

**\*\*\* MINUTES\*\*\***  
**Point O' Woods Beach Association**  
**Regular Board Meeting**  
**August 18, 2008—7:30 P.M.**  
**Phoebe Griffin Noyes Library**  
**Old Lyme, CT 06371**

Meeting was called to order at 7:30 p.m. by President Laura Nalesnik.

**Members Present:** Laura Nalesnik, Mary Ann Ruud, Fred Callahan, Susan Bookman, Kathy McKeough, Mark Peterson, Mark Stankiewicz, Beth Kelly, David Tousignant, Harry Ritson  
Attorney McGarry was also present.

**Agenda:** **Laura Nalesnik** requested to move the unfinished business of Stanhope to the first item on the agenda. To follow would be communications to the counsel. A correction to the agenda under secretary report should read July 23<sup>rd</sup> minutes not July 18<sup>th</sup>. **Kathy McKeough** requested that the discussion of golf carts be moved up so as to include Attorney McGarry. **Harry Ritson** requested benches be added to unfinished business. **Mark Stankiewicz** made a motion to approve the agenda as amended, seconded by **Mark Peterson**. So voted, vote was unanimous.

Attorney McGarry reported that a title abstract had been completed on Stanhope Beach. A title abstract goes back to the original land records to the Town of Old Lyme, which exceeds sixty years. It was determined Stanhope beach is owned by Oakridge. There are POW properties that have rights to that beach based on titles that indicate as much. Judge Hurley had judged that one would have to have an assessment of the property completed and demonstrate a benefit to it then rights would be granted to that property, which is what gave Filios rights to the beach. The law goes beyond this in Mr. McGarry's opinion and that any property on Stanhope Terraces or Stanhope properties in the town hall maps and was later annexed to POW would clearly have rights to use the beach. The Annexation Agreement of 1932 provides that a certain track of land was annexed into POW; this skirted the beach in this process. POW did buy four lots in Stanhope Terraces area, which could be argued provides use rights for the whole community. Those that used the beach unhindered and unchallenged in an excess of fifteen years could have a right to use the beach. It would require evidentiary documents, i.e. letters, pictures and the like to prove its use. A discussion about POW options and intentions followed this briefing. **Mark Stankiewicz** motioned a letter be drafted to POW Board from Attorney McGarry detailing his findings and supplemented with a letter from the POW Board to Mr. Grabowski, the President of Oakridge, stating that they have a right to the beach and community support of this right and would like to meet to discuss this prior to any legal action. **David Tousignant** seconded the motion. So voted, vote was unanimous.

**Kathy McKeough** reported that that the subcommittee on golf carts had developed possible solutions for golf carts. Golf carts are a privilege. Recommendations for next year are: 1) Proof of liability insurance, 2) yearly registration with a number issued that would have to be adhered to the side of the golf cart making it clearly visible 3) deny golf cart use if a registered cart has more than 3 violations in a season 4) Those that rent golf carts would not be permitted in if they do not meet POW standards on lights and insurance and home renters tickets would fall to the property owner if they go unpaid 5) Gas powered carts go faster and should be limited to 15 mph 6) Curb driving at night without the appropriate lights. An extra security patrol at random will be added to cut down on night noise levels and underage drinking. A discussion about the proposed golf cart suggestions ensued and decided these recommendations would require enforcement and tickets which require an ordinance change that would have to go before the public at the Annual Meeting. Kathy McKeough will communicate these suggestions to the public and invite the public to discuss these at meetings.

Correspondence from Attorney McGarry: Attorney McGarry distributed a letter from Carolyn Sirkin written to Attorney McGarry with an attached letter from the same individual to the Executive Director and General Counsel State of Connecticut Freedom of Information (FOI) Commission. The letter made three complaints: the failing to notify residents of a rescheduled special meeting 24 hours in advance. Attorney McGarry's investigation showed the original meeting of July 18<sup>th</sup> was cancelled due to the library closing, the first opportunity to reschedule was July 21<sup>st</sup> and a notice had been posted in an excess of 24 hours prior to that meeting and the Board had done as required. The second complaint was that the board had voted in executive session and whether nominations and appointments should be discussed in executive session. The Board had been advised by previous counsel to discuss nominations and appointments in executive session and Attorney McGarry felt that executive session was reasonably used to discuss its' candidates. No votes were taken in executive session. The third complaint was the use of paper ballots and its' members votes must be made public. . After some investigation Attorney McGarry determined he needed to further investigate this issue, although he did say the POW Charter allow for paper ballot votes at the request of any board member on any issue. The Board discussed the legality of paper ballots and the issue of Board members speaking to the public about what occurs in executive session. No decision on the use of ballots would be made until an opinion on there use was obtained.

The second letter from Carolyn Sirkin to the FOI complained that not all Board members were notified of the rescheduled meeting of July 23, 2008. Laura Nalesnik reported that she had notified all Board members at the same time immediately following rescheduling with the library and then posted it on the bulletin board. The letter also requested that the Board be required to provide a written apology, which Attorney McGarry said the FOI would not do. It was suggested and decided that the FOI would be contacted to conduct training on Freedom of Information requirements.

Harry Ritson reported that he would provide Attorney McGarry a draft of the newly approved boat basin ordinances for his review.

**Laura Nalesnik** reported that it was her intent to act on her resignation from the Board but that the resignation could not be accepted until a replacement was found. No one voiced an interest in becoming President. **Mark Peterson** moved to postpone for 30 days. **Mark Stankiewicz** seconded the motion. **Laura Nalesnik** abstained from the vote. So voted, motion was carried.

**Citizen Speak:** **Marilyn Stitham**, 49 Ridgewood Road, August 25 or the 26<sup>th</sup> is the deadline for the Wave.

**Dick Sagan**, 68 Connecticut Road, inquired whether the pumping of septic could be waived with the upcoming sewer project. A discussion took place and determined that it would remain enforced because it is not known how full a septic is until it is pumped and therefore could be full without the resident's knowledge. It would be impossible and unfair to determine who had and had not used their septic to grant waivers.

**Mary Lennon**, 48 Ridgewood, inquired whether the resident that had not pumped his septic for many years had ever been fined. A discussion as to whether an individual was ever fined followed and it was determined that he had not been fined. Mary Lennon asked why she should be fined if she doesn't pump. The Board said that her complaint is heard and he was not fined if he came into compliance which he did. **Mary Lennon** thought it was interesting that people from Oakridge were complaining about POW people using their tunnel without trespassing on their land. Laura Nalesnik reported that they no longer had a problem with that and were backing off their enforcement. Mark Peterson reported that the POW Security had talked to Oakridge security and that Oakridge's main contention was that they allow eating on the beach and POW does not which has caused POW people to go to their beach for that sole purpose.

**Jim Griswold**, 25 Champion Road, felt it was crazy to pump every three years when the town only requires it every six years. He stated that the septic were not polluting. He then went on to say that the Stanhope beach issue has gone on for 100 years and suggested sending two board members to go over to Stanhope find out what the problems are and stop the lawyers and solve these problems in a common sense manner.

**Laura Nalesnik** suggested that it be brought to the community to change the ordinance that requires they be pumped every three years. Those that need to be pumped every year should still have to pump every year. The resident would have to be hooking up to the sewer. **Kathy McKeough** agreed with this when the sewer project gets closer.

**Mark Peterson** reported that he had spoken to the Town of Old Lyme and that the water quality was very good despite all the rain.

**Charlie Cipolla**, 50 Connecticut Road, suggested a waiver be granted to pump septic that have to pump next year because they will pay \$140-\$150 in the next two years even though they are getting sewers in two years.

It was decided the WCPA would be asked about this and to bring it to the community at the Annual meeting if it was deemed an advisable action by the WCPA.

**Women's Club:** Tammy Ward was not present.

**Correspondence:** **Laura Nalesnik** reported she received a letter from Christine Pollio, 11 Champion Road, stating they will be dewatering the in beach area in the fall. There will be two discharge hoses going over the Champion Road, but will not interfere with traffic. The letter will be posted on the bulletin board and provided to the WCPA so they are aware even though it will not interfere with their work.

**Secretary's Report:** **Mark Peterson, Kathy McKeough and Susan Bookman** requested a correction on the July 23, 2008 minutes. **Laura Nalesnik** requested a motion to accept the meeting minutes as amended from July 23, 2008. **Mark Stankiewicz** moved to accept the minutes as amended. **Beth Kelly** seconded the motion. So voted, vote was unanimous.

**Treasurer's Report:** Mark Peterson distributed preliminary summary balance sheets for July 2008-2009. He will be turning over the annual report to the auditor around September and will be done before the statues require of Dec 31<sup>st</sup>. The liability insurance coverages that he sought turned out much higher than what he was anticipating. He will email the board the cost of this. He would like to increase liability to \$14 million dollars. There is a large balance in the bank right now but will not

remain that way with incoming expenses. **Mark Stankiewicz** moved to accept the Treasurer's report for July. **David Tousignant** seconded the motion. So voted, vote was unanimous.

**Beach:** Fred Callahan reported a dead skunk was removed from the beach. The Town of Old Lyme reported the water quality was great. A Charington 3000 was now being used on the beach, which is smaller and provides an ever better job because it goes deeper and removes smaller debris. The trash barrels are part of a regular rotation to be cleaned. The boardwalk is being cleaned.

**Communications:** **Laura Nalesnik** reported that a capable candidate to maintain the web site had been found for \$50 a month. The candidate did ask that only one person be the contact for the site, he could scan but would like to limit this, and he would need one week notice to post things. After a brief discussion it was determined best that the WCPA have their own site and be linked to and from the POW main page and list the WCPA calendar. It was agreed Drew Trott should be hired.

**Boat Basin:** **Harry Ritson** reported that an outside agency had measured the boats. Eleven were out of the boat basin they day they were being measured. Seven boats have been challenged. Harry Ritson bought a laser measuring device and will measure these seven boats with this device when they are out of the water. Jeff will do this in October. Everyone will get a letter notifying the owners the results of the measurements and any restrictions those owners may face if they were previously grandfathered in. Those that where not in the basin will get a letter stating they must be measured by October or risk losing their slip. Some problems in a basin are people are putting their boats in any slip that is open another problem is there is an individual that is fishing in the basin. The person has been told he is not permitted to do this and the person told Harry Ritson that it was free waters and they could not restrict it. Harry Ritson is going to contact the DEP and inquire as to the laws are but he could be fined on being a hazard to navigation.

Eleven boats will be re-measured by Jeff with the laser measurer. A discussion about impartiality took place and the process of measuring the boats. **Mark Stankiewicz** volunteered to help. The owner will or is welcome to be there when the boat is re-measured.

Harry Ritson asked that benches be purchased. A discussion on the type of benches to be purchased ensued. Harry Ritson moved to purchase composite benches. Mark Stankiewicz seconded the motion. Beth Kelly said she did not want them by the playground. It was decided that the benches for the other areas would be purchased based on the budget provided by the Women's Club. So voted, vote was unanimous.

**Grounds:** **Mark Stankiewicz** reported that Jeff is a certified sewer maintenance operations person and has taken two of three required test for the state certification which could be a valuable asset to POW. **Mark Stankiewicz** will be working with the Director of Public Works in Old Lyme to see if Jeff can just supplement plowing over the winter and the Town do all the major plowing. The plowing will not change the status of POW or cost any additional money, it is considered making a safety pass. It was requested that any sand they use over the winter be cleaned with a street cleaner in the spring. **Mark Stankiewicz** excused himself at 10:20.

**Ordinance:** **Susan Bookman** reported that septic letters would be going out soon. She is working with Harry Ritson on the new boat basin ordinances. There will be a September wedding on the beach. A Mr. Cassidy has been notified by the DEP that he must replace a retaining wall and is requesting the work to take place on August 26<sup>th</sup>. The Board agreed to this. It was proposed to suspend the hammer law in 2010 with the sewer project. A discussion about the effects of this ensued and it was decided to give the idea some thought.

**Recreation:** **Beth Kelly** reported that the season was nearly over. There was one movie, the golf cart parade and the Labor Day concert that remained. Anderson field was used all summer long. A discussion about whether the community had been surveyed about Anderson Field's future took place and it was determined this would wait until an engineered plan was developed.

**Nominating Committee:** Mary Lennon reported no one was interested in joining because of the treatment of the Board members.

**Roads:** **Dave Tousignant** reported that the repairs to the steps on the eastern most right of way were completed. Trimming around roads has been completed. Three contractors have looked at the hole in the bulk head and he should have their bids after Labor Day. Two road signs had disappeared and have been replaced. A stop sign has been knocked down. It was determined that a stop sign on Hillcrest was gone and should be replaced. A hole needs to be filled on Oak. The fence near the guard shack was rotten and has been removed to accommodate golf carts. Jeff is trimming trees and plans to cut more in the fall.

A discussion of right of ways took place. It was suggested that the right of ways have signs that read "pass and your own risk" or "Please enjoy this right of way." It was also suggested naming the right of ways.

It was requested that an inventory of braches near power lines be done so that it could be reported to CL&P.

**Security** : **Kathy McKeough** reported that extra enforcement is needed and requested extra shifts from 1 AM until 3 AM on random weekends and Labor Day weekend. It would cost approximately \$600 which she received support for from Mark Peterson.

A discussion of the guards' behavior took place and some inappropriate actions of some of the guards. **Kathy McKeough** said some of the guards there had been a problem with had been removed and that she would address the concerns with the guards.

**Federation Report**: **Fred Callahan** reported a need for the number of times the police had visited POW that summer so he can report it to the Federation. There is a concern that they do not come through enough. State Police had come in due to a sign being posted supporting a marijuana party.

**WPCA**: **Kathy McKeough** reported that a joint meeting had taken place. It was requested that a notice be sent to those that live near Anderson Park notifying them of the future staging area for the construction company.

**Long Range Planning**: No report due to the late hour of the meeting.

**New Business**: The use of Anderson Park being used as a staging area for the construction company completing the sewer project for 24 months with the requirement of liability insurance and subject to compensation or compensation in kind was discussed. In the discussion it was determined that the park would have to be improved not just returned. **Mark Peterson** moved to authorize the use of Anderson Park for 24 months subject to compensation or compensation in kind and the company having liability insurance. **Harry Ritson** seconded the motion. So voted, vote was unanimous.

**Unfinished Business**:

**Beth Kelly** called for a motion to adjourn; motion was made by **Mark Stankiewicz** and seconded by **Kathy McKeough** to adjourn at 11:10 p.m.

Respectfully submitted,

Mary Ann Ruud  
Secretary