

**Black Point Beach Association
Board of Governors
September 1st, 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
Janet Bonelli
Steve Beauchene
Rick Diachenko
Phil Lombardo
Sharon Bruce

Also Present: Jim Moffett, Association Manager
Al Capozza, Treasurer
Colleen Chapin, ZBA Chair
Ruth Ames, Tax Collector
Brooke Stevens, Recording Secretary
Mark Zamarka, BPBCA Attorney

The Special Meeting of the Black Point Beach Club Association Board of Governors, was held on Tuesday September 1st, 2020 at 6:00 p.m. at the Black Point Clubhouse located at 6 Sunset Avenue, Niantic, CT; the meeting was teleconferenced from the Clubhouse.

I. Call Meeting to Order & Attendance

Ms. Colangelo called the Regular 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; both the meeting recording and meeting minutes will be posted to the Black Point Beach Club website. Ms. Colangelo did roll call and noted a quorum of Commission members is present. She added that the meeting information was posted on the website as well as social media.

II. Executive Session

MOTION (1)

Dr. Beauchene moved to enter Executive Session at 6:02 p.m. for the purpose of discussing pending litigation and invited Attorney Zamarka to join them.

Mr. Lombardo seconded the motion.

Motion carried, 7-0-0.

MOTION (2)

Dr. Beauchene moved to exit Executive Session at 6:37 p.m.

Mr. Diachenko seconded the motion.

Motion carried, 7-0-0.

III. Approval of Minutes

a. July 23rd, 2020

MOTION (3)

Ms. Bonelli moved to approve the meeting minutes of July 23rd, 2020 as presented.

Dr. Beauchene seconded the motion.

Motion carried, 7-0-0.

IV. Communications to Board

Ms. Colangelo noted that correspondence from members via email will be part of the record (attached.)

Ms. Colangelo noted it's been enormously helpful in terms of communications, that members have been sending their email addresses to Ms. Stevens for mass emails, and encouraged members to continue to do this.

V. Public Comments

1. Margaret Mager of 78 East Shore Drive asked if what was discussed during the executive session would be disclosed and Ms. Colangelo responded that it would if it comes to active litigation; right now it's merely an exchange of letters. Ms. Mager said if there is any liability for the membership, she would hope it would be disclosed and Ms. Colangelo said this is not an issue at this point.

There were no further public comments.

VI. Reports

a. Treasurer

Ms. Colangelo noted the report supplied by Mr. Capozza (attached), asked if he had anything he would like to add, and Mr. Capozza shared the following:

- The total income through August 27th, 2020 is \$198,000 and represents mostly tax assessment, which is around 97% of the budget.
- So far there has been only \$31,000 in expenses and that's due to the fact that expenses fall more evenly throughout the year than the income.
- Last month we collected \$100 worth of parking fines and the Cahill Education Fund was cut a check.

b. Tax Collector

Ms. Colangelo noted the report supplied by Ms. Ames (attached), asked if she had anything she would like to add, and Ms. Ames said since last week she has received 6 additional tax payments. She asked when the audit is taking place and Mr. Capozza said the new firm we employed will be conducting it mid-September/ early October. Ms. Ames said she will be out of Town but will make arrangements to get the necessary information needed to Mr. Capozza.

c. Zoning Liaison

Dr. Beauchene said Zoning continues the discussion of nonconforming lots and zoning issues regarding garages and sheds. He said the ZEO has tried to reach a property owner regarding vehicles on their lot and hasn't responded to the certified letter he sent to him; Mr. Ventres has since sent an additional letter and if there is no response within a couple of weeks, the Board may have to get involved.

The Board briefly discussed the public hearing process in regards to Zoning and adopting/modifying regulations.

d. Association Manager

Mr. Moffett referenced his monthly report (attached) which he sent to the BOG for review and said he few action items to discuss:

- Members have asked that the raking of the beach continue and we usually stop on Labor Day; weather permitting his recommendation is for 2 additional weekends after Labor Day.
- Mr. Diachenko said that as a point of information most Massachusetts school districts don't start until the 15th of September and he noted we have many members from Massachusetts here; it would be nice to have beaches cleaned at least up until that point.

After further discussion the Board decided to have the beach clean on Wednesdays and Weekends until September 15th, 2020.

Ms. Colangelo asked when the Board would like to ask people to start taking boats off the beach and Mr. Fountain replied when they pull up all the other equipment on September 15th.

Mr. Moffett discussed some of the following:

- The Sea View boat dock has sustained significant damage.
- One of the 10 foot sections is floating lower and needs to be replaced.
- The estimated cost is \$2,500.
- He would like to make this purchase over the Winter so the dock can be readied for next Spring.
- Mr. Fountain asked why he doesn't repair it now and he replied that the season is almost over and it's still functioning; he would prefer to have it replaced, for next season.
- The Board decided to have Mr. Moffett address this issue in the Fall as opposed to the Winter.
- Mr. Fountain said this will give us time if parts need to be ordered and prevent us from having to complete the job in the cold.

Mr. Lombardo asked about establishing a storm protocol and mentioned some of the following:

- Should we pull out the rafts for a storm and if so, when?
- We should have a plan of action in writing.
- What would be the cost to pull out the ramps and/or everything else if a bad storm is approaching?

Ms. Bruce observed that you would need some way of notifying people especially in cases where they have their boats in the water.

Ms. Colangelo asked Mr. Moffett to research storm prep procedures so that they may revisit this topic in the future.

Mr. Moffett also detailed his conversation with Jamco Electrical about converting the basketball court lights to LED; it would cost \$1,200 and eventually save us money. Mr. Fountain supplied a letter from CL&P and according to them, it won't save us money. The Board decided to have Mr. Moffett and Mr. Fountain further investigate this and said they will revisit this topic at the next meeting.

Mr. Moffett said the final item he wanted to discuss is brush cutting the area at the top of Billow where they store the rafts and lines. He said it would cost around \$300 and the Board agreed this was acceptable and that he could proceed.

Ms. Colangelo thanked Mr. Moffett for his extraordinary efforts this Summer.

MOTION (4)

Mr. Diachenko moved to approve the expenditure of \$2,500 towards the replacement of the Sea View Dock.

Ms. Bruce seconded the motion.

Motion carried, 7-0-0.

e. Piers

Dr. Beauchene said Pinder is still trying to get out here to supply the sealant; they need several warm days free of foot traffic and will come out after Labor Day. He is still waiting on the assessment for the pier dock on South Beach.

f. Long Term Capitol Improvement Task Force

Ms. Colangelo noted the committee notes have been posted on the website.

Mr. Lombardo shared that the task force has inventoried a very large list of capitol assets and value and noted Mr. Fountain was a big help with this.

He said they've come to the conclusion that we need to put more away than \$8,500/yr but are still determining what the amount will be.

Dr. Beauchene said he has contacted Charles of GNCB to come give us an evaluation/assessment of longevity for things on the beach, the boat launch, all the short jetties and so forth. He has asked that he consider possible repair and maintenance costs over time with his assessment. He noted there will be a cost associated with this but hasn't heard back yet.

Mr. Lombardo said one of the jetties has been repaired and we only have a report on two others; that leaves only two for evaluation- one which they should have done already. He said they didn't ask for an assessment of the boat launch and the scour walls is a different issue.

Mr. Diachenko said it's important to know the lifetimes of these piers in order to avoid big assessments. He suggested Dr. Beauchene ask them to give us a decent life cycle estimate of the other four piers. Ms. Bonelli noted they're just looking for a basic estimate and Mr. Diachenko said this information will help us determine whether it's a replace or repair situation.

Mr. Fountain asked if they're looking for something on Old Black Road and said they still have two sets of plans, they just don't have the permits; the estimated costs were \$14,000 for one and \$22,000-\$25,000 for the other. Mr. Lombardo said they're focusing on items they already have.

VII. Old Business

a. Bellaire sea wall repair

Dr. Beauchene said they're proceeding on several different fronts and doesn't have much to report right now.

Mr. Fountain asked if they're determining who owns the right-of-way and Ms. Colangelo noted we maintain the row(s) and we have been the custodians since the 1930s and didn't lose them when we lost the streets.

b. Annual Informational Meeting

Ms. Colangelo said the annual informational meeting is on Saturday and they were hoping for a hybrid meeting. She noted that she, Ms. Bonelli and Ms. Chapin did their due diligence trying to get it to work. She explained that if they had it in person and outside, all 88 people would be able to attend in addition to the Board and staff; if 89 people were to show up one would have to be turned away and that's illegal. Ms. Bonelli said it would need a tech upgrade which she thinks we should do because we could be zooming for a while. Ms. Colangelo thanked Ms. Bonelli and Ms. Chapin for all their efforts and noted the Board will be teleconferencing the meeting through freeconferencecall.com instead.

c. Enforcement, legal counsel report

Ms. Colangelo detailed how questions have come up regarding enforcement and whether or not we want to enforce rules which are not being followed well. She shared that she asked our counsel and they cited section 7 of our Charter. Ms. Colangelo read Attorney Zamarka's letter dated August 12th, 2020 into the record (attached.) Ms. Colangelo said this letter applies to rules in general.

Mr. Fountain said he was told by a member that it's a disgrace how people speak to Mr. Moffett at the boat launch. Ms. Colangelo thanked Mr. Moffett for attempting to enforce rules despite people's aggressive responses and cited that report he made regarding the enforcement of safety rules (attached.)

d. Task force recommendations- donations and parking

Ms. Colangelo observed that the recommendations regarding donations are pretty straightforward while the recommendations regarding parking (attached) will probably take a while. Ms. Bruce said they will table their recommendations for parking for a future meeting.

Ms. Bonelli summarized the task force recommendations for accepting donations (attached.) The Board unanimously accepted the donation task force recommendations and noted so for the record.

e. Boat ramp- task force safety concerns

Mr. Diachenko briefly reviewed the task force report (attached.) He said the two main concerns they have are:

1. The large dropoff when walking down to the beach; perhaps a temporary stand could be placed there so people don't fall when they launch their boat.
2. The heavily used walkway between the beach and boat launch has a large opening in the concrete where someone could get their foot caught.

Ms. Colangelo suggested putting up a sign there.

Mr. Diachenko said he will talk about rigging and derigging boats at a future meeting.

VIII. New Business

Ms. Colangelo said that many of the new business items stem from member requests.

1. Rock interfering with boat launching at Sea View Dock

Mr. Moffett said he could probably move the line there a bit which would help people avoid the rock. Mr. Diachenko said he could also place a buoy there instead.

2. Seaweed interfering with kayak access at Sea Spray

Ms. Colangelo said the kayak racks at Sea Spray are heavily utilized and there has been some concerns from members about the large amount of seaweed, which interferes with their access. Mr. Moffett reported that he spoke with Mr. Nebelung and that he would need an excavator since his regular equipment won't fit there; it would cost \$600 each time the seaweed is removed. Mr. Moffett noted that the seaweed is actually gone right now. Ms. Colangelo said we will not be able to address this and will have to work around this.

3. Request for volleyball on the beach

The Board briefly discussed how volleyball used to occur on the beach after swimming hours and how a member has asked if that could be reinstituted. Mr. Moffett said it interferes with the beach raking but we could go around it since it would be permanent. Ms. Colangelo said people used to borrow the net and take it down after use and Mr. Moffett said permanent poles would be needed again; Attawan beach has permanent poles that weren't utilized this Summer.

Ms. Colangelo asked if there is an alternative to permanent poles and Mr. Fountain said the Men's Club was supposed to relocate the volleyball net on the playground when they put in the bocce court. Ms. Colangelo asked if we have a place where a volleyball net will fit and Ms. Bonelli said she thinks this falls under enhancements for next Summer which we can discuss during the Winter. Mr. Diachenko observed he saw no problem with ball playing this year.

The Board agreed to address this in the Winter.

4. FOIA Presentation

Ms. Colangelo asked Ms. Stevens to look into current options available for having a FOIA (Freedom of Information Act) workshop for the community and whether Tom Hennick could come in person given Covid. Ms. Colangelo noted this will be for the Board but open to the membership through teleconferencing.

5. Request for neighborhood book box

Ms. Colangelo discussed Suzanne Smith's previous request to install a book box which costs around \$300. The Board agreed it was a great idea and Ms. Bonelli suggested posting it as a volunteer Winter project. Ms. Colangelo said she will post the request.

6. Tech upgrade for broadcasting meetings in future

Ms. Bonelli briefly discussed the technology difficulties we have faced trying to zoom and teleconference meetings. She explained how a tech upgrade is needed and how it could serve as an additional Clubhouse rental incentive for meetings, presentations or parties. Ms. Bonelli suggested forming a task force for this endeavor.

7. Request for memorial plaques on benches

Ms. Colangelo discussed how there has been a request for memorial plaques on benches and how it could be used for fundraising. Mr. Diachenko said a precedent has also been set because we have Cahill Way and the plaque at the tennis court. He added that bricks and/or plaques would be a nice way to commemorate the 100 year anniversary, celebrate history as well as fundraise.

Mr. Fountain said in the past such items had to be approved by the Board and that we currently only have two. Ms. Colangelo discussed the difference between personal statements as opposed to community statements. The Board discussed the limited space available for plaques and whether it would be first come, first serve. Mr. Lombardo said a procedure and process would need to be put in place beforehand. Ms. Bruce said she doesn't think we have enough benches so plaques and bricks might be a better choice, which would allow more people to participate. The Board opted to contact the East Lyme Public Trust to ascertain how they do their memorial plaques.

VII. Further Public Comments & Board responses

There were none.

IX. Adjournment

MOTION (5)

Dr. Beauchene moved to adjourn the BPBCA BOG September 1st, 2020 Special Meeting at 7:57 p.m.

Mr. Diachenko seconded the motion.

Motion carried, 7-0-0.

Respectfully Submitted,

Brooke Stevens, Recording Secretary

From: cherycolangelo@gmail.com,
To: bog@blackpointbeachclub.com, bpbcmanger@gmail.com,
Subject: Fwd: golf carts
Date: Thu, Jul 23, 2020 1:26 pm

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

From: Bill Budds <whbudds@bbofct.com>
Date: Thu, Jul 23, 2020, 12:53 PM
Subject: Re: golf carts
To: Cheryl Colangelo <cherycolangelo@gmail.com>

Hi Cheryl,

It is my understanding that golf carts do not need to be registered to get insurance. I don't know anything about the deal that private associations made with host towns that allow one to drive a golf cart within association boundaries but not, say, Main St., Niantic.

I can't confirm this but I would guess that a private association does not have liability exposure for accidents that occur on town or state owned/maintained roads. However, I would expect there to be some exposure in private parking lots or any association owned land. If somebody were to be hurt by a golf cart in a parking lot, they would sue the golf cart owner and the (perhaps) deeper pocketed association.

I think an association's bigger concern is requiring and documenting proof of insurance with adequate (1mm) limits. Does Black Point do that now? (Note that a cynic might think I'm being a bit self-serving as we have many personal clients in Black Point.)

Also the concern of unlicensed drivers as I do see kids driving them around. But there's not much BPBC can do about that. Perhaps a bit of risk management would be to ask the town to send more patrols down here and try to enforce that. Ticket the parents.

Feel free to give me a call.

Bill
(860) 460-9745

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From: Cheryl Colangelo <cherycolangelo@gmail.com>
Sent: Thursday, July 23, 2020 10:59:20 AM
To: Bill Budds <whbudds@bbofct.com>
Subject: golf carts

[External]

Hi Bill,
We have several unregistered golf carts tooling around Black Point. Do you know if one needs registration for golf carts to get insurance for MVAs, or any other reason, from your perspective, we would need to be more proactive regarding unregistered carts?

From: rmeggers@113law.com,
To: cherycolangelo@gmail.com, bog@blackpointbeachclub.com,
Subject: RE: Photographs
Date: Mon, Jul 27, 2020 1:51 pm

Thank you Cheryl for following up on this. I did get a very nice email from Will Fountain explaining what his purpose was, and that it was not to make our members feel uncomfortable being photographed without their permission. I did follow up with the members that contacted me, and, gave them assurances that their photos were not be used in any way.

Robin Murdock-Meggers

Attorney at Law

Falkenstein, Meggers, Paul & Robinson P.C.

113 East Center Street

Manchester, CT 06040

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From: Cheryl Colangelo <cherycolangelo@gmail.com>
Sent: Saturday, July 25, 2020 7:34 AM
To: Robin Murdock-Meggers <rmeggers@113law.com>; Board Of Guvs <bog@blackpointbeachclub.com>
Subject: Re: Photographs

Hello Robin,

When I described the purpose and circumstances of the photographs taken to our association's attorney, he did not believe that the association was acting inappropriately. I apologize if some of the people on the beach were uncomfortable being photographed in their bathing suits. Be assured that the purpose of these photographs is to illustrate conditions, not individuals.

From: tonybonesone@yahoo.com,
To: BPBCManager@gmail.com,
Cc: bog@blackpointbeachclub.com,
Subject: Thanks and lawn
Date: Sun, Aug 9, 2020 8:05 pm

Dear Jim,

First of all, I would like to thank you personally for all the work you do for our community as the association manager. It is certainly appreciated. Thanks also to all our board members.

Secondly, I would like to suggest that when the lawn is mowed at the clubhouse property, the lawn be mowed on all four sides of the tennis court rather than just three sides as is currently done. This would make it a little safer for those of us who have to retrieve balls and also help prevent the overgrowth of the vegetation through the fence. It should entail very little extra work, but I feel it would make a significant difference for the court users and the appearance of the courts.

Thanks for your consideration.

Tony Parisi
24 Billow Rd.
860-680-2839

Sent from my iPad

All,

I think this is a beautiful story and vote yes to allowing this.

On Sun, Aug 16, 2020 at 1:43 PM Jeff Koenig <jhkoenig1@gmail.com> wrote:

To the Board of Governors,

We would like to know if we can put a small plaque on the bench at the bottom of White Cap road, similar to the plaques that are on the benches on the boardwalk in town. This bench is where I proposed to Barb 33 years ago, long before we were residents of BlackPoint. Coincidentally, we then bought our home right off of White Cap, six years ago, and realized that was "the bench". If permitted to place the plaque, we will dedicate it in memory of my (Jeff's) Mom, who passed away this past February, after a brave battle with Cancer. My Mom always loved coming to our house, and had most recently purchased a condo with my Dad on Hope Street to enjoy the beach, and spend time with us.

It would mean a great deal to the two of us if we could add a small plaque, and would like to make a donation to the Black Point Beach Association for the privilege of being able to have the plaque.

Please let us know if you approve. If so, we are happy to work with the BOG, or can arrange the plaque ourselves; whatever you deem most appropriate.

Please feel free to call with either Barb or me (see numbers below) if you have any questions.

Thank you for your consideration.

Regards,

Barb and Jeff Koenig

3 Palette Dr.

860-803-7130 Jeff

860-716-0897 Barb

From: deballen363@yahoo.com,

To: bog@blackpointbeachclub.com,

Subject: Sea Weed Issue at Sea Spray

Date: Mon, Aug 24, 2020 11:12 am

Attachments:

Dear Cheryl and Board members,

I am writing to request that the seaweed at the kayak launch on Sea Spray Avenue be removed. Since Storm Isaias hit us on August 4th, three weeks ago, my husband Jim and I have been hoping that the seaweed, where we launch our inflatable, would naturally dissipate with the tides. This has not happened and as a result, we and other kayakers have had to wade in one to two inch mucky seaweed in order to launch our boats.

Instead of the seaweed naturally moving out to sea, it has continually built up, leaving the area very slippery at times to walk in, I have witnessed many other Black Point members walk along the storm wall with their kayaks, on the opposite side of the ramp, to launch their boats in order to avoid the massive seaweed.

Aside from the seaweed being slippery, it is also emitting a very foul odor. With that said, our main concern is for our safety and for the well being of others.

I've attached a couple of pictures (at low and high tide) to help explain the situation. We appreciate you looking into getting this removed. In the meantime, please contact me if you have any questions.

Thank you for your consideration.

Deb Allen
31 Sea Spray Avenue
860-729-5349



From: jallen31@atlanticbb.net,
To: bog@blackpointbeachclub.com,
Cc: jim0752@comcast.net,
Subject: BPBCA Boat Launch
Date: Wed, Aug 19, 2020 12:14 pm

The purpose of this correspondence is to bring to the attention of the Black Point Beach Club Association Board of Governors a hazardous situation being caused by a large submerged rock just east of the Associations Boat Launch floating dock located at the bottom of Sea View Avenue.

On 08/11/2020 at approximately 11:00 am I departed my mooring (located off Sea Spray Avenue) and proceeded to the Boat Launch floating dock to pick up two passengers. I then backed my boat out from the floating dock and, approximately 25 to 30 feet out, struck a submerged rock which damaged the Skag on my outboard motor.

As I have used the Boat Launch floating dock on numerous occasions to pick up and discharge passengers with no problems or difficulties the only explanation I could think of was that perhaps the recent storm may have disrupted the sea bottom in the area of the Boat Launch floating dock.

Thank you

Jim Allen

31 Sea Spray Avenue

Black Point

Black Point Beach Club Association
Financial Report 2020-21-REVISED
Actual to 8/27/20

FY2020/21
mil rate 1.42
Grand List \$142,219,450

	July 1 2020- June 20 2021 BUDGET	Actual to 8/27/2020	Variance from budget	Estimated Year End 6/30	Act % @8/27/20	Budget Y/E Est from budget
INCOME						
Fees and Donations						
Zoning Applications	\$10,000	\$2,175	-\$7,825	\$10,000	22%	0
Rec Program	\$27,000	\$0	-\$27,000	\$0	0%	-27000
Total Fees and Donations	\$37,000	\$2,175	-\$34,825	\$10,000	6%	-\$27,000
Grand List Taxes						
Current Year Taxes	\$201,601	\$195,506	-\$6,095	\$201,601	97%	0
Liens & Interest	\$1,000	\$361	-\$639	\$1,000	36%	0
Prior Year Taxes	\$1,200	\$400	-\$800	\$1,200	33%	0
Total Grand List Taxes	\$203,801	\$196,267	-\$7,534	\$203,801	96%	\$0
Other Income						
Club Use Fee	\$1,200	\$0	-\$1,200	\$0	0%	-1200
Fund Surplus	\$25,000	\$0	-\$25,000	\$25,000	0%	0
Investment	\$1,400	\$74	-\$1,326	\$1,400	5%	0
Miscellaneous	\$100	\$1	-\$99	\$100	1%	0
ZBA Permits	\$1,600	\$0	-\$1,600	\$1,600	0%	0
Total Other Income	\$29,300	\$75	-\$29,225	\$28,100	0%	-\$1,200
TOTAL INCOME	\$270,101	\$198,517	-\$71,584	\$241,901	73%	-\$28,200
EXPENSES						
Contractual Services						
Audit Fee	\$3,500	\$0	-\$3,500	\$3,500	0%	0
Grass Cutting	\$3,400	\$0	-\$3,400	\$3,400	0%	0
Computer Services	345	\$0	-\$345	\$345		0
Insurance	\$20,000	\$1,729	-\$18,271	\$20,000	9%	0
Legal Fees	\$8,000	\$0	-\$8,000	\$8,000	0%	0
Payroll Services	\$1,750	\$729	-\$1,021	\$1,750	42%	0
Security Patrol	\$5,000	\$0	-\$5,000	\$5,000	0%	0
Recreation Program	\$7,000	\$0	-\$7,000	\$0	0%	-7000
Total Contractual Services	\$48,995	\$2,458	-\$46,537	\$41,995	5%	-\$7,000
Operations						
Clubhouse	\$3,500	\$220	-\$3,280	\$3,500	6%	0
Grounds Maintenance	\$4,000	\$1,791	-\$2,209	\$4,000	45%	0
Liens	\$100	\$0	-\$100	\$100	0%	0
Playground	\$4,000	\$0	-\$4,000	\$4,000	0%	0
Supplies	\$2,000	\$0	-\$2,000	\$2,000	0%	0
Tennis Courts	\$5,500	\$416	-\$5,084	\$5,500	8%	0
Utilities	\$6,600	\$546	-\$6,054	\$6,600	8%	0
Waterfront Maintenance	\$36,000	\$384	-\$35,616	\$36,000	1%	0
Total Operations	\$61,700	\$3,357	-\$58,343	\$61,700	5%	\$0
Other Expenses						
Black Pointer	\$3,706	\$1,960	-\$1,746	\$3,706	53%	0
Capital Expenditures - Current	\$15,000	\$627	-\$14,373	\$15,000	Note 1 4%	0
Contingency Fund	\$25,000		-\$25,000	\$25,000	0%	0
Reserve Fund- LT Capital Imp.	\$8,500	\$0	-\$8,500	\$8,500	0%	0
Donations	\$150	\$150	\$0	\$150	100%	0
East Lyme Taxes	\$5,500	\$5,350	-\$150	\$5,350	97%	-150

aac

8/29/2020

C:\Users\Cordy\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.IE5\V7G1F7OH\Financial Report_Budget VS Actual as of 8-27-20 REVISED

Social Events	\$3,000	\$0	-\$3,000	\$3,000	0%	0		
Miscellaneous	\$4,500	\$22	-\$4,478	\$4,500	0%	0		
Website	\$800	\$0	-\$800	\$800	0%	0		
ZB/ZBA	\$3,300	\$77	-\$3,223	\$3,300	2%	0		
Total Other Expenses	\$69,456	\$8,186	\$0	-\$61,270	\$0	\$69,306	\$3	-\$150
Personnel Services								
Beach Patrol	\$8,500	\$8,662	\$162	\$8,662	102%	162		
Medicare	\$950	\$268	-\$682	\$950	28%	0		
Recreation Personnel	\$20,000	\$0	-\$20,000	\$0	0%	-20000		
Unemployment Comp.	\$1,000	\$0	-\$1,000	\$1,000	0%	0		
Association Manager	\$22,000	\$3,667	-\$18,333	\$22,000	17%	0		
Secretary	\$7,500	\$1,250	-\$6,250	\$7,500	17%	0		
Treasurer	\$7,500	\$1,250	-\$6,250	\$7,500	17%	0		
Tax Collector	\$8,500	\$0	-\$8,500	\$8,500	0%	0		
Zoning Officer	\$14,000	\$2,333	-\$11,667	\$14,000	17%	0		
Total Personnel Services	\$89,950	\$17,430	-\$72,520	\$70,112	19%	-\$19,838		
TOTAL EXPENSES	\$270,101	\$31,431	-\$238,670	\$243,113	12%	-\$26,988		
NET INCOME	\$0	\$167,086	\$167,086	-\$1,212			-\$1,212	

Bank Balances- as of statements dated : 7/31/2020

Checking and	
Sweep:	219,853
Long Term Savings:	104,095
Total	<u>323,948</u>

Note 1

Capital Expenditures-FY20/21	\$
Resealing whitecap parking lot	7500
Replmt of swim raft	5000
Other items	2500
	<u>15000</u>

BLACK POINT BEACH CLUB ASSOCIATION
TAX COLLECTOR REPORT
8/24/2020

	OPENING BALANCE TO BE COLLECTED	COLLECTED TO DATE	OUTSTANDING BALANCE DUE	NUMBER OF OUTSTANDING ACCOUNTS
REAL ESTATE TAXES	GL 2019 (DUE 7/1/2020) \$201,472.21	\$195,505.78	\$5,966.43	Represents 26 outstanding accounts of which 5 are partially paid of the total 581 properties
REAL ESTATE TAXES	GL 2018 (DUE 7/1/19) \$208,877.51	\$208,163.29	\$714.22	Represents 2 outstanding accounts of which 1 is partially paid of the total 581 properties
SPECIAL ASSESSMENT	GL 2018 (DUE 7/1/19) \$606,873.84	\$603,857.83	\$3,016.01	Represents 4 outstanding accounts of which 1 is partially paid of the total 581 properties
REAL ESTATE TAXES	GL 2017 (DUE 7/1/18) \$196,797.96	\$196,798.03	(\$0.07)	Paid in Full

8/24/2020

Ruth Ames, CCMC

August 2020 Association Manager's Report

I. Routine tasks:

- Carefully review staff schedule every day while monitoring the weather closely. Beach Patrol staff is only working during sunny "beach" weather.
- I meet and speak regularly with Mike Nebelung regarding waterfront maintenance. Mike is very responsive to our needs and there are numerous examples of his assistance at no charge.
- Use leaf blower to clear sand at lots/ramps at Nehantic, Cahill Way, Whitecap, Sea Breeze and South Beach ROW's EVERY DAY.
- Pick up plastics, empties, butts, discarded paper, ▲, on a daily basis to keep our beaches clean EVERY DAY. This includes walking out on the piers because I have found left-behind fishing hooks, broken glass, and even razor blades.
- Drive to town to pickup mail for every other day.
- Put out garbage barrels on Sunday nights and return them on Monday mornings every week.
- Write up "Manager's Corner" for BPer every week. Write up monthly reports.
- Sweep, roll and groom clay courts, with assistance from staff EVERY DAY. I water the courts at noon. I open the courts at 8am and lock them at 7pm every day.
- Organize and compose bid submittals, staffing schedules, expense sheets, tickets spreadsheet, and daily manager journal - I perform some aspect of these tasks on a daily basis.
- Distribute payroll to staff every Thursday.
- Remove debris from beaches and piers on a daily basis. It requires walking the beaches and piers every morning.
- I meet with ELPD Summer Patrol officer on Friday/Saturday nights prior to their 4-hour shift starting and to give log book to Officer. I tell them areas of concentration (I always tell them to monitor Osprey for illegal parking, inappropriate use of golf carts, also discuss recent car break-ins). The ELPD officer returns the log at end of shift.
- Cleaned sand off the walkway at Cahill Way every day.
- Consistently monitor the beach for illegal fisherman from piers, dogs on beach/piers, alcohol. I explain the rules and ask to comply and everyone does.
- Received weekly beach water sampling results from Ledgelight Health District - has been all clear this summer.
- Participated with the BOG Long-Term Capital Funding Committee.
- Participated with Parking Task Force Committee.
- Participated with Donations Task Force.
- I had been on the beach monitoring at least five hours every day this month except one day because of rain.

II. Non routine issues: (bulleted)

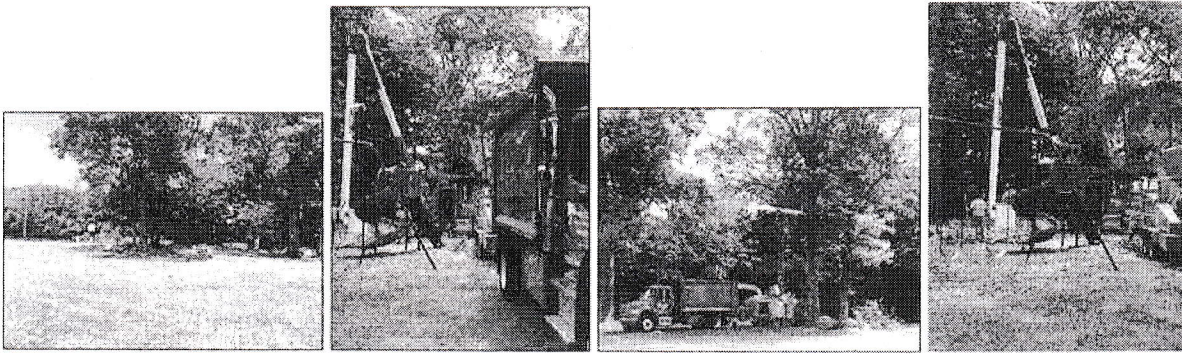
- Our ELPD Summer Patrol Program began this past month. I work closely with Sgt. Mike Macek and Chief Finklestein with strategies and course of action.
- Summary of Summer Patrol Program during the month.

HIGHLIGHTS

- Patrol ran on 7/31, 8/1, 8/7, 8/8, 8/14, 8/15, 8/21, 8/22
- Checks Clubhouse, Osprey ROW, motor vehicle laws, scooter, golf cart interactions every shift.

III. Resolution of non routine issues

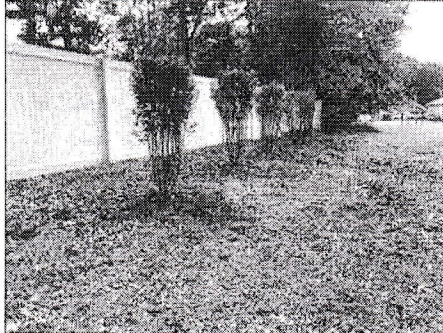
- Ordered bench for playground. Belsen Outdoors.



- Wilcox Tree did service for us thinning out the trees at Playground.
- Met with Cliff's Carpets, Bill, and they came and repaired the Clubhouse floor.
- Two Osprey (Bayne's) gave these 5 "extra" shrubs to Association.



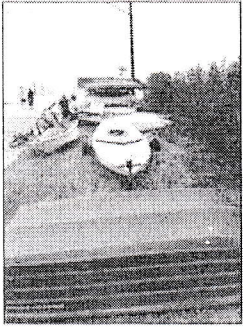
Before



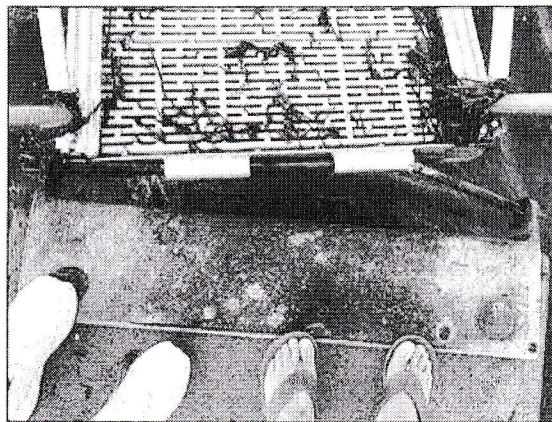
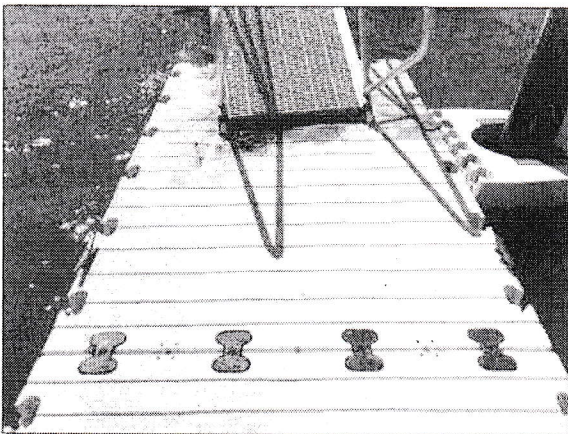
After

- Chuck Casey installed bushes at Playground.
- Adjusted the toddler swing at Clubhouse playground as it was too low.
- Replaced sign at Osprey that was damaged by contractor to house being built at 2 Osprey. Sign and installation was paid for by homeowner.

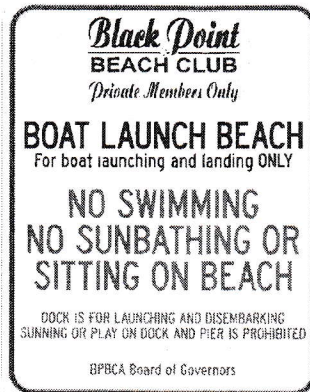
-Assisted boaters preparing for Storm Isaias and removed dinghies from Sea View boat beach.



-Storm Isaias came through and damaged boat dock. Also picked up tons of leaves, sticks off the Clubhouse playground and tennis courts.



-Ordered new sign for replacement at Sea View Boat Beach.



Action Items:

-Members have asked to continue to raking the beach. They usually have stopped on Labor Day and then one or two weekends after. What is our date this year?

-During the Storm Isiasis, significant damage was done to Sea View Boat Dock and it's gangway. I made the repairs to the gangway - had to order the parts - but the damage to the 80"W X 10'L section of the dock must be replaced over the winter. Estimate is \$2,500.

-I have received an estimate by our electrician (JamCo) to convert basketball courts to LED lights to save money, it is estimated at \$1,200.

-I would like to cut brush at top of Billow to have an area brush cut/cleared for a clean area for maintenance repair of Geese lines, boat dock, etc. for the fall. Estimated at \$300.

Jim Moffett, Association Manager

August 23, 2020

From: tradewinds3@sbcglobal.net,

To: rldfam1@aol.com, acapozzajr@aol.com, cherylcolangelo@gmail.com, janet.bonelli@gmail.com, mrwill34@gmail.com, slbvmd@sbcglobal.net, brookers2@aol.com, bpbcmanger@gmail.com, amesy.1938@gmail.com,

Subject: Capital Assets Committee

Date: Mon, Aug 31, 2020 3:27 pm

Attachments: BP Capital Asset Financing 8-27.xlsx (23K)

Govs

The BP capital assets committee has met 4 times. Its members are Rick Diachenko, Janet Bonelli, Phil Lombardo, Al Capozza, Mike Johnson, Dan Lemieux, Ed Zito, and Jim Moffitt. We have developed a list of the association's capital assets. Now we are in the process of determining a value for the major assets. Our goal is to make a recommendation for the funding of the replacement of major assets

We are presently working on the seashore assets, the cost of which are the most difficult to project. Attached is our present asset list.

Phil

August 27, 2020

Capital Asset Group	Asset Detail	Present Replace Cost	Life Span Years	Annual cost
Club House and Out Buildings		180,000	50	3,600
	Club House			
	3 Sheds			
Club House Mechanicals		40,000	15	2,667
	5 ton Gibson Mod JS5BD AC			
	2 ton Tempstar AC			
	Fan coil unit			
	NFPC propane fired furnace			
	IDYL food freezer			
	Out Door Lights & poles			
	Club House Plumbing			
Tennis Courts		75,000	20	3,750
	2 Asphalt, Club House			
	2 Clay, Nehantic			
Play Ground		100,000	20	5,000
	Various, Club House			
Basketball Court		20,000	20	1,000
	2 hoops, Club House			
Boat Launch		100,000	20	5,000
	Sea View			
Parking Lots		30,000	30	1,000
	White Cap, Sea Breeze, Nihantic, Club House			
Subtotal				22,017
Shoreline				
Pier - Nehantic	281 feet			
Pier - Indianola	250 feet			
Pier - Sea Breeze	220 feet			
Pier - Sea View	60 feet???			
Pier - Osrey	250 feet ???			
ROWS	13			
Back Bay	1			



**WALLER
SMITH &
PALMER^{PC}**
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OF COUNSEL:
ROBERT W. MARRION
ROBERT P. ANDERSON, JR.
FREDERICK B. GAHAGAN

+ ALSO ADMITTED IN RI
*ALSO ADMITTED IN MA

August 12, 2020

Cheryl Colangelo, Chair
Black Point Beach Club Assn. Board of Governors
Via email only to: cherylcangelo@gmail.com

Re: Enforcing no swimming and no boating areas

Dear Ms. Colangelo:

You have asked our advice whether, and to what extent, the Black Point Beach Club Association ("BPBCA" or "Association") Board of Governors ("BOG") can enforce the no swimming and no boating areas as set forth in the Association's Rules and Regulations ("Rules"). The short answer is yes, the BOG has the authority to enforce the Association's Rules. However, the method of enforcement must still be determined.

The Association is a Special Act Community and was created pursuant to Special Act No. 462, 1931 Session of the General Assembly of Connecticut. The Charter provides for the establishment of the BOG and the authority vested in the BOG, which includes the power to adopt bylaws and ordinances. Section 2 of the Charter also notes in pertinent part that the Association limits include "[A]ll that territory ... bounded easterly by the mean high-water mark of Niantic Bay ...". The Charter further states that the Association, through the BOG (a) is empowered to provide for the health, safety and comfort of its members (§3), (b) is entrusted with the care, custody and management of all Association property (§4) and (c) has the authority to care for the Association beaches and waterfronts (§7).¹

Section 2 of the Rules designates two approved swimming areas, and states that no boats or vessels are allowed in those areas. Similarly, §3 delineates three boat drop off/launch areas, and notes that no swimming is allowed in those areas.

¹ We note that §7 of the Charter also provides for the appointment of special policemen or watchmen, who would have the power to arrest for violations of the any Association regulation or bylaw.



**WALLER
SMITH &
PALMER^{PC}**
Attorneys at Law

In light of the foregoing, the BOG has the authority to care for and regulate areas that are designated exclusively for boating and/or swimming. This authority also implies a right to enforce. In order to enforce the boating and swimming areas, the BOG must act in accordance with its Charter and the Rules, and neither set out any method of enforcement.² Before the BOG could take any action against individuals regarding the boating or swimming areas, the Rules would have to be amended to add enforcement provisions. It is our understanding that the BOG has in the past posted no swimming or no boating signs regarding these areas. These actions are consistent with the authority to care for and regulate the beach areas. However, as noted, if the BOG wishes to take further actions, the Rules must be amended to set out in detail any enforcement procedures. Should the BOG choose to amend the Rules, any proposed amendments should be the subject of a public hearing via proper notice to all Association members.

If you have any further questions, please feel free to contact me.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Mark S. Zamarka", is written over the typed name. The signature is fluid and stylized, with a large loop at the end.

Mark S. Zamarka, of
Waller, Smith & Palmer, P.C.

² Section 1 of the Rules provides for a \$25 fine for parking violations. This is the only enforcement or penalty provision in the Rules.

Donations task force

Meeting was held on August 7th at 5:30PM via Zoom.

Attendees: Cheryl Colangelo, Jim Moffit, Janet Bonelli

The purpose of the meeting was to define Authorized Signature Levels (ASL's) for proposed donations offered to the Black Point Board of Governors(BOG).

After discussion, it was decided that the below thresholds would be used when accepting donations:

- >\$250 & perishable, Beach Manager & Chair Approval
- < or = \$250, Beach Manager Approval
- > \$250 & not perishable, BOG Vote

Parking task force

Members: Sharon Bruce, Rick Diachenko, Will Fountain, Jim Moffett

The Parking Taskforce members met on Monday, August 17th, 9:00 – 10:00 am. They discussed ways to address parking of cars and golf carts that would best serve our BPBC community. They recognize the increased use of golf carts and the need to accommodate them. The following are their recommendations:

Parking Identification:

Vehicles parked in BPBC parking areas and right of ways must have parking identification (hanging tag and stickers). Each household will continue to receive one hanging parking tag and two BP stickers. The hanging tag can be used for a car or a golf cart. A current BP sticker would also be sufficient for golf carts only, as they can't be driven on the roads outside of Black Point. The members discussed the potential concern that members may drive both a car and a golf cart to the beach; however, consensus was that this would not likely be the case.

A sign should be posted at the club house that parking identification is required, unless individuals are attending an event or meeting at the club house. Beach patrol would periodically check this lot for parking identification and ticket cars without hanging tags.

Parking Tickets:

In fairness to our community, we recommend that beach patrol provide one written warning for a car or golf cart parked without proper parking identification. Mr. Moffett indicated that he would keep a list of those who had received warnings and would be able to identify and ticket "repeat offenders".

Authorized Parking:

For the safety of members, no trailers should be allowed to be parked in BPBC parking lots. Golf carts may be parked in any of the marked parking spots in the parking lots. In addition, it is recommended that the following be allowed for right of way parking areas for golf carts and bikes:

|| Billow – allowed

□ Bellaire – allowed

□ Nehantic – return to 3 parallel parking spots on the grass, on the south side of the lot

□ Cahill – no golf cart parking, loading and unloading only

□ White Cap – add 5 pull/back-in spots to the south side of the right of way; add a bike rack

□ Seabreeze – no change

□ Sea View – golf cart parking prohibited; add a bike rack between the No Parking sign and the street

□ Sea Crest – allowed

□ Sea Spray – allowed

□ Saltaire – allowed

□ Brightwater – no parking due to catch basin hazard

□ Osprey – add 5-6 pull/back-in spots between proposed pillars on south side of right of way

□ Waterside – as newly incorporated, 3 parallel car or golf cart parking spots between signs

□ Blue Heron – allowed

Additional recommendation

Taskforce members strongly recommends A-2 surveys be conducted on the right of ways, prioritizing Bellaire, Sea View and Osprey.

Black Point Beach Club Association Parking Taskforce

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- Blue Heron – allowed

Additional recommendation

Taskforce members strongly recommends A-2 surveys be conducted on the right of ways, prioritizing Bellaire, Sea View and Osprey.

Cheryl asked for "...Information related to numbers and responses to requests to leave the Sea View Boat Beach in the past few weeks?"

-Twice daily either myself or a Beach Patrol Staff is present at Sea View. We approach any and all groups or individuals on the Sea View boat beach and in the water and inform them that the beach/water is for the exclusive use of boat launchers, and ask them to leave.

- I kept a daily log of how many people are in the water and on the beach. Also recorded the number of people who left and the number of people who refused to leave.

July 25 - 31 People were asked to please not swim in the Sea View Beach area. Kids were told to stay away from the boat launch. Noone left.

July 26 - 28 People were asked to please not swim in the Sea View Beach area. Kids were told to stay away from the boat launch. Noone left.

July 27 - 20 People were asked to please not swim in the Sea View Beach area. Kids were told to stay away from the boat launch. Noone left.

July 28 Cloudy - 3 People were asked to please not swim in the Sea View Beach area. Noone left.

July 29 - 22 People were asked to please not swim in the Sea View Beach area. Three people left.

July 30 - 25 People were asked to please not swim in the Sea View Beach area. Kids were told to stay away from the boat launch. Noone left.

July 31 - 21 People were asked to please not swim in the Sea View Beach area. Kids were told to stay away from the boat launch. Noone left.

August 1 - 41 People were asked to please not swim in the Sea View Beach area. Kids were told to stay away from the boat launch. Noone left.

August 2 - Cloudy - 8 People were asked to please not swim in the Sea View Beach area. Kids were told to stay away from the boat launch. Noone left.

August 3 - 31 People were asked to please not swim in the Sea View Beach area. Kids were told to stay away from the boat launch. Noone left.

August 4 Cloudy, windy - 0 People were asked to please not swim in the Sea View Beach area.

August 5 - 2 People were asked to please not swim in the Sea View Beach area.

August 6 - 16 People were asked to please not swim in the Sea View Beach area. Kids were told to stay away from the boat launch. Noone left.

August 7 Cloudy - 9 People were asked to please not swim in the Sea View Beach area. Kids were told to stay away from the boat launch.

August 8 - 32 People were asked to please not swim in the Sea View Beach area. Kids were told to stay away from the boat launch. Noone left.

August 9 - 30 People were asked to please not swim in the Sea View Beach area. Kids were told to stay away from the boat launch. Noone left.

August 10 - 10 People were asked to please not swim in the Sea View Beach area. Kids were told to stay away from the boat launch. Noone left.

August 11 - 26 People were asked to please not swim in the Sea View Beach area. Kids were told to stay away from the boat launch. Noone left.

August 12 - 19 People were asked to please not swim in the Sea View Beach area. Kids were told to stay away from the boat launch. Noone left.

August 13 - Rain - 0 People were asked to please not swim in the Sea View Beach area. Noone left.

August 14 - 14 People were asked to please not swim in the Sea View Beach area. Kids were told to stay away from the boat launch. Noone left.

August 15 - Cloudy 0 People were asked to please not swim in the Sea View Beach area.

August 16 - Rain 0 People were asked to please not swim in the Sea View Beach area. Noone left.

From: rldfam1@aol.com,
To: cheryicolangelo@gmail.com, mrwill34@gmail.com, bpbcmanager@gmail.com, bog@blackpointbeachclub.com,
Subject: Boat Launch-Dighy Beach Task Force
Date: Fri, Aug 21, 2020 3:26 pm

Task force members: Rick Diachenko, Will Fountain, Jim Moffet & Cheryl Colangelo.

Look forward to updating the BOG

First Meeting was 30Jun20. Sharon Bruce joined us. The minutes were not published at that time and I made the mistake that Sharon was on the Task Force and not Cheryl. The mistake was corrected.

30Jul20 2:30 PM

Subject: Boat Launch, Right of Way, Dinghy Beach

Task: Review situation at Sea View Boat Launch and Dinghy Beach Area Rick Diachenko, Will Fountain, Sharon Bruce

Observations and Concerns:

Ownership of Right of Way

- East Lyme stated they don't own but do not have a record that BP does (per e-mail to Will Fountain from East Lyme)

- Bikes left in the grass on ROW

Property Lines

- Properties to the North and South have hedges that appear over property lines - Sea walls might be over also based on PVC marker found in hedges

Sidewalk along sea wall to north of ROW

- BP maintains it now but did BP build it? Should we?

- It acts as a direct path way from Sea Breeze beach to Dinghy beach. - Walkway needs repair and so does rail...BP responsibility or not?

Mean High Tide Mark

- Map from DEEP shows two stones that mark the line. However sea weed from last tides seem to show a different story.

Boat ramp to dinghy beach

- Very steep drop on this 15 foot access point. It needs major leveling work!

- Some crafts parked on beach are blocking access and need to be moved. Starting point for dinghy storage needs to be marked.

- According to residents in the area, crafts are stored there and hardly ever used. Area is full.

Signage

- No sign against sun bathing

- Sign says no dockage/swimming - Not clear - Does it mean no swimming from dock?

- Drivers ignore STOP sign on East Shore. A warning sign of boaters backing-up may be helpful.

Resident Interviews

- Residents stated to keep things the same - Boaters have right of way and beach goers and swimmers should yield and help

- Beach should be open to all with above restrictions

Boat Rigging Areas

- Areas on both sides of ROW should be reclaimed as staging areas for boat rigging and tear down

Recommendation for 1st step:

- Locate older maps, title search, survey

- From this determine is walkway will be maintained, Cost to repair ramp to Dinghy Beach and plans to reclaim boat staging area

2nd steps

- Access rules review and signage

Cheryl volunteered to contact others to find out the rules on other boat docks. Information to follow after her family visit.

Meeting Fri 21Aug20: Rick Diachenko, Will Fountain, Jim Moffet - (Cheryl Colaangelo - not available)

Observations:

- Property line issues on right of way
- Boat Ramp to beach has a large drop off. The original ramp was found to be about 2 feet lower than the right of way road
- Boats parked at edge of the beach ramp area block access for boaters trying to launch from beach using sand dollies
- DEEP map, approx 2017 by DEEP when boat dock was redone, shows the mean high tide mark. Two boulders shown on this map provide a line where BP jurisdiction is debated.
- Space is needed for rigging and de-rigging boats without blocking the boat launch.
- Bikes laying near boat dock a hazard for trailers using the ramp
- Walkway between Sea Breeze beach and boat launch damaged. Question as to who owns?
- BP members living near the boat launch have comments for use of this beach other than boating. Boaters seemed more concerned over access where beachgoers claim to help and want things the same for swimming and sunbathing. Past the high tide mark, our jurisdiction authority is diminished. Can medium ground be achieved?
- Rock near boat launch caused damage to a boat
- Signage may change with input from this Task Force
- Last storm damaged 80" x 10' floating boat dock
- What exactly are limitations of size of boats allowed on this beach. One member has had a Catamaran on the beach for years and had to remove it this year. It was larger than his old one.
- Question on height of the kayak racks

Recommendations:

- A-2 survey to establish boundaries
 - Determine the legal width of the right of way
 - Determine who owns the sea walls if survey shows walls on BP property and not that of home owners
 - After survey, quote will be needed to clear areas parallel to right of way for rigging and de-rigging of boats
 - Sea wall walkway damage north of boat launch. Not our sea wall but need to determine if it is our walkway. At the very least, suggest a disclaimer sign be posted that the walkway is closed due to damage from erosion
- Sand needs to be moved to eliminate the large drop from the road on beach launch for safety of boaters and their craft. If a more permanent solution is preferred, a professional engineer may be required to re-build boat ramp to the beach. Old ramp is approximately 2 feet under the sand level. Re-build is more expensive but is a longer term solution. There is a concern, by some, of losing part of the beach by moving sand with washout caused by storms - that's why they prefer professional advice
- Boat parking on sand - Starting point signage needs to be marked to avoid blocking ramp for beach launches
- Lowering beach sand for ramp may also resolve kayak rack height issue
- Bike rack suggested at the NW corner of the right of way, away from the launch to avoid trailer accidents - \$250
- Replace 80" x 10' boat dock due to hole in top - \$2,500
- Rock near boat launch - Doubt DEEP will allow movement. Could add sign, "Submerged Rock - Use Caution" or use a buoy to mark
- Neighbors comments need to be heard to determine whether we change the rules.

- Suggest we set a size limit for boats on the beach - I suggest we use 18 ft (Mr Sanders Boat which was removed) as a starting point of discussion.

Submitted by:
Rick Diachenko