

Colonel Tuftonborough Estates Association

Special Meeting – 14 September 2019

Held at 10:00 am at the Tuftonboro Town House, Tuftonboro, NH

Agenda:

- I. Call to Order
- II. Roll Call
- III. Discussion
 - A. Next Steps
- IV. Adjournment

I. Call to Order

Meeting is called to order by President Sundquist at 10:00AM.

II. Roll call

Lot	Lot Owner	Present	Proxy Held by
1	Andrew, Steve	✓	
2	Cehames, Gary	✓	
3	Cehames, Gary	✓	
4	Falconer, Stu	N	Disputed Proxy *
5	Donaher, Bill	✓	Dana DiFiore
6	Sundquist, Carolyn	✓	
7	Maughan, Gerard	✓	
8	Bowen, Stephen	✓	
9	Andrew, Rob (Steve)	✓	
10	Shepard, Jim	✓	
11	Lacroix, Gerard	N	Patsy Andrew
12	Morash, Lyndsey and Nick	✓	
13	Shaughnessy, Bob	✓	
14	DiFiore, Dana	✓	
15	Irwin, Bill	N	Jim Shepard
16	Alexander, Ed	✓	
17	Berckman, Frank	✓	
18	Blake, Larry	✓	
19	Porter, Diane	N	George Maidhof
20	Maidhof, George and Barbara	✓	
21	Cehames, Gary	✓	
22	Francese, Kathy and Rich	✓	
23	Morrison, Tim	✓ / N	Steve Andrew
24	Smith, Len	✓	
25	Coulombe, Anne	✓	
26	Entwistle, Raymond	N	No Proxy
27	Hull, John	✓	
28	Tamkin, Jonathan	✓	
29	Janiak, Stan and Cindy	✓	
30	Andrew, Steve	✓	

30 Lots represented as shown:

25 Present (Tim Morrison left before the meeting ended, Donaher present but proxied)

5 Proxy (Donaher, Lacroix, Irwin, Porter, Morrison)

1 No Proxy (Entwistle)

1 Disputed Proxy (Falconer) *

III. Discussion

The first order of business was to have Carolyn explain the purpose of the meeting, which was to conduct a review of the changes that have been recommended by the Covenant/By Law Committee to the Protective Restrictive Covenants for our Association. Each of the changes in the document would be read and a vote would take place among all association members where each lot representative could vote “Yes”, “No”, or “Abstain”. During the discussion several motions were made and some seconded and some withdrawn. What follows below are the results of those motions.

Next Carolyn asked Attorney Lucas to add a few words before the review would begin. Attorney Lucas explained why he was at the meeting. He has been hired by the Board on behalf of the Association to provide advice as we look to amend our Protective Covenants. He suggested that the disputed proxy which was submitted by Gerry Maughan be taken into account as part of the vote and the legality of the proxy could be determined later on if it made a difference. The Board informed Gerry that the proxy was not valid per our existing Protective Covenants as the lot owner in question has not paid up all the dues. Attorney Lucas was also there to collect and count the votes as it was decided to have a secret ballot. A question was asked as to whether we should consider amendments as we did the review and the decision was to consider this.

Carolyn then read the first of the changes to the Covenants:

Each Lot shall be used for residential purposes only. Under no circumstances is the property to be used for any type of short-term rental (i.e., less than six (6) months), which includes, but is not limited to: Airbnb, VRBO, online rental listing site, or in kind exchange, etc. Long-term lease (stay that exceeds more than six consecutive months to the same tenant) shall be allowed. No more than one rental per Lot. No subleasing is permitted. Other than long-term lease agreements, no other commercial use of any type is permitted, although a Lot Owner may use their residential dwelling for a home office so long as no customers or clients receives professional services in person at the residential dwelling.

Discussion ensued mostly around the “less than 6 month” restriction on rentals. Jon Tamkin suggested that 6 months might be too long a period and maybe we should look at something like 30 days instead which may seem more appropriate for short term rentals. He made a motion to have separate votes on different rental durations. It was decided that we would vote 3 times, once for 6 months, another for 4 months, and again for 1 month (30 days). The voting was done using secret ballots and the results were as follows:

VOTE #1: Covenant Item above with (i.e. less than six (6) months)

Yes	No	Abstain (No Yes or No)
15	14	1

VOTE #2: Covenant Item above with (i.e. less than four (4) months)

Yes	No	Abstain (No Yes or No)
15	14	1

VOTE #3: Covenant Item above with (i.e. less than thirty (30) days)

Yes	No	Abstain (No Yes or No)
12	17	1

Since Covenant changes require a majority of the lot owners (30) affected, (16 or more “Yes” votes were needed), the proposed covenant change failed.

A last non-binding vote was taken to help give some guidance on association member’s thoughts regarding minimum rental lengths-of-stay to the future committee looking into this activity. The association was asked to vote as to whether *any* duration of rental might be considered by them, and if so they were asked to add that as a comment on the ballot. People that vote “No” need not add that. The results of that vote were as follows:

VOTE #4: Covenant Item above “Yes”, “No”, “Abstain”; Voting “Yes” – optionally add a suggested minimum duration which would be acceptable to you.

Yes	No	Abstain (No Yes or No)
18	11	1

Next Steps

The Covenant/By Law Committee will reconvene with some changes to the membership: Carolyn Sundquist, Gary Chehames, Barbara Maidhof, Linda Smith, Bill Pryor, and Nick Morash. They will start by re-examining the Restrictive Covenants and moving towards the By Laws. Larry Blake resigned from the committee.

Regarding the next Association meeting, it was not made clear as to when that might happen now that a number of members will be heading south for the winter and it might be difficult to arrange a date and time when most members could be here for a meeting. The next meeting will be determined once the Covenant/By Law committee has had a chance to meet and to develop a new plan of action regarding suggestions as to whether we move forward with updates to the Covenants and/or the By Laws.

IV. Adjournment

- The meeting was adjourned by Carolyn at 1:00 PM

Respectfully submitted by Bill Donaher, Secretary