

June 26, 2016

To the SCA and the Community:

Because there were factual inaccuracies in the preamble leading to a motion by Ted Ells, we would like to make this document available, for any further discussion or motions. None of us are opposed to the summer theater that was originally proposed. Those of us who have studied the current plans of the Legacy and participated in informal discussions (NOT to be confused with mediation, which is a legal process) are fully aware that there are still no feasible plans offered which safeguard the health, safety, welfare and convenience of the neighbors — which is the responsibility of the Town of Branford, and of the SCA.

Facts on Finances:

The cost to all of Stony Creek taxpayers, for our two years of trying to come to an agreement with the Legacy is slightly less than **\$5.00/ per year, per taxpayer.**

John Wilson's FOI complaint had two parts: One part was based on his claim that SCA had not provided the requested SCA e-mail address list to him in a timely manner. The legal fee for that was approx. \$4,000. The documents for the Legacy were given to him promptly.

That leaves \$13,000 for Legacy-related fees. Private donations = \$9,000.

That leaves \$4,000. According to SCA President, more private donations had been offered, and rejected. Had they been accepted, they would have covered the \$4,000, leaving \$0 balance.

However, having rejected further private donations, the amount of \$4,000 over 2014-2016, divided by 425 taxpayers is \$4.70 per year or a grand total of \$9.40 for 2 years.

Please imagine the property across the street or next to you being used every day, and all-year for commercial activities and increased traffic, to serve 134 people. It would cost your neighbors \$4.70/year to support your effort to reach a reasonable and appropriate outcome.

Facts on Timeline:

Spring 2012: Keely Knudsen announced her intention of opening a 125-seat summer theater. SCA expresses support for a summer theater.

September 2013: Legacy states that they are not planning to rent out the property.

October, 2013: SCA minutes show concern expressed about parking and parking options.

January 2014: Legacy files letter of intent, to hold 6 shows/year, each show running 6 weeks.

This is now 36 weeks. They have now tripled the show time, making it year-round. They have also added theater camp, adult and children's performances, rehearsals and classes. Legacy also states that if necessary they will rent out the space, serve liquor and to hold concerts and other forms of entertainment, for fund-raising purposes, if necessary.

February, 2014: SCA discussion focusing on the fact that Legacy has still not adequately addressed the issue of parking. 18 months later, this is still true.

June 2014, Representing the SCA, Tim Lee makes 6 attempts to contact Legacy lawyer for informal discussion to discuss neighborhood concerns. No calls are returned.

December, 2014: Branford ZBA supports the Zoning Enforcement officer's decision to grant a Tenant Fit-Up permit, allowing theatre function/party space/ concert venue. SCA has 15 days in which to appeal. SCA asks neighbors who are statutorily aggrieved based on proximity, to act as individual plaintiffs. Neighbors agree. Tim Lee files motion, asking ZBA to clarify their decision. Town refuses.

December, 2015: SCA proposes informal discussion with Legacy to resolve issues. (Kirby/Ames/ Greenvall) represent SCA. The plaintiffs were told they could not attend, but that Betsy Wieland would represent them. Beginning 2016, individual plaintiffs were allowed to attend and speak.

April, 2016: The informal discussions are ended, at the insistence of the Legacy. Formal mediation resumes, with the judge. The next mediation is scheduled for July 12, for all 3 parties.

April 2016: To avoid conflict of interest for Tim Lee, after discussion with Tim Lee, plaintiffs retain separate counsel, Mark Branse.

No suitable parking plan — the issue that the judge has stated takes precedence before all others — has yet been offered by Legacy. SCA and the plaintiffs have offered parking plans.

Thank you for allowing us to clarify the record.

Amy Bloom

for Friends and Neighbors of Stony Creek