



Between the political noise of late and the continued pandemic, the summer of 2020 seems long ago. We enjoyed a record-setting number of gorgeous weekends; it was a summer to remember. Board members; however, had a bit of a different experience. As families enjoyed the beach, Fields Enterprises-related hydroseeding trucks pumped water (in or out?) of the lake. Worried parents contacted board members and we reached out to the town and DEC. The board responded to angry complaints with photos of the barge and equipment left in front of Building 5. Board members were told that BH was beginning to look like Woodville. We received QCC submissions asking the board to *please* buy back the marina. Understandably, these issues may seem insignificant when compared to an inoperable elevator, but they have two important commonalities: Fields Enterprises (FEI) as the antagonist and concerned residents reaching out to their board for resolution.

Background: FEI acquired the docking system in 2016. The operator seemingly enjoyed unchecked authority under the prior board. To our knowledge, FEI has never filed any EC applications. This has led to large advertising banners at the waterfront, barges tied to trees in BHVA water rights and the installation of the boat hoists at the center of a significant noise issue. One of the first things the new board did was to send several EC violations letters to the marina operator regarding the condition of the neglected garage structure and safety railings and the illegal storing of boats in the open lower level of the garage. FEI accused the board president of having an agenda and referenced his attorney. The board was exercising its right to enforce the rules and regulations of our community which apply to all HOA members. ([**Click below for FEI response**](#))

On a similar note, the board has learned that in October 2020, FEI applied for, and received preliminary approval for a double tram to be built on the cliffs to connect the parking garage to a lakeside parcel. The area of disturbance is listed as 3,000 square feet. ([**Click below for screenshots**](#)). The first mention of the possibility of a tram dates back to FEI documents from 2019. At the Barn Rally, a resident asked FEI what it wanted. The reply was, "We want the board gone." Gone because it demands that FEI abides by our governing documents? Gone so a new surrogate board would allow for a double tram for the 60 nonresident slip renters FEI requested in its latest proposal to our community? It is important to note that the term 60 non-resident slip renters is very deceiving. In our opinion, the term "60 non-resident and non-HOA-contributing-families" is more accurate. Naturally, no one boats alone; imagine the volume. Our amenities, especially parking, would be stretched beyond limits. In a court affidavit, FEI says he has historically had around 30 nonresident renters. Then why send the board a proposal asking for 60? We stand behind the strategic message we were sending to FEI when we decided to not even respond. The board will further address the aforementioned proposal in a subsequent constant contact.

FEI was quiet on social media throughout the lawsuit he filed against our (and his) community and again silent throughout the related 3B lawsuit. He had been silent until acquiring a tool of leverage. He did so with trucks, cement blocks and marina

equipment on Shore Drive. There have been more emails between the town and BHVA regarding the permitting process than is being posted on social media. After being asked to review a portion of Section 10 of the BHVA Declaration, the town attorney stated that he needed to see the whole document to understand more about the elevator and marina parcels in relation to the insurances and easements required. A link to the Restated Declaration* was sent to him in late December. We will reach out this week for a response and continued dialogue to move the elevator project forward.

What does this board want? This board expects that FEI assumes its rightful place as a member of this association, fills out EC applications just like the rest of us and to accept that, as a lot owner, it is subject to the by-laws of this community. FEI has mentioned returning to the “status quo.” The prior operator let us walk on the dirt road. The prior manager wrote on state documents that slips were only for Bristol Harbor residents and added new slips only when there was BH resident need. With respect to non-disclosure of the tram and FEI's disregard for our Environmental Regulations, it is imperative that the board not enter into any agreements that could jeopardize our beach and waterfront being the private amenity that we as a community value so much.

The board and condo presidents stand united to protect our private waterfront. We greatly value your support and patience as we continue to volunteer at what has now become full-time jobs for us.

BHVA Board

*It bears repeating that the BHVA Board has no authority on its own. It, including all residents, are bound by the Restated Declaration recorded on 02/17/2010 and filed with the Town of South Bristol by Phillips Lytle LLP.

[Click for response & screenshots](#)
