

April 9, 2019

Old Colony Beach Club Association Board of Governors Meeting

Gavin Cartiera's House, 24 Wedgewood Dr., Wethersfield

The meeting was called to order at 6:31 PM by Board Clerk Rich Kingston. Board Chairman Doug Whalen participated in the meeting and attended by phone.

ATTENDANCE: Members present- Gavin Cartiera, Janet Montano, Joel Zimmerman, Doug Whalen (by phone), and Rich Kingston.

Members absent – Sonia Dudas and Steve Humes

Members of the Public Present: Deborah Feigenbaum, Ira Feigenbaum, and Jim Fazzina

As Deborah and Ira Feigenbaum owners of 22 Hartung Place, called in to the meeting to state that they were held up by traffic and would not arrive until 6:40 Item III of the agenda was addressed out of order.

Approval of the 3/12/2019 Board of Governors Meeting Minutes: A motion was made (Cartiera/Zimmerman) to accept the minutes from the March 12, 2019 Board of Governors Meeting. Rich noted that what should have been Appendix 3 was listed as Appendix 2 duplicating an Appendix number already used. Rich will make the change in the minutes. There was no other discussion. The motion to accept the minutes passed.

Treasurers Report (Janet Montano): Janet presented the Treasurers Summary for the period ending March 31, 2019 (Attachment 1). A motion to accept the Treasurer's Summary as presented was inadvertently not made. A motion to accept this summary will be made at the regular May meeting of the Board of Governors.

Action Items Update: Rich stated that Action Item # 62 (Request Association's Attorney review 22 Hartung Place Easement Request) is included in this meeting's agenda as a separate item and has been completed.

Committee Reports-

Chairman's Report (Doug Whalen): Doug reviewed his Chairman's report (Attachment 2) with the Board. In addition he stated that he is waiting for a copy of Old Lyme's new waste removal contract from the First Selectwoman's Office. Doug informed those present that effective July 1 there will no longer be a second weekly trash can pick up during the summer months. However, recycle cans will be emptied every week rather than every other week. Doug stated that he is also preparing a newsletter and would welcome contributions from other Board members. Doug stated that the three beaches have received the funding for the main infrastructure of the sewer project which includes the pump station. The WPCA will also be closing on funds needed for the OCBCA infrastructure in the next few weeks. Once all three beaches have their funding the design portion of the project can begin. The ending date for the funding for this project is set for July 31, 2021 by which time all sewer construction should be completed.

Item III of the Agenda immediately followed with remaining Committee reports submitted at the end of the Item III discussion.

22 Hartung Place Easement Request – Doug reported that after speaking to the Association's attorney he learned that the General Membership must give its approval by simple majority at a General Membership meeting to any change in property rights such as that proposed by the Feigenbaum's architect for 22 Hartung Place at the last Board meeting. The attorney also noted that to make this change to a paper road the Association would need to make a Connecticut General Statute 8-24 referral to the Old Lyme Zoning Board to approve an easement to this paper road. Doug recommended that the referral, due to time constraints, be brought to the town before the General Membership vote but he will check with our attorney to learn whether this action would be appropriate before a positive vote by the membership. Rich asked the Feigenbaums if they wanted to continue with their request in light of the time required to obtain necessary permissions. Ira indicated that he and Deborah wanted to continue to pursue the requested easement. A motion (Kingston/Cartiera) was made to put the 22 Hartung Place proposal in front of the General Membership at its June semi-annual meeting. This proposal entails exchanging easement property rights on two strips of land along two borders of the 22 Hartung Place property. The Association would grant easement rights to the Feigenbaums along Brookside Road and obtain easement rights from the Feigenbaums along Hartung Place. Discussion of the motion followed. Gavin wants to make sure that the Board presents all pertinent information to the membership so that they can make an informed decision. Rich stated that a packet of information would be included in the pre-General Membership meeting mailing. Doug is concerned about how much the easement will impact the existing roadway. Rich stated that he spoke to Frank Tomaro, the landowner adjacent to the rear property line of 22 Hartung Place, who stated that he has discussed this situation with the Feigenbaums and is satisfied that his ability to access his property will not be impacted by this request for an easement. Ira Feigenbaum stated that nothing will change from the existing situation. The previous owner of this property was already using the area the same way the Feigenbaums intend. The only change is to grant a legal easement which may assist them in gaining local zoning board approval for the plan for the Feigenbaum's new house.

Joel said that he wanted a clear visual representation of the easement to be placed physically on site so that it can be viewed by the Board members. Janet shared pictures of the site that she had taken after the request for the easement had first been submitted. The Feigenbaum's agreed to have a line drawn on the ground representing the easement area requested. Joel stated that he does not believe that whatever the previous owner did should impact the Board's ultimate decision. Rich recognized Jim Fazzina, an Association owner and a member of the public, to ask a specific question regarding the need to make the easement request. Jim had earlier addressed questions by e-mail about this agenda item to the Clerk after reading the March 12th Board of Governors meeting minutes. The Feigenbaums replied that they are requesting a hardship exception from the local Zoning Board of Appeals and that they have been advised that this easement will assist in this effort. Joel stated that the size of the lot is the driver for their request for a bigger house than now exists. Joel is concerned about the precedent that this request would create. Rich asked if the square footage in the easement granted to OCBCA would be subtracted from the square footage gained by the Feigenbaums. At this time the Feigenbaums did not have an answer to his question. Joel asked if the size of the planned house could be reduced so that an easement would not be necessary. The Feigenbaums said they would lose a bedroom from the

current plan. Some general discussion followed surrounding the issue about whether an easement would count toward property size for zoning purposes. Rich summarized the Board concerns that need to be answered. The first is to have a visual representation on site of the outside border easement area. The second is that the Board would also like the square footage measurements for both proposed easements and how these numbers would be applied to the zoning application. Joel stated that he would like to have a formal response from the town acknowledging that the town would recognize easement rights to increase property rights for zoning purposes. Rich stated, that in his opinion, the town would never provide such a letter as it could restrict their options when making final decisions on zoning requests. Rich suggested that we limit the Board's concerns to those issues specific to the easement request. Ira stated that he would have a line drawn and will take pictures to clearly illustrate the situation. At this time Rich withdrew his motion, with Gavin's acquiescence, in light of the need to gain further information before formally addressing the request to present this easement exchange to the General Membership. The Board members agreed that they would commit to making a final decision at the May 14th Board meeting regarding whether to bring this agenda item to the General Membership. Rich thanked Deborah and Ira Feigenbaum for attending this meeting and assisting in the conversation. Rich also thanked Jim Fazzina for his participation.

Deborah and Ira Feigenbaum left the meeting at this time. Jim Fazzina stayed.

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

Tax Collector (Gavin Cartiera): Gavin reported that \$1,248.67 plus finance charges have yet to be collected from three Association members for their FY 2019 taxes. Two of the three taxpayers have yet to pay any amount toward their taxes.

Recreation (Sonia Dudas): As Sonia was not present a formal report was not made. However, Sonia did send an e-mail during the meeting to inform the Board that the Karaoke Night has been rescheduled to July 13th. According to this e-mail the Association Dinner is scheduled for July 20th and the Third Stone Band will perform on August 3rd. Janet suggested that the Board should plan on two hundred and fifty (250) attendees as the Association Dinner rather than the two hundred and seventy-five listed on the contract that Janet received from Sonia. Doug directed Janet to pay the deposit for two hundred and fifty (250) attendees.

Public Safety (Steve Humes): In Steve's absence Doug reported that Steve has successfully bid a new summer security contract with Investigative Consultants LLC at an hourly rate of \$19.89 (\$29.82 for holidays). This new contract will only require four hour notice to cancel daily guard service. Doug stated that the Association would stay with its current practice of providing twenty-four (24) hour notice. Doug noted that Steve had secured a golf cart for the guard service for July and August. Doug has volunteered to activate the guard's phone from his personal Xfinity account. Doug asked the Board members to donate an old cell phone on which to assign this service. Steve has done so already. A motion (Montano/Zimmerman) was made to contract with Investigative Consultants for summer security guard service at a cost of \$19.89 per hour. There was no discussion. The motion passed unanimously.

Public Works (Joel Zimmerman): Joel reported that Montano & Sons only plowed three times this winter. Joel has received a proposal with Nickerson Landscaping with a modest increase for

this year. Joel will put this contract in place before its scheduled start about May 15th. A motion (Kingston/Cartiera) was made to approve awarding the summer landscaping contract to Nickerson Landscaping. There was no discussion. The motion passed unanimously. Joel reported that he and Rich Kingston had met with Larry Mandel from H.S. Plaut Environmental Services to discuss the work that will be necessary to prepare the beach for summer. The current contract calls for annual clean up but Joel thinks that additional steps may be required to properly prepare the beach. Joel stressed that any additional cost must be for services not covered by the annual clean up language of the contract. Joel read Harry Plaut's official response regarding Joel's proposal to deduct the total annual clean up amount from his proposal for additional work to be done. Harry responded that he would not reduce his price in this manner as he believes that the work is not duplicative in nature. The Board discussed alternate ways to prepare the beach for the summer. Joel did note that the rocks that are below the median high tide line, which is state property, cannot be removed by OCBCA. A suggestion was made to ask Joel to approach Harry Plaut one more time to see if he would reconsider reducing his project price. The Board members agreed that this might be the best way to proceed.

WPCA Report: Steve was unable to attend this meeting but he did provide a written report for this meeting (Attachment 3).

Beach Camera Hyperlink Project Update – Doug is continuing to work with Eversource to provide power for the Comcast security system. Doug reported that Don DuBaldo's company would install a modem box on the telephone pole near the Sheffield Brook outlet. Comcast will be installing their equipment from May 13th to 15th. Doug informed the Board that the Association may need to install its own telephone pole at the Broughel gate. Currently the Association is in violation for hanging a solar panel on Eversource's existing pole. Doug stated, in answer to Rich's question, that this project does not include wi-fi access for beach goers. This may be a future separate initiative of the Board.

Budget for FY 2020 – Doug sent out an adjusted budget (Attachment 4) based on Board member comments after he had sent his initial version out by e-mail. Doug spoke to Frank Noe who stated that the WPCA could reduce its annual budget request from \$22,000 to \$15,000. With a few other reductions Doug believes that the Association can remain at the current mil rate of 3.25. Doug asked each Board member to review this budget and be prepared to finalize it for presentation to the General Membership at the June 22nd General Membership Meeting.

Other Old Business – There was limited discussion about the impact of the 22 Hartung Place easement request upon the upcoming sewer installation project.

New Business – There was no New Business.

Public Comment – Jim Fazzina thanked the Board members for all their efforts. Jim stated that he attended because he is concerned about the easement request for 22 Hartung Place.

NEXT MEETING - The next Board of Governor's meeting is scheduled for Tuesday, May 14, 2019 at 6:30 PM at a location to be determined.

April 9, 2019
OCBCA Board of Governors Meeting

A motion (Zimmerman/Montano) was made to adjourn at 8:37 PM. The motion passed.

Respectfully submitted

A handwritten signature in black ink, appearing to read "Richard Kingston".

Richard Kingston
Clerk
April 14, 2019

Results of Voting at the April 9, 2019 Old Colony Beach Club Association Board of Governors Meeting. Board of Governor Members present- Gavin Cartiera, Janet Montano, Joel Zimmerman, Rich Kingston and Doug Whalen.

Summer Security Guard Service: A motion (Montano/Zimmerman) was made to contract with Investigative Consultants for summer security guard service at a cost of \$19.89 per hour. There was no discussion. The motion passed unanimously.

Summer Landscaping Contract: A motion (Kingston/Cartiera) was made to approve awarding the summer landscaping contract to Nickerson Landscaping. There was no discussion. The motion passed unanimously.

April 9, 2019
OCBCA Board of Governors Meeting

Attachment 1

Treasurer's Summary
OCBCA Board Meeting
April 9, 2019

Balance July 1, 2018	\$235,258.50	
	\$160,885.40	*
	(44.38)	FY2018 tax overpayment made in 2017*
	<u>\$.90</u>	FY 2018 tax overpayment*
Income	\$160,841.92	
Expenses	\$ 71,618.58	
Balance February 28, 2019	\$324,481.84	
General Fund Checking	\$ 27,917.13	
General Fund MM Savings	\$173,070.36	
Capital Fund MM Savings	<u>\$123,494.35</u>	
Balance 2/28/19	\$324,481.84	

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

Attachment 2

Chairman's Report for 4/9/19 meeting

Well it is getting warmer up north and I am starting to get calls and Emails from residents about different items at the beach

- Some calls about gate & beach passes and car stickers came in. **Rich & Steve** can you let me know if you have those items for the residents? Does anyone else have these items?
- I am telling all of the residents requesting car passes/beach passes/gate cards that they will be available after May 15th.
- I also received an Email from Larry Lapilla asking about "no hammer" rule and gave him an electronic version of the charter/bylaws/ordinances and outlined the area of concern. Larry stated the house will be completed by that time and will be closed up, some inside work & painting will be done around that time frame. Larry will be next door and will monitor the contractors for noise.
- I have scheduled the install of the security cameras and internet for May 14th. there will be 2 different installs (2 internet sites & 4 cameras at 2 sites)
- I spoke to Luke Johnson from All Habitat regarding the spring cleanup of the Gorton Ave easement area. Luke is putting together a proposal and I was told by Kristen at NRCS the money is there to get the work done this spring. Once I get the proposal I will submit it to NRCS for funding.
- We need to think about adding FY2020 budget to the April agenda and start the process. **Steve** I will provide you with the numbers needed for security cameras and phone for guards so you can add it to the public safety budget.
- **Rich** I am purchasing a weatherproof box to be installed on the Beach Eversource pole for the modem and camera and will have it shipped to your address. Can you keep it stored until I get back to CT (May 12th)

Attachment 3

For the WPCA Update section of tomorrow's agenda, here is my written report.

The most recent meeting of the WPCA took place on March 25, 2019. Here's a summary of what took place.

1. Discussion of hiring appraiser--We were interested in hiring an appraiser who appeared several months ago, Steve Flanagan, because he offered an alternative solution that recommended appraising the value of the sewer project on the entire OCBCA community and then dividing the total cost of the project by the net benefit assessment, thereby assigning every deeded property owner the same amount. This approach seemed appealing to the WPCA board and we requested that Mr. Flanagan submit a proposal for professional services that would include a written report supporting his advice in compliance with the applicable standards for professional appraisers in Connecticut. At the March meeting, Don Broder, who has a long-standing relationship with Mr. Flanagan, reported that Mr. Flanagan changed his mind and no longer was interested in performing appraisal services for OCBCA. As a result, the WPCA Board agreed that we should issue an RFP to solicit proposals from other potential appraisers and explore our options. So this process will take more time in order to arrive at a solution to support the EDU calculation. Attached please find a draft RFP for appraisal services that I prepared and sent to the WPCA Board. The Board will probably consider this at the next meeting.

2. Engineering Contract--The Board voted to approve a contract with Fuss & O'Neill to perform engineering services for the OCBCA infrastructure (not the shared pump station and forced main). The budget for engineering services to be performed is \$566,100.

3. Road Repair--DEEP representatives overseeing the sewer projects with the beaches have indicated that they only want the project to include road repair costs for the trench, not the entire road repaving throughout OCBCA. Frank Noe reported that he and the other beaches asked F&O to send a letter to DEEP asking them to reconsider because it will most likely be less expensive and certainly better to repave the entire streets, not just the trenches. We will ask the engineer to include an alternative bid item in the bid package asking the contractor to bid on either the patch approach or the full paving approach and this decision can be made later.

4. Zoning Change to allow Pumping Station--The proposal of the Miami Beach property owner to change the Zoning Regulations to allow a sewer pumping station in the area was considered by the town, with the Planning Board approving the change to the zoning regulations. There was a public hearing on March 11th and no vote was taken by the full P&Z Commission. This matter is now scheduled for a vote on April 11th. Frank reported that DEEP wrote a nice letter to the P&Z in support, as did the town WPCA.

The next meeting will be April 22.

April 9, 2019
OCBCA Board of Governors Meeting

Attachment 4

**Old Colony Beach Club Association Fiscal Year Proposed 2020 Budget plus Actual
Expenditures to 2/28/19**

	Actual FY 2017	Actual FY2018	Budget FY 2019	Actual FY2019 as of 2/19	Budget FY 2020
Revenues					
Property Taxes + finance charges	144,007.82	144,654.63	141,500.00	142,586.68	142,000.00
Town of Old Lyme	9,000.00	8,900.00	8,450.00	8,700.00	8,450.00
Vendor Fees	500.00	500.00	500.00	500.00	500.00
Reimbursement for Liens & Lien Releases					
Registrations	450.00	650.00	200.00	150.00	100.00
Reimbursement for Bank Charge					
Gate Swipe Cards	470.00	350.00	200.00	205.00	100.00
Fines		40.00		20	
Sign damage payment					
Boat storage cost reimbursement	30.00				
Federation 1/2 dues returned	289.50	289.50		289.5	
CT Water overpayment returned	4,751.95				
Overcharged fees returned	1,166.00				
Interest Income General Fund	150.70	205.22	75.00	152.75	150.00
Interest Income Capital Account	123.43	164.37	75.00	118.81	100.00
Easement Funds					
State of Connecticut grant money	247,070.00	18,975.38			
OLS 1/2 cost Sheffield Brook project		52,176.59			
Purfill Stub Sale		12,000.00			
Recreation	2,460.00	2,510.00	2,000.00	3,481.00	3,000.00
Raffle	2,531.00	3,580.00	2,000.00	3,032.00	2,000.00
Merchandise	1,241.00	1,046.00		1,522.00	600.00
Total Revenues	414,241.20	246,041.69	155,000.00	160,757.74	157,000.00
Expenditures General Fund					
Public Safety	21,876.91	25,394.72	30,000.00	18,936.30	36,000.00
Public Works	27,194.90	33,963.98	37,000.00	20,155.17	40,000.00
Insurance	5,309.00	5,439.00	6,300.00	5,718.00	6,600.00
General Administration	3,663.13	6,471.85	6,000.00	2,520.25	7,000.00
Electricity	4,586.25	5,295.42	5,700.00	3,897.02	6,200.00
Fire Protection (Hydrants)	9,787.10	10,068.06	10,500.00	6,993.38	12,000.00
Recreation	11,073.44	9,691.03	10,000.00	6,228.74	10,000.00
Raffle	512.32	778.73	500.00	503.64	500.00
Merchandise	1,658.40	1,820.50	1,500.00	1,117.00	2,000.00
Professional Fees	4,812.50	13,281.00	8,320.00	1,925.00	8,000.00
Donations	200.00	200.00	200.00	200.00	200.00
Property Taxes	955.71	920.92	1,000.00	927.70	1,500.00
Subtotal	91,629.66	113,325.21	117,020.00	69,122.20	130,000.00
Contingency Fund Capital Account	18,000.00	16,000.00	16,000.00	16,000.00	12,000.00
General Fund Expenditures after \$ transfer	109,629.66	129,325.21		85,122.20	
Capital Improvements/Expenditures					
WPCA	22,000.00	22,000.00	22,000.00		15,000.00
Fencing		1,399.68			
Sheffield Brook Permits	1,250.00				
Sheffield Brook	325,015.48	44,420.03			
Subtotal	348,265.48	67,819.71	38,000.00		27,000.00
Total	439,895.14	181,144.92	155,020.00		157,000.00
Mill Rate	3.25	3.25	3.25		3.25
Profit/Loss	-25,653.94	64,896.77			

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