

Minutes of BPBCA Board of Governors Regular Meeting - 06/23/22

Date and time: 06/23/22 5:00 PM to: 06/23/22 9:45 PM

Present: Brooke Stevens, Recording Secretary, Janet Bonelli, BOG Chair , Tom Meggers, BOG Member , John Cellino, BOG Member, Colleen Chapin, BOG Member, Jim Mastria, BOG Member, Colleen Hayes, BOG Member

CC: Absent:, Tom Cherry, BOG Member, Also Present: , Al Capozza, Treasurer, Ruth Ames, Tax Collector, Jim Moffett, Association Manager, Will Fountain, Emeritus

Location: Black Point Beach Clubhouse, 6 Sunset Avenue, Niantic, CT, 06357

Link: <https://app.meetingking.com/meetings/380159>

Topics

1. Call to Order

Note Ms. Bonelli called the meeting to order at 5:00 p.m. and noted a quorum was present.

2. Executive Session

Note The Board immediately entered Executive Session for the purpose of discussing ongoing litigation and staff contracts

Note The Board exited Executive Session at 6:00 p.m. with no action taken.

Decision MOTION (1)

Ms. Chapin moved to replace Waller, Smith and Palmer's as General Counsel, with Halloran and Sage.

Ms. Hayes seconded the motion.

Motion carried, 6-0-0.

Note Mr. Capozza asked that the Board seek a final bill from Waller, Smith and Palmer.

3. Additions to the Agenda

Note Ms. Bonelli said they have one item to add under new business, the building of a paddleboard rack.

4. Communications

Note Ms. Bonelli said she received two communications, one was inquiring about the 4th of July festivities which has been answered, and the other one will be addressed later on the agenda.

5. Public Comments

Note Ms. Hayes said before they entertain public comments, she wants to address an item, and made the following comments:

It has come to their attention there are some false rumors going around Black Point that they want to address directly, because they have a feeling that's possibly why some members are here tonight.

One of the reasons they're going to engage Halloran and Sage is to look into an issue that has been brought before the Board a number of times.

Many bordering property owners have asked if they can join Black Point.

They've always been told no that they can't because the Charter would have to be changed.

When the Charter Revision Committee met there was some talk that this is not the case.

They're looking into the issue to determine if it's an actual option and are going to get a legal opinion as to whether they can do it.

If we can do it, it would be brought to the Membership to vote on it.

There was never discussion about opening our beaches or our Clubhouse or any of our assets to the general public.

She doesn't know where that rumor started but please tell your friends it's not true because they've all gotten several calls about it.

Note Ms. Bonelli called for Public Comments.

5-1. Sandy Sheehan of 18 Indianola Road

Note Ms. Sheehan made some of the following remarks:

This is a private beach Association, the operative word being private.

When people buy outside of the one-foot abutment around Black Point, they're aware that they can't become members of the Association.

So, she is not understanding why this has become an issue now.

Why would we spend money on legal counsel when there's been some legal issues already mentioned to you, that you cannot do it.

She's strongly against this prospect.

There are so many issues that would need to be addressed, such as whether or not you would charge them dues or allow them to be guests and bring additional guests.

You're talking about a lot of people including the property that is for sale, where potential houses may be built.

Our beaches are already crowded and there's already no parking.

You're adding a significant number of issues to what potentially you may wish to do.

5-2. Ed Zito of 57 Nehantic

Note Mr. Zito asked if the Board in its deliberations established a budget for the new legal counsel to investigate this issue and Ms. Bonelli replied that they're waiting for a proposal.

Ms. Hayes added that they just voted right now to engage the legal counsel, so the next step in the process is to talk about this is, amongst many other items.

5-3. Sally Cini of 28 Sea Breeze

Note Ms. Cini said some of the following:

Even if you find out you can, that doesn't necessarily mean we're going to vote on it.

There are probably a million things we can do, that we don't bring forward every time.

So, if you in fact find out you can, and she doubts that you can, she would hope that the Board would still have a lot of open discussion and not just on the night of the voting.

A decision would have to be made about whether we even want to move forward and vote this.

She thinks they missed a step in the possibility there.

She's opposed to this.

She doesn't even go to her beach on weekends because it's so crowded; why would you want to bring in more people?

Note Mr. Cellino briefly discussed how everything related to this issue has to be vetted out and he can't speak for everyone, but he wants to acknowledge that he feels this type of decision should rest with the Membership and not the BOG.

5-4. Carolyn Boyle of 4 Sea Breeze

Note Ms. Boyle said some of the following:

Going to the issue of allowing abutters to join Black Point or become members, she has personal experience with a law firm that she worked at.

In that case the client paid for a law firm to do the research to find out if they could become part of Black Point.

The decision was that the client could not.

She's suggesting if there are abutters that want to become part of Black Point, why not put the initial expense on them to bring to the Board with their own legal counsel and then they can run that by our counsel and see if they're in agreement.

Note Mr. Meggers noted there are many issues that the attorney will explore, not just this specific item.

Note Ms. Boyle said attorneys bill by the hour and this specific issue should be initially funded by the people that want the benefit and there's no point in racking up billable hours for something that might be a moot point.

Note Mr. Cellino discussed how it's simple for a lawyer to review the Charter and not very expensive.

5-5. Diane Zukowski of 36 Sunrise

Note Ms. Zukowski asked who's requesting this and Ms. Hayes said many abutting landowners. Ms. Zukowski said they should not be spending any money on this unless officially approached.

Note Mr. Cellino said this one specific question is definitely going to go on the Master Plan survey that is going to be sent out to every Member here.

5-6. Kim Craven of 46 East Shore Drive

Note Ms. Craven had some of the following comments:

She lives near the boat ramp, and we don't have a rope going across our pier over to any boat ramp area. She knows there are buoys and swim markers but despite that she has seen several boaters come in and out of the swim area to get to the boat ramp.

She's concerned about safety and would like to see some reevaluation done as to why it's not blocked off for swimming.

Note Ms. Craven asked where the lost and found is for the beach and Mr. Moffett said at the top of Billow, on one of our former swim platforms.

Mr. Moffett added that he had added some swim buoys to delineate the swim area and Ms. Craven replied that they're going around the buoys.

5-7. Tom Sheehan of 18 Indianola Road

Note Mr. Sheehan said in the past they used to have a safety issue there and there had been a rope that went straight out to the pier to the goalie, and straight out the Osprey to the buoy, which forced people to go outside rather than cutting through. He's not sure what happened to the rope.

5-8. Jean Galati of 7 Nehantic Drive

Note Ms. Galati said going back to the issue of homes not part of the Association, can the residents be guaranteed that they will get to vote on this?

Note The Board replied in the affirmative and Mr. Meggers clarified that they're merely seeking to make a determination.

5-9. Ed Zito of 57 Nehantic

Note Mr. Zito said he wants to indicate appreciation to the Board for the disclosure and also the way they seem to be approaching it; hopefully the attorneys will present us with a budget on this particular issue, although he agrees we should establish that the petitioners outside of the Black Point Beach Club Association to pay for it. He suggested we also obtain the legal opinion Ms. Boyle referenced, which presumably might be part of a public record somewhere so that our new attorneys have the ability to assess the decision.

5-10. Sandy Sheehan of 18 Indianola Road

Note Ms. Sheehan asked when the five buckets for the Master Plan will be posted and how can they volunteer?

Note Ms. Bonelli said they have determined the five buckets are working to create more definition around it and they will be talking about an opportunity to volunteer.

Note Ms. Chapin said the Master Plan update is a little later on the agenda and she's 100% excited by all the Members in attendance tonight. She hopes they continue to bring this energy and communicate, because this is our roadmap for the future. Ms. Chapin hopes they keep coming back and keep giving them this type of information, so that we can keep moving forward.

Note Ms. Bonelli thanked everyone for coming.

6. Reports

6-1. Treasurer

Note See attached report

 [Financial_Report_Budget_VS_Actual_as_of_6-23-22.xls](#)

Note Mr. Capozza referenced his report and gave some of the following highlights:
Total YTD Income amounted to \$295,822, an increase of \$1,236 vs last month YTD report. Items contributing to the increase were: Zoning application fees (\$600), Clubhouse rental (\$600), and all others (\$36).

Total YTD Expenses amounted to \$261,898, an increase of \$33,197 vs last month YTD report. Items contributing to the increase were: Waterfront Maintenance (\$11,468), Tax Collector Services (\$8,500), Payroll (\$4,312), Tennis Courts (\$3,306), Supplies (\$2,247), Rec Program (\$847), Utilities (\$830), and all others (\$1,687).

Total Actual thru June 23, 2022, YTD, Income minus Expenses equals \$33,924, Positive.

Estimate to June 30, 2022, YTD, Income Minus Expenses equals approximately \$38,822, Positive.

Note Ms. Chapin asked about the long-term shoreline line item and what that balance is. Mr. Capozza said going into this fiscal year, we had about \$114,000, we're going to add the allocated \$33,000, subtract the \$19,000 used this year, which results in \$128,000 as of June 30th.

Note Mr. Capozza reminded the Board that this fund is only for repairs and replacement. and not for new items.

6-2. Tax Collector

Note See attached report

 [Deposits_2022-2023.pdf](#)

Note Ms. Ames referenced her report and said \$129,777 has been collected to date and the outstanding balance is \$142,292; 278 people have paid and 198 have not yet paid. She added that the issue with the partial payments has still not been settled, but she believes Mr. Moffett spoke with him, so hopefully they're on the right track.

Ms. Ames said there is only one outstanding bill from last year in the amount of \$187 and she has yet to get a response from her calls. She will send a demand letter but is hoping it's just an oversight since he has always paid in the past.

6-3. Association Manager

Note See attached report.

 [June_2022_Association_Managers_Report.pdf](#)

Note Mr. Moffett referenced his report and asked if there were any questions.

Note Ms. Bonelli said the only thing she has is the purchasing of the new "no dogs allowed" signage; They haven't talked about this as a Board and she doesn't think they want to restrict dogs from coming up here. She added they just want people to pick up after their dogs and keep them on a leash.

Note Ms. Hayes said she doesn't think she'd agree with "no dogs allowed" on the Clubhouse grounds and Mr. Meggers said people walk their dogs and come here with a ball for exercise ad so forth.

Note The Board further discussed the banning of dogs and Ms. Chapin offered that there's a reasonableness and she thinks all the dog owners she has ever run into are incredibly reasonable about how they use common areas and common facilities.

Note Thad Guzy of 17 Woodland said if you look at number 9 of the rules, it says no dogs on Association property including the Clubhouse, beaches, and piers.

Note Ms. Chapin said it's not like that rule can't be changed to seasonal, to allow dogs during the offseason, in months such as November.

Note Mr. Cellino said they have to use common sense, to enforce that rule they'd have to hire a dog catcher.

Note Ms. Chapin said she thinks it's upon all of us as a community; If we see somebody that's not cleaning up after their dog, maybe just a polite reinforcement. She noted there's a number of very responsible dog owners in the audience tonight and she thinks they kind of do the same thing.

Note Ms. Bonelli and Mr. Meggers discussed putting something in the Black Pointer to reflect this, and to remind people to not bring their dogs up here during Club hours.

Note Ms. Chapin said the beaches are a little bit more of a sensitive issue and maybe that's just a seasonal restriction like the Town uses- no dogs on the beaches between Memorial Day and Labor Day. She said to Mr. Guzy's point, the rules would need to be updated.

Task The Board agreed that the rules will be updated to allow dogs on the beaches with the seasonal exception of Labor Day to Memorial Day, and to allow dogs on the Clubhouse grounds outside of Club hours.

Owned by Brooke Stevens, Recording Secretary due 07/28/22

7. Approval of Meeting Minutes

7-1. BOG May 26th, 2022, Regular Meeting Minutes

Note See attached Summary

 [Summary of Motions Deferred Items May 26.pdf](#)

Note See attached Minutes

 [Minutes-of-Black-Point-Beach-Club-BOG-Regular-Hybrid-Meeting-05_26_22.pdf](#)

Decision MOTION (2)

Mr. Meggers moved to approve the Regular Meeting Minutes of May 26th, 2022 as presented.

Mr. Mastria seconded the motion.

Motion carried, 6-0-0.

7-2. BOG May 28th, 2022, Annual Meeting Minutes

Note See attached Minutes

 [Minutes-of-Black-Point-Beach-Club-Annual-Meeting-05_28_22.pdf](#)

Decision MOTION (3)

Mr. Meggers moved to approve the Annual Meeting Minutes of May 28th, 2022 as presented.

Mr. Mastria seconded the motion.

Motion carried, 6-0-0.

7-3. BOG May 28th, 2022, Organizational Meeting Minutes

Note See attached Minutes

 [Minutes-of-Black-Point-Beach-Club-Board-of-Governors-Organizational-Meeting-05_28_22.pdf](#)

Decision MOTION (4)

Ms. Chapin moved to approve the Organizational Meeting Minutes of May 28th, 2022 as presented.
Mr. Mastria seconded the motion.
Motion carried, 6-0-0.

7-4. BOG June 11th, 2022, Special Meeting Minutes

Note See attached Summary

 [Summary-of-Motions-Deferred-Items.pdf](#)

Note See attached Minutes

 [Minutes-of-BPBCA-Board-of-Governors-Special-Meeting-06_11_22.pdf](#)

Note Ms. Chapin said she has one minor correction-
Under #9, Association Manager Report, the language

"Mr. Moffett reported some of the following:

He took delivery of the boat dock, but it was the wrong size.

The Mobi mats will be installed next week and he's working with Nebelung on this, since it changes how he handles the beach.

Patrol starts next week."

is listed twice.

Decision MOTION (5)

Ms. Hayes moved to approve the Special Meeting Minutes of June 11th, 2022 as amended.

Ms. Chapin seconded the motion.

Motion carried, 6-0-0.

8. New Business

8-1. Zoning Commission Update with Jim Fox, Jim Allen, and Jim Ventres

Note Mr. Fox, Zoning Commission Chair, introduced himself and Jim Allen, Zoning Commission Secretary. He said unfortunately Mr. Ventres, the Zoning Enforcement Officer, is unable to attend tonight's meeting.

Note Mr. Fox shared some of the following:

He's been part of the Zoning Commission since August of 2015 and has been the Chair since July 2016.

Mr. Allen was named an alternate on the Commission in August of 2016 and became a Full Member in August of 2018, and has been the Secretary since then as well.

They've been very active updating our regulations since April of 2017.

Prior to coming here to Black Point, he lived in Marlborough and served on the Planning Commission there for 15 years, so he is very familiar with the process.

One of the things that he learned, is that you have to always be looking forward.

You have to be proactive with what you're trying to attract, and also be very careful of what you do attract.

The charge of the Zoning Commission is health, safety, welfare of our community.

When Mr. Ventres was hired in March of 2018, that was a huge advantage for us, because he's been in land use for almost 30 years.

We never had that type of experience before in Black Point.

They've amended at least 25 different regulations in the last five years.

Every regulation change has to come in front of the beach for a public hearing.

They've been very proactive with our regulations such as with erosion and sedimentation controls, and have tried to be prudent about the things that are responsible to protect our Association.

One of the things that they thought was important was this Property Maintenance Guide.

 [Guide-to-Property-Maintenance-July-1.pdf](#)

Note Mr. Fox also imparted the following:

The Zoning Commission has no authority in this Association.

They're an advocate for the Planning Commission.

By default, the Board of Governors is our Planning Commission here.

The idea behind the Guide is to help preserve our community and ensure each neighbor is doing their responsibility around protecting the homeowners values.

This is a difficult topic to talk about, as is blight, which is related to it.

The Town already has a blight ordinance but it's a very difficult regulation to monitor as well as enforce.

It's something that the Town is looking at possibly revamping given the associated difficulty.

The thought process of the Commission is that we should have something light, so to speak, that they could actually make suggestions to the BOG.

Whether they proceed with the Guide is up to the BOG to determine.

As for what's next, the concept of having a Master Plan is critical for the Zoning Commission.

Our regulations should be aligned with whatever the intentions are of the Association.

If we have that tool, then they can craft regulations that are aligned with that.

Until then, they can only do what they think is the right thing to do.

They want feedback above all else, and having that Master Plan would provide that absolute firm guidance for whoever happens to be sitting in the Chairman's chair for the Zoning Commission.

The only other thing that right now and that is, I think is extra critical is that in our current regulations, we have two districts, residential and business.

Our concern as a commission is that we have Association property that is identified as residential.

This classification would permit parts of the tennis courts, parts of the parking lots, parts of the Clubhouse grounds to be sold for development.

He thinks it's important for us to protect our assets and to consider another district within our Association., an Association District.

That way, we can protect what we have here.

He would also like to mention hedge height.

It's probably the most frequently discussed regulation and the one Mr. Ventres has to police the most.

It's difficult, because unlike a fence, it's forever growing.

Our current hedge height regulations are most important, especially at intersections.

Our current hedge height, regulation reads that the hedge can be no taller than 42 inches from the pavement, 10 feet from the intersection.

This is very minimal so he had Mr. Ventres research it.

The bottom line if you looked at it, and you kind of extrapolated 15 or 20 miles an hour, we're talking about something closer to three feet in height and 75 feet from the corner from the stop bar.

Note The Board briefly discussed hedge height.

Note Mr. Cellino said he would like to see the Maintenance Guide on the next BOG agenda.

Note Mr. Fox shared an incident where he encountered a contractor who was doing some hedge trimming. He asked him if he's aware that our hedge heights are 42 inches within 10 feet of the intersection, and he replied that he's aware, but the homeowner told him specifically not to follow that; no one want to take someone's privacy away, but he can't fathom that a member of our community believes that it's within their rights to put our children or our people at risk.

Note Mr. Cellino said this should be taken into consideration when they modify the regulation, and he wondered what enforcement measures might be added.

Note Mr. Fox briefly discussed how Mr. Ventres first writes a cease and desist letter in these matters and the party is given a certain amount of time to rectify the situation, prior to Mr. Ventres acting again.

Note Mr. Fountain mentioned the difficulty he's encountered backing out of the Boat Launch R-O-W.

Note Ms. Chapin wondered if it makes sense to analyze the impact of hedge heights and Mr. Fox said they can determine how many they have, their lengths, and so forth.

Note Mr. Cellino discussed how this is a good item for the Master Plan to explore. He added that he doesn't think a stricter regulation would upset most people given the legitimate safety concerns.

Note Mr. Fox reminded the Board that the monthly ZEO Report is attached to each set of their meeting minutes if they wish to peruse it.

Note The Board and Mr. Fox briefly discussed property maintenance and the desire to improve the aesthetics of the community.

Note Mr. Cellino said bettering the appearance should be encouraged all year since more and more people are here year-round. Mr. Fox said he thinks 35% of the community now lives here year-round.

Note The Board thanked Mr. Fox and Mr. Allen for all their hard work.

8-2. Paddle Board Rack

Note The Board discussed constructing a much needed paddle board rack which would be installed at Sea View, against the wall.

Note Mr. Meggers described how the rack is similar in design, to a bike rack.

Note The Board discussed the potential rack and placement.

Note MOTION (6)

Ms. Chapin moved to approve an expenditure of \$340 for the construction of a paddle board rack by the Wrecking Crew.

Mr. Mastria seconded the motion.

Note Ms. Chapin said there will still be room for small boats and that they want to make sure everyone is fairly represented.

Note Mr. Moffett said they might consider putting it somewhere else but that regardless, they will make it work.

Note The Board discussed how it might be better to round the expenditure up given the current cost of materials.

Decision MOTION (7)

Ms. Chapin amended her previous motion and moved to approve an expenditure not to exceed \$400 for the construction of a paddle board rack by the Wrecking Crew, which will be installed on the beach adjacent to Sea View.

Mr. Mastria amended his second.

Motion carried, 6-0-0.

9. Old Business

9-1. Website Update

Note Ms. Hayes said Ms. Anderson had to reschedule and she will be meeting her next week instead.

9-2. Club Update

Note Ms. Hayes reminded everyone that early signup for Club will take place on Sunday.

9-3. Golf Outing Update

Note Mr. Meggers said currently 18 (foursomes) have signed but while last year they had 29. He and his son went up and down Main Street seeking raffle prizes.

Mr. Meggers asked Ms. Stevens if she was able to share the golf info with the Black Pointer and she replied that she passed on the details to Suzanne Smith.

9-4. July 4th Picnic & Parade Update

Note Mr. Moffett detailed his plans for the Picnic and Parade and noted they'll start assembling at 10:15 a.m. and will depart at 11 a.m. sharp; the picnic will start at noon and he has volunteers from the Wrecking Crew and Men's Club lined up. He added that the parade will have a police and fire truck escort, and the beach will be fully staffed.

Mr. Moffett said they will do what they did in years past and M-Z will bring desserts and A-L will bring appetizers.

9-5. Road Race Update

Note Mr. Cellino said he will have this update for the next meeting.

9-6. Master Plan Update

Note The Board briefly discussed the 5 buckets of the Master Plan and the BOG Liaison/Participant for each:

Land use- Mr. Cellino

Beachfront- Mr. Meggers

Recreation- Ms. Hayes

Community Values- Mr. Mastria

Capital Assets/Infrastructure- Ms. Chapin

Note Ms. Chapin reported that she is still waiting for Mike Zuba to call her back and that the first step is the survey.

10. Further Public Comments

Note Ms. Hayes thanked Mr. Moffett for installing the tennis court screens and noted they work great.

Note Ms. Craven said she knows the right-of-ways have been surveyed so it might be Association property, who could therefore take care of the hedge height.

Note Ms. Craven also asked about incorporating the directory on the website since it's ever changing and the Board discussed how people would have to choose to opt into allowing online publication.

11. Adjournment

Decision MOTION (8)

Ms. Chapin moved to adjourn the June 23rd, 2022 BPBCA Board of Governors Regular Meeting at 7:39 p.m.
Mr. Mastria seconded the motion.
Motion carried, 6-0-0.

Note Respectfully Submitted,
Brooke Stevens, Recording Secretary

12.

Next Meeting

Meeting title: [Bpbca board of governors regular meeting](#)
Date and time: 07/28/22 06:00 pm to: 07/28/22 09:00 pm
Location: Black Point Beach Clubhouse, 6 Sunset Avenue, Niantic, CT, 06357

Task Summary

New Tasks

Task The Board agreed that the rules will be updated to allow dogs on the beaches with the seasonal exception of Labor Day to Memorial Day, and to allow dogs on the Clubhouse grounds outside of Club hours.

Owned by Brooke Stevens, Recording Secretary due 07/28/22