

Minutes for the Feb. 8, 2024, Gerald Park Association Board of Directors Meeting Held via Zoom

The meeting was called to order at 6:05pm. A quorum was established. All nine members of the Board of Directors were present: Lisa Catanese, Pam Cropley, Eric Miller, Teri Norman, Raymond Perugini, Darby Pollansky, and Kevin Ryan, Syd Seale, and Dave Sutherland.

Audience of Members: Five GPA members also were present. Several had questions or comments regarding the Avery Shores turnover. Lisa Catanese mentioned that the GPA website had to be rebuilt, since our former site was built on a platform that was no longer offered by our ISP, but the new site is now live.

Minutes: Minutes from the December 20, 2023, Board of Directors meeting were approved unanimously. Motion by Eric Miller, second by Raymond Perugini.

Eric Miller then made a motion to skip to Old Business on the agenda. Seconded by Lisa Catanese, approved unanimously.

OLD BUSINESS:

Avery Shores turnover update: Eric Miller gave a recap of the Avery Shore turnover issue, and a lengthy discussion ensued. In summary:

The GPA attorney, Walter Twitchman, filed a Writ of Mandamus in October of 2021. The Writ asserts that Avery Shores is already a town road and that the town owns it. The judge on the case ordered the GPA and the Town of Coventry to meet with a mediator to settle the matter out of court.

After 2½ years of negotiating, the town agreed to take over the road on three conditions:

- The removal of 22 trees along Avery Shores.
- The discontinuing of perpendicular parking at the east end of Avery Shores for #8 and #6 (although parallel parking would be OK).
- The signing of several easements by four property owners in cases where the road extends onto their property.

The GPA obtained a quote of about \$11,000 to remove the trees (although that was a while ago, and a new quote may be higher). We have just enough money in our capital improvements budget to do this. However, the other two issues have posed a challenge.

Regarding the parking issue: Barbara Washburn lives at 6 Avery Shores and Kim Cyr lives at 8 Avery Shores. They have been parking by pulling straight in (perpendicular parking), but their cars extend into the road. If they agree to parallel park going forward, this issue would be resolved. However, that limits their number of spaces, so the GPA has worked with them to find other options. Kim's deed specifies that Barbara must provide parking on her property. Two options are to build up the front of 6 Avery Shores so that perpendicular parking is possible; however, this would reduce lot coverage and make it difficult for that home to be expanded in the future if desired. The other option is to widen the Avery Shores turnaround across the street.

Both of these options are costly. A request was made for the GPA to contribute to the cost; however, Board members said the GPA cannot spend association funds to pay for private parking. They noted that others on that road, over the years, spend their own money to create their own parking.

Regarding the easements: All but one property owner signed their easement, which gives the town permission to access their property in order to repave and maintain Avery Shores, but that they would remain the owners

of that property. The properties in question are narrow strips of land where the boundaries of Avery Shores were found to go over private property. Mary Ann Hansen, however, was resistant to signing and engaged in lengthy negotiations with the town over the property lines. She said that the survey used by the town at the time the sewers were put in is incorrect and that a survey done by her grandfather 50 years ago is the correct one, which would mean no easement is needed.

Mary Ann Hansen and the town engineer finally came to an agreement over the wording of the easement, and Mary Ann said she signed it. However, she had refused to file it with the town until two conditions are met:

- Wording must be incorporated in the Avery Shores turnover deed that protects her garage, since the town survey has the Avery Shores right of way going through a portion of the garage. However, the GPA has no authority to do that.
- The GPA must pay for paving Chase Avenue, a paper road that belongs to the full Association, so she can use it as a driveway to get to another house that she owns. The cost is almost \$7,000.

Board members and the GPA attorney have agreed that these demands amount to extortion. They noted that other neighbors signed their easements without asking for anything in return.

If the parking issue is not solved and if Mary Ann Hansen refused to file her easement, we may have to proceed with the Writ of Mandamus. The cost of a trial is estimated to be \$30,000 to \$50,000. However, the cost of paving Avery Shores (not including storm drains, curbs, etc.) is estimated to be \$400,000. It would cost every GPA resident thousands of dollars in taxes over a period of years if we were to maintain ownership of the road.

There are three outcomes from the trial:

- The judge may order the town to take over the road as is.
- The judge may rule that the GPA owns the road, which means we lose the case.
- The judge may order the town to take over the road but that the GPA must first solve the parking issue and the easement issue.

The GPA has some options. Because they would all cost money, a vote by the full membership is required:

- The GPA could help pay to widen the turnaround at the east end of Avery Shores, which would mean the perpendicular parking would no longer extend into the road. That cost is estimated at \$15,000.
- The GPA could take over the portion of Mary Ann Hansen's property by eminent domain. It would involve paying a lawyer to draw up the paperwork and compensating Mary Ann for that property. How much to pay her, and the lawyer, is unknown at this time.
- The GPA could pay to have the other side of the road widened, across from where the easement was required. This would mean building up Avery Shores by taking over Mary Ann's front yard. The GPA can do this because an easement is in place from when the sewers were put in. Because the property is steep, it would involve also installing a guardrail. The cost of that work could be as high as \$50,000. Eric Miller will obtain quotes from a contractor for this work.

Board members agreed that an Association-wide meeting should be held to discuss these options. The dates picked, pending availability of a meeting room at the high school, are Thursday, Feb. 29, with a snow date of Tuesday, March 5, with the meeting starting at 6pm.

The Board then voted unanimously to recommend that we continue with negotiations but proceed to a trial if negotiations with these property owners fail.

The meeting was adjourned at 7:41pm.