

Minutes of Black Point Beach Club BOG Regular Meeting - 02/23/23

Date and time: 02/23/23 6:00 PM to: 02/23/23 8:30 PM

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

CC: Al Capozza, Treasurer, Jim Moffett, Association Manager, Absent: Ruth Ames, Tax Collector

Location: Via Zoom: <https://us02web.zoom.us/j/82527648024?pwd=ZVRoTWN3N0FoSHY3bTc4NWFJS0ISdz09>

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Link: <https://app.meetingking.com/meetings/393288>

Topics

1. Call to Order

Note Chairperson Bonelli called the meeting to order at 6:03 p.m., did rollcall, and noted a quorum was present.

2. Additions to the Agenda

Note Ms. Bonelli said she has an addition to the agenda, and it's to appoint Peter Meggers to the Board. She feels that they need a full Board to finish off this year, and with everyone's busy schedule, not all Members are able to attend every meeting. Ms. Bonelli added that Peter Meggers is invested in the community, has small children, and is interested in participating; he ran for the Board last season.

Decision MOTION (1)

Ms. Bonelli moved to add a discussion about appointing Peter Meggers to the Board of Governors, under New Business.

Mr. Cellino seconded the motion.

Motion carried, 5-0-0.

Note Mr. Cherry mentioned adding the request for a volleyball court to the agenda and Ms. Hayes shared that she responded to the email, and asked for numbers so they can have a real discussion about it.

Task Ms. Hayes asked Ms. Stevens to add the request for a volleyball court to the next meeting agenda, under New Business.

Owned by Brooke Stevens, Recording Secretary due 03/23/23

Note Mr. Cellino said he would like to add a discussion about a possible concrete pad to go underneath the tent, to the next meeting agenda. Mr. Cellino said given that Mr. Fountain suggested that area for a possible volleyball court, if they choose to install a concrete pad for the tent, they could dig out the area for the volleyball court at the same time. He noted this would be the most cost-effective way of completing both projects.

Task Mr. Cellino asked Ms. Stevens to add the discussion for a concrete pad, for underneath the tent, to the next meeting agenda.

Owned by Brooke Stevens, Recording Secretary due 03/23/23

Note Mr. Capozza said playground equipment, under New Business, should also be attended to this evening's agenda. He explained how he looked back at past meeting minutes and no motion has been done yet to approve a playground equipment expenditure.

3. Communications

Note email #1

 [Suzanne Smith_email.pdf](#)

Note email #2

 [Jim Mastria_email.pdf](#)

Note email #3

 [Will Fountain_email.pdf](#)

Note email #4

 [Cheryl Colangelo_email.pdf](#)

Note Ms. Hayes said there was a communication from Peg Auth about the stone wall which said they should be worried about eminent domain; Because of our status eminent domain is not a concern for our Association. She added that no one could take Black Point property by eminent domain and that has been well researched by our prior General Counsel and confirmed by our current General Counsel.

4. Reports

4-1. Treasurer

Note see attached report.

 [Financial Report Budget VS Actual as of 2-23-2023.xls](#)

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

Through February 23rd, 2023, total YTD Income amounted to \$330,268.

This an increase of \$1,210 from last month's YTD report and the increase consists primarily of Zoning Permit Fees (\$1,125).

Total YTD Expenses amounted to \$223,725, which is an increase of \$10,411 from last month's YTD report. Some items contributing to this amount are Payroll (\$4,502), Waterfront Maintenance (\$1,423), Tennis Courts (\$1,373), CY Capital Expenditures (\$1,347), and Utilities (\$823).

The capital expenditures of \$1,300 is the work done in Clubhouse, specifically the LED lights and upgrades.

Total Actual from July 1 thru February 23, 2023, YTD, Income minus Expenses equals \$106,543, Positive. Estimate to June 30, 2023, Income Minus Expenses equals approximately \$38,000, Negative.

Note Ms. Bonelli asked how much litigation was and Mr. Capozza replied that it was \$100.

Note Mr. Capozza reported that they received an \$1,800 check from the Men's Club, as a contribution towards the AV upgrade at the Clubhouse.

Note Ms. Chapin said some of the following:

As they plan for the new budget, she'd like to understand how they can take our current budget and make sure they account for items appropriately for June 30, so that they're not coming in \$38,000 over budget. It looks like they have \$18,000 right now in the capital expenditure account and she'd like to know if that money is available to cover this legal expense.

She sees a line that could be \$100 for grass cutting and we've only spent \$1,000 for ground maintenance. Isn't kind of is that the same thing?

Is this from last year or have we not been invoiced yet?

Do we have money here that we can reallocate to help us cover these expenses appropriately as we go forward?

We do have a contingency line which is usually reserved for an emergency or unexpected items.

Legal fees might be an unexpected item in this case.

She'd like to see how we can critically look at our budget and make sure we can land this closer to the budget approved by the Membership and not dip into reserves that are outside of that budget.

Note Mr. Cellino discussed the legal fees.

Note Mr. Cellino said much of the expense for the two active lawsuits is behind them and they're not expecting a continuance of large legal bills. He pointed out that they have a lot of other issues they're dealing with that have been around for the last 10 or 20 years, that the Association and prior Boards have not dealt with.

Note Mr. Cellino cited the West Lane Lawsuit, the West Lane right-of-way, the review of the Zoning Regulations by the Association Attorney as examples of additional future legal bills. He thinks going forward, they should be budgeting a much larger number for legal fees.

Note Ms. Chapin wondered if some of these legal items can wait until the next fiscal year given that they have well overspent in this line item? She asked at what point do they say we need to leave this for the next budget cycle?

Note Mr. Cellino said as far as he's concerned, they don't, they can't keep kicking the ball down the road like the Board has done in the past; they've taken on these issues and made a commitment- these issues must be dealt with.

Note Mr. Cellino added that they're making great strides and this money is not being spent frivolously.

Note Mr. Cellino discussed how legal expenses are billed and noted there is usually a 30–60-day lag anyway.

Note Ms. Chapin said legal expenses are an issue for them, they changed firms, and knew it would be more expensive. She reminded the rest of the Board at the June meeting there were quite a few people in the Association who were concerned this is where we would be with legal fees.

Note Ms. Chapin asked if there are other areas in our current approved budget that they can tighten, to be able to cover the legal expenses for this fiscal year.

Note Ms. Bonelli said they're going to discuss starting the budget cycle work in March, so they can talk in more detail at that time.

Note Ms. Chapin said this is about this year's budget not next year's budget. She sees that we're \$30,000 over budget, and she'd like to know how we're going to cover that.

Note Mr. Cellino said perhaps Mr. Capozza can take a hard look at the budget, and they can see where we stand at the next meeting. He said they also put extra funds in the budget last year which they might want to use for this item, and projects that might come up like a concrete pad or volleyball court.

Note Ms. Hayes said just to be clear, that legal fee overage is due to litigation; it is not because of regular business that needs to be sorted out, and they would have otherwise likely stayed within budget.

Note The Board discussed how Halloran & Sage is their general counsel, while Robinson & Cole were hired for their specific expertise.

Task Ms. Chapin asked if they could get a breakdown for next month of how much of their expenditures have been related to the litigation and how much have been for general counsel activities related to the Association's normal course of business?

Owned by Al Capozza, Treasurer due 03/23/23

Note The Board had a brief discussion about how the legal costs are public record while legal strategy is reserved for Executive Session.

Note Mr. Capozza pointed out that they need to subtract the Master Plan from the \$38,000 figure and Ms. Chapin briefly discussed how some of these items might be better accounted for in the next budget.

4-2. Tax Collector

Note see attached report.

 [TAX COLLECTOR REPORT 2-20-2023 for 2022-2023.pdf](#)

Note Ms. Hayes reviewed Ms. Ames' report since she was not in attendance and noted there are 577 accounts paid in full, and one unpaid out of the total 578 property owners.

4-3. Association Manager

Note see attached report.

 [February 2023 Association Managers ReportR .pdf](#)

Note Mr. Moffett said some of the following:
He's gathering bids right now for both lawn service and waterfront service.
He hopes to have those figures for the next meeting.
The Clubhouse has been open, it's heated and fully insulated.
He's finalizing the audio upgrades.

Note Ms. Chapin said she noticed Jan Electronics listed on his report and asked if he's working with someone new now? Mr. Moffett explained that is who he's purchasing the speaker cables from since it's been difficult to find; Carl from Jan Electronics visited the Clubhouse to determine exactly what we need.

Task Ms. Chapin said Ms. Stevens informed her that the library can now host hybrid meetings, and this might be a great opportunity to see how they're handling hybrid meetings, so we can make sure that we have the right kind of equipment and setup. Mr. Moffett said he will visit the library and view their setup.

Owned by Jim Moffett, Association Manager

Note Mr. Moffett and the Board discussed how the March meeting will take place in person, at the Clubhouse.

Note Mr. Moffett asked about the hole in the scour wall at the bottom of Bellaire and whether he should fill that in with rocks again? Mr. Cellino asked him to hold off on that and said that he and Mr. Fountain will take a look at it on Saturday.

Note Ms. Chapin asked about his schedule for daily grooming, which is set to start on June 16th. Mr. Moffett explained that the schedule is based on the school calendar and Memorial Day concept.

Note Mr. Moffett said they talked about \$450 when they discussed the repair of his drive clutch on his golf cart at the last meeting, but that figure should have been \$540, and when he received the invoice, the actual amount was \$611.

Decision MOTION (2)

Ms. Bonelli moved to approve the increase of \$161, resulting in a total expenditure of \$611 to cover the expense of repairing Mr. Moffett's golf cart.

Mr. Cherry seconded the motion.

Motion carried, 5-0-0.

4-4. Wrecking Crew

Note Ms. Bonelli noted the Wrecking Crew continues to do amazing work and Mr. Moffett shared some of the following:

They finished fixing the Clubhouse insulation and the ceiling where the water came in.

Whenever anything is needed, or he sends out a text, they show up.

Jim Mastria, Dan Deknis, Russ Quick, Bob Gunther, Mike Johnson, and Jimmy Allen, among others, are amazing.

4-5. Liaison Reports

Note Ms. Chapin noted they don't really have a Zoning Liaison since Jim Mastria resigned. She wants to communicate to the Board the following:

Per new state regulations, all Land Use Boards now have to undergo biannual training.

UConn is currently offering free webinars that will fulfill this requirement right, and she and a number of other people have been attending the training.

The organizing body- the Board of Governors, is required to make sure our teams are going through this training.

We as the Board, should follow up with those Chairs to make sure that that their members are in fact going to the training classes.

The live webinars have been taped and they're going to be freely available.

It wouldn't hurt people on the Board of Governors to also understand some of these processes as well.

Note Ms. Hayes gave a brief Rec Program report and shared the following:

The job postings have been up on the website for about three weeks.

If any of your kids or grandkids want to apply for either a volunteer or a counselor position, or the water safety instructor position, please have them go to the Black Point website to the rec program page. There is an online application and then they can email a resume to the email that is posted.

Nadia Banever will be returning as Director.

She did not think initially that she could, but her schedule can now allow it.

Erica Garnett is not returning but they're hiring a Junior Director, which would be an 18 or over person, perhaps a former counselor.

The Club program will run from June 26th through August 11th.

Applications are open until March 15th.

5. Approval of Meeting Minutes

5-1. January 26th, 2023, Special Meeting Minutes

Note see attached minutes.

 [Minutes-of-BPBCA-Board-of-Governors-Special-Meeting-01_26_23.pdf](#)

5-2. January 26th, 2023, Regular Meeting Minutes

Note see attached minutes.

 [Minutes-of-Black-Point-Beach-Club-BOG-Regular-Meeting-01_26_23.pdf](#)

Note Ms. Chapin said she has a clerical correction; the wording of the remote voting wasn't completely accurate and should read as follows-

Article II. Sec. 5. Any member of the Association shall be entitled to vote at any meeting of the members, with one vote per property in accordance with Section 1(b) of the Charter provided that he or she is actually physically present at the meeting or is participating virtually by an approved electronic platform. Such meetings may be held in person, virtually by means of electronic platforms which permit authentication of the participant as an eligible member, or a combination of the two, provided that any such meeting shall comply with the Connecticut Freedom of Information Act. Regardless of the format of the meeting, the use of proxies, powers of attorney, or other delegation of voting power to another member of the Association are expressly prohibited.

Decision MOTION (3)

Ms. Bonelli moved to approve the Special Meeting Minutes of January 26th, 2023, and to approve the Regular Meeting Minutes of January 26th, 2023, as corrected.

Mr. Cherry seconded the motion.

Motion carried, 5-0-0.

Note Ms. Chapin discussed establishing a mechanism for keeping record of old language and notating the date it was changed.

6. Old Business

6-1. Website Discussion

Note Ms. Hayes said Ms. Stevens has been acting as a Liaison between Leslie, the webmaster, her, and Ms. Chapin. She said they will all be having a zoom call next week to discuss the website, and Leslie has made a mirror website so she can do the work on it without affecting the functionality of our current website. Ms. Hayes said they're going to go over what we need and are looking for in more detail.

Note Ms. Hayes is hoping to have something to present to the Board at the next meeting so that the rest of the Board can provide feedback, as well as input, on the redesign.

6-2. Playground Equipment

Note Ms. Hayes read the text update Mr. Fountain provided, which said some of the following:
He met with the gentleman from Fleming's about the pirate ship to confirm it comes premade, and to confirm that the trailer can fit back there.
He sees no problem setting it where they want it.
We have to ask Mr. Moffett to remove the chin up bar and fill the climbing feature nearest the swings.
Delivery will be early May and the price of \$4,389.98 is payable on delivery.
We need to ask out Mr. Capozza for a completed tax-exempt form for Fleming's.

Decision MOTION (4)

Ms. Hayes moved that they move forward as discussed with the delivery of the pirate ship in early May for the cost of \$4,389.98.
Ms. Bonelli seconded the motion.
Motion carried, 5-0-0.

Note Mr. Capozza and the Board discussed how this expenditure will come out of the capital line account.

Note Ms. Chapin asked about future budget planning for additional playground equipment, and Ms. Hayes replied that she's hoping the restructuring of Club will allow enough money to be made to purchase additional playground equipment for the Fall, cost permitting.

Note Ms. Hayes briefly detailed the two pieces of equipment she's considering, and Ms. Chapin asked if she's ever considered anything for their playground that's more accessible so that kids of different physical abilities can reach them?

Note Ms. Hayes said she has not analyzed the playground in that vein and Ms. Bonelli said the task at hand was basically to get rid of some of the older equipment and that was their only focus.

Note Ms. Hayes said it hasn't been brought up previously, but she's not saying that it shouldn't be explored.

6-3. Master Plan Update

Note Ms. Chapin offered the following report:
They've been trying to coordinate with the consultants to review some goal points and objectives. The consultants are going to sit back down with them, and they've been trying to coordinate times. It's really frustrating on both sides of the equation.
They're kind of limited in how they can meet and get together routinely.
She has a meeting with them tomorrow.
They're waiting to for the consultants to give them the next step and outline, work with their goals that they've started to develop.
The consultants can add value because they have a broad perception of what opportunities might be out there that they can pull.

6-4. Update on Written Policy for Clubhouse Tables & Chairs

Note see attached agreement for consideration.

 [BPBC - Black Point Table and Chair Rental Agreement.pdf](#)

Note Mr. Cellino said he took each comment that was given at the previous meeting and incorporated them into the policy.

Note Mr. Cherry said he did a good job and has nothing to add.

Note Mr. Cellino said their comments were very helpful.

Note Ms. Chapin said she thinks it's great and asked if it's worthwhile to make the document public and vote on it next month?

Note Mr. Cellino said it's a minor item, and he rather they not kick it down the road.

Note Mr. Cherry said he doesn't think there will be a big community outpouring, so he thinks they can vote on it.

Note Ms. Hayes agreed and pointed out that it can be changed if deemed necessary.

Decision MOTION (5)

Ms. Bonelli moved to adopt the written policy for the rental of Clubhouse tables and chairs.

Mr. Cherry seconded the motion.

Motion carried, 5-0-0.

6-5. Remote Voting Update

Note Ms. Hayes asked if anyone else would be willing to take this item on since she is lacking time due to work commitments. Ms. Bonelli said she can assist her with this.

Note This item was tabled until the next meeting.

Note Mr. Cellino said he did speak to Jim Ventres, the Zoning Enforcement Officer, about some of the issues Ms. Chapin brought up at the previous meeting, and he is investigating it, and will have either a written or verbal response for the next meeting.

7. New Business

7-1. Discussion to consider appointing Peter Meggers to the BOG

Note Ms. Bonelli said the following:

She thinks we need a full Board to continue on throughout the cycle.

We have the budget coming up.

He is a member of the community.

He's got young kids, he's very invested.

We have that ability to add someone.

Everyone is busy and she's afraid that we won't have a quorum if we appoint someone.

He's really excited to be on it.

Note MOTION (6)

Ms. Bonelli moved to appoint Peter Meggers to the BPBCA Board of Governors.

Mr. Cherry seconded the motion.

Note Ms. Hayes said she had Covid during the Annual Meeting, but she believes he ran for the Board, so he's obviously interested.

Note Mr. Cellino said he's an attorney and his specialty is insurance litigation.

Note Ms. Bonelli said more importantly, he has young kids and wants to do something for the community. She said she knows some concern was expressed about having two family members on the Board, but if both she and her husband were on the Board, they wouldn't agree on anything.

Note Ms. Bonelli said they're both strong men that have their own opinions, and she's not worried about one influencing the other after talking to both of them.

Note Mr. Cellino said their whole entire family has been here for several generations, he would be our youngest member, and we desperately need some additional perspectives.

Note Ms. Chapin offered the following comments:

She has some concerns.

She appreciates the value that Peter Meggers can bring to the table.

But they two and a half months away from the Annual Meeting, and have made it this far.

It's going to be for a two-year position.

She would like to have the community be able to vote on this position.

And at the very least, not have a vote on this until next month, where we can maybe solicit more community input.

She thinks that is a more transparent and appropriate direction that we should be going in it.

She agrees that Peter could add a lot of value.

She does have a little bit of a concern about a potential conflict of interest being that he does work for Robinson & Cole since we have Robertson Cole as our advisory attorney for litigation services.

She would like to see this go before the community, so the community has a say on this.

Note Mr. Cellino said he was the one who stepped up to the plate and put his application in, he deserves an opportunity, and he thinks they should vote on it.

Note MOTION (6)

Ms. Bonelli moved they vote on appointing Peter Meggers to the Board.

Mr. Cherry seconded the motion.

Note Ms. Hayes said she appreciates Ms. Chapin's point of view, but we the Board does have the ability to appoint a replacement when a Board Member leaves.

Note Ms. Chapin said just because you can doesn't mean you should. She disagrees, at this point, it should go to the community, but she's outvoted.

Decision MOTION (7)

Ms. Bonelli moved to appoint Peter Meggers to the BPBCA Board of Governors.

Mr. Cherry seconded the motion.

Motion carried, 4-1-0.

Nay: Ms. Chapin

7-2. Budget Cycle Discussion

Note see attached budget calendar.

 [BP Budget Calendar-2023-24.docx](#)

Note Mr. Capozza reviewed the calendar and said the following:
Tonight, we will review this process and start asking for inputs on expenses and revenue considerations from the Board, the Rec Director, Zoning and the Association Manager.

Mr. Moffett has already reached out and started to solicit some quotes on services for next year.

By March 9th, we're looking at receiving some of the input back so we can start up putting it together on spreadsheet.

On March 16th we're possibly looking at the estimated mill rate.

March 23rd is the Board of Governors Meeting and we'll run through the entire preliminary budget at that time.

We'll update if necessary, and then we will present the final proposed budget for the approval of the Board of Governors.

We'll make any last-minute changes and by May 1st, we'll have the final budget available for mailing to the Black Point community.

We'll make the presentation of that budget at the annual meeting on the 27th of May.

Note Mr. Capozza and the Board briefly discussed the cost of Eversource utilities.

Note The Board further discussed the budget calendar and process, and how they might present numbers in a more transparent and understandable fashion.

7-3. Update on Use of Clubhouse year-round

Note Mr. Moffett said it was a mild winter, but he doesn't have any concerns about keeping it open year-round, and insulating above the kitchen was beneficial.

Note Mr. Moffett discussed how they're monitoring propane use and will continue to do so.

Note Ms. Chapin said this was a weird year weather wise so they should continue to monitor this; energy costs are rising, and we need to determine what the budget implications are so we know what our expenses are, and revenue is.

Note Ms. Bonelli said it's not just about revenue, it's about community; the Men's Club and Women's Club are using it. She said they should know the cost but if it's not outrageous, they should be permitted to continue.

Note Ms. Chapin said operationally, they need to know what they're in for because they have to pay for it somehow. She said If it goes back to the Membership, by added taxes, then they should just know.

7-4. Tree Discussion

Note Mr. Cellino said more details are needed but he thinks this is a good idea, and very well deserved.

Note Ms. Hayes said for the purpose of the minutes, Cheryl Colangelo wrote an email saying several people would like to take a collection for Mary Cahill's 100th birthday, and she asked if a tree and plaque celebrating Mary's contributions could be planted by the Clubhouse.

Note The Board discussed the idea, where it might be planted, and the kind of tree that would be ideal.

Decision MOTION (8)

Ms. Hayes moved to approve the planting of a tree and plaque provided by the community at the Clubhouse, exact location to be determined.

Mr. Cellino seconded the motion.

Motion carried, 5-0-0.

Note Mr. Cherry volunteered to be the liaison for this project.

8. Public Comments

Note There was none.

9. Adjournment

Decision MOTION (8)

Ms. Bonelli moved to adjourn the February 23rd, 2023, BPBCA BOG Regular Meeting at 7:39 p.m.

Ms. Hayes seconded the motion.

Motion carried, 5-0-0.

Note Respectfully Submitted,
Brooke Stevens, Recording Secretary

Task Summary

New Tasks

Task Ms. Hayes asked Ms. Stevens to add the request for a volleyball court to the next meeting agenda, under New Business.

Owned by Brooke Stevens, Recording Secretary due 03/23/23

Task Mr. Cellino asked Ms. Stevens to add the discussion for a concrete pad, for underneath the tent, to the next meeting agenda.

Owned by Brooke Stevens, Recording Secretary due 03/23/23

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Owned by Jim Moffett, Association Manager