

## ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION

Minutes: Board of Directors Meeting.

Date: January 14, 1997.

Present: Jane Buchsbaum, Al Davis, Dick Downar, Larry Higbie, Bob Lockwood, Peter Stanton.

Location: Estancia Primera Recreation Center.

The meeting was called to order at 8:00 AM.

### **Treasurer's Report:**

Peter Stanton, Treasurer, reviewed with the Board the Balance Sheet as of 12/31/96. Our carry-over from 1996 (\$10,495) is about the same as the 1995 carry-over. He reminded the Board that the large Reserve Account is due to a significant amount owed to the insurance company. Our attorney, Mary Walta, has not directed Mr. Stanton to pay the money out. The Accounts Receivable line is monies owed by the Altamira litigants and dues owing for McGuire's lot. Our total equity will be \$108,655 less approximately \$15,000 due the insurance company. Overall, 1996 ended \$876 in the black.

Mr. Stanton did hire the new accountant, Judy Wilson. She will begin after April 15th.

### **Architectural Review Board:**

No report this month.

### **Recreation Center:**

Mr. Stanton reported that the following repairs were completed; the ice maker, the oven and the urinal in the men's room. Al Davis suggested that we need written instructions as to how to properly lock-up the facility. We have had several alarms recently.

### **Grounds:**

Dick Downar reported that we have a Landworks proposal pending. The general feeling is that they have not done much for the money spent (\$375 a month). Mr. Downar reported that they are to pick up debris, prune the shrubs, spray the clover and keep the sidewalks clean. This amounts to less work than in the past because the shrubbery is now in good condition. Bob Lockwood stated that if they come once a week it is a good price. Mr. Downar said they are willing to do anything asked of them. He will let Rex Wilmore do some research before we sign a new contract.

Bob Lockwood said that nothing has been done in regards to the new entrance signs. Dick Downar asked that he be informed if lights are out on the north entrance sign.

### **Old Business:**

1. Snowplowing - Pete Stanton stated that we need to inform the plower that he can use his discretion as to when to plow. Dick Downar will call him.
2. Los Vecinos - Al Davis said that the appeal to the City Council has not been heard. Pete Stanton said that it is on the 1/29 agenda.
3. Altamira - Pending the appeal Pete Stanton said there were liens on the properties for the 1996 assessments. He asked if we should do the same for 1997? Al Davis will ask Mary Walta.
4. Alexander property - the cable and posts are up but the asphalt has not been removed. they now have platt approval from the city.
5. NENA - Al Davis reported that NENA will meet in our Rec. Center this month (third Wednesday). Gerald

**ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION**

Pitchford is no longer president. The Storm Water Drainage Ordinance will be the speaker's topic at the meeting.

6. Changes in EPCSA documents - awaiting Mary Walta's comments.
7. Dick Downar asked if there is anything new on the status of the Los Altos subdivision? No one had any recent information.

The meeting was adjourned at 8:55 AM.

Respectfully submitted, Jane K. Buchsbaum

Secretary

**ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION**

Minutes: Board of Directors Meeting.

Date: February 11, 1997.

Present: Jane Buchsbaum, Al Davis, Dick Downar, Peter Gonzalez,  
Bob Lockwood, Peter Stanton, Rex Wilmore.

Location: Estancia Primera Recreation Center.

The meeting was called to order at 8:00 AM. Mr. Gonzalez moved and Mr. Wilmore seconded a motion to approve the minutes of the December 1996 meeting. The motion passed. Mr. Stanton moved and Mr. Lockwood seconded a motion to approve the minutes of January 1997 meeting. The motion passed.

**TREASURER'S REPORT:**

The Treasurer, Mr. Stanton, commented on the February 8th Balance Sheet. The Reserve Account has not changed but we now receive higher interest. The insurance company payments will be taken from this account.

A number of people have not paid their assessments. Late fee notifications will go out in early March. Lien notices will go out by March 15th. President Al Davis suggested a telephone call before a lien notification letter is sent out.

Mr. Gonzalez suggested that the monies owed the insurance company be shown on the Balance Sheet as a "Long Term Liability". Mr. Stanton stated that he is attempting to get the software, used to keep the Association's books, to do just that.

Mr. Stanton stated that given the recent history of heating gas price increases, the budgeted amount for gas usage will certainly be significantly understated.

Mr. Gonzalez moved and Mr. Wilmore seconded a motion to approve the Treasurer's Report as presented. The motion passed.

**ARCHITECTURAL REVIEW BOARD:**

Mr. Lockwood, member, reported that a number of approvals were given to Los Nidos and Kachina Hills.

The ARB will establish a standard for the screening of evaporative coolers. Mr. Gonzalez suggested that all homeowners be informed, by letter, when the standards are set. Mr. Davis commented that while we do not watch our neighbors for covenant violations, they do occur, an example being bright outside lights. They should be on motion-control timers. The CC & R's

**ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION**

require that the ARB make occasional inspections. This has not been done often. Bob Lockwood disagreed stating that the ARB members watch properties regularly. On a question by Mr. Gonzalez Mr. Wilmore stated that the FCC prohibits homeowners' associations banning satellite dishes smaller than 1 meter in diameter.

The new entrance signs were discussed. Mr. Lockwood stated that completely new signs would be very expensive and he is working on a design which will save the base and masonry work of the existing signs. Mr. Gonzalez objected to the practice of placing small signs on the "Estancia Premera" signs. This objection was also made by the ARB. To bring electricity to the south entrance will require PNM to provide a source and a meter. The cost is not known.

## ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION

### RECREATION CENTER:

Mr. Gonzalez reported that NENA would like to meet in the Rec. Center on a monthly basis, (on the third Wednesday ). Mr. Stanton moved and Mrs. Buchsbaum seconded a motion to grant the NENA request. The motion passed.

Mr. Gonzalez requested permission to replace the tops of the two patio tables for the coming summer season at a cost of about \$200. The Board approved. All kitchen and plumbing repairs mentioned in previous minutes have been completed. Mr. Stanton brought up the tabled subject of replacing the exterior tiles. Mr. Gonzalez felt that total replacement was not necessary at this time and that some minor repairs would suffice. Mr. Lockwood agreed. Mr. Gonzalez moved and Mr. Wilmore seconded a motion to make only minor tile repairs. The motion passed. Mr. Stanton asked about the status of the depressions in the parking lot. Mr. Lockwood volunteered to study the problem and give us his advice at the next Board meeting.

### GROUNDS:

Mr. Downar reported that we have signed a new contract with Landworks. In addition, we have received a proposed contract from Alpha Omega for the shrub spraying. Alpha Omega's past performance was questioned by several members. Mr. Wilmore suggested we consider using Enchanted Tree Services and Mr. Lockwood suggested Coates Tree Service..

### OLD BUSINESS:

1. Snow plowing : Aspen Compound homeowners have not responded to our request. Mr. Stanton suggested that each homeowner needs to be told, by letter, that we are not going to plow the street. Mr. Wilmore will write the letter. Mr. Downar offered to take a tour with the plow operator to show him what to do.

2. Los Vecinos: The issue will go back on the Planning Commission agenda on February 21st.

3. Alexander property: Mr. Stanton stated that the Board should not pay our promised \$1,000 until the condition that the driveway be removed is met. Mr. Gonzalez stated that it will probably cost more than that to remove the driveway and to show good faith , we should pay the money. Mr. Davis said they have basically been un-responsive and therefore, we should not pay until the driveway is removed.

4. NENA: Mr. Stanton requested that Paula Hutchison, as our Rep., give us a report of the NENA proceedings.

**ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION**

5. Peter Ives: Mr. Davis has sent him a letter. He contacted Mary Walta and said he would submit his report.

**NEW BUSINESS:**

1. The Los Altos subdivision is for sale. Mr. Lockwood stated that it looks like it is being sold as a single piece of property.

2. Annual meeting: the date was set for Wednesday, August 20th at 7:00 PM. Wine, dessert and coffee will be served.

3. Nominating committee: Mr. Davis is seeking volunteers.

The meeting was adjourned at 9:55 AM.

Respectfully submitted, Jane K. Buchsbaum.

Secretary

**ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION**

Minutes: Board of Directors Meeting.

Date: March 11, 1997.

Present: Jane Buchsbaum, Dick Downar, Peter Gonzalez, Peter Stanton,  
and Rex Wilmore.

Location: Estancia Primera Recreation Center.

The meeting was called to order at 8:00 AM.

Vice President Rex Wilmore called the meeting to order at 8:00 AM. The minutes of the February meeting were reviewed. Mr. Stanton moved and Mr. Downar seconded a motion to approve the minutes as corrected. The motion passed.

**TREASURER'S REPORT:**

Treasurer Pete Stanton presented the financial statements as of March 10th. As discussed at the February meeting, the monies due the insurance company for the Altamira settlement are presented as a "Current Liability". Expenses have been modest and will not be significant until the summer pool season. In addition, the insurance premiums come due in the summer.

A review of the assessments outstanding show that only 4 homeowners have not paid. A number have paid only their first-half installment, which is their right. The nine Altamira litigants have had the 1997 dues added to their outstanding balances.

*plus late charges*

Mr. Gonzalez moved and Mr. Downar seconded a motion to accept the Treasurer's Report as presented. The motion passed.

**ARCHITECTURAL REVIEW BOARD:**

No report was presented.

**RECREATION CENTER:**

Mr. Gonzalez reported that Daniel King has agreed to provide the pool management service for the coming summer season. He will also make some minor repairs on the front steps.

Mr. Wilmore reported that the Ladies Club has expressed a wish to have a small coffee maker added to the Rec. Center equipment. The Board sanctioned the purchase.

**GROUNDS:**

Mr. Downar had to send a new copy of the signed contract to Landworks, as they did not receive the original.

**ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION**

Mrs. Buchsbaum expressed concern about the poor snow plowing work after the last snowfall. Large accumulations of plowed snow were left in driveways. Mr. Gonzalez commented that he had received a strong complaint from a homeowner and that he to was not happy with the fact that the plower did not come until the day after the storm. Mr. Downar will call Frank, the plowing contractor, and discuss the problem. There is a strong suspicion that he did not do the job himself.

**OLD BUSINESS:**

Mr. Gonzalez reported that his wife Paula attended the last NENA meeting . The following topics were discussed;

- NENA needs to collect more \$10 memberships and asked that we make an appeal in our next newsletter.
- Los Vecinos was removed from the Planning Commission Fed. 27th agenda. Los Vecinos' legal council has objected to the "improper" contact between opponents and city officials. In addition, it seems that one of the Planning Commission members is employed by the Los Vecinos' soil testing company.
- The Santa Fe Institute is planning a 9,000 sq. ft. addition. However , a lot of the space will be taken by enclosing existing buildings.
- One Thousand Waves wants to put up 3 new signs some concern was expressed about its size and location.

**NEW BUSINESS:**

No new business.

The meeting was adjourned at 8:45 AM.

Respectfully submitted, Jane K. Buchsbaum.

Secretary



**ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION**

Minutes: Board of Directors Meeting.

Date: April 4, 1997.

Present: Jane Buchsbaum, Al Davis, Dick Downar, Peter Gonzalez,  
Larry Higbie, Bob Lockwood, Peter Stanton, Rex Wilmore.

Location: Estancia Primera Recreation Center.

President Al Davis called the meeting to order at 8:00 AM. The minutes of the March Board meeting were reviewed. Mr. Stanton moved and Mr. Gonzalez seconded a motion to approve the minutes as corrected. The motion passed.

**TREASURER'S REPORT:**

Mr. Stanton, Treasurer, reported that we received \$1,500 for 3 recently sold Los Nidos lots (\$500 each). The Capital Account now has a \$12,314 balance.

Dues status;

Only one lot has dues outstanding. 12 homeowners and 10 lot owners have paid the first half of their assessment. Altamira litigants have accrued dues and penalties. On April 15th the Treasurer will place updated liens on the Altamira properties.

Mr. Downar moved and Mr. Gonzalez seconded a motion to approve the Treasurer's Report. The motion passed.

**ARCHITECTURAL REVIEW BOARD:**

Mr. Lockwood reported that the Humphreys will cover their swamp cooler in the manner suggested by the ARB. This concealment design has been adopted as the ARB standard and will be made available to all Association members.

Mr. Lockwood presented a proposed design for the Hyde Park Road entrance signs. The Board approved the design and reiterated their wish that the signs read "ESTANCIA PRIMERA", with "NORTH ENTRANCE" or "SOUTH ENTRANCE" on a second line.

**RECREATION CENTER:**

Mr. Gonzalez reported that the front steps have been repaired and additional shelves have been added in the kitchen.

To prepare for the summer season, the tennis court cracks will be repaired this month and the pool will be made operational in mid-May. The target date for the pool opening is May 24.

Mr. Lockwood will have the depressions in the parking lot repaired as soon as the asphalt plants open for the season.

**GROUNDS:**

Mr. Downar reported that Landworks cleared brush from the sidewalks last Tuesday and that Mr. Ford confronted the crew and told them to "get off Altamira property". The Board decided to let the matter rest until

**ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION**

after the April 24 Appellate Court hearing. Mr. Downar will instruct Landworks to avoid the Altamira area for the time being.

Mr. Downar has not been able to make contact with the snowplow contractor. He will pursue the matter.

**OLD BUSINESS:**

1. Los Vecinos - Mr. Davis reported that the Planning Commission meeting was more contentious than the "New Mexican" article reported. The status of lot 56, (designated "mixed commercial") is still in question. Mr. Davis is attempting to get clarification from the city.

2. Estancia Primera documents - Mary Walta has not begun her review. Mr. Stanton is concerned that we will miss the opportunity to present the revised documents to the membership at the Annual Meeting. Mr. Davis will suggest a schedule to Ms. Walta.

3. Traffic Study - Mr. Davis reported that the state engineer will conduct a study at our request. However, it may result in increasing the speed limit. The methodology is to record the speed of 100 vehicles and then set the speed below the top 20%. The Board decided not to ask for the study.

4. Peter Ives - Ms. Walta will determine if Mr. Ives has filed the necessary papers with the insurance company. If he has not, she will present a complaint to the Bar Association.

**NEW BUSINESS:**

1. Board-of-Directors nominations - The Board was asked by the President to present nominations, at the May meeting.

2. Buchsbaum property re-division - the Association's legal counsel has determined that this does not constitute a "sub-division" as described in the EPCSA documents. It presents ~~no~~ problem to the Association if the city approves and records the new lot configurations. Dues will be based on the number of recorded lots.

3. A camper top has been sitting on the Murry property for some time. Mr. Davis will speak to them about it.

The Board met in executive session.

The meeting was adjourned at 9:10 AM.

Respectfully submitted, Jane K. Buchsbaum

Secretary

## ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION

Minutes: Board of Directors Meeting.

Date: June 10, 1997.

Present: Al Davis, Peter Gonzalez, Bob Lockwood, Peter Stanton, and Rex Wilmore.

Location: Estancia Primera Recreation Center.

The President, Mr. Davis, called the meeting to order at 8:00 AM.

The May minutes were reviewed. Mr. Wilmore moved and Mr. Stanton seconded a motion to approve them. The motion passed.

### **TREASURER'S REPORT:**

Mr. Stanton indicated that all current dues have been paid (with the exception of the Altamira litigants). He will write a reminder letter to all members who soon will owe their second-half payment.

The expenses to date are at an anticipated level and within budget expectations.

Mr. Gonzalez moved and Mr. Wilmore seconded a motion to approve the budget as presented. The motion passed.

### **ARCHITECTURAL REVIEW BOARD:**

Mr. Lockwood informed the Board that, in the opinion of the ARB, it does not have jurisdiction over the "No trucks" sign at 785 Avenida Primera South. It is within the EPCSA Board's authority to act on this matter. The ARB has gone on record to recommend that "no miscellaneous signs be approved". The Board feels that there may be an argument for the placement of the sign and has asked the homeowner to come up with a less out-of-character sign for the Board's consideration.

There has been no response to Mr. Wilmore's letter to the owner of 753 Aspen Compound concerning the unauthorized construction. It is known that the owner is out of town. The Board has authorized Mr. Davis to contact the owner on her return.

Two Altamira houses have bright lights shining at night, towards La Viveza. Mr. Gonzalez pointed out that both houses belong to Altamira litigants. The issue was tabled.

Los Nidos lots 15 and 16 have submitted applications for construction approval.

A six foot coyote fence was approved for 639 Cumbre Vista, with the stipulation that it be landscaped on the side facing Avenida Primera South.

Mr. Lockwood showed the Board a letter from the city demanding a number of compliance items before the new entrance signs can be constructed. This will slow down the project.

### **RECREATION CENTER:**

Mr. Gonzalez reported that the pool had to be drained and refilled before the proper chemical balances could be obtained. It is in good working order and passed the annual state inspection.

## ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION

### **GROUNDS:**

Several Board members voiced displeasure with the work of the grounds contractor (Landworks). There is a significant growth of clover and other weeds along the common property. There is no evidence of spraying. On the Recreation Center property there is some evidence of mowing or weed-whacking. Mr. Davis will speak to Mr. Downar about the problem. The Board agrees that Landworks must be shown exactly what is to be done.

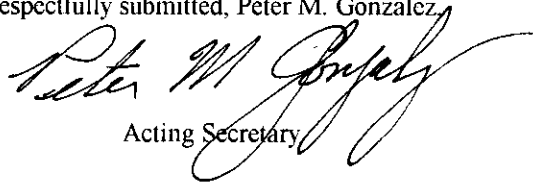
### **OLD BUSINESS:**

- 1. Los Vecinos** - Though the development was rejected by the City Council, the developer has taken the city to court. The "mixed commercial zone" issue is still mute. The Board decided that the best course of action is to not disturb the situation until such time as a specific commercial development application appears. This may well never happen. At that time, strong pressure from all the Hyde Park corridor should be able to kill the application.
- 2. EPCSA documents** - The Board will meet with our attorney (Mary Walta) on June 19, at 9:00 AM, in the Recreation Center. Any proposed changes should be brought to the meeting in writing.
- 3. Peter Ives** - Our attorney has begun proceedings before the N. M. Bar Associations.
- 4. Board nominations** - Four members have expiring terms on the Board; Mr. Davis, Mr. Dawnor, Mr. Higbie and Mr. Gonzalez. Possible replacements are; Kurt Sommers (Altamira), Laura Hays (Kachina Hills), Gains Godfry (La Viveza), Georgette Clegg (La Viveza) and John Amos (Cumbre Vista).

The Board met in executive session.

The meeting was adjourned at 10:15 AM.

Respectfully submitted, Peter M. Gonzalez,



Acting Secretary

## ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION

Minutes: Special Board of Directors Meeting.

Date: June 19, 1997.

Present: Al Davis, Dick Downar, Peter Gonzalez, Bob Lockwood, Peter Stanton and Rex Wilmore,  
Guests: Pat Hauteur and Mary Walta.

Location: Estancia Primera Recreation Center.

A Special meeting of the Board of Directors was called to order at 9:00 AM. The agenda was a discussion of the proposed changes to the Estancia Primera documents, (By-laws, Declaration of Covenants and Restrictions and the Amended Articles of Incorporation).

### DOCUMENT REVISIONS:

Ms. Walta ( the ESPCA legal council) has reviewed the proposed revisions. She began the discussion with a general comment . The revisions, to a large measure, had the effect of "rewriting history". In her opinion this is not a good idea at this time. In particular because of the un-settled Altamira litigation and possible problems with the city over drainage. She advised the Board that " it is not a good idea to appear to be tinkering with the provisions in these documents".

A second point of her concern is revisions which "override the original intent of the Declarant". If the revisions will bind people to additional or more stringent requirements, they must drafted with great care. An example of a questionable revision is the change from a two thirds-voice vote to a fifty-one percent mail vote.

In her opinion, there are four reasons for valid revisions; to clear up ambiguities, to strike-out meaningless provisions, to correct for a lack of enforcement powers and to transfer obligations , in either direction, between EPCSA and the subdivision.

An item which , in her opinion, needs immediate attention is Estancia Primera's relationship with land parcel north of Hyde Park road. This property was an integral part of Estancia Primera when the 1981-3 ordinance was passed by the city. The ordinance is still in place and the tract is still described in "EXHIBIT B" of the Declaration of Covenants and Restrictions. When EPCSA acquired title to the Rec. Center it merely agreed "not to annex this tract".

It was the consensus of the Board that greater enforcement powers are critically needed . Mr. Lockwood suggested that we "put more teeth" in the ARB regulations rather than the basic documents because the ARBs are much easier to amend. Ms. Walta said yes put, " we can do only what we are allowed to do by the basic documents".

Mr. Wilmore expressed the opinion that the Board needs the power to order a "restoration to the original condition" for appropriate violations of the ordinances. Mr Stanton felt that some clarification was required on the provision on assessments. Ms. Walta felt the assessment provision was clear enough but the question of when interest begins to accru for non-payment was not clear.

**ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION**

Actions to be taken:

1. Revisions designed to add more teeth to the enforcement powers will be drafted within 30 days, (to meet the Annual Meeting deadline).
2. Ms. Walta will draft revisions to clarify the powers the Board already possesses and the due-process available to the members. This may require a letter of clarification rather than changes to the documents.
3. Ms. Walta will inform the Board, by the next meeting, if teeth can be added by Board resolutions.

**ACTIONS NOT DEPENDENT ON DOCUMENT REVISIONS:**

It was suggested that a good action to be taken against any infractions which is not resolved is to file a "Notice of Non-Compliance" with the title. This puts any prospective buyer on notice that a problem exists and it is a strong inducement to get the situation resolved.

Mr. Lockwood stated that where he lives no building permit can be issued unless it is accompanied by a release by the ARB and letters from the adjoining neighbors. The Board unanimously thought that this was a great idea and Mr. Lockwood will pursue the details and report back.

Ms. Walta was asked to prepare a letter holding the city harmless in case of an accident involving the new entrance signs. This is required by the city as part of the permit process. She asked if we were insured in this event? Mr. Stanton will determine this before she writes the letter.

**SWIMMING POOL:**

Mrs. Haueter previously reported to Mr. Davis that several persons had complained to her that the Theil's (698 La Viveza) have given their Rec. Center card to their daughter, (who is not a resident), and she is bringing her friends and their children to the pool in absence of the Theils. Mr. Davis called Mr. Theil who gave a belligerent response. Mr. Gonzalez said that given the Theil's response he would back any action of the Board but that he did not like second hand accusations and in the future these complaints should be brought directly to the Board. Ms. Walta stated that third parties using the facilities at will may well present us with a serious liability, our insurance may not cover them. The Board resolved that Mr. Davis will write the Theils a letter demanding that they retrieve the card immediately. If this is not done, their Recreation Center privileges will be terminated.

The meeting was adjourned at 10:30 AM.

Respectfully submitted Peter M. Gonzalez,

Acting Secretary

## ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION

Minutes: Board of Directors Meeting.

Date: July 8, 1997.

Present: Jane Buchsbaum, Al Davis, Dick Downar, Peter Gonzalez, and Rex Wilmore,  
Guest: Tom and Tarla Thiel.

Location: Estancia Primera Recreation Center.

The meeting was called to order by the President, Al Davis, at 9:07 AM. The June minutes were distributed and reviewed. Mr. Wilmore moved and Mrs. Buchsbaum seconded a motion that they be approved. The motion passed.

### **RECREATION CENTER:**

**POOL USE** - the Thiels requested a hearing in regards to the charges brought against them (see the June minutes). Mr. Thiel feels it is unfair to limit the use of the pool to 3 visits by the children and grandchildren of residents. He stated that this issue was brought up "a couple of years ago" at the Annual Meeting and at that time there was support for a more liberal policy. Mrs. Buchsbaum agreed. Mr. Wilmore indicated that he had received complaints that the Thiel's daughter was using the pool when the senior Thiels were not present. The same complaints had been brought through the pool committee. Mr. Gonzalez stated that the use of the pool by the Thiel's granddaughters was not really an issue. If they were at the pool with their grandparents. The Board was reacting to the allegation that they had surrendered the entry card to their daughter who was using the facilities as if she were a member. Mr. Davis went on to state that this presents us with serious legal and insurance problems, because the Recreation Center is not a public facility and we must guard against this perception. The Thiels assured the Board that the entry card was in their possession and would remain so. Mr. Thiel then stated that the "pool police" had been very rude to his family and that this was unfortunate in a place like this. Mr. Wilmore then suggested that Mr. Thiel join the pool committee. He agreed to do so.

Mr. Wilmore stated that there was a perception that unaccompanied guest were using the pool. Mr. Davis added that this could present a serious insurance problem. Mr. Gonzalez stated that we seem to be focused on the liability of non-residents using the pool, especially children, while other uses of Rec. Center are ignored. The facility is used for private parties and the Bridge Club brings many non-residents to the facility every Monday night. Mr. Downar indicated that the Bridge Club had circulated broadsheets inviting people to "come play bridge and swim in our pool". It was the Boards opinion that this was not a good idea and Mr. Davis asked Mr. Gonzalez to request the Stantons to stop this practice.

Mr. Wilmore suggested changes to the Recreation Center Rules and Regulations in the form of a motion. Mrs. Buchsbaum seconded the motion. The motion passed (a copy of the revised document is attached).

**OTHER BUSINESS** - Mr. Gonzalez reported that the ice maker is broken and that he is having trouble finding someone to fix it., its an off-brand. Mr. Wilmore suggested that he contact Sears.

### **TREASURER'S REPORT:**

Mr. Davis presented the report in the absence of Mr. Stanton. Expenses are within budget projections. The repairs to the parking lot have not been entered as we have yet to receive the bill. Mr. Wilmore moved and Mr. Gonzalez seconded a motion to accept the Treasurer's Report. The motion passed.

**ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION**

**GROUNDS:**

Mr. Downar reported that the Landworks seems to have clear-cut every thing along a strip above Los Nidos and done nothing else along the sidewalks. Mr. Wilmore moved and Mrs. Buchsbaum seconded a motion that the Association fire Landworks and that a new landscape contractor be hired. The motion passed. Mr. Wilmore suggested that we try giving the work to Mike Greg and his partner. They have just gone out on their own and would have a strong incentive to perform well. Mr. Gonzalez suggested that in addition to the standard maintenance requirements some extra catch-up work was needed. The Board agreed to try Mr. Griego.

**OLD BUSINESS:**

1. Altamira litigation - the decision of the appeals court upheld the lower court's ruling. Our attorney will determine how to proceed.
2. The only changes to the EPCSA documents contemplated are those that will but greater enforcement powers in the hands of the Board. This can be accomplished by Board actions.
3. Mary Walta will assists Peter Ives in the preparation of the required insurance company documentation.

**NEW BUSINESS:**

1. Board membership nominations - Mr. Wilmore reported that John Amos of Cumbre Vista is willing to serve. Others are being sought.
2. Antenna regulations - Mr. Wilmore will draft the ARB regulations for the Board's comments and approval.
3. Drainage - Mr. Gonzalez moved and Mr. Wilmore seconded the following motion. Moved that the Board of directors of EPCSA on behalf of all homeowners write the city asserting; that the city has no right to assess EPCSA property owners for drainage work and that EPCSA is willing to work with the city to create a long-term drainage plan which encompasses all property drained by the Arroyo Saiz. EPCSA will seek endorsement from all the subdivision homeowner association to be added to the letter. The motion passed.

Mr. Wilmore moved and Mr. Gonzalez seconded a motion directing the EPCSA's attorney to begin action to have the 1988 Master Drainage Contract declared null and void. The motion passed.

The meeting was adjourned at 10:15 AM.

Respectfully submitted, Jane K. Buchsbaum.

Secretary



## ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION

Minutes: Board of Directors Meeting.

Date: August 12, 1997.

Present: Jane Buchsbaum, Al Davis, Dick Downar, Peter Gonzalez, Bob Lockwood, Peter Stanton,  
and Rex Wilmore.

Guests: Dave Baker, Georgette Clegg, Cheryl Sommers and Judith Wilson.

Location: Estancia Primera Recreation Center.

The meeting was called to order by President Al Davis at 8:00 AM. The minutes of the July meeting were reviewed. Mr. Wilmore moved and Mr. Downar seconded a motion to approve the June minutes. The motion passed.

Mr. Davis introduced three candidates for the next Board; Mr. Baker, Mrs. Clegg and Mrs. Sommers. He then introduced the Association's accountant Ms. Wilson.

### **TREASURER'S REPORT:**

Treasurer Pete Stanton passed out current Balance Sheet and Expense Reports. He reported that the year's expenses are well within budget. Mr. Wilmore asked, how the new entrance signs will be accounted for? Mr. Stanton explained that the costs will come from the Capital Improvement Account.

Mr. Stanton introduced Ms. Wilson the Association's Independent Auditor. She passed out draft copies of the 1996 EPCSA Financial Analysis. Ms. Wilson explained that the Association is not exempt from state income tax on interest income and that no filings have ever been made, so the State is owed \$966. In addition the Association has never filed a semi-annual Sales Tax Report. This must be done even though we owe nothing. \$100 is due the state for penalties on 20 missed filings. The next filing date is January 25th.

Ms. Wilson used a "Funds Accounting" format to prepare the 1996 documentation. There are 3 columns in the report; Operating Fund, Major Repair Fund and Capital Improvement Fund. It is presented as if there were a separate checkbook for each fund. 1996 ended with a net operating revenue of \$26,129. Ms. Wilson pointed out that as a Homeowners Association we must follow very specific rules and regulations and the documents are so footnoted. Mr. Stanton stated that he had reviewed the documents and found them satisfactory. Ms. Wilson recommended that we have our attorney check as to which type of Homeowners Association we are. We should be a "class B" association. If we are "class C" the annual dues are subject to tax. Mr. Stanton moved and Mr. Lockwood seconded a motion that we accept the Independent Auditor's 1996 Financial Analysis. The motion passed.

### **ARCHITECTURAL REVIEW BOARD:**

Mr. Lockwood had nothing to report.

### **RECREATION CENTER:**

Mr. Gonzalez introduced the revised Recreation Center Rules approved at the last Board meeting. Concern was voiced over the number of pool guests allowed at one time (8). Mr. Davis pointed out that this was deemed a reasonable number at the last Board meeting. Mr. Gonzalez will make 100 copies and have them available at the registration table.

**ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION**

**GROUND:**

Mr. Dawn reported that the Landworks contract has been terminated. Mr. Wilmore reported that Mike Griego was given the job but he too proved unsatisfactory. A reliable grounds maintenance contractor is being sought.

~~REVISIONS TO THE ASSOCIATION'S DOCUMENTS:~~ *Proposed resolution*

The proposed revisions to the CC&R's were reviewed and discussed. The intent is to provide greater enforcement powers to the Board, in particular enforcement of Architectural Review Board regulations. Mr. Wilmore moved and Mrs. Buchsbaum seconded a motion that the proposed changes to the CC&R's be approved. The motion passed.

**OLD BUSINESS:**

1. Los Vecinos - The appeal will be heard by the court.
2. Altamira - The State Supreme Court has refused to hear the case.
3. Peter Ives - He has yet to submit expense documentation to the insurance company. The issue has been taken to the State Bar Association.
4. The EPCSA Annual Meeting will be held on August 20, at 7:00 PM, at the Recreation Center.

**NEW BUSINESS:**

1. Larry Higbie passed away while on vacation. Mr. Davis sent flowers in the Board's name.

The Board met in executive session.

The meeting was adjourned at 10:20 AM.

Respectfully submitted, Jane K. Buchsbaum,

Secretary

THE PORTIONS OF THESE MINUTES PERTAINING TO LITIGATION AND CLAIMS ARE PRIVILEGED AND CONFIDENTIAL

**MINUTES OF THE BOARD OF DIRECTORS MEETING OF THE ESTANCIA  
PRIMERA COMMUNITY SERVICES ASSOCIATION**

September 9, 1997

The regular monthly meeting of the Board of Directors of the Estancia Primera Community Services Association was called to order at 8:07 a.m. on September 9, 1997. Those present at the regular monthly meeting were Rex Wilmore, Bob Lockwood, Peter Stanton, Dave Baker, Georgette Clegg and Cheryl Sommer. Also in attendance was Mary Walta, legal counsel for the Association. Rex Wilmore, as president, presided over the meeting.

The Minutes from the special meeting of the Board of Directors on June 19, 1997, were approved with one revision.

The minutes of the regular monthly meeting of the Board of Directors on August 12, 1997, were approved with several revisions.

The Board of Directors then went into executive session to discuss pending legal matters involving the Association.

The Board of Directors came out of executive session at approximately 9:15 a.m..

The Board of directors then received the Treasurer's Report. Pete Stanton passed out a current balance sheet and income statements for the Association. Upon motion duly made and seconded,

It was RESOLVED unanimously, that the report of the treasurer as set forth in the current financial statements was acceptable.

The Board of Directors then received the report of the Architectural Review Board. Bob Lockwood reported that several homes had been approved but the Architectural Review Board would refer the matter of Margaret Wells-Diaz to the Board of Directors for further action.

The Board then discussed the need to find volunteers to oversee the Recreation Center. Georgette Clegg volunteered to assume responsibilities for the recreation center after she has completed her move into her new residence. Rex Wilmore agreed to continue overseeing the ground maintenance. Cheryl Sommer requested that a new net for the tennis court be purchased at a cost of approximately \$150.00 to be installed in the spring of 1998.

The Board then considered old business. The Architectural Review Board has determined that they will handle requests for satellite dishes on a case by case basis.

The Board then considered new business.

Dogs: Georgette Clegg requested that the next newsletter emphasize the requirement that all dogs be curbed and cleaned up after.

Margaret Wells- Diaz of Aspen Compound: The Board discussed the Wells-Diaz matter referred by the Architectural Review Board. Upon motion duly made and seconded,

It was RESOLVED unanimously, that in accordance with the recently adopted resolution concerning enforcement of CC&Rs, Rex Wilmore would send a letter to Ms. Diaz informing her of her failure to comply, requesting compliance with the CC&Rs within ten days and transmitting the forms to be completed and submitted to the Architectural Review Board.

756 Paseo Cresta: A brief report was made concerning the drainage improvements installed by the resident of 756 Paseo Cresta into the roadway. This matter is currently in the control of the Cresta Homeowner's Association and no action may be taken by the Board of Directors until and unless the Cresta Association refers it to the Estancia Primera Architectural Review Board.

Upon motion duly made and seconded, the meeting was adjourned at 9:54 a.m..

Attested:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
President

THE PORTIONS OF THESE MINUTES PERTAINING TO LITIGATION AND CLAIMS ARE PRIVILEGED AND CONFIDENTIAL

**MINUTES OF THE BOARD OF DIRECTORS MEETING OF THE ESTANCIA  
PRIMERA COMMUNITY SERVICES ASSOCIATION**

October 14, 1997

The regular monthly meeting of the Board of Directors of Estancia Primera Community Services Association was called to order 8:05 a.m. on October 14, 1997. Those present at the regular monthly meeting were Rex Wilmore, Bob Lockwood, Peter Stanton, Dave Baker, Georgette Clegg, Cheryl Sommer and Jane Buchsbaum. Rex Wilmore, as president, presided over the meeting.

Upon motion duly made and seconded,

It was RESOLVED, unanimously that the Minutes from the regular meeting of the Board of Directors on September 9, 1997, be approved.

The Board of Directors then received the Treasurer's report from Peter Stanton. Mr. Stanton distributed a Balance Sheet and P&L Budget Comparison as of October 13, 1997, for the Association. Upon motion duly made and seconded,

It was RESOLVED, unanimously that the report of the Treasurer as set forth in the Balance Sheet for the Association as of October 13, 1997 and the P&L Budget Comparison as of October 13, 1997, copies of which are attached hereto and incorporated herein by reference, be accepted.

The Board of Directors then received the report of the Architectural Review Board. Bob Lockwood presented copies of the Minutes of the meeting of the Architectural Review Board on October 2, 1997. Copies of the Minutes are attached hereto and incorporated herein by reference. It was noted by Mr. Lockwood that Jim Hayes has joined the Architectural Review Board in place of Ed Thorn, that Lynn Clegg is the new chairman of the Architectural Review Board and that Mary Walta has agreed to remain on the Architectural Review Board. Upon motion duly made and seconded,

It was RESOLVED, unanimously that the report of the Architectural Review Board as set forth in the attached Minutes be accepted.

The Board of Directors then received the report concerning the recreation center. It was noted that Peter Gonzales is still overseeing the management of the recreation center. The pool was officially closed on Saturday, October 11, 1997, with the discontinuance of heat to the pool. Georgette Clegg confirmed that she is willing to take over the duties currently handled by Peter Gonzales so long as someone is hired to handle the physical labor relating to the swimming pool and the recreation center.

The Board of Directors then received the Grounds Report from Rex Wilmore. Rex notified the Board of Directors that he is no longer willing to oversee the maintenance of the grounds. He

indicated that the primary responsibility is finished until next spring and that we will need someone to take over those duties at that time. No formal action was taken by this Board on this issue.

Without formal resolution, it was discussed that members who are not in good standing in the Association would not be invited to the Halloween party.

Upon motion duly made and seconded,

It was RESOLVED, to investigate the adequacy of the lighting along the sidewalk and the steps outside the recreation center.

The Board then considered matters of old business.

Rex Wilmore reported on the progress of the collection of the judgment resulting from the Altamira litigation. He indicated that he was meeting with Mr. Ford following the Board of Director's meeting to coordinate the collection of the amounts owed but that Mr. Ford indicated that some of the litigants may resist paying the judgments against them.

The Association has received no response to Mr. Wilmore's letter to the City of Santa Fe concerning the drainage issue.

The letter concerning the violation of the CC&R by Ms. Wells-Diaz was sent via certified mail but was not retrieved by Ms. Diaz. Upon motion duly made and seconded,

It was RESOLVED, unanimously to defer further action on this matter for another month.

Jane Buchsbaum reported that the CC&R violation concerning the Roto<sup>π</sup> family has been resolved between Mr. Roto and the Cresta Association.

The Board of Directors then considered matters of new business.

Upon motion duly made and seconded,

It was RESOLVED, unanimously that Mary Walta be re-appointed to the Architectural Review Board.

Upon motion duly made and seconded,

It was RESOLVED, unanimously that the Association give Daniel King, the individual who maintains the swimming pool, a bonus of \$500.00.

In follow up to Rex Wilmore's indication that he will no longer be responsible for the maintenance of the grounds, he suggested that a Grounds Committee be formed. Specifically, the

coordination of snow plowing and spring clean up will need to be addressed in the near future. It was suggested that Jim Hayes be approached to take on the duties Rex has assumed.

Upon motion duly made and seconded,

It was RESOLVED, that the Architectural Review Board shall hereafter require that all applications provide a site plan showing the existing drainage plan for the existing conditions and changes required in the drainage plan by a proposed construction or landscaping. This provision would not apply to Kachina Hills or Los Nidos as those subdivisions have their own drainage district.

Upon motion duly made and seconded,

It was RESOLVED, unanimously that proposed installation of television satellite dishes and antennas must be submitted to the Architectural Review Board for approval. Satellite dishes shall be of a size as is de-regulated by the FTC (less than one (1) meter in diameter) and must be installed to be screened from sight as much as possible and painted to match the surrounding walls (i.e. the color of the stucco on the house).

The Board of Directors then went into Executive Session at approximately 9:10 a.m.

Upon motion duly made and seconded, the meeting was adjourned at approximately 9:40 a.m.

Attested:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
President

pd\files\stancia\doc\minute10.14

MINUTES OF THE BOARD OF DIRECTORS MEETING OF THE ESTANCIA  
PRIMERA COMMUNITY SERVICES ASSOCIATION

November 11, 1997

The regular monthly meeting of the Board of Directors of Estancia Primera Community Services Association was called to order at 8:08 P.M. at the Community Association Building. Those present for the meeting were Rex Wilmore, John Amos, Georgette Clegg, Jane Buchsbaum, Peter Stanton, Dave Baker and Bob Lockwood.

Upon motion duly made and seconded, reading of the minutes of the previous meeting was dispensed with and the same were approved as having been read.

The Board of Directors received the Treasurer's report from Peter Stanton. After discussing the report, upon motion duly made and seconded, the Board accepted the Treasurer's report, a copy of which is attached to these minutes and made a part hereof for all pertinent purposes.

Bob Lockwood presented the Architectural Review Board Report to the Board. Among items addressed in the report were the problem of directing spotlights on private residences and lighting at the front of the Community Services Building. It was pointed out to the Board that several of the street lights were not functioning. On motion duly made and seconded, the Architectural Review Board Report was accepted.

Georgette Clegg presented the Recreation Center Report to the Board. A number of recreation center related problems were discussed by the Board including: transition of control of recreation center control from previous volunteer to Georgette Clegg; key policy at the center; defective equipment at the center; and cleaning of the center.

Rex Wilmore then presented the Grounds Report to the Board. A general discussion followed of the availability and cost of reliable people to accomplish the cleanup and maintenance of the common areas and the posting of signs regarding neighborhood watch programs, prohibition of soliciting, and cleaning up after dogs on the streets and walkways. Rex Wilmore suggested that certain of these concerns be addressed in the newsletter to be circulated in the near future.

Rex Wilmore reported to the Board on the following matters of Old Business:



Altamira Settlement - approximately half of those required to pay had agreed to pay and a letter should be directed to those who had not agreed. It was the sentiment of the Board that the letter should be in the nature of a gentle reminder prior to any letter threatening foreclosure which may prove necessary in the future.

CC&R Violations - application by Wells-Diaz was now being made to the Architectural Review Committee and the matter is properly in their hands.

Snow Plowing - the Secretary was directed to circulate a letter to the various area representatives within the Association requesting an affirmative response if they wished to have their roads plowed with the common roads when snowfall exceeded six inches.

Drainage Situation re: City - the Board directed President Wilmore to keep pressing the City to adopt a reasonable approach with respect to the drainage situation within the Association.

Rex Wilmore then presented to the Board the following matters of New Business for their consideration:

Newsletter - To be circulated soon containing matters discussed by the Board at this and previous meetings. Future newsletters would be considered as the need dictates.

Budget, Dues for 1998 - Final budget would be submitted for Board approval at the next regular meeting.

File Cabinets - The Board authorized Rex Wilmore to expend such sums as necessary to accomplish proper organization, storage and filing of Association documents and records.

There being no additional New Business to be considered at this meeting, the Board went into Executive Session, following which, upon motion duly made and seconded, the meeting was adjourned.

Attested:

---

Secretary

---

President

MINUTES OF THE BOARD OF DIRECTORS MEETING OF THE ESTANCIA  
PRIMERA COMMUNITY SERVICES ASSOCIATION

December 9, 1997

The regular monthly meeting of the Board of Directors of Estancia Primera Community Services Association was called to order at 8:05 P.M. at the Community Association Building. Those present for the meeting were Rex Wilmore, John Amos, Georgette Clegg, Jane Buchsbaum, Peter Stanton, Bob Lockwood and Sheryl Sommers.

Upon motion duly made and seconded, reading of the minutes of the previous meeting was dispensed with and the same were approved as having been read.

The Board of Directors received the Treasurer's report from Peter Stanton. After discussing the report, upon motion duly made and seconded, the Board accepted the Treasurer's report.

Georgette Clegg presented the Recreation Center report. Matters included in the report were the replacement of the tennis court net and need for new rollers on the water-collection devices.

Bob Lockwood announced that no report was necessary from the Architectural Review Board.

Rex Wilmore delivered the Grounds report. He indicated that the trimming in front of the Community Services Building had basically been completed. Previous employees had submitted invoices for uncompleted work which he has not paid. The search continues for suitable individual(s) to maintain the common areas next spring and summer.

Rex Wilmore reported to the Board on the following matters of Old Business:

Altamira Settlement - the only two remaining individuals who have not paid have contacted Rex Wilmore and indicated a willingness and intention to pay after January 1, 1998,

Snow Plowing - signed letters have been received by John Amos, indicating which areas wish to be included in the snow removal effort. Those indicating they wanted to be included were Rex Wilmore (Cumbre Vista), John Lancaster (Los Nidos Drive), Barry Gerst (Calle Altamira), and Gaines Godfrey (La Vivesa Court). Copies of those letters are

attached to these minutes. The previous contractor for snow removal has gone out of business and of those available to do the job, the Board directed Rex Wilmore to employ AFJ Paving at a \$60 per hour rate. The previous cost was \$360 per plowing.

Drainage Situation re: City - negotiations with the city regarding responsibility for maintaining various areas continue to move slowly.

Pete Stanton presented the proposed 1998 Budget. After an extensive discussion, on motion duly made and seconded, the Board amended the proposed Budget by deleting the drainage repair line item and adding a footnote stating that deferred maintenance drainage expense will be paid from the reserve account. The 1998 Budget, as amended, was then approved by the Board. A copy of the proposed 1998 Budget is attached to these minutes.

There being no New Business to be considered at this meeting, upon motion duly made and seconded, the meeting was adjourned at 9:55AM.

Attested:

---

Secretary

---

President