



PINE ORCHARD ASSOCIATION
Branford, Connecticut

**PINE ORCHARD ASSOCIATION EXECUTIVE BOARD
MEETING NOTICE
AND AGENDA
MONDAY, Jan.3, 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 November 1st, 2021, Meeting
3. Nominations to fill two vacancies for POA Executive Board
4. Treasurer's Report (Linda)
5. Committee reports:
 - ___ A. By-Laws - (M. Law)
 - ___ B. Nominating - (S. Hershman, M Law)
 - ___ C. Municipal /Community Liaison - (B. Calderone, S. Hershman)
 - ___ D. Long Range Planning - (L. Sachs)
 - ___ E. Waterfront: Maintenance & Access - (D Silverstone)
 - ___ F. Building Maintenance - (J Grathwol)
 - ___ G. Zoning - (M Barez)
 - ___ H. Tax Collector - (L. Farber)
 - ___ I. Beautification - (P. Taylor)
 - ___ J. Municipal Liaison – (Bruce Calderone, Seth Hershman)
6. New Business:
7. Office Manager: Peter Robinson Report.
8. Adjournment

Zoom meeting info

Meeting ID: 837 5740 3449

Passcode: 898226

[Click HERE to join meeting](#)

Note: 2021 – 2022 Regular Meeting Dates: Monday, March 07, 2022, &

3/3/22, 6:02 PM

Constant Contact

Monday, May 02, 2022, all @ 7:00PM either on Zoom™ or at the Pine Orchard office, lower level, 180 Pine Orchard Rd, Pine Orchard, CT. Thank you for your cooperation.

Mark Law
President, POA Executive Board

Pine Orchard Association | 180 Pine Orchard Road, Branford, CT 06405

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Executive Board of the Pine Orchard Association

January 3, 2022

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, Len Farber, Seth Hershman, Bruce Calderone, Peg Taylor, Matt Baretz, David Silverstone, John Grathwol.

Agenda Item 1, the meeting was called to order by 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 November 1, 2021.

Agenda Item 3, Nominations: Upon motion and second, the Board unanimously elected Mark Law as president of the Board. Upon motion and second, the board unanimously elected Bruce Calderone as Vice President. Seth Hershman, chair of the nominating committee, said that there were two candidates to replace Board members Bob Dahill and Ray Seligson who recently resigned. The candidates were Vincent Giordano to serve the remainder of Bob Dahill's term through June 2022 and David Scheer to serve the remainder of Ray Seligson's term through June 2023.

Peggy Haering asked what the selection process had been because she was advised that Judith Leibmann had also asked to be considered for the Board. Seth said that he was not made aware of Judith's interest until January 3rd and that he had already made the decision based on the two candidates he was aware of on a first come, first served basis. Seth said that he had conducted his due diligence and felt that the first two candidates to step forward were qualified. David Silverstone proposed that we develop a process going forward for handling board nominations, including setting a cut-off date for expressions of interest and a process to be followed when the number of interested candidates exceeded the number of board openings.

Upon motion and second, Vincent Giordano was unanimously approved as a Board member. Upon motion and second, David Scheer was approved as a Board member.

Agenda Item 4. Linda Sachs presented the budget report as of January 1, 2022. We have already collected 100% of the taxes. Total cash available is \$ 210,255.05 in all accounts. John Grathwol asked about how amounts for legal expenses and shoreline maintenance had been predicted, especially as how no money had been spent for shoreline maintenance thus far. Upon motion and second the report was approved.

Agenda Item 5: Committee reports

a) **By-Laws** (Mark Law) There is no update. The Board will consider additional committee assignments for the remainder of the term.

(b) **Nominating**—(Seth Hershman/Mark Law) No further report.

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

(d) **Long Range Planning** (Linda Sachs) Nothing to report.

(e) **Waterfront Maintenance** (David Silverstone) David is looking for an independent engineer to evaluate the seawall at the end of Island View Avenue. David wanted to clarify which seawalls the Association is obligated to repair. It was agreed that the Board would ask the Association's counsel to respond to that question and to consult transaction documents concerning the sea wall at the end of Island View Avenue. David Scheer said that he had the name of an independent engineer who could assist with the evaluation of the seawall.

(f) **Building Maintenance** (John Grathwol) There is a need for a lockbox at the headquarters building so that residents could deposit large prints at the office. Peter Robinson found one for \$400, which he can install. The expenditure was approved without vote.

(g) **Zoning** (M.Baretz) Matt reviewed the zoning statistics for the past three years. He noted that a new statute, Public Act 21-29, has been enacted. The law will allow accessory dwelling units to be placed in single family zones. The POA must determine by a cut-off date whether to opt out of the program. If we do not, the law will take effect in 2022.

(h) **Tax Collection**—(Len Farber) Taxes are fully collected.

(i) **Beautification**—(Peg Taylor). The pipes for the sprinkler system for Triangle Park need to be installed We need to coordinate with the First Selectman's office on the installation. After the system is in place the Town's Parks and Recreation Department will handle getting the water turned on in the spring and off in the fall. Peg will follow up with Town Hall and Connecticut Irrigation. park so that the plants can be watered more easily. The cost to the POA will be approximately \$1800, which has previously been approved.

Agenda Item 6—New Business (none)

Agenda Item 7—Office Manager's Report. Peter Robinson reported that the gas company is responsible for the Porta-a-Potty that was placed on Pine Orchard Road. Peter asked the gas company to move it. Also, Peter has found a 1906 listing of Pine Orchard. He will look into whether the library can take care of it.

Agenda Item: Adjournment., Upon motion and second the meeting was adjourned at 7:52 p.m.

Future Meetings (All future meetings will be held at 7:00 PM at the Pine Orchard Association office 180 Pine Orchard Rd, or by the ZOOM application

Monday, March 07, 2022, &
Monday, May 02, 2022,

Documents Received: Treasurer's Report

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

	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	\$ 76,397	\$ 303	100%
Rent	\$ 6,400	\$ 4,500	\$ 1,900	70%
Building & Permit Fees	\$ 10,000	\$ 3,500	\$ 6,500	35%
Other (Interest, Moorings)	\$ 75	\$ 29	\$ 46	38%
Use of Capital Savings	\$ -	\$ -	\$ -	
Total	\$ 93,175	\$ 84,426	\$ 8,749	91%
DISBURSEMENTS				
Security	\$ -	\$ -	\$ -	
Shorefront Maintenance	\$ 7,500	\$ -	\$ 7,500	0%
Building Maint/Utilities	\$ 13,000	\$ 3,986	\$ 9,014	31%
Property Improvements	\$ -	\$ -	\$ -	
Office/General	\$ 17,850	\$ 9,194	\$ 8,656	52%
Insurance	\$ 11,000	\$ 3,361	\$ 7,639	31%
Legal	\$ 24,000	\$ 3,863	\$ 20,137	16%
Zoning	\$ 10,000	\$ 2,369	\$ 7,632	24%
PO Web	\$ 100	\$ -	\$ 100	0%
Acctg Annual Review	\$ 4,250	\$ 3,730	\$ 520	88%
Beautification Committee	\$ 4,725	\$ 1,652	\$ 3,073	35%
Sidewalks	\$ -	\$ -	\$ -	0%
Total	\$ 92,425	\$ 28,154		30%
NET INCOME (LOSS)	\$ 750	\$ 56,272		

Account Balance as of 1/1/2022	
BOA checking	\$81,999.62
Less outstanding checks	\$0
BOA net balance	\$81,999.62
BOA Savings*	\$128,255.43 Opened 12-2012
Total:	\$210,255.05

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 Nov & Dec 2021

1) POA Tax Collection:

- a. See report by Len Farber

2) Zoning:

- a. Two zoning applications were denied which may yield some ZBA activity January
- b. Seven (7) zoning applications filed.
- c. Total of 41 zoning applications filed in 2021

3) POA Building:

a. Accomplished

- i. Did a dump run (old boxes and stuff)
- ii. I have an electric type writer if anyone wants it.

b. Planned for 2021/2022

- i. Repair the parking lot - tar paint lines. Will scheduled for late Spring
- ii. Clean gutters.

4) POA Office:

a. Accomplished

- i. **Outreach:** We have a 74% coverage via email for all POA residences (489 email).
- ii. **POA Executive Board:** Sent email to all POA to see if anyone would be interested in joining the board. One POA resident call but never followed up.
- iii. **Response:** I continue to get back to 90% of the POA inquiries within 24 hours.
- iv. **Equipment:** no change
- v. **Communication:** Sold 5 POA *100 Birthday Celebration* books
- vi. **POA Historic Records:** All POA minutes and a land record journal form 1896 have been transferred to the Blackstone Library.
- vii. Uncovered a 1906 print-set of Pine Orchard. Will see if the library can take custody of these prints (D size).

b. Planned for 2021/2022

- i. Looking into installing a lockbox for zoning documents and tax payments. Cost in ~\$400.

5) Community:

- a. No new activity



PINE ORCHARD ASSOCIATION
Branford, Connecticut

**PINE ORCHARD ASSOCIATION
EXECUTIVE BOARD MEETING NOTICE
AND AGENDA
MONDAY, January 9th, 2023 via Zoom**

At the call of the President, The Pine Orchard Executive Board will hold its' January board meeting via Zoom on Monday Jan.9th 2023 at 7PM. All are welcomed to attend.

1) Call to order

2) Approve minutes from Nov. 7th, 2022 Executive Board Meeting

3) Officers and Committee Reports

- **By Laws** – David Scheer
- **Treasurer** – John Grathwol
- **Zoning** - Matt Barez
- **Waterfront** – David Silverstone
- **Others** -

4) Old Business - Follow-up Report on Crescent Bluff.

5) New Business -

6) Public Comments

7) Move to Executive Session pertaining to Crescent Bluff and/or New Business as appropriate.

8) Public Comments

9) Adjournment.

Public Comment Rules:

1. Individual public comments are limited to 3 minutes.
2. Individuals shall identify themselves by name and address.
3. The public portion of the meeting shall be limited to 15 minutes in total.
4. Proper and respectful conduct is expected from any speaker during the public comment section of the meeting. Those not adhering to such guidelines will be given a warning, and absent restoration of orderly questions and/or comments the speaker's privilege to participate in the

public comment via this meeting site will be terminated.

Zoom meeting info

Meeting ID: 861 1192 7434

Passcode: 612843

[Click Here to Join meeting](#)

Vincent Giordano
President, POA Executive Board

**MINUTES OF THE MEETING OF THE EXECUTIVE BOARD OF THE PINE
ORCHARD ASSOCIATION
MONDAY, JANUARY 9, 2023, AT 7:00 PM
Conducted via Zoom application**

1) Call to order. The meeting was called to order by Vin Giordano at 7:00 p.m. Board members present: Vin Giordano, John Grathwol, Peggy Haering, Bruce Calderone, Peggy Taylor, Mark Law, Niall Ferguson, David Scheer, Matt Barez, and Curtis O'Connor

Absent: Seth Herschman, David Silverstone

2) Approval of minutes. Upon motion and second the minutes of the Executive Board meeting on Nov. 7, 2022, were approved.

3) Officers and Committee Reports

- **Office Manager.** Robinson reported that all taxes were collected with the exception of amounts owed for one property at 34 Thimble Farms Road. The Association now has emails for 77% of its members. He had the internet connection for the headquarters upgraded and arranged for maintenance of the generator to be done. The Town has taken over the maintenance of the plantings made by the Association at Triangle Park and is paying for watering the plants.
- **By Laws –** David Scheer reported that the current members of the committee are himself, John Grathwol, Peggy Haering and Bob Buckholz. A report will be prepared for the board by the Committee. He thinks it is unlikely that the committee will recommend proceeding with charter revision. However, he hopes that the committee's report will point out weaknesses or inconsistencies in the Charter and Bylaws and provide insights for the community.
- **Treasurer –** John Grathwol stated that the Association has \$222,783.79 in funds on hand. Expenditures for shoreline maintenance are just under the \$30,000 budget. We have unpaid legal bills of approximately \$28,000 and will face another \$6000 to \$10,000 in future expenses through the end of the fiscal year. He wants to adjust the budget for legal expenses and take some funds from savings to those bills. David Scheer recommended increasing the legal expense budget to \$50,500 for the year. Niall felt that it was important to show that the legal budget was adjusted by \$30,000. Upon motion and second, the board voted to increase the legal budget to \$50,500 for the year and to use savings to pay that amount.
- **Zoning -** Matt Barez had nothing to report. It was suggested that the Zoning Enforcement Officer be asked to review outdoor lighting at a recently renovated house overlooking the Golf Club.
- **Waterfront –** David Silverstone was not present. Vin Girodano reported that repairs at the end of Island View Avenue are progressing slowly due to

temperature. For Crescent Bluff Avenue the Association got an estimate of \$3800 for obtaining a DEEP permit for stairway repairs. Vin also got two estimates for replacing the railing: \$7500 for galvanized metal and \$10,000 for stainless steel.

- The Association paid \$1500 for tree removal in the pathway at Crescent Bluff and will incur another \$4400 in expenses for delineating the path. John Grathwol asked if any further work was planned. Vin said that the access point at Waterside Avenue seems okay. Peggy Haering reported that the top wooden step at Chapel Avenue needs to be replaced.
- **Others** – Peg Taylor wants to add 2 bushes at either side of the water source in the Triangle.

4) Old Business - Follow-up Report on Crescent Bluff. Vin reported that the POA finalized documents for the settlement. They were recorded on December 15th. This should conclude the Wheeler litigation. The POA is also a party in the case of Beechcroft v. McBurney. McBurney has made a claim for adverse possession of part of path conveyed to the POA by Beechcroft; he also claims an implied easement over the whole of the Lawn owned by Beechcroft. Due to the conveyance of the path to the POA by Beechcroft, the Association is now aligned with Beechcroft's position in the litigation. The judge is due to rule on a motion for summary judgment in the McBurney matter on January 19, 2023. The Association attempted to reach a settlement of the adverse possession with McBurney, but was unable to do so.

5) New Business – None.

6) Public Comments—None.

7) Public Comments—None.

9) Adjournment Upon motion and second, the Board voted to adjourn the meeting at 7:55 p.m.

Respectfully submitted,

Margaret Haering, Clerk

Documents received: POA Budget

Office Manager Report for Nov/Dec. 2022

1) **POA Tax Collection:** One outstanding bill for 34 Thimble Farms Road (empty lot) in the amount of \$90. I have sent a Demand letter to the agent listed on the Town TAX database (trust account). If I do not receive payment by Feb. 1st 2023 I will file a lean on the property.

2) **Zoning: Defer to Matt Barez**

3) **POA Office:**

Outreach:

- a. We have a 77% coverage via email for all POA residences (499 emails).
- b. I continue to get back to 90% of the POA inquiries within 24 hours.
- c. Sent out 1 welcome letter this period

Building:

- a. I upgraded the Frontier internet access from DSL to fiber/cable at a savings of \$6/month. Frontier will discontinue DSL in 2023.
- b. Maintenance for generator – DONE
- c. Set mouse traps in garage – ten down and sprayed for crickets.

Community:

No new action

Pine Orchard Association Treasurer's Budget Report FY22-FY23
as of 12/31/2022

	Approved Budget 1-Jul-22	Budget Activity YTD	Budget Remaining YTD	% of Budget Used YTD
RECEIPTS				
Tax Collections	\$ 77,348	\$ 76,843	\$ 505	99%
Rent	\$ 5,200	\$ 4,000	\$ 1,200	77%
Building & Permit Fees	\$ 8,800	\$ 3,250	\$ 5,550	37%
Other (Interest, Moorings)	\$ 55	\$ 378	\$ (323)	688%
Use of Capital Savings	\$ -	\$ -	\$ -	-
Total	\$ 91,403	\$ 84,471	\$ 6,932	92%
DISBURSEMENTS				
Security	\$ -	\$ -	\$ -	-
Shorefront Maintenance*	\$ 30,000	\$ 7,815	\$ 22,185	26%
Building Maint/Utilities	\$ 9,000	\$ 3,777	\$ 5,223	42%
Property Improvements	\$ -	\$ -	\$ -	-
Office/General	\$ 18,000	\$ 8,774	\$ 9,226	49%
Insurance	\$ 7,800	\$ 3,309	\$ 4,491	42%
Legal**	\$ 20,000	\$ 3,591	\$ 16,409	18%
Zoning	\$ 6,000	\$ 2,250	\$ 3,750	38%
PO Web	\$ -	\$ -	\$ -	0%
Acctg Annual Review	\$ 5,600	\$ 4,064	\$ 1,536	73%
Beautification Committee	\$ 1,000	\$ -	\$ 1,000	0%
Sidewalks	\$ -	\$ -	\$ -	-
Total	\$ 97,400	\$ 33,580	\$ -	34%
NET INCOME (LOSS)	\$ (5,997)	\$ 50,891		

Account Balance as of 10/31/22	
BOA checking	\$94,477.02
BOA Savings	\$128,306.77
BOA total balance	\$222,783.79

Pine Orchard Association Treasurer's Budget Report FY22-FY23
as of 12/31/2022

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BOA total balance	\$222,783.79



PINE ORCHARD ASSOCIATION
Branford, Connecticut

**PINE ORCHARD ASSOCIATION EXECUTIVE BOARD
MEETING NOTICE
AND AGENDA
MONDAY, March 7, 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 January 3rd, 2022, Meeting
3. Committee Chair Assignments
4. Treasurer's Report (Linda)
5. Committee reports:
 - A. By-Laws
 - B. Nominating
 - C. Municipal /Community Liaison
 - D. Long Range Planning
 - E. Waterfront: Maintenance & Access
 - F. Building Maintenance
 - G. Zoning - Discuss the relevance of Public Act 21-29 to the POA
 - H. Tax Collector
 - I. Beautification
 - J. Municipal Liaison
6. New Business:
7. Office Manager: Peter Robinson Report.
8. Adjournment

Zoom meeting info

Meeting ID: 814 9626 1455

Passcode: 472393

[Click HERE to join meeting](#)

Note: 2021 – 2022 Regular Meeting Dates: Monday, Monday, May 02, 2022, all @ 7:00PM either on Zoom™ or at the Pine Orchard office, lower level, 180 Pine Orchard Rd, Pine Orchard, CT.

Thank you for your cooperation.

Executive Board of the Pine Orchard Association

March 7, 2022

At the call of the President, the 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, David Scheer
Board members absent: Matt Baretz, Seth Hershman, Len Farber, Vin Giordano

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 January 3, 2022.

Agenda Item 3, Assignment of chairs/co-chairs for vacancies on POA Board. Mark Law reviewed committee assignments for Board members. He noted that Len Farmer has decided to resign from the Board due to health reasons. Seth Hershman will continue to serve as Nominating Committee chair. Peg Taylor will lead the Beautification Committee. Matt Baretz is responsible for Zoning. Bruce Calderone will serve as Vice President and municipal liaison; Peggy Haering and Linda Sachs are on the Long-Term planning committee; John Grathwol and David Scheer are responsible for bylaws and John is responsible for building maintenance. Vin Giordano will be working on the shorefront maintenance committee with David Silverstone.

Agenda Item 4. Treasurer's Report Linda Sachs presented the budget report as of March 1, 2022. Total cash available is \$207,187 in all accounts; approximately 35% of the budget has been spent thus far this year. We have some large expenses, such as repaving the headquarters parking lot, coming up. David Scheer asked about the legal bills. Linda said that the last bill was received in September 2021. Mark Law said that he will ask the Association's counsel to give us more regular billing. Upon motion and second the report was approved.

Agenda Item 5: Committee reports

a) **By-Laws** (John Grathwol) John reported that he had had several productive meetings about harmonizing the Association's charter with its bylaws. Other members of the committee included Peter Hugret, Allan DeFelippo, Bob Buckholz and David Scheer. Peggy Haering volunteered to serve on the committee.

(b) **Nominating**—(Seth Hershman/Mark Law) Seth will continue in this role. He will be issuing guidance on procedures for managing the nomination process in the future.

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

(d) **Long Range Planning** (Linda Sachs, Peggy Haering) Nothing to report.

(e) **Waterfront Maintenance** (David Silverstone/Vin Giordano) David said that due to major storms the Association had several areas of waterfront damage to address. The

first area is Island View Avenue, near the breakwater. Stones have been dislodged and cement needs repair. The steps leading to the beach need a granite step at the bottom and the handrail is falling apart. The cost of repairs in this area is \$4000 for the seawall repair, \$2000 for the stairs and \$500 for repainting the railing. On Island View Avenue at the end of Waterside Drive, the wooden staircase has washed away. The stairs need to be replaced. The cost of that work is \$3000. The stairs leading to the beach on Island View Avenue at Chapel Drive need to be secured to the seawall. The cost of that repair is \$1500. At the Selden Avenue beach access point the stairs need to be repaired. The cost of that work is \$3000. The estimated total for all repairs is \$14,000- \$15,000. David said that Vin Giordano was extremely helpful in putting together the cost estimates.

David Scheer asked about getting DEEP permits for the work. Mark Law said that DEEP gave the Association permission to do these repairs based on life and safety concerns. David Scheer asked about ownership of the rights of way. David Silverstone said that the beach access points on Island View Avenue are owned by the Association. There was a question as to ownership of the access point on Selden Ave. Peggy Haering said that the Town of Branford owns 1/2 of the pathway, but she was uncertain whether the Town's interest extended to the stairs. It was suggested that the Association approach the Town to see if it would contribute to repair of the stairs.

Mark Law said that we have a life and safety issue it made sense to undertake the repairs without obtaining multiple bids or resolving ownership issues. Peggy Haering said that the estimates were modest. Peggy Taylor moved to authorize the Association to spend up to \$15,000 to complete repairs on the beach access points, subject to a conversation with the Town whether it would assume responsibility for repairs to the stairs on Selden Avenue. The motion was seconded and passed.

(f) **Building Maintenance** (John Grathwol) John deferred to Peter Robinson about the status of the headquarters. Peter said that gutter cleaning was going to be performed

(g) **Zoning** (M.Baretz) Matt was not present. Mark Law said that we needed to review Public Act 21-29, which authorizes placement of accessory dwelling units in properties zoned for single family dwellings and make a decision whether to opt out of the program in 2022.

(h) **Tax Collection**—(Len Farber) No report.

(i) **Beautification**—(Peg Taylor). The POA is waiting for the Branford Public Works Department to connect the sprinkler/drip system for Triangle Par., The cost to the POA will be approximately \$1800.

(j) **Municipal Liaison** (Bruce Calderone) No report.

Agenda Item 6—New Business. David Scheer recommended that the Board consider adding a regular agenda item on pending litigation to each meeting.

Agenda Item 7—Office Manager's Report. Peter Robinson reviewed his activities, including details on ZBA hearings and zoning applications. Taxes are 100% collected. Repaving of the parking lot is scheduled for the late spring.

Agenda Item: Adjournment., Upon motion and second the meeting was adjourned at 8:18 p.m.

Future Meetings

Monday, May 02, 2022,

Annual Meeting, Monday, July 11, 2022

All future meetings will be held at 7:00 PM at the Pine Orchard Association office, 180 Pine Orchard Rd, or by the ZOOM application.

Pine Orchard Association Treasurer's Budget Report
as of 3/1/2022

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Total:	\$207,187.97

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 Jan & Feb 2022

1) POA Tax Collection:

- a. All taxes collected.
- b. Need to do a records search on 45 Yowago – there appears to be a lean on the property
- c. Next Tax cycle begins in early June with mailing of TAX bills

2) Zoning:

- a. Two ZBA hearings in Jan./Feb. two were approved, and one denied
- b. Total of 5 zoning applications filed in 2022

3) POA Building:

a. Accomplished

- i. Ordered and received a mail slot for the front door for print drop. Will install later this month.
- ii. Ordered and received an adjustable mounting bracket for traffic mirror Need to order one more bracket (\$28) to do the full install. Will install later this month.

b. Planned for 2021/2022

- i. Repair the parking lot - tar paint lines. Will scheduled for late Spring
- ii. Clean gutters – quote received. Scheduling

4) POA Office:

a. Accomplished

- i. **Outreach:** We have a 75% coverage via email for all POA residences (491 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

5) Community:

- a. Reached out to the Chapel Board to see if they would be interested in supporting an early Fall concert series.



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.”

>

“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.

>

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.”

>

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

S

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.

MINUTES OF A SPECIAL MEETING OF THE PINE ORCHARD ASSOCIATION EXECUTIVE BOARD

MONDAY June 13, 2022, 7:00 PM

Conducted using the ZOOM application

Board members present: Mark Law, Seth Hershman, John Grathwol, Peggy Haering, Vin Giordano, Peg Taylor, David Silverstone, Matt Barez, David Scheer, Bruce Calderone
Not Present: Linda Sachs.

Agenda Item 1, Call to Order, the meeting was called to order at 7:07 p.m.

Agenda Item 2, Nominating Committee presentation of candidates for Executive Board. Seth Hershman said that a number of people volunteered to be candidates. The Nominating Committee proposed four candidates to fill open seats. They were Vin Giordano, Deidre Hamilton, Curtis O'Connor, and John Grathwol. After the candidates were presented David Scheer asked whether the Nominating Committee's meeting had been publicly noticed and whether there were minutes of that meeting. Seth replied that there were no minutes. David said that there were other candidates that came forward after that meeting, they were Niall Ferguson and John Lapidés.

It was proposed that we proceed with the 4 candidates selected by the Nominating Committee and that the later-identified candidates could be write-ins. David Scheer asserted that we should allow all 6 candidates to be considered for the 4 open board seats. After some discussion (and upon motion and second) the Board voted to allow the 6 candidates to be included on the ballot.

There was a discussion that the Annual Meeting would be an in-person meeting at the Pine Orchard Yacht and Country Club. David Scheer proposed that we allow mail-in ballots because some members may be reluctant to attend an in-person meeting. Upon motion and second the Board decided to allow mail-in ballots for members who could not attend the in-person meeting, similar to the process that was followed in 2020.

Agenda Item 3, update on Charter and Bylaws review. John Grathwol reported that the committee continues to meet every two weeks to review the Charter and to come up with a list of issues to be resolved. We have reached out to the Stony Creek Association and the Short Beach Association, both of which have recently undertaken a charter revision. John said that the committee will also be meeting with attorneys with experience in this field.

Agenda Item 4, Accessory Dwelling Unit legislation. Matt Barez circulated a memorandum from the Association's attorney about the process to be followed in deciding how the Association will respond to this legislation, which will allow accessory dwelling units to be constructed in areas zoned for single family dwellings unless the municipality opts out. Matt said that before the Association makes a decision it should conduct a public meeting. Matt says that the town of Branford has decided to opt out of the legislative change and that he is in favor of having the Association opt out as well.

Agenda Item 5, Clarification of voting for Annual Meeting. Mark Law stated that in voting for Executive Board members, only one vote per household will be allowed.

Agenda Item 6. New Business (none)

Agenda Item 7, Adjournment. Upon motion and second the Board voted to adjourn the meeting at 7:46 p.m.

Respectfully submitted,

Peggy Haering, Clerk

Annual Meeting to be held on July 11, 2022, at 7:PM, at the Pine Orchard Yacht and Country Club



PINE ORCHARD ASSOCIATION
Branford, Connecticut

PINE ORCHARD ASSOCIATION
ANNUAL MEETING NOTICE
AND AGENDA
MONDAY, July 11, 2022 @ 7:00 PM

At the call of the President, The Pine Orchard Executive Board will hold its' annual meeting at the POYCC on Monday July 11th 2022 - all are welcomed.

1. **Call to order**
2. **Approval of Minutes from previous annual meeting**
3. **President's Report.**
4. **Treasurers' Report**
5. **Committee Reports**
6. **Nominating Committee**
7. **Election of New Executive Board Members**
8. **Public Comments**
9. **Adjournment.**

Public Comment Rules:

1. Individual public comments are limited to 3 minutes.
2. Individuals shall identify themselves by name and address.
3. The public portion of the meeting shall be limited to 15 minutes in total.
4. Proper and respectful conduct is expected from any speaker during the public comment section of the meeting. Those not adhering to such guidelines will be given a warning, and absent restoration of orderly questions and/or comments the speaker's privilege to participate in the public comment via this meeting site will be terminated.

NOTE: Remote Option currently expires 4/30/2022, PA 21-2, Section 149
(May be extended by CT legislature soon.)

2022/2023 POA meeting Schedule (Zoom)

Monday September 5th 2022

Monday November 7th 2022

Monday January 2nd 2023

Monday March 6th 2023

Monday May 1st 2023

Mark Law
President, POA

**PINE ORCHARD ASSOCIATION
MINUTES OF ANNUAL MEETING
MONDAY, July 11, 2022**

At the call of the President, The Pine Orchard Executive Board convened the annual meeting at the Pine Orchard Yacht and Country Club.

Agenda Item 1. Call to order. The meeting was called to order by Mark Law at 7:03 p.m.

Board members present: Mark Law, Peggy Taylor, Matt Barez, Linda Sachs, Peggy Haering, Bruce Calderone, John Grathwol, David Silverstone, David Scheer, Vin Giordano, Seth Herschman

Absent: Len Farber

Agenda Item 2. Approval of Minutes. Upon motion and second the minutes from the Annual Meeting on July 12, 2021, were approved.

Agenda Item 3. President's Report. Mark Law reported that the Association was financially sound. We kept the mil rate the same for this year and collected all taxes due. The irrigation has now been installed in the Triangle and we are waiting for planting of additional bushes. The Association's appeal of the Superior Court decision on our short term rental ordinance has been fully briefed and is awaiting argument. The Crescent Bluff litigation is approaching the July 15, 2022, deadline for resolution of the settlement reached by the parties. Mark indicated that waterfront repairs are being addressed.

Agenda Item 4. Treasurers' Report. Linda Sachs reported that the Association took in \$88,676 in income last year and expended \$69,606, leaving us with a balance of \$19,069 to the positive. The Association's cash on hand is \$44,209, with savings of \$128,089, for a total of 172,379.

Agenda Item 5. Committee Reports. Waterfront: David Silverstone reported that Vin Giordano did an incredible job in monitoring the status of access repairs. Last year we had to do emergency repairs and the seawall on Brown's point is in danger of collapse. The steps leading down from the Selden Avenue beach access were also in need of repair. The steps on the Island View Avenue access point at the end of Waterside Drive were destroyed in a storm and need to be replaced. A question was raised about responsibility for repairs on Selden Ave. David said that the Town owns the right-of-way but that ownership of the stairs was unclear. For the coming year we expect major repairs to be required on Island View Avenue to Brown's Point. The Club is now repairing the breakwater, but the seawall and steps leading to Long Island Sound need repair. David predicted that this will be a large job and needs to be done properly. The plan is to put out an RFP to get an engineering report and then to solicit bids for the construction. Ed Crowley of 10 Island View Avenue asked about the location of surveyor's stakes for the beach access point on the end of Chapel Avenue and encouraged the Board to look at all access points.

By-Laws, John Grathwol reported on the activities of the By-Laws committee and its investigation of whether or not to recommend that the board pursue a revision of the Association's Charter. The committee is reviewing the Charter with a view of identifying issues for consideration. The Committee has met with two attorneys from two law firms familiar with the process. David Scheer will take over as chair of that committee in the upcoming year.

Zoning. Matt Barez said that we have increased the charges for review of Building plans and filing of appeals with the Zoning Board of Appeals to \$275, each. The Association took in \$7450 in income last year from zoning/building permit applications, mostly from placement of generators and condensers. The State enacted legislation requiring municipalities to permit accessory apartments as of right unless the municipality elects to opt out. The Town of Branford has elected to opt out of this. The Board will be conducting public meetings concerning this issue. Public notices will be forthcoming.

Municipal Liaison. Bruce Calderone had no updates on municipal issues.

Agenda Item 6. Nominating Committee, Seth Herschman reported that the nominees for four open Board seats were Curtis O'Connor, Niall Ferguson, Vin Giordano and John Grathwol. He asked whether there were any nominations from the floor. Hearing none, the Board meeting took a brief recess for tallying of the ballots.

Agenda Item 7. Election of New Executive Board Members. Following the count of the votes, Mark Law announced that Curtis O'Connor, Niall Ferguson, Vin Giordano and John Grathwol were elected as Board members for the upcoming year. He also thanked Linda Sachs for her service on the Board.

Agenda Item 8. Public Comments. Jeanne Hughes of 39 Meadow Wood Road asked about proposed changes to the Charter. John Grathwol pointed out the Charter had some archaic provisions, such as the right to regulate the keeping of swine or authority to hire our own police office. He said that the committee is raising issues to be considered should Charter revision proceed. He said there was no change to zoning. David Scheer pointed out any Charter review would be interactive and require involvement primarily from the community. Michael Cronin of 10 Crescent Bluff Avenue expressed his appreciation for the Association's support during the years of litigation and helping to bring it to a close

9. Adjournment. Upon motion and second, the Board voted to adjourn the meeting at 7:35 p.m.

Respectfully submitted,

Margaret Haering, Clerk

2022/2023 Meeting Schedule

Monday, September 5, 2022

Monday, November 7, 2022

Monday, January 2, 2023

Monday, March 6, 2023

Monday, May 1, 2023

Request for Design Proposals

July 12, 2022

From: Pine Orchard Association
180 Pine Orchard Road
Branford, Ct 06405

To: RACE Costal Engineering
611 Access Road, Stratford CT 06615

Fedus Engineering
70 Essex Street 2c Mystic CT 06355

GNCB Engineering
1358 Boston Post Road Old Saybrook, CT 06475

K-2 Infrastructure
60 Newell Lane Glastonbury, CT 06033

Pinder Construction
27 Old Post Road Clinton CT 06413

Proposers,

The Pine Orchard Association owns approximately 300 lineal feet of wall, walkway, and stairs, beginning at the end of Island View and ending at the Pine Orchard harbor breakwater. The wall, walkway, and stairs are in varying degrees of disrepair (photos attached). It is our intention to retain a consultant to assess the condition and specify the repairs. On Wednesday July 20th at 10:30 we will meet at the Pine Orchard Yacht and Country Club in the parking lot west of the tennis courts and walk to the site from there. By return email to Vincent Giordano vsg@giordano.build and David Silverstone david13@snet.net, please indicate your interest and plan to attend the design pre-bid on the 20th.

The schedule for the project is as follows:

- July 12th Notice to Proposers
- July 20th at 10:30 AM Design pre-bid Walkthrough
- July 22nd by COB Design proposals Due
- July 27th Award
- August 12th Documents Due
- August 15th Out for Bid
- Aug 18th at 10:30 AM Contractor pre-bid Walkthrough
- August 26th Bids Due
- August 31st Awards
- Sept 5th to Oct 28th Construction Period

Sincerely,

David Silverstone
Vincent S. Giordano Jr.

Co-chairmen
Pine Orchard Association
Waterfront Committee



PINE ORCHARD ASSOCIATION
Branford, Connecticut

**PINE ORCHARD ASSOCIATION
EXECUTIVE BOARD MEETING NOTICE
AND AGENDA
MONDAY, July 11, 2022 (following annual meeting)**

At the call of the President, The Pine Orchard Executive Board will hold its' July board meeting at the POYCC on Monday July 11th 2022 immediately following the annual meeting - all are welcomed.

1. **Call to order**
2. **Approve minutes from May 2022 Executive Board Meeting**
3. **Election of Officers of Pine Orchard Association**
4. **Treasurers' Report**
5. **Committee Reports**
6. **Old Business** - Authorize the solicitation of a design professional for the repair of the walkway, wall and stairs from Island View to the Breakwater
7. **Public Comments - email from POA Resident [HERE](#)**
8. **Adjournment.**

Public Comment Rules:

1. Individual public comments are limited to 3 minutes.
2. Individuals shall identify themselves by name and address.
3. The public portion of the meeting shall be limited to 15 minutes in total.
4. Proper and respectful conduct is expected from any speaker during the public comment section of the meeting. Those not adhering to such guidelines will be given a warning, and absent restoration of orderly questions and/or comments the speaker's privilege to participate in the public comment via this meeting site will be terminated.

NOTE: Remote Option currently expires 4/30/2022, PA 21-2, Section 149
(May be extended by CT legislature soon.)

2022/2023 POA meeting Schedule (Zoom)

Monday September 5th 2022

Monday November 7th 2022

Monday January 2nd 2023

Monday March 6th 2023

Monday May 1st 2023

Mark Law
President, POA

PINE ORCHARD ASSOCIATION

EXECUTIVE BOARD MEETING

MONDAY, JULY 11, 2022

At the call of the President, The Pine Orchard Executive Board convened its meeting at the Pine Orchard Yacht and Country Club (POYCC)

Agenda item 1. Call to order. The meeting was called to order at 7:41 p.m. Board members present were Mark Law, Peggy Taylor, Matt Barez, Niall Ferguson, Peggy Haering, Bruce Calderone, John Grathwol, David Silverstone, David Scheer, Vin Giordano, Seth Herschman, and Curtis O'Connor

Agenda item 2. Approval of minutes. Upon motion and second, the minutes from the Board's May 7, 2022, meeting were approved.

Agenda item 3. Election of Officers of Pine Orchard Association. Mark Law announced the nominees for the Board's officers. They were: Vin Giordano as President, Mark Law as Vice President, Peggy Haering as Clerk, and John Grathwol as Treasurer. Upon motion and second the slate of officers was approved.

Agenda item 4. Treasurers' Report (waived)

Agenda item 5. Committee Reports (waived)

Agenda item 6. Old Business - Authorize the solicitation of a design professional for the repair of the walkway, seawall, and stairs from Island View to the breakwater. Vin Giordano reported that the breakwater and seawall at the end of Island View Avenue are deteriorating and need repairs. We need a hire a consultant to make recommendations for repair/restoration of the seawall. The POYCC is currently conducting repairs on the breakwater. He plans to put out an RFP for a consultant with the goal of getting a report and using that review to plan necessary repairs. David Scheel asked whether the Association owned the seawall. David Silverstone replied that the Pine Orchard Association owns the seawall and sidewalk and quitclaimed title to the breakwater to the POYCC.

David Scheer commented that clarifying ownership of beach access points is important. John Grathwol said that the Association would not be eligible for FEMA grants unless we owned the access points and seawalls. However, he also noted that FEMA relief would only be available if there were a major storm or declared disaster and could not be of any assistance if damage were caused by normal wear and tear.

Upon motion and second, the Board voted to proceed with issuing the RFP, with one nay vote. The Board discussed holding a Special Meeting in July to review the RFP responses.

There followed a discussion of traffic issues and speeding on Pine Orchard Road. David Scheer recommended asking the Town of Branford to change the traffic pattern at the Triangle and Spring Rock Road.

Agenda item 8. Adjournment. Upon motion and second, the Board voted to adjourn the meeting at 8:00 (?) p.m.

Respectfully submitted,

Margaret Haering, Clerk

2022/2023 Meeting Schedule

Monday, September 5, 2022

Monday, November 7, 2022

Monday, January 2, 2023

Monday, March 6, 2023

Monday, May 1, 2023

Pine Orchard Association Treasurer's Budget Report
as of 7/1/2022

	Approved Budget 1-Jul-21	Budget Activity Year to Date	Budget Remaining Year to Date	% of Budget Rec/Dsbmnts Year to Date
RECEIPTS				
Tax Collections	\$ 77,348	\$ -	\$ 77,348	0%
Rent	\$ 5,200	\$ -	\$ 5,200	0%
Building & Permit Fees	\$ 8,800	\$ -	\$ 8,800	0%
Other (Interest, Moorings)	\$ 55	\$ -	\$ 55	0%
Use of Capital Savings	\$ -	\$ -	\$ -	
Total	\$ 91,403	\$ -	\$ 91,403	0%
DISBURSEMENTS				
Security	\$ -	\$ -	\$ -	
Shorefront Maintenance	\$ 30,000	\$ -	\$ 30,000	0%
Building Maint/Utilities	\$ 9,000	\$ -	\$ 9,000	0%
Property Improvements	\$ -	\$ -	\$ -	
Office/General	\$ 18,000	\$ -	\$ 18,000	0%
Insurance	\$ 7,800	\$ -	\$ 7,800	0%
Legal	\$ 20,000	\$ -	\$ 20,000	0%
Zoning	\$ 6,000	\$ -	\$ 6,000	0%
PO Web	\$ -	\$ -	\$ -	0%
Acctg Annual Review	\$ 5,600	\$ -	\$ 5,600	0%
Beautification Committee	\$ 1,000	\$ -	\$ 1,000	0%
Sidewalks	\$ -	\$ -	\$ -	0%
Total	\$ 97,400	\$ -		0%
NET INCOME (LOSS)	\$ (5,997)	\$ -		

Account Balance as of 7/1/22	
BOA checking	\$44,098.81
Less outstanding checks	\$0
BOA net balance	\$44,098.81
BOA Savings*	\$128,280.89 Opened 12-2012
Total:	\$172,379.70

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

Pine Orchard Association Treasurer's Budget Report
as of 7/1/2022

	Approved Budget 1-Jul-21	Budget Activity Year to Date	Budget Remaining Year to Date	% of Budget Rec/Dsbmnts 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	\$ 7,200	\$ 2,800	72%
Other (Interest, Moorings)	\$ 75	\$ 54	\$ 21	72%
Use of Capital Savings	\$ -	\$ -	\$ -	
Total	\$ 93,175	\$ 88,676	\$ 4,499	95%
DISBURSEMENTS				
Security	\$ -	\$ -	\$ -	
Shorefront Maintenance	\$ 7,500	\$ 7,600	\$ (100)	101%
Building Maint/Utilities	\$ 13,000	\$ 11,283	\$ 1,717	87%
Property Improvements	\$ -	\$ -	\$ -	
Office/General	\$ 17,850	\$ 16,355	\$ 1,495	92%
Insurance	\$ 11,000	\$ 7,791	\$ 3,209	71%
Legal	\$ 24,000	\$ 13,728	\$ 10,272	57%
Zoning	\$ 10,000	\$ 5,023	\$ 4,977	50%
PO Web	\$ 100	\$ -	\$ 100	0%
Acctg Annual Review	\$ 4,250	\$ 4,322	\$ (72)	102%
Beautification Committee	\$ 4,725	\$ 3,504	\$ 1,221	74%
Sidewalks	\$ -	\$ -	\$ -	0%
Total	\$ 92,425	\$ 69,606		75%
NET INCOME (LOSS)	\$ 750	\$ 19,069		

Account Balance as of 7/1/22	
BOA checking	\$44,098.81
Less outstanding checks	\$0
BOA net balance	\$44,098.81
BOA Savings*	\$128,280.89 Opened 12-2012
Total:	\$172,379.70

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

Pine Orchard Association – Annual Meeting

July 11, 2022 - Zoning Committee Updates

May 2, 2022 Executive Board meeting Policy Changes:

- 1) Building Permit fee changed from \$250 to \$275 per filing
- 2) ZBA hearing fee changed from \$100 to \$275 per request

2021-2022 FY Zoning revenue: \$7,450

10 Generators, 5 Additions, 4 Solar Panels, 4 unknown, 3 Pool/Hot Tub, 3 Shed/Green House, 1 Garage, 1 New Construction

CT Public Act 21-29: CT became the 8th state to enact state-level legislation for accessory apartments. Municipal regulations must permit accessory apartments “as a right,” without a special permit or hearing unless municipality “opt out” of provision. Zoning Committee will present to the board end of July recommending “opt out”, Board will then have a vote. Both meetings require public notice, more to follow.

From: Sarah Hayes <smhayes27@gmail.com>
Sent: Wednesday, May 18, 2022 11:00 AM
To: Peter Robinson
Subject: Signage for children crossing near 214 Pine Orchard road

Flag Status: Flagged

Good morning,

The public school bus stop for the 3 children at 214 Pine Orchard Rd and for the 2 children at 221 Pine Orchard Rd is right at the curved part of the road as you head into Pine Orchard. Over the last week, we have had many incidents where the oncoming car doesn't see the red stop sign of the bus (or they were driving too fast to slow down) causing unsafe conditions for our children to cross the road. The bus driver has had to yell at these cars many times (Bus 22). Would it be possible to install signage on either side of the curved road to alert cars that children are crossing the road and to watch out? Or maybe a slow down sign?

Thank you
Sarah Reinwald
214 Pine Orchard Rd, Branford, CT 06405
203-604-7866

From: Paul Gavejian <pgavejian@total-comp.com>
Sent: Monday, July 11, 2022 10:45 AM
To: 'om@poa-ct.org'
Cc: building@branford-ct.gov; engineering@branford-ct.gov; zeo@poa-ct.org; matt.k.barez@lmco.com; marklaw8@gmail.com
Subject: Disruption on Halstead Lane

July 11, 2022

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

Dear Peter:

As a follow up to our conversation on Friday, and as you suggested, I am writing this note for consideration by the Pine Orchard Association (POA) Board.

I called you on several occasions over the past two years regarding the development of the property at 1 Halstead Lane. Over the past 2 years, this property has been under construction with heavy equipment, building materials, and personnel transiting Halstead Lane from 6:30 AM to 5:00 PM five days a week. This has resulted in erosion and compacting of the eastern side of the road bed (a No Parking zone) which now collects and retains standing water. This matter has already been referred to the town engineer as well as the town building official.

Over the past two years, I have asked you direct questions regarding the development of the property and in response, you shared the approved site plan with me about 18 months ago. It is not clear to me why, as a contiguous property owner, I was not given an opportunity to comment and offer constructive criticism on the project prior to approval. Is it standard procedure of the POA to avoid contiguous neighbor comments during the building approval process?

Now, after almost two years of disruption on Halstead Lane as well as a constant flow of cement trucks, heavy equipment movers, dump trucks and myriad workers' vehicles, and on your advice, I would like the POA Board to address the following:

Why is there no limit on the disruption caused by construction -and- how much longer does Halstead Lane need to be dislocated by development of this property?

In addition, to the duration of this project, there are specific issues that as a contiguous property owner I need the Board to address:

- 1) Generator – an industrial sized generator has been located on a concrete pad approximately 35 feet off my property line. What is the decibel level of this generator? What does the owner intend to run with

a generator of this size in a residential neighborhood? What restrictions as far as time of operation does the POA intend to put on this equipment? Who approved this equipment?

- 2) Construction Trailer – The State of Connecticut building codes allow for construction trailers to be in use for two 180-day periods (360 days). Builders must apply for two separate permits covering the two 180-day periods. It is not clear what the POA allows, so I ask the following questions: Who approved this trailer? Now, after 18 months (over 360 days), why is it still there? Is this structure, which is located within three feet of the property line used for anything related to the project?
- 3) Driveway specified for 4.5 feet off my property line – Laura Magaraci advised me, about the same time you shared the site plans, that this driveway could move “a foot or two” towards my property line. As I said to Laura then, and repeated to you in our conversation last Friday, there is no acceptable reason for an active driveway to be located on my property line especially with over an acre of property in which it may otherwise be located. Will the POA Board enforce adherence to the site plan?

Peter, it seems to me that it is in the interest of all Pine Orchard residents that these questions (underlined above) be answered and that they know that the POA Board has the authority to address these concerns. I am available to the POA Board for clarification of any of the issues above and would be delighted to meet with the Board members at their earliest convenience. Thank you.

Paul

Paul Gavejian
11 Halstead Lane
Branford, CT 06405
M – 914-325-0525
pgavejian@total-comp.com

Office Manager Annual Report for 2022/2023 Season

1) POA Tax Collection:

- a. POA Taxes are collected in full for 2020/2021 (done by Jan 2022).
- b. Executed a lean release on 47 Yowago – Filed with town
- c. All 2022/2023 tax bills went out on June 30th.
- d. I have logged \$15,755.52 against \$77,503.84 for 20% collected

2) Zoning: Defer to Matt Barez

3) POA Office:

Outreach:

- a. We have a 75% coverage via email for all POA residences (482 email).
- b. I continue to get back to 90% of the POA inquiries within 24 hours.
- c. Sent out 12 welcome letter this year

Building:

- a. Garage rented at \$200/month.
- b. Installed two iCameras at front and rear of POA Building.
- c. Fixed broken window.
- d. Upgraded Office PC to support Windows 10 and added a new printer.
- e. Gutters cleaned and remounted.
- f. Parking lot sealed and lines painted.
- g. Installed mail slot in door (thanks to Linda's husband).

Communication:

- a. Converted the POA *100 Birthday Celebration* book to PDF. Printed up 50 copies.
- b. Had Blackstone Library take custody of the POA records dated from 1890 to 1970. These documents were starting to degrade due to heat and humidity. State of CT approved transfer of records.
- c. Completed M1 State filing

Community:

- d. Delivered "Lock your Car" key tags to all POA residences.
- e. Installed mirror at the corner of Spring Rock and Pine Orchard Road.
- f. Worked with neighbors to cut-back their "growth" to improve driving safety in town.
- g. Assisted the Branford Police and Chapel with community outreach by leveraging our POA email database through Constant Contact™
- h. Installed traffic mirror at corner of Spring Rock Dr. and Pine Orchard Road.

MINUTES
PINE ORCHARD ASSOCIATION
EXECUTIVE BOARD
SPECIAL MEETING
MONDAY, July 25, 2022 @ 7:00 PM
Held via Zoom Application

1.--Call to order: The meeting was called to order by President Vin Giordano at 7:08 p.m.

2.—Roll call: Members present: Vin Giordano, Mark Law, Peggy Haering, Matt Barez, David Silverstone, David Scheer, Niall Ferguson, Seth Herschman, Peggy Taylor, John Grathwol, Bruce Calderone.

Absent: Curtis O'Connor.

3.--Announcement: The president announced that this special meeting was convened to consider responses to the RFP issued by the Association for a feasibility study to determine whether more significant repairs are needed for the seawall and walkway at the end of Island View Avenue.

4.—RFP Responses: Vin said that the Pine Orchard Yacht and Tennis Club is undertaking repairs of the breakwater in the same area, and this might be a good time to consider what the Association should do so. Prior work on this beach access point has been limited to patching. The seawall may be crumbling and it is unknown how effective future patching will be.

We got two responses to the RFP, from Fedus Engineering and Race Coastal Engineering. The estimated cost for engineering for a full repair was \$25,000. Both firms are qualified, but one firm had higher hourly staffing costs. Vin followed up with both bidders to get a specific quote for a feasibility study on the condition of the seawall.

David Silverstone commented that the choice is between continuing to patch or whether it is time to do major repairs. Although the quotes for engineering work were similar, it is unknown what the cost of construction would be. The work would require a DEEP certification and permit.

Matt Barez asked about the potential scope of repairs and the area at issue was pointed out on an aerial photo of the area. Part of the concern is that the seawall may be crumbling and undermining repairs to the sidewalk.

Peggy Haering said that she was concerned about the state of the seawall and whether it might be one large storm away from destruction. For that reason, she supported expenditure of funds for the feasibility study.

Niall Ferguson said that he is apprehensive about the potentially large scope of work, which might be as much as \$100,000. Mark Law supported getting an explanation of the expected remaining life of the existing seawall, and an estimate of the cost of repair. The Board discussed the differences in price between the two bids. Fedus' estimate for the feasibility study was lower.

John Grathwol stated that the Board has budgeted \$30,000 for shoreline repairs and that \$3000 had been spent thus far on repairing the stairs. John asked whether renovation of the seawall could be done in phases. Vin said that doing work in phases was possible but could cost more.

Niall Ferguson wanted to know what work Josh Brooks had been asked to quote and whether there was the value in potentially proceeding with the repair of the sea wall and walkway per that quote even before the preliminary assessment was conducted by Fedus and independent of a decision to proceed with the fuller engineering study and more extensive repair. Vin said that he was not yet planning to open things up with Josh. He said that Josh has a good sense of what needs to be done but is not set up for sophisticated repair. David Scheer suggested that we wait for the study, and to use the insights from Fedus to inform the nature of any repair that Josh could provide.

Upon motion and second the Board voted unanimously to award the work for a feasibility study to Fedus, with total cost not to exceed \$5000. Mark Law asked that the need for replacing the railing also be assessed. Vin says that we may need to bring railing up to code if we replace it.

A question was asked about the Association's potential liability if someone was injured at the beach access point. Niall said that based on his prior board membership, it was his understanding that the Association had coverage for all beach access points. It was agreed that we would review the insurance policy to confirm this. The board also authorized the immediate removal of moss/seaweed from the steps leading from the sidewalk to the beach at the end of Island View Avenue.

5.—Public comment. (None)

6. Adjournment—Upon motion and second the meeting was adjourned at 8:10 p.m.

Respectfully submitted:

Margaret Haering, Clerk

2022/2023 Meeting Schedule

Monday, September 5, 2022

Monday, November 7, 2022

Monday, January 2, 2023

Monday, March 6, 2023

Monday, May 1, 2023

Annual Meeting, Monday, July 10, 2023

MINUTES OF PINE ORCHARD ASSOCIATION
Executive Board
SPECIAL MEETING
THURSDAY, Aug 4th, 2022
7:30 p.m.

Agenda Item 1. **Call to order**--The meeting was called to order at 7:31 p.m. Board members present: Vin Giordano, David Scheer, Peggy Haering, Niall Ferguson, Peggy Taylor, John Grathwol, Curtis O'Connor, David Silverstone, Bruce Calderone, Seth Hershman, Mark Law, Matt Barez.

Agenda Item 2. The president announced that this is a special meeting, and we are required by law to follow the published agenda without variation.

Agenda Item 4—(a) The president took up the issue about signage on the Long Island Sound access point/ Karen Jubanyik of 47 Griffing Pond Road was recognized. She is new to Pine Orchard and went to the access point at the end of Island View Avenue. The police were called, and she was accused of trespassing. She was upset about it and said that the Branford Police seemed not to understand what the rules for using beach access points were. Matt Barez asked Karen where she parked. Vin Giordano said that we want this to be a calm environment and that the Association will reach out to the Police to make sure they understand the rules for using beach access points and what the limits on parking might be.

Agenda Item 3 Public comment. It was announced that the Board would hear public comment on the agenda item and then go into executive session to address the situation with ongoing litigation concerning Crescent Bluff Avenue.

Agenda Item 4—Crescent Bluff. The association's counsel, Peter Berdon provided a history of the Crescent Bluff matter and the current issues that were preventing the Association from moving forward with a settlement that was negotiated in 2020. He noted that there have been 4-6 cases involving Crescent Bluff Avenue over the past 20 years. In 2020 the parties in the matter of Wheeler v. Beachcroft reached an agreement to resolve the litigation. As part of that settlement the Association was to receive an 11' strip of land to be used for beach access.

James McBurney, an adjoining waterfront landowner, was not involved in the settlement agreement; after it was negotiated McBurney raised an objection to various parts of the settlement—including placement of a fence and location of the proposed 11' beach access point. There was a July 15th deadline for getting the various parts of the settlement concluded. An extension of time was granted by the Court for concluding the settlement. Beachcroft sued McBurney, who claims that he owns part of the lawn along the westerly border Beachcroft's property. The Pine Orchard Association (in recognition of the boundary dispute between

these two parties) is claiming that the line of the 11' pathway to be conveyed to the Association for beach access should be fixed by the Court. Some of the interior lot owners in the case have other concerns that do not involve the Association.

Richard Colbert, the attorney representing Beachcroft asked for additional time to explain his client's position. He said that his client was interested in resolving this dispute. There were multiple post-settlement communications with McBurney. His client sought to enforce the settlement and in also filed a lawsuit against McBurney to resolve his claim to ownership of a portion of the land to be conveyed to the Association. There are additional matters (such as details of a view scape easement and the height of plantings located on Beachcroft's property) to be resolved. Colbert expressed concern that no one was responding to his efforts to conclude the settlement.

Beachcroft has a pending motion for summary judgment to resolve McBurney's claim for adverse possession of a portion of its property. The court in that matter will be examining the premises on 8/22/2022 and the summary judgment motion will be argued shortly after that. Colbert stated that the Town of Branford is prepared to conclude its purchase of the paved roadway from Beachcroft.

Peter Paquin of 9 Crescent Bluff Avenue said that time is being wasted and that he wanted to get this all resolved. Vin Giordano commented that the McBurney case is a concern if we proceed without addressing the ownership claim.

Upon motion and second, the Board voted to go into executive session.

The Board came out of executive session at 10:00 p.m. Peggy Haering stated that no motions were voted upon during the session. Vin Giordano announced that the Board would explore whether settlement could be achieved. Upon motion and second, Vin Giordano, Niall Ferguson and Peggy Haering were appointed to a subcommittee to explore conclusion of the settlement with the various parties, including McBurney.

Upon motion and second, the meeting was adjourned at 10:16 p.m.

Respectfully submitted

Margaret Haering, Clerk

**MINUTES OF THE PINE ORCHARD ASSOCIATION
EXECUTIVE BOARD
SPECIAL MEETING
SATURDAY, Aug 13th, 2022 @ 9:00 AM**

1. Call to order--The meeting was called to order at 0:05 a.m. Board Members present were Vin Giordano, David Scheer, Peggy Haering, Niall Ferguson, Peggy Taylor, Curtis O'Connor, David Silverstone, Seth Hershman, Mark Law, Matt Barez.
Absent: John Grathwol and Bruce Calderone

2. Announcement: The President announced that the purpose of the meeting was to go into executive session with our counsel to consider the Board's position on the Crescent Bluff litigation. He added that as this is a special meeting, we are required to follow our published agenda without variation.

3. The president said that 15 minutes of this meeting would allotted at the end for public comment.

4. Upon motion and second the Board voted to go into executive session at 9:10 a.m.

The Board came out of executive session at 11:20 a.m. Vin Giordano said that he recognized that not all board members were in accord but that he felt the course we had chosen was in the best interest of the POA at large. He asked counsel, Peter Berdon, to help articulate a proposed motion. Peter asked for a motion to direct him to seek the advice of the court in the matter of Wheeler v. Beachcroft as to the deed description to be used for conveyance of the 11' strip to the POA by quitclaim deed in the settlement.

Matt Barez, seconded by Mark Law, so moved. The motion carried, with one nay vote by Niall Fergusson.

5. Public Comment. None.

6. Adjournment. Upon motion and second, the meeting was adjourned at 11:25 a.m.

Respectfully submitted,

Margaret Haering, Clerk



PINE ORCHARD ASSOCIATION
Branford, Connecticut

**PINE ORCHARD ASSOCIATION
EXECUTIVE BOARD MEETING NOTICE
AND AGENDA
MONDAY, Sept. 12, 2022 via Zoom**

At the call of the President, The Pine Orchard Executive Board will hold its' September board meeting via Zoom on Monday Sept. 12th 2022 at 7PM. All are welcomed to attend.

1. **Call to order**
2. **Approve minutes from July 7th 2022 Executive Board Meeting**
3. **Update on Island View Engineering Study** - Greg Fedus
4. **POA Zoning Commission present Accessory Apartments** - Matt Barez and Laura Magaraci
5. **Update on assignment of POA chair positions**
6. **Treasurers' Report**
7. **Officer and Committee Reports**
8. **Old Business** - (A) Updated on status of Island View repair from Josh Brooks. (B) Matt Barez to report on meeting with police Chief and signage (C) Crescent Bluff update from Peter Berdon
9. **Public Comments**
10. **Executive Session to Discuss Crescent Bluff Litigation**
11. **Comments following Executive Session with Public Comments to follow**
12. **Adjournment.**

Public Comment Rules:

1. Individual public comments are limited to 3 minutes.
2. Individuals shall identify themselves by name and address.
3. The public portion of the meeting shall be limited to 15 minutes in total.
4. Proper and respectful conduct is expected from any speaker during the public comment section of the meeting. Those not adhering to such guidelines will be given a warning, and absent restoration of orderly questions and/or comments the speaker's privilege to participate in the public comment via this meeting site will be terminated.

Zoom meeting info

Meeting ID: 835 3262 5994
Passcode: 869614

[Click Here to Join meeting](#)

Vincent Giordano
President, POA Executive Board

**MINUTES OF THE MEETING OF THE PINE ORCHARD
EXECUTIVE BOARD
MONDAY, SEPTEMBER 12, 2022
7:00 P.M.**

The meeting was held using the Zoom Application

1. **Call to order.** The meeting was called to order at 7:02 p.m.
Members present: Vin Giordano, John Grathwol, Mark Law, Matt Barez, Peggy Haering, David Silverstone, David Scheer, Niall Ferguson, Peg Taylor, Curtis O'Connor. **Members absent:** Bruce Calderone, Seth Herschman.
2. **Minutes,** upon motion second the minutes from July 7, 2022, Executive Board Meeting were approved.
3. **Update on Island View Engineering Study** -Vin Giordano outlined the estimate presented by Greg Fedus on the cost of replacing the sea wall and sidewalk at the end of Island View Avenue. The estimated cost is substantial and will be reviewed in more detail at a future meeting. We also received an estimate from Brooks Stone on repairs needed to maintain the seawall in a good state of repair. That estimate includes shoring up portions of the seawall where cement joints are loose, repairing the top surface of the sidewalk and removing granite blocks that are damaging the seawall. The question was raised whether the estimate included the replacement of the railing. Vin responded that it did not. Matt Barez questioned whether the work was worth \$10,000. David Scheer said that cracks in the walkway could lead to damage to the seawall. David Scheer favored looking into the cost of replacing the railing as well. Upon motion and second the board voted to proceed with the work as outlined in the Brooks Stone quote.
4. **POA Zoning Commission present Accessory Apartments** - Matt Barez and Laura Magaraci discussed the requirements for compliance with the Public Act 21-29 to allow accessory apartments as of right in areas zoned for single family dwellings unless a municipality opted out of the procedure by the close of 2022. Peter Berdon noted that the Town of Branford had elected to opt out and that the Pine Orchard association needed to hold a public hearing on the matter and that the Board had to approve any decision to opt out by at least a 2/3 majority. Peggy Haering volunteered to assist with the process so that we had sufficient time to publish the legal notices and comply with the scheduling requirements under the law.
5. **Update on assignment of POA chair positions.** Vin Giordano outlined the committee assignments for Board members for the upcoming year. Upon motion and second, the committee assignments were approved.

6. Treasurers' Report John Grathwol provided a preliminary treasurer's report. He was unable to prepare the full report due to lack of access to the Association's account details at the Bank of America. to banking restrictions, he was unable to access the accounts at the Bank of America.

7. Officer and Committee Reports

David Scheer reported on the activities of the By-Laws committee, which has finished its review of the Charter and is now turning to an examination of the By-Laws. The results of this process will be shared with the Board.

Old Business –

(A) Updated on status of Island View repairs (noted above).

(B) Matt Barez reported on his meeting with the Police Chief about the fishing at end of Island View Avenue. He said recommendation about good fishing in that spot has now been removed from the internet, and also said the Pine Orchard Yacht and Country Club has now posted a no trespassing sign at the end of the jetty. The Police Chief said he will inform his staff not to write trespassing tickets to POA members.

(C) Crescent Bluff update. Peter Berdon, the Association's counsel, gave an update on litigation. There are 2 pending matters, Wheeler v. Beachcroft, LLC and Beachcroft LLC v. McBurney. The judge viewed the property at the end of Crescent Bluff Avenue on 8/22/2022. Shortly thereafter the court held a hearing on summary judgment motions in Beachcroft v. McBurney. A status conference was held in the Wheeler v. Beachcroft, LLC matter. Beachcroft filed a Motion for Order, and the court gave all parties until 10/31/2022 to complete the settlement agreement in that matter. The court also offered the possibility of mediation to help resolve outstanding disputes about the boundaries of the 11' access point to be granted to the POA and other issues.

8. Public Comments

Jeanne Hughes of 39 Meadow Wood Road said that she was happy to hear about the seawall repairs and the removal of granite blocks at Island View Avenue.

Jacquelyn Cahill of 37 Island View Avenue, expressed concern about speeding on Island View Avenue and favors installation of speed bumps on the road to prevent it. David Silverstone said that the Town may require a speed study before making such a change.

Karen Jubanyik of 47 Griffing Pond Road said that speeding was also a problem on her street.

Curtis O'Connor said that Hotchkiss Grove installed speed bumps, but that they had to be removed.

Rich Colbert, an attorney representing Beachcroft, LLC said that any mediation in the Wheeler matter is purely voluntary and that his client would likely be unwilling to proceed with that course. He also said that if mediation did occur, he would support the appointment of Judge O’Hanlon, who previously represented the Town of Branford in the litigation. Colbert asked that if the POA decided to participate in mediation, his client’s decision to engage would depend on the person appointed to attend the session.

9. **Executive Session.** Upon motion and second, at 8:35 p.m., the Board voted to go into executive session to discuss litigation strategy. The Board came out of executive session at 10:23 p.m.

Upon motion and second, the Board unanimously agreed to follow the litigation strategy outlined during executive session.

10. **Public Comment.** The President opened the floor for additional public comment.
(None)
11. Adjournment. Upon motion and second the Board voted to adjourn the meeting at 10:26 p.m.

Respectfully submitted:

Margaret E. Haering, Clerk

Documents received:

Fedus Engineering Plan
Fedus Engineering Quote
Brooks Stone estimate
List of Board Committee Assignment
Preliminary Treasurer’s report

Future meetings:

November 7, 2022
January 2, 2023
March 6, 2023
May 1, 2023
July 11, 2022 (Annual Meeting)

Pine Orchard Association Treasurer's Budget Report

PRELIMINARY

as of 9/12/2022

	Approved Budget 1 July 22	Budged Activity Year to Date	Budget Remaining Year to Date	% Of Budgets Rec/Dsbrmnts Year to Date
RECEIPTS				
Tax Collections	\$77,348	\$74,019.73	\$3,364.27	(14) 4.5%
Rent	\$5,200			
Building & Permit Fees	\$8,000			
Other (interest)	\$55			
Use of Capital Savings	-0-			
Totals	\$90,603			\$77,494.27

DISBURSEMENTS				
Security	\$9,000			
Shorefront Main	\$30,000	\$2,000		
Building Main.				
Office General	\$18,000			
Insurance	\$7,800			
Legal	\$20,000			
Zoning	\$6,000			
POA Web/comm				
Audit	\$5,600			
Beautification	\$1,000			
Sidewalks				
TOTAL	\$97,400			\$9,646.97
NET INCOME (loss)	(\$6,767)			\$67,847.30

Account Balances as of 8/31/2022		
POA Checking	\$111,917.01	
Outstanding checks	-0-	
POA net Balance	\$111,917.01	
POA Savings	\$128,289.61	
TOTALS	\$240,206.62	

Proposed Chair Positions for the 2022/2023 Term

- **Tax collector** – John Grathwol
- **Waterfront Maintenance and Access** – David Silverstone and Vin Giordano
- **Waterfront access:** Mark Law and Curtis O'Connor
- **By-Laws** – David Scheer
- **Nominating Committee** – Seth Hershman and Mark Law
- **POA Building** – Bruce Calderon
- **Municipal and Community Liaison (Sidewalks)** – Seth Hershman
- **Community Beautification** – Peg Taylor and Curt O'Connor
- **Long Range Planning** – Peggy Haering and Nail Ferguson
- **Zoning Commissioner** – Matt Barez

Brooks Stone

Joshua D Brooks

264 Thimble Island Rd
Branford Ct 06405
Cell: (203) 506-6809
brooks-stone.com

Pine Orchard Assoc.
Island View breakwater

For repairing the seawall at the end of Island View - \$5200 to \$5700

- Repair areas on top surface of sidewalk along white fence as needed
- Repair backside of tall seawall where cement joints are loose
- Form and pour concrete on harborside section furthest out

For remove and repouring section of sidewalk above stairs to beach - \$2400

- Cut and remove 4" of concrete and pour new concrete to follow existing concrete

To remove loose large pieces of granite on beach side - \$2200



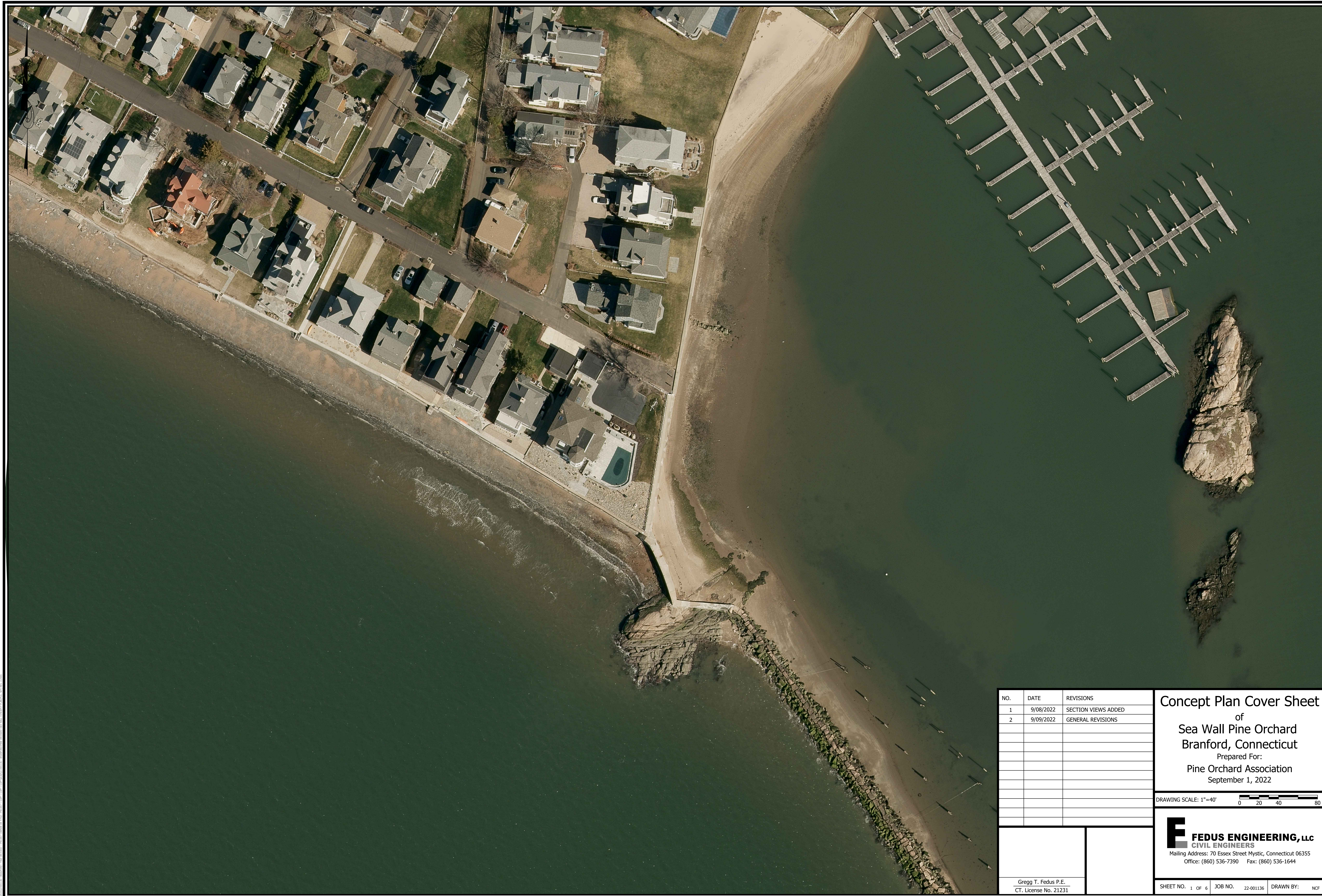
70 Essex Street, Unit 2C, Mystic, CT 06355

9/9/2022

Pine Orchard Association
 Lake View Avenue to Jetty
 Branford, CT

Budget Estimate - Low to High Range

AREA	AREA DESCRIPTION	QUANTITY	UNIT	COST PER LF - LOW RANGE	COST PER LF - HIGH RANGE	TOTAL COST RANGE				
A	REMOVE AND REPLACE EXISTING WALL	70	PER LF	\$1,400.00	\$1,800.00	\$98,000.00	TO	\$126,000.00		
B	REMOVE EXISTING WALL AND REPLACE WITH CURVED WALL	80	PER LF	\$3,500.00	\$5,000.00	\$280,000.00	TO	\$400,000.00		
C	REMOVE DAMAGED PORTION OF WALL AND REPLACE, ADD SCOUR PROTECTION	85	PER LF	\$1,300.00	\$1,600.00	\$110,500.00	TO	\$136,000.00		
D	REMOVE DAMAGED PORTION OF WALL AND REPLACE	60	PER LF	\$500.00	\$800.00	\$30,000.00	TO	\$48,000.00		
						<hr/> <hr/>				
						TOTAL		\$518,500.00	TO	\$710,000.00



NO.	DATE	REVISIONS
1	9/08/2022	SECTION VIEWS ADDED
2	9/09/2022	GENERAL REVISIONS

Concept Plan Cover Sheet
of
Sea Wall Pine Orchard
Branford, Connecticut
Prepared For:
Pine Orchard Association
September 1, 2022

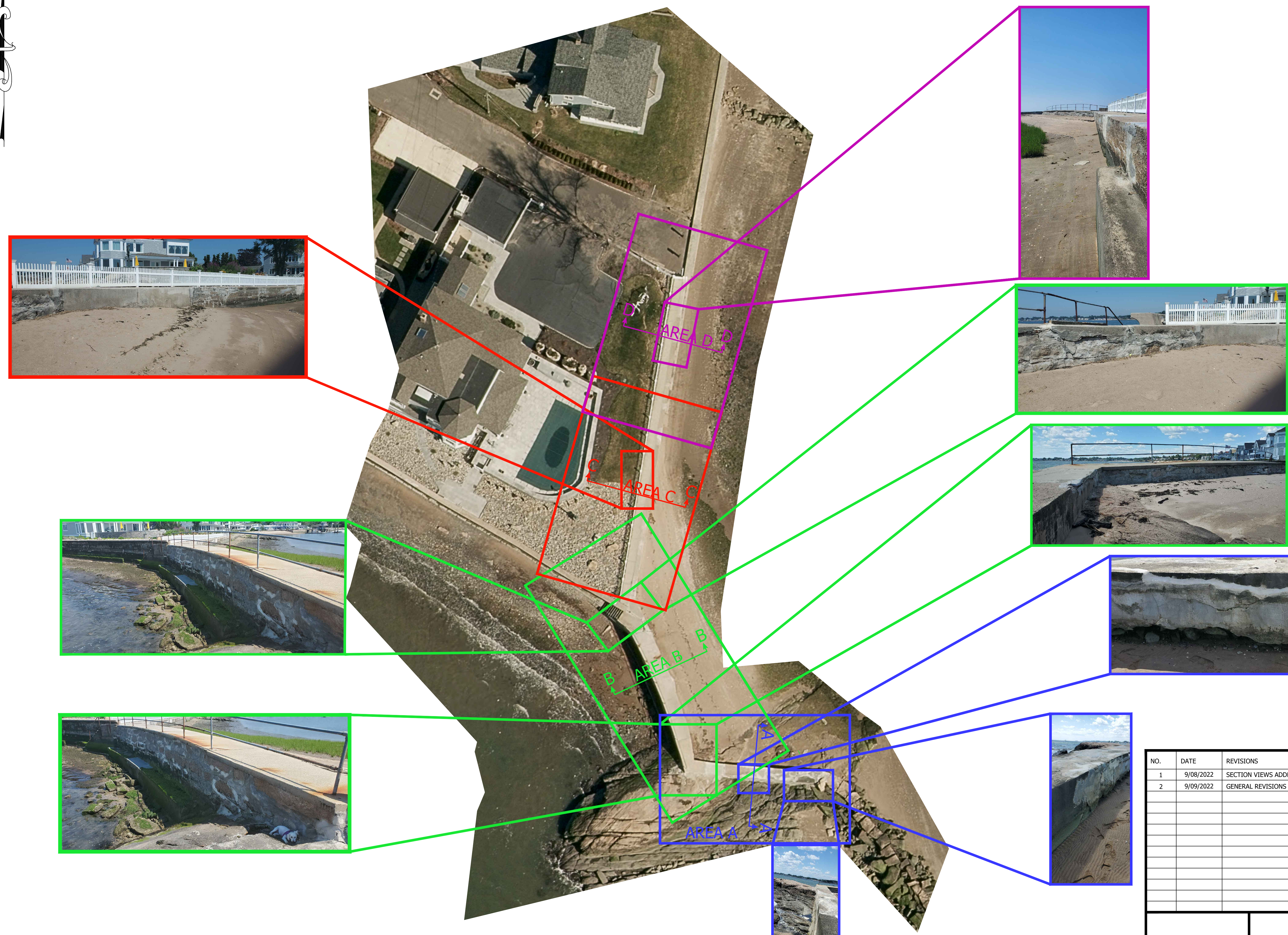
DRAWING SCALE: 1"=40'



Gregg T. Fedus P.E.
CT. License No. 21231

F **FEDUS ENGINEERING, LLC**
CIVIL ENGINEERS
Mailing Address: 70 Essex Street Mystic, Connecticut 06355
Office: (860) 536-7390 Fax: (860) 536-1644

SHEET NO. 1 OF 6 JOB NO. 22-001136 DRAWN BY: NCF



Legend

EXISTING	
SYMBOL	DESCRIPTION
	MONUMENT
	EX. IP / REBAR
	DRILL HOLE
	UTILITY POLE W/ LIGHT
	STONEWALL
	FENCE LINE
	WATER VALVE
	OVERHEAD WIRES
	PROPERTY LINE
	ADJACENT PROPERTY LINE
	INDEX CONTOUR
	CONTOUR
	WETLANDS BOUNDARY/FLAG
	MEAN LOW WATER LINE
	MEAN HIGH WATER LINE
	HIGH TIDE LINE
	COASTAL JURISDICTIONAL LINE
	ZONE LINE
	EASEMENT LINE
	BUILDING SETBACK LINE
	EXISTING WATER LINE
	EXISTING SEWER LINE
	N/F
	NOW OR FORMERLY CATCH BASIN
	(TYP.) TYPICAL
	SPOT ELEVATION
	DRILL HOLE
	POINT OF BEGINNING
	TEST PIT
	PERCOLATION TEST
	UTILITY POLE
	DRAINAGE MANHOLE
	SEWER MANHOLE
	HYDRANT
	WATER SHUTOFF
PROPOSED	
SYMBOL	DESCRIPTION
	IRON PIN TO BE SET
	SILT FENCE
	WATER SERVICE
	SANITARY SERVICE
	SPOT ELEVATION
	INVERT
	GALLON
	SCHEDULE
	HAY BALE BARRIER
	WATER SHUTOFF

NO.	DATE	REVISIONS
1	9/08/2022	SECTION VIEWS ADDED
2	9/09/2022	GENERAL REVISIONS

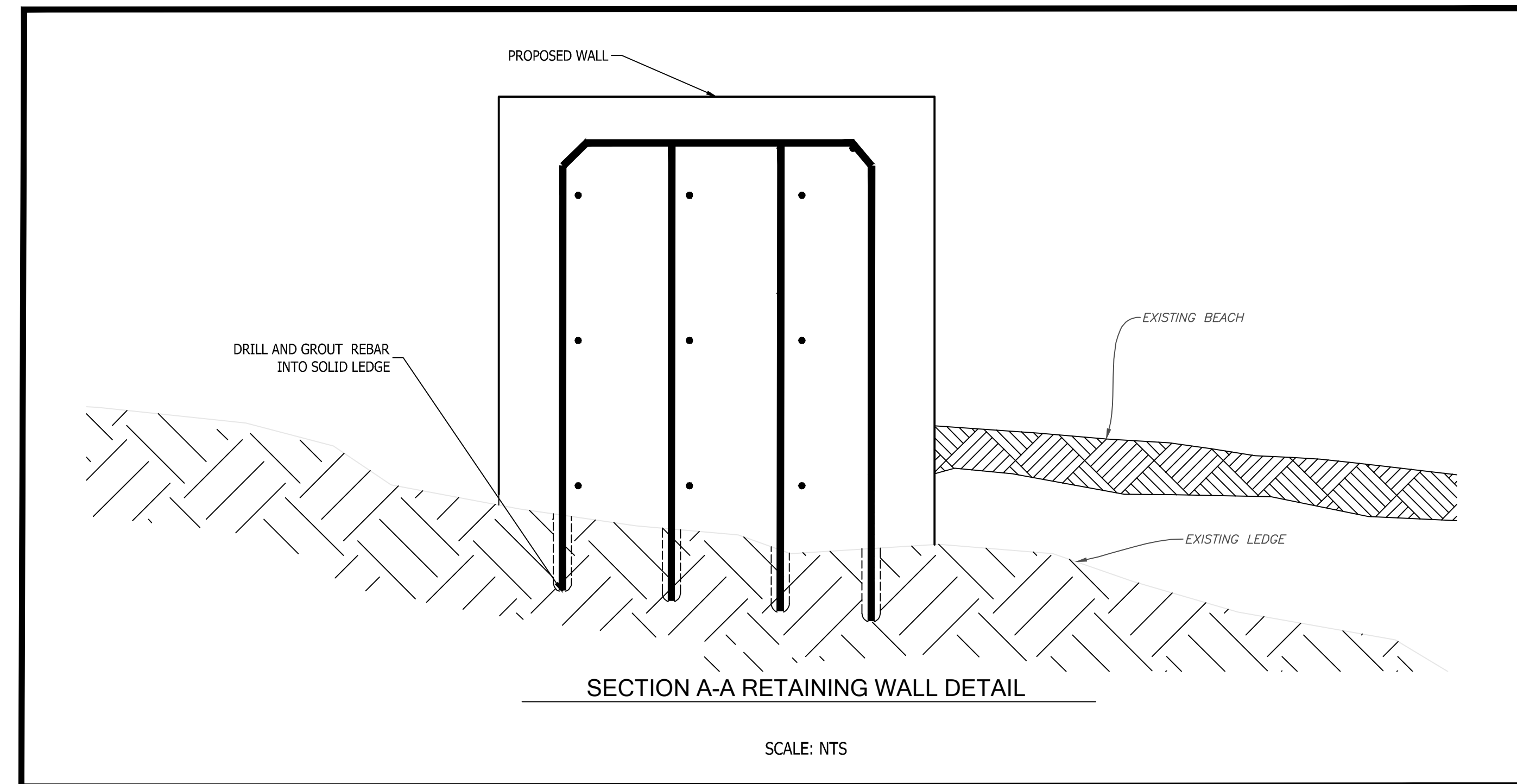
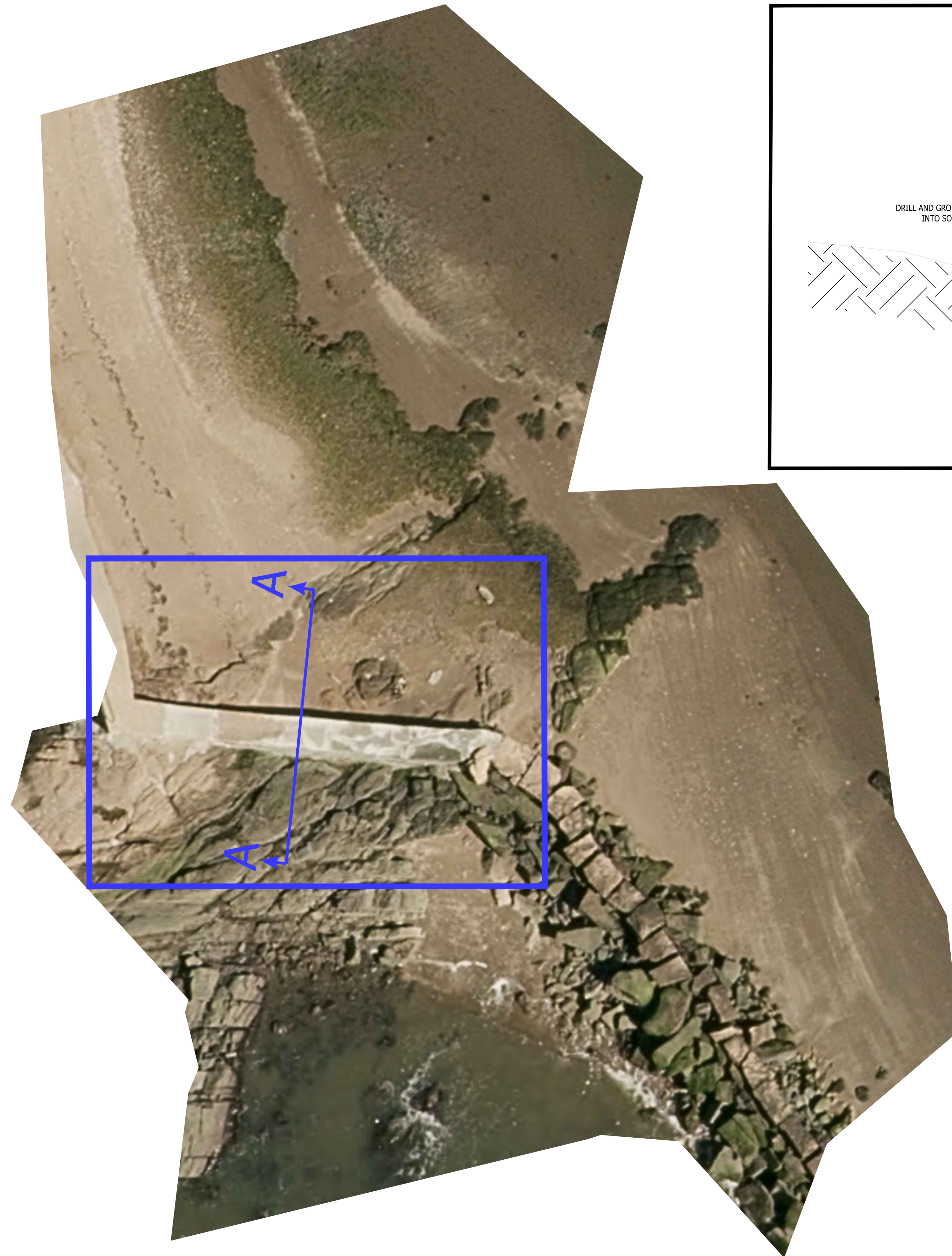
Concept Plan (Overall Sheet)
of
Sea Wall Pine Orchard
Branford, Connecticut
Prepared For:
Pine Orchard Association
September 1, 2022

DRAWING SCALE: 1"=20'

F FEDUS ENGINEERING, LLC
CIVIL ENGINEERS
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Gregg T. Fedus P.E.
CT. License No. 21231

SHEET NO. 2 OF 6 JOB NO. 22-001136 DRAWN BY: NCF



AREA A

- PROVIDE PROTECTION FROM TIDE AND WAVES
- REMOVE EXISTING TO LEDGE OR SOLID CONCRETE
- FORM AND POUR NEW WALL SECTION PINNED TO LEDGE

Legend	
EXISTING	
SYMBOL	DESCRIPTION
	MONUMENT
	EX. 1P / REBAR
	DRILL HOLE
	UTILITY POLE W/ LIGHT
	STONEWALL
	FENCE LINE
	WATER VALVE
	OVERHEAD WIRES
	PROPERTY LINE
	ADJACENT PROPERTY LINE
	INDEX CONTOUR
	CONTOUR
	WETLANDS BOUNDARY/FLAG
	MEAN LOW WATER LINE
	MEAN HIGH WATER LINE
	HIGH TIDE LINE
	COASTAL JURISDICTIONAL LINE
	ZONE LINE
	EASEMENT LINE
	BUILDING SETBACK LINE
	EXISTING WATER LINE
	EXISTING SEWER LINE
	N/F
	NOW OR FORMERLY CATCH BASIN
	(TYP.) TYPICAL
	SPOT ELEVATION
	DH
	POINT OF BEGINNING
	TP 1 TEST PIT
	P 1 PERCOLATION TEST
	UTILITY POLE
	DRAINAGE MANHOLE
	SEWER MANHOLE
	HYDRANT
	WATER SHUTOFF
PROPOSED	
SYMBOL	DESCRIPTION
	IRON PIN TO BE SET
	SILT FENCE
	WATER SERVICE
	SANITARY SERVICE
	SPOT ELEVATION
	INVERT
	GALLON
	SCHEDULE
	HAY BALE BARRIER
	WATER SHUTOFF

NO.	DATE	REVISIONS
1	9/08/2022	SECTION VIEWS ADDED
2	9/09/2022	GENERAL REVISIONS

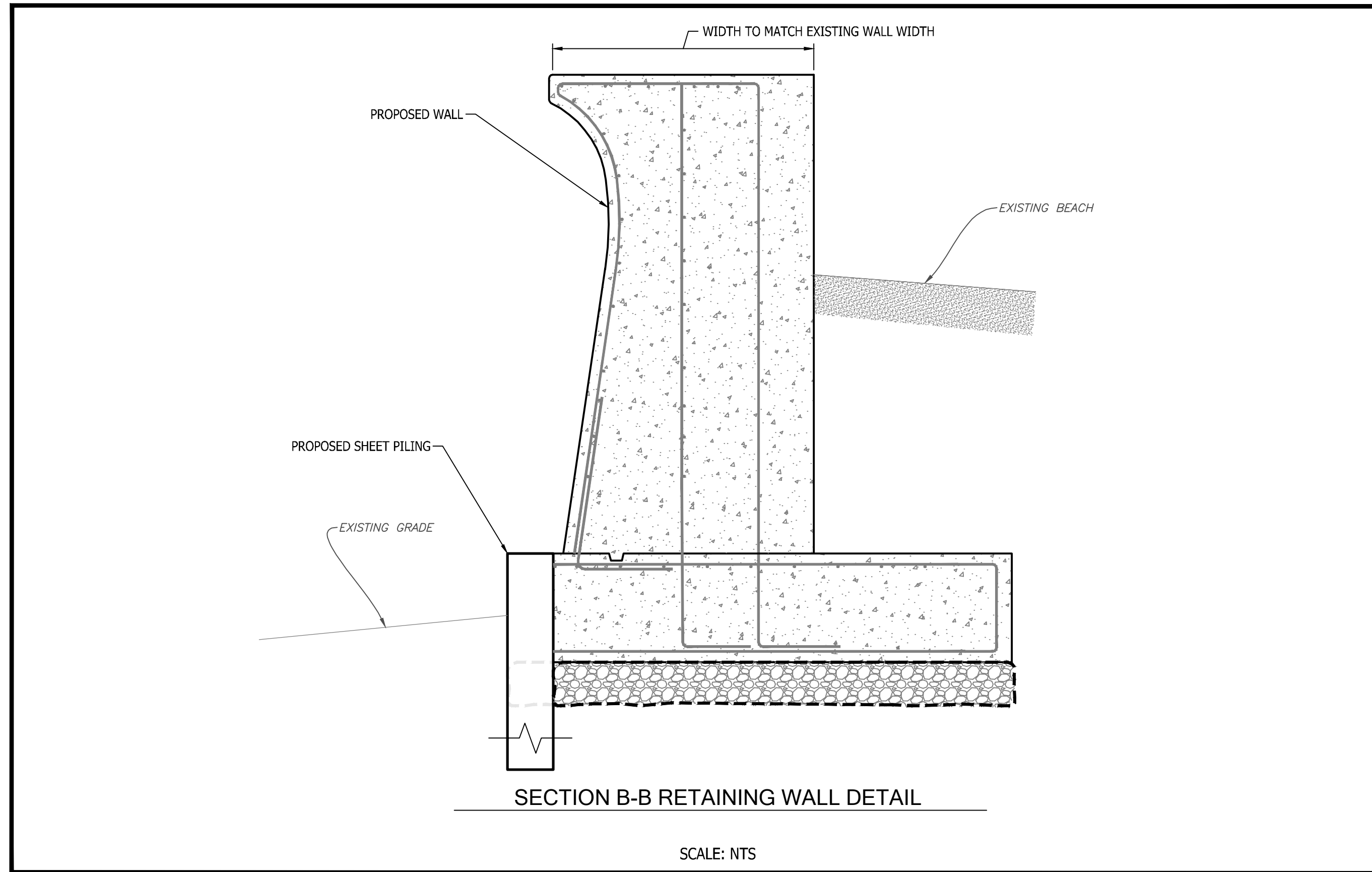
Concept Plan Section A-A
of
Sea Wall Pine Orchard
Branford, Connecticut
Prepared For:
Pine Orchard Association
September 1, 2022

DRAWING SCALE: 1"=10'

FEDUS ENGINEERING, LLC
CIVIL ENGINEERS
Mailing Address: 70 Essex Street Mystic, Connecticut 06355
Office: (860) 536-7390 Fax: (860) 536-1644

Gregg T. Fedus P.E.
CT. License No. 21231

SHEET NO. 3 OF 6 JOB NO. 22-001136 DRAWN BY: MCF



AREA B

- PROVIDE TEMPORARY SHEETING IN FRONT OF EXISTING WALL
- REMOVE EXISTING WALL
- DRIVE PERMANENT SHEETS NO MORE THAN 18" OUT OF EXISTING WALL SUPPORT
- POUR FOOTING
- FORM AND POUR CURVED WALL

Legend	
EXISTING	
	MONUMENT
	EX. IP / REBAR
	DRILL HOLE
	UTILITY POLE W/ LIGHT
	STONEWALL
	FENCE LINE
	WATER VALVE
	PROPERTY LINE
	ADJACENT PROPERTY LINE
	INDEX CONTOUR
	CONTOUR
	WETLANDS BOUNDARY/FLAG
	MEAN LOW WATER LINE
	MEAN HIGH WATER LINE
	HIGH TIDE LINE
	COASTAL JURISDICTIONAL LINE
	ZONE LINE
	EASEMENT LINE
	BUILDING SETBACK LINE
	EXISTING WATER LINE
	EXISTING SEWER LINE
	NOW OR FORMERLY CATCH BASIN
	(TYP.) TYPICAL SPOT ELEVATION
	DRILL HOLE (POB)
	TEST PIT
	PERCOLATION TEST
	UTILITY POLE
	DRAINAGE MANHOLE
	SEWER MANHOLE
	HYDRANT
	WATER SHUTOFF
PROPOSED	
	IRON PIN TO BE SET
	SILTY FENCE
	WATER SERVICE
	SANITARY SERVICE
	SPOT ELEVATION
	INVERT
	GALLON
	SCHEDULE
	HAY BALE BARRIER
	WATER SHUTOFF

NO.	DATE	REVISIONS
1	9/08/2022	SECTION VIEWS ADDED
2	9/09/2022	GENERAL REVISIONS

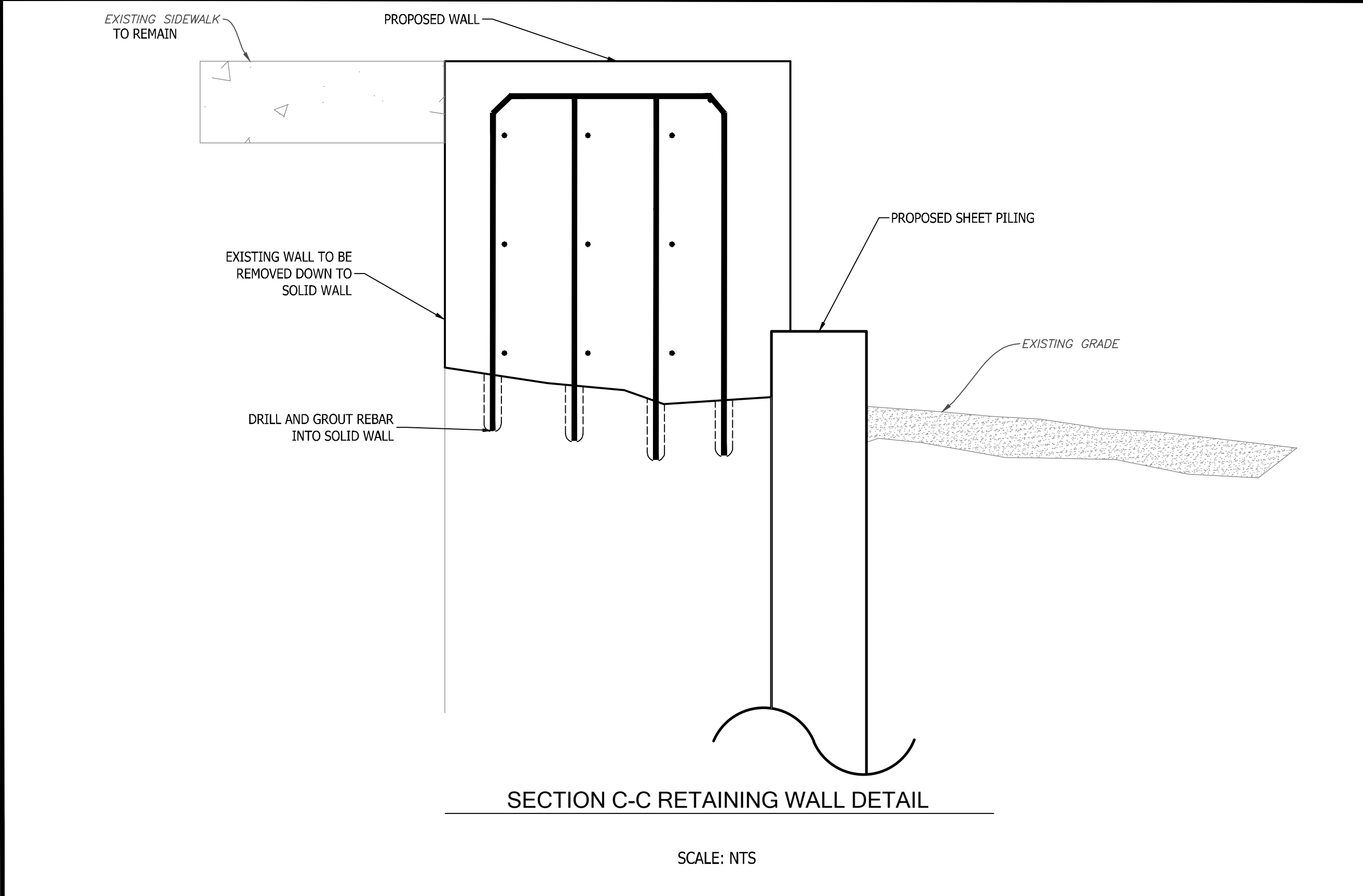
Concept Plan Section B-B
of
Sea Wall Pine Orchard
Branford, Connecticut
Prepared For:
Pine Orchard Association
September 1, 2022

DRAWING SCALE: 1"=10'



Gregg T. Fedus P.E.
CT. License No. 21231

SHEET NO. 4 OF 6 JOB NO. 22-001136 DRAWN BY: NCF



AREA C

- TAKE OFF TOP PORTION OF WALL TO STABLE CONCRETE
- DRIVE SHEETS TO SUPPORT WALL AND PROVIDE SCOUR PROTECTION
- FORM AND RE-POUR TOP PORTION OF WALL AND TIE INTO NEW CONCRETE BEHIND SHEETS

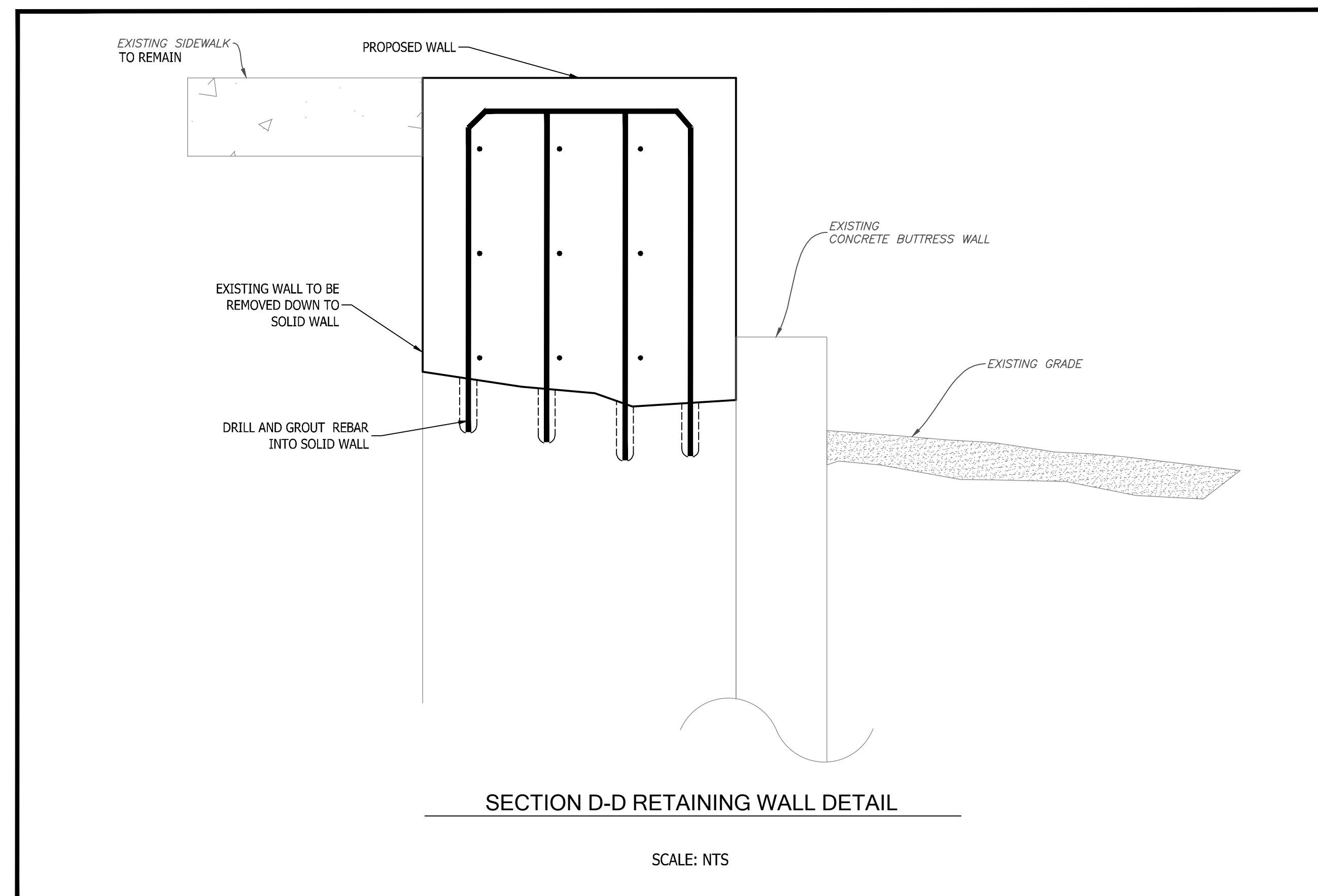
Legend	
EXISTING	
○	MONUMENT
◉	EX. IP / REBAR
●	DRILL HOLE
⊕	UTILITY POLE W/ LIGHT
⊗	STONEWALL
—x—x—	FENCE LINE
⊕	WATER VALVE
—ohw—	OVERHEAD WIRES
---	PROPERTY LINE
- - -	ADJACENT PROPERTY LINE
- . - . -	INDEX CONTOUR
- - - -	CONTOUR
WF-XX	WETLANDS BOUNDARY/FLAG
---	MEAN LOW WATER LINE
---	MEAN HIGH WATER LINE
---	HIGH TIDE LINE
---	COASTAL JURISDICTIONAL LINE
---	ZONE LINE
---	EASEMENT LINE
---	BUILDING SETBACK LINE
-w-	EXISTING WATER LINE
-ss-	EXISTING SEWER LINE
N/F	NOW OR FORMERLY
CB	CATCH BASIN
(TYP.)	TYPICAL
5.8	SPOT ELEVATION
DH	DRILL HOLE
(POB)	POINT OF BEGINNING
TP1	TEST PIT
P1	PERCOLATION TEST
⊕	UTILITY POLE
⊕	DRAINAGE MANHOLE
⊕	SEWER MANHOLE
⊕	HYDRANT
⊕	WATER SHUTOFF
PROPOSED	
○	IRON PIN TO BE SET
SF	SILT FENCE
-w-	WATER SERVICE
-ss-	SANITARY SERVICE
x10.00	SPOT ELEVATION
INV.	INVERT
GAL.	GALLON
SCHED.	SCHEDULE
HB	HAY BALE BARRIER
⊕	WATER SHUTOFF

NO.	DATE	REVISIONS
1	9/08/2022	SECTION VIEWS ADDED
2	9/09/2022	GENERAL REVISIONS

Concept Plan Section C-C
of
Sea Wall Pine Orchard
Branford, Connecticut
Prepared For:
Pine Orchard Association
September 1, 2022

DRAWING SCALE: 1"=10'





AREA D

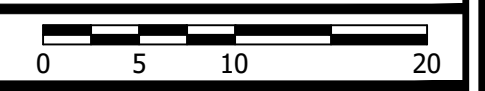
- TAKE OFF TOP PORTION OF WALL TO STABLE CONCRETE AND REFORM AND RE-POUR NEW WALL

Legend	
EXISTING	
○	MONUMENT
○	EX. IP / REBAR
●	DRILL HOLE
○	UTILITY POLE W/ LIGHT
○	STONEWALL
—x—x—	FENCE LINE
—w—w—	WATER VALVE
—o—o—	OVERHEAD WIRES
—p—p—	PROPERTY LINE
---	ADJACENT PROPERTY LINE
- - -	INDEX CONTOUR
- - -	CONTOUR
- - -	WETLANDS BOUNDARY/FLAG
—WF—XX	MEAN LOW WATER LINE
---	MEAN HIGH WATER LINE
---	HIGH TIDE LINE
---	COASTAL JURISDICTIONAL LINE
---	ZONE LINE
---	EASEMENT LINE
---	BUILDING SETBACK LINE
—w—	EXISTING WATER LINE
—SS—	EXISTING SEWER LINE
N/F	NOW OR FORMERLY CATCH BASIN
(TYP.)	TYPICAL
5.8	SPOT ELEVATION
DH	DRILL HOLE
(POB)	POINT OF BEGINNING
TP1	TEST PIT
P1	PERCOLATION TEST
φ	UTILITY POLE
⊙	DRAINAGE MANHOLE
⊙	SEWER MANHOLE
⊙	HYDRANT
⊙	WATER SHUTOFF
PROPOSED	
○	IRON PIN TO BE SET
—SF—	SILT FENCE
—W—	WATER SERVICE
—SS—	SANITARY SERVICE
x10.00	SPOT ELEVATION
INV.	INVERT
GAL.	GALLON
SCHED.	SCHEDULE
⊙HB	HAY BALE BARRIER
⊙	WATER SHUTOFF

NO.	DATE	REVISIONS
1	9/08/2022	SECTION VIEWS ADDED
2	9/09/2022	GENERAL REVISIONS

Concept Plan Section D-D
of
Sea Wall Pine Orchard
Branford, Connecticut
Prepared For:
Pine Orchard Association
September 1, 2022

DRAWING SCALE: 1"=10'



F FEDUS ENGINEERING, LLC
CIVIL ENGINEERS
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Office: (860) 536-7390 Fax: (860) 536-1644

Gregg T. Fedus P.E.
CT. License No. 21231

SHEET NO. 6 OF 6 JOB NO. 22-001136 DRAWN BY: NCF

Office Manager Annual Report for July/Aug. 2022

1) POA Tax Collection:

- a. POA Taxes 95% collected.
- b. Fourteen (14) outstanding bills to be collected.
- c. New TAX bill mailed out on 9/1/2022.

2) Zoning: Defer to Matt Barez

3) POA Office:

Outreach:

- a. We have a 75% coverage via email for all POA residences (482 email).
- b. I continue to get back to 90% of the POA inquiries within 24 hours.
- c. Sent out 2 welcome letter this period

Building:

- a. Scheduled maintenance for generator – Sept 20th Kevin Barnikow of KMB Electrical Services, LLC.
- b. Set mouse traps in garage – six down
- c. Did a thorough cleaning of the meeting room for ZBA meeting
- d. Will winterize the building this month.
- e. Schedule with Perfect Turf (Paul) to do the Fall clean-up in Oct.

Community:

Met with Branford Police to discuss access points and communications.

REPORT ON AFFORDABLE HOUSING

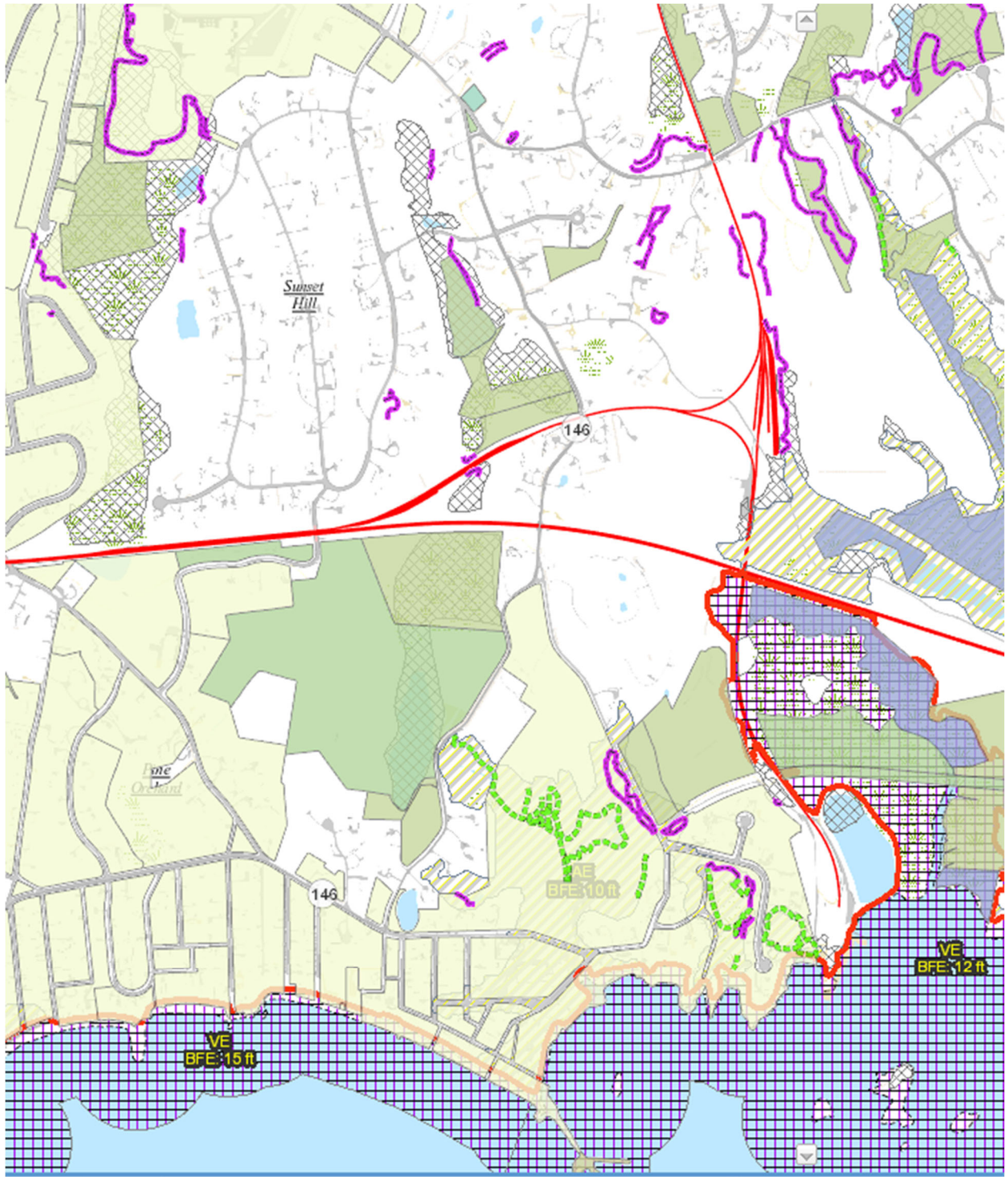
Pursuant to the requirements of Section 8-30j of the Connecticut General Statutes, the Town of Branford on May 19, 2022 adopted an Affordable Housing Plan for the entire municipality, which includes Pine Orchard. A copy of that Plan is attached. The Town conducted a full professional study, which identified the number of existing affordable housing units within Branford and proposed strategies for increasing the number of such units within Branford. As a result of this inquiry, the Town determined that no modification to its Zoning Ordinance was required to achieve its affordable housing goals. The Town's Affordable Housing Plan was the result of a comprehensive study with significant community input.

As a borough of the Town of Branford, Pine Orchard has independent zoning authority. POA's zoning jurisdiction encompasses 430 households which represents 0.076% of the 12,770 total households within the Town of Branford. The primary permitted zoning use within the POA district is that of single-family homes on individual lots of varying sizes. The POA does permit, and has in place, Open Space Residential Communities (Zoning Ordinance Section 5.4) which permit the development of parcels through the erection of homes on smaller lots than otherwise permitted. Given, primary use of properties within the district as residential, the insignificant number of households, the current ability within the regulations to develop properties more densely through the use of open space communities, we believe that the Town of Branford's Affordable Housing Plan adequately and most effectively addresses the issue of affordable housing.

In addition, as the attached map shows, the POA district is in immediate proximity to Long Island Sound with many low-lying areas, which either are directly within the FEMA determined flood plain or whose access is limited by the flood plain. Increased development in those areas is against the public policy of limiting the development in flood plains; More than ½ of the POA district is not serviced by public sewers, there is a large water shed boarding the unsewered area, which connects with Long Island Sound. Increased development in those areas may harm the watershed and Long Island Sound. There are large areas of public open space that will be adversely impacted by further development."

For those reasons the POA proposes to: i) endorse the Town of Branford's adoption on May 19, 2022, of an Affordable Housing Plan; and ii) recommend that no current modifications of the Pine Orchard Zoning Ordinance be undertaken, iii) and to opt out of the requirements of Public Act 21-29. The POA will continue to regularly review its Zoning Ordinance for appropriate amendments.

Attached Map of Pine Orchard



Extent Pan Parcel Information Simple Measure Path Measure Area Measure

**PUBLIC HEARING AND MINUTES OF THE SPECIAL MEETING OF THE
EXECUTIVE BOARD OF THE PINE ORCHARD ASSOCIATION, INC.
OCTOBER 11, 2022
180 PINE ORCHARD RD.
BRANFORD, CT**

PUBLIC HEARING: (Conducted by the Board in its legislative capacity as Zoning Commission for the Borough of Pine Orchard)

1. Call to Order. Mark Law, Vice President called the public hearing to order at 7:01 p.m. He then asked Matt Barez, Chair of the Zoning committee to explain the purpose of the public hearing and to hear comment from the public on the topic of whether the Pine Orchard Association should opt out of the requirements of Public Act 21-29.

Matt explained that the Town of Branford had adopted an Affordable Housing Plan that applied to the entire municipality, but that as Pine Orchard had separate zoning authority it was incumbent on the Association to decide whether we would follow the lead of the Town in opting out of the requirements of Public Act 21-29 to allow construction of accessory dwelling units on property that was zoned for single family dwelling.

Following that explanation, the Vice President opened up the floor for public comments.

Several members of the community were present, no one wished to make a public comment. statement. Mark read into the record an email from Judith Leibmann of 18 Ozone Road stating her opinion that allowing accessory apartments in Pine Orchard would be a detriment.

There being no other public comment, the public hearing was closed at 7:07 p.m.

SPECIAL MEETING OF THE BOARD in its capacity as Zoning Authority for the Borough of Pine Orchard.

1.—The meeting was called to order at 7:07 p.m. The following Board members were present: Mark Law, Seth Hershman, Matt Barez, John Grathwol, Niall Ferguson, Peggy Haering, Bruce Calderone, Peggy Taylor; Absent: Vin Giordano, Curtis O'Connell, David Silverstone, David Scheer. Peggy Haering stated that the meeting was being conducted by the Board in its legislative capacity as Zoning Commission for the Borough of Pine Orchard).

2.—Accessory Apartments: Matt Barez made a motion that the Pine Orchard Association opt out of the requirements of Public Act 21-29 in light of the Town of Branford's adoption of a comprehensive affordable housing plan that applied to the entire town, including Pine Orchard. The motion was seconded and passed unanimously (without abstentions).

Peggy Haering asked for an articulation of reasons for the decision. Matt Barez, referring to the Board's report stated that Pine Orchard has only 430 households, representing less than 0.007% of the Town's total households. He noted that the Town of Branford did a professional and thorough study of the best way to move forward with affordable housing. He added that much of Pine Orchard is adjacent to Long Island Sound and located in a flood plain where development is not appropriate. He made reference to a map attached to a preliminary report attached to these minutes, He added that approximately one-half of the properties in Pine Orchard are not serviced by public sewers and that intensifying development in those areas should be discouraged. Niall Ferguson observed that parking in some areas of Pine Orchard is already insufficient and expressed concern that allowing accessory apartments might disturb the tranquility of the neighborhood. John Grathwol said that the protection of the FEMA floodplain and Long Island Sound was important.

3. Adjournment. Upon motion and second, the meeting was adjourned at 7:12 p.m.

Respectfully submitted,

Margaret Haering, Clerk

Documents attached: Affordable housing preliminary report with map



PINE ORCHARD ASSOCIATION
Branford, Connecticut

**PINE ORCHARD ASSOCIATION
EXECUTIVE BOARD MEETING NOTICE
AND AGENDA
MONDAY, November 7th, 2022 via Zoom**

At the call of the President, The Pine Orchard Executive Board will hold its' November board meeting via Zoom on Monday Nov.7th 2022 at 7PM. All are welcomed to attend.

1) Call to order

2) Approve minutes from Sept 12th, 2022 Executive Board Meeting

3) Review Public Hearing To receive a report of the POA Zoning Commission on Accessory Apartments and, to consider and if appropriate to, opt-out of the accessory apartment requires in accordance with Section 8-2o(f) of the Connecticut General Statutes.

4) Officers and Committee Reports

- **By Laws** – David Scheer
- **Treasurer** – John Grathwol
- **Zoning** - Board Action on POA Zoning Commission on Accessory Apartments
- **Others** -

5) Old Business - Attorney's progress report towards November 10th Crescent Bluff Document Execution scheduled for November 10 at the POA building 5PM - 8PM.

6) New Business - **A)** Review for approvable expenditure for Zoom video system for POA building (Office Manager) **B)** Sidewalk Snow removal enforcement policy.

7) Public Comments

8) Executive Session To review and discuss Crescent Bluff Document Execution scheduled for November 10 at the POA building 5PM - 8PM.

9) Public Comments

10) Adjournment.

Public Comment Rules:

1. Individual public comments are limited to 3 minutes.
2. Individuals shall identify themselves by name and address.
3. The public portion of the meeting shall be limited to 15 minutes in total.
4. Proper and respectful conduct is expected from any speaker during the public comment section of the meeting. Those not adhering to such guidelines will be given a warning, and absent restoration of orderly questions and/or comments the speaker's privilege to participate in the public comment via this meeting site will be terminated.

Zoom meeting info

Meeting ID: 813 0646 4925

Passcode: 472178

[Click Here to Join meeting](#)

Vincent Giordano
President, POA Executive Board

**MINUTES OF THE PINE ORCHARD ASSOCIATION
EXECUTIVE BOARD MEETING
7:00 P.M., November 7th, 2022, via Zoom**

1) Call to order. The meeting was called to order by President Vin Giordano at 7:05 p.m. Board Members present: Vin Giordano, Peggy Haering, John Grathwol, David Silverstone, David Scheer, Niall Ferguson, Curtis O'Connor, Matt Barez, Peg Taylor

Absent: Mark Law, Bruce Calderone, Seth Hershman

2) Approval of minutes: Upon motion and second the minutes from the Sept 12th, 2022 Executive Board Meeting were approved.

3) Review Public Hearing To receive a report of the POA Zoning Commission on Accessory Apartments and, to consider and if appropriate to, opt-out of the accessory apartment requirements in accordance with Section 8-2o(f) of the Connecticut General Statutes. Matt Barez, chair of the Zoning Committee reported on the public hearing and the meeting of the Board in its legislative capacity as the Zoning Commission, on Accessory Apartments, during which the Board recommended that the Pine Orchard Association opt out of the requirements of Public Act 21-29 and to align with the Town of Branford's Affordable Housing Plan, which is applicable to Pine Orchard. In further support of that decision, it was noted that much of Pine Orchard is close to Long Island Sound with low lying areas located within FEMA flood plain or whose access is limited by the flood plain. Approximately half of Pine Orchard is not serviced by public sewers such that increased development of those areas may harm the watershed and Long Island Sound and would pose safety risks for evacuation in the event of flooding.

Peggy Haering read a Resolution, a copy of which is attached to these minutes, to the effect that Pine Orchard elects to opt out of the accessory apartment requirements of Public Act 21-29 pursuant to the requirements of Section 8-2o(f) of the Connecticut General Statutes. The resolution upon motion by Peggy Haering and seconded by Curtis O'Connor was passed by the POA Executive Board by a vote of 9 in favor, 0 opposed and 0 abstaining.

4) Officers and Committee Reports

- **By Laws** – David Scheer reported that the committee had finished its review of the bylaws and the charter and has a few follow-up items, which include (1) developing a report of the findings on charter revision (2) recommendations for amending bylaws and possibly recommending pursuit of charter revision to the Board; and (3) looking at some of the previously identified resources for the process.
- **Treasurer** – John Grathwol presented the Treasurer's Report for the period ending October 31, 2022. Tax collections are slightly higher than expected and we are on target for revenue. Various expenditures were reviewed, including shoreline maintenance, insurance for the board and legal

expenses. We have \$128,298 in the checking account and another \$109,090 in savings. Curtis O'Connor asked about the insurance coverage. Upon being advised that the limit was \$1,000,000 he recommended a review of the policy as it seemed too low. Vin Giordano stated that he had received question regarding legal bills arising from the Wihbey and Crescent Bluff matters. Johan noted that bills received to date were \$21,000, which was in excess of the annual budget. He said that we will need an estimate for addition work in order to adjust the budget. Peter Berdon said that he could provide guidance on future billing. Matt Barez, Peter Berdon and John Grathwol will address the legal billing estimates.

- **Zoning** – Matt Barez had no further zoning matters to discuss.
- **Others** – There was no report of Waterfront. Vin said that Josh Brooks should complete his work by Thanksgiving. The project is estimated to cost approximately \$10,300.

5) Old Business – Vin reported on various elements to complete the settlement including execution of documents by November 10th from 5 to 8 PM in the Crescent Bluff matter at the Pine Orchard headquarters. He said that there was a potential settlement with the McBurneys. Attorney Peter Berdon said that the attorneys were working on finishing the settlement documents and there were some open issues. He indicated that he had discussed a potential settlement with McBurney's attorney.

6) New Business - A) Review for approvable expenditure for Zoom video system for POA building (Office Manager) Peter Robinson said that he was obtaining quotes for a Zoom system which would allow the Association to conduct hybrid Zoom and in person meetings. The estimated cost of such system is around \$4000. There was discussion by the Board, which felt that the expense might be excessive. Consideration was tabled to a future meeting. There was a brief discussion about the Association headquarters building and whether it made sense to retain it given the expenses of maintenance. **B)** Sidewalk Snow removal enforcement policy. Peter Robinson stated that there were 4 properties on Pine Orchard Road where homeowners did not remove snow as required by the Town of Branford. It was recommended that he send a letter to advise them of snow removal obligations but that any enforcement would be left to the Town of Branford.

7) Public Comments. None

8) Executive Session. Upon motion and second, the Board voted to go into executive session at 8:04 PM. The Board came out of executive session at 9:07 PM. Vin Giordano reported that the Board would proceed with execution of settlement documents by November 10 and that we expect full compliance of all parties by that date. The Association will investigate what steps to take if address any party fails to sign. .

9) Public Comments. None

10) Adjournment. Upon motion and second, the meeting was adjourned at 9:07 PM

Respectfully submitted

Margaret Haering, Clerk

Documents received:

Treasurer's Report

Resolution re Accessory Apartments

Pine Orchard Association Treasurer's Budget Report FY22-FY23
as of 10/31/2022

	Approved Budget 1-Jul-22	Budget Activity YTD	Budget Remaining YTD	% of Budget Rec/Dsbrmnts YTD
RECEIPTS				
Tax Collections	\$ 77,348	\$ 79,643	\$ (2,295)	103%
Rent	\$ 5,200	\$ 4,000	\$ 1,200	77%
Building & Permit Fees	\$ 8,800	\$ 2,425	\$ 6,375	28%
Other (Interest, Moorings)	\$ 55	\$ 348	\$ (293)	633%
Use of Capital Savings	\$ -	\$ -	\$ -	-
Total	\$ 91,403	\$ 86,416	\$ 4,987	95%
DISBURSEMENTS				
Security	\$ -	\$ -	\$ -	-
Shorefront Maintenance	\$ 30,000	\$ 4,650	\$ 25,350	16%
Building Maint/Utilities	\$ 9,000	\$ 2,815	\$ 6,185	31%
Property Improvements	\$ -	\$ -	\$ -	-
Office/General	\$ 18,000	\$ 7,504	\$ 10,496	42%
Insurance*	\$ 7,800	\$ -	\$ 7,800	0%
Legal**	\$ 20,000	\$ -	\$ 20,000	0%
Zoning	\$ 6,000	\$ 2,250	\$ 3,750	38%
PO Web	\$ -	\$ -	\$ -	0%
Acctg Annual Review	\$ 5,600	\$ 2,550	\$ 3,050	46%
Beautification Committee	\$ 1,000	\$ -	\$ 1,000	0%
Sidewalks	\$ -	\$ -	\$ -	-
Total	\$ 97,400	\$ 19,768		20%
NET INCOME (LOSS)	\$ (5,997)	\$ 66,648		

Account Balance as of 10/31/22	
BOA checking	\$104,781.14
Less outstanding checks*	\$3,309 Not reflected in report above.
BOA net balance	\$108,090.14
BOA Savings	\$128,298.19
Total:	\$236,388.33

REPORT ON AFFORDABLE HOUSING

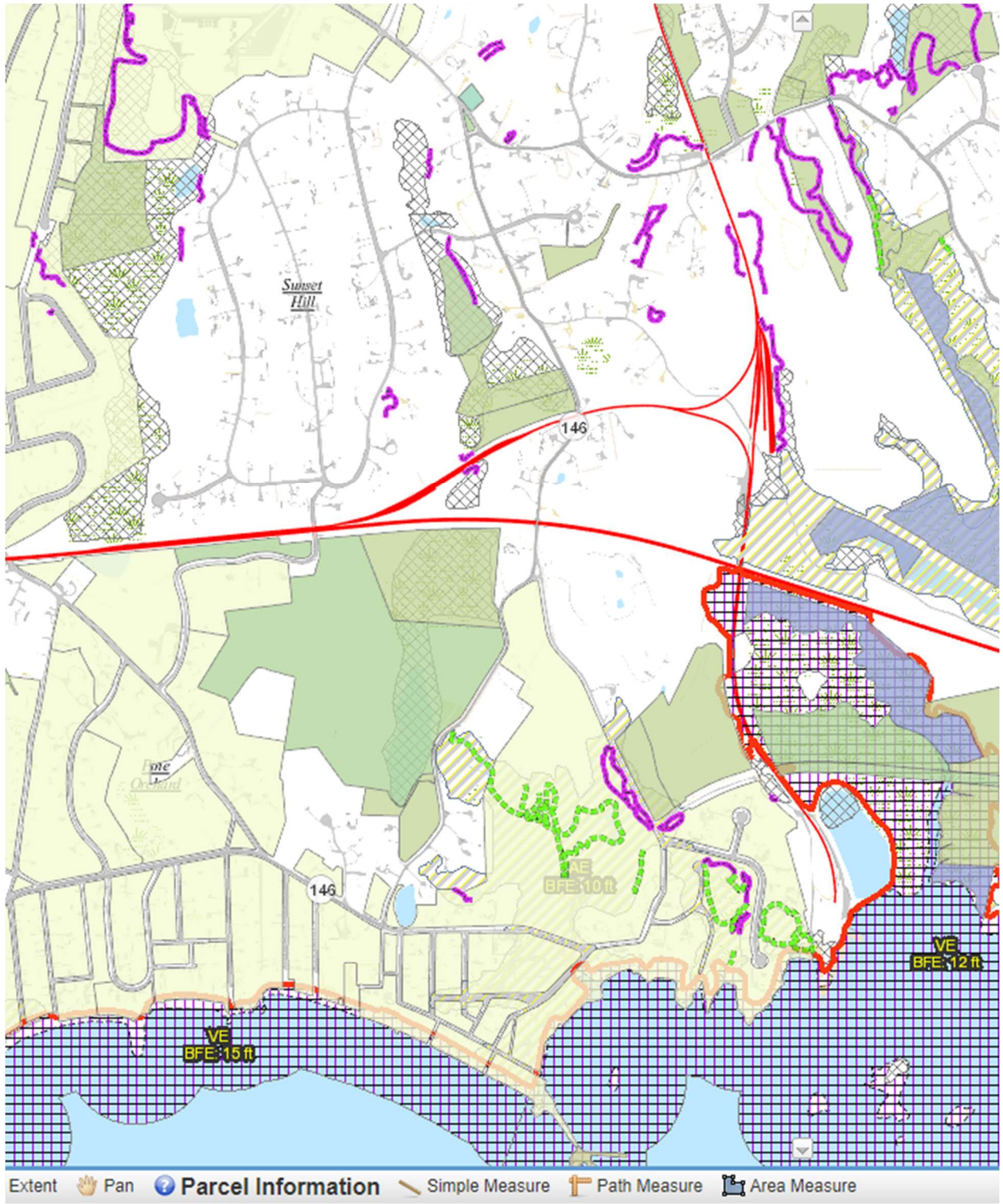
Pursuant to the requirements of Section 8-30j of the Connecticut General Statutes, the Town of Branford on May 19, 2022 adopted an Affordable Housing Plan for the entire municipality, which includes Pine Orchard. A copy of that Plan is attached. The Town conducted a full professional study, which identified the number of existing affordable housing units within Branford and proposed strategies for increasing the number of such units within Branford. As a result of this inquiry, the Town determined that no modification to its Zoning Ordinance was required to achieve its affordable housing goals. The Town's Affordable Housing Plan was the result of a comprehensive study with significant community input.

As a borough of the Town of Branford, Pine Orchard has independent zoning authority. POA's zoning jurisdiction encompasses 430 households which represents 0.076% of the 12,770 total households within the Town of Branford. The primary permitted zoning use within the POA district is that of single-family homes on individual lots of varying sizes. The POA does permit, and has in place, Open Space Residential Communities (Zoning Ordinance Section 5.4) which permit the development of parcels through the erection of homes on smaller lots than otherwise permitted. Given, primary use of properties within the district as residential, the insignificant number of households, the current ability within the regulations to develop properties more densely through the use of open space communities, we believe that the Town of Branford's Affordable Housing Plan adequately and most effectively addresses the issue of affordable housing.

In addition, as the attached map shows, the POA district is in immediate proximity to Long Island Sound with many low-lying areas, which either are directly within the FEMA determined flood plain or whose access is limited by the flood plain. Increased development in those areas is against the public policy of limiting the development in flood plains; More than ½ of the POA district is not serviced by public sewers, there is a large water shed boarding the unsewered area, which connects with Long Island Sound. Increased development in those areas may harm the watershed and Long Island Sound. There are large areas of public open space that will be adversely impacted by further development."

For those reasons the POA proposes to: i) endorse the Town of Branford's adoption on May 19, 2022, of an Affordable Housing Plan; and ii) recommend that no current modifications of the Pine Orchard Zoning Ordinance be undertaken, iii) and to opt out of the requirements of Public Act 21-29. The POA will continue to regularly review its Zoning Ordinance for appropriate amendments.

Attached Map of Pine Orchard



Office Manager Report for Sept/Oct. 2022

1) **POA Tax Collection: Defer to John Grathwol.**

2) **Zoning: Defer to Matt Barez**

3) **POA Office:**

Outreach:

- a. We have a 77% coverage via email for all POA residences (497 emails).
- b. I continue to get back to 90% of the POA inquiries within 24 hours.
- c. Sent out 1 welcome letter this period

Building:

- a. Received two quotes for Zoom video system for downstairs. One vendor no bid:
 - a. JC Electronic Tech - \$4,733
 - b. Access Audio-Visual Systems - \$4,550
 - c. Custom Audio-Video Systems, Inc. – No BID

In addition to the above, we will need to upgrade the internet access from DSL to fiber/cable at a cost of ~\$50/month.

- b. Maintenance for generator – DONE
- c. Set mouse traps in garage – ten down and sprayed for crickets.
- d. Did a thorough cleaning of the meeting room for POA meeting
- e. Building Winterized
- f. Schedule with Perfect Turf (Paul) to do the Fall clean-up in Nov.

Community:

No new action