

Loon Lake Road Association By-laws

Article I

Name & Purpose

The name of the statutory road association shall be the Loon Lake Road Association. Its purpose is to provide safe passage to landowner's properties, to protect the environment, and to preserve community by creating a forum to discuss the needs and methods for road maintenance, fair fees to accomplish this, and to assure that all property owners are treated fairly as enforced by the Maine Statutes.

Article II

Powers and Duties of the Board of Directors

The Board of directors shall be composed of three (3) directors. Directors are elected at the annual meeting for two year terms. Terms will be staggered, with 2 elected in even years and 1 elected in odd years. Any member of the association in good standing can nominate any other member in good standing. All nominees who agrees to stand for election to the board will be entered on a single ballot. All members in good standing can vote for up to the number of directors being elected (generally 1 in even years and 2 in odd years). Nominees receiving the highest number of votes being elected first, nominees receiving the second highest will be elected second, and so on until the number of vacant positions are filled.

Directors will determine which of their members will serve in the following capacities:

- 1) President/Road Commissioner
- 2) Secretary/Vice President
- 3) Treasurer

a). The President shall be the chairman. He or she shall call and preside at all meetings of the members and the Board of Directors and shall exercise general supervision over the management of the Road association. In the absence or inability of the President to perform any of the duties imposed on him or her the Vice President may exercise all the powers of the President by order of the Board. As Road Commissioner, he or she shall determine what repairs and maintenance are needed each year for upkeep of the roads, to make recommendations to the Board of Directors and the Property owners and to perform such maintenance and repairs as the property owners and directors agree to as authorized by 23 M.R.S.A. Sections 3101 to 3106. He or she shall collect unpaid assessments on behalf of the association as set forth in Section 3103.

b). The Secretary shall provide the agenda for meetings, record the minutes at the meetings including recording the votes on voting items, recording names of attendees; conducting necessary correspondence to the members; keeping a record of members names, addresses(postal & e-mail), amend the bylaws as required, and other duties requested by the Directors.

c). The Treasurer shall prepare annual budgets including proposed property owner fees to support the road maintenance obligations determined by the President, oversee the keeping of a spreadsheet showing the members' fees and payments made. He or She shall oversee deposit of all money of the Association in a bank of his or her choice, write checks for payment of services provided and provide a financial report to the members at the end of the fiscal year.

**Article III
Road Access**

- a). Vehicle and Pedestrian Access—The Roadway shall be subject to a perpetual, nonexclusive easement for ingress and egress granting access to all parcel owners and their occupants, agents, employees, guests, services, and emergency vehicles.
- b). Utility Easement- The roadway Property shall be subject to a perpetual, nonexclusive public utility easement for the purpose of permitting above and below ground public utilities to be installed and maintained as agreed by the association.
- c). Parking- None of the lot owners or any of their employees, guests, or invitees shall be permitted to allow vehicles or other potential obstructions to be placed on the Private Road in manner that could block or otherwise interrupt use of the Private Road.

**Article IV
Road Maintenance**

- a). Spring-Summer- Fall maintenance--- Road maintenance and road improvements will be incurred whenever necessary to maintain the road in good operating condition at all times and to insure the provision of safe access by emergency vehicles. A majority vote of parcel owners is required for any major road improvements as well as the normal pot-hole maintenance and to accept the bid for any road improvement contract. Before authorizing expenditures for future road improvements, parcel owners will be notified by one of the Road Commissioners , cost estimates will be provided, and a majority agreement will be required. If any parcel owner performs improvements, maintenance repairs, or replacements without the approval of the other parcel owners prior to performing such work, the parcel owner performing such work shall become liable for the entire cost thereof.
- b). Snow Plowing- The Private Road shall be snowplowed as determined by a majority vote so as to permit year round access. The pro-rated cost shall be shared by the parcel owners .Individual driveway snow plowing, if desired, will be up to the individual owner.
- c). Emergency Repairs– In case of emergency repairs over and above the normal pot-hole maintenance, a Road Commissioner must be notified immediately and the commissioner shall notify all property owners concerning the repairs necessary and the cost. The repairs will be done and additional assessment may be necessary from each property owner to cover the cost

**Article V
Expenses**

- a) Cost Sharing—Road Maintenance, snowplowing and road improvements costs shall be shared on a pro-rata basis between the parcel owners sharing access to the above mentioned roadway, Each parcel owner’s share of costs incurred shall be determined as follows: Pro-rated cost share will be based upon the percentage of roadway to be plowed and material maintained from the beginning of the Private Road to the end of Dean’s Way, Chundo Rd and North Cottage Road. Property dwelling owners on Chundo Road & Dean’s Way will share the same costs for their distance and property owners on the North Cottage Road will share the same for their distance. Loon Lake property owners will share the cost appropriate to the distance from the start of the Private Road in respect to plowing and road & material maintenance. Property owners with no dwellings will pay road & material appropriate to their location.

b) Prepayment- Prepayment for maintenance, snow plowing and improvement costs will be made to the road maintenance account by the parcel owner. Annually on or before a date specified by the Road Commission Agent, each parcel owner will contribute their pro-rated share of the estimated annual cost for maintenance, road improvements, and annual snow removal. The Road Commission Agent shall send each parcel owner a 30 day notice of the annual payment due. An interest charge of 2 1/2 percent will be charged for each 30 days overdue.

c) Funds – The Board of Directors may, to such extent as they have been directed by the majority of the property owners attending any meeting, set aside funds of the Association as reserve or contingent funds and may use the funds so set aside for reduction of indebtedness or other lawful capital purpose, or for repair, rebuilding and restoration of the road ways.

Article VI Insurance

The Board of Directors shall obtain and maintain as voted by the majority of the property owners on a yearly basis, a policy of liability insurance for the benefit and protection of the Association Directors and all property owners. This policy shall protect the Directors & property owners from liability arising from the usage of the roads of the Association by any person or persons. Such insurance shall, unless the same is not obtainable, be maintained in the amount equal to one million(\$1,000,000) dollars.

Article VII Parcel Definitions

a). Definition of a parcel– A parcel is defined as a land entity having a lot# as indicated on the Real Estate map available at the Dallas Plantation Office. The term parcel owner and the term property owner may be used interchangeably in these By-Laws. Each parcel owner is assessed and granted one(1) vote regardless of the number of owners. If a parcel is owned by more than one person, all of the owners of the parcel will collectively be referred as the “parcel owner” for purposes of this agreement, and will be entitled to one collective vote(i.e. each parcel represents one vote in the matters covered by this agreement).

b). Future Parcels—Any additional parcels gaining access to the Private Road by way of splitting existing parcels will be bound by all terms and conditions of this agreement, and will be required to pay that portion of the maintenance, snowplowing, and improvement costs incurred after the split as determined using the formula contained in Article V. When a parcel is being sold on a land contract, the land contract vendee shall be deemed the owner of record.

Article VIII Meetings

The Board of Directors shall meet annually one(1) month prior (and immediately following if necessary) the annual meeting of the property owners. The Board of Director meetings may take place either in person, via telephone, or via email. Other meetings may be called if deemed necessary either by P.O. mailing, or e-mail to discuss emergency issues.

The annual meeting of the property owners shall be on the 2nd Sat. in August. Time & place is to be announced. The meeting is to be announced to all property owners via e-mail, telephone call or by

postal letter 30 days prior to the meeting.

At each annual meeting the Sec/Treasurer will submit a financial statement and the Road commissioner will submit a recommendation for road maintenance & snow plowing, the cost, the contractors employed and the fee assessment for each property owner.

Article IX Amendments

These Bylaws may be amended at any regular or special meeting of the Loon Lake Road Association membership by a two-thirds vote of the members present at that meeting. Notification of a meeting to amend the By- laws and the proposed amendments must be sent to all members of the Association at least one month in advance of the meeting.

Article X Enforcements

The By-laws may be enforced by the majority of the parcel owners as members of the Road Association. Procuring delinquent fees from non-payee members may be enforced as recognized by Maine Statute Title 23, Chapter 305, section 3102. If a court action or lawsuit is necessary to enforce this, the party commencing such action or lawsuit shall be entitled to reasonable attorney fees and costs.

Article XI Fiscal Year

The fiscal year of the Association shall be from 1 September through 31 August of the preceding year.

Article XII Membership

All parcel owners who derive a benefit from the maintained road shall be a member of the Road Association. One vote may be cast per parcel owner as long as the parcel owner is in good financial standing (i.e. no overdue dues) at the annual meeting or via proxy or absentee vote.

Article XIII Proxy and/or Absentee Voting

The Board of Directors shall consider whether to establish proxy and/or absentee voting for any forthcoming Association meeting, and if so voted, shall establish parameters for said proxy and /or absentee voting, including but not limited to, appointment of voting member for any property, method of proxy and/ or absentee voting, and time frame for said proxy and/or absentee vote. In any event, the proxy and/or absentee vote shall be held to the same standards as stated within these Bylaws.