

2014 LEHA ANNUAL MEETING MINUTES

July 26

The meeting was called to order by Carmen Anastase at 10:00 a.m.

A quorum had been reached - 18 present and 11 by proxy.

A. A motion was made and seconded to accept the 2013 minutes and waive their reading.

B. Treasurers Report:

Kathie Jameson explained that LEHA's accounts have been consolidated in to one account at Key Bank. BOA has very few branches left in Maine, so a switch was necessary. In setting up the new account, we had to obtain an Employer Identification Number(EIN), which apparently we should have had long ago. The IRS penalized us for not filing taxes, and we consulted an accountant who recommended that we file the past three years of state and federal taxes. Thus far we have not been approached for anything beyond those three years. Joe Longtin commented that we had to file a specific form for past taxes and that caused us to owe money. This year we were able to file a special form available to HOA's that meet certain criteria, and LEHA paid no taxes. We should owe zero taxes from this point forward. Kathie commented that Joe found an error on the accountant's form and was able to get us several hundred dollars back. Joe is now kindly doing LEHA's taxes! We currently have \$32,597.23 in our Key Bank account and no liabilities. There was a question regarding how the tax situation came about. Basically, we are incorporated as a Maine nonprofit and were under the impression that we were not obligated to file taxes. It was mentioned that perhaps our lawyer should have made us aware of this situation.

The Treasurers Report was approved. Thanks to Kathie for wading through this tedious and time consuming task.

C. Committee Reports:

Road - Joe stated that the road is basically in good shape. However, “the hill” is bumpy and its condition needs to be addressed. Joe had three contractors look at the hill and give estimates. The lowest bid was Jackman - \$2,600 if Joe does a fair amount of work. Joe does not have the equipment, etc. to do what needs to be done. Lenny Meader would reshape the hill and roll it, then put down new crushed ledge and roll again...\$4,750. Sid Smith has not yet given his estimate and Barbara Kenney said that he did a good job on Minnehonk Road. Marsha Kroll wondered about paving the hill and Joe explained how costly that would be and that there would still be black top maintenance issues. There was a motion to authorize \$5,000 for a bid to repair the hill, and the motion was seconded and approved.

Plowing Contract - Gary Potter came in lower than Kevin Hilton. The contract will go to Gary with the stipulation that he use plow shoes and not plow down to the road bed while the road is still soft. Gary does own a sander.

Roadside Trimming - It is necessary to have this done at a cost of approximately \$200.

Common Lot - Non-household trash is being put in trash and overflow bins. Items such as a cut up picnic table, glass, electronics, etc. need to be taken to the disposal bin at the Fayette Town Office. Joe and David Pollock graciously said that they would take care of what was currently there. Carmen wondered if perhaps the overflow bin should be taken away because people seem to be “hiding” items in there. Moe suggested removing the overflow trash sign and others wondered if a lock should be put on that bin until it becomes needed for extra household trash. The use of a dumpster had been investigated, but that would be prohibitively expensive along with some other issues. The membership is reminded that only clear or white trash bags are to be used - no black. There should be no loose trash - everything needs to be bagged. Sue Louis said that she would be more than happy to chat with “trash offenders” if anyone knows who they might be.

Marsha Kroll expressed concern over tree growth around the outhouse.

D. Unfinished Business:

A motion was made to vote on Marsha Kroll's proposal that a limit be set on LEHA Board spending without approval of the membership. A limit of \$5,000 was suggested. It was brought up that if there was an emergency that this could cause a safety issue (such as a major road wash out or tornado). Chet Day made the point that there could be legal implications if emergencies were not dealt with in a timely manner. Ed Cowan said that the Board needed to be trusted to deal with emergency spending issues. Chet Day said that the Board should be able to do what is necessary and does not see the need for limitations and Randy Stone agreed. Carol Bemis wants to be informed of spending, which all agreed would happen regardless. Tom Kroll proposed a motion that for any emergency spending over \$5,000, the Board would have to be unanimous in that decision and inform the LEHA membership by e-mail. Tom's motion was seconded and passed.

Carmen reintroduced the issue of deed restriction violations and enforcement. He explained that there is no way to force compliance other than suing which involves legal fees with no guarantee of recouping those fees. It could potentially be very costly to enforce the deed restrictions. If we imposed a monetary penalty, it might get people to abide as well as provide a way for recovering legal fees. It was suggested that the Town of Fayette should also get involved in the event that there are also town violations. The Board agreed to talk with any lot owners who were of concern and also to communicate with the Town of Fayette.

Whereas the violation of the deeded restrictions currently offers no penalties for non-compliance and puts the burden of enforcement and costs on LEHA, the following proposed bylaw change was offered and approved by a majority of the membership (and reviewed by legal counsel on August 11, 2014) :

If the board or the membership determine a violation has occurred, notification of the violation and 30 days to correct the violation shall be given by the Board. If after 30 days the violation has not been corrected, the following range of monetary penalties shall be assessed by the Board and act as a lien on the property: from \$5.00 to \$100.00 a day. The lot owner may appeal any penalty at the next annual meeting. The determination of the membership at the annual meeting shall be final. Notification of the violation shall be given in the following manner, by regular and certified mail at the address listed in the tax records of the Town of Fayette, Maine, and posted on the offending lot. Enforcement of any such lien for monetary penalties shall be enforced in the same manner as liens for road association dues under Section 5 of these by-laws.

A vote requiring a 2/3 membership approval will take place at the 2015 annual meeting.

E. New Business:

Election of Officers:

President - Kathie Jameson nominated Joe Longtin. Nomination was seconded and Joe was voted in as President.

Vice-President - Moe Longtin nominated Carmen Anastase and the nomination was seconded and Carmen was voted in as Vice-President.

Secretary - Moe Longtin nominated Sue Louis for a second term and the nomination was seconded and Sue was voted in as Secretary.

(Kathie Jameson remains as Treasurer)

Carmen thanked Joe Longtin for all of his hard work on the road and his general spirit of helpfulness and kindness. LEHA is incredibly fortunate to have Joe, and his efforts and selflessness are appreciated by all. Joe was presented with a gift certificate as a token of our appreciation.

Alan Burns(Kathie's husband) has donated several floats to help fix the sagging raft.

Ed Cowan mentioned that, except for service trucks, the speed limit is being better adhered to.

Moe Longtin proposed that \$200.00 continue to be donated to the Basin Tilton, David Pond Association and the motion passed.

Moe Longtin motioned to adjourn the meeting and the meeting was adjourned at 11:11 a.m.