

Beddington Road Maintenance Association  
Annual Spring Meeting Minutes  
5/28/16  
Beddington Town Offices  
12:00 p.m. - 2:00 p.m.

I. In attendance:

- A. Russ Vivier
- B. Pam Whittier
- C. Patty Duval
- D. Lesley Moose
- E. Peter & Luanne Anzivino
- F. Jim & Joanne Gates
- G. Mary and Loren Harmon
- H. William Harnum
- I. George Dowaliby
- J. Martha Nangle
- K. Mike McCooole
- L. Richard Carter
- M. Stephen Carter
- N. Stephen & Kirsten Lee
- O. Chris & Judy O'Connell
- P. Alicia Muller
- Q. Michelle Chrisman
- R. Bill Zissulis

II. Peter Anzivino introduced Neil Butler, Town of Beddington First Selectman and Planning Board member who spoke and answered questions for about 10 minutes.

- A. Mr. Butler referred all to the town of Beddington website ([www.beddingtonmaine.org](http://www.beddingtonmaine.org)) for various applications and information on land use ordinances, taxes, codes, and especially permit applications.
- B. Planning Board deals with permits. Permits are required for building.
- C. There have been multiple fines levied recently for land use violations regarding cutting trees near shoreline. Know the law: There is a 130' setback from waterfront for cutting trees. Anything built between 100' - 130' setbacks have already been grandfathered. Stanley Mitchell is the Code Enforcement Officer. (Deal with the Planning Board for permits.)
- D. Mil rate is 3.5%; lowest in state. Town meeting minutes are on website. County tax levy was \$76,000.00.
- E. Property valuation has nothing to do with town taxes. The valuation needs to be equitable. Beddington follows state schedule for valuations.
- F. Someone asked if the town maintains or contributes to the maintenance of private roads. The town does not maintain private roads. That's why they're called "private" and not "public."
- G. What services do our taxes provide us? Use of the town dump and volunteer fire department.
- H. Mr. Butler repeated his willingness to work with the community on any matter related to but not limited to town zoning, land use, permitting.

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III. Peter Anzivino, the Vice President, called the meeting to Order.

- A. Bill Z., President of BRMA, had been meeting with Talbot & Talbot law firm. They advised the BRMA to table the discussion of Lot 1 and Lot 41 vote for this meeting.
- B. Peter asked that Loren present to the group his rationale for the BHOA (the current owner) selling Lot 1 to Lot 1 abutters for \$1.00.
- C. Loren Harmon asked that the Warrant items be discussed in order.
- D. Stephen Lee asked for an explanation of and historical perspective on the two proposals on the Warrant. Luanne provided historical background for the Lot 41 and Lot 1 warrants. Their possible sale was raised at last year's meeting. Lot 1 and Lot 41 members were encouraged to meet as two separate groups, and invite the Board to meet with them during or after. Lot 1 met and then mailed all Board members saying that Lot 1 abutters did not want to meet with the Board. Lot 41 members didn't meet, and had confusion about the lack of a meeting. (They hadn't organized one.)

IV. Peter motioned for the Bylaws to be accepted by the membership without reading them. Loren asked for discussion about the meeting minutes.

- A. Legal ratification of the 2015 Bylaws was not accomplished prior to this meeting due to unresponsive lawyer (Jade Murdick). Alternate legal assistance was sought. We are still trying to get council to weigh in on Bylaw ratification.
- B. Loren expressed a question about how to vote to accept the meeting minutes from last year when the Bylaws have not yet been ratified. The lack of legal counsel response was iterated. Peter stated that if the membership wanted to amend the Bylaws, then they could do so. It was acknowledged that the process of ratifying the Bylaws by the BRMA is not perfect.
- B. A motion was made to accept the minutes as written. All were in favor.
- C. Ratifying the draft of the Bylaws: motion was passed. All in favor. Bylaws were accepted; they will not be brought up again unless the lawyer wants us to change them or we want to amend them.
- D. Luanne anticipated a need to amend our Bylaws next year to accurately reflect the time required between mailing out meeting notice of annual meeting and having meeting. There are different requirements for a corporation/voluntary association (10-50 days; BHOA) and a statutory road association (30 days; BRMA). We will have to amend the Bylaws next year as we vote on the time frame for mail notification.

V. Electing officers to the BHOA for a co-terminus stint with the officers of the BRMA. Terms to expire May 2017.

- A. This is necessary because the BHOA still owns holds legal title to certain common lots and common areas, and to untangle said lots, the BHOA will need to have officers. If these lots are sold, some Board member from the BHOA will need to sign paperwork. It's an administration function. Membership voted to elect the same Board members to the BHOA as currently hold seats on the BRMA. All were in favor; there were no dissents.
- B. Those are:

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- C. President of BHOA: Bill Zissulis
- D. Vice President of BHOA: Peter Anzivino
- E. Treasurer of BHOA: Martha Nangle
- F. Secretary of BHOA: Martha Nangle

VI. Reports from Officers: Bill Zissulis, President and Road Commissioner

- A. Bill expressed gratitude to many. A special recognition was made of the time, effort and materiel volunteered by Ernie Raymond, to whom the membership expressed gratitude.
- B. Lot 72 has had improvements made to the parking area.
- C. Cherryfield Foods does not want to create a road which would provide the BRMA with an alternate access to gravel.
- D. Mary Harmon requested that road work plans in the future have a printed timeline; this was approved.
- E. Multiple quotes for road work were requested. Possible vendors:
  - 1. John Porter
  - 2. Glenn Derling
  - 3. Steve McDonald
- F. Steve McDonald just graded our roads at a cost of approximately \$3,500.00.
- G. Loren expressed concern about the heavy logging trucks going over the salmon run bridge.
  - 1. Larger trucks should be encouraged to avoid bridge by using the West Pleasant River Lake Road and Southwest Brook Lane. John Porter has widened the intersection of SML Road and SWB Lane.
  - 2. There was discussion of posting the weight limit of the bridge.
  - 3. Bill Harnum: The bridge has not been engineered, and so a weight limit cannot be known.
  - 4. A member asked if we could post the bridge to eliminate logging truck traffic and encourage the logging trucks to use the alternate means.
  - 5. The road commission was asked to post the bridge and direct truck traffic.
- H. Road Commission to assume responsibility for posting the salmon ladder bridge.
  - 1. Loren Harmon resigned.
  - 2. Steven Lee and Mike McCool volunteered to work with Bill Zissulis.
  - 3. The bridge was not engineered, so the weight limit cannot be known.
  - 4. **West Pleasant River Lake Association has a good system for getting the lumber companies to pony up fees for use of the roads. They have a website. The road commission was going to approach WPRLA to determine their protocol for reimbursement of road damage by logging companies.**
  - 5. Loren was thanked for his efforts in obtaining compensation from a logging company for work last spring.
  - 6. Recent work was discussed at the former Jones/now Lakeland Realty lot. Luanne offered contact information on the current owners.

VII. Secretary and Treasurer Reports were given by Martha Nangle.

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**A. Secretary's Report**

1. Membership mailing was successful; only 2 returned warrants of approximately 80.
2. Membership spreadsheet was passed around for members to review their info. Contact info update forms were provided. Four members made changes to their contact info.

**B. Treasurer's Report**

1. Summary of income and expenses for 2015 and 2016 were handed out to each member as they entered.
2. Additionally, Quicken reports for 2015 and 2016 were handed out.
3. Norway Savings holds our account; free online banking to pay invoices is being used.
4. Quicken is being used to keep the books.
5. Loren Harmon and Bill Z. were thanked encouraging Prentiss and Carlisle to pay the BRMA \$2,400.00 for the use of our roads.
6. The cost of the website vs. snail mail costs was highlighted.
7. See separate attachments for above-stated documents.
8. Al Caron asked what the fiscal year was. The dues are based on a calendar year: January 1 to December 31. It was clarified that dues collected during 2016 will be used towards this year's expenses.
9. A motion was made to approve the Treasurer's Report. It was approved.

**VIII. We discussed appropriation of road fees for specific expenses.**

A. Road work: Bill expected that we would need to expend \$3,500.00 on the road grading, and another \$3,000.00 for primary, secondary and tertiary roads.

B. We agreed to pay up to 80-90% of our current balance on road work.

B. We later agreed to stop paying for any more road work this year.

C. Liability insurance and its high price tag was discussed. This has not been purchased yet, despite the membership agreeing to do so, because the cost is so high.

D. Road fees are for the calendar year. Al Caron asked that spending categories with anticipated costs be part of the annual warrant mailed out in the spring. This will be done.

**E. Expenditures:**

1. We decided that we are done paying for road costs this year. The roads look good, and we can't afford to spend more with an insufficient percentage of membership paying their road fees.
  2. We decided to spend no more than \$1,000.00 on legal fees. We've spent money already on legal fees:
    - a. \$135.00 for filing
- a. ratify our 2015 Bylaws;  
b. determine the legality of selling Lot 1

**IX. Lien Document--**Tabled due to associated costs, and desire to spend time on the discussion around Lot 1.

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X. Lot 1 Discussion

A. Loren presented his argument for why the BRMA should sell Lot 1 for \$1.00 to Lot 1 abutters. He consulted two lawyers who said it was legal to buy Lot 1. Loren stated that no one but the abutters have a legal right to purchase Lot 1. Loren stated that it was "reasonable and expedient" for the BRMA to sell Lot 1

B. Bill Z. made a rebuttal:

1. BRMA members have paid taxes on Lot 1 for approximately 26 years, during which time the Lot 1 abutters had exclusive use of the Lot.
2. He expressed concern about representing the rights of the membership in the setting of a 5 acre beach lot being sold for \$1.00.

C. Lot 1 discussion:

1. A member asked for the names of members who abut Lot 1. Mary Harmon volunteered to provide those names.
2. A member asked if there would be fees such as lawyers' fees and filing fees associated with the sale of Lot 1. Loren Harmon stated that it would be the responsibility of the buyers of Lot 1 to pay all associated fees. "The buyers would assume any expenses associated with the transfer of the land." The original questioner stated that there should be no financial responsibility placed on the BRMA for the sale of Lot 1.
3. Loren was asked if all abutters of Lot 1 would have to agree with the sale. Loren stated that all abutters have agreed with the sale. Mary Harmon agreed that all abutters have agreed verbally or in writing to purchase the Lot 1. She listed all abutters. Mary stated that the original deed was, "messy."
4. Jim Gates read aloud the language in the deed relating to ownership. He agreed to share copies of the deed. Peter A. stated that the deed was from 1989. A member asked for confirmation that, Lot 1 abutter had knowledge of the entire association paying the property taxes on a private beach for which only the abutters had access. "No one knew it," (that Lot 1, for which all members of the association were paying annual property taxes, was for the exclusive use of the Lot 1 abutters) stated Jim Gates.
5. Loren totaled the taxes paid on Lot 1 since 1990. He did not share that sum.
6. Options for voting vs. tabling the issue were discussed. The setting of precedent for the sale of Lot 41 was mentioned. Lot 41 deed states that the town inhabitants of Beddington have rights to its use.
7. Secretary/Treasurer asked why the Lot 1 owners want to buy the lot. "We want control of it," stated Mary Harmon. Loren stated that once Bill wanted to make the Lot usable by the association, the abutters became concerned and chose to limit use of Lot 1 by stating that they had exclusive use of it and no one else could legally modify the lot.
8. A member asked if the abutters had considered avoiding all sale costs by offering the Lot 1 to the town or state. Loren stated that the town would rather have the tax dollars.

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9. Loren made a motion to vote on Lot 1 to be sold for \$1.00 and that any buyer and seller legal expenses related to the closing costs be paid by the Lot 1 buyer if approved by legal counsel. Bill Harnum seconded the motion. Loren asked that both parties be able to approach the legal representation. Bill Z. iterated his wish that members' rights be protected throughout the sale of the Lot 1. The 2016 taxes would be prorated and paid by the buyers. Peter read the warrant item on which we were voting verbatim. Bill Harnum seconded. Bill Z. was the lone vote of opposition. The majority voted to sell Lot 1.
10. Russ Vivier stated that an article was written by the Lot 1 abutters and then sent to the Secretary. He stated that his article was 'railroaded.' (In reality, the warrant had been mailed to the entire membership prior to his emailing an article to the Secretary. Sending out another version of the warrant was economically unfeasible and represented an unacceptable hardship for the Secretary to redo the mailing.)
- D. The decision was made for the BRMA to engage legal counsel to:
1. ratify our 2015 Bylaws
  2. determine if it is legal for the BRMA to sell Lot 1 to Lot 1 abutters.
- E. Loren Harmon agreed that Lot 1 abutters would pay all closing and legal costs associated with selling Lot 1 aside from what BRMA will spend on the above items #1 and 2.

XI. New Business

- A. We agreed to vote at the 2017 annual meeting on raising the annual road fee to \$150.00.
- B. The following *estimates* were mentioned:

In bank at time of meeting:	\$5,800
collected at meeting -	200
Total -	6,000

Expenses:	
Roads -	3,500
Taxes -	900
Legal -	1,000 (maximum to be spent)
Misc. (mailings, web site, etc)	200
Total -	5,600

Remainder -	\$400
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Of the remainder, up to 25% could be spent on roads and up to 25% could be spent on legal, leaving a minimum of \$200 as a rainy day fund.

- C. We agreed to meet from 10:00-12:00 on Saturday, May 27, of Memorial Day, 2017.

XII. A motion to adjourn was made, and all were in favor.