

Minutes of Pine Orchard Executive Board Meeting

January 9, 2017

The meeting was called to order by Vice President Robin Sandler at 7:05 pm.

Board members present were: Rick Ross, Jon Schlesinger, Margaret Haering, Robert Dahill, Linda Giordano, Seth Chaucer, Matt Moran, Dick Greenalch, Niall Ferguson.

Joe Thomas and Susan Davis were absent.

Agenda Item 2. The Vice President noted that ZBA member Jim Killelea was appointed by the Executive Board to serve out Sig Halgreen's term, which runs through 2019 but that the terms of Laura Grosso and Maureen Herbert had ended on Dec. 31, 2016. A motion was made to reappoint Laura Grosso and Maureen Herbert to serve as alternates to the ZBA, for five-year terms ending at the end of 2021. Marshall Gibson was elected to chair the ZBA and Remy Fitzgerald was re-elected as Secretary. The motion was seconded and unanimously approved.

Agenda Item 3. Communications: The chair read one communication regarding construction at 10 Island View Avenue, academic rentals, generators, and lighting violations. The question was raised whether there were any limitations on the number of people who could live at a given address. The Chair indicated that he discussed 10 Island View with the Zoning Officer and was informed that no zoning approval on the construction had been required because the modifications were as of right.

He stated that the owner of 10 Island View Avenue had previously obtained approval to divide the property into two lots and that as a result of the recent construction the second lot had been eliminated. He added that there were no controls on the number of individuals that could reside at a property. He indicated that while a permit was required for installation of a new generator, some within Pine Orchard had both generators and lighting that was grandfathered, and for that reason the power to regulate was limited.

Niall Ferguson suggested that the board add an agenda item for the next meeting to address the issue of short-term rentals, like Air BnB.

Bob Dahill reported on the repairs to the seawall at 2 Spring Rock Road. He noted that the contractor had filled in the hole in the seawall; however, there was a question whether the retaining wall adjacent to the walkway that had been replaced was in compliance with the plans. He indicated that the Zoning Enforcement Officer, Laura Magaraci, advised that retaining walls less than 3 feet in height do not need a permit.

Agenda Item 4. Upon motion made and seconded, the minutes of the November 7, 2016 board meeting were approved.

Agenda Item 5. Niall Ferguson presented the Treasurer's Report. There was a discussion of outstanding bills for legal services performed in the first quarter of 2016. It was unclear whether

the bills had been presented for payment closer in time to the date when the services were performed. Dick Greenalch recommended that the firm be asked to submit all future bills in a timely fashion. Upon motion made and seconded, the Board voted to approve the Treasurer's report.

Agenda Item 6. Committee Reports.

- Bob Dahill indicated that new members to serve on the Executive Board were needed and that anyone who was interested in serving on the Board should reach out to him, as chair of the Nominating Committee.
- Jon Schlesinger (Planning & Zoning) stated that he had nothing new to report. Niall Ferguson recommend that the Association's website be updated to provide a short summary of steps to be followed if you want to do renovation work on your house, and recommended a future agenda item on how to make the zoning process more visible. Joe Thomas forwarded a recommendation that the POA make an effort to populate its email list and encourage members to use their email addresses to receive information from the POA.
- Linda Giordano (Shoreline Access) reported on repairs to the Spring Rock Road walkway. The walkway leading to the beach is being restored; however, it is narrower than the one that was demolished by the Scheers to repair their seawall. She stated that the Scheers have no plan to add a gate or barrier to the walkway.
- Seth Chaucer reported that there was a need to check on the plowing service because the snow had not be removed from the POA driveway and parking lot.
- Rick Ross reported that there are only 3 tax bills outstanding and that he and the office manager were making an effort to get email addresses when the next round of tax bills went out.
- Matt Moran reported that the speed study on Rte. 146 that had been requested of the Branford Police should be available by the time of the next meeting.

Agenda Item 7. The Chair reported on the beach access on Juniper Point. This had been identified at a previous meeting as a possible additional beach access point for Pine Orchard. However, after investigating the matter, he learned that the Juniper Point access point runs to the Town of Branford. It was created at the time the development of Juniper Point was approved. There is a map and survey of the right of way, which is expected to be recorded on the land records of the Town of Branford shortly. The beach access point on Juniper Point had several parking spaces had been part of the zoning approval for the development on Juniper Point. Branford Town attorney, Bill Aniskovich, is looking into the matter.

Agenda Item 8. Other Business. Bob Dahill reported that a new office manager Regina Coyle had been hired and started training with Janet Ryan on January 3, 2017. Her first task will be working on getting the tax bills out and improving the POA website and getting out information about POA activities.

A discussion ensued about planning more social activities for Pine Orchard members. It was suggested that we schedule a social event around the time of the 4th of July parade or a summer party. Anyone who wants to volunteer to put together a social event is urged to contact the Board members.

Agenda Item 15, Upon motion made and seconded, the Board unanimously voted to adjourn at 8:30 p.m.

Respectfully submitted,

Margaret Haering, Clerk

Minutes of Pine Orchard Executive Board Meeting

March 13, 2017

The meeting was called to order by Vice President Robin Sandler at 8:00 pm.

Board members present were: Jon Schlesinger, Peggy Haering, Robert Dahill, Robin Sandler, Matt Moran, Dick Greenalch, Joe Thomas, Susan Davis

Rick Ross, Niall Ferguson, Linda Giordano, and Seth Chaucer were absent.

Agenda Item 2. The Vice President stated that there is still one vacancy to serve as an alternate for the Zoning Board of Appeals. He also noted that the office of the President for the Pine Orchard Association is also vacant. He encouraged anyone who wanted to serve in either of these capacities to contact the Nominating Committee, which is headed by Bob Dahill.

Agenda Item 3. Communications: The chair recognized Susan Dahill, who has been stepped in to be the Office Manager for the Association. Susan volunteered to help out after the previously hired office manager resigned shortly after starting training in January. Susan created a sample newsletter for the Association that could be issued quarterly to inform members about community resources and activities and provide a means of helping new neighbors learn about the Association and its history. Susan detailed her efforts to update the Association's website and Facebook page. She mentioned making more use of video on the sites, and Robin suggested that we reach out to Branford High School to locate students interested in obtaining internships to provide assistance with social media.

Agenda Item 4. Upon motion and second, the minutes of the POA meeting for January 9, 2017 were approved. The Clerk then identified certain items on the January 9th minutes that needed to be corrected. Upon motion and second, the amended minutes were approved.

Agenda Item 5. Treasurer's Report. Niall Ferguson was unable to attend the meeting; however, he forwarded his report. The Chair noted that the Pine Orchard tax collections were 102% and that the budget for legal fees had been exceeded, largely due to late submission of certain invoices. Upon motion and second, the Treasurer's Report was approved.

Agenda Item 6. Committee Reports

- a. By-Laws-Susan Davis indicated that she had nothing to report
- b. Nominating –Bob Dahill noted that two board positions are “timing out” and that there were vacancies coming up. Board members whose positions are timing out were asked to indicate their willingness to stay on.
- c. Planning & Zoning—Jon Schlesinger provided a one-page description that had been prepared by the POA's zoning officer to advise homeowners about the process for obtaining approvals for renovation projects. A member of the public asked a question about the status of a proposal to amend the zoning provisions to clarify the status of sunshades as a

structure; the Chair advised that the matter had been presented and tabled at a prior meeting and was not open for further discussion.

- d. Communications—Joe Thomas reported that the committee is working on obtaining email addresses for POA members and that he planned to send out a mailer to all members soliciting their email addresses. He also noted that access to the POA Facebook page had been restored.
- e. Shoreline—Linda Giordano was unable to attend the meeting; however, she did provide a written report indicating that the repair work at 2 Spring Rock Road was almost completed and that she had been advised that the Scheers intended to finish the work, remove the gate to the walkway so that beach access could be restored.
- f. Building maintenance—Seth Chaucer was not present and there was no report.
- g. Municipal Interface—Matt Moran reported the results of a traffic study done by the Branford Police. The report showed that on the measurement date almost 50% of the observed vehicles were exceeding the posted speed limit. Discussion ensued about possible responses to the problem of speeding cars in Pine Orchard.
- h. Tax collection—Rick Ross was not present. The Chair noted collections were at 102%.

Agenda Item 7. Motions for Contempt filed in the matter of *McBurney v. Verderame* and *McBurney v. Paquin*. A motion was made for the Board to take no action with regard to these matters. The motion was seconded and unanimously approved.

Agenda Item 8. Email from Attorney Berdon regarding other Crescent Bluff litigation. Peggy Haering stated that the email involved settlement negotiations among litigants and that there appeared to be no role for the Pine Orchard Association in these discussions at the present time. Upon motion made and seconded, the Board voted to take no action in response to the email.

Agenda Item 9. The Chair reported that Short Beach was providing a training session on the legal requirements for land use agencies and that such training was being made available to interested members of the POA.

Agenda Item 10. Other Business. Bob Dahill reported on Susan Dahill's new role and activities as the POA's office assistant. There was also discussion of future social events for the members of the POA, including the 4th of July parade. Peggy Haering reported that she and others were working on organizing a Pine Orchard Swap Meet and Tag Sale and that they were waiting to hear from the Pine Orchard Chapel whether and when such an event could be scheduled.

Agenda Item 11. Upon motion made and seconded, the Board unanimously voted to adjourn at 9:20 p.m.

Respectfully submitted,

Margaret Haering, Clerk

Note: 2016-2017 Meeting Schedule—all 8:00 p.m.

Monday, January 9, 2017

Monday, March 13, 2017

Monday, May 8, 2017 and

Tuesday, July 11, 2017

Minutes of Pine Orchard Executive Board Meeting

May 8, 2017

The meeting was called to order by Vice President Robin Sandler at 8:00 pm.

Board members present were: Jon Schlesinger, Peggy Haering, Robert Dahill, Robin Sandler, Matt Moran, Dick Greenalch, Susan Davis, Rick Ross, Niall Ferguson, Linda Giordano, and Seth Chaucer.

Joe Thomas was absent.

Agenda Item 2. The Vice President stated that there is still one vacancy to serve as an alternate for the Zoning Board of Appeals. He noted that the office of the President for the Pine Orchard Association is also vacant. He encouraged anyone who wanted to serve in either of these capacities to contact the Nominating Committee, headed by Bob Dahill. Peggy Haering indicated that she had a recommendation for the ZBA.

Agenda Item 3. Communications: The chair recognized Susan Dahill, the Office Manager for the Association. Susan reported that Association's email list had been updated using MailChimp, a program that protects the email addresses of our members and allows her to determine the number of people who open emails. She has organized and met with a group of "street captains" who have volunteered to collect email addresses for those on their street. This group had suggestions for future activities and initiatives, such as seeking to make the "triangle" more like a park. Susan has updated the Association's Facebook page and proposed issuing an RFP for website development. She received an estimate for printing and mailing a newsletter to all Association households, which was approved.

Agenda Item 4. Upon motion and second, the minutes of the POA meeting for March 13, 2017 were approved.

Agenda Item 5. Treasurer's Report. Niall Ferguson presented the Budget Report as of May 9th. It was noted that expenditures for shoreline and building maintenance were lower than allocated and that the Association should end the fiscal year with savings of \$20,000. Niall presented a proposed budget for the next fiscal year. There are proposed reductions for shoreline maintenance and increases in amount allocated for the Office Manager. A discussion ensued about the cost of maintaining the Association building and the cost of installing a dehumidifier in the basement. Niall asked how Board members felt about the usage and cost of keeping the Association building. Peggy Haering asked about the Association's non-profit status and its ability to obtain an exemption from real estate taxes from the Town of Branford. Upon motion and second, the Board voted to preserve the mill rate at 3 for the next fiscal year. Upon further motion and second, the Board approved the budget report as submitted. The proposed budget will be presented and voted on at the annual meeting.

Agenda Item 6. Committee Reports

- a. By-Laws-Susan Davis indicated that she had nothing to report. Robin asked whether the amended by-laws had been posted on the Association's website. Susan Davis stated that she would follow up.
- b. Nominating –Board members whose positions are expiring were asked to indicate their willingness to stay on. Susan Davis, Seth Chaucer, Rich Ross and Jon Schlesinger all agreed that they would like to remain on the board and stand for re-election at the Annual Meeting.
- c. Planning & Zoning—Jon Schlesinger stated that information for homeowners about the process for obtaining approvals for renovation projects from the Pine Orchard zoning officer had been updated information and would be posted on the Association's website.
- d. Communications—Joe Thomas was not present. There was a discussion of ongoing efforts by Susan Dahill to improve avenues of communications with our members.
- e. Shoreline—Linda Giordano reported that she had spoken to David Scheer and had been advised that he intends to appear before the Branford Planning & Zoning on May 18, 2017 to seek modification of the language of its order approving the wall that he had constructed adjacent to the walkway. She also noted that she had inspected the beach access points and that some clean-up and maintenance was needed at Yowago, Selden Avenues.
- f. Building maintenance—Seth Chaucer discussed the proposal obtained for reseeding the lawn and maintenance at the Association building; that work will take place.
- g. Municipal Interface—Matt Moran discussed possible responses to the problem of cars speeding in Pine Orchard. He proposed establishment of a PACE program, whereby members of the public would take a pledge to observe speed restrictions within the community. Upon motion and second, the Board authorized expenditure of up to \$500 to explore establishing a PACE program in Pine Orchard.
- h. Tax collection—Rick Ross noted collections for the current year were at 102% of budget.

Agenda Item 7. Discussion of regulation of short-term rentals of property in Pine Orchard. The Board received a letter from Jacqueline Coffey about a short-term property on Waterside Drive listed on VBRO (Vacation Rentals by Owner). She noted that on certain weekends partying by short-term tenants had caused a disturbance, including noise and parking an excessive number of cars on a small, narrow street. She observed that on occasion the police had been called. She asked the Board to consider implementing zoning restrictions that would regulate such use. The Board heard from Ryan Smith, the owner of the property on Waterside Drive. Mr. Smith indicated that he was receptive to hearing from neighbors affected by the rental of his property. Board members discussed the matter and indicated an interest in further reviewing potential solutions to pressures created by short-term rentals and opening communications with owners of the problem short-term rental properties.

Agenda Item 8. Office and Business Report. Susan Dahill indicated that she was preparing for the upcoming tax season. The Board reviewed plans for the upcoming Annual Meeting in July. Susan Dahill asked whether the Association wanted to co-sponsor one or more events to help raise funds for building maintenance of the Pine Orchard Chapel. Upon motion and second, the Board agreed to support sponsorship of such events.

Agenda Item 9. Other Business. Peggy Haering reported on the recent tag sale that had been sponsored by the Association.

Agenda Item 10. Upon motion made and seconded, the Board unanimously voted to adjourn at 10:30 p.m.

Respectfully submitted,

Margaret Haering, Clerk

Annual Meeting, Tuesday, July 11, 2017

Pine Orchard Association Annual Meeting – July 10, 2017

Meeting called to order by Vice-President Robin Sandler at 8:10 PM

Board members in attendance: Robin Sandler, Joseph Thomas, Jon Schlesinger, Susan Davis, Linda Giordano, Niall Ferguson, Robert Dahill, Rick Ross, Seth Chaucer

Absent: Peggy Haering and Matt Moran

Sheri Peterson, 282 Pine Orchard Road, spoke about the Chapel.

The Chapel was started in 1897 as a non-denominational church.

It was used weekly by Pine Orchard residents and their families for worship.

It has been the site for many weddings, family parties and children's activities.

The Chapel is not owned by The Pine Orchard Association.

The July 11, 2016 minutes – a motion was made by Hap Storer to accept the minutes and approved by Fran Acunzo.

Vice-President's Letter

Discussion regarding AirBNB and VRBO rentals of homes in Pine Orchard. There have been several complaints from neighbors.

There are no existing guidelines for this type of rental.

There has been a By-Law change regarding Conflict of Interest on the Board. It has been decided that the person who recues themselves no longer has to leave the room.

Planning and zoning – Pine Orchard has its own regulations.

Beach access points – Juniper Point Access is available to all Pine Orchard residents.

Executive Board – there are 4 board members who have served their initial 3 year term and wish to serve the additional 3 year term. They are: Susan Davis, Seth Chaucer, Rick Ross and Jon Schlesinger.

Tag Sale – very successful – proceeds were donated to the Chapel.

Our Office Manager, Janet Ryan is resigning. The POA is looking to hire a replacement.

Email addresses are needed!

Comments from the floor:

Eric Rose, 61 Yowago Avenue, commented that any construction needs approval.

Contact Laura, the Zoning Enforcement Officer for the town of Branford

Mike Giordano, 59 Yowago Avenue, questioned whether zoning restrictions would be "grandfathered in", retroactive.

Jennifer Aniskovich, 15 Grove Avenue, suggested POA had the authority to monitor the use of existing properties.

Tracey Scheer, 2 Spring Rock Road, asked why there were not more or different candidates for Board seats. Also could voting be done electronically since not all residents come to the Annual July meeting. Should 12 people make all the decisions for the Pine Orchard residents.

Eric Rose, 61 Yowago Avenue, commented that we are a democracy and showing up for the annual meeting is important, participation and board positions keep us a community.

Zoning changes are not made by the POA.

POA can amend By-Laws, if there is a concern, let the board know.

Rick Wies, 33 Thimble Farms Road, Charter is old and needs to be revised.

Difficult to attend meetings – more info should be done on line.

Ron Desantis, 200 Totoket Road, reported Juniper Point beach access sign says it is for Juniper Point residents only.

Sheila Giordano, 59 Yowago Avenue, AirBNB complaints – how many complaints will it take to make a zoning change. There is support from neighbors to change rules regarding AirBNB rentals. Jennifer Aniskovich suggested having a public hearing on some concerning issues.

Treasurer's Report - Niall Ferguson

Fiscal year ended in June. Seward and Monde gave a positive report.

Savings \$154,000.00

Budget \$ 61,000.00

Actual Expenses - \$ 42,000.00

Zoning, Building and Waterfront Maintenance budget's were lower than other years.

Board approved Mill Rate at 3

Jay Pottenger, 27 Thimble Farms Road, asked if we always use the same accountant. Yes, Niall felt they served us well.

Ron Desantis, 200 Totoket Road, is money from POA used for repairs after storms.

Repairs are usually made to the beach access points, seawalls and stairs.

Hap Storer, 11 Grove Avenue, noted \$70,000.00 was needed for repairs to the seawall after one of the storms.

Tracey Scheer, 2 Spring Rock Road, questioned if there is a deed for repairs to Island View Avenue.

Robin Sandler, 15 Hart Avenue, noted the POA has deeded rights to beach access on Chapel Drive and Island View Avenue.

Brian Coffey, 46 Island View Avenue, said there are 3 access points owned by POA on Island View Avenue: Chapel Drive, Waterside Drive and at the Pine Orchard Club.

Fran Acunzo, 10 Chapel Drive, asked what is the Association going to do with the money in the budget. Rather than reduce taxes, find something to do with it.

David Scheer, 2 Spring Rock Road, suggested keeping budget as is. Asked what the largest expenses were and re-examine those expenses. Is POA building used enough for the expenses it incurs.

Mary Catherine Lee, 8 Elizabeth Street, could Chapel be used as a museum.

Bobbi Gavin, 281 Pine Orchard Road, are the POA and the Chapel the same? No talking about POA building not Chapel.

Jay Pottenger, 27 Thimble Farms Road, questioned cost of legal fees. They had accrued from previous year.

Rick Wies, 33 Thimble Farms Road, find an office manager that is more computer knowledgeable, can scan documents and keep POA informed.

Celia Wheeler, 29 Crescent Bluff, use microphone!!

Penelope Schlesinger, 53 Spring Rock Road, Island View jetty/ breakwater who is responsible for its maintenance. Association has no responsibility, Pine Orchard Club is responsible.

Treasurer's Report was approved.

Committee Reports

Susan Davis, By Laws, to start a charter revision there needs to be 2/3 vote of the PO Board and needs 10% of community to vote.

Jon Schlesinger, Planning and Zoning, organizes steps for zoning issues, and organizes materials for permits. New regulation – fences under 6 feet do not need permits, not 8 feet.

Joe Thomas, Communications, encouraged residents to send their emails.

Susan Dahill, 31 Spring Rock Road, reported that there are 455 households, 263 emails reported, that is 57% of residents.

Remy Zimmermann, 9 Anchorage Road, suggested putting ads in The Sound requesting emails.

Harrison Levy, 58 Spring Rock Road, suggested putting a community, POA raft in the water.

Linda Giordano, Shoreline Maintenance, reported repairs have been made at the end of Island View Ave and Selden Ave. Currently repairs are being done on Island View Ave – Waterside entrance. Repairs on Spring Rock Road continue and hopefully will be finished soon.

Seth Chaucer, Building Maintenance, thanked Bob Dahill for helping with lawn maintenance company to take care of POA building on Pine Orchard Road.

Mirror Lake has had 2 applications of fungicide. Seth has redone signs at Young's Pond. Seth thanked Susan Dahill for her help as the Office Manager.

Matt Moran, Municipal Interface, trying to control speeding in Pine Orchard. Hopefully there will be signs and stickers in the future.

Rick Ross, Taxes, only one non-paying resident.

Bob Dahill, Nominating Committee, re-election of 4 seats of POA.

Bob has met with many people as potential candidates. Incumbents want to renew for an additional 3 years. No new members at this time. Bob encouraged residents to work on committees and get involved.

Tracey Scheer, 2 Spring Rock Road, asking if there was an email sent to encourage new potential board members.

Jeanne Hughes, 39 Meadow Wood Road, was a captain for Sunset Hill to get emails from neighbors. Difficult to get all to respond.

David Scheer, 2 Spring Rock Road, asked if phone calls could be made to get emails from residents.

4 Members of the Board that are renewing:

Rick Ross, Seth Chaucer, Jon Schlesinger, Susan Davis

Slate was accepted and seconded.

Jay Pottenger, 27 Thimble Farms Road, discussed charter revision, a strategic plan and vision for going forward in the POA.

Susan Davis, 47 Griffing Pond Road, reported 5 – 15 people are needed for a Revision Committee.

Norm Gavin, 281 Pine Orchard Road, wanted to know why POA and the Chapel Assoc are separate.

Jennifer Aniskovich, 15 Grove Ave, said the Chapel was incorporated in 1896 to help the town and area get settled. All residents can make contributions to the Chapel.

Vining Bigelow, 39 Blackstone Ave, commented that the Chapel needs structural repair. Could POA consider \$50,000 or \$55,000 for Chapel repairs?

Stephanie Farber, 14 Ozone Road, pointed out if the Chapel is non-denominational, there should not be a cross.

Jeanne Hughes, 39 Meadow Wood Road, informed everyone that the new Middle School will have Mechanicals on the roof creating a three story structure.

Geoff Hotz, 33 Totoket Road, thanked the PO community for all their support to the Fire Station.

Robin Sandler, 15 Hart Ave, thanked Susan Dahill for all her work as the Office Manager.

Adjourned meeting at 9:50 PM.

Pine Orchard Association Annual Meeting Agenda
Monday, July 10, 2016 8:00 p.m.
Union Chapel, Pine Orchard, CT

At the call of the Vice-President, there will be the annual meeting of The Pine Orchard Association at the Union Chapel, Chapel Street, Pine Orchard CT.

1. Call to order
2. Approval of July 11, 2016 minutes:
3. President's Report: Vice- President Robin Sandler
4. Treasurer's Report: Treasurer Niall Ferguson
5. Committee Reports
 - a. By-Laws, Susan Davis
 - b. Planning & Zoning, Jon Schlesinger
 - c. Communications, Joe Thomas
 - d. Shoreline Maintenance & Access, Linda Giordano
 - e. Building Maintenance, Seth Chaucer
 - f. Municipal Interface, Matt Moran
 - g. Tax Collector, Rick Ross
6. Election of Four Executive Board Members for a three-year term

Nominating Committee recommendations presented by Robert Dahill, Nominating committee Chair:

Susan Davis
Rick Ross
Seth Chaucer
Jon Schlesinger

7. Public Comments

Note: Regular Pine Orchard Association meetings for year 2017-2018 will be held at the Pine Orchard Association Building located at 180 Pine Orchard Road, Pine Orchard, Ct at 8:00 pm on the following Mondays: 09/11/2017, 11/06/2017, 01/08/2018, 03/05/2018 & 05/07/2018

Executive Meeting of the Pine Orchard Association Board

Meeting began at 9:55 PM

Election of Officers:

President – Robin Sandler

Vice-President – Joseph Thomas

Treasurer – Niall Ferguson

Secretary – Peggy Haering

Jon Schlesinger made the motion to accept the slate of officers.

Seth Chaucer seconded the motion.

There were no nominations from the floor.

Meeting adjourned at 10:00PM.

Minutes of Pine Orchard Executive Board Meeting

September 11, 2017

The meeting was called to order by President Robin Sandler at 8:05 pm.

Board members present were: Jon Schlesinger, Peggy Haering, Robert Dahill, Robin Sandler, Matt Moran, Dick Greenalch, Susan Davis, Rick Ross, Niall Ferguson, Linda Giordano, and Joe Thomas

Seth Chaucer was absent.

Agenda Item 2: Public Comments. Peter Hugret provided a summary of his activities concerning short term rentals, which included circulation of a petition among Pine Orchard residents calling for amendment of the zoning regulations to regulate short term rentals in Pine Orchard. Specifically, he recommended specifying that short-term rentals should be for a defined minimum period - such as 30 days. The lessee should be required to follow all Pine Orchard ordinances including beach access points. No sub-leasing would be allowed. There would be a reporting process should the lessee fail to conform and a fee structure, including penalties, if there is non-compliance.

Peter stated that his petition generated 49 indications of support from neighbors in favor of regulation. Peter said that the homeowners expressed concern that without an enforcement mechanism in place short term rentals will have a negative impact on property values and on the lifestyle in our community. Peter feels that short term rentals are diminishing a feeling of "community" in our neighborhood. In his view, unregulated short term rentals will degrade the community, create traffic concerns and raise tensions over things like beach access. He noted that the Town of Branford had recently passed an ordinance calling for a minimum 10-day rental for short term rentals within the Town, but observed that it did not affect Pine Orchard, which has its own zoning regulations.

Niall Ferguson asked whether there had been any negative comments about regulation of short term rentals. Peter responded that Eric Rose had written in support of one short term rental on Yowago Ave. A discussion ensued about the Town of Branford regulation and potential issues with enforcement in Pine Orchard, given that our zoning enforcement officer is part-time and many of the problems with short term rentals arise at nights and on weekends.

Bob Dahill asked whether Peter recommended that homeowners register with the POA Zoning Officer when their property is used as a short-term rental. Peter said that some communities have required that. Some concern was expressed that short term rental restrictions could create a hardship for people who can't sell their house and need to rent.

Robin said that he sees a problem with enforcement as the Zoning Enforcement Officer (Laura) is a part-time employee as is the Office Manager. He said that there is no infrastructure for enforcement - no resources to back up the regulations. He said possibly the Zoning Members could get involved. He suggested that a committee be formed to come up with a recommendation.

Brian Coffey, of 46 Island View Ave., reviewed the research he had done on regulation of short term rentals by other communities. He said that there are basically two approaches: complaint driven and zoning. The difficulties of enforcement were discussed. Sheila Giordano described the problems caused by short term rentals near her home that both have absentee landlords, one in DC and another in California. One of the properties brings a large number of cars and the occasional party bus into the

area. It is advertised as sleeping 10-12 people and urges tenants to bring their kayaks and enjoy the beach. Sheila said the Molaro house next door to her rents for as little as two nights. There are often 6-7 cars parking at the home and near the beach. Sometimes there are up to 20 cars on Yowago. The transient nature of it makes for many problems. Sheila said that after complaining about one party, she received a letter from a local Branford lawyer telling her to stop "harassing" the renters.

There is also a short term rental on Crescent Bluff Avenue that has generated complaints due to parties and events being held on the premises. On one occasion the lawn was used for a photo shoot with live models.

Mary Beth Canavan expressed concern about the number of people renting the Airbnb near her. She said that at one point as many as 20 people from the short term rental were socializing on the walkway next to her home and the beach.

The short-term rental on Waterside Avenue was reportedly used for a party for which the tenants brought in stumps of wood to hold a knife and hatchet throwing event in the yard.

Robin said that the owner of the Waterside Ave. property had come to a POA meeting and gave his perspective on rentals. Robin is concerned about enforcement because our Zoning Enforcement Officer is a part-time employee. He added that the Association has no infrastructure for enforcement -- no resources to back up the regulations.

Brian Coffey spoke in support of registering these homes. If a neighbor has a complaint, that would trigger an investigation and potential fines. Possibly liens could be placed on the home if fines are not paid.

The President called for volunteers to study the issue and to make recommendations for regulation of short term rentals in Pine Orchard. Board members, Dick Greenalch and Peggy Haering volunteered, as did Brian Coffey and Peggy Taylor of 61 Sunset Hill.

Agenda Item 3. The President confirmed committee assignments for the Board members. Dick Greenalch will be now be responsible for Planning & Zoning. Jon Schlesinger will be shifting over to communications. All other Board assignments will remain the same. Future meetings of the Board will be scheduled to start at 7:00 p.m.

Agenda Item 4, Communications. Jon Schlesinger has assumed Board responsibility for communications and explained his goal of updating the POA website and improving community outreach.

Agenda Item 5. Upon motion and second, the minutes of the POA meeting for May 8, 2017 and the Annual Meeting on July 10, 2017 were approved.

Agenda Item 6. Niall Ferguson presented the Treasurer's reports as of June 30, 2017 and Sept. 11, 2017. He was asked about expenditures for insurance and reviewed the risks being covered, which include premises liability for the association building, beach access points, and a D & O policy for the Board. Upon motion and second the reports were approved

Agenda Item 7. Committee Reports

- a. By-Laws-Susan Davis indicated that she had nothing to report.
- b. Nominating--Bob Dahill stated that Willam Singer of Island View Avenue was interested in filling the vacancy as an alternate member of the Zoning Board of Appeals. Upon motion and second, Mr. Singer was approved as alternate.
- c. Planning & Zoning--Jon Schlesinger indicated that the zoning enforcement officer had reported complaints about lighting--specifically residents having installed lighting that shone in neighbors windows and illuminated public spaces. A call was made for clarification of enforcement authority for the POA's restrictions on exterior lighting.
- d. Communications--Jon Schlesinger discussed his plan to enhance the POA website and online presence. Peter Robinson, the new POA office manager, discussed his capabilities to upgrade the website and his desire to assist Jon with the communications effort. Upon motion and second the Board approved an expenditure of up to \$100 to secure new website template.
- e. Shoreline Maintenance--Linda Giordano reported that the steps on the beach access on Island View Avenue (next to the Cahill property) had been replaced and that she had received a request to replace the bottom rungs of the steps on the beach access point on Island View Avenue at the end of Chapel Drive. She also has received a bid to replace the metal railing at the end of Island View Avenue leading to the breakwater. The estimate to replace the railing with a galvanized metal railing was \$5900. Linda indicated that she intended to get a second bid and may consider other materials for the railing.
- f. Building maintenance--Seth Chaucer was absent. Robin Sandler asked whether the Association should consider installing a generator at the POA building so that in time of storms or power disruptions community members would have a place to gather . He indicated that he would look into the cost of installing a generator.
- g. Municipal Interface--Matt Moran suggested that the POA establish a portion of the website where community members could register complaints. He noted that at an earlier meeting the Board had authorized expenditure of up to \$500 to explore establishing a PACE program to reduce speeding in Pine Orchard.
- h. Tax Collection--Rich Ross said that there has been almost full collection of taxes for the year. One resident accounts for over half of the delinquency and a lien has been placed on the property.

Agenda Item 8. Discussion of zoning regulations applicable to short-term rentals of property in Pine Orchard. Board members indicated an interest in further reviewing potential solutions to pressures created by short-term rentals. The Board has received a complaint about keeping of hens within Pine Orchard. Dick Greenalch will investigate POA authority to regulate keeping of hens and will report back.

Agenda Item 9--Charter Revision. At the Annual Meeting, charter revision was raised as a possible concern. Susan Davis, stated that she has investigated the process and that it could take several years to accomplish. Dick Greenalch agreed that charter revision is a complex process and whether there was a sufficient need to proceed with an overhaul. Upon motion and second the Board voted to remove the item from the agenda.

Agenda Item 10. Other Business. Robin introduced Peter Robinson, the new office manager for the Pine Orchard Association. Peter detailed his activities since starting. They include training on the QDS system for collection of taxes, upgrading email addresses, reviewing and preparing recommendations for improvement of the website, evaluating the need/desire certain communications, including newsletter and creation of welcome packages for new members. Harrison Levy suggested that the Association use some of its funds to improve the area. He suggested adding a swim platform and benches near the beach access points. Robin indicated that he would add that as an agenda item at the next meeting.

Agenda Item 11. Adjournment. Upon motion made and seconded, the Board unanimously voted to adjourn at 10:00 p.m.

Respectfully submitted,

Margaret Haering, Clerk

Minutes of Pine Orchard Executive Board Meeting

November 6, 2017

The meeting was called to order by President Robin Sandler at 8:05 pm.

Board members present were: Jon Schlesinger, Peggy Haering, Robert Dahill, Robin Sandler, Matt Moran, Dick Greenalch, Rick Ross, Niall Ferguson, and Linda Giordano,

Seth Chaucer, Susan Davis, Seth Chaucer and Joe Thomas were absent.

Agenda Item 2: Public Comments. None.

Agenda Item 3: Communications. None.

Agenda Item 4. Upon motion and second, the minutes of the POA meeting for September 11, 2017 were approved.

Agenda Item 5. Niall Ferguson presented the Treasurer's report as of November 6, 2017. Upon motion and second the report was approved

Agenda Item 6. Committee Reports

- a. By-Laws-Susan Davis was absent; there was no report.
- b. Nominating—Joe Thomas was absent; there was no report
- c. Planning & Zoning—Dick Greenalch had nothing to report.
- d. Communications—Jon Schlesinger reported on the website updates. He invited members of the Board to review the new website and to send comments back to him. Jon had a number of logo designs for the Association that he hoped to whittle down to 3. The Board would then solicit community feedback. Upon motion and second the Board voted to allocate up to \$1000 for further website development.
- e. Shoreline Maintenance—Linda Giordano reported that the bottom rungs of the steps on the Island View Avenue beach access point at the end of Chapel Drive were being repaired. The decision has been made to repaint (rather than replace) the existing metal railing on the beach access point at the end of Island View Avenue. Repair estimates are being solicited for the access point on Spring Rock Road.
- f. Building maintenance—Seth Chaucer was absent; there was no report.
- g. Municipal Interface—Matt Moran asked for further suggestions as to how the Association should be interacting with the Town of Branford.
- h. Tax Collection—Rick Ross said that there had been almost full collection of taxes for the year. Only one resident has failed to remit taxes, and Rick is in discussions with him.

Agenda Item 7. President's Report. Robin received a complaint about a homeowner on Island View Avenue who blocks off a parking space in front of her house by leaving her trash cans out on the street for extended periods. The homeowner has also been observed leaving a golf cart or an old bicycle on the street-- all for the apparent purpose of preventing others from parking in front of her house. As the homeowner has only one car and does not have any need for a second space near her house, Hap Storer asked whether it might be possible to complain about creation of a public nuisance. Robin observed that Island View Avenue has parking only on one side of the street and many residents do not have

driveways. It was decided that the President would write a letter to the homeowner asking her to cease placing obstructions in the roadway and to remove her trash cans promptly after the trash is picked up

Robin requested that Board members refrain from contacting the Board's attorney without authorization from him.

Matt Moran asked for ideas on how the Board should communicate with members during a power outage. It was recommended that the POA's Facebook page be used to post status updates that could still reach those without power.

Agenda Item 8: Old Business. Dick Greenalch read the recommendations of the Short Term Rental Committee. The committee concluded that renting out a single family home for a period of 30 consecutive days or less constituted the operation of a "lodging" house, as defined under the Connecticut Sales and Use Tax law. For that reason, the Committee concluded that using a single family dwelling as a short-term rental for 30 days or less violated our existing Zoning Ordinance. The Committee recommended that the Board retain land use counsel to review its conclusions with a view toward future enforcement. Rick Ross stated that the Zoning Ordinance should be revised in order to make the community's position on short-term rentals more explicit. He also questioned whether reliance on the statute's definition of a lodging house was appropriate and whether drawing the line at 30 days (as opposed to 7 days) made sense. Mike Hopkins of Halstead Lane commented that it made no difference whether the rental period was 3 days or 30; short term rentals would not be allowed and the rules applied across the board.

Ryan Smith, who owns a VRBO rental at 5 Waterside Road, questioned the make-up of the committee and whether there had been any "dissenters". Robin Sandler indicated that at least one committee member had initially been opposed to regulation of short term rentals. Mr. Smith said that the owners of property could prevent short-term renters from becoming a problem by setting specific rules, such as limiting the number of vehicles or tenants, prohibiting parties, etc.

Niall Ferguson and Rick Ross stated a preference for permitting people to rent out their houses on a short-term basis of at least 7 days. A motion was made and seconded to send the Short Term Rental Committee's report to an attorney for review. The motion carried by a vote of 6 in favor / 2 opposed.

Agenda Item 9: New Business.

- a. Bob Dahill recommended formation of a committee whose goal would be beautification of Pine Orchard. He suggested that we enlist volunteers to select and place plantings and benches near the beach access points and the Triangle. Upon motion and second, the motion to form the committee, to be headed by Bob Dahill, was approved.
- b. Crescent Bluff litigation. A question was raised as how vigorously the Association should participate in this ongoing litigation and whether the current arrangements with Peter Berdun for representation of the Association were working. Robin stated that Peter did not like the current limitation on his role in the litigation. It was decided to bring the attorney in for a discussion of current litigation strategy on December 5, 2017 at 7:00 p.m. Hap Storer of Yowago Avenue stated that there are a number of issues to be decided before appeals could be filed in the Crescent Bluff litigation. He also said that access to the water is very important and that the community wanted the Association to remain involved.

Teresa Storer commented that the Association has money in the bank that should be used for storm repairs and that protecting our rights of access to the beaches.

- c. Halstead Lane. Bob Dahill recommended that the Board authorize a title search on Halstead Lane in response to the placement of “private” road signs on the street. Rich Colbert of 2 Halstead Lane stated that he had put up the signs because he and his neighbors regard Halstead as a private road. He said that the issue had arisen during his purchase of the house. Mr. Colbert said that he had met with First Selectman of the Town of Branford and was advised that the town is not interested in challenging private road designations. Mr. Colbert thought that private road sign would deter cars from coming down the street and said that there was no intention of using the private road signs to prevent someone from using the beach access point on that street.
- d. Robin reported that he had received three bids between \$9000 and \$12,000 for installing a generator at the POA building so that during storms or power disruptions community members would have a place to gather. Upon motion and second the Board voted to authorize Robin to negotiate with the vendors and to expend funds to install a generator at the POA building.

Agenda Item 10. Office Manager’s Report. Robin read a report by Peter Robinson, the new office manager, detailing his activities for the recent month. Peter indicated that he now had active email addresses for 256 members of the Pine Orchard Association. He intends to produce a quarterly newsletter as well as a “welcome” package for new members. His report detailed a number of other activities for the Board to consider in upcoming meetings that would increase community engagement.

Agenda Item 11. Other Business. None.

Agenda Item 12: Adjournment. Upon motion made and seconded, the Board unanimously voted to adjourn at 10:40 p.m.

Respectfully submitted,

Margaret Haering, Clerk

Minutes of Pine Orchard Executive Board Special Meeting

December 5, 2017

The meeting was called to order by President Robin Sandler at 7:04 p.m.

Board members present were: Peggy Haering, Robert Dahill, Robin Sandler, Matt Moran, Dick Greenalch, Susan Davis, Niall Ferguson, Linda Giordano, and Joe Thomas

Seth Chaucer, Jon Schlesinger, and Rick Ross were absent.

President Robin Sandler opened the meeting, which was for the purpose of discussing pending litigation to which the Association is a party. He advised that later in the meeting the board would likely go into executive session to discuss litigation strategy and that Association members in attendance would have to leave the meeting.

Robin said that because some of the present Board members were not on the Board when the Crescent Bluff litigation began it would be beneficial for them to understand what went on prior to their joining the Board. Robin introduced the Association's attorney, Peter Berdon, to provide that background.

Attorney Berdon has represented the Association in the Crescent Bluff litigation since 2012. He provided a brief review of various pieces of litigation involving Crescent Bluff Avenue. Mr. Berdon stated that litigation regarding Crescent Bluff Avenue has been going on for 110 years. He characterized the issues as complex, and the facts as numerous.

He noted that the Crescent Bluff sub-division was laid out in the 1800s and that properties were sold by reference to a recorded plat, known as the Baker Map. He said there is a common law doctrine that sales of property by reference to a map usually convey a right to pass and repass over the common areas shown on the map, specifically an area known as the Lawn, which was next the beach on Long Island Sound.

Mr. Berdon said that a pier and a promenade were originally erected at the end of Crescent Bluff Avenue. The first litigation occurred in the late 1880's when a hurricane caused significant damage to the bulkhead. One property owner started to rebuild a seawall to protect his (beachfront) property but owners of the interior lots on Crescent Bluff Avenue sought an injunction to prevent him from modifying their beach access. This case, known as Fisk v. Ley, resulted in a judgment that interior lot owners had an easement to use the lawn and the beach, which could not be blocked by erection of a seawall.

For 90 years there was no further litigation concerning Crescent Bluff. However, since the early 2000's there have been a number of recent cases over use of the lawn area to access the beach on Crescent Bluff. The central dispute in these cases is a conflict between beachfront property owners (Beachcroft, McBurney and Lowlicht) and the rights of interior or rear lot owners to use the Lawn area at the end of the Avenue to access the beach and Sound and the scope of those rights.

In a matter known as Wheeler v. Beachcroft, an interior lot owner claims that Crescent Bluff Avenue and the lawn are a public way, challenging Beachcroft's position that the avenue is a private road. The Association has been added as a defendant in that case. The association is also a party in a matter designated as McBurney v. Wihbey. Motions for Summary Judgment have been filed in the Wheeler

matter and are due in the Wihbey matter shortly. In the matter of Wheeler v. Cosgrove, an interior lot owner has recently filed an action against the Branford first selectman based on refusal to lay out a public road.

Upon motion and second, the Board unanimously voted to go into executive session to discuss strategy in connection with the pending litigation.

At approximately 8:53 the Board voted to come out of executive session. No votes were taken during the executive session. The Board decided to hold a special meeting for the next week, on a date to be determined, to further consider the pending litigation.

Adjournment. Upon motion made and seconded, the Board unanimously voted to adjourn at 8:55 p.m.

Respectfully submitted,

Margaret Haering, Clerk

Minutes of Pine Orchard Executive Board Special Meeting

December 12, 2017

The meeting was called to order by President Robin Sandler at 7:15 p.m. The meeting was held at the Pine Orchard Club.

Board members present were: Robert Dahill, Robin Sandler, Dick Greenalch, Peggy Haering, Niall Ferguson, Linda Giordano, Seth Chaucer, Jon Schlesinger, and Joe Thomas

Matt Moran, Susan Davis and Rick Ross were absent.

President Robin Sandler opened the meeting and invited comments from members of the Association about pending Crescent Bluff litigation to which the Association is a party.

Vin Giordano of Pine Orchard Road favors a common sense solution. He wants Crescent Bluff to remain a bona fide beach access point and said that the Association will be at risk of losing access if it does not defend its position where they are challenged.

Gerry Garlick, an attorney representing Barbara Sagasse and Beachcroft LLC, said that it had been established that Crescent Bluff is not a public beach access point. He said that the Court felt that the Association should be added as a party if it was claiming that Crescent Bluff is a public road. He reviewed various court rulings regarding ownership of the street and the lawn and expressed the opinion that the Association had no right to claim a prescriptive easement. He said that his pending motion for summary judgement would be argued in February 2018 and questioned why the Association would want to use taxpayer money to challenge his client's position.

Bob Dahill asked Attorney Garlick about the characteristics of the lawn/stairs/beach area and pointed out that regardless of the tide you can use the stairs at the end of the lawn to access the remains of the old promenade and walk west completing the loop from Crescent Bluff to Spring Rock Road or Spring Rock beach. Attorney Garlick agreed.

Stephan Ariyan of Yowago Avenue said that a walkway had been erected by the Association at the end of the street in order to create waterfront access for neighbors of Crescent Bluff. He felt the Association has greater rights to defend and said that he did not care about ownership of the property as long as members have access.

Rich Colbert of Halstead Lane asked for an explanation of the claims of the association and a summary of the facts to support them. Attorney Garlick responded that the Association had filed a statement of interest that it had a prescriptive easement. Mr. Colbert offered the opinion that it was difficult to prove such claims and recommended that a subcommittee be formed to review the situation and to make recommendations.

Hap Storer of Grove Avenue encouraged the board to attempt to establish its position in court.

The Association's attorney, Peter Berdon, stated that many of the court decisions cited by attorney Garlick were subject to appeal and said that there had been questionable rulings, including a motion in

limine that precluded presentation of certain evidence at trial. There was discussion of the legal standards for obtaining a prescriptive easement by the general public.

Vin Giordano asked whether a prescriptive easement was necessary for members of the public to pass and repass over the lawn and whether implied rights were created by the Baker plan. Attorney Garlick said that the court has ruled that the public has no rights and that the implied easement was limited to residents of Crescent Bluff Avenue. Mr. Giordano said that he wanted the Association to preserve rights of the public to cross the lawn to get to the beach.

Teresa Storer of Grove Avenue said that an esplanade had been built by the Association from Selden Avenue to the Point and that the Association built and paid for that sidewalk. She said that for years people have been crossing the lawn to use the beach at Crescent Bluff and that there was never a gate at Crescent Bluff. She urged that attorney Berdon be involved in trying to preserve prescriptive rights.

Niall Ferguson asked for clarification of the issue to be decided by the pending motions for summary judgment. Attorney Garlick responded that the issue was whether the Association and general public have a prescriptive easement over the lawn at Crescent Bluff. Niall asked whether Attorney Garlick's client was adamant that no one could use the lawn without being a resident of Crescent Bluff. Mr. Garlick responded that in his view no one else has a right to be there.

Vin Giordano suggested that a relatively easy solution to resolve the issue would be for Attorney Garlick to advise his client to allow Association members to pass and repass over the lawn.

Dean Leone of Crescent Bluff Avenue said that people used to kayak from the end of the street; they sat on the beach and enjoyed the area on many levels. A common raft was placed offshore. One reason Pine Orchard is enjoyable, he said, is because of the shoreline access. People used to walk the shoreline circuit. He feels it is important to preserve the sense of community. In his view, this issue is not limited to just a few houses on Crescent Bluff; it involves the whole community.

Eric Rose of Yowago Avenue asked what it must feel like to be one of the people on the wrong end of the avenue. He felt that we should let this thing go to summary judgment.

Vin Giordano asked whether, if the Association filed an opposition to the summary judgment, the plaintiffs would be able to modify the prescriptive easement issue regarding the Association or the Town of Branford. Attorney Berdon indicated that the plaintiffs' position was that access to the lawn was limited to Crescent Bluff residents.

Rich Colbert asked how much the Association has spent on the Crescent Bluff litigation. Treasurer Niall Ferguson responded that he did not have precise figures on the litigation as opposed to other legal work. He indicated that roughly \$30,000 was spent on legal fees between FY 2012 and 2013, but not all of that was related to litigation. In FY 2014 and FY 2015 legal fees were \$2000 and \$1300 respectively. In FY 2016, legal fees totaled \$9000. Not all of those fees were related to the litigation.

Hap Storer inquired whether the Board would be able to post any decision that was made online before the minutes were posted.

Curt O'Connor of Chapel Drive wanted to know what was driving the litigation and whether the Association membership had been abusive of Ms. Sagasse's rights and if there had been any attempt to resolve the dispute.

Attorney Berdon stated that the Wheelers tried to resolve the dispute as to the width of the lawn and right of way. However, there were other issues regarding limitation of the hours of access and inability of residents to "loiter" on the lawn area. He said that restrictions are an issue because the lawn is a projection of Crescent Bluff Avenue as it goes down to the Sound. Many residents want to be able to use the stairs to access the beach or turn right to make the loop to Spring Rock Road.

Celia Wheeler of Crescent Bluff Avenue said that she was probably the longest resident of Crescent Bluff Avenue. She described different groups on the street—those nearest the water and those occupying rear lots. She resides on a rear lot and feels that she has been caught in the middle of this dispute. She feels that the ongoing litigation has devalued our property and made it impossible to sell. No one wants to live on our street, she said. When her family first came to Crescent Bluff the street and the lawn were open. Kids played on the street and had access to all the yards. She described an incident when her adult daughter returned to the street and went down to the beach with her children. Someone came out and ordered them off—claiming that it was private property. Her daughter was very upset. Mrs. Wheeler said this is a very bad situation and we have to fight it.

Upon motion and second at 8:35 p.m., the board voted unanimously to go into executive session to discuss litigation strategy with its attorney.

At 9:45 p.m., the Board came out of executive session. No votes were taken during the executive session.

Peggy Haering moved to authorize the President to appoint a committee to pursue mediation of the issues relating to access at the end of Crescent Bluff Avenue and to authorize the Association's attorney to respond to the pending motions for summary judgment based upon the strategy discussed. The motion was seconded and passed unanimously.

Upon motion and second, the Board voted to adjourn the meeting at 9:48 p.m.

Respectfully submitted,

Margaret Haering, Clerk