

Minutes of Pine Orchard Executive Board Meeting

January 06, 2020

Present: Joe Thomas, Len Farber, Rick Ross Richard Greenalch, Bob Dahill, Linda Sachs, Peggy Haering, Carol Redden, Bruce Caldarone, Robin Sandler

Absent: Jon Schlesinger, Seth Chaucer

Agenda Item 1: The meeting was called to order at 7:05 p.m.

Agenda Item 2: Communications, None received.

Agenda Item 3: Upon motion and second the minutes of the November 4, 2019 meeting were approved.

Agenda Item 4: Treasurer's Report, Linda Sachs presented the budget report. Tax revenues were collected 100%. Year-to-date, some of the amounts budgeted have been exceeded. This would include amounts for Shoreline Maintenance, Accounting Annual Review and Community Activities. The Association has \$167,981.72 in its checking account. Peggy Haering asked why such a large sum was being kept in a checking account. Linda will find out about setting up an account that might generate interest and will present a plan to the board for managing savings and allowing for transfers to meet operating needs. Upon motion and second, the budget report was approved.

Agenda Item 5: Committee Reports: (a) By-Laws, no report; (b) Nominating, Joe Thomas reported that 3 board members would be reaching the end of their permitted terms and that he would be seeking nominations for replacements in advance of the Annual Meeting; (c) Planning & Zoning, no report; (d) Communications, no report, Jon Schlesinger has posted a logo for review; (e) Shoreline Maintenance, Carol reported that the seawall and sidewalk at the end of Island View Ave. has been repaired and that the cost was \$100 over the entire budget for the year. There is an additional hole on the harbor side of the seawall to be repaired and there is a crack on the seawall near the Schiavone property. She will need approximately \$3400 to carry out these repairs plus another \$300 to reimburse Josh Brooks for repairing the steps on Island View Avenue. Carol requested a budget allocation of an additional \$5000 to be used for repairs to the shoreline access points. Carol was asked about getting another quote for the work; however, there is a risk if the work gets delayed. Robin recommended the work of the proposed contractor, JDL Construction, and the board agreed that the work should be carried out immediately to prevent further damage to the seawall. (f) Building Maintenance, Peter Robinson reported that a new mailbox is needed and should possibly be relocated; (g) Municipal Interface, no report. (h) Tax Collections, tax collections were 100% complete; (i) Beautification: Bob Dahill reported that the work around Bob's Woods will be completed shortly and that another location was under review for improvement and location of a potential walkway. (j) Sidewalks: Robin reported that the surveyor has made some progress with the state personnel in charge of this initiative. When state of Connecticut DOT approval of the plan is in writing, a request for contribution of funding will be made to the Town of Branford to install sidewalks from the Triangle to Rte. 146 near the pond.

Agenda Item 6: President's Report: (a) Status of eminent domain and Wheeler v. Cosgrove. There has been no reported progress between the landowner and Town of Branford on negotiations for a taking of Crescent Bluff Ave. In the matter of Wheeler v. Cosgrove, there will be hearings conducted at the end of January to address the issue of whether Crescent Bluff should be laid out as a public road. Those meetings will take place at the Branford Fire House and will be conducted by the tribunal appointed by the court to gather information and make recommendations. As of now the meetings are set to take place on Jan. 28, Jan. 30, Jan. 31, and Feb. 1st, all at 10:00 a.m. The public is encouraged to attend, and the Association will notify members of the dates and times for such sessions, once the schedule is set. This should occur after a status conference to be held on Jan. 13th. (b) ZBA hearing in the matter of Francis Whibey's use of his property on Crescent Bluff as a short-term rental. The ZBA upheld the zoning enforcement officer's issuance of a cease and desist order. Mr. Whibey has filed an appeal of that decision in Superior Court and we are awaiting a briefing schedule. (c) Flooding. Flooding on Island View Ave. It was reported that raising the sea wall was needed to prevent further flooding during storms; however, DEEP would need to be involved and Robin felt it was unlikely that raising the sea wall at the end would be approved. The Town Engineer has been consulted for recommendations. (d) Robin acknowledged & thanked David & Tracy Scheer for their efforts to restore and enhance access to the beach on Spring Rock Rd.

Agenda Item 7. Old Business. (a) Summer Concerts. We will poll the community about continuation of the concerts this summer; (b) Flooding on Totoket Ave. Tom Brockett reported on the various efforts to address the cause of the flooding on Totoket Ave. Tilcon drains have been cleared. One of the State drains was silted. The Town Engineer and the Department of Public works are continuing to investigate the matter; (c) Moorings. Conditions have been set for those using Association moorings at the end of Island View Avenue. Boat owners must supply their own ropes. Applications for use of the moorings must be accompanied by proof of insurance, proof that the boat has been registered, that the owner of the boat has been licensed. In addition, the boat owner must agree to indemnify the Association in connection with use of the mooring.

Agenda Item 8: New Business. (a) POA Zoning Ordinance: A question was raised whether the zoning ordinance can be amended to provide limits on the height of hedges and fencing. Several people have complained about hedges that are obscuring views of roadways and the water. The issue was discussed and may require further research. (b) JDL Construction bill for repairs to the Island View beach access has been presented for payment. (c) There was a discussion of the process for reporting violations of the zoning regulations to the Zoning Enforcement Officer. Robin explained the citation and how to report violations of the short-term rental regulation; imposition of a fine of \$150 per day is discretionary.

Agenda Item 9. Office Manager's Report: Peter Robinson reported that a new snow plow vendor had been selected and that he wants to establish limits to control when the parking area of the headquarters gets plowed. The office manager is currently paying certain fixed Association expenses from his own credit card and requested that he be provided with an Association credit card to be used for these expenses. The treasurer will investigate whether that can be accomplished or whether a debit card tied to the POA account should be used for that purpose. Peter asked whether the Association should retain physical copies of POA agendas, meeting minutes and attachments, which have been scanned. It was agreed among the board that physical copies should be retained.

Agenda Item 10. Public Items. Robin asked for public comment on the POA's participation in certain court actions concerning Crescent Bluff Ave. Carol Redden recused herself from this discussion and left the meeting. Robin advised that there are ongoing discussions between the Town and the land owner regarding the amount that would be acceptable for conveyance of the road to the Town; there is no pending eminent domain proceeding.

Upon motion and second the board affirmed its position that Crescent Bluff should be declared a public road and rights of access to the water should be preserved. Hap Storer of 11 Grove Avenue spoke in favor of that plan.

Agenda Item 11: To receive updates from counsel on status of pending litigation regarding Crescent Bluff Ave. Upon motion and second, the board voted to go into executive session at 8:45 p.m.

At 9:30 p.m. the board came out of executive session. In the Wheeler v. Cosgrove litigation, the Association's counsel will seek clarification of the scheduling and procedures to be followed in the public hearings to be conducted within the Town of Branford at the end of January. Bob Dahill volunteered to coordinate the community response and the Association will notify its members of the dates.

The Association will continue to encourage the Town's exercise of eminent domain and will communicate its support through communications with its RTM members. Upon motion and second, with Carol Redden abstaining, the Board affirmed its intention to participate in the upcoming trial in Cosgrove v. Beachcroft, LLC.

Agenda Item 12. Adjournment. Upon motion and second, the meeting was adjourned at 9:40 p.m.

Respectfully submitted,

Margaret Haering, Clerk

Future Meetings,

Monday, Mar. 2, 2020

Monday, May 4, 2020

To be held at 180 Pine Orchard Rd. at 7:00 p.m.

Annual Meeting

Monday, July 6, 2020