

OLDCOLONYBEACH CLUB ASSOCIATION  
SEMI-ANNUAL MEETING  
SATURDAY, JUNE 10, 2023  
SHORELINE CHURCH, 287 SHORE RD., OLD LYME

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

The meeting was called to order at 6:30 p.m. by Board Chairperson Doug Whalen. Doug led the membership in reciting the Pledge of Allegiance. Doug then requested a moment of silence to remember all of the Association residents who have passed away during the past year. The Association Clerk confirmed that there was a quorum present.

**Approval of September 17, 2023 Semi-Annual Meeting Minutes:** A motion was made (Marilyn Asal/George Balducci) to approve the September 17, 2022 meeting minutes as presented. There was no discussion. The motion passed.

**Treasurers Report:** Janet Montano, the OCBCA Treasurer, read her report for the period of July 1, 2022 to June 10, 2023 (Attachment 1).

**Board of Director's report:**

**Chairman's Report:** Doug reported on the activities he has been involved with since our last membership meeting on September 17, 2022. Doug stated that he was involved with many facets of the WPCA and also matters related to the Storm Drain project loan which is independent of the WPCA. Doug noted that the speed bumps have been repainted recently. Doug also listed a number of items that needed to be replaced such as the volleyball net and some street signs. Doug announced that alcohol is not allowed on the beach. The Old Lyme Police will assist the Association in addressing instances of this situation should it be necessary. Doug reminded the membership that beach passes will again be necessary. Doug reviewed the other types of passes available to membership i.e. gate passes and car windshield stickers.

**Treasurer's Report:** Janet stated that the storm drain project loan is earning 3.5% interest on the principle. This interest can be used to pay toward the balance of the loan.

**Clerk's Report:** Rich Kingston stated that there is a current Board vacancy and asked for volunteers to fill this position. Rich also stated that there will be two vacancies to be filled at the September meeting for which members can ask to be nominated.

**Tax Collector Report:** Steve Humes reported that all 2022 taxes have been paid.

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**Director of Public Works Report:** Lester summarized the activities that he has been conducting to prepare the community for the summer season.

**Director of Public Safety Report:** Doug informed the membership that John Newson, the Director of Public Safety, had to resign from his position in May due to a potential ethics conflict with his position as a superior court judge. Doug reported that the security firm hired by the Association has new staff and intends to address problems that occurred last year to ensure that they do not recur.

**Entertainment Director Report:** Kristina Wilson reviewed a list of planned recreation activities for this summer. She encouraged members to attend the annual dinner party planned for Saturday, July 15. Doug encouraged the members to present ideas to Kristina for her consideration.

**Public Comment –** Lenny Gregorian commented on the flooding issues near Sheffield Brook.

**FY2024 Budget –** Doug explained how the Board continues to be able to keep expenses under control. Doug reviewed some of the increases to the budget (Attachment 2) and explained they have been covered by anticipated savings in other budget line items. A motion (Doug Whalen/Frank Nicotera) was made to adopt the FY2024 OCBCA Budget as presented. There was no discussion. The motion passed with one opposed.

**Motion to Reword By-Laws Article III Sec 1 and Remove Sec 2 –** Doug explained that the necessity for making the suggested change was due to the Board reviewing the Charter and By Laws and discovering inconsistencies in the two documents. Doug noted that as the Charter needs to be changed by the State Legislature the changes will be made to the By Laws which can be done so by the Association. In this instance some confusion about what consists of a member of good standing needed to be clarified. A motion (Doug Whalen/Linda Humes) was made to adopt the rewording of By-Laws Article III Sec 1 and Remove Sec 2 (Attachment 3). There was no discussion. The motion passed.

**Motion to Reword By-Laws Article IV Section 5 Vacancies –** Doug explained that this change was necessary due to a conflict with the Charter. Going forward the Board can refill a Board vacancy without necessarily selecting the last unsuccessful candidate from the last election. A motion (Doug Whalen/???) was made to adopt the revised language for the By Laws as it appears in Attachment 4. There was no discussion. The motion passed unanimously.

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**Palm Trees on the Beach** – Doug stated that the Board sent out a letter to the membership on March 1 advising that palm trees and water systems would not be allowed on Association owned beach property this summer. The Association's attorney advised that due to past practice it was not advisable to enforce this new policy until the Association membership had a chance to vote on this issue. Doug noted that the Board did agree to hold this vote after a number of members requested that the Board put this issue up to the membership for a vote. Doug explained that a yes vote would allow palm trees on the beach. If this motion passes the Board will create a policy to regulate such plantings. A motion (Marilyn Asal/Frank Nicotera) was made to allow palm trees on Association owned property (Attachment 5). A spirited discussion of the relative merits, both for and against, this proposal was then taken up by those present and attending on Zoom. Questions from the body addressed insurance and legal liability questions. There were many comments speaking positively of the atmosphere that these trees create and the beauty they add to the beach itself. Some members stated that the principle of allowing use of OCBCA owned property might create other concerns in the future about the use of this property for private purposes. Many members expressed the sentiment that the trees are a good addition and add to the beauty of the beach. Prior to taking a hand vote one of the members requested a paper ballot. After collecting and tabulating the vote the clerk, Rich Kingston, announced that there were 107 votes in favor and 37 against. The motion passed.

**Revised Construction Ordinance (Ch 6.9)** – Doug explained that it became obvious after last summer's experience that the Board needed to provide a clear definition for what constitutes construction activities. The revised construction ordinance language (Attachment 6) provides a very inclusive definition of this activity. A motion (Doug Whalen/Dmitry Tolchinsky) was made to adopt the revised construction language as suggested by the Board. There was some discussion about the need for this change. There was a short discussion. The motion passed.

**Committee Reports-**

**Water Pollution Control Authority** –Frank Noe, the chairperson of the Water Pollution Control Authority (WPCA), apologized for not being able to attend this meeting. Doug described the current condition of this project and he stated that the WPCA's current efforts are directed at securing additional funds for this project. Doug stated that DEEP is looking to make these funds available. Doug stated that in September 2023 the agreement with New London and East Lyme has to be renegotiated if significant progress on this project has not been made. Another reason to get the project into the construction phase is to take advantage of DOT repaving Route 156 so their repair can take place during the

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installation of sewer lines on this road. This arrangement would save the Association about one million dollars. Doug also stated that the Association already has funding to make storm water drainage improvements. Doug also announced that after the project is completed speed humps will be installed and all streets will be two-way.

**Sheffield Brook Outlet Drainage Subcommittee** – Doug introduced Steve Humes to speak about the subcommittee he chairs. Doug noted that the costs for any work performed on Sheffield Brook are shared with Old Lyme Shores Beach Association. Steve explained that an engineering firm has been engaged to provide their assessment of measures that should be taken to alleviate Sheffield Brook Outlet drainage issues. Steve stated that his subcommittee is waiting for Old Lyme Shores to decide if they want to participate in this study.

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

**New Business** – *A number of comments were made but unfortunately the audio quality of the recording tape did not allow a transcription of this meeting topic.*

**Public Comment** – There was no public comment.

**Next Meeting** – The next OCBCA General Membership meeting will be held on September 9, 2023 at the Shoreline Church at 6:30 PM.

**Adjournment:** A motion (Bob Asal/Frank Nicotera) was made to adjourn. The meeting was adjourned by acclamation at 8:20 PM.

Minutes recorded by:



Richard Kingston, Clerk  
July 7, 2023

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**Results of Voting at the June 10, 2023 Old Colony Beach Club Association Semi-Annual General Membership Meeting**

**FY2024 Budget** –A motion (Doug Whalen/Frank Nicotera) was made to adopt the FY2024 OCBCA Budget as presented. There was no discussion. The motion passed with one opposed.

**Motion to Reword By-Laws Article III Sec 1 and Remove Sec 2** –A motion (Doug Whalen/Linda Humes) was made to adopt the rewording of By-Laws Article III Sec 1 and Remove Sec 2 (Attachment 3). There was no discussion. The motion passed.

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**Attachment 1**

Treasurer's Summary  
OCBCA Semi-Annual Meeting  
June 10, 2023

Balance July 1, 2022:	\$1,049,694.20	
	\$218,806.21	*
	(\$37.49)	FY 2022 tax overpayment made in 2021 *
	<u>\$52.88</u>	FY 2023 tax overpayment credit*
Income:	\$218,821.60	
Expenses:	\$186,286.85	
Balance June 10, 2023	\$1,082,228.95	
General Fund Checking	\$50,181.05	
General Fund MM Savings	\$0.00	account closed
Capital Fund MM Savings	\$441.44	
Capital Loan MM Savings	\$0.00	account closed
Municipal General Fund MM	\$190,421.78	
Municipal Capital Fund MM	\$120,521.45	
Municipal Loan Fund MM	<u>\$720,663.23</u>	
Balance June 10, 2023	\$1,082,228.95	

\*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**

**OCBCA 2024 Fiscal Year Proposed Budget with Actual Expenditures to 4/30/2023**

	Actual FY2020	Actual FY 2021	Actual FY 2022	Approved FY 2023	Actual 4/30/2023	Proposed FY 2024
<b>Revenues</b>						
Property Taxes + finance charges	144,300.59	163,615.26	189,782.14	186,300.00	190,609.93	190,000.00
Town of Old Lyme	8,645.00	8,550.00	8,677.00	8,550.00	9,014.00	8,550.00
Vendor Fees	500.00	500.00	1,300.00	1,300.00	1,300.00	1,300.00
Registrations	700.00	550.00	500.00	50.00	50.00	150.00
Reimbursement for Bank Charge	30.00		15.00			
Gate Swipe Cards	370.00	275.00	315.00	100.00	75.00	100.00
Additional Beach Passes		70.00	80.00		20.00	
Fines		142.24	41.20		70.00	
Swim line repair payment					602.67	
Beach construction debris repay					550.00	
Sign damage payment			144.27			
Boat storage cost	100.00	100.00				
Beach Cleaning Donations		775.00	300.00		715.00	
Federation 1/2 dues returned	289.50					
Federation donation for defibrillator	1,500.00					
Funds returned payment error			4,520.76			
Interest Income General Fund	189.25	63.06	37.69	40.00	1,283.65	6,260.00
Interest Income Capital Account	126.22	46.48	24.23	20.00	822.41	3,250.00
Interest Income Loan Account		430.12	356.38	340.00	5,009.86	20,000.00
Webster General Obligation Note		796,250.00				
Old Lyme Shores 1/2 cost Sheffield Brook	2,360.75	4,356.50			3,037.50	
Recreation	2,157.00					
Raffle	2,729.00					
Merchandise	2,400.00	573.00	2,732.00	200.00	1,778.00	860.00
<b>Total Revenues</b>	<b>166,397.31</b>	<b>976,296.66</b>	<b>208,825.67</b>	<b>196,900.00</b>	<b>214,938.02</b>	<b>230,470.00</b>
<b>Expenditures General Fund</b>						
Public Safety	34,942.65	38,513.83		39,000.00	30,260.56	48,000.00
Public Works	37,690.06	41,695.85		38,400.00	31,240.00	42,000.00
Insurance	5,955.00	5,287.32	6,195.32	6,500.00	6,826.76	7,000.00
General Administration	8,005.37	6,689.05	4,403.17	6,500.00	2,556.67	6,000.00
Payment Error			4,520.76			
Electricity	5,670.06	4,582.06	4,627.74	6,000.00	4,560.68	6,500.00
Fire Protection (Hydrants)	10,654.83	10,982.62	11,082.92	12,000.00	9,894.41	13,000.00
Recreation	4,211.33	306.28	826.78	4,000.00	3,544.40	7,000.00
Raffle	473.97					200.00
Merchandise	3,242.50	860.97	2,775.37	1,200.00	1,641.00	2,000.00
Professional Fees	10,282.50	2,150.00	9,750.00	14,500.00	13,687.50	15,000.00
Donations	200.00	100.00	200.00	200.00	100.00	200.00
Bounced Tax Check Bank Fee			15.00			
Property Taxes	948.86	1,105.04	1,109.80	1,200.00	1,119.34	1,200.00
<b>Subtotal</b>	<b>122,277.13</b>	<b>112,273.02</b>	<b>45,506.86</b>	<b>129,500.00</b>	<b>105,431.32</b>	<b>148,100.00</b>
Contingency Fund Capital Account	8,000.00	47,000.00				15,000.00
General Fund Expenditures after \$ transfer	130,277.13	159,273.02				163,100.00
<b>Capital Improvements/Expenditures</b>						
<b>WPCA</b>						
Stormwater Study & Design	56,100.00	58,379.00				
Stormwater Project (Loan Funds)		25,702.89				
Stormwater Loan Interest + Principal		11,411.11	68,978.56	67,400.00	67,392.42	67,370.00
Wires for OCR beach pole placed underground					833.34	
Fencing			3,393.00			
Border lot survey			340.00			
<b>Subtotal</b>	<b>56,100.00</b>	<b>95,493.00</b>	<b>72,711.56</b>	<b>67,400.00</b>	<b>68,225.76</b>	<b>67,370.00</b>
<b>Total</b>	<b>178,377.13</b>	<b>207,766.02</b>	<b>118,218.42</b>	<b>196,900.00</b>	<b>173,657.08</b>	<b>230,470.00</b>
Mill Rate	3.25	3.50	4.00	4.00	4.00	4.00
Profit/Loss	(11,979.82)	768,530.64	90,607.25			

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**Attachment 3**

**MOTION TO REWORD BYLAWS ARTICLE III SECTION 1 AND REMOVE SECTION 2**

**Article III section 1-** All owners of real estate within the limits of the Association shall be members of said Association, The Old Colony Beach Club Association, and shall be entitled to vote in any meeting of said association.

**Article III section 2- REMOVE-**A member in good standing is defined as having no outstanding financial obligations to the Association.

NOTE: section 2 conflicts with the charter section 4.

**Attachment 4**

**MOTION TO REWORD BYLAWS ARTICLE IV SECTION 5 VACANCIES**

**Article IV section 5 Vacancies - To read-** Any vacancy in said board, occurring during the year, may be filled by a majority vote of the remaining Board of Governor members and such member so appointed shall hold office for the unexpired portion of the term.

**Remove due to Charter conflict-** A) A vacancy in said Board, occurring during the year, shall be filled by the next highest vote getter. The next highest vote getter at the last election shall hold office for the unexpired portion of the term. If candidate does not accept or there is no candidate, the Board shall fill the vacancy at the next regularly scheduled BOG meeting or at a special meeting called for that purpose.

**Attachment 5**

**PALM TREES ON THE BEACH-** Motion to allow the practice of planting palm trees on Association property subject to rules promulgated by the Board by Ordinance.



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**Attachment 6**

**REVISION 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.