

# Minutes of BPBCA BOG July 27nd, 2023, Regular Hybrid Meeting - 07/27/23

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**Date and time:** 07/27/23 7:00 PM to: 07/27/23 9:34 PM

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

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

**Location:** Topic: BOG Regular Meeting - July 27, 2023  
Time: Jun 20, 2023 06:00 PM Eastern Time (US and Canada)

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Meeting ID: 898 1824 8178  
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## Topics

### 1. Call to Order

**Note** Mr. Cellino called the meeting to order at 7:04 p.m., did roll call, and noted a quorum was present.

**Note** Ms. Chapin noted that prior to this meeting they had an executive session and based on the discussion that occurred in that meeting, she would like to make a motion.

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

Ms. Chapin moved that effective August 1st, 2023, we will begin to transition to a new Tax Collector in light of Ruth Ames' retirement, the new Tax Collector will be Colleen Hayes, and this will be a transitional period while Ruth Ames is still available for consultation.

Tom Meggers seconded the motion.

Motion carried, 5-0-0.

**Note** Mr. Cellino noted the incredible job Ruth Ames has done and how her presence will be missed immensely.


### 2. Additions to the Agenda

**Note** Mr. Cellino said he would like to move up Ms. Ames' report on the agenda so that she can be excused.

### 3. Reports

#### 3-1. Tax Collector

**Note** see attached report.

 [TAX\\_COLLECTOR\\_REPORT\\_7-26-2023\\_for\\_2023-2024.xlsm.pdf](#)

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

The original collection amount is \$305,429.

We've collected \$246,750, which leaves a balance of 58,679.

This means that 470 have paid, there is one partial payment due in next week, and 105 haven't yet paid.

**Note** Mr. Cellino asked how many people she thinks might be delinquent by August 1st based on past experience, and Ms. Ames replied they're an outstanding group of people relative to paying their taxes.

## 4. Communications

**Note** see attached email.

 [Etienne\\_email.pdf](#)

## 5. Public Comments

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

### 5-1. Rama Subhash of 16 East Shore Drive

**Note** Ms. Subhash said she has a concern and shared some of the following:

A couple of years ago the Board decided to accommodate additional parking spaces for golf carts by allowing golf carts to be parked on the grass.

She and her husband put a new fence around their property last year, and everyone is aware that it's private property and has nothing to do with the Association.

Some of the people who are utilizing the golf cart parking are parking extremely close to their fence.

She had an unpleasant exchange with someone who parked too close, who became hostile when she asked her to move, and she (Ms. Subhash), called Mr. Moffett for assistance.

She's concerned that someone who is rushing may damage the fence, and she'll have no way of contacting them.

**Note** Mr. Cellino replied that having the golf carts park on an angle may help and asked if they would be amendable to the Association paying for the cost of obtaining four or five little signs, that say something to the extent of "Please Be Careful" and to "Please Maintain a Minimum of 6 inches Between your Vehicle and the Fence."

**Note** Mr. Cellino commented that they did a nice job on their fence, that nice people live in the community, and the Association would be very disappointed to hear that someone caused damage without reporting it.

**Note** Ms. Subhash asked about using cement curb stops to act as a barrier and Mr. Cellino golf carts can pull up to the curb stops but given that some models have a larger front end, they might hit the curb stops, which in turn, could hit the fence. He added that this mechanism can be a consideration, but he recommends they try the sign avenue first and see if that helps matters.

**Note** Tom Meggers asked if she would permit them to attach signs to her fence and Ms. Subhash responded that they can.

**Task**  Mr. Cellino said they will have the signs professionally done.

### 5-2. Susan Daly of 7 Brightwater Road

**Note** Ms. Daly offered some of the following remarks:

She would like to invite the whole Board to come and look at the condition of South Beach.

It is a mess.

When they harvested the sand and moved it, they took all the rocks from back there, and dumped it the right of the pier.

She took videos of this being done which she can show them.

This current state makes it impossible for people to access the beach, and the beach is not being maintained.

When all the piers were done, Main Beach was taken care of.

The Seabreeze pier was redone along with others, while the South Beach pier is disintegrating as we speak.

She would like it to be a priority for the Board to fix South Beach.

They're always going to have rocks on that beach, but there was no reason to pick those rocks and dump them.

**Note** Ms. Daly detailed how the condition make it impossible to access the mobi mat and how it might be positioned to run parallel to the sea walls, so that people can actually access the mobi mat and use it. She added that the steep drop-off is a known liability, and actually had yellow caution tape wrapped around it several years ago.

**Note** Ms. Daly said Main Beach is not as deep as South Beach, yet there is a railing there while there isn't one at South Beach. She said she would love to meet everyone there and see how exactly they're able to access the water.

**Note** Ms. Daly said she also had a discussion with Mr. Moffett about the seaweed on South Beach and how it's a biohazard. She said he removed it, but that this should consistently be done especially with the mosquitoes that are thriving in there, and now that we have malaria back in the United States.

**Note** Ms. Daly said they also don't have swim lines there and they still have boats and kayaks coming right into the swim area.

**Note** Mr. Cellino detailed how he met with the Yacht Club at Oak Grove Beach yesterday, and they discussed sharing a rock machine on an occasional basis, to see if it works in remedying the problem.

**Task**  Mr. Cellino said they can add this item to upcoming agendas so they can continue the dialogue of how to make the condition of South Beach better.

**Note** Mr. Cellino said these issues have been on their radar and have come up at previous meetings; it's something that they're currently looking at and it has come up in their discussions regarding the handling of our short-term maintenance of our capital assets, and during discussions of the Master Plan, and planning for the future.

**Note** Mr. Cellino said he wants to assure her, that they're fully aware of it, and it's not been ignored. He said that he and Mr. Moffett would be happy to meet with her, but that Board Members should visit South Beach themselves, so it's not a meeting that they need to notice.

**Note** The Board and Ms. Daly further discussed the rock problem.

### 5-3. Cindy Trocki of 22 Blue Heron

**Note** Ms. Trocki said the Black Point map on the wall is Plan 1, and for some reason, Plan 2 gets ignored, and is not on display. She discussed some of the Black Point plans, and how she has come before past Boards in an attempt to explain that they have 669 and 1/2 feet on the west side of West Lane, and this has also been ignored.

**Note** Ms. Trocki said she would like to know how these items are going to be addressed, given that the current development has access to our water and sewer, and access is only supposed to be within our road. She added that the map at town hall shows that West Lane is never to be more than 19 feet wide, yet they have gone on the west side of that road and opened it up and attached the sewer.

**Note** Ms. Chapin said the map of Plan 1 on the Clubhouse wall was recently gifted to them, they weren't given Plan 2, but they're aware that it is available for viewing at the town hall.

#### **5-4. Marjorie Dagata of 92 East Shore Drive**

**Note** Ms. Dagata said some of the following:

She also wants to bring attention to South Beach and some of its problems.

She has nine grandchildren, and they would like to use that beach.

But it's hard for the kids to get in the water, and with the seaweed, it's a mess.

She herself has called Mr. Moffett, she has seen trucks come down, and they barely touch the rocks and avoid the area where they are.

She understands maintaining the beach is costly but maybe it's time to take care of it because if we lose that beach, it will be lost, and we can't bring it back.

She's been here for 66 years, and while South Beach has never been perfect, it was once a good beach.

**Note** The Board further discussed the various problems with South Beach and how they might tackle ongoing problems.

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#### **5-5. Ann Liashek of 3 Waterside**

**Note** Ms. Liashek said some of the following:

She concurs with the comments about South Beach and perhaps it is time to do something.

Maybe it's a matter of just sitting down to formulate a plan before summer.

The walkway is a disaster.

She knows it's hard to move, but currently no one can use it.

It's unfortunate, the condition is worsening, and the walkway is rather bumpy.

#### **5-6. Alice Baril of 17 Sea View Avenue**

**Note** Ms. Baril offered some of the following comments:

The golf cart rules are not being followed.

She doesn't know how to monitor this or how to make people accountable.

She sees children riding golf carts.

She's seen six kids on golf carts.

She's seen mothers with babies sitting on their laps.

Someone is going to get hurt.

Maybe something should be put in the Black Pointer.

**Note** Mr. Moffett and the Board discussed how golf carts are permitted and enforced by the East Lyme Police Department. Ms. Stevens said if any violations are seen, people should call 860-739-5900, the nonemergency number of the Police Department.

## 6. Reports Continued

### 6-1. Treasurer

**Note** see attached report #1

 [Financial Report-Budget vs Actual as of 7-27-2023YTD.pdf](#)

**Note** see attached report #2

 [Balance Sheet as of 7-27-23.pdf](#)

**Note** Mr. Capozza reviewed his reports and noted the following YTD highlights from July 1st thru July 27th, 2023:

Operations, Total YTD Receipts amounted to \$249,348.

Some of the items contributing to this amount are current year taxes collected (\$246,750), Clubhouse rental fees (\$2,100), and zoning fees (\$450).

Total YTD Disbursements amounted to \$21,631.

Some of the items contributing to this amount are Payroll (\$7,781), EL Taxes (\$5,216), Insurance (\$2,284) Social Events (\$1,830), and the Black Pointer (\$1,700).

In terms of his rec program analysis, they've collected \$48,000 so far this year, which represents 104% of their budget.

They're midway through their season and he estimates they'll be +\$2,000 at the end of the season.

**Note** Ms. Chapin said that overage will be earmarked for the rec program which Mr. Capozza confirmed.

**Note** Mr. Capozza noted that no invoices were paid for the Master Plan during this month.

### 6-2. Association Manager

**Note** see attached report.

 [July 2023 Association Managers Report.pdf](#)

**Note** Mr. Moffett referenced his attached report and noted the following:

The highlight of the month was the picnic and parade, both of which were a success.

The equipment is out, and everything is working.

The spot for the volleyball court has been marked off.

The supplies are ordered, and Bill Dewey will be working on the poles.

**Note** Mr. Moffett briefly discussed the dock that washed up on South Beach.

**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** Ms. Chapin asked how many people came to the golf cart registration, Mr. Moffett replied around 90, and Ms. Chapin said that's fantastic.

**Task**  Mr. Baril observed that it would be helpful to have a list of the registration numbers and owner information. Mr. Moffett said he can get that information from the Police Department.

*Owned by Jim Moffett, Association Manager*

**Task**  Mr. Cellino said he has received some concerned calls about the high speed of electronic scooters and bicycles, and the lack of helmets. He said he thinks something should be put in the Black Pointer.

*Owned by John Cellino, BOG Chair*

### 6-3. Wrecking Crew

**Note** Jim Allen of 32 Sea Spray came forward to detail his Wrecking Crew report along with the census of the BPBCA Kayak, Paddle Board & Small Craft Storage they prepared.

**Note** see attached Wrecking Crew report.

 [07\\_27\\_2023\\_BOG\\_WC\\_Report\\_\(1\).pdf](#)

**Note** see attached kayak, paddle board, & small craft report.

 [7\\_The Black Point Beach Club Association.pdf](#)

**Note** Mr. Cellino noted they will be discussing kayaks, paddle boards, and small crafts, and this is a tremendous help. He thanked them for all their efforts.

**Note** Mr. Baril thanked the Wrecking Crew for all of their hard work, but said he takes exception with regards to branch and tree removal, that he thinks it might be dangerous to have Wrecking Crew Members on a ladder in lieu of a professional; he's concerned about the possibility of someone getting hurt.

### 6-4. Wrecking Crew Landscaping & Gardening Subcommittee

**Note** Leslie Doherty came forward to discuss her proposal for a community garden.

**Note** see attached proposal info.

 [Community Garden Proposal.pdf](#)

**Note** see attached proposal options.

 [Community Garden Options - Black Aluminum Fencing.pdf](#)

**Note** Ms. Doherty said some of the following:

Without the opportunity to volunteer she would not have met the many generous neighbors who have volunteered to do numerous tasks around the community.

The group would like to do is start a community garden where anyone can garden and can reap the benefits.

She has identified a couple of spots that might be possible contenders for the garden location.

**Note** Ms. Doherty said her idea is to have a small garden that anyone can work on, hopefully on the south side of the building, given that it would provide the best sun.

**Note** Ms. Doherty provided a number of fencing options in various price brackets but can't really price what plants will be next year.

**Note** Ms. Doherty mentioned the possibility of utilizing a rain barrel to reduce the cost of using water and noted that composting is a possibility. She thinks the gardening could also be incorporated into the Rec Program as well.

**Note** Ms. Doherty further discussed the various garden possibilities.

**Note** Shevon Hickey of 8 Sunset offered the following response:  
She said Ms. Doherty approached her and mentioned putting the garden right up to her own yard and tying the garden fence in with her own fence, but she's not sure that's something she would like to do. She told Ms. Doherty to come back the following week so that she could discuss this matter with her husband first, but she never returned.  
She sent an email on July 12th asking for an update on the progress of community garden. She found out afterwards that all these people were getting emails to come support the community garden and she didn't even know that this was going to be brought up tonight.  
She's an abutting neighbor, has always been a good one, and has been at Black Point for 55 years. They've never really had any opposition to anything.

**Note** Ms. Hickey conveyed how when the volleyball court was initially discussed it was decided that it would not be installed on the beach since it would be too disruptive to the neighbors, and she doesn't feel like neighbors of the Clubhouse are being given the same consideration.

**Note** Ms. Hickey said she's concerned about noise and cited the rock garden, how they began work on that at 7:00 a.m., and she had an infant in the house at the time. She's hoping to have her windows open in September and not to be running A/C. She added that a water barrel will create mosquitoes and she's concerned about the look of her backyard, which they previously cleared, because it was so unsightly; now whoever is working on the garden will be looking into their yard.

**Note** Ms. Hickey said she has spoken to the two other neighbors who are next to them, and they are opposed to this as well. She's not opposed to the community garden itself, but there's a lot of land, and it doesn't have to infringe on their enjoyment of their own yard or potentially prevent them from being able to sleep in; as it is, the lawn is usually mowed prior at 8:00 a.m., when it shouldn't be.

**Note** Ms. Hickey detailed how they already put up with parties at the Clubhouse and people urinating on their lawn, without complaint. She's troubled that no one followed up with her about this matter or told her about this meeting.

**Note** Ms. Doherty noted that she encouraged Ms. Hickey to come to this meeting and voice her opinion. She added that she thinks it's reasonable to skip the rain barrel and to set garden hours.

**Note** Tom Hickey of 8 Sunset said some of the following:  
When he found out about this on Monday, the first person he called was his attorney. His attorney provided him with 6 questions to give to the Board, which he will email them. He would like them answered within the next 48 hours and sent back to them, or the Board will be hearing from their attorney.  
He doesn't want to get involved in a conversation about where a garden is, where the compost is, he just wants to enjoy his new property here like anyone else would.  
He didn't raise any questions or concerns about the volleyball court because it wasn't on his property.

**Note** Ms. Hickey noted that in addition to the lawn being mowed at 7:00 a.m., there will be people up here and they'll be talking, which is what a community garden is all about. She doesn't want to be the bad guy, and disappoint people, but you have to be respectful if you're putting something right next to her fence. Mr. Hickey said if they can't tell, he doesn't care if he's the bad guy.

**Note** Mr. Cellino said tonight's purpose was to discuss this project and possible options, but now that they've noticed the Board that they've gone to an attorney and indicated that they're going to take an aggressive action, although the Board had alternatives that could have been discussed, legal action brings this matter to a different level, so they need to end this discussion.

**Note** Ms. Doherty said she doesn't need a community garden if it's going to cost all this money in legal fees.

**Note** Mr. Cellino said they came up with an excellent alternative, are very conscious of their feelings, but at this point they can't discuss it, and the conversation needs to end.

**Note** Ms. Hickey said she was waiting to hear what the alternative was, and Peter Meggers replied that they can't have a legal discussion outside of executive session- it would have been nice to have a conversation, but instead they've been told that they have to respond within 48 hours, or we'll be hearing from your lawyer, and realistically, they can't do that; they're a Board of beach association property owners and can't get them an answer by then, tomorrow is Friday. He added that since they've threatened litigation, the Association's insurance company will shut the Board down, if they don't shut this conversation down.

## 6-5. Liaison Reports

**Note** Mr. Cellino read Collen Hayes update about the Rec Program into the record and shared that during the week of July 4th they had 120 kids here, it was the busiest week so far, all the programs have been attended by more kids than last year, and every program has been a hit.

**Note** Mr. Moffett said he's been trying to get the police to come and do a bike safety class, but they have not been responsive to requests; the previous instructor retired and the Lieutenant in charge of the program hasn't assigned it to someone knew yet.

**Note** Mr. Cellino further shared the following:  
They've had two dances and a movie night, all which were a lot of fun.  
Friday is the Club Fair, which is open to the entire community.  
They're looking for donations for a basket raffle.  
Bring your appetites as food will be available for purchase.  
The funds charged are a means of fundraising for the Club Program.

**Note** A member in the audience expressed concern about the cost given that she has many grandchildren who would like to attend, she said in the past the entrance fee ended up being \$200, which the Board discussed.

**Note** The same Member said she thinks the Club should focus on other activities for fundraising and make the Fair more reasonable, so all children can participate.

**Note** The Board discussed asking Club about this for next year.

**Note** Mr. Cellino gave the Investment Committee report and noted that they met last month, and the Board authorized the 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. He further explained that they invested in a CD from Mutual Bank, and it has an effective interest rate is 5.1%, and it has SEC insurance.



**Note** Mr. Cellino said he would like to jump ahead and thank fellow Investment Committee Member Ed Zito, for his suggestion regarding a potential BP conveyance tax on property sales. He said unfortunately this is a state tax, so this is not something they can do. He added that he will research if there is another method available to them.

**Note** Mr. Cellino said he attended the last Zoning Commission meeting for Ms. Garrow since she is out of town. He detailed how the Commission, Jim Ventres, and Attorney Branse have been working on drafts to the Zoning Regulations for the last several months, and the public hearing is scheduled for August 25th, 2023, at 6:00 p.m. He thanked them for the tremendous amount of work they've all done on this.

**Note** Mr. Cellino noted that a special zoning meeting will immediately follow the public hearing, so there is the chance that they make vote on items that evening.

**Note** Mr. Cellino said Mr. Cherry is not in attendance, to give a ZBA report.

**Note** Ms. Chapin noted that Dan Deknis, the ZBA Chair, contacted her since some terms are ending in a few days. She shared that Dan Deknis, Sally Cini, and Pat Kolosowski all have terms expiring and all three would like to renew. Ms. Chapin said at the same time they have posted a notice to fill the two alternate positions that will be available if Ms. Kolosowski is moved up from an alternate position to a regular member position.

**Note** Mr. Cellino said all three have done an incredible job.

**Decision** MOTION (2)

Ms. Chapin moved to renew the Zoning Board of Appeals terms for Dan Deknis, Sally Cini, and Pat Kolosowski, and to move Pat Kolosowski to a Regular Member position.  
Peter Meggers seconded the motion.  
Motion carried, 5-0-0.

**Note** Ms. Chapin said as a point of clarity, technically she is still sitting on the ZBA as an alternate, but they're trying to fill two positions to backfill for herself and Ms. Garrow, and encouraged anyone who is interested, to step forward. She added that the ZBA typically only meets 1-3 times a year.

**Note** Mr. Baril gave a brief update on the telephone directory and said they're probably two weeks out; they're cross referencing with the grand list, and just need to go door to door to confirm phone numbers.

## 7. Approval of Meeting Minutes

### 7-1. June 22nd, 2023, Regular Hybrid Meeting Minutes

**Note** see attached minutes.

 [Minutes of BPBCA BOG June 22nd 2023 Regular Hybrid Meeting 06 22 23.pdf](#)

**Note** Mr. Capozza said page 9, where the Investment Committee is discussed, in the decision it should read "anything above \$25,000 to \$50,000," and the motion currently leaves out the "anything above" portion of the decision.

**Decision** MOTION (3)

Tom Meggers moved to approve the Regular Meeting Minutes of June 22nd, 2023, as amended.  
Ms. Chapin seconded the motion.  
Motion carried, 5-0-0.

## 7-2. June 22nd, 2023, Special Executive Session Meeting Minutes

**Note** see attached minutes.

 [Minutes of BPBCA Board of Governors Special Zoom Executive Session 06 22 23.pdf](#)

**Note** Ms. Chapin noted that Peter Meggers, Arlene Garrow, and Brooke Stevens were not in attendance for the Special Meeting.

**Note** Ms. Stevens explained that's a feature with the program she uses, it automatically populates her name, so she usually makes a notation that she is not actually in attendance.

**Decision** MOTION (4)

Tom Meggers moved to approve the Special Executive Session Meeting Minutes of June 22nd, 2023, as amended.

Ms. Chapin seconded the motion.

Motion carried, 5-0-0.

## 8. New Business

### 8-1. Rules & Regulations- Golf Cart Parking & Overnight Parking at Whitecap Parking Lot

**Note** Mr. Cellino said Mr. Moffett is going to line out parking spots at Whitecap, so they can better enforce the parking rules; they're going to move part of the bicycle rack to accommodate the parking, since hardly anyone utilizes it.

**Note** The Board had an in-depth discussion about parking.

**Note** Ms. Chapin said she has a concern about Sea View, that for over 40 years they've tried to discourage swimmers there because of the potential safety risks with boaters. She doesn't feel it's a good idea now enable people to actually park there, to sit on the beach; that feels inconsistent.

**Note** Ms. Chapin added that she realizes that it's been happening, that it hasn't been enforced, it's going to continue to happen, but she feels like it's inconsistent to enable that use when overall, they are trying to discourage swimming at that beach.

**Note** The Board had a lengthy discussion about Sea View Beach, parking, and beach usage.

**Note** Tom Meggers discussed how his family has always swum and will continue to swim at Sea View.

**Note** Ms. Chapin observed that they can't regulate one way or the other since they're not going to sit there and monitor it, but she doesn't think it's a good idea to encourage and enable the behavior. She thinks things should be left as they are now.

**Note** The Board and Membership in attendance further discussed parking and golf carts.

**Note** Alice Baril of 17 Sea View said it's not going to change anything, regardless of whether they vote to allow it or not. She discussed how boaters still have priority, but she worries for kids on floats.

**Note** Peter Meggers clarified that they're now discussing the parking.

**Note** Mr. Cellino said they're not trying to restrict golf cart parking since other vehicles are able to park at Sea View.

**Note** Sean Brosseau of 4 Nehantic said it's the only beach you can sail from so if they open it up to golf carts, they should just realize that it is the only boating beach. Peter McAndrew of 6 Sea View cited that in this meeting, there have been only actions to accommodate golf carts.

**Note** Mr. Cellino encouraged people to make sure their golf carts are registered.

**Note** Mr. Cellino discussed how it makes no sense to have rules that aren't going to be enforced and frankly, that can't be enforced. He said he thinks we need to look at these things and our rules and regulations, one by one, try to bring them into today's standards to reflect what is actually happening down here.

**Note** Mr. Cellino discussed parking tickets and how it's difficult since they don't have police as a means of enforcement.

**Note** Ms. Chapin said she has an additional concern about that particular access road; that particular intersection is very busy with boats coming in and out, and it's also not an intersection that provides good visibility. She added that she witnessed an accident at that location this summer.

**Note** Ms. Chapin said increasing the potential activity at this location likely puts the Association at risk, or more at risk than she's comfortable with.

**Note** Mr. Baril said he wants to make sure it's understood that the encouragement of golf carts is a personal opinion.

**Decision** MOTION (5)

Mr. Cellino moved that they put signs up on the Nehantic fence instructing people to stay off the fence, to put lines in for golf cart parking at an angle, and to remove the right side of the existing bike rack to allow for two additional parking places.

Mr. Baril seconded the motion.

Motion carried, 5-0-0.

**Decision** MOTION (6)

Mr. Cellino moved to allow golf cart parking on the south side, on the grass, between the pavement, and on the south side of Sea View access way.

Peter Meggers seconded the motion.

Motion failed, 2-1-2.

Yay: Mr. Cellino and Peter Meggers

Nay: Ms. Chapin and Peter Baril

Tom Meggers abstained from the motion.

## **8-2. Kayaks, Paddle Boards and Dinghy Usage**

**Note** Mr. Cellino discussed how the Wrecking Crew was nice enough to do an inventory of usage and available storage for them (see Wrecking Crew attachment #2 under reports.)

**Note** Mr. Cellino explained how many people use the storage racks available as a means of cleaning out their garage as opposed to having a need to utilize them briefly in between taking the equipment out for use. He added that the racks aren't aesthetically pleasing and essentially are sitting there doing nothing.

**Note** Tom Meggers mentioned that his wife is often on the beach and most of the dinghys and kayaks remain there and are hardly ever in use. He said they're littering the beach with them because people don't want to have to store them at home.

**Note** Peter Meggers asked what the suggestion is and said perhaps they should enforce payment.

**Note** Mr. Cellino detailed a nice woman he encountered who uses her kayak frequently and has a long walk carrying it to the water to use it, who is unable to take advantage of a kayak rack since they're always full, with kayaks that just remain there collecting dust.

**Note** Mr. Cellino suggests they charge a fee, nothing substantial, to reserve a space. He added that even in the Master Plan, the use of kayaks was actually a smaller number than they thought it was.

**Note** Mr. Cellino said obviously it's too late this year, but he would like this Board to consider putting a plan in place, and for a Board Member to take on the task of drafting a potential regulation.

**Task**  Peter Meggers said he will take on the task of drafting a small craft, kayak, and dinghy regulation.

*Owned by Peter Meggers, BOG Member*

**Note** Peter Meggers said the problem with charging a fee is that someone who doesn't pay a fee make take a spot, leaving no room for someone to store their watercraft when they have paid the fee.

**Note** Tom Meggers said if they issue a sticker or number, that will help. He said it may not be a perfect solution, but it should clean things up a bit.

### 8-3. Wetlands Delineation of BP Excess Land Behind Clubhouse

**Note** see attached bid proposal.

 [Wetl\\_Quote\\_BPoint\\_7-2023\\_\(1\).docx](#)

**Note** Mr. Cellino reported the following:

During the master planning process one of the items suggested was the possible use of the 1.3 excess land behind the playground and tennis courts.

Before any potential plans can be entertained, a wetlands delineation has to be done.

Peter Baril was nice enough to take on this task.

**Note** Mr. Baril explained that we obtained two quotes from certified scientists, one came in at \$800, and the other came in at \$950. He added that they have to put it to rest once and for all, whether this land can be developed at all.

**Note** Ms. Chapin said she would want to make sure that both scientists are giving them a map as part of the bid.

**Decision** MOTION (6)

Mr. Baril moved to accept the \$800 quote for the soil survey.

Peter Meggers seconded the motion.

Motion carried, 5-0-0.

### 8-4. Use of Master Email List

**Note** Ms. Chapin imparted some of the following:

Over the years, the Association has collected email addresses from a significant majority of the population and this email list is used to blast notices.

It's more effective in the offseason, and helpful in the event of storms or the like.

The system that's used is MailChimp and they have a system that complies with the various regulations.

Anyone can unsubscribe from the list.

The question that has been raised is who can access that list?

The Recreation Club, the BOG, Men's Club, and Women's Club have utilized the list.

It has raised a little bit of a concern because it's all coming out under the Board of Governors email.

We have temporarily set up an email address reserved for social events, to differentiate between the BOG and the social groups.

**Note** Mr. Baril asked how many email addresses they have, and Ms. Stevens replied 451; people can subscribe through the website or by emailing her and can also unsubscribe the same way.

## **8-5. Potential BP Conveyance Tax on Property Sales**

**Note** This item was addressed earlier in the meeting.

## **8-6. Bylaw Revision**

**Note** Mr. Cellino tabled this item until the next meeting.

## **8-7. BP Newsletter Advertising**

**Note** Mr. Cellino discussed how Suzanne Smith and come to him with various advertising requests, and the stance he has taken is that the Black Pointer is a member's newspaper, not a commercial one. He gave the example of permitting someone in the community providing yoga classes from their home to advertise in the Black Pointer, while a local real estate agent cannot.

He said they can revisit this item during the winter months and discuss whether businesses can advertise on the floats in the 4th of July parade, and the like.

**Note** Mr., Cellino said right now they're addressing these questions on a case-by-case basis.

## **8-8. Old BP/West Lane Gate Barrier & Access Easement Rights**

**Note** Mr. Cellino said this item is being looked into, but they have no news to share at this point.

# **9. Old Business**

## **9-1. Clubhouse Usage**

**Note** Mr. Cellino said Carolyn Boyle has requested use of the Clubhouse for a Paper Crafting Group.

**Note** Mr. Cellino said he personally encourages people to use the Clubhouse as much as possible.

**Decision** MOTION (7)

Mr. Cellino moved to allow Carolyn Boyle's Paper Crafting Group to use the Clubhouse.

Mr. Baril seconded the motion.

Motion carried, 5-0-0.

**Note** Mr. Cellino said they need to continue to discuss formulating rules in writing about Clubhouse usage.

**Note** Mr. Cellino directed everyone to the email sent by Cynthia Etienne (see communications.)

**Note** Mr. Cellino said Ms. Etienne has requested use of the Clubhouse for a Halloween party; last year she actually rented the Clubhouse for a private party, and this year she'd like to open it up to the entire Black Point Membership, which she will advertise, and she will get insurance for.

**Note** Mr. Cellino explained this is not a money-making endeavor, the money collected is strictly for offsetting expenses. She has agreed that any excess money will be donated either to the Cahill Fund or the Recreation Club.

**Note** Peter Meggers discussed how Ms. Etienne has to obtain the appropriate insurance coverage for holding the party and be fully insured.

**Decision** MOTION (8)

Peter Meggers moved to approve the use of the Clubhouse by Cynthia Etienne for a Halloween party, with rental fees waived, subject to the insurance requirements discussed.

Mr. Baril seconded the motion.

Motion carried, 5-0-0.

## 9-2. Volleyball Court Update

**Note** This item was discussed during Mr. Moffet's Association Manager report.

## 9-3. Master Plan Update

**Note** Ms. Chapin said she has nothing significant to share at this point in time. She explained that consultant's wife went into labor several weeks early, and that has kind of derailed his attention, but they will have their draft report update next month.

## 9-4. Maintenance of Capital Assets

**Note** Mr. Baril said he has been consulting with Pinder Construction, who handled the last pier renovation, and they're going to provide a schedule for short term maintenance of all the groins and is going to give them a quote to do the inspection.

**Note** Mr. Baril added that the detailed inspection will give them greater guidance for maintenance and upkeep.

# 10. Further Public Comment

## 10-1. Jim Allen of 32 Sea Spray

**Note** Mr. Allen shared the following:

He's a member of the East Lyme Harbor Management Commission.

At the 17th of July Meeting the unsatisfactory condition of the Black Point swim area buoys was brought up and possible action was discussed.

Action would be a referral to DEEP, but he advised them that the Board of Governors is aware of the situation and looking into it.

The Harbor Management Commission also voted unanimously to remove H.R. Plaut Environmental Mooring Service from the East Lyme Harbor Management's approved mooring installers and inspectors list.

**Note** Ms. Chapin observed that it's an issue that they don't like our swim buoys or our contractor.

**Note** Mr. Allen noted that the swim buoys are supposed to be inspected every 3 years, and he detailed some of the recent changes to the Harbor Master's office and record keeping advancement.

**Note** Mr. Allen said he will impart that the Board of Governors will be rectifying the situation, and the Board briefly discussed how a decent float costs \$1,000 a piece.

**Task**  Peter Meggers said he can take on the swim buoy task and investigate appropriate replacements.

*Owned by Peter Meggers, BOG Member*

**Note** Peter Meggers said he will touch base with Mr. Allen about this matter.

## 10-2. Peter McAndrew of 6 Sea View

**Note** Mr. McAndrew said he sent an email in July inquiring about the correction of the minutes from the Memorial weekend meeting.

**Note** Ms. Stevens replied that she was in the back counting ballots during that portion of the meeting and was not taking minutes at that time, and she can't speak to what transpired, or to what was discussed.

**Note** Mr. McAndrew said these are elements they he brought up carefully at the meeting, and he's concerned since they weren't reflected in the minutes.

**Note** Ms. Chapin said if he reiterates his points now, they will be in the record.

**Note** Mr. McAndrew said the Chair distributed a report from the attorney about pending legal matters, that report was excellent and noted just two matters related with the same property. He said he then asked if there are any other outstanding legal matters and Peter Meggers responded that there were not, and he would like this question and answer reflected in the meeting minutes- that as of Memorial Day, there were no other pending legal matters.

**Note** Mr. McAndrew said the second item was Mr. Mastria's concerns about use of the Association's assets by unauthorized people and he said he never saw notation in the minutes that he made the comment.

**Note** The Board discussed how they're monitoring this and haven't witnessed any incidents in the last 60 days and Tom Meggers commented that Mr. Mastria was concerned about Old Black Pointers coming into New Black Point to use the tennis courts and the like, when New Black Pointers are not permitted to enter their property.

**Note** Mr. Cellino briefly discussed how it appears we have an easement through the West Lane Gate, and Dr. Cherry looked into it and discussed it with Old Black Point last year. He added that the Association Attorney is now looking into this matter.

**Note** The Board and Mr. McAndrew briefly discussed the West Lane Development and how their access will be off of West Lane, and they made mention of a lawsuit against the development.

## 10-3. Cindy Trocki of 22 Blue Heron

**Note** Ms. Trocki made the following comments:

She's the one who held the lawsuit, the lawsuit was just denied, and they were not allowed an appeal.

The Judge made an opinion on something that is not true.

She strongly suggests that this Board look into the deeds for reference to what she has been talking about regarding this matter.

Her comments weren't in the minutes, it just said she spoke, and she didn't appreciate that her comments weren't expressed fully in the minutes.

She wants transparency by this Board.

She also thinks that the changes that have happened in the charter, and according to chapter 99 of the General Statutes, we either go by deeds, or the Connecticut General Statutes in chapter seven, which is municipalities.

We are a municipality within a municipality.

She strongly suggests that we understand that we do control our roads here.

We do manage our roads.

In fact, it says that the Association is to control and manage the roads and streets.

This West Lane Development is coming over our property line almost 670 feet and nobody looked at the property line.

Everyone looked at the reserve line, which was a red herring.

It just distracted everyone from them coming over our property line, which is territorial limits into our jurisdiction, which was clearly stated.

And now Perry has now put on the record that she has the right to give these people a right have access onto our roads that the Association owns.

**Note** Mr. McAndrew inquired about the West Lane lawsuit and Peter Meggers clarified that the Association was not a party to this lawsuit.

**Note** Mr. Cellino said he would like to comment about the meeting minutes and noted that Ms. Stevens provides a level of detail that most meeting minutes don't; we appreciate this, and she does this to try to give the best amount of transparency, within reason, that we can do.

**Note** Ms. Trocki replied that she appreciates the Recording Secretary, but that there is a conflict of interest because her dad is partners with Perry's attorney.

**Note** Ms. Stevens replied that her dad is essentially retired, their law firm is no longer in existence, they sold their office building in January, and he is a criminal attorney; his focus is not land use.

**Note** Mr. Cellino said he has heard this argument before, but Ms. Stevens is not a voting member, so he sees no conflict.

#### **10-4. Alice Baril of 17 Sea View Avenue**

**Note** Ms. Baril said she would like some clarity regarding golf cart rules and the Board discussed how golf carts are the jurisdiction of the East Lyme Police Department, who does the permitting for them; any and all violations should be reported to them.

**Note** Ms. Stevens reported that the nonemergency phone number of the Police Department is 860-739-5900.

### **11. Adjournment**



**Decision** MOTION (9)

Peter Baril moved to adjourn the July 27th, 2023, BPBCA BOG Meeting at 9:34 p.m.  
Ms. Chapin seconded the motion.  
Motion carried, 5-0-0.

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

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## Next Meeting

Meeting title: [Bpbca bog august 30th, 2023. special hybrid meeting](#)

Date and time: 08/30/23 06:00 pm to: 08/30/23 09:00 pm

Location: BP Clubhouse, 6 Sunset Ave, Niantic & Via Zoom  
Join Zoom Meeting  
[https://us02web.zoom.us/j/83288029812?  
pwd=b295OTJrNzArekl5TXhdRTBDZkRnZz09](https://us02web.zoom.us/j/83288029812?pwd=b295OTJrNzArekl5TXhdRTBDZkRnZz09)

Meeting ID: 832 8802 9812  
Passcode: 492769

• +1 929 205 6099 US (New York)

Meeting ID: 832 8802 9812  
P

## Task Summary

### New Tasks

**Task**  Mr. Cellino said they will have the signs professionally done.

**Task**  Mr. Cellino said they can add this item to upcoming agendas so they can continue the dialogue of how to make the condition of South Beach better.

**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*

**Task**  Mr. Baril observed that it would be helpful to have a list of the registration numbers and owner information. Mr. Moffett said he can get that information from the Police Department.

*Owned by Jim Moffett, Association Manager*

**Task**  Mr. Cellino said he has received some concerned calls about the high speed of electronic scooters and bicycles, and the lack of helmets. He said he thinks something should be put in the Black Pointer.

*Owned by John Cellino, BOG Chair*

**Task**  Peter Meggers said he will take on the task of drafting a small craft, kayak, and dinghy regulation.

*Owned by Peter Meggers, BOG Member*

**Task**  Peter Meggers said he can take on the swim buoy task and investigate appropriate replacements.

*Owned by Peter Meggers, BOG Member*