

**Bristol Harbour Village Association**  
**Minutes of the Monthly Meeting of the Board of Directors**  
**September 15, 2020**  
**7 PM**

**Location of Meeting:**

Gotomeeting

**Present at Meeting:** Will Kim, President  
Ted Russell, VP  
Bruce Hunt, FC And Treasurer  
Laura Halleran, Secretary And EC  
Pat King, Communications, Legal Committee  
Shelby Ascroft, COY, Legal Committee  
Michael Lebowitz  
Joe Giacobbe, BWEC (call-in)  
John Constance

The regular meeting of the Board of Directors of Bristol Harbour Village Association was called to order at 7:04 PM on September 15, 2020 at Gotomeeting by Laura Halleran.

**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 unanimously approved.

**III. Consideration of Open Issues**

1. Communications Statement

Pat King

Pat welcomed new residents and asked for contact information to be sent to her if newcomers would like to be included in the Villager. New homeowners may include a little bit about themselves and what brought them to our beautiful community.

Pat reminded us of all the wonderful activities we have to look forward to next year: Neighbors' Nights and Bristol Daze to name a few!

2. Update: Buckley, Bachman And Braun Lawsuit Filed Against Volunteer Board

Laura Halleran

Constant Contact Read into Minutes:

Dear Members of BHVA,

On Monday the court dismissed the lawsuit Bachman, Buckley, and Braun brought against the BHVA Board seeking to interfere with the annual meeting, the board election, and the special assessment designed to help fund the Village's defense in the Fields litigation. In doing so, the Court agreed with substantially all the arguments the Board made. It held that plaintiffs' complaint had to be dismissed because of multiple procedural violations. And notwithstanding the procedural violations that required dismissal, the Court went on to assess the substance of plaintiffs' challenges to the Board's actions and concluded that they all lacked merit. It held that the procedures the Board implemented with respect to the special assessment and the annual meeting were appropriate and complied with BHVA's governing documents and applicable NY law, including the recently enacted COVID emergency rules. The Court also acknowledged the Board's argument that "this lawsuit was filed in revenge for the Fields Enterprise motion loss, and is also a coup attempt." Given the Board's total victory, it will now enforce its rights under the BHVA Restated Declaration and recoup from Bachman, Buckley, and Braun the attorneys' fees they baselessly forced BHVA to incur in the action to protect the Village's governance rights.

Regards,  
Will Kim, Board President  
09/14/2020

Board Vote, 09/15/20, 9-0 to proceed with recouping legal fees from Bachman, Buckley and Braun as per Declaration Sections 14.02 and 14.04. Current bill is approximately \$66,000; will receive updated invoice from firm. Additional billing to include postage, stationary and mailing fees for election delay. Crofton to send out letters to plaintiffs asap. Motion by BH to collect fees and levy fines, if necessary. ML second.

Board Vote, 09/15/2020, 9-0 to proceed with Special Assessment to defend against Fields' Lawsuit against the BHVA Community (Post-Judge's decision, 09/14/2020) ML motion. PK second.

As per the court's decision, no new hearing is necessary. Crofton will; however, contact residents who paid early to ask if they would like the funds to stay applied, or refunded and reapplied, as per the court's suggestion.

Payment of \$400.00 will be due on 10/20/2020 and 01/01/2021.

The (virtual) Annual Meeting will be held on Saturday, October 10th at 10 am. Patricia King will be the default proxy holder. As of 09/15, candidates Braun, Bachman and Gould have withdrawn their bids. New ballots will be sent from Crofton.

### 3. Facilities And Treasurer Report

Bruce Hunt

Elevator Maintenance to begin 10/19/2020. The work will take approximately 3 months with an anticipated re-opening on 04/01/2021.

Stairs: All upright metal rod supports will be replaced prior to 05/01/2021 at a cost of approximately \$40,000 by ADS Foundations. The stairs will not reopen until then.

BME Associates has surveyed and staked all upper and lower waterfront property for future enhancements and legal positions.

August 2020 financials show \$19,434 over budget due to legal and insurance expenses. An extensive effort was performed to identify all the components of BHVA. Insurance costs rose, but now we are confident that we are properly insured.

The new dump truck, plow and salter have been ordered and should be delivered by the end of October to early November.

4. QCC

Laura Halleran, Ted Russell

Residents are encouraged to continue using the QCC portal for questions and concerns. Please contact Crofton if you are not receiving Constant Contact mailings.

Thank you to residents for submitting letters to the PSC protesting the water rate hike proposal and also to those who attended the TOSB sewer rate increase meeting. Any updates will be sent out via email from Crofton.

#### **IV. Consideration of New Business**

1. Water And Sewer

Will Kim

There are infrastructure issues concerning alternatives to gray water disposal on the golf course.

The town is aware of the problem and is in conversation with BHVA.

Discussion regarding various ways to support the TOSB and Dan Marshall with the sewer rate decision. Requested increase amounts to approximately \$350.00/year for residents.

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

The next meeting will be held at 7 PM on October 20, 2020 at:

Gotomeeting

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The agenda for the next meeting is as follows:

TBA

The meeting was adjourned at 7:38 PM by Laura Halleran.

Minutes submitted by: Laura Halleran

Minutes approved by: Board