

# CTBEA Annual Meeting Minutes

May 23

# 2020

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This document represents the minutes taken at the annual CTBEA meeting. This year the meeting was done using Zoom.

Colonel  
Tuftonborough  
Estates  
Association

## **Colonel Tuftonborough Estates Association**

Annual Spring Meeting – 23 May 2020 – Final Version published on June 6<sup>th</sup>, 2020--

Held at 10:00 AM ET via Zoom Conference Call

### **Agenda:**

- I. Welcome - Call to Order
- II. Roll Call
- III. Approval of May 25, 2019 Minutes
- IV. President's Report
- V. Treasurer's Report
- VI. Beach and Dock Report
- VII. Road Maintenance Report
- VIII. Covenant Amendment Vote
- IX. Dock and Mooring Lottery
- X. Board of Directors Elections
- XI. Adjournment

## I. Welcome - Call to Order

Meeting is called to order by President Sundquist at 10:00 in the am

## II. Roll Call

Annual CTEA Meeting (Conference Call) May 23, 2020 - Attendance List			
Lot	Lot Owner(s)	Present	Proxy Held by:
1	ANDREW, STEPHEN	Y	
2	CHEHAMES, GARRETH A & LIVING TRUST	Y	
3	CHEHAMES, GARRETH A & LIVING TRUST	Y	
4	FALCONER, STEWART & FALCONER, JOAN	No	N/A
5	9 VERE ROYCE ROAD REALTY DONAHER, CORNELIA F.	Y	
6	SUNDQUIST, RONALD & SUNDQUIST, CAROLYN	Y	
7	GAUGHRAN LIVING TRUST, LAURA J & GAUGHRAN, LAURA, TRUSTEE	Y	
8	BOWEN FAMILY TRUST & BOWEN, STEPHEN L. & DORIA P.	No	Rich F
9	ANDREW, ROBERT R,ANDREW, PATRICIA & STEPHEN	Y	
10	SHEPARD JR., JAMES T & SHEPARD, LILLIAN	Y	
11	LACROIX, GERARD & LACROIX, JEAN	No	
12	REYNOLDS, CHRISTOPHER & JULIAN	Y	
13	SHAUGHNESSY, ROBERT	Y	
14	DIFIORE D & C REALTY TRUST & DIFIORE, CATHERINE TTEE	No	Carolyn
15	NOGUEIRA, RICHARD & ALEXANDER, SUSANNE MARIE	Y	
16	ALEXANDER, EDWARD & ALEXANDER, ARDEEN	Y	
17	BERCKMAN LIVING TRUST	Y	
18	BLAKE, LARRY	Y	
19	MCKENZIE, DIANNE MARIE	No	George
20	MAIDHOF, GEORGE P. & MAIDHOF, BARBARA A.	Y	
21	CHEHAMES, GARRETH A & LIVING TRUST	Y	
22	FRANCESE, RICHARD A. & KATHRYN	Y	
23	MORRISON, TIMOTHY D	Y	
24	SMITH, LEONARD F. & SMITH, LINDA F.	Y	
25	COULOMBE TRUST & COULOMBE, A. & PRYOR, W., TRUS	Y	
26	ENTWISTLE, RAYMOND & ENTWISTLE, LORI S.	Y	
27	HULL, JOHN A. III	Y	
28	TAMKIN, JONATHAN D & TAMKIN, CYNTHIA C	Y	
29	JANIAK 2018 FAMILY TRUST & JANIAK, STANLEY & CYNTHIA, TR	Y	
30	ANDREW, STEPHEN& PATRICIA Z. & ANDREW, MEREDITH M.	Y	

30 lots represented as shown:

25 Present

3 Proxy

2 Absent

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30 Total

### **III. Approval of May 25, 2019 Meeting Minutes**

**Motion:** Approve meeting minutes from May 25, 2019 as written

*Proposed and not approved*

**Vote**

*Not taken at this time – awaiting feedback from Bill Pryor (rcvd) and Steve Andrew*

Motion did not carry by majority, minutes from the Spring 2019 are not yet approved.

#### **IV. PRESIDENT'S REPORT**

Carolyn presented.

Dear Neighbors,

This has been quite a year. At our annual meeting last year, I made the mistake of commenting how quiet things had been. Little did I/we know what was in store for the association in the coming days and months continuing to today.

After warmly welcoming the Morashes to our community, we just happened to discover that they planned to rent their house through short term online rental agencies. The Board of Directors informed the Morashes that this in violation of our covenants, specifically Covenant #1, which limits using individual properties to residential use only. We considered VRBO and Airbnb a business use of a property. After two contentious special meetings, attorney involvement on both sides, the problem was solved by the Morashes selling their house.

Peace returned to the neighborhood and then Covid-19 happened, causing us all to shelter at home. Unfortunately we were not able to welcome our 3 new families, Brendan and Laura Gaughran at 13 Vere Royce Road, Christopher and Julianne Reynolds at 8 Mason Road, and Suzanne Alexander and Richard Nogueira at 2 Mason Road, with a small get together planned by the Board. And as I had done with the Morashes, I would have visited each family in person with a little welcome gift.

In March the board voted to appoint Linda Smith to the BOD to fill the position formerly held by Bill Donaher. Bill continues as the board secretary. The secretary does not need to be a member of the association.

Thank you to the Covenant and Bylaws Committee for wrangling with covenant changes and providing the basis for the changes to covenant #1, which we will vote on today. Members include Gary Chehames, Frank Berckman, Barbara Maidhof, Bill Pryor, Linda Smith, and myself.

The new normal - the Board now meets via Zoom. Our Annual Meeting is being held via Zoom and our annual picnic was canceled. The Board also decided to not provide a Port-a-Potty for the common area this year. We could not assure that it would follow the current guidelines for sanitizing facilities like this. We also ask everyone using the common area to follow guidelines regarding social distancing and wearing masks. We must be mindful of our vulnerable neighbors.

Last but not least, I want to thank two of your board members (and their spouses) for going over and above to maintain our neighborhood. Helping neighbors to fix drainage, cutting down trees, new street signs, seeding the common area, and spreading sand at the beach. And probably more that I forgot or just not aware of as they do not look for attention. So a very big thank you to Rich and Kathy, and George and Barbara!!

In addition I want to also thank Dana DiFiore for helping with the drainage on Mason Road and Stan Janiak who worked with Rich and George a lot with clean up and maintenance.

**NOTE:** Remember to get any and all Proxy forms to me before end of day today (Friday, May 22<sup>nd</sup>).

Looking forward to more normal days! Stay safe and be well!

Sincerely,  
Carolyn Sundquist  
President, CTBEA

#### **V. TREASURER'S REPORT**

George Maidof presented: This is a final updated version: Also posted to the website on 6/3/20.

Colonel Tuftonboro Estates Association  
 Total Income & Expenses  
 Final 2019 - 2020

	As Reported			Budget/Projection June 1, 2020 to May 31, 2021 Amount
	Final Actual June 1, 2017 to May 31, 2018 Amount	Final Actual June 1, 2018 to May 31, 2019 Amount	Final Actual June 1, 2019 to May 31, 2020 Amount	
<b>INCOME</b>				
Assessments	\$3,510.92	\$1,410.20	\$1,985.55	\$2,293.91
Dues	22,875.03	22,125.00	21,750.00	22,500.00
Docks	3,550.00	3,550.00	5,790.00	4,990.00
Moorings	1,700.00	1,500.00	2,200.00	2,600.00
Other (interest and prepayments)	2.71	3.06	3.41	-
<b>TOTAL INCOME</b>	<b>\$31,638.66</b>	<b>\$28,588.26</b>	<b>\$31,728.96</b>	<b>\$32,383.91</b>
<b>EXPENSES</b>				
<b>Common Land Maintenance</b>				
Road and drainage repairs	(\$2,031.11)	(\$3,359.47)	(\$6,680.00)	(\$10,000.00)
Plowing and sand clean up	(7,555.00)	(9,425.00)	(8,465.00)	(9,000.00)
Mowing, trimming and clean up	(8,200.00)	(1,050.00)	(2,702.00)	(2,000.00)
Beach area upgrades/drainage	(103.67)	(2,044.23)	-	(1,500.00)
Septic rental	(360.00)	(400.00)	(500.00)	-
Other beach area supplies and repairs	(185.72)	-	(718.30)	(500.00)
Miscellaneous	-	-	-	-
	(18,435.50)	(16,278.70)	(19,065.30)	(23,000.00)
<b>Insurance</b>				
General liability	(425.00)	(452.00)	(425.00)	(425.00)
D&O insurance	(803.00)	(803.00)	(803.00)	(803.00)
	(1,228.00)	(1,255.00)	(1,228.00)	(1,228.00)
<b>Dock &amp; Mooring</b>				
Dock mooring repairs and costs	(224.04)	(1,925.31)	(3,840.50)	(2,000.00)
Bubbler service	(310.00)	(1,160.00)	(340.00)	(340.00)
Mooring costs (decals)	(400.00)	(400.00)	(400.00)	(400.00)
	(934.04)	(3,485.31)	(4,580.50)	(2,740.00)
<b>Supplies and other</b>				
Nonprofit Registration Fee	-	-	-	-
Office supplies and other	-	-	(19.98)	-
Picnic supplies	(86.78)	(302.28)	-	(150.00)
Legal fees	(6,127.92)	(3,170.50)	(1,750.00)	-
Miscellaneous	-	-	(410.70)	-
	(6,214.70)	(3,472.78)	(2,180.68)	(150.00)
<b>Utilities</b>				
	(1,033.88)	(1,097.60)	(1,020.68)	(1,100.00)
<b>TOTAL EXPENSES</b>	<b>(\$27,846.12)</b>	<b>(\$25,589.39)</b>	<b>(\$28,075.16)</b>	<b>(\$28,218.00)</b>
Operating income (deficit) before transfers	\$3,792.54	\$2,998.87	\$3,653.80	\$4,165.91
<b>TRANSFERS</b>				
Road Fund	-	-	-	-
Dock Fund (Savings)	-	(6,814.69)	(3,409.50)	(3,795.00)
Net operating income (deficit)	\$3,792.54	(\$3,815.82)	\$244.30	\$370.91
<b>Bank balances - May 31st</b>				
Checking account	\$13,769.58	\$11,097.24	\$24,204.14	
Road account	\$217.94	\$217.96	\$217.99	
Dock savings account	\$26,925.05	\$33,742.78	\$37,155.66	
New Dock & mooring Checking (closed 2019)	\$14,012.55	\$12,866.01	\$0.00	
	\$54,925.12	\$57,923.99	\$61,577.79	

## **VI. DOCK AND BEACH REPORT**

Rich Francese presented:

All moorings are in and 5 chains needed to be replaced. 4 upper and lower and 1 upper.

8 7 6 4 upper and lower

1 or 3 just upper.

We added some sand to the beach area as it's been washing into the lake in the past few years.

The stairs to the beach area was repaired last fall because the wood stringers were rotting and cracking. All stringers were replaced and an extra one was added to the center for more strength.

We have contracted with a roofer to replace both shed roofs. And during the course of the season we plan to repair the shed doors and paint the sheds.

Loam and grass seed are being added to beach area hills to continue our erosion control.

I ask everyone to abide by the beach and dock and mooring rules.  
Stay safe and have a great summer.

## **VII. ROAD REPORT.**

Jim Shepard presented:

No plans as of now for repairs.

Waiting for estimates.

Continue to make "band aid" repairs

Minimal amount of money in the Road Fund.

### **Other Business:**

Bill Pryor made a motion, seconded by Frank asking to have the Bylaw Committee re-review their charter. He explained that the original mission was to put disincentives into the Bylaws to try and prevent lawsuits. It was felt by one member that doing this shows an act of bad faith and could violate someone's legal rights. Another member suggested clarifying any ambiguities in our current Bylaws. This motion was eventually withdrawn.

### **VIII. Covenant Amendment Vote**

Linda motioned to take the Covenant Change vote, seconded by Carolyn

Here is the text currently contained in the CTBEA Protective Restrictive Covenants:

*1) The premises shall be used for residential purposes only except that the house may be rented when not owner occupied. Mobile homes shall not be permitted.*

Here is what was presented to the Association at the May 23<sup>rd</sup> call:

*1) The premises shall be used only for personal residential purposes by the Lot owner. The owner of the premises may rent the premises for a period no less than 4 (four) consecutive months when not owner occupied. No exceptions allowed. No premise may have more than one rental at a time. Renters are not permitted to sublet or use the Community Recreation Area and Beach Facility. The rental agreement is to be presented to the Board of Directors prior to the rental period. The agreement must include the names of the renters and contact information.*

Here is the final version upon which the vote was taken:

**Amended Protective Restrictive Covenant (Revised)**  
**Superseding Covenant No. 1**

*1) The premises shall be used only for personal residential purposes. The Lot owner of the premises may rent the premises for a period no less than 4 (four) consecutive months when not owner occupied. No exceptions allowed. No premises may have more than one rental at a time. Renters are not permitted to sublet or use the Community Recreation Area and Beach Facility. The rental agreement is to be presented to the Board of Directors prior to the rental period. The agreement must include the names of the renters and contact information.*

Lot	Lot Owner(s)	Present	Proxy Held by:	YES	NO	Absent
1	ANDREW, STEPHEN	y			1	
2	CHEHAMES, GARRETH A & LIVING TRUST	y		1		
3	CHEHAMES, GARRETH A & LIVING TRUST	y		1		
4	FALCONER, STEWART & FALCONER, JOAN	No	N/A			1
5	9 VERE ROYCE ROAD REALTY DONAHER, CORNELIA F.	y		1		
6	SUNDQUIST, RONALD & SUNDQUIST, CAROLYN	y		1		
7	GAUGHRAN LIVING TRUST, LAURA J & GAUGHRAN, LAURA, TRUSTEE	y		1		
8	BOWEN FAMILY TRUST & BOWEN, STEPHEN L. & DORIA P.	No	Rich F	1		
9	ANDREW, ROBERT R, ANDREW, PATRICIA & STEPHEN	y			1	
10	SHEPARD JR., JAMES T & SHEPARD, LILLIAN	y		1		
11	LACROIX, GERARD & LACROIX, JEAN	No				1
12	REYNOLDS, CHRISTOPHER & JULIAN	y		1		
13	SHAUGHNESSY, ROBERT	y		1		
14	DIFIORE D & C REALTY TRUST & DIFIORE, CATHERINE TTEE	No	Carolyn	1		
15	NOGUEIRA, RICHARD & ALEXANDER, SUSANNE MARIE	y		1		
16	ALEXANDER, EDWARD & ALEXANDER, ARDEEN	y		1		
17	BERCKMAN LIVING TRUST	y			1	
18	BLAKE, LARRY	y		1		
19	MCKENZIE, DIANNE MARIE	No	George	1		
20	MAIDHOF, GEORGE P. & MAIDHOF, BARBARA A.	y		1		
21	CHEHAMES, GARRETH A & LIVING TRUST	y		1		
22	FRANCESE, RICHARD A. & KATHRYN	y		1		
23	MORRISON, TIMOTHY D	y			1	
24	SMITH, LEONARD F. & SMITH, LINDA F.	y		1		
25	COULOMBE TRUST & COULOMBE, A. & PRYOR, W., TRUS	y		1		
26	ENTWISTLE, RAYMOND & ENTWISTLE, LORI S.	y			1	
27	HULL, JOHN A. III	y		1		
28	TAMKIN, JONATHAN D & TAMKIN, CYNTHIA C	y		1		
29	JANIAK 2018 FAMILY TRUST & JANIAK, STANLEY & CYNTHIA, TR	y		1		
30	ANDREW, STEPHEN & PATRICIA Z. & ANDREW, MEREDITH M.	y			1	
			Totals	22	6	2
			Total Votes	30		

A discussion on the Covenant change took place, with a question on how we enforce violations once the amendment is added to the Covenants. Reply: we take away voting and beach rights. It was explained that the intent is clear, we want to try and avoid any protracted litigation.

It was further explained the intent is very clear - we do not allow short term rentals. Covenants are referenced in our deeds and explains what an owner is allowed to do with their property. The idea is to prevent it from happening in the first place. If it were to be placed in the Bylaws, which does not run with the deed, enforcement would be after the fact, which is more likely to result in a lawsuit. How we enforce all covenants is explained in the Bylaws. Several attorneys consulted by the BOD said the original Covenant 1 was very weak.

The vote passed with 22 in favor, 6 against and 2 absent.

## IX. Dock and Mooring Lottery

<b>Boat Lottery for 2021 Season</b>				
	<b>Application</b>	<b>LOTTERY</b>		
	<b>50% Deposit Received</b>	<b>YES</b>	<b>NO</b>	
			Guaranteed for 2022	Notes
<b>FRONT DOCK</b>				
Alexander/Nogueira	\$300.00	✓		
Alexander	\$300.00	✓		
Andrew	\$300.00	✓		
Andrew	\$300.00		✓	#10
Berckman	\$300.00	✓		
Blake	\$300.00	✓		
Bowen	\$300.00	✓		
LaCroix	\$300.00	✓		
Smith	\$300.00	✓		
Tamkin	\$300.00		✓	#9
Total Applications	10			
# Available	8	8	2	
Lottery needed	-2			
<b>MOORING</b>				
Cehames	\$150.00	✓		
Cehames	\$150.00			Not accepting
Coulombe	\$150.00	✓		
Entwistle	\$150.00	✓		
Francese	\$150.00	✓		
Gaughran	\$150.00	✓		
Janiak	\$150.00	✓		
Maidhof	\$150.00	✓		
Shaughnessy	\$150.00	✓		
Total Applications	9			
# Available	8	8		
Lottery needed	-1			
<b>BACK DOCK</b>				
Cehames	\$122.50	✓		
Hull	\$122.50	✓		
Total Applications	2			
# Available	2	2	0	
Lottery not needed	0			

## X. Board of Directors Elections

Proposal to keep the current Board of Directors for the year: 2020-21  
 Motion made by Len Smith and seconded by Ed Alexander and passed.  
 Re-elected: Carolyn, George, Rich, Jim, and Linda

## **XI. Adjournment**

Proposed: Carolyn

Seconded: Bill

- Request adjournment @ 11:45

Respectfully submitted by Bill Donaher, Secretary