

David M. Baker
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Mr. Daniel Bullard
President
Stony Creek Association

Dear Dan:

With respect to ordinances, rules and regulations governing the use of Maderia Park I found the following:

1. Article four of Alice Maderia's will dated October 26, 1960 in which Mrs. Maderia bequeaths the property we know as Maderia Park to the Town of Branford, specifies that the property may only be used as a park and further that structures may not be erected on it and it may not be used for parking. A copy of the will and probate record are attached for SCA records.

The will was probated and the town took possession of the property on August 7, 1961.

2. The Stony Creek Association Charter and Bylaws is silent on Maderia Park in particular and parks in general.
3. Initially, the Board of Selectman retained jurisdiction over the park and it was put under the General Government Buildings (GGB) Department. Maintenance of the park was contracted out to Ron McDermott. At some point, maintenance responsibility was given to the Recreation Department, which has it now.
4. The Branford Code does not cite Maderia Park as it does other parks and recreation areas in Branford. There is no clear definition of jurisdiction. However, the Code does define general rules for parks and open space in Branford that seem to apply as follows:
 - a. In Chapter 78, Recreation, Department of, Section 78-1 Creation and responsibility, Subsection A, The Department will be charged with the responsibility of: (2) Setting and publishing rules and regulations and to set and assess penalties for violations of said rules and regulations, (3) Maintaining and supervising all facilities and areas that have been or that may be acquired by the Town and placed under the jurisdiction of the Department of Recreation by the proper town authorities and Subsection B, The Directors and Supervisors shall have the authority to eject from any facility or area any person or persons acting in violation of rules and regulations as set forth in Subsection A(2). Alex Palluzzi, Director of the Recreation Department, said that there are no rules for Maderia Park other than those defined in the Branford Code.

- b. In Chapter 190, Parks, Greens and Recreation Areas, Article III Section 190-7 creates the Branford Park and Open Space Authority composed of unpaid town residents and electors. Section 190-11, Use rules and regulations; penalties for offenses, Subsection A, The following rules shall govern the use of such areas designated as open space and park areas by the Board of Selectman.

Rules A(1) through A(6) appear to be specifically defined for the Supply Pond Area. For example, rule A(3) states that Boats are permitted in the West Pond of the Supply Pond area only for educational purposes and only with the permission of the Authority.

Rules A(7) through A(17) are more general and appear applicable to Maderia Park:

- A(7) Parking is permitted according to local traffic regulations.
- A(8) Motorized vehicles ... are prohibited.
- A(9) Camping is prohibited...
- A(10) Picnicking and ground fires are prohibited ... except at picnic tables.
- A(11) Hunting and trapping are prohibited.
- A(12) The sale, offering, solicitation, or advertising of any goods or services is prohibited without the permission of the Authority.
- A(13) No defacing ... or removal of buildings ... trees.
- A(14) Gambling is prohibited.
- A(15) Disorderly conduct, intoxication ... prohibited.
- A(16) ... closed to the public 10 P.M. to 5 A.M.
- A(17) A person who shall violate these rules ... \$100 fine.

5. There is no information about Maderia Park on the internet except that there is a Maderia Park in British Columbia, Canada.

Conclusion:

Jurisdiction over Maderia Park is not really clear. It's not mentioned specifically in the Branford Code. It does seem to fall in the category of "open space and park areas designated by the Board of Selectman." I think Town officials including the First Selectman would agree.

Yours truly,



David M. Baker
Police and Traffic Committee
Stony Creek Association

THIRD: I give, devise and bequeath to my nieces, Louise M. Meeks and Virginia Mears, by small guest house known as "The Nutmeg" with all furnishings therein, bounded on west by a line drawn from meadow wall following back of garage to north side of big Oak marked by iron pipe; Thence easterly along ledge to 12 feet from stone wall owned by Grant Berger; Thence northerly at 12 feet distance from wall of Grant Berger to Buena Vista Road, the section being water way to Nutmeg; same to include my meadow on west unless I have otherwise disposed of all or a portion of same. If Virginia Mears predeceases me, then I give, devise and bequeath her share to her husband, Edson Mears. If Louise M. Meeks predeceases me, I give her share to her husband, Edwin Meeks.

FOURTH: I give and bequeath to the Town of Branford, subject to the control stated hereinafter, my dock property on the west side of Main Street, Stony Creek, in the Town of Branford, and on the opposite side of the road from the Three Elms property formerly owned by me, the same to be used only for park purposes. No building or other structure shall be erected on said premises and the same shall not be used for parking purposes. I direct that the use of said dock by the public shall be supervised and controlled by Edwin Meeks and Louise M. Meeks, so that proper regulations shall be established in accordance with wishes which I have made known to them for the use of said dock.

Alibonny road

FIFTH: I give and bequeath to The Missionary Society of Connecticut, a corporation organized and existing under the laws of the State of Connecticut, located at Hartford, in said State, the sum of One Thousand (\$1,000.00) Dollars.

SIXTH: As my nephew, Wilbur A. Maynard, Jr., has by his actions caused me much worry and financial loss, I give and