

# Big Sandy Association

## 2002 Annual Meeting

### Minutes

The 2002 Big Sandy Association Annual Meeting was held on July 27, 2002 at the Dailey Cottage, at 4 p.m.. Those members in attendance were as follows: Joe Jackman, Bob & Jayne Fraser, Dick & Judy Yost, Joe Walsh, Kathy & Brian Soderholm, JoAnne & George Osgood, Bill & Bickie Webster, Sandy Prince, Jerry & Rachael Carrier, Deborah Bushway, Maria Civita, Bruce & Sandy Maeder, Arlene & Rick Bartsch, Al & Debbie Villanucci, Charles & Donna Brown, Claudette & Dick Dailey, Ruth & Jack Laverty, Ted Gibbons, Jr., Tom & Cindy Emmertz and Warren Mattiello, with proxy votes from George Dehner and Adele & Jim Forman.

#### Call to Order

The meeting was called to order by Warren Mattiello (President) and began the meeting by welcoming and introducing the Associations newest members – Arlene & Rick Bartsch.

#### Treasurer's Report

Warren Mattiello presented the Treasurer's Report (a copy of same is attached). Dick Dailey made the motion to accept same, seconded by Joe Walsh and a unanimous vote accepted that report.

#### 2002 Roadway Repairs and Maintenance

Warren Mattiello next explained that the road repairs and maintenance, which had just been completed over the two previous days had been planned to be done before Memorial day and that he had made some dozen calls to Frank Snow to get it done. However, Snow like all the other contractors in the Bridgton area have been enjoying a huge boom in business this year and because of late summer starts – due to weather – Snow like the others, had been behind in their projects. Warren did explain and it was agreed by most attending, that the new gravel Snow used for the Roadway this year is really excellent and that the Big Sandy Roadways are in exceptionally fine shape.

Snow had to add gravel to almost all sections of the Roadway this year, as well as, grade it. When Snow began the work this week, the Webster's and Dailey's requested that repairs be done to the roadways leading to their homes, as their cars were "bottoming-out" on those sections. Warren approved the upgrade of those two sections, as it was felt it would not be prudent or fair to those members, to wait another year, considering the conditions that existed.

The cutting-back of brush along the Roadway was also done by Snow, with more to be completed over the next few weeks.

#### Synopsis of Relative Items of Concern

Warren Mattiello then expressed the need to more fully explain several very pertinent facts and considerations that had just recently been brought to light over the past several days, relative to last fall's "proxy votes" regarding "winter plowing" and "future Annual Associations Dues rates". He went on to state that the matter of "winter plowing" has been the most divisive issue that the Association has had to address over the past ten years. He made note that there has been differing "opinions" as to who should pay for same and that most of those opposing the Association, at-large, paying for winter plowing, do so not over the monitorial cost but rather on "principle". He asked all expressing views to honor the "rights" of others, on both sides of the issue, to "disagree".

Just two days prior to this meeting, Warren was informed that last fall's "proxy" votes were, in fact, NOT legal or binding. It was found that the "By-Laws" of Big Sandy actually are so worded that a "proxy" vote

can ONLY be used in conjunction with issues that are to be discussed at a "specific" Annual or Special Meeting. Also, a "proxy" vote CANNOT be used AFTER said meeting is ADJOURNED.

Warren made it very clear that he was NEVER aware that situation existed with regards to "proxy votes" and that certainly no other Director of the Association had been aware of it. Also, he made it clear that NO other Member ever had brought that to light, many of those members having been past Presidents and Directors of the Big Sandy Association.

It was further explained that the legality of last falls' "proxy vote" was in fact, a mute-point, as no consideration had ever been given to the funding for plowing during the 2001/2002 winter season – even though it had been clearly noted at the 2001 Annual Meeting and subsequent "Minutes" of that meeting, that there were NO funds available last fall to pay for any plowing. In fact, the Association ended last summer still owing Snow's Excavation almost \$4,000. for previous roadwork.

Warren then expounded on the need to "properly" consider a number of factors that should be addressed before making a final decision on "winter plowing" and the following was expressed:

1. Obviously there are varying opinions on WHY or WHY NOT the Association should pay for said plowing or ONLY those using the Roadway in the winter season.
  - a. Those FOR the Association paying, making the point that "times have changed" and that Big Sandy should be accessible "year-round" and that the Association is obligated to "Maintain" the Roadway "year-round" – "winter plowing" being part of "Maintenance". Furthermore, they profess that being able to say Big Sandy homes are more valuable from a resale value point, if it can be said they are accessible "year-round".
  - b. Those OPPOSING the Association paying, making the point that Big Sandy was originally founded on the premise that it was a spring/summer/fall development and that "traditionally" only those Members who wanted to use it in the Winter would pay for said plowing. Their interpretation is that "winter plowing" is an ACCESS issue and NOT "MAINTENANCE" and that THOSE using the Roadway in the winter, should pay for it. Furthermore, they profess that there is definitely an issue that there is a much greater cost to maintain the roadway because it IS plowed in the winter – thus, those Members who do NOT use it in the winter are in fact subsidizing those Members who Do use it in the winter.

NOTE: Warren Mattiello made a definite point to make all Members aware that the Big Sandy Roadway has NEVER been open "year-round" and CANNOT be, as the Roadway is CLOSED (via chain) every springtime from approximately the 1st weekend in March, for about a MONTH – all depending upon the weather. Warren again reminded all old and new Members that the Roadway must be closed to protect it from major damage when the Roadway becomes so wet from winter run-off. Again, this CLOSING of the Roadway has been done EVERY year since Big Sandy was originally started – over 35 years ago.

2. What is the COST of said plowing?
  - a. Judy Yost and Joe Jackman explained that the cost for last winter was \$2400., with the cost for next winter set at the same rate.
  - b. It was then discussed that if the "Association" were to pay for the winter plowing, then ALL of the Associations Roadway system would have to be plowed, which would include the roadways to the Webster's and Dailey's cottages. The projected cost of plowing those additional areas being \$1000., plus possible front-end loader costs at those two last properties. This bringing the cost to \$3400. – plus.

3. What is the COST of MAINTAINING the Big Sandy Roadway each year?
  - a. Warren stated that a reasonable Annual "maintenance" cost for the Big Sandy Roadway would be approximately \$5,000. He then expounded on the realistic costs relating to "roadwork" and the need to deal with an established contractor, such as Snow, who has the necessary equipment to handle any situation that might arise. Pictures of major Big Sandy Roadway "wash-outs" in the past were passed around, to substantiate the point that there are always going to be MAJOR repairs that come up from time to time. It was obvious several of the Members feel that too much monies have been spent on road repairs and that it should cost much less. Warren attempted to explain that the cost for said road repairs is, in fact, much more costly than most realize.
4. What is the annual cost of INSURANCE for the Big Sandy Association?
  - a. Warren explained that the present policy ends in August. The cost in 2001 was \$808. and it is expected to increase this year.
5. What is the normal INCOME from Association DUES each year?
  - a. Warren explained there are 28 dues paying Members, plus the Lombard's (the family at the top of the hill have paid \$200. a year, for the past two years. They have not yet paid this year.) At a rate of \$200./per Member/per year, this would generate about \$5,800. a year.

Winter Plowing & Potential funding for same

Bruce Maeder made a motion to have the Big Sandy Association, at-large, pay for the winter plowing of the Big Sandy Roadway system, seconded by Sandy Prince. Discussion ensued expressing the various opinions outlined above.

Judy Yost asked all present to remember that "World Peace" is the most important objective mankind can be concerned with and that it must start in our "Association" and that we must work together to overcome all our differences. Unfortunately her wishes did not strike home with many of those in attendance.

There was discussion pertaining to just how much of the Roadway actually needed to be plowed. Warren Mattiello explained that if the "Association" was to pay for the plowing, the "complete" Big Sandy Roadway System would have to be plowed. Several persons made comments that they felt the Dailey's and Webster's have not had the roadways leading to their cottages plowed in the past – thus the Association needn't plan on plowing those sections – which obviously would cost less. Warren again explained that IF the ASSOCIATION were to pay for the plowing, the "Association" is OBLIGATED to address the concerns of EACH and EVERY MEMBER and thus is OBLIGATED to plow ALL of the Roadways – thus the cost would likely be \$3400., plus potential extra costs for front-end loader clearings at the Webster's and Dailey's.

Marie Civita asked the President why he had used the existing monies this year to do the new roadwork at the Webster's and on the roadway to the Dailey's cottages, instead of "saving" it for snowplowing? Warren then explained that each and every spring new work is required that often is not forecast the previous year – much due to what happens over the winter to the roadway. He then explained that both the Webster's and Dailey's had contacted him and complained that their cars were "bottoming-out" on the roadways to their cottages. Warren felt that their concerns were valid and O.K.'d that work, as he has every year, in addressing normal maintenance to the Big Sandy Roadway. However, he was taken to task for doing "too good a job" on those repairs.

It was quite obvious that those in favor of the "Association" paying for plowing would have preferred those monies be used for plowing, instead of repairs.

A vote was finally taken upon the motion to have the Big Sandy Association pay for the annual winter plowing of ALL the Big Sandy Roadway System - which resulted in a "roll-call" vote of 12 FOR and 9 AGAINST.

Discussion then turned to "how" the Association would fund said annual plowing.

The matter of whether or not the Association should continue to pay for Insurance (the exclusion of same would obviously save the Association money) then took place. Warren made the point that every Member of the Association (supposedly) has "homeowner's insurance", which, in fact, would "normally" provide them with "insurance", should a suit ever be filed against the "Association". He then continued to mention that a primary reason the Association voted to take-out insurance for the "Association" several years ago was to provide "coverage" for the "President and Directors" of the Big Sandy Association, for in today's "litigious society", they are most often the primary recipients of a law suit against an "association", which is then followed by ALL members, with the "deep-pockets" approach leading any suit. There was some doubt as to whether or not the present Association insurance does provide coverage for the Big Sandy Association "President and Directors". Warren expressed his belief that it did.

A motion was then presented by and seconded by as to whether the Big Sandy Association should continue to carry "Association insurance", including coverage for it's President and Directors". There was a unanimous vote to have the Association continue carrying said insurance.

#### Association Annual Dues for 2003

Warren Mattiello then directed the attending Members to discuss what the Annual Association Dues should be for 2003.

Dick Dailey then informed the Meeting that his family would be "succeeding" from the Big Sandy Association as they could not in "good conscientious" agree to pay for the winter plowing of a partial group of Big Sandy members - reiterating his position that "winter plowing" is an "access issue" and NOT a "maintenance issue". He continued to state that they would continue to pay the annual "maintenance fee" of \$200., but no other monies that would be used for "plowing".

Ted Gibbons expressed that he did not favor plowing the roadway at all, supporting the often mentioned feeling that any contractor would support, that more damage is done to the roadway annually because it is plowed. He continued in saying that he is in fact subsidizing winter users of Big Sandy because of the additional annual maintenance that is done to fix each years winter damage that is done.

Maria Civita then stated that in consideration of Mr. Dailey's statement and the "likelihood" the Webster's wouldn't be using their cottage in the winter, the Association would then only have to plow the limited portions of the Roadways, as has been done in past years - at a cost of \$2400. for 2003.

Dick Dailey then informed Mrs. Civita that that was not the case, as the "Association" had just voted that the "Association" would plow the "complete" Big Sandy Roadway system - which, in fact, had just been voted by those attending and that the Association would have to plan spending \$3400., plus for said plowing.

Warren then continued the discussion, expressing the line of thought that considering the recent vote, the Members should consider the needed funding to cover "estimated" annual road maintenance of \$5000.,

"estimated" annual Association insurance of \$900. and "estimated" plowing of \$3400. (plus about \$200. in administrative/signage costs – bank charges, postage, new Member name signs, etc.) = \$9500.

Bruce Maeder then made a motion, seconded by Sandy Prince, to set a fee of \$350. for the 2003 annual Association Dues. There was then a majority vote in favor of the 2003 Annual Dues being set at \$350.

At that point there was some intense discussion as to how the winter plowing issue had so strongly divided the Members of the Association. Warren then asked **TWICE** if there was any further Association business or concerns that any Member wished to bring up and when there were **NO** replies, Warren then declared the meeting closed.

Respectfully submitted,



Warren G. Mattiello  
President/Secretary  
Big Sandy Association