

**MINUTES OF STONY CREEK ASSOCIATION EXECUTIVE BOARD
SPECIAL MEETING -- TUESDAY, AUGUST 4, 2015**

Call to Order: The special meeting of the Stony Creek Association Executive Board was called to order at 7:33pm on Tuesday, August 4, 2015, at Willoughby Wallace Library by Dan Bullard, President.

Executive Board: Present: Christine Chiocchio Mike Infantino
Nick Fischer, Tax Collector Ted Ells
Jake Greenvall Bob Babcock
Sam Kirby Dan Bullard, President
Sandy Fischer Mark Richter

Absent: Josh Brooks, Jim Walker, Greg Ames, Treasurer

Public: 18 members of the public

Motion made by Sam Kirby, seconded by Sandy Fischer to amend the agenda to include Conflict of Interest. All approved.

Motion made by Sandy Fischer, seconded by Ted Ells to amend the agenda to include Executive Session to discuss strategy of pending litigation. All approved.

Motion by Ted Ells, seconded by Sandy Fischer to add a discussion to New Business regarding who can vote. All approved.

Minutes:

- Motion made by Sandy Fischer, seconded by Mark Richter and approved to approve the minutes of July 7, 2015 with the following changes:
 - Maintenance: Bill **Torino**.
 - Legal & Zoning: update was reported by previous board member, Linda Reed.
 - Police & Traffic: update was reported by previous board member Dee Dee Hakun.
 - Legal & Zoning: Comments from the Public regarding needing SCA support and questions asked of the board regarding the definition of Conflict of Interest as defined by the SCA by-laws.
 - Minutes: "5 abstain" must list who abstained.
 - Conflict of Interest definition from the Internet source should be cited.
 - Maintenance: 7th bullet: motion by Josh Brooks, "brush in front of museum" should be "brush across from museum".
 - Comment that the minutes should summarize discussion and contain too much information. Comment from the public that minutes are a historical document for the SCA and should be detailed.
 - New Business: Mill Rate: Include vote to approve Mill Rate.
 - Ball Field: remove "Ball field on West Point Road is not a parking lot for Legacy Theater."
 - Suggestions that public comment, board discussion and entire meetings should be recorded in addition to the minutes.

Conflict of Interest

- Dan Bullard reported, as a member of the nominating committee, that he asked Erika Cheney, Christine Chiocchio, Mike Infantino and Bob Babcock to run for the Stony Creek Association Board. He had no interest in getting people to run for the board having any preference towards the Legacy Theater. The board has a

difficult time every year getting people to run for the board and the nominating committee tries to get about 13-14 people who are willing to run. Dan stated that he was upset by a comment that someone suggested he “loaded the board” with pro-Legacy Theater individuals.

- Amy Bloom was asked by Dan Bullard to discuss Conflict of Interest and “How to Implement Your Board’s Policy on Conflict of Interest” (Attached). She continued by stating that pointing out a conflict of interest is not meant to be accusatory, or to point out a lack of integrity. The point is to acknowledge the conflict of interest and decide on whether that person would have a difficult time remaining neutral or if they should be removed from a discussion or vote on that subject.
- Dan Bullard read the definition of “Conflict of Interest” as defined in the Stony Creek Association By-laws: “Officers and members of the Executive Board shall be obligated to disclose any financial and or personal interest in any matter before the Executive Board or any Standing Committee (a conflict of interest position) prior to discussion of such matter. No person in a conflict of interest position shall participate in any discussions regarding or vote on any matter before the Executive Board in which he or she has a financial or personal interest, unless the Executive Board unanimously determines, upon full disclosure that it is so insignificant that participation in discussions or voting shall be permitted.”
- Comment from the public regarding conflict of interest and that personal and financial involvement must be revealed.
- Dan Bullard asked the board to discuss their conflict of interest regarding the Legacy Theater:
 - Dan Bullard: Dan stated he gave the Legacy Theater \$100 in the beginning. He met with Brian and Keely last summer before a meeting about negotiating which did not go any further. He said hello to Keely at the YMCA in town. He stated he does not enjoy theater himself and believes we can accomplish a lot for both the neighbors and Legacy Theater in mediation. Board voted all in favor for Dan Bullard to go into Executive Session.
 - Tim Lee stated that board members should be discussing personal and financial conflicts of interest that have taken place and can not be questioned about what they would or are going to do.
 - Jake Greenvall: When Legacy Theater first came to Stony Creek, he felt that it was a good thing. Since then, there are many reasons why the property needs to have proper rules and he is concerned about the impact on the community. Board voted all in favor for Jake Greenvall to go into Executive Session.
 - Christine Chiochio: No connection to the Legacy Theater, has not participated in any of their fundraisers and has not donated any money. Puppet House was not a nice place when she moved to Stony Creek. She is in support of art and something productive in the building although she feels strongly about being mindful of regulations and limitations for the property. Would hope that all can live and operated harmoniously. Board voted all in favor for Christine Chiochio to go into Executive Session.
 - Sam Kirby: No financial or personal conflict of interest with the Legacy Theater. He is in internal conflict because he thinks the theater is a good idea although the town zoning has done a disservice with approving the Tenet Fit-up Application and not imposing the appropriate limitations and regulations. The board voted all in favor for Sam Kirby to go into Executive Session.
 - Michael Infantino: Legacy Theater group has chartered the Sea Mist on several occasions. He is not against the theater but in favor of the proper regulations being enforced so everyone can appreciate the theater. He stated that we (board) need to follow the steps to help the neighbors. Public questioned Mike on a social media posting about a select list of nominees for the Stony Creek Association Board. Mike stated it was not his intention to share an abbreviated list of nominees. Public also questioned Mike regarding the Sea Mist and if he could foresee a conflict of interest with his business, the Legacy Theater and his role on the Stony Creek Association Board. Tim Lee stated that each board member may have their own opinion. Mike stated he has no “package deal” with Legacy Theater, and he does not need them to continue his business. The board voted all in favor for Michael Infantino to go into Executive Session.

- Concern raised from the public regarding buses parking on Halls Point Road. Mike Infantino to speak to police about idling buses.
- Sandy Fischer: no personal or financial interest in the Legacy Theater. She is concerned about the town Zoning Board of Appeals decision and does not have any problem with the theater. She is concerned about the impact of the theater on the neighbors and community at large. The board voted all in favor for Sandy Fischer to go into Executive Session.
- Mark Richter: donated a case of wine to one of Legacy Theater’s functions. He did do some computer work with an individual who works with the Legacy Theater. He has no support or engagement with the Legacy Theater. He has also donated to the church and the art gallery. The board voted all in favor for Mark Richter to go into Executive Session.
- Ted Ells: No preconceived feelings in favor or against the theater. He is concerned that this issue is dividing the community. He would like to work towards something good for the theater and protection for the neighbors. Great for someone to come in and renovate the Puppet House building. He has bought tickets to a Legacy Theater gala. His granddaughter attended one of Legacy Theater’s camps. When he was on the Stony Creek Association Board last time, he told Keely about a grant given by the CT Historic Preservation Trust (which he was no longer on the board for) for restoration which Legacy Theater was awarded. Keely has been to his house for a Playground Committee meeting. He has no bias. The board voted all in favor for Ted Ells to go into Executive Session.
- Bob Babcock: Dan Bullard did ask him to run for the board and he had been on the board previously for 2 terms. He has read the information regarding the Legacy Theater and the appeal. He was on the Planning & Zoning Commission in Cheshire for 6 years. He is concerned that there was no public session for the Legacy Theater Tenet Fit-Up Application. Here to focus on the comfort and convenience of people living in Stony Creek as cited in our charter. He has gone to 2 Legacy Theater events, 1 dinner at the Pine Orchard Yacht and Country Club in a large group, and the second at Woodwinds which was a show/play that they sponsored. He feels he can be involved in discussion and decisions honestly and openly. The board voted all in favor for Bob Babcock to go into Executive Session.
- Public comment clarifying that conflicts of interest that may arise will be discussed ongoing.
- Dan Bullard added an additional comment that he only had one vote like all other voters and therefore had no control of the individuals elected to the Stony Creek Association Board.
- Motion by Sandy Fischer, seconded by Sam Kirby and approved to go into Executive Session at 8:28pm.
- Motion by Sandy Fischer, seconded by Bob Babcock and approved to go back into Regular Session at 8:57pm. Dan Bullard reported that the Board will be going forward with mediation at the end of August, we are awaiting dates.

Treasurer’s Report:

- Dan Bullard reported the Treasurer’s report in the absence of Greg Ames, Treasurer.
- Motion by Sandy Fischer and seconded by Ted Ells to approve the Treasurer’s report. All approved.

August 1, 2015

General Fund – Checking

Cash on Hand General Fund (Checking)	7/1/15	\$25,541.68
PLUS		
Deposit CIRMA Equity Distribution	7/27/15	\$118.00
LESS		
Bills approved for payment	7/7/15	(\$5,233.51)

Cash on Hand- Checking	8/1/15	<u>\$20,426.17</u>
<u>Money Market Account</u>		
Cash on Hand	7/1/15	\$14,775.46
PLUS		
Interest received June 30 (Int. Rate 0.30%)	7/31/15	\$3.64
LESS		
Cash on Hand – Money Market Account	8/1/15	<u>\$14,779.10</u>
Total Assets August 1, 2015		<u>\$35,205.27</u>

Bills:

- Dan Bullard presented bills to be paid, totaling \$7,079. Motion by Bob Babcock and seconded by Sandy Fischer to pay the bills presented. Approved.

○ To: Meagan M. DeJesus	For: Services during June	\$425.00
○ To: William Torino	For: Maintenance Services-July	\$400.00
○ To: Fasano, Ippolito & Lee	For: 5/11 Invoice	\$1,980.00
	For: 7/2 Invoice	\$3,382.50
	For: 7/16 Invoice	\$687.50
○ To: CIRMA	For: Tax Collector Bond	\$100.00
	For: Treasurer Bond	<u>\$104.00</u>
○ TOTAL		\$7,079.00

Tax Collector: Nick Fischer, tax collector, reported that he has received approximately 100 checks so far but he has not posted them yet and does not know exact amount. Please note: tax bills are due August 30.

Legal & Zoning:

- Ted Ells, proposed we have an organized, protected system of holding our public records in a public place in effort to avoid any future FOI issues. There will be a locked drawer in the library conference room and Dan Bullard, Nick Fischer, Greg Ames and Ted Ells would have a key. If there was a request to review files, Ted Ells would set up a time to open the drawer and be present while files were being reviewed. Motion made by Ted Ells, seconded by Mark Richter that we move forward with having a locked drawer at the library and a system in place for the viewing of public files going back up to 2 years. All in favor.
- Ted Ells completed an analysis (attached) of the legal bills paid to Fasano, Ippolito and Lee.
- FOI matter is being paid with taxpayer money.
- Additional donations to the Appeal fund from an anonymous donor were promised in the amount of \$5,000.

Police & Traffic:

- Need to be concerned about the parking and pedestrian traffic at the beach. Two crosswalks may be causing more of a safety concern. Sandy Fischer stated that 10-12 people did very careful research a few years ago regarding this issue.
- Michael Infantino got the bike rack back. Sandy Fischer advised the town will repair. Michael suggested the rack should have a small sign “Provided by the Stony Creek Association”.
- Working on the issue of idling buses at the triangle and Halls Point Road. May need to go to Police Commission regarding parking spots or adding additional lines. Cannot post a sign that says “No buses beyond this point” because buses are allowed, just should not be parked or idling for more than a few minutes.

- Public asked that the crosswalk at the end of Watrous Ave. be repainted. May not happen before end of the year.

Maintenance:

- Sign showing the dimensions of the railroad bridge will be moved up-street by Tom Brennan.
- New sidewalk on upper Thimble Island Rd. is 4 ft wide, regulations size.
- Under the railroad bridge, roadway will be fixed this week, hopefully.
- Railing needs to be installed near culvert at the top of the new sidewalk.

Administration:

- Still working on email addresses for board members through Stony Creek Association website.
- Tag Sale is September 12, no rain date. Dan Bullard will tell Josh Brooks to notify police and newspaper.

Old Business:

- Village District: Betsy Wieland is working closely with Bill Aniscovich (Town Attorney) to draft the ordinance (Attached). Board of Selectmen will appoint the Architectural Review Board. There are three individuals from Stony Creek who were suggested by the Stony Creek Association Board. The Board will have the opportunity to suggest people going forward.
- Toilets: Waiting to hear back from the State.

New Business:

- Dan Bullard received an email raising a question about who may vote at the Stony Creek Association election. All registered voters in the town of Branford who live in Stony Creek (second district) may vote. LLC may not vote. Must live in Stony Creek (second district) and be a registered voter in Branford.
- Dan Bullard commented that we need to have the by-laws and charter in book form and available.
- Add to September Agenda
 - Defining board member attendance.
 - Roberts Rules of Order

Motion made by Ted Ells seconded by Mark Richter and approved to adjourn the meeting at 9:44pm.

Respectfully Submitted,
Meagan M. DeJesus, Secretary

The next meeting of the Stony Creek Association Executive Board will be held on Tuesday, September 1, 2015 at 7:30pm at the Willoughby Wallace Memorial Library.

NOTE:

MINUTES ARE POSTED AT SCA-CT.ORG, STONY CREEK MARKET, AND THIMBLEBERRY

Stony Creek Association email address: sca06405@gmail.com

Or

Stony Creek Association, PO Box 3145, Stony Creek, CT 06405