

Point O' Woods Beach Association  
Regular Board Meeting  
December 7, 2007—7:00 P.M.  
Phoebe Griffin Noyes Library  
Old Lyme, CT 06371

Meeting was called to order at 7:08 p.m. by President Laura Nalesnik.

Members Present: Laura Nalesnik, Fred Callahan, Bill Lacy, Kathy McKeough, Mark Peterson, Mark Stankiewicz  
Absent: Beth Kelly, Brian O'Brien, Harry Ritson

Laura Nalesnik introduced Mary Ann Ruud, the newly hired secretary. Laura Nalesnik asked if there were any changes or additions to the agenda. Since there were none, the agenda was accepted as is.

Citizen Speak:

Richard Burlingham of 16 Walnut Road stated a resident on the corner of Walnut and Oak Roads was pushing leaves down the hill and on to the road. It has remained this way for a month. Bill Lacy said Norman had brought this to his attention and they are taking action to correct the problem. On a separate issue Mr. Burlingham had a concern about two septic systems that were out of compliance and wanted to know their status and whether they were year around properties. Kathy McKeough identified the one in violation as Bill Thompson's property. Discussion followed regarding year around use and the use of septic. There was then a question as to whether it was a septic. Kathy McKeough stated Mr. Thompson had the system tested after the summer and is awaiting the results and documentation. She has followed up with him four times and had received the same response from him on 12-7-07 that he is still awaiting the results. She confirmed he has a cesspool, the test would confirm whether or not it is polluting. It was suggested that he have a deadline to provide the required documentation because of the lack of response. Bill Lacy suggested he be fined because of the \$125 a week fine for not pumping a septic, the same should apply in this case. Kathy McKeough agreed to send a letter with a January 15, 2008 deadline with subsequent fines to follow for lack of compliance. Laura Nalesnik suggested that Kathy also bring this to the attention of the WPCA since it is their responsibility to get resolution even though the board handles the administration of the pumping ordinance.

Bill Lacy inquired the status of the over all compliance of the septic tank draining. Kathy McKeough stated it was very good.

Charlie Cipolla of 50 Connecticut Road said the right-of-way going down to the beach was done properly on very difficult terrain and that there was no alternative to what they did. There was a discussion about the steepness of the stairs, the need for railings (which will be installed) and it was decided that Mark Peterson would look into the situation.

Fred Callahan joined the meeting at 7:30.

Women's Club: Tammy Ward was absent, no updates.

Correspondence: Laura Nalesnik received 13 more surveys for the WCPA. One was opened inadvertently because it was thought to be a landscaping bill.

Secretary's Report: Laura Nalesnik asked if there were any changes to the November 16, 2007 minutes. One change was made on page two paragraph three, the word "considering" was replaced with "approved" concerning the tabulation of the surveys. The second change was to the numbers for the survey response which were: #1 no 186, #2 no 122, #3 no 194. These changes were explained in a letter to the WPCA. Kathy McKeough pointed out a spelling error on page two, paragraph two of Jim Mattern. Kathy McKeough brought attention to page three paragraph three, Grounds/Maintenance, that it should read that Mark Stankiewicz would be following up on the pitch of the stairs. Laura asked for a motion to accept minutes as corrected. A motion was made by Mark Peterson to accept the minutes as amended. Mark Stankiewicz seconded the motion. So voted. Vote was unanimous.

Treasurer's Report: Mark Peterson distributed a Summary Balance Sheet as of November 30, 2007. He stated that the budget item of provision for asset replacement was not in the report as of yet. He will do this in the December financial statements. His December financial statement will also include a six month actual which will aid in

forecast and receipts for the year.

Mr. Peterson is concerned about having \$743,000 in cash. Some will be used for the WCPA but needs to investigate that. Fred Callahan questioned why boat slips were above budget. Mr. Peterson said the deadline was moved up in anticipation of Mr. Ritson's convalescence. Bill Lacy inquired about the status of the request to receive money from the town. Mr. Peterson requested \$3000. All the guidelines were followed in requesting the funds. Mr. Lacy expressed gratitude in his diligence in the matter.

Mr. Peterson has requested a waiver from the town to dump leaves. It was said if this were being done with combination license plates rather than with commercial there would not be an issue. Mark Stankiewicz said Jeff had found a place to dump the leaves for \$20.

Bill Lacy inquired about signs being turned or reversed. Fred Callahan had said it was the snow fence and had told Jeff that it needs to be put up. Jeff had said he would do so, but it was not yet up. Also, the bill for it has not been received.

Mark Stankiewicz inquired about the ability to insulate the large maintenance building. Mark Peterson said that had never been approved. The smaller building had been insulated to use during inclement weather last year. It was advised that Jeff request it be put in the budget for next year if he is interested in having that done. Mark Stankiewicz would advise him of this.

Bill Lacy inquired about the \$743,000 being used on the sewer project. Mark Peterson said that no decision had been made on those dollars and no decisions would be made concerning those dollars until the board meets again.

Communications: Laura Nalesnik reported that she is organizing the paperwork concerning Stanhope Beach and will be sending it over to Attorney Thomas McGarry. The goal is to have this resolved by May 1.

January 1st the roads in the community must be closed for one day for it to remain a private beach. Bill Lacy has arranged this event with staff to act as guards to only allow residents in. Mark Stankiewicz will be taking care of the notice to be published in the New London Day Newspaper.

Beach: Fred Callahan reported that the trash cans had been taken away but told Jeff that they should be returned to allow people to dispose of the trash appropriately. The snow fence is in Waterford and Jeff had said he would have it up this week.

Boat Basin: Harry Ritson was absent. Mark Peterson reported that \$7,040 had been collected for slips. It was agreed a plant should be sent to Mr. Ritson wishing him a speedy recovery.

Grounds: Brian O'Brien was absent. Laura Nalesnik reported the inventory was done and that Jeff was doing fine.

Ordinance: Kathy McKeough reported that the fence ordinance should not be changed but recommended guidelines that the board could refer to for exceptions. Following discussion concerning her proposed guidelines it was agreed that she would finalize the guidelines and send them to all board members. These guidelines would also be published in the spring mailing from the board.

Bill Lacy suggested not giving parking permits to those that had outstanding parking tickets and a better system was needed to collect for the tickets. It was suggested that the license plate information be entered into the database this year to better enforce and collect on the tickets.

Recreation: Beth Kelly was absent.

Roads: Mark Stankiewicz said Jeff would remove any snow as efficiently as possible.

Security: Bill Lacy reported that four trailers remain at Anderson Park despite the vote to not allow them at that location any longer. He said he would have them removed at some point.

Nomination: Laura Nalesnik inquired as to whether Mark Peterson, Kathy McKeough and Bill Lacy would be interested in running for election in June. Mark Peterson and Kathy McKeough stated they needed time to think it over. Bill Lacy said that he would seek a position.

Federation Report: Fred Callahan's name was submitted to the Federation as a member from POW.

WPCA: Kathy McKeough reported that the POW Board had been at the WCPA meeting the previous week but recapped that meeting. Attorney Norbert Church's opinion was that it was reasonably probable that houses could eventually become year round. Appraiser Chris Kerin gave a verbal report of a \$50,000 increased appraised value for all properties, and the written report will be furnished on December 14th. Jack Harney and CDM think \$10.5 million was a reasonable cost for the project. DEP had approved funding. Residents will pay by usage. Easements may be needed on those properties that will require grinder pumps. Those residents will be offered consideration, which is yet to be determined. POW will own the grinder pumps. The next WCPA meeting is December 14 which will look at final report on the Appraising, benefit assessment will be worked on and a decision will be made on it. FAQ Addendum will be finalized. The grant has used \$101,825 since the end of October. The total spent is \$479,825.

Long Range Planning: Laura Nalesnik asked if a standard bench has been selected for the community. Mark Stankiewicz had a potential bench to present to Beth, if Mark Peterson agreed to it.

Unfinished Business: Laura Nalesnik inquired about the status of the WPCA website. Kathy McKeough reported that changes have been made to the site but there are presently technical difficulties but will speak to Bill Lacourciere about it.

She also said the eligibility issues for the boat basin is a winter project that she and Harry will be working on.

Laura Nalesnik reported the WCPA State transfer decision was put off until this month because the board requires more clarification and information. It had been determined that the President should be signing all contracts and authorization for expenditures and not Kathy Albridge, as had been done.

Laura Nalesnik reported that retrieving contracts and other material from the WCPA has been challenging and was told in some cases that she need not see particular contracts. She resorted to getting the materials through Attorney Mattern. Mark Peterson suggested charges for the retrieval of the material should be sent to the WCPA rather than the POW Board since the request for information was made to the WCPA. Laura Nalesnik reported there were many documents that should have been signed by the POW but had been signed by the WCPA. New attorneys had been hired, they are working together with the WCPA and the POW Board to identify and correct any inaccurate signatures on contracts and ratify them as needed. Mark Stankiewicz inquired if WCPA was notified to report to the board, what is the reasoning behind them not releasing the contracts to the POW board. Kathy McKeough reported it was a combination of factors that contributed to the problem. They being: Attorney Mattern claimed he would report to the governors, lack of communication, bad advice, and it slipping through the cracks. Bill Lacy stated this was unacceptable. A spirited conversation ensued about fault. Laura Nalesnik stated a letter will be sent to the WCPA with a line item of the problems and request to see all contracts. There will be no vote on the State Transfer at this meeting as advised by counsel until it is determined what has been signed and by whom. If there is no cooperation from the WCPA the recourse would be to re-evaluate the board's options. Kathy Albridge questioned whether current invoices be paid. Mark Peterson said invoices should not be paid until it is determined what is in the contracts.

The POW wants to ensure the sewer project is all done correctly and legally. The POW attorney and the WCPA attorney are in the process of exchanging information. Laura Nalesnik stated a public hearing is needed and that needs to happen when the community is here to be heard. According to our charter, meetings can only be held between May 1 and Oct. 15. There is a serious concern that the WCPA is not listening to the community. Kathy McKeough reported the WCPA will have a discussion of how it will go forward on Friday the 14th. Laura Nalesnik expressed concern about the time this is happening due to the community not being present and unlikely to attend. Mark Stankiewicz discussed that he does not see a guarantee that the WCPA will not go forward with a predetermined decision without regard of the public input. His involvement with the WCPA shows that they have decided to go forward with the expense being distributed among the home owners equally. He suggested new WCPA members be selected that are more receptive to the community. Fred Callahan agreed. Laura Nalesnik said that although the board has the right to remove WPCA members for cause, this was not what she was suggesting to resolve the situation at this time.

Peter Aldridge inquired as to how many contracts were inappropriately signed. Laura Nalesnik reported that she was aware of two contracts and several amendments to agreements, in addition to the state transfer payments. There may be others she is unaware of. She stated the board needs to resolve this to ensure the Association is

acting properly and legally. Peter Aldridge stated this was minor. Laura Nalesnik assured him that there was liability involved and that this was not minor.

New Business: Kathy McKeough asked about potential meetings during the winter. Laura Nalesnik said that although the next scheduled meeting was set for April 4, she could call a meeting with a three day notice. Also, if she wasn't available, she could designate someone on the board to run a meeting if necessary.

Motion was made by Laura Nalesnik and seconded by Mark Peterson to adjourn at 9:35 p.m.

Respectfully submitted,

Mary Ann Ruud

Secretary