

HEMLOCK VALLEY HOMEOWNERS ASSOCIATION
P.O. Box 3363 Mission B.C. V2V 4J5
ANNUAL GENERAL MEETING
Saturday April 4th, 2009
Hemlock Valley Resort Ski Lodge, B.C.

Call to order 7:20 pm

A rough head count – approximately 81 attendees.

Executive and Directors Present:

Loch McJannett, President	Bruce Downing
Felicity Matthews, Secretary	Nancy Evans
Brian Murphy, Past President	Dale Black
Therese Grzesiok, Treasurer	Val Mazur
	Rob Weiss
	Marty McKinney

Speakers:

Kevin Bourdin (Hemlock Resort), Marty McKinney (Hemlock Volunteer Fire Department) and Stewart Green (on behalf of Pete Liljedahl of the Hemlock Ski Club)

Meeting had two parts – Section A (guest speakers) and Section B (HVHA business).

President Loch McJannett welcomed everyone to the AGM and introduced executive and directors.

Motion to adopt minutes from last AGM

Moved by Dale Black

Seconded by Felicity Matthews

Passed (opposed – none)

Loch then addressed the goal of the meeting. The goal of the meeting is to bring people up to date and get more information from the people who have the facts. Loch read greetings from both Randy Hawes (MLA) and Terry Pratt (Manager Major Project Ministry of Tourism, Culture and the Arts). Both complimented the positive performance of the Berezan team. Details in Appendix 1.

Loch presented his report:

In lieu of the \$500.00 that was passed as a motion last year to investigate the paving of the subdivision, Loch contacted Fred Feistmann (Consultant for Emil Anderson Construction) who gave Loch a very rough estimate on the costs associated with the paving (he did not charge for this information). This report will be put on the HVHA website. Please see Appendix 2 for details of Feistmann/McJannett correspondence.

- \$200,000 for the study
- \$2.5 million for approximately 10 km of paving to highway standard
- \$600,000 needed to prepare road bed
- Roads have only a one year Warranty

Kevin Bourdin was introduced by Loch and gave his presentation.

Kevin thanked people for attending and extended greetings on behalf of the Berezan Group and family as they were not able to attend this AGM.

In regards to the status of the road, there was a notice that was circulated describing the status:

- 1st phase is \$475,000 which was implemented last year
- 2nd phase (approximately \$4,000,000) is on hold given the current economic climate. The resort still wants to pave the road. There will be a need to re-work the roadbed once the green light is given.

Kevin did not discuss the Master Plan as it has not been finalized (pending some in house revisions) and they are still in some negotiations with First Nations. The plan will need input from the residents once it has been made public. No timeline has been set however Kevin suggested the Master Plan might be submitted in the next four to six months.

Kevin Bourdin's Comments and Questions:

Previous Master Plans did not deal with First Nations and they do have a critical part in reviewing the plan. There are 6 to 8 parts of the Morris Valley Road that belong to the Chehalis Band due to government realignment of the road some years ago.

How did the resort do this year? The resort is down approximately 4% overall from last year. There is a better feeling about Hemlock this year with a few complaints and a great many more compliments compared to last year.

The resort is investigating events for this year, however Hemlock needs the infrastructure to provide for events such as mountain biking.

Water/Sewage: There is a need to improve these systems however the resort does not want to provide only a 'band-aid' approach as these facilities will need to be rebuilt for future development of the resort and Hemlock Valley itself. This is ongoing.

Power: BC Hydro is reviewing the type of wiring that will be needed for future upgrades to the entire area east of Mission. There is also some interest in the 'run of river' concept as a potential source of power to Hemlock. This will also involve the First Nations.

Cell phone: No network has been installed to date but this is an ongoing project.

Lifts: There has been only one hour six minutes of lift downtime this year (Comment drew applause).

Helmets: This is difficult to enforce and mandate on the hill. There is no provincial law advocating helmet use for skiing. The emphasis is on the person and parents.

Other: Homeowners do not have rights on the mountain. This is a community and the resort is listening to homeowners' comments and constructive criticism. There were good compliments regarding the mountain hosts.

Projects on the mountain for this year: The resort is in an economic crisis at this time and will spend approximately \$500,000 just for maintenance this year.

There are no problems to re-certify the Red chair as improvements have been made to provincial safety inspection standards.

Member of the audience mentioned that this has been the best year for hill grooming.

Advertising: Member asked why resort is not selling/advertising Hemlock (i.e discounts etc). Kevin replied that it is not the direction that the resort chooses to go with discount fares etc. as this would attract people who are only attracted by such items and not really help to build Hemlock. We want this to be more attractive place and want to build a resort not a discount place. We want to improve the real estate values through the Master Plan and want to control growth on the mountain.

Brian Murphy thanked Kevin for use of the Lodge for this AGM.

Loch introduced Marty McKinney (Fire Chief - Hemlock Fire Department) and thanked him for the smoke detectors:

- Marty thanked the Hemlock utilities for keeping the fire hydrants clear of snow, but also noted they were being used for parking spaces and this was not a good idea.
- Marty thanked Dale Black for taking on the job of training for this year.
- The fire department is always looking for new members.

Loch introduced Therese who presented the HVHA unaudited financial report for the fiscal year ending March 31st 2008 and an interim statement to December 31st 2008.

- There is \$6,233 currently in the bank account. \$4,000 is in term deposits.
- Motion to accept the financial report by Rick Mazur and seconded by Rob Weiss. Passed No objections.

Loch introduced Stewart Green who presented an up date on behalf of Peter Liljedahl for the Hemlock Ski Club.

- The club had a successful year but is in need of new members (ie grandchildren of many present at this AGM).

Election of the new Board of Directors

Bruce Downing advised homeowners that some of the Directors were willing to remain on the Board for another year, including the following:

Loch McJannett as President,
Nancy Evans as Vice-President,
Therese Grzesiok as Treasurer,
Bruce Downing as Secretary,
Brian Murphy as Past President

And as Directors-at-Large,
Val Mazur
Dale Black
Rob Weiss
Marty McKinney
Felicity Matthews

Bruce asked the homeowners if anyone would like to run for any of the officer positions. There were no volunteers.

Bruce asked the homeowners if anyone would like to sit on the Board of Directors. Carrie Murphy offered to sit as a Director and her offer was gladly accepted.

As there were no other nominations from the floor, those that were as presented were accepted.

MOTIONS

Loch introduced three resolution changes via motions that dealt with the current bylaws of the association.

Once passed by a majority of homeowners, they would then need to be filed with the Registrar of Companies in order to change the by-laws of our Society.

Resolution 1 and Resolution 2

These resolutions had to do with sending AGM Notices via e-mail, which would save approximately \$500.

Resolution 3

This resolution had to do with membership classification.

1. Notice to Members. It would save the Society almost \$500 per Notice mail out, if our By-Laws were changed so that HVHA could send out Notices by email (from our new website). In order to be able to do this, we need to get permission from the Registrar of Companies. To do so, the members need to pass the following Motions, after which time a Special Resolution will be filed with the Registrar of Companies.

The current Section 65 of the By-Laws reads:

“65. A notice may be given to a member, either personally or by mail to him at his registered address.”

We propose the following Motion:

MOTION:

BE IT RESOLVED THAT Section 65 of the By-Laws of Hemlock Valley Homeowners Association be amended to read:

“65. A notice may be given to a member, either personally or by mail to their registered address, or by e-mail to their registered e-mail address.”

Motion moved by Dale Black and seconded by Felicity Matthews.

Motion called and Passed with no one opposed

The current Section 66 of the By-Laws reads:

“66. A notice sent by mail shall be deemed to have been given on the second day following that on which the notice is posted, and in proving that notice has been given it is sufficient to prove that the notice was properly addressed and put in a Canadian post office receptacle.”

We propose the following Motion:

MOTION:

BE IT RESOLVED THAT Section 66 of the By-Laws of Hemlock Valley Homeowners Association be amended to read:

“66. (a) A notice sent by mail shall be deemed to have been given on the second day following that on which the notice is posted, and in proving that notice has been given it

is sufficient to prove the notice was properly addressed and put in a Canadian post office receptacle.

b) A notice sent by e-mail shall be deemed to have been given on the same day it is sent if a mail delivery failure notice is not received by the sender, and in proving that notice has been given it is sufficient to prove the notice was properly addressed. “

Motion moved by Rob Weiss and seconded by Bruce Downing.

Motion called and Passed with no one opposed

2. Classification of Members. The Directors have considered changing the By-Laws regarding membership classification to delete Associate Members and Honourary Members.

The current Section 13 and Section 14 of the By-Laws read as follows:

“13. An “Associate Member” shall

- (a) be a person 19 years of age or older, and*
- (b) is not an individual member, a corporate member or a group member;*
- (d) have no vote on the affairs of the Society, nor be eligible to hold office or be a director of the society;*
- (e) pay dues at the same rate as either an individual member or a group member depending on the level of service provided.*

14. An “Honourary Member” shall

- (a) be any individual, association, or organization which the society wishes to honour in a special manner in consideration of its outstanding contribution to the aims of the society;*
- (b) have no vote on the affairs of the society nor be eligible to hold office or be a director of the society;*
- (c) be nominated by an individual member by submitting, in writing, to the Board of Directors, a brief reason for the nomination;*
- (d) be granted membership by a special resolution at a general meeting;*
- (e) pay no dues.”*

We propose the following Motion:

MOTION:

“BE IT RESOLVED THAT Sections 13 and 14 be deleted from the By-Laws of Hemlock Valley Homeowners Association

Motion moved by Bruce Downing and seconded by Felicity Matthews.

Discussion: There was much debate on this motion by several speakers.

Motion called and was defeated

New Business

The development proposals for Hemlock Valley by the Berezan Team will become public knowledge with the submission of the Master Plan. New advocacy issues will no doubt present themselves. Issues may include water and sewage treatments, electricity supply and roads.

We are stable, financially and money should be used for such advocacy issues.

More participation will be required from home and property owners.

HVHA needs to position itself as a key advocacy group so people will want to join.

Brian Murphy mentioned that we need to review the OCP and especially the zoning bylaws for all subdivisions as the bylaws differ from subdivision to subdivision. Addressing sub-division bylaws was agreed by all to be a top priority for the HVHA Executive.

The meeting was adjourned at 9:05 p.m.

Appendix 1.

Email from **Randy Hawes**:

Loch:

On the Hemlock front, I think Ralph has decided to delay paving while we are in this financial crunch. At the same time, if the regional district wanted to make an application for infrastructure funding at with 1/3 paid by each of the federal and provincial governments, that might fly on the next round of infrastructure money. Ralph would then pay the 1/3 that would be the local government share.

I still think Hemlock will continue to develop into a mini- Whistler. Ralph is entirely the right investor to keep this going.

Randy

Email correspondence and discussions (Thursday April 2nd 2009) Terry Pratt/Loch McJannett summarized:

1. Contrary to recent news articles, Hemlock has not formally submitted its Master Plan to MTCA, FN or local government yet. I have a call in to the company to get a time estimate for its submission. MTCA has advised that they have had conceptual discussions with the mountain planner and the proposal sounds very exciting and formal submission of the Master Plan is expected soon. MTCA will review it internally for completeness and then the formal review of the project will begin, which will include an Open House for the local community to see the plans and ask questions of the company, the planning team and the Ministry. The company has undertaken early and initial planning discussions with FVRD and First Nations.

2. I have attached a Master Plan Process Review chart that outlines the general process and how our process relates to OCP and Rezoning

3. General Timelines

- MTCA receipt of Master Plan: Day 0
- Internal MTCA Review of Master Plan: Day 30, Month 1
- Agency, First Nation and Public Review of MP: From Day 210, Month 7 to Day 390 Month 13.

Review involves inter-agency meetings to review technical and environmental aspects of MP, public open houses and First Nations consultation.

- Master Plan will be revised based on comments received during review period
- MTCA will work closely with local governments during the review period so that the Master Plan addresses their concerns and it will help to lay the groundwork for a smooth transition to the OCP amendment process
- Generally, the OCP amendment application will be based on the concepts approved in the Master Plan so they are closely linked processes but not concurrent. Timelines for OCP amendments depend on the complexity of the project and local government process but we have cases where it has taken 1-2 years.

Appendix 2: Emails have been edited into a Comment and Response format. McJannett to Feistmann January 22nd 2009; Feistmann to McJannett March 9th 2009)

Fred Feistmann notes in his email of March 9th that his replies are:

"...our "best guess" based on our limited knowledge of what you may be considering. We did not attend the site to perform any investigation of present state conditions. We provide these 'responses' in an attempt to give HVHA some insight as to the magnitude and complexity of the proposed project. We request you not take any of the above as definitive.

Further, it would seem reasonable to expect that the Ministry of Transportation and Infrastructure will have to be involved with any changes made to the road infrastructure in the Village and surrounding areas.

We hope the above will assist you with your deliberations.

Fred Feistmann"

-----Original Message-----

From: Loch McJannett [mailto:lochmcjannett@shaw.ca]
Sent: Thursday, January 22, 2009 5:57 AM
To: Fred Feistmann
Subject: Loch from HVHA calling...

Comment 1. Ralph Berezan is moving ahead with Hemlock development and will soon be submitting his Master Plan.

Response: It is our understanding that Mr. Berezan may not proceed at this time.

Comment 2. Amongst other elements of his grand vision there will be residential development with roads.

Response: No comment

Comment 3. Residential and sub-division roads will either be paved or unpaved.

Response: No comment

4. Paving residential roads will cost money - who will bear the costs, how will those costs determined, what are the terms of payment? Before we can answer these questions, we at HVHA on behalf of owners need to gain an understanding of the road paving process. It is this process (starting with the existing sub-division roads) we wanted to solicit some input from yourself.

5. So specifically relating to the existing sub-division roads:

Comment 5.1 What study must be done to determine the paving readiness of these roads? What are the main criteria of the study?

Response: We recommend an Engineering firm be engaged to determine drainage requirements and Geotechnical/Geometric design parameters of the road prism

Comment 5.2 Who would do that study?

Response: We suggest a bid/quote be solicited from one, or more, Engineering Firms. Some firms that come to mind:

Golder Associates
Urban Systems
Wedler Engineering
Thurber Engineering

There are other firms who also perform these services; we choose not to recommend which firm you should contact.

Comment 5.3 Who would pay for that study and what is a ballpark cost of it?

Response: It would be our belief that the ultimate "owner/maintainer" of the roads would bear the cost of the study/plan. This could be HVHA, the Berezan Group, or, a combination of both. The cost could well exceed \$200,000

Comment 5.4 How long would this study take?

Response: It could take six months, or longer, from start to final report depending on the detail of the plan requested.

Comment 5.5 Who determines and stipulates what changes need to be made to any infrastructure elements (water, sewer, power lines) that may need to be repositioned due to road paving? Who pays those costs - the utility, the property owners?

Response: Changes/relocations required to any infrastructure elements would be detailed in the Engineering Report and would be dependent on local/provincial regulations.

Comment 5.6 What are ballpark costs to pave the existing roads?

Response: Assuming there are 10 km of roadways to be paved and we assume a road width of 7 meters there would 70,000 square meters of asphalt at say 75mm thickness required. Depending on the Asphalt Oil price of the day, this could cost on the order of \$2.5 million. A further \$600,000 could be spent preparing the road bed for asphalt, notwithstanding additional costs could be incurred to deal with existing infrastructure, and perhaps \$50,000 to shoulder and clean up.

Comment 5.7 What are the safety considerations that need to be taken into account with paved roads?

Response: Paved roads require a different level/type of winter maintenance than do gravel roads. Pavement is prone to formation of Black Ice/Frost conditions that can quickly become treacherous on the steep grades in the Hemlock subdivision and approach roads to the Hill. Winter maintenance of paved roads is more expensive than on gravel roads.

Comment 5.8 What warranties does one get with paving jobs? Are there options such as Option A: using crush grade A x" thick with pavement grade A is good for 20 years; Option B: using crush grade B x" thick with pavement grade B is good for 10 years before you start getting 'cracks and failures'?

Response: Industry accepted warranty of paving jobs is one year on materials and workmanship. This is the case since the serviceable life of a paved road is dependent on many factors, most of which are variable. The options you have stated are what we are talking about - thickness of crush, thickness of the asphalt mat and type of asphalt cement used. Frost heaves are perhaps the greatest detriment to maintaining asphalt surface integrity in a cold climate situation. Therefore, road base drainage becomes a vital factor. Obviously good drainage is dependent on the amount of money spent preparing the road base. Also, vehicular

traffic volumes and weights play a major role in pavement life.

So, you can see we're trying to get an understanding of both the process that would lead to the roads being paved AND an understanding of the paving 'options and considerations' themselves.

HVHA does NOT have a preference to pave or not to pave the roads. Our mission is to gather factually correct information that we disseminate to our membership so they can in turn make informed decisions.

Grateful if are able to help us with this project.

Your comments and questions welcomed.

Thanks,

Loch