

# Association Meeting Minutes

At least 22 homeowners were represented. Refer to sign in sheet for actual attendance.

Andrew Barrett called the meeting to order.

John Newcomer read the minutes of the April 30, 2005 Association meeting. Minutes were approved as corrected. Motion – Steve Witt, Second – Cindy Dawson , Passed

C=Comment Q=Question A=Answer

## **Discussion:**

Andrew introduced the meeting agenda (see attached)

Then discussed the accomplishments from previous year

- Settlement for the front entrance plantings
- Irrigation installed and operating
- Lighting installed and operating
- Front entrance is finished per plan
- Woods on Seldom Seen III website is up and running with information about our Association

The website has sections that are password protected to keep selected information such as directory, financials, newsletters and minutes private. [www.wssiii.com](http://www.wssiii.com)

## **Old Business:**

Work continues on bylaws and deed restrictions revamping.

## **Prior Years Financials (handout attached):**

David Lickovitch, Treasurer

Dave Lickovitch added comments as below:

- Membership dues \$275 yielded \$13,750
- The Special Assessment of \$271 gave a capital reserve of \$14,800
- “Miscellaneous income” is the asset settlement with Paul Phillips (\$14,000)
  - We elected to show as miscellaneous income and is off set by the Landscape settlement expense in and equal amounts (net zero impact on income statement)
- “Contract Labor” is what was spent on labor for the front entrance. We capitalized as a fixed asset the water tap, the irrigation system and the lighting. In future years it will always be on the balance sheet. No need to depreciate since we are non-profit.
- Did not spend the money allocated for bylaws; so we expensed it and carry it as a liability in the balance sheet. (“Reserve for Future Expense”)
- Legal Fees are related to the settlement cost for the Phillips lawsuit
- “Utilities” only operational for 2 months so we do not know what the cost will be annually for water and electricity for the front entrance
- Cost of developing and hosting the WSSIII website with the Domain name is about \$800.
- We treated the settlement funds as an opening equity balance on the Balance Sheet.

## **Old Business:**

Cyndi Dawson wanted to thank all those who helped work on the front entrance.

### **New Business:**

Ideas for next year -

- Jeff Boll - Propose to allocate funds for a landscape architect to develop a master plan for the development to include:
  - front entrance,
  - look at other entrances, possible signage at these entrances,
  - improve guard rails,
  - improve street signs
- Front entrance creates a theme that should carry through the whole neighborhood. With a master plan we can solicit bids and bring to homeowners for review and approval. In general we want a homogeneous look and feel to the development.
- We must work with Liberty Township with the guard rail. Perhaps replace with wood or put plantings around the rail.
- If anyone knows of an architect, knows of an attractive entrance, has preferences or ideas please pass this on to the members of the landscape committee. (Bill Malone, Jeff Boll, and/or John Newcomer)

Q -Menderes extension: Brad Hughes cannot do anything until the road is in then Brad will take the issue to a landscape architect. Perhaps we can talk with his architect at that time to assure uniformity.

Q – Who did the entrance to Phase I & II? Their entrance was done after the development through a third party. We should get estimates to duplicate this entrance for future reference.

C – Any future entrance design should have it wrap around the corner so we don't need the metal stakes.

### **Bylaws – Covenant and Deed Restrictions**

Will Aldrich

- Bylaws: We formed a Bylaw Committee at last meeting. Bylaws are the structure of how the organization runs; the mechanics of how we operate. Committee is developing some recommended changes to bring back in January 2006. The term “Bylaws” is generic. This document is titled “Code of Regulations” and is on our website.
- Covenant and Deed Restrictions: This document defines as a neighborhood what you can and cannot do and is enforceable. This is also on the website.
- You are encouraged to access these from the website and review them. Proposed changes will be developed for review in January.
- Karen Hammond is chairperson of the committee with Will Aldrich and Dave Lickovitch participating.

### **New Budget** (handout attached “Proposed 2006 Budget Overview”)

Dave Lickovitch, Treasurer

- Goal is to keep annual dues the same as last year at \$275, We do not plan any special assessments as we did last year
- Dave Lickovitch walked through the line items with the following noted comments:
  - Associations social functions \$1000 and \$350 for welcome baskets
  - The Landscape Committee solicited three bids for mowing a portion of the lawns adjacent to Rutherford Road. This is shown on the proposed budget but is predicated upon approval by the individual homeowners as well as a budget approval by the Association.
  - Mechanicals line item is to accommodate any breakdowns that might occur such as the irrigation system.
  - Pond proposed budget is \$1200, The same as last year
  - Accounting fees may or may not incur. Robin Ring did our taxes last year.
  - Master architect plan was estimated at \$1000 as previously discussed

- \$1500 was included as reserve for legal fees if required.
  - Website maintenance \$400, annual hosting cost is \$129
  - This budget allows a 10% reserve
- A change to the Landscaping line item is proposed to include mums and plantings in the spring.

Q – Do we carry a reserve from prior years.

A - Yes, this is shown on the “Statement of Cash Flows”. The actual reserve will be far less at year end because there are outstanding disbursements to be made. The Proposed 2006 budget does not show the carryover or reserve. Any reserve will be held in an interest bearing account and will be applied to future expenses as the association determines. The goal is to have a reserve of approximately 10% to accommodate emergencies or special projects as approved by the Association.

C – Cyndi Dawson suggested a web site that could provide some guidance to calculate a reasonable reserve.

**Additional Line item discussion:**

Lawn Mowing – The concept is to mow from the edge of the street to the center of the mound all the way along Rutherford. This would create a uniform look to the landscaping as many of the other developments are set up to do. In order to do this we will need a “hold harmless” agreement from the land owners to be able to do this. Bill Malone had surveyed the neighboring landowners and got general consensus.

Additional research of Association liability and insurance is recommended before finalizing any decision.

The Trustees have obtained three bids on everything we have done.

Pond Treatment - Cyndi Dawson would like the line item Pond Treatment taken off the Budget. The Pond is private property and the individual land owners are responsible for maintenance of it. By having it on the budget as a line item the Association is assuming responsibility. Until we have strong legal opinion or easements are given by all the individual property owners that own the land the association does not have the responsibility for the pond and should not incur an expense related to the pond.

Questions and comments pro and con were expressed.

Dave Lickovitch – Agrees and recommends we get outside legal counsel to address the issues.

Dave Lickovitch - It needs to go on record that there is some swimming going on in the pond. If encroaching on other people’s property it does put them at risk and others from outside our community swimming in the pond and that needs to be addressed.

Margie Gesell draws a distinction between “water retention” and a “pond”. Pond treatment is one matter, beautification is a different matter.

Dave Lickovitch when we voted on a special assessment last year there was a section for “beautification” that did not pass. It was a separate line item. The only thing that passed last year was to cap it at \$1200 and Ron Buckner negotiated a deal with Pond Solutions for three years at \$1200/year.

Q - The \$1200 we paid, when does that go through?

A - Dave Lickovitch – Pond Solutions is billing us quarterly. Their quarter starts when they start the treatments. The next bill should be here shortly and the final bill in October. When Ron negotiated the contract with Pond Solutions, he negotiated a very favorable \$1200 / year rate because it was a three year commitment.

C – Agree to go forward and complete the existing obligation and early next year get legal opinion prior to next Spring’s payment.

Q – What constitutes a treatment? Is it purely chemical?

A – Dave Lickovitch: (Treatment includes) Chemicals, dye and algae eaters and these three things are \$1200 / year

**Motion:**

The mowing and the pond treatment line items be moved into a general landscaping expense.

Motion - Cyndi Dawson, Second - Steve Witt. 15 in favor, 5 oppose. Motion passes.

**Motion:**

We have a meeting first Saturday in December -scheduled, and we direct the Trustees to obtain legal counsel on the issue of responsibility and liability as to mowing and drainage. (Landscape easement for mowing and easement with respect to drainage)

Motion – Cyndi Dawson, Second – Steve Witt. 13 in favor 3 oppose Motion passes.

Comments – The Association should first resolve the mowing and draining questions and then address the bylaws. We need to have Counsel address these issues and meet with the homeowners to discuss the issues with the homeowners prior to moving forward.

Comments - Association money going to pay for someone’s private property is an issue. This infers some liability on the part of the association. Legal opinions are being sought to understand the liabilities and easements. Insurance must be considered to cover the any possible liabilities incurred. The suggestion is that the homeowners be fully informed and that we have a well founded basis of an opinion and protect the association.

**Motion:**

Approve last years financial statement as submitted. (August 2004 through July 2005).

Motion - Bill Malone, Second – Margie Gesell, Unanimous approval

**Motion:**

Approve the 2005-2006 Budget as amended to reallocate (the funds) for mowing and pond maintenance into the General Landscaping line item.

Motion – Cyndi Dawson, Second – Jeff Boll, Unanimous approval

Clarification: For the remainder of this mowing season, mowing will remain the responsibility of the homeowners.

C – The Trustees received an email from Liberty Township identifying some drainage ditch violations. Homeowners are responsible for keeping the drainage ditches clear, including cattails and rocks. Some want to include river rock in drainage ditch but Liberty Township will not permit. The township or the county engineer may need to be contacted to address problems.

Discussion: A number of homeowners are having trouble with drainage or aesthetics of the culverts. No resolution forthcoming.

---

Submitted by John Newcomer, Secretary

Approved by vote 8-18-2007