



PINE ORCHARD ASSOCIATION
Branford, Connecticut

**NOTICE: PINE ORCHARD ASSOCIATION
PUBLIC MEETING TO DISCUSS PROPOSED BY-LAWS
CHANGES
* FOLLOWED BY *
REGULAR EXECUTIVE BOARD MEETING
AGENDA NOTED BELOW
MONDAY, NOV. 6th 2023, at the POA Office and via Zoom**

At the call of the President, The Pine Orchard Executive Board will hold a **PUBLIC HEARING** to (1) Discuss proposed changes to the POA By-Laws and vote on said changes followed by, (2) Regular November Executive Board Meeting. Said meetings will be held at the POA offices at 180 Pine Orchards Road and via Zoom on Monday Nov. 6th, 2023, at 7PM. All are welcome to attend.

1) Call to order

2) PUBLIC HEARING

(To be conducted by the POA Board in its legislative authority):

To discussion and vote on the adoption of new language for the POA By-Laws.

[View marked-up By-Laws Document](#)

[View clean By-Laws Document](#)

- **By-laws amendment**—to receive public comments on proposed amendments to the by-laws governing the Executive Board with respect to means for delivery of public notices, potential conflicts of interest, clarification of limits on duration of Board service, and assignment of responsibilities to Board member. All Public Comments accepted per *Public Comment Rules* as noted below.
- Close By-Laws public hearing

At the completion of the By-Laws hearing, the scheduled November Executive Board Meeting will commence per the agenda note below.

3) Approve minutes from Sept. 11th, 2023, Executive Board Meeting

4) Executive Board to consider and adopt the by-laws changes as proposed if approved by 2/3 vote.

4) Officers and Committee Reports

- **By Laws** – David Scheer
- **Treasurer** – John Grathwol
- **Tax Collection** - John Grathwol
- **Zoning** - Matt Barez & Thomas Roche
- **Building** - Andrew Ruff
- **Waterfront** - David Silverstone and Karen Jubanyik
- **Office Manager** - Peter Robinson
- **Other Issues**

5) **Old Business** - Short Term Rentals update (Brief filing)

6) **New Business** - (1) Receive Application for Special Permit for Tweed Road Development and schedule Public Hearing on same (2) Correspondence

7) **Executive Session** - (optional) to discuss issue as noted above

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: 838 2347 9974

Passcode: 485895

Please Note: This will be the first time we have broadcast a live POA Executive Board meeting on Zoom. We will attempt to address all questions proposed by the Zoom audience during the meeting.

[Join Zoom Meeting HERE](#)

Vincent Girodano
President, POA Executive Board

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

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PINE ORCHARD ASSOCIATION
PUBLIC HEARING AND REGULAR MEETING OF THE EXECUTIVE BOARD
MONDAY, November 6, 2023, at 7:00 p.m.
180 Pine Orchard Avenue and via the Zoom Application

Agenda Item 1: Call to order. The meeting of the Pine Orchard Executive Board was called to order at 7:00 p.m. The following members were present: Vincent Giordano, John Grathwol, Karen Jubanyik, Matt Barez, Andy Ruff, Tom Roche, Niall Ferguson, Peggy Haering, David Silverstone, David Scheer. Absent: Curtis O'Connor and Seth Hershman.

Agenda Item 2: PUBLIC HEARING. (Conducted by the Board in its legislative capacity to consider proposed amendments to the By-Laws of the Pine Orchard Association.

The public hearing was called to order at 7:00 p.m. The President noticed David Scheer, the chair of the By-Laws committee to review proposed amendments, which were previously circulated. David stated that the committee had originally been tasked with reviewing the Association's Charter to determine whether or not to recommend formation of a charter revision committee. After its review, the committee ultimately determined that charter revision was unwarranted and then considered updating the by-laws. One of the first proposed revisions was to provide for use of email communication to notify members of upcoming meetings and to specify that all required notices would be posted on the Association's website as well as on the notice board adjacent to the headquarters building. The proposal was made to revise the provision on conflict of interest to allow fellow Board members to raise an objection to a member's participation if he or she had a conflict of interest with regard to a specific matter. The By-Laws were also revised to delineate the difference between certain standing committees (nomination, zoning, and by-laws) and specific board assignments, which frequently designated a single member as having responsibility for carrying out a given function (such as building or shoreline maintenance, communications, or municipal liaison).

Vin Giordano clarified the limits of the zoning committee's role, emphasizing that the committee itself did not act as the Association's Zoning Commission and that its responsibility was acting as a liaison between the Board and the Zoning Board of Appeals (ZBA) and Zoning Enforcement Officer (ZEO). Niall Ferguson recommended that the Association procure and post guidance on the difference between committees and single-member assignments for purposes of compliance with public notice requirements.

James Killilea, of 22 Halstead Lane suggested modification of the proposed language of the section 6(c) regarding the Zoning Committee by removing the reference to "Zoning Boards" and insert the words "Zoning Enforcement Officer and Zoning Board of Appeals" in its place. The Board agreed that the suggestion was well-taken. There being no further public comment, the public hearing was closed at 7:30 p.m.

Agenda Item 3: Approval of Minutes. Upon motion and second, the board unanimously approved the minutes from the September 11, 2023, Executive Board Meeting

Agenda Item 4: Officers and Committee Reports

By Laws –Upon motion and second, the Board unanimously voted to approve the proposed amendments to the By-Laws as modified to include the changes proposed by Mr. Killelea.

Treasurer’s Report–John Grathwol presented the Treasurer’s report as of October 31, 2023. The Association has collected 98% of its tax revenues, with one taxpayer outstanding. Year to date building and permit fees are slightly down; John said that this represents activity for approximately one-third of the fiscal year. He said that Office General expenses are generally front-loaded as preparing and sending tax bills consumes a substantial part of that budget. He also reviewed the expenses incurred to repair the damage to the headquarters building caused by a rabid raccoon this summer.

Zoning - Matt Barez provided a summary of his committee’s duties. All zoning applications need to go through Laura Magaraci, the ZEO. The briefing in the Whibey matter has been completed and we are waiting for an argument date. In the McBurney matter we are waiting for a pre-argument conference; no briefing schedule has been set.

Building Maintenance. Andy Ruff led off with inquiring about the future of the headquarters building. Vin Giordano said that additional upgrades may be required. A discussion ensued about the present use of the building. The ZBA holds its meetings in the building and wants to continue to do so. The ZEO works in the headquarters office and utilizes the zoning applications that are housed there. The Office Manager also works in the office, and we store all files here. We also collect rent for use of garage. A future discussion of this issue may be scheduled once we collect all relevant information.

Waterfront - David Silverstone reported that the railing at the end of Island View Avenue has still not been replaced. The fabricator has promised that it will be installed during the month of November. We still have \$33,000 in the budget for work on Crescent Bluff Avenue; however, we will hold off the work on the steps until the McBurney litigation is concluded. In the interim, the Association has focused on improving safety of the steps. David asked whether the Association should hire someone to periodically clean up the beach at the end of Island View Avenue because of all the debris that washes up on a regular basis. It was agreed to monitor the situation for the next 6 months to determine whether we need to hire an on call contractor.

Office Manager – Peter Robinson explained that the repairs on the headquarters building have been completed. He was asked about plans to collect outstanding taxes. He indicated that a letter will be sent out shortly and a lien would be filed by February 1st if the bill remains unpaid.

Agenda Item 5--Old Business Matt Barez reported that there had been complaints of short term rental violations on Island View Avenue. The policy on short term rentals was sent out to the community in September. Initial notices were sent to homeowners in September; however, the Association will re-issue notices regarding the two properties on Island View Avenue to correct clerical errors and send a notice regarding one additional property with short-term rental activity.

Agenda Item 6--New Business Matt Barez reported that a subdivision application for 66 Totoket Road has been received. The project has Town of Branford approval, and the POA must conduct a public hearing and act on the application within 65 days. Based upon the notice and publication requirements, Peter Robinson said that the earliest date we could schedule the public hearing would be December 4,

2023. Matt will follow up with the ZEO to determine whether she would have adequate time to prepare for a hearing on that date.

Agenda Item 7—Executive Session, if needed (None)

Agenda Item 8--Public Comments Ed Kelleher of 14 Halstead Lane said that he was concerned about the recent attempted vehicle theft on Island View Avenue. He said that the perpetrators of these crimes seem to be getting more brazen. He wanted to follow the lead of North Branford in letting our legislators know of our concerns about this activity and urging action on these car thefts. He also favored bringing back the full-time security patrols in Pine Orchard. We will invite the Branford Police to a future Board meeting to address this issue.

Agenda Item 9)--Adjournment. Upon motion and second the meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Margaret Haering, Clerk

Upcoming Board meetings

- Monday, Jan 8th, 2024
- Monday, March 4th, 2024
- Monday, May 6th, 2024
- POA Annual Meeting, Monday July 8, 2024

Documents received: Treasurer's Report, Proposed By-law revisions, Summary of building repairs.

PINE ORCHARD ASSOCIATION

By-Laws

POA Executive Board

Effective as of November 21, 2023

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Revision Log

Date of Revision	Description	Author
November 9 th 2015	Addition of new paragraph 3, Conflict of Interest	approved by the Executive Board at a Meeting held September 7, 2016
Oct. 4, 2017	Convert to MS Word	Peter Robinson
Eff. November 21, <u>2023</u>	<u>-Update notice provisions, revise Board committees and assignments, update conflict of interest</u>	A-pproved by the Executive Board at a Meeting held Nov. 6, 2023

1. POA Board Meetings

There shall be an Annual Meeting of the Pine Orchard Association (POA) on the first Monday after the first Wednesday of July, except for when July 4th is celebrated on a Monday, when the meeting will be on the second Monday. ~~Notice of the Annual Meeting shall be by mail.~~ A quorum for the Annual Meeting is a minimum of twelve members of the Association.

There shall be a minimum of five ~~additional~~regular meetings of the Executive Board each year ~~with notice of the date, time, place, and agenda given to the residents of Pine Orchard by mail and posting on the notice board at the POA office.~~

A majority of the members of the Executive Board in office shall constitute a quorum at any meeting of the Executive Board, and the vote of a majority of those present shall constitute the act of the Executive Board.

Notice of the time and place of the Annual Meeting and any regular Board meeting shall posted on the notice board at the POA headquarters and on the Association's website and provided by personal notice as defined herein and filed with the Branford Town Clerk. "Personal notice" shall mean notice by electronic mail to members who have provided an electronic mail address to the Association for that purpose. Notice of the time and place of the Annual Meeting will be provided at least five (5) days in advance. Notice of regular meetings of the Executive Board will be provided at least three (3) days before the appointed meeting time.

Special meetings of the Executive Board and the Association may be called with 24 hours' notice ~~either by regular mail. Details of the time and place of the meeting will be made by personal notice and by posting on the notice board at the POA office.~~ and the Association's website and filing with the Branford Town Clerk.

2. Members and Duties of Members of the Executive Board

There shall be twelve members of the Executive Board, four of whom shall be elected at the Annual Meeting of the Executive Board for three ~~year~~ terms. Each member of the Executive Board shall hold a position of responsibility on the Executive Board, either as Officer, Tax Collector, ~~or Chair of a Committee.~~ Chair of a committee, member of a committee, or by carrying out a designated assignment, as set forth below.

Vacancies occurring in the membership of the Executive Board or among the officers, from whatever cause arising, may be filled by a majority vote of the remaining members of the Executive Board.

The Executive Board shall have the power to establish an annual budget, call meetings, make regulations and ordinances, regulate assessment and collection of taxes as well as other duties as set out in the Charter.

The Executive Board shall appoint a Board of Zoning Appeals consisting of five regular members and three alternate members who shall have the powers and duties set forth in the general statutes. Section VIII of the Zoning Ordinances describes terms, removal and vacancies as well as outlining the powers and duties of the Board of Zoning Appeals.

3. Conflict of Interest

No director shall discuss or vote on any matter which would involve a conflict of interest. Any director for whom there may exist a conflict of interest shall refrain from discussion or vote on any such matter.

~~Directors~~Executive Board Members shall refer to Connecticut ~~statute 1-~~General Statutes Section 1-85, “Interest in conflict with discharge of duties;” for guidance in this area. ~~Executive Board Members shall refer to Connecticut General Statutes Section 1-85, “Interest in conflict with discharge of duties”, for guidance in this area. Upon motion of any Executive Board member, the Executive Board shall consider and make a~~

~~determination as to whether a conflict of interest exists with respect to a director and any particular matter, which determination shall be binding on all Executive Board Members and upon such a finding may censure the director and/or take such other actions as permitted by law.~~

4. -The Officers

The officers of the Executive Board shall be a President, a Vice President, a Clerk, and a Treasurer. The officers shall be elected by the Executive Board for a one--year term, or until their successors are duly elected, from among the Association’s members every year after the Annual meeting of the Board.

The President shall preside at all meetings of the Executive Board and shall have such other powers and perform such other duties as may from time to time be assigned to him/her by the Executive Board.

In the absence, disability, or death of the President, the Vice President shall have and possess all the powers and duties of the President.

The Clerk shall keep the minutes of all meetings of the Executive Board and shall have charge of all papers and records of the Association. S/he shall keep correct and complete books, records, and minutes of the proceedings of the Executive Board. All such ~~books~~records and minutes shall be kept at the principal place of business of the Association. ~~S/he; financial reports and minutes shall be posted on the Association website.~~ The Clerk shall see that all notices required to be given by the Association are duly given or served, and shall in general perform all the duties incident to the office of the Clerk.

The Treasurer shall have responsibility for the funds of the Association and for causing to be kept full and accurate accounts of all receipts and disbursements of the Association. At the close of each fiscal year and at such other times as the Executive Board may direct, the Treasurer shall cause to be prepared a report showing the financial condition of the Association and a statement of receipts and disbursements for the fiscal year, which statement shall be kept on file at the principal office of the Association. ~~S/he, and posted on the Association website.~~ The Treasurer shall in general perform all the duties incident to the office of the Treasurer. No bill shall be paid by the Treasurer unless the expenditure has been authorized and the bill is approved by the appropriate officer, committee chairperson or other person designated for that purpose.

The Executive Board may employ an Office Manager and a Zoning Enforcement Officer, both of whom may be compensated to assist in any of the above duties as authorized by the Executive Board.

5. -Annual Review of Finances

The Executive Board shall annually appoint a Certified Public Accountant to do a compilation level or higher review of the accounts of the Association and report said findings to the Executive Board.

6. -Committees

The Executive Board shall annually appoint the following standing committees. The Chairperson of each committee shall be a member of the Executive Board. The membership of the committees may include ~~other~~ members of the Executive Board and ~~members~~at the election of the ~~community~~Chairperson of a

committee in conjunction with the President, one or more Association members. For Nominations, these By-laws call for inclusion of Association members (see 6.b. below) Such committee members shall serve after their appointment until others are appointed in their place. Such committees shall act under the direction of the Executive Board and report to the Executive Board on all matters committed to their care. The Executive Board shall have the right to appoint ad hoc committees as needed in addition to the standing committees listed below.

a) -By-Laws

A committee on By-Laws, which shall consider and report upon all by-laws proposed for change and/or adoption by the Executive Board.

b) -Nominations

A committee on Nominations which shall consist of three members of the Executive Board and two members of the Pine Orchard Association who are not on the Executive Board. The committee shall be appointed by the Executive Board. The Nominating Committee shall present no later than the May meeting of the Executive Board proposed candidates for election or re-election to the Executive Board.

The Vice President of the Executive Board shall be co-chair of the committee.

~~The Vice President of the Executive Board shall be co-chair of the committee.~~

c) -Planning and Zoning

A committee on Planning and Zoning, which shall act as a liaison between the Executive Board, the Zoning Enforcement Officer, and the

Zoning Board of Appeals and oversee the zoning issues concerning Pine Orchard.

d) -Communications

7. A committee on Communications, which **Board Assignments**

The Executive Board shall annually designate one or more Board members to carry out administrative functions as outlined below. Such appointees shall act as representatives under the direction of the Executive Board in and report to the Executive Board on all matters committed to their care. The Executive Board shall have the right to make ad hoc assignments in addition to the those listed below.

a) Communications of communications to the membership of

The designated Board member(s) shall represent the Executive Board in matters of communication to the Pine Orchard Association members, by regular electronic mail and posting on the Association's notice board at the POA office and website.

b) -Shoreline Maintenance and Access

~~A committee on Shoreline Maintenance and Access, which shall have as its focus~~The designated Board member(s) shall be responsible for overseeing the upkeep and maintenance of the shoreline access points.

c) -Building Maintenance

~~A committee on Building Maintenance, which~~The designated Board member(s) shall be responsible for overseeing the maintenance of the Pine Orchard Association building and the property where the building is located.

d) -Municipal Interface

~~A committee on Municipal Interface, which~~The designated Board member(s) shall act as the liaison between the Pine Orchard Association and the town of Branford agencies, such as police, fire, and public works.

e) -Tax Collector

~~There~~The designated Board member(s) shall be ~~a Tax Collector appointed annually by the Executive Board from among the members of the Executive Board. The Tax Collector's responsibility is~~responsible to ensure ~~the~~ proper notice and collection of taxes and to issue liens on property when taxes are unpaid.

8. Term Limits

Each member of the Executive Board shall be elected for a three--year term. An Executive Board member, after serving two full consecutive terms, must vacate his or her position for at least one year before seeking re--election for another term.

9. ~~8.~~ Changes to By-Laws

In accordance with Section 9 of the Charter of The Pine Orchard Association the Executive Board may alter, amend, or repeal the By--laws of the Association, at any annual meeting of the membership or at any regular or special meeting of the Executive Board, called for such purpose or purposes, by a vote of two--thirds (2/3) of the Executive Board members entitled to vote.

~~The notice~~Notice of any proposed change to the By--laws shall be provided to the members of the Association at least two weeks prior to the meeting of the Executive Board at which the proposed change will be considered. The notice shall be provided to the membership of the Association by:

- ~~1. sending it by regular mail and~~
1. postingPersonal notice,
2. Posting it on the Association's ~~public signpost.~~notice board and website
3. Filing with the Branford Town Clerk.

Said notice shall describe the subject matter of the proposed change and provide the text of the proposed change. Said notice shall also state the date, time, and location of the meeting of the Executive Board at which the proposed change will be considered.

The Executive Board shall, at its meeting at which any proposed change to the By--laws is to be considered, accept, and receive comments, either written or oral, from members of the Association. The proposed change, if approved, shall be posted on the public signpostnotice board and website of the Association within seven days of passage and maintained on the signpostnotice board and website for at least ~~threethirty~~ thirty days. The change shall take effect fifteen days after its passage by the Executive Board. A certificate of the Clerk of the Association of the posting of the By--laws, shall be prima facie evidence of such posting.

10. ~~9.~~ Charter

The provision of these ~~bylaws~~by-laws is subject to the Charter of the Pine Orchard Association and in case of a conflict between provisions, the provisions of the Charter shall prevail.

Effective as of November 21, 2023

PINE ORCHARD ASSOCIATION

By-Laws

POA Executive Board
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a) By-Laws

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b) Nominations

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c) Planning and Zoning

A committee on Planning and Zoning, which shall act as a liaison between the Executive Board, the Zoning Enforcement Officer, and the Zoning Board of Appeals and oversee the zoning issues concerning Pine Orchard.

7. Board Assignments

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b) Shoreline Maintenance and Access

The designated Board member(s) shall be responsible for overseeing the upkeep and maintenance of the shoreline access points.

c) Building Maintenance

The designated Board member(s) shall be responsible for overseeing the maintenance of the Pine Orchard Association building and the property where the building is located.

d) Municipal Interface

The designated Board member(s) shall act as the liaison between the Pine Orchard Association and the town of Branford agencies, such as police, fire, and public works.

e) Tax Collector

The designated Board member(s) shall be responsible to ensure proper notice and collection of taxes and to issue liens on property when taxes are unpaid.

8. Term Limits

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9. Changes to By-Laws

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1. Personal notice,
2. Posting it on the Association's notice board and website
3. Filing with the Branford Town Clerk.

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The Executive Board shall, at its meeting at which any proposed change to the By-laws is to be considered, accept, and receive comments, either written or oral, from members of the Association. The proposed change, if approved, shall be posted on the public notice board and website of the Association within seven days of passage and maintained on the notice board and website for at least thirty days. The change shall take effect fifteen days after its passage by the Executive Board. A certificate of the Clerk of the Association of the posting of the By-laws, shall be prima facie evidence of such posting.

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The provision of these by-laws is subject to the Charter of the Pine Orchard Association and in case of a conflict between provisions, the provisions of the Charter shall prevail.

Effective as of November 21, 2023

Pine Orchard Association Budgets - FY22/23 and FY 23/24

as of 6/26/2023

	FY 22/23 Budget 4/10/2023	FY 23/24 Budget 6/26/2023	
RECEIPTS			
Tax Collections	\$ 77,348	\$ 97,509	<<< Reflects Mil rate 5
Rent	\$ 5,200	\$ 5,200	
Building & Permit Fees	\$ 8,800	\$ 8,800	
Other (Interest, Moorings)	\$ 55	\$ 55	
Use of Capital Savings	\$ 60,500	\$ 16,486	<<< Transfer not yet made
Total	\$ 151,903	\$ 128,050	
DISBURSEMENTS			
Security	\$ -	\$ -	
Shorefront Maintenance	\$ 60,000	\$ 51,750	<<< June estimates.
Building Maint/Utilities	\$ 9,000	\$ 9,000	
Property Improvements	\$ -	\$ -	
Office/General	\$ 18,000	\$ 18,000	
Insurance	\$ 7,800	\$ 7,800	
Legal**	\$ 50,500	\$ 28,900	<<< Attorney estimate.
Zoning	\$ 6,000	\$ 6,000	(\$6,549.75 - 11/3/23 Inv.)
PO Web	\$ -	\$ -	
Acctg Annual Review	\$ 5,600	\$ 5,600	
Beautification Comm.	\$ 1,000	\$ 1,000	<<< Lawn mowing, etc.
Sidewalks	\$ -	\$ -	Cresct. Bluff
Total	\$ 157,900	\$ 128,050	
NET INCOME (LOSS)	\$ (5,997)	\$ -	

Account Balance as of 10/31/2023*	
BOA checking	\$108,717.89
BOA Savings	\$67,834.33
BOA total balance	\$176,552.22

* Transfer of \$16,486 from BOA saving, to BOA checking, remains to be made.
The transfer, once made, will reduce BOA savings to \$51,348.33

Pine Orchard Association Treasurer's Budget Report FY22-FY23

Current Approved Budget vs. Expenditure Activity YTD

as of 10/31/2023

	Approved Budget 26-Jun-23	Budget Activity YTD	\$ Remaining YTD	% Remaining YTD	
RECEIPTS					
Tax Collections	\$ 97,509	\$ 95,900	\$ 1,609	2%	
Rent	\$ 5,200	\$ 2,800	\$ 2,400	46%	
Building & Permit Fees	\$ 8,800	\$ 2,538	\$ 6,262	71%	
Other (Int., Moorings)	\$ 55	\$ -	\$ 55	100%	
Use of Capital Savings	\$ 16,486	\$ -	\$ 16,486	100%	
Total	\$ 128,050	\$ 101,238	\$ 26,812	21%	
DISBURSEMENTS					
Security	\$ -	\$ -	\$ -	-	
Shorefront Maintenance	\$ 51,750	\$ 18,590	\$ 33,160	64%	Incudes YTD net raccoon
Building Maint/Utilities	\$ 9,000	\$ 9,150	\$ (150)	-2%	<<< YTD net repair costs of \$5,7
Property Improvements	\$ -	\$ -	\$ -	-	Tot. net costs to be \$6,239
Office/General	\$ 18,000	\$ 8,616	\$ 9,384	52%	
Insurance	\$ 7,800	\$ -	\$ 7,800	100%	
Legal**	\$ 28,900	\$ -	\$ 28,900	100%	<< Attorney annual estimate.
Zoning	\$ 6,000	\$ 1,500	\$ 4,500	75%	(\$6,549.75 - 11/3/23 Inv.)
PO Web	\$ -	\$ -	\$ -	0%	
Acctg Annual Review	\$ 5,600	\$ -	\$ 5,600	100%	
Beautification Com.	\$ 1,000	\$ 327	\$ 673	67%	
Sidewalks	\$ -	\$ -	\$ -	-	
Total	\$ 128,050	\$ 38,182	\$ 89,868	70%	
NET INCOME (LOSS)	\$ -	\$ 63,056			

Account Balance as of 10/31/2023*	
BOA checking	\$108,717.89
BOA Savings	\$67,834.33
BOA total balance	\$176,552.22

* Transfer of \$16,486 from BOA saving, to BOA checking, remains to be made.

Racoon Building Damage Costs

Description	Date Paid	Amount
Rings End Lumber (door stop)	7/21/2023	-
Door Plate	7/28/2023	-
Bontatibus Floors	8/4/2023	\$10,000.00
Lyon Construction	8/4/2023	\$0.00
Jani-King	8/4/2023	\$2,000.00
Professional Extermination Inc.	8/14/2023	\$160.00
Giordano Constructin	8/25/2023	\$1,520.94
Branford Building Supplies	9/7/2023	-
Integrity Plumbing	9/12/2023	-
Richlin	9/15/2023	-
Lopez and Daughter Painting - 1st	10/12/2023	\$465.00
Lopez and Daughter Painting - 2nc	11/2/2023	\$465.00
TOTAL		\$14,610.94
Insurance payout		-\$8,372.05
Out of pocket cost to POA		\$6,238.89

<<<< The \$2,400 is in Shoreline Maintenance - Crescnt.

<<<< 2nd \$465 not hit bank yet

Expense - YTD
\$5,773.89

<<<<

From: Peter Berdon <Peter.Berdon@bymlaw.com>
Sent: Sunday, November 5, 2023 9:18 PM
To: matt.k.barez@lmco.com; Laura Magaraci; Laura Magaraci; pres@poa-ct.org; Thomas Roche; Vincent Giordano Jr
Cc: margaret haering; 'Peter Robinson'
Subject: RE: Zoning review for Board Meeting - Personal Information

Matt: I have dictated a lengthier memo on the issues below; however, my assistant, who is new to her position, is a little backed up, so here is a brief response to your email.

1. *Zoning Compliance/Applications*. My recommendation is that the ZEO, currently Laura, be the sole and only point person to act on complaints, provide information concerning applications, or respond to complaints. If any board member receives any communication or inquiry from either the subject owner or an interested third party, then that person should be directed to communicate with Laura. The only exception would be for matters that are presently in Court, in which case, the Board may want to provide authority to a board member (usually the president) to respond to inquiries.
2. *Zoning Liaisons* – Primary functions are to: oversee and supervise Laura; relay information for Laura to the Board; update the Board on general zoning matters; and to suggest to the Board revisions to the Zoning Ordinance for either legal compliance or to improve the community.
3. *Litigation*:
 - A. Wihbey Appeal: The matter is pending before the Supreme Court of CT. It is fully briefed and is waiting for the assignment for oral argument to be scheduled. Oral argument will likely occur in next 2-4 months.
 - B. Beachcroft v McBurney: The granting of judgment in favor of the POA (denying the McBurney claim to adverse possession of a part of the path) was appealed. We are currently waiting to hear from the Court as to whether or not the matter is eligible for the Pre-Argument Conference process. The PAC is a mediation process wherein the Court attempts to resolve the case through mediation before the briefing schedule is established.
4. *STR Enforcement*.
 - a. We are working on a revised letter for each of the properties, including Waterside. It will not go out before your meeting. The property owners will have 30 days to respond.
 - b. The POA can require that the ad specifically prevent/state “no rental for less than 30 days” and have the property owner acknowledge and agree that they will not violate the Ordinance.
 - c. If you wanted to get super strict on the issue, you could require all STRs to register with POA and provide their historical rental calendar periodically. This would require an amendment to the Zoning Ordinance.
5. *Tweed Application*
 - a. November 6 Meeting:
 - i. Officially “receipt” in the application. (Receipting the application just requires making a statement that the application has been received and is in order.) FYI I do not believe that the filing fee has been paid as of yet. Paying the fee is required prior to “Receipting” the application.
 - ii. Set a Public Hearing Date – either at the regular January meeting or a Special meeting in December.
 - b. **Note** the Public Hearing must commence within 65 days of receipt and conclude 35 days after the first public hearing (unless extended with the applicant's consent). A decision must be issued within 65 days of the conclusion of the public hearing(unless extended with the applicant's consent – the total days of consent for all extensions cannot exceed 65 days).

- c. **Items for consideration of approval.** Laura will provide you with a memo after receipt of the application and before the public hearing addressing the conditions for your consideration and her findings as to each.

I think that this addresses all your points/questions. If not, please let me know

Regards,

Peter A. Berdon
Berdon, Young & Margolis, PC
350 Orange Street, 2nd Flr
New Haven, CT 06511
Phone: 203-772-3740
Direct Dial: 203-439-7857
Fax 203-492-4444
Peter.berdon@bymlaw.com



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From: matt.k.barez@lmco.com <matt.k.barez@lmco.com>

Sent: Sunday, November 5, 2023 7:28 AM

To: Peter Berdon <Peter.Berdon@bymlaw.com>; Laura Magaraci <Magaraci.Laura@northhaven-ct.gov>; Laura Magaraci <magaracilaura17@gmail.com>; pres@poa-ct.org; Thomas Roche <thomasroche2016@gmail.com>; Vincent Giordano Jr <vsjg@giordano.build>

Cc: margaret haering <mehaering@outlook.com>; 'Peter Robinson' <om@poa-ct.org>

Subject: Zoning review for Board Meeting - Personal Information

Personal Information

Good morning all, just wanted to go over what Tom and I will present relative to the agenda items below. When we get to #4 Zoning below, our two biggest items are below it so we will introduce ourselves as the Zoning liaisons and remind people that our Zoning Enforcement Officer is responsible for all conformity application approvals/denials and best to consult with Laura at zeo@poa-ct.org (Laura/Tom/Peter – can we all access those emails or have you forward when received?). Let's make sure that is the best way for a member to get a response/advise.

I think it might also be a good point to reference that we are about (or have?) to file our appeal to the Supreme Court of CT in the Whibey vs PO case. That is all we would say on this item, would hate to bring it up under short-term rentals and then we get distracted. I don't think it's right to say nothing at all, members should at least know the status.

STR – I would review steps to date ... PeterB/Laura, can you provide the xxx dates from the revised certified letters?

15 September 2023

To:

Vincent Giordano (President of the Pine Orchard Association-POA)

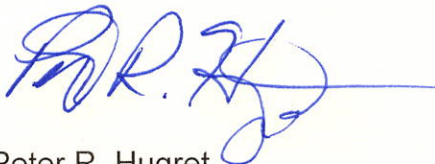
Nancy Patton (President of the Pine Orchard Yacht and Country Club-POYCC)

As a past member of the Branford Police Commission (Traffic Committee Chair) and with the full support of Norm Gavin (281 Pine Orchard Road), we are very concerned for the safety and welfare of members, guests, pedestrians, and cyclists crossing or traveling along Pine Orchard Road. The risk of injury is particularly high in the vicinity of the POYCC's golf driving range and 1st tee box. **Norm and I ask for Board(s) action in requesting a speed hump be installed in this area by requesting authorization from the Town's Police Commission.**


While I was Chair of the Police Commission's Traffic Committee, I recommended approval for speed humps on lower Harbor Street (Branford Point) and Short Rocks Road (Supply Pond). These were unanimously approved by the Branford Police Commission and were installed. The "Humps" have been effective in slowing traffic and promoting safety. One of the Humps was requested by the Town's Public Works Department as installing and removing the temporary Hump on Harbor Street was damaging the road. The second Hump on Short Rocks Road was the result of a resident bringing this risk to the attention of the Police Department and Commission. A third Hump (Clark Avenue) was installed prior to Peter's time on the Commission. When Clark was recently paved, the Hump was replaced. The primary reason for approval of these Humps was safety.

Note-there is a significant difference between a speed "Hump" and "Bump". While both are engineered, Humps rise at a less slope/angle and are not as high. This difference has proven to be less disruptive during winter plowing and to vehicles in general passing over them. If this request is approved by the Police Commission, Norm Gavin has offered to pay for the Hump's installation.

Please contact Norm (203-915-8357) or Peter Hugret (203-623-3451) with any questions you might have.



Peter R. Hugret
6 Elizabeth Street
Branford, CT 06406



Norman Gavin
281 Pine Orchard Road
Branford, CT 06405



PINE ORCHARD YACHT & COUNTRY CLUB

Pine Orchard Yacht and Country Club
2 Club Parkway
Branford, CT 06405

October 14, 2023

Peter R. Hugret
6 Elizabeth Street
Branford CT 06405

Re: Speed Hump Request on Pine Orchard Road

Dear Peter,

On October 12, 2023, the Board of Governors of the Pine Orchard Yacht and Country Club (“POYCC”) discussed and voted unanimously to support Norm Gavin’s and your request that the Branford Board of Police Commissioners authorize installation of a speed hump on Pine Orchard Road at or near the area of the POYCC golf driving range and first tee box.

Sincerely,

Nancy Patton
POYCC Board President

CC: Norman Gavin

Office Manager Report for Sept/Oct 2023

- 1) **POA Tax Collection:** As of Oct 31st, all but one property is collected.
 - a. I will send out a Demand Notice on Dec. 1st. If I am still not paid I will notify that a lien will be filed with the town on Feb 1st.

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

- 3) **POA Office:**

Outreach:

- a. We have 77% coverage via email for all POA residences (512 emails).
- b. I continue to get back to 90% of the POA inquiries within 24 hours.
- c. Sent out 2 welcome letters this period.

Building:

- a. Ready for physical meetings.
 - a. Still working on toilet, need to add a shim and caulk.
 - b. The building interior trim was painted.
- b. Fall maintenance for generator completed.

Zoning:

- a. Re packed the zoning files to defer adding new cabinet.

Community:

Supporting the Union Chapel with email announcement of their 2023 events.