

Minutes of the Meeting of The Pine Orchard Association Executive Board
Held
January 7, 2013

In attendance were the following Board members: John Donegan, Vining Bigelow, Kenneth Graham, Charlie Shelton, Peter Hugret, Debbie Lintern, Jennifer Aniskovich, Greg Stak, Pat Kaplan, by telephone and Donald Patenaude. Also present was Peter Berdon, Counsel for Pine Orchard Association, Attorney Gerald Garlick, Attorney Joel Green, and Attorney Daniel Klau.

Mr. Donegan introduced Laura Magaraci as our POA Zoning Enforcement Officer replacing Bud Beccia. Mr. Hugret has updated her on the Web-site and she comes to us with experience with Zoning Regulations and she has served five (5) years as the Zoning Enforcement Officer for the Town of Branford. Mr. Donegan also introduced Kathleen Greenalch, who indicated she is willing to continue to serve on the Zoning Board of Appeals.

I A motion was made by Ms. Lintern to accept the Minutes of the Pine Orchard Association Executive Board meetings dated November 19, 2012, and December 3, 2012 and was seconded by Mr. Hugret. The Board members present approved the Minutes as presented. Ms. Aniskovich abstained from the vote.

Mr. Donegan asked Mr. Berdon to give the Board a status report on the Crescent Bluff Avenue matter. He provided us with a summary of the issues that will be considered in upcoming litigation. Since June 2012, we have been included as a defendant in the Crescent Bluff Avenue Litigation. The issue to be considered in the upcoming trial in February, 2013, is whether Crescent Bluff Road is a public road or private road. Mr. Berdon advised us that there have been two depositions taken and twelve others scheduled to be taken including three from current Board members and three from former Board members. Mr. Berdon introduced the various attorneys present and who they represent in the Crescent Bluff Litigation.

III. Mr. Hugret presented the Treasurer's Report as of January 6, 2013, representing a six month period, showing that the Receipts were \$91,415 - 94% collected of the budget figure of \$97,356 and the Disbursements were

\$113,796 - 91% paid out from the budget figure of \$125,277. Recently, the Board approved to have the Treasurer close the Merrill Lynch C/D account in the amount of \$45,336 and transferred \$27,921 to the checking account to cover the deficit budget approved at the Annual Meeting in July 2012 and with the balance of \$17,415, create a savings account with Bank of America. Mr. Hugret reviewed each disbursement item shown as paid as compared to the budget figure on the Treasurer's Report and stated that the security is on target, Shorefront Maintenance is 5% over budget due to additional expense of \$16,342 in the Island View area, which was unknown prior to establishing the budget and that there would be savings by the end of the fiscal year in Building Maintenance /Utilities, Office/General, and Insurance, because the premiums has been fully paid in this fiscal year. He anticipates that the Disbursements will be 113% over budget or \$141,619 at the end of the fiscal year June 30, 2013, assuming that there will not be any additional legal fees to be paid in this fiscal year. Currently, there is \$6,654 in the Bank of America checking account and \$17,415 in the savings account totaling \$24,069. Cash needed at the end of the fiscal year would be \$27,823. Therefore, there would be a short-fall in the amount of \$3,754. There are an outstanding repairs planned for the stairs to be done on the Island View section, estimated to be \$3,000, which could be done in June and billed to the P0A in July, the next fiscal year.

Mr. Donegan asked the people who attended the meeting if they had any questions regarding the Treasurer's Report. There were some questions from those present concerning on-going legal expenses within this fiscal year.

A motion was made by Ms. Aniskovich, seconded by Mr. Stak, to accept the Treasurer's Report as presented. The motion was unanimously approved by the Board members.

IV Security - Ms. Aniskovich advised the Board members that she received an e-mail from Gail Mazzacane, Security Company, regarding a couple of incidents that her dispatchers had regarding inappropriate parking of people's cars and disorderly conduct. Ms. Mazzacane notified the Branford Police Department of the incidents. The Police were not very cordial to her. Ms. Aniskovich has forwarded Ms. Mazzacane's e-mail to Mr. Canavan, who has a good relationship and meets quarterly with the Branford Police Department. Mr. Donegan, also received a copy of Ms. Mazzacane's e-mail and, in due to Mr. Canavan's unavailability, met with Chief Halloran and others officers regarding the incidents and the treatment that was given Ms.

Mazzacane by the police officers on duty. Chief Halloran was upset and apologized to Ms. Mazzacane. The Board was assured that Branford police officers will be cordial and helpful in the future in working with our security company and the Pine Orchard Association.

V. Roads/Public Works Report - Mr. Hugret reported that the host company of the web-site went out of business and that a Cheshire company, who took it over is working well and has made the transition of 90% of the information into the current web-site.

VI. Waterfront & Building Report - Mr. Bigelow reported that everything has been completed on Island View Avenue with the exception of repairs needed to be done to the stairs which will be completed in June, 2013.

VII. Special Committee Report - Mr. Stak reported there was no additional material from the members of Special Committee to be turned over to our Counsel, Mr. Berdon. The information was gathered a few months ago, and a report provided by Mr. Berdon has been placed on our web-site.

VIII. Crescent Buff Avenue Litigation - At 8:40 P.M. Mr. Donegan made a motion to go into a closed Executive Session for a status report and update on the Crescent Bluff Avenue Litigation, which motion was seconded by Mr. Hugret and passed unanimously.

At 10:35 P.M. a motion was made by Ms. Lintern to move out of closed executive session, seconded by Mr. Shelton, and passed unanimously.

A motion was made by Ms. Aniskovich to endorse the litigation strategy as proposed by Attorney Berdon in Executive Session. The motion was seconded by Mr. Patenaude and approved unanimously by the Board members present.

The meeting was adjourned at 10:45 P.M.

Respectively submitted

Donald F. Patenaude
Clerk

Minutes The Pine Orchard Association Executive Board Meeting

March 18, 2013

In attendance were the following Board members: John Donegan, Kenneth Graham, Peter Hugret, Debbie Lintern, Jennifer Aniskovich, Greg Stak, Pat Kaplan and Donald Patenaude. Also present was Peter Berdon, Counsel for the Pine Orchard Association.

1. Approval of Minutes of the January 7, 2013:

Mr. Donegan received a suggestion from Peter Berdon regarding the minutes of January 7, 2013. At the bottom of Page 1 third paragraph, 4th sentence of the status report on Crescent Bluff Avenue Litigation, where it states “issues to be considered in the upcoming trial in February 2012, the year should be change to February 2013 and that we should put a period after road where it states “... whether Crescent Bluff Road is a public road or private road.” The wording that follows “...and the access to the water from south of the end of the road, grass area, is for public access or private access” should be taken out, since it was not an issue at the February trial.

Mr. Stak made a motion to approve the minutes of January 7, 2013, as amended and was seconded by Mr. Hugret. The minutes were approved by the Board members.

V111. Crescent Bluff Avenue Litigation (Executive Session)

At 7:40 P.M. a motion was made by Ms. Kaplan to go into executive session and was seconded by Mr. Hugret to have Mr. Berdon give us an update on the Crescent Bluff Avenue Litigation. At 7:55 P.M. a motion was made by Ms. Lintern to move out of closed executive session seconded by Mr. Stak. There were no votes taken by the Board while in executive session.

VII. Ms. Kaplan reported that she met with Mr. Shelton to review the By-Laws under Section 9 of the Charter of The Pine Orchard Association and presented a draft of a Proposed By-Laws change:

“These By-laws may be amended, repealed or new By-Laws added, provided the result is not inconsistent with the Charter or any law, at a

meeting of the Board of Directors having a quorum, by two-thirds of those Director present and voting.”

“The notice of any By-Laws change shall be circulated to the members of the Pine Orchard Association with the notice of the meeting of the Pine Orchard Association Board of Directors at least two weeks in advance of the meeting at which there will be a vote on said By-Laws change. The notice of any By-Laws change shall also be posted for a least two weeks on the public signpost of the association and on the website. The change of By-laws shall take effect fifteen days after its passage. A certificate of the clerk of the association of the due posting of the By-law shall be prima facie evidence of such posting.”

After a lengthy discussion regarding the Proposed By-laws changes, it was decided by the Board members to have Ms. Kaplan make revisions to the Proposed By-Laws changes and to bring it back to the Board at our next regular meeting May 20th for further discussion. If there is a need to make changes in our By-laws, a notice spelling out what By-Law changes are being considered should to be sent to the members of the Pine Orchard Association for their input at the Annual Meeting in July, 2013.

III. Treasurer’s Report - Peter Hugret

Mr. Hugret reviewed the Receipts and Disbursements of his budget report as of March 15, 2013 showing that the tax collections are at 99% of the budget figure leaving a balance of \$690.00 to be collected. There are (3) outstanding property owners have not paid and liens will be placed on these properties. The total Receipts to date are \$94,153, representing 97% of the budget of \$97,356. Under disbursements we are within the budget figures for Security, Building Maint/Utilities, Office/General expenses, Insurance, PO Museum & Webb and Audit/Annual Review. Under Building Improvements it was suggested by Mr. Hugret to install new thermostats to regulate and control the heating temperatures within our building. The only two areas that exceeded their budgets were Legal and Zoning. There is need to balance revenues of building & permit fees with the Zoning expenses in the future. Mr. Hugret suggested that he contact Mr. Canavan to obtain his input and make a recommendation how these two areas can be balanced. The total budget Disbursements to date were \$117,251, 94% of budget.

Mr. Hugret advised the Board that he will need authorization from the Board to transfer \$15,000 from savings to the checking account to cover the anticipated expenses for the balance of the fiscal year 2013. A motion was made by Mr. Donegan to transfer \$15,000 from savings to the checking account, leaving a balance in savings of \$2,416, which was seconded by Mr. Patenaude. The Board members approved the motion.

IV. Security - Ms. Aniskovich stated that there is No Report.

V. Website Report - Peter Hugret reported that Steven Shaw, owner of the host company, went out of business and a new company, Web Solutions, took it over. Mr. Shaw advised Mr. Hugret in the past a credit card was used to pay the expenses for the website services and, therefore, Mr. Hugret gave him his credit card to cover the bill of \$500. Mr. Hugret requested Mr. Shaw to provide an invoice for services rendered for \$500 to have a paper trail, which was paid from the POA checking account. Since there was a double payments made, Mr. Hugret would like to be reimbursed for the expenses paid from his credit card and will take steps to bring Mr. Shaw to Small Claims Court, if necessary, to recover the funds advanced to him.

II. Zoning Board of Appeals Appointment - Kathleen Greenalch (term expired)

Mr. Donegan advised the Board members that Kathleen Greenalch's term has expired as a member of the Zoning Board of Appeals. She served two-five year terms. The alternate ZBA members are: Thomas Gagliardi, John Dendas and Marshal Gibson. Mr. Donegan mentioned at the last meeting that Ms. Greenanch would be willing to serve again. It is possible that one of alternates might be willing to step-up to serve or a regular member of the Pine Orchard Association ZBA. A motion was made by Ms. Kaplan to have a three person committee, consisting of a member from ZBA, our Zoning Officer and a member of our Executive Board, review the candidates and their qualifications and make a recommendation to the POA Executive Board of a candidate to serve on the Zoning Board of Appeals, within 60 days. The motion was seconded by Mr. Hugret. The Board approved the motion.

The next regular meeting of the Board is scheduled for Monday, May 20,

2013. The Board will consider a budget for fiscal year 2013-2014 at that meeting.

Respectively submitted

Donald Patenaude
Clerk

Minutes of The Pine Orchard Association Executive Board Meeting

May 20, 2013

In attendance were the following Board members: John Donegan, Kenneth Graham, Peter Hugret, Jennifer Aniskovich, Pat Kaplan, Joe Canavan, Charlie Shelton, Vining Bigelow and Donald Patenaude. Also in attendance were POA members Remy Zimmermann, Arthur Knowlton and Niall Ferguson.

I. A motion was made by Mr. Shelton to approve the minutes of March 18, 2013, seconded by Mr. Graham. The minutes were unanimously approved by the Board members.

II. Zoning Report - Mr. Canavan reported that there were (8) applications for generators filed of which (6) were accepted and two applications from contractors are pending.

A. Zoning Regulation Revision - Mr. Donegan received an e-mail from Mr. Zimmermann, Secretary, of the Zoning Board of Appeals, in reference to the “height” and “structure” definition changes to be considered in our Zoning Regulations. In his opinion “the height of the building shall be measured from the pre-existing (pre-development) level of the ground at the foundation on the highest part of the lot to the highest point of the building, excluding chimneys.” As to “structure” Mr. Zimmermann added a few specific exceptions, such as, “ a structure is a combination of materials to form a construction for use, occupation or ornamentation whether installed on, above or below the surface of the land. However, a structure shall not include sidewalks, parking areas, driveways, fences not exceeding (6) six feet in height, and landscape features.”

It was recommended by the Board members that the Zoning Planning Committee have a meeting in June, 2013. A Notice will be sent out to the membership and placed on the POA website providing for two weeks notice of the meeting date. Members will be asked to share with the committee any comments they may have regarding the proposed changes mentioned above or any other changes to the Zoning Regulations that they wish to be considered. The Zoning Planning Committee would then make

recommendations to the Executive Board the Pine Orchard Association of the Proposed Zoning changes. The Board would then schedule a public hearing for the membership on the recommended changes in accordance with the Connecticut General Statutes.

B. Zoning Board of Appeals Appointment -Kathleen Greenalch (term expired)

Kathleen Greenalch has served two (5) years terms on the Zoning Board of Appeals and has stated that she is willing to continue to serve. A three persons committee, consisting of a member from the ZBA- Mr. Zimmermann, our Zoning Enforcement Officer-Laura Magaraci and John Donegan from the POA Executive Board was established. A notice by e-mail will go out to the members of the Pine Orchard Association and to be put on our website to see if anyone would be interested in serving on the Zoning Board of Appeals and if so to contact Mr. Donegan. Mr. Donegan would also contact the ZBA alternates Thomas Gagliardi, John Dendas and Marshal Gibson to see if they would be interested in continuing to serve. The Committee would then consider all candidates who have expressed an interest to serve and make a recommendation to the Board for appointment.

III. Treasurer's Report - Mr. Hugret reported that the total Receipts as of 5/20/2013 were \$96,442 as compared to the budget figure of \$97,356 leaving a shortfall of \$914 due to non-payment of two property owners of real estate tax assessments. Building & Permit Fees were under budget by \$350. The Disbursements to date were \$120,951 as compared to the budget figure of \$125,277, leaving a balance of \$4,326.

Mr. Hugret reviewed a draft of the Proposed Budget for the Fiscal Year 2013-2014 showing that the Receipts and Disbursements would be \$98,560. However, it was pointed out that under Disbursements the Security Contract will expire on November 1, 2013, which was budgeted for the balance of the contract in the amount of \$8,000. It was suggested by the Board members to send an e-mail to the Pine Orchard Association members and put on the website to obtain responses from members whether they wish us to continue using the security company for the next fiscal year. The additional cost

would be \$16,000 or an assessment of additional (1) mill. Once we receive responses from the members, we will be able to finalize the budget and set the mill rate at our next meeting in June, 2013, for the fiscal year July 1, 2013 to June 30, 2014.

IV. Security - Ms. Aniskovich stated that there nothing to report.

V. Roads/Public Works - No reports for Website or Public Works Projects.

VI. Waterfront & Building Report - Mr. Bigelow reported that the restoration of stairs at Island View Avenue will be completed in June. The total cost will be approximately \$3,000.

VII. By-Laws - Ms. Kaplan presented a Proposed By-laws change as follows: "The notice of any By-laws or Ordinance change shall be circulated to the members of the Pine Orchard Association with the notice of the Annual meeting or any meeting of the Pine Orchard Board of Directors in order to solicit input from the members. Said proposed change shall be circulated to the Executive Board at least two weeks prior to an Executive Board meeting at which there will be a vote on said proposed change. The notice of any proposed change shall also be posted for at least two weeks on the public signpost of the Association and on the website. The change to the By-laws or Ordinances, once approved, shall take effect fifteen days after its passage. A certificate of the clerk of the Association of the due posting of the By-law or Ordinance shall be prima facie evidence of such posting."

An Amendment was prepared and read by Ms. Aniskovich " These By-laws may be altered, amended or repealed at any regular or special meeting of the association, called for such purpose or purposes in accordance with Section 5 or 6 of the Charter, by a majority vote of the members present and voting; provided that a quorum is present and provided that no such amendment shall be effective which shall conflict with any provision of the Charter or By-laws or which shall permit the Corporation to engage in any activity which would be inconsistent with its classification as an organization described in Section 501(c) (3) of the Code (or the corresponding provision of any future federal tax code."

VIII. Annual Meeting - July 8, 2013

Mr. Donegan advised that the terms of Board membersIVING Bigelow, Charlie Shelton, Jr. Debbie Lintern and Eric Hanson expire on June 30, 2013. Mr. Bigelow and Mr. Shelton have stated that they desire to stand for reelection and continue to serve on the Executive Board for another (3) years. Mr. Donegan will contact Mr. Hanson to see if he wishes to continue for another term of office on the Executive Board. Ms. Lintern advised Mr. Donegan that she wishes not to stand for reelection. The Executive Board expressed its appreciation for her service on the Board and as our Tax Collector. Mr. Canavan, who served on the Executive Board for several years, has submitted his resignation. He and his family live in Florida during the winter months and he felt he would not be able to attend regular meetings and be an active Board member during the next fiscal year. Mr. Canavan has provided the Board with excellent service in the handling of zoning and security issues. The Board members thanked him for all he has done.

IX. Crescent Bluff Avenue Litigation (Executive Session)

At 8:00 pm Ms. Aniskovich made a motion, seconded by Ms. Kaplan, to go into executive session for the purpose of receiving an update on the Crescent Bluff Avenue Litigation matter. The motion passed unanimously. Our Counsel, Peter Berdon, was not in attendance but provided Mr. Donegan with his report to share with the Board members. At 8:30 pm a motion was made and seconded to move out of executive session, which motion was passed unanimously. No votes were taken in executive session.

Since there was no further business to be discussed, the meeting was adjourned at 8:52pm.

The next regular meeting will be at 7:30 P.M. on June 18, 2013.

Respectively submitted,

Donald Patenaude, Clerk

Minutes of The Pine Orchard Association Executive Board Meeting

June 18, 2013

In attendance were the following Board members: John Donegan, Kenneth Graham, Peter Hugret, Jennifer Aniskovich, Pat Kaplan Charlie Shelton, Vining Bigelow, Debra Lintern, Greg Stak, and Donald Patenaude. Also in attendance were Robert Wheeler and John Hughes.

I. Ms. Lintern advised the Board members that the Treasurer's Report should be corrected to show that there were three property owners listed for non-payment of their real estate tax assessments, not two.

A motion was made by Ms. Kaplan and seconded by Mr. Shelton to approve the minutes of May 20, 2013, as amended. The minutes were unanimously approved, as amended by the Board members.

II. Mr. Donegan received a Petition dated June 18, 2013, signed by (4) Board members which states "in accordance with Section 7 of the Pine Orchard Association's By-laws nominating Mr. John B. Hughes of 9 Pasadena Road to the Executive Board of the Pine Orchard Association to complete the term of Mr. Joseph Canavan. We understand the term to be expiring in July 2014." Ms. Aniskovich stated that we do not need a petition to fill a vacancy.

A motion was made by Mr. Hugret and seconded by Ms. Kaplan to appoint John Hughes to fill the vacancy on the Executive Board as a result of the resignation of Mr. Joseph Canavan to complete the term of office, expiring in July 2014. The Board members unanimously approved said appointment.

III. Zoning Report

a. Zoning Regulation Revisions:

Mr. Shelton advised the Board members that Mr. Hughes is willing to serve as Chairmen of the Zoning Committee to review the Zoning Regulations Revisions suggested by Mr. Zimmermann of the Zoning Board of Appeals or any other recommendations from the members of the Pine Orchard Association. The committee will then make recommendations to be presented

at the Annual Meeting on July 8, 2013. Ms. Aniskovich wishes to serve on this committee.

b. Zoning Board of Appeals Appointment - Special Committee Meeting

Mr. Donegan reported that he contacted the three alternates; Thomas Gagliardi, John Dendas and Marshal Gibson and Mr. Zimmermann, and Ms. Greenalch on the Zoning Board of Appeals due to their terms of office expiring in 2012/ 2013 to see if they are willing to continue to serve on the Board of Appeals either as an alternate or position on Board. The Planning Committee consisted of Mr. Hughes, Mr. Donegan and Ms. Magaraci will set up a meeting to interview the alternates, Mr. Zimmermann, Ms. Greenalch and any other qualify candidates that may be interested and will make their recommendations as to their selections to whom will be serving as either alternate or on the Zoning Board of Appeals at the Annual Meeting for the approval by the Pine Orchard Executive Board members.

IV. Mr. Hugret presented the Treasurer's Report for the period ending June 13, 2013 showing that the total Receipts were \$96,950 representing 99.6% of the Approved Budget for the current fiscal year and the total Disbursements were \$129,069 or 103.0%. The Projected loss to be \$32,119 as of June 13, 2013. The funds on hand total \$11,438 in bank accounts.

A motion was made by Ms. Aniskovich and seconded by Mr. Stak to accept the Treasurer's Report as presented. The Board members approved.

Mr. Hugret presented the Proposed Budget Report for the fiscal year July 1, 2013 to June 30, 2014. Under Receipts, tax collections, an increase of \$1,029 over current fiscal year to \$88,460, The Rent fees and Building & Permit fees remain the same and interest and moorings, a slight increase of \$75 over current fiscal year figures. The total Receipts will be \$98,460.

The proposed budget for FY 2014 for Disbursements; security listed for \$8,000 for the balance of their contract, which expires November 1, 2013. Shorefront Maintenance \$10,000 for wall pointing work, Building Main/Utilities to cover expenditures of cleaning, painting and replacing rot. The Building Improvements, Office/General, Zoning and Audit/Annual Review budget's figures remain the same. Legal expenditures were increased

to \$25,000 which includes a carryover expense of \$10,500 incurred in this fiscal year for litigation purposes. Insurance premiums budget was reduced by \$677. The total Disbursements will be \$70,150 leaving a Reserve of \$28,310 for any additional expenditure that may occur in the next fiscal year.

Ms. Aniskovich raised concern that we should consider increasing the mill rate by .01% to .06% for the purpose of increasing the Reserve projected in our Proposed Budget of \$28,310 by additional \$17,781 for the Fiscal Year July 1, 2013 to June 30, 2014 to meet any unforeseen emergencies in the future. Over the past two years, we had to use up our Reserves of \$50,000 and had to increase our mill rate by one mill to meet the emergencies of two storms and legal expenses.

A motion was made by Mr. Hughes and seconded by Mr. Hugret to accept the Proposed Budget in the amount of \$98,460 with the savings of \$28,310 keeping the mill rate at .5% for the fiscal year July 1, 2013 to June 30, 2014. The majority of the Board members approved. Mr. Stak, Mr. Donegan and Ms. Aniskovich disapproved.

V. Security - Ms. Aniskovich stated that there was no report.

VI. By-Laws - Ms. Kaplan read the revised Proposed By-Laws change:

“These By-laws and Ordinances may be amended, repealed or new ones added, provided the result is not inconsistent with the Charter or any Connecticut General Statute, at a meeting of the Executive Board of Directors having a quorum, by two-thirds of those Directors present and voting.

The notice of Proposed By-laws or Ordinance change shall be circulated to the members of the Pine Orchard Association with the notice of any meeting of the Pine Orchard Association Board of Directors in order to solicit input from the members. Said proposed change shall be circulated to the membership and the Executive Board at least two weeks prior to an Executive Board meeting at which there will be a vote on said proposed change. The notice of any proposed change shall also be posted for at least two weeks on the public signpost of the Association and on the website. The change to the by-laws or Ordinances, once approved, shall take effect fifteen days after its

passage. A certificate of the clerk of the Association of the due posting of the By-law or Ordinance shall be prima facie evidence of such posting.”

It was recommended by Mr. Donegan to have Mr. Berdon, our Pine Orchard Association Counsel review the Proposed By-laws change and to have him make a recommendation at the Annual Meeting for the Board members to consider its approval.

VII. Annual Meeting - July 8, 2013

a. Election of Board Members - Mr. Donegan made a motion and seconded by Mr. Hugret to approve a slate of (4) persons to be on the Pine Orchard Association Executive Board to serve for the next three years for approval at the Annual Meeting scheduled for July 8, 2013:

Charles Shelton, Jr.

Vining Bigelow

Niall M. Ferguson

Jeff Holtz (if he agreed to serve-contact yet to be established)

Since there was no other business that may properly come before this meeting, the meeting was adjourned.

Respectively submitted

Donald Patenaude
Clerk

6/30/2013.

Mr. Hugret reported that he received a final statement from Pinder Construction Company, Inc. dated November 14, 2012 for Island Avenue Seawall Improvements in the amount of \$21,633.00. He provided the Board members with a financial statement as of November 30, 2012 showing the balance in the BOA checking account of \$7,899.41 and in the Merrill Lynch C/D account was \$45,336.00.

Because the budget for the fiscal year July 1, 2012 through June 30, 2013 showed a deficit budget of \$27,921.00, Hugret suggested that we should close out the Merrill Lynch C/D account and transfer the \$27,921.00 to the checking account bringing its balance to \$35,820.41. The remaining funds from the Merrill Lynch of \$17,415.00 is to create a Money Market with BOA. The final payment of Pinder Construction Company, Inc. bill of \$21,633.00 would be paid from the checking account, leaving a balance in the checking account of \$14,187.41. Estimated bill for the completion of stairs is \$3,000.00 to be paid.

A motion was made by Mr. Hugret to close the Merrill Lynch Account and transfer \$27,921.00 to the BOA checking account and with the balance of \$17,415.00 to set up a Money Market Account with BOA.

The motion was seconded by Ms. Kaplan and was unanimously approved by the Board members.

Mr. Graham reported that following the recent storm, Sandy, there was a large tree which uprooted and fell on two other trees, causing them to bend and resting on each other near the Administration building. Since an easement was given by Pine Orchard Association to the Shoreline Greenway Trail to develop the trail down to and along side of Birch Road, Branford it is their responsibility to remove these trees. They asked if we can make a contribution towards the cost of removing these trees. It was decided by the

Board that we will not make a contribution given our current financial situation.

Under New Business - Mr. Shelton mentioned, as a matter of interest, that the Branford Board of Selectmen, had chosen and approved the Tabor property as the site of the new Branford Public Works Department. That site has an access onto Pine Orchard Road and that in his opinion, some of the Public Works Department truck traffic will enter onto Pine Orchard Road, follow Route 146 heading to Stony Creek or will head down Damascus Road turning down Featherbed Lane to Route 1. The Pine Orchard residents who live along these roads should be aware that this truck traffic is a future possibility.

Respectively submitted


Donald Patenaude
Clerk

The 110 Annual Meeting of The Pine Orchard Association

July 8, 2013

The meeting was called to order with a quorum present at 8:00 P.M. held at the Union Chapel

Association Board members present were: John Donegan, Jennifer Aniskovich, Vining Bigelow, Charles Shelton, Greg Stak, Eric Hanson, Kenneth Graham, Debbie Lintern, Peter Hugret, John Hughes, Patricia Kaplan and Donald Patenaude

Mr. Donegan introduced the Board members to the Pine Orchard Association residents attending the meeting and expressed his appreciation on behalf of the Board for services rendered by Eric Hanson, as the Clerk and Debbie Lintern, as the Tax Collector, not standing for re-election.

Mr. Donegan also expressed his appreciation for Joe Canavan who resigned last month and served on the Board for 7-8 years as Chairman of the Planning Zoning Committee and acting as liaison from the Board with the Branford Police Department. A recommendation from the Board to have James Hughes take the place of Mr. Canavan to finish his term of office in 2014.

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: Vining Bigelow and Charles Shelton. The Board recommended two individuals for re-election namely; Vining Bigelow and Charles Shelton and a new candidate, Niall Ferguson from the (5) District and Geoff Hotz from the (4) District who were willingly to serve (3) year term. At his time, Mr. Donegan open up for nominations from the floor. Those nominees must have expressed a willingness to serve. Other names recommended from the members of

of the Pine Orchard Association Hap Storer and James Killelea were added to the slate to be voted by the members of the Pine Orchard Association. Greg Stak and Debbie Lintern were appointed to serve as the (2) Electors. Mr. Donegan read the list of names to be considered and asked the membership make their selection on their ballots and to turn the ballots over to the (2)Two Electors to count them and to announce the winning selections. The following names were announced:

5th District

Vining Bigelow

Niall Ferguson

Hap Storer

4th District

Geoff Hotz

A motion was made and seconded to approve the slate of members to the Pine Orchard Association Executive Board to serve for (3) three year term ending 2016. Pine Orchard Association approved the motion.

The Chairmen of the Standing Committee gave their reports:

Waterfront – Vining Bigelow

Security – Jennifer Aniskovich

Roads, Public Works and By-Laws – Patricia Kaplan

Planning & Police - James Hughes

Budget – Peter Hugret

Litigation Status – Peter Berdon. Esq.

Adjourn: Motion was made and seconded to adjourn the meeting at 9:05 P.M.

Immediately following the Annual meeting, the Board held a regular meeting to elect the officers of the Pine Orchard Association Executive Board for the fiscal year July 1, 2013 to June 30, 2014. John Donegan presented a Proposed Slate of Officers, seconded by Pat Kaplan. A vote was taken and was unanimously approved by the Executive Board members presenting the following officers who expressed their willingness to serve:

President – Peter Hugret

1st. Vice President – John Donegan

2nd. Vice President – Greg Stak

Treasurer – Niall Ferguson

Clerk – Donald Patenaude

Donald Patenaude

Clerk

The Pine Orchard Association Executive Board Organization Meeting

Immediately following the Annual Meeting on July 8, 2013, the Executive Board held a regular meeting to elect the officers of the Pine Orchard Association Executive Board for the fiscal year July 1, 2013 to June 30, 2014. John Donegan put into nomination, a Proposed Slate of Officers, seconded by Pat Kaplan. Ms. Jennifer Aniskovich, amended it, by adding the name, Greg Stak, as a 2nd Vice President. A vote was taken and was unanimously approved by the Executive Board members present for the following officers to serve:

President - Peter Hugret

1st Vice President - John Donegan

2nd Vice President- Greg Stak

Treasurer - Niall Ferguson

Clerk - Donald Patenaude

Donald F. Patenaude
Clerk

Minutes of the Pine Orchard Association Executive Committee

July 22, 2013

In attendance were the following Board members: John Donegan, Kenneth Graham, Peter Hugret Jennifer Aniskovich, Pat Kaplan, Vining Bigelow, Greg Stak, John Hughes, Geoff Hotz, Hap Storer, Niall Ferguson and Donald Patenaude.

I. Approval of Minutes of the June 18, 2013

A motion was made by Mr. Donegan and seconded by Ms. Aniskovich to approve the Minutes of June 18, 2013, as presented. Mr. Hotz, Mr. Ferguson and Mr. Storer abstained from voting. The minutes were approved by the Board members.

II. Approval of meeting dates for Fiscal Year 2013-2014

Mr. Hugret presented the meeting dates for the Fiscal Year 2013 -2014 as follows: September 16, 2013, November 18, 2013, January 20, 2014, March 17, 2014, May 19, 2014 and Annual Meeting July 7, 2014.

A motion was made by Mr. Graham and seconded by Mr. Hotz to approve the meeting dates for the Fiscal Year 2014-2014 as presented. The meeting dates were approved by the Board members.

III. Approval of ZBA members and ZBA Alternates Appointments and Terms

Tabled until Regular Meeting scheduled for September 16, 2013. Letter to go out to membership regarding interest in the ZBA such that a vote on ZBA members/terms can then be taken.

The idea behind the ZBA member terms was to have them staggered such that one Regular or Alternate's terms expire annually. We have five positions that have either expired or will in 2013. Members being up for renewed terms or replacements are:

Kathleen Greenalch (2012-Regular)
Remy Zimmermann (2013-Regular)
Marshal Gibson (2013-Alternate)
Tom Gagliardi (2013-Alternate)
John Dendas (2013-Alternate)

This same letter will identify the present Security agreement expires October 31, 2013 and is only budgeted through that date. Association member comments regarding continuing beyond this date will be solicited.

IV. Approval of Executive Board responsibilities and committees

Required Committees by By-Laws (minimum of three persons):

Road - Public Works - Kenneth Graham, Chairman, Donald Patenaude and Geoff Hotz - Approved
Public Relation - Publicity - Peter Hugret, Chairman, Niall Ferguson and Hap Storer -Approved
Fire Protection - Geoff Hotz, Chairman, Hap Storer and Kenneth Graham - Approved
Police Protection - John Hughes, Chairman, John Donegan and Jennifer Aniskovich - Approved
Planning - John Hughes, Chairman, Jim Killelea and Jennifer Aniskovich - Approved
By-Laws - Pat Kaplan, Chairman, John Hughes, John Donegan and Charlie Shelton - Approved

Special Projects- John Donegan - Crescent Bluff updates - Appointed by Peter Hugret, Approved

Special Projects Dogs & Litter - Greg Stak-Triangle/Sidewalk- Appointed by Peter Hugret - Approved

Waterfront - Vining Bigelow-Appointed by Peter Hugret- Approved
Property -Hap Storer, Appointed by Peter Hugret - Approved

V. Refer to Planning a Special Permit Application- Giordano

207 Pine Orchard Road - Giordano - Referred to John Hughes, Chairman Planning and his committee to review the Application for a Special Permit and to advise the POA Board members at the next regular meeting scheduled for September 16, 2013 that the Application is acceptable, as presented, in order to schedule a Public Hearing for the approval of the Application in October.

VI. New Business

At the Annual Meeting a member of the Pine Orchard Association expressed his appreciation and wished to thank Mr. Canavan for replacing the railings that were destroyed from the tropical storm, Sandy and he requested Association should reimbursed Mr. Canavan for the cost of replacing the railings.

Mr. Bigelow advised the Board that he had a discussion with Mr. Canavan following the storm that the Pine Orchard Association would be responsible for repairing or replacing the railings.

Mr. Canavan stated to Mr. Bigelow that he would take care of it.

Mr. Donegan made a motion and seconded by Mr. Hotz that Mr. Bigelow had offered Mr. Canavan reimbursement for the cost of replacing the railings on the waterfront in front of his residence, but he said he would take care of it. Ms. Aniskovich made an amendment to the original motion, which was defeated. The Board members approve the original Motion.

The meeting was adjourned at 9:30 P.M. Next regular meeting was Scheduled for September 16, 2013.

Respectively submitted by
Donald Patenaude, Clerk

September 13, 2013

To: Pine Orchard Association Board

From: Greg Stak, Chair Special Projects

Subject: Special Projects Update Report for September 16 Board meeting

Triangle Park

- Objective is to review options that would be available to the Association regarding the triangle park that is bordered by Pine Orchard Road, Elizabeth Street and Spring Rock Road
- Can we improve the look of the park (make it more inviting), while not driving any additional costs to the town for maintenance?
- As part of the process, what can be done with the privet hedge surrounding the park? It impedes sight lines and is full of weeds and poison ivy. The town trims the hedge once per year in the early summer months.
- A committee was formed to discuss
 - o Jim Elmasry – 230 Pine Orchard Road
 - o Sheri Peterson -282 Pine Orchard Road
 - o Bud Torello – 224 Pine Orchard Road
- We met the first week of August to discuss potential ideas. Among those:
 - o Trimming the hedges to a uniform height of 3'
 - o Adding hedges or some sort of native plants to the Spring Rock Road side of the park (maintain access points into the park for lawn mowers, etc)
 - o Removing all or part of the hedges to improve sight lines
 - Replace with some sort of fencing – suggestions were potato posts or Stony Creek granite posts with decorative fencing or even link chain (black – see attached) in between. Obviously funding would be a question here.
 - o Planting additional pine trees to replace those lost in during the recent storms
 - o Planting native grasses or other material that would require minimal to no upkeep
 - o Adding some sort of marker or plaque to the area to detail the importance of the park
 - o Adding a bench (perhaps donated)
- I met with Tara from Nardella's on August 22 to discuss those points and further options
 - o She mentioned that trimming more than 1/3 at a time of the current height of the privet hedges would endanger them
 - o She suggested removing hedges back several feet from each corner to improve sight lines, then trimming to a uniform height
 - o She also suggested native grasses along the Spring Rock Road side that would not impede traffic into or out of the park and would not adversely impact sight lines. The objective is to keep the park from becoming a "parking lot"

- Tara mentioned it would take several weeks for her to submit a formal proposal. I received a voicemail from her on September 12 stating that a proposal would be forthcoming on Tuesday, September 17.
- Since the informational letter was sent to all Association residents, I have received a few phone calls and e-mails from Association members who contacted me with questions and suggestions about the park. Most questions were concerning sight lines and concern that "all" of the hedges and \ or trees would be removed. I have assured all that would not happen. Suggestions were mostly about adding more pine trees, removing the poison ivy, more consistent maintenance including hedge trimming, etc. Several people suggested a "cleanup" day so that interested Association members could simply do the work as a group on their own (with direction).
- Once I have received the proposal from Nardella's, I will review with the park committee and submit to the Board

Sidewalk

- The objective is to determine the feasibility of extending the sidewalk that ends at 230 Pine Orchard Road further to Pine Orchard Yacht and Country Club.
- As part of the triangle park project, once ideas have been formalized I will be contacting Sal Benelli for a meeting. At that time I will begin the discussion regarding the sidewalk.
- Prior to, a small committee of Association members will be formed to discuss potential ideas. Robin Sandler – 15 Hart Avenue - has indicated an interest to be a part of such committee and I have discussed with him

Health

Beach Inspections

- Objective is to have the water at two Association beaches tested on a regular basis
- On September 2, I met with Alex Cinotti of the East Shore District Health Department. We walked the beach at the end of Spring Rock Road and at Island View Avenue.
- Alex will forward a proposal in a month or so regarding setup of a schedule of testing and a detail of any costs that might be incurred
- If approved by the Board, testing would not commence until 2014
- I will forward the proposal to the Board once received.

September 15, 2013

Peter R. Hugret, President POA
180 Pine Orchard Road
Branford, CT 06405

Dear President Hugret,

Thank you for adding the issue of flooding on my property to the agenda for the POA meeting on September 16, 2013. My wife and I are prevailing upon you and the Executive Board of the Pine Orchard Association to assist us with this problem, as we have tried to resolve it ourselves without success.

Over the years the Town of Branford has blacktopped Blackstone Avenue proper much higher than my property at 1 Blackstone Avenue. When it rains or the snow melts, the runoff floods my property and that of my neighbor's. There have been several times where access to my driveway and home was not possible due to the depth of the water. Additionally, on three occasions, I have had to pay to have my basement pumped out and the associated dampness remediated. As a matter of fact there have been times I have witnessed ducks swimming in the lake that is created on Blackstone Avenue. I believe this "lake" becomes an unhealthy breeding ground for mosquitoes. My wife and I have met with First Selectman Unk Daros twice. We have also written several letters regarding this terrible problem. At the first meeting, which was arranged by Bud Beccia, the previous Pine Orchard Zoning Enforcement Officer, Unk Daros said that he had a "moral obligation" to remedy the problem since Blackstone Avenue proper had been paved higher and higher over the years. However, it has been over one year and nothing has been done. Laura Magaracci, the newly appointed Zoning Enforcement Officer came to the site recently after a heavy downpour and took pictures of the "lake". Laura said she would report the incident to the Town as well.

This issue has also created a public safety problem. Recently, the Regional Water Company came to my home to bleed the fire hydrant as part of their maintenance program. Due to the fact that this action would cause flooding on my property (and possibly another pump out), the Water Company did not proceed with bleeding the hydrant. If the fire hydrant is not bled, the hydrant may or may not function in the event of an emergency. This is a very important public safety issue not only to me, but to the neighborhood.

Although I have several surveys of my property and adjacent properties, which documents that Blackstone Avenue is a public road and thus not privately owned, the Town of Branford maintains that the street is private. The Town installed a sewer without an easement, giving further credence to it being public. The Town's position continues to be "not our road and thus not our problem" (lower east/west portion). Regardless of ownership, we maintain since the Town created this problem, it is their responsibility to correct it. Furthermore, any future development of adjacent properties which are now vacant lots will only exacerbate this problem as the lots are higher and slope downhill to Blackstone Avenue and our home.

Aside from this issue we love living in this beautiful area and are really enjoying our "new" home. We hope that the Board can assist us in our efforts to attain a remedy. Thank you in advance for your cooperation, and we look forward to working with you in any way that will lead to a permanent solution.

Sincerely,

Robert Dilieto

THE PINE ORCHARD ASSOCIATION

180 Pine Orchard Road, Branford, CT 06405 203-488-5180

WWW.PINEORCHARDASSOCIATION.COM

23 September 2013

Honorable Anthony "Unk" DaRos
1st Selectman, Town of Branford
Town Hall-1019 Main Street
Branford, CT 06405

Dear Unk,

At our September Pine Orchard Association Board meeting Mr. and Mrs. Robert Dilieto (1 Blackstone Avenue) came before the Board requesting whatever assistance the Board might be able to provide them and their neighbors as it relates to a serious flooding problem at the lower end of Blackstone Avenue. They had requested this verbally prior to being scheduled on the meeting's agenda. As a matter of procedure our President, Peter Hugret, met with the Dilieto's prior to our Board meeting to determine what the Dilieto's expected to accomplish. Peter said during his meeting with them, "the Pine Orchard Association has no authority when it comes to Town roads". The Dilieto's understood this limitation of authority, but wanted to be heard anyways to make the Board aware of the situation in case there was something the Board could do to help resolve this issue. After hearing the Dilieto's presentation the Board voted to refer this request to our "Road's Committee Chair" (Ken Graham) along with Peter to communicate to the Town, the Pine Orchard Association's support in correcting the flooding problem.

Subsequent to Peter's meeting with the Dilieto's, he met with another neighbor (Matt Casella) who indicated he too had met with folks from the Town and that a possible solution of drains leading to a dry well (galley?) on his property might be in the works. If this is the case, can you please give us an idea of when this work will be completed such that we might relay to the neighbors on lower Blackstone. With winter coming and the icing conditions that will likely occur, a solution is hoped for sooner than later.

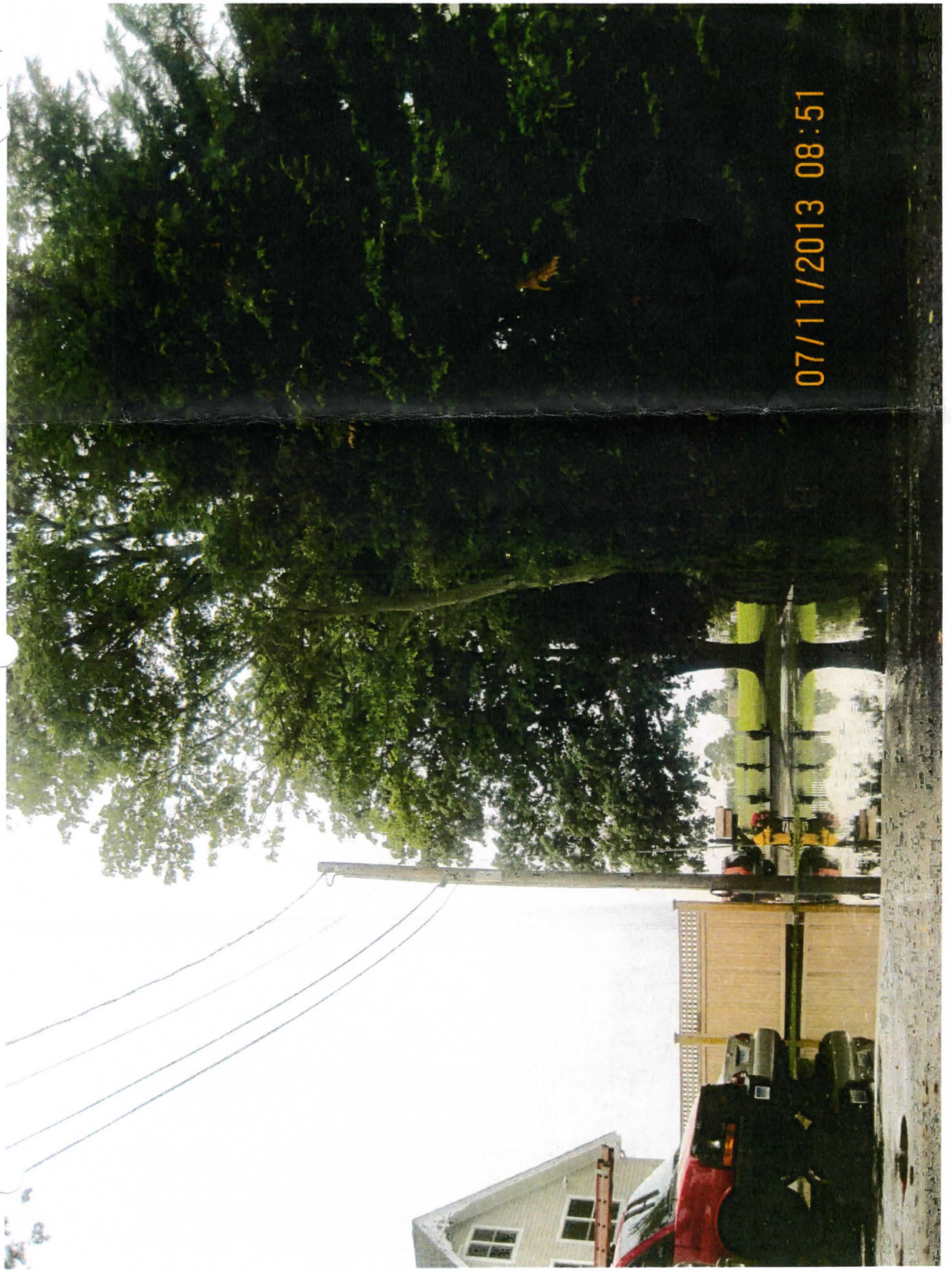
Again if there is anything we can do within our authority, please don't hesitate to ask either Ken or Peter. Thank you for your attention to this request.

Sincerely,

Don Patenaude
Clerk
Pine Orchard Association

Attachments-DiLieto letter 15 September 2013

Pictures of flooding taken 11 July 2013 by Laura Magaraci



Minutes of the Pine Orchard Association Executive Committee

September 16, 2013

In attendance were the following Board members: Peter Hugret, John Donegan, Patricia Kaplan, Jennifer Aniskovich, Vining Bigelow, John Hughes, Geoff Hotz, Niall Ferguson and Donald Patenaude.

Members not in attendance: Greg Stak, Hap Storer and Kenneth Graham

Members of the community in attendance: Robert and Michele DiLieto

1. Minutes of the meeting of July 22, 2013 meeting:

A motion was made by Mr. Hughes and seconded by Ms. Kaplan to approve the minutes and the motion was approved with one abstention. **The minutes are filed under the Minutes tab on the web page www.pineorchardassociation.com .**

2. Correspondence:

Mr. Hugret presented a letter he had received from Mr. and Mrs. DiLieto regarding the issue of flooding on their property. **The letter follows this posting.** There was discussion of the issue raised in the letter. A motion was made by Mr. Donegan and seconded by Ms. Kaplan to refer the matter to the Public Works Committee with a request to Mr. Graham, who is the Chair, to make inquiries to the town officials as to what can be done to remedy the situation within a reasonable time frame.

3. Security Contract Renewal:

Mr. Hugret reported that a letter was sent out to the Pine Orchard Association members to ascertain whether the members wanted to renew the contract or not. The contract expires as of October 31, 2013. Ten responses were received with the majority in favor of letting the contract expire. There was a discussion of the pros and cons of the security contract. A motion was made by Ms. Kaplan and seconded by Mr. Patenaude to terminate the security contract as of October 31, 2013 with a review at the March meeting of what, if any, security issues may have occurred during the five months. There would also be a discussion at the March meeting if additional security would be needed for holidays and special events. The motion was approved by a 7-3 vote of the members.

4. By-laws:

Mr. Hughes presented on behalf of the By-laws Committee, a revised draft of the language. There was a discussion of the language with several suggestions made and incorporated. A final draft of the language will be circulated to the board and presented at the November meeting.

5. President's Report:

Mr. Hugret presented his report **follows this posting.**

6. Vice-President's Report:

Mr. Stak was not in attendance but his written report was presented and **follows this posting**

7. Treasurer's Report:

Mr. Ferguson presented the **budget is filed under the Financial tab on the web page www.pineorchardassociation.com**. There was a discussion of the cost of the insurance which came in higher than budgeted. Mr. Ferguson reported that he will be soliciting reviews of our policies and obtaining quotes from various companies. He will present his findings at the next meeting.

8. Tax Collector's Report:

Ms. Kaplan reported that 91% of the budgeted amount had been received and that calls would be made by Ms. Kaplan and Ms. Wynne to those who had not yet paid.

9. Committee Reports:

There were none.

10. Executive Session:

The board went into Executive Session for a discussion of a personnel matter concerning the salary for Tricia Wynne. A motion was made by Ms. Aniskovich and seconded by Mr. Hugret to go into Executive Session. A motion was made by Ms. Kaplan and seconded by Mr. Storer to come out of Executive Session after the discussion. Both motions were approved by the board. No votes were taken.

The meeting was adjourned at 10:35 p.m.

Respectfully submitted,

Donald F. Patenaude, Clerk

JSA Comments re: 9/16/13 Amendment Proposal

1. In order to give proper notice and be clear in the minutes, amendments should indicate what documents they are modifying and where the intended language should be inserted. I'm assuming this is a bylaw amendment and that it would go in as section VI.
2. The amendment should identify which Charter provision provides authority for the action.
3. You repeat part, but not all, of Section 9 of the Charter, raising concerns about why other sections were omitted. The legal presumption is that there was a reason. I would rather reference the section to be clear that it is fully incorporated.
4. Bylaw amendment provisions typically reference the bylaws as the subject, not the governing body. I.e., "*The bylaws may be amended.....*" rather than "*The executive board may pass...*"
5. Bylaw amendment provisions should not refer to regulations or ordinances. The process for amending the Bylaws is unique. Amendments to regulations and ordinances are set forth elsewhere (often in state statutes). Our charter language pre-dates the statutory framework and it would be a mistake to carry that over to our bylaws.
6. There is strangely limiting language in the first paragraph ("*to accomplish the objective of the Association's Charter*") which I don't understand. It is distinctly different than Charter section 9, raising questions about its meaning. It refers to a single "objective," which would be hard to discern from our Charter. And, it limits By-law changes to those things that can be specifically tied to accomplishing the Charter objective. Your point, I assume, is that the bylaws should not be inconsistent with the Charter. This can be stated in a cleaner, simpler way that will not cause problems later.
7. The executive board should be indicated by name, rather than as the board of directors (which is not our name).
8. The industry standard for bylaw changes is 2/3 of the board, not a majority.
<http://www.dummies.com/how-to/content/roberts-rules-for-amending-bylaws.html> In addition, in membership organizations, it is usually the case that members (not the board) vote on bylaw changes. The membership nature of the association is a key component of our structure...one the charter goes to great lengths to preserve in the interest of making sure members have a voice in major organizational changes.
 - a. My preference is for the membership to vote on bylaw changes. If the full membership is given notice (by mail), than this can be done by a majority of those present and voting.
 - b. If we decide to have the executive board approve bylaw changes, then it should only be done with a 2/3 supermajority vote. This is a very standard safeguard in place in every nonprofit I know to assure that bylaws are not revised willy-nilly. The way you have this written currently, 4 people (a majority of a quorum of the board) could approve a bylaw change after notice by email to a minority segment of the membership.

9. Notice of bylaw changes must be calculated to reach all voting members. If the membership is voting, it should be snail mailed to all, since we do not have email addresses for all. If it is the executive board, then it could be sent regular mail or electronic mail, provided all receive it. The current provision is both too little (just emails) and too much (email, website, sign post).
10. The process you have established in this proposed amendment is very unwieldy and likely to lead to many questions and errors:
 - a. Notice has to go to 3 places by a certain date, but is still not designed to reach all members (many have not provided emails).
 - b. You provide that either the subject matter or the proposed text should be shared. This is confusing. In addition, the proposal must show the proposed text, as the subject matter could be misleading and a member could argue that sufficient notice was not provided.
 - c. You provide for both written and oral comments, thereby invalidating comments that come in only one of those forms.
 - d. Approved changes are to be posted after the fact on the website and sign post (must be done within 7 days and maintained for 3 days) – something that is not standard and could invalidate a board vote if not followed.
 - e. The change is not effective for 15 days. This is strange and atypical. Bylaws usually become effective according to their terms. The only reason to have a waiting period is if you have an appeal option for members.
 - f. You require a certificate of the clerk to attest to the posting. This shifts the legal burden from a claimant to POA to show that the bylaw was posted.
11. The proposed amendment fails to reference the federal Tax Code and the requirement to maintain consistency with it.

President's Report 2013-9-16
As of 9/15/2013

- Meetings- For effective and efficient meetings we are to follow Robert's Rules. When someone has been recognized by the Chair, they have the floor. Please wait your turn by listening and then being so recognized when they are done should you wish to speak. Additionally, a repetitious dialog makes for long and unproductive meetings. All will have an opportunity to weigh in with their thoughts, but please don't repeat something already brought up. It's OK to simply agree, no need to "go through it again".
- "Work" will be done at the Committee level whenever possible. By this I mean if you have ideas/thoughts you believe should be included in a Chair's presentation, please have shared them with the Chair prior to the Board meeting in a timely fashion. I ask that Committee Chairs alert and welcome non-Committee members to a committee meeting. I also ask that Chairs email a PDF copy of their report to all Board members prior to the full Board meeting.
- You will note that all Committee Chair reports are on the Agenda and will be at every meeting. However, please note this is for form and to give other Board members an opportunity to ask questions in a particular area—if there is nothing of substance to report, it is OK to simply state "No Report".
- POA Attorney not to be engaged or scope expanded unless approved by this Board for any additional work beyond present CB matter.
- New computer needed to replace Vista based PC. Printing hosted remotely and Vista can't print anything, but PDF's this way.
- Objectives I have given to various Committees;
 - By-Laws (Pat)
 - Complete the already started "Process for Changing a By-Law"
 - Term Limits (POA Executive Board and ZBA) such that Notice and Executive Board action can be taken before the next Executive Board elections
 - Executive Board member absence rule (timing same as above)
 - Health & Miscellaneous (Greg)
 - Contracting with ESDH for water quality testing and process for communicating results to Association members
 - Triangle-developing a plan and securing Town/Board support (authorization/financial) resulting in the beautification of the triangle with an emphasis on sightline safety.
 - Sidewalk-along Rt. 146 (Pine Orchard Rd.) from the eastern end of the Triangle to the intersection with Blackstone Avenue. Investigate and secure Board/State/Town approvals.
 - Zoning & Police (John H.)
 - Develop a comparison of differences between the current POA Zoning regulations and the Town of Branford's. This is to result in a presentation for approval to the Executive Board with proper Notice. My vision is that it is possible to turn over to the Town the responsibility for; processing all Zoning applications, scheduling and conducting hearings for both Zoning/ZBA and compliance enforcement. The POA Executive Board will maintain responsibility for maintaining our uniqueness through existing and future POA Zoning regulation differences.
 - Work with the Police Department to grow our professional relationship, especially as it results to having more patrols and Community Service Officer (CSO) activity in Pine Orchard.
 - Waterfront (Vining)
 - Develop and present a five year plan with estimated costs for maintaining and possibly improving waterfront areas the POA is responsible for by the start of the budget process.
 - Building (Hap)
 - Develop and present a five year plan with estimated costs for maintaining the POA building and painting.
 - Determine a fair rent for the basement garage and rent same with Board approval.
 - Exterior lighting (repair completed—excellent job)
 - Mold remediation in the basement garage
 - Carpets to be cleaned (Completed—excellent---carpets look new and the smell is largely gone)
 - Arrange for regular cleaning/windows
 - Arrange for repair or removal of the Texture 1011 plywood that is rotting in the front of the building

Executive session (at meeting's end)-

- Personnel
- Possible new legal activity

Minutes of
The Pine Orchard Executive Board
Acting as
The Pine Orchard Zoning Authority
October 21, 2013

Pursuant to legal notice, the Pine Orchard Executive Board acting as the Pine Orchard Zoning Authority was called to order at 7:03 P.M., October 21, 2013, at the Pine Orchard Municipal Building, to conduct a public hearing and to consider the application for a special permit by Vincent S. and Linda F. Giordano of 207 Pine Orchard Road, Branford, Connecticut, to divide a lot of land into two lots.

In attendance were the following Board members: Peter Hugret, John Donegan, John Hughes, Jennifer Aniskovich, Pat Kaplan, Niall Ferguson, Vining Bigelow, Geoff Holtz and Hap Storer. Absent were: Greg Stak, Don Patenaude, Kenneth Graham. Also attending was Pine Orchard Zoning Enforcement Officer Laura Magaraci.

An audio recording of the hearing was made and will be made available upon request.

Presiding Hearing Officer Peter Hugret described the process to be followed and this process is included by reference in these minutes.

Planning and Zoning Committee Chair John Hughes stated that the application for the special permit had been properly filed and that notice of this public hearing had been properly and timely published in *The Sound*. A copy of the Legal Notice was submitted and is included as Exhibit 1 and an Affidavit of Publication was submitted as Exhibit 2. Later in the hearing, Mr. Hughes presented a report of the Planning and Zoning Committee regarding the application and this is included as Exhibit 3. A copy of the Application for Special Permit and the Subdivision Plan are included as Exhibits 5A and 5B, respectively.

Applicant Vincent Giordano addressed the Authority presenting a brief history of his family's acquisition of the property beginning in 1951 and his intention to build another residence on the newly-divided lot. He introduced Mr. Mark S. Young of Waldo & Associates, LLC, as surveyor for the project.

Mr. Young described the property and presented a highlighted copy of the subdivision site plan. He described how the property would be divided and that such division and possible subsequent construction would conform to pertinent regulations for Pine Orchard, Branford and the Wetlands Commission. Mr. Young presented a copy of notices of this hearing that were mailed to owners of the properties adjoining the subject property together with Certified Mail Return Receipts evidencing delivery to those property owners. These are included as Exhibit 4.

Upon invitation of the Presiding Officer for public comment in favor of the application, Mr. David Colley, owner of adjoining property at 221 Pine Orchard Road, rose to state that he was in favor of approval of the application.

There was no response to Mr. Hugret's invitation for public comment against the application.

A motion was made by Mr. Donegan that the Zoning Authority finds that having considered Sections 5.1.1 through 5.1.6 of the Pine Orchard Zoning Regulations, the proposed use of the division is in accordance with the public convenience and welfare, and that the application for a permit for division of the lot into two lots be approved. The motion was seconded by Mr. Hughes.

The motion was adopted unanimously by voice vote.

The hearing was adjourned at 7:33 P.M.

Respectfully submitted,
George B. "Hap" Storer, III, Acting Clerk

List of Exhibits

- Exhibit 1 Legal Notice of Hearing
- Exhibit 2 Affidavit of Publication of Legal Notice
- Exhibit 3 Planning and Zoning Committee Report
- Exhibit 4 Confirmation of Notice of Hearing delivered to adjoin property owners
- Exhibit 5A Application for Special Permit
- Exhibit 5B Subdivision Plan of subject property

Minutes of the Pine Orchard Association Executive Committee

November 18, 2013

Members in attendance:

Peter Hugret, John Donegan, Jennifer Aniskovich, Patricia Kaplan, Vining Bigelow, John Hughes, Geoff Hotz, Hap Storer, Niall Ferguson, Kenneth Graham and Donald Patenaude.

Member not in attendance: Greg Stak

There were no members of the community in attendance.

In attendance were Attorney Peter Berdon and Attorney Daniel Burns

1. Executive Committee:

A motion was made by Mr. Storer and seconded by Ms. Kaplan to go into Executive Session to discuss the status of the Crescent Bluff litigation. A motion was made by Mr. Hugret and seconded by Ms. Kaplan to come out of the Executive Session. No votes were taken.

2. Crescent Bluff litigation:

A letter was presented to the board from Attorney Peter Berdon asking to be allowed to resign as counsel to the Association in the matter of Wheeler, et al v. Beachcroft LLC. **The letter is attached.** A motion was made by Mr. Donegan and seconded by Ms. Kaplan to accept the resignation of Attorney Berdon as of November 25, 2013. The motion also included authorizing the firm of Berdon, Young and Margolis, PC to file a Motion to Reargue the Court's November 4th decision in the case. A third part of the motion authorizes and directs the President of the Association to retain Attorney Daniel Burns of Burns and Nguyen, LLC to take what action is needed to preserve the Association's right to appeal the decision and take an appeal of the decision, at an hourly rate of \$150 with a cap of \$7,500. The motion was discussed and was approved unanimously by the board. There was a discussion of how to inform the community of the decision and solicit input. The board decided that a request would be made to Attorney Berdon to prepare a letter that could be sent out to the community as to the status of the litigation and ask them to provide any comments to Mr. Hugret. There was some discussion of having a Town Hall meeting that would be open to the public but because only the attorneys can provide the answers to any questions concerning the litigation it was decided that such a meeting would not be productive at this time.

3. Minutes of the September 16 and October 21, 2013 board meetings:

A motion was made by Mr. Hugret and seconded by Ms. Kaplan to accept the minutes of the October 21, 2013 board meeting. The minutes were approved. The minutes of the September 16, 2013 meeting will be presented at the January board meeting. The motion was approved. **The minutes are filed under the Minutes tab on the web page www.pineorchardassociation.com .**

4. By-law language:

The final draft of the by-law language was presented and accepted by the board. **The By-Law update and the rest of our By-Laws can be found under the Charter, By-Laws and Ordinances tab on the web page www.pineorchardassociation.com .**

5. President's Report:

Mr. Hugret presented his report in writing and **it follows this posting.**

6. Vice President's Report:

There was no report.

7. Treasurer's Report:

Mr. Ferguson presented the Budget as of November 17, 2013. **The budget is filed under the Financial tab on the web page www.pineorchardassociation.com .** Mr. Ferguson said he was still waiting for quotes from insurance companies to present to the board. He is also in discussion with the security company to resolve a disagreement about how the security deposit they received should be used.

8. Tax Collector's Report:

Ms. Kaplan reported that she has communicated with the Tax Collector for Branford and with the attorney for the Tax Collector's Association. The Association needs to be in compliance with state law, new parts of the statute that went into effect as of October 2013 and also with parts of the Charter that override state law. The major change is that as of the July 1, 2014, the Association will only be charging 9% interest on unpaid taxes. Ms. Kaplan will prepare a time line that will include when to decide the mil rate, place it in the newspaper, send out the notices, assess interest and place liens. There are also policies that are now in effect that are mandated by state law. One is that no permits can be approved if there are unpaid taxes on the property. Another is that any monies that are sent in have to be applied first to lien fees, then to interest and lastly to taxes.

9. Committee Reports:

Mr. Hughes submitted a report from the Zoning Committee that **follows this posting.**

There were no other committee reports.

The meeting adjourned at 10:30 p.m.

Respectfully submitted,

Donald Patenaude, Clerk

President's Report 11-18-2013

- New computer authorized at the September meeting has been purchased and installed for a little over \$400. It required several hours of my time working with QDS to get the printer and computer to produce reports, notices and bills. The problem was solved with the new operation system (Windows 2007) and a work around needed until HP produces a fix for the 1 year old printer we have.
- Responding to a complaint our Police Department received, Chief Kevin Halloran called me as President of the Pine Orchard Association for the names of the owners of the personal items at the base of Spring Rock Road. I told the Chief I did not know the owners, but requested an opportunity to seek them out before they were to be impounded. The Chief agreed to my request and said "please do what you can to notify those kayak, wagon and raft owners that it is against Town Ordinance to use Town property without proper authorization, this includes storing personal items". The Board of Selectmen is the appropriate body to go before for authorization to use public property. I believe the members in the neighborhood will be talking amongst themselves and possibly looking to get this Board's endorsement if such a request is to be made.
- Vining and I went through the maps we found in the office area to see if any were worthy of being displayed in the museum. We agreed the oldest one (1900) should be framed and hung. This project has been completed at a cost of approximately \$300. It has been hung over the Treasurer's desk.
- I have instructed our Office Manager, Tricia Wynne, to open all mail and alert the appropriate Board member in a timely manner should their action(s) be required.
- As you may know Arthur Knowlton stepped back as our ZBA Chair after their October 28th hearing. Sig Hallgren has been voted in by the ZBA regular members as their new chair. Remy Zimmermann called me to request he be authorized to spend money on a gift in recognition of Arthur's service. I told him I was uncomfortable spending membership money for a gift, but perhaps a framed certificate thanking Arthur for his service as ZBA Chair could be done at a minimal cost. He was OK with this, but I look for your guidance. It may be we should do the same for POA Presidents?
- My most recent with Arthur identified his intention to resign from the ZBA as he is (or has) moved to 2nd Avenue in Hotchkiss Grove. Prior to my conversation with Arthur I had received an email from the ZBA Secretary, Remy Zimmermann, identifying that *Per Conn. Gen. Statutes sec 8-5(a) -- "Any vacancy in such board...unless otherwise provided by ordinance or special act, shall be filled for the unexpired portion of the term by the board of selectman of towns or the chief executive officer of cities and boroughs."* He sent me this as it is the wish of at least he and Arthur that Marshall Gibson (presently on the ZBA as an alternate be appointed to complete Arthur's term. I will do this unless this is an issue as I believe Marshall has expressed his interest to John to move up and has certainly paid his dues. Alternatively, I can call a meeting when Arthur's resignation is received.