

# Association Meeting Minutes

September 11, 2010

9:30 A.M.

Emily Traphagen Preserve, Powell, OH

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Meeting called by: Directors

Facilitator: Will Aldrich (President)

Purpose: Annual Budget Meeting

Attendees on record: 15 homeowners representing 14 lots were present. Refer to sign in sheet for actual attendance.

## **PRESIDENT'S CALL TO ORDER**

Will Aldrich (President) called the meeting to order.

## **SECRETARY'S REPORT:**

Discussion: John Newcomer (Secretary), presented the Minutes from the Aug 29, 2009 annual meeting. They were read and approved as submitted.

**C=Comment home owner Q=Question A=Answer or comment trustee**

## **Discussion:**

Stop signs and street signs update by Dave Lickovitch (Trustee/Treasurer). The street department originally said they would install new stop signs and street signs if we would provide all material. But Dave Anderson at the Powell trustee's office later refused this offer. The resulting cost for materials and installation is well over \$1000 each. So this project was tabled. As a stop gap alternative we painted the signposts.

Dave Lickovitch (Trustee/Treasurer): Easements on the front entranceway: Because of the request to mow along Rutherford, Bill Loveland, our attorney, researched the necessary easements to do the title work. He discovered the existing easements on the front two entrance properties where the neighborhood signage is, were not conveyed from Crafton Properties in 2003. We needed to get conveyance of the easements for the signage and entrance from these two properties. It took us 8 to 9 months to get this done. We also finalized the mowing easements with the seven property owners.

Dave Lickovitch (Trustee/Treasurer) reviews the Treasurer's report for 2009-2010:

### ❖ Profit & Loss

- Our dues of \$275 per household yields the \$13,750.00
- "Miscellaneous Income" is for the luminaries
- Annual Backflow test is required at our entrance and for some reason Golf Village paid this cost
- Biggest expenses were mowing and fertilization up front
- Filing and recording fees ... expensed part of this last year and remainder this year

### ❖ Balance Sheet

### ❖ Statement of Cash Flows

- At end of year have \$42,325.48 in cash reserve

Motion to approve: Keith Conard

Second: Karen Hammond

Passed with none opposed

Dave Lickovitch (Trustee/Treasurer) presented the Proposed 2010-2011 Budget:

Tried to keep close to prior budget with following adjustments:

- ❖ Bump up in liability insurance due to easements

- ❖ Limited social costs last year but expect to have some next year
- ❖ Expect legal fees for D&C work

Q – Jerry Wallace: What is the status on the front entrance?

A – Will Aldrich (President): The cost for a revised entrance could be substantial and before we can move forward we need to have the means to assure we can commit the funds. Either cash in hand or through a special assessment but in that case we need assurances that we can collect the funds. For this reason, we are looking to the D&C revision to accomplish the funding. Dave Lickovitch (Trustee/Treasurer) added, in addition, stronger D&Cs allow people to serve without taxing their personal life and making persons hesitant to serve.

Will Aldrich (President): We want to address the D&C before we address the entrance. Right now we cannot do anything without being able to collect the money.

Q – Homeowner: Were the plans finalized?

A – Will Aldrich (President): The plans were drafted, not final or approved

Q – Homeowner: Was the estimate \$50k – \$100k? The costs should not be that high

A – Will Aldrich (President): The four bids all came in high. The lowest bid of four was ~\$50k, but we should be able to do better. The masonry work was the largest expense.

Will Aldrich (President): The lot owners at the entrance should have first look and be supportive before we go to the association. It will be challenging to get consensus on the design and cost.

C – Homeowner: Some feel the rear entrances are not a priority

Keith Conard opened discussion regarding pond maintenance and funding: He stated that at a meeting of the pond owners, they feel that aerators in the pond would be beneficial. Mike Stefanik got estimates of ~\$4,500-\$4,800

Q – Keith Conard: If pond owners commit to do this work next spring; 1) is there willingness for the HOA to invest and 2) does the liability still remain an issue.

A – Dave Lickovitch (Trustee/Treasurer): Bill Loveland says the liability issue is tied to duty of care and therefore the liability issue remains.

After much discussion the following elements were discussed:

- ❖ Keith Conard: The pond owners seem willing and able to manage annual maintenance. (Current annual expenses are ~\$1300). There are concerns about large future financial expenses as well as legal issues without easements in place.
- ❖ Dave Lickovitch (Trustee/Treasurer): Private donations are possible and some homeowners have already made such donations to ease the pond owners' costs. It was suggested that the pond owners publish their pond real and projected costs to inform the HOA and promote personal donations based on willingness and ability to pay and avoid the legal entanglements
- ❖ Dave Lickovitch (Trustee/Treasurer):: In order for the HOA to provide assistance as the HOA entity certain structure is required. Legal counsel communicated that a legal Pond Association entity needs to be established. There needs to be a decision body or BOD to allow the pond to be managed; its own corporation which can buy its own insurance, etc.
- ❖ Legal advice should determine issues of easement as required to avoid conflicting property rights by the pond owners and permit access to the property for service and equipment additions.

- ❖ Dave Lickovitch (Trustee/Treasurer): and Will Aldrich (President): It was suggested that if In the future the budget of the main HOA might vote to give a donation as voted on annually and approved by everybody to the Pond Association. This might be possible if the main (master) HOA has no duty of care and has no management control. The pond owners would need to have their own BOD and determine how they use the funds.
- ❖ Keith Conard: To form an association may mean \$6000 in legal fees to install a \$4800 aeration system which seems unreasonable. Will Aldrich (President): stated that setting up an association is easy and can be done for far less, perhaps \$600.
- ❖ Cyndi Dawson: suggested that could be done in parallel with the D&C and save some expenses. The development on Jewitt did it this way.
- ❖ Karen Hammond: The pond owners are currently able to manage the routine care without a formal Pond Association but if or when there are more significant expenses they need to formalize themselves with a legal association. It does not make sense now but perhaps in the future.
- ❖ Will Aldrich (President): To recap two possible alternatives would be to solicit voluntary donations from homeowners based on published needs or set up a formal pond owners association and vote on a donation process.

Motion to approve the 2010-2011 budget: Brandt Cook

Second: Bently Collier

Passed with none opposed

**Old Business:**

**Volunteer for Trustee:** Cyndi Dawson volunteered to serve as Trustee going forward

**Volunteer for Holiday Luminaries:** Karen Hammond, assisted by Cyndi Dawson and Pat Coyle

**D&C update:**

Dave Lickovitch (Trustee/Treasurer): Trustees took all the comments back to Loveland and he developed a new revised document which is on the website. We got two responders to the D&C document. Most of the proposed changes were adopted with a few exceptions. Voting thresholds were retained at two thirds rather than the proposed three quarters.

Enforcement for lawn care:

Dave Lickovitch (Trustee/Treasurer): Bill Loveland advised against a fine, but recommended progressive warning and then we can enter the property to remedy. Much discussion evolved regarding causes and remedies for this situation.

Motion to adjourn: Brandt Cook

Second: Sam Khalilieh

Passed with none opposed

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Submitted by John Newcomer, Secretary

Approved by vote