

POINT O'WOODS ASSOCIATION, INC.

**BOARD OF GOVERNORS' ANNUAL MEETING 6/4/2016 6:00 PM
Old Lyme Middle School, Old Lyme, CT 06371**

APPROVED MINUTES

Type of Meeting: 2016 Annual Meeting

Secretary: Jean Smith

Treasurer: Roy Johnson

Board Attendees: Carl Filios, Wayne Buchanan, Fred Callahan, Mike D'Aquila, Beth Kelly, Bud Phelps, Jennifer Reyes, Pete Roberge

Guests: Attorney Brian Estep, Conway, Londregan, Sheehan & Monaco, P.C.

Carl Filios called the meeting to order at 6:06 PM and established that there was a quorum.

Women's Club: Women's, Club co-Presidents Danne Pineo and Jan Tonucci reported on The Recognition Walk. Phase 1 installation, which has begun at the ramp walk from the parking lot to the pavilion. Applications are being accepted for the 2nd phase of the project. Women's Club Activities are listed in the call of the annual meeting and will be on the website soon. An additional event is the Essex Train and River Boat excursion planned for 8/8/16. The first meeting of the Women's Club will be held at 16 Oak Rd, on 6/24/15 at 7:00 PM. A welcome back social will be held at the pavilion 6/26/15.

Minutes: Roy Johnson, 21 Connecticut Rd, noted a spelling correction of 'capitol' to 'capital' on page 6 Treasurer's report also page 8, phrase "he could speak to" should read, "he could not speak to". Jean Smith, Secretary, reported spelling correction to Old Lyme in the title. Roy Johnson motioned to accept the minutes of the 2015 Annual Meeting (June 6, 2015) as amended, Mike D'Aquila seconded. A vote was taken of the property owners, the motion carried.

Commissioners Reports: Carl Filios stated that Point O'Woods runs mostly on volunteers and recognized several for their contributions.

- First were those who put together the Annual call: Lorraine Gibson, Mary Lee Pimentel, Lauretta Johnson, Ronnie Levine, and Marilyn Stitham.
- Three members of the Nominating Committee: Rosemary Breen, who served an extra year, Lucy DiNardi and Lauretta Johnson.
- Mr. Filios recognized Mike D'Aquila, who is retiring from the Board as Roads Commissioner.
- He announced that Pam Spadaccini, a year round resident on Connecticut Rd, is now operating our administration office. He recognized Marilyn Stitham for handling the mail, communications to Board members and other key activities needing attention during the off season months the office was closed.
- Since Norman Stitham was not present, Carl Filios also presented Marilyn with a plaque recognizing Norman Stitham for his many years of dedication and volunteerism including establishing and running the Library and publishing the WAVE for the enjoyment of many Point O'Woods owners and visitors.
- Mr. Filios recognized Jean Smith for keeping the administration going while we have been working to find a person who is a good fit for the office position. In addition, he commented on the extra things she does to fill the gaps and help the BOG operations.

Carl Filios commented that there are even more volunteers and asked property owners to let him know if there are others to be recognized.

He referenced the commissioner reports in the annual call and highlighted continued technology improvements, including database improvements that help streamline processes, and parking lot re-surfacing. He noted the loss of Norman Emerson a long-term friend and neighbor who was heavily involved in the community. He mentioned that Point O'Woods is involved in 2 law suits and expects at least one to be resolved in a few months.

WPCA: Richard Hrinak reported on the actions of the Point O' Woods Water Pollution Control Authority whose mission is to maintain the sewer system and manage the loan payment. There will be no increase in fees this year. The grinder pumps have presented problems. Rick Frascarelli and Tom Cretens have been invaluable in addressing these problems and avoiding costly outside service expenses. They even answered the call on Christmas day to replace a pump. He mentioned that most of the grinder pump failures were due to not heeding the "Do Not Flush" guidelines. He urged property owners to heed them and inform their guests and tenants to do so as well. An event will cost the homeowner \$1200-\$2200. He also suggested that if a property owner has a construction project, get informed about the impact to the sewer system during the planning phase.

Ratify the actions of the Board of Governors: Beth Kelly motioned to ratify and approve all actions undertaken in the name of the Association by the Board of Governors and Officers during the fiscal year 2015-2016. Pete Roberge seconded the motion. There were no questions from the property owners. A vote was taken, the motion carried.

Agenda Discussion: Carl Filios had received a request to alter the agenda to allow the vote for Governors earlier in the meeting. Michelle Morin, 6 Massachusetts Rd, pointed out that if we did that, we would no longer have ballots and could not restrict voters to only property owners. The possible agenda change was abandoned.

Treasurers Report: Roy Johnson reported that association's 2015-2016 financial status is good, we had a clean audit and we are improving our capital position to address future anticipated large expenses. Summary data was included in the annual call mailing and if anyone would like the full detail they can contact the office. He noted that there were 2 mistakes in the report that went out in the Call that didn't affect the budget or mill rate. Correction pages are available in the lobby or contact the office.

Total income for FY 2016 is projected to be below the plan due to lower rentals; recreation activity fees; and tax income was down due to tax-exempt properties and delinquencies which were higher than recent years. Delinquencies have been reduced from 25 to 6 at this time. Expenses, however will also be below plan due to the closing of the office off-season, landfill charges below plan, security billing issue, low oil prices and no grounds wireless service.

For fiscal year 2016-2017 the budget proposal reflects \$437,104 income, \$380,028 expenses and \$82,000 capital appropriation with no change in mill rate of 2.39. Key expense increases are for insurance, attorney fees and grounds payroll.

There is about \$623,000 in the bank now and it is anticipated to be \$650,000 at the end of next year.

Mr. Johnson presented a description of restricted and unrestricted funds. The target unrestricted reserves is set at \$700,000, about two times the annual expenses.

Donna Johnson, 99-1 Hillcrest Rd, asked about what happens if a budget line item is exceeded i.e., are property owners notified or is there a need for a vote. Roy Johnson replied that the contingency is available to cover that. Carl Filios commented that the financial statements are reviewed and financial status discussed at each BOG Monthly Meeting and it would be reflected in the minutes.

Rita Sulick, 21 Sargent Rd, asked about the non-taxable properties. Roy Johnson responded that there is a property in Hillcrest Rd owned by a religious order and some property in the Old Lyme Land Trust.

Beth Kelly motioned to accept the budget as presented, Bud Phelps seconded. A vote was taken, the motion carried.

Levy a Tax: Mike D'Aquila made a motion to set the mill rate for 2016-2017 fiscal year at 2.39 based on assessed value at the Old Lyme Assessor's office to meet expenses provided in the approved 2016-2017 budget, such taxes due August 1, 2015. Pete Roberge seconded. A vote was taken of the property owners, the motion carried.

Proposed Ordinance Changes: Wayne Buchanan, representing Faith Weiss (Ordinance Commissioner) presented 3 ordinance revisions:

Chapter 3, Acts of Nuisance, Section 2- Signs: Board proposes a change to the ordinance to stipulate that contractor signs have the same requirements as real estate signs. New language:

"Section 2. The posting of bills, placards, or advertisement upon any building, wall, fence, post, vacant lot Right of Ways or other Association property is not allowed.

The following signs are allowed:

(1) Real Estate Signs "Open House", "For Sale" or "For Rent" and Contractor signs are allowed during the term of the listing contracts or construction project. Such signs shall not exceed four (4) square feet in total and only one sign allowed per owner's property.

(2) "Tag Sale" signs are allowed for the day of the sale and the day before the sale."

Mike D'Aquila motioned to adopt the new language, Mary Lennon, 48 Ridgewood Rd seconded. Lou Patria, 51 Seaview Rd, asked if "For Rent" signs were allowed to stay up year round. The answer was ...yes they can be up year round.

A vote was taken, the motion carried.

Title VII, Financial Controls, Section 1 & 3: Board proposes that limits for check signatures and competitive bid requirements be raised from \$5,000 to \$7,500. New Language:

"Section 1. All expenditures will be made by check and require two signatures: 1) the President or Vice President, and 2) Treasurer, for amounts in excess of \$7,500.

Section 3. All expenditures over \$7,500 will require that at least three competitive bids be solicited. Where possible, local contractors are to given preference and the bids are to be from the same written bid specification."

Shelagh Smith, 12 Champion Rd, motioned to adopt the change, Dick Hrinak, 85 Hillcrest Rd seconded. Shelagh Smith pointed out a typo. Shelagh Smith moved to accept the amended language, Dick Hrinak seconded. Tracy McCarthy, 35 Massachusetts Rd asked why the Board proposed this change. Roy Johnson, Treasurer indicated that the auditor recommended the signatory change, that the limit was established over 10 years ago and the cost of goods and services has risen so it is more difficult to do business in a timely manner.

A vote was taken, the motion carried.

Chapter 3, Acts of Nuisance, Beach section 10: The existing ordinance prohibits bathing, swimming and fishing in the Three Mile River. This is not enforceable since it is in conflict with the Public Trust Doctrine, which states that all coastal states hold the submerged lands and waters waterward of the mean high water line in trust for the public. Point O'Woods can only regulate and enforce actions and acts on their property above the mean high tide

line. Mr. Buchanan presented charts depicting the areas under discussion and designating where fishing would be allowed under this proposal. The intent of this language change is to comply with the Public Trust Doctrine while allowing safe water activities and clarifying Point O'Woods ordinances that are enforceable. Proposed language:

“Section 10. Fishing from the first POW bridge over the boat channel, at the eastern end of the Three Mile River, is prohibited between the hours of 9:00 AM and 6:00 PM and from the footbridge over the channel at all times, from June 25 to Labor Day. Swimming in the boat basin, creek and channel adjacent to the jetty is not a safe practice and is not recommended.”

Shelagh Smith, 12 Champion Rd motioned to adopt the proposed ordinance, Mike D'Aquila, 7 Connecticut Rd seconded.

Tammy Ward, 35 Massachusetts Rd, asked if fishing is allowed at anytime from the concrete platform along the bulkhead. Mr. Buchanan confirmed...Yes.

Ken Russell, Ridgewood Rd, asked why fishing was allowed on the 1st bridge over the boat channel on Champion Rd but not the Footbridge. Mr. Buchanan stated that the Champion Rd bridge has high pedestrian and boat traffic from the boat basin during the day.

Pete Roberge, 48 Hough Rd, asked why fishing was allowed from 1 bridge and not others. He felt there should be no fishing from any bridge.

Thomas Gworek, 3 Seaview Rd, commented that any fishing off a bridge or jetty was unsafe. He commented that the swimming language should be stronger than “not recommended” since swimming in the creek was outright hazardous.

Bill Griffin, 7 Champion Rd, stated that the top of the jetty was never under water, so it is POW property. Also commented that boaters need to be reminded that the “No Wake” zone goes to the end of the swim lines.

Shelagh Smith, 12 Champion Rd, stated that she agreed with Mr. Griffin that the jetty and concrete platform are above the mean high tide. However, if we were to accept that they were under the public trust, how would we enforce boaters from the general public from coming in and tying up to them? She suggested we get legal advice. Mr. Buchanan stated that although the public could come up the creek, they could not tie up to Point O'Woods private property.

Donna Johnson, 99-1 Hillcrest Rd, described her belief that a no-fishing ordinance on the concrete bulkhead platform above the Three Mile River would be enforceable. She concludes that it is not subject to CT Public Trust Doctrine. Mr. Buchanan said that the BOG agrees that the platform it is not subject to the public trust and the current BOG recommendation is only trying to restrict fishing from the bridges for safety reasons.

Michelle Morin, 6 Massachusetts Rd, commented that fishing is one of the fun, memorable things for kids at Point O'Woods and should be encouraged.

Richard Burlingham, 16 Walnut Rd, commented that in the past the jetty had been fenced off to keep fishing from the jetty and it could be explored as a possibility again. Mr. Buchanan said that reducing access to the jetty could be explored and requested it be put on the June BOG meeting agenda.

Jeff Cassarotto, 35 Connecticut Rd, you may not be able to restrict swimming in the boat basin but you can restrict access to it.

Roy Johnson, 21 Massachusetts Rd, proposed an amendment stating that all bridges should be treated the same and the top of the jetty should be treated the same as the footbridge with no fishing 9:00 AM-6:00 PM between June 25 and Labor Day.

Eleanor Bonafonte, 10 Hough Rd, proposed an amendment to change the language to "Swimming in the boat basin, creek and channel adjacent to the jetty is not a safe practice. Swim at your own risk". Tammy Ward, 35 Massachusetts seconded the motion.

Julie Zyla, 98 Hillcrest Rd. commented that youth might be encouraged to swim if warned not to.

Dave Tousignant, 4 Hillcrest Rd, asked if people accessed the creek from boat ramp or jump off a boat, who is liable. Mr. Buchanan responded that it is difficult to enforce no-swimming in Boat basin due to public trust.

Bill Griffin, 7 Champion Rd, called for a vote. He moved to vote on the original motion. Mr. Buchanan stated we needed to vote on the amendment first. He read the amended proposal for the vote. "Swimming in the boat basin, creek and channel adjacent to the jetty is not a safe practice. Swim at your own risk". A vote taken: 42 in favor and 43 opposed. The amendment was defeated.

Mr. Roy Johnson, 21 Connecticut Rd, was about to restate his previous motion when William Griffin, 7 Champion Rd, called for a vote (Call the Question), Dave Tousignant, 4 Hillcrest Rd. seconded. Mr. Estep, Point O'Woods attorney, advised that a 'call the question' ends discussion. A vote needs to be taken.

A vote taken on the proposed ordinance: 37 for the ordinance, 55 opposed, the ordinance change failed. The current ordinance, which is not enforceable, remains active.

Appointment of Officers: Beth Kelly moved to authorize the Board of governors to appoint and remove officers for the protection of the Association, Pete Roberge seconded. A vote was taken, the motion carried.

Election of Governors: Carl Filios explained that there are 3 open positions on the Board and 4 candidates on the ballot, two of who are current members of the Board. Candidates introduced themselves:

- Mike Aron, 101-1 Hillcrest Road is a physician at St. Francis Hospital and faculty member at UCONN School of Medicine. He has been at Point O'Woods for 13 years and been involved in a broad range of volunteer work.
- Donna Johnson, 99-1 Hillcrest Rd, has been at Point O'Woods since 2004. She has a degree in Finance and Real Estate and an MBA. Her background is in commercial real estate and includes experience with negotiations and legal aspects of property issue.
- Pete Roberge, 48 Hough Rd, is well recognized as a Board member having served as Roads Commissioner and Boat Basin Commissioner.
- Ken Russell, Ridgewood Rd. spoke on behalf of Faith Weiss, the current Ordinance Commissioner. He has known her for over 13 years and her family has been at Point O'Woods for many generations and she can speak from a lifetime of Point O'Woods experience.

Carl Filios gave voting instructions. The results of the vote include the new/continuing members:

- Pete Roberge
- Mike Aron
- Faith Weiss

Fred Callahan moved to adjourn, Pete Roberge seconded. The motion carried the meeting adjourned at 7:35 PM. Respectfully submitted, Jean Smith