

**LAKE ASHUELOT ESTATES, INC**  
Minutes of the Annual Meeting  
July 10, 2010  
Camp Morgan Lodge, Washington, NH

**1.0 Call to Order:** President Don Damm called the meeting to order at 9:03 a.m. He welcomed all LAE members and reminded them that all motions and amendments under old, new or other business were to be presented in writing. Also, he would allow no more than two amendments to a motion and the amendments would be voted on first. He reminded everyone that for voting purposes there is one vote per lot owner, whether it be the written ballot for the officers or directors or for votes taken during the meeting. Don invited everyone to the social gathering this afternoon at 4 p.m. at the beach house. He introduced the current officers and directors.

**2.0 Minutes – 2009 Annual Meeting:** A **MOTION** was made by Don Damm to approve the minutes of the July 2009 annual meeting, and this was seconded by Bob Dearborn. The minutes were approved unanimously by the membership with no changes made.

**3.0 COMMITTEE REPORTS:**

**3.1 Nominations/elections:** John Bilski read the slate of officers and directors in nomination for 2010-2011.

**Officers:** Don Damm, president; Drew Queen, vice president; Pat Liotta, secretary/treasurer, Marcellus Liotta, assistant treasurer.

**Directors:** Wayne Sandford, Jim Russell, Karen Hunihan, Carolyn Russell, and Dave Dickman. Members were reminded that their ballot needed to be brought forward by 10 a.m. and the voting results would be announced at the end of the meeting.

**3.2 Security:** Jim Russell encouraged members to be aware of areas within LAE that need attention or repair and report this to him. Members were reminded that OHRV use on our roads is for members only, and that those from outside coming in to use OHRVs are trespassing. LAE stickers need to be secured from him to be displayed on all OHRVs, with only about 15% of our members having requested these stickers since the policy was instituted about 5 years ago.

Chief of Police, Steve Marshall, reported on police activity in LAE during the past year. He stated that 40% of the total police activity for the town of Washington during the past year had occurred in LAE, not because of crimes, but because of calls for service, such as house checks, dog complaints, speeding vehicles, etc. He reported just one burglary, and felt that LAE is basically a safe place. Steve mentioned that the police dept has a “ride along” program, and if anyone is interested in being more familiar with the daily activities of the police, they are welcome to join one of the officers for a day. There were questions from some members about our roads relative to citations being given. Steve explained that our roads are not a “way”, which is defined as a place where any public vehicle can be driven. LAE is not a “way” as we have signs posted just inside the gate indicating that we are a private association. Because of this he cannot cite motor vehicles, but the legislature states that OHRVs can be cited on a public or private way. Golf carts are considered OHRVs. OHRVs cannot be cited on the private land of the homeowner, but can be on the roads of The Association, since it (not individual members of LAE) is the Owner of the roads, the tennis court, the beach area, etc. Thus, the Association votes to determine the rules and regulations governing The Way in LAE. There was

discussion about the presence of the police in LAE and whether we needed to have the police patrolling regularly in LAE. Chief Marshall responded that we could choose to have the police respond only to emergencies, but if that was our decision, we couldn't also ask the police to do only selective other duties in LAE such as house checks or responding to dog complaints, and to not respond if they saw OHRV violations or other illegal behavior. Don Damm reminded the members that in 2004 a motion was made and passed by The Association at the annual meeting to request the police to continue to oversee the OHRV policy and other road issues, because by the early 2000's the situation with OHRVs was deemed out of control. Members were also reminded that there is a law requiring that helmets be worn by all youth until age 18.

- 3.3 Budget and Finance:** Don Damm reported that the dues have come in slowly this year. As a result, committee members had been asked to cut back on their expenses, if possible. Pat Liotta has worked diligently to collect income due, and there was a surge in money received in the month of June. Thanks to a mild winter, a surplus of \$20,647.37 now exists, as we were able to save on winter sand and other road expenses. The reserve accounts now shows a balance of \$75,016.86. There were a number of foreclosures this year which means that we cannot collect dues from these properties until they are sold. The town takes ownership when the homeowner fails to pay their taxes, and results in no payment of dues for tax deeded properties to LAE.
- 3.4 Main Gate:** Karen Hunihan reported that Pat and Marcellus Liotta have kept the main entrance to LAE attractively planted with perennials. There were some plants lost to winter sand, and donations would be welcomed from members who have extra perennials. Karen has recently been watering and regularly tending to the plants.
- 3.5 Marina:** Jim MacDougall reported that he should be contacted by anyone wanting dock space at the marina, and that there is currently no waiting list but no spaces free either. As there continues to be boats (mostly canoes) at the marina that are not marked with an LAE sticker, or other forms of ownership, they will be donated after noon time on July 12<sup>th</sup> to Camp Morgan if the owner does not claim their boat before then.
- 3.6 Tennis:** Steve Boucher reported that both the tennis court and the basketball court are deteriorating. He recommended that rock support around the tennis court be replaced to allow for better drainage. Also that the net be loosened by everyone after playing tennis to reduce stress on the net and support posts. Instructions will be posted regarding this. A tennis clinic is scheduled for next Saturday 7-17 from 9-12 noon with an instructor present.
- 3.7 LAE Activities:** Nancy Damm reported that Fun and Games day will be held on July 24<sup>th</sup> and volunteers are needed to help. On July 19<sup>th</sup> there will be a golf scramble at Angus Lea in Hillsboro. The Ashuelot Women's Group continues to meet nearly monthly for coffee get-togethers, and items are collected at this time for the Washington Food Pantry. The annual Christmas Yankee Swap will be held at the Damm's home in December.
- 3.8 Insurance:** Dave Dickman reported that all is up to date regarding the association insurance and no increases are expected. There is a \$3,000,000 increase in the umbrella policy for liability.

- 3.9 Beach House:** Don Damm, speaking for Joe Gentile, expressed their appreciation for the great turn out on June 12<sup>th</sup> work day. There are some ongoing projects yet to be completed. The volley ball court is now in very good shape with the removal of weeds and the addition of some new sand. He is looking into the possibility of purchasing some composite type picnic tables which would eliminate the need for periodic painting of our current tables for next year. Don reported that Pat Liotta had attended a meeting on geese control which recommended that red and silver tape be added to the rope across the beach as an additional deterrent to keeping the geese off the beach. This seems to be effective. The members were reminded to replace this rope when leaving the beach area to minimize geese activity on the beach. There is a container, with a combination lock of 495, for storing a bucket and shovel to use in removing geese excrement from the beach. There is a growing population of geese living on our lake with Frank Iosch reporting seeing 42 swim by his house the morning of the annual meeting. Members were asked to be considerate of others and help in keeping the beach house area neat and orderly, as recently there were overflowing trash barrels at the house as well as a very soiled bathroom stall.
- 3.10 Legal:** Steve Boucher stated that we need to address the definition of what is a “member”, and this was done later in the meeting which he brought up under new business.
- 3.11 Roads and Grounds:** Don Damm reported that there is extra sand left over as a result of a milder winter. The town is now using a new liquid form of calcium chloride on their roads, and we may change to this if it seems to be effective. Our contract with Roger Bedard is now on a yearly basis, and Don Turner will be working as an assistant to Roger in the winter months. Don Damm is going to be gathering information related to those who might be interested in the future in Roger’s position and whether the position might be divided between someone doing summer road work and another doing the winter work. Don reminded the members to drive within the speed limits in LAE, as recently someone took down part of the fence by the beach house as they lost control when rounding the corner. Nick Alexander asked why the roads have seemed rougher recently, and Don responded that it is due to the addition of calcium chloride packing the dirt but freeing the stones.
- 3.12 Water Resources:** Don Damm reported that we are part of the New Hampshire water resources program and that he tests the lake water four times yearly. In addition, the state works with us once yearly. Our lake is part of the “group 2” lakes in NH, and our lake water in comparison to other lakes in our group. Don gave members a print out showing the results of the lake testing since 1977. Jean Balliro asked about the possibility of bacterial contamination in the lake and the posting of a warning, if it occurs. Don replied that the lake’s bacteria level has never been elevated and continues to be low and specifically that there has never been a problem at the beach area. Ingeborg Haug inquired about information given to members in the past related to phosphorus in detergents polluting the lake. Don remarked that for the most part there is no longer a phosphorus issue in commercial detergents. Lawn and garden fertilizers are a concern and should NOT be applied within 150 feet of the shore.
- 3.13 Scholarships:** Nancy Damm reported that she and Karen Hunihan had attended the awards ceremony where college scholarships were given to 4 Washington graduating students as a result of the LAE scholarship fund and an anonymous donation.

- 3.14 **LAE Web Site, laeinc.org:** KC Hayes reported that he is welcoming ideas and suggestions for what to have on the web site. He also would be happy to have other volunteers join him working on this site.

#### 4.0 **OLD BUSINESS:**

- 4.1 Don Damm reported that the reason for submitting a request to the state for a lake draw down last fall was to allow for inspection of the dam and to do repairs, if necessary, and to allow homeowners to clean up and maintain their beaches. The state has indicated that the lake can be lowered every five years for shore maintenance, dam inspection and repair, but they have NOT authorized lowering for weed control. The Ashuelot Pond Association (APA), which is located across the lake from LAE, has appealed this decision. Bob Thompson reported that the APA is requesting, and has submitted an appeal to the state, that the lake NEVER have a draw down. The state water council has the option to address APA's appeal, but this has not happened yet. APA has indicated that when the lake is lowered they loose their fire protection and access to their property. Bob stated that this is not completely true, as there are 2 roads leading in to the majority of the homes. There were three days of rain in October, following the draw down, that brought the lake up 6 feet. Bob indicated that if the draw down had not been in effect, we would have had a serious flooding problem. He reported that there are warning signs at the dam to alert people to stay away from the dam and spillway, and APA claimed that a woman had been injured at the dam during the draw down. This could not be confirmed, however. In summary, on September 28, 2009 the dam gates were opened, the weather continued to be warm, and then the lake refilled with heavy rains, so there appears to have been no impact on weed destruction.
- 4.2 Dave Dickman reported for the LAE Road Transfer Study Panel. They have had meetings amongst themselves as well as with town officials to gather information about the impact of having the association roads be taken over by the town of Washington and thus becoming public. He reported that there would be a ten year betterment tax to bring the roads up to the standard needed for transfer to the town at an approximate cost of 1.46 million dollars. The tax would be based on each homeowner's current tax rate. This would be about \$40.30/month or \$483 annually on average, with lots with homes and lakefront owners paying more, as their tax is greater. We currently each pay \$203 annually for maintenance of our roads. If our roads become a public way, it is very likely that each of our taxes would increase based on public access. It's very unlikely that OHRVs and snow mobiles would continue to be allowed on the roads. With our roads becoming public, trucks would be allowed access to adjacent (non LAE) properties at any time, and it would be possible for a road to be constructed from our property all the way to Marlow. With this change, much more boat activity would likely occur on the lake. It would be about 25 years before we would see a pay back on the betterment tax, and the deeds on our property would have to be changed. Dave Dickman and the Road Transfer Study Committee made a **MOTION** to keep LAE roads private and any future motions to make any of LAE roads public (or otherwise termed other than being completely private) is declined by the LAE Board of Directors until April 2060. The Board will refer to the information and results developed and provided by the Road Transfer Study Committee of 2009/2010 to support the rejection of said motion/s. LAE is a private recreational association, and we must keep it that way. The motion was seconded by Ingeborg Haug. Discussion followed related to the time frame and the

length of time before the issue could be readdressed. Ingeborg offered an **AMENDMENT** to decrease the time to 25 years (to 2035). Don Tremblay seconded this amendment. 37 members present voted to accept the amendment and 27 voted against the amendment. There was further discussion indicating an interest in returning to the original motion. Jim MacDougall proposed to amend the amendment by returning the motion to its original form as offered by Dave Dickman. This was seconded by Carolyn Russell. A show of hands vote was taken with the vast majority of the members present voting in favor of the original motion, i.e. to shelve the concept of any LAE road transfer until 2060. A vote was taken and the original motion was approved.

Bob Dearborn addressed the subject of signs on homeowner's property. He proposed a **MOTION** that decorative and real estate signs may continue to be displayed on our property. This was seconded by KC Hayes, and the motion passed unanimously without discussion by the members present.

## **5.0 NEW BUSINESS:**

**5.1** Don Damm reported, in Pat Liotta's absence, on the Proposed Budget for 2010-2011. He noted that there is a marked decrease in the proposed budget in sections 14 a and c related to gravel and special projects as compared to what was approved for the previous year, as there is extra sand material left over. He anticipates that the annual dues will be approximately \$400, about a 10% reduction from the previous year's dues of \$430. Don offered a **MOTION** to accept the budget as proposed, and this was seconded by Ingeborg Haug. There was no discussion, and the members present voted unanimously in favor of a budget of \$138,600.05 for the 2010-2011 fiscal year.

**5.2** Steve Boucher proposed a **MOTION** that the 2009-2010 surplus balance of \$20,647.37 be transferred to the Infrastructure Reserve Account. This was seconded by Gene Curtis. After no discussion the members present voted unanimously to accept this motion.

## **5.3 INFRASTRUCTURE PROJECTS:**

**5.3.1** Don Damm proposed a **MOTION** that vinyl siding be applied to the outside of the maintenance garage at a cost not to exceed \$4,500. His motion was seconded by Rich Hunihan. Dave Dickman suggested that the integrity of the base of the garage be checked before the siding is applied. The members present voted unanimously to accept this motion.

**5.3.2** Steve Boucher reported that there have not been repairs to the tennis court and upper basketball court in years, and he proposed a **MOTION** that funds, not to exceed \$9,000 be voted to reset the posts in the lower tennis court and fill in a 3" crack in the upper basketball court. This would bring both courts into safe and operational condition. Dan Breidel seconded the motion, and the motion was accepted unanimously by the members present without discussion.

**5.3.3** Dave Dickman proposed a **MOTION** that funds, not to exceed \$6,650 be approved to bring additional sand to the beach at the beach house. This would cover the engineering costs, the permit, a state charge for adding additional sand, and 4" of new sand with a perimeter drain. Dan Bezdeovs seconded the motion which passed unanimously, without discussion, by the members present.

5.4 Steve Boucher spoke to the fact that currently homes in LAE are owned by trusts, corporations, and LLC's as well as private individuals, so he felt that the association now needs a new definition in its by-laws of who is a "member". He offered a **MOTION** that the new definition, as included in the mailing to the members prior to the annual meeting be approved. His motion was seconded by Ingeborg Haug, and it passed unanimously without discussion by the members present.

5.5 Don Damm proposed a **MOTION** that the boundaries of LAE shall not be expanded. The motion was seconded by Jim MacDougall. Ingeborg Haug questioned whether the motion should include a time limitation. After discussion, the motion passed, as stated, unanimously by the members present.

## 6.0 OTHER BUSINESS:

6.1 Carolyn Russell asked the members to consider signing a petition that she had prepared regarding tax deed properties in the Town of Washington. She stated that currently the town has a policy of not selling these properties, and she would like to bring to town meeting a petition that would ask the town to sell those properties, particularly the smaller parcels, that don't have value for conservation purposes. There are 41 of these properties, at approximately \$3,000,000 in value. Sixteen of the properties are within LAE. She would like to see justification for holding on to these properties, particularly the smaller ones, such as those in LAE that are less than one acre in size. Sale of them could result in substantial revenue for the town. She had two petitions prepared for those wishing to sign, one for residents of the town and another for non residents but who are still tax payers.

6.2 KC Hayes reported on the lack of documentation on the lake weed issues. There are now currently 4 grids which have been placed in various spots on the lake bottom to measure the presence of weeds in those areas. The hope is that quantitative data will be gathered which can be presented to the state regarding our lake weed problem. Following discussion, the BOD was given the okay to consider whether we should continue this evaluation on our own or seek professional help at a projected cost of about \$2,000. This cost would come from the lake management fund.

## 7.0 ELECTION RESULTS:

7.1 The results of the election were announced by Jon Bilski for the nominating committee:

**Officers:**

President: Don Damm  
Vice President: Drew Queen  
Secretary/Treas: Pat Liotta  
Asst. Treas: Marcellus Liotta

**Board of Directors:**

Wayne Sanford

Jim Russell

Karen Hunihan

Carolyn Russell

Dave Dickman

- 7.2** Bob Wright proposed the following **MOTION** that all minutes of committees and Board of Directors meetings and all reports of committees are placed on the laeinc.org web site as soon as available. This motion was seconded by Bob Dearborn. Ingeborg Haug suggested that only the Board of Director minutes be placed there. Don Damm expressed concern about the posting of such minutes, as the web site is available to the general public, not just LAE members. Carolyn Russell, BOD chair, pointed out that any member can call her or other BOD members to discuss current events or plans at any time. There was discussion about the reality of trying to keep the web site up to date with this type of material. The members present voted unanimously not to accept this motion.

**8.0 Adjournment:**

The meeting was adjourned at approximately 12 noon by President, Don Damm and a favorable vote of the membership.

Respectfully submitted,

Roberta C. Hayes  
Acting secretary