

May 22, 2022 Bowman Lake Association Membership Meeting Minutes

Meeting conducted via Zoom

Call to Order: Time: 3:06 pm by Mark Nasuti, President

Current Board Members:	Present
Absent	
President: Mark Nasuti	X
Vice President: Janice Anne Kullman	X
Secretary: vacant	
Treasurer: Laura D'Agostino	X
Directors: 3 year terms, 2 directors elected each year	
Jack Betterly (elected July/Aug 2019)	X
Matt Robilotta (elected July/Aug 2019)	X
Rovie Simons (elected Aug 2020)	X
Colleen Masters (elected Aug 2020)	X
Elaine Merguerian (elected Aug 2021)	X
Bill Schulman (elected Aug 2021)	X

Others Present: Vicki Fowler, Barbara Kivlin, Charlie Kivlin, Ian Horne, Marsha Brock, Charlie Brock, Kiley Adamo, Justin Adamo, Patty Betterly, Shea White, Lorraine Ferguson, Kevin Rowe, Kaitlyn Rowe, Barbara Mark, Bill Kullman, Jason D'Agostino, Ron Cahill, Eileen Cahill, Rachel Cahill. Total attendance: 27

1. **Review of Meeting Minutes:** Minutes have been approved by the Board of Directors per current BLA procedure. Note: Membership Meeting minutes are in draft form and voting is to **approve** the minutes. Board Meeting minutes are finalized and voting is (per BLA tradition) is to **accept** the minutes
 - a. Acceptance of July 29, 2021 Board of Directors meeting minutes
Moved by: Janice Kullman Seconded: Bill Schulman
Accepted by unanimous vote of all members present
 - b. Approval of August 1, 2021 draft Membership meeting minutes
Moved by: Jack Betterly Seconded: Lorraine Ferguson
Approved by unanimous vote of all members present
 - c. Approval of December 4, 2021 draft Membership meeting minutes
Moved by: Janice Kullman Seconded: Bill Kullman
Approved by unanimous vote of all members present

2. Vote on proposal to raise the amount of the BLA Annual Contribution (“Dues”) from \$20 to \$30, effective immediately.

Moved by: Ron Cahill

Seconded: Bill Schulman

After a brief discussion, proposal was approved by vote of 30 yes votes, 5 no votes, no abstentions

3. Vote on proposed revision to Article III of the BLA Constitution as recommended by the Voting Committee.

a. The current language reads:

Every member in good standing may hold office, chair or serve on committees, and cast one vote on all matters before the Association.

b. The proposed changes are as follows:

Every member in good standing may hold office, chair or serve on committees and cast one vote on matters before the Association, with the exception of “water quality issues directly impacting riparian owners.”

If the vote at issue applies to “water quality issues directly impacting riparian owners”, then voting will be limited to one vote per tax parcel in good standing immediately adjacent to the shoreline of Big Bowman Pond. A non-adjacent property with a current deeded right of way to Big Bowman Pond in effect as of July 1, 2023, will also receive one vote per tax parcel with the right of way in good standing. Shoreline adjacent tax parcels zoned as Multi-Resident will receive one vote per dwelling in good standing, if the dwelling is used primarily as a residence.

“Water quality issues directly impacting riparian owners” will be limited to votes on changing the water level of the lake or altering the lake by chemical, biological, or other methods. All votes on issues not pertaining to “water quality issues directly impacting riparian owners” will be open to all members of the Association in good standing.

Non-member riparian owners who wish to vote on “water quality issues directly impacting riparian owners” must pay a \$5 administrative fee prior to the vote and will be limited to one vote per tax parcel immediately adjacent to the shoreline of Big Bowman Pond.

c. The Voting Committee chairpersons, in response to questions, provided the following clarifications:

- There is no one legal definition of “Riparian Owner.” Different regulatory authorities (and courts) have historically used different definitions: in part depending on the type of waterbody (river, lake, ocean) under consideration; in part depending on who will be affected by the specific situation under consideration. The

Committee used the definition of Riparian Owner they felt was most applicable to our specific situation.

- The Committee focused on people who are eligible to join the BLA per the current Constitution, since expanding eligibility for membership was not under consideration. So, for example, people who own property in the swamp were not included, since they are not eligible for membership.
- The Committee had as one of its goals proposing revisions that would limit the BLA's exposure to litigation. Therefore, people that would have legal standing to sue the BLA (such as people with right-of-ways) were expressly included in its proposal.

d. A lengthy discussion occurred, both before and after the Committee chairs spoke. Many comments were made by many meeting participants. Many participants expressed agreement (or disagreement) with comments made by others. Below is a summary of some of the comments (comments are not listed in any particular order):

- One or more people said that they were concerned that, before the July 2023 deadline regarding right-of-ways, a developer could buy a piece of lakefront property and/or acquire a right-of-way that could give a large amount of new homeowners votes (referred to as a "keyhole").
- One or more people said that people with right-of-ways should not have votes on water quality issues because they are not Riparian Owners.
- One or more people said that people with right-of-ways should not have votes on future changes to the constitution and by-laws that would affect future voting on such issues, because they are not Riparian Owners
- One or more people said that people with right-of-ways should have a say, but their votes should not count as much as Riparian Owners because they use the lake less.
- One or more people said that we should not allow additional votes for lake adjacent tax parcels with multiple dwellings.
- One or more people said that each parcel should have two votes because spouses might not agree on how to vote.
- One or more people said that we should just leave out the Multi-Resident part.
- One or more people said that the size of a piece of property should be taken into consideration.
- One or more people said that the votes of properties that draw their water from the lake should have a greater weight.

- One or more people said that people who own property in the swamp should be included.
- One or more people said that people who own property anywhere in the watershed should be included.
- One or more people said that the DEC will not look favorably on the BLA excluding any Riparian Owners if the BLA ever applies for a DEC permit.
- One or more people said that the DEC will not care what votes the BLA takes.
- One or more people said that the DEC will consider any BLA vote as only one piece among many in any permit application.
- One or more people said that since the DEC does not regulate our dam, this entire issue is really not about the DEC, but is about the dam and the dam policies and the water level.
- One or more people thanked the Voting Committee for writing its proposal with one of the goals being to limit the BLA's exposure to litigation.
- Many people thanked the Voting Committee for all the time and effort they put into writing the proposal.

e. ***The proposed revision was voted down/did not pass.*** A vote of 75% in favor is required in order to approve a change to the Constitution. The vote was approximately 60% in favor, 40% opposed, no abstentions. The exact vote tally was 24 in favor, 15 opposed. The voting list is below:

<u>NAME</u>	<u>APPROVE</u>	<u>DISAPPROVE</u>
Mark Nasuti	x	
Anja Carr (proxy)		x
Vicki Fowler	x	
Janice Kullman		x
John Losee (proxy)		x
Bill Kullman		x
Bill Schulman		x
Barbara Schulman		x
Meryl Schulman		x
Ian Horne	x	
Barb Kivlin	x	
Rovie Simons		x
Sarah Simons (proxy)		x
Rick Giolito (proxy)		x Not Counted-not member in good standing
Lindsay Frost (proxy)		x Not Counted-not member in good standing

Marsha Brock	x	
Charlie Brock	x	
Justin Adamo		x
Kiley Adamo		x
Jack Betterly	x	
Patty Betterly	x	
Colleen Masters		x
Shae Masters		x
<u>NAME</u>	<u>APPROVE</u>	<u>DISAPPROVE</u>

Dan Coiteaux standing		x Not Counted-not member in good
Lorraine Furgusen	x	
Elaine Merguerian	x	
Laura D'Agostino	x	
Jason D'Agostino(proxy)	x	
Bill LaFleur (proxy)	x	
Cindy LaFleur (proxy)	x	
Matt LaFleur (proxy)	x	
Kat LaFleur (proxy)	x	
Kevin Rowe	x	
Barb Mark		x
Cliff Mark		x
Kaitlyn Rowe	x	
David (Diesel) Cobden	x	
Lindsay Cobden	x	
Ron Cahill	x	
Eileen Cahill	x	
Chuck Kivlin	x	
Rachel Cahill	x	
<u>TOTALS</u>	<u>24</u>	<u>15</u>

- f. There was a general consensus (with nobody expressing opposition) that options for revising the BLA Constitution regarding voting and Riparian Owners should continue to be explored. At least four additional people volunteered to be on the Committee. Therefore the Voting Committee, or more accurately a new reconstituted Voting Committee, will continue to work on this. Any other BLA members who wish to join the Voting Committee are invited and encouraged to do so. Please contact Kevin Rowe if interested.

4. Update on Lake Assessment:

- a. The Consultant Committee reached out to 6 people, none of them are willing to be hired as a consultant to conduct an assessment of the

dam/dam policies and their effects on the lake. The Committee is pursuing a few other leads.

- b. Does anyone have contact info for George Smith, who conducted the 2019 lake study? We have been unable to contact him.
- c. If anyone has any other suggestions for potential consultants, please send info to Lorraine Ferguson.

5. General Discussion: Any issue that any member wishes to discuss

a. Fish Stocking:

- Mark Nasuti apologized to the group for not including this topic in the agenda for discussion. Justin Adamo had requested this, but Mark forgot.
- FYI, anyone interested in exploring the idea of stocking the lake with fish contact Justin.
- Fish stocking requires a DEC permit.
- Fish stocking would not involve Grass Carp, but instead stocking other species of fish (e.g. Yellow Perch) for the purpose of recreational fishing. This could include new species being introduced to the lake.
- According to Justin, the cost is small if small fish are purchased.
- Fish stocking is usually done in Spring or Fall.
- This is not an official BLA activity. The BLA as an organization has not voted or taken any position on this subject.

6. Next Meeting Dates: Sunday June 26, 2022 and Sunday July 31, 2022

7. Adjournment: Meeting adjourned at 4:51 pm

Minutes taken by Mark

Nasuti