

POALH Board of Governors
Meeting Minutes
May 16, 2020

The meeting was called to order at 9:02 am 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, Hema DeSilva, Jason Griffing, Gary Petersen, Kathy Sabo, Bonnie Sudell & Bill Taylor.

Board Members Absent: Janet DePratti

Association members in attendance: Lee Griffin - Treasurer, Ed Bader – Tax Collector

Invited Guests: Brian Kelly of Bouvier Insurance

General Public: Jess Stone – Cold Spring Farm

Public Comment:

Jess Stone of Cold Spring Farm addressed the board regarding a phone call she received from Ed Bader last fall asking her to remove the Cold Spring Farm sign located at the end of the hill of Town Road. She stated that the Cold Spring Farm sign has been there way longer than her lifetime and before. It is not a yard sign and has been there at the bottom of the hill so that people, including the Lake Hayward Association, can locate her farm. It is very difficult to find the farm if you do not know your way around because they are out of the way. Being on the border of East Haddam and Colchester they have four addresses, which makes it very confusing. They have a stand that is very active in the summertime. There are a lot of new people coming into the area that do not know they exist. The farm stand is close to a local convenience store. The sign is substantial in the sense that it is made of metal. It was newly painted a few years ago. It is very stable and stays put in inclement weather very well. It is not a junky yard sign that could blow away. It was brought to her attention that having the sign there is an issue and it does not meet the standards of the Lake Hayward Association. This was the first she has heard of it for the fifteen years she has been there. They own the farm so they will be there for a long time. They need people to be able to find the farm. They are asking your permission to leave the sign up. She would love to improve the area there as well with a little garden. She is open to hear our thoughts on doing that or how they can meet our standards. The sign could be changed to look more historic, etc. She is willing to do whatever it takes to accommodate that need and keep providing the service the farm has been providing for a long time. Kathy Sabo indicated to Jess that the board has “signage” on the meeting agenda so it will be discussed later in the board meeting. Jess wanted to know when she will hear back. Jeff Conway volunteered to relay to Jess any decisions the board comes to. Jess Stone left the meeting at 9:15 am

Jason Griffing made a motion to suspend the normal order of business to allow Brian Kelly from Bouvier Insurance to speak first regarding swim lessons, which was listed under Old Business on the agenda. Cindy Biancamano seconded the motion. A vote was held and all board members present agreed (8 yes).

Old Business

- **Swim Lessons:** Brian Kelly of Bouvier Insurance stated that two months ago he talked to the board about the ongoing situation regarding the insurance company and their perspective on holding swimming lessons. He went to Philadelphia insurance many, many times and he got them to take the exclusion off the policy. The stipulations are pretty much the same as if you would bring a landscaper on the premises. They want to see a million dollar policy. They want Lake Hayward named as an additional insured. They would like to see a Hold Harmless Agreement between the swimming instructor and Lake Hayward. The insurance company does not want to be held responsible for the actions or inactions of the swimming instruction. The exclusion will be removed with stipulations. If we

have a swimming instructor Philadelphia insurance will accept the risk. Cindy Biancamano asked if it would add to our cost at all. Brian Kelly responded that it did not. Jason Griffing reiterated that the swim instructor would need to a million dollar policy. Ed Bader interjected that it would have to be a million dollar open water policy. Brian Kelly said that the swim instructors are able to purchase these policies on the open market. Ed Bader also responded that another requirement would be that the swim instructor would have to comply with American Red Cross swimming instructor guidelines. Brian Kelly stated that has to do with the ratio of instructors to students. Ed Bader then stated that they would also ask the parents to provide the instructor with a Hold Harmless Agreement. Jason Griffing asked if there was any requirement that the students be association members vs. the instructor getting people from around the state to get instructions from her/him. Brian Kelly said no there is not. Gary Petersen indicated that 1 million dollars is not a lot of insurance if someone drowns. He commented that if someone drowns then they would go after the swim instructor for 1 million dollars. He asked if there was any way they could come after the board or the association. Brian Kelly replied that they absolutely could come after the board and the association, which is why the association has a one million dollar primary coverage with a 5 million dollar umbrella. He spoke with Ed Bader about perhaps raising the umbrella amount. If there is a loss related to swim instruction it will not be a frequency issue it will be a severity issue. Ed Bader noted that our umbrella policy is 10 million. Kathy Sabo asked what Cindy Biancamano found in her research. Cindy Biancamano stated she worked with an insurance agent who was pretty sure he could help us but he could not help. She noted that in fact our \$28,000 policy would turn into \$100,000. She was happy to hear that Brian Kelly came up with a solution. Bonnie Sudell thanked Cindy Biancamano, Brian Kelly and Ed Bader for their work on this matter. Ed Bader commented that there is a substantial amount at risk that is involved and asks the board to weigh it carefully. Jason Griffing asked that if we do go ahead with swim lessons should we raise our umbrella limit. Ed Bader said it would be depend what the rate is. Our current 10 million dollar umbrella is a little less than \$3,000 a year. If it were raised to 15 or 20 million the premium would increase. Jason requested that we find out how much that would be. Ed Bader will ask Brian Kelly to give us a quote. Hema DeSilva commented that the CDC guidelines show no evidence that swimming in salt water or fish water has contributed to the spread of Covid-19. Kathy Sabo thought that we should move ahead getting the quotes for the extra umbrella policy and does not think we should worry about putting swim lessons in place for this year but let the association know we are going to put them in place for next year. Ed Bader agreed with putting swim lessons off until next year after discussion with association members at the June meeting. Gary Petersen agrees with swim lessons for next year and in raising the umbrella policy. Bill Taylor would like the instructor to follow the American Red Cross guidelines, raise the umbrella to 20 million, no cost to the association for swim lessons, no outside swimmers from other towns (POALH only), families to pay the full cost of the instruction, wait for next year until the instructions. Ed Bader commented that based on what we know the majority of children that were instructed came from extended families of members of the association. Advertising for swimming at Lake Hayward was placed on Facebook and therefore believes that there were children from the other side of the lake from people who knew people. He is not sure, as he does not have the evidence. We should discuss this topic with the instructor. He does not think a motion is needed at this time. Bonnie Sudell volunteered to reach out to Meredith (swim instructor) at this time to see if she can obtain the necessary policy and abide by the other requests. Cindy Biancamano agreed that this is where we should start. Bill Taylor suggested we all send our ideas to Bonnie Sudell so that we have a starting point. Bonnie Sudell agreed.

Minutes: *Jason Griffing made a motion to accept the minutes of the April 15, 2020 board meeting. Gary Petersen seconded. A vote was held and all board members present agreed (8 yes). Jason Griffing made a motion to accept the minutes of the April 18, 2020 emergency board meeting. Cindy Biancamano seconded. Hema DeSilva would like to amend the April 18th meeting minutes to say he has an email (not a letter or documentation) from the Town of East Haddam saying Glimmer Glenn is not their road and that it is part of the association. Kathy Sabo will change the April 18, 2020 minutes to reflect the amendment made by Hema DeSilva. Bonnie Sudell moved that we vote to accept the minutes of the April 18, 2020 meeting as amended by Hema DeSilva. A vote was held and all board members present agreed (8 yes).*

President's Report: Bonnie Sudell received several requests for replacement parking permits, which is being taken care of. She received an email from Tim Pelton regarding two rafts that floated over to the other side of the lake and they were reunited with their owner. She received two emails from Neil Murphy, which were forwarded to the board regarding a stance on the rental of Airbnb units and what we were doing about it. She received an email from Mike Trocchi regarding swim lessons the topic of which was addressed at the February 2020 meeting in which we did not have a quorum. She also received a letter from Matthew Conway regarding the change to the property owner's information form, which she also forwarded to the board.

Financial Reports:

- **Treasurer:** Lee Griffin forwarded to the board the treasurer's reports. There were no questions on the budget vs. actual report, current account balances report and April 2020 cash flow & balance report. Lee noted that the dredging project has been completed. The association budgeted \$41,000 and it came in at \$38,937.28 coming under budget. The bank statements have been reconciled & all invoices to this date have been paid. Ed Bader stated that he feels that since we have finished the third beach dredging project and the purchase of the Hayfield property it would be appropriate to return the underspent amounts to the capital reserve account. Lee asked if we would be including the addition of a berm at third beach and use those funds as part of that. Ed Bader stated that was not part of the dredging project and we could wait another month so Gary Petersen can tell us how much that would be. Gary Petersen reported it should be about \$500.00. Lee asked if we should just take those funds out of the dredging and note it as such. Ed Bader thought that the berm should be taken out of the operating budget from the current year. If we find that Gary Petersen is running out of money in his budget then we make another decision at that point. Lee Griffin noted that upon the board's approval he would return the unspent funds back to the capital improvement. *Jason Griffing made a motion to return the unspent funds from the Hayfield Rd property and the third beach dredging into the capital reserves. Cindy Biancamano seconded. A vote was held and all board members present agreed (8 yes).*
- **Tax Collector:** Ed Bader reported that the tax collections are over 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 last month. 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 from 30 to 90 days. This executive order did 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 adopted by the town in which we are located. The policy in the original executive order will be a policy that is adopted by the Town of East Haddam. As a tax district of that town we will follow that same policy. The Town of East Haddam voted to adopt one of two of the provisions of the executive order, which was to extend the grace period from 30 to 90 days with some exceptions. Exceptions would be that it does not apply to property owners that escrow their taxes, which does not apply to us. The other exception, which would apply to us, is that landlords who rent do not get the 60-day grace period unless you certify certain conditions. To do this you must fill out a two-page form and submit it to the tax collector before July 1st to get the exception. One of those conditions is that landlords allow their renters a 60-day grace period in paying their rents. Or if you, as a landlord, have financial difficulty because they are not paying their rents. If you do not file the form as a landlord you will not get the additional 60 days. There are dozens of people who rent their cottages. Ed Bader is working with Denise and the office of policy and management to understand completely how this will be applied. Once he gets the information he will provide it. It is hard to know all of the property owners who are renting cottages or homes. Kathy Sabo asked if the two provisions were both accepted by the Town of East Haddam and was the other provision the one about the landlord or was the landlord exception part of the first provision. Ed Bader replied that the landlord exception was part of the first provision. The other provision had to do with a reduced interest rate during the 90-day grace period, which the Town of East Haddam chose not to adopt that provision. Hema DeSilva asked if the property taxes that are delinquent, which you are still trying to collect if it would be for taxes for this year. Ed Bader stated there was another provision about current delinquencies that if they made payments between April, May and June instead of charging them 1 1/2

percent per month the executive order reduced it to $\frac{1}{4}$ of 1%. Our delinquency did not make any payment so that provision did not apply.

Committee Reports

- **Budget:** Bonnie Sudell appointed the budget committee. The procedure we would use, as a budget committee would be the same as was used last year. The process will start by asking the committee chairs and people responsible for line items probably in the next couple of weeks to start formulating their budget for 2022. Lee Griffin and Ed Bader will provide them with historical information so they know how it is. The budget committee will meet with the people responsible for line items via GoTo meetings to discuss the budgets in detail. Then a proposed budget will be generated for a town meeting in July and will also come to the board for review. A committee chair can also make their budgetary case to the board directly to increase their budget if they would like. The board can adjust the budget and get it ready for the association in August. Kathy Sabo voiced that she requested to Bonnie Sudell that she be part of the budget committee and wants to make sure that she is included in meetings. Ed Bader stated that Kathy could attend the GoTo meeting with committee chairs if she wanted and that they were trying to get people that were not on the board to have an independent view of the budget. Lee Griffin stated the budget committee in the past worked well. Kathy Sabo stated that as a new member of the board she is curious and interested in learning how the process works and would like to be part of the committee. Jason Griffing agreed that it is good to be present at the GoTo meetings and in the past association members felt the board was pushing the budget so the decision was made not to have board members on the actual committee. Kathy Sabo just wanted to make sure she was part of and could have a voice at all meetings not just the ones that are picked that she could attend.
- **Events:** Jeff Conway reported that three movie nights are planned. Kids craft night will add more tables to ensure social distancing. Kids Bingo can also do social distancing. For bingo they will obtain disposable bingo cards and use markers. Adult crafts can also be spread apart for social distancing with one person to a table. The men's breakfast will be cancelled. He is also concerned about ladies night which he feels should probably also be cancelled. Bonnie Sudell will make the decision about this, as it is her event. Bands will still go forward right now. We only need to give them a week's notice if we need to cancel. Jeff plans on putting the picnic tables around the perimeter of the pavilion and have the band utilize the entire floor with no dancing there. This will keep distance between the attendees and the band who cannot wear masks because they are singing. Anyone who wants to dance can dance on the beach in their own area. Golf tournament should be ok. There will be a barbeque with one band that should be fine. Carnival has some concerns so that is pretty far away yet so we can wait and see on that. Jeff was not sure about the triathlon and liability. Ed Bader indicated that we would purchase a one-day event liability, which would cost around \$300 to \$400. You just need to fill out an application, which could be done one week before time. Any costs for this would come out of the insurance budget not the events budget. Bill Taylor noted that supplies would need to be purchased ahead of time so it is important to make cancellation decisions in a timely manner. Jeff Conway requested that anyone with questions regarding ordering supplies and/or cancellations to please contact the board by email or phone to discuss. Bonnie Sudell thanked Jeff Conway for his work on these matters. She indicated the board would talk about these things every time they meet taking into consideration what the state is doing and CDC guidelines. Hema De Silva commented that this is a very unusual year and we need to be very sensible as there may be a second wave of Covid-19.
- **Lake Quality:** Ed Bader reported that we have received a date for the preliminary review and the date for the DEEP testing. Tim Pelton and Wolf put together a wonderful slide presentation that will be put up on the website. Weed treatment should be done by June 30th.
- **Properties:** Gary Petersen reported that a couple of trees were taken down in the Right of Way between Ridgewood Rd and Lookout for \$4,000. Gary, Phil Sabo and David Edgington have been continuing to put up the street signs on Friday mornings. There are about 15 more to do. The port-o-potties have been cleaned but remained locked. The basketball court and kids playground have been closed. The project for the third beach parking lot was awarded to John Allegra for \$17,500, which needs to be completed by June 30, 2020 so it will come out of this year's budget. There were only two bids. The other bid was from Rock Landscaping for \$36,000. Cindy Biancamano asked if Gary would be putting up a tennis net. Gary Petersen confirmed he would be putting up one net with the week. Cindy

Biancamano asked about some of the street signs that only have the sign on one side of the post. She inquired if we would be putting up signs on the other side of the post as well. Gary Petersen replied that after all the signs they have are up he will go around and see where he needs to put additional signs.

- **Public Safety:** No report
- **Secretary-Clerk:** No report
- **Technology:** No report
- **Water Quality:** Gary Petersen reported Kathy Petersen contacted Chatham Health and they indicated they would not be taking any water samples to test at this time. She will call them back after May 20, 2020 state opening to see if that will change at all.

Old Business (continued)

- **Coronavirus Update:** Bonnie Sudell believes we covered quite a bit of this under some of the committee reports regarding social distancing and wearing facemasks. At the present time everyone is aware events are only allowed to have 50 people. This may change as the state opens up on May 20, 2020 and certainly things may be different by July. Bonnie Sudell is happy with Jeff Conway's plans thus far to address the Covid-19 situation. If we are still in a position where we are not able to have a June meeting we need to come up with a contingency plan to have a remote June meeting. This is not desirable but something we may need to do. Bonnie Sudell asked Jeff Conway what the plans were for newsletter delivery. Jeff Conway suggested for the June meeting that we could rent out a hall somewhere. The newsletter will not have a person-to-person delivery to the door. It will be delivered to each house and left in a designated spot like under a rock etc. for the homeowner. Bonnie Sudell was concerned that the papers in the past have been left inside doors. Jeff Conway replied that this will not occur and wondered if carriers should wear gloves. Jason Griffing commented that the gloves would have to be changed with each door. Kathy Sabo thought renting the hall for the June meeting was a good idea. Jason Griffing likes the idea but if the current limit is only 50 people for a gathering we usually have 80 – 90 people show up. Cindy Biancamano thought we could put the chairs 6 feet apart, as many as possible, and running them out onto the beach and grass. Or we could just live stream it somehow. Perhaps we can do both. Bonnie Sudell asked the board members to think about this and communicate their ideas. Kathy Sabo did note that the state is opening up summer camps June 29, 2010. Jason Griffing suggested that when he sends out an email blast for the lake weed treatment to include information that there may be some changes to the June meeting on how it is run depending on the status of regulations at the time. Bonnie Sudell thought it wise to communicate to the association that we are thinking about their health and safety while still trying to have a nice time at the lake. Jason Griffing will put something together to send out to the board to be approved to send out to the association.
- **Rights-of-Way and POALH Property Encroachment Update:** Jason Griffing suggested we separate discussion on the two items before us - one being the right-of-way and one being the property encroachment. Kathy Sabo agreed. Bonnie Sudell asked why he sees it as two different issues. Jason Griffing stated that the property encroachment on the lakeside is actually a property line issue between two other property owners and the association. He thinks that is the issue that really needs to be ironed out and set in stone. The right of way issue is more of an easement and an access issue than a property line issue although there is a property line involved. He feels one can be solved easier than the other so they should be handled separately even though they do tie together because they are the same property owner. Gary Petersen agrees with Jason that the right of way only affects one homeowner where the property across the street affects two homeowners. We should break it up. Bonnie Sudell really believes that the property owner needs to get a survey, which the property owner has not yet done. Jason Griffing commented that the property owner getting a survey on the right of way and a survey on the property that is on the lake side – we need to be specific about where we are talking about and they may need to do both but lets just handle one separately. Kathy Sabo commented that the Byron's who do not have a survey we are dealing with the right of way and the lake front property. Which in turn is affecting Mr. Wright's lake front property and he is the one who has a survey. So she thinks it needs to be separated from the Byron's and Mr. Wright. The Byron's are the ones not getting the survey and Mr. Wright is getting his survey updated. So if he has a survey and we have a survey then we need to get a third survey. She is not sure if we have a survey of the Wrights property or if he is just being ahead of

himself so his property does not get pushed over. Gary Petersen said they have talked very little with Mr. Byron face to face as he is out of state. When he was contacted he said if worse came to worse he would get a survey. During the last meeting our surveyor told Mr. Wright that he would be happy to meet with Mr. Byron's surveyor if there was a discrepancy. A lot of times the surveyors can work out the disputes themselves without going to court, which would be very expensive for both sides. They would have to get a survey anyway if they went to court. Kathy Sabo asked if we could get a surveyor to at least survey Mr. Wright's property and wouldn't that at least determine where the line was on the property that is lakefront and that would take care of that problem. Gary Petersen replied that the board does not have a problem with Mr. Wright. The problem is with Mr. Byron who is encroaching on our property. If our survey is correct then his property would move and that would be between Mr. Wright and Mr. Byron. The association only has an issue with Mr. Byron. Ed Bader stated that our survey of the lake front side is pretty clear and no one has disputed that. We know that Mr. Byron has a 15-foot easement right of way strip of property next to ours that he owns. What is shown is that Mr. Wright has encroached upon Mr. Byron's property and Mr. Byron has encroached upon our property. We have instructed them to have surveys done which Mr. Byron does not have and Mr. Wright has indicated that he is having his updated. If there is a mistake in our survey and it is disputed we will get a third surveyor to arbitrate the issue. Kathy Sabo recalled what Mr. Wright said at the last meeting, which was that the surveyors said on one pass the line seemed pretty consistent, and then on the second pass the lines shifted. Doesn't that indicate that there is some kind of confusion with that area? Jason Griffing commented that he didn't think it was one pass. It was just if you go from one direction the line could be one way and if you go another way the line can move in another way. Mr. Byron needs to get a survey, which would solve everything. Kathy Sabo understood the situation better and agreed that Mr. Byron needs to get a survey. Ed Bader said that no one has disputed our survey. The association has always encouraged Mr. Byron to get a survey. We have to protect all association property for all association members. Hema DeSilva agrees that Mr. Byron needs to get a survey so we can make sure the lines are drawn properly. Gary Petersen indicated that Mr. Byron is the main player and has been sent a letter that we would be taking that property over as of May 30, 2020. Hopefully Mr. Byron will get his own survey done. Bonnie Sudell hopes the board understands that we have been asking Mr. Byron for about a year now to get a survey. We really cannot move forward until we have a survey. Kathy Sabo wanted it clarified the reasoning behind the whole survey thing. Like Mr. Wright said these have been the lines forever and ever and I know we are saying it is our property but what is the point, besides liability, of saying it is our property and not just leaving it as usage as it is. Gary Petersen replied that we are trying to survey all of the association properties a little bit at a time. There have been a couple of problems before with property lines and there will be problems ahead and we need to set a precedent to take care of our property for all the members of the association. Jason Griffing stated that we cannot treat one homeowner differently from another. Ed Bader stated there is one other issue being that we are a municipal tax district. When it comes to property disputes regarding encroachment if someone encroaches on another property for a long period of time you gain certain rights. That rule does not apply to municipalities and municipal tax districts. If someone encroaches on our property they gain no rights whatsoever. When this surveying project was started four years ago the board decided that all of the properties would be surveyed and we did find that property owners were encroaching on association property with sheds and barricading in an attempt to take over association properties. We are only trying to treat everyone equally. Kathy Sabo said so if Mr. Byron loses his property because it is association property he will still be able to use it as an association member. Ed Bader replied yes of course. Kathy Sabo asked if he would still be able to park his car there. Ed Bader said no unless the board decided to make that piece of property a parking lot. He reported that Mr. Byron has plenty of space on his own property to park his car. The only thing the association has asked him to do is to move his mailbox and move his fence to reclaim the right of way. Jason Griffing commented in regards to the right of way he feels that as long as there is easy access from Ridgewood to Lakeshore Drive that we do not ask for any changes with that right of way issue. Everyone can get up and down the right of way fine. They mow it. It is well maintained. He has no issue with the right of way. That is why he thinks it should be a separate section and an easy solve. Bonnie Sudell believes the board should not make any decision until Mr. Byron gets a survey. Kathy Sabo asked what is the alternative, as the survey does not affect the right of way. Jason Griffing also indicated the survey does

not affect the right of way it only affects the lakeside. Kathy Sabo believes the right of way should be left as it is, agreeing with Jason Griffing. Bonnie Sudell feels that we would be setting a very dangerous precedent if we do not claim our right of way. Cindy Biancamano informed us that she was the issue with the shed and asked if we are going to allow the right of way people to keep it the way it is, although that is what she thinks we should do, then why did she have to move her shed. Jason Griffing commented he believes we do not own the right of way and we do own the third beach parking lot. That is why Jason is reiterating that the lake side issue we would need to follow through and get surveys but the right of way is different. The two property owners own the right of way we just have easement to let us walk down it and they cannot do anything to block it. That is why he feels it is two separate issues. Hema DeSilva asked why couldn't the two property owners get a joint survey done to resolve the issues. Gary Petersen would like to see the president of the board call Mr. Byron and personally talk to him. Let him know that the May 30th deadline is coming up where we are going to take over the property and ask him what his latest decision is about getting a survey. We can't just let it go and keep letting this go on. Bonnie Sudell will contact Mr. Byron and we will table the discussion until we get a response from Mr. Byron.

- **Insurance Update:** No Report
- **Strategic Plan Update:** Hema DeSilva reported that he sent out a write up on some items the committee has compiled for future plans for the association. He would like all board members to give some input. Bonnie Sudell did say that it is important to come up with price points for projects that we may want to move forward with so that we can develop reserves in order to accomplish what we would like to do.
- **Blighted Properties Update:** No Report
- **Dam Inspection Update & Bio-detention basin update:** Ed Bader reported that the engineers and the wetlands consultant and the surveyors have been working to get a plan ready for review by the board at the next few meetings. Karl Acimovic, our engineer, should be ready with a preliminary draft of his report for recommendations for what should be done with the dam. Ed Bader asked the Town of East Haddam to fund 50% of the dam reconstruction and 50% of the bio-detention basin. We should continue to move ahead and listen to what the engineer has to say about the cost elements and the proposal process. Both of these projects are long term. The bio-detention basin is subject to approval by the Town of East Haddam so that will go quicker. The dam project has to be filed with DEEP, which will take four to six months or more for approval. We have enough in the capital reserves to cover both of these projects. With both of these plans we will reapply in December for the next year's reimbursement from the Town of East Haddam. They reimbursed us \$15,000 on the third beach dredging which brought the capital reserve back up. Ed Bader feels we should move ahead with both of these projects.
- **Signage Enforcement:** Cindy Biancamano would like to make a motion to grandfather the Cold Springs Farm sign in with her making some improvements to the surrounding area. Jeff Conway seconded the motion. Bonnie Sudell stated that under the rules and regulations adopted in 2014 it states that all signs are prohibited except those for having to do with public safety, convenience, and the renting or selling of property. The only signs that are grandfathered to her knowledge are realtors. That cannot be changed. Gary Petersen feels that Cold Springs Farm have been a good neighbor and thinks there should be a better and new sign approved by the board. Kathy Sabo commented that this is an issue that came up at an earlier board meeting last fall in which we discussed that the rules that apply to one should apply to all. Kathy Sabo does feel it is not a big deal about signs but right now Jan DePratti is supposed to be working on new wording to change the by laws about signs. So Kathy feels that everyone should be able to keep their signs in place until we revise the wording, which we hopefully will include wording that says some cases will be taken individually by the board. Then we could take on the individual case of Cold Spring Farm's sign and of course we would all approve it because we have no problem with that sign there with maybe some updates and improvements. For now the sign should be left as it is until we change the rules. This lets her keep that sign up until we can get that done. Bonnie Sudell reminded Kathy Sabo that the signage rules are not in the by laws but in the rules and regulations. Jeff Conway reported that he believes Jess Stone is very on board with making the sign and area look nice. Perhaps she could come up with a drawing of what the sign would look like to be reviewed by the board. Bonnie Sudell is in favor of tabling this issue until Janet DePratti comes up with new rules and regulations

regarding signs. Ed Bader wanted to clarify that when he talked to Jess Stone in October she explained her situation and Ed related that she should come to a board meeting. Procedurally these are rules and regulations of the association. In order to change these the board has the responsibility of changing these rules. If you need to change the rules or make an exception you need to give notice in the agenda of a future meeting that you are considering making a change in the signage rule. This gives people an opportunity to weigh in on what you are proposing. In order to change the rules and regulations you need a two-thirds vote. So you need six out of the nine board members to approve that change. So far the Cold Springs Farm sign has not been touched. Bonnie Sudell commented that it is in Article Nine on how to make changes to the rules and regulations. Bonnie Sudell suggests we leave the sign in place and table this until there is a proposal for a change in this regulation. Kathy Sabo agreed. Jeff Conway will let Jess Stone know that she can leave her sign there for now. Gary Petersen reiterated that we have not yet voted on letting her keep her sign there but it can stay for now until we do vote on it.

New Business

- **Waive Competitive Bidding for New England Reserve Testing:** Ed Bader reported this bid is over \$5,000 and is the contractor we have used for the last three or four years. The lake quality committee felt we should continue with the existing contractor and ask the board to waive the competitive bidding rules. It is a \$7,000 contract spread out over seven months. *Jeff Conway made a motion to waive the competitive bidding process for the New England Reserve Testing contract. Gary Petersen seconded. Kathy Sabo did not see what the problem was with getting another bid. That is why the rules are in place. She does not agree with this motion. A vote was held with voting as follows: Cindy Biancamano, Jeff Conway, Jason Griffing, Gary Petersen, Bonnie Sudell, Bill Taylor all voting yes. Kathy Sabo & Hema DeSilva voted no. The motion carries with six yes' and two no's.*
- **Set Mil Rate:** Ed Bader sent a report to the board on the calculation of the new mil rate. The mil rate will go down to 4.115 mils compared to 4.3424 mils from last year. The decrease is principally due to the fact that under our existing rules if we do not spend the money from two years back we use it to reduce the mil rate. The lake weed treatment money was not spent which reduced the mil rate. *Gary Petersen made the motion to set the mil rate to 4.115 mil for July 1, 2020. Cindy Biancamano seconded. A vote was held and all board members present agreed (8 yes).*
- **Insurance Requirements for the Pavilion:** Ed Bader commented that the only thing the board objected to was having the property owners provide a copy of their insurance policy. So we will not require that. They are still bound by the indemnification agreement that they signed. Any claim as a result from an activity at the pavilion or any related activity that can be traced back to the pavilion rental would be covered under their insurance policy. Ed Bader will work with Jason Griffing to get the form on the website changed. Bonnie Sudell commented that this is a moot point seeing we are taking off the requirement of the property owner to provide their insurance policy. Gary Petersen asked what the limit is that we are requiring even though we are not asking them to show their policy. Ed Bader reported that they would be signing the affidavit that they have a certain level of insurance but we will not see the declarations page to prove it. Kathy Sabo inquired to make sure that we are not requiring the property owner to have a set limit of 300,000 or 500,000. She understands that those are common limits but maybe some people do not have those limits and we want to make sure the pavilion is open to everyone for rental not just those who have specific policy limits. Ed Bader says we will ask them to have a minimum of \$300,000 with an umbrella or \$500,000. They have to attest to us that they have insurance. Kathy Sabo reiterates that she believes that putting a minimum amount, as part of the contract would be a problem for some who may want to rent the pavilion. She does not agree with putting those amounts in there. Ed Bader asked what amounts Kathy Sabo would like to put in there. Kathy Sabo replied that there does not have to be any set specific amount in there. If you have homeowner's insurance you have homeowner's insurance. Gary Petersen disagrees. He feels there should be a minimum amount. There should be something there. Gary indicated that coverage of \$300,000 is nothing nowadays. Ed Bader stated that we require all of our contractors have a minimum insurance amount. Therefore we should include a minimum amount. The amount we have selected as a minimum is the amount that is generally used by most associations to rent to property owners. If the board would like to reduce it to a lesser amount that is fine. We need to require evidence of coverage. Jeff Conway commented that comparison of a general contractor to a homeowner is not appropriate for

what we are talking about. Someone having homeowners insurance should have enough coverage for an event at the pavilion. Jeff Conway agrees that just having homeowner's insurance should be enough. Ed Bader said that we are asking commercial contractors whom we employ for proof of insurance much higher than what we would require of a homeowner. We should get some evidence of insurance from homeowners who rent the pavilion. If there is a claim and they do not have the insurance then that is the board's responsibility. It is the board's decision. If people do not have insurance we should not rent to them. Kathy Sabo wanted to make the point that she is not saying we should rent to someone who doesn't have insurance. Please include verbiage in the contract that requires them to have insurance. What I am saying is I do not think there should be an amount as to what the limits are which should not be a problem because Ed Bader has indicated that most people have \$300,000 with an umbrella or \$500,000. It should not be a problem to not put in any wording as the amount of the limits of insurance but they do indeed hold insurance. Hema DeSilva commented that trusting the homeowner has insurance to make sure any liability on the part of the association is met is necessary. The question comes up is what do we want to require when someone rents the property and if they do not have that amount then they will not be able to rent. Gary Petersen reiterated we need to set an amount as a minimum requirement. Bonnie Sudell commented that we are not going to require evidence of insurance and if they lie to us it would be better to have a request for a certain amount of insurance. Bonnie Sudell asked Kathy Sabo to review the notes on what a motion should look like. Kathy Sabo was not comfortable putting a motion into words she did not agree with. She did convey that what she is hearing is that some people are comfortable with requiring a limit of \$300,000. Ed Bader stated the amount was \$300,00 with an umbrella or \$500,000 per occurrence with proof of insurance by providing a declarations page. Then there was pushback, as people did not want to show us their insurance policy. Ed Bader heard at the last meeting that the limits were ok but did not want to ask for a copy of the policy. *Cindy Biancamano made a motion to eliminate the request for documentation and we ask for a minimum of \$300,000 of homeowner's insurance to rent our pavilion. Jeff Conway seconds the motion.* Bonnie Sudell asked if Cindy Biancamano would amend her motion to say \$300,000 with an umbrella or \$500,000. Cindy Biancamano replied that was not what her motion stated. Jeff Conway felt that \$300,000 is fine. Gary Petersen stated that \$300,00 was a start, as we want to be covered if there is a major liability. Jason Griffing feels that we should not be asking for the insurance at all as people can go down to the pavilion without renting it and cause as much damage as if they have rented it. Bonnie Sudell feels there is a difference from someone who goes down to the pavilion on his or her own versus someone who signs a contract. She feels we need to make people aware that we require insurance and if they lie to us that is another matter. *A vote was held with voting as follows: Cindy Biancamano, Jeff Conway, Hema DeSilva, Jason Griffing, and Gary Petersen all voting yes. Kathy Sabo, Bonnie Sudell, Bill Taylor voted no. The motion carries with five yes' and three no's.*

- **Other**

- Jeff Conway had some people contact him from second beach asking him to see if we could get more boat racks because they always fill up. Gary Petersen commented that he said he could make more boat racks but feels we do not need any at second beach as they are not filled up right now.
- Jeff Conway has been looking for hand sanitizer to use during the events this year and cannot find any. He is asking the board to be on the lookout for large gallon sizes if they can find them.

The meeting was adjourned at 11:48 a.m.

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