

OLSBA BOG Meeting Minutes of the Regular Meeting 2.18.2026

1. Quorum verified and meeting called to order at 7:00 pm

Attendance

Board of Governors Members Present

- Jack Thomas
- Timothy Larson
- Jerry Vande Werken
- Jay Moynihan
- Bob Palazzo

Officers Present

- John Cunningham (President)
- Paul Yellen (Vice President)
- Rob Cappellucci (Treasurer)
- Tracey Cappellucci (Secretary)

Other Attendees

- Steven Levenherz (Cable Revenue Consultant)

2. **Meeting Minutes for approval:** 1/21/26, 1/24/26, 1/31/26 (OL Middle School Vote), 1/31/26 (zoom), 1/9/26

Motion to approve made by Tim Larson, seconded by Jerry Vande Werken, unanimous approval

3. Cable Revenue Opportunity Presentation (Steven Levenherz)

Background and Credentials

- Steven has a 50-year association with Old Lyme Shores
- Retired and joined Communications Consultants Group about 23 years ago
- Represents over 400 community associations across 45 states

Proposal Details

Upfront Payment:

- \$125 per home in the association
- Total upfront payment: \$23,600
- Payment made 90 days after contract signing
- No requirement for residents to use Comcast

Ongoing Revenue Sharing:

- 6% of internet revenue from Old Lyme Shores subscribers
- 2% of video revenue from subscribers
- Current penetration: 65% use Comcast Internet, 35% use Comcast Video
- Estimated total benefit over time: over \$100,000

Consultant Compensation:

- 30% of revenue goes to Communications Consultants Group
- 70% retained by the association
- All payments audited by the consultant

What Comcast Receives

- 200 subscribers added to their valuation (worth up to \$10,000 each in acquisition criteria)
- Partnership relationship with the community association
- Subscription literature in move-in packages
- Marketing materials on community bulletin boards
- Potential to sponsor community events (movies on beach, picnics)

Additional Benefits

- Priority service for outages (truck rolls within 24 hours)
- Direct contact line without busy signals
- First notification of technology advancements
- In-house expert resource for communication needs

Important Clarifications

- No cost increase to subscribers
- No requirement for residents to use Comcast
- Rates are franchise-set by the state of Connecticut
- Revenue sharing starts with one subscriber (no minimum threshold)
- Seasonal usage doesn't affect eligibility, just reduces quarterly revenue

Required Information

- Addresses of each home (not names, emails, or phone numbers)
- Form W-9 with IRS number for tax purposes
- Verification that Comcast can service each address

Next Steps

- Steven will provide references of other associations
- Board will research the proposal
- Consideration for vote at next meeting

4. President's Report (John Cunningham)

Internal Operational Goals

- Active engagement in governance roles (not ceremonial or social club)
- Public trust responsibility
- Improve cadence, efficiency, and effectiveness
- Use technology to enable communications

Communications Activities

- Higher fidelity and broader bandwidth communications with membership
- Blog-format posts on website for noteworthy events
- Brief slide presentations at meetings (6-7 slides maximum)
- Community forums established for:
 - Recommendations
 - Questions
 - Discussion
 - Dissent
- Publicly accessible information for all members

Infrastructure Project Updates

Three Beaches Meeting (Monday):

- One-hour meeting (considered very efficient)
- Beaches unified on town's obligation to cost-sharing agreement
- Decision to send letter to town reminding them of obligations

Miami Beach Meeting (Tuesday Morning):

- Baltazar explaining test pit process

- Digging holes along shoreline to assess water infiltration
- Need to pump water out for construction safety and efficiency
- Several WPCA members attended

Deep and Treasury Meeting (Tuesday):

- Very productive meeting with positive news
- Long process for IFO approval for clean water funds
- Will pre-approve activities for construction during approval process
- Strong indication that Clean Water Fund grant will be applied first, before loan forgiveness
- Material impact on net costs
- Loan forgiveness can be applied to design costs for shared project
- Will cover principal but not accrued interest

WPCA Update Discussion

- Not included on agenda initially
- John's rationale:
 - WPCA has monthly meetings with high participation
 - Two Board of Governors members are on WPCA
 - Encourage attendance at WPCA meetings for focused discussion
 - Beach Association is more than just the infrastructure project
 - Desire for less contentious Board of Governors meetings
 - Focus on broader beach issues
- Items on BOG agenda require action (votes, appointments, authorizations)

5. Treasurer's Report (Rob Cappellucci)

Balance Sheet (January 31st)

- Operating account: just over \$100,000
- Certificate of deposit: \$130,000 at 3.5% interest (opened in January)
- Association taxes: Down to 3 homes
 - One expected to pay soon
 - Two in line to go through lien process
- Due from WPCA: Costs incurred on behalf of WPCA
- Accounts payable: \$42,000 (predominantly \$26,000 to Shipman)
- Net position/equity: approximately \$196,000

Revenue

- Pope family fundraising check: nearly \$600
 - From promotional sales during summer
 - Selling Old Lyme Shores swag
 - Authorization unclear

Expenses

- First half of board secretary stipend
- Snow plowing: Significant expense in January
 - Already \$1,500 over annual budget
 - Contingency of \$2,500 should cover overage
- Utilities
- Information technology (Zoom and QuickBooks Online)
- Office supplies for meetings
- Printing for special meeting vote
- Legal fees from Norb Church
- Postage for bond resolution vote mailing
- Capital project: \$4,400 for new signs in community
- WPCA expense: \$18,000 payment to Fuss and O'Neill
 - Oldest bill that had to be paid or work would stop
 - Will be reimbursed by state in next 30-60 days

Outstanding Bills

- \$26,000 to Shipman (paying off over time, one more payment this year)
- Nickerson Landscaping invoices
- Eversource
- Second half of Sign-Pro payment
- First payment on Secretary's Stipend

Vote

- Motion by Tim to approve Treasurer's report and pay associated costs
- Second by Bob
- Approved unanimously

6. CSA Letter to Town (Jerry Vande Werken)

Background:

- Letter prepared by Old Colony Beach to First Selectwoman

- Purpose: Inform town that three beach associations are moving forward with project
- Town is still party to 2016 cost-sharing agreement and 2020 amendment
- Town liable for their share despite failed referendum
- Town welcome to attend meetings and name representative to committee
- Town will be kept informed of costs
- Not a threat of litigation, just statement of position

Outreach Efforts:

- Doug Whalen reached out multiple times to Martha Shoemaker and Board of Selectmen
- No confirmation that messages were received

Signature Requirements:

- Originally: Presidents and WPCA chairmen of all three beach associations
- Miami Beach already signed
- Jay (WPCA chairman) not comfortable signing without WPCA board approval
- Decision: Remove WPCA signature requirement for Old Lyme Shores

Vote:

- Motion by Jerry (modified): Authorize President to sign, defer WPCA signature
- Second by Bob
- Unanimous approval

Fuss and O'Neill Project Planning Activities

Background:

- Concern about volume of detail to track between notice of authorization and notice to proceed
- Permits, contracts, clean water fund applications, etc.
- No funding in existing contracts for project management
- Only available documentation: table and Word document from Deep, hints of flowchart from Fuss and O'Neill

Proposal:

- Fuss and O'Neill quote: approximately \$940
- Create diagram/plan for what needs to be accomplished
- John volunteered to do all grunt work using their knowledge
- Pre-approved for clean water funding (reimbursable expense)

Discussion:

- Jay suggested WPCA representation at session (since WPCA manages project)
- John agreed with no objection
- Jerry supported having second person present (physically or remote)
- Requirement: WPCA representative must volunteer time (no cost)

Vote:

- Motion by Tim to approve funding and authorization
- Second by Jack
- Unanimous approval

7. Sheffield Brook Modifications

Historical Context

- 15 years ago: \$450,000 grant obtained by Old Colony
- Purpose: Alleviate flooding at Sheffield Brook
- Ongoing problem: Sand continues to build up at mouth where brook exits to Long Island Sound
- Inter-municipal agreement: Old Colony and Old Lyme Shores split yearly maintenance expenses 50-50

Current Situation

- Old Colony hired new engineer (Ramboll, replacing previous engineer)
- Engineer who was working on project left
- New engineer coming on (unfamiliar with project)
- Lack of clear direction or definite plan
- Information provided only when specifically requested

Financial Status

Previous Payments:

- October 2023: \$4,875 (assessment and identification of funding sources)
- June 2025: \$10,000 (engineering and design services)
- Possible additional payment in fall (approximately \$1,600)
- Total to date: approximately \$17,000

Current Request:

- \$2,000-\$4,000 additional for engineering costs
- Doug Whalen signed invoice in January 2026

Concerns Raised

- **Jack:** Should be further along given money spent; lack of definite plan
- **Bob:** Hook design would affect Old Lyme Shores; silt buildup at crabbing jetty
- **Paul Yellen:** Frustrating work; cleans out then fills back in within days; currently plugged up again

Action Items

- Jack and Bob to draft letter expressing concerns
- John to contact Doug Whalen about expectations and path forward
- Rob to hold off paying latest invoice pending further information
- Paul suggested separating Sheffield Brook from beach committee due to workload

Vote on Payment

- Motion by Tim: Approve payment contingent on John's conversation with Doug Whalen
- Second by Jack
- Discussion about whether Ramboll is local contractor
- Roll call vote: Jack (Yes), Tim (Yes), Jerry (Yes), Jay (Yes), Bob (No)
- Passed 4-1

Additional Context from John

- Duckbill was consideration in initial design (unknown why not included)
- May have been cost or maintenance issue
- Engineers from Woods Hole (coastal engineering experts) may have been involved, not just Fuss and O'Neill
- Design is failing and needs remediation
- Ongoing conversations with DEEP about additional funding

8. Governor's Topics

Issue Raised by Jay Moynihan

- Items he submitted were not included on agenda
- First time in his experience that Board of Governors member's items were excluded
- Concerned about censorship
- Unfair position for President to decide what Board can hear

Items Jay Wanted on Agenda

- WPCA update
- Discussion of proposed policy for Board of Governors meetings

- Discussion of role and responsibilities of President

John's Rationale

- President is presiding officer and constructs agenda (custom since 2010)
- WPCA has 2-hour monthly meetings plus special meetings
- Significant overlap in attendance between BOG and WPCA
- Don't want WPCA perceived as subordinate to Board of Governors
- Committee reports diminish WPCA's independent status
- Trying to streamline meetings and save time
- Meetings run too long (often repeat information)
- Not driving toward conclusions efficiently
- Offered: If majority of Board supports item, it can be added

Jay's Proposal

- Motion: Any member of Board of Governors may present and have included any subject or item on agenda of regularly scheduled meeting if submitted in a timely manner
- Avoids ongoing discussions about what can be included
- Makes it simple for everyone

Paul Yellen's Input

- Always included WPCA update in agendas
- Not all BOG meeting attendees attend WPCA meetings
- Way to get information out to residents
- WPCA meets week before BOG; situations can change
- Suggested either include regularly or allow Board members to request
- Updates can be done in timely, brief manner

Board Member Responses

Bob:

- Agreed with Paul
- Keep summary brief, quick update on changes or new news
- Important to keep meetings moving quickly

Jack:

- Agreed with Jay
- If submitted timely, should be presented
- Different from audience member requests

Jerry:

- Supported Jay's motion
- Important for board members to offer agenda items
- President's role: keep meeting moving
- Call for wrap-up if someone dominating floor
- Censorship up front not appropriate
- Should be update, not rehash

Tim:

- Board members should have opportunity to put items forward
- With some detail and pointed information
- Chairman typically decides what goes on agenda
- Need parameters, guidelines, time limits
- Thought required for agenda items
- Suggested friendly amendment: Give President discretion to accept or reject based on information
- Jay and Jack declined amendment

Rob:

- Tough issue; agrees with majority of Jay's points but sees John's points too
- All volunteering time; approaching 2-hour meeting
- Some participate in WPCA plus BOG
- President presides and drives cadence
- Need to allot time and force rank priorities
- Rehash of already-discussed information
- Not conducive to recruiting future board members
- 3-hour meetings too much for volunteers and community
- Runaway agenda concern
- Suggested parameters around time allotted per item

John's Response to "Censorship"

- Objected to term being used
- Jay as WPCA chairman has full control of WPCA meetings
- Can call special meetings anytime
- No one trying to censor
- Trying to focus BOG on other beach issues

- Not have infrastructure project dominate every gathering
- Fatigue with topic from back channels
- Better now with more activity and information
- Years of uncertainty made it difficult
- Negotiations with municipalities required confidentiality
- If adopted, would like it contained
- Plenty of outlets for infrastructure topic
- Updates should be limited to changes since WPCA meeting

Vote

- Motion by Jay: Any member of Board of Governors may present and have included any subject or item on agenda of regularly scheduled meeting if submitted in a timely manner
- Second by Jack
- Discussion lasted nearly 30 minutes
- Roll call vote: Jack (Yes), Tim (No), Jerry (Yes), Jay (Yes), Bob (Yes)
- Passed 4-1

Additional Suggestion

- Jerry suggested: No meeting shall last longer than 1.5 hours
- Items not completed move to next meeting
- Bob agreed
- John said would play by ear; didn't want to add confrontation

9. CSA Representative Appointment

- Motion by Jay to appoint Bob through June 30, 2026
- Second by Tim (after confirming Bob wanted to do it)
- Bob agreed as long as Jerry helps
- Roll call vote: Jack (Yes), Tim (Yes), Jerry (Yes), Jay (Yes), Bob (Yes)
- Unanimous approval

10. Public Comments (Julia Nixon)

Sheffield Brook Comments

- Walked brook in 2005 with Charlie Beal and Doug Whalen
- Brook is on Old Colony property
- Fuss and O'Neill did original design work
- Still using them for infrastructure project

- Should ask them to remedy design default at their expense
- Why hire another engineering firm?
- They're supposed to be premier engineers in Connecticut

Pope Family Revenue Concerns

- Very uncomfortable with anyone making money off association's likeness, image, or logo
- Devoted to fundraising where 100% goes to support events
- Doesn't keep portion or percentage
- Beach shouldn't allow anyone to personally profit
- Slippery slope
- People volunteer because they care about community

Cable Service Contract Concerns

- Lives in gated community in Florida
- Service contracts are for 10 years
- Many people only use cable/internet seasonally
- Not that type of association (not like Florida, not a condo)
- Beach association where people decide independently on service providers
- Association shouldn't get into revenue agreements
- Could violate charter
- Paul Graml (past president) was knowledgeable about charter limitations

11. Announcements (next meeting)

12. Adjournment: Motion to Adjourn at 8:55 by Bob, seconded by Jerry