

- The sole source of fire protection (notice any fire hydrants in the neighborhood?) for Southwinds properties is the water from the pond. The perimeter may have changed little over the years, but the depth has certainly been diminished. The fire marshal is exploring ways to increase the volume of water available. We would be wise to prevent further degradation of the capacity for two reasons. First, and most obvious, we want to maximize the water resources that might be required in the event of a fire. Second, our homeowners insurance premiums are determined by the availability of fire protection. Our rates will surely go up as the volume of water in the pond goes down.
- Of note: the driveway off Birch Mill Trail, which goes down to the edge of the pond, is a fire lane. It is important to remember to keep the driveway and the access to the drive clear in the event of a need to access the pond. If the fire department can't access and draw water from the Pond, we are hosed.
- The number one threat to fresh water resources is silting. The silting in our pond can be attributed to three causes:
 1. decaying leaves from the bordering woods
 2. decaying aquatic plant vegetation
 3. construction

We are in the final stages of the construction contribution. We can hardly enforce a 50 foot buffer of cleared land to avoid the annual leaf contribution to the silting. We can control the contribution to the silting caused by the decay of aquatic plants.

- This year, the vegetation covering the pond appears to have tripled in size. At that rate, untreated, the pond will literally be completely covered in four years or less.
- One of the effects of the process of the aquatic plant decay produce what we call mud flats. These are floating islands of soft matter producing ideal spots for the turtles to catch the sun's rays. Left to their own navigation systems, these mud flats migrate and congregate at the mouth of the spillway preventing flow and causing flooding.
- The flooding, which occurred in 2001, caused the bridge over Tiffany Brook to fail. Further pressure from a like occurrence will surely breach the dam over Tiffany Brook. Certainly, the Association would be wise to take steps to prevent this outcome. Since the cause/effect relationship has been established and neglecting to take steps to prevent a known damaging outcome would set the Association up for damages that can well be avoided.
- Lengthy discussions at the board level have led to the conclusion that the Association has no responsible option other than to aggressively eradicate the vegetation and establish an on-going maintenance program to ensure the viability of the pond for the purposes of fire protection, recreation and avoiding costly damages resulting from neglect. The Board will propose a plan to accomplish this maintenance.



South Winds

Southwinds Homeowners Association, Inc.

P.O. Box 213

Essex, Connecticut 06426-0213

The annual meeting of the Association will be coming up **December 9** at 7:00. Meeting to be held at the **TOWN HALL auditorium**. In anticipation, your Board has come up with the following items for your consideration prior to the meeting.

- Suggestions for FY 2004 budget need to be submitted to Stu s.fisher.1@alumni.nyu.edu no later than October 21, 2003.
- Suggestions for agenda items need to be submitted to Jerri jerrbearmac87@aol.com no later than October 21, 2003.
- All officer terms expire in December 2003. Two of the three current board members are willing to continue for additional (shorter) terms. The Board will propose a By-law amendment to establish 3-year terms which expire in a staggered fashion. This approach would ensure a continuity of corporate knowledge without unduly taxing any one individual. The position of Treasurer must be filled for a 3-year term beginning Jan 2004. Interested parties should contact Stu for details – experience with Quick Books would be helpful.
- The Board will be proposing a By-law amendment to address association volunteer positions. The duties related to maintenance; including open space, pond, emergency repairs and gardens require a concrete commitment on the part of the association's members if we are to continue to advance the activities of the association without hiring outside service providers.
- Thanks – MANY THANKS - to Stu for our new website www.southwindsessex.org please send additions or corrections to the Webmaster as directed on the site.

Everyone now has a southwindsessex.org email address. The details for your account are:

Email address: lastname@southwindsessex.org

Login Name: southw14_

Temporary password: essexct

Please change your password per the instructions on the Frequently Asked Questions section of the website. You can also access your email via webmail (again, instructions are on the FAQ page).

POND FACTS

- Of the approximately 3,558 feet of pond perimeter, the clinic owns 1,380 feet or 40% of the total, SWHA owns 580 feet (16%) and the balance is owned by seven association members.
- SWHA owns 13.9 acres under the pond's water.
- Water in the pond is not "owned" but rather regulated by the DEP given that it travels and is not static to any ownership rights. The Doctrine of Riparian Rights would have it that those on the perimeter of the body of water have the right to the use of the water, but there is a document recorded in the Essex Land records, which gives priority water rights to the clinic. Specifically, the clinic is given the right to "draw water from the Pond or water course as may be needed for the benefit or protection of the Clinic Property and the buildings and improvements thereon".