

Meeting on 15/01/2018

Location: 236 Radcliffe dr. Halifax

Members present: Adam Goudey, Devin Young, Theresa Tomilson, Richard Harry, Jerry Arenovich, Al Duchesne, Lori Collins.

Meeting called to order by Adam Goudey at 6:18, seconded by Lori.

No additions to agenda.

Lori moved to approve special meeting minutes, Al seconded the motion.

Executive members

What is the executive trying to accomplish?

- Gate is closed and pinned, not locked, until a full vote.
- Set a precedent that you have to follow the bylaws that have been in place for many years.
- Ensure that the executive is acting within our role and legal authority.
- Ensure that the executive is upholding the wishes of all members of the homeowners' association, not only a select few.

Discussion about road maintenance:

The executive decided that the association will employ NS plowing regulations. Route 666, Provincial (service) standards are that the roads will be plowed within 24 hours of the completion of a storm. Executives will work to have the road maintained within 24 hours after the completion of a storm. However, the road contractor will maintain Parklands Rd, Parklands Point Rd, and Cliff Rd within 24 hours of New Russell Rd being maintained and made accessible.

Questions for lawyer:

1. Are we (MPHA) considered a deed (initiated) association?
2. What are the homeowners' association's rights and powers in NS? What is legally enforceable in NS?
3. Is a gate locked or unlocked an obstruction?
4. Is a locked gate an obstruction if you have a key?
5. Who is liable if there is a lawsuit which come about from an issue with the gate? What liability is there as the gate is on a right of way?
6. Is there any liability for the individual who owns the land that the gate is on? The gate is on the deeded right-of-way.
7. Is there liability to a homeowner who owns a piece of land that has deeded access/right-of-way when an accident occurs on "their" land?

8. What happens if the memberships and votes to keep the gate locked and people do not abide? Is this enforceable?
9. Are dues legally enforceable?

Gate installed for security a number of years ago. Prevents additional traffic (ATVs)
Gate was installed before 2000.

Knowledge of the gate being in place and seasonal lockage when homeowners bought the property. Homeowners acknowledge that they were aware of the locked gate when they purchased the land. There has been no change to first responder practice. Previous (approx. 2 years ago) vote was to keep the gate unlocked, not open

List of information for Lawyer:
Judy and Bernie's initial e-mail
Response to Judy and Bernie's initial e-mail
Follow-up email from Judy and Bernie's email
Response to follow-up email
List of Bylaws
List of covenants
Liability Insurance Policy

Adam adjourns meeting (8:15), seconded by Theresa