

# Minutes of Black Point Beach Club BOG Regular Meeting - 09/22/22

---

**Date and time:** 09/22/22 6:00 PM to: 09/22/22 8:00 PM

**Present:** Brooke Stevens, Recording Secretary, Tom Meggers, BOG Member , John Cellino, BOG Member, Colleen Hayes, BOG Member, Colleen Chapin, BOG Member, Tom Cherry, BOG Member, Will Fountain, Emeritus , Absent:., Janet Bonelli, BOG Chair

**CC:** Also Present: , Jim Ventres, Zoning Enforcement Official, Ruth Ames, Tax Collector, Al Capozza, Treasurer, Jim Moffett, Association Manager

**Location:** Black Point Clubhouse, 6 Sunset Avenue, Niantic, CT

**Link:** <https://app.meetingking.com/meetings/384712>

---

## Topics

### 1. Call to Order

**Note** The Board exited Executive Session at 6:03 p.m., Ms. Hayes, Acting Chair, called the regular meeting to order, and noted a quorum was present.

### 2. Additions to the Agenda

**Note** MOTION (1)

Ms. Hayes moved to add a discussion about remote voting to this evening's agenda.

Mr. Meggers seconded the motion.

Motion carried, 5-0-0.

**Note** The Board agreed to move Mr. Ventres up on the agenda in regard to liaison reports, so he would not have to wait for the duration of the meeting to speak.

### 3. Liaison Reports- Zoning

**Note** Ms. Chapin said some of the following:

With Jim Mastria's resignation we unfortunately don't have a Zoning Liaison.

She has a particular interest is Zoning.

The Zoning Commission will be having a public hearing on October 21st, to discuss some proposed regulation changes.

She has been reviewing the proposed changes and is a little concerned about the language that's there.

In regard to the Association District, she doesn't feel the language is complete, it's ambiguous.

It's not correct in some areas and because this is specifically about the Association District, and the BOG has the responsibility to minimize legal and financial risks, she thought they should discuss this language and make sure that they'll all good with it.

She said if there are any concerns, they might want a point person to attend the public hearing to represent their concerns.

**Note** Ms. Chapin provided the rest of the Board with copy of some of her initial thoughts regarding some of the proposed changes, which they discussed.

 [2022-09-14 Zoning Regulations - Association District.pdf](#)

**Note** Mr. Ventres said some of the following:

This initiated when he had a permit for the temporary tent in back, and it occurred to him that all of the Association properties are under the residential rules.

He thought that perhaps these properties needed to be separated out from the residential ones.

As far as the ambiguity, that's part of why you have the discussion at a public hearing.

The Zoning Commission members aren't in attendance because they're not supposed to hear anything outside of the public hearing process.

He understands that the Association hired Mark Branse of Halloran & Sage.

He has worked with Attorney Branse for many years.

Attorney Branse is old school and is going to want to review all of the regulations.

He's going to speak with him later this week to find out what his recommendations are.

There is a chance that Mr. Branse might recommend that they withdraw altogether.

If that is the case, he will notify the newspaper.

**Note** Mr. Ventres noted they've hired excellent legal council.

**Note** Ms. Chapin said assuming this goes forward, should the regulations be a little different for Association property? She confirmed with Mr. Ventres that the first step in achieving this would be by establishing an Association District.

**Note** Ms. Chapin noted that any rules could be crafted for Association District property and discussed with Mr. Ventres how the definition of "Association District" is all property owned by the Association. Ms. Chapin asked if they could change the language to reflect property owned by the Association in deeds.

**Note** Mr. Ventres said the only reason they left the one-foot strip, is that it's never up for building. Ms. Chapin pointed out that the one-foot strip along Sea Spray; the Board and property owners worked together to do a kind of deaccession, which allowed the property owners to purchase that strip. She said there is an action associated with those one-foot strips per something that's already been done, and that same kind of action could happen again.

**Note** Mr. Ventres said he knew this kind of scenario happened in East Haddam but wasn't aware it happened here. He confirmed the language can be changed to make it clear that it's the property owned by the Association as detailed in the deeds on file in the in the registry, and that the two maps can also be referenced.

**Note** Ms. Chapin said this way they will have more of a legal description and not risk leaving anything out, and it makes it clear that shoreline properties don't include items such as John Cellino's shoreline property.

**Note** Mr. Ventres said that's an easy fix and an easy amendment to a public hearing.

**Note** Ms. Chapin asked if Mr. Branse picked up on the error that says the accessory dwelling unit has to be more than 30% of the primary dwelling? Mr. Ventres said that was a typo and discussed how his base document is correct, but he has noticed problems such as spelling errors, when he exports the language.

**Note** The Board briefly discussed how the use of pdfs might help this issue, the proposed changes, and how the Board of Governors acts as the Planning Commission in the absence of one.

**Note** Ms. Chapin thanked Mr. Ventres for attending and helping them understand. She noted that she didn't want to be at the public hearing speaking as if she was representing the Board since she plays a dual role.

**Note** Mr. Ventres said if Attorney Branse recommends they start from scratch, he will discuss this with the Board and Zoning Commission, and they can act accordingly.

## 4. Communications

**Note** Ms. Hayes noted the Communications received were attached to the agenda and will be part of tonight's meeting minutes.

**Note** Attachment

 [Johnston Correspondence 1.pdf](#)

**Note** Attachment

 [Trocki Correspondence 2.pdf](#)

**Note** Attachment

 [Johnston Correspondence 3.pdf](#)

**Note** Lustig Attachment 1

 [DLBPletter.docx](#)

**Note** Lustig Attachment 2

 [Untitled document \(4\).pdf](#)

## 5. Public Comments

**Note** Ms. Hayes called for Public Comments.

### 5-1. Skip Guzy of 17 Woodland Drive

**Note** Mr. Guzy referenced his communication sent after last month's meeting, and read it into the record.

 [Public Comments Sept. 22 2022.pdf](#)

**Note** Mr. Guzy discussed said he's disappointed and offended by the way his wife was spoken to at the previous meeting and noted that's not the way you run a meeting. He said he'd like to applaud Colleen Chapin for trying to reach an equitable solution and governing in the way government is supposed to be done.

**Note** Mr. Cellino responded that he apologized, and they had an open debate which got heated on both sides, and he takes responsibility for that. He discussed how they've given members the latitude to speak freely without enforcing the three-minute rule and said perhaps it might be better to revisit this rule to avoid any future incidents. Mr. Cellino acknowledged that he was overzealous in his attempt to represent 581 people, but that he sincerely apologized.

**Note** Mr. Guzy said he doesn't think the time limitation was the determining factor to the negativity of the conversation and pointed out that Mr. Cellino represents him as well.

**Note** Ms. Stevens confirmed that the letter written by Mr. and Mrs. Guzy is attached to the meeting minutes of August 25th, 2022, under communications. She said the new letter Mr. Guzy provided tonight will be attached to the minutes for this meeting.

**Note** There were no further Public Comments.

## 6. Reports

### 6-1. Treasurer

**Note** See attached report.

 [Financial\\_Report\\_Budget\\_VS\\_Actual\\_as\\_of\\_9-22-22.xls](#)

**Note** Mr. Capozza discussed his report and noted the following:

Total YTD Income amounted to \$318,953, an increase of \$9,473 vs last month YTD report. Items contributing to this amount are taxes collected (\$7,053), Zoning Permit Fees (\$1,020), Clubhouses Rental Fees (\$900) and all others (\$500).

Total YTD Expenses amounted to \$120,793, an increase of \$39,342 vs last month YTD report. Items contributing to this amount are Legal Fees (\$8,671), Master Plan (\$5,980), Waterfront Maintenance (\$5,249), East Lyme Taxes (\$5,088), Payroll (\$5,015), Outside Security (\$4,142), Black Pointer (\$1,502), Utilities (\$847), and all others (\$2,848).

Total Actual from July1 thru September 22, 2022, YTD, Income minus Expenses equals \$198,160 Positive. Estimate to June 30, 2023, Income Minus Expenses equals approximately \$21,000, Negative.

## 6-2. Tax Collector

**Note** See attached report.

 [TAX\\_COLLECTOR\\_REPORT\\_9-22-2022\\_for\\_2022-2023.pdf](#)

**Note** Ms. Ames said 98% have paid their tax bills, only 11 people haven't paid. and she has received 3 partial payments. She will be sending notices on October 1st to anyone who hasn't paid notifying them that liens will be filed against their property.

## 6-3. Association Manager

**Note** See attached report.

 [September\\_2022x\\_DAILY\\_Association\\_Managers\\_Report\\_\(1\).pdf](#)

**Note** Mr. Moffett shared some of the following:

The Nehantic Dock will be pulled out next weekend.  
The docks, buoys and beach equipment will be power washed.  
He plans to pull out the paddle board and kayak racks on October 15th.  
He plans to push up the sand and close the clay courts on November 1st.  
He plans to leave the hard courts open through the winter.

**Note** The Board and Mr. Moffett discussed how the Nehantic float is protected by the pier, and how it costs \$450 to pull up each dock whether it's right after Labor Day or October 15th.

**Note** Mr. Moffett detailed the plans for the audio & visual upgrades and noted some of the following:  
Jamco has visited the Clubhouse.

A plug will be moved to accommodate the tv.  
They will also start running the wires.

Larry Connors is building a shelf to help house the new equipment.  
Integrated Security will be moving the sensor towards the right and a shelf will be installed to hold two speakers.

Jamco will also be running the lines for one speaker out front, and two speakers out back.

**Note** Ms. Chapin asked if they received a proposal for these costs because she's never seen one that includes the electrical work.

**Note** Mr. Moffett replied they've had a working group, and the electrical is going to be around \$400 or \$500. He added that he would like to replace the fan in the men's room at the same time, since it's currently so loud, the door has to be closed during a meeting. Ms. Chapin said replacing the fan will require an additional \$200.

**Note** Mr. Moffett said the Men's Club has committed to contributing \$2,000 towards the new tv and the Board discussed the equipment needed for the upgrade.

**Note** Ms. Chapin briefly discussed the importance of incorporating equipment that allows them to have more appropriate hybrid and virtual meetings, while they do these upgrades.

**Note** Mr. Cellino pointed out that the Clubhouse ceilings are insulated but the bathrooms aren't. He discussed how there is a possibility that if we put electric heaters in there on a thermostat, keep it at 50 degrees, they might be able to leave the Clubhouse open during the winter months.

**Note** Mr. Cellino said they wouldn't have to turn the water off, which will save them \$250 each time and Mr. Moffett confirmed that there is interest in utilizing the Clubhouse during the winter.

**Note** Mr. Moffett said one rental alone would cover the heating cost and Mr. Meggers asked if a professional is confident that 50 degrees will be sufficient for preventing the pipes from being frozen.

**Note** Ms. Chapin said 50 degrees sounds reasonable but will require extremely diligent checking.

**Note** Mr. Meggers discussed how everything is on an app now and how he monitors his own heat went not in town.

**Note** Ms. Chapin said she bring IR Camera in the Clubhouse when it's colder so they have some indication of where we might have voids, water lines, and the like.

**Note** Mr. Moffett said the bottom line for the audio-visual upgrade is \$5,850, \$900 for the electrical, and whatever the nest costs. Ms. Chapin suggested \$2,000 for the electrical and nest to be safe. She said it looks like for far less than \$10,000, they can get a lot of AV upgrades, and possibly some heat and plumbing upgrades as well.

**Decision** MOTION (2)

Ms. Chapin moved to approve the net expenditure of \$5,500 from the capital line for the AV upgrades and associated electrical as discussed.

Ms. Hayes seconded the motion.

Motion carried, 5-0-0.

**Note** Mr. Cellino and Mr. Moffett said they really need to thank Steve Constantine for all his advice and assistance with this project.

**Note** Mr. Moffett said in regard to Mr. Guzy's previous question about parking tickets, he thinks they got the message out there with the warnings and tickets and feels we're at 90%. He added that warnings usually work, and he's always going to give warnings first, and the tickets were never intended to be a money-making endeavor.

**Note** Ms. Chapin said they received a letter on behalf of the Cahill Fund, and they're not interested in receiving the money made from issuing parking tickets. She pointed out that despite the practice made by the previous Board, they cannot obligate somebody to spend money for charity.

**Note** Ms. Stevens said the Board at the time didn't want the writing of parking tickets to be construed as a moneymaker because that wasn't the intent, they said if any money came in, they wanted to do good with it.

**Note** Mr. Moffett said no money was made by issuing parking tickets this year.

## 6-4. Wrecking Crew

**Note** Mr. Allen was not in attendance due to the discussion regarding the content of the planned Public Hearing for the Zoning Commission.

## 6-5. Liaison Reports

**Note** There were no further reports.

## 7. Approval of Meeting Minutes

**Note** See attached minutes

 [Minutes-of-BPBCA-Board-of-Governors-Special-Meeting-08\\_25\\_22.pdf](#)

**Decision** MOTION (3)

Ms. Hayes moved to approve the Meeting Minutes of the August 25th, 2022, Special Meeting as presented.  
Ms. Chapin seconded the motion.  
Motion carried, 5-0-0.

**Note** See attached minutes

 [Minutes-of-BPBCA-Board-of-Governors-Regular-Meeting-08\\_25\\_22.pdf](#)

**Decision** MOTION (4)

Ms. Hayes moved to approve the Meeting Minutes of the August 25th, 2022, Regular Meeting as presented.  
Ms. Chapin seconded the motion.  
Motion carried, 5-0-0.

**Note** See attached minutes

 [Minutes-of-Black-Point-Beach-Club-BOG-Special-Meeting-09\\_01\\_22.pdf](#)

**Decision** MOTION (5)

Ms. Hayes moved to approve the Meeting Minutes of the September 1st, 2022, Special Meeting as presented.  
Ms. Hayes seconded the motion.  
Motion carried, 5-0-0.

**Note** See attached minutes

 [Minutes-of-Black-Point-Beach-Club-Board-of-Governors-Annual-Informational-Meeting-09\\_03\\_22.pdf](#)

**Decision** MOTION (6)

Mr. Meggers moved to approve the Annual Meeting Minutes of September 3rd, 2022, as presented.  
Mr. Cellino seconded the motion.  
Motion carried, 5-0-0.

## 8. Old Business

### 8-1. Playground Equipment Discussion

**Note** Ms. Hayes said she previously forwarded 3 pieces of playground equipment for the Board to consider. She discussed the pirate ship they can buy without the swing set attachment, and asked Mr. Fountain if he thinks this is something the Wrecking Crew can put together?

**Note** Mr. Cellino stressed the importance of having a professional install the equipment given liability and safety concerns.

**Note** Ms. Hayes said she will call the vendor to ask about installation and said they have two other pieces that are more expensive; she thinks they can purchase the ship with what the Rec Program made this year and last year they talked about pooling those resources. Ms. Hayes said they can revisit the item after she obtains more information.

**Note** Mr. Moffett said they should consider the location of the playground equipment carefully, so children aren't looking over people's properties.

**Note** The Board discussed the potential playground equipment and how they will speak to abutting property owners if they proceed.

## **8-2. Website Discussion**

**Note** Ms. Hayes reminded everyone that Eleanor Anderson offered to redesign our website and they've met twice since our last Board meeting. She said they kind of got a general concept and layout and now she's going to put some meat into it; they felt like we needed something to show people before we ask for feedback. Ms. Hayes said hopefully she'll have more to report at the next Board meeting.

## **8-3. Master Plan Update**

**Note** Ms. Chapin said some of the following:

The survey results provide a lens into the community's feelings and values and needs and wants.

It's just a snapshot in time, it's one lens.

The consultant is going to have an internal meeting to start to develop a structure from which to work from going forward.

They're going to take a first pass based on their experience with this process and pull from that experience to look at things creatively and objectively which will give rise to general themes of the forthcoming plan and the draft prioritization plan.

The general plan elements will be who we are, who are we, what we have been, what we strive for, what actions will get us there.

When this process started a lot of focus on these buckets, and we are we need to set that aside a little bit.

The recommendation from the consultant is to create a steering committee.

It should be no more than 10 people, no more than three Board of Governors members so that we don't have a quorum and will be held to open meeting standards.

The public can listen, watch.

There doesn't have to be public comments.

Minutes will be made available.

We want that to be very transparent.

Those on the steering committee really need to work reach out to the community and be ambassadors to pull out additional information.

The survey results show gaps, some of which are obvious, and some a little less.

This initial baseline will give us areas of focus and structure.

The Steering Committee will then work to provide input and context around the themes.

She would like to be a part of the Steering Committee and suggests Mr. Meggers as well, since he's done a lot of work already with getting input on the beaches and the boating part of it.

She doesn't know what other Board members might be interested but thinks they need somebody who is has young kids to the recreation aspect of the community.

She knows Ms. Hayes is busy but she really kind of fits that role.

Zoning needs a voice as well, she has spoken to Jim Fox, and he is recommending John Horoho.

She'd like to see some people that have an infrastructure viewpoint.

She doesn't think it could include all three of them, but Ed Zito, Peter Baril, and Phil Lombardo are important voices to consider.

**Note** She said there will be a virtual component in addition to meeting in person and asked if anyone has any other thoughts or suggestions.

**Note** Mr. Fountain recommended that Mike Johnson participate in the Steering Committee.

**Note** Ms. Hayes said she has a couple of names who have expressed interest in being involved in the recreation component, who she will check with.

**Note** Mr. Cellino said he thinks Ed Zito is a good choice and the Board discussed how Rick Diachenko would be a good voice given all the work he does with the Men's Club.

**Note** The Board decided they will gauge community interest and officially appoint members at the next meeting.

#### **8-4. Policy for Clubhouse Tables & Chairs**

**Note** Mr. Cellino discussed creating a rental policy for members to rent tables for \$2 each, chairs for \$1 each, with a \$100 deposit to be handled by Mr. Moffett.

**Note** Ms. Hayes asked if this should be part of the rules?

**Note** Mr. Meggers said he's in agreement with this proposed policy; the tables and chairs belong to everyone in the Association, and past interest indicates that they'll only be rented out on a handful of occasions.

**Note** The Board further discussed the proposed policy.

**Note** Ms. Hayes said her only concern is if the Clubhouse is being rented at the same time.

**Note** Ms. Chapin discussed how an official form can be crafted for double bookings along with a waiver.

**Note** Mr. Cellino detailed how he created a form which he will update with the information discussed tonight, and he will present it at the next meeting.

**Note** Ms. Hayes suggested having the form reflect how many chairs and tables will be needed for each rental.

**Note** Mr. Cellino noted there has only been three rental requests in the last 5 years.

## **8-5. Rock Buoy (off of boat launch) - bids to acquire & install**

**Note** Mr. Moffett detailed the bid he received which comes to around \$1,400.

**Note** The Board discussed the importance of meeting the specifications of the DEEP permit.

**Note** Ms. Chapin asked if this expense comes out of waterfront maintenance and Mr. Capozza said most likely.

**Note** The Board further discussed the materials needed for the project.

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

Ms. Hayes moved to approve an expenditure for the purchase of the mushroom with appropriate shackling for the danger rock buoy, in compliance with the DEEP permit, and not to exceed \$1,400.

Mr. Meggers seconded the motion.

Motion carried, 5-0-0.

**Note** Mr. Meggers discussed how the boat beach needs to be cleaned once a week given the seaweed, or at least every two weeks. Mr. Moffett said he will check on this to determine the cost.

## **9. New Business**

### **9-1. Remote Voting**

**Note** Ms. Hayes said some of the following:

This item came up at the Informational Meeting.

Our current bylaws say any qualified member of the association shall be entitled to vote at any meeting of the members provided that he or she is actually present at the meeting.

The use of proxies, powers of attorneys, or other designations of voting power are expressly prohibited.

After the Charter Revision, we're one property, one vote.

She's done a little bit of research and there's some online software that's been recommended called ballinteer.com.

You can register, and if you're not able to attend in person, you can still participate in the voting process for Black Point.

She would like the Board to consider changing the bylaws.

She will have language to propose this change at the next meeting.

She will look into a couple of options and see what the cost is and then they can go from there.

**Note** The Board further discussed the prospect of remote voting.

## 10. Further Public Comments

### 10-1. Mike Johnson of 45 Bellaire

**Note** Mr. Johnson called attention to rule #7 under Clubhouse Rules which prohibits taking chairs and tables outside of the Clubhouse.

### 10-2. Arlene Garrow of 58 Bellaire

**Note** Ms. Garrow said she's not in favor of renting out the tables and chairs, but if this is something they're going to do, they should consider who's going to replace something if it's broken, and who will be picking up the tables and chairs. She doesn't think Mr. Moffett should have to be responsible for picking up the tables and chairs or dropping them off.

**Note** The Board further discussed renting out tables and chairs and how conflicting events might be minimized in terms of use.

## 11. Adjournment

**Decision** MOTION (8)

Ms. Chapin moved to adjourn the September 22nd, 2022, Board of Governors meeting at 8:04 p.m.

Ms. Hayes seconded the motion.

Motion carried, 5-0-0.

**Note** Respectfully submitted,  
Brooke Stevens, Recording Secretary