

Ball Pond Advisory Committee
Virtual SPECIAL Meeting November 2, 2021
Minutes

MEMBERS IN ATTENDANCE:

Mark Spellmann (Chair)
Julian Laemmerhirt
Mark Spellmann
Elissa Johnson
Jim Mellett
Pete Viola
Monica Santos
George Buck (absent)

MEETING CALL TO ORDER:

Mr. Spellmann called the meeting to order at 7:03 PM

APPROVAL OF MINUTES FROM October 12, 2021:

- A request was made to amend the email communications from Mr. Spellmann to BPAC Committee Members under **Correspondence** “Ball Creek” to “Ball Pond”.
- A request was made to correct Mr. Laemmerhirt’s name spelling under **Elections** from Haemmerhirt to Laemmerhirt

MOTION

Mr. Mellett made a motion to accept the Minutes of October 12, 2021 as amended.

Mr. Viola seconded the motion.

Vote: 6-0-0 (motion passed)

CORRESPONDENCE:

Mr. Spellmann submitted a motion to Inland Wetlands for a 10-year maintenance proposal of the Ball Pond Brook. He was asked by Inland Wetlands to obtain permission from the two abutting landowners. The landowner to the north of the brook did not give consent for the maintenance proposal.

Mr. Spellmann received notification from the town that the 2022-2023 Budget needs to be submitted by December 1, 2021.

PUBLIC COMMENT:

Maureen Dangelo, 59 Ball Pond East, wanted to know if the grant monies had been received. Committee member Ms. Johnson replied the grant was approved last spring. The First Selectman just received the contract which needs to be returned by November 16, 2021.

Ms. Dangelo asked if the grant monies will be given to the town, the Ball Pond Advisory Committee, or Friends of Ball Pond?

Committee member Ms. Johnson replied the grant monies will be given to the town.

Mary Yulo, 11 Arrow Meadow Rd said she had not heard about joining BPAC. She had sent a letter to the First Selectman about a month ago.

Chairman Mr. Spellmann replied he heard BPAC is capped at 7 members.

Ms. Yulo saw something on the agenda regarding Spring communications. She asked for clarification on whether communication was under BPAC's mission of advising the town on sound lake management practices? Is it part of BPAC's pervue?

Mr. Spellmann said yes. BPAC has done mailings in the past using the three mailing routes in Ball Pond's watershed at a cost of \$400 to \$500. It is cost efficient to purchase route mailings.

Ms. Yulo said Friends of Ball Pond are also communicating, she just wanted clarification on what BPAC is doing.

Ms. Yulo said Friends of Ball Pond commissioned the Lake Management Study in the past. She wanted to know if this was something BPAC was now launching? Will it originate in Friends of Ball Pond or in BPAC?

Mr. Spellmann said AER is doing an end of year report for BPAC that will hopefully use data collected over the last 5 years, plus water quality data. He is hoping for recommendations that will include doing a lake management plan and that will include a scope.

Ms. Johnson added that the contract BPAC selected with AER was to review the water quality data collected including dissolved oxygen, temperature, the physical and chemical parameters and also the algae sampling that she and intern David did all summer. They are going to make recommendations based on that. She and David collected 7 months of data. It will not be a full blown Lake Management plan. They will give status and recommendations. The contract option BPAC selected was a small one. BPAC did not select the option for legacy data. This is a first step. BPAC is waiting for results of October sampling. From there, BPAC needs to decide what to do. Ms. Johnson feels there are three hoops – things that can be done in the watershed immediately, in the short-term, and long-term. It could lead to a Lake Management Plan. They will make recommendations, for example for legacy phosphates still coming in from the watershed. What was contracted did not include vegetation analysis. It was an option, but the committee did not vote to do that.

Mr. Spellmann added Tim Simpkins and Tom Quigley of Inland Wetlands wanted a proposal to have New England Aquatics maintain the brook. They wanted the weeds and cattails removed. Mr. Spellmann requested the bid to support the brook maintenance proposal. He also asked the

land trust on the south side and the property owners on the north side for letters of approval. The property owners on the north side did not approve. The issue is stalled for the time-being.

Ms. Yulo, Ms. Dangelo and Charles Pavarini, 162 Ball Pond Rd questioned what happens now? Does the matter just sit? And whether or not the ownership of the brook is actually known? Was it split when the property was split? There has always been a question about ownership of the bottom of the lake. Does that include the brook? Maybe no one owns it and it is just managed by the State. There would need to be research into deeds/titles.

Mr. Spellmann said he does not know what happens when property owners do not support a proposal by Inland Wetlands.

Mr. Mellett added committee member George Buck (who was absent for this meeting) would probably have an answer to that. The question is who owns the water in the pond and does the ownership extend to the edge of the water?

Mr. Viola said he remembers something about riparian rights extending into the pond.

Ms. Johnson said it is up to Inland Wetland regulations to determine what happens to the watercourse.

Mr. Laemmerhirt asked how this shoreline is different than anyone else's shoreline?

Ms. Santos asked why BPAC needs to get approval for Inland Wetlands, why wouldn't Inland Wetlands reach out to the homeowners?

Mr. Spellmann said it was part of the proposal request response from Inland Wetlands.

Ms. Santos added it is implied by Inland Wetlands' request that there are property owners for the brook.

Mr. Pavarini asked Mr Spellmann why the northern owners did not support the proposal?

Mr. Spellmann replied they did not think the weeds are interfering with the flow. They think the weeds are protecting the grate from debris. They have concerns about native species. They will not be providing a letter of support.

Ms. Johnson asked if the land trust provided a letter of support?

Mr. Spellmann said he was told it would be coming.

Mr. Laemmerhirt asked if Mr Spellmann knew of the timing of the AER report?

Mr. Spellmann said it cannot happen until after BPAC gets the water quality results for October.

Ms. Johnson said they started work on it, but BPAC probably won't see the report until the end of November.

Mr. Laemmerhirt said it would be a great tool for the budget.

Plan for the drain area for the brook and weeds

Discussed under public comment

Water Quality Data for the Year

See report attached.

Mr. Spellmann sent the attached report out to BPAC and Friends of Ball Pond. Levels of inorganic nitrogen and phosphorates were lower in September than in August. AER will review data. Since 2016, Mr. Spellmann sees some variability, but primarily it is consistent. Testing is

done at shallow, medium and deep water levels. The scary spike last October 2020 is probably from the turnover in the thermocline. BPAC is waiting for the October 2021 results.

Ms. Johnson added these are nitrates and ammonia. It is immediately available nitrogen to feed algae and rooted aquatics. Even if the spike was because of turnover, the numbers are off the chart for turnover. The deep is the closest you can get to the bottom without hitting sand. Phosphorous is the critical stuff.

Mr. Spellmann added phosphorous also remains consistent over time and above risk level. Phosphorous remains in the pond forever.

Ms. Johnson added the .03 is really a high level. That means phosphates are contributing to algae blooms. At least 6 of them are above the .03 level. The phosphate levels are very high. The type of cyanobacteria BPAC saw this summer causing the blooms, they can do without nitrogen being fed from the watershed. They can fix nitrogen on their own. They can get all the nitrogen they need from the atmosphere when this particular cyanobacteria is dominant. We have to stop loading this lake with nutrients if we want it to have a future and if we want to curb the cyanobacteria blooms.

Ms. Dangelo asked, other than spreading the word, what else can be done? People won't allow the lake to be closed.

Mr. Mellett brought up the idea he discussed a number of months ago regarding an ordinance that would ban the use of fertilizer in the watersheds of Ball Pond and Candlewood Lake.

Ms. Dangelo believes it was tried and failed in the past.

Mr. Mellett said getting approval would be easier than enforcing it. He asked Ms. Johnson to resend him the links she provided for other communities that had ordinances. Mr. Mellett promised to pursue this for the next meeting.

Mr. Spellmann asked, since the data is consistent and costs \$300 each month at a lab, for a total cost of \$2100, does it make sense to continue to test?

Ms. Johnson said the 7 months of testing should continue at the very least. Depending on what AER's report shows, BPAC's budget is going to have to change. We have to stop loading nutrients. An ordinance isn't happening overnight. That will take care of the nitrogen, not the phosphorous. If BPAC is going to attempt to get the phosphorous out of the lake, that is going to run very high. She attended the Lake Symposium at Western Connecticut State University, and they actually had the engineer and the head of the WPCA in Brookfield talk about the study they had done. There are phosphates in the sediment that will continue to cycle through and then there are the ones that keep going into the lake because of inadequate wastewater treatment. No one wants to talk about it. Stopping fertilizers is important but stopping more phosphates from going in is going to be a tall and expensive order. Ms. Johnson thinks water

testing should be in the budget for next year. BPAC may need to go beyond that. BPAC may need to increase testing for conductivity. Micronutrients can also be contributing. At the very least, the voluntary testing should continue, and paying for the analysis at a lab. BPAC may need to increase the budget based on the pending AER report.

There are methods of removing phosphates. One way is vegetation. There are actually floating islands, there is phoslock, there is aluminum sulfate that binds to the sediment. We need to look at removal, but also preventing more phosphates from going in.

Ms. Dangelo said getting the word out is helping. It cannot be blamed solely on people with septic systems around the lake.

Spring Communications around fertilizer, seed, etc.

Mr. Spellmann said it costs \$800 to \$1000 to mail to the three mail routes. He asked if BPAC would support at least one mailing? Mr. Viola thinks one would be sufficient. Mr. Laemmerhirt agreed but would like to see a colorful pamphlet as opposed to a letter. Ms. Yulo suggested a checklist for homeowners that lists things they can do to protect the pond.

Mr. Spellmann and Mr. Laemmerhirt have the specs on what is needed for the mailing. Mr. Laemmerhirt said he can create the pamphlet if everyone will send the information to him by email to julian.rex.88@gmail.com.

Ms. Santos asked Mr. Spellmann to check chat for comments from a gentleman named Randall. Mr. Spellmann responded to Randall that BPAC needs to wait for the AER report.

Ms. Dangelo said she picked up a pamphlet in Town Hall regarding what to do/not do when you own a septic.

Has Intern Been Paid

Ms. Johnson said the intern has been paid.

Virtual or In-Person Meetings?

December (now November 30) will be virtual. Ms. Santos said not in-person until the end of the year. Mr. Mellett is concerned about break-through COVID-19 cases. January will be in person.

Special Meeting

Since the budget is due by December 1, a Special Meeting will be required for BPAC. The committee decided on Tuesday, November 30. The Special Meeting will replace the regular December meeting. Provide agenda items to Lisa Arasim by November 23.

ADJOURNMENT

Mr. Laemmerhirt made a motion to adjourn at 8:10 pm.

Mr. Viola seconded the motion.

Vote: 6-0-0 (motion passed)

Respectfully submitted,

Lisa Arasim

Lisa Arasim

Secretary

Ball Pond Advisory Committee