

**Black Point Beach Association
Board of Governors
July 22nd, 2021 Special Meeting Minutes**

Present: Steve Beauchene
Will Fountain
Janet Bonelli
Tom Meggers
John Cellino

Absent: Tom Cherry
Ruth Ames, Tax Collector

Also Present: Jim Moffett, Association Manager
Al Capozza, Treasurer
Anita Schepker, Charter Revision Commission Representative
Rick Diachenko, Men's Club Representative
Kay Parulis, Women's Club Representative
Colleen Chapin, ZBA Chair

The Regular Meeting of the Black Point Beach Club Association Board of Governors, was held on Thursday July 22nd, 2021 at 6:00 p.m. at the Black Point Clubhouse located at 6 Sunset Avenue, Niantic, CT.

I. Call Meeting to Order & Attendance

Ms. Bonelli called the meeting to order at 6:01 p.m., did roll call, and noted a quorum was present.

II. Additions to the Agenda

Dr. Beauchene said he'd like to add a brief discussion regarding the Zoning Board of Appeals and Zoning Commission rosters.

Mr. Cellino mentioned the Property Maintenance Guidelines crafted by the Zoning Commission last year and noted that this item hasn't advanced.

Dr. Beauchene explained that the Zoning Commission set up those guidelines, and they're just that- guidelines; their plan was to see how the guidelines were received for the first couple of years and harden them with penalties in the future if it's deemed necessary.

Mr. Cellino said if that is the case, he's not even aware of it so people obviously need to be informed. He said the Zoning Chair, Jim Fox, asked him to bring this up and since his opinion differs he suggested that Dr. Beauchene speak with Mr. Fox since he is the Zoning Board Liaison.

Mr. Cellino said he doesn't know what the guidelines are and Ms. Stevens reported that the guidelines are on the website but that she would be happy to email to the Board Members as well. He added that he thinks the idea was to put some teeth behind the guidelines.

Mr. Cellino said he would like to add a discussion regarding adverse possession and the mowing of right-of-ways and provided the Board with some literature regarding this (attached.) He said on a personal level he had made a request back on May 8th, to fill in the cracks in the Sea Crest right-of-way and thinks of that nature; he finds it interesting that his request was never made part of the minutes and would like to see this matter addressed.

Mr. Cellino said he received a call from an Association Member which relates to a lawsuit.

Ms. Bonelli said she thinks everyone would benefit from a Freedom of Information workshop, especially some of the new Board Members who may not be as familiar with meeting procedures. She added that she'd like to schedule this once they have filled the Board vacancy.

Ms. Bonelli said she thinks this discussion should be tabled since it's not on the agenda and that he can communicate to her why he would like to see it on a future agenda and Mr. Cellino said he attempted to do that yesterday when he called her but was unable to reach her. Mr. Cellino said the item he wishes to discuss has to do with personnel so would need to be discussed in executive session anyway.

Ms. Bonelli said this discussion will have to be reserved for the future since an executive session is not part of this evening's agenda and Dr. Beauchene confirmed that it would need to be noticed at least 24 hours beforehand. Ms. Bonelli added that they also need to be careful of what is communicated via email and that certain issues should be discussed during a Board meeting instead.

Mr. Cellino said one last thing he wanted to mention is the pickleball issue and noted that fortunately it was resolved thanks to Mr. Fountain's solution. He said a few Members gave their opinions and then the item got resolved but not all the Board members were notified.

Ms. Bonelli explained that it was an executive decision to allow pickleball players temporary use but that a permanent decision wasn't made.

Mr. Meggers said he asked for the golf tournament to be added to the agenda and explained how over \$3,000 in personal checks are being made out to him and Chris Gent which isn't ideal for accounting purposes.

Mr. Capozza asked if Mr. Meggers had considered asking the Men's Club for their help and use of their tax id number and Mr. Diachenko said the Men's Club would be happy to help.

III. Consent Agenda

1. Approval of Minutes
 - a. June 27th, 2021 Board of Governors Executive Session Special Meeting
 - b. June 30th, 2021 Board of Governors Regular Meeting

MOTION (1)

Dr. Beauchene moved to approve the Board of Governors Executive Session Meeting Minutes of June 27th, 2021 as presented.

Mr. Fountain seconded the motion.

Motion carried, 5-0-0.

MOTION (2)

Dr. Beauchene moved to approve the Board of Governors Regular Meeting Minutes of June 30th, 2021 as presented.

Motion carried, 5-0-0.

Ms. Bonelli suggested moving one of the new business items- the vote on the Charter Revision Commission recommendation, ahead of communications so that Ms. Schepker doesn't have to wait until the end of the meeting to give her presentation.

IV. New Business

a. Vote on Charter Commission recommendation presented on July 17th, 2021

Anita Schepker of 48 Indianola Road said some of the following:

- She's here on behalf of the Charter Revision Committee to present the final draft of their proposed changes to the Charter.
- Back in February seven people were appointed to be on the Charter Revision Commission- herself, Jennifer Bogue, Sharon Bruce, Mike Coffey, Larry Connors, Phil Hagaman, and Brendon Fox, Jr.
- Three of them are attorneys and have been on a Charter Revision Commission before.
- She would like to note for the record that they followed all the statutory rules, relative to Charter Revision conditions under the Connecticut statutes.
- They were required to have two hearings, one before they began their work, which they held on April 6th, 2021.
- When the Board asked them to review the Charter they gave them a very narrow and very specific charge, which is whether or not to allow properties held in trust to vote because our Charter doesn't allow that.
- They looked at voting structures under the Connecticut law, and at their first hearing they took input from the public.
- Overwhelmingly the people who spoke at that April 6th, 2021 virtual meeting were in favor of them doing things relative to properties, held in interest.
- While doing research they determined that in 2015 Giants Neck changed their Charter to allow for this, as did Crescent Beach in 2017.
- Oak Grove Beach and Westbrook also changed their Charters as well, so they're not doing anything untoward or different than anybody else is doing.
- They had several meetings which people attended virtually, and they prepared a draft which they could change but under the Statute they're required to have a second hearing on that proposed draft.
- It was posted on the website, along with an explanation of the changes that they're proposing to the Charter, and they had that hearing on Saturday.

- In 1931 it was determined that we're a special kind of association that has some qualities of a municipality, such as levying a tax, but we're really a special tax district established by a special act of the General Assembly.
- Our Charter says that in order for you to be a member of the Association and to vote your property has to be held to one or more individuals' names.
- Back in 1931 trusts and corporations and LLCs and other instruments weren't really being used all that much.
- So, the first change that they made is if your property is held in trust by a corporation or an LLC one person is picked to be a member or representative.
- They can also participate and be on the Board of Governors, Zoning or ZBA.
- Currently these people cannot participate in any of these activities.
- 16 ½ percent of our properties right now are held in trust for corporations.
- After their first hearing they were told that number is increasing to almost 22%.
- This means that a number of people are paying dues and using our facilities but have no say in the process.
- There are 581 properties in Black Point Beach.
- When working on their proposed draft they struggled with some of the language.
- Other associations say a representative can vote provided that they're at least part time residents of any property within the limits of the association, which is an odd clause.
- They repeated this language but think it might be something the Board of Governors chooses to remove.

Ms. Schepker said someone brought up at their hearing that they didn't properly notice their meetings or hearings. She emphasized at the public hearing that they followed the Statutes relative to Charter Revisions; the complaint was that they hadn't put notice in the New London Day Newspaper but they're not required by Charter Revision to do that. She added that they noticed the meetings on the website, on Facebook, at the clubhouse as required.

Ms. Schepker said another concern they heard was that someone didn't like the one vote one house rule, right now if someone had six owners on the property they cannot vote.

Ms. Schepker noted the proposed draft is up on the website and they handed out copies at the hearing as well. She explained that now that it has been presented to the Board it becomes their responsibility; the Board is required under the Statute to have a hearing on the draft and must do it within 45 days of it being presented to them this evening.

She added that their vote (as a group) whether accepted as is, or with modifications, must be noticed to the general membership that they're going to have a vote on this, and they must list the date and put this notice in the New London Day Newspaper along with the normal notification channels of facebook and the website.

The Board briefly reviewed the proposed draft and discussed scheduling a public hearing followed by a special meeting to consider this item.

MOTION (3)

Dr. Beauchene moved to accept the recommendation of the Charter Revision Committee to present to our membership during a Public Hearing on Monday August 2nd, 2021 at 6:00 p.m.

Mr. Meggers seconded the motion.

Dr. Beauchene observed that if the work is endorsed by the Board it can be presented to the general membership at the Annual Informational Meeting in August.

Dr. Beauchene said he thinks the part time clause Ms. Schepker spoke of should be removed from the proposed draft. After much discussion it was confirmed that no changes can be made to the proposed draft prior to the public hearing so Dr. Beauchene rescinded his previous suggestion and noted his motion is to consider the work of the Charter Revision Commission as is.

Vote:

Motion carried, 5-0-0.

V. Communications**a. Possibility of a Summer concert organized by the Women's Club & Men's Club**

Ms. Bonelli shared there is a possibility of a Summer concert organized by the Women's Club and the Men's Club and noted that Kay Parulis and Rick Diachenko are in attendance to discuss this.

Ms. Parulis explained that this is the event they've held in the past and that she and Mr. Diachenko is here to ask the Board of Governors permission to hold this event. She added that Mr. Moffett found a great band for them called Fusion. Mr. Moffett said a member at South Beach who works with musicians was instrumental in securing the band; it's a really good deal on a really high quality band.

Mr. Moffett said the Murdoch family can provide electricity and Ms. Parulis said the cost is \$800 and that the Women's Club is hoping it can be split between the Women's Club, Men's Club, and Board of Governors.

Mr. Moffett said the event would be from 5:00 p.m. to 9:00 p.m. on August 8th, 2021, and will be combined with a bonfire.

Mr. Meggers asked about a rain date and Mr. Moffett said it's a one shot deal and requested that they make the clubhouse available in case there is an imminent threat of rain.

The Board discussed whether it would be possible to negotiate a rain date or reduced fee if the concert cannot be held and Mr. Moffett suggested the use of a tent if necessary.

MOTION (4)

Dr. Beauchene moved to contribute up to \$300 towards a Summer concert.

Mr. Meggers seconded the motion.

Mr. Meggers said we should see if they can do a rain date and discussed how costs might be offset. The Board briefly discussed how holding the concert in the right-of-way might be safer.

The Board agreed that the Women's Club and Men's Club can work out the fine details.

Vote:

Motion carried, 5-0-0.

Mr. Diachenko and the Board discussed the importance of communication and how information might be better dispersed given that few members of the public attend meetings.

b. Parking Concerns

Ms. Bonelli read the email from Nancy Condon regarding parking concerns dated July 11th, 2021 into the record (attached.)

Dr. Beauchene asked Mr. Moffett if he's seen a problem with people parking without stickers and Mr. Moffett reported he hasn't seen anything this Summer and noted he has a camera pointed on the clubhouse parking which he checks twenty times a day.

Dr. Beauchene asked if they should install a sign that says "Member Parking Only."

Mr. Meggers suggested letting Ms. Condon know they're cameras pointed on the lot and now that we're aware of this, we will keep a close eye on it.

c. Candidates for BOG Vacancy

Ms. Bonelli said they received a couple of resumes but she also received emails of interest but no resumes have been forthcoming. The Board discussed reviewing the resumes they've received as well as any further ones they may receive, and voting on the vacancy come August.

d. Pickleball

Ms. Bonelli reiterated that no side meetings should be occurring via email and reminded the Board that only temporary permission was given for use of the court during club hours.

The Board had an in-depth discussion about the use of the court by the pickleball players and their desire to use the tennis courts at 10 o'clock on Mondays and Wednesdays.

Ms. Bonelli reported that there have been no issues due to the temporary use and noted it has rained almost everyday anyway.

Mr. Moffett reiterated that according to the rules the courts aren't to be used during Club hours but agreed that the solution made works right now but that any use should be reviewed on a case by case basis.

Mr. Meggers said there should be compromise on both sides and Ms. Bonelli asked how the court might be reserved in the future.

The Board agreed that the Pickleball players should continue to be allowed to use the courts for the remaining weeks of Club.

Dr. Beauchene and Mr. Meggers agreed it should be conveyed that such use will be revisited in the future and that they probably will not be able to play at the same time next year.

MOTION (5)

Dr. Beauchene moved to allow pickleball during the hours they're requesting as long as it does not interfere with the recreation program.

Ms. Bonelli seconded the motion.

Motion carried, 5-0-0.

e. ZBA nominations

Colleen Chapin of 53 East Shore was in attendance and noted that her term along with regular member Arlene Garrow, and alternate Kim Craven all end next week so she would like to request that they all be reappointed for an additional term.

Mr. Meggers and Ms. Bonelli discussed how it's difficult to vote for this given that they do not know the members who want to continue serving.

Mr. Meggers observed that the interested parties have been serving for some time and therefore have experience.

The Board discussed how going forward it might be helpful to always require resumes when deciding such matters.

MOTION (6)

Dr. Beauchene moved to reinstate Colleen Chapin and Arlene Garrow as Regular Members and Kim Craven as an Alternate Member of the Zoning Board of Appeals.

Mr. Meggers seconded the motion.

Motion carried, 4-0-1.

Ms. Bonelli abstained from the vote due to her unfamiliarity with the parties desirous of serving.

f. Zoning nomination

Dr. Beauchene noted that Joseph Katzbek, Zoning Alternate, also has a term that is ending and would like to continue serving. He noted that he religiously attends Zoning meetings since he is the Liaison to Zoning and shared that Mr. Katzbek is a great contributor to the work of the Zoning Board.

MOTION (7)

Dr. Beauchene moved to appoint Joseph Katzbek as a Zoning Commission Alternate for an additional term.

Mr. Cellino seconded the motion.

Motion carried, 5-0-0.

Ms. Chapin said she submitted two other things, and doesn't know if this is the right time to talk about them because they're not on the agenda. Dr. Beauchene said he was planning on discussing these items during his next Liaison report.

g. Correspondence

Ms. Bonelli noted that correspondence will be posted for the record.

VI. Public Comments

Leslie Doherty of 42 Nehantic Drive said she emailed the Board about the kayak racks and thanked Mr. Connors and Mr. Moffett for the new kayak racks. She would like to know if it would be possible to install an additional rack and explained that the boat beach rack is over capacity; if another rack cannot be built, the third rack at Sea Spray could be moved to the boat beach.

Ms. Doherty observed that Sea Spray access does not accommodate those not strong enough to carry their vessels due to the concrete and rocks, and shared a design idea she and her boyfriend have for a rack that would accommodate more paddle boards.

Mr. Fountain said there are 215 kayaks registered and Mr. Meggers discussed the possibility of a lottery for kayak storage.

Mr. Fountain said he will do an inventory of the space available for kayaks and paddle boards and the number currently present for the August meeting.

Mr. Meggers said he thinks building an additional rack is a good idea but that a better solution needs to be considered for the next Summer season.

VII. Reports

a. Treasurer

Mr. Capozza referenced his report (attached) and noted the income for July is \$220,424 and \$195,000 of that is from tax collections. He added that the second largest item is from the Recreation Program which is almost \$25,000, so their expenses will be covered. Mr. Capozza said the expenses are \$29,000 for the month and \$10,000 of that is for payroll costs. He said that next week he will distribute the final results for the last fiscal year.

Mr. Cellino commented that his daughter commented how inexpensive the recreation program is and suggested they consider increasing the fees as well as expanding the program.

Ms. Bonelli agreed that it would be prudent to discuss future options with the Co-Directors and suggested tabling this discussion for now.

b. Tax Collector

Ms. Ames was not in attendance but she emailed her report (attached.)

c. Association Manager

Mr. Moffett referenced his report (attached) and shared that John Bourget sent correspondence about South Beach and a slippery patch of concrete slope located there. Mr. Moffett would like to add a 6 foot railing for safety which would cost around \$900 to install.

Mr. Cellino asked if they're photos of the site, suggested tabling this item for a site walk, and the rest of the Board agreed.

Mr. Moffett detailed the 4th of July picnic and said the final cost was for \$2,700 and was a really great day.

Mr. Meggers asked if they tested the water and Mr. Moffett explained that Ledge Light Health District tests it every Monday. Mr. Meggers suggested sharing this news in the Black Pointer.

VIII. Further Public Comment

There was no further public comment.

IX. Liaison to Zoning & ZBA Report

Dr. Beauchene referenced Ms. Chapin's email about what the Zoning Board of Appeals would like to do regarding the application process; they're trying to streamline the way they take the applications and handle it electronically. He said they would also like to revamp the application In order to be more efficient with the application process (see attachment.)

Ms. Chapin said some of the following:

- There's two types of appeals that are covered under Connecticut statutes- requesting a variance of the existing zoning regulations, and second is appealing the decision by the zoning enforcement official.
- They're separating those into two applications for less confusion.
- The application will be filled out electronically, to the extent possible.
- With respect to the procedure she wants to codify the process since the Association address has changed, she's not here all the time, and appeal materials are time sensitive.

X. Old Business

Dr. Beauchene said he had a few updates he wants to make and shared some of the following:

- We have a benefactor who wants to help with the backwater kayak launch.
- In 2012 it cost \$500 to get the approval through DEEP and he was given a figure of \$10,000 to reapply.
- It was recommended that he go back to the person who did the first study, and see if they redo it for \$1,000 and will reapply.
- Our surveyor has finished up the one foot strip on West Lane.
- He asked them to use their judgment when marking the west side of it, that's the extent of our property.
- He had a problem with some of the rocks to put pins in so he stayed on the east side of that one foot strip.
- In regards to the Masterplan, SLR has been taken over by Milone & MacBroom.
- Milone & MacBroom is not interested in crafting master plans for small communities.
- Mike Zuba who gave the Masterplan presentation will be leaving that company along with several coworkers, and plan to continue with our project come January or February, so we would have something for discussion next July or August.

MOTION (8)

Dr. Beauchene moved to adjourn the July 22nd, 2021 Board of Governors Regular Meeting at 8:36 p.m.

Ms. Bonelli seconded the motion.

Motion carried, 5-0-0.

Respectfully Submitted,

Brooke Stevens, Recording Secretary

**Black Point Realty Trust
60 East Shore Drive**

April 23, 2021

**Board of Governors
Black Point Beach Club Association**

Re: Adverse Possession & Mowing of Right-of-Ways (specifically the Sea Crest Right-of-Way)

Dear Board of Governors (BOG):

I recently became aware of the following email, dated December 3, 2020, from Cheryl Colangelo, Chairwoman of the Black Point Beach Club Association (BPBC), to Jim Moffett, BPBC Manager.

I would appreciate you to now read this brief email. Thereafter, both topics will be addressed.

1/26/2021

ROWs

From: cherycolangelo@gmail.com,
To: bpbcmanager@gmail.com, bog@blackpointbeachclub.com,
Subject: ROWs
Date: Thu, Dec 3, 2020 12:22 pm

Hi Jim,

I spoke with our attorney about maintaining ROWs to avoid potential issues of adverse possession. The association must mow **all** ROWs.

If an owner of adjacent property wants the grass of the ROW to be of consistent height as that of his/her property, it is his/her responsibility, nor the association's, to coordinate their mowing with the **association** mowing schedule. Please follow up on this in the spring, and assure that our mowing bills identify that all ROWs are being mowed.

Thank you again for all your efforts.
Cheryl

FIRST, ADVERSE POSSESSION: Over the 20 plus years I've been associated with the BPBC, this issue has come up several times, has been addressed and researched by prior chairpersons, BOG and legal counsel. It is common knowledge that the BPBC is a chartered municipality in the State of Connecticut. As such, Adverse Possession does NOT apply to state or municipal properties. Attached on the following page, is a short letter from attorney Michael Boiczuk (an attorney whose practice is focused in real estate law) addressing Adverse Possession.

Please proceed to next page.

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John Cellino
160 East Shore Drive
Niantic, CT

Re: Adverse Possession of Municipal Property

Dear Mr. Cellino:

It is the general rule that property held by municipal and quasi-municipal corporations (i.e., Black Point Beach Association) cannot be acquired by adverse possession.

While many states have statutes that expressly exempt state or municipal land from adverse possession, Connecticut, like many other states, has no such statute. In those states where the statutes are silent on the subject, the courts have generally followed the common law rule "*nullum tempus occurrit regi*" ("time does not run against the sovereign") or more democratically "*nullum tempus occurrit republicae*" ("time does not run against the state"). In many of these states, the courts have relied on the common law rule of immunity to protect the state and/or municipality from adverse possession.

Accordingly, as the Black Point Beach Association is a municipality, adverse possession does not apply.

If you have any comments or questions, please feel free to contact me. Thank you.

Very truly yours,
WEBER, CARRIER, BOICZYK & CHACE, LLP

Michael Boiczuk

In addition to the above letter from attorney Boiczuk, I've discussed the same with a litigation attorney with considerable experience in property rights, who concurs with attorney Boiczuk's letter. If the BPBC legal counsel sees it differently, please have him/her contact attorney Boiczuk.

As an aside, if the above wasn't the case, wouldn't property owners claim they own the land between their front yard boundary line and the street pavement? Wouldn't property owners whose property abuts municipal lands such as open space, forests, ponds, parks etc. claim it is theirs?

It should be noted, there is a very high bar to take someone's property via an Adverse Possession claim, as such there are several easy and simple ways to defeat such a claim. If the board is interested, I'm sure the association's legal counsel can supply you a detailed explanation.

SECOND, MOWING OF RIGHT OF WAY'S (R.O.W.'s): This issue, as the above, has again been addressed several times by prior beach managers and/or BOG over the years. Let me say right off, BPBC has every right to mow the R.O.W.'s. However, it is perplexing why the association would opt to spend association funds on mowing the R.O.W.'s that are being, or willing to be, maintained by the abutters. BPBC, in general, has minimally maintained its R.O.W.'s over the years. As residents of BPBC for the past 20 years, we have taken considerable pride, with permission, in maintaining and regularly improving the abutting Sea Crest R.O.W. Obviously, this commitment to beautification benefits the direct abutters, but it also benefits the Sea Crest Road residents along with all Black Pointers. There is not a day that goes by, especially in-season, that the Sea Crest R.O.W. is not used by Black Point neighbors. In addition, well maintained R.O.W.'s along with well-maintained homes enhances the overall image of Black Point. Over the years, other abutting R.O.W. property owners have also taken pride in upgrading and maintaining other BPBC R.O.W.'s, which is exactly what Black Point (as any neighborhood) needs more of, pride in their community. As an aside, in-season, BPBC board might consider naming a "property/yard/landscaping/lawn etc. of the week" that exemplifies the pride of Black Point. This type of potential recognition could just possibly further motivate residents throughout all Black Point to upgrade and maintain their property.

Back to the issue at hand, does the BOG consider proper maintenance and upkeep of the R.O.W.'s to solely mowing them once every two weeks? And then to save money, mowing them on a Monday/Tuesday schedule versus Thursday/Friday where the R.O.W.'s can be crisp for the weekends when many Black Pointers are around and can enjoy the R.O.W.'s? Additionally, the association contractor simply zips through the R.O.W.'s with total disregard for the lawn health, ignoring grass cutting heights depending on the grass configuration of each R.O.W., not varying cutting patterns, mowing on wet days etc. This production style mowing may be acceptable for unmaintained R.O.W.'s but is definitely not acceptable for properly maintained R.O.W.'s. And, why should the association pay for mowing services when the abutters are willing to donate their time, energy, services etc. to maintain such on a more consistent basis and to a much higher standard.

For your information, the association, in my 20 years of knowledge, has not landscaped, trimmed bushes, sodded, seeded, fertilized, weeded, mulched, watered or physically repaired or improved any of the R.O.W.'s, except for replacing several benches in the recent past, although not the Sea Crest benches (which were installed by and are maintained by the abutter).

Now as to the Sea Crest R.O.W., all the above items noted that the association lacks in performing, the abutter does, (annual cost in excess of \$2,000 plus more for repairs and/or replacements of damage caused by the occasional harsh winter and year-round storms). Another example of this abutter stepping in to save, rebuild, improve, maintain and protect the Sea Crest R.O.W. was immediately after Storm Sandy. The subject R.O.W. was substantially destroyed. Much of the rock pile retaining/sea wall was collapsed and washed into the bay along with the lawn, topsoil and several feet deep of fill extending back 60+- feet. The balance of the lawn was ruined as it was submerged with sea water which left a significant coating of sand and salt. This abutter immediately approached the association manager, asked if the association was planning to repair the R.O.W. (as if left un-repaired, it put this abutter's seawall and patio at considerable risk of further damage and/or potential collapse) and was told it was doubtful, especially in the short-term, that the association would repair and/or rebuild the retaining/sea wall or the R.O.W. as there was substantial damage to many of the association properties throughout Black Point and little money available. This abutter requested permission to take on the task of restoration of the R.O.W. to include repairing, rebuilding and improving same. Permission was granted, but was told don't expect reimbursement, however the association would be appreciative. Thereupon, this abutter, immediately started the restoration process which firstly entailed reclaiming from the bay what boulders it could that were still reasonably assessable (remember, the governor waived all DEEP permitting requirements for a period after the storm to make emergency repairs). Thereafter, trucked in tons more of boulders and rocks, strategically placed the stone material, installed rebar, pumped yards

and yards of high-density concrete under high pressure between, under and over the boulders etc. as to hopefully prevent further damage or erosion. To date this fix has held up nicely and should for years and years to come.

In addition, truckloads of fill, then topsoil were brought in to replace what was lost, followed by compaction and grading, and then pallets of sod to cover substantially all the R.O.W. was installed. Lastly, we installed rose bushes and mulch against the opposite abutter's white fence to enhance the beauty of the R.O.W. This restoration was completely done by this abutter, at substantial time and expense, and did not request nor receive any reimbursement from the association. Upon the project's completion, the association manager, the BOG and many Black Pointers expressed their appreciation of the effort and beauty of the restored R.O.W.

Over the years the Sea Crest R.O.W. has been used by many Black Pointers on a regular basis for multiple purposes including relaxation, children playing, picture takings, etc. etc. Even a wedding ceremony was held on this R.O.W. This abutter took great pride in giving back to Black Point!

The R.O.W.'s are a benefit to all Black Pointers, and all should be improved and maintained as they directly reflect on the image Black Point portrays. The BPBC should not be discouraging such efforts by abutters to maintain and improve the R.O.W.'s, especially at the abutters time & expense.

In SUMMARY:

This abutter requests the BOG rescind the December 3rd, 2020 email (inserted at the beginning of this email) as to the mowing of the Sea Crest R.O.W. for the following reasons:

- As discussed above under Adverse Possession, this issue is just not applicable as Adverse Possession claims are not subject to municipalities.
- This abutter has over 20 years demonstrated its ability to care for & maintain the Sea Crest R.O.W to standards that are befitting the image of Black Point.

In addition, this abutter hereby requests permission to further improve the Sea Crest R.O.W. this year by aerification and overseeding the lawn; installing a mulched area around the fire hydrant, as this area cannot sustain an adequate lawn for the obvious reasons of salt, sand and animal urine; enlarge the width of the rose bush mulch area by approx. one foot; and fill the larger cracks in the pavement.

Black Point Realty Trust would appreciate a quick response to the above requests, as the time is prime now to be aerating, reseeding and fertilizing the lawn.

Thank you for your consideration.

Black Point Realty Trust
60 East Shore Drive



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June 18, 2021

Steve Beauchene
Black Point Beach Club Assn. Board of Governors
Via email only to: slbvmd@sbcglobal.net

+ ALSO ADMITTED IN RI
* ALSO ADMITTED IN MA

Re: Possible Adverse Possession Claims Against BPBCA

Dear Mr. Beauchene:

You have asked our advice regarding whether Black Point Beach Club Association ("BPBCA" or "Association") members who own property adjacent Association rights of way ("ROW") could bring legal actions against the Association claiming ownership of portions of the ROW's by adverse possession. You advised that owners of lots adjacent to Association ROW's may claim an interest in the ROW's. Adverse possession is a legal theory by which someone who is not the titled owner of property may claim ownership by proving that they have used the property exclusively, openly, notoriously, under a claim of right and without consent of the owner for a period of more than 15 years.

The Black Point Beach Club Association, Inc., was created pursuant to Special Act No. 462, 1931 Session of the General Assembly of Connecticut. A Special Act Community is quasi municipal corporation and as such is governed by the law applicable to municipal corporations. Candlewood Hills Tax District v. Medina, 143 Conn. App. 230, 237 (2013).

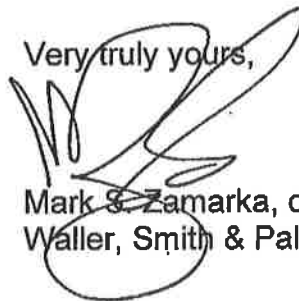
In Connecticut title to realty held in fee by a state or any of its subdivisions, such as quasi municipal corporations like the Association, cannot be acquired by adverse possession. Goldman v. Quadrain, 142 Conn. 398, 402-03 (1955). "Property that is held in fee simple ownership by municipalities must be presumed to be for public use ... the party seeking title by adverse possession must bear the burden of rebutting that presumption. Municipal immunity from adverse possession is the rule and not the exception ..." American Trading Real Estate Properties Inc. v. Trumbull, 215 Conn. 68, 80 (1990).

However, a plaintiff may seek adverse possession in limited circumstances provided they meet a greater burden of proof. If a plaintiff demonstrates that the public use of the property has been abandoned, intentionally or through disuse, a claim lies for adverse possession. Campanelli v. Candlewood Hills Tax District, 126 Conn. App. 135, 140 (2011). Put another way, a plaintiff may have a claim for adverse possession action against a municipality if the plaintiff can prove that public use of the property in question has been abandoned. What constitutes abandonment is a fact specific question and dependent on the circumstances of each case.

Applying the foregoing here, for an owner of property adjacent to a ROW to bring an adverse possession claim against the Association, that owner would have to first prove, by clear and convincing evidence, that the ROW (or the contested portion thereof) was no longer being put to public (or Association) use. So long as the ROW was still being maintained by the Association and used by its members, this would be a formidable burden for a plaintiff to overcome.

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

Very truly yours,

A handwritten signature in black ink, appearing to read 'Mark S. Zamarka', written over a circular stamp or seal.

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

WEBER, CARRIER, BOICZYK & CHACE LLP

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WILLIAM W. WEBER

84 CEDAR STREET
NEW BRITAIN, CT 06052

181 MAIN STREET
OLD SAYBROOK, CT 06475

June 30, 2021

John Cellino
160 East Shore Drive
Niantic, CT

Re: Adverse Possession of Municipal Property

Dear Mr. Cellino:

I have reviewed Attorney Zamarka's letter to Steve Beauchene dated June 18, 2021 with regards to the above-referenced matter which concurs with my previous letter to you that, in Connecticut, the general rule is that property held by municipal and quasi-municipal corporations (i.e., Black Point Beach Association) cannot be acquired by adverse possession.

Attorney Zamarka's letter also points out that there are limited circumstances where a claim for adverse possession against a municipality may apply. While there may be limited circumstances where this may apply, the elements that must be proven, and the burden of proof required to rebut the presumption that municipal property is held for a public use, realistically makes such a possibility remote and, with regards to the Black Point ROW issue, it does not apply.

Attorney Zamarka's conclusion that "so long as the ROW was still being maintained by the Association and used by its members, this would be a formidable burden for a plaintiff to overcome", while not inaccurate, does not truly reflect the realities of the Black Point ROW issue, as I understand it to be – namely, does the cutting of the grass, planting of flowers, etc. and general upkeep in the ROW by an abutter give rise to a claim of adverse possession against the Association.

The answer to that question is clearly a "no". As Attorney Zamarka points out, a claim can be brought if there is proof of an abandonment of the public use of the property. In the case of the Black Point ROW's there is clearly no abandonment. Section 4(#14) of the Complete Rules and Regulations of the Black Point Beach Club Association states: "The Black Point Beach Association owns and maintains several rights-of-way and the Reserve Beach within the boundaries of the Association. It is the intent of the Board of Governors of the Black Point Beach Association that these rights-of-way and the Reserve Beach are for the passive recreational use of all of the members."

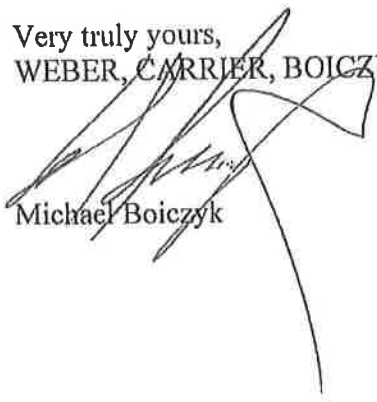
Cellino
June 30, 2021
Page 2

The policy of the Association, which is available to all of the members of the Association, clearly shows that there has been no abandonment of the ROWs so a claim for adverse possession cannot be made (i.e., the presumption of a public use cannot be rebutted). This fact is independent of whether the Association cuts the grass or not.

In conclusion, as the Association's policy clearly shows that the Association has not abandoned any of the ROW's, the Association's long-standing policy of allowing the abutters to cut the grass, plant flowers, etc. and provide general upkeep in the ROW's will not lead to an adverse possession claim.

If you have any comments or questions, please feel free to contact me. Thank you.

Very truly yours,
WEBER, CARRIER, BOICZYK & CHACE, LLP



Michael Boiczuk

From: colleen.chapin@gmail.com,
To: bog@blackpointbeachclub.com,
Subject: ZBA Agenda Item for next BOG Meeting
Date: Wed, Jul 14, 2021 12:06 pm

The ZBA will be having a special meeting on Wednesday, July 21. As some terms expire on July 31, part of this meeting will involve determining if those term holders wish to fulfill another term. That information would then be passed to the BOG for review and approval. As the BOG meeting is the following night (Thursday, July 22), I respectfully request that a small portion of the agenda for that meeting be reserved to review and approve term updates if appropriate. I would submit the proposed roster Thursday morning.

Additionally, as there have been BOG member changes and a change to the mailing address for ZBA applications, I would like to suggest a standard procedure when applications are submitted. We will be adjusting the application form and encouraging electronic submission, but given that applications come with a banker's check, there should be a procedure that ensures safe handling of the check and timely notification to the ZBA when applications are received. Again, this procedure will be reviewed at the ZBA meeting and then submitted Thursday morning to the BOG.

Thank you.

Colleen Chapin
Chair, Black Point ZBA

Black Point Beach Association
Zoning Board of Appeals
7/22/2021

ZBA Term Expiration & Renewal

Term Expiration & Renewal

The terms of Colleen Chapin, Arlene Garrow, and Kim Craven all expire on July 31, 2021. All three individuals have expressed interest in being re-appointed for another three-year term.

I request that the Board of Governors re-appoint Colleen Chapin, Arlene Garrow, and Kim Craven for new three-year terms, expiring July 31, 2024.

The role of the Zoning Board of Appeals is important for the community of Black Point and all three have important experience serving on the ZBA over the years. This experience provides the ZBA with a level of continuity for ongoing decisions as they arise.

With your approval, the ZBA roster with term expiration dates is as follows:

Colleen Chapin, 7/31/2024

Kim Craven (alternate), 7/31/2024

Arlene Garrow, 7/31/2024

Dan Deknis (alternate), 7/31/2023

Marianne Neptin, 7/31/2022

Anita Schepker, 7/31/2022

Sally Cini, 7/31/2023

Ideally, the ZBA should have a third alternate and any interested members are encouraged to volunteer. There are two hearings per year on average.

Thank you.

Colleen Chapin, Chair (if re-appointed)

Black Point Zoning Board of Appeals

7/22/2021

Procedure for Application Submissions

Background

The ZBA is updating the variance application to encourage electronic submission of materials, but since a check is involved, there will always need to be a submission through the USPS.

Since not everyone has the technology available to do electronic submissions and since submissions come year-round, it is important to standardize the intake process.

Additionally, there are important date milestones associated with the ZBA appeal process, so it is important that submitted applications be transferred to the ZBA in a timely fashion.

To ensure applications are handled in a timely fashion, the following procedure is recommended.

1. Write "Date Received: mm/dd/yyyy" on envelope below postmark.
2. Take picture of envelope showing date received and postmark.
3. Open envelope.
4. Confirm bank check for \$450.
5. Take picture of bank check.
6. Deliver bank check to Treasurer.
7. Contact ZBA Chair to notify that application has been received.
8. Scan (or take picture) of application (3 pages).
9. Send all pictures to bpbcazba@gmail.com.
** Additional images of supporting materials may be requested*
10. Place envelope with contents (except check) in the Board Room of the clubhouse.

Thank you.

Colleen Chapin, Chair

Black Point Zoning Board of Appeals

Black Point Beach Association
Zoning Board of Appeals
7/22/2021

New ZBA Application

Background

The current ZBA Variance application needs to be changed to reflect the change in the Association mailing address.

Upon review of the application, the ZBA is further modifying the entire application to better clarify the process and requirements of these appeals.

Key Elements of New Variance Request Application

- Emphasis on what a Zoning Variance is, clarification of the hardship requirement, and general timelines associated with the process.
- Standard application data such as applicant contact information, abutter list, list of section(s) of Zoning Regulations which are requested be varied.
- Essay type questions relating to the variance requested and the hardship experienced if the variance is not granted.

Separate Application for Appeal from ZEO Decision

- This action has been pulled out to a separate application for clarity. It is a rarely used appeal, but deserves its own application

Thank you.

Colleen Chapin, Chair

Black Point Zoning Board of Appeals

7/22/2021

From: john@invcap.com,
To: bpbcmanger@gmail.com, BOG@blackpointbeachclub.com,
Subject: Fwd: Club house
Date: Sun, Jul 11, 2021 1:52 pm

BOG's & Jim, please see below email from Nancy Condon and my brief response.

Suggest this item be added to the July BOG's meeting agenda for discussion. Jim, could you please be ready with your thoughts to address Nancy's email during said meeting.

Thanks.

Sent from my iPhone

Begin forwarded message:

From: John Cellino <john@invcap.com>
Date: July 11, 2021 at 1:37:27 PM EDT
To: Nancy Condon <ncond1@colchesterct.org>
Subject: Re: Club house

Good afternoon Nancy, your email points out an item that deserves consideration. As such I've forwarded your email to the association manager and copied the board. Thank you for bringing this to our attention.

Sent from my iPhone

On Jul 11, 2021, at 12:16 PM, Nancy Condon <ncond1@colchesterct.org> wrote:

Hi John,

I am reaching out to you with a concern of late. I go to the Club House daily, even multiple times, to bring my 10 year old grandson Girard aka Jack, to the basketball courts etc. Sometimes I stay and watch or leave him to walk home to my house at 18 Seaview Ave. Because I am there so often, I have begun to notice that many cars without BP tags or stickers are parked in the small side lot. Some people just sit in their cars, while I've watched others park, get out and take walks. I have also see some park and use the tennis courts. While the focus is on tags on our kayaks, golf carts and our own cars in beach lots, I wonder if this "area" is somewhat overlooked. They may very well be guests, but without tags it's hard to tell. First and foremost, my primary concern is for the safety of the kids while at play. However, I could not even find a space to park on one visit this week and I was the only vehicle with a BP sticker. Just thinking security fir kids!

Thank you for your kind consideration.
Nancy Condon

Please be aware that email communication can be intercepted in transmission or misdirected. Please communicate sensitive information by telephone or in person.

BLACK POINT BEACH CLUB ASSOCIATION
TAX COLLECTOR REPORT
7/20/2021

	OPENING BALANCE TO BE COLLECTED	COLLECTED TO DATE	OUTSTANDING BALANCE DUE	NUMBER OF OUTSTANDING ACCOUNTS
REAL ESTATE TAXES	GL 2020 (DUE 7/1/2021) \$246,467.08	\$195,437.50	\$51,029.58	Represents 458 paid plus one partially paid of the total 581 properties
REAL ESTATE TAXES	GL 2019 (DUE 7/1/2020) \$201,951.62	\$201,947.94	\$3.68	Represents one partially paid of the total 581 properties
REAL ESTATE TAXES	GL 2018 (DUE 7/1/19) \$208,877.51	\$208,877.39	\$0.12	No Outstanding
SPECIAL ASSESSMENT	GL 2018 (DUE 7/1/19) \$606,873.84	\$606,871.24	\$2.60	Represents one partially paid of the total 581 properties

From: acapozzajr@aol.com,

To: amesy.1938@gmail.com, bpbcmanger@gmail.com, brookers2@aol.com, janet.bonelli@gmail.com, john@invcap.com, mrwill34@gmail.com, slbvmd@sbcglobal.net, thomasmeggers3@gmail.com, thoscherry@icloud.com,

Subject: Treasurer's Reports-July, 2021

Date: Tue, Jul 20, 2021 4:29 pm

Attachments: Financial Report_Budget VS Actual as of 7-22-21.xls (57K), DEtail P&L-7-22-21.pdf (26K), Check Details-7-1-21 to 7-22-21.pdf (1275K)

Good Afternoon All,

Attached are the monthly reports for July, thru 7/22/21 YTD:

1.)Current Year Budget vs Actual with Year End Forecast; 2.)Detail P&L; 3.)Check Register.

The highlights thru July 22, 2021, Year to Date(YTD) are:

Total YTD Income amounted to \$220,424. Items that make up that amount include current year tax assessment collections (\$195,438), Rec Program fees (\$24,761) and zoning application fees (\$225).

Total YTD Expenses amounted to \$28,664. Items that make up that amount include Payroll costs(\$10,165), East Lyme Taxes (\$5,378),Rec Program (\$4,012), Social Events (\$2,517), Insurance (\$1,742), Clubhouse (\$1,232), Black Pointer(\$1,160) and all others(\$2,458).

If you have any questions or need additional information please contact me: Cell:860-235-8945; Email acapozzajr@aol.com

Thanks,

Al Capozza

Total Operations			\$59,350		\$3,234		-\$56,116		\$59,350		5%
Other Expenses											
Black Pointer			\$3,760		\$1,160		-\$2,600		\$3,760		31%
Capital Expenditures - Current Yr.			\$10,000		\$0		-\$10,000		\$10,000		0%
Contingency Fund			\$25,000		\$0		-\$25,000		\$25,000		0%
Donations			\$150		\$0		-\$150		\$150		0%
East Lyme Taxes			\$5,382		\$5,378		-\$4		\$5,378		100%
Social Events			\$2,500		\$2,517		\$17		\$2,517		101%
Miscellaneous			\$2,135		\$44		-\$2,091		\$2,135		2%
Website			\$800		\$0		-\$800		\$800		0%
ZB/ZBA			\$1,800		\$0		-\$1,800		\$1,800		0%
LT Shoreline Capital Projects Fund			\$33,300						\$33,300		
Total Other Expenses			\$84,827		\$9,099		-\$42,428		\$84,840		11%
Personnel Services											
Beach Patrol			\$8,500		\$1,275		-\$7,225		\$8,500		15%
Medicare			\$1,200		\$203		-\$997		\$1,200		17%
Recreation Personnel			\$20,812		\$4,437		-\$16,375		\$20,812		21%
Unemployment Comp.			\$500		\$0		-\$500		\$500		0%
Association Manager			\$22,000		\$1,833		-\$20,167		\$22,000		8%
Secretary			\$7,500		\$625		-\$6,875		\$7,500		8%
Treasurer			\$7,500		\$625		-\$6,875		\$7,500		8%
Tax Collector			\$8,500		\$0		-\$8,500		\$8,500		0%
Zoning Officer			\$14,000		\$1,167		-\$12,833		\$14,000		8%
Total Personnel Services			\$90,512		\$10,165		-\$80,347		\$90,512		11%
LT Shoreline Capital Projects Fund-Expenditures			\$25,000		\$0				\$25,000		
TOTAL EXPENSES			\$339,452		\$28,664		-\$252,488		\$339,465		8%
NET INCOME			\$0		\$191,759		\$158,459		-\$13		
Bank Balances- statements dated as of :					6/30/2021						
					256,737						
					112,881						
				Total	369,618						

July 2021 Association Managers Report

Every morning prior to Club, I check the Clubhouse grounds and Association properties during my daily walks, looking for anything amiss or any irregularities. I pick up plastics, empties, butts, discarded paper, 🍷, to keep our beaches clean.



This includes walking out on the piers where I have found left-behind fishing hooks, broken glass, and even razor blades.

Use a quiet leafblower to clear sand at Nehantic, Indianola, Whitecap, Sea Breeze and South ROW's and piers.

I pick up mail every day and distribute it accordingly.



Niantic Lawn & Caretaker Service mows our Clubhouse and ROW's every Tuesday.



I put out garbage barrels on Sunday nights and return them on Monday mornings, as necessary. Lots of garbage left over every week from Picnic and Club.

Reached out to Anita /Sharon re: Charter Comm reservation and room setup/takedown. Set up room for other meetings as well (BOG, Men's Club, etc.).

Write up weekly "*Manager's Corner*" for Black Pointer and monthly report.

Set up for the BP MahJong Ladies weekly get-together (Ms. Kenny/Ms. Zuk). Thursdays 1p to 4p.



East Lyme Police Department		Page 3 of 3
Call Summary Report		COPY
Call Remarks		
Remark Date/Time: 07/14/21 09:57		
Animal Indicator:	EMD Indicator:	
THIS IS A CIVIL ISSUE ABOUT WHO OWNS WHAT PART OF THE ROCK WALL, AND SEA WALL. WILLARD PLACED HOME MADE SIGNS TO PREVENT PEOPLE FROM ACCESSING THE PORTION OF THE WALL IN FRONT OF HIS PROPERTY. HE CLAIMED THAT HE WAS TOLD BY ASSOCIATION THAT THEY WERE RESPONSIBLE FOR AREA IN FRONT OF HIS RESIDENCE. HE PUT SIGNS UP TO PREVENT PUBLIC ACCESS TO THIS AREA WHICH IS IN A STATE OF DISREPAIR AND CAN BE HAZARDOUS. MOFFETT CLAIMED THAT THE ASSOCIATION OWNS WHERE WILLARDS SIGNS WERE PLACED. SIGNS WERE CUT DOWN BECAUSE THEY BLOCKED PUBLIC VIEW AND ACCESS. MOFFETT OFFERED TO REPLACE THE SIGNS, BOTH PARTIES WERE UNABLE TO COME TO A REASONABLE AND LOGICAL CONCLUSION UNTIL A CIVIL JUDGEMENT CAN BE REACHED.		

This happened.

Cleanup at the top of Billow:



Before



After

Cleanup at the North end of Clubhouse Parking lot:



Before



After

Working with Plaut to finish installing lines. Line adjacent to the South end of the swim area near Sea View boat launch. Must move Swim Buoy in about 20 yards and to the north about 20 yards.



Discovered repair needed at railing at Cahill Way.

Need to add new railing at South Beach bench. The slope of the walkway up to the bench is too steep. Reports of people slipping on it. (All-Time Manufacturing, Montville, (860)848-9687) Met with Ron Brodie at site and will send an estimate - approx. \$900)

Waiting on product lighting from Jamco for relamping basketball court with high efficiency *LED* lighting at = \$760 (Approved)

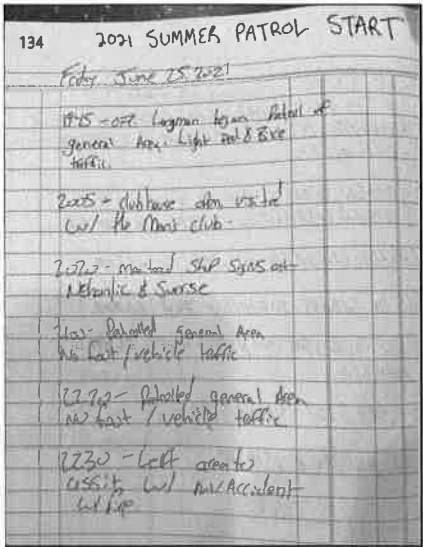


New kayak racks in place. Took delivery on kayak rack materials at Clubhouse. With assistance from Jim Allen and myself we assisted Larry in assembling/building the two new kayak racks.

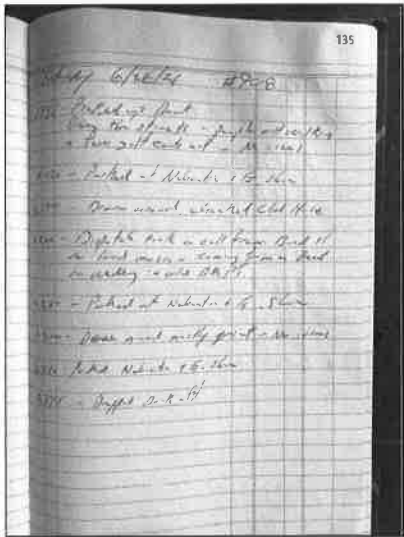


Put up new bulletin boards at Clay Courts and in the Clubhouse. (Found them at a Tag Sale.)

Started Summer Patrol with ELPD. Met with Officer on duty and discuss about high-visibility locations and issues related to beach. (Golf carts, traffic, etc.).



Friday, June 25th
Patrolled, light traffic, visited Men’s Club meeting



Saturday, June 26th
Patrolled and checked Clubhouse, no issues.

Daily Costco runs stockpiling water, picnic things. Spoke to Docs Flavor King about ice cream truck at the picnic. Received an ok for a \$500 budget at the meeting.



Stockpiled for July 4th picnic - Made multiple trips to Costco for water, soda, paper goods, hotdog/hamburger, buns, cookies, condiments, etc.

Coordinated BP Parade with ELPD and ELFD for participation.



Set up tables, grills, trays and coolers of water and soda.



Coordinated all aspects of Parade and picnic. In previous years, a BOG subcommittee did the organizing of the parade and picnic.

Started new Hires for Beach Patrol including a training period for Karlis, Madison and Nikki. Write up their schedules, train, monitor and submit hours at end of the week directly to Al.

Continue Summer Patrol with ELPD on Friday and Saturday nights. I meet with the Officer on duty and discuss about high-visibility locations and any issues related to beach. (Golf carts, traffic, etc.).



Friday, July 2nd (8p-12a)
Quiet patrol night
All clear



Saturday, July 3rd (8p-12a)
Light rainy night, Basketball court busy
All clear.



Friday, July 9th
Checked clubhouse. All quiet.
(8p-12a)



Friday, July 16th (8p-12a)
Reports of children driving
Golf cart, and late fireworks being fired
Off.



Saturday, July 10th
Fairly quiet, minor firework complaints.
(8p-12a)



Saturday, July 17th (8p-12a)
Spoke to resident about driving
cart in bad weather. Busy basketball
court.

Set timer for basketball lights to go on at 8pm and off at 10:30pm.



Movie night on the Beach



Reached out to Joe Bragaw , EL Public Works
Director, to replace street sign at the corner of
Billow & Sunrise.



Men's Club fun.



Fixed this in the Men's Bathroom.



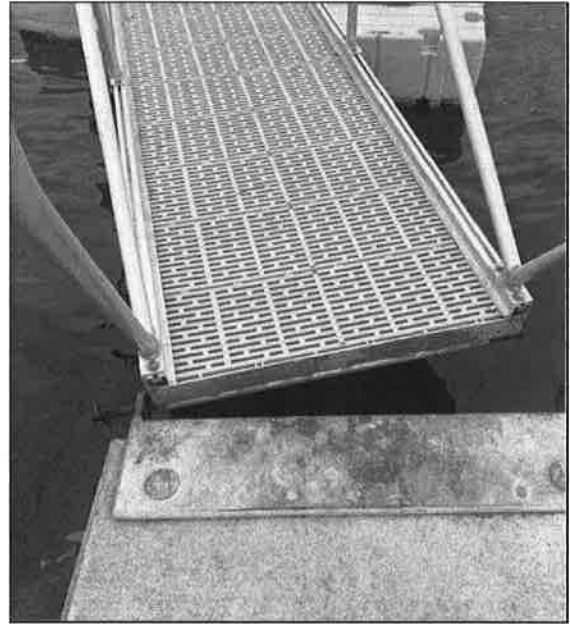
Took receipt of new Sea View replacement dock. Will continue using existing dock from Plaut and wait till end of season to switch out.



Keeping an eye on Storm Elsa - pulled gangway at Sea View Boat launch on Thursday., Put it back at 6p on Friday, the next day.



Installed new sign at Sea View Boat beach.



On another occasion, alerted by BP member (Colleen Chapin) that gangway was awry. Immediately went there (with Will) and we were able to fix it.



Tried out SurfRake machine. May use on occasion but cost prohibitive to use daily. (\$125 per hour but it takes 4 hours to complete beach raking as opposed to \$150 per day with Neeps)



Cleared path for Pickleballers to use this back entrance to hard courts. Unlocked fence and worked with Niantic Lawn Service to make sure the path is clear. Spoke with Jordan Brook Landscaping to make sure they spray for ticks along this path. Also waiting for delivery of new benches for hard courts.



Open, sweep, roll and groom clay tennis courts every other day.

Correspondence

From: sloreilly@aol.com,
To: bpbcmanger@gmail.com,
Cc: John@invcap.com, bog@blackpointbeachclub.com, janet.bonelli@gmail.com, slbvmd@gmail.com, thomasmeggers3@gmail.com, thoscherry@icloud.com,
Subject: Re: Question Re Last Night's BOG's Decision
Date: Thu, Jul 1, 2021 8:32 pm

Thank you for the response but I would like to hear directly from the board. If the issue is as you state "intermingling with unknown adults who may be leaving or entering the same space", then why don't we meet the parents, counselors and children if necessary so we are not considered as "unknown adults". If we get their consent, that should be enough -- don't you agree? Then the problem would be solved and everyone will be happy. I am willing -- and I am sure others will be as well-- to do this next Monday at 10AM. Thank you!

Sharon O'Reilly
President & CEO
BioMedGPS, LLC
949-244-9675
sharon@biomedgps.com
www.biomedgps.com

-----Original Message-----

From: Jim Moffett <bpbcmanger@gmail.com>
To: sloreilly@aol.com
Cc: John@invcap.com <John@invcap.com>; bog@blackpointbeachclub.com <bog@blackpointbeachclub.com>; janet.bonelli@gmail.com <janet.bonelli@gmail.com>; slbvmd@gmail.com <slbvmd@gmail.com>; thomasmeggers3@gmail.com <thomasmeggers3@gmail.com>; thoscherry@icloud.com <thoscherry@icloud.com>
Sent: Thu, Jul 1, 2021 2:06 pm
Subject: Re: Question Re Last Night's BOG's Decision

Sharon,

Section II, Rule 7, clearly states Rec program has priority on the playground during Club hours. It's not about sharing the space with 9-12 year olds, that's actually the issue for me. I interpret the spirit of the rule to mean that parents can safely drop off their kids for two hours knowing that they are entrusted only to their counselors and Directors in a contained space - not possibly intermingling with unknown adults who may be leaving or entering the same space. For the seven weeks of Club, you will have to adjust your hours before or after 9:30-11:30a, Mon thru Thurs. Last summer wasn't a problem because Club was suspended.

I'm not anti-pickle ball. Quite the opposite, I leave the court unlocked, the nets are up year round so you can play year round. We have paid for and are waiting delivery for two brand new 8' benches for those courts. But for those designated times, the Rec program has exclusive use of the Clubhouse grounds. Thx for your anticipated cooperation. Jim

On Thu, Jul 1, 2021 at 4:00 PM <sloreilly@aol.com> wrote:
Dear Board of Governors,

For the last two years, I have been a part of the 10AM pickleball group that plays on Monday, Wednesday and Saturdays. It has been wonderful getting to know other people living in Black Point and playing a game that I love. I was so happy when I saw the notice in the Black Pointer last year that there were others who enjoyed the sport as much as I did and that we could get a group of people together to play 3 days a week. The group has grown to 10+ people—all Black Point residents—who play regularly.

You can imagine our disappointment when we heard on Wednesday that we could no longer play at 10AM owing to the fact that the 9-12 year olds wanted to use the courts. I understand that it is important for kids to get exercise, but it is also important for us older folks to get exercise too. Many of the people we play with are retired and moving the time to play to 11:30 in the summer is frankly a health risk to many of us.

We were hoping that sharing the days we played with the 9-11 year olds would be a satisfactory compromise but was told that this was voted down by the board last night. I understand the bylaws note that the playground area is reserved for camp during the summer, but do not see anything that mentions the tennis courts. With so many recreational activities the kids can do on the playground, why do the 9-11 year olds have exclusive use of the courts Monday – Thursday mornings

even if they are not using the courts! This doesn't make sense to me. Can't we simply divide up the days giving the kids Tuesday and Thursday and the older taxpayers Monday and Wednesdays?

Many of us have been long term residents of Black Point and being senior citizens, we don't have kids going to camp and frankly don't utilize many of the services available. Even so, we are happy to pay our annual taxes so these activities can be offered.

I hope you will reconsider this decision – it is so disappointing to many of us that we are unable to play just when we got a great group together and now will have to find another place to play. I am very disheartened by your decision and would appreciate a response so I can better understand your reasoning. If it is easier, please give me a call at 949-244-9675 – I am happy to chat live about this.

Thank you!

Sharon O'Reilly
3 Billow Rd
[Niantic, CT](#)

Sharon O'Reilly
President & CEO
BioMedGPS, LLC
949-244-9675
sharon@biomedgps.com
www.biomedgps.com

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

From: john@invcap.com,

To: BOG@blackpointbeachclub.com, acapozzajr@aol.com, brookers2@aol.com, BPBCmanager@gmail.com,

Subject: Colleen Hayes Qualifications - Prospective BPBCA Board Member

Date: Thu, Jul 1, 2021 9:19 pm

>

> Hi John,

>

> It was nice to speak with you this morning about the possibility of serving on the BPBCA Board of Governors. My roots are deep in BP as my grandparents bought their first plot of land on Blue Heron in 1952 before settling at 40 Sea Breeze in 1964. My parents bought 18 Sea Breeze in 1979 and I bought 20 Sea Breeze in 2018. As far as my qualifications to be a board member, I am a lawyer, retired from the CT and NY bars but continue to work as a Contracts Manager for a right of way consulting firm located in California. I served on the board of the HOA for my condo in Santa Monica and I also currently serve on the Board of the PTA of my sons' school. I love Black Point and would love to help continue the work of prior Board members to preserve the place we all love.

>

> Thank you for your consideration.

>

> Sincerely,

>

> Colleen Hayes

From: tereset1@aol.com,

To: bogs@blackpointbeachclub.com,

Subject: Fwd: Owner seeking approval for guest parking at Whitecap parking lot - July 10, 2021

Date: Fri, Jul 2, 2021 3:28 pm

Hi All,

I am just following up on my June 24th request for approval to park a few cars in the whitecap parking lot. Also, I need to correct my previous email, my family and I have been owners at Black Point since 1960, not full time resident(s), although I wish.

Would you please let me know how I obtain an email or some type of approval for the parking, still not sure exactly how many cars, but I am estimating 2 or 3 at this time. If you need anything further, please let me know.

Thank you very much,

Terese Truskoski
11 Indianola Road
781-424-0954

-----Original Message-----

From: tereset1@aol.com

To: bog@blackpointbeachclub.com <bog@blackpointbeachclub.com>

Sent: Thu, Jun 24, 2021 8:07 pm

Subject: Owner seeking approval for guest parking at Whitecap parking lot - July 10, 2021

Dear Board of Directors:

I am a longtime resident and owner at Black Point, since 1960. I am requesting approval to park some cars at the whitecap parking lot on Sat, July 10th. I do not have enough parking available at my home at 11 Indianola Road for expected quests.

Would you kindly let me know how I obtain a notice of approval to put on the dash of the cars. I am estimating 2-3 cars needing parking approval.

If you have any questions, please let me know, thank you very much,

Terese Truskoski
11 Indianola Road
781-424-0954

From: thoscherry@icloud.com,
To: sloreilly@aol.com,
Cc: bpbcmanger@gmail.com, John@invcap.com, bog@blackpointbeachclub.com, janet.bonelli@gmail.com, slbvmd@gmail.com, thomasmeggers3@gmail.com,
Subject: Re: Question Re Last Night's BOG's Decision
Date: Fri, Jul 2, 2021 9:50 pm

As a member fo the Board, I can assure you that Mr. Moffett's response accurately and fully reflects the unanimous decision of the Board, made on Wed., June 30th. For 6 weeks more, the courts are reserved for the camp from 9:30 to 11:30 AM. Please respect the decision- there are 13 hours of daylight in excess of the two hour slot reserved for the camp at this time of year, more than enough to accomodate your group. It would be inappropriate to come on Monday, which would interfere with the functioning of the camp.

Tom Cherry

This is a personal response, but I believe accurately reflects the strong consensus arrived at in this matter.

On Jul 1, 2021, at 8:32 PM, sloreilly@aol.com wrote:

Thank you for the response but I would like to hear directly from the board. If the issue is as you state "intermingling with unknown adults who may be leaving or entering the same space", then why don't we meet the parents, counselors and children if necessary so we are not considered as "unknown adults". If we get their consent, that should be enough -- don't you agree? Then the problem would be solved and everyone will be happy. I am willing -- and I am sure others will be as well-- to do this next Monday at 10AM. Thank you!

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Sent: Thu, Jul 1, 2021 2:06 pm
Subject: Re: Question Re Last Night's BOG's Decision

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Date: Sat, Jul 3, 2021 8:28 am

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Subject: Re: Question Re Last Night's BOG's Decision
Date: Sat, Jul 3, 2021 9:08 am

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From: Thomas Meggers <thomasmeggers3@gmail.com>

Date: 7/3/21 8:29 AM (GMT-05:00)

To: Tom Cherry <thoscherry@icloud.com>

Cc: sloreilly@aol.com, bpbcmanger@gmail.com, john@invcap.com, bog@blackpointbeachclub.com, janet.bonelli@gmail.com, slbvmd@gmail.com

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Subject: Re: Question Re Last Night's BOG's Decision
Date: Sat, Jul 3, 2021 9:32 am

Dear BOG members,

Thank you for your responses -- I appreciate that you took the time to get back to me. Of course, children's safety comes first -- actually everyone's safety should come first -- anyone in their right mind would agree with that! All the more reason to have one ortho surgeon, 2 nurses, 1 physical therapist and people trained in CPT to be there in a case anything terrible happens.

We are all responsible members of the BP community but the inference in your emails is that we are a danger to children. We are not criminals or sexual predators and I find your inference to be highly insulting.

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From: slbvmd <slbvmd@sbcglobal.net>
To: Thomas Meggers <thomasmegggers3@gmail.com>; Tom Cherry <thoscherry@icloud.com>
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Date: Sat, Jul 3, 2021 9:40 am

Good morning Sharon,

We had discussion on this subject, and it was agreed upon unanimously that this was the right decision. As we are still in a pandemic, we have had to make many unpopular decisions. None of our decisions have been made lightly and are based on what we think are the best decisions for our community. When camp ends, I don't see an issue with you having your time slot back. I hope you can respect this decision and make alternate arrangements for the next few weeks of camp.

Respectfully,
Janet

On Sat, Jul 3, 2021 at 9:08 AM slbvmd <slbvmd@sbcglobal.net> wrote:

I feel that our children get first priority on the courts at rec time.

If the PBers want to play, they can use the courts from 7:30 to 9:30 well before the heat of the day. I was told by one PBER that many of the PBers are older and have difficulty getting there early. I think if you are healthy enough to play PB you should be able to get up early. We have to put the needs of 80 to 100 children over the 10+ people who want to play pb. This was discussed at the Board meeting and I see no reason to change our opinion.

Sent from my Verizon, Samsung Galaxy smartphone

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

From: Thomas Meggers <thomasmeggers3@gmail.com>

Date: 7/3/21 8:29 AM (GMT-05:00)

To: Tom Cherry <thoscherry@icloud.com>

Cc: storeilly@aol.com, bpbcmanger@gmail.com, john@invcap.com, bog@blackpointbeachclub.com, janet.bonelli@gmail.com, slbvmd@gmail.com

Subject: Re: Question Re Last Night's BOG's Decision

I concur The kids in our recreation program should always come first and their safety

Tom Meggers

On Jul 2, 2021, at 9:50 PM, Tom Cherry <thoscherry@icloud.com> wrote:

As a member fo the Board, I can assure you that Mr. Moffett's response accurately and fully reflects the unanimous decision of the Board, made on Wed., June 30th. For 6 weeks more, the courts are reserved for the camp from 9:30 to 11:30 AM. Please respect the decision- there are 13 hours of daylight in excess of the two hour slot reserved for the camp at this time of year, more than enough to accomodate your group. It would be inappropriate to come on Monday, which would interfere with the functioning of the camp.

Tom Cherry

This is a personal response, but I believe accurately reflects the strong consensus arrived at in this matter.

On Jul 1, 2021, at 8:32 PM, sloreilly@aol.com wrote:

Thank you for the response but I would like to hear directly from the board. If the issue is as you state "intermingling with unknown adults who may be leaving or entering the same space", then why don't we meet the parents, counselors and children if necessary so we are not considered as "unknown adults". If we get their consent, that should be enough -- don't you agree? Then the problem would be solved and everyone will be happy. I am willing -- and I am sure others will be as well-- to do this next Monday at 10AM. Thank you!

Sharon O'Reilly
President & CEO
BioMedGPS, LLC
949-244-9675
sharon@biomedgps.com
www.biomedgps.com

-----Original Message-----

From: Jim Moffett <bpbcmanager@gmail.com>

To: sloreilly@aol.com

Cc: John@invcap.com <John@invcap.com>; bog@blackpointbeachclub.com <bog@blackpointbeachclub.com>; janet.bonelli@gmail.com <janet.bonelli@gmail.com>; slbvmd@gmail.com <slbvmd@gmail.com>; thosmegg3@gmail.com <thosmegg3@gmail.com>; thoscherry@icloud.com <thoscherry@icloud.com>

Sent: Thu, Jul 1, 2021 2:06 pm

Subject: Re: Question Re Last Night's BOG's Decision

Sharon,

Section II, Rule 7, clearly states Rec program has priority on the playground during Club hours. It's not about sharing the space with 9-12 year olds, that's actually the issue for me. I interpret the spirit of the rule to mean that parents can safely drop off their kids for two hours knowing that they are entrusted only to their counselors and Directors in a contained space - not possibly intermingling with unknown adults who may be leaving or entering the same space. For the seven weeks of Club, you will have to adjust your hours before or after 9:30-11:30a, Mon thru Thurs. Last summer wasn't a problem because Club was suspended.

I'm not anti-pickle ball. Quite the opposite, I leave the court unlocked, the nets are up year round so you can play year round. We have paid for and are waiting delivery for two brand new 8' benches for those courts. But for those designated times, the Rec program has exclusive use of the Clubhouse grounds. Thx for your anticipated cooperation.

Jim

On Thu, Jul 1, 2021 at 4:00 PM <sloreilly@aol.com> wrote:

Dear Board of Governors,

For the last two years, I have been a part of the 10AM pickleball group that plays on Monday, Wednesday and Saturdays. It has been wonderful getting to know other people living in Black Point and playing a game that I love. I was so happy when I saw the notice in the Black Pointer last year that there were others who enjoyed the sport as much as I did and that we could get a group of people together to play 3 days a week. The group has grown to 10+ people—all Black Point residents—who play regularly.

You can imagine our disappointment when we heard on Wednesday that we could no longer play at 10AM owing to the fact that the 9-12 year olds wanted to use the courts. I understand that it is important for kids to get exercise, but it is also important for us older folks to get exercise too. Many of the people we play with are retired and moving the time to play to 11:30 in the summer is frankly a health risk to many of us.

We were hoping that sharing the days we played with the 9-11 year olds would be a satisfactory compromise but was told that this was voted down by the board last night. I understand the bylaws note that the playground area is reserved for camp during the summer, but do not see anything that mentions the tennis courts. With so many recreational activities the kids can do on the playground, why do the 9-11 year olds have exclusive use of the courts Monday – Thursday mornings even if they are not using the courts! This doesn't make sense to me. Can't we simply divide up the days giving the kids Tuesday and Thursday and the older taxpayers Monday and Wednesdays?

Many of us have been long term residents of Black Point and being senior citizens, we don't have kids going to camp and frankly don't utilize many of the services available. Even so, we are happy to pay our annual taxes so these activities can be offered.

I hope you will reconsider this decision – it is so disappointing to many of us that we are unable to play just when we got a great group together and now will have to find another place to play. I am very disheartened by your decision and would appreciate a response so I can better understand your reasoning. If it is easier, please give me a call at 949-244-9675 – I am happy to chat live about this.

Thank you!

Sharon O'Reilly
3 Billow Rd
Niantic, CT

Sharon O'Reilly
President & CEO
BioMedGPS, LLC
949-244-9675
sharon@biomedgps.com
www.biomedgps.com

--

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

From: janet.bonelli@gmail.com,
To: sloreilly@aol.com,
Cc: slbvmd@sbcglobal.net, thomasmegggers3@gmail.com, thoscherry@icloud.com, bpbcmanger@gmail.com, john@invcap.com, bog@blackpointbeachclub.com, slbvmd@gmail.com,
Subject: Re: Question Re Last Night's BOG's Decision
Date: Sat, Jul 3, 2021 9:48 am

Good morning again Sharon,

I didn't see your response until after I sent mine. I truly hope you don't feel that we were inferring that your group are criminals or sexual predators. We struggled with following guidelines about masks and contact due to the pandemic. As this group of young kids are largely unvaccinated, we are trying to conduct camp as safely as possible.

Respectfully,

Janet

On Sat, Jul 3, 2021 at 9:32 AM <sloreilly@aol.com> wrote:

Dear BOG members,

Thank you for your responses -- I appreciate that you took the time to get back to me. Of course, children's safety comes first -- actually everyone's safety should come first -- anyone in their right mind would agree with that! All the more reason to have one ortho surgeon, 2 nurses, 1 physical therapist and people trained in CPT to be there in a case anything terrible happens.

We are all responsible members of the BP community but the inference in your emails is that we are a danger to children. We are not criminals or sexual predators and I find your inference to be highly insulting.

Sharon O'Reilly
President & CEO
BioMedGPS, LLC
949-244-9675
sharon@biomedgps.com
www.biomedgps.com

-----Original Message-----

From: slbvmd <slbvmd@sbcglobal.net>
To: Thomas Meggers <thomasmegggers3@gmail.com>; Tom Cherry <thoscherry@icloud.com>
Cc: sloreilly@aol.com; bpbcmanger@gmail.com; john@invcap.com; bog@blackpointbeachclub.com; janet.bonelli@gmail.com; slbvmd@gmail.com
Sent: Sat, Jul 3, 2021 6:08 am
Subject: Re: Question Re Last Night's BOG's Decision

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janet.bonelli@gmail.com, slbvmd@gmail.com
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-----Original Message-----

From: Jim Moffett <bpbcmanager@gmail.com>

To: storeilly@aol.com

Cc: John@invcap.com <John@invcap.com>; bog@blackpointbeachclub.com <bog@blackpointbeachclub.com>; janet.bonelli@gmail.com <janet.bonelli@gmail.com>;
slbvmd@gmail.com <slbvmd@gmail.com>; thomasmeggers3@gmail.com <thomasmeggers3@gmail.com>
<thomasmeggers3@gmail.com>; thoscherry@icloud.com <thoscherry@icloud.com>

Sent: Thu, Jul 1, 2021 2:06 pm

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Many of us have been long term residents of Black Point and being senior citizens, we don't have kids going to camp and frankly don't utilize many of the services available. Even so, we are happy to pay our annual taxes so these activities can be offered.

I hope you will reconsider this decision – it is so disappointing to many of us that we are unable to play just when we got a great group together and now will have to find another place to play. I am very disheartened by your decision and would appreciate a response so I can better understand your reasoning. If it is easier, please give me a call at 949-244-9675 – I am happy to chat live about this.

Thank you!

Sharon O'Reilly
3 Billow Rd
Niantic, CT

Sharon O'Reilly
President & CEO
BioMedGPS, LLC
949-244-9675
sharon@biomedgps.com
www.biomedgps.com

--

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

From: john@invcap.com,

To: janet.bonelli@gmail.com, thomasmeggers3@gmail.com, thoscherry@icloud.com, slbvmd@sbcglobal.net, BOG@blackpointbeachclub.com, bpbcmanger@gmail.com, brookers2@aol.com, acapozzajr@aol.com,

Cc: mrwill34@gmail.com,

Subject: PickleBall / Camp "Possible" Resolution for Consideration

Date: Sat, Jul 3, 2021 11:11 am

Attachments: Scanned Documents.pdf (466K)

All,

Will, just stopped by to show me the below sketch. Please review. He suggests the PB'ers use the Billow Road access to the rear gate of the tennis court (which can be unlocked and the other two gates can be locked). Will's, suggested resolution for the PB'ers use of the tennis courts on Monday & Wednesday seems to eliminate the interaction concerns between the PB'ers and the campers. Will, would like feedback if this is something the board might consider to nip this issue before it gets out of control.

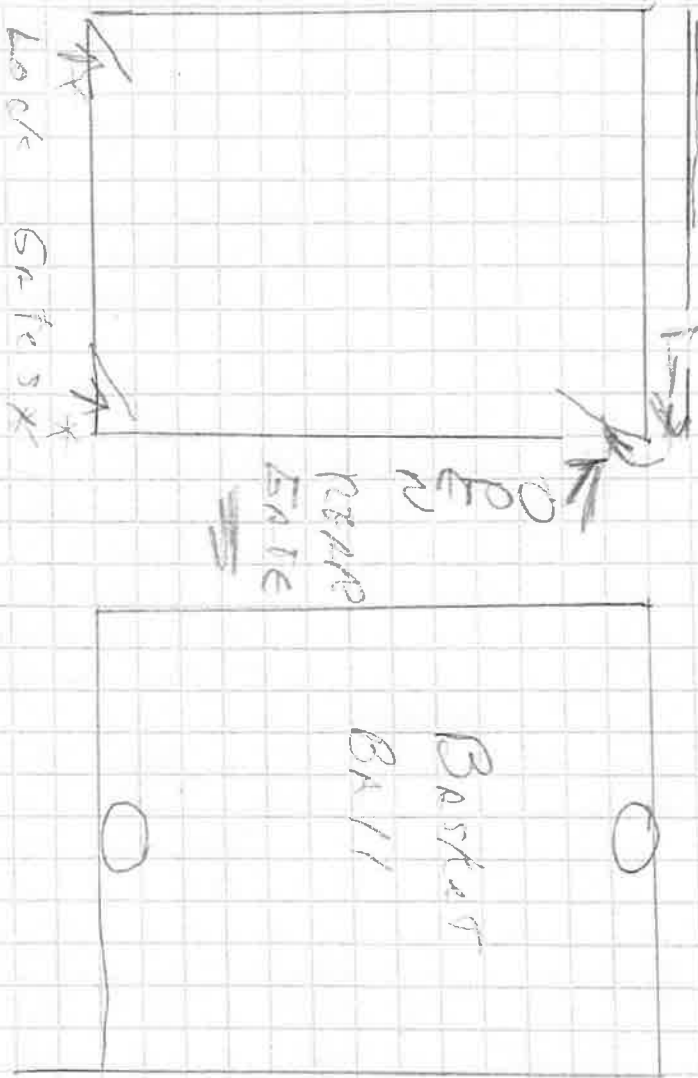
I personally think this has merit and should be considered and discussed with the two Camp Directors. Other thoughts?

Drawing by Will

Sent from my iPhone

Back
Back
Back

Count Access
Restricted
Only people
playable



Back
570P
Baseball

North

4
1012

Bocce
Court

From: janet.bonelli@gmail.com,
To: john@invcap.com,
Cc: thomasmeggers3@gmail.com, thoscherry@icloud.com, slbvmd@sbcglobal.net, BOG@blackpointbeachclub.com, bpbcmanger@gmail.com, brookers2@aol.com, acapozzajr@aol.com, mrwill34@gmail.com,
Subject: Re: PickleBall / Camp "Possible" Resolution for Consideration
Date: Sat, Jul 3, 2021 12:01 pm

Will, as always you have great ideas!

My personal opinion is that we made a unanimous decision and I don't think it should change. While I want all people in BP to be happy, we made the decision for reasons we thought were important. I know people are becoming more comfortable, but we are still in a pandemic. Also, when people go up to play basketball during camp, counselors explain they can't be there. Can the people who play pickleball (who I know many of and would like to find a compromise with) play on Saturday & Sunday if that is the only time slot that works until camp is over? I am open to all opinions and suggestions.

Respectfully,
Janet

On Sat, Jul 3, 2021 at 11:11 AM John Cellino <john@invcap.com> wrote:

All,

Will, just stopped by to show me the below sketch. Please review. He suggests the PB'ers use the Billow Road access to the rear gate of the tennis court (which can be unlocked and the other two gates can be locked).

Will's, suggested resolution for the PB'ers use of the tennis courts on Monday & Wednesday seems to eliminate the interaction concerns between the PB'ers and the campers. Will, would like feedback if this is something the board might consider to nip this issue before it gets out of control.

I personally think this has merit and should be considered and discussed with the two Camp Directors. Other thoughts?

Drawing by Will

Sent from my iPhone

From: sguzy666@gmail.com,

To: thoscherry@icloud.com, bog@blackpointbeachclub.com, janet.bonelli@gmail.com, thomasmeggers3@gmail.com, slbvmd@gmail.com, John@invcap.com, BPBCmanager@gmail.com, storeilly@aol.com,

Subject: Pickleball, an amenity of BP

Date: Sat, Jul 3, 2021 12:22 pm

I am disappointed to see the responses from the Board. There is no doubt the safety of the children is paramount. We have children and grandchildren and understand that point. However, playing pickleball is not a threat to the children but in an emergency may be an asset. We have two nurses and a doctor and others who are CPR trained playing. We are not a threat! Just as folks are allowed on the beach during swimming lessons.....there is no threat there! Rules must be addressed in a consistent manner, but we all know this is not the case. Interpretation and rational thinking is required.

Safety of the children and accommodation to the pickle players should not be exclusive to each other. Let's find a way to satisfy both parties. We have rights also and the board should recognize our needs equally to that of others.

My suggestion is that we enter the courts via the Billow access. This would eliminate any interference to the rec center activities. And, everyone is satisfied and considered. This is not us against them. We are an Association with the goal of making this a good, safe place to live, for everyone. The Board should represent all of us and agree to an equitable solution.

Skip Guzy

17 Woodland Drive

From: colleenshayes@gmail.com,
To: bog@blackpointbeachclub.com,
Subject: BPBCA Board
Date: Sat, Jul 3, 2021 6:49 pm

Dear Board,

>>

>> I am interested in serving on the BPBCA Board of Governors. My roots are deep in BP as my grandparents bought their first plot of land on Blue Heron in 1952 before settling at 40 Sea Breeze in 1964. My parents bought 18 Sea Breeze in 1979 and I bought 20 Sea Breeze in 2018. As far as my qualifications to be a board member, I am a lawyer, retired from the CT and NY bars but continue to work as a Contracts Manager for a right of way consulting firm located in California. I served on the board of the HOA for my condo in Santa Monica and I also currently serve on the Board of the PTA of my sons' school. I love Black Point and would love to help continue the work of prior Board members to preserve the place we all love.

>>

>> Thank you for your consideration.

>>

>> Sincerely,

>>

>> Colleen Hayes

From: famastria@sbcglobal.net,
To: bog@blackpointbeachclub.com,
Subject: Vacancy on BOG
Date: Sun, Jul 4, 2021 9:12 am

Good morning my name is James Mastria I am applying for the vacancy position on the Bog. Having been coming down here since the 60's and obtaining a home here since 1998 and retiring here in 2020 I feel it's time for me to get more involved with this community. I am a member of the BP mens club, Knights of Columbus (Saint Agness church) and when ever Sheri Wies needs a hand with the food pantry in town. I feel I would be a good addition to the board with my experience as a Assistant Business Manager for IBEW local 457 have dealings with Northast Utilities contract negotiations, abiding to union contract, Grievances and dealing with customers as well as represented employees. Thank you in advance for your time
James Mastria 8 Bellaire rd. 860-280-7519

From: jbragaw@eltownhall.com,
To: lyme1234@yahoo.com,
Cc: bogs@blackpointbeachclub.com, bogs@blackpointbeachclub.com,
Subject: RE: Bushes cor. Sea Crest Ave. & Sunrise Black Point
Date: Tue, Jul 6, 2021 7:50 am
Attachments: 39 seascres ave 7-6-21.pdf (787K)

Barbara

FYI

This is the letter I just sent out to the new owner at 39 Seacrest. Any questions, just ask

Joe

Joseph J. Bragaw, PE

Town of East Lyme

Director of Public Works

Office # 860-691-4118

From: babara johnston <lyme1234@yahoo.com>
Sent: Tuesday, June 15, 2021 3:10 PM
To: Joe Bragaw <jbragaw@eltownhall.com>
Cc: bogs@blackpointbeachclub.com; bogs@blackpointbeachclub.com
Subject: Re: Bushes cor. Sea Crest Ave. & Sunrise Black Point

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thanks Joe I really appreciate it. Bad situation. Can you present your map to Chief of Police too. I have old one if you need but in lrg box of papers for BP & total search needed !

Barbara

On Tuesday, June 15, 2021, 01:33:07 PM EDT, Joe Bragaw <jbragaw@eltownhall.com> wrote:

I received your email and will look into it and get back to you. I have also copied the Chief of Police on this email so that he is in the loop.

Joseph J. Bragaw, PE
Town of East Lyme
Director of Public Works
Office # 860-691-4118

-----Original Message-----

From: babara johnston <lymc1234@yahoo.com>
Sent: Monday, June 14, 2021 3:53 PM
To: Joe Bragaw <jbragaw@eltownhall.com>
Cc: Mark Nickerson <mnickerson@eltownhall.com>
Subject: Bushes cor. Sea Crest Ave. & Sunrise Black Point

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Mr. Bragaw - The same old problem is still on going but much worse ! No high bushes s/b allowed. As we discussed a few years ago with the First Selectman about the EL Traffic Authority moving stop sign this on town property per your map sent to me. It's not been addressed by BPBCA recently. We have a BP ZEO that passes it by when in BP with no results.

It has become a total very dangerous situation for my self (small car) & my grandchildren with other children in the neighborhood. Black Point ZBA only agreed to have low growing plants not huge bushes. New owner & I would appreciate the EL Public Works giving the bushes a cut short or removed & replaced by a vine (low growing) ASAP before any harm is done to children, residents or cars.

Sincerely,
Barbara Johnston
35 Sea Crest Ave. Black Point

(860)739-3830

Town of

P.O. Drawer 519
Director of Public Works
Joe Bragaw, P.E.



East Lyme

108 Pennsylvania Ave
Niantic, Connecticut 06357
Phone: 860- 691-4101
Fax: 860-860-691-0351

July 6, 2021

Mr. Seth Banever
39 SeaCrest Ave
Niantic, CT 06357

Dear Mr. Banever:

Back in 2017, the Town received complaints regarding a poor sight line coming out of SeaCrest looking north onto Sunrise Ave. At that time, I wrote a letter to the previous property owner requesting that they trim the vegetation along Sunrise to help improve the sight line (see attached letter). So that you are aware, most of the bushes are on the Town right of way and in the purview of the Town to have either removed or trimmed back (see attached aerial photo of the location).

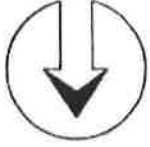
I have received another complaint recently about the same issue, so I wanted to make you aware that this needs to be addressed. Please trim these bushes back by Sunday July 18, 2021. If they are not trimmed back by then, we will put them on our list to trim back and will cut whatever we deem is necessary to provide a proper sightline in this location. If you have any questions or would like to speak to me in more detail about this matter, feel free to call me directly at 860-691-4102.

Sincerely,

Joseph J. Bragaw, PE
Director of Public Works

Enclosures: Letter dated 7/7/17
Aerial Photo

cc: Chief Finkelstein – EL Police
Bill Scheer – Deputy Director of Public Works
Marilyn Wright – Highway Admin



7/6/2021 7:32:50 AM
Scale: 1"=47'
Scale is approximate

The information depicted on this map is for planning purposes only.
It is not adequate for legal boundary definition, regulatory
interpretation, or parcel-level analyses.

Town of

P.O. Drawer 519
Director of Public Works
Joe Bragaw, P.E.



East Lyme

108 Pennsylvania Ave
Niantic, Connecticut 06357
Phone: 860- 691-4101
Fax: 860-860-691-0351

July 7, 2017

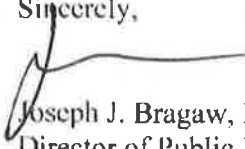
Ms. Ann Farley
39 SeaCrest Ave
Niantic, CT 06357

Dear Ms. Farley:

I have received another complaint with regards to the sight lines at the intersection of SeaCrest and Sunrise Avenues. I sent you a letter last year dated June 24, 2016 about this same issue. I remember talking to you after getting the letter and said that you will need to keep these bushes trimmed to provide adequate sight lines or else the hedges may need to be removed. The bushes have grown back; the bush at the corner is now grown into the road, and the tree branches in front of your property are blocking the oncoming view of the Stop sign. The trimming needs to be done on a regular basis so that the sight lines at this intersection are not compromised. I have included pictures with this letter which identifies which shrubs and tree branches need to be trimmed. Therefore, we need you to trim these bushes and branches.

If I do not hear back from you or if the bushes have not been trimmed by Sunday July 16, 2017, then the Town will put it on our list to trim and we will trim as much as we deem necessary. If you have any questions or would like to speak to me in more detail about this matter, feel free to call me directly at 860-691-4102.

Sincerely,


Joseph J. Bragaw, PE
Director of Public Works

Enclosures: Pictures of Trimming Needed

cc: Bill Scheer – Deputy Director of Public Works
Marilyn Wright – Highway Admin



Blackman's
stop sign

4/19/17



TRIM
OUT of
ROAD

TAKEN 7/6/12

LINE
OF
SIGHT

TAKEN
7/6/1A





From: pkolwski@hotmail.com,
To: bog@blackpointbeachclub.com,
Subject: BOG
Date: Tue, Jul 6, 2021 11:10 am

I am interested in the opening on the board. My family and I have been at Black Point for many years and I have recently moved here full time. I am semi retired from a professional position. I attended and worked as a counselor at the camp when I was younger. Black Point is a special place and I know we all enjoy it. I would like to help continue its care.

Please contact me for additional information . Phone and text is better .

Regards,

Pat Kolosowski

52 Indianola Rd. 1-207 229 2388

From: luvdafrenchhorn@yahoo.com,

To: bog@blackpointbeachclub.com,

Subject: Pickleball

Date: Tue, Jul 6, 2021 1:17 pm

Attachments: image0.png (156K)

Sent from my iPad

1 Attached Images



From: storeilly@aol.com,

To: thoscherry@icloud.com, bog@blackpointbeachclub.com, janet.bonelli@gmail.com, thomasmegggers3@gmail.com, slbvmd@gmail.com, John@invcap.com, BPBCmanager@gmail.com,

Subject: Thank you!

Date: Tue, Jul 6, 2021 3:41 pm

Dear BOG,

A big thanks to all of you and especially to Will for allowing us to play pickleball on M, W and Sat mornings. This has made my summer!

Please come join us at 10AM to see why we love the game so much!

All the best,

Sharon

Sharon O'Reilly
President & CEO
BioMedGPS, LLC
949-244-9675
sharon@biomedgps.com
www.biomedgps.com

-----Original Message-----

From: storeilly@aol.com

To: thoscherry@icloud.com <thoscherry@icloud.com>; bog@blackpointbeachclub.com <bog@blackpointbeachclub.com>; janet.bonelli@gmail.com <janet.bonelli@gmail.com>; thomasmegggers3@gmail.com <thomasmegggers3@gmail.com>; slbvmd@gmail.com <slbvmd@gmail.com>; John@invcap.com <John@invcap.com>; BPBCmanager@gmail.com <BPBCmanager@gmail.com>

Sent: Thu, Jul 1, 2021 1:00 pm

Subject: Question Re Last Night's BOG's Decision

Dear Board of Governors,

For the last two years, I have been a part of the 10AM pickleball group that plays on Monday, Wednesday and Saturdays. It has been wonderful getting to know other people living in Black Point and playing a game that I love. I was so happy when I saw the notice in the Black Pointer last year that there were others who enjoyed the sport as much as I did and that we could get a group of people together to play 3 days a week. The group has grown to 10+ people—all Black Point residents—who play regularly.

You can imagine our disappointment when we heard on Wednesday that we could no longer play at 10AM owing to the fact that the 9-12 year olds wanted to use the courts. I understand that it is important for kids to get exercise, but it is also important for us older folks to get exercise too. Many of the people we play with are retired and moving the time to play to 11:30 in the summer is frankly a health risk to many of us.

We were hoping that sharing the days we played with the 9-11 year olds would be a satisfactory compromise but was told that this was voted down by the board last night. I understand the bylaws note that the playground area is reserved for camp during the summer, but do not see anything that mentions the tennis courts. With so many recreational activities the kids can do on the playground, why do the 9-11 year olds have exclusive use of the courts Monday – Thursday mornings even if they are not using the courts! This doesn't make sense to me. Can't we simply divide up the days giving the kids Tuesday and Thursday and the older taxpayers Monday and Wednesdays?

Many of us have been long term residents of Black Point and being senior citizens, we don't have kids going to camp and frankly don't utilize many of the services available. Even so, we are happy to pay our annual taxes so these activities can be offered.

I hope you will reconsider this decision – it is so disappointing to many of us that we are unable to play just when we got a great group together and now will have to find another place to play. I am very disheartened by your decision and would appreciate a response so I can better understand your reasoning. If it is easier, please give me a call at 949-244-9675 – I am happy to chat live about this.

Thank you!

Sharon O'Reilly
3 Billow Rd
Niantic, CT

Sharon O'Reilly
President & CEO
BioMedGPS, LLC
949-244-9675
sharon@biomedgps.com
www.biomedgps.com

From: margaret_mager@yahoo.com,
To: bog@blackpointbeachclub.com,
Subject: Re: BOG Vacancy
Date: Mon, Jul 12, 2021 11:55 am

Did you fill this yet?

Best
Margaret
(c) 201-657-5862

Sent from my iPhone. Please excuse typos.

On Jul 3, 2021, at 2:54 PM, Black Point Beach Club BOG <bog@blackpointbeachclub.com> wrote:

BOG Vacancy

The Black Point Beach Club Association is seeking candidates to fulfill a two year vacancy on the Board of Governors.

Interested parties should submit their information
to bog@blackpointbeachclub.com, or send their information to

Black Point Beach Club BOG, 6 Sunset Avenue, Niantic, CT 06357

From: lesliejdoherly@aol.com,
To: bog@blackpointbeachclub.com,
Subject: Kayak Racks
Date: Mon, Jul 12, 2021 3:30 pm

Thank you to Larry and Jim for the new kayak racks! And those of you who helped make it happen.

If Larry and Jim are still willing to provide the labor for free would it be possible to take advantage of asking for another rack? Boat beach is over capacity...with boats leaning on or blocking access to boats belonging to others, and the entire stretch of sand full.

If the budget cannot handle another rack, could the third rack at Sea Spray be moved to boat beach? I don't think anyone would even have to lose a spot at that beach if that is their preferred location since there are empty arms and empty spaces on the other two racks.

Sea Spray access does not accommodate those not strong enough to carry their vessels due to the concrete and rocks.

I would appreciate any consideration. Thank you very much...for all you do.

Leslie Doherty
42 Nehantic Drive

From: lyme1234@yahoo.com,

To: brookers2@aol.com,

Subject: Minutes great for 6/30th but whose elected chairman of BOG ?

Date: Tue, Jul 13, 2021 2:34 pm

Brooke - Thanks for all the 75 pgs. of info that I was never able to read for the BP BOG goings on. I didn't find who is now chair ? 7/13/2021

Barbara Johnston

35 Sea Crest Ave.

From: lyme1234@yahoo.com,
To: brookers2@aol.com,
Subject: Re: Minutes great for 6/30th but whose elected chairman of BOG ?
Date: Tue, Jul 13, 2021 4:24 pm

Brooke - I appreciate the answer but Just wondered why any announcement/ election/support would have been shown by the BP BOG ? Support would be very nice but it seemed that Steve had just taken over ? I guess that's BP ! I guess it will never change ?

Stay well,
Barbara

On Tuesday, July 13, 2021, 03:57:32 PM EDT, brookers2 <brookers2@aol.com> wrote:

Hi Barbara,
Janet Bonelli was the Vice Chair and became Chair once Sharon resigned.
Take care, Brooke

Sent from my Galaxy

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

From: babara johnston <lyme1234@yahoo.com>
Date: 7/13/21 2:34 PM (GMT-05:00)
To: brookers2@aol.com
Subject: Minutes great for 6/30th but whose elected chairman of BOG ?

Brooke - Thanks for all the 75 pgs. of info that I was never able to read for the BP BOG goings on. I didn't find who is now chair ? 7/13/2021
Barbara Johnston
35 Sea Crest Ave.

From: jrbourget@aol.com,
To: BOG@BlackPointBeachClub.com,
Cc: BPBCmanager@gmail.com,
Subject: Safety solution at South Beach
Date: Thu, Jul 22, 2021 12:40 pm

Safety solution at South Beach

The concrete ramp leading to the bench overlooking South Beach is a hazard... and a liability.

Simply removing the ramp and installing grass would reduce much of the risk.

With erosion and protecting the bench's pad in mind, a railing with steps (instead of the ramp) would solve the problem. Even just a railing for the existing ramp would reduce risk to some degree. Note that most traction solutions for the ramp won't hold up to the harsh environment there.

Numerous falls of children, adults and seniors have resulted since the ramp's installation. Since Memorial Day alone I've helped two adults who slipped on the ramp, one seriously banging her head when she went down... and that's just what I personally have seen in my just several days a week here.

The ramp was installed a few years ago with good intentions to solve unsightly erosion there, and I suspect it was hoped it would assist safe handicapped access to the bench. As a practical matter it's too steep to be used by our wheelchair-bound neighbor and ironically it is now actually more dangerous for everyone as it becomes quite slippery when dry sand settles on it (from breezes and little feet).

Note that the sand quickly re-accumulates after the Beach Manager clears it. He often clears it several times a day. It's a quixotic effort since it takes only a few grains of sand to create the danger. Clearing it even a dozen times a day wouldn't solve the problem.

John Bourget
1 Osprey Road
(860) 463-9772