

# OLD LYME SHORES BEACH ASSOCIATION

## ANNUAL MEETING

Saturday, June 16, 2012

Annual Meeting of the Old Lyme Shores Beach Association was held at the Lyme/Old Lyme Middle School on Saturday, June 16, 2012, at 9:00 A.M. (E.D.T).

### 1. WELCOME, REMEMBRANCE OF PAST MEMBERS, and THANKS

Paul Rowean welcomed attendees to this very important meeting. He read the names of members of the OLS community who have died during the past year and asked for a moment of silence in their memory.

He thanked many members for their valued service to the Association, including:

- Sally Howley and Mary Finley for setting up and maintaining flower baskets at the beachfront
- Bud Smart, Bill DeRosa and George Finley for setting out the traffic barriers, painting the benches at the beachfront, and other chores
- George Finley for installing the mooring donated by Bill Hardy for use of OLS guests
- Julia Nixon for all of her hard work planning beach activities, selling T-shirts, etc.
- Maura Graml and her group for handling arrival procedures for this meeting

Paul R. reminded attendees of the two main purposes of this meeting: election of Officers and Board members and approval of the Budget.

### 2. INTRODUCTION OF INVITED GUESTS

Paul R. introduced the following: Doug Whalen, President of Old Colony Beach Club Association; Bill McCoy, OLS attorney; Glenn Santoro, Bond Counsel, Robinson & Cole; George Hicks, DEEP, State of Connecticut; Kurt Mailman, Project Manager, Fuss & O'Neill; and Matt Jermine, Engineer, Fuss & O'Neill

### 3. WASTEWATER TREATMENT - PUBLIC HEARING #2

#### A. Project Summary

Kurt Mailman summarized the Wastewater Study Report. Septic systems are generally inadequate and do not meet public health codes. Kurt reviewed the options and the reasons that our wastewater treatment choice should be a centralized sewer system discharging into a direct connection to East Lyme: more cost-effective than hooking in with Point of Woods; a more feasible solution and a requirement for the 25% State grant. The distance to the East Lyme connection is 10,200 feet. We must find a suitable site for a pump station, which is just a little bit bigger than a shed. Assuming that we share project costs with Old Colony, and assuming we get the 25% State grant, the connection to East Lyme should cost \$3.5 - \$5.3 million. Including other infrastructure improvements, total project cost per property owner could be \$28,000 - \$41,000. Other infrastructure improvements are not eligible for the 25% Clean Water Fund Grant. Each owner is responsible for the cost of hooking up to the system (pipe running from his house to the stub), estimated to be \$1500 - \$2500, depending on the features of the individual property. Additional expense to each owner is the annual usage fee of \$300 - \$400, to maintain the pipes.

At Point of Woods, CT Water Company paid for materials and Point of Woods paid for labor; we would hope for a similar arrangement. Underground electric wire installation would probably cost \$1.5 - \$2.5 million - OLS and Old Colony are looking into this - it would have to be a separate bond issue. Kurt estimated time for completion of the project to be approximately four to six years. If the project were to be voted down by the Association, possible outcomes could include beach closings and state-mandated wastewater improvements.

#### B. Bonding

Glenn Santoro, bond counsel from Robinson & Cole, briefly discussed the bonding process for the sewer project. OLS would enter into an agreement with the State for a 2% loan payable over twenty years. He also mentioned the Drinking Water Fund, a State program separate from the funding program for sewers (Clean Water Fund), also at roughly 2% interest.



### C. Questions and Comments

There were many questions and comments from the floor, including:

- (1) John Wertenbach (70 Sea Spray) requested and received from Paul Rowean and Fuss & O'Neill assurance that the pump station would not be located on his property.
- (2) Will this project solve OLS drainage problems? Paul Rowean said we had an engineering study done by Indigo Land Design and hope that Fuss & O'Neill will incorporate Indigo's recommendations into its plans. Kurt Mailman added some information on this subject regarding improvements in pipe materials.
- (3) Why can't we share a pump station with Old Colony? Kurt said this is a very good idea and could even be cost-effective.
- (4) Could we also include natural gas in our infrastructure improvements under consideration? It was pointed out that natural gas is not available in Old Lyme - no natural gas lines yet - but perhaps we could explore this matter further.
- (5) Jack Reynolds asked if there was any chance that other area beach associations might be interested in getting sewers - if so, perhaps we could recoup some of our costs if they hooked into our pipeline.
- (6) What happens when there is an electrical outage? Kurt explained that the pump station has a back-up generator, and that generator comes on once a week just to make sure it is working and ready to handle any emergency.
- (7) Who maintains the system? Kurt discussed the ongoing oversight and maintenance required to be handled by qualified personnel.
- (8) Dave Woolley asked if the ballfield could be used as a pump station site, and Kurt said the topography is not suitable.
- (9) What happens to septic systems, once we have sewers? They cannot be used; they must be disabled - crushed and drained, etc. - totally abandoned.
- (10) Are pump stations noisy? Paul Rowean said his tour of several pump station sites revealed no indication of noise problems. Kurt Mailman agreed, however he pointed out that the pump station generator is quite noisy, but it only comes on once a week.
- (11) When asked what the Association would pay to a property owner willing to have the pump station on his property, Paul Rowean said the proposal under consideration is to cover that person's cost - he would be exempted from his sewer system assessment.
- (12) Tina DeLeo pointed out that anyone concerned about how expensive this project is should remember that "our beach will be taken away from us," if we don't do this.
- (13) How often is our water tested? George Finley said once a week.
- (14) There is a good chance that the State would close down our beach, if we vote down this project.
- (15) Why such a wide range in cost estimates for this project? Kurt said this is because we don't know exactly what we will include - the scope of the project.
- (16) Do we know how much blasting will be needed? Kurt said no because we don't know exactly the extent of bedrock involved or what the groundwater situation is.
- (17) When would the 20-year payment program for this project start? Kurt said payment begins up to one year after completion of construction. Paul R. estimates cost per owner per year to be \$1400. Paul's acquaintance at Point of Woods, Bill LaCoursiere, says that no one at Point of Woods moved out because of sewer costs, average property value increase there was \$70,000 and everyone at Point of Woods is happy.
- (18) Paul R. defended the policy of charging each property owner the same amount (not based on property assessment), with the only difference being in hook-up cost, which depends on topography of the individual property.
- (19) Is the usage fee determined by a meter, or is it a set fee? Kurt M. said that this is determined by the OLS WPCA.
- (20) Bud Smart asked how do we pay. Paul R. said we'd probably do as Point of Woods does: pay twice a year to our WPCA, which then pays the State. Kurt M. added that there is a lot of latitude in this and other matters - many procedures are whatever we decide on.
- (21) In response to a comment about our roads being OK and not needing improvement, Kurt M. said we don't know exactly what needs to be done; it all depends on what we find as we proceed.
- (22) What if we don't approve the project now and the State later mandates that we must install sewers? Glenn Santoro said the costs would be greater, and we would lose the 25% State share of the cost.
- (23) Have we contacted AT & T regarding underground wires?
- (24) Paul R. called for a vote on whether we should pursue our inquiry into installation of underground cable for our utilities and the vote was in favor of doing so.
- (25) Paul R. said there will be a mailing to members before the August 11 vote to include a copy of the bond, for their perusal, and to update them on the costs of CL & P and AT & T improvements.
- (26) The cost of sewers, assuming we share the project with Old Colony, is currently estimated to be \$4.8 - \$7.1 million. How much closer to an exact price will we have by the time we vote on August 11?



- (27) Rosalie Zanoni warned people against believing that sewers and water are all they need to use their homes year round. Pipes need to be insulated or drained to prevent bursting, and there is much more that needs to be done to winter-proof a cottage.
- (28) A 51% vote is needed to approve the project.

#### 4. NEW VOTING PROCEDURE FOR OLS

Paul R. said we need to make it official that there can be voting at any Association meeting.

MOTION - that the Association is entitled to vote on any subject, except the Budget, at any duly-called meeting (legally announced and posted) - PASSED

Mr. Ching, before the vote was taken, suggested that issues to be voted on be announced in advance of the meeting (in the call to the meeting).

Regarding the Association vote on the Wastewater Project on August 11, our Bond Counsel Glenn Santoro has concluded from his extensive research that there can be no mail-in voting. Proxy voting is allowed; a member may designate in writing any person to be his or her proxy and this written proxy must be notarized. Reminder: one vote per household. A member could also give his proxy to the Board of Governors.

#### 5. COMMITTEE REPORTS (see hand-outs)

Hand-outs at this meeting provided updates from the various Board of Governors committees, including Beach, Drainage, Infrastructure, Snow Plowing, Security, and Beach Events.

Julia Nixon spoke about summer beach events, including 4th of July activities on June 30, Talent Show on July 14, Ladies Luncheon on July 26, and Carousel Night on August 4.

#### 6. ELECTION OF OFFICERS FOR 2012/13

Jack Thomas, Nominating Committee Chairman, presented the Board-approved slate:

Officers (one-year term)-President-Paul Rowean; Vice President-Jack Thomas; Secretary-Connie Gray; Treasurer-Sheila DeLutrie

Board of Governors (three-year term)-Paul Yellen & John Cunningham

MOTION - that the Secretary cast one vote to approve the slate as presented - PASSED

#### 7. TREASURER'S REPORT & APPROVAL OF BUDGET

Sheila DeLutrie presented the Budget proposed for 2012-2013. In comparing last year's budget and what was actually spent, Paul R. explained that major storms last fall resulted in increased beach cleaning costs, and the overage in WPCA spending will be deleted when we receive \$4000 the State still owes us.

Regarding a new line item of \$7500 for snow plowing in the proposed 2012-2013 Budget, Paul Yellen summarized the work of the Snow Plowing Committee, of which he was chairman. This committee consisted of representatives from beach associations, private developments, and the Town (selectmen, highway foreman), and met weekly from January to early March. Ultimately, the committee voted to continue to plow all roads, including private roads that request plowing and meet certain requirements. The Board of Selectmen, however, voted 2 - 1 to discontinue plowing private roads, ignoring 60 years of previous plowing experience. If there were an emergency, the town would plow a private road to enable emergency vehicles to enter. There is talk of the Town discontinuing trash collection on private roads and Paul Y. expects that will be the next service to go. However, Paul R. said he & Federation of Beaches President Scott Boulanger met recently with First Selectwoman Bonnie Reemsnyder, who declared absolutely that this will not happen.

The beaches provide 40-45% of the total tax revenue of the Town, for which we get very little in return. Should we consider secession from the Town??

MOTION - to approve the proposed 2012-2013 Budget and a mill rate of 1.8 - PASSED

#### 8. MEMBER ISSUES/OTHER BUSINESS

##### A. Thanks for Hard Work

At the suggestion of a member, there was a round of applause for the ongoing efforts and hard work of Officers and Board members on behalf of the Association.

**B. Golf Carts**

There was a complaint about a golf cart carrying ten young people and breaking all the rules. Paul R. reminded everyone that State law requires that golf cart drivers carry a CT license and operate only during daylight hours, and that carts be equipped with a horn and a flag. OLS rules include a ban on parking on our roads and at the beachfront, and require observance of our 15 mph speed limit. The Board of Governors does not support the use of golf carts on our roads.

**C. WPCA - Jim Zanavich**

Jim proposed approval of an ordinance establishing a Water Pollution Control Authority for the Old Lyme Shores Beach Association, Incorporated. He read the ordinance in its entirety and following this there was a hand vote of approval.

The meeting was adjourned at 11:15 AM.

Respectfully submitted,

Constance L. Gray  
Secretary



**RESOLVED: That the following ordinance establishing a Water Pollution Control Authority be adopted:**

**AN ORDINANCE ESTABLISHING A  
WATER POLLUTION CONTROL AUTHORITY**

SECTION 1: Pursuant to the provisions of Connecticut General Statutes Chapter 103 The Old Lyme Shores Beach Association, Incorporated hereby adopts an ordinance establishing a Water Pollution Control Authority for The Old Lyme Shores Beach Association, Incorporated.

SECTION 2: The Water Pollution Control Authority shall consist of seven (7) members, each of whom shall be an owner of real estate in The Old Lyme Shores Beach Association, Incorporated's territorial limits, to be appointed by the Board of Governors as follows: three (3) of said members shall be appointed for a term of three (3) years; two (2) of said members shall be appointed for a term of two (2) years; and two (2) members shall be appointed for a term of one (1) year. At least two (2) members of said Authority shall at all times also be members of the Board of Governors of The Old Lyme Shores Beach Association, Incorporated. All appointed member terms shall expire on June 30<sup>th</sup> of their last year's term.

The terms of the original members appointed to said Authority shall all commence on July 1, 2012 and all subsequent appointments upon said terms expiring shall be for a term of three (3) years. Any vacancy in the membership of the Authority shall be filled for the unexpired portion of the term by the Board of Governors. The President of The Old Lyme Shores Beach Association, Incorporated shall be a non-voting, ex-officio member of the Authority.

Promptly upon its appointment, the Water Pollution Control Authority shall meet and shall elect from its members a Chairman, Vice-Chairman, Treasurer and Secretary. Thereafter, at its first meeting after the Old Lyme Shores Beach Association semi-annual meeting each June shall elect from its members a Chairman, Vice-Chairman, Treasurer and Secretary.

The Authority shall fix the time and place of its regular meetings and provide a method for calling special meetings. The Authority may adopt rules for the conduct of its business and prescribe all necessary rules and regulations to carry out its functions. Any member may be removed by the Board of Governors for cause after hearing.

SECTION 3: The members of the Authority, except as noted below, shall receive no compensation for their services but shall be reimbursed for the necessary expenses incurred in the performance of their official duties, provided such expenses were authorized by said Authority. [Note, the Secretary and Treasurer of the Authority shall receive compensation in the same amount(s) as their counterparts on the Board of Governors.]

SECTION 4: The Water Pollution Control Authority shall have all the rights, powers, duties and obligations set forth in the Connecticut General Statutes, Chapter 103, et seq as amended.

SECTION 5: This ordinance shall become effective on June 16, 2012.