

**Ball Pond Advisory Committee  
Regular Meeting  
January 4, 2022  
Minutes**

**MEMBERS IN ATTENDANCE:**

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

**MEMBERS ABSENT:**

Julian Laemmerhirt  
Monica Santos

**MEETING CALL TO ORDER:**

Mr. Spellmann called the meeting to order at 7:04 PM

**APPROVAL OF MINUTES FROM NOVEMBER 30, 2021:**

**MOTION**

*Mr. Viola made a motion to accept the Minutes of November 30, 2021.  
Mr. Mellett seconded the motion.*

***Vote: 5-0-0 (motion passed)***

**CORRESPONDANCE:**

- Mr. Spellmann received the **Ball Pond 2021 Water Quality Monitoring Report** from AER (Aquatic Ecosystem Research), which was forwarded by email to committee members on December 27, 2021.
- Mr. Spellmann shared the Minutes from the Inland Wetland Commission meeting of 12/21/2021 that pertained to the application for a permit from BPAC to maintain the Ball Pond brook by email 1/4/2022. The Minutes state:

<p><b>Ball Pond Outlet, removal of vegetation and invasives in the brook. Retain professional organization for work, Ball Pond Advisory Committee/applicant.</b> Larry Marsicano present, he met with Tim Simpkins at the site on 11/21/21. He does not recommend removing the cattails – not the entire plants- because there is water flowing. He feels invasives should be identified and a plan made to remove and replace. Removing leafy vegetation and cutting cattails down (not removing</p>
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entire plants) in outlet discussed for better water flow. Matt Vogt from NE Aquatic Services said the cattails need to be contained to prevent overgrowth. He recommended removing the batch of cattails from the outlet completely. Maintaining cattails would need to be done annually per Mr. Vogt. Area resident Mary Yulo wanted to know if there was a better way to measure water flow and height of water. Gauges that can be installed to track and measure the height of the water was discussed. Ball Pond Resident Charles Pavarini said he felt the outlet needs to be cleared so water can freely flow. Ball Pond resident Stephen Smith said he feels the water level is the highest he's seen it. Elissa Johnson said she feels cattails are important for wildlife. Jerry Schwalbe made a motion to approve the application with the following stipulations:

In order to continue the natural flow of water from Ball Pond to Ball Pond Brook, the Ball Pond Advisory Committee is permitted to:

1. Manually remove cattails, phragmites, and debris from the mouth of the drainage culvert not to exceed 6 feet across the opening, and not below the natural pond bottom.
2. At any time remove invasive vegetation and remove debris from the drainage grate.
3. Dispose of vegetation and debris removed from the area offsite and away from the pond and drainage channel.
4. The New Fairfield Environmental Officer will be consulted prior to any removal of vegetation.

2<sup>nd</sup> by Chris McCartney, all in favor. **Approved w/stipulations**

- Mr. Spellmann sent a copy of the Minutes to New England Aquatics, in case BPAC decides to use their company to maintain the brook. They responded that they believe March is the right time to begin clearing the brook.
- Mr. Spellmann shared that there will be a Board of Selectman Budget Workshop on January 11 by Zoom starting at 9:30 am\*. In the past, only two BPAC members were invited to attend. Mr. Spellmann will see if three or more can attend. Committee members expressed support in having Mr. Spellmann, Mr. Mellett and Ms. Johnson attend the meeting.  
*\*note: BPAC presents its meeting at noon on Jan. 11*
- Mr. Spellmann was not sure what money was left in the budget, but he has approved purchase orders mainly for water quality.

## **PUBLIC COMMENT**

**Mary Yulo, of 11 Arrow Meadow Drive** spoke. She had spoken to BPAC member Monica Santos. Monica may have difficulty attending BPAC meetings because of her coursework. If BPAC has a policy for Alternates, Ms. Yulo said she would be happy to serve as an Alternate. Ms Santos also offered to resign from BPAC if her coursework continues to prevent her from attending meetings. Ms. Yulo attended the Inland Wetlands Commission meeting and is researching equipment to monitor the flow of Ball Pond brook. She has also consulted with a family member who is a Hydrogeologist who works for an environmental company. He provided her with advice and leads. She feels it would be valuable from a data-driven standpoint – the flow, the depth of the brook by the mouth, etc. She will also consult with Larry Marsicano (of Western CT State University and AER) for cross referencing who carries the equipment. She also found newsletters from Friends of Ball Pond dating back to the 2000s that are still very relevant today. She will put together a newsletter or bulletin to update the community on what everyone can do to play a meaningful role to help Ball Pond.

Mr. Spellmann said BPAC has never had an Alternate. The bylaws only allow for seven members currently. Mr. Spellmann tried to add an additional member and was told he couldn't.

**Maureen Dangelo, of 50 Ball Pond East** spoke. She asked if maybe Ms. Santos took a leave of absence, maybe a sub could be brought in, if bylaws allowed for it.

Mr. Spellmann was told someone had to resign to add an additional member. Ms. Yulo will speak with Ms. Santos about her course schedule. Mr. Spellmann said maybe Mr. Laemmerhirt, if he sells and moves, will resign in the future. Mr. Spellmann said equipment to measure the flow of the brook would be great to have. He appreciates Ms. Yulo's efforts.

Mr. Spellmann said BPAC needs to see where the budget stands. Ms. Yulo offered to fundraise through Friends of Ball Pond.

Ms. Yulo said her third item was the newsletter. She would like to interview some of the members from BPAC in the same format as last time that had information from experts. Mr. Spellmann encouraged her to speak with Melanie Horn and Julian Laemmerhirt for Facebook, which may be a way to circulate the information at no cost. He said if there is a mailing expense, BPAC has used an affordable option called EDDM. He will send the format to Ms. Yulo. Another option for mailings is through the town. Ms. Yulo said she will explore the most cost-effective method and was willing to run off copies and hand-deliver.

**Charles Pavarini, 162 Ball Pond Rd** spoke. He is willing to help Ms Yulo with the flow of the Ball Pond brook and newsletter. He said he was at the brook this past Sunday. BPAC was granted a permit 2-1/2 weeks ago. He took pictures and video. There is very little flow because of cattails, leaves and brush. It is damming up the mouth to the brook. He wanted to know when BPAC was taking action?

Mr. Spellmann responded that he received and circulated the Minutes from the Inland Wetland Commission meeting today to BPAC members. He also spoke with Matt from Northeast Aquatic, who recommended clearing the brook in March. He said it is on the tonight's agenda. Anything BPAC decides to do has to be run by Tim Simpkins of Inland Wetlands Commission.

Mr. Pavarini said this has been going on for months. If you do not clear it out the lake will get higher. It is already high, near flooding level and if you aren't going to clean it out until March, he would like BPAC and Inland Wetlands to take responsibility for any damage of property around the lake. He thinks that is only fair since you are only postponing clearing it out.

Mr. Buck said BPAC should start cleaning out the brook tomorrow. It is in the worst shape ever. BPAC has never waited this long. It is usually cleaned by November. It used to take a couple of hours to do. Now it will take half a day. He has been doing it for 21 years. You cannot wait until March. BPAC should always have the right to go in with their own crew in emergencies to clean it with BPAC equipment. He would like to see an email from Mr. Spellmann or himself to Mr. Simpkins tonight stating you want to start immediately to clean up the flow. It may not be a one-day event. It may take a few days. It has to be done. It cannot be delayed.

Ms. Dangelo said she agrees with Mr. Buck.

Ms. Johnson said BPAC needs the approval from Mr. Simpkins. Even though BPAC has the Minutes from Inland Wetlands, BPAC doesn't have a printed permit yet. Items were bulleted in the Minutes, but BPAC will need to provide a specific plan for Mr. Simpkins to approve or have him go out there with Mr. Buck. The committee needs to vote on the plan.

Mr. Buck proposed doing what he has done for 21 years- take the debris out of the stream, move it to the side, then dispose of it.

**Anthony and Lisa Lisi, 50 Ball Pond Rd East**

Mr. Lisi is confused about the flow of the stream. He has seen people cleaning out the stream. His question is after you do this, suppose there is still an issue with the flow? Mary said she is researching equipment to track the flow. He is wondering if that is something that should be explored as well? It would be pointless in doing it if it doesn't cure Mr. Pavarini's problem. Mr. Lisi said since he has been here for 5 years, the stream that runs along side his property has not dried up once. He met Mr. Simpkins and Mr. Quigley from Inland Wetlands there, and Mr. Marsicano, and they all were in agreement that the stream is flowing better than it ever has. He thinks there is another issue that is not being addressed. He stressed there shouldn't be an issue, everyone wants to do the same thing. Everyone wants to ensure the lake is protected and the stream is flowing properly. That is what the objective should be.

Ms. Lisi asked what is the definition of flowing properly? She agrees with her husband that for the 5 years they have owned the property this is the highest they have ever seen the lake. So is that related to the amount of rainfall which was record-breaking this year? And if that is the case let's go back to the fact that the town had come here and specifically looked at the drainpipe that goes from the end of the brook, under the road, to the spillway and they are saying there isn't a problem with the flow as much as there is with the diameter of that pipe, that it can't accept any more water that is coming through. Also a few weeks ago Mr. Quigley and Mr. Simpkins came over. They moved a whole bunch of leaves from the front of the cattails over into a pile to help increase the flow. They were concerned the water may be ponding there. So, she believes there is another issue that needs to be considered and that is you cannot change the depth of the stream unless you are going to be dredging it and then if you do, you have increased water flow and if you have increased water flow you don't have a drainage pipe large enough to handle the outflow.

She also stressed to Mr. Pavarini, they are his neighbor. They feel horrible that he is having such an issue with the water. They want to do what is right for the pond and for their neighbors. When they (Lisi's) put their pavilion in a month ago and they had to put in a trench, they didn't go down 1 foot digging and the trench filled up with water so fast they had to pump it out with an electric pump. Not only is the pond high but the groundwater is high. It isn't just what is in the stream, if you want to talk about flow, it's a bigger issue than that.

Mr. Spellmann replied that the approval from Inland Wetlands doesn't allow dredging or deepening of the brook. BPAC can cut a 6' wide swath of vegetation down to the natural level of the brook and cut invasive species, with approval from Mr. Simpkins.

Mr. Pavarini said if the Lisi's hit groundwater by the road 40-50 feet from the pond then what is happening to everyone else's property around the pond? He wants to keep the pond safe. The brook was only dribbling. The lake is way too high. There is a rock called turtle rock in the pond. There should be 8" showing. It isn't. There has never been, for the last 21 years, this much problem with leaves and

cattails for natural flow. With regards to the idea of monitoring the natural flow, the brook needs to be clear. It needs to be cleaned out, then you bring in equipment to monitor flow.

Mr. Spellmann said everyone would agree the pond has never been higher than it is now for this time of year.

Mr. Pavarini said the pipe is not the issue, it is the lake water going into the brook. Also, the invasives and non-invasives are dead and blocking the brook.

Ms. Dangelo said the issue is looking at the brook from a historical perspective. Over the years, there were times when either the brook was too dry or the brook is overflowing its banks. One year there was a beaver dam. It flows through town and is a feeder of Candlewood Lake. We are discussing clearing it so it flows all the way to Candlewood Lake. It has for all of these years. It is a beautiful piece of nature. She supports Mr. Buck doing something now. It is beyond her that everyone is arguing about it.

Mr. Buck offered to meet with the Lisi's in the next couple of days. He can show them what he would do and what the issues are, at their convenience.

Ms. Lisi said she and her husband 100% agree with Mr. Pavarini over the problem. She brought up the pavilion is about 20' from the water. She brought it up to illustrate the groundwater level. The water is the highest it has ever been. They walk their dogs every day and check the grate. Their builder also cleared out a bunch of logs that were in the stream. They are not opposed to clearing out the stream. She is also not opposed to meeting with Mr. Buck. However, she thought this laid with Mr. Simpkins. She said Mr. Simpkins cleared the leaves a couple of weeks ago and it did not help the flow.

Ms. Johnson said BPAC does not have a permit yet. Inland Wetlands put a lot of time into carefully putting together the map or outline on how to proceed. It seems to her, the only decision BPAC can make tonight is who is going to talk to Mr. Simpkins? How soon? And come up with a plan. Will BPAC do the clearing or hire a company to do it? She would like to see the committee move on.

## **MOTION**

*Mr. Buck made a motion to lead a volunteer party to clear a 6 foot swath of brook, with approval by Tim Simpkins of Inland Wetlands.*

*Mr. Mellett seconded the motion.*

***Vote: 6-0-0 (motion passed)***

Mr. Spellmann said he will email Mr. Simpkins this evening after the meeting.

## **ELECTIONS:**

Mr. Spellmann said BPAC needs to elect a Chair and Vice Chair.

### **ELECTION MOTIONS**

#### **Chair:**

*Mr. Viola made a motion to nominate Elissa Johnson as Chair of the Ball Pond Advisory Committee.*

*Mr. Mellett seconded the motion.*

Ms. Johnson thanked Mr. Spellmann, Mr. Laemmerhirt for all that they have done. She would like to step up and take on the responsibility. She also mentioned that Ms. Santos offered to run as Vice Chair.

***Vote: 6-0-0 (motion passed)***

#### **Vice Chair:**

Mr. Spellmann said he would like to be the Vice Chair.

*Mr. Mellett made a motion to nominate Mark Spellmann as Vice Chair of the Ball Pond Advisory Committee.*

*Mr. Viola seconded the motion.*

***Vote: 6-0-0 (motion passed)***

## **AER REPORT**

Ms Johnson said the AER ***Ball Pond 2021 Water Quality Monitoring Report*** is very lengthy and takes time to read. She suggested inviting Larry Marsicano and Mark June Wells to the February meeting, and Tim Simpkins. They could give a presentation and answer questions. It is very technical. They have come up with recommendations that include the data collected by BPAC. Some of their suggestions have already been covered in the other lake management plan. It will help with putting together a proposal for the town to fund. There is a lot of work to be done. There is high conductivity, a watershed study. What should BPAC do first? Cyanobacteria blooms, a nutrient budget. There is a lot going on with the pond. It is complex. This is a long-term commitment that will need to be broken down and prioritized.

Mr. Spellmann would like to share the report with Friends of Ball Pond and invite them to the presentation. Ms. Johnson will share the latest version with Mr. Spellmann. There were corrections.

## **MOTION**

*Mr. Mellett made a motion to have BPAC defer discussion of the report to the next meeting.*

*Mr. Spellmann seconded the motion.*

***Vote: 6-0-0 (motion passed)***

## **PUBLIC COMMENTS:**

BPAC discussed moving Public Comments to the end of the meeting. All agreed.

### **LETTER TO TOWN TRIBUNE**

Mr. Mellett emailed a letter to BPAC members on Jan. 4, 2022 for review that he and Mr. Viola would like to send to the *Town Tribune*. It encourages people to come and support BPAC's budget request at the Board of Finance meeting.

### **ADJOURNMENT**

#### **MOTION**

*Mr. Spellmann made a motion to adjourn at 8:14 pm.*

*Mr. Mellett seconded the motion.*

***Vote: 6-0-0 (motion passed)***

Respectfully Submitted,

*Lisa Arasim*

Lisa Arasim  
Secretary  
Ball Pond Advisory Committee