



Dear Residents,

You may recall that last year's election process was fraught with issues. Proxies were mailed, then invalidated and remailed on different color paper to avoid confusion. This, in fact, only added to the confusion. Furthermore, a non-homeowner was initially listed on the ballot and a multi-lot owner was illegally permitted 3 votes. In an effort to avoid such chaos, the board requested that our new property manager do a much-needed "deep dive" into our by-laws with regard to elections.

Background: There are 3 appointees on our board: Ted Russell, Shelby Ascroft and Joe Giacobbe. There are 3 other chairs filled by members who were initially elected for one year terms: Mark Moretti, Michael Lebowitz and Pat King. In its research, Crofton found no authorization or justification in our by-laws for one-year terms (except as further discussed below.) **In June, the board voted 9-0 to adopt the following:**

1. In order to maintain continuity and avoid full turnover, it is critical that the length of terms be staggered so that all seats do not expire at the same time. With a 9 member board, the term for 3 of those seats should expire in any given year.
2. As of the 2020 election, all future terms are set at 3 years. This will vary from time to time due to resignations.
3. To restore balance, the 3 seats elected last year (Mark Moretti, Michael Lebowitz and Pat King) have been extended from 1 year terms to 2 seats with a 2 year term and 1 seat with a 3 year term. **Doing this is in compliance with our by-laws and at the recommendation of our management company to maintain the balance for expiring terms.**

The Board's determination is that Pat King was elected, not appointed. An attorney was consulted on this matter. She stated that her opinion could not be definitive. It would therefore be a Board determination. Facts are that: 1) the Board never voted to appoint Pat King, and 2) the minutes from the post-election Board meeting provide that the Board approved for the candidate with the next most votes to get the 6th seat. That was **Pat with 114 votes**. It is, therefore, the Board's opinion that Pat King already ran her election race and prevailed to take an open seat at that time.

Please note that Mark M (for personal reasons) has decided to finish this year as a board member. There are four board vacancies as announced at Tuesday's (7/21) 7 PM Board meeting and the candidate sign up deadline has

been moved out to next Monday (7/27) at 5 PM to be voted at the **8/22/20** Annual Meeting.

The Board of Directors and the Crofton team will continue to examine the by-laws for compliance when necessary. The Board remains staunchly committed to the community's continued success. We are thrilled that all of our appointed candidates: Joe Giaccobe, Shelby Ascroft and Ted Russell have submitted their applications to run for their open seats. The board is grateful for their commitment to maintaining Board continuity and looks forward to working with them in August and beyond. Thank you for your continued support of your community.

Enjoy the beautiful weather we are having in the Finger Lakes!

Your BHVA Board

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