

## Colonel Tuftonborough Estates Association

Spring Meeting – 28 May 2016 [minutes approved on 8 Oct 2016]

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

### Agenda:

- I. Call to Order
- II. Roll Call
- III. Approval of September 19, 2015 Meeting Minutes
- IV. President's Report
- V. Beach and Dock Report
- VI. Roads Report
- VII. Treasurer's Report
- VIII. Other Business
- IX. Adjournment

#### I. Call to Order:

Meeting is called to order by President Maughan at 10:04 in the am

#### II. Roll call

Lot	Owner	Present	Person Voting	Proxy Held By
1	Andrew, S	Yes	Patsy Andrew	
2	Chehames, G	Yes	Bonnie Chehames	
3	Chehames, G	Yes	Bonnie Chehames	
4	Falconer	Yes	Stu Falconer	
5	Donaher	No	Dana DiFiori	Dana DiFiore
6	Sundquist	Yes	Carolyn Sundquist	
7	Maughan	Yes	Joanne Maughan	
8	Bowen	Yes	Steve Bowen	
9	Andrew, R	Yes	Rob Andrew	
10	Shepard	No	Carolyn Sundquist	Carolyn Sundquist
11	LaCroix	No	Steve Andrew	Steve Andrew
12	Marquis / O'Reagan	Yes	Rob Marquis	
13	Shaughnessy	Yes	Bob Shaughnessy	
14	DiFiore	Yes	Dana DiFiore	
15	Irwin	No	George Maidhof	George Maidhof
16	Alexander	Yes	Ed Alexander	
17	Berckman	Yes	Frank Berckman	
18	Blake	Yes	Larry Blake	
19	Porter	No	Larry Blake	Larry Blake
20	Maidhof,	Yes	Barbara Maidhof	
21	Chehames, G	Yes	Gary Chehames	
22	Francese	Yes	Kathy Francese	
23	Andrew, R	Yes	Rob Andrew	
24	Smith	Yes	Lenny Smith	
25	Coulombe	Yes	Anne Coulombe	
26	Entwistle	Yes	Ray Entwistle	
27	Hull	Yes	John Hull	

28	Tamkin	Yes	Jon Tamkin	
29	Janiak	Yes	Stan Janiak	
30	Andrew, S	Yes	Patsy Andrew	

30 lots represented as shown:

25 Present  
5 Proxy  
0 Absent  
=====

30 Total

**III. Approval of September 19, 2015 Meeting Minutes**

**Motion:** to modify meeting minutes as discussed by Steve Andrew

**Proposed:** Steve Andrew

**Seconded:** Gary Chehames

**Discussion:**

- Steve Andrew suggested a lengthy change to Road Report section, read from notes
- Secretary requested the change request in writing as these are extensive note changes
- Audience question about minutes being a recap of everything, or a summary of the information?
  - o Several members indicated this should be a summary
- Linda Smith suggests that we amend the motion to provide the meeting minutes in conjunction with Steve Andrew’s suggested changes to everyone and vote later
- Original proposal withdrawn
- Steve Andrew requests Madame Chairman to request proper decorum, done
- As soon as receive notes from Steve Andrew in writing, Secretary will send both the fall 2015 minutes and the suggested updates to everyone

**Motion withdrawn**

**Motion:** to move acceptance of fall 2015 meeting minutes to the fall 2016 meeting

**Proposed:** Linda Smith

**Seconded:** Gary Chehames

**Vote:**

- 27 for
- 3 Against
- Motion carried with a majority

**IV. President’s Report**

Joanne Maughan presented.

- President Maughan welcomes everyone to the Colonel Tuftonborough Association’s annual meeting.
- New members John and Kelly Hull, purchased the Butler home. Barbara and George Maidhof, purchase the Laramee home. Kathy and Rich Francese purchased the remainder of my parent’s home and are now the sole owners. Congrats to all. We are happy that Stu Falconer is beyond all his medical issues and can enjoy the lake.
- Winter was a rather mild winter with the ice out occurring very early. Highlights of each area will be discussed by the board member responsible. Thank the board members for great work this winter.

- Beach: second level of the beach area needs some work and Rob will expand on this in his discussion. Will need repairs done to one of the sheds as last fall we briefly patched the roof on the one shed. Rob Marquis will speak about the plans for 2016 and what has already been accomplished and what needs to be completed and some issues that have arisen.
- Our liability insurance does not cover the water or our dock. Please be aware of that for your family and guests, our liability policy only covers what occurs on our communal land.
- Roads: used the same company to sweep our roads. Able to negotiate the same price as we had for the past two years. As directed by Association members at last year's fall meeting, we set out to patch the roads. Sunday Paving and Sealing from Wolfeboro Falls did the work. Bob will speak to our plans for 2016. This past year we had only one major tree come down. Our relationship with our tree vendor enabled us to get priority same day service to clear the road and then come back and get rid of the debris. Bob Shaughnessy will talk about the ideas he has been working on for 2016 during his report.
- Finances: have had some delinquencies this past year but as of today all dues have been paid. Larry will go into further detail shortly. Larry will give the financial report.
- Community: we are a community and a community works together. We need to work together and volunteer. If we do not have volunteers our costs will go up. Reminder of the Gmail account to which you could send in your comments, suggestions, questions and the like. We also use it to send out all correspondence from the board, and try to let our members to know what is happening on a timely basis.
- Transparency, to you, our members. We communicate with members electronically which is environmentally friendly, saves mailing costs and informs members instantly of Association matters. This is especially critical because many members are away during some part of the year. Email has allowed us to tell you how we are handling a tree down across the road.
- We all look forward to a happy healthy summer.

#### Discussion:

- Larry Blake: question to Jon Tamkin – what if something happens on the dock?
- Jon Tamkin suggests that each homeowner's policy must have a rider that covers in the CTEA area, and also in everyone's boat policy.
- **ACTION – Joanne:** share the write-up regarding insurance from a few years ago
  - o *Jonathan Tamkin legal comments from 2014:*
  - o *Members should check their individual homeowner's policy and then with their agent to make sure they have "assessment coverage". I believe it is typically included as an endorsement to one's homeowner's policy when the policy is written with the knowledge that your home is part of a homeowners association. So you first probably need to make sure that the policy addresses membership in CTBEA and one's use and rights to the common roads and beach area etc, and then that they have assessment coverage.*
- Question: should we put a notice on the dock?
- Gary Chehames mentions a rider on his policy that would cover if the CTEA insurance portion is not covered in the dock. Would have to refer to everyone's insurance company. A rider can be covered in case of a special assessment due to a CTEA issue (e.g. 50K per lot)
- Carolyn Sundquist: a sign would be helpful – "swim at your own risk"
- Rob Marquis: we have that today

- Jon Tamkin: should we consider this upon renewal of policy next time? Joanne Maughan says yes we should quote on this. Joanne Maughan could not get a quote last time that would cover the entire dock liability, or if we could insurance cost would be prohibitive
- Further open discussion: could we transfer ownership of the docks? Would that change anything?
- General agreement to keep insurance policy as is and make all owners aware that they need a rider.

## V. **Beach and Dock Report**

Rob Marquis presented

Beach report:

- Early ice-out this year, we are up and running at the waterfront. Moorings are in and verified
- Port-o-potty is in place
- 1<sup>st</sup> pass of landscaping occurred, 2<sup>nd</sup> pass coming
- Furniture going out this weekend
- Issue of erosion under the lower canoe rack – there is a hole. Quoting out now with contractors for fill and a plan to prevent the erosion again once hole is repaired.
- Hole in a shed roof, patched last fall, this will be fixed. Minor repair, will prevent water and bees from entering
- Execute on permit for sand, given the amount of erosion
- Docks: aware of condition, looking for any concerns, any aging and vulnerable areas that should be addressed
- Judy & Carolyn’s suggestion for a sign regarding no trespassing is well taken, Rob to investigate

Trespassing:

- Issue with trespassing from abutting neighbors. There is a no trespassing sign at the end of Senter Cove road. Non- CTEA members should not be on the lot for: e.g. take a boat out on our beach over the cement – with pick-up truck, and same trespassers. Problems with kids who should not have been on the premises.
- It is OK to ask someone whom they are with, please do not be insulted, this is all about keeping the property within the realm of the CTEA.
- “no pets allowed on the community beach property” interpretation of the covenant, then should apply to all restrictive covenants – Board to check. Or is this about the beach area only?

Jetski (PWC) discussion:

- Stan Janiak: (Summarized text provided via email by Stan Janiak).
  - o Is it possible to install some seasonal jetski lifts to the left of the beach to accommodate short term usage by Association Members? Alternatively, if there is space available on the back dock after satisfying tenders used to access moored boats, should we utilize the available space on the back docks for short term jetski assignment(s)? In addition to accommodating jetski usage by Association members, either option could be supported by a modest fee, perhaps ½ the charge that Lanes End Marina charges. Weekly and weekend assignments seem the most likely. I'm raising this topic as I see Jetskis increasing in popularity and they are used differently than the boats we have on the docks and moorings. They are too big to qualify as

tenders under our Association rules. Their infrequent and special occasion usage support temporary assignments. I'm interested in other members perspectives on this topic. Joanne indicates that the State was asked and will not approve any additional items on the waterfront, however we can use the back dock.

- John Hull: is there is an opportunity to put in a jetski only for weekends? Or for a period of time.
- Steve Andrews: State grants us 8 moorings, 8 dock slips, and 2 back slips
- Gary Chehames: when the dock was approved, this was part of the original approval configuration. Apparently can't create more dock space, however can reconfigure in terms of # of finger slips. We designated for 2 smaller boats on the back dock. Back of dock was meant as "extra" for tenders, etc. Joanne asked the State last year, if there was a limitation on the back dock – State indicates we are OK.
- Bob S: would it makes sense to reconfigure that back dock to accommodate more jetskis?
- Joanne: great ideas – Stan & John short term rentals?
- Larry Blake: who would organize the rentals for jetski – only CTEA, only insured, same registration requirements, etc?
- Joanne: there is some automated processes, there are many online calendars.
- Bob S; we should investigate either lift, or configuration for more jetskis on the back dock. If worried, should we put up the swim ropes up this year?
- Frank Berckman: do watch out for any taxable issues. Joanne reminds us that we file annually as a non-profit association
- Steve Andrew: agrees to using space in the dock area, we should watch out in terms of boats, insurance, etc.
- Joanne: reminds us that CTEA receives boat registration and all insurance policy information. Smaller boats may be under homeowners policy vs boat insurance. Steve Andrew asks if all boats in 2015 met these requirements – Joanne mentions the Board has copies of all registration and insurance documents.
- Stan Janiak: demographics have changed, we now have more jetskis. We know that if we can't accommodate jetskis they may become part of the lottery and take up spots for larger boats. We can solve this as a community in terms of options to accommodate temporary (not all season) use of jetskis?
- Bonny Chehames: can we investigate the use of the lifts? Joanne will investigate, to make sure that we are not losing a mooring if there are jetski lifts.

Barbara Maidhof: complained about common property area cleanout, was not as good as last year. Needs better cut out around stairs, and grass was extremely long until mowed yesterday. Rob Marquis mentions he is not satisfied with current work, and is pursuing.

Dogs and the waterfront discussion:

- Jon Tamkin: point of information – do we have to carry dogs to the boats? Are they allowed up to the fence and not past the fence? Board will recheck the restricted covenant and provide input.
- Dana DiFiore: asks if anyone has a problem if dogs are up on the top before the fence? Is there any problem to take dogs to the boats – should be on leash.
- Joanne Maughan: OK to take dogs to the boats around the grassy area to the boats, while on leash.
- Anne Coulombe: bought this place reading all the information in the rules --- dogs should be able to go from private property to boats, and enjoy the waterfront with their owners avoiding the sand and lower level areas, and fine if this means up to the fence on top

area. John Hull and Linda Smith agreed. Audience provided general agreement with multiple voices at once.

2016 mooring allocation was sent with the meeting invitation – pasted here for convenience:

### Mooring and Docks for 2016

**MOORINGS**

ENTWISTLE	MAUGHAN	FRANCESE	MARQUIS/O'REGAN
COULOMBE	CHEHAMES	ANDREW	JANIAK

**DOCKS**

SHEPARD	SMITH	BOWEN	BLAKE	TAMKIN	ANDREW	FALCONER	BERCKMAN	GUEST DOCK
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**BACK DOCKS**

						PORTER	CHEHAMES	
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#### VI. Roads Report

Bob Shaughnessy presented

Overview:

- Talked to several engineers
- Talked with the Roads Committee
- VP of Tighe & Bond who does work with other communities, and familiar with state regulations came for a walk through at no charge
- For planning in the future – we need to address the drainage, then we will not have road issues
- We spent 35K patching the roads in the last few years – we did entrance and top of the hill. We need a solid plan to ensure we are spending the CTEA money in the right place
- Process (to be clear on where Bob is coming from):
  - o Planning : where we are now
  - o Get organized, allocation resources
  - o Execute on plan – put in contract
  - o Bob does not want to spend \$300K on fixing roads

Discussion about court decree information:

- Bob Shaughnessy: lawsuit about the drainage area between Bob Shaughnessy and Dana DiFiore – prohibited the developer putting in the pond
- Rob Andrew: indicates he was prepared in past to explain the outcome of the court decision, not prepared today. Court case settled 40 years ago, with information about keeping the culverts clean, water on properties, egress out to the lake – there was to be two ponds.

- Joanne Maughan: requested that Rob Andrew provide the court documents in the next few weeks, so we can share with everyone prior to the fall meeting
- Rob Andrew can present at the meeting in the fall. Frank suggest the Board should have this first.
- Jon Tamkin: would like a copy of the court decree as early as possible.
- Rob Andrew: asks that we please do not spend money until we review the court decree, as the outlets are there.
- Bob Shaughnessy: if the CTEA members would like – we can go over what the court ordered and what the plans are at the fall meeting
- Dana Fiore: Did purchase property and not have any retaining pond – Rob Andrew, this may open a can of worms until the membership sees what the court order was.
- Gary Chehames: suggests that the proposal may be too encompassing at this time: survey of development, existing plans vs what is implemented today. I sure that the information that Rob Andrew provides will be factual. Let's look at that information before we make a decision.
- Jon Tamkin: if there is a court decree that spells out what we can / can't do – Tighe & Bond is a fantastic company, their engineer really needs the information about the court decree first. We need the information about the restrictions and the court information.
- Bob Shaughnessy: should the engineer review the court information, and come back in the fall? We need this key information before proceeding.
- Steve Andrew: suggests that we do not have a real road committee – although did a walkthrough with Bob Shaughnessy and the Tighe & Bond engineer (Bob S, Patsy & Steve Andrew). Discussion about several lots and what the Tighe & Bond engineer commented on during the walk through – essence of which is water runs downhill, and several areas can be addressed to enable the downhill movement of water into culverts. Some fixes already exist, and need to direct water to appropriate locations e.g. Janiak's, Maidhof's, berm on Vere Royce property.
- Patsy Andrew: if culverts were cleaned, small rocks at the top of the hill, and larger rocks on the bottom, water would flow slowly and freely
- Frank Berckman: reminder that the CTEA has a 50' road bed, he has a copy of all recording of all property locations at the Registry of Deeds, culverts, drainage basins. Would need easements from the people on the bottom of Senter Cove to enable the 2<sup>nd</sup> catch basin.
  - o Water in the roads is creating issues, water is supposed to be in the culverts. Get rid of the rises on the roads so that water goes into the culverts properly.
- Jon Tamkin: who owns the culverts? Joanne: mostly CTEA – 50' wide, road is about 30' wide, so about 10' on each property. Road not quite in the middle of all this. We need to do something – we have patched the roads, this is expensive and we need to talk about it.
- Gary Chehames: does not have any other docs about the roads, provide information he already had to Rob Andrew.

- Frank Berckman: possible some of this is in the court decree. Does have plans for the titles.

#### ACTION for Roads Committee:

- Get court decree from Rob Andrew, first, no proposal until we have read all this
- Share information with all members
- Everyone who has a culverts - should allow free flowing water, and keep it free of debris
- Engage conversation with engineers and others, only once have the information about court decrees

#### VII. Treasurer's Report

Larry Blake presented

Cindy Janiak:

- Questions conditions required to sand? Sometimes tough to get up the hill on Senter Cover, yet could get around Vere Royce

Joanne Maughan:

- Usually about 1" of snow or icy conditions warrant sanding. Dana was eyes and ears this winter for any special requests. If you have issues, please do say something, call Joanne or Larry, or anyone.

Larry Blake:

- Any questions about financials? These are draft, and not quite end of the month. Please ask any questions that may come up email: [coloneltufton@gmail.com](mailto:coloneltufton@gmail.com)
- On docks / removal: to answer why is amount of money in fund going back up this year? Last year's work was good, coming next year will have to start working on some of the attachments to the blocks themselves.
- Discussion about single or multiple bank accounts:
  - o Larry Blake: in regards to bookkeeping – now that the bank will not charge us fees for separate account, we should we split into two sets of accounts. Stan Janiak agrees
  - o Gary Chehames: this is totally against the court consent decrees mentioned last year. Too much money in the dock fund, and is not clear how the information is made available. Do we have too much money in the account?
  - o Joanne Maughan: \$14K in the general account, rest is in the dock fund (would allow us to replace the dock hopefully with no assessment.
  - o Gary Chehames: essence of the dock fund, to be established to install, replace, maintenance of the dock. ½ of the user fees from mooring and put the other half in the general fund. That would have been fine if we had started this at the beginning of CTEA and charged enough for the moorings. Uses the dock fund as a "synching fund"
  - o Joanne Maughan: in response from our lawyers – what is left in the general fund (of the ½ from the dock fund) should be used for the maintenance of the docks and moorings.
  - o Gary Chehames: because we have mooring and dock funds so low, this is using part of funding.

- Joanne Maughan: most of the money in general are actually coming from the general funds. Dock and mooring in the general funds of approx. \$10K could be separated into this plus the dock fund together
- Joanne Maughan: says our attorney confirmed that we are properly declaring the funds and what each funding group is used for. The attorney suggestion is to open a new account that would separate docks and mooring and the entire general funds.

**Motion:** move that CTEA create separate accounts for a) general fund (checking & savings) and b) docks and mooring funds (checking & savings)

*Proposed: Linda Smith*

*Seconded: Stu Falconer*

Discussion:

- What is part of each account: checking + saving for dock funds
- Checking & savings for general fund

**Vote:**

25 for

4 against

1 absent

Motion carries by majority

**Motion:** to approve finances as presented by Larry Blake

*Proposed: Jon Tamkin*

*Seconded: Ray Entwistle*

**Vote:**

24 for

5 against

1 absent

Motion carries by majority

## VIII. Board Election – Results from Annual Meeting

Nominations:

- Nominating the current board:
  - Jon Tamkin nominated the current Board
- Other nominations:
  - George Maidhof nominated Gary Chehames
  - Patsy Andrew nominated Stan Janiak
- Accept or decline the **nomination**
  - Joanne Maughan accepts nomination
  - Bob Shaughnessy accept the nomination, wants to see drainage addressed
  - Larry Blake accepts nomination
  - Rob Marquis accepts nomination
  - Anne Coulombe accepts nomination
  - Gary Chehames accepts nomination
  - Stan Janiak accepts nomination

Scrutineers (non-Board members):

- Ray Entwistle and Jon Tamkin
- 29 ballots distributed

## Board Election Results:

Name	# of Votes	Elected
Larry Blake	23	Stepped down after votes read
Rob Marquis	20	Elected
Bob Shaughnessy	17	Elected
Stan Janiak	16	Elected
Joanne Maughan	15 - tie	Elected
Anne Coulombe	15 - tie	Elected
Gary Chehames	12	Not elected

## CTEA Board composition for the upcoming year:

Joanne Maughan      President  
Anne Coulombe              Secretary  
Stan Janiak              Treasurer  
Rob Marquis              VP Beach and Waterfront  
Bob Shaughnessy      VP Roads

## IX. Other Business

Dana DiFiore:

- Look into the possibility of trimming the trees on Mason Rd. Board will work on this, last trim was approximately 18 months ago.

Lottery discussion:

Carolyn Sundquist: speaking for Jim Shepard

- Please return the lottery to the spring meeting, because we did not vote on this

Joanne Maughan:

- Came from the spring 2015 meeting discussion last year – so we do not double dip, and/or put boats in the water before there is clarity

Linda Smith:

- Other suggestion, do the boat lottery Labor Day weekend outside the meeting to allow for results at good time of year. Put everyone who desired a slip / mooring in the lottery even if have guaranteed spot next year --- all spots would be allocated and guarantees would stay

Joanne Maughan:

- Now done in Labor Day weekend – then if there are sales of property during the summer, they would be included.

Gary Chehames:

- Requests clarification if we are doing a motion, or discussing the possibilities

Barbara Maidhof:

- In years past – used to get calls about getting the boat in the water before 15 June to ensure we used the mooring or slip.

Gary Chehames:

- (as presented by Gary via email after the meeting – therefore not discussed with entire membership) “in 2001 a committee was formed to formalize the rules for securing dock spaces and moorings. It was necessary because a lot of very unfair practices had crept

into the selection process. It was universally agreed that lottery had to be conducted one year in advance of a boating season in order to afford "lottery losers" sufficient time to make alternative arrangements for their boats. Also, the rules needed to be formalized to prevent various misunderstandings that were frequently occurring. The results included the following:

- 1- A lot owner member could only enter one of the three lotteries.
- 2- Lottery winners could not have a boat that exceeded certain "maximum" size limitations and their boat size would no longer have to exceed a "minimum" size.
- 3- Lottery winners have exclusive use of their dock spaces or moorings with no requirement to "occupy" by a certain date or to use it continuously.
- 4- Lottery losers will automatically get the dock space or mooring they vied for by being treated as a "winner" in the next lottery, but this would be negated if they optionally elect to take a dock space or mooring that might become available for use for the season they originally vied for, in which case, they do have to "enter" the next lottery.
- 5- Other matters were clarified also." This was the intention of our current rules."

Discussion: make this a personal decision to give up a guaranteed position; then next person on list can be offered the slot

Discussion of when lottery is done. And when you get the offer (early or late)

Right now scheduled for Labor Day weekend, the August fees must be paid to qualify (not part of a fall meeting)

**Motion:** *Jon Tamkin proposes a fall meeting*

*Proposed: Jon Tamkin*

*Seconded: Dana DiFiore*

Discussion:

- Do we need a fall meeting? Motion allows for discussion
- Barbara Maidhof requested that there be no fall meeting as the board needed more time to research and obtain the information re the roads and drainage system in order to present a thorough report to the members of the association.

**Vote:**

- 18 for
  - 10 against
  - 2 absent: Smith, Alexander
- Motion carries by majority, date to be confirmed during summer months

Jon Tamkin:

- New Caldwell Banker broker sign is obstructing the view and turn onto Senter Cove. Jon Tamkin requests that Board investigate which house this is for and request the sign be moved or taken down.

Stan Janiak:

- Suggests a draft of meeting minutes within 3 weeks

Anne Coulombe:

- As Secretary, agrees to share draft minutes within 3 weeks

## **X. Adjournment**

Jon Tamkin:

- Request adjournment @ 1pm

Respectfully submitted by Anne L Coulombe, Secretary