

Pine Orchard Association Executive Board
Minutes of Meeting
January 11, 2016
Pine Orchard Association Building

President Pat Kaplan called the meeting to order at 7:05 PM.

Board members present were:

| | | |
|----------------|----------------|-----------------|
| Pat Kaplan | Niall Ferguson | Robin Sandler |
| Colleen Acunzo | Linda Giordano | Jon Schlesinger |
| Vining Bigelow | Rick Ross | Hap Storer |
| Seth Chaucer | | |

Absent: Susan Davis, Geoff Hotz

Guests: Laura Magaraci, John Lapides

Approval of Minutes of Prior Meeting:

The minutes of the November 9, 2015 meeting were not distributed to the board members until just prior to the current meeting and had not been posted to the web site. To allow members to review those minutes, Hap Storer moved and Robin Sandler seconded a motion to defer approval of the minutes until the next meeting. The motion was approved.

President's Report and Communications

A sun dial has been placed as a memorial to Tally Sepot on the property leading to the beach access at the end of Spring Rock Road. Funds for the memorial were contributed by friends and family of the Sepots. There was a gathering of the contributors at the memorial on the Sunday before Christmas followed by a reception at the Pine Orchard Union Chapel.

Ms. Kaplan reported that she had been asked by Association members if it would be permissible to place a boat rack on the property at the beach end of Spring Rock Road. She will consult with Attorney Bill Aniskovich who is a neighbor and town counsel regarding this issue.

Ms. Kaplan will follow up in a newsletter reminding residents driving golf carts in the area that carts are considered to be motor vehicles, that only licensed drivers are permitted to drive them and the motor vehicle laws apply to their use.

A zoning subdivision request is expected to be submitted regarding property on Totoket Road which the Board will need to hear as the Zoning Authority. Prior to that hearing, the Planning and Zoning Committee, consisting of Jon Schlesinger, Geoff Hotz and Harrison Levy, is to review the application together with Zoning Enforcement Officer Laura Magaraci. After the committee has reviewed the request, notice of a public hearing will be issued and the matter will then be heard by the Board acting as the Association Zoning Authority.

Treasurer's Report

Treasurer Niall Ferguson presented the budget report for the period. There were no unusual financial items or occurrences to report. Most taxes have been received for the year and we have reached the amount that was budgeted. Mr. Ferguson reported that our insurance policies do

provide liability coverage for possible claims arising related to beach access points in Pine Orchard.

Zoning

Jon Schlesinger reported that the Planning and Zoning Committee is preparing to recommend language concerning time requirements of notice to be made to owners of abutting property by any applicant to the ZBA concerning a zoning appeal. The committee was directed to propose specific timing requirements and language at the March meeting. If the changes are to be incorporated in zoning ordinances, then public hearings have to be held. After the public hearing and input from the community at the public hearing is heard and reviewed, the Board can then adopt language to add to the Zoning Ordinances.

At our November 9, 2015 meeting there had been a discussion of a request from an Association member for a copy of the recording or a transcript of the recording of the June 1, 2015, meeting of the Zoning Board of Appeals. It was reported that an audio copy of that recording was prepared and delivered to the member. As reflected in the minutes of the November 9, 2015, meeting, a new recording device has been acquired from which electronic files of recordings can be exported and that device will be used to record future ZBA meetings.

Web Site

Ms. Kaplan reported that Kate Frank is in the process of developing the improvements to the web site. She has been delayed by the limited availability of Office Manager Janet Ryan due family circumstances.

Shoreline Maintenance

Vining Bigelow reported that only one step was missing following the severe storm of the previous day. No stairs are removed during the winter months. In some earlier years, the stairs at Chapel Drive were removed, but this was discontinued due to the inaccessibility to the beach that this created.

A Shoreline Committee meeting had been held with Vining Bigelow, Linda Giordano and Matt Moran. Matt is a community member and a new resident to the committee. The meeting was an introductory meeting for Matt to meet Vining and Linda and to learn about the shoreline access points and the maintenance procedures.

Building Committee

Seth Chaucer reported that rodents had been located in the building and he has taken steps to remove them. He has also done a complete cleaning of the interior of the building.

A question was raised as to whether we should keep the Association Building and continue to incur the associated costs. The question was then raised as to whether the Association owns the building or if it is leased from the Town of Branford. Per Vision Appraisal online, the owner is noted as the Pine Orchard Association. Mr. Sandler is to determine who owns the property and will report to the Board.

A request was reported from Ms. Elaine Littlehales to have the poison sumac removed from the front of the property.

Nominating Committee

Robin Sanders reported that the committee is considering which two community members will be added to the committee. At least two Board positions are going to need to be filled at the July Annual Meeting and they are waiting to hear back from one other Board member to see if he wishes to continue on the Board.

Public Comment

Mr. John Lapidis introduced himself to the Board. He is new to the area and is building a new home on Halstead Avenue.

The meeting moved into Executive Session at 8:10 PM.

The meeting returned from Executive Session. No votes were taken in executive session.

The meeting adjourned at 8:45 PM.

Respectfully submitted,

Hap Storer, Clerk

Pine Orchard Association Executive Board
Minutes of Meeting
March 7, 2016
Pine Orchard Association Building

President Pat Kaplan called the meeting to order at 7:05 PM.

Board members present were:

| | | |
|----------------|----------------|-----------------|
| Pat Kaplan | Niall Ferguson | Robin Sandler |
| Colleen Acunzo | Linda Giordano | Jon Schlesinger |
| Seth Chaucer | Geoff Hotz | Hap Storer |
| Susan Davis | Rick Ross | |

Absent: Vining Bigelow

Guests: Atty. Peter Berdon, Zoning Enforcement Officer Laura Magaraci, ZBA Chairman Sig Hallgren, Remy Zimmerman

Approval of Minutes of Prior Meeting:

Upon noting a correction to be made to the spelling of a name in the minutes of the November 9, 2015 meeting of the Board, Robin Sandler moved to approve those minutes. The motion was seconded by Hap Storer and approved by the Board. Mr. Sandler made a motion to approve the minutes of the January 11, 2016 meeting. The motion was seconded by Mr. Storer and approved by a vote of the Board.

President's Report and Communications

Ms. Kaplan reported that no communications had been received.

Treasurer's Report

Niall Ferguson distributed copies of the financial report for the year to date. He noted that tax revenues received to date have slightly exceeded the budgeted amount. Expenses are generally within budget.

Web Site

The web site update continues. Board members are reminded to review the accuracy of their contact information as listed on the site.

Zoning

Jon Schlesinger and Ms. Laura Magaraci presented the Zoning Board of Appeals "Important Notice to Applicant for Zoning Variances" which included various modifications regarding notifications to be made to persons owning property in the vicinity of the appellant's property. It was noted that the Branford ZBA is currently revising their notification requirements and that we would benefit in knowing their requirements so that we could consider conforming our notification requirements with the Town's. Issues of various methods of notification were discussed. The committee was directed to consider whether constructive notice versus actual notice would be required. The committee was advised to review the amount of the application fee considering additional costs that might be incurred by the Association or the ZBA such as for publishing notices or fees required by other entities.

Nominating Committee

Robin Sandler reported that the members of the Nominating Committee include himself, Susan Davis and Linda Giordano and two non-Board members, Leslie Peters and Kathy Thomas. We have three Board positions that are to be filled. Four members' terms are expiring. Niall Ferguson is standing for re-election. Under the two-term limit, Vining Bigelow and Geoff Hotz are not eligible for re-election. Hap Storer is not standing for re-election. The committee is to have a slate of nominees for the May meeting of the Board.

Building Committee

Seth Chaucer had Steamatic present an estimate for removal of mold found in our furnace room. A contractor is to be contacted to determine what will be needed for remediation. Seth and his committee is to report back to the Board with their findings. A loose gutter was repaired by A1 Gutter. Snow removal services are to be reviewed.

Shoreline Maintenance

There has been serious damage to the seawall under the curved walkway to the beach at the end of Spring Rock Road.

Public Comment

Dr. Stephan Ariyan inquired as to the status of his request approximately two years earlier regarding erecting a gazebo for sun protection. Geoff Hotz reported the he has been gathering information as to how an ordinance could be developed to meet his request.

Mr. Bob Wheeler presented updated information on the litigation underway regarding Crescent Bluff properties.

Mrs. Michelle DeLieto inquired as to a presentation regarding beach access that would be made at a Board meeting. She noted that in Pat Kaplan's newsletter there was a mention that there would be such a presentation by one of our attorneys.

Dominic Colossale of Spring Rock Road noted a concern about the damage under the walkway to the beach at the end of that street and how it is going to be addressed. He intends to discuss the matter with the Scheers.

The meeting went into Executive Session at approximately 8:30 PM.

The public meeting reconvened at 10:07 PM.

A motion was made to approve an expenditure not to exceed four thousand dollars (\$4,000) to have a survey performed of the easement held by the Association from the eastern end of Island View Avenue extending to the Long Island Sound and to the breakwater. The motion was made by Hap Storer and seconded by Susan Davis. The motion was approved by vote of the Board.

Niall Ferguson is to have our insurance policies reviewed by two agencies prior to renewal.

A follow up meeting will be called for March 15th, to discuss access points to beaches and Long Island Sound. An Executive Session is expected to occur to discuss legal issues regarding water and beach access.

Vining Bigelow will be asked to speak with the Scheers regarding repairs to the seawall at the Spring Rock Road access point.

The meeting was adjourned at 10:11 PM.

Respectfully submitted,

Hap Storer, Clerk

Pine Orchard Association Executive Board
Minutes of Special Meeting
March 15, 2016
Pine Orchard Association Building

President Pat Kaplan called the meeting to order at approximately 7:05 PM.

Board members present were:

| | | |
|----------------|---------------|-----------------|
| Pat Kaplan | Susan Davis | Jon Schlesinger |
| Colleen Acunzo | Geoff Hotz | Hap Storer |
| Seth Chaucer | Robin Sandler | |

Absent: Vining Bigelow, Niall Ferguson, Linda Giordano, Rick Ross

Guests: Atty. Peter Berdon

Presentation of Prior Findings Regarding Beach Access

Attorney Peter Berdon presented a summary of the findings of his research in 2012 regarding access points to the water in Pine Orchard. Nine access ways to Long Island Sound were identified within the confines of the Pine Orchard Association. These points are:

- Two off of Island View Avenue
- The terminus of Island View Avenue eastward into the water
- An easement from the end of Island View Avenue to the breakwater
- The end of Halstead Lane
- Crescent Bluff
- Spring Rock Road
- Selden Avenue
- Club Parkway to the east of the Pine Orchard Yacht & Country Club

Association member Atty. Jay L. Pottinger, Jr. reported that it was his understanding that another access point existed in the Thimble Farms area adjacent to Juniper Point that had been created when that area was subdivided and developed.

Several of these areas have been fairly extensively researched in the past including the two Island View access points. Those have been surveyed by Mr. Anderson of Guilford. Spring Rock Road was the subject of an investigation by Criscuolo Engineering as was Halstead Lane. These materials are available in the Association's office. There is additional information in the attorneys' files with respect to the end of Island View.

There are varying rights existing with respect to Halstead Land. The end of Spring Rock Road is a public road down to the water. While title is not held by the Association in the two Island View locations, The Association has had control of those locations for as long as all can recall. Island View is a town road down to the water to the east. From there, there is an easement right along the walkway to the breakwater and Long Island Sound and retained rights to access moorings and launch boats along the breakwater. At Selden Avenue, there had been a dispute a couple years ago, but that seems to be more or less resolved.

There is currently a question as to the exact location of the easement from the end of Island View to the breakwater and down to the beach. A quote has been obtained to perform a survey of that easement from Criscuolo Engineering.

Mr. Paul Sagese inquired as to how it had been determined that there were nine access points. Mr. Berdon replied that they examined areas in which the Association may have an interest due to historical maintenance or control or deeded rights or the areas had been previously investigated. Mr. Sagese asked how many of these are private property and how many are public. Atty. Berdon responded that the answer is subject to question and subject to litigation.

Mr. Jim McBurney inquired as to whether Halstead Lane is private or public. Atty. Berdon responded that title to that is complicated and that the details are in his report.

Ms. Kaplan reported that the full report and related materials are available at the James Blackstone Library and possibly at Willoughby Wallace Library.

A discussion ensued between Atty. Berdon and Mr. McBurney regarding the status of litigation regarding Crescent Bluff.

Ms. Kaplan reported that it had been her goal when becoming President to have the board come to a final resolution regarding the status of all water and beach access points in Pine Orchard to satisfy the many questions that have been asked by Pine Orchard residents and realtors to Executive Board members over the many years she has lived in Pine Orchard. The nine access points identified are those places that have been used by Pine Orchard residents historically over the many years of the existence of Pine Orchard.

She said that the Board has been working to try to figure out how to resolve these questions. However due to the legal complexities of the issues involved, the board has determined that it still does not have final answers regarding these questions and the answers may remain vague.

Ms. Michele DeLieto inquired as to, given the length of the Pine Orchard shoreline, why is it necessary to have so many access points for a community. She asked if these access points are only for the residents of POA or are they accessible to the public and the whole state of Connecticut. She also asked if they are available to all, where would people park. She also inquired as to the amount it would cost if POA had to litigate to preserve all of these access points.

Atty. Berdon responded that water and beach access is a matter of public policy. Ms. Kaplan responded that the nine access points under discussion are the ones that have been used historically during the entirety of the existence of Pine Orchard.

Atty. Gerald Garlick, representing Beachcroft, LLC., reported approximately two years ago, that former POA President Peter Hugret had sent a letter out to all members of the association attempting to gather information so that the Board could make various decisions. In response, Atty. Garlick had sent a letter to Atty. Dan Burns to submit to the Board. At this point, he cannot determine if the Board received that letter, so he presented copies of that letter to the Board. That letter is attached.

Mr. McBurney suggested that representatives of the Board communicate directly with him over issues at hand concerning Crescent Bluff.

Ms. Lucy Douglas reported that an element of her deed provided a right of access through Halstead Land and that she has utilized other access points.

Geoff Hotz reported that he had used various access points since he was a child. He reported that as a member of the Executive Board, he is frequently advised by members of the Association that a primary charge to the Board is to preserve access to the water and beaches. He also said that as a member of the Fire Company, frequently over twenty-seven years, he had pulled wooden steps from various access points, including at Crescent Bluff, to store them behind the Pine Orchard Fire House to protect them from storm damage during the off-seasons.

Mr. William Senior inquired regarding the access of Club Parkway close to the club because it is the only level access point from which a kayak can be easily launched. Atty. Berdon advised that this access point is Town property, so that access should not be restricted.

Mr. McBurney requested a summary of the status of the access points. Atty. Berdon reported:

- Club Parkway is town owned.
- Island View extended is town owned.
- The Association has an easement from the end of Island View to the breakwater and the beach.
- For the two points on Island View, title is not held by the Association, but we have used it and maintained it openly and notoriously, that there was an intent to dedicate it as a public way and that it is a public way.
- Halstead Lane is probably a public road but it was not examined closely as to the end of Halstead Land.
- Crescent Bluff is in litigation, so no comment is made.
- Spring Rock Road is a town road. While the walkway to the west and to the east to the beach has been used by Pine Orchard residents, the examination did not include a review of those elements of the access point.
- The end of Seldon has a complicated title issue that would require more research. The Town may own a portion of that access point.
- For Juniper Point, we currently have no information.

The meeting went into Executive Session at approximately 8:10 PM.

The public meeting reconvened at approximately 8:55 PM. No votes were taken during the Executive Session.

The meeting was adjourned at approximately 9:15 PM.

Respectfully submitted,

Hap Storer, Clerk

Pine Orchard Association Executive Board
Minutes of Special Meeting
April 4, 2016
Pine Orchard Association Building

President Pat Kaplan called the meeting to order at approximately 7:00 PM.

Board members present were:

| | | |
|----------------|----------------|-----------------|
| Pat Kaplan | Susan Davis | Geoff Hotz |
| Vining Bigelow | Niall Ferguson | Robin Sandler |
| Seth Chaucer | Linda Giordano | Jon Schlesinger |

Absent: Colleen Acunzo, Rick Ross, Hap Storer

Guests: Atty. Peter Berdon

Comments by Board President Pat Kaplan

Mold:

Seth Chaucer reported that we had discovered black mold in the utility room off the meeting room. This has been removed by Vincent Farricielli of Steamatic. He proposed treating the wall with a mold sealant that would resist future mold. The Board agrees that we should proceed with whatever the contractor recommends.

Minutes:

Clerk Hap Storer, who was absent at tonight's meeting, will be reminded to get minutes prepared and submitted for posting on our web site in a timely manner.

Web Site:

Colleen Acunzo, due to family health issues, has not been able to work on the development of content for the renovated web site. Each Board member is asked to develop information about their area of responsibility so that a summary can be displayed on the web site. A more detailed description of the website progress will be requested from our consultant and reported at a future meeting.

Request from Atty. Garelick for Recording of March 7, 2016 Meeting:

Atty. Burns received a Freedom of Information Act request from Atty. Garlick representing Beachcroft LLC for a recording of our March 7, 2016 meeting. Hap Storer provided and electronic copy of that recording to Atty. Burns for delivery to Atty. Garlick.

Correspondence:

Ms. Kaplan received an e-mail from Ms. Jennifer Aniskovich regarding Freedom of Information Act (FOIA) requirements and her concern as to how the agenda described the Executive Session. Atty. Berdon responded to that correspondence and informed her that the description had been approved by counsel to FOIA. Copies of the emails are attached.

The Pine Orchard Association Board of Directors was sent a letter dated March 21, 2016 from David and Tracey Scheer alleging a conflict of interest on the part of Pat Kaplan and her participation in votes taken concerning the Spring Rock Road walkway access to the beach. The

conflict of interest paragraph cited in the letter was taken from our by-laws revision adopted in January 2016. Ms. Kaplan has asked the by-laws committee to research conflict of interest provisions of other municipalities and a discussion of our conflict of interest policy to be placed on the agenda for the May meeting. She also distributed the by-laws and conflict of interest policy for the Connecticut Bar Foundation as samples. The letter, by-laws and policy are attached.

Public Comment:

Ms. Michelle DeLieto inquired as to how much had been spent on Crescent Bluff litigation. Treasurer Niall Ferguson reported that the current year (July 1, 2015 – June 30, 2016) budget had provided for \$5,000 in legal expenses, which is not exclusively for Crescent Bluff litigation. Approximately, \$2,000 has been spent year-to-date. He estimated that in prior years, legal expenses had been in the tens of thousands of dollars, although not all of that had been for the Crescent Bluff litigation.

A discussion ensued regarding the expense of Crescent Bluff litigation.

Mr. Farid asked with whom he should speak regarding compliance with lighting ordinances. He was advised to contact Jon Schlesinger or Pat Kaplan.

The meeting went into Executive Session at approximately 7:40 PM.

The public meeting reconvened at 9:00 PM. No votes or actions were taken during the Executive Session.

Litigation:

Geoff Hotz made a motion that the Association authorize our attorneys, the firm of Berdon, Young & Margolis, PC, to file a memorandum of law in response to the request for summary judgement by the McBurneys filed in March 2016 re: Crescent Bluff Avenue, consistent with the Association's prior position, in a cost effective manner. The motion was seconded by Susan Davis.

Following discussion, the motion was defeated 4 yeas and 5 nays.

The meeting was adjourned at approximately 9:00 PM.

Respectfully submitted,

Hap Storer, Clerk

Pine Orchard Association Executive Board
Minutes of Special Meeting
April 12, 2016
Pine Orchard Association Building

President Pat Kaplan called the meeting to order at approximately 7:09 PM.

Board members present were:

| | | |
|----------------|----------------|---------------|
| Pat Kaplan | Susan Davis | Rick Ross |
| Vining Bigelow | Niall Ferguson | Robin Sandler |
| Seth Chaucer | Geoff Hotz | Hap Storer |

Absent: Linda Giordano, Jon Schlesinger

Guests: Atty. Daniel Burns

President Pat Kaplan announced that Colleen Acunzo has resigned from the Board due to family health issues.

Association member Mr. Jim McBurney inquired as to what action was taken following the Executive Session at the April 4, 2016 Special Meeting of the Executive Board. Atty. Burns reported that there had been a motion presented to authorize the filing of a brief in response to a motion for summary judgement that was filed regarding the Lawn beach passageway as a public way. The motion was defeated 4 to 5. After questioning by members of the public, the board reported that there was no roll call taken of that vote. There was some discussion among the board members as to the history of taking votes by roll call and the consensus was that there was no recollection of the taking of roll call votes.

Mrs. Barbara Sageese passed out a document titled "FOIA GUIDELINE VIOLATION" to members of the Board. She questioned that the results of the vote and minutes had not been made available in a timely manner. Pat Kaplan responded that the concerns were valid and the subject would be on the agenda for the May meeting.

The meeting went into Executive Session at approximately 7:40 PM.

The public meeting reconvened at 8:50 PM. No votes or actions were taken during the Executive Session.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Hap Storer, Clerk

Pine Orchard Association Executive Board
Minutes of Meeting
May 9, 2016
Pine Orchard Association Building

President Pat Kaplan called the meeting to order at 7:01 PM.

Board members present were:

| | | |
|----------------|-------------|---------------|
| Pat Kaplan | Susan Davis | Robin Sandler |
| Vining Bigelow | Geoff Hotz | Hap Storer |
| Seth Chaucer | Rick Ross | |

Absent: Niall Ferguson, Linda Giordano, Jon Schlesinger

President's Report and Communications:

Ms. Kaplan called for a moment of silence in memory of Mr. Sig Halgren who passed away recently. A long-time resident of Pine Orchard, Mr. Halgren had most recently served as Chairman of the Pine Orchard Zoning Board of Appeals.

Ms. Janet Ryan has advised Ms. Kaplan that she would like to resign her position of Office Manager at some time after taxes have been billed and received. She will be available to assist at the annual meeting of the Association. We will initiate the process to replace her. Ms. Ryan had reported to Mr. Ferguson that she has worked approximately one hundred twenty-five hour per year plus additional periods totaling approximately twenty-five hours to organize files both paper and electronic.

The annual meeting of the Association will be held on July 11, 2016. Each Board member will be expected to report briefly on activities for the year in his or her area of responsibility.

Communications:

Dr. Stephen Ariyan submitted a letter including prior communications and research regarding modifying Pine Orchard zoning ordinances to provide for devices or structures intended to provide protection from the sun. This is being referred to the Zoning Committee.

Zoning Enforcement Officer Laura Magarici was not able to attend this meeting but submitted a letter to Ms. Kaplan regarding notification to abutters of hearings of zoning appeals hearings. The Town of Branford has not yet completed the revision of their notification rules. Our intention had been to mirror the Branford process. This is also being referred to the Zoning Committee.

Office Manager Janet Ryan sent a letter to Mr. & Mrs. David Scheer in response to their letter of March 21, 2016, that was distributed at our April 4, 2016, special meeting. That letter is included with the minutes.

Ms. Sue Gavajian submitted an inquiry regarding a dirt pile on a property on Halstead Lane. The subsequent email thread including a response from Ms. Melanie Ginter is included with the minutes.

Ms. Ellen Wagner submitted a letter expressing concern regarding golfers hitting across CT Route 146 and stating that her car had been hit by a ball. She inquired if anything could be done about this. Mr. Ross will raise the issue with Pine Orchard Yacht & Country Club. Mr. Hotz will inquire at the state garage to determine if any signage can be provided.

A copy of a letter from Berdon, Young & Margolis dated April 6th in response to Attorney Garlick stating that a USB flash drive containing a recording of our March 21, 2016, meeting was being sent to him is attached.

A letter dated May 2, 2016, was received from David & Tracey Scheer described as a follow up letter to their correspondence of March 21, 2016, and reiterating their allegation of a conflict of interest by Ms. Kaplan. Ms. Kaplan asked Mr. Sandler to lead the discussion on the letter. Mr. Sandler reported that regarding a potential conflict of interest, this Board, like others, leaves it up to the individual to decide whether or not he or she participates in the discussion of any particular matter. He also reported that while there has been discussion of beach access points, one of which involves Spring Rock Road, there has been no action or vote taken by the Board that has resulted in any action that we took with respect to Spring Rock Road access.

Mr. Scheer expressed his concern that the Board had not been adequately made aware of litigation between the Scheers and Ms. Kaplan.

Ms. Babara Sage expressed her concern that the Board is not exercising due fairness and transparency in executing its duties.

Mrs. Scheer expressed concern that we had not followed our recently adopted bylaw regarding recusal that reads:

“No director shall discuss or vote on any matter which would involve a conflict of interest. Any director for whom there may exist a conflict of interest shall refrain from discussions or vote on any such matter, and shall not be physically present in the room for any discussion or votes on the matter.”

Mr. Sandler called for a five-minute recess. A motion to recess for five minutes was made by Mr. Hotz, seconded by Mr. Storer, and approved unanimously.

Mr. Joseph Canavan reported that members of other boards must complete and submit conflict of interest reports declaring their participation in other activities that might constitute a conflict of interest. He advised the each Board member should be aware that he or she has financial, fiduciary and legal responsibilities to the community of Pine Orchard.

Ms. Michelle DeLieto requested that the Board report which access points are owned by title and deed.

Mr. Sandler concluded by reiterating that the Board has no authority to prevent any member of the Board who is duly elected from exercising his or her rights on any given matter.

Approval of Minutes of Prior Meetings:

A proposal to approve the minutes of the meeting of March 7, 2016, was moved by Mr. Sandler, seconded by Ms. Davis. Approved unanimously.

A proposal to approve the minutes of the meeting of March 15, 2016, was moved by Mr. Sandler, seconded by Ms. Davis. Approved by a vote of: Aye – 7; Abstain – 1.

A proposal to approve the minutes of the meeting of April 4, 2016, was moved by Mr. Sandler, seconded by Ms. Davis. Approved by a vote of: Aye – 6; Abstain – 2.

A proposal to approve the minutes of the meeting of April 12, 2016, was moved by Mr. Sandler, seconded by Ms. Davis. Approved unanimously.

Treasurer's Report:

Treasurer Niall Ferguson delivered via email prior to the meeting a review of financial results from fiscal years ended 2008 through 2016 together with proposed budgets for the fiscal year 7/1/2016 through 6/30/2016, along with his comments. Of the two proposed budgets, one proposed a 3 mill tax levy and the other a 4 mill levy. The only difference between the two proposals was the projected tax revenues.

Ms. Kaplan reported that Office Manager Ryan had made recent recommendations not included in the proposed budget of a scanner for the office, a new laptop, support and maintenance plans for equipment and QDS to do the printing of tax bills.

It was moved by Mr. Sandler, seconded by Mr. Hotz that the budget be approved as presented.

Following discussion, it was proposed that the budget be adjusted:

To decrease Security from \$2,000 to \$1,000;

To increase Office/General from \$5,000 to \$7,000; and

To increase PO Museum & Web from \$400 to \$1,400.

The result of this would be to reduce the budgeted Net Income to \$376.

This amendment was moved by Mr. Sandler, seconded by Mr. Hotz. Approved unanimously.

It was moved by Mr. Hotz, seconded by Mr. Sandler that the mill rate for 2016 be set at 3 mills. Approved unanimously.

The budget as amended was approved unanimously.

Web Site:

The web site modifications have been made making it more accessible with more updated dropdown menus. Janet reports that she should be able to post items properly. She did recommend that a web developer such as Kate Frank perform an annual review of the site for proper maintenance and updating. Still needed is a description of the taxing process and schedule.

Taking and Posting of Minutes:

Minutes have been located from the 1960's and since 1992, however others have not been located. Minutes were not posted except on the outside posting board until the web site was initiated. Since then, the minutes generally were not posted in a timely manner. We had previously discussed having Janet Ryan present at meetings to prepare minutes, however she reports that she has a conflict on our regular meeting schedule and would not be able to attend meetings.

Clerk Hap Storer reported that he had been previously unaware that by statute minutes were to be made available to the public within seven business days following a meeting and that the results of votes held at a meeting are to be made available to the public within 48 hours. In reviewing minutes for the Town of Branford it is noted that their minutes are posted within the seven-day requirement. It is also noted that their minutes are much more abbreviated, generally noting the agenda topic, mover, seconder, and results of votes. Some votes are reported as voice votes, some by show of hands with counts and some by roll call at the call of the moderator.

Mr. Storer proposed the adoption of the following policy:

Minutes of Meetings

It is the policy of the Pine Orchard Association to produce and publish minutes of the meetings of its Executive Board. Those minutes are to be reviewed and approved by the Executive Board at a subsequent meeting. The unapproved minutes are to be made available for public inspection not later than seven days after the date of that meeting. The minutes are to be available on the Association's web site and at the Association offices. The results of any votes of the Executive Board are to be reduced to writing and made available for public inspection within forty-eight hours.

The motion for adoption was made by Mr. Storer, seconded by Mr. Sandler. Approved unanimously.

Nominating Committee

The members of the Nominating Committee are Robin Sandler, Chairman, Susan Davis, Linda Giordano, Leslie Peters and Kathy Thomas. They proposed a slate of nominees for election to the Executive Board at our Annual Meeting on July 11, 2016. Those people are:

Joseph Thomas
Bob Dahill
Niall Ferguson

Matthew Moran
Margaret "Peggy" Haering

One of these vacancies was due to the resignation of Colleen Acunzo.

Approval of the slate was moved by Mr. Sandler, seconded by Mr. Hotz. Approved unanimously.

To complete the unexpired term of Colleen Acunzo that would expire in 2018, Mr. Sandler moved that Margaret "Peggy" Haering be appointed to fill that seat. This was seconded by Mr. Hotz. Approved unanimously.

Slate of Officers for 2016-2017:

Ms. Kaplan announced that the following people have agreed to serve as officers for the upcoming year:

| | |
|----------------|------------------|
| President | Pat Kaplan |
| Vice President | Robin Sandler |
| Treasurer | Niall Ferguson |
| Clerk | To be determined |

The election will be held at the meeting immediately following the annual meeting of the Association.

By-Laws Committee:

Ms. Davis, chair of the by-laws committee, presented a proposed revision to the conflict of interest section of our by-laws to read:

“No director shall discuss or vote on any matter which would involve a conflict of interest. Any director for whom there may exist a conflict of interest shall refrain from discussion or vote on any such matter. Directors shall refer to Connecticut statute 1-85, **Interest in conflict with discharge of duties**, for guidance in this area.”

The text below is informational. It is not meant to be part of the bylaws.

Connecticut General Statute, Title 1, Chapter 10, Section 1-85 Interest in conflict with discharge of duties.

A public official, including an elected state official, or state employee has an interest which is in substantial conflict with the proper discharge of his duties or employment in the public interest and of his responsibilities as prescribed in the laws of this state, if he has reason to believe or expect that he, his spouse, a dependent child, or a business with which he is associated will derive a direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of his official activity. A public official, including an elected state official, or state employee does not have an interest which is in substantial conflict with the proper discharge of his duties in the public interest and of his responsibilities as prescribed by the laws of this state, if any benefit or detriment accrues to him, his spouse, a dependent child, or a business with which he, his spouse or such dependent child is associated as a member of a profession, occupation or group to no greater extent than any other member of such profession, occupation or group. A public official, including an elected state official or state employee who has a substantial conflict may not take official action on the matter.

The process for amending a by-law as provided in our by-laws will be followed in presenting public notice and mailing. The notice will be included in the mailing of notice of our annual meeting. Public comments, written or oral, can be received prior to or at the regular meeting in September 2016.

In discussing conflict of interest, Ms. Kaplan stated that every member of Pine Orchard has an interest in beach access points. A major goal of the Pine Orchard Association is to protect the beach access points. She also pointed out that the CT conflict of interest statutes referring to public officials refers to monetary gain or loss.

Mr. Sandler moved and Mr. Storer seconded a motion to present the by-law revision for approval at the September regular meeting of the Executive Board. Approved unanimously.

Method of timing and communication to community to gather input on POA involvement to preserve beach access rights:

The question is raised as to how we should measure the sense of the community regarding Association involvement in preserving beach access rights in Pine Orchard. Further discussion is deferred to the September meeting.

Shoreline Maintenance

Mr. Bigelow reported that maintenance was performed at the breakwater access point this week consisting of replacing cement that had been knocked out of place in the wall facing Long Island Sound and also on the harbor side repairing erosion at the base of the causeway going out to the

breakwater. There was also some resurfacing to the sidewalk area. He reported that Greg Johnson did a very good job. The cost was approximately \$3,500.

Building Committee

Mr. Chaucer reported that Vincent Farracelli of Steamatic had completed applying the coating in the machinery room in the Association building in mold abatement.

Municipal Interface:

Mr. Hotz reported that he had spoken with Lt. Hormuth about attending the Annual meeting. He is expecting to hear back from her. Golf cart ordinances reminders have been emailed out to Association members with the newsletter. He has not heard back about restriping on the streets.

Public Comment:

Ms. Sagease asked that the letter submitted by her attorney at a prior meeting in response to a letter from former President Peter Hugret be submitted to the public.

Ms. DeLieto repeated her question as to which access points are owned by the Association by title and deed. We reported that we do not know.

Ms. Kathy Lee expressed concern that a permanent fence had been placed denying the beach access at Spring Rock Road. Mr. Bigelow observed that the Scheers have stated that the fence is temporary due to the potential danger from the damage underneath the walkway.

Mr. Bob Dahill asked if there were any time frame stated for the availability of the walkway to the stairs. Mr. Hotz and Mr. Bigelow reported that the Town of Branford and the DEEP were both involved in the process of implementing repairs before work could be done. Mr. Storer expressed his concern that this might bring the community to the point of establishing whether or not there is a prescriptive easement from the bottom of the steps at Spring Rock Road over the walkway to the right to the steps down to the beach. This has been used by the members of the Pine Orchard community since it was first built he believes in 1905. This prescriptive easement would be distinct from those rights that residents of Spring Rock Road and vicinity might have by virtue of their ownership of their properties. He believes that the Pine Orchard Association as a representative of its members would have standing to act on behalf of the residents of Pine Orchard. To protect our interest in such prescriptive easement, he believes that we would be obligated to take action to repair the damage underneath the walkway. This could put us in conflict with the owners of the property to protect the interests of the members of the Pine Orchard Association. By standing aside and allowing the owner to complete all repairs, we could damage our position of claiming a prescriptive easement.

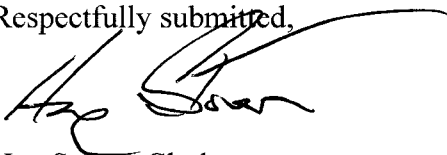
A question was raised if the access point at Selden Avenue could be used as an alternate while the Spring Rock Road walkway was closed. Mr. Storer responded with his belief that the Selden Avenue access point has similar issues. There are properties in the area that have deeded access rights. It has been historically used by others for as long as memory serves, however the Association is not in the position to advise others whether they may or may not use that access point.

Ms. McBurney questioned whether the allocation of \$5,000 for legal fees in next year's budget was sufficient.

Mr. Storer moved for adjournment, Mr. Hotz seconded. Approved unanimously.

The meeting was adjourned at 9:40 PM.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Hap Storer", with a long, sweeping horizontal flourish extending to the right.

Hap Storer, Clerk

Hap Storer (Hap@storer.com)

From: Office Manager <officemanager@pineorchardassociation.com>
Sent: Friday, April 29, 2016 3:44 PM
To: undisclosed-recipients:
Subject: Notice Of Executive Board Meeting – May 9, 2016
Attachments: 2016-03-07 Meeting minutes (unapproved).pdf; 2016-03-15 Meeting minutes (unapproved).pdf; 2016-04-04 Meeting minutes (unapproved).pdf; 2016-04-12 Meeting minutes (unapproved).pdf; 2016-04-04 Special Meeting attachments.pdf

Flag Status: Flagged

At the call of the president, there will be a meeting of the Board on **Monday, May 9, 2016 at 7:00 P.M.** in the Board Room of the Association Building, 180 Pine Orchard Road. The agenda follows:

1. 1. President's Report and Communications.
2. 2. Approval of minutes of the March 7th, March 15th, April 4th and April 12th meetings (posted on the website and attached).
3. 3. Treasurer's Report: Approval of Annual Budget for 2016 – 2017 and Levy of Taxes for 2016-17.
4. 4. Website update.
5. 5. Discussion of taking of minutes and posting of minutes, history and future.
6. 6. Report of the Nominating Committee presenting the slate of nominees for 2016-17.
7. 7. Discussion of slate of officers for 2016-17.
8. 8. Report of the By-laws Committee on the conflict of interest by-law.
9. 9. Discussion of method and timing of communication to community to gather input on POA involvement to preserve beach access rights.
10. 10. Other Committee Reports.
11. 11. Public Comments.
12. 12. Adjournment.

Please share this email with new residents or others whose email we may not have.

From: Patricia Kaplan attorneypatkaplan@gmail.com
Subject: Re: definition/exemption of structure
Date: March 8, 2016 at 10:56 AM
To: Stephan Ariyan stephan.ariyan@yale.edu
Cc: Geoff Hotz gbhotz@hotmail.com, Jon Schlesinger jonschlesinger@gmail.com, Laura Magarici laurabadaz@comcast.net

I will pass this around at next meeting. We cannot discuss by email. Thanks, Steve, for nudging us!

Sent from my iPhone

On Mar 7, 2016, at 9:08 PM, Ariyan, Stephan <stephan.ariyan@yale.edu> wrote:

Pat:

Since it has been 2 years of deliberations regarding discussions of revising setbacks from property lines for structures to protect from the sun, there are new members of the POA Board who said they were not aware of the background work. John Hughes, Jon Schlesinger, and now Geoff Hotz have put in a lot of work to research this issue.

I have attached the Zoning Committee report of 3-24-14 set to me by John Hughes, as well as email between John and myself regarding this issue.

You may choose to distribute the information to any Board members you choose to bring them up to date, since it has been 2 years.

Thank you for bringing this up for a resolution. Please let me know if I can contribute anything to the deliberations.

Steve

Stephan Ariyan, MD, MBA
Professor of Surgery, Plastic Surgery, Surgical Oncology, Otolaryngology
Yale University School of Medicine

Associate Chief, Department of Surgery
Yale-New-Haven Hospital

Director, Melanoma Program

Smilow Cancer Hospital, Yale Cancer Center

From: Geoffrey Hotz [gbhotz@hotmail.com]

Sent: Tuesday, October 27, 2015 2:47 PM

To: Ariyan, Stephan; jon schlesinger; laurabadaz@comcast.net; Attorney Pat Kaplan

Subject: RE: definition/exemption of structure

Dr. Ariyan,

I apologize for not getting back to you sooner but have had a very busy summer and fall. I received your email the other day and did some more work on the project. By luck I found the article below on a new research track.

http://www.havasunews.com/news/city-to-study-shade-cover-regulations/article_4699c733-bd19-524f-989b-c82faf7ae09a.html

I have been researching this with limited success.

Apparently this is on the cutting edge as you have been stressing. Locally (in Connecticut) I looked thru about thirty Villages and towns regulations. Most cities only regulate sun shades as they will impact sidewalks and roadways. I have had limited luck finding "new" regulations for sun shading. Branford's regulations seem to be lacking in accommodation as well.

I did find a few guidelines a while ago and have not had a chance to meet with Laura and or John to discuss how to proceed with Modifying THE POA Regulations.

Below are two Code sections from other towns/Cities that address some of the issues:

- (a) Gutters, cornices, sills, bay windows, or chimneys may intrude no more than 0.6m into the required setback;
 - (b) Eaves, sunlight control projections and canopies, may project no more than:
 - (i) 1.2 m into a required front or rear setback
 - (ii) 0.6 m into a required side setback;
 - (c) Bay windows, balconies, uncovered decks, or open porches, provided, in total, that they are limited to no more than 50% of the wall length of that particular side of the structure and provided they extend no more than
 - (i) 1.2 m into a required front or rear setback
 - (ii) 0.6 m into a required side setback;
 - (d) Fence;
 - (e) Arbours, trellises, fish ponds, ornaments, flag poles or similar landscape features, provided that they are not closer than 1m from any parcel line;
 - (f) An uncovered swimming pool, provided that such pool not be constructed within any required front setback nor nearer than 1.0m to any parcel line;
 - (g) Free-standing lighting poles, flag poles, warning devices, antennas, masts, clothing lines, signs and sign structures, except as otherwise limited in this or other regulations; and
 - (h) Sidewalks, patios, and hard surfacing of the ground.
- 4.11 Notwithstanding these setback exceptions, no building or structure or portion thereof may project into or over a registered statutory right of way.

I did find a guideline from another town that is more permissive and might prove useful as a guideline:

Accessory structures used as tool or storage sheds, playhouses, and similar uses do not require a permit provided that it meets requirements listed. All accessory structures must meet all building code and setback requirements regardless of size or whether a permit is required.

- Lot coverage requirements apply for all accessory structures. Prior to installing any structure check with the Planning Division (650) 616-7074.
- Shipping containers, enclosed truck trailers, and similar enclosures are prohibited.
- The location on the property shall be a minimum of 6 feet from the main dwelling and any other structure on the site.
- The structure must meet the front and side setbacks required by the San Bruno Zoning Code.
- The structure cannot be located in a maintenance or public utility easement.
- The floor area shall not exceed 120 square feet with not more than 12 inches overhang beyond the exterior wall (dripline) of the structure.
- The maximum height of any accessory structure is 9 feet for walls and 14 feet maximum roof peak height.
- Accessory structures cannot be closer than 1 foot to side or rear property lines.
- Only one accessory structure not requiring a permit can be located on a property.
- Electrical/Plumbing permits are for utilities as required regardless of the size of the structure.

I'm leaning towards suggesting we call them a type of accessory structure. There would be two or three classes Lightweight Temporary/Seasonal(that could have a permanent support structure/masts and guy wires), Portable (Movable but more like a gazebo or portico, and permanent(Pergola). I think we would need to limit them to current owner and limit them somewhat in size. If they are going to be added to an existing deck, patio or porch, I believe they would have to be considered a modification of that structure and we may need to create a subsection for them. (Laura & John?) I suspect based on the other issues we need to consider such as Generators, Solar panels and Air handlers/Compressors that these may be addressed together. That too will be up to Laura and John.

I will be working on this again later this week and welcome any suggestions or input you have. I understand you have been working at the state and Medical association levels as well and may have access to better resources than I do for other municipalities handling of this issue.

Perhaps we could meet before Thanksgiving if I can put some comprehensive wording together with John and Laura between now and then.

Thanks for your patience on this important issue, I know you have been working on this for a long time.

Sincerely

Geoffrey Hotz, C-EST

Have a Great Day!

Access Audio-Visual Systems, Inc
420 Sackett Point Rd, Bldg 1 Ste 1
North Haven, CT 06473

www.accessaudiovisual.com

Tel: 203-287-1907, Fax: 203-287-1922

From: stephan.ariyan@yale.edu

To: gbhotz@hotmail.com

Subject: FW: definition/exemption of structure

Date: Sat, 24 Oct 2015 22:06:56 +0000

Geoff:

It has been several months since we spoke about your taking over the task of coming up with wording to conform with the wishes of the zoning committee with regards to gazebos for the protection against sun damage.

Have you made any headway towards a resolution of the wording? Is there anything I can do to help? Would you welcome input or support from the other doctors in POA ?

Let me know.

Steve

Stephan Ariyan, MD, MBA
Professor of Surgery, Plastic Surgery, Surgical Oncology, Otolaryngology
Yale University School of Medicine

Associate Chief, Department of Surgery
Yale-New-Haven Hospital

Director, Melanoma Program
Smilow Cancer Hospital, Yale Cancer Center

From: Ariyan, Stephan
Sent: Tuesday, June 09, 2015 10:34 PM
To: gbhotz@hotmail.com
Cc: Jon Schlesinger; prhugret@gmail.com
Subject: definition/exemption of structure

Geoff:

Thank you for the time at the end of tonight's meeting to discuss the issue of addressing gazebos for sun protection to prevent skin cancers.

As you recall, the Board last year under the Pres of Peter Hugret accepted the report of the Zoning Committee by John Hughes regarding gazebos and such structures that do not meet the full setback rules, and in its report dated March 24, 2014 stated that:

"The Committee wishes to go on record as being in favor of the Zoning Board of Appeals considering a variance in connection with the construction of a structure designed primarily for the prevention of sun exposure and the protection against skin cancer."

While this is the intent of the Board, the outcome is that it will never be approved by the ZBA which requires a demonstration of "hardship." This is a high bar than can only rarely be reached. Consequently, the ZBA denies more than 80% of the requests. This is in spite of section I of the Zoning Ordinance of the POA which states: "***These regulations shall be made for the purpose of providing a comprehensive plan which will promote the health, safety, and general welfare of the community; ...***"

The only chance we have to help protect those persons who want such protection is to develop reasonable and feasible regulations and exemptions to the definition of STRUCTURE under Section XIII. I am sure that we have enough bright and talented attorneys who can come up with the proper wording that allows this when it is too short of the setback rules. It can specify that it is only for human occupants, no side walls, etc.

It is important to make these changes not only because the medical data mandate such change, but because it

is the right thing to do.

Please let me know how we can all work together towards this end by the September meeting. Hopefully we can get it voted on by then.

Stephan Ariyan, MD, MBA

Professor of Surgery, Plastic Surgery, Surgical Oncology, Otolaryngology
Yale University School of Medicine

Associate Chief, Department of Surgery
Yale-New-Haven Hospital

Director, Melanoma Program
Smilow Cancer Hospital, Yale Cancer Center

<ZoningCommittee Repor 3-24-2014 -HiLite Final.docx>

<POA - Hughes HiLite.docx>

From: **Laura Magarici** laurabadaz@comcast.net
Subject: zoning updates
Date: Today at 4:43 PM
To: Patricia Kaplan attorneypatkaplan@gmail.com
Cc: Jon Schlesinger jonschlesinger@gmail.com

Hi Pat,

I believe there is a meeting tonight, but I won't be able to attend.

The Zoning committee did not meet to my knowledge, but to offer an update, I have been in contact with the Branford Zoning Department. They have not finished revising and updating their forms as of yet. At the last meeting, it was the consensus that we try to mirror closely Branford's model for notification to abutters (once they are finished). Attorney Berdon also had some suggestions regarding the time frames. I agree that we should mirror what Branford has for the sake of continuity. The only problem that we need to iron out is that we don't schedule regular meetings of the ZBA, which makes it a bit difficult for the applicant to plan. My suggestion would be to schedule Regular meetings for every two months or so. Given the fact that we get very few applications, this should not be a problem. This way, we can offer deadline dates for submissions (ie, deadline for submission for the June 1 meeting is May 1) and cancel meetings that have no business.

Procedure wise, any change in the Regulations requires a public hearing. I don't believe we need a public hearing to adopt internal procedures, but we may need to revise Section IX of the Zoning Ordinance (*Application to Zoning Authority, Planning Committee, And Board of Zoning Appeals*)

Thank you very much. If you have any questions or want to get together to discuss, I welcome the opportunity.

Take care!

Laura

The Pine Orchard Association

180 Pine Orchard Road, Branford, CT 06405

April 11, 2016

Mr. and Mrs. David Scheer
2 Spring Rock Road
Branford, Connecticut 06405

Mr. and Mrs. Scheer,

The Pine Orchard Association has received your letter of March 21, 2016 and the letter was distributed to the Board. I am the office manager for the Pine Orchard Association and will be looking into gathering the information that you have requested. I work at the Pine Orchard Association on a very limited part-time basis. I also want you to know I will be away from the office from April 14 through April 22.

Some of the information you have requested is readily available to you. Meeting minutes from October 2014 to January 2016 are on our website - www.pineorchardassociation.com (under Board Information - Minutes). Some of the financial information is posted on the site (under Board Information - Financials). The Audit Reports from 2013 and 2014 are also posted here.

Other information you have requested (minutes and financials prior to late 2014 and accounting information) will take some time to gather and assemble. As you may know our website is in the process of being updated. When I return from my travels I will estimate the time it will take me to provide you with the non-posted information and let you know what we can provide, and when you can expect to receive it. May I contact you going forward via email? I believe we have your email contact on file as tzscheer@gmail.com.

If you have any questions, please contact me at officemanager@pineorchardassociation.com. I check my emails regularly.

Regards,


Janet Ryan
Office Manager – Pine Orchard Association

Copies to Pine Orchard Association Executive Board

From: **Melanie Ginter** Melanie.Ginter@UnitedAluminum.com
Subject: RE: Dirt pile on 1Halstead lane
Date: April 28, 2016 at 10:26 AM
To: Patricia Kaplan attorneypatkaplan@gmail.com, John Lapidés John.Lapides@UnitedAluminum.com
Cc: Sue G Sandpg@aol.com

Hi Pat,

John forwarded your note about the dirt pile to me and I am copying our neighbor on this reply. Sue, please feel free to email me at any time with any questions you may have about work in progress at 1 Halstead.

We hope to have the dirt pile gone soon. Some construction remains that requires heavy equipment to complete, and we cannot spread the topsoil until that work is done and the equipment is no longer needed. I have asked the masons to work as quickly as possible and they are doing their best. The severe weather in early April worked against us.

The dirt pile was first created just over a year ago, in March 2015.

We are taking our time before building, and it is likely that when we do, the house will be larger than the dirt pile.

I hope this is helpful.

Paris in the springtime! Lucky you!

Best,
Melanie

From: "Lapides, John" <John.Lapides@UnitedAluminum.com>
Date: April 26, 2016 at 3:30:51 PM EDT
To: Pat <attorneypatkaplan@gmail.com>
Subject: RE: Dirt pile on 1Halstead lane

Sure, Pat. Have fun in Paris!

Best,

John

From: Pat [<mailto:attorneypatkaplan@gmail.com>]
Sent: Tuesday, April 26, 2016 3:01 PM
To: Lapedes, John <John.Lapedes@UnitedAluminum.com>
Subject: Fwd: Dirt pile on 1Halstead lane

John, would you please pass on to Melanie and have her respond to me about dirt pile. I will be back May 7th. Thanks!

Sent from my iPhone

Begin forwarded message:

From: Pat <attorneypatkaplan@gmail.com>
Date: April 26, 2016 at 2:59:15 PM EDT
To: Sue G <sandpg@aol.com>
Subject: Re: Dirt pile on 1Halstead lane

Sorry did not get back to you sooner, I was away for weekend and am about to leave for Paris tomorrow. I will check with them again when I get back.

Sent from my iPhone

On Apr 22, 2016, at 12:25 PM, Sue G <sandpg@aol.com> wrote:

Hi Pat

Hope you are enjoying this beautiful day. Just arrived at my home on Halstead Lane to find the dirt pile still here. In Jan Ms Ginter told you it would be down in March or early April. What is up? Realized we have looked at this for close to two years. Still no home being built. Would like to hear your thoughts

Thank you

Sue Gavejian

sandpg@aol.com

Sent from my iPhone



Office Manager <officemanager@pineorchardassociation.com>

Pine Orchard Association - April 2016 Newsletter

Ellen Wagner <ellen2@snet.net>

Sat, Apr 30, 2016 at 2:58 PM

To: Office Manager <officemanager@pineorchardassociation.com>

Dear Pat,

On the subject of golf, I continue after more than thirty years of living in Pine Orchard, to be angered and amazed that golfers are allowed to hit balls across Connecticut Route 146 (near Young's Pond Park). Is this a special arrangement with the State?

My car has been hit by a golf ball. When I drive through that area, I can not tell if a golfer is going to hit the ball, or if he or she is "addressing" the ball. I have complained to the Club to to avail. Golfers should not be allowed near their ball when cars are passing by.

Can anything be done about this? It really is aggravating. For my own safety, I have to keep my car window closed.

Sincerely,
Ellen Wagner
18 Selden Avenue

Hap Storer (Hap@storer.com)

From: Tracey Scheer <tzscheer@gmail.com>
Sent: Thursday, May 05, 2016 11:16 AM
To: Kaplan Patrica R; SANDLER ROBIN B; Niall Ferguson; Storer Hap; Bigelow Vining F; Seth Chaucer; Susan Davis; Geoffrey Hotz; Jon Schlesinger; Janet Ryan
Cc: Richard Meehan
Subject: Follow up of Previous Letter of 3/21
Attachments: POA followup FINAL.docx

Flag Status: Flagged

To the Executive Board of the Pine Orchard Association.

Attached is a followup correspondence relating to our previous letter of 3/21/16. Please let me know if you have any difficulty downloading it. A hard copy will be delivered today to the Association Office.

Ms. Ryan, please forward copies to Rick Ross and Linda Giordano, whose emails I do not have, as well as to attorneys Daniels and Berdon.

Thank you.

2 Spring Rock Road
Branford, CT 06405
May 2, 2016

Executive Board, Pine Orchard Association
Pine Orchard Administrative Offices
180 Pine Orchard Road
Branford, CT 06405

Delivered via email with hard copy to Association Office

To the Executive Board of the Pine Orchard Association,

This is a follow up letter to our correspondence of March 21, 2016 regarding our complaint of a gross conflict of interest by Pat Kaplan as a member of the Pine Orchard Association Executive Board. Over a period of four years, Ms. Kaplan failed to recuse herself from discussions and votes relating to our property, and actively promoted POA litigation against us as private property owners, while concurrently pursuing a personal civil suit against us for the same purpose. Her efforts have accelerated in recent months as Ms. Kaplan's civil suit against us has passed the trial stage and is now under consideration by the trial judge. This constitutes a repeated and obvious breach of paragraph 3 (Recusal) of the By-Laws of the Pine Orchard.

To date, there has been no response to our letter from the Executive Board or Ms. Kaplan. In light of this inaction, we are requesting that Ms. Kaplan explain her conduct to the Executive Board and Association Members at the May 9th meeting, and if the Executive Board finds that she was in violation of the Bylaws, ask for her resignation.

Inaction by the Executive Board is not acceptable, as the POA is a registered municipality and as such, the Board must cure exposed breaches of its fiduciary duty in a timely manner, or be exposed jointly and severally to liability. It is an abrogation of the public trust to fail to respond to such blatant disregard for the POA Bylaws.

Furthermore, we vigorously protest Ms. Kaplan's lack of honesty at the POA meeting of April 4, 2016, when she failed to disclose to the public her involvement in a lawsuit she brought against us four years ago that is still active—a suit that directly corresponds to the POA discussions of legal remedies to gain rights across our property. Instead, she implied that her only conflict of interest in this matter was that she lived in the neighborhood like all the other Executive Board members. Such lack of candor is disingenuous and only serves to underscore her active attempt to hide her obvious conflict.

Moreover, Ms. Kaplan's attempt at the same April 4th meeting to charge the now defunct "Bylaws Committee" to research possible alternatives to the conflict of

interest Bylaws that were duly adopted by the POA on November 9, 2015, is an obvious attempt on her part to rewrite the rules of the municipality in order to somehow mitigate her obvious breach. No revision could, in fact undo the breach, even if the bylaws were silent on conflict of interest. Inherent in any municipal board duty is the *duty to recuse oneself when there is a conflict*. No manipulation of the bylaws can change that. Her attempt to put this on the agenda for the May 9th meeting is an outrage. How the rest of the Executive Board can continue to tolerate such malfeasance is hard to understand. The Executive Board needs to know its responsibilities with regard to governance and act on them.

As a matter of background, apart from times of danger from storm damage, we have not blocked anyone from passage across our property to and from the beach. There is simply no reason for the Association to consider litigation against us other than to secure rights for Ms. Kaplan and her family to cross our property, rights which we believed she relinquished as part of a settlement of the first lawsuit she brought against us. Thus, Ms. Kaplan's intentions in promoting a suit against us were clearly for her personal benefit.

We presume this correspondence will be taken up at the May 9th meeting under the agenda item "Correspondence" without agenda changes that would avoid open discussion of this very serious issue. Action by the Executive Board on this matter can then be taken in open session for the public to hear. Should the Executive Board fail to cure this situation, we are fully prepared to take legal action, which we would regret having to do.

In closing, we note that this is an issue of a municipality abiding by the regulations common to all local governments. All Association Members have a vested interest in a fair, impartial and transparent municipality and a right to demand change when the Board fails to follow the statutes, charter, and bylaws that regulate them.

Very truly yours,

David and Tracey Scheer

Cc: Richard T. Meehan, Esq.
Peter Berdon, Esq.
Daniel Burns, Esq.

2 Spring Rock Road
Branford, CT 06405
March 21, 2016

Executive Board, Pine Orchard Association
Pine Orchard Administrative Offices
180 Pine Orchard Road
Branford, CT 06405

To the Executive Board of the Pine Orchard Association,

This is to provide formal notice of a gross conflict of interest within the leadership of the Pine Orchard Association to litigate a personal suit against us using the powers and resources of the POA municipality. Furthermore, there has been a repeated and obvious breach of the By-Laws of the Pine Orchard Association by the POA President, Patricia Kaplan. The violation is of the following provision:

3. Recusal

No director shall discuss or vote on any matter which would involve a conflict of interest. Any director for whom there may exist a conflict of interest shall refrain from discussion or vote on any such matter, and shall not be physically present in the room for any discussion or votes on the matter.

It is the individual responsibility of every Executive Board Member to ensure the Charter and By-Laws of the POA are followed. The POA is a chartered tax-collecting municipality and service on its board comes with serious obligations to conduct its business in a fair and ethical manner.

Ms. Kaplan (and her husband Ian Scott) are currently embroiled in litigation against us as their neighbor and property owners of 2 Spring Rock Road since Kaplan brought suit against us on July 10, 2012, a date which coincides with Ms. Kaplan's election to the POA Board. We have completed a five day trial in New Haven Superior Court and we are awaiting a decision from the trial judge.

At the heart of the litigation is Ms. Kaplan's claim to pass over our private property to access the beach. We believe and our lawsuit attempted to prove that Ms. Kaplan relinquished any and all rights to walk across our property when we settled a 2000 lawsuit she filed against us claiming adverse possession of another portion of our property. We settled that lawsuit in exchange for a quit-claim from Kaplan to all rights across our property.

As you may know, we have not sought until recently to block Kaplan and her husband Scott from crossing our property as it has been our policy to allow all our neighbors access to the beach. However, testimony in court and police reports will

affirm criminal mischief on the part of Ms. Kaplan for tearing down "caution" tape on our property meant to warn others of a hazard, trespassing past police tape and warnings after devastating damage to our property from Storm Irene, Mr. Scott's admission in open court of poisoning trees on our property using Roundup, a highly toxic substance, multiple examples of trespassing on our driveway, and engaging in threatening and harassing behavior to us, our children and our dogs. The suit is in the hands of a judge in New Haven County Court and a decision is expected this summer.

Ms. Kaplan's clear agenda to embroil the Pine Orchard Association in an investigation of "legal remedies" to secure rights across our private property to the benefit of the Association is a clear breach of her fiduciary duty to be impartial and recuse herself from conflicts of interest. The intense focus of the POA on beach access across private property coincides with her joining the board and has been a major thrust of the board's activities since her election in July 2012, the same month that she filed suit against us for rights across our property. In addition, during the most recent special meeting of 3/15/16, called to consider "legal remedies to preserve the Association's interest in and to beach access points" Ms. Kaplan repeatedly targeted our property specifically as a candidate for such aggressive action, obviously to circumvent a possible negative outcome of her own personal litigation against us.

We have been engaged in conflict with Ms. Kaplan and Mr. Scott since we purchased 2 Spring Rock Road almost 17 years ago. Nonetheless, apart from times of danger from storm damage, we have not blocked anyone from passage across our property to and from the beach. There is simply no reason for the Association to sue us other than to secure rights for Ms. Kaplan and her family to cross our property.

We have never sought to engage in lawsuits with our neighbors and have positive relations with many neighbors in Pine Orchard. We believe that any legal action initiated by the POA against a private homeowner will be costly, destroy the quality of life in our neighborhood, and severely reduce property values. Pine Orchard has already seen enough ill will as a result of the Crescent Bluff litigation. If the POA begins to bring suit against individual homeowners, it is likely that the neighborhood and property values will take many years to recover from a very negative reputation. We intend to vigorously defend our private property rights against any suits that may be brought.

Since we are unable to access adequate information from the POA website, we are hereby requesting the following:

1. Copies of all public minutes, notices and reports, including but not limited to those relating to "beach access points" since July 2011.
2. Copies of the financial statements and auditor's reports of the POA since July 2011.

3. An accounting of what has been spent to date on litigation relating to Crescent Bluff, and what has been spent to date on "beach access investigation and possible legal remedies."

Each member of the Executive Board has a fiduciary duty to all Members of the Pine Orchard Association to be fair and impartial and put the Members' best interests ahead of personal interests. We trust you will take your responsibility in this regard seriously and take action to correct this situation immediately.

We expect a prompt response to this complaint. We are prepared to air it in open POA meetings, directly with every Member of the POA, and to any other resource that will help us cure this situation, including the press and the Attorney General. In closing, we note that the "legal remedies" which the POA Executive Board has been discussing behind closed doors with regard to our property are also available to homeowners like us, whose quiet enjoyment of their private property is being threatened by a municipal board that is operating in breach of its bylaws.

Very truly yours,



David and Tracey Scheer

Cc: Richard T. Meehan, Esq.
Peter Berdon, Esq.
Daniel Burns, Esq.
POA Zoning Board of Appeals, Chair
Thimble Farms Association
Juniper Point Association

Hap Storer (Hap@storer.com)

From: Niall Ferguson <ferguson_niall@yahoo.com>
Sent: Monday, May 09, 2016 5:01 PM
To: Pat Kaplan; Vining Bigelow; SANDLER ROBIN B.; Rick Ross; Susan Davis; Linda Giordano; Geoff Hotz; Jon Schlesinger; Seth Chaucer; Storer Hap; Office Manager
Subject: Proposed POA Budget for 2016/2017
Attachments: POA Budget 2016_2017_PROPOSED.pdf

Hello all,

Below I have enclosed a draft budget proposal for the coming year. Unfortunately I will not be able to make the meeting tonight. However, you all should look at this and discuss it tonight. You can feel free to vote on it or come back to me with questions or suggestions.

Several things to note when reviewing this:

- * The table shows POA's actual revenue and expenses for each year back to 2008 for reference.
- * My proposal for 2016/2017 is in the column second to the right in Bold blue.
- * The proposal includes lowering the Mill rate from 4 to 3. I have drafted this because our \$ cash on hand has risen to \$144,221, an amount I believe is totally sufficient for "Contingency/Savings" funds, which are needed for unplanned developments such as storm damage and legal issues. Additionally, there are no proposed expenses that would necessitate a 4 Mill rate for the 2016/2017 year.
- * I have increased the "Building Improvements" budget amount to \$10,000 for 2016/2017 with the thought that there might be some sort of "beautification" project related to the Triangle area or some other spot in PO. Something to potentially discuss.
- * Legal budget is set at \$5,000, because there is no clarity of litigation involvement or costs for the coming year.

Regards,

Niall

Pine Orchard Association Treasurer's Budget Report

| | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015/2016 | 2015/2016 | 3 Mill | 4 Mill |
|----------------------------|------------|-----------|-----------|-------------|-------------|-----------|-----------|-------------|--------------|-------------|-------------|
| | Actual | Actual | Actual | Actual | Actual | Actual | Actual | Budget | YTD Actual** | DRAFT | DRAFT |
| | | | | | | | | 2016 Budget | 2016 Budget | 2016 Budget | 2016 Budget |
| RECEIPTS | | | | | | | | | | | |
| Tax Collections | \$ 68,735 | \$ 69,179 | \$ 69,912 | \$ 69,474 | \$ 87,938 | \$ 90,113 | \$ 71,745 | \$ 70,768 | \$ 71,092 | \$ 53,076 | \$ 70,768 |
| Rent | \$ 2,400 | \$ 2,400 | \$ 2,800 | \$ 2,600 | \$ 2,600 | \$ 2,600 | \$ 3,800 | \$ 3,700 | \$ 3,196 | \$ 3,100 | \$ 3,100 |
| Building & Permit Fees | \$ 3,804 | \$ 2,325 | \$ 3,591 | \$ 4,850 | \$ 8,100 | \$ 5,770 | \$ 4,250 | \$ 5,000 | \$ 4,734 | \$ 5,000 | \$ 5,000 |
| Other (Interest, Moorings) | \$ 1,115 | \$ 815 | \$ 664 | \$ 180 | \$ 286 | \$ 88 | \$ 150 | \$ 100 | \$ 50 | \$ 100 | \$ 100 |
| Total | \$ 76,054 | \$ 74,719 | \$ 76,967 | \$ 77,104 | \$ 98,924 | \$ 98,571 | \$ 79,945 | \$ 79,568 | \$ 79,072 | \$ 61,276 | \$ 78,968 |
| DISBURSEMENTS | | | | | | | | | | | |
| Security | \$ 38,269 | \$ 37,855 | \$ 37,816 | \$ 32,268 | \$ 23,526 | \$ 9,714 | \$ - | \$ 2,000 | \$ - | \$ 2,000 | \$ 2,000 |
| Shorefront Maintenance | \$ 4,805 | \$ 4,040 | \$ 5,750 | \$ 37,643 | \$ 61,119 | \$ 8,640 | \$ 5,600 | \$ 7,000 | \$ - | \$ 7,000 | \$ 7,000 |
| Building Maint/Utilities | \$ 8,783 | \$ 8,126 | \$ 7,420 | \$ 6,312 | \$ 8,147 | \$ 7,117 | \$ 13,447 | \$ 15,000 | \$ 8,957 | \$ 12,000 | \$ 12,000 |
| Building Improvements | \$ 4,507 | \$ 3,521 | \$ 4,144 | \$ 2,105 | \$ 2,020 | \$ 4,287 | \$ 4,716 | \$ 1,000 | \$ - | \$ 10,000 | \$ 10,000 |
| Office/General | \$ 5,586 | \$ 6,208 | \$ 6,375 | \$ 6,251 | \$ 5,819 | \$ 7,471 | \$ 7,566 | \$ 5,000 | \$ 3,776 | \$ 5,000 | \$ 5,000 |
| Insurance | \$ 15,323 | \$ 9,383 | \$ 4,585 | \$ 10,748 | \$ 11,195 | \$ 12,225 | \$ 1,986 | \$ 5,000 | \$ 1,275 | \$ 5,000 | \$ 5,000 |
| Legal | \$ 1,800 | \$ 1,800 | \$ 1,956 | \$ 1,930 | \$ 875 | \$ 503 | \$ 229 | \$ 750 | \$ 199 | \$ 5,000 | \$ 5,000 |
| Zoning* | \$ 324 | \$ 295 | \$ 300 | \$ 2,641 | \$ 1,900 | \$ 1,900 | \$ 2,400 | \$ 1,900 | \$ 1,950 | \$ 2,000 | \$ 2,000 |
| PO Museum & Web | | | | | | | | | | | |
| Audit/Annual Review | | | | | | | | | | | |
| Other | | | | | | | | | | | |
| Total | \$ 79,397 | \$ 71,228 | \$ 68,346 | \$ 99,898 | \$ 133,439 | \$ 55,719 | \$ 41,273 | \$ 53,150 | \$ 23,781 | \$ 56,900 | \$ 58,900 |
| NET INCOME (LOSS) | \$ (3,343) | \$ 3,491 | \$ 8,621 | \$ (22,794) | \$ (34,515) | \$ 42,852 | \$ 38,672 | \$ 26,618 | \$ 55,291 | \$ 2,376 | \$ 20,068 |
| | | | | | | | | | | \$ 141,804 | \$ 144,180 |
| | | | | | | | | | | \$ 141,804 | \$ 144,180 |
| | | | | | | | | | | \$ 2,417 | \$ 2,417 |
| | | | | | | | | | | \$ 144,221 | \$ 146,597 |
| | | | | | | | | | | \$ 9,603 | \$ 9,603 |
| | | | | | | | | | | \$ 144,180 | \$ 161,872 |
| | | | | | | | | | | \$ 2,417 | \$ 2,417 |
| | | | | | | | | | | \$ 146,597 | \$ 164,289 |
| | | | | | | | | | | \$ 9,603 | \$ 9,603 |
| | | | | | | | | | | | \$ 9,603 |

* Zoning & Legal were consolidated prior to 2012

** through April 30, 2016

BOA checking
 Less outstanding checks
 BOA net balance
 BOA Savings
 Total "cash" available

Mirror Lake Account

Note : these "Net Income" amounts can be considered to go towards building "Contingency / Savings" funds, which are needed for unplanned/unspecified developments such as storm damage and legal issues.

Minutes of Meetings

It is the policy of the Pine Orchard Association to produce and publish minutes of the meetings of its Executive Board. Those minutes are to be reviewed and approved by the Executive Board at a subsequent meeting. The unapproved minutes are to be made available for public inspection not later than seven days after the date of that meeting. The minutes are to be available ~~and~~^{on} the Association's web site and at the Association offices. The results of any votes of the Executive Board are to be reduced to writing and made available for public inspection within forty-eight hours.

Pine Orchard Association Candidate Profile

Candidate Matthew Moran

Address 17 Selden Avenue

Email and Phone number mfm154@gmail.com 203-764-0444

How many years have you lived in the Pine Orchard Association area 18 months

Prior Board Experience, including positions held in these non-POA organizations _____

No board experience but very familiar w/ committee work from my
faculty position at Sacred Heart University

Please check off those responsibilities you are interested in hearing more about. There is no limit to checks:

Officer Positions Treasurer _____ Clerk _____ VP _____ President _____

Town Interface, Individual and Committee Chair Positions (* designates a Committee Chair position)

Zoning* _____ Building _____ Museum _____ Taxes _____ Waterfront _____ Police _____

Fire _____ Public Works _____ Bylaws* _____

Please familiarize yourself with the responsibilities of the POA Executive Board, recent activities, etc. by visiting the Association's website at www.pineorchardassociation.com

Notes:

- All Board members are assigned responsibilities annually at the organization meeting in September.
- Board meetings historically occur every other month on the 1st Monday beginning at 7 PM. They are held in the POA building meeting room at 180 Pine Orchard Road. Typically meetings last 2 hours.
- The elected term is 3 years. Members are eligible for re-election for 1 additional term before having to sit out for at least 1 year after serving their 2nd term.

Present Board members are; Pat Kaplan (President), Robin Sandler (VP-Nominating), Geoff Hotz (Municipal liaison), Hap Storer (Clerk), Niall Ferguson (Treasurer), Rick Ross (Taxes), Jon Schlesinger (Zoning), Vining Bigelow (Waterfront), Ken Graham (Public Works), Linda Giordano (Nominating Co-Chair), Seth Chaucer (Building maintenance), Colleen Acunzo, (Public relations) and Susan Davis (Bylaws).

Joseph J. Thomas

60 Yowago Ave. Branford, CT 06405 - 203-410-8898 - joetwindows@gmail.com

Qualifications Summary

Independent, self-motivated and conscientious professional with strong customer focus. Excellent writing skills with extensive experience developing marketing materials, customer communications and profitability documents. Professional with 42 years' experience in marketing and selling, specializing in home improvements in Connecticut, Rhode Island and Massachusetts.

Experience Highlights

- ❖ Developed and built business from start up to generate 6-figure sales annually; established strong customer base of residential home owners, contractors, and commercial businesses.
- ❖ Hired, trained, and supervised estimators and installers, providing guidance in use of tools, on-the-job safety guidelines, customer interactions, and effective presentation of project estimates.
- ❖ Running of multiple state marketing companies.
- ❖ Developed own line of specialized window products that are distributed throughout the United States.
- ❖ Built residential homes.
- ❖ Managed all aspects of construction projects from start to finish; projects included roofing, siding, gutters, windows and doors, and bath remodeling.
- ❖ Residential remodeling.
- ❖ Commercial remodeling.
- ❖ Consulted dealers all across the country to further their sales and profitability.
- ❖ President of multi-million dollar marketing of home improvement company.
- ❖ Owner of multiple Froyo franchises.

Employment History

Self-employed of multiple companies and organizations.

Education & Training

Branford High

Middlesex Community College

Community Involvement

Town resident for 44 years

Father built the Branford High School in 1957

Building committee Trinity Church Town Green

JDRF Foundation Chair Person 1997

Continued fundraising support

Pine Orchard Association Candidate Profile

Candidate Margaret Haering

Address 18 Island View Ave., Branford, CT 06405

Email and Phone number mehaering@outlook.com 203-208-0315

How many years have you lived in the Pine Orchard Association area 1.75 years

Prior Board Experience, including positions held in these non-POA organizations President, Greens Farms Association, Westport, 2004-2006, Board Member, Greens Farms Association, 2001-2006

Please check off those responsibilities you are interested in hearing more about. There is no limit to checks:

Officer Positions Treasurer Clerk VP President

Town Interface, Individual and Committee Chair Positions (* designates a Committee Chair position)

Zoning* Building Museum Taxes Waterfront Police

Fire Public Works Bylaws*

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Pine Orchard Association Candidate Profile

Candidate Rob Dahill

Address 31 Spring Rock Road

Email and Phone number Edahill@outlook.com H) 203-443-0441 W) 203-315-1990

How many years have you lived in the Pine Orchard Association area 30

Prior Board Experience, including positions held in these non-POA organizations _____

Partnership With Children (PWC) - A support group in NYC that supports at risk children through fundraising working w/ the NY Board of Ed

Please check off those responsibilities you are interested in hearing more about. There is no limit to checks:

Officer Positions Treasurer _____ Clerk _____ VP _____ President _____

Town Interface, Individual and Committee Chair Positions (* designates a Committee Chair position)

Zoning* _____ Building _____ Museum X Taxes _____ Waterfront X Police _____

Fire _____ Public Works _____ Bylaws* _____

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Pine Orchard Association Executive Board
Report of Votes Taken
at Meeting of May 9, 2016

Proposal to approve minutes of meeting of March 7, 2016. Moved by Mr. Sandler, seconded by Ms. Davis. Approved unanimously.

Proposal to approve minutes of meeting of March 15, 2016. Moved by Mr. Sandler, seconded by Ms. Davis. Aye: 6; Abstain: 1.

Proposal to approve minutes of meeting of April 4, 2016. Moved by Mr. Sandler, seconded by Ms. Davis. Aye: 5; Abstain: 2.

Proposal to approve minutes of meeting of April 12, 2016. Moved by Mr. Sandler, seconded by Ms. Davis. Approved unanimously.

Proposal to approve policy regarding minutes of meetings of the Executive Board and the timing of their availability for public inspection. Moved by Mr. Sandler, seconded by Mr. Hotz. Approved unanimously.

Proposal to amend proposed budget reallocating expenses and increasing total expenses by \$2,000. Moved by Mr. Sandler, seconded by Mr. Hotz. Approved unanimously.

Proposal to approve budget as amended for fiscal year July 1, 2016 through June 30, 2017. Moved by Mr. Sandler, seconded by Mr. Hotz. Approved unanimously.

Proposal to approve a tax rate of 3 mills for fiscal year July 1, 2016 through June 30, 2017. Moved by Mr. Hotz, seconded by Mr. Sandler. Approved unanimously.

Proposal to approve the slate of nominees for election to the Association Executive Board and the Annual Meeting on July 11, 2016, of Bob Dahill, Niall Ferguson, Matthew Moran, Margaret "Peggy" Haering and Joseph Thomas. Moved by Mr. Sandler, seconded by Mr. Hotz. Approved unanimously.

Proposal to modify the nomination of Margaret "Peggy" Haering for election to appointment to the Executive Board to complete the term of resigned member Colleen Acunzo. Moved by Mr. Sandler, seconded by Mr. Hotz. Approved unanimously.

Proposal to present a conflict of interest by-law revision for public notification, comment and future adoption. Moved by Mr. Sandler, seconded by Mr. Storer. Approved unanimously.

Motion to adjourn moved by Mr. Storer, seconded by Mr. Hotz. Approved unanimously.

Handwritten signature: H. Storer
CLERK
May 11, 2016, 10:45 AM

Pine Orchard Association Executive Board
Minutes of Special Meeting
June 28, 2016
Pine Orchard Association Building

President Pat Kaplan called the meeting to order at 7:30 PM.

Board members present were:

| | | |
|----------------|-----------------|---------------|
| Pat Kaplan | Niall Ferguson | Rick Ross |
| Vining Bigelow | Linda Giordano | Robin Sandler |
| Seth Chaucer | Peggy Haering | Hap Storer |
| Susan Davis | Jon Schlesinger | |

Absent: Geoff Hotz

1. Filling of vacancy on Zoning Board of Appeals.

Mr. Ferguson moved and Mr. Ross seconded that Mr. James Killelea be appointed to fill the vacancy on the Zoning Board of Appeals. The motion was approved unanimously.

2. Planning for Annual Meeting.

Mailings have been made to the membership including the agenda, a statement from the President, the minutes of the 2015 Annual Meeting, a financial report, and the job description for the position of Office Manger to be filled.

3. Communications.

Ms. Haering had advised Ms. Kaplan that Blackstone Library does not have a copy of the results of Atty. Berdon's 2012 review of Pine Orchard beach access points. Another copy is to be requested of Atty. Berdon. Mr. Sandler will deliver the document to Blackstone Library and request proper logging of its receipt and location.

Copies of written communications received are included with these minutes.

Regarding the May 16, 2016, letter from Atty. Richard T. Meehan, Jr. representing David and Tracey Scheer, Ms. Kaplan excused herself from the meeting prior to any discussion of the request for a response from the Board regarding their complaint of breach of conflict of interest. It was noted that during at least the past year, there have been no votes taken regarding any issue specifically related to the Scheer property. Mr. Ross moved and Mr. Bigelow seconded a proposal that Vice President Sandler will confirm with Ms. Kaplan that she intends to refrain from future discussions or votes regarding issues relating specifically to the Scheer property, and he will respond to the Meehan letter accordingly. The motion was approved unanimously.

4. Public Comments.

Public comments were heard.

Respectfully submitted,

Hap Storer, Clerk

Hap Storer

From: Hapstorer <hapstorer@gmail.com>
Sent: Tuesday, June 28, 2016 2:01 PM
To: Hap Storer
Subject: Fwd: POA - New Executive Board Meeting Date - TUESDAY, JUNE 28, 2016

Sent from my iPhone

Begin forwarded message:

From: Office Manager <officemanager@pineorchardassociation.com>
Date: June 19, 2016 at 4:10:24 PM EDT
To: undisclosed-recipients;;
Subject: POA - New Executive Board Meeting Date - TUESDAY, JUNE 28, 2016

Notice Of Special Executive Board Meeting Date Change to June 28, 2016

At the call of the president, there will be a special meeting of the Board on **Tuesday, June 28, 2016 at 7:30 P.M.** in the Board Room of the Association Building, 180 Pine Orchard Road. The previously scheduled meeting for June 21, 2016 has been cancelled. The agenda follows:

1. Filling of vacancy on Zoning Board of Appeals.
2. Planning for Annual Meeting.
3. Communications.
4. Public Comments.

Janet S. Ryan
Office Manager
Pine Orchard Association
203-488-5180

The Pine Orchard Association

180 Pine Orchard Road, Branford, CT 06405

June 2016

Dear Pine Orchard Association Member,

The Annual Meeting of the Pine Orchard Association will be July 11, 2016 at 8:00 pm at the Pine Orchard Union Chapel. Because not all of you will be attending the Annual Meeting, I have written the following to update you as to the accomplishments of the Executive Board this past year.

- With the help of a consultant, we have substantially improved our website access, and have a mobile version. There are drop down menus, more accurately labeled sections and, hopefully, easier access by computer and phone. Please try out the website www.pineorchardassociation.com and e-mail me any more changes you think should be made.
- The By-laws committee chaired by Susan Davis with members, Margaret Haering and Robin Sandler, has proposed the attached revision to the By-laws concerning a change in the conflict of interest provision to comply with the CT general statutes concerning conflict of interest for municipal elected officials. The proposed By-law will be presented to the September Executive Board meeting for adoption.
- Under the chairmanship of Jon Schlesinger and the involvement of Laura Magarici, the POA Zoning Enforcement Officer, the Planning and Zoning committee has been looking at timely notice to abutters when a variance is being requested. They are awaiting information from the town of Branford so that our rules will be consistent with theirs.
- A major goal that was set by the Executive Board was to identify and clarify the beach access points that are open to Pine Orchard residents. Attorney Dan Burns has been working with us on this process over the past two years and the outcome will be communicated as soon as it is accomplished. It involves research, title searches, surveys and discussion of strategies.
- Going off the Executive Board this year are three members who have significantly contributed to the Pine Orchard Association through volunteering their time and expertise. We want to thank them for their input and service: Vining Bigelow, who served for many years and was solely responsible for the maintenance of the shoreline access points; Geoff Hotz, who was our municipal liaison and improved our communication with all divisions of the town agencies; Hap Storer, who has been our Clerk, and at the last meeting recommended major changes to the timing of how the minutes will be posted on the website in the future. In addition, Colleen Acunzo who chaired our Public Relations/Museum committee and organized the Open House of the Museum resigned mid-term due to family issues and was replaced at the May board meeting by Margaret Haering.
- We have been very fortunate to have Janet Ryan as our Office Manager. She has done a terrific job but, unfortunately, she has said she would like to be replaced by September or October due to family priorities (grandchildren in different states.) The Office Manager position takes approximately 125-150 hours a year and the hours are spent more during tax season and less over the rest of the year. Please contact Janet at officemanager@pineorchardassociation.com if you are interested in applying for the position so that she can provide you with the job description and answers to any questions. We will be going through the hiring process sometime in August but please pass this information around to any one you think might be interested.
- It is extremely important to confirm your current email, let us know if it changes and let your neighbors know that we need their emails. We are trying to send out newsletters after each Executive Board meeting and to communicate with the membership as frequently as possible when issues arise. We also need to know if you have an alternate address to which a tax bill should be sent, please send it to her. Please send email addresses and alternate addresses to Janet Ryan at officemanager@pineorchardassociation.com

I encourage your involvement and input not only at the Annual Meeting but throughout the year. All of our committees are open to having community members. All of our Executive Board meetings are open to the public. Please send any comments, concerns, questions to attorneypatkaplan@gmail.com or call me at 203 589-7476. Thank you.

Patricia Kaplan, President, Pine Orchard Association 2015-16

Pine Orchard Association
Minutes of Annual Meeting of the Association
July 6, 2015
Pine Orchard Union Chapel

Association President Pat Kaplan called the meeting to order at 8:10 PM, a quorum being present.

Ms. Kaplan welcomed members of the Association to the meeting. She stated that among her goals for the Association were to make it more communicative, more transparent and more open. This should have been apparent from the emails that had been sent out over the prior year. She asked that members provide their email addresses to insure their inclusion in future emails. She encouraged members to refer to the Association's web site and that improvements were to be made to the site in the upcoming year. She invited members to communicate with her regarding any interests or concerns for the Association. We will continue to use emails to communicate matters of interest to Association members.

Ms. Kaplan specifically thanked Ms. Janet Ryan as the Office Manager for the Association for the work she has done in the past year organizing the Pine Orchard files and records.

The members of the Executive Committee of the Association introduced themselves and their roles on the Executive Board:

- Geoff Hotz – Co-Vice President and Fire Liaison
- Rick Ross – Tax Collector
- Jon Schlesinger – Zoning and Planning
- Niall Ferguson – Treasurer
- Sheri Petersen – Museum
- Susan Davis – By-Laws and Charter Revision
- Hap Storer – Clerk
- Seth Chaucer – Police Liaison and Shoreline Greenway Trail
- Ken Graham – Roads, Young's Pond
- Peter Hugret – Pine Orchard Association Building
- Ken Graham – Public Works and Shoreline Greenway Trail
- Vining Bigelow – Waterfront and moorings

Under a motion made by Dr. Steven Ariyan and seconded by Teresa Storer, the reading of the Minutes of the Annual Meeting for the previous year held on July 7, 2014 were waived and the minutes approved. The motion was approved unanimously.

Ms. Kaplan thanked the members of the Executive Board whose terms were expiring: Mr. Ken Graham, Ms. Sheri Peterson, and Mr. Peter Hugret.

Mr. Hugret as Chairman of the Nominating Committee announced the nominees for election to the Executive Committee of the Pine Orchard Association as Colleen Acunzo, Linda Giordano, Pat Kaplan and Robin Sandler. Each nominee stood and briefly introduced her- or himself. There being no additional nominations from the floor, it was moved by Teresa Storer and seconded by Fran Acunzo that the slate be elected as presented. The motion was approved by voice vote with no opposing votes.

Treasurer Niall Ferguson gave his report regarding the "clear" independent accountant's review of the Association's financial statements and the financial status of the Association. The cash balances for the Association have increased to approximately \$90,000. The Executive Board had determined that this is an appropriate amount to hold currently for contingencies such as potential storm-related or other potential expenses. The budget for the upcoming year projects that cash balances would increase to approximately \$115,000. The tax rate for the upcoming year will remain at the current level of 4 mils.

Clerk Hap Storer reported on the meetings conducted during the prior year including two informational meetings regarding zoning processes. Meeting minutes are available on the Association web site.

Susan Davis reported that the By-Laws Committee had prepared updates which have been emailed to the membership and will be reviewed and presented for adoption at the meeting of the Executive Board in September. The process of revising the Association charter was reviewed and it will be determined in upcoming meetings on whether or not to proceed with revisions.

Mr. Rick Ross reported as Tax Collector that there was only one outstanding tax bill unpaid for the year. Tax bills for the current year have been sent out.

Mr. Hugret reported that the Association building is now forty years old and as such is requiring some maintenance. The interior and exterior of the building have been painted. The lower garage has been renovated and is now being lease out. Three light fixtures have been replaced. Repairs have been made to the heating system. The museum displays have been moved down to the lower level. A new timed light switch has been installed for the front exterior light.

Mr. Sheri Petersen reported that she and Peter Hugret had spent a fun week putting together the museum pictures displayed in the meeting room on the lower level and put into chronological order.

Mr. Seth Chaucer reported that the Shoreline Greenway Commission met at the Association building. As Police Liaison, he reported that Branford Police representative had met with the Executive Committee asking that Pine Orchard residents maintain communication with the Police Department regarding any issues that may arise. They also reported that Pine Orchard has the lowest crime rates of any area of the town. Seth asked that any members please contact him with any questions or concerns.

Mr. Geoff Hotz as Fire Liaison reported that in 2014 the Fire Company responded to 428 calls of which about 120 were in Pine Orchard. Most of the calls were for medical issues. The Fire Company will have a fund raiser that we will be hearing about in the mail. Please be generous.

On behalf of Vining Bigelow for shoreline maintenance, Ms. Kaplan reported that we have only two boats on the breakwater poles. These have become difficult to access due to uneven area on the breakwater walkway. The past year was good for us regarding maintenance to the access areas to the beaches. In November, maintenance was performed on the breakwater sidewalk, wall area and the railing costing approximately \$5,600. No storm damage was incurred on our access walkways or stairs. The access points include the breakwater at the eastern end of Island View Avenue, Waterside Road and Island View, Chapel Drive and Island View, Halstead Lane, Spring Rock Road and Selden Avenue. Access at Crescent Bluff currently remains controversial and available only to residents of that road.

Mr. Jon Schlesinger reported that as Zoning Commissioner, he is the primary point of contact for any residents having questions regarding zoning issues. We have a Zoning Enforcement Officer, Laura Magaraci, who acts as our expert on zoning issues. Our Zoning Board of Appeals hears appeals for requests that have been denied. Two informational meetings were held during the past year to help educate members regarding zoning issues and processes. Ms. Kaplan commented further that various changes to our zoning ordinances are being considered but that any changes require public hearings. Any members interested in such changes should be alert for announcements of upcoming hearings. Laura Magaraci has prepared a summary of what is required to get zoning approvals for various building projects. This is available on our web site.

Ms. Teresa Storer of Grove Avenue asked that a time be set for the members to be able to come to see the museum items at the Association building.

Ms. Roseann Berry reported that a piece of rebar was exposed at low tide on the beach between Spring Rock Road and Selden Avenue. This constitutes a danger especially when it is covered by water.

Mr. Karl-Otto Liebmann of Ozone Road requested that any zoning fees be removed for approval of solar panels to encourage their use. He also inquired as to zoning regulations regarding fences. He was requested to email his question to Mr. Schlesinger or Ms. Kaplan so that a correct answer could be researched and provided to Mr. Liebmann.

Ms. Jennifer Aniskovich expressed concern that any by-laws that are in conflict with the Charter should be reviewed by legal counsel.

Ms. Celia Wheeler of Crescent Bluff Avenue noted that a section of the handrail along the stairs going down to the water at Crescent Bluff is missing and in need of repair. Ms. Kaplan stated that she would contact the Sagese's attorney to request that it be repaired. Ms. Wheeler also stated that the cameras and lights on the properties at the end of the street were intimidating and bothersome and inquired if anything could be done. Geoff Hotz commented that he had looked into this issue following a similar question at the previous year's meeting and had determined that cameras could record anything in public review without restriction as long as it is not voyeuristic or recording audio.

Mr. Mike Schiavone inquired if the Pine Orchard Association had the authority to compel home owners to clean up eyesores such as overgrown properties and houses needing paint or repairs. Ms. Kaplan stated that she believes that the Town of Branford has blight laws and recommended that they be called.

Upon a motion and second and subsequent vote by the membership, the meeting was adjourned at 9:05 PM.

Respectfully submitted,

Hap Storer, Clerk

Information Concerning Proposed Revision to the By-Laws

Current provision reads:

1. Recusal

No director shall discuss or vote on any matter which would involve a conflict of interest. Any director for whom there may exist a conflict of interest shall refrain from discussion or vote on any such matter, and shall not be physically present in the room for any discussion or votes on the matter.

Proposed revision reads:

1. Conflict of Interest

No director shall discuss or vote on any matter which would involve a conflict of interest. Any director for whom there may exist a conflict of interest shall refrain from discussion or vote on any such matter. Directors shall refer to Connecticut statute 1-85, **Interest in conflict with discharge of duties**, for guidance in this area.

The text below is informational. It is **not** meant to be part of the by-laws.

Connecticut General Statute, Title 1, Chapter 10, Section 1-85 Interest in conflict with discharge of duties.

A public official, including an elected state official, or state employee has an interest which is in substantial conflict with the proper discharge of his duties or employment in the public interest and of his responsibilities as prescribed in the laws of this state, if he has reason to believe or expect that he, his spouse, a dependent child, or a business with which he is associated will derive a direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of his official activity. A public official, including an elected state official, or state employee does not have an interest which is in substantial conflict with the proper discharge of his duties in the public interest and of his responsibilities as prescribed by the laws of this state, if any benefit or detriment accrues to him, his spouse, a dependent child, or a business with which he, his spouse or such dependent child is associated as a member of a profession, occupation or group to no greater extent than any other member of such profession, occupation or group. A public official, including an elected state official or state employee who has a substantial conflict may not take official action on the matter.

The process for amending a by-law as provided in our by-laws is being followed by our including notice of the proposed revision in the mailing of our notice of the annual meeting. Public comments, written or oral, can be received prior to or at the regular meeting in September 2016.

The Pine Orchard Association

180 Pine Orchard Road, Branford, CT 06405

June 14, 2016

To: Residents of the Pine Orchard Association

Please find on the reverse the 2016 - 2017 Pine Orchard Association annual budget inadvertently omitted from our Annual Meeting Mailing.

Also included in this mailing is a copy of the job description for the Pine Orchard Association Office Manager. The Association is looking for candidates for this part-time position, and intends to fill the position this summer. Please share this position description with persons that you believe may be interested in working in our shoreline community.

| As of 4/30/2016 | Budget 2015/2016 | Activity 2015/2016 | Budget 2016/2017 |
|----------------------------|-----------------------------|-------------------------------|-----------------------------|
| RECEIPTS | | | |
| Tax Collections | \$ 70,768 | \$ 71,092 | \$ 53,076 |
| Rent | \$ 3,700 | \$ 3,196 | \$ 3,100 |
| Building & Permit Fees | \$ 5,000 | \$ 4,734 | \$ 5,000 |
| Other (Interest, Moorings) | \$ 100 | \$ 50 | \$ 100 |
| Total | \$ 79,568 | \$ 79,072 | \$ 61,276 |
| DISBURSEMENTS | | | |
| Security | \$ 2,000 | \$ - | \$ 1,000 |
| Shorefront Maintenance | \$ 7,000 | \$ - | \$ 7,000 |
| Building Maint/Utilities | \$ 15,000 | \$ 8,957 | \$ 12,000 |
| Building Improvements | \$ 1,000 | \$ - | \$ 10,000 |
| Office/General | \$ 5,000 | \$ 3,776 | \$ 7,000 |
| Insurance | \$ 10,500 | \$ 8,404 | \$ 10,500 |
| Legal | \$ 5,000 | \$ 1,275 | \$ 5,000 |
| Zoning | \$ 5,000 | \$ 1,986 | \$ 5,000 |
| PO Museum & Web | \$ 750 | \$ 199 | \$ 1,400 |
| Annual Financial Review | \$ 1,900 | \$ 1,950 | \$ 2,000 |
| Total | \$ 53,150 | \$ 26,547 | \$ 60,900 |
| NET INCOME (LOSS) | \$ 26,418 | \$ 52,525 | \$ 376 |
| Cash Available | | \$ 144,221 | \$ 144,597 |
| Mirror Lake Account | | \$ 9,603 | \$ 9,603 |

Office Manager Job Description | 2016

The Office Manager provides the Pine Orchard Association with general office duties including:

1. Opening the mail (at least weekly) and seeing the appropriate recipient is made aware of such receipt.
2. Check Phone messages and return calls promptly.
3. Field calls for closings from attorneys identifying possible taxes due.
4. Keep supplies such as paper, envelopes, toner and other typical office items at their current levels.
5. Updating the website with monthly activities and other information as needed
6. Keeping board information current and posted including board members and contact information, zoning meeting postings
7. Coordination with the ZEO on zoning questions and permits, filing zoning applications
8. Support for bi-monthly board meetings and the annual meeting (July) as needed including mailings, materials, taking of minutes and recording minutes.
9. Working with the automated tax system (QDS) including;
 - a. billing set up with QDS
 - b. applying payments
 - c. producing delinquent notices and applying liens through the Branford Town Clerk's Office
 - d. closing books
 - e. account adjustments
 - f. special billings
 - g. demand notices
 - h. other miscellaneous billing functions
10. Maintaining mailing files for postal and electronic (email) mailings)
11. Welcome letters to new residents
12. Depositing to bank account (Bank of America) all checks for taxes, boat tie ups, zoning charges, etc.)
13. Participation in annual audits with Treasurer and Auditor

Applicant must be proficient in Word, Excel, and fully computer literate. Experience with Word Press and the QDS taxing system is a plus; will be trained on the QDS system at an off-site location.

The position is budgeted for 150 hours per year; the posting and depositing of tax payments in the June/July/August period are typically the busiest period where up to five hours a week may be required. There is no set time to be "in the office", but the candidate must show the ability to meet all business needs with a flexible schedule.

Hourly rate: \$15.00; no medical insurance or other benefits

Send resume / qualifications to:

Office Manager

180 Pine Orchard Road

Branford, Connecticut 06405

or

officemanager@pineorchardassociation.com



Office Manager <officemanager@pineorchardassociation.com>

Question

7 messages

Tim Shannon <tshannon@canaan.com>

Sun, Jun 19, 2016 at 8:49 PM

To: "officemanager@pineorchardassociation.com" <officemanager@pineorchardassociation.com>

Cc: "cathshan@gmail.com" <cathshan@gmail.com>

Hi,

I am writing to ask about any discussion about speed impediments/barriers in Pine Orchard and in Branford in general.

We live on 114 Totoket. We use to live on Stony Creek Road. We love the area for recreation, including running, walking, biking, etc. The roads are beautiful, albeit narrow and winding.

We think the quality of live could be greatly improved by slowing traffic speeds with barriers. We have lived in places where these are done in a beautification way (planters). We have lived in places with the routine permanent or removable bumps. They are all effective.

With the country club at the apex of Pine Orchard, the traffic from spring thru fall picks up at all hours of the day – from employees to contractors to members and guests. The speeds are often worrisome. I was nearly hit at 11pm last weekend with a man and his companion speeding up Totoket road in formal ware at a speed that I would say approached 50mph. I am particularly concerned about club goers who may have been drinking.

In addition, illegal drinking looks like a regular occurrence as evidence by the alcohol and beer containers that are strew over lower Totoket road regularly, but more heavily on weekends. I would feel better if these drinkers were slowed a little bit while they throw the evidence out the window which may provide them a reminder about the danger in what they are doing.

I am sure I am not the first to raise this issue. My goal is to improve the desirability of living in Branford by making it a safer community. I am fearful of what may happen that could negatively impact the community.

Could you or someone provide me any history on consideration of speed barriers?

Thanks

Tim Shannon

114 Totoket

Pine Orchard Association Executive Board
180 Pine Orchard Road
Branford, CT 06405

A topic for discussion at the upcoming annual meeting: VRBO and AIRBNB vacation rentals. Neighbors have been sympathetic to those unable to sell their properties, but others are nonresident owners clearly profiting from the lucrative "vacation" rental business. P.O.A. dues are simply cheap overhead for such ventures - do we really want Pine Orchard to become a transient beach rental community?

Listings boast P.O.A. beach access rights, one advertisement (#55 Yowago - VRBO Listing #264531) includes "*Beach Access Update: All beach access points to Pine Orchard beach are open and within walking distance. Plenty of parking also should you decide to drive.*"! Another listing (#5 Waterside - VRBO Listing #734756) actually shows a slide of a P.O.A. walkway gate stating "*Private Property - Pine Orchard Association Members Only*". Groups of complete strangers are accessing our beaches often wandering onto adjacent properties, with dogs – unleashed!

Should by-the-night renters enjoy the same privileges as P.O.A. member families? Long term rentals have been far less problematic - respectful of the neighborhood, parking limitations, noise ordinances, not trashing our beaches, etc. These "vacation" rentals are essentially leased as multi-family dwellings with incredibly high turnover.

The Pine Orchard Association has regulated rentals in the past for the benefit of the community overall, why not now?

Concerned P.O.A. Members

- A. Authority; Permitting Operation of Golf Carts on Public Roads.
Pursuant to the authority granted in Section 2 of Special Act A237-8 (June 9, 1933) Vol.21, Page 1103 Special Laws and CT General Statute 14-300g, the Board of Police Commissioners, in its capacity as the legal traffic authority for the Town of Branford, is authorized to permit the operation of golf carts on public roads within the Town consistent with the requirements provided in this Traffic Regulation.
- B. The operation of golf carts is restricted to the Pine Orchard section of the town within the following established boundaries:
1. To the west: from the intersection of Pine Orchard Road with the Amtrak rail track along Pine Orchard Road to Yowago Avenue to the intersection of the extension of Yowago Avenue with Long Island Sound.
 2. To the south: along Long Island Sound from the intersection of the extension of the Branford Steam Railway (Tilcon) rail track to the intersection of Yowago Avenue with Long Island Sound.
 3. To the north: from the intersection of Pine Orchard Road with the Amtrak rail track to its intersection with the Branford Steam Railway (Tilcon) rail track; and
 4. To the east: by the Branford Steam Railway (Tilcon) rail track from its intersection with the Amtrak rail track to its extension southerly to Long Island Sound.
- C. The operation of golf carts is permitted during daylight hours (sunrise to sunset) only.
- D. Operation of golf carts is only permitted on roads with speed limits of 25 miles per hour or less.
- E. Each golf cart must be equipped with an operable horn in accordance with the requirements of subsection (e) of section 14-80 of the Connecticut General Statutes.
- F. Each golf cart shall be equipped with a flag that is positioned to assist operators of motor vehicles in observing the location and operation of such golf cart. Such flag must meet the following requirements:
1. The flag shall be a minimum of six and one feet (6 ½ ') in height measured from the road surface
 2. The flag shall be mounted behind the driver's side of the golf cart.
 3. The flag shall be high visibility fluorescent yellow in color with a minimum of 100 square inches.
- G. The operator of any such golf cart shall possess and carry a valid Connecticut motor vehicle operator's license while operating such golf cart.
- H. While operating the golf cart, the owner of such golf cart shall carry proof of insurance in accordance with section 14-112 of the Connecticut General Statutes pursuant to the following requirements:
1. The owner of each golf cart must submit proof of financial responsibility to satisfy any claim for damages by reason of personal injury to, or the death of, any one person of \$20,000, or by reason of personal injury to, or the death of, more than one person on account of any accident of at least \$40,000, and for damage to property of at least \$10,000.
- I. The Police Department will schedule inspections when requested to determine if the golf carts meet the requirements of this Traffic Regulation and will issue to the owner a Certificate of Compliance for presentation to the Tax Collector.
- J. Each golf cart shall be registered at the office of the Town Tax Collector for a fee of \$25.00. The registration sticker shall be marked with the owner's last name and shall be displayed on the left rear bumper of the golf cart. The registration shall be renewed at the time of the expiration date as shown on the sticker.
- K. The operation of golf carts in the Town shall be subject to all of the provisions (as applicable) of Chapter 248 of the General Statutes, including but not limited to, sections 14-222 and 14-227a.
- L. Any person who operates a golf cart in violation of any provisions of this traffic regulation shall have committed an infraction.



SUMMER YOGA AT THE
CHAPEL

THURSDAYS

7PM-8PM

JUNE 30, 2016

7:00PM

PINE ORCHARD CHAPEL

25 CHAPEL DRIVE BRANFORD

Please join your neighbors for yoga at the chapel on
Thursday evenings throughout the summer.

\$5 - cash only please

FOR MORE INFORMATION CONTACT: DOM COLOSALLE @ [860-982-5391](tel:860-982-5391)

MEEHAN
MEEHAN
& GAVIN LLP

Attorneys at Law

76 LYON TERRACE, BRIDGEPORT, CT 06604

Richard T. Meehan Sr. (1923-2002)

•*+^ Richard T. Meehan Jr.

+ Edward J. Gavin

+ Michael T. Meehan

Legal Assistants

Pamela Moore

Richard J. Meehan

. Fellow, American College of Trial lawyers

+ Fellow, Litigation Counsel of America

^ Fellow, International Academy of Trial Lawyers

* Board Certified Criminal Trial Specialist

Board Certified Civil Trial Specialist

National Board of Legal Specialty Certification

Also admitted in New York

May 16, 2016

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

George Hap Storer
Secretary, Pine Orchard Association
111 Grove Street
Branford, Connecticut 06405

Patricia Kaplan
President, Pine Orchard Association
c/o Matthew Berger, Esq.
164 Hempstead Street
New London, Connecticut 06320

Robin Sandler, Esq.
Acting Meeting Chair, Pine Orchard Association
175 Montowese Street
Branford, Connecticut 06405

Re: **Pine Orchard Association meeting May 9, 2016**

Dear Sirs and Madam:

This office represents David and Tracey Scheer, residents of 2 Spring Rock Rd. Branford, CT. We were in attendance at the Association meeting on the evening of May 9, 2016. I am writing to demand, pursuant to the Freedom of Information Act, §1-200, et seq., C.G.S. that the following be provided to us forthwith:

1. The complete audio recording of the meetings of March 15th and May 9th. I have enclosed (for Mr. Storer, only) two CD-Roms and a prepaid return Fedex envelope for your convenience.

To: George Hap Storer
Patricia Kaplan
Robin Sandler, Esq.

May 16, 2016

Page – 2 –

2. A copy of any Officers and Directors liability insurance policy, including the declaration page and any and all endorsements.
3. A complete list of every Member of the Association with addresses and phone numbers to the extent that said information is not exempt from disclosure pursuant to §1-217 of the Act.
4. A list of the names and addresses of the Executive Board members in attendance at the meetings of March 15th and May 9th.
5. Further request is made pursuant to §1-225(a) that any vote taken at future meetings of the Executive Board relating to the Scheer property be by roll call and reduced to writing to be made available for inspection as set forth therein.
6. Also, pursuant to the FOIA my clients object to any discussion conducted in executive session regarding possible or future litigation that directly or indirectly affects the Scheers or their property at 2 Spring Rock Rd. In the absence of pending litigation any such use of executive session would violate the provisions of § 1-200(6). Should there be any discussion in executive session relating to my clients or their property that falls outside the ambit of §1-200(6) we are further demanding that such session be recorded to preserve the discussion for a possible FOIA appeal.

Further, demand is made on you to preserve any audio recordings of the meetings of March 15, 2016 and May 9, 2016, including designating the person who will be responsible for the preservation of the recordings. I would also remind your Board of the penalties contained within § 1-240(a) should any portion of the the meeting recordings be altered, deleted or destroyed.

I might also suggest that if the Association intends to commence litigation claiming prescriptive rights to any portion of the Scheer property the \$5,000.00 line item for legal expense in the budget you adopted at the May 9th meeting is woefully inadequate to deal with any such litigation. My clients will aggressively defend any attempt.

The Scheers are still awaiting formal response from the Board to their complaint of breach of conflict of interest and the Bylaw that governs it. To date, the Executive Board has continued to violate said Bylaw, even after receiving due notice from the Scheers in their letters to the Board of March 21, 2016 and again on May 2, 2016, notifying them of the breach and asking for a cure. It is in the best interest of the POA and its individual Board Members to act upon this information without delay and respond in writing to the Scheers as to their intentions.

To: George Hap Storer
Patricia Kaplan
Robin Sandler, Esq.

May 16, 2016

Page – 3 –

Additionally, the Scheers vigorously object to the position taken by Attorney Sandler in the May 9th meeting that the Board can take no action in furtherance of eliminating the obvious and egregious conflict of interest with Ms. Kaplan participating in discussions relating to their property and any potential actions related thereto. Moreover, the suggestion by Ms Kaplan to reconvene the by-laws committee to reduce the stringency of the recusal requirement for a board member with a conflict of interest amounts to a self-interested manipulation of governance principles.

Compliance within the timeframes set forth in the FOIA is hereby made upon you.

Very truly yours,



RICHARD T. MEEHAN, JR.

RTM/mi

Enclosure

cc: Mr. and Mrs. David Scheer

e-mail: rtm@meehanlaw.com

The Pine Orchard Association

180 Pine Orchard Road, Branford, CT 06405

June 2, 2016

Attorney Richard T. Meehan, Jr.
76 Lyon Terrace
Bridgeport, CT 06604

Re: R.T. Meehan, Jr. Request for information from the Pine Orchard Association
VIA Federal Express

Dear Attorney Meehan:

In response to your letter of May 16, 2016, Mr. Storer is providing audio recordings of the meetings of the Pine Orchard Association Executive Board of March 15, and May 9, 2016. They are included here as marked on one of the CDs that you provided. The other CD is being returned blank. Mr. Storer asked me to advise you that he was in error in his statement at the May 9th meeting that the recordings are the property of the Association. The recordings were made on his personal devices for his own convenience in preparing minutes and as such are his property. He is providing them to you as an accommodation to your request.

Enclosed also please find a copy of the Officers and Directors liability insurance policy.

The most current available list of Members of the Association which is the mailing list for the 2015 Annual Meeting is also being provided to you. We receive this file from the Town of Branford who bases the information on the Grand List assessments. We do not maintain telephone information of our property owners.

Board member attendance at the meetings you requested and their addresses are as follows:

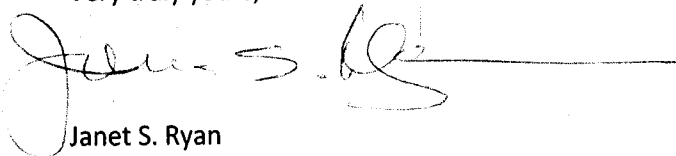
March 15, 2016:

| Name | Address |
|-----------------|------------------------------------|
| Colleen Acunzo | 10 Chapel Drive Branford, CT |
| Seth Chaucer | 43 Totoket Road Branford, CT |
| Susan Davis | 47 Griffing Pond Road Branford, CT |
| Geoff Hotz | 33 Totoket Road Branford, CT |
| Pat Kaplan | 6 Spring Rock Road Branford, CT |
| Robin Sandler | 15 Hart Avenue Branford, CT |
| Jon Schlesinger | 53 Spring Rock Road Branford, CT |
| Hap Storer | 11 Grove Avenue Branford, CT |

May 9, 2016:

| Name | Address |
|----------------|------------------------------------|
| Vining Bigelow | 39 Blackstone Ave Branford, CT |
| Seth Chaucer | 43 Totoket Road Branford, CT |
| Susan Davis | 47 Griffing Pond Road Branford, CT |
| Geoff Hotz | 33 Totoket Road Branford, CT |
| Pat Kaplan | 6 Spring Rock Road Branford, CT |
| Rick Ross | 4 Elizabeth Street Branford, CT |
| Robin Sandler | 15 Hart Avenue Branford, CT |
| Hap Storer | 11 Grove Avenue Branford, CT |

Very truly yours,



Janet S. Ryan
Office Manager – Pine Orchard Association

Copies to (letter only):

~~George~~ Hap Storer
Patricia Kaplan
Robin Sandler, Esq

Enclosures:

POA Mailing List as of October 2015 Grand List *on file (isu)*
Pine Orchard Association D&O Policy *on file (isu)*
CD Marked "Pine Orchard Association Executive Board Meetings
of 3/15/2016 & 5/9/2016"
Blank (unused) CD

Minutes of Annual Meeting of Pine Orchard Association, Monday, July 11, 2016

President Pat Kaplan called the meeting to order at 8:15 p.m. After welcoming everyone to what she stated might be the 113th annual meeting, she asked those present to observe a moment of silence in honor of John Donegan, past president of the association, and Sig Halgren, Chair of the Pine Orchard Zoning Board of Appeals (ZBA).

Ms. Kaplan stated that the past year had been an interesting one. She said that her goal was to encourage transparency and communication with the membership and to continue working on clarifying association members' rights to beach access. She indicated that she would like to hear from Association members about their desires for the Association's priorities in the upcoming year. It is undecided as yet how residents' views will be solicited. It will be discussed at the September board meeting. She observed that the Association only has email addresses for about one-third of the members and encouraged those who have not provided email addresses to do so to facilitate communication from the Association.

Ms. Kaplan specifically thanked Janet Ryan as the Office Manager for the Association for all of her hard work in organizing the Association's files and records. Ms. Ryan has announced that she will resign her post as Office Manager. The Association is actively seeking a replacement. The Association intends to post the opening online, but members were encouraged to let other local residents know about the opening.

Ms. Kaplan reviewed the procedures for posting the meeting agendas and minutes on the Association's website. Upon motion, second and subsequent vote by the membership, the reading of the minutes of the Annual Meeting for July 6, 2015 was waived and the minutes approved.

Ms. Kaplan thanked the members of the Executive Board whose terms were expiring. They are Geoff Holtz Niall Ferguson (Treasurer), Hap Storer (Clerk) and Vining Bigelow (Shoreline Maintenance.)

The members of the Executive Committee of the Association introduced themselves and their roles:

Peggy Haering (newly elected member)
Geoff Hotz (Municipal Liaison)
Rick Ross (Tax Collector)
Hap Storer (Clerk)
Seth Chaucer (Maintenance of POA office building and grounds)
Niall Ferguson (Treasurer)
Vining Bigelow (Shoreline Maintenance)
Susan Davis (By-laws)
Jon Schlesinger (Planning and Zoning)
Linda Giordano (Nominating Co-Chair)
Robin Sandler (Vice President & Nominating Co-chair)

Geoff Hotz reported on receipt of various inquiries concerning the paving and striping of streets within Pine Orchard. The Branford Fire Department responded to approximately 200 calls in Pine Orchard, mostly for medical issues. He noted that the Town of Branford had postponed its inquiry regarding conflicts between golfers and automobiles. Mr. Hotz stated that the police will be reporting at a future Executive Board meeting as they have done in the past.

Hap Storer reported on his duties as Clerk of the POA, primarily keeping and posting minutes of all meetings and maintaining records relating to the Association's meetings.

Treasurer Niall Ferguson gave his report regarding the "clear" independent accountant's review of the Association's financial statements and the financial status of the Association. The cash balances for the Association have increased to \$137,000. Tax collections for the year were approximately \$80,000 and expenses were approximately \$35,000. For the current year Mr. Ferguson reported that zoning and legal expenses were lower than expected, which permitted establishment of a surplus, which had come in handy in previous years for seawall repairs.

Rick Ross reported as Tax Collector that tax bills for the current year have been sent out and that the mill rate had been reduced from 4 to 3 for the current year.

Seth Chaucer reported on the repairs to the POA office building and tree removal expenses and application of herbicide at Mirror Lake.

Vining Bigelow reported that only two moorings are rented out for the current year and that only \$4000 of the \$7000 budget for shoreline maintenance had been spent during FY 2015-2016.

Susan Davis reported on the activities of the By-laws committee and noted that the proposed revision of the conflict of interest and recusal by-law will be voted on at the September 2016 meeting

Jon Schlessinger reported as the zoning commissioner. He is the primary point of contact for residents with zoning questions. Our Zoning Enforcement Officer is Laura Magaraci. The Zoning Board of Appeals hears appeals for requests that have been denied. He stated that the town of Branford is in the process of developing new rules for providing notice to abutting landowners and that the Association will monitor those rules to determine whether something similar should be put in place for POA. He noted that a proposed rule regarding treatment of sunshades is under review.

Mr. Sandler, as co-chair of the Nominating Committee announced the nominees for the election of the Executive Committee of the POA as Niall Ferguson, Robert Dahill, Joe Thomas and Matt Moran. Each nominee, except Mr. Moran who was not present, stood and briefly introduced himself. There being no additional nominations from the floor, upon motion and second and subsequent voice vote, the slate was elected as presented. There were no opposing votes.

Ms. Kaplan then opened the floor for comments by Association members.

David Scheer, had suggestions regarding proposed by-laws on conflict of interest and specifically the portion of the rules that would allow a board member who recuses himself voting on a matter to remain in the room while that matter was under discussion. . Tracey Scheer, asked why a further revision of the by-laws was being proposed when the by-laws had been adopted in November 2015.

Robin Sandler, Vice President, stated that the rules that were adopted in the fall of 2015 required that a board member with a conflict had to leave a room during any discussion of a matter where he or she was recusing herself. He indicated that after review of other municipal conflict of interest provisions, it was felt that making a recused member leave the room during discussion was neither required nor commonplace.

Jennifer Aniskovitch expressed concern that the by-laws are in conflict with the Charter and should be reviewed by counsel specializing in municipal law.

Ms. Kaplan commented that the Charter for the POA is completely out of date and regulated things which were no longer relevant. However, she added that she has repeatedly sent out notices asking for volunteers who would be interested in participating in charter revision with no response. She also added that the process for Charter revision was cumbersome and could raise certain issues, like requiring taxation for residents of Pine Orchard who are not currently subject to taxation. Geoff Hotz commented that Charter review had been considered by the Executive Board and put on hold several years ago and that by-laws were by their nature supposed to be more flexible.

Tracey Scheer said that the Charter deals with services that are now being provided by the Town of Branford and felt that revision was in order.

Laura Kaiser expressed gratitude to those serving on the Executive Board.

Susan Katz asked whether a board member with a conflict of interest could participate in a discussion of a matter from which he or she had been recused.

Susan Dahill stated that she had been involved in municipal government in New Canaan and said that when an elected official was recused from voting on a matter they were not required to leave the room. In fact, she said, their attendance was required because of their being an elected official.

Jay Pottenger urged the participants in the meeting to get involved and to undertake the process of Charter review and revision.

Ms. Kaplan urged all members to respond to whatever survey is sent out to provide input to the Executive Board about their priorities for what the Executive Board should do. She stated her view that,

based on her 47 years of living in Pine Orchard, shoreline access is an important issue to be addressed and one of the primary reasons why people move to Pine Orchard.

Upon motion and second and subsequent vote by the membership, the meeting was adjourned at 9:30 p.m.

Pine Orchard Association Annual Meeting Agenda
Monday, July 11, 2016 8:00 p.m.
Union Chapel, Pine Orchard, CT

1. Call to order
2. President's Report
3. Approval of minutes of the July 6, 2015 meeting
4. Reports by current Executive Board members
5. Election of Four Executive Board members for a three year term

Nominating Committee recommendations:

Niall Fergusson

Joe Thomas

Matt Moran

Bob Dahill

6. Public Comments

Minutes of Special Meeting of Pine Orchard Association, Wednesday, August 24, 2016, 7:00 p.m.

Was a quorum present: Yes X No ___

Board Members present: Robin Sandler, Niall Ferguson, Rick Ross, Matt Moran, Jon Schlesinger, Peggy Haering, Linda Giordano, Bob Dahill, Susan Davis, Seth Chaucer.

Vice President Robin Sandler called the meeting to order at 7:00 p.m. He summarized the agenda items for the meeting: beach access at the end of Spring Rock Road; the method and timing for future communications to POA members about POA beach access rights; and public comments. Before opening meeting for public comments, Robin asked whether any board member wanted to make any opening remarks. Bob Dahill noted that Pine Orchard is a group of communities and that one of the purposes of the meeting was to be certain that concerns of members about beach access were being heard and addressed. Public comments were then invited.

David Scheer, owner of 2 Spring Rock Road, began by saying that 2 Spring Rock Road is their private property and not public access. He said that the sea wall on his property had been damaged by a storm in February and he had closed off the walkway leading to the beach because it was not safe. He stated that he intended to repair the damaged sea wall and was committed to maintaining beach access for those who had used it in the past. He said that they have never restricted access to their property to any one.. Mr. Scheer stated that he has sensitivity about the issue because of sixteen years of litigation with his neighbor about beach access, and that the case had been resolved in his favor.

He said that he has filed an application with the Department of Energy & Environmental Protection (DEEP) to obtain permission for sea wall repairs. He said that at the beginning of the summer he created a temporary path to the beach across his property but upon advice of his lawyers he required anyone wanting to use it to sign a waiver of liability. Mr. Scheer said that he was not going to answer questions about the proposed plans at the meeting but did want to be transparent and would respond to individuals who called him or came to his house with specific questions. Mr. Scheer said that he doesn't want the Pine Orchard Association to get involved in their business

David Hesse of Grove Avenue observed that the Scheers were proposing to replace the existing walkway to the beach with a ramp. He stated that the ramp would limit access and be under water most of the time. Mr. Scheer repeated his desire not to respond to questions about the plans at the meeting.

Al Klevorick of Ozone Ave. asked why, if Mr. Scheer wanted to be transparent, he wouldn't answer any questions. Mr. Scheer said that there has been a history of threats of potential litigation by the POA about beach access across his property.

Rick Ross commented that under the Scheers' proposed plans the existing walkway was going to be replaced by a ramp and that people would be stepping off the ramp into water when they got to the

bottom. He asked Mr. Scheer to explain the details of the ramp that was shown on the plans he had submitted to DEEP.

Mr. Scheer declined. He said his architects had designed the proposed ramp and seawall and that review by DEEP would include consideration of adding a stepping stone at the bottom of the ramp. He added that it was his property and he had no obligation to restore the existing walkway as it was. In response to a question whether the proposed ramp would be padlocked, Mr. Scheer said that the ramp would be open.

Karen Gaudio of Ozone Road said that she had grown up in Pine Orchard and believed that the walkway across the Scheers' property had been built by the Pine Orchard Association.

Michael Hopkins of Spring Rock Road said that said that we can't have people stealing the Scheers' property rights. He said that it's time to address the problem of stepping down to the beach from the ramp to maximize the opportunity to gain access to the beach.

Rick Ross pointed out that architects usually do what the homeowner wants and for that reason the plans submitted to DEEP represented the Scheers' intentions.

Mr. Scheer stated that he was not obligated to replace the current walkway as it is. He said that he was restoring beach access and that his plans would be approved by DEEP and zoning.

Vincent Giordano of Pine Orchard Road pointed out that the ramp proposed by the Scheers would have a substantial drop, that a 10% pitch on a roadway is severe, and stated the slope would make access difficult for a handicapped individual.

Mr. Scheer responded that the ramp wouldn't be approved by DEEP if it's not compliant.

Mr. Giordano said that the quality of the beach access is being threatened. He expressed concern about the slope of the ramp, the fact that someone would have to take stairs down to the sidewalk then take more stairs down to the rocks in order to get to the ramp and then would be stepping off the ramp into water at high tide. He also expressed concern about the aesthetics of replacing the existing stone sea wall with a 6 foot tall concrete wall.

Mr. Scheer said that he did not want to get into aesthetics and would make sure that the ramp is safe.

Leslie Carothers of Crescent Bluff Avenue said that when she bought her house 18 years ago she understood that there were prescriptive easement rights of access to the beach. In her opinion the Pine Orchard Association has an obligation to protect those rights. Robin Sandler indicated that such issues were to be discussed at the upcoming Board meeting scheduled for September 7th, and could not be addressed by the Board at the current special meeting.

David Hesse asked Mr. Scheer when he expected the construction to start. Mr. Scheer indicated that he does not have a contractor lined up yet.

Mr. Giordano said that if Mr. Scheer wanted to be a good neighbor he should remove the lock from the gate at pathway to the beach over his property for the rest of the summer. He said that some people have been climbing over rocks to get down to the beach and that might increase the Scheers' liability.

Mr. Scheer said that he would not remove the gate and mentioned a history of conflicts with his neighbor over access. Mr. Giordano observed that the conflict between the Scheers and their neighbor had ended and perhaps it was time to lay the matter to rest. Mr. Scheer again said that he had heard that the POA was considering litigation against him over beach access.

Barbara Colley of Pine Orchard Road asked if people had an opportunity to comment to DEEP about the Scheers' application and the deadline for doing so. Peggy Haering said that she had checked with DEEP and learned that the agency would accept comments from interested parties. She asked Mr. Scheer to confirm that DEEP had until October 24, 2016 to act on his application. Mr. Scheer stated that any dispute might delay the project. Leslie Carothers confirmed that when she had been Commissioner of DEEP there was a comment period on such applications.

Robin Sandler advised Mr. Scheer that no motion had ever been made by the POA board about litigating beach access rights at Spring Rock Road. Jon Schlesinger pointed out that the Board had pulled out of the Crescent Bluff litigation and that the POA Board wanted to make things better for residents.

Bernadette Stak of Spring Rock Road stated that she is a 20-year resident of Pine Orchard and feels that our way of life is being disrupted. She noted that interference with beach access had disrupted a family celebration of her parents' anniversary that took place at the end of the street. Ed Johnson said that some protection is needed to prevent interference with our rights.

Mary Barnum of Spring Rock Road asked whether DEEP was looking into the question of how the Scheers' proposed wall would affect the shoreline.

Bob Buckholz of Island View Avenue said question of public access to the beach raised tricky issues of policy.

Robin Sandler said that those issues would be discussed at the next Board meeting, which was scheduled for September 7, 2016.

Robin Sandler then turned to the second agenda item, the method and timing of communication to POA members. He said that notices and minutes would be posted on the POA website and that communications were being sent to members by email. Peggy Haering asked whether the POA website had a general mailbox that could be used by members to post questions for the POA Board. Robin

responded that the website did not have that facility right now, but that it could be looked into once a new office manager was hired.

Duane Hallgren said that she had been a resident of Spring Rock Road for 25 years and that her biggest concern was losing access to the beautiful walkway that has been in place for over 75 years. She asked whether there was any way that the hole in the sea wall could be filled in with rock so that access would be restored.

There being no further comments, Susan Davis, seconded by Linda Giordano, moved to adjourn the meeting. The meeting was adjourned at 8:30 p.m.

Minutes of the Pine Orchard Association Executive Board meeting of September 7, 2016

The meeting was called to order by Vice President Sandler at 7PM.

Board members present were: Margaret Haering, Matt Moran, Susan Davis, Linda Giordano, Bob Dahill, Joe Thomas, Rick Ross, Jon Schlesinger, absent were Niall Ferguson & Seth Chaucer

2. Executive Board Vacancy – Dick Greenalch was nominated and unanimously elected by the Board to fill vacant POA board position. Vice-President Sandler advised that the position of president of the POA was vacant and needed to be filled.

Maureen Hubbard was reappointed to fill ZBA alternate vacancy.

One vacancy still available for ZBA

3. Confirm Board Member Committee Assignments. No changes.

Dates for Proposed Meetings:

November 7, 2016

January 9, 2017

March 13, 2017

May 8, 2017

July 11, 2017

4. Communications – none reported at this time

5. Minutes of May 9, June 28 and Aug 24 meetings were approved, unanimously

6. Re-refer Treasurer's Report to Nov 7 meeting

7. Re-refer contract for Website Maintenance to Nov 7 meeting

8. Conflict of Interest By Law – motion to approve By Law Amendment made and seconded, passed with 6 members voting Yea and 2 voting Nay.

9. Policy on use of POA email list – email list for municipal business only.

Bob Dahill will formulate policy for Nov meeting, re-refer to November's meeting

10. How to solicit input from community on board's involvement in maintaining POA residents' use of beach access.

Solicit public opinion.

Robin will set up another meeting

Motion made and seconded to authorize up to \$7,500.00 to be used, after consulting with Dick Greenalch, for legal counsel or necessary consultants to review and comment on pending Spring Rock road DEEP seawall repair application. Motion passes unanimously.

11. Charter Revision – Motion made to Table with second, passes unanimously

12. Committee Reports

Shoreline Maintenance Report – estimate to repair sea wall at end of Spring Rock Road - \$4,405.00. Send estimate to Dick Greenalch

13. Zoning; proposed definition for sunshade structure

Do not amend regulation.

Motion to Table made and seconded, motion passes 6 to 1 .

14. Public right of way at Juniper Point

Zoning officer for Branford is looking into it.

Robin will follow up.

15. Other Business – Administrative Assistant needed for POA clerical work, Janet Ryan is willing to continue the property tax aspect for the Association

Applicants can respond to Janet or Robin

16. Public Comments – no additional comments

17. Adjournment – 9:40PM

Respectively submitted
Linda Giordano, temporary Secretary

Pine Orchard Association

Minutes of Executive Board Meeting, held November 7, 2016

The meeting was called to order by Vice President Robin Sandler at 8:00 pm.

Board members present were: Rick Ross, Jon Schlesinger, Margaret Haering, Robert Dahill, Susan Davis, Linda Giordano, Seth Chaucer, Matt Moran, Dick Greenalch, Niall Ferguson.

Joe Thomas was absent.

Agenda Item 2. The Vice President noted that there is one vacancy for an alternate for the ZBA and that there is also a need for a board member to fill the office of president, which is currently vacant.

Agenda Item 3. Communications: The chair read three communications to the Board. They included a letter from attorney Richard Meehan on behalf of David and Tracey Scheer regarding 2 Spring Rock Road; a letter from Jackie Coffey regarding problems resulting from temporary rentals of property on Waterside Ave. using Airbnb and VRBO; and from Dr. James Allen requesting better communications in connection with zoning/building permits and expressing concern about the disregard of easement rights held by property owners.

Agenda Item 4. Upon motion and second, the minutes of the POA meeting for Sept. 7, 2016 were approved as posted.

Agenda Item 5. Branford Police, annual report. Chief Kevin Halloran, Lt. Kris Hormuth, and Capt. Raymond Dunbar attended the meeting and presented details from the most recent two months of calls/reported incidents in Pine Orchard. They indicated that Pine Orchard is one of the safest neighborhoods within Branford. Questions were raised about street parking on narrow roads and speeding on Route 146. The officers encouraged members of the public to reach out to the police department if they have issues or questions to be resolved.

Agenda Item 6. Niall Ferguson provided the Treasurer's report. Upon motion and second the report was accepted.

Agenda Item 7. Contract for website maintenance. Niall Ferguson provided a summary of a proposal he had received for website maintenance to be performed on a monthly basis. Niall recommended that no action be taken on this proposal at the present time and that any necessary maintenance should be handled on an hourly basis for now. Upon motion and second, the board voted to take no action on this item.

Agenda Item 8. Use of email list. Bob Dahill reported on his research of other Connecticut associations and their policies on use of their email list. Most have the policy that the list can only be used for association purpose; however, the policies are usually unwritten. The POA is exploring ways to protect its website and email list from misuse. Upon motion and second, the board voted unanimously to take the item off the agenda.

Agenda Item 9. Dick Greenalch reported on Spring Rock Road beach access and his discussions with the Scheers and their plans for repairing the seawall and restoring beach access. Dick reported that the Scheers had withdrawn their original application with DEEP and replaced it with a second plan to repair the seawall and to restore the walkway to its existing state after repairs are completed. DEEP approved the revised COP several weeks ago.

Dick had no information about the status of the proposed construction and was not aware whether any application was pending with the Branford Coastal Area Management. Public comments were solicited and a discussion ensued about the status of the repairs and desire to see the work carried out promptly so that beach access could be restored. Some residents expressed concern that the Scheers would install a fence or gate at the end of the walkway. A motion was made and seconded to take no action at the present time and that Niall Ferguson would speak to the Scheers to ascertain their proposed schedule for carrying out the work. The motion passed with 8 members voting Yea and 2 members voting Nay.

Agenda Item 10, Mirror Lake. Dick Greenalch explained the current program for treatment of the lake. There is no problem with the current arrangement. Upon motion and second, the Board voted to leave the current arrangement in place.

Agenda Item 11, Committee Reports. Linda Giordano, reporting on beach access points, inquired about the process for obtaining funds to carry out repairs and maintenance of access points. Niall Ferguson advised that funds had been budgeted for such items and that she should proceed with making repairs as needed.

Rick Ross, reporting on tax collection, noted that all but 5-7 households were current on taxes and stated that delinquency notices would go out at the beginning of next week.

Agenda Item 12, Discussion of public right of way on Juniper Point. Robin Sandler stated that the creation of a beach access point and several parking spaces had been part of the zoning approval for the development on Juniper Point. He added that to the best of his knowledge the developer had not followed through on the requirement to dedicate the space for public use. Robin indicated that the Branford Town attorney, Bill Aniskovich, is looking into the matter.

Agenda Item 13, Other Business. Status of search for office assistant. Bob Dahill reported on the effort to find a replacement for Janet Ryan, who wishes to step down as office manager. There is one candidate who will be interviewed by another Board member later this week. The Board discussed the need for a replacement to be trained by the outgoing office manager.

Agenda Item 14. Public Comments. Jackie Coffey requested that the Board consider adopting a position with regard to temporary rentals of houses in Pine Orchard through AirBnB or VBRO (Vacation Rentals by Owner). She noted that a property on Waterside Ave. had had a number of short-term rentals over the summer and that noise from these tenants and parking an excessive numbers of cars on her small street was a problem.

Agenda Item 15. Upon motion made and seconded, the Board unanimously voted to adjourn at 10:15 p.m.

Respectfully submitted,

Margaret Haering, Clerk

Note: 2016-2017 Future Meeting Dates—at 8:00 p.m.

Monday, January 9, 2017

Monday, March 13, 2017

Monday, May 8, 2017 and

Tuesday, July 11, 2017