

**March 8, 2023**

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

The in-person meeting was held at 12 Old Colony Road. Board members and guests also attended with Zoom software. The meeting was called to order at 6:38 PM by the Board Chair Douglas Whalen.

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

Member absent: Steve Humes

Members of the Public: Jonathan Grossman, Ira Feigenbaum, Joe Frutuoso, Nancy Zimmerman, Marc Peterson, and Harvey Schiller

**Approval of 2/8/23 Board of Governors Meeting:** A motion was made (Wilson/Montano) to approve the February 8, 2023 minutes. There was no discussion. The motion to approve the minutes passed.

**Treasurer's Report (Janet Montano):** Janet presented the Treasurers Summary ending February 28, 2023 (Attachment 1). There was no discussion.

**Action Items Update:** Rich read the Action Items Update. Rich reported that the open items (#76, 83, and 84) assigned to him remain in that status. Doug reported that he has developed a tentative list of document categories to address Item #81(Determine which OCBCA website documents should reside on the public side of the website). Doug stated that he will share this list with the Board to discuss at the April Board meeting. He will also share this list with the Association's webmaster. Rich asked Doug to pursue our attorney's response to Item #90, Address Language Conflicts between By-Laws and Charter, as this item has been pending since last September's Board meeting. Rich reported that aside from Item #93, Mail Letter to Explain Board's Position on Planting Palm Trees on the Beach, which has been completed; the other open items on the Action Items Update list remain open.

**Correspondence:** Doug reported that he had received correspondence from Megan DuBaldo requesting that a vote on allowing palm trees on the beach be taken at the June General Membership meeting. Doug reported that she also asked that the current position of the Board to disallow palm trees on the public beach be delayed from being implemented until such vote in June. Doug also noted that 30 members had attached their names to this letter. Rich stated that Don DuBaldo has sent a similar letter to the Board

subsequently. Kristina reported that she had received correspondence asking about this summer's Recreation schedule.

### **Committee Reports-**

**Chairman's Report (Doug Whalen):** Doug stated that he has been working on the sewer project with WPCA Chair Frank Noe. There will be an important meeting with state officials on Friday this week about securing additional funding for the sewer project. Doug also stated that if this additional funding becomes available he is hopeful that the construction phase for this project will commence by the end of 2023.

**Treasurer (Janet Montano):** Janet reported on some difficulties she has been having with the bank about establishing new high interest bearing accounts. She has been able to move the funds but some of the contact information needed to be corrected. Janet is also anticipating being paid by the private lot parking lot owner. Janet reported that due to a change in ownership at our off-site storage facility the Association no longer gets a free month's storage. A motion (Montano/Wilson) was made to accept the June 30, 2022 annual financial report prepared by the Association's accountant. There was no discussion. The motion passed unanimously.

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

**Tax Collector (Steve Humes):** In Steve's absence Doug reminded the Board that all FY23 taxes have been collected.

**Recreation (Kristina Wilson):** Kristina reported on her preparations for the annual dinner party and the other planned summer activities. The Board agreed with Joe Frutuoso's suggestion to conduct Movies on the Beach on Friday nights this year rather than the traditional Saturday evening showing.

**Public Safety (John Newson):** John stated that he has contacted at least nine (9) potential vendors to provide summer security guard services. He has only received one reply and that one from the same company that the Association used last year. John stated that one other vendor has promised to submit a proposal which he has not yet received. John asked Board members who have concerns with the performance of last year's security guard services to submit them to him so he can discuss with that vendor.

**Public Works (Lester Webb):** Lester reported that he is working on applying for a mooring permit with the town of Old Lyme. Lester stated that Scott Mitchell, who had the swim buoy contract last year, submitted a bid with the same numbers as last year, \$1,400 to install and \$1,400 to remove

the swim buoys and an additional \$160/hour to maintain the equipment when necessary. This contract would be in effect for three years with nominal increases for years two and three. Although H.S. Plaut Environmental Services submitted a bid for a lower amount Lester believes that based on prior experience OCBCA should continue to use Scott Mitchell. The Board agreed to address this contract at its April meeting.

**WPCA Report** – In Steve’s absence Doug reported that the Friday meeting with DEEP, that Doug reported on earlier in this meeting, is very important. Doug noted that the Old Lyme Shores Beach Association request to withdraw from the joint project will be addressed by DEEP at this meeting. Doug stated that he believes that if the necessary funding is granted the annual EDU for a one family home is estimated to be about \$1,600.

**Approval of In Season Construction Definition** – John created revised wording for the currently existing construction ordinance (Attachment 2) to reflect a clear definition of prohibited seasonal activities. Doug explained that once the Board approved this revised ordinance it would go to the membership for approval at the June general membership meeting. A motion (Newson/Montano) was made to accept the revised language for the Construction Ordinance Section 6.9. There was no discussion. The motion passed unanimously.

**Updated Request for Reimbursement for Underground Utility Wires at 80 Old Colony Rd** – Doug asked Marc Peterson, attending as a member of the public and the owner of a condo at 82 Old Colony Road, to explain to the Board the need to revise the initial approval of \$1,800 for OCBCA expense related to this project approved by the Board on January 13, 2021. Marc reported that the increases to costs are related to the cost of materials and the need to replace the two existing poles which were compromised. Doug stated that arrangements will be made to allow the use of the conduit for other needs such as a security camera, if that becomes necessary. A motion (Whalen/Newson) was made to authorize an additional \$1,200 to complete this project. There was some discussion related to the cost estimates. The motion passed with five in favor and one opposed.

**Sheffield Brook Outlet Drainage Sub-Committee Update:** In Steve’s absence Doug asked Ira Feigenbaum, attending as a member of this sub-committee, to offer an update. Ira reported that Old Lyme Shores Beach Association has voted not to join with OCBCA to have Ramboll Engineering conduct an assessment of the Sheffield Brook outflow. Ira stated that the committee is attempting to have Old Lyme Shores representatives attend a Zoom conference with Ramboll to further explain the project to them.

**Request for Private Party on Beach from 41 Old Colony Road**– Rich introduced a request from the owners of 41 Old Colony Road to use the volleyball court on May 20<sup>th</sup> for a private party. A motion (Kingston/Newson) was made to approve the request. There was no discussion. The motion passed with one abstention.

**Budget for FY2024** – Janet asked the Board to wait until its April meeting to address this issue in light of the increased cost of electricity. She needs an additional month's billings to assess if any increase to this budget line will be necessary.

**Traffic Safety Concerns** – Doug stated that he will ask the resident state trooper for some suggestions on this topic to share with the Board.

**Old Business**– Lester asked Joe Frutuoso, attending as a member of the public, to describe the current situation regarding an abandoned boat that the Association has been holding since this summer. Joe stated that DEEP informed him that since the boat has been abandoned and no lawful owner can be found ownership will be turned over to the Association. Doug, referencing the letter from Megan DuBaldo introduced in the Correspondence section of this meeting, stated that the suggestion made was to delay any final action on palm trees on OCBCA property and to allow the use of a previously created draft permission form to be used to allow the plantings prior to the June membership meeting. A motion (Whalen/Wilson) was made to place a voting item on the June membership meeting agenda to allow palm trees on OCBCA beach property. John stated that the issue is solely one of the use of Association owned property. Rich offered the clarification that this motion has no impact the Board's current policy regarding palm trees on OCBCA property prior to the June membership meeting. The motion passed with four in favor and two opposed. Doug asked Kristina to try to determine how many homeowners plan to plant palm trees on Association owned property to assist in future discussion of this matter.

**New Business**– Doug brought up the agenda for the General Membership meeting in June for discussion. Doug asked Board members to send any comments to Rich so he can prepare a draft agenda to be reviewed at April's Board meeting. A motion (Whalen/Newson) was made to hold the General Membership meeting on June 10<sup>th</sup>. There was no discussion. The motion passed unanimously.

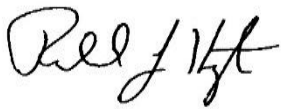
**Public Comment**– Nancy Zimmerman stated that palm trees can be put in large pots and kept on private property. Jonathan Grossman offered that he is the Dean of Students at Grasso Tech and that his plumbing and electrical shops could offer their services to the Association at a better price than

commercial businesses. Joe Frutuoso asked about using teenagers to assist with summer security services.

**Next Meeting** – The next Board of Governors meeting date is scheduled for April 12, 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 (Whalen/Newson) was made to adjourn at 7:55 PM. The motion passed.

Respectfully submitted

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

Richard Kingston, Clerk  
March 14, 2023

Approved at April 12, 2023 Board of Governors Meeting

**Results of Voting at the March 8, 2023 Old Colony Beach Club Association Board of Governors Meeting. Board of Governor members present- Janet Montano, Lester Webb, John Newson, Kristina Wilson, Rich Kingston and Doug Whalen**

**Acceptance of June 30, 2022 Financial Report:** A motion (Montano/Wilson) was made to accept the June 30, 2022 annual financial report prepared by the Association's accountant. There was no discussion. The motion passed unanimously.

**Approval of In Season Construction Definition** –A motion (Newson/Montano) was made to accept the revised language for the Construction Ordinance Section 6.9. There was no discussion. The motion passed unanimously.

**Updated Request for Reimbursement for Underground Utility Wires at 80 Old Colony Rd** – A motion (Whalen/Newson) was made to authorize an additional \$1,200 to complete this project. There was some discussion related to the cost estimates. The motion passed with five in favor and one opposed.

**Request for Private Party on Beach from 41 Old Colony Road**– A motion (Kingston/Newson) was made to approve the request. There was no discussion. The motion passed with one abstention.

**Place a Voting Item on the June Membership Meeting agenda to allow palm trees on OCBCA owned property:** A motion (Whalen/Wilson) was made to place a voting item on the June membership meeting agenda to allow palm trees on OCBCA beach property. John stated that the issue is solely one of the use of Association owned property. Rich offered the clarification that this motion has no impact the Board's current policy regarding palm trees on OCBCA property prior to the June membership meeting. The motion passed with four in favor and two opposed.

**Schedule General Membership Meeting for June 10:** A motion (Whalen/Newson) was made to hold the General Membership meeting on June 10<sup>th</sup>. There was no discussion. The motion passed unanimously.

March 8, 2023  
OCBCA Board of Governors Meeting

Attachment 1

Treasurer's Summary  
OCBCA Board of Governors Meeting  
March 8, 2023

Balance July 1, 2022:	\$1,049,694.20
	\$204,979.47 *
	(\$37.49) FY 2022 tax overpayment made in 2021*
	<u>\$52.88</u> FY 2023 tax overpayment credit*
Income:	\$204,994.86
Expenses:	\$154,071.52
Balance February 28, 2023	\$1,100,617.54
General Fund Checking	\$78,433.15
General Fund MM Savings	\$188,350.12
Capital Fund MM Savings	\$120,441.05
Capital Loan MM Savings	\$713,091.96
Municipal General Fund MM	\$100.42
Municipal Capital Fund MM	\$100.42
Municipal Loan Fund MM	<u>\$100.42</u>
Balance February 28, 2023	\$1,100,617.54

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

## Attachment 2

<<<NEW>>>

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

6.9 Except for emergencies recognized by the Board of Governors, no person(s) shall perform any construction work from July 1 through Labor Day.

<<<The purpose of this 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 during the prohibited period.

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, and the like.

“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.>>>