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Date: Thu, February 16, 2012 10:22:48 AM
Cc:
Subject: POA Meeting Change

Board Members:

When I sent a notice to all members that we did not have a quorum at the meeting of the Board on January 17th and advised that the next meeting of the Board was scheduled on March 19th, I heard from several members that they would not be available for the March 19th meeting. I propose, therefore, that we move the meeting from March 19th to the following Monday, March 26th.

Since my last email to all of you POA has received an Application for a Special Permit. As you may recall when we fairly recently handled the Hally Application to divide property, this is an Application to divide an existing lot into two conforming lots. This Application, as in the Hally matter, is an Application that is heard and determined by our Executive Committee. In order to require all of you not to come out more than once, I would propose that we schedule the hearing on the Application for Special Permit that we received for 7:00 P.M. on the same night that we now plan to have our regular meeting, Monday, March 26th.

I would ask that each of you let me know whether you will be available on the night of March 26th to participate in the hearing on the Application for Special Permit and also to attend the regular meeting of the Board at 7:30 P.M. Since we do have to comply with some notice requirements as far as the Special Permit Application, I would ask that you get back to me at your earliest convenience so that we can firm up our scheduling.

Thanks

John

Amended Minutes of The Pine Orchard Association Executive Meeting
March 26, 2012

The meeting was called to order with a quorum present at 7:10 P.M. In attendance were the following Board members: Vining Bigelow, Kenneth Graham, James Kaiser, Greg Stak, John Donegan, Stacy Ruwe, Debra Lintern and Donald Patenaude. Also in attendance was Pine Orchard Association counsel, Peter Berdon.

I Minutes

The Minutes of the September 19, 2011 and November 21, 2011 were presented and reviewed by the Board. Upon motion duly made and seconded, the Minutes of each meeting were approved by the Board members.

II Treasurer's Report

Treasurer Ruwe said that she will be emailing her Treasurer's Report for the fiscal year July 1, 2011 to March 26, 2012 to Board members for their review and comment. A further Treasurer's Report will be presented at the next regularly scheduled meeting.

III Zoning Report

Bud Beccia, Zoning Enforcement Officer, reported that there were three (3) Applications recently filed: 2B Elizabeth Street, Pine Orchard County Club-Tennis Courts and Anderson/Sachs, Lot No. 1 on Pine Orchard Road. After further discussion, the Board requested that counsel, Peter Berdon, prepare a letter concerning Lot No. 1 which would indicate that Lot No. 1 at 175 Pine Orchard Road, as far as the Pine Orchard Association is concerned, is a valid building lot with the proviso that the easterly boundary of the property shall conform with the Pine Orchard Association zoning set back line of 30 feet and that no structures will be constructed within that portion of the lot which lies within the Pine Orchard Association.

IV Waterfront & Building Report

Vining Bigelow reported that he arranged for the repair of stairs and railings at the end of Halstead Lane.

The President advised members of the Board that he had received a draft Agreement from counsel for Pinder Construction Company, Inc., relative to the repair of the Seawall owned by the Association at Island View Avenue. The total cost for the entire repair of the Seawall was

\$453,000.00, and the allocation of the Pine Orchard Association's share is 11.9%, or \$53,929.00. The proposed Agreement contains a schedule of periodic payments as the work is completed. A motion was made and seconded and passed that the Board authorize the President to execute the Agreement, subject to the review of the Agreement by Pine Orchard Association counsel, and that payments be authorized to be made in accordance with the schedule of payments set forth in the Agreement. The motion passed unanimously.

V Special Committee Report

With reference to the Special Committee that had been appointed at our last regularly scheduled Board meeting, Mr. Stak advised the members of the Board that there had been one meeting of this Special Committee held. The Special Committee was formed for the purpose of gathering information to review and determine Pine Orchard Association interest in access points within the Pine Orchard Association District. Once this determination was made then a letter would be forwarded to all Pine Orchard Association residents. Mr. Stak indicated that there will be further meetings.

VI Crescent Bluff Avenue Litigation Report

In March, 2012, each member of the Executive Board received a letter from Mr. and Mrs. Robert Wheeler advising the Board members that the Pine Orchard Association was requested to attend a pretrial before Judge Berger in a pending litigation matter involving Crescent Bluff Avenue. Pine Orchard Association counsel, Peter Berdon, was asked by the members of the Board to attend a mediation conference with Judge Berger on March 15, 2012, pursuant to a request by Judge Berger "the Association shall attend the mediation schedule for March 21, 2012." Attorney Berdon and Vining Bigelow of the Executive Board attended the mediation session. Attorney Berdon indicated that while the Pine Orchard Association is not a party to the litigation, it was suggested by counsel for the Plaintiffs that the Pine Orchard Association be made a party to the litigation. Attorney Berdon will keep the Board advised of any further developments in this matter.

The Board asked counsel for an estimate of additional legal costs for his services going forward in connection with litigation and other matters on which he is performing services for the POA. After discussion of this issue, a motion was made by Ruwe, seconded by Stak, that the Board appropriate and authorize an additional expenditure of up to \$10,000.00 for legal expenses in connections with the Crescent Bluff litigation and other legal matters being addressed by counsel. The motion passed unanimously.

The next regularly scheduled meeting of the Pine Orchard Association Board will be held on Monday, April 9, 2012, at 7:30 P.M.

Respectfully Submitted,

Donald F. Patenaude
Temporary Clerk

Minutes of The Pine Orchard Association Executive Meeting
May 21, 2012

The Meeting was called to order with a quorum present at 7:15 P.M. In attendance were the following Board member: Vining Bigelow, Kenneth Graham, Greg Stak, John Donegan, Stacy Ruwe, Debra Lintern, Joe Canavan, Charlie Shelton and Donald Patenaude. Also in attendance was Pine Orchard Association counsel, Peter Berden and Bud Beccia, Zoning Enforcement Officer

I Minutes

The Minutes of the March 26, 2012 were presented and reviewed by the Board. Upon motion duly made and seconded, the Minutes were approved by the Board members.

II Zoning Report

Joe Canavan reported that there were (40) Applications presented to the Zoning Enforcement Office during an (8) month period from October 2011 through April 2012 and a bill was submitted to our Treasure in the amount of \$3,358 to be paid in the next fiscal year.

Charlie Shelton gave us an update report in reference to the property of 175 Pine Orchard Road, Branford, CT

There will be a need to form a sub-committee to review the Zoning Regulations and to make changes, if necessary, to clear up any antiquity.

III Treasurer Report

Stacy Ruwe presented her Treasurer Report for the fiscal year 2011/2012 as of May 21, 2012 reporting that the Receipts total were \$75,322 against a budget figure of \$76,449. The Disbursements total were \$88,480 against a budget figure of \$79,150. Additional cost for the Shorefront Maintenance due to losses incurred from the storm, Irene. The Security expense were reduced due to reduction in service hours since October 2011. There will be a need to review our Budget for the next fiscal year due to increase expenses

anticipated. POA share of the cost for the Seawall Repairs Plan set by Fedus Engineering, LLC of 33, 37, 41, 45-47 and Parcel B, Island Avenue, Branford Connecticut as per Agreement with Pender Construction Company dated October 13, 2011 is 11.90% of the total cost of \$ 453,000.00 or \$53,929.00. The first payment has been made by the property owners and the POA share was \$13,095.00 The balance of POA share of \$40,000.00 will be paid in five installments, when the repairs for each installment are completed over next four months.

IV Security No Report

V Roads/Public Works Report - No Report

VI Waterfront Building Report

Vining Bigelow reported that the new stairs and railings were replaced at the end of Spring Rock Road due to damaged cause by the storm, Irene. The Island View stairs and railings will be done, once the sea wall have been completed.

VII Special Committee Report -

Greg Stak will be contacting Jennifer to arranged a meeting to the Special Committee to review the information obtained by the members to determine the next course of action to be taken and to advise the Board members.

VIII Crescent Buff Avenue Litigation - A motion was made and second by the members of the Executive Committee to go into closed session to have our Attorney, Peter Berden to provide us with an update of the Crescent Buff Avenue Litigation matter. A motion was made and second to move out of close session and there were no actions to vote on.

The next meeting of the Pine Orchard Association has been schedule for Wednesday, May 30, 2012 at 7:30PM at the office of Pine Orchard Association Building, 180 Pine Orchard Road, Branford, CT for the purpose of establish a budget and setting the mill rate for the ensuring fiscal year of July 1, 2012 through June 30, 2013.

Respectfully Submitted,

Minutes of The Pine Orchard Association Executive Meeting

June 6, 2012

The Meeting was called to order with a quorum present at 4:00 P.M . In Attendance were the following Board member: Kenneth Graham, Greg Stak Stacy Ruwe, Debra Lintern, James Kaiser, Jennifer Aniskovich and Donald Patenaude.

I Minutes

An Amendment to the Minutes of March 26, 2012 under Section VI Crescent Bluff Avenue Litigation Report was read by Jennifer Aniskovich to the Board members present, which stated that the "Board asked council for an estimate of additional legal costs for his services going forward in connection with litigation and other matters on which he is performing services for the POA. After discussion of this issue, a motion was made by Rowe, seconded by Stak, that the Board appropriate and authorize an additional expenditure of up to \$10,000.00 for legal expenses in connection with the Crescent Bluff Litigation and other legal matters being addressed by counsel." The Amendment was unanimously accepted by the Board members.

II Proposed Budget for Fiscal year 7/1/2012 to 6/30/2013

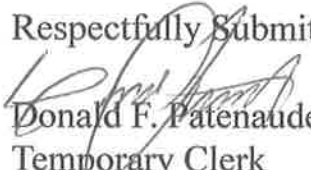
Stacy Ruwe presented the Proposed Budget for the Fiscal Year of July 1, 2012 to 6/30/2013. We increase the Shorefront Maintenance budget for the balance of our share of the cost to Pinder Construction Company to construct a the new seawall replacing the destroyed seawall caused by the tropical storm, Irene, along with stairs, railings and sidewalks. Additional legal expenses of \$10,000.00 were increased for ongoing litigation and other legal matters mentioned above. After careful review of Receipts and Disbursements for the ensuing year, a motion was made by Ms. Aniskovich and second by Mr. Kaiser to approved total Receipts of \$97,356.00 and total Disbursements of \$125,277.00, resulting in a net income loss of (\$27,921.00) The Grand List October 1, \$174,862.45.

III Mill Rate for the Fiscal year 7/1/2012 to 6/30/2013

A motion was made by Ms. Aniskovich and second by Mr. Patenaude to set the Mill Rate at 0.0005 for the Grand List October 1 \$174,862.45 = \$87,431.00.

The next meeting POA is the Annual Meeting schedule for Monday, July 9, 2012 to be held at The Pine Orchard Chapel.

Respectfully Submitted.


Donald F. Patenaude
Temporary Clerk

109th Annual Pine Orchard Annual-July 9th 2012

Meeting Minutes:

The 109th Annual Pine Orchard Association Meeting was called to order with a quorum present at 8:10 pm. Association Board members present were: John Donegan, Jennifer Aniskovich, Stacy Ruwe, James Kaiser, Vining Bigelow, Charles Shelton, Greg Stak, Eric Hanson, Ken Graham and Debbie Lintern

I. Board Member Election: the first item of business was the election of four Board members to serve three (3) year terms. Existing Board Members standing for re-election were: James Kaiser, Stacy Ruwe, Ken Graham and Jennifer Aniskovich. There were two nominations from the floor: Peter Hugret and Pat Kaplan. Both nominees were present and indicated a willingness to serve if elected. There was a question from a resident about the number of votes per household. A short recess was taken to both prepare ballots and to consult with Board counsel, Peter Berdon, to answer the question posed about the number of votes per household. At the end of the recess, ballots were passed out and Board counsel advised that each household received one vote. All Pine Orchard Association members present voted. The President appointed Debbie Lintern and Greg Stak as Inspectors of Election to count the ballots. The meeting progressed while the votes were counted. The following were elected to the Board as the Pine Orchard Association: Jennifer Aniskovich, Ken Graham, Pat Kaplan and Peter Hugret.

The next item on the Agenda was the individual Committee reports:

Waterfront & Association Property

Vining Bigelow is the Board member responsible for supervising maintenance work on the Association's properties which include the Pine Orchard building, moorings off the Pine Orchard breakwater and the two Association owned access points. He also observes and reports on the privately owned beach access points. Vining reported that the Association building was in good order and only one individual was using a mooring, down from three last year.

Regarding the beach access points, Pine Orchard Breakwater, Waterside, Chapel, Spring Rock, Halstead, Crescent Bluff and Selden Ave., Vining reported that three of the six are under active repair based on damage incurred during the storm in August, 2011. John Donegan brought up the sea wall construction on Island View at the end of the access way at Long Island Sound. He stated that the sea wall in front of four homes and some Association property was destroyed. The residents and the Association contracted for the construction of a temporary sea wall until such time a full and permanent sea wall could be constructed. Bids were solicited for both design and building a permanent sea wall from three construction companies. Pinder Construction was the successful bidder and began work in March, 2012. The total cost of the project has been estimated at \$453,000 and the cost is allocated among the affected residents and the Association. The Pine Orchard Association is responsible for 11% of the total project cost. According to the construction company, their work will be completed in 3-4 months.

Security: Jennifer Aniskovich reported the due to the storm and possible additional budget spending, the renewal of the security contract was delayed. In the renewal contract executed in November, 2011, the hours were be reduced.

Jennifer mentioned that there are reports of the security patrols on file at the Pine Orchard Association offices. Based on those reports, the most common issues noted by the Security Patrol were: 1) Non-residents fishing; 2) Loitering near the Pine Orchard Country Club tennis courts; and 3) excessive speed on the residential roads.

She also mentioned that, according to the Branford Police Department, in the Pine Orchard Association area there was one auto theft (that was resolved with arrests) and three residential burglaries (still under investigation).

Lastly, Jennifer reminded all residents present that the security is there to observe, does not have arrest powers and has limited hours.

The direct line to the security patrol is (203) 444-2316.

Roads & Public Works and Website (PineOrchardAssociation.com):

James Kaiser anvised that current Pine Orchard Zoning Regulations and information for Planning & Zoning were on the website. Additionally, Pine Orchard Chapel activities were linked on the site. Web hits are up in relation to last year's web visits.

James also had some information on the road work occurring in the Pine Orchard Association area. The gas company is laying upgrade lines next to the older lines. It estimates that there will be one more month of road work. Repaving will occur when the ground has settled. It is believed that Route 146 will be re-paved before the Branford town road portions.

Planning & Zoning

Charlie Shelton had no items to report for the Planning Committee. He is watching the "development" at 175 Pine Orchard Road. He noted that it has been since July 2002 that the corner lot was in a planning mode. He mentioned that plans for the fifth house on that lot will be designed to fit within the zoning requirements of Pine Orchard Zoning Regulations

Budget

Stacy Ruwe reported that the Association was over budget due to storm related repair issues for the Association. To counter these budget increases the Association slightly increased the mill rate and applied for a FEMA grant for the Association's portion of the seawall repair. Additionally, an increase in zoning fees will contribute additional revenue to the Association along with the reduction of the hours of the Security patrols.

There remains \$45,000 in the Association savings account.

Debbie Lintern mentioned the increase automation of the Pine Orchard Association office. E-mail addresses are being collected for an e-mail directory. She hopes to e-mail the tax bills to residents in the future.

John Donegan discussed the FEMA application. After Storm Irene, the Pine Orchard Association Board was aware of the possibility of FEMA funds being made available for affected residents and associations. John Donegan and Vining Bigelow started the process with an independent contractor hired by FEMA who was "optimistic" on the Association's chances of obtaining emergency funds for the damages. Some time has passed and another individual was assigned to our case and based on the situation was also optimistic for the Association to receive funds to cover 75% of the Association's storm expenses. John and Vining participated in a third meeting where he was informed that the first two case workers were probably in error and the Association will probably not receive any FEMA funds.

Additional Report: Legal

John Donegan, Association President, asked the Association's counsel, Peter Berdon, to update the residents on Association legal issues. In the ongoing Crescent Bluff litigation, the Pine Orchard Association was made party to the lawsuit. The action seeks to determine who has title to Crescent Bluff Avenue and the rights of the parties that have in the past used Crescent Bluff Avenue. Peter has been reviewing the internal Pine Orchard Association documents, Association minutes and other correspondences to determine what rights the Association has for its members regarding the Crescent Bluff access point. For the case, his plan is to review the above evidence and determine strategy with the Association. The trial is set for October, 2012. Peter addressed the residents and mentioned that any information they may have in the future about Association properties and access points should be forwarded to the Association Board so that all facts are considered.

That was the end of the formal presentations. The meeting was then opened up for questions from the residents.

Q: Pat Kaplan asked if security resolved any reported burglaries and other issues.

A: Jennifer Aniskovich answered that the security patrol has no arrest or detention authority and the Branford police are trying to resolve the burglaries. She will follow-up with the police.

Q: Bob Mobeck asked why the robbery at his house was not reported and has it been resolved.

A: Jennifer said that only three robberies were reported by the Branford police and they would be the best ones to speak to. She also mentioned that the Security patrol reports

are available for review. There are quarterly liaison meetings between the Association representative, the Branford police and security patrol detail.

Q: Judith Liebmann asked why the residents were not directly informed about the incidents.

A: Jennifer said that the Association will try to improve this type of communication about security incidents.

Q: John Hughes asked about the Selden Ave access point. He said that the current fence looked permanent and was wondering about the intentions of the access point owner.

A: John Donegan answered that before this fence went up, this was the best and main access point for the large construction vehicles needed for the removal of the storm debris along the beach front. To his knowledge, the Selden Ave owner was working on his storm damage. He stated that the Board did not know his intentions.

Peter Berdon added that he was reviewing the access points ownership and rights.

Q: Roseanne Berry asked who owns the stairs leading to the beaches in Pine Orchard, specifically Spring Rock.

A: Association counsel, Peter Berdon, answered that he was reviewing all minutes, records for the seawalls, beach access and stairs.

Q: Marek Waclawiak asked what the Association Board is doing about the Zoning Officer signing off on projects as compliant when they are not actually compliant.

A: John answered that any zoning disputes are covered by a procedure before the Zoning Board of Appeals.

Q: Marek Waclawiak asked who is reviewing the zoning officer's work that is not compliant.

A: John again answered that the process is through the Zoning Board of Appeals, any appeals are handled through this process and the issue in question was appealed and sustained.

Q: Lois Jacob asked why the Selden Ave sidewalk had been removed, why there were "Private" "Danger Under Construction Signs" and the sturdy fence.

A: John answered that there was ongoing work on the seawalls and was not sure about the signs.

Q: Richard Greenalch also asked if the walkway would be restored and would the Association be repairing the steps?

A: John Donegan deferred to Peter who answered that he was investigating the responsibilities of the Association for future repairs.

Q: Teresa Storer asked with additional legal work if the Association would be budgeting more funds for legal counsel.

Q: Pat Kaplan asked how the Association, when informed by legal counsel, would be communicating the ownership of the access points and how would they be enforced.

A: Peter Berdon answered that when he had determined ownership of the access points and the Associations responsibilities he would communicate that information to the Board and it would then be shared with the residents.)

Q: Judith Liebmann asked what would happen if we waited until the work is done at the Selden Ave access point would it be too late to change it. She stated that the Association needs a sense of urgency to find out.

A: John Donegan tried to answer but more residents shouted questions.

Q: Jeannette Mobeck asked if the Association knows the Selden Ave owners intentions, actions and position?

Q: Chris Aryian also asked if construction had begun on the Selden Ave sea wall? Are there any plans on file? Any DEP permits?

A: John Donegan answered that some construction had begun.

Q: A Spring Rock resident asked about the Scheer construction.

Q: Lois Jacob was concerned about how the construction along the Pine Orchard shoreline was affecting property rights and values.

Q: Alice Jacobs added that with the Selden pathway destroyed what were the plans?

Q: Bob Mobeck expressed frustration with the Board and stated that it did not seem to be representing the POA residents. Are they not elected officials? Should they not take a stand?

A: Jennifer started to answer that there has been no deliberate delay. The Board is a group of individuals that are usually not of one mind. Now that there are disputes, there are varying opinions regarding the Associations role and property rights, etc. There is also a difference between the Board's role for the Associations' rights and residents' private property rights. Peter Berdon added that this is an emotional issue that the Board and residents have been concerned with for over 75 years. He said that Crescent Bluff issues go back 105 years. There is a difference between the rights of a political subdivision, such as the Association and private property rights and the Association cannot assert rights for individual residents, they have to do it for themselves. The Association only owns two access points.

Q: Al from 6 Ozone asked about the motions made at the meeting soon after the storm in the fall of 2011. What were the results, how were the resources allocated and why were the motions not acted upon.

Q: Richard Greenalch added that we have a great community along Long Island Sound and that the Association should advocate for access for all members at all access points and to continue to foster community among residents.

Q: Steve Aryian asked the group if there was still a need for the Association? It used to collect garbage, provide security and other services. What now?
What happened to the motions from the fall? He urged the Board to take an active role in finding out information about the access points, to be pro-active, and issue a report on a timetable.

Bob Wheeler added that he attended the fall meeting and does not see a sense of urgency on the Boards' behalf.

Q: Anita Cocchetto asked if Board member Joe Canavan could be removed from the Board before his term is ended.

Q: Pat Kaplan asked if Joe Canavan had been attending meetings where Selden Ave was discussed.

A: Jennifer Aniskovich answered that he had not attended meetings where the Selden Ave access point was discussed.

Q: Vincent Giordano asked about the timeframe for Attorney Berdon's work, and a title report.

~~Q: Sig Halgren continued asking if a report could be finished in a month.~~

A: Peter Berdon answered that he could have a public report in one month except for the Crescent Bluff work.

Motion: Sig Halgren moved that Attorney Berdon prepare a public report in one month. The motion was seconded by Stephen Ariyan

Residents suggested an amendment from one month to one week. Sig agreed and amended his motion, seconded by Teresa Storer.
The residents voted in favor of the motion.

Motion: Stephen Ariyan made a motion for the Board to contact the Scheers and Canavans and ask them their intentions for their access points. The motion was seconded by Pat Kaplan. The residents voted in favor of the motion.

Motion: Judith Liebmann made a motion to have a special meeting in August to review the report. The motion was seconded by Pat Kaplan. The residents voted in favor of the motion.

Q: Anita Checchio asked if there would be a DEP hearing for the Selden Ave access point. Judith Liebmann added that the Scheer construction seemed to have occurred without any hearing and changes are still there.

Q: Frank Cirillo asked why the Planning and Zoning committee is not involved in any sea wall construction and reconstruction.

A: Peter Berdon pointed out that the authority for seawalls was the Coastal Area Management committee. This does not go through the Association. It is building and construction outside the authority of the Association.

Q: Len Farber asked whether reconstruction plans were submitted and reviewed by authorities.

A: The state reviews most plans and the plans are public documents available to the public.

Q: Judith Liebmann asked if the Selden Ave and Scheer construction documents were public record and were they on file?

A: Yes they should be on file.

Q: Dr. Cantor asked if the Security "experiment" that was an issue a few years ago should be ended? Does the Association need security?

Q: Angela Resetti followed with whether the Pine Orchard Association is still needed? Who does the Board represent?

A: Jennifer Aniskovich stated that before an in depth discussion about the usefulness of the Association, all residents should read the Charter which is available on the Associations website.

A motion was made to have an open discussion about the continuation of the Pine Orchard Association. The motion was seconded and the motion passed.

The meeting was adjourned at 10:30 pm

Immediately following the Annual meeting, the Board convened a meeting to act on the election of the officers for the upcoming year.

The slate presented was John Donegan, President, Jennifer Aniskovich, Vice-President, Peter Hugret, Treasurer and Don Patenaude, Clerk. Charlie Shelton made a motion to accept the slate; the motion was seconded by Stak and the Board voted unanimously for the slate of officers presented. The meeting was then adjourned.

Minutes of The Pine Orchard Association Executive Meeting
July 25, 2012

A Special Meeting of the Pine Orchard Association Board was held at the Association building at 180 Pine Orchard Road, Branford, CT on Wednesday, July 25, 2012 for the purpose to discuss the Access Point Report, its delivery, its content, its distribution,, its posting on the web-site and any other issues associated with the Report that members of the Board would like to discuss.

The Meeting was called to order with a quorum present at 3:30 P.M. In attendance were the following Board members: Vining Bigelow, Kenneth Graham, Greg Stak, John Donegan, Debra Lintern, Eric Hanson, Jennifer Aniskovich, Peter Hugret, Patricia Kaplan, and Donald Patenaude. Also in attendance was Pine Orchard Association counsel, Peter Berdon.

At the Annual Meeting of July 9, 2012 of the Pine Orchard Association, the Board requested our Attorney, Peter Berdon to prepare a written report as to the status of its investigation as to what "rights", if any, the Pine Orchard Association ("POA") has in and to certain access points to Long Island Sound within the confines of the Association. A draft of Mr. Berdon's letter dated July 19, 2012 in referenced to "Long Island Sound Access Point Investigation Status Report" was prepared for John Donegan, Esq. President of the POA. Atty. Berdon provided an over-view of his investigation report with the Board members present and advised us that the next meeting schedule for August 2, 2012, he will present in final form his letter for review and discussion.

Atty. Berdon also advised the Board members that Anthony Nuzzo, Jr. of Nuzzo & Roberts, L.L.C. represents M. Joseph Canavan and Mary Beth Canavan ,who own the property of 1 Selden Avenue, Branford, CT regarding their Access Right of Way (ROW) to Long Island Sound.

The meeting was adjourned at 4:30 P.M.

Respectfully Submitted,


Donald F. Patenaude, Clerk

John Donegan

From: John Donegan [jedonegan@gibsondoneganlaw.com]

Sent: Friday, July 27, 2012 8:56 AM

To: CHARLIE SHELTON (CFSJR29@AOL.COM); DEBRA LINTERN (debbielintern@gmail.com); DONALD PATENAUDE (DPATENAUDE@SNET.NET); ERIC HANSON (ERIC_HANSON1@ML.COM); F. VINING BIGELOW (FVB_VB98@YAHOO.COM); GREGORY STAK (GSTAK@VOLLRATHCO.COM); JENNIFER ANISKOVICH (JSA@ANISKOVICH.COM); JOHN E. DONEGAN (JEDONEGAN@SNET.NET); KENNETH GRAHAM (GRHKEN24@AOL.COM); M. JOSEPH CANAVAN (MJCANAVAN@SNET.NET); PAT KAPLAN (PATKAP5@COMCAST.NET); PETER R. HUGRET (PRHUGRET@GMAIL.COM); 'Peter Berdon'

Subject: Special Board Meeting POA

Board Members:

I am calling a special meeting of the Board for Thursday, August 2, 2012, at 7:00 P.M. at the Association building. The purpose of the meeting is to discuss the Access Point Report, its delivery, its content, its distribution, its posting on the website and any other issues associated with the Report that members of the Board would like to discuss. Please make every effort to attend.

Peter, I would ask that you place a Notice on our website of the meeting date and time.

I would ask that all of you let me know if you will be able to attend the meeting.

John

Minutes of The Pine Orchard Association Executive Meeting

August 2, 2012

A continuous Special Meeting of the Pine Orchard Association Board was held at the Association building at 180 Pine Orchard Road, Branford, CT on August 2, 2012 at 7:00 PM for the purpose of reviewing the Revised Letter on the Long Island Sound Access Point Investigation Status Report dated July 31, 2012, prepared by our POA Counsel, Peter Berdon to John Donegan, Esq., President, Pine Orchard Association.

In attendance were the following Board members: Vining Bigelow, Kenneth Graham, Greg Stak, John Donegan, Debra Lintern, Eric Hanson, Jennifer Aniskovich, Patricia Kaplan, Charles Shelton and Donald Patenaude. Also in attendance was Peter Berdon, POA Counsel.

Mr. Berdon presented the Revised Letter to the members of Board. Mr. Donegan asked if anyone had any question or comments regarding Mr. Berdon's Revised Letter. Hearing none, a motion was made by Jennifer Aniskovich to accept the Revised Letter as presented and was second by Kenneth Graham. The motion was approved by the members of the Board present, with one objection.

Mr. Berdon will prepare an appendix of the documents collective by the sub-committee of the Executive Board and our Counsel, Peter Berdon regarding the historical material on the Long Island Sound Access Point Investigation will be available at the Blackstone Library and a notice will put on our Pine Orchard Association web-site and POA Bulletin Board located at the association office at 180 Pine Orchard Road, Branford, CT

At 7:40 PM A motion was made by Greg Stak and second by Jennifer Aniskovich to move into a closed executive session to have our Attorney to provide us with an update on the litigation in referenced to the Crescent Bluff Avenue issued. At 8:45, another motion was to move out of closed session, no action was needed to be voted on.

The meeting was adjourned at 8:45 PM. The next meeting will be on October 1, 2012 to be held at the Pine Orchard Association building to hear an Application for a Special Permit at 7:00 PM to be follow by our regular

meeting.

Respectfully submitted,

Donald F. Patenaude
Clerk

Minutes of The Pine Orchard Association Executive Meeting
August 2, 2012

A Special Meeting of The Pine Orchard Association Board was held at the Association Building at 180 Pine Orchard Road, Branford, CT on August 2, 2012 at 7:00 P.M. for the purpose of reviewing the Revised Letter on the Long Island Sound Access Point Investigation Status Report dated July 31, 2012, prepared by POA Counsel, Peter Berdon.

In attendance were the following Board members: Vining Bigelow, Kenneth Graham, Greg Stak, John Donegan, Debra Lintern, Eric Hanson, Jennifer Aniskovich, Patricia Kaplan, Charles Shelton, Peter Hugret and Donald Patenaude. Also in attendance was Peter Berdon, POA Counsel.

Mr. Berdon presented the Revised Letter to the members of Board. Mr. Donegan asked if anyone had any questions or comments regarding Mr. Berdon's Revised Letter. Hearing none, a motion was made by Jennifer Aniskovich to accept the Revised Letter as presented. The motion was seconded by Kenneth Graham. The motion was approved by the members of the Board present, with one negative vote.

Mr. Berdon will prepare an appendix of the documents collected by the sub-committee of the Executive Board and our Attorney. The Long Island Sound Access Point Investigation Report will be available at the Blackstone Library and a notice will be put on our Pine Orchard Association web-site and POA Bulletin Board located at the Association Office at 180 Pine Orchard Road, Branford, CT.

At 7:40 P.M. a motion was made by Greg Stak, seconded by Jennifer Aniskovich, to move into a closed executive session to have our Attorney provide us with an update on the litigation in reference to the Crescent Bluff Avenue issue. At 8:45 P.M., another motion was made to move out of closed session. No votes were taken in the Executive Session.

The meeting was adjourned at 8:45 P.M. The next meeting of the Association will be on October 1, 2012 to be held at the Pine Orchard Association Building to hear an Application for a Special Permit at 7:00 P.M. to be followed by our regular meeting.

Respectfully submitted,


Donald F. Patenaude
Clerk

John Donegan

From: John Donegan [jedonegan@gibsondoneganlaw.com]
Sent: Thursday, August 16, 2012 3:44 PM
To: CHARLIE SHELTON (CFSJR29@AOL.COM); DEBRA LINTERN (debbielintern@gmail.com); DONALD PATENAUDE (DPATENAUDE@SNET.NET); ERIC HANSON (ERIC_HANSON1@ML.COM); F. VINING BIGELOW (FVB_VB98@YAHOO.COM); GREGORY STAK (GSTAK@VOLLRATHCO.COM); JENNIFER ANISKOVICH (JSA@ANISKOVICH.COM); JOHN E. DONEGAN (JEDONEGAN@SNET.NET); KENNETH GRAHAM (GRHKEN24@AOL.COM); M. JOSEPH CANAVAN (MJCANAVAN@SNET.NET); PAT KAPLAN (PATKAP5@COMCAST.NET); PETER R. HUGRET (PRHUGRET@GMAIL.COM); 'Peter Berdon'
Subject: Special Meeting Pine Orchard Association Executive Committee

Board Members:

I am calling a Special Meeting of the Board for Monday, August 27, 2012, at 7:00 P.M. at the Association building. The purpose of the meeting is to discuss the current situation relative to our position of Zoning Enforcement Officer, the status of our Security Contract, the scheduling of a Public Hearing to discuss and comment on proposed revisions to the Pine Orchard Zoning Regulations (Definitions), and to discuss and other business that may properly come before the meeting.

Peter, I would ask that you place a Notice on our website of the meeting date and time and that you also put a notice in our public notice case on the front of the building.

I have heard from most of you on your availability to attend this meeting and it appears that we will have a quorum. I would ask that those of you who have not contacted me concerning your attendance to please do so.

John

Minutes of The Pine Orchard Association Executive Meeting

August 27, 2012

A Special Meeting of The Pine Orchard Association Board was held at the Association Building located at 180 Pine Orchard Road, Branford, CT at 7:00 P.M. on August 27, 2012. Mr. Donegan stated the Special Meeting was to discuss the current situation relative to our position of Zoning Enforcement Officer, the status of our Security Contract, the scheduling of a Public Hearing to discuss and comment on the proposed revisions to the Pine Orchard Zoning Regulations (Definitions) and to discuss any other business that may properly come before the meeting.

In attendance were the following Board members: Vining Bigelow, Kenneth Graham, Greg Stak, John Donegan, Debra Lintern, Jennifer Aniskovich, Peter Hugret, Patricia Kaplan Joe Canavan and Donald Patenaude. Also in attendance was Pine Orchard Association counsel, Peter Berdon.

ZONING ENFORCEMENT OFFICER

Mr. Donegan advised the Board members that he received a letter of resignation, effective immediately, dated August 12, 2012 from Anthony Beccia. Mr. Beccia was willing, if the Board so desire, to continue with the Olenska matter and pending applications that are underway and for which he had ongoing discussions with POA property owners.

Mr. Donegan asked the Board members if they knew anyone with proper certification that would be willing to serve as the Zoning Enforcement Officer for the Pine Orchard Association. Hearing none, it was recommended by Mr. Donegan to form a sub-committee, headed up by Peter Hugret, and other names were mentioned to serve on this committee. Charlie Shelton, Joe Canavan, Joe Sepot and Eric Rose. It was proposed to offer Bud Beccia a three (3) month contract to continue to serve as ZEO for his knowledge, understanding and concerns to how we can improve the process so that it becomes more effective and efficient in the interpretation and clarification of definitions in their review of the Pine Orchard Association Zoning Regulations with the Zoning Board of Appeals to

review the Zoning Regulations for the purpose of clearing up any misunderstanding of the definitions. Mr. Donegan handed to the Board members a draft of a letter and a copy of a legal notice of a Public Hearing to the Pine Orchard Association members to review proposed changes to the Pine Orchard Association Zoning Regulations. The sub-committee members would review the draft of this letter and make recommendations going forward, to the POA, before having a Public Hearing on this matter.

STATUS OF THE SECURITY CONTRACT

Ms. Aniskovich provided the Board with a draft of the Description of Services to be offered by G.F. Mezzacane & Associates, LLC, a licensed security service, located in Guilford, CT, and to provide Mobil Patrol services for security coverage within the boundaries of the Pine Orchard section of Branford. Part-time service during the week from Thursday through Saturday and for Memorial Day-Labor Day. The regular hourly rate will be \$20.00 per hour and the Holiday hourly rate will be \$30.00 per hour. It was suggested that someone should contact the Branford Police Chief to see if they would provide Pine Orchard area with security during the week.

A motion was made and seconded to have Ms. Aniskovich negotiate a proposed Security Contract with G. F. Mazzacane. The effective date of the Security Contract would be November 1, 2012.

PINE ORCHARD WEB-SITE

Mr. Hugret advised the Board that we would be able to upgrade our web-site by installing a software, Wordpress, at a cost of \$600 (10 hours at \$60 per hour). It would allow for 100% maintenance including new pages, such as minutes. Easier posting/updating, and we would be able to change the names/positions/responsibilities of Board members, when necessary.

Internet access from the Association Office - The phone service presently cost \$40 which would be increased to \$75 (AT&T U-verse), which provides no lone distance charges, bill pay access and e-mails can be sent and received at the Association Building (savings in postage-tax bills, etc.) and finally the purchase of Quicken software (\$60) for maintaining the budget on the Association computer.

A motion was made and seconded to upgrade the web-site with the purchase of software, wordpress, upgrade the phone service to AT&T U-verse and to purchase Quicken software with the estimated cost of \$1,200, staying within the budget figure for the current year. The motion passed unanimously.

CRESCENT BLUFF AVENUE LITIGATION

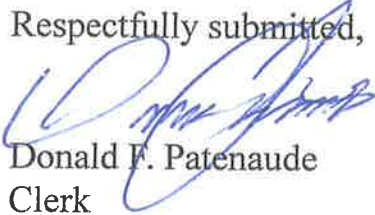
At 8:40 P.M. a motion by Ms. Aniskovich and seconded by Mr. Hugret to move into closed executive session to receive an update on the litigation of Crescent Bluff matter from our Attorney, Peter Berdon. The motion was passed with member Joseph Canavan abstaining.

At 9:25P.M. a motion was made by Ms. Kaplan and seconded by Mr. Hugret to come out of closed executive session. The motion was passed unanimously. No action was necessary to be voted by the Board.

The meeting was adjourned at 9:30 P.M.

The next meeting will be on October 1, 2012 to be held at the Pine Orchard Association Building immediately following the Application for a Special Permit for the Larysa Olenska property at 7:00 P.M.

Respectfully submitted,



Donald F. Patenaude
Clerk

Minutes of The Pine Orchard Association Board Meeting
October 1st, 2012

The meeting was called to order with a quorum present at 9:10 P.M. In attendance were the following Board members: John Donegan, Vining Bigelow, Kenneth Graham, Eric Hanson, Jennifer Aniskovich, Greg Stak, Joe Canavan Pat Kaplan, Peter Hugret and Debra Lintern. Pine Orchard Association counsel, Peter Berdon was also present. Visitor Dr. Bob Wheeler.

I Minutes

The Minutes of the following past meeting were approved: June 6th, July 25th, Aug 2nd and Aug 27th; the May 21st minutes were not ready to be reviewed.

II Zoning Report-

- a) Joe Canavan, reported that Bud Beccia will stay for three months until we transition to a new Zoning officer. Bud will finish out the ongoing cases. The Board would like to thank Bud for his service to the Pine Orchard Association Zoning Authority. There was a surge in applications for stand-by generators.
- b) Mr. Canavan had nothing to report on 175 Pine Orchard Road construction after consulting with Charlie Shelton.
- c) General Discussion: ZEO position: It was proposed that Bud finish out open cases and that Laura Magaraci, Branford ZEO, would work with Bud and possibly transition in as a new ZEO. As an alternative to a ZEO, Peter Hugret brought up the idea of becoming a village district and allowing Branford to enforce building regulations. Questions were raised about this as a trend for small associations? Who would control regulation changes? What would take priority existing POA regulations or Branford town regulations? It was decided that this would have to be a decision to be voted on by the PO residents and they would have to be aware of all the positive and negative implications of allowing Branford Town enforce our regulations.
- d) Zoning Regulation Revisions: John Donegan will pick a date for the public hearing for the proposed zoning regulation revisions taking into account the time line needed to get a public meeting scheduled.
A suggestion was made but no motion was put forth to hire Bud Beccia to review the Pine Orchard zoning regulations to determine conflicts with both town and state laws. It was also noted that it may need a large overhaul versus temporary fixes.

- e) Pine Orchard Market Public Hearing: John Donegan will set a public hearing time for the review of the application currently with Bud Beccia.

III Treasurer's Report

Peter Hugret presented the treasurer's report. It was noted that there were some additional funds at Merrill Lynch that were not on the report. Peter also mentioned \$280 transferred from the POA account to the Mirror Lake account at his discretion. After some discussion about the funding and authority of the Mirror Lake fund, Peter will transfer the \$280 back to the POA account and determine the POA Boards responsibility to transfer funds to the Mirror Lake account.

IV Security Report

Jennifer Aniskovich presented the security report. The current contract with the security company will expire with the Mazzacane security group November 1st 2012. It was proposed the contract be maintained at the current term and rate with the deposit carrying over to the new contract. Pat Kaplan questioned the necessity of security in Pine Orchard. There was a general discussion about police coverage, actual crimes occurring in PO and how to determine effectiveness of patrol times. After the discussion, Jennifer Aniskovich made a motion, seconded by Greg Stak, to continue with Mazzacane for a term from 11/1/2012 until 10/31/2013 at the current rates. The motion carried with two opposed, Peter Hugret and Pat Kaplan.

After the vote, Jennifer noted that the security question almost annually comes up the Annual meeting. The PO residents were surveyed two or three years ago and wanted to keep the security. Joe Canavan mentioned that he still reviews the security reports, speaks with the Branford police liaison and the reports are available to all residents. Peter Hugret added that he has had contact with the Police chief and other Branford officials and discussed the PO security issue. Jennifer requested that she and Joe Canavan be included in any future meeting where the PO security issue is discussed.

V Roads and Public Works

a) **Website**_Peter Hugret reported that the website is undergoing some corrections and editing. He will also have the ability to post notices online,

b) **Public Works**: Debbie Lintern received an issue from a resident on Lake Place requesting a stop sign to prevent turns right onto Island view. It was pointed out that the Branford Board of Police Commissioners is the authority that determines whether traffic signs should be placed in any area in Branford.

VI Waterfront & Building Report: General:

Vining Bigelow reported that at the end of Crescent Bluff, there is no longer a 3 ft drop from the bottom of the stairs due to some assistance from the sound depositing sand there.

- a) Work Done and to be done: Island View: the Pinder construction is ongoing. There are also some open issues: The Associations responsibility from the stairs to the opening, will the compacted earth remain as is from Island view to the access point, will there be any additional grading and drainage work in the area and do we have any plans or designs from the construction company?

John Donegan noted that the total Pinder bill will be \$40,000 with the POA responsible for approximately \$11,000. Some residents near the access point have expressed displeasure with the access point still having an opening. The Board noted that this design was the same as before the storm.

- b) An open question to be put to Pinder is how they will "finish" the access point and if this is included in the total cost.

VII Special Committee:

Jennifer noted that the charge of the Special Committee was to gather as much information about the Pine Orchard Access points. Greg Stak is now in charge of the special Committee. A hearing on Crescent Bluff will occur on October 29th, 2012.

A motion was made by Pat Kaplan and seconded by Jennifer Aniskovich to go into executive session to discuss with Atty Berdon the Crescent Bluff litigation status. The Board voted unanimously at 10:30 pm.

The Pine Orchard Board came out of executive session at 10:55 pm. No actions were taken.

IX New Business

There being no further business to come before the meeting, Greg Stak made a motion to adjourn the meeting, seconded by Eric Hanson. The meeting was adjourned at 11:00 P.M.

Respectfully Submitted,

Eric C. Hanson
Temporary Clerk

Minutes of the Pine Orchard Association Executive Board Meeting

October 22, 2012

The meeting was called to order at 5:00 P.M. The Board members that were in attendance: John Donegan, Joe Canavan, Peter Hugret, Charlie Shelton, Debbie Lintern, Greg Stak, Vining Bigelow, Pat Kaplan and Donald Patenaude.

Mr. Donegan presented the Right of Way Drainage Proposal of Mr. Pinder of the Pinder Construction Company, Inc. for materials and labor to install storm sceptors and catch basins to grade and specifications shown on plans (Gregg Fedus, engineer) including the removal of the existing concrete sidewalk at a cost of \$11,586.00.

Additionally for our consideration:

1. Replace concrete sidewalk, topsoil seed and hay remaining area at a cost of \$4,746.00,

Or

2. Place topsoil seed and hay in place of concrete walkway at a cost of \$1,586.00

Following the tropical storm, Irene, the access areas of Island View Avenue, were flooded, large equipment and heavy barrier came into the area to contained the water and drainage problems. When the original Agreement between Pinder Construction Company, Inc. and Pine Orchard Association was completed the scope of work to be done by the construction company did not included the work that is being proposed mentioned above.

Mr. Hugret, Treasurer, was asked by Mr. Donegan, to provide the Board members was our current financial status and what the effect it would have if we were to accept the proposal by Mr. Pinder. The original cost of repairing the seawall under the Agreement \$453,000.00 and our share of the

cost was 11.90% or \$53,929.00. Upon execution of the Agreement, POA paid initial amount under the contract of \$13,095.00 and the balance would be paid in five installments upon completion of its work. The fiscal year 7/1/2012 to 6/30/2013 the Shorefront Maintenance budget is \$56,500.00. On October 12th, we paid \$36,906.00 to Pinder Construction Company, leaving a balance of \$3,929.00 to be paid, once the inspection has been completed. The inspection has been done and we need to pay remaining balance. Because of pending legal fees, it puts a strain on the budget and we may have to make a special assessment to the Pine Orchard property owners to cover our expenditures during this fiscal year.

Because the equipment of Pinder Construction Company is still on the premises, it was decided to go ahead to complete the work as proposed.

Therefore, a motion was made by Mr. Canavan and seconded by Mr. Stak to provide material and labor to install storm sceptors and catch basins to grade including the removal of the existing concrete sidewalks and replace concrete sidewalk, topsoil seed and hay remaining area at a total cost of \$16,332.00. The Board approved the motion and Mr. Bigelow will notify Mr. Pinder to complete the work needed.

Donald Patenaude
Clerk

Minutes of the Pine Orchard Association Executive Meeting

October 8, 2012

Mr. Donegan read the call of the Vice President, there will be a meeting of the Executive Board of the Pine Orchard Association on Monday, October 8, 2012 at 8:30AM in the Board Room of the Association Building at 180 Pine Orchard Road, Branford, Connecticut.

The purpose of the meeting is to receive a report regarding the pending litigation entitled Wheeler, et al V. Beachcroft, LLC ("Crescent Bluff Litigation") from Attorney Peter Berdon and to take any action determined to be necessary regarding the Crescent Bluff Litigation. The Board will also consider any other matter that may properly come before it at such meeting.

The members of the Board in attendants were: Debbie Lintern, John Donegan, Jennifer Aniskovich, Joe Canavan Peter Hugret Charlie Shelton and Donald Patenaude. Also in attendance was Pine Orchard Association Council, Peter Berdon.

The meeting was called to order at 8:30 A.M.

AT 8:40 A.M. am Ms. Anniskovich made a motion and seconded by Ms. Lintern to go into closed executive session regarding an update from Mr. Berdon regarding the pending litigation entitled Wheeler, et al v. Beachcroft (Crescent Bluff Litigation.).

At 9:35 A.M. a motion was made by Mr. Donegan and seconded by Mr. Patenaude to go out of closed executive session.

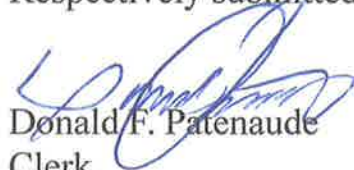
Mr. Donegan made a motion and seconded by Mr. Patenaude to approved and reaffirmed the position of the Pine Orchard Association to proceed with the litigation strategies presented by Mr. Berdon. The motion was approved by the members of the Board with one exception, Mr. Canavan who disapproved.

The motion was made by Ms. Anniskovich and seconded by Ms. Linterin to have Mr. Berdon review the Officer and Director's Insurance policy and to

advise Mr. Donegan to send a letter to the insurance carrier to put them on notice that there may be a possible claim in the matter of Wheeler, et al v. Beachcroft, LLC (Crescent Bluff Litigation).

At 9:40 A.M. a motion was made by Mr. Donegan and seconded by Mr. Patenaude to adjourned the meeting. The Board members approved.

Respectively submitted,



Donald F. Patenaude
Clerk

Minutes of The Pine Orchard Association Executive Board Meeting

November 19, 2012

In attendance were the following Board members: John Donegan, Vining Bigelow, Kenneth Graham, Charlie Shelton, Joe Canavan, Pat Kaplan, Peter Hugret and Donald Patenaude.

I The following minutes were reviewed: September 14, 2012, May 21, 2012, October 1, 2012, October 8, 2012 and October 22, 2012. After making the necessary corrections, the minutes were approved, as amended and seconded by the board members.

II Zoning Report

Mr. Canavan reported that, in the police report for Pine Orchard area, there have been several attempts of automobile breakins in November. He also stated that there were eight Pine Orchard Zoning applications filed and permits were granted for eight stand-by generators.

175 Pine Orchard Road - Mr. Shelton stated that there was no report.

Mr. Hugret, as Chairman of the Zoning Ad Hoc Committee reported that he spoke to the Town's ZEO, Laura Magaraci, regarding her possible interest in taking over Bud Beccia's position as POA Zoning Enforcement Officer, when he leaves next month. Subsequently, Mr. Canavan, Mr. Shelton and Mr. Hugret met and agreed that offering Laura the ZEO position would be their recommendation to the Board. Ms. Magaraci stated to Mr. Hugret that she would have to speak to her manager to be sure there are no issues preventing her from accepting this position, subject to salary, availability and communications to our Association members and Mr. Canavan. Mr. Hugret also suggested that he or Mr. Canavan should speak to our First Selectman, Mr. DaRos to make him aware that we are offering Ms.

Magaraci, the position of POA Zoning Enforcement Officer, and to be sure he has no objections in this matter.

In the report of the Zoning Ad Hoc Committee it was stated under Term Limits to provide for more participation by our members which should:

1. Significantly expand the pool of interested candidates as the historic process has been one of asking if any Board member had a suggestion and nominations from the floor at the annual meeting after a slate had been presented.
2. New members will bring fresh ideas forward and not be “history bound” as times change.
3. Improve the confidence on the part of our members that they too have an opportunity to serve, even if they cannot make the annual meeting.
4. Remove the feeling that the Association Board is simply an extension of the Pine Orchard Club
5. Provide for replacement planning of a particular skill set in soliciting Members to the Board (Executive and ZBA)

ZBA might need such skills as:

1. Legal
2. Architectural
3. Construction
4. Real Estate, etc.

Executive Board might need such skills as:

1. Tax-Excel/Word and customer service
2. Treasurer-Web (WordPress), finance/accounting, prior treasury

- experience, etc.
3. By-laws - an attorney
 4. Security - someone with experience and/or working relationship with the Town's Police Department
 5. President-someone who is capable and wants to serve.

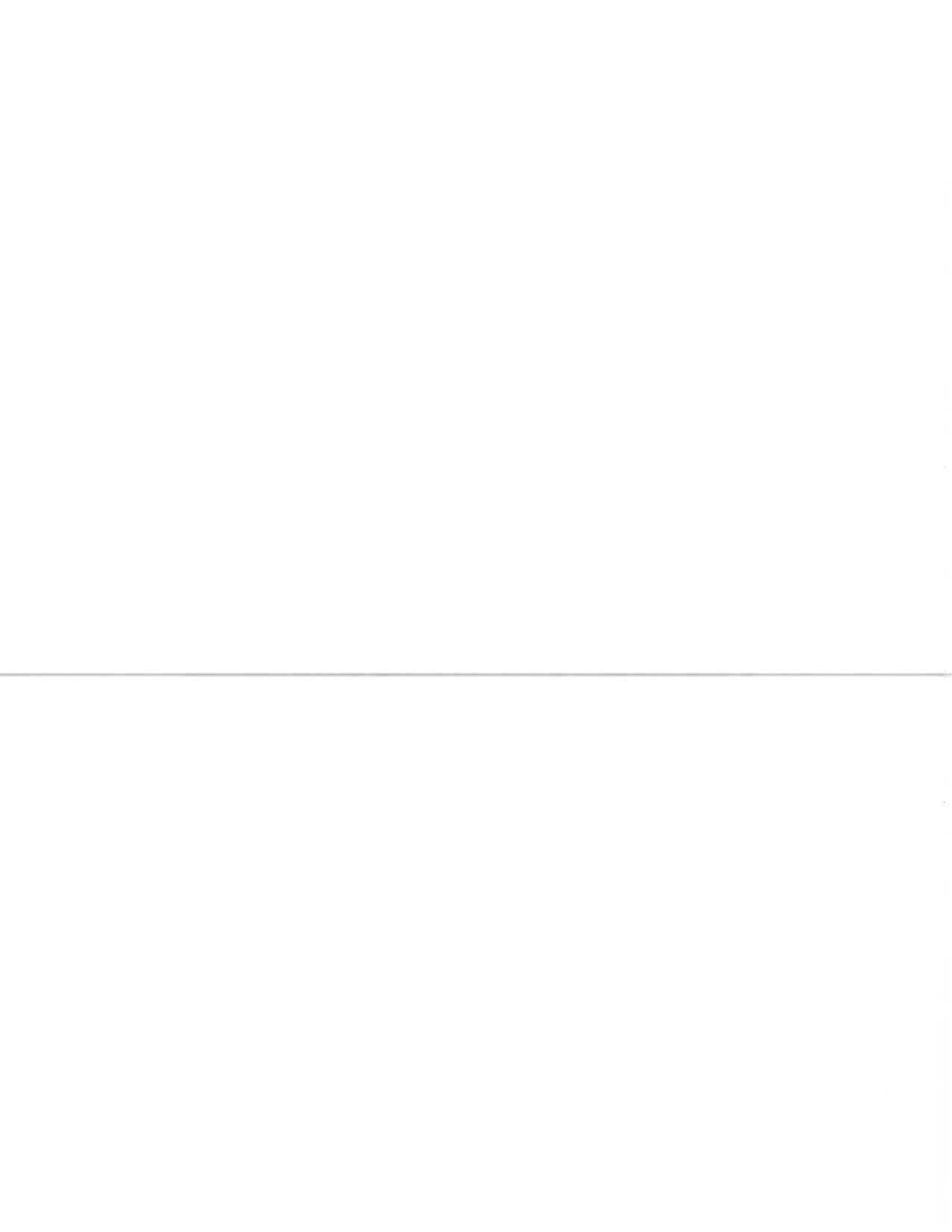
Pine Orchard Market Property Zoning Hearing Date has been scheduled for December 3, 2012 at 7:00 P.M. to be held at the POA building at 180 Pine Orchard Road, Branford, CT.

Mr. Donegan reported that the term for Kathleen Greenalch's position as a member of the Zoning Board of Appeals will be expiring soon and she indicated to Mr. Donegan that she may want to continue to serve, if this was the Executive Board's decision. It was recommended by the Board members that Mr. Hugret would post a notice on the web-site that Ms. Greenalch term of office will be expiring and to find out if anyone, might be interested to serve on the Zoning Board of Appeals.

III - Treasurer Report

Mr. Hugret reported that from July 1, 2012 to date we have expended 79% of our budget and that we may need to have an special assessment during this year if we continue to incur legal and security expenses at the rate of the past five months. Section 17 of our Charter limits our power to (7) seven mills in any fiscal year -we are now at (5) five mills. Each mill represents \$17,486. Mr. Hugret mentioned that the budget that was approved at the Annual Meeting was a net deficit budget of \$27,921, which would have to come from our \$45,000 Money Market account with Merrill Lynch.

The Board recommended that our President, Mr. Donegan send a letter to the members of the Pine Orchard Association to advise them as to our financial situation, and the options we have to consider such as discontinuing or reducing security and other expenses, our involvement in



Respectively submitted


Donald F. Patenaude
Clerk

Minutes of The Pine Orchard Zoning Authority
December 3, 2012

The meeting of The Pine Orchard Zoning Authority conducted a public hearing on Monday, December 3, 2012 at 7:00 P.M. at the Pine Orchard Association Municipal Building, 180 Pine Orchard Road, Branford, Connecticut.

In attendance were the following Board members: John Donegan, Vining Bigelow, Kenneth Graham, Charlie Shelton, Joe Canavan, Pat Kaplan, Peter Hugret, Debbie Lintern and Donald Patenaude.

Mr. Donegan read the Legal Notice stating the purpose to review the application for a Special Permit of Alfredo and Zoila Bruzzese property (Pine Orchard Market), located at 14 Elizabeth Street, Pine Orchard, Branford, Connecticut. They are being represented by the Applicant, Peter MacPartland, AIA, of The Elm City Architects, requesting a change in use per Section 5.37 and 7.31 of the Zoning Ordinances for the Pine Orchard Association.

Mr. MacPartland spoke on behalf of the Bruzzese family about the change of use from the existing commercial on the first floor, formerly known as the Pine Orchard Market to the proposed residential use. He proposed that on the first floor there would be one bedroom apartment; existing residential on the second floor (2) one bedroom apartments to remain as is, resulting in converting existing mixed use to (3) residential apartments. Mr. MacPartland spoke about a wrap-around porch roof with supporting columns over the concrete walkway on the ground floor and a replacement code-compliant stairway and landing to serve the second floor. The existing parking spaces and lighting proposes for the sidewalks for safety purposes have been addressed. Mr. Donegan asked the people who attended the meeting to find out in their were any objections to the change of use or if

they were in favor of the change of the propose use. The Zoning Enforcement Officer, Bud Beccia was in attendance and confirmed that the Application met all of the Pine Orchard Zoning requirements. No one spoke in opposition to the Application and one person spoke in favor of the Application. Mr. Donegan asked Mr. MacPartland if he had any additional comments and if he wanted to summarize his request. He stated that he did not. Mr. Donegan than closed the public portion of the meeting.

The Board then considered action on the Application. Mr. Donegan made a motion to approve the Application for a Special Permit filed by Peter MacPartland on behalf of Alfredo V. and Zoila C. Bruzzese for property located at 14 Elizabeth Street in Pine Orchard for a Special Permit requesting a Change of Use for said property pursuant to Section 5.3.7 and Section 7.3.1 of the Zoning Ordinances of the Pine Orchard Association.

The Board finds that the use proposed is substantially different in nature and purpose from the current nonconforming use and further finds that the new use will have a lesser impact upon the surrounding are than the old one. The Board further finds that the alteration of the existing use to the proposed use is in accord with the public convenience and welfare after considering Section 5.1.1 through 5.16 of the Pine Orchard Zoning Regulations.

The motion was seconded by Ms. Kaplan and the Board members present at the meeting voted unanimously to approve the Application for a Special Permit filed by Peter MacPartland on behalf of Alfredo V. and Zoila C. Bruzzese.

The meeting was adjourned at 7:45 P.M.

The regular meeting of the Pine Orchard Association Executive Board started at 7:45 P.M.. The President asked for an update from our Treasurer as to the financial situation for the fiscal year July 1, 2012 through

Minutes of The Pine Orchard Association Board Meeting
October 1st, 2012

The meeting was called to order with a quorum present at 9:10 P.M. In attendance were the following Board members: John Donegan, Vining Bigelow, Kenneth Graham, Eric Hanson, Jennifer Aniskovich, Charlie Shelton, Greg Stack, Joe Canavan Pat Kaplan, Peter Hugret and Debra Lintern. Pine Orchard Association counsel, Peter Berdon was also present. Visitor Dr. Bob Wheeler.

I Minutes

The Minutes of the following past meeting were approved: June 6th, July 25th, Aug 2nd and Aug 27th; the May 21st minutes were not ready to be reviewed.

II Zoning Report-

- a) Joe Canavan, reported that Bud Beccia will stay for three months until we transition to a new Zoning officer. Bud will finish out the ongoing cases. The Board would like to thank Bud for his service to the Pine Orchard Association Zoning Authority. There was a surge in applications for stand-by generators.
- b) Mr. Canavan had nothing to report on 175 Pine Orchard Road construction
- c) General Discussion: ZEO position: It was proposed that Bud finish out open cases and that Laura Magaraci, Branford ZEO, would work with Bud and possibly transition in as a new ZEO. As an alternative to a ZEO, Peter Hugret brought up the idea of becoming a village district and allowing Branford to enforce building regulations. Questions were raised about this as a trend for small associations? Who would control regulation changes? What would take priority existing POA regulations or Branford town regulations? It was decided that this would have to be a decision to be voted on by the PO residents and they would have to be aware of all the positive and negative implications of allowing Branford Town enforce our regulations.
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Vining Bigelow reported that at the end of Crescent Bluff, there is no longer a 3 ft drop from the bottom of the stairs due to some assistance from the sand depositing there.

- a) Work Done and to be done: Island View: the Pinder construction is ongoing. There are also some open issues: The Associations responsibility from the stairs to the opening, will the compacted earth remain as is from Island view to the access point, will there be any additional grading and drainage work in the area and do we have any plans or designs from the construction company?

John Donegan noted that the total Pinder bill will be \$40,000 with the POA responsible for approximately \$11,000. Some residents near the access point have expressed displeasure with the access point still having an opening. The Board noted that this design was the same as before the storm.

- b) An open question to be put to Pinder is how they will “finish” the access point and if this is included in the total cost.

VII Special Committee:

Jennifer noted that the charge of the Special Committee was to gather as much information about the Pine Orchard Access points. Greg Stak is now in charge of the special Committee. A hearing on Crescent Bluff will occur on October 29th, 2012.

A motion was made by Pat Kaplan and seconded by Jennifer Aniskovich to go into executive session to discuss with Attny Berdon the Crescent Bluff litigation status. The Board voted unanimously at 10:30 pm.

The Pine Orchard Board came out of executive session at 10:55 pm. No actions were taken.

IX New Business

There being no further business to come before the meeting, Greg Stak made a motion to adjourn the meeting, seconded by Eric Hanson. The meeting was adjourned at 11:00 P.M.

Respectfully Submitted,

Eric C. Hanson
Temporary Clerk