

September 15, 2015

**Old Colony Beach Club Association Board of Governors Meeting
Doug Whalen's Cottage, 41 Old Colony Rd., Old Lyme, Ct.**

The meeting was called to order at 6:32 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, Steve Humes, Rich Kingston, and Doug Whalen. Member Appointed at Meeting – Jerry Brocki.

Approval of 8/24/2015 Special Board of Governor Meeting Minutes: A motion was made (DuBaldo/Montano) to accept the minutes from the August 24, 2015 Special Board of Governors meeting. The motion to accept the minutes passed unanimously.

Alter Agenda Order: A motion (Whalen/DuBaldo) was made to move item VII Election of Board Officers and Directors before item IV Treasurers Report and to add Appointment of New Board Member to this item. There was no discussion. The motion passed unanimously.

Election of Board Officers and Directors and Appointment of New Board Member: Doug reported that since Harry Plaut has resigned from the Board and that the third highest vote getter at the Semi-Annual General Membership Meeting was Jerry Brocki. In accordance with the Charter the highest unsuccessful candidate for Board of Governors' membership should be appointed to fill any Board vacancy. A motion (Kingston/Cartiera) was made to appoint Jerry Brocki to the Board of Governors to complete the remainder of Harry Plaut's term of office (September 2016). There was no discussion. The motion passed unanimously.

The Board then turned its attention to electing Officers and Directors for the Board of Governors for the next year as follows:

Chairman: Don DuBaldo nominated Doug Whalen as Board Chairman. Steve Humes seconded. With no other nominees the Clerk cast one vote and Doug was reappointed to this position.

Treasurer: Doug Whalen nominated Janet Montano as Treasurer. Don DuBaldo seconded. With no other nominees the Clerk cast one vote and Janet was reappointed to this position.

Clerk: Janet Montano nominated Rich Kingston as Clerk. Jerry Brocki seconded. With no other nominees the Clerk cast one vote and Rich was reappointed to this position.

Director of Public Safety: Doug Whalen nominated Jerry Brocki as Director of Public Safety. Gavin Cartiera seconded. With no other nominees the Clerk cast one vote and Jerry was reappointed to this position.

Entertainment Director (Recreation): Don DuBaldo nominated Gavin Cartiera as Entertainment Director. Steve Humes seconded. With no other nominees the Clerk cast one vote and Gavin was appointed to this position.

Director of Public Works: Don DuBaldo nominated Steve Humes as Director of Public Works. Jerry Brocki seconded. Janet Montano nominated Don DuBaldo as Director of Public Works. Rich Kingston seconded. The nominations were closed. Don DuBaldo received four (4) votes and Steve Humes received two (2) votes. As a result of this vote Don DuBaldo was appointed to this position.

Tax Collector: Rich Kingston nominated Steve Humes as Tax Collector. Doug Whalen seconded. With no other nominees the Clerk cast one vote and Steve was appointed to this position.

Treasurers Report (Janet Montano): Janet passed out the Treasurer Summary through September 15 (Attachment 1). A motion (Humes/Cartiera) was made to accept the Treasurer Summary as presented. The motion to accept the report passed unanimously.

Action Items Update: The Board reviewed and updated the listing of Action Items for September 2015. Rich has altered the format of this report to add an additional tab which displays only the open items. An “all items” tab contains all items whether they remain open or have been closed. Rich reported that Item #35 about conducting a review of the Board’s Special Events policy remains open to be addressed in a future meeting agenda. Item #37 about developing a Records Retention Policy also remains unaddressed and Rich will conduct research about this issue and report back to the Board. Item #38 about Doug writing a letter to Old Lyme’s First Selectwoman asking for more police protection also has not been closed. Doug will send a draft letter out to Board members for their review prior to sending this letter to the town.

Committee Reports:

Chairman's Report (Doug Whalen): Doug reported that he spoke to an Association member about cutting his overgrown lawn. Doug reported that all gates have been demagnetized for the winter. Two houses on Breen Avenue on two lots owned by the same Association member will be demolished by the first week of October and replaced with two new structures. Doug noted that he has a copy of the notes from the Public Meeting conducted at last Saturday's Semi-General Membership Meeting about the planned Sheffield Brook improvements (Attachment 2). Doug then reviewed the questions that were asked at the Public Meeting as appear in Attachment 2.

Clerk's Report (Rich Kingston): Rich had nothing to report.

Tax Collector (Don DuBaldo): Don reported that as of today seven tax bills for FY2016 have yet to be paid.

Recreation (formerly Harry Plaut): Doug reported that the season is over and the clothing is in the storage unit at South Shore Landing.

Public Safety (Jerry Brocki): Jerry reported that new security gates have been installed at Broughel and Hartung. The security shed at the Old Colony Beach entrance needs to be moved to winter storage. Mike Bernstein at 46 Breen Avenue has paid for a license plate but has not yet received it.

Public Works (Gavin Cartiera): Doug reported that he has boarded up the windows of the Security shed on Hartung Place. The Board agreed to give Don the discretion to ask H.S. Environmental Services perform one more beach cleaning for next weekend. This would cost \$100 as this year's beach cleaning contract has expired. Rich will be the "go between" for Montano & Sons, our snow plowing contractor, during the winter.

WPCA Report – Doug read a proposed resolution that would give him, as Chair of the OCBCA Board of Governors, the authority to sign documents related to WPCA activities that require Board of Governor approval to include a cost sharing agreement between the three beach communities (Attachment 3). This document was prepared by the OCBCA WPCA's attorney. A motion (Humes/Cartiera) was made to adopt the resolution as presented. The motion passed unanimously. Doug advised the Board that Harry Plaut's position as Board liaison to the WPCA needed to be refilled with another Board member. Frank Noe asked that the Board revise its current position and appoint Joel Weisman to the empty position. The Board's consensus is that this one position should continue to be filled

by a Board member. After some discussion a motion (Whalen/Brocki) was made to appoint Steve Humes to the WPCA as the Board's liaison to fill Harry Plaut's unexpired term which ends June 2019. Doug believes that Steve's background would be very beneficial to the WPCA. The motion passed unanimously. Don would like Joel Weisman to become a member of the WPCA the next time a non-Board vacancy occurs.

Charter, By-Laws & Ordinance Revisions Approved by General Membership – Don will follow up with our attorney to review the approved Charter, By-Laws, and Ordinance Revisions to make sure everything is in order. The revised documents will be posted to the website in the near future. Rich reminded the Board that until the revised Charter is accepted by the State Legislature four Board members must be physically present to form a quorum and conduct official Board of Governors business.

E-Mail, Website, & Digital Storage by GoDaddy – Doug introduced Joe Frutuoso, the OCBCA Webmaster, who explained the process for transition to the new GoDaddy services. A motion (DuBaldo/Cartiera) was made to authorize up to \$100 for Joe to purchase necessary plug-ins to aid in the website transition process. There was no discussion. The motion passed unanimously.

Website Terms and Conditions – Doug told the Board that Joe has advised him that the OCBCA member website needs a Terms and Conditions section. Joe has given the Board a sample of what OCBCA's Website Terms and Conditions could look like (Attachment 4). A motion (Humes/DuBaldo) was made to send the suggested Terms and Conditions to the Association's attorney for his review and once the document has been reviewed it can then be then be posted to the website. There was no discussion. The motion passed unanimously.

Winterization Preparations – This item was previously addressed in the Chairman's Report earlier in this meeting.

Other Old Business: Janet provided an overview of the proposed sale of the Purtil Avenue stub to the two adjacent homeowners for the new Board members. Janet is handling this matter for the Board and is working with the Association's lawyer to effectuate the sale as approved by the General Membership in September 2014. The Board members agreed that the sale should be completed by May 1, 2016. This will allow the Board to return to the General Membership in June with alternate plans should the stub not be purchased. The Board remains committed to making the sale of the stub "as is."

New Business: An association member who owns 17 Hartung Place asked Janet to send her two tax bills for two parcels of land. The town considers this address as only one parcel on the Grand List. Although two OCBCA tax bills can be sent, the property must be considered as one parcel for official purposes.

Public Comment: A member was frustrated by the Old Lyme police not observing the one-way street signs. Joe suggested that the OCBCA clothing inventory should be placed on the website to be available to members all year. In response to a member's comments Don would like to find a place to store OCBCA's swim buoys that are under our control. The same member expressed frustration that OCBCA's Jet Ski line is never placed in the water timely.

NEXT MEETING - The next Board of Governor's meeting is scheduled for Tuesday, October 6 at 6:30 PM. The meeting site will be held at the Congregation Beth El on Gorton Avenue.

A motion (Whalen/Carter) was made to adjourn at 8:08 PM. The motion passed.

Respectfully submitted

Richard Kingston
OCBCA Clerk
September 23, 2015

Approved at the January 5, 2016 Board of Governors Meeting

Results of Voting at the September 15, 2015 Old Colony Beach Club Association Board of Governors Meeting. Board of Governor Members present: Don DuBaldo, Janet Montano, Jerry Brocki, Gavin Cartiera, Steve Humes, Rich Kingston, and Doug Whalen.

Election of Board Officers and Directors and Appointment of New Board Member:

Doug reported that since Harry Plaut has resigned from the Board and that the third highest vote getter at the Semi-Annual General Membership Meeting was Jerry Brocki. In accordance with the Charter the highest unsuccessful candidate for Board of Governors' membership should be appointed to fill any Board vacancy. A motion (Kingston/Cartiera) was made to appoint Jerry Brocki to the Board of Governors to complete the remainder of Harry Plaut's term of office (September 2016). There was no discussion. The motion passed unanimously.

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Director of Public Safety: Doug Whalen nominated Jerry Brocki as Director of Public Safety. Gavin Cartiera seconded. With no other nominees the Clerk cast one vote and Jerry was reappointed to this position.

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Director of Public Works: Don DuBaldo nominated Steve Humes as Director of Public Works. Jerry Brocki seconded. Janet Montano nominated Don DuBaldo as Director of Public Works. Rich Kingston seconded. The nominations were closed. Don DuBaldo

received four (4) votes and Steve Humes received two (2) votes. As a result of this vote Don DuBaldo was appointed to this position.

Results of Voting at the September 15, 2015 Old Colony Beach Club Association Board of Governors Meeting (continued)

Tax Collector: Rich Kingston nominated Steve Humes as Tax Collector. Doug Whalen seconded. With no other nominees the Clerk cast one vote and Steve was appointed to this position.

WPCA Resolution – Doug read a proposed resolution that would give him, as Chair of the OCBCA Board of Governors, the authority to sign documents related to WPCA activities that require Board of Governor approval to include a cost sharing agreement between the three beach communities (Attachment 3). This document was prepared by OCBCA WPCA’s attorney. A motion (Humes/Cartiera) was made to adopt the resolution as presented. The motion passed unanimously.

Refill WPCA Vacancy - A motion (Whalen/Brocki) was made to appoint Steve Humes to the WPCA as the Board’s liaison to fill Harry Plaut’s unexpired term which ends June 2019. The motion passed unanimously.

Authorization to Purchase Plug-Ins for Website Transition –A motion (DuBaldo/Cartiera) was made to authorize up to \$100 for Joe to purchase necessary plug-ins to aid in the website transition process. There was no discussion. The motion passed unanimously.

Website Terms and Conditions –A motion (Humes/DuBaldo) was made to send the suggested Terms and Conditions to the Association’s attorney for his review and once the document has been reviewed it can then be then be posted to the website. There was no discussion. The motion passed unanimously.

ATTACHMENT 1

September 15, 2015 OCBCA Semi-Annual Meeting

Treasurer's Summary

Balance July 1, 2015: \$151,198.21

Income: \$149,672.29

Expenses: \$54,385.58

Balance September 15, 2015: \$246,484.91

General Fund Checking	\$108,978.57
General Fund MM Savings	72,371.34
Capital Fund MM Savings	<u>65,135.00</u>
Balance 9/15/15	\$246,484.91

ATTACHMENT 2

• M E M O R A N D U M

TO: Arde Ramthun
FROM: Dean Audet
DATE: September 14, 2015
RE: Sheffield Brook Public Meeting on September 12, 2015

- The following summarizes the results of the public meeting for the above referenced project. Doug
- Whalen representing the property owner also attended. This meeting was conducted at the Old Colony Beach Club community center. A copy of the presentation that was given is attached. The paragraphs below summarize the questions (in bold and italics) and responses to those questions.
- **Why will the project leave the stream in place on my property?**
- The stream is proposed to stay in place along the 30 foot wide easement because it is mostly located on private property. This NRCS funding cannot be used to enhance private property. However, the easement will be excavated in order to provide more flood conveyance and storage.
- **Will the project increase mosquitoes?**
- The project will not increase mosquitoes as it will not increase standing water.
- **Will the project impact habitat for existing wildlife?**
- The goal of this project is to enhance wildlife habitat by creating a more natural floodplain system.
- **Why can't the culvert outfalls be terminated on the top of the beach?**
Terminating the culvert on top of the beach would require an open channel to convey water from the culvert to the ocean. This open channel would significantly impact the ability for people to walk across the two beaches. It would have to be stabilized by large armor stones. Brides Brook at Rocky Neck State Park was given as an example.

ATTACHMENT 2 (cont)

MEMO- Arde Ramthun

September 14, 2015

Page 2 of 2

- **Won't extending the culverts out along the existing groin increase the potential for tides to flood into the culvert?**
- Extending the culverts out towards to end of the groin will not increase the potential for tidal flooding because they will likely be at the same elevation as the existing pipe. The elevation of the pipe determines whether tidal water enters the culvert.
- **Why isn't NRCS doing something about the properties on the west-side of the brook that placed fill on their properties and, has caused the flooding?**
- NRCS cannot improve private property as part of this project.
- **Will the project be completed over the summer?**
- The goal is that the project construction is started in the spring. We understand the concerns with summer construction when people are in the neighborhoods.

END OF MEMORANDUM

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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.

[The next page is the signature page]

Dated: _____

OLD COLONY BEACH CLUB
ASSOCIATION

WITNESSES:

By: _____
Name:
Title: Secretary

By: _____
Name:

By: _____
Name:

ATTACHMENT 4

Old Colony Beach Club Association

Website usage terms and conditions

Welcome to the Old Colony Beach Club Association (OCBCA) website. If you continue to browse and use this website, you are agreeing to comply with and be bound by the following terms and conditions of use, which together with our privacy policy govern Old Colony Beach Club Association's relationship with you in relation to this website. If you disagree with any part of these terms and conditions, please do not use our website.

The term Old Colony Beach Club Association or 'OCBCA' or 'us' or 'we' refers to the owner of the website whose address is Old Colony Beach Club Association, PO Box 10, Old Lyme, CT 06371. The term 'you' refers to the user or viewer of our website.

The use of this website is subject to the following terms of use:

- Access to this website is limited to OCBCA members and family granted access by the OCBCA Board of Governors, who may approve or deny access.
- The content of the pages of this website is for your 'OCBCA member' general information and use only. It is subject to change without notice.
- Neither we nor any third parties provide any warranty or guarantee as to the accuracy, timeliness, performance, completeness or suitability of the information and materials found or offered on this website for any particular purpose. You acknowledge that such information and materials may contain inaccuracies or errors and we expressly exclude liability for any such inaccuracies or errors to the fullest extent permitted by law.
- Your use of any information or materials on this website is entirely at your own risk, for which we shall not be liable. It shall be your own responsibility to ensure that any information, products or services available through this website meet your specific requirements and standards.
- This website contains material which is owned by or licensed to us. This material includes, but is not limited to, the design, layout, look, appearance and graphics. Reproduction is prohibited other than in accordance with the copyright notice, which forms part of these terms and conditions.
- All trademarks reproduced in this website, which are not the property of, or licensed to the operator, are acknowledged on the website.
- Unauthorized use of this website may give rise to a claim for damages and/or be a criminal offence.
- From time to time, this website may also include links to other websites. These links are provided for your convenience to provide further information. They do not signify that we endorse the website(s). We have no responsibility for the content of the linked website(s).