

OLD COLONY BEACH CLUB ASSOCIATION  
SEMI-ANNUAL MEETING  
SATURDAY, SEPTEMBER 12, 2020  
OLD COLONY BEACH CLUB ASSOCIATION VOLLEYBALL COURT  
OLD LYME

**Old Colony Beach Club Association Semi-Annual Meeting**

The meeting was called to order at 6:05 p.m. by Board Chairperson Doug Whalen. The Association Clerk confirmed that there was a quorum present.

**Approval of September 7, 2019 Semi-Annual Meeting Minutes:** Doug explained that this year's June Semi-Annual Membership Meeting was not held due to the Covid-19 Pandemic situation. Since there was no membership meeting at that time the Board of Governors held a Special Meeting on June 6, 2020 at which time the Association set the Association mill rate for fiscal year 2020/2021. A motion (Teresa Winters/Joel Zimmerman) was made to approve the September 7, 2019 minutes. There was no discussion. The motion passed.

**Board of Director's report:**

**Chairman's Report:** Doug began his report by thanking his wife Marie for her patience, support, and understanding. Doug also thanked the Board members for their work this summer. Doug extended a special thanks to Janet Montano, the Association Treasurer, for handling the accounting for numerous special projects and for the scrupulous manner in which she handles Association funds. Doug also thanked Angie Rotella for opening and closing the gates during the summer. Doug extended his appreciation to Association members in the way they conducted themselves on the beach in the midst of the Covid-19 pandemic. Doug thanked the Association webmaster, Joe Frutuoso, for all of his contributions to keeping the community informed.

**Treasurer's Summary:** Janet Montano presented a Treasurers Summary for the period ending September 12, 2020 (Attachment 1). Janet noted that the full Treasurers Report, a budget sheet, and a detail of transactions by account would be posted on the Association's website.

**Tax Collector Report:** Nancy Zimmerman reported that \$162,625.12 has been collected in taxes which includes \$17.15 in late fees. Nancy also reported that there is still one outstanding tax bill to be paid.

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

**Director of Public Works Report:** Lester Webb reported that it has been a very interesting first year as Public Works Director. Lester reported that multiple bids

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will be sent out for next year's various services. Examples of these services include trash removal from the beach, buoy installation and removal, street sweeping, and beach cleaning. Lester noted that a number of children have been observed operating golf carts this summer. Lester reminded the parents of these children that they are personally liable should anything happen while these unauthorized drivers are operating these golf carts. Lester stated that improper operation of golf carts can lead to the revocation of the golf cart's registration preventing it from being operated on Association streets.

**Director of Public Safety Report:** Steve Humes reported that this year's primary responsibility for this year was the oversight of the security guard contractor, Investigative Consultants. Steve stated that this was the second summer that this service was used and that the Board will be preparing to send out bids for next year's services. Steve asked that if any member knew of a security company that might like to bid on these services to get in touch with him.

**Entertainment Director Report:** Gavin Cartiera reported that it has been a challenging summer for Recreation. Recreation was able to conduct two Sand Castle Contests and the weekly Movies on the Beach were held this year. Gavin thanked Doug Whalen for holding the weekly movies.

**Public Comment** – There was no public comment on the Board reports.

**FY2020 Budget Year End Balance Transfer** – Doug read the language for the FY2020 Budget Year End Balance Transfer (Attachment 2). Doug reported that it was necessary to move \$1,242.50 from the Fire Protection to the Merchandise line of the budget in accordance with the Association's Charter. A motion (Teresa Winters/Marilyn Asal) was made to effect the needed transfer of funds in the amount of \$1,242.50. There was no discussion. The motion passed.

**Board of Governors Nominations - Board of Directors Nominations** – Doug turned the meeting over to Rich Kingston, Association Clerk, to conduct the election for the two expiring Board positions. Rich informed the membership that the terms of Doug Whalen and Gavin Cartiera have ended. Rich stated that both of these individuals had indicated that would be willing to serve another three year term on the Board. Rich stated that he had not received any other nominations prior to this meeting and then asked if anyone at the meeting would like to nominate someone. Rich noted that there were no other nominations and as a result, as Clerk, he would cast one vote for Douglas Whalen and one vote for Gavin Cartiera. Rich explained that at the next Board of Governors meeting officer and director positions would be decided upon. Rich turned the meeting over to Doug. Both Doug and Gavin thanked the membership for their confidence

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in them. Gavin stated that he would be agreeable to stepping aside if someone else wished to serve on the Board but if not, he was happy to continue serving on the Board.

**Old Business** – Doug asked if there was any Old Business. There was none.

**New Business** – Doug wanted to inform the membership that a Coastal Cleanup service project had been conducted that morning on the beach. Doug thanked Lauren Zielinski, a member of the Association, for spearheading this effort. Doug stated that Association members, Girl Scouts, biology teachers, and students from UCONN participated in this effort. Doug reported that three bags of litter were picked up on the beach even after it had been groomed for the day. Doug then asked if anyone had any New Business. There was none.

**Public Comment** – Jim Fazzino asked if this was the appropriate time to bring up a motion to the membership. Doug stated that a discussion about a motion was appropriate. Jim was concerned about the planned installation of perforated pavement on Broughel Avenue between Old Colony Road and Swan Avenue which is owned by the Association. Jim explained that a full width pavement of eighteen (18) feet is planned for this area. Jim wanted to make a motion to change the plan from full width to a pedestrian wide walkway from the existing end of pavement to Swan Avenue. Jim cited cost, maintaining the current scale of pedestrian versus vehicle, and for beautification purposes. Doug commented that he has just received maps from the road planners that indicate that the plan corresponds to Jim's concerns obviating the need to make a motion. Jim agreed that a motion was not necessary at this time. There was no other public comment.

### **Committee Reports-**

**Water Pollution Control Authority** – Frank Noe, the chairperson of the Water Pollution Control Authority (WPCA), began his presentation by introducing the members of the WPCA. Frank listed the members and their qualifications for serving on the WPCA. In order he introduced Bob Asal, Nancy Zimmerman, Frank Nicotera, Don Brodeur, Joe Cancelliere, and Steve Humes. Frank began his presentation with the use of slides which are available at <https://www.oldcolonybeach.org/wp-content/uploads/2020/09/WPCA-Sept-2020-presentation-9-12-20-1.pdf> on the Association website. Frank explained that the effort began in 2010. Frank said that the Association voted for a sewer project in 2011. Frank noted that in August 2012 the Connecticut Department of Energy and Environmental Protection (DEEP) issued a Consent Order for this sewer project. In 2013 and 2014 progress was slowed by Old Lyme's efforts to explore

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the installation of a community system rather than a connection to the New London Water Treatment Plant. Frank stated that in 2018 the WPCA negotiated for 120,000 gallons of capacity with the New London Water Treatment Plant for the three beaches (Old Colony, Miami, and Old Lyme Shores). An additional reserve of 180,000 gallons was also negotiated for future use by any additional entity. The total bill for the capacity was \$1,450,000. Frank stated that an additional \$538,000 was expended to purchase this same capacity from the town of East Lyme. Frank also stated that in 2019 the Association applied for Clean Water Funds for the design process. Frank described the complexity of this process. Currently the three beaches are working to get permission to place a pipe through the girders under the Amtrak bridge on Route 156. Frank informed the meeting that the Old Colony Beach sewer system design will be completed by October of this year. Frank stated that the project would go out to bid in November for return in December. A contractor would then be picked from the bid process and construction would begin within the Association in February 2021 and will be due for completion by May 2022. Individual properties would then be connected to the new infrastructure and the system will be flowing by June 2022. Frank described the path that the force main will take from Brookside along Hartung to the proposed location of the pump station on Pond Avenue in the Miami Beach Association. After reaching the pump station the forced main will go north up Portland Avenue to Route 156 and then turn east to Gorton Avenue Extension to the area previously known as the "ball field" owned by Old Lyme Shores Beach Association. At this location a biocide station will be built to enter chemicals into the system for odor control. The pipe will then extend east to East Lyme, through Waterford and terminating in New London at the water treatment plant.

At this time Frank turned the presentation over to Steve Humes to explain the Consent Order. Steve stated that the bottom line is that there is a pollution problem here due to inadequate septic systems. Steve explained that almost no property at this beach have adequate land to install code compliant septic systems. The Connecticut General Statutes mandates that a benefit assessment be established to pay for this system. The dollar amount of the benefit assessment to each property owner cannot be determined until the project is completed and final costs are determined. Steve did state that what can be done now is to develop a methodology that will be applied once the project is complete. At the end of this process a public hearing will be held with an appeal period for those property owners who are dissatisfied with the amount they will be assessed for the project.

Next Steve turned the presentation over to Joe Cancelliere to present the benefit assessment methodology calculation. Joe informed the meeting that all of the members of the community benefit from this project. Joe did state that in

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recognizing this mutual benefit that a few properties receive an additional benefit. Joe stated that the WPCA is looking for a benefit assessment system that is fair and equitable. He also stated that they wanted the system to be as simple as possible so as not to have unnecessary complexity. Joe explained that a number of potential methodologies were rejected from the beginning. The WPCA has been discussing this issue for the last four years. Joe noted that members of the community have shared their opinions with the WPCA over that period of time. Joe stated that two appraisers had been consulted on two separate occasions. In the summer of 2019 the WPCA was exhausted attempting to arrive at an acceptable methodology. An attempt was then made to solicit appraisal services. There was no response to this bid. Joe said that this affirmed the fact of how difficult the benefit assessment task is for our community. The WPCA then investigated many different methodologies to establish the benefit assessment calculation. The Authority investigated a uniformity based system where one system benefits all equally on both a property based system and a structure based system but that did not work. The WPCA then looked at an occupancy based system and a tax assessment based system, neither of which was acceptable. Property square footage and a property frontage methods were also considered and rejected.

The WPCA then took a step back and considered what was common to all homeowners. Joe stated that vacant lots will not be assessed under the benefit assessment methodology. Joe also stated that every structure will have its own lateral connection to the sewer main. The WPCA then decided that the benefit assessment calculation would be based on laterals. Joe explained that each additional lateral needed for a property would cause a twenty-five per cent (25%) upcharge. Joe stated that if a condo is made up of independent structures with one owner the assessment will be based on the lateral formula. In the case of the one condo which has multiple units in one structure a base charge of one for the first lateral and 25% more for each additional lateral required. The sum would then be divided by the number of owners and shared equally. In the case of the commercial structure and the property with five structures the cost would be based on the basis of two units. Joe explained that the base assessment calculation will be applied against the total cost of the project. Joe stated that based on the current projected cost of the system, which he explained could change many times before being final, the base assessment would be \$30,751.19. Joe then stated that including the DEEP loan interest loan rate of 2% for twenty years the annual cost per unit would be \$1,880.64. The current estimated construction cost is \$6.15 million. When this process began in 2012 the estimated cost for this project was \$4 million. Joe listed the types of properties within the Association: 178 properties with one structure, 12 with two structures, 1 property with 3 structures, 1 property with 4 structures, 1 property with 5 structures, and 1 commercial property. Joe stated that within sixty (60)

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days the WPCA would be at 100% plan development. There is still a few cost estimates still outstanding. The level of competition by contractors can also influence the final numbers for this project. Joe reiterated that the WPCA believes that this methodology is fair, equitable, and simple. It does not create a lot of complexity for the accounting for this project. Joe stated that the total individual assessment is still within estimates made by an independent consultant in 2012.

**Public Comment** – Doug thanked the WPCA for their detailed presentation. He then opened up the floor for public comment and questions. *{As the sound of voices on the beach were not amplified and sometimes difficult to hear comments will not be attributed, in most cases, to specific speakers.}* Lenny Gregorian commended the WPCA for their work as a former member of the group he realized how much work went into this process. Lenny asked if there were other beaches or entities which would join this system which could reduce the cost. Frank Noe responded that the current calculations are based on the fact that the town of Old Lyme would be joining the three beaches in the process. Other possible additions are unknown at this time. Rich Kingston asked how the funds to be granted from the state from the Clean Water Fund are included. Frank responded that the numbers shared by Steve were specific to what the Association membership would have to pay after the grant funds had been applied. Doug added that the Association Board will be closing on a \$800,000 loan next week to fund the improvements to the storm drainage system and the incidentals that are not covered by the Clean Water Fund grant. The cost of this loan will be included in the Association's tax rate separate from the WPCA sewer project. Linda Humes stated that she does not believe that the selected benefit assessment calculation is fair. She stated that those homes with more laterals should pay more than the current 25% per additional lateral. Someone asked if a property owner could refuse to connect to the system. Frank Noe stated that the WPCA will mandate that connection is required. A member of the public asked if the additional 180,000 gallon capacity over the 120,000 gallons purchased is costing the Association an additional amount for unused capacity. Frank stated that the 180,000 gallons in reserve will be associated to whatever new entity purchases some or all of that capacity. Frank informed the members that the town of Old Lyme is requesting to purchase 50,000 gallons from the three beaches which would come from the 180,000 gallons. The three beaches are not currently paying for more than the 120,000 capacity initially specified earlier in the meeting. The same member is concerned about the limited time estimated between the installation of the laterals and the connection to the properties. There was also some discussion about the need to have two laterals if the current system has both homes empty into a common septic tank. Joe Cancelliere commented that current DEEP regulations require a separate lateral for each structure. Someone asked about the bidding process. Joe Cancelliere explained how the bid process for large construction projects works. Joe stated that there is

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a ten per cent (10%) contingency built into the estimated project numbers to handle change orders and potential cost overruns. Bob Asal of the WPCA added that Fuss & O'Neill is our project manager and will supervise the project to ensure that the project is performed to expectations. Another member asked if the pump station would have a generator. Frank replied that a propane generator is included in the plan. Another member asked if there was consideration regarding having one company available for lateral connections that would allow a group discount for those using this company. Frank stated that the WPCA would provide a list of about a half dozen contractors to the membership. Joe Cancelliere stated that the suggestion was excellent. Joe believes that it might even be possible to solicit the prime contractor of the project to offer these services to individual homeowners in order to save the membership money on the cost of hookup. A member of the public said that the time needed for a lateral hookup to a house averages a day or less. Joe stated that one contractor would alleviate congestion that might result from many different contractors performing this service at the same time.

Michele Gavens asked how the other beaches are doing their assessment. Frank responded that OCBCA is somewhat unique as Old Lyme Shores has only one family homes and Miami Beach has only a few configurations and both will be charging owners an equal amount. Soundview Beach's calculation is unknown at this time. Michele also asked whether consideration in selecting the benefits assessment methodology considered year round versus seasonal properties. Frank stated that there was no distinction made between the two. Frank noted that water usage would determine treatment costs which would differentiate between seasonal and year round usage. Someone from the public asked what would happen if a vacant lot becomes buildable. Frank replied that he believes that there is only one lot at this time which could be buildable. A connection charge would be assessed to that property at time of hookup. Jim Fazzino asked if an analysis had been done to determine if an owner of a low cost property could decide whether it is worth joining the system based on total costs. Frank said that has not been done and does not need to be done. Frank stated that the chosen methodology will become WPCA policy. A public hearing in the future, when the construction is totally completed and all costs are known, will be held to explain the assessment that has been established by this policy. Individual property owners may then appeal their assessment subsequent to the public hearing. Steve Humes summarized the process to submit a claim that the benefit assessment is unfair. Another member of the public asked how an adjustment to the assessment will be made if a new community joins the system. Frank stated he is not sure how DEEP would handle this situation. Steve Humes explained that the three beaches have an established process to recoup funds from any new members who join the system. Steve explained that the shared expenses of the three beaches would be reduced by the cost of the buy-in of new participants. A

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member asked if you have a well do you have to hookup to city water. Frank responded that yes and if any well is within 25 feet of a sewer line the well will have to be abandoned. If the well is beyond 25 feet the member will still have to hookup to city water but can use the well for irrigation purposes only. DEEP requires a policy on wells before the project can go out to bid.

Don Brodeur, WPCA member, stated that metering is needed to determine sewer usage, which cannot be done with wells, so connection to city water would be required. He also stated that the 25 foot road is in place to protect wells from effluent that might flow from a broken pipe into a well. Don stated that he believes that there are currently 27 working wells in the community that are not in compliance. This water connection will be an additional cost to the owner. Someone asked if the wells no longer work if they would be able to occupy their home in the winter as they currently can or will the Connecticut Water Company turn off their water for the winter. Steve Humes responded that the town will not currently allow Connecticut Water to supply water to homes classified as seasonal. Steve believes that this requirement will go away once the sewers are installed because the town won't be able to say occupancy is a matter of public health. Rosemary Lombard asked if there will be construction during the summer from July 4<sup>th</sup> to Labor Day. Frank stated that the contractor will have to work through the summer. Joe Cancelliere answered that Connecticut's construction season starts April 1<sup>st</sup> and ends October 31<sup>st</sup> and that time is money. Jim Fazzino made an observation that it is "funny" that you can have a well now but after the system to handle ground water is put in place you cannot have a well. A member asked if the slides from the meeting will be available. Frank replied that they will be on the website.

**Next Meeting** – The next OCBCA General Membership meeting will be held at the Shoreline Church at 6:30 PM on Saturday, June 19, 2021.

**Adjournment:** A motion (Marilyn Asal/Name Unintelligible) was made to adjourn. The meeting was adjourned by acclamation at 7:46 PM.

Minutes recorded by:



Richard Kingston, Clerk  
September 24, 2020

Approved by General Membership at June 5, 2021 Meeting



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**Results of Voting at the September 12, 2020 Old Colony Beach Club Association Semi-Annual General Membership Meeting**

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**Attachment 1**

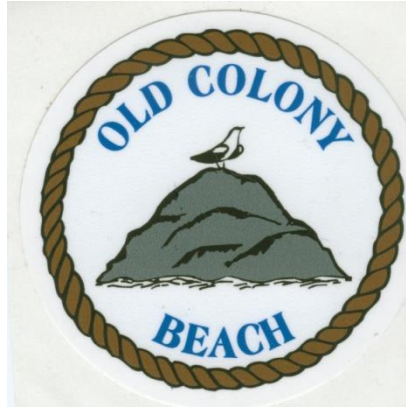
Treasurer's Summary  
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Balance July 1, 2020:	\$258,123.04
	\$168,886.43
	(\$20.49) FY 2020 tax overpayment made in 2019*
	<u>\$16.98</u> FY 2020 tax overpayment credit*
Income:	\$168,882.92
Expenses:	\$37,653.58
Balance September 12, 2020:	\$389,352.38
General Fund Checking	\$85,437.95
General Fund MM Savings	\$188,339.11
Capital Fund MM Savings	<u>\$115,575.32</u>
Balance September 12, 2020	\$389,352.38

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

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**Attachment 2**



Voting Items for September 12, 2020 General Membership Meeting

- **Article VIII section 3-** authorization of single transfer from Fire Protection to Merchandise due to overage by \$1,242.50. (Note: merchandise sales were \$2,400.00)

(CIRCLE ONE)

YES

NO