

Minutes of Pine Orchard Executive Board Meeting

January 06, 2020

Present: Joe Thomas, Len Farber, Rick Ross Richard Greenalch, Bob Dahill, Linda Sachs, Peggy Haering, Carol Redden, Bruce Caldarone, Robin Sandler

Absent: Jon Schlesinger, Seth Chaucer

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

Agenda Item 2: Communications, None received.

Agenda Item 3: Upon motion and second the minutes of the November 4, 2019 meeting were approved.

Agenda Item 4: Treasurer's Report, Linda Sachs presented the budget report. Tax revenues were collected 100%. Year-to-date, some of the amounts budgeted have been exceeded. This would include amounts for Shoreline Maintenance, Accounting Annual Review and Community Activities. The Association has \$167,981.72 in its checking account. Peggy Haering asked why such a large sum was being kept in a checking account. Linda will find out about setting up an account that might generate interest and will present a plan to the board for managing savings and allowing for transfers to meet operating needs. Upon motion and second, the budget report was approved.

Agenda Item 5: Committee Reports: (a) By-Laws, no report; (b) Nominating, Joe Thomas reported that 3 board members would be reaching the end of their permitted terms and that he would be seeking nominations for replacements in advance of the Annual Meeting; (c) Planning & Zoning, no report; (d) Communications, no report, Jon Schlesinger has posted a logo for review; (e) Shoreline Maintenance, Carol reported that the seawall and sidewalk at the end of Island View Ave. has been repaired and that the cost was \$100 over the entire budget for the year. There is an additional hole on the harbor side of the seawall to be repaired and there is a crack on the seawall near the Schiavone property. She will need approximately \$3400 to carry out these reports plus another \$300 to reimburse Josh Brooks for repairing the steps on Island View Avenue. Carol requested a budget allocation of an additional \$5000 to be used for repairs to the shoreline access points. Carol was asked about getting another quote for the work; however, there is a risk if the work gets delayed. Robin recommended the work of the proposed contractor, JDL Construction, and the board agreed that the work should be carried out immediately to prevent further damage to the seawall. (f) Building Maintenance, Peter Robinson reported that a new mailbox is needed and should possibly be relocated; (g) Municipal Interface, no report. (h) Tax Collections, tax collections were 100% complete; (i) Beautification: Bob Dahill reported that the work around Bob's Woods will be completed shortly and that another location was under review for improvement and location of a potential walkway. (j) Sidewalks: Robin reported that the surveyor has made some progress with the state personnel in charge of this initiative and that we will approach the Town of Branford to see if it will contribute to establishing sidewalks from the Triangle to Rte. 146 near the pond.

Agenda Item 6: President's Report: (a) Status of eminent domain and Wheeler v. Cosgrove. There has been no reported progress between the landowner and Town of Branford on negotiations for a taking of Crescent Bluff Ave. In the matter of Wheeler v. Cosgrove, there will be hearings conducted at the end of January to address the issue of whether Crescent Bluff should be laid out as a public road. Those meetings will take place at the Branford Fire House and will be conducted by the tribunal appointed by the court to gather information and make recommendations. As of now the meetings are set to take place on Jan. 28, Jan. 30, Jan. and Feb. 1st, all at 10:00 a.m. The public is encouraged to attend, and the Association will notify members of the dates and times for such sessions, once the schedule is set. This should occur after a status conference to be held on Jan. 13th. (b) ZBA hearing in the matter of Francis Whibey's use of his property on Crescent Bluff as a short-term rental. The ZBA upheld the zoning enforcement officer's issuance of a cease and desist order. Mr. Whibey has filed an appeal of that decision in Superior Court and we are awaiting a briefing schedule. (c) Flooding. Flooding on Island View Ave. It was reported that raising the sea wall was needed to prevent further flooding during storms; however, DEEP would need to be involved and Robin felt it was unlikely that raising the sea wall at the end would be approved. The Town Engineer has been consulted for recommendations. (d) Robin acknowledged the David & Tracy Scheer's efforts to restore and enhance access to the beach on Spring Rock Rd.

Agenda Item 7. Old Business. (a) Summer Concerts. We will poll the community about continuation of the concerts this summer; (b) Flooding on Totoket Ave. Tom Brockett reported on the various efforts to address the cause of the flooding on Totoket Ave. Tilcon drains have been cleared. One of the State drains was silted. The Town Engineer and the Department of Public works are continuing to investigate the matter; (c) Moorings. Conditions have been set for those using Association moorings at the end of Island View Avenue. Boat owners must supply their own ropes. Applications for use of the moorings must be accompanied by proof of insurance, proof that the boat has been registered, that the owner of the boat has been licensed. In addition, the boat owner must agree to indemnify the Association in connection with use of the mooring.

Agenda Item 8: New Business. (a) POA Zoning Ordinance: A question was raised whether the zoning ordinance can be amended to provide limits on the height of hedges and fencing. Several people have complained about hedges that are obscuring views of roadways and the water. The issue was discussed and may require further research. (b) JDL Construction bill for repairs to the Island View beach access has been presented for payment. (c) There was a discussion of the process for reporting violations of the zoning regulations to the Zoning Enforcement Officer. Robin explained the citation and how to report violations of the short-term rental regulation; imposition of a fine of \$150 per day is discretionary.

Agenda Item 9. Office Manager's Report: Peter Robinson reported that a new snow plow vendor had been selected and that he wants to establish limits to control when the parking area of the headquarters gets plowed. The office manager is currently paying certain fixed Association expenses from his own credit card and requested that he be provided with an Association credit card to be used for these expenses. The treasurer will investigate whether that can be accomplished or whether a debit card tied to the POA account should be used for that purpose. Peter asked whether the Association should retain physical copies of POA agendas, meeting minutes and attachments, which have been scanned. It was agreed among the board that physical copies should be retained.

Agenda Item 10. Public Items. Robin asked for public comment on the POA's participation in certain court actions concerning Crescent Bluff Ave. Carol Redden recused herself from this discussion and left the meeting. Robin advised that there are ongoing discussions between the Town and the land owner regarding the amount that would be acceptable for conveyance of the road to the Town; there is no pending eminent domain proceeding.

Upon motion and second the board affirmed its position that Crescent Bluff should be declared a public road and rights of access to the water should be preserved. Hap Storer of 11 Grove Avenue spoke in favor of that plan.

Agenda Item 11: To receive updates from counsel on status of pending litigation regarding Crescent Bluff Ave. Upon motion and second, the board voted to go into executive session at 8:45 p.m.

At 9:30 p.m. the board came out of executive session. In the Wheeler v. Cosgrove litigation, the Association's counsel will seek clarification of the scheduling and procedures to be followed in the public hearings to be conducted within the Town of Branford at the end of January. Bob Dahill volunteered to coordinate the community response and the Association will notify its members of the dates.

The Association will continue to encourage the Town's exercise of eminent domain and will communicate its support through communications with its RTM members. Upon motion and second, with Carol Redden abstaining, the Board affirmed its intention to participate in the upcoming trial in Cosgrove v. Beachcroft, LLC.

Agenda Item 12. Adjournment. Upon motion and second, the meeting was adjourned at 9:40 p.m.

Respectfully submitted,

Margaret Haering, Clerk

Future Meetings,

Monday, Mar. 2, 2020

Monday, May 4, 2020

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

Annual Meeting

Monday, July 6, 2020

JDL Construction, LLC
149 Meadow Street
Branford CT, 06405
Cell: (203) 627-8834
Office/Fax: (203) 483-4522

JDL Construction

DATE: 1/5/2020
TO: Pine orchard association
PROJECT: Sea wall repair

Scope of Work

Chip out loose areas of existing sea wall remove and get to a solid area of concrete or block. Pin with rebar and stucco with concrete either with rebar or mesh as needed to fill in voids in the old wall. Right now, it appears to only be in two locations as per the pictures. One area is bad showing the man's arm going in, this area will require the most amount of work. The other area is not as bad. It does appear that the area can easily be accessed and repaired. The other picture of the large crack at the bottom of the stair will need to be chipped out and repaired, this crack is definitely causing water to get in behind the wall which is causing fine material to be pulled out during a rough tide. In sealing it up you will help prevent any further damage to the backside of the wall.

Included in the price is four days of man power based on the tides to chip and point in any loose areas as needed. We are planning on starting at the fence by the road access area and doing a general pointing of any loose areas that we find. However, we can only see what is obvious further work needed to be done, we would have a meeting set up and agreement in place before any further repairs were to take place.

In this price there are no permits included there would be no need for any due to the nature of the work we are proposing to do. This is only a repair and general maintenance. The work will need to be scheduled based on the tides and the temperature. It should be noted there is no work to be done to any of the sidewalk this price is just for the wall repair only.

All labor and material included

Total price \$3,400.00

DOCKET NO. NNH-CV-17-6074630-S	:	SUPERIOR COURT
ROBERT G. WHEELER, ET AL.,	:	J.D. OF NEW HAVEN
VS.	:	AT NEW HAVEN
THE SELECTMAN OF THE TOWN OF BRANFORD, TO WIT: JAMES COSGROVE, JOSEPH E. HIGGINS, JR., AND JACK AHERN	:	DECEMBER 23, 2019

NOTICE OF PUBLIC HEARING

Notice is hereby given that pursuant to Section 13a-63 of the Connecticut General Statutes, the Court-appointed Committee will hold a public hearing at the Branford Fire Headquarters, 45 North Main Street, Branford, Connecticut on January 28, 29, 30, and 31, 2020 at 10 a.m., and February 1, 2020 at 10 a.m., and thereafter, as necessary, at a time and place to be determined and announced by the Committee during the public hearing and without further written notice, to hear and decide the following:

Whether the land that is the subject of the Application filed in the above captioned matter, as described by the Schedule A attached to such Application, should be laid out as a public highway of the Town of Branford to serve the common convenience and necessity.

If the Committee finds that the proposed highway will be of common convenience and necessity, it shall survey and lay out the same and estimate the damages sustained by or the special benefits accruing to each person by the layout of a new highway, and report in writing its doings to said court.

All parties in interest and citizens will have an opportunity to be heard. The Committee will receive public comment beginning at 10:00 a.m. each day, to be followed by the presentations of the parties.

The Application is on file with the Superior Court, Judicial of New Haven and can be reviewed at the Superior Court in New Haven, or by accessing this case on State of Connecticut Judicial Branch website.

Dated: December 23, 2019

THE COMMITTEE
Monte Frank, Esq.
Sharon Dornfeld, Esq.
Neil Marcus, Esq.

DOCKET NO: NNH-CV-17-6074630S : SUPERIOR COURT
WHEELER, ROBERT G., et al. : JUDICIAL DISTRICT OF NEW HAVEN
V. : AT NEW HAVEN
COSGROVE, JAMES, AS SELECTMAN : DECEMBER 23, 2019
OF THE TOWN OF BRANFORD, et al.

COMMITTEE'S COMPLIANCE
WITH COURT'S ORDER DATED DECEMBER 17, 2019 (#201.00)

Pursuant to the Court's Order, the undersigned represents that the Committee has set the following dates and times for the Public Hearing to be held at the Branford Fire Headquarters, 45 North Main Street, Branford, CT:

January 28, 2020	10:00 a.m.
January 29, 2020	10:00 a.m.
January 30, 2020	10:00 a.m.
January 31, 2020	10:00 a.m.
February 1, 2020	10:00 a.m.

Such additional dates, times, and locations as may, in the determination of the Committee, be required to provide interested parties and the public an opportunity to be heard.

The Committee will receive public comment beginning at 10:00 a.m. each day, to be followed by the presentations of the parties.

The Committee has also arranged for the Notice of Public Hearing to be published in the New

Haven Register (a daily newspaper) on January 17 and January 24, 2020. A copy of the Notice is attached as Exhibit A.

The Committee has sent this day by U.S. Mail with Certificate of Mailing, a copy of the Notice to each individual person owning land that is adjacent to the land that is the subject of the hearing. A list of such persons is attached as Exhibit B.

The Committee will hold a site visit on December 30, 2019 at 10:30 a.m.

Respectfully submitted,

/s/

THE COMMITTEE
By: Monte Frank, Esq.
Sharon Dornfeld, Esq.
Neil Marcus, Esq.



**Pine Orchard Association Treasurer's Budget Report
as of 1/3/2020**

	Approved Budget 1-Jul-19	Budget Activity Year to Date	Budget Remaining Year to Date	% of Budget Rec/Dsbrmnts Year to Date
RECEIPTS				
Tax Collections	\$ 54,000	\$ 54,137	\$ (137)	100%
Rent	\$ 3,900	\$ 4,000	\$ (100)	103%
Building & Permit Fees	\$ 5,000	\$ 2,350	\$ 2,650	47%
Other (Interest, Moorings)	\$ 1,000	\$ -	\$ 1,000	0%
Use of Capital Savings	\$ -	\$ -	\$ -	
Total	\$ 63,900	\$ 60,487	\$ 3,413	95%
DISBURSEMENTS				
Security	\$ -		\$ -	
Shorefront Maintenance	\$ 5,700	\$ 5,800	\$ (100)	102%
Building Maint/Utilities	\$ 9,000	\$ 6,112	\$ 2,888	68%
Property Improvements	\$ -	\$ -	\$ -	
Office/General	\$ 14,000	\$ 7,839	\$ 6,161	56%
Insurance	\$ 9,000	\$ 3,510	\$ 5,490	39%
Legal	\$ 10,000	\$ 2,719	\$ 7,281	27%
Zoning	\$ 5,000	\$ 2,739	\$ 2,261	55%
PO Museum & Web	\$ 500	\$ 27	\$ 473	5%
Acctg Annual Review	\$ 2,300	\$ 2,360	\$ (60)	103%
Beautification Committee	\$ 5,000	\$ 2,295	\$ 2,705	46%
Community Activities	\$ 2,500	\$ 2,703	\$ (203)	108%
Total	\$ 63,000	\$ 36,104		57%
NET INCOME (LOSS)	\$ 900	\$ 24,383		

Account Balance as of 1/3/2020	
BOA checking	\$165,891.72
Less outstanding checks	\$676.05
BOA net balance	\$165,215.67
BOA Savings	\$2,334.19
Total "cash" available	\$167,549.86

Opened 12-2012

Office Manager Report for January 2020

1) POA Tax Collection

- a. All outstanding POA taxes have been collected.

2) POA Building

- a. *We continue to save on heating costs. Building set at 55DEG and rooms are heated only when used. Nov bill was only \$60 where last year it was \$145*
- b. The POA Mailbox is not watertight. Hence, and any all mail that is in the POA mailbox during a rain/snow event become wet and, in some cases, soaked. We need a new mailbox, preferably one that is not only weatherproof but has an outgoing flag for pickup.
- c. Vendor for Snow removal has been selected – **Perfect Turf** (current lawn service vendor)
 - i. Recommend that the POA lot not be plowed for snowfall under 4". I will ask the mail man if he can maneuver to the POA mailbox in 4" of snow. If we relocate the POA mailbox on the street, there will be no need to plow except for extreme snowfall or meetings. NOTE: I will continue to shovel off and salt the walk as needed.

3) POA Credit Card

- a. There are five (5) subscription service I pay for on my personal Credit Card totaling \$608/yr. Having a credit card will transfer those fees directly to the POA and put them under the POA control. Also provides a financial vehicle to purchase goods and services as needed. The bill would go directly to the treasure. All expenses will still have to be accounted for as they are posted.
 - i. Adobe PDF \$16/mo. (\$192/yr.)
 - ii. URL Fee for website - \$19/yr.
 - iii. Web hosting fee - \$70/yr.
 - iv. Constant Contact Email service \$19/mo. (\$228/yr.)
 - v. Microsoft 365 - \$99/yr.

4) Office procedures manual

- a. I'm in the process of documenting all POA office procedures so my replacement can come up to speed quickly and continue to provide the very highest level of service to the POA board and the Pine Orchard Community.
- b. Question:
 - i. All documents as they come into the POA office are scanned and stored both locally and in the MS365 cloud account. Do we need to have a hard copy of all POA minutes and referenced documents in an indexed binder?

POA Email

From: robin@robinsandler.com
Sent: Monday, January 06, 2020 4:19 PM
To: om@poa-ct.org
Subject: RE: POA Board Member Terms

Peter: are any of the 3 finishing up their second terms?

-----Original Message-----

From: "Peter Robinson" <officemanager@pineorchardassociation.com>
Sent: Monday, January 6, 2020 4:03pm
To: "Robin Sandler" <robin@robinsandler.com>
Subject: POA Board Member Terms

Robin,

Here you go.

Current Position Held	Member Name	Mid term start date	Term start Date	1st Term Ends	2nd Term Ends
Clerk	Margaret (Peggy) Haering	9-May-16	7/1/2015	6/30/2018	
President	Robin Sandler		7/1/2015	6/30/2018	
Vice President & Nominating Committee Co-Chair	Joe Thomas		7/1/2016	7/1/2019	
Tax Collector	Rick Ross		7/1/2014	6/30/2017	
Beautificaion	Robert Dahill		7/1/2016	7/1/2019	
Waterfront Maintenance, Access & Boat Moorings	Carol Redden		7/9/2018	7/8/2021	
Maintenance of POA building & Grounds	Seth Chaucer		7/1/2014	6/30/2017	
Municipal Liaison / Interface	Bruce Caldarone		7/9/2018	7/8/2021	
Treasurer	Linda Sachs		7/5/2019	7/4/2022	

Marketing Communications & PR	Jon Schlesinger		7/5/2014	7/4/2017
Planning and Zoning Commissioner	Richard K Greenalch	7-Sep-16	7/5/2015	7/4/2018
By-Laws	Len Faber		7/1/2019	6/30/2022

Best Regards

Peter Robinson
Office Manager
203-215-9560



PINE ORCHARD ASSOCIATION
Branford, Connecticut

From: Attorney Robin Sandler <rbslaw@aol.com>
Sent: Thursday, January 02, 2020 8:22 AM
To: om@poa-ct.org
Subject: Re: You are invited to attend the Jan 6th POA Executive Board Meeting

looks good: Peter Please email me who is up for reelection in July and which of those are terming out

Attorney Robin Bruce Sandler 175 Montowese Street, Branford, CT 06405 Tele: 203.483.0003 Fax: 203.483.7123 email:
rbslaw@aol.com or Robin@RobinSandler.com

WIRE FRAUD ALERT:

RECEIVING AN EMAIL WITH CHANGES TO AN ATTORNEY OR LAW FIRM'S WIRING INSTRUCTIONS SHOULD BE VIEWED AS FRAUD. ALL WIRING INSTRUCTIONS MUST BE VERIFIED VERBALLY BY CALLING THE LAW FIRM DIRECTLY.

In a message dated 12/31/2019 4:01:48 PM Eastern Standard Time, om@poa-ct.org writes:

Robin, I changed the formatting to make it easier to read.



PINE ORCHARD ASSOCIATION EXECUTIVE BOARD
MEETING NOTICE

Monday, March 02, 2020 @ 7:00 PM

At the call of the President, Robin Sandler, there will be a meeting of the Executive Board of the Pine Orchard Association at the Pine Orchard Association headquarters located at 180 Pine Orchard Rd, Pine Orchard, CT

1. Call to order
2. Communications Email from Joan Allen, emails from Jackie Coffey, Letter from James & Erin McBurney, Email & Letter from Vincent Giordano, Jr
3. Approval of Minutes of January 06, 2020 Meeting
4. Treasurer's Report (Linda)
5. Committee reports a) By-Laws (Len) b) Nominating (Joe) c) Planning & Zoning (Richard) d) Communications (John) e) Shoreline Maintenance & Access (Carol) f) Building Maintenance (Seth) g) Municipal Interface (Bruce) h) Tax Collector (Rick) i) Beautification (Bob) j) Sidewalks (Peter)
6. To consider and appropriate, to enter into a settlement agreement with respect to certain Crescent Bluff litigation matters, to discuss litigation strategy on other Crescent Bluff litigation matters and to approve the payment of certain fees and expenses relative to the same. The Board may move to enter into executive session to receive information and discuss the same.
7. Presidents report: a) Whibey appeal
8. Old Business: A. Summer concert series B. Report on Totoket Road flooding. C. Mooring procedure discussion,
9. New Business: A. POA Tag Sale B. Halstead Road & water access
10. Office manager: Peter Robinson report
12. Adjournment

Note: Remaining 2020 Meeting Dates: Monday, May 04, 2020 @ 7:00PM and at the Pine Orchard office, 180 Pine Orchard Rd, Pine Orchard, CT

Minutes of Pine Orchard Executive Board Meeting

March 2, 2020

Present: Joe Thomas, Jon Schlesinger , Rick Ross, Richard Greenalch, Bob Dahill, Linda Sachs, Peggy Haering, , Bruce Caldarone, and Robin Sandler

Absent: , Seth Chaucer, Len Farber, Carol Redden

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

Agenda Item 2: Communications:

- Robin received an email from Joan Allen inquiring whether there had been any complaints about her property on Pine Orchard Rd. and was advised that none had been reported.
- An email and subsequent letter from James McBurney regarding the Crescent Bluff settlement were received (to be discussed later in the agenda).
- Robin read an email and letter from Vincent Giordano regarding an incident on Feb. 25, 2020. Mr. Giordano claimed to have been verbally attacked by a resident of 2 Halstead Lane when he went to the beach access point on Halstead Lane. Mr. Giordano reported that he was told to move his bicycle off the lawn and that the beach access point was private.
- Robin also read a letter from Rich Colbert providing his version of the incident with Mr. Giordano. Mr. Colbert stated that Halstead Lane is a private road and that he never prevented anyone from using the beach access point. He reported that Mr. Giordano rode his bicycle by his window across the grassy right of way; he offered a “transcript” of his conversation with Mr. Giordano. He denied telling Mr. Giordano not to use the beach access point.
- Robin read an email from Ed Kelleher of Halstead Lane. Mr. Kelleher stated that he bought his home at 18 Halstead Lane, and later 14 Halstead. In his view, no one has the right to use the beach access point on Halstead Lane other than residents of the street. He demanded that Carol Redden and Bob Dahill retract any statements they had made about Halstead Lane being an established Pine Orchard beach access point. He asked that Carol Redden produce receipts for work that was done on the steps at the beach access point on Halstead Lane. Finally, he said that any use by non-residents of the road and access point has been permissive and indicated his reliance on the Donegan letter as to the status of Halstead Lane as a private road.

Agenda Item 3: Upon motion and second the minutes of the January 6, 2020 meeting were approved.

Agenda Item 4: Treasurer’s Report. Linda Sachs presented the budget report. She placed \$50,000 of the Association funds in a certificate of deposit and transferred another \$50,000 to a savings account that should earn a modest amount of interest. A debit card has been provided to Peter Robinson for day to day POA expenses. The seawall repair at the end of Island View Ave. has been completed. The total expenditures for shorefront maintenance exceeded the budget by \$3500. Linda is developing the budget for the upcoming year. Upon motion and second, the Treasurer’s Report was approved.

Agenda Item 5: Committee Reports (a) By-Laws, no report; (b) Nominating, Joe Thomas reported that 3 board members would be reaching the end of their permitted terms and that he would be seeking

nominations for replacements before the Annual Meeting; (c) Planning & Zoning, no report; (d) Communications, Jon Schlesinger reported that there were very few sales of POA-themed merchandise and that interest was not sufficient to justify going forward with that project. He recommended an update for the website and stated that a template had been developed for the newsletter; we will have the ability to archive materials on the website. The cost of website improvement was discussed. It was recommended that Jon use the remainder of the budgeted funds for upgrades and seek additional funding in next year's budget if needed; (e) Shoreline Maintenance, no report. (f) Building Maintenance, Peter Robinson reported that the new mailbox for the POA headquarters has been ordered that that he has one quote for paving the driveway; (g) Municipal Interface, no report. Tom Brockett, RTM member for the 7th District stated that he is working with the Town to resolve flooding on Toteket Rd. (h) Tax Collections, tax collections were 100% complete; (i) Beautification: no report; (j) Sidewalks: Robin has been speaking to homeowners that would be affected by the sidewalk project. He will be approaching the Town about funding for sidewalk installation.

Agenda Item 6: To consider entering into settlement agreement with respect to Crescent Bluff litigation. Robin recognized the association's attorney, Peter Berdon, who presented the terms of the proposed settlement of the Crescent Bluff litigation. Beachcroft would quitclaim a strip of land to provide an 11-foot wide pedestrian access way from the end to the paved portion of Crescent Bluff Avenue to the stairway leading to Long Island Sound. The settlement is contingent upon the Town of Branford acquiring the paved portion of the Avenue and subject to approval by the POA board. The settlement would resolve two matters: *Wheeler vs. Beachcroft/Saggese* and *Wheeler v. Cosgrove*. Acquisition of the road must be approved by various town committees, including the RTM.

Rick Ross commended Dr. Wheeler's hard work in achieving this result. Tom Brocket, our RTM member said that the Town's acquisition of the road has been approved by the Board of Finance and that additional meetings will be held for the remainder of the week. If the proposed settlement passes all committee reviews it will be presented to the full RTM on March 11th. Dr. Wheeler said that everyone on the street was in favor of the settlement. Roger Lowlicht who resides at 6 Crescent Bluff Avenue indicated his support for the settlement. James McBurney, of 2 Crescent Bluff sent two communications expressing dissatisfaction with the settlement reached and submitted a proposed modification of the settlement terms. McBurney claims that his agreement is necessary for a binding settlement.

Upon motion and second, the Board voted to go into executive session at 8:25 p.m.

The Board came out of executive session at 9:00 p.m. The President stated that no votes were taken during the executive session. Dick Greenalch moved to approve the proposed settlement based upon the synopsis prepared by Attorney Berdon. Based upon Peter Berdon's suggestion that the Board also authorize its president or vice president to execute such documents as might be needed to effectuate the settlement, Dick Greenalch modified his motion to include that provision. As so modified, the motion was seconded and approved unanimously.

Robin recognized the work of Bob Dahill for his role in organizing community participation in the public hearings conducted at the Branford Fire Headquarters in February. The POA is encouraging members to attend the upcoming RTM meeting on March 11, 2020 and will send out a notice to that effect.

Agenda Item 7: President’s report: a) Whibey appeal. Mr. Whibey has appealed the ZBA’s decision upholding the issuance of a cease and desist order against using his property at 3 Crescent Bluff Avenue as a short-term rental. A scheduling order is anticipated.

Agenda Item 8. Old Business. (a) Summer Concerts. Peter Robinson reported that due to scheduled repairs the Pine Orchard Chapel will not be available for events this summer. He will explore whether the barn structure located on land recently donated to the Branford Land Trust might be used for concerts. (b) Totoket Rd. flooding—previously noted; c) Mooring, no discussion.

Agenda Item 9: New Business. (a) POA Tag Sale, in view of the fact that the Chapel is not available we will consider using the barn on the Land Trust site as a possible location for the tag sale; it is unlikely that an outdoor location will be chosen because of logistical/weather concerns.

(b) Halstead Lane. Jim Killelea said that he purchased his home on Halstead Lane 29 years ago and has deeded rights to pass and repass to the water and with the understanding that is a private road. He wants the right to control and limit the right to use the road and said that allowing access to all residents of Pine Orchard was not a good idea. He is asking Pine Orchard to leave this alone. Rich Colbert said that “technically” residents of Halstead Lane have allowed others to use their beach access point and observed that one resident of Crescent Bluff even stored a kayak on the rocks there. Paul Gavejian said that Halsted Lane is a private road. Several residents of Halstead Lane wanted there to be ground rules for “reasonable use of the access point “and indicated that they (residents of Halstead Lane) have allowed people to go down to the beach with permission.

Agenda Item 10: Office Manager’s Report: Peter Robinson will be acting secretary of the ZBA, as an additional duty. To date, the association has 440 email addresses. There was an additional email communication received from Crescent Bluff resident, Harry Sesse, who feels that Crescent Bluff Avenue should be re-paved

Agenda Item 12. Adjournment. Upon motion and second, the meeting was adjourned at 9:50 p.m.

Respectfully submitted,

Margaret Haering, Clerk

Future Meetings,

Monday, May 4, 2020

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

Annual Meeting

Monday, July 6, 2020

Documents received:

Budget Report

Synopsis of Proposed Settlement, Crescent Bluff

Office Manager’s Report

From: [POA Email](#)
To: ["Jean Allen"](#)
Cc: ["Robin Sandler"; "Laura"](#)
Subject: RE: Information sought
Date: Wednesday, February 19, 2020 11:00:28 AM

Jean,

My apologies for not replying sooner. Could you forward to me an email you sent to this office or the Zoning officer in the past - so I can find out what happened.

Best Regards

Peter Robinson
Office Manager
Cell: 203-215-9560



PINE ORCHARD ASSOCIATION
Branford Connecticut

NOTICE: This e-mail message, including any attachments and appended messages, is for the sole use of the intended recipients and may contain confidential and legally privileged information. If you are not the intended recipient, any review, dissemination, distribution, copying, storage or other use of all or any portion of this message is strictly prohibited. If you received this message in error, please immediately notify the sender by reply e-mail and delete this message in its entirety.

.

From: Jean Allen <jeankallen@gmail.com>
Sent: Friday, February 14, 2020 1:34 PM
To: om@poa-ct.org
Cc: Robin Sandler <robin@robinsandler.com>; Laura <laurabadaz@comcast.net>
Subject: Re: Information sought

Thank you for your informative email. I didn't know such a form existed. How long has this been in effect? Instead I had in the past exchanged numerous emails with the zoning officer and there never was any resolution during that time.

Thank you,

Jean

Sent from my iPhone

On Feb 14, 2020, at 1:12 PM, Peter Robinson
<officemanager@pineorchardassociation.com> wrote:

Jean,

Thank you for your email. The Pine Orchard Association has in place a method for residences to file complaints which relate the POA Zoning Ordinance. This form can be downloaded from our website at <http://poa-ct.org/v1/wp-content/uploads/2020/01/Zoning-Complaint-Form.pdf>.

As of this writing, there are no know complaints filed from or against the property at 2 Blackstone Ave.

Best Regards

Peter Robinson
Office Manager
203-215-9560
<image001.jpg>

-----Original Message-----

From: Jean K Allen <jeankallen@gmail.com>

Sent: Thursday, February 13, 2020 6:42 PM

To: Robin Sandler <robin@robinsandler.com>; Peter Robinson

<officemanager@pineorchardassociation.com>; Laura <laurabadaz@comcast.net>

Subject: Information sought

Hello,

I am seeking info and wonder about the record keeping for the Pine Orchard Association.

Do you keep records regarding who registers complaints about anything of concern in the Pine Orchard community and what follow up is done on those complaints. Am I able to come to the Pine Orchard Association office and view these complaints?

I am specifically seeking information about 2 things.

1. Any complaints regarding the lights at 2 Blackstone Ave. in the past few years (2015 going forward to present), who registered the complaints and what follow up was done and what remedies were enacted.
2. Any complaints from 2 Blackstone Ave. regarding concerns they have with their immediate neighbors or any Pine Orchard Association member.

Thank you for your help in this matter.

Sincerely,

Jean Allen

February 25, 2020

Robin Sandler
President, Pine Orchard Association
180 Pine Orchard Road
Branford, CT 06405

Robin,

Thank you for responding to my letter of February 11, 2020. In advance of your March 2, 2020 meeting, I would like to set forth why the currently proposed settlement agreement is unworkable and outline what we believe is a fair agreement for all parties.

Please be aware that the currently proposed settlement agreement was rejected by us at court-ordered mediation on June 4, 2019 because Beachcroft/Saggese's proposed settlement unreasonably intruded on the peaceful enjoyment of our property.

To reiterate what we said in our previous letter—the proposed agreement is unenforceable without our consent.

As the owner of *Lot 4* on the Baker Plan, we have a property interest in the easement. This interest has been recognized by the Connecticut Supreme Court and trial courts in a number of decisions. Separately, we also have a property interest along the border of the easement that was acquired through adverse possession—we, and our predecessors in interest (Bill and Susan Craig and Joe and Jenny Millerick), maintained the gardens along the border of the easement for over fifty years as an exclusive use of that area. These gardens were destroyed at Beachcroft/Saggese's direction on Labor Day 2019.

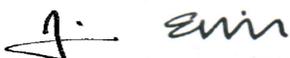
Furthermore, Beachcroft/Saggese has no legal basis to close off a portion of the easement by the installation of a fence, hedge or other obstruction on the lawn area without the express permission of **all** Crescent Bluff lot owners, to include us.

Any attempt to narrow or transfer either of our property interests without our consent will be met with immediate legal action.

However, our goal is to arrive at a settlement that is fair for all parties and we have attached to this letter a proposal for a global settlement.

Please let us know if you have any questions or would like additional information in advance of the March 2 meeting.

Yours sincerely,



James and Erin McBurney
2 Crescent Bluff Avenue
203-606-5597

CBA Global Settlement Proposal

1. The residents of Crescent Bluff Avenue and McBurneys release any interests in the easement at issue.
2. Beachcroft/Saggese transfers to the POA via deed a strip of land 16' wide running from Crescent Bluff Avenue along the new easterly boundary of Lot 4 (see 3 below) and continuing along the current eastern boundary of Lot 4 to the stairs down to the tidal area. The easterly boundary of this strip of land becomes the new westerly boundary of Lot 3.
3. The POA concurrently transfers to McBurneys via deed a strip of land equivalent to the "grassy strips" of the interior lots owners—i.e., from the easterly edge of Lot 4 east to the extension of the westerly curb of Crescent Bluff Avenue, starting from the northeastern corner of Lot 4 and running parallel to Lot 4 to a point equal with the southeastern corner of the ten foot strip south of the residence on Lot 4. This strip will become part of new Lot 4.
4. McBurneys grant the POA an express easement across the southerly boundary of the McBurney seawall for the purposes of the construction by the POA of a walkway for all POA residents to pass and repass across the walkway to access Spring Rock Road, Crescent Bluff Avenue and the beach south of Crescent Bluff Avenue. The POA agrees to maintain and accept all liability related to use of the seawall walkway and to enter into a seawall maintenance agreement with McBurneys.
5. Beachcroft/Saggese grants an express covenant appurtenant to the POA and McBurneys that it will not construct a fence, hedge or other obstruction along Lot 3's new westerly boundary, except that it may, on the easterly side of the POA's easement a fence or hedge up to 30 inches in height.
6. McBurneys grant an express covenant appurtenant to the POA and Beachcroft/Saggese that McBurneys will not construct a fence along Lot 4's new easterly boundary, except that McBurneys may, on the the new easterly boundary construct a fence up to 30 inches in height from Crescent Bluff Avenue to a point equal to the southeastern corner of Lot 4.
7. The POA easement over the Lawn and the seawall walkway are for passing and repassing only between the hours of 5:00am and 10:00pm. Subject to the imposition by the POA of more restrictive hours and use.
8. McBurneys drop the maintenance lawsuit (*McBurney v Wibhey*) in exchange for all property owners on Crescent Bluff Avenue releasing any right, title and interest in the McBurney property.
9. Subject to the agreement of all parties and appropriate documentation.

February 25, 2020

Robin Sandler
President, Pine Orchard Association
Branford, CT 06405

Subject: Halstead Lane

Robin,

I am informing you and the Pine Orchard Association as well as the Town of a very unfortunate incident that took place this past Sunday afternoon on Halstead Lane. I was out alone that afternoon for a casual Sunday bike ride on a very pleasant day. When I ventured down Halstead Lane heading to the stair to observe the sound I was viciously attacked by the resident at the end (I assume Mr. Colbert) on the right. He very indignantly insisted that I remove my bike and myself from the premise. We had many words and I then walked off.

First, I am not aware of any restriction to bike access there. Secondly, please re-informs Mr. Colbert that like all access points they are available to all POA residents. He deliberately claimed the road to be private and the access for street residents only.

In regards to the Crescent Bluff access, I am sure most are breathing a sigh of relief that it now seems very promising that the litigation is getting resolved to include access for POA residents to the beach. You may recall that when I gave testimony on several occasions my primary thrust had always been the preservation of the 9 historical access points to the sound for the POA residents. I know that this is also the Association's interest as well as public paved roads where applicable. In the recent past, many of us were made aware that we are likely going to be faced with a similar situation at Halstead Lane most vocally brought on by the resident at the end on the right (again I assume Mr. Colbert). As you recall we have gone through the access threat to varying degrees at the Seldon Avenue, Spring Rock Road and the Crescent Bluff access points.

It is my request that the Association take the appropriate measures with the residents and the Town as necessary to assure our rights as members of the Pine Orchard Association to access the beach and sound through the Halstead Lane location. I don't know what the situation is regarding the paved portion of the road, but I assume it is public.

Thank you,



Vincent S. Giordano Jr.
Resident of Pine Orchard

CC by email:

Jamie Cosgrove, William Aniskovich, Tom Brockett

Respectfully, Kimberley and I selected Halstead Lane because of its private nature quiet nature, and because it would be safer for our children without public/POA vehicular traffic and the minimized number of strangers.

We purchased our first home at 14 Halstead Lane in 2000, relying on the fact that Halstead was a private way per our deed. We purchased our second at 18 Halstead Lane after relying on 18's deed, and in addition, a letter dated August 25, 2008, sent to the POA by then President, John Donegan (please see attached). The conclusion in the letter states clearly that POA members DO NOT have the right and privilege with regard to the access area at the end of Halstead lane, unless this right is contained within their deed of ownership. (Please see attached)

- I. **Based on the complaint the POA received dated March 25, 2020, it seems Mr. Vincent S. Giordano, Jr. is confused, which I can fully understand. Based on my observation, this confusion does not end with Mr. Giordano.**

Mr. Giordano has attended many meetings regarding POA access points that I personally know of and I am sure there are many more. There have been false statements made by BOD member Bob Dahill and BOD member Carol Redden:

Mr. Dahill, as BOD, told the POA at large in a meeting at the association, that Halstead Lane (the road) had in the past continued all the way to the water. Please look at the pictures on the walls around you of the land between long Island Sound and "the road". Respectfully, It is clear that there has always been a grass area between "the road" and Long Island Sound. This was a clear misrepresentation adding to POA member confusion about the same.

Ms. Redden, as BOD, at the annual meeting, stood up and stated to the entire community, that Halstead lane is one of the POA access points. This is categorically false. Respectfully, refer to the review the then President of the POA commissioned. Criscuolo Engineering, LLC gave their professional opinion that Halstead Lane is NOT a POA access point without deeded right. The POA has all of this information.

According to Ms. Redden, she commissioned a repair to the bottom couple treads at the bottom of the stairs at the end of Halstead Lane. I have personally repaired the stairs, on our and/or our neighbors own dime (purchased the PT Wood and screws at Branford Lumber and Ring's End more recently) over the past 20 years. Other neighbors have also supplied materials and/or labor. Many of us over the years have participated in the repairing of the same. We also take care of the areas of our deeded access, including the road and grass area whether it be, but not limited to, cutting grass or picking up litter.

Subsequently, Kim and I sent emails and we sent certified letters to Ms. Redden, President Sandler and Office Manager, Peter Robinson regarding the same. To this date, the record has not been corrected.

I respectfully ask the POA and its BOD to respect our rights, and to:

1. cease and desist making any and all plans to maintain anything on Halstead Lane immediately.
2. cease and desist reporting that Halstead Lane is a POA Access Point.
3. in light of the fact that Ms. Redden has no basis to declare Halstead Lane a public road (and all evidence to the contrary), we demand that she retract her statements (about it being POA/Public access point and inviting people to use it) through an email to the entire POA, otherwise I intend to do so highlighting her lack of knowledge and information on the subject, including the evidence that contradicts her statement and noting her failure to correct her misstatement when we asked.
4. we demand that Mr. Dahill retract his statements about Halstead Lane (the road), went all the way to the water back in the day, through an email to the entire POA, otherwise I intend to do so highlighting his lack of knowledge and information on the subject, including the evidence that contradicts his statement and noting his failure to correct his misstatement when we asked.
5. we ask the POA to provide invoices for the repairs Ms. Redden commissioned improperly, that were billed to the residents of the POA so that we can review and correct the same as needed.

II. Respectfully, I do not agree with a few points Mr. Giordano has made in his complaint:

1. Mr. Giordano: "First, I am not aware of any restriction to bike access there."
Response: There is a clearly a necessary deeded right.
2. Mr. Giordano: "Secondly, please re-informs Mr. Colbert that like all access points they are available to all POA residents."
Response: Halstead Lane is NOT a POA access point. It is for those on the street with deeded access., and the road is private and the access for street residents only.
3. Mr. Giordano: "I know that this is also the Association's interest as well as public paved roads where applicable. In the recent past, many of us were made aware that we are likely going to be faced with a similar situation at Halstead Lane most vocally brought on by the resident at the end on the right (again I assume Mr. Colbert)."
Response: Respectfully, in addition to Mr. Colbert, I and other neighbors, have been vocal, and have spoken at meetings you attended in the past regarding the same. It is not just one neighbor that would like to maintain their "bundle of rights."
4. Mr. Giordano: "It is my request that the Association take the appropriate measures with the residents and the Town as necessary to assure our rights as members of the Pine Orchard Association to access the beach and sound through the Halstead Lane location. I don't know what the situation is regarding the paved portion of the road, but I assume it is public."
Response: Halstead Lane has been professionally reviewed and we have a deeded right. Refer to the POA's review and its backup data. I can agree with you in regard to

defending the POA access points that are legally designated as such, for which I count 7(including Crescent Bluff IF the settlement is completed) There is no need to get the Town or POA involved in Halstead Lane. This has already been reviewed and a clear conclusion drawn.

Furthermore, I would like to reiterate, there are 7 access points in only .9 miles along Route 146 and Pine Orchard Road (the roads that run parallel to the waterfront). That is 1 access point every .12 miles or 678 feet. Do we need as the POA more access than that? They are spread out and the waterfront is already, VERY ACCESSIBLE.

5. Mr. Giordano stated in his letter that there are nine historical access points.

Response: Can you please clarify the nine legal access points you are referring to, as I understand there to be 7, including the recent addition of Crescent Bluff, pending the completion of the settlement.

In conclusion, it is our opinion that Halstead Lane is a private way that each of its “deeded” residents have access to. Attorney Peter Berdon spoke at a POA meeting (held at the PO Club). While the meeting’s focus was on Crescent Bluff, the description of property rights he gave applies to Halstead Lane. As a layman, I would agree with Attorney Berdon’s description of a deed and/or property rights as a bundle of sticks(rights). With the clear data that exists, I would hope that our POA will continue to protect its members per Section 2 of the charter, including the residents on Halstead Lane and “our bundle of rights.” On what grounds does Attorney Berdon feel President Donegan’s and Criscuolo Engineering, LLC’s conclusion that Halstead Lane is not an access point, is incorrect?

I have along with others since March of 2000 have continued the private maintenance of our right-of-way, including the stairs from the grass to the beach on our own dime.

After spending well over a million dollars on our two properties, relying on Donegan’s POA letter, professional review of the same, and relying on the deeds for both 14 and 18 Halstead Lane and other Halstead Lane deeds, we will be forced to defend the same.

Please understand that it is our intention to be respectful and neighborly as we have for two decades, with the same respect in return of our property rights, the sticks in the bundle as Attorney Berdon so described. There are many POA access points for our neighborhood to enjoy. Please do.

**Richard and Sarah Colbert
2 Halstead Lane
Branford, CT 06405**

March 2, 2020

VIA HAND-DELIVERY

Robin Sandler
President
Pine Orchard Association Executive Board
180 Pine Orchard Road
Branford, CT 06405

Re: Complaint of Vincent S. Giordano, Jr. dated February 25, 2020

Dear Mr. Sandler:

This letter addresses the above-referenced complaint by Mr. Giordano.

First, I want to highlight that despite Mr. Giordano's letter being dated and delivered on February 25, 2020, I was given no notice of his letter about me by the Executive Board. I believe Mr. Giordano and others within the Pine Orchard Association ("POA") would have, at a minimum, been provided with such notice to ensure they were aware that such a derogatory letter would be read about them at a POA meeting.

Second, and along the lines of disparate treatment, I also noticed that the March 2, 2020 POA meeting agenda fails to list, along with the other letters received by the Executive Board, my January 30, 2020 letter concerning the Cosgrove Action. My letter has as much right as any letter to be made known and available to the members of the POA, especially where it includes actual POA records that directly relate to Mr. Giordano's complaint. Among the POA records I included are the 1954 street study by the then prominent New Haven law firm of Clark, Hall and Peck, that conclusively established Halstead Lane was a private road. In addition, the 2008 public reports and statements of then Executive Board President, John Donegan, who categorically admitted on many occasions on behalf of the POA, that Halsted Lane was then and always had been a private road.

Based on the obvious importance of this information, please promptly publicize and make available my letter to POA residents. For your convenience, I brought an extra copy of my letter with me today.

Third, at no time have my wife or I ever prevented anyone from accessing the water at Halstead Lane. This includes while we lived at 22 Halstead Lane between the years 2011 through 2017, as well as ever since we purchased and renovated the property at 2 Halstead Lane.

Indeed, on only four occasions have I ever even spoken to people who were not Halstead Lane residents about their use of the access way. On one occasion, a POA member whom I did not and still do not know, drove his golf cart over the grass area towards the water. I politely asked him to not drive the golf cart over the grass. He apologized, moved the cart to the road and then walked to the water without further interruption.

On another occasion, a group of 5 or so bicyclists (not from the POA) rode through the grass area and were in the process of leaning their bicycles along the fence by the water. I told them the area was private and that it was not a bicycle storage area. I asked that they please move their bikes to the road if they wished to walk to the water. They too apologized, took a quick look at the view and then decided to ride on.

The third time was a brief discussion I had with Vining Bigelow, who seemed to be in the habit of walking up and down Halstead Lane to the water and then walking over the property of 1 Halstead Lane. In sum, Mr. Bigelow assured me (as well as others I later learned from my road who also asked him) that he was given permission to walk down our road by the owner of 1 Halstead Lane, and that he was not doing so adversely. We have taken Mr. Bigelow at his word and he continues to walk down our road based on that represented permission.

Finally, the fourth time I spoke to anyone about the Halstead Lane access point was on Sunday, February 23, 2020, when I observed an unknown bicyclist ride through the grass area as I was watching golf with my 4 year old son. It was startling because the biker's helmet went zipping past the windows of my house that face the grass area. In any event, I got up from the couch and walked out to my porch. What occurred thereafter is set forth in the attached transcript that I have created of my encounter with Mr. Giordano, which I will read in a moment. I have reviewed the transcript with my wife, Sarah, who was in the family room and heard the entire encounter with Mr. Giordano. The transcript is a true and accurate description of what was said by me and by Mr. Giordano.

Mr. Giordano's allegation that I "viciously attacked" him is false. I remained on my porch the entire time that he was present in the grass area. Mr. Giordano was situated near the water and was, therefore, at least 25-30 feet away from me during the entire encounter. I never raised my voice, threatened or used inappropriate or aggressive language towards Mr. Giordano. While it does not matter, I had no idea who he was, or if he lived within the POA until I heard of the letter Mr. Giordano sent to the Executive Board. My 4 year old son was also sitting right inside our open back door, could hear everything and I was well-aware of this, so I was on my best behavior. When we purchased 2 Halstead Lane the grass right of way area was pure weeds. I have spent a substantial amount of time and money personally raking, fertilizing and seeding the area. The residents on the street also pay to have the area mowed. If POA residents started riding their bikes through the area, the grass would quickly stop looking as good as it does now.

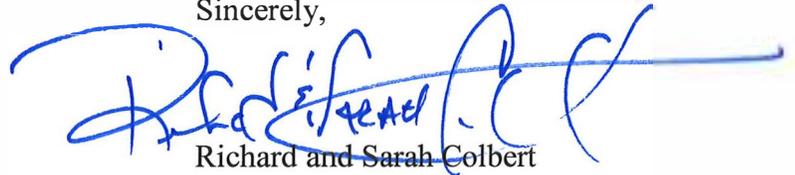
Had I wanted to attack, intimidate or otherwise harass Mr. Giordano, I could very easily have stepped off my porch and had a face to face confrontation with him. I never intended to do that and, despite his many impolite comments towards me, I never did that. I also never told Mr.

Giordano he could not use the access point. Hopefully, when people hear the truth, they will realize this is obviously not a reason to start another long and ugly legal battle over beach access rights, as requested by Mr. Giordano, this time against the good residents of Halstead Lane.

While I believe the residents of Halstead Lane are all united in our position that our lane is private, we have reasonably allowed people to walk on the street as well as access the water. Thus far, this permissive use by non-Halstead Lane residents has largely been reasonable in terms of its frequency and actual use. While there have been plenty of walkers who have stared in the windows of my house while walking through, stopped and gawked at my family as we ate dinner, smoked at the water side and left their cigarette butts or allowed their dogs to dump on the grass and walked off without picking it up, we have managed to tolerate such actions. Indeed, most people who pass through appreciate or sense the area is private and, therefore, politely and quietly pass through and do not congregate.

In conclusion, all my family wants is to enjoy the property we bought and spent much money improving. The residents of Halstead Lane rightfully expect the people who use our lane by permission to act reasonably and respect our property rights. Had Mr. Giordano simply said no problem or any words to that effect in response to my simple request that he not ride his bike on the grass, I would have walked inside and continued watching golf with my son, and we would not be talking about this issue now.

Sincerely,



Richard and Sarah Colbert

cc: Honorable James B. Cosgrove - jcosgrove@branford-ct.gov

William Aniskovich - waniskovich@bswlaw.com

Thomas Brockett - Thomasbrockett0147@att.net

Tricia Anderson - Tricia60rtm@gmail.com

Kevin Healy - drkevinhealy@gmail.com

Transcript of encounter between Richard Colbert and Vincent S. Giordano, Jr. ("Giordano") on Sunday, February 23, 2020 at approximately 4:30 p.m. Prepared by Richard and Sarah Colbert.

Colbert: [After observing an unknown biker speed past windows of house facing grass area at end of Halstead Lane]. Excuse me sir, would you please not ride your bike over the grass area.

Giordano: Why not?

Colbert: Because it's a private right of way and I would prefer people not ride their bikes through the grass area that we maintain.

Giordano: Who has the right to use this access point?

Colbert: The people on the street all have a private right of way....[Giordano interrupting]

Giordano: I don't think so.

Colbert: Where do you live?

Giordano: [No response].

Colbert: Do you live on Crescent Bluff?

Giordano: No, I live over that way [pointing in direction of "triangle" intersection].

Colbert: What's your name?

Giordano: None of your fucking business. [Giordano then appears to be preparing to leave his bike and walk towards the steps leading to the water].

Colbert: If you don't move your bike, I am going to move it to the street for you.

Giordano: Relax.

Colbert: I am relaxed.

Giordano; [Now beginning to walk his bike back up grass towards the paved street]. You know what, you are the very definition of an asshole. You are a complete fucking asshole.

Colbert: [As Giordano passes Colbert, who has remained on the porch the entire encounter]. All I asked you to do was simply not ride your bike on the grass. That's all I asked you to do.

End of encounter. Giordano walks his bike to pavement and rides away.

Additional documentation, from Mr. Colbert, pertaining to this subject is on file at:

File date: Jan 30, 2020

File Name: 2020-01-30 Letter to POA Pres from Colbert

File Location: C:\Users\POA\OneDrive\POA Documents\PDF library\Legal & Insurance\Beach access\Halstead

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

August 25, 2008

Dear Pine Orchard Association Member:

As reported at the last couple of Annual Meetings and in newsletters to the membership, the Pine Orchard Association (POA) has undertaken a review of several access areas to Long Island Sound in Pine Orchard in order to determine whether POA members may utilize these areas for access to Long Island Sound as members of the POA.

POA has commissioned research and surveys of two (2) areas off Island View Avenue that are owned by the POA. One access area is located off Island View Avenue to the South between 9 Island View Avenue and 13 Island View Avenue and the other access area is off Island View Avenue to the South and is located between 37 Island View Avenue and 41 Island View Avenue. Members of the POA have the right to use these access areas in their capacity as members of the POA in order to access Long Island Sound.

The POA did commission and has received a report on the access areas at the end of Spring Rock Road and Halstead Lane. That research concluded that POA members do have the right to access the area at the end of Spring Rock Road to gain access to Long Island Sound but do not have that right and privilege with regard to the access area at the end of Halstead Land unless this right and privilege is contained within their deed of ownership.

No other access areas have been researched or commissioned for research by the POA. The POA makes no representation concerning the ownership and/or right and obligations of property owners in and to any other access areas located within the POA boundaries. As I have stated numerous times in the past, we should all respect the private property rights of our neighbors and fellow members of the Association.

Any member of the POA who would like to review the research and surveys commissioned and received by the POA Board for Halstead Lane and Spring Rock Road may call the POA office and set up a date and time to do so. (488-5180)

Enjoy the rest of the Summer!!

John E. Donegan
President

Please turn this letter over. There is important information on the reverse.

For your convenience, the following is a list of Pine Orchard Association Board members and their portfolios. Please KEEP it, and the letter from the President on the reverse, until July, 2009

Executive Committee 2008-2009 (elected for 3-year terms)

President, John Donegan
Treasurer, Stacy Ruwe

Vice-President, Jennifer Aniskovich
Clerk, Margaret Crowley

<u>EXECUTIVE BOARD</u>	<u>COMMITTEE CHAIRMANSHIP</u>	<u>TERM</u>	<u>TELEPHONE</u>
Jennifer Aniskovich	By-Laws/Security	2009	483-9280
Vining Bigelow	Waterfront/Assoc. Property	2010	482-0605
Kenneth Graham	Member-at-Large	2009	481-7489
M. Joseph Canavan	Zoning	2011	483-1917
John Donegan	President	2011	488-3631
Eric Hanson	Litter Control/Dog Warden	2011	488-1025
James Kaiser	Roads/Public Works/Fire	2009	481-3876
Elaine Littlehales	Tax Collector	2010	488-7910
Stacy Ruwe	Treasurer	2009	488-1411
Margaret Crowley	Clerk	2011	481-3338
Joseph Sepot	Member-at-Large	2010	483-5595
Charles Shelton, Jr.	Planning/Health	2010	488-7593

2008-2009 ZONING BOARD OF APPEALS (appointed in December for 5-year terms)

	<u>TERM</u>	<u>TELEPHONE</u>
Arthur Knowlton, Chairman	2009	481-9987
Sigvard Hallgren	2010	483-9064
Kathleen Greenalch	2012	488-5276
Jeanne Hughes	2011	481-7404
Jeremy Zimmerman, Secretary	2008	481-8561

Alternates: Marshal Gibson, John Dendas

BREAKWATER

Mooring Master, Vining Bigelow 483-0605

PINE ORCHARD ASSOCIATION OFFICE

180 Pine Orchard Road, 488-5180
Elaine Littlehales, Officer Manager

SECURITY CAR

Cell phone – 203-687-0165

Pine Orchard Association Treasurer's Budget Report
as of 3/1/2020

	Approved Budget 1-Jul-19	Budget Activity Year to Date	Budget Remaining Year to Date	% of Budget Rec/Dsbrmnts Year to Date
RECEIPTS				
Tax Collections	\$ 54,000	\$ 54,137	\$ (137)	100%
Rent	\$ 3,900	\$ 4,000	\$ (100)	103%
Building & Permit Fees	\$ 5,000	\$ 3,100	\$ 1,900	62%
Other (Interest, Moorings)	\$ 1,000	\$ 2	\$ 998	0%
Use of Capital Savings	\$ -	\$ -	\$ -	
Total	\$ 63,900	\$ 61,239	\$ 2,661	96%
DISBURSEMENTS				
Security	\$ -		\$ -	
Shorefront Maintenance	\$ 5,700	\$ 9,200	\$ (3,500)	161%
Building Maint/Utilities	\$ 9,000	\$ 7,176	\$ 1,824	80%
Property Improvements	\$ -		\$ -	
Office/General	\$ 14,000	\$ 11,158	\$ 2,842	80%
Insurance	\$ 9,000	\$ 3,510	\$ 5,490	39%
Legal	\$ 10,000	\$ 3,261	\$ 6,739	33%
Zoning	\$ 5,000	\$ 3,339	\$ 1,662	67%
PO Museum & Web	\$ 500	\$ 27	\$ 473	5%
Acctg Annual Review	\$ 2,300	\$ 2,360	\$ (60)	103%
Beautification Committee	\$ 5,000	\$ 2,295	\$ 2,705	46%
Community Activities	\$ 2,500	\$ 2,703	\$ (203)	108%
Total	\$ 63,000	\$ 45,029		71%
NET INCOME (LOSS)	\$ 900	\$ 16,210		

Account Balance as of 3/1/2020	
BOA checking	\$57,716.52
Less outstanding checks	\$1,450
BOA net balance	\$56,266.52
BOA Savings	\$52,336.16 Opened 12-2012
BOA 13-mo. CD	\$50,000.00 Opened 2/11/20
Total "cash" available	\$158,603

<michael.cronin123@gmail.com>, "kathleenmaryhiggins@gmail.com"
<kathleenmaryhiggins@gmail.com>, "alina.colossale@yale.edu"
<alina.colossale@yale.edu>, "slfarber@gmail.com" <slfarber@gmail.com>,
"maria.rivera1335@gmail.com" <maria.rivera1335@gmail.com>,
"jeanettemobeck@yahoo.com" <jeanettemobeck@yahoo.com>
Cc: Karen C Wies <kcwies@gmail.com>
Subject: RE: Crescent Bluff

Dear Mr. Brockett,

In regards to the land dispute on Crescent Bluff, Pine Orchard, I had sent the following message on June 11, 2019 to the Town of Branford: " As a life long resident of Branford I strongly urge the Town of to make Crescent Bluff a public town street."

I hereby want to further clarify, that while I support the Town making this a public street, I do not support the Town extending the street beyond its currently paved southern terminus. I urge that the Town only establish a 5' wide sidewalk connecting the present end of the street to the seawall; the sidewalk should be located on the property line, or theoretical/contested property line between the two adjoining land owners, i.e., the side walk should equally encroach equally on each owner. I believe this would be consistent with the beach access sidewalks elsewhere which provide access to Pine Orchard's "Front Beach". Taking of land beyond this proposed sidewalk would be an unnecessary hardship for the adjoining owners.

Sincerely,

Richard N. Wies

33 Thimble Farms Rd., Branford, CT 06405

Richard N. Wies, AIA

principal

Gregg Wies & Gardner Architects LLC

151 east street new haven, ct 06511

t 203.468.1967 x 200 f 203.468.8662 c 203.640.3113

rwies@gwgarchitects.com

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From: thomas brockett <thomasbrockett0147@att.net>

Sent: Saturday, July 6, 2019 12:33 PM

To: teresa@storer.com; b.coffey@snet.net; attorneypatkaplan@gmail.com;
ehales7967@att.net; karen.gaudio@gmail.com; lcappetta@corporateimageintl.com;
ralphdevito@gmail.com; Rick Wies <rwies@gwgarchitects.com>; nwi@fimor.fr;
graeme.mason@yale.edu; jrd1114@gmail.com; jkaiser@kaiserwhitney.com;
mbar1dc@aol.com; dpcolley@hotmail.com; prhugret@gmail.com;
pdoyle@elmgroupp.com; peter.robinson2@comcast.net; rsavin@comcast.net;

erose@emrose.net; debtrofatter@gmail.com; pmherbert1@att.net;
marilyncataldo@comcast.net; harrisonscottlevy@gmail.com;
Mary.Beth.Barnum@Anthem.com; lindagiordano427@gmail.com;
fsmcir@sbcglobal.net; jonschlesigner@gmail.com; annverderame@yahoo.com;
smhayes27@gmail.com; devitomarcus@gmail.com; pspaquin@yahoo.com;
jacqcoffey@gmail.com; andy.crotty@aol.com; allanjdef@gmail.co;
remyzimmerman7@gmail.com; tredn4@gmail.com; ld326@comcast.com;
squidmama22@gmail.com; penelope.schlesinger@yale.edu;
Lisa.Delfini@marcumllp.com; willsinger@outlook.com; michael.cronin123@gmail.com;
kathleenmaryhiggins@gmail.com; alina.colossale@yale.edu; slfarber@gmail.com;
maria.rivera1335@gmail.com; jeanettemobeck@yahoo.com

Subject: Crescent Bluff

Dear Constituent:

Thank you for your letter (e-mail) supporting the Town's consideration of taking Crescent Bluff by eminent domain and making it a public road. As one of the three District 7 RTM representatives on the RTM, your input is very important to me. In my position as Clerk of the RTM, I received some fifty (50) notes or letters regarding Crescent Bluff. Only three objected to the proposed eminent domain taking. The overwhelming majority supported the Town's position. I also support the Town's position and, if necessary, will vote in favor of making Crescent Bluff a public road.

At the June 12, 2019 meeting, the RTM referred this issue to the Administrative Services Committee which is the standard procedure. The Administrative Services Committee scheduled a meeting for Tuesday, July 9, 2019. Following the RTM meeting, the First Selectman met with Mr. and Mrs. Saggese in an attempt to resolve the matter and they have agreed to continue to negotiation in an attempt to resolve the matter. **As a result of these negotiations, the "taking of Crescent Bluff by eminent domain" has been removed from the agenda for the upcoming Administrative Services meeting scheduled for July 9, 2019.**

As I am sure you are all aware, this is a long standing and complex dispute. At the present time the Town is attempting to reach a resolution. I will keep you informed if a resolution is reached. We are in the process of preparing our thoughts in the event negotiations are not successful. In the interim, your input is essential. Feel free to share your thoughts with me. Thank you again for your input.

Best wishes,
Tom Brockett
7th District RTM & RTM Clerk

From: [Jacqueline Coffey](#)
To: [Thomas Brockett](#)
Cc: [First Selectman James B. Cosgrove](#); [Robin Sandler](#); [Peter Robinson](#); [Peter Berdon](#)
Subject: Crescent Bluff February 2020
Date: Tuesday, February 18, 2020 1:31:35 PM

Dear Mr. Brockett,

Must respectfully counter the attached correspondence regarding Crescent Bluff, specifically the contention that *"the Town only establish a 5' wide sidewalk ... consistent with the beach access sidewalks elsewhere ..."*

Given a cursory scan of Pine Orchard's shoreline (see [Town of Branford Parcel Map](#) link below), please note the 15' wide Juniper Point easement directly east of Mr. Wies' Thimble Farms Road properties. Proceeding west, beach access includes POYCC's .6+ acre #75 Island View property including the breadth of Brown Point's Pine Orchard Association walkway. Continuing along Island View, a 25' wide easement at the base of Waterside and 20' at Chapel. The entire width of Halstead, Crescent Bluff and Spring Rock are depicted as well. Selden Avenue's right of way begins at a width of 16'+. Not shown are the numerous deeded easements that have historically existed between waterfront homes. Limiting access to a 5' wide right of way would clearly not conform.

Once again encourage local decision makers to seek equitable resolution for the greater common good before finalizing Crescent Bluff eminent domain proceedings. Additionally, instate measures to insure such a scenario never repeat. Earnestly believe failure to do so will give license to similar "land grabs" elsewhere along Branford's waterfront, encroaching on yet another shoreline access point. Allegiance must lie with the overriding interest of our community at large and not the legal maneuvering of a few self-interested parties. Of the 50+ contributors at the recent 5-day hearing, all but 4 overwhelmingly advocated taking the entire width of Crescent Bluff as it extends to the Sound, restoring a well over century old right of way.

With the genuine hope of preserving the character of our small Pine Orchard borough's beachfront community.

Sincerely,
Jacqueline Coffey
#46 Island View Avenue
Branford, Connecticut

[Town of Branford GIS - ArcGis Server Parcel Application](#)

Rick Wies <rwies@gwgarchitects.com>

To: Thomas Brockett and 46 more ...

Cc: Karen C Wies

Feb 14 at 11:21 AM

Dear Mr. Brockett,

In regards to the land dispute on Crescent Bluff, Pine Orchard, I had sent the following message on June 11, 2019 to the Town of Branford: "As a life long resident of Branford I strongly urge the Town of to make Crescent Bluff a public town street."

I hereby want to further clarify, that while I support the Town making this a public street, I do not support the Town extending the street beyond its currently paved southern terminus. I urge that the Town only establish a 5' wide sidewalk connecting the present end of the street to the seawall; the sidewalk should be located on the property line, or theoretical/contested property line between the two adjoining land owners, i.e., the side walk should equally encroach equally on each owner. I believe this would be consistent with the beach access sidewalks elsewhere which provide access to Pine Orchard's "Front Beach". Taking of land beyond this proposed sidewalk would be an unnecessary hardship for the adjoining owners.

Sincerely,

Richard N. Wies

33 Thimble Farms Rd., Branford, CT 06405

Richard N. Wies, AIA

Gregg Wies & Gardner Architects LLC

151 east street new haven, ct 06511

t 203.468.1967 x 200 f 203.468.8662 c 203.640.3113

From: [Harry Sessa](#)
To: [Sandler Robin](#); [Robinson Peter](#)
Subject: Crescent bluff road
Date: Saturday, February 29, 2020 2:18:27 PM
Attachments: [IMG_8663.JPG](#)
[Untitled attachment 00054.txt](#)
[IMG_8665.JPG](#)
[Untitled attachment 00057.txt](#)
[IMG_4745.JPG](#)
[Untitled attachment 00060.txt](#)
[IMG_4749.JPG](#)
[Untitled attachment 00063.txt](#)
[IMG_4751.JPG](#)
[Untitled attachment 00066.txt](#)
[IMG_4752.JPG](#)
[Untitled attachment 00069.txt](#)
[IMG_4754.JPG](#)
[Untitled attachment 00072.txt](#)
[IMG_4755.JPG](#)
[Untitled attachment 00075.txt](#)
[IMG_4756.JPG](#)
[Untitled attachment 00078.txt](#)
[IMG_4757.JPG](#)
[Untitled attachment 00081.txt](#)
[IMG_4763.JPG](#)
[Untitled attachment 00084.txt](#)
[IMG_4765.JPG](#)
[Untitled attachment 00087.txt](#)
[IMG_4766.JPG](#)
[Untitled attachment 00090.txt](#)
[IMG_4775.JPG](#)
[Untitled attachment 00093.txt](#)
[IMG_4776.JPG](#)
[Untitled attachment 00096.txt](#)
[IMG_4777.JPG](#)
[Untitled attachment 00099.txt](#)
[IMG_4779.JPG](#)
[Untitled attachment 00102.txt](#)

We are submitting these photos as part of a formal request to include PAVING Crescent Bluff as part of the pending settlement. Those of us who have suffered for as many as 15 years and paid tens of thousands of dollars in litigation deserve a fresh pavement job as part of the improvement and settlement. The road repair is decades beyond it's due date. The curbs are a mess as are the sewersKindly submit our request & photos to the appropriate committees.

Thank you so much. Harry and Sherry Sessa 38 Crescent Bluff Avenue

Office Manager Report for March 2020

1) Zoning

- a. Going forward, the OM is now the acting support secretary for ZBA issues.
- b. Zoning Ordinance complaint form posted to POA website.

2) POA Building

- a. The new POA Mailbox is ordered and will be installed after the first thaw.
 - i. Weather tight
 - ii. Lockbox
 - iii. Supports outgoing mail
 - iv. Supports large items
 - v. Looks professional
- b. Old mailbox will be removed and sent to town dump.
- c. Vendor for Snow removal was – **Perfect Turf** (current lawn service vendor)
 - i. No charges this year for snow removal, savings pays for mailbox.
- d. Need to revisit getting the asphalt repaired and new lines painted
 - i. Low bid - \$2,200 (driveway Dr.).

3) POA Credit Card

- a. Credit card received but limited to \$300. First purchase was for the mailbox which was \$600. Work around - did the purchase over three different days. It might be for useful to increase the limit to \$1,000.
- b. Moved Constant Contact and MS365 cloud to POA

4) Office procedures

- a. All documents as they come into the POA office are scanned and stored both locally and in the MS365 cloud account. Going forward, an indexed hard copy of all POA minutes and referenced documents are placed in a binder in the POA office. This has not been done since September of 2014. I'm now restoring the missing documents and have updated the procedures manual.

5) Fall concert series

- a. Chapel will not be available by September, need to find a different venue. Looking into an outdoor concert or the barn at the end or Anchorage.
- b. Survey - of the 424-emails sent 204 were opened (48%) but only 47 residences (23%) took the survey which is about the average attendance level.
 - i. 31 have and would attend
 - ii. 15 have not attended but would consider attending
 - iii. 1 would not attend
 - iv. WHEN? – Sunday or Thursday in the early evening (after 5PM)
 - v. WHAT?
 - 1. Yale Whiffenpoofs
 - 2. Broadway music review
 - 3. Classical Music
 - 4. Folk
 - vi. Received the following comments

Could we try to arrange food trucks on the street side of the chapel? Make it more of an event?	Anonymous
If warm enough, have on the lawn. Have it later in the day, end of the day. Either right before or after the dinner hour. It would be so nice to be able to enjoy a glass of wine during a concert, but do not know if that is allowed.	Anonymous
They were great last year	Anonymous
What about wine and cheese beforehand?	Anonymous
No suggestions. I can only say that I have enjoyed the 3-4 performances that I have gone to. and would attend again if it fits my schedule this coming September or whenever they happen. V. Bigelow	Anonymous
They should end well before sunset for the safety of pedestrians exiting the events.	Anonymous
Are there locals (from Pine Orchard area) with real talent? They could be fun to see.	Anonymous
food options	Anonymous
Traditional Irish music, steel drum music	

Minutes of Pine Orchard Executive Board Meeting(Meeting conducted via Zoom Application)

May 4, 2020

Present: Joe Thomas, Jon Schlesinger , Rick Ross, Richard Greenalch, Bob Dahill, Linda Sachs, Peggy Haering, , Bruce Caldarone, Carol Redden, Len Farber, and Robin Sandler

Absent: Seth Chaucer

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

Agenda Item 2: Communications:

- Robin received several emails regarding the COVID 19 beach access signs placed by the Association. (Some were positive; others objected to language about limiting beach access to Pine Orchard residents and placement of signs on private property.)
- The owner of a pizza truck wants to come to Pine Orchard; residents can order online and pick up a freshly-baked pizza at the truck; the Association will pursue this service.
- Robin read a letter from Barbara Colley on behalf of the Pine Orchard Chapel, which has asked the Association to consider donating \$50,000 to support the first phase of the restoration of the Chapel. The initial phase of the work will cost approximately \$150,000. Rick Ross and Dick Greenalch spoke in favor of making the donation. Peggy Haering said that we should seek community support before using a substantial amount of Association funds for this purpose. Carrol Redden agreed that we need membership buy-in for this project. Linda Sachs said that the Association has \$46,000 in checking, \$52,000 in a savings account and another \$50,000 in a CD. She observed that the Association had spent \$9500 in this fiscal year on beach access. Linda noted that the Association had spent \$61,000 in 2012 and \$37,000 in 2011 to repair damages from major storms. Rick Ross said that when he first joined the Board in 2011-12, the goal was to keep at least \$100,000 in savings and that he thought this was a reasonable sum of money to keep on hand. He also noted that the cost sidewalks and funds needed to address the Crescent Bluff improvements had not been included in the budget. Steve Ariyan wants to support the Chapel but feels that the board should exercise caution in using association funds. Jen Anniskovich, a member of the Chapel Board said that the Chapel had not expected to ask for this right now. However, fund raising for the Chapel restoration has not been sufficient. She asked whether they Board might consider making a special tax assessment to fund this project. Eric Rose said that the first phase of the repairs would be to lift the structure, restore termite damage, reinforce it to meet current codes, and to restore the cupola. He said there is no middle ground; the Chapel needs \$150,000 to fund this work, and the Chapel was at risk of losing its spot with the contractor. Greg Stak said that the Chapel is symbolic of this neighborhood. Bob Dahill stated that the Chapel is a treasure and recommended getting feedback from the Association as soon as possible. Barbara Colley said that she appreciated the Association's support for the Chapel. Eric Rose said the Chapel is an essential part of Pine Orchard history. Robin intends to put together a committee to work on this and asked that anyone interested in serving in that capacity contact the office manager, Peter Robinson.

Agenda Item 3: Upon motion and second, the minutes of the March 2, 2020 meeting were approved.

Agenda Item 4: Treasurer's Report. Linda Sachs presented the budget report. There are outstanding bills for the seawall repair at the end of Island View Ave and zoning and legal fees. Office expenses exceeded the budget by approximately \$2000. In all the Association will end the year approximately \$5000 plus over budget. Upon motion and second the budget report was approved.

Agenda Item 5: Committee Reports (a) By-Laws, no report; (b) Nominating, Joe Thomas reported that the committee had three candidates to replace the 3 board members reaching the end of their permitted terms. The nominees are Seth Hershman, Mark Law, and Peggy Taylor. Bob Dahill said that he had a nominee, Ray Seligson, who was interested in serving but had not heard from the committee. Rich Colbert said that he had asked to be considered but was not contacted by the committee. Joe Thomas said that he never received resumes from the latter two candidates. However, Peter Robinson confirmed that Rich Colbert had submitted his resume. Robin consulted the bylaws and said that the nominees for the Board had to be named no later than the May meeting. Upon motion and second, the Board decided that all names would be put forth at the annual meeting for election of 3 members; (c) Planning & Zoning, no report; (d) Communications, Jon Schlesinger reported that the website had been updated and that members could sign up to receive the Association's newsletter; (e) Shoreline Maintenance, Carol reported that additional funds were needed to repair the stairway on Spring Rock Road. She said that the seawall at the end of Island View Ave. is being fixed by bits and pieces and that eventually more extensive work might be required. She asked whether the Town has ever been asked to contribute to the cost of repairs. Bob Dahill estimated that it might cost at least \$10,000 to repair the stairs at Spring Rock Road. Another step has broken on the beach access point on Island View Ave. and will be repaired. (f) Building Maintenance, Peter Robinson reported that he has one quote for sealing the driveway; (g) Municipal Interface, no report. (h) Tax Collections, no report; (i) Beautification: no report; (j) Sidewalks: Robin said that the committee had done an initial query of 7 homeowners and most were in favor of the project. The committee asked for permission to spend \$4200 to create a survey map showing the location of sidewalks and to help generate support for the project. We still do not have estimates for the cost of the project. State and local funding will be sought. Mike Hopkins supports the sidewalk project because walking on Pine Orchard Rd. is dangerous. Upon motion and second, the use of \$4200 for the sidewalks project was approved.

Agenda Item 6 (none)

Agenda Item 7: President's Report. Robin said that the *Whibey* appeal is going forward. Mike Hopkins said that the Governor's Executive Order had banned use of short term rentals for leisure. He said that the website for VRBO has shown that Whibey property on Crescent Bluff Ave. is rented for the upcoming weekend. Mike questioned what could be done to enforce the Governor's ban. Bruce Calderone suggested contacting the East Shore Health District. Jaqueline Wolff asked about seeking help from the Police for enforcement of the ban. As to the Crescent Bluff settlement, Robin said that Ms. Sagesse had sought a 90-day extension of time to complete with the settlement process. Robin said that despite that development he was still optimistic about the settlement being concluded.

Agenda Item 8. Old Business. a) Summer concerts are cancelled; b) There have been no new developments on flooding of Totoket Rd.; c) Moorings—Carol Redden has had a couple of inquiries about renting moorings; d) Pine Orchard Tag Sale (has been canceled for 2020); e) New lighting for office—Peter Robinson has obtained a quote for installation of lighting for the headquarters building.

Agenda Item 9: New Business. a) Annual meeting location—Robin said that the chapel was not available and at present he planned to hold a virtual annual meeting via Zoom. The Pine Orchard Club may be available, but he was uncertain whether a live meeting would be feasible this year unless social distancing guidelines were lifted; b) We are considering appointing a Board member to be a liaison with the Pine Orchard Union Chapel; c) The issue of electronic participation and voting at the annual meeting was discussed. Peter Robinson said there was a feature in Zoom that allowed voting and he would research it. (d) 2020-2021 Budget and mil rate analysis . Linda presented various scenarios of funds that would be generated by different mil rates for the upcoming year. Her analysis showed that the Association would likely not generate sufficient funds to meet the proposed budget at the current rate of 3 mils. After some discussion, upon motion and second, the Board voted to set the mil rate for the upcoming fiscal year at 4. (e) Tax deferral—the Town of Branford is allowing eligible people to defer payment of real estate taxes for up to three months. Upon motion and second the board decided to piggyback the Town’s program for those who need deferral of Association taxes due to the COVID-19 pandemic.

Agenda Item 10: Office Manager’s Report: The Zoom teleconferencing App will be used for the upcoming ZBA hearing. Peter has obtained a quote for resealing the driveway and parking lot. He also has a quote for installing lights in the parking lot. All minutes of the POA meetings have been placed in a loose-leaf binder at the office along with all materials referred to during meetings. The newsletter was sent out by e-mail and had an extremely high “open” rate. Peter and Susan Dahill are working on follow-up edition.

Agenda Item 12. Adjournment. Upon motion and second, the meeting was adjourned at 10:34 p.m.

Respectfully submitted,

Margaret Haering, Clerk

Future Meetings,

Annual Meeting
Monday, July 6, 2020

Documents received:
Budget Report
Office Manager’s Report
Mill rate scenarios
Sidewalk Committee—proposals and maps
Letter from Pine Orchard Chapel Board

PINE ORCHARD ASSOCIATION EXECUTIVE BOARD
MEETING NOTICE

Monday, May 04, 2020 @ 7:00 PM

At the call of the President, Robin Sandler, there will be a meeting of the Executive Board of the Pine Orchard Association at the Pine Orchard Association headquarters located at 180 Pine Orchard Rd, Pine Orchard, CT ***using the Zoom Application SEE INSTRUCTIONS & LINK BELOW***

1. Call to order
2. Communications Various emails regarding the Covid 19 beach access signs, Pine Orchard Union Chapel Request Letter (See button; link to letter Below)
3. Approval of Minutes of March 02, 2020 Meeting
4. Treasurer's Report (Linda)
5. Committee reports a) By-Laws (Len) b) Nominating (Joe) c) Planning & Zoning (Richard) d) Communications (John) e) Shoreline Maintenance & Access (Carol) f) Building Maintenance (Seth) g) Municipal Interface (Bruce) h) Tax Collector (Rick) i) Beautification (Bob) j) Sidewalks (Peter)
7. Presidents report: a) Whibey appeal, b) Status of Crescent Bluff settlement, including Mc Burney
8. Old Business: a. Summer concert series b. Report on Totoket Road flooding. c. Mooring procedure discussion, d) POA tag sale e) Updated lighting for office
9. New Business: a. Annual meeting location & virtual Annual meeting b. POA Executive Board liaison with The Pine Orchard Union Chapel c. Electronic participation in meetings d) 2020-2021 budget and impact on mill rate e) Tax deferral because of Covid -19 pandemic
10. Office manager: Peter Robinson report
12. Adjournment

Remaining 2019-2020 Meeting Dates: none



PINE ORCHARD UNION CHAPEL ASSOCIATION

PINE ORCHARD, CONNECTICUT 06405

April 27, 2020

Board of Directors

Barbara Colley
President

Eunice Lasala
Vice-President

Sheri Peterson
Treasurer

Melodie O'Connor
Secretary

Fran Acunzo

Jennifer Aniskovich

Geoff Hotz

Whitney Murphy

Wendy Wheeler

25 Chapel Drive
Branford, CT 06405

pineorchardchapel@gmail.com

The Pine Orchard Union Chapel is a 501(c)(3) nonprofit organization.

Contributions are eligible for a tax deduction.

[Like us on Facebook!](#)

Executive Board
Pine Orchard Association
180 Pine Orchard Road
Branford, CT 06405

Dear Executive Board Members,

We are writing to share information with you about our efforts to renovate the Pine Orchard Union Chapel, and to ask the Association's help as we move forward.

As you know, the Chapel is a community asset, used by many for weddings, memorials, celebrations, and more. It is the site of the POA annual meeting, tag sale, and, in recent years, musical concerts. It has historically hosted the 4th of July Parade, kids' art camps, Halloween parties and other gatherings. It is an irreplaceable, historic building that distinguishes Pine Orchard as our home.

Assessing the Challenge

Nancy Wheeler oversaw the Chapel for 60+ years. Following her passing in September 2018, the Chapel Association took on that responsibility and began to assess what improvements the 120+ year old building needed. We realized quickly that a fresh coat of paint would not be enough to preserve the Chapel. Pine Orchard resident Eric Rose, of Rose Construction, generously volunteered his time and resources to assess the current conditions and develop a professional scope of work for the structure, which is listed on the National Register of Historic Places.

Mr. Rose's scope envisions essential repairs and sensitive restoration work to be undertaken in three consecutive phases: (1) critical safety improvements; (2) historic preservation; and (3) beautification.

Phase 1 – Critical Safety Improvements includes raising the building off the ground for several weeks to add two girders, sister joists that are severely compromised by termite damage, repair brick piers to stabilize the floor, create crawl space access, rebuild the back stairs, relocate electrical, move and refit the water main, add a heat cable to the water line, insulate piping, and repair and restore the cupola louvres, trim, and adjoining roof. The estimated cost for this phase is \$150,000.

Increasing Outreach and Building Organizational Capacity

In anticipation of undertaking renovations, our Board took a number of steps in 2019. We added several new members to the governing board, up to our current limit of nine. We secured tax exempt status as a 501(c)(3) nonprofit organization. We began to communicate Mr. Rose's findings and recommendations with Pine Orchard residents via mailings in the spring and fall of 2019.

Our two mailings included requests for support. Many generous residents stepped forward, and the Chapel was able to raise more than \$25,000, some of which has been spent on initial termite treatment under the building.

We hosted an information session about the Chapel project in the summer of 2019, which was well attended by local residents. Shortly thereafter, we established a Building Committee, made up of residents of Pine Orchard who have construction and engineering expertise. These individuals met with Mr. Rose and members of the Chapel Board to review the appropriateness of the project scope.

Based on their recommendations and community feedback, in the fall of 2019, the Board developed a set of donor materials related to the Chapel Project: a case statement, donor recognition opportunities (i.e., naming); and a pledge form. In December 2019, the members of the Chapel Board made personal leadership commitments of support totaling ~ \$85,000. Consistent with our campaign policies, these are in the form of 3-year pledges.

Our hope at the beginning of 2020 was to spend the spring bringing the community together to hear more about the project, and to ask residents to contribute the balance of the funds needed for Phase 1. We were optimistic, based on a great deal of positive feedback up to that point, that we would be able to raise the funds needed for phase 1. As a result, we secured a spot on the schedule of the contractor who will lift the building (lifting the building involves a specialty contractor, who schedules his calendar many months in advance), with the hope of beginning construction in the summer of this year.

Coronavirus Impact

Our plans to engage in outreach and fundraising in March/April 2020 have been frustrated by the global coronavirus pandemic. Without the ability to assemble, tour the building, or meet with donors one-on-one, we are unable to advance the project. With so many residents still in Florida, and with the stock market creating economic uncertainty, it is not feasible or prudent to pursue major gift fundraising at this moment. Nonetheless, the building continues to deteriorate.

In recognition of this delay, we have released our summer date with the contractor lifting the building and he is instead holding September 28th, pending confirmation of funding.

How the POA Can Help

Chapel Board members have agreed to accelerate their 3-year pledges and pay them in full in 2020. Those pledges, combined with a small reserve in our account, means we need to raise ~\$60,000 to fully fund Phase 1. Notwithstanding the challenges of fundraising during a pandemic, we believe we can raise ~ \$10,000 from local residents in the coming weeks.

We respectfully request that the POA consider making a community support grant of \$50,000 toward Phase 1 of the Chapel Project.

This would help launch a local, historic undertaking, provide leadership at a moment of national crisis, and be consistent with the POA's mission of caring for the "health, comfort, protection and convenience" of those living in Pine Orchard. By stepping forward to support our neighborhood treasure in this visible way, the POA will signify the importance of maintaining our traditions and fostering a shared culture. The POA will also be giving our community something to rally around at a time when we as a community very much need positive news.

Community Support & Partnership

We recognize that this request is unusual. These are unusual times. We anticipate that this grant will create a stronger working relationship between the POA and the Chapel. The recent recommendation to

establish a POA Chapel Liaison, is, we believe, a valuable step in this direction. As the Chapel continues to grow and evolve, we look forward to working together even more frequently to engage and unite Pine Orchard residents.

Timeline

We must firm up our commitment to our lead contractor in the next several weeks, or risk losing our place on his schedule. Therefore, we respectfully request that you take up this letter at your May 4, 2020 meeting.

As we enter a new phase for the Pine Orchard Union Chapel, we are following in the footsteps of our ancestors and prior generations of Pine Orchard residents. In 1897, the Chapel was built when local residents donated the land and the community raised just over \$1,600 for its construction. Again, in 1963, when services stopped at the Chapel, residents came together to save the building. Today, our historic gathering place needs us all again.

In the spirit of fellowship and neighborly support, we hope the POA will commit its support to this community effort.

Thank you for your consideration,

Pine Orchard Union Chapel Association
Board of Directors

Pine Orchard Association Treasurer's Budget Report
as of 5-01-2020

	Approved Budget 1-Jul-19	Budget Activity Year to Date	Budget Remaining Year to Date	% of Budget Rec/Dsbrmnts Year to Date
RECEIPTS				
Tax Collections	\$ 54,000	\$ 54,137	\$ (137)	100%
Rent	\$ 3,900	\$ 4,000	\$ (100)	103%
Building & Permit Fees	\$ 5,000	\$ 3,700	\$ 1,300	74%
Other (Interest, Moorings)	\$ 1,000	\$ 5	\$ 995	1%
Use of Capital Savings	\$ -	\$ -	\$ -	
Total	\$ 63,900	\$ 61,842	\$ 2,058	97%
DISBURSEMENTS				
Security	\$ -	\$ -	\$ -	
Shorefront Maintenance	\$ 5,700	\$ 9,459	\$ (3,759)	166%
Building Maint/Utilities	\$ 9,000	\$ 8,181	\$ 819	91%
Property Improvements	\$ -	\$ -	\$ -	
Office/General	\$ 14,000	\$ 13,854	\$ 146	99%
Insurance	\$ 9,000	\$ 3,510	\$ 5,490	39%
Legal	\$ 10,000	\$ 8,892	\$ 1,108	89%
Zoning	\$ 5,000	\$ 4,601	\$ 400	92%
PO Museum & Web	\$ 500	\$ 477	\$ 23	95%
Acctg Annual Review	\$ 2,300	\$ 2,360	\$ (60)	103%
Beautification Committee	\$ 5,000	\$ 3,645	\$ 1,355	73%
Community Activities	\$ 2,500	\$ 2,703	\$ (203)	108%
Total	\$ 63,000	\$ 57,682		92%
NET INCOME (LOSS)	\$ 900	\$ 4,160		

Account Balance as of 5/1/2020	
BOA checking	\$45,975.71
Less outstanding checks	\$0
BOA net balance	\$45,975.71
BOA Savings	\$52,342.26 Opened 12-2012
BOA 13-mo CD	\$50,126.31 Opened 02-2020
Total "cash" available	\$148,444

Pine Orchard Associati

	4 Mill 2010 Actual	4 Mill 2011 Actual	5 Mill 2012 Actual	5 Mill 2013 Actual	4 Mill 2014 Actual
RECEIPTS					
Tax Collections	\$ 69,912	\$ 69,474	\$ 87,938	\$ 90,113	\$ 71,745
Rent	\$ 2,800	\$ 2,600	\$ 2,600	\$ 2,600	\$ 3,800
Building & Permit Fees	\$ 3,591	\$ 4,850	\$ 8,100	\$ 5,770	\$ 4,250
Other (Interest, Moorings) <i>Use of Capital Savings</i>	\$ 664	\$ 180	\$ 286	\$ 88	\$ 150
Total Receipts	\$ 76,967	\$ 77,104	\$ 98,924	\$ 98,571	\$ 79,945

DISBURSEMENTS

Security	\$ 37,816	\$ 32,268	\$ 23,526	\$ 9,714	\$ -
Shorefront Maintenance	\$ 5,750	\$ 37,643	\$ 61,119	\$ 8,640	\$ 5,600
Building Maint/Utilities	\$ 7,420	\$ 6,312	\$ 8,147	\$ 7,117	\$ 13,447
Property Improvements				\$ 920	\$ 896
Office/General	\$ 4,144	\$ 2,105	\$ 2,020	\$ 4,287	\$ 4,716
Insurance	\$ 6,375	\$ 6,251	\$ 5,819	\$ 7,471	\$ 7,566
Legal			\$ 18,838	\$ 12,225	\$ 1,966
Zoning*	\$ 4,585	\$ 10,748	\$ 11,195	\$ 2,943	\$ 4,453
PO Web			\$ 875	\$ 503	\$ 229
Audit/Annual Review	\$ 1,956	\$ 1,930	\$ 1,900	\$ 1,900	\$ 2,400
Other	\$ 300	\$ 2,641			
Beautification Committee Concert Series Sidewalks***					
Total Disbursements	\$ 68,346	\$ 99,898	\$ 133,439	\$ 55,719	\$ 41,273

NET INCOME (LOSS)	\$ 8,621	\$ (22,794)	\$ (34,515)	\$ 42,852	\$ 38,672
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* Zoning & Legal were consolidated prior to 2012

** through 5/1/2020

*** proposed line items for 2020/2021

Note: these "Net Income" amounts can be considered to go towards building "Contingency / Savings" funds, which are

needed for unplanned/unspecified
developments such as storm damage and legal

on Treasurer's Budget PROPOSAL | 2019-2020

4 Mill 2015 Actual	3 Mill 2016 Actual	3 Mill 2017 Actual	3 Mill 2018 Actual	3 Mill 2019 / 2020 Budget YTD Actual**		3 Mill 2020/2021 DRAFT BUDGET
\$ 71,271	\$ 54,288	\$ 56,104	\$ 54,001	\$ 54,000	\$ 54,137	\$ 57,380
\$ 3,596	\$ 2,700	\$ 3,900	\$ 3,900	\$ 3,900	\$ 4,000	\$ 4,000
\$ 5,247	\$ 3,750	\$ 5,850	\$ 3,750	\$ 5,000	\$ 3,700	\$ 4,000
\$ 101	\$ 51	\$ 50	\$ 105	\$ 1,000	\$ 5	\$ 735
			\$ 10,000	-	-	\$ -
\$ 80,214	\$ 60,789	\$ 65,904	\$ 71,756	\$ 63,900	\$ 61,842	\$ 66,115

\$ -	\$ -	\$ -	\$ -	-	\$ -	\$ -
\$ 3,850	\$ 1,750	\$ 3,985	\$ 9,536	\$ 5,700	\$ 9,459	\$ 10,000
\$ 11,102	\$ 8,441	\$ 6,910	\$ 7,763	\$ 9,000	\$ 8,181	\$ 14,000
\$ -	\$ -	\$ 9,317	\$ 9,522	-	-	\$ -
\$ 3,945	\$ 9,559	\$ 14,939	\$ 12,634	\$ 14,000	\$ 13,854	\$ 18,000
\$ 8,404	\$ 9,038	\$ 8,855	\$ 8,081	\$ 9,000	\$ 3,510	\$ 9,000
\$ 1,275	\$ 8,588	\$ 2,213	\$ 11,112	\$ 10,000	\$ 8,892	\$ 10,000
\$ 1,986	\$ 1,933	\$ 3,444	\$ 4,353	\$ 5,000	\$ 4,601	\$ 5,000
\$ 2,194	\$ 165	\$ 2,270	\$ -	\$ 500	\$ 477	\$ 500
\$ 1,950	\$ 2,000	\$ 2,100	\$ 2,260	\$ 2,300	\$ 2,360	\$ 2,500
			\$ 10,089		-	
				\$ 5,000	\$ 3,645	\$ 4,500
				\$ 2,500	\$ 2,703	\$ -
						\$ -
\$ 34,706	\$ 41,474	\$ 54,033	\$ 75,350	\$ 63,000	\$ 57,682	\$ 73,500
\$ 45,508	\$ 19,314	\$ 11,871	\$ (3,594)	\$ 900	\$ 4,160	\$ (7,385)

	As of May 1, 2020	Estimated
BOA checking	\$45,976	\$38,591
Less outstanding checks	\$0	\$0
BOA net balance	\$45,976	\$38,591
BOA Savings	\$52,342	\$52,342
BOA 13-mo. CD opened 2-11-2020	\$50,126	\$50,126
Total "cash" available	\$148,444	\$141,059

Mirror Lake Account: \$0

		3.5 Mill	4 Mill
Difference	from	2020/2021	2020/2021
2019 / 2020 Budget		DRAFT BUDGET	DRAFT BUDGET
\$ 3,380		\$ 66,943	\$ 76,506
\$ 100		\$ 4,000	\$ 4,000
\$ (1,000)		\$ 4,000	\$ 4,000
\$ (265)		\$ 735	\$ 735
\$ -		\$ -	\$ -
\$ 2,215		\$ 75,678	\$ 85,241

\$ -	\$ -	\$ -
\$ 4,300	\$ 10,000	\$ 10,000
\$ 5,000	\$ 14,000	\$ 14,000
\$ -	\$ -	\$ -
\$ 4,000	\$ 18,000	\$ 18,000
\$ -	\$ 9,000	\$ 9,000
\$ -	\$ 10,000	\$ 10,000
\$ -	\$ 5,000	\$ 5,000
\$ -	\$ 500	\$ 500
\$ 200	\$ 2,500	\$ 2,500
\$ -		
\$ (500)	\$ 4,500	\$ 4,500
\$ (2,500)	\$ -	\$ -
\$ -	\$ -	\$ -
\$ 10,500	\$ 73,500	\$ 73,500
\$ (8,285)	\$ 2,178	\$ 11,741

<u>Estimated</u>	<u>Estimated</u>
\$48,154	\$57,717
\$0	\$0
\$48,154	\$57,717
\$52,342	\$52,342
\$50,126	\$50,126
\$150,622	\$160,185

Pine Orchard Association Treasurer's Budget PROPOSAL | 2019-2020

RECEIPTS	4 Mill	4 Mill	5 Mill	5 Mill	4 Mill	4 Mill	3 Mill	3 Mill	3 Mill	3 Mill		3 Mill	Difference	3.5 Mill	4 Mill
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019 / 2020		2020/2021	from	2020/2021	2020/2021
	Actual	Budget	YTD Actual**	DRAFT BUDGET	2019 / 2020 Budget	DRAFT BUDGET	DRAFT BUDGET								
Tax Collections	\$ 69,912	\$ 69,474	\$ 87,938	\$ 90,113	\$ 71,745	\$ 71,271	\$ 54,288	\$ 56,104	\$ 54,001	\$ 54,000	\$ 54,137	\$ 57,380	\$ 3,380	\$ 66,943	\$ 76,506
Rent	\$ 2,800	\$ 2,600	\$ 2,600	\$ 2,600	\$ 3,800	\$ 3,596	\$ 2,700	\$ 3,900	\$ 3,900	\$ 3,900	\$ 4,000	\$ 4,000	\$ 100	\$ 4,000	\$ 4,000
Building & Permit Fees	\$ 3,591	\$ 4,850	\$ 8,100	\$ 5,770	\$ 4,250	\$ 5,247	\$ 3,750	\$ 5,850	\$ 3,750	\$ 5,000	\$ 3,700	\$ 4,000	\$ (1,000)	\$ 4,000	\$ 4,000
Other (Interest, Moorings)	\$ 664	\$ 180	\$ 286	\$ 88	\$ 150	\$ 101	\$ 51	\$ 50	\$ 105	\$ 1,000	\$ 5	\$ 735	\$ (265)	\$ 735	\$ 735
Use of Capital Savings								\$ 10,000		-	-	-	-	-	-
Total Receipts	\$ 76,967	\$ 77,104	\$ 98,924	\$ 98,571	\$ 79,945	\$ 80,214	\$ 60,789	\$ 65,904	\$ 71,756	\$ 63,900	\$ 61,842	\$ 66,115	\$ 2,215	\$ 75,678	\$ 85,241

DISBURSEMENTS	4 Mill	4 Mill	5 Mill	5 Mill	4 Mill	4 Mill	3 Mill	3 Mill	3 Mill	3 Mill		3 Mill	Difference	3.5 Mill	4 Mill
	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Budget	YTD Actual**	2020/2021	from	2020/2021	2020/2021
	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Budget	YTD Actual**	DRAFT BUDGET	2019 / 2020 Budget	DRAFT BUDGET	DRAFT BUDGET
Security	\$ 37,816	\$ 32,268	\$ 23,526	\$ 9,714	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Shorefront Maintenance	\$ 5,750	\$ 37,643	\$ 61,119	\$ 8,640	\$ 5,600	\$ 3,850	\$ 1,750	\$ 3,985	\$ 9,536	\$ 5,700	\$ 9,459	\$ 10,000	\$ 4,300	\$ 10,000	\$ 10,000
Building Maint/Utilities	\$ 7,420	\$ 6,312	\$ 8,147	\$ 7,117	\$ 13,447	\$ 11,102	\$ 8,441	\$ 6,910	\$ 7,763	\$ 9,000	\$ 8,181	\$ 14,000	\$ 5,000	\$ 14,000	\$ 14,000
Property Improvements			\$ 920	\$ 896	\$ -	\$ -	\$ -	\$ 9,317	\$ 9,522						
Office/General	\$ 4,144	\$ 2,105	\$ 2,020	\$ 4,287	\$ 4,716	\$ 3,945	\$ 9,559	\$ 14,939	\$ 12,634	\$ 14,000	\$ 13,854	\$ 18,000	\$ 4,000	\$ 18,000	\$ 18,000
Insurance	\$ 6,375	\$ 6,251	\$ 5,819	\$ 7,471	\$ 7,566	\$ 8,404	\$ 9,038	\$ 8,855	\$ 8,081	\$ 9,000	\$ 3,510	\$ 9,000	\$ -	\$ 9,000	\$ 9,000
Legal		\$ 18,838	\$ 12,225	\$ 1,966	\$ 1,275	\$ 8,588	\$ 2,213	\$ 11,112	\$ 10,000	\$ 8,892	\$ 10,000	\$ 10,000	\$ -	\$ 10,000	\$ 10,000
Zoning*	\$ 4,585	\$ 10,748	\$ 11,195	\$ 2,943	\$ 4,453	\$ 1,986	\$ 1,933	\$ 3,444	\$ 4,353	\$ 5,000	\$ 4,601	\$ 5,000	\$ -	\$ 5,000	\$ 5,000
PO Web			\$ 875	\$ 503	\$ 229	\$ 2,194	\$ 165	\$ 2,270	\$ -	\$ 500	\$ 477	\$ 500	\$ -	\$ 500	\$ 500
Audit/Annual Review	\$ 1,956	\$ 1,930	\$ 1,900	\$ 1,900	\$ 2,400	\$ 1,950	\$ 2,000	\$ 2,100	\$ 2,260	\$ 2,300	\$ 2,360	\$ 2,500	\$ 200	\$ 2,500	\$ 2,500
Other	\$ 300	\$ 2,641						\$ 10,089							
Beautification Committee									\$ 5,000	\$ 3,645		\$ 4,500	\$ (500)	\$ 4,500	\$ 4,500
Concert Series									\$ 2,500	\$ 2,703			\$ (2,500)		
Sidewalks***															
Total Disbursements	\$ 68,346	\$ 99,898	\$ 133,439	\$ 55,719	\$ 41,273	\$ 34,706	\$ 41,474	\$ 54,033	\$ 75,350	\$ 63,000	\$ 57,682	\$ 73,500	\$ 10,500	\$ 73,500	\$ 73,500

NET INCOME (LOSS)	\$ 8,621	\$ (22,794)	\$ (34,515)	\$ 42,852	\$ 38,672	\$ 45,508	\$ 19,314	\$ 11,871	\$ (3,594)	\$ 900	\$ 4,160	\$ (7,385)	\$ (8,285)	\$ 2,178	\$ 11,741
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* Zoning & Legal were consolidated prior to 2012
 ** through 5/1/2020
 *** proposed line items for 2020/2021

	As of May 1, 2020	Estimated
BOA checking	\$45,976	\$38,591
Less outstanding checks	\$0	\$0
BOA net balance	\$45,976	\$38,591
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BOA 13-mo. CD opened 2-11-2020	\$50,126	\$50,126
Total "cash" available	\$148,444	\$141,059

Estimated	Estimated
\$48,154	\$57,717
\$0	\$0
\$48,154	\$57,717
\$52,342	\$52,342
\$50,126	\$50,126
\$150,622	\$160,185

Mirror Lake Account: \$0

Note: these "Net Income" amounts can be considered to go towards building "Contingency / Savings" funds, which are needed for unplanned/unspecified developments such as storm damage and legal

POA Executive Board Meeting (ZOOM) 5-4-2020

Hello all. Robin and I felt it important to present the entire sidewalk plan at this time to the Association members for their comment. We plan to do this in the Annual Meeting announcement and at the Annual Meeting. In preparation for this I have asked our surveyor (Juliano Associates) and potential contractor (JDL-Joe Lepre) to prepare quotes. Joe's quote is a "ballpark" as we will need the Feasibility information from the surveyor to complete the quoting process.

I had asked Peter Robinson to email you all the minutes (also on the POA web site) of the Sidewalk Committee's meetings, notes of my last Executive Board presentation, Juliano's and JDL's quotes. Please understand the timing and priority of installation are Sidewalk Committee recommendations and the recommended final locations (side of the roads) are subject to concurrence of the Town and on State roads, CT DOT. The Town has said they will participate both in services and financially (yet to be determined—need quotes for project. There is also State Grant money the Town will apply for on our behalf after firm quotes are received and the POA Executive Board approves the overall plan.

I am recommending the following actions;

1. POA Executive Board approval of \$4,200. This will give us a large paper and an electronic copy of the area showing locations as well as the other items identified in Juliano's quote. This information will always be of value now and in the future if the project is delayed.
2. A brief presentation with handouts being electronically distributed and in paper form at the Annual meeting.
3. Comments be encouraged via email when possible with the objective of having them by the end of July 2020.
4. A bid request be sent out in early August with responses due by August 21st.
5. Conduct a Sidewalk Committee meeting at the POA Office the last week in August to review the quote and position myself to present to the POA EB.
6. Present to the POA Executive Board at their September meeting the quotes and the Sidewalk Committee's recommendation as a result of the quotes and comments.

Pine Orchard Association (POA) Executive Board authorized sidewalk committee
Meeting 7-23-2018 Minutes 7:30 PM at POA Offices

Attending: Peter Hugret (Chair), Michael Hopkins, Bob Massey, Patrick Doyle and Rick Ross
Absent: Edward Perez

Peter began the meeting by briefly describing the actions of the first meeting for Patrick and Bob's benefit as they had not attended the May meeting. Agenda items discussed and agreed to recommendations to be made to the Pine Orchard Association (POA) Executive Board included;

- The minutes of the May 21, 2018 were approved for the record with Bob and Patrick abstaining.
- Should the POA Executive Board approve sidewalk(s) Bob recommended all agreements with the State, Town and contractors be in writing. The committee unanimously agreed.
- Mike reviewed the quote received from Criscuolo Engineering, LLC for \$ 9,500. (see attached copy of the quote for details). Subsequent to the June 4th quote a breakdown if only one side were surveyed was requested. The north side would be \$ 7,100. and the south would be \$ 5,100. (Mylar and iron pins are extra as quoted).
- Rick Ross identified the per square foot cost of installing a cement sidewalk ranged from \$8-\$12. This would include permits, excavation, forming, cement and backfilling along the edges. *Subsequent to the meeting Peter measured the north side and applied the square foot cost at \$10 for an approximate installation cost. The length of a sidewalk between Elizabeth Street and Blackstone along Pine Orchard Road is 830 feet with 5 curb cuts. A four foot wide sidewalk would call for 3,320 square feet of construction at a cost of \$33,200. This would bring the total cost to approximately \$40,300. (\$7,100 + \$33,200). This results in an average per linear foot cost of \$51.45.*
- Discussion regarding where best to recommend the location took place for the initial section. There was unanimous agreement the sidewalk be along the north side. Reasons included;
 1. The asphalt sidewalk connecting the above segment with Birch Road is already in place on the north side
 2. The crosswalk at the western end of the segment is already in place across Pine Orchard Road (Rt. 146)
 3. There are several pillars and trees along the south side that would be problematic.
 4. The electric lines along the north side provide better lighting at night. It may be one day the POA Executive Board will look to install lights along the sidewalks which would benefit from being near the existing power lines.
- The committee then discussed where do we go from here. The committee unanimously agreed a Master Plan for a "total" sidewalk project be recommended to the POA Executive Board for their consideration. The committee identified and prioritized their thoughts as to sidewalk segment locations and installation priority. They are (in order of prioritization);
 1. *Elizabeth Street/Pine Orchard Road to Blackstone Avenue-830 Feet* (POA sanctioned study area)
 2. *Spring Rock Road to Yowago Avenue-734 Feet* (north side of Elizabeth Street). At the same time this sidewalk section was done we believe a solid fog line should be painted along Yowago between Elizabeth and Pine Orchard Road identifying the walking area of the road-1,767 Feet. Additionally, the POA should request a painted crosswalk across Elizabeth Street connecting north/south Yowago from the State.
 3. *Birch Road to the Linear Trail 1,144 Feet* (north side of Pine Orchard Road).
 4. *Blackstone to Club Parkway 1,265 Feet* (south side of Pine Orchard Road). A crosswalk should be painted on Pine Orchard Road (State DOT to paint) just to the west of Blackstone. Another crosswalk on Blackstone (Town DPW to paint)
 5. *Blackstone to Young's Pond Park 1,170 Feet* (west side of Blackstone).

6. *Birch to Elizabeth 1,162 Feet* existing bituminous sidewalk to be replaced with cement for aesthetics
7. *Club Parkway to Juniper Point 1,083 Feet (south side of Pine Orchard Road and west side of Totoket).*

The preceding is an encompassing plan for sidewalks throughout lower Pine Orchard (south of the Amtrak rails)

8. The committee then discussed the process and timing of getting POA Executive Board approval. We never took a formal vote, but unanimously agreed the POA should receive this report at the September 2018 POA Executive Board meeting for the record. We see the next steps (assumes further consideration is recommended) to include;
 - A call for a general informational meeting (Chapel) regarding the proposed initial segment and an overview of what is being considered (Master Plan). Committee unanimously agreed on this action.

What follows are my thoughts as to possible near term actions by the Executive Committee after the Committee recommended "General Information" meeting has been held.

- A POA Executive Board member should be appointed to Chair a "new" committee to project plan and manage all activities leading to
- A Request for Quote being prepared and distributed by year end 2018 for construction to begin in the early Spring of 2019 for at least the segment 1.

The meeting was adjourned at 9:00 PM.

Respectively submitted by Peter Hugret, Sidewalk Committee Chair

POA Executive Board Notes 9-17-2018

As you may remember at your May meeting I was asked to chair a committee to look into a sidewalk along Pine Orchard Road between Elizabeth Street and Blackstone Avenue. This was as a result of my discussing with Robin my belief a sidewalk for public safety in this stretch was long overdue.

I did form a committee consisting of; Rick Ross, Edward Perez, Michael Hopkins, Bobby Massey and myself. I added a sixth person in June, Patrick Doyle.

We had two meetings. May 21st and July 23rd. After getting committee concurrence, I forwarded the minutes from these meetings to all Board members at the time. I also copied Peter Robinson such that they could be posted on our web site.

It is the committee's feeling that sidewalks will significantly improve pedestrian safety and that a total sidewalk project plan (prioritized) should be adopted. We estimated total for the initially studied section (830 feet), as requested by this body to be \$40,300. This cost includes a survey (\$7,100) of the recommended northern side of Pine Orchard Road. Construction costs were estimated to be \$8-12 per square foot for the first phase. I used an average of \$10 sq/ft. We also agreed at our July meeting that all agreements should be in writing.

Peter R. Hugret

Sidewalk Committee Chair



Juliano Associates
405 Main Street (Yalesville)
Wallingford, Connecticut 06492
Voice: 203-265-1489
Fax: 203-949-1523

April 27, 2020

Pine Orchard Association
c/o Mr. Peter R. Hugret
6 Elizabeth Street
Branford, Connecticut 06405

RE: Right of Way Surveys and Sidewalk Design, Branford:

2. Elizabeth Street from Spring Rock Road to Yowago Avenue
3. Birch Road to the Linear Trail (north side of Pine Orchard Road)
4. Pine Orchard Road (south side) from Blackstone Avenue to Club Parkway
5. Blackstone Avenue from Pine Orchard Road to Young's Pond Park (west side)
6. Pine Orchard Road from Club Parkway to Shoreline Green-way Trail (west side)

Dear Mr. Hugret:

Thank you for contacting Juliano Associates LLC to discuss obtaining a fee proposal on behalf of the Pine Orchard Association (POA) for the survey and engineering design of sidewalks for the five (5) additional areas identified above. Based upon this understanding, we are pleased to offer the following:

Feasibility Study: Juliano Associates LLC will prepare a feasibility plan for the proposed sidewalk throughout the Pine Orchard Association per the plan received. This plan will look at the approximate location with respect to the Town and State roads as well as properties and obstacles along the Right-of-Ways.

SURVEY SERVICES: Juliano Associates LLC will provide the necessary land records research, office computations and mapping to prepare a **Right of Way Survey**. A Right of Way Survey is a type of survey which maps the limits of existing or proposed highways or public utility transmission easements, including the mapping of parcels to be acquired for such purpose(s), as referenced to an established baseline. the baseline to which the highway, easement or acquisition lines are referenced shall be a traverse line, project centerline or construction baseline, any of which shall be monumented or specifically tied to permanent reference markers and shall comply at a minimum with Horizontal Accuracy Class A-2. Highway or easement lines may be deed, occupation, notification or acquisition lines; shall be noted accordingly; and may be monumented. The features depicted on the mapping may be the



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result of aerial photogrammetric or field location surveys. All pertinent sources shall be noted. The method of determining the position of the property lines depicted shall be noted as shall the appropriate Horizontal Accuracy Class.

In addition to the Right of Way Survey, Juliano Associates LLC will also prepare a Class T-2 **Topographic Survey** of the project area. A Topographic Survey is a type of survey which depicts the configuration (relief) of the earth's surface (ground) and the location of natural and artificial objects thereon. The Topographic and Vertical Classes of Accuracy shall be noted. Benchmarks shall be depicted or noted on all Class T-2, T-2 and T-2 Surveys. Survey datum and contour interval shall be depicted or noted.

All work will be in conformance with regulations as defined in the **Standards for Surveys and Maps in the State of Connecticut** as adopted by the Connecticut Association of Land Surveyors, Inc. on September 26, 1996.

ENGINEERING SERVICES: Upon completion of the above described surveying services, our office will prepare an engineering plan for the design of a sidewalk for each of the five above identified areas. Included with the proposed layout of the proposed sidewalk, Juliano Associates LLC will prepare a profile of the sidewalk, include sedimentation and erosion controls and the appropriate construction details to comply with both local and state requirements. Finally, as part of our services we will meet with the appropriate authority (Connecticut Department of Transportation and/or Town of Branford Engineering Department) to discuss the proposed design and address any concerns or questions they might have with respect to the design of the proposed sidewalk.

Upon approval by the Connecticut Department of Transportation and/or the Town of Branford Engineering Department, Juliano Associates LLC will provide the client with signed and sealed paper copies for securing permits and prepare a mylar of the survey mapping suitable for filing on the Branford land records.

Prior to JULIANO ASSOCIATES, LLC undertaking the above scope of services, the Client will provide JULIANO ASSOCIATES, LLC with all available information pertinent to the services to be performed including, but not necessarily limited to: maps, drawings, deeds, agreements, easements, other encumbrances, correspondence, potential conflicts, etc.

JULIANO ASSOCIATES, LLC IS A FULL-SERVICE CONSULTING FIRM PROVIDING EXPERTISE IN MOST PHASES OF PLANNING, CIVIL ENGINEERING, AND LAND SURVEYING TO BOTH PUBLIC AND PRIVATE SECTOR



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CLIENTS. HOWEVER, UNDER THIS AGREEMENT, NO OTHER SERVICES ARE OFFERED OR IMPLIED OTHER THAN THOSE SPECIFICALLY STATED WITHIN THE ABOVE SCOPE OF SERVICES.

SCHEDULE: We will commence work on the project within five (5) business days of notice to proceed. Notice to proceed is understood to be the receipt of the signed agreement by Juliano Associates, LLC. The survey and mapping will be completed based upon our current work schedule and weather conditions. As each area is surveyed and mapped, Juliano Associates LLC will issue preliminary mapping to the POA for their review and comment.

Inclement weather (i.e. snow, ice, rain) which is beyond our control may delay the project. Should adverse weather conditions be encountered during work on the project, the Client will be notified in writing of any anticipated delays in completing the scope of services.

FEES: Juliano Associates LLC has developed a lump sum fee for the feasibility study as well as each of the five (5) identified areas as if they were to be issued as separate contracts over time. These fees are as follows:

1. Feasibility Study: Four thousand two hundred (\$4,200.00) dollars
2. Three thousand seven hundred and sixty-five (\$3,765.00) dollars
3. Five thousand nine hundred and twenty (\$5,920.00) dollars
4. Five thousand seven hundred and thirty (\$5,730.00) dollars
5. Six thousand and fifty-five (\$6,055.00) dollars
6. Five thousand three hundred and fifty (\$5,350.00) dollars

In addition, we have provided a lump sum fee to survey and map all the areas at one time. This fee would be twenty-one thousand four hundred and fifty-five (\$21,455.00) dollars which represents a savings of twenty percent.

Based upon our prior work experience with the Pine Orchard Association Juliano Associates LLC will not require a retainer prior to the commencement of services. Our fee, regardless of which method of contracting the POA desires, will be invoiced monthly based upon percentage of work completion. All invoices are due upon receipt. For the convenience of our clients, Juliano Associates LLC accepts all major credit and debit cards.

IN THE EVENT THAT SAID ACCOUNT IS UNPAID AFTER THE THIRTIETH DAY SUBSEQUENT TO THE DATE OF THE INVOICE, THE CLIENT WILL BE SUBJECT TO AND RESPONSIBLE FOR A MONTHLY SERVICE CHARGE OF ONE AND ONE-HALF PERCENT (1.5%) ON THE THEN UNPAID BALANCE (18% TRUE ANNUAL RATE). IN ADDITION, JULIANO ASSOCIATES, LLC WILL BE ENTITLED TO STOP WORK AND/OR WITHHOLD ANY AND



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Fax: 203-949-1523

ALL DOCUMENTS PREPARED FOR THE CLIENT INCLUDING DOCUMENTS FOR FILING ON THE PUBLIC LAND RECORDS WITHOUT BEING DEEMED IN BREACH OF CONTRACT OR LIABLE FOR ANY DAMAGES THAT MAY RESULT FROM STOPPING WORK AND/OR WITHHOLDING DOCUMENTS. IN THE EVENT THAT ANY PORTION OR ALL OF THE ACCOUNT REMAINS UNPAID NINETY (90) DAYS SUBSEQUENT TO THE FIRST BILLING DATE, THE CLIENT WILL PAY ALL COSTS OF COLLECTION INCLUDING REASONABLE ATTORNEY'S FEES.

Please sign below and to accept the terms of this agreement and the general conditions. Return of the signed original agreement will constitute notice to proceed. We suggest that you make and retain a copy of this contract for your records. **UNLESS NOTICE TO PROCEED IS RECEIVED WITHIN FIFTEEN (15) DAYS OF THE DATE OF THIS CONTRACT THIS OFFER OF SERVICES WILL EXPIRE.**

Thank you for this opportunity to be of service and we look forward to working with you on this project. Should you have any questions, please do not hesitate to contact us accordingly.

Very truly yours,

Matthew M. Niski

Juliano Associates, LLC
Matthew M. Niski, P.E.

Accepted by: _____
Authorized Signatory
Pine Orchard Association
Date _____

The individual executing this Agreement, if acting on behalf of a partnership, corporation or funding agency represents that he/she has the authority to do so. This Agreement is not assignable and no assignment will relieve the undersigned from any obligations under this Agreement.

In the event that any provision of this Agreement shall be held to be invalid or unenforceable, all other provisions of this Agreement and the Terms and Conditions attached herewith, shall be valid and binding between Pine Orchard Association (collectively referred to as the Client) and Juliano Associates, LLC.

Pine Orchard Association Section 10 of the Charter

Section 10. Maintenance of Public and Private Thoroughfare Said executive board may order the owner or owners of any land fronting on any highway within the limits of said association to construct or repair sidewalks, curbs or gutters within the highway adjacent to said land, of the kind, in the manner, and in the time specified in said order, at such grade as may have been established in said highway. Notice of such order shall be signed and served in the same manner as prescribed for notices of meetings of the association. In case any land affected by any such order or by any assessment or tax shall be holden by two or more persons jointly, or two or more persons shall have different estates therein, said executive board may apportion between such persons the expenses of carrying out such order or the amount of such assessment or tax. If any such owner shall neglect or refuse to comply with such order, said executive board may cause the work required by said order to be done and the expense so incurred shall, from the time when said work is begun, be and continue a lien in favor of said association upon said land, and may be collected by suit or foreclosure in the name of said association. Said board may pass by-laws in relation to the keeping of said sidewalks free from obstructions, to be enforced in the same manner as provided in section nine.

Office Manager Report for May 2020

1) Zoning & Zoom

- a. Going forward, the Zoom videoconferencing platform will be used by the ZBA until further notice. First Zoom ZBA Hearing will be on May 11th. Test meeting on Thursday May 7th at 3PM.
- b. To date, no one has submitted a Zoning Ordinance complaint form the form posted to POA website.

2) POA Building

- a. The new POA Mailbox installed. Seth and I removed the old mailbox and Seth took it to the town dump.
- b. Purchased a bag of fertilizer and grass seed for the lawn. Looking good! I will do a second feeding in early June and in September. About \$54/application.
- c. Need to revisit getting the asphalt repaired and new lines painted. Lose chunks of asphalt are now scattered over the driveway.
 - i. Driveway sealant only, - \$2,200 (driveway Dr.).
 - ii. Asphalt entire upper driveway - ~\$15,000 - \$20,000
- d. New Lighting system quote - \$2,732
 - i. 16' pole, concrete base with dual lamps - \$1,252
 - ii. Install by KMB Electrical - \$1,480 (\$200 for recessed lighting)

3) POA Credit Card

- a. Credit card is really helping. Limited raised \$1,000 per transaction.
- b. Constant Contact (Email outreach), MS 365 (MS Office) and PDF manager on POA card.

4) Office procedures

- a. All POA minutes and referenced documents now in a indexed binder in the POA office.
- b. The POA office Managers procedures manual has become a living document. Now at 14 pages.

5) Fall concert series

- a. Canceled

6) Pine Orchard Hero's

- a. First email sent out on Friday the 24th. 54% or 234 of 429 opened the email
- b. Only one objection to the email ...

"I think it's wonderful and justified that Judith is proud of her son working in Rhode Island, but as you note, this type of sharing is not part of the municipality's duties. "

- c. Working with Susan Dahil to do support this effort, we have two more to promote.
- d. Will promote on Social Media platform like Facebook™

Minutes of the Special Meeting of the Pine Orchard Executive Board (Meeting conducted via Zoom Application)

May 26, 2020

Present: Joe Thomas, Jon Schlesinger , Rick Ross, Richard Greenalch, Bob Dahill, Linda Sachs, Peggy Haering, Seth Chaucer , Bruce Caldarone, Len Farber, and Robin Sandler

The meeting was called to order at 7:00 p.m. by President Robin Sandler.

Agenda Item 1: Pine Orchard Association annual meeting set for July 6, 2020 will be held. Because of the coronavirus pandemic, the Board proposes to conduct the annual meeting using the Zoom application. There is a concern that holding an in-person meeting would present an undue health risk to our members. Upon motion and second, the Board voted to conduct the annual meeting by Zoom was approved.

The Board discussed voting for Board Members in connection with the Annual Meeting would be handled. The recommendation is to send out ballots in advance of the meeting—either by email for those who have supplied email addresses or by US mail for those who have not. Per the Charter, one vote per household is allowed. Ballots will need to be returned to the Pine Orchard Associate by US mail or dropped off at the Pine Orchard headquarters building. Ballots must be signed to permit authentication. All ballots will be accepted until 4:00 p.m. on July 6th.

Because the Sunset Hill area is currently unrepresented, and Peggy Taylor is the only candidate who lives in that area—she will be unopposed. The remaining candidates for the open Board positions will be asked to provide a brief statement about their background , indicating why they want to be on the Board and how they think they can contribute and to prepare a short video (not to exceed 1 minute). Candidates for the Board are Mark Law, Rich Colbert, and Ray Seligson. Upon motion and second, the election process was approved.

Agenda Item 2: To consider and, if appropriate, pursuant to the bylaws, vote to fill a vacancy on the POA Executive Board. Carol Redden has stepped down as a member of the Executive Board. Joe Thomas proposed to appoint Seth Hershman to finish the remainder of Carol Redden’s term. Seth lives on Crescent Bluff Avenue. Robin spoke in support of Seth’s appointment. Robin Sandler proposed that he would be the interim Board contact for waterfront access maintenance and support. Upon motion and second, the Board voted to appoint Seth Hershman to fill Carol Redden’s seat on the Board.

Agenda Item 3: To consider and if appropriate, name Richard Greenalch as the POA Executive Board liaison to the Pine Orchard Union Chapel. Upon motion and second, the Board voted to appoint Dick Greenalch to be its liaison to the Union Chapel.

Agenda Item 4: To consider and if appropriate, approve of the following names to serve on the ad hoc committee regarding the Pine Orchard Union Chapel donation request: Robin Sandler, Richard Greenalch, Linda Sachs, Stephan Ariyan, Peg Taylor. In addition, Barbara Colley, Eric Rose and Hap Storer also expressed interest in serving on the committee. Upon motion and second, the membership on the ad hoc committee on the Union Chapel was approved.

Adjournment. Upon motion and second, the meeting was adjourned at 7:45 p.m.

Respectfully submitted,

Margaret Haering, Clerk

Annual Meeting

Monday, July 6, 2020

(Using Zoom Application)

June 11, 2020

Minutes of the AD-HOC Pine Orchard Union Chapel donation request committee meeting.

June 9th, 2020 @7PM via Zoom videoconferencing application

Present: Richard Greenalch, Linda Sachs, Robin Sandler, Stephan Ariyan, Peggy Taylor and Barbara Colley. Eric Rose joined the meeting later in the discussion.

Absent: Hap Storer

Background: The Pine Orchard Chapel stands in disrepair. Significant work needs to be done to bring the building up to code and allow it to serve as a meeting place for future events.

The meeting was called to order at 7:00 p.m. by POA President Robin Sandler.

There three Agenda Items

1. Elect a chairperson

A motion was made by Richard Greenalch to elect Robin Sandler as committee chair. The motion was seconded by Stephan Ariyan – there were no other nominations and the vote was carried.

A secretary was also called for (to take minutes) and no one volunteered. Robin Sandler asked if the POA office manager (Peter Robinson) would take minutes for this meeting.

Stephanie Faber made a point that the secretary should come from the committee. Her point was acknowledged and a permanent secretary from the committee will be assigned going forward.

2. Set a meeting schedule

It was proposed by Robin Sandler that the committee meet every other Tuesday and at least twice before the July 6th POA annual meeting, so the committee can present a status report to the association. The committee agreed to meet on June 16th and again on June 30th.

3. Discuss the Pine Orchard Union Chapel request that the POA donate \$50,000.00 to the fund for the restoration of the Chapel.

- Bob Dahill had asked past POA presidents if the POA had ever donated tax revenue to the chapel. Both the living presidents and the POA minutes going back to 1950 show no such donations being made.
- Jennifer Aniskovich provided an overview on the proposed three (3) phases for the proposed renovations:
 1. Some time in September 2020, \$25,000 will be committed to elevate the building so foundation, structural work to the underside of the building and repairs to the cupola can be done. This event will start the phase One process which will cost a total of \$200,000 to complete (the \$25,000 is included in that number). To date the Chapel has raised \$120,000 in gifts and has received a \$100,000 grant from the state of Connecticut. The grant funds are paid at the end of the Phase One effort (after they have raised and spent the initial \$200,000).
 2. No start date was given for phase 2 & 3, it's a function of funds received and what they can accomplished in each phase. Total estimated costs are \$588,000 for all three phases. The Chapel expects to receive an additional \$200,000 from the State or Connecticut for phase 2 and 3 of the renovation. As with Phase one, State Grants are paid at the completion of the renovation.

- Stephan Ariyan feels (and most of the call attendees agree) that the chapel has done it due diligence on the three building phases and have a good handle on fundraising. The issue at hand are:
 1. Is this a good cause for the POA to support given our fiduciary responsibility to the community?
 2. Should POA Tax revenue be used to fund this effort or should POA member volunteers support the effort. This can be determined by taking a poll or vote on the issue by the association.
 3. If it is determined that the tax funds are to be used, should we give them the funds or loan them the funds to offset the State Grant payment terms.
 4. Could the POA assist the Chapel in raising funds outside of a gift of TAX revenue.
 5. The AD-HOC committee needs to give a recommendation to the POA executive committee on next steps.
- Linda Sachs brought up her concerns, as Treasure for the POA, that there are competing big ticket items for POA funded efforts, namely sidewalks, seawall maintenance, repair of access points, future storm damage. She feels that the Chapel fund request be put to a vote by the association. Linda also expressed a concern that such a payment might set a precedent that future boards will have to deal with. Lastly, she pointed out that \$100,000+ of POA funds were spent back 2012 to service shore-line damage due to hurricane Irene.
- Robins Sandler covered how the POA By-Laws in section 2 gives broad authority to the Executive Board on how to spend tax funds as set out in section 2 & 8 of the POA Charter. Robin will defer the issue to POA counsel (Peter Berdon) who will make a formal determination on whether the POA can give tax revenue to the Chapel.
- Eric Rose provide a detailed overview of the work needed and stated that each phase of the effort can stand on it own. There is no time or project-dependency requirement between phases.
- Stephanie Farber expressed her personal objection to using POA Tax dollars to fund what she perceives as a "Historic Christian" building.
- Robin Sandler ended the meeting by summarizing as follows:
 1. The AD HOC committee will provide a recommendation to the POA Executive Board on July 6th. That recommendation will be vetted by legal counsel.
 2. The board will meet again on Tuesday the 16th to review the opinion of legal counsel.

June 18, 2020

Minutes of the AD-HOC Pine Orchard Union Chapel donation request committee meeting.

June 18th, 2020 @7PM via Zoom videoconferencing application

Present: Richard Greenalch, Robin Sandler, Stephan Ariyan, Barbara Colley, Eric Rose, Hap Storer and Peter Berdon (POA Counsel)

Absent: Linda Sachs and Peggy Taylor

Background: The Pine Orchard Chapel stands in disrepair. Significant work needs to be done to bring the building up to code and allow it to serve as a meeting place for future events. The Pine Orchard Union Chapel Association are asking that the Pine Orchard Association donate \$50,000 of POA tax funds to the chapel for said repairs.

The meeting was called to order at 7:06 p.m. by Committee Chair Robin Sandler.

There four Agenda Items

1. Discuss letter from Attorney Peter Berdon (attached)

Robin Sandler open the meeting by asking Attorney Berdon to go through his thought process around his opinion letter.

Attorney Berdon reviewed the what was in the opinion letter specifically looking at whether the POA can donate the requested \$50,000 to the Union Chapel Association. (see attached letter). After Attorney Berdon's review of the opinion letter the floor was open for questions to the Chapel board – none were received, so the floor was open to the POA members.

Robert Buckholz of 9 Island View Ave. asked; given that the Union Chapel recently received 501c3 status, did that filing imply that it was a religious organization. Attorney Berdon stated that he did not have access to the application materials but believed it was. Jen Aniskovich stated that the Union chapel Association is not a religious organization.

2. Discuss the Pine Orchard Union Chapel request that the POA donate \$50,000 to the fund for the restoration of the Chapel.

Robin Sandler gave his interpretation of the opinion as follows:

- a) The Union Chapel's history as a Christian religious building may or may not be an issue.
- b) It appears the POA Board does have the authority to donate to the Chapel.
- c) Therefore, it is up to the Pine Orchard Union Chapel donation request committee to make a recommendation to the POA Executive Board concerning the request.

Stephan Ariyan commented that he would like to focus on whether giving POA tax funds to the Union Chapel was the responsible thing to do. Given what has been presented, he feels the Pine Orchard Union Chapel Association (POUCA) is a very worthwhile organization and the Chapel is an important historical building. Further, the POA should do everything which is reasonable to help raise funds to restore the building. The question then becomes, how do we (the POA) go about doing that. He then went on to say that given the fiduciary responsibility of the POA on how to spend TAX dollars, it is unreasonable to donate tax dollars to an independent, non-public organization. Further, there are just too many extenuating issues in front of us such as the delay in tax collection (due to the pandemic) and potential for a severer hurricane. If we do give the \$50K to the POUAC and we should need funds to run the community, we will have to raise taxes, conduct a

new assessment or borrow funds from a loaning institution. If the POA Executive Board should decide to give the requested funds to the POUAC, it should only be done through a referendum.

Richard Greenalch agreed with Stephan summary and stated again that he believes we cannot use POA tax revenue.

Eric Rose believes that give Peter Berdon's opinion and what has been said thus far, that the POA board cannot unilaterally give these funds to the POUCA. However, they can support the POUCA in its efforts and should seek a referendum on the issue to get a majority opinion on the request.

At this point the discussion was opened to the POA General community to comment.

Jennifer Aniskovich stated that the tax exemption status received was not based on religious affiliation. She further augured that there are many instances where the POA spent tax funds without a referendum, such as the triangle which is not owned by the POA. Lastly, Jennifer stated that the reason the POUCA came to the POA for funds was so that the entire community can feel they participate in the restoration of the Chapel.

Stephanie Farber stated that she supports what Stephan Ariyan stated earlier. Also, there are Christian Symbols in the building, and it is a historic Christian building.

Peter Berdon went on to state that his opinion was written with the understanding that the building is a historic Christian building and the POUCA received its tax status base on that.

After discussions back and forth between members of the committee, **Robin Sandler** ask **Stephan Ariyan** to present a motion to the committee.

Stephan Ariyan 1) I make a motion that the POA does recognize the importance of the Union Chapel to the community and support its effort to do the necessary up-grades and **2)** the POA will not use tax revenue towards this effort but rather help them raise the funds through outreach. **3)** If the POA executive Board should decide to give the request \$50K to the POUCA that such action should not be taken without a referendum. The motion was seconded by **Richard Greenalch** and discussion was open. **Eric Rose** recommended that rather than do a referendum *only if* the POA Board recommends giving the funds to the POUCA but rather should do a referendum regardless of the POA Executive Board recommendation. Eric asked Stephan to repeat the three points to all.

Barbara Colley asked that the motion be reduced to no taxpayer money will be spent (on the Chapel) without a referendum. **Eric** asked if he could present an amendment to the proposed motion. Robin stated yes. **Eric Rose** put forth the following amendment to item **#2** as: the committee does support the use of tax revenue towards this effort **#3** the POA executive Board should give the request \$50K to the POUCA only after a referendum to the community to approve. **Barbara Colley** second the amended motion proposed by Eric. **Stephan Ariyan** objected to Eric's amended motion because it gives taxpayer funds to a non-profit organization.

A vote was then taken on **Eric's motion** to amendment **Stephan Ariyan** original motion:

For: Eric, Hap and Barbara

Against: Robin, Richard and Stephan

The motion to amend does not carry because it is a tie vote 3 to 3

A vote was then taken on **Stephan Ariyan** original three (3) motions

For: Robin, Richard and Stephan

Against: Eric, Hap and Barbara

The motion does not carry because it is a tie vote 3 to 3

Richard Greenalch suggested that we hold the vote next week when Linda Sachs and Peggy Taylor are back.

3. Discuss other ways that the POA can contribute to the Chapel restoration fundraising drive

Robin asked that issue 3 & 4 be put off until next Tuesday.

4. Ad-Hoc committee's recommendation to the POA Executive Board

Robins asked for a motion to adjourn, **Barbara** gave the motion and **Richard Greenalch** second. A vote was taken, and the meeting was adjourned.

Minutes respectfully submitted 6/21/2020 by Peter Robinson
POA Office Manager

June 18, 2020

Minutes of the AD-HOC Pine Orchard Union Chapel donation request committee meeting.

June 18th, 2020 @7PM via Zoom videoconferencing application

Present: Richard Greenalch, Robin Sandler, Stephan Ariyan, Barbara Colley, Eric Rose, Hap Storer and Peter Berdon (POA Counsel)

Absent: Linda Sachs and Peggy Taylor

Background: The Pine Orchard Chapel stands in disrepair. Significant work needs to be done to bring the building up to code and allow it to serve as a meeting place for future events. The Pine Orchard Union Chapel Association are asking that the Pine Orchard Association donate \$50,000 of town tax funds to the chapel for said repairs.

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Minutes respectfully submitted 6/21/2020 by Peter Robinson
POA Office Manager

June 18, 2020

Via E-mail only to: rbslaw@aol.com

Attn: Robin Sandler, President
Pine Orchard Association
180 Pine Orchard Road
Branford, CT 06405

RE: Legality of Contribution to The Pine Orchard Union Chapel Association for the Restoration of the Chapel located at 25 Chapel Dr., Branford, CT

Dear Attorney Sandler:

Issue Presented: You have asked whether Pine Orchard Association may provide a donation to The Pine Orchard Union Chapel Association to assist in physical repairs to the Chapel building located at 25 Chapel Dr., Branford, CT. We understand that the specific donation request exceeds 50% of the current budget of the POA budget.

Conclusion: Based upon the limited review of this issue imposed by the Board, our research has not revealed either a clear prohibition which prevents the donation nor have we uncovered any authority which provides the clear authority to make the donation. However, given the amount of the requested donation the Board must be mindful of its inherent fiduciary obligation to manage the POA's financial affairs and the limitation of its taxing authority.

Background: The Pine Orchard Association (POA) is a political subdivision of the State of Connecticut whose representatives are elected, and which has the power of taxation.

The Pine Orchard Union Chapel Association (Chapel Association) is an unincorporated association and it holds tax exempt status under Section 503(c) of the Internal Revenue Code. The Chapel Association owns the property known as 25 Chapel Dr. which is located within the bounds of Pine Orchard. Title to the property was initially conveyed to The Chapel Association by a deed recorded in Volume 40 at page 234 of the Branford, Land Records. Significantly, the deed was given "upon the condition that said association is to ...maintain and keep a chapel for public worship..." Subsequent conveyances transferred additional parcels. Presently the property is improved with a "chapel" building reportedly constructed in 1897.

According to the Town historian the Chapel was closed to regular religious services in 1963. Today the Chapel reports its primary uses as "weddings, memorials, parties, concerts and more." There is a single cross located in the building, but other than that singular religious symbol we are not aware of any other religious artifacts in the building. The Chapel Association

Berdon, Young & Margolis, PC.

June 18, 2020

Page 2 of 3

June 18, 2020

states that its revenues are derived from “nominal” rental fees and “voluntary contributions from area residents to cover expenses.”

Analysis: Because our assignment was limited to three hours to research and analysis of this issue we did not conduct an extensive analysis as to the present day use of the Chapel. For purposes of this analysis, we assumed the Chapel Association to be a non-denominational religious institution. Should the facts be determined otherwise our analysis of the constitutional implications could very well arrive at another conclusion.

The relationship between religion (and religious organizations) and government has a long and storied history in our country which is addressed in the federal constitution and Connecticut's state constitution. Most people in our country are familiar with the general fundamental principle of the establishment clause, contained in both the state and federal constitutions, which prohibits the establishment of a “state sponsored religion”. The application of these constitutional provisions to actual cases had resulted in the development of a complex web of jurisprudence. Connecticut alone has nearly more than 50 Connecticut Supreme Court cases which address or touch upon the Connecticut Constitutional provision. None of these cases, however, appear to be directly on point. The Connecticut Supreme Court has upheld our state statute requiring towns that provide public school transportation to provide that transportation to parochial school children as well. Snyder v. Town of Newtown, 147 Conn. 374, 161 A.2d 770 (Conn. 1960) The court in reaching this conclusion held: “We conclude that the word ‘support’ in article seventh was never intended to be employed in so narrow a sense as to prevent every sort of incidental public assistance to, and encouragement of, religious activity.” 147 Conn at 387. Furthermore the Court has upheld property tax schemes which exempt religious institutions from municipal taxation and in so doing has reasoned: “Exemption from taxation is the equivalent of an appropriation of public funds, because the burden of the tax is lifted from the back of the potential taxpayer who is exempted and shifted to the backs of others.” Lyman v. Adorno, 133 Conn. 511, 516 52 A.2d 702 (Conn. 1947). While not conclusive, these cases lead one to conclude that the Connecticut Courts are unlikely to find a violation of the state constitution when public funds are used solely to support the preservation of a historic structure which happens to be a church.

At the federal level the resolution of the issue is equally opaque. In Trinity Lutheran Church of Columbia, Inc. v. Comer, Director, Missouri Department Of Natural Resources the Supreme Court held that Missouri could not exclude religious institutions from a state program to make playgrounds safer even though the state's Constitution called for strict separation of church and state. 582 U.S. ____ (2017). Yet one year later the Supreme Court refused to hear an appeal from the New Jersey Supreme Court which prohibited churches from participating in grant programs for historic preservation. Morris County Board of Chosen Freeholders v. Freedom From Religion Foundation No 18-364, (petition for certiorari denied March 4, 2019). From 2012 to 2015, Morris County, N.J., gave more than \$4.6 million to 12 churches to fix facades, stained-glass windows and aging roofs under a historic preservation program limited to local government, charitable conservancies, and religious institutions. Writing for the New Jersey Supreme Court, Chief Justice Stuart Rabner said the grant program amounted to impermissible state support of religion. “This case does not involve the expenditure of taxpayer money for nonreligious uses, such as the playground resurfacing in Trinity Lutheran,” Chief Justice Rabner wrote. (A-71-16) (2018) “The appeal

Berdon, Young & Margolis, PC.

June 18, 2020
Page 3 of 3
June 18, 2020

instead relates to grants that sustain the continued use of active houses of worship for religious services and finance repairs to religious imagery. In our judgment, those grants constitute an impermissible religious use of public funds.” Importantly while denying the writ of certiorari, Justices Kavanaugh, Alito, and Gorsuch issued a statement making clear that barring sites from a historic preservation program because they are religious creates “serious tension with this Court’s religious equality precedents.” Whether the Supreme Court will similarly refuse to consider similar issues in the future is in serious doubt.

While these cases provide guidance as to whether a local government can provide incidental fiscal support to religious institutions in connection with a broader program, they do not provide clear guidance as to whether or not a local government can develop a program to specifically benefit a single religious entity. The cases previously considered by the court generally involve the question of whether a religious organization is barred from participating in a grant program solely because of the religious nature of the organization. It is likely that a program developed specifically to benefit a single religious organization will receive great scrutiny.

The Charter of the Association establishes the purposes of the Association as follows: “The object of this Association is to provide for the improvement of the lands in said district, and for the health, comfort, protection and convenience of persons living therein.” Section 2. The power to adopt an annual budget is reserved to the Executive Board. Bylaws Section 2. We find nothing within the Bylaws or Charter specifically prohibits the establishment of a donation to the Chapel Association. One can certainly argue that the Chapel, whose recent historical use can perhaps best be characterized a meeting and event space, is an important public space which provides comfort and convenience to the residents of Pine Orchard. However, also we understand the requested donation approaches the annual budget of the POA. The Board needs to be mindful of the cap of taxation of 7 mils imposed by the Charter, Section 20 and its responsibility to handle the POAs budgetary matters in a fiscally prudent manner. Should the Board deem the constitution issues to be of little or no concern, leaving only the budgetary matters at issue, the board can consider issuing a referendum on the matter.

If you have any further questions with respect to this matter, please do not hesitate to contact me.

Sincerely yours,



Peter A. Berdon

PAB:me

Minutes of the AD-HOC Pine Orchard Union Chapel donation request committee meeting.

June 23rd, 2020 @7PM via Zoom videoconferencing application

Present: Richard Greenalch, Robin Sandler, Stephan Ariyan, Barbara Colley, Eric Rose, Hap Storer, Linda Sachs and Peggy Taylor

Background: The Pine Orchard Chapel stands in disrepair. Significant work needs to be done to bring the building up to code and allow it to serve as a meeting place for future events. The Pine Orchard Union Chapel Association are asking that the Pine Orchard Association donate \$50,000 of POA tax funds to the chapel for said repairs.

The meeting was called to order at 7:02 p.m. by Committee Chair Robin Sandler.

There are two (2) Agenda Items

1. Ad-Hoc committee's recommendation to the POA Executive Board concerning the \$50,000.00 donation request from the Pine Orchard Union Chapel:

Robin Sandler opened the zoom call outlining the two goals of the call. Robin asked that two corrections be made to last week's minutes, 1) change "town" to "POA" and 2) Change "POA President" to "the Chairman of the committee". The change request was put in the form of a motion which was seconded by Richard Greenalch and passed. Robin also mention that the reversionary clause of the opinion written by Peter Berdon can be struck from the opinion because a quick claim deed was filed with the town removing the need for the clause.

Robin then reviewed what happened last and asked if there are any new motions from the committee.

Eric Rose mentioned that Stephan Ariyan has come up with a new positive recommended motion.

Stephan Ariyan presented the following motion – *This committee recommends that the POA Executive Board Recognize and support in many ways the Pine Orchard Union Chapel Association (POUCA) serves the Pine Orchard community and as such, work with the POUCA in a joint effort to raise funds for the proposed renovations.*

Robin Sandler asked if anyone would second the Ariyan motion which was seconded by **Eric Rose**.

Robin then stated that the motion was presented and seconded and open the floor to the committee for discussion. **Eric Rose** and **Stephan Ariyan** promoted the motion as stated.

Barbara Colley asked if the motion resolved the \$50K request. **Eric Rose** state no, it does not, and the request should be put to referendum. **Stephan Ariyan** agreed. **Linda Sacks** stated that given the motion presented, she was not sure the role of the POA, relative to the request for \$50K. **Stephan Ariyan** reassured Linda and the motion does nothing more than state the POA's support of the Chapel's fund-raising efforts. **Eric Rose** reaffirmed Dr. Ariyan's statement. **Richard Greenalch** stated the motion does not make any reference to the \$50K which makes it acceptable to all parties. **Robin Sandler** expressed his concern that the motion does not address the POUCA request for the \$50K. **Eric Rose** stated that it's up to the POA Board to give the \$50K or not. **Stephan Ariyan** stated his motion only addresses what to do with the POUCA request for \$50. Nothing more. **Eric Rose** supports a referendum to determine if the funds should be given. **Linda Sacks** stated the chapel asked for \$50K, what is it the POA to do about that request?

Jennifer Aniskovich of 15 Grove Avenue stated that the POUCA is looking for a decision on the \$50K not to have the POA interfere with the POUCA fund raising efforts.

Robin Sandler, after hearing Jennifer statement asked Dr. Aiyan to amend the motion to address the \$50K request. **Stephan Ariyan** presented the following amendment to his first motion that - *Instead of a \$50,000 donation to the POUCA this committee recommends that the POA Executive Board Recognize and support in many ways the Pine Orchard Union Chapel Association (POUCA) serves the Pine Orchard community and as such work with the POUCA in a joint effort to raise funds for the proposed renovations.*

Eric Rose stated that was not the spirit of the motion proposed.

A procedural discussion ensued that the original motion must be voted on. Dr. Ariyan re-read the motion and it was voted on after discussion. **Richard Greenalch** enter a motion to call the question and it was second by Stephan Ariyan. The call to question was approved, it carried. Next there was a vote on Dr Ariyan original motion. This was done via rollcall.

Member	Vote
Richard Greenalch	Yes
Robin Sandler	No
Stephan Ariyan	Yes
Barbara Colley	No
Eric Rose	No
Hap Storer	No
Linda Sachs	No
Peggy Taylor	No

There are six (6) No and two (2) Yes votes, the motion did not pass.

Eric Rose made a new motion that *the POA vote on the request to the POUCA for \$50K such that it would be consistent with the POA economic income stream of the association.* **Hap Storer** second Eric's motion. This too was done via rollcall.

Member	Vote
Richard Greenalch	No
Robin Sandler	No
Stephan Ariyan	No
Barbara Colley	Yes
Eric Rose	Yes
Hap Storer	Yes
Linda Sachs	No
Peggy Taylor	No

There are five (5) against and three (3) for the motion did not pass.

Jennifer Aniskovich pointed out that the above vote effectively voted down the recommendation so there is no recommendation to present to the POA.

Richard Greenalch presented a new motion that *the committee recommends to the POA Executive board that they do not donate the \$50K as requested by the POUCA*. **Stephan Ariyan** second the motion. No discussion on the motion and a rollcall vote was taken.

Member	Vote
Richard Greenalch	Yes
Robin Sandler	yes
Stephan Ariyan	yes
Barbara Colley	no
Eric Rose	no
Hap Storer	no
Linda Sachs	Yes
Peggy Taylor	Yes

There are five (5) for and three (3) against, the motion passes.

2. Discuss other ways that the POA can contribute to the Chapel restoration fundraising drive

After the vote in item #1 for *the POA to not recommend to the POA Executive board to give the \$50K to the POUCA*, **Hap Storer** suggested that the Union Chapel be turned over to the POA. **Robins Sandler** stated that this discussion has been brought up in the past and is beyond the scope of the committee. **Barbara Colley** noted that such a transfer in ownership is not allow by the POUCA Charter.

Robin Sandler suggested that the POA pay the POUCA \$5,000/Yr. for use of the chapel for POA meeting and gatherings. This could be an ongoing payment that in 10 years would be \$50,000.

Jennifer Aniskovich then stated that the POA is welcomed to make an offer and she and Barbara will take it back to the board (POUCA). The POUCA can than decide whether they want to rent the Chapel to the POA and at what rate.

Tracy Hanson of 288 Pine Orchard Road asked if the POA might consider a matching program up to \$50K. This was turned down because it still involves giving POA tax dollars to a third-party organization.

Tracy then asked what the POA tax funds are spent on. **Linda Sacks** provide a quick overview of that question. **Tracy** asked why the POA spends funds on non-POA property but will not fund the POUCA request? **Stephan Ariyan** stated that the chapel is not part of the municipality, the triangle and steps to LI Sound are.

Jennifer Aniskovich then took issue with how we are running the annual meeting and the voting process. Robin defended the procedure and stated it is legal and valid.

Robin Sandler asked for a motion to adjourn the meeting. It was given by **Barbara Colley** and second by **Richard Greenalch**. All present voted yes, and the meeting was then adjourned.

Minutes respectfully submitted 6/21/2020 by Peter Robinson
POA Office Manager

**PINE ORCHARD ASSOCIATION
EXECUTIVE BOARD MEETING
July 6, 2020**

The meeting of the Executive Board of the POA was convened using the Zoom videoconferencing Application.

Present: Board members present: Robin Sandler, Robert Dahill, Dick Greenalch, Peggy Haering, Mark Law, Ray Seligson, Linda Sachs, Len Farber, Joe Thomas, Seth Hershman, Peg Taylor.

Absent: Bruce Calderone.

1. **Agenda Item 1**, the meeting was called to order at 10:05 p.m.
2. **Agenda Item 2:** Election of Pine Orchard Association Officers for 2020/2021. Upon motion and second the Board unanimously selected the following: President Robert Dahill, Vice-President Robin Sandler, Clerk Margaret Haering, Treasurer Linda Sachs.
3. **Agenda Item 3**, Upon motion and second, the Board approved the minutes of the May 04, 2020 Meeting as presented.
4. **Agenda Item 4:** Upon motion and second the Board approved the Treasurer's Report as presented.
5. **Agenda Item 5**, The president, Bob Dahill announced the following Committee assignments (a) By-Laws (Len Farber); (b) Nominating (Joe Thomas); (c) Planning & Zoning (Richard K Greenalch) ;(d) Communications (Seth Hershman); (e) Shoreline Maintenance & Access (Robin Sandler); (f) Building Maintenance (Joe Thomas) ; (g) Municipal Interface (Bruce Calderone); (h) Tax Collector (Len Farber) ; (i) Short Term Rentals (Peggy Haering & Richard Greenalch); (j) Beautification (Bob Dahill & Peg Taylor; (k) Sidewalks (Robin Sandler); (l) Ad Hoc Pine Orchard Union Chapel \$50,000 donation request Committee(Robin Sandler) (m) Long Range Planning (three-year budgeting Ray Seligson with Linda Sachs.
6. **Agenda Item 6:** The Ad hoc Chapel Committee was formed to provide recommendations to the Board about the Chapel's request for a \$50,000 donation to fund building restoration. Members of the committee were Robin Sandler, Dick Greenalch, Hap Storer, Barbara Colley, Jennifer Aniskovich, **Steve Ariyan, Linda Sachs, and Eric Rose**. The committee had 3 meetings conducted using Zoom. The Board asked counsel Peter Berdon for an opinion concerning the use of tax revenues for a charitable donation. The committee voted not to fund the Chapel donation. Barbara Colley suggested that the Board hold a referendum concerning funding the Chapel. Francis Acunzo said that it should not be a yes or no situation.

Helen Sayward said that the Chapel had commitments from some Pine Orchard members for donations of \$10,000 to \$100,000. Greg Stak added that the Chapel is a nationally recognized historic property. Bob Dahill asked whether the ad hoc committee should be extended. **Steve Ariyan** Ariyan said that the Board

should work with the Chapel to raise money. Stephanie Farber objected to the use of tax dollars to fund the Chapel. Len Farber expressed the same misgivings. The use of a referendum and imposition of a special (voluntary) assessment was discussed. Barbara Colley, stated that she was withdrawing the Chapel's request for the donation. Bob Dahill said that the Board was interested in working with the Chapel to address its needs. Jen Aniskovich urged the Board not to solicit small donations from Pine Orchard members as it might confuse people.

Agenda Item 7--New Business: David Silverstone of 13 Island View Avenue asked for permission to connect a new fence being placed on top of his seawall to the POA railing and fence. Upon motion and second, the request was approved.

Agenda Item 8, Office Manager's Report, nothing additional to report.

Agenda Item 9, Adjournment. Upon motion and second, the meeting was adjourned at 11:00 p.m.

Future Meetings

Monday, September 07, 2020,
Monday, November 02, 2020,
Monday, January 04, 2021,
Monday, March 01, 2021, &
Monday, May 03, 2021,

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



PINE ORCHARD ASSOCIATION

Branford, Connecticut

PINE ORCHARD ASSOCIATION ANNUAL MEETING AGENDA

Monday, July 06, 2020 @ 8:00 PM

At the call of the President, there will be the annual meeting of the Pine Orchard Association via the Zoom videoconferencing Application.

1. Call to order
2. Approval of July 08, 2019 minutes
3. President's Report: **President Robin Sandler**
4. Treasurer's Report: **Treasurer Linda Sachs**
5. Committee reports a) By-Laws (**Len Farber**) b) Nominating (**Joe Thomas**) c) Planning & Zoning (**Richard Greenalch**) d) Communications (**Jon Schlesinger**) e) Shoreline Maintenance & Access (**Robin Sandler**) f) Building Maintenance (**Seth Chaucer**) g) Municipal Interface (**Bruce Calderone**) h) Tax Collector (**Rick Ross**) i) Short Term Rentals (**Peggy Haering & Richard Greenalch**) j) Beautification (**Bob Dahill**) (k) Sidewalks (**Peter Hugret**) (l) Ad Hoc Pine Orchard Union Chapel \$50,000 donation request Committee(**Robin Sandler**)
6. Nominating Committee recommendations presented by Vice-president **Joseph Thomas**, Nominating Committee Chair, for election of Four Executive Board Members for a three-year term: **Bruce Calderone** ,who lives on 97 Sunset Hill Drive, **Peg Taylor**, of 61 Sunset Hill Road Public from District four & **Richard Colbert** of 2 Halstead Lane, **Mark Law** of 246 Pine Orchard Road and **Raymond Seligson** of 46 Spring Rock Road, all from District five
7. Executive Board Election Results
8. **Peter Robinson** Report
9. Public Comment
10. Adjournment

Note: 2020 – 2021 Meeting Dates: Monday, September 07, 2020, Monday, November 02, 2020, Monday, January 04, 2021, Monday, March 01, 2021, & Monday, May 03, 2021, all @ 7:00 PM and at the Pine Orchard office, 180 Pine Orchard Rd, Pine Orchard, CT or by the ZOOM application

You are invited to a scheduled Zoom meeting of the Pine Orchard Annual meeting to be held on Monday July 6th at 8 PM.

Meeting ID: 856 1638 3615

Password: 937521

To join the Zoom Meeting, click on the button below:

[Join Zoom Meeting HERE](#)

A handwritten signature in black ink that reads "Peter Robinson". The signature is written in a cursive style with a large initial "P".

Office Manager
POA

Annual Meeting of the Pine Orchard Association

July 6, 2020

At the call of the President, the annual meeting of the Pine Orchard Association was conducted via the Zoom videoconferencing Application.

Board members present: Robin Sandler, Robert Dahill, Dick Greenalch, Peggy Haering, Jon Schlesinger, Rick Ross, Seth Chaucer, Linda Sachs, Len Farber, Joe Thomas, Seth Hershman.

Board members absent: Bruce Calderone.

Agenda Item 1, the meeting was called to order at 8:01 p.m.

Agenda Item 2, Upon motion and second the Board approved the minutes of the previous Annual Meeting held on July 08, 2019. The president thanked the Clerk of the Association for her efforts providing minutes of the Association's meetings.

Agenda Item 3. President's Report. The President shared an email from Francis Acunzo inquiring whether candidates for the Pine Orchard Board were allowed to use the POA's email list for campaigning. Robin said that it was not the Association's policy to permit that and that someone may have had access to the prior email list that was kept on Gmail. Ed Kelleher of Halstead Lane asked about recognition of Halstead Lane as a private road. Robin said that the Association does not dispute that Halstead Lane is a private road. The question is whether POA members have rights to use the road and beach access. He next read a letter from Tina Leone expressing the view that there would never be peace so long as people acted selfishly. Tracey Scheer said that the ad hoc committee evaluating the Chapel's request for financial assistance contained some members of the Chapel Board. She wants the association to have fair and open elections. She feels that the Charter is overdue for revision.

Robin said that there were 5 candidates for 4 board positions. He explained that the Charter requires that two members of the Board live in District 4, and there were two candidates for those positions. There are three candidates for the two remaining Board slots in District 5. He thanked departing board members Rick Ross, Jon Schlesinger and Seth Chaucer for their service.

The beach access litigation involving Crescent Bluff (2 pending lawsuits) is nearing completion. There is a settlement to be finalized, which has been complicated by the shut-down of the courts. The Pine Orchard Association will receive a deed to a strip of land that can be used for beach access. The Town of Branford will acquire the title to the street. Robin thanked the Association's counsel, Peter Berdon, for his assistance.

The POA is involved in an action to enforce its ban on short-term rentals. The homeowner has appealed the ZBA's initial determination that his operation of a short-term rental did not qualify as a prior non-conforming use.

The Beautification program is moving ahead with the help of Gary Zielinski from the Town's Department of Public Works. Robin reported on an ad hoc committee charged with making recommendations to the Board about the Pine Orchard Chapel's request for a \$50,000 donation to fund restoration of its structure. Robin said that the committee had voted against recommending that the POA consider making a \$50K contribution because tax dollars should not be used for charitable donations, there was an objection to using tax funds to support a building that had been used for religious purposes and that the amount sought would consume a large percentage of the Association's resources.

Robin announced that this would be his last President's report and expressed his gratitude to the Office manager, Peter Robinson, for all his help. Robin urged members to volunteer to help the Associations.

Agenda Item 4 Treasurer's Report. Linda Sachs presented the July 1, 2020 Budget. Jay Pottenger said that it appeared that the Association had about two years of budget reserves. Linda confirmed that was the case. Jay wanted to know whether the Association reduced the mil rate 7 or 8 years ago after it cancelled the Pine Orchard security officer. Peter Robinson will research that question. Tracey Scheer wanted to know whether the Board has a policy of saving money for waterfront repairs/storm damage. Robin said that approximately \$100,000 was spent by the Association for storm repairs in 2011-2012. The Association reserves fund for potential shorefront repairs.

Agenda Item 5: Committee reports (a) By-Laws (Len Farber) will recommend changes to the bylaws regarding composition of ad hoc committees to avoid potential conflicts (b) Nominating--Joe Thomas will review the nominations below; (c) Planning & Zoning--Richard Greenalch nothing new to report (d) Communications--Jon Schlesinger had nothing new to report. He has worked on the new website and created a new logo for the Association. He thanked Peter Robinson for his efforts. (e) Shoreline Maintenance & Access --Robin Sandler reported that Carol Redden had stepped down. Repairs are required on the seawall and sidewalk on Island View Ave. A repair is required for stairs on Spring Rock Road; Tom Brockett said that he has been working with Bob Dahill and that the Town of Branford has agreed to fix/replace the stairs. They are looking for a source of funding for that work; (f) Building Maintenance-- Seth Chaucer reported several improvements to the POA headquarters, including a new mailbox, lawn maintenance, furnace repairs and reducing fuel costs. Remaining work to be done includes installation of lighting in the parking lot. (g) Municipal Interface Bruce Calderone was absent; (h) Tax Collection--Rick Ross is ending his term with taxes fully collected. The tax rate has been increased to 4 mils from 3 mils due to anticipated expenses for shoreline repairs; Tracey Scheer said that she felt the budget should have been presented to show how the additional funds would be spent; Robin said that the budget had been posted and approved. (i) Short Term Rentals Peggy Haering & Richard Greenalch said that the association contacted the police department about a homeowner's violation of the Governor's Executive Order on operation of short term rentals; Michael Hopkins said that the homeowner is continuing to operate the short term rental at 3 Crescent Bluff Ave. and has ignored the police summons. (j) Beautification--Bob Dahill said that neighbors are enjoying the benches that the

Association installed at the Triangle, on Spring Rock Road and Young's Pond. The committee hopes to finish the land scaping near Bob's Woods. He expressed gratitude to Gary Zielinski of the Town of Branford for his help with these projects. The First Selectman has encouraged these projects to promote use of the Town's assets. The committee is working to get a water source for Triangle Park.) (k) Sidewalks-- Peter Hugret and the committee have conducted multiple meetings with the Town of Branford. We hope that the Town will help with procurement and possibly with construction. Most homeowners agreed that the sidewalks were a good ideal. POA may also be looking for a state grant. Maintenance to the sidewalk would be done by the Town but snow removal would be the POA's responsibility. Dan Broom of Pine Orchard Rd. said that homeowners want to have their "say" about the sidewalk plan. He doesn't want the sidewalk located in the middle of his lawn. He said that no one has asked about the impact of sidewalks on homeowners. Peter said that the State DOT wants the sidewalks to be broader. Barbara Colley of 225 Pine Orchard Rd. asked what material the sidewalk would be made of. Peter said that it would be concrete. Patrick Doyle of 249 Pine Orchard Road said that the burden on homeowners is tremendous. Dan Broom said that all property owners should be engaged in this project. (l) Ad Hoc Pine Orchard Union Chapel \$50,000 donation request. Robin Sandler said that this issue would be addressed at the next meeting. Patrick Doyle wants the Board to seek input from the community about the Chapel. Francis Acunzo said that it was important for the community to get behind this building.

Agenda Item 6—Nominating Committee. Vice-president **Joseph Thomas**, reported on the nominating process. This year we had more candidates than openings. The candidates were, Bruce Calderone ,who lives on 97 Sunset Hill Drive, Peg Taylor, of 61 Sunset Hill Road (from District Four) and Rich Colbert of 2 Halstead Lane, Mark Law of 246 Pine Orchard Road and Raymond Seligson of 46 Spring Rock Road (from District Five).

Agenda Item 7—Executive Board Election Results. Peter Robinson explained the voting process used. Ballots were sent to property owners with the Tax ID shown on each. All ballots were due on 7/06/2020 at 4:00 p.m. Only physical ballots were accepted. Jen Aniskovich asked whether everyone received a ballot. Peter Robinson said that no one complained about not receiving one. The vote counting began after 4:00 p.m., at which time all votes were opened. All ballots were checked against property addresses and then tallied for each candidate. Bob Dahill, Len Farber, Peggy Haering assisted Peter Robinson with the process and confirmed the number of votes for each candidate.

The new members of the Executive Board are :Bruce Calderone and Peg Taylor from District Four and Mark Law and Raymond Seligson from District Five.

Agenda Item 8--Peter Robinson's report: Peter reported that he has digitized 30 years of POA minutes and history.

Agenda Item 9: Public Comments: None

Agenda Item 10: Adjournment., Upon motion and second the meeting was adjourned at 9:59 p.m.

Future Meetings

Monday, September 07, 2020,
Monday, November 02, 2020,
Monday, January 04, 2021,
Monday, March 01, 2021, &
Monday, May 03, 2021,

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

Pine Orchard Association Treasurer's Budget Report
as of 7/1/2020

	Approved Budget July 1 2019	Budget Activity Year to Date	Budget Remaining Year to Date	% of Budget Rec/Dsbrmnts Year to Date
RECEIPTS				
Tax Collections	\$ 54,000	\$ 54,137	\$ (137)	100%
Rent	\$ 3,900	\$ 4,000	\$ (100)	103%
Building & Permit Fees	\$ 5,000	\$ 3,950	\$ 1,050	79%
Other (Interest, Moorings)	\$ 1,000	\$ 14	\$ 986	1%
Use of Capital Savings	\$ -	\$ -	\$ -	
Total	\$ 63,900	\$ 62,101	\$ 1,799	97%
DISBURSEMENTS				
Security	\$ -	\$ -	\$ -	
Shorefront Maintenance	\$ 5,700	\$ 9,934	\$ (4,234)	174%
Building Maint/Utilities	\$ 9,000	\$ 9,479	\$ (479)	105%
Property Improvements	\$ -	\$ -	\$ -	
Office/General	\$ 14,000	\$ 16,424	\$ (2,424)	117%
Insurance	\$ 9,000	\$ 8,167	\$ 833	91%
Legal	\$ 10,000	\$ 10,420	\$ (420)	104%
Zoning	\$ 5,000	\$ 5,339	\$ (339)	107%
PO Web	\$ 500	\$ 477	\$ 23	95%
Acctg Annual Review	\$ 2,300	\$ 2,360	\$ (60)	103%
Beautification Committee	\$ 5,000	\$ 2,292	\$ 2,708	46%
Community Activities	\$ 2,500	\$ 2,703	\$ (203)	108%
Other (Sidewalks)	\$ -	\$ 2,175	\$ -	N/A
Total	\$ 63,000	\$ 69,770		111%
NET INCOME (LOSS)	\$ 900	\$ (7,669)		

Account Balance as of 7/1/2020	
BOA checking	\$34,138.05
Less outstanding checks	\$1,350.00
BOA net balance	\$32,788.05
BOA Savings	\$52,348.35 Opened 12-2012
BOA 13-mo CD	\$50,255.05 Opened 02-2020
Total "cash available"	\$135,391.45

Pine Orchard Association Treasurer's Budget FINAL 2020-2021

RECEIPTS	4 Mill	4 Mill	5 Mill	5 Mill	4 Mill	4 Mill	3 Mill	3 Mill	3 Mill	3 Mill		4 Mill	Difference
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019 / 2020		2020/2021	from
	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Budget	YTD Actual	"Final" BUDGET	2019 / 2020 Budget
Tax Collections	\$ 69,912	\$ 69,474	\$ 87,938	\$ 90,113	\$ 71,745	\$ 71,271	\$ 54,288	\$ 56,104	\$ 54,001	\$ 54,000	\$ 54,137	\$ 76,506	\$ 22,506
Rent	\$ 2,800	\$ 2,600	\$ 2,600	\$ 2,600	\$ 3,800	\$ 3,596	\$ 2,700	\$ 3,900	\$ 3,900	\$ 3,900	\$ 4,000	\$ 4,000	\$ 100
Building & Permit Fees	\$ 3,591	\$ 4,850	\$ 8,100	\$ 5,770	\$ 4,250	\$ 5,247	\$ 3,750	\$ 5,850	\$ 3,750	\$ 5,000	\$ 3,950	\$ 4,000	\$ (1,000)
Other (Interest, Moorings)	\$ 664	\$ 180	\$ 286	\$ 88	\$ 150	\$ 101	\$ 51	\$ 50	\$ 105	\$ 1,000	\$ 11	\$ 735	\$ (265)
Use of Capital Savings									\$ 10,000	-	-	-	-
Total Receipts	\$ 76,967	\$ 77,104	\$ 98,924	\$ 98,571	\$ 79,945	\$ 80,214	\$ 60,789	\$ 65,904	\$ 71,756	\$ 63,900	\$ 62,098	\$ 85,241	\$ 21,341
DISBURSEMENTS													
Security	\$ 37,816	\$ 32,268	\$ 23,526	\$ 9,714	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Shorefront Maintenance	\$ 5,750	\$ 37,643	\$ 61,119	\$ 8,640	\$ 5,600	\$ 3,850	\$ 1,750	\$ 3,985	\$ 9,536	\$ 5,700	\$ 9,834	\$ 10,000	\$ 4,300
Building Maint/Utilities	\$ 7,420	\$ 6,312	\$ 8,147	\$ 7,117	\$ 13,447	\$ 11,102	\$ 8,441	\$ 6,910	\$ 7,763	\$ 9,000	\$ 9,700	\$ 14,000	\$ 5,000
Property Improvements				\$ 920	\$ 896	\$ -	\$ -	\$ 9,317	\$ 9,522				
Office/General	\$ 4,144	\$ 2,105	\$ 2,020	\$ 4,287	\$ 4,716	\$ 3,945	\$ 9,559	\$ 14,939	\$ 12,634	\$ 14,000	\$ 16,150	\$ 17,000	\$ 3,000
Insurance	\$ 6,375	\$ 6,251	\$ 5,819	\$ 7,471	\$ 7,566	\$ 8,404	\$ 9,038	\$ 8,855	\$ 8,081	\$ 9,000	\$ 8,167	\$ 9,000	\$ -
Legal			\$ 18,838	\$ 12,225	\$ 1,966	\$ 1,275	\$ 8,588	\$ 2,213	\$ 11,112	\$ 10,000	\$ 10,420	\$ 11,200	\$ 1,200
Zoning*	\$ 4,585	\$ 10,748	\$ 11,195	\$ 2,943	\$ 4,453	\$ 1,986	\$ 1,933	\$ 3,444	\$ 4,353	\$ 5,000	\$ 5,215	\$ 5,500	\$ 500
PO Web			\$ 875	\$ 503	\$ 229	\$ 2,194	\$ 165	\$ 2,270	\$ -	\$ 500	\$ 477	\$ 100	\$ (400)
Audit/Annual Review	\$ 1,956	\$ 1,930	\$ 1,900	\$ 1,900	\$ 2,400	\$ 1,950	\$ 2,000	\$ 2,100	\$ 2,260	\$ 2,300	\$ 2,360	\$ 4,200	\$ 1,900
Other	\$ 300	\$ 2,641							\$ 10,089			\$ -	\$ -
Beautification Committee										\$ 5,000	\$ 2,292	\$ 4,500	\$ (500)
Concert Series										\$ 2,500	\$ 2,703	\$ -	\$ (2,500)
Sidewalks***											\$ 2,175	\$ 4,200	\$ 4,200
Total Disbursements	\$ 68,346	\$ 99,898	\$ 133,439	\$ 55,719	\$ 41,273	\$ 34,706	\$ 41,474	\$ 54,033	\$ 75,350	\$ 63,000	\$ 69,493	\$ 79,700	\$ 16,700
NET INCOME (LOSS)	\$ 8,621	\$ (22,794)	\$ (34,515)	\$ 42,852	\$ 38,672	\$ 45,508	\$ 19,314	\$ 11,871	\$ (3,594)	\$ 900	\$ (7,395)	\$ 5,541	\$ 4,641

*Zoning & Legal were consolidated prior to 2012
 ***new line item for 2020/2021

Note: these "Net Income" amounts can be considered to go towards building "Contingency / Savings" funds, which are needed for unplanned/unspecified developments such as storm damage and legal issues.

	As of July 1, 2020	Estimated
BOA checking	\$34,138	\$38,329
Less outstanding checks	\$1,350	\$0
BOA net balance	\$32,788	\$38,329
BOA Savings	\$52,348	\$52,348
BOA 13-mo. CD opened 2-11-2020	\$50,255	\$50,255
Total "cash" available	\$135,391	\$140,932

Mirror Lake Account: \$0

Office Manager Annual Report for 2019/2020 Season

1) POA Tax Collection:

- a. POA Taxes are collected in full for 2018/2019 (done by Nov 2019).
- b. All 2020/2021 tax bills went out on July 29th received NLS July 1st.

2) Zoning:

- a. Going forward, the OM is now the acting support secretary for ZBA issues.
- b. A new Zoning Ordinance Complaint form is now posted to POA website.
- c. All new zoning related paperwork is digitized and electronically filed in POA cloud account and locally.

3) POA Building:

a. Accomplished

- i. Short shelf installed outside front door to charge “devices”.
- ii. Had the overhead garage door of the POA building painted “POA green”
- iii. Major landscaping on property in 2018/2019 season
 - 1. Tree removal
 - 2. Holes fill in and lawn seeded
 - 3. Gardens weeded and mulched.
- iv. Seeded and fertilized lawn (daily watering during the summer of 2019)
- v. Extensive repairs on Gas Furnace which reduced gas consumption by 37%
- vi. Purchased and installed the new POA Mailbox (Seth and I took out the old one)

b. Planned for 2020/2021

- i. Install new exterior lighting systems for walkway and parking lot (\$2,800)
- ii. Need to investigate asphalt repair and getting lines painted.

4) POA Office:

a. Accomplished

- i. All documents as they come into the POA office are scanned and stored both locally and in the MS365 cloud account.
- ii. Going forward, an indexed hard copy of all POA minutes and referenced documents are placed in a binder in the POA office. This has not been done since September of 2014. (included are all documents or correspondences referenced during a POA Executive Board meeting)
- iii. The POA now has a BoA Visa account for local and online purchases.
- iv. All POA facing emails are now handled through Constant Contact. Jon Schlesinger (POA Marketing) designed a common template for the new email system. POA residences can now sign-up for POA email via the website.
- v. Due to the COVID-19 pandemic, all ZBA and POA Board related meetings will take place via the Zoom Video conferencing application. I currently attend and set-up all zoom meetings.
 - i. Outreach: We have a 66% coverage via email for all POA residences (464 email).

b. Planned for 2020/2021

- i. Need to upgrade Office PC to support Windows 10 due to discontinued support for Windows 7- no security updates going forward.
- ii. Need to design and order a unique POA postcard for mailings to non-email residences.

5) 2019 Pine Orchard Union Chapel Concert Series – canceled for 2020

There were four (4) POA-funded, public-concerts held in Sept. of 2019, Attendance and total costs are as noted;

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

Note: The same people came to all concerts, so the cost per person for the series was \$58. Little to no attendance from the Sunset Hill area (district 4).

- 6) **Quality of Life:** Over the past three years, under the leadership of the current board, I have witnessed a marked improvement in quality of life here in Pine Orchard. This can be contributed to the community outreach, the improvements in triangle park and the placement of micro parks (benches), the sidewalk effort, the concert series, and the responsiveness of the association to citizens questions and issues. Pine Orchard continues to be a most delightful place to live, and it's getting better.

From: [Francis Acunzo](#)
To: [Peter Robinson, Office Manager POA](#)
Subject: Re: Elect Rich Colbert - POA Board - A vote to preserve our community as laid out in the charter.
Date: Sunday, July 05, 2020 6:32:43 PM

I highly recommend that you send a cease and desist to him. I believe that this has been sent to the entire list.

FXA

Sent from my iPhone

On Jul 5, 2020, at 4:42 PM, Peter Robinson, Office Manager POA <OfficeManager@pineorchardassociation.com> wrote:

Mr. Acunzo,

I can assure you that the POA mailing list was not used for this email.

-Peter

On Sun, Jul 5, 2020 at 4:40 PM Francis Acunzo <facunzo@acarapartners.com> wrote:

Is the POA providing permission to candidates to use the mailing list?

If not, then this email is against the law through the can-spam act. The POA should actively ask that anyone using this list needs to cease and desist.

FXA

Sent from my iPhone

Begin forwarded message:

From: POA Halstead Lane Resident <pineorchardresidents@gmail.com>
Date: July 5, 2020 at 3:33:54 PM EDT
To: facunzo@acarapartners.com
Subject: Elect Rich Colbert - POA Board - A vote to preserve our community as laid out in the charter.
Reply-To: pineorchardresidents@gmail.com



7/5/2020

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We highly recommend a vote for the addition of Rich Colbert of [2 Halstead Lane](#) to be added to our POA Board. As a POA Board member, Rich Colbert is an unbiased, fact-driven individual with an extensive legal background as a partner at Day Pitney, LLP. Rich, his wife Sarah, and son Conor are amicable and

thoughtful neighbors.

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After our last annual meeting, I respectfully asked the POA and its BOD to respect our rights, and to:

1. cease reporting that Halstead Lane is a POA Access Point.
2. because Ms. Redden had no basis for declaring Halstead Lane a public road and inviting people of the POA to use it (and all evidence to the contrary), we demanded that she retract her statements through an email to the entire POA. Otherwise, we intended to highlight her lack of knowledge and information on the subject, including the evidence that contradicts her statement and noting her failure to correct her misstatement when we asked.
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In conclusion, if it is not beach access, it could be short-term renting, security, or more.

Please Vote for Rich Colbert.

Respectfully,

Ed and Kim Kelleher
[14 Halstead Lane](#)

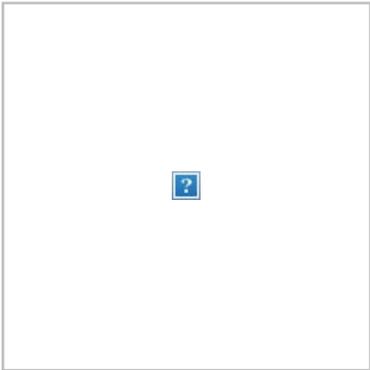
[POA History of Beach Access](#)

POA Halstead Lane Resident | [14 Halstead Lane, Branford, CT 06405](#)

[Unsubscribe facunzo@acarapartners.com](mailto:facunzo@acarapartners.com)

[Update Profile](#) | [About Constant Contact](#)

Sent by pineorchardresidents@gmail.com in collaboration with



Try email marketing for free today!

--

Peter Robinson
POA Office Manager
Cell: (203)215-9560

From: [Edward Kelleher](#)
To: om@poa-ct.org; [Pine Orchard Association](#); [Attorney Robin Sandler](#)
Subject: For the POA Record -
Date: Sunday, July 05, 2020 4:03:47 PM
Attachments: [POA DOCS - 2020 Annual Meeting.pdf](#)

Peter and Robin

Can you please enter this letter and the attachment into the record for the annual meeting?

Begin Letter-----

7/5/2020

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End Letter-----

Thank You,

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14 Halstead Lane

From: Peterom@poa-ct.org
To: Peterom@poa-ct.org
Subject: Fwd: Elect Rich Colbert - POA Board - A vote to preserve our community as laid out in the charter.
Date: Sunday, July 05, 2020 6:20:24 PM

Best Regards

Peter Robinson
+1(203)215-9560

Begin forwarded message:

From: Tina <leonedt@aol.com>
Date: July 5, 2020 at 5:12:18 PM EDT
To: pineorchardresidents@gmail.com
Subject: Re: Elect Rich Colbert - POA Board - A vote to preserve our community as laid out in the charter.

This is exactly why there will never be peace in the world. Don't email us. We don't like your selfish ways.

Sent from my iPhone

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When we purchased our home at 14 Halstead Lane in 2000, we relied on the fact that Halstead Lane was a private way per our deed and POA documentation supporting the same conclusion, just like all of you who have purchased your homes with their associated deeded rights. It is fair for all of us as members of the Pine Orchard Association to ask the same --respect of property rights, "our rights-those sticks in the bundle" that POA counsel, Peter Berdon outlined at one of the POA meetings at the Pine Orchard Club for us in the last year or so. While the meeting's focus was on Crescent Bluff, the description of property rights he gave applies to Halstead Lane. As a layman, I agree with Attorney Berdon's description of a deed and property rights as a bundle of sticks(rights). With the clear data that exists, I hope that our POA will continue to protect its members per Section 2 of the charter, including the residents on Halstead Lane and others, and "our bundle of rights." Please understand that we intend to be respectful and neighborly as we have for two decades, with the same respect in return of our property rights, the rights in the bundle as Attorney Berdon so described. There are many POA access points for our neighborhood to enjoy. Please do.

In conclusion, if it is not beach access, it could be short-term renting, security, or more.

Please Vote for Rich Colbert.

Respectfully,

Ed and Kim Kelleher
14 Halstead Lane

[POA History of Beach Access](#)

POA Halstead Lane Resident | 14 Halstead Lane, Branford, CT 06405

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From: [Tracey Scheer](#)
To: [Peter Robinson](#)
Cc: [David Scheer](#); [SANDLER ROBIN B](#)
Subject: Letter to the Executive Board of POA
Date: Sunday, July 05, 2020 9:37:44 PM

Dear Board,

I read with interest that the Board formed a voting ad hoc committee to consider a proposal from the Pine Orchard Chapel for the POA to donate \$50,000 for the Chapel's restoration. That committee consisted of 8 individuals, 2 of whom are members of the Union Chapel's board! I feel it is important to remind the Board that good governance does not allow for the inclusion of conflicted individuals to be voting members on any Board-related business.

In this case, the vote was against the motion, so the inclusion of the two Chapel board members in the committee was not detrimental to the outcome. However, as a functioning municipality, it behooves the Board to ensure that votes that determine POA business are not made in whole or part by obviously conflicted individuals. This appears to be a continuing issue with the POA and this is not the first time that I suggest that you educate your Board on proper governance.

I note also that for the first time, there are more candidates being presented by the Nominating Committee than there are openings on the Board. I think this is a welcome change but the underlying policy should be explained to property owners. Will there now be open slates and all who are interested in running can present their platform to the community? How will voting be conducted this year to allow for an open, private and fair election?

In addition, I read that there is again controversy brewing about beach access, this time on Halstead Lane. I respectfully suggest that this is not association business, but Town business, as the rights of individuals to cross the property comes down to whether the property is owned by the Town or is privately held. Is there any indication that the Pine Orchard Association may own the street? If not, then please spare the POA members the cost and property value loss of another long and, as Robin termed it, "expensive" litigation. Let those who wish to pursue access litigate, and spare the rest of us the continued "Crescent Bluff effect" on our community. To do so would clearly be counter to the "health, comfort, protection and convenience" that is the sole mission of this organization.

Finally, I remind you that the POA Charter is long overdue for revision. Your own website refers to it as "a bit antiquated" which is certainly an understatement. It is clearly in violation of its own charter and the organization should either fix it or dissolve. There is no excuse for the municipality to exist if it does not have the will to update its 117 year old charter.

Please take the opportunity at the annual meeting to remind neighbors that they should be wearing face masks and keeping social distance when walking on any Association or private property that is not their own.

Thank you for your service to the POA. I look forward to the annual meeting.

2 Spring Rock Road
Tracey Scheer
203 215-3242 Cell

From: [POA Halstead Lane Resident](#)
To: om@poa-ct.org
Subject: Elect Rich Colbert - POA Board - A vote to preserve our community as laid out in the charter.
Date: Sunday, July 05, 2020 3:34:07 PM

7/5/2020

**Pine Orchard Residents – Vote to preserve our community as laid out in the charter.
Please cast your ballot to elect Rich Colbert, 2 Halstead Lane.**

We highly recommend a vote for the addition of Rich Colbert of 2 Halstead Lane to be added to our POA Board. As a POA Board member, Rich Colbert is an unbiased, fact-driven individual with an extensive legal background as a partner at Day Pitney, LLP. Rich, his wife Sarah, and son Conor are amicable and thoughtful neighbors.

A Vote for Rich Colbert to our POA Board will:

- **preserve our community as laid out in the charter in a constructive, fact-driven, objective manner.**
- **help enforce the POA Charter and by-laws as intended.**
- **protect our rights as members and neighbors.**
- **protect our Board and members from unnecessary litigation and expense due to the spread of misinformation.**

One recent example is a great deal of confusion amongst POA Association members regarding beach access points, which I can fully understand and appreciate. The difficulty is in large part due to the more recent false statements, misunderstandings, and by the denial of reality and the rogue agenda-driven beliefs by some on our Pine Orchard Association Board in its most recent past. One specific example is the Board leading its members to believe that Halstead Lane is a POA Beach Access point. The POA board is largely responsible for the misunderstandings leading to the seemingly vindictive, confrontational, anonymous, spineless actions of some of our POA Board members and membership-at-large.

Two most recent examples of misleading I have witnessed by the POA Board concerning beach access:

Ms. Redden, as BOD (now resigned), at our last annual meeting, stood up and stated to the entire community, that Halstead Lane is one of the POA access points. This notion is categorically false based on the documents attached or highlights I have included.

Mr. Dahill, as BOD, told the POA at large in a meeting of the Association in the last year, that Halstead Lane (the road) had in the past continued all-the-way to the water. Please look at the historical pictures on the walls around you at the Pine Orchard Association building of the land between Long Island Sound and "the road." Respectfully, it is clear that there has always been a grass area between "the road" and Long Island Sound. This notion was a clear misrepresentation adding to an already abundant POA member level of confusion about the same.

After our last annual meeting, I respectfully asked the POA and its BOD to respect our rights, and to:

1. cease reporting that Halstead Lane is a POA Access Point.
2. because Ms. Redden had no basis for declaring Halstead Lane a public road and inviting people of the POA to use it (and all evidence to the contrary), we demanded that she retract her statements through an email to the entire POA. Otherwise, we intended to highlight her lack of knowledge and information on the subject, including the evidence that contradicts her statement and noting her failure to correct her misstatement when we asked.
3. we demanded that Mr. Dahill retract his statements about Halstead Lane (the road), went all the way to the water back in the day, through an email to the entire POA. Otherwise, we intended to do so, highlighting his lack of knowledge and information on the subject, including the evidence that contradicts his statement and noting his failure to correct his misstatement when we asked.
4. we ask the POA to provide invoices for the repairs Ms. Redden commissioned improperly, that were

billed to the residents of the POA so that we can review and correct the same as needed.
5. We asked, on what grounds does Attorney Berdon feel President Donegan's and Criscuolo Engineering, LLC's conclusion that Halstead Lane is not an access point, is incorrect?

To this day, the POA Board has not honored any of our requests, nor has the POA Board retracted the misstatements.

Please see the attached documents and highlights below.

This information will help clarify what has been clouded by our Pine Orchard Association Board in recent years. This cloud has caused unnecessary issues on a neighborly level.

December 31, 1938 – Whereas the members of the Association for many years, by permission of the owners thereof, have used various so-called streets and passways to reach Long Island Sound. Voted to repair property not owned by the Association and the Association assumes no responsibility whatsoever.

August 12, 1952 – A considerable number of persons inquired as to the legal status of the various rights-of-way within the association limits to the beach areas. The clerk requested that he be authorized to retain proper legal counsel to investigate the title involved and, upon motion, it was.

February 18, 1954 – Clark, Hall and Peck - Attorneys and Counselors at Law report that conveyances indicate that the said Sarah E. Davis considered Linden Avenue (now Halstead Lane) as a private highway. The First Selectman of the Town of Branford advised that Linden Avenue (now Halstead lane) is considered a private street.

February 25, 1954 – A memorandum regarding passways to beaches within Pine orchard Association in connection with the survey of Linden Avenue (now Halstead Lane) and its extension to Long Island Sound, determined that Linden Avenue itself is a private street with the right-of-way to and from the beach for the owners of the property on each side of Linden Avenue (now Halstead Lane). Questions were asked concerning the use of the various rights-of-way to the beach, and the meeting was advised that with minor exceptions, there were not public rights of way to the beach.

July 1, 1963 – There was considerable discussion on the subject of control of access to the beach. The President stated that he and the Board were well aware of the problem and would continue to make every effort to limit the use to those who were actually entitled to it.

June 29, 1964 -- With respect to the problem of unauthorized persons using the beach area, he stated that by and large the right of access to the beach was included in the deeds of property owners and here again the officers of the Association would make every effort to control this problem properly. The President noted that a survey of all passways had been made some 11 years ago, February 18, 1954, by the firm Clark, Hall and Peck and that this Board was well aware of the problems and some effort would be undertaken to properly control the use of these passways for those entitled to them.

September 12, 1975 – At the call of the President, there was a special meeting. Inquiries by residents as to the necessity of closing off access to these rights-of-way. The study made by Clark, Hall and Peck indicated that the actual ownership was private and could not be closed off by the Association's action. The persons legally entitled to use these rights-of-way were those identified as living in certain areas, as shown by maps on file in the Town Clerk's office.

June 5, 2006 – In light of a reported confrontation between beach-goers and a waterfront property owner, it was agreed that we (the POA Association) complete the survey of rights-of-ways to the water and make it available to the residents.

August 25, 2008 – POA President John Donegan – POA Members do not have the right and privilege to access the access area at the end of Halstead Lane unless it is contained within their deed of ownership. Halstead Lane is not a POA access point to Long Island Sound.

January 19, 2009 – Notes from minutes – President will again remind members in his next newsletter of access points available for the use of POA Members

When we purchased our home at 14 Halstead Lane in 2000, we relied on the fact that Halstead Lane was a private way per our deed and POA documentation supporting the same conclusion, just like all of you who have purchased your homes with their associated deeded rights. It is fair for all of us as members of the Pine Orchard Association to ask the same --respect of property rights, "our rights-those sticks in the bundle" that POA counsel, Peter Berdon outlined at one of the POA meetings at the Pine Orchard Club

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In conclusion, if it is not beach access, it could be short-term renting, security, or more.

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Respectfully,

Ed and Kim Kelleher
14 Halstead Lane

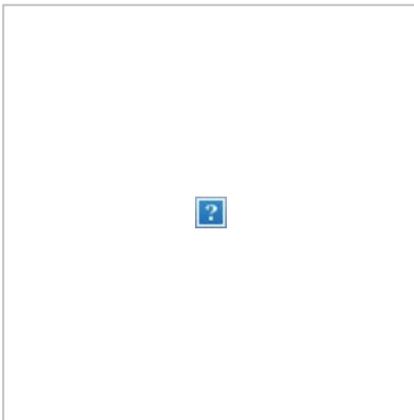
[POA History of Beach Access](#)

POA Halstead Lane Resident | 14 Halstead Lane, Branford, CT 06405

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MINUTES OF A SPECIAL MEETING OF
THE PINE ORCHARD ASSOCIATION

001122 37

Held pursuant to notice duly mailed to all of the Board of which the following is a copy:-

"PINE ORCHARD, CONNECTICUT
December 31st, 1938

TO ALL PERSONS AUTHORIZED TO
VOTE AT MEETINGS OF THE PINE
ORCHARD ASSOCIATION:-

You are hereby notified that, by order of the Executive Committee of said Association and upon call of the President, there will be a meeting of the members of The Pine Orchard Association at the office of Warner & Whiting, Pine Orchard, Connecticut, at 8:00 o'clock P.M. on Monday, January 9th, 1939, to hear the reports of officers and committees as to storm damage and to advise and instruct the Executive Committee as to any action to be taken to repair such damage and generally as to any action to provide for the improvement of the lands in said district and for the health, comfort, protection and convenience of persons living therein.

Attest:

J. BIRNEY TUTTLE, PRESIDENT
H. M. WHITING, CLERK."

Meeting called to order by the President.

The Clerk reported over thirty-five voters present and the Chair declared the meeting open for business.

At the request of the Chair, the Clerk read the pertinent paragraphs from the minutes of the last meeting of the Executive Committee and explained in some detail the situation as to storm damage at Brown's Point and elsewhere along the shore front. The following resolution was then offered:-

RESOLVED by the voters of The Pine Orchard Association in legal meeting assembled, that

1. WHEREAS the members of the Association for many years, by permission of the owners thereof, have used various so-called streets and passways to reach Long Island Sound, and
2. WHEREAS the storm of September 1938 tore down much of the seawall protecting said streets and passways, ate into the bank, destroyed various steps and generally rendered said means of access of no avail, and
3. WHEREAS it is apparent that the owners of said means of access to the Sound are not prepared to restore the former facilities but there seems no reason why the work should not be done at public expense,

NOW, THEREFORE, it is the sense of this meeting that the said permissive means of access to the Sound should be repaired and rendered available and the Executive Committee of said Association is hereby advised and requested to take the necessary steps that end; to arrange for borrowing the money incident thereto and to arrange to pay such borrowings by taxation during the next fiscal years.

After full discussion and many questions and answers the resolution was unanimously carried.

The following resolution was then offered and unanimously carried, viz:-

RESOLVED that the Executive Committee of the Association take such steps as it may deem necessary to repair the storm damage at Brown's Point, including improvement to the walk from Island View Avenue to Brown's Point; arrange for borrowing the necessary funds and the payment of such borrowing from taxation during the next fiscal years.

After general discussion, no further business appearing, the meeting was, upon motion, dissolved.

Attest:

M. Whiting
Clerk

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

Held pursuant to notice duly mailed to all of the Board of which the following is a copy:-

"PINE ORCHARD, CONNECTICUT
December 31st, 1938

TO THE MEMBERS OF THE EXECUTIVE COMMITTEE
OF THE PINE ORCHARD ASSOCIATION:

Gentlemen:-

You are hereby notified that, at the call of the President, there will be a meeting of said Committee at the office of Warner & Whiting, Pine Orchard, Connecticut, at 8:30 o'clock P.M. on Monday, January 9th, 1939, to hear and act upon the recommendations which may be made by the Association at its meeting to be held on said January 9th; to take action in regard to repairing storm damage, and generally to take any action under Section 2 of the Charter of said Association; to take action in regard to the payment of engineering bills already incurred in connection with storm damage; to authorize

any borrowing necessitated by action which may be taken at said meeting and generally to transact any business within the power of the Board which may be brought before said meeting.

Attest:

J. BIRNEY TUTTLE, PRESIDENT
H. M. WHITING, CLERK."

001124

There were present Messrs. Tuttle, Alling, Brown, Chatfield, Charles F. McNeil, Virgil J. McNeil, Pinkham, Reeves and Whiting, constituting a quorum.

Attention of the meeting was called to the action just taken the voters of the Association and it was unanimously

VOTED that pursuant to recommendation by the members of The Pine Orchard Association in legal meeting assembled and to promote the best interests of the Association as provided in its Charter, the President (and in his absence the Vice President) and the Clerk (and in his absence the Secretary) be the Agents of the Association to arrange and contract for the work necessary to repair the storm damage at Brown's Point and repair and improve the walk from Brown's Point to Island View Avenue and also to repair the storm damage at the Long Island Sound end of the pass-
as follows:-

1. Between property of the Estate of Arthur Lané and the Harbison Estate;
2. Between Catlin and Rowland;
3. Between Judd and Bryant

also at the end of Linden Avenue and Spring Rock Road, and pay the engineering expense to date; and the Treasurer of the Association is hereby authorized and instructed to use any unappropriated funds on hand toward the payment of the above specified and to borrow such sums, not in excess of \$5,000, as may be necessary to complete same and give the note or notes of the Association to cover such borrowings and to renew any such note or notes with the understanding that it is the purpose of the Executive Committee of the Association to lay a sufficient tax at the July 1939 and following tax meeting to take care of any borrowing.

After some further discussion it was, upon motion

VOTED by the Executive Committee, on behalf of The Pine Orchard Association, that in repairing storm damage to any property not owned by the Association, said Association assumes responsibility whatsoever in the matter so far as permanence or repairs to such work is concerned, and hereby instructs the members of the Association to see that suitable signs are posted warning all persons that the use of any of the means of access to the Sound mentioned in the preceding votes of this nature is at the risk of the individual using same.

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

001137

11

Held pursuant to notice to all members of which the following
is a copy:

"PINE ORCHARD, CONNECTICUT
August 12th, 1952

TO THE EXECUTIVE BOARD
OF THE PINE ORCHARD ASSOCIATION

Gentlemen:-

At the call of the President, there will be a special meeting of the Board at the office of The Alden M. Young Company, Pine Orchard, Connecticut, at 8:00 o'clock P.M., on Monday, August 18th, 1952, to hear and act upon reports of officers and committees; to appoint officers and committees; and generally to transact any business within the power of the Board which may come before the meeting.

Attest:

MILTON W. GOSS
CLERK."

There were present: Messrs. Brown, Buza, Crossley, Goss, Horton, Mills, Parsell, Pinkham, Reeves and Scrivenor, constituting a quorum.

Meeting was called to order by the President.

Minutes of the previous meeting were read and approved.

The President stated that he had not found it possible to give full consideration to the appointment of all officers and committees but did wish to make the following appointments, which were approved by those present:

ENFORCEMENT BOARD OF THE ZONING AUTHORITY- Messrs. Parsell
Reeves and Goss.

COMMITTEE ON BY-LAWS- Messrs. Goss and Scrivenor
HEALTH OFFICER- Mr. Crossley

The President then called for reports of committees.

Mr. Brown, for the Committee on Roads, made a brief report indicating that there had been some difficulty in drainage at the southerly end of Selden Avenue which matter was being taken up with the Town authorities. He also reported the presence of a dead shark on the front beach, which had been properly disposed of.

Mr. Pinkham reported that the appropriation which had been made by the Town of Branford for mosquito control work had been used up and that this Association was in possession of a considerable amount of DDT which could be used under our own appropriation if the Board so desired. He pointed out that there were several local associations within the Town that were interested in continuing

his work but apparently the Town itself was not favorably inclined to increase its appropriation over what had been set aside for this year.

There followed a considerable discussion and it appeared to be the consensus of the meeting that the Health Officer consult with the various authorities and write such a letter to the Board of Finance as would appear appropriate in order to indicate the feelings of this Association with regard to that appropriation.

Mr. Brown indicated that a contract had been entered into to trim and spray trees within the Association and that it had been reported to him that there were no trees with Dutch Elm disease on any of the public highways but there were several on private premises, the owners of which had been duly notified.

The President then called for a report by Mr. Horton with regard to recent incidents at the breakwater. He stated that there had been some fifty or sixty people using the breakwater for fishing purposes, all of whom resided outside the limits of the Association and in order to prohibit continued use barriers and signs had been erected which indicated that the approaches to and the breakwater itself were confined to use of members of the Association.

The Clerk reported that after a study of past history it appeared that the walkway easterly of land owned by Mrs. W. R. Smith and a small strip of beach including a rock between the end of Mrs. Smith's walkway and the breakwater itself were definitely the property of and owned by the Pine Orchard Association as was the breakwater itself. It also appeared from past records that in the deeds, particularly of the beach and rock area, to the Association there had been a definite attempt to establish use for community purposes.

There followed a general discussion on various related subjects and it appeared to be the consensus of those present that the existing conditions should continue and that exceptions to the use of the breakwater may be granted upon application to the proper officers of the Association.

The President read a letter of complaint written by Mrs. James Cobey which was generally discussed and the Clerk was requested to make an appropriate reply.

In view of the fact that a considerable number of persons had inquired as to the legal status of the various rights-of-way within the Association limits to the beach areas, the Clerk requested that he be authorized to retain proper legal counsel to investigate the title involved and, upon motion, it was

VOTED that a sum not to exceed \$300 be appropriated for this purpose and the Clerk authorized to hire proper legal counsel.

In connection with the problems which had arisen as the result of use of the breakwater by people outside of the community upon motion it is

CLARK, HALL & PECK

ATTORNEYS AND COUNSELORS AT LAW
129 CHURCH STREET
NEW HAVEN 8
CONN.

GEORGE LEETE PECK
PRENTICE T. CHASE
GEORGE MORRIS PECK
RICHARD J. SMITH
RUSSELL H. ATWATER

ROBERT W. LEAVENWORTH
DANIEL H. DENNIS JR.
JEROME I. WALSH

FRANK R. GOLDMAN
COUNSEL

TELEPHONE MAIN 4-1163

February 18, 1954

The Pine Orchard Association
Branford, Connecticut

Gentlemen:

We have made an investigation of the Branford Land Records concerning the Southerly portion of Linden Avenue as shown on a Map of Lots filed by F.C. Bradley and Eckford Davis in the Branford Town Clerk's Office. This said map is on file in Map Book, Page two. The map is a yellowed sheet of paper and outlined thereon is a highway called Linden Avenue running from Pine Orchard Road to Long Island Sound and showing lots on both sides of Linden Avenue. There is no Map title and no certification thereon.

In September of 1891, Sarah E. Davis was the owner of a parcel of land 222 feet, more or less, in width running from the highway now known as Pine Orchard Road, Southerly to Long Island Sound. On September 18, 1891 by deed recorded in Volume 44 on Page 77, the said Sarah E. Davis conveyed to Frederick C. Bradley the Westerly half. The deed contained the following: "there is to be a highway laid out through the center of the tract of land each to build one-half of said Road".

Sarah E. Davis made two conveyances during her lifetime. The first was to David S. Plume on August 27, 1894, by deed recorded in Volume 44 on Page 559. This deed referred to lots on the map and bounded: Southerly by Long Island Sound and Westerly by a proposed highway or private way.

The second conveyance was to Frederick C. Bradley of lot #20 and was dated September 3, 1895 and recorded in Volume 48 on Page 87. This deed bounded: Westerly by Linden Avenue; and the lot was conveyed with the right to pass and repass over private highway known as Linden Avenue to the Sea Shore.

The above conveyances indicate that the said Sarah E. Davis considered Linden Avenue as a private highway.

800846

The said Sarah E. Davis died in 1900 and the balance of the Easterly side of Linden Avenue were conveyed from her estate to Eugene E. Adams by deed dated November 28, 1905 in Volume 52 on Page 582. This conveyance described lots on the map and bounded: Westerly on Linden Avenue together with the right to pass and repass over Linden Avenue to the Sea Shore.

Mary T.D. Bragg was the sole heir at law of Sarah E. Davis. We find no conveyance on the land records specifically conveying the fee to Linden Avenue by either Sarah E. Davis or said Mary T.D. Bragg.

The Westerly half of the original track which was conveyed to Frederick C. Bradley was also shown as lots on the hereinbefore mentioned map. The first conveyance by Bradley was to Alden M. Young by deed dated April 23, 1892 in Volume 44 on Page 254. This deed bounded: Southerly by the sea and Easterly by proposed highway with the right to pass and repass over proposed highway to and from the main highway to the sea. This conveyance did not refer to the map. The later conveyances by Frederick C. Bradley of lots on this map beginning in 1892 bounded: Easterly on the private roadway or private way together with the right to pass and repass over private right of way to the sea. A deed of lot #21 recorded in 1895 in Volume 48 on Page 33 bounded: on Linden Avenue with the right to pass and repass over private highway known as Linden Avenue to Sea Shore.

A deed of lot #23 on March 17, 1900 in Volume 48 on Page 589 bounded on Linden Avenue with the right to pass and repass on Linden Avenue from the main road to Sea Shore without referring to said Linden Avenue as private road. This omission was also in his later conveyance of lots 17, 19 & 21 by two deeds recorded in 1903 in Volume 52 on Page 319 and 379.

The said Frederick C. Bradley died in 1929 and Mary Louise Bassett was the beneficiary under his will. We find no conveyance on the Land Records from either of them specifically conveying the fee of Linden Avenue.

The first Selectmen of the Town of Branford advised us that Linden Avenue is considered as a private Street.

Our opinion based on the foregoing facts is that the Easterly one-half of the Southerly portion of Linden Avenue is owned of record by Mary T.D. Bragg and the Westerly one-half is owned by Mary Louise Bassett; and that this property is the Southerly portion of a private roadway subject to rights of way in favor of the owners of lots on both sides of the same.

Very truly yours,

CLARK, HALL & PECK

By

Richard J. Smith

RJS/ld

February 25, 1954

MEMORANDUM RE. PASSWAYS TO BEACHES WITHIN THE PINE ORCHARD ASSOCIATION

On the basis of a thorough investigation of the titles to the property involved made by Clark, Hall & Peck, the following is a brief summary of their conclusions as to the ownership of the various passways and rights-of-way to the beaches.

Commencing on the east at a point on the easterly side of Club Parkway as it intersects with Pine Orchard Road and Sheldon Place, a portion of this property, the location of which is not able to be definitely determined, was turned over to the Town of Branford in 1847 for giving it the liberty and privilege "of passing on a certain piece of land or sea beach to and from the sea for the purpose of loading and unloading of ⁵acows and boats". Also in this same area a piece of land was deeded over to the Town in 1915 which is located probably on the sandy and beach area for highway purposes only.

The next passway involved is located at the easterly end of Island View Avenue and is bounded by the north line of Island View Avenue as it extends easterly to Long Island Sound. This is the walk way extending southerly along the west line of Bertha Lane Smith property to the present breakwater and, on the basis of the survey made, the ownership of this vests in The Pine Orchard Association with no rights of others to use this except the possible claim of dedication from owners of lots on a map in file in the Branford Town Hall which will take in all property within the following bounds: on the west Blackstone Avenue and the property now owned by E. Morris Jack, on the north by Pine Orchard Road from Blackstone Avenue extending easterly to the point where it intersects with Club Parkway and Sheldon Place, on the east all property from this intersection point southerly to Brown's Point and on the south by Long Island Sound.

The next passways are indicated on map of property of Robert Wallace dated 1880 and are located on the southerly side of Island View Avenue extending to Long Island Sound, one at the foot of Waterside Road and the other just east of Park Place as it intersects Island View Avenue. The fee to these passways is still owned by Wallace but is subject to the rights of purchasers in this development to use them as passways from Island View Avenue to Long Island Sound. This would include the same area as have rights to the previous mentioned passway from Island View Avenue to Brown's Point.

The area which was formerly believed to be a right-of-way at the foot of Lake Place since the survey has been made has been determined to belong to Stuart E. Judd and should never have been

Park Place is now Chapel Drive

000035

used as a passway to Long Island Sound.

In connection with the survey of Linden Avenue and its extension to Long Island Sound, it has been determined that Linden Avenue itself is a private street. The ownership of the property and its extension to the Sound is still in the original owners, subject however, to right-of-way to and from the beach to the owners of property on each side of Linden Avenue.

The same statement may be made in connection with Crescent Bluff Avenue and its extension to Long Island Sound.

In connection with survey made of Spring Rock Road and its extension, it has been found that in 1917 Spring Rock Road was deeded as a public highway to the Town of Branford and it is believed that the extension thereof to Long Island Sound was included with the provision that vehicular traffic shall be prohibited from a line which is approximately at the southerly end of the circle at the dead end of this street and is subject to the rights of all lot owners to use the same from Elizabeth Street to Long Island Sound.

The passway at the southerly end of Selden Avenue from the survey appears to be owned as follows,- the easterly one-half by Young Company and the westerly one-half by Birch Warner Hincks.

It would appear from the records that all persons in the following described area have right to use this passway to reach the beach:
- on the west the westerly line of The Pine Orchard Association as it extends northerly from Long Island Sound to Elizabeth Street crossing Elizabeth Street to the north line; thence to the west along the north line of Elizabeth Street to Hotchkiss Grove Road; thence northerly 325 feet along Hotchkiss Grove Road; thence easterly 161 feet; thence northerly 160 feet; thence westerly to Hotchkiss Grove Road 147 feet (this excludes from these rights the property owned by Holcomb on the east side of Hotchkiss Grove Road); thence northerly along Hotchkiss Grove Road to Pine Orchard Road; thence southerly and easterly along Pine Orchard Road until its intersection with Spring Rock Road extension; thence southerly along the extension of Spring Rock Road to Elizabeth Street; thence easterly along the north line of Elizabeth Street approximately 200 feet crossing Elizabeth Street at this point; then extends southerly to Long Island Sound at a point approximately one-half way between Spring Rock Road and Grove Avenue. At its terminus on Long Island Sound it extends easterly along the Sound to the point of beginning.

Linden Ave is now Halstead Lane

*possibly by H. M. Whitine
Clerk*

000036

Sinking Fund and the Sprayer Account were presented and read to the meeting by the Clerk and ordered filed.

001157

The President then called for remarks from the floor.

A question as to the form of the ballot which was customarily submitted to the Annual Meeting was discussed and it was suggested that possibly it might be in order to appoint a Nominating Committee prior to the Annual Meeting to present a slate of candidates. It was also suggested that it might be of assistance to the voters if when the notice of the Annual Meeting was sent out, a list of candidates was included. The Chair thanked those making the suggestions and agreed to report the matter to the Executive Board for consideration.

The subject of beach erosion in the vicinity was questioned and the Chair reported that on the basis of a study by the Army Engineers, this particular area had not been declared eligible for any possible assistance. A statement was made by one property owner to the effect that from his study of conditions on his waterfront property there had not been any noticeable change since the hurricane of 1938.

A complaint as to the presence of dogs on the beach was made and it was stated that the police would attempt to rectify the same.

The question was asked as to who was responsible for the condition of Pine Orchard Road, particularly with regard to drainage conditions, and he was advised that this was entirely in the hands and control of the Town of Branford since this was a Town road.

Questions were asked with regard to the use of various rights-of-way to the beach and the meeting was advised that with minor exceptions there were not public rights of way to the beach, that there were several rights-of-way available to adjacent property owners but in most instances the actual rights-of-way were privately owned as was the beach along the waterfront.

Complaint as to the speed of traffic on Island View Avenue was received and the Chairman of the Police Committee stated he would have this looked into.

The Ballot Clerks then reported that 43 votes had been cast and that the following had received a majority:

S. Dewey Brown
 Joseph E. Buza
 Harry E. Cox, Jr.
 F.R.E. Crossley
 Milton W. Goss
 John J. Kinney, Jr. ✕
 Charles F. McNeil
 Virgil J. McNeil
 Roy L. Parsell
 William D. Pinkham
 Arthur Scrivenor, Jr.
 John C. Usher

The Chair declared said Board duly elected and the meeting was thereupon dissolved.

Attest: *Milton W. Goss* Clerk

MINUTES OF THE ANNUAL MEETING OF
THE PINE ORCHARD ASSOCIATION

001169

held pursuant to notice duly mailed to all of the persons qualified to vote, of which the following is a copy:

"PINE ORCHARD, CONNECTICUT
JULY 1, 1963"

TO ALL PERSONS QUALIFIED TO
VOTE AT THE ANNUAL MEETING OF
THE PINE ORCHARD ASSOCIATION:

The Annual Meeting of The Pine Orchard Association will be held at the Chapel, Pine Orchard, Branford, Connecticut, on Monday, July 8th, 1963, at 8:00 o'clock P.M., E.D.S.T., for the following purposes:

1. To elect by ballot an Executive Board for the following year, the polls to be open at such time and to remain open for such time as the Meeting shall determine.
2. To transact any other business within the power of the Meeting which may be brought before it.

Attest:

Joseph E. Buza, President
Milton W. Goss, Clerk
S. D. Brown, Secretary"

The meeting was called to order by the President.

Call of the meeting was read by the Clerk who reported a quorum present and the Chair declared the meeting duly constituted.

The minutes of the previous meeting were read and approved.

The Chair then declared the polls open for the election of twelve members to the Executive Board and he appointed Messrs. V. H. Everson, III and Frederick Reimers as Ballot Clerks. It was pointed out that the ballots as distributed contained the names of the present members of the Executive Board. These, however, were not nominees and names of eligible persons could be written in and the twelve persons receiving the highest number of votes would be elected. It was also announced that only persons who were property owners within the limits of the Pine Orchard Association and persons registered as voters in the Town of Branford were eligible to vote.

residing within the Association area

The Treasurer's audited annual report together with the Sprayer Account and the budget as adopted by the Executive Board were presented, read and, by vote, approved. However, it was recommended at the meeting that in the future a treasurer's report plus the budget adopted by the Board be sent out with the notice of the Annual Meeting. For the benefit of those persons not familiar with the

001170

subject, Mr. Pinkham explained the history behind the Sprayer Account, indicating that minimum equipment had been purchased and was available to persons within the Association at their request.

Mr. Kinney outlined the activities of the Police Department for the past year reporting that a new car had been purchased, and that while the actual jurisdiction of the officer was limited to the area south of the mainline railroad tracks, the officers were subject to call for emergency purposes from the Branford police headquarters and he urged all persons requiring assistance to make their calls direct to Branford police headquarters which would relay the requests to the officer on duty. It was noted that John Bruno who had served as one of our police officers for many years had died during the past year and at the request of those at this meeting it was

VOTED that an appropriate resolution be sent to his surviving widow.

In the absence of the Health Officer, the President reported that in general the garbage and trash collection appeared to be in satisfactory hands and reminded those present at the meeting that the type of collection in the area was quite different from that arrangement under contract in the remaining part of the Town of Branford. This arrangement was one which the past Boards felt was appropriate in the area and unless otherwise directed would continue to be put into effect.

Mr. Tweed reported as to the activities of the Fire Department in the area and briefly outlined the new setup of fire headquarters and additional equipment which the Town of Branford would shortly have available.

At this point the President declared the polls open for election of the twelve members of the Executive Board. While the vote was being taken, he called for discussion on any subjects of interest from the floor. It was reported that the sign at the gatepost on the walkway to the beach on Selden Avenue was missing. It was noted that on Island View Avenue fewer parking spaces were available than in the past. On this point, Mr. Kinney stated that this action had been taken at the request of residents in the area to make access to their own property more available.

There was considerable discussion on the subject of control of access to the beach. The President stated that he and the Board were well aware of the problem and would continue to make every effort to limit the use to those who were actually entitled to it.

The problem of roaming dogs in the area was also discussed. Here again the President stated that he and the Board were aware of the problem and suggested that actual written complaints were in order and that armed with such, the Board would be in a better position to take effective steps to handle problems as they arose.

President then declared the polls closed and the Ballot Clerks reported that 49 persons had voted and the following had received the largest majority as members of the Executive Board:

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MINUTES OF THE ANNUAL MEETING OF
THE PINE ORCHARD ASSOCIATION

001172

Held pursuant to notice duly mailed to all of the persons qualified to vote, of which the following is a copy:

"PINE ORCHARD, CONNECTICUT
June 29, 1964

TO ALL PERSONS QUALIFIED TO
VOTE AT THE ANNUAL MEETING OF
THE PINE ORCHARD ASSOCIATION:

The Annual Meeting of The Pine Orchard Association will be held at the Chapel, Pine Orchard, Branford, Connecticut, on Monday, July 6th, 1964, at 8:00 o'clock P. M., E.D.S.T., for the following purposes:

1. To elect by ballot an Executive Board for the following year, the polls to be open at such time and to remain open for such time as the Meeting shall determine.
2. To transact any other business within the power of the Meeting which may be brought before it.

Attest:
Joseph E. Buza, President
Milton W. Goss, Clerk
S. D. Brown, Secretary"

The meeting was called to order by the President.

Call of the meeting was read by the Clerk who reported a quorum present and the Chair declared the meeting duly constituted.

The Chair then declared the polls open for the election of twelve members to the Executive Board and he appointed V. Hall Everson, III and Raymond E. Westlund, Jr. as Ballot Clerks. It was pointed out that the ballots as distributed contained the names of the present members of the Executive Board. These, however, were not nominees and names of eligible persons could be written in and the twelve persons receiving the highest number of votes would be elected. It was also announced that only persons who were property owners within the limits of The Pine Orchard Association and persons registered as voters in the Town of Branford residing within the Association area were eligible to vote.

The Treasurer's audited annual report together with the Sprayer Account and the budget as adopted by the Executive Board were presented, read and, by vote, approved.

Mr. Edwards as Chairman of the Committee on Police stated that during the course of the past year officers on duty had been involved with at least two cases of arson which were successfully controlled and a suicide and murder case in the neighboring area, had voluntarily conducted a check on unlocked doors and windows during the fall and winter and found a number of which fact the property owners were notified, most of whom were happily surprised and pleased to learn of this extra protection.

He further stated that extra police protection had been invoked during the Halloween period and vandalism in general had been successfully controlled. He pleaded with all members of the Association in any case where persons who were unauthorized within the area or appeared to be on a suspicious errand that they make a report directly to the Branford police. This also included persons in the beach area.

Mr. Tweed, the Town Fire Marshall, stated quite frankly that not only in the Pine Orchard area but in the entire State of Connecticut there was a definite problem of arson, some of which had been tracked down, and again, as had Mr. Edwards, requested that a report of anything of a suspicious nature should be made directly either to police or fire headquarters.

reported

Mr. Wallace, the Health Officer, negotiations on the new Garbage and Trash contract were under way and it was hoped that it would be consummated in a very short time. Expressions from the floor indicated that the present collector had been doing an excellent job and it was hoped that he would be rehired.

At this point, the President declared the polls open for the election of 12 members to the Executive Board and while the vote was being cast, he outlined some of the problems with which the Executive Board was faced, some of which in the past many of us had taken lightly due to the fact that the residents failed to make any attempt to cooperate not only with the ordinances of the Association, but also of State law.

He stated emphatically that a very definite attempt would be made to control the problem of roaming dogs and warned all residents to be aware of the fact that the presence of roaming dogs in the area was contrary not only to the Association's ordinances but also of the Town of Branford and the State of Connecticut. He reported that storm damage over a period of time had finally taken its toll of the existing breakwater which was Association property and that repairs would be undertaken in the very near future.

With respect to the problem of unauthorized persons using the beach area, he stated emphatically that all persons residing northerly of the main line railroad tracks had no right whatsoever of access any more than did the residents of the Town of Branford as a whole, that by and large the right of access to the beach was included in the deeds of property owners and that here again the officers of the Association would make every effort to properly control this problem.

The President then declared the polls closed, everyone present having had an opportunity to vote who was entitled to. The Ballot Clerks reported that 46 persons had voted and the following received the largest majority as members of the Executive Board:

S. Dewey Brown
Joseph E. Buza
Robert B. Cate
Sterling R. Chatfield
Harry E. H. Cox, Jr.
F. R. Erskine Crossley

Frederick H. Edwards, Jr.
Milton W. Goss
John J. Kinney, Jr.
John H. Tweed, Jr.
John C. Usher
Walter A. Wallace

The Chair declared the Board duly constituted.

President - Joseph E. Buza
 Vice President - John J. Kinney, Jr.
 Clerk - Milton W. Goss
 Treasurer and Tax Collector - Sterling R. Chatfield
 Secretary - S. D. Brown

001174

It was further indicated that there appeared to be no reason to change the chairmanship of the various committees, whereupon the following were appointed:

Committee on Police - Frederick H. Edwards, Jr.
 Health Officer - Walter A. Wallace
 Roads - S. Dewey Brown
 By-Laws - Milton W. Goss

Mr. Edwards noted that there appeared to be several traffic hazards within the area principally due to heavy foliage on private property at intersections within the area. The Clerk stated that about four years ago, in cooperation with the Police Department of Branford, a survey of all intersections within the area had been made in an attempt to correct such hazardous conditions and felt that the Police Department of Branford would be only too glad to cooperate in a repeat on this survey. Comments as to the necessity and desirability of the location of stop signs at the crossing of the Trap Rock Railroad northerly of the main line of the New Haven tracks was discussed. It appeared that since there was practically no rail traffic at this crossing that the desirability of this stop sign was questionable. The Clerk agreed to contact the proper authority on the matter.

The Clerk also reported that he had received a communication from Mr. Arthur Eggleston with regard to who had the legal right to use certain passways to the beach on Island View Avenue, and had a subsequent conversation with him. The possibility of having a paid attendant to police the various areas was discussed. The President noted that a survey of all passways had been made some 11 years ago by the firm of Clark, Hall and Peck and that this Board was well aware of the problems and some effort would be undertaken to properly control the use of these passways for those entitled to.

The Board was reminded that it was appropriate to make an appointment to the Zoning Board of Appeals since the term of Hugh Scott expires this year. It was VOTED that he be reappointed for a term of five years. Since specific information as to the terms of the alternates to the Board was not available, President was authorized to make such appointments as might be necessary.

No further business appearing, the meeting was dissolved.

Attest:

Milton W. Goss

Clerk

79
further our Contract must be co-terminous with the collectors' Contract with the Town of Branford.

The President reappointed his two associates (van Wilgen, Evarts) on the Zoning Enforcement Board. The members of the Zoning Board of Appeals are to be W. R. Compton (80), B. F. Prann (76), R. H. Fletcher (77), S. W. Noyes, Jr. (78), and Charles Sturgess (79). The alternates are M. T. Dill, R. M. Taylor Jr. and A. H. Welch.

During the course of the meeting the following items were discussed without action: duties of the Health Officer; renumeration for the Ass't. Treasurer; repair of the Sea Wall; type of new police car in budget; plumbing problem in Firehouse; and deficiencies in traffic signs.

With no further business the meeting adjourned at 9:20 P. M.

Respectfully submitted,

A. P. Gagge

A. P. Gagge
Secretary

001196

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

Held pursuant to notice duly mailed to all of the Board of which the following is a copy:

"Pine Orchard, Connecticut
September 12, 1975

TO THE EXECUTIVE BOARD OF
THE PINE ORCHARD ASSOCIATION

At the call of the President there will be a Special Meeting of the Board at the office of Milton W. Goss (Alden M. Young Co.), Pine Orchard, Connecticut at 8:00 P. M. on Thursday, September 18, 1975 to consider and act upon purchase of a new police car; to hear and act upon reports of officers and committees; and to transact any business within the power of the Board which may come before the meeting.

Attest:

Milton W. Goss
Clerk

If unable to attend please notify Mr. Goss's office 488-2541."

Those present were: Burrow, Buza, Evarts, Gillis, Reynolds, Stevens,

At the meeting there were present: Buza, Evarts, Gillis, Goss, Reynolds, Sherwood, Shope, Usher and van Wilgen constituting a quorum.

The meeting was called to order by the President and the minutes of the previous meeting were read and approved.

The Clerk reported that he had discussed with the President some inquiries by residents in the vicinity of rights of way to the beach as to the necessity or advisability of closing off access to these rights of way by placing a chain or a rope at each of them to indicate that they were closed off for all persons while these were in place and as to the advisability of doing so at least one day annually. He further stated that he had reviewed a study made by Clark, Hall and Peck on points with reference to all of these various rights of way which indicated that the actual ownership was ~~not~~ private and therefore could not be actually closed off by action of the Association which ~~would~~ not have any such ownership and, in point of fact, it would be impossible to identify who were the actual owners at any one given time. Furthermore the only access to the beach area was the strip of land owned by the Association extending from the termination of Island View Avenue in the area of the Pine Orchard harbor southerly to the breakwater. In addition the actual persons legally entitled to use these rights of way were those identified as living in certain areas as shown by maps on file in the Town Clerk's office.

Mr. Reynolds was called upon to discuss the problems relative to the possibility of purchasing a new police car. He indicated that a new vehicle comparable to the one now on hand would cost approximately \$4,700 without a trade-in and after discussing the matter with Mr. Findell, at the Wilson Auto Sales he, Mr. Findell, suggested that it might be wiser to have the existing vehicle put in tip-top shape and continue to use it until a newer 1976 model became available; since the Ford Company did not guarantee any vehicle for police purposes other than one similar to the one now on hand but it appeared that when these newer models did become available that a smaller unit could be purchased hopefully at a lower price than those now available. It was therefore VOTED that no further action, other than to see to it that the existing car be put in tip-top shape: It being understood that this could be done at a price probably less than \$500.

The President then reported that he had received a request by Mrs. Donegan who was apparently in charge of the activities of the Girl Scouts in this area to have the use of the vacant room in our new building. The matter was discussed quite freely by the Board and it was VOTED with one dissenting vote that since an activity might very well become a possible hazard--particularly in the event of an actual call to a fire while the girls were utilizing the building to deny this request, with the President ordered to immediately advise Mrs. Donegan of this action and it was also VOTED unanimously by those present that a policy be established at this time that no use of the building for the activities of any organization be permitted since this was not a community building but a strictly municipal one constructed for the purpose of housing police and fire facilities and eventually to provide space for meetings of the Executive Board and to operate the administrative details of the Association.

001350

- X Zoning Report
 - a. Status of Halstead Lane Appeal
 - b. 9 Club Parkway
 - c. Survey- Everett
- XI Old Business
 - a. Land Donation to Town
- XII Annual Meeting – July 10, 2006
- XIII New Business
- XIV Any other business that may properly come before the meeting.

Attest: John E. Donegan, President”

The Pine Orchard Association Executive Committee
Minutes of the June 5, 2006 Meeting

The meeting was called to order at 7:45 PM, a quorum being present by then. Those in attendance were: John Donegan, Stacy Ruwe, Jennifer Aniskovich, James Kaiser, Joe Sepot, Vining Bigelow, Kelly Brownell and Elaine Littlehales. Absent: Joe Canavan, Eric Hanson, Lisa Sandler & Charlie Shelton.

The first order of business was to approve the Minutes of the February 20th and March 20th meetings, which was so done unanimously.

Stacy Ruwe presented the Budget for next year by explaining some line items, one of which was an increase in the auditing fee from Seward & Monde to twice last year's. According to the By-Laws, a Review or an Examination of the Books would suffice. There was discussion on the pro and cons of Audit vs. Review and the Board decided to do a Review with another firm. There was also discussion about maintenance bills being paid this year or next (Waterfront & Association Building) as well as legal fees, as there is not much time left this year. Vining made a phone call and it appears that the Waterfront work cannot now be done before July 1st.

The proposed Budget, with minor adjustments, was accepted unanimously.

Kelly Brownell will see to it that we get a new contract with the Security Company, it having been put on hold while we considered other options.

The possibility of the Greenway Trail being put across the front of the building has been laid to rest. It will go behind as originally planned. They are waiting for promised Federal Funds before work can continue on the trail.

James Kaiser reported that the offending shrubbery on the corner of Grove and Pasadena was being taken down completely; pruning such an old, large bush was not practical. He also reported that the Police Traffic Commission will begin monitoring traffic in our area the end of July into August. The Chief of Police contacted him about a request he had to put a No Parking sign at the end of Spring Rock Road. He wanted to know if we had ever put up such a sign. There was some discussion about the history of a no parking sign at that location and the Board agreed that if the Police want to put one up, we would request consistency and a similar sign at the end of all the dead end streets.

In light of a reported confrontation between beach-goers and a waterfront property owner, it was agreed that we complete the survey of Right-of-Ways to the water and make it available to Residents. Joe Sepot will ask Larry Fisher to put together what he has already researched. It was suggested that Town Engineer Steve Dudley has some records of ROWs as well.

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

August 25, 2008

Dear Pine Orchard Association Member:

As reported at the last couple of Annual Meetings and in newsletters to the membership, the Pine Orchard Association (POA) has undertaken a review of several access areas to Long Island Sound in Pine Orchard in order to determine whether POA members may utilize these areas for access to Long Island Sound as members of the POA.

POA has commissioned research and surveys of two (2) areas off Island View Avenue that are owned by the POA. One access area is located off Island View Avenue to the South between 9 Island View Avenue and 13 Island View Avenue and the other access area is off Island View Avenue to the South and is located between 37 Island View Avenue and 41 Island View Avenue. Members of the POA have the right to use these access areas in their capacity as members of the POA in order to access Long Island Sound.

The POA did commission and has received a report on the access areas at the end of Spring Rock Road and Halstead Lane. That research concluded that POA members do have the right to access the area at the end of Spring Rock Road to gain access to Long Island Sound but do not have that right and privilege with regard to the access area at the end of Halstead Lane unless this right and privilege is contained within their deed of ownership.

No other access areas have been researched or commissioned for research by the POA. The POA makes no representation concerning the ownership and/or right and obligations of property owners in and to any other access areas located within the POA boundaries. As I have stated numerous times in the past, we should all respect the private property rights of our neighbors and fellow members of the Association.

Any member of the POA who would like to review the research and surveys commissioned and received by the POA Board for Halstead Lane and Spring Rock Road may call the POA office and set up a date and time to do so. (488-5180)

Enjoy the rest of the Summer!!

John E. Donegan
President

Please turn this letter over. There is important information on the reverse.

"January 9, 2009

TO THE EXECUTIVE COMMITTEE OF THE PINE ORCHARD ASSOCIATION

AT THE CALL OF THE PRESIDENT, there will be a meeting of the Board on
Monday January 19, 2009, at 7:30 PM in the Board Room of the Association Building, 180
Pine Orchard Road.

AGENDA

- I Approval of Minutes of the November 17, 2008 meeting and a review of the draft of Minutes of July 7, 2008 Annual Meeting.
- II Security Report
- III Construction Project – Branford Fire Dept.
 - a. rental
- IV Treasurer's Report
- V Planning Committee Report
 - a. 175 Pine Orchard Road
- VI Roads/Public Works Report
 - a. Website report
- VII Tax Collection Report
- VIII Waterfront/Building Report
 - a. Island View Avenue Stairs
- IX Zoning Report
 - a. Bud Beccia
 - b. Status of Miller Zoning Review
- X Old Business
 - a. signs
 - b. Greenway Trail
 - c. Crescent Bluff – Letter attached & request of Mrs. Saggese
- XI New Business
- XII Any other Business that may properly come before the meeting

Attest: John Donegan, President

The Pine Orchard Association Executive Committee Meeting
January 19th, 2009

POA Executive Committee members present: Donegan, Bigelow, Graham, Kaiser, Hanson, Littlehales, Ruwe and Shelton. Zoning Officer: Bud Beccia

The President had advised members that he had received a request from residents on Crescent Bluff Avenue to discuss various issues that had arisen on that street. The President told the residents that they could come to our meeting and the Board would listen to their concerns prior to the meeting. Residents of Crescent Bluff (Callahan, Dimmler, Leone, Sessa and Wheeler) asked to address the POA Executive committee regarding issues between the "upper" and "lower" residents of Crescent Bluff and Beachcroft LLC.

Specific concerns raised by the residents present included:

Ownership of the street and property rights, deeds and use of access as interpreted by POA; assessment of taxes for Crescent Bluff by Town of Branford as it relates to private vs. public road; recourse alternatives for owners of rear lots; ongoing issues with homeowners-rights to peaceful enjoyment/historical use of access and lawn; clarification by POA of ownership and maintenance of sea wall, stairs and walkway to Spring Rock.

Residents presented these issues and distributed to members of the Board a packet of documents and asked for interpretation, support and/or relief. Various POA members opined that the Association has been neutral on resident access conflicts and only would consider access points owned by the Association. This is not a new position but was reiterated by the Executive Committee. Regarding maintenance V. Bigelow would do research on historical maintenance performed in that area by the POA.

The regular meeting of the Executive Committee was called to order at approximately 8:00 PM.

A motion was made by Shelton, seconded by Littlehales, to approve the minutes of the November 17, 2008 meeting. There were several suggested changes to the minutes that were adopted by the Board. The minutes, with the corrections, were approved. In the absence of Jennifer Aniskovich there was no Security Report.

Elaine Littlehales reported that the construction work on the building had been completed and the ladders will not be able to remain on the fire truck while it is stored in the garage. The President reported that he had emailed the Fire Chief shortly after the last Board meeting to begin discussion with him about a possible increase in the annual rental for the garage (apparatus bay). There was no response received from the Fire Chief as of the date of this meeting and the President said that he would again try to contact the Fire Chief.

Treasurer Ruwe distributed a Treasurer's Report showing the current balances of all the line items in our budget as of the meeting date. She reported that everything was in line with projections and there were no concerns at this time concerning the budget. The treasurer did mention that she has observed that some of our utility bills appeared to be on the high side and that they were tracking higher than charges for the same time last year. It was suggested that the Board undertake an audit of the utility charges to attempt to discover a basis for the increased utility charges. The Treasurer said she would so arrange.

Charlie Shelton, Chair of the Planning committee, reported that there have been no developments on the 175 Pine Orchard Road property. The real estate market is very slow.

James Kaiser had nothing to report on roads and public works. He did say that the website is operational and that he is still working to post information on the website that would be beneficial to the membership. He believes that we should wait until the website is more user friendly and has more information before we advise the membership.

Tax Collector Elaine Littlehales reported that she sent out final delinquency notices in January to nine individuals who have until April 1st to pay to avoid having liens filed on their respective properties. The outstanding amount is about \$1,500.00.

Vining Bigelow reported that the Island View and Chapel Drive stairs would be repaired after the Spring thaw and the stair railings may also be repaired.

Zoning Enforcement Officer Bud Beccia reported that there were three permits for additions have been issued: 43 Spring Rock, 35 Pleasant Point, and 241 Pine Orchard Road. In the absence of Joe Canavan, a report on the status of the review of our Zoning

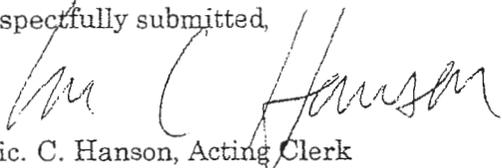
Regulations was given by Charlie Shelton and Bud Beccia. It was reported that after receiving the comments from the members of the Board relative to the areas of our Zoning Regulations reviewed by the Miller Group a meeting was held with Canavan, Shelton, Beccia and the Miller Group representative. After those recommendations for revision of the Zoning Regulations by the Board and review that proposal by the same individuals. Once that meeting took place then the Board would be presented with the final recommendations from the Zoning Committee for action by the Board and, subsequent thereto, presentation to the membership for its comment. Because of the scheduling conflicts among the members of the committee and the Miller Group it was felt that there would not be a presentation available for the Board until the March, 2009, meeting.

Ken Graham asked whether there had been any consultation with any members of this Board and the Greenway Trail representatives with reference to the removal of the large boulder that blocked vehicles from entering the Trail off Birch Road. No members responded and Ken agreed to approach First Selectman DaRos about the removal with the idea that the boulder should be replaced. Ken also asked whether the construction of the Trail behind the Association building had been completed since he had observed debris in and around the Association.

The President reported that he had been asked by a representative of Beachcroft LLC that the POA Executive Committee consider sending out a mailing to POA members regarding the ownership and usage of the extension of Crescent Bluff Ave and lawn. Beachcroft LLC offered to pay for the mailing and assist in the drafting of the letter, subject to the approval of the Board, but wanted the letter to be on POA letterhead. After a discussion among members, the Board decided to rely on precedent and not send out a letter directed to one specific property. **The President did say that he would again remind members in his next Newsletter of access points available for the use of POA members and that all members should respect the individual property rights of private property owners in the Association.**

There being no further business the meeting was adjourned at 9:15 PM.

Respectfully submitted,



Eric. C. Hanson, Acting Clerk

"March 17, 2009

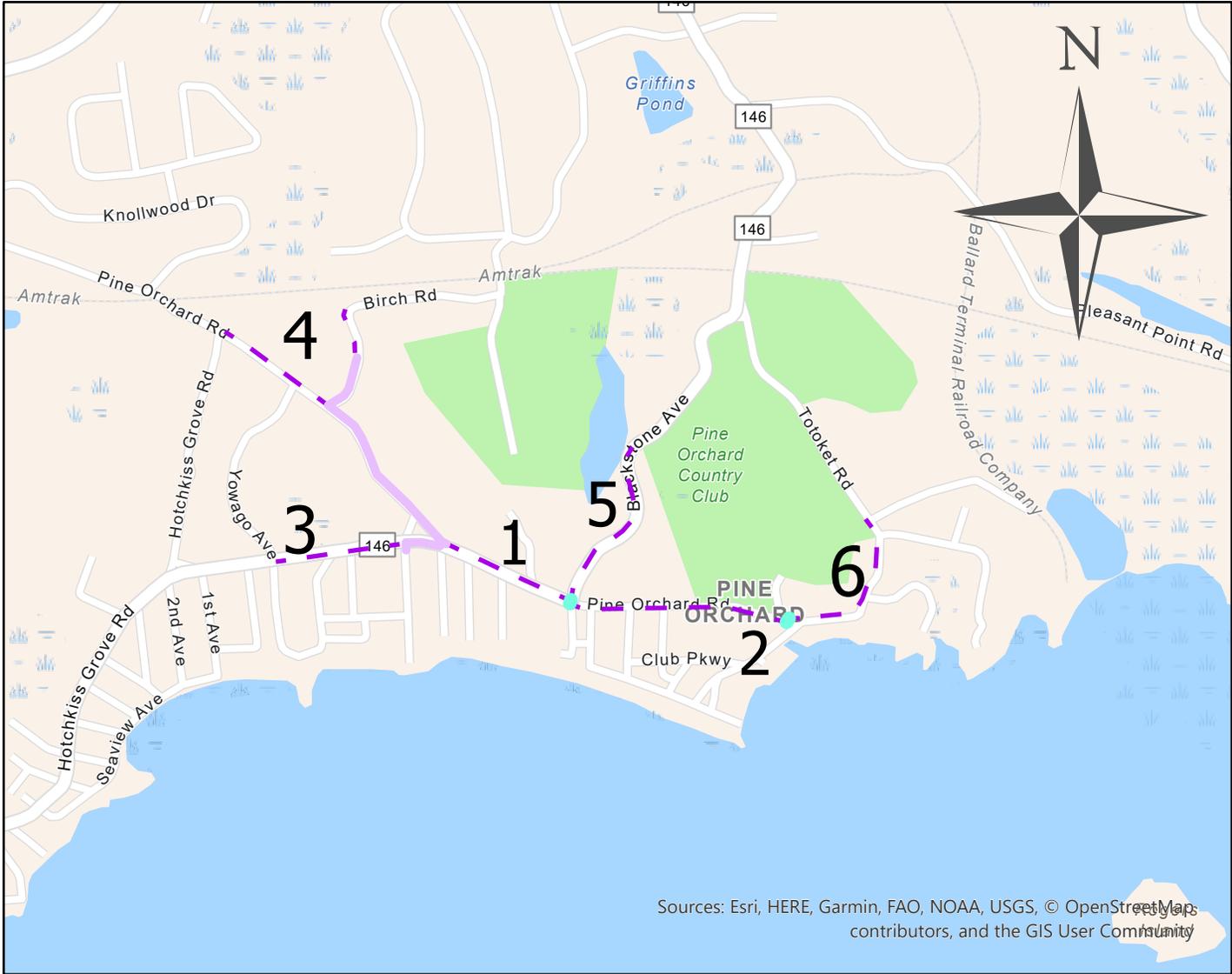
TO THE EXECUTIVE COMMITTEE OF THE PINE ORCHARD ASSOCIATION

AT THE CALL OF THE PRESIDENT, there will be a meeting of the Board on Monday, March 23, 2009, at 7:20 PM in the Board Room of the Association Building, 180 Pine Orchard Road.

AGENDA

- I Approval of minutes of the January 19, 2009 meeting
- II Security Report
- III Treasurer's Report
- IV Planning Committee Report
 - a. 175 Pine Orchard Road
- V Roads/Public Works Report
 - a. Website Report
- VI Tax Collector's Report
- VII Waterfront & Building Report
 - a. Island View Avenue Stairs
- VII Zoning Report
 - a. Bud Beccia

(continued)



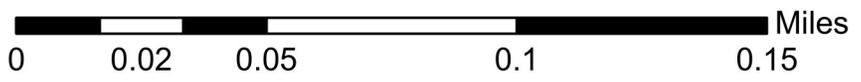
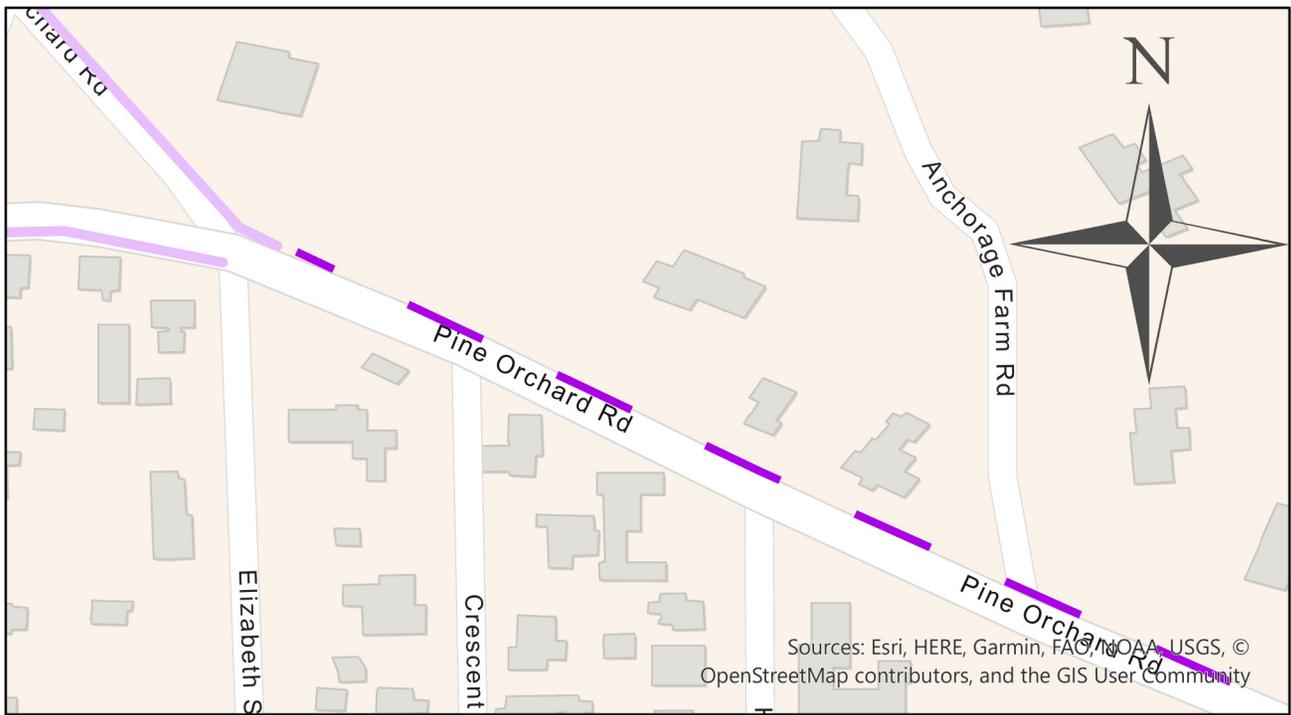
Pine Orchard Overview

- Proposed Sidewalks
- Proposed Crosswalk
- Existing Sidewalk

Note: Numbers shown on map are designations of where each phase is located.

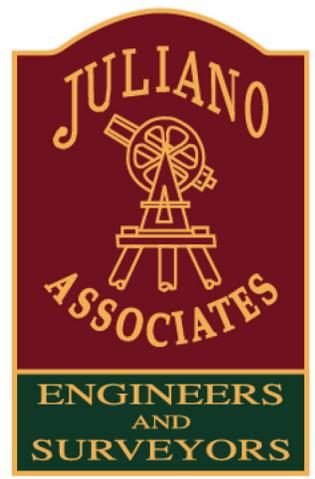
Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

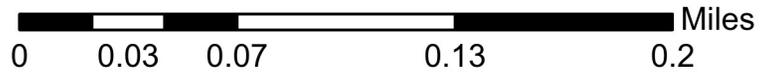
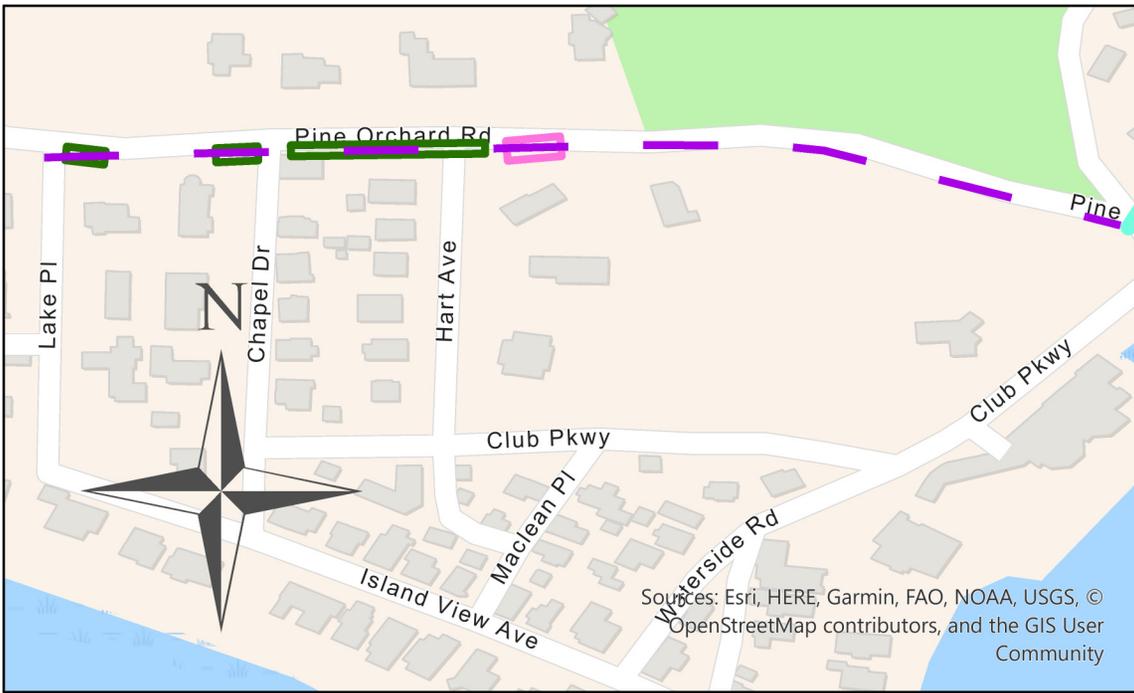




Pine Orchard Phase 1

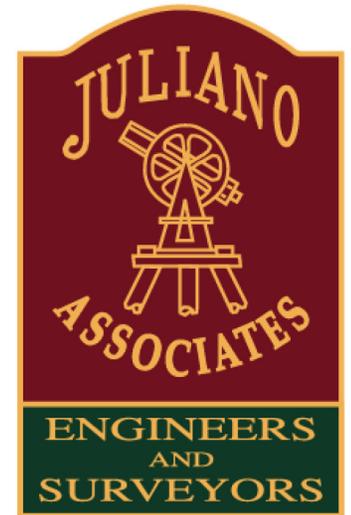
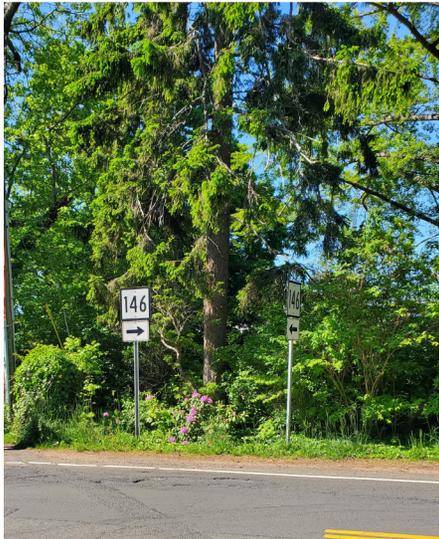
- Proposed Sidewalks
- Existing Sidewalk

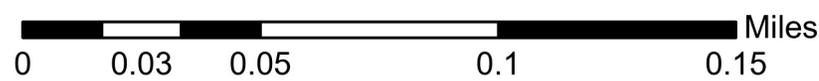
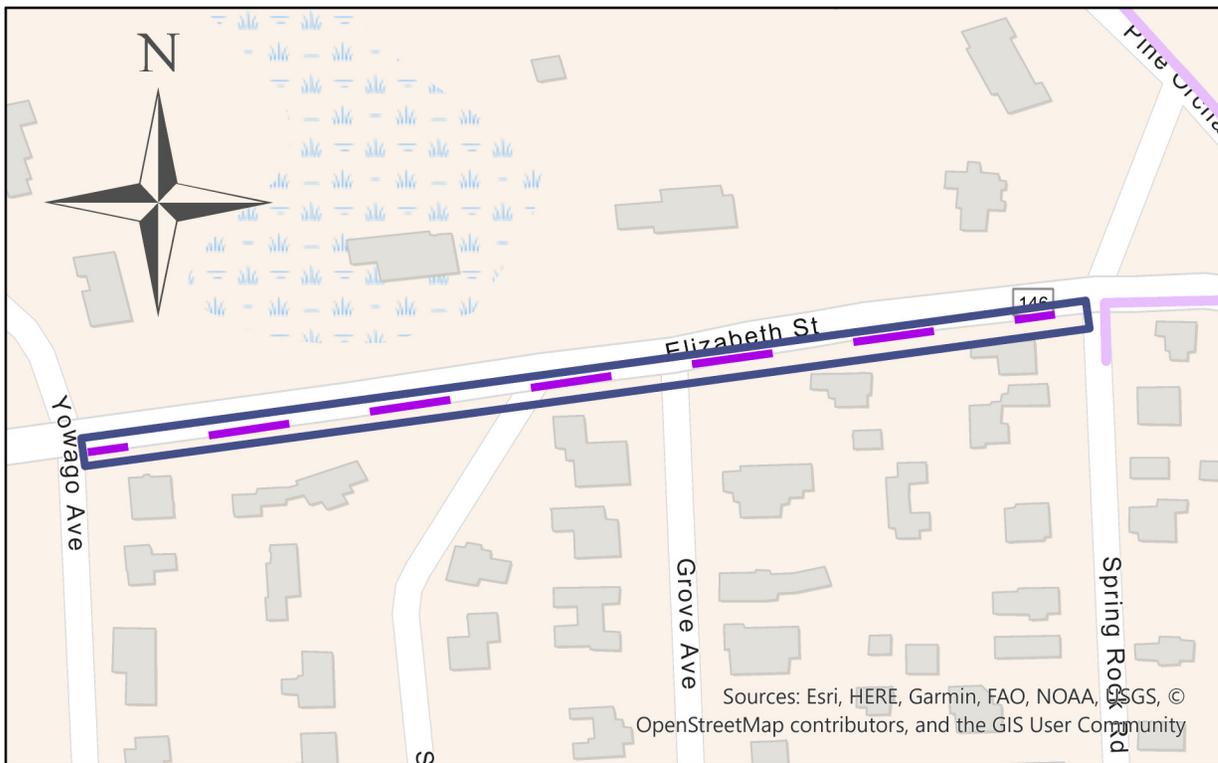




Pine Orchard Phase 2

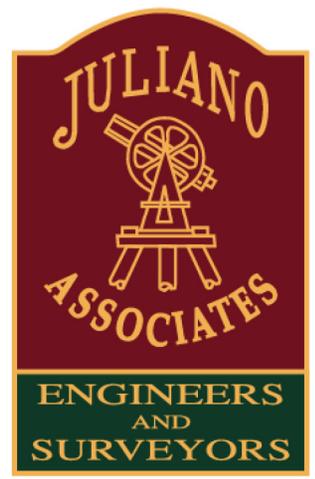
-  Proposed Sidewalks
-  Proposed Crosswalk
-  Existing Sidewalk
-  Vegetation to be Cleared
-  Fence to be Removed

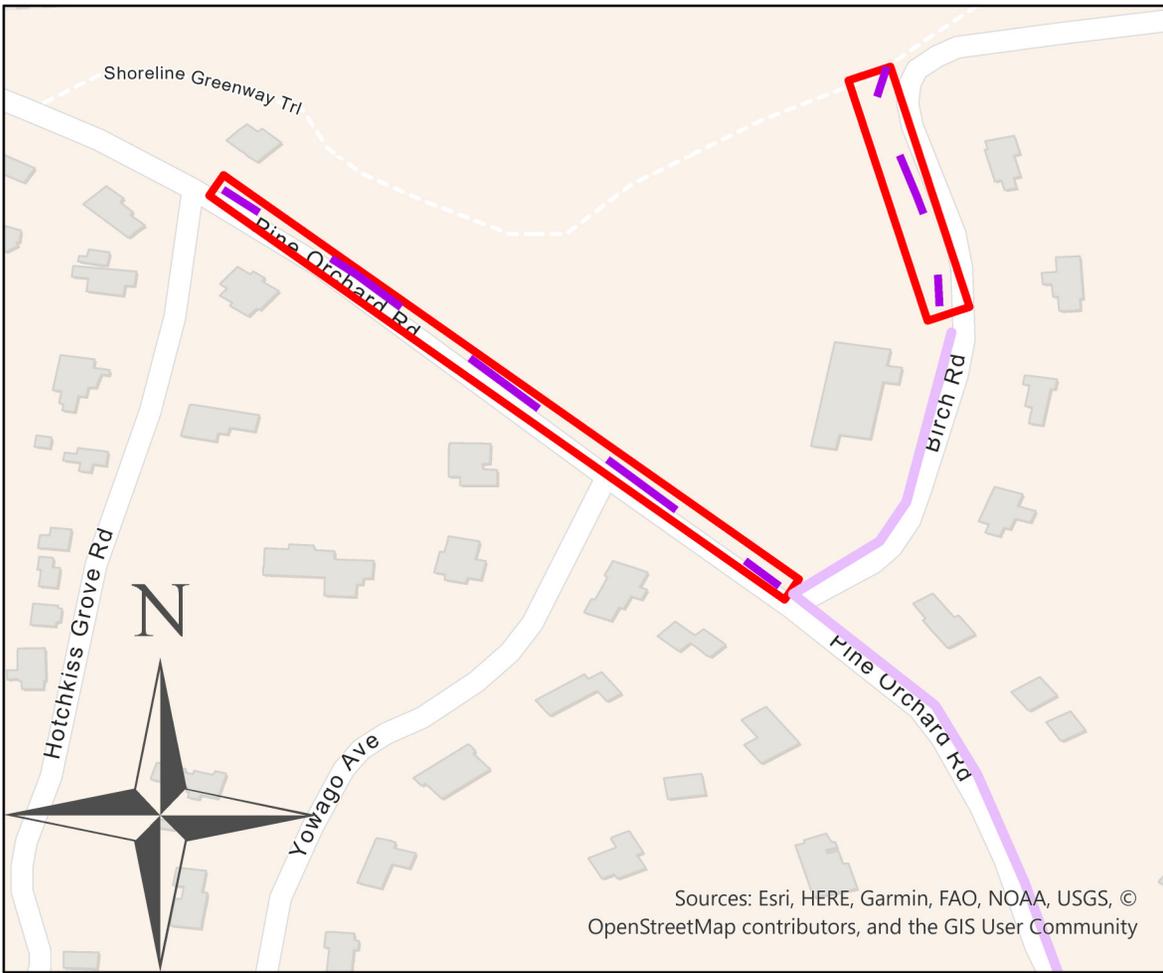




Pine Orchard Phase 3

- Proposed Sidewalks
- Existing Sidewalk
- Potential Vegetation Removal



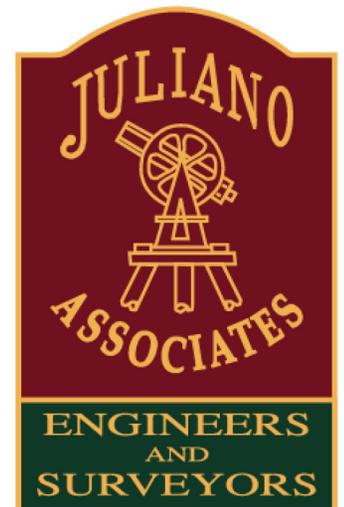
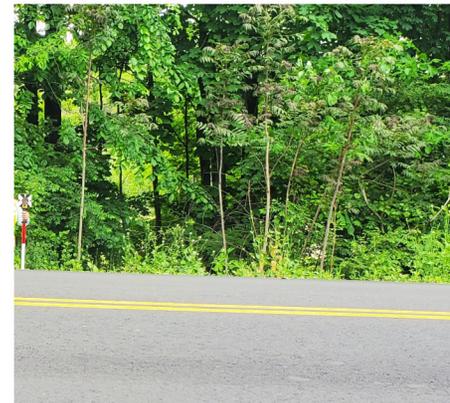
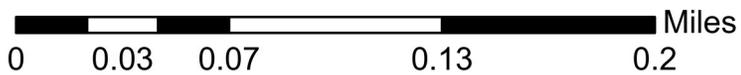


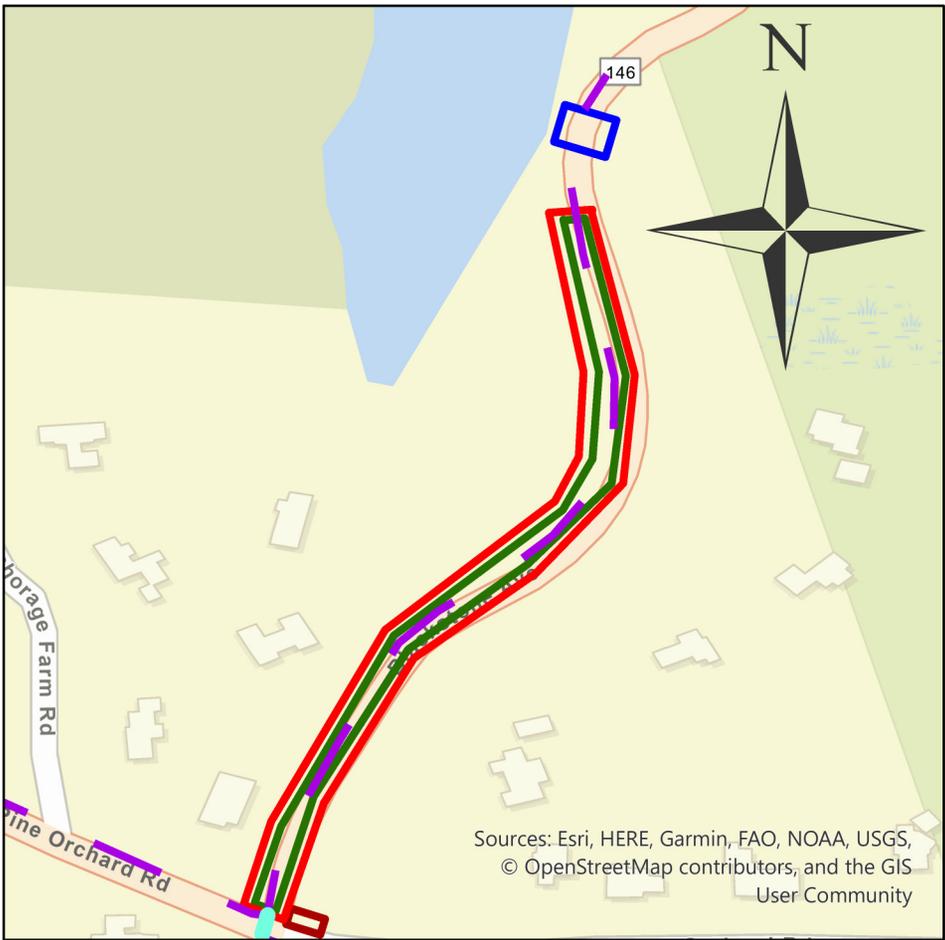
Pine Orchard Phase 4

- - - Proposed Sidewalks
- Existing Sidewalk
- Grading Issues

Note: Included in two of the photos edge is a prism pole at a height of 4.7' when it is on ground level.

The photos included do not show the exact location of issue highlighted, they are included to give an example of what the highlighted issues look like in the area.

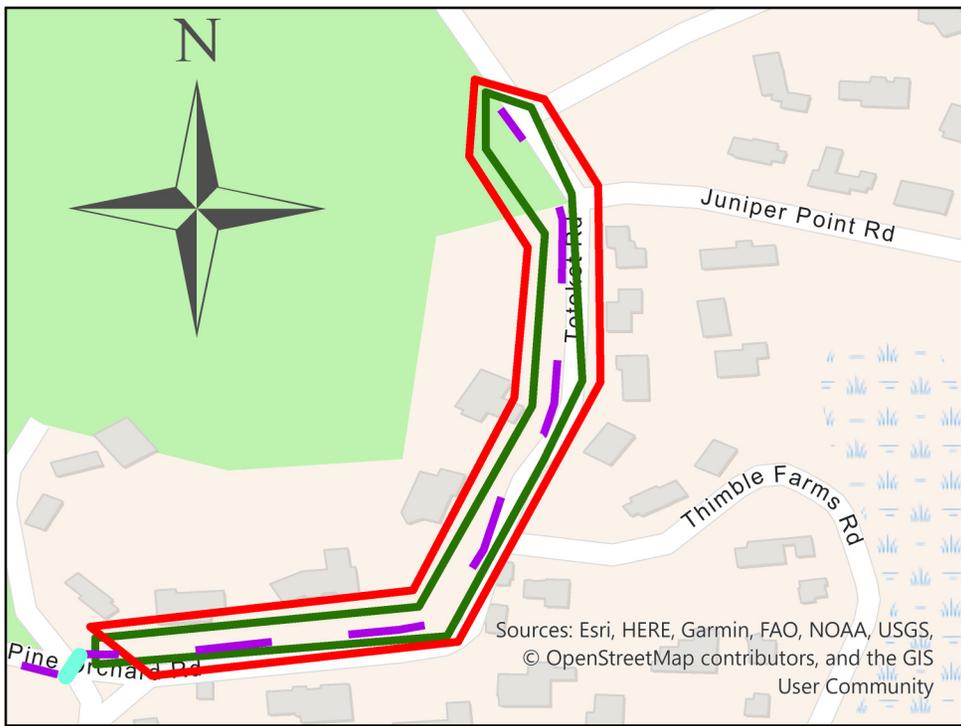




Pine Orchard Phase 5

- - - Proposed Sidewalks
- Proposed Crosswalk
- Vegetation to be Cleared
- Rock Wall to be Removed
- Narrow Bridge
- Grading Issues





Pine Orchard Phase 6

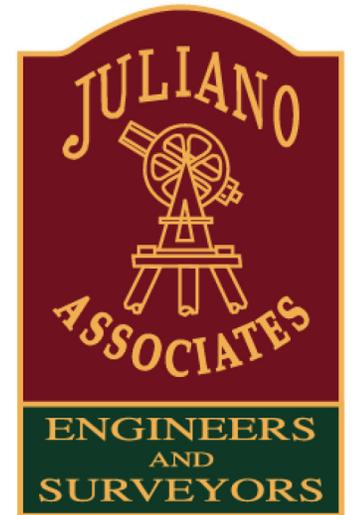
- Proposed Sidewalks
- Proposed Crosswalk
- Vegetation to be Cleared
- Grading Issues

Note: Along with grading/vegetation issues, there are also utilities (i.e manholes, electric poles, irrigation systems) that are within the desired sidewalk areas.

(Manhole seen through bush)

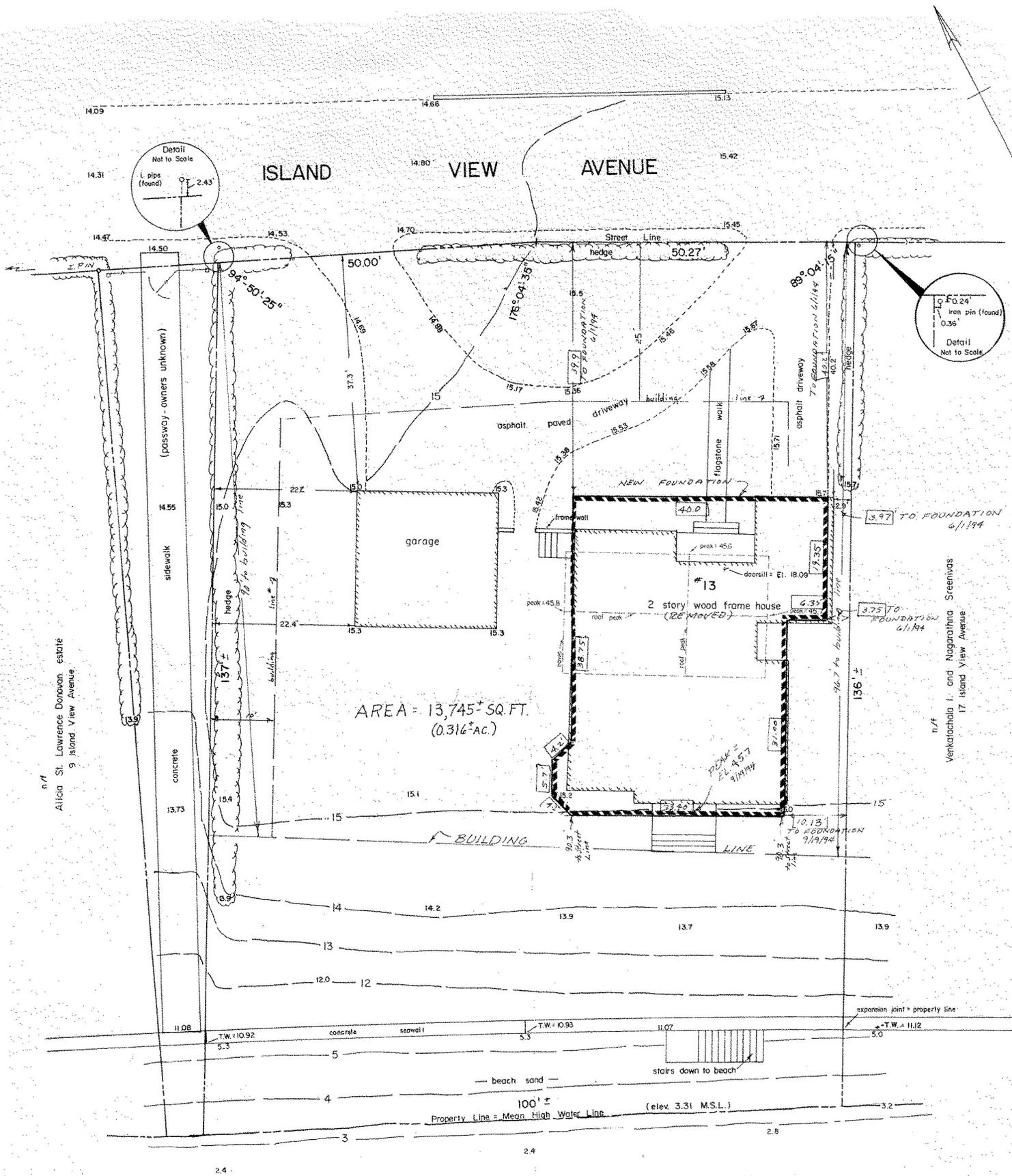


0 0.02 0.05 0.1 0.15 0.2 Miles









AREA = 13,745[±] SQ. FT.
(0.316[±] AC.)

CLARENCE BLAIR ASSOCIATES, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
341 QUINNIPAC AVENUE NEW HAVEN, CONN.

LONG ISLAND SOUND

Executive Board of the Pine Orchard Association

September 14, 2020

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

Board members present: Robin Sandler, Robert Dahill, Dick Greenalch, Peggy Haering, Linda Sachs, Len Farber, Seth Hershman, Bruce Calderone, Peg Taylor, Mark Law, Ray Seligson.

Absent: Joe Thomas

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

Agenda Item 2, Upon motion and second the Board approved the minutes of the previous Executive Board Meeting held on July 6, 2020.

Agenda Item 3, Communications: Short Term Rental update—Wihbey House. Peggy Haering reported on the continuing use of the Wihbey house at 3 Crescent Bluff Avenue as a short-term rental. The house has been in constant use with groups of different renters showing up each week for stays averaging one-week each. They make noise, disrupt neighbors, and even went so far as to set up outdoor projections of movies. Adjoining neighbors have lodged successive complaints. Peggy stated that the Wihbey appeal of the ZBA decision that his use of the property as a short term rental is not a valid non-conforming use is awaiting delivery of the hearing transcript and briefing. In response to questions about the fines that could be lodged against Wihbey, Peggy stated that a state statute limits fines for zoning violations to \$150 per day. Bob Dahill indicated that there had been a number of complaints about noise produced by generators during the last storm, especially when they run all night. He stated that there was a Branford noise ordinance. Ray Seligson said that Branford has a noise control officer and that the person complaining has to contact the town so that the noise level can be measured. The Police Department should be called as they have the equipment used to measure the noise level.

Tom Brockett, an RTM representative from the 7th District spoke about recent storms in the area. He said that the town had used money from the FEMA fund to pay for storm clean up. The town's emergency notification system goes through land lines. Tom indicated that the town had received substantial donations toward the cost of the animal shelter and that North Branford would contribute to the shelter as well. He introduced fellow RTM member Kevin Healey, who said that he would welcome emails concerning the animal shelter project.

Agenda Item 4. Linda Sachs presented the budget report as of September 13, 2020. We have already collected 85% of the taxes. Total cash available is \$192,921.42 in all accounts. Upon motion and second the report was approved.

Agenda Item 5: Committee reports (a) **By-Laws** (Ray Seligson/Mark Law) they plan to confer and will report back on any recommend changes. Robin Sandler suggested that the Board composition might be modified to have an uneven number of members in the event of tie votes;

(b) **Nominating**—Robin Sandler said that 4 seats on the Board will become available at the next annual meeting. Robin will be stepping down as he will be completing the maximum number of terms, and Seth Hershman will be up for re-election. At the next meeting the committee will report on expiration dates for Board member terms.

(c) **Municipal/Community Liaison:** (Bruce Calderone) had nothing new to report. With regard to the sidewalk project, Peter Hugret will end his participation on the committee. The first priority is the portion of Rt. 146 between Triangle Park and Mirror Lake. Mark Law said that he is supportive of sidewalks and will help by contacting homeowners affected by the project;

(d) **Long Range Planning** (Linda Sachs) Linda is in the process of gathering information and asked Board members to provide her with their ideas.

(e) **Waterfront Maintenance** (Robin Sandler) John Hoefflerle the Town Engineer has been involved and the town will be replacing the stairs at the end of Spring Rock Road. The new stairs will be 4 feet wide and construction should start later in September. Peggy Haering said that the sidewalk and sea wall at the end of Island View Avenue appeared to be in bad shape. Robin will investigate the situation and report back. The question was raised as to ownership of the sidewalk/seawall leading to the breakwater on Island View.

Stephanie Farber of Ozone Road commented on the successful resolution of an application for a permit to construct a dock on the Spring Rock Road Beach, which would have extended from property on Ozone Road across the beach. Al DeFilippo brought this situation to the attention of the neighborhood and organized efforts by neighbors to send letters to the Department of Energy and Environmental Protection (DEEP) expressing concerns about the project. In the end, the applicant abandoned the application for a dock and decided to install stairs to the beach instead. Bob Dahill thanked Al and his neighbors for their positive community action in bringing this matter to a successful conclusion.

(f) **Building Maintenance** (Joe Thomas/Seth Hershman) The headquarters building suffered no damage in the last storm; the Association is questioning whether continuing ownership of the property is necessary—given the maintenance expenses that are on the horizon.

(g) **P & Z/Chapel Liaison** (D. Greenalch) Dick reported that the Chapel will be proceeding with phase 1 of its construction project. The Chapel has filed for a building permit and Joe Sepot has taken Eric Rose's position on the Chapel Renovation Committee. The estimated cost of the phase 1 repairs is \$200,000.

(h) **Tax Collection**—(Len Farber) tax collections are approximately 85% so far; and delinquency notices are to go out on October 1, 2020. Len expects 100% compliance by the end of the year.

(i) **Beautification**—(Peg Taylor/Bob Dahill). Bob met with the Dept. of Public Works about installation of a water vault in the park so that the plants can be watered more easily. The cost to the POA will be approximately \$2400. The town will bring in a contractor to do the installation. The POA will need to pay for the water used. Upon motion and second the Board voted to approve the installation of the water vault and to have \$2400 taken from the existing budget for beautification.

Agenda Item 6—Juniper Point Association/Thimble Farms Association. Bob Dahill welcomed the participation of these groups in the POA meetings when its representatives were available. Bob also mentioned on behalf of the JFA and the TFA that jumping off Elephant’s rocks is both dangerous and prohibited and both groups ask residents to not climb on or jump off “Elephants”.

Agenda Item 7—President’s Report. Crescent Bluff update. The parties are taking steps to complete the settlement. The settlement documents are under review.

Agenda Item 8—Old Business (Short term rental)—no additional discussion.

Agenda Item 9— Placing Art in Triangle Park. Anthony Terry and Susan Farricielli of the Branford Arts and Cultural Alliance (BACA) have placed artwork in public spaces and parks in Branford and inquired whether the POA and the town had an interest in having sculpture place in Triangle Park. The First Selectman supports the project. The next step would be for the POA to identify an artist whose work we like and then to move forward with BACA to handle the logistical and insurance issues involved. A committee composed of Robin Sandler, Mike Hopkins and Peggy Haering will work with BACA to identify artists and will then report back to the board. five.

Agenda Item 10—Office Manager’s Report. Peter Robinson addressed the failure of the generator at the POA headquarters building during the last storm. Peter said that one of the parts had failed and he was not aware of it at the time. The generator was been installed approximately two years. It was recommended that it be checked quarterly to make sure that it is functioning.

Agenda Item 11: Adjournment., Upon motion and second the meeting was adjourned at 8:39 p.m.

Future Meetings

Monday, November 02, 2020,
Monday, January 04, 2021,
Monday, March 01, 2021, &
Monday, May 03, 2021,

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



PINE ORCHARD ASSOCIATION

Branford, Connecticut

PINE ORCHARD ASSOCIATION BOARD MEETING NOTICE

Monday, Sept 14, 2020 @ 7:00 PM

At the call of the President, Robert Dahill, there will be a meeting of the Board of the Pine Orchard Association using the Zoom Application.

SEE INSTRUCTIONS & LINK BELOW

1. Call to order
2. Communications: Short Term Rental Update Wihbey House, Generators / Branford Noise Ordinance
3. Approval of Minutes of July 06, 2020 Meeting
4. Treasurer's Report (Linda)
5. Committee reports **a)** By-Laws (M. Law, R Seligon) **b)** Nominating (R Sandler) **c)** Municipal /Community Liaison [Sidewalks] (B. Calderone, S. Hersham, P Hugret] **d)** Long Range Planning (L. Sachs) **e)** Waterfront: Maintenance & Access (R Sandler **f)** Building Maintenance (J Thomas, S Hersham **g)** P&Z / Chapel Liaison (D. Greenalch] **h)** Tax Collector (L. Farber) **i)** Beautification (P. Taylor, B. Dahill] Steps at end of SRR, Approve Budget for Water Vault @ Triangle Park
6. Update: Welcome Michelle Blank Juniper Point Ass. [JPA] and Brian Fain Thimble Farms Ass [TFA]
7. President's Report: Crescent Bluff Update
8. Old Business: Short Term Rental Enforcement: State Statute
9. New Business: Placing Art in Triangle Park: BACA's Frank Carrano, Tony Terry, Susan Farricielli and Richard Blacher
10. Office Manager: Peter Robinson Report
11. TBA
12. Adjournment

Note: Remaining 2020 Meeting Dates: - Monday, November 2, 2020, Monday, January 4, 2021, - Monday, March 1, 2021, Monday, May 3, 2021, POA Annual Meeting held on Monday July 5, 2021

ZOOM MEETING DETAILS

Once you enter the zoom meeting, please mute your microphone (icon in lower left hand corner) and un-mute only when you are given permission to speak by the moderator. When you do speak, start by stating your name and street address.

Topic: Fall POA Board Meeting

Time: Sept 14, 2020 07:00 PM

Meeting ID: 810 2229 3673
Pass code: 347910

[Click HERE to join Meeting](#)

A handwritten signature in black ink that reads "Bob". The letters are stylized and cursive.

Robert Dahill
President, POA Board

Pine Orchard Association Treasurer's Budget Report
as of 9/13/20

	Approved Budget 1-Jul-20	Budget Activity Year to Date	Budget Remaining Year to Date	% of Budget Rec/Dsbrmnts Year to Date
RECEIPTS				
Tax Collections	\$ 76,506	\$ 64,934	\$ 11,572	85%
Rent	\$ 4,000	\$ 4,000	\$ -	100%
Building & Permit Fees	\$ 4,000	\$ 2,600	\$ 1,400	65%
Other (Interest, Moorings)	\$ 735	\$ 5	\$ 730	1%
Use of Capital Savings	\$ -	\$ -	\$ -	
Total	\$ 85,241	\$ 71,539	\$ 13,702	84%
DISBURSEMENTS				
Security	\$ -		\$ -	
Shorefront Maintenance	\$ 10,000	\$ -	\$ 10,000	0%
Building Maint/Utilities	\$ 14,000	\$ 2,278	\$ 11,722	16%
Property Improvements	\$ -	\$ -	\$ -	
Office/General	\$ 17,000	\$ 5,390	\$ 11,610	32%
Insurance	\$ 9,000	\$ 3,261	\$ 5,739	36%
Legal	\$ 11,200	\$ -	\$ 11,200	0%
Zoning	\$ 5,500	\$ 1,250	\$ 4,250	23%
PO Web	\$ 100	\$ -	\$ 100	0%
Acctg Annual Review	\$ 4,200	\$ -	\$ 4,200	0%
Beautification Committee	\$ 4,500	\$ -	\$ 4,500	0%
Sidewalks	\$ 4,200	\$ -	\$ 4,200	0%
Total	\$ 79,700	\$ -		0%
NET INCOME (LOSS)	\$ 5,541	\$ 71,539		

Account Balance as of 9-13-20	
BOA checking	\$95,044.04
Less outstanding checks	\$4,925.48
BOA net balance	\$90,118.56
BOA Savings	\$52,353.03 Opened 12-2012
BOA 13-mo CD	\$50,449.83 Opened 02-2020
Total "cash available"	\$192,921.42

Office Manager Report for Summer 2020

1) POA Tax Collection:

- a. POA Taxes are 86% collected. A reminder email will go out this coming Friday. Taxes received after Oct. 1st, will be considered delinquent.
- b. We have only one taxpayer whom we cannot reach, no known address - but we do have an email address.

2) Zoning:

- a. One pending ZBA hearing planned for 18 Hart Ave. for Monday, Sept 21st.

3) POA Building:

a. Accomplished

- i. Researched the ownership of the POA building – we do not own, town property.
- ii. Down tree from last storm - \$225 to cut down (bucket truck) and remove.
- iii. Landscaping on property
 1. Tree removal
 2. Holes fill in and lawn seeded
 3. Gardens weeded and mulched.

b. Planned for 2020/2021

- i. Install new exterior lighting systems for walkway and parking lot (\$2,800)
- ii. Need to investigate asphalt repair and getting lines painted
 1. We are looking into reaching out to the utility's park in the lot.

4) POA Office:

a. Accomplished

- i. Outreach: We have a 68% coverage via email for all POA residences (464 email).
- ii. Response: I can get back to inquiries within 24 hours.
- iii. Audit: done for the 2019/2020 tax season

b. Planned for 2020/2021

- i. Need to upgrade Office PC to support Windows 10 due to discontinued support for Windows 7- no security updates going forward. There is \$1,200 in budget for new PC.



PINE ORCHARD ASSOCIATION

Branford, Connecticut

PINE ORCHARD ASSOCIATION BOARD MEETING NOTICE

Monday, November 2nd 2020 @ 7:00 PM

At the call of the President, Robert Dahill, there will be a meeting of the Board of the Pine Orchard Association using the Zoom Application.

SEE INSTRUCTIONS & LINK BELOW

1. Call to order
2. Communications: Community Feedback
3. Approval of Minutes of Sept 7th, 2020 Meeting
4. "Art in the Park" - Tony Terry
5. RTM Update - Tom Brockett
6. Treasurer's Report (Linda)
7. Heat Smart: Town of Branford's Clean Energy Program
8. Committee reports **a)** By-Laws (M. Law, R Seligon) **b)** Nominating (R Sandler) **c)** Municipal /Community Liaison [Sidewalks] (B. Calderone, S. Hershman, P Hugret] **d)** Long Range Planning (L. Sachs) **e)** Waterfront: Maintenance & Access (R Sandler **f)** Building Maintenance (J Thomas, S Hershman **g)** P&Z / Chapel Liaison (D. Greenalch] **h)** Tax Collector (L. Farber) **i)** Beautification (P. Taylor, B. Dahill) Steps SRR, Triangle Park
9. President's Report: Car break-ins
10. Old Business:
11. New Business: Robin Sandler to propose a change to the POA zoning ordinance related to patio set-backs
12. Office Manager: Peter Robinson Report (Tax collection, Building status, New computer, moved ISP, ZBA activity)
13. Adjournment

Note: Remaining 2020 Meeting Dates: - Monday, November 2, 2020, Monday, January 4, 2021, - Monday, March 1, 2021, Monday, May 3, 2021, POA Annual Meeting held on Monday July 5, 2021

ZOOM MEETING DETAILS

Once you enter the zoom meeting, please mute your microphone (icon in lower left hand corner) and un-mute only when you are given permission to speak by the moderator. When you do speak, start by stating your name and street address.

Topic: November POA Board Meeting

Time: Nov. 2nd, 2020 07:00 PM

Meeting ID: 853 5857 8779

Passcode: 388752

[Click HERE to join Meeting](#)

A handwritten signature in black ink that reads "Bob". The letters are stylized and cursive.

Robert Dahill
President, POA Board

Executive Board of the Pine Orchard Association

November 2, 2020

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

Board members present: Robin Sandler, Robert Dahill, Dick Greenalch, Peggy Haering, Linda Sachs, Joe Thomas, Seth Hershman, Bruce Calderone, Peg Taylor, Mark Law, Ray Seligson.

Absent: Len Farber

Agenda Item 1. The meeting was called to order by the President, Robert Dahill, at 7:04 p.m.

Agenda Item 2. Communications: None.

Agenda Item 3. Upon motion and second the minutes of the Executive Board Meeting held on September 7, 2020., were approved.

Agenda Item 4, Art in the Park. Tony Terry from the Branford Arts and Cultural Alliance (BACA) spoke about placement of art works in Triangle Park. Susan Farracielli proposed several pieces of sculpture by Old Saybrook artist Gil Boro for placement. The two leading candidates were large pieces representing knots—that are reflective of Pine Orchard’s legacy with Long Island Sound. BACA indicated willingness to assume the full cost of transporting the pieces to Branford. As a follow-up, BACA will provide details about the cost of placement, insurance, and timing and process for site preparation. Bob Dahill asked the committee to submit their recommendation including: next steps, pieces to be installed, requirements for installation, etc. by November 20th. Robin Sandler noted that BACA would be sponsoring a display of “Painted Doors of Branford” on Main Street in Branford over the weekend.

Agenda Item 5, RTM Update. Tom Brockett, an RTM representative from the 7th District, reported that bonding for the new animal shelter had been approved. He stated that the State Department of Transportation (DOT) would be sponsoring a study of State Route 146 (including crosswalks) in Branford and Guilford. The sidewalk committee will follow up with the consultant conducting the study. The town has finished rebuilding the steps on Spring Rock Road, and the railings will be installed shortly.

Agenda Item 6. Linda Sachs presented the budget report as of November 2, 2020. We have already collected most of the taxes for the year. Total cash on hand is \$193,504; \$25,000 has been placed in savings. Upon motion and second the Treasurer’s report was approved.

Agenda Item 7, HeatSmart. Gaile Ramey explained the HeatSmart program, a program in which the town of Branford and the Peoples Action for Clean Energy are participating. As explained by Mike Cohen, the program can help residents reduce their

heating bills. The four protocols for reducing energy costs include energy audits, installing improvements, installing heat pumps, and using solar panels. Members of the public can receive a free energy audit by contacting HeatSmart. As part of that audit they could be provided with up to \$1400 of products to reduce air leakage, which might include attic insulation, weather stripping, repairs for windows, etc. Rebates are made available for the purchase of a heat pump. and energy waste through the end of 2020.

Agenda Item 8, Committee reports. (a) **By-Laws**--(Ray Seligson/Mark Law) They have reviewed the By-Laws and plan to make suggestions shortly. (b) **Nominating**—Robin Sandler said that 4 seats on the Board will become available at the next annual meeting in July 2021. He urged community members interested in serving on the Board to contact him. (c) **Municipal/Community Liaison:** (Bruce Calderone) had nothing new to report. The sidewalk the committee will make an outreach to the consultant hired by DOT to see how that study may influence the POA's sidewalk project. (d) **Long Range Planning** (Linda Sachs) Linda is gathering information and asked committee members to assist her with long-term planning by providing estimates for expenditures that will be needed in years 2 and 3. (e) **Waterfront Maintenance** (Robin Sandler) said that the sidewalk and sea wall at the end of Island View Avenue may be in need of expensive repairs. Robin will investigate the situation, and review easements to use the area in order to seek potential contributions for that work. (f) **Building Maintenance** (Joe Thomas/Seth Hershman) The headquarters building will need exterior lighting and repairs to the driveway and parking lot. The Association is evaluating whether continued ownership of the property makes sense—given the maintenance expenses that are on the horizon. The driveway repairs will need to wait until next spring. The cost for exterior lighting is already in the budget. Upon motion and second the board voted to proceed with the installation of exterior lighting. (g) **P & Z/Chapel Liaison** (D. Greenalch) Dick had no report on Planning & Zoning. Dick reported that work on the Chapel has already commenced and that the Chapel has secured funding through phase 2 of the restoration. (h) **Tax Collection**—(Len Farber, absent) No report. (i) **Beautification**—(Peg Taylor/Bob Dahill). Bob said that the steps on Spring Rock Road have been completed. The Town used extremely hard work on the project. The stairway is 4' wide; the handrail is being fabricated and should be finished shortly. The town paid the cost of replacing the stairway. Bob Dahill expressed the Association's appreciation for the town's support on this project. The next project will be installation of the water vault in Triangle park. This will allow us to water the berm. The committee will explore installation of a modest sprinkler system. There are no further beautification plans for Young's Pond. The bench has been installed.

Agenda Item 9, President's Report. Bob Dahill reported that there had been some car break-ins on Pasadena Rd. Another car was stolen out of a driveway on Yowago Avenue. POA residents are urged to lock their cars.

Agenda Item 10, Old Business. (Short Term Rentals) Peggy Haering reported that the Wihbey appeal challenging application of the Short Term Rental Ordinance to his property on Crescent Bluff Avenue is proceeding in the Superior Court. Michael Hopkins and Jacqueline Wolfe--who live next door to the Wihbey property--have been

granted intervenor status in that case. The briefing schedule for the appeal has been set, and the case will be argued after January 22, 2021.

Agenda Item 11, New Business. Robin indicated that there will be a proposal to amend the zoning ordinance to provide that patios will no longer be considered a “structure” subject to the setback requirements. Jeanne Hughes commented that patios are considered to be structures for insurance purposes. Joe Thomas stated that patio placement is a problem in Pine Orchard because so many of our properties have small lots.

Agenda Item 12, Office Manager’s Report. Peter Robinson said that 98.5% of the real estate taxes have been collected. He is reaching out to entities that use the parking lot at the POA headquarters to see if they will contribute to the cost of repaving. He reported that the generator at the POA headquarters building is operating and recommended a maintenance program.

Agenda Item 13: Adjournment., Upon motion and second the meeting was adjourned at 8:34 p.m.

Future Meetings

Monday, January 04, 2021,
Monday, March 01, 2021, &
Monday, May 03, 2021,

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

Pine Orchard Association Treasurer's Budget Report
as of 11/1/20

	Approved Budget 1-Jul-20	Budget Activity Year to Date	Budget Remaining Year to Date	% of Budget Rec/Dsbrmnts Year to Date
RECEIPTS				
Tax Collections	\$ 76,506	\$ 72,301	\$ 4,205	95%
Rent	\$ 4,000	\$ 4,000	\$ -	100%
Building & Permit Fees	\$ 4,000	\$ 3,850	\$ 150	96%
Other (Interest, Moorings)	\$ 735	\$ 265	\$ 470	36%
Use of Capital Savings	\$ -	\$ -	\$ -	
Total	\$ 85,241	\$ 80,416	\$ 4,825	94%
DISBURSEMENTS				
Security	\$ -	\$ -	\$ -	
Shorefront Maintenance	\$ 10,000	\$ -	\$ 10,000	0%
Building Maint/Utilities	\$ 14,000	\$ 3,250	\$ 10,750	23%
Property Improvements	\$ -	\$ -	\$ -	
Office/General	\$ 17,000	\$ 7,832	\$ 9,168	46%
Insurance	\$ 9,000	\$ 3,261	\$ 5,739	36%
Legal	\$ 11,200	\$ -	\$ 11,200	0%
Zoning	\$ 5,500	\$ 1,372	\$ 4,128	25%
PO Web	\$ 100	\$ -	\$ 100	0%
Acctg Annual Review	\$ 4,200	\$ 2,430	\$ 1,770	58%
Beautification Committee	\$ 4,500	\$ -	\$ 4,500	0%
Sidewalks	\$ 4,200	\$ 4,200	\$ -	100%
Total	\$ 79,700	\$ 22,345		28%
NET INCOME (LOSS)	\$ 5,541	\$ 58,071		

Account Balance as of 11-1-20	
BOA checking	\$67,915.79
Less outstanding checks	\$2,281
BOA net balance	\$65,635.08
BOA Savings	\$77,355.18 Opened 12-2012
BOA 13-mo CD	\$50,513.52 Opened 02-2020
Total "cash available"	\$193,504

Office Manager Report for November 2020

1) POA Tax Collection:

- a. POA Taxes are 98.5% collected. I Have turned over to the TAX Collector the delinquency list with detailed contact information. I will assist in the collection of the remaining 11 residences.
- b. We have only one taxpayer whom we cannot reach, no known address - but we do have an email address.

2) Zoning:

- a. Supporting Eric and Robin in their effort to up-date the POA zoning ordinance.
- b. One pending ZBA hearing planned for 9 Maclean.

3) POA Building:

a. Accomplished

- i. Determined ownership of the Island View access point.
- ii. Heating system is up and running (checked by Gas Company).
 1. Building set at 50DEG for the season.
- iii. Generator: Fixed as of last week. Kevin did a full maintenance sweep on the generator and replaced a controller board in the 3-phase switch controller. He will check out the generator the first week of each quarter.

b. Planned for 2020/2021

- i. Install new exterior lighting systems for walkway and parking lot (\$2,800)
 1. Given COVID, I recommend we put this off until we know we will hold meeting in the fire station.
- ii. Need to investigate asphalt repair and getting lines painted
 1. I have started to reach out to the utilities who park in the lot.
 - a. Frontier – said no way
 - b. Eversource – will get back to me
 - c. Comcast – will get back to me

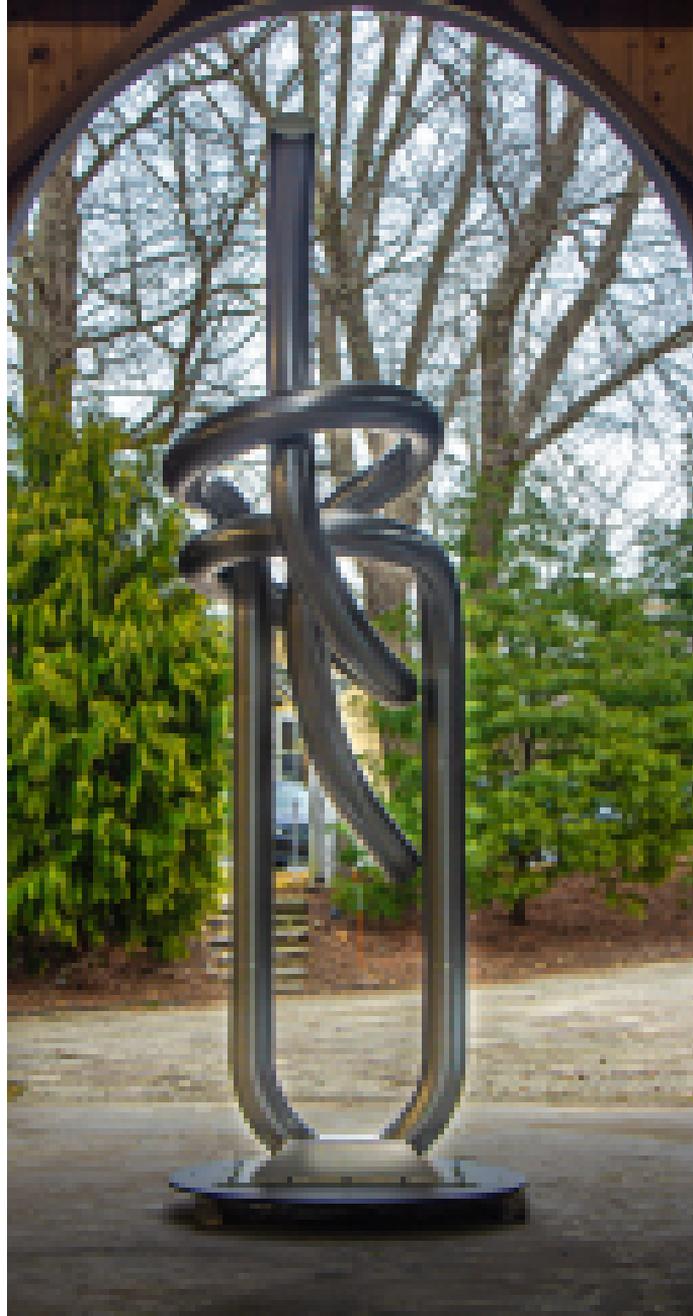
4) POA Office:

a. Accomplished

- i. Outreach: five new residences – welcome letter sent.
- ii. Response: 24-hour response time.
- iii. Ordered new PC, will install next week.
- iv. Moved our ISP to HostGator due to email issues. Same fee structure.

b. Planned for 2020/2021

None











HeatSmart Branford

Peoples Action for Clean Energy (PACE)
And the Town of Branford
Are Bringing Money, Energy, and CO₂ Savings to Our Town

1

Why Save CO₂ - Slow Climate Change



4

The HeatSmart Program

1. Have a **FREE** Home Energy Solutions (HES) audit of your home:
2. Install Recommended Energy Efficiency Improvements
3. Install a Heat Pump
4. Install solar panels

► You can stop at any time after step 1

2

Sea Level Rise in Miami today



5

Why join the HeatSmart program?

- You save money.
- You save energy
- You pollute less and make the air cleaner and more healthy.
- You produce less CO₂ and help fight global warming

3

The Camp Fire in California



6

Hurricane Sandy in New York City



7

2020 Insulation Rebates

- \$2.20 sq. ft. for all areas
 - Walls, attic floors, basement and garage ceilings
- Self-installs .25 sq. ft.
- Capped at 100% of total cost up to \$10,000 *whichever is less*
- Anyone who has HES in 2020
 - Need to complete insulation by March 31 2021
- Anyone who had HES in the last 36 months is eligible
 - Need to complete insulation install between May 16, 2020 and December 31, 2020

10

Step 1 - The Home Energy Solutions (HES) Visit

- ▶ The HES visit is free though December 31, 2020
- ▶ HES includes:
 - ▶ Basic energy and air leakage sealing of the home
 - ▶ Water saving fixtures and LED lighting
 - ▶ Typically \$1400 worth of products and energy efficiency services
 - ▶ Suggestions for deeper energy saving retrofits
- ▶ Typically, the HES audit will save \$250 per year in energy costs

8

2020 Window Rebates

- | | |
|--|---|
| <ul style="list-style-type: none"> • Double Pane Window <ul style="list-style-type: none"> - Need HES - ENERGY STAR® window with U-Value of .27 or less - Can <u>only</u> replace <u>single pane windows without storms</u> within the building Envelope - \$50/window | <ul style="list-style-type: none"> • Triple Pane Window <ul style="list-style-type: none"> - Do not need HES - ENERGY STAR® window with U-Value of .20 or less - Can replace any type of window within the Building Envelope - \$100/window - Limited time offer, Must be installed by December 31, 2020 |
|--|---|

11

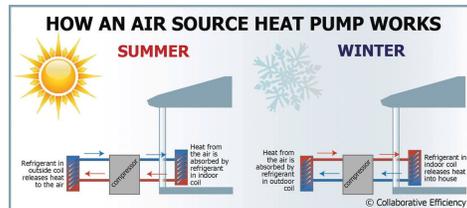
Step 2 - Deeper Energy Retrofits

- ▶ Typical measures include
 - ▶ Basement ceiling and band joist insulation
 - ▶ Attic insulation
- ▶ Substantial rebates are available

9

Step 3 - Heat Pump Installation

A heat pump is like an air conditioner that you can run backwards in Winter



12

HeatSmart Heat Pump Installation

- ▶ HeatSmart will vet and recommend a Heat Pump installer
- ▶ Heat pumps can save money and substantial amounts of CO₂ emissions especially when combined with renewable power
- ▶ Substantial rebates are available

13



16

2020 Air Source Heat Pump Rebates

- AHRI ENERGY STAR® Certified Ducted Air Source Heat Pump
 - \$500/ton
 - Maximum of 2 units
 - Online or mail-in rebate
- AHRI ENERGY STAR® Certified Ductless Air Source Heat Pump
 - \$500/ton
 - Maximum of 2 units
 - Instant Discount
- Customers who go through HES and have electric Heat receive an additional \$1,000/ton for Ducted or Ductless Air Source Heat Pumps
 - Maximum of 2 units

14

We Ran the Numbers for you: (Typical, Estimated 2000 sq ft home, oil heat)

Savings will vary for each home design and pattern of energy use

Work Performed	Total Cost (\$)	Rebate (\$)	Net Savings (\$)
2000 sq ft Home - oil heat - Colonial - No Ductwork			
Home Energy Solutions (HES) Free Services	\$1,400	\$1,400	\$0
Deep insulation improvements			
AIRC insulation rebate	\$1,370	\$1,370	\$0
Ceiling Fan Joint insulation rebate	\$134	\$134	\$0
Basement Ceiling Insulation rebate	\$1,400	\$1,400	\$0
Total Deep insulation improvements	\$448	\$448	\$0
Heat Pump - replaces Oil Heat	\$10,000	\$10,000	\$0
27% Federal Tax Credit rebate	\$2,700	\$2,700	\$0
Total after rebate (9-18 payback)	\$4,724	\$4,724	\$0
Total - Replaces Oil Heat	\$4,718	\$4,718	\$1,294

NOTES:
 (1) Annual Costs based on energy C1 rate of 6.99% for 12 years for insurance
 or - 0.99% for a term of 2 years over the payback period for a maximum of 20 years for a heat pump

17

Why Install a Heat Pump?

- ▶ Heat pumps are cheaper than oil, propane or electrical resistance (baseboard) heating
- ▶ Heat pumps use electricity instead of fossil fuels
- ▶ Substantial rebates (especially for income eligible families & homes heated by oil propane, or baseboard electricity)
- ▶ Financing at very attractive rates

15

Here's the Takeaway

- ▶ The Home Energy Solutions (HES) visit costs you nothing and will typically save **\$250** per year
- ▶ You can get \$4,724 worth of insulation for \$418 after rebates for a net savings of nearly **\$400** per year.
- ▶ After accounting for your rebate and favorable financing a new, \$10,000, Heat Pump will pay for itself and save an additional **\$147** per year.
- ▶ That adds up to a total of **\$791** per year savings
- ▶ Adding solar rooftop will save even more
 - ▶ If you need to replace an old furnace, or are income eligible this is even more attractive

18

Step 4 - Install Solar Rooftop Panels

- Saves money, even more as utility costs rise
- Decreases fossil fuel dependence
 - Pollution
 - Green house gases
- Creates local jobs and economic growth
- Helps meet CT environmental goals

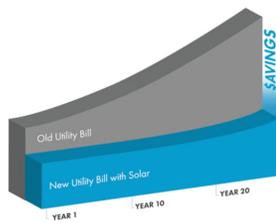
19

Why Now During HeatSmart Campaign?

- ▶ Great rebates and reduced rate financing are available through the end of the year
- ▶ Vetted HES auditors and heat pump installer are available
- ▶ Start Saving on Energy and money right away

22

Solar Savings Increase Over Time



Resources: <https://www.thepennyhoarder.com/save-money/solar-panels-in-your-home/>

20

How to get started

- ▶ Go to:
 - ▶ HeatSmartBranfordCT.org
- ▶ Fill out the "I'm interested" form
- ▶ We will send you information about how to get started with a Home Energy Solutions (HES) Audit

23

Branford Solar Progress

- 300 residential installations
 - 96 building applications
- Town installations
 - BHS
 - Firehouse
 - Transfer station
- Tabor
 - 4.3-acre 1.37 MW solar farm

21

How to get started

- ▶ Go to HeatSmartBranfordCT.org
- ▶ Fill out the "I'm interested" form
- ▶ We will get you started
- ▶ Support Branford Clean Energy:
 - ▶ Patronicity.com → search for "Branford"

24



Minutes of a Special Meeting of the Pine Orchard Executive Board Meeting

November 18, 2020

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

The meeting was called to order by President Robert Dahill at 7:00 p.m.

Board members present: Peggy Haering, Robin Sandler, Linda Sachs, Robert Dahill, Ray Seligson, Mark Law, Peg Taylor, Seth Hershman.

Absent: Len Farber, Bruce Calderone, Richard Greenalch, and Joe Thomas.

The meeting was called to receive and consider nominations for appointment to the Pine Orchard Zoning Board of Appeals (ZBZ) and, if appropriate, to confirm and appoint persons to fill the following positions:

- Regular Member for a term to expire December 31, 2024
- Regular Member for a term to expire December 31, 2024
- Regular Member for a term to expire December 31, 2025
- Alternate Member for a term to expire December 31, 2024

The Board reviewed the following slate, representing the reappointment of existing members:

- Board *Marshal Gibson (Chairman)*, Regular Member for a for a term to expire December 31, 2024
- *James Killelea Regular Member* for a term to expire December 31, 2024
- *Jeanne Hughes Regular Member*, for a term to expire December 31, 2025
- *Patrick Doyle, alternate* for a term to expire December 31, 2024

There were no nominations from the floor. Upon motion and second the Board voted unanimously to appoint Marshall Gibson, James Killelea, Jeanne Hughes, and Patrick Doyle to the ZBA for the terms stated above.

The President thanked the members of the ZBA for their service and contributions to the community.

Upon motion and second, the meeting was adjourned at 7:15 p.m.

Respectfully submitted,

Margaret Haering, Clerk