



Minutes for August 31, 2013 Meeting

Attendance: Carolyn Bird, Arthur Bradley, Marylou Bradley, Tom Colarusso, Joe Coletti, Jennifer Gallucci, Patti Howard, Paul Howard, Jim Knox, Claire Know, Tom Lavoie, Angela McLeod, Mike McLeod, Brian Thomas, Ken Lefebvre, Kim Kusiak, Tom Greenough, Eleanor Fieldhouse, Tom Mayo, Bob McLintock, Jon Friend, David Moore, Charlotte Moore, Jeff Huston, Frank Carvalho, Mike Mitskewicz

With Quorum met, Tom Colarusso called the AVIA August 31, 2013 meeting to order at 9:13 am.

Brian Thomas gave a brief presentation on behalf of the Moose Pond Association. Highlights include:

- Courtesy boat inspections in Denmark detected milfoil coming into Moose pond via a bass boat from Sebago
- A pump has been replaced at courtesy boat washing station
- LEA testing on Moose pond revealed that oxygen is low and phosphorous is high due to run-off into the lake
- Moose Pond has one of the best clarity levels of lakes tested
- Moose Pond has the highest level of Gloeotrichia of waters tested
- The overall health of Moose Pond is OK

- A watershed survey will be going out soon
- Grant money ends this year, so submit any receipts by Sept/October for potential partial reimbursement

A motion was made and seconded to accept the minutes from the May 25, 2013 meeting, and the motion was passed.

Beach Committee Report: Paul Howard

More picnic tables were purchased with extra money in the beach budget. Paul would like to purchase 4 more four-foot tables, at a cost of \$90 per table.

Gravel was distributed on the path to the small beach. Steps of small beach need to be dug out and redone. An extra berm will be installed to assist with run-off diversion at the small beach, as well as at the end of the path from The Birches. Associated cost for above improvements: \$750.

Questions and discussion of the sand reclamation from Sucker Brook were initiated by Bob McLintock. Complaints were made about the quality of the sand that was distributed in the process, but Paul explained that the process we used was recommended by both the DEP and LEA, and fit within the the strict guidelines we were given. The sand will eventually bleach out, but it will take time.

Swim Ropes: A potential problem with swim ropes was discussed, after Lakeside Condos went to the town to extend their ropes. Maine state

law prohibits swim ropes, but law is loosely enforced. AVIA needs to prepare for the possibility that we could lose the ropes in the future.

Tom suggested budgeting money for beach materials, re-launching the old swim float and establishing a barrier with buoys and docking as a possible solution. Mike McLeod mentioned that Camp Winona has “no boats” pylon buoys, which could also be considered. Mike also mentioned that our swim ropes are in poor condition, and while replacing them may not be an option, AVIA needs to be aware of the status of the ropes. Eleanor Fieldhouse asked who enforced the “no swim ropes” law, and Brian said there is a Code Enforcement Officer who handles this.

Boat Dock Committee Report: Mike McLeod

Mike reported that there were no major issues with the boat docks this summer. There was 1 repair project and resurfacing of one dock. More resurfacing could be done with money in the budget. Anchors have held up well. There is 1 available boat slip.

Earlier in the year, a boat did sink at the docks. Thank you Paul, Joe and Jeff for assisting in the rescue. Mike urged boat owners to check their boats frequently!

Boat docks will be removed on Tuesday, October 15th.

Treasurer's Report: Carolyn Bird

Carolyn reported that our current checking account balance is \$32,055.93. Carolyn had great success in collecting past due monies

from AVIA members. Per Tom, AVIA will be keeping track of past dues owed per deed. If a property sells, we will attempt to collect unpaid dues at that time. Carolyn also stated that if a member not in good standing wishes to rent their property, renters are not allowed access to the beach until dues are paid. Jeff Huston brought up filing liens against delinquent property owners, and Ken LeFebvre explained that liens do not expire, and if filing one, be specific about monies owed. Tom expressed that the cost to file a lien is not worth collecting \$40 dues per year.

Carolyn proposed increasing beach budget by \$3,000 to account for materials needed for beach improvement.

Bob requested that, going forward, members receive a projected budget for the new year prior to AVIA meetings. This would include a summary and the current financial report. Jeff Huston added that it would be helpful to include the prior years' budget for side-by-side comparison. Carolyn will provide a Treasurer's report 1 week prior to AVIA meetings going forward.

Carolyn asked if it was possible to change due date of fees to January instead of May. This would allow time for collections, and by May, be fully aware of who is in good standing. Per Tom, the bylaws do not allow for this. Carolyn also requested that delinquent members names be published in the AVIA minutes. Kim Kusiak asked if late fees could be assessed for late payers. Tom stated that this is deed-dependent.

Tom asked for a motion to be made to approve the amended budget. So moved by Claire Knox, seconded by Mike McLeod. Motion carried.

Old Business

Tom opened with a deed language update. A handful of owners purchased beach rights in 2000, and some deeds were not recorded. He questioned how we want to administer the varying deed language. Much discussion ensued:

Bob stated that a clear cut deed was supposed to be given out, which was part of the Purchase & Sale agreement many years ago.

Tom reiterated, and Jeff supported that a conveyance deed needed to be created to grant beach rights. Tom stated that nothing in bylaws prevents AVIA from using new deed language going forward.

Frank stated that he purchased beach rights in 2000, and his easement deed was never recorded. He wants the language from the year 2000 deed to be recorded, rather than the new easement deed language.

A question was raised about the key differences in the two sets of deed language. Tom stated that the new deed:

- 1) Contains language that restricts overburdening
- 2) Collection of fee process
- 3) There must be a home on the property to be granted rights

Tom Mayo stated that AVIA owes Frank the beach rights that were granted to him in the year 2000, and that AVIA is at fault for not recording the deed at that time.

Bob stated that the prior documents insisted that the easement deed be used. Tom replied that the new deed language is more protective

than the old language, and should not be construed as negative in any way.

Ken stated that he has reviewed almost every deed in the association, and the language that Bob insists is in the association deed was never recorded in the Purchase & Sale agreement. While the intention may have been there to convey specific rights, what counts is what is legally recorded.

A motion was made for AVIA to grant the Carvalhos and other members who purchased beach rights prior to 2012, the deed language that existed at that time. Seconded by Mike.

Discussion: MaryLou asked if this includes unbuildable lots, which Tom confirmed.

Motion passed, with 1 member abstaining. AVIA will pay to record these deeds.

Tom Colarusso, Tom Lavoie and Ken Lefebvre will head up a subcommittee to work out an administrative process to have members voluntarily adopt the new deed going forward.

New Business

Tom presented the new board for 2013:

Joe Coletti- President, Bridget Sarris- Vice President, Carolyn Bird- Treasurer, Jenn Gallucci- Secretary, Tom Colarusso- Immediate Past President, Dave Ham- BOD Member at Large. Brian Thomas is the new "At Large" member. No additional nominations were made.

A motion was made, seconded and passed to accept the new board.

Fireworks on the beach: complaints have been made about fireworks on the beach. State law prohibits fireworks after 10pm.

Tom Mayo stated that no fireworks should be set off from the beach to avoid liability. Tom made a motion that, in accordance with Maine State Law, no fireworks shall be ignited from association property. Brian seconded the motion.

Discussion: The law states that written permission by homeowners can be given in order to ignite fireworks.

An amended motion was made that AVIA shall not give written permission to use fireworks on association property. Motion was seconded and passed.

A reminder was once again issued about the walking paths in AVIA. There are to be **no motorized vehicles** used between lots 53 & 57 (Small beach), and lots 61 & 62 (The Birches).

Use of the firepit: please be respectful of surrounding homeowners, and clean up the area after each use.

Arthur brought up the subject of old aluminum boats on the boat rack. Paul reported that a new rack will be employed for lesser used boats, and that a request be made to owners to move or remove old boats. Claire Knox is interested in purchasing this type of boat if anyone is selling theirs.

A motion was made, seconded and passed to adjourn the meeting at 11.05 am.

Respectfully submitted,

Jennifer Gallucci, AVIA Secretary