

**BLACK POINT BEACH CLUB – BOARD OF GOVERNORS
SPECIAL MEETING
Friday, SEPTEMBER 28th, 2012
MINUTES**

A Special Meeting of the Black Point Beach Club Board of Governors was held on Friday evening, September 28, 2012 at 7 PM in the Black Point Beach Association Clubhouse located on 6 Sunset Avenue in Niantic, CT.

PRESENT: Tom Kelly, Chairman, Mary Cahill, Vice-Chair, Brendan Fox, Nancy Flynn, Phil Hagaman, Jim Pillion

ALSO PRESENT: Carolyn Boyle, Treasurer
Tom Sheehan, Beach Manager

ABSENT: No One

FILED IN EAST LYME
October 9, 2012 AT 10 A M
Brooke D. Henner AK
EAST LYME TOWN CLERK

1. Call Meeting to Order & Attendance

Chairman Kelly called the meeting to order at 7:00 PM and established a quorum.

1.a. Approval of Minutes – Special Meeting – August 31, 2012

Mr. Kelly called for a motion or any discussion or corrections to the Special Meeting Minutes of August 31, 2012.

****MOTION (1)**

Ms. Cahill moved to accept the August 31, 2012 Special Meeting Minutes of the BP Board of Governors as presented.

Mr. Hagaman seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

1.b. Approval of Minutes – Annual Informational Meeting – September 1, 2012

Mr. Kelly called for a motion or any discussion or corrections to the Annual Informational Meeting Minutes of September 1, 2012.

****MOTION (2)**

Mr. Pillion moved to accept the September 1, 2012 Annual Informational Meeting Minutes as presented.

Ms. Flynn seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

(Note: Mr. Fox joined the meeting)

2. Reports

▪ Manager's Report – Tom Sheehan

Mr. Sheehan reviewed a listing of the items that he had accomplished during the month of September from his report. The swim floats, swim buoys, geese ropes and kayak racks have been pulled and put into winter storage. The season is over. He noted that the harvesting of the sand is scheduled for 10/29/2012 and will be done by Mike Nebelung. He identified missing street signs and sent the request for replacement to the Town Public Works department. He cited the insurance policy for the Association as being of concern with respect to the sports camp, yoga instructor and zoning officer. He said that they need to resolve these issues ASAP. He cited various infrastructure items that he felt needed to be addressed as well as wish list items of a new kitchen for the clubhouse, generator, etc.

Mr. Kelly asked about the life expectancy of the 'sombbrero' due to the base.

Mr. Sheehan said it is about 10 years.

Mr. Pillion asked if they could paint the bottoms of them like they do boat bottoms.

Mr. Sheehan said yes.

▪ **Treasurer's Report – Carolyn Boyle**

Ms. Boyle said that she had provided them with her report. The new fiscal year has just started. She noted that it is early in the year and that the budget looks to be on target – but also very tight. She warned them that they would have to be careful regarding the items that they just heard about as funds are tight. Ms. Cahill noted that they have been spending too much money.

▪ **Tax Collector's Report – Rich Kimball**

Mr. Kimball was not present and there was no report.

▪ **Chair's Report – Tom Kelly**

Mr. Kelly noted that they had received a card of thanks for something that Mr. Gilson had done.

▪ **Mary Cahill – Ex-Officio to Zoning**

Ms. Cahill reported that Ned Cosgrove and Steve Reed had been re-elected as Chairman and Secretary. She also reported that Zoning had moved their meetings to the third Friday of the month at 6 PM so as to not conflict with the BOG meetings.

▪ **Tom Kelly – Ex-Officio to ZBA**

Mr. Kelly said that the ZBA only meets if there is an application and that there have not been any recently.

3. New Business

▪ **Capital Improvements**

Proposed Kitchen renovation discussion

Mr. Kelly said that this would have to be put on hold in light of the other items that do need to be done.

Mr. Pillion noted that the Men's Club was concerned about the kitchen renovation and asked that Mr. Kelly please send them a letter regarding the current status to hold off on it for now.

Proposed Jersey Barriers changes on Beach and Dockage poles, Boat Launch

Mr. Kelly said that they had just heard about the buoys costing \$1250; the drain \$4100 and the jersey barriers \$4300. He said that he could not see doing this when funds are tight or without having to raise the taxes. He called for discussion –

Mr. Sheehan said that moving the jersey barriers would entail moving one from Main Beach to South Beach and then moving the other on Main Beach closer to close up the gap.

Mr. Kelly asked if the poles for the boat docks need DEEP permits.

Mr. Hagaman and Mr. Sheehan said no.

Mr. Kelly asked what the cost per pole was.

Mr. Hagaman and Mr. Sheehan said that it is \$800 per pole and would come to \$4800 for six (6) poles. This would mean no chains or anchors.

Ms. Flynn suggested that they hold off on the gas grill and generator for the Clubhouse as we all pay taxes to the Town and they should provide a place for people to go in the event of a serious storm such as the event last year. It is not something for us to have to pay for again or to be looking to do when funds are tight.

Mr. Pillion said that they are up to spending \$15,400 when they only have \$15,000 for the whole year. He said that they would have to decide what items are priorities.

Ms. Boyle cautioned that the \$2475 for the Sea View ROW repair was allocated to that project and was NOT some pile of money that they could just use for something else.

Mr. Sheehan said that only \$300 worth of work had been done so far and that he would suggest that it does not need to be done.

Ms. Cahill said that it is in terrible shape and that it needs to be done. She suggested that they all go out and take a walk there.

Mr. Hagaman and Ms. Flynn said that they did not think that the drain should be done. It was also noted that during a heavy storm that it would most likely bubble up and not drain quickly enough. There was also concern regarding how it was draining.

After further discussion Ms. Flynn said that she was ready to make a motion.

****MOTION (3)**

Mr. Flynn moved to allocate from/for capital expenditures up to \$4300 for the relocation of the jersey barriers for main and south beach; and up to \$2250 to purchase five (5) swim buoys; and up to \$5000 to purchase six (6) poles for the boat ramps.

Mr. Hagaman seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

4. Unfinished Business

▪ **Dry Cask Storage Millstone update and meeting with Paul Formica, East Lyme**

Mr. Kelly reported that this is in the fact finding stage and that there is a meeting upcoming at the CT Siting Council.

5. Communications (made available)

Mr. Kelly noted that communications were made available for review. He asked if there were any questions. Hearing none he said that they would be kept on file. (Listing attached)

6. Committee Reports

Mr. Kelly noted the insurance issues regarding the Tax Collector and ZEO.

Ms. Cahill said that the Tax Collector was always an employee of the Board and that the ZEO should also be one. She also suggested that Mr. Kelly notify Mr. Hickey and Mr. Peretz about the liability regarding the Sports Camp.

After further discussion it was decided that the Tax Collector and ZEO would be employees. Mr. Kelly would notify them of this determination.

****MOTION (4)**

Mr. Hagaman moved that the Tax Collector and ZEO positions must be classified as employees.

Ms. Flynn seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

7. Public Comment

Mr. Kelly called for any comments from the public.

Will Fountain, 31 Whitecap said that the flag at the Clubhouse should not be out in the rain and bad weather and that at night it should be illuminated. Also, regarding the Annual Meeting – the PA system is not working. He said that he was speaking with John Campion about it and it was suggested that they get rid of it as it is out of date. He noted that Mary Beth Stone was going to do kayak stickers but at this time he does not think that they are worth it as it has been difficult for he and Tom Sheehan to get people to identify their items and only about 25% would do it or are interested in doing it. He said that he had completed the inventory of the items that they have. He also reported that the totals for the 2012 season regarding the racks are: 12 Dinghies; 64 Kayaks; 4 Paddleboards; 10 Sail Boats; 1 Row Boar and 2 Canoes. He said that he thinks that Tom Sheehan is doing a good job.

Sandy Sheehan, Indianola Road said that she went to the Insurance Meeting with Tom and took notes and suggested that Jim Pillion go with Tom the next time so that they can better understand what is being discussed. She also said that regarding the budget and the computerized billing cost for the Tax Collector, she

thought that the \$1950 was what he was getting for it and that all of the costs were coming from it. His salary is the \$7000. She said that she would work on the inventory with Mr. Fountain.

8. BOG Response

There was none.

9. Executive Session (If Necessary)

****MOTION (5)**

Mr. Kelly moved to enter into Executive Session at 8:27 PM for the purpose of discussing Personnel/ Staffing and Insurance Issues.

Mr. Hagaman seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

****MOTION (6)**

Mr. Hagaman moved to exit Executive Session at 8:40 PM and return to Regular Session with no action taken.

Mr. Pillion seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

****MOTION (7)**

Mr. Pillion moved to increase the ZEO salary by \$1000 to \$7000 per year and to make it a mandatory requirement of the Tax collector and ZEO (Zoning Enforcement Officer) positions that they be classified as employees of BPBC.

Ms. Cahill seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

10. ADJOURNMENT

Mr. Kelly called for a motion to adjourn.

****MOTION (8)**

Mr. Hagaman moved that the BP Board of Governors Regular Meeting of September 28, 2012 be adjourned at 8:50 PM.

Ms. Flynn seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary

Manager's Report / BOG Meeting 9/28/2012

- The last week of August through Labor Day weekend had a strong beach population due to glorious weather. We had one incidence of criminal mischief with a Port-A-Let being overturned in front of #18 East Shore Drive onto the roadway. The incidence was reported to the ELPD.
- I addressed numerous complaints ranging from on street parking, lost property, roaming dogs, overgrown shrubs at intersections, and chirping parakeets. Most were resolved with the exception of the chirping parakeet, which to the best of my knowledge chirps on. I am working with the zoning officer to address the shrub issues.
- Contracts were awarded earlier in August for the removal of waterfront equipment in preparation for the season's end. To date, the swim floats, swim buoys, geese ropes, and kayak racks have been retrieved and placed into winter storage. The boat docks were originally scheduled for removal on 9/29/12, but due to the storm last week, they were removed on 9/19/12. A special thanks to Mike Nebelung and his crew for responding to my request for assistance on the morning of 9/19/12 at 6:30 AM. Docks have also now been placed in storage.
- The harvesting of our sand is scheduled for 10/29/12, and will be done by Mike Nebelung who submitted the successful bid.
- Bob Gilson and I removed all the overgrown vines from the fence surrounding the clay tennis courts [5 truckloads]. Weed killer was applied. Many thanks to Bob for his help with this nasty job. I removed the weeds and vines covering the no parking/speed limit signs at the intersection of West End and Billow. I plan on asking the town of East Lyme to relocate these signs to a more prominent, visible location.
- I have identified missing street signs and I have sent an email as requested by the secretary for Public Works, and she will forward our request for replacement signs to the highway department. In addition I hope to have an appointment soon with the Public Works department to discuss updating cross walks, and other pertinent safety issues.
- While reviewing the renewal of our insurance policy with Debbie Hume of Smith Insurance Agency, there were a number of serious concerns that had not previously been addressed. The 3 major issues include lack of coverage for liability and workmen's compensation for the zoning officer, as he is not

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Attachment for BOG Meeting 9/28/12

currently an employee. The zoning officer issue needs to be resolved at this meeting, as Smith Agency must amend our policy ASAP. The other issues include liability coverage for the sports camp and yoga classes. Sports camp unfortunately is a serious red flag issue, and Smith Agency advises few companies will write a policy for such camps. Under the present format, BPBA is at serious risk, and the board needs to send a letter to Mr. Peretz and Garrett Hickey advising them of this issue. The Yoga instructor has provided all the required insurance certification to continue that program without liability concerns. I would like to thank Jim Pillion for his help and expertise reviewing these insurance issues.

- I received the invoice from Sign Craft for the replacement sign, which was vandalized last May at the tennis courts, as this matter has never been resolved. Previous management advised the parents of the children involved agreed to pay for the replacement sign (\$265). After approaching this issue with one of the parents, I found that this was not the case. Since so much time has passed, I have decided pursuing this issue at this point would be counterproductive to our community.
- Carolyn Boyle and Sandy Sheehan discussed the CL&P bills regarding alternate energy providers. Sandy completed the paperwork to change energy providers to our 3 CL&P accounts. This will hopefully provide savings on a monthly basis, and Sandy will continue to monitor the bills to update when the rate changes in 2013.

Significant Infrastructure Issues Needing Immediate Attention:

- You may have noticed my display at the back of the room. It should be painfully clear that this equipment needs to be replaced before it can be returned to the water. 2 new swim buoys were purchased in July and have not yet been used. However, we need at least 4 more new buoys based on what we found when our equipment was removed. Chains, anchorage, and markers are also required. Jaxon Vibber of Fisher's Island Moorings and Dockage will be providing us with all the required expertise concerning these issues, and has become a valuable resource. We were only able to successfully place 2 winter markers [out of 5] due to the conditions of the equipment anchorage. Additionally, it was very disconcerting to discover each swim float was secured with only one anchor.

This will need to be addressed prior to installation next year. The stairs from one of the swim floats needs to be repaired, needing replacement parts. Hardware, never purchased for the geese ropes, will need to be procured.

- **We cannot continue to ignore required upkeep and maintenance issues affecting our major asset, which is our beaches and waterfront. Improvements need to be addressed now, as for many years nothing has been done.**

- Because of these issues, I am requesting approval tonight for the following corrective actions: #1. Based on DEEP report, relocation of the jersey barriers to be done by Pasqualini Construction Inc, at a bid of \$4300. This will elevate sand loss due to wind erosion. #2. Install Accu-Drain at the entrance to main beach to be done by Excavating Contractors, LLC at \$4100. This will eliminate major water erosion issues at main beach after rainstorms. #3. Previous association manager had already contracted Santo Concrete to repair walkway along the seawall at Sea View ROW at \$2475. This work has already started. #4. Dollar amount yet to be determined for all the replacement items required for waterfront equipment, and will work with Mr. Vibber to obtain these costs. For each of these projects, 4 contractors were solicited for bids. My Decision to select these specific contractors was based on their expertise, knowledge, experience in their fields, as well as appropriate equipments to handle each task. In addition recommendations were obtained. All contractors are fully licensed and insured.

- In addition, I would like to request the replacement of the storage shed at the top of Billow. The current shed is 4 X 6 feet, and rotting at its base, and currently has a hole in the side as large as basketball. I would like to pursue pricing for a larger replacement shed over the winter, and potentially have this done by spring. I will look at Kloter Farms next week, as well as 2 other suppliers to obtain pricing. I would also like clarification if money has been allocated for the clean up at the top of Billow Road, as I believe the previous association manager mentioned this.

- Additional Items to be considered will be discussed under capital improvements, and will include: #1. Clubhouse Kitchen and Bathroom renovation, wiring the clubhouse for a generator and purchase of generator, Installation of Poles for the Boat Docks, and purchase of a barbecue gas grill for clubhouse and recreation department use.

\$ 4300.
 \$ 4100. — No
 \$ 8400. —
 2475. —
 \$10,875

Jersey Barriers

No!

only \$300 spent for

NEW Shed

