

**BHVA**  
**Minutes of the Monthly Meeting of the Board of Directors (DRAFT)**  
**April 27, 2020**  
**6 PM**

**Location of Meeting:**

Zoom Call

**Present at Meeting:** Bruce Hunt, Pres

Will Kim, VP

Phil Viruso, FC

John Matrachisia, Treasurer

Pat King, Comm Chair

Michael Lebowitz

Mark Moretti

Ted Russell

Laura Halleran, Secretary And EC Chair

The regular meeting of the Board of Directors (DRAFT) of BHVA was called to order at 6 PM on April 27, 2020 at Zoom Call by Bruce Hunt.

**I. Approval of Agenda**

The agenda for the meeting was distributed and unanimously approved.

**II. Review of Previous Minutes**

The minutes of the previous meeting were reviewed and approved by a majority of those present

**III. Consideration of Open Issues**

1. Welcoming Remarks

Thank you for attendance on the call and attention to the document distributed to the BOD on Friday, 4/24 from the law firm.

Confirmation that it was given fair review.

2. Straw Vote

There was an 9-0 vote indicating the proposal was not acceptable as is and that further discussion was needed.

3. General Summary

~The easement in the agreement is too broad; needs to tightly define the easement. The personal property situation and an easement language is a mixed metaphor.

~Possible limited license or use agreement as a recorded instrument would limit it to what we expect.

- ~We need to give a restrictive use arrangement that is reasonable.
- ~With control of the FOBs we know who is on the property-a must for insurance liability.
- ~The beach attendant was effective.
- ~This agreement appears to make the counter party's business more valuable and our property less valuable.
- ~It was stated that the Yacht Club reference should be struck; it has not been in discussions and is of no relevance. The first license from the DEC was issued to Bristol Recreational Systems.
- ~Confirmation that the board must represent all members of the association and not just slip users.

#### 4. Questions

- ~What is the motivation for the easement? Non-residents cannot use the beach or swim platform.
- ~Suggestion to charge a per fee use of non-residents.
- ~If kayakers don't get parking, why do they need an easement across the beach? The garage is marina parking and the kayak lot is a home business not part of the dock lot.
- ~Do the owners want to increase the marina to 225?

#### 5. Suggestions

- ~Evolve from an easement to a working agreement.
- ~The next conversation should be face to face with attorneys and board if the counter party feels need for attorneys. Work with what we have, craft it and sit face to face. If we are being reasonable, then it is up to counter party to explain what is unreasonable.
- ~Need the counter party to state what objectives are so the agreement can be specifically written and not so open ended.
- ~Continue asking for the bill of sale. It is a reasonable request and we should ask for it again as the counter party has continued to state they would produce it, but has not.
- ~Create negotiating team. Further negotiations must be with the board committee and only use our attorneys to deal with legal issues.
- ~Not good to use legal people to negotiation. Their attorney could be present.

MOTION to form a negotiating committee of Will and Bruce and one other. Laura seconded it. Will and Bruce willing to do it. John suggested Phil. There was a vote and all thumbs were in favor.

#### 6. What Is Important?

- ~Maintain a private beach for property values
- ~Know who is on our property. Protection from liabilities
- ~Adherence to the governing documents; do not dismiss them including giving away an asset without a community vote.

#### 7. Post-Discussion Summary

We want to speed up this process.

It obvious that the counter party's attorney and our attorney are not getting in sync with what this board feels is fair to both parties. Discussions related to the board not

understanding why the docks are not being opened.

The counter party is trying to leverage the community and pressure the board to make a bad long-term decision that would be permanent and irreparable.

There are frustrations that the counter party will not open the docks as the board has not given concessions that will inflict long-term harm to the community.

Motions made and meeting adjourned with next steps to reach out for a face-to-face meeting. Bruce to tell BHVA attorney that the document was rejected as is and give a summary of the main points.

#### **IV. Agenda and Time of Next Meeting**

The next meeting will be held at 6 PM on May 13, 2020 at:

Zoom Call

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The agenda for the next meeting is as follows:

To Be Announced

The meeting was adjourned at 8:15 PM by Bruce Hunt.

Minutes submitted by: Laura Halleran

Minutes approved by: Board On 5/13