

**Bristol Harbour Village Association  
Annual Meeting  
Saturday, October 4, 2008  
Approved Minutes**

**Members Present:** Sally Eldon, Richard Booth, Leo Raab, Carolyn Hotchkiss, Stephanie Russ, Art Smart and Larry Hubler

**Excused:** Candace Ryan and Michelle (Shelly) Gerstner

**Others Present:** Jay Adams, Richard (Dick) Aikens, Michelle Alvaro, Kim Chrysler, Ron Shubert-BHVA Attorney-Philips Lytle, Attorneys at Law and Philip (Phil) Saunders-Bristol Harbour Resorts

**CALL TO ORDER:** Meeting was called to order at 9:05 AM

**OPENING REMARKS:**

1. Sally Eldon welcomed everyone to today's meeting.
2. Sally Eldon introduced the Board of Director members.
3. Sally Eldon informed residents that committee reports are available in the packets.
4. Sally Eldon explained that there is only a two-hour window in which to conduct today's meeting.

**NOTICE OF ANNUAL MEETING PUBLISHED:**

Dick Aikens stated that the Annual Meeting Notice was forwarded to all homeowners by first class mail on September 9, 2008. The notice was also published in the BHVA minutes, Villager, posted on the website and posted on the bulletin boards. Quorum was verified.

**APPROVAL OF THE 2007 ANNUAL MEETING MINUTES:**

*Motion to approve the 2007 Annual Meeting Minutes by Carolyn Hotchkiss, seconded by Leo Raab, motion carried.*

**REVISED/AMENDED DECLARATION:**

Ron Shubert explained the purpose for the proposed revisions to documents. The definition of resident was inadvertently changed from the prior document. The prior document defined residents as tenants, and their immediate families, or invitees who actually reside on the property under a written lease from an owner or from a tenant for a term of less than one year. This has been added back in to the document. To make the document consistent, in section 7:02 the term member has been changed to resident as well. A notice will be forwarded to residents who have already voted to inform them of the changes so that they may be allowed to change or withdraw their votes.

Bion McClellan-165 Cliffside Drive: Inquired if renters will be allowed to use the beach. Ron Shubert responded that they will be able to.

Alan Braun-12 Harbour Lane: Commented that the original document should have been forwarded with the proposed revised document. The document being voted on is not an accurate document. There have changes made to the document and how do we vote on it with the proposed changes stated today?

Henry Savage-5534 Vardon Drive: Stated his opinion that the August 9, 2008 By-Law meeting was invalid and was in violation of the By-Laws and that any business conducted today was invalid.

**Bristol Harbour Village Association  
Annual Meeting  
Saturday, October 4, 2008  
Approved Minutes**

William (Bill) Kenyon-Representative for Bristol Harbour Resorts: Stated much opposition to the current document. The current revisions want to eliminate the term Developer. Mr. Kenyon also stated that he felt that the Environmental Committee will have dictatorial authority and there will be no due process, redress or recourse in decisions being made by the committee, especially those that are denied. He also stated that there is not due process or recourse as it relates to variances in the document as well. Examples were provided. Mr. Kenyon also stated that he feels that it appears that the Environmental Committee can overrule the town zoning board of appeals. Mr. Kenyon questioned the enforcement provisions outlined in the document and that only fines are addressed. He also stated that there is no structure for hearings outlined in the document.

Fred Sarkis-28 Cliffside Drive: Responded to Mr. Kenyon's comments. Mr. Sarkis stated that his signature was on the 1971 Declaration but after 1991, except for 874 units and a 200 unit hotel, the Declaration could be freely amended by BHVA. He said he cares about our right to amend without interference by the Developer. One of the amendments filed with the Attorney General's office showed plans to build a 36 unit hotel and a large swimming pool. Instead, a pool was installed the residents called a "bath tub". Regarding the Offering Statement itself, approximately 10 years ago, the Attorney General's office said this thick and cumbersome Offering Statement should be "stream-lined" so that the buyer of a re-sale or new sale could understand what they are getting into.

Rich Russ: Stated that the Environmental Committee has many guidelines to follow and explained their role within the community and the need to have consistency within the community. Rich Russ is a past member of the committee.

Melanie Eisenberg: Stated that the Environmental Committee has kept standards up within the community as well as the Developer.

*Motion to table the motion on the Declaration by Henry Savage, seconded by Alan Braun, motion carried.*

**NOMINATIONS TO FILL VACANCIES ON THE BHVA BOARD OF DIRECTORS- BY RICHARD BOOTH:**

Richard Booth apologized that the candidate biographies were not forwarded in the 2008 Annual Meeting mailing. They will be included in future Annual Meeting mailings. Richard Booth introduced the 4 nominees: Mark Moretti, Ellen Monagan, Richard (Dick) Scott and Stephanie Russ. Richard Booth thanked the Board members whose terms ended this year: Carolyn Hotchkiss, Michelle (Shelly) Gerstner, and Art Smart. Richard Booth called for nominations from the floor. Hearing none, nominations from the floor were closed. Ron Shubert called for the number of votes. Jay Adams responded that there were 198 people present by person or by proxy to vote today. Discussion followed. Jay Adams called the vote for the election of the Board of Directors.

**PRESIDENTS REPORT- BY SALLY ELDON:**

Sally Eldon presented her report that was included in the Annual Meeting packets available at today's meeting. She thanked everyone for his or her support in the last year. Sally Eldon explained that the By-Law revision voted on August 9, 2008, allows one unit/one vote. The Spyglass Hill road project is completed and Sally thanked Leo Raab for all his hard work on this project. The discrimination complaint has been closed. The legal costs related to this complaint \$15,000.00. Sally Eldon thanked Richard Booth and Don Titus for their donation of the PA system.

**Bristol Harbour Village Association  
Annual Meeting  
Saturday, October 4, 2008  
Approved Minutes**

- **RON SHUBERT:** The membership tabled the vote. The new document—one with changes and a document outlining the changes from the original document will be forwarded to all residents. Included will be a ballot that will require notarization and a “cheat sheet” of the changes.

**TREASURER’S REPORT- BY RICHARD (DICK) AIKENS:**

Dick Aikens presented the Treasurer’s report.

**OFFICERS/COMMITTEE REPORTS:**

Environmental Committee-Carolyn Hotchkiss provided an overview of her report that was available in the Annual Meeting packets.

**PROPERTY MANAGER’S REPORT- BY RICHARD (DICK) AIKENS:**

Dick Aikens presented the Property Manager’s Report. This was included in the Annual Meeting packets. Discussion followed.

**VOTING RESULTS:**

Sally Eldon reported the election results after voting the 91 directed proxies:

- A. New Board Members: Ellen Monagan, Richard (Dick) Scott, Mark Moretti and Stephanie Russ. 136 votes for Ellen Monagan. 130 votes for Stephanie Russ. 136 votes for Mark Moretti. 132 votes for Richard (Dick) Scott.
- B. The vote on the amendment to the BHVA Declaration was tabled.

**INRODUCTION OF NEW BOARD MEMBERS-BY SALLY ELDON:**

Sally Eldon introduced the new Board members.

**CITIZEN OF THE YEAR AWARD-BY RICHARD BOOTH:** Richard Booth thanked the members of the committee members; JoAnn Lawlor, Barbara Adams, D.J. Hubler, Bernie Adams and Evie Adams. Carolyn Hotchkiss was named Citizen of the Year. Bill Coleman the recipient of the 2007 Citizen of the Year award presented Carolyn Hotchkiss with the award.

**PRIVILEGE OF THE FLOOR:**

**Alan Braun-12 Harbour Lane:** Had questions regarding the trash compactor and the costs affiliated with the trash compactor. He stated that the Board should have cap on projects and should have more resident input on projects within the village. He stated that the Board does not turn to past Presidents for history and help. He also had put his name in to serve on the Board and it was not accepted. He also expressed concerns over the current Spyglass Hill road project. Discussion followed. Leo Raab responded to Mr. Braun’s statements.

**Dave Eldon-5832 Harbour Drive:** Has been in attendance at meetings under four different Boards and there has always been an opportunity to speak at these meetings. Dave stated that he takes objection to those who say they are not recognized at meetings, when in fact, they are and that it is always the same group of complainers who speak at meetings.

**Karen Chanler-11 Spyglass Hill:** Stated that residents need to get more involved especially when it may affect their property. The rules regarding the Environmental Committee process should be reviewed.

**Bristol Harbour Village Association**  
**Annual Meeting**  
**Saturday, October 4, 2008**  
**Approved Minutes**

Currently residents cannot sit in during the discussion and decision making process of the applications. The decisions/minutes should be posted on the web site.

Marilyn Thomas-15 Spyglass Hill: Stated that the objective for the Spyglass Hill Road project for was not to look good, but was done for safety reasons. There were safety and health problems previous to the road being completed.

Maureen Killeen-111 Cliffside Drive: Inquired as to how much of the responsibility falls back to the engineers and are they responsible when a project does not work. Leo Raab responded.

Bob Temkin-110 Cliffside Drive: Stated that the agenda should include old and new business. He also commented on the condition of the tennis courts and stated that he raised this issue prior to this meeting.

William Barrett-26 Andrews Way: Requested that reasons for amendments to the Declaration be included when the new documents are mailed. Mr. Barrett questioned as to why the documents need to be notarized.

Henry Savage-5534 Vardon Drive: Feels that residents, who wish to run for a Board vacancy, should be able to get on the ballot and should not be denied the opportunity to do so.

George Kotlik-13 Spyglass Hill: Stated the following: Would like to see a breakdown of the monies spent on the discrimination complaint. Where was the money spent?; 3 Spyglass Hill is for sale; the main office is making real estate agency referrals to perspective buyers. Richard Booth and Ron Shubert responded to Mr. Kotlik. Anyone who would like to review the legal costs for the discrimination complaint can make an appointment with the site office to do so.

Wayne Chanler-11 Spyglass Hill: Stated that he takes offense to comments previously made. The responsiveness and arrogance of the Board needed to be noted.

Chester Starowitz-5547 Vardon Drive: Asked to hear what the Developer's plan for the upcoming year are.

Phil Saunders-Bristol Harbour Resorts: Complimented the Board on a good job they are doing. He reviewed the following:

- The Marina parking upper level is going to be paved next year.
- The bathrooms need upgrading. It will take approximately \$13,000.00 to repair. They are proposing building bathrooms on the beach where the snack shack is located. They would like to share the cost of approximately \$25,000.00 with BHVA.
- New trash cans are slated to be installed on the docks and on the beach.
- To stop outsiders from using the launch area, they are considering installing a gate. Maybe the costs could be shared with BHVA.
- The decking on sections 2 and 3 will be completed by fall. If not in the fall, it will be addressed in the spring.
- There is not enough business to keep the snack shack operating.

**Bristol Harbour Village Association**  
**Annual Meeting**  
**Saturday, October 4, 2008**  
**Approved Minutes**

- The issue has been raised that the current water/sewer rates are excessive. They have not had a rate increase since they took over. They are working under the rates established by the previous developer. The records are open on this. They are currently reviewing the rates and have applied to the Public Service Commission to increase the rates.
- Paul Lamphier provided an overview of the current water and sewer systems. The current facilities can meet the needs of the community and he thanked Phil Saunders and Doug Weins for allowing him to make the necessary upgrades.
- Phil then responded to questions from residents.

**NOTICE OF ORGANIZATIONAL MEETING:**

An Organizational Meeting of the Board will commence after the Annual Meeting.

**ADJOURNMENT:**

*Motion to adjourn the meeting by Richard Booth, seconded by Dick Johnson, motion carried.*

Meeting adjourned at 11:05 AM

---

Minutes Approved: October 3, 2009  
Michelle Alvaro; Recording Secretary  
BHVA Board of Directors