

ADDENDUM TO DOCK MEMORANDUM

July, 2022

DOCK OWNER AND DOCK RENTERS

1. Dock Owners (holding a valid dock certificate) have **rights to a dock space, not a dock.** Dock Master will assign dock spaces on a yearly basis prior to dock install date. (TBD on yearly basis based on weather, water level, machine and volunteer availability). Priority will be to keep owners in the same space every year unless a valid reason for change warrants movement.
 - a. Dock owners not utilizing their space during boating season (if all rental docks are being utilized) will be asked to rent those dock spaces to individuals at the same rate as the yearly association dock fee. Dock Master will handle this process alphabetically by last name to ensure anyone not using their dock will have the opportunity to receive dock fee money.
2. Dock Renters: 16 Docks are rented by the association and this process is overseen by the Dock Master.
 - a. Point System Priority: **FOR EVERY CONSECUTIVE YEAR A DOCK IS RENTED BY A MEMBER ONE POINT IS TALLIED.** At time of addendum we have members with points ranging from +25 down to 1.
 - b. Dock rental spaces will follow the same rule as dock owner spaces as outlined above (See Dock Owner Rights to dock space in Section 1)
 - c. If consecutive years of rental are broken and renter wishes to rent again point tally will restart at 1. (example: Rent for 10 years in a row = 10 points. Don't rent year 11 and then rent again year 12 - you now have 1 point)
 - d. When all 16 association docks are rented, the Dock Master will then use docks owned but not in use as described in section 1a.
 - e. If all docks have been rented and all docks unused by owners have been filled (48 Full Docks) and a need for dock 49 – the two renters with fewest points will have to share. This goes for any docks rented after 48.
3. Dock Owners and Renters: We have ownerships that are owned as estates transferred to family members. Docks owned belong to the estate. Dock rentals and points accrued also transfer with the estate.
4. Side Slips on Docks: There are six (6) side slips to rent, used for small boats or small sailing boats. If more than six are needed and more members want them, a with ownership or a current rental of a regular dock will not get preference over someone without dock use. (not an issue as of this date)
5. A member using 2 docks, i.e. for example owns a dock and rents a dock will give up the rental privilege if all docks are rented/used and a dock is needed for someone without access.

DOCK MEMORANDUM

Original: 5/29/82

Revised:8/20/96

**BLUE SKY ESTATES ASSOCIATION
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The following is an update of the original "Memorandum of Understanding" dated May 29, 1982 between members of the Blue Sky Estates Association on ownership, uses and control of boat docks at the Association's waterfront property.

A) As of this date boat docking accommodations consisting of three floating complexes which can handle 48 boat slips (16 slips per complex) have been completed and installed on the Association beach front.'

It is anticipated that no future additions will be made to these facilities.

B) Historically the evolution of the 48 dock slips and the proprietary rights of the Association members can be summarized as follows:

- i) 36 dock slips were the common property of 32 Association members who had contributed to the cost of their construction. These members were referred to as "dock owners" and later "certificate owners." 32. of the slips were used exclusively by 32 certificate members and 4 slips were rented out to others.**

- ii) 12 dock slips are the common property of all Association members (currently 68) who had contributed to the cost of their construction. These 12 dock slips were built by a small group of Association volunteers composed of**

"Certificate Owners' as well as "Non-certificate Owners."

iii) Based on a number of factors (i.e. zoning ordinances, property tax assessments, new members, home sale marketing conditions, historical dock usage, dock vacancies, etc.) the Board of Governors commissioned a group of 8 members, known as the Dock Committee, to study all factors and make a recommendation regarding the use of dock slips, ownership, etc. After several summers of deliberations, this group made recommendations to add 12 new docks and equal use fees on dock slips. Regarding the basic recommendations on dock ownership the group could not reach a clear resolution.

Essentially the group was split between: 1) Maintaining the historical in-place system of 32 dock owners and 16 community docks (12 community plus 4 rentals), and 2) Having 48 docks all become community property.

C) The Board, after extensive deliberations considering all data (e.g. Dock committee report, survey questionnaire, phone survey, legal inputs, letters from selected members, town ordinances, etc.) have concluded in a majority vote on 8/11/96 that the following rules for dock usage are in the overall best interest of the Association. (Note: The majority vote came from 6 Board members. 3 of the members are certificate holders and 3 are not. The President abstained from voting in order to maintain an impartially balanced vote.)

D) In accordance with Paragraph 14 of the original 5/29/82 Dock Memorandum, a copy of the memorandum is to be sent to all dock owners (in this case we selected to send to all members) should the memorandum be modified or additions made to its contents. In the future, the Board will adhere to this paragraph should basic data used in arriving at its decision be changed or modified to an extent that warrants a new assessment.

Proprietary rights of Association members are subject to the limitations and rules stated below. Application of these rules shall be the responsibility of the Board's Dockmaster.

1) Each of the 32 owners with dock certificates is entitled to sufficient dock space for one boat of a size suitable to the design of these

docks.

2) The dock certificate group will place **4 dock slip spaces** (i.e. those rented in the past) into a "dock availability pool.

3) **Twelve (12) additional dock slips** which are owned by all Association members will also be placed in the "dock availability" pool bringing the official number of slips in this pool to sixteen (16).

4) **Any certificate owner who doesn't use their dock space for mooring their boat or doesn't have a boat will automatically place their allocated dock space into a "dock availability" pool. The certificate owner will be reimbursed for the time used on their allocated space by the user, prior to start of use. Also the certificate owner can reclaim their space in the future, for their own personal use, with two weeks' notice, in writing, to the user of their allocated space. The user will vacate their space and be assigned another available space. (Note: The ownership of the dock space doesn't change. What we are changing is the efficiency of the utilization of the dock space.)**

5) **As soon as practical, and based on dock space requests from members at the beginning of each season (April/May) the Dock Master will assign which space will be occupied by each requestor for that year. The Dock Master may reassign space later in the year. This procedure is undertaken for safety and related reasons. Association members do not have a right to a specific space, although every effort will be made whenever possible to comply with individual preferences.**

6) In allocating dock spaces from the "availability pool" the Dock Master will consider the following weighted factors.

a) **Highest Priority:** Members from the non-certificate group who make timely requests each year and have rented space in the past. The more frequent the rental, the higher the priority.

b) **High Priority:** Members from non-certificate groups not in (a) above who make timely requests each year.

c) **Lower Priority:** Should there be more than enough dock space to allow every Association member wanting space for one

boat, and based on timely requests for space, the extra space may be assigned to any member in good standing. However, if a space shortage should later develop, these spaces may be transferred to Association members with no space and who request space for their boat.

d) Lowest Priority: Members who make no request for dock space.

7) A dock owner (certificate owner) may transfer their share in the docks to another Association member for a price not to exceed the construction expenses entailed in that share, plus dock assessments for the year of the transfer. Transfer of a dock share may be accomplished as part of a sale of one's real property at Blue Sky Estates, but right to dock use requires that the buyer become a dues paying member of the Association.

8) Dock users are expected to pay, in a timely manner, such dock assessments as the Association may require. The Association Board can suspend a dock owner's right to dock space use until such assessments have been paid in full.

9) The following regulations are intended to maintain safety and good order at the docks:

a) Dock space locations for Association member boats shall be approved in advance by the Dock Master

b) All beached boats are to be pulled out of the water, into the designated area, and placed a safe distance above the water line at the end of each day.

c) All persons must observe caution while walking on docks and their ramps.

d) Areas around the slip space that a member is using should be observed by that member for needed repairs, especially if they involve safety. We are a volunteer operation. Initiative to fix minor items is encouraged. Major items should be brought to the attention of the Dock Master.

e) Dock sections become very unstable when too many

people are on them. Use your judgement on loading a section with people. Six adults can be quite hazardous.

f) All boat owners must use proper size mooring lines and/or spring lines to restrict boat movement.

g) Pay strict attention to your slips anchor chain and anchor. Any movement of the anchor, tightening of the chain which pulls section down, or slackening of chain which lets section drift must be brought to the attention of Dock Master for correction.

h) Gasoline that comes in contact with the floatation we have installed in the dock sections will permanently damage the floatation. Accordingly, filling tanks from the boat (not dock) is the preferred method. If your configuration makes this extremely difficult, then filling from the dock is permissible only if you use a pan, heavy absorbing cloth, etc. beneath the gas tanks so that any spill is fully contained and kept off the floatation. Also, remember that only sealed gas cans are allowed on the dock for portage to boat.

i) No one is permitted to play anywhere on the docks or ramps. Swimming or diving around the dock area by anyone is strictly prohibited.

j) Smoking at the docks is prohibited at all times.

k) Fishing from the docks is permitted only before 10:00 a.m. and after 7:00 p.m. on weekends. On weekdays fishing will be permitted before 11:00 a.m. and after 5:00 p.m. Children fishing under the age of 6 must be accompanied by an adult.

l) Boats are not to be moved without permission of the owner, except in an emergency or for good safety reasons.

m) Use of the buddy system is encouraged. If you observe something to be wrong with another boat (taking water, loss of bumpers or mooring lines, torn or missing rain covers, etc.)take the action you can and report findings to the owner or dock master.

n) Boats must enter and exit the docking area at 5 mph or less.

o) Length limit for boats is 20 feet from stem to stern, or outside edge of swim platform, whichever is greater with a maximum width of 8 feet. Boats presently owned, and in compliance, are grandfathered. Any Requests for exceptions can be presented to the Board of Governors for consideration.

10) Should a dock space user, his or her family, their guests, or their renters violate the safety and order regulations listed above in paragraph 9, or should they by reckless or disorderly conduct otherwise create a hazard or nuisance for other people, the right to use a dock space may be suspended after proper warning and by a vote of the Association Board. Should the problem not thereby be resolved, the Board may cancel the offending users dock use and/or dock share, terminating all dock ownership rights without compensation.

11) All Association members shall receive a copy of this memorandum. Should the Association Board later modify or add to its contents, including the regulations of paragraph 9, every member shall be notified.

Approved by the Board of Governors August 20, 1996

for the Board

V.A. BLANDO, PRESIDENT