## Black Point Beach Association Board of Governors May 21st, 2020 Special Meeting Minutes

Call in number: 425-436-6363, access code: 436260

(Dial \*6 during Public Comments to speak)

Present: Cheryl Colangelo, Chair

Will Fountain

Cary Michael Johnson Steve Beauchene Rick Diachenko Phil Lombardo Bill McDowell

Also Present: Jim Moffett, Association Manager

Al Capozza, Treasurer Ruth Ames, Tax Collector Colleen Chapin, ZBA Chair

The Special Meeting of the Black Point Beach Club Association Board of Governors, was held on Thursday May 21st, 2020 at 6:00 p.m. via teleconference.

#### I. Call Meeting to Order

Ms. Colangelo called the Special Meeting of the BPBCA Board of Governors to order at 6:00 p.m. and noted the teleconference is being recorded in its entirety and in accordance with the requirements of executive order 7B, issued by Governor Lamont, which allows for public meetings to held over teleconference.

#### II. Attendance

Ms. Colangelo did roll call and noted a quorum of Commission members is present.

#### III. Chair Report, EO 7T and 7OO

Ms. Colangelo noted that correspondence from members via email will be part of the record (attached.) She mentioned the latest recommendations from the Governor's office regarding beaches which have been posted on the website (attached.) Ms.

Colangelo also reported on the two additional executive orders issued by the Governor, 7T and 7OO and shared the following:

- 7T has been extended until June 20th and is related to non essential lodging- i.e short term rentals are prohibited for less than 30 days with certain exceptions such as essential workers or people who are guarantining themselves.
- The original wording was for "the duration of the emergency" and has now been changed to "until June 20th"
- We won't know how the Summer is going to look until June 20th.
- She has a call into Senator Paul Formica and Representative Holly Cheeseman in regards to who monitors this; she doesn't believe it falls under the purview of the Association but will confirm this with them.
- 700 requires a remote election of board member officers conducted between June 7th and June 30th.
- Originally the Board had moved to extend the annual meeting to sometime before September 7th as per our Charter but the new executive order requires the election be held by June 30th.
- We will be figuring out the specifics of holding an election remotely and will be guided by the Association Attorney; Dr. Beauchene, Mr. Johnson and Mr. Moffett is looking into the specifics of holding a remote election.
- There is no insurance for liability related to Covid 19.
- Beach passes are being printed and will be mailed with the annual letter.
- Next week is a regularly scheduled meeting so public comment will be permitted.

#### IV. Coronavirus Rules for Beach, Amendments

#### a. Signage on beach & when to post/Review of rules

Mr. Diachenko discussed how he and Mr. Lombardo reviewed what was discussed at the last meeting and has tried to put together a poster which includes everything (attached.)

The board discussed the proposed signage.

#### MOTION (1)

Mr. Diachenko moved that the beach signage say the following:

- 1. Stay home if you are sick
- 2. Groups must be no greater then 5 and comprised of household members
- 3. If not in a household group, social distance
- 4. If unable to social; distance at 6' or more, wear a mask (except when in a household group or in the water)
- 5. Only residents and guests on the beach. Beach passes required.

- 6. Space is first come, first served- no saving spaces
- 7. If you see something, say something

Mr. Johnson seconded the motion.

The Board discussed the motion.

Dr. Beauchene suggested that the "beach passes required" wording be in bold.

#### Vote:

Motion carried, 7-0-0.

#### v. Security/Budgeting

Mr. Moffett discussed his patrol log (attached) as a starting point for determining where security patrol is needed and the amount of staff necessary for effectiveness.

Mr. Moffett proposed the following:

- 4 staff members on the weekend and 3 staff members during the week in addition to himself.
- This is 1 more staff member than last year.
- Last year we spent approximately \$4,700 on security and this year we have proposed \$6,000 in anticipation of the greater need due to current circumstances.
- He has several kids lined up and if the Board likes, they can start this weekend.
- His thought is to have staff stationed at Nehantic, Cahill Way, Sea Breeze and to patrol South Beach and White Cap; they can make sure beach passes are displayed and remind people about social distancing.
- He thinks we would benefit from using ACE security between 2pm-6pm as a means of enforcing the use of passes and patrolling parking.
- At his best estimate we averaged 200 people on the beach on Saturdays and Sundays last year.

Mr. Lombardo said there is nobody on the beach between 4pm-6pm and would like some sense of the cost. Mr. Moffett replied that he thinks 4pm-6pm is a busy time but that's only his observation.

Mr. Lombardo and Mr. McDowell both said they think utilizing ACE Security is unnecessary and Mr. Fountain agreed noting the police can be called when needed.

Mr. Diachenko said he also agrees with this line of thinking and asked if we utilized the police during the evening last year. Ms. Colangelo said regardless of who we choose to utilize during the evening this is a separate discussion; we're solely discussing security needs related to Covid 19. Mr. Diachenko replied that he does think it's related. He said we're adding extra cost with the use of police during the day when it can be handled by our staff; he agrees with Mr. Fountain, the police can be called if needed.

Dr. Beauchene suggested reviewing the security budget line item and starting security staff earlier this year given the circumstances and that children are not in school.

#### MOTION (2)

Dr. Beauchene moved to increase security staff to 3 during the week beginning June 20th until Labor Day and 4 during the weekend beginning Memorial Day until Labor Day.

Mr. Lombardo seconded the motion. Motion carried. 7-0-0.

#### V. Parking rules and Enforcement

The Board discussed maintaining the same parking rule obligations as in years past, with no changes. Mr. Johnson noted if you wanted to be more bold you can see about a car boot as opposed to towing for parking violations. Dr. Beauchene said he thinks we should be more forceful this year.

Ms. Colangelo asked Mr. Moffett for his input regarding ticketing and asked if he could devise a communication system for tracking parking violations. Mr. Lombardo said it's important to have a procedure in writing.

Mr. Fountain said a recurring problem is unregistered golf carts and Mr. McDowell spoke to the importance of utilizing your parking tag or sticker. Mr. Johnson asked if we're looking to reduce parking this year.

Dr. Beauchene proposed if someone has a sticker but no hanging tag they're issued a warning, and if they have neither they receive a fine or get towed. He said he thinks there needs to be a bigger consequence this year given the circumstances.

Ms. Colangelo asked Mr. Moffett to consider Dr. Beauchene's suggestion and the Board decided to table this topic until next week.

#### VI. Additional Urgent Business Related to Covid

Mr. Diachenko asked about tennis and shuffle board and Ms. Colangelo replied that next week is a regularly scheduled meeting so it can be discussed then and they can get public feedback.

Mr. Johnson and Mr. Lombardo asked if staff will need to be provided with any special PDE equipment and Mr. Moffett replied he is working on obtaining masks for his staff. Mr. Lombardo said he should try to make this happen before the weekend. Ms.Colangelo said if he can get her some fabric, she can make them if need be.

Mr. Diachenko said the Parks & Rec Club is onhold and they need to consider whether to have one or not; he'd like to see this addressed at the next meeting.

#### VI. Adjournment

MOTION (3)

Dr. Beauchene moved to adjourn the BPBCA BOG May 21st, 2020 Special Meeting at 7:09 p.m.

Mr. Johnson seconded the motion.

Motion carried, 7-0-0.

Respectfully Submitted,

Brooke Stevens, Recording Secretary

From: fautorino1@comcast.net,

To: bog@blackpointbeachclub.com,

Cc: fautorino1@comcast.net,

Subject: Thoughts & Concerns for Summer

Date: Thu, May 14, 2020 6:03 pm

Thank you to all the Board Members who have made this phone process available to the community, I feel it is a nice way to get everyone involved to express themselves.

I listened in last week and respected all the concerns brought up, so I appreciate the opportunity to have our concerns known.

We feel the less written rules for the homeowners use of the beach due to COVID-19 the better. We do not want to see our beach community turned into a police state. Over the past two months we have all learned the best known practices to protect ourselves and we believe the BPBC homeowners will use their best practices to protect themselves and their families, based on their particular circumstances or household rules. We feel it is not practical to try and organize the beach with pathways, policing distance between groups, mandating face masks, or swimming in the ocean, as families will make the choices that work for their household and which they feel comfortable with.

Sincerely, Renee Autorino From: jacieO@comcast.net,

To: bog@blackpointbeachclub.com,
Subject: Re: May 14 BOG Meeting Agenda
Date: Thu, May 14, 2020 6:57 pm

Are there restrictions to gatherings at our households?

Sent from my iPhone

BPBCA Board of Governors special meeting
May 14, 2020 at 6 PM via teleconference
Call in number: 425-436-6363, access code: 436260

#### **AGENDA**

- I. Call to Order
- II. Attendance
- III. Procedures for safety on beaches and association property related to coronavirus
- IV. Security
- V. Beach Cleanup Day
- Vi. Adjourn

Please continue to send concerns, suggestions, and responses to the Board via email at <a href="mailto:bog@blackpointbeachclub.com">bog@blackpointbeachclub.com</a>.



From: davidweiss98@gmail.com,
To: bog@blackpointbeachclub.com,

Subject: This summer

Date: Thu, May 14, 2020 7:21 pm

#### Just a quick thought:

Have we spoken to any other Niantic private beach associations about how they are going to handle the summer season?

This might give us some insight. If you have, then that's great, because we are all facing the same situation.

I think that limiting a family to Five members is ludicrous, I do not care what the state says. We need to respect our families and their respect for doing the right thing. We wait 10 months to have our summer, but we all understand the seriousness about this virus and our family's health and well being.

Thank you. Sent from my iPhone From: cherylcolangelo@gmail.com,
To: bog@blackpointbeachclub.com,

Subject: Fwd: EOs re beach use Date: Mon, May 18, 2020 4:08 pm

Attachments:

----- Forwarded message -----

From: Bill Budds <a href="mailto:whbudds@bbofct.com">whbudds@bbofct.com</a>>
Date: Mon, May 18, 2020 at 2:44 PM

Subject: RE: EOs re beach use

To: Cheryl Colangelo < <a href="mailto:cherylcolangelo@gmail.com">cherylcolangelo@gmail.com</a> <a href="mailto:cc">cc: Dee Godlewski <a href="mailto:dgodlewski@bbofct.com">dgodlewski@bbofct.com</a> <a href="mailto:cherylcolangelo@gmail.com">cherylcolangelo@gmail.com</a> <a href="mailto:cc">cc: Dee Godlewski <a href="mailto:dgodlewski@bbofct.com">dgodlewski@bbofct.com</a> <a href="mailto:cc">cc: Dee Godlewski <a href="mailto:cc">cc: Dee Godlewski

Hi Cheryl,

First, I don't envy your position right now! Personally, I will support whatever the Board decides to do to keep things safe in Black Point. Either way, you won't please everybody.

I'm sure Black Point's insurance companies would like you to do anything in your power to maintain a safe environment. However, since there is essentially no coverage for pandemic related claims on the policies, they aren't putting themselves out in terms of safety management and there are no requirements. Any advice we are getting is related to employee safety.

I'm sorry I couldn't be more helpful.

Regards,

Bill

William H. Budds, CIC

whbudds@bbofct.com

O (860) 739-1001 | C (860) 460-9745

Smith Insurance
Part of the Brown & Brown of Connecticut Team
15 Liberty Way

Niantic, CT 06357



smithins.com



From: Cheryl Colangelo [mailto:cherylcolangelo@gmail.com]

Sent: Monday, May 18, 2020 2:26 PM
To: Bill Budds <a href="mailto:swhbudds@bbofct.com">whbudds@bbofct.com</a>

Subject: EOs re beach use

#### [External]

Hi Bill,

Can you tell me if the association must post rules for social distancing on the beaches (those determined by the board as a response to DEEP guidelines) to reduce our liability?

Oy. Thanks for your help.

From: cherylcolangelo@gmail.com,

To: jaylaur11@yahoo.com, amesy.1938@gmail.com, brookers2@aol.com,

Subject: Re: Mailing address & kayak question

Date: Mon, May 18, 2020 6:29 pm

Hi Laurie,

I am sorry you lost your mom.

Brooke Stevens, our association secretary, has a copy of this email, and will also need the name of anyone else who is on the deed. Would you please email the same information to our tax collector, Ruth Ames, at <a href="mailto:amesy.1938@gmail.com">amesy.1938@gmail.com</a>.

There are no fees for storing kayaks at SeaView, as long as you are a member (homeowner/taxpayer). If you want to use the kayak rack, get up to two BP stickers (no cost) from Will Fountain (<a href="mrwill34@gmail.com">mrwill34@gmail.com</a>). We recommend getting the stickers (which are registered with us) even if you don't use the kayak racks so the boats can be identified in case of storms.

What a difficult summer for you and your sister- I hope you find some comfort in the support of your neighbors at BP and the peaceful beauty of the seashore. Cheryl

On Mon, May 18, 2020 at 5:22 PM Laurie-Jay Dinunzio <<u>jaylaur11@yahoo.com</u>> wrote: Hi there.

I have a couple of questions & am hoping you can help point me in the right direction. My mother passed away recently & my sister & I are taking over her place at 7 Bellaire. Do you know how I can change the mailing address for any BP Association communications?

Also, if you could let me know the process/fees for storing kayaks at the Seaview beach, I would appreciate that as well. Thank you so much!

Laurie Dinunzio

From: margaret\_mager@yahoo.com,
To: bog@blackpointbeachclub.com,

Subject: Rental properties

Date: Mon, May 18, 2020 10:42 pm

Hello,

Is there a 30 day rental rule this summer? If so, how will this be enforced?

Can renters use the beaches this summer?

Thank you. Thank you for all your hard work sorting out this difficult situation. We support you.

Best, Margaret Mager 78 East Shore Drive (c) 201-657-5862

On Monday, May 18, 2020, 07:30:41 AM EDT, Black Point Beach Club <br/>
<br/>
Sog@blackpointbeachclub.com> wrote:

Meetings: There will be another special BOG meeting on Thursday, May 21, and a regular BOG meeting on Thursday, May 28. Watch the website <a href="www.blackpointbeachclub.com">www.blackpointbeachclub.com</a> for postings of times, agendas, and teleconference access number. Public comments will be heard at the regular meeting on May 28. Please continue to email concerns and questions to bog@blackpointbeachclub.com before then.

**Budget**: The annual membership meeting has been postponed indefinitely. As you may know, the BOG was directed to to adopt a budget without a public vote by Executive Order 7I. The board proposed a budget and mill rate (see minutes of April 23 meeting), which it will vote to adopt on May 28. However, this budget was proposed before potential expenses related to COVID could be considered, so it is possible that there will be discussion and modification of the proposed budget before voting to adopt on May 28.

**Elections to Board of Governors** (2 seats): The governor has determined (Executive Order 7OO) that municipalities and quasi-municipal corporations (BPBCA) must hold elections of officials between the dates of June 27 and June 30, using remote means if possible, and that no other business can be addressed at that

meeting. The Board will discuss the procedures necessary for this process and inform the membership via the website.

**Beaches**: DEEP will publish a detailed operations plan early this week that municipalities may adapt to their needs, which will be published online at <a href="https://www.ct.gov/DEEP/Parks">www.ct.gov/DEEP/Parks</a>. In addition, we expect an update of executive orders related to COVID, that are effective until at least May 20, by that date.

Please keep in mind, as we all try to balance recreation with safety, that facemasks "are meant to protect other people in case you are infected" (CDC, April 24). (CDC, April 24). This practice is for the good of our friends and neighbors. Let's all try to take care of ourselves and each other this summer.

This email was sent to margaret mager@yahoo.com

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From: jmdjr1981@icloud.com,

To: bog@blackpointbeachclub.com,

Subject: Concerns

Date: Tue, May 19, 2020 7:00 am

We heard from a few people that Last Saturday on the Main/Nehantic beaches that people saw NO ONE with masks on, no social distancing and large groups. Several of us are worried that people are not following guidelines and they could ruin it for us all.

Just wanted to share with the Board.

Sent from my iPhone

From: mrwill34@gmail.com,
To: doublek115@netzero.net,
Cc: bog@blackpointbeachclub.com,

Subject: Re: Suggestion

Date: Tue, May 19, 2020 6:22 pm

#### Sent from my iPad

> On May 19, 2020, at 4:04 PM, Silver < doublek 115@netzero.net > wrote:
> BOG, I would like to suggest that one tennis court, the bocce court and one shuffle-board court be open to Black Point Beach families living together. A sign can be posted illustrating that.
> If others don't adhere, remember, "you can't fix stupid"
> >

> Tim Silver

> 67 Sea Crest Ave.

From: cherylcolangelo@gmail.com,

To: bog@blackpointbeachclub.com, bpbcmanager@gmail.com, acapozzajr@aol.com, amesy.1938@gmail.com,

**Subject:** Update on executive orders **Date:** Wed, May 20, 2020 8:09 am

#### Hello Guvs,

EO 7PP did not bring radical changes in terms of beach management. 7PP #3 extends the prohibition of gatherings of more than 5 people seated together til June 20, but this applies to eating establishments.

The guidelines for CT state beaches, which are to open on May 22, along with new DEEP recommendations, are probably our best resource, and can be amended by municipalities.

From: cianci.nick@gmail.com,

To: bog@blackpointbeachclub.com,

Subject: Tennis Courts

Date: Wed, May 20, 2020 11:11 am

Good Morning,

Can you guys discuss potentially opening just the tennis courts for this Memorial Day Weekend? It makes sense that the basketball court remains closed (body contact) and the playscape can be seen to easily transmit germs as well.

The Tennis courts seem to be a good location to social distance if playing with members of the same household. Can you at least discuss in upcoming meeting and see if there is a chance we can open just the tennis courts this weekend.

Thanks,

Nick

Sent from Mail for Windows 10

From: leslierifkin@msn.com,

To: bog@blackpointbeachclub.com,

Subject: Beach Restrictions for Vacation Home Renters

Date: Wed, May 20, 2020 1:00 pm

#### Hello,

My family rents a home in Black Point every summer. We live in the State of CT. We would like to know what policies may apply to use of the private beach association beaches by renters in Black Point. This is critical information to many summer renters as it would affect whether or not it would be worthwhile to have a vacation rental this summer.

**Thanks** 

From: kathywalsh05@gmail.com,
To: bog@blackpointbeachclub.com,

Subject: Tennis courts

Date: Wed, May 20, 2020 4:59 pm

Could we please get the tennis courts opened? This is certainly feasible and in compliance with social distancing. Many would appreciate this.

Thanks for your consideration

Kathy Walsh

<sup>&</sup>quot;Working with You and For You Every Step of the Way"

From: davidsonjane@ymail.com,

To: bog@blackpointbeachclub.com,

Subject: Re: BOG meeting tonight May 7, 2020

Date: Wed, May 20, 2020 5:40 pm

Hi Cheryl,

I was wondering what the noise policy here in BP is? and what is the protocol for handling noise issues? I wasn't sure if its a BP process or East Lyme? Also,

I couldn't remember what you said about launching boats? Are we allowed to launch a trailered small motor boat at the beach launch? Thanks so

On Thursday, May 7, 2020, 11:54:18 AM EDT, Black Point Beach Club <br/>
<a href="mailto:bog@blackpointbeachclub.com">bog@blackpointbeachclub.com</a> wrote:

There will be a special BOG meeting tonight, May 7, accessible by teleconference, to discuss Black Point's COVID response to use of beaches and grounds. There can be no public comments during this special meeting as per FOIA rules. I encourage you to email the board today to express your ideas and concerns, at bog@blackpointbeachclub.com.

To access the May 7th, 2020 BOG meeting at 6PM, call in at (425) 436-6363, using either landline or cell phone. When asked for a pin, it is 436260. After a brief wait, you will hear the proceedings.

Cheryl Colangelo, Chair, BOG

This email was sent to <u>Davidsonjane@ymail.com</u>

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From: ssbruce@comcast.net,

To: bog@blackpointbeachclub.com,
Subject: BOG Meeting Comments
Date: Thu, May 21, 2020 10:04 pm

Good Evening,

I would respectfully request that the Board of Governors consider the use of silicone bracelets instead of beach passes. They are very economical (\$0.33 or less), they can be customized for each year, and would be clearly visible to the beach patrol; thereby, avoiding the need to ask beach goers for their pass and reducing the possibility for confrontation. Additionally, they couldn't be taken from ones chair or bag while in the water.

In reviewing the minutes from the May 14<sup>th</sup> Board of Governor's meeting and the attached correspondence, I realized that the email chain below was not included in the attachments. It must have been an oversight since my email to the BOG email was responded to from a personal email address. I respectfully request that it be included for distribution to the Board of Governors and be included in the next minutes.

Thank you very much.

Sharon Bruce

53 Sea Spray Avenue

From: slbvmd <slbvmd@sbcglobal.net> Sent: Monday, May 11, 2020 12:36 PM

**To:** ssbruce@comcast.net

Subject: RE: FW: BOG Meeting Comments

Hi Sharon

I just talked to Tom Hennick regarding public comments at special and emergency meetings. He stated that they are allowed as long as they are on topic and allowed by the governing body.

I will note that all members of the BOG remember his saying they were not allowed. I even have in my notes from that evening that they were not allowed.

I apologize for the error and confusion. We were not trying to be nefarious but we were operating as we had thought we had been advised.

Thank you for your interest and experience in FOIA and bringing the issue to our attention.

Stay safe and healthy.

Steve

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: ssbruce@comcast.net

Date: 5/9/20 17:20 (GMT-05:00)

To: 'slbvmd' <<u>slbvmd@sbcglobal.net</u>>

Subject: RE: FW: BOG Meeting Comments

Steve,

I'm not trying to belabor the point, but I don't understand how the board can expect to get valuable suggestions when it isn't clear exactly what options are being considered. The agenda for Thursday simply said "COVID response re: use of beaches and grounds".

I was very concerned with some of the ideas discussed and then voted upon at Thursday's meeting for legal and practical implementation perspectives. When will the minutes of Thursday's meeting be available? I see that someone asked this question on Facebook yesterday morning and an answer has not been provided.

This is probably one of the most challenging issues facing the BPBC. The community as a whole must work cooperatively. I fear if the board is not more responsive and does not allow the community to participate in the decision making, the rules will be unenforceable.

Sharon

From: slbvmd <<u>slbvmd@sbcglobal.net</u>>
Sent: Saturday, May 9, 2020 2:41 PM

To: ssbruce@comcast.net

Subject: RE: FW: BOG Meeting Comments

Thank you. I look forward to talking with Tom on Monday.

I believe Cheryl has requested members to contact her via email. She will review and consolidate suggestions and present to the Board. I believe this approach will effectively shorten the meetings as the last one was two and a half hours. Not looking for brevity as much as efficiency. I do think every interested party should be heard.

Again thank you for your interest.

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: ssbruce@comcast.net

Date: 5/9/20 13:45 (GMT-05:00)

To: 'Steven Beauchene' <slbvmd@sbcglobal.net>

Subject: FW: BOG Meeting Comments

Good Afternoon Steve,

Thank you for your response. I really appreciate it. I'm not sure if you have seen my email exchange with Cheryl (please see below). I would imagine that the FOIA session was probably given by Tom Hennick, who is the Public Education Director at the State's Freedom of Information Commission. I emailed with him on Friday (highlighted below).

Please understand that I am not trying to be difficult or challenging to the Board of Governors. I am actually trying to be helpful. I'm a Certified Association Executive with over 30 years of experience with volunteer boards and as a volunteer leader. I understand that volunteer leadership can be a difficult job. I see the instances when the Board of Governors could be more inclusive of the BPBC community; which would in turn, make for a more cooperative public. By seeking input from members, I find they are much more willing to support a decision on which they have had an opportunity to be heard. It is with this in mind, that I suggested that these next few meetings be conducted via Zoom. Participants could be muted, raise their hands and /or use the chat box to provide comment or suggestions so that any procedures and rules could be arrived at collaboratively, and in the most transparent method possible. Conference calls are difficult to tell who is speaking and at times people end up talking over each other; it is not conducive to collaboration, especially on difficult topics. Zoom meeting technology is actually a great way to get immediate feedback while still maintaining a structured meeting.

Should you have any questions or wish to discuss this further, I would be more than happy to meet with you.

Respectfully,

Sharon

From: <u>ssbruce@comcast.net</u> < <u>ssbruce@comcast.net</u>>

**Sent:** Friday, May 8, 2020 4:01 PM

To: 'Cheryl Colangelo' < <a href="mailto:cherylcolangelo@gmail.com">cherylcolangelo@gmail.com</a>; 'Board Of Guvs'

<a href="mailto:subject:"><a href="mailto:bog@blackpointbeachclub.com">bog@blackpointbeachclub.com</a></a>
<a href="mailto:subject:">Subject:</a> RE: BOG Meeting Comments

Cheryl,

I do not understand why you seem to take offense when asked legitimate questions. I was not asking you to "defend your every action". To state that I "have issues with transparency" is insulting and is not at all true. I take issue when an official statement and action is made that cannot be supported, is untrue, and is conducted in a less than forthcoming manner. The way to counter the impression of a lack of transparency is to be abundantly transparent.

Let's start with the FOIA issue. I emailed the following question to my FOIA contact, the public education director at the State's Freedom of Information Commission: "A quasi-municipality (beach association) called a "special meeting" (not emergency) and prohibited public comment citing FOIA. I was unable to find any information on why public comment would be prohibited under FOIA. Can you tell me if this is truly the case?" His response was: "I'm not sure why any public agency would cite FOI as a reason for not allowing public comment. Public comment is not governed or regulated in any way by the FOI Act. That means that basically, a public agency can have public comment if it so chooses in any format it desires. It also means that there would be no violation of anything in the FOI Act if the agency chose not to have public comment. But to reiterate, it is entirely up to public agency holding the meeting." Clearly contrary to the statements on the BP website, Facebook page, and your emails. This is why I was unable to finding anything to support the FOIA assertion when I googled it, prior to emailing you the first time.

As stated above, the Board of Governors were not required to have public comment. If you chose not to have public comment, that was within your purview. However, the board of governors should own that decision and state it. Don't cite rules that are not true, as that leads to mistrust and the impression of the lack of transparency.

You are correct that just a 24-hour notice is required, However, if the Board of Governors was truly interesting in transparency, they would go beyond just what is required. Obviously, you knew there would be interest and concern on this topic. Why not be for forthcoming in the explanation of the discussion on the agenda? Since it was posted on the website on Tuesday, why not email those for whom emails are available at that time? Why wait until 6 hours before the meeting? I understand that public comment wouldn't have worked on the phone call; however, if the board was truly interested building trust, input from residents would have been sought with more than 6-hours' notice. Yes, it is a rapidly changing time, so to set an expectation that residents are to check the BP website daily is ridiculous. By having the "subscribe to our mailing list" box on the website, the expectation would be that those on the list would be notified of important news; thereby putting the responsibility of notification on the Board of Governors.

As I have offered in the past, I would be more than happy to provide complimentary training and consultation to anyone on the Board of Governors on the professional running of an association.

Sharon

From: Cheryl Colangelo <cherylcolangelo@gmail.com>

**Sent:** Thursday, May 7, 2020 8:40 PM

To: SHARON <ssbruce@comcast.net>; Board Of Guvs <br/>
<br/>bog@blackpointbeachclub.com>

Subject: Re: BOG Meeting Comments

Sharon, honestly, I did not make that up. FOIA is very specific about what can be done at special meetings. Call the state if you can't find the info.

We are breaking our necks to keep people informed. Facebook, Mens and Womens Club emails, BP web emails, all of which are beyond what is required. I understand that you have issues with transparency. I cannot continue to defend our every action, they are honest and in the best interest of the people of BP.

On Thu, May 7, 2020 at 5:56 PM <ssbruce@comcast.net> wrote:

Cheryl,

I did Google the FOIA and public comments for a special meeting and found nothing to support that public comments are prohibited. Since this was referenced in the meeting notice, it should be easy enough for the BOG to provide this information.

If the purpose of the meeting is to discuss limiting access to the beach, that should be put forth in a more transparent manner.

I'll be on the call to listen.

Thank you,

Sharon

From: Cheryl Colangelo < <a href="mailto:cherylcolangelo@gmail.com">cherylcolangelo@gmail.com</a>>

Sent: Thursday, May 7, 2020 5:44 PM
To: SHARON < ssbruce@comcast.net >
Subject: Re: BOG Meeting Comments

Hi Sharon,

The meeting was posted on the website more than 24 hours in advance, as per FOIA. While we do not send out notification via facebook and Mens/Womens Club emails, we chose to do so to reach as many people as possible today. However, in these rapidly changing and critical times, we need to count on our members to check the website daily. We are trying to stay current and proactive, and will be making decisions all summer long as circumstances change. East Lyme parks and rec met on Monday, so we have a baseline to begin preparations. Whatever we decide to do for the good of the community requires preparation.

If you google FOIA you can see the rules for having regular, special, and emergency meetings.

These are difficult times: we are doing the best we can to be responsive to the community.

#### On Thu, May 7, 2020 at 4:43 PM SHARON < ssbruce@comcast.net > wrote:

As a resident of Black Point Beach, I am extremely concerned about the Board of Governor 's meeting being held this evening for several reasons:

- 1. To receive notice by email just 6 hours before the meeting is not adequate as well as it misses many residents, for whom you may not have email addresses
- 2. I would like to know the specific law that prevents public comment due to FOIA
- 3. If the purpose of tonight's meeting is to determine if the beach access will be limited or restricted, this is a rather important issue on which residents should have an opportunity to discuss. At this point, it certainly isn't an emergency. Rather, the prudent action would be to wait until we receive further guidance from the State. If restaurants will be opening for patio seating, residents sitting on the beach should certainly be able to safely comply with social distancing guidelines.
- 4. I understand that Old and East Lyme have restricted access to the beach by non-residents. If this is a consideration for BP, we should be looking at better ways to secure parking passes as they are easily stolen from golf carts. We have secured ours under plexiglass on our cart to prevent theft.

I respectfully urge the board to not make a decision that will prevent BP residents from enjoying our beaches.

Sincerely, Sharon S. Bruce 53 Sea Spray Avenue

Sent from Xfinity Connect Application

From: ssbruce@comcast.net, To: bog@blackpointbeachclub.com, Subject: May 21 Meeting Comments Date: Wed, May 20, 2020 5:36 pm

Attachments:

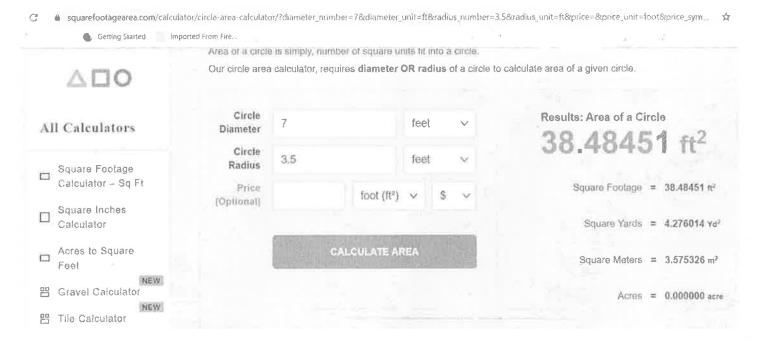
I updated my earlier email to include the Social Distancing Calculator chart.

From: ssbruce@comcast.net <ssbruce@comcast.net>
Sent: Wednesday, May 20, 2020 11:34 AM
To: 'Board Of Guvs' <bog@blackpointbeachclub.com>
Subject: May 21 Meeting Comments

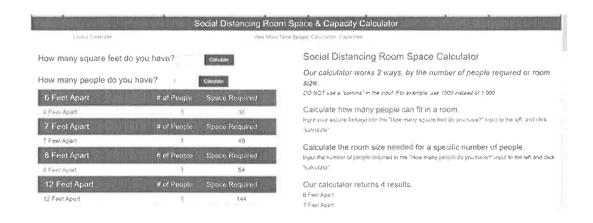
Good Morning BPBC Board of Governors,

I had a concern on the minutes from last week's BOG meeting. There is a calculation on the space required for the beach. It allocates 113 sq. feet per person. According to the minutes, "The calculations call for each person to basically take up a circle with radius; 6'." However, I believe, to comply with the Governor's recommendation of 6' social distancing, everyone wouldn't need a circle with a radius of 6'; rather a radius of 3' with a diameter of 6'. Think of a hula hoop that is 6' across; if everyone places this hula hoop around them, there would be 6' from head to head. This is why they are using the social distancing guide of a recommended distancing is 2 arms-lengths, so if each person reached out his/her arm to touch the other's fingers, that would be appropriate social distancing. 113 sq. feet vs. 38.5 (using 7') sq. feet per person is a significant difference in restricting the beach access.

Please see this screenshot of square footage of a circle (I used 7' diameter allowing for the size of the head):



I double checked my calculations using https://www.banquettablespro.com/social-distancing-room-space-calculator



Additionally, I would recommend issuing rubber bracelets for beach use rather than a pass as it will be much easier to identify members, without having to ask to see their beach pass.

Thank you,

Sharon Bruce

53 Sea Spray Avenue

From: cherylcolangelo@gmail.com,

To: brookers2@aol.com,

Subject: Fwd: Complete Rules and Regulations of The Black Point Beach Club Association outdated?

Date: Thu, May 21, 2020 5:39 pm

----- Forwarded message -----

From: Cheryl Colangelo <cherylcolangelo@gmail.com>

Date: Thu, May 21, 2020 at 2:25 PM

Subject: Re: Complete Rules and Regulations of The Black Point Beach Club Association outdated?

To: Cindy Trocki <cmaries70@yahoo.com>

Hi Cindy,

We have been working all year on revisions, and are almost done. If you review minutes the past year's meetings, you can see what changes have been made. While they are on the record through the minutes, Brooke and I will be putting them together in a revised document.

Keep yourself healthy.

Cheryl

On Thu, May 21, 2020 at 11:46 AM Cindy Trocki < cmaries 70@yahoo.com > wrote:

Okay, I was thinking it needed to be review every year by the BOG/members to understand and realize our rules, especially as a refresher to all.

No problem. How about my review of other documents held for the Association? Cindy

Sent from my iPhone

On May 21, 2020, at 10:52 AM, Brooke Stevens < brookers 2@aol.com > wrote:

Hi Cindy,

That date is an oversight; I will review the dates later and make sure it's accurate.

Thanks, Brooke

----Original Message----

From: Cindy Trocki < cmaries 70@yahoo.com >

To: BOG@blackpointbeachclub.com; bogs@blackpointbeachclub.com

Sent: Thu, May 21, 2020 10:43 am

Subject: Complete Rules and Regulations of The Black Point Beach Club Association

outdated?

Dear BOG of BPBCA.

Greetings, I hope this finds all of you well and free of the virus.

I am working on reviewing BPBCA Rules and Regulations of our Association. I see the date needs to be address, since it says throughout the year and at the end of documentation it says 2016.

HERE IS A CUT AND PASTE FROM OUR WEBSITE: as of today 5/21/2020 on website

#### Complete Rules and Regulations of The Black Point Beach Club

#### **Association**

Complete Rules and Regulations of

The Black Point Beach Club Association:

The following regulations have been approved by the Board of Governors to the Black Point Beach Club Association (hereinafter the "Association") and shall be effective throughout the year:

Rev. 2-21-16

Hopefully, this helps our board operate its business of our association, most effectively. I would also like, as a member, to look through all the documents held by our BPBCA. Sincerely,
Cindy Trocki
22 Blue Heron Road
Niantic, Ct. 06357
508-561-8761

From: green1550@sbcglobal.net,
To: bog@blackpointbeachclub.com,

Subject: ZOOM

Date: Thu, May 21, 2020 4:50 pm

Use it

Please listen to people who use it

The FEW Stories of being Intercepted are just that few....

Sent from my iPhone

From: estbog18@gmail.com,

To: bog@blackpointbeachclub.com,

Subject: Beach opening and rules

Date: Thu, May 21, 2020 11:51 am

These are difficult times and difficult decisions to be made. Unfortunately, we will not know the "correct" answer until we see the results of our decisions.

My concerns regarding Black Point opening the beaches and some thoughts in general are below.

#### Just because we want everything to be normal, doesn't mean it is.

- --Experts think there will only be a 20% reduction in the virus rate due to heat and humidity of the summer. https://science.sciencemag.org/content/early/2020/05/15/science.abc2535.
- -- Transmission of the Covid 19 is dependent on whether it is small or large respiratory particles that contain the virus and factors such as space, exposure time, etc. An excellent article details this. https://www.erinbromage.com/post/the-risks-know-them-avoid-them

In order to protect our community, but balance that with summer fun, I strongly feel that we need to put some protections in place. I would recommend the following:

- 1. Beaches be limited to a specific # of people at a time. We can ask people to please be cognizant that if people are being turned away and they have been there for 2+ hours, to vacate. Or we can set up some sort of system that is a rotating schedule, which is not ideal. Perhaps we could clear the beaches for 1/2 hours at certain times to rake and remark.
- 2. Beaches be monitored, but not by high schoolers or college students. I do not think that they will carry the weight enforcement, nor do I think they should. I also think that some people will ignore them. There has to be a carrot and a stick so to speak. If you break the rules, let's say repeatedly, what are the consequences?
- 3. Markers should be placed every 6-10 feet on the beaches to show people where they can sit. This would have to allow for 5 people at each space. This would be a good job for a high school or college student.
- 4. Monitors should ask to see "beach pass" to ensure that BP residents are using the beach. Renters should have access to these passes.
- 6. Education. We think we all have heard it, but I really do not believe that many people understand. Perhaps we can have an webinar (mandatory?) for residents. Covid is not just deadly for older residents, but for almost any age group there are varying degrees of morbidity. There may also be long term consequences for those who have had the virus. And we know that you can have it but may be asymptomatic.
- 5. Wear masks (may not fly on the beach)

I do not think that everyone fully realizes why we need to wear masks. It is not to protect you (unless you have a N95 PPE mask), but it is to protect others from you. Many people, including myself, look healthy but have underlying health issues that put them at higher risk. If you wear a mask, you are protecting your neighbor, just as I am protecting you. It has been an absolute pleasure to walk and not

have to wear a mask because of the space available to us in Black Point. However, as we get busier, we may want to consider that everyone should be wearing mask when we are outside of our homes/yards -- walking, running, biking, etc. We may also want to put out some basic courtesy rules such as -- stay 6 feet apart, --if you are walking in a group and see someone else near you, move to one side. (I have had to go deep into other's lawns and driveways because people are walking abreast across the roadway).

I am happy to speak with anyone regarding my comments. Thank you for trying to make all of us safe this summer.

Estelle Bogdonoff, MPH, RCHES

From: rldfam1@aol.com,

To: cherylcolangelo@gmail.com, bog@blackpointbeachclub.com,

Subject: Re: DRAFT Agenda for Thursday Date: Tue, May 19, 2020 12:00 pm

Attachments: BP COVID-19 PosterRev2.pdf (52K)

Please consider the following additional relevant points from the CDC posting:

## Considerations for Public Pools, Hot Tubs, and Water Playgrounds During COVID-19

Other Languages | Print Page

Promoting Behaviors that Prevent the Spread of COVID-19

Public aquatic venues can consider different strategies to encourage healthy hygiene, including:

- Cloth Face Coverings
  - Encouraging the use of <u>cloth face coverings</u> as feasible. Face coverings are most essential in times when physical distancing is difficult.
    - Advise those wearing face coverings to <u>not</u> wear them in the water.
       Cloth face coverings can be difficult to breathe through when they're wet.

#### Maintaining Healthy Environments

To maintain healthy environments, operators of public aquatic venues may consider:

 Avoiding group events, gatherings, or meetings both in and out of the water if social distancing of at least 6 feet between people who don't live together cannot be maintained.

Secondly, we wish to have made some commitment for signage per agenda item III. Please consider the attached as a point of discussion!

Thank you, Rick

----Original Message-----

From: Cheryl Colangelo <cherylcolangelo@gmail.com>

To: Bog <bog@blackpointbeachclub.com>

Sent: Tue, May 19, 2020 11:10 am Subject: DRAFT Agenda for Thursday

Dear Guvs.

I am attaching, and will be posting, three official documents for our reference, from DEEP, CT.gov, and CDC, and will be including a summary from Jim for board perusal. We need not review each item specifically at the meeting, but rather have them to refer to, so please read ahead of time for the sake of time management.

I will update the official postings as soon as I hear governor's updates on EOs.

Tentative agenda, May 21, 2020

- I. Call to order and attendance
- II. Chair report, EO 7T and 7OO
- III. Coronavirus rules for beach, amendments Signage on beach, when to post Review each rule individually for possible amendment
- IV. Security/Budgeting
  Report from assn. manager
  Where patrol is needed re:COVID support
  How many needed to patrol effectively
  Sources for staffing
  Professional security
- V. Parking rules enforcement
- VI. Additional urgent business related to COVID
- VII. Adjournment

From: rldfam1@aol.com,

To: bog@blackpointbeachclub.com

Subject: Beach Sign Ideas from Surfrider Foundation

Date: Thu, May 21, 2020 10:06 am

## BEACH GUIDELINES DURING COVID-19



#### Stay Home, Stay Near

Honor stay-at-home orders, practice physical distancing, and avoid any crowded public spaces and surfing areas. These orders specifically allow for essential exercise and Surfrider supports responsible recreation close to home for mental and physical well-being.



#### **Follow The Rules**

Stay up to date on current developments and obey closures. Follow all guidelines from public health authorities, as well as local regulations.



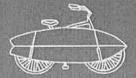
#### **Avoid Crowds**

Avoid popular beaches and parks where physical distancing may be challenging - either in the water, on the sand, in the parking lot, or at access points.



#### **Practice Physical Distancing**

When at the beach, shoreline, parking lots, or in the water stay at least 6 feet away from others (even farther may be warranted depending on conditions).



#### **Keep It Moving**

If active recreation-only guidelines are in place, then surfing, swimming, paddling, jogging, walking, etc. are allowed but casual beach-going sunbathing, picnicking, gathering in mass, etc. is not.



Be Safe







Exercise with caution. Now is not a good time to get hurt. Healthcare systems may be overwhelmed. Please do not add to the burden.

#### **Lead By Example**

The surfing and ocean recreation community has a shared role in keeping our beaches and surf spots open and safe. If we adhere to the physical distancing and active recreation only guidelines we can continue to enjoy access to our favorite places.

#### If Sick, Stay Home

If you have symptoms of COVID-19 or think you may have been exposed to someone with the virus, stay home and call your doctor.

**#StayHomeShredSafely** 



### COVID-19 Safety Warning Black Point Beach Club

Keep Black Point Tennis and Bocce Courts Safe

Stay Home if you are sick or at risk!

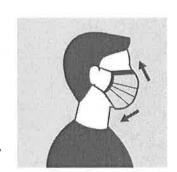


Groups must be no greater then 5 and be comprised of household members



If not in a household group - Social Distance.

If unable to social distance at **6' or more** - wear a **mask**!



(Except when in a household group)

- Only residents and guests on the courts. Beach passes required!
- Space is first come, first served no saving spaces
- If you see something, say something!

# COVID-19 Safety Warning Black Point Beach Club Keep Black Point Beaches Safe

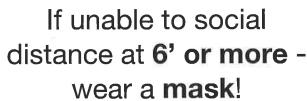
Stay Home if you are sick or at risk!

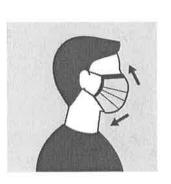


Groups must be no greater then 5 and be comprised of household members



If not in a household group - Social Distance.





(Except when in a household group or in the water!)

- Only residents and guests on the beach. Beach passes required!
- · Space is first come, first served no saving spaces
- If you see something, say something!

**From:** cherylcolangelo@gmail.com, **To:** bog@blackpointbeachclub.com,

Subject: Fwd: Report

Date: Wed, May 20, 2020 3:53 pm

----- Forwarded message -----

From: Jim Moffett < bpbcmanager@gmail.com >

Date: Wed, May 20, 2020 at 12:08 PM

Subject: Re: Report

To: Cheryl Colangelo < <a href="mailto:cherylcolangelo@gmail.com">cherylcolangelo@gmail.com</a>>

Hi.

I dropped off my response in your mailbox. Attached is a digital copy of the report.

Jim

🗐 Beach Patrol Response for BOG May 2020

On Tue, May 19, 2020 at 8:56 AM Cheryl Colangelo <<u>cherylcolangelo@gmail.com</u>> wrote: Hi Jim,

Could you get a report to me for reference at the BOG meeting?

How many beach patrol we have budgeting for. Ages. Where you think we should have patrols this summer for COVID related security. How many? Suggested sources for additional people if needed. Do you think the membership would benefit from any professional security patrol this summer? (Not including our usual weekend patrol) If so, when and where?

Do you have any numbers for people on the beach on weekends last year (not an average for the week)? If so, please include that and compare with the computer program estimate of how many people on beach if social distancing (from Colleen). If you don't have numbers for just weekends, you can leave this section out.

I will get this to the board for reference, you will not have to read it at the meeting, but I'm sure there will be questions for you.

Thanks! Cheryl

Jim Moffett Association Manager, BPBC bpbcmanager@gmail.com c (860) 460-7641

#### Attendance records from the Beach Manager's log for the month of August 2018\*

Date	Day	Weather	Beach Attendance			Colleen's Capacity Estimate			
			Sea Breeze	Main	South	Sea Breeze	Main	White Cap	South
2018						55	270	60	125
1-Aug	Wed	Warm	15		30				-54
2-Aug	Thu	Sunny	45		45				
3-Aug	Fri	Sunny	20		45				
4-Aug	Sat	Rain	0	5	0				
5-Aug	Sun	Hot	50	140	65				
6-Aug	Mon	Hot	25	75	40				
7-Aug	Tue	Hot	25	75	30				
8-Aug	Wed	Hot	-		·				
9-Aug	Thu	Hot	25	75	20				
10-Aug	Fri	Hot	35	135	55				
11-Aug	Sat	Rain	-	(#S					
12-Aug	Sun	Over cast	25	75	35				
13-Aug	Mon	Rain	-	(#)					
14-Aug	Tue	Hot	15	50	25				
15-Aug	Wed	Hot	-	105	2				
16-Aug	Thu	Hot	25	80	30				
17-Aug	Fri	Hot	20	70	20				
18-Aug	Sat	Rain	-	-	*				
19-Aug	Sun	Rain	-	350	=				
20-Aug	Mon	Over cast	-	<b>2</b>					
21-Aug	Tue	Over cast	15	60	20				
22-Aug	Wed	Sunny	-		-				
23-Aug	Thu	*	is .	*	¥				
24-Aug	Fri	Sunny	25	60	30				
25-Aug	Sat	Sunny	35	135	50				
26-Aug	Sun	Sunny	50	145	50				
27-Aug	Mon	Sunny	5	40					
28-Aug	Tue	Sunny	5	25	10				
29-Aug	Wed	Sunny	*	*	*				
30-Aug	Thu	Sunny	ē	-					
31-Aug	Fri	Sunny	=	*					
1-Sep	Sat	Sunny	50	125	45				
2-Sep	Sun	Sunny	50	175	50				
3-Sep	Mon	Sunny	50	100	40				

<sup>\*</sup>Estimated daily averages