

**Filing of the Black Point Beach Club Association Board of Governors
January 28th, 2021 Meeting Motions and Deferred items Summary.**

MOTION (1)

Mr. Fountain moved to approve the meeting minutes of October 22nd, 2020 as amended.

Ms. Bruce seconded the motion.

Motion carried, 7-0-0.

a. November 10th, 2020

MOTION (2)

Dr. Beauchene moved to approve the special meeting minutes of November 10th, 2020 as presented.

Ms. Bruce seconded the motion.

Motion carried, 7-0-0.

b. December 1st, 2020

MOTION (3)

Mr. Lombardo moved to approve the special meeting minutes of December 1st, 2020 as presented.

Ms. Bruce seconded the motion.

Motion carried, 7-0-0.

POCD/Master Plan

The Board discussed establishing a working group and Ms. Colangelo, Dr. Beauchene, Mr. Fox, Mr. Ventres, and Ms. Bonelli said they'd all be willing to participate. Ms. Colangelo noted they will keep in touch with Mr. Lombardo and the Long Term Fiscal Planning Committee. Mr. Ventres will seek RFP's and the members will vote on this project as a line item in the FY 2021/2022 budget.

Recreation Program

Ms. Banever and Ms. Garnett are planning a summer recreation program, if Covid restrictions at that time allow. They are in the process of contacting the previous staffed counselors.

MOTION (4)

Mr. Lombardo moved to accept the Tax Collector and Treasurer reports as submitted.

Ms. Bruce seconded the motion.

Motion carried, 7-0-0.

Long Term Capital/Fiscal Planning Task Force Committee

The Committee will present the research and analysis they have done, and present their findings at the next meeting.

MOTION (5)

Dr. Beauchene moved to accept the slate of members for the Charter Revision Commission as presented.

Mr. Diachenko seconded the motion.

Motion carried, 7-0-0.

Surveying of ROWs

Dr. Beauchene will determine if the current surveyor's price is on par by seeking an additional bid for the continued surveying of the right-of-ways; this is a work in progress consisting of surveys already completed which may be available in the Black Point records, Town records, or the original surveyor, along with new pin work.

MOTION (6)

Dr. Beauchene moved to add the request by Jim Allen for road signage to this evening's agenda.

Ms. Bruce seconded the motion.

Motion carried, 7-0-0.

MOTION (7)

Dr. Beauchene moved to have Jim Allen represent the Board for the purpose of addressing road signage with the Town of East Lyme.

Mr. Diachenko seconded the motion.

Motion carried, 7-0-0.

MOTION (8)

Mr. Diachenko moved that they discuss changing the signs at the boat launch and dingy beach to read "Boating and small craft launching and storage area, all others please yield; boaters have priority."

Mr. Fountain seconded the motion.

Motion carried, 6-1-0.

Nay: Ms. Colangelo said she doesn't wish to discuss this now since it involves the changing of rules.

The Board agreed to table the boat launch and dingy beach signage discussion until the next meeting and Mr. Fountain withdrew his second.

The Board agreed to table the beach launch access issues until the next meeting.

MOTION (9)

Dr. Beauchene moved to adjourn the BPBCA BOG January 28th, 2021 Regular Meeting at 8:09 p.m.

Mr. Fountain seconded the motion.

Motion carried, 7-0-0.

Respectfully Submitted,
Brooke Stevens, Recording Secretary

**Black Point Beach Association
Board of Governors
January 28th, 2021 Regular Meeting Minutes**

Join Zoom Meeting at the following link:

<https://us02web.zoom.us/j/9460236028?pwd=MFduSCtuMDc4OXdlb1ZrZ1JOem5vQT09>

Join Zoom Meeting at zoom.us and use the following Meeting ID and Passcode:

Meeting ID: 946 023 6028

Passcode: 052633

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+1 669 900 6833 US (San Jose)

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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
Ruth Ames, Tax Collector
Brooke Stevens, Recording Secretary
Jim Fox, Zoning Chair
Jim Ventres, Zoning Enforcement Officer
Mike Zuba, Representative from Milone and Macbroom

The Regular Meeting of the Black Point Beach Club Association Board of Governors, was held on Thursday January 28th, 2021 at 6:00 p.m. via zoom.

I. Call Meeting to Order & Attendance

Ms. Colangelo called the Meeting to order at 6:01 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

c. October 22nd, 2020

Dr. Beauchene said there is a small typo in the October 22nd, 2020 meeting minutes; Betsy Klemmer who was appointed as a Zoning Commission Alternate, is referred to as “Besty” in the minutes.

MOTION (1)

Mr. Fountain moved to approve the meeting minutes of October 22nd, 2020 as amended.

Ms. Bruce seconded the motion.

Motion carried, 7-0-0.

d. November 10th, 2020

MOTION (2)

Dr. Beauchene moved to approve the special meeting minutes of November 10th, 2020 as presented.

Ms. Bruce seconded the motion.

Motion carried, 7-0-0.

e. December 1st, 2020

MOTION (3)

Mr. Lombardo moved to approve the special meeting minutes of December 1st, 2020 as presented.

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. Special Orders

a. Plan of Conservation and Development

Jim Fox, the Zoning Chair, summarized the previous discussion held during the October 22nd, 2020 meeting regarding crafting a POCD or Master Plan for Black Point Beach Club. He thinks the concept will be a tremendous value for this community, and from his perspective, would serve as more of a master plan since we're already a developed community; like any town there are issues and challenges and we should strive to do a better job of identifying, prioritizing, and involving the community.

Mr. Fox spoke of his 15 year experience on the Planning Commission in Marlborough and experience with POCD work. He said he would be happy to be a resource for the Board of Governors and this project. He noted that a far better resource is Jim Ventres who oversees this process in the town of East Haddam, and how he and Mr. Ventres both worked with Milone and Macbroom in this capacity; they have invited Milone and Macbroom to join this call.

Mike Zuba of Milone and Macbroom, shared how he has been involved in developing POCD's and Master Plans for 20 years. He noted that he lives in Madison so he is familiar with the area as well as the challenges inherent in a coastal town.

Mr. Zuba added that he worked for two years with Mr. Ventres on the POCD for East Haddam. He explained what his firm brings to the quite unique and how he is the head of their planning department, which covers everything from land use, zoning and regulations, to comprehensive plans- be it POCDs, area Master Plans, and Coastal Resiliency Planning. He noted the engineers on staff which ensure that no outside additional contractors need to be hired if needed.

Mr. Zuba said the community input is paramount in determining the key vision of the community and crafting a cohesive road map area which the community may need guidance on. He's hopeful that by Summer they will be able to meet in person in small group formats, have workshops, and engage with the community. Mr. Zuba said they have done well with virtual platforms and that they can be utilized if necessary.

Mr. Zuba said this document will live on and the community has the opportunity to be involved and craft the roadmap which they will be able to revisit and use as a guide in the future.

Ms. Colangelo called for Board thoughts and comments:

- Dr. Beauchene said this will serve as a blueprint for the community and that we should have a plan in place.

- Ms. Bonelli said she believes this to be a valuable product and agrees with the comments Ms. Chapin made in her letter regarding this topic (See meeting material attachments for referenced letter.)
- Ms. Bruce said she thinks this project will provide transparency as well as an opportunity for members to weigh in on where we're going as a community; it will provide continuity and will be helpful in fiscal planning.
- Mr. Diachenko observed that people don't like surprises and this plan could help with that
- Mr. Fountain said he's opposed until we receive a report from Mr. Lombardo and the Long Term Capital Assets Funding Committee.
- He said this topic should be presented at the annual meeting along with the cost of completing such a project.
- Mr. Lombardo asked if putting a commission together is standard practice for these types of projects and Mr. Zuba replied that it usually is more of a small working group.
- Mr. Lombardo said he's concerned about timing given Covid and Ms. Colangelo agreed that the timing is an issue.
- Dr. Beauchene said that per our bylaws we have to ask for RFP's (Request for Proposals) from various companies.
- Ms. Bonelli agreed that the project probably wouldn't start until Summer and that hybrid
- Ms. Colangelo asked if the goal is to establish a relationship with a company by Summer and Mr. Diachenko asked at what point they need community approval.
- Ms. Colangelo said if the Board chooses to move forward on this it will be part of the budget which the community will vote on.
- Mr. Fountain said he would like input from members before a final decision is made and a contract is signed.
- Mr. Lombardo said he's concerned about long term fiscal planning, communication amongst Covid, and the timing.
- Dr. Beauchene said it's possible to get RFP's out and that it's a necessary step; \$25,000 for a 10 year plan is a reasonable amount to set aside even if we don't know what company we will go with.
- Dr. Beauchene said the project itself, by being part of the FY 2021/2022 budget, will be part of the discussion at the annual meeting.
- Ms. Bonelli agreed it should be a placeholder with a line item and that we don't want a special assessment.
- Ms. Bruce observed that given the number of homes in the association the cost would be around \$50 per household, which isn't an unreasonable amount.
- Mr. Diachenko said they should meet to determine how this will be presented at the annual meeting.

- Mr. Fountain said there is no rush and the discussion should be ongoing.

The Board further discussed the crafting of a Master Plan.

Mr. Ventres said he has an RFP template which he can tailor to suit the Association's needs. He added that having the funds as a placeholder in the budget is a great place to start.

The Board discussed establishing a working group and Ms. Colangelo, Dr. Beauchene, Mr. Fox, Mr. Ventres, and Ms. Bonelli said they'd all be willing to participate. Ms. Colangelo noted they will keep in touch with Mr. Lombardo and the Long Term Fiscal Planning Committee.

b. Recreation Program

Ms. Colangelo shared that Ms. Banever and Ms. Garnett are both happy to continue as Co-Directors for the next season; the Co-Directors have reached out to the previous counselors and 3 of the 8 are willing to work, and they're still in the process of contacting the other 5.

Ms. Colangelo said that we obviously don't know yet what types of constraints might be in place for the Summer season but that they're brainstorming some creative and safe ideas for good measure. Ms. Bonelli said she definitely agrees that the Recreation Program should be planned for this year.

IV. Public Comments

1. Wendy Bourget of 1 Osprey Road said some of the following:
 - The Cahill Scholarship information has been posted on Facebook and the website but requests that a note be placed explaining that the application link won't go active until sometime in mid-February.
 - Students at least may start considering their applications and familiarizing themselves with the process and requirements.
 - In terms of the POCD discussion she's curious about the conservation component and how this process is different from a strategic plan since we don't have a lot of land.
 - Will this be more about fiscal planning and if so, will this fact open it up to more organizations?
2. Kim Craven of 46 East Shore Drive said according to our bylaws (Article III, Board of Governors), the Board has the power to choose, appoint, or employ officers, employees and agents. She said in the past the Board has brought such items before the Association but it's not required. She said the boat ramp at Seaview

and its maintenance is on the agenda; she hopes they have public comment again before they vote on this item.

3. Cindy Trocki of 22 Blue Heron said some of the following:
 - She would like to reiterate that she would like to see more transparency.
 - She doesn't see a copy of this plan and doesn't know what they're talking about.
 - She would like it to be very clear that Black Point Beach Club Association is not really an association but a municipality.
 - They have a charter and the charter is not a public act, but there are special acts which are the law of the land and documents are recorded at the Town Hall.
 - She would like to know who our attorney is as well as the insurance company who has been contacted for that sea wall case.
 - She wants to make sure nothing gets changed and that we don't lose our rights as a municipality.

Ms. Colangelo asked Ms. Stevens to post the plan from Milone and Macbroom. Ms. Schepker utilizing the zoom chat feature shared that Colleen Chapin informed her that the plan is attached to the October 22nd, 2020 meeting minutes.

There were no further public comments.

V. Reports

a. Tax Collector

Ms. Colangelo noted the report supplied by Ms. Ames (attached.) Ms. Ames said she sent out a lien notice in September stating that liens would be filed November 1st but noted she received a payment late despite it being postmarked on time. Ms. Ames didn't file the liens in case some of the parties were in the same predicament. She will send out an additional lien notice in February with March 1st as the due date; it's important to issue liens in order for demand notices to be issued when necessary so that payment is guaranteed.

b. Treasurer

Ms. Colangelo noted the report supplied by Mr. Capozza (attached), asked if he had anything he would like to add, and Mr. Capozza briefly discussed the YTD \$214,000 (about 98% of the budget for the year) in income and the \$122,000 (56% of the budget for the year) in expenses. He said at this point we're \$93,000 over revenue versus expenses. Mr. Capozza said he would like the members of the Board to put together any projects they might want to include in the budget so they can discuss them at the next meeting.

MOTION (4)

Mr. Lombardo moved to accept the Tax Collector and Treasurer reports as submitted.

Ms. Bruce seconded the motion.

Motion carried, 7-0-0.

c. Zoning Liaison

Dr. Beauchene said he has no new zoning information to report.

d. Piers

Dr. Beauchene said the insurance company has an attorney who is assisting us with the Bellaire ROW issue and it's moving along. He said he would like to request a line item for the annual steel pier maintenance in the budget. Dr. Beauchene said they may have to do some work with the drop off on the south side of the ROW on Sea View. He noticed that a 5 foot section had broken off of the cap at the jetty at the Whitecap ROW; he contacted the Town and they're going to send a crew to take a look at it since they're responsible for it.

e. Long Term Capital/Fiscal Planning Task Force Committee

Mr. Lombardo said they've managed to collect a lot of data, have done analysis, and drafted a report. He said they will present their findings at the next meeting.

f. Association Manager

Mr. Moffett referenced his monthly report (attached) which he sent to the BOG for review and said he can't thank Mike Johnson, Will Fountain, and Skip Guzy enough for their constant help and assistance. Ms. Colangelo thanked them all for their efforts. Mr. Moffett asked if he should start taking reservations for the Clubhouse and Ms. Colangelo suggested he hold off for now.

VI. Old Business

a. Charter Revision

Ms. Schepker and Ms. Bruce gave a brief update on the Charter Revision Subcommittee which has been tasked with looking at trusts and voting rights. Ms. Schepker shared that they've come up with 7 members and believe it's a good balance of people and age groups. Ms. Schepker and Ms. Bruce put forth the slate of members who include the following:

1. Anita Schepker
2. Sharon Bruce
3. Brendon Fox Jr.
4. Mike Coffey
5. Jennifer Bogue
6. Larry Connors
7. Phil Hagaman

MOTION (5)

Dr. Beauchene moved to accept the slate of members for the Charter Revision Commission as presented.

Mr. Diachenko seconded the motion.

Motion carried, 7-0-0.

b. Whitecap pier maintenance

Ms. Colangelo observed that this was already addressed during Dr. Beauchene's pier report. She said they briefly discussed updating the surveys on right-of-ways and Dr. Beauchene said he heard from the surveyor today, who was out for a bit due to Covid; he suggested a price of \$1,000 per ROW, to pin only. Dr. Beauchene said he will request an estimate from an additional surveyor as well.

VIII. New Business

a. Sea View beach access ramp maintenance

Ms. Colangelo said Dr. Beauchene already addressed the Sea View beach access ramp.

Ms. Colangelo said Jim Allen has a request regarding road signage and referenced his letter (See meeting material attachments for referenced letter.)

MOTION (6)

Dr. Beauchene moved to add the request by Jim Allen for road signage to this evening's agenda.

Ms. Bruce seconded the motion.

Motion carried, 7-0-0.

Ms. Colangelo said that in regards to road signage confusion or lack of signs, the Town is more likely to respond to the Board than to any one individual.

MOTION (7)

Dr. Beauchene moved to have Jim Allen represent the Board for the purpose of addressing road signage with the Town of East Lyme.

Mr. Diachenko seconded the motion.

Motion carried, 7-0-0.

MOTION (8)

Mr. Diachenko moved that they discuss changing the signs at the boat launch and dingy beach to read "Boating and small craft launching and storage area, all others please yield; boaters have priority."

Mr. Fountain seconded the motion.

Motion carried, 6-1-0.

Nay: Ms. Colangelo said she doesn't wish to discuss this now since it involves the changing of rules.

Mr. Diachenko said it has been standard practice for decades that the beach is utilized by boaters, kayaks, beachgoers and sunbathers; we have limited beach area and he

thinks this would be a nice compromise to the residents- especially in that area, who would like to have access to the beach.

Ms. Colangelo said we're not just talking about voting on signage, we're talking about voting on changing the rules which is another discussion; the changing of the rule should be voted on prior to voting on changing the signage.

Mr. Lombardo said if we're going to discuss changing a rule he would rather discuss this item in depth at the next meeting.

Ms. Bruce suggested tabling this item until the next meeting.

Mr. Fountain said this item should be the first item on the next agenda and withdraws his second.

b. Boat launch beach issues

Ms. Colangelo said the task force never met in whole but they have 3 reports with comments from its members. She said she has spoken with DEEP as well as the Police and shared the following:

- The coastal jurisdiction line is now what is used as opposed to the median high tide line.
- It cannot be determined by where the seaweed is.
- There is a very specific formula for determining the coastal jurisdiction line.
- Mike Johnson has been researching the coastal jurisdiction line and how we might determine where the line is at Sea View Beach.
- We have a specific rule which has existed since at least June of 1983.
- Before June of 1983 the Department of Environmental Protection gave the Association a permit to mark off swim areas where boats are not permitted.
- DEEP also gave permits for 2 boat launch areas.
- Black Point owns the beach up until the coastal jurisdiction line.
- The original permit marked off an enormous amount of shoreline for Black Point swimmers, protected from boaters.
- There are 3 very small beaches from which people can bring their small water crafts into and out of the water.
- The rule since 1983 has been that swimmers, sunbathers, and the like are not to use those 3 boat launch beaches for any other purpose.
- In recent years paddleboarding and kayaking have burgeoned as have the population, and there is now a greater number of people sitting on the beach.
- The beaches become inaccessible due to the large number of people sitting on the beach and swimming in the water.
- DEEP doesn't enforce the use of water below the coastal jurisdiction line.
- The community has given mixed responses in terms of the rule.
- Many members are concerned about litigation and liability if someone who is swimming is injured by a water craft.

Ms. Colangelo detailed how controversial this issue is and discussed enforcement options.

Mr. Lombardo said he would like to hear from the task force before they have any discussion.

Mr. Diachenko said he would like to table their report and this item until the next meeting and Ms. Bruce agreed that it should also be at the top of the next meeting agenda.

IX. Further Public Comments & Board responses

1. Cindy Trocki of 22 Blue Heron said she appreciates that a Charter Revision Commission has been created to address trusts and voting rights. She would also like to see Bylaw II, Section IV be addressed which says the Chairperson of the BOG shall designate for each annual and special meeting of the membership, a secretary and one other member of the Association to be a committee of membership which shall be authorized, subject to review by the BOG, to determine under the provisions of the Charter any questions or dispute concerning the eligibility of a person to vote at membership meetings.

Ms. Trocki called again for transparency stating she doesn't see any information regarding their discussion on swimming safety at the boat launching beaches. She said the Vice Chair stated we don't own our roads but we do own them and the Town is responsible for maintaining them and this needs to be addressed.

Ms. Colangelo responded that the information on the Charter Commission was posted last month. Ms. Schepker said they've been charged by the Board to look into a specific issue and that if members want others issues to be considered they may bring those items up at the first public hearing, and the Commission will choose whether they wish to address those items.

X. Adjournment

MOTION (9)

Dr. Beauchene moved to adjourn the BPBCA BOG January 28th, 2021 Regular Meeting at 8:09 p.m.

Mr. Fountain seconded the motion.

Motion carried, 7-0-0.

Respectfully Submitted,

Brooke Stevens, Recording Secretary