

# MINUTES OF FINFLA ANNUAL GENERAL MEETING

Saturday June 25, 2011 at 10:00 am

Hosted by Keith and Kathy Spriggs at 1092 Sigsworth Lane

## 1.0 In attendance:

- Peter Bedoukian & Suzie Labonne
- Henry Bienia
- Tom & Judie Bryant
- Bob and Diana Carr
- Taneda Dawes
- Gwen Glover
- Ken Glover
- Allan & Paula Kirkwod-Zahara
- Gord & Linda Kreick
- Tim & Stasy Lloyd
- Ian & Jane MacKay
- Lloyd & Marilyn Moreland
- Craig & Ruth Pettis
- Robert Powell & Sandra Barrie
- Keith & Kathy Spriggs
- Stu & Elaine St. John
- Carl & Glenda Turner
- Paul Van Nest

## 2.0 The meeting was called to order at 10:15

FINFLA President, Taneda Dawes, welcomed those present and thanked Keith and Kathy for hosting the AGM. The meeting was quorate with 28% of voting members present. The agenda was approved with an amended order of business and the following additional items:

- Dry Hydrant Proposal
- Canada Post boxes

## 3.0 Minutes of the previous meeting

Secretary, Robert Powell reprised the minutes of the 2010 FINFLA annual general meeting.

## 3.1 Matters arising

There were no matters arising.

## 3.2 Adoption of minutes of the 2009 Annual General Meeting

**Moved by:** Paul Van Nest

**Seconded by:** Allan Kirkwood-Zahara

**Approved** as a correct record

## 4.0 Executive reports

### 4.1 Secretary's report

FINFLA Secretary, Robert Powell, reported that one property had changed hands over the year and that a letter and membership pack had been given to the new owner, who was now a paid up member. Two newsletters had been produced and circulated to members during the year. The executive had met once to deal with Association business.

### 4.2 Road report

*FINFLA Road Engineers, Stu St. John and Carl Turner, reported that:*

- \$4,517.36 had been received in matched funding from the Township for road improvements last year.
- It was proposed to complete laying rap on the final section of Meredith Lane from the junction of Old Fourteen Island Lane to the Junction of Old Mine Lane, with some patching and infill elsewhere as needed.
- It would be necessary to put a culvert in across Meredith Lane at the Old Mine Lane junction before laying rap.

- It would be necessary to replace the culvert under Meredith Lane at Buffy Lake next year or the year after as the present metal culvert had rusted out over half its length. It was proposed to replace it with a plastic pipe which would be more expensive but save money on replacement costs over the longer term.

A question was posed about why Orser Construction was the only contractor used and had tenders for work been invited from other contractors. Stu replied that such exercises had been carried out in previous years. Findings were that suppliers could source RAP and gravel at similar costs but varied in the level of service offered and trucking costs related to the capacity of trucks used. Orser Construction used larger capacity trucks and provided a full service with an experienced, skilled operator for back hoe work and roller if required.

The engineers were asked if having completed laying rap this year we would be in maintenance mode only in future leading to reduced road fees. Stu said he was unable to predict future road conditions and was unable to give any projection on future costs.

#### **4.3 Renewal of Canada Post boxes**

Stu St John was pleased to report that his petition to Canada Post for new post boxes had been successful and that the new boxes were due to be installed sometime later this year.

#### **4.4 Dry fire hydrant Buffy Lake**

Stu St John reported on a meeting he and fellow FINFLA Executive member Peter Bedoukian had attended with local Councillor, John McDougall, and Fire Chief, Rick Chesebrough, to discuss a proposal to install a dry hydrant in Buffy Lake. It was anticipated that this would be approved by the Township and carried out in the fall. The hydrant would be installed and maintained by the Township as required by law. It was not thought necessary to build a turnaround as part of this project. The hydrant would be of benefit to the community and could result in lower home insurance costs.

Concern was raised about the effect on water levels in Buffy Lake but it was reported that it was a very rare occurrence for the lake level to fall below the level of the culvert.

It was suggested that the Township should give the Association money for wear and tear on the road for a facility that would be used for the benefit of the wider community.

The Secretary read out a section of a letter from Sheila Reed opposing the project on grounds of cost.

Stu reported that installation would be at no cost to the Association and that the Township wouldn't force it on us if there was a backlash against it. He could not guarantee that there would be no costs resulting from the project if, for example, a decision was made to widen Meredith Lane slightly adjacent to the hydrant to enable traffic to pass when tankers are filling up.

#### **4.5 The following motion was proposed:**

That this Association supports the proposal to install a dry fire hydrant in Buffy Lake given that the installation will be at no cost to the Association.

**Moved by:** Gwen Glover

**Seconded by:** Tom Bryant

**Carried**

#### **4.6 Treasurer's report**

FINFLA Treasurer, Sandra Barrie, circulated an Annual Finance Report showing an initial balance of \$7,112.01 on June 5, 2010. Expenditure over the year to date had been \$11,693.33, principally for expenditure on 2010 road improvements. Income received over the year was \$13,739.51. A total of \$4,517.36 of income received was matched funding from the Township for road improvements on Meredith Lane last year thanks to the efforts and initiative of Stu St John and Carl Turner. The current

balance in the bank stood at \$9,155.19. Dues received at the meeting brought the balance up to \$9,715.19. An invoice was pending for work already carried out this year and the balance was earmarked for further work delayed because of bad weather and non-availability of rap. Taking into account payments made at the meeting arrears for the current year stood at \$1,060. For the first time ever she was pleased to report that there weren't any arrears outstanding from the previous year as a result of a concerted effort by members of the executive to collect overdue payments.

**5.0 Road brushing**

Glenda Turner proposed that rather than coordinate road brushing on a specific day this year groups of neighbours should identify any road brushing issues along their stretch of Meredith Lane or feeder lanes and groups of volunteers should get together to deal with these on an *ad hoc* basis.

In reply to a question about cutting the verges Carl Turner reported that a contractor would be brought in after the peak growing season in early July to cut the verges. [*Carried out Sunday June 26, 2011*].

**6.0 Resolutions**

**6.1 Proposal to amend Road Association fee levels**

Sandra Barrie reported that as a result of increased gas prices and the impact of the Harmonized Sales Tax (HST) on the cost of labour and materials, the Executive thought it prudent to budget for an increase in road dues for next year to maintain current service levels.

The Secretary read out a section of a letter from Sheila Reed opposing an increase in road dues on the grounds that the level of expenditure proposed was unnecessary.

**6.2 The following motion was proposed:**

FINFLA fee levels for road maintenance shall be increased by the weighted amounts charged to different categories of landowner, as set out below, and such increases shall take effect for the 2012/13 FINFLA fiscal year:

Landowner Category	Increase	Revised Fee
Year round	\$20	\$200
Summer use/year round weekends	\$15	\$165
Occasional use	\$10	\$130
Vacant land	\$ 5	\$ 80

**Moved by:** Sandra Barrie

**Seconded by:** Paul Van Nest

**For: 5 Against: 5**

**6.3** Given the tied vote it was proposed that the motion be tabled pending a review of the scale of charges used by the Association.

**Moved by:** Paul Van Nest

**Carried**

A number of members had complained about the level of fees they were required to pay prior to the vote on the resolution. Stu St John had argued that the four people who only used a short section of Meredith Lane could be charged a discounted rate which would provide a simple solution without abandoning the present system which had worked well.

**6.4 The following motion was proposed:**

That a committee be set up to investigate devising a scale of fees that takes into account period of time spent at the lake and distance travelled along Meredith Lane to be presented at a special general meeting or the 2012 annual general meeting.

**Moved by:** Paul Van Nest

**Seconded by:** Ken Glover

**Carried**

Members interested in volunteering to serve on the subcommittee were requested to give their names to the Vice President.

**6.5 Resolution to amend the FINFLA bylaws to permit the Executive to take legal action for recovery of unpaid road dues where all other options have been exhausted and payment is still not forthcoming.**

Robert Powell reported that in response to expectations by the membership that the Executive take appropriate steps to collect arrears in road dues payments the executive had investigated available options. He pointed out that there was no provision in the bylaws empowering the Executive to take any action whatsoever to collect payments and that advice had been received from the Federation of Cottage Associations (FOCA) that it would be a good idea to have a clause in Association bylaws allowing the executive as a last resort to initiate court proceedings to collect dues and other monies owing. He informed members that FINFLA was not incorporated and as such had no legal standing and could not sue or be sued in its own right. Therefore, the Executive required the support of members to take any enforcement action whatsoever, including legal action, to collect dues and other monies owing. He stressed that the Association would make every effort to resolve any disputes over payment in direct consultation with dissenters, as would be expected prior to resorting to court action, and that it was unlikely that the executive would consider it necessary or desirable to resort to the small claims court except in extreme and exceptional cases. He repudiated allegations that the Executive had sent letters to some members threatening to sue them over road dues or that the Executive were intent on suing property owners unable to pay their road dues owing to hardship or reduced circumstances. He pointed out that without amending the bylaws the Executive would be severely restricted in carrying out the responsibilities expected of them by members.

**6.6 The following motion was proposed:**

**Article VI: Fees**

**ADD:**

Section 2 - The Executive shall be authorized to take such collection procedures as may be required from time to time against any owner in default with payment of road fees, which, in extremis, may include resort to the small claims court for a judgement, and taking enforcement action as may be necessary to recover monies owing together with Association costs incurred in making such a claim.

**Moved by:** Robert Powell

**Seconded by:** Peter Bedoukian

**6.7** A proposal was made to postpone consideration of the motion until such time as action against any owner in default with payment of road fees might become necessary.

**Proposed:** Glenda Turner

**Carried**

**6.8 Resolution to amend the FINFLA bylaws to permit the Executive to establish sub-committees to investigate proposals for improving local services and amenities.**

Elaine St John reminded members that from time to time the Association had embarked on projects such as new garbage boxes, Canada Post boxes and the dry fire hydrant. She argued that there was a need for a change in Association rules to allow for such issues of wider benefit and interest to the community to be considered and for members interested in such matters to be co-opted onto committees specially formed to consider such issues.

The point was made that if a committee is formed for a specific purpose it should be wound up once it had completed its work.

**6.9 The following motion was proposed:**

**ADD:**

**Article III: Standing Committees**

**Section 1** - The Executive of the Association may appoint sub-committees and leaders of said committees for the purpose of investigating specific areas of interest and concern to the Association, e.g. fire protection, garbage collection, etc.

**Section 2** - Findings or determinations of said Committees shall be reported to the Executive of the Association and policies or decisions resulting from the findings will be brought to a general meeting for resolution by the Association membership.

**Section 3** - Additional funds as may be required to cover the cost of special project proposals agreed by the Association membership shall be requested from members in support of said proposals unless external funding is available.

(NB. Current numbering of Articles III to X to be adjusted accordingly).

**Moved by:** Elaine St John

**Seconded by:** Glenda Turner

**Carried**

**6.10 Proposal to amend Road Association charging policy**

Robert Powell outlined the view of the Executive that a properly constituted road association like FINFLA had authority to collect money for road repairs from all property owners who use the 'private' lane maintained by the Association and that unless there was a specific legal reason to the contrary every owner who used Meredith Lane was obliged to pay their fair share of road repair costs. Therefore it was proposed that the current distinction between those required to pay and those asked to make a voluntary contribution should be scrapped. Based on research conducted at the township planning offices he informed members that although not everyone had a covenant in their deeds to enter into a road maintenance agreement, none of the original subdivision or severance agreements for the FINFLA area or any document issued by the owner of the land on which the road runs (South Frontenac Township) specifically exempts those property owners who use the same access road from having to share the cost of its repairs. He reported that a letter had been sent to the seven property owners directly affected by this proposed change. The letter was read out in full to counter misinformation that any of the property holders concerned had been subject to threats of legal action and intimidation. The letter informed them that the matter would be discussed at the AGM and invited them to attend and make their views known on this matter. Not wishing to broach the legal rights of landowners, they were requested to advise the Association if they knew of any legal reason exempting them from paying road dues. The letter outlined the reasons why the executive had arrived at their conclusions in this matter. In the final paragraph recipients were thanked for the voluntary contributions they had made in the past and informed that the sole reason for pursuing this matter was that the Executive considered they had a responsibility to treat all users of Meredith Lane on an equal basis.

It was reported that replies had been received from three of the correspondents and a meeting had taken place with one. All enclosed a contribution to road costs in their letters. Two asserted that they did not think they were legally required to pay road dues. As requested a letter was read out making this point from Junior and Brenda Shangraw who were unable to attend the meeting. They also made the point that the scale of charges were inequitable as the *per diem* rate for 'summer/year round weekends' worked out to \$1.4 compared to 54.8 cents for 'year round' land owners. They also commented, as did one of the other correspondents, that the road was maintained to a higher standard than was required.

Tim Lloyd on behalf of Rita Welch reported that in her view she had no legal obligation to pay road dues, that the payment was not equitable and that on advice from her lawyers she wanted nothing to do with the Road Association.

It was recognized that if the distinction between voluntary and non-voluntary payers was removed, requiring all to pay a fair share of agreed road maintenance costs, then what constituted a fair share of costs in specific cases should be subject to review.

**6.11 The following motion was proposed:**

This Association affirms that everyone who uses the 'private' access road, Meredith Lane, to get to their property shall pay their share of keeping it in good repair and that the scale of charges agreed by FINFLA for road maintenance be applied to subdivision and non-subdivision owners alike.

**Proposed:** Robert Powell

**Seconded:** Allan Kirkwood-Zahara

**Carried**

**7.0 Election of officers 2011/12**

*The following members were elected unopposed to serve on the executive committee in the positions indicated below:*

President:	Peter Bedoukian
Vice-President:	Gwen Glover
Secretary:	Robert Powell
Treasurer:	Sandra Barrie
Road Engineers:	Stu St. John and Carl Turner

*Lane representatives were confirmed as:*

Mike MacDonald	Buffy Lane
Lynn Lawson	Little John Lane
Junior Shangraw	Mink Trap Lane
Stu St. John	Old Fourteen Island Lane
Clark Billinghamurst	Old Mine Lane
Keith Spriggs	Sigsworth Lane

**8.0 Date of 2012 Annual General Meeting**

It was agreed to hold the next annual General Meeting on Saturday June 2, 2012 to be hosted by Keith and Kathy Spriggs at 1092 Sigsworth Lane.

**9.0 Any other business**

- 9.1** Taneda Dawes warned members about an invasive plant known as 'Wild Garlic Mustard', which could even prosper under pine trees where hardly anything else will grow, and secreted a sap from its roots which poisons the Trillium Lily. She circulated photos and a specimen of the offending species.
- 9.2** Tom Bryant requested that the telephone tree for fire emergencies drawn up by Allan Kirkwood-Zahara in the past be updated and redistributed. Allan agreed to undertake this task.
- 9.3** Robert Powell proposed a vote of thanks to Taneda, who was stepping down from the President's post after a spell of two years.

**The meeting adjourned at 12:45**