

OLD COLONY BEACH CLUB ASSOCIATION  
SEMI-ANNUAL MEETING  
SATURDAY, JUNE 23, 2012  
LYME/OLD LYME MIDDLE SCHOOL, 53 LYME ST., OLD LYME, CT

The meeting was called to order at 6:40 pm. Doug Whalen, Chairperson, began the meeting by introducing the following invited guests to the meeting: Paul Rowean, president of Old Lyme Shores Association; Scott Belanger, president of the Federation of Old Lyme Beaches; Barry Harrison, a member of the Board of Directors of White Sands Beach; and Carlos Esguerra from the state Department of Energy and Environmental Protection (DEEP). As a prelude to introducing the first agenda item Doug informed the membership that the town of Old Lyme is still pursuing a "sewer avoidance" policy. Doug then reviewed the pending town of Old Lyme ordinance regarding updates that could be mandated to individual home septic systems.

**Special Presentation regarding the Water Pollution Control Authority (WPCA) Final Report:**

Doug Whalen introduced Kurt Millman of Fuss & O'Neill to make a PowerPoint presentation about the final results of the Ground Water Pollution Study that the membership authorized at its September 2010 Semi-Annual General Membership Meeting. Mr. Millman explained that there are four alternatives for waste water management. The first is individual on-site waste water management, a centralized management system, a community system and the "big pipe" solution. Mr. Millman then went on to explain the details of the report. The nature of the small and densely packed lots leads to evidence of e-coli and other harmful forms of bacteria. The report concluded that the ground water is being polluted due to insufficient horizontal and vertical area to filter waste water. A community based solution would be a good one if the "big pipe" solution was not as practical and available as it appears to be for Old Colony Beach. The "big pipe" or the centralized sewer system is the recommended plan for both Old Colony Beach and Old Lyme Shores. This solution also presents opportunities to make improvements to the roadways and the storm drainage system. Combining with Old Lyme Shores also makes this a more financially suitable option. Fuss & O'Neill is recommending a direct connection to East Lyme's sewer system rather than utilizing the Point of Woods system due to the long term costs associated with connecting to this system. Over a twenty year period it has been found to be less expensive to have a shared line with Old Lyme Shores that goes directly to East Lyme rather than connecting to that system through Point of Woods. This proposed sewer project, in combination with Old Lyme Shores, appears on the Department of Energy and Environmental Protection's Small Community Projects list which would allow for 25% funding from DEEP with the remainder of the project bonded over a twenty year period at two per cent interest. The force main connecting Old Colony Beach and Old Lyme Shores to the East Lyme connection is approximately 2 miles long. The waste water then travels through East Lyme, Waterford and New London until it reaches its final destination at the water treatment plant in New London along the Thames River.

Mr. Millman then reviewed the handout entitled, "**Order or Magnitude Opinion of Capital Costs Recommended Plan – Sanitary Sewers with Discharge to East Lyme and Drainage Improvements and Major Road Reconstruction Old Colony Beach Club, May 24, 2012.**" (Appendix 1) The cost sharing option with Old Lyme Shores, including new roads and storm drains, ranges from \$21,000 to \$31,000 per property. Current costs are running approximately 20% to 30% lower than the engineering estimates. This cost is broken down as follows: storm drain improvements between \$200,000 and \$300,000, roadway reconstruction between \$875,000 and \$1.4 million, and the sewer project between \$4.1 and \$6 million. This last figure is eligible for DEEP assistance. Another \$1 million is set aside for stakeholder agreements. The cost per EDU would be between \$1,300 to \$1,900 per year. Without Old Lyme Shores' involvement the cost per EDU would increase to \$2,800 to \$4,100 per year. A handout entitled, "**Order or Magnitude Opinion of Capital Costs Storm Drainage Improvements and Extensive Road Reconstruction, Old Colony Beach Club, May 24, 2012**" (Appendix 2) was then offered which places the cost of future roadway repair only at between \$400 and \$600 per year per EDU,

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Mr. Millman also noted that the cost of connecting to the new sewer lines and removing the existing septic tanks/cesspools is generally a one time charge of about \$1,500 to \$2,000 per residence. The estimated annual cost for maintenance and operation of the new sewer system is currently estimated at \$311 per property. Failure to act might lead to potential beach closings, the problems on sites will not get better as existing equipment gets older, and the ability to share in a DEEP Small Community Project with Old Lyme Shores would be jeopardized. This project is currently in the second year of a six year project. Paul Rowean, president of Old Lyme Shores Beach Association, spoke in favor of a combined sewer project with Old Colony Beach. The vote at Old Lyme Shores will be August 11<sup>th</sup> to approve this project. Mr. Rowean stated that the beach is our number one asset and must be protected.

Doug Whalen then entertained questions from the membership. Joel Zimmerman asked if the proposed town of Old Lyme rules concerning required septic improvements that Doug referred to earlier in the meeting are currently in effect. Doug stated that they are not in effect as of yet but they can be voted on at any time. Marilyn Asal asked what if the membership votes to approve the sewers and form our own Water Pollution Control Authority (WPCA) and the town passes the proposed ordinances would the individual OCBCA homeowners have to comply with the town ordinance? Carlos Esguerra of DEEP responded that the municipal powers granted to the OCBCA by law would protect the Association from actions made by the town as long as an OCBCA WPCA has been formed. Jerry Orfitelli stated that he spoke to the town of Old Lyme's First Selectwoman and others who do not agree with the Fuss & O'Neill study and that the town recognizes that much of the pollution in Long Island Sound comes from north of Route 156. Jerry also stated that the federal government does not have any funding for repair or expansion of New London's old and antiquated plant. It will be up to the users to make improvements to this plant. Mr. Orfitelli is concerned that all the beaches could run separate lines to East Lyme. He is also concerned that although the individual alternate systems as used in Massachusetts and Rhode Island are mentioned that there have not been any estimated costs applied to this option. Mr. Orfitelli believes that homeowners with septic problems should be asked to address their problems individually. Mr. Esguerra of DEEP, in reply to Mr. Orfitelli's comments, stated that the New London treatment plant is operating at a high efficiency level. Kurt Millman is the project manager for the Old Saybrook project where individual alternate systems are being installed. He explained that a public waste water solution is not available to Old Saybrook as the closest system is eight miles away. The cost per home is between \$13,000 and \$16,000 for repairs on each site which does not include the new treatment system itself. No systems have been installed to date. Andrea Lombard, both an Association member and member of Old Lyme WPCA, stated that there has never been a beach closing at Old Colony Beach. The nitrogen levels are being monitored at Old Colony Beach and they are below pollution levels. Andrea stated that once federal dollars are accepted we would no longer be able to keep our roads private. Andrea thinks that we should take the time this summer to hear the other side of the story. Ms. Lombard said that Ron Rose, the Town Sanitarian, will work with us to resolve problems in our community. Doug Whalen pointed out that Point of Woods is very pleased with their new sewer system. Their final costs came in at 30% lower than estimates. They accepted the grant and their roads continue to be private. Doug also pointed out that the anticipated road repairs will not be funded with state or federal funds.

Andrew Labrot asked for clarification regarding the status of Old Colony Beach Club Association if the town of Old Lyme pursues implementing the pending waste water ordinance. Doug stated that if we have a project funded by DEEP and a WPCA in place we would not be subject to town control. Jake Fazzino asked if DEEP could force action now that they have the study results for OCBCA. Carlos Esguerra stated that DEEP wants to work with us and does not want to unilaterally mandate action. Leonard Grigorian asked if the roads and sewer handout reflects additional costs over and above the proposed sewer project. Doug replied that the estimates on this handout reflect costs to improve the roads and storm drainage system if the sewer project is

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not approved by the membership. Larry Pace asked about the \$1 million buy-in which would need to be paid to the towns along the sewer route. Mr. Pace asked if all residents would be mandated to hook up to this new system. Doug replied that the OCBCA WPCA would make these types of decisions. Kurt Millman stated that the assessment for the sewers themselves would have to be paid by all while the on-going usage costs would be paid for by those using the system. Peter Carnick asked whether the \$311 fee was per building or per residence. Doug replied that the way the fee would be charged would be determined by the WPCA. Kurt Millman stated that whatever actions the WPCA should take they must be "legal, equitable, and defensible in a court of law." Frank Noe answered the question about "buy-in." New London is prepared to give OCBCA 94,000 gallons per day capacity, OCBCA will also need to pay East Lyme for the pass through of this capacity through their system. Joan Byer commented on her negative experience with Rhode Island's use of individual alternate septic systems. Frank Nicotera spoke in favor of the proposed sewer system. Joe Cancelliere, a member of the Ground Water Study subcommittee who was unable to attend the meeting, wrote a letter supporting the sanitary sewer solution. Doug Whalen read this letter to the membership. Doug Whalen then thanked Frank Noe and Joel Weisman for spending countless hours and attending meeting after meeting to make sure the Association's needs in this matter were addressed. Doug Whalen also recognized the other members of the subcommittee including the Board's liaison, Don DuBaldo.

**Review State of Connecticut DEEP Consent Order** – Doug notified the membership that he has copies of the DEEP Consent Order (Appendix 3) to share with anyone interested. On advice of attorney the OCBCA Board of Governors unanimously endorsed the DEEP Consent Order at its last meeting (June 18, 2012). Doug assured the membership that should the membership agree to the DEEP Consent Order he would not sign it until after the bonding vote at the July 14 Special Meeting. Doug Whalen then read important sections of the Consent Order. Don DuBaldo read the document entitled, "Resolution Authorizing and Approving Consent Order with the State of Connecticut Department of Energy and Environmental Protection" (Appendix 4). **A motion was made by Robert Asal to authorize the Board Chairman to sign the State of Connecticut DEEP Consent Order. The motion was seconded by Jerry Glazer.** James Fazzino asked if the document would be filed with the town of Old Lyme. The answer was that it would not be officially filed but the town would receive a copy. Once the bond is approved homeowners who wish to sell must disclose this obligation to any potential buyers. Michael Noe noted that a sewer system adds value to a home. Scott Semel asked that the motion be amended to be conditional upon the approval of the required bonding at the July 14 Special Meeting. **Robert Asal amended his motion to authorize the Board Chairman to sign the State of Connecticut DEEP Consent Order only if the necessary bonding is approved at the July 14 Special Meeting. Jerry Glazer seconded the amended motion.** A secret ballot was then conducted. **The final results of the vote were 91 in favor of the motion and 8 opposed. Three ballots were unreadable. The motion passes.** (Marie Whalen and Karen Kingston counted the secret ballots.)

During the voting process Doug asked members who are having trouble getting visitors past the guard to bring their concerns to any Board member so that this situation can be resolved. Doug also noted that no golf carts or scooters are allowed to operate between the hours of midnight and 7:00 AM. The operators of these carts or scooters must have a driver's license. Doug displayed a copy of the new license plate. Kurt thanked Kurt Millman and Carlos Esguerra for their participation in this meeting.

**Formation of Old Colony Beach Club WPCA** – Doug Whalen read the "Ordinance Creating a Water Pollution Control Authority" (Appendix 5) **A motion was made by William Rischall to approve the resolution to form a WPCA. The motion was seconded by Sandy Steinberg.** There was no discussion. **The final results of the vote were 89 in favor and 5 opposed. The motion passes.**

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**By-Law Change to Article VIII Section 4 Borrowing Limits** – Doug Whalen read our legal representatives interpretation for the need to change the existing By-Law which limits borrowing to 2 ½ per cent of the Grand List Total of all OCBCA properties. The recommended change would allow borrowing up to 20% to anticipate the necessary borrowing for a sewer project. Doug then read the “Resolution Amending By-Law Limitation on the Old Colony Beach Club Association’s Borrowing.” (Appendix 6) **A motion was made by Sebastian Failla to approve the By-Law Change to Article VIII Section 4 to allow Borrowing up to 20% of the Grand List. Stanley Ehrlich seconded the motion.** Michael Cohen noted that he would like to have the By-Law language changed back to 2 ½ per cent after the sewer project is bonded. Andy Labrot noted that we need to be careful not to make this change too quickly in order not to limit the sewer project in case of future contingencies. Scott Semel suggested changing the language specifically to the sewer construction project. Joan Byer asked for clarification about the process for amending OCBCA By-Laws. Rosemary Lombard asked to amend the motion to allow this change only for the sewer project. **Sebastian Failla chose not to amend his motion. The final vote was 75 in favor and 14 opposed. One ballot was unreadable. The motion passes.**

**FY 2013 Budget** – Doug reviewed the “Old Colony Beach Club Association proposed budget for FY2013 with FY 2012 balance to 5/31/2012.” (Appendix 7) Doug stated that the major increase next fiscal year was the need to snow plow Old Colony Beach roads this winter. The additional needs require the Board to recommend a ¼ mill increase to the tax rate to bring the new total to 2.5 mills. **A motion was made by Joel Weisman to approve the FY 2013 Budget as presented. The motion was seconded by Nancy Lagano.** There was no discussion. **The “show of hands” vote in favor of the motion was unanimous.**

**Notice of Special Meeting on July 14, 2012 @ 12:00 Noon** – Doug notified the membership that a Special Meeting will be held on July 14 at the Shoreline Community Center to consider approving a bond resolution for \$11,000,000. This resolution is necessary to secure the necessary bonding to approve a sewer construction project. The \$11,000,000 figure is expected to be lower in actuality once all costs are known. The Board expects the project to come in at \$6.8 million. This vote will require a 2/3 majority for approval.

**Approval of September 10, 2011 semi-annual meeting minutes** – **A motion was made by Marilyn Asal to approve the September 10, 2011 General Membership Semi-Annual Meeting minutes. The motion was seconded by Barbara Bouchard. A “show of hands” voted to approve the motion.**

**Board of Director’s report:**

**Chairman’s Report:** Doug is very pleased with the way the Board of Governors and its subcommittees are working.

**Treasurer’s Report:** Don had made his presentation during the discussion of the FY 2013 budget. **A motion was made to accept the Treasurer’s Report by Jerry Glazer. The motion was seconded by Joel Weisman.** There was no discussion. **A “show of hands” voted to approve the motion.**

**Tax Collector:** Harry Plaut reported that there was only one outstanding tax bill due.

**Director of Public Works Report:** Sal Cancelliere is working with DEEP to get permission to bulldoze sand into the water to alleviate sand buildup on the beach. Sal needs an older photo of the jetty when the water was up near the boundary fence to share with DEEP.

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**Director of Public Safety:** Jerry Brocki spoke about the golf cart registration process. Jerry reminded all members that it is important that they have car decals to assist the guards at the main entrance. The security guards will be checking for beach passes. A security guard will be present from 6:00 PM to 2:00 AM every night starting next week for the duration of the summer. The three daytime posts are on the beach, a floater patrolling the roads, and one at the main entrance. Doug thanked Gus Pace for painting the guard shack at the main entrance.

**Entertainment Director:** Ginny reported that movies begin next Saturday night. The June 23<sup>rd</sup> Dinner and Raffle tickets are on sale for only \$5 per person with children five and under attending free. There will be other events on the beach during the summer.

**Committee Reports**

**Beautification Committee Report:** Doug thanked the members of the Beautification Committee for all of their work. The members are Frank Noe, Joel Weisman, Steve Frechette, Adele Antoniou, Stan Ehrlich, Marie Whalen, and Board Member Sal Cancelliere. The sign project is almost complete. Doug announced that adjustments in street signage will be made as necessary.

**Old Business:**

**Swan Ave resident letters for OCBCA Membership:** Two letters petitioning for admission of two Swan Avenue properties into the Old Colony Beach Association were read to the membership. *{Both petitioners currently own property within the boundaries of Old Colony Beach and are petitioning for membership of their Swan Avenue properties under the terms of Section 2 of the Old Colony Beach Club Association Charter, January 1935.}* The first letter read was from Larry and Heidi LaPila of 19 Old Colony Road and the second was from Ray and Sandy Kastner of 40 Old Colony Road. The Board of Governors solicited advice from its legal representative, Rome McGuigan, regarding this matter. The admission of these two new members would alter the current boundaries of Old Colony Beach. In the event of installing sewers it appears that access to these sewers would have to be granted to these Swan Avenue properties should they be accepted into the Association. If some properties were admitted under the applicable charter section and others were denied admission grounds could exist for a discrimination lawsuit. Doug informed the membership that the Board unanimously recommends that the applying properties not be admitted to the Association. **A motion was made not to accept the two applying Swan Avenue properties into the Association by Barbara Bouchard. The motion was seconded by Joel Weisman.** Joan Byer spoke in support of the motion. **A “show of hands” voted to approve the motion unanimously.** Therefore, the two petitioning properties will not be admitted into the Association.

**Purtill Ave stub lawsuit update:** Rich Kingston informed the membership that the new attorney from Rome McGuigan recommended that we continue to pursue this matter using our previous attorney, Michael Cronin. Rich will speak to Attorney Cronin and report to the membership at its September meeting.

**Legal opinion on OCBCA municipal status:** The Board of Governors has learned that it has the ability of using the “home rule act” to change its Charter rather than having to initiate action in the Connecticut General Assembly. Doug suggested that OCBCA form a Charter Revision Committee.

**Snow plowing update:** Doug asked the Federation of Old Lyme Beaches to look into the legal ramifications of past practice which might limit the town of Old Lyme’s ability to curtail snow OCBCA next winter.

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**New Business:**

**FY2012 Budget adjustment:** Due to the length of the meeting Doug has requested that this agenda item be tabled until the September Semi-Annual General Membership Meeting.

**By-law and Ordinance changes:** Doug Whalen read the proposed language to change Chapter 8 paragraph 8 of the Old Colony Beach Club Association Ordinances to allow registration of vehicles to be made one time rather than the current requirement of annually. (Appendix 8) **A motion was made to accept the proposed change to Chapter 8 paragraph 8 by Nancy Lagano. The motion was seconded by Tony Camilleri.** There was limited discussion. **A “show of hands” voted to approve the motion with one member opposed.**

**Adjournment:** **A motion was made to adjourn by Joel Weisman. The motion was seconded by Trudy Walker. The meeting was adjourned by acclamation at 9:58 PM.**

Minutes recorded by:  
Richard Kingston, Secretary

