



The following is a Waterfront Update from your BHVA Board including BHVA's ongoing Stairs and Elevator Repair Projects.

Major Repairs for Waterfront Stairs begin end of June 2021. BHVA's waterfront stairs are currently closed to all. (*BHVA maintenance staff only.*) The Board commissioned and approved Scope of Work and an RFP prepared by a consulting structural engineering design firm. Three qualified contractors - all in good standing with BHVA – were invited to bid and to walk the site in mid-May; bid deadline is end of June; work to begin immediately upon the bid award. Our expectation is that the newly refurbished waterfront stairs will be open by end of August.

Elevator Permit from Town of South Bristol received end of April. After months of administrative delays, BHVA received the elevator building permit from the Town of South Bristol (TSB) at the end of April. Originally the Town's Code Enforcement Officer took the position that BHVA would not receive a building permit until BHVA/FEI litigation was settled. Fields Enterprises Inc. (FEI) took the position that the Town should require BHVA to sign a certain access agreement provided by FEI as a prerequisite for the elevator permit. After a series of constructive discussions with BHVA, TSB's Code Officer adjusted his prior position, accepted BHVA's permit application, and granted BHVA the permit. Upon learning that BHVA received its permit, Fields Enterprises' counsel contacted TSB in early May to object to the permit being issued prior to their access agreement being signed by BHVA. However, the Town held firm.

Major Repairs for Elevator Rescheduled for Summer 2021. In April, after receiving its permit, BHVA rescheduled the elevator contractor. We took the earliest return-to-work date (March, 2022); understanding we'd be notified should an earlier date materialize. Mid-May, they contacted us with a revised date (newly available). The work on BHVA's elevator will resume in just a few weeks – during summer 2021. This major repair work is expected to take 2 months. On this proposed schedule, elevator service would be restored by September, 2021. The additional cost to BHVA for rescheduling this 2020 interrupted elevator repair is \$15,000. These added costs reflect the disruption and extended delay resulting in an extended work-stoppage, storage costs and the remobilization of the repair team.

Contractor Access at Waterfront Pending. On three occasions in 2020, FEI disrupted waterfront contractors at work: stairs in June, elevator in January and October.

BHVA's counsel reached out to FEI's counsel on May 19th regarding access cooperation for the upcoming waterfront work. On May 27, 2021, the Board approved and signed an access agreement for repair work. FEI has not - as yet - signed that agreement; but we are hopeful they will choose to do so.

A-Dock Issues Pending. As residents may recollect, on May 27th, 2020, FEI towed away "A-Dock" (our swim dock) a BHVA waterfront amenity residents had enjoyed for over 45 years. This loss is now a matter in litigation. In October 2020, in further violation of BHVA rules/regulations, FEI attached - to the BHVA land that supported the former swim dock - some used docking material in its place. FEI was notified by BHVA's Environmental Committee of the violation on November 23, 2021; they have yet to correct this violation and commercial fines for this violation continue to accrue.

Shore Drive & Waterfront Reminders. We ask BHVA residents to remind family and friends not to trespass on closed BHVA-owned property (*stairs, elevator and beach*) and/or on Shore Drive. In this 41st year of the Cove Agreement, it is not our Cove/Applewood neighbors' obligation to suddenly provide summer waterfront access for 350 BHVA rooftops (*hundreds of residents*) - regardless of our current legal difficulties.

Kind regards,

BHVA BOD
