

**Filing of the Black Point Beach Club Association Board of Governors
May 27th, 2021 Meeting Motions and Deferred items Summary.**

MOTION (1)

Ms. Bonelli moved to approve the April 22nd, 2021 Black Point Beach Club Board of Governors Regular Meeting Minutes as presented.

Mr. Fountain seconded the motion.

Motion carried, 5-0-0.

MOTION (2)

Mr. Fountain moved to approve the April 30th, 2021 Black Point Beach Club Board of Governors Special Meeting Minutes as presented.

Ms. Bruce seconded the motion.

Motion carried, 5-0-0.

MOTION (3)

Mr. Lombardo moved to build two kayak racks, one for Old Black Point and one for Sea Spray.

Ms. Bruce seconded the motion.

Motion carried, 5-0-0.

Dr. Beauchene said he will report back regarding the cost for the reestablishing the old black point boat launch.

Dr. Beauchene asked Mr. Moffett to look into a potential volleyball setup since there has been a lot of interest in playing.

Dr. Beauchene has received an estimate from David Coonrod for pinning the ROWs, West Lane, and the 1 foot strip. He is awaiting an estimate from Fred Guenther as well.

Dr. Beauchene said he will consult Mary Cahill for her opinion on making a more formal arrangement for tennis lessons.

Dr. Beauchene said some members want a key card to be able to use the Old Black Point gate and he has no problem having a discussion with Old Black Point to determine if something can be done amicably. He said he will do some further research and reach out to them.

MOTION (4)

Ms. Bruce moved to accept the bench donation from Larry Connors for the Black Point Beach Club Association playground.

Mr. Fountain second the motion.

Motion carried, 5-0-0.

MOTION (5)

Ms. Bruce moved to increase golf cart parking with designated right-of-way areas at Nehantic, Whitecap and Osprey.

Mr. Diachenko seconded the motion.

Motion carried, 6-0-0.

MOTION (6)

Mr. Diachenko moved to erect a sign on dingy beach stating “This is a boating beach; boaters have priority. Please follow DEEP rules and guidelines for water safety.”

Motion carried, 5-1-0.

Nay: Mr. Lombardo

MOTION (7)

Mr. Diachenko moved to enter Executive Session at 7:33 p.m. for the purpose of discussing legal issues.

Mr. Fountain seconded the motion.

Motion carried, 6-0-0.

MOTION (8)

Dr. Beauchene moved to exit Executive Session at 7:45 p.m. with no action taken.

Mr. Lombard seconded the motion.

Motion carried, 6-0-0.

MOTION (9)

Dr. Beauchene moved that we allow an access easement to the Brewer Family of 76 East Shore Drive for the purpose of replacing an existing 70 year old driveway, that is now smaller than the original; they will have access to East Shore Drive by way of Saltaire.

Mr. Diachenko seconded the motion.

Motion carried, 6-0-0.

MOTION (10)

Ms. Bruce moved to adjourn the May 27th, 2021 regular meeting of the Black Point Beach Club Association Board of Governors at 7:51 p.m.

Ms. Bonelli seconded the motion.

Motion carried, 6-0-0.

**Black Point Beach Association
Board of Governors
May 27th, 2021 Meeting Minutes**

Present:

Steven Beauchene, Acting Chair
Phil Lombardo
Sharon Bruce
Janet Bonelli
Rick Diachenko (arrived at 6:52 p.m.)
Will Fountain

Also Present:

Jim Moffett, Association Manager
Al Capozza, Treasurer
Ruth Ames, Tax Collector

The Regular Meeting of the Black Point Beach Club Board of Governors was held on Thursday May 27th, 2021, at 6:00 p.m. in the Black Point Beach Club Association Clubhouse located at 6 Sunset Avenue, Niantic, Connecticut.

I. Call to Order and Attendance

Dr. Beauchene, Acting Chair, called the Meeting to order at 6:00 p.m, did roll call, and noted a quorum was present.

Dr. Beauchene called for any additions to the agenda, and noted he has one item, the discussion of a playground bench donation from Larry Connors.

II. Approval of Minutes

a. April 22nd, 2021 BOG Regular Meeting Minutes

MOTION (1)

Ms. Bonelli moved to approve the April 22nd, 2021 Black Point Beach Club Board of Governors Regular Meeting Minutes as presented.

Mr. Fountain seconded the motion.

Motion carried, 5-0-0.

b. April 30th, 2021 BOS Special Meeting Minutes

MOTION (2)

Mr. Fountain moved to approve the April 30th, 2021 Black Point Beach Club Board of Governors Special Meeting Minutes as presented.

Ms. Bruce seconded the motion.

Motion carried, 5-0-0.

III. Communications

Dr. Beauchene thanked everyone who showed up for the cleanup day on May 1st as well as helping with the gaga pit construction.

Dr. Beauchene said they have a written request for tennis lessons, a written request for issues concerning the old Black Point gate, and a letter from Carol Ward.

IV. Public Comment

1. Cindy Trocki of 22 Blue Heron offered some of the following comments:

- She has litigation with the town of East Lyme regarding the approval of the entrance point of the Perry's subdivision, the one foot strip that has been encroached upon, and stripped of trees and the grass.
- She believes that if they look back they will see that the Board had agreed to have it surveyed and marked for that one foot strip.
- She has a printout from the town hall, about the one foot strip being 625 feet, plus or minus.
- She has documentation of the boundary lines on the southerly part of Bond Street where Black Point is West of West Lane being 789 feet, and 669 and a half feet down West Lane.
- It's clearly documented what the footage is over there and how they should have it marked.
- She has materials on West Lane and it's an in indefeasible, meaning subject to and never to be changed over there.
- The original Probate Court said that there should be a right of way into what is now plan 2 of the Black Point Beach Association, from the widow and the eight children, and how it's only for use by people east of West lane.
- There's been a lot of open development and she thinks that we need to really zone in on what's being affected in our community.
- She doesn't think that people have been educated about this and doesn't know how to go about educating them, so she is hoping to get on the agenda in order to discuss it.

2. William Brewer said someone has been complaining that they're moving their driveway located at 76 East Shore Drive and that isn't the case, they've merely been repainting it.

Dr. Beauchene explained that the Board will be discussing this issue during the Executive Session.

V. Reports

a. Treasurer

Mr. Capozza referenced his report (attached) and shared the following:

- Through May 31st we're looking at revenues of \$221,000 with expenses of \$155,000.
- Through June 30th We're looking at revenues of \$223,000 with expenses of \$202,000.
- At this point, it looks like we'll have a surplus of about \$21,000.

b. Tax Collector

Ms. Ames said there is only \$6.40 of outstanding taxes and that amount is due to people being charged interest. She also shared that beach passes for the new season have arrived.

c. Association Manager

Mr. Moffett referenced his monthly report (attached) which he sent to the BOG for review and said he's getting the beaches ready to open, rafts went in today, and the beaches will officially open on Saturday. He discussed the new piling he purchased for the raft and the thicket at the east end of the driveway; it will cost around \$800 to clear out and resod the area and he is seeking bids for the job.

VI. Old Business

a. OBP kayak launch/rack

Dr. Beauchene discussed the old black point kayak/rack and said the following:

- He's received a lot of requests for a kayak rack at this location.
- We have a resident who has requested that we reinvestigate the launch and is willing to contribute towards it.
- We did have a launch approved in 2011 but it didn't get done at that time due to more pressing maintenance costs at the time.
- Now that we have a benefactor who will finance a good portion of it, it will be nice to have a launch back there.
- He has sent the old approval and the majority of the paperwork to our engineer at Docko, who has done all of our waterfront permitting, to see what it would cost us to renew that permission.
- We can get approval but we only have five years to act.
- In the interim, even if we don't get the launch there, it will be nice to have a rack there.

Mr. Fountain discussed how a kayak rack cost \$400 five years ago, Dr. Beauchene estimated that it would probably cost \$600 or \$700 today, and Mr. Moffett said we still have the plans for one.

MOTION (3)

Mr. Lombardo moved to build two kayak racks, one for Old Black Point and one for Sea Spray.

Ms. Bruce seconded the motion.

Ms. Bonelli inquired about moving seaweed if it becomes an issue like it did last year.

Vote:

Motion carried, 5-0-0.

Dr. Beauchene said he will report back regarding the cost for the launch.

b. Recreation Program update

Ms. Bonelli said they're waiting to see what the enrollment will be and the budget will be the same as last year. She said the only thing that will be different is the printing of the t-shirts which will be \$100 less. Dr. Beauchene observed that it will be good for each child to have two t-shirts so they can rotate them.

c. Annual Meeting preparation

Dr. Beauchene said the Annual Meeting is scheduled for Saturday with a rain date of Sunday. He said it looks like we will get some rain but will obviously not know for sure until Saturday morning. Mr. Lombardo said if it rains on Saturday and Sunday, we can just hold the meeting indoors on Sunday.

d. Volleyball

Dr. Beauchene reminded the Board that they had talked about a volleyball net for the beach; he was thinking it would be a permanent structure but we could have a volleyball net, and just drive two poles in the sand. He asked Mr. Moffett to look into a potential volleyball setup since there has been a lot of interest in playing.

d. ROW maintenance

Dr. Beauchene discussed whether we should maintain the ROWs in all seasons and plow them in the Winter. Mr. Moffett said the Town already plows them and Mr. Lombardo agreed that there is no reason for the Association to take this on themselves.

e. Sea View beach policy

The Board decided to return to this item once Mr. Diachenko arrives.

f. Pinning- West Lane (western edge of 1 foot strip), ROWs

Dr. Beauchene reported that he sent an email to Fred Guenther, the surveyor that we've used, and he said he would be willing to do the western edge of the West Lane one foot strip so we know where our property ends. He said it will be \$800 to survey it and stake it, that it wouldn't be associated with a map, he just wants to go out there and put the pins in.

Dr. Beauchene said he spoke with Eversource today regarding the telephone poles there and they couldn't, couldn't have been nicer. He was assured that if we got the survey, and they showed that that telephone pole was on our property to call him, he would come out with his crew and his engineers to reposition it, so that it would still be beneficial to the subdivision going in there.

Dr. Beauchene said in terms of other West Lane issues- the crossing, multiple times of our property, our attorney is working on that and reminding them that the access point is at the southernmost point of the strip; they should have put a road there for access and not go over our stone wall. He said our attorney is confident that after he shows pictures of the damages they will do something to replace that stone wall for us.

Dr. Beauchene said he's been asking for estimates for pinning the ROWs but not doing actual maps; Dave Coonrod has said it would be \$1,250 at most per ROW, and we have thirteen, but two or three have already been done by him. He added that several years ago the Board agreed to pin two ROWs a year but he thinks we need to get this done once and for all. He has also asked Fred Guenther for an estimate as well.

g. Parking Task Force report

The Board decided to address this item once Mr. Diachenko arrives at the meeting.

VII. New Business

a. Tennis Lessons

Dr. Beauchene detailed the correspondence sent by Colleen Hayes (attached), regarding tennis lessons and discussed it with the Board:

- 26 people are interested.
- He did check with Bill Budds about the insurance policy and he's not too concerned.
- This would be a more formal arrangement.
- Mr. Lombardo said he'd like some clarity regarding the Board's role.
- Ms. Bonelli said she thinks Ms. Hayes is requesting a slot of time for the lessons.
- Dr. Beauchene said Ms. Hayes is asking permission to use the facilities and that he will consult with Mary Cahill for her opinion.

b. OBP Gate Request

Dr. Beauchene said some members want a key card to be able to use the gate and he has no problem having a discussion with Old Black Point to determine if something can be done amicably. He said he will do some further research and reach out to them.

c. Bench Donation

The Board discussed the bench Larry Connors would like to donate for the playground (see attachment.)

MOTION (4)

Ms. Bruce moved to accept the bench donation from Larry Connors for the Black Point Beach Club Association playground.

Mr. Fountain second the motion.

Motion carried, 5-0-0.

VIII. Further Public Comments

1. Carol Ward of 23 Blue Heron

Ms. Ward had the following comments:

- When Mr. Carpenter Perry cleared the land back in December of 2015, a legal letter was sent out by Black Point to him and the Town, and should be in your records.
- She believes the letter was sent out in 2016.

- When we had the hearings about three years ago the one foot strip again was brought up, and the fact that he had taken down a stone wall on Blue Heron, which he cleared away, and I was a witness to it.
- He was supposed to replace that stone wall but that hasn't happened and it seems that since then more stones have been taken down.

2. Cindy Trocki of 22 Blue Heron

Ms. Trocki had the following comments:

- She would like to share the documentation that she has about the property line, for West of West Lane and south of Bond Street, and the whole of Black Point Road and Black Point Lane.
- Lambert bought that property in 1955, and she put it out to her son at 212 Old Black Point Road as a quick claim.
- He died in 2008 and his obituary says that he was a landscaper and he had a passion for building old stone walls.
- I believe that he did maintain those stone walls.
- It's unfortunate that when he died, it got into a devise to Peary and they decided to try and split it up and have gone over our property line and now our one foot strip.
- it does say in those documents we did own that, and we own that stone wall.
- It says it was occupied by Harrison Bond, and was passed on to JJ Smith who created Black Point Beach Club Association

3. Colleen Chapin of 53 East Shore Drive

Ms. Chapin had the following comments:

- She was just wondering with some of the comments from the last meeting as well as this meeting, about the right ways and the landscaping or snow plowing.
- She wonders if the Board might think there could be an opportunity to create a kind of a use license or maintenance license with abutters who are volunteering to take care of these properties.
- It's great that they send you a letter and say they know that they don't own it, but we never know how that kind of word of mouth translates to subsequent buyers.
- By having a use or maintenance license, annually you could recheck with the abutter, or when there's a sale, and keep reinforcing this kind of good neighbor thing but in a way that still protects the Association's property.

Dr. Beauchene said our attorney is looking into this and Ms. Chapin replied that it's something you want to keep track of given that administration changes. Dr. Beauchene observed that this would be a perfect question for the Master Plan.

Mr. Diachenko joined the meeting at 6:52 p.m.

h. Parking Task Force report (postponed from earlier in the meeting)

Mr. Diachenko said some of the following:

- Parking has always been an issue here at Black Point.

- Several years ago, one of our neighbors, Mr Shea, really pushed to permit the use of golf carts in Black Point and since then many people have gotten golf carts.
- We haven't come up with any kind of parking policy or area to park the carts, except to take the space from the north of a normal car.
- We have areas around here where we might be able to give access to at least a couple spots.
- The question is, do we want to use a ROW for some golf cart parking.
- There are certain areas that we do not want any type of traffic such as the area going right down to main beach, the boat dock ramp, or culvert at Brightwater.
- We could try a couple of the other areas and see how it goes.

Ms. Bruce made some of the following comments:

- They reviewed each ROW and considered the appropriateness of permitting golf cart parking at each location.
- The Subcommittee proposes moving forward with the idea of allowing golf car parking at the end of Whitecap.
- Mr. Fountain did some outlays for us, for illustration purposes.
- We also spoke about allowing golf cart parking at South Beach.
- Currently we have little signs that say “no parking” on the south side of the ROW but we were talking about putting in some poles to prevent cars from parking there.
- We would like to allow golf cart parking by pulling in, or backing in.
- You can have five golf carts parked there, a few more at Whitecap and see how that goes.
- She proposes that we go back to having parking on the grass at Nehantic, and parking on Whitecap.

The Board had an in depth discussion about golf cart parking.

Dr. Beauchene said it might not be a bad idea to mark these areas as “golf cart parking only” and Mr. Fountain discussed the amount of space available for golf cart parking.

Ms. Bruce clarified that the trial areas they want to start with are Nehantic, Whitecap and Osprey.

MOTION (5)

Ms. Bruce moved to increase golf cart parking with designated right-of-way areas at Nehantic, Whitecap and Osprey.

Mr. Diachenko seconded the motion.

Motion carried, 6-0-0.

Dr. Beauchene asked about installing signs where bikes can be parked and Ms. Bruce noted that Sea View needs a bike rack.

i. Sea View beach policy (postponed from earlier in the meeting)

Mr. Diachenko offered the following comments regarding the Sea View beach policy subcommittee:

- We talked to some of the residents and many feel that for years it's been a given that if they're on the beach, they help the boaters.
- The boaters have the right away on that beach.
- Mr. Fountain came up with an idea that it should be phrased that boaters have priority rights of the beach, and that all of us must yield.
- Mr. Fountain also brought up that we must also follow the DEEP guidelines for avoiding areas on the beach.
- He knows this seems a little vague but we've gone from having a somewhat open policy which we're trying to tighten them up.
- It's very difficult for Jim to try to police the area as well as in some instances, fight residents when he has other responsibilities to attend to.
- Last year was different because of the COVID; A lot of people were using that as a jumping dock, there's boats coming in, and somebody's going to get hurt.
- We don't have rights beyond the high tide mark but it's a risky area and we should at least post some kind of warning there.
- We've been trying to come up with a definition of what a "dingy" is and the Coast Guard doesn't even have a definition for it.
- He thinks 18 feet and under could be considered a dingy while anything larger is simply much too big.

Ms. Bruce said she did have somebody approach her who had concerns about allowing people to sit on the beach or swim because of liability issues; that beach doesn't have swim markers or anything of that nature, and DEEP doesn't permit swimming there. She also recounted a story of her and her husband launching their boat and somebody swam right across where they were coming in with their boat. Ms. Bruce shared how she was screaming since she was unsure if her husband saw the swimmer.

The Board further discussed a beach policy.

MOTION (6)

Mr. Diachenko moved to erect a sign on dingy beach stating "This is a boating beach; boaters have priority. Please follow DEEP rules and guidelines for water safety."

Dr. Beauchene suggested having "no diving" on the sign as well and Ms. Bruce pointed out that it should also be conveyed that "floats should be for active loading and unloading only."

The Board discussed how dingy beach is not a swimming beach. Mr. Moffett said people swim there all the time no matter what we say, and what the signs say. Mr. Lombardo said he knows it's difficult to stop people from swimming there but we should not condone their behavior.

After further discussion Mr. Lombardo said he thinks the sign (and motion) should include "no swimming" and "no motors on the beach."

Mr. Diachenko said he thinks that would be incorporating too much on the sign.

Vote:

Motion carried, 5-1-0.

Nay: Mr. Lombardo

Dr. Beauchene, Ms. Bruce, and Mr. Diachenko discussed how the dock will be marked by the floats/rafts and will say “active loading and unloading only” and “no jumping or diving.”

Mr. Moffett briefly mentioned how the other pier on Sea View has some damage, there is exposed steel coming straight out of the tip, which needs to be addressed since it could be dangerous.

Further Public Comments- Continued

4. Cindy Trocki of 22 Blue Heron & 5. Carol Ward of 23 Blue Heron

Ms. Trocki asked if when they hire a surveyor, if they put out in some kind of need or request, other surveyors. She said they seem to be certain that these local surveyors know what they're doing because they've been in the area; maps of the area show mer stones in all the corners of most of the places, and she doesn't understand why they don't find the stones.

Dr. Beauchene responded that that is not really accurate, there are not that many mer stones around; they use them to find pins but the surveyors he has spoken to have told him there are not that many around and have a hard time finding them. He noted we've had good luck with the two surveyors we've used and are very precise.

Ms. Trocki said she would like some clarification- that our roads belong to us, which you can see in the deeds. Dr. Beauchene and Mr. Lombardo said they don't believe we own the roads and that they can check with Mary Cahill, but believe she would agree. Ms. Trocki responded that Ms. Cahill wouldn't agree and Ms. Ward said they were never given over when the sewer went in.

Ms. Ward asked what they anticipate being done in regards to people not abiding by legal notices or Town regulations. Dr. Beauchene responded that when he spoke with our attorney he said they're obviously in clear violation of the development restrictions and he is working on a letter to help enforce the restrictions. Dr. Beauchene encouraged having faith in the system for a little bit longer and see what he comes up with.

6. Kim Craven of 46 East Shore Drive

Ms. Craven said the agenda for tonight's meeting was not posted until the 25th and she received several texts from people who thought it would still be held via zoom; people feel they weren't aware of the change since the agenda wasn't posted sooner.

Ms. Stevens responded that agendas are only required to be posted 24 hours before a meeting is held and you also have to consider the status of the Governor's executive orders regarding zoom meetings.

Ms. Craven pointed out that at the Annual Meeting last year the Chair appointed the Vice Chair when he should have been elected. Mr. Lombardo noted for the record that the Board unanimously felt that Dr. Beauchene should be the Vice Chair.

IX. Executive Session

MOTION (7)

Mr. Diachenko moved to enter Executive Session at 7:33 p.m. for the purpose of discussing legal issues.

Mr. Fountain seconded the motion.

Motion carried, 6-0-0.

MOTION (8)

Dr. Beauchene moved to exit Executive Session at 7:45 p.m. with no action taken.

Mr. Lombard seconded the motion.

Motion carried, 6-0-0.

MOTION (9)

Dr. Beauchene moved that we allow an access easement to the Brewer Family of 76 East Shore Drive for the purpose of replacing an existing 70 year old driveway, that is now smaller than the original; they will have access to East Shore Drive by way of Saltaire.

Mr. Diachenko seconded the motion.

Motion carried, 6-0-0.

Dr. Beauchene said he would like to thank Mr. Lombardo and Mr. Diachenko for their service to the Board.

X. Adjournment

MOTION (10)

Ms. Bruce moved to adjourn the May 27th, 2021 regular meeting of the Black Point Beach Club Association Board of Governors at 7:51 p.m.

Ms. Bonelli seconded the motion.

Motion carried, 6-0-0.