

Sunday, June 28, 2020

Breezy Knoll Meeting Minutes

Meeting called to order by President Mike Held

Proxies: no proxies

Approval of Minutes - Minutes from the August 2019 minutes were approved

Memories of Joanne Siegmund

Old Business - Committee report were circulated prior to the meeting and not reviewed during the meeting.

New Business

By-Laws Revisions - The by-laws committee was tasked with bringing the Breezy Knoll by-laws up-to-date and cleaning up seeming contradictory provisions while retaining the spirit of the community. It was asked to address areas of contention that frequently arise as well as potential issues that could come up for new owners.

The community extended its thanks to the committee who worked hard and carefully all year to come up with these thoughtful revisions. We also thank to Leo for the wonderful foundation.

Bloc 1: minor amendments - cleaning up wording changes, pronouns, email, etc.

A question arose as to whether the association is in Morris or Bantam? BK association deed says Morris and the committee checked with our lawyer that we are incorporated in Morris.

Bloc 1 passed

Bloc 2: - 7 specific amendments.

Discussion about homeowners insurance and association liability coverage. There was a decision by the committee to require liability coverage but leave the details to the homeowner (who will not be asked for proof of insurance). The association's liability insurance does not cover damage incurred by an individual homeowner. Community requested that the board put details in the rules about operating procedures relative to insurance.

Bloc 2 passed

Bloc 3: membership application and termination

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The committee explained that it wanted to remove termination and exclusion of people from the community as a penalty/enforcement mechanism.

1. Discussion about the right of first refusal — it will continue unchanged. The board noted that it has reviewed proposed home purchases and consulted with outside counsel on how exercising the right of first refusal would work.
2. A discussion ensued as to whether certain homeowner deeds were in conflict with these changes. It was noted that outside counsel for the Association had reviewed all deeds and that he had opined that the proposed changes were not in conflict with any homeowner deeds. That said, there was general agreement that in the event a specific homeowner deed was in conflict with these changes that legal counsel would be needed to resolve the issue and that in the event of a conflict, changes to the bylaws could not override legal rights set forth in the deeds.
3. Long discussion about pre-vetting new members. Some want, many oppose. There was consensus to have further discussion on this issue at a future meeting.
4. Noted that two houses are for sale and want to be clear that once they go into contract, they should receive the current by-laws (as amended).

Bloc 3 passed

Bloc 4: 3 season community

Committee explained that the goal was to keep the community what it has always been and that the idea is to define what the association's responsibilities are rather than dictate to homeowners what they can do. The committee noted that only a small number of homeowners currently use their homes year-round.

1. Discussion about whether this has been a recent budget discussion — one homeowner noted that it hasn't been discussed in a few years and questioned why we would put it into the by-laws, which would make it binding rather than addressing as the community evolves. Response that there was a desire to convey in the by-laws the nature of the three-season community so that newcomers do not expect services year-round. Also noted that the budget can include additional spending in the future even if this is in the by-laws.
2. Comment that individual homeowners already pay for snow plowing and that the amendment would not prohibit individuals from paying for plowing.

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3. Comment that there is a concern that we need access to our homes in the winter to comply with individual insurance. Response that people are not actually coming up in the non-winter months to check on their houses.
4. Suggestion to put in rules rather than in by-laws so that it's easier to revisit.

Bloc 4 did not pass

Bloc 5: rental restrictions

Committee explained that we want to make it clear that Breezy Knoll is an owner occupied community and not a rental community. The restrictions will not become effective until the summer season of 2021 and will allow one in-season rental and one off-season rental. The language about a calendar year will be deleted.

1. Discussion about the definition of in-season. Committee responded that they were trying to keep original construct of when people are here but expand the season from the original definition of June 1-Memorial day to Labor Day weekend - September 30.

Bloc 5 passed

Bloc 6: construction

Committee explained the goal of maintaining the aesthetics of the community. All houses are currently one or two stories and want to keep it to that. The recommendation for a construction bond responds to history of contention about who has caused what damage, which contractors may have caused damaged when there is more than one on the grounds, repairs that are made without consulting the grounds and tree committees, etc. So the idea is to make consistent repairs to problems caused by contractors and avoid conflict with individual owners and contractors.

1. Decision to move the requirement to share plans with neighbors from the by-laws to the rules.
2. Question about who decides when the \$500 is deemed returnable? And how disputes would be resolved? The committee answered that the relevant committees and board will play a role (tree, grounds) and that the language is deliberately not overly specific so that we can work with homeowners to work out any disagreements.
3. Question about scheduling construction, consulting with neighbors, application to interior construction. Suggestion to change to "consult" to "notify". The committee

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explained that “consult” implies that back and forth is expected between homeowners but no approval is required. Also noted that there can be noise even with interior construction and that the goal is to reduce contention.

4. Suggestion that contractors could post bonds and should have certificate of insurance. Response that that relationship is between homeowners and their contractors. We are addressing the relationship between homeowners and do not want to be in relationship with other homeowner’s contractors.

Bloc 6 passed

Bloc 7: fines and penalties

Committee explained that the fines and penalties section is related to the changed approach to membership. The only current penalty for rules and by-law violations is to deprive homeowners of access to facilities. This is unlikely to ever be used. Currently, the association president receives emails about people violating rules and can really do not more than ask the individual to not violate the rule without having a way to get compliance with the rules. The committee noted that the language is deliberately vague rather than prescriptive and that it trusts the board to use the authority wisely.

1. Comment that this provision is not in keeping with the history of the community, that it detracts from what we have built together. Response that we need rules to create a more harmonious community and there has to be something that can keep people in compliance with the rules we all agree to, noting that over time, people have become less observant of the rules.
2. Comment that board will act responsibly and rationally — there will be first steps. We are talking about unusual and extreme circumstance when people flout the rules repeatedly. Not practical to be so idealistic and these are minimal changes that will depend on the good sense of the board. There has been and will be a lot of change in the community and that should be reflected in the by-laws.

Bloc 7 did not pass

Bloc 8: proxies

Note that the language was revised to say “no more than two” proxies and that the community agreed to vote on the language as revised.

Bloc 8 passed.

Bloc 9: golf carts - there was no discussion.

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Bloc 9 passed

Other New Business

- July 4th - Anne Kohn volunteered to organize.
- Karen H continues to discuss group rates with Bantam Wessen. Once there is an agreement, she will let us know and each house can opt to sign an agreement based on the community rate.
- Dumpsters - there continues to be problems with proper use of the dumpsters. The community requested that the dumpster committee look into it.
- Climbing vines — please pull out the bittersweet, please alert the tree committee if you cannot do it.
- Insurance - working to clarify our policies for workers comp (do we need?) and liability. Will write FAQs
- Reminder to run outside faucets after the meeting for 30 minutes

Motion to adjourn

Motion to adjourn - seconded - adjourned