

**July 13, 2022**

**Old Colony Beach Club Association Board of Governors Meeting**

The meeting was called to order at 6:35 PM by the Board Chair Douglas Whalen at 41 Old Colony Road. Board members attended in person.

**ATTENDANCE:** Members present - Janet Montano, Lester Webb, Steve Humes, John Newson, Nancy Zimmerman, Rich Kingston and Doug Whalen

Members absent - None

Members of the Public: Joe Frutuoso, Charles Flanagan, Harvey Schiller, and Frank Noe

Doug declared that a quorum was present.

**Approval of 6/8/22 Board of Governors Meeting:** A motion was made (Newson/Montano) to approve the June 8th minutes. Janet pointed out a correction to the specific Treasurer's section of the departmental reports section of the minutes (not the summary as posted in Appendix 1). The suggested change will be made. The motion to approve the minutes passed.

**Action Items Update:** As there were no changes from last month there was not further update.

**Correspondence:** Doug stated that he had received correspondence from three Association members in reference to the election of members to the WPCA. He also received correspondence in reference to a current "hammer law" issue. Rich stated that correspondence was also received about using the OCBCA owned Gorton Avenue parking lot.

**Treasurer's Report (Janet Montano)** – Janet presented the Treasurers Summary ending June 30, 2022 (Attachment 1). There was no discussion.

**Committee reports-**

**Chairman's Report (Doug Whalen):** Doug reported on his activities over the past month (Attachment 2).

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

**Treasurer (Janet Montano):** Janet stated that she billed Flavor King \$500 for their annual ice cream vendor fee. Doug stated that he has adjusted security guard billings downward when the situation is warranted. Doug

reported that the federal DUNS number has been replaced by an UEI number.

**Tax Collector (Nancy Zimmerman):** Nancy reported that \$87,405.91 in taxes have been paid to date.

**Recreation (John Newson):** John had nothing to add from that already reported in the Chairman's Report (Attachment 2).

**Public Safety (Steve Humes):** Steve had nothing to add from that already reported in the Chairman's Report (Attachment 2).

**Public Works (Lester Webb):** Lester reported on Public Works activities over the last month. Lester stated that the broken glass and debris discovered on the volleyball court has been removed. Lester suggested that the adjacent homeowner on Swan Avenue should be billed for this work. Lester said he corrected problems with the height of the new fence along the west side of the beach. Lester related that he is hearing complaints about the volume of music heard on the beach.

**WPCA Report –** Steve had nothing to report. Doug reported that there is a system wide meeting this upcoming Saturday concerning the sewer project.

**Amended WPCA Ordinance Change to Add Two Alternate Members –** Doug read a new WPCA ordinance which will add two alternate positions to substitute for the absence of a regular member (Attachment 3). Doug then commented on the changes. Doug stated that an Ordinance number needs to be assigned if this document is approved. A motion (Humes/Newson) was made to approve the amended WPCA ordinance as presented. There was no discussion. The motion passed unanimously. *{It was subsequently learned that the general membership needs to approve this ordinance before it can go into effect.}*

**Election of Members to Expiring WPCA Positions –** Doug reported that the terms of Don Brodeur, Bob Asal and Joe Cancelliere have expired. All three are willing to serve another term on the WPCA. Doug stated that in addition to these three WPCA members Donna Maselli, Mark Peterson, and Andrea Lombard have asked to be considered for membership. A motion (Humes/Zimmerman) was made to re-elect the three members who served prior to their terms expiring. There was no discussion. The motion passed unanimously. A motion (Whalen/Humes) was made to appoint Donna Maselli as an alternate member to the WPCA. There was no discussion. The motion passed unanimously. A motion (Whalen/Webb) was made to appoint Marc Peterson as an alternate member to the WPCA. At this time there was some

discussion regarding the third Association member, Andrea Lombard, who also volunteered to join the WPCA and is currently a member of the town's WPCA. The motion to appoint Marc Peterson passed unanimously.

**Resubmission of Request for Construction Waiver after July 1 for 23**

**Hartung Place** – Rich introduced the topic concerning the homeowner's position regarding the Board's disapproval at the June meeting of an emergency waiver to the construction ordinance. Rich noted that Charles Flanagan, the owner of 23 Hartung Place, was present and wished to address the Board. Doug solicited comments from the Board regarding this matter. Doug commented that he felt control of excessive noise is the main issue. The homeowner, Charles Flanagan, presented his reasons for continuing to work inside his home during the summer. Mr. Flanagan stated that he would have no work done outside of the house. The Board decided to monitor the situation and if a complaint regarding excessive noise is made a Board member will go to the location to confirm the validity of the complaint. The Board agreed that if excessive noise is noted that a violation will be issued and the workers will be asked to stop the noise causing activity.

**Request by Synagogue to Use OCBCA Gorton Avenue Parking Lot** – A motion (Newson/Humes) was made to restrict the use of the OCBCA Gorton Avenue Parking Lot to OCBCA security staff only. There was some discussion. The motion passed six in favor and one opposed.

**Form of Minutes per Roberts Rules of Order** – The Board agreed to table this item until progress is made in discussions to be conducted over the winter.

**Website User Authentication Procedures** - The Board agreed to table this item until progress is made in discussions to be conducted over the winter.

**Suggestion for Transparency & Fiscal Responsibility Act of 2022** – The Board agreed to table this item until progress is made in discussions to be conducted over the winter. Joe Frutuoso was asked to summarize his suggestion to adopt such an act.

**Meeting Date for September 2022 General Membership Meeting** – The Board discussed a Saturday date in September on which to hold the semi-annual general membership meeting. Frank Noe added that the membership will need to be informed that on January 31, 2023 the loan from the state Department of Energy & Environmental Protection comes due. Frank stated that there may be a need for a special assessment to fund the first installment of that repayment. Frank expects that this assessment will

be calculated using the OCBCA's WPCA Equivalent Dwelling Unit (EDU) formula or some other method. A motion was made to hold the General Membership meeting on Saturday, September 17<sup>th</sup>. The motion passed unanimously.

**Old Business** – Janet raised an issue related to the fencing on the west side of the beach. Nancy addressed some sight line issues that have yet to be corrected. The Board agreed to send a letter informing the affected owner that they have fifteen (15) days to correct the situation which was previously brought to their attention but not sufficiently corrected. In response to a concern expressed by Nancy, Doug will convey the Board's opinion to security that their performance of beach functions needs to improve. The Board discussed purchasing a Zoom meeting license for its activities at a cost of \$150 annually. A motion (Whalen/Montano) was made to waive any objections to the Association's attorney also representing Joseph Meucci of 33 Old Colony Road. Brendan Sharkey, the Association's attorney, wanted to clarify, for the record, that the approval Mr. Meucci was seeking from the Board was to meet the requirements of the Leg Light Health District rather than the town's zoning department as reported elsewhere. The motion passed unanimously.

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

**Public Comment** – Frank Noe noted a sight line issue on the corner of Hartung Place and Gorton Avenue. Joe Frutuoso commented that the WPCA openly communicating with the membership is critical. Joe noted that there are divots in the road on Hartung Place that should be filled in. Joe also commented on some of the articles in the Association's newsletter which may not cast OCBCA in the best light. Rich suggested that the "coffee and donuts" social that is held on the Sunday after the membership meetings be held more often.

**Next Meeting** – The next Board of Governors meeting date is scheduled for August 10, 2022. Site for this meeting to be determined.

A motion (Zimmerman/Humes) was made to adjourn at 8:40 PM. The motion passed.

Respectfully submitted



Richard Kingston  
Clerk

July 18, 2022

**Results of Voting at the July 13, 2022 Old Colony Beach Club Association Board of Governors Meeting. Board of Governor members present- Janet Montano, Nancy Zimmerman, Lester Webb, Steve Humes, John Newson, Rich Kingston, and Doug Whalen.**

**Amended WPCA Ordinance Change to Add Two Alternate Members –**

A motion (Humes/Newson) was made to approve the amended WPCA ordinance as presented. There was no discussion. The motion passed unanimously. *{It was subsequently learned that the general membership needs to approve this ordinance before it can go into effect.}*

**Election of Members to Expiring WPCA Positions –**A motion (Humes/Zimmerman) was made to re-elect the three members who served prior to their terms expiring (Brodeur, Asal, and Cancelliere). There was no discussion. The motion passed unanimously.

A motion (Whalen/Humes) was made to appoint Donna Maselli as an alternate member to the WPCA. There was no discussion. The motion passed unanimously.

A motion (Whalen/Webb) was made to appoint Marc Peterson as an alternate member to the WPCA. The motion to appoint Marc Peterson passed unanimously.

**Request by Synagogue to Use OCBCA Gorton Avenue Parking Lot –** A motion (Newson/Humes) was made to restrict the use of the OCBCA Gorton Avenue Parking Lot to OCBCA security staff only. There was some discussion. The motion passed six in favor and one opposed.

**Meeting Date for September 2022 General Membership Meeting –**

The Board discussed a Saturday date in September on which to hold the semi-annual general membership meeting. A motion was made to hold the General Membership meeting on Saturday, September 17<sup>th</sup>. The motion passed unanimously.

**Waive Attorney Conflict of Interest in regards to recent easement awarded by OCBCA to 33 Old Colony Road –** A motion (Whalen/Montano) was made to waive any objections to the Association's attorney also representing Joseph Meucci of 33 Old Colony Road. The motion passed unanimously.

July 13, 2022  
OCBCA Board of Governors Meeting

Attachment 1

Treasurer's Summary  
OCBCA Board of Governors Meeting  
July 13, 2022

Balance July 1, 2021:	\$1,026,650.17
	\$208,825.67 *
	(\$16.98) FY 2021 tax overpayment made in 2020*
	<u>\$37.49</u> FY 2022 tax overpayment credit*
Income:	\$208,846.18
Expenses:	\$185,802.15
Balance June 30, 2022	\$1,049,694.20
General Fund Checking	\$27,799.76
General Fund MM Savings	\$188,425.03
Capital Fund MM Savings	\$120,514.80
Capital Loan MM Savings	<u>\$712,954.61</u>
Balance June 30, 2022	\$1,049,694.20

\*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 July 13, 2022 BOG meeting

- Attended weekly meetings with the Sound View Operations Advisory committee. Assisted the committee with public safety issues for sound view and parking issues. Worked with Resident Trooper to curb loud boat music off the beach.
- Meetings and phone calls with 2 grant writers regarding the Sewer project. Looking into potential grants we would be eligible for. Registered OCBCA on grants.gov to be eligible for federal grants.
- Reregistered OCBCA with the UEI ID- OCBCA Unique Entity ID is C1FZPJWJSNB1. This replaces the DUNS # that is no longer available.
- Watered flowers and kept bird feeder and hummingbird feeder full at easement area bench.
- Worked with Book Boat committee to locate the finished book boat lending library on Gorton Ave inside parking lot.
- Sold OCBCA merchandise on a few occasions took special orders & ordered clothing that was sold out.
- Assisted Recreation director with movies on the beach.
- Worked on Ice Cream coupons for sandcastle contest
- Cleaned all the street signs, beach signs, and gate signs in complex.
- Took 82 phone calls from security between the hours of 9am -2am over last 3-weeks regarding different issues. Worked with security in updating Resident names in security books, trained new guards with duties for each position. Responded to requests for assistance from night guard on 8 different occasions after 9:00pm.
- Assisted Security with a July 4<sup>th</sup> incident on the beach, over 80 teenagers were congregating on the beach making loud noise. At one point the crowd became unmanageable and the beach was closed for the evening at 12:15am. State Police were notified of the group going over to the public beach and they responded with 3 State Police Cruisers.
- Received a call of an unconscious person on the beach by a resident. Had security open the Old Colony beach gate, went over to the Swan Ave Police tent to get medical response. Police & EMS arrived on scene. After evaluation by EMS the patient refusing transport to a hospital.
- Worked with Les Webb regarding the jet ski line and swim line. Ordered parts for new lines through Amazon and Gilman Corp.
- Worked with Les Webb with getting paint for all the front entrance gates. Ordered new reflective strips for top of gates. Les secured a painter for the gates. Painter needs to scrape and then paint the gates.
- Worked with Atlas fence company that repaired the Sheffield Brook fence that was damaged by a cement truck
- Worked with CWPM to get recycle and garbage on same day, coordinated with all the other beach associations to get everyone on board for single day pickup. Put flyers out to every home in complex with the assistance from Les Webb and John Newson.
- Worked with CWPM to get sweeper out to our complex to cleanup glass over roadway from recycle truck. Recycle truck had bad seal and dropped broken glass over roadway on the Wednesday pickup.

**Chairman's report for July 13, 2022 BOG meeting (continued)**

- Worked with Steve Humes and Brendan Sharkey (Association Attorney) on WPCA ordinance changes to include alternates on the committee.
- Received phone call Tuesday morning about abandoned boat washed ashore on OCBCA. Went down and found a boat on our beach, called DEEP police for follow-up. DEEP police located owner who lived on Portland Ave. The boat was tied to a pavilion buoy and broke free overnight. Had Don DuBaldo check cameras, boat washed ashore with nobody in it around 11:30 at night no damage to beach, no gas or oil spills.
- Removed all the recycle cans off beach as there seems to be more garbage in green cans than recycle. Placed 2 trash cans on each entrance to help with the overload of trash.
- Worked with Les Webb to place clean signs on newly painted Breen entrance gate. Also put reflective stickers on full length of the upper bar of the gate.



## Attachment 3

### Ordinance 10.1

#### AN ORDINANCE AMENDING THE ORDINANCE CREATING THE OLD COLONY BEACH CLUB ASSOCIATION WATER POLLUTION CONTROL AUTHORITY

BE IT ORDAINED AS FOLLOWS:

#### Section 1. CREATION AND MEMBERSHIP

Pursuant to Chapter 103 of the General Statutes, there is hereby created a Water Pollution Control Authority for the Old Colony Beach Club Association.

#### Section 2. MEMBERSHIP, TERMS AND COMPENSATION

A. The Water Pollution Control Authority shall consist of seven persons who shall be **regular** members of the Old Colony Beach Club Association. **The Board of Governors of the Old Colony Beach Club Association, effective on July 1 of every even calendar year, shall appoint no more than three regular members to a four-year term expiring on June 30 of the fourth year. Such regular members shall be appointed by the Board of Governors of the Old Colony Beach Club Association in the following manner:**

- ~~1. — One member for a term expiring June 30, 2013;~~
- ~~2. — One member for a term expiring June 30, 2014;~~
- ~~3. — One member for a term expiring June 30, 2015;~~
- ~~4. — Two members for a term expiring June 30, 2016;~~
- ~~5. — Two members for a term expiring June 30, 2017.~~

**In addition, the Water Pollution Control Authority shall have two alternate members who shall also be members of the Old Colony Beach Club Association. Such alternate members shall be appointed in the same manner as regular members for a four-year term and shall have full authority to act in the place of any regular member who is absent or disqualified from serving.**

**The Board of Governors shall appoint an Alternate to fill the unexpired term of any member who shall die, resign, be removed or is otherwise unable to serve. The Board of Governors shall appoint a new member to fill the unexpired term of any Alternate member who shall take over a regular members position, die, resign, be removed or is otherwise unable to serve.**

~~B. Upon expiration of the term of any member, the Board of Governors shall appoint a member for a term of five years expiring on June 30. The members of the Water Pollution Control Authority shall serve without compensation.~~

~~C. Promptly upon its appointment, the Water Pollution Control Authority shall meet and shall elect from its members a Chairman, Vice Chairman and Secretary. Thereafter,~~ At its first meeting after the semi-annual meeting at which elections of the Board of Governors of the Old Colony Beach Club Association are held, the Water Pollution Control Authority shall elect from its members a Chairman, Vice Chairman and Secretary. The Authority shall fix the time and place of its regular meetings and provide a method for calling special meetings. The Authority shall determine its own rules of procedure. The presence of four members shall constitute a quorum but no resolution or vote, except a vote to adjourn or to fix the time and place of its next meeting, shall be adopted by less than four affirmative votes.

### Section 3. POWERS

The Water Pollution Control Authority shall have all the powers and shall faithfully perform all of the duties imposed upon municipal water pollution control authorities by the provisions of said Chapter 103 of the General Statutes as the same from time to time may be amended.