

# Minutes of BPBCA BOG June 22nd, 2023, Regular Hybrid Meeting - 06/22/23

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**Date and time:** 06/22/23 6:00 PM to: 06/22/23 8:00 PM

**Present:** Brooke Stevens, Recording Secretary, John Cellino, BOG Chair, Colleen Chapin, BOG Member, Tom Cherry, BOG Member, Will Fountain, Emeritus, Tom Meggers, BOG Member, Peter Meggers, BOG Member, Arlene Garrow, BOG Member, Peter Baril, BOG Member

**CC:** Jim Moffett, Association Manager, Al Capozza, Treasurer, Ruth Ames, Tax Collector

**Location:** Topic: BOG Regular Meeting - June 22, 2023  
Time: Jun 20, 2023 06:00 PM Eastern Time (US and Canada)

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## Topics

### 1. Call to Order

**Note** Mr. Cellino called the meeting to order at 6:03 p.m., did roll call, and noted a quorum was present.

### 2. Additions to the Agenda

#### **Decision** MOTION (1)

Mr. Cellino moved to add a discussion regarding the recommendation from the Investment Subcommittee to this evening's agenda.

Tom Meggers seconded the motion.

Motion carried, 6-0-0.

#### 2-1. Men's Club Presentation

**Note** Rick Diachenko of the Men's Club gave forward and presented the Board with a framed map of Black Point circa 1935, which Gary Moffett, one of the Men's Club members generously donated. He thanked the Board and Membership for supporting their events throughout the year and noted they're 8 years away from the 100th anniversary of Black Point.

**Note** The Board thanked Mr. Diachenko and the Men's Club and said they will hang the map inside the Clubhouse.

### 3. Communications

**Note** Email #1

 [Coscarelli\\_Email.pdf](#)

**Note** Mr. Cellino noted there was one communication from Jill Coscarelli, she has obtained the required insurance to hold her exercise class, and she thanked the Board for working with her.

## 4. Public Comments

### 4-1. Rick Diachenko of 25 Sunrise

**Note** Mr. Diachenko reported that some people were playing bocce the other day and noticed some tread marks from a motorized bicycle. He asked if a nice note could be put reminding people to stay off the bocce court.

**Note** Peter Meggers arrived at 6:08 p.m.

### 4-2. Alice Baril of 17 Sea View

**Note** Ms. Baril discussed golf cart parking and how they might encourage people to utilize the designated golf cart parking before occupying spaces reserved for regular vehicles. Ms. Baril and Mr. Moffett also discussed how people who have regular vehicles also need to be reminded that they're not to park them in spots reserved for golf carts either.

**Note** Ms. Baril asked about placing a reminder notice on the website.

**Task** ☐ The Board said they could publish a reminder in the Black Pointer instructing people to use golf cart parking first, if available.

**Task** ☐ Mr. Moffett said he repaint the white lines every few weeks to differentiate the parking spaces.

*Owned by Jim Moffett, Association Manager*

## 5. Reports

### 5-1. Treasurer

**Note** See attached budget sheet.

 [Financial\\_Report-Budget\\_vs\\_Actual\\_as\\_of\\_6-22-23\\_YTD-REVISED.pdf](#)

**Note** See attached Ree report.

 [Rec\\_Program\\_6-22-23\\_YTD.pdf](#)

**Note** See attached balance sheet.

 [Balance\\_Sheet\\_as\\_of\\_6-22-23\\_YTD.pdf](#)

**Note** Mr. Capozza reviewed his report and shared some of the following:

Total YTD for Operations is \$289,000.

+\$500 from last year's YTD, primarily due to zoning fees coming in.

Disbursements are \$293,000.

This is a \$28,000 increase from last year's YTD.

Capital assets contributed to this amount and included the new cement pad, \$7,300 for waterfront maintenance, \$4,500 for payroll, \$1,800 for ground maintenance (power washing and new mulch for the playground), and \$1,500 in legal fees.

This results in -\$2,700 through June 30th, and they project -\$15,000 for the year.

Again, this figure is primarily due to the legal fees for the year.

There is no Recreation activity to report, and the Master Plan report is the same as last month's report.

He has added the balance sheet as part of his report, as requested.

It shows the Association's assets, liabilities, and fund surpluses.

**Note** Mr. Cellino further explained the following regarding the balance sheet:

It will tie into the cash.

We currently have \$330,000 in cash.

In our fund and our cash balance, we have \$50,000 that's assigned for emergencies.

As of today, we have \$178,023 for long-term capital assets.

By the end of August, we'll have an additional \$50,000.

We also have unassigned money available in the amount of \$9,927.

So essentially, \$237,009.50 and that number matches the financial statement.

The balance sheet will tie in with unassigned funds available, which will follow each meeting.

**Note** Ms. Garrow noted the Treasurer's report says that capital assets are \$7,800 yet they only approved \$6,000 for the concrete pad in April. She asked how that works and why they didn't have to approve the additional \$1,000+.

**Note** Mr. Cellino detailed the work done in regard to the concrete pad, how they were originally just going to use mesh, opted for wire for greater durability, which was an additional \$300, and they added a handicapped area which was suggested by Mr. Fountain. He added that they were charged \$1,500 for extra stone, there was a miscommunication, and Mr. Nebelung did this without consulting Mr. Moffett.

**Note** Mr. Cellino said despite the miscommunication, the contractor was a pleasure to work with and did a great job.

**Note** Ms. Chapin said that Janet Bonelli is on the call and said via the chat feature that she approved the cost difference when she was still Chair.

**Note** Mr. Baril asked about the reports and if there is an excel spreadsheet that itemizes the capital assets and all the expenses. Mr. Capozza and Mr. Cellino explained how this information is available in the general ledger.

**Note** Mr. Baril asked about the spending discretion available to the Beach Manager and BOG Chair, and if it's \$300 and \$2,000 respectively, and if that amount is per occurrence or per month? He asked if this information is codified somewhere and if it isn't, should it be?

**Note** Mr. Capozza said he's not aware of it being written anywhere, but it's something that each new Chair should review.

**Note** Mr. Cellino asked the Recording Secretary if she looked back at the minutes, and she reported that she has yet to locate anything.

**Note** Mr. Cellino detailed how the \$300 threshold for the Beach Manager and \$2,000 threshold for the Chair has been in practice for years and is needed for emergencies and items that can't wait until the next Board meeting.

**Note** Mr. Cellino shared several items that came up between Board meetings such as the additional mulch needed prior to the start of Camp two days later, and moving the rocks from South Beach since the Town doesn't have a machine or mechanism to remove them themselves.

**Note** Ms. Chapin said she understands the need for responsiveness, but the rest of the Board gets left out.

**Decision** After further discussion the Board determined that going forward email correspondence will go out to the entire Board when items of this nature come up.

## 5-2. Tax Collector

**Note** See attached report.

 [TAX COLLECTOR REPORT 6-21-2023 for 2023-2024.pdf](#)

**Note** Ms. Ames referenced her attached report and noted that 254 people have paid in full and 321 people still have to pay.

## 5-3. Association Manager

**Note** See attached report.

 [June 2023 Manager's Report.pdf](#)

**Note** Mr. Moffett referenced his attached report and said he's gearing up for the 4th of July festivities.


**Task** ☐ Mr. Moffett asked the Recording Secretary to send a mass email and do an additional website post about Club registration on June 24th.

*Owned by Brooke Stevens due 06/22/23*

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*Owned by Recording Secretary due 06/22/23*

**Note** Mr. Cellino briefly discussed the parent release waiver they crafted for Club parents.

 [2794\\_001.pdf](#)

**Note** Mr. Moffett noted he has also been watching for non-Black Point residents using their facilities and will continue to track this in his monthly report.

**Task** ☐ Mr. Cellino discussed how Mr. Moffett will continue to track the tennis court usage and notate this information in his reports.

*Owned by Jim Moffett, Association Manager*

**Note** Mr. Moffett said as always, he can't thank Bill Dewey, Jim Allen, Will Fountain, Leslie Doherty, and Heather Manwaring for all that they do for the betterment of Black Point.

**Note** Ms. Chapin thanked Mr. Moffett for getting ahold of the Fire Marshall so they can ensure the Clubhouse is in compliance.

**Note** Ms. Chapin said last year they discussed the positioning of the swim buoys and the southernmost one is still too far south and east, and asked if they could move it to where the anchor is. Mr. Moffett replied that he installed it where he was instructed to and Mr. Cellino noted that DEEP was called for confirmation, and Jim Allen received permission to move it to the right.

**Note** Ms. Chapin discussed the need for a reflective band on top of the buoys and Mr. Moffett replied that the buoys need to be replaced and the new designs are different.

**Note** Ms. Chapin reiterated that she's referring to the swim buoys and the Board discussed playing greater attention to this placement going forward.

**Note** Mr. Cellino suggested they budget for new replacement swim buoys for next year.

#### 5-4. Wrecking Crew

**Note** see attached report.

 [2795\\_001.pdf](#)

**Note** Mr. Allen detailed the attached Wrecking Crew report and discussed items such as the sitework completed for the pirate ship, emergency repairs to the Sea Breeze pier, and the cleanup of the Whitecap parking lot by the Wrecking Crew Landscaping Subcommittee, among others.

#### 5-5. Liaison Reports

**Note** See attached Zoning Commission report.

 [Zoning Commission report 6-9-23 meeting.pdf](#)

**Note** See attached Maintenance report.

 [June 22 2023 Summary.docx](#)

**Note** Ms. Garrow referenced her attached report above and said some of the following:

The Zoning Board is amending the current regulations.

The final draft is expected in July and will be presented to the members for review and discussion, possibly in August.

She's unclear what the exact purpose of the Association District is.

As far as she can tell the right-of-ways and one foot strip around Black Point have been omitted.

We have a common property tax that cover our properties, Clubhouse and beaches.

She's curious if this will cause us to lose the common property tax rates that we have with the town.

The Black Point Market has also been approached by several people who have requested that he sell seltzer and beer.

She's not opposed to this, but they do need to consider the implications of drinking on the premises.

What will this expose us to?

Do we need to consider additional insurance?

Will this create liability issues?

If there is a greater monetary cost associated with this, it makes sense to pass it on to the applicant.

**Note** Mr. Cellino discussed how all of the Association common property is zoned residential and the idea of the Association District is to essentially create a new zone, which will prevent any Board from selling, developing, or subdividing Association property.

**Note** The Board discussed the idea of an Association District.

**Note** The Board discussed the prospect of the Market selling beer and seltzer, and how they might use signage to prohibit the consumption of these beverages on site.

**Note** Mr. Baril said in regard to preventing any Board from selling or developing any Association property, this seems a low probability event that they don't need to spend a lot of time on. Mr. Cellino replied that the Attorney, Zoning Board, and Zoning Enforcement Officer all think it's an important element to consider.

**Note** Mr. Cellino encouraged members of the Board and Association members attend the Zoning Commission Public Hearing(s) when scheduled and to provide feedback.

**Note** Mr. Cellino discussed some of the previous comments he made about Charter Revision at the last meeting and noted that after discussing the matter further with Anita Schepker, who has been an active participant for two Charter Revisions, they determined that any changes made by be better accomplished through a bylaw change and/or ordinance.

**Note** Peter Meggers said the first step is for the Board to determine any bylaws or items they would like to see revised or changed.

**Note** Mr. Cellino said Attorney Branse is going to review the Charter and get back to them. He would like to discuss potential changes going forward and get public feedback at the Annual Information Meeting in September.

**Note** Ms. Garrow noted the following in regard to the Zoning Board roster:  
Matt Peary's position on the Zoning Board ends in July and he has chosen not to continue.  
Betsy Klemmer would like to continue and move up from her current alternate position to a regular member position.  
Mike Walsh would like to occupy the alternate seat vacated by Ms. Klemmer, if she does move up.

#### **Decision** MOTION (2)

Ms. Chapin moved to approve the appointment of Betsy Klemmer as a regular member of the Zoning Commission with a term through July 2026, and the appointment of Mike Walsh as an alternate member of the Zoning Commission with a term through July 2026.

Mr. Cherry seconded the motion.

Motion carried, 7-0-0.

**Note** Mr. Cellino noted that he and Peter Meggers will be meeting next Thursday to discuss insurance.

**Note** Mr. Baril reported that they're still working on the one- or two-page Guidebook addendum.

**Task** ☐ Mr. Cellino said they need to consider a method for the kayak and paddle board racks, so they're not used purely as a means for people to store their equipment. The Board will revisit this item at the next meeting.

due 07/20/23

## **6. Approval of Meeting Minutes**

### **6-1. June 7th, 2023, Special Hybrid Meeting Minutes**

**Note** see attached minutes.

 [minutes\\_\(5\).pdf](#)

**Decision** MOTION (3)

Ms. Chapin moved to approve the Special Meeting Minutes of June 7th, 2023, as submitted.

Tom Meggers seconded the motion.

Motion carried, 6-0-1.

Mr. Baril abstained from the vote.

## **6-2. June 7th, 2023, Special Executive Session Meeting Minutes**

**Note** See attached minutes.

 [Minutes\\_of\\_BPBCA\\_Board\\_of\\_Governors\\_Special\\_Zoom\\_Executive\\_Session\\_06\\_07\\_23.pdf](#)

**Decision** MOTION (4)

Mr. Cellino moved to approve the Special Executive Session Meeting Minutes of June 7th, 2023, as submitted.

Ms. Chapin seconded the motion.

Motion carried, 6-0-1.

Mr. Baril abstained from the vote.

## **6-3. May 27th, 2023, Annual Meeting Minutes**

**Note** See attached minutes.

 [Minutes\\_of\\_Black\\_Point\\_Beach\\_Club\\_Annual\\_Meeting\\_05\\_27\\_23.pdf](#)

**Decision** MOTION (5)

Mr. Cellino moved to approve the Annual Meeting Minutes of May 27th, 2023, as submitted.

Tom Meggers seconded the motion.

Motion carried, 6-0-1.

Mr. Baril abstained from the vote.

## **6-4. May 27th, 2023, Special Organizational Meeting Minutes**

**Note** See attached minutes.

 [Minutes\\_of\\_Black\\_Point\\_Beach\\_Club\\_Board\\_of\\_Governors\\_Organizational\\_Meeting\\_05\\_27\\_23.pdf](#)

**Decision** MOTION (6)

Mr. Cellino moved to approve the Special Organizational Meeting Minutes of May 27th, 2023, as submitted.

Ms. Garrow seconded the motion.

Motion carried, 6-0-1.

Mr. Baril abstained from the vote.

## **7. Emeritus Vote- Will Fountain**

**Note** Mr. Cellino briefly discussed the numerous contributions Mr. Fountain has made to Black Point and the great expertise and historical context he provides for the Board.

## Decision MOTION (7)

Mr. Cellino moved to reappoint Will Fountain as the Black Point Beach Club BOG Emeritus for an additional year.

Mr. Cherry seconded the motion.

Motion carried, 7-0-0.

## 8. New Business

### 8-1. Maintenance of Capital Assets

**Note** Mr. Baril provided a copy of his memorandum regarding the engineering documents he obtained from former Board member Steve Beauchene. He noted that the Board can review it and they can discuss it at the next meeting.

 [MEMO\\_to\\_BOG\\_5-25-23\\_Docs\\_from\\_Steve\\_B.pdf](#)

**Note** Mr. Baril explained that the maintenance of capital assets is a new line item for the 2023/2024 FY and will be funded with \$25,000 for modest expenditures, upkeep, maintenance goods and services that we may want to procure for our assets.

**Note** Mr. Baril briefly discussed some of the verbal instructions passed onto Steve Beauchene from Pinder Construction regarding the cleaning and general upkeep of the pier. He would like to get more idea of a technical specification in writing and perhaps even a quote.

**Note** Mr. Baril also discussed how some items overlap and noted that the trimming of the trees on the east side of the tennis court, and if they want to get some idea of the undeveloped land, they should potentially hire a certified wetland scientists to tell them whether or not they can build anything up there.

**Note** Mr. Cellino said they should get a survey done along with a report from a soil scientist.

### 8-2. Intersection Hedges

**Note** Mr. Cellino discussed how the Zoning Board talked a great deal about the safety issues at intersections due to hedge height last year and entertained the prospect of changing this regulation. He further explained that once Attorney Branse began his exhaustive review of the Zoning Regulations, he imparted that hedge height is actually the purview of the Board of Governors and not the Zoning Commission.

**Task** ☐ Mr. Cellino noted that if the BOG chooses to change the hedge height regulation it would likely be done through an ordinance. He added that Attorney Branse has provided him with seven pages of examples from other towns, which he will pass on to the rest of the Board, and they can revisit this item at the next meeting.

*Owned by John Cellino, BOG Chair due 07/21/23*

**Note** Tom Meggers suggested that they put some kind of update in the Black Pointer that they're considering changing the rules on corners and changing the length of the cut back on the hedges.

**Note** The Board discussed visibility issues at intersections due to tall hedges.

**Note** Carolyn Boyle of 4 Sea View asked if this will include fences as well?

**Note** Tom Meggers said they should see what feedback they get by noticing this item in the Black Pointer.



**Note** Ms. Boyle and the Board discussed introducing a "Board Corner" in the Black Pointer to update residents on various items being discussed and considered.

### 8-3. Investment Committee

**Note** Mr. Cellino reminded those present that the Investment Committee is comprised of himself, Ed Zito, Mr. Capozza, and Mr. Cherry. He detailed how they met and voted to recommend to the Board that they allow the Investment Committee to invest the long-term funds either in a CD, or Treasury Bills at a rate not less than 5% and not to exceed longer than a 12-month term, and to invest the operating funds (anything above \$25,000-\$50,000) into a money market account at Liberty Bank.

**Note** Mr. Cellino explained that withdrawals from the operating account will still be made, to pay the bills.

**Note** Mr. Cellino said currently their funds are earning less than 1% interest and the accounts they're proposing are FDIC insured.

**Note** Mr. Cellino added that Peter Baril and Leslie Doherty were in the audience for Investment Committee meeting, and he thinks speaks to the transparency, accountability, and openness.

#### **Decision** MOTION (8)

Mr. Cellino moved to authorize the Investment Committee to invest the long-term funds either in a CD, or Treasury Bills at a rate not less than 5% and not to exceed longer than a 12-month term, and to invest the operating funds \$25,000-\$50,000, into a money market account at Liberty Bank.

Peter Meggers seconded the motion.

Motion carried, 7-0-0.

## 9. Old Business

### 9-1. Clubhouse Usage

**Note** Mr. Cellino said they're still considering this item and meeting with their insurance carrier will provide them with guidance for going forward.

### 9-2. Volleyball Court Update

**Note** Mr. Moffett said he and Bill Dewey are working on this and researching nets and supplies. He said he will touch base with Suzanne Smith since she was spearheading this project.

### 9-3. Master Plan Update

**Note** Ms. Chapin reported the following:

The last community workshop held at the Clubhouse was well attended and they received some great feedback.

There was a lot of mingling around setting priorities and endorsing recommendations.

There is an online way to provide your feedback and that link is available through the end of the weekend.

Please take a little bit of time to fill it out if you haven't already.

There's a slideshow of the presentation but unfortunately the audio of the meeting is poor.

The slides are a good narrative in themselves, and easy to follow.

From here, we're going to jump into kind of have a draft report.

This is a real important time and feedback is essential.

Anyone who has any questions, complaints, and/or great ideas, can contact her.

**Note** The Board briefly discussed the speaker problems and Mr. Cellino explained that the tv speaker is the one that isn't operational. Ms. Chapin said it worked great last week but will continue try to troubleshoot it.

## **10. Further Public Comment**

**Note** Mr. Cellino called for further Public Comment.

### **10-1. Alice Baril of 17 Sea View**

**Note** Ms. Baril discussed the Seaweed problem on South Beach and how it's dumped at the bottom of the mobi mat. Mr. Moffett replied that it's the tide, he consistently cleans it up, but it will always present a problem.

## **11. Adjournment**

**Decision** MOTION (9)

Mr. Cherry moved to adjourn the June 22nd, 2023 BPBCA BOG Meeting at 8:17 p.m.

Peter Meggers seconded the motion.

Motion carried, 7-0-0.

**Note** Respectfully Submitted,  
Brooke Stevens, Recording Secretary

## Task Summary

### New Tasks

**Task** ☐ The Board said they could publish a reminder in the Black Pointer instructing people to use golf cart parking first, if available.

**Task** ☐ Mr. Moffett said he repaint the white lines every few weeks to differentiate the parking spaces.

*Owned by Jim Moffett, Association Manager*

**Task** ☐ Mr. Moffett asked the Recording Secretary to send a mass email and do an additional website post about Club registration on June 24th.

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