

**MIPOA Minutes  
Annual Meeting  
May 25, 2019**

MIPOA Board members in attendance:

Bob Martin – President  
Jeff Walker – Vice President  
Trevor Anderson – Treasurer  
Tommy Thomason - Secretary  
Archana Naik  
Martha Ficke  
Betsy Lebel

Bob Martin called the meeting to order at 11:45

Tommy Thomason confirmed there was a quorum present

Motion to dispense of reading of 2018 Annual Meeting minutes: Made; Seconded;  
Approved (M/S/A)

Motion to accept the 2018 Annual meeting minutes: M/S/A

**Report of the President - Bob Martin:** See Attachment 1

**Report of the Secretary - Tommy Thomason:** See Attachment 2

**Report of the Treasurer - Trevor Anderson:** See Attachment 3

Motion to accept the 2019/2020 Budget: M/S/A

Motion to accept the 2019/2020 dues of \$50: M/S/A

**Reports from Committees:**

Architectural Review – Skip Watkins: New building continues to be very active

Property Maintenance – Betsy Lebel: No significant problems reported

Roads Committee – Bob Martin

**Welcome to new residents:** Martha Frick announced the following new property owners who will be provided with a welcome package including a reusable shopping bag with a Masons Island image that is also available for purchase.

Barry and Phyllis McGuire- 3 Sandpiper  
Jeff and Lisa Miceli- 1 Nauyaug North  
John and Cynthia Fazio- 8 Money Point  
Jonathan Ball and Elizabeth Gartzke- 2 Hickory Ledge  
Thomas and Janet Giola - 3 Allyn's Alley  
Peter and Lisa Hayes- 5 School House  
Jay LeClaire- 3 Chippechaug Trail  
Todd Mannarino- 6 Plover  
John and Jill Vichi- 2 Osprey  
Kevin and Laurie Riley- 4 Black Duck  
Carmen Martocchio and Wendy Siracusa- 27 Chippechaug Trail

**Election of Directors and Officers:** The nominating committee headed by Tory Christianson submitted the following recommendation, for which there was a motion to accept that was seconded and approved unanimously:

**Officers**

President: Bob Martin  
Vice President: Betsy Lebel  
Treasurer: Tommy Thomason  
Secretary: Jeff Walker

**Directors**

Bob Martin	2020
Jeff Walker	2020
Martha Ficke	2020
Betsy Lebel	2021
Archana Naik	2021
Bill Pryor	2022
Tommy Thomason	2022

**Old Business - None**

**New Business - None**

Motion and second to adjourn, unanimous approval

Adjourn at 12:10 pm

## **MIPOA 2019 Annual Meeting Attachment 1: Report of the President**

The MIPOA board is committed to keeping residents informed about topics of importance. This is the fourth time I have given this report. I am going to talk about the same topics that I have in the past but increasingly I realize that all of the issues are part of a single challenge: what do we want for the future of Mason's Island?

Masons Island is indeed an island but if we want to continue to enjoy the pastoral experience that we all value we are going to have to engage on difficult issues. Many of the solutions are not to be found south of the guardhouse. We are part of a larger community of Stonington and beyond. Stonington is the only town in Connecticut that has grown in population over the past five years. As this development takes place, the town is making choices that will impact our future.

MIPOA as a voluntary organization of homeowners is not well equipped to deal with these issues. We can try to help with dog barking and tree trimming but we need new approaches to address the issues that really matter for the future.

### *Mason's Island at high risk from sea level rise*

We have recently distributed the link to the report from the Town of Stonington entitled Shoreline Interventions for Coastal Resilience. <http://www.stonington-ct.gov/planning-department/pages/mystic-coastal-resilience-solutions>. The report provides much information on the challenges that Mystic will face as the waters rise in the next decades. It makes a number of recommendations that could help Mason's Island. The challenge is how to work with others in Stonington to move from talk to action on these difficult issues. I have already spoken with the leadership at Lord's Point. We would like to create a joint task force to consider next steps. We will be competing for scarce taxpayer dollars to address resiliency issues. Do we want bonding capacity to be spent on a further development such as Smiler's Wharf or to solve the long-term issues of communities like ours?

### *Mason's Island waters facing increased pollution*

Spring 2019 brought another influx of Cladophora. If you look at the beach at Allyn's Alley or in front of homes on the east side of the Island, you will see a black mayonnaise of algae and seaweed. This is the result of too much nitrogen in the water. Nitrogen comes from fertilizers and bad septic or water treatment. The black sludge kills the shellfish as it smothers the bottom. Cladophora will foul the intake on an outboard. And no one wants to swim in a sea of algae. Parts of Little Narragansett Bay have been overwhelmed. I have been in touch with Julie Granger, Associate Professor at Avery Point, who has a grant to study Little Narragansett Bay that is being polluted by land borne nutrients delivered by the Pawcatuck River. I am hopeful that she will include Mason's Island in the study.

### *Sale of MICO odd lots*

Pursuant to the 2007 Road Transfer Agreement, MIPOA has “a right of first refusal to acquire any of the other land of MICO, excluding single-family building lots”. MIPOA signed off on the sale of three small parcels by MICO to third parties in the past year.

### *Using MIPOA property*

One of my least favorite activities is acting as enforcement officer. We have one dispute and one discussion about the use of MIPOA property by the adjacent property owners. Historically, property owners have helped with the care of the MIPOA right of way adjacent to their property. Sometimes “care” evolves into improvement. While it may be tempting to ask for forgiveness rather than permission, please remember to talk with Rufus or a MIPOA board member before making use of MIPOA property.

### *Summary of Average Daily Traffic on Mason’s Island*

We installed traffic counters in the middle of June 2018. We have previously distributed the 2018 results but to recap:

Traffic peaks in July with an average of 919 round trips per day (ADT) passing the guard shack. In October 2018 and April 2019 the average round trips per day declined to 620. We also measured the traffic to Enders Island that was consistently about 24%, i.e. one in four cars passing the guard shack continues to Enders Island.

Period	ADT at Gatehouse	ADT at Enders	% Enders ADT
June <sup>1</sup>	825	186	22.5%
July	919	219	23.8%
August	864	208	24.1%
September	702	171	24.4%
October	621	145	23.3%
November <sup>2</sup>	564	131	23.2%

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<sup>1</sup> Data for two weeks 6/18 to 7/1

<sup>2</sup> Data for period 10/29 to 11/15. Equipment removed for winter.

April 2019 613

158

25.8%

[The Average Daily Traffic is calculated by dividing the total vehicle count by two (the counters do not differentiate between arrivals and departures). The chart summarizes the average daily traffic for the week beginning on the indicated day.

In general, a car going to Enders first passes the Gatehouse and is included in the Gatehouse total. Not all trips to Enders pass the Gatehouse; some originate south of the gatehouse from Mason's Island residences. The Enders car count and percentage numbers will be slightly high as a result. Not all vehicles on the roads pass a traffic counter, e.g. a resident driving to MIYC.

The counters are on their low-speed setting, which is for 2-20 mph. They do not respond to foot traffic and inconsistently (and infrequently) to bicyclists' passage. The gatehouse counter is located on Chippechaug Trail between Cormorant Road and the gate house; the Enders counter is located at the west end of the causeway to Enders Island.]

How does this compare with previous studies? There is a study from 2004 that I am not prepared to rely upon. It suggests a four-fold increase in July traffic. Interestingly, the percentage going to Enders is about the same. The study of vehicle speeds performed this year validates the results of the vehicle counter. The vehicle speed study performed in 2014 showed a similar level of traffic as recorded in 2019.

### *Enders Island*

Now a few words on the litigation surrounding Enders Island. The MIPOA board recognizes that this is a topic of great importance to many residents. Moreover, we recognize that some see St. Edmunds as a great asset and others see it as a serious liability. But as the road count statistics demonstrate, the activities on Enders are an important issue for the residents of Mason's Island today and in the future. Our responsibility is to keep members informed about the issues.

Two quick disclaimers:

1. I am not a lawyer. I am not trying to adjudicate all of the arguments.
2. In September 2018 I became a trustee of the Mystic Seaport Museum, the import of which will become obvious in a moment. I have recused myself from any matters between MSM and St. Edmunds.

There are two active lawsuits pending that address two very fundamental development issues. First, what activities are permitted on Enders and, second, who owns Enders.

In August 2017, a number of residents filed complaints with the Town of Stonington alleging that St. Edmunds is engaged in a variety of activities that are not permitted by Stonington zoning regulations or the terms of the Alys Enders bequest. In January 2018 the town of Stonington issued a report concluding that there were no zoning violations on Enders Island and that the current activities qualify as pre-

existing non-conforming uses. The plaintiffs filed an appeal with Stonington Zoning Board of Appeals. The ZBA declined to hear the appeal.

The island residents, known collectively as the Mystic Neighborhood Preservation Association, brought suit against St. Edmunds in April 2018. The ZBA was subsequently added as a defendant.

The defendants are seeking summary judgment to dismiss much of the complaint arguing that plaintiffs are not aggrieved persons under the law and therefore do not have standing to bring the lawsuit. A hearing was scheduled for the beginning of May but the judge who had been assigned withdrew from the case. Yesterday, this case was assigned to Complex Litigation Court in Waterbury.

The second lawsuit addresses the question of who owns Enders Island.

In the summer of 2017, we learned of St. Edmunds efforts to obtain assistance from the US Army Corps of Engineers in building a revetment as part of the much needed rebuilding of the sea wall on Enders Island.

“The Army Corps of Engineers has required St Edmund of Ct to submit proof of its exclusive ownership of Enders Island as a prerequisite for assisting St. Edmund of CT with repairs of its sea wall<sup>3</sup>.” I spoke with Chris Hatfield of the USACE and they have put their pencils down until this issue is resolved.

In November 2018 St. Edmunds brought suit against The Girl Scouts of America, Mystic Seaport Museum and John Steffan. The suits seeks to quiet title and “a judgment declaring that St. Edmund of CT is the sole owner of Enders island and the defendants have no present or residuary interest in Enders Island”<sup>3</sup>. Under a legal principle known as adverse possession, St. Edmunds asserts that it has treated the land as its own for a significant period of time and should be recognized as its owner.

In April, the CT Attorney General filed a motion to intervene in this litigation. The motion explains that the AG shall “represent the public interest in gifts ... for charitable purposes”<sup>4</sup>. The motion also notes “The Attorney General has an additional direct and substantial interest in this matter because the plaintiff [St. Edmunds] is taking the exact opposite position on whether its conduct conformed to Mrs. Enders charitable restriction than it did in matter before the AG’s office in 2011”<sup>4</sup>. This motion is still pending.

The case has also been moved to Complex Litigation Court in Waterbury. A status call on this case with a new judge in Complex Court is scheduled for early June.

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<sup>3</sup> Enders complaint dated November 20, 2018

<sup>4</sup> CT AG motion of law in support of Motion to Intervene dated April 4, 019

For those who wish to learn more about this litigation, you can sign up to review all of the past filings and receive future filings by subscribing with the Judicial Branch of the State of Connecticut.

<http://civilinquiry.jud.ct.gov/CaseDetail/PublicCaseDetail.aspx?DocketNo=UWYCV186047764S>

<http://civilinquiry.jud.ct.gov/CaseDetail/PublicCaseDetail.aspx?DocketNo=KNLCV186034822S>

## **MIPOA 2019 Annual Meeting Attachment 2: Report of the Secretary**

We are in the process of updating the MIPOA/MIFD website, [www.MIPOA.info](http://www.MIPOA.info), and redoing it with more administrator-friendly software so it can be updated more easily in the future. MIPOA residents will be notified of the final change, which is projected to be accomplished by the end of the summer, by email. To that end, any residents not currently receiving MIPOA/MIFD emails and who wish to see them in the future are requested to provide an email address to Bob Martin ([Info@mipoa.info](mailto:Info@mipoa.info)) or via your MIPOA dues payment. Note that more than one email address per household can be accommodated.

Also, the MIPOA/MIFD email distribution is available to all residents for announcements as long as they are not political or commercial, to include subjects such as high school fund raisers, lost critters, coyote alerts, mooring buoys that have gone walkabout, etc. Send them to [tommythomason@sbcglobal.net](mailto:tommythomason@sbcglobal.net). Illustrations and pictures are not only welcome but encouraged.



## MIPOA 2019 Annual Meeting Attachment 3: Report of the Treasurer

Mason's Island Property Owners Association, Inc.  
 2018-2019 Actual Budget  
 and  
 2019-2020 Proposed Budget (7/1/2019 - 6/30/2020)

	<u>2018-2019 Budget</u>	<u>2018-2019 Actuals</u>	<u>Proposed 2019-2020 Budget</u>
Home Owners	187		187
Home Owners (Dues Calc/Paid)	164	150	150
Dues	\$45	\$45	\$50
<b><u>Income</u></b>			
Dues	\$7,380	\$6,740	\$7,500
Donation		\$776	
Interest	\$1.00	\$2	\$2
<b>Total Income</b>	<b>\$7,381</b>	<b>\$7,518</b>	<b>\$7,502</b>
<b><u>Expenses</u></b>			
Corporation	\$200	\$200	\$200
Insurance	\$5,500	\$5,467	\$5,500
Internet	\$500	\$555	\$550
P.O.Box	\$108	\$134	\$108
Acct & Audit	\$350	\$350	\$350
Legal	\$450	\$0	\$450
Mailings/Welcome Pkg	\$100	\$425	\$200
Miscellaneous	\$174	\$881*	\$144
<b>Total Expenses</b>	<b>\$7,382</b>	<b>\$8,012</b>	<b>\$7,502</b>
Profit/ Loss	(\$1)	(\$495)	\$0

\* \$776 OTC for traffic counters which members donated money for (listed on above donation line)