



PINE ORCHARD ASSOCIATION
Branford, Connecticut

**PINE ORCHARD ASSOCIATION EXECUTIVE BOARD
MEETING NOTICE
AND AGENDA
MONDAY May 2, 2022 @ 7:00 PM**

At the call of the president, there will be meeting of the Executive Board of the Pine Orchard Association via Zoom video conferencing application.

Board Meeting

1. Call to order
2. Approval of Minutes of March 7, 2022, Meeting
4. Treasurer's Report (Linda) Set POA tax rate for 2021/22 tax season
5. Committee reports:
 - A. By-Laws
 - B. Nominating
 - C. Community Liaison
 - D. Long Range Planning
 - E. Waterfront: Maintenance & Access
 - F. Building Maintenance
 - G. Zoning
 - H. Tax Collector
 - I. Beautification
6. New Business:
 - Peggy Haering to provide litigation update
 - Matt Barez to provide update on accessory building
7. Office Manager: Peter Robinson Report.
8. Adjournment

Zoom meeting info

Meeting ID: 865 5038 8227

Passcode: 142524

[Click HERE to join meeting](#)

Note: 2022 Annual Meeting to be held on Monday, July 11, 2022, @ 7:00PM at the POYCC.

Thank you for your cooperation.

Executive Board of the Pine Orchard Association

May 2, 2022

At the call of the President, a regular meeting of the Executive Board of the Pine Orchard Association was conducted via the Zoom videoconferencing Application.

Board members present: Mark Law, Peggy Haering, Linda Sachs, Bruce Calderone, Peg Taylor, David Silverstone, John Grathwol. David Silverstone, Matt Baretz, Vin Giordano

Board members absent: David Scheer

Agenda Item 1, the meeting was called to order by President, Mark Law at 7:02 p.m.

Agenda Item 2, Upon motion and second the Board approved the minutes of the previous Executive Board Meeting held on March 7, 2022.

Agenda Item 3, Treasurer's Report Linda Sachs presented the budget report as of May 1, 2022. Total cash available is \$204,873 in all accounts; approximately \$37,200 of the budget has been spent thus far this year; several larger bills amounting to roughly \$42,000 are in the pipeline to be paid this year. We expect to end the year with \$10,000 to the positive. John Grathwol asked her to identify the larger unpaid expenses. Linda said that upcoming bills are \$15,000 for shorefront maintenance, \$4200 for insurance renewals, \$9900 for legal expenses (less than budgeted), \$1500 for zoning invoices, \$1800 for beautification (irrigation system at Triangle Park), \$6600 for building maintenance and utilities (includes \$4200 for POA parking lot resurfacing) and \$2800 for office/general. Upon motion and second the report was approved.”

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“Linda next presented the proposed budget for fiscal year 2023. Disbursements are projected at \$97,400. Linda proposed keeping the mil rate at 4.0 and increasing building permits/ZBA hearing fees to \$275. Such fees haven't been increased in at least 10 years. Currently, building permits are \$250 and ZBA hearing fees are \$100 (insufficient to cover expenses including ZEO and publishing fees). Upon motion and second, the board voted unanimously to increase the fees for building permits and ZBA hearings to \$275 each.

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FY 2023 receipts are projected at \$91,400, leaving a shortfall of approximately \$6,000. Mark Law favored keeping the mil rate at 4.0. Upon motion and second, the Board unanimously voted to retain the 4.0 mil rate for FY 2023.”

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Agenda Item 4: Committee reports

a) **By-Laws** (John Grathwol) John reported that his committee had conducted two public meetings about the potential for pursuing a charter revision. The members of the committee are researching the charter revision process and have reached out to the Stony Creek and Short Beach Associations, both of which have recently went through charter revision. Minutes of the committee's meetings will include written reports of

this research. The committee plans to begin informational interviews with attorneys familiar with the process. Linda Sachs asked what would be improved by a charter revision. John said that the Bylaws Committee had looked at the charter and identified certain issues, such as the one vote per property policy and others that may be confusing or archaic, such as regulation of sewage and swill. Bruce Calderone asked about the potential cost of such an endeavor. John said that the committee was incurring no legal costs as part of their process, however, that one reason for discussing the Charter Revision process with experienced local attorneys was to answer that question. John also said that one of the committee's contacts had suggested taking advantage of legal expertise within the community and to use POA member time in the process to reduce the legal costs of Charter revisions.

(b) **Nominating**—(Seth Hershman/Mark Law) Seth reported that there are two seats on the Board to be filled at the Annual Meeting and that he is looking for two (non-Board) members of the community to serve on the nominating committee. He asked that community members let him or the Board know about their interest in joining either the committee or the Board. The committee will set a deadline for receiving nominations. Peggy said that prior to the Annual Meeting, the Board should meet to review the nominations.

(c) **Municipal/Community Liaison:** (Bruce Calderone) had nothing new to report.

(d) **Long Range Planning** (Linda Sachs, Peggy Haering) No update.

(e) **Waterfront Maintenance** (David Silverstone/Vin Giordano) David said work was progressing to repair access points that have been damaged. The first area is Island View Avenue, near the breakwater. The seawall between the Schiavone property and the beach has deteriorated in the past month and needs to be repaired. The metal railing also needs to be replaced. The steps were washed away at another access points on Island View Avenue near Waterside Rd. Vin Giordano said he expected Josh Brooks to complete most of that work within the next two weeks. He will then turn to the next area of needed repairs, which will be on Selden Avenue. David Silverstone expressed his gratitude for Vin Giordano's knowledge and assistance with the process.

(f) **Building Maintenance** (John Grathwol) John deferred to Peter Robinson about the status of the headquarters in the Office Manager's report.

(g) **Zoning** (M.Barez) No report.

(h) **Tax Collection**—(No report.

(i) **Beautification**—(Peg Taylor). The timer and the irrigation system have been installed at Triangle Park has been installed and is in place. We are now just waiting for the water to be turned on.

Agenda Item 6—New Business. Litigation Status Report. Peggy Haering provided an update on litigation in which the Association is involved. Her report was based on review of the case information available on the CT Judicial Branch website.

The matter of *Pine Orchard Association v. Wihbey* is pending in the Court of Appeals. The Association is appealing a Superior Court decision that Wihbey had a prior non-conforming use to operate a short-term rental on Crescent Bluff Avenue. The Association's brief is due on May 16th.

The remaining cases all concern claims about beach access on Crescent Bluff Avenue and ownership of the road.

- In the matter of *Celia Wheeler v. Beachcroft LLC*, a settlement was reached on Feb. 4, 2020, just as the case was set for trial. The settlement called for Beachcroft to convey an 11-foot strip of land to the Pine Orchard Association to be used for beach access and for the Town of Branford to acquire title to the avenue. The Superior Court in the *Celia Wheeler v. Beachcroft* matter subsequently ordered the parties to complete the settlement.
- Beachcroft then appealed the settlement enforcement order to the Court of Appeals, claiming that the court's order did not correctly reflect all the terms of the negotiated settlement. The Court of Appeals rejected all of Beachcroft's arguments with the exception of one provision requiring the Town of Branford to provide notice and cooperate in scheduling any future repair work that might need to be done to access a drainpipe on the defendant's property.
- Beachcroft also filed a quiet title action against James McBurney and the Pine Orchard Association based upon McBurney's stated objection to implementation of the settlement in the *Celia Wheeler v. Beachcroft* matter without his consent. (Beachcroft recently served interrogatories and is seeking document production by the Association.)
- After the appellate court decision, Beachcroft filed a motion for an emergency status conference in the matter of *Robert Wheeler v. Cosgrove* [seeking to require the Town of Branford to lay out Crescent Bluff Avenue as a public road]. That matter had been on hold pending completion of settlement in the *Celia Wheeler* matter]. Beachcroft was asking for confirmation that the remaining parties would withdraw their action against it once the settlement was completed.

Accessory Dwelling Units (ADU) Law. Matt Baretz has reviewed Public Act 21-29, which authorizes construction of ADUs referred to as "accessory apartments" on lots with single family homes by default unless a municipality chooses to opt out of this provision by January 1, 2023. To opt out, the Zoning Commission (or joint Planning & Zoning Commission) must hold a public hearing, approve the opt out with a 2/3 majority, and publish notice of the decision.

The Town of Branford is in the process of opting out and is amending its Zoning Regulations relating to Affordable Housing. A hearing is scheduled on the proposed amendments for May 19, 2022. (See town website for additional information.)

The Pine Orchard Association will need to hold a public hearing, with pre-hearing notices being published, for the Executive Board to decide on whether to opt out or do nothing and be subject to the new provisions of PA 21-29. Matt's initial recommendation is to opt out but thinks that legal consultation would be helpful prior to a Board vote. A 2/3 majority vote by the Board is required to opt out of this provision

along with an explanation for why we are opting out. In addition, a post hearing notice is required along with the filing of a record of votes and minutes with the POA and Town Clerk per FOIA.

Agenda Item 7—Office Manager’s Report. Peter Robinson reviewed his activities, including on the beginning of the tax collection cycle on June 1. There are no ZBA hearings scheduled. The repairs to the parking lot at the headquarters building have been scheduled. A mail slot has been installed at the headquarters building to allow people to deposit documents that cannot be left in the mailbox. There will be no concerts scheduled for the fall.

Agenda Item 8: Adjournment., Upon motion and second the meeting was adjourned at 8:20 p.m.

Future Meetings

Annual Meeting, Monday, July 11, 2022

Details of the meeting place or Zoom application to be announced.

Respectfully submitted,

Margaret E. Haering, Clerk

Documents received:

Treasurer’s Report as of 5/01/2022

Proposed Budget FY 2023

Office Manager’s Report

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Mark Law
President, POA Executive Board

Accessory Dwelling Units (ADUs) – Per PA 21-19

ADUs allowed by default, with ability to opt out: PA 21-29 establishes default provisions that allow construction of ADUs (referred to in the Act as “accessory apartments”) on lots accompanying single family homes, unless a municipality chooses to opt out of this provision by January 1, 2023. To opt out, the Zoning Commission (or joint Planning & Zoning Commission) must hold a public hearing, approve the opt out with a 2/3 majority, and publish notice of the decision.

The Town of Branford is in the process of opting out and is amending its Zoning Regulations relative to Affordable Housing. A hearing is scheduled on the proposed amendments for May 19, 2022. See town website for additional information.

Pine Orchard Association will need to hold a public hearing, with pre-hearing notices being published, for the Executive Board to decide on whether to opt out or do nothing and be subject to the new provisions of PA 21-29. My initial recommendation is to opt out but still feel legal consultation is in our best interest prior to a Board vote. A 2/3 majority vote by the Board is required to opt out of this provision as well as a reason for why we are opting out. In addition, a post hearing notice will be required and we must file a record of votes and minutes with the POA and Town Clerk per FOIA.

POA Proposed 2022/2023 Budget

RECEIPTS	4 mil* current	4.25 mil	4.5 mil
Tax Collections	\$77,348	\$82,182	\$87,017
Rent	\$5,200	\$5,200	\$5,200
Building Permits	\$8,000	\$8,000	\$8,000
Interest	\$55	\$55	\$55
Total	\$90,603	\$95,437	\$100,272
\$25 Incr. to B.P.**	\$91,403	\$96,237	\$101,072
DISBURSEMENTS			
Shorefront Maint.	\$30,000		
Bldg Maint/Util.	\$9,000		
Office/General	\$18,000		
Insurance	\$7,800		
Legal	\$20,000		
Zoning	\$6,000		
Accounting	\$5,600		
Beautification	\$1,000		
Total	\$97,400		
Net Income/(Loss)	(\$6,797)	(\$1,963)	\$2,872
\$25 Incr. to B.P.	(\$5,997)	(\$1,163)	\$3,672

* Propose Maintain Current 4 mil rate

** Propose Increase Bldg Permit from \$250 to \$275
Increase ZBA Hearing fee from \$100 to \$275

Pine Orchard Association Treasurer's Budget Report
as of 5/1/2022

	Approved Budget 1-Jul-21	Budget Activity Year to Date	Budget Remaining Year to Date	% of Budget Rec/Dsbrmnts Year to Date
RECEIPTS				
Tax Collections	\$ 76,700	\$ 76,521	\$ 179	100%
Rent	\$ 6,400	\$ 4,900	\$ 1,500	77%
Building & Permit Fees	\$ 10,000	\$ 6,700	\$ 3,300	67%
Other (Interest, Moorings)	\$ 75	\$ 46	\$ 29	61%
Use of Capital Savings	\$ -	\$ -	\$ -	
Total	\$ 93,175	\$ 88,167	\$ 5,008	95%
DISBURSEMENTS				
Security	\$ -	\$ -	\$ -	
Shorefront Maintenance	\$ 7,500	\$ -	\$ 7,500	0%
Building Maint/Utilities	\$ 13,000	\$ 6,148	\$ 6,852	47%
Property Improvements	\$ -	\$ -	\$ -	
Office/General	\$ 17,850	\$ 14,256	\$ 3,594	80%
Insurance	\$ 11,000	\$ 3,361	\$ 7,639	31%
Legal	\$ 24,000	\$ 3,863	\$ 20,137	16%
Zoning	\$ 10,000	\$ 3,523	\$ 6,477	35%
PO Web	\$ 100	\$ -	\$ 100	0%
Acctg Annual Review	\$ 4,250	\$ 4,322	\$ (72)	102%
Beautification Committee	\$ 4,725	\$ 1,704	\$ 3,021	36%
Sidewalks	\$ -	\$ -	\$ -	0%
Total	\$ 92,425	\$ 37,177		40%
NET INCOME (LOSS)	\$ 750	\$ 50,990		

Account Balance as of 5/1/2022	
BOA checking	\$76,600.72
Less outstanding checks	\$0
BOA net balance	\$76,600.72
BOA Savings*	\$128,272.31 Opened 12-2012
Total:	\$204,873.03

BOA 13-mo CD as of 3/11/21 \$50,836 Opened 2/20 Closed 3/21

*Includes Proceeds from CD as of 3/11/21

Office Manager Report for March & April 2022

1) POA Tax Collection:

- a. Need to file M1 with State once tax rate is determined for the 2022/23 tax cycle. NLT July 25th 2022.
- b. Executed a lean release on 47 Yowago – Filed with town
- c. Sent new Town Grand List to Linda
- d. Next Tax cycle begins in early June with:
 - i. Publishing Tax Notice (two)
 - ii. Filing with QDS and resetting the QDS SW for upcoming tax cycle
 - iii. Order Tax bills
 - iv. Mail TAX bills NLT July 1st

2) Zoning:

- a. No ZBA hearings in March/April and none pending
- b. Seven (7) zoning applications received this period
- c. Total of 11 zoning applications filed in total for 2022

3) POA Building:

a. Accomplished

- i. Installed a mail slot for the front door for print drop off.
- ii. Mounted traffic mirror at the corner of Spring Rock and Pine Orchard Rd.
- iii. Gutter Pro cleaned the gutters and remounted the front gutter
- iv. Perfect Turf had finished their Spring Clean-up. Will purchase a bag of lawn food and spread it this week (Thursday).
- v. Did annual filing with US Dept of Commerce (Census)

b. Planned for 2021/2022

- i. Repair the parking lot - tar paint lines. Will scheduled for this month

4) POA Office:

a. Accomplished

- i. **Outreach:** We have a 75% coverage via email for all POA residences (493 email).
- ii. **Response:** I continue to get back to 90% of the POA inquiries within 24 hours.
- iii. **Equipment:** no change
- iv. **Communication:** two welcome letters sent to new residents (Sunset Hill)

5) Community:

- a. The fall concert series will not be held this season.