

BOD conference call May 13, 2018
minutes

Began 7:05pm

Attending: Roger Harris, Tom Kernan, Tim Westover, and Bill Beaulieu

Absent: Jake Pratt, Paul Czerwinski, Len Wittmeyer, Peter Hludzenski,

- 1 Roger called the meeting to order – roll call.**
- 2 Welcome to all attending, will try to stay on agenda. Tom please take minutes.**
- 3 Roger discussed no board meeting over the winter due to bylaw issue regarding the inability to vote on any issues via conference call**
- 4 Tenants in Common—discussion/issues**

-Governance committee working on recommendations to the board on how to move forward. There has been a power point presentation and paper developed for discussions with all members on the impacts of the December 8, 2015 Amended Memorandum Decision and Order by Judge James P. McClusky index No. 2014-1326, RJL No. 22-14-1138 resulting from the Johnson/Pratt lawsuit determination in favor of the Plaintiffs. Besides the issue of fractional interest determinations for Johnson, Pratt, Holiday and Hooning, the judge's decision that the original Articles of Incorporation, or any other recorded documents deeding or transferring property to the Association, were not legal because the Association could not produce a document(s) that were signed by all members. The Court ruled owners of original 40 lots at Point Vivian own a fee interest in the common area as tenants in common. These meetings will start in late May/early June and continue until all members are familiar with the NY State law concerning Tenants in Common (TIC) and suggested way forward for Point Vivian and the Association.

-Tenants in Common requires 100% approval with issues of common property. Our attorneys legal opinion is that this ruling limits the authority of the board to make decisions and/or approve projects regarding common property.

-The Pavilion sits on common property and according to the legal opinion would require 100% of tenants in common to agree to authorize work, except for regular maintenance.

-The legal opinion also advises that PVPA has authority to do stewardship duties only, which includes maintenance and minor repairs

-The suggestion is to start by having Governance committee introduce by-laws that verify PVPA's stewardship authority

-It was also suggested that we need to identify who can act as the TIC from each cottage. This is anticipation of a vote of all TICs to approve new by-laws, proposed work, etc.

-Bill B. asked why we decided to open Pandora's Box. It was explained that several issues came up from members that demanded a final legal opinion on the TIC ruling and the boards authority moving forward. This started the discussion and ended in the comprehensive opinion issued.

5. Pavilion work:

-Roger thanked Bill and Tim for all their work on the Pavilion and asked what additional cosmetic projects they recommended. Bill suggested painting the interior. Roger suggested we need to jack up the floor by the front door to make sure it will close properly.

-Ed Palmer and Ed Walldroff have plans to finish the painting on the peak of the dock house this spring.

-Tim mentioned the potential of cleaning up the lower level for records storage. Bill advised it is very wet down there and we may want to consider upstairs

6. Financials

-Tom briefly reviewed the financials. We are right on track and should come in slightly under budget. Tom will work with finance committee and board to get suggested budget together. All bills have been paid timely.

-Tom thanks Joann again for the thorough audit which has been shared with the membership.

-Tom suggested the contingency fund should be a focus with the potential of a large project needed on Cliff Hill in the foreseeable future

7. Upcoming BOD meetings:

-confirmed the dates of May 27 and June 16; Tom to remind BOD members

8. Cliff Ave Hill:

Roger is working on several estimates for the work needed on Cliff Ave. He will summarize the 3 estimates and share with the board as soon as they are received. The cost to move the utility poles was researched and it would be approximately \$10k per pole.

9. Flower boxes:

Thank you to Peter Hludzenski for building new boxes. Bill B. advised Jenn Vaden would be happy to plant the flowers and Roger asked him to facilitate.

She just needs to submit her receipt to Tom. Len Wittmeyer agreed to fix the water pump at dock house so the flowers can be watered

10. Land Use Committee

Tim Westover shared the committee's plans to ask every member to advise the PVPA about any water, electrical, or miscellaneous pipes/lines that are running through common property so a master list could be maintained. This is important for the safety of all residents. This project on hold as we determine the final authority of the PVPA

11. President message:

Roger stressed there is a lot of work that needs to be accomplished around the Point and we need all BOD members and volunteers to step up and help accomplish these tasks.

12. Call ended at 8:10pm