

**Black Point Beach Association
Board of Governors
May 13th, 2019
Special Meeting Minutes**

Present: Cheryl Colangelo, Chair

Phil Lombardo

Mary Cahill

Steven Beauchene

Will Fountain

Bill McDowell

Cary Michael Johnson

Ronnie Phelps

Also Present: Jim Moffett, Association Manager

Carolyn Boyle, Interim Treasurer

Absent: Ruth Ames, Tax Collector

The Special Meeting of the Black Point Beach Club Association Board of Governors was held on Monday May 13th, 2019, at 6:00 p.m. in the Black Point Beach Club Association Clubhouse located at 6 Sunset Avenue, Niantic, Connecticut.

I. Call Meeting to Order and Attendance

Ms. Colangelo called the Special Meeting of the BPBCA Board of Governors to order at 6:06 p.m.

A Quorum was present.

II. Follow-up actions regarding West Lane Development

The Board discussed West Lane.

MOTION (1)

Ms. Phelps moved to hire a Real Estate Attorney to advise the Board of Governors on West Lane.

Mr. Beauchene seconded the motion.

Motion carried, 8-0-0.

Ms. Cahill said she's against it, that a survey should be completed first; we should know where are lines are.

Ms. Colangelo suggested discussing the survey first and tabling this motion first.

MOTION (2)

Ms. Cahill moved to get the land surveyed from Brightwater Road to Bond Street.

Mr. Lombardo seconded the motion.

Ms. Cahill said she would like to use a Surveyor from outside this area and Mr. Beauchene recommended Fred Gunther from Docko, Inc. Ms. Cahill added that she would like metal pins be utilized for the survey, as opposed to stick flags.

The Board discussed the maps of West Lane which are currently available.

Motion carried, 8-0-0.

Mr. Beauchene said he would reach out to Docko, Inc. and will ask about the price for one line and if it can be completed as soon as possible.

Ms. Boyle mentioned the discrepancy between 674.54 feet from the corner of Brightwater Road on the map while the deed says a 625 feet strip and observed that the survey will illustrate which is accurate.

The Board briefly discussed the member emails they've received regarding West Lane.

The Board resumed their discussion regarding obtaining a real estate lawyer and some of the following was shared:

- Mr. Lombardo said he thinks the motion to hire an attorney is too broad; we don't know what that means and what it costs.
- He said he would want to give an attorney very specific targets such as the electrical right of way and who it belongs to.
- Mr. Johnson said he agrees with Mr. Lombardo.
- Ms. Phelps said we're not aware of what we don't know and we need to represent the Membership.
- She said she doesn't think the electrical right of way encompasses enough.
- Ms. Colangelo suggested having an initial consult with a bullet list of items to inquire about.
- Mr. Fountain said he agrees with Mr. Lombardo and before he agrees to spend 10 cents on a lawyer, he'd like to see the survey.
- He said with all due respect to those who have expressed concern about traffic and water runoff, that's nothing new, and he asked about the utility right of way.
- Ms. Cahill said she is not against hiring a lawyer in the future but she doesn't think we should spend the money now.
- She said a lawyer can be hired at anytime if needed, but it's more important to have the survey completed first.
- Mr. McDowell agreed that it's more important to have the survey first.
- He agreed with Mr. Fountain's question about the utility right of way and asked what's to stop the applicant from accessing the property from Old Black Point instead (and the development happening anyway.)
- Mr. Beauchene said the survey first is key and he would like to be prepared with a statement of all their concerns.
- He said it's more effective to get ready in case the survey supports the 52 foot strip.
- Ms. Colangelo said she's concerned that the applicant will have an attorney at the public hearing, and they won't.
- She said in regards to water runoff she thinks people are concerned about the changes they're seeing and added that two families have mentioned their willingness to contribute funds for obtaining an attorney.
- Ms. Cahill said any such contribution would be inappropriate.
- Mr. Fountain said if people want to donate money they can instead hire their own attorney to attend the public hearing.

The Board further discussed having a preliminary consultation with an attorney.

MOTION (3)

Ms. Phelps amended her motion and moved to hire a Land Use Attorney to advise the Board of Governors on West Lane, pursuant to the results of the survey.

Mr. Beauchene amended his second.

Motion carried, 8-0-0.

Ms. Phelps left the meeting at 7:00 p.m.

Mr. Beauchene said he will let the Board know how quickly a survey can happen and asked about getting a punch list together in case it's needed. Ms. Colangelo said she is happy to help Mr. Beauchene formulate the list.

The Board discussed the public hearing process and the likelihood of the hearing being continued, if requested.

III. Labor Practices regarding hiring practices

Ms. Colangelo explained that Mr. Lombardo and Ms. Boyle have been our primary resources for addressing a labor issue; this item is related to employees versus contractors, and how we compensate them.

Ms. Boyle discussed shifting from a contractor status to an employee status for certain positions such as the Black Pointer; this would result in the individual receiving a W2 at the end of the year. She further explained the position would be a piece work type of job and they would be required to submit a record of the actual time spent completing the work.

Ms. Boyle and Mr. Lombardo explained that we have to substantiate that we're not underpaying anyone or paying them below minimum wage. Mr. Lombardo detailed how the State defines positions like the Black Pointer as an employee while we previously had viewed them as a contractor.

Ms. Boyle and Mr. Boyle said they would review this topic with relevant employees as needed, and document it with a memo to file.

Ms. Cahill suggested reviewing all of this with our Accountant prior to acting.

ADJOURNMENT

MOTION (4)

Mr. Beauchene moved to adjourn the Black Point Beach Club Association Board of Governors Special Meeting at 7:14 p.m.

Ms. Colangelo seconded the motion.

Motion carried, 7-0-0.

Respectfully Submitted,

Brooke Stevens, Recording Secretary