



BOARD MINUTES - June 3, 2013

Date, time and location: June 3, 2013 @ 7:30 PM– Pett’s #7252

The Board meeting was attended by Arch Turner, Tom Ettinger, Jim Robertson and Kathryn Pett. Kathy Bond, who was appointed by the Board to fill the Brian Mullen vacancy, as a representative of the front section of the Community, was unable to attend.

Meeting called to order by Jim @ 7:35 pm.

Jim first recognized Bryan Mullen for his years of service on the Board and contribution to the Community.

Approval of Minutes for May 6, 2013 Board Meeting: Arch moved to approve. Kathryn requested change on Item # 1 under Old Business to indicate attorney will draft resolution on EMPOA owner, re: non-compliance issue that then can be communicated without violating non-disclosure aspect of the settlement agreement. Board agreed to modification and voted four to approve, zero to disapprove (4/0). The Chair voted

New Business

1. Treasurer’s Report - Arch
 - a. 2013 Budget- \$ 92.8
 - b. Expenditures as of June 1- 34.8
 - c. Cash as of June 1- 19.8
 - d. Reserves as of March 31 - 244.5
 - e. Arch led discussion on status of budget which has little margin for absorbing additional expenses. We do have to absorb a 3% increase in trash fees that are consistent with the terms and conditions of contract with the trash company. Tom moved to accept report. Approved 4/0
2. Compliance issue #7281, leasing – Jim. Issue involves recent house sale where the owner has requested exception to EMPOA Covenant on leasing restriction. Jim has communicated with the new owner, explaining the leasing restriction, which was included in the disclosure book provided to the new owner before the house closed and subsequently by email and certified mail. The Board, Jim leading the effort, is monitoring the issue, with guidance of outside counsel and has provided written communication to the owner and to the listing agent the Board’s position on maintaining the prohibition on purchasing EMPOA houses with the intent of leasing the property and that the Board is prepared to pursue whatever actions are necessary to prevent the property from being occupied by leasers. A motion was made by Kathryn to approve the denial to the leasing exception and to support Jim in his continued resolve to prevent the property from being leased. The motion was approved 4/0.
3. Results of irrigation water usage study – Arch will discuss with Kathy Hogan the increase usage and a process to monitor and control the usage. Note: Subsequent to the Board meeting, Jim discussed the watering arrangement with Cynthia Liss and Kathy Hogan, who informed him that last year’s dry conditions were

probably responsible for the higher-than-normal water usage; Cynthia said that she turned on the sprinkler controllers on June 4th and set the timing for Tuesdays and Saturdays for 5-6 AM. Before taking any further action it was decided to wait and see the results for this year.

4. Genesis contract – Jim recommended extending the contract for three years, as approved by the Landscape Committee. There will be some minor changes in terms and conditions that will not affect the level of performance. There will be no increase from the current fee paid to the contractor. Tom made a motion to approve and was approved by 4/0.
5. Reports from other Committee Chairs - With the exception of the Board's opposition to contracting the annual compliance review (aka Walk Around); there are no known major issues to be addressed by the Committees. Their reports are attached to these Minutes.
6. Proposal to upgrade website – Tom briefed the Board on a proposal from Megan Gannon, a contractor we use to manage the website, to upgrade the site for a fee of \$300. The upgrade will resolve access problems that Community residents are experiencing and provide long-term savings to the Community. A motion was made by Tom to move forward with the change and for the Board to approve the expense. The Board approved the motion 4/0.
7. Other business. Jim discussed parking issues adjacent to # 7277 and spoke to one of the residents requesting they not block the alley way with their vehicles. It appears that they have complied with Jim's request.

Old Business

1. EMPOA documents consolidation, categorizing and storage. Jim indicated that Paul Dyson has completed this task.
2. Governance issues – Kathryn briefed the Board on a number of issues associated with the EMPOA governance documents and process needed to advise, monitor, and to enforce when necessary, compliance to the restrictions outlined in these documents while mitigating risk and cost to the Community. She also discussed the need to make the documents as simple and reasonable and consistent with the will of the Community owners. She made a motion to meet with outside counsel (Levy) who will advise the Board on how this can be accomplished and to discuss the cost associated with such an effort. Kathryn will construct the discussion points for outside counsel, in preparation for the meeting, and distribute them to Board members for their review and input. The motion was approved by the Board 4/0. We plan to have this meeting with counsel sometime in July and be prepared to provide a set of recommendation to the Community on or before the Annual Meeting in November 2013.
3. Ray Rice's request for the Community to pay ½ of the cost associated with the reconstruction of the front walkway leading from the community owned sidewalk through a significant portion of Community property was denied by a vote of 4/0.

Jim adjourned the meeting at 9:27 PM.

Tom Ettinger

Tom Ettinger
Secretary

June 3, 2013

Architectural Review Committee

Ben is researching companies to do the walk through and make homeowner recommendations for upkeep.

We felt we would get recommendations and then cull them at ARC Committee. Then we would make a recommendation to the Board. That way it takes the recommendations off the neighbor to neighbor issue.

Other than that. No report or other ideas. David is researching costs and one of us will forward what we find out.

Betsy

Landscape Committee

Although Brian and I have had some limited discussions concerning our sprinkler system, I was never asked to "do a water usage study." Brian did mention the Board's concern with the increase in the water bills, and, although I have never seen any bills, I assumed this increase was due to the installation of 3 additional systems and the extremely hot and dry summer of 2012. My understanding now is that this increase was much more than expected.

There are a few additional points which I would be happy to discuss with you by phone, however, I am out of town and regretfully will not be available until next Tuesday.

Kathy H.

Genesis Contract

I have reviewed the Genesis contract to determine how the new contract language comports with the language of the 2011 contract. I found the following three differences:

- Page 2: Client Contact is listed as Paul Dyson with his address. Recommend the information which should be changed to reflect the PO Box and listing Brian as the client contact. Using the PO Box ensures prompt receipt of any official notifications and billing.
- Page 13: Section K. Landscape Management Agreement. Item 2 Terms. The last contract was for one year with the option to renew at the existing rates for each of the following two years. This contract provides for a 3 year term which means no need to renew yearly.
- Page 14: Section K. Item 3 Charges. Per the change to a 3 year contract the total charge for the contract changes. The numbers are correct for a 3 year total and the monthly charges remain unchanged.

All in all, I am very pleased that Genesis has made us this offer to keep the same terms for the coming three years and, as we have been satisfied with the terms of the existing contract, there seems to be no impediment to signing the new contract. As Brian has previously reported to the Board, the landscaping committee is in agreement that we should proceed with Genesis as our landscape maintenance provider for the next three years.

Cynthia

Maintenance Committee

The only thing I can report from Maintenance is that Bob Hudec and I recently installed an LED component in the 3rd light fixture on the front island, and I will be continuing my search for LED components that could be installed in the other light fixtures at the front entrance and around the gazebo. Also, last week I installed two new light bulbs at the gazebo, so all should now be on (for awhile). Pond appears to be healthy with a considerable and varied population of aquatic life. It is somewhat murky and after a rain very murky I suspect because of construction activity at the Government Center and the School. There is evidence of Duckweed and Algae but not in sufficient quantities to require immediate treatment.

Tom Hogan