

BELLEAU LAKE PROPERTY OWNERS ASSOCIATION, INC. BYLAWS

(This version contains all approved by-law changes up to and including September 10th, 2022)

Articles of Association and By-laws for the Members of
"THE BELLEAU LAKE PROPERTY OWNERS ASSOCIATION, INC."

ARTICLE I

SECTION I: NAME

The name of this Association shall be "The Belleau Lake Property Owners Association, Inc."

SECTION II: PURPOSE

The purpose of this Association shall be to provide a means for united action to further the mutual interest of property owners of the immediate Belleau Lake area. The Association shall endeavor to protect the area in such a way as to assure water quality and continued orderly development. Further, it shall provide for the care, maintenance, repair, and improvement of the roads and other property owned or maintained by the Association. It shall also provide a coordinated channel for communication with state, county, town and/or local authorities, including area property owners, on assessments, lake improvements and any other official regulations or ordinances. This Association is not organized for profit.

ARTICLE II

OFFICERS AND DIRECTORS

SECTION I: OFFICERS AND DIRECTORS

The Officers of the Association shall be: the President, Vice President, Treasurer, Secretary, Assistant to the Treasurer, and Assistant to the Secretary.

The Board of Directors shall consist of the President, Vice President, Treasurer, Secretary, Assistant to the Treasurer, Assistant to the Secretary and nine (9) Directors.

ARTICLE III

ELECTION AND DUTIES OF THE OFFICERS AND DIRECTORS

SECTION I: ELECTION

The Officers and Directors shall be elected at the fall meeting of the Association to be held on the most convenient day nearest Labor Day weekend. This meeting will be considered the "fall meeting". All Officers and Directors shall pass all available records and other pertinent Association materials to their successors as soon as possible upon their election to office.

SECTION II: ELECTION PROCEDURE

The elections shall begin with the election of the directors and on alternate years shall proceed as follows: at one election we will elect the Secretary and Vice President and Assistant Treasurer, and the next year the election will be Treasurer and President and Assistant Secretary.

SECTION III: PRESIDENT

The President shall preside at all meetings of the members of the Association, and shall be a member, (by virtue of office) of the Board of Directors. He/she shall perform such administrative duties as required by law, vote of the members, Board of Directors, or by these by-laws. In addition,

the President may call a meeting of the Association upon request of three (3) members of the board, (or upon written request of twenty-five (25) voting members of the Association stating why the meeting is requested.) The President or Vice President shall countersign all checks or withdrawals by the Association.

SECTION IV: VICE PRESIDENT

The Vice President shall assume the duties of the President in his/her absence or upon his/her removal or resignation from office. The Vice President is responsible to attend all meetings of the Board of Directors and the membership in order to be aware of all that is transpiring in order to assume the duties of the President, if necessary.

SECTION V: TREASURER

The Treasurer shall have the authority to collect and give receipts for dues and/or assessments, have custody of the Association funds, and maintain accurate records of the Association's financial condition. The Treasurer shall submit a full financial report at the "fall meeting" of the membership. The Treasurer shall be required to keep vouchers for all payments.

All bills up to, and including, five hundred dollars (\$500) must be approved by the President before payment shall be issued. However, the road agent (appointed by the Board of Directors) may approve minor repairs up to five hundred dollars (\$500). The annual total of these minor repairs shall not exceed the amount budgeted for this purpose without approval of the Board of Directors. Any amount over five hundred dollars (\$500) for any purpose must be approved by the Board of Directors before payment shall be issued. Any single project totaling over five thousand dollars (\$5,000) shall be brought to the membership for a vote of approval before the monies are encumbered or payment is issued. In the event of emergency, the Board of Directors may take action without regard to this limitation.

The Treasurer shall maintain an accurate and up-to-date list of paid up members.

The Treasurer shall bill the membership for annual dues and/or assessments

ASSISTANT TO THE TREASURER:

The Assistant to the Treasurer shall perform his/her duties at the instruction of the Treasurer, in accordance with these by-laws, by vote of the Directors or members and as required by law.

SECTION VI: SECRETARY

The Secretary of the Association shall have custody of the Association records other than those of a financial nature, shall attend and record all meetings of the membership and of the Board of Directors, shall give notice of meetings in accordance with these by-laws or upon instruction of the President, and shall perform his/her duties as required by law, vote of the members or Directors or these by-laws.

ASSISTANT TO THE SECRETARY:

"The Assistant to the Secretary shall perform his/her duties as directed by the Secretary, in accordance with these by-laws, by vote of the Directors, or members, and as required by law."

SECTION VII: BOARD OF DIRECTORS

The Directors and Officers shall, as a Board, take general management of the Association's affairs in promoting the purposes of the Association, including the carrying out of any special programs or projects specifically voted by the membership.

The Board of Directors shall, insofar as possible, be representative of the various parts and/or sections of the Belleau Lake area. A majority of the Board shall constitute a quorum at a Board of Directors meeting.

The Board of Directors will meet as many times a year as it deems necessary, however, the Board of Directors shall meet at least twice a year, preferable in June and September. A request for a meeting of the Board of Directors may be made by the President, or by three (3) members of the Board in writing to the President, specifically stating the purpose of the meeting. The President shall request the Secretary to give out a call to meeting, allowing at least 15 days advance notice of said meeting.

Vacancies on the Board of Directors shall be filled by vote of the Board of Directors, for unfilled terms.

Members of the Board of Directors may mail in the approval or disapproval of matters placed before them for consideration if it is not possible for them to attend a meeting. In which case, all absentee votes will be in the President's and/or secretary's files before said meeting and will be counted as though the Director was present at said meeting.

Members of the Board of Directors shall be notified by the President of any decision, which must be made by the Board of Directors, at a time when a meeting is not possible. The Directors will send their votes in writing, including E-mail, to the President. The President, or the Secretary, will advise the Directors of the Board's decision within 15 days of the receipt of the determining ballot.

SECTION VIII: TERMS OF ELECTED OFFICERS AND DIRECTORS

All Officers and Directors shall serve a minimum term of two (2) years.

SECTION IX: COMMITTEES

Special committees, both temporary and permanent, when necessary, shall be designated by the President, who shall appoint a chairperson and members thereof of said committee.

All committees, both temporary and permanent, shall be informed as to the purpose of the committee, when said committee shall report and to who said committee shall report, and as to the duration of said committee. All committee reports shall be in writing.

The President shall appoint an auditing committee, who shall not be related to the Treasurer or Assistant to the Treasurer and who shall audit the financial records of the Association just prior to the "fall meeting", they shall and will report the results of the audit to the Association membership at said meeting.

Before a new person assumes the position of Treasurer, whether by election or appointment, (appointment would be only if the prior Treasurer is removed from the position or abandons the position) an auditing committee shall examine the accounts and report the findings to the Board of Directors within 15 days and to the membership as soon as is possible.

SECTION X: POWERS AND DUTIES OF THE BOARD OF DIRECTORS

General Powers. The Board of Directors shall have the powers and duties necessary for the administration of the affairs of the Association and may do all such acts and things as are not by law, or these bylaws, directed to be exercised and done by Association members. All the powers and duties of the Association existing under the Articles of Agreement and these bylaws shall be exercised exclusively by the Board of Directors, its agents, contractors, or employees subject only to approval by the Association Members when such is specifically required. Compensation of employees of the Association, if any, shall be fixed by the Directors. Without limiting the generality of the powers and duties conferred upon the Board of Directors hereunder, the Board shall have those powers which include, but which are not necessarily limited to the following, together with such other powers as may be granted herein or by law, or in the Articles of Agreement, or which may be necessarily implied:

- (a) **Rules.** The Board may adopt Rules and Regulations concerning the use, maintenance, alteration, improvement, and management of the Association Roads and other property owned by it, as well as (but not limited to) pertaining to restricting nuisance, signage, vehicles, storage, refuse, common area use, and the setting and enforcement of penalties related to violations thereof.
- (b) Prior to being effective, rules must be presented at a membership meeting and approved with a minimum of 3/4 of voting members present at the meeting. All Owners shall receive notice of any new or amended Rules through the Association's newsletter, web site, mailings, or other forms of communication to the Owners from the Board.

SECTION XI: COLLECTIONS

Collection of Assessments. The Board of Directors shall take prompt action to collect any assessments due from any owner which remain unpaid for more than sixty (60) days from the due date for payment thereof.

Default in Payment of Assessments. The failure to pay assessments when due shall subject all owners to the following liability, in addition to the amount of any unpaid assessment:

- a) **Late Fee.** The failure to pay an assessment within thirty (30) days of the due date thereof shall result in the additional assessment of a late fee in the amount of \$25.00.
- b) **Interest.** The failure to pay assessments within sixty (60) days of the due date thereof shall result in the assessment of interest which shall accrue on all unpaid and delinquent amounts in default at the rate of twelve percent (12%) per annum.
- c) **Costs and Attorney Fees.** The Association shall be entitled to all costs of collection, including all reasonable attorney fees, incurred at any time as a result of a member's default, which costs shall be specifically assessed against and become the responsibility of the member in default.

ARTICLE IV MEMBERSHIP

SECTION I: MEMBERSHIP

Membership in the Association is restricted to, and conferred automatically, upon all Lot owners that

have a deeded right of access and use of roads servicing their lots, and which are owned and maintained by the Association; as well as all owners of lots having a deeded right of access and use of Belleau Lake (f/k/a "Dorr Pond") and/or a deeded right of access and use of so-called "Beach Lots" and/or other common area property owned and maintained by the Association."

SECTION II: MEMBERSHIP YEAR

The membership year shall be from January 1st through the following December 31st.

SECTION III: REMOVAL FROM OFFICE OR MEMBERSHIP

Any Officer, Director or committee chairperson may (for sufficient cause) be expelled by a vote of three-fourths of the Board of Directors, all members have the right of appeal for any action taken against them. An appeal may be made at the next membership meeting of the Association.

ARTICLE V

DUES AND ASSESSMENTS

SECTION I: ADOPTING A BUDGET

The Board of Directors shall implement an annual budget process, which should include an invitation for comments and suggestions from Association members.

The Board shall adopt a proposed budget containing estimated amounts required for the ensuing fiscal year for the following purposes:

- a) Operation, maintenance, repair and improvement of Association owned/maintained roads.
- b) Lake stewardship, including projects designed to foster good environmental effect upon Belleau Lake.
- c) Other necessary expenses or proposed projects.
- d) Reasonable reserve funds for future improvements, contingencies and replacements.

The Board of Directors shall provide the proposed budget in the Notice of Fall Meeting. The Budget shall include the amount to be assessed to property owners. The budget shall be submitted to the membership for their approval at the fall meeting. Until the adoption of a new budget, expenditures, dues and assessments shall be based on the prior year's budget.

SECTION II: DUES AND ASSESSMENTS

The annual dues and assessments shall be determined by a vote of the Board of Directors and brought to the membership for approval at the "fall meeting" of the membership. If a change is approved by the membership, it will go into effect on the next January 1st, which is the beginning of the membership year.

Unless otherwise determined by the Board of Directors, the assessment against each member for his/her share of the expenses shall be payable on January 1st.

SECTION III: RESERVES

The Board of Directors shall build up and maintain adequate reserves for, and not limited to rebuilding and/or replacement of the (1) Association owned/maintained roads and (2) other property owned by the Association. At the end of the fiscal year, all funds accumulated during the

year for reserves shall be placed in a separate bank account. These funds shall be segregated from the general operating funds. They are only to be used for their specified purposes.

ARTICLE VI MEETINGS

SECTION I: MEETINGS

This Association shall hold at least two (2) membership meetings each year at a suitable location in the Belleau Lake area. A meeting will be held on the most convenient date nearest "Memorial Day". This hereafter referred to as the "spring meeting", will be to determine the needs of the Association and to address concerns for the coming year. There will be no restrictions as to the issues or votes or decisions of the membership at this or any meeting, with the exception of the election procedure, which as earlier decided will take place at the "fall meeting". A meeting will also be held on the most convenient date nearest "Labor Day" this meeting will have no restrictions other than it will be the "election" meeting. It will hereafter be referred to as the "fall meeting".

SECTION II: NOTICE OF MEETINGS:

Fifteen days (15) notice of any meeting of this Association shall be given by the Secretary or the President. A special meeting may be called by the President or by the Directors, or when requested by twenty-five voting members, who shall state in writing why the meeting is necessary.

SECTION III: NOTICE OF BY-LAW CHANGE

Notice shall be given at least fifteen (15) days prior to a meeting if any amendments to the by-laws of this Association is intended. Notice of the proposed change must be given stating the present wording of the by-law, the proposed wording of the by-law amendment, and the rationale for the change. A proposed amendment to the by-law may be introduced at any membership meeting, and voted on at the following membership meeting, the reading of a proposed amendment constitutes proper notice of intent. The proposed amendment(s) may be amended at the meeting as part of the approval process.

SECTION IV: QUORUM

No business may be transacted at a membership meeting without a quorum being present. Twenty-five members present and eligible to vote shall constitute a quorum.

SECTION V: MEETING PROCEDURES

Robert's Rules of Order shall govern the conduct of the meetings of the Association in all cases where applicable and when not in conflict with these articles and by-laws. The order of business at the meetings shall be as follows:

1. Roll call (each name read will be checked by the Secretary and verified by the Treasurer to be a paid-up designated voter)
2. Reading of the minutes of previous membership meetings
3. Reports of Officers and Directors
4. Reports of committees
5. Unfinished business
6. New business
7. Election of Officers and Directors (to be conducted only at the "fall meeting").
8. Adjourn

The Treasurer shall verify each member as “paid up” and shall supply the Secretary with an up-to-date list prior to the roll call.

ARTICLE VII

VOTING RIGHTS

SECTION I: VOTING

Each property owner who is a member of the Association shall be entitled to one vote. Where a dwelling, parcel or parcels of land are owned by more than one person, the joint or multiple owners shall be entitled to one vote only. Voting shall be based upon ownership and shall not be based upon the number of parcels or dwellings owned; where more than one parcel and/or more than one dwelling are under the same ownership, the owner or owners shall be entitled to one vote. Eligibility to vote on issues pertaining to road maintenance, budget, bylaw amendments, bylaw alterations, improvements and assessments shall include any Belleau Lake property owners present in person, or by proxy, who are current on their due’s payment.

SECTION II: GOOD STANDING

A member shall be deemed to be in good standing and entitled to vote at any meeting, if and only if, he/she shall have fully paid all dues and assessments made or levied against him by the Board of Directors, together with all interest and costs chargeable to him/her before the meeting is called to order.

ARTICLE VIII

AMENDMENTS

SECTION I: AMENDMENTS

These by-laws and articles may be altered or amended at any membership meeting of this Association, by three-fourths vote of the membership designated as paid up voters, present at said meeting or represented by proxy vote. No alterations or amendments shall be made unless the membership has been made aware of the proposed changes in wording that shows the present article or by-law, proposed alteration or amendment of said article or by-law and the rationale for making the alteration or amendment. Proposed alterations or amendments of these by-laws shall be presented to the membership in writing and shall be included in the call to meeting in accordance with (article vi section iii), notice of by-law change. Alterations or amendments to these articles, and/or by-laws, may be suggested in writing by the Board of Directors, or no fewer than twenty-five (25) members in good standing. The wording of the proposed change may be amended at said meeting as part of the approval process.

ARTICLE IX

ABSENTEE VOTING

SECTION I: ABSENTEE VOTING BY BOARD OF DIRECTORS ON THE BOARD

When it is impossible to hold a meeting of the Board of Directors and a decision of the board is necessary, the President of the Association may poll the Directors by mail or email for their decision. The Directors will mail or email the ballot to the President as soon as possible. The President will notify the Directors of the voted decision at the earliest possible time

When it is impossible for a Director to attend a Board of Directors meeting, he/she shall ask to be advised of any important vote pending and will make every effort to have his/her opinion in writing in

the hands of the Secretary at a reasonable time before the meeting. The name of the Director will be stated, and his/her opinion made a part of the official record.

SECTION II: ELECTION VOTE

When it is impossible for a paid up designated voter to attend the “fall meeting” and he/she wishes to take part in the election of Officers and Directors, he/she shall obtain a list of all candidates and have his/her ballots in the hands of the Secretary and/or President before the meeting. A separate ballot will be cast for each candidate. Once the member is approved a designated paid up voter, the ballots will be cast for each individual candidate and will be counted with the other ballots.

ARTICLE X

ROADS AND DRIVEWAYS

SECTION I: ROADWAYS MAINTAINED BY THE ASSOCIATION

The Association owns and/or maintains the following roads around Belleau lake:
Belleau Boulevard, Beverly Hills Drive, Bow Drive, Desmond Drive, Emerald Point, Friar Tuck, Gold Coast Drive, Lafferty Lane, Lexington Drive, Maid Marion, McGinniss Way, Moose Point, Narrow Point Road, North Desmond Drive, North Dorr Way, Nottingham Road, Pennsylvania Avenue, Randy Way, Robinhood Road, South Dorr Way, Vachon Drive, Vange Way, Whitham Road.

SECTION II: ROAD FEES

Road fees to pay for the care, upkeep, maintenance, repair, snow plowing and improvement, plus a reasonable reserve for future rebuilding or replacement, shall be assessed to the owners deriving access to their properties over roads maintained by the Association.

SECTION III: DAMAGE TO THE ROADS

Owners of property abutting Association roads are responsible for damages to the road caused, directly or indirectly, by the property owner, their agents, employees and invitees. Owners shall also be responsible for damage caused by erosion or water coming from their property onto the roadway. If repairs are not undertaken promptly, and pursued to completion in a timely manner, the Association shall have the power and the authority to undertake such restoration of the road and shall assess the cost thereof to the property owners, including attorney's fees and costs.

SECTION IV: DRIVEWAYS

Owners of abutting property to these roadways have the right to pass over these roads to come and go to their property. They do not have the right to damage the roads, or unnecessarily increase the costs of road maintenance. The entry onto the roadways to/from the property must be of sufficient design and construction as to not allow water to flow onto the travel portion of the roadways.

New Construction: The owner of property wishing to construct an entry onto the roadways must submit a permit application to the Association’s Road Agent, including a sketch of the proposed driveway design, and obtain a permit from the Association’s Road Agent prior to starting construction. Such design must conform to the Association’s then current specifications and standards, which shall include not discharging water onto the travel portion of the roadway, nor interfering with the flow of water along the side of the roadway. An appropriate sized culvert with a minimum diameter of 12 inches, and a minimum length of 20 feet may be required. The driveway constructed must conform to such specifications and standards.

Existing Driveways: If any driveway or access is, or becomes, a potential threat to the integrity of the roadway, or its surfaces, ditches, embankments, bridges, or other structures, or a hazard to the traveling public, by reason of situation, flooding, erosion, frost action, vegetation growth, improper grade, or failure of any culvert, drainage structure, or any other feature, the Association, its Road Agent or other designee, may issue an order to the landowner or other party responsible for such access/driveway to repair or remove such hazardous condition and to obtain any and all permits required therefore. The order shall describe the hazard, prescribe what corrective action or alteration in the location or configuration of such driveway or access shall be required, and set a reasonable time in which the action shall be completed. Such an order shall be sent by certified mail.