

POINT VIVIAN PARK ASSOCIATION, INC.

21088 Point Vivian Road
Point Vivian, New York 13607

President

Roger Harris

Secretary /Treasurer

Tom Kernan

Minutes

BOD Meeting May 28, 2018

1. Meeting Called to order- roll call.

-meeting called to order at 10:02am

2. Welcome attendees

-all board members in attendance except Paul Czerwinski
-guest included Gus Murray, Phyllis Johnson, Kyle Kubota, Jenn Vaden, Nelson French, and Julie Reagan
-Governance committee chair Dick Randall joined by phone

3. Approval of minutes—final corrections from 8/6/2017 and 5/13/18

-8/6 minutes approved. Motion by Roger, 2nd by Peter
-Joanne Blair has requested a change to the 5/28 clarifying that the results of her review was a corrected checking account statement and not an audit. Tom will correct and we will approve at next meeting

4. President's report:

a. Common property survey

-Roger advised he was presented with some member complaints about a well drilled at the Phyllis Johnson cottage. Their concern was it was on common property. He did ask for an updated survey and it confirmed it was drilled on common property. This caused him to ask our attorney about any recourse and it was advised under TIC the board could not control common property usage

b. Board Authority for enforcement—Discuss draft policy for use of Pavilion

-President Harris presented the new Pavilion Use Policy which includes individual member use only. Bill Beaulieu expressed concern that the policy was design to discriminate against PVPC as no other corporation was mentioned. Bill also expressed concern over the fact there was no board discussion and/or vote on the new policy which could put us back in a “lawsuit” situation. Roger, Tim, and Tom expressed support as due diligence to protect the membership as a whole. Peter added that we need to follow attorneys advice and this is our attempt correct the Pavilion policy. Len asked about the process. You need to hand in the form for booking the Pavilion.

It has been shared with PVPC earlier in the spring but Roger asked Tom to send it to the all members

Directors:

Jake Pratt, Paul Czerwinski, Bill Bealieu,
Peter Hludzenski, Len Wittmeyer, Tim Westover.

Historian

Richard W. Randall

POINT VIVIAN PARK ASSOCIATION, INC.

21088 Point Vivian Road
Point Vivian, New York 13607

President

Roger Harris

Secretary /Treasurer

Tom Kernan

- c. Committee chairs—3 to 5 year plans
-discussed later in the meeting
- d. Cliff hill retaining wall report
-Roger has met with 3 different contractors to discuss the issue with the Cliff Ave retaining wall adjacent to the Czerwinski cottage. This has the potential to be a real safety and liability issue. He has 3 preliminary estimates ranging from 20k to 34k for rebuilding the wall and blacktopping the road. All proposals include moving the wall on a line from Paul C's house outward towards the river 2 feet. At least one estimate reflects the cost to potentially widen the road.
-Tom indicated he felt it was a budget priority to build the contingency fund to prepare for this project
-Members have seen service trucks using the hill despite the weight limit sign. Secretary Kernan will send reminder to membership about advising their service providers not to use the road

5. Treasurer report:

- a. Update on current year financials and comparison against approved budget
-Tom passed out the current year expenses vs budget along with updated balances on the contingency, memorial, and dock funds. We are on pace to be within our budget. We spent more on legal, less on dumpster, and no treasurer or secretary expenses were incurred.
-Tim stressed the need for committee chairs to decide if projects need to be budgeted for and, if so, they need to present an estimate to be included on a line item for the 2018-19 budget
- b. Review of the checking account statement for 2016-17 from Joanne Blair.
-this was passed by the board. Motion by Tim and seconded by Len.
- c. Discussed budget process and work with financial committee of Jada Waldroff and Joanne Blair. Hoping to have preliminary 2017-2018 audit done for members by the annual meeting
- d. Both Dick and Roger advised an IRS letter was received regarding not filing the 990N. Tom advised we had to complete a different form due to fiscal year change. Joanne Blair completed the form for Tom and has agreed to respond to any IRS letters.
- e. Dick Randall highlighted that we will need to address the Memorial Fund at some point. Outside of any individual contributions, the account is only funded by

Directors:

Jake Pratt, Paul Czerwinski, Bill Bealieu,
Peter Hludzenski, Len Wittmeyer, Tim Westover.

Historian

Richard W. Randall

POINT VIVIAN PARK ASSOCIATION, INC.

21088 Point Vivian Road
Point Vivian, New York 13607

President

Roger Harris

PVPA with \$50 donations for deceased members

Secretary /Treasurer

Tom Kernan

6. Secretary's report

- a. Elections for annual meeting. 3 year Director terms for Paul and Jake are up. Jake took over Roger's term last year that only had 1 year remaining. Jake will run again and Paul has decided not to.
- b. 1-year terms of President and Secretary/Treasurer are up. Roger is considering running again for President. Tom will run again but is very interested in someone taking over one of his roles...preferably secretary.
- c. Email will go out looking for candidates along with the required code of ethics that is due 5 days prior to the meeting

7. Governance Committee report: Dick Randall and Tim Westover

- a. Path forward relative due to legal opinion on the effects of TIC ruling
 - Dick Randall explained the work the governance committee was doing to react to the TIC rulings. In 140 years Point Vivian has never acted as TICs. He advised many changes are needed as everything is changing. When it comes to TICs of common property, one no vote can kill any proposal.
 - working on a proposed amendment to allow the BOD to function as stewards of common property.
 - Also working on an amendment to allow meetings to be closed. This will allow us to meet and hold votes via conference call. Conference call votes would need 100% approval of board members.
 - Tim and Dick would like to schedule small group member meetings in June to explain impact of TIC and recommended by-laws. Hope for open, honest conversations. Will ask for written questions so they can be researched and answered in full.
- b. Need for voter designation from each member for both Association and TIC issues. Secretary Kernan has sent out an individual email to every member looking to update contact information and asking them to designate authorized voters for both Association and TIC concerns.
- c. Need to Reaffirm that the Association's BOD are stewards and agents of the common property for the purpose of maintenance and collection fees .

Directors:

Jake Pratt, Paul Czerwinski, Bill Bealieu,
Peter Hludzenski, Len Wittmeyer, Tim Westover.

Historian

Richard W. Randall

POINT VIVIAN PARK ASSOCIATION, INC.

21088 Point Vivian Road
Point Vivian, New York 13607

President

Roger Harris

Secretary /Treasurer

Tom Kernan

8. Committee reports

Roads/Grounds:

-Jake and Roger had South St fixed last year. Dick suggested they need to focus on Glen Alpine as it was damaged by heavy rains last year. Jake and Roger will inspect and work on a plan.

-Peter Hludzinski formed a 4-member committee to act as watchdogs to keep an eye out for potential concerns. It includes Peter, Ben Waldroff, Jenn Vaden, and Sally Cole

-Peter suggested a potential long-term plan of putting drains in on both South St, and Glade ave down near Vaden's to control the water.

Historian:

-Tim Westover suggested we use the current Point Vivian website to display the historical records of PVPA. Tim and Bill will work with Dick about transferring the website to PVPA and include a line item on the budget each year. Julie Reagan has also offered to help with managing the records.

Land Use:

-Tim Westover had planned for the committee to begin documenting all infringements on common property but due to the recent legal status with TICs the board lacks the authority.

Social Committee:

-Bill Beaulieu is working on getting water line to the Pavilion fixed so it can be properly cleaned, etc..

Safety:

-Len shared a fire hydrant was installed out at route 12. Trying to get one installed on Point Vivian.

-Len trying to get the fire department to come to the Point for safety training

Pavilion maintenance:

The floor just inside the front door is sinking. It causes an issue with properly closing the door and securing the building. Tim to work on an estimate to jack up the section of the floor to be included as a line item

Directors:

Jake Pratt, Paul Czerwinski, Bill Bealieu,
Peter Hludzinski, Len Wittmeyer, Tim Westover.

Historian

Richard W. Randall

POINT VIVIAN PARK ASSOCIATION, INC.

21088 Point Vivian Road
Point Vivian, New York 13607

President

Roger Harris

Secretary /Treasurer

Tom Kernan

Trash:

-Roger spoke about the continued issue of inappropriate dumpster use. We still find recyclables and other unauthorized items in and around the dumpster. When this happens we can get charged additional fees and eventually be at risk of losing the dumpster altogether.

9. Board member comments/additional issues to discuss

-Need to change the date of the annual meeting. Both the President Harris and Secretary/Treasurer Kernan have unavoidable conflicts on July 7. We need to move the meeting back to July 14th. Tom will send notice ASAP.

10. Comments from guests

-Phyllis Johnson suggested we get rid of the dumpster altogether if members can't it properly

-Phyllis wanted to know why we continue to buy insurance from someone who sued us in reference to Gus Holliday who owns the agency PVPA uses to purchase the policy. Secretary Kernan advised he was very happy with their service and coverage

-Phyllis Johnson asked why we no longer have garbage cans on common areas as we did in past years. It was referred to the grounds committee to review.

-Phyllis Johnson questioned the need to jack up the Pavilion floor as discussed previously. Roger advised it will only get worse if we don't deal with the problem now.

-Phyllis Johnson asked about winter plowing and the need for winter residents to clean up the mess.

-Julie Regan wished to discuss issues of the PVPC including the Pavlion policy. The board was advised they did not have the authority to contract with another corporation and should not discuss as a board at this time. Only member to member

-Phyllis asked if PVPA ever contracted with outside organizations/corporations for work around the Point. The BOD did acknowledge we use service contractors to maintain the property

11. Move to adjourn

-motion at 11:32 by Tom, second by Peter.

Directors:

Jake Pratt, Paul Czerwinski, Bill Bealieu,
Peter Hludzenski, Len Wittmeyer, Tim Westover.

Historian

Richard W. Randall