

# Minutes of BPBCA BOG July 25th, 2024, Regular Hybrid Meeting - 07/25/24

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**Date and time:** 07/25/24 5:30 PM to: 07/25/24 7:00 PM

**Present:** Brooke Stevens, Recording Secretary, Bill Bayne, BOG Member, Peter Baril, BOG Member, Colleen Chapin, BOG Member, John Cellino, BOG Member, Arlene Garrow, BOG Vice-Chair, Peter Meggers, BOG Member, Jim Schepker, BOG Chair, Will Fountain, Emeritus

**CC:** Jim Moffett, Association Manager, Colleen Hayes, Club Liaison & New Tax Collector, Al Capozza, Treasurer

**Location:** BP Clubhouse, 6 Sunset Avenue, Niantic, CT & Via Zoom

**Link:** <https://app.meetingking.com/meetings/416095>

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## Topics

### 1. Zoom Info & Link

**Note** <https://us02web.zoom.us/j/81803061304?pwd=3KOkcLalAYEIX6kUkNCU2ys4cWYaT9.1>

**Note** Meeting ID: 818 0306 1304

Passcode: 496294

Phone only: 309 205 3325 US

One tap mobile

+13092053325,,81803061304#,,,,\*496294# US

**Note** <https://us02web.zoom.us/j/81803061304?pwd=3KOkcLalAYEIX6kUkNCU2ys4cWYaT9.1>

### 2. Call Meeting to Order, Establish Quorum, & Pledge

**Note** Chairman Schepker called the Meeting to order at 5:30 p.m., did roll call, noted a quorum was present, and led those assembled in the Pledge of Allegiance.

### 3. Approval of Meeting Minutes

#### 3-1. BOG April 25th, 2024, Regular Meeting Minutes

**Note** (Tabled from previous meeting, see attached minutes.)

 [Minutes of BPBCA BOG April 25th 2024 Regular Hybrid Meeting 04 25 24.pdf](#)

**Note** Mr. Schepker noted that he and Mr. Bayne will need to abstain from comment on the April 25th, 2024, minutes since their tenure is on the Board, and had not yet commenced that meeting.

**Decision** MOTION (1)

Ms. Chapin moved to approve the Meeting Minutes of April 25th, 2024, as submitted.

Ms. Garrow seconded the motion.

Motion carried, 5-0-2.

Mr. Schepker and Mr. Bayne abstained from the vote since they were not Board Members when the April 25th, 2024, meeting took place.

#### 3-2. BOG June 27th, 2024, Regular Hybrid Meeting Minutes

**Note** see attached minutes.

 [Minutes of BPBCA BOG June 27th 2024 Regular Meeting 06 27 24 \(1\).pdf](#)

**Note** Ms. Chapin said she has one change on page 7. She's attributed to two sentences that are in direct conflict with each other. One where she says she doesn't think it's technically possible in our current configuration. And then she says, however, it is technically feasible. She suggested striking the 2nd sentence where she states it's technically feasible.

**Note** Mr. Capozza said on page 9, the second to the last sentence, it talks about some of the expenses during the month, it says the Clubhouse expenses were \$30,000, and that number should actually be \$1,300.

**Note** Mr. Baril noted on page 6, just before section 6, that "PANS" should be corrected to "PLANS." Additionally, on page 8 concerning the seaweed, he did not express support for merely covering it with more sand. What he intended to convey, or likely stated, was the idea of adding more sand over the seaweed accumulated at the edge of the main beach. This would mitigate odors and insects until its removal becomes economically viable, potentially over the span of a week.

**Decision** MOTION (2)

Mr. Bayne moved to approve the meeting minutes of June 27th, 2024, as amended.

Ms. Garrow seconded the motion.

Motion carried, 7-0-0.

### **3-3. BOG July 6th, 2024, Special Zoom Meeting Minutes**

**Note** see attached minutes.

 [Minutes of BPBCA BOG July 6th 2024 Special Zoom Meeting 07 06 24.pdf](#)

**Note** The Board briefly discussed whether the Finance Committee or the full BOG should approve the Finance Committee minutes, clarification that the approval was submitted to the Board of Governors, and acknowledgment was made that the Finance Committee meeting was intertwined with a Board meeting.

**Note** Mr. Schepker said he has one change, and it was his error. He was referring to the committee previously as the Finance Committee and the Charter calls it the Investment Committee. So he'll direct Ms. Stevens to change the word finance to investment throughout.

**Decision** MOTION (3)

Ms. Chapin moved to approve the meeting minutes of July 6th, 2024, as amended.

Mr. Bayne seconded the motion.

Motion carried, 5-0-2.

Mr. Cellino and Mr. Meggers abstained from the vote due to their absence from the July 6th, 2024, meeting.

### **3-4. BOG July 17th, 2024, Special Finance Zoom Meeting Minutes**

**Note** see attached minutes.

 [Minutes of BPBCA BOG Finance Subcommittee Meeting Via Zoom 07 17 24.pdf](#)

**Note** Mr. Schepker said again, he frequently called it the Finance Committee, and it should be the Investment Committee. He added that Ed Zito, is now serving as a member of this committee, so he should be cited there, but marked as not in attendance.

**Note** Mr. Cellino clarified that this particular set of minutes should be approved at a future Investment Committee meeting.

#### **4. Additions to Agenda**

**Note** The meeting time change to 5:30 PM led to a discussion on whether it should be classified as a special meeting. It was decided to consider it a special meeting, not allowing for agenda additions.

#### **5. Chair's Opening Remarks**

**Note** Mr. Schepker, as he did last month, expressed his gratitude to the community at large. Recent events and charitable actions have once again highlighted the relentless and skilled efforts of the Black Point members in fostering a uniquely special community. In the past weeks, we celebrated the annual July 4th parade and picnic. The parade, led by Mary Cahill, featured the Men's Club kazoo band and the Women's Club with their Hawaiian-themed float, followed by a procession of carts, convertibles, children on bicycles, and trucks, all displaying their patriotism and affection for Black Point.

Hundreds gathered along the lanes and pathways of Black Point, exuberantly expressing their joy and gratitude for the enchanting parade passing by. This was followed by a picnic at the Clubhouse, where volunteers served over 480 hamburgers, 400 hot dogs, and 75 veggie burgers, all accompanied by an array of family-favorite side dishes and desserts. The patriotic spirit of the day was captured in a 68-photo collage by a member, which was shared on a Facebook page.

Mr. Schepker also shared and said some of the following:

During the July 4th weekend, the cornhole tournament, now a Black Point tradition of families and fun hosted 18 teams supported by volunteer cooks and organizers.

The Wrecking Crew also stepped in to finish landscaping work at the basketball court of the Clubhouse grounds and at the Whitecap parking lot.

The Black Point Market owners, Steve and Michelle, hosted on their patios more than 150 guests for a free live music show hosting local musicians, the Bosco Brothers Band.

At the end of June, this season's first weekly issue of the Black Pointer also hit our doorsteps, delivered free to every household.

Several members have recently offered to help with the planned retrieval and archival of Black Point policies and procedure documents spread among various filing cabinets and email files of past Chairs and Board Members.

Volunteers also supported the golf cart registration day with 48 golf cart registrations completed that morning.

More volunteers helped with the very successful "Summer Vibes" live music party with the We3Trio band.

The Recreation Program launched its summer season – and how wonderful to see once again all of those colorful bikes lined up outside the Clubhouse early every morning.

And over the past two weeks alone we have also enjoyed the Women's Club Bingo Nite for kids and adults... the Women's Club Trivia Games Night, the tastefully enticing Food Trucks' entrees and desserts at the Clubhouse... the very interesting Dynamics of the Black Point Coastline, a presentation by Ralph Lewis of the UConn Avery Point program... the always-popular and highly-competitive Setback Tournament... and just last evening, the third-annual Mystic Noank Community Band entertained us with the delightful sounds of classical music outside under the stars...

These programs are all, remarkably, organized and orchestrated by Association volunteers who put in many hours and issue countless emails and phone calls to make them happen.

And finally, one small, but very telling, item about our Black point culture: A Member recalled late at night during the recent holiday weekend that the family had accidentally left behind a collection of beach materials at South Beach. At first, during the family's frantic search for the items left behind, they appeared to all be gone, swept away, perhaps, by the waves at the water's edge. But then the items were discovered, all neatly collected and safely stacked at the back seawall...

Black Point is a very special place – thanks to the very special people who build and maintain its very special character and charm.

And if we have missed any acts of generosity or goodwill here, please let your BOG team know.

Thanks to each and every one of you!

**Note** Mr. Meggers said at the last meeting he expressed how he was in favor of the second round of public comment, and now in this meeting there's zero public comment, and he think it's important that the Membership have a chance to address them as a Board.

**Note** Mr. Schepker noted that if it was left out, that was unintentional, that there will be public comment at the end of the meeting, as it was before.

**Note** Mr. Cellino said that they determined that this is a special meeting so no items can be added. Mr. Schepker said he wants to hear from the public and suggested for transparency's sake, they make that exception this time. He said if it's a violation of the rules, we'll take it up at a later point in time.

**Note** Mr. Schepker said he's checked with the Men's Club, Women's Club, and Wrecking Crew leaders, and they are happy to continue sharing their reports as attachments to this evening's agenda. He observed that at our prior Board of Governors meetings, we also offered one agenda item for public comments near the end of that meeting, and that seemed to work well, so that continues again tonight.

## 6. Communications: Member Inquiries

**Note** see attachment.

 [Cary Johnson\\_email\\_exchange.pdf](#)

**Note** see attachment.

 [Tim\\_S\\_email.pdf](#)

**Note** see attachment.

 [Correspondence\\_with\\_Mager\\_2.pdf](#)

**Note** see attachment.

 [J\\_Maynard\\_email.pdf](#)

**Note** see attachment.

 [Margaret\\_Mager\\_email.pdf](#)

**Note** see attachment.

 [Dohnna\\_Skala\\_email.pdf](#)

**Note** see attachment.

 [Cary\\_Jihanson\\_email.pdf](#)

**Note** Mr. Schepker stated during our last Board of Governors meeting that public safety concerns were raised, emphasizing to parents that golf cart drivers must be licensed and children under 16 on e-scooters and e-bikes must wear helmets. It was proposed that we could hire additional staff, such as a counselor, to enforce these rules. However, this matter will probably be deferred to next year's budget talks due to the associated costs. Meanwhile, we will persist in notifying parents about these safety regulations through various communications at Black Point.

**Note** Mr. Schepker mentioned that they were also asked to consider implementing background checks for renters and emphasized that cottage owners must ensure that renters are provided with a copy of the Black Point rules and regulations from our website.

Additionally, there was renewed interest in examining the issue of remote voting and its potential effects on charter or bylaw amendments. Feedback was received regarding the proposed multi-use courts, highlighting both advantages and disadvantages, such as the necessity for an acrylic surface coating and the possibility of erecting a surrounding fence. Due to the current recreational club's need for outdoor spaces, this matter is on temporary hold.

Moreover, there was a call for a detailed scope of work regarding the repair of the damaged walkway between Seabreeze and Seaview. A request was also made to start collecting and archiving historical board policies and procedures, a task that has commenced with the help of Ms. Stevens and Ms. Chapin, supported by member contributions.

**Note** Mr. Schepker added that they're still hoping to find a volunteer to serve as our Robert's Rules of Order Parliamentarian at future meetings, and we now have a commitment from Russell Blair, FOI's Director of Education and Communications to meet with us here in the Clubhouse on August 28th at 6 p.m. for his presentation on FOIA issues and how they relate to association meetings and communications. This event is now posted on our website and will also be available through Zoom access.

**Note** Mr. Scheper reported the following Member inquiries:

A member expressed concerns that over the July 4th weekend, the White Cap parking lot was full, necessitating overnight parking in the White Cap right-of-way. The BOG apologized for the inconvenience, reassured the member that there would be no negative repercussions from the overnight parking, and informed them that the Association Manager and his team will increase monitoring for parking infractions at the White Cap lot. Additionally, they mentioned that upcoming landscaping efforts would remove excess debris to open up more parking spaces.

The BOG received a second inquiry from a Seabreeze member with a change of address request.

That issue was promptly addressed by our Tax Collector, Colleen Hayes.

A third complaint was received from a Clubhouse neighbor about the early morning noise made by a landscaping crew on July 3rd. They apologized to the neighbor during a meeting and, as anticipated, the lawn-cutting crew admitted to starting their machines before the 8 a.m. noise curfew to get a head start on the Clubhouse grounds for the upcoming July 4th picnic. They acknowledged the breach and assured it would not recur.

Inquiries were also made regarding access to Old Black Point via West Lane, a private road, and another concerning violation of the noise curfew, particularly on weekends. Further inquiries addressed the cleanliness of the Clubhouse and regulations pertaining to the heights of fences and hedges, especially at intersections.

Each of these inquiries received responses by email, phone, or personal visits, and Mr. Schepker believe those responses were all well received.

Only one recent inquiry has not yet been addressed, a request for right-of-way access to do seawall repairs. He's hopeful that they can respond to this inquiry very soon.

## **7. Legal Matters Update (John Cellino/Peter Meggers)**

**Note** Mr. Cellino and Mr. Meggers reported that an Executive Session is scheduled for Monday to review the access policy, which has been sent to everyone today for their review, for Monday night's meeting.

## **8. Insurance Update (Peter Meggers)**

**Note** Mr. Meggers reported that they've been working with Bill Budds to handle both the property and the liability policies ever since our current carrier decided to not renew us, and they're working on renewing various insurance policies despite the anticipated cost increases.

**Note** Mr. Cellino noted the renewal dates for various policies: the worker's compensation policy on July 1st, the directors' and officers' policy on January 10th, and the liability umbrella along with the property casualty and insurance package policy on September 26th; typically, the renewals are sent out two months in advance of that.

**Note** Mr. Cellino noted that Mr. Meggers was correct in stating that no renewal was being considered. However, Mr. Budds requested a reconsideration. They have also consulted with CIRMA, who has made inquiries, and they are reviewing the policy. A concern is the requirement for background checks, which might disqualify us, as they consider it necessary for our volunteers and children involved with the Club. Mr. Budds and Mr. Meggers are continuing their discussions and are optimistic that this month will bring an update.

**Note** Mr. Capozza and Mr. Bayne briefly discussed how increased costs were anticipated in the 2024-2025 budget, so funds for this service was raised by 30%.

## 9. Board Liaison Roles

**Note** revised from last meeting, see attachment.

 [Liaison Board Roles 2024.xlsx](#)

**Note** Mr. Schepker explained that the Board liaison roles and task forces were updated. New categories and members were added to various task forces.

**Note** Mr. Schepker expressed that community members who wish to join any of the groups should not hesitate to volunteer. The association greatly values community support and seeks to involve members as much as possible. Assistance is particularly welcomed as the projects are rapidly expanding in both scope and scale.

## 10. Proposed By-Law Change: Article V Amendment (John Cellino)

**Note** A proposed bylaw change was discussed to increase transparency and public input. The new procedure would require a two-thirds supermajority vote for bylaw amendments.

**Note** Mr. Cellino clarified that the bylaw change discussed during the annual meeting allows for amendments or repeals to be made at any regular Board of Government meeting. Previously, such changes had to be considered at a regular meeting before the meeting where action was taken. Essentially, the Board can now enact changes with a simple majority vote by introducing the topic, adding it to the agenda, and then discussing and approving it at the subsequent meeting.

**Note** Mr. Cellino stated that although this procedure has been used in the past, the recent changes to the by-laws have significantly enhanced the safety and protection of Black Point. He was made aware of the public's desire for comment and thinks that this approach increases transparency and public input.

The proposal is to amend or repeal bylaws through the following process: The amendment or repeal should be listed under new business on the agenda of a regularly scheduled Board of Governors meeting. There, the Board will discuss the amendment or repeal. If the Board votes in favor, the proposed amendment or repeal will be opened for public comment at the next meeting. Once the public comment period is closed, the Board will deliberate and vote on the motion. A two-thirds supermajority vote is required for the motion to pass, providing a greater margin of safety for any changes to the bylaws.

**Note** Mr. Cellino stated that after a proposal is made, it is then presented to the public during a hearing. Following this, the Board reconvenes to discuss the matter, and a two-thirds majority is required for passage. For a seven-member Board, this means that five affirmative votes are necessary, providing a safeguard against arbitrary changes to the bylaws.

**Note** The Board discussed the proposal.

**Note** Ms. Chapin's basic recommendation is that the amendment or repeal should be included for public comment on the agenda for the next regularly scheduled meeting. Subsequently, there would be a vote at the following regular meeting to allow for flexibility. This is to account for situations where a two-thirds majority is favored, but the full Board might not be present. It's important that the full Board participates in the decision, regardless of whether it's a two-thirds majority or not. Therefore, there may be instances where a regular meeting occurs without the full Board in attendance.

**Note** The Board discussed supermajority vs. simple majority.



**Note** Mr. Schepker expressed satisfaction with maintaining consistency, advocating for a majority of votes. Mr. Cellino responded that in the commercial realm, daily meetings and functions typically operate on a simple majority basis. However, for significant decisions involving capital items, such as borrowing money or selling property, a supermajority is often required. This provision is a common feature in nearly every LLC agreement to ensure a higher level of consensus for critical actions.

**Note** Mr. Bayne said even in public office, you may have a higher level of governance authority over certain decision thresholds. He understands it collides with our current practice, but this practice is pretty typical.

**Note** Mr. Baril said he would like to see the modifications discussed this evening reflected in the proposed bylaw change, and Mr. Schepker requested that Mr. Cellino make his revisions and resubmit his proposal.

**Task**  Mr. Cellino said he will resubmit the revised proposal at the next meeting.

*Owned by John Cellino, BOG Member due 08/22/24*

**Note** Following further discussion, Mr. Schepker indicated that the Board of Governors appears to be comfortable with the two-thirds supermajority requirement, pending further dialogue. The Board anticipates reviewing a revised draft detailing the specific language of this requirement.

## 11. Reports

### 11-1. Association Manager (Jim Moffett)

**Note** see attachment.

 [July 2024 Association Managers Report.pdf](#)

**Note** Rental Application Proposed Revision

 [REV0724 BPBC Clubhouse Rental App.pdf](#)

**Note** Club Rules/BPBCA Regulations Proposed Revisions

 [BPBC Rules Regs Edits 2024.pdf](#)

**Note** Mr. Moffett discussed potential changes to the Clubhouse rental application and Club Rules documents, as well as his daily responsibilities and activities.

**Note** There was a brief discussion about whether to keep the lights on later at the Clubhouse, considering potential disturbances to neighbors; lights currently go off at 10:30 PM.

**Note** Mr. Moffett detailed his responsibilities, including managing rentals, hiring staff, and maintaining the Clubhouse and surrounding areas.

**Note** Mr. Moffett noted he's been monitoring the Clubhouse parking lot and issued 42 tickets this month, mostly in the Whitecap parking lot.

**Note** The Board and Mr. Moffett discussed updating the Clubhouse rules and regulations to reflect current practices, such as allowing the use of outdoor chairs and tables; current rules state that no contents of the Clubhouse may be taken outside, and Mr. Moffett proposes updating the rules to allow use of outdoor chairs and tables.

**Note** Mr. Schepker suggested including a statement saying that tables and chairs can be used on the grounds.



**Note** Mr. Moffett suggested that the edits should clarify the first line regarding the Clubhouse and surrounding premises. It's important to specify that the premises, including the tennis courts, basketball courts, and playground, are accessible to members at all times, even during events. He emphasized that the Clubhouse, patio, and tented areas should be stated as available for all members of the Black Point Beach Clubhouse to use.

**Note** Clarification was made that only members, defined as individuals on the deed, can rent the Clubhouse.

**Note** Mr. Moffett addressed the removal of obsolete parking area references, including the north side of Nehantic Drive and the west side of Sunrise Avenue, extending 100 feet northward from the corner of Nehantic Drive, near the Black Point Market.

**Note** Ms. Chapin suggested not specifying times for certain activities such as the Recreation Program, in case times change.

**Note** Mr. Moffett said the Department of Environmental Protection has been renamed to the Department of Energy and Environmental Protection, so this agency's name should be updated as well.

**Note** Mr. Moffett and the Board discussed updates to the rules regarding dogs, bonfires, and the use of various vehicles on the beach and pier areas:

Dogs are not permitted on beaches or piers.

Bonfires no longer require a permit but there is a need to call Dispatch.

Scooters were added to the list of prohibited vehicles on tennis or basketball courts.

**Note** Mr. Baril and Mr. Moffett discussed clarifications regarding swimming at one's own risk and the prohibition of certain activities like picnicking and boating in specific areas. Ms. Chapin said "swimming at your own risk" could become item #1, which will emphasize it, and Mr. Meggers suggested leaving the "no picnicking" as it is so that Mr. Moffett is able to enforce it.

**Note** The Board considered adding a provision to prevent dinghies from obstructing the walkway, and Ms. Chapin noted that the term "dingy" should consistently be corrected to "dinghy" throughout the document.

**Note** Discussion occurred on the need to regulate the use of firearms, drones, and other potentially dangerous items on the beach. Issues with boat trailers taking up multiple spots in the White Cap parking lot were discussed, with suggestions for designated trailer parking.

**Note** Ms. Chapin suggested removing the word "new" from the fishing regulations.

**Task**  Mr. Baril suggested putting a revision date on both documents. He also suggested a liability sign for the Clubhouse and Mr. Schepker asked Mr. Baril to draft some language for them to review.

*Owned by Peter Baril, BOG Member*

**Note** Mr. Baril said along with no construction before 8 AM, they might want to include the use of power equipment, lawn mowers, leaf blowers, and the like. He added that for Section 4, #8, it says, "underground water" and the proper term is "ground water."

**Note** Mr. Bayne suggested that, concerning the risk associated with certain assets like jumping off piers, the language should be reviewed by a lawyer due to it being our greatest liability.

**Note** Ms. Garrow suggested Mr. Baril draft the language first and send it to them for review.

**Note** Ms. Chapin noted that next year, July 4th will fall on a Friday and coincide with the 225th anniversary of a significant event. She anticipates that the traffic from this year's July 4th weekend could double due to the occasion. She believes it is an important issue that warrants consideration to ensure it is addressed, although she doubts it can be completely resolved tonight.

**Note** Ms. Garrow mentioned that at the state boat launches in Waterford, there are longer parking strips available. It's uncertain whether these accommodations can be made here, allocating two spots for trailers. Perhaps a single lane could be designated for cars only and another for trailers only, suitable for one boat. If this is not feasible, the area could be marked as cars only, but the turning radius required for a boat to maneuver fully around is not known.

**Note** Mr. Cellino said currently permission has to be obtained from the Board to park in the White Cap parking lot overnight, and given that they typically meet once a month, he thinks this should be changed to the Association Manager's approval.

**Note** Mr. Cellino said for Section II, #7, he thinks "Clubhouse facility and grounds" instead of "playground" will provide better clarification of the rule.

**Note** Mr. Cellino suggested aligning their dog regulations with East Lyme, which would allow dogs on beaches only in the off-season, from May 1st to September 30th.

**Note** The Board discussed the practicality of enforcing a no-alcohol rule on beaches, with a suggestion to leave it to the Manager's discretion.

**Task**  Mr. Moffett said he will revise the forms based on their discussions and send them to the Board prior to the next meeting.

*Owned by Jim Moffett, Association Manager due 08/21/24*

## 11-2. Rec Program (Colleen Hayes)

**Note** Ms. Hayes mentioned that the Club is currently in the fifth week of its program and has two weeks remaining. The budget was planned based on an estimated number of participants, but that number is never guaranteed. She noted that the children are thoroughly enjoying themselves. With two weeks left, they are gearing up for the color war. This evening's counselor versus counselor dodgeball game was a part of this excitement. So far, everything is going well, and Matt Reichelt, along with the counselors and volunteers, is doing an excellent job.

**Note** Mr. Schepker said he knows there's some concerns about the cleanliness of the Clubhouse based on the Member communication he received. Mr. Moffett is looking into that but from everything he hears from people who have kids in the program or grandkids, it's a marvelous program this summer. The leadership is very energized and engaged. Mr. Schepker thanked them all for their efforts.

**Note** Ms. Hayes expressed that the feedback was quite upsetting for Suzanne Smith, who cleans the Clubhouse, as well as for Matt Reichelt. Matt has been diligently encouraging the kids to clean up afterwards, and they have also been setting up for the Women's Club at no charge. Therefore, the feedback was disheartening and not reflective of their true efforts.

## 11-3. Treasurer (Al Capozza)

**Note** see attachment #1.

 [Financial Report-Budget vs Actual as of 7-25-24-YTD \(1\).pdf](#)

**Note** see attachment #2.

 [Financial Report-Budget vs Actual as of 7-25-24-YTD-Rec Program \(1\).pdf](#)

**Note** see attachment #3.

 [Financial Report-Budget vs Actual as of 7-25-24-YTD-LT Cap Fund \(1\).pdf](#)

**Note** see attachment #4.

 [Financial Report-Budget vs Actual as of 7-25-24-YTD-Balance Sheet \(1\).pdf](#)

**Note** Mr. Capozza referenced his attached reports and noted some of the following:

The new fiscal year started on July 1, with total receipts amounting to \$288,000 and disbursements of \$29,000.

Major expenses included payroll, grass cutting service, East Lyme taxes, workers' comp premium, and social events.

The total receipts minus disbursement amounted to \$259,000 after one month.

The Recreation Program has total receipts of \$40,000, which is 86% of the budget, and disbursements of about \$29,000.

Recreation Payroll= \$22,000.

Expenses to date= \$6,700.

**Note** Mr. Capozza noted that open invoices remain, and some vendors have begun to bill more promptly. The long-term capital fund has no activity to report as of now. This year, invoices for grass cutting are being paid in advance. The Board cautioned making full payments to vendors before the completion of their work.

**Note** Mr. Capozza said the year-end close is still being worked on, and documents will be out before the end of July.

**Note** Mr. Schepker and Mr. Capozza discussed the operations report and how it includes disbursements for maintenance of long-term capital assets and new capital assets.

**Note** Ms. Chapin said she has been approached by the Pickleball players, who are looking for new nets and a storage container.

**Note** Mr. Capozza reported that for the fiscal year, preliminary figures indicate receipts of \$343,000, which is approximately \$19,000 above our budget. This increase was due to additional interest income earned throughout the year from the new CD, club rentals, and zoning fees. On the disbursement side, we spent \$312,000 against a budget of \$324,000, resulting in lower expenses. Overall, we achieved a preliminary surplus of around \$31,000 for the past year.

**Note** Mr. Capozza addressed the Investment Subcommittee, highlighting that the Association has allocated \$75,000 to augment our long-term capital fund. This constitutes new funds that require an income-generating investment. Our regular bank was not an option due to reaching the limit of EIC insurance coverage at \$250,000. The need for liquidity, greater than what a 12-month CD could offer, was essential in case we need to utilize funds.

He considered CDs and surveyed local financial institutions. Charter Oak Bank offered an 8-month CD with a 4.75% APY and a 30-month CD at 4.25% APY. The Subcommittee also reviewed a money market account; however, its rates were below 0.1%, rendering it impractical. Bank of America presented a seven-month CD with a rate of five requests and a 12-month flexible CD at 4.25% APY, featuring the flexibility to withdraw funds without penalty after six days post-purchase.

**Note** Mr. Schepker confirmed that Mr. Capozza recommends opting for the 12-month flexible CD at Bank of America for these funds, as it allows withdrawal after six days without any penalties.

**Decision** MOTION (4)

Ms. Chapin moved that they take the \$75,000 designated for the Long-Term Capital Fund and invest it in the Bank of America 12-month flexible CD at 4.25% APY.

Mr. Bayne seconded the motion.

Motion carried, 7-0-0.

**Decision** MOTION (5)

Mr. Cellino moved that Bill Bayne replace Tom Meggers as signatory on the 250 CD.

Ms. Chapin seconded the motion.

Motion carried, 7-0-0.

The CD signatories are Bill Bayne and John Cellino.

**Note** Mr. Schepker mentioned, as an aside, that the Investment Committee has discussed the replacement of Tom Cherry, a former Board of Governors member who has stepped down. There seems to be preliminary support or interest from Brian Comer, whom Mr. Cellino recommended. Mr. Comer is an executive of Aetna and ING with many years in the investment sector. He has also been actively involved with the Cahill Foundation Fund, revitalizing and restructuring it. He has expressed some interest in joining the Investment Committee as an Association Member, and his confirmation is expected shortly.

**Note** Mr. Cellino described a text message he just received from his wife regarding a mentally challenged individual on the playground equipment, which alarmed the children and caused them to leave. Mr. Moffett noted that the individual has been to the playground previously and is harmless. Mr. Cellino mentioned that the authorities have been informed.

## 12. Liaison Reports

### 12-1. Zoning (Arlene Garrow)

**Note** Ms. Garrow mentioned that regarding zoning, her report from the meeting on the night of August 19th indicates the finalization of proposed changes to the regulations. A public hearing is scheduled for August 23rd. Those interested are encouraged to attend. The proposed regulations can be found on the Black Point website.

**Note** Ms. Garrow noted that the Zoning Commission continues to advocate for the Board to enact the hedge height regulations as an ordinance. However, since the Board has yet to adopt these measures, the Zoning Commission is proposing the inclusion of these changes in their regulatory amendments until such time as the Board decides to adopt them as an ordinance.

**Note** She further explained that the Zoning Commission has reviewed the Master Plan and made a motion to give the following response to the Board of Governors:

"The Zoning Commission has examined the current draft of the Master Plan and acknowledges the substantial time and resources invested thus far. They believe it is remarkably thorough but recommend conducting further work, particularly a traffic assessment of the existing road systems, to identify additional measures that could enhance the safety of the public and Black Point, with a special focus on pedestrian well-being."

Ms. Garrow shared that the Enforcement Officer clarified that the recommendation is for the Master Plan to include a proposal for a traffic study, rather than conducting the traffic study prior to the adoption of the Master Plan.

**Note** Ms. Garrow mentioned that just before the meeting, Jim Fox, the Chair of the Zoning Commission, had emailed the minutes of the meeting to the entire Board of Governors. This was to ensure everyone was informed and had the opportunity to review them prior to the adoption of the Master Plan. She expressed uncertainty about adopting it without the Board thoroughly reading it and familiarizing themselves with it before casting a vote.

## 12-2. ZBA (Arlene Garrow)

**Note** Ms. Garrow shared that there has been no activity with the Zoning Board of Appeals, but they're still accepting applications for Board openings, from interested parties.

## 13. Waterford Data Center (Arlene Garrow)

**Note** Ms. Garrow read the following communication from Holly Cheeseman, State Representative, into the record:

"As I write this, there has been no change to the status of the development as far as the Siting Council goes. Dominion has not filed a new application for the siting council to approve the required change of use that building the data center would require.

I had a long conversation with DEEP Commissioner Katie Dykes two weeks ago. She and other New England energy officials are very aware of the challenge presented by the astronomical strain that AI and data centers place on the grid, because of their massive energy needs. She is eager to pursue another power purchase agreement with Dominion that would help guarantee stable base load power for the state and the region.

We passed legislation this past session that would enable such a PPA in conjunction with any other two New England states. The best-case scenario would be that CT, along with MA and RI, reach such an agreement with Dominion, which could forestall the deal with the developer. The MA legislature has two such bills before it; their session ends July 31.

So, long story short, no real changes, but keep up the pressure on the Siting Council, Commissioner Dykes, Governor Lamont, etc. I will let you know if I hear anything new or noteworthy.

Best,  
Holly"

**Note** Mr. Bayne and the Board acknowledged that there might be more suitable locations for a data center. Ms. Garrow clarified that the company wishes to be situated on Dominion property because it allows them to draw power directly from the reactor. In simpler terms, while we purchase electricity through Eversource, they intend to buy directly, bypassing Eversource altogether. That's the primary reason for their location choice. The site itself is illogical. A more sensible location would be at the crystal wall, an industrial zone with a highway, no residential areas, and businesses, which would be ideal. However, this would mean they'd incur higher costs.

**Note** Ms. Garrow observed that when we consider Millstone, we're essentially looking at a large structure, so it might be manageable to have an additional large building, but the real concerns are the noise and pollution affecting our entire community. Given our location across the water with no barriers, sound travels easily across the grid. She added that we're making efforts to address this, but it's not just about whether we can handle it; it's about compelling studies to demonstrate the capacity of our grid and the potential impact on our utility bills.

## 14. Master Plan: Board Vote/Public Hearing Consideration

**Note** Mr. Schepker expressed a desire to revisit a point Ms. Garrow raised about zoning, specifically the timing of the traffic study in relation to the adoption of the Master Plan. He emphasized the significance of this issue, noting that the Master Plan is designed to evolve over a decade, with updates and modifications along the way.

Therefore, Mr. Schepker suggests incorporating the traffic study as a subsequent project, which will require understanding the town implications as well. While the full impact is not yet clear, he believes that addressing this study in the future should not postpone the imminent approval of the Master Plan, which he hopes will proceed without delay.

**Note** Mr. Cellino discussed how a traffic study could be completed relatively quickly, and given that they've waited over two years for this Plan, what's three more months?

**Note** Mr. Schepker said the Master Plan has undergone multiple public hearings, he made the suggestion to approve it with the condition of an immediate traffic study.

**Note** The Board debated whether the Membership has had sufficient opportunities to comment on the Master Plan.

**Note** Mr. Cellino noted that Jim Fox, Chairman of the Zoning Commission, is in the audience and asked the Board of Governors Chair if it might be appropriate to hear his thoughts on this subject.

**Note** Mr. Fox clarified that at the last Zoning meeting, which occurred a week ago, the Zoning Board examined the Master Plan as part of their preparatory work. He fully acknowledges the extensive effort invested in it. The Board's review was strictly limited to zoning issues. The Zoning Commission's tenants guided their examination of the plan, focusing particularly on safety concerns. They suggested that a traffic study or similar assessment should be conducted at the BOG's discretion, preferably sooner rather than later. Regarding the process, Mr. Fox, who has 15 years of experience on the Planning Commission in Marlborough and has consulted with Mr. Ventres—a contributor to two Conservation Development Plans in East Haddam—mentioned that the approach varies depending on the perception of our identity as a municipality. This is significant as we are a municipality that has not previously created a Master Plan. Since every town is mandated to develop a Conservation Development Plan, there is a state statute that clearly defines the procedure for adopting a Master Plan.

**Note** The Board further discussed a traffic study.

**Note** Ms. Chapin first expressed her desire to arrange a Public Hearing on Saturday at 9 a.m., August 10th, inviting comments from all attendees. She believes this will promptly address the issue at hand. Secondly, she values the information received earlier today and sees it as crucial.

Within the Master Plan, she proposes an addition to objective 4.4, which is to maintain a safe multimodal transportation network for all users. There are several actions in place, and she suggests adding another: collaborating with the town, the local traffic authority, to develop methods ensuring safe usage for everyone. This could lead to traffic studies, stricter enforcement of traffic laws, and street expansions to serve all users. And she recommends prioritizing this action, with the Zoning Commission possibly overseeing it. Once the Board approves, they can delegate, allocate funds, and coordinate with the town to verify their implementation authority.

**Note** The Board opted to table the possible Master Plan approval until the next BOG Meeting, so that further comment can be received at the August 10th, 2024, Public Hearing, prior to any possible adoption of the Plan.

**Note** Mr. Bayne noted the Master Plan is a tremendous document.



**Note** Mr. Cellino discussed in detail how an ordinance is needed to enforce Zoning Regulations, particularly for hedges and fences. Without an ordinance, enforcement is difficult, and grandfathering in occurs. He detailed how the Zoning Board recommends a 36-inch height limit for hedges and fences.

**Note** Ms. Chapin and Ms. Garrow said that given their task force, they will investigate this fully and examine how the town addresses these issues.

**Note** Mr. Cellino and Ms. Garrow commented how corporate counsel can review their work and they can consult with Jim Fox and Jim Ventres as needed.

#### **14-1. Tax Collector (Colleen Hayes)**

**Note** Ms. Hayes shared that approximately \$74,000 remains to be collected and the last day to pay taxes without penalty is 8-1-24. Tax bills were mailed out at the end of May, and if you haven't received your tax bill, please contact her at [bptaxcollector@gmail.com](mailto:bptaxcollector@gmail.com)

### **15. Backwater Kayak Group: Walkway Update**

**Note** Larry Connors said some of the following:

We finally met with DEEP representatives, thanks to Scott and Bill Bayne, who bundled our backwater kayak launch project with their larger issues along the bay side of our community. The DEEP contingent was led by the same analyst who worked on our project 15 years ago.

DEEP's view of walkways across coastal wetlands has changed over time, to the point that we believe a low walkway, without stairs going up or down, will be permitted, and we now have people at DEEP who are only an email away.

We are currently constructing a cost estimate for the total project, from contracting a specialized consulting engineer to completion of a walkway and safe dock. Our goal is to present at the August 22nd BOG meeting a proposal, with cost estimates, allowing us to seek formal quotations from potential contractors.

The most expensive part is putting posts in the ground. The kayak launch is the gateway to the estuary and they're not just a group, but an initiative. I have asked the Chairman, and have received his personal support, to hold a hearing to present our group's plan and budget to the membership, here at the Clubhouse, at 7:00 PM on Monday, August 19th. A motion to that effect would be greatly appreciated, and I hope the entire Board and Officers can attend their Estuary Gateway Initiative meeting.

**Decision** MOTION (6)

Mr. Baril moved to allow a Public Hearing, delivered by the Backwater Kayak Group, on August 19th at 7 p.m. here in the Clubhouse.

Ms. Chapin seconded the motion.

Motion carried, 7-0-0.

### **16. Waterfront Resources Update (Peter Baril/Bill Bayne)**

**Note** Mr. Bayne said the Waterfront Resources Group, including himself, Peter Baril, and Scott Bayne, met with a group from DEEP and a consulting engineering firm to discuss restoration of the eastern Long Island South shore. They walked through the entire East Shore, from Nehantic to Osprey, examining piers and groins, and took suggestions on restoration. The meeting lasted two and a half hours, followed by a session with Larry Connors at the kayak dock.



**Note** The following is an outline of some of the highlights Scott Bayne shared from their meeting with DEEP as well as the discussion points made by Bill Bayne, Jim Schepker, and Peter Baril:

1. The frequency and intensity of storms have increased, causing significant damage to Connecticut's waterfront, particularly Black Point, which absorbed 14 storms in the 2023-24 winter.
  - Three main storms and 11 unnamed storms in 2023-24 winter.
  - Extraordinary damage to beaches across Connecticut.
  - Worst winter in terms of waterfront damage in many careers.
2. Obtaining permits and maintaining waterfront assets is crucial to mitigate future damage. The process involves adding bigger stones, filling gaps, and making structural adjustments.
  - Importance of obtaining certificates of permissions.
  - Adding bigger stones and filling gaps in existing structures.
  - Engineering firm to do a preliminary submission.
3. DEEP has a comprehensive file on Black Point and requires detailed submissions for permits. They emphasize maintaining assets to preserve the right to get future permits.
  - DEEP has historical data and pictures of waterfront assets.
  - Comparison of current damage with past conditions.
  - Importance of maintaining assets to get future permits.
4. Coastal Engineering has provided cost estimates and submitted maps to DEEP. They are analyzing past permits to simplify the process for obtaining new ones.
  - Coastal Engineering submitted maps of beach infrastructure.
  - Analyzing past permits to simplify the process.
  - Concerns about South Beach groins and their maintenance.
5. Coastal Engineering will have a pre-application consultation with DEEP to get a preliminary feel for what will be allowed, aiming to avoid unnecessary costs.
6. The Association aims to ensure a competitive bidding process for all projects, despite initial free work from Coastal Engineering.
7. A waterfront task force will be formed, and volunteers from the Association will be solicited to ensure transparency and understanding of the projects.
8. Each section of the beach will have its own plan to avoid past mistakes. Maintenance of beaches is essential due to the changing environment and frequent storms.

## 17. Men's Club – Rick Diachenko

**Note** The Men's Club had no report.

## 18. Women's Club – Jocelyn Williams

**Note** The Women's Club had no report.

## 19. Wrecking Crew – Jim Allen

**Note** see attached report.

 [07\\_25\\_2024\\_BOG\\_WC\\_Report.docx](#)

**Note** Mr. Schepker thanked the Men's Club, Women's Club, and Wrecking Crew for their efforts and contributions.

**Note** Ms. Chapin said there was a concern earlier in the meeting and she wants to read what our regular meeting schedule says. It says, "6 p.m. unless otherwise noted." She observed that we have built-in flexibility into our regular meeting schedule.

## 20. Public Comment

## 20-1. Alice Baril of 17 Sea View

**Note** Ms. Baril asked for clarification on their discussion about the rule change and Clubhouse grounds. She questioned if bocce and pickleball would be affected because those are big activities. Mr. Schepker replied that they're sacrosanct.

## 20-2. Peter McAndrew of 6 Sea View

**Note** Mr. McAndrew suggested having two public comment periods during meetings, one at the beginning and one at the end, to allow members to comment on action items. He noted that members can't comment on action items unless they do so in writing.

Mr. McAndrew inquired about the costs associated with Coastal Engineering, specifically whether the \$10,000 spent thus far would be billed at a later date. He wondered how that make economic sense for them if they do not?

He observed that the investment committee is taking a conservative approach to avoid exceeding the FDIC \$250,000 limits, but he thinks this might be overly cautious.

He suggested that a 10% insurance increase should be achievable.

He asked about the Executive Session and when it will be posted.

Mr. McAndrew said the bylaw change being considered was not attached to the website, and he thinks the vote should not occur on the same evening as the public hearing.

He asked how many kayak permits were issued and commented on the missing items from the agenda such as the Association Manager's report.

Mr. McAndrew asked about the repairs to the Sea View ramp.

**Note** Mr. Schepker expressed a preference for public comments to be specific to whether a public vote is occurring or if the public needs to provide input on a particular issue, rather than at the start of a meeting. He is concerned that opening meetings with public comments could unnecessarily extend them. He suggests that many questions can be addressed later during the meeting as agenda items are discussed, which might eliminate the need for early queries. Therefore, he believes it is more efficient to allow public comments on specific issues at the appropriate time in the agenda.

**Note** Mr. Schepker commented on the Coastal Engineering, noting that it may not be economically viable for the company to offer services for free at this moment. That is their business choice, but he believes that if they are the selected bidder, a beneficial business relationship will develop, and they will feature us as a case study for other clients.

Regarding the Investment Committee, he acknowledged that having a \$250,000 limit due to FDIC insurance is a conservative stance but anticipates that the committee will reconsider this. The new investment committee is expected to explore not just this issue, as it is an established standard, but also other options, such as future financing concerns.

As for the Executive Session, it was only confirmed today and will be announced on the website this evening. A 24-hour notice is mandatory, and since the meeting is scheduled for Monday, there will be at least a 72-hour notice provided. The date and time were determined today to ensure the availability of a quorum of our Governors.

**Note** Mr. Schepker said he's pleased Mr. McAndrew only had a 10% increase. He remains hopeful that our bids will remain competitive and not surpass the budgeted increase of 30 to 40%. He also mentioned it was prudent to anticipate such an increase.

Regarding the bylaw change, Mr. Schepker noted the issue was not included as an attachment on the website. He pointed out that even during tonight's meeting, the Board of Governors did not have the finalized language. However, he assured that it would be ready for the next meeting and included as an attachment in the upcoming agenda.

**Note** Mr. Fountain shared that 278 that kayaks are registered.

**Note** Mr. Schepker reported that the walkway repair is nearly complete and within the projected budget, only exceeding it by a few hundred dollars. The remaining task is the installation of the fence line railing, which has an allocated budget of approximately \$3,000. However, they anticipate that the cost may exceed this amount. Proposals are expected soon; vendors have already been consulted with Peter Baril's assistance.

Two vendors have surveyed the site, discussing options for a durable metal pipe railing. Meetings with additional vendors, including Architectural Ironworks, are being arranged. They aim to gather three bids in the coming week. The likely increase in cost is due to the decision to opt for a more robust solution than the initial vinyl railings, which did not withstand the elements. A more durable, and potentially more cost-effective solution in the long term, is being sought.

Regarding the South Beach Sand project, the approved budget was \$10,000, but the actual cost was \$12,000 due to an unexpected increase in the quantity of stones needed.

**Note** Ms. Stevens mentioned that they aim to publish the agenda a week prior to the meeting, but the associated reports may not always be ready due to people's busy schedules. Additionally, she doesn't always have the opportunity to edit it multiple times during the week as emails and reports are received at various times.

**Note** Ms. Cini said she and Ms. Colangelo came up with a list to aid in golf cart usage awareness which includes posting the rules in every addition of the Black Pointer, providing signage in critical areas, considering a second golf cart registration for later in the season, engaging children about safety issues, integrate it into the Club Program, and remind people that golf carts aren't permitted after dark.

**Note** Colleen Hayes noted that the East Lyme Police are coming to Club on July 29th, to discuss bike safety.

#### **20-4. Kim & Brice Craven of 46 East Shore Drive**

**Note** The Cravens thanked the Board for getting the walkway repaired.

**Note** Mr. Schepker said two programs are coming up- Story, Story Night on August 15th and Dad/Mom Joke Night on August 29th. He noted that more participants are needed for both events.

### **21. Adjournment**

**Decision** MOTION (7)

Ms. Chapin moved to adjourn the July 25th, 2024, BPBCA BOG Meeting at 8:15 p.m.

Ms. Garrow seconded the motion.

Motion carried, 7-0-0.

**Note** The next BPBCA BOG Regular Meeting is scheduled for August 22nd, 2024, at 6:00 p.m.

**Note** Respectfully submitted,  
Brooke Stevens, Recording Secretary

## Task Summary

### New Tasks

**Task**  Mr. Cellino said he will resubmit the revised proposal at the next meeting.

*Owned by John Cellino, BOG Member due 08/22/24*

**Task**  Mr. Baril suggested putting a revision date on both documents. He also suggested a liability sign for the Clubhouse and Mr. Schepker asked Mr. Baril to draft some language for them to review.

*Owned by Peter Baril, BOG Member*

**Task**  Mr. Moffett said he will revise the forms based on their discussions and send them to the Board prior to the next meeting.

*Owned by Jim Moffett, Association Manager due 08/21/24*