

POINT VIVIAN PARK ASSOCIATION, INC.

21088 Point Vivian Road  
Point Vivian, New York 13607

**President**  
Roger Harris

**Secretary /Treasurer**  
Tom Kernan

Annual Meeting Minutes  
July 14, 2018

**ORDER OF BUSINESS:**

Call the meeting to order at ( 10:01 AM )

Roll Call & Determination of a quorum

-Secretary did roll call and we had 37 of 42 members represented in person or by Proxy

- President Harris led Pledge of Allegiance

- member Jenn Vaden led the invocation for the members

1. Adoption of the Agenda
  - a. Secretary Kernan made a motion to adopt the agenda, 2<sup>nd</sup> by Barb Pratt.  
Approved by members.

**Old Business**

2. Approval of Minutes (July 2017 Annual meeting)
  - a. Secretary Kernan made a motion to approve the minutes, 2<sup>nd</sup> by Linda Hludzenski. Approved by membership

**New Business**

3. Committee reports
  - a. Roads—Cliff Ave hill update
    - President Harris discussed the estimates for re-building the retaining wall and the road. Three so far at a range of 25k-35k. Contractors were WD Bach, Rusty Johnson Masonry, and Doug Strough Concrete LLC. All three can complete the entire job except for blacktop
    - Barb Pratt asked about PVPA liability if that hill did fail. Secretary Kernan agreed that the PVPA could be held negligent and advised we have 1m/2m of liability on our current policy
    - President Harris and other members also stressed the concern of large trucks still using the hill. Suggested clearer signage including a directed detour. Len Wittmeyer was working on that with the safety committee
    - John Zacharek asked about timeframe of completion when we are ready to proceed. President Harris felt majority of work done in fall before the frost and then blacktop in the spring
  - b. Grounds

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-Peter Hludzenski advised parking remains an issue on the Point. Jen Vaden

suggested members really need to inform their renters on the parking rules and locations on the point.

-Peter Hludzenski also warned of the concern with fireworks and sparklers in these dry conditions

### c. Safety

-Len Wittmeyer submitted a report to Secretary Kernan before the meeting. However, Secretary Kernan failed to print prior to meeting and couldn't access during the meeting. Although not spoken at the meeting, I'm including in the minutes for the members knowledge.

*-Len's report:*

- 1. Members, Please Remind ALL your vendors NOT to travel Cliff Hill with any trucks*
- 2. When expecting Emergency Vehicles, - send someone to Stop sign to direct them*
- 3. Location of Fire Extinguishers for all to use are in Red Box near Pavilion*
- 4. Monitor your vehicle speed on our roads, and inform your guests to do the same*
- 5. Possible Coast Guard on-site Boat Safety Inspection this summer*
- 6. Safety Training planned this summer, for Safety Ring Toss, and Fire Extinguisher use.*
- Also, a safety training day for all children at the Point*
- 7. Remove Batteries from Smoke Detectors when leaving this fall - Replace with New in Spring*

### d. Social

- Bill Beaulieu reported that they have a 7 member committee and have plans for multiple events. They raised \$190 towards the Cliff Hill project at the trivia night event on 7/7/18.

-Bill also expressed concern and frustration over the Pavilion Use policy. He feels strongly that the Social committee shouldn't have to sign the policy in order to use the Pavilion for member events. He also wants it voted on by the board and reviewed by our lawyer

-Julie Reagan expressed her concern over the policy as well and how it's exclusion of the PVPC is hampering fundraising efforts

-Tom Kernan expressed his support for the use policy and the need for the

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BOD to protect and work in the best interest of all 42 PVPA members.

-Tim Westover expressed support due to TIC and safety issues. Board does not have the authority to contract with outside corporations and we can't ignore NYS law. John Zacharek added concern over additional wear and tear.

-Roger Harris highlighted the safety issues around the Pavilion which would make outside use a liability problem

-Joanne Blair added that the PVPA was for the greater good of the Pavilion and the policy worked against that.

e. Financial

-Treasurer Kernan thanked Joanne Blair again for her work on financial review and handling IRS notices PVPA received.

-If budget passes dues notice will go out this week to all members

f. By-law Committee

-no report

g. Governance

-no report

h. Land-use committee

-no report

i. Memorial Committee

-fund continues to pay for the flowers down at the dock. Thank you to Peter Hludzenski and his brother for re-building the flower boxes. Thank you to Peter and Linda Hludzinski, Bill and Linda Beaulieu, and Jenn Vaden for all their work on the flowers.

-the Memorial Fund consists of the checking account and 3 CDs. The checking account is below \$350 so Barb Smith agreed that we will cash in a CD in January to re-build the checking account balance

-Peter Hludzenski reminded membership that the account is funded by member donations.

-Also thanked members Ed Waldroff and Ed Palmer for donating their time and lift to finish the dock house painting.

4. Secretary/Treasurer's report

a. minutes for the 5/28 and 7/1 BOD minutes to be sent this week

b. Tom thanked all the members for responding to his request for voter designation and updated contact information. 41 out of 42 members responded. Mostly positive.

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c. Tom reviewed the 2017-2018 financial summary and budget vs actual report

and advised Jada Walldroff has agreed to audit the books. When she is done Tom will send an update out to membership

5. President's report

-Roger read the following statement:

Welcome! I will make my remarks short. We have been in a constant turmoil at Point Vivian for way too many years now. I feel it is time to Stop! Solve the issues and let's move on! With a community that gets along with each other and to make this a better place to live. We have created an environment that, Point Vivian is a place to stay away from, not a place to attract new owners to our community. We are all here for a reason to enjoy the St Lawrence River and the area and what it has to offer. Our board is made up of volunteers who donate their time and effort to make this a better place. We have turned these volunteers into a board that needs to keep addressing issues being brought up by a few and in some cases, to contact the association attorney for legal advice before we answer questions, for fear of being sued again and again. We are a board with 4 of the board members retired and 4 members that work full time jobs. This has created an issue of scheduling meetings along with the structure for meetings in place is preventing us to solve issues in a timely manner. Many members have expressed they do not want to receive constant emails or mailings, resulting in asking to being taken off the mailing list or throwing them in the trash when they received them.

I am therefore going to take the first step to start the process of healing. This has to be done by each and every one of us!!!! I am now going to turn up to 10 minutes of our time to Phyllis to express what she is asking for, and express her solutions are? To end these issues and turmoil once and for all! Phyllis, I am now yielding the floor to you for 10 minutes. Peter will notify you of when your time is up.

-Phyllis Johnson advised she was not prepared to make remarks but did share some thoughts:

She stated we are right back where we were in 2013. We fight too much and the board tends to act like a dictatorship. She is troubled by the \$575 that was spent on a survey to determine if her well was on common property. The well solved her water problem and could help with the pavilion water issue. Phyllis also addressed the many rumors about her and the need for this type of communication to stop.

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6. 2018-2019 Proposed Budget
  - Records Retention process
  - Pavilion floor project
  - Tom presented the proposed budget. The focus to build the contingency fund for the eventual replacement of the Cliff Ave retaining wall and road. In effort to save money the BOD decided to eliminate the roll-off dumpster.
  - membership discussed the dumpster and the consensus was we can go without. Royce Newbury is available to haul away items at a reasonable cost
  - The Cliff Ave project was discussed in detail. The general consensus was the project should be dealt with sooner or later. Several suggestions were made for funding the project...pre-pay dues, assessment, and potential for private financing. A majority of the membership was open to the idea of an assessment. Tom agreed to focus on options for getting the hill financed this summer and to obtain final numbers from the contractors.
  - During roll-off discussion John Zacharek asked about putting like new household items by the dumpster for potential use by other members. Members agreed it would be a good idea but asked that people put their names on the items and monitor how long the items stay there.
  - the idea of a recycling dumpster was brought up but members advised it was attempted in the past and it was unfortunately abused and did not work.
  - Tom made a motion to pass the budget, 2<sup>nd</sup> by Paul Czerwinski. The budget was approved.
7. Election of officers
  - the board supported Tim Westover for President, Dick Randall for Secretary, Tom Kernan for Treasurer, Jake Pratt for 3 year director term, Roger Harris for 3 year director term, and Dan Vaden for the remainder of Tim Westover's director term. All signed the code of ethics 5 days prior to meeting as required.
  - both Barb Pratt and Janet Darkes signed the code as well but decided not to run
  - Phyllis Johnson said she snail mailed the ethics form to the President a week ago. President Harris did not receive it. Secretary Kernan advised he hadn't received the form or even a notice from Phyllis that she intended to run. She was not eligible for a floor nomination.
  - The suggestion was made that in the future any member who is even

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considering running should complete and submit the form so they are eligible to

be nominated.

-membership voted and passed the slate of candidates put forward by the board. There were 5 members who abstained: Julie Reagan, Bill Beaulieu, Joanne Blair, Phyllis Johnson, and Gus Murray

### 8. Comments/Questions from members

-Gus Murray commented that he will no longer send communication to all members. He also invited members to view his website PtVivian.org that he created related to common property.

-Gus also stated that the board's practices should not be changed by the Lawsuit and that members should vote on all issues

-Tom Kernan advised he found the website deplorable.

-Ed Walldroff stressed the attorney communication should always include at least two board members. He is also concerned that the board a crisis out of a situation that is not a crisis. He also recommended getting the two legal teams together to hash out differences

-John Zacharek recommended adding binding arbitration to the association by-laws in hopes of avoiding future lawsuits

-Julie Regan advised the PVPC has funds that can be used for Dock House or Pavilion projects only. There must be a paper trail and payment can only be made to contractors.

-she is also looking for guest writers and contributors for the Point Vivian news article.

### 9. Comments from the new President

-President Westover announced the first board meeting for 7/21 at 4pm and a Special Member meeting for August 4<sup>th</sup> to address needed changes to the bylaws

- Tim supports the legal opinion of MRT and won't continue to spend members money on legal fees to re-state the same opinion

- Tim does not want to be a dictator and needs help from the members to help make this community what we all hope it can be

### 10. Adjournment—motion to adjourn at 11:47 by Tom Kernan, 2<sup>nd</sup> by Paul Czerwinski. Meeting adjourned at 11:47am.

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