

**Black Point Beach Association
Board of Governors
September 24th, 2020 Special Meeting Minutes**

Call in number: 425-436-6363, access code: 436260
(Dial *6 during Public Comments to speak)

Present: Cheryl Colangelo, Chair
Will Fountain
Janet Bonelli
Steve Beauchene
Rick Diachenko
Phil Lombardo
Sharon Bruce

Also Present: Jim Moffett, Association Manager
Al Capozza, Treasurer
Colleen Chapin, ZBA Chair
Brooke Stevens, Recording Secretary

Absent: Ruth Ames, Tax Collector

The Regular Meeting of the Black Point Beach Club Association Board of Governors, was held on Tuesday September 24th, 2020 at 6:00 p.m. at the Black Point Clubhouse located at 6 Sunset Avenue, Niantic, CT; the meeting was teleconferenced from the Clubhouse.

I. Call Meeting to Order & Attendance

Ms. Colangelo called the Meeting to order at 6:00 p.m. and noted the teleconference is being recorded in its entirety and in accordance with the requirements of executive order 7B, issued by Governor Lamont, which allows for public meetings to held over teleconference; both the meeting recording and meeting minutes will be posted to the Black Point Beach Club website. Ms. Colangelo did roll call and noted a quorum of Commission members is present. She added that the meeting information was posted on the website as well as social media.

II. Approval of Minutes

- a. **September 1st, 2020**
- b. **September 5th, 2020**

Ms. Colangelo said there is one correction to the meeting minutes; Ruth Ames was in fact present at the September 5th, 2020 Annual Informational Meeting.

MOTION (1)

Dr. Beauchene moved to approve the meeting minutes of September 1st, 2020 and the September 5th, 2020 meeting as amended.

Mr. Fountain seconded the motion.

Motion carried, 7-0-0.

III. Communications to Board

Ms. Colangelo noted that correspondence from members via email will be part of the record (attached.)

IV. Public Comments

1. Colleen Chapin of 53 East Shore Drive said she submitted a formal letter (attached) in response to the debate regarding our right-of-ways and whether they belong to the Association or the Town. She noted this is a challenging issue and there didn't seem as if there was direction to resolve this issue, and her letter encourages the Board to do so. Ms. Chapin said it's important to determine ownership since it has huge implications; if the Association doesn't own the road ends the Public can come and park there, we may be limited in our placement of kayak racks, we may have to conform to Town signage regulations, and face various encroachment issues. She suggested working with a different land use attorney since our current attorney also works for the Town.
2. Cindy Trocki of 22 Blue Heron said she appreciates Ms. Chapin's comments and noted that she herself has always said that she doesn't feel we're being represented properly by our attorney since he has a conflict of interest and our interest in the land is not protected. She doesn't understand as members how we're not educated about our Charter and our bylaws which are the law of the land; it goes back to this as well as the deeds which are supposed to protect our interests.
3. Barbara Johnston of 35 Sea Crest Avenue thanked Ms. Chapin for bringing up this subject. She said she has been trying to bring up these issues regarding the right-of-ways for years but the Board of

Governors haven't acted on it. She agrees with the comments Ms. Chapin and Ms. Trocki made and added there have been serious encroachments especially in regards to South Beach. She advised getting a new land use attorney instead of utilizing the same one employed by the Town.

There were no further public comments.

V. Reports

a. Treasurer

Ms. Colangelo noted the report supplied by Mr. Capozza (attached), asked if he had anything he would like to add, and Mr. Capozza shared the following regarding his financial report (actual budget to 9/24/20):

- Revenues excluding the summer program are at 92% of the budget.
- Expenses excluding the summer program and fund surplus are \$54,500 or 25% of the budget.
- Two late invoices came in September for legal services and printing costs and our accountant will represent these numbers in last year's budget; the report will be forthcoming and shared.

Mr. Fountain said a bench was installed at the request of the Women's Club for \$625 and he asked if we billed them for that and Mr. Capozza said he will contact them. Mr. Moffett said the installation costs \$400 and was just done last week; he doesn't think a bill has been issued yet.

b. Tax Collector

Ms. Colangelo noted the report supplied by Ms. Ames (attached.)

c. Piers

Dr. Beauchene said they came out last week and pressured washed the entire pier and they also sealed it. He said their work is done and he asked them for their best guess of the annual cost of maintaining it per the request of the long term fiscal/capital improvement committee. He added that our Attorney spoke with the Town Engineer and the Sea Spray and Whitecap pipes are owned by the Town and they're responsible for maintaining it.

d. Zoning Liaison

Dr. Beauchene said Zoning has been very busy and has been working on the regulations regarding nonconforming lots, construction hours, garages and sheds; A public hearing will occur in October to garner public feedback on these proposed changes. He said the ZEO has tried to reach a property owner regarding vehicles on their lot and hasn't responded to either of the two certified letters he sent to him so action may need to be taken. Dr. Beauchene will consult further with Mr. Ventres regarding this matter.

Dr. Beauchene reported that Zoning is asking for the creation of a POCD or a Plan of Conservation and Development; the idea is to have one cohesive strategy for the future; they propose some level of participation from Zoning, the ZBA, the ZEO and the Board of Governors. Dr. Beauchene added that all municipalities have them and review them every 10 years. He said that Jim Ventres reported to Jim Fox that an outside consultant firm would cost \$30,000 but he doesn't think hiring one will be necessary since Mr, Ventres has been through this process many times.

Mr. Lombardo asked about a presentation and preparatory information and Dr. Beauchene said he will invite Zoning to attend the next Board of Governors meeting.

Mr. Fountain asked about the rest piers and Dr. Beauchene said the report should be submitted in two weeks. Mr. Lombardo said it would be nice to have this information/number for the Long Term Capital/Fiscal Planning Committee meeting on October 19th, 2020.

e. Long Term Capital/Fiscal Planning Task Force Committee

Mr. Lombardo discussed the meeting they had this week and noted they're still struggling to determine the value and maintenance cost of the piers so the report forthcoming will be extremely helpful to them.

f. Association Manager

Mr. Moffett referenced his monthly report (attached) which he sent to the BOG for review and said he few action items to discuss:

- They did a tick spraying on the playground and neighboring property.
- The kayak racks will be removed on September 30th, 2020.
- The harvesting of the sand will commence on October 15th, 2020 and the closing of the clay tennis courts will occur the week of October 12th, 2020.

Mr. Moffett asked about turning off the water for the Clubhouse and Ms. Colangelo said it was okay to do so after October 19th, 2020.

Mr. Moffett detailed the update he had on the piling and the discussion he had with Niantic Docking Service; it will cost around \$1,000 to rectify the situation and replace the piling. Mr. Moffett said he will make sure it's completed by March and will find out the best time to complete this project.

MOTION (2)

Ms. Bruce moved to approve the expenditure of \$1,000 towards the replacement of the piling at the Sea View Dock.

Dr. Beachene seconded the motion.

Motion carried, 7-0-0.

Mr. Moffett said in regards to storm prep for the potential hurricane season Labor Day weekend traditionally represents the end of summer and removing everything after that would be ideal.

Mr. Lombardo reiterated his desire for a written storm prep protocol and Ms. Colangelo suggested that Mr. Moffett work with Mr. Fountain and Mike Johnson on this.

Mr. Diachenko said he would be against closing the beach and taking everything down Labor Day week since there will be a lot more people here at this time.

Mr. Lombardo said everything should be taken up at once and Ms. Bruce said it would be helpful to obtain the email addresses of boaters in order to contact them in cases where things might be pulled early for storm prep.

Mr. Diachenko asked about off season fishing and Mr. Moffett directed them to Section IV of the rules which states fishing is unlimited for members and their guests between September 15th and May 15th. Mr. Diachenko said we should take a look at this and Ms. Colangelo said it can be added to the next agenda.

Mr. Fountain asked if the items needed to repair the boat launch have been ordered and Mr. Moffett said he has ordered the float but wants to see if anything can be salvaged before ordering further materials. Mr. Fountain said two remaining floats were worn through and asked why they weren't stored upside down to be power washed. Mr. Moffett said he will powerwash them.

Ms. Colangelo said there will be a zoom FOIA (Freedom of Information) workshop on Monday the 28th at 7pm which will be open to the Public.

VI. New Business

a. Trusts and Voting Rights

Ms. Colangelo detailed how this topic has been debated over the years and recently came up again after the annual meeting since several members were upset that they were unable to vote since their property is in a trust. Ms. Colangelo said the Board can make a formal decision after reviewing the information obtained by Ms. Bruce, who has been investigating this topic. Ms. Bruce received some literature from Anita Schepker (attached) about adopting charters, bylaws and amendments. Ms. Bruce shared some of the following:

- They're considering the prospect of allowing trusts one vote.
- This is time sensitive since the Legislature reopens in January.
- Ms. Schepker has offered to write the legislation for us free of charge and has experience doing so for other beach associations.
- If there is interest in exploring this topic further a vote needs to be taken to establish a charter subcommittee to proceed followed by standard postings and public hearings.

MOTION (3)

Mr. Diachenko moved to establish a charter subcommittee for the purpose of investigating the granting of voting rights to trusts.

Ms. Colangelo seconded the motion.

Ms. Colangelo asked if she is aware of any cons in regards to the process, if it's extraordinarily expensive and what they need to know before pursuing this. She added that they obviously will want community feedback regarding this matter.

Ms. Bruce shared that some of the former concerns revolved around the number of votes permitted- ie. a trust with 5 members each having a vote or a corporation that might buy several homes thereby having 30 votes; the scenario being considered is for 1 vote per trust. She said as far as expense goes it would entail whatever cost is associated with the required newspaper publication.

Ms. Bruce further added that a Legislator would have to be willing to bring this up on our behalf.

Mr. Lombardo said it seems to him that the people who come here, live here and aren't necessarily the trustees of the trust and Ms. Colangelo asked if an assigned person could represent the trust and vote.

Mr. Diachenko said he feels that ownership should garner a say regardless of the ownership incarnation.

Ms. Colangelo observed that they're looking at this from their own interests and that the ability to vote is forfeited by the protection gained through the establishment of a trust. She asked if any other section of the charter would be at risk if they choose to pursue this.

Dr. Beauchene said to consider the old adage taxation without representation and noted this is the reverse of that- representation without taxation.

Ms. Bruce said she thinks further discussion with Ms. Schepker is needed and 5 to 15 people are required to proceed with this process.

Vote:

Motion failed, 2-2-3.

Yay- Dr. Beauchene and Mr. Diachenko.

Nay- Mr. Lombardo

Abstentions- Ms. Colangelo, Mr. Fountain and Ms. Bonelli.

Ms. Bonelli asked if they can not call it a commission and at first just obtain data and Dr. Beauchene agreed that there is no reason why they can't obtain information before

acting. Ms. Bruce said she would feel more comfortable having other people participate besides herself and Ms. Schepker. Ms. Colangelo suggested having Ms. Schepper attend the next meeting and that a special meeting can also be held if needed.

b. Weed Maintenance

Ms. Colangelo shared that a member has reached out via email regarding lengthy weeds growing between her personal property and the clay tennis court and asked if this problem could be addressed. Ms. Colangelo asked if it's our property and if so, what it would take to address.

Mr. Moffett said he lives next door and believes the property in question is actually hers. Ms. Colangelo asked how the problem was handled in the past and Mr. Moffett said he always thought she cut the weeds herself. Mr. Fountain observed that the frost will soon kill it and Mr. Moffett said he's unsure how he would even cut it; he'd have to go into her backyard and climb underneath the fence.

Ms. Colangelo said if it's not our property it's not our responsibility but we have to be reasonably sure that is the case and asked if there are markers. Ms. Colangelo said perhaps Ed Zito would know since it's by the clay tennis courts and Mr. Moffett said he will check with him and report back to the Board.

c. Parking and enforcement: Parking Task Force recommendations, commercial parking in ROWs and parking lots, after hours and off season rules and enforcement, repeat offenders

Ms. Bruce said she doesn't want to speak for the other members of the parking task force but if the Board wants to share any comments, questions and or concerns she can communicate them and the Board can revisit this topic at a future meeting.

Ms. Colangelo discussed the difficulty of enforcement and how at least one person told Mr. Moffett that he couldn't make him move his vehicle and she said tickets are not paid and the issue isn't the money but the message, and how should this be handled. She said one thing leads to another be it commercial parking, after hours and off season rules and so forth.

Dr. Beauchene said it would be beneficial to receive a presentation by the parking task force and discuss these issues afterwards. Ms. Bruce discussed the report they submitted:

Parking task force Members: Sharon Bruce, Rick Diachenko, Will Fountain and Jim Moffett

The Parking Taskforce members met on Monday, August 17 th , 9:00 - 10:00 am. They discussed ways to address parking of cars and golf carts that would best

serve our BPBC community. They recognize the increased use of golf carts and the need to accommodate them. The following are their recommendations:

- *Parking identification: Vehicles parked in BPBC parking areas and right of ways must have parking identification (hanging tag and stickers).*
- *Each household will continue to receive one hanging parking tag and two BP stickers. The hanging tag can be used for a car or a golf cart.*
- *A current BP sticker would also be sufficient for golf carts only, as they can't be driven on the roads outside of Black Point.*
- *The members discussed the potential concern that members may drive a car and a golf cart to the beach; however, consensus was that this would not likely be the case. A sign should be posted at the club house that parking identification is required, unless individuals are attending an event or meeting at the club house.*
- *Beach patrol would periodically check this lot for parking identification and ticket cars without hanging tags. Parking Tickets: In fairness to our community, we recommend that beach patrol provide one written warning for a car or golf cart parked without proper parking identification.*
- *Mr. Moffett indicated that he would keep a list of those who had received warnings and would be able to identify and ticket "repeat offenders".*
- *Authorized Parking: For the safety of members, no trailers should be allowed to be parked in BPBC parking lots.*
- *Golf carts may be parked in any of the marked parking spots in the parking lots. In addition, it is recommended that the following be allowed for right of way parking areas for golf carts and bikes:*
 1. *Billow-allowed*
 2. *Bellaire - allowed*
 3. *Nehantic - return to 3 parallel parking spots on the grass, on the south side of the lot.*
 4. *Cahill - no golf cart parking, loading and unloading only*
 5. *White Cap - add 5 pullback-in spots to the south side of the right of way, add a bike rack.*
 6. *Seabreeze -no change*
 7. *Sea View - golf cart parking prohibited; add a bike rack between the no Parking sign and the street.*
 8. *Sea Crest - allowed*
 9. *Sea Spray - allowed*
 10. *Saltaire - allowed*
 11. *Bright Water - no parking due to catch basin hazard.*
 12. *Osprey - add 5-6 pull back-in spots between proposed pillars on the south side of right-of-way.*
 13. *Waterside - as newly incorporated, 3 parallel car or golf cart parking spots between signs.*
 14. *Blue Heron - allowed*

15. Additional recommendation Task Force members strongly recommend A-2 surveys be conducted on the right-of-ways, prioritizing Bellaire, Sea View and Osprey.

Ms. Bruce discussed the report and their recommendations.

Mr. Lombardo said he doesn't know if the change is worth the effort and cautioned that people can cheat parking wise whether they have a golf cart or car. Mr. Diachenko said this is a terrible view of the population.

Mr. Lombardo said he'd be concerned how golf carts are parked in the right-of-ways and asked why not cars; he asked what the value of doing this even is.

The Board further discussed parking.

The Board opted to consider the recommendations and provide further input at the next meeting.

VI. Old Business

Mr. Fountain said Suzanne Smith asked about volleyball playing on the beach and Ms. Colangelo noted the minutes reflect their decision to revisit this topic come Spring. Mr. Fountain asked if we voted on the bookbox library and Ms. Stevens reported no formal vote was taken but the Board decided \$300 was appropriate and that they would seek a volunteer.

MOTION (4)

Mr. Diachenko moved to approve the expenditure of \$300 for the construction and installation of a bookbox library.

Dr. Beauchene seconded the motion.

Motion carried, 7-0-0.

VIII. Further Public Comments & Board responses

1. Cindy Fountain of 31 White Cap Road discussed how her cottage was in trust from her parents but that they never came here and she always did; it would have been nice to have the opportunity to vote.
2. Mike Johnson of 45 Bellaire asked about the posting of the task force recommendations and if the Public will have the opportunity to see them.
Secretary Note- the report was posted as an attachment to the 9.1.2020 Minutes also, see report above in italics.
3. Cindy Trocki of 22 Blue Heron said she is acknowledging her rights as a member of the Black Point Beach Municipality to vote in any and all

meetings that have been denied. She said she lives in America and her family consists of 5 people, be it individuals or a trust; our charter is a special act and says all persons over the age of 18 who own or may own any land within the limits shall be entitled to vote at any meeting. She said it doesn't say anything about being a registered voter or a trust. She asked the Board of Governors not to deny members their right to vote.

Ms. Colangelo thanked Ms. Trocki for her comments and said this issue has been addressed several times by the Board and Mr. Lombardo said there is a difference between member meetings and board meetings and what she is referring to is in regards to member meetings.

4. Barbara Johnston of 35 Sea Crest Avenue asked that the letter regarding Sea Crest Avenue be read.

Dr. Beauchene responded that they don't have the letter in hand, the crafting of it is the purview of the ZEO, but it's in regards to numerous vehicles which are possibly unregistered being parked on one property. Ms. Johnston said this happened many years ago on Park Place and thinks the Association Manager should be addressing this and not the ZEO. She said the ZEO is not an officer but an employee.

5. Cindy Trocki of 22 Blue Heron said she appreciates the Boards response and clarification.

IX. Adjournment

MOTION (5)

Dr. Beauchene moved to adjourn the BPBCA BOG September 1st, 2020 Special Meeting at 8:04 p.m.

Mr. Fountain seconded the motion.

Motion carried, 7-0-0.

Respectfully Submitted,

Brooke Stevens, Recording Secretary

