



PINE ORCHARD ASSOCIATION  
Branford, Connecticut

**PINE ORCHARD ASSOCIATION EXECUTIVE BOARD  
MEETING NOTICE AND AGENDA  
MONDAY, November.1st, 2021 @ 7:00 PM**

At the call of the president, there will be a meeting of the Executive Board of the POA via Zoom™ video conferencing application. For all who wish to attend the Zoom™ meeting, please click on the button below.

**Board Meeting Agenda**

- 1) Call to order
- 2) Approval of Minutes of Sept 13, 2021, Meeting
- 3) Statement from Robert Dahill - President, POA Executive Board
- 4) Treasurer's Report (Linda)
- 5) Committee reports:
  - A. By-Laws - (M. Law, R Seligson)
  - B. Nominating - (S. Hershman, M Law)
  - C. Municipal /Community Liaison - (B. Calderone, S. Hershman)
  - D. Long Range Planning - (L. Sachs, R. Dahill)
  - E. Waterfront: Maintenance & Access - (R Seligson, D Silverstone) Sidewalk at breakwater long range repair strategy
  - F. Building Maintenance - (J Grathwol)
  - G. Zoning - (M Barez)
  - H. Tax Collector - (L. Farber)
  - I. Beautification - (P. Taylor, B. Dahill) Triangle Park - RWA, Irrigation
  - J. Municipal Liaison – (Bruce Calderone, Seth Hershman) Corridor Study SCRCOG and sidewalks.
- 6) New Business: Public Comments on:
  - Proposed Ordinance from Sept 13th meeting and
  - Letter from 49 POA members
- 7) Office Manager: Peter Robinson Report - Tax Collection, building, Blackstone Library, Procedure's manual, ZBA update
- 8) Adjournment

***Statement from Office Manager***

Please note, all participants will be ***muted as they join*** the Zoom call. It is requested that your screen name not be an alias or email address but your ***first and last name***. If you wish to address the board during the ***Committee reports*** (Agenda item #5), please click on the ***reaction icon*** at the ***bottom of the Zoom screen*** and then click on ***raise hand***. The moderator will inform the Board of your desire to speak. When instructed, your microphone will be unmuted and allow to speak. You will have up to four minutes to speak.

**Rules Governing Public Comments for the meeting of  
the POA Executive Board Nov 1, 2021**

**The topic for Public Comment is:**

- -Proposed Zoning Ordinance from the Sept 13 meeting & Letter from 49 POA members

**Procedure:**

- **Sign up to speak** and/or poses pre-written question to the board with the Office Manager NLT Monday Nov. 1st by 5PM at [om@poa-ct.org](mailto:om@poa-ct.org)
- The chair will **call names in order** from the provided list established with the Office Manager.
- When called, please **identify yourself** - name & address
- Each speaker can talk up to **4 minutes**
- A speaker **can talk only once**
- Please avoid making the same points made by a previous speaker
- As stated above, If you have prepared a written comment, please **submit it to the Office Manager** at [om@poa-ct.org](mailto:om@poa-ct.org) and it will be read into the record.
- As stated above, The hearing is not a Q&A session, however the board will respond to written questions submitted in advance.
- Please be respectful of the above process as outlined. If a speaker engages in disruptive or disrespectful behavior, their speaking privileges can be denied or the speaker may be removed from the meeting.

**Note:** 2021 – 2022 Regular Meeting Dates: Monday, January 03, 2022, Monday, March 07, 2022, & Monday, May 02, 2022, all @ 7:00PM either on Zoom™ or at the Pine Orchard office, lower level, 180 Pine Orchard Rd, Pine Orchard, CT.

Thank you for your cooperation.

Join Zoom Meeting [HERE](#)

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Robert Dahill  
President, POA Executive Board

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PINE ORCHARD ASSOCIATION  
EXECUTIVE BOARD MEETING  
Minutes of  
Monday, November 1<sup>st</sup>, 2021, Meeting  
Conducted via Zoom

Board members present: Robert Dahill, Ray Seligson, Bruce Caldarone, Linda Sachs, Peg Taylor, Matt Barez, David Silverstone, Len Farber, Mark Law, John Grathwol, Seth Hershman

Agenda Item 1. **Call to order** at 7:01PM

Agenda Item 2. **Approved the minutes:** from September 13<sup>th</sup>, 2021, Board Meeting. **Bob Dahill** asked for a motion to accept the minutes as published. **Seth Hershman** so moved, seconded by **Peg Taylor**, no discussion, voice vote was taken, and the minutes were approved as posted.

3) Agenda Item 3 **Statement from Robert Dahill – President, POA Executive Board.** As a preliminary matter Bob addressed what transpired at the meeting on October 25th. He apologized for any misunderstanding that occurred after the Board came out of executive session. . He acknowledged that waiting on a call for an extended period of time to speak only to be told you can't speak was very frustrating. What the board did not know until after the meeting was adjourned, was that the Office Manager had inadvertently sent a notice at 8:59 P.M. indicating that the board was coming out of executive session and that members of the public would be allowed to comment on litigation strategy or other matters. The meeting of the board was a special meeting that was held for the sole purpose of reviewing litigation strategy in executive session with the Association's counsel. The only item for the board to consider was approval of litigation positions and strategy, concerning litigation to which the association is a party, as outlined in executive session. Pursuant to Connecticut's Open Meetings law, Conn. Gen. Stat. Section 1-225(d) "A notice of a special meeting shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings by such public agency."

Therefore, when the Board came out of executive session on Monday, a number of people who wanted to speak understandably became very angry when the Board declined to hear from them. They felt they were being ignored, and nobody was listening to them. We understand how you felt, and we will learn from this - it was nothing more than a confluence of mistakes.

The combination of the misunderstanding regarding the rules applicable to special meetings and the office manager's honest miscommunication created a very difficult moment and the meeting was adjourned as expeditiously as possible. Bob apologized for the misunderstanding and said that he understood the frustration it had caused. understand your frustration and will learn from this.

Agenda Item 4, **Treasurer's report:** was presented by **Linda Sachs**. Taxes are 99% collected, and expenditures are tracking with the budget (report attached). There were no questions from the public or Board.

Agenda Item 5. **Committee Reports: By-Laws** no update. **Nominating** - no update.

**Municipal/Community Liaison** - **Seth Hershman** stated with the holidays coming, it's important for POA residents to collect packages at the front door promptly, lock your cars and doors to your homes. **Long Range Planning** (Linda Sachs & Bob Dahill) – no update. **Waterfront maintenance & Access** - **Ray**

**Seligson** said that a group investigated the beach access point at the end of Island View Avenue. They recommend hiring an independent expert/engineer to provide a report on what needs to be done, along with a maintenance schedule. The alternative would be to reach out to contractors, but the group is leaning towards hiring the independent expert/engineer, who has not yet been identified. **Linda Sachs** stated that she understood the long-term plan as presented but wanted to make sure that near term maintenance needs are being met. **Ray Seligson** suggested that the POA needs to identify shoreline residents who can report on damage to beach access points as they occur so immediate action can be taken. **Building Maintenance** – **John Grathwol** deferred to the Office Manager for an update. **Zoning** – no report. He expressed hope that the process can be improved based on lessons learned from the outcome of this meeting. **Tax Collection** – **Len Farber** – we have 485 homes in Pine Orchard and 330 are in tax district 4. We collected \$76K for a 99% collection rate. There is a little more than \$1,000 to be collected from four property owners. **Beautification** - (P. Taylor, B. Dahill) Triangle Park – RWA Irrigation will install the irrigation in the Spring. Public Works will work on the steps and landscaping at the end of Spring Rock Road also in the Spring. There were no questions from the public or Board.

Agenda Item 6 **New Business**: Proposed Zoning Ordinance from the Sept 13 meeting & Letter from 49 POA members

## **Public Comments**

### ***Niall Ferguson - 15 Spring Rock Road:***

On October 15th, 49 Association members, collectively, wrote, and signed a letter outlining their serious concerns and problems with Bob Dahill continuing to serve in the POA Board. He felt that it's important for the Board to understand that there's been a serious loss of trust as a result of Bob's efforts to put forward a proposed zoning change. He and others have major concerns about the process and how it all came about, and how it was pursued. He felt that Bob had been evasive about the zoning initiative and explained to Bob how terribly wrong, it would be. Bob said the goal of the zoning change was to benefit waterfront property owners. As an example, he referenced the Scheers' hedges at the end of Spring Rock Road and indicated that the proposed change would prevent such a thing in the future. In Niall's view, the proposed zoning change would be for the benefit of non-Waterfront owners.

Long before the September meeting, Niall said that he told Bob, very clearly that at least he was vehemently opposed to this proposal, and it would be a big mistake for him to pursue it.

Niall finds it telling that not one single waterfront property owner supported the proposed zoning change. Nor did anyone submit anything in writing, in support of it. If this proposal had been for the benefit of Waterfront owners, Niall would have expected for it to have been initiated by large group of waterfront owners, bringing the idea to the Board and asking for it to be pursued. It was clear at the September 13<sup>th</sup> meeting that everyone disagreed with the substance of the zoning proposal and people were really offended by Bob's statement that *"It's not the intent of the board to infringe on people's property rights or their privacy or to tell people what they could or couldn't do with their private property."* Niall felt that this was not an accurate statement *and said that it was* clear that there had been zero prior board discussion on this.

Niall said that Bob seems to have independently authorized to pay money to the Shoreline Times for a legal notice to be published, for legal services and filing with the office of the Town-Clerk of Brantford.

As a former Board member, Niall felt that his was not the normal process. He called on the Board to make a motion for a vote to remove Bob Dahill from the Board.

**David Scheer - 2 Spring Rock Road:**

I think it's very important that we distinguish between the events of recent times including those reviewed by Niall and a pattern of behavior that's gone on for years. I think we also must recognize that one of the biggest issues and challenges we have in Pine Orchard is that we've been known as a community plagued with litigation, conflict, discourse and divisiveness. This has been an issue for years with POA leadership. My family have been victimized by harassment, intimidation, and vilification over many years. We now come together as homeowners in Pine Orchard to seek a change in leadership to bring together the various factions of this community as opposed to keeping them in conflict with each other, including those in the waterfront versus those that are not. When this letter about the zoning proposal came out, it was mischaracterized as the "Scheer letter", which we viewed as an attempt to deliberately vilify one family, namely ours. We have maintained our walkway for the benefit of our neighbors on Spring Rock Road and beyond for many years. We had a major storm. Not that long ago. We had to rebuild some of this walkway, which we own. As this was being reconstructed, our contractor had secured oral approval for putting in a new decorative retaining wall. We then heard from the town that there was a complaint about it, which led to months of delays and ultimately caused a lot of angst on our street. Our contractor went to Bob Dahill and asked whether he had filed this complaint. He said, absolutely not; I believe that was a lie. That's another example of behavior that really concerns me. As a family, we are sensitized to this whole abuse of power thing because when Pat Kaplan was President; we felt that she tried to utilize her power to litigate for personal gain.

We are concerned that Bob may utilize his position on the POA Board against others in our community, which is not something that we feel is supportive of the role of the POA or the leader of the POA. For these reasons, we believe that it is essential that Bob Dahill either resign or the POA Board put forth a motion to remove him from this position and from the board. When you have 49 people who feel he is no longer credible and where there are some real issues over a pattern of behavior for many years.

Bob Dahill –**I think it's always easier to respond** when there are specifics, such as the date when I supposedly lied to a contractor. The zoning process often starts is when a community member or fellow Board member has a specific question about a subject that they would like the Board to address. In some cases, community members don't want their names mentioned, and to comment on construction on or near the waterfront. They do ask about general zoning regulations about fences, etc. There's a section on the website on what we call the yellow zoning ordinance book that Pine Orchard very similar to Sachem Head and that they're an association of about a 160 to 180 homes with a very robust charter. Someone asked, what do they do about views down at the shoreline? They have language that the fence between properties on the waterfront must be limited to 3 feet, to preserve your neighbor's, water view. Essentially, you can maintain your privacy while maintaining everyone else's water view. That was it. Now, the language of the proposed ordinance would include shrubs and trees and all the other things. But if we had ever had that discussion, that all would have been grandfathered. I spoke to other Board members and to a number of neighbors. It was felt that the topic would be of interest to the community and so it was placed on the agenda for discussion. As provided by the zoning law, the proposed ordinance was posted in the paper on September 2nd. This is the same process every time there's a zoning ordinance change, whether it's a patio setback or something else. We posted it so everybody could see it. But the basic idea of reducing the height of any fence between properties on the

waterfront building line from 6 to 3 feet was based on the Sachem Head association ordinance Section. 8. That section gives a wealth of information and guidelines; We're not going to discuss it here, but I just wanted to give some perspective for have this discussion.

**Bob Wheeler - 29 Crescent Bluff Avenue:**

I have lived on Crescent Bluff Ave. for 55 years. On February 4<sup>th</sup> of 2020, the parties involved in the long-standing dispute concerning ownership of Crescent Bluff Avenue agreed to settle the case instead of going to trial.. Barbara Saggese, owner and manager, Beachcroft LLC, agreed to a settlement with the Pine Orchard Association, the town of Branford and the owners of property on Crescent Bluff Avenue. I cannot say enough good things about the Board and the Pine Orchard Association in helping us over these years to try to come to a resolution. On August 11th, 2020, the court ordered to the parties to complete the settlement. Beachcroft LLC then appealed that decision on October 27, 2020.

**Stacy Ruwe 19 Waterside Road:** She wished to thank all her friends willing to talk about our neighborhood. She would like for us to be able to trust the association, as we have for decades and generations, and to have open transparent communications about proposed zoning changes. She found it disheartening that it has taken so long to have this conversation. She can't imagine something of this magnitude going forward without having the Board's engagement. She hopes that we can pull back on the strength of this community to right this ship. We need to trust our neighbors and our Board, and we again need to restore transparent and open communication.

**Tom Kelleher - 20 Ozone Road:** I would also like to thank the Board for showing up and doing what they do in general. I know the charter is a little old, but I know the people on the Board have good intentions. I have a neighbor that interferes with me with all the time. The reason I bring her up is because she was appointed to the POA ZBA. I don't want a rule change that affects my privacy and possibly my safety. I don't want to have a different set of rules where my yard must be exposed where other people get the choice to fence it in. I understand Sachem Head because I looked there. I chose to live in Pine Orchard. If you want to go to Sachem Head, then go there. In a past POA meeting few meetings ago Peter Berdon talked about bundle of rights that goes with real property ownership. If you're going to take away, our bundle of rights there should be a conversation about compensating us for that. When 49 people on the waterfront are all saying the same thing, then something must happen. I think that's compelling. Personally, I don't like to live with conflict, but I also don't like to be bullied. I've been bullied before, but at this point don't get in the ring unless you want to box and when I think of the few hundred dollars it costs for the POA taxes each year - that's nothing. But if you get 20 lawsuits from determined people, you, (The POA) are going to feel it.

**Edward Kelleher – 14 Halstead Lane:** I'm not a waterfront owner and wasn't affected by the zoning proposition. I respectfully suggest Bob Dahill should resign, now. Does this board have a procedure to cause the removal of an officer or board member? If not, can I respectfully suggest one of you make a motion to remove him? I asked the board to please consider removing Bob Dahill immediately or better yet; Bob, do the right thing and resign.

**Joyce Schiavone – 61 Island View Ave.:** I just wanted to say that I agree with Niall's' presentation. I personally must tell you how disconcerting it was to open up the Shoreline Times to see a legal notice saying that the zoning laws at Pine Orchard Association were going to be changed. I I contacted a bunch

of people. Everyone said they never heard anything about this proposed zoning change,. I asked myself, did I miss a meeting? So that's the reason why I believe that Bob Dahill needs to step down. You live in a community, and you're not even notified about something as important as this.

**Michael Schiavone – 61 Island View Ave.:** It's difficult to cover a meeting like this in an hour. It's obvious that Bob does not want to step down and I think it's incumbent on the POA Executive Board to decide what they want to do. They are the ones living with this, and they work for us. So, if they think he's doing a good job then they should take a vote.

**Elizabeth Ferguson - 15 Spring Rock Road:** Niall and I have of a history of speaking up for all sorts of disenfranchised people, underdogs, and what we think is right. As much as it bothers me, as a waterfront owner, to think that there would be this view easement that was going to happen, I'm way more bothered when the correct process was not followed. I agree with everyone that in the interest of community cohesiveness and what the POA is meant to do, that Bob Dahill needs to resign or the Board needs to make a motion and do the right thing.

**Richard Colbert – 2 Halstead Lane:** The following is an edited transcription of the narrative.

I've had an uneasy feeling all day about this meeting. I'm concerned with how this Association will be governed if Bob Dahill refuses to resign So many people have asked for such action. It simply can't be that the 50 or more people calling for his resignation are unreasonable. I am convinced that there is no other alternative, assuming this Association wants to be moving forward peacefully. We've provided Bob with clear documentary evidence from the Pine Orchard Association's own records, showing that Halstead is a private street. Until recent leaders, Robin Sandler and now, Bob Dahill, the Board has never taken the position[that Halstead is not private]. My point here is not to convince anyone that our street as a private street but rather to show that Bob has no problem disregarding evidence that stands in the way of getting what he wants. Bob and Peter Robinson (office Manager), contacted my Halstead friends and neighbors and claimed that I had intentions of taking over the grassy area at the end of my street and to deny access to the people on my street. I see This is, of course, complete nonsense. I've never had that intention whatsoever. I implore this board to remove Bob Dahill this evening as a member of this board.

**[Bob Dahill]** I haven't been down to Halstead Lane for a year and a half. I Know Rich is the attorney for Barbara Saggese and they are in court against Peter Berdon on November 9<sup>th</sup>. All we've done is try to present what's best for the community. If (recommending that fences be limited to) 6 feet, and 3 feet near the water, is interpreted as an infringement on personal property rights, we apologize for that. If that was presented in a way that was inappropriate, that was certainly our mistake. Putting the notice in the newspaper is part of the zoning process; it has to be done. It's the law, and the zoning proposal was up for discussion. I thought we set up the meeting to talk about the September 13th meeting, which are doing in part. Things like Halstead, and others, I'm not sure are related. We will continue to listen and learn as we go. Thank you.

**Tracey Scheer – 2 Spring Rock Road:**

I want to protest the way this meeting is being run. Bob should not preside over a meeting where the topic is his removal. The vice president of the Board should be running this portion of the meeting and Bob should only be allowed to respond for only four minutes, like everybody else. Number two. We are

not Sachem Head. I wouldn't live in Sachem Head if you paid me a million dollars because I don't like the neighborhood, it's full of discontented and hatred and rife. I moved to Pine Orchard because I thought this was a nice community and people here can be kind. My husband and I were the object of two lawsuits brought on almost immediately upon our taking possession of our property. I want to talk about Bob Dahill because all these things are related. I want to talk about something Bob did when I was home alone.

We had a storm a while back and two pieces of driftwood floated up on our beach. I promised those two pieces of driftwood to a friend of mine, who's an artist to use in a piece. Sometime over the weekend, Bob Dahill went across my property and onto my beach with a chainsaw and cut that driftwood into little pieces. He and other neighbors humped it across my property and dumped cut wood at the end of Spring Rock Road. I asked him, "*Bob, what are you doing*"? He said, "*I'm cleaning up the beach*". My husband, David, has told Bob that the public property ends at the terminus of Spring Rock Road. That walkway is private property. There is no way that Bob Dahill has ever stopped calling our private property and access points the property of Pine Orchard Association. The fact that we let everybody go across the walkway, reflects not his designation of it as a Pine Orchard beach access point, but because my husband and I believe that people should have a right to enjoy the beauties that we have the good fortune to live on, and we like to see people enjoying the beach, that's why we do it. Not everybody who passes our property is friendly; not everybody who passes over our property acknowledges us, but we do it because that's what we do. Not because it's Association property. I have lived now for 20 years, with undue pressure. When somebody is giving you something freely and with love and all they get back is resistance, lawsuits, threats, and now this attempt to make us cut down our hedge, the only thing that gives us any privacy. Don't forget; that's a public street right next to our backyard. We're entitled to privacy the same as anybody else. This is United States of America.

What bothers me is not the fact that Bob tried to pass this very ill-conceived of thing, but that he was disingenuous about it. He called it a proposal to change the definition of "front yard". It was a proposal that established view easements across all the 54 waterfront properties in Pine Orchard. That was not the change in the definition of our front yard. It was deceptive.

I have a right to be heard. Bob Dahill should save his response for the end because there are a lot of citizens here who haven't had a chance to speak. Bob Dahill should not be running this meeting and he should not be allowed to comment.

**Bob Dahill** —: Yes, I think Tracey deserves a response; I think the community deserves a response, The driftwood came off Flirtation Point about two weeks after the storm. It was a huge safety hazard. So, we did cut it up and we dumped it on the end of the street. Joey then backed up his truck and we removed it. If Tracey's really interested in giving driftwood to her friend, that's grand. Currently, there's a log that is 42-foot by two feet in diameter sitting in front of her neighbor's house, on the beach, which he's aware of because she told me we shouldn't try to take it away.

**[Tracey Scheer]** ... my friend wanted the smaller pieces that had washed up and you stole them Bob, you came on my property with a power tool, used it on my beach, and left a ton of wood shavings and on my beach. You walked away with my friends' pieces of wood. And you had no right, because it's not your beach. It's not your beach. It's not your beach.

**[Mark Law to Bob Dahill]** I'm sorry to interrupt but you really should save your comments to the end to give everyone here an opportunity to talk, and I think we should have everybody speak first. And then maybe the Board can talk after. Otherwise not everyone will have an opportunity to talk.

**[Bob Dahill]** We didn't want to cut down anybody's hedges. I just use it as an example. There was no interest in cutting down people's hedges or destroying anything on anybody's property. That's all I wanted to say.

**Len Farber –:** I know people on both sides of this discussion, many of whom I consider my friends, and I consider Bob Dahill one. I think Bob has admitted that he made errors, some significant. But what I'm trying to get at, is there a way of acknowledging the errors, learning from them and going ahead as a community? No matter what, if a vote is taken and one side wins, the other side is not going to be happy, There doesn't seem much in statements made at this meeting that would lead me to believe that this would be a unifying process. I'm trying to figure out if the punishment meets the crime or not. I think that it doesn't warrant the extreme measures so many of you are proposing. I hope we can find some way to allow Bob to finish the remaining six months of his term as president and then have a vote as to whether he should continue beyond that.

**David Silverstone –:** I'm a relatively a new member of the board, having been on the Board since the annual meeting in July of 2021. Bob Dahill, said earlier tonight that he had discussed the ordinance with Board members. He did email it to me (but only shortly before the meeting on Sept 13<sup>th</sup>) and I told him that I thought it was a bad idea. In short, it should have been discussed by the Board but it didn't. I'd like to thank everyone who spoke this evening. I would hope that those of you who spoke become more involved in the Board by attending future meetings and running for the executive Board, but clearly, we've had a serious problem in Pine Orchard. It's been emotional. It's divided the community and we need to heal. I certainly can understand the anger of the 49 Pine Orchard residents, who signed the email in response to the proposed zoning ordinance. The points made in that email were significant; fortunately, the regulations we adhere to, worked and we prevented the ordinance from being passed. That was good news. Unfortunately, the episode incited anger and needs to be resolved. I can understand why the signers of the letter want the President to resign. If The charter of the pine Orchard Association states that *"the objective of the association is to provide for the Improvement of the lands and said district and for the health Comfort protection and convenience of persons living there in"*. I think what the president proposed in that ordinance was in that spirit. Unfortunately, I think it was done in a way that was haphazard and went against the process that we usually have in place, for suggested changes to zoning ordinances. The Board had never met to discuss it, and there was no input from the residents, it would affect. It was clear at the September meeting that it was supported by none of the homeowners it would affect, and it was defeated by a unanimous Board vote. The system worked, but we now have a greater problem. The community is wounded and needs to heal. We need to learn from this incident and move forward in the spirit of language that I quoted before. We need to act in a positive, not a negative way. We need to heal and not to act in a knee-jerk fashion. We need to do better than that. What I would propose that we set up a committee to develop a careful system proposing, discussing, and finally acting on any proposal for any zoning change in the future.

**Paul Saggese - 1 Crescent Bluff:** I'm starting to feel Deja vu from some of the other meetings, where Bob Dahill is speaking and people are being muted or not allowed to comment back to him. I believe the POA should be an association that brings people together. Bob Dahill caused dissension between waterfront

and non-waterfront owners. His main agenda is to gain beach access over every beach access point in Pine Orchard and control how [residents'] private property is used. The association has spent tens of thousands of dollars litigating against my family. The POA teamed up with our neighbors against us. As a means of trying to settle all this litigation with the POA and our neighbors, my family donated an 11-foot wide foot-path to the shore. There was no thanks at all from the Board for this. In fact, they were supposed to give us a letter of donation, and Peter Berdon reneged on that. It's been a very long litigation and I'm just letting you know that Bob Dahill is now trying to get us to renege on our original agreement. We went through the courts and it's now under appeal. He's costing the POA money and he's colluding with another POA member to change our agreement. As far as we're concerned, Bob Dahill needs to stay out of private property litigation. I urge the POA Board to remove him as President.

**Barbra Saggese – 1 Crescent Bluff:** My family and I have been in litigation with the Pine Orchard Association pretty much since we bought our property in 2003. I don't want to reiterate what many of the other waterfront homeowners have said. On June 9th, 2019, months after my family and I generously donated an 11-foot path, to the Pine Orchard Association, Bob Dahill came onto my property and asked me if I was ready for the amusement park that the Pine Orchard Association was planning on building on my property. Can anyone here on this Zoom meeting, even imagine a Board member coming onto their property, and saying that? My property is private. Numerous Supreme Court rulings have defined my property rights and those of the interior lot owners. The Pine Orchard Association continued to harass us for years. We finally agreed to give them a path. Instead of saying thank you, they come onto my property and harass us. Bob tried to attack all the waterfront owners by creating a new zoning ordinance, which limited how high fences and bushes, could be. We believe the Pine Orchard Association has gone too far, and Bob must resign or be removed. I also believe that the Pine Orchard Association should create a by-law that states, it will no longer get involved in private property rights. That's the issue that has divided interior lot owners and waterfront owners over the last 20 years. The atmosphere that Bob and some other board members have created must end for all of us to live peacefully in this community. The POA needs to respect both interior and waterfront owners' rights, and they should stay out of the business of controlling them. I think we would all get along now. I do want to say that I understand there are some zoning issues going on with VRBO rentals. That is something that the Association should be involved with because some of the short-term rentals are disrupting our community and interfering with our peaceful enjoyment, but private property rights? No.

**John Lapidés – 1 Halstead Lane:** I appreciate the opportunity to address all of you as neighbors, many of you as friends, and others who I'd like to meet. The POA is a municipality (and based on its Charter) has the right to tax and to change zoning. It should represent all 450 member families with an even-handedness and that's a public trust. In the POA Charter, it does say that if you have a conflict of interest you should recuse yourself from a vote. The POA tends to get involved in zoning issues, whether it be the definition of a structure or a patio, or the most egregious one that I've seen so far is this is 3-foot height limitation, which Tracey Scheer noted was tantamount to granting a view easement over our properties. I guess you could say that it's effectively an unlawful taking of our property by eminent domain without just compensation. I don't think that the POA should be in the business of granting what effectively is a deed restriction on property owners who are on the shore or anywhere else. One gentleman spoke about the fact that we should over the next six months give Bob a chance to change his ways, but, I don't really agree because I think this has become entirely too contentious. I think judgment is an important part of leadership quality for this municipality, and at the very least this

meeting is a testament to the fact that Bob has made mistakes in terms of his judgment and how to handle things. I do, reluctantly that I think Bob should step down. which I think would be an act of some healing or alternatively that the Board really should decide that we'd be better off with maybe somebody else in the leadership role.

**Jeffrey Raup - 18 Halstead Lane:** We're not waterfront property owners, but we do respect the rights of waterfront property owners and we respect the prices they pay to own waterfront property owners. I personally object to any type of taking, which is what it sounds like to me.

I think that some action needs to be taken formally as a vote of confidence, if nothing else, as to his role on the Board. Now, I pay my dues and I bet of the 450 people that pay their dues, less than 20% pay attention to what you're doing. Okay, they paid their dues because I had to, and I probably wouldn't be paying attention if this hadn't come up and touched the nerves of my friends and neighbors. So, I respect the work that members on the Board do. I recognize the challenges and the difficulties of holding those positions, but I think the Board should recognize that you have a fiduciary responsibility to operate properly. You are not following due process if you are allowing one person to dictate the way this board operates, and I would be concerned that we would subject ourselves as an entity to much more liability. What does the Board need to take action? Do you want a petition signed by a large percentage in order to actually just deal with this question? Then, I'll spearhead that. I don't have an axe to grind either way, but I can see what this divisiveness can do to neighbors, to a board, to its operating function, and I'm deeply concerned on my side.

**Sarah Colbert – 2 Halstead Lane:** I joined tonight to express my opinion that Mr. Dahill should resign due to his multiple failures to ensure process is followed. As John Lapidés said, things are beyond reconciliation at this point. We need a change so we can move forward as a community. It really saddens me to hear what Mr. Dahill had to say about our street here on Halstead Lane. So much so, that I've pleaded with my husband to move. We have a six-year-old and a one-year-old. I don't want to live in a place where I can't put my head on the pillow at night and sleep. I want to get along with our neighbors. I want to feel like I'm fairly represented by the Association that we pay taxes to. I see no other way, but for Bob Dahill to resign.

**Jeffery Sonnenfeld – 2 Blackstone Ave.:** I want to just start by saying that I thought that when Stacy Ruwe celebrated turnout tonight that was terrific. It's fantastic to have 80 people--more than 10% of the Association on the call--for a meeting. It's a great little village. It's a beautiful setting. It's a gorgeous landscape, beautiful homes, and frankly, wonderful people. Clarky and I don't have any grievance with anybody in Pine Orchard. We haven't had the troubles that other people have had. I've showed up at meetings because Schiavone, Lapidés, Ruwe, Ferguson, McBurney and others had issues and I thought they deserved to be heard. We have no plans for fences or bushes, or anything around us here, but the process is what concerns us. I think it's nice to have people who want to volunteer service on this Board. However, circling the wagons makes the Board complicit. That's not a great response. When Len Faber said that if you have a vote, some people are going to be unhappy. Then he asked whether the punishment fits the crime? I don't know that we have a villain here. What we have is misguided actions. We have miscommunications and we have mismanagement, and David, I love you, but this is not a training ground. We can't have probationary periods.. This is not a lawsuit or a criminal investigation; this is a vote of no confidence by a huge cross-section of the community, and people feel very strongly now. What does the Pine Orchard Association bring us? Does it provide security? No, it failed on that

front. There were four efforts in the last hundred eighteen years on the security front. All four of them failed for various reasons. Infrastructure? No, over the last hundred eighteen years it's failed on zoning. Every major zoning issue will be resolved by Branford. On the legal issues, it goes on and on. What do we get out of this municipality duplication? We get paralysis. This Association was formed in 1903; at that time these were land beautification initiatives. They happened across the country as part of the original progressive spirit, and there are still five thousand of them that exist in municipalities here and there run by volunteers. Why do we need the Pine Orchard Association? My wife Clarky and I wonder about that. All we see is adversarial, feelings, a lot of redundancy and red tape, and satires. There have been 22 satires in the local media over living in Pine Orchard, and people want to leave here That's what the Pine Orchard Association produces. We'd love to see it dissolved, now.. People are asking for a change of leadership because of a loss of legitimacy to lead. That is a modest position. It's not in the charter to supersede private rights? So that's our concern. I work with a hundred-twenty mayors around the country each year. I've worked in city planning, and urban development in Pennsylvania, Georgia, Massachusetts, and Connecticut, and I've seen that municipal service is often the subject of a lot of attack. Many mayors call their city councils city clowns. But, they're fighting over legitimate things. We're fighting over nonsense here. We're fighting over encroachment of private property rights. We have is the most precious thing that a community can have. DeTocqueville in 1840 talked about social capital. We've lost social capital here. I think we need a change of leadership, and I celebrate the 80 people on this call tonight.

**Bob Wheeler – 29 Crescent Bluff Ave.:** I would like to make a small correction. Barbra Saggese accused Mr. Dahill of trespassing on her property. That simply isn't true. He was a guest of mine, and by law he had the right to pass and repass across the lawn at the end of Crescent Bluff Avenue. The second thing, she offered the steps to the Pine Orchard Association as a part of the settlement, but she's now challenging the settlement in the Appellate Court.

**Richard Colbert – 2 Halstead Lane:** I think that Barbra Saggese's point was that when Bob he came onto her property, he acted not as a professional person who should be leading this organization. Finally, about the appeal. There's not enough time on this call to talk about why that appeal is pending and so I would ask people to not just accept a comment by Mr. Wheeler at face value. As Bob pointed out I do represent Beachcroft in litigation, but that has nothing to do with why I'm here. I'm a waterfront owner.

**David Scheer – 2 Spring Rock Road:** I celebrate that we have had this level of neighborhood engagement. We have actually brought it together, at least our group of 49, to try to make this community better, but I find it extremely critical that this board does its job. When there is a groundswell of discord and where many instances of misconduct or a lack of candor are cited, you have to protect the organization not the individual. I suggest that the board show courage and not become part of the problem. Do the right thing for this community. This is not going to get solved by just burying your heads in the sand. The 49 of us are going to continue until we get this, right. So again, this is your job as fiduciaries. You do not work for Bob Dahill you work for us, and if you don't want to work for us, then each of you who doesn't want to do it should resign.

## **POA Board comments.**

### **Seth Hershman -(Nominating)**

This is a community of 458 members and no matter how small or how large a group is, when I've heard from a few people that said they are uncomfortable here, and they thought about listing their property, that's disheartening. That's got to be the worst thing that you can hear as a Board member. I moved into this community four years ago and who would love to spend 50 years here. I'd love to be Bob Wheeler saying, I've lived here 55 years. I would give everything to say that and there's a problem. No one should be at their home nervous and or thinking about selling their home based upon something as silly as the Pine Orchard Association. It's not right. Also, we need to address the fact that there were slurs directed at Mr. Kelleher for selection of an alternate on the zoning board of appeals commission. There is a zero tolerance for stuff like that on the Pine Orchard Board Association. So, before I move on that needs to be addressed and whoever that person was, I think as the Board, we should open up an investigation and have that person suspended until we figure what exactly happened. It seems like we have 49 members who continue to fight for their rights, as they should in this in the situation. So, we're going to have to address these issues right now before wrapping up.

### **Mark Law – (Vice President):** Mark follow-up on Seth's comments

- The comments presented are heard and understood by the Board
- The Board has a responsibility to discuss and act on the comments presented
- The Board must figure out how to move forward

### **Bruce Caldarone - (Municipal community Liaison)**

- Agreed with Mark and Seth's comments
- Appreciated the participation of the community at the Zoom meeting
- Not sure if "now" is the time to put forth a motion to remove Bob
- The procedure to put-forth a motion is unknown to the Board at this time
- We need time to discuss this internally and with our attorney

### **David Silverstone – (Waterfront Maintenance):**

- As a Board, legally, we must have a discussion concerning this issue, which has to be public
- There are few things we can do in executive session, so it might have to be in public
- We can discuss between each other privately
- We need to see if Bob is willing to resign before the board goes forward

### **Bob Dahill – (President):**

- I commented during the discussion because all the comment were in one direction and thought it would be good to interject my perspective.
- I have been accused of "going rogue" and the board should review and consider the comments and then decide
- I also would like the input of board member we haven't heard from yet, Peggy [Taylor] and John.
- I will also give my opinion because that what I should do

**Seth Hershman - (Nominating)**

- If we choose to postpone a decision to remove Bob, then a date must be stated this evening
- I believe 49 residents on this Zoom call thought you would resign
- If Bob doesn't resign, we must set a date to conclude this issue or we will lose the trust of the community

**Bob Dahill – (President):**

- Seth makes good points if you want to pick a date that will work
- Having a follow-up Zoom call will not serve the entire community only the folks who commented tonight.
- Nov. 15<sup>th</sup> is two weeks away, which will give the Board time to discuss.

**John Grathwol –(POA Building and Grounds):**

- Those of you who are putting up signs please respect the process. You were given your time to speak. We are now in a Board only discussion. Please respect that.
- This evening there were many negative comments about Bob's management style and his desire to push through an unpopular zoning ordinance. I would ask the Board to step-back from the emotion of the moment and make a decision based on the facts and perspective.
- There were many negative comments about the zoning ordinance and historical behavior which is a lot to digest as a new Board member.
- The Board should take some time, compile a list of the complaints, and make sure we have a clear understanding of the facts.
- We need to hear both sides of the case before we rush to judgement.
- I agree with David Silverstone that we need to beef-up our zoning process and make sure the community can comment on a pending zoning change before it is posted.

**Len Farber – (Tax Collector):**

- There is no content in the by-laws that addresses the removal of a Board member or the resignation of a Board member regardless of their position
- The by-laws only speak to health restrictions, which would limit a board member's ability to serve.

**Bob Dahill – (President):**

- I believe it's a valid point, made by David Scheer, that the organization takes precedence over any one individual.
- However, there must be some time to absorb the information before any action is taken.
- If you want to pick a date to discuss this publicly, then let's do that.
- We need to understand that if I step down, how will the Board manage all the activities in motion, such as pending legal issues.
- And we need to make a decision that doesn't seem to serve anybody's purpose.
- Pick a date down the road to have a public meeting, and we need to discuss who going to do all things I do and has the time to do it.

**Seth Hershman - (Nominating)**

- It appears that the Board does not want to address the removal of Bob tonight.
- I would suggest we plan a follow-up public meeting in the next two weeks
- In that time, the Board should meet with Bob and the public – Nov 8<sup>th</sup> or Nov 15<sup>th</sup>.

**David Silverstone – (Waterfront Maintenance):**

- He agrees that we should not go for more than a week or two.

**Bruce Caldarone - (Municipal community Liaison)**

- Agreed with David and Seth’s comments to schedule within two weeks

**Mark Law – (Vice President):** Following up on Seth’s comments

- There was a suggestion to have the Zoom call on a Friday. That would lead to very low attendance and we should go for Monday the 15<sup>th</sup>.
- Mark would like to first take this discussion to our attorney to understand the limitation as outlined in our charter and by-laws and do this within the next two weeks.

**Seth Hershman - (Nominating)**

- Agreed that the 15<sup>th</sup> was good, and that Mark should engage Peter Berdon; the Board commented at this point that they all agreed with this path.

**Peg Taylor – (Community Beautification):**

- Made a motion for the board reconvene in a public Zoom™ meeting on Monday, November 15<sup>th</sup> at 7 P.M. or earlier, after Mark Law and Seth Hershman have consulted with counsel (Peter Berdon) to determine next steps. Len Farber seconded the motion, and a voice vote was taken;; The motion passed, with Ray Seligson and Bob Dahill abstaining.

Agenda Item 7 **Officer Manager’s Report – Peter Robinson** – All has been thus reported. A copy of the Office Manager’s report went out as an email attachment to the Board and will be attached to the minutes.

Agenda Item 8 **Adjournment:** Len Farber of 13 Ozone Road moved to adjourn, seconded by Bruce Caldarone. A vote was taken and passed unanimously. The meeting was adjourned.

Respectfully submitted,

Peter Robinson on behalf of Margaret Haering, Clerk

**Attachments: Treasurer’s Report**

**Office Manager’s Report**

**Future Meetings**

Monday, January 03, 2022,

Monday, March 07, 2022, &

Monday, May 02, 2022,

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

From: Tracey Scheer <[tzscheer@gmail.com](mailto:tzscheer@gmail.com)>

Date: Fri, Oct 15, 2021 at 4:54 PM

Subject: Letter to POA Board

To: <[marklaw8@gmail.com](mailto:marklaw8@gmail.com)>, <[Islam8@aol.com](mailto:Islam8@aol.com)>, HAERING MARGARET <[Mehaering@outlook.com](mailto:Mehaering@outlook.com)>, Leonard Farber <[leonardrfarber@gmail.com](mailto:leonardrfarber@gmail.com)>, <[Answermanynot@hotmail.com](mailto:Answermanynot@hotmail.com)>, <[hershmanseth@gmail.com](mailto:hershmanseth@gmail.com)>, <[jgrathwol@gmail.com](mailto:jgrathwol@gmail.com)>, <[squidmama22@gmail.com](mailto:squidmama22@gmail.com)>, <[matt.k.barez@lmco.com](mailto:matt.k.barez@lmco.com)>, Bob Dahill <[rdahill@gmail.com](mailto:rdahill@gmail.com)>, <[hello@calderonechiropractic.com](mailto:hello@calderonechiropractic.com)>, <[david13@snet.net](mailto:david13@snet.net)>

Please forward to any board member inadvertently omitted.

October 15, 2021

To the Executive Board of the POA,

We write to protest POA President Bob Dahill's effort to push through a vote on a proposed change in zoning rules affecting many POA residents, without due process or fair notice.

Moreover, the proposed change targeted a subset of POA members, but the agenda item published failed to indicate that this was a change in zoning rules to affect only some POA members. Any attempt to single out a subset of members for especially prohibitive or limiting changes should be clearly and openly disclosed in the interest of transparency and avoiding discriminatory practices by the POA. The proposed ordinance was simply described as an amendment to "modify the definition of front yards." We believe this title was a disingenuous attempt to make this ordinance change appear benign to allow it to pass under the radar of those whose property rights it would affect.

At the meeting no one on the board supported this proposed change, so it appeared that Mr. Dahill conceived of, drafted, advertised, and scheduled the vote without involvement of the rest of the Executive Board and without knowledge of members of the Committee on Planning and Zoning which is in violation of our Bylaws. According to the POA Bylaws, the "*committee on Planning and Zoning ... shall act as a liaison between the Executive Board and the Zoning Boards and oversee the zoning issues concerning Pine Orchard*" (**Paragraph 6C**). Other notices provided in CT Gen Statutes Section 8 were also ignored.

We further object to Mr. Dahill spending tax monies on legal, advertising and filing fees in furtherance of this rogue zoning change without the support of the rest of the Board. Mr. Dahill's position as President does not empower him to act on behalf of the POA without public input and the cooperation of his fellow board members and without proper recording of all proceedings that are required during the conduct of municipal business. The POA is a municipality with record keeping, disclosure and statutory requirements.

Mr. Dahill acted in gross violation of the public trust of the tax-paying members of the POA. Board members, as stewards of public trust, must always act for the good of the organization, rather than for the benefit of themselves. We therefore urge the board to obtain his immediate resignation or termination as soon as possible, but certainly no later than November 1, 2021 to avoid any further appearance of lack of due care from the executive board.

We also object to the proceedings of the special meeting of the POA on August 19, when Mr. Dahill picked, and the board approved two individuals to fill vacancies in the executive board and the Zoning Board of Appeals. We believe that the Nominating Chair should always solicit interest from all POA members for vacancies on the board, committees etc. Board members need to be mindful that they carry a fiduciary duty of care and diligence in running the affairs of the POA.

We are also concerned that the Association Charter is out of date and that the board is not in compliance with many aspects of it. We would like to ask the board to set up a group to study this topic including some of us below who have researched this topic.

Sincerely,

Carole Brown - 3 Selden Ave  
MaryBeth Canavan - 1 Selden Ave  
Rich Colbert - 2 Halstead Lane  
Sarah Colbert - 2 Halstead Lane  
Ron DeSantis - 200 Totoket Rd  
Sylvia DeSantis - 200 Totoket Rd  
Lisa Donofrio - 345 Pine Orchard Rd

Brian Valzania -345 Pine Orchard Rd  
Niall Ferguson 15 Spring Rock Rd  
Liz Ferguson - 15 Spring Rock Rd  
Nick Fisser - 50 Island View Ave  
Carol Gagliardi - 1 Island View  
Tom Gagliardi - 1 Island View Ave  
Sabet Hashim - 12 Ozone Road  
Donna Hashim - 12 Ozone Rd  
Don Herzog - 9 Blackstone Ave  
Nancy Herzog - 9 Blackstone Ave  
Michael B. Katz - 1 Halstead Lane  
Ed Kelleher - 14 Halstead Lane  
Kim Kelleher - 14 Halstead Lane  
Thomas Kelleher - 22 Ozone Rd  
Chip Kenna - 15 Waterside Rd  
Kimberly Kenna - 15 Waterside Rd  
Craig Landau - 38 Island View Ave  
Maribeth Landau- 38 Island View Ave  
John Lapides - 1 Halstead Lane  
Roger Lowlicht - 6 Crescent Bluff Ave  
Kay Haedicke - 6 Crescent Bluff Ave  
Vin Lynch 26 Juniper Point Rd  
Marcia Lynch - 26 Juniper Point Rd  
Jeffrey Raup- 18 Halstead Lane  
Mindy Schwarz-Raup - 18 Halstead Lane  
Pat Ruwe - 29 Waterside Rd  
Stacy Ruwe - 19 Waterside Rd  
Barbara Saggese - 1 Crescent Bluff Ave  
Paul Saggese - 1 Crescent Bluff Ave  
David Scheer- 2 Spring Rock Rd  
Tracey Scheer - 2 Spring Rock Rd  
Joyce Schiavone - 61 Island View Ave  
Michael Schiavone - 61 Island View Ave  
Clarky Sonnenfeld - 2 Blackstone Ave  
Jeff Sonnenfeld - 2 Blackstone Ave  
Dolores Spivack - 5 Island View Ave  
Kevin Visnic - 347 Pine Orchard Rd  
Mary Margaret Visnic -347 Pine Orchard Rd  
George Warnock- 60 Island View Ave  
Lois Warnock - 60 Island View Ave

**Pine Orchard Association Treasurer's Budget Report**  
as of 11/1/2021

	Approved Budget 1-Jul-21	Budget Activity Year to Date	Budget Remaining Year to Date	% of Budget Rec/Dsbmnts Year to Date
<b>RECEIPTS</b>				
Tax Collections	\$ 76,700	\$ 75,581	\$ 1,119	99%
Rent	\$ 6,400	\$ 3,600	\$ 2,800	56%
Building & Permit Fees	\$ 10,000	\$ 1,750	\$ 8,250	18%
Other (Interest, Moorings)	\$ 75	\$ 20	\$ 55	27%
Use of Capital Savings	\$ -	\$ -	\$ -	
<b>Total</b>	<b>\$ 93,175</b>	<b>\$ 80,951</b>	<b>\$ 12,224</b>	<b>87%</b>
<b>DISBURSEMENTS</b>				
Security	\$ -	\$ -	\$ -	
Shorefront Maintenance	\$ 7,500	\$ -	\$ 7,500	0%
Building Maint/Utilities	\$ 13,000	\$ 2,885	\$ 10,115	22%
Property Improvements	\$ -	\$ -	\$ -	
Office/General	\$ 17,850	\$ 6,396	\$ 11,454	36%
Insurance	\$ 11,000	\$ 3,361	\$ 7,639	31%
Legal	\$ 24,000	\$ 3,863	\$ 20,137	16%
Zoning	\$ 10,000	\$ 474	\$ 9,527	5%
PO Web	\$ 100	\$ -	\$ 100	0%
Acctg Annual Review	\$ 4,250	\$ 3,730	\$ 520	88%
Beautification Committee	\$ 4,725	\$ 1,852	\$ 2,873	39%
Sidewalks	\$ -	\$ -	\$ -	0%
<b>Total</b>	<b>\$ 92,425</b>	<b>\$ 22,561</b>		<b>24%</b>
<b>NET INCOME (LOSS)</b>	<b>\$ 750</b>	<b>\$ 58,390</b>		

Account Balance as of 11/1/2021	
BOA checking	<b>\$84,126.63</b>
Less outstanding checks	<b>\$0</b>
BOA net balance	<b>\$84,126.63</b>
BOA Savings*	<b>\$128,246.85</b> Opened 12-2012
<b>Total:</b>	<b>\$212,373.48</b>

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

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

## Office Manager Report for Sept & Oct 2021

- 1) **POA Tax Collection:**
  - a. See report by Len Farber
- 2) **Zoning:**
  - a. No ZBA activity in the past two months
  - b. Three zoning applications filed.
- 3) **POA Building:**
  - a. **Accomplished**
    - i. Branches removed
    - ii. Fix toilet (did not flush).
  - b. **Planned for 2021/2022**
    - i. Repair the parking lot - tar paint lines. Scheduled for Thursday Sept 23 – did not happen. Will have to put off until the Spring of 2022
    - ii. Waiting on vendor to clean gutters.
- 4) **POA Office:**
  - a. **Accomplished**
    - i. **Outreach:** We have a 72% coverage via email for all POA residences (482 email).
    - ii. **Response:** I continue to get back to 90% of the POA inquiries within 24 hours.
    - iii. **Equipment:** no change
    - iv. **Communication:** Sold 18 POA *100 Birthday Celebration* books
    - v. **POA Historic Records:** Received the MoU from Blackstone and approval from State Archivist to Transfer the Journal to Blackstone. Two of the three undigitized Journals are scanned. The POA Minutes from 1903 are too damaged to scan. Book have been ship back from Scanning firm in NH.
  - b. **Planned for 2021/2022**
    - i. nothing
- 5) **Community:**
  - a. No new activity