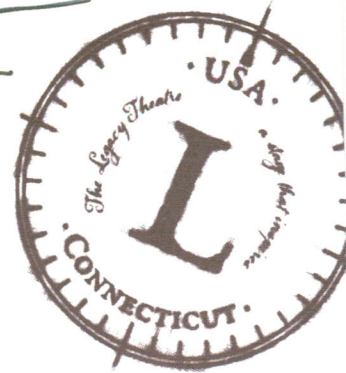


The Legacy Theatre a stage that inspires

August 5, 2014

Dan Bullard, President
Stony Creek Association
303 Thimble Islands Road
Stony Creek, CT 06405



HAND DELIVERED AT THE AUGUST 5, 2014 BOARD OF DIRECTORS STONY CREEK ASSOCIATION MEETING

Dear Mr. Bullard,

We request as a member in good standing in the Stony Creek Association (SCA), that this letter be read aloud at tonight's meeting and be made a part of the minutes of the meeting.

We have several serious concerns we feel need to be addressed immediately. These concerns all revolve around the recent action(s) taken by SCA related to the appeal of the Zoning Permit issued to The Legacy Theatre, Inc. by the Town's Zoning Enforcement Officer.

1. Based on our review of the facts, the State of Connecticut's Statutes, SCA by-laws and the defined term of Stony Creek Association's duties and powers, we conclude that SCA has *no legal standing* to bring any action to The Town of Branford's Zoning Board of Appeals. Section 8-7 "Appeals to Board" clearly states in part "an appeal may be taken to the zoning board of appeals by *any person aggrieved...*". Nowhere in this section does it mention that "an association" has legal standing to bring an appeal. In section 8-8(1) a definition of "an 'aggrieved person' includes any person owning land that abuts or is within a radius of one hundred feet of any portion of the land involved in the decision...". Stony Creek Association is clearly not a person, nor does it own any property, especially within the one hundred foot radius as stated in this section. Therefore, we feel that the Officers and members of the Executive Board erred in taking this action and should immediately withdraw the appeal they authorized. The Officers and Executive Board members have a fiduciary responsibility to protect its member property owners of this Association from acts they take which can potentially expose the Association to sanctions, other regulatory penalties and/or costly lawsuits.

2. The Officers and Executive Board members have a fiduciary responsibility related to the funds of the Association. It is our position that committing Association funds to retain the services of Attorney Tim Lee and his firm was irresponsible, wasteful, and a breach of your fiduciary duties to protect the funds of the Association. The Officers and Executive Board members knew or should have known that the expenditure of Association funds for any legal action related to making an appeal under section 8-7 was

frivolous and without standing as defined by this section and section 8-8. Therefore, it is our position that the Officers and Executive Board members make immediate arrangements to reimburse the Association for any funds paid to Attorney Tim Lee or his law firm.

3. We request that the Officers and Executive Board members make immediately available to each member of the Association a copy of the Engagement letter executed by SCA officers and Board members with Attorney Tim Lee's law firm.

4. We request that the Officers and Executive Board members make immediately available to each member of the Association a copy of all written communications, emails, personal notes, and transcriptions of any and all verbal communications between each and every Officer and Executive Board member and Attorney Tim Lee or any other member of Attorney Tim Lee's law firm.

5. It is our understanding that SCA has agreed to pay the legal fees for James Stack and Eleanor Stack of 140 Thimble Islands Road and Linda Barr and James Flora of 11 Ridge Road to bring and sustain the appeal of The Legacy Theatre, Inc.'s Zoning Permit issued by the Town of Branford Zoning Enforcement Officer. If this is, in fact, true, this represents a breach of the fiduciary responsibilities of the Officers and Executive Board. We were unable to find any minutes of any meeting where this was discussed or approved. In review of the by-laws and the defined terms of Stony Creek Association's duties and powers, there is no mention of SCA's right to pay legal fees on behalf of any individual member of the Association or any other third party. We request that the Officers and Executive Board members make immediately available for each member of the Association a copy of all written communications, emails, personal notes, and transcriptions of any and all verbal communications between each and every Officer and Executive Board member and James Stack and Eleanor Stack of 140 Thimble Islands Road and Linda Barr and James Flora of 11 Ridge Road related to the appeal of The Legacy Theatre's Zoning Permit.

6. It is our position that SCA and its Officers and Executive Board members should adhere to its own by-laws and the laws of the State of Connecticut. We have documented incidents where approximately 15 flyers printed on bright pink paper were affixed to numerous utility (telephone, electric light or power) poles, traffic signs, real estate signs, trees and other areas in the public way. One or more Executive Board member(s) were responsible for the actual placement of these "flyers" on the subject poles, trees and in the public way. In the SCA by-laws under "ORDINANCES", number 5, it is clear that the Executive Board must grant permission to do so. Please provide a copy to each Association member of when, where and how this action was approved. Also, please provide to each SCA member a copy of the "written permit," properly dated, required to conduct such activity. It is a fact that the Officers and Executive Board members for SCA knew or should have known the following from the CGA.ct.gov website:

A person, firm, or corporation may not affix to a telephone, electric light or power pole or to a tree, shrub, rock, or other natural object in any public way or grounds any playbill, picture, notice, advertisement or other similar thing **without a written permit from the town or borough tree warden, city forester, or transportation commissioner**, as appropriate for the object and jurisdiction. Violators may be fined up to \$50 for each offense (CGS § 23-65). Each object placed in violation of this prohibition constitutes a separate offense. Anyone who deposits or throws any advertisement within the limits of any public way or grounds, or upon private property, unless it is left at the door of the residence or place of business is subject to a fine of up to \$50, imprisonment for up to six months, or both for each offence (CGS § 23-65(c)).

Please disclose to each and every SCA member other times when the Officers and Executive Board members voted in accordance with SCA by-laws under "ORDINANCES" number 5 to have flyers printed that were affixed to numerous utility (telephone, electric light or power) poles, trees and other areas in the public way. In addition, please provide a copy to each Association member of when, where and how this action was approved and a copy of the "written permit" with the proper date that is required by Connecticut law.

7. Our research finds that Linda Barr and James Flora's property located at 11 Ridge Road is *significantly* outside of the one hundred foot radius as defined in section 8-8(1) for them to qualify as an "aggrieved person". Furthermore, Section 8-7 "Appeals to Board" clearly states in part, that "an appeal may be taken to the Zoning Board of Appeals by any person aggrieved...". It is our position that their action to appeal the Zoning Permit granted to The Legacy Theatre, Inc. to the Zoning Board of Appeals under section 8-7 is frivolous and without standing as defined by this section and section 8-8.

The Officers and Executive Board members have clearly acted contrary to the Stony Creek Association's by-laws, Town regulations and The State of Connecticut laws.

If the Officers and Executive Board members intend to communicate with Attorney Tim Lee regarding this letter, we expect and request it will be in writing via email or U.S. mail and a copy of it and any response be immediately available to all SCA members. Incurring additional legal fees on behalf of the Stony Creek Association without proper authority is considered a continuing breach of your fiduciary responsibilities.

For those interested in Legacy Theatre's latest plans, please see www.LegacyTheatreCT.org and visit the FAQ (Frequently Asked Questions) tab.

Thank you,



Brian W. Knudsen, President
The Legacy Theatre, Inc.