

**August 4, 2015**

**Old Colony Beach Club Association Board of Governors Meeting  
Synagogue Beth El, Gorton Ave., Old Lyme, Ct.**

The meeting was called to order at 6:34 PM by Board Chair Doug Whalen. Doug stated that a quorum was present and that a number of members of the public are in attendance.

**ATTENDANCE:** Members present- Don DuBaldo, Janet Montano, Gavin Cartiera, Jerry Brocki (arrived at 6:47), Rich Kingston, and Doug Whalen. Members absent –Harry Plaut

**Approval of 7/7/2015 Board of Governor Meeting Minutes:** A motion was made (Montano/DuBaldo) to accept the minutes from the July 7, 2015 Board of Governors meeting. The motion to accept the minutes passed unanimously.

**Treasurers Report (Janet Montano):** Janet passed out the Treasurer Summary through July 30 (Attachment 1). A motion (DuBaldo/Kingston) was made to accept the Treasurer Summary as presented. The motion to accept the report passed unanimously. Janet reported that she had two bills, one for \$150 and one for \$334.80, from H.S. Plaut Environmental Services that were billed over and above the regular beach cleaning payments. Don had suggested to the beach cleaners that they should take pictures prior to performing any work that is not included as part of regular beach maintenance. Doug asked Gavin to speak to Harry to get further information about these two billings.

**Action Items Update:** The Board reviewed and updated the listing of Action Items for July 2015. Updates were made to the list to reflect activity through July 2015. Rich reported that Item #23 about enforcing the “no wake” zone was Harry’s item and in his absence no update was available. Item #35 regarding Special Events is on the current agenda and would be addressed later in the meeting. Item #36 regarding homeowners trimming bushes away from street signage was addressed by Doug with the impacted homeowners.

**Committee Reports:**

**Chairman’s Report (Doug Whalen):** Doug reviewed the submitted written report that he had sent to Board Members prior to this meeting (Attachment 2). During this report Don reminded Doug that he was going to write a letter to the town about providing more police coverage to the beach associations. Doug will draft a letter for the Board’s review to send to the Old Lyme First Selectwoman.

**Clerk’s Report (Rich Kingston):** Rich reported that the Shoreline Community Center has been reserved for the September 12 Semi-Annual General Membership Meeting.

**Tax Collector (Don DuBaldo):** Don reported that as of today only twenty-six (26) tax bills for the new fiscal year remain outstanding. Association members have until August 15<sup>th</sup> to make this payment. If payment is not made by that date interest is assessed retroactively to July 1.

**Recreation (Harry Plaut):** In Harry's absence Doug thanked Harry for holding two back to back weekend concerts. Doug noted that next Sunday's Sand Castle Contest would be the last OCBCA sponsored event of the season.

**Public Safety (Jerry Brocki):** Jerry reported that some limited vandalism events have occurred this summer. Golf cart and scooter registrations are proceeding very well. Conduit has been installed in the guard shack at the main entrance to protect the video equipment wiring. The wiring at the Hartung Gate has also been vandalized and requires repair. Jerry reported that the cost for setting up a new website host, remote storage, e-mail accounts for seven (7) Board members, and Office 365 is \$575. The Board had authorized \$1,000 for this purpose. Joe Frutuoso, the Association webmaster, is working with Jerry to implement these changes. Don asked Jerry to continue the second shift security guard until schools reopen the week of August 23<sup>rd</sup>. Doug reported that the roving guard was posted on the corner of Breen and Grove at three different times each weekend day to prevent vehicles from turning the wrong way onto Grove. Don suggested that one way arrows be painted on Grove Street. Jerry suggested using chalk to see how effective this idea might be prior to painting on the road. Jerry and Don will work together to make these arrows with chalk.

**Public Works (Gavin Cartiera):** Gavin reported that excess sand has been removed from the Breen Avenue beach entrance to alleviate the problem of golf carts getting stuck in the sand. Don is concerned that the rocks on the high tide line are not being raked at least three times a week as previously agreed with H.S. Plaut Environmental Services. Don has noted some improvement but does not believe that the York rake is being used as previously arranged. Doug reported that he asked the owners of 16 Old Colony Road, a corner lot, to cut back the vegetation along the edge of Grove Street to improve visibility.

**Cost Sharing Agreement for WPCA –** A motion (Whalen/DuBaldo) was made to amend the current agenda to add Public Participation after this agenda item to solicit resident viewpoints about this issue. This addition to the agenda was requested by the WPCA Chairman Frank Noe. The motion passed unanimously. Doug reported that Old Colony Beach, Old Lyme Shores, and Miami Beach Associations need to formalize an Inter-Municipal Agreement (IMA) so that they may negotiate as one entity. This is necessary to conduct negotiations with East Lyme/Waterford and New London. Miami Beach Association will be primarily responsible for all of the costs that result from these negotiations and will then subsequently share these costs on an agreed upon percentage with the other two beaches, Old Lyme Shores (30.1%) and Old Colony Beach (34.6%). Miami Beach's final percentage will be 35.3%. Doug read the Cost Sharing Agreement Resolution prepared to allow the OCBCA Chairman to enter into an IMA (Attachment 3) with

the other two beach associations, the OCBCA WPCA and the WPCA's for the other two beaches. A motion (DuBaldo/Kingston) was made to authorize Doug Whalen as Board Chairperson to sign the Cost Sharing Agreement as contained in Attachment 3 to these minutes and grant him the appropriate authority to comply with all other requirements of said Agreement. Board members discussed their concerns regarding total cost limitations of this agreement and how dispute resolution would be handled. After public discussion the question was moved. The motion passed unanimously.

**Cost Sharing Agreement for WPCA - Public Participation** – Doug solicited comments from the public attending the meeting regarding the cost sharing agreement. One attendee asked questions about the town of Old Lyme's potential inclusion in this agreement at a later date. Doug explained how the process would work should that happen. Increased participation will reduce the costs to Old Colony Beach Association homeowners. Doug suggested that questions that are very project specific be directed to the OCBCA WPCA as they have more knowledge of the situation. Doug reminded those attending that Association members will have two separate costs, one for infrastructure and one for continuing sewer operations.

**WPCA Report** – Rich reminded the Board that the terms of Frank Noe and Nancy Zimmerman on the OCBCA Water Pollution Control Authority (WPCA) expired June 30, 2015. A motion (Kingston/DuBaldo) was made to reappoint Nancy Zimmerman to the OCBCA WPCA for a five (5) year term. There was no discussion. Motion passed unanimously. A motion (Kingston/Montano) was made to reappoint Frank Noe to OCBCA WPCA for a five (5) year term. There was no discussion. Motion passed unanimously. *{Note: It was subsequently learned that Frank Noe's term does not expire until June 30, 2016 and as a result this vote should be considered null and void.}*

**Charter, By-Laws & Ordinance Review & Revision Commission** – Don reported that he and Doug had met with OCBCA's attorney to discuss the Charter revision process. It now appears that the Charter can only be revised with the approval of the Connecticut State Legislature although the Ordinances and By-Laws can be revised with OCBCA general membership approval. The Commission plans to submit all their suggested changes to the Board and then the general membership for their approval at the September meeting. The Charter changes would need subsequent legislative action although the By-Laws and Ordinance changes can take effect after a positive vote by the membership. Doug will convene a Special Board Meeting to discuss the suggested revisions prior to presenting the final package to the general membership.

**USDA/Dept of Housing Sheffield Brook Project**– Doug stated that the next meeting of the parties involved is scheduled for August 12. He will represent OCBCA at this meeting.

**Review of the July 18 Beach Party** – Doug wanted to thank everyone who worked on making the July 18<sup>th</sup> Beach Party a great success. Janet reported that income from dinner ticket sales was \$2,600 and income from raffle tickets was \$2,744. She also reported that dinner related expenses totaled \$5,878.77 and raffle related expenses totaled \$508.19 resulting in a net loss of \$1,042.96. The Board discussed some of the issues related to the quality and amount of food. Rich suggested that the Board look to change the dinner format for next year's event.

**Special Events Procedure Review** – Gavin reported that he has not been able to review the current procedure in enough depth at this time. It was agreed to table this issue for a future meeting.

**Requests for Waiver – Beach Parking Tickets for 8 Hartung Place and 21 Gorton Avenue -** Doug has received a request from a renter at 8 Hartung Place to waive a \$20 parking ticket assessed for parking his truck at the Brookside Avenue entrance to the beach. The owner of 8 Hartung Place is the responsible party for paying for this ticket. A motion (Brocki/DuBaldo) was made to waive a \$20 fine for 8 Hartung Place. There was no discussion. The motion failed unanimously. Don in his role as Tax Collector will advise the owner of 8 Hartung Place that the fine remains due. Doug has also received a request from Lester Webb of 21 Gorton Avenue to waive a \$20 fine assessed for parking a golf cart at the Brookside Avenue beach entrance. A motion (Kingston/Whalen) was made to waive a \$20 fine for 21 Gorton Avenue. Rich pointed out that the lack of signs at the Brookside entrance may have contributed to the resident's confusion. Don stated that he thought that the golf cart was blocking the right of way. The motion passed four in favor and two opposed.

**Beach Parking for Golf Carts, etc.:** Rich stated his concern regarding the lack of signs for beach cart parking at the Breen Avenue beach entrance. A motion (DuBaldo/Brocki) was made to designate the east side of the Brookside Avenue beach entrance from Hartung to the telephone pole as a golf cart parking area and to post one "golf cart parking" sign in this area and two in the Breen Avenue beach entrance. During the discussion Doug asked Joe Frutuoso, the OCBCA webmaster who was in attendance, to post this information on the website. Rich would also like to remind members that Breen Avenue continues to be a designated golf cart parking area. The motion passed unanimously.

**Old Colony Beach Visitor Policy:** Don asked the Board to consider defining/clarifying who is considered a guest at OCBCA. A recent incident of a person who was not a renter and not an owner using a beach pass and parked at a member's home was the reason for Don's concern. Doug was aware of this incident and discussed the situation with the effected homeowner and he believes he has resolved the issue in question. Discussion of the definition of a guest followed.

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**Other Old Business:** Janet asked about the status of the sale of the Purtill Avenue stub. Doug has asked the OCBCA attorney to represent the Association in this matter.

**New Business:** Don asked to discuss the collection process when tickets are assessed. Don had a recent incident when a homeowner vehemently objected to receiving three tickets for recent beach rule violations. Doug stated that no Board member should ever have to be exposed to poor treatment by irate residents. The Board agreed that the initial ticket should be presented by a security guard and subsequent communication should be delivered by mail. If a Board member issues a ticket they should not sign individually but note “Board Member” on the ticket. Security guards will need to write their own names on this ticket in order for follow-up actions. Doug has been asked by a member of Congregation Beth El to allow a religious service on the beach at the end of Gorton Avenue sometime near the end of August. The Board agreed that unless alcohol is involved that this was not an activity which would need permission. If alcohol is involved the volleyball court would be the appropriate venue and would require the Board’s permission as alcohol is prohibited on the beach itself. Rich passed out a draft agenda for the September 12<sup>th</sup> Semi-Annual General Membership meeting for Board members to review (Attachment 4). Rich asked the Board to review so that this agenda can be finalized and mailed out at least ten days prior to the September 12<sup>th</sup> General Membership meeting.

**Public Comment:** Dimitri Tolchinsky updated the Board on the recent actions of the Old Lyme WPCA of which he is a member. The Old Lyme WPCA is currently under scrutiny for the unauthorized expenditure of funds used to complete their clean water study. A member of the public was curious about the process of issuing tickets, he asked if warnings were initially issued. The Board responded that it depended on the circumstances. Someone suggested that when golf carts are registered the operators should be notified of the approved parking areas at the beach.

**NEXT MEETING** - The next Board of Governor’s meeting is scheduled for Tuesday, September 1st at 6:30 PM. The meeting site will held at the Congregation Beth El on Gorton Avenue.

A motion (Kingston/Cartiera) was made to adjourn at 9:05 PM. The motion passed.

Respectfully submitted

Richard Kingston  
OCBCA Clerk  
August 11, 2015

Approved at August 24, 2015 Special Board of Governors Meeting

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**Results of Voting at the August 4, 2015 Old Colony Beach Club Association Board of Governors Meeting. Board of Governor Members present: Don DuBaldo, Janet Montano, Jerry Brocki, Gavin Cartiera, Rich Kingston, and Doug Whalen.**

**Cost Sharing Agreement for WPCA:** A motion (DuBaldo/Kingston) was made to authorize Doug Whalen as Board Chairperson to sign the Cost Sharing Agreement as contained in Attachment 3 to these minutes and grant him the appropriate authority to comply with all other requirements of said Agreement. After public discussion the question was moved. The motion passed unanimously.

**Reappointment of Nancy Zimmerman to OCBCA WPCA:** A motion (Kingston/DuBaldo) was made to reappoint Nancy Zimmerman to the OCBCA WPCA for a five (5) year term. There was no discussion. Motion passed unanimously.

**Requests for Waiver – Beach Parking Tickets for 8 Hartung Place:** A motion (Brocki/DuBaldo) was made to waive a \$20 fine for 8 Hartung Place. There was no discussion. The motion failed unanimously.

**Requests for Waiver – Beach Parking Tickets for 21 Gorton Avenue:** A motion (Kingston/Whalen) was made to waive a \$20 fine for 21 Gorton Avenue. The motion passed four in favor and two opposed.

**Beach Parking for Golf Carts, etc.:** A motion (DuBaldo/Brocki) was made to designate the east side of the Brookside Avenue beach entrance from Hartung to the telephone pole as a golf cart parking area and to post one “golf cart parking” sign in this area and two in the Breen Avenue beach entrance. The motion passed unanimously.

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**ATTACHMENT 1**

August 4, 2015 OCBCA Board Meeting  
Treasurer's Summary

Balance July 1, 2015: \$151,198.21

Income:	\$92,228.69
Expenses:	\$22,143.44
Balance July 31, 2015:	\$221,283.44
General Fund Checking	\$83,794.62
General Fund MM Savings	\$72,362.12
Capital Fund MM Savings	<u>\$65,126.70</u>
Balance 7/31/15	\$221,283.44

## ATTACHMENT 2

### Chairman's report:

- Worked on landscaping layout at pillars located at the Old Colony Road entrance with Nickerson landscape.
- Cleaned OCBCA sign at the entrance of Old Colony Road.
- Worked with Jeff Whalen to try and fix Wheels to gate on Brookside, unable to find the right wheels. Worked with F & S Ironworks to review wheel problem and replace broken wheel at the Brookside entrance. Worked with F & S ironworks to design proper outside pedestrian gates with proper closures for Broughel & Hartung gates.
- Removed & reinstalled volleyball net for OCBCA dinner event
- Submitted request to Eversource to fix street lights that were out in the complex
- Conducted judging for sandcastle contest with Gavin Cartiera, issued 60 ribbons and 60 ice cream tickets.
- Worked with paint contractor to paint Security shed on the beach. Contractor also replaced rotten wood & missing railings. Contractor is the new owner of a home at 82 Swan and did the work as a thank you for having a beautiful beach to sit on. Gave the contractor 3 tickets for his family to attend our dinner event on the beach.
- Received Emails & calls regarding ball playing on the beach, underage kids driving golf carts, private events inquiries, noise complaint related to beach cleaning
- Issued beach passes, gate access cards
- Received numerous OCBCA taxes, turned them over to the Treasurer
- Conducted phone calls and attended (2) meetings related to the NRCS & State of CT DOH grants for Sheffield Brook improvements.
- Attended the Town WPCA meeting asking the Town WPCA to support our Sewer project and allow us to proceed with our plans with or without the Towns involvement.
- Conducted phone calls with the WPCA president during design of IMA agreement between OLS, Miami Beach & OCBCA.
- Attended meeting with Don DuBaldo and association attorney to review Charter, bylaws & ordinance changes.
- Submitted State of CT special Act status application, which included all OCBCA Board members, to the Old Lyme Clerks office.
- Received OCBCA insurance policies and reviewed for accuracy. Forwarded policies to Gavin Cartiera for additional Board member review.
- Attended meeting with resident trooper regarding the Jet Ski problem, tying up to our swim lines and speeding out of the beach area. Requested more attention by Police to patrol the area with the Town Police boat.

**ATTACHMENT 2 (cont)**

Chairman's report (continued):

- Received correspondence from the Town sanitarian regarding Town of Old Lyme noise ordinance. Responded to the Sanitarian regarding noise ordinance compliance and requested additional information.
- Reviewed all security service bills and verified coverage prior to payment by treasurer.

**ATTACHMENT 3**

**Old Colony Beach Club Association**

Resolution authorizing the Chairman of the Old Colony Beach Club Association (“Old Colony”) to negotiate, execute and deliver a cost sharing agreement by and among Old Colony, the Old Colony Beach Club Association Water Pollution Control Authority, the Miami Beach Association, the Miami Beach Association Water Pollution Control Authority, the Old Lyme Shores Beach Association, and the Old Lyme Shores Beach Association Water Pollution Control Authority

**RESOLVED:** That the Cost-Sharing Agreement by and among Old Colony, the Old Colony Beach Club Association Water Pollution Control Authority, the Miami Beach Association, the Miami Beach Association Water Pollution Control Authority, the Old Lyme Shores Beach Association, and the Old Lyme Shores Beach Association Water Pollution Control Authority (collectively with Old Colony, the “Associations”), pursuant to which the Associations will share certain costs attributable to the planning, acquisition, financing, design, construction and operation of certain shared components of a shared sewage system to serve each respective Association, substantially in the form attached hereto as Exhibit A, is hereby approved, and the Chairman of Old Colony is hereby authorized, empowered and directed, for and on behalf of Old Colony, to negotiate, execute and deliver such agreement and any and all other agreements, instruments, documents, and certificates contemplated thereby or required in connection therewith, in each case, with such amendments, restatements, modifications and supplements thereto as may be approved by the Chairman of Old Colony, such approval to be conclusively evidenced by the Chairman’s execution and delivery thereof; and

**FURTHER RESOLVED:** that any and all actions heretofore or hereafter taken by the Chairman of Old Colony or any other proper officer of Old Colony in accordance with the preceding resolution is hereby approved, ratified and confirmed in all respects as the act and deed of Old Colony.

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**ATTACHMENT 3 (cont)**

**EXHIBIT A**

**Form of Cost-Sharing Agreement**

**(See Attached)**

**ATTACHMENT 4**

**OLD COLONY BEACH CLUB ASSOCIATION  
SEMI-ANNUAL MEETING AGENDA  
SATURDAY, September 12, 2015, 6:30 PM  
Location: Shoreline Community Center, 39 Hartford Ave., Old Lyme, Ct**

- USDA/Dept of Housing Sheffield Brook Project Public Hearing
- Board of Directors nominations **\*\*VOTING ITEM\*\***
  -
- Approval of June 27, 2015 Semi-Annual Meeting Minutes
- Board of Directors report:
  - Chairman: Doug Whalen
  - Treasurer: Janet Montano
  - Clerk: Rich Kingston
  - Tax Collector: Don DuBaldo
  - Public Works: Gavin Cartiera
  - Security: Jerry Brocki
  - Recreation: Harry Plaut
- Public Comment- Association member comments on Board of Directors report
- Committee Reports
  - Water Pollution Control Authority
  - Charter and By-Laws Review and Revision Commission
- FY2015 Necessary Changes Budget **\*\*VOTING ITEM\*\***
  
- Old Business
- New Business
- Public Comment

Adjournment: