

(Draft minutes subject to Board approval. Edits and approvals can be made and found in succeeding minutes.)

Candlewood Shores Tax District Regular Board Meeting Minutes - August 21, 2024 *Draft*

Location: Clubhouse

Call to Order at 7:30pm

Angelo Aldana made a **Motion** to call the meeting to order at 7:30pm. Robert Yamuder seconded. All in favor, motion carried.

Roll Call:

Angelo Aldana- President
Joseph Rizkallah- Vice President
Norman Edelson- Treasurer
Jonathan Lepler- Director
Timothy Cicchese- Director
David Samuels- Director
Douglas Jenks- Director
Michael Walsh- Director
Robert Yamuder- Secretary

Attendance

Present
Remote
Present
Present
Present
Present
Present
Present
Present

Travis Hyatt, Regional Manager- Scalzo Present
Brandon Hyde, CSTD Office Manager Present

Pledge of Allegiance lead by Angelo.

Public Hearings- None.

Guests- None.

Approval of Minutes- David made a **Motion** to approve 07/17/24 CSTD Meeting Minutes. Michael seconded, motion approved unanimously 7-0, motion carried.

Angelo announced that a CSTD News Letter was distributed with positive feedback from many residents of the community. The News Letter summarized important issues and events taking place in the District to help keep the community informed. Additional comments are welcome. In an effort to give anyone who wishes to address the Board, Angelo requested speakers limit their comments to 3 minutes each to allow up to 30 minutes of comments to keep the Board meetings on track (additional details on meeting decorum can be found on line). Robert as Secretary will keep time of speakers.

Public Comment

Public Comment #1- Deirdre Coury, 57 Skyline Drive, raised comments regarding the property at 71 Clearview Drive regarding proposed driveway easements and septic location. Deirdre proceeded to read aloud notes from her prepared statement, copy submitted and attached, to be made part of the minutes. Doug responded that the CSTD Board is working with hired counsel to investigate complex legal property issues and this is not a rubber stamp review.

Public Comment #2- Cheryl Weigel, 345 Lake Shore Drive, requested the Board consider a toy closet at the beach which would be a donated weather proof bin. Elizabeth Cohen-Longworth mentioned the previous bin disintegrated and was not replaced and suggested a lost and found bin be considered.

Public Comment #3- Joan Polzin, 16 Twilight Lane, shared her concerns about recent flooding of homes due to the construction house nearby. She requested the Board consider placing additional curbs in her area and proposed a new drain be constructed. Jonathan responded that recent flooding issues relate to changing climate patterns where more frequent and more severe rain events will continue to occur.

Public Comment #4- Elizabeth Cohen-Longworth, 1 South Lakeshore Drive, requested the Board enforce blight issues as several homes in the District are in various states of disrepair. She requested Scalzo drive through the District more often to keep track of blight conditions and work with the Town to enforce blight including dumpsters and port-o-potties on permitted and non-permitted sites including the foreclosure on Mountainview.

Public Comment #5- Debbie Cully, 28 Skyline Drive, reported blight conditions in terms of cars parking on front lawns and asked the Board to enforce blight issues including waste receptacles which should be kept out of sight.

Public Comment #6- Bert Coleman, 37 Twilight Lane, requested the Board form a Septic Committee regarding an alleged illegal septic hook up he witnessed. Brandon looked into this concern and reported that the work in question was actually a maintenance repair to a drainage pipe and not related to a septic connection. Bert also commented that he believes there are too many speed humps which he opined are ineffective to reduce speeding.

Public Comment #7- Rich Grosso, 18 Twilight Lane, reported that flood water from storms be addressed by additional installation of drainage structures to avoid future flooding to his basement. He suggested more drainage requirements be placed on new homes being built in the future.

Public Comment #8- (On-line caller) Nancy, 4 Dogwood Lane, told the Board she likes the newsletter and is happy the newsletters are reinstated moving forward.

Public Comment #9- Marie Edelson, 116 North Lakeshore Drive, stated that she has seen Scalzo traversing the District looking for blighting conditions and advising the Board of same. She opined that CSTD is a diverse community and believes residents are generally trying to maintain their properties to the best of their abilities. For those residents who chose to disregard their maintenance obligations, she recommends the Board start a blight plan for the Board to review regularly and enforce accordingly.

Treasurer's Report- Norman Edelson, Treasurer

Norman read his report into the record including the status of CD investments and the following CSTD bank account balances as of 07/31/24:

CSTD Operating (OP) Newtown Savings Bank (NSB) account balance	\$ 343,471.15
CSTD CD account balance	<u>\$2,055,000.00</u>
Total CSTD Bank Balance	\$2,348,471.15

CSW Water Department Operating (OP) NSB account balance	\$ 126,710.92
CSW-NSB-6moCD	<u>\$ 60,879.52</u>
Total CSW Water Department CD Bank Balance	\$ 187,590.44

Management Report-

1. Action List- Travis read through the status of the updated Action List (Page 6). Highlights included a status update on the repair of curbs and catch basins, speed hump project, signage updates, sending Town zoning/ WPCA agendas to residents and including road maintenance and proposed changes to parking ordinances to the next meeting agenda. "No Lifeguard on Duty" signage was installed at the beach.
2. Permit Requests- No new permits requested.

Committee Reports-

1. Beautification- No updates reported.
2. Recreation- Jonathan reported he received many positive reactions including his own to the Newsletter and events. Bunny reported the committee is streamlining events and requested vendors get paid more promptly to attract and keep vendors responded to events. Brandon reported checks need to be approved by the Board before payment and sometimes the vendors do not provide required documentation in a timely manner which delays payments. Angelo suggested the Board look into ways to improve vendor communication in an effort to make the process more efficient. Volunteers are needed to continue the success of the Recreation Committee.
3. Safety/Security- Jonathan reported there were 7 attendees at the last committee meeting who discussed: safety at the entrances to the District; cameras at entry points; hang tags and stickers; stickers for all resident vehicles; reinstallation of "No Soliciting" signs; parking on streets across and opposite to neighbor driveways; reviewing old and new ordinances; continues to drive around neighborhood looking for blight conditions; pruning of trees and shrubs especially at stop signs in an effort to reduce accidents and notify residents to prune where needed.

A Motion was made by Jonathan and seconded by Michael to obtain proposals for the cost of cameras. The Board voted unanimously to obtain quotes. The Motion carried 7-0.

4. Ordinance- David reported the Ordinance Committee met on July 17th and discuss blight issues. Existing blight codes were adopted in 2019 and requires a Blight Panel be established to include 1 Board Director and 3 residents. The Ordinance Committee can help recommend actions to residents in need of landscaping activities. Discussions included updating the fee scheduled, providing notification prior to towing, Board approval procedures in terms of newspaper notification of proposed ordinance rule changes. Brandon asked the Board to seek out and submit names of those residents interested in being a volunteer panelist on the Blight Panel.
5. Landscaping Report- Jonathan reported they are reviewing Adam's contract to update it accordingly.
6. Harbormaster Report- No updates to report.

Administration:

New Business- 1). **Road Maintenance-** Angelo reported Part I includes regular maintenance of roadways including catch basin repairs and Part II involves repaving of roads which is expensive and requires a paving plan identifying the conditions of roads to prioritize repairs. Tim added that he would be able to review roadway repair plans. Jonathan reported Tinker does a good job, however, they do not do roadway inspections. Curbs should be part of the roadway review. Salt also caused deterioration of roadways. Alan Owen stated that some roads were repaved 38-40 years ago and some asphalt curbs were installed which are now overgrown with grass. In terms of flooding, curbs may help to guide storm water along gutters pitched towards catch basins and homeowners should also be cleaning out their roof gutters to help reduce home flooding. The Town should require erosion control bonds for new house plans and should follow up with each building and site plan permit they review to ensure plans are being followed. CSTD should attend Town meeting to help ensure erosion is being addressed. Angelo reminded residents the Board can look into roadway and curb concerns, however, the Town is responsible for ensuring erosion controls are put in place and inspected.

2). **3 Bayview Resident Complaint-** a. Brandon reported that he received complaints regarding activity at this property including a home business there with commercial trucks and vehicles parking on the lawn regularly every day. Angelo responded that there is no ordinance regarding a home commercial business, and the Board should look into including new ordinances and/or revising current ordinances that address that. Angelo also said that according to the ordinance all blight complaints have been misdirected to the Board, as the Board does not have the authority to hear or find violations. The Ordinance specifically says that all complaints have to be brought to the Blight Panel, which is comprised of 1 Director and 2 residents appointed by the Bd. It is the Blight Panel who determines whether a blight violation exists, not the Board. The Blight Panel does not currently exist, so Angelo requested that any interested residents submit their names and a Blight Panel will be created next month so that blight issues can start to be properly addressed. Suggestions also included installation of drains and curbs in front of new homes, following up the blight condition on Mountainview, parking on lawns, septic committee panel creation to address regular inspections of pump outs, getting the Town more involved in manage and enforce Town regulations even if the Town is reportedly understaffed.

Old Business-

1. **Speed Hump Update-** Jonathan reported speed humps are being installed and painted professionally with commercial grade paint for lasting durability.
2. **Clubhouse Garage Update-** Brandon reported he is seeking new proposals are for installation to follow.
3. **Water Treatment Update-** Angelo reported he is working with Mike Hage on his preparation of the Lead and Copper Inventory Report and the Asset Management Plan. Goal is to have both completed by October 2024.
 1. He also spoke to engineer at CT DPH regarding the grant application which required additional information.
 2. As to water quality, essentially same as last month with PFAS still over the EPA guideline level, and Nitrates still below the limit of 10 which are tracking lower than this month than last month results.
 3. The professional engineering firm Wright Pierce was retained by the Board after the Board approved moving forward with them at the last CSTD meeting. The recent Newsletter outlined water treatment options.

Alan Owen offered that the Huckleberry Water main installation resulted in home assessments. Angelo responded that that was not Aquarion revenue and was Town revenue which did result in assessments to ones for the new water main connection. It is expected that the CSTD Board will hold a Special Meeting next year on future findings of water filtration options.

Second Public Comment-

Deirdre Coury, 57 Skyline Drive, commented that the proposed Toy Bin at the beach if considered should be drainable.

Elizabeth Cohen-Longworth, 1 South Lakeshore Drive, commented that waivers be obtained for camp sleep overs, requested to be on Blight Committee, asked if the Board sought 3 bids to retain professional engineers, asked if a

Elizabeth Cohen-Longworth, 1 South Lakeshore Drive, commented that she had no knowledge of recent property sales in the District and asked about campaign signs on the public Right-of-Way in terms of applicable ordinances in terms of placing sign within 30 days of an election and removal immediately after an election. Angelo will look into if there were political signs/banners in the public Right-of Way or on private property.

The next regular CSTD Board meeting is scheduled for Wednesday, September 18, 2024, 7:30pm in the Clubhouse.

Executive Session- At 9:27pm, **Angelo made a Motion to enter into Executive Session which was seconded by Norman. The Motion was unanimously approved by the Board.**

A Motion was made by Jonathan to end Executive Session which was seconded by David. The Board unanimously approved the Motion.

Adjournment- Jonathan made a motion to adjourn the regular Board meeting at 10:45pm. Seconded by David. All in favor, motion carried, meeting adjourned.

August 21, 2024

Deirdre Coury
57 Skyline Drive
Brookfield, CT 06804

VIA EMAIL & and PUBLIC COMMENT/ HAND DELIVERY TO BOARD
AT AUGUST 21 BOARD MEETING

Candlewood Shores Tax District Board:
President Angelo Aldana
Vice President Joseph Rizkallah
Treasurer Norman Edelson
Secretary Robert Yamuder
Director Douglas Jenks
Director Jonathan Lepler
Director Tim Cicchese
Director David Samuels
Director Mike Walsh

Re:

- 1. Does the Board have plans to purchase vacant lot for sale (realtor sign posted) adjacent to well?**
- 2. Driveway Permit Application for 71 Clearview**

Dear Board and Neighbors in Candlewood Shores,

As a note to our neighborhood, I wrote the following questions which have also been posted on Facebook. I do not use Facebook. Please feel free to email me at deirdrecoury@gmail.com. I respect everyone's right to differences of viewpoint.

I request the CSTD Board to address these questions:

1. According to various residents, people involved with these lots represented that there was going to be an internal driveway easement allowing 71 Clearview to pass over the private driveway for 75 Clearview. Ask the Town ZEO if he recalls this? And why instead was a septic field placed there making such an internal driveway easement much more difficult? Such an internal driveway easement is still not impossible, it would just require the current paved driveway on 75 Clearview to be reengineered. Representing there would be an internal driveway easement gave residents a false sense that there was nothing we as residents could do.

2. Consider that the original Shores subdivision map showing the 24+ foot “unfinished path” connecting the Clearview deadends was never intended to designate a road or street. It has NEVER been “open to public travel and use.”
3. Judge Upson decided in *Arvin Gregory Builders v. Brookfield Planning Commission* involving similarly situated lots on the other side of the Nature Park and Trail that a request to revise those lots was a resubdivision and the judge denied Arvin Gregory’s lawsuit to build houses on similarly situated lots. Why is the current owner being allowed to do what a previous owner was denied the right to do by a court? How can the Town attorney disregard that judge’s ruling and opine to the Town differently on this new lot?
4. Even if the map arguably did indicate a “road” it has since been effectively abandoned because residents have made open and notorious use of this Nature Park and Trail for many years, posting signs and blocking access with rocks and chains. Any prospective purchaser would clearly have been on notice that there would be an access issue. [See AN ANALYSIS OF THE DECISIONAL LAW IN CONNECTICUT CONCERNING PUBLIC, PRIVATE AND PROPOSED ROADS FROM ESTABLISHMENT TO ABANDONMENT, Vol. 61 No. 6 Pg. 299, Connecticut Bar Journal, 1987.]
5. Consider the need to hire an independent Professional Engineer to advise the Shores on issues raised by all of these contiguous lots. The extreme slopes, the terrible drainage problems already caused by the first two built lots and even conflicting representations about revised lot lines all raise concerns.
 - a. Why did M. Mazzuco represent to Brookfield Planning and Zoning that the lots were “to be divided into total of two lots (from current three)” [per document map with notes on file at Town office]?
 - b. Is lot 71 actually buildable under the Town’s Zoning Code given its slopes? Is there actually sufficient minimum lot area for this to be considered a building lot? It appears the slopes on almost the entire lot as shown on the PE map submitted to the Town are in excess of the 46.6% slope max required for determining minimum lot area.
 - c. Is a driveway feasible or safe given the extreme slopes?
 - d. Could the septic on 75 Clearview be reengineered to accommodate an internal private driveway easement?
 - e. Will the impact on that end of Clearview Drive meet all required safety codes concerning emergency vehicle turn-arounds and so forth?
6. Review CSTD’s own “Driveways and Right of Ways Ordinance” which the Board has a duty to enforce properly, available at <https://www.candlewoodshores.com/wp-content/uploads/2016/11/2012-Driveway-Ord-1988-3.pdf>. The Board must more carefully review, with appropriate professional engineer and legal advice, whether our CSTD Ordinance requirements are being followed. In particular:
 - a. Section 1 Purpose: “... to avoid any other conditions which might affect pedestrian and traffic safety and street drainage. Criteria and standards for new construction are established to provide safety as well as to preserve the character of the community and control drainage.”

- b. Section 2 Definitions: "...“RIGHT OF WAY” means “street”, “roadway”, “road”, “drive”, or “lane”... All CSTD rights-of-way are fifty (50) feet wide”. What the owner is calling a “right of way” given to him in his deed is only approximately 25+ feet wide, and therefore by definition this asserted “right of way” cannot ever have been meant to refer to the nature path shown on our original subdivision map. The legal “four corners rule” exception, when there is an ambiguity that must be remedied, can be applied to the misconstruction of the right of way clause in the owner’s deed.
 - c. Section 3 Criteria and Standards: “When the street is on a curve, the centerline of the proposed driveway must not deviate more than thirty degrees from a right angle for a distance of thirty (30) feet from the edge of the traveled portion of the street.” Have our independent engineer review this criteria as it relates to this lot.
 - d. Section 6 Time of Filing of Application: “When the driveway is to be installed in conjunction with construction or reconstruction of a residence or garage, the application shall be filed with the CSTD Board or It’s Duly Appointed Agent **at the same time** as plans are filed with the Town of Brookfield’s agencies.” It appears this lot’s driveway application was filed with the Board well after plans were filed with the Town. This time of filing requirement ensures that the Shores has notice of matters of concern at the time we can actually do something about it at Town Hearings. We could have avoided much of the current conflict if this had been timely filed with us, since we could have spoken directly with the Town before they gave approval on these lots.
7. Since Brookfield is deferring to the Shores to issue the driveway permit, we ask the Board to confirm that we have adequate expertise to ensure the driveway will conform to Brookfield’s driveway requirements. If it does not, then this “road” would never be acceptable to the Town should we wish to abandon it.
8. We also need to ask the Town to reconsider whether the usual protocol of allowing the Shores to issue driveway permits is appropriate in this unique circumstance? This driveway permit is most definitely not for one of our standard lots with a short driveway off an existing paved road that received subdivision approval many years ago.
9. Request that the Town Planning and Zoning Commission set a new hearing to review their March, 2021 lot line revision approval regarding all 3 of these lots (71, 75 and 81 Clearview). The Town P&Z Commission’s approval set in motion the situation we’re facing now by deciding the revision was not a “re-subdivision” requiring notice to the Shores and adjacent landowners. CGS Sec. 8-18 states in part “resubdivision’ means a change in a map of an approved or recorded subdivision or resubdivision if such change (a) affects any street layout shown on such map, (b) affects any area reserved thereon for public use...”. Although that lot line revision in March, 2021 did not IMMEDIATELY affect Clearview Drive or our Nature Park, it in fact did create the current landlocked need for 71 Clearview to gain access over our Nature Park and Path, in other words it did create the definite eventuality of affecting an area reserved for public use.
10. If approved, the driveway permit will entail expertise well-beyond the ability of our Board to review for safety, slopes, proper drainage and many other building codes. Brookfield Town regulations have very clear guidelines as to how a driveway must be constructed;

these are fully reviewed when a new subdivision is submitted for approval, but that isn't happening here. It simply does not make sense that the Town has created this situation that now puts the onus on the Shores for oversight of all building, stormwater drainage, zoning and safety issues related to this lot and its proposed driveway, which also impacts the turnaround and safety at the end of Clearview.

11. We would also like to know why the Board and the Shores attorney did not exercise the Right of First Refusal to purchase this property when it came up in November of 2023? Who authorized Scalzo's protocol to just immediately sign Waivers of CSTD's Right of First Refusal? Why wasn't this addressed immediately by our Board and our attorney? Review of emails shows that the Board did voice concern, but nothing was done.
12. Additionally, the Town has approved the combination of many smaller lots into these 3 lots which are much larger than the lots originally contemplated by the Shores subdivision map. This March, 2021 approval took these lots out of their 'non-conforming' status and effectively rezoned them as R-7, allowing these few huge houses into an area that is not appropriate for them, which might be considered "[spot-zoning.](#)" Although perhaps a novel argument, it seems that the Town would not be allowed to approve much smaller lots in a subdivision that is zoned for much larger lots, and so the reverse should be true for our neighborhood in this case. This should be reviewed by a well-versed land use attorney.
13. A land use attorney may want to review possible defenses we may have to the owner's claim of lack of access depriving him of value on his lot. Previous different owners owned all 3 undeveloped lots simultaneously and they had every opportunity to plan for an internal shared driveway and there may have been an implied easement for access over 75 Clearview to 71 Clearview.
14. In the worst case scenario, and all of the above fails and we are somehow forced to grant an easement over our Nature Park and Trail for a driveway to 71 Clearview, the Board and the new attorney must explore what the owner should have to pay us for this easement over our Nature Park and Trail. To date, no discussion has arisen about the price tag for this very valuable easement over Shores property.

Very Truly Yours,

Deirdre Coury

Deirdre Coury, resident