

# Minutes of BPBCA BOG August 22nd, 2024, Regular Hybrid Meeting - 08/22/24

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**Date and time:** 08/22/24 6:00 PM to: 08/22/24 8:00 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

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## Topics

### 1. Zoom Info. & Link

**Note** <https://us02web.zoom.us/j/89818334713?pwd=7jp6nmL1DZDXDgbU26CotHTkuhA5aL.1>

**Note** Meeting ID: 898 1833 4713

Passcode: 295864

Phone only: • +1 929 205 6099

One tap mobile

+19292056099,,89818334713#,,,,\*295864# US

**Note** <https://us02web.zoom.us/j/89818334713?pwd=7jp6nmL1DZDXDgbU26CotHTkuhA5aL.1>

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

**Note** Chairman Schepker called the Meeting to order, did roll call, noted a quorum was present, and led those assembled in the Pledge of Allegiance followed by a greeting to neighbors.

### 3. Additions to Agenda

**Note** Mr. Schepker added a Rec Program item to the agenda and gave the floor to Colleen Hayes, who joined via Zoom.

**Note** Colleen Hayes introduced Matt Reichelt, the Rec Program Director, who provided an overview of the Summer Rec Program, mentioning staff numbers, attendance, and successful events.

**Note** Mr. Reichelt mentioned that their team consisted of approximately 13 paid staff members, along with two assistant Camp Directors and himself. They catered to about 65 to 75 children daily. The week of the 4th of July was the camp's peak period, and the Club Carnival was a fantastic event. He acknowledged there were some adjustments to be made regarding purchases, which he planned to address and improve upon the following year.

**Note** Ms. Hayes remarked that the feedback on Mr. Reichelt's contribution was overwhelmingly positive, particularly regarding the structure he introduced to an already excellent program. She acknowledged that a portion of his salary was reserved as a bonus, contingent upon the program's success and his tenure. The Board, along with Ms. Hayes, had resolved to award him the \$500 bonus this evening. However, since he is participating through Zoom due to Covid, she intends to reach out to him privately.

**Note** Mr. Reichelt noted it was a great summer and he anticipates being back at Camp for the next several seasons.

**Note** Mr. Meggers shared personal positive feedback about the Rec Program, emphasizing its value to parents and the community. Those in attendance gave Mr. Reichelt and the Rec Program a round of applause.

#### 4. Approval of Meeting Minutes (7/25/24)

**Note** see attachment.

 [Minutes of BPBCA BOG July 25th 2024 Regular Hybrid Meeting 07 25 24.pdf](#)

**Note** Mr. Capozza offered the following edits:

Page 11, last note, 1st sentence, when talking about the fiscal year, he would like to insert "6/30/24," and where it says, "Bank of America presented a seven-month CD with a rate of five requests" it should instead read "Bank of America presented a seven-month CD with a rate of five percent."

On page 12, Motion 5 reads-

"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."

Instead, for Motion 5, he would like to remove "the 250 CD" and insert " for Thomaston Savings Bank."

"MOTION (5)

Mr. Cellino moved that Bill Bayne replace Tom Meggers as signatory for Thomaston Savings Bank.

Ms. Chapin seconded the motion.

Motion carried, 7-0-0.

The CD signatories are Bill Bayne and John Cellino."

**Note** Mr. Schepker had the following edits:

Page 5, second note from the bottom, sentence reads "It was proposed that we could hire additional staff, such as a counselor" and it should read "It was proposed that we could hire additional staff, such as a constable"

Page 6, second note, his name is misspelled.

Page 13, item 13, second note, second to last sentence reads "A more sensible location would be at the crystal wall," and it should be "crystal mall."

**Note** Mr. Baril called attention to Page 16, and said the name of the firm is "Coastline Consulting" not "Coastal Engineering."

**Note** Ms. Garrow said on page 13, "...sound travels easily across the grid" should instead be "...sound travels easily across the water."

**Decision** MOTION (1)

Ms. Chapin moved to approve the Meeting Minutes of July 25th, 2024, as amended.

Mr. Bayne seconded the motion.

Motion carried, 7-0-0.

## 5. Chair's Opening Remarks

**Note** Mr. Schepker offered the following opening remarks-

"Once again during the past 30 days we have had a mind-boggling bonanza of events and celebrations unmatched, I believe, by any beach association in America – and perhaps the world!

Among those many events:

On July 27th a funny time was had by all at the Comedy Night event sponsored by the Women's Club here at the Clubhouse, led by an MC and 3 veteran comedians.

On August 3rd the Men's Club and Women's Club hosted the 50th anniversary of the Black Point Road Race. Over 185 runners and walkers participated in this event, showcasing the talent of participants from 7 and under....to 72. And the several hundred snow cones served were a new and added treat, thanks to the Men's Club.

On August 8th we had the spectacular Trivia Night, followed 2 days later by the Beach Bash featuring the band Mass-Conn Fusion Band, joined by over 300 toe-tapping and dancing guests.

On August 9th we had the Rec Program Talent Show and Ice Cream Social, where talent galore along with 142 bowls of ice cream were served. In thanks for the fabulous Rec Program season which ended on Friday, August 9th, we were honored tonight to award to Matt Reichelt, the Rec Program Director, a special \$500 bonus check for leading this summer's spectacular Rec Program season. Presenting that check tonight, Colleen Hayes, Liaison to the Board of Governors for the Rec Program, shared our community's deep gratitude.

On August 15th we had the Story, Story Night program, featuring 6 memorably spectacular stories shared by local Members -- and a special pasta dinner served, thanks to chef Jim Matria.

On August 17th, Michele and Steve Albert, owners of the Black Point Market, hosted the free MaRS on Saturday cool jazz concert on the store's patio, deck and front lawn.

Along the way, the Women's Club sponsored a Craft Night: Fairy Light Lantern event on July 30th, followed by a Potluck Dinner on August 6th, and then followed by the intriguing Life and Magic of Harry Houdini program on August 13th.

Following up on the earlier, fascinating presentation, Dynamics of the Black Point Coastline, held on July 17th, another group of volunteers recently hosted a public meeting for Members on August 19th where they introduced the newly named Estuary Gateway Initiative, previously more mundanely named the "Backwater Kayak Group." These volunteers have been working assiduously for these many past months to explore ways to rebuild the earlier and once popular walkway used by kayakers along Old Black Point Road. More to come on this both tonight at the BOG meeting, and in future presentations....

And coming soon.... the Battle of the Beaches Cornhole Tournament on August 24th, preceded that same day by the Beach Wide Tag Sale...then the Dad/Mom Joke Night here at the Clubhouse on August 29th....and then the Cardboard Boat Race on August 31st.

And then there's the program to launch the new Black Point Cookbook. To share your family favorites, reach out to [fretom@earthlink.net](mailto:fretom@earthlink.net) or 860-305-8138 for recipe entry guidelines.

Finally, one quick and special thanks to our Beach Association Manager and the Wrecking Crew for prudently and promptly removing the ramp at the boat launch deck ahead of tropical storm Debby's threatening high winds on the night of Friday, August 10th, and then replacing that ramp the next day.

And one final observation about the unique nature of our Black Point community: If you've ever attended Clubhouse events, day or night, you've probably noticed the same thing...at the end of those events, the chairs and tables used at those gatherings are quickly stacked and racked. No one is asked to help. It just seems to happen spontaneously and with an unspoken commitment to service... a truly endearing custom.

It is always remarkable how creatively and ably our neighbors here in Black Point step up to volunteer to provide these enriching, engaging programs and events. For that, we all owe deep debts of gratitude."

**Note** Mr. Schepker said he's checked with the Women's Club, and the Wrecking Crew leaders, and they have all opted to offer written attachment reports rather than verbal ones tonight.

## 6. Communications: Member Inquiries

Note see attachment.

 [Birmingham\\_email\\_exchange.pdf](#)

Note see attachment.

 [Skala\\_email\\_exchange.pdf](#)

Note see attachment.

 [Skala\\_email\\_exchange\\_2.pdf](#)

Note see attachment.

 [Skala\\_email\\_exchange\\_3.pdf](#)

Note see attachment.

 [Skala\\_email\\_exchange\\_4.pdf](#)

Note see attachment.

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

Note see attachment.

 [Hickey\\_email\\_exchange.pdf](#)

Note He mentioned that during our previous two Board of Governors meetings, only one public comment period was provided on the agendas. However, tonight, we are introducing two opportunities for public comment. The first opportunity is due to the items listed on tonight's agenda, which may be brought to a Board vote either tonight or shortly thereafter. For instance, the Master Plan could be discussed tonight or possibly at the Annual Informational Meeting on August 31st.

We aim to allow Association members the opportunity to comment on these items before the Board's discussions take place. In terms of public comment procedures, we will strive to alternate between comments from those in attendance here and those participating via Zoom or phone.

Note Mr. Schepker recapped previous comments on golf cart safety, kayak walkway issues, and other community concerns from the last meeting.

Note He noted that he also received one e-mail from a member regarding usage of West Lane and access to Old Black Point at the gate, now in place, and will meeting with the Chair of the Old Black Point Board Association tomorrow to discuss this issue with him in person.

Note He mentioned that the residents of Old Black Point have no intention of altering the existing access to this private road. The Chairman assured him that walkers, runners, and bikers are all welcome. However, as it is a private one-lane road, the residents are attempting to reduce vehicular traffic since they bear the financial responsibility for its maintenance. Additionally, the mechanical gate has been damaged and rendered inoperable twice this summer, adding to the residents' expenses.

Note Mr. Schepker reported that the Board received an additional email from a member concerning the overcrowded parking at the Whitecap lot on weekends, the absence of BP hang tags on some vehicles, and the prohibited use of boat trailers in that area. Our Beach Manager will persist in issuing warnings and tickets for any infractions at this site. Furthermore, they addressed another inquiry about noise complaints at a member's home in late July by directing it to the East Lyme Police Department, as they had attended to the incident.

**Note** He mentioned that they have received multiple inquiries from a member about right-of-way access, which will be addressed later in the meeting during the Waterfront Task Force team's presentation. Additionally, there was an inquiry about parking at the Whitecap parking lot. The Beach Manager's report this evening will provide updates on the parking policy for that location, specifically the ban on boat trailers.

**Note** Mr. Schepker mentioned receiving an inquiry from a member concerned about an individual who occasionally visits our Association properties on his bicycle. This person's behavior may be disconcerting to some. The East Lyme Police Department is familiar with him; he resides near the beach, has mental health challenges, and is on the autism spectrum.

Both our Association's Beach Manager and the East Lyme Police consider him harmless. Should he enter the Association property again, we are instructed to have our Beach Manager inform him that he is on private property and request that he leave and not return. In the event of a recurrence, the Beach Manager is to note the time and location and report it to the East Lyme Police.

**Note** Mr. Schepker added an upcoming presentation on FOIA issues is scheduled for Wednesday, August 28, at 6 p.m., at the Clubhouse and via zoom.

**Note** He also reminded everyone that the August 31st Annual Informational Meeting will be held here at the Clubhouse at 9 a.m.

## **7. Public Comments**

**Note** There was none.

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

**Note** Mr. Meggers and Mr. Cellino had no legal updates.

## **9. Access to Association Property Update/Board Vote (Bill Bayne)**

**Note** Mr. Bayne provided an update on the process for accessing association properties for construction.

**Note** The policy in question addresses the scenario where Association members require access to association properties for construction or upgrades on their own properties. We have 11 rights-of-way, and many member homes adjoin Association land. Initially drafted by a lawyer, the policy underwent revisions by Pete Meggers and is now in its third iteration. Due to its complexity as a zoning matter, they've entrusted Jim Fox and Jim Ventres, our Zoning Enforcement Officer, with its redrafting. They're proceeding with urgency, yet the policy's importance necessitates careful drafting to ensure its accuracy and efficiency.

**Note** He spoke with Mr. Ventres today and they're going to redraft it again next week, the Board will take some final looks at it, and then hopefully after the informational meeting sometime in September, they'll look to put it up to vote and try to present it to the public.

## **10. Bylaw Change – Article V Amendment Draft Update (John Cellino)**

**Note** BOG.

Currently, Article VII reads:

#### AMENDMENTS

Sec. 1. These Bylaws may be amended or repealed at any regular meeting of the Board of Governors, provided that such amendment or repeal shall have been considered by the Board at a regular meeting in advance of the meeting at which action is taken.

Reason for proposed change:

The above current Bylaw re Amendments lacks transparency with and/or input from the BP membership. The below proposes to allow such.

Proposed Replacement:

#### AMENDMENTS

Sec. 1. These Bylaws may be amended or repealed by the following procedure: The Bylaw amendment or repeal shall be included on the agenda, as new business, at a regularly scheduled Board of Governors meeting, at which time, the Board of Governors shall consider such amendment or repeal. Upon a majority vote of the Board of Governors, the proposed Bylaw amendment or repeal will be included for public comment on the agenda for a subsequent regularly scheduled Board of Governors meeting. A member communication duly and properly noticed, of a public comment session for the proposed Bylaw amendment or repeal, including the proposed language, brief description of the reason for such proposal and the date & time of the meeting. Following the closing of the public comment session, the Board of Governors, will consider a motion to either approve, modify or deny the proposed Bylaw amendment or appeal. A motion to pass a Bylaw amendment or repeal will require an affirmative supermajority vote of a minimum of, two-thirds of the entire Board of Governors.

**Note** Mr. Cellino discussed the proposed bylaw change being proposed to ensure transparency and public involvement.

**Note** Mr. Cellino noted that the bylaw amendment mandates a deliberate process, prohibiting hasty changes. It requires involving the public, ensuring everyone is informed and can offer their input. Moreover, it stipulates that a majority of the entire Board, or five out of seven votes, is necessary to enact any modification. This ensures that changes are not made impulsively. Clearly, the original bylaws were crafted with considerable care, and any alterations should be approached with the same level of thoughtfulness. That was the intent behind this provision.

**Note** Mr. Schepker said notice of this is a draft/redraft will be shared with the members and the Board, and we'll vote on that at a future regular meeting.

## 11. Insurance Coverage Update (Peter Meggers)

**Note** Mr. Meggers said they're still working with Bill Budds to procure the best quote they can.

## 12. Board Liaison Roles – Revised

**Note** see attachment.

 [Liaison Board Roles 2024.xlsx](#)

**Note** Mr. Schepker gave an update on Board liaison roles (see above attachment) and encouraged association members to join various committees.

**Note** Mr. Schepker announced the addition of Brian Comer to the Investment Subcommittee, noting his extensive experience in the investment sector with Aetna. Additionally, Brendan and Ellen Fox have joined the Remote Voting Team. Brendan Fox is especially notable for his expertise as a lawyer and lobbyist, working with municipalities across the state on remote voting matters.

## 13. Reports

### 13-1. Association Manager (Jim Moffett)

**Note** see attachment.

 [August 2024 Association Managers Report REVISED.pdf](#)

**Note** Club Rules/BPBCA Regulations Updates, see attachment.

 [BPBC Rules Regs Aug2024.pdf](#)

**Note** Rental agreement, see attachment.

 [BPBC Clubhouse Rental App Aug2024.pdf](#)

**Note** Mr. Moffett gave his report (see August 2024 Association Manager attachment above), which included elevated bacteria levels at Osprey and Nehantic beaches, their closure yesterday and subsequent clearance today, as well as maintenance updates including beach cleaning, tennis court repairs, and parking lot monitoring.

**Note** Mr. Moffett observed that August was a busy month, with 19 rentals occurring between the end of July and August. Regarding the parking lot monitoring, he issued 37 tickets and installed additional signage at the Nehantic lot. Due to the issue of golf carts parking too close to the fence, new signs have been placed to encourage drivers to park further away.

**Note** Mr. Moffett further detailed the maintenance work he completed.

**Note** Ms. Garrow said in terms of the golf carts along the fence, does he think there's any way we could put in curb stops and Mr. Moffett replied that would create another problem because then the rear end of the golf carts will be sticking out.

**Note** Mr. Moffett mentioned that the space can accommodate 11 golf carts, which are usually filled and registered, with most displaying a hanging tag. Unregistered carts receive a ticket. Efforts are underway to enhance online visibility with posts and links, spaced every three to four feet, to clearly mark the boundary between the fence line and the property line.

Currently, some signs may not be visible due to ground conditions, or they are being overlooked; it's unclear which. They're exploring alternatives to make the demarcation of the fence and property lines more conspicuous, ensuring they do not encroach upon the lane used by moving cars.

**Note** Mr. Baril believes we should consider installing heavy rubber plastic bumpers alongside the fence. He points out that the front of most golf carts aligns with the tires, leading to an overlap of a few inches onto the paved road. Therefore, he prioritizes the protection of private property and fences over concerns about a small encroachment onto the road.

**Note** Mr. Schepker suggested that they might need to adjust the angle of the golf cart lanes to make them less protrusive. This adjustment could result in the loss of a space, but it is necessary to minimize the chance of the carts bumping into the fence.

**Task**  Mr. Moffett discussed installing concrete curb stops and how the cost would be around \$700 for 11. He will present a proposal at the next regular meeting.

*Owned by Jim Moffett, Association Manager due 09/26/24*

**Note** Mr. Schepker suggested producing laminated copies of the rules and regulations for distribution, similar to the efforts of previous years. If you're renting out your home, you could display them prominently on the refrigerator.

Currently, individuals may be consulting the website for this information. He believes a physical reminder would be beneficial. They could have 700 copies printed, and consider lamination, as previously done, and explore the use of coded stock.

He added they will present various options to the Board at the next meeting.

**Note** Ms. Chapin emphasized the importance of durability, advising against rushing the update of rules and regulations. She recommends utilizing the off-season to thoroughly consider and establish firm rules and regulations. This approach ensures that if we are to treat this as a long-term document and invest in lamination and the like, we have indeed made it accurate and enduring.

**Note** The Board had an in-depth discussion with Mr. Moffett about his proposed revisions to the Clubhouse rental form (see attachment above.)

**Note** Mr. Moffett addressed his inclusion that the Clubhouse premises are accessible to any member of the Black Point Beach Club Association, which is defined as individuals listed on a deed, on a first-come, first-served basis. Ms. Chapin noted the importance of remembering that LLCs, trusts, and similar entities may not always have individuals named on the deed. Therefore, she believes there is an opportunity to rephrase this to accommodate our constraints.

**Note** After further review the Board decided that Member Representative should be included which would address those deeds in trusts or LLCs.

**Note** After further review the Board decided that Member Representative should be included which would address those deeds in trusts or LLCs.

**Note** Mr. Moffett mentioned that he has introduced tables and chairs specifically for outdoor use under the tent, which is a new addition. Previously, the rule stated that no items from the clubhouse were to be used outside. However, this was before the tent was set up. Now, there are designated tables and chairs that are allowed for outdoor use. He made this change to ensure compliance with the current rules.

**Note** Mr. Moffett mentioned an item not listed that he wishes the Board to consider: if the member is an owner here, is it necessary to require a \$250 security deposit in the form of a check that is ultimately returned? This process involves the Board, especially for any potential damage refunds, which are rare as people tend to take great care of the place and clean up after themselves throughout the summer.

**Note** Mr. Schepker observed without it, if there's damage, there's no recourse.

**Note** Mr. Cellino acknowledges Mr. Moffett's valid point regarding security deposits, which are commonplace in his own real estate work. He noted that while these are common, the situation differs as they are leasing to Black Point members, not third parties. This implies that if payment issues arise, there are several alternatives available. Mr. Cellino understands the cumbersome nature of collecting and then returning deposits, and personally, he is open to waiving this requirement.

**Note** Mr. Bayne asked whether a statement could be included to charge post-mortem for any damages found to Association property. Mr. Meggers agreed, adding that he too found the two-check process confusing when he rented the Clubhouse.



**Note** Ms. Chapin inquired about item number 6, concerning excessive noise. She questioned, "When you mention 'excessive noise or disturbance' followed by 'revocation of the right to use the clubhouse,' does that mean if there's a large party one night and complaints arise, the event is terminated immediately, or does it imply a probationary period where you're unable to rent the clubhouse again?" The intent here seems unclear.

**Note** Mr. Schepker said the intent would be to stop the excessive noise and Ms. Chapin observed that they can come up with some language that basically says the Association Manager has the authority to end the event immediately.

**Note** The Board touched on the topic of the town's noise ordinance and the lack of decibel meters. Mr. Meggers recommended avoiding a double standard. He pointed out that the decibel level from a recent band performance would surpass that of quieter sounds, such as his daughter's voice. He proposed that disturbances should cease by 11 o'clock, and in the event of a significant disturbance, one should contact the police for resolution.

**Note** Mr. Meggers believes that the clause regarding the revocation of clubhouse rights is sufficiently generic, requiring the Board to make a mature decision. Since the term "shall" implies a mandatory action, altering it to "may" would introduce discretion into the decision-making process.

**Note** After additional discussion Mr. Schepker asked Mr. Moffett to redraft this document, share it, highlight the changes he makes again, and they'll take it up at the next Board meeting as a further discussion point.

**Note** Mr. Moffett and the Board also discussed the BPBC Rules (see above attachment,) in detail, and some of the following was considered:

Revising rules regarding boat trailers in the Whitecap parking lot, including suggestions for temporary parking and staging areas.

Proposal to move swimming-related rules to the top of the document and expand the language to cover all beach activities.

Debate on the timing and restrictions for dogs on beaches, with suggestions to align with town regulations.

Adding new designated areas for watercraft storage and launch, including kayaks and paddle boards.

Clarification on rules for fishing and bonfires, including notification requirements for bonfires.

Prohibiting construction and maintenance activities during certain hours, including specific equipment like lawn mowers and leaf blowers.

Proposal to allow social use of rights-of-way with approval from the Beach Association manager or Board Chairman.

**Note** Some of the following comments were made regarding trailers:

Ms. Chapin said in terms of no boat trailers allowed, she'd recommend breaking that out into a whole separate stand-alone.

Mr. Schepker inquired whether the policy prohibits trailers on any Association property, including parking areas and the Whitecap parking lot, at all times, and if this is agreeable to everyone.

Mr. Cellino stated that people own boat trailers and use them during the Fourth of July weekend. While complaints may arise anywhere, the Whitecap parking lot is usually empty or nearly so. He questioned where members could be permitted to park their boat trailers. A few years ago, he suggested that the area behind Billow would be an ideal location for a new parking lot.

Mr. Cellino mentioned that it's important to recognize that some people own additional vehicles and trailers. While some trailers can be exceptionally large, spanning 30 to 40 feet, others are comparable in size to a car, about 20 feet. When attached to a car, these trailers should be positioned in a way that they don't obstruct anything, but typically, they will be occupying two parking spaces.

Mr. Schepker said the previous laminated document he referenced earlier, which goes back several years, says no boat trailers allowed in the Whitecap parking lot at any time. So, Mr. Moffett is basically taking the language from those previously used in the current document he is proposing to revise.

Mr. Schepker asked if they should say boat trailers are allowed in the Whitecap parking lot only if they conform to a single parking space?

Mr. Meggers suggested that they should table this matter and refine the wording. He proposed that everyone contribute their ideas on the most appropriate language, as there seems to be no definitive solution.

Mr. Meggers discussed instances where the parking lot is used temporarily by a trailer for staging like purposes and he agreed to take the lead on wordsmithing this section.

**Note** The Board further discussed the proposed revisions.

**Note** Mr. Baril believes the language should be broadened to state that the use of the beach, including any activities on it, is at one's own risk. This encompasses walking on the beach as well as unauthorized climbing on riprap and stones, which could potentially cause injury. Essentially, the risk is not limited to swimming alone.

**Note** Mr. Schepker suggested that Mr. Baril work with Mr. Moffett on wordsmithing this section and Mr. Meggers recommended including "all swimming, including but not limited to use of beaches, piers, floats, rafts, docks."

**Note** Mr. Moffett stated that he amended item six as Ms. Chapin suggested, altering it to "for afternoon swimming lessons and instruction during the Black Point Summer Recreation Program." Ms. Chapin expressed her gratitude and noted that this change allows for a longer lifespan.

**Note** Mr. Schepker stated in item eight, "No diving or jumping from any of the piers," and proposed adding, "or from rock formations at any time." He has received complaints and concerns about children jumping off large boulders.

**Note** Mr. Schepker mentioned he had a query regarding section 3 on boating areas. He proposed potentially adding an item D, stating, "The following areas are designated as approved boat drop-off or pickup launch and storage areas," and he intended to include "the Old Black Point Estuary Gateway area."

**Note** Ms. Chapin added they should put "Sea Spray" on there as well, then and Mr. Meggers said he wouldn't call it "the Gateway" just yet just "the Old Black Point Road access way."

**Note** Mr. Moffett further reviewed his revisions noting he implemented all the Board notes he received at the previous Board meeting.

**Note** Mr. Capozza inquired whether the section on motorized lawn care equipment also pertains to homeowners and suggested that this detail should be explicitly stated if it does.

**Note** Mr. Schepker observed they should also say " residential landscaping projects."

### 13-2. Tax Collector (Colleen Hayes)

**Note** see attachment.

 [TAX COLLECTOR REPORT 8-15-2024 for 2024-2025.xlsm](#)

**Note** Ms. Hayes has provided an update to the report she issued earlier this month. As of today, there are 23 outstanding accounts with a total outstanding balance of \$11,655.69.

**Note** Ms. Hayes added we are now getting a half a point of interest that will increase by a half a point each month.

### 13-3. Treasurer (Al Capozza)

**Note** see attachment #1.

 [Balance Sheet as of 8-22-24.pdf](#)

**Note** see attachment #2.

 [LT Capital Fund -8-22-24-YTD.pdf](#)

**Note** see attachment #3.

 [Budget-Actual-Rec Program-8-22-24 YTD.pdf](#)

**Note** see attachment #4.

 [Black Point-Budget vs Actual as of 8-22-24 YTD.pdf](#)

**Note** Mr. Capozza reported that for the period from July 1 to August 22, under operations, the total receipts amounted to \$340,000. This represents an increase of \$61,000 compared to the previous month's report. The rise is attributed to an additional tax collection of \$59,000 and investment income of \$1,600.

**Note** The disbursement of \$123,000 represents an increase of nearly \$94,000 compared to last month's report. The factors contributing to this rise include a \$75,000 allocation to our long-term capital fund, payroll expenses amounting to \$8,500, and waterfront maintenance costs of \$4,800. The current projection is that they will break-even as of June 30th, 2025.

**Note** For our Long-Term Capital Fund, we added the \$75,000 that was budgeted, along with \$1,000 worth of interest. The balance as of today is approximately \$316,000.

**Note** Mr. Capozza reported that the summer program concluded on August 9th. The total receipts amounted to \$55,800, compared to the projected budget of \$58,000. Total disbursements were \$54,000, against a budget of \$55,600. Consequently, as of August 22nd, the actual receipts minus disbursements resulted in a shortfall of nearly \$1,500.

**Note** Mr. Capozza also mentioned that his report includes a balance sheet dated 8-22. In the liabilities section, there is an item labeled 'accrued liabilities' totaling approximately \$4,966. He believed it was important to share this with the Board for their awareness. The \$3,100 represents an estimated cost for the railing associated with the Sea View walkway repairs. This amount was allocated to last year's budget, although payment has not yet been made.

#### **13-4. Rec Program (Colleen Hayes)**

**Note** Ms. Hayes briefly discussed how they always want to make sure they're self-sufficient, that they don't take any money from the Association.

**Note** Mr. Capozza mentioned that the planned Capital item might need to be postponed until next year, while Ms. Hayes considers the item a goal. Should additional funds be available, they'll consider the playground equipment, such as monkey bars. However, if it's not feasible, then it's not an option. It's important to ensure that they don't seek financial assistance from the Association, as they are self-reliant.

#### **13-5. Zoning (Arlene Garrow)**

**Note** Ms. Garrow announced that for Zoning, our public hearing is scheduled for tomorrow evening at the clubhouse at 6 o'clock to discuss the proposed changes to the regulations.

#### **13-6. ZBA (Arlene Garrow)**

**Note** Ms. Garrow said in terms of the ZBA, she has nothing to report.

#### **13-7. Waterford Data Center (Arlene Garrow)**

**Note** Ms. Garrow said in terms of the Waterford Data Center, there is nothing new, all is still quiet, but continue writing your letters, and making your phone calls.

### **14. Master Plan Update/Board Vote (Colleen Chapin)**

**Note** <https://www.blackpointbeachclub.com/new/wp-content/uploads/2024/08/2024-Master-Plan-Final-for-Board-Adoption.pdf>

**Note** Mr. Schepker detailed how the Steering Committee recommends adopting the Master Plan, with periodic reviews and the creation of a standing review committee.

**Note** Ms. Chapin reminded everyone that they held an additional public hearing on August 10th, 2024, and there was one substantive addition to the plan. Under Directive 4.4, "to work with the town, as the local traffic authority, on methods and actions to ensure safe usage of the roads by all. Outcomes may include traffic studies, which can help determine appropriate traffic calming measures."

**Note** Mr. Bayne asked about the review process and Ms. Chapin explained

**Note** MOTION (2)

Mr. Baril moved that the Board adopt the Master Plan as recommended by the Steering Committee.  
Mr. Schepker seconded the motion.

**Note** Ms. Chapin, along with Bill Bayne and Jim Fox, is eager for this to remain our guiding plan, our directive document. There is a ten-year framework for a conservation and development plan. They believe we're capable of improving it. However, she cannot incorporate those changes into the Master Plan, as it serves as an operational implementation tool. Should we accept the Master Plan, she has a subsequent motion prepared that would address this matter directly.

**Decision** MOTION (2) Vote:  
Motion carried, 7-0-0.

**Note** The Board discussed the potential follow-up motion.

**Note** MOTION (3)

Mr. Bayne moved to create a standing Master Plan Review Committee consisting of five members in good standing who shall be charged with the annual review and update of the Master Plan, said review will be ongoing with updated actions available in advance of the annual budget development process.  
Mr. Cellino seconded the motion.

**Note** Following further discussion, Mr. Schepker proposed an amendment to the motion, stating that the five-member group should include two Board members, two community members, and one Zoning member. He concurred with Mr. Bayne sentiment that it's important to represent a diverse range of input.

**Note** As a result of not having our ZEO involved regularly during this process, Mr. Cellino believes we've lost a tremendous resource. Mr. Schepker noted he did review the document, and he gave input.

**Note** Ms. Chapin said Zoning was always part of this and Mr. Cellino said there should be a sixth person, and that should be our Zoning Enforcement Officer.

**Decision** MOTION (4)

Mr. Bayne amended his motion and moved to create a standing Master Plan Review Committee consisting of five members in good standing, including two Board members, two community members, one Zoning member, and our Zoning Enforcement Officer who shall be charged with the annual review and update of the Master Plan, said review will be ongoing with updated actions available in advance of the annual budget development process.  
Mr. Cellino amended his second.  
Motion carried, 7-0-0.

## 15. Estuary Gateway Walkway Update (Larry Connors)

**Note** see attachment.

 [COST ESTIMATE AT AUGUST 11 2024.docx](#)

**Note** see attachment.

 [ANNUAL COST TO MAINTAIN ESTUARY GATEWAY \(1\).docx](#)

**Note** Larry Connors and Skip Guzy were in attendance to discuss the Estuary Gateway Initiative, the public presentation they had Monday night, and the plan to improve access to the estuary for various activities and its benefits.

**Note** Mr. Schepker noted Mr. Connors has been working since February on this. Mr. Connors presented a sketch and cost estimates for the project (see attachments above), emphasizing the need for a \$14,000 budget allocation for initial steps like engineering, surveying, and permitting.

**Note** The project involves various elements such as kayak racks, walkways, and ramps. Mr. Guzy discussed what the walkway might look like while Mr. Connors detailed the costs and proposed budgeting for future replacements and maintenance.

**Note** Mr. Guzy explained that we did have a gateway estuary in the past and they have a mud path there now. It's kind of tricky to get to, there's a lot of phragmites, and by accessing the vegetation, DEEP says we're basically destroying it, and they would prefer us to build a walkway instead.

**Note** Mr. Guzy said DEEP believes the project is practical and justifiable. He added that there are numerous advantages to having a gateway here. They initially planned for a kayak launch area, but after receiving feedback, they realized there were many other reasons people wanted access to this space such as kayaks and paddle boards.

**Note** Mr. Schepker explained that Mr. Connor's group has completed its informal work and is now handing the project over to the Board of Governors.

**Note** There was a discussion about the \$14,000 budget, breaking it down into consulting engineer fees, site survey fees, and permit fees. The Board said they will consider this request.

**Note** Some of the following aspects were highlighted in the Board's discussion with Mr. Connors: The five-year permit period was clarified, and the need for a consulting engineer to survey permit needs was emphasized.

Future discussions will involve considering the \$14,000 investment and obtaining multiple bids from engineering firms for the survey.

The Waterfront Liaison team, including Bill and Scott Bayne, will consider adopting the project for further investigation and forming a small working committee to refine the scope and seek proposals.

Additional surveying needs were discussed, including topographical, wetlands, and subsurface surveys.

Proposals from consulting engineers include a water side survey.

Assigning a specific number may not be the best approach, based on past experiences.

They should gather bids from various engineering firms for a survey to be conducted by one of their engineers.

They'll request written proposals and compare the numbers before making a decision.

The Board will rely on the Waterfront Task Force to work with Larry Connors and his team to form a committee and move the project forward.

## **16. Waterfront Task Force Update (Bill Bayne, Pete Baril, Peter Meggers)**

**Note** Mr. Bayne gave a detailed update on the evaluation of waterfront assets, including the condition of structures, the need for maintenance, and the process of obtaining certificates of permission.

**Note** Mr. Bayne mentioned that nine individuals, including representatives from DEEP and two attendees from an engineering firm collaborating with DEEP, were brought in to assess and suggest improvements for our waterfront assets. They inspected every pier and the whole of Black Point before convening with Mr. Connors at the Clubhouse.

**Note** They have meticulously serviced everything that Black Point has recorded, identifying most permits from the past few years. Some permits remain unidentified due to unclear records in the DEEP files. They have included a map displaying aerial views of all our properties and assets, with permits superimposed on them. The crucial point is that most structures in question, dating back to pre-1995, are generally in fair condition, although some are not. A few have been neglected and require urgent attention. These are the assets we need to focus on to ensure their preservation. If we fail to maintain our assets, we risk losing them. Permit issuance will be withheld if we allow environmental and habitat changes to affect these assets. This point was emphatically stressed.

**Note** Mr. Bayne emphasized the community's and the Board's responsibility to bring the dock that existed 30 or 40 years ago. He expressed regret over the necessity to rebuild rather than simply update it, highlighting the critical importance of this task. The current goal is to complete the identification of all required permits through Coastline Consulting.

The subsequent step is to develop a plan, bolstered by photos from local residents, showcasing the changes in the groins over recent years. Demonstrating that the majority of our assets have incurred damage from harsh winter storms in the past few years could significantly increase our chances of obtaining the necessary permits to proceed with the repairs.

**Note** We need to construct our argument, so to speak. Over the next few weeks, the engineering firm will complete their research. Then, as a community, we will have a discussion. We'll have a phone call with them to review everything and decide on our approach to DEEP. DEEP has advised that we consolidate all our assets, identify the necessary work for any relevant amendments, and submit a single application to obtain one certificate of permission. This will be more efficient. Upon submission, there is a 45-day statutory period for compliance. If amendments are needed, we submit them, initiating a second 45-day period. This process is regulated by state law.

**Note** Mr. Bayne suspects they'll have a comprehensive call with Coastline Consulting over the next 10 days, and then they'll report back at the next meeting.

## **17. Establishment of a BPBCA Endowment/Charity Fund (Bill Bayne/John Cellino)**

**Note** Mr. Bayne referred to the Foundation of Eastern Connecticut, which professionally administers more than 600 endowment funds across approximately 30 to 40 communities in this region. Lauren Prada, the Director of Development, is an expert in establishing such funds. She expressed surprise at our lack of an existing fund. The objective is to explore the creation of an endowment fund to foster member contributions.

**Note** Mr. Bayne clarified that donations can be made, or fundraisers held, which go into a professionally managed fund that is sanctioned and insured. Typically, there is a 70-80% return over 10 years. The managers are compensated by taking 1.5%, resulting in a net gain of 4-6% on the investment. The Board of Governors has the authority to set rules for the fund's use at Black Point, including total or partial usage and limiting withdrawals to a certain percentage of the balance.

Donations, property, or inheritances given by individuals go directly into the fund. Contributions are acknowledged, tax-deductible, and the process is largely automated through their website. As professional endowment managers handle the fund, there is no need to reinvent the wheel. Eligibility extends to quasi-municipalities; it is not restricted to non-profits.

**Note** Mr. Bayne's objective for tonight is to initiate action based on the comments from the public report. Lauren Prada is also willing to join us for a video call to delve deeper into the details. She's exceptionally knowledgeable, intelligent, and experienced, serving as his guide during the recent weeks of research.

**Note** Mr. Schepker pointed out a particular situation where members of the Association could use their personal and professional experiences with foundations to assist in this project and asked people to step forward if they can help with this project.

## **18. Introduction of a Capital Contribution Fee on the Purchase of BP Property (Bill Bayne)**

**Note** Mr. Bayne discussed how an entrance fee for new property buyers could contribute to the community's investments and reduce pressure on assessments.

**Note** Mr. Bayne explained that many associations, such as homeowner's associations and neighborhood associations, require an entrance fee when you sell a property. If someone purchases a property in an association, they are expected to pay this fee, which can be calculated as a multiple of the annual fees paid by members, a flat fee, or a percentage of the purchase price.

This is not considered a tax, but rather a contribution towards the investments made by members in maintaining, enhancing, and improving the assets enjoyed by residents of the community. It may vary from a few hundred to several thousand dollars depending on the specific association.

**Note** Mr. Schepker said they should find out if any of the other beach communities have something similar in place.

**Note** Ms. Chapin expressed her interest in hearing from Laura Prada. In her opinion, foundations and endowments should maintain a distance from government involvement. They should be managed separately, without intertwining with governmental affairs. Such foundations are present throughout the community, such as the library or Oswegatchie. She'd like to hear how we can do this appropriately.

**Note** Mr. Bayne said he will see about facilitating a meeting.

## **19. Men's Club (Rick Diachenko)**

**Note** The Men's Club had nothing to report.

## **20. Women's Club (Jocelyn Williams)**

**Note** The Women's Club had nothing to report.

## **21. Wrecking Crew (Jim Allen)**

**Note** see attachment.

 [08\\_22\\_2024\\_BOG\\_WC\\_Report.docx](#)

**Note** The Wrecking Crew supplied the attached and had nothing further to report.

## **22. FOIA Presentation (Russell Blair) 8/28/24, 6:00pm, Clubhouse**

**Note** Mr. Schepker reminded everyone that the FOIA presentation with Russell Blair is going to be here at the Clubhouse on August 28th, at 6 o'clock, and encouraged everyone to attend.

## **23. Further Public Comments**

### **23-1. Rama Goyal of 16 East Shore**

**Note** Ms. Goyal said she recently wrote a letter, about her and her husband's concerns about damage to their fence due to the cars and golf carts parked along their fence. As the letter was not received Mr. Schepker asked that she resend it, and her comments led to a general discussion about better signage and how the golfcarts might be parallel parked in a way that better ensures the likelihood of no damage.

**Note** Mr. Schepker said they will take a better look at this situation.

### **23-2. Colleen Hayes of 20 Sea Breeze**



**Note** Ms. Hayes said when she had a co-op in New York, it operated under the rule that if you sold your property, they would take a small percentage of the difference between your purchase and sale price. However, you were allowed to deduct any capital improvements from that difference before paying back the co-op.

**Note** Ms. Hayes said in terms of the estuary gateway initiative, perhaps the Kids Club could help fund some of the project along with the Association. They might be able to do a fundraiser but she's not sure if legally, the CLUB could use it.

### **23-3. Alice Baril of 17 Sea View**

**Note** Ms. Baril asked for further clarification about the entrance fee for new property buyers which Mr. Bayne expanded upon. They discussed the proposal to allocate funds specifically for the maintenance of community assets and ensure they are not repurposed.

**Note** Ms. Baril said in terms of the parking of the golfcarts by the fence, a physical barrier makes sense.

### **23-4. Cheryl Colangelo of 39 Whitecap**

**Note** Ms. Colangelo discussed how she's been unable to access the Whitecap parking lot three times this summer, how sharing it with boats can be problematic, and the need for better parking management.

### **23-5. Mary Ellen Connors of 50 Indianola**

**Note** Ms. Connors suggested extending the hours for lawn mowing and construction noise to accommodate weekend residents.

### **23-6. Jim Fox of 15 Blue Heron**

**Note** Mr. Fox discussed how the construction rules and hours are directly from our Zoning regulations, how construction hours vary by the time of year, and the need to have any rules align with the Zoning regulations.

### **23-7. Leslie Doherty of 42 Nehantic**

**Note** Ms. Doherty commented on the fishing hours and dog regulations on the beach, and suggested adjustments for seasonal changes.

## **24. Adjournment**

**Decision** MOTION (5)

Ms. Chapin moved to adjourn the August 22nd, 2024, BPBCA BOG Meeting at 8:29 p.m.

Ms. Garrow seconded the motion.

Motion carried, 7-0-0.

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

## Task Summary

### New Tasks

**Task**  Mr. Moffett discussed installing concrete curb stops and how the cost would be around \$700 for 11. He will present a proposal at the next regular meeting.

*Owned by Jim Moffett, Association Manager due 09/26/24*