

**May 12, 2021**

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

The meeting was called to order at 6:35 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: Harvey Schiller, Melissa Vernali, Sebastian Vernali, Charles Flanagan, Katherine Kennedy, Ken Sprankle, Mark Riccio, Peter Zielinski, and Joe Frutuoso

**Approval of 4/14/2021 Board of Governors Meeting Minutes:** A motion was made (Montano/Humes) to approve the April 14, 2021 Board of Governors Meeting minutes. There was no discussion. The motion passed with one abstention.

**Treasurers Report (Janet Montano):** Janet presented the Treasurers Summary for the period ending April 30, 2021 (Attachment 1). A motion (Cartiera/Webb) was made to adopt the April 30, 2021 Treasurers Summary as presented. The motion passed unanimously.

**Action Items Update:** Rich reported that the following Action Items remain open as of this date as follows: Item #72 – Work with Attorney to Develop Collections Procedure which will be addressed later in this meeting. Item #74 – Suggest Process for Assigning Boat Spaces is agenda item X to also be addressed later in this meeting. Item #75 – Ask the Homeowner on the Corner of Broughel & Gorton to Trim the Bushes is assigned to Doug. Doug reported that this issue remains outstanding. Finally, Item #76 – Develop a Procedure to Authenticate Association Website Membership is assigned to Rich. Rich stated that Joe Frutuoso drafted a proposal to address this effort which will be addressed later in this meeting.

Rich then reviewed the list of "Suggestions during Public Comment." Rich stated that there were two suggestions marked as current. Item #6, Revise Beach Pass System, was addressed at last month's meeting and is currently being implemented. Rich stated that Item #9 requesting a reason for the use of the paddleboard and kayak racks will be discussed under agenda item X – Summer Boat Storage on the Beach later in this meeting.

## **Committee Reports-**

**Chairman's Report (Doug Whalen):** Doug stated that most of his matters to report on are contained in subsequent agenda items but he did add that the WPCA will be closing on the sale of the property for the pump station on Portland Avenue tomorrow. Doug reported that he met with a representative of this summer's security guard service today. Doug also stated that he posted a request for information on the Association's Facebook page from the Old Lyme Police regarding an incident at Old Lyme Shores.

**Clerk's Report (Rich Kingston):** Rich suggested that a "correspondence" agenda item be included on all new Board of Governor's agendas. This would allow the Board to formally recognize emails and letters it receives from the membership and support the Board's record retention efforts. Rich also stated that Board members should use their official OCBCA email accounts when communicating in their official capacities. Rich explained that the Association's email system collects all correspondence for file purposes. Rich noted that when Board members use their personal email addresses to conduct business this mail is not saved by the Association's email system. All Board members have an official account with the exception of the Tax Collector. As OCBCA is currently limited to seven email accounts the Tax Collector's email address was changed to give the WPCA this last email slot. It was agreed that Correspondence will be a standard agenda item in the future. Doug suggested that this agenda item should appear after Action Items Update and would give every member the opportunity to report any correspondence that they had received since the last Board meeting.

**Tax Collector (Nancy Zimmerman):** Nancy reported that she had nothing to report.

**Recreation (Gavin Cartiera):** Gavin reported that there will be a coffee social the morning after the June 5<sup>th</sup> General Membership meeting. He also stated that there would be yoga on the beach, movie nights, and Sand Castle contests this summer. Doug stated that as the season progresses more recreation events may be planned as opportunities present themselves.

**Public Safety (Steve Humes):** Steve reported that Investigative Consultants LLC is prepared to provide security services this summer. Janet asked Steve to make it clear to the security firm that the guard operating the golf cart must provide backup coverage for the main gate and beach security posts. Janet wanted to ensure that it is understood that a guard should not be driving the golf cart when one of these two security posts is left vacant due to lunch or breaks. Doug stated that he advised the security

service that coverage of these two posts is a critical function and that these two important posts should not be left uncovered.

**Public Works (Lester Webb):** Lester reported that he is working with Montano & Sons and Anthony's Property Services on levelling and preparing the beach for summer use. Doug reported that Lester will be asking Anthony's Landscaping for the time of the morning that we can expect beach cleaning to commence daily. Doug informed the Board that Lester had finalized the contract with Tower Landscaping for lawn mowing this summer. Doug stated that a full time resident has volunteered her time to maintain the plantings at the road entrances and the area around the bench in the Sheffield Brook easement area.

**WPCA Report -** Steve Humes reported that the WPCA met last Monday. Steve informed that Board that the shared infrastructure portion of the project is currently out to bid. He noted that fourteen (14) contractors have expressed interest in the project. The WPCA is working to get AMTRAK to sign off on the access rights for the project. This portion of the process is critical. Steve stated that only one property has not submitted their response to the need to abandon their well or make a financial commitment to keep it. Steve noted that DEEP is currently reviewing the internal infrastructure package for OCBCA and once approval is granted the WPCA can go out to bid on this portion of the total project. Doug commended the WPCA and especially Frank Noe for their diligence as this project is really starting to move along. Steve reported that several property owners remotely attended the last WPCA meeting and expressed their dissatisfaction with the assignment of EDUs to their properties. Steve stressed that once a dollar amount is assigned to the EDU formula a formal public hearing will be held when members can hear about the final assessment to their properties. Formal appeals can be made subsequently if the owners wish to contest their assessment.

**Agenda for June 5<sup>th</sup> General Membership Meeting –** Doug stated that the June 5<sup>th</sup> General Membership meeting will be held both in person and remotely with the use of Zoom software. Rich reported that the draft agenda that he sent out (Attachment 2) incorrectly failed to list Lester Webb as the Public Works Director. He will make that change. A motion (Whalen/Humes) was made to approve the agenda for the June 5<sup>th</sup> General Membership meeting with this one change. There was no discussion. The motion passed unanimously. Doug asked Rich to get the meeting packet of materials to the members promptly.

**New Fine Collection Procedure** – Steve stated that he worked with the Association’s attorney to prepare a new fine collection procedure (Attachment 3) and shared it with the Board prior to this meeting. Rich suggested that Paragraph 5, Section C. be revised to make it clear that the “enforcement officer” is not a security guard since the appeal could be made as late as one year after the assessment of the fine when the security guard would not be available to appear at the appeal. Steve agreed that the Director of Public Safety should be designated as the “enforcement officer.” Steve also noted that the hearing officer would be a member of the Association but not a member of the Board. Doug suggested that family members of the Board members should also be excluded from serving as hearing officers. Steve will review his draft to make these changes. Doug would like to vote on this procedure at the June Board meeting. Steve stated that a lien cannot be placed on property for failure to pay a fine but the Association can seek a judgment from the Superior Court to direct payment of said fine and the cost of enforcement.

**Summer Boat Storage on Beach** – Doug asked Rich to start this discussion. Rich noted that a number of Association members are attending this meeting by Zoom who are interested in this specific topic. Rich remarked that the issue was twofold. The first issue was regarding how many boats can be stored at the Sheffield Brook side of the beach and how they should be assigned if more people requested spaces than will be available. Rich noted that a lottery system might be a fair way to assign spaces if the demand is greater than the supply. Rich stated that the amount of space required for paddleboard and kayak storage would determine how many boats could be stored in this area. Janet noted that this side of the beach has been known as the boat launch area for years and she suggested that paddleboard storage could be limited to the west side of the beach. Doug noted that the white PVC storage rack which is currently located north of the Sheffield Brook weir board access doors could be moved south of it as the wooden rack currently in this location is slated to be moved to the west side of the beach creating more space for boats. Doug stated that there will be twenty-seven (27) slots for kayaks and paddleboards on the west side of the beach and room for three or four boats on this same side. Doug wants to maintain order wherever the boats, kayaks, and paddleboards are stored. Lester observed that he believes that many kayaks are left for long periods of time between uses and that the area just becomes a long term storage area. After asking permission of the Board Doug opened up the discussion to members of the public who were attending this meeting.

*Public Comment Specific to Summer Boat Storage on the Beach:* Katherine Kennedy said she and Charlie Flanagan who live at the end of Hartung along the beach next to this area do not have a problem with the PVC storage

racks. She expressed concerns about people not respecting this storage space with resultant destruction to the racks themselves. She is also concerned about the area not being safe. Ken Sprankle commented that he and a few other boaters who have moorings on this side of the beach need to use this area for storage for their boats. Mark Riccio said that he appreciated the efforts made last year to accommodate boaters and he would like to see this system continue. Peter Zielinski stated that if storage was a problem he would not mind storing his kayak or paddleboards on the west side of the beach if it would allow boats to remain on the east side of the beach. Rich Kingston stated that he does not believe it is a question of relocating boat storage from the east side of the beach but rather how many boaters can be accommodated. Rich stated that he would look into conducting a survey to determine how many members would like to store their boats on the east side. Doug thanked those who commented and stated that their opinions would be used when making a final decision at next month's meeting. Doug stated that the sea grass on the hill on this side of the beach must be protected from disturbance. At this time Rich suggested that Public Comment #9 be addressed as it dealt with the rationale for using this area for kayak and paddleboard storage. Joe Frutuoso asked how boat storage would be handled in the future in light of the fact that new members might wish to use this area also. Joe would like the boat launch area to be used exclusively for boats. Doug stated that this issue would be discussed by the Board at its June meeting.

### **Old Business –**

**19 Hartung Place Update:** Doug stated that the patio has been removed from Association property in accordance with the Board's direction. Doug said that efforts are now being made to recover associated costs incurred by the Board as a result of this situation.

**Other Old Business** – Rich addressed Action Item #76 assigned to him to develop a procedure to authenticate Association website membership. Rich stated that Joe Frutuoso, the Association's webmaster, has developed a draft procedure that Rich will present to the Board prior to the June meeting for its consideration. Rich noted that approximately sixty per cent of the registered website users accessed the web over the last few months. Although all agreed that this was encouraging Rich expressed concern about the use of the forty per cent of the registered user names which are not active. Rich stated that may present security concerns which may be a problem if not addressed. Doug took this opportunity to thank Joe Frutuoso for the fine job he does as the Association's webmaster.

**New Business** – There was no new business.

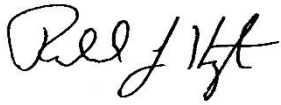
**Public Comment** – Doug asked for comment from the general public attending this remote meeting. Charlie Flanagan stated that he hopes that the foundation for the patio wall at 19 Hartung has also been brought back to the correct property line. Doug stated that this has been done. Charlie stated that as a result of an A2 survey that he had done he and Katherine are planning to install a fence around their property. He believes that there will be no impact on accessing the beach. He wants the Board to know that he will be happy to meet with any member of the Board if they have any concerns they wish to discuss. Doug asked Rich and Lester to act as liaisons for the Board when discussing issues related to this area of the beach. Doug stated that the Board is currently waiting for information from Fuss & O'Neill about the plans for this area as a third outlet will be installed to accommodate the new storm drain system. Joe Frutuoso stated that he was happy about the number of homeowners who attended this meeting as members of the public. Joe thanked Charlie and Katherine for their willingness to work with the Association to guarantee access to the boat launch area. Joe expressed concerns about the need to abandon wells in light of the fact that the water table in the community is so high. Joe stated that he felt that the Board was micromanaging some issues, e.g. the new fine collection procedure that could be left alone. Joe asked if the funds that were saved when the decision was made not to build the pump station on town property which would have required the construction of bathroom facilities could be used by OCBCA to build its own bathroom within the community. Steve Humes responded that the funds that were saved by not building a bathroom in the new pumping station were put back into the project to defray other costs. The original amount for construction of the pump station with a bathroom was \$150,000 which was to be shared equally by the three beaches but is no longer necessary. Steve also commented that the state's Department of Health established the rules regarding the use of wells when sewer lines are installed. Doug stated that there is a port-o-potty behind the Sand Cinema screen near the guard shack which can be used by Old Colony Beach residents. Doug explained that this unit is cleaned monthly and has been rented primarily for use by the security guards. Joe would like to see a bathroom and shower installed.

**NEXT MEETING** - The next Board of Governor's meeting date is scheduled for June 9. The meeting may be held in person at a location TBD and will also be held with Zoom remote meeting software if necessary.

A motion (Humes/Cartiera) was made to adjourn at 8:00 PM. The motion passed.

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Respectfully submitted

A handwritten signature in black ink, appearing to read "Rick J. H.", written in a cursive style.

Richard Kingston  
Clerk  
May 19, 2021

Approved at June 9, 2021 Board of Governors Meeting

**Results of Voting at the May 12, 2021 Old Colony Beach Club Association Board of Governors Meeting. Board of Governor Members present- Janet Montano, Nancy Zimmerman, Lester Webb, Steve Humes, Gavin Cartiera, Rich Kingston and Doug Whalen.**

**Agenda for June 5<sup>th</sup> General Membership Meeting** –A motion (Whalen/Humes) was made to approve the agenda for the June 5<sup>th</sup> General Membership meeting with the one change to list Lester Webb as the Public Works Director. There was no discussion. The motion passed unanimously.



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Attachment 1

Treasurer's Summary  
OCBCA Board of Directors Meeting  
May 12, 2021

Balance July 1, 2020:	\$258,123.04
	\$971,898.71 *
	(\$20.49) FY 2020 tax overpayment made in 2019*
	<u>\$16.98</u> FY 2020 tax overpayment credit*
Income:	\$971,895.20
Expenses:	\$178,848.36
Balance April 30, 2021:	\$1,051,169.88
General Fund Checking	\$43,926.63
General Fund MM Savings	\$188,381.04
Capital Fund MM Savings	\$104,198.65
Capital Loan MM Savings	<u>\$714,663.56</u>
Balance April 30, 2021	\$1,051,169.88

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

Attachment 2

**OLD COLONY BEACH CLUB ASSOCIATION**  
**SEMI ANNUAL MEETING AGENDA**

**SATURDAY, June 5, 2021, 6:30 PM**

**In Person Location: Shoreline Church, 287 Shore Road, Old Lyme, Ct**

**or by Remote Software: <https://hklaw.zoom.us/j/94564340310>**

**Zoom Meeting ID: 945 6434 0310**

**To Participate by Phone: 877 853 5257 (US Toll Free)**

- Approval of September 12, 2020 Semi-Annual Meeting Minutes
- Board of Directors reports:
  - Chairman: Doug Whalen
  - Treasurer: Janet Montano
  - Clerk: Rich Kingston
  - Tax Collector: Gavin Cartiera
  - Public Works: Joel Zimmerman
  - Security: Steve Humes
  - Recreation: Gavin Cartiera
- Public Comment- Association member comments on Board of Directors report
- FY2022 Budget **\*\*VOTING ITEM\*\***
- Committee Reports
  - Water Pollution Control Authority
- New Business
- Public Comment
- Next Meeting: Saturday, September 11, 2021 at Shoreline Church

Adjournment:

## Attachment 3

### **Procedures for Issuing and Enforcing Municipal Citations**

1. Identifying Enforcement Officers and Hearing Officers – The chief executive or the board of governors identifies those persons who are empowered to issue citations to alleged offenders (“Enforcement Officers”). Separately, the chief executive appoints one or more neutral parties to serve as Hearing Officer(s). The Enforcement Officers and the Hearing Officer cannot be same person or persons. The term “neutral party” is not defined in the statute except that it cannot be anyone associated with the issuance of the citations.
2. Issuing Citations – The citation document should be a standard form that is issued for all violations, and would include:
  - fillable placeholders for the Enforcement Officer to enter the date, ordinance reference for the offense, and the amount of the fine
  - instructions on where to send payment, deadline for uncontested payment of the fine, and procedures the offender can follow to appeal the citation
  - notice of the penalties and costs that will accrue if the offender fails to pay the fine by the applicable deadline or is still found liable following an appeal
  - a duplication method, such as carbonized sheets or electronic entry, that provides the offender with one copy and the municipality with an identical record
3. If Offender Pays the Fine – If paid by the applicable deadline, no further enforcement action is needed. Record of payment should be maintained by the Association.
4. If Offender Fails to Pay the Fine – If a fine remains unpaid beyond the applicable deadline for payment, within 12 months of its issuance the Enforcement Officer or any other municipal official who is not the Hearing Officer sends a notice to the cited person at his/her last known address that includes the following information:
  - A. The allegations against him/her and the amount of the fines, penalties, costs or fees now due;
  - B. His/Her right to contest the citation and request a local hearing by delivering a written statement within ten days of the notice;

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- C. That if he/she fails to contest within ten days, a formal “Assessment” will be entered by the Association, and
  - D. That the Assessment will be filed with the Superior Court and a judgment will be issued by the court without further notice.
5. If Offender Requests a Hearing on the Citation – the Association follows the following procedure:
- A. A hearing date is scheduled for between 15 and 30 days in the future;
  - B. Notice of the hearing date is sent to offender (the hearing conforms to the date the notice is sent to the offender).
  - C. The Enforcement Officer or other municipal official who issued the citation must appear at the hearing if the offender requests;
  - D. A certified copy or the original of the citation must be available at the hearing;
  - E. The Hearing Officer conducts the hearing, taking testimony under oath from the Enforcement Officer of municipal official and from the offender.
  - F. The Hearing Officer renders his/her decision at the close of the hearing and either
    - 1) dismisses the case, or
    - 2) affirms the assessment of the fine.
  - G. If the Hearing Officer affirms the fine, he/she formally “assesses” the fine and all costs against the offender
6. Notice of Assessment – If the offender 1) fails to pay the fine and fails to request a hearing on the fine, or 2) is deemed liable for the fine following a hearing, the Hearing Officer sends a Notice of Assessment to the offender by first class mail. The Notice of Assessment would include the amount of the original fine plus all penalties and other costs (including attorneys’ fees) incurred.
- The Notice of Assessment is a final determination of the case and is not subject to any further proceedings at the local level. However, the offender has a right to appeal the Assessment in small claims court within 30 days from the mailing of the Notice of Assessment.
7. Submission to Superior Court – Between 30 days and 12 months from mailing the Notice of Assessment to the offender, unless an appeal is filed in Small Claims Court, the Hearing Officer files a certified copy of the Notice of Assessment with the Clerk of the Superior Court, along with a filing fee of \$8.00. The Superior Court Clerk automatically issues a judgment in the Association’s favor which can be immediately enforced like any other civil judgment, including seizure of bank accounts and personal property and wage attachments.