

**MINUTES OF STONY CREEK ASSOCIATION EXECUTIVE BOARD  
SPECIAL & REGULAR MEETING -- TUESDAY, JUNE 7, 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 Dan Bullard, President.

**Executive Board:** Present: Dan Bullard, President Jake Greenvall  
Christine Chiocchio Greg Ames, Treasurer  
Jim Walker Nick Fischer, Tax Collector  
Mark Richter Mike Infantino  
Bob Babcock Sandy Fischer  
Ted Ells Dee Dee Hakun

Absent: Sam Kirby

**Public:** 22 members of the public

**Nominating Report:**

- Notices of the election have been sent out. President’s Letter has been mailed.
- Still working on outstanding biographies for the nominees.
- Motion by Jake Greenvall, seconded by Ted Ells and approved to accept the following nominations: Dan Bullard for President, Greg Ames for Treasurer, Nick Fischer for Tax Collector, Charles Torre and Madeline Mansfield for Auditors and the following Executive Board nominees: Brian Ameche, Robert Babcock, Laura Barr, Christine Chiocchio, Peter DaRos, Theodore Ells, Sandy Fischer, Ed Gagliardi, Katina Gionteris, Jerald Greenvall, Michael Infantino Jr., Sam Kirby, Peter Kusterer, Diane Brecciaroli-Latkowski, Linda Reed, Mark Richter and James Walker.
- Motion to accept the slate of nominees for the 2015 Stony Creek Association Board by Jake Greenvall, seconded by Ted Ells and approved.
- There will be a blank space on the ballot to write in nominations as well.
- Voters who would like an absentee ballot should contact Dee Dee Hakun. Completed absentee ballots will be handed to the voting staff and those voters will be crossed off the list. You must qualify for an absentee ballot. Absentee Ballots must be mailed in by a deadline.
- Motion to adjourn the special meeting at 7:07pm made by Sandy Fischer, seconded by Ted Ells. All approved.

Regular meeting of the Stony Creek Association opened at 7:15pm.

**Minutes:**

- Motion made by Sandy Fischer, seconded by Ted Ells to approve the minutes of May 3, 2016. Approved.

**Treasurer’s Report:**

- Greg Ames presented the monthly report. Motion by Sandy Fischer and seconded by Christine Chiocchio to approve the Treasurer’s report for audit. All approved.

**April 1, 2016**

General Fund – Checking

Cash on Hand General Fund (Checking)	5/1/16	\$8,953.58
PLUS		
Deposit Tax Receipts		
LESS		
Bills approved for payment	5/3/16	<u>(\$688.58)</u>

Cash on Hand- Checking	6/1/16	<b>\$8,265.00</b>
<u>Money Market Account</u>		
Cash on Hand	5/1/16	\$39,536.34
PLUS		
Interest received April 30 (Int. Rate 0.30%)	5/31/16	\$9.72
LESS		
Cash on Hand – Money Market Account	6/1/16	<u><b>\$39,546.06</b></u>
 Total Assets June 1, 2016		 <b>\$47,811.06</b>

- Greg Ames presented bills to be paid, totaling \$2,109.97. Motion by Sandy Fischer and seconded by Bob Babcock to pay the bills presented. All approved.
  - To: Meagan M. DeJesus                      For: Services during May                      \$275.00
  - To: Page Hardware                              For: Flag    \$112.99
  - To: Fasano, Ippolito, Lee & Florentine      For: Legal services thru May 17              \$825.00
  - To: Zackin, Zimieski & Sullivan              For: Preparation of 1099's                      \$80.00
  - To: K& G Graphics                              For: Election Printing                              \$112.00
  - To: Mark Richter                                  For: Annual Meeting Notice Postage        \$188.00
  - To: Dan Bullard                                  For: SCA cell phone                              \$88.13
  - To: Marion Fair                                  For: Flowers and mulch                        \$31.04
  - To: Sandy Fischer                              For: Plants, fertilizer, mulch                \$272.81
  - To: Pam Gruttner                                For: Planting                                        \$125.00
  - TOTAL    \$2,109.97
- Fasano, Ippolito, Lee & Florentine bill includes correspondence on April 19<sup>th</sup>, a court appearance, and a phone conference regarding mediation strategy.
- Motion by Sandy Fischer, seconded by Christine Chiochio and approved to have Meagan send a thank you letter to Pam Gruttner for planting.

**Tax Collector:**

- Two liens to be placed on delinquent taxpayers.

**Legal & Zoning:**

- Planning & Zoning Agenda: nothing to report in Stony Creek.
- Zoning Board of Appeals Agenda: nothing to report in Stony Creek.
- Variance that was applied for the car port on Buena Vista was approved by the Zoning Board of Appeals.

**Police & Traffic:**

- 4 way stop (Leetes Island Road and Thimble Island Road) is scheduled to be observed soon as well as the stop sign next to Thimbleberry's.
- Boats being left at dock area overnight are being ticketed.
- Leno (Dockmaster) is covering up to the beach area and Fitz (Community Service Officer) is covering up to the green (Memorial Triangle).
- Memorial Triangle needs the lines to be fixed, Sandy Fischer confirmed the town is aware and will be done soon.
- Community Service Officer cannot allow buses to park at the triangle in front of Thimbleberry's.
- Public comment:
  - Concern about speed on Leetes Island Rd. by School Street. Would like to see additional signage noting state law to stop for pedestrians.

- Boat trailers are parking illegally north of the triangle. Fitz cannot go north of the triangle, and Leno is the dock master only.
- Pedestrian signs should say “stop” instead of “yield”.
- Hedges by cemetery near 4 corner stop need to be cut back. Dan Bullard stated he would ask the property owner to have them cut.
- Suggestion that we should have Community Service Officer on the weekend and during the week.
- Sandy Fischer asked for a crosswalk on Leetes Island Rd. by the cemetery and it will most likely be refused because the stop sign line would also need to be moved.

**Maintenance:**

- Sandy Fischer, committee chair, reported the centerline striping for this year is done, there will not be any more striping till next year.
- Sidewalks will be done after July 1.
- Street signs will be repaired after the summer season.

**Administration:**

- Notices of the election have been sent out to the newspapers. Ballots are set up. In good shape for election.

**New Business:**

- Village District: Board of Selectmen approved on May 18<sup>th</sup> the Architectural Review Board of Greg Ames and Sam Kirby through May 31, 2019 and George Buchanan, John Herzan, and Bill Murray through May 31, 2018.
- Toilet: Sandy Fischer, Greg Ames and Stan Fischer are visiting a portable toilet unit in New Bedford at the end of the month. Cannot use the grants that were obtained for anything other than a permanent structure but there are other grants we can apply for.
- Puppet House:
  - Motion by Sandy Fischer, seconded by Ted Ells and approved to move the Puppet House to the end of the meeting. All approved.
- Tax Collectors Book. No longer need to do this (outdated).
- Treasurer is prepared for what he will need for the July meeting.
- Puppet House:
  - Greg Ames reported that this is back in the hands of the court and their next scheduled mediation is July 15<sup>th</sup>. He reports feeling confident that they are making significant progress.
  - Please see attached history of this case written and read by Ted Ells.
  - Dan Bullard restated that we have appointed three people to negotiate a moderate position between the neighbors, town, legacy theater and all the residents of Stony Creek. There was a meeting 2 years ago with 50-100 residents of Stony Creek who all agreed that we did not want to give full reign to the Legacy Theater in terms of the zoning of the property. The issue at hand is a zoning issue not a matter of wanting or not wanting a theater.
  - Public Comment: The Tenet Fit Up application requested the use of the building for rentals, parties, alcohol, etc. not for a simple summer theater. There have been many attempts to talk with the Legacy Theater over the last couple of years.
  - Jim Walker cited that we hired Attorney Tim Lee on June 18<sup>th</sup>, 2014. It only took 14 months to build the Empire State Building and about 14 months to build the Brooklyn Bridge.
  - Ted Ells made a motion, seconded by Jim Walker, to call a special meeting of the Executive Board before the end of June and at that meeting consider any settlement proposals submitted to the Board or if none are presented to consider withdrawing as a party from the appeal. Approved, Dee Dee Hakun and Jake Greenvall opposed. Discussion: may be premature based on next mediation scheduled on July 15<sup>th</sup> but it would be helpful to get a full report.
  - Public Comment:

- A lot of time and effort has been put into this and many issues have been discussed and refined. Parking is the preeminent issue with a proposed 134-seat theater, all other elements have been hashed out. Individual plaintiffs hired their own lawyer as to not put Tim Lee in a difficult position.
- There should not be an arbitrary deadline because of a new board, this is a very important matter.
- There is no concrete evidence that things are progressing with mediation. Meanwhile Stony Creek is divided based on this issue.
- Some believe this is a waste of time and that this could go on for years with no resolution and thousands of taxpayer dollars spent on legal fees. Board should be concerned about getting countersued by Legacy Theater.
- Board has accomplished a lot with this situation and if they believe we are getting closer to a reasonable situation, that may be the best thing for all us.
- The reason we are in mediation is we are trying to avoid a long trial.
- Additional comments from the board:
  - Dan Bullard stated he spoke to Tim Lee and this case is no frivolous and we have addressed concerns about being countersued.
  - Ted Ells stated that we applaud the individual plaintiffs for getting their own attorney but we are still using taxpayer dollars for our own attorney.
  - Bob Babcock reiterated that Ted’s motion was to “give consideration” meaning nothing is black and white and no decision has to be made.
  - Greg Ames confirmed they will be able to discuss some details of mediation in Executive Session.
- Executive Board would like to determine a direction for this appeal. Motion made by Greg Ames, seconded by Sandy Fischer to have a special meeting on Monday June 27<sup>th</sup> at 7pm and go into Executive session to discuss strategy for the pending litigation.

Reminder that if you would like to contact Dan Bullard, President, or Meagan DeJesus, Secretary, or anyone regarding the Stony Creek Association, please use (203) 494-0467 or email: [sca06405@gmail.com](mailto:sca06405@gmail.com).

Motion made by Ted Ells, seconded by Sandy Fischer and approved to go into Executive Session at 8:37pm.

Motion made by Mark Richter, seconded by Ted Ells and approved to close the Executive Session at 9:55pm.

Motion made by Sandy Fischer, seconded by Bob Babcock and approved to reopen the regular meeting at 9:56pm.

Motion made by Mark Richter, seconded by Jim Walker and approved to adjourn the regular meeting at 9:58pm.

Motion made by

Respectfully Submitted,  
Meagan M. DeJesus, Secretary

The next meeting of the Stony Creek Association Executive Board will be held on Tuesday, July 12, 2016 at 7:30pm at the Willoughby Wallace Memorial Library.

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

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