

Oyster Harbor Community Association

Minutes of board meeting held at Mears Marina on January 10th 2008

(Approved at the March 24, 2008 Board Meeting)

Present:

Kathy Burk - Chair
Joe Butcher
Daniel Butler
Dan Craig
Winston Dunkley
Calvin Kidd
Ian MacKinnon
Joanie Stone
Brooke Doswell - President

Members of the community:

Pat Cannon
James Wyatt

The meeting opened at 7.10 p.m. with a moment of silent reflection.

A motion to accept the agenda was proposed by Mr. Butcher and seconded by Mr. MacKinnon. All in favor.

Previous minutes:

The Chair requested changes to the previous minutes which were accepted and approved.

Treasurer's Report

The President was requested to ensure that we had copies of Carroll bros receipts for the stone to be used in the swales.

The President requested that half of Mr. Norris fees for dredging be paid as the amount owed was a substantial sum. Half should be held as County and MDE permits were yet to be completed and closed out as a result of Norris' placement of dredging material out of the scope of the permit. Motion was put to pay half by the President and seconded by Mr. Craig. All were in favor.

Mr. Butcher proposed that we pay half of the auditors fee from Sondberg amounting to \$1600. Mr. MacKinnon opposed this as their repeated errors had cost the community considerable loss of interest. The motion was seconded by Mr. Kidd but was lost 5 votes to 3 with Mr. Butcher, Mr. Craig and Mr. Kidd in favor.

Mr. Butcher raised an issue with correspondence not being circulated to board members. The President agreed to speak to Mrs. Merrick to determine if she was able to continue in the role. It was proposed by Mr. MacKinnon that if she was not able to continue then the President could take over as corresponding secretary. Seconded by Mr. Craig and all in favor.

Mr. Butcher raised that a letter from Mr. Butler's lawyer requesting the board to request a variance to build the paper road to Mr. Butler's property had not been circulated. A discussion on the Creek / Cross road resulted in a proposal from Mr. MacKinnon, seconded by Mr. Craig that 'The board requests the President to remove from the agenda of the community meeting scheduled for Feb 2nd 2008 the motion to ask Mr. Butcher and Mr. Butler to recuse themselves from any board votes on the Cross / Creek paper road. All were in favor except the President. The Chair requested that it be recorded that the votes of Mr. Butcher and Mr. Butler did not change the result of the vote.

Mr. MacKinnon proposed that the community lawyer be requested to give us an opinion on a conflict of interest if:

- a board member knew he would gain a material benefit in the future
- the community has the right to ask board members to recuse themselves

This was seconded by Mr. Craig and all were in favor and the Chair wished it recorded that the votes of Mr. Butler and Mr. Butcher did not alter the result of the vote.

Mr. Butcher proposed that the community adopt the petition recorded as Appendix 1 to these minutes to modify the purpose of the community's status as a special tax district. This was necessary to allow the community to buy and sell property. The motion was seconded by Mr. Dunkley and all were in favor.

The Chair informed the board that the Financial Secretary had resigned. It was agreed to ask the President to call a special meeting after the budget meeting to elect a new Financial secretary.

The Chair agreed to ask the Chairman of Piers and Harbors to erect a lockable gate at the boat ramp.

Mr. Butcher proposed that the board should recommend to the association that we continue with the master plan. Mr. Butler seconded the proposal. The voting was in favor Mr. Butcher, Mr. Butler, Mr. Dunkley and Mr. Kidd and against were the Chair, Mr. MacKinnon, Mr. Craig and Ms Stone. The motion was not carried.

The Chair asked for the record if Mr. Butcher currently owns lots on the undeveloped portion of Cross / Creek and Mr. Butcher responded no. The President then asked Mr. Butcher if he planned to act as a realtor for any development on Cross / Creek and was expecting to benefit from the development in the future. Mr. Butcher responded that he did not have to respond to this question. After a heated discussion, the President left the meeting.

Mr. Butcher proposed and Mr. Butler seconded that all board members should have a key to the office. All were in favor.

It was agreed by all that the President be asked to obtain quotes for scanning the communities archives.

New Business

Mr. Kidd reported that Washington Drive hardtop was deteriorating rapidly and the roads Chairman should be encouraged to expedite recovering soonest.

Mr. Butcher presented a variance request for the board to sign to support the building of a road to Mr. Butler's property. For the record, the Chair stated that the board was not denying any property owner access to their lots but since this was a variance request the implication needed consideration and therefore a decision could not be taken at this board meeting plus the document presented at the meeting was not an official letter from the county and there was no supporting documentation. Mr. Butcher, requested that the board agree to the variance. The Chair emphasized that without full documentation and time to consider the documentation and solicit opinion from the OHCA attorney it was difficult for the board to consider the request from Mr. Butcher. There was no seconder so the motion was not put. Mr. Craig proposed and Mr. MacKinnon seconded that the issue be referred to the community counsel and a response be available for the next board meeting. All voted in favor.

Mr. Craig made a proposal to close the meeting which was seconded by Mr. Dunkley and agreed by all. The meeting closed at 9.20pm