

August 12, 2020

**Old Colony Beach Club Association Board of Governors Meeting
Remote Meeting Hosted with Zoom**

The meeting was called to order at 6:40 PM by the Board Chair, Douglas Whalen. Board members attended by means of Zoom videoconference software.

ATTENDANCE: Members present- Janet Montano, Nancy Zimmerman, Lester Webb, Steve Humes, Gavin Cartiera, Rich Kingston and Doug Whalen.

Members of the Public: John Newson, Jim Fazzino, Harvey Schiller and Joe Frutuoso (joined meeting in progress).

Approval of 7/8/2020 Board of Governors Meeting Minutes: A motion was made (Humes/Montano) to approve the July 8, 2020 Board of Governors Meeting minutes. There was no discussion. The motion passed unanimously.

Treasurers Report (Janet Montano): Janet presented the Treasurers Summary for the period ending July 31, 2020 (Attachment 1). A motion (Kingston/Humes) was made to accept the Treasurers Summary. There was no discussion. The motion passed unanimously.

Action Items Update: Rich reported that there was one outstanding Action Item. The pending Item #65 was regarding checking with the town of Old Lyme about property line issues concerning a residence on Hartung Place. Doug noted that this issue is addressed in agenda item XI which he will address at that time in the meeting.

Committee Reports-

Chairman's Report (Doug Whalen): Doug reviewed his Chairman's report for this meeting (Attachment 2).

Clerk's Report (Rich Kingston): Rich reported that he had reserved the Shoreline Church for the September 12 General Membership meeting. In light of current events that location will not be appropriate for this meeting and therefore he will cancel the reservation.

Tax Collector (Nancy Zimmerman): Nancy reported that as of today, August 12, \$156,975.77 has been collected in taxes billed for July 1. Nancy stated that there are still eight (8) delinquent taxpayers who owe a total of \$6,563.55. Nancy said she will work with Janet to send letters out to those

who have yet to pay their taxes. Janet noted that the amount of interest to be assessed will need to comply with the recently issued Executive Orders.

Recreation (Gavin Cartiera): Gavin noted that the summer season is winding down. He stated that Doug will still be showing movies on the beach in August. Gavin informed the Board that the second Sand Castle Contest of the season will be held on Sunday, August 16th.

Public Safety (Steve Humes): Steve reported that he has shared some observations about the guards' performance with the security firm's upper management. Steve is encouraged about the corrective action that the management took in respect to his concerns. Doug reminded the Board members that the security schedule no longer has an evening guard except on Fridays and Saturdays for the remainder of the summer. The weekend day schedule for the guards continues until Labor Day. Janet noted that Doug has been checking beach passes during the week. Doug remarked that any Board member can do these checks.

Public Works (Lester Webb): Lester reported that he had spoken to the property owner of the northwest corner of Gorton and Broughel asking him to trim his bushes back to allow better sight lines at this corner. Lester noted that the trimming that the owner performed wasn't sufficient to resolve the issue. Doug has worked with Fuss & O'Neill to ensure that sight lines in the future will be cleared. Rich noted that the Ordinances (*Chapter 7, Section 3*) do allow the Association to address obstructed views at intersections. Lester noted that he stopped someone from stealing a beach pass. Lester suggested that members leaving the beach should take their beach pass with them. Lester would also like to get one more month of mosquito "donuts" from the town to place in the storm drains for September. Nancy asked about the excess sand on the side of the road due to the latest storm. Doug suggested that residents be given until this Monday, August 17th, to sweep this excess sand into the road. Doug stated that Lester would then contact Plaut Environmental Services to have them collect this sand and remove it from the roads.

Corona Virus Updates: Doug had nothing new to report.

WPCA Report - Steve reported that the WPCA plans to send out the bid for project construction by the end of August. Steve noted that a decision has been reached to purchase the property for the pump station at Miami Beach rather than seek an easement. The cost of this purchase will be \$50,000. Steve also reported that there are a fifteen private wells within twenty-five (25) feet of the planned sewer line, six of these wells service homes with no connection to Connecticut Water. Steve said it is within the authority of the WPCA to instruct these homeowners to abandon their wells. There is current

discussions with the town regarding capacity totals for Soundview Beach and for the easements required for the sewer lines to traverse town streets. Doug believes the easement package would be approved by the town's Selectmen by the end of this month. Steve reported that the current timetable is to begin construction in February 2021 and to complete construction by June 30, 2022.

Webster Bank Loan/Bonding Proposal for Storm Drainage System –

Doug stated that he would be closing on this loan soon. Doug noted that the funds would be placed in a bank account which will be drawn upon as necessary. He stated that he and Janet will attend this closing.

Request to Waive Construction Fine – Doug stated that he received an appeal to a fine assessed for construction at 19 Breen Avenue. Doug noted that the ticket was written by the security guard for \$100 rather than \$50 which is the proper amount. Doug entertained a motion to approve waiving the fine. There was no motion made. The fine as assessed stands. Nancy will send a letter correcting the amount due and asking the homeowner to pay the fine.

Property Line Issue on Hartung Place – Doug is waiting for a final report on the survey taken at 19 Hartung Place. He noted that the report will say that the homeowner has encroached onto OCBCA property by two feet. A motion (Humes/Cartiera) was made to direct the Association attorney to send the homeowner of 19 Hartung Place instructions to take action to correct the trespass and to pay the Association's costs related to this matter. Lester suggested that the Board take a stand that does not allow any other type of resolution to this matter. Rich and Doug stated that the membership has the final say in this matter, not the Board. Rich stated that he would research the Charter etc. to determine how an offer could be made to the general membership without the express endorsement by the Board. Doug moved the question. The motion passed unanimously.

2020 Coastal Clean-Up Program – Doug reported that the Association's General Membership meeting will be held on Saturday, September 12th at 6:30 PM (*subsequent to this meeting the time was changed to 6:00 PM*). Doug stated that Lauren Zielinski approached him and asked him if the Association would be interested in participating in the 2020 Coastal Clean-Up Program. Lauren had secured the cooperation of the Soundview Commission in this effort. Lauren Zielinski, from 30 Breen Avenue, is serving as the local coastal clean-up captain. Lauren will coordinate clean-up activities at Old Lyme beaches on that morning. Association members will be encouraged to participate in this activity.

Review of Fines – It was brought to the attention of the Board that a tent was being used for overnight sleeping. When one of the Board members went to bring it to the guards' attention for enforcement it was determined that there was no fine for that particular infraction. Although use of tents is limited by the language of the Ordinances (Section 3.1) numerous board members felt this specific type of use was not a violation. Doug stated that this instance points out that not all infractions have fines assigned to them. Doug suggested that Gavin and Rich, who had developed the existing list of fines, review this list to see if a generic fine for offenses which are not specifically listed presently would be a way to address this issue. Gavin and Rich agreed to do this over the winter. Rich noted that Doug has expressed an interest in the past in establishing an Ordinance for fireworks on the beach.

Proposal for Shower/Foot Station at Breen Avenue Entrance – Doug reported that Fuss & O'Neill advised him that a shower/foot washing station could be placed at the Breen Avenue entrance. No other location seemed feasible. Doug remarked that Old Lyme Shores is putting these stations at each of its beach entrances. A motion (Whalen/Humes) was made to have Doug look into possibility of installing a shower/foot washing station at the Breen Avenue entrance and report back to the Board at its September meeting. Discussion followed where most Board members stated that the station was not a necessity and that locating it at only one beach entrance, a busy one, was not a good solution. The motion failed with only one vote in favor.

Letter to Swan Avenue Residents for Donation – Doug stated that he sent all Board members a sample of a letter to mail to residents of the east side of Swan Avenue who have legal access to the Association beach. A motion (Whalen/Humes) was made to send a letter to the homeowners of residences on the east side of Swan Avenue asking for a \$50 donation for clean-up of the beach they used over the summer. Janet suggested asking for \$50 or more. Doug stated that he would ask for a minimum donation of \$50. There was no further discussion. The motion passed unanimously.

Preparation for September 12 General Membership Meeting – Doug stated that since we are limited in the number of people who can attend an indoor meeting we will need to conduct the General Membership Meeting outside at the volleyball area. Doug has arranged to rent 100 chairs to be set up for this meeting. A motion (Whalen/Cartiera) was made to conduct the September General Membership meeting at the volleyball court on Saturday, September 12 at 6:30 PM (subsequent to this meeting the time was changed to 6:00 PM) with a rain date of Sunday, September 13 at 10:00 AM. There was discussion about the best time of day to hold this

meeting. The motion passed unanimously. Doug asked Steve to notify Frank Noe of the WPCA that he should be prepared to make and hand out a Power Point presentation to the membership about the WPCA's EDU determination. Rich will work with Joe Frutuoso to arrange for a Facebook Live session and to record the presentation for later viewing. Janet asked about the need to present a special emergency appropriation for an unanticipated storm water expense to the membership for approval. Doug stated that although that appropriation had been covered by a vote made last September by the membership the Board does need to present a request to reallocate funds from the FY2020 Recreation line item. Rich stated that both Doug's and Gavin's terms on the Board will expire at this meeting. Rich asked if they would both be willing to be a candidate for another three year term. Both agreed. Gavin would be willing to relinquish his position on the Board should anyone else be interested. Doug will send out a notice to the membership asking if anyone is interested in serving on the Board. Rich stated that there won't be as many first class mailings as in the past as many members have elected to receive their meeting materials by e-mail. Rich noted that notice of this meeting must be distributed at least ten (10) days before the meeting. Doug asked Rich to draft a meeting agenda and send to the Board members for their approval.

Other Old Business – There was no Old Business.

New Business – Nancy asked about the Brookside gate that was broken in the recent storm. Doug remarked that he has arranged for repair. Doug thanked Les Webb and Joe Frutuoso for removing the tree that had fallen on the gate that caused the damage.

Public Comment – Harvey Schiller asked about the plans to clean the sand up on the roads. Harvey asked if Grove Street was going to be two way after the sewer project is completed. Doug answered that it will be. Harvey asked if 22 Hartung had a Certificate of Occupancy. Rich stated that the issue discussed at last month's meeting concerned 19, not 22, Hartung Place. Harvey was concerned about a privacy issue at the Membership meeting. Doug and Rich stated that this was not a concern in the past and the meetings are public in nature.

John Newson, the new owner of 16 Hartung Place, thanked everyone for his great welcome to the neighborhood.

Joe Frutuoso, the OCBCA Webmaster, said that he would like a mail delivery update from Doug. Joe would like to be involved in the revision to the fines list. He thinks we need to "lighten up" a little. Joe suggested that all

residences should have clearly posted house numbers on their houses. Joe stated that speed bumps present a safety issue. Joe would like to know why we need speed bumps and why we can't do something else. He would like this decision to be a group one rather than made just by the Board. Joe took issue with enforcement of the backyard tent rule when children are using it for recreation purposes. Joe also believes that soliciting \$50 from Swan Avenue residents is ridiculously low. Joe stated that he would work with Rich about recording and sharing the September General Membership meeting. Doug informed Joe that people coming across Route 156 may be guests or relatives of Association members and are allowed access to the beach. Doug stated that he will not issue beach passes to anyone other than a person with an Old Colony Beach address. Doug stated that he will inquire whether there is a town ordinance requiring numbers on houses.

Jim Fazzino mentioned that when the letters are sent to Swan Avenue residents asking for donations we might add that they under the terms of the Charter they can apply for admission to the Association. Doug remarked that a member who also owns a house on Swan Avenue in addition to this Old Colony Beach home petitioned for admission of the Swan Avenue address at a past membership meeting. The petition was denied overwhelmingly. Rich commented that there are real concerns about the process for admitting new members from adjacent streets. The process itself is open to litigation should the membership, by the required 2/3 vote, accept one applicant but deny another. Jim is concerned about the plans to install perforated pavement on Broughel Avenue from Old Colony Road to Swan Avenue. Doug stated that this plan was to ensure that Association ownership is clearly established and maintained. Jim stated that he suggests that rather than install perforated pavement from the current end of the paved surface to Swan Avenue that a foot path be used rather than installing the pavement as currently planned. He believes that it would look nicer and be less costly. Jim asked how this suggestion could be put into the design but Doug replied that the design is completed and the project is now going to the construction phase. Jim stated that he believes we are building a "bridge to nowhere" rather than using a path to establish ownership. Janet stated that she thought part of the reason for the pavers were related to drainage. Jim disputed this idea and said that any additional hard surface would impede drainage. Jim took issue with a number of items mentioned earlier in the meeting that were to be included in the sewer project. When Doug replied that the items mentioned were in compliance with DEEP regulations and could be included in the sewer project Jim singled out the sight line issue as one example and stated that he believed that this was not an

appropriate item to be included in the sewer project. Jim stated that he wanted to fully express his concerns he has had over the years with incorporating items in the sewer project which are not related to the sewer project. Doug stated he, Frank Noe, and a number of Fuss & O'Neill employees are aware that Jim has expressed this concern to them. Doug stated that we are following state laws and will not endanger our grant money by doing something outside the scope of work that they have approved. Jim stated that he believes that the EDU formula will not be built on assessments and that these items that he has issues with would normally be paid under the Association's general budget. Jim is concerned that someone with more than one EDU they will be paying more than their fair share for items which normally come out of the general budget. Jim stated that he realizes that putting these items is going to increase the Association's grant (from the state) but it will make those owners with more than one EDU pay more than their fair share of items which are not sewer related. Doug restated that the WPCA is following DEEP guidelines. Jim stated that he has no problem paying the sewer assessment but not more than his fair share of non-sewer related items that have been added into the project. Jim stated that he has contacted DEEP and spoken into their engineer and that his view is more in line what Jim believes. Jim took issue with the amount of work which will be paid in road repairs. Steve remarked that this forum is not appropriate for a debate and that we should accept the member's comments without further discussion. Doug asked Steve to make sure that the WPCA is made aware of Jim's comments at its next meeting.

NEXT MEETING - The next Board of Governor's meeting date is September 9th. The location is to be determined.

A motion (Kingston/Webb) was made to adjourn at 8:30 PM. The motion passed.

Respectfully submitted



Richard Kingston
Clerk
August 17, 2020

Approved at September 9, 2020 Board of Governors Meeting

Results of Voting at the August 12, 2020 Old Colony Beach Club Association Board of Governors Meeting. Board of Governor Members present- Janet Montano, Nancy Zimmerman, Gavin Cartiera, Lester Webb, Steve Humes, Rich Kingston and Doug Whalen.

Property Line Issue on Hartung Place –A motion (Humes/Cartiera) was made to direct the Association attorney to send the homeowner of 19 Hartung Place instructions to take action to correct the trespass and to pay the Association's costs related to this matter. Doug moved the question. **The motion passed unanimously.**

Proposal for Shower/Foot Station at Breen Avenue Entrance –A motion (Whalen/Humes) was made to have Doug look into possibility of installing a shower/foot washing station at the Breen Avenue entrance and report back to the Board at its September meeting. Discussion followed where most Board members stated that the station was not a necessity and that locating it at only one beach entrance, a busy one, was not a good solution. **The motion failed with only one vote in favor.**

Letter to Swan Avenue Residents for Donation –A motion (Whalen/Humes) was made to send a letter to the homeowners of residences on the east side of Swan Avenue asking for a \$50 donation for clean-up of the beach they used over the summer. Janet suggested asking for \$50 or more. Doug stated that he would ask for a minimum donation of \$50. There was no further discussion. **The motion passed unanimously.**

Preparation for September 12 General Membership Meeting –A motion (Whalen/Cartiera) was made to conduct the September General Membership meeting at the volleyball court on Saturday, September 12 at 6:30 PM M (*subsequent to this meeting the time was changed to 6:00 PM*) with a rain date of Sunday, September 13 at 10:00 AM. There was discussion about the best time of day to hold this meeting. **The motion passed unanimously.**

August 12, 2020
OCBCA Board of Governors Meeting

Attachment 1

Treasurer's Summary
OCBCA Board of Directors Meeting
August 12, 2020

| | |
|-------------------------|---|
| Balance July 1, 2020: | \$258,123.04 |
| | \$138,230.17 * |
| | (\$20.49) FY 2020 tax overpayment made in 2019* |
| | <u>\$0.04</u> FY 2020 tax overpayment credit* |
| Income: | \$138,209.72 |
| Expenses: | \$10,130.50 |
| Balance July 31, 2020: | \$386,202.26 |
| General Fund Checking | \$102,300.42 |
| General Fund MM Savings | \$168,331.41 |
| Capital Fund MM Savings | <u>\$115,570.43</u> |
| Balance July 31, 2020 | \$386,202.26 |

*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 8/12 BOG meeting

- Attended meeting for Sewers at Old Lyme Town Hall w/Frank Noe. related to Easements and Cost Sharing Agreement (CSA)
- Removed numerous broken chairs and umbrellas from the beach entrances, delivered them to the dump
- Reviewed all street widths and intersection concerns with Fuss & O'Neill team. Verified all street widths and proposed adjustments to intersections that included stop bars and sight line corrections.
- Fuss & O'Neill asked about shower & foot wash stations at end of beach entrance on Breen. Received information that OLS is putting in 4 stations by their beach, will follow-up with BOG to see if the Board would like to investigate it.
- Worked with Association Attorney related to the Hartung easement between 22 Hartung & Association.
- Provided movies on the beach Sunday evenings. Worked with Gavin judging sandcastle contest issuing ribbons and ice cream coupons
- Worked with First Selectman to get approval for residents to dump storm debris at transfer station on four-mile road at no charge. Town agreed to waive fees for homeowners until 8/15.
- Worked with Surveyor to get survey work completed for the beach area by 19 Hartung.
- Walked the beach Monday-Friday when security was not on duty to make sure beach pass program is being followed. A few people were asked to leave the beach due to no beach pass.
- Passed out new homeowner packets to new residents of OCBCA.
- Filed State of CT M-1 Special taxing district forms to OPM. Filed Association taxing district form to Town of Old Lyme Clerks Office.
- Reviewed Ledge Light Health District beach water testing results every week. All levels at OCBCA are below reporting levels.
- Worked with vendor to have Brookside Road gate repaired due to storm damage. Will also repair (2) other gate wheels that are damaged. Vendor also repaired vehicle gates at Broughel & Hartung entrances.
- Submitted repair requests to Eversource for different streetlight repairs throughout community
- Worked with Resident State Police Trooper Weber regarding recent car break-ins, provided OCBCA video of a car and 3 suspects involved in the break-ins.
- Provided "hammer law" requests to board members from residents that submitted emergency requests after the July 1st hammer law was activated.
- Received a few phone calls about noise on the beach after midnight, called security to investigate.
- Worked with portlet vendor to get toilet by guard shack cleaned out