

**November 16, 2022**

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

The in-person meeting was held at 12 Old Colony Road. Board members also attended with Zoom software. The meeting was called to order at 6:30PM by the Board Chair Douglas Whalen.

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

Members of the Public: Nancy Zimmerman, Ira Feigenbaum, and Harvey Schiller

**Approval of 10/19/22 Board of Governors Meeting:** A motion was made (Newson/Webb) to approve the October 19, 2022 minutes. There was no discussion. The motion to approve the minutes passed.

**Treasurer's Report (Janet Montano):** Janet presented the Treasurer's Summary ending October 31, 2022 (Attachment 1). There was no discussion.

**Action Items Update:** Rich read the Action Items Update. Rich noted, as was the case last month, items 76, 83 and 84 are items assigned to him to work with the Association Webmaster. These items continue to be pending. Rich stated that he would have a report for the next Board meeting in January. Item 81, assigned to Doug and Steve, to determine which website documents should be available on the public side of the OCBCA website, continues in a pending status. Rich reported that Item 88, Develop Clear Definition of In-Season Construction, has been assigned to John Newson and will be addressed as agenda number IX. Rich stated that Item 89, Address Traffic Safety Concerns, will continue to be a topic of discussion over the winter with plans to devise new methods to address this on-going issue. Rich asked Doug about Item 90, Address Language Conflicts between By-Laws and Charter, which has been sent to the Association's attorney for his review and advice. Doug stated that he has not yet received a reply from our attorney. The two newest items on the Action Items Update are Item 91, Contact the Woods Hole facility to Advise Best Way to Proceed with Sheffield Brook drainage, will be discussed as Item XI on the agenda and Item 92, Ask Winter Residents to Share their Contact Information for Use in Emergency Situations, has been assigned to Rich who will prepare such a list and disseminate it to winter residents.

**Correspondence:** Janet stated that she had received the annual census survey from the U.S. Department of Commerce. Doug stated that he had also received a census and that he had already submitted the required information for the Association to the government. Doug stated that he had received the annual budget request form from the town of Old Lyme and he has submitted the requested information to the town. This data is used to determine the amount of financial support the town will give to the Association, as it has in years past.

### **Committee reports-**

**Chairman's Report (Doug Whalen):** Doug stated that he sent a letter to Swan Avenue residents requesting a donation as he did last year. Doug said he authorized an extra grass cutting by Tower Landscaping. Doug also stated that he asked his Fuss & O'Neill contact, Kurt Mailman, if the storm drain work could be removed from the sewer project to allow it to proceed independently of the larger project. The funds for the storm drain portion of the overall project are already on deposit with the Association.

**Treasurer (Janet Montano):** Janet asked a question about the two metal tracks that are stored by the Sheffield Brook weir box. Doug stated that they are used to assist vehicles that tow boats or jet skis that get stuck in the sand.

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

**Tax Collector (Steve Humes):** Steve reported that \$188,408.88 in taxes has been collected to date. Steve also said that \$228.77 has also been collected in interest. Steve stated that two Association members have yet to pay their taxes in an overdue amount of \$1,818.00.

**Recreation (Kristina Wilson):** Kristina stated that she will work with Doug to develop her budget and a list of summer activities.

**Public Safety (John Newson):** John stated that he had nothing to report.

**Public Works (Lester Webb):** Lester stated that he has worked with both Tower Landscaping and Scott Mitchell to monitor on-going contract concerns.

**WPCA Report**—Steve stated that he had nothing new to report.

**Definition for In Season Construction** —John reminded the Board that he had sent out some suggested language in an earlier email (Attachment 2) suggesting a clear definition of what comprised construction activities that

are prohibited in the summer months. Janet read John's email to the Board. John stressed that the reason for the ordinance is to protect the peace and tranquility of the community for all summer residents. Rich stated that once the Board approves a construction definition he will include it in the next issuance of the Charter-ByLaws-Ordinances document. Doug asked Rich to include this agenda item on the January Board meeting agenda and that Board members consider adopting final language of some kind at that time.

**Privately Owned Palm Trees on the Beach** – Doug stated that he had prepared a form to allow the planting of palm trees on the beach for the Board to consider. Janet spoke up against the presence of palm trees on the beach if they are placed on OCBCA property. A motion (Newson/Webb) was made to prohibit the planting of palm trees on Association owned property. Multiple Board members expressed their varying opinions about this matter. The motion was approved, four voting in favor and three opposed. Doug asked Rich to draft a letter to advise the residents living along the beach front of this policy to include removing any watering system previously installed.

**Sheffield Brook Outlet Drainage:** Doug stated that he is still waiting to hear from Woods Hole to determine if anything can be done to alleviate the flooding problems occurring as a result of the Sheffield Brook outlet being filled with sand. Doug read from a prior report submitted by Woods Hole staff describing the anticipated problems with flooding. Doug also noted that Woods Hole originally recommended that any sand removed from the outlet as a result of shoaling should be placed on the east side of the groin. Rich stated that this is Old Lyme Shores Beach Association property and that the equipment needed to clean the brook cannot operate from the east side of the outlet due to the size of the rock groin on that side. Rich asked Ira Feigenbaum, a member of the public, to restate his concerns as he lives closest to the Sheffield Brook headwall. Ira suggested that an independent public engineer should be contacted to review this situation. Rich suggested that a subcommittee of the Board be established to review this situation and return to the Board with suggestions to address the flooding. Lester recommended including a representative from Old Lyme Shores on this subcommittee. Ira Feigenbaum, Steve Humes and Lester Webb volunteered to join this subcommittee. Doug will provide DEEP contact information to this subcommittee. Steve Humes agreed to chair this subcommittee.

**Old Business**– Rich reminded the Board that at our last meeting Ira Feigenbaum, during the Public Comment portion of the meeting, requested permission to cut into the Brookside paper road in order to install underground utility lines from his house at 22 Hartung Place to the pole alongside the Old Lyme Shores' property line. Subsequent to the request he

sent the Board a formal written request. As a result a motion (Kingston/Newson) was made to allow Ira Feigenbaum of 22 Hartung Place to cut into Brookside Road for utility connection purposes on the condition he restores the road to its original condition on the completion of this connection. There was no discussion. The motion passed unanimously.

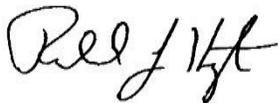
**New Business**–Lester stated that the storage racks at the beach are still being used by a few kayaks and/or paddleboards (SUPs). The Board agreed to remove any boats, kayaks, or SUPs from the beach that are still there and ask the Webmaster to post notice that the items have been removed and are now in the Association’s custody.

**Public Comment**– Ira Feigenbaum commented that he would be in favor of allowing palm trees on the beach if the renters of these palm trees would work in cooperation with the Association to allow such plantings on OCBCA property. There was no other public comment.

**Next Meeting** – The next Board of Governors meeting date is scheduled for January 11, 2023. The in-person portion of this meeting will be held at Rich Kingston’s house 12 Old Colony Road. The meeting will also be available on Zoom.

A motion (Newson/Webb) was made to adjourn at 7:33 PM. The motion passed.

Respectfully submitted



Richard Kingston  
Clerk  
November 25, 2022

Approved at January 18, 2023 Board of Governors Meeting

**Results of Voting at the November 16, 2022 Old Colony Beach Club Association Board of Governors Meeting. Board of Governor members present- Janet Montano, Lester Webb, Steve Humes, Kristina Wilson, Rich Kingston and Doug Whalen**

**Privately Owned Palm Trees on the Beach** –A motion (Newson/Webb) was made to prohibit the planting of palm trees on Association owned property. Multiple Board members expressed their varying opinions about this matter. The motion was approved, four voting in favor and three opposed.

**Request for Permission to Cut into Brookside Road to Install Utility Lines for 22 Hartung Place** - A motion (Kingston/Newson) was made to allow Ira Feigenbaum of 22 Hartung Place to cut into Brookside Road for utility connection purposes on the condition he restores the road to its original condition on completing of this connection. There was no discussion. The motion passed unanimously.

November 16, 2022  
OCBCA Board of Governors Meeting

Attachment 1

Treasurer's Summary  
OCBCA Board of Governors Meeting  
November 16, 2022

Balance July 1, 2022:	\$1,049,694.20
	\$196,569.71 *
	(\$37.49) FY 2022 tax overpayment made in 2021*
	<u>\$21.82</u> FY 2023 tax overpayment credit*
Income:	\$196,554.04
Expenses:	\$128,086.33
Balance October 31, 2022	\$1,118,161.91
General Fund Checking	\$84,534.19
General Fund MM Savings	\$188,437.73
Capital Fund MM Savings	\$132,115.24
Capital Loan MM Savings	<u>\$713,074.75</u>
Balance October 31, 2022	\$1,118,161.91

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

## Attachment 2

Publicsafety OCBCA <publicsafety@oldcolonybeach.org>

Sat 10/29/2022 3:39 PM

To:Clerk OCBCA <Clerk@oldcolonybeach.org>

Cc:Chairman OCBCA <Chairman@oldcolonybeach.org>;Recreation

OCBCA<recreation@oldcolonybeach.org>;Treasurer OCBCA <treasurer@oldcolonybeach.org>;PublicWorks

OCBCA <publicworks@oldcolonybeach.org>;OCBCA TaxCollector [taxcollector@oldcolonybeach.org](mailto:taxcollector@oldcolonybeach.org)

1 attachments (413 KB)

OCBCA Ordinances-Articles-Bylaws-Charter for printing 2022.pdf;

All,

This email reminded me that I had offered to look up information and try to come up with a more understandable definition of “construction.” Below is a work up put together from researching a bunch of other associations with “no hammer” rules in New England so we can begin to talk about whether we want to modify it.

### **Proposed Amendment to Ordinance 6.9 – Definition of “Construction”**

The purpose of the “no hammer” ordinance is to prohibit activities that result in excessive noise or that result in the disturbance of a person’s right to peace, tranquility, and reasonable quiet enjoyment.

As used in these ordinances, the term “construction” shall include the interior or exterior repair, replacement, remodeling, alteration, conversion, demolition, improvement, rehabilitation, or addition to any building, structure, or land within the Association; any activities requiring the issuance of a building permit or trade permit or license; the replacement, installation, removal, or improvement of plumbing, electrical, heating and cooling systems, driveways, porches, roofs, siding, insulation, flooring, patios, landscaping, fences, doors and windows.

“Construction” may also be deemed to be any work or activity not specifically defined above involving the use of power tools, such as cutting saws, nail guns, jackhammers, and the like, or heavy equipment, that is deemed to unreasonably interfere with the peace, tranquility, and reasonable quiet enjoyment within the Association. “Construction” shall not include lawn mowing or other activities commonly associated with regular yard and landscape maintenance.

The restrictions established in this ordinance shall not apply to any maintenance carried out by the OCBCA Board of Governors on association property or done so on Its behalf.

John Newson, from my iPhone