

## ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION

### Board Meeting January 8, 2002

The regular monthly meeting of the Estancia Primera Community Services Association was called to order by Don Willingham at 8:00 a.m. at the EPSCA Recreation Center. Board members present were: Don Willingham, Dick Anderson, Connie Burke, Mike Cross, Walter Ford and Robert Lockwood.

1. Minutes. The minutes of the December 11, 2001 were distributed. After a review by the members present, the minutes were corrected and approved as amended. The amended minutes should reflect that Connie Burke and Walter Ford were not at the December 11, 2001 meeting and the spelling of Maryellen Sherman's name was corrected.

2. Treasurer's Report. Dick Anderson presented the financial statement for the calendar year ending December 31, 2001, noting that the net income for the year was \$11,197.14. In response to a question, Don Willingham stated that while a budget was presented at the annual meeting held in August, Dick should prepare a final version for the year. A discussion ensued regarding depreciation of the Association's assets. Dick stated that the annual dues notices will be sent out in January. The dues for a homeowner with a home for the entire year of 2001 will be \$360.00 minus a rebate of \$110.00 for a total of \$250.00. Owners of lots under construction will be assessed \$100.00 less \$27.50 and vacant lots will be assessed \$36.00 less \$11.00. If a change in ownership occurs during the year, a rebate will not be given. Next Dick discussed the Architectural Review Board's builder deposits. He stated that the account had a balance of \$16,911.00. He has distributed these deposits to several of the developers, but still has between \$3,000-\$4,000 that can not be reconciled. In order to provide better accounting of these funds, he will ask the bookkeeper to set up a separate ARB account for builder's deposits. Don Willingham suggested that at the end of 2002, the remaining balance be transferred to income.

3. Old Business. Don Willingham summarized a letter regarding running a business out of a home in Estancia Primera. He stated that this type of activity is not allowed in Estancia Primera. Next, he stated that he had appointed Kathy Bennett to the Los Altos Architectural Control Committee to replace Rex Wilmore, who is now the chairman of the Architectural Review Board. Don reviewed a letter he received from the Neighborhood Network, inviting members of our community to participate in meetings with the candidates for mayor and city council.

4. Grounds Report. Mike Cross discussed our contract with Anthony Montoya for snow removal. Mr. Montoya has requested a \$1,500 non-refundable retainer in addition to a fee for each occurrence of actual snow removal. Mike told him he would give him \$500.00 as a stand-by fee.

5. Clubhouse Report. Connie Burke reported on the New Year's Eve Party. She described the event, noting that although the turnout was smaller than hoped for, the evening was a success. She summarized the activities of the Estancia Primera Women's Group for the coming spring. Connie noted that there has been an increase in the use of the clubhouse. She discussed the problems she has had with the Chavez Brothers in getting them to complete the cabinets in the community room. Bob Lockwood offered to assist her in getting the cabinets built.

6. Newsletter. Connie Burke commended Maryellen Sherman for her work in putting together the newsletter. In response to several comments from neighbors, she requested that in the next issue we publish Board members e-mail addresses. Don Willingham added that we need to remind the community that running a business out of a home in Estancia Primera is prohibited.

7. Adjournment. There being no further business to discuss, the meeting was adjourned at 8:45 a.m.

**ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION**  
**Board Meeting Minutes**  
**February 12, 2002**

The regular monthly meeting of the Estancia Primera Community Services Association was called to order by Don Willingham at 8:07 AM at the EPCSA Recreation Center. Board members present were: Don Willingham, Mike Cross, Walter Ford, Connie Burke, Sandra Brinck, Robert Lockwood, John LeMaster and Dick Anderson.

1. Minutes. The Minutes of the January 8, 2002 Board Meeting were distributed. After review by the Members present, the Minutes were approved as submitted, upon motion by Mike Cross, which was seconded by Walter Ford.

2. Old Business. The letter sent to Cynthia Drennan came back from the post office marked "undeliverable." The letter will be re-sent via Certified Mail, Return Receipt Requested.

3. Treasurer's Report. The balance sheet of the Architectural Review Board (ARB) was discussed and Sandra Brinck moved that \$5,000 be transferred to the Century Bank Capital Account. The motion was seconded by Connie Burke and unanimously approved. The EPCSA balance sheet was discussed; Dick Anderson reported that approximately half of the 2002 dues income has been collected. He also reported that due to the 2002 rebate, EPCSA's income would be less in 2002, but that there should nevertheless be sufficient operating cash. Dick will meet with the accountant to discuss the 2001 tax returns and, in the future, the financial reports will be more accurate.

Next, a discussion was held regarding the homeowners who have not paid dues. Don Willingham suggested including a list of such homeowners in the Notice of Annual Meeting. Connie Burke requested that labels be generated from the accounts receivable mailing list; she will contact Ellie Dehen. Mike Cross suggested that the President of each of the local neighborhood associations report on changes in homeowners and/or their addresses.

4. Grounds Report. Mike Cross reported that one snow removal project was necessary and that it was done well. Future snow plowing was discussed. Apparently, the common roads and each subdivision's roads (except La Vivesa and Aspen Compound) are plowed. The snowplows currently remove snow up to the Aspen Compound cul-de-sac. Dick Anderson requested that with respect to Aspen Compound, the snowplows plow whatever can be plowed without causing damage to the underlying roadway. Mike Cross also reported that Thundercloud Landscaping Service came out and performed a little clean-up work.

5. Clubhouse Report. John LeMaster reported that he is working on getting the Clubhouse sign replaced. Connie Burke reported that the Chavez Brothers were unable to complete the cabinet; therefore, she contacted Cuchitos Woodworking to complete the cabinet. Cuchitos Woodworking will also replace the wood above the stove in the kitchen. Connie Burke reported that the clubhouse use is up and that the clubhouse had recently been used for several meetings. Bob Lockwood and Connie Burke will investigate the damage to the Ladies' Room door and floor tiles. Finally, Connie Burke reminded the Board that she will be stepping down

as Clubhouse manager on July 31, 2002, and it was necessary to find a replacement for her. Don Willingham will contact the Presidents of the local neighborhood associations to ask their assistance in locating a replacement for Connie.

6. New Business. At the Kachina Hills Homeowners Association Annual Meeting (“KHOA”), it was requested that EPCSA offer to sponsor a District One candidates’ forum. Don Willingham looked into this matter, but found it was too problematic for EPCSA to sponsor such a forum; he noted that other public service organizations are already sponsoring such forums.

Also at the KHOA Annual Meeting, it was requested that the appearance of the riprap fencing in Los Altos be improved. John LeMaster reported that the City of Santa Fe required the riprap fencing, but the Los Altos builders were working on adding native stone, planting pinon trees and applying topsoil to the riprap area, which will dramatically improve its appearance when completed. He asked that the KHOA homeowners be patient and wait until the project is finished; he believes that the end product will be as attractive as the Kachina Hills area.

Next was a discussion regarding security issues. Walter Ford reported that a male knocked on his door selling magazines (he told Walter that he was a relative of Anderson). Walter Ford asked him to leave. The next day this individual went to Paseo Cresta and told a homeowner that he was the son of a person who lived in Paseo Cresta. Several more solicitors came to Don Willingham’s door; Don told them that there was no solicitation allowed in this neighborhood. Don Willingham then spoke to a black male individual with a folder; this individual told Don Willingham his grandfather lived in Estancia Primera; also, this individual apparently contacted a new resident, who was intimidated. The Board discussed hiring a security service. The Board discussed a mailing flyer to all homeowners regarding that fact that no solicitation is allowed in Estancia Primera; Don Willingham and Connie Burke will work on that flyer.

Next the Board discussed the .2 acres owned by Ron and Sophia Cruz not being subject to EPCSA covenants; the City approved the Ordinance Variance, but the title company has difficulties. Also, additional property north of Hyde Park Road is mistakenly shown as owned by EPCSA. Don Willingham proposed an amendment to the CCRs at the annual meeting to correct the above. Connie Burke moved that CCRs be so amended, John LeMaster seconded, and the motion was unanimously carried.

Connie Burke reported that floodlights on a home in Alta Mira were shining directly into her window. John LeMaster reported that in Los Altos, dimmers were being installed for outside lights. It was also reported that a home in Aspen Compound had been rented for less than one month.

7. Adjournment. There being no further business to discuss, the meeting was adjourned at 9:20 AM.

**ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION**  
**Board Meeting Minutes**  
**April 9, 2002**

The regular meeting of the Estancia Primera Community Services Association was called to order by Don Willingham at 8:05 AM at the EPCSA Recreation Center. Board Members present were: Don Willingham, Walter Ford, Sandra Brinck, Dick Anderson, Connie Burke, John LeMaster and Bob Lockwood.

1. Minutes. The Minutes of the March 12, 2002 Board Meeting were distributed by Sandra Brinck. After review by the Members present, the Minutes were approved as submitted, upon motion by Dick Anderson, which was seconded by Don Willingham.

2. Old Business. It was noted that there were no new developments on the TV antenna issue; however, Cynthia Drennan's attorney, Karl Sommers, had written to Don Willingham in connection with Cynthia's home office. He stated in his correspondence that all business was conducted out of state, there were no employees, no clients came to the home, all deliveries were sent to Mailboxes, etc., she consults with clients on the telephone or travels to clients' out of state offices. Don Willingham moved to approve Cynthia Drennan's home office, which was seconded by Bob Lockwood. The motion carried, with one objection. A similar home office, Anderson & Anderson Consulting, Inc., was approved also upon motion by Don Willingham, which was seconded by John Le Master.

It was noted that regarding the "red roof" issue, monies are being withheld in order to see if the sun fades the color; if not, the roof may need to be replaced.

3. Treasurer's Report. Dick Anderson circulated the Treasurer's Report including trial balance and balance sheet as of March 31, 2002. Following a discussion regarding unpaid dues, John Le Master moved that Dick send another billing with a letter stating that if payment not received within 60 days of the letter, a late fee of \$25.00 would be charged. The motion was seconded by Sandra Brinck, and approved unanimously.

4. Grounds Report. Mike Cross was not in attendance and therefore the Grounds Report was postponed until the next meeting.

5. Clubhouse Report. Connie Burke reported that Mr. Gunther (Pool & Spa-Doctor) had been out to service the pool. Daniel King will do the general maintenance work. A pool opening party is planned for Memorial Day. Connie recommended that a new card key access system be installed before the pool opened; Dick Anderson moved that such installation be installed, subject to the monitoring being similar to the current monitoring at a similar cost. Walter Ford seconded and the motion was unanimously approved. The Board also approved a pay raise for Daniel King of an additional \$2.00 per hour.

6. New Business. It was reported that Cathy Bennett had agreed to take Connie Burke's place as Clubhouse Manager. Also, Mike Cross was elected Vice President by acclamation to replace MaryEllen Sherman. Next, a discussion was held regarding the short-term rental situation. One homeowner, Catherine Cooney, is refusing to acknowledge the provisions in the CCRs. Don Willingham sent a copy of the recorded Amendment to her (reflecting a minimum one-month rental period). Following a motion by Sandra Brinck, which was seconded by Dick Anderson, the Board voted unanimously to have their legal counsel seek any remedy necessary to resolve any short-term rental violations by any owner, Kokopelli Management, any other management company or leasing agent. This action could be commenced immediately for any violation that is not immediately resolved by Board contact with the offending party. Finally, Don Willingham announced his resignation as President, effective May 15, 2002, as he will be moving out of state; he recommended his replacement be someone with good conflict resolution skills.

7. Adjournment. There being no further business to discuss, the meeting was adjourned at 9:20 AM upon motion by Bob Lockwood, which was seconded by Walter Ford.

**ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION**  
**Board Meeting Minutes**  
**May 15, 2002**

The regular meeting of the Estancia Primera Community Services Association was called to order by Don Willingham at 8:05 AM at the EPCSA Recreation Center. Board Members present were: Don Willingham, Dick Anderson, Walter Ford, Bob Lockwood, Mike Cross, Kathy Bennett and John LeMaster.

1. Minutes. The Minutes of the April 9, 2002 Board Meeting were distributed. After review by the Members present, the Minutes were approved as submitted, upon motion by Bob Lockwood, which was seconded by Walter Ford.

2. Old Business. Amendments to the Covenants and Restrictions were discussed and Don Willingham noted that Mary Walta needs to amend the Covenants and Restrictions to correct the property lines of Estancia Primera to reflect the correct boundaries. Sandra Brinck is also available to help on this issue.

The short term rental issue in Aspen Compound has apparently been resolved as the property in dispute is for sale.

Walker Engineering will complete our annual drainage report in May and send to Mike Cross for completion. Walter Ford and Dick Anderson will inspect a sewage leak in Alta Mira that was to be fixed by the City.

3. Treasurer's Report. Dick Anderson notes on page 3 a Balance Due section of which property owners still owe dues. The Board noted that at the June meeting we need to have a pro forma budget to decide on dues for next year and decide if we will continue the rebate plan.

A discussion of our current bank accounts was held and the Board decided to leave the Reserve Account alone and use our checking account and capital account to pay for the new card security system and Pool Heater. We will then close the capital account and move any excess to the checking account. This will leave the checking account at Century Bank and the reserve account at Dean Witter.

4. Grounds Report. Mike Cross reports that Thundercloud removed a series of small sprouts of elm trees on the Pool and Clubhouse property and all other areas look good except for some bushes encroaching into the pool area and bushes encroaching on our bridge over the arroyo under Avenida Primera. Scotts Irrigation has been called and will come out Saturday to turn on our drip system one day per week. The Board requested that Mike Cross negotiate our next snow removal contract using last year as an example.

5. Clubhouse Report. By Don Willingham in place of Connie Burke. Don noted that notices have been placed at mailboxes in Estancia to notify everyone of the Pool Party on May 27<sup>th</sup> and the new card system that will be in place.

6. New Business. Kathy Bennett was introduced as our new Clubhouse Manager.

The Board picked August 12<sup>th</sup> and 13<sup>th</sup> for our annual financial and membership meetings. Bob Lockwood moved and Kathy Bennett seconded for approval.

Don Willingham formally resigned effective May 16, 2002. Ways to pick a new President were discussed and several options were noted.

Bob Lockwood presented Don with a card signed by all Board Members and a gift certificate to thank him for his service to EPCSA.

7. Adjournment. There being no further business to discuss, the meeting was adjourned at \_\_\_\_\_ AM upon motion by \_\_\_\_\_, which was seconded by \_\_\_\_\_.



**ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION**  
**Board Meeting Minutes**  
**June 11, 2002**

The regular meeting of the Estancia Primera Community Services Association was called to order by Mike Cross at 8:15 AM at the EPCSA Recreation Center. Board Members present were: John LeMaster, Kathy Bennett, Connie Burke, Mike Cross and Sandra Brinck.

1. Minutes. The Minutes of the May 15, 2002 Board Meeting were distributed and discussed. After review by the Members present, the Minutes were approved as amended to include adjournment information, upon motion by John LeMaster, which was seconded by Kathy Bennett.

2. Treasurer's Report. Mike Cross distributed the Treasurer's Report prepared by Dick Anderson, as Dick Anderson was out of town. He noted that the accounts receivable (dues) had decreased substantially since the last Board meeting, due to Dick's collection efforts.

3. Grounds Report. Mike Cross reported that the drainage inspection had been completed and that the resulting report indicated that Dams 27 and 28 had suffered erosion; however, the repair for those dams is the responsibility of Alta Mira. Mike Cross will meet with Barry Gerst and John LeMaster will assist in locating a repair person to complete the repairs to these dams. The Report also indicated damage to Dam No. 32; however, that is the responsibility of the City of Santa Fe. Mike Cross stated that he will oversee the repair work to these dams.

Mike also reported that he had received a letter proposal for dirt removal/street sweeping from High Desert Landscaping.

Mike also reported that the Estancia Primera north entrance sign had been tagged with graffiti approximately a week prior to the Board meeting. Gary Sines tried to remove it but could not (he tried sanding, but that defaced the sign). John LeMaster and Mike Cross tried a spray for removing graffiti, but it did not work. Sandra Brinck moved and Kathy Bennett seconded that Mike Cross be authorized to hire Gary Sines to sandblast the north entrance sign, which he and John LeMaster will then seal.

4. Clubhouse Report. Kathy Bennett and Connie Burke reported that approximately sixty people came to the Memorial Day party. A new heater for the pool was installed, but a leak has been discovered, and Daniel King has had trouble keeping the water clear. 279 new key cards to the clubhouse/pool area were distributed; Connie Burke and Kathy Bennett will hand out cards on another distribution day, to be announced. Connie Burke announced that she will be moving on August 10, 2002. It was reported that Daniel King had repaired the tennis reservation box, and the Board noted that with appreciation.

5. New Business. The Board discussed the proposed amendment to the CC&Rs and raised the following questions: What percentage of membership vote is required for approval; do we vote at the Annual Meeting; and should we send out notices and allow votes by mail. Sandra Brinck agreed to research the procedure for obtaining an amendment to the CC&Rs, based on prior amendments to the covenants and agreed to oversee the mailing of notices regarding the proposed amendment.

The Board next discussed the Annual Meeting packet to be sent to all Members. Sandra Brinck agreed to get this mailing out no later than June 21, 2002.

Finally, the Board next discussed the replacement of Board Members who were leaving or whose terms were expiring. Sandra Brinck moved and Connie Burke seconded that Pat Hauter be appointed to replace Don Willingham. It was suggested that Jim Kissick, from Aspen Compound, replace Sandra Brinck.

6. Adjournment. There being no further business to discuss, the meeting was adjourned at 9:20 AM, upon motion by John LeMaster, which was seconded by Connie Burke.

**ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION**  
**Board Meeting Minutes**  
**July 9, 2002**

The regular meeting of the Estancia Primera Community Services Association was called to order by Mike Cross at 8:05 AM at the EPCSA Recreation Center. Board Members present were: John LeMaster, Kathy Bennett, Connie Burke, Mike Cross, Dick Anderson, Bob Lockwood and Sandra Brinck.

1. Minutes. The Minutes of the June 11, 2002 Board Meeting were distributed and discussed. After review by the Members present, the Minutes were approved as amended (name spelling corrections), upon motion by Kathy Bennett, which was seconded by Connie Burke.

2. Welcome to New Board Member. Mike Cross welcomed Pat Haueter to the Board; her term will expire in August, 2003, as she is taking Don Willingham's place. The Board discussed term expirations, including a replacement for Sandra Brinck. Mike Cross indicated he would talk to Catherine Beck to see if she is willing to be on the Board.

3. Treasurer's Report. Dick Anderson distributed the Treasurer's Report. Dick noted that the reserve authorization was \$100,000. There was a discussion of Homeowner's dues still due and owing, which was minimal. Dick recommended that dues be assessed at the standard rate for 2003, and Dick recommended that if a credit is provided in future years, it only be given for developed residential lots.

4. Grounds Report. Mike Cross reported that Thundercloud Landscaping would deal with weeds after the rainy season. He noted that the streets are messy and has considered hiring a street cleaner, but will wait until after the rainy season. He further reported that the graffiti on the north entrance sign was sandblasted and a sealer coat would be applied so that any future graffiti would not stick. The total expense for this work is estimated at \$200.

5. Clubhouse Report. Kathy Bennett and Connie Burke reported that the pool heater was working and the temperature had been set at 86 degrees. Connie reported that the Clubhouse had been used for a wedding rehearsal dinner. Connie further reported that the card key installer needed to furnish a list and the instructions manual and fifty extra cards. Kathy Bennett agreed to coordinate with Ellie to update mailing lists for purposes of tracking the card keys issued by address. Connie reported that four more umbrellas (9 ft.) are needed. Mike Cross and Kathy Bennett will purchase such umbrellas at the best price available. Connie Burke suggested additional signs to be placed on the Clubhouse: "No Animals" and "Close Umbrellas." Kathy Bennett suggested a newsletter following the Annual Meeting reminding Homeowners of the Rules and Regulations. Bob Lockwood suggested that we determine the usage of the swimming pool and tennis courts.

6. With respect to Mary Walta's letter of July 5, 2002 regarding the amendment to the CC&Rs, it was suggested that the Board Members talk to their neighbors and encourage them to sign the consent forms and send them back. The agenda for the Annual Meeting was discussed and will include the following items: the Amendment to the CC&Rs, the election of Board Members, Treasurer's Report and Clubhouse Report.

Dick Anderson brought up the red roof issue at Los Altos. Dick was instructed to hold funds (ARB deposits) until the Board authorizes the release of such funds to Mr. Phil Coombs. It was noted that the Board discussed the red roof issue previously, but took no formal action other than to require the withholding of funds. Connie Burke complained about a satellite dish being placed on an Aspen Compound home; Mike asked her to contact Rex Wilmore, Chair of the ARB.

7. Adjournment. There being no further business to discuss, the meeting was adjourned at 9:20 am, upon motion by John LeMaster, which was seconded by Connie Burke.



### President's Report

Mike Cross, as Acting President, informed the membership that the Engineering Review and Report had been prepared by Walker Engineering. Two problems were noted on the Report. He also informed the membership that sufficient approvals had been received to amend the CC&Rs and the Amendment to the CC&Rs, outlined in the Notice of the Annual Meeting for August 13, 2002, had been signed and recorded with the Santa Fe County Clerk. He noted that it was suggested that a website be established by EPCSA to keep members informed.

### Election of New Directors

Mike Cross reported that Walter Ford, Bob Lockwood and Kathy Bennett were running for re-election and Catherine Beck was recommended to take the place of Sandra Brinck, who was resigning. Rex Wilmore moved that slate be elected by acclamation, Ms. Street seconded the motion and it was unanimously approved. Accordingly, the new Directors are: Walter Ford, Bob Lockwood, Kathy Bennett and Catherine Beck.

### Old Business

The one-month rental rule, and violations thereof were discussed. Bob Bennett suggested that the Board write to the local rental agencies informing them that there was a minimum one-month rental on homes in the Estancia Primera area and that shorter rentals were in violation of our covenants. Leon Young, president of Los Nidos, stated that the Board needed to reinforce the rules or drop them. Rex Wilmore suggested that renters of less than one month not be allowed to use the facilities (i.e., clubhouse and swimming pool). Dick Anderson suggested that qualified houseguests would be allowed to use the facilities. He noted that the Board cannot track violations of the one-month renter rule unless homeowners so inform the Board. Mike Cross informed the membership that the Board does intend to enforce this rule. Leon suggested that prior to writing the letters to the property management companies that the Board first check to ascertain whether or not there is any "code of conduct" for property managers, similar to the realtor's code of ethics. If so, that code of conduct should be referenced in the letter. Mary Lawton moved that the membership authorize the Board of Directors to impose fines; her motion was seconded by Leon Young. Next ensued discussion of the pros and cons, which culminated in a motion to table Mary Lawton's motion, which was approved, with one person opposed. This matter will be discussed further after additional information is obtained.

### New Business

Lee Warren brought to the attention of the membership that the berm between the north and south entryways of Estancia Primera appeared not to be in conformance with the information provided on the application for same which was approved by the New Mexico Highway Engineer. He noted several objections to the berm as it currently exists: it is unattractive, a damage to natural vegetation has occurred, trees have been destroyed and it blocks views of the Jemez Mountains. The matter was discussed and it was determined that the ARB would inspect it and discuss it at its next meeting on Tuesday, August 20<sup>th</sup> at 5:00 pm.

Elisa Allen brought up the "red roof" issue and asked what the status was. Rex Wilmore informed her that the red roof had been disapproved by the ARB and that disapproval was being appealed to the Board of Directors and would be considered by the Board of Directors at its next meeting on September 10, 2002. She also requested information on the pine bark beetles. Barry

Gerst from Alta Mira informed her that they had sprayed in the past and were asking the homeowners in Alta Mira to consider a small amount of clearing of the existing pinon trees. He mentioned that Steve Long, of Bernalillo, New Mexico, did a good job in spraying for the pine bark beetle.

Adjournment

There being no further business to come before the membership, upon Motion made and duly seconded, the meeting was adjourned at 8:20 p.m.

**ESTANCIA PRIMERA COMMUNITY SERVICE ASSOCIATION**  
**BOARD MEETING MINUTES**  
**SEPTEMBER 10, 2002**

Mike Cross called the regular meeting of the Estancia Primera Community Services Association to order at 8:05 AM at the EPCSA Recreation Center.

Board members present: John LeMaster, Bob Lockwood, Catherine Beck, Mike Cross, Pat Haueter, Dick Anderson, Walter Ford, Kathy Bennett. Others in attendance: Rex Wilmore, Estancia Primera Architectural Review Board Chair and Kachina Hills Board Chair

1. Minutes: The minutes of the July 9, 2002 Board Meeting were distributed. After review by the Members present, the Minutes were approved as submitted upon motion by Bob Lockwood, seconded by John LeMaster. The Minutes of August 13, 2002 Annual Meeting were also distributed and will be reviewed for approval at the next annual meeting.
2. New Board Member and Annual Election of Officers: Catherine Beck has joined the Board, replacing Sandra Brinck, with term expiring August 2004. Mike Cross was unanimously elected President upon motion by John LeMaster, seconded by Walter Ford. Mike Cross nominated, Walter Ford seconded and all unanimously elected Dick Anderson to serve as both Vice-President and Treasurer for the coming year. The Secretary position remains open. Mike Cross will work on recruiting a ninth Board Member to assume Secretary role.
3. Treasurer's Report: Dick Anderson distributed the current Treasurer's Report. He noted that two outstanding Estancia Primera due amounts remained and that our insurance premiums are due. Dick reaffirmed and the Board concurred that dues for 2003 will be at the standard rate. He also indicated we need a second authorized signature for our bank accounts to replace Don Willingham. The Board resolved that Mike Cross as new President should co-sign, upon motion by John LeMaster, with second by Kathy Bennett. Mike and Dick will prepare a written resolution authorizing this change for the banks.
4. Clubhouse Report: Kathy Bennett reported that a new pool cover was being installed today and that the pool would close for the season on September 22. She noted the success of the Labor Day social event but mentioned that one of the card tables was found to be missing when setting up for the event. Board Members agreed that an inventory of Recreation Center furnishings should be undertaken. Kathy indicated she had received a proposal from Security & Access Systems to maintain and/or upgrade the Clubhouse security system. A discussion of potential Recreation Center maintenance issues and improvements ensued. Mike Cross asked Kathy to compile a list of potential maintenance and improvement tasks for further discussion at the next meeting.
5. Grounds Report: Mike Cross reported that he had contacted the city about sweeping Avenida Primera. He will follow-up to get firm commitment and timing. Rex Wilmore indicated that the Kachina Hills Board is requesting the installation of shields for Estancia Primera and Los Altos lighting. Mike will contact the city's Engineering Department to move this process forward. Mike noted that Estancia Primera entrance signs having been sealed and no new graffiti incidents have occurred. Some elms and weeds will be removed soon. Bob Lockwood noted other pruning and supplemental water needs in the common areas. Mike will look into finding a water supplier to care for these.



6. Tax Status vs. Non-Profit charter: Rex Wilmore asked whether our tax filings as a for-profit organization violate our charter as a non-profit. Bob Lockwood and Dick Anderson indicated that Judy Wilson, our accountant, could reaffirm that this is not a violation. Mike will follow-up to assure us that this is the case.
  
7. Old Business:
  - a) One-month rental violations– Mike Cross disclosed that he had sent letters to the Management Group and Frontier advising them of Estancia Primera rental policy. These two property managers are advertising Estancia Primera homes as short-term rentals on web sites. Rex Wilmore noted that he had also sent out more extensive correspondence to property managers, offending owners of rental properties as well as all Estancia Primera homeowners about the rental policy in 1999 to no effect. There was a discussion of what Estancia Primera members want the Board to do and what we can do with or without amending the CC&Rs. Mike Cross will be discussing the steps toward enjoining property owners who persist in violating the rule with Mary Walta, Estancia Primera counsel. Dick Anderson proposed and Walter Ford seconded a motion, which passed unanimously to ask Mary specifically if we could immediately suspend Recreation Center privileges for known violators. Mike will notify Kathy Bennett so she can cancel access cards. John LeMaster suggested going to the membership for approval to impose fines for violating this specific rule only. Catherine Beck suggested a need to inform realtors of our rental rule so that they do not promote Estancia Primera homes to potential buyers as short-term rental income properties. Mike Cross reiterated a need to contact title companies to be sure that new homeowners receive copies of our CC&Rs. Mike asked to defer further discussion and to revisit all proposed solutions to this problem at the next meeting after he obtains further legal direction.
  
  - b) Home businesses: Mike indicated that home-based businesses are permitted with Board approval. Pat Haueter noted that one business was advertising and that this conflicted with our non-solicitation rule. Furthermore, the business had not sought approval. Dick Anderson will follow up to have the business owners come to the Board for approval.
  
  - c) Los Altos Red roof: Mike indicated that Phil Coombs is expected to appeal the ARB decision to the Board but that he had not yet formally received the appeal request.
  
8. Political Signs: Pat Haueter indicated that one homeowner had put up a sign in violation of our Rules and Regulations. Mike Cross will ask the homeowner to remove immediately.

Adjournment: There being no further business, the meeting was adjourned at 9:15 AM.

**ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION**  
**Board Meeting Minutes**  
**October 1, 2002**

The regular meeting of the Estancia Primera Community Services Association was called to order by Mike Cross at 8:07 AM at the EPCSA Recreation Center. Board members present were Mike Cross, Dick Anderson, Catherine Beck, Kathy Bennett, Walter Ford, Pat Haueter, John LeMaster, Bob Lockwood, and Barbara Platz.

Also attending were Rex Wilmore and Mary Walta.

1. New Board Member: Barbara Platz has joined the Board, bringing the number of members to nine. Kathy Bennett moved and Walter Ford seconded that she be elected Secretary. Motion carried.
2. Minutes: The minutes of the September 10, 2002 Board Meeting were distributed. After review, the minutes were approved as submitted upon motion by Pat Haueter, seconded by Walter Ford.
3. Treasurer's Report: Dick Anderson distributed the current Treasurer's Report. He noted two outstanding dues remain and that there is a negative \$5,000.00 income for the month of September. Anticipated expenses for the remaining three months of the year are \$5,000.00/month. He reported \$35,000 in cash and \$99,000 in reserves.
4. Clubhouse Report: Kathy Bennett reported that she now has a digital inventory on CD ROM of the property items at the EPCSA Recreation Center. Regarding expenses, she reported on two current items: the pool pump has been replaced, necessitating closing the pool earlier than scheduled. Winterizing expenses for the pool will be incurred soon. Regarding potential maintenance and improvement tasks, she submitted a list of nine items that need or could need attention. The Board agreed not to have the fireplace cleaned by a chimney sweep because it was not necessary. Three items of minimal expense were approved: pest inspection and necessary action for rodent control, checking of heaters and replacing filters as necessary, and cleaning of tile floor. Kathy will get estimates on items of major expense and the Board will prioritize maintenance on them. Those items are: grade the security system, restucco the exterior, replace tiles around pool, resurface the pool deck, and paint the interior and repair cracks on interior surfaces. The Board discussed the source of funds and was advised by Mary Walta that capital improvements should be paid for from the reserve fund.

5. Grounds Report: Mike Cross reviewed snow removal requests for each neighborhood. Each local association must accept liability for snow removal equipment damage, but the expense of snow removal is born by the association. The guidelines, as requested by neighborhood representatives, are:
  - A. Avenida Primera: every time
  - B. Altamira: greater than 4 inches
  - C. Cumbre Vista: greater than 4 inches
  - D. Paseo Cresta: greater than 4 inches
  - E. Aspen Compound: entrance only
  - F. Kachina Hills: greater than 4 inches
  - G. Los Altos: every time
  - H. La Viveza: only the apron of paving, when completed
  - I. Los Nidos: every time
  - J. Los Altos Norte: none

Mike further reported that John Amos will be taking over grounds maintenance supervision. Watering of pinons on the easement in the common area of Los Nidos was discussed because paying for the water has come from the EPCSA budget. It was agreed to continue watering them for one more year to assure establishment of the trees. The Board had requested the planting of the trees in 2000.

Mike will make a further request from the city to clean Estancia Primera. Bob Lockwood offered to help facilitate street sweeping. Regarding dead pinons: Mike is calling and/or writing homeowners with dead trees on their property to remove them. Each subdivision is responsible for maintenance in its common area.

6. Short term rentals: Mary Walta reported to the Board that she has researched the Board's authority to enforce its covenants and determined that the Board has broad enforcement powers. After discussion, Mike Cross and Bob Lockwood offered to meet personally with the owners of the rental agencies who are representing owners who are renting property for less than one month. The consensus of the Board was that if the violation of short term rental covenants does not cease and desist immediately, the Board will approve the filing of an injunction against the owners and the agents of the owners. Other actions that can be taken include filing a public notice of non-compliance, imposing fines, and suspending membership rights to offending home owners.

7. Operating a business from a home: The Board was made aware that one owner is advertising their home business with the possible result of multiple clients coming to the home on a regular basis. While the Board does not object to individuals meeting in a home to do business, there was concern about the size and frequency of non-private sales.
8. There being no further business, the meeting was adjourned at 9:16 AM

**ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION  
Board Meeting Minutes**

**November 12, 2002**

The regular meeting of the Estancia Primera Community Services Association was called to order by Mike Cross at 8:08 AM at the EPCSA Recreation Center. Board members present were Mike Cross, Dick Anderson, Catherine Beck, Pat Haueter, Bob Lockwood, and Barbara Platz.

**I. Minutes**

- A. The minutes of the October meeting were read and approved.
- B. Barbara Platz suggested e-mailing minutes to members of the Board so they can preview them before regularly scheduled meetings. She will mail minutes to Board members who prefer hard copies.
- C. It was suggested that when recording activities of the Board, the record should avoid naming those persons who move and second a motion. A brief discussion indicated a favorable response to the suggestion. Members who expressed opinions agreed that since the Board acts as a unit, individuals need not be subjected to undue attention because of the nominating process. No formal vote was taken.

**II. Treasurer's Report**

- A. Dick Anderson reported that costs are down because the pool is closed.
- B. No other major costs are expected before the end of the year.
- C. Dues for only one lot are outstanding.
- D. The Board does not anticipate a need to increase standard assessments for 2003.

**III. Clubhouse**

- A. Kathy Bennett reported that maintenance has been done on both heating systems. Filters have been replaced and the dates of maintenance recorded for adequate tracking in the future
- B. A pest inspection and necessary pest control measures are scheduled for November 13.
- C. It was brought to the Board's attention that the outdoor lighting of the Clubhouse parking lot and possibly the security system are not operational. Kathy will address these issues.

#### IV. Grounds

- A. Mike Cross said it took five phone calls to the City of Santa Fe, but they finally swept Avenida Primera of debris caused by summer rains.
- B. Mike reviewed the snow removal procedure and reworked the contract for greater efficiency and cost effectiveness. The new protocols are: if less than four inches of snow accumulates, only Avenida Primera and the Clubhouse parking lot will be plowed. If there are more than four inches of snow, different equipment is required and the entire neighborhood will be plowed. Exceptions are Aspen Compound which has brick paving stones and La Viveza. Only the apron of La Viveza can be plowed.
- C. Many dead trees have been removed and progress was reported on thwarting the spread of the pine beetle. If Board members are aware of dead trees that still need to be removed, Mike requested he be notified so that he can talk to the appropriate persons.
- D. It was reported that a new light in Altamira is a nuisance to neighbors. The complaints are that it is extremely bright, is left on all night, and is not directed downward. Mike asked for verification of the location of the light so that he can contact the president of La Viveza for appropriate action.

#### V. Old Business

##### A. Short term rentals

- 1. Letters, visits, and phone calls have been made to the known violators of the short term rental covenants
- 2. It being deemed that adequate notice has been given, the next step will be to seek legal recourse if there are further violations.
- 3. Mike requested he be notified if anyone knows of any rental violations so that the process and policy can be followed consistently.
- 4. Rex Wilmore is working on questions about the berm. Complaints have been received that it is higher than approved by the city and that the dead trees planted on it are an eyesore
- 5. The Board reviewed the history of a red roof which is in violation of architectural rules of EPCSA.
  - (a). Mike reviewed the history of the problem: when submitting the proposed roof change to the ARB, the homeowner showed earth tones as examples of what the roof would look like. The ARB did not approve a red roof and has received numerous complaints about the color.

- (b) According to covenants, the ARB has the initial responsibility for addressing the problem.
- (b) The owner of the property then has the right to appeal to the Board for a variance. (n.b., Mike, is this the ARB or the EPCSA Board)?
- (c) The Board directed Bob Lockwood to direct the ARB to take action on this complaint.

## VI. New Business

- A. The rules state that a person wishing to operate a home business must have the approval of the Board to do so. The rules also state that home owners may not use the ESPCA confidential list for any purpose other than ESPCA activities and business
- B. The Board has received verbal complaints that one home owner is in violation of both of these rules. She was scheduled to appear before the board, but did not attend.
- C. It was suggested that future complaints should be in writing so that the Board has a clear record of grievances and can establish a consistent policy toward addressing them.
- D. Political signs are not allowed in EPCSA, but one homeowner willingly and knowingly violated this covenant. The Board discussed what repercussions it could enact for homeowners who do not abide by association rules. Possibilities include:
  - 1. Letters from the Board President instructing the homeowner to cease and desist the prohibited activity.
  - 2. Suspension of association membership and privileges.
- E. The Board discussed the possibility of creating a newsletter and web site for EPCSA. No definitive action was taken.
- F. It was noted that the rules prevent a person from serving both as Treasurer and Vice President. Therefore a vote for a new Vice President will be held at the next Board meeting.

The meeting was adjourned at 8:40 AM

# **ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION**

## **Board Meeting Minutes**

**December 10, 2002**

The regular meeting of the Estancia Primera Community Services Association was called to order by Mike Cross at 8:08 AM at the EPCSA Recreation Center. Board members present were Mike Cross, Dick Anderson, Catherine Beck, Kathy Bennett, Pat Haueter, Bob Lockwood, Barbara Platz and Walter Ford. Also attending were Rex Wilmore and Mary Walta.

I. Dick Anderson moved and Bob Lockwood seconded to approve the minutes of the November meeting. The motion passed unanimously.

II. Mary Walta addressed the Board on two issues

### A. Short term rentals

1. Two property agencies in Santa Fe are known to represent home owners who have rented their homes in Estancia Primera on a short term basis (i.e., less than one month)
2. Mike Cross and Bob Lockwood met with the president of one of these, Frontier, to point out diplomatically that short term rentals would not be tolerated and that the Board was prepared to take legal action if they did not cease and desist from advertising and renting property for less than one month.
3. Mary Walta determined by a Web search that Frontier was still advertising property in Estancia Primera on a daily, weekly, and monthly basis.
4. Letters and e-mails were exchanged between Ms Walta and Frontier, who at first denied the advertisements. The points raised by the Estancia Primera attorney were:
  - a. Known violations would not be tolerated
  - b. As agent for the owner, the property manager is legally liable
  - c. Repercussions for violations of the Estancia Primera covenants include
    - (1). Rescinding membership rights
    - (2). Fining the offending parties
    - (3.) Court action



5. After being made aware that short term rentals could easily be found on their web site, Frontier adjusted its position, which now is
  - a. They would instruct the creator of their web site to remove any short term listings
  - b. The property in question is for sale and will not be listed as a rental
  - c. Other property listings will be for greater than one month
  
6. The Board addressed related issues
  - d. When/if a known violator of the short term rental rule is discovered, the board will ask the property manager for the home owner's mailing address
  - e. There may be owners who will try to circumvent the rule by stating that the time period for a rental is for a month, but then allowing the property to be occupied for a shorter period of time. Mary Walta said the Board would use customary rates for monthly rentals to determine the true nature of any rental activity
  - f. The plan of action to address the continued abuse of the short term rental rule is
    - (1) Notify Mike Cross of any suspected violations
    - (2) Mike will send a letter to cease and desist
    - (3) If this does not accomplish the desired result, Mike will refer the matter to Mary Walta and she will write a letter pointing out the legal steps the board is prepared to take
    - (4) If the second letter does not bring about the desired result, the Board will take action

B. Mary Walta addressed the Board about the Red Roof Issue

1. The property owner in question, Phil \_\_\_\_\_, did not receive approval for the roof from the ARB
2. Being in violation of ARB rules, he is required to come to a Board meeting to seek approval within 30 days of being denied by the ARB
3. Failure to do so can lead to the Board deciding to
  - a. File a public record that the home is out of compliance. This will complicate a sale of the home, but may not cause immediate response from the homeowner
  - b. The Board can also take legal action

4. After discussion, Dick Anderson moved and Kathy Bennett seconded that the Board instruct Mary Walta to file a non compliance complaint with the city. The Board approved the motion, 7 – 1. Bob Lockwood cast the dissenting vote.
5. Mike will follow up with the homeowner. Discussions centered on his attending the Board meeting to make his case and what kind of time frame the Board should allow before taking further action

III. Rex Wilmore addressed the Board regarding approval of two new members of the ARB.

A. John LeMaster has been nominated to represent Los Altos

1. After discussion, Catherine Beck moved and Kathy Bennett seconded that the Board table a vote on Mr. LeMaster until after Los Altos's annual meeting in January
2. The Board's concern was that Mr. LeMaster's joining the ARB would result in two people from the same company being on the ARB.
3. It seems possible that either there will be another home owner available to represent the area or that the other company member already on the ARB would resign.

B. Lee Warren has been nominated to represent Aspen Compound

1. Pat Haueter moved and Walter Ford seconded his approval
2. The motion passed unanimously

IV. Dick Anderson made the Treasurer's Report

A. Dues for 2002 are still outstanding on 796 Calle Alta Mira.

1. It is not clear if they are owed by the former or current owners.
2. Mike Cross and Walter Ford will ascertain who owes the dues and will follow up on the collection

B. Letters for 2003 dues will go out in January.

C. Mike Cross will include a general letter in the dues statement to all homeowners.

V. Kathy Bennett made the Clubhouse Report

- A. The pest issue is being addressed
- B. Daniel will do the necessary minor repairs to patch holes where mice can enter the building
- C. She will contact an electrician to fix the wiring on the steps close to the clubhouse

VI. Mike Cross made a grounds report

- A. John Amos will be assuming the duties Mike has had in the past
- B. The issue of a very bright light in Altamira is not yet settled. Mike, Pat Haueter, and Walter Ford will address the problem
- C. There is some graffiti on the street and a large lamp post near ?. Mike Cross and Walter Ford will address the problem.

VII. Old Business: Four complaints have been received about Ellie Joyce running a business from her home.

- A. The required steps to operate a business out of the home are to come before the board and apply for approval to do so
- B. Mike sent Ms Joyce a letter inviting her to come before the Board and submit her application
- C. Because she declined to do so, she is in violation of the covenants. Mike sent her a letter that she must cease and desist from her home business

VIII. New Business: The January meeting will occur as scheduled, despite a few anticipated absences by Board Members

IX. Barbara Platz moved and Walter Ford seconded that the meeting be adjourned. It was adjourned at 9:10 by Mike Cross