

**Black Point Beach Association  
Board of Governors  
July 22nd, 2021 Special Meeting Minutes**

Present: Steve Beauchene  
Will Fountain  
Janet Bonelli  
Tom Meggers  
John Cellino

Absent: Tom Cherry  
Ruth Ames, Tax Collector

Also Present: Jim Moffett, Association Manager  
Al Capozza, Treasurer  
Anita Schepker, Charter Revision Commission Representative  
Rick Diachenko, Men's Club Representative  
Kay Parulis, Women's Club Representative  
Colleen Chapin, ZBA Chair

The Regular Meeting of the Black Point Beach Club Association Board of Governors, was held on Thursday July 22nd, 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 6:01 p.m., did roll call, and noted a quorum was present.

**II. Additions to the Agenda**

Dr. Beauchene said he'd like to add a brief discussion regarding the Zoning Board of Appeals and Zoning Commission rosters.

Mr. Cellino mentioned the Property Maintenance Guidelines crafted by the Zoning Commission last year and noted that this item hasn't advanced.

Dr. Beauchene explained that the Zoning Commission set up those guidelines, and they're just that- guidelines; their plan was to see how the guidelines were received for the first couple of years and harden them with penalties in the future if it's deemed necessary.

Mr. Cellino said if that is the case, he's not even aware of it so people obviously need to be informed. He said the Zoning Chair, Jim Fox, asked him to bring this up and since his opinion differs he suggested that Dr. Beauchene speak with Mr. Fox since he is the Zoning Board Liaison.

Mr. Cellino said he doesn't know what the guidelines are and Ms. Stevens reported that the guidelines are on the website but that she would be happy to email to the Board Members as well. He added that he thinks the idea was to put some teeth behind the guidelines.

Mr. Cellino said he would like to add a discussion regarding adverse possession and the mowing of right-of-ways and provided the Board with some literature regarding this (attached.) He said on a personal level he had made a request back on May 8th, to fill in the cracks in the Sea Crest right-of-way and thinks of that nature; he finds it interesting that his request was never made part of the minutes and would like to see this matter addressed.

Mr. Cellino said he received a call from an Association Member which relates to a lawsuit.

Ms. Bonelli said she thinks everyone would benefit from a Freedom of Information workshop, especially some of the new Board Members who may not be as familiar with meeting procedures. She added that she'd like to schedule this once they have filled the Board vacancy.

Ms. Bonelli said she thinks this discussion should be tabled since it's not on the agenda and that he can communicate to her why he would like to see it on a future agenda and Mr. Cellino said he attempted to do that yesterday when he called her but was unable to reach her. Mr. Cellino said the item he wishes to discuss has to do with personnel so would need to be discussed in executive session anyway.

Ms. Bonelli said this discussion will have to be reserved for the future since an executive session is not part of this evening's agenda and Dr. Beauchene confirmed that it would need to be noticed at least 24 hours beforehand. Ms. Bonelli added that they also need to be careful of what is communicated via email and that certain issues should be discussed during a Board meeting instead.

Mr. Cellino said one last thing he wanted to mention is the pickleball issue and noted that fortunately it was resolved thanks to Mr. Fountain's solution. He said a few Members gave their opinions and then the item got resolved but not all the Board members were notified.

Ms. Bonelli explained that it was an executive decision to allow pickleball players temporary use but that a permanent decision wasn't made.

Mr. Meggers said he asked for the golf tournament to be added to the agenda and explained how over \$3,000 in personal checks are being made out to him and Chris Gent which isn't ideal for accounting purposes.

Mr. Capozza asked if Mr. Meggers had considered asking the Men's Club for their help and use of their tax id number and Mr. Diachenko said the Men's Club would be happy to help.

### **III. Consent Agenda**

1. Approval of Minutes
  - a. June 27th, 2021 Board of Governors Executive Session Special Meeting
  - b. June 30th, 2021 Board of Governors Regular Meeting

### **MOTION (1)**

**Dr. Beauchene moved to approve the Board of Governors Executive Session Meeting Minutes of June 27th, 2021 as presented.**

**Mr. Fountain seconded the motion.**

**Motion carried, 5-0-0.**

#### **MOTION (2)**

**Dr. Beauchene moved to approve the Board of Governors Regular Meeting Minutes of June 30th, 2021 as presented.**

**Motion carried, 5-0-0.**

Ms. Bonelli suggested moving one of the new business items- the vote on the Charter Revision Commission recommendation, ahead of communications so that Ms.Schepker doesn't have to wait until the end of the meeting to give her presentation.

#### **IV. New Business**

##### **a. Vote on Charter Commission recommendation presented on July 17th, 2021**

Anita Schepker of 48 Indianola Road said some of the following:

- She's here on behalf of the Charter Revision Committee to present the final draft of their proposed changes to the Charter.
- Back in February seven people were appointed to be on the Charter Revision Commission- herself, Jennifer Bogue, Sharon Bruce, Mike Coffey, Larry Connors, Phil Hagaman, and Brendon Fox, Jr.
- Three of them are attorneys and have been on a Charter Revision Commission before.
- She would like to note for the record that they followed all the statutory rules, relative to Charter Revision conditions under the Connecticut statutes.
- They were required to have two hearings, one before they began their work, which they held on April 6th, 2021.
- When the Board asked them to review the Charter they gave them a very narrow and very specific charge, which is whether or not to allow properties held in trust to vote because our Charter doesn't allow that.
- They looked at voting structures under the Connecticut law, and at their first hearing they took input from the public.
- Overwhelmingly the people who spoke at that April 6th, 2021 virtual meeting were in favor of them doing things relative to properties, held in interest.
- While doing research they determined that in 2015 Giants Neck changed their Charter to allow for this, as did Crescent Beach in 2017.
- Oak Grove Beach and Westbrook also changed their Charters as well, so they're not doing anything untoward or different than anybody else is doing.
- They had several meetings which people attended virtually, and they prepared a draft which they could change but under the Statute they're required to have a second hearing on that proposed draft.
- It was posted on the website, along with an explanation of the changes that they're proposing to the Charter, and they had that hearing on Saturday.

- In 1931 it was determined that we're a special kind of association that has some qualities of a municipality, such as levying a tax, but we're really a special tax district established by a special act of the General Assembly.
- Our Charter says that in order for you to be a member of the Association and to vote your property has to be held to one or more individuals' names.
- Back in 1931 trusts and corporations and LLCs and other instruments weren't really being used all that much.
- So, the first change that they made is if your property is held in trust by a corporation or an LLC one person is picked to be a member or representative.
- They can also participate and be on the Board of Governors, Zoning or ZBA.
- Currently these people cannot participate in any of these activities.
- 16 ½ percent of our properties right now are held in trust for corporations.
- After their first hearing they were told that number is increasing to almost 22%.
- This means that a number of people are paying dues and using our facilities but have no say in the process.
- There are 581 properties in Black Point Beach.
- When working on their proposed draft they struggled with some of the language.
- Other associations say a representative can vote provided that they're at least part time residents of any property within the limits of the association, which is an odd clause.
- They repeated this language but think it might be something the Board of Governors chooses to remove.

Ms. Schepker said someone brought up at their hearing that they didn't properly notice their meetings or hearings. She emphasized at the public hearing that they followed the Statutes relative to Charter Revisions; the complaint was that they hadn't put notice in the New London Day Newspaper but they're not required by Charter Revision to do that. She added that they noticed the meetings on the website, on Facebook, at the clubhouse as required.

Ms. Schepker said another concern they heard was that someone didn't like the one vote one house rule, right now if someone had six owners on the property they cannot vote.

Ms. Schepker noted the proposed draft is up on the website and they handed out copies at the hearing as well. She explained that now that it has been presented to the Board it becomes their responsibility; the Board is required under the Statute to have a hearing on the draft and must do it within 45 days of it being presented to them this evening.

She added that their vote (as a group) whether accepted as is, or with modifications, must be noticed to the general membership that they're going to have a vote on this, and they must list the date and put this notice in the New London Day Newspaper along with the normal notification channels of facebook and the website.

The Board briefly reviewed the proposed draft and discussed scheduling a public hearing followed by a special meeting to consider this item.

**MOTION (3)**

**Dr. Beauchene moved to accept the recommendation of the Charter Revision Committee to present to our membership during a Public Hearing on Monday August 2nd, 2021 at 6:00 p.m.**

**Mr. Meggers seconded the motion.**

Dr. Beauchene observed that if the work is endorsed by the Board it can be presented to the general membership at the Annual Informational Meeting in August.

Dr. Beauchene said he thinks the part time clause Ms.Schepker spoke of should be removed from the proposed draft. After much discussion it was confirmed that no changes can be made to the proposed draft prior to the public hearing so Dr. Beauchene rescinded his previous suggestion and noted his motion is to consider the work of the Charter Revision Commission as is.

**Vote:**

**Motion carried, 5-0-0.**

**V. Communications****a. Possibility of a Summer concert organized by the Women's Club & Men's Club**

Ms. Bonelli shared there is a possibility of a Summer concert organized by the Women's Club and the Men's Club and noted that Kay Parulis and Rick Diachenko are in attendance to discuss this.

Ms. Parulis explained that this is the event they've held in the past and that she and Mr. Diachenko is here to ask the Board of Governors permission to hold this event. She added that Mr. Moffett found a great band for them called Fusion. Mr. Moffett said a member at South Beach who works with musicians was instrumental in securing the band; it's a really good deal on a really high quality band.

Mr. Moffett said the Murdoch family can provide electricity and Ms. Parulis said the cost is \$800 and that the Women's Club is hoping it can be split between the Women's Club, Men's Club, and Board of Governors.

Mr. Moffett said the event would be from 5:00 p.m. to 9:00 p.m. on August 8th, 2021, and will be combined with a bonfire.

Mr. Meggers asked about a rain date and Mr. Moffett said it's a one shot deal and requested that they make the clubhouse available in case there is an imminent threat of rain.

The Board discussed whether it would be possible to negotiate a rain date or reduced fee if the concert cannot be held and Mr. Moffett suggested the use of a tent if necessary.

**MOTION (4)**

**Dr. Beauchene moved to contribute up to \$300 towards a Summer concert.  
Mr. Meggers seconded the motion.**

Mr. Meggers said we should see if they can do a rain date and discussed how costs might be offset. The Board briefly discussed how holding the concert in the right-of-way might be safer.

The Board agreed that the Women's Club and Men's Club can work out the fine details.

**Vote:**

**Motion carried, 5-0-0.**

Mr. Diachenko and the Board discussed the importance of communication and how information might be better dispersed given that few members of the public attend meetings.

**b. Parking Concerns**

Ms. Bonelli read the email from Nancy Condon regarding parking concerns dated July 11th, 2021 into the record (attached.)

Dr. Beauchene asked Mr. Moffett if he's seen a problem with people parking without stickers and Mr. Moffett reported he hasn't seen anything this Summer and noted he has a camera pointed on the clubhouse parking which he checks twenty times a day.

Dr. Beauchene asked if they should install a sign that says "Member Parking Only."

Mr. Meggers suggested letting Ms. Condon know they're cameras pointed on the lot and now that we're aware of this, we will keep a close eye on it.

**c. Candidates for BOG Vacancy**

Ms. Bonelli said they received a couple of resumes but she also received emails of interest but no resumes have been forthcoming. The Board discussed reviewing the resumes they've received as well as any further ones they may receive, and voting on the vacancy come August.

**d. Pickleball**

Ms. Bonelli reiterated that no side meetings should be occurring via email and reminded the Board that only temporary permission was given for use of the court during club hours.

The Board had an in-depth discussion about the use of the court by the pickleball players and their desire to use the tennis courts at 10 o'clock on Mondays and Wednesdays.

Ms. Bonelli reported that there have been no issues due to the temporary use and noted it has rained almost everyday anyway.

Mr. Moffett reiterated that according to the rules the courts aren't to be used during Club hours but agreed that the solution made works right now but that any use should be reviewed on a case by case basis.

Mr. Meggers said there should be compromise on both sides and Ms. Bonelli asked how the court might be reserved in the future.

The Board agreed that the Pickleball players should continue to be allowed to use the courts for the remaining weeks of Club.

Dr. Beauchene and Mr. Meggers agreed it should be conveyed that such use will be revisited in the future and that they probably will not be able to play at the same time next year.

#### **MOTION (5)**

**Dr. Beauchene moved to allow pickleball during the hours they're requesting as long as it does not interfere with the recreation program.**

**Ms. Bonelli seconded the motion.**

**Motion carried, 5-0-0.**

#### **e. ZBA nominations**

Colleen Chapin of 53 East Shore was in attendance and noted that her term along with regular member Arlene Garrow, and alternate Kim Craven all end next week so she would like to request that they all be reappointed for an additional term.

Mr. Meggers and Ms. Bonelli discussed how it's difficult to vote for this given that they do not know the members who want to continue serving.

Mr. Meggers observed that the interested parties have been serving for some time and therefore have experience.

The Board discussed how going forward it might be helpful to always require resumes when deciding such matters.

#### **MOTION (6)**

**Dr. Beauchene moved to reinstate Colleen Chapin and Arlene Garrow as Regular Members and Kim Craven as an Alternate Member of the Zoning Board of Appeals.**

**Mr. Meggers seconded the motion.**

**Motion carried, 4-0-1.**

**Ms. Bonelli abstained from the vote due to her unfamiliarity with the parties desirous of serving.**

#### **f. Zoning nomination**

Dr. Beauchene noted that Joseph Katzbek, Zoning Alternate, also has a term that is ending and would like to continue serving. He noted that he religiously attends Zoning meetings since he is the Liaison to Zoning and shared that Mr. Katzbek is a great contributor to the work of the Zoning Board.

#### **MOTION (7)**

**Dr. Beauchene moved to appoint Joseph Katzbek as a Zoning Commission Alternate for an additional term.**

**Mr. Cellino seconded the motion.**

**Motion carried, 5-0-0.**

Ms. Chapin said she submitted two other things, and doesn't know if this is the right time to talk about them because they're not on the agenda. Dr. Beauchene said he was planning on discussing these items during his next Liaison report.

#### **g. Correspondence**

Ms. Bonelli noted that correspondence will be posted for the record.

#### **VI. Public Comments**

Leslie Doherty of 42 Nehantic Drive said she emailed the Board about the kayak racks and thanked Mr. Connors and Mr. Moffett for the new kayak racks. She would like to know if it would be possible to install an additional rack and explained that the boat beach rack is over capacity; if another rack cannot be built, the third rack at Sea Spray could be moved to the boat beach.

Ms. Doherty observed that Sea Spray access does not accommodate those not strong enough to carry their vessels due to the concrete and rocks, and shared a design idea she and her boyfriend have for a rack that would accommodate more paddle boards.

Mr. Fountain said there are 215 kayaks registered and Mr. Meggers discussed the possibility of a lottery for kayak storage.

Mr. Fountain said he will do an inventory of the space available for kayaks and paddle boards and the number currently present for the August meeting.

Mr. Meggers said he thinks building an additional rack is a good idea but that a better solution needs to be considered for the next Summer season.

#### **VII. Reports**

##### **a. Treasurer**

Mr. Capozza referenced his report (attached) and noted the income for July is \$220,424 and \$195,000 of that is from tax collections. He added that the second largest item is from the Recreation Program which is almost \$25,000, so their expenses will be covered. Mr. Capozza said the expenses are \$29,000 for the month and \$10,000 of that is for payroll costs. He said that next week he will distribute the final results for the last fiscal year.

Mr. Cellino commented that his daughter commented how inexpensive the recreation program is and suggested they consider increasing the fees as well as expanding the program.

Ms. Bonelli agreed that it would be prudent to discuss future options with the Co-Directors and suggested tabling this discussion for now.

**b. Tax Collector**

Ms. Ames was not in attendance but she emailed her report (attached.)

**c. Association Manager**

Mr. Moffett referenced his report (attached) and shared that John Bourget sent correspondence about South Beach and a slippery patch of concrete slope located there. Mr. Moffett would like to add a 6 foot railing for safety which would cost around \$900 to install.

Mr. Cellino asked if they're photos of the site, suggested tabling this item for a site walk, and the rest of the Board agreed.

Mr. Moffett detailed the 4th of July picnic and said the final cost was for \$2,700 and was a really great day.

Mr. Meggers asked if they tested the water and Mr. Moffett explained that Ledge Light Health District tests it every Monday. Mr. Meggers suggested sharing this news in the Black Pointer.

**VIII. Further Public Comment**

There was no further public comment.

**IX. Liaison to Zoning & ZBA Report**

Dr. Beauchene referenced Ms. Chapin's email about what the Zoning Board of Appeals would like to do regarding the application process; they're trying to streamline the way they take the applications and handle it electronically. He said they would also like to revamp the application in order to be more efficient with the application process (see attachment.)

Ms. Chapin said some of the following:

- There's two types of appeals that are covered under Connecticut statutes- requesting a variance of the existing zoning regulations, and second is appealing the decision by the zoning enforcement official.
- They're separating those into two applications for less confusion.
- The application will be filled out electronically, to the extent possible.
- With respect to the procedure she wants to codify the process since the Association address has changed, she's not here all the time, and appeal materials are time sensitive.

**X. Old Business**

Dr. Beauchene said he had a few updates he wants to make and shared some of the following:

- We have a benefactor who wants to help with the backwater kayak launch.
- In 2012 it cost \$500 to get the approval through DEEP and he was given a figure of \$10,000 to reapply.
- It was recommended that he go back to the person who did the first study, and see if they redo it for \$1,000 and will reapply.
- Our surveyor has finished up the one foot strip on West Lane.
- He asked them to use their judgment when marking the west side of it, that's the extent of our property.
- He had a problem with some of the rocks to put pins in so he stayed on the east side of that one foot strip.
- In regards to the Masterplan, SLR has been taken over by Milone & MacBroom.
- Milone & MacBroom is not interested in crafting master plans for small communities.
- Mike Zuba who gave the Masterplan presentation will be leaving that company along with several coworkers, and plan to continue with our project come January or February, so we would have something for discussion next July or August.

**MOTION (8)**

**Dr. Beauchene moved to adjourn the July 22nd, 2021 Board of Governors Regular Meeting at 8:36 p.m.**

**Ms. Bonelli seconded the motion.**

**Motion carried, 5-0-0.**

Respectfully Submitted,

Brooke Stevens, Recording Secretary