

Minutes of BPBCA BOG May 23rd, 2024, Regular Hybrid Meeting - 05/23/24

Date and time: 05/23/24 6:00 PM to: 05/23/24 8:00 PM

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

CC: Jim Moffett, Association Manager, Al Capozza, Treasurer, Colleen Hayes, Club Liaison & New Tax Collector

Location: BP Clubhouse, 6 Sunset Ave, Niantic & Via Zoom- See below for live Zoom Link.

Link: <https://app.meetingking.com/meetings/414188>

Topics

1. Zoom Info & Link

Note Topic: BOG 5/23/2024 Regular Meeting

Time: May 23, 2024 06:00 PM Eastern Time

Join Zoom Meeting

<https://us02web.zoom.us/j/89350340647?pwd=ODIObHlvVnJnK2tzT0N0SDdHdnR4Zz09>

Meeting ID: 893 5034 0647

Passcode: 233793

Phone only

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One tap mobile

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Note <https://us02web.zoom.us/j/89350340647?pwd=ODIObHlvVnJnK2tzT0N0SDdHdnR4Zz09>

2. Call to Order

Note Chairman Cellino called the May 23rd, 2024, Regular Hybrid Meeting of the BPBCA BOG to order at 6:05 p.m., did roll call, and noted a quorum was present.

3. Additions to the Agenda

Note Mr. Cellino noted that Garrett Hickey has requested to address the Board regarding basketball lessons.

Decision MOTION (1)

Peter Meggers moved to add Garrett Hickey to the agenda, under new business.

Mr. Baril seconded the motion.

Motion carried, 7-0-0.

4. Statement by Peter Baril

Note Mr. Baril read the following statement into the record:

"Thank you Mr. Chairman. I appreciate the opportunity to make my statement.

While I do not wish to give this issue any additional oxygen than it deserves, I felt compelled to briefly discuss the overall context that concluded with the actions that occurred after the adjournment of the April 10th budget meeting.

My differences with the Chair, and others on the Board, are well documented in the minutes and obvious to anyone who attends our meetings. But my disagreements have always been about the PROCESS.

- a. Practice respectful decorum during meetings as proscribed in our bylaws.
- b. Hold our meetings when we have a quorum.
- c. Obtain multiple bids for services.
- d. the BIG ONE- When considering construction projects, provide ALL Board members some modicum of details and formal explanations of how the work is to be executed!

As some of you know, I'm a Licensed Professional Engineer. That means I'm a details guy. This is why I'm so insistent in getting the FACTS. That's how I'm wired. And I'm not going to apologize for that.

With all that as prologue, near the end of the budget meeting, there was a discussion about the cost of rock removal and sand replenishment at South Beach. I mentioned to the Chair my surprise that I was not made aware, until the April 4th meeting, of the recently created South Beach Advisory Group [which has now morphed into the Beaches & Piers Advisory Group]. I reminded the Chair, that he had appointed me last June to the Maintenance of Capital Assets Sub-Committee, which already included beaches and piers.

Both Scott Bayne and Tom Meggers admitted that the Advisory Group had been hastily created less than a week before. Tom Meggers then graciously apologized to me for his oversight in not informing me about the formation of this new Group. I should point out that this new Beach Advisory Group was concocted without the knowledge, input, or endorsement of the entire Board of Governors.

Based on our dialogue at the April 10th meeting, the Chair stated, in public, that I refused to participate in the South Beach Advisory Group. His statement was completely baseless and untrue. At that moment, I felt diminished and belittled. I immediately responded that what he said was a complete fabrication.

In making this baseless claim, I felt Mr. Cellino made it PERSONAL. I believed he impugned my character and questioned my commitment to the Board and to our community. In my opinion, he did this to set up a predicate as to why, as a punitive measure, he excluded me from the Advisory Group.

I'm also aware, from the published minutes, that this fiction was perpetuated during the May 14th Special Meeting.

As to my character, many members know me, some for 5 years, others for 50. You know my character and how I behave inside and outside this Clubhouse. During the early September Board Meeting, after some heated moments by Board members, (myself included), I felt compelled to review Roberts Rules of Order and send a memo to the Board, suggesting that we utilize the practical decorum protocols in addressing members in particular, and running meetings, in general.

My memorandum was made available to all the members. As you may recall, my simple and reasonable suggestion was summarily dismissed by the Chairman at our September 27th meeting.

However, undaunted, I chose to use those protocols in all meetings going forward, addressing members by their last name and through the Chair, thus showing deference and respect to the members of the Board.

As to my commitment (some examples)-

- (a) In mid-May of last year, even before I was elected to the Board, I composed a 3-page memo, with my review, comments, and recommendations related to a 2020 engineering consultant report on the condition of our waterfront structure.
- (b) Once on the Board, I issued a written outline developing a game plan for modest expenditures for routine upkeep of Association assets.
- (c) with Ms. Chapin's assistance I developed a photo documentation of waterfront damage after the winter storms that we sent to the Board.
- (d) I've been an active member of the Master Plan Steering Committee.
- (e) Additionally, most of you will recall that I spearheaded the effort that culminated in the publication of our 2022 Telephone Directory & Resource Guidebook.

Let me again be clear, I was not aware of the Advisory Group until it was presented publicly at the April 4th meeting, and thus, I DID NOT nor COULD NOT have declined to participate. This fabrication, that was concocted to discredit me, is patently laughable on its face. Since last June, I have been evaluating of our waterfront structures in my role on the Maintenance of Capital Assets Sub-Committee.

Also, as I just presented, there is NOTHING in my Character or Commitment to this Community that would suggest I would decline such a profoundly significant new engineering assignment.

There are times in one's life, hopefully not often, that you have to defend your honor. What occurred at the end

of the April 10th budget meeting, was one of those times. In my eyes, the unfounded criticism by the Chair could not stand. I could have no longer looked myself in the mirror if I had chosen to cower and to remain silent.

My objective was to get the Chairman's attention. So immediately after adjournment, I approached the Chairman to tell him that I did not appreciate him maligning me in public. Words were exchanged and yes, voices were raised by both of us. TO CHARACTERIZE IT AS ONE-SIDED WOULD BE GROSSLY INACCURATE. It devolved into a shouting match, nothing more.

With that said, I've had time to reflect. I am not pleased with my behavior that evening. I should have shown more maturity, in that moment, to keep my cool, even when I felt deliberately provoked.

So, I sincerely apologize to you, John.

You know, I willingly volunteered for this Board, with the knowledge I was doing so at my peril. There is something transformative about sitting on this Board. Oftentimes, I think, there is the inevitable clash of personalities that creates a toxic brew, that doesn't occur in social settings and other activities here at Black Point. That is perhaps why a number of Board Members over the years, have resigned before their terms expired.

Any personal and professional success I may have had is based on treating others with kindness and respect; using solid logic and rationality; and applying sound engineering principles. I thought those attributes would serve me well as your Board representative and I still do.

That concludes my statement. Thank you, Mr. Chairman."

Note Peter Meggers said he was present last summer at South Beach, when Mr. Cellino asked Mr. Baril if he would be part of this group, and Mr. Baril replied that he doesn't want to be involved, that's not his expertise. Peter Meggers also suggested that apologies are not enough and there should be repercussions for inappropriate behavior.

Note Ms. Chapin offered the following comments:

We're all frustrated.

We're all on edge.

And this has been going on for quite some time.

At no point has she seen this Board take any responsibility for creating some of the environment that we are in. She would like us, as the Board, to just take a beat, just pause.

We need to de-escalate situations instead of continuing to escalate them.

Let's see if we can listen to people.

Let's see if we can respectfully disagree.

She has never experienced this anywhere else before, but she has been bullied so much in this room.

And this goes to the Board, not the public.

She thinks we need to just dial it back; it is summertime.

Let's try to get back to a good place so that we can all enjoy our summer together.

She doesn't think there is any need for retribution.

Let's calm down and make a new path forward.

Note Mr. Cellino accepted the apology and agreed to the Board moving forward.

5. Communications

Note see attachment.

 [Bill Bayne intention to run for Board email.pdf](#)

Note see Bayne attachment 2

 [BPBC BOG intro letter.pdf.docx](#)

Note see Bayne attachment 3

 [summary_resume_for_BPBC.pdf.docx](#)

Note see attachment.

 [Jeff_Kelly_Fecteau_email.pdf](#)

Note see attachment.

 [McAndrew_email_2.pdf](#)

Note see attachment.

 [Tom_Kelly_email_exchange.pdf](#)

Note see attachment.

 [Tom_Kelly_email_2.pdf](#)

Note see attachment.

 [McAndrew_Email.pdf](#)

Note see attachment.

 [Susan_Daly_email.pdf](#)

Note see attachment.

 [Sharon_Bruce_email.pdf](#)

Note see attachment.

 [Etienne_Email_2.pdf](#)

Note see attachment.

 [Tom_Kelly_email.pdf](#)

Note see attachment.

 [Website_Rental_Wording_Discussion.pdf](#)

Note see attachment.

 [Etienne_Email.pdf](#)

Note see attachment.

 [Jim_Schepker_email-intention_to_run_for_the_Board.pdf](#)

Note see attachment.

 [Tom_Cherry_email-Intention_to_rerun_for_Board.docx](#)

Note Mr. Cellino noted the communications from Mr. Cherry, Mr. Schepker, and Mr. Bayne, regarding their intentions to run for the BOG. The Board agreed that it would be acceptable to post their letters and send out an email blast with their communications as well.

6. Public Comments

6-1. Skip Guzy of 17 Woodland

Note Mr. Guzy said he doesn't think repercussions are necessary since both Mr. Baril and Mr. Cellino say they're good and willing to move forward.

Note He added that the gangway has a broken roller and is in danger of puncturing the float. He can fix it for \$200 and just needs Mr. Moffett's and the Board's okay.

Note The Board thanked Mr. Guzy, noted they have an account at Ring's End, and that he was good to proceed.

6-2. Tom Kelly of 21 Billow Road

Note Mr. Kelly said this is a follow-up to what Mr. Guzy discussed, part of his company owns a machine shop and if they get to a point where they need anything late term, they'd be happy to do that at no charge.

Note Mr. Guzy clarified that the rollers are in good shape, it's just the wood underneath the rollers that are cracked.

6-3. Leslie Doherty of 42 Nehantic

Note Ms. Doherty said she appreciates all the efforts that have gone into the kayak storage solution in building up the racks for kayaks and paddleboards, but that she herself will not have a need for them. She said they should proceed if wanted by the community but not to do so on her account.

6-4. Jim Schepker of 46 Indianola

Note Mr. Schepker offered the following comments:

The proposed 2024-2025 budget has some line items that are confusing to him.

They're confusing because of the duplicate language.

There's the long-term capital assets line item, the capital assets line item, and the long-term capital fund line item.

His suggestion is to create new language, i.e. call the long-term capital fund the reserve fund, and consolidate the maintenance long-term capital assets item with the new projects' capital assets item, into one line item, called the capital improvement item.

He thinks it needs some clarification so we can all understand better going forward what we're talking about.

6-5. Dave Weiss of 1 Blue Heron Court

Note Mr. Weiss said the following:

There's a big wedding shower this weekend.

And there's a number of people who are going to it.

Is there any way for people to vote early into the meeting as opposed to at the end?

6-6. John Russo of 4 Nehantic

Note Mr. Russo asked about clarification regarding voting and Ms. Chapin explained that it's one vote per property, and if a property is in a trust or LLC, they can designate which member is responsible for voting. Ms. Chapin further explained this is stated in the Charter and Mr. Russo replied that it should also probably say that a little more clearly in the bylaws as well.

Note Mr. Russo said with the proposed budget it looks like a 15% increase in the mill rate, a 50% increase in capital, a 566% increase in donations and this line item he doesn't support.

6-7. Peter McAndrew of 6 Sea View Avenue

Note Mr. McAndrew said the following:

He would appreciate if the Board would address the issue of no audio at the last meeting. There were some 20 people on the call, and I think it would be nice for us to know why. Could we have a report as to the outcome of the renewal of our insurance policies? And will there be a discussion period at the Saturday meeting prior to the voting on the budget?

Note Mr. Cellino said there will be questions and answers when the budget is presented. He added that Ms. Chapin, Mr. Moffett, and Mr. Deknis worked pretty hard trying to figure out what the problem was with the audio at the last meeting.

Note Mr. Moffett said we bought this brand-new \$388 computer from Costco, and it looks like the USB ports weren't working properly or recognizing the audio. He couldn't figure that out on the fly, and it wasn't obvious at first. He added it certainly wasn't on purpose, and it's working okay now.

Note Ms. Chapin said there are some technical issues that Mr. Deknis has troubleshooted, and some additional things that she has identified, but there's only so much bandwidth in this volunteer realm. After Saturday, she, Mr. Deknis and Mr. Moffett will dig back into the computer and try to resolve any issues.

6-8. Lil Diachenko of 25 Sunrise

Note Ms. Diachenko asked about registering golf carts and Mr. Moffett replied that the Police will be here on June 16th, 2024, from 8:00 a.m. to noon, to register golf carts.

6-9. Cynthia Etienne of 48 Nehantic

Note Ms. Etienne asked if they could answer the question about the insurance and Mr. Cellino replied that it doesn't expire until September and their Agent is dutifully engaged in getting alternate quotes.

Note Ms. Etienne said Tyler Brown, an audio technician, contacted her online on the Blackpointers page, and was willing to see everything up for free, but Mr. Moffett replied that they were all set.

Task Peter Meggers asked Ms. Etienne to forward Mr. Brown's contact information to him and said he will reach out to him.

Owned by Peter Meggers, BOG Member

6-10. Sharon Bruce of 53 Sea Spray

Note Ms. Bruce said some of the following:

She's been trying to track down the policies and procedures for the Board. She thinks there would be a lot less confusion if they were made available. They're not online and she has asked multiple Board Members.

It's very disturbing, giving the fact that she knows that there have been policies passed throughout the years, according to one of the prior Chairpersons.

They said that there was a policy regarding the Board obtaining multiple quotes for work to be done. She doesn't know if there's a threshold, but that would probably be listed in the policies.

She knows when she was on the Board, they passed a policy regarding accepting donations, that any donation up to \$250, Mr. Moffett could approve it, and beyond that, would require Board approval.

So obviously, as a Board, you must be aware that you have policies and procedures, but nobody can seem to locate them.

We run into the risk of violating our policies and whether you know them or not, you're still obligated to follow those policies.

6-11. Carolyn Boyle of 4 Sea View Ave

Note Ms. Boyle offered the following:

She wants to echo what Ms. Bruce said.

She was the Treasurer for 14 years and there have been records, even notebooks, with policies and procedures.

And in her professional experience, we always got some sort of a how-to manual when you took on responsibility to serve as an officer or a director in something.

Sometimes it's better not to engage.

Like Mr. Cellino just did with Ms. Bruce, sometimes it's better to just say "thank you for your comments" and the topic, if necessary, can be revisited at a later date.

7. Reports

Note Mr. Cellino noted that much of what they discuss this evening will be brief given that they will discuss these items in greater detail at Saturday's meeting.

7-1. Recreation Program

Note Mr. Cellino noted that the new Club Director will be introduced at the Annual Meeting.

7-2. Tax Collector

Note Ms. Hayes reported that we're paid in full for grand list 22. Once the budget's approved by the members, the tax bills will go out and those will have the parking pass and stickers for this year, which are yellow.

Note see attached report.

 [Tax_Collector_report_May_23.pdf](#)

7-3. Treasurer

Note see attached report #1.

 [Balance_Sheet_as_of_5-23-24.pdf](#)

Note see attached report #2.

 [P_L_DEtail-4-26-24_to_5-23-2024.pdf](#)

Note see attached report #3.

 [Financial_Report-Budget_vs_Actual_as_of_5-23-24-YTD.pdf](#)

Note see attached report #4.

 [Financial_Report-Budget_vs_Actual_as_of_5-23-24-YTD.pdf](#)

Note see attached report #5.

 [Rec_Program_as_of_5-23-24-YTD.pdf](#)

Note Mr. Capozza noted some of the following:

Total YTD Receipts amounted to \$336,801 (3.8% over Budget), an increase of \$3,184 vs last month report. Items contributing to this increase are Investment Income (\$2,106), Clubhouse rentals (\$600), Zoning Fees (\$450), all others (\$28).

Total YTD Disbursements amounted to \$250,378 (77% of Budget), an increase of \$23,939 vs last month report.

Items contributing to this increase are CY Capital Expenditures (\$6,370), Payroll (\$5,089), Tennis Courts (\$3,631), Supplies (\$3,023), Playground (\$3,000), all others (\$2,826).

Total Actual from July 1 thru May 23, 2024, YTD, Receipts minus Disbursements equals \$86,424, Positive.

Estimate to June 30, 2024, Receipts Minus Disbursements equals approximately \$12,000, Positive.

Rec Program - Summer Program Ended August 11, 2023.

Total YTD Receipts amounted to \$52,379.

Total YTD Disbursements amounted to \$39,551.

Items contributing to this amount are Payroll (\$31,204) and Rec program expenses (\$8,347).

This month two more pieces of playground equipment were purchased and installed.

The total cost for these budgeted capital items were \$4,000.

Total Actual from July 1 thru May 23, 2024, YTD, Receipts minus Disbursements and Capital items equals \$8,828, Positive.

Estimate to June 30, 2024, Receipts Minus Disbursements and Capital items equals \$8,828, Positive.

Master Plan- The final invoice has been paid.

Funding for these payments were from Funds carryover from FY 2021-2022. There are no remaining carryover funds available.

Note Mr. Cellino noted that the vendor who normally handles the mailing for the Annual Meeting was unable to do so, since they were backlogged with other jobs. They used a different vendor, who was only able to do the printing, and he would like to complement our Secretary, who got them around 6:00 p.m. on Thursday, and stayed up around the clock, and finished stuffing and labeling all 572 pieces of mail, and finished the work at 5:30 a.m. It was a tremendous effort.

7-4. Association Manager

Note see attachment.

 [May 2024 Association Managers Report.pdf](#)

Note Mr. Moffett detailed some of the following:

Preparations for the beach and recreation areas are underway, including cleaning, installing swim buoys, and setting up kayak and paddleboard racks.

The clay tennis courts have been reconditioned and are in great shape, though the lines and tapes may need replacement next year.

Bids for tree work were taken, and Spicer Gas inspected and fixed the gas system, noting that it is reaching the end of its useful life.

New playground equipment was purchased, and special mulch was spread with the help of volunteers.

Note He wants to give a big thank you to Kathy and Dave Ogle. Kathy does the plantings in the front, and the Black Point sign every season.

Note Tom Meggers suggested they get a case for the defibrillator and decide on its placement.

8. Liaison Reports

Note A proposal to reactivate the Federation of Beaches to address issues like the data center, and Mr. Cellino suggested Ms. Garrow act as the liaison. Ms. Garrow noted it's actually called the Council of Beaches and that she would be liaison and not taking over Mary Cahill's role in the Council.

8-1. Zoning

Note Ms. Garrow detailed the last Zoning Meeting.

 [Zoning_Report_May_2024.docx](#)

Note Ms. Garrow noted the Zoning Commission is amending regulations related to accessory buildings and prohibitive uses and is concerned about the Board not adopting certain safety-related ordinances such as hedge heights. The Commission will be revising hedge height regulations in the meanwhile and hopes that everything will be consistent across the board.

8-2. Waterford Data Center

Note Ms. Garrow discussed the ongoing opposition to the data center, noting that Dominion needs to file a change of use application and that public hearings will be held.

Note She noted that Representative Holly Cheeseman will be in attendance at Saturday's meeting to speak more on the data center.

8-3. Waterfront Equipment Subcommittee

8-4. Wrecking Crew

Note see attachment.

 [05_23_2024_BOG_WC_Report.docx](#)

Note Mr. Allen detailed his attached report.

Note Mr. Allen noted that a Wrecking Crew work party that assisted in installing the boat launch, the docks, the geese lines, all the floats that are out, the swimming buoys which will be coming; they're being rigged up now with the ground tackle, so it's all new, and that's part of a two-year program. He reminded everyone that last year all our swim area floats were kind of laying sideways in the water, so we're updating all of this, and Longshore Marine is helping us out.

Note A suggestion was also made to paint the parking lot lines yellow instead of white.

8-5. Backwater Kayak Group

Note Mr. Connors was unable to attend this evening's meeting, so Mr. Schepker spoke on his behalf.

Note Mr. Schepker said some of the following:

Last month we told you we were still waiting for DEEP to set a date for the pre-planning meeting on a phone call.

Scott Bayne is expecting DEEP to schedule a meeting with his Beaches and Piers Advisory Group in the near future and has expanded his deep issue to cover all DEEP matters at Black Point.

He thanked Mr. Bayne for his assistance.

We have received a proposal from a well-regarded engineering firm covering survey, drawings, permit application work, and interface with DEEP from the project launch and permit.

The proposal covers in detail the necessary steps to accomplish our objective, and therefore makes it clear how long it will take, reinforcing what we reported last month.

The firm is aware that we have no budget and no authority whatsoever to contract.

Once they have an idea of what DEEP might accept, they will then hope to draft a budget and a timeline, and bring it to the Board of Governors to decide next steps.

Depending on DEEP's availability, that might be before the end of this summer.

When we do finally present a plan to the Board of Governors, it will not commit to a single consultant or construction firm but will be based on a sample firm's materials.

They will recommend to the Board of Governors to obtain multiple proposals for each unit of the project.

8-6. Men's Club

Note Mr. Cellino observed that Mr. Diachenko is not in attendance but noted that he will be presenting on Saturday.

Note Mr. Guzy said they will be having the setback tournament next month, on the 28th of June.

8-7. Beaches & Piers Advisory Group- FKA South Beach Advisory Group

Note Scott Bayne reported the following:

Main and Middle Beach are ready, with some seaweed cleanup pending.

South Beach will not be ready by the weekend.

Sand accumulation at Main Beach is reducing water levels, and a sump is being cut to prevent further sand washing into the water.

Looking into the future, if that area continues to silt in, and reduce the water levels, we may have to address that at some point in the future

225 yards of stone have been removed from South Beach, with more to go.

The stone is being dumped at Spencer Beers' property.

Nebelung is hoping to get most of the balance of the stone out, by tomorrow.

At some point, we'll have to have a discussion on what you want to do with the amount of stone that has been removed from South Beach.

We're going to have somewhere just shy of 300 yards of stone.

And then next week, he would be looking to bring in the new sand to top off South Beach.

A legal ruling on Black Point's status as a quasi-municipality is awaited, which may open up grant programs from the Connecticut Port Authority.

We currently have dates on the calendar to meet with DEEP.

Mark Jackson from Coastline Consulting is willing to meet for no cost and segment services to reduce design costs for beach infrastructure repairs.

8-8. Master Plan

Note Ms. Chapin said the Master Plan Steering Committee has finalized a report, which is available on the website and will be submitted to the Board for review. She clarified that here's one appendix glossary that is still under construction, but it doesn't change the substance of the plan, so it's available on the website under the projects tab, and then she'll have to formally submit it to the Board for next steps.

9. Approval of Meeting Minutes

9-1. BOG April 10th, 2024, Budget Review Meeting (Tabled from previous Regular Meeting)

Note see attached minutes.

 [Minutes of BPBCA Board of Governors Special Hybrid Budget Review Meeting 04 10 24.pdf](#)

Decision MOTION (1)

Peter Meggers moved to approve the Meeting Minutes of April 10th, 2024, as submitted.

Mr. Cherry seconded the motion.

Motion carried, 7-0-0.

9-2. BOG May 14th, 2024, Special Meeting Minutes

Note see attached minutes.

 [Minutes of BPBCA BOG May 14th 2024 Special Hybrid Meeting 05 14 24 \(1\).pdf](#)

Decision MOTION (2)

Peter Meggers moved to approve the Special Meeting Minutes of May 14th, 2024, as submitted.

Ms. Garrow seconded the motion.

Motion carried, 5-0-2.

Mr. Baril and Ms. Chapin abstained from the vote due to their absence from the May 14th, 2024, Meeting.

Decision MOTION (2)

Peter Meggers moved to approve the Special Meeting Minutes of May 14th, 2024, as submitted.

Ms. Garrow seconded the motion.

Motion carried, 5-0-2.

Mr. Baril and Ms. Chapin abstained from the vote due to their absence from the May 14th, 2024, Meeting.

Task The Board noted that the approval of the April 25th, 2024, Meeting Minutes will need to be added to the next agenda.

Owned by Brooke Stevens due 06/27/24

Note The Board noted that the approval of the April 25th, 2024, Meeting Minutes will need to be added to the next agenda.

Task The Board noted that the approval of the April 25th, 2024, Meeting Minutes will need to be added to the next agenda.

Owned by Recording Secretary due 06/27/24

10. Old Business

10-1. Kayak Racks

Note Peter Meggers said they're going to push this item forward for further review, but that people are still required to register, but at no charge.

10-2. Hedge Heights

Note Ms. Chapin detailed how Joe Bragaw, Director of Public Works for the Town of East Lyme, sent notifications to three property owners about hedge maintenance, resulting in significant cutbacks on two properties.

Note Ms. Chapin said these were areas felt to be unsafe by the town, and she will continue to work with Mr. Bragaw this summer, since the hedges will obviously grow back.

Note There was discussion on whether an ordinance is needed for hedge maintenance instead of relying on existing zoning regulations.

Note Ms. Chapin said these were areas felt to be unsafe by the town, and she will continue to work with Mr. Bragaw this summer, since the hedges will obviously grow back.

Note Ms. Chapin requested a letter of opinion from a lawyer to clarify the need for an ordinance and noting that this issue can't in fact be handled by zoning. She added that if we're going to have an ordinance, we should know what the boundaries are.

Note The Board discussed concerns about the effectiveness of existing zoning regulations and the need for better enforcement mechanisms.

Note Ms. Chapin said existing rules have been in place since at least 1980, raising questions about their current enforcement.

Note The Board discussed how an ordinance could provide more comprehensive coverage and enforcement capabilities compared to zoning regulations.

Note Ms. Chapin proposed more collaborative discussions with zoning to address community safety effectively and asked Ms. Garrow as liaison, to facilitate this with the Zoning Board.

Note The Board further discussed hedge height.

10-3. Multi-Use Court Update

Note Mr. Cellino said they will discuss this item on Saturday.

10-4. Sea View/ Sea Breeze Walkway Repair Update

Note Mr. Moffett said they're looking to start this in the coming week, and then the concrete vendor can come in.

Note There was discussion on blocking the walkway from the Sea Breeze Beach to prevent kids from accessing certain areas.

Note Peter Meggers said he has caution tape, and they can use that along with signs to block off unsafe areas and address exposed screws.

10-5. Basketball Hoop Update

Note Tom Meggers and Mr. Allen said there are plans to assess and set up basketball hoops with a meeting scheduled for Sunday.

11. New Business

11-1. New Bylaw Additions Requiring Membership Approval

Note a. Use of Long-Term Reserve Funds

Note b. Selling, transfer, encumbering, or pledging of BPBC deeded property

Note see attachment.

 [Bylaw language for consideration.pdf](#)

Note Mr. Cellino said these were discussed at the last meeting and both were done to give more transparency and more protection to the Membership.

Note Mr. Cellino said they put it on the agenda for a previous meeting, and discussed it at a brief level, which meets the requirements. He sent the attached to the Board the previous evening and received feedback from Mark Branse, the Association Attorney.

Note Mr. Cellino said some of the following:

Currently we've taken out about \$5,000 from the capital fund.

If we were to take out \$20,000 more, this Board could do it with a vote of this Board.

If the amount is in excess of \$25,000, we would have to have a meeting of the Membership and take a majority vote.

As we currently stand today, we could vote in an unlimited amount of money to spend without bringing it to the Membership.

This is a safety valve.

The second one is for real estate transactions.

Any real estate transactions involving association property require a 60% affirmative vote of the Membership.

This gives us full transparency, full protection, and simply a good internal control that the Membership should have.

This would force us to have that consideration and that value in public meetings.

Anybody could get up and speak and give their piece for or against, neutral, whatever they wanted.

He thinks the proper way to do this is to have a motion, and then we enter into a discussion.

Note MOTION (3)

Peter Meggers moved to approve the Article V. Bylaw change.

Mr. Cherry seconded the motion.

Note Ms. Chapin said she appreciates the sentiment here, something is better than nothing, but she'd like to see more, she thinks \$25,000 is too high.

Note Mr. Baril concurred and said he's concerned about the cumbersomeness of getting Membership votes, especially if there's some expenditure that's needed in the off season.

Note Mr. Cellino pointed out that we also have a \$50,000 emergency fund.

Note Ms. Garrow said she's in favor of it and thinks \$25,000 is fine, and Tom Meggers concurred.

Note Ms. Chapin said we should be able to operate within our budget, and if we need to go to our savings, we should be clearer to the Membership that that's what we're needing.

Decision MOTION (4)

Peter Meggers renewed his motion to approve the Article V. Bylaw change.

Mr. Cherry seconded the motion.

Motion carried, 7-0-0.

Note MOTION (5)

Peter Meggers moved to approve the Article VI. Bylaw change.
Mr. Cherry seconded the motion.

Note Ms. Chapin said she again appreciates the sentiment here but is very concerned about some of the language here and how it could cause problems; the language includes encumbering, mortgaging, pledging, and if we had a catastrophic situation which required us to take a loan, what would be our collateral?

Note Ms. Chapin said if there's infrastructure changes which require a utility company to take an easement, we would not be able to do that. She added that it might be relatively low risk right now, but she thinks a lot of these words in here might put us in a very challenging position in the future.

Note Mr. Cellino said in terms of a catastrophic nature, we have the emergency fund, and that's exactly why we call a meeting, and the rules for calling a meeting, are 10 days' notice.

Note Ms. Chapin said catastrophic to her is far more than \$50,000.

Note Mr. Cherry discussed how he's in favor of preventing any Board from selling Association property.

Note Ms. Chapin said she thinks we're forgetting that there might be one big source of funding in a catastrophic situation, and that could be from FEMA. She added that FEMA may be able to offer us a significant amount of money, with conditions that would involve encumbrance.

Note Ms. Chapin said her second concern is that the language between the two proposed amendments is different, with respect to voting. It says 60% affirmative vote of the Membership, is that 345 or is it members present at the meeting?

Note Mr. Cellino said the idea of the real estate transaction is so serious that it was his proposal to do 60% so that a simple majority decided, if we had 100 people at the meeting, and if we had 49 for, or 51 for and 49 against, they could sell this building.

Note The Board briefly discussed how a super majority is typically 67%.

Note The Board discussed the wording of the bylaw change.

Note Ms. Chapin asked if we're talking about the number of people present at the meeting or the total number of people?

Note Several members of the Board discussed how including the word "present" would clarify matters.

Note Ms. Chapin said the process is to discuss this at one meeting and vote on the next. She noted that we didn't discuss it last week, we did not even have language to discuss it, so what's sad here, is the members could not actually tell the Board what they wanted.

Decision MOTION (5)

Peter Meggers amended his motion and moved to approve that "Any and all real estate transactions involving Association properties shall require a 60% affirmative vote of the membership present at a meeting of the membership, in accordance with Article II, Meetings of Members, of these Bylaws. This requirement shall include, but not be limited to, purchasing, selling, exchanging, mortgaging, pledging, encumbering, leasing for a term longer than one (1) year or entering into any transaction that gives rise to a transfer of real property rights for more than one (1) year, and/or potentially creates future rights to such transfer."

Mr. Cherry seconded the motion.

Motion carried, 7-0-0.

11-2. Garrett Hickey Basketball Camp

Note Mr. Hickey shared and discussed some of the following with the Board:

The program is intended for kids living in the Black Point area.

It's planned to be offered during the summer.

The new adjustable hoops will be available, which is beneficial for different age groups.

He wants to work with the Board to implement the program.

There would be a program for younger kids, typically lasting an hour per evening, with a cap of 15 participants.

There would also be a program for older kids (7th and 8th grade, and high school level), lasting about 90 minutes with a cap of 20 participants.

Note The Board discussed the timing of the basketball programs to avoid conflicts with community use of the court, suggesting mornings or early afternoons.

Note Community members expressed concerns about the basketball court being reserved too often, suggesting fewer nights per week.

Note Mr. Hickey expressed willingness to adjust the schedule and consider mornings for the basketball program.

Note There was discussion about the financial aspects of the basketball program, including donations back to the Rec Program and private insurance.

Note Peter Meggers suggested that he and Mr. Hickey talk offline and discuss it on Saturday as well, to get feedback from the Membership before proceeding.

Note The Board further discussed the potential basketball program.

12. Annual Meeting Preparations

Note Preparations for the annual meeting, including volunteers for registration and picking up the coffee and donuts was discussed.

Note Ms. Chapin said she'd like to reprise Dave Weiss' comment from earlier. She was hearing that if we could reorder things so that we could do both voting while the meeting is going on, it would be a lot more efficient and less disruptive for the meeting.

Note Tom Meggers observed that the one time we did the voting early, everybody left, and no one stayed for the meeting.

Note The Board discussed how the new incarnation of the Board will set a date on Saturday for the Chair and Vice-Chair election.

13. Further Public Comments

13-1. Cynthia Etienne of 48 Nehantic

Note Ms. Etienne asked if somebody is getting training for the defibrillator use? Tom Meggers said a friend of his runs the EMS for Harvard, and he will speak to him about training.

Note She inquired about a buyer for the stone, and the Board shared that there are no leads currently.

13-2. Peter McAndrew of 6 Sea View Avenue

Note Mr. McAndrew said some of the following:

He wants to thank Mr. Baril for his comments at the beginning of the meeting, which he felt were very heartfelt.

He finds the timing of the bylaw changes problematic.

The Board only had the draft language for 12 hours before the meeting.

The Board had requested that language at its last regular meeting.

Ms. Chapin asked some very legitimate questions but the Chairman, in his own words, said that this has been a priority of his and he wanted to press forward without another step in the process.

Another step would be to take the questions that came up and establish a group to refine them and have counsel look at them again.

The Board decided to go ahead and approve two bylaw changes of significant substance without any ability for the Board to further consider the issues raised by one of its members.

That seems to be very questionable governance and leadership.

He would request that the Chair decide not to be the Chair anymore, and if the Chair is not willing to do that, he asks that the Board consider other members of the Board to be its leadership, whether it's the Chairman or the Vice-Chair.

13-3. Carolyn Boyle of 4 Sea Breeze

Note Ms. Boyle discussed how the exact wording of proposed by-law changes should be discussed in a meeting prior to voting, allowing both the Board and members to understand and hash out the changes. She hopes in the future they will go back to this process.

13-4. David Weiss of 1 Blue Heron

Note Mr. Weiss asked about the presence and maintenance of a geese line at South Beach, and Mr. Cellino referred the issue to the Waterfront Committee to investigate.

13-5. Pat Kolosowski of 52 Indianola

Note Ms. Kolosowski raised concerns about the Board making property sale decisions without a sufficient quorum, suggesting the need for a by-law change to ensure a minimum quorum.

Note Mr. Cellino replied that the goal was to have something in place, so there was some protection, but it can easily be modified to include this.

13-6. Colleen Hayes of 20 Sea Breeze

Note Ms. Hayes asked that the Board revisit the issue of online voting and noted it would eliminate decisions only being made by a few.

Note This led to a general discussion about the importance and challenges of implementing remote voting for members who cannot attend meetings in person, and how the Charter states that members must be present to vote.

Note Ms. Chapin said they don't currently have the technical wherewithal to have online voting.

13-7. Kelly Fecteau of 20 Bellaire

Note Ms. Fecteau asked how questions raised tonight get answered, which led to a discussion about the process for responding to member inquiries, the fact that not all questions can be answered immediately and that they may require further discussion or information, was highlighted.

Note Ms. Fecteau raised concerns about transparency, particularly regarding how and when member questions are addressed and answered by the Board.

13-8. Patty DeAngelis of 56 Sea Spray Avenue

Note Ms. DeAngelis stressed the importance of the membership seeing the verbiage of the bylaw change ahead of time to avoid confusion during discussions and voting. She hopes this is considered going forward.

14. Adjournment

Decision MOTION (6)

Peter Meggers moved to adjourn the May 23rd, 2024, BOG Meeting at 8:32 p.m.

Ms. Garrow seconded the motion.

Motion carried, 7-0-0.

Note Respectfully Submitted,
Brooke Stevens, Recording Secretary

Task Summary

New Tasks

Task Peter Meggers asked Ms. Etienne to forward Mr. Brown's contact information to him and said he will reach out to him.

Owned by Peter Meggers, BOG Member

Task The Board noted that the approval of the April 25th, 2024, Meeting Minutes will need to be added to the next agenda.

Owned by Brooke Stevens due 06/27/24

Task The Board noted that the approval of the April 25th, 2024, Meeting Minutes will need to be added to the next agenda.

Owned by Recording Secretary due 06/27/24