

**March 10, 2021**

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

The meeting was called to order at 6:31 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, Rich Kingston and Doug Whalen.

Member absent – Gavin Cartiera

Members of the Public: Harvey Schiller, John Newson, and Joe Frutuoso

**Approval of 2/10/2021 Board of Governors Meeting Minutes:** A motion was made (Humes/Zimmerman) to approve the February 10, 2021 Board of Governors Meeting minutes. There was no discussion. The motion passed unanimously.

**Treasurers Report (Janet Montano):** Janet presented the Treasurers Report for the period ending February 28, 2021. During this presentation Rich noticed a difference between the account balance total and the total of all cash accounts. A motion (Kingston/Zimmerman) was made to suspend the Treasurers Report until next month's Board meeting. Janet said that she believes that the interest on the loan may be the difference between the two totals. She will make the appropriate correction. The motion passed unanimously.

**Action Items Update:** Rich reported that there were still two outstanding Action Items. As was the case last month, the pending Action Item #70 was regarding the need for Gavin and Rich to review the current list of fines to determine if additional infractions need to be added. Rich stated that this item will be addressed later in this meeting as agenda Item X. Rich also stated that, again as last month, Action Item #72 remains pending at this time so Steve can work with the Association's attorney to develop a collection procedure for delinquent fines. This issue will also be discussed under agenda item IX.

Rich then reviewed the list of "Suggestions during Public Comment." Rich stated that there were three suggestions marked as current. Item #3, Place Recycle Bins on Beach, will be implemented at the start of the beach season. Item #6, Revise Beach Pass System, is on this month's agenda as Item VIII. to be addressed later in the meeting. Finally, Rich noted that Item #8,

Require Mail Trucks to Turn Around to Allow Gates to be Closed, is still being addressed by Lester.

### **Committee Reports-**

**Chairman's Report (Doug Whalen):** Doug reported that he has been involved in many WPCA matters and he is working on creating a newsletter. Doug reported that the remainder of his report is covered in agenda items to be addressed later in this meeting.

**Clerk's Report (Rich Kingston):** Rich reported that he has asked the pastor of the Shoreline Church if it would be possible to use the building for a June 5<sup>th</sup> General Membership meeting. He has not received a response yet.

**Tax Collector (Nancy Zimmerman):** Nancy reported that she was very happy to report that all outstanding taxes have been paid with the last payment received on March 1.

**Recreation (Gavin Cartiera):** In Gavin's absence, Doug reported current plans are to hold "movies on the beach" this year and the sand castle contests. He noted that Recreation also wants to host a coffee social on the Sunday morning after the Saturday June General Membership meeting. Doug also stated, that because of Covid-19 precautions, there are no plans to hold the Association's annual picnic.

**Public Safety (Steve Humes):** Steve reported that he had forwarded a letter from Investigative Consultants, LLC to all Board members prior to this meeting that indicated that that firm would be willing to provide security guard services as they did last year at an additional cost of one dollar per hour. Nico Padilla of Investigative Consultants told Steve that this rate increase was due to the change in the state's minimum fair wage. Steve reported that the new rate would be \$22.75 per hour. Steve added that he was unsuccessful in obtaining another security firm to bid on our services. Steve stated that he is aware of concerns about instances of poor guard performance last year and he has raised those concerns with the aforementioned Nico. The company response was that the two individual guards concerned in the negative reports were essential and he wants to keep them working at Old Colony Beach. The company believes that enhanced training and good communication with the guards should positively address this situation. Janet expressed her concern that one of the guards, in this case the shift supervisor, being spoken about was rude to her when she asked him why he spent so much seemingly unnecessary time sitting in the golf cart at a place with no activity to observe. Rich commented that he thought that last year the Association put its efforts into looking for a guard agency which would pay their staff more in hopes that it would lead to

better performance by the individual guards. Rich then noted that the cause of the price increase was to allow the firm to comply with state minimum wage laws. Rich stated that he does not believe that this request indicates that the Association's efforts last year to find a more well-paying guard service did, in fact, happen. Steve responded that he thought that the reason for the increase may actually be for cost of living. Nancy expressed her concern regarding the amount of time that the street entry guard post was not covered by any guards last summer. Steve said that Nico told him that he believed that his firm's performance improved last year over the prior year. Steve stressed that the need for real time feedback from our Board members regarding instances of poor service. Doug asked the Board to send emails to Steve to keep him abreast of member concerns regarding the security guard service as problems occur. Rich expressed his concern that the extensive usage of the security golf cart during the day seems counterproductive at times. Lester stated that he does not believe that the security guards pay enough attention to the inappropriate use of member owned golf carts. Nancy noted that the guard supervisor driving the golf cart was often observed failing to stop for stop signs. Nancy believes that the security guards need to set a good example for others. A motion (Whalen/Zimmerman) was made to direct Steve to work with Investigative Consultants, LLC to provide security services to the Association for this summer. There was no discussion of this motion. The motion passed unanimously. Steve agreed to complete the contract paperwork and forward it to Doug for final signature.

**Public Works (Lester Webb):** Lester reported that he believes that the snow plow contractor, Tower Landscaping, has done a good job after an initial rough start. Lester stated that the new beach cleaning contractor, Anthony's Landscaping Services, will work in coordination with Tom Montano on the beach levelling project. Doug suggested that both recycling and garbage containers be placed at the three beach entrances this summer. The Board agreed that this was a good idea. Doug stated that the recycle containers will be clearly labelled. Doug also noted that Hartung Place will have to be swept of sand in May. Lester will obtain a bid from Anthony's Landscaping Services for this one time service. Doug commended Lester on the good job he has been doing this winter.

**WPCA Report -** Steve Humes reported that the WPCA is continuing to work on the bid process and that the WPCA is hoping to hear from DEEP by the end of the month that the project can be put out to bid. Steve also reported that he anticipates that the transaction for the land at 73 Portland Avenue for the pump station will be completed soon. Doug reported that DEEP has reported that the bid can go out with the caveat that if the bids come in higher than projected costs that could be a problem. Doug does not believe

that this will be a problem as the cost projections have a 15% buffer. Doug also noted that there appears to be a small problem completing the land deal with the owners of 22 Hartung Place. Doug stated that the Association has been informed that the town's Zoning Commission has to approve the land swap which Doug hopes will be done at the Commission's meeting tomorrow evening. Doug stated that the current projection is that sewer construction will begin by August. Doug stated that the first phase of the construction will take place on Hartung Place. He also stated that if the portion of the project that involves Route 156 can be done before next year the Association could see a total cost savings of close to \$800,000 related to road paving as the state will be repaving this road next year.

### **Beach Pass Distribution Protocol & Loss Pass Replacement**

**Procedure** – Doug reported that he had sent a draft beach pass policy out to Board members last week for their review (Attachment 1). Janet was concerned about the suggested \$5.00 replacement cost as she believes that that is not enough. Doug is waiting for samples of bar codes which can be affixed to each beach pass. Doug then read the draft language to the Board and asked for their comments. Rich made remarks regarding the process of associating the bar codes to a database and as such the cost for implementing the use of bar codes is not clear. Doug stated that he understood that Joe Frutuoso and Rich were working on this issue. Rich said he would make a recommendation regarding scanning at the next meeting. Janet is concerned about the potential inability to collect funds for lost or stolen passes from Swan Avenue residents. Steve assured her that the language of the court decision regarding the use of Old Colony Beach by eligible Swan Avenue residents will allow for this type of monetary recovery. Doug suggested that an Excel spreadsheet could be used to track stolen or lost beach passes that could be shared with security guards for use on the beach.

**Update to Fines for Violations & New Collection Procedure** – Steve reported that the new collection procedure has been commented upon by the Association's attorney. Steve will take those comments and incorporate them into a final collection procedure. Rich then summarized the suggested changes to the existing list of fines that he and Gavin worked on at the direction of the Board. Rich explained that after he and Gavin made their suggestions at the January Board meeting the Board recommended a few changes. As a result Gavin and Rich reviewed these recommendations and incorporated them into a final set of revisions which Rich sent to Board members on February 21. Rich then described the changes made to the list of fines since the January presentation (Attachment 2). Doug suggested that a final statement be added to the violations list that would stipulate that any other violations of the OCBCA Charter and Ordinances that do not have a

specific fine assigned to them could be fined at \$20 per instance. Rich agreed that this could be done and that when a circumstance such as this should arise the Board could then look at more formally addressing the need for a specific fine. Rich then offered to put the new list into its final form for formal Board approval at its April meeting.

**Beach Levelling** – Doug stated that Lester has arranged for Montano & Sons to level the beach in the first week of May. Doug remarked that the sand that has accumulated at the top of the beach will be pushed down toward the waterline. Doug also wants the excess sand to be pushed off the Breen Avenue beach entrance. Rich asked about golf cart parking during sewer construction. The Board will work on this issue in the near future.

**Summer Boat Storage on Beach** – Rich stated that one of the Association members asked him how boat storage at the Sheffield Brook outlet/boat launch was being handled this year. Rich reviewed how the Board handled boat storage last summer. Janet expressed her dismay about the appearance of the wood kayak/paddleboard racks. Doug stated that there was room for two more paddleboard/kayak racks on the west side of the beach. Doug stated that there are four spots for boats on each side of the beach. Rich offered to bring back a suggestion on how to assign spaces for boats for the Board to consider at its April meeting.

**2022 Budget Review and Annual Meeting Discussion** – Doug presented a second draft of the projected 2022 budget (Attachment 3) for Board consideration. Doug stated that he hopes this discussion will allow the membership to review and comment, if necessary, on the projected budget for fiscal year 2022. The Board will vote on a final budget at its May meeting in order to present it to the membership at the June semi-annual meeting. Doug stated that although the Board told the membership last year that the mill rate would probably have to increase by a full mill it now appears that one-half of a mill will be sufficient. The mill rate would increase from 3.5 to 4 mils. Janet suggested moving \$2,500 from the Contingency Capital Account which she thinks is not a priority and that that amount could be moved to the Public Safety account which will have additional costs related to security guard service. The Board agreed to this suggested change. Doug stated that Professional Fees are greater than in the past as an audit is due to be done this year to satisfy the requirements of the bank loan. Doug stated that he was recommending that the general membership meeting be held on Saturday June 5<sup>th</sup> rather than on the last Saturday of the month. Nancy expressed concern that some of the residents would not have returned from their winter residences by that date. Rich suggested that the meeting be available on Zoom as well as in person.

**Old Business –**

**19 Hartung Place Update:** Doug stated that the Association's attorney is still corresponding with the owner's attorney to clarify when the required correction will be made.

**Other Old Business –** Rich stated that the Gorton Avenue overhanging tree situation has been resolved.

**New Business –** Janet stated that the bushes on the corner of Broughel and Gorton Avenue need to be trimmed as it is difficult to see around this corner. Rich stated that in conversations with our webmaster, Joe Frutuoso, it has been determined that the access rights to the OCBCA website need to be reorganized to exclude those who do no longer have a formal connection with the Association. Rich suggested that he work with Joe to develop a proposal for the Board to consider to limit access to the Association's internal website. Doug thought that was a good idea and also asked that a review of the website design itself be undertaken to see if the appearance could be "refreshed." Joe commented that sometimes improvement can lead to problems for some users. This thought will be kept in mind.

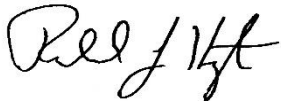
**Public Comment –** Doug asked for comment from the general public attending this remote meeting. Joe Frutuoso remarked that he would like to see a flexible system solution to the beach pass issue. Joe agreed with the Board's concerns about the performance of the security guards last summer. Joe would like consideration for year round residents instead of just planning to summer residents when rules are made. Joe expressed specific concerns about the cost increases in the budget. He specifically was concerned about the interest on the loan for the new storm drainage project. He wished that the loan could have been made closer to the time that the funds are needed rather than pay interest on funds not being utilized. Doug replied that if the storm drain project had remained on schedule the funds would have been utilized sooner than they will be. Doug stated that securing the necessary funds was a two year effort and he remarked that the other three beaches in the sewer project who have not yet secured their loans are in a much more difficult position than Old Colony Beach. Doug also responded to Joe's concerns about the money necessary to maintain Sheffield Brook and the funds being expended to rent Comcast cameras and its related internet service. Doug also stated that with the exception of summer security guards all Board efforts are directed for the benefit of all the members of OCBCA regardless of their year round or summer residency status. Joe expressed appreciation for the efforts of the Board. Joe also stated that he was never aware that the \$800,000 needed for the storm drainage project was going to be over and above of the funds required when the membership voted for the sewer project. Doug explained that the improvements necessary for the

storm water drainage had to be removed from the sewer project at the direction of DEEP. Doug assured Joe that the total cost of both projects will not exceed six million dollars although the membership voted for a bond project for up to eleven million. Joe would like to see more communication regarding costs that seem unexpected by the membership.

**NEXT MEETING** - The next Board of Governor's meeting date is scheduled for April 14. The meeting will be held with Zoom remote meeting software.

A motion (Montano/Zimmerman) was made to adjourn at 8:21 PM. The motion passed.

Respectfully submitted

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

Richard Kingston  
Clerk  
March 16, 2021

Minutes Approved at April 14, 2021 Board of Governors Meeting

**Results of Voting at the March 10, 2021 Old Colony Beach Club Association Board of Governors Meeting. Board of Governor Members present- Janet Montano, Nancy Zimmerman, Lester Webb, Steve Humes, Rich Kingston and Doug Whalen.**

**Security Guard Services for Summer 2021:** A motion (Whalen/Zimmerman) was made to direct Steve to work with Investigative Consultants, LLC to provide security services to the Association for this summer. There was no discussion of this motion. The motion passed unanimously.



## Attachment 1

### OCBCA Beach Pass policy

Old Colony Beach Club Association has instituted a beach pass program that requires all residents using the beach at OCBCA to have an approved OCBCA beach pass in their possession, (1) beach pass may be used for a group of residents sitting together.

The approved Beach pass will be a colored 6" x 9" laminated pass that has the OCBCA Logo and a coded address on the front of the pass. On the back of the beach pass will be the rules and regulations along with a bar code that when scanned will identify the address the pass was issued to. The OCBCA Board of Governors (BOG) will determine the color of the beach pass for a specific year and only that color will be allowed. Any other colored pass or picture of beach passes on a phone will not be allowed as an approved beach pass.

The Board of Governors will issue the beach passes by address. There will be (2) beach passes issued to each address in OCBCA and residents on the east side or even numbered side of Swan Ave. An additional (2) beach passes will be issued for any additional buildings or duplexes on the same address. Any request for additional beach passes must go through the BOG for approval by the Board.

Any beach pass that is lost or stolen must be reported to the BOG immediately by calling the security phone (860)215-5052 or Email- [chairman@oldcolonybeach.org](mailto:chairman@oldcolonybeach.org), provide the address the pass was assigned to and when it was lost or stolen. That pass will be identified as lost or stolen and security will be able to identify it when scanning passes on the beach. If the pass is identified on the beach the person(s) with the beach pass will be asked to leave the beach and the beach pass will be confiscated by security.

A lost or stolen beach pass replacement program will allow a resident to obtain a new beach pass at the cost of \$5.00 per pass after reporting the pass lost or stolen. Any additional passes that are approved by the BOG above the minimum issued passes will cost \$5.00 per pass.

## Attachment 2

### CHANGES MADE SINCE INITIAL SUGGESTIONS FOR ADDITIONAL FINES PRESENTED TO BOARD ON JANUARY 13 INCLUDE THE FOLLOWING:

Add \$50 fine for violating sections 14 and 15 of Charter. Previous suggestion was to limit monetary penalty to cost of amelioration of problem.

Include violation of Chapter 4, Section 4.1 for operating business from a residence under Home Maintenance Violation.

Add additional violation for Damage to Lights of Any Public Lamp. Suggest \$50 per instance.

Add additional violation for ball playing on the beach in undesignated areas. Suggest \$20 per instance.

The following section can be used for basketball hoops being set up on OCBCA property with the existing fine of \$50 for blocking right of way

6. 7 No activities in roadways to obstruct or hinder traffic or create a nuisance are allowed. The association assumes no liability for accidents caused by any activity in the roadways.

Include fence and hedge heights that exceed limits set in Section 7.2 of the Charters to Home Maintenance Violation.

### **Charter**

**(Update 2017)**

**160**

SP. No.287

**SPECIAL ACTS [Jan., 1935]**

**[House Bill No.279.] [289.] *Approved May 16. 1935***

### **[AMENDMENTS TO ORIGINAL CHARTER]**

**[House Bill No.778. 303] *Approved June 27, 1947***

**[AMENDMENTS TO ORIGINAL CHARTER]**

**[House Bill No. 1038] Special Act 17-8 Approved June 30, 2017**

**AN ACT INCORPORATING THE OLD COLONY BEACH CLUB ASSOCIATION.**

*Be it enacted by the Senate and House of Representatives in General Assembly convened:*

**The following Sections of the Charter specify the rights of the Association to set rules and establish fines.**

**SEC. 8.** Said association may purchase, acquire or own real estate and the governing board may enact by-laws or ordinances for the following purposes: To regulate travel over the highways within the limits of the association when, in the opinion of said board, the free and unrestricted use of said highways may become dangerous or inconvenient; to appoint and remove police officers to act within the limits of said association, who shall have the powers of constables within said limits for the purpose of making arrests for violations of any law or regulation or by-laws of said association; to clean and improve any and all ditches; to care for beaches and water fronts; to keep the streets and all public places within the limits of said association quiet and free from noise; to regulate the parking of motor vehicles; to build, repair and improve highways, roads and sidewalks within the limits of said association; to require owners or lessors of land or buildings within the limits of said association: to remove leaves and other inflammable material or obstructions from the highway adjacent to or in front of property owned, leased or occupied by them; to prevent the deposit upon the property within the limits of said association of any refuse, garbage or waste material of any kind which, in the opinion of said board, may endanger the public health or safety or which may become a nuisance; to remove garbage, filth, night soil, ashes and other refuse matter within said limits and to authorize such person as the board may designate to make entry on any private property within said limits for the purpose of taking and removing all filth, garbage, ashes, night soil or any other offensive matters; to establish building lines; to protect any property from danger by fire, including the regulation of the number of cottages and structures that may be erected or placed on a single building lot within said limits; to regulate the carrying on within the limits of said association of any business that will, in the opinion of said board, be prejudicial to public health or dangerous to or constitute an unreasonable annoyance to those living or owning property in the vicinity thereof, which regulations shall be uniform for each class or kind of buildings or structures, or class of business; to regulate peddling as provided for in towns under the general statutes; to restrict the right of entry on the property of said association except upon the highways and to promote the planting of trees and shrubbery and other work leading to the improvement of the general appearance of the community. Said association shall have exclusive charge and control of all roads within the limits which are not under town or state control. Said governing board may fix a penalty for each violation of any such by-law, ordinance or regulation, for each offense, and the penalties may be recovered in any action brought for the purpose in the name of The Old Colony Beach Club Association before any court having jurisdiction, for the use and benefit of said association. No by-law or ordinance shall take effect until ten days after its passage, nor until it has been communicated to members of the Board by an approved method of communications as outlined in the Association bylaws for at least seven days. A certificate of the clerk of the Association of the proper notification of any bylaw or ordinance as provided herein shall determine what constitutes prima facie evidence of such notification. Nothing herein shall be construed as authorizing the board or the association to change, by regulation, restrictions in deeds and

nothing herein shall impair the exclusive right of The Sound View Water Company, its successors and assigns, to install and maintain water pipes in the streets.

**SPECIFIC SECTIONS OF THE CHARTER THAT MAY NEED ESTABLISHMENT OF FINES**

**SEC. 14.** Said board of governors shall, within said limits, examine into all nuisances and sources of filth injurious to the public health and cause to be removed all filth found within said limits which, in its judgment, may endanger the health of the inhabitants or render the occupation of any dwelling undesirable, and may notify, by mail, postage prepaid, all persons causing or maintaining any such nuisance to abate the same within such time as the board of governors shall order and, if the same shall not be abated as ordered, said board may abate the same and recover the expense thereof from any person so causing or maintaining the same, by an action in the name of said association.

**Suggestion: Instead of establishing fine leave as is. The cost of remediation which must ultimately be paid by the homeowner might be many times what a fine might be. This Section gives the Board the authority to take action to remediate the violation and recover expenses related to that remediation.**

**SEC. 15.** Said association shall have the same power and privileges regarding fires, sewers and health as towns.

**Suggestion: As there is no specific violation listed we suggest using the same power of remediation and recovery as listed for Section 14.**

**SPECIFIC SECTIONS OF THE ORDINANCES THAT MAY NEED ESTABLISHMENT OF FINES**

**Ordinances**

(updated September 2015)

**CHAPTER 3**

**3. 1** No person(s) or corporations shall use or cause to be used, rent, lease, or occupy for dwelling or living purposes any garage, tent, recreational vehicle or camping trailer within the territorial limits of the Association.

**Suggestion: Include this Chapter reference under the existing fine listed for Home maintenance violation.**

**CHAPTER 4**

**4. 1** No business shall be carried on in a residence or on the property of any residence within the limits of this Association.

**Suggestion: Further research necessary. Defer to Old Lyme zoning regulations to define appropriate action.**

**4. 2** All seasonal vendors except those exempt by the statutes of the State of Connecticut shall obtain an annual license from the Board of Governors. The Board of Governors shall regulate the fee and number of licenses issued. Vendor shall clearly display the issued license.

**Suggestion: No fine necessary. As Association has right to regulate traffic within the Association and can invoke trespassing laws to prevent access to OCBCA property.**

**6. 3** No person(s) shall post bills, placards or advertisements on any building, walls, fence, post or vacant lot, except “for rent” or “for sale” signs. Such signs shall be limited to one sign per property and shall not exceed four (4) square feet in area.

**Suggestion: Include this Chapter reference under the existing fine listed for Home maintenance violation.**

**6. 5** No person(s) shall extinguish or damage the lights of any public lamp.

**Suggestion: Instead of establishing fine leave as is. The cost of remediation which must ultimately be paid by the homeowner might be many times what a fine might be. This Section gives the Board the authority to take action to remediate the violation and recover expenses related to that remediation.**

**6. 6** Ball playing on the beach will be limited to designated areas.

**Suggestion: Include this Chapter reference under the existing fine listed for Beach Violation.**

**6. 7** No activities in roadways to obstruct or hinder traffic or create a nuisance are allowed. The association assumes no liability for accidents caused by any activity in the roadways.

**Suggestion: Specific violations are currently listed for unlicensed and unregistered vehicles within Association, exceeding posted speed limits, reckless driving, driving the wrong way, blocking of a street or right of way without Board permission and operating a motor vehicle on the beach. We suggest that if other, yet undefined instances of improper use of the roads, are discovered the current fine for the closest related violation be levied. At that time consideration can be given to expanding the list of fines to cover a truly unique violation that should stand on its own.**

**7. 1** No clothesline, fire escape or permanent structure may be erected in the front yard of any residence in the Association.

**Suggestion: Include this Chapter reference under the existing fine listed for Home maintenance violation.**

**7. 2** No person(s) shall erect a fence higher than four (4) feet on front property, six (6) feet in backyards and four (4) feet in side yards for the first 24 feet and six (6) feet high thereafter. Hedges and bushes cannot exceed four (4) feet in height on front property line. Fences, bushes or permanent structures cannot be placed within 2 feet of the Association property line, may not interfere with sight lines at any OCBCA intersection or be placed in a position which may cause a safety issue.

**Suggestion: Board discussion is required. How is this situation to be addressed where multiple violations of this ordinance already exist and the cost of remediation can be significant to the homeowner? And if no enforcement is contemplated how is future violation of this Chapter prevented?**

**The following is the current language that lists the specific violations of Association rules.**

**EXISTING GUIDELINE IN ORDINANCES LISTING TYPES OF VIOLATIONS THAT CAN BE ENFORCED WITH A FINE**

**8.14** Offences subject to fines as established by the Board of Governors include, but are not limited to, the following:

- Unlicensed driving of a motor vehicle, golf cart, scooter or ATV
- Exceeding the posted speed limit on Association roads
- All identified parking violations
- Reckless driving on Association roads
- Driving unregistered vehicles on Association roads
- Driving the wrong way on a one-way street
- Dogs on the beach, unleashed dogs and not picking up defecation
- Un-authorized Construction from July 1<sup>st</sup> through Labor Day
- Home maintenance violation
- Littering
- Noise ordinance violation
- Improper water discharge
- Parking & parking lot violations
- Unpermitted fires

**CHAPTER 9**

**9. 1** Any person(s) who violates any one section of these ordinances shall be fined, payable within 15, days unless otherwise noted, to OCBCA, P.O. Box 10, Old Lyme, CT 06371. If not paid within 15 days the fine will double. Each violation of any section shall be a separate and distinct offense. In the case of a continuing violation, each day's continuance shall be deemed to be a separate and distinct offense.

**9. 2** Said association may collect all such fines from the owners of such properties by action at law in the name of the Association, and any money due on any such fine shall be a lien upon the property of such owner, which may be foreclosed in the same manner in which liens for taxes due the Town of Old Lyme are foreclosed. Interest shall run on any lien filed pursuant to this section at the rate of one and one-half percent (1.5%) per month.

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

*For Approval by Board of Governors - March 12, 2019 in accordance with  
Section 8 of OCBCA Charter*

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) (Licensed Service Dogs Exempt)	\$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. 8.9of 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*

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\*\$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.

**Committee Suggestions:**

Gavin and I suggest that language be included in the list of fines that a verbal warning is the initial course of action recommended before fines are assessed. In the case of egregious instances of a first offence the fine can be immediate. Oftentimes homeowners are not aware of the rules they are violating and it would be good policy to look for correction of first offences without penalty to allow these homeowners to immediately come into compliance with the Association rule cited.

We also strongly recommend that the application of fines must be fair and equitable. If the Association is prepared to fine a homeowner for a rules violation it must also ensure that it does so consistently and across the board. As an example, if a homeowner is asked to remove a basketball hoop from an Association roadway the Board must ensure that this order is applied to all other instances of this violation.



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Attachment 3

**Old Colony Beach Club Association 2022 Fiscal Year Proposed Budget  
and Actual Expenditures to 2/28/2021**

	Actual FY 2018	Actual FY 2019	Actual FY2020	Budget FY 2021 APPROVED	Actual 2/28/2021	Budget FY 2022 Proposed
<b>Revenues</b>						
Property Taxes + finance charges	144,654.63	144,033.74	144,300.59	163,000.00	163,556.47	186,300.00
Town of Old Lyme	8,900.00	8,700.00	8,645.00	8,900.00	8,550.00	8,900.00
Vendor Fees	500.00	500.00	500.00	500.00	500.00	500.00
Reimbursement for Liens & Lien Releases						
Registrations	650.00	510.00	700.00	100.00	300.00	100.00
Reimbursement for Bank Charge			30.00			
Gate Swipe Cards	350.00	315.00	370.00	100.00	115.00	100.00
Fines	40.00	20.00			142.24	
Sign damage payment		80.00				
Boat storage cost			100.00		100.00	
Beach Cleaning Donations					575.00	
Federation 1/2 dues returned	289.50	289.50	289.50			
Federation donation for defibulator			1,500.00			
Interest Income General Fund	205.22	239.47	189.25	150.00	50.46	150.00
Interest Income Capital Account	164.37	180.73	126.22	100.00	39.51	100.00
Interest Income Loan Account					310.73	400.00
Webster General Obligation Note					796,250.00	
State of Connecticut grant money	18,975.38					
Old Lyme Shores 1/2 cost Sheffield Brook	52,176.59		2,360.75		800.00	
Purtil stub sale	12,000.00					
Recreation	2,510.00	3,481.00	2,157.00			
Raffle	3,580.00	3,032.00	2,729.00			
Merchandise	1,046.00	1,720.00	2,400.00	200.00	431.00	200.00
<b>Total Revenues</b>	<b>246,041.69</b>	<b>163,101.44</b>	<b>166,397.31</b>	<b>173,050.00</b>	<b>971,720.41</b>	<b>196,750.00</b>
<b>Expenditures General Fund</b>						
Public Safety	25,394.72	27,112.73	34,942.65	36,000.00	30,298.77	36,000.00
Public Works	33,963.98	38,586.43	37,690.06	36,000.00	28,946.51	36,000.00
Insurance	5,439.00	5,718.00	5,955.00	7,000.00	5,287.32	7,000.00
General Administration	6,471.85	4,268.73	8,005.37	7,000.00	1,663.90	7,000.00
Electricity	5,295.42	5,758.72	5,670.06	6,400.00	3,097.12	6,400.00
Fire Protection (Hydrants)	10,068.06	10,564.32	10,654.83	12,000.00	7,386.16	12,000.00
Recreation	9,691.03	8,368.42	4,211.33	3,550.00	120.00	3,550.00
Raffle	778.73	503.64	473.97			
Merchandise	1,820.50	1,117.00	3,242.50	500.00		500.00
Professional Fees	13,281.00	3,107.50	10,282.50	16,200.00	2,150.00	15,400.00
Donations	200.00	200.00	200.00	200.00		200.00
Property Taxes	920.92	927.70	948.86	1,200.00	1,105.04	1,200.00
<b>Subtotal</b>	<b>113,325.21</b>	<b>106,233.19</b>	<b>122,277.13</b>	<b>126,050.00</b>	<b>80,054.82</b>	<b>125,250.00</b>
Contingency Fund Capital Account	16,000.00	16,000.00	8,000.00	47,000.00	47,000.00	2,500.00
General Fund Expenditures after \$ transfer	129,325.21	122,233.19	130,277.13			
<b>Capital Improvements/Expenditures</b>						
WPCA	22,000.00	22,000.00				
Stormwater Study & Design			56,100.00		58,379.00	
Stormwater Project (Loan Funds)					23,577.89	
Stormwater Loan Interest					11,411.11	69,000.00
Fencing	1,399.68					
Sheffield Brook	44,420.03					
<b>Subtotal</b>	<b>67,819.71</b>	<b>22,000.00</b>	<b>56,100.00</b>	<b>47,000.00</b>	<b>93,368.00</b>	<b>71,500.00</b>
<b>Total</b>	<b>181,144.92</b>	<b>128,233.19</b>	<b>178,377.13</b>	<b>173,050.00</b>	<b>173,422.82</b>	<b>196,750.00</b>
Mill Rate	3.25	3.25	3.25	3.50	3.50	4.0
Profit/Loss	64,896.77	34,868.25	(11,979.82)			

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Property of Old Colony  
Beach Club Association