

**Black Point Beach Association
Board of Governors
September 24th, 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
Brooke Stevens, Recording Secretary

Absent: Ruth Ames, Tax Collector

The Regular Meeting of the Black Point Beach Club Association Board of Governors, was held on Tuesday September 24th, 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 Meeting 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. Approval of Minutes

- a. September 1st, 2020**
- b. September 5th, 2020**

Ms. Colangelo said there is one correction to the meeting minutes; Ruth Ames was in fact present at the September 5th, 2020 Annual Informational Meeting.

MOTION (1)

Dr. Beauchene moved to approve the meeting minutes of September 1st, 2020 and the September 5th, 2020 meeting as amended.

Mr. Fountain seconded the motion.

Motion carried, 7-0-0.

III. Communications to Board

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

IV. Public Comments

1. Colleen Chapin of 53 East Shore Drive said she submitted a formal letter (attached) in response to the debate regarding our right-of-ways and whether they belong to the Association or the Town. She noted this is a challenging issue and there didn't seem as if there was direction to resolve this issue, and her letter encourages the Board to do so. Ms. Chapin said it's important to determine ownership since it has huge implications; if the Association doesn't own the road ends the Public can come and park there, we may be limited in our placement of kayak racks, we may have to conform to Town signage regulations, and face various encroachment issues. She suggested working with a different land use attorney since our current attorney also works for the Town.
2. Cindy Trocki of 22 Blue Heron said she appreciates Ms. Chapin's comments and noted that she herself has always said that she doesn't feel we're being represented properly by our attorney since he has a conflict of interest and our interest in the land is not protected. She doesn't understand as members how we're not educated about our Charter and our bylaws which are the law of the land; it goes back to this as well as the deeds which are supposed to protect our interests.
3. Barbara Johnston of 35 Sea Crest Avenue thanked Ms. Chapin for bringing up this subject. She said she has been trying to bring up these issues regarding the right-of-ways for years but the Board of

Governors haven't acted on it. She agrees with the comments Ms. Chapin and Ms. Trocki made and added there have been serious encroachments especially in regards to South Beach. She advised getting a new land use attorney instead of utilizing the same one employed by the Town.

There were no further public comments.

V. 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 regarding his financial report (actual budget to 9/24/20):

- Revenues excluding the summer program are at 92% of the budget.
- Expenses excluding the summer program and fund surplus are \$54,500 or 25% of the budget.
- Two late invoices came in September for legal services and printing costs and our accountant will represent these numbers in last year's budget; the report will be forthcoming and shared.

Mr. Fountain said a bench was installed at the request of the Women's Club for \$625 and he asked if we billed them for that and Mr. Capozza said he will contact them. Mr. Moffett said the installation costs \$400 and was just done last week; he doesn't think a bill has been issued yet.

b. Tax Collector

Ms. Colangelo noted the report supplied by Ms. Ames (attached.)

c. Piers

Dr. Beauchene said they came out last week and pressured washed the entire pier and they also sealed it. He said their work is done and he asked them for their best guess of the annual cost of maintaining it per the request of the long term fiscal/capital improvement committee. He added that our Attorney spoke with the Town Engineer and the Sea Spray and Whitecap pipes are owned by the Town and they're responsible for maintaining it.

d. Zoning Liaison

Dr. Beauchene said Zoning has been very busy and has been working on the regulations regarding nonconforming lots, construction hours, garages and sheds; A public hearing will occur in October to garner public feedback on these proposed changes. He said the ZEO has tried to reach a property owner regarding vehicles on their lot and hasn't responded to either of the two certified letters he sent to him so action may need to be taken. Dr. Beauchene will consult further with Mr. Ventres regarding this matter.

Dr. Beauchene reported that Zoning is asking for the creation of a POCD or a Plan of Conservation and Development; the idea is to have one cohesive strategy for the future; they propose some level of participation from Zoning, the ZBA, the ZEO and the Board of Governors. Dr. Beauchene added that all municipalities have them and review them every 10 years. He said that Jim Ventres reported to Jim Fox that an outside consultant firm would cost \$30,000 but he doesn't think hiring one will be necessary since Mr, Ventres has been through this process many times.

Mr. Lombardo asked about a presentation and preparatory information and Dr. Beauchene said he will invite Zoning to attend the next Board of Governors meeting.

Mr. Fountain asked about the rest piers and Dr. Beauchene said the report should be submitted in two weeks. Mr. Lombardo said it would be nice to have this information/number for the Long Term Capital/Fiscal Planning Committee meeting on October 19th, 2020.

e. Long Term Capital/Fiscal Planning Task Force Committee

Mr. Lombardo discussed the meeting they had this week and noted they're still struggling to determine the value and maintenance cost of the piers so the report forthcoming will be extremely helpful to them.

f. 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:

- They did a tick spraying on the playground and neighboring property.
- The kayak racks will be removed on September 30th, 2020.
- The harvesting of the sand will commence on October 15th, 2020 and the closing of the clay tennis courts will occur the week of October 12th, 2020.

Mr. Moffett asked about turning off the water for the Clubhouse and Ms. Colangelo said it was okay to do so after October 19th, 2020.

Mr. Moffett detailed the update he had on the piling and the discussion he had with Niantic Docking Service; it will cost around \$1,000 to rectify the situation and replace the piling. Mr. Moffett said he will make sure it's completed by March and will find out the best time to complete this project.

MOTION (2)

Ms. Bruce moved to approve the expenditure of \$1,000 towards the replacement of the piling at the Sea View Dock.

Dr. Beachene seconded the motion.

Motion carried, 7-0-0.

Mr. Moffett said in regards to storm prep for the potential hurricane season Labor Day weekend traditionally represents the end of summer and removing everything after that would be ideal.

Mr. Lombardo reiterated his desire for a written storm prep protocol and Ms. Colangelo suggested that Mr. Moffett work with Mr. Fountain and Mike Johnson on this.

Mr. Diachenko said he would be against closing the beach and taking everything down Labor Day week since there will be a lot more people here at this time.

Mr. Lombardo said everything should be taken up at once and Ms. Bruce said it would be helpful to obtain the email addresses of boaters in order to contact them in cases where things might be pulled early for storm prep.

Mr. Diachenko asked about off season fishing and Mr. Moffett directed them to Section IV of the rules which states fishing is unlimited for members and their guests between September 15th and May 15th. Mr. Diachenko said we should take a look at this and Ms. Colangelo said it can be added to the next agenda.

Mr. Fountain asked if the items needed to repair the boat launch have been ordered and Mr. Moffett said he has ordered the float but wants to see if anything can be salvaged before ordering further materials. Mr. Fountain said two remaining floats were worn through and asked why they weren't stored upside down to be power washed. Mr. Moffett said he will powerwash them.

Ms. Colangelo said there will be a zoom FOIA (Freedom of Information) workshop on Monday the 28th at 7pm which will be open to the Public.

VI. New Business

a. Trusts and Voting Rights

Ms. Colangelo detailed how this topic has been debated over the years and recently came up again after the annual meeting since several members were upset that they were unable to vote since their property is in a trust. Ms. Colangelo said the Board can make a formal decision after reviewing the information obtained by Ms. Bruce, who has been investigating this topic. Ms. Bruce received some literature from Anita Schepker (attached) about adopting charters, bylaws and amendments. Ms. Bruce shared some of the following:

- They're considering the prospect of allowing trusts one vote.
- This is time sensitive since the Legislature reopens in January.
- Ms. Schepker has offered to write the legislation for us free of charge and has experience doing so for other beach associations.
- If there is interest in exploring this topic further a vote needs to be taken to establish a charter subcommittee to proceed followed by standard postings and public hearings.

MOTION (3)

Mr. Diachenko moved to establish a charter subcommittee for the purpose of investigating the granting of voting rights to trusts.

Ms. Colangelo seconded the motion.

Ms. Colangelo asked if she is aware of any cons in regards to the process, if it's extraordinarily expensive and what they need to know before pursuing this. She added that they obviously will want community feedback regarding this matter.

Ms. Bruce shared that some of the former concerns revolved around the number of votes permitted- ie. a trust with 5 members each having a vote or a corporation that might buy several homes thereby having 30 votes; the scenario being considered is for 1 vote per trust. She said as far as expense goes it would entail whatever cost is associated with the required newspaper publication.

Ms. Bruce further added that a Legislator would have to be willing to bring this up on our behalf.

Mr. Lombardo said it seems to him that the people who come here, live here and aren't necessarily the trustees of the trust and Ms. Colangelo asked if an assigned person could represent the trust and vote.

Mr. Diachenko said he feels that ownership should garner a say regardless of the ownership incarnation.

Ms. Colangelo observed that they're looking at this from their own interests and that the ability to vote is forfeited by the protection gained through the establishment of a trust. She asked if any other section of the charter would be at risk if they choose to pursue this.

Dr. Beauchene said to consider the old adage taxation without representation and noted this is the reverse of that- representation without taxation.

Ms. Bruce said she thinks further discussion with Ms. Schepker is needed and 5 to 15 people are required to proceed with this process.

Vote:

Motion failed, 2-2-3.

Yay- Dr. Beauchene and Mr. Diachenko.

Nay- Mr. Lombardo

Abstentions- Ms. Colangelo, Mr. Fountain and Ms. Bonelli.

Ms. Bonelli asked if they can not call it a commission and at first just obtain data and Dr. Beauchene agreed that there is no reason why they can't obtain information before

acting. Ms. Bruce said she would feel more comfortable having other people participate besides herself and Ms. Schepker. Ms. Colangelo suggested having Ms. Schepper attend the next meeting and that a special meeting can also be held if needed.

b. Weed Maintenance

Ms. Colangelo shared that a member has reached out via email regarding lengthy weeds growing between her personal property and the clay tennis court and asked if this problem could be addressed. Ms. Colangelo asked if it's our property and if so, what it would take to address.

Mr. Moffett said he lives next door and believes the property in question is actually hers. Ms. Colangelo asked how the problem was handled in the past and Mr. Moffett said he always thought she cut the weeds herself. Mr. Fountain observed that the frost will soon kill it and Mr. Moffett said he's unsure how he would even cut it; he'd have to go into her backyard and climb underneath the fence.

Ms. Colangelo said if it's not our property it's not our responsibility but we have to be reasonably sure that is the case and asked if there are markers. Ms. Colangelo said perhaps Ed Zito would know since it's by the clay tennis courts and Mr. Moffett said he will check with him and report back to the Board.

c. Parking and enforcement: Parking Task Force recommendations, commercial parking in ROWs and parking lots, after hours and off season rules and enforcement, repeat offenders

Ms. Bruce said she doesn't want to speak for the other members of the parking task force but if the Board wants to share any comments, questions and or concerns she can communicate them and the Board can revisit this topic at a future meeting.

Ms. Colangelo discussed the difficulty of enforcement and how at least one person told Mr. Moffett that he couldn't make him move his vehicle and she said tickets are not paid and the issue isn't the money but the message, and how should this be handled. She said one thing leads to another be it commercial parking, after hours and off season rules and so forth.

Dr. Beauchene said it would be beneficial to receive a presentation by the parking task force and discuss these issues afterwards. Ms. Bruce discussed the report they submitted:

Parking task force Members: Sharon Bruce, Rick Diachenko, Will Fountain and 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 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:*
 1. *Billow-allowed*
 2. *Bellaire - allowed*
 3. *Nehantic - return to 3 parallel parking spots on the grass, on the south side of the lot.*
 4. *Cahill - no golf cart parking, loading and unloading only*
 5. *White Cap - add 5 pullback-in spots to the south side of the right of way, add a bike rack.*
 6. *Seabreeze -no change*
 7. *Sea View - golf cart parking prohibited; add a bike rack between the no Parking sign and the street.*
 8. *Sea Crest - allowed*
 9. *Sea Spray - allowed*
 10. *Saltaire - allowed*
 11. *Bright Water - no parking due to catch basin hazard.*
 12. *Osprey - add 5-6 pull back-in spots between proposed pillars on the south side of right-of-way.*
 13. *Waterside - as newly incorporated, 3 parallel car or golf cart parking spots between signs.*
 14. *Blue Heron - allowed*

15. Additional recommendation Task Force members strongly recommend A-2 surveys be conducted on the right-of-ways, prioritizing Bellaire, Sea View and Osprey.

Ms. Bruce discussed the report and their recommendations.

Mr. Lombardo said he doesn't know if the change is worth the effort and cautioned that people can cheat parking wise whether they have a golf cart or car. Mr. Diachenko said this is a terrible view of the population.

Mr. Lombardo said he'd be concerned how golf carts are parked in the right-of-ways and asked why not cars; he asked what the value of doing this even is.

The Board further discussed parking.

The Board opted to consider the recommendations and provide further input at the next meeting.

VI. Old Business

Mr. Fountain said Suzanne Smith asked about volleyball playing on the beach and Ms. Colangelo noted the minutes reflect their decision to revisit this topic come Spring. Mr. Fountain asked if we voted on the bookbox library and Ms. Stevens reported no formal vote was taken but the Board decided \$300 was appropriate and that they would seek a volunteer.

MOTION (4)

Mr. Diachenko moved to approve the expenditure of \$300 for the construction and installation of a bookbox library.

Dr. Beauchene seconded the motion.

Motion carried, 7-0-0.

VIII. Further Public Comments & Board responses

1. Cindy Fountain of 31 White Cap Road discussed how her cottage was in trust from her parents but that they never came here and she always did; it would have been nice to have the opportunity to vote.
2. Mike Johnson of 45 Bellaire asked about the posting of the task force recommendations and if the Public will have the opportunity to see them.
Secretary Note- the report was posted as an attachment to the 9.1.2020 Minutes also, see report above in italics.
3. Cindy Trocki of 22 Blue Heron said she is acknowledging her rights as a member of the Black Point Beach Municipality to vote in any and all

meetings that have been denied. She said she lives in America and her family consists of 5 people, be it individuals or a trust; our charter is a special act and says all persons over the age of 18 who own or may own any land within the limits shall be entitled to vote at any meeting. She said it doesn't say anything about being a registered voter or a trust. She asked the Board of Governors not to deny members their right to vote.

Ms. Colangelo thanked Ms. Trocki for her comments and said this issue has been addressed several times by the Board and Mr. Lombardo said there is a difference between member meetings and board meetings and what she is referring to is in regards to member meetings.

4. Barbara Johnston of 35 Sea Crest Avenue asked that the letter regarding Sea Crest Avenue be read.

Dr. Beauchene responded that they don't have the letter in hand, the crafting of it is the purview of the ZEO, but it's in regards to numerous vehicles which are possibly unregistered being parked on one property. Ms. Johnston said this happened many years ago on Park Place and thinks the Association Manager should be addressing this and not the ZEO. She said the ZEO is not an officer but an employee.

5. Cindy Trocki of 22 Blue Heron said she appreciates the Boards response and clarification.

IX. Adjournment

MOTION (5)

Dr. Beauchene moved to adjourn the BPBCA BOG September 1st, 2020 Special Meeting at 8:04 p.m.

Mr. Fountain seconded the motion.

Motion carried, 7-0-0.

Respectfully Submitted,

Brooke Stevens, Recording Secretary

September 21, 2020

Board Of Governors
Black Point Beach Club

Dear Board,

i would like to bring to your attention weeds that are growing behind the clay tennis courts.

My yard backs up to the clay courts. I have a fence on my property which is approximately 32 inches from the tennis court fence. My fence is approximately 2 inches in on my property, I had an A2 survey done 11 years ago when the new house was built and the fence installed, which means the Association owns approximately 30 inches behind the tennis fence.

The weeds in that area are over 9 feet tall a couple are 10 Feet high. It is about a 40-45ft long area. Frankly it's an eye sore and very surprised that the tennis players have not complained. I have been here for 24 years and have never seen this before. This is the first time i can see them over my 6 foot fence. A couple of the weeds touch the top of the tennis fence which is 10 feet tall. Last year it was weedy but I could not see them from my yard. They were visible if you were on Nehantic Ave. looking at the tennis courts. I know in previous years when the sprayed for weeds around the tennis courts they always sprayed in that area also. But it appears that has been done the past two years.

The clay tennis courts are the crown jewel of the Association. Most associations have a club house but it is very rare to find clay tennis courts. The association spends a lot of money refurbishing the courts every year to make them look good. But it falls short because of the weeds. The clay courts are like a Monet painting and then putting that painting in a broken down picture frame it takes away from the beauty. The clay courts need to be showcased and the cost to spray and extra 45 feet is not going to cost much more. Unfortunately with their height they need to be pulled out and then spray at the beginning of the season next year.

Thank you for your attention to this matter.

Maureen Lowney

53 East Shore Drive
Niantic, CT 06357

September 24, 2020

Board of Governors
Black Point Beach Club Association
PO Box 715
Niantic, CT 06357

I write to encourage the Board of Governors to determine property lines, ownership rights, and maintenance requirements associated with the various "road ends" that extend from East Shore Drive toward Niantic Bay.

Recent commentary suggests that the ownership of these areas is "muddled" since the town "owns the roads". There is some opinion that these road ends may be owned by East Lyme. If they are owned by East Lyme the implications for public use and access according to town ordinances, not Association rules, would be in force. At a minimum, that would eliminate the Association's parking control over some of those spaces. As various road ends terminate at different points, the ownership of the non-road space beyond the paved surfaces remains unclear and thus presents a potential point of ownership conflict in the future. The list goes on ...

As an obligation under the Charter, the Board of Governors should investigate and determine chain of title of these spaces. If these spaces are owned by the Association, they can be used in several ways and encroachment by abutters can be addressed and enforced. If they are owned by the town then there may be the opportunity for the Association to work with the town on usage, access, repair, improvement, etc.

I recognize that this investigation is not easy or inexpensive. I believe there is an obligation to know definitively what land is owned by the Association which then helps clarify how best to utilize that land for the benefit of the members.

I understand that the Association's lawyer also provides legal council to the town. This presents the potential for conflict of interest and thus another land use attorney should be sought for this effort. From that point a title examiner can research the title and ownership rights of the entire property since it was originally chartered in 1931.

Additional areas of common property should also be addressed at the same time. These areas include the strip along the rear of properties on the north side of Billow Road, the lane heading east between Sea Crest and Sea View, and of course the strip of land along the west side of West Lane. There may be other such areas, but title research would help document that point.

Thank you for your consideration.

Colleen Chapin
colleen.chapin@gmail.com



From: mikemanifold@gmail.com,

To: bog@blackpointbeachclub.com,

Subject: 9/24/20 BOG meeting comment

Date: Thu, Sep 24, 2020 8:03 am

I want to commend Jim Moffet for doing an excellent job as Association Manager under difficult circumstances. Jim was given a daunting task in managing the association this year. He enforced every new and old rule, while trying to maintain the friendly, familial community that we all love so much. He performed his duties incredibly well.

Sincerely,

Mike Manifold

From: cmaries70@yahoo.com,
To: BOG@blackpointbeachclub.com,
Cc: colleen.chapin@gmail.com,
Subject: Deeds of Map 2 added to original BPBCA
Date: Thu, Sep 24, 2020 6:25 pm

Volume 22

Page 504

Warranty

To all People to whom these Presents shall come, Greeting:

KNOW YE, THAT I **Harrison W. Bond**,

of the Town of East Lyme, County of New London and State of Connecticut

for the consideration of Twenty Thousand Dollars (\$20,000)

Received to my full satisfaction of **James Jay Smith**, of the City and County and State of New York do give, grant, bargain, sell and confirm unto the said Grantee all that certain piece or parcel of land with all building thereon, situated on the West Shore of Niantic Bay on Black Point in the Town of East Lyme and **BOUNDARY** and described as follows;

("Beginning at the wall intersecting the wall bounding the Southerly portion of land of Robert G. Payne thence running Southerly by said wall, **six hundred and sixty-nine and five tenths~669.50'** to a mere stone. Thence south 65° 30' East to a mere stone with the distance northerly by the shore about Nine Hundred and Fifty-One Feet (951ft) to the wall dividing Bond Farm land of Robert G. Payne. Thence westerly along said wall about Nine Hundred and thirty-two Feet (932 Ft) to the place of beginning.") **Being the same premise set in the original distribution to the Grantor and as wall: fenced AND OCCUPIED BY HIM. See East Lyme Land Records Vol. 8 Page 407.**

Excepting _____ **THIS CONVEYANCE** the following described premises a lot conveyance the following described premise a lot conveyed by this Grantor to Francis Wooden, with **CERTAIN ROAD RIGHTS** dated November 9, 1923, and recorded in East Lyme Land Records **Volume 25 Page 68.**

Also, excepting from this conveyance, the following described premises a lot conveyed by this Grantor to Francis H. Spencer with certain road rights and recorded in East Lyme Land Records **Volume 25, Page 70.**

Also, excepting from this conveyance the following described premises a lot conveyed by this Grantor to Albert E. ad Margaret H. Steins, with road rights Dated May 16, 1924 and recorded in the East Lyme Records **Volume 25 Page 156.**

Also, excepting from this conveyance the following described premises a lot conveyed by this Grantor to Albert E. ad Margaret H. Steins, with road rights Dated May 16, 1924 and recorded in the East Lyme Records **Volume 25 Page 175.**

Also, excepting from this conveyance the following described premises a lot conveyed by this Grantor to Dwight Chapmic, with road rights Dated June 7, 1924 and recorded in the East Lyme Records Volume **25 Page 177**.

Also for the same consideration conveying hereby to said Grantee, his heir, executors administrations and assignors all such rights title interest claim and demands as I acquired with certain **RIGHT OF WAY** from the premises herein conveyed to the highway extending around the end of Black Point as ordered by the Deeds to me of Jane Anne Bond acknowledged November 1, 1909 and recorded in the East Lyme Records, **Volume 16 Pages 548**, and any other rights to the property conveyed now _____ in this Grantor.

This Grant, relative to right of way is subject to **ANY RIGHTS** therein purposely conveyed to other Grantees of this Grantor.

To Have and to Hold the above granted and bargain premises, with the appurtenance thereof, unto heirs the said grantee his heirs and assigns forever, to heirs and their own proper use and behoof.

And also, I the said grantor, do for myself my heirs, executors, and administrators, covenant with the said grantee, his heirs and assigns that and until the ensealing of these presents I am well seized of the premises, as a good indefeasible estate in fee simple: and have a good right to bargain and sell the same in manner and form as is above written; and that the same is free from all incumbrancers whatsoever excepting as to the reservations above noted.

And Furthermore, I the said grantor do by these presents, bind myself and my heirs forever to warrant and defend the above granted and bargained premises to heirs the said grantee his heirs and assigns, against all claims and demands whatsoever, except as above noted.

In Witness Whereof, I have hereunto set my hand and seal this 5th day of March A.D. 1925.

Signed, sent and delivered, in presence of

A.J. Bush

Loren E. Daball

Harrison W. Bond [L.S.]

[L.S.]

STATE OF CONNECTICUT,

County New London, ss, New London March 5th A.D. 1925

Personally, appeared

Harrison W. Bond

Signer and scaler of the foregoing instrument, and acknowledged the same to be his free act and deed before me.

Austin J. Bush

Commissioner of the Superior Court.

Documentary for New London County

Stamp for the

Assistant

\$20.00 affixed

& canceled

Received for Record March 5th 1925 2h p.m.

and recorded by Evelyn C. Russell

Town Clerk

Volume 31

Page 270

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That I, **James Jay Smith**, of the Town of Westbrook, County of Middlesex and State of Connecticut, for the consideration of one Dollars and other valuable considerations, received to my full satisfaction of the **SHORE & LAKE CORPORATION, a corporation organized under the laws of the State of Connecticut** and having its principal office in the Town of Westbrook in said State, do give, grant, bargain, sell and confirm unto the said The Shore an Lake Corporation, certain tracts or parcels of land situated on **BLACK POINT BEACH CLUB PROPERTY**, in the Town of East Lyme, County of New London, State of Connecticut, being Lots Nos. 21-27-111-146-234-383-384-424-661-709-732-774-775-782-923-926-936-937-941-942-956-960-965-976-982-1000-1001-1009-1010-1014-1026-1027-1028-1052-593-122-208-369-589-283-953-36-666-522-160-990-165-307-318-317-662-119-152-246-44-353-315-618-154-457-A-431-1029-1030-1031-180-558-385-787-381-997-356-82-694-249-606-605-...plus many more...of **Plan no. 1** of Black Point Beach as the same is laid out into building lots and plans to be filed for reference with the Town Clerk of the Town of East Lyme, and lots nos. 1134-1140-1147-1165-1165-1166-1167-**1170-1172**-1179-1181-1118-1131-1162-1174-1175-1178-1105-1143-1157-1151-1176-1161-1115-1111-**1171**

-1112-1152-1138-1189-1153-1136-1157-1150-1119-1108-1109-1114-1104-1148-1146-1103-1163-1145-1144-1177-1139-1191-1173-1192-1193-1154-1183-1101-1135-1182-1164-1127-1128-1188-1106-1107-1156-1110-1160-1102-**1168**-1102-1168-**1169**-1133-of **Plan No. 2** of property of Black Point Beach as the same is laid out into BUILDING LOTS AND PLANS to be filed for reference with the Town Clerk of the Town of East Lyme.

Together with a certain tract or **parcel of salt marsh land** situated in the Town Of East Lyme, County of New London, State of Connecticut and bounded and described as follows: Bounded northerly by a ditch and land formerly owned by John and Samuel Powers; easterly by Black Point Road; southerly by land of William Colepaugh and westerly by Bridge Creek, being the same land conveyed by deed to Abraham Avery from Nehemiah and Lucy Dodge, dated December 6th 1799 and recorded in **Book 21, page 180** of Lyme land Records, by Daniel F. Sill, register, and conveyed by Mrs. Lockie Avery to James Jay Smith by deed dated September 15th, 1925 and recorded in **Volume 22, page 564**, East Lyme land Records. Containing about 5 and one half acres, more or less.

Together with the right to use and improve the **right of way from Barnyard wall** near the residence of Miss Marion Payne on the old Payne Farm to the Black Point Road.

Together with all riparian rights and the right to use the beach on the east side of all lots shown on Plans one and two of the Black Point Beach Club Property for bathing and recreational purpose and to improve same by building jetties, erecting seawalls, etc.

Together with the **right to use a certain right of way leading southerly** from the corner of Bond Street and West Lane, as **shown on Plan two**, to the Public Road which leads to and around Black Point, with **THE RIGHT TO ERECT AND MAINTAIN POLES AND WIRES ALONG AND UPON THE RIGHT OF WAY FOR THE PURPOSE OF CARRYING ELECTRICITY.**

This is the same right of way mentioned in deed of Harrison W. Bond to James Jay Smith.

Together with all streets, avenues or roads as shown on said maps, plans one and two, which said **STREETS ARE DEEDED TO THE CORPORATION SUBJECT TO THE RIGHTS OF ALL PROPERTY OWNERS ON SAID PROPERTY TO USE same for passing and repassing but not for commercial uses or purposes.** Same of the streets or roads, as shown on plan two, are **subject** to all rights therein of Harrison W. Bond, as shown on map made by Daboll & Crandall, C.E., for Harrison W. Bond.

Together with a tract of land shown on Plan one and marked "Woodland Park and Playground" on which the artesian well is now located- **said park is deeded subject to the agreement now existing between John V. Wollschlager and James Jay Smith reference to said artesian well and certain rights appertain thereto.**

These properties are sold subject to all the conditions, restrictions, reservations and limitations s set forth in **THE COMMON FORM OF DEED** used by James Jay Smith **to other GRANTEES ON THIS PROPERTY.** Reference to said deed can be had by referring to these deeds recorded in the East Lyme Land Records.

TO HAVE AND TO HOLD the above granted and bargained **premises** as aforesaid with the **APPURTENANCES THEREOF**, unto the said The Shore & Lake Corporation, its successors and assigns forever, to them and their **own proper use** and be hoof. And also, the said grantor does for his heirs and assigns, COVENANT with said The Shore & Lake Corporation its successors and assigns, that at and until the ensealing of these presents he is well seized of the premises as a good and indefeasible **estate in fee simple** and has good rights to bargain and sell the same manner and form as is above written; and that the same is free from all encumbrances whatsoever, **SUBJECT TO THE RESTRICTIONS hereinabove contained and referred to.**

AND FURTHERMORE, the said grantor does by **these premises bind his heirs and assigns to warrant and defend the premises to the said grantee against all claims** whatsoever, **subject to said restrictions.**

IN WITNESS HEREOF, I, James Jay Smith by my attorney, Avy B. Smith, duly authorized, have hereunto set my hand and seal this nineteenth day of June, A. D., 1930.

Signed sealed and delivered

In presence of

James Jay Smith (Seal)

Maude Brundage by Avy B. Smith-his attorney

Helen D. Silkworth duly authorized

STATE CONNECTICUT)

COUNTY, NEW LONDON) ss. Old Lyme

June 19th, A.D., 1930 Personally appeared James Jay Smith by Avy B. Smith, his attorney, duly authorized, signer and sealer of the forgoing instrument, and acknowledged the same to be his free act and deed before me.

John H. Pallett

Notary Public.

Recorded June 24th 1930

BY Charles Reusk Town Clerk.

L.P.W.

Volume 31

Page 385

TO ALL PEOPLE TO WHOM THESE PRESENTS SHALL COME—GREETING:

KNOW YE that I James Jay Smith, of the Town of Westbrook, County of Middlesex and State of Connecticut, for the consideration of One Dollar (1.00) and other valuable considerations received to my full satisfaction of The Shore & Lake Corporation, a Corporation organized under the laws of the State of Connecticut and having its principal office in said Town of Westbrook, do remise, release and for-ever Quit Claim unto the said The Shore & Lake Corporation, its successors and **assigns forever all the right, title, interest, claim and demand whatsoever as I**, the releaser, have or ought to have in or to certain pieces or parcels of real estate situated in the Town of East Lyme, County of New London, and State of Connecticut described as follows:

Those certain lots located at Black Point at Niantic in said Town of East Lyme numbered 1134, 1140, 1147, 1165, 1166, 1167, 1170, 1172, 1199, 1181, 1131, 1162, 1178, 1157, 1151, 1176, 1161, 1111, 1171, 1152, 1138, 1189, 1153, 1136, 1137, 1150, 1108, 1109, 1114, 1104, 1148, 1146, 1163, 1145, 1144, 1177, 1139, 1191, 1173, 1192, 1193, 1183, 1101, 1135, 1182, 1164, 1127, 1128, 1188, 1106, 1107, 1156, 1110, 1160, 1102, 1168, 1169, 1133, all as shown on a map file in the office of the Town Clerk of said Town of East Lyme, entitled "Plan No. 2 Black Point Beach Club Property at Niantic, Town of East Lyme, Conn., owned by Jas. Jay Smith, Jas. Jay Smith Co., Developers, 1328 Broadway, New York, and Niantic, Conn."

Also a certain tract of land shown on said map marked "Reserved Beach", fronting on Ion Island Sound;

Also a certain tract of land fronting on Long Island Sound, marked "Reserve Beach", all as shown on a certain map to be filed in said Town Clerk's office, entitled "Plan #1 Black Point Beach Club Property at Niantic, Town of East Lyme, Conn. owned by Jas Jay Smith, Jas. Jay Smith Co., Developers, 1328 Broadway, New York; and Niantic, Conn." Said "Reserve Beach" as shown on said map bounded: North by land now or formerly of Attawan Co., East on said Long Island Sound; South on land now or formerly of Harrison W. Bond, and West by other land owned by me now or formerly as shown on said map.

Volume 78

Page 28

1

WARRANTY DEED

BLACK POINT BEACH CLUB PROPERTY

EAST LYME, CONN.

Know all Men by these Present:

That the Shore & Lake Corporation, a Corporation organized and existing under the laws of the State of Connecticut and having its principal office in Middlesex, in said State, for an in consideration of One Dollar and other valuable considerations received to the full satisfaction of Mary S. O'Brien*** of the City or Town of West Hartford County of Hartford and State of Conn. and in further consideration of an undertaking by the Grantee well and truly to carry out the conditions herein below set forth does give, grant, bargain, sell, and confirm, unto the said Mary S. O'Brien**** a certain tract or parcel of land situated on the Black PT. Beach Club property in the Town of East Lyme, County of New London, State of Connecticut, being Lot No. 1172**** of Plan 2 of the Black Pt. Beach Club property as the same is laid out into building lots and plans filed for reference April 3, 1931** with the Town Clerk of the Town of East Lyme. Said lot is more particularly described as follows, via:

Lot Number One thousand One hundred Seventy-two (1172) is bounded Northerly, Forty-two and Eight Tenths (42.8) feet, more or less, by Blue Heron Road; Easterly, One hundred (100) feet, by lot Number Eleven hundred Seventy-one (1171); Southerly, Thirty-nine and five Tenths (39.5) feet, more or less, by Lot Number Eleven Hundred Seventy-three (1173); Westerly, One Hundred and Five Hundreds (100.05) feet, more or less, by West Lane.

From: cmaries70@yahoo.com,

To: BOG@blackpointbeachclub.com, colleen.chapin@gmail.com,

Subject: BPBCA West Lane issues SILENCED even when on the agenda by BOGS/Selectmen Nickerson

Date: Fri, Sep 25, 2020 7:57 am

Black Point Beach Association Annual Meeting May 25th, 2019 Meeting Minutes

II. Introducing the members of the Board of Governors

Ms. Colangelo introduced the Board and staff members to the membership and turned the meeting over to Mark Nickerson, First Selectman of East Lyme.

Mr. Nickerson gave an update regarding

the financial condition of the State,

the four upcoming bridge projects in Town and resulting detours,

the budget referendum,

the Cini Park bathrooms which opened yesterday,

Costco, the Exit 74 threeyear minimum project,

and the proposed **West Lane Subdivision**.

Mr. Nickerson called for audience questions.

Cary Michael Johnson (aka Mike Johnson), BOG member asked about Plan B- the living coastline planning program and Mr. Nickerson replied that he didn't know; it hasn't hit his desk yet.

A member who didn't identify herself asked **if the chain on West Lane is going to stay down** and

Mr. Nickerson replied that the **Town is not involved in the local politics** given that the lane is private.

Cindy Trocki of 22 Blue Heron Road asked about **West Lane** and said if it was paved privately, why are **taxes not being paid by Old Black Point**?

She said the **Assessor said** that Old Black Point doesn't **pay taxes on their portion** while New **Black Point pays on their one foot strip**; they would like to make sure the Assessor is assessing that land and that Old Black Point is paying the taxes they should be responsible for.

She also asked about when the **right of way was given to the Town** and if Black Point pays taxes on that road or **if it is just the right of way** (that was given to the Town)? Ms. Trocki asked if Black Point owns the land underneath the roads.

Mr. Nickerson explained that these are **questions for the Assessor**.

Ms. Trocki replied that the **Assessor doesn't want to talk with her** and

Mr. Nickerson said **he would happy to walk into the Assessor's office with her, to seek those answers**.

He said he can schedule a meeting so they can sit down with the Assessor and discuss this. Mr. Nickerson asked that if anyone has questions or concerns about any item in Town, that they call him so that the matter can be discussed with whatever relevant Department Heads needed.

Ms. Trocki asked about the **water and sewer area** that is available to each municipality and that **she still hasn't received an answer from Brad Kargl**.

She said the **West Lane Development** would be **cutting into the water and sewer that belongs to the Black Point Beach Association** when **Old Black Point should be utilizing their own**. Mr. Nickerson said it does exist **WITHIN THE SEWER SHED** and they're therefore **able to obtain it**. He asked that she call his office on Tuesday so they can sit down with Brad and discuss this.

Ms. Colangelo suggested a MORATORIUM ON THIS TOPIC since this is not the forum to discuss this. She said these are legitimate concerns but this is an annual meeting and there are many items on the agenda.

From: cmaries70@yahoo.com,

To: bogs@blackpointbeachclub.com,

Subject: BPBCA By-Laws (a supplement to BPBCA Chater)

Date: Thu, Sep 24, 2020 10:53 am

Dear BOGS of Black Point Beach Club Association Corporation,

A quorum is a term that defines the **minimum number of people** required for an assembly or organization to conduct business.^[1] It allows people to ensure that financial and LEGAL DECISIONS are **ALWAYS reviewed and voted on by a good percentage of the members**. Although a quorum can be a majority, it is defined according to the needs of the organization, and is often **written in the organizational by-laws**.

By-Laws

ARTICLE I

GENERAL

Sec. 1. The following SHALL **SUPERCEDE** all bylaws previously adopted by the Board of Governors of the Black Point Beach Club Association, SHALL become effective on and after November 1, 2005 until amended, as hereinafter set forth. These **By-laws are INTENDED TO SUPPLEMENT the Charter of the Association** with respect to the regulation of the affairs of the Association.

ARTICLE II

MEETINGS OF MEMBERS

Sec. 1. **Any meeting** of the members of the Association may be held at any place in the State of Connecticut, as designated in the call of such meeting.

Sec. 2. **THE ANNUAL MEETING** of the members shall be held before September 9 in each year at the place and on the day and at the hour designated in the call thereof, as required by Section 4 of the Charter of the Association.

Sec. 3. Warnings of **ANNUAL OR SPECIAL MEETINGS** of members shall be in writing, signed by the Chairperson or a majority of the Board of Governors, and one copy thereof shall be posted at the Club House at Woodland Park, and one copy shall be posted at the East Lyme Town Hall, both postings at least ten days prior to the day in which said meeting shall be held.

Sec. 4. The Chairperson of the Board of Governors **SHALL DESIGNATE**, for each annual or special meeting of the membership, the Secretary and one other member of the Association to be **a COMMITTEE ON MEMBERSHIP**, which committee shall be authorized, subject to review by the Board of Governors, **TO DETERMINE UNDER THE PROVISIONS** of the Charter of the Association any question or dispute concerning the eligibility of persons to vote at membership meetings.

Sec. 5. **Any qualified member** of the Association shall be **entitled to vote at any meeting** of the members provided that he or she is actually present at the meeting. The use of proxies, powers of attorney, or other designations of voting power are expressly prohibited.

ARTICLE III

BOARD OF GOVERNORS

Sec. 1. The Board of Governors shall have power to choose, appoint and employ such officers, employees and agents as it may deem the **INTERESTS** of the Association **REQUIRE**. All such officers, employees and agents shall be subject to the order of the Board, and shall hold their offices at the pleasure of the Board, and may be removed at any time by the Board at its discretion. Such officers, employees and agents shall continue to hold office until their successors have been duly designated by the Board, or until their offices and services have been terminated by the Board.

Sec. 2. **ALL REGULAR MEETINGS** of the Board of Governors may be held at such time and place as the Board may determine in accordance with the provisions of the Connecticut Freedom of Information Act.

Sec. 3. **SPECIAL MEETINGS** of the Board of Governors may be held at any place upon call of the Chairperson or upon call of **ANY THREE OR MORE MEMBERS OF THE BOARD OF GOVERNORS**. Notice of such meeting shall be given in accordance with the provisions of the Connecticut Freedom of Information Act.

Sec. 4. Unless and until otherwise specified by the Board of Governors, a majority of the members of the Board of Governors at the time in office shall constitute a quorum. **All questions shall be decided by a vote of a majority of the members of the Board of Governors present at any meeting thereof.**

Sec. 5. **Executive Session:** The board may hold an executive session, at which the public is excluded, upon an affirmative **vote of two-thirds of the members present and voting**. Said vote shall be taken at **A PUBLIC MEETING OF THE BOARD, and the**

reasons for the executive session shall be stated at the time of the vote in accordance with the provisions of the Connecticut Freedom of Information Act.

Sec. 6. **Committees:** The Board of Governors shall annually appoint standing committees to advise the Board with respect to assigned areas of responsibility, and may appoint ad hoc committees for specific short-term purposes. All committees shall be advisory to the Board and may not act for the Board unless expressly authorized by the Board to do so.

Sec. 7. **Parliamentary Authority:** The rules contained in Robert's Rules of Order

(LATEST EDITION) shall govern the board in all cases to WHICH THEY ARE APPLICABLE BUT NOT INCONSISTENT WITH THESE BYLAWS.

Sec. 8. **Term Limits.** Members of the Board of Governors shall be eligible for election to not more than two consecutive terms of three years each, provided that an individual appointed to an unexpired term of two years or less may serve not more than eight consecutive years. Any person who has served two consecutive terms on the Board shall again be eligible for election after an interval of three years.

COMING SEPTEMBER 2020, THE NEW 12TH EDITION OF ROBERT'S RULES OF ORDER NEWLY REVISED

ARTICLE IV

OFFICERS.

Sec 1. The officers of this Association shall consist of A CHAIRPERSON and A VICE CHAIRPERSON, who shall be Chairperson and Vice Chairperson, respectively, of the Board of Governors, and a Secretary, A TREASURER AND A TAX COLLECTOR, all of whom shall be elected by the Board of Governors.

The Chairperson and Vice Chairperson **SHALL BE ELECTED ANNUALLY at a meeting following the Annual Association Meeting at which members of the Board of Governors are elected.**

The Association Secretary **SHALL CONVENE AND PRESIDE AT SUCH MEETING UNTIL THE ELECTION OF THE CHAIRPERSON.**

Rev. 06.27.19

From: margaret_mager@yahoo.com,
To: bog@blackpointbeachclub.com,
Subject: Exec Session
Date: Tue, Sep 1, 2020 6:49 pm

Should be at the end of the meeting. Roberts Rules permits it. It is inconsiderate to make the public wait for an extended period.

QA should be after the agenda is gone through.

Thank you for all you do. Your Volunteer work is appreciated

Best
Margaret
(c) 201-657-5862

Sent from my iPhone. Please excuse typos.

From: cmaries70@yahoo.com,
To: BOG@blackpointbeachclub.com,
Subject: Robert Rules
Date: Mon, Sep 7, 2020 11:44 am

Dear Board of Governors of BPBCA Corporation Property,

As per my request of the Board of Governor's during meeting this past Saturday,
I am still requesting information of Robert Rules followed by BPBCA BOGS for meetings.
Perhaps as a link on BPBCA website, for all members?

Sincerely,
Cindy Trocki
22 Blue Heron Road
BPBCA Corporation Property Owner
Niantic, Ct. 06357
508-561-8761

From: cmaries70@yahoo.com,
To: BOG@blackpointbeachclub.com,
Subject: Robert Rules
Date: Wed, Sep 9, 2020 6:41 am

Dear BOGS,

Thank you, Cheryl, for your response. I will be seeking Robert Rules #11, through your suggestions.

As a member of the community, I am asking to be reassured your copy is not for all of the member access, and if so how can i get to review it?

Another question I have is about the board members; Do they get to educated themselves to Robert Rules, as well as how and when?

I seriously don't want to cause problems, I want to be educated about BPBCA Corporation's Municipality and protect our rights as owners and members.

I am working on being part of a community that works with truth and knowledge, because with truth and knowledge comes real power and freedom that is granted through Connecticut legislation General Assembly.

Sincerely,

Cindy Trocki

22 Blue Heron Road
BPBCA Corporation/Property Owner
Niantic, Ct. 06357
508-561-8761

On Sep 7, 2020, at 7:48 PM, Cheryl Colangelo <cherylcolangelo@gmail.com> wrote:

Hi Cindy,

We need to be judicious about what we post on the official BPBCA website, relaying information that is specific to BP. Robert's Rules of Order is available to anyone via the public library or internet search.

Thanks for your involvement with the community.
Cheryl

On Mon, Sep 7, 2020, 11:45 AM Cindy Trocki <cmaries70@yahoo.com> wrote:

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Niantic, Ct. 06357
508-561-8761

From: cherylcolangelo@gmail.com,
To: cmaries70@yahoo.com, bog@blackpointbeachclub.com,
Subject: Re: Robert Rules
Date: Wed, Sep 9, 2020 7:13 am

Hi Cindy,

There is no "official" copy of Robert's Rules for board members (my error, the most recent is the 12th edition), we all access the info in different ways (internet, library, personal copies) and our association secretary is very experienced with the procedures so we have her as a resource as well.

While the board has and will have in-services by the state regarding FIOA, there has been no formal procedure for disseminating information regarding parliamentary procedure in my tenure on the board. The charter does serve as a guide.

The official website for Robert's Rules is robertsrules.com.

Cheryl

On Wed, Sep 9, 2020, 6:42 AM Cindy Trocki <cmaries70@yahoo.com> wrote:

Dear BOGS,

Thank you, Cheryl, for your response. I will be seeking Robert Rules #11, through your suggestions.

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BLACK POINT BEACH CLUB ASSOCIATION
TAX COLLECTOR REPORT
9/22/2020

	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	\$197,640.27	\$3,831.94	Represents 18 outstanding accounts of which 4 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

9/22/2020

Ruth Ames, CCMC

Black Point Beach Club Association
Financial Report 2020-21
Actual to 9/24/20

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

	July 1 2020- June 20 2021 BUDGET	Actual to 9/24/2020	Variance from budget	Estimated Year End 6/30	Act % @9/24/20	Budget Y/E Est from budget	Variance
INCOME							
Fees and Donations							
Zoning Applications	\$10,000	\$2,325	-\$7,675	\$10,000	23%	0	
Rec Program	\$27,000	\$0	-\$27,000	\$0	0%	-27000	
Total Fees and Donations	\$37,000	\$2,325	-\$34,675	\$10,000	6%	-\$27,000	
Grand List Taxes							
Current Year Taxes	\$201,601	\$197,640	-\$3,961	\$201,601	98%	0	
Liens & Interest	\$1,000	\$478	-\$522	\$1,000	48%	0	
Prior Year Taxes	\$1,200	\$657	-\$543	\$1,200	55%	0	
Total Grand List Taxes	\$203,801	\$198,776	-\$5,025	\$203,801	98%	\$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	\$149	-\$1,251	\$1,400	11%	0	
Miscellaneous	\$100	\$27	-\$73	\$100	27%	0	
ZBA Permits	\$1,600	\$0	-\$1,600	\$1,600	0%	0	
Total Other Income	\$29,300	\$176	-\$29,124	\$28,100	1%	-\$1,200	
TOTAL INCOME	\$270,101	\$201,276	-\$68,825	\$241,901	75%	-\$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	\$74	-\$271	\$345		0	
Insurance	\$20,000	\$1,729	-\$18,271	\$20,000	9%	0	
Legal Fees	\$8,000	\$1,710	-\$6,290	\$8,000	21%	0	
Payroll Services	\$1,750	\$1,080	-\$670	\$1,750	62%	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	\$4,593	-\$44,402	\$41,995	9%	-\$7,000	
Operations							
Clubhouse	\$3,500	\$463	-\$3,037	\$3,500	13%	0	
Grounds Maintenance	\$4,000	\$1,891	-\$2,109	\$4,000	47%	0	
Liens	\$100	\$50	-\$50	\$100	50%	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	\$990	-\$5,610	\$6,600	15%	0	
Waterfront Maintenance	\$36,000	\$11,555	-\$24,445	\$36,000	32%	0	
Total Operations	\$61,700	\$15,365	-\$46,335	\$61,700	25%	\$0	
Other Expenses							
Black Pointer	\$3,706	\$3,454	-\$252	\$3,454	93%	-252	
Capital Expenditures - Current	\$15,000	\$3,117 Note 1	-\$11,883	\$15,000	21%	0	
Contingency Fund	\$25,000	\$0	-\$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	
Social Events	\$3,000	\$0	-\$3,000	\$3,000	0%	0	
Miscellaneous	\$4,500	\$24	-\$4,476	\$4,500	1%	0	
Website	\$800	\$0	-\$800	\$800	0%	0	
ZB/ZBA	\$3,300	\$77	-\$3,223	\$3,300	2%	0	

Total Other Expenses	\$69,456	\$12,172	-\$57,284	\$0	\$69,054	\$3	-\$402
Personnel Services							
Beach Patrol	\$8,500	\$9,284	\$784		\$9,284	109%	784
Medicare	\$950	\$340	-\$610		\$950	36%	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	\$5,500	-\$16,500		\$22,000	25%	0
Secretary	\$7,500	\$1,875	-\$5,625		\$7,500	25%	0
Treasurer	\$7,500	\$1,875	-\$5,625		\$7,500	25%	0
Tax Collector	\$8,500	\$0	-\$8,500		\$8,500	0%	0
Zoning Officer	\$14,000	\$3,500	-\$10,500		\$14,000	25%	0
Total Personnel Services	\$89,950	\$22,374	-\$67,576		\$70,734	25%	-\$19,216
TOTAL EXPENSES	\$270,101	\$54,504	-\$215,597		\$243,483	20%	-\$26,618
NET INCOME	\$0	\$146,772	\$146,772		-\$1,582		-\$1,582

Note 1

<u>Capital Expenditures-FY20/21</u>	<u>\$</u>
80" x 10 FT-Seaview dock replmt	2490
Bench	627
	<u>3117</u>

Bank Balances- as of statements dated :	<u>8/31/2020</u>
Checking and	
Sweep:	232,372
Long Term Savings	104,126
Total	<u>336,498</u>

September 2020 Association Manager's Report

I. Routine tasks:

- 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 through Labor Day and following weekend.
- Pick up plastics, empties, butts, discarded paper, 🗑️, on a daily basis to keep our beaches clean through Labor 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 and give to Cheryl.
- Put out garbage barrels on Sunday nights and return them on Monday mornings every week.
- Write up monthly reports.
- Open the Clay Courts at 8am and lock them at 7pm every day.
- Distribute payroll to staff every Thursday through Labor Day.
- Remove debris from beaches and piers on a daily basis through Labor Day. It requires walking the beaches and piers every morning.
- Worked with ELPD regarding golf cart registrations (there are 80 registered golf carts in BP).
- 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.
- Participated with the BOG Long-Term Capital Funding Committee.
- Participated with Parking Task Force Committee.
- Participated in practicing using technology for annual meeting.
- Removed wood & debris from Kayak/backwater area of property on OBP Road per Cheryl.
- Purchased mic from Amazon for use at annual meeting.
- Set up tables/chairs for meetings.
- Members have asked to continue to raking the beach. They usually have stopped on Labor Day and then one or two weekends after. Beach raking ceased on September 20th.
- Placed docks/gangways at top of Billow.



II. Non routine issues: (bulleted)

-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. Paid and Ordered, awaiting delivery \$2,500.



-Replaced sign at Sea View Boat Launch

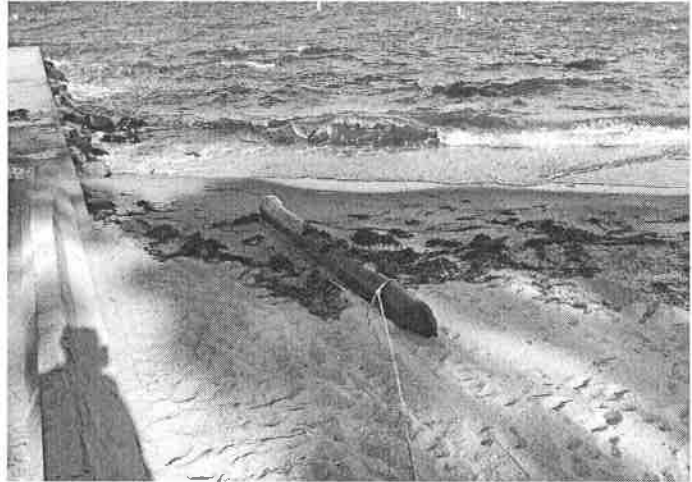


- Replaced lock & purchased "beads" for member use and stored at ShuffleBoard locker.*
- Assisted with Bocce Tournament in August/September.*
- Removed one of the no parking signs at Waterside Ave and will reinstall in the next week.*
- Met/Participated as a member of Long Term Capital Improvement Committee.*
- Removed fishermen off of South Beach pier Labor Day weekend and up to that date.*
- Investigated seaweed issue and reported back to BOG regarding Sea Spray kayak launch.*

-On Saturday, September 12th, unanticipated heavy surf did additional damage to the Sea View Boat Dock. As seen below. Pylon is in good shape and will be reused.



-Mike Nebelung was awesome in securing the remaining dock and pylon as seen below.



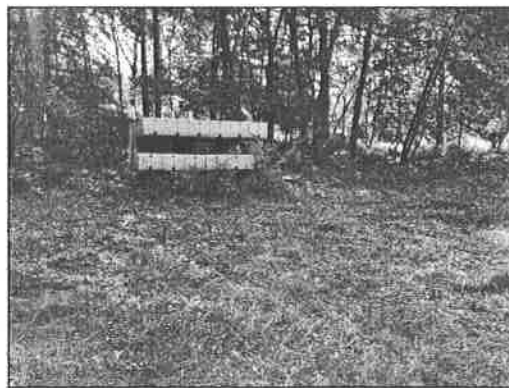
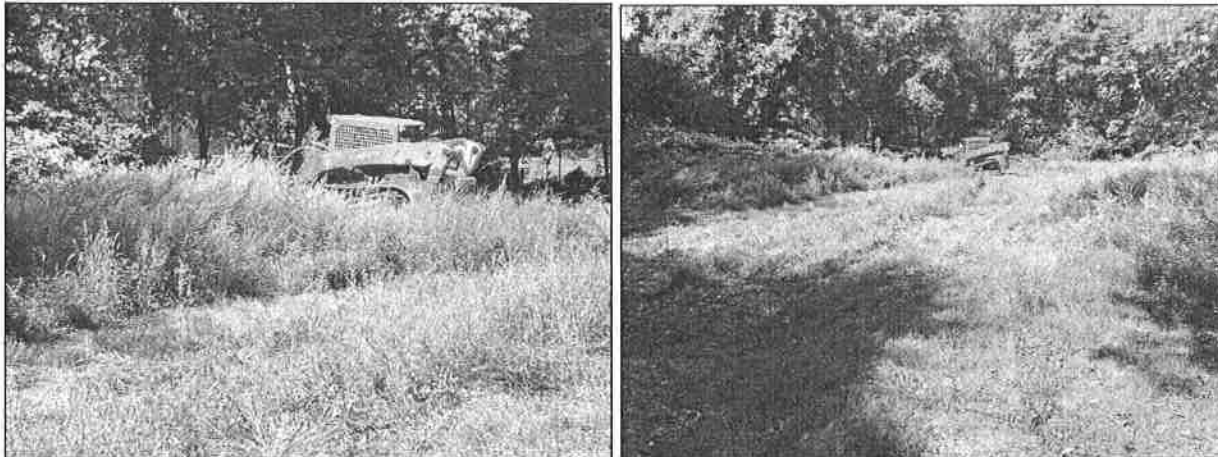
III. Resolution of non routine issues

-Installed Belsen bench at Playground.



-Cut down 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.



Action Items

- Currently removing Geese lines and swim buoys.
- Currently soliciting bid to secure pylon for next season at Sea View Boat Launch.
- Kayak Racks will be removed week of October 15th.
- Harvesting of sand will commence week of October 15th.
- Clay tennis courts close week of October 15th. Hard courts will remain open to Thanksgiving.

Jim Moffett, Association Manager **September 21, 2020**

Adopting Charters, Ordinances, and Bylaws

By: Rute Pinho, Principal Analyst
June 15, 2017 | 2017-R-0117

Issue

Explain the procedure municipalities and special taxing districts must follow to adopt or revise home rule charters, charter amendments, ordinances, and bylaws. This report updates OLR report [2002-R-0863](#).

Summary

Municipalities and special taxing districts generally must follow the same statutory process for adopting or amending home rule charters. This is also the case for municipalities and districts that currently operate under charters that the legislature enacted on their behalf (i.e., special act charters). The procedure is generally the same for adopting or amending a charter and involves four steps:

1. The municipality or district's appointing authority (generally its legislative body) or voters can initiate the process by resolution or petition, respectively.
2. The appointing authority must appoint a charter commission, which must consider any item the appointing authority or petition specifies. The commission may also consider other items it chooses.
3. The commission and the appointing authority must hold public hearings on the proposed charter or charter amendments according to a statutory schedule. The appointing authority may recommend changes to the commission's proposal, but the commission does not have to accept them.

4. After the commission finalizes its proposed charter or amendments, the appointing authority may accept or reject all or parts of it. Voters can petition for a referendum on the rejected parts and must ultimately vote on the proposal, regardless of whether the appointing authority initially approved it.

The statutes authorize municipalities and special taxing districts to adopt ordinances, but they establish specific procedural requirements that apply only to ordinances adopted by towns, cities, boroughs, and fire districts. The statutes are silent on whether and how municipalities and special districts can adopt bylaws. However, the statutory requirements for adopting ordinances appear to apply to bylaws as well since the statutes, local charters, and legal commentaries use the terms interchangeably.

Charter Adoption and Amendment

Home Rule Charters versus Special Act Charters

The phrase "home rule charter" signals the fact that some municipalities and districts operate under charters that they adopted and amended on their own (i.e., "home rule" charters) while others operate under charters that the legislature adopted and amended on their behalf (i.e., "special act" charters). The distinction holds even though the legislature allowed all towns (in 1957) and districts (in 1963) to act on their own.

A 1969 constitutional amendment banned the legislature from enacting special acts regarding the powers, organization, form of government, and terms of elective office for any single town, city, or borough (Article Tenth). The amendment did not repeal special act charters but generally blocked the legislature from amending them. As a result, towns, cities, and boroughs operating under these charters can amend them only by converting them into home rule charters.

While the constitutional ban does not apply to special districts, they may still choose to convert their special act charters into home rule charters in order to amend them, rather than asking the legislature to do so. The legislature discourages legislation amending district charters because:

1. the legislative process does not move fast enough for districts;
2. drafting, processing, and debating numerous special acts consumes too much time; and
3. the statutes provide a mechanism through which districts can act on their own (Connecticut Advisory Commission on Intergovernmental Relations, Independent Special Taxing Districts in Connecticut, December 1988).

Home Rule Action by Special Districts

A special district operating under a special act charter must convert its charter into a home rule charter before it can amend it on its own by following the same statutory procedure municipalities must use to adopt and amend their home rule charters. Two-thirds of the voters present at a district meeting must vote to do so (CGS § 7-328a(a)).

Initiation

From this point on, the process for adopting or amending a municipal charter or amending a district charter is generally the same. (The statutes do not specify the process by which newly formed districts must adopt their charters.)

The process can be triggered by the jurisdiction's appointing authority or voters. A municipality's appointing authority is the (1) town's board of selectmen, town council, or board of directors; (2) city's common council or other body empowered to make ordinances; or (3) borough's board of burgesses. For special taxing districts, the appointing authority is the board of directors or other governing body.

The appointing authority can start the process if two-thirds of its members agree. Voters can start the process if 10% of them sign a petition to that effect, according to requirements the law establishes for preparing petitions and validating signatures. In the case of municipal charter petitions, the law requires petition signatures to be obtained within 90 days of the date when the page containing them was filed with the appointing authority in order for the signatures to be valid. In the case of either municipal or district charter petitions, it allows the petition to recommend items for the commission to consider. The petitioners must file the petition with the town or district clerk, who must validate the signatures and certify its sufficiency to the appointing authority (CGS §§ 7-188(c), 7-189, and 7-328a(c)).

In either case, the appointing authority appoints a commission to draft the charter or charter amendments (CGS §§ 7-188(b) and 7-328a(b)-(c)). Once the clerk certifies a municipal charter petition's sufficiency, the clerk cannot accept another petition for the same purpose until the first commission terminates (CGS § 7-188(d)).

Appointing the Charter Commission

The appointing authority must appoint a charter commission consisting of between five and 15 voters, no more than one-third of whom can hold another municipal or district office and no more than a bare majority of whom can belong to the same political party. The appointing authority must appoint all of the commissioners within 30 days after it voted to start the process or the clerk certified the petition (CGS § 7-190(a)).

The appointing authority can recommend items for the commission to consider, and the commission must consider these and any other items specified in the petition, if there was one. The commission can also consider other items it deems desirable or necessary. Its draft and final reports must discuss all of the items it considered.

The appointing authority must adopt a resolution setting a deadline for the commission to complete its draft report, which must fall within 16 months after the commission's appointment. The commission terminates after the appointing authority accepts or rejects the commission's final report (CGS §§ 7-190(b) and (c)).

Holding Public Hearings on the Proposed Charter or Amendments

The commission and the appointing authority must separately hold public hearings on the proposed charter or amendments. The commission must hold at least two hearings, one before it begins to draft its proposal and one before it submits the draft to the appointing authority. It may opt to hold additional hearings (CGS § 7-191(a)).

After completing its hearings, the commission must submit the proposal to the town or district clerk, who must send it to the appointing authority, which must hold at least one hearing on the proposal. Its last hearing can be no later than 45 days after it receives the report (CGS § 7-191(b)).

The appointing authority has up to 15 days from its last hearing to recommend changes to the proposal (CGS § 7-191(b)). If it does not make any, it tacitly accepts the report as the commission's final report and must act on it. If it does recommend changes, the law requires the commission to discuss them with the appointing authority. The commission may accept these recommendations and incorporate them into its proposal or reject them. In either case, it must submit its final report to the appointing authority no later than 30 days after the appointing authority makes its recommendations (CGS § 7-191(c)).

Approving the Charter or Amendments

The appointing authority must act on the commission's final report no later than 15 days after receiving it. It can, by majority vote, approve or reject the entire proposal or reject parts of it. If it rejects all or parts of the proposal, voters can petition for a referendum. They have 45 days to submit the petition, which must be signed by at least 10% of the voters. The petition requirements are the same as those for requesting a charter commission ([CGS § 7-191\(d\)](#)).

No later than 30 days after approving the final report or the petition's certification, the municipality or district must publish at least once in a newspaper the (1) proposed charter or (2) portion being amended, with a notice that a complete copy is available in the clerk's office or by mail on request ([CGS § 7-191\(d\)](#)).

The appointing authority must also decide by majority vote the forum for submitting the proposal to the voters for approval. Municipalities may submit the proposal at a regular or special election while districts may submit one at a regular or special district meeting. In both cases, the referendum must be held no later than 15 months after the appointing authority approved the proposal or the respective clerks certified the petition. The appointing authority must also decide whether to submit the proposal to the voters as a single question or several questions ([CGS §§ 7-191\(e\) and \(f\)](#)).

The voting requirements for approving the proposal depend on whether the vote is taken at a regular or special election (or meeting). A majority vote is required for proposals submitted at regular elections or district meetings. A majority vote is also required for those submitted at special elections or meetings, but that majority must equal at least 15% of all municipal or district voters. If approved, the proposal takes effect 30 days after the vote, unless the proposal requires otherwise ([CGS § 7-191\(f\)](#)).

The town or district clerk must file copies of the approved charter or amendments with the secretary of the state no later than 30 days after the voters approve them ([CGS § 7-191\(g\)](#)).

Ordinances and Bylaws

Distinction

The requirements for adopting and publishing ordinances seem to apply to bylaws as well. The statutes, town charters, and legal commentaries seem to use the terms interchangeably. For example, [CGS § 7-159](#) grandfathers "any valid ordinances, bylaws, or regulations adopted prior to

October 1, 1957 under the provisions of the general statutes...." Several town charters list both bylaws and ordinances as the means for exercising municipal powers. Black's Legal Dictionary lists bylaws as a synonym for ordinance and likewise shows "ordinance" as one meaning for bylaw.

Adoption and Publication

Towns, Cities, Boroughs, and Fire Districts. The law explicitly allows towns, cities, boroughs, and fire districts to adopt ordinances, subject to certain procedural requirements. The local legislative body or voters at a town or district meeting may adopt ordinances and have them published in a local newspaper. Those adopted by the legislative body take effect 30 days after publication; those adopted at meetings take effect 15 days after publication. But these requirements apply only if the local charter does not provide otherwise ([CGS § 7-157\(a\)](#)).

Voters can block these ordinances from taking effect by petitioning to have them approved at a referendum. At least 15% of the voters must sign the petition and submit it to the town or district clerk within 30 days after the newspaper publication. The petition must indicate if the referendum should be held at the next regular election or at a special meeting. The ordinance is adopted if a majority of voters approve ([CGS § 7-157\(a\)](#)).

The statutes allow jurisdictions to publish a summary of ordinances (except those making or requiring an appropriation) in lieu of the actual ones. Nonetheless, the jurisdiction's clerk must make copies of the actual ordinance available to the public upon request. The summary must include a statutory disclaimer explaining, in part, that it does not represent the legislative body's intent ([CGS § 7-157\(b\)](#)).

Districts. State law gives special taxing districts broad authority to adopt ordinances to carry out the special district law and establish the duties and compensation of their officers and how their duties must be carried out, including penalties to enforce the ordinances ([CGS § 7-328](#)). But, as noted above, it establishes procedural requirements only for fire districts.

RP:bs