

Southwinds Association, Inc.  
Special Meeting Minutes  
July 17, 2025

1. **Welcome and Call to Order:** George Sexton, President, called this special meeting to order at 7:02 pm.
2. **Introduction of Board Members:** George Sexton introduced himself, Peter Decker, Treasurer and Suzanne Tweed, Secretary to those attending the meeting.
3. **Affirmation of Quorum:** Suzanne affirmed the following twenty eight homeowners were represented by proxy or attending the meeting: Bonacorsa, Bonnano, Caulfield, Connell, Decker, DeCrescentis, Engfer, Farley, Fisher, Gibson, Hammen, Kearns, Kenney, Levene, MacMillan, McCaffrey, Middendorff, Monaco, Morica, Needleman, Polito, Porcaro, Quets, Saitta, Salbinski, Sexton, Tweed, Weatherby.

By-laws require 1/3 of our 58 homeowners (20) participate in attendance or by proxy.

4. **Purpose of the meeting:** To consider and vote upon the authorization of the Board of Directors to negotiate and grant a revocable license agreement to the owner(s) of 32 Birch Mill Trail. This action is being proposed in the interest of resolving a longstanding encroachment in a manner that maintains the integrity of the Association property while avoiding potential litigation or enforcement costs.

5. **Discussion/Questions:** George asked if there were any questions.

Bonacorsa asked if the Board has retained legal counsel and if so, will the draft agreement be presented to all homeowners for final agreement before being presented to BMT LLC.

Sexton answered that yes we have retained counsel who will draft the license agreement.

Connell asked what is the point of the license.

Decker explained that if we do not resolve this issue amicably, the Association may be subject to sizable legal fees down the road. The Board cannot determine when the encroachment occurred.

Connell said that as a non-profit we cannot be sued in CT for adverse possession.

Sexton clarified that a signed license agreement would eliminate litigation.

Bonacorsa asked if the Association pays taxes on Open Space.

Decker replied that yes, we do. But the license agreement would indemnify the Association of any responsibility for anyone getting hurt on this property.

Sorrentino asked if BMT LLC could buy the property.

DeCrescentis explained that as per the Association's historical documents, open space cannot be sold. That would forfeit our non-stock status.

Sorrentino stated that under special circumstances by a court order we may be able to sell her the property.

DeCrescentis stated that we are a non-stock corporation not a non-profit and either way the Association cannot sell any Open Space.

Decker stated that the license would be revocable by the Association subject to ongoing compliance with terms to be established.

Connell asked again if the homeowners would have final approval after reading/seeing the license agreement.

Decker asked if we should amend the original motion.

Connell made a motion to amend the original motion to give the Homeowners final approval on the license agreement. This was seconded by Bonacorsa. Decker made a motion that the Board would find out the cost of drafting the license agreement. We will then call another Special Meeting where homeowners would have final approval on costs before the Board moves forward. This motion was seconded by Bonacorsa.

DeCrescentis called for a vote on this motion which was approved unanimously. The motion was carried with no dissent.

Decker is going to follow up with First American, Stewart and Catic Title Companies to see if he can find some further information on this property.

10. **Adjournment:** A motion to adjourn the meeting was made by Sexton and seconded by Connell. The meeting was adjourned at 7:48 pm.

The minutes were prepared and submitted by Suzanne Tweed, Secretary.