

POALH BOARD OF GOVERNORS

Meeting Minutes

April 15, 2020

The meeting was called to order at 7:02 pm by Bonnie Sudell via a Go-To Online Meeting.

Bonnie Sudell indicated before the roll call of governors that on March 14, 2020 Governor Lamont signed executive order 7B temporarily suspending the requirement of in person meetings for municipalities. There were five provisions to that summarized as follows: 1) the public has the ability to listen to the meeting in real time; 2) the meeting will be recorded or transcribed and available on the website within 7 days; 3) that a notice and agenda be posted on the website; 4) any materials relevant to the meeting be on the website; 5) all speakers state their name and title if applicable every time they speak.

Board members in attendance: Cindy Biancamano, Jeff Conway, Janet DePratti, Hema DeSilva (joined the meeting at 7:08 pm), Jason Griffing, Gary Petersen, Kathy Sabo, & Bonnie Sudell.

Board Members Absent: Bill Taylor

Association members in attendance: Lee Griffin -Treasurer, Ed Bader - Tax Collector, Rob Wright, Felicia Tencza Bob & Fran Byron, Karen Poirier, Stephen & Leslie Molkenhuth.

Public Comment:

Rob Wright addressed the board regarding the current survey project underway. Rob stated he understands the need for surveys and understanding POALH property clearly but offers that the properties of Lake Hayward are known by the town and the by the lake association to not be as exact as one would think. That to survey specific points within the boundaries from the far ends left and right have produced changes we are not accustomed to as those who have been living here and specifically affecting me by a shift of ten feet on some lake front and my two neighbors by the Right of Way access by ten feet. Mr. Wright shared that he has concerns about this shift. He has conversed with the surveyors who expressed that they did their best they could in terms of starting at one end of the lake and working their way down and then the other end of the lake working their way back. The surveyors indicated that on one pass the lines seemed pretty consistent and then on the second pass the lines shifted. Mr. Wright indicated that the lakefront is one problem and the Right of Way is another problem but his main concern is that 10 feet has shifted all together. This shift is something that is foreign to us. Mr. Wright directed the board to look at the POALH website clicking on Communications then POALH Owned Properties then Photo Presentations circa 2007. On page 13 you will see the right of way as the town has known it and as I have known it with trees, shrubs and pachysandra. This right of way was modified by the lake and the town to put in a catch basin and water runoff. On page 14 you will see the same right of way from the top and you will see that the town and association has a road there and a sign indicating a right of way. The new survey shifts that three feet off the road and goes through the hedges as well. Mr. Wright contests that anyone who has owned these properties and the association has identified them as such and how we have always known it. And to after the fact do a survey and shift it now, everyone's boundaries, everyone's fences and everyone has done what they have done to the property based on the right of way marker. It makes it hard now to tell everyone to push it over ten feet. The surveyor's solution to Mr. Wright was to push on the neighbor opposite the Byron's and suggest they were ten feet on his property that way. Mr. Wright's worry for the entire lake association is that we are going to have to get attorneys and have boundary battles because we are all being shifted. And if every Right of Way in the middle of the entirety of the lake association has any lines like this they will have people shifting left and right. Mr. Wright then directed us to look at picture #3 which then addresses his specific issue where someone from the association specifically put arrows in to demonstrate the waterfront reserve beach of the lake association is relatively consistent as we have always known it and leaves the Byron's with their 10 feet and it does not encroach onto his lake front property. Mr. Wright clearly understands that the association has a survey, he has an A2 survey that has been accepted by the Town of East Haddam and now it will have to come to attorney's to determine which survey is correct. He also is having his survey updated and having his pins put in place and re-identified because of this. Mr. Wright expressed frustration that the association has identified these boundaries as such and now we are being told it is not accurate and it is our job to get new surveys and attorneys, etc. Mr. Wright is concerned that this is a pilot study and will see many more problems down the road with the other Right of Ways, etc. pushing abutting boundary lines. Mr. Wright also notes that this property is no benefit to the association to change. The Right of Way as it currently exists has no burden to any association member not being

able to pass through. Mr. Wright asks the board to consider the fact that we have our own evidence as to the boundaries that we created but are now stating the boundaries are different. Mr. Wright asks the board to consider the expense to the landowners to shift properties and seek legal counsel to identify this. The new survey does not agree with the pins that are established. Unless the association wants to do a survey of the entire lake Mr. Wright feels we are in for legal issues left and right. He has talked to the land management personnel in the Town of East Haddam and is not finding any support for our survey or map. He understands the associations want to know their property boundaries and their liability issues but he does not have any alternative. Mr. Wright has photos he can share with us of the pins and Right of Way.

Bob Byron of 283 Lake Shore Drive agrees with Mr. Wright. When he bought and paid for the property eight years ago he went by the pin lines that were there. His attorney's looked at it and assured him and issued Title Insurance to indicate that the property that he paid for is what he had. Any deviation would cause depreciation in his property that he does not want to see. The Right of Way that is currently there was washed out when he first purchased his property. Mr. Byron has worked on landscaping and maintaining the Right of Way. He knows what he bought and paid for with the property and it is on the deed. His attorney's are willing to act on this. He also feels the association is opening up a can of worms. He believes this would be a frivolous lawsuit and cannot understand why the board would want to spend association money on this.

Felicia Tencza thanked the board for pulling the online GoTo meeting together and running the association during these circumstances.

Rob Wright wanted to know if there could be a meaningful forum before actions occur where we can engage in a meaningful dialogue. He would like to know how to progress. What comes next?

Bonnie Sudell indicated that we would take all comments under consideration.

Jason Griffing & Bonnie Sudell addressed the fact that Karen Poirier was present but could not unmute herself so we are not sure if she had a comment to make.

Steve Molkenhuth commented that he was here to just listen to what Rob Wright and Rob Byron had to say and he has nothing more to add.

President's Report: Bonnie Sudell reported that there was no quorum for our February meeting therefore we did not have a legal meeting in February. She received correspondence from Neil Murphy asking that the association contact seasonal residents asking them to stay away from the lake. She received a message from Don Smith who indicated that during a live broadcast with the First Selectman from Colchester a remark was made about youth congregating on our basketball court but the point was made that our basketball courts are in East Haddam not Colchester and that ended the conversation. She received an email requesting contact information from CT Water about when they will be turning the water on. She received a phone call expressing concerns for activities taking place at the lake this summer due to Covid 19.

Financial Reports

- **Treasurer:** Lee Griffin sent all board members and posted on the website the Account Balances and Budget vs. Actual reports. Lee reported that there has not been a lot of recent activity. The dredging project and the purchase of the Skein property was finalized and they both came in slightly under budget. The accounts are all balanced as of March 31, 2020.
- **Tax Collector:** Ed Bader reported tax collections are at 99.5% with only 1 account unpaid. This account was in the process of collection subject to a tax sale, the process of which was discussed at the February meeting. However, under Governor Lamont's executive order all tax sales are suspended until July 1, 2020. If the suspension of the tax sales provision within the General Statutes is lifted by the governor at that point in time, the process of collecting that one remaining account will continue. Under another executive order from the governor he has ordered all municipalities to extend the grace period for tax bills due now and through July 1,

2020. This executive order does not originally apply to tax districts but a subsequent executive order clarified the original order and made it clear that municipal tax districts, which we are, will follow the policy the adopted by the town in which we are located. There are several parts of the order that the towns must adopt or not. Once the Town of East Haddam has gone through its legislative process to adopt parts or all of the order we will have to comply with whatever they do. As of today they were still in the process of working that out. Essentially the main provision of the order is the extension of the grace period. The grace period in the past has been 30 days. So if you had paid your taxes by August 1st you would not incur the delinquent interest charge. The governor has suspended that statute under his executive power given the pandemic that the state is involved in and therefore has extended the grace period for a period of ninety days. Tax bills due on July 1st will not now be delinquent until October 1st. And assuming East Haddam agrees to that the little box that says when the grace period is up will say October 1, 2020 and not August 1st. There are several other provisions that the town may or may not adopt. Hema DeSilva asked if accounts that are delinquent from last year July are included in the grace period. Ed Bader said the one account going through the process of tax sale they do not have to make a payment up through July 1st. If they made a token payment in the quarter of April, May or June the interest rate on the remaining delinquency during just that period of 90 days would be one quarter of one percent instead of 1 ½ percent. The original delinquency would still continue. They have been a chronic delinquency so he does not expect a payment.

Committee Reports

- **Budget:** Ed Bader reported that he and Lee Griffin are in the process of re-estimating where we would stand at the end of the year. They are using the March 31st financial statements. They are going to ask each committee chair and those responsible for budget line items to give them their best estimate of what they think they will be spending for the balance of the year. Based on preliminary estimates it looks like we will be underspent by eight to ten thousand dollars. We will have a surplus at the end of the year but will have a better handle on it by next month.
- **Lake Quality:** Ed Bader reported the committee has been doing a lot of work in summarizing the monitoring activities of the lake. The committee has put together with the consultant, Northeast Aquatic Research, a presentation which is a slide presentation that will be put up on the website. In addition to that a simpler presentation has been created that will also be put up on the website. It explains a lot. In addition to putting it up on the website the committee would perhaps do an email blast of the presentation as well. It was also suggested to hold a GoTo meeting with Northeast Aquatic and association members to participate in the discussion for people who are interested in the report. Also to perhaps attend and discuss at the June meeting. The committee received a proposal from Northeast Aquatics Research. There is money in the budget for Northeast this year and next year. They assist us in doing the testing. They test what we collected by putting up on their computer and giving us an analysis of the water. This year the committee decided to extend the survey to more characteristics and to start in April and end in October so we could have more information. More information leads to more data to make informed decisions on what needs to be done regarding the quality of water in the lake. The proposal that they submitted was for \$7,630.00. Because of this price amount we would have to have some competitive bidding or the board would have to waive competitive bidding. The committee's recommendation would be to waive the competitive bidding. Kathy Sabo asked if we have our permit yet for treatment. Ed Bader indicated that we did have our permit but he is having trouble getting a copy of it from Solitude. Jan DePratti commented that the PowerPoint from the committee is excellent and supports having an email blast with it and putting it up on the website.
- **Properties:** Gary Peterson reported the picnic tables at the pavilion were stained. The trees were trimmed across from Little Beach. Association members who lived across from Little Beach wanted them taken down. The person from Tomorrow's Trees indicated there was no reason to take them down because then we would end up with erosion. The First Beach parking lot lights were changed to LED lights. He will buy some new buoys and swim lines this year. He will put some sand on the beaches. He is also looking into getting a painter to stain the pavilion this year. The bids are due by April 23rd for the Third Beach walkway. Jeff Conway asked about an update for the street signs going up and Gary indicated they would be up by the June meeting.
- **Secretary-Clerk:** Voter registration book will be turned over to Kathy Sabo but in the meantime we have received two new voter registrations with the last name of Popolozio and Poirier.

- **Water Quality:** Jan DePratti reported that the water collection would be following the Chatham Health district schedule. Whatever they do this year during the Corona virus we will be following it and Kathy will still be doing the collections.

Old Business

- **Electronic Spring Packet:** Jan DePratti related that Jason Griffing and she talked about electronic spring packets but could not meet regarding this so we would be staying with just paper spring packets this year. Jason Griffing reported that he sent out an electronic blast before the mailing went out and received about 60-70 responses that they would like to receive the packet electronically. Since the spring packet went out he has since received 10 more requests to receive it electronically. This has saved us about \$85.00. The email blast directed association members to the website where the packet is located.
- **Insurance:** Cindy Biancamano asked if we solidified that Brian Kelly of Bouvier Insurance was going to be present at the June meeting with a monetary number for a rider on our insurance policy for swimming lessons, etc. Ed Bader indicated that Mr. Kelly is working on that and that he would be in attendance on June 28th. Cindy Biancamano requested to also look into other insurance providers to have competitive bids for the policy so that we can make a good presentation to the membership. Kathy Sabo thought this was a great idea. Ed Bader said Mr. Kelly would provide us with a couple of alternative quotes for events/sports. Cindy Biancamano expressed that she is specifically speaking to swimming lessons. Ed Bader indicated that swimming lessons would be separate and Mr. Kelly has not been able to get an insurance quote for swimming lessons in open water. Ed Bader says the liability claims due to drowning's are significantly too high and that is why there is difficulty getting coverage. Cindy Biancamano expressed that we need to explore with other agencies so that we have a definitive display for the membership to see that we have done our due diligence and it is absolutely not possible or it is possible at "this cost" or here are three quotes we have got. Cindy feels we should broaden our horizons and look into it. Ed Bader indicated we would attempt to do that. Jason Griffing reminded us that our insurance agent does not only represent one company so he can get different quotes from other places. Kathy Sabo expressed that it could not hurt if Cindy Biancamano would like to research it on her own and find some quotes to bring to the association. Hema DeSilva thinks it is a good idea also.

New Business

- **Landscaping Contract:** Gary Petersen reported that since the February meeting was not legal the vote on extending the contract for three years would need to be voted on again by the board. After researching the time frame allowed for contracts it was discovered that anything longer than two years would have to be voted on by the association members at the June meeting. After talking with the landscaper he is happy to give us the same price for the next two years. Gary brought the following motion to the board: *Move to waive the competitive bidding rule for the association's lawn maintenance contract and award the contract to American Pride for a two year period commencing May 1, 2020 through June 30, 2022 at a fixed price of \$13,025.00 per year. Any other work over and above the contract not specified in the contract will be negotiated and billed separately. Jason Griffing seconded the motion. The motion carried unanimously.*
- **Reallocation of Funds:** Ed Bader reported that we needed to keep two projects going one of which is the preliminary analysis of the improvements to the dam by Karl Acimovic our consulting engineer. The cost of these services would not exceed \$1,800. He will present his report to the board at a future meeting and then we will have a presentation at the June association meeting. This report would be the starting point for the application to DEEP for the authorization to rebuild the eastern spillway of the dam and other needed repairs. The second project was the preparation of the filing with the Town of East Haddam wetlands commission to construct the bio-retention basin on the Hayfield Road property the association purchased last fall. It includes retaining Mr. Acimovic as an engineer, a soil scientist to certify to the wetlands character of the lot, and a topographical survey of the property. There will also be an application fee to the wetlands commission. Mr. Acimovic would also report to the board regarding this matter. We would like to get the stage set to go to the association members in June and explain what we are trying to do. If they were agreeable then we would put it on the associations annual meeting for the commitment of funds of the estimated costs for both projects. Last

fall the Town of East Haddam asked us to submit capital projects, which we submitted three. They are the reconstruction of the eastern spillway in the amount of \$50,000, the construction of the bio-detention basin and to correct the drainage issues on Haywardville Rd., which is undermining and eroding the headwalls on the eastern and western spillways. We asked the town to provide \$25,000 for the eastern spillway and \$12,500 for the bio-detention basin. We do not know if the town will agree to that but we need to get it all set up so that if we move forward with the permitting applications we will be in a position to show the town what it will cost and to get competitive bids to perform the work. Ed is requesting that we reallocate money from the current budget to cover these expenses. Hema DeSilva questioned if we can reallocate that amount of money without going to the association members. Ed Bader answered that the board has the ability to reallocate the money in the budget as long as we do not go over the budget. Bonnie Sudell made the following motion: *Move to reallocate budget in the amount of \$10,800 to cover these projects. Kathy Sabo seconded the motion. The motion carried unanimously.*

- **Covid 19:** Bonnie Sudell informed the board that the Town of East Haddam has closed all of its beaches, parks, recreation areas and any areas of congregation that would have the potential for cross contamination. Bonnie expressed that we should follow the lead of the Town of East Haddam, the Chatham Health District and our governor in what they were doing. The Town of East Haddam has closed everything except for passive recreation. Bonnie Sudell made the following motion: *Following the lead of the Town of East Haddam I move to close all of POALH properties including beaches, parking lots, pavilion, tennis courts, basketball court, playscape, volleyball court and the athletic field. Further that we leave the port-o-potties locked and not put out the rafts and swim lines at this time. Jeff Conway seconded the motion.* **Discussion** – Jan DePratti asked if boats and kayaks would be allowed to be racked and used. She thinks we should let people use the kayaks, etc. Gary Petersen reported most of the boat racks were already filled. Hema DeSilva related what is happening in North Carolina where they allowed the boats but then closed the marinas and imposed a fine because people were not social distancing. Jason Griffing noted that only one side of the lake is in the association so there will be boats on the lake. Jan DePratti asked how would these restrictions be enforced. Employ town police or what? Gary Petersen noted we do not have any control on the boats once they are in the water. The only thing we can lock up is the tennis courts. It would be hard to enforce the beaches. Kathy Sabo expressed that she did not agree with closing the beaches. Keep the latrines locked and cordon off the play scape but leave the beaches, tennis courts and basketball court open. Bonnie Sudell reported that there have already been complaints of people congregating at the basketball court. If her proposal was approved it would go up on the website, have an email blast and up on the Facebook page and observe people who are not following the social distancing rules and then call the police. Jason Griffing asked if the town could force us to follow their edict even though we are private property. We may not have a choice. He agrees with Kathy. Maybe put up warning signs but we may have to go with what the town makes us do. We need to look into more before we make a decision. Jeff Conway is split on this. There are spaces you can lock but He doesn't think you can close the parking lots or pavilion. He thinks it is premature to go the way Bonnie wants to go. He disagrees with the motion as it stands now. Jan DePratti thinks we need more discussion with the town and find out what the legalities are. Perhaps Ed can talk to our lawyer. There needs to be more discussion with someone outside of our group as to what we can do or should do. The motion right now is not something I would vote for. Gary Petersen agrees that it might be a good idea to talk to our lawyer and wait until May. Hema DeSilva noted that we have a private and a public relationship here around the lake. Private homes will be able to use the water. We are bound somewhat by the state and the town. Until we have a clear idea of exactly what is happening we should defer this at this point. Jeff Conway agrees with Hema. Jan DePratti asked about people congregating on the beach now. She suggested not posting anything now and just let the police deal with it. She would like to wait to vote on it. Bonnie Sudell thinks it is imperative that we handle this now and it is a mistake not to follow what the Town of East Haddam is doing with closing the beaches and parks to slow the spread of Covid 19. Jan DePratti would like more discussion with town and lawyer. Jeff Conway agrees with Jan. Hema DeSilva commented that we would have more clarity once we discuss it with the town. Kathy Sabo said that we could let the population of Lake Hayward know that the Town of East Haddam has closed their beaches but we have not closed ours. She agrees with keeping the port-o-potties closed. Bonnie Sudell would like to move to vote. *Voting- Bonnie Sudell voted yes. Cindy Biancamano, Jeff Conway, Jan DePratti, Hema DeSilva, Jason Griffing, Gary Petersen, & Kathy Sabo all voted no. Motion did not carry with a count of 1 yes and 7 no's.*

- **Garbage:** Lee Griffin was approached by Chris from Allwaste who was approached by a homeowner who owns a lot on Glimmer Glen. They would like to put their garbage out on Glimmer Glen. They have a year round house on Haywardville Rd. Can this lot owner put their trash on their lot? Jason Griffing commented that they own property at the lake, pay taxes and have the ability to attend all the events so he feels they are allowed. Bonnie Sudell asked if anyone objected if they put their garbage out on Glimmer Glen. Hema DeSilva commented that there are some situations that warrant exceptions. We do not want to create a precedence of other people bringing their garbage to the road. Jason Griffing thought that perhaps it will only be the person who owns the lot and they do own the lot so doesn't think we can stop them. Lee Griffin reported that Chris from Allwaste will let us know if it gets out of hand by the homeowner dumping lots of junk that Allwaste would not pick up to let us know and we would address it. Hema DeSilva thought that was a good compromise.
- **Pavilion Reservation:** Kathy Sabo stated that in the spring packet under the pavilion reservation it listed the new guidelines that we changed about the lease and hold harmless agreement that it said the minimum coverage of those renting the pavilion needed to be a minimum liability limit of \$500,000 or a \$300,000 with a one million dollar umbrella policy. She indicated that the board had discussed this proposition but the board did agree or vote on that. Jason Griffing commented agreeing he would not have voted on that either. Jeff Conway has had people contact him about the pavilion reservation and the insurance thing and he agrees with Kathy that we never voted on that or agreed to it. The vote was just increasing the rental amount from \$50.00 to \$75.00. Bonnie will put this topic on the agenda for the May meeting. Ed Bader commented that all other associations are requiring proof of insurance. Jeff Conway would like more discussion on this. It should not have been in the spring packet if it is not true. We should let association members know that the information in the spring packet is incorrect. They can sign a waiver. Kathy Sabo would like to do something right now to let association members know that this is not policy. Perhaps an email blast or something about this incorrect information regarding the pavilion rental. Jason Griffing commented that parties happen at the pavilion with or without reservations so the ones without reservations have no proof of insurance.
- **Absentee Ballots:** Jeff Conway has gotten some input about absentee balloting. Cindy Biancamano commented that anyone could have an absentee ballot as long as they are notarized. Bonnie Sudell agreed. Jason Griffing commented that he has only seen an absentee ballot used once.
- **Seasonal Members:** Hema DeSilva commented on an email Bonnie Sudell received from Mr. Murphy regarding sending something out about seasonal usage. He commented that seasonal homes are taxed just as much as the others even though they are not used year round. The personal attacks on you should not have been there. Jeff Conway also felt the email was out of line. Jason Griffing commented that we have to remember that seasonal users are legal owners of their property not weekly renters and we cannot keep them away from using their own property.
- **Property Encroachment:** Kathy Sabo wanted to make sure that we discuss the property encroachment subject first and foremost at our next meeting because the board did not discuss it at all at this meeting. Hema DeSilva agrees that we need lots more discussion. Jan DePratti agrees that further discussion is warranted.

Bonnie Sudell ended the meeting by reminding us that our next meeting will be held on Saturday, May 16, 2020 at 9:00 a.m., which will also be an online GoTo Meeting. That will be close to the day that businesses should be reopening.

Bonnie Sudell made a motion to adjourn the meeting at 9:08 pm. Kathy Sabo seconded it. The meeting was adjourned at 9:08 p.m.

This meeting was also recorded and an audio recording has been posted on the POALH website.