

From: OLSBA Secretary <secretary@oldlymeshores.org>

Sent: Sunday, October 27, 2024 7:55 PM

Subject: NOTICE: OLSBA Special Meeting for Sewer Project Vote on Saturday, November 9, 2024 at 10 a.m. via Zoom Only

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**Notice: Old Lyme Shores Beach Association Special Meeting for
Vote on the \$6.8M Supplemental Bond Resolution will be held on
Saturday, November 9, 2024, at 10:00 am via Zoom Only**

October 27, 2024

The President of the OLSBA hereby provides this written notice calling for a Special Meeting of the OLSBA to take place at 10:00 a.m. on Saturday, November 9, 2024, via Zoom only. The agenda, Zoom meeting credentials, and additional meeting materials will follow.

Please review the following important background information in advance of the November 9, 2024 meeting:

- o Recording of the entire October 23, 2024 Joint Meeting of the OLSBA BOG and WPCA which includes presentation from Fuss & O'Neill (OLSBA's engineering firm), the WPCA's Treasurer, and the reading of written responses to Frequently Asked Questions (FAQs) from our members: <https://youtu.be/d5kG9tJOJZg>

- o Fuss & O'Neill slides which were presented as shown in the recording of the October 23, 2024 Joint Meeting of the OLSBA BOG and WPCA. See link below. The written responses to the FAQs begin on Slide 34.
- o WPCA Slides "OLSBA Project Updates and Estimates for: Sewers, Roadway Enhancements, Stormwater Improvements as of October 9, 2024" sent to all members on October 10, 2024. See link below.

WHEN AND WHERE DO I VOTE?

The vote will take place on Saturday, November 9, 2024, via Zoom only. **If you are attending the meeting by phone only, you must send an email to secretary@oldlymeshores.org no later than 10 a.m. on Friday, November 8, 2024**, to obtain a unique identification code by which the Secretary will be able to authenticate your identity during the Zoom meeting so as to enable you to vote via your voice only.

WHAT IS THE VOTING PROCESS?

In accordance with our Charter, By-Laws and Connecticut General Statutes, voting at the Special Meeting will be conducted via Zoom as follows:

- Upon a proper motion and second, the President will call for the vote
- The Secretary will take a roll call of each voting member by house number and by street name (alphabetically -Bellaire, Billow, Brightwater, Canty, Saltaire, Sea Lane, Sea Spray, Shore)
- In response, one member owner (or proxyholder) of the property **must state their full name** and state **"YES," "NO,"** or **"ABSTAIN"**
- Members joining via computer **must turn on their camera and be viewable** when casting their vote
- Members attending by phone only **must state their full name and provide their unique identification code*** prior to casting their vote
- Only one member vote is permitted per property

· The Secretary shall make a record of the member vote provided for each property. If no member is present and voting for a property, or more than one member owner (or proxyholder) attempts to cast a vote for a property, the Secretary shall note this for the record and there will be no vote cast for that property.

*Members who cannot attend via Zoom may use the attached Proxy Form (see link below) to appoint another member as their proxyholder.

WHAT IS THE VOTE ABOUT?

- The vote is a Supplemental Bond Resolution for sewer system construction that, if passed by the membership, increases the existing \$9.7M bond resolution (approved by our membership in 2012) by \$6.8M bringing the total limit to \$16.5M.
- The OLSBA has already voted to approve the joint sewer project. Those decisions were already made in 2012 and extended in 2018 in response to an order from the State of Connecticut to remediate environmental conditions caused by existing septic systems that are polluting Long Island Sound and OLSBA's own onsite ground water. The Association has already acknowledged those environmental conditions and, together with the Old Colony and Miami Beach associations and the Town of Old Lyme, has legally bound itself to address them. Our legal counsel has advised that If OLSBA does not proceed with the sewers, it will still be liable for remediating the onsite environmental contamination – but without the help of State financial assistance; and OLSBA assumes the risk that the State, beach associations and the Town (as well as other adversely affected parties) will sue OLSBA for costs and other damages.

WILL THERE BE A SECOND VOTE BY WHICH MEMBERS WILL BE ASKED TO APPROVE SPENDING BEFORE AWARDING A CONTRACT TO ANY BIDDER?

No. While the WPCA had hoped to allow for a second referendum seeking approval to award a contract for sewer construction after the bids were received, bond counsel advised against it because of the potential for having conflicting referendum results

that may create legal issues with the other beach associations and the State. Therefore, **this is the only vote** that will be presented for membership approval of the sewer project construction. If it passes, it will constitute final approval of the sewer project.

NOTE:

- Approving this bond will: a) Allow OLSBA to go out to bid with the 3 other Unified Consent Order participants (Old Colony, Miami Beach and the Town of Old Lyme/Sound View who have already approved their referendums); b) Qualify OLSBA for accessing CT Clean Water Funds which will significantly offset the cost to our community; c) Enable OLSBA to have appropriate funds to start the project.
- Not Approving this bond will: a) Demonstrate that OLSBA is violating the DEEP Unified Consent Order which could result in fines, litigation, and a loss of CT Clean Water Funds; (b) Not mean the Consent Order goes away, as evidenced by the example Fuss & O'Neill gave at the Joint OLSBA BOG and WPCA meeting on October 23, 2024, with another municipality geographically close by. As that example demonstrated, it will likely raise the cost to OLSBA homeowners significantly over time.
- The vote is expected to cover all projects outlined on October 23, 2024, however, the WPCA is currently awaiting advice from bond counsel that may result in separating the expenditure approvals for the non-Consent Order projects (e.g., OLSBA-only storm drainage improvements) from the Consent Order sewer project.
- The vote will take place via Zoom only, which can be accessed by computer, iPad, tablet or phone. Please see detailed information above. If there are multiple owners listed on the deed for the property, there can nevertheless be only one vote for that property. **Please coordinate in advance who will be casting the one vote for your property.**

Thanks to all our members for their input and continued attention to this matter which is critical to the future of our beloved Association.

[Click Here for Proxy Form](#)

[Click Here for Fuss & O'Neill Slides with FAQs](#)

[Click Here for WPCA Slide Presentation](#)

Old Lyme Shores
Beach Association 

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