

Board of Selectmen
SPECIAL MEETING
Brewster Pond
Old Meetinghouse Road, Lebanon
August 12, 2009 – 10:00 AM

MINUTES

- 1.0 The meeting was called to order by First Selectman Joyce Okonuk at 10:15 AM. Selectmen John Bendoraitis and Russ Blakeslee were also present. Other officials present included DEP Staff Captain Paul O'Connell and Sgt. Jim Wolfe; Resident Trooper Keith Maynard and local Police Officers; Audience: 35
- 2.0 The purpose of the meeting at Brewster Pond was to discuss the use of State-owned land at Brewster Pond with local and DEP officials, abutters to Brewster Pond, residents from Old Meeting House Road and other interested parties.

Captain O'Connell began the meeting by explaining that the DEP has made the determination (as advised by the Attorney General's Office) that the State-owned property on Brewster Pond is available and open to the public for fishing and boating. The public may access any of the state land on the shoreline, on or around the dam, or access the water from the state land. Car-top boat launching for kayaks, canoes and other light-weight boats is permitted. However, gasoline fueled motors are prohibited – only electric motors are allowed. Ice fishing is also permitted. There is no hunting allowed on the State property or on Brewster Pond via access from the State land.

O'Connell also stated that the lake is public property. Private landowners may still access the lake from their water-front property and may continue to do the same activities they have done in the past. Fishing, swimming, boating or hunting may be done on the private land or on the lake accessed from private land if the property-owner has given permission. Other than deer and turkey hunting (with permits), no other hunting is allowed. Hunting, fishing and boating complaints should be directed to the DEP in Marlborough. Criminal complaints (trespassing, etc.) should be directed to Troop K.

All but one of the property owners around Brewster Pond were present at the meeting. They indicated they were all in agreement that no hunting will be permitted on or from their land onto the lake. The only property not present was the Ostrager property (Grand Lake Spa). A call will be made to them to see if they concur. Captain O'Connell requested the property owners should write letters to the DEP indicating they are not allowing hunting. This will assist them in enforcement.

Several residents asked questions and made statements throughout the meeting – they are as follows:

- Harold Liebman asked O'Connell if visitors entering the lake from the state land could enter private property. O'Connell replied they could not unless permission has been granted by the land owner. O'Connell recommends posting No Trespassing signs along the water edge along private property.
- A resident asked if the State bought the dam only, why does the public have the right to access the water? O'Connell replied that all water in the State of Connecticut is public land. If an individual can get onto the water without trespassing on private land, the water is available for use by the general public. John Okonuk cited the Pizzuto case from 2005 where the courts ruled otherwise.

- Stephen Kaye said the DEP doesn't have a right to access their property off a closed town road.
- Roland Russo asked why he would have to pay taxes for land under the lake if the public has the right to fish/boat in the water above the land.
- Another resident asked if the State will post a sign stating "Life Jackets Needed" and the DEP official replied "probably not".
- Robert Russo said he owns property abutting the state land. Will the DEP post to keep people off his property?
- Another person asked about access to the state land – what if the brook is too deep? First Selectman Joyce Okonuk replied that the signs on the road now say "road not maintained – pass at your own risk".
- O'Connell stated that there will be a sign posted stating that all trash carried in should be carried out. This is a practice similar to many other remotely located state properties along trails, etc. He further stated that the State maintenance crew will check the area on a regular basis to make sure no trash is left behind.
- Mark Olenick said that in 1816 the Olenick property had 5 1/5 acres that were dry – land later flooded and now under Brewster Pond.
- John Okonuk detailed old history of the dam when it was owned by (Bozrahville) who took gravel off the Olenick land, made the dam, and then sold the property.
- Steve Kaye read the Tom Tyler letter which assumes public has a clear right to access. Without an open/maintained road Steve feels there is no public access.
- Alan Olenick is not convinced the public has a right to enter the lake from State land.

Captain O'Connell stated to all that the State will exercise their rights to and on the land. If anyone has any further questions/concerns they may contact the DEP Office.

3.0 Moved by Blakeslee, seconded by Bendoraitis to adjourn the meeting at approximately 11:20 PM.
Vote: Yes, unanimous

Respectfully Submitted,

Joyce R. Okonuk
First Selectman