

SCA Legacy Theater June 6, 2016

A little history

SCA retained law firm of Fasano, Ippolito and Lee to represent it on June 19, 2014.

On July 31, 2014 the Branford Zoning Enforcement Officer approved the Tenant Fit Up Application of the Legacy Theater.

The SCA appealed the decision of the Zoning Enforcement officer to the Branford Zoning Board of Appeals. Two public hearings were held and on November 18, 2014 the ZBA voted to uphold the Zoning Enforcement Officer's decision.

SCA on December 9, 2014 appealed to the Superior Court the decision of the ZBA.

On the recommendation of Attorney Tim Lee, the SCA invited individual plaintiffs in close proximity to the Theater to join the appeal as parties. These parties are Joan Johnson, Eleanor Stach, James Stach, and Robert Alling. The Fasano law firm also represented these individual plaintiffs.

The parties opted for mediation March 2014 and Sam Kirby was chosen as the SCA as mediator. Linda Reed and Betsy Wieland were added as mediators. In July 2015, with the advent of a new board, Greg Ames and Jake Greenvall replaced Linda and Betsy as mediators. There have been approximately four or five mediation sessions. The parties entered into settlement discussions with the Legacy Theater without attorneys or court personnel being preset. Quite a few of these settlement discussions have been held.

The individual plaintiffs advised the Executive Board in April 2016 that they and Tim Lee, the attorney representing the SCA and the individual plaintiffs believed Lee had a conflict of interest and could no longer represent both the SCA and the individual plaintiffs. The individual plaintiffs on April 7, 2016 retained the law firm of Branse & Willis LLC of Glastonbury to represent the individual plaintiffs.

This new attorney has participated in a number of settlement meetings and at least one mediation. At our last meeting we were told that he was drawing up a proposed settlement agreement.

+825

To Date the SCA has spent \$16,978 in legal fees on the Legacy Theater matter of which \$8,992 were donated funds and \$3,960 was for a Freedom of Information Act matter related to the appeal or a total of \$20,938. +825

It is time to resolve this matter which had divided the community.

I make the following motion:

Whereas the individual plaintiffs, Joan Johnson, Eleanor and James Stach and Robert Alling have terminated their representation by Tim Lee and instead of retained a separate law firm to represent them and this law firm has participated in a number of meetings and is familiar with the case and is taking a leadership roll, and

Whereas the SCA has been instrumental in narrowing the issues and bringing the parties close to settlement, particularly due to the hard work of Greg Ames, Sam Kirby and Jake Greenvall, the representatives appointed by the SCA to handle settlement negotiations, and

Whereas a new Executive board will be elected in July and it would be well advised for this board to complete its work on the Legacy Theater matter and not once again turn it over to a new board,

Now therefore I make a motion 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.