

# Burke Mountain Owners Association

P.O. Box 194  
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## History and Role

The Burke Mountain Owners Association (“BMOA”) was established in the late 1960’s by Senator Douglas Kitchel, a prominent politician, farmer and environmentalist, as an integral component of the Burke Mountain Recreation, Inc. (“BMRI”) development. Senator Kitchel, and a group of 15 local investors, organized BMRI in 1965 to acquire and transform the existing Ski Burke and 2000 acres of abutting land into a recreational and residential resort.

BMRI’s plan was to build new ski facilities and trails on the lower mountain as well as homes and a training academy with strong covenants that preserved the natural setting and common resources for the use, recreation and enjoyment of the owners.

Kitchel created a legal and partnership framework for the new resort community that was codified in 1970 through a Declaration of Covenants and Restrictions that is applicable by deeded rights to all land and properties in the development. The Declaration gives the resort owner (or “company” in legal parlance) strong operational and stewardship responsibilities for the development and ski area.

These provisions also provide substantial authority and privileges to the condominium and homeowners regarding the use, operation, preservation and funding of common recreation lands and services such as water, sewer and roads. The company and the residential and commercial owners must collaborate to set common policies and manage the resort community consistent with the Declaration.

Senator Kitchel formed BMOA to be the legal “owners’ association” for all the owners (resort, condos, homes, and academy) in the BMRI development to work together under this framework. Every owner was automatically a member of BMOA, which was the vehicle for mutual decision making regarding common lands, facilities, policies and services. Kitchel, then the resort owner, was its first president.

Since then, BMOA’s vitality and role in facilitating owner engagement has mirrored the fortunes and challenges of the mountain itself. There were very active years in the 80’s and 90’s, then it went fallow after the North Star bankruptcy. Despite all the ups and downs Burke has experienced over the past 40 years, and the multiple changes of ownership, the Declarations still remain in effect and binding on all the property owners and the resort. As such, BMOA’s essential role and purpose endures as well.

## BMOA’s Critical Work during Mountain Revitalization

Today, given the challenging times of the recent past (QBurke) and important issues and opportunities that Burke owners and the resort face with the receivership and the revitalization of the mountain, we can be thankful for Senator Kitchel’s foresight and long-term vision. It is vital we work together as a whole owner community for our individual and collective benefit.

In 2015, concerned about the lack of owner participation and the management approach of QBurke, leaders of the condominium associations, individual homeowners and BMA proposed to reestablish BMOA to give owners a stronger voice and role working with the resort as required by the Declaration.

In February 2016, more than 125 owners, including many former officers of BMOA, convened a special meeting to reconstitute the organization and elect a new board of directors. Each condo association nominated an owner to serve on the board, along with two homeowner representatives. BMOA was reinstated as a nonprofit corporation in good standing by the Vermont Secretary of State.

Although QBurke did not initially embrace this collaborative approach, the circumstances and role for BMOA changed dramatically in April 2016 with the receivership and new management, who welcomed the opportunity to be part of BMOA and work in partnership with the owners.

### **Power of the Membership Today**

Since reformulating the owner organization in 2016, we have made great progress in addressing mutual concerns and issues about the use, maintenance and access to the common facilities on the mountain such as the ski and biking trails, the roads, and the water and sewer system. Among the important victories we have achieved together is the resort's recent decision to allow all condo and home owners whose fees are current for water, sewer, roads and BMOA membership to enjoy free access and use of the hotel's fitness center and pool.

In doing so we have also sought to build a model and strong foundation for collaboration that will be continued and valued by the new owners that will eventually acquire and operate the resort. We have setup a communication mechanism, both web based (<https://burkemountainownersassociation.org/>) and through Facebook, where we actively share information with our membership throughout the year; keeping members apprised of activities at Burke and engaging members in important owner decisions.

### **Next Steps and Priorities**

Given all of the changes that have occurred since BMOA was first organized and the Declaration and Covenants were recorded, we must now adapt and modernize the organization and its bylaws to reflect today's circumstances. In consultation with Vermont's leading attorney on common interest communities, the Board of Directors has proposed new bylaws that incorporate the best practices in association governance and also formalize BMOA's accountability and value to its member owners, the condominium associations, the academy and the resort.

These new by laws will be discussed and considered for approval by the members at the annual meeting Saturday, January 13, 2018 during MLK holiday weekend.

Consistent with the underlying Declaration and also today's new circumstances, these bylaws affirm the primary purpose of BMOA and make important changes to ensure its effectiveness in carrying out these roles.

- Each key constituency – including condo owners and associations, homeowners, BMA and the resort - will be represented on the BMOA board of directors.
- BMOA will facilitate owner input and decision making on common policies as stipulated in the Declaration. It will be the forum to ensure compliance, resolve issues, and modify the Declaration and Covenants as needed and allowed every ten years to reflect current conditions.
- BMOA will focus on the shared issues and infrastructure that effect its members, including the use and policies regarding common recreational facilities and land, as well as the water, sewer and road systems.
- On behalf of the owners, BMOA will serve as the escrow agent and authorizer for the release and use of reserve funds for the maintenance and improvement of these common systems.
- As such it will only play roles that add value to its partner members or are mandated by its duties as the owners' association for the Burke Mountain Recreation development and compliance with its Declaration and Covenants.
- To support BMOA's work on behalf of its members, and consistent with its existing and proposed by laws, BMOA will assess all owners and members a modest annual fee. To avoid confusion for owners and reduce administrative expense, BMOA will collect the condo owners' dues through their associations. The individual homeowners and Burke Mountain Academy will be billed directly.

This is an exciting new day for Burke Mountain, and for all the owners and the ski academy. We have all have invested in and promoted the success of this community for so many years – through the good and challenging times. BMOA looks forward to working with you and all our members to ensure we take full advantage of the unique and special community and partnership that Doug Kitchel initiated and we have built together.

**We hope you will all be able to attend the important BMOA Annual Owners Meeting on Saturday, January 13 at 2:30 PM in the Banquet Room at the Burke Mountain Hotel.**