**April 10, 2018**

**Old Colony Beach Club Association Board of Governors Meeting**

**Gavin Cartiera’s House, 24 Wedgewood Drive, Wethersfield, Ct**

The meeting was called to order at 6:34 PM by Rich Kingston, Clerk, in the physical absence of Board Chairman Doug Whalen.

**ATTENDANCE:** Members present- Gavin Cartiera, Janet Montano, Joel Zimmerman,

Doug Whalen (by phone), Sonia Dudas (by phone), and Rich Kingston.

Member absent – Steve Humes

No members of the public was present.

**Approval of the 2/13/2018 Board of Governors Meeting Minutes:** A motion was made (Montano/Cartiera) to accept the minutes from the February 13, 2018 Board of Governors meeting. Rich noted that the scheduled March 13, 2018 Board of Governors meeting was cancelled due to bad weather. There was no discussion. The motion to accept the minutes passed.

**Treasurers Report (Janet Montano):** Janet presented the Treasurer Summary through March 31, 2018 (Attachment 1). A motion (Zimmerman/Cartiera) was made to accept the Treasurer Summary as presented. There was no discussion. The motion to accept the Treasurer Summary passed unanimously.

**Action Items Update:** Rich reported again that he had not yet started working on Action Item #37 (Develop a Records Retention Policy). There are no other outstanding Action Items pending. Rich did state that he would make sure that the Action Items list is updated to reflect new items that the Board agrees to pursue which require subsequent action.

**Committee Reports-**

**Chairman’s Report (Doug Whalen):** Doug stated that he had nothing to report aside from the specific items that appear later in this meeting’s agenda.

**Clerk’s Report (Rich Kingston):** Rich stated that he will make arrangements in the near future for the meeting space at the Shoreline Church for the General Membership Meeting scheduled for June 23rd.

**Tax Collector (Sonia Dudas):** Sonia reported that there continues to be three (3) delinquent taxpayers with a total due of $1,678.31 plus interest. Sonia will pursue placing a lien on these properties if the taxes remain unpaid on July 1, 2018. Doug suggested that a warning letter be sent to these Association members sometime after May 1 informing them that a lien would be placed on July 1for their failure to pay Association taxes. Janet stated that last tax year the Board granted an exception to those who paid their taxes by August 15 allowing them to avoid interest that would have accrued from August 1 as had been the practice before the 2017 amending of the OCBCA Charter. This year taxes will be due on August 1 and interest will accrue for any days after that date in accordance with the language of the amended Charter.

**Recreation (Gavin Cartiera):** Gavin reported that Doug put together a schedule listing of events planned for this summer. The Board reviewed this list including the planning for the

July 21st annual summer picnic. At Doug’s suggestion the Board will keep the ticket price for this event at a maximum of $15 per person. Doug stated that he would work with Gavin in the next few weeks to obtain prices to cater this event. The Board also discussed the availability of different bands to hold a second music event as one is currently planned for July. The Board agreed that the ice cream tickets that are given as a prize to contestants of the two Sand Castle Contests should be redeemable at either the ice cream truck or at the Synagogue’s ice cream social event that evening.

**Public Safety (Steve Humes):** Rich stated that although Steve is unable to attend this Board of Governor meeting he did report by email that he has a proposal from USA Security Services for $21.00 per hour for the upcoming season and, assuming the Board supports this engagement, he will work with the company to finalize the engagement details. Steve will be seeking either a draft agreement from USA Security for Board approval or he will be drafting one himself. Either way Steve understands that we need an agreement approved and in place. Steve asks that Board members let him know if the proposed 2018 schedule for security staffing which he previously circulated is acceptable as he would like to forward this schedule to USA Security. Although the hourly amount is greater than last year’s security firm’s hourly rate of $17.75 the Board agreed that paying more for the expectation of better service was a good decision. Rich suggested that a formal vote be held after the proposed contract is drawn up and presented to the Board. The Board also agreed that a golf cart should be rented from July 1 to Labor Day as has been our prior practice. Post orders will be reviewed to provide guidance on the proper use of this cart.

**Public Works (Joel Zimmerman):** Joel reported that there are four (4) public works contracts that are used annually: snow plowing, beach cleaning, swim buoy maintenance, and landscaping. Joel stated that only the landscaping contract remains unsigned. He is working on completing this contract prior to the commencement of the growing season. Joel has obtained free mosquito pellets from the town. Joel has arranged for a 36 foot pole that was washed up on the beach to be placed between the Quinn cottage and the Breen Avenue beach entrance which should prevent the undermining of sand from the homeowner’s patio. Joel reported that he was informed by Harry Plaut of H.S. Plaut Environmental Services that the volleyball court and the beach itself need regrading. This contractor proposed doing this work at the volleyball court for $2,000 and at the beach for a cost between $5,000 and $7,000. The Board then discussed how the terms of the current beach cleaning contract might entail some of the same work that is being proposed at a separate cost. Joel will discuss this issue with Harry Plaut. Doug believes that we may need to add to the $3,200 contained in the contract for May work but the amount suggested appears more than the Board wants to pay.

**WPCA Report –** Steve, the Board liaison, anticipating his absence, submitted a report of WPCA activities for the Board (Attachment 2). The Board then discussed the various portions of Steve’s report. The Board recognizes that the WPCA is an independent body and is encouraged by the work they have done to date. Doug stated that he spoke to Frank Noe about the Steve’s concern specific to the wording of the New London Sewer Treatment Agreement regarding individual member liability. Frank informed Doug that he spoke to the OCBCA’s WPCA attorney who stated that this wording is acceptable as individual member liability is implicit with the one hundred per cent participation of our community (see paragraph 1 of Attachment 2).

**New London Sewer Treatment Agreement**- Doug informed the Board that a resolution to allow him and Frank Noe, as chairman of the WPCA, to sign the pending New London Sewer Treatment Agreement needs to be approved by the Board (Attachment 3). A motion (Montano/Cartiera) was made to approve the resolution as appears in Attachment 3 of these minutes. There was no discussion. The motion passed unanimously.

**List of Fines for Infractions (New Charter) –** Rich reported that he and Gavin as a subcommittee of the Board had met prior to this meeting to discuss assigning fines for ordinance infractions. Rich stated that they have just started this process but wanted to let the Board know to expect fine recommendations at its next meeting.

**Budget for FY2019 –**Doug distributed, prior to this meeting, a draft budget for FY2019 and Janet had revised that document to indicate receiving $20 more from the town of Old Lyme than initially budgeted (Attachment 4). The Board agreed to move this amount into the Professional Fees line of the budget increasing it to $8,320. Doug also described a few other changes that were made to his original draft budget. Rich pointed out that the Board needs to be aware of public works related expenses that may accrue in the future now that the Sheffield Brook Project work is close to completion. A motion (Kingston/Zimmerman) was made to accept the FY2019 budget with a mil rate of 3.25 as presented with the one minor change of $20 added to the Professional Fees line. After some discussion the motion passed unanimously. The Board approved budget for FY2019 will be presented to the membership at the June 23rd Semi-Annual General Membership meeting.

**New Beach Signage & Gorton/Hartung Street Drainage –** Joel stated that he had sent out the design for the new beach entrance signage to the Board earlier. The total cost for these signs is $1,507.50 which includes a one-time set up charge of $85 and three two-sided signs at a cost of $445 each. OCBCA will need to arrange for the installation of these signs. The Board agreed with the design of the signs that Joel presented. Joel reported that there are two major areas of street puddling in our Association, one at the south end of Gorton Avenue and the other on Hartung near the corner with Gorton. Joel reported that the presence of a berm on the east side of Gorton Avenue seems to be the cause of the puddling on Gorton. Joel would like to remove the berm with the land owner’s permission which would alleviate much of the puddling. Joel also reported that adding a layer of asphalt onto Hartung should alleviate the puddling on that street by redirecting the drainage pattern. The upcoming installation of storm drains as part of the sewer installation project is the long term solution to this puddling. Doug will ask the land owner for his permission to remove the berm.

**Request to Hold Private Event on the Beach, Saturday, October 6th –** The Board has received a request from the owner of 68/70 Old Colony Road to hold a private event on

October 6th by the volleyball court. The only change the Board made to the application was changing the ending hour from the requested 1:00 AM to 10:00 PM. A motion (Cartiera/Zimmerman) was made to approve the request of the owner of 68/70 Old Colony Road with the one change regarding the ending hour of the event to 10:00 PM to hold an event on the beach of October 6, 2018. Janet noted that, in all cases, in order to use Association property homeowners must be in good standing as defined by Article III of the By-Laws of the Association. The motion passed unanimously. Doug will inform the homeowner of this approval.

**Other Old Business -** None.

**New Business -** None.

**Sheffield Brook Project Progress Report –** Doug informed the Board that he was able to obtain additional funds from the State of Connecticut Department of Housing in the amount of $18,975.38 to cover unanticipated Sheffield Brook Project expenses related to the lower portion of this project. Doug stated that he needed the Board’s approval to sign an amended contract reflecting these additional funds. A motion (Whalen/Dudas) was made to authorize Doug Whalen as Chairman of the Old Colony Beach Board of Governors to sign an amended agreement in the amount of $318,975.38 with an ending date of June 30, 2018 with the State of Connecticut Department of Housing for the lower portion of the Sheffield Brook Project. Rich noted that the Board will have to request an additional $3,162.57 at the General Membership meeting to supplement the initial Membership approved amount of $50,000 for this project. The motion passed unanimously. The Board agreed to discuss other issues related to Dichello Construction and Fuss & O’Neill at its May meeting.

**Public Comment –** No members of the public were present.

**NEXT MEETING -** The next Board of Governor’s meeting is scheduled for Tuesday,

May 8th at Doug Whalen’s cottage, 41 Old Colony Rd, Old Lyme.

A motion (Cartiera/Zimmerman) was made to adjourn at 9:01 PM. The motion passed.

Respectfully submitted

Richard Kingston

Clerk

April 15, 2018

Minutes Approved at May 8, 2018 Board of Governor Meeting

**Results of Voting at the April 10, 2018 Old Colony Beach Club Association Board of Governors Meeting. Board of Governor members present-** **Gavin Cartiera, Janet Montano, Joel Zimmerman, Doug Whalen (by phone), Sonia Dudas (by phone) and Rich Kingston.**

**New London Sewer Treatment Agreement**- Doug informed the Board that a resolution to allow him and Frank Noe as chairman of the WPCA to sign the pending New London Sewer Treatment Agreement needs to be approved by the Board (Attachment 3). A motion (Montano/Cartiera) was made to approve the resolution as appears in Attachment 3 of these minutes. There was no discussion. The motion was passed unanimously.

**Budget for FY2019 -** A motion (Kingston/Zimmerman) was made to accept the FY2019 budget with a mil rate of 3.25 as presented with the one minor change of $20 added to the Professional Fees line. The motion passed unanimously.

**Request to Hold Private Event on the Beach, Saturday, October 6th -** A motion (Cartiera/Zimmerman) was made to approve the request of the owner of 68/70 Old Colony Road with the one change regarding the ending hour of the event to 10:00 PM to hold an event on the beach of October 6, 2018. The motion passed unanimously.

**Resolution to Authorize Doug Whalen to Sign Amended Sheffield Brook Project with the Department of Energy and Environmental Protection** - A motion (Whalen/Dudas) was made to authorize Doug Whalen as Chairman of the Old Colony Beach Board of Governors to sign an amended agreement in the amount of $318,975.38 with an ending date of June 30, 2018 with the State of Connecticut Department of Housing for the lower portion of the Sheffield Brook Project. The motion passed unanimously.

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| ATTACHMENT 1  Treasurer’s Summary  OCBCA Board of Governors Meeting  April 10, 2018  Balance July 1, 2017: | $170,317.36 |  |  |  |  |
|  |  |  |  |  |  |
| Income: | $218,939.97 |  |  |  |  |
|  | $41.10 |  | FY 2018 tax overpayment\* | | |
|  |  |  |  |  |  |
| Expenses: | $107,436.38 |  |  |  |  |
|  |  |  |  |  |  |
| Balance January 31, 2018: | $281,862.05 |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
| General Fund Checking | $28,915.10 |  |  |  |  |
| General Fund MM Savings | $150,839.34 |  |  |  |  |
| Capital Fund MM Savings | $102,107.61 |  |  |  |  |
| Balance 3/31/18 | $281,862.05 |  |  |  |  |

**\***QuickBooks does not consider tax overpayments made in one FY as income in that year but as income in following FY.

ATTACHMENT 2 – WPCA Liaison Report (S. Humes)

New London Agreement: As Doug circulated, the latest proposed agreement between the New London WPCA and the 3 beach communities (Old Colony Beach, Miami Beach and Old Lyme Shores) was circulated by Doug last week in clean form ready for execution. New London is demanding that the Beach Associations execute these within 2 weeks or they say they will drop the deal.  At our WPCA meeting on April 2, the WPCA board therefore voted to authorize Frank Noe to execute this agreement without further action from the board, provided that the agreement's final clean executable form be updated to reflect our concerns.  While we had several requested edits that were rejected, the one important edit that I requested was as follows.  In Section 2.3, there is the following sentence: "BEACH ASSOCIATIONS members shall be jointly and severally liable for payment of the initial connections costs."  I had requested that the word "members" be deleted to eliminate any possible suggestion that this agreement could arguably bind individual members of each Beach Association.  In response, New London left the word "members" in the agreement and sent it back for execution.  (New London has been unreasonably unwilling to make almost any changes the Beach Associations requested.)  So I've asked Frank to request deletion of this word.  He was advised that this word doesn't matter because Section 3.1 has a paragraph ending with the following sentence: "In the event BEACH ASSOCIATIONS have not utilized capacity by September 1, 2023, this agreement shall terminate."  So Frank says he is comforted that we can end the agreement rather than being liable for initial connection costs if the projects do not go forward by that date.  Based on Frank's explanation, I'm willing to recommend that Frank and Doug sign the agreement.

I RECOMMEND THAT THE OCBCA BOARD VOTE TO AUTHORIZE DOUG TO EXECUTE THE AGREEMENT.

2. East Lyme: The negotiations are ongoing and the key issue involves the Bride Brook Pump Station, which East Lyme wants to relocate and upgrade.  East Lyme is requesting that the BEACH ASSOCIATIONS bear 80% of the cost for this pump station even though that cost allocation is far higher than the actually usage will be by the three beaches.  Some ongoing engineering review is underway to see what's needed.  Frank is arguing for a fairer cost allocation that more closely approximates the pro rata share of costs by the three beaches and Point O' Woods.

3. Town of Old Lyme: The lease agreement with the town is essentially down and we are waiting for the town to schedule a Town Meeting.  Frank’s consultant for this purpose.reported that the town may hold that public meeting as soon as June, possibly on June 1.

4. City of Waterford: The agreement between Waterford and the BEACH ASSOCIATIONS calls for a fee to be paid of $165,000 for the use of their pipe to pump our sewage through the town to New London.  The agreement is being drafted and will be circulated for review when available.

5. Ongoing EDU Discussion:  We continued the ongoing discussion on EDU calculation methodologies and it appears that no progress has been made, but that there are many possible methodologies, none of which will be positively received by all members of OCBCA. During the meeting, Joe Cancelliere presented 3 other methods for consideration. No matter what option is picked, we anticipate some member opposition.  In light of the endless uncertainties and disagreements, I recommended that the WPCA Board consider hiring a consultant to research the fairest methodologies -- based on OCBCA's unique features -- to allocate project costs to individual members.  The Board voted in favor to support the payment of $20,000 in consulting fees to advice on EDUs and so OCBCA WPCA is commencing the process of seeking to retain such a consultant for this purpose.

Attachment 3

Resolution to Grant Chairman of OCBCA authority to sign WPCA related documents on behalf of the OCBCA Board of Governors with the City of New London:

Resolved:

That Douglas Whalen, as Chairman of the Old Colony Beach Club Association Board of Governors and Frank Noe, as Chairman of the Old Colony Beach Club Association Water Pollution Control Authority, are authorized by Article IV, Section 3 and Article V, Section 4 of the by-laws of the Association to execute, in the name of The Old Colony Beach Club Association, any and all such contracts and other written obligations, including, but not limited to administrative consent orders with the City of New London with respect to environmental matters. In addition, such Douglas Whalen and Frank Noe, are duly authorized by Article IV, Section 3 and Article V, Section 4 of the by-laws of the company to submit documents to the City of New London on behalf of the Association.

Attachment 4

