

**Black Point Beach Association
Board of Governors
August 2nd, 2021 Charter Revision Public Hearing Meeting Minutes**

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Present: Janet Bonelli, Chair
Will Fountain
Tom Meggers (joined at 6:09 p.m.)
John Cellino
Steve Beauchene
Tom Cherry

Also Present: Anita Schepker, Charter Revision Subcommittee
Sharon Bruce, Charter Revision Subcommittee
Mike Coffey, Charter Revision Subcommittee
Larry Connors, Charter Revision Subcommittee
Brendon Fox, Jr., Charter Revision Subcommittee

The Charter Revision Public Hearing of the Black Point Beach Club Association Board of Governors, was held on Monday August 2nd, 2021 at 6:00 p.m. via zoom.

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.

II. Consider the work completed by the Charter Revision Subcommittee

Ms. Bonelli asked Ms. Schepker and Ms. Bruce to make their presentation prior to public comment in order to set the tone of the meeting.

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

- She's here on behalf of the Charter Revision Committee to discuss the work 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.
- The Board of Governors impaneled us to form the Charter Revision Committee, in accordance with the Connecticut General Statutes and we followed their rules.
- From that point on we were given a scope by the Board of Governors, which was to look at whether or not instruments by trusts and corporations, etc, could participate and be allowed to vote in the Association and how voting would work under the law we were allowed to expand if we chose to.
- We stuck to the scope that the Board of Governors gave us.
- She wants to give a special thank you to Sharon Bruce who was her Co Chair in this endeavor, to Brendan Fox Jr, to Larry Connors, Phil Hagaman, and to Jennifer Bogue who are all on the call today on the Zoom, for their help in doing this over the last several months.
- We were required under the Statute to have two hearings, one prior to the beginning of their work, and one to present our draft for comments at a Public Hearing.
- They had a Public Hearing on April 6th, had several meetings in between, and then a second Public Hearing on July 17th.
- She wants to reiterate and make it clear at the outset that they took language, and reviewed every single beach association surrounding us in what they did, so as to not have to reinvent the wheel.
- While doing research they determined that in 2015 Giants Neck changed their Charter to allow for this, as did Crescent Beach in 2017.
- Their proposed changes for the Charter Revision does two things; it clarifies who can be a member and therefore eligible to hold office in the Association.
- Currently, only homes owned by individuals can be members and and be allowed to participate on the Zoning Board of Appeals, the Board of Governors, and other boards of that nature.
- Back in 1931 trusts and corporations and LLCs and other instruments weren't really being used all that much.
- Their first recommendation is that residential properties that are held, not only by individuals, but also by trust corporations, partnerships, life use arrangements, and so forth, as well as other legal entities, be considered members, and therefore eligible to vote.
- Almost 17% 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.
- Their second change simply says that each property gets one vote.
- And that's determined by the individuals who own the property, or in the case of a trust or an estate, they designate a member representative to be that person for that piece of property.
- She wants to make it clear that these changes are identical again to other beach associations such as Giants Neck, Crescent Beach, Grove Beach, and Westbrook is also looking at this now as well.
- If we go to referendum, these changes need to then go before the Connecticut General Assembly in their 2022 Legislative Session for them to ratify.
- These exact changes were ratified by the Connecticut General Assembly for Crescent Beach, Giants Neck and Grove Beach
- Beach associations like ours that were formed by Special Act have to go back to the General Assembly because our beach association was formed, not by statute, not as a municipality, but by special act of the legislature, and we're sort of a hybrid kind of creature but we must follow the rules of the Charter Revision Laws, which we have done.
- She wants to reiterate that they noticed all their meetings properly pursuant to the Statute.
- There is no requirement that their notifications be placed in a newspaper.
- If and when the Board of Governors choose to accept and/or amend their proposal then they will then notice it in the New London Day Newspaper, and post a meeting potentially for August 28th.
- During their meetings there was some concern by someone who didn't like the one vote one house rule; right now if someone had six owners on the property they cannot vote.
- This has already been ratified by the General Assembly for other beach associations; we are not taking anyone's constitutional rights away.
- There was a question about contiguous properties outside of the Association- whether they could be members and vote.
- We clarified that the Charter Revision could not make that change.
- The Charter only allows us to make rules with respect to those properties that are within our, our boundaries, and nothing more.
- 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 may choose to remove.

III. Public Comment

1. Tom Cherry of 12 Uncas

Mr. Cherry asked if the voting they're talking about are votes on items that come before the entire Membership.

Ms. Schepker clarified that the voting applies only to Black Point and Black Point votes and has nothing to do with East Lyme. She said a person is designated and the reason for this is because there can be multiple names and property owners of homes that are in trust; there were situations in other beach associations where they were stacking votes by bringing all the people whose names were listed as owners to skew a vote result, hence the one property one vote rule.

2. Susan Acito Houlihan of 52 Sea Spray Avenue

Ms. Houlihan said at the previous meeting there was some talk about how to determine what the protocol will be, the one voting for a house in trust. She asked if there is going to be paperwork to designate the person responsible for voting.

Ms. Schepker said individuals get to decide by themselves whoever they choose in their own house, as to these instruments like trusts, a trustee will let the Secretary of the Association know who the member representative is. She noted that other beach associations once a year send a notice out to everyone asking for the name of their member representative, and instruct them to let the association know if it changes.

3. Colleen Chapin of 53 East Shore Drive

Ms. Chapin said some of the following:

- She wants to make sure she goes on record here, because it was her point about wondering what the definition of part time resident is going to be.
- The Charter gives us the overall kind of governing guidelines for how we exist as an Association, but the Board of Governors is responsible for implementing rules and processes, most importantly processes that will align with the Charter and help the organization move forward.
- As a potentially part time resident, I would like to make sure that the Board establishes a reliable process for determining part time resident residency.
- Alternatively, they could just remove that clause in its entirety.
- She's not sure what the value actually is since she doesn't pay part time taxes, but full time taxes.
- Before focusing on getting all the trust's to be voting members, the same thing should be applied to those of us, regardless of our actual residency status here.

- She knows that the Charter ultimately has to be approved by the Board of Governors before it's voted on by the membership so wanted her thoughts on record.

Ms. Schepker said they talked about this with the Board of Governors and the antiquated language from an old Charter and the Board can decide whether to remove it or not. She said she's not in total agreement as they said at the Public Hearing; we struggled with keeping that language in or taking out a simple clause. Ms. Schepker thanked Ms. Chapin for her comments.

4. Patty DeAngelis

Ms. DeAngelis said some of the following:

- Either she or one of her family members have attended each meeting.
- She wants to reiterate how thankful they are as a family for the committee doing the research, not only about our own Charter but about the neighboring beaches as well.
- They do pay taxes and she is the fourth generation to come here.
- They love this beach and would love to be active in various committees.
- They go to most of the meetings but can't vote.
- She'd like everyone to look at the fairness of it all.
- They're very appreciative it's back on the table and hope people really take it into consideration.
- Even though this has to do with people like them (who have homes in trust), they still can't vote.
- For those who can vote she really hopes that they think long and hard.
- Making this change seems more fair on both levels.

5. Brian Comer of 52 Whitecap Road

Mr. Comer said some of the following:

- He was on the Board more than 10 years ago and was amazed when he was told he had to leave the Board since he put his home in trust.
- He's been at Black Point for less than some- he hasn't been here for four generations but is working on that.
- He'd like to reiterate what was said in regards to the amount of work that's been done on this, and how appreciative everyone is.
- Everyone contributing their time and doing this work is what Black Points is all about.

Mr. Comer asked if this is going to be a vote of all the members and the members that can make it, or if it's going to be a vote of the board that decides it. Ms. Schepker replied that the Board will take a vote to decide whether they're going to accept our

changes or amend our changes, and have a meeting directly after this Hearing; They'll make that decision and then it goes to the Membership for a vote, but the Membership that votes on this can only be the Members that can currently vote now. She added that if they can't vote now they also will not be able to vote at the referendum and therein lies the issue. And therein lies the issue.

Mr. Comer said he hopes common sense prevails because this rule never made sense to him, he was merely operating on the advice of his attorney.

6. Joan Hayes

Ms. Hayes said some of the following:

- She wants to thank the Charter Commission for all their hard work.
- She believes that one house, one vote is fair.
- People who've had their homes in trusts have been denied the ability to vote and she doesn't think there should be two votes for house.
- She appreciates all their effort, and she hopes the Board goes through with this.

7. Ed Zito of 57 Nehantic Drive

Mr. Zito said he wants to endorse what both Patti DeAngelis Foley and Brian Comer said, and thanks Ms. Schepker and the Committee for all of their work.

8. Jim Schepker of 46 Indianola Road

Mr. Schepker said some of the following:

- He thinks we're all familiar with the concept of representation with taxation.
- He thinks the strong point being made in these two revision items is the allowance or the expansion of the pool of potential candidates for the Board of Governor or Zoning Committees going forward.
- Right now we're denying a lot of very capable people from representing us on the Board of Governors and we desperately need folks to be willing to step up and do that.
- If we eliminate 20% of our population that's going to hurt us long term down the road.

9. Barbara Johnston of 35 Sea Crest Avenue

Ms. Johnston asked if they could give her the definition of what they're saying a lot is and Ms. Schepker replied that they're not saying anything about a lot; one property, one vote and that property is determined by the Town of East Lyme.

Ms. Johnston questioned this and Ms. Schepker explained that each of us get a tax bill from the Town of East Lyme for our property, and at the same time we get a tax bill from

the Black Point Beach Club Association, and that's how one property, one vote is determined.

Ms. Johnston said she doesn't agree with this at all; they have three owners and if she doesn't agree with the other owners, then she doesn't even have a vote. She asked how they can legally take her vote away and asked her to explain life use of a property, which she has.

Ms. Schepker said that a life use property just like a corporation in a trust, has to designate one person to vote for that property. Ms. Johnston replied that if life use is not part of the voting separation, and if it's all in one still, you really don't have life use if that's the case.

Ms. Schepker said some of the following:

- Life use is a legal concept and voting as a separate concept.
- We can get back and forth on this, but life use just like a trust or a corporation is a legal concept, and we're talking about what we want to do in terms of the Charter to make it just like all the other beach associations surrounding us.
- We're trying to make it fair so that three people on your property can't vote but only one person, or only one person can vote in another place- people such as Patty DeAngelis can't vote at all so this sets the equitable tone.
- This language has already been ratified and approved by the General Assembly, by virtue of the fact that they accepted Crescent Beach, Giant Neck Beach, and Oak Grove Beach Charter Revisions, which is exactly the same as what we are proposing today.

10. Susan Acito Houlihan of 52 Sea Spray Avenue

Ms. Houlihan said she wants to say thank you to the Charter Commission for for bringing this up, their diligence looking at the way other beaches have done it, and their attempt to achieve a sense of unity with the way things are run across the beaches and doing it in a way that we know will be acceptable.

IV. Adjournment

Ms. Bonelli closed the Public Hearing at 6:28 p.m.

Respectfully Submitted,
Brooke Stevens, Recording Secretary

