

**March 12, 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 6:35 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, Steve Humes (by phone), Doug Whalen (by phone), and Rich Kingston.

Members absent – Sonia Dudas

Guests: Deborah Feigenbaum, Ira Feigenbaum, and Jeff Flower

No other members of the public were present.

**22 Hartung Place Owner Presentation of Design Proposal:** Jeff Flower, the architect for Deborah and Ira Feigenbaum who are the new owners of 22 Hartung Avenue, stated that they are planning to tear down the existing five bedroom duplex and replace it with a new five bedroom single family home. The owners need to erect the new house on a conforming location. The current house location is non-conforming. In order to become conforming, adjustments need to be made to the current property lines. As a result of the recent plot plan survey the Feigenbaums are asking for a 12 foot wide easement on the OCBCA owned Brookside Avenue side of the property. Mr. Flower stated that the requested easement would only be covered by grass. The survey also revealed that some Hartung Place road surface covers Feigenbaum property. The Feigenbaums are willing to grant an easement to OCBCA for the portion of Hartung Place that is on their property. This easement would run approximately 18 inches from the west end to approximately seven (7) feet on the east end. In summary, the adjustment that the Feigenbaums are seeking would be for OCBCA to grant them an easement on the Brookside side of the property and in return they would grant OCBCA an easement to the Hartung Place side of the property. Doug stated that he would bring this proposal to the attention of the Association's attorney for his advice. The attorney will be asked a couple of questions: 1) the impact to the Association and 2) does the final approval for this arrangement rest with the Board of Governors or must it be referred to the general membership for their approval. Joel asked the presenter a few questions that are pertinent to this proposal. In response to Joel's question about how much smaller would the new house have to be should the easement not be granted, Mr. Flower responded that it might have to be about 400 square foot smaller. Mr. Flower did state that the town of Old Lyme's Zoning Board of Appeals will have the final say on the configuration of the new home. Doug stated that should an easement be granted OCBCA would want to stipulate that a structure could not be created on the Brookside Avenue easement. Ira Feigenbaum stated that construction would start as soon as possible but stop during the no construction period of July 1 through Labor Day. Doug stated that if the Attorney advises that the Board can make the final decision a special Board meeting can be called to formally address this issue. As they left the meeting Rich thanked Mr. Flower and the Feigenbaums for their presentation.

*At end of the 22 Hartung Avenue presentation the meeting was temporarily suspended at 7:10 and resumed at 7:15.*

**Approval of the 1/8/2019 Board of Governors Meeting Minutes:** A motion was made (Montano/Zimmerman) to accept the minutes from the January 8, 2019 Board of Governors Meeting. There was no discussion. The motion to accept the minutes passed.

**Treasurers Report (Janet Montano):** Janet presented the Treasurers Summary for the period ending February 28, 2019 (Attachment 1). A motion (Zimmerman/Cartiera) was made to accept the Treasurer Summary as presented. There was no discussion. The motion passed. Rich asked Janet if she had the formal bank statements which corresponds to her February Summary available with which to confirm the current bank balances. Janet stated that she is resolving a billing issue with Merrick & Associates, the Association's accountant.

**Action Items Update:** Rich stated that Action Item # 56 (Develop a List of Fines) is included in this meeting's agenda as a separate item and should be finalized at the end of that discussion. Steve was able to complete Item #61 (Obtain a sample RFP for Accounting Services) and has sent the Board members a sample RFP for their review. Janet commended Steve for the work he did on this Action Item. She suggested that someone contact Point of Woods to see if they are satisfied with the work that the accountant who prepared the RFP for OCBCA did for Point of Woods. Steve provided a name and e-mail address to Janet as a contact for Point of Woods. As part of this discussion Rich asked if the Association needed to do a full audit. Doug responded that he has checked and the Association does not need to do a full audit. Steve suggested that as part of future requirements for use of Clean Water Fund funding the Association might need to prepare a full audit at some time in the future. Rich will add a new Action Item indicating that Doug will contact the Association's attorney in reference to the 22 Hartung Avenue presentation.

#### **Committee Reports-**

**Chairman's Report (Doug Whalen):** Doug reviewed his Chairman's report (Attachment 2) with the Board.

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

**Tax Collector (Gavin Cartiera):** Gavin reported that just more than \$1,300 has yet to be collected from two Association members for their FY 2019 taxes.

**Recreation (Sonia Dudas):** As Sonia was not present, a report was not made.

**Public Safety (Steve Humes):** Steve reported that he has not yet bid proposals for this summer's security guard services but will soon.

**Public Works (Joel Zimmerman):** Joel reported that he had asked H.S. Plaut Environmental Services to do an assessment of beach conditions. Harry has made suggestions to provide ameliorative services to bring the beach back into proper condition for the summer months. Joel will obtain price estimates for this work to be made available at the Board's next meeting. Joel is preparing the 2019 landscaping contract with Nickerson Landscaping at a modest price increase from last year.

**WPCA Report** – Steve reported that the WPCA is waiting to hear about necessary changes that need to be made to zoning regulations to allow a pump station to be placed in the two potential locations under consideration.

*Rich asked the Board for a motion to rearrange two agenda items. A motion (Cartiera/Zimmerman) was made to move Item IX (Approval of List of Fines for Infractions) below Item XI (Service Dogs on the Beach). Rich stated that the results of the Service Dogs discussion might impact the fine related to dogs on the beach. The motion was approved.*

**Beach Camera Hyperlink Project Update** – This issue was addressed as part of Doug's Chairman's Report. Doug did add that he thought the cameras would be active by May 14<sup>th</sup>.

**Service Dogs on the Beach** – Doug stated that in accordance with Connecticut state law the Association needs to allow licensed service dogs on the beach. Doug suggested that notices to this effect should be placed on the three beach bulletin boards. Joel suggested that a special beach pass be issued to the owner of a service dog. Rich responded that he believed that the harness, leash or collar on the dog itself should be sufficient to allay any resident's concern about service dogs on the beach. Doug still wanted to make a special beach pass for this reason.

**List of Fines for Infractions (New Charter)** – As a result of the prior discussion Rich will adjust the fine for Dogs on the Beach to include a parenthetical note that licensed service dogs are exempt from this fine. A motion (Zimmerman/Montano) was made to present the List of Fines for Violations (Attachment 3) to the General Membership at its June 22<sup>nd</sup> semi-annual meeting with the one adjustment to the last draft to recognize licensed service dogs. Joel amended his motion with Janet's approval to set an implementation date of July 1, 2019. If any adjustments to the list of fines are required as a result of discussion at the June 22<sup>nd</sup> General Membership meeting these changes will be made prior to July 1. The motion passed unanimously.

**Other Old Business** – Janet provided the most recent bank statements and Rich confirmed that the Treasury Summary numbers matched those of the bank statements. There was no Other Old Business.

**New Business** – Doug is planning on doing a newsletter soon and he would like individual Board officers and directors to submit articles to include in this newsletter. A short discussion concerning the 22 Hartung Place easement request followed to assess Board member feelings.

**Public Comment** – As there were no members of the public present after the completion of the 22 Hartung Avenue presentation there was no Public Comment.

**NEXT MEETING** - The next Board of Governor's meeting is scheduled for Tuesday, April 9, 2019 at 6:30 PM at Gavin Cartiera's house.

A motion (Zimmerman/Cartiera) was made to adjourn at 8:18 PM. The motion passed.

March 12, 2019  
OCBCA Board of Governors Meeting

Respectfully submitted

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

Richard Kingston  
Clerk  
March 18, 2019

Minutes Approved at April 9, 2019 Board of Governors Meeting

March 12, 2019  
OCBCA Board of Governors Meeting

**Results of Voting at the March 12, 2019 Old Colony Beach Club Association Board of Governors Meeting. Board of Governor Members present- - Gavin Cartiera, Janet Montano, Joel Zimmerman, Steve Humes, Rich Kingston and Doug Whalen.**

A motion (Zimmerman/Montano) was made to present the List of Fines for Violations (Attachment 3) to the General Membership at its June 22<sup>nd</sup> semi-annual meeting with the one adjustment to the last draft to recognize licensed service dogs. Joel amended his motion with Janet's approval to set an implementation date of July 1, 2019. The motion passed unanimously.

March 12, 2019  
OCBCA Board of Governors Meeting

Attachment 1

Treasurer's Summary  
OCBCA Board Meeting  
March 12, 2019

Balance July 1, 2018	\$235,258.50	
	\$160,757.74	*
	(44.38)	FY2018 tax overpayment made in 2017*
	<u>\$.90</u>	FY 2018 tax overpayment*
Income	\$160,714.26	
Expenses	\$ 69,122.20	
Balance February 28, 2019	\$326,850.56	
General Fund Checking	\$ 30,323.63	
General Fund MM Savings	\$173,048.31	
Capital Fund MM Savings	<u>\$123,478.62</u>	
Balance 2/28/19	\$326,850.56	

\*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 3/12/19 meeting

- Worked with Attorney on Request from 22 Hartung place regarding easement issue
- Worked with Attorney on request from resident regarding service animal on the beach
- Worked with Comcast Business on contract for cameras on the beach to monitor Sheffield Brook outflow, activity on the beach and pedestrian gate by guard shack.
- Worked with Eversource on power for Sheffield Brook camera on Eversource pole by brook outflow
- Worked with Attorney Santoro on numerous Sewer program documents and State of CT grant applications. Signed documents for grant monies.
- Reviewed Town of Old Lyme Zoning applications for pump station variance and change in zoning. Reviewed letters from State of CT DEEP & Town of Old Lyme WPCA in favor of zone change
- Worked with Webmaster to fix website sign in issue. Webmaster worked to resolve problem with sign in.
- Received Email regarding tree down on neighbor's lawn, able to work with Board of Governors to find contact info for next door neighbor. Possibly discuss having emergency contact information list available for Board of Governors. Have each address in Association provide emergency phone number and Email on a voluntary basis and keep list secured with Clerk for emergency purposes.
- Reviewed new refuse & recycle program in Town of Old Lyme. In July Town will start picking up recycle weekly and will have trash pick-up only one day a week.
- Received weekly checks up of Sheffield Brook from Old Lyme Shores' representative.
- Working with Federal Government (NRCS) on getting open field maintenance program approved and funded by NRCS for the next 2-years.

March 12, 2019  
OCBCA Board of Governors Meeting

Attachment 3

**List of Fines for Violation of OCBCA Charter and Ordinances**

*DRAFT Version 4 – January 9, 2019*

Unlicensed operator/driver of a motor vehicle, golf cart, scooter, or ATV (Ch. 8.9 of Ordinances)	\$50 per instance
Exceeding the posted speed limit on Association roads (Ch. 8.3 of Ordinances)	\$50 per violation
Parking and Parking Lot Violations (Chs. 8.2, 8.3, 8.5, 8.7, 8.10 & 8.13 of Ordinances)	\$20 per instance
Reckless driving on Association roads (Chs. 8.1 & 8.4 of Ordinances)	\$100 per violation
Driving the wrong way on a one-way street (Ch. 8.11 of Ordinances)	\$20 per violation
Blocking of Street or Right of Way without Board Permission (Ch. 8.6 of Ordinances)	\$50 per instance
Dogs on the beach (Ch. 6.8 of Ordinances)	\$25 per instance
Unleashed dogs on OCBCA Property (Ch. 6.8 of Ordinances)	\$25 per instance
Not picking up dog defecation on OCBCA Property (Ch. 6.8 of Ordinances)	\$25 per instance
Home maintenance violation (Chs. 2.1 to 2.5 & 2.9 of Ordinances)	\$50 per day
Littering (Ch. 2.1. of Ordinances)	\$20 per instance
Noise ordinance violation (Ch. 6.1 & 6.2 of Ordinances)	\$50 per instance
Improper water discharge (Chs. 2.7 & 2.8 of Ordinances)	\$50 per day
Unpermitted fires on OCBCA Property (Ch. 6.4 of Ordinances)	\$100 per instance
Operating a Motor Vehicle on the Beach (Ch. 8.10 of Ordinances)	\$50 per instance
Beach Violations (Glass, Unauthorized Coolers, etc.) (Ch. 2.2 of Ordinances)	\$20 per instance
Operation of Non-OCBCA Registered Vehicle (Ch. 8.9 of Ordinances)	\$50 per instance
Un-authorized Construction from July 1 <sup>st</sup> through Labor Day (Ch. 6.9 of Ordinances)	\$50 first day  \$100 per day for next 4 Days  Daily Fine Doubles every 5 Day Period for continuous construction*

\*\$50 per day on day 1; \$100 per day for days 2 to 5; \$200 per day for days 6 to 10; \$400 per day for days 11 to 15; etc.

Continuous construction is defined as work performed over a period of time for a specific purpose, i.e. home renovation or reconstruction, major landscaping project, etc. The Old Colony Beach Association Board of Governors may establish additional examples as experience dictates.



## Old Colony Beach Club Association

### Ordinance Violation Appeal

#### 1.2 APPEALS

A. Any person(s) affected by any decision made by the Board of Governors regarding these ordinances may, within ten (10) days from said decision, appeal said decision to the Board of Governors by giving written notice to any member of the Board of Governors.

B. The Board of Governors of the Association may in a specific case after Public notice and hearing:

- i. Decide the appeal where it is alleged there is error in any order, requirement or decision made as a result of said ordinances.
- ii. Extend in any specific case the time that this ordinance shall take effect if they deem necessary for the proper administration of justice.

Name: \_\_\_\_\_

Property Address: \_\_\_\_\_

Contact Phone Number: \_\_\_\_\_

Violation Date & Location: \_\_\_\_\_

Describe the incident, event or situation:

\_\_\_\_\_  
\_\_\_\_\_

Explain reason for

Appealing this violation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

OCBCA Board of Governor Appeal Hearing Findings:

- ☐ Stand as issued
- ☐ Stand with modification of the fine
- ☐ Repealed

Date of finding: \_\_\_\_\_

## Old Colony Beach Club Association

### Emergency Extension of Construction Work Request:

*Ordinance 6.9 - Except for emergencies recognized by the Board of Governors, no person(s) shall perform any construction work from July 1 through Labor Day.*

**Name:** \_\_\_\_\_

**Property Address** \_\_\_\_\_

**Contact Phone Number** \_\_\_\_\_

**Dates & hours of work to be performed:** \_\_\_\_\_

**Emergency work being requested:**

(Please include the type of work, material to be used, tools and equipment to be used)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Contractor's Name & Phone number:** \_\_\_\_\_

**Reason why this repair must be completed during the summer season and not before or after the "no Hammer Rule" blackout dates:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**\*\*No work should be started until the property owner receives a written approval from the Board of Governors.  
The Property Owner will be notified promptly of all approvals & denials.\*\***

**(Please provide this form to an OCBCA Board member immediately for a Board review)**

**Approved** \_\_\_\_\_ **Disapproved** \_\_\_\_\_

**Signed for the Board of Governors:** \_\_\_\_\_ **Date:** \_\_\_\_\_