

MINUTES OF THE PINE ORCHARD ASSOCIATION

Monday, January 7, 2019

Board Members present: Rick Ross, Carol Redden, Jon Schlesinger, Peggy Haering, Richard Greenalch, Robin Sandler, Robert Dahill, Matt Moran, Seth Chaucer, Bruce Caldarone.

Absent: Niall Ferguson, Joe Thomas.

Agenda Item 1 Call to Order: The meeting was called to order at 7:10 p.m. by President Robin Sandler.

Agenda Item 2(a) Public Comments and Communications. Under Public Comments, Peter Robinson stated that his daughter was concerned about the speed of traffic on Pine Orchard Rd. and asked if something could be done about it such as speed bumps, additional signs, or perhaps requesting Branford install the electronic sign that indicates a car's actual speed. Robin said that he would reach out to Peter Hugret about contacting the police for help.

The president read a letter from Beachcroft LLC. The letter was styled as a Freedom of Information request for an accounting of what the Pine Orchard Association has spent on beach access status and investigation since 2009. Robin indicated that he had discussed the letter with counsel, Peter Berdon, and was advised that the Freedom of Information Act does not require the Association to create a document that does not presently exist in order to respond to such a request. Robin also read a letter to the Board from Richard Meehan, attorney for David Scheer, forwarding the Appellate Court decision in the matter of Kaplan v. Scheer.

Agenda Item 2(b) Upon motion and second the board voted to approve the minutes of the meeting on November 5, 2018.

Agenda Item 2 (c) Treasurer's report. Matt Moran said that he is awaiting receipt of bills for legal services, which he understands were recently delivered to the president. Under the category of Community Enhancements, he is including items such as concerts, beautification activities and sidewalks. There was some discussion of applying some of the \$10,000 designated for Capital Savings under Receipts for those activities. The income from the POA moorings was \$100. The moorings are difficult to use because boats get stuck on the sand at low tide and it is hard to get out. The Pine Orchard club periodically dredges the harbor but not the area where the moorings are located. Upon motion and second the Treasurer's Report was approved.

Agenda Item 2 (e) Litigation Report was taken out of order. Board Member Carol Redden left the room and did not participate in this portion of the meeting. Peter Berdon presented a status report on the various pieces of litigation involving Crescent Bluff Avenue and the Association. The trial in Wheeler v. Beachcroft LLC is scheduled for Feb. 15, 2019 on the count seeking a determination of adverse possession of a right of way over the lawn area. A continuance has been requested by the defendants. In that case the POA has the right to demonstrate adverse possession of the lawn on behalf of the general public.

Motions are pending in the case of Wheeler v. Cosgrove, which seeks to compel the First Selectman to lay out a public street on Crescent Bluff Ave. Berdon believes that the Town may be preparing to

commence a taking action with respect to the street. It is unclear whether the Town's taking action will include some portion of the lawn area. Berdon recommended that POA members should contact their RTM members to express support for the position that any taking action by the Town should include rights to some portion of the lawn area—not less than a 10 foot wide strip on either side of the stairs and walkway to secure public beach access. There was a motion and second to have the president send a letter in support of the taking of the road and some portion of the lawn to secure beach access.

Rick Ross, seconded by Jon Schlesinger, moved to amend the motion to recommend that the association encourage the Town to expand any taking action to include the entire lawn area. Following discussion and vote, the motion was defeated.

Vote was taken on the original motion to send a letter on behalf of the Association supporting the taking of land beyond the paved area of the road, not less than 10 feet wide: the motion passed unanimously. Following that vote, Carol Redden rejoined the meeting.

Agenda Item 2 (d) Committee Reports: (1) Bylaws—no report; (2) Nominating Committee—no report; (3) Planning & Zoning: The letter to Pine Orchard residents advising about the zoning ordinance amendment and prohibition on operating a short term rental property will be sent out shortly. The amended zoning ordinance has been posted; (4) Communications—We are now investigating signs to be installed at the headquarters building; (5) Shoreline Maintenance—the new fence and gate have been installed on Island View Ave. One more coat will be completed soon. (6) Building Maintenance—the exterior doors of the headquarters have been repainted; (7) Municipal Interface—construction at the intersection of Pine Orchard Road and Elizabeth is causing some concerns; (8) Tax Collection—one homeowner has not paid his taxes to the Association; a lien may be filed shortly. (9) Beautification Committee—There is a plan to place additional benches, one at Mirror Lake and two at Young's Pond. Some of the plantings at the Triangle have died and will need to be replaced in the Spring; (10) Sidewalks—Robin explained the plan and survey for the proposed sidewalks. It does appear that sidewalks can be installed within the right of way. Peter Hugret will meet with the Town Engineer. It has not yet determined what the cost of installing 875 feet of sidewalk will be or whether the Town will contribute to the cost of the project.

Agenda Item 2.F: Old Business—The settlor of a trust, Charles Sheldon, wants a return of the \$10,000 fund he set up for the cost of treating Mirror Lake. This item was tabled until a future meeting.

Agenda Item 2 G. New Business: A. Appointment of a hearing officer in connection with issuance of violation notices under the short term rental ordinance. Upon motion and second, it was determined that Robin would contact the proposed hearing officer and obtain information about the compensation for providing such service. B. Summer concert series—Upon motion and second the board voted to continue the concert series next summer. Scheduling of the concerts on Sunday afternoons was proposed. C. Documents required for zoning applications. Upon motion and second the board voted to require submission of three hard copies and one digital pdf copy of all documents related to a zoning application. D. Replacement for Laura Grosso as alternate to the Pine Orchard Zoning Board of Appeals (ZBA). Upon motion and second the Board voted to appoint Patrick Doyle as an alternate to the ZBA. E. Pine Orchard Tag Sale, upon motion and second the Board voted to approve supporting the tag sale as a

community event and providing payment for related expenses and promotional materials as appropriate.

Agenda Item 2 h—Office Manager’s report—Peter Robinson said that the cost for placing a lien on the property of the homeowner who is delinquent on payment of taxes to the Association was \$60, and he questioned whether interest could be charged on that fee as well. Peter is in the process of digitizing every document that is received by the Association office. He is attempting to locate all documentation pertaining to zoning after 1992. He noted that the 375th anniversary of the Town of Branford is coming up and questioned whether the Association wanted to provide some support for that event. No decision was made on that topic.

Upon motion and second the Board voted to adjourn the meeting at 9:15p.m.

Respectfully submitted:

Margaret E. Haering, Clerk

Documents received:

Treasurer’s Report

Litigation Report

Letter from Beachcroft LLC

Map of proposed sidewalk

Future Board Meetings to be held at 180 Pine Orchard Road

Monday, Mar. 4, 2019 at 7:00 p.m.

Monday, May 6, 2019 at 7:00 p.m.

Annual Meeting to be held at Pine Orchard Chapel

Monday, July 8, 2019

Minutes of Pine Orchard Executive Board Meeting

March 4, 2019

Agenda Item 1: The meeting was called to order by President Robin Sandler at 7:10 p.m.

Board members present: Joseph Thomas, Peggy Haering, Robin Sandler, Dick Greenalch, Niall Ferguson, Bruce Caldarone, Carol Redden

Board members absent: Jon Schlesinger, Robert Dahill, Matt Moran, Rick Ross, Seth Chaucer

Agenda Item 2: Upon motion and second the Board went into executive session to discuss pending Crescent Bluff litigation. The Board came out of executive session at 7:45. The President reported that no votes were taken.

Agenda Item 3

- a) Public Comments. Robin introduced Tom Brockett who is the RTM member for Pine Orchard. Tom invited residents to contact him if they had questions or matters they needed help with. Robin read an email communication from Yiming King of 5 Lake Place asking the Board to reinstate the association patrol of the neighborhood due to concerns about automobile break-ins. Maura Sullivan of 7 Pleasant Point Rd. provided an excerpt of a 2007 engineering report about flooding on Totoket Road north of the Tilcon Railway Spur. Her neighbor stated that a recent sale of her house had fallen through because of the effects of flooding on her lawn. The full report will be forwarded to Tom Brockett. Maura said that the creek behind her house has increased in size since the original study was done in 2007. She has been looking to Tilcon for help; up to 8 houses have been affected by this problem. Both matters will be referred to Bob Dahill, chair of the Board's Municipal Interface committee. Peter Robinson reported that he had received an email requesting that the association make a contribution for a scholarship to honor John Abel. That item will be placed on the agenda for the May meeting.
- b) Upon motion and second the minutes of the Board meeting on January 7, 2019 were approved.
- c) Treasurer's Budget Report: Matt Moran was not in attendance; however, the report dated March 4, 2019 was presented for review. Niall Ferguson noted, based on activity to date, that the Association's budget was showing a net negative; he asked where the fiscal year's spending was likely to end up. Carol Redden indicated that shoreline maintenance has a few unpaid bills for repairs at beach access points and that some of those expenses had not been anticipated. Robin stated that the association also had unpaid bills for legal services and would likely incur more in connection with pending litigation. Upon motion and second, the Treasurer's report was approved.
- d) Committee Reports
 - i. By-laws: Niall stated there was nothing to report.
 - ii. Nominating: Joe said that he had received one indication of interest in joining the Board in July.

- iii. Planning & Zoning: Dick Greenalch reported that there were complaints about short term rental activity involving three properties in Pine Orchard; the owners of the offending properties will be notified by letter that their actions violate the Short Term Rental provisions of the Zoning Ordinance. There will be an opening on the Zoning Board of Appeals due to the expiration of Eric Rose's term. It is not clear whether Eric will be eligible for reappointment because he no longer owns property in Pine Orchard.
 - iv. Communications: Jon Schlesinger was not present; no report.
 - v. Shoreline Maintenance: Carol reported that Josh Brooks made repairs to the wooden stairs leading to beach access points on Island View Avenue and Halstead Lane. A resident on Halstead Lane questioned whether repairs had been carried out by the Association, noting that he had been advised that a neighbor on Halstead Lane had done work. Carol will investigate.
 - vi. Building Maintenance: Seth was not present. There was no report.
 - vii. Municipal Interface: Bob Dahill was not present. No report.
 - viii. Tax Collection: Rick Ross was not present. No report.
 - ix. Beautification: Bob Dahill was not present; Judith Liebmann reported on the committee's activities and future plans for installation of benches, clearing out brush and planting trees/shrubs near Mirror Lake and Young's Pond. There was discussion about the budget for the future work and the status of the committee's remaining budget for the current fiscal year.
 - x. Sidewalks: Peter Hugret was not present. Robin stated that the sidewalk committee will be meeting with Selectman Cosgrove to discuss joint participation in the funding and/or construction of this project. Tom Brockett outlined the process for accessing the Town's capital improvement funds.
- e) President's Report: Robin reported that trial in the matter of Wheeler v. Beachcroft, LLC is now set for May 2019. He participated in settlement negotiations with residents of the street, Beachcroft LLC, and the POA and Robin will continue to work towards a global settlement. Rich Colbert asked whether consideration had been given to hiring a mediator. Robin said mediation **has** been considered and that there were probably too many people that had to be involved in the process to make it productive.
- f) Old Business: A. Request for return of funds donated by Charles Shelton for maintenance of Mirror Lake. Upon motion and second, the Board voted to return the remaining funds to Mr. Shelton. B. Appointment of Hearing Officer: Robin reported that he had reached out to one candidate who was not interested. He will pursue discussions with other potential candidates and obtain an estimate of the cost prior to next meeting. C. Summer concert series: The office manager has prepared a list of proposed programs. The Chapel is requesting a fee of \$75 per usage (for concerts and the POA annual meeting). We will consult with the Chapel to see if we can hold the concerts on Sunday afternoons rather than Tuesday evenings. Residents are invited to provide suggestions for program content. D. Letter to Town of Branford re proposed taking of

Crescent Bluff Avenue. Robin stated that a draft letter has been prepared for the Association to send to the town to support taking of the street as well as sufficient land at the end of the paved Avenue to allow for sewer maintenance and provide access to the water. Niall Ferguson said he was not in agreement with the latter recommendation. The Clerk read that portion of the January 2019 Board minutes addressing the support for that position. Niall was not present at the earlier meeting and Niall asked that his comments and position be noted in the minutes of the current meeting.

- g) **New Business:** There will be at least 3 seats to be filled on the Pine Orchard Board this July. Persons who are interested in applying to serve on the Board should contact Joe Thomas, chair of the Nominating Committee. Elections of new Board members will take place at the Annual Meeting in July.
- h) **Office manager's report.** The office manager reported of various savings he had achieved through changes in services contracts.
- i) **Adjournment,** upon motion and second the meeting was adjourned at 8:55 p.m.

Respectfully submitted,

Margaret Haering, Clerk

Documents received:

Treasurer's Report

Excerpt, Engineering Report re Totoket Rd. Flooding (2007)

Proposed Summer Concert Summary

Email from Yiming King, dated 2/25/20119

Future meetings:

Monday, May 6, 2019 at 7:00 p.m.

Annual Meeting, Monday, July 8, 2019

Minutes of Pine Orchard Executive Board Meeting

May 6, 2019

Agenda Item 1: The meeting was called to order by President Robin Sandler at 7:01 p.m.

Board members present: Joseph Thomas, Peggy Haering, Robin Sandler, Dick Greenalch, Niall Ferguson, Bruce Caldarone, Carol Redden, Jon Schlesinger, Robert Dahill, Matt Moran, Seth Chaucer (late arrival)

Board members absent: Rick Ross,

Agenda Item 2: Crescent Bluff Litigation (Board did not go into Executive session)

Agenda Item 3

- a) Crescent Bluff Mediation. Robin reported that he attended a mediation of the litigation in Hartford on May 6, 2019; no agreement was reached. The court has scheduled a second session on May 17, 2019. Public Comments one attendee asked how any Agreement on the litigation would be reached. Robin stated that if an agreement is reached the Board would schedule a special meeting to receive public comments or if the Agreement is reached prior to the July Annual meeting, it would be presented to the Association members, with the Executive Board having the authority to accept or reject any proposed Agreement by majority vote . Bob Wheeler said that 12 residents of Crescent Bluff Avenue attended the mediation session in Hartford and felt that the discussions were encouraging.
- b) Public Comments and Communications. The Association received two Freedom of Information requests for records relating to legal fees and information had been provided to the requester. Diane Mauro expressed her concern regarding the safety of the turn at Totoket Road where it meets Pine Orchard Road. There is a very sharp turn to the right, which she feels is very dangerous because the roadway is narrow, the view of approaching traffic near the turn is obstructed, and drivers speed. Robin referred the matter to the Municipal Interface Committee whose new chairman is Bruce Caldarone.
- c) Upon motion and second the minutes of the Board meeting on March 4, 2019 were approved.
- d) To receive and approve Treasurer's report and Budget. The Budget for the next fiscal year was presented. Peggy Haering commented that the \$4000 allocated for Shoreline Maintenance seemed too low. Carol Redden said that she would be more comfortable with another \$2000 to work with. After discussion, and upon motion and second the Board approved adding another \$1700 to the Shoreline Maintenance budget. Upon motion and second, the budget as amended was approved for presentation at the Annual Meeting.
- e) Committee Reports. (i) By-Laws: Niall state that he had nothing to report; (ii) Nominating: Joe reported that he received 4 applications from community members interested in serving on the Board and that the Nomination committee, by telephonic meeting, were recommending d —that Linda Sachs and Len Farber for the two positions being vacated by Niall Ferguson & Matt Moran and that current Executive Board members Robert Dahill & Joseph Thomas be re-nominated for a second & final term, upon Motion made and Seconded, it passed unanimously ; (iii) Planning & Zoning, nothing to report; (iv) Communications: nothing to report; (v) Shoreline Maintenance,

Carol Redden reported that the repair work at the Halstead Avenue beach access point had been carried out by the Board's contractor, who also performed the work on Island View Avenue. The contractor replaced treads on the stairs on Halstead. She confirmed that no other work had been done in the area. Bob Dahill asked Carol to speak about a meeting she attended sponsored by the DEEP on April 24 called The Long Island Sound Blue Plan. The Plan gathers data on 'hot spots' which delineate areas of both significant human usage and ecological sensitivity. [how people in Branford use the water and areas are "hot spots" where activities take place.] (vi) Building Maintenance: As Seth arrived late the Office Manager reported that he had received quotes for landscaping services at the headquarters and that a tree had to be taken down due to a recent storm; (vii) Municipal Interface: Bruce said that there was nothing new going on. Bob Dahill spoke about the "smash and grab" incidents that took place last summer; the police believe that the problem is not isolated to Branford. There are ongoing discussions on how to address the problem on a regional basis. He recommended that the Board send a notice to residents about locking their cars, which goes a long way toward solving the problem. (viii) Tax collection: no report; (ix) Beautification: Bob Dahill reported some of the bushes in the Triangle will need to be replaced and that the Town will be responsible for doing the planting. The committee is considering sites for two additional benches. The hope is to place one near Young's Pond at Bob's Woods and a second near Mirror Lake. Possibly, the Town will help with the clean-up of brush near Mirror Lake. (x) Sidewalks Peter Hugret was not present; however, it was reported that there are four potential locations. Peter Hugret and Robin are meeting with the Town in the hope of getting funds to finance the project. At present there is nothing in the Association's budget for the sidewalks. It is possible that a state program on "connecting neighborhoods" may also help us pay for some of the project.

- f) **President's Report** (i) Litigation update was previously addressed. Robin reported that plans are proceeding for the Town to take the paved area of Crescent Bluff and the unpaved land adjacent to the roadway by eminent domain. The Association has no financial involvement in the taking of the street. (ii) Young's Pond: the space available for dog walking has been reduced by use of the area for lacrosse fields. That use will continue until construction of the Walsh School is completed and the fences will be removed when lacrosse season ends.
- g) **Old Business** (i) Mirror Lake: The Board previously approved the return of funds held in trust to maintain Mirror Lake to Charles Shelton. A discussion ensued regarding ongoing responsibility for maintenance of Mirror Lake and whether it would be handled by the Young's Pond Commission. (ii) Hearing Officer. Robin reported that he had spoken to one attorney about acting as a hearing officer in connection with short term rentals; however, the candidate was not interested. Jon Schlesinger said that he may know of a candidate. We may also explore whether the Town has a hearing officer that it uses for comparable matters. (iii) Summer concert series—Peter Robinson reported that the Association will host 4 summer concerts on Sunday afternoons at 4PM, beginning on August 25, 2019. The scheduled performers are the Elm City Winds (Aug. 24th), the Whiffenpoofs (Sept. 8th), Jovial Crew (Sept. 15th) and Tony Aiardo and friends (Sept. 22nd). The Pine Orchard Tag Sale is set for May 18, 2019 at the Pine Orchard Chapel. (iv) Flooding on Totoket Road. The issue was referred to RTM member Tom Brockett. Tom spoke to the Town Engineer and is gathering more information. Maura Sullivan said that flooding on Pleasant Point Road was getting worse. The drains on Totoket Road are clogged, and storm drains may not be connected. Tilcon enlarged a culvert and neighbors have experiencing increased water flow during the recent rain There is concern about standing water providing a breeding ground for mosquitos and flooding that may affect septic systems.

h) **New Business** (i) Nominating Committee—nothing additional to report; (ii) Mooring procedure discussion. The Association has received several requests for moorings, which are located off the breakwater at the end of Island View Avenue. The Board will review the procedures to be followed by those using the moorings and it was suggested that the Association be named on as an additional insured on the boater's insurance coverage. We will look to the procedures followed by the Pine Orchard Country Club for guidance. (iii) Re-appointment of Eric Rose to Zoning Board of Appeals. Niall Ferguson questioned whether Eric was eligible to serve on the ZBA because he no longer owned real estate within Pine Orchard. Robin said that Eric still lives in Pine Orchard and that the Association was bound to follow state law with regard to appointment of members to the ZBA. Robin also advised a legal opinion letter will be requested of Attorney Peter Berdon. The matter was tabled until the July meeting.

i) **Office Manager's Report** Peter Robinson had nothing additional to report.

j) **Adjournment**, upon motion and second the meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Margaret Haering, Clerk

Documents received:

Proposed Budget

Future meetings:

Annual Meeting, Monday, July 8, 2019 at 8:00 p.m.

Minutes of Pine Orchard Association Annual Meeting
Monday, July 8, 2019 at 8:00 p.m.
Pine Orchard Union Chapel

Agenda Item 1 Call to Order: The meeting was called to order at 8:05 p.m. by President Robin Sandler.

Board Members present: Rick Ross, Peggy Haering, , Richard Greenalch, Seth Chaucer, Robin Sandler, Robert Dahill, Carol Redden, Bruce Calderone.

Absent: Matt Moran, Joseph Thomas, Niall Ferguson, Jon Schlesinger.

Agenda item 2 Upon motion and second the minutes from the July 9, 2018 Annual Meeting were approved.

Agenda item 3 President's Report: There are four open seats on the Board. Robert Dahill and Joseph Thomas are up for re-election and we have two additional nominees, Linda Sachs, of 57 Island View Avenue and Len Farber, of 14 Ozone Road. Robin Sandler reviewed the Board's activities over the previous year. He said that the association is a party to two cases involving Crescent Bluff beach access. These cases should go to trial in late 2018 or early 2019. The Branford RTM had on its Agenda an item which was to exercise eminent domain with respect to Crescent Bluff Avenue, but that has been tabled by the First Selectman so negotiations can occur with Barbara Saggese. During the past year the Board passed an amendment to the Pine Orchard Zoning Ordinance regarding short term rentals and a process for imposing penalties for violation.

Robin stated that the Board has been studying the installation of sidewalks within the community and introduced Peter Hugret, the chair of the Sidewalk Committee, to provide an overview of the initiative. The hope is to install sidewalks along Route 146 from Blackstone to Elizabeth Street on the north side of 146. It is hoped that the plan may be eligible for receipt of funds from the state. Peter has discussed the sidewalk plan with the Town Engineer and First Selectman and understands that there may be as much as \$65,000 in town funds to support town wide sidewalk construction. The town has indicated that it would maintain sidewalks, if erected. However, snow plowing would likely be the responsibility of the Association.

The Association has scheduled 4 weekly musical events to be held at the Pine Orchard Chapel, on Sunday afternoons beginning at 4:00 p.m. on August 25, 2019 (the Elm City Winds), September 8, 2019 (the Whiffenpoofs), September 15, 2019 (Jovial Crew) and September 22, 2019 (Tony Ariardo and Friends).

Agenda Item 4 Treasurer's Report. The Association has total cash available of \$143,304.82. Tax revenue is approximately \$53,000 per year. A budget report with year to date performance will

be presented in the Board meeting following the Annual Meeting. Upon motion and second the Treasurer's report was accepted.

Agenda Item 5, Committee Reports: a) Bylaws (nothing to report); b) Nominating (included in President's report); c) Planning and Zoning Dick Greenalch reported that during the past year the Board passed an amendment to the Pine Orchard Zoning Ordinance making it clear that short term rentals are not a permitted use of property in Pine Orchard and establishing penalties for violation. d) Communications (no report); e) Shoreline Maintenance—Carol Redden has finished her first year as beach access chairperson. She reviewed all the beach access sites: 3 on Island View Avenue (near the club) near 41 Island View Avenue) and at the end of Chapel Drive); Spring Rock Road, Halstead Lane, Yowago/Selden Avenue, Juniper Point. Carol, a longtime resident of Crescent Bluff Avenue, said that historically Crescent Bluff was included in the beach access points; however, its status is currently under dispute. Carol has carried out repairs at the following beach access points: **Island View breakwater:** repaired cement on the seawalls/sidewalls that were damaged by waves, repainting of railing. **Island View/Chapel Drive:** new gate at Chapel Drive access point, repaired cement walkway due to cracking, replaced several planks on main stairs. **Halstead Lane:** repairs/replacement of three planks on bottom steps. **Spring Rock Rd:** repaired small side wall. **Selden Avenue:** repaired lower cement step.

f) Building Maintenance—Seth Chaucer reported that the Board had completed installation of a generator at the POA Headquarters building and that the building would be made available to Pine Orchard members during power outages as a place to charge electronics and warm up. The doors of the Headquarters building have been repainted and a new landscaping service has reseeded the lawn. The Board is searching for additional lighting near the parking lot. g) Municipal Interface—Bruce Caldarone reported that he has been consulting with the Town over concerns about a blind spot and traffic on Pine Orchard Road and Totoket. The solution has not been arrived at yet. He has also been consulting with the Town about flooding on Pleasant Point Road. There is some question whether it is a Town problem or a State problem. Tom Brockett, the district's RTM member is trying to schedule a meeting with the Town Engineer. h) Tax Collector—Rick Ross said that last year's taxes were 100% collected and that year to date collections (due 7/30/2019) were about 30% collected. i) Short-term rentals (included in Planning & Zoning Report); j) Beautification-- Bob Dahill reported on that the Committee with the assistance of Gary Zeleski from the Branford Dept. of Public Works and support of First Selectman Cosgrove, had made improvements in the Triangle. The committee has installed benches in the Triangle and at the end of Spring Rock Road and is working with the Branford Land Trust to identify future sites for bench placement and is developing a plan for clearing brush in that area to enable people to connect with hiking trails. Bob asked that any members with hedges alongside roadways should trim them back so that they do not obscure drivers' view. k) Sidewalks (included as part of the President's report above).

The President introduced Barbara Colley, President of the Pine Orchard Union Chapel. Barbara stated that the Chapel is a separate organization from the Pine Orchard Association. The Chapel was dedicated in 1897 and has been listed on the National Register of Historic Places. The Chapel is in need of restoration. Eric Rose has been donating his time to evaluate the work needed. The exact amount will be known at the end of the year; however, it is likely that hundreds of thousands of dollars will be required. Barbara introduced the members of the Chapel board and thanked them for their work. They are Jenifer Aniskovich, Geoff Hotz, Eunice Lasala, Melodie O'Connor, Sheri Peterson, and Wendy Wheeler.

Agenda Item 6, Election of Board Members. The president reviewed the four nominees for the Pine Orchard Board and asked whether there were any nominations from the floor. Hearing none, upon motion and second the Board voted to close nominations. The president then requested that the nominees be elected by acclamation. Upon motion and second, the members of the association voted to elect the four nominees (Robert Dahill, Joseph Thomas, Linda Sachs, and Len Farber) to the Pine Orchard Executive Board.

Agenda Item 7: Public Comments. Karen Wies of 33 Thimble Island Road requested an update on the status of the Town of Branford meetings over eminent domain. The president advised that the meeting previously set for July 9th had been canceled due to ongoing discussions between the town and the property owner. Karen asked for and received assurances that the board would keep the membership informed about the process.

Jay Pottenger of Thimble Farms Road said that he had attended the Branford Planning and Zoning meeting and asked whether it was appropriate for the Pine Orchard Association to express its support for exercise of eminent domain on Crescent Bluff. Mr. Pottenger said that he was concerned about not having received notice. The president said that the issue was raised at the board meeting in January 2019 and that the board voted to send a letter to the town in support. Mr. Pottenger asked whether it was within the purview of the Association to take such action. The president responded that in his view it was appropriate to express the Association's view in support of the action. Peggy Haering pointed out that any exercise of eminent domain was within the province of the Town of Branford and that Pine Orchard had merely expressed support for that action.

Barbara Saggese, of 3 Crescent Bluff Avenue state that she is the owner of the street (Crescent Bluff Avenue) and that she objected to the Board's support for a taking. Rich Colbert of Halstead Lane stated that he felt the Board's support of eminent domain was a violation of the Charter. Judith Liebmann of Ozone Road said that she had attended the Board's January meeting and took issue with the notion that anything about the Board's position had been done in secret. She also wanted to know how Ms. Saggese got her email address and used it to send materials about the Crescent Bluff dispute prior to the meeting. The president said that Ms. Saggese may have obtained the email list for the Association from the office manager, and that going forward the Board would put limits on using it to send email blasts to the entire membership.

Vinnie Giordano of Pine Orchard Road said that he had lived in Pine Orchard since he was five years old and that access to the beach had always been important especially for those who did not belong to the country club. He said he is uncertain who has the rights to use the road on Crescent Bluff. The president pointed out that residents of Crescent Bluff were the ones who petitioned the Town to exercise eminent domain over the road.

Judith Liebmann made the point that positive things happen when people work together. She recounted that a 65 foot log that had washed up on Spring Rock Road and Flirtation Point and created a hazard. After calling around various town offices without success, she was able to locate someone who carving up the log and removed the hazard without charge.

Upon motion and second the meeting was adjourned at 9:30 p.m.

MINUTES OF THE PINE ORCHARD ASSOCIATION EXECUTIVE BOARD MEETING

MONDAY, JULY 8, 2019

AT THE PINE ORCHARD UNION CHAPEL, CHAPEL STREET, PINE ORCHARD, CT

Board Members present: Robin Sandler, Seth Chaucer, Rick Ross, Peggy Haering, Richard Greenalch, Bruce Caldarone, Carol Redden, Robert Dahill, Linda Sachs, Len Farber

Absent: John Schlesinger, Joseph Thomas

Agenda Item 1: The meeting was called to order by Robin Sandler at 9:35 p.m.

Agenda Item 2: Election of Association Officers for **2019/2020**. Upon motion and second, the following were elected as officers: Robin Sandler, President, Joseph Thomas, Vice-President, Margaret Haering, Clerk, Linda Sachs, Treasurer.

Upon motion and second, the Board voted to authorize Linda Sachs, as Treasurer, to have signing authority on the Association's bank account with Bank of America.

Upon motion and second the Board voted to add the position of Tax Collector to the 2019-2020 Election of Association officers and voted unanimously to elect the incumbent, Rick Ross.

Agenda Item 3: Approval of Minutes of May 6, 2019 meeting. Upon motion and second the minutes were approved.

Agenda Item 4: Treasurer's Report: Linda Sachs reported that receipts for the prior year amounted to \$73,506 and disbursements year-to-date totaled \$88,360, for a year to date loss of \$14,854.

Jay Pottenger requested that future Treasurer's Reports break out expenditures for legal fees. That suggestion was accepted. Upon motion and second, the Treasurer's Report was accepted.

Agenda Item 5: Committee Reports: There were no committee reports. Upon motion and second the Board voted to retain all existing committee assignments with the exception of the following new assignments: Bylaws: Len Farber.

Agenda Item 6: President's Report: Robin indicated that he participated in a mediation in an effort to resolve the disputes concerning Crescent Bluff Avenue. He also stated that the Administrative meeting at the Town of Branford, scheduled for July 9, 2019 concerning eminent domain of Crescent Bluff Avenue had been called off due to ongoing settlement discussions between the Town and Ms. Saggese. Jay Pottenger stated that Board consider the attendant consequences of any exercise of the eminent domain.

Mike Hopkins of Halstead Lane indicated that the property at 3 Crescent Bluff continues to be used a short term rental. He said that the past week there were 8-10 cars in the driveway and almost 30 people at one time who were partying late into the night. He urged the Board to take action on this violation. Rich Colbert, of Halstead Lane, said that he lives next door to Mike Hopkins and could confirm everything that Mike reported. Barbara Saggese said that she lives next door to 3 Crescent Bluff and has dealt with noise and excessive car traffic from short term rentals.

Agenda Item 7: Old Business: A. Appointment of Hearing Officer and Compensation. Robin said that he had received a proposal from Attorney John Zullo, Town Counsel for East Haven to act as the Hearing Officer in connection with any appeals that might be brought from issuance of a citation for operating a short term rental property in violation of the Pine Orchard Zoning Ordinance. Upon motion and second, the board voted to accept the proposal and authorized the President to sign the retainer agreement. B. Summer concerts at the Pine Orchard Chapel have been scheduled for Sunday afternoons. C. Report on Totoket Road flooding, Bruce Caldarone stated that the Town Engineers were looking into the drainage situation. D. Mooring Procedures, Carol Redden said that she is reviewing them and will present recommendations; E. Re-appointment of Eric Rose to Zoning Board of Appeals (ZBA); Eric's eligibility for re-appointment had been questioned based upon that although he resides in Pine Orchard he no longer owns a home here. Robin stated that he had obtained a letter from our counsel, Peter Berdon, who indicated that it is not a problem. Peggy Haering said that she thought the original objection had been based on a mis-reading of the Charter. Upon motion and second, the Board voted to re-appoint Eric to the ZBA.

Agenda Item 8: New Business: There is a concern that the lighting at the Pine Orchard Headquarters is inadequate especially for nighttime meetings. We have received one estimate for \$9000 to install lighting on poles. Some expressed concern about the expense and the installation of lights on poles. The Board will obtain other estimates and review other options for improving lighting.

Agenda Item 9: Office Manager's Report (waived due to Peter Robinson's absence.)

Agenda Item 10: Other Business, (none)

Agenda Item 11: Adjournment, upon motion and second the meeting was adjourned at 10:10 p.m.

Future Board Meetings to be held at 180 Pine Orchard Road

Monday, Sept. 9, 2019 at 7:00 p.m.

Monday, Nov. 4, 2019 at 7:00 p.m.

Monday, Jan.6, 2020 at 7:00 p.m.

Monday, Mar. 2, 2020 at 7:00 p.m.

Monday, May 4, 2020 at 7:00 p.m.

Respectfully submitted:

Margaret E. Haering, Clerk

Minutes of Pine Orchard Executive Board Meeting

September 9, 2019

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

Board members present: Rick Ross, Joseph Thomas, Peggy Haering, Robin Sandler, Dick Greenalch, Carol Redden, Linda Sachs, Len Farber, Robert Dahill, and Seth Chaucer

Board members absent: Bruce Caldarone , Jon Schlesinger

The President departed from the regular order to address Agenda Item 8(1) to allow Carmine Montoriel from VF McNeil Insurance to present a quote for officers and directors insurance coverage. Carmine offered the board a policy with \$1 million coverage for an annual premium of \$665. He indicated that the coverage was for day-to-day operations rather than liability for property damage. He likened the POA board to a non-profit corporation. The policy presented did not have any retention; however, coverage would be for future claims only. Rick Ross asked about the difference between coverage for the POA as a municipal entity rather than a non-profit board. Carmine felt there was very little difference between the two for purposes of coverage. Mike Wolfe asked what “no retention” meant and Carmine responded that there was no spending requirement on the part of the board (for example on legal fees) before coverage began.

Dick Greenalch said that he was in favor of getting \$1 million coverage immediately. Peggy Hearing asked whether \$1 million in coverage was sufficient. Carmine said that he would look into getting a quote for \$2 million. Bob Dahill asked about coverage for prior acts. Carmine said that there was no retroactive coverage on the policy quoted, but that he would look into obtaining a quote for that. Upon motion and second the board voted to proceed with obtaining coverage under the policy quoted and that Carmine would provide quotes for insurance with retroactive coverage and for a higher policy amount.

Agenda Item 2: Communications—None.

Agenda Item 3: Approval of minutes from Executive Board Meeting on July 9, 2019. Upon motion and second the minutes were approved.

Agenda Item 4: Treasurer’s Report Linda Sachs reported that taxes for the Association are all paid. She reviewed sources of revenue and disbursements since the beginning of the fiscal year. Upon motion and second, the minutes were approved.

Agenda Item 5: Committee Reports.

(a) By-Laws: Len Farber stated that he had nothing to report; (b) Nominating: Joe Thomas had nothing to report; (c) Planning & Zoning, Dick Greenalch has nothing to report; (d) Communications: nothing to report; (e) Shoreline Maintenance, Carol Redden reported that cement used for repair work on the beach access point on Island View Avenue was somewhat crumbling. She is looking at applying bottom paint on the steps near the breakwater of Island View Ave. They are getting slimy and bottom paint might help with that. (f) Building Maintenance: Seth Chaucer reported a damaged tree was removed from the grounds of the Headquarters Building and holes were filled in. The driveway condition was discussed. The office manager is obtaining quotes for resealing vs.

repaving the driveway. It was recommended that we wait until spring to make a decision about the driveway. He is also getting quotes for outdoor lighting at the headquarters building. There is a concern that installing poles would create a problem for neighbors; (g) Municipal Interface: Bruce was absent. The President introduced RTM Representative Tom Brockett. Tom reported that the library is almost done and that the Senior Center is almost ready to open. An RTM meeting was scheduled for 9/10/2019. He said that the town engineer is aware of the flooding issue on Totoket/Pleasant Point and is waiting for dates to meet with homeowners. (h) Tax collection: Rick Ross reported that there are approximately 20 delinquent accounts owing \$3200 in total; (i) Short Term Rentals a cease and desist notice was issued for the short term rental on Crescent Bluff Ave. Mike Hopkins said that there would be two more violations since the rental that he complained about. A question was asked about the fines for violation and whether or not they would be cumulative and how long the fines would continue. Mike Hopkins said that the owner was operating a business next door to him. Rick Colbert of Halsted Lane wanted to know why the board members didn't go to the property and ask about occupants whether they were short term renters about (j) Beautification: Bob Dahill reported that the committee is going to place an additional bench near Young's Pond and that the committee may work with the Branford Land Trust to clean up the entrance near Bob's Woods. (k) Sidewalks Peter Hugret was not present; however, Robin reported that there is the Dept. of Transportation employee now assigned to the sidewalk project has discussed requirements that would make the project far more expensive to carry out. The committee will have further meetings this month. The state has specific guidelines that are applicable to sidewalks on state roads.

Agenda Item 6: President's Report—Robin reported that he attended a hearing addressed to a Freedom of Information request and that the Association's legal bills were provided in response to that request. He next addressed the status of the Crescent Bluff eminent domain issue. He said that he had no information from the town on that. Bob Wheeler of Crescent Bluff Avenue said that in the case of Wheeler v. Cosgrove, the parties were directed to exchange lists of disinterested persons to be on the Committee appointed by the Court and that the Committee's is scheduled for December 10, 2019. Bob Dahill asked whether the eminent domain process included the road and the grassy area. Robin said that it was unknown what was under discussion. Tom Brockett said that the RTM had tabled discussion of eminent domain. He said that if the matter does not get resolved by the end of the term it would have to be brought up again. Negotiations between Ms. Saggese and the Town may continue during the court case. Barbara Saggese of Crescent Bluff Ave. said that the town is not interested in taking anything but the road. Rich Colbert asked why the Association is an intervenor in the Wheeler litigation and said that he fails to see how this is in the best interests of the association. The President said this was not the time to engage in discussions about the litigation. Jeff Sonnenfeld of Blackstone Ave. wanted to know what the point of the meeting was if community members can't air grievances.

Agenda Item 7. Old Business: (a) Summer concerts. The Whiffenpoofs performed on Sept. 8th. Next Sunday will be a performance of Jovial Crew, known for sea shanties. One more concert is scheduled after that. (b) Totoket flooding was addressed earlier. Nothing additional to report. (c) Mooring Procedures. We will require proof of boating registration and proof of insurance for future moorings.

Agenda Item 8. New Business: (a)(Lighting) and (b) (Sealing driveway) were previously discussed; (c) New Mailbox for the headquarters building is needed; (d) Bank of America account, Linda Sachs is to be added as authorized signatory; (e) Insurance coverage was addressed above. (f) The question was raised about presence of lawn signs and placement of for sale signs by realtors at end of streets. It was pointed out that Juniper Point bans all lawn signs. (g) Newsletter. The Association will revive the

newsletter, to be circulated semi-annually, to inform its members about goings-on in the community. Susan Dahill and Peter Robinson will collaborate on this effort. (h) 21 Anchorage Road—discussions of a dog rescue facility as an accessory use. A potential buyer of this property wanted to know the board's position on whether use of a barn to care for up to 13 rescue dogs while they are restored to health and held for adoption would be permitted. Remy Zimmerman of 6 Anchorage Rd. said there would be opposition to that use. Sara Reinwald of 241 Pine Orchard Rd. was also opposed to the proposed use.

Barbara Saggese advised the Board that she had a potential claim against the Pine Orchard Association's Board, which should be disclosed to the insurance agent in connection with the quote for directors' and officers' coverage.

Agenda Item 9: Office Manager's Report Peter Robinson was absent.

Agenda Item 10: Other Business. There have been numerous instances where children have been seen to drive golf carts within the streets of Pine Orchard. Seth Chaucer had a proposal to create a golf cart safety program for Pine Orchard children over the age of 10. However, it was pointed out that it is illegal for unlicensed children to be driving golf carts at all and that the Branford Police may revoke the permission of everyone to drive golf carts on the streets of Pine Orchard if children continue to drive golf carts on the streets.

Upon motion and second, the Board voted to go into executive session to discuss a personnel matter.

The Board came out of executive session at 9:00 p.m. Upon motion and second the Board voted to approve a raise for the Office Manager.

Agenda Item 11. Adjournment. Upon motion and second the meeting was adjourned at 9:05 p.m.

Respectfully submitted,

Margaret Haering, Clerk

Documents received:

Treasurer's Report

VF McNeil—Insurance Proposal

Court Order dated 9/06/2019, Wheeler v. Cosgrove

Future meetings:

Monday, Nov. 4, 2019

Monday, Jan. 6, 2020

Monday, Mar. 2, 2020

Monday, May 4, 2020

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

Minutes of Pine Orchard Executive Board Meeting

November 4, 2019

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

Board members present: Rick Ross, Peggy Haering, Robin Sandler, Dick Greenalch, Carol Redden, Linda Sachs, Len Farber, Robert Dahill, Bruce Caldarone , and Jon Schlesinger

Board members absent: Seth Chaucer and Joe Thomas.

Agenda Item 2: Communications: None.

Agenda Item 3: Upon motion and second, the minutes of the September 9, 2019 Executive Board meeting were approved.

Agenda Item 4: Treasurers' Report: Linda Sachs presented her report. Year to date budget is on track. Linda thanked tax collector for his efforts. Upon motion and second the Treasurer's Report was accepted and approved.

Agenda Item 8 (a). The President departed from the regular order to address Agenda Item 8(a) to allow Bruce Eldridge from H.D. Segur Insurance to discuss officers and directors' insurance coverage. H.D. Segur has provided coverage for the Pine Orchard Board for a number of years. On September 10, 2019, following the last meeting, Gerald Garlick, attorney for Beachcroft, LLC sent a letter to the Board's counsel, Peter Berdon, putting him on notice of potential claims by his client. That letter has been reviewed by the carrier CNA, which has advised that there is coverage up to \$1 million for potential claims against the board as described in Mr. Garlick's letter.

The president inquired whether \$1 million in coverage was sufficient. Mr. Eldridge indicated that he had yet to see a claim in all his years of service that exceeded \$1 million in liability. Upon motion by Bruce Caldarone, seconded by Dick Greenalch, the board unanimously voted that the Pine Orchard Association would hold harmless any board member or officer that was sued in their official capacity for any action taken since January 1, 2019. Len Farber inquired about other areas where the association might in require additional insurance. The Association has \$2 million in general liability coverage; however, research is required to determine whether existing coverage of \$5000 for medical expenses is sufficient. The president will follow up with that.

Agenda Item 5: Committee Reports.

(a) By-Laws: Len Farber stated that he had nothing to report; (b) Nominating: Joe Thomas absent, no report; (c) Planning & Zoning, Dick Greenalch has nothing to report; (d) Communications: Jon Sclesinger had no report; however, he asked about the possibility of creating branded products, like tee shirts or baseball caps using the Pine Orchard logo. He will look into it. (e) Shoreline Maintenance, Carol Redden reported that due to the recent storm three sections of the sidewalk near the breakwater on Island View Ave. had collapsed. The cost of repairs will likely exceed \$5000. Carol said that the area has been roped off and further efforts will be made to prevent people from using the access point until repairs can be made. Jackie Coffey of Island View Ave. commented that warnings should be posted. The beach access point on Island View Avenue requires additional repairs. On the Spring Rock Rd. beach access point the sand has washed away at the bottom of the

stairs, leaving a large gap. The access point has been blocked off by the Scheers. Len Farber suggested getting Nick Fisher to investigate. Robin will follow up with the Scheers to discuss options for addressing the situation. The Selden Ave. access point also needs repairs. There was a question about ownership of the stairs; Dick Greenalch said that the access point is owned ½ by the Town of Branford and that the adjoining owner had no objection to the Association making repairs. (f) Building Maintenance: Seth Chaucer was absent, no report. (g) Municipal Interface: Bruce reported that he will reach out to the Branford Town Engineer to address the problem of flooding on Totoket Rd.. (h) Tax collection: Rick Ross reported all delinquent accounts have been collected; (i) Short Term Rentals: Peggy Haering reported on the Oct. 28, 2019ZBA hearing involving use of 3 Crescent Bluff Ave. as a short term rental. The hearing has been continued to Nov. 25, 2019. (j) Beautification: Bob Dahill reported that the Branford Land Trust has cleaned out approximately 100 feet of brush near Bob's Woods. The Association has placed a bench in the area and crushed stone will be used to improve the trail. (k) Sidewalks Peter Hugret was not present; however, Robin reported that he had spoken to the surveyor and that the Dept. of Transportation employee has been asked to clarify requirements to be applied to the sidewalk project. It is unlikely that anything will happen on this project until 2020.

Agenda Item 6: President's Report—Robin reported that there had been no action with regard to any exercise of eminent domain over Crescent Bluff Avenue by the Town. In the case of Wheeler v. Cosgrove, three disinterested persons have been appointed to review information on the laying out of a public road and to come up with a report to the court. A public hearing will be held at the Branford Fire Dept. building on Dec. 11, 2019 at 10:00 a.m. A notice will be issued.

Agenda Item 7. Old Business: (a) Summer concerts. Peter Robinson submitted his report on the summer concert series. Attendance at the concerts was less than hoped for. The most popular concert was the Whiffenpoofs. Board members suggested looking at additional ways to attract families to these events. (b) Totoket flooding was addressed earlier. Nothing additional to report. (c) Mooring Procedures. We will require proof of boating registration and proof of insurance for future moorings. D) Directors' and officers' insurance was addressed above, no further discussion; e) the Pine Orchard Association newsletter should be out by Thanksgiving.

Agenda Item 8. New Business: (a) Insurance was addressed earlier in the meeting; (b) Repairs of POA headquarters furnace have been carried out; (c) Attorney Berdon's invoice for services in connection with Blackstone Ave. have been paid. (d) The board discussed the job description for the Office Manager (Peter Robinson left the meeting for this discussion). (

Agenda Item 9: Office Manager's the contents of Peter Robinson's report (concerts and furnace repairs were addressed earlier.

Agenda Item 10: Other Business. None.

Adjournment. Upon motion and second the meeting was adjourned at 8:55 p.m.

Respectfully submitted,

Margaret Haering, Clerk

Documents received:

Treasurer's Report

CAN letter dated Nov. 1, 2019

Office Manager's Report

Future board meetings:

Monday, Jan. 6, 2020

Monday, Mar. 2, 2020

Monday, May 4, 2020

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

Annual Meeting, July 6, 2020



P.O. Box 8317 Chicago, IL 60680-8317

Nara Azar
Claims Specialist
Community Association
D&O Wyomissing, PA
Telephone: (610) 320-4042
Facsimile: (866) 773-7504
Email: Nara.Azar@cna.com

November 1, 2019

Mr. Peter Robinson
The Pine Orchard Association
180 Pine Orchard Road
Branford, CT 06405

Insured:	The Pine Orchard Association
Claimant:	Beachcroft, LLC
Policy No.:	0250869367
Issuing Company:	Continental Casualty Company
Policy Period:	September 9, 2019 to September 9, 2020
Limit of Liability for All Liability Loss:	\$1,000,000
Limit of Liability for Defense Costs:	\$1,000,000 ¹
Retention:	\$2,500
Claim No.:	NPA12737

Dear Mr. Robinson:

Thank you for taking the time to communicate with me regarding this matter. Based on our review of this matter, Continental Casualty Company ("Continental") has determined that a Claim, as defined by the Policy, has been made against the Insured and accordingly, there is coverage available for this matter under a reservation of rights. This letter should be reviewed with a copy of the policy. If you need another copy of the Policy please advise and I will provide one to you. Our position is fully explained below.

Policy Information:

This matter was submitted for coverage under the Insured's claims-made Community Association Policy. As referenced above, Continental issued the above captioned policy to the Insured, The Pine Orchard Association (the "Association" or the "Insured") for the September 9, 2019 to September 9, 2020 with a Limit of Liability for all Liability Loss of \$1,000,000, a Limit of Liability for Defense Costs in the amount of: \$1,000,000, which is subject to a \$2,500 Self -Insured Retention per Claim which applies to Indemnity and Expense payments.

Factual Summary:

On or about October 3, 2019, Continental received an email with an attached Letter dated September 10, 2019 issued by Claimant's Counsel, Gerald L. Garlick and addressed to Peter A. Berdon, the Association's Counsel (the "Demand Letter"). Within the Demand Letter, Mr. Garlick alleges it is clear that the Association and its Board members, by pursuing a claim against the Claimant, a breach of their duty of care, and a breach of their duty of loyalty to their members and in addition, the Board has acted

¹ As Per Defense Costs Limits Endorsement

the scope of its authority. Mr. Garlick asserts the Claimant, will hold the Association, its president, and its individual Board members responsible for all of the damages and costs that the Claimant has suffered and incurred as a result of the Association's actions.

Coverage Position:

As discussed, Continental acknowledges coverage for this matter subject to a reservation of rights. This means that there are some issues that could limit the amount of coverage available to you - or potentially, even preclude coverage. To be clear, this letter is not a denial of coverage. We want to make sure you understand the coverage issues that could arise based upon our review of the allegations made against the Insured to date. Please note that our comments are in no way intended to presume that the Claimant's allegations are true. The following conveys Continental's position with respect to coverage:

Specifically, we are reserving our right to limit coverage based on the Policy provisions discussed below.

Note that in the Demand Letter there is reference to possibly other correspondence to the Association; however, it is Continental's understanding, based upon our conversation, that this matter has been ongoing for years however, the previous matters were settled and to your knowledge the Demand Letter is separate based on the vague allegations of breach of their duty of care and breach of loyalty. I've requested prior correspondence, which you provided me with however, upon further discussions with Mr. Berdon who confirmed the previous matters were resolved and this is the first time that the Claimant asserts such allegations. To the extent, there are prior correspondence which relates to this file and the allegations that are made; we reserve our right to Interrelate these documents should they be received as per Section VII.4., Notice/Date of Claim/Interrelated Claim Clause/Sworn Proof of Loss, of the Policy's General Terms & Conditions.

In accordance with the definitions provided under Section II. 17., 18., Definitions, of the Policy's General Terms & Conditions, and Section II.3., Definitions, of the Policy's Association Liability Coverage Part, the Association, as the Named Entity and the Board Members, solely in their capacity as members of the Association's Board, are Insured's under the terms of the Policy. **Please note, Peter A. Berdon, Esq. and Berdon, Young & Margolis are NOT Insured's under the terms of the policy.**

As the Claimant alleges it is clear that the Association and its Board members, by pursuing a claim against the Claimant, a breach of their duty of care, and a breach of their duty of loyalty to their members and in addition, the Board has acted outside of the scope of its authority; Mr. Garlick asserts the Claimant, will hold the Association, its president, and its individual Board members responsible for all of the damages and costs that the Claimant has suffered and incurred as a result of the Association's actions and to the extent Claimant seeks non-monetary relief; we direct your attention to the Association Liability Coverage Part of the Policy, Exclusions, Section III.2. a, which states in the Insurer will not be liable to pay that portion of Loss, other than defense Costs, which constitutes the cost of non-monetary relief, including without limitation any costs associated with any injunctive relief of any kind or nature imposed by any judgment or settlement. **Therefore, coverage is extended for Defense Costs Only.**

Next, we draw your attention to Section X., Other Insurance of the Policy and suggest that you notify any other appropriate Insurance carriers, if this has not already been done. Please forward us copies of these other policies, as well as the written coverage positions of these other insurers, even if they have denied coverage. Please be advised that if any Loss resulting from any Claim is insured under any other policies, this Policy shall apply only to the extent the Loss exceeds the amount paid under such other insurance whether such other insurance is stated to be primary, contributory, excess, contingent or otherwise, unless such other insurance is written only as specific excess insurance over this Policy.

Lastly, we also wish to remind you, as per Section VI. Paragraph 3. of the Defense and Settlement provisions of the General Terms & Conditions of the Policy and note that the Policy requires that the Insured shall not admit liability or consent to any judgment or settlement without Continental's prior written consent. In addition, you should not take any action which will increase Continental's exposure for Loss under the Policy and you are required to forward any related documents or

information you may get with regard to this matter. **Please also note that Continental will not be liable for any Loss, which includes Defense Costs, for which it has not consented.**

Counsel:

Lastly, we note that Section VI., Defense and Settlement of Liability Claims, of the Policy's General Terms & Conditions, Paragraph 1, as amended by the Defense Costs Limits Endorsement, provides that Continental has the right and duty to defend all Liability Claims, even if the allegations are groundless, false or fraudulent. However, pursuant to your request, Continental has agreed to not assign counsel at this time. However, Continental reserves its right to assign counsel of its choosing at a later date. Therefore, as previously advised you must keep us apprised of any future developments regarding this matter.

Conclusion:

Please be advised that the foregoing comments are made subject to a full reservation of all of Continental's rights, remedies and defenses under the Policy and applicable law. Neither this letter nor any other act on behalf of Continental shall be construed as waiving any rights, remedies or defenses.

If you have any questions, please do not hesitate to contact me.

Sincerely yours,

A handwritten signature in cursive script that reads "Nara Azar".

Nara Azar
Claim
Specialist

CC:

Peter Berdon
Berdon, Young & Margolis
350 Orange Street; Floor 2
New Haven, CT 06511-6448

Office Manager Report for November 2019

1) POA Tax Collection

- a. One outstanding payment, which is a late fee due for a total of \$10
- b. This time last year there were 3 delinquent bills totaling ~\$740
 - i. Last year, the last payment was received on 2019-03-13

2) POA Building

- a. The **gas furnace** when inspected by SCG was deemed **unsafe to run**. The Association hired East River Energy to rewire the furnace and replace the limit sensor. The total cost was \$1,733.22
 - i. The Furnace is running more efficiently now. Where it took six hours to heat the meeting room, it now can be heated in under an hour (the water is hotter).
 - ii. I have reduced the ambient heat in the garage downstairs and the garage where the fire engine is stored to 45 DEG. Our gas bill is running around \$50/month vs. \$110 (same time last year).
- b. Snow Removal – I’m in the process of obtaining quotes for snow removal for the 2019/2020 winter season.
- c. We need a new mailbox. Mail gets wet when it rains.

3) 2019 Pine Orchard Union Chapel Concert Series

- a. There were four (4) POA-funded, public-concerts held in Sept. Attendance and total costs are as noted;

Performer/s	# Attendees	Fee	Other costs	Total Costs	\$/Attendee
Elm City Quintet (too early in the season)	22	\$500	\$100 + \$72 = \$172	\$672	\$30.54
Yale Wiffenpoof's	82	\$500	\$100 + \$100 + \$72+\$122=\$392	\$892	\$10.86
Motley Crew	49	\$500	\$100 + \$72=\$172	\$672	\$13.71
Toni and Friends	51	\$500	\$100 + \$72=\$172	\$672	\$13.17
TOTALS	50 on Avg.	\$2000	\$908	\$2908	\$17.21

Note: The some ~50 people come to all concerts, so the cost per person for the series was \$58. Little to no representation from Sunset Hill area.

- a) First concert after Sept 1st.
- b) Do a 100% postcard mailing to all POA residences
- c) Publish adds in the Branford Review
- d) Set up signs: In Front of office, at the Chapel and somewhere in Sunset Hill

Pine Orchard Association Treasurer's Budget Report
as of 11/1/2019

	Approved Budget 1-Jul-19	Budget Activity Year to Date	Budget Remaining Year to Date	% of Budget Rec/Dsbrmnts Year to Date
RECEIPTS				
Tax Collections	\$ 54,000	\$ 54,005	\$ (5)	100%
Rent	\$ 3,900	\$ 3,400	\$ 500	87%
Building & Permit Fees	\$ 5,000	\$ 1,000	\$ 4,000	20%
Other (Interest, Moorings)	\$ 1,000	\$ -	\$ 1,000	0%
Use of Capital Savings	\$ -	\$ -	\$ -	
Total	\$ 63,900	\$ 58,405	\$ 5,495	91%
DISBURSEMENTS				
Security	\$ -	\$ -	\$ -	
Shorefront Maintenance	\$ 5,700	\$ -	\$ 5,700	0%
Building Maint/Utilities	\$ 9,000	\$ 5,228	\$ 3,772	58%
Property Improvements	\$ -	\$ -	\$ -	
Office/General	\$ 14,000	\$ 5,243	\$ 8,757	37%
Insurance	\$ 9,000	\$ 3,510	\$ 5,490	39%
Legal	\$ 10,000	\$ 971	\$ 9,029	10%
Zoning	\$ 5,000	\$ 1,231	\$ 3,769	25%
PO Museum & Web	\$ 500	\$ -	\$ 500	0%
Acctg Annual Review	\$ 2,300	\$ 2,360	\$ (60)	103%
Beautification Committee	\$ 5,000	\$ 1,470	\$ 3,530	29%
Community Activities	\$ 2,500	\$ 2,203	\$ 297	88%
Total	\$ 63,000	\$ 22,216		35%
NET INCOME (LOSS)	\$ 900	\$ 36,189		

Account Balance as of 11/1/19	
BOA checking	\$177,774.72
Less outstanding checks	\$500
BOA net balance	\$177,274.72
BOA Savings	\$2,334.11 Opened 12-2012
Total "cash" available	\$179,608.83