attended the December 1st HVCEO Meeting / Legislative Agenda Breakfast and offered comment to the legislators regarding funding for aquatic invasive species work.

We've been corresponding with Dr. Kevin Kelly of the Bureau of Reclamation (US DOI) out in Colorado who has some theories on how to stop live zebra mussel veligers from entering the Housatonic River up in MA. We are working with Congressman Chris Murphy's Office to try to bring Dr. Kelly out to CT to further explore this.

LAND USE ISSUES

We continue to work on the East Pembroke site plan proposal. A November 28th meeting was scheduled where I met with the architects representing the property owner to discuss some of our concerns. We recommended that a construction sequence be incorporated into the plan whereby the path up to the site of the patio was created first and used as the sole access to property above the 440 to minimize the shoreline disturbance below the 440. The architect recently sent correspondence that their client was amenable to our recommendations and language in the sequence.

On Monday, November 28th we requested from FirstLight a copy of any Letter of Consent issued for the proposed work and any stipulations requested by FirstLight as condition of the Letter. We have not heard back from FLPR by the time this report was being drafted. We did learn during my November 28th meeting with the architects that FLPR turned down a more extravagant proposal at that site.

FIRSTLIGHT POWER RESOURCES / FERC

On November 18th we received draft minute of the October 24th Lake Advisory Committee meeting with request to provide comments by December 19th. Phyllis and I who attended the meeting have shared notes and will be providing comments to FirstLight by the due date. Copies can be provided to Delegates who request them.

On November 9th, CLA Chairman Howie Berger received correspondence from FirstLight's Vice President of Hydro and Wind, John Shue, informing him that they intend to donate \$60,000 to the CLA for the

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BY: 

2012/2013 FY. The letter also expressed areas where they would like our assistance. Howie sent the letter to all Delegates. First Selectman John Hodge put the letter on the agenda of the HVCEO November 17th meeting which I attended. Rich Kehoe of Senator Blumenthal's Office and Rob Michalik of Congressman Murphy's Office contributed to the discussion at the HVCEO meeting, agreeing to arrange a meeting of representatives of FirstLight with members of both the Candlewood Lake Authority and the HVCEO. That meeting is scheduled for December 8th.

Sometime in mid November we received a request from FirstLight for assistance with a derelict dock located the Orchard Rest Cove in Sherman. Brian Wood of FirstLight asked that the derelict dock be towed to the Town Launch in Sherman where he would have it removed. Our Operations Staff moved the derelict dock, as requested, on November 21st.

On November 17th FERC issued an order rejecting CLA's motion for clarification and request for rehearing on their order modifying the Nuisance Plant Monitoring Plan. Rejection of our request was initially based on our lack of filing for intervener status. FERC did clarify that their order to modify the NPMP was not premised on limited pumping of River water to Candlewood by FirstLight during zebra mussel spawning season. FERC also disagreed with what they perceived were arguments regarding consultation. Our arguments actually were based on language in the original 2006 order approving the NPMP requiring discussion of rapid response measures, which have not effectively occurred, but which was included in FLPR's submittal to FERC. FLPR also chose not to utilize the Task Force CLA developed to draft a rapid response plan.

EDUCATION / PROJECT CLEAR

We met with Project CLEAR Program Manager Alberto Mimo to discuss upcoming program and field work. The number of snow days already used by some of our participating districts has made scheduling a bit more challenging. I discussed with First Selectman Hodge of New Fairfield the potential of utilizing portions of the Project CLEAR field research to further efforts of Dr. George Knoecklein, on behalf of the Town of New Fairfield, to better understand the extend of impacts from proposed annual deep drawdowns. Mr. Hodge was supportive of the idea and I sent correspondence to Dr. Knoecklein requesting a meeting to discuss this further.

BUDGET

We continue to work with Finance and other Committees to develop a budget to propose for FY 2012/2013. I attended the meeting for heads of departments in Danbury for instructions on November 17th. The budget is due to Danbury (and will be sent to other municipalities) by December 19th.



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***Executive Director's Report
November 3, 2011
Larry Marsicano***

The following report summarizes activities of October 5, 2011 to November 3, 2011.

ZEBRA MUSSELS

Analyses of samples collected over the summer for the presence of zebra mussel veligers continues. I came across a sample containing numerous zebra mussel veligers, which was collected in Lake Zoar on July 11th. I am working with a WCSU student who is creating a photographic record of veligers found as well as other organisms that might be confused for veligers. This will be quite useful as students are trained in the future to analyze sample.

The report entitled ***Interim Report on the Findings & Recommendations of the Candlewood Lake Authority Zebra Mussel Task Force for the Prevention of Introduction and Control of Zebra Mussels (Dreissena polymorpha) at Lakes Candlewood, Lillinonah & Zoar*** is complete and has been sent to the Task Force members and others. The report is online and we will send copies to the CEOs of the three lake authorities.

I attended the meeting of the CT Aquatic Nuisance Species (ANS) Coordinating Committee held at UCONN Avery Point in Groton, CT on October 25th. The Committee has been working on the State's ANS Management Plan and the recent meeting was dedicated to the development of a framework for rapid response measures in response to new introductions of ANS in CT waters. I was asked at the meeting to discuss the efforts and challenges of the Task Force.

I attended the monthly meeting of the Lake Lillinonah Authority on November 1st to present them the large zebra mussel warning sign, a digital copy of the artwork, and encouraged them to have additional signs made for posting at all of the public access launches on their lake.

Another Invasive Investigator Training is being scheduled for mid April thru early May.

LAND USE ISSUES

We were asked for comments on a proposed project at East Pembroke Road in Danbury. The project was a large stone patio that was mostly above the 440 at a site only accessible by water. Construction of the project will require that all materials, tools, etc. are boated in, and cross from the lake over the land below the 440. It appears that vegetation removal below the 440 would occur. Although he is down in Australia, Gary Dufel was willing to help review the plans, which I sent him electronically. Mr. Dufel and I also teleconferenced with Skype to discuss the plans and our comments. The comments were received by the Danbury EIC and the architect for the project on October 20th. The architect followed with a letter to the EIC addressing our concerns. EIC moved to table to proposal at their October 26th meeting. Mr. Dufel has graciously agreed to continue to assist the Watershed Committee in this capacity.

WATER QUALITY MONITORING

We concluded our water quality monitoring for 2011 on October 11th at Squantz Pond and on October 17th at Candlewood Lake.

FIRSTLIGHT POWER RESOURCES / FERC

We submitted to FERC a Motion for Clarification and Request for Rehearing on the FERC order modifying the Nuisance Plant Monitoring Plan. The order lacked clarity on whether FERC was including a provision that FirstLight would not be pumping Housatonic River water to Candlewood Lake when river water temperatures supported zebra mussel spawning. If FERC was not requiring that preventative measure, then we were asking for a rehearing on the grounds that the rapid response measures in the plan lacked the planning we had hoped for and seen in other rapid response plans. The plan had no definitive response in the event zebra mussels are found in Candlewood. There was a confirmation step (sending out divers); after confirmation the TAC was to be consulted on using the deep drawdown. We will be looking to incorporate the measures proposed by FLPR into a broader based plan, i.e. something the CT ANS Coordinating Committee and/or the Task Force develops.

MILFOIL MANAGEMENT / DRAWDOWN

On October 26th a conference call among members of the Technical Advisory Committee was held to discuss the upcoming drawdown at Candlewood Lake. The TAC members participating, including representatives from CT DEEP, US FWS, CLA, and FirstLight Power (FLPR), supported staying the course with an alternate year drawdown. Richard Laudenat from FLPR believed they would be able to reach the target depth by late December, maintain that approximate depth for at least 30 days, and return the lake to normal recreational levels by mid April. The TAC also supported fluctuations of another two feet below the target depth (elevation of ~424 feet above sea level [CL&P datum]) for the purposes of power generation.

RECREATION MANAGEMENT / LAKE ADVISORY COMMITTEE MEETING

The annual Lake Advisory Committee per FirstLight's Recreation Management Plan was held on October 24th. There FirstLight discussed improvements at their recreational facilities on Lakes Candlewood, Lillinonah and Zoar, and then listened to recreation-related concerns from Committee members. Members included representatives from CLA, LLA, LZA, CT DEEP, NPS, US FWS, and FirstLight. I presented the information attached to the back of the report (CLA Annual Vessel Count data presented but not attached to this report) and stressed that we continue to endure overcrowding and user conflict on Candlewood. I also expressed concerns: over a new docking structure that could also generate user conflict; over the fact that the structure was approved by FirstLight without any notification, even though we had expressed concerns when we first notified them of it in 2009; and over land use / recreational decisions like that, which seemed to lack transparency. We again asked that notifications of these kinds of decisions be provided to stakeholders. Mr. Laudenat of FLPR said this would be done in the future, with the exception of those involving conflicts between neighbors.

OTHER

Considerable time has been spent working with Attorney Laura Zaino of Halloran-Sage representing Scottsdale Insurance. Earlier in the month we received notice from Attorney Arconti that the attorney representing plaintiff in the case against the driver of the vessel in the October 2009 accident was amending the complaint to include seeking monetary damages against CLA, as well as from FirstLight and the operator of the vessel.



Accident Reporting Overview

The requirement to report an accident is on the owner and/or operator of the vessel involved in an accident. He/she is supposed to fill out a form (called a Boating Accident Report form or BAR form for short) and submit it to a state reporting authority. The state reporting authority is then supposed to determine the cause of the accident and forward the BAR form to the Boating Safety Division at the Coast Guard within 30 days of receipt of the initial BAR form.

Accident Reporting as Required by Federal Law Under federal regulations (33 CFR Part 173; Subpart C – Casualty and Accident Reporting) the operator of any numbered vessel that was not required to be inspected or a vessel that was used for recreational purposes is required to file a Boating Accident Report (BAR) when, as a result of an occurrence that involves the vessel or its equipment:

1. A person dies; or
 2. A person disappears from the vessel under circumstances that indicate death or injury;
- or
3. A person is injured and requires medical treatment beyond first aid; or
 4. Damage to vessels and other property totals \$2,000 or more; or
 5. There is a complete loss of any vessel.

If the above conditions are met, the federal regulations state that the operator or owner must report their accident to a reporting authority. The reporting authority can be either in the state where the accident occurred, the state in which the vessel was numbered, or, if the vessel does not have a number, the state where the vessel was principally used. The owner must submit the report if the operator is deceased or unable to make the report.

The regulations also state the acceptable length of time in which the accident report must be submitted to the reporting authority. Vessel operators or owners must submit:

1. Accident reports within 48 hours of an occurrence if:
 - a. A person dies within 24 hours of the occurrence; or
 - b. A person requires medical treatment beyond first aid; or
 - c. A person disappears from the vessel.
2. Accident reports within 10 days of an occurrence if there is damage to the vessel/property only.

The minimum reporting requirements are set by Federal regulation, but states are allowed to have stricter requirements. For example, some states have a lower threshold for reporting damage to vessels and other property.

Federal Regulations (33 CFR 174.121) require accident report data to be forwarded to Coast Guard Headquarters within 30 days of receipt by a reporting authority.

Our website is uscgboating.org. We put out an annual statistics report that can be found at http://uscgboating.org/statistics/accident_stats.htm. At the back of it is the aforementioned BAR form.



Explanation of Data

The following table presents counts of accidents, damages, deaths and injuries on Candlewood Lake by calendar year. For each category, counts are given for all accidents that the Coast Guard received from the Connecticut Department of Environmental Protection and those accidents that met federal reporting requirements. Please note that 2011 numbers have not been validated. As such, they will change. 2011 information is current as of October 12, 2011.

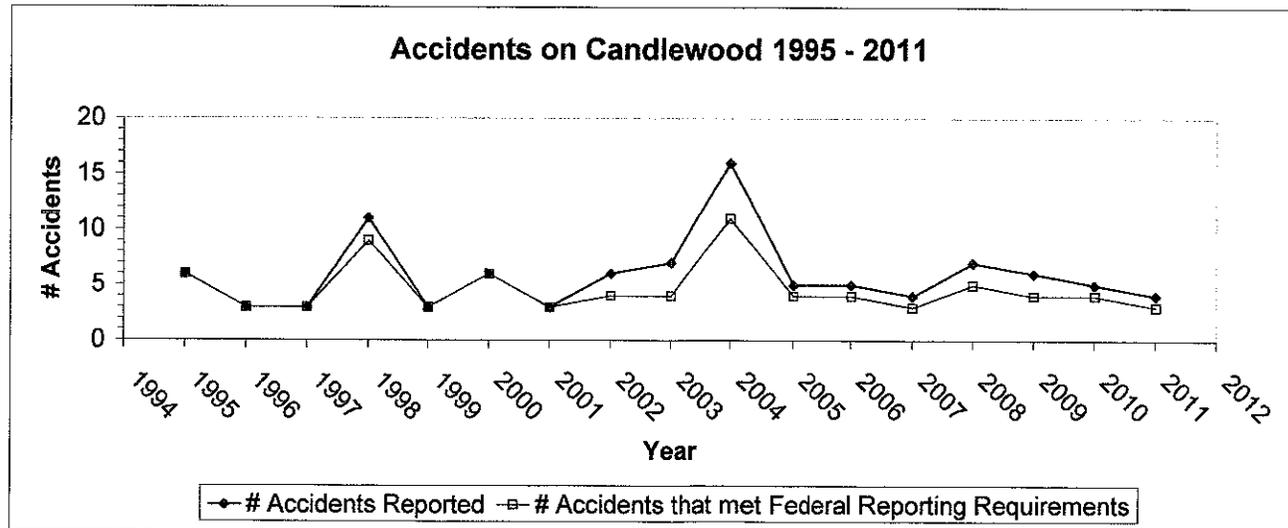
Candlewood Lake				
	2008	2009	2010	2011
# Accidents Reported	7	6	5	4
# Accidents that met Federal Reporting Requirements	5	4	4	3
Amount of Damages Reported (\$)	38,134.00	21,361.00	91,500.00	16,350.00
Amount of Damages in Accidents that met Federal Reporting Requirements (\$)	36,303.00	19,262.00	90,000.00	15,550.00
# of Deaths Reported	2	0	0	0
# of Deaths that occurred in Accidents that met Federal Reporting Requirements	2	0	0	0
# of Injuries Reported	5	5	2	0
# of Injuries that occurred in Accidents that met Federal Reporting Requirements	5	5	2	0

The following table provides a count of the number of accidents, deaths, disappearances, injured, and property damages on Lake Lillinonah, Lake Zoar, Lake Candlewood, the Housatonic River, Connecticut River and Beseck Lake (the latter three being the inland bodies of water with the highest counts of accidents).

2011 Accidents that Met Federal Reporting Requirements					
Row Labels	#Accidents	#Deceased	#Disappeared	#Injured	Property Damage In Accident
Lake Lillinonah	1	1	0	0	0
Lake Zoar	1	0	0	7	\$34800
Candlewood Lake	3	0	0	0	\$15550
Housatonic River	3	1	0	4	0
Connecticut River	2	0	0	2	\$300
Beseck Lake	1	0	0	2	\$5000

Data provided by USCG Boating Safety Division
Data collected in 2011 is current as of October 12, 2011.

Candlewood Lake																		
Year	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	
# Accidents Reported	6	3	3	11	3	6	3	6	7	16	5	5	4	7	6	5	4	
# Accidents that met Federal Reporting Requirements	6	3	3	9	3	6	3	4	4	11	4	4	3	5	4	4	3	
Amount of Damages Reported (\$)	8,500	550	16,330	14,180	8,849	8,698	5,200	45,400	5,000	18,111.39	8,042.65	18,000	3,000	38,134	21,361	91,500	16,350	
Amount of Damages in Accidents that met Federal Reporting Requirements (\$)	8,500	550	16,330	14,180	8,849	8,698	5,200	44,900	2,500	15,656.39	6,600	18,000	2,500	36,303	19,262	90,000	15,550	
# of Deaths Reported	0	0	0	0	0	0	0	0	0	0	1	0	0	2	0	0	0	
# of Deaths that occurred in Accidents that met Federal Reporting Requirements	0	0	0	0	0	0	0	0	0	0	1	0	0	2	0	0	0	
# of Injuries Reported	6	2	0	9	1	10	3	6	3	9	6	3	4	5	5	2	0	
# of Injuries that occurred in Accidents that met Federal Reporting Requirements	6	2	0	8	1	10	3	6	3	9	4	3	4	5	5	2	0	





CANDLEWOOD LAKE AUTHORITY

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December 14, 2011
Public Education
Mark Howarth

Website:

We decided that we need to completely re-do our website. While our current site was an improvement on the previous version, it still does not allow us the flexibility to make frequent, easy changes and updates for the public to view. The layout is also not as user-friendly as it could be, so the idea of a new website that would improve not only the user experience, but also allow us to spend less time creating updates to it, was brought forward.

We looked into a number of online programs that would allow us to create our own new website and eventually settled on one because of the functionality and ease of use it provided. The majority of the new site is completed, and we have been through a number of revisions and made changes to hopefully ensure we will have a very functional, easy to use, visually appealing website.

There are still a few sections we need to complete and when we do have those ready we will introduce our new site to the public.

Appeal Letter:

We have spent time creating a written appeal letter with new remittance envelopes that is being printed now and will be in the mail in a few days.

Online Study:

I participated in a five-week online course on email fundraising. The course not only taught us what goes into a good email campaign, but it also introduced us to a number of online services that we are exploring to make us more effective in sending information to our email list and presented us with the tools to start accepting online donations.

Sign Presentation:

On December 6th, I presented the Lake Zoar Authority with a zebra mussel sign. This sign version is similar to our large signs, with a slightly different message to reflect that people are entering or leaving waters known to contain zebra mussels. Larry presented the same sign for the Lake Lillinonah Authority at their earlier meeting. The signs also contain contact information specific to the individual Authorities. We also presented them with the graphic files so that they can have more of the signs printed up themselves if they so choose. These large signs are in addition to the smaller 12x18 inch signs that we designed and were printed up by the CT Department of Energy and Environmental Protection, for Candlewood, Lillinonah and Zoar.

BY: 

