

**MINUTES OF STONY CREEK ASSOCIATION EXECUTIVE BOARD
SPECIAL MEETING – MONDAY, NOVEMBER 7, 2016**

Call to Order: A special meeting of the Stony Creek Association Executive Board was called to order at 7:00pm on Monday, November 7, 2016, at Willoughby Wallace Library by Dan Bullard, President.

Executive Board:

Present:	Dan Bullard, President	Greg Ames, Treasurer
	Bob Babcock, Vice President	Jake Greenvall
	Christine Chiocchio	Jim Walker
	Mark Richter	Sandy Fischer
	Ted Ells	Sam Kirby
	Laura Barr	Pete DaRos
	Nick Fischer, Tax Collector	
Absent:		
Public:	44	

Legacy Theatre:

- Please see attached memo “Summary of Appeal to the Branford Zoning Board of Appeals, December 2014” from Dan Bullard.
- Please see attached report from the Mediating Committee (Greg Ames, Jake Greenvall, and Sam Kirby)(Parts 1 – 5).
- Sam Kirby reported that the birth of the Memorandum of Understanding was at the February 10th, 2015 meeting of the SCA when Betsy Wieland and Linda Reed began to compile a list of citizen’s concerns. Some of these points of concern included days of operation, parking, hours of operation, shuttle bud, types of concerts, third party events. In March 2015, Sam was appointed to do mediation. In December, the board suggested that the mediating committee meet with Legacy without the lawyers to save on legal fees. First informal meeting we made a list of concerns and arranged in a matrix. This informal mediation continued until April 2016. In June, the committee came up with the Memorandum of Understanding. Through this process Legacy made concessions, formed a business plan, drafted a whole year mock schedule, identified how they would manage people outside the theater, prepared a job description for a manager, etc. (See attached Memorandum of Understanding June 26, 2016). At this point, another document is being put together by the co-plaintiffs and Legacy Theater.
- Greg Ames referenced back to the Mediating Committee’s report: Background (attached).
- Jake Greenvall reviewed the attached document “The 20 Restricted Parking Spaces Option” (attached).
- Greg Ames review the parking diagram presented by Legacy Theatre (attached). This proposal was rejected by the neighbors.
- Dan Bullard clarified that, per the mediating committee, the Stony Creek Association Board had four options as presented by Greg:
 1. Support the co-plaintiffs proposal for reserved on-street parking for their use.
 2. Commit to funding an ongoing lawsuit, starting with an expenditure of around \$5,000 to file an initial brief by January 19th, or withdraw from the lawsuit some time before the end of this year when we would have to begin spending money to pursue the lawsuit.
 3. Advocate for a drop off zone in front of the theater and for on-street handicapped parking spaces.
 4. Authorizing the mediating committee to continue to work for a settlement by continuing informal discussions with all parties to look for other options to solve the parking concerns of the co-plaintiffs.We could:
 - Support all or part of the Legacy Parking Plan Proposal (attached) if it is still on the table.
 - Reconsider or consider variations of the ideas that have been offered before.
 - Consider new ideas.

- Option 3 would be 2 handicap parking space (general public in front of the theater), 2 spaces reserved to drop off patrons, and 3 additional handicap spaces (2 in front of the Stach's and 1 in front of Joan Johnson's home)(these spaces are intended for the Stach's and Joan Johnson but not dedicated to).
- Public Comment:
 - Rob Alling: co-plaintiffs are looking for 7 parking spaces to be reserved for them during performance hours (4pm to 8pm).
 - Phil Brencher: Needs 2 parking spaces for his tenets.
 - Josh Brooks: SCA Board does not have the authority to agree to parking spaces, will need to go to the Police Commission and RTM. All the Board can do is support this or not.
 - Rob Alling: Town stated they will agree to a plan if the co-plaintiffs and the SCA can agree.
 - Mark Brance (Co-plaintiff's attorney): We can achieve a parking plan with a stipulated judgement, meaning no ordinance is required and the police commission would not be involved. We can move forward with a plan for 7 spots reserved for the abutting property owners and 4 parking spaces for Legacy Theater. Town will only agree is SCA, co-plaintiffs and Legacy all agree.
 - Rob Alling: theater goers are going to park as close as they can to the theater regardless of the spaces available at West Point field, the commuter parking lot, the old school house, the firehouse or the church.
 - Unk DaRos: How did this appeal of the Branford Zoning Board of Appeals get to this discussion on parking? SCA should not be trying to figure out individual property owners problems. Zoning enforcement officer is responsible for this.
 - Josh Brooks: reminds the group that we are not fighting against the Legacy Theater, we are addressing the rights of the property going forward.
 - Janet Weithas: Does board vote on this or public? Board.
- Please see attached memo from Laura Barr (Board member).
- To clarify, if the terms of the Memorandum of Understanding are not mutually agreeable and we drop out of the lawsuit, all the work that has been done through mediation would be gone.
- Ted Ells: parking is the towns responsibility, not the SCA Board. RTM and Police Chief both said no to resident parking.
- Jim Walker: if we vote for option 1, we need to also consider adding 2 spaces for Phil Brencher.
- Motion by Sam Kirby, seconded by Christine Chiochio to vote on option #1 as described: Legacy Theater's proposal from Bob Criscolo with a pile-on on Ridge Rd., a pile-on on Rextile Rd., a pile-on on West Point Rd., 2 "no-standing" parking spots in front of Legacy Theatre designated from 4pm-8pm, 2 spots in front of Elenor Stach's house as shown on the map for her use only in perpetuity as long as the theater is there, 1 parking space in front of Joan Johnson's house for her use only in perpetuity as long as the theater is there, 4 parking spaces in front of Rob Alling's two properties for his use only in perpetuity as long as the theater is there, from 4-8pm and on theater nights only.
- Board: Discussion:
 - How would 4-8pm be enforced?
 - "No Theater Parking" signs? Not agreeable by the co-plaintiffs.
 - Ted Ells: there are 120 off the street parking spaces. Why are we doing designated parking for people who have garages and off-street parking?
- Public Comment:
 - Rob Alling: Joan need's 6 spaces, she is only asking for 1. Eleanor needs 4, she is only asking for 2. We started at 11 and now down to 7.
 - Josh Brooks: If we agree to option 1, there needs to a be an amendment to the motion to give a drop-dead date for an agreement and a space in front of Phil Brencher's property. If we let this go, we may end up with nothing at all.
- Board Discussion:

- Jim Walker: does not think we have enough information to vote on anything yet. If we know that Legacy and the co-plaintiffs have agreed then we could give a drop-dead date of December 6th.
- Tim Lee: would be helpful to know if the Board supports to concept of resident only parking so we can either move forward or not.
- Mark Richter: DO we conceptually agree and then at our December meeting there will hopefully be an agreement drafted that we can vote on.
- Public Comment:
 - What is a Stipulated Judgement? Something the town can approve if all parties agree. But why does the SCA need to be a part of it? The town can move forward with a stipulated judgement but will not without our support.
 - Tim Lee: town will not file a Summary of Judgement as it is very lengthy process. As of December 19th we need to get back to the judge with either an agreement or to move forward with the lawsuit.
 - Barbara Marks: clarification, yes if we go forward with parking agreement then all the other terms that have been discussed and agreed on in mediation will go forward as well. If we do not come to an agreement, the lawsuit continues and we may end up with nothing at all.
- Board Discussion:
 - Christine Chiocchio: agrees with Laura Barr that these are special circumstances. Her neighbor's quality of living is important and a neighbor asking for parking spaces during theater hours is legitimate.
 - Jake Greenvall: there are other options available, we do not need to settle on this option #1.
 - Legacy removed alcohol from their request.
 - Mark Richter: not sure we are prepared to vote, thinks Sam Kirby should withdraw him motion.
 - Dan Bullard would like to table the motion.
 - Tim Lee: we need to draft a review by January and briefing for the lawsuit will start on December 19th if there is no agreement. He and the other lawyers need time to draft the documents and waiting till the December 6th meeting does not give enough time. It would be helpful to have some direction from the Board.
 - Ted Ells: if we table the motion, we are just delaying again.
- Motion by Sam Kirby, seconded by Christine Chiocchio to vote on option #1 as described: Legacy Theater's proposal from Bob Criscolo with a pile-on on Ridge Rd., a pile-on on Rextile Rd., a pile-on on West Point Rd., 2 "no-standing" parking spots in front of Legacy Theatre (24 hours per day), 2 spots in front of Eleanor Stach's house as shown on the map for her use only in perpetuity as long as the theater is there, 1 parking space in front of Joan Johnson's house for her use only in perpetuity as long as the theater is there, 4 parking spaces in front of Rob Alling's two properties for his use only in perpetuity as long as the theater is there, from 4-8pm and on theater nights only (no handicap spaces). Vote: 6 in favor (Christine Chiocchio, Bob Babcock, Jim Walker, Mark Richter, Laura Barr, Dan Bullard), 5 opposed (Jake Greenvall, Sam Kirby, Sandy Fischer, Ted Ells, Pete DaRos).
- Tim Lee: We should have a drafted agreement by next month's meeting on December 6th.

Motion made by Pete DaRos, seconded by Jim Walker and approved to adjourn the meeting at 10:41pm.

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.

Respectfully Submitted,
Meagan M. DeJesus, Secretary

The next meeting of the Stony Creek Association Executive Board will be held on Tuesday, December 6, 2016 at 7:30pm at the Willoughby Wallace Memorial Library.

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