

## **Minutes for the October 6, 2021 Gerald Park Association Board of Directors Meeting Held at the GPA Park**

The meeting was called to order at 5:34pm. A quorum was established. Board of Directors members present were Linda Blakesley, Lisa Catanese, Pam Cropley, Eric Miller, Raymond Perugini, John Petrovits, Kevin Ryan, and Dave Sutherland. Absent was Steve Belanger. Also present were approximately 21 GPA members as well as the attorney working with the Association, Walter Twachtman.

**Audience of Members:** Audience members were invited to speak for up to three minutes each. Five GPA members spoke on various issues. The Board was not asked to take any actions for the Association, and no votes were taken.

**Minutes:** Motion to approve the June 23, 2021, GPA budget meeting was made by Eric Miller and unanimously approved with no changes.

**President's Report:** Eric Miller stated that the swim ropes have been removed for the season and reminded members that all kayaks, canoes, and paddleboard must be removed from the beach by November 1.

**Tax Collector's Report:** Laura Young presented a report showing that the current collection rate is 94%. Motion to approve the report by Dave Sutherland, unanimously approved.

**Treasurer's Report:** Dave Sutherland presented a report that showed recent expenditures for planned items such as topsoil, portable toilet rental, and postcard mailings. He pointed out that the Association's insurance costs have gone up, and discussions with the insurance company are continuing. Motion to approve the report by Eric Miller, unanimously approved.

### **COMMITTEE REPORTS:**

**Avery Shores Turnover:** The attorney hired by the GPA to pursue this issue, Walter Twachtman, gave an overview of the history of the turnover initiative and his opinion of a recent offer by the town, and answered questions from members.

- John Petrovits, who has worked on the road turnover issue for years, explained that Association members had already voted to go forward with a Writ of Mandamus, which is an order from a court to a governing body ordering that body to properly fulfill their official duties – in this case, take over the ownership of Avery Shores. He said the town manager then sent the Association a letter with an offer to settle the issue, and he forwarded it to Attorney Twachtman to get his opinion.
- Attorney Twachtman said two years ago, he sent an opinion to the town that Avery Shores is already a public road. In 2003, when the state-ordered sewers were installed, the town tore up the old road and built a new one. The town continues to maintain the road and has a pumping station located on it. He stated that the law is relatively straightforward in a case such as this: when a town asserts dominion and control over a road, it becomes a public road. He said the set of facts he presented in this regard are virtually incontrovertible.
- In response to concerns about structures near the road or property turned over by the Association to adjacent owners, Attorney Twachtman said the town already has a 50-foot right of way that the Association granted in perpetuity when the sewers were built, which would supersede any other arrangements. His opinion, however, is that the town would not interfere with existing structures along the road since there would seem to be no apparent need to do so.

- Attorney Twachtman reviewed the recent offer from the town, and his opinion is that it's not very clear and does not provide a long-term tangible benefit to the Association. The plan does not state that the town would take over the road at any point. Instead, the offer states that the town would make some repairs and would include the road in a repaving project. But the ownership would remain with the Association, which would be responsible for what could be very high maintenance costs.
- Mary Ann Hansen asked if we wanted Avery Shores to be a town road or to keep it as a private road.
- John Petrovits pointed out that in the minutes from a Town Steering Committee from several years ago, the town manager stated that repairing drainage structures along the road could be in the hundreds of thousands of dollars. If the town does not acknowledge ownership of the road, GPA members would have to cover that cost through a special assessment if those repairs became necessary, which could amount to tens of thousands of dollars per household.
- Scott Gallo questioned why the town now has come up with an offer when the Association has been trying to negotiate with them for 16 years. His opinion was that the town realizes the Association has a good case, and he suggested going forward with the Writ.
- Dave Sutherland asked if we could still negotiate with the town as we pursue the Writ. Attorney Twachtman said it's always better to negotiate before litigating, but to keep in mind that the Association's position is that Avery Shores is already a town road. The message to the town is that they already have control over the road, so the town would have to accept full ownership of it in any negotiations.
- Ben Emanuele suggested that the Association go directly to the Town Council with a request that the town assume ownership of the road. The Writ could cost as much as \$7500 (GPA members voted in June 2019 to set aside \$5000 to cover such legal costs). Attorney Twachtman said he has worked with the Association to keep legal costs as low as possible and would continue to do so.
- Members thanked Attorney Twachtman for his advice and expertise. The Board of Directors will resume discussion at its next regular Board meeting, to which all GPA members are invited and welcome.

**Beach & Beautification:** Kelly Sutherland asked members to volunteer to help at the fall beach cleanup, to be held on Saturday, Nov. 20, at 9:30am (rain date Nov. 21). In addition to routine raking and leaf pickup, we will be installing a new bench at the beach and building the new kayak rack. In regard to the erosion issue, Jim Cropley suggested lining the area with hay bales to divert runoff on a temporary basis, and to look into a permit issued by the town several years ago to see if the Association still has permission to pull sand from the lake back onto the beach.

**Member Involvement Committee:** Linda Blakesley reported that the committee will be planning future events.

**Environmental:** Scott Gallo reported that the lake received its third hydrilla treatment, and the latest reports are that it's working. He informed members of an ordinance recently passed by the Town Council that gives the town manager permission to require a slow, no-wake period in the event the lake level rises too high, to help avoid damage to docks and retaining walls caused by large waves.

**Fuel Oil Cooperative:** Ben Emanuele will take this over from Harvey Barrett, who coordinated it for many years. Any GPA member who would like to participate in a group purchase of heating oil should contact Ben to sign up (an email can be sent to [geraldparkcoventry@gmail.com](mailto:geraldparkcoventry@gmail.com) and will be forwarded to Ben). Some years, savings were as much as 20 cents on a gallon. Harvey was sincerely thanked for this good work on this in the past.

**Website:** Lisa Catanese reminded members to check the website for news, and provided the GPA email address.

**Welcome to GPA:** Lisa Lowell has resumed coordination of the delivery of the baskets to new GPA neighbors.

**Bylaws subcommittee:** On hold.

**GPA taxes subcommittee:** On hold.

**OLD BUSINESS:**

**Beach cleanup:** To be held on Saturday, Nov. 20, at 9:30am (rain date Sunday); GPA members are asked to come and help with raking, installing the new bench, and building the kayak rack.

**NEW BUSINESS:**

**Vote by Association members to fill three expiring terms on the Board of Directors:** Each year, three seats expire on the nine-member Board of Directors and must be filled. This year, the terms of Steve Belanger, Kevin Ryan, and Dave Sutherland were expiring. Kevin and Dave were nominated once again, along with Syd Seale, Jena Grey, and Mary Ann Hansen. Members at the meeting voted by paper ballot. The results were: Dave Sutherland received 19 votes, Kevin Ryan and Syd Seale received 11 votes each, Jena Grey received 9 votes, and Mary Ann Hansen received 8 votes. Therefore, the expiring seats will be filled by Dave Sutherland, Kevin Ryan, and Syd Seale, for three-year terms.

**NEXT MEETING:** The next Board of Directors meeting will held on Wednesday, Nov. 10, at 6:30pm via Zoom.

The meeting was adjourned at 7:08pm.

At the conclusion of the meeting, the new Board of Directors met to choose officers. Kevin Ryan had to leave early and was not present. Eric Miller was elected president by a vote of 7-1; Raymond Perugini was elected vice president by a vote of 8-0, Dave Sutherland was re-elected treasurer by a vote of 8-0, and Lisa Catanese was re-elected secretary by a vote of 8-0.