

**Black Point Beach Association
Board of Governors
June 30th, 2021 Special Meeting Minutes**

Present: Steve Beauchene
Will Fountain
Tom Cherry (arrived at 6:13 p.m.)
Janet Bonelli
Tom Meggers
John Cellino

Also Present: Jim Moffett, Association Manager
Al Capozza, Treasurer
Ruth Ames, Tax Collector
Brooke Stevens, Recording Secretary
Jim Ventres, Zoning Enforcement Officer

Absent: Sharon Bruce

The Special Meeting of the Black Point Beach Club Association Board of Governors, was held on Wednesday June 30th, 2021 at 6:00 p.m. at the Black Point Clubhouse located at 6 Sunset Avenue, Niantic, CT.

I. Call Meeting to Order & Attendance

Ms. Bonelli called the meeting to order at 6:03 p.m., did roll call, and noted a quorum was present.

The Commission noted Mr. Cherry would be a few minutes late and decided to switch Public Comment with the Executive Session portion of the meeting.

II. Executive Session

MOTION (1)

Dr. Beauchene moved to enter Executive Session for the purpose of discussing the Recreation Program as well as Pending Litigation and invited Mr. Moffett and Mr. Ventres to join them.

Mr. Meggers seconded the motion.

Motion carried, 5-0-0.

Mr. Cherry arrived at 6:13 p.m. and joined the Executive Session taking place in the conference room.

The Board exited Executive Session at 7:20 p.m.

III. Public Comment

1. Maureen Lowney of 52 Bellaire said she has a few comments:
 - She knows they're a lot of new people on the Board but there are certain reasons to have executive sessions such as personnel, money, or pending litigation and not the rec program.
 - It might be helpful for Tom Hennick from the Freedom of Information Commission to come and review meeting rules for the new commission members.
 - In regards to tennis, we used to have somebody that taught tennis which we got around because they gave a donation to the rec program or something of that nature.
 - If you get rid of the tennis lessons, you're going to have to get rid of yoga, the road race, and golf tournament.

Mr. Fountain and Dr. Beauchene said this item will be addressed later in the meeting.

There were no further Public Comments.

III. Consent Agenda

1. Approval of Minutes
 - a. May 27, 2021
 - b. May 30, 2021

MOTION (2)

Dr. Beauchene moved to approve the meeting minutes of May 27th, 2021 and May 30th, 2021 as presented.

Mr. Capozza said he has a few corrections:

1. In the May 30th, 2021 minutes, page 3, bullet point 8 reads "**peers**" when it should read "**piers.**"
2. Page 6, 5th bullet point reads "**\$44,800**" when it should read "**\$24,800.**"
3. Page 10, in regards to the effect the masterplan has on the mill rate, it reads "**2.18**" when it should read "**.18.**"

MOTION (3)

Dr. Beauchene moved to approve the meeting minutes of May 27th, 2021 and May 30th, 2021 as amended.

Mr. Meggers seconded the motion.

Motion carried, 6-0-0.

2. Reports – a. Tax Collector

Ms. Ames had some of the following comments:

- For the current year, we are 60% collected; \$246,467 has been collected.
- The outstanding balance is \$99,348 and represents the 344 people that have paid out of the 581.
- Relative to removing postal box 715, the cost of a postbox for a year is \$162.
- Mr. Capozza is nice enough to deliver all the mail that is tax related and mistakenly addressed to 715, to her.
- Many people pay online and they don't pay any attention to the fact that the tax post office box 274, was established 5 years ago, and they still send it to Mary Cahill or post office box 715.

- The problem is going to come at the end of the month, when those people are still sending it to 715; no dates are on those envelopes.
- If she gets it on August 3rd, she has to charge those people interest.
- She thinks getting rid of the other post office box was a very poor idea.

Colleen Chapin, the ZBA Chair was in attendance and noted she was unaware of the PO Box change and said this is important information that needs to be communicated given the time sensitive mail the ZBA receives. Mr. Moffett said that currently all mail sent to the former PO Box is being forwarded to the 6 Sunset Avenue address.

b. Treasurer

Mr. Capozza said he sent the financial highlights via email (attached) and said the following:

- Our total income through the 27th of this month is \$222,500; compare that to the budget and we're \$4,500 over budget for that.
- From the expense side, we're looking at about \$190,000, and that's coming out about \$28,000 under budget.
- From a profit standpoint, we're looking at, like \$33,000 of profit which goes into our surplus.
- He needs additional check signers and the optimum is adding two more, because each check requires two signatures.

Ms. Bonelli and Mr. Meggers both agreed to be additional signatories.

c. Beach Manager

Mr. Moffett noted he emailed his report (attached) and said some of the following:

- He, Jimmy Allen, and Larry Connors built two kayak racks and installed one on Old Black Point and one on Sea Spray.
- Currently he has 3 staff members but could use another for beach patrol.

Mr. Fountain asked about the painting of the buoys and Mr. Moffett detailed how they paid the vendor \$1,000 to paint 10 buoys which will save us a few years. Mr. Moffett added that they look great and meet Coast Guard regulations.

Mr. Moffett also shared the following:

- #7 of our rules says that the clubhouse playground is reserved for the recreation program on Monday through Friday mornings during the summer season.
- The pickleball players want to reserve the tennis courts at 10 o'clock on Mondays and Wednesdays.
- He told them no because it's reserved for the Club during the summer.
- He asked that the pickleball group work around the recreation schedule during these 7 weeks.
- They can play anytime, from 9:30 to 11:30.

- Parents drop off their kids and they expect the kids to be with their counselors, and the two Rec Directors, and have adults unrelated to the Club intermingling in and out of the playground.

The Board agreed that court preference should be given to the Club kids.

Mr. Moffett said he needs confirmation that the motion from the previous regular meeting reflects what should be written on the Dinghy Beach sign and the Board agreed that it does.

Mr. Meggers observed that he saw much more diving there last year and Ms. Bonelli said she thinks that was the case since there was no raft.

Dr. Beauchene said they didn't do a motion but that the Board collectively decided that the dock will be marked by the floats and wraps, and we'll say "*active loading and unloading only, no jumping or diving.*"

3. Charter Commission

Ms. Bonelli said she's not sure what Ms. Bruce wanted to share in regards to the Charter Commission and is not in attendance to present her report.

Ms. Bonelli announced that Ms. Bruce has resigned from the Board of Governors and read her resignation letter into the record (attached.)

Ms. Bonelli said she believes Ms. Bruce will carry on with her work on the Charter Commission and the Charter Commission update should be forthcoming; she enjoyed working with Ms. Bruce is sorry she left, but respects her opinion.

V. Old Business

1. July 4th picnic & parade

Ms. Bonelli asked for an update on the 4th of July picnic and parade and Mr. Moffett shared the following:

- He's been stockpiling supplies from Costco such as water, hamburgers, hot dogs and so forth.
- He has individual potato chip bags and is planning on individually wrapping Costco cookies.
- He has a tent and they have grills to use.
- People will begin gathering at 10:00 a.m. and the festivities will start at 11:00 a.m.
- He has staff who will be working on bikes at the bottom of East Shore and Billow and will instruct from there.
- The picnic will start at noon.
- Once the parade begins the grillers will get together and begin cooking.
- He is planning on 600 guests attending.
- He would also like to have an ice cream truck come but needs Board approval for that.
- He estimates the cost will be \$350-\$400 but the ice cream vendor is able to work with any budget.
- The truck could sit onsite for an hour and this is something special we can do for the kids which we have never done before.

The Board discussed having an ice cream truck and how the particulars would work.

Mr. Meggers said if they're concerned about cost he thinks many members will be willing to donate to fund this expense. He suggested that kids get the same cup of ice cream to be consistent but that parents can pay the difference if they want something more elaborate.

Mr. Fountain asked if the selling of ice cream is permissible when it's not being done on a commercial property.

Dr. Beauchene said he takes exception to this, despite only having two commercial properties within Black Point Beach Club, that doesn't mean business cannot be transacted; parents pay babysitters and our paying for a service being rendered, and the same can be said about yoga and tennis lessons. He added that having two commercial properties doesn't mean that's the only place where commerce can take place.

The Board further discussed the prospect of having an ice cream truck for the picnic.

MOTION (4)

Dr. Beauchene moved that they budget up to \$500 for ice cream for the 4th of July picnic, for children aged fourteen and under.

Ms. Bonelli seconded the motion.

Motion carried, 6-0-0.

Ms. Bonelli asked Mr. Moffett to let them know if he needs any assistance with the preparations.

2. Right-of-way pinning

Dr. Beauchene reminded everyone that he had been talking to Dave Coonrod who was finally able to get back to him and give him a price; no more than \$1,250 for each right-of-way. He also spoke with Fred Gunther of Docko, inc. and noted that he's the gentleman who is going to do the West lane pinning and mapping. He said Mr. Gunther gave them a price of \$1,000 per right-of-way, with pinning and maps of the right-of-way.

Dr. Beauchene said there are 13 right-of-ways, so it will be a \$13,000 line item but it's important that we determine what we have once and for all, and do what they've been talking about doing for years.

MOTION (5)

Dr. Beauchene moved that they hire Fred Gunther to survey the Association right-of-ways with pinning and mapping, at the rate of \$1,000 per right-of-way.

Ms. Bonelli seconded the motion.

Motion carried, 6-0-0.

3. Adverse possession

Dr. Beauchene said there has been some concern about people maintaining right-of-ways near their property and the possible detriment to Black Point if they should make the claim that they have maintained this property for 15 or 20 years, whether they have the right to take possession of that property.

Dr. Beauchene said the opinion they received from our attorney shows it'd be a very rare instance where a municipality would suffer from that because our right-of-ways are being used pretty much all the time by members.

Mr. Cellino gave a little history on adverse possession and detailed the opinion from the Attorney he reached out to regarding both adverse possession and our attorney's opinion.

Mr. Cellino said some of the following:

- Every time somebody who lives on a right-of-way has done anything to improve it, it raises the perceived issue of whether the owner is taking the property over themselves.
- The prior Board said in December that they were going to cut the grass on all the right-of-ways as a means of avoiding adverse possession.
- The previous Board and the Association Attorney were wrong.
- Adverse possession doesn't become involved with this value unless it's a very very unusual circumstance and would be like getting hit by lightning.

Mr. Cherry observed that It's not an issue and even less of an issue than indicated.

Mr. Cellino further said the following:

- Abutters have often maintained the right-of-ways and when the Association's vendor cuts the right-of-ways it's not always up to the same standards.
- That being said, he thinks it would be nice if they as an Association encouraged members to take care of their properties.
- The goal is to promote cohesiveness and vegetation that looks good and provides a sense of community.
- He thinks they should be giving out a weekly award to people who keep up their property nicely.
- We have some people around here who actually manicure their properties and we should encourage this.
- Instead we are discouraging people from taking care of their property.

Dr. Beauchene said he thinks Mr. Cellino's statements are fine, but one of his statements was that they should maintain their property, but right-of-ways are not their property. He added that last year the Zoning Board did work on property maintenance guidelines; right now they're guidelines but perhaps in a few years they may become laws, or maybe the master plan will incorporate some of this as well, so it's a work in progress.

Dr. Beauchene further said that they got an opinion from the Attorney, because the letter they received was a notarized statement saying that they would never make a claim that for adverse possession; He read the State Statutes and it said it wasn't an issue but they were under the impression they still needed it. He told Mr. Cellino no disrespect, but he felt strange taking information from a person who lives on a right-of- way, but this is all clear now.

Mr. Cherry asked if there is a mechanism for people who agree, to opt from making a claim and Dr. Beauchene replied that's what they essentially did two months ago with the notarized letter.

Mr. Meggers noted that Mr. Cellino does a beautiful job of maintaining the right-of-way that abuttes his property.

The Board further discussed maintaining and manicuring right-of-ways.

Ms. Bonelli suggested tabling this item until the next meeting and the rest of the Board agreed.

4. PO Box elimination

Ms. Bonelli said they discussed the PO Box elimination at the onset of this evening's meeting and noted the change has already been made.

Mr. Capozza asked that the change be mentioned in the meeting minutes and Ms. Stevens replied that she will also post a notice on facebook, the website, and send a mass email to the Black Point email list.

5. Tennis lessons

Ms. Bonelli said they've already spoken a bit about tennis lessons and Dr. Beauchene reiterated why he believes yoga or tennis are acceptable transactions to have even if they're not held on a commercial property. He suggested having the Board approve similar activities before they're permitted to occur.

The Board further discussed the holding of classes and lessons.

Dr. Beauchene said he spoke with Mary Cahill about the origin of the monetary donation Ms. Lowney referred to during the public comment portion of the meeting, and thinks a monetary donation is unnecessary.

MOTION (6)

Dr. Beauchene moved to approve yoga classes and tennis lessons and that all other future classes or lessons be approved on an individual basis by the Board before being conducted.

Mr. Cherry seconded the motion.

Motion carried, 6-0-0.

VI. New Business

1. Investment policy – need volunteers to create/document policy

Mr. Capozza discussed how this topic came up at the Annual Meeting and he did some research, and there is no actual written investment policy.

Dr. Beauchene said this basically concerns the capital improvement fund and the Board briefly discussed how funds might be invested safely.

Mr. Capozza said he's willing to research this and Dr. Beauchene said he's willing to assist; he knows a few investment people who work for, not for profits, and they work for a youth group, have minimal fees, and are very conservative in their investments.

Mr. Meggers briefly discussed how he works for Hartford Healthcare and how successful they've been through investments.

Dr. Beauchene asked if anyone has any suggestions or potential contacts, to let him or Mr. Capozza know.

2. **Beach managers job** – return to employees reporting to beach manager
Ms. Bonelli said a few years back, all employees reported to Mr. Moffett, and they would like to go back to that, so his title and job description will change.

MOTION (7)

Ms. Bonelli moved to change Mr. Moffett's job title to Association Manager which will be reflected in his job description.

Mr. Cherry seconded the motion.

Motion carried, 6-0-0.

3. **Liaisons** – prior BOG members were named as liaisons to various activities
Ms. Bonelli said the Zoning Board of Appeals is in need of a Board Liaison and Dr. Beauchene agreed to fulfill that role. Ms. Bonelli said this will hopefully improve communication so something like being unaware of the PO Box removal doesn't happen again.

Ms. Bonelli said a replacement is needed for the Finance and Labor Liaison since Mr. Lombardo is no longer on the Board. She asked if any of the new Board Members would be willing to fulfill this role and agreed to do it herself when no one came forward.

Mr. Fountain said he's been handling the fishing and kayak permits since Mr. Diachenko left the Board, and is willing to continue.

The Board briefly discussed the Board vacancy due to Ms. Bruce's resignation and instructed Ms. Stevens to post an inquiry on the website to see if anyone is interested in completing the two year term.

Mr. Cellino said he believes Colleen Hayes is interested in serving on the Board and will instruct her to notify the Board if this is the case.

4. Policy manual update

Ms. Bonelli said Ms. Bruce put this item on the agenda and suggested tabling so they could consult her and determine what she was specifically referring to.

The Board briefly discussed access to the Old Black Point Gate and the potential existence of an easement. Mr. Cherry said he will look into this matter.

VII. Further Public Comment

1. Mike Johnson of 45 Bellaire asked about the sign that's being erected on Dinghy Beach and Dr. Beauchene detailed the verbage for him and explained how DEEP doesn't consider it to be a permitted swimming area.

VIII. Adjournment

MOTION (8)

Dr. Beauchene moved to adjourn the June 30th, 2021 Board of Governors Special Meeting at 8:47 p.m.

**Mr. Meggers seconded the motion.
Motion carried, 6-0-0.**

Respectfully Submitted,

Brooke Stevens, Recording Secretary