

**Filing of the Black Point Beach Club Association Board of Govenors
October 22nd, 2020 Meeting Motions and Deferred items.**

MOTION (1)

Dr. Beauchene moved to approve the meeting minutes of September 24th, 2020 as amended.

Ms. Bruce seconded the motion.

Motion carried, 7-0-0.

The Board asked Mr. Fox to proceed with investigating a Plan of Conservation and Development further and Dr. Beauchene suggested inviting Milcone and MacBroom to the next BOG meeting in January.

MOTION (2)

Dr. Beauchene moved to establish a charter revision commission to review the possibility of allowing property held in trust at Black Point Beach Club Association to designate a trustee or member of the trust to vote and/or participate in the governance of the association.

Ms. Bruce seconded the motion.

Motion carried, 7-0-0.

MOTION (3)

Mr. Lombardo moved to accept the Treasurer report as submitted.

Dr. Beauchene seconded the motion.

Motion carried, 7-0-0.

MOTION (4)

Dr. Beauchene moved to accept the report of the Tax Collector as submitted.

Ms. Colangelo seconded the motion.

Motion carried, 7-0-0.

MOTION (5)

Dr. Beauchene moved to reappoint Matt Peary as a full member of the Zoning Commission and appoint Besty Klemmer as an alternate member of the Zoning Commission.

Mr. Lombardo seconded the motion.

Motion carried, 7-0-0.

The Board decided to revisit the issue regarding weeds by Bellaire and the tennis court after the lot lines are laid out and determined.

Ms. Bruce suggested postponing the followup discussion regarding parking and enforcement until January and the Board agreed.

MOTION (6)

Mr. Diachenko moved to amend the fishing hour rules as stated.

Dr. Beauchene seconded the motion.

Motion carried, 7-0-0.

MOTION (7)

Mr. Lombardo moved to adjourn the BPBCA BOG October 22nd , 2020 Special Meeting at 8:28 p.m.

Ms. Bruce seconded the motion.

Motion carried, 7-0-0.

Respectfully Submitted,

Brooke Stevens, Recording Secretary

**Black Point Beach Association
Board of Governors
October 22nd, 2020 Regular 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 Thursday October 22nd, 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 6:05 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.

Ms. Colangelo noted they're making some temporal adjustments to this evening's agenda so that the special speakers present will not have to wait until the end of the meeting for their presentation.

II. Approval of Minutes

a. September 24th, 2020

Ms. Colangelo said Mr. Capozza brought to her attention that at the top of the minutes it says it's a special meeting when it was in fact a regular meeting.

MOTION (1)

Dr. Beauchene moved to approve the meeting minutes of September 24th, 2020 as amended.

Ms. Bruce 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. Wendy Bourget of 1 Osprey Road said some of the following:
 - She reviewed past minutes regarding fishing hours and being open offseason for all hours was stated by the Board but not actually voted on.
 - She asked if someone could explain what the 5,6 pullback in terms of parking actually means and if it's going to be grass or asphalt.
 - The kayak rack is usually very full and the bikes are all over the road; if we're going to allow parking in the row we might want to allow ample space for an additional kayak rack and a bike rack.

2. William Bayne of 2 Osprey Road said he wanted to thank the Association for restoring the row and noted the additional signage this year has helped, kids have been able to put their bikes there, and during the last storm boats were taken off the boat beach and stored there. He said on the water side cars are generally playing by the rules and parking on the lawn. He added that it has worked really well and is the best he's seen in 25 years.

There were no further public comments.

V. Special orders

a. Plan of Development, zoning commission presentation

Ms. Colangelo asked Jim Fox, the Zoning Chair, to introduce himself and proceed with his presentation. Jim Fox of 15 Blue Heron Road thanked the Board for the opportunity to speak and brought attention to the report by Milone and Macbroom (attached) which was sent to the Board for review. He explained this is an opportunity to establish what is formally referred to as a Plan of Conservation and Development and noted some of the following:

- This is a standard operating procedure of every municipality in the State of Connecticut.
- It's required by Connecticut General Statutes that it be prepared and revised every 10 years.
- As a quasi-municipality we are not required to do this; since we fall under the Town of East Lyme, we generally fall under their jurisdiction.
- Unfortunately there is barely a mention of the beaches in the East Lyme POCD (Plan of Conservation and Development) nevermind Black Point Beach.
- The POCD is essentially a playbook for what each municipality has planned and is usually a fairly comprehensive document.
- It allows the town to touch on every aspect of their infrastructure and put a formal plan together; it involves gathering information from the community and every aspect of recreation police services, fire services, schools and so forth.
- BPBC is a community in flux and going through a tremendous change when you consider the number of people building and/or making Black Point their year round home.
- We now have continuous renovations because people are choosing to make Black Point their year round home.
- We need to think deeper about the needs of our community and people; what we have already is wonderful but do we need to adopt a formal plan (be it a POCD or not) that the community would be heavily involved in?
- The pier project and review of that is something that would fit nicely within an overall plan of development.
- When you think about some of the overall regulation challenges we're facing from a zoning perspective having a formal document endorsed by the Board of Governors would be beneficial.
- It would serve as a type of roadmap for us to follow, review, and update.
- All of us are replaceable, none of us will be here forever, and having a formal plan would provide that playbook for the future.

- It's an opportunity to stabilize and formalize important items we need to undertake as a community.
- As new people join and become part of Black Point they can turn to this document to understand the needs and anticipated plans for the future.

Ms. Colangelo asked if there are currently enough people in the community to gather this type of information and if this is the best time to get started; should we wait until we grow a little and what do they offer that we are unable to do ourselves.

Mr. Fox said Milone and Macbroom is the company who assisted the town of Marlborough and Jim Ventres in the town of Haddam as well and one of the main companies in the State that helps municipalities develop these types of formalized plans. He acknowledged that their proposal is probably more than what we need so there is an opportunity to fine tune it and revise it.

Mr. Fox said in terms of being the right time, that's a challenging question to answer but the longer you wait to determine the right time, you've often waited too long.

Ms. Colangelo said when she asked about waiting to start she meant more in terms of the fiscal investment and not gathering of information by the community and that it was a rhetorical question. Mr. Fox said that could be part of a future conversation. He said if the Board of Governors is curious to know more we could invite Milone and Macbroom to participate in a future discussion at a BOG meeting.

Mr. Fox briefly discussed the proposal and said community involvement is an important part and the creation of a survey would be beneficial but it's also about asking the right questions. He added that it's a continuous dialogue between the community, the Board of Governors, and the firm, and the process associated with the document's development takes around 6 months; the off season is probably the best time to achieve this whether it be this year or next year.

Mr. Fox said discussions around a POCD have come at zoning meetings and with Ms. Chapin.

Ms. Bruce thanked Mr. Fox for the explanation of the proposal and observed that it sounds like he's talking about a strategic plan for the beach. She said when she first looked at the estimate it seemed high but is actually in league with the cost for professional consultants; if you divy it up over time or by household it works out to be

\$35 per house. Ms. Bruce said she thinks there is value in this and meeting the needs of the community.

Dr. Beauchene said he thinks it would be a good guide for the community and assistance for the various task forces. He said what is most crucial to him is that it's a means for the community to have a voice.

Mr. Diachenko said he doesn't think we currently have a plan for 10-20 years out and this shows the need for one and realizing that this is going to be a living document subject to change as times change it what is appealing to him; this would be a good opportunity to put some formality behind the financial planning the Capital Improvement and Fiscal Planning Committee is doing.

Ms. Bonelli said having a plan is a fantastic idea and she thinks the community would like to know both what the plan is and to participate in formulating one.

Mr. Lombardo said he thinks having a plan is a good idea but he has questions about timing given Covid, and if now is practical. He asked if a plan should be made at the same time Zoning is making regulation changes.

Mr. Fox said he doesn't think that any of the changes they're considering would conflict with a future plan but could act as a guide for any changes that might need to be changed. He suggested fine tuning the proposal to get a more accurate cost for the creation of a POCD.

Ms. Colangelo thanked Mr. Fox for all his work and the Board asked him to proceed with investigating this further. Dr. Beauchene suggested inviting the firm to the next BOG meeting in January.

b. Trusts and voting rights

Anita Schepker discussed trusts and voting rights and shared some of the following:

- The way old charters were written for beach associations was that you had to be a person to vote.
- As our laws have changed and as tax laws have changed many people now put their homes in trust.
- We now have a significant amount of people who can't vote in a meeting or for people who will serve on the Board because their homes are in trust.
- Some beach associations have amended their charters to say that if a home is in a family or personal trust and not a corporation or corporate trust, then one

person from that property who is listed as a beneficiary or trustee may have one vote; this person can change year to year.

- Oak Grove Beach and a beach in Westbrook have changed their charters for this very reason.
- A very specific and rigorous statutory procedure is required to change the charter and is called initiating a charter revision commission.
- 5 to 15 people would need to be selected to hammer out the details of revising the charter and there has to be public hearings which are noticed.
- If you decide to move forward you have to take that proposal to the state legislator because you're amending state legislation.
- The changes are voted on by the entire membership.
- Partnerships and corporations would not be permitted to vote.
- The first step is for the Board to initiate a charter revision commission to look at this issue.
- You can limit what you would like the commission to review to a specific issue or encourage a broader review of the charter.
- Your first step would be to vote as a Board if you would like to establish a charter revision commission, who would serve, and the parameters of what will be addressed.
- The revision commission by law can choose to look into what they like but it must be voted on by the membership.

Mr. Diachenko said it sounds like the earliest anything could change would be January of 2022 and Ms. Schepker said that is correct. She said you can canvas the community for volunteers and ask them to review the section regarding trusts. Ms. Schepker said there are already three beach communities who have the language regarding trusts and voting in their charters from which they can work from.

Ms. Schepker said this would fall under a special act so we would not lose any provisions of our charter.

Dr. Beauchene asked if each trust would have to register with the Association and Ms. Schepker said if and when this happens you can require that the name/point person be submitted annually.

Ms. Bruce thanked Ms. Schepker for her expertise.

Ms. Colangelo said we can vote to determine having a charter revision commission but not actually appoint the members this evening.

MOTION (2)

Dr. Beauchene moved to establish a charter revision commission to review the possibility of allowing property held in trust at Black Point Beach Club Association to designate a trustee or member of the trust to vote and/or participate in the governance of the association.

**Ms. Bruce seconded the motion.
Motion carried, 7-0-0.**

Ms. Colangelo said she will post a request asking for interested participants. Ms. Schepker said they will have to determine if someone can serve on the commission if their property is in trust.

VI. 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 said he believes it's self explanatory and has no further comments.

MOTION (3)

**Mr. Lombardo moved to accept the Treasurer report as submitted.
Dr. Beauchene seconded the motion.
Motion carried, 7-0-0.**

b. Tax Collector

Ms. Colangelo noted the report supplied by Ms. Ames (attached.) Ms. Ames said liens will be recorded at the end of October but that demand notices have to be 2 years old or the attorneys won't handle it.

MOTION (4)

**Dr. Beauchene moved to accept the report of the Tax Collector as submitted.
Ms. Colangelo seconded the motion.
Motion carried, 7-0-0.**

c. Piers

Dr. Beauchene said he has been in contact with Rich Pinder and the pier is done, and they have sealed it. Mr. Pinder is anticipating an annual maintenance of the pier, seal, pinup and seal siding costing at most \$5,000 per year. He's also been in contact with the firm that looked at our remaining piers and he will have a maintenance plan for us at the end of this week or middle of next week.

d. Zoning Liaison

Dr. Beauchene said Matt Peary's term ended in July and the Zoning Commission is requesting he be reappointed. He said Barbara Koenig who serves as an alternate is interested in leaving and when they previously sought interested parties through the website Betsy Klemmer expressed interest in serving; the Commission would like to replace Ms. Koenig with Ms. Klemmer.

MOTION (5)

Dr. Beauchene moved to reappoint Matt Peary as a full member of the Zoning Commission and appoint Besty Klemmer as an alternate member of the Zoning Commission.

Mr. Lombardo seconded the motion.

Motion carried, 7-0-0.

Ms. Colangelo asked for any updates on Sea Breeze and Sea Crest and Dr. Beauchene shared that the pins on the Sea Breeze property have been documented and found; the owner of the property has been amenable to all requests by the Zoning Commission. He said the sidewalk that comes out into the Sea Breeze right-of-way may be a little long but they're willing to cut it; the owner wants to put a fence up and sod right to the roadway and will put it back to a condition better than before. Dr. Beauchene said he wants to have a meeting with Jim Ventres in regards to Sea Crest and the handful of unregistered vehicles.

e. Long Term Capital/Fiscal Planning Task Force Committee

Mr. Lombardo said their most recent meeting was cancelled and they will reschedule it once they receive the report Dr. Beauchene discussed during his pier report.

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 which are listed in his report with pictures:

- Custom metal fabrications for \$858.63
- A power washing of all the swim rafts and floats
- The painting of the buoys themselves

Mr. Fountain asked about the welding done by Mr. Nebelung and Mr. Moffett said he agreed not to charge us since we're unhappy with the results.

Mr. Moffett said he wants to say how thankful he is for Will Fountain, Mike Johnson and Skip, and all the help they provide almost every weekend keeping everything in order and assisting with projects. He said Mike Coffey has allowed us the use of his water for powerwashing free of charge and wants to thank him for that.

Ms. Colangelo, Dr. Beauchene and Mr. Moffett discussed painting the buoys and the durability of materials they might utilize.

Mr. Moffett said the sum total for the action items is \$2,408 and falls under waterfront maintenance.

Ms. Colangelo discussed the request for maintenance funds submitted by Mr. Fountain which includes power washing all waterfront equipment, repairing piling clamps, replacing missing clamps, repair of gangways and the like. She said Mr. Fountain is asking for approval of up to \$4,000 to cover all parts and repairs.

Mr. Moffett clarified that what he's asking for is part of this \$4,000.

Ms. Colangelo said it would be more practical to up the amount to the full \$4,000 since it all falls under waterfront maintenance.

The Board approved by consensus \$4,000 for waterfront maintenance noting that it's already a budgetary item.

Ms. Colangelo asked about the weeds on Bellaire by the clay tennis court which they discussed at the previous meeting and Dr. Beauchene said he was given the surveys to their property and to Ms. Lowneys' and that he and Mr. Moffett will locate the steel pins in order to layout the property lines. Ms. Colangelo said if we're responsible we certainly need to address it.

The Board decided to revisit this item after the lot lines are laid out and determined.

VII. Old Business

a. ROW surveys

Dr. Beauchene said he had a long conversation with Dave Coonrod, the surveyor who works almost exclusively in Black Point given that he is semi-retired. He has asked Mr. Coonrod to review his records to determine where abutters have pinned their property so that we theoretically know where the right-of-ways start; Mr. Coonrod is going to put all his data together and that it may not require a whole lot more surveying.

Dr. Beauchene said he would like Mr. Coonrod to lay out pins not already there and that he will come back to the Board with a figure for this as well as more information.

Mr. Fountain asked that waterfront equipment be moved to the Whitecap right-of-way so that he may work on it for the Winter. Mr. Fountain asked how much space is needed and Mr. Moffett estimated half the parking lot.

The Board agreed that the Whitecap parking lot will not be available for use by the Community during Winter.

b. Parking and enforcement followup

Ms. Bruce suggested postponing this item until January and the Board agreed. Ms. Colangelo thanked Ms. Bruce and Mr. Fountain for their diagrams.

VIII. New Business

a. Employee Annual Reviews

Ms. Colangelo said she spoke with Mr. Lombardo who is our personnel expert and they discussed the employee annual reviews amongst the pandemic and Mr. Lombardo had the following remarks:

“ It has been a long and event filled season at Black Point Beach and our staff and the Board have put in an extra effort to navigate the impacts of Covid; we're

nearing Winter break and we all deserve a respite. I recommend that this year we do an informal employee review process this evening by giving our staff the thanks they deserve and renewing their contracts. However, we will accommodate anyone who has a need to formally meet with the Board and discuss employment issues.”

Ms. Colangelo said she endorses this whole heartedly asked the Board for their thoughts.

The Board agreed to amend the annual employee review process this year and renew the contracts of Mr. Capozza, Ms. Ames, Mr. Moffett and Ms. Stevens.

b. Fishing Hours

Ms. Colangelo discussed the comments made by Ms. Bourget at the onset of the meeting and the concern that the updated fishing hours in our rules and postings conflict; the rules state fishing is unlimited for members and their guests between September 15th and May 15th and there is no record of this being voted on. She reminded the Board that they’ve received a request that the long term rule of fishing between 6am and 11pm all year round be restored.

Ms. Colangelo suggested that under Section IV, Other Regulations, including that “fishing from Association property is allowed by members and their guests only from May 16th to September 14th fishing is allowed between 6pm and 11pm only; from September 15th to May 15th fishing is permitted between 6am and 11pm only.”

MOTION (6)

Mr. Diachenko moved to amend the fishing hour rules as stated.

Dr. Beauchene seconded the motion.

Motion carried, 7-0-0.

Mr. Lombardo said our signs regarding fishing will need to be changed and Ms. Colangelo asked Mr. Moffett to see to this.

Ms. Colangelo said they’ve received a request that the hard tennis courts be available until November 15th and asked Mr. Moffett for his thoughts, and he responded that he thinks it’s a great idea.

The Board agreed to leave the hard tennis courts open until November 15th.

The Board briefly discussed Mr. Diachenko and Ms. Bruce’s request for an executive summary report which restates the motions accompanying the minutes and asked Ms. Stevens for her thoughts. She responded that she feels it’s redundant, the motions are in bold for a reason, and that a yearly index of motions/decisions would be more practical. She added that she would be happy to accommodate the request if that’s what the Board chooses.

Ms. Bruce said both the summary and index would be beneficial and Mr. Lombardo said the summary should also include any deferred items. Ms. Colangelo is uncomfortable asking for two extra tasks.

The consensus of the Board was that a separate summary accompany and proceed the meeting minutes.

IX. Further Public Comments & Board responses

1. Wendy Bourget of 1 Osprey thanked the Board for reconsidering the fishing hours and asked the name of the surveyor when discussing the ROWs. She asked that Ms. Bruce contacts her in regards to the park task force. She said that update dates be listed on the website here and said she thinks the meeting highlights are a great idea.

Dr. Beauchene said the name of the surveyor is David Coonrod. He said if he has adequate info they will go with him otherwise Fred Guenther, who has also done extensive work in Black Point.

2. Margaret Casey of 17 Sea View said she and her sister are glad trust and voting rights are being addressed; they previously inquired about changing this individually and are glad this will be done by the community.
3. Cindy Trocki of 22 Blue Heron said some of the following:
 - The executive order by the Governor said meetings should be held for crucial and time sensitive issues only.
 - The reference to the association being in our name is very confusing- we're not an association but a municipality.
 - Our charter says any person over the age of 18 who owns or may own any land within the limits shall be entitled to vote at any meeting.
 - She has given J.J. Smith maps to the Board twice is considered a master plan and a POCD because it shows a cluster of houses with open space.
 - She would like the zoning minutes to be followed by any of the documents submitted or emailed during that meeting.
 - She wants everyone to have a clear understanding of what we own.
 - The surveyor Guenther's previous work which has been posted on the website was lacking.
 - Dave Coonrod should be going by the merestones which the maps clearly show.
 - She would be disappointed to see Mr. Coonrod or Mr. Guenther employed to complete these surveys.

X. Adjournment

MOTION (7)

Mr. Lombardo moved to adjourn the BPBCA BOG October 22nd , 2020 Special Meeting at 8:28 p.m.

Ms. Bruce seconded the motion.

Motion carried, 7-0-0.

Respectfully Submitted,

Brooke Stevens, Recording Secretary

