

MINUTES: Board of Directors Meeting

DATE: January 5, 1993

PRESENT: Board Members Mary Anne Benton, Richard Culpin, Howard Ellis, Dan Picaro, Carl Poedtke and Peter Stanton.

LOCATION: The Picaro Residence

The meeting was called to order at 9AM.

Upon the reading of the minutes of the December 15, 1992 meeting, it was noted that "Altimira" should be substituted for "Calle Altimira" on page 1. The minutes then were approved as corrected.

REPORTS OF OFFICERS AND COMMITTEES:

Treasurer Peter Stanton reported on general matters. Several past due association dues have been collected from members. Collection of all delinquent dues will be vigorously pursued. Title companies in Santa Fe will be notified of the need to address the status of EPCSA dues in real estate closings involving EP property. An audit of our financial reads as in progress and will be reported on at the next meeting. A fee of about \$400 is anticipated. The audit will confirm amounts of "unpaid" dues. The funds of EPCSA and the ARB will be placed in interest bearing accounts.

ARB: Howard Ellis on general matters. A report on building heights in Canyonland is overdue from the surveyor. Howard will follow-up. The ARB intends to review the current guidelines. Particular attention will be given to revised driveway color standards (earth tones) and security lights (downward directed, property adjusted motion detectors,

OLD BUSINESS: SNOW PLOWING: The EPCSA budget for snow plowing has been expanded. To date, Santa Fe has had about 36 inches of snow as compared to 8" last year. It was unanimously resolved that snow plowing will continue as required.

RTC: Mary Anne Benton moved and it was recorded and passed unanimously that a letter be sent to the city of Santa Fe supporting the installation of cable ferring around Sections N, O and P.

Rich Culpin reported that all but one EP tract south of Hyde Park Rd. are under contract. Rich and Howard will prepare a letter to the RTC asset manager seeking guidance regarding petitions the RTC to return the Rec Center to EPCSA. Rich then will meet with our attorney to review the letter. Other matters will be discussed at that meeting including assesment of developers of the new tracts, the plotting of those tracts to include footpaths leading to town and the improvement of the attorney's res provided to our needs.

SCHADED MATTER: The ARB will prepare a letter informing Mr. Schaded of our intention to bring his property into conformance with covenants and guidelines at his expense.

SUGGESTED TOPICS FOR NEWSLETTER:

Memorial to Ira Cohen  
Canyonland action  
1993 fees due  
of RTC and Relenter

Snow plowing: budget and the need for residents to cooperate regarding parties

Delinquent dues/Altimira

Lights

Leash law/pooper scooper practices

New homes/new residents

NENA Board members

EPCSA seeking new Board member

ALTIMIRA: Liens will be filed against subject properties as previously resolved by the Board.

NEW BUSINESS: EPCSA ADMINISTRATION:

The Secretary will maintain a chronology and file of all EPCSA correspondence.

Mary Anne will design letterhead to be used in future correspondence.

Peter will have an updated memberships list available in end of January.

FRY'S REQUEST: Mr. Fry requested Board action regarding landscaping in Las Barrancas. The Board concluded this was not a matter for Board action.

SPEED LIMIT SIGNS: Rich will contact the city to erect appropriate signs.

NORTHWEST ENTRANCE: Vandalism of the sign and highly persists. Rich will petition the city to erect a street light(s) at this corner.

NEXT MEETING: 9 a.m. Tuesday, February 2, 1993 at the Stanton residence.

The meeting was adjourned at 11:30 a.m

ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION

MINUTES: Board of Directors Meeting  
DATE: July 13, 1993  
PRESENT: Mary Anne Benton, Rich Culpin, Howard Ellis, George Gozigian, Dan Picaro, Peter Stanton.  
LOCATION: Rec Center

Meeting was called to order at 9:00 am. Minutes accepted from June 3, 1993.

REPORTS OF OFFICERS AND COMMITTEES. Treasurer's Report. Revised financial report to show Altamira. Gilligan will be getting \$8900 from Alexander. Assets to date are approximately \$33,000. Need to develop budget for rec center for annual meeting. Owed \$1686 for outstanding assessments (not delinquent).

ARB Report. at least 3 coolers without shield on La Viveza; need to be addressed; board will pass matter to La Viveza Assoc. for handling. Jean Van Camp wants Cumbre Vista to put cars in their garages. Will mention vandalism in the annual newsletter, to discourage cars not being in the garage. Howard will draft letters to Berkelow and Sobretto. 3 Houses under construction at Paseo Cresta. Buxbaums are relocating a fence along their backlot; sending letter. Lot 16 has been sold in Cumbre Vista; plans submitted without application form, which has been sent to them.

NEW BUSINESS. Candidates for 1993-94 Board of Directors. Members need 5 signatures to be placed on ballot. There was discussion about pros/cons of having non-resident board members. Howard will work with Rich on planning the meeting. Planning a small buffet for the annual meeting.

Insurance Bids on Rec Center. Jim Russell, \$4900 estimate for \$0.5 million liability, \$1000 deductible; Dean Davidson (Phoenix) \$2800 (for \$2 million liability) A+ company, \$500 deductible. Board will have Peter Ives review low bid for completeness.

Letter on taxes for rec center. Rich will pursue letter from county. Once handled, rec center should be turned over to us.

OLD BUSINESS. Schaded - his contractor says that the pit construction was designed such that the tree could enhance drainage. Is sending a letter to that effect. Board will review - some questions about pit being filled before tree was planted.

Altamira Update - Ives met with Sommers briefly; they want to use \$2900 payment to sever relationship with us. Rich said no. Ives says liens are legal. Let them move first, to protect us as an association. Sommers does not return calls and cancels appointments. Ives thinks we should consider a declaratory judgment to force the issue. Ives suggests refiguring all dues to reflect lower costs if Altamira had been paid, and make that offer. There is a house soon to be closing - we'll wait and see.

Drainage District - Pete has prepared an extensive document to state the case for our position. Pete talked with Bohannon firm; may be willing to speak for us, but is looking into possibility of conflict of interest (has a current contract with the city.) We need to make a presentation to the Council, with professional assistance. Once done, we can introduce Ives as our attorney. Board in favor. Traxler now in charge; he is now less supportive of including the whole drainage in the district. We should have been notified of agreement that was made between the city and Aspen Cmpd. last year.

Lighting at East Entrance - Has a price and specs on recessed lighting; can now work on structure design. Electrical work \$584 estimate. Must be sturdy enough to withstand high winds.

Weed Control - weeds were cleared; left most native plants and flowers. A few houses need to do some weed clean-up in their yards. Some are rentals - board will send notice to owners about their responsibilities to keep it up.

Meeting adjourned at 10:30 am.

# ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION

## *Special Meeting*

**DATE:** July 30, 1993

**PRESENT:** Mary Anne Benton, Rich Culpin, Howard Ellis, George Gozigian, Dan Picaro, Tom McMenenmon, Peter Stanton.

**LOCATION:** Rec Center

Meeting was called to order at 4:00 pm.  
Minutes accepted from July 13, 1993.

### **SPECIAL REPORT**

Jim Hays re: Kachina Hills Development

Has agreed to earth-toned paving, and include hiking trails through the subdivision. City is proposing a special assessment district for the development, to maintain two ponds on site. We communicated our position of having the whole Arroyo Saiz be one equitable assessment district, for all affected homeowners. We are against the city setting up individual deals that are not uniform. Hays is planning to build on about half of the lots. City hearing next week; board will plan to attend.

There will be substantial earth-moving; Jim will transplant the piñons that are uprooted. Has agreed to relocate excess trees in other areas of EP. He has applied to dedicate the roads to the city, with a waiver for the curb and gutter standards. He wants a paved road with a laid back 4" curb. We recommended that the subdivision include on the plat a statement regarding the EPCSA covenants and restrictions. Jim has been using the Las Barrancas covenants as a guide. He plans to keep at least 30' between buildings; tighter along the ridges. Except for lots 1 & 2, will keep heights lower to preserve views (14' above ground level.) Rich mentioned that we want to prevent asphalt on the driveways. Jim will consider; may be able to use chip seal, gravel, or earth-toned concrete. Some verbiage re: "permitted accessory structures" was on the drawings; EPCSA do not allow any, not even detached garages, so the subdivision would be subject to the master association rules.

Some concerns were expressed regarding access to jogging trail at lower end of the arroyo. We need some steps out of the arroyo. D. Gurule has concerns about access from the lower end. (He owns lot at end of road.) He doesn't want to attract any excessive traffic. Jim has met with Hillside association and the city before planning began. No apparent objections.

We are also asking for a per lot assessment. Jim feels like he is already

doing a lot re: providing nearly 1.5 acres for open space areas, and developing the jogging trails. We feel the new people should be liable to pay for expanded facilities to due to increased density. We also feel it is very low relative to the lot cost. It is for capital improvement to the Rec Center. Jim would support that concept, but feels he is doing that through common area and jogging trails and doesn't feel it is fair to not assess current residents. Discussion of how current monies are allocated. Jim will provide an estimate on cost outlays for area improvements; will confer with other partners about our concerns. We are not asking for it up front; it would be held in escrow for capital improvements only. One jogging trail is mandated by the EPCSA, the second one is being added voluntarily. Other lots will also be assessed at a comparable rate.

#### **NEW BUSINESS**

Board has learned that Bush wants the Association to release the property on the north side of Hyde Park Road from the EPCSA. A sale is currently pending. Rich Culpin moved to agree to release the land provided it does not jeopardize any lots or undeveloped properties currently within EPCSA on the south side of Hyde Park Road; and subject to the legal opinion of Peter Ives. Seconded by Tom McMenemon. All in favor, with Howard Ellis abstaining.

Meeting adjourned at 5:30 pm.

ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION

MINUTES: Board of Directors Meeting

DATE: August 10, 1993

PRESENT: Mary Anne Benton, Rich Culpin, Howard Ellis, Peter Stanton, Dan Picaro, George Gozigian.

LOCATION: Rec Center

Meeting was called to order at 4:00 pm. Minutes accepted from 7/30/93 and 8/10/93, 1993.

REPORTS OF OFFICERS AND COMMITTEES. Treasurer's Report for Annual Meeting Provided by Pete Stanton, showing dues paid and outstanding, plus proposed budget for 1994 including repairs and maintenance on the Rec Center.

NEW BUSINESS. Letter from Bush Regarding Rec Center. Bush is prepared to release the Rec Center to EPCSA, pending our release of the 68+ acres from the association, located on the north side of Hyde Park Road. (Record reflects a letter dated 7/30/93 to American Surety regarding documents placed in escrow.) Board is waiting for legal opinion before proceeding.

Items for Agenda at the Annual Meeting. Neighborhood Watch presentation by SFPD; Approve minutes from last year's annual meeting; Treasurer's Report; ARB Report; President's Report. Topics will include changes to Architectural Guidelines regarding road and driveway surfaces, reminders about shielding coolers, lighting recommendations, assessments on new lot developments to cover expansion and maintenance of Rec Center facilities, repair of Rec Center, etc.

OLD BUSINESS. Response from RTC. Still moving through committees but no unforeseen obstacles.

Insurance Bid - Have asked for extension to 9/6/93, by which time we hope to have ownership of Rec Center.

Lighting at Entrance - Dan Picaro presented proposed plans and budget. Board approved expenditure of approximately \$1000.

Meeting adjourned at 5:00 pm.

# ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION

## Annual Meeting

DATE: August 14, 1993

PRESENT: Mary Anne Benton, Rich Culpin, Howard Ellis, George Gozigian, Dan Picaro, Tom McMenemon, Peter Stanton, plus attached list of residents.

LOCATION: Rec Center

Meeting was called to order at 10:10 am. Motion by Sylvan Cohen to accept minutes from last year, seconded by Howard Ellis. Approved unanimously.

SPECIAL REPORT: Neighborhood Watch Presentation - Cindy Romero, SFPD. Lots of transients living in vacant land (15 apprehended in last few weeks). She is looking for involvement of full-time residents, to assist the police in their work. Require 2 meetings per year, every six months. Now have Big Mouth system, a computer data-base that can provide information in 5 - 20 minutes. Need the Neighborhood Watch organization for police to release information to the neighborhood about crime activities in the neighborhood. They encourage us to call in suspicious activity - they show very little activity on the police log. Several neighbors reported that they had called in several times, but are not receiving adequate response, nor have they been logged in. Cindy advised members to call 911 if anyone suspects anything "in progress," because all calls are tape-recorded. Use regular police number, 473-5080, for actions that have already occurred, "after the fact." She said don't worry about bothering the police. This is part of Area 3; 1 -2 officers assigned specifically to this area. She is offering the signs and stickers even though we are not certified yet. She asked each street association to please call to set up a NW meeting. It takes about 45 minutes. SFPD will also put us on the nightly drive-by, to have more police patrol near the Rec Center.

ELECTION OF OFFICERS: Sylvan moved that secretary cast a unanimous vote to accept all nominations for 1993-94 positions. Seconded by Alma Cohen. Unanimously approved. New members are as follows: Mary Anne Benton, Jane Buchsbaum, Rich Culpin, Howard Ellis, Tom McMenemon, Pete Stanton, and Rich Van Camp.

TREASURER'S REPORT: All dues for 1993 are paid, except for Altamira Compound. 1994 budget was presented, with costs for repairing rec center, and maintenance costs identified. Audit provided; was conducted at the end of last year. \$7000 of projected budget for FY 1993 remains available.

PRESIDENT'S REPORT: Change of legal representation from John Patterson to Peter Ives. Board was dissatisfied with response time and quality of work; looking for someone who is more responsive. To date, Board is satisfied with his services. He comes with a background in neighborhood associations.

Status of Rec Center with RTC. Bush still holds title, though RTC holds lien. We need approval from both to acquire Rec Center. Rich reported on the past nine-month effort to obtain the Rec Center, including researching old records, documenting our not-for-profit status, and establishing the precedent that the original intention was to deed it over to EPCSA. All four parcels of surrounding land had to be sold first, and all taxes and liens paid before transfer can occur. We are approved through 2 committees, are now in the third.

Now, the property across Hyde Park was recently purchased. (It was part of the original EP area.) Bush now says he will deed us the Rec Center if we release the land across the street from the association. Board had P. Ives draw up a legal document for four new property owners to affirm their participation



in EP. Sean Gilligan (as broker of record) presented the documents. As of 8/13/93, no response.

Rich explained the requested lot fees for new property areas to help cover the expansion of Rec Center facilities. Sylvan Cohen suggested that we may have an "insurable interest" here before actual ownership is transferred. Board will investigate.

Rec Center Improvements. Rich outlined improvements to facility, for enhanced security: higher fencing, electronic cards for entry, motion-sensitive lighting, etc. Pool will need clean-up and minor repair, plus a new cover. Tennis courts will need minor repairs as well.

Altamira Situation. Their association has filed a declaratory judgment suit against us on August 10, 1993. Two of 30 have paid their dues. We have been told by both attorneys that we had legal ground to collect dues. We placed liens for the past years' dues, against each homeowner. Members reminded group that as an association we recommended action two years ago. Board responded that it has moved slowly in an attempt to negotiate and also to act in a strictly legal manner. Member also stated that on several occasions Altamira residents and their guests have used the pool, tennis courts and rec center facilities. This is in contrast to Altamira's position that they are not interested in the Rec Center facilities.

Weeds, Trees and Roads. Board has been keeping up with weeds. Dirt roads are graded twice a year, on an as needed basis. Residents are advised to bring needs to the Association. It is more cost-effective to grade all roads at one time, rather than individually. Will be scheduled after rainy season. New home construction requires a \$500 deposit, in part to cover damage to roads during construction by large trucks. Some concern about blacktop driveways, causing water damage. Owner is liable for subsequent damage that may occur. Plowing is done on an as needed basis for snow.

North East Neighborhood Association (NENA). We have two residents who are on the Board of NENA, to better represent our interests.

ARCHITECTURAL REVIEW BOARD. Howard Ellis, Sharon Berkelo (resident and designer), John Klee (local architect) all are providing expert counsel. Aspen Compound is completed (all approved or under construction); 6 lots left in Paseo Cresta; Cumbre Vista has 2 approved or under construction; 4 under consideration in La Viveza (3 are approved). A total of 17 projects for past year. Howard reminded us that landscaping projects must also be approved (driveways included).

ARB is also charged with monitoring items such as shielding coolers, no antennas or dishes, closing of garage doors, etc. We have passed a resolution requiring driveways to be earth-toned. Bill Buchsbaum moved that any current blacktop driveways that are resurfaced (not just sealed) be covered with earth-toned aggregate. Ricki Baer seconded. All in favor. Sylvan Cohen suggested the motion could be out of order, that the motion should be directed to the ARB for research. Motion is suspended until the ARB comes in with a recommendation concerning resurfacing.

Jean Van Camp suggested that each local association assume greater responsibility for communicating design criteria. Ed Fry suggested that we take into account the views of existing and new homes. ARB will include this.

Pete recommended sending John Klee a letter of thanks for his volunteer service. Pete also reminded group about responsibilities of owners who rent, dog laws, and recommendations that outside lights point down and be motion-sensitive, not on all night.

Board is looking to review and revise the covenants and restrictions to bring them up to date. Once done, each member will receive a copy for review and acceptance by formal vote.

Entrance Lighting - Dan Picaro. We are installing recessed lighting that should be considerably more vandal-resistant. Mark Tennison recommended that signs need to be painted.

Drainage District. Rich reviewed the city's plans to form a drainage district, and our position that the district cover all homeowners along the Arroyo Saiz.

NEW BUSINESS. Recommendations to the Board Sylvan Cohen acknowledged the significant efforts of Rich Culpin, and moved that the minutes reflect all the work he has done on our behalf. Seconded by Alma Cohen. All in favor.

Jean Van Camp also commented on the graffiti. Board should be addressing this when the entrance sign is redone.

Howard Ellis moved to adjourn at 12 noon; seconded by Pete Stanton. All approved.

Those in attendance: Mr & Mrs C H Ellis, Mary Anne Benton. June & Arthur Fulgentz, Jean & Rich Van Camp, Patricia & Norman Walker, Alma & Sylvan Cohen (2 votes), Richard & Cynthia Nimmons, Sharon Berkelo (2 votes), Tom McMenemon, Tom & Tarla Thiel, Claudia Miller, Mark Tennison, George & Jeanne Gozigian, Kathy & Ed Fry, M. Carlota Baca, William Eisele, Frank & Evelyn Larsen, Pat Haueter, Pete & Sharon Stanton, Bill Buchsbaum (3 votes), Mary Walta, Dan & Anne Picaro, Evelyn Schriber, Julie Ginsburg, Jeanne & Rich Culpin, Rich & Ronni Fallows, Bob & Anne Tibbs, Ricki Baer, By Proxy to Rich Culpin: John O'Brien, Mike Jashinski, Paul Young. 35 votes cast

# ESTANCIA PRIMERA

## COMMUNITY SERVICES ASSOCIATION

**MINUTES:** Board of Directors Meeting  
**DATE:** August <sup>17</sup>~~13~~, 1993  
**PRESENT:** Mary Anne Benton, Rich Culpin, Howard Ellis, Peter Stanton, Rich Van Camp, Tom McMenemon, Jane Buchsbaum.  
**LOCATION:** Rec Center  
Meeting was called to order at 4:00 pm.  
Minutes accepted from 7/30/93 and 8/10/93, 1993.

### ELECTION OF OFFICERS

#### *For Period of 1993-94*

Howard Ellis moved to elect Rich Culpin as President, Rich Van Camp as Vice President, Pete Stanton as Treasurer, and Mary Anne Benton as Secretary. Seconded by Jane Buchsbaum. All in favor.

#### *Establish terms for officers*

Covenants call for two-year terms, with staggered periods. Rich Culpin, Peter Stanton, Jane Buchsbaum will sit for two years, Mary Anne Benton, Tom McMenemon, Howard Ellis and Rich VanCamp will sit for one year.

#### *Establish meeting times*

2nd Monday at 4:00 pm at the Rec Center; 4th Monday as needed.  
Meetings to last two hours maximum.

### OLD BUSINESS

#### *Lawsuit against EPCSA by Altamira Compound*

Peter Ives thinks it is not very substantial; Rich Culpin will meet with PI on 8/18/93 to plan our response. PI will attempt to remove Rich Culpin from the suit, as he was only acting as Board President. Peter must request permission from the insurance company to officially represent us.

Ed London spoke with Rich Culpin regarding letter from Sean Gilligan about Estancia Primera. He personally wants to be part of the association, will need to contact his attorney for reviewing the agreement. He wants to pay his dues, and also believes that others in Altamira agree. He said that they (Altamira homeowners) have been advised not to pay the dues. They are having a meeting in a week or so, and he (Ed London) will bring it up to obtain a true sense of the homeowners regarding EPCSA.

### COMMITTEE REPORTS

#### *Architectural Review Board - View Retention*

At annual meeting, a request was made to add protection for views. Pete moved that the ARB guidelines be changed to: "All designs should make every reasonable attempt to preserve scenic views of other lots in the subdivision. No structure should entirely block a neighbor's view. Final approval shall be at the discretion of the ARB," as submitted by Howard Ellis. Seconded by Jane Buchsbaum. All in favor.

ESTANCIA PRIMERA  
COMMUNITY SERVICES ASSOCIATION MINUTES

Board of Directors Meeting

DATE: August 17, 1993

PRESENT: Mary Anne Benton, Rich Culpin, Howard Ellis, Peter Stanton, Rich Van Camp, Tom McMenemon, Jane Buchsbaum.

LOCATION: Rec Center

Meeting was called to order at 4:00 pm.

Minutes accepted from 7/30/93 and 8/10/93, 1993.

ELECTION OF OFFICERS For Period of 1993-94. Howard Ellis moved to elect Rich Culpin as President, Rich Van Camp as Vice President, Pete Stanton as Treasurer, and Mary Anne Benton as Secretary. Seconded by Jane Buchsbaum. All in favor.

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OLD BUSINESS: Lawsuit against EPCSA by Altamira Compound. Peter Ives thinks it is not very substantial; Rich Culpin will meet with PI on 8/18/93 to plan our response. PI will attempt to remove Rich Culpin from the suit, as he was only acting as Board President. Peter must request permission from the insurance company to officially represent us.

Ed London spoke with Rich Culpin regarding letter from Sean Gilligan about Estancia Primera. He personally wants to be part of the association, will need to contact his attorney for reviewing the agreement. He wants to pay his dues, and also believes that others in Altamira agree. He said that they (Altamira homeowners) have been advised not to pay the dues. They are having a meeting in a week or so, and he (Ed London) will bring it up to obtain a true sense of the homeowners regarding EPCSA.

COMMITTEE REPORTS: Architectural Review Board - View Retention. At annual meeting, a request was made to add protection for views. Pete moved that the ARB guidelines be changed to: "All designs should make every reasonable attempt to preserve scenic views of other lots in the subdivision. No structure should entirely block a neighbor's view. Final approval shall be at the discretion of the ARB," as submitted by Howard Ellis. Seconded by Jane Buchsbaum. All in favor.

NEW BUSINESS: Use of Rec Center, prior to formal acceptance, Several members stated that we have no authority to approve or disapprove any use prior to our ownership. Rich will confer with the lawyer. Board's position is to not allow activity (other than specific board activity) until we have title and insurance. Board will appoint a committee to review applications for use once we have ownership.

Paseo Cresta Homeowners Meeting. Pete Stanton reported that they have established an Architectural Review Committee. New lots apply directly to master ARB, and they immediately pass a copy on to the local review committee.

Proposed Changes to Articles of Incorporation and By-Laws. Pete submitted a first draft for review by board members.

Next Meeting: September 13, 1993

Meeting adjourned at 5:20 p.m.

ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION

MINUTES: Board of Directors Meeting

DATE: August 25, 1993

PRESENT: Mary Anne Benton, Rich Culpin, Howard Ellis, Rich Van Camp, Tom McMenemon, Jane Buchsbaum, plus guest Ed London.

LOCATION: Rec Center

Meeting was called to order at 10:00 am.

Minutes accepted from 8/17/93.

SPECIAL MEETING To meet with Ed London, re: Altamira. Ed asked for this meeting, came as an owner in Altamira (though he is also an owner of tract U in EP), representing the Altamira Association, by vote of the Board. He reported from the Annual Meeting of Altamira. Said there is bitterness there, largely as residue from original developer. He is the liason with EPCSA, to open a dialogue. About 20 attended, representing about half the homes. Several homeowners expressed a desire to work with us, and proceed in a more neighborly fashion.

Howard Ellis provided a brief history of his view of the original conflict, relating to Bush not developing Rec Center as he had originally promised, and Altamira not wanting to have anything to do with EPCSA, which was formed also in response to Bush not managing his duty re: the homeowner's association.

Ed London has read all of the related documents, and feels clearly that the original intention was for a master association, with individual tract associations. The Altamira Board's position broadly speaking, is that they have a separate association, responsible for maintaining own roads and properties within the tract, and levy their own fees, etc. They feel that every subdivision is supposed to act in a similar manner. They believe that EP is maintaining the private roads for the tract associations ( a bone of contention.) They do not want to pay twice for road maintenance. It was explained that the subdivisions pool their resources for road maintenance, and there is no double billing.

They want every subdivision to have its own subdivision association, responsible for maintenance, collection of dues, etc. and have jurisdiction and responsibility for maintaining common ground within their property. They acknowledge (he feels unanimously) the need for a master association, though legally they are acting otherwise.

Their concept of master association duties: Maintain parks and right-of-way of entrances and Avenida Primera, clubhouse maintenance, safety and security. What is common to all, and not individual to any one, is the "province for a master association." Important also for speaking as one voice to the City regarding other matters. Question remains about the drainage structures and their maintenance. They believe that they are the only subdivision with french drains, and feel burdened by drainage problems. Other concern is maintenance of the jogging trails which go through multiple subdivisions. It was explained that french drains are well-represented throughout EP.

Rich expressed how we have been stone-walled repeatedly in our attempts to have communication with Altamira. EPCSA has tried several routes to resolve problems, and virtually all were rejected. Rich also acknowledged the experience and background of Mr. London, and thanked him for stepping forward as a liason.

Howard expressed the rationale why the master association took over responsibility for road maintenance, due to lack of development and local associations.

Their stand on the Rec Center: many probably feel they won't be using it, many wish it would just go away. They would like it to become a private club, with membership on a voluntary basis, maintained as a non-profit organization. They understand that may not be practical. If that doesn't work, then "we'll have to talk about it." They are not stating a complete dissociation with the Rec Center. Mary Anne said that the facilities are likely to be expanded in the future due to the expansion of development, and this would be an opportunity for Altamira to get some of what they feel Bush did not deliver.

EPCSA Board expressed sincere thanks for Mr. London's efforts, and that we will draft a response to their gestures at our next meeting. We also expressed that we want representation from Altamira on the Board of EPCSA. We will respond to Mr. London's comments soon. Jane expressed concerns about responding in writing due to the current legal entanglements.

They would also like to see individuals belong to their association only, with the master association made only of subdivision associations. Master association would have recourse to individuals only through their subdivision association. This was not well received by EPCSA board members.

Ed also said the Altamira residents felt that the reason the light at the East entrance has been out and gone unrepaired was possibly a form of retribution by EPCSA. EPCSA explained that the light has been repeatedly vandalized, and that a new lighting fixture is currently being designed and will be installed within the next month. There has been absolutely no malice or neglect on the part of the Board of EPCSA towards Altamira.

BOARD DISCUSSION After Mr. London departed, the Board agreed to have president Rich Culpin communicate the following back to Mr. London by Friday, 8/27/93:

1. We agree that each subdivision should have its own association.
2. We agree that each association should have responsibility for those common areas within it, and that are not part of the master areas.
3. We feel that the issue of road maintenance is negotiable.
4. We agree with them for the need for a master association.
5. Other points of conflict are open to negotiation.

Meeting adjourned at 11:30

# ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION MINUTES:

## Board of Directors Meeting

DATE: 10/13/93

PRESENT: Mary Anne Benton, Rich Culpin, Howard Ellis, Peter Stanton, Rich Van Camp, Tom McMenemon, Jane Buchsbaum.

LOCATION: Rec Center

Meeting was called to order at 3:00pm.

Minutes accepted from 9/17/93

Meetings will be scheduled for 2nd Monday of each month at 3 pm.

## OLD BUSINESS

Insurance We have a policy, paid, and will receive the policy soon. Re: use of Rec Center, all events are covered as long as one member is present for the activity. Surety bond had expired. He recommended increasing from \$10,000 to \$25,000, to more closely reflect the account balance. Howard moved we increase to \$25,000, Rich Culpin seconded, all in favor.

Deed to Rec Center We now have the deed in our possession. Documents were reviewed, and appear to be in order. Easements will be investigated by Pete Stanton to clarify locations and purposes.

TREASURER'S REPORT Pete reviewed expenses, covering primarily utilities for Rec Center, and cost of new lighting sign at East Entrance and legal fees. Locks have been changed on Rec Center. Question raised about building similar lighting at the west entrance. Will cost more money because we don't have access to electricity there. We will wait and see how the east sign holds up. Budget of \$13,500 set aside for Rec Center acquisition. Board still needs more estimates. La Viveza had road graded; EPCSA will pay for the grading this year, but not any other road treatments. Paseo Cresta expressed a need for grading the lower portion of the road. It was recommended to do grading before winter. La Viveza is currently in dispute over the bill, and will wait before recommending the grader they selected.

Pete prepared a draft of 1994 budget. Pete proposed not paying for any grading. He suggested that each subdivision handle their own grading. Technically speaking, EPCSA dues have not covered road grading, though it has been provided for the past 3 years. Board will review the subdivision agreements.

ALTAMIRA Howard spoke with Mr. Cleaver, and it looks like "we can resolve everything without too much problem." He also spoke with Mr. Downer, who relayed they are ready to sit down with us to talk at any time convenient for us. Board would like to have Ed London present; will see if he is in town. Peter Ives has recommended we collect from them what would have been due had everyone been paying. That would necessitate rebating dues to past paying members. Board decided to try to collect full dues owed, but waive late fees and penalties; hold current property owner responsible only for their past dues. Howard will ask for Ed to be present, and we will set a meeting as soon as possible. Backup offer will be to look at a percentage reduction based on actual costs if they had been paying all along. First task is to establish a meeting date, with Ed London present.

Tom McMenemon reported that post-development drainage in Aspen Compound is less than before. This needs to be communicated to Altamira Association.



## COMMITTEE REPORTS

Architectural Review Board Terms expired in August. Pete moved that members be reappointed. Mary Anne seconded. All in favor. Hearing last week on the Karam house. Got approval to build deck on the sewer easement, but Mary Walta is appealing. She thinks it is too high off the ground, but it meets city regulations. 9 spoke in favor, 1 spoke against it at the hearing.

## NEW BUSINESS

Homeowner's Associations Identification to EPCSA. Paseo Cresta Association - EPCSA needs to know who officers are and who is on their ARB. Pete will have Mary Walta get back to us.

Aspen Compound - are merging the two sub-associations, and are developing their covenants.

### Rec Center

Rich will be meeting to winterize the pool and tennis court. Specialist recommends two motion detector lights for best protection.

Jane Buchsbaum will talk with Rich Culpin about setting a policy for use of the Rec Center by property owners.

Costume Party: Saturday, October 30th! Disk jockey will be available, and food and drinks.

Rich has looked in to purchasing tables and chairs. Rich will buy six 6' tables and 16 chairs. [Later that day amended to 3 large tables and 3 card tables, for multi-use purposes.]

Ed London Development He plans to submit plans December 2 to the city. We will ask for a copy beforehand.

Hayes Development. Will be getting us plans soon. We still need to arrange for Rec Center payment. Hayes said Alexander had permission from the state to pave access onto his land. Several Board members disputed the veracity of this.

NEXT MEETING: Monday, November 8, 1993 3 pm

Meeting adjourned at 4:40 p.m.

# ESTANCIA PRIMERA

## COMMUNITY SERVICES ASSOCIATION

**MINUTES:** Special Meeting  
**DATE:** November 4, 1993  
**PRESENT:** Mary Anne Benton, Rich Culpin, Howard Ellis, Peter Stanton, Rich Van Camp, Tom McMenemon, Jane Buchsbaum.  
Special Guests: Cliff Walbridge, Earl Potter, Charles Dyker  
**LOCATION:** Rec Center Meeting was called to order at 5:30 pm

### SPECIAL MEETING

#### DIKER

*Meeting with Dyker to review development plans (Tracts O, P, N)*

Mr. Dyker stated that he is here as a long term resident, and is committed to serving the community. He originally wanted to purchase only a few lots, to protect his property, but was unable, due to Bush's financial situation. Plot was originally planned for 42 lots, has been scaled down to 21, he will keep 3 or 4, selling off 17. It will only be developed with the highest quality standards.

Earl Potter: Road alignment has shifted slightly. Lower portion of land (2.5 acres) will be dedicated to the city for the drainage purposes, and this subdivision will have a separate drainage assessment district. Initial amount will be deposited with the city to cover estimated costs for first five years. (EPCSA board members expressed our opinion against the city forming these districts. Developer agreed in principle, but said it is the only way the city will allow them to proceed.)

Jogging trail will be located on lower portion. Roads are planned to be paved. EPCSA mentioned that we are changing our covenants to require earth-tone colored, similar to Las Campanas (chip seal over asphalt). We also requested low level lights in the subdivision. City may require them to dedicate the roads to the city.

Discussion also covered membership in the EP master association. Mr. Dyker appeared unfamiliar with the details of membership. He was presented with a copy of the covenants and restrictions. There was some confusion over whether membership would be compulsive, as EP board members believe it is.

Cliff Walbridge: discussed the plans for drainage, with tentative locations for ponds, storm sewer drainage, and maintaining current check dams. They will try to minimize dirt-moving and disruption of trees, etc. Homesites have been carefully located on currently flat sites. Re: assessment districts, city is considering a proposal by Jim Hays to allow residents to maintain their own ponds. No spec houses. Architectural guidelines will be provided. Lots will be 1 - 2.5 acres. They want a more country-fied appearance - no sidewalks. He will only be selling land - not building homes. Application will be submitted on 11/12/93. Plan to sell by next summer.

Next Meeting: Monday, November 8th, 3:00 pm.

Meeting adjourned at 6:20 pm.

ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION

MINUTES: Special Meeting

DATE: November 4, 1993

PRESENT: Mary Anne Benton, Rich Culpin, Howard Ellis, Peter Stanton, Rich Van Camp, Tom McMenemon, Jane Buchsbaum. Special Guests: Cliff Walbridge, Earl Potter, Charles Dyker

LOCATION: Rec Center

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Next Meeting: Monday, November 8th, 3:00 pm.

Meeting adjourned at 6:20 pm.

ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION

MINUTES: Board of Directors Meeting  
DATE: 11/8/93  
PRESENT: Mary Anne Benton, Rich Culpin, Howard Ellis, Peter Stanton, Tom McMenemon, Jane Buchsbaum.  
LOCATION: Rec Center

Meeting was called to order at 3:10 pm. Minutes accepted from 10/13/93.

TREASURER'S REPORT. We have a surety bond for \$25,000, at an annual cost of \$175. We have liability, fire and theft policy. We are paying too much for coverage of the signs. Pete moves that we delete signs, Rich seconded, all in favor. Deed on rec center has easement for sewer - no problem. Paseo Cresta has provided officers to Rich Culpin.

We are running a little short on our budget, due to nearly \$4000 expenditure on Rec Ctr activities not budgeted for. We will only be about \$400 short, and can cover from the reserve account. Bills will go out next month. All but 3 lots are paid in full for the year.

Proposed budget was presented for 1994. Discussion concerned eliminating road grading from master association budget. Little was done for this year. Pete proposed giving each association \$300 credit, based on last year's expenditures. Each association has different needs, some will need no grading at all. Board discussed making equitable dissolution of funds per house. Rich moves for a rebate of road maintenance per house, to go into each subdivision, and, 1994 budget does not have any road grading expenditures. Seconded by Howard, all approved. Howard moved that proposed budget, with minor corrections, be approved. Seconded by Rich Culpin. All in favor.

OLD BUSINESS. Jim Hays and Larry Higbee Visit Re: Kachina Hills. Jim Hays is balking at paying into the fund. We have received about \$1200 per lot from Alexander. Rich Culpin spoke with Peter Ives. He said Article 5.8.C can provide for our request. Jim Hays spoke with partners, and they were willing to pay \$500 per lot. We originally asked for \$2000 per lot.

Kachina Hills covenants and restrictions are based on EPCSA. His architectural guidelines will be more restrictive than EPCSA. Development was approved last week. Pond maintenance plan drawn up with Peter White, of Hillside (an attorney, and technically versed in drainage calculations.) Roads and ponds will be deeded to the city. Ordinance will declare that residents may maintain ponds. If they don't, City may step in and assess fee on each homeowner in the subdivision. They are looking for determination by the City re: jogging trail and semi-public open space. Some tracts are to be deeded to City, some to Kachina Hills and some to EPCSA. Hays thinks it is a public trail, within a semi-public trailway. Dave Gurule (Hillside) would like to see it gated. EPCSA does not want to see a gate. If trail along the arroyo is deeded to us, (after improvements are made by Jim) then EPCSA would be responsible for maintaining the trailway. Jim will make trees available to homeowners who want to dig them up. He will tag trees to be moved. He will provide an extra water meter and electric meter to provide for subdivision needs. Rich Culpin mentioned our request for an assessment for future expansion.

Jim said he was under the impression that the money paid at Alexander's closing was covering back dues, according to Sean Gilligan. Rich communicated P. Ives legal opinion re: article mentioned above. (5.8c) Hays will be selling lots for \$89,000 to \$160, 000. What we are asking for is only 1% of the lot price, not counting home price. Counting home price, it would 0.3%. Partners want to contribute something. EPCSA asked for a response within ten days, by 11/17/93.

Altamira. Bill Ford and Dick Downer, Howard Ellis and Rich Culpin met. They had heard from Ed London that we had no major points of disagreement. Then there was debate about representation. They want each subdivision to pay a portion to master, and each subdivision would have one vote. EPCSA said we would only accept "one home, one vote," but would take it to the board. They also wanted to know, would EPCSA be willing to poll the owners about running pool as a private club? Other 2 choices, would be to run as it is now, third was to bulldoze the whole rec center and make it a park! Board agreed to respond that no polling will occur of residents because according to our attorney, all residents are members and part-owners of the facility, and are responsible for maintenance costs. Confusion was initiated when owners voted about keeping the center through the bankruptcy proceedings. Mary Anne will draft letter of response. Question: what is the Altamira Association's authority to represent their members, financially speaking?

Update on Rec Center. Jane submitted proposed rules for review for operation of the Rec Center. Fencing and lights need to be repaired before upgrading security system. File cabinet: purchase one to keep records in a central location.

Next Meeting: December 13, 1993.

Meeting adjourned at 5:30y

## ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION

MINUTES: MEETING OF EPCSA AND ALTAMIRA REPRESENTATIVES

Meeting Date: 8:00 AM, 1 December 1993

Location: Recreation Center

Present: Rich Culpin, Howard Ellis (EPCSA), Richard Downer, Walter Ford (Altamira), and Ed London

During general discussions, the question of the Altamira Homeowners Association's authority to commit members to financial obligations was put to Ford and Downer. They said they had received full authority during their recent annual meeting. Downer then inquired as to the status of EPCSA's establishing neighborhood associations. Ellis responded that nothing had changed since our last meeting; Cresta and La Viveza are formed, Aspen Compound is in the process of consolidating their two phases of development into one association, and Cumbre Vista still must be established.

Culpin gave everyone a copy of EPCSA's letter responding to Altamira's request that EPCSA poll the membership about supporting the Recreation Center on an individual basis. EPCSA's attorney had advised them that this proposal was in violation of the Covenants & Restrictions. Ford expressed regret at EPCSA's position.

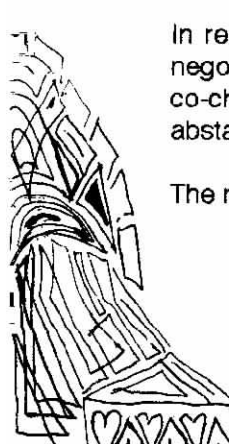
London asked for, and received, permission to address the representatives and said he had four suggestions the two groups might want to consider in order to get negotiations started.

1. Altamira would acknowledge EPCSA as the legitimate "Master Association".
2. EPCSA would lift the liens on Altamira without relinquishing the right to re-file at a later date should negotiations become stalled.
3. In return, Altamira would withdraw their lawsuit against EPCSA.
4. A committee should be formed to determine who can vote in the election of EPCSA Board members. This is complicated now by the addition of four new areas being developed.

Altamira immediately agreed to Item #1 and said they would agree to Item #3 if EPCSA would agree to Item #2. Culpin said he would want to poll the entire Board before giving his OK. Ford said he could direct their attorney to withdraw the lawsuit that afternoon and would EPCSA respond in a timely fashion as well? Culpin said he thought he could have an answer by the end of the day.

In response to Item #4, Ford made a motion to nominate London to be chairman of a committee to negotiate voting procedures and other items. Culpin expressed his agreement if EPCSA could appoint a co-chairman. Ellis was nominated to be co-chairman. The motion passed unanimously with Ellis abstaining. London and Ellis agreed to meet before London left town on Friday, December 3rd.

The meeting adjourned at 9:40 AM.



ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION

MINUTES: Board of Directors Meeting

DATE: 12/13/93

PRESENT: Mary Anne Benton, Rich Culpin, Howard Ellis, Peter Stanton, Rich Van Camp, Jane Buchsbaum, Tom McMenemon.

LOCATION: Rec Center

Meeting was called to order at 3:05 pm. Minutes accepted from 11/8/93

OLD BUSINESS. Assessment of fees on new developments. Clarification from Sean Gilligan: money from Alexander was actually money due in arrears from the developer. He supported us in continuing to assert for an assessment from future developers.

Jim Hays development. Newspaper ad for Kachina Hills indicates price increase of about 10% (from \$89,000 - 160,000 to \$93,500 -170,000). Apparently 21 of 25 lots have been sold. He responded to our request, yet he denied the benefits of expansion. He maintained that developing the trail system and landscaping is far in excess of that called by master plan, and that it is far more desirable than expanding sport facilities. (Letter on file.) Board's position is that developer has no say in the planning of the common areas. Board also disagrees that most of his landscaping in Kachina Hills will benefit KH primarily. Board also does not want land donated to association (tax liability, etc.) Assessment covers future impact. Mary Anne moved that we would agree to accept \$2000 per lot, paid at closing, and that any land donation should be made to the Kachina Hills association. Seconded by Rich Culpin, all in favor. Mary Anne will draft a letter accordingly, to be reviewed by P. Ives.

Altamira. Minutes attached from meeting held with R. Culpin, H. Ellis, R. Downer, W. Ford and E. London. Ed L. was going to recommend that Altamira Board put out an immediate letter, stating that negotiations are going well, and that EPCSA is recognized as the legitimate organization. By inference, though not directly stated, this means that 94 dues would be due and payable. Rich moved that Howard contact Ed to find out if message was passed to recognize EPCSA, and pay dues. If so, letter goes out as is, assuming all Seconded by Tom, all in favor.

Vote to remove liens. Pete raised question re: warranty from them that they will pay the 1994 dues, and they will remove the lawsuit, if we remove the liens.

COMMITTEE REPORTS. Treasurer's Report. By year end, we will be about \$1000 minus. Checks have been written to La Viveza and Paseo Cresta for road maintenance refund; still due to Cumbre Vista and Aspen Cmpd. November financial report was accepted. New assessments will be lowered to \$445, based on Altamira paying in for 1994. Discussion was held about changing the dues rate structure for undeveloped lots. Most of the operating budget benefits all owners, whether living on-site or not. Pete moved the board consider raising assessment from 10% to at least 25%, and presented at the next annual meeting. Rich Van Camp seconded. All in favor except for Jane Buchsbaum opposed. Mary Anne moved that only current homeowners paying full dues are eligible to use the Rec Center. Jane seconded. All in favor.

Drainage. First meeting with Ms. DiLeo (city atty) and David Martinez. DM says he has turned it over to Jim Traxler. He said his opinion was the whole arroyo should be in the assessment district. Once done, contract with EPCSA would probably be voided. Reiterated in a letter by P Ives. Second meeting with Jim Traxler. He said things look pretty good throughout the arroyo. He has serious reservations with contract between EPCSA and the City ("But don't quote me.") Meeting was also attended by Lawrence Ortiz. "Assessment districts

are a stop-gap measure, but hopefully all will be incorporated into one district." No real hurry to settle it. It is a political issue. "No pressure until it rains heavy." Nothing for us to do at this point. We offered our assistance at any point. Pete asserted that to make an assessment, the city must show a benefit for the assessment.

NEW BUSINESS. Rec Center operations. One membership per property, either owner or renter. Operating rules were reviewed. Final draft will be prepared by Jane Buchsbaum for approval at next meeting.

Next Meeting: Monday, January 10, 1993

Meeting adjourned at 5:10 pm. Y