

BHVA DRAFT
Minutes of the Monthly Community Meeting of the Board of Directors
July 21, 2020
7 PM

Location of Meeting:

Gotomeeting

Present at Meeting: Will Kim, President
Ted Russell. Vice-President
Bruce Hunt, Facilities Chair And Treasurer
Laura Halleran, Secretary And EC Chair
Pat King, Communications Chair
Micheal Lebowitz
Mark Moretti
Shelby Ascroft
Joe Giacobbe

The regular meeting of the Board of Directors of BHVA DRAFT was called to order at 7:04 PM on July 21, 2020 at Gotomeeting by Will Kim.

I. Approval of Agenda

The agenda for the meeting was distributed and approved by a majority of those present

II. Review of Previous Minutes

The minutes of the previous meeting were reviewed and unanimously approved.

III. Consideration of Open Issues

1. Annual Meeting

Will Kim

The annual meeting will be an election-only format this year, not the traditional format due to COVID restrictions.

We will not be returning to the October date. A pre-Labor Day date is more convenient and more democratic.

The current plan is to elect officers the following day.

2. Candidates

Will Kim

A board maintains its efficiency by not having a close to full turnover each year. Based on Crofton's recommendations, there are 4 seats open: Joe Giacobbe, Shelby Ascroft, Mark Moretti and Ted Russell. Unfortunately, Mark Moretti has decided to leave his term this August. The deadline for applications is Monday, June 27th at 5 pm.

The person with the fewest votes this year will be a one-year term.

Micheal Lebowitz, Laura Halleran and Will Kim have 2 years left on their terms. Bruce Hunt has one year left.

This will put us back on a 3 candidate election per year calendar. Some changes will exist due to resignations.

3. Special Assessment

Will Kim

The board's goal is to be as efficient as possible to keep the dollars as few as possible. A formal notice will come from Crofton this week regarding a \$400.00 SA in 2020 and \$400.00 in January 2021, if required. We have some coverage from our insurance company.

These funds are specifically needed to defend and protect ourselves from the Fields' lawsuit. This lawsuit is an attack on this community and the board's job is to defend the value and general welfare of our community and its amenities.

This lawsuit is also an attempt to rewrite our documents to make our community more available to the plaintiff.

Building an asset or a capital project, such as a swimming pool, would require a community vote. Defending against a lawsuit does not.

Settlements are also not voted on. This is done by the attorneys.

IV. Consideration of New Business

1. Lawsuit Update

Will Kim

Review: We were sued. The plaintiff, the Fields, were asking for open and unfettered access to the elevator and stairs.

Today we received Judge Odorisi's decision on the preliminary injunction. Will attended the hearing and asked for the status quo and BHVA was granted this.

We have received the discovery schedule.

The court accepted BHVA's arguments on its merits. We do control the elevator and stairs and can limit non-resident use.

The judge was very clear that the Cove Agreement, which prohibits slip rentals to non-residents, runs with the land.

The judge also ruled in favor of the restated Declaration of 2009. We will be further updating our documents.

In addition, the judge also denied the plaintiff access to the elevator room for security camera access. He has remote access.

2. QCC Questions

Ted Russell And Will Kim

Cost of the Lawsuit: We are defendants, not the controlling party. The cost is negligible compared to our community being overrun and utilized by non-residents.

Lawsuit status: Dialogue remains open to harmonious relationships.
Given the lawsuit, we defended our right to keep our property private.

Insurance: Crofton has hired USI, Gianto is evaluating our assets. 5 companies have agreed to provide a quote by 7/31 to be effective 8/4.

Beachfront/Fence/Fobs: BME on-site Monday to create official, legal document with all easements. This survey will be sent to the town. At least one month out from installation. 47 fobs have been disarmed and remain unreturned.

New dock: The lawsuit is being funded via the legal fund. There is no co-mingling of funds. We can continue to enjoy our amenities irrespective of the lawsuit.

Cooks Update: Any substantial change would require a public hearing. BHVA is largely not involved in their plan.

V. Agenda and Time of Next Meeting

The next meeting will be held at 7 PM on August 18, 2020 at:
Gotomeeting

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The agenda for the next meeting is as follows:
TBA

The meeting was adjourned at 7:25 PM by Will Kim.

Minutes submitted by: Laura Halleran

Minutes approved by: BOD