

Minutes May 14, 2019 Board Meeting

Northtown Homeowners Association

Call to order at 6:35 p.m. Pledge of Allegiance. President Diane Hoverson asked that at this Board Meeting all audience questions are saved until the end of the meeting. Roll call: Diane Hoverson, Diane Guillaume, Sheila Ruling, Frank Vance, Joni Zarko, Julie Cicero, Pam Shirvinski; no absences.

Minutes of April 23 minutes had been previously distributed by email: corrections made at this meeting; page 2, it is "PNP", not "P&P", and on page 1, Pam's last name should be spelled "Shirvinski". Minutes approved as corrected.

Diane G advised that she had received a correction to the previously approved March 12 minutes, the last page, the last paragraph. Dave felt that five words / phrases should be changed to make it more accurate as to what he said: "Dave Ransom brought up questions about the lock on the pool, removed for the workers to have access, insurance for any exercise equipment, and he presented a contract regarding the replatting of the six lots, stating that this is something that must be done before the ~~lots~~ six areas could be ~~sold~~ transferred, and presented the ~~draft~~ final, Board approved contract and emails to the Board. Dave said that the first phase of the approval by the ~~State~~ City of the six plats has ~~started~~ completed. Diane H said that the Board will receive the information and discuss it and take care of it." Diane H wanted to know why Dave Ransom was reviewing the minutes when he is not on the Board. Diane G advised that when he read it and saw the changes he was proposing seemed to make sense, as he knew more about the contract. Sheila made a motion that these March minutes be so corrected, seconded by Frank. Voting: Diane H and Joni abstained, Diane G, Frank, Sheila and Pam voted yes, Julie voted no. Motion passed.

Treasurer's Report: Joni reviewed the Osselaer Financial report for April: Balance Sheet, Operating Statement for the reserve accounts. The reserve accounts are the CDs and the Road Reserves. Joni advised that we have a CD account's funds sitting in the checking account right now, as the CD had been with our previous bank. In the past, we have been adding \$2,100 to each CD as it matures and comes up for renewal. We have four CDs and they are set up so that one CD matures each quarter of the year. These funds are used for emergencies, such as roof repair. Joni asked that since this current CD matured in April and has been sitting in Savings Account in the new bank since then, did we want to start it now and make it for 9 months or maybe 11 months, so that we can keep the 4 CDs to mature every 3 months. Diane G asked for input from Keith from Osselaer, who was in attendance. He advised that a 9 month CD may earn significantly less than a 12 months, and since we are only 15 days late, it was his recommendation that we just go ahead and do a 12 month CD at this time. Diane H made a motion that we add \$2,100 to the CD amount and start a new 12 month CD with the new bank this week. Seconded by Pam. Passed unanimously. Keith said he will take care of it tomorrow. Joni asked Diane H if she should talk about the credit card

stuff. Diane H said to wait until after they have spoken to the bank about that. Diane H announced that in the past, the Board had thousands of dollars in the bank for a checking account. That was closed when we went to Osselaer for management services and they write our checks. Diane H wants to talk to one or more banks about opening a checking account to establish a credit card for Northtown Homeowners Association Board use. She said that we like to buy things when they are on sale and stores will not usually wait for a check to come in the mail. Diane H said she and Joni will consult with the bank(s) and then report to the board what they find out.

Diane H advised that the pool electrical system is in dire need of major repair or replacement. She passed out a picture of the electrical breaker box in the pool house. She said that many of the marked items actually have the electrical lines cut and it has very old conduit. Diane H advised that she had three electrical contractors come out and all of them said there was a charge for detailed inspection and they wouldn't know what the final cost would be until they get into project as they might have to dig up some of the new concrete to complete the electrical repair. When the pool repair company installed the new lights, they didn't know that the wires that were attaching the new lights to didn't go anywhere as they had been disconnected from the electrical box. Diane H said that the three electrical contractors who came to Northtown all wanted between \$300 and \$500 to review the scope of the job but each said that it was impossible to know how much the cost would be eventually until they start the job and see how much is buried under new concrete, how much new conduit is needed and what is still usable. They all said the job could run \$3,000 to \$5,000 depending on what they find. Diane G thought we should have our attorney review the original pool repair contract to see if the pool repair company who installed the new lights and apparently didn't flick the switch on to make sure the lights worked, might be responsible for some of the remediation costs now. Diane H said she didn't like that idea as the pool repairer was only responsible for installing the lights, not to see if the lights worked. Doug Snyder of Roads and Grounds felt that the pool repairer should have tested the lights when they installed them, and had the pool repairer tested the lights, he would have found out that the electrical didn't work and we could have addressed that new issue while the pool was still under construction, instead of waiting for us to find out after the pool was finished. Doug also said that he felt we should go ahead and replace the entire junction box at this time, as it is very old, as there is a lot of new electrical items on that box that didn't exist 40 years ago, such as the variable speed pump. Diane H said she will work with the pool repairer and whatever electrical contractor we end up going with.

Diane H announced that the pool open house is still scheduled for May 26, but it will not be a swimming day, the pool will be available for swimming on May 27.

Nadine said that she worked on all the electrical at the pool pump room but the majority of it doesn't need to be touched. Diane G asked for a motion that we send a copy of the pool repair contract to ask if we might have recourse against them for not testing the lights when they were installed as that would have revealed the electrical wiring

problem. Diane H didn't want a motion as she said that she will discuss it with the pool repairer. Diane H said that she didn't go straight to a lawsuit. Diane G explained that merely asking our attorney to review the contract so he could advise us if the pool repair company should have tested the lights and thus, while the pool was still under construction, they should have advised us that the electrical needed to be addressed. Diane H said that she will look into it.

Diane H said that we currently have \$1 million liability insurance. Diane H asked our agent if we need more coverage. He wrote a letter saying that it would only cost about \$300 more to raise the coverage to \$2 million and that would cover the proposed new gym in the clubhouse. Diane H said that the insurance agent said that if we wanted to have people sign a waiver before using the gym that would be fine but he didn't feel it was necessary. Diane H made a motion that we increase our liability insurance to \$2 million, seconded by Joni. Passed unanimously.

Julie made a presentation where she felt that an unnamed past board member was trying to divide the current board members and stir up trouble by telling the current board members things that are not true. Julie felt it was important that we respect each other, even if we don't agree with each other. Julie said that they have been criticized over every little thing and there are two factions in Northtown who don't appreciate all the good that the board has done. Unfortunately, when the board found out that there is a federal law that prohibited us from continuing a program that had been in place, we had to stop that program and that caused more strife. Julie stated that one way the board decided to thwart this troublemaker was to dissolve all committees that this person was involved with. Julie said that going forward, if any more trouble is stirred up by this person, she will personally make sure that the misinformation is disseminated along with the true facts. Diane H said that she doesn't want the board communicating among themselves with emails, but to limit their conversations to phone calls and in-person meetings. Diane H expressed that she felt that Diane G should not have forwarded to the other board members some of Dave Ransom's emails about technical points and legal requirements of which he was familiar. Diane H said that we don't want to know that, whatever is to be communicated should be only communicated in phone calls or in person, because the respect is gone here. Diane H said that again, she wants Diane G to communicate with her board friends by phone or in person. (49 minutes into the tape – who was rude and who wasn't rude!)

New website. Diane H announced that she, Naomi McCarthy, Joni and Don Platon have been working on a whole new website for Northtown. Don has volunteered to do all our web master work for free, even though we previously were paying him \$50 each month, he will take all new photographs for our website, he is looking for a new host-company as GoDaddy is too expensive. Diane H said they are meeting every week for a month to make sure that everything is getting done right. Diane G asked if this should be something that the Board needs to vote on before it is finalized. Naomi agreed. Diane G asked for a presentation to the Board and then we could vote to approve. Naomi said

that any Board member would be welcome to attend their weekly meetings. Diane H said that this website committee will get the facts together and give a presentation. Frank said that he has found our current website is particularly accessible for people who need visual assistive devices.

Compliance: Diane H asked Sheila to take over compliance complaints and keep a log book and send out the compliance letters. She agreed. Diane H announced she has two secret compliance agents going around the neighborhood looking for issues. These agents do not want to have it known that they are making compliance reports as they fear they will be hassled. Diane H said that we have been too lax with compliance but that is going to change now and charging fines. Doug advised that there was a log in the office and he found it in the office and gave it to Sheila. Doug also reminded the Board that if they get one complaint on, say, weeds, they must go around the neighborhood and double-check for weeds before sending the compliance letter, lest we look like we are doing "selective enforcement". Diane H was aware of that provision.

Frank gave the Roads & Grounds report: we have been reviewing different approaches to road replacement / repair. We have been exploring several options. We can do a simple job of resealing the street surfaces with a black goo. This is the least expensive and has a life expectancy of maybe 5 to 7 years. A mid-range might be where the top of the current pavement is milled, then mixed with new material, laid down on the road bed and then sealed. This may have a 10 or 12 year life expectancy. The third option is a full treatment where the material has cement powder mixed into it, which gives a longer life expectancy. The good news is that all of these three options are still less expensive than conventional paving as it doesn't require the removal, trucking away and dumping of all the old asphalt, which we were advised should save between 15-30% over the cost of traditional pre-paving. Frank said that he was told that in 2006 Northtown had a geologist, assessed the road beds, took core samples, etc., but that information was submitted to the City with an application back then to dedicate our streets to the City. Frank suggested that the Northtown community come together, listen to the options and make a decision. Last year we narrowly missed a vote allowing a special assessment to pay for road improvement that would be accomplished in phases. Frank also said we didn't have enough information from the City as to what was required from us should we decide to either form an Improvement District or dedicate our streets to the City: what the advantages of each are and the costs. Frank proposed that we invite people of the City to discuss what they would need from us on either option, to come and speak to Northtown residents, perhaps around September. Diane H said she did the City's Pre-Application last October and she has already received pre-approval and is now ready to go to the second step in the process. Diane H suggested that now she has some other ideas for street improvement options and she supports a membership meeting with facts with no money involved. Diane H would like to have a special meeting for the community in early September where actual facts will be presented. Doug said the previous Board had three town hall meeting 18 months ago, and that this issue also had various meetings in 2006, discussing options for both repaving and how to pay for it.

Diane H said that as she read the April Members' meeting minutes, it seemed a lot of members didn't want to give our streets to the city. Julie suggested that it would be good to have all the facts from the city (both Improvement District as well as straight dedication of the streets to the City without an improvement district), as well as the other options (e.g. doing minimal maintenance of sealing existing streets again, or doing a 1/2-resurfacing or a full resurfacing, and paying for it by assessment or by selling vacant lots or by improvement district if we are giving our streets to the City): to have all the facts in a format making for ease of comparison and presented to the Members for their consideration. Diane G briefly discussed her findings on a repaving processes involving recycling the existing asphalt with new material added. Diane G announced she had been given a petition signed by 91 members asking for a meeting with the City's representative to present options, costs, requirements etc., and she gave it to the President at this point and the President accepted it.

Frank addressed the issue of the re-platting of the six parcels as part of the settlement in 2014 of the lawsuit. Frank advised that the City bureaucracy has frequently asked for different and conflicting information / documents. Frank said there are six parcels that have side yards that were originally designated as "Common Area". A homeowner, not knowing that his side yard was actually "Common Area", built a fence and subsequent negotiations with a prior board resulted lawsuit arose over the issue. Ultimately, Northtown HOA lost and the matter was settled by us quit-claiming the strip of land to the homeowner. That raised a new issue under "Selective / Favoritism Enforcement" of five additional Northtown homes in similar situation. A letter was sent out asking if they would like to have quit-claimed to them also, of the parts of Common Area which abut their lot and appear to be part of the lot. The membership voted some years ago to allow for the six areas to be declared "Non-Common Areas". However, that required new surveying of those areas, and submitting new Site Map to the City for Northtown. After that is done, we can then quit-claim the six slivers of land to the homeowners. That is where we are now and we have had a contract in hand since January from Outer Limits Surveying for the next step. Diane H asked if this contract for \$5,800 is in addition to the \$6,000 previously spent on surveying and that the company who received the \$6,000 offered to re-do the surveying to address the City's concerns. Frank advised that the re-surveying was done under the original contract and there is now additional work that needs to be done. Diane H said she wanted to know why it has never been taken care of in five years and why it is costing so much money, and why is it important that we address this issue now. Frank said he felt it was time to get it done now as it has been five years. Doug said that he and Dave R made many, many trips to the City over the years and each time they get a slightly different answer of what was needed from Northtown HOA. Doug also said that although originally two of the six said they didn't want their side yards, both of those properties have since sold and the new owners need to be apprised of the option to have their side yards quit-claimed to them. Dave Ransom from the audience said that the resurveying was done by the first surveyor, and that was submitted and accepted. However, now before it can go to the City Council, they need this additional work. Dave advised that all the specific information is in the

Northtown email account under: Legal, under Six Plats, and it is also in Corporate Documents under Roads & Grounds, under Land Transfers. Dave said that all the documents submitted to the City, all the City requirements, the contracts. Dave also said that he believed that this unsigned contract from January 4, 2019, was actually approved by the prior Board in a Board meeting last Fall and he believed that the contract was already paid: \$5,000 to the best of his knowledge. Diane H wanted to know why it wasn't completed years ago. Doug said that was because it was a very complicated process, we would receive conflicting information from various City departments involved and the Board was short Board members every single year it was going on. Diane H asked Frank if he could work on this project to see it through to conclusion. He said a "qualified yes" but wouldn't be able to commit as to how long it would take.

Diane H said she didn't want to have Board meetings this summer. Doug checked the By-Laws and it was determined that the Board much make a motion and vote to suspend regular Board meetings under September. Motion made by Diane G, seconded by Diane H, voting Yes: Diane H, Julie, Frank, Sheila. Pam didn't vote and Joni had left the meeting.

Frank said that he believed that no one board member can make a decision that costs more than \$500. Diane H and Julie said, yes, that's true. Frank said that the members elected the Board members to make those decisions. Likewise, the big decisions require a significant majority of membership vote, as outlined in the documents on our website.

Item 9 is the proposed new gym in the old storage room. Diane H wanted to open the gym in October and she wanted to purchase \$500 worth of equipment each month between now and then, for a total of \$2,000. She wanted to purchase new flooring and 3 pieces of exercise equipment with that money. Diane G made a motion that table expenditures on the gym until we find out how much the electrical work for the pool will cost and until we get the re-platting done, and until we get the other issues done. Diane G said the empty room hasn't been used in years and it can sit empty for another six months until we finish all the big, unfinished projects we have in hand right now. Diane H felt Northtown isn't in bad financial shape and can afford the \$2,000. Diane H sited an instance of prior board's wasteful spending. Doug explained some the costs on the example Diane H cited of wasteful spending by prior boards. Further discussion on the unknown costs of the electrical work at the pool. Diane G asked if we have 3 bids for the gym because of the \$2,000 projected cost and Diane H said we don't need any bids for the gym. Diane H wants to buy a treadmill, a stationary bicycle with a back on it, and a bench with a foot weight bar and an arm weight bar. Sheila said she also would like to complete the existing projects before we start new ones. Diane H abandoned this issue at this point. Frank suggested that in the spirit of compromise, that we find out what the pool electrical will cost, then we can vote by email if we want to spend any \$500 on the gym. Diane G agreed that Frank modify her original motion that we hold off on any

expenditures on the gym until after we find out what the pool electrical will cost, and then we can vote on gym expenditures by email. Voting: unanimous approval of Frank's motion. A member in the audience asked about what would happen if we had the gym and someone got hurt using a piece of equipment. Diane H said that our insurance agent said that our regular coverage would take care of it up to \$2 million, and that we could also ask people who come to use the equipment to sign a liability waiver.

Restroom compliance: Diane H very much dislikes that the ladies room stall had the door removed. Naomi advised it was removed as it swing inward and someone in a wheelchair or walker couldn't get into the stall, so it was removed. Diane H asked if the door could be installed to swing outward. Diane H felt that any woman ought not be forced to choose between using the restroom in the clubhouse without a door on the stall or going home. Doug and Nadine explained that it isn't that simple, that it would require moving the walls of the stall and other major modifications and would ultimately be an expensive remodel, so it was decided to just remove the stall door. Doug advised that if we wanted to get the restroom into ADA compliance, it would cost a great deal of money. Also, it was the intention that when a lady wanted to use the room, she merely needs to lock the door into the bathroom to give her privacy and security. Doug admitted that while it isn't an ideal situation, it does solve the problems of having the facilities accessible to a woman in a wheelchair or power scooter, and still have privacy by locking the ladies' room door while in use.

Diane H asked for any questions. Susan Armstrong asked about having the company that sold us the sound system to come out and fix it. Diane H said he was here and it fixed it: the volume had been turned all the way up. It was working fine but this tonight it was again giving a lot of static feedback and Diane H will call him again. It was suggested that if the head table, where the directors sit, was placed at the other end of the room, which might fix the problem.

Diane H closed the meeting at 8:32, and she asked that all attendees sign the sign-in sheet so we can have record of what members attended.