



&



# Negotiating Recreational Access

Michele Cloke, Lisa Howe & Jay Kahn

# Background

- Resort announced last year a replacement of Fun Zone with a more elaborate free standing building with multiple and more sophisticated activities to appeal to a broader audience in place of the inflated bubble covered indoor tennis court that was converted several years ago as a year-round fun zone for young children.
- Michele Cloke and Jay Kahn selected to engage the resort in conversation for homeowner access to the enhanced upgraded fun zone. Lisa Howe and Bill Stritzler participated for the resort.



&



## Background (cont.)

- Also, the village fee has been in dispute for years without full transparency of the expenses charged to maintain common areas. There is a current litigation between a homeowner family and the resort regarding village fees in which the court has issued orders.
- The Fun Zone permit has been issued but open issues still remain to be resolved.
- In 2008 the resort cancelled the contracts that were in place and adopted new agreements that have left multiple open issues.



&



# Background cont.

- For the past 2 months, Michele Cloke, Jay Kahn and Lisa Howe have met 1-2 times per week to create a process to resolve long term issues associated with common land use, access and associated expenses. A few weeks ago we agreed to a process to negotiate all of these issues.
- It became apparent in the discussion that the broader unresolved issues of
  - what is common land,
  - what is the cost to maintain common land,
  - how is access to use the common land defined, and
  - how can facilities located on common land be usedall need to be resolved.



&



# Objectives – the following have been agreed upon

- Build a committee and find a facilitator to work through the challenges/issues associated with defining regime property/common property and resort property based on deeds, plats and the like that yield recreational use throughout the resort for all full owners and their immediate families.
- Sharing all of the operating costs of maintenance, property and village fee with full disclosure and agree to proper apportioning. All information shared will be treated as strictly confidential and not for distribution outside of the committee until the entire committee agrees to disclose it.



&



# Objectives

- Recognize that this arbitration/planning process cannot interfere with resolving Fun Zone or Village Fee current process activities, however members of the committee will not use information gained from this arbitration/planning process to influence the Fun Zone or Village Fee current process activities without the consent of the entire committee.
- Create a reasonable meeting location and schedule for the committee members to participate.



&



# Objectives

- Set a timeline to complete the process, ideally by the July 4<sup>th</sup> Annual Meeting of 2017, that will ultimately be presented to a VT court to ensure obligations into the future for sale of homes or resort assets as well as minimize all party legal costs associated with this activity.
- Create penalties to ensure negotiating in good faith, either financial or non-financial.



&



# Objectives

- The SNHA Board and Smugglers' Management Team will empower the committee to represent the constituencies present in a good faith binding fashion. This does not state we will reach a conclusion, but if we do come to a consensus and make recommendations, it can't be vetoed by the board or management. Individual owners will continue to have rights that they can exercise any way they want.
- Separate access to facilities for Owners and their immediate families from any access that Owner-procured renting guests would have.



&





# Next Steps

- Binding for both the resort and board members, not individual Homeowners
- Limited time to complete with results announced at next year's annual Homeowner meeting
- Current disputes regarding VF (court decision) and FZ (Act 250 commission) will continue to evolve outside of this process.
- **Next steps are to form committee and seek interested volunteers**
- **Contact the SNHA office if you are interested in joining the committee by submitting a statement of interest and resume via email to [joe@snha.net](mailto:joe@snha.net)**



&

