

Bristol Harbour Village Homeowner's Association Meeting — via gotomeeting call on February 23, 2021

Call to order by Laura Halleran at 7:03

Present: Laura Halleran, Will Kim, Patricia King, Ted Russell, Joe Giacobbe, Liz Lattimore, Ellen Eachus, Gina Cushing, John Constance

Motion to approve the minutes of meeting 1/19/2021 — Laura motioned, Will, second, 9-0 approved.

Laura thanked Bill Cloutier, Pete Hessney and Henry Savage for submitting BOD applications-especially Henry who is already on the EC committee.

Laura then introduced the three newly appointed board members; Liz Lattimore, Ellen Eachus, Gina Cushing. She made it clear that appointed members will run for reelection in August.

Ted Russell is now the Treasurer for BHVA

Environmental Committee Report - Joe Giacobbe

Joe asked that homeowners, please familiarize themselves with the EC rules and regulations (be aware of the projects that will require EC application review and approval, as outlined in the EC regulations on file on the Crofton site.

He said the committee appreciated the use of the on-line application for projects, including drawings and photos, renditions and/or photos of the work placement. The Town of South Bristol Code Enforcement officer now requires EC project approval before issuing permits for work.

Since 10/20, 31 projects have been filed and approved by the EC ranging from home generator installation, tree removal to home renovations.

Legal Update - Will Kim

Fee Recovery Lawsuit - Judge Reed denied our fee reimbursement request. We have 30 days to appeal and will likely file a “notice to appeal” to hold our spot in the next 6 months in the event the BOD decides to pursue an appeal of Judge Reeds decision. The BOD has NOT made a decision to pursue an appeal in the # B's case involving fee reimbursement to cover the costs of defending our BOD.

The current litigation with the Fields - co-attorney Tony Rupp out of Buffalo will be lead attorney, receiving support from Duane Morris. Rupp's attorney's fees will be covered by Erie Title Company.

The next court date is set in April 2021.

Town of South Bristol update - Laura Halleran met with Dan Marshall. Mr. Marshall received a resignation letter from Bessie Tyrell. He said her stance does not reflect the sentiments of the town. We are making progress with the permit issue. If we pour a foundation, a permit may be necessary.

Facilities update:

Elevator - covered by Laura Halleran

Stairs: John Constance could not get on the call. Will Kim gave the update. A firm has been hired to draft plans for the stairs. Three companies will submit bids on the same specifications as soon as weather permits. Hopefully, the stairs will be completed by late summer.

Maintenance Building - Liz Lattimore. We are developing the scope of the barn work - access road, parking, water/sewer hookup. John Constance will have more information at the next meeting.

Finance Report - Ted Russell. Crofton has changed the format of the financial report. The financials are posted on the Crofton website. Revenue higher because of the Special Assessment and prepaid maintenance fees. Expenses in line. Focus now on collection of funds and preparing a capital budget.

Questions from the floor:

Bill Neidel - How did we choose the new members of the BOD? Normal nomination process. Reviewed emails from the community. What they wanted in a candidate. We had 6 people apply.

Sharon Gullo: How much for the appeal? - \$15,000 - \$25,000. Our chances: a coin flip. We have not made a decision on the appeal.

The three B's sued us. We had to defend ourselves. If we did not, waterfront will be open to the public.

Lindsey Rodriguez - Be considerate of neighbors because of Covid 19, some may not be able to pay assessments.

Mona Kolko - Is there a line item for the maintenance barn in the budget. No, but we are now paying \$13,000 a year to the Cooks.

Henry Savage - Often when calling Crofton, he does not get a call back or a response.

David Luellen - how to resolve lawsuit? He is a lawyer. Will explained that the Field's lawsuit would not be over anytime soon. Patience is required in the American Court system. Field's wants access to what we own - unfettered access to our elevator. That makes our private beach, public. It is the board's duty to protect the community.

Swim Dock - not a lawsuit - it is an EC violation. The town did not issue a permit.

For clarification purposes, the EC did not review or approve the correspondence that was forwarded to the Fields involving the notice of violation (the violations consist of trespassing and installing a dock/swim deck without BOD or EC knowledge or approval and also without a town permit) accompanied by fines pursuant to the EC rules and regulations. That matter is involved in a counterclaim in the Fields lawsuit . This action was approved by the BOD and counsel.

Lew Gould - suggested Mediation. Also, his friend is hospitalized with Covid-19 and received a lien letter from Crofton. He was upset.

Pete Hessney - BOD needs to communicate better. We have overlooked the needs of the community.

Brian and Debbie Voorheis - Does the Community get to vote on the Maintenance Barn? Will said Yes. However, it is something we must have to store equipment.

David Gates - What recommendations do we have for people who need to sell their property. What to say to the buyer? A great question, , a difficult position because of the lawsuit.

Meeting adjourned at 8:03

Respectfully submitted,

Patricia King