

**POINT O'WOODS
BOARD OF GOVERNORS MEETING**

August 26, 2014

6:30 P.M.

Old Lyme Phoebe Griffin Library, Old Lyme, CT 06371

Minutes

Type of Meeting: Regular – Association Business

Secretary: Pamela Walters

Attendees: Carl Filios, Wayne Buchanan, Peter Roberge, Beth Kelly, Mike D'Aquilla, Roy Johnson, Jennifer Reyes, Fred Callahan, and Bud Phelps

Absent: Faith Weiss

Carl Filios called the meeting to order at 6:35 P.M.

Wayne Buchanan moved to appoint Pamela Walters as secretary, Beth Kelly seconded, and the motion passed.

Carl Filios stated that during Citizen Speak, speeches are limited to three minutes. Typically the board does not respond to requests at this point and reminded the citizen not to expect an immediate answer.

Citizen Speak:

Chris Dabrowski, 78 Connecticut Rd. commented that security has been outstanding this season. Very courteous and helpful. Champion road steps water faucet and drainage problem needs to be addressed by the board. Water build up causing a dangerous condition. She also would like to know what to do with the petition for the burned house.

Lorraine Gibson, 45 Connecticut Rd. also commented that security has been wonderful this season. She feels there is far too much fooling around with golf carts and it needs to be addressed. Also, the bridge from the ice-cream truck to the boardwalk is deteriorating and needs to be addressed. Kids are getting slivers. Bud Phelps has looked at the condition of the bridge and is trying to find a way to repair the bridge without replacing the entire bridge. Wayne Buchanan requested a definition of "fooling around". Lorraine stated that after dark kids were racing with golf carts in the road.

Bill Griffin, 7 Champion Rd wanted to inform the board of the demolition of the house at 113 Hillcrest, reconstruction over the winter. Plans to put up a temporary fence during construction, as instructed by the town as a requirement for safety. Peter Roberge wanted to be sure the fence is going to be installed on Mr. Griffin's property. Wanted to state for the record that the Griffin's do not own the right-of-way regarding the Thompson lawsuit. He feels the Board has a fiduciary responsibility to protect the right-of-way, as the apparent owner of the property.

With no other speakers – the citizen speak has been closed. 6:47

Approve Agenda: Fred Callahan would like to add an item under new business regarding the fund-raiser for Jeff Kiesh. Carl Filios added an item regarding the Seaview Rd right-of-way after the executive session. Agenda was amended with a motion from Beth Kelly, second from Mike D'Aquilla, approved.

Secretary's Report: The minutes from the July meeting have been posted and put on the website. Beth Kelly made a motion to accept the minutes from the July 22, 2014 meeting, and Bud Phelps seconded. The minutes were approved with no corrections or additions.

Treasurer's Report: POW Monthly Report summary from Roy Johnson. There were adjustments from last month's numbers. There are no outstanding bills for June, although there could be the addition of the storage unit charges. The bottom line indicates a net income of approximately \$80,000. We closed out the month of June with cash in the bank account, on target, at about \$350,000. Although operating at a \$29,000 deficit, ~~finances are in better shape than in recent years~~ for July, this amount is lower than the previous two years. August and March typically show a profit, while the rest of the year runs at a deficit. Roy Johnson is looking to budget on a quarterly basis. Roy Johnson also stated, that from a financial perspective, we are over budget on the insurance premiums. Wayne Buchanan feels that the insurance market is competitive right now and perhaps we should be shopping the service. Carl Filios stated that home-owners associations are not easily insurable. Given Point O' Woods shoreline location and nature of the insurance, it is difficult to get insured.

Discussion of insurance should be put on the agenda for next month.

Guest Presentation from Atty. Jeffery Londregan regarding Board Policies, Practices, and Issues that Board of Governors should keep in mind. Point O' Woods is a specialty charter association and designated as a quasi-municipality. The Charter details the powers that the association has. Under both the state statutes and the charter, there are also ordinances which creates the body of law that the association is going to use to determine how the association will run.

Actions and conduct of the board will follow Robert's Rules of Order for monthly and annual meetings of the board. Atty. Londregan suggests getting a copy of the latest edition of Robert's Rules of Order. Within the board, the president acts as the president of the board and runs the meeting. All members have to ensure that due process is followed. Allowing all those to speak that want to be heard. No predisposition until both sides have spoken, all given the opportunity to make their claim. Avoid conflicts of interest. All members, including the president can participate in the discussions, and can make, amend, and second motions, and vote. The only exception is where they have a conflict of interest.

The Freedom of Information is also a set of rules that must be followed as stated by the State Statutes. Fred Callahan asked if we are subject to municipal or governmental immunity. Atty. Londregan said it depends on the situation. Carl Filios asked if the changes in the statute should be tracked by the association. The attorney suggested that we are not equipped to keep up with the changes in state law.

Carl Filios thanked the community members for coming to the meeting.

Review of Open Business:

Adam's Fence and Walkway: Mike D'Aquilla distributed a quote to replace the fence. Peter Roberge has photographs of the fence before it was removed. The map shows the same placement. It was stated that at the last meeting the board voted to put the fence back where it was. Lance Brown, the general contractor for the Adam's construction, stated that he removed the fence to access the house. He claims that their intent is to protect the berm and proposed that the fence be moved to the bottom step to protect pedestrians and vehicles. Mike D'Aquilla to meet with all parties involved in the fence replacement regarding the vote made in the July meeting.

Peter Roberge's concern regarding the walkway, above the level of the road, is that it could be hit by a bicycle, car, pedestrian or plow. The first step is raised up at the edge of the road. Mike D'Aquilla has

proposed that the first step be removed and relocated to the right of the second step. Carl Filios's concern is someone walking straight down the steps may walk off of the edge causing a safety issue. Fred Callahan has concerns about the liability involved in having the sidewalk and stairs on the Point O' Woods property as the sidewalk is almost completely installed on Point O' Woods property. Lance Brown states that the house is land-locked and there is no way to access the house from the road. Peter Roberge moved that the steps have to end where the fence is placed. Bud Phelps seconded the motion. A vote by a show of hands indicate five board members in favor and three opposed. Motion carries.

Board member assignments: Carl Filios and Wayne Buchanan to explore the appropriate boards within Old Lyme where Point O' Woods should have a resident present at monthly meetings. Roy Johnson suggested that we post a request for a volunteer from one of our residents to attend and report on the activities of these various boards.

Debit/Credit Card: The credit card has been suggested for use by our staff members by the bank. Minutes have been emailed to Roy Johnson for proof as treasurer. Roy Johnson to follow up with the bank.

Golf Carts: There was a public act passed by the state, but not adopted by the town of Old Lyme. The golf carts requirements set forth by the state are not aligned with the practices at Point O' Woods. The public act does not apply to Point O' Woods as we are our own traffic authority. Issues with golf cart safety and nuisance needs to be addressed before next season.

Delinquent Tax Liens: No resolution or further action taken. Liens, after two years' time need to be recorded for a fee. Copies of the deed also need to be obtained. (Tax liens for less than two years – nothing needs to be written. Anything older needs to be recorded.) Roy Johnson recommended that we go ahead and file the liens for the three outstanding tax bills. Wayne Buchanan asked if this something that the board needs to vote on, and move forward with the attorney. The issue is to be put it on the agenda for next month.

Commissioner Reports:

Security: Fred Callahan requested that we send a thank you note to Old Colony Beach Club. We received a bicycle rack from Old Colony Beach. Pamela to create a thank you note for recognition of the gift.

Ordinance: current Ordinance Violation Appeal(s)

Wayne Buchanan is reporting on three ordinance violation appeals. The first appeal was a violation for cutting down a tree on June 25th, the first day of the Hammer Law. Mr. Reagan had a tree leaning toward his house and he had a service come out and cut the tree. He thought that was the last day to have the work done, not the final deadline. The committee recommended that Mr. Reagan file an extension and the fee be waived. Fred Callahan moved to remove the fine. Bud Phelps seconded. The motion passed. Suggested that the wording on the ordinance be better defined.

The second item is the Bassett family keeping a boat in the basin without appropriate registration. A \$75 fine was issued, and the committee recommended that the fine stays. Bud Phelps moved to keep the fine. Fred Callahan seconded the motion. Motion carries.

The third request for appeal comes from the Adams family for noise abatement, cease and desist, and a fee that was assessed on an hourly basis. The Adams family received six requests to stop, resulting in \$1500 in fines. The recommendation of the committee is to roll back the fee to \$250 because the language on the charter posted online was posted incorrectly. There needs to be clarification when a citation is given as to the terms of the infraction and the nature of the infraction. Bud Phelps moved that the fine be reduced to the one fee of \$250, Jennifer Reyes made the second. Motion passes.

New Business:

Stipend Committee Status: Wayne Buchanan, Roy Johnson, and Carl Filios spoke with the Old Lyme Stipend Committee, and presented actuals rather than a budget. The outcome is undetermined.

Determination of voter eligibility: Eligible voters at the annual meeting are in question. No vacant lots were listed, in addition to owners include “et als”, etc. List needs to be cleaned before next year. Atty. Londregan states that properties held by LLC or trustee get one vote only, unless they can produce documentation of the individual trustee(s). Roy Johnson suggested that this is a good project for winter work and return in March for a recommendation.

Insurance discussion: We have acknowledged that we under budgeted for the insurance policy.

Kayaks and paddle boards used in the swim area: There have been a lot of boats in the swim area, where they are not allowed. POW needs to post the limitation, and security to hand out violations.

Sign Ordinance Enforcement: We have not been enforcing the sign ordinance passed at the annual meeting. Enforcement will begin on September 1, 2014. The board discussed a means of notifying the realtors in town regarding the revised ordinance. Put a sentence in the call – ordinance available on the website, hard copies available in the office.

Stone retaining wall repair, Seaview right of way: Jennifer Reyes pointed out the trees growing out of the retaining wall. It is in serious need of repair. Bud Phelps suggested we patch it before winter. Jeff Kiesh and Bud Phelps are aware of the issue.

Discussion of the board regarding making a contribution to fund-raiser for Jeff: Fred Callahan stated that the board made a donation last year for Jeff Keish’s fundraiser. Since Jeff Kiesh is still working, the board decided to postpone this decision to a later meeting.

In the past the association has paid 50% of Jeff Kiesh’s health insurance premium. That premium recently increased substantially. Bud Phelps suggested that we increase this benefit to cover the additional cost of his insurance. Wayne Buchanan made a motion to retroactively increase Jeff Kiesh’s monthly payment for health insurance to cover 50% of his current premium. Seconded by Mike D’Aquila. Discussion included the possible need to vote on a transfer of monies from the contingency fund if needed. Motion carries.

Executive Session: Bud Phelps moved that the board go into Executive Session with the Association’s attorney to discuss threatened litigation against the Association by being impleaded into the case of Thompson v. Griffin, et al., CV 13 6018641, pursuant to General Statute Section 1-200(6)(B), strategy with respect to threatened claims or litigation involving the Association at 9:23 P.M., Mike D’Aquila seconded and the motion carried. The board returned from executive session at 10:00 P.M. No motions were made. No votes taken.

Revocation of the Thomson’s right to park on the right-of-way: No discussion, no action was taken.

Adjournment: Fred Callahan moved that we adjourn at 10:03 P.M. Bud Phelps seconded, the motion carried.

Respectfully Submitted,
Pamela Walters, Secretary