

**MINUTES OF STONY CREEK ASSOCIATION EXECUTIVE BOARD
SPECIAL MEETING – MONDAY, JUNE 27, 2016**

Call to Order: A special meeting of the Stony Creek Association Executive Board was called to order at 7:00pm on Tuesday, June 7, 2016, at Willoughby Wallace Library by Bob Babcock, Vice President.

Executive Board: Present: Bob Babcock, Vice President Jake Greenvall
Christine Chiocchio Greg Ames, Treasurer
Jim Walker Nick Fischer, Tax Collector
Mark Richter Sandy Fischer
Ted Ells Sam Kirby
Dee Dee Hakun

Absent: Dan Bullard and Mike Infantino

Public: 23 members of the public

- Motion made by Jim Walker, seconded by Sandy Fischer to go into Executive Session. Approved unanimously.

Public Comment:

Unk DaRos questioned why negotiations were being held with the Legacy Theater and not the Town of Branford since the Town is the defendant in the appeal.

Amy Bloom read a letter from the organization entitled Friends and Neighbors of Stony Creek. (Copy Attached)

- The Executive Board went into Executive Session at 7:10 p.m.
- Motion made by Jake Greenvall, seconded by Mark Richter to come out of Executive Session at 8:10 p.m. Unanimously approved.
- Discussion of Proposed Memorandum of Understanding with Legacy Theater:
 - Greg Ames gave a history of the negotiations and said that there was concurrence by Legacy Theater to the proposed agreement and that Legacy had accepted constraints and moved a long way towards meeting the needs of the community.
 - Sam Kirby then read a Memorandum of Understanding, proposed by the three negotiators. Please see attached copy of settlement proposal..
 - Jim Walker proposed discussing proposed agreement and calling a special meeting for June 30, 2016 to vote whether to accept the memorandum.
 - Bob Babcock stated the proposal would be discussed tonight but not voted upon.
 - Motion made by Jim Walker, seconded by Christine Chiocchio to accept the report of Sam Kirby, Greg Ames and Jake Greenvall for discussion, unanimously agreed.

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Re provision on alcohol at Theater

Public Comment.

- Legacy Theater could press Town to change ordinance, reason Legacy wanted to leave open in agreement.
- Why discussing alcohol when ZBA decision excluded it.
- Believe Legacy agreed to no alcohol and to close at 10 p.m.
- Prohibition of alcohol should be a deed restriction

- Did a good job on the agreement, can go along with it but should be no alcohol.

Greg Ames stated that Legacy wanted to reserve the right to apply for a café license to serve wine and beer before and at intermission of theater performances. If this happened the Association reserved the right to fight the Theater's application.

Enforcement of agreement.

Public Comment:

- Concern as to how agreement would be enforced.
- Would agreement be written in to law and deed restrictions
- Where is Town on this question, have they agreed to enforce the agreement.
- Should be teeth as to enforcement.
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Sam Kirby stated that the Town had not discussed enforcement, only parking and traffic issues

Parking:

Public Comment

- How many parking spots will be available to the Theater.
- Legacy to negotiate with Amtrak to use yard for parking.
- Biggest issue for neighbors of Theater is parking and agreement does not solve this.

Dee Dee Hakun said that in lieu of the recent accidents she does not believe Amtrak will allow parking on heir property.

Sam Kirby said Legacy will need 35 parking spaces for nights Theater is having performances, Bob Criscuolo identified 21-22 spaces at West Point parking area and there are 20-35 spaces at the Firehouse.

Public Comment:

- What is to be done with vehicles parked for long periods of time at Firehouse lot.
- Agreement done behind back of individual plaintiffs, why not involve individual plaintiffs and why move to vote without giving them time to respond.
- Legacy had agreed to resident only spaces for neighbors, why is this not in the agreement.
- Questioned location of handicap parking spots, Sam Kirby stated are behind yellow house.
- Legacy Theater patrons will not go to West Point or Firehouse if parking is available on the street.
- Issue of wetlands concerns for West Point parking.
- Is West Point lot supposed to be closed after dark.
- Thank you Sam, Greg and Jake for producing a remarkable document, thought issue was no raves etc. and not parking since parking is all over town. Started with nothing and negotiated some meaningful terms.
- No other business in town is required to have designated parking spots.
- Should not impose restrictions on Legacy that do not impose on other commercial establishments.
- Should consider marking more spaces time limited.
- Judge said parking a big issue
- Should be an actual and not hypothetical resolution of issue.
- Association negotiators meet with Legacy to come up with agreement without individual plaintiffs being present, was secretive when always before been meeting with all three groups.
- West Point and the Firehouse parking lots should not be designated for Legacy parking

- Judge at first mediation session said Legacy must solve parking problem and one mediation was planned to be held just to discuss parking issue but was never held.
- Legacy Theater parking not small, a major influx of traffic.
- Parking is not solvable but is addressable.
- Legacy will impact parking 150 days a year, inconvenience should be kept to a minimum.
- We are trying to get back what Zoning Board of Appeals gave away.
- Legacy should be required to provide valet parking or other methods to alleviate parking problem.
- More pressure should be put on Legacy re parking
- Suggestion that negotiate with Legacy to agree to encourage its patrons not to park on the street

Sam Kirby said it is expected that the Town has agreed to maintenance of these two lots but will not agree to make any capital expenditures.

Jake Greenvall said there is no solution to the parking problem in Stony Creek.

Other

Public Comment:

- Association a separate entity from individual plaintiffs and reason why individual plaintiffs hired separate attorney because Association and plaintiffs have different positions and to represent both Association and individual plaintiffs put lawyer in a conflict of interest situation.
- Issue for Association, should it spend taxpayer's money on this appeal. Does it have a mandate to do this. Causing conflict in village. Doesn't have to be a global decision.
- Nothing wrong with Association meeting without individual plaintiffs.
- Stony Creek primarily residential and commercial properties should not dictate quality of life.
- Complete breach of mediation. Individual plaintiffs will not share their parking plan with the Association unless authorized by the Court to do so.
- Many people support the Theater.
- No one is opposed to the Theater.
- Legacy has changed their mind re hours of operation.
- Legacy promised that theater would be closed on Sunday.
- If Association and Legacy enter into an agreement will Legacy honor agreement if individual plaintiffs will not agree. Will Legacy agree to be bound by agreement in consideration for Association withdrawing from the case.
- Agreement is good for the Association but not individual plaintiffs.
- Will never get Association go get agreement of Legacy and individual plaintiffs.
- People should be given more time than two days to assimilate agreement.
- There is an option for Association to withdraw from the case without entering into an agreement with Legacy.

Sam Kirby said that Judge in mediation is not same judge who will hear the case at trial. If mediation fail trial judge will know nothing about what went on in mediation.

Dee Dee Hakun said Negotiators have done a great job to bring people together. Board has done its best and now it is time to get out and let individual plaintiffs continue on.

Christine Chiochio said there should be a vote on the agreement before the next mediation on July 12th.

Sam Kirby said motion is only whether to approve the memorandum, not to withdraw from the case. Association is looking for a written agreement to be presented at the mediation on July 12th.

Motion by Sam Kirby, seconded by Dee Dee Hakun and unanimously approved, to call a special meeting of the Board for July 7th, which is 5 days prior to the next mediation, for the purpose of voting whether to agree to the proposed Memorandum of Understanding.

Motion made by Mark Richter, seconded by Sandy Fischer and unanimously approved to adjourn the regular meeting at 10:03 pm.

Respectfully Submitted,
Ted Ells, Secretary for the meeting.

The next meeting of the Stony Creek Association Executive Board will be held on Thursday, July 7, 2016 at 7:00pm at the Willoughby Wallace Memorial Library.

NOTE: MINUTES ARE POSTED AT SCA-CT.ORG, STONY CREEK MARKET, AND THIMBLEBERRY'S

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