

Estate Chocolate Hole Landowners Assoc.  
Minutes of Annual Meeting  
March 31, 2016  
7 PM Giff Hill School Lower School Great Room

PRIOR TO ACTUAL MEETING CONVENING, REPRESENTATIVES OF THE NEW OWNERS OF POND BAY CLUB, LEGACY VI LLC MADE A PRESENTATION:

The main points :

- CZM/DPNR have met with them concerning cleaning up the beach at Chocolate Hole-derelict boats etc.
- Getting the project back on track-making the property more esthetically pleasing
- Use of beach at Chocolate Hole Bay and beach-recreational only
- exteriors of existing wooden buildings-need to be upgraded to better fit the St. John style, quality of grounds, and to revitalize the entire property
- A member asked what their are their plans for Chocolate East Road? Undetermined at this point-needs to be assessed.
- No plan to re-nourish beach/not planning to bring building materials by sea/not changing (increasing) density or footprint. It appears DPNR will approve permit modifications of new ownership/Legacy has written confirmation that the permit is considered active/plan on long term occupancy as opposed to hotel type activity
- water and sewage solutions: looking at gray water collection, roof collection into cisterns.
- Type of ownership-individual or fractional , time shares, or fully owned

After the presentation the Membership Meeting convened at 7:40 pm

I.	Establish Quorum: 224 Paid Members 40% for quorum=90
	Proxies 54
	<u>Members Present</u> 49
	TOTAL 103

- II. President Kevyn Salsburg welcomed everyone to the meeting.
- III. Minutes of Annual Meeting 2015-were posted at [www.echla.org](http://www.echla.org) Motion to approve without amendment Peter Fortunato., 2<sup>nd</sup> Miles Stair. Approved by acclamation
- IV. Treasurer's Report: Paula Lambert presented the budget for last year and the actual figures. A copy is attached. And she presented the projected figures for coming fiscal year.  
There were a few questions from those present:  
A legal assessment was again recommended by the board. There was some discussion of the legal costs. As well as a question about how that gets approved by

the membership-answer-it is being presented as part of the budget, if the budget is approved at this meeting, then the assessment as part of the budget is also approved. Also, part of the enforcement process is that the association will be reimbursed some of the legal fees from the violators as they are causing us to incur the fees to begin with. There was some discussion of the road funds being used to cover legal fees. There is only one actual account, the funds are kept track of but not kept in a separate checking account. Basically the legal assessment is needed to replenish those funds. And the hope is to recover a good portion of the fees for the one outstanding case-legal report will cover this.

Miles Stair made a motion to accept report 2<sup>nd</sup> by Donald Schnell -Budget approved.

V. Legal Report: Raf Muilenberg.

1. Pond Bay Club: we were able to get the remaining PBC matters from the past litigation with the bank finally resolved and settled, so that they could sell to Legacy Development.

2. Enforcement: various matters have involved encroachments into ECHLA's rights of way (ROW), part of the common elements of the community that ECHLA is obligated to protect. Most of these matters have gotten settled in last year, and the enforcement / survey / legal costs paid – one larger one has not.

That owner had taken over the ROW as his own personal driveway, building columns, gates and walls and parking cars in the ROW. Prior ECHLA legal counsel filed suit to get the encroachments removed, and got the court to enter a default against the owner – then, when ECHLA notified him of the legal fees that were due, he hired a litigator on STT to fight it aggressively, and filed a lengthy lawsuit of his own against ECHLA.

The new lawsuit ties together the enforcement issues on one parcel with the owner's demand on another parcel – demanding that ECHLA abandon its covenants in force for 30+ years protecting a natural area around ECHLA's Hart Bay beach park, and allow him to bulldoze a road into this area, including a lagoon, wetlands and mangroves – sensitive habitat that is only supposed to be accessed by a footpath.

ECHLA is required to protect its common elements and natural areas for the benefit of all members, and believes the same rules have to apply to everyone. The members present at the meeting appeared to share these views, and were not receptive to efforts by this owner and his attorney at this meeting to convince them otherwise.

3. Future. ECHLA is seeking payment of all attorneys fees related to this enforcement of its rules – if the above matter is not settled, it believes the courts will order the owner to repay the fees, or a large portion of them. Since most other enforcement matters have been resolved, ECHLA believes that its attorneys fees for the upcoming year will be substantially lower.

VI. ROAD CAUCUSES: At 8:20 pm the group broke into 3 road area caucuses for 30 minutes.

When the road groups returned they reported that the following will be the road assessments for 2016-17 fiscal year: EAST \$400 per lot, WEST \$1,000 Per lot, NORTH \$300 per lot

VII. Other Business: The only other business was that the government is moving forward with better addresses on properties in the territory to assist emergency responders with accurate directions to facilitate faster response times. New owner Jacquelyn Parsons-Browne is an EMS and she said that everyone should also be able to assist the responders by giving good landmarks to the drivers or the dispatchers.

VIII. Election of Officers & Directors:

SLATE: President Kevyn Salsburg Vice-President Susan Stair,  
Secretary/Treasurer Paula Lambert

DIRECTORS:

NORTH: Kathy McLaughlin, Larry Best

WEST: Abby Schnell-O'Connell, Gerald Singer

EAST: Dan McElwee, Peter Fortunato

Jim Furneaux made MOTION to ELECT Slate 2<sup>nd</sup> Miles Stair MOTION CARRIED

Adjournment Ralph Antolino Motion to Adjourn, Eric Lambert 2<sup>nd</sup> - Meeting  
Adjourned 9 pm