OLSBA BOG Meeting Minutes August 19, 2026

Key Takeaways

- The meeting was chaired by Paul Yellen in place of the absent John Cunningham, with a quorum confirmed (Mary Kate Reynolds, Jay Moynihan, Tim Larson, and Jack Thomas present).
- Officers Present: Paul Yellen (VP), Robert Cappellucci (Treasurer), Tracey Cappellucci (Secretary)
- Minutes from August 15th, 2026 Special Board of Governors meeting were unanimously approved.
- The Treasurer's report for the first month of the new fiscal year (as of July 31) was presented and approved, with one new invoice for Paul Yellen ($24 and change) approved for payment.
- Beach and gate staffing is expected to be reduced as guards return to college; priority was given to gate coverage if only one staff member is available.
- Private security is expected to continue through Labor Day, pending budget confirmation.
- Significant WPCA/construction project updates were shared, including tree trimming progress, pre-construction rock core drilling, well water testing outreach, lateral stub communication plans, and an upcoming public hearing (September 15–24).
- A fence removal dispute with Old Colony was raised; Paul Yellen will investigate and follow up.
- Stormwater project financing is in progress via Shipman, with an interim/short-term private placement being arranged.
- A resident raised concerns about blasting impacts on home foundations; the board confirmed standard pre-blast survey and seismograph protocols will apply.
- The annual fall meeting is scheduled for September 12th; the next BOG meeting is September 9th.

Discussed Topics

1. Call to Order and Quorum Confirmation

Paul Yellen chaired the meeting in place of John Cunningham, who was traveling. A quorum was confirmed at 7:04 PM.

- **Details**
    - Paul Yellen: Confirmed quorum with MaryKate, Jay, Tim Larson, and Jack Thomas present.
- **Conclusion**
    - Meeting was called to order at 7:04 PM

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2. Approval of Minutes – August 15th, 2026 Special Board of Governors Meeting

The minutes were distributed by Tracey prior to the meeting and brought to a vote.

- **Details**
    - Tim Larson: Moved to approve the minutes.
    - MK Reynolds: Seconded the motion.
    - No discussion or questions were raised.
- **Conclusion**
    - Minutes were unanimously approved by roll call vote.

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3. Treasurer's Report – Bills, Budget Updates, and Invoices for Approval

Robert Cappellucci presented the first financial report of the new fiscal year as of July 31. The association is operating in a seasonal deficit period with no revenue coming in.

- **Details**
    - Rob: Cash position remains well above prior year; net unrestricted position is approximately $170,000; a deficit of approximately $33,000 was recorded for July due to seasonal spending (beach attendance, beach cleaning, July 4th expenditures of $3,700, music, electricity, water, IT subscriptions, insurance installment, security costs, and a $5,000 transfer to the WPCA).
    - Rob: Three outstanding tax collection issues are being pursued; one is expected to be resolved by end of week. A credit balance of $1,287 exists due to early tax payments, which will clear when August 1 billing posts.

    - Rob: Approximately a dozen residents have used the new ACH/pay-by-bank payment method.
    - Rob: $10,000 was paid in August against the $25,000 outstanding balance to Shipman. Norb Church was also paid. All other previously approved invoices have been paid, including utilities and Eversource.
    - Rob: The only new invoice requiring approval tonight is Paul Yellen's expense of $24 and change for disposal of old swim lines and buoys from the shed.
    - Tim: Raised a concern about naming individuals (delinquent taxpayers or payees) in public meeting reports, recommending names be masked in public-facing presentations while full detail is retained for the Board of Governors.
    - Rob: Agreed to mask names in publicly presented reports going forward.
    - Jay: Confirmed that fiscal year 2026 financials have been closed and will be presented at the fall meeting. Also noted that Norb Church will bill the WPCA separately for legal work. Requested a future discussion with Rob about the association's fiscal recording approach.
    - Paul Yellen: Asked Rob to confirm the private security budget through Labor Day and to prepare a three-year snow plowing expense summary.
- **Conclusion**
    - Treasurer's report and all bills as presented were approved unanimously by roll call vote.
    - Paul Yellen's invoice of $24 and change was approved for payment.
    - Rob will follow up offline on the private security budget forecast through Labor Day.
    - Rob will prepare a three-year snow plowing expense summary.
    - Rob and Jay will schedule a meeting to discuss fiscal recording practices.

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4. Beach and Gate Staff – End-of-Season Staffing Discussion

Owen Bird, the headguard, is returning to college. His brother Eric is taking over. Staffing levels are declining, with potentially only one person available on weekend days.

- **Details**
    - Paul Yellen: Presented the staffing situation and posed the question of whether a single available staff member should be stationed at the gate or on the beach.
    - Jack Thomas: Suggested the gate is more important, especially in the early afternoon.

  - Paul Yellen: Proposed communicating to Eric that the person could alternate between gate and beach, though acknowledged this may be challenging for one individual.
- **Conclusion**
  - Paul will communicate to Eric that gate coverage is the priority, with alternating beach patrol if feasible.
  - The goal remains to retain staff through Labor Day weekend.

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5. Private Security Company – End-of-Season Discussion

The new private security company has performed well this season, with consistent staffing and positive resident feedback.

- **Details**
  - Paul: Noted the security guard has been well-received; the company has been cancelled a few times due to rain. Standard practice is to retain through Labor Day.
  - Tim: Asked whether there is a contract and whether the association has flexibility to shorten the engagement if needed.
  - Paul: Confirmed there is no formal contract and that budget sufficiency needs to be verified with Rob.
  - Tim: Recommended continuing through Labor Day if funds are available, given the commitment already made.
- **Conclusion**
  - Rob will confirm the private security budget forecast through Labor Day.
  - No formal vote required; decision to be handled administratively based on budget availability.

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6. WPCA Update – Construction, Tree Trimming, and Stormwater

Jay provided a comprehensive update on pre-construction activities and upcoming milestones.

- **Details**
  - Jay: Tree trimming is complete on Canty Lane; the tree on Gorton Avenue has been removed. Work is continuing north of Route 156 and will move south. A meeting was held with Baltazar and the tree contractor to revisit previously identified trees.

- Jay: Two pre-construction items remain: (1) rock core drilling to determine ledge depth, particularly in the lower Billow Road area; (2) outreach to property owners with wells within 25–75 feet of the right-of-way for pre- and post-construction water quality testing.
- Jay: Surveyors are currently working in Old Lyme Shores setting reference points. A videographer will document the work area next week.
- Jay: Fuss in O'Neill is working with John on the lateral portal; an updated version is expected soon. A meeting involving Paul, Jay, Dennis, John, and Mike Nelson is recommended to finalize the lateral communication process.
- Jay: A WPCA public hearing is planned for approximately September 15–24, as required by state statute. Attorney Church will provide an overview of legal requirements related to cost allocation once sewers are operational.
- Jay: The next WPCA meeting (circa September 8th) will welcome two new members, Tim and Deedee, replacing Jack and Martin.
- Jay: A meeting was held regarding proposed stormwater outfall location changes at Salt Aire and Billow, largely conforming to current locations. Dennis, Bob, and Jack participated. A recommendation to the Board of Governors is expected within a day or two.
- Jay: Board of Governors concurrence is required before Army Corps and DEEP permit applications can be submitted for the stormwater project.
- Paul: Has met with property owners regarding lateral connections; one resident is considering requesting a stub relocation of approximately 10 feet to improve their connection.
- Tim: Emphasized the importance of ensuring all 193 connecting property owners are informed and in sync regarding stub and lateral locations before construction begins, to avoid delays.
- Jack: Asked about the rock core drilling scope and the method for homeowners to raise lateral/stub concerns.
- Jay: Confirmed that the primary contact for lateral/stub questions is Paul Yellen, who will compile information and share with Mike Nelson at FNO and the WPCA.

- **Conclusion**
  - A small group meeting (Paul, Jay, Dennis, John, Mike Nelson) will be arranged to finalize the lateral communication and portal process.
  - A special BOG meeting may be called to formally vote on the stormwater design modification concurrence for permit submission.
  - The WPCA public hearing will be held between September 15–24.

- Paul Yellen is the designated contact for residents with lateral/stub questions.
- Residents will be reminded at the fall meeting to review their lateral plans and raise any concerns before construction begins (estimated mid-September to mid-October).

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7. Stormwater Project Financing

Jack Thomas raised the question of financing readiness for the stormwater project.

- **Details**
  - Jack: Expressed concern that while spending has been committed, the financing mechanism has not been clearly communicated. Raised the question of whether the association has a bond rating.
  - Robert: Confirmed that John has requested an engagement letter from Shipman for a private placement to provide interim/short-term financing for the stormwater phase, while longer-term permanent financing for the full SOAR project is planned separately. Shipman has identified resources and is preparing a fee quote.
- **Conclusion**
  - Interim financing via Shipman private placement is in progress.
  - More detailed financing updates will be provided at the next BOG meeting.

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8. Fence Removal Dispute – Mark Phelan / Old Colony

A letter of concern was received from resident Mark Phelan regarding the removal of a cyclone fence at the end of Sea Spray.

- **Details**
  - Jack Thomas: Investigated the site and confirmed the fence was on Mark Phelan's property, not on Old Colony's property. Old Colony removed it without permission, likely to allow sand flow toward the Sheffield Brook control box. The fence had historically served as part of beach security.
  - Jack: Recommended the association write a formal letter to Old Colony requesting the fence be reinstated.
  - Tim: Asked whether the association could put the fence back and charge Old Colony.

    - Paul: Proposed first meeting with Mark Phelan to understand his concerns, then contacting Doug Whalen at Old Colony for their account, before escalating.
    - MK Reynolds: Suggested allowing Paul to have the conversation before taking further action.
- **Conclusion**
    - Paul Yellen will meet with Mark Phelan and then contact Doug Whalen at Old Colony to gather both sides of the issue.
    - Jack Thomas offered to accompany Paul Yellen.
    - No formal letter or vote taken at this time; matter to be brought back to the board.

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9. Hammer Law Waiver – Follow-Up

Tim Larson raised a follow-up on a previously discussed Hammer Law waiver for a resident with an emergency repair need.

- **Details**
    - Tim: Noted the waiver had been discussed at the last meeting and asked for a status update.
    - Robert: Confirmed the waiver is no longer needed; a gutter contractor completed the repair (hanging a missing gutter) in approximately one hour.
    - Jack: Raised a broader point that limiting contractor hours under the Hammer Law can be counterproductive, as it may extend the number of days a contractor is on-site. Suggested that if a waiver is granted, contractors should be allowed a full 8-hour workday.
    - Paul: Noted that the two previously approved waivers allowed 9:00 AM to 4:00 PM (approximately 7 hours), which the contractors found acceptable. The Billow Road roof job was completed in under a day.
- **Conclusion**
    - The emergency waiver issue is resolved; no further action needed.
    - The board will evaluate contractor hour allowances on a case-by-case basis for future waiver applications.
    - No further applications are anticipated for the remainder of the season.

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10. Resident Question – Blasting and Pre-Blast Home Inspections

Resident Julia Nixon raised concerns about potential blasting impacts on home foundations, particularly for absent owners.

- **Details**
  - Julia Nixon: Asked whether the association plans to notify residents and recommend home inspections before any blasting, drawing on a personal experience from a prior development project.
  - Paul: Explained that blasting has not yet been confirmed (rock breaking with an excavator is also an option). If blasting occurs, the town fire marshal requires a pre-blast survey of homes within a defined radius, conducted by the blasting company and their insurer, as well as seismograph installation at nearby properties.
  - Tim: Confirmed from personal experience that blasting contractors are required to notify residents, conduct pre-blast surveys, and install seismographs. Noted that potential blasting locations should already be identified from the original permit work (5–6 years ago), allowing targeted outreach to affected homeowners.
- **Conclusion**
  - Paul Yellen committed to working with Julia Nixon and ensuring all potentially affected residents are well-informed if blasting is required.
  - Standard pre-blast survey and seismograph protocols will be followed as required by the fire marshal.

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11. Upcoming Meetings Reminder

Jack Thomas requested that upcoming meeting dates be communicated to residents.

- **Details**
  - Jack: Reminded the board to publicize the fall annual meeting date.
  - Paul: Confirmed the next BOG meeting is September 9th and the annual meeting is September 12th. Notices will be sent out.
- **Conclusion**
  - Next BOG meeting: September 9th.
  - Annual fall meeting: September 12th.
  - Notices will be distributed to all residents.

12. Buildable Lots in Old Lyme Shores

Jay asked Rob about the existence of any buildable lots without EDUs in Old Lyme Shores, relevant to cost allocation planning.

- **Details**
    - Jay: Requested information on any lots without existing EDUs that may be buildable, to inform cost allocation discussions.
    - Robert: Acknowledged the question and estimated there may be half a dozen or more empty lots but noted he would need to research further.
- **Conclusion**
    - Rob Cappellucci will research and report back on buildable lots without EDUs at his convenience.