

Beddington Road Maintenance Association
Annual Meeting Minutes
Saturday, May 27, 2017

Members present:

Martha Nangle
Russ Vivier
Loren Harmon
George Dowaliby
Deb Preato
Peter Anzivino
Teresa Alley

Patty Duval
Pam Whittier
Lesley Moose
David Cole
Stephen Lee
Luanne Anzivino
Bill Harnum

Mary Guarino
Mary Harmon
William Zissulis
Ernie Preato
Kirsten Lee
John A. Porter

Pre-Meeting Speaker

Neil Butler addressed the audience and spoke to the following items:

1. Town of Beddington now offers free wifi within and outside of the municipal building. No password required.
2. See the town website to procure your new transfer station sticker.
www.beddingtonmaine.org
3. Please apply for a building permit prior to commencing a project or risk a fine. Applications are online, as are all ordinances.
4. Beddington has grown from 36 to 47 inhabitants. Student population has grown from 2 to 4. Each student costs the regional school system \$7,500. Our mil rate is rising from 3.5% to approximately 4.2%. We'll see exactly how much in the fall. Taxes are expected to rise 20%.

Item 1: CALL TO ORDER

Reading of Minutes of prior meeting for information and approval. Minutes from May 28, 2016 meeting are posted on the website, <http://www.beddingtonha.com/>.

Comment: Mary Harmon made a correction to the above-referenced Minutes. Mary clarified that member James Gates goes by "Tim," and not as he was referred to in last year's Minutes.

Membership waived reading of the Minutes of last year and voted to approve them, with the above correction.

Item 2: REPORTS FROM OFFICERS

[Present Board Members: President (Acting): Peter Anzivino;
Treasurer: Martha Nangle; Secretary: Martha Nangle]

Peter Anzivino gave the President's report. This included the resignation of Bill Zissulis as President and from the Road Commission which occurred September 2016. As Vice President at that time, Peter conformed to the Bylaws and became the acting

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President. Bill was thanked for his volunteer work, sweat equity and monetary donations for the good of the Association.

Mary Harmon stated that the entire membership should have been informed of this transition for optimal transparency. The Treasurer stated that while transparency is valued, such an effort costs money since so few of our members accept communication by email. The Bylaws do not state that Board resignations be communicated to each member between meetings. Bylaws state that the VP becomes the President in the case of the president resigning.

Bill Z. made suggestions for how to optimize the placement of liens of the property of non-road fee payers by placing all liens at the same time.

While the BRMA agreed to place liens on non-payers, it has not created a protocol to do so. The President will be tasked with that 2017.

A member asked why members do not pay road fees. Reasons are typically unknown as people don't reach out to the Treasurer to state why they are not paying. It was suggested that photos on the web site of roads before/after repair work will encourage more members to pay.

The challenge of prioritizing road maintenance was discussed. Different roads receive differing traffic, and have unique challenges as they relate to rain, snow, mud season traffic.

Peter reviewed Road Committee (Stephen Lee, Mike McCoole, and Bill Z. until September 2016) accomplishments from 2016: obtaining payment from Prentiss & Carlisle, John Porter installing 3 culverts on PRL Road, a culvert at the O'Connell slope, clearing of Second Southwest Pond strainer, brush cutting, repairing PRL Road and SML Roads, installation of road signs, and installing gravel.

Martha Nangle, Treasurer/Secretary passed out an accounting of 2016, and Jan. 1, 2017-May 22, 2017. Summarized:

1/1/16 - 12/31/16

<i>Beginning balance</i>	<i>\$1,948.85</i>
<i>Money In</i>	<i>6,500.00</i>
<i>Money Out</i>	<i>6,136.98</i>
<i>Ending Balance:</i>	<i>2,311.87</i>

1/1/17 - 5/22/17

<i>Beginning balance</i>	<i>2,311.87</i>
<i>Money In</i>	<i>3,500.00</i>
<i>Money Out</i>	<i>210.00</i>
<i>Current balance</i>	<i>5,601.87</i>

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Item 3: REPORT FROM ROAD COMMITTEE

Findings and recommendations (Stephen Lee &/or Mike McCoole)

Stephen Lee gave a road report. He said the Main Road is fine. He suggested work on Penny Lane. Loren Harmon offered to collaborate with Stephen and Mike since Loren is more familiar with the roads. The following plan was decided upon, voted on and passed:

Fix the roads in the following order of priority, stopping when the money runs out (see below):

- 1. Shore Road to Fish Ladder Bridge/PRL Road*
- 2. Southwest Brook Lane, from Lot 72 to end of road*
- 3. Southwest Pond Lane near Lots 14, 15, 16*
- 4. Penny Lane*
- 5. Northeast Bluff Lane*
- 6. Otter Lane*
- 7. Miscellaneous brush cutting*

John Porter offered to fix the roads using an available grader in the next two weeks if we choose to use his services. He stated that the grader would not return “for months,”; that he charges by the hour; John contracts with Hanscomb and John does not add anything on to Hanscomb’s bill.

Loren H. suggested that each member do some brush cutting. David C. spoke to the use of professionals to do brush cutting. It’s expensive.

How to pay for road repair right now: We opted wait on deciding until we voted on Item 6 (see below).

We returned to this discussion after agreeing to raise our road fee to \$150 per year.

With much discussion, we decided to pay \$4,500 now to John Porter to repair the above roads in the order specified; if more money is raised by road fee collection, we decided to pay up to 90% of the sum remaining after protecting our fixed costs of \$800 from being spent on road work.

Item 4: UNFINISHED BUSINESS

Bill Z. raised concerns about the vote to sell Lot 1 which took place 2016. Bill Z. also began to discuss Lot 41 and he was informed that that was not “unfinished business,” but in fact an item that had not yet been raised. Bill Z. stated that William Everett was going to sue the Board of BRMA. Bill Z. stated that the Board of the BRMA was going

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to be sued for having sold Lot 1. Bill Z. stated that Al Caron was not a member and his vote should not have been counted last year. Luanne Anzivino read Treasurer's records from approximately 30 years ago which stated that Al Caron has been a member since that time. For the record, the membership of BRMA was informed of the vote on the sale of Lot 1 in April 2016; membership was informed by email and snail mail; membership could vote by proxy, which they received by snail mail and email, and the form for which was also available on the website. The vote was passed to sell Lot 1 for \$1.00 by a simple majority. Legal counsel deemed the sale legal. Mary Harmon stated that this was actually finished, and not unfinished, business.

WARRANT ITEMS

Warrant for the 2017 Annual Beddington Road Maintenance Association
May 27, 2017

In the name of the State of Maine, you are hereby requested to notify and warn the members of said association qualified by law to vote in Beddington Road Maintenance Association (BRMA), to assemble at the Beddington Municipal Building in said town on Saturday the 27th of May 2017, at 10:00 a.m., then and there to act on the following articles to wit:

Warrant Item A: To see if members will vote for the sale of Lot 41 (located at the northern end of Southwest Pond) to Steven and Kirsten Lee, or their nominee, for \$1 and terms otherwise similar to those of the Lot 1 sale to PRL1CG. All aspects of the sale are subject to review by BRMA legal counsel. However, the BRMA may not have sufficient funding to conduct a review, in which case the BRMA will not be bound to complete the sale. Alternatively, approve any resolution(s) associated with this matter as may be discussed and voted by the members at the 5/27/17 Annual Meeting.

The Lot 41 deed is similar to Lot 1 in its encumbrance. The town of Beddington has the right to use Lot 41. Peter A. asked the Lot 1 LLC to help the Lot 41 abutters pay for legal work to sell Lot 41 to the abutters, as Lot 1 had been sold to its abutters/those with exclusive rights. Loren Harmon refused on the grounds that the Lot 1 LLC had already spent a lot of money on legal fees. As it turns out, the Lees did not have strong feelings about wanting to buy the Lot 41; they were trying to help alleviate the tax burden for the BRMA. They offered to make a donation to the BRMA equaling the cost of the tax bill (approximately \$159), but not to actually pay the tax. The members voted to approve the offer of a donation to cover the cost of the taxes on Lot 41, and thanked the Lees for their generosity.

Russ Vivier suggested that Lot 41 be given to the town.

Patty Duval stated that she did not want her road fee to go toward paying more legal fees to try to sell Lot 41.

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Stephen Lee did not want the State of Maine to own Lot 41.

Peter A. reminded us that a statutory road association should streamline its mission to simply receiving road fees and maintaining roads; common lot ownership is not a goal and we strive to somehow get out from under the ownership of Lots 41, and PRLP 51 (the 67 acre wildlife area). The potential sale of Lot 72 was deemed the 3d rail as woodlot owners have no other access to waterfront. No decision was made other than to table the above discussion.

Treasurer reminded the group that the discussion to sell Lot 1 occurred over multiple years and that there was no rush to make a decision to act on Lot 41.

We motioned to table discussion of Lot 41, and the motion passed.

Warrant Item B: Approve any resolution(s) associated with any remaining matters, should they exist, regarding the sale of Pleasant River Lake Lot 1 to the Pleasant River Lake Lot 1 Conservation Group, LLC ("PRLLCG"), as they may be discussed and voted by the members at the 5/27/17 Annual Meeting.

No remaining matters were raised.

Warrant Item C: To see if members will vote to modify the meeting notification period for Annual Meetings and Special Meetings from 10-50 days prior to said meeting (as is currently prescribed in the BRMA By-laws) to a minimum of 30 days, to bring the By-laws into compliance with the requirements of 23 M.R.S. (ME Revised Statutes) §§ 3101-3106, on which the By-laws are based.

Motion passed to send out meeting notification a minimum of 30 days prior to the meeting date.

Warrant Item D: To see if members will vote to ratify affirmative vote from the 5/28/16 Annual Meeting to have by-laws reviewed and ratified by Counsel, subject to adequate funding. 2016 funding was unable to support legal review, as voted last year.

Motion passed, subject to adequate funding after road work is done, property taxes are paid, and administrative expenditures are complete for the year. We agreed to spend no more than \$1,500 on Talbot and Talbot to ratify our Bylaws.

Warrant Item E: To see if members will vote a Budget to govern various expenditures and financial commitments (following discussion) for the period from 5/27/17 until the following Annual Meeting.

Costs for roads and legal fees were approved; see above.

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End of Warrant

Item 5: NEW BUSINESS

Peter shared that the cost of officer liability insurance was prohibitive and so is not being acted upon at this time. Estimates ranged from \$650 per year for \$500,000 coverage, to \$2,800 for multiple millions in coverage. This was tabled. The Board recommends insurance but the association cannot afford it.

The road committee will be David Cole, Stephen Lee, and Mike McCool. Loren Harmon will consult on an as-needed basis.

Item 6: Per Article III, Section 5 of the By-laws, vote on the amount of the annual road maintenance charge. Further, at the 5/28/16 Annual Meeting, it was agreed that a vote would be taken at the 2017 Annual Meeting to see if the members will vote to approve raising the 2017 annual road fee from \$100 per buildable lot to \$150, the \$50 difference to be collected by June 30, 2017.

This motion passed with simple majority. A new mailing will be mailed out, along with meeting Minutes, informing members of the change.

Luanne A. recommended that a Lien Committee of 2 be set up to encourage non-payers to pay. A point person would be chosen to communicate with legal counsel (Deke Talbot) to determine process for placing lien(s). A letter would be crafted to non-paying members stating that they are past due, and that they are at risk for having a lien placed on their property.

Russ Vivier suggested a sliding scale be used to determine who should pay what. Bill Z. suggested a different rate for wood lots vs. home lots. It was suggested that those who live farthest from Rt. 9 pay more in road fees. No consensus was identified, and the topic will be placed on the agenda for the annual meeting in 2018. David Cole, a new member who is a forester, offered his services by way of contributing suggestions for a fee structure.

Item 7: Election of Officers and Road Committee Members (including for Beddington Homeowners' Association)

The following was decided:

President: Stan Robinson was nominated by a member. Peter A. planned to call him and ask him to be president. If Stan refuses, Peter will remain the President as long as he is a lot owner.

Vice President: no takers

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Treasurer: Kirsten Lee

Secretary: Patty Duval

Item 8: Vote on Continued Association Existence

We voted to still exist.

Item 9: Reading of minutes of meeting just had, if requested

We decided not to read the Minutes at this time.

Item 10: Approval of minutes of the meeting.

Approved.