

EPCSA Board of Directors
Meeting Minutes

January 22, 2008

Members Attending: Mike Cross, Rex Wilmore, John LeMaster, Errol Levine, Beverlee Anderson and Ginny Brewer.

Guest Present: Frank Jackunas.

The meeting was called to order at 8:05 AM by Mike Cross.

1. **Approval of Minutes:** Upon motion by Beverlee Anderson, seconded by Ginny Brewer, the minutes of the December 11, 2007 meeting were approved by all as submitted.
2. **Clubhouse and Grounds Report:** Frank Jackunas presented a detailed report (copy attached to the original set of minutes). All work on the rain-damaged racquet ball court has been completed. The \$5,426 cost was covered by our insurance company. The exterior stone work and the rear door sill work were completed in November 2007. All Tech Electric has completed the electrical repairs at the Clubhouse. The cost (pending review) is \$2,918.63. This does not include repairing the 220 volt outlet behind the kitchen stove, as well as installing a 220 volt outlet in the electrical panel. Three bollards near the Clubhouse were vandalized in December. All Tech estimates that the cost for repair will be about \$750-\$1,000. Frank has, however, contacted a local distributor for the parts to see if replacement parts are available. The work might then be done more cheaply. The Clubhouse chimney has been cleaned for \$85 by Casey's Chimney Sweep.

Ginny Brewer asked that the Clubhouse should receive a thorough cleaning as opposed to the routine cleaning that is performed. This should include cleaning of the floor rugs and cleaning of the grout between the tiles in the community room and elsewhere. She also requested that the icemaker in the kitchen be removed since it is not being used. The 911 sign at the entry to the pool will be removed until the 2008 pool season commences. These requests were approved and Frank Jackunas will make the necessary arrangements. Frank will also arrange for the exterior vigas to be oiled.

The landscape maintenance plan was discussed. It was generally agreed that an *established* landscape company should be hired to do the work since a formal contract will be required with the company. We will need proof that the company carries insurance and provides Worker's Compensation. We will also need a taxpayer identification number for the company. It was generally agreed that Thundercloud Gardening had done an adequate job for us in the past. They do, however, need to be given a detailed list of what needs to be done. Also, if they rehired, Frank Jackunas will need to meet with the work crew each time they come out to point out what he thinks should be done. Beverlee Anderson had already drawn up a list of items that she thinks need be covered in the Landscape Maintenance proposal. She will provide Frank with a copy. Frank will then draw up a list of items and have these available for the next Board meeting on February 12. After the Board has approved a final list of landscaping requirements Frank will contact Thundercloud Gardening to obtain a Landscape Maintenance proposal with estimated costs for 2008.

3. **Treasurer's Report:** The statements for the annual dues have been mailed out and about \$18,000 in payments have been received to date. The dues were left unchanged at \$360 for 2008 and Beverlee does not recommend any reduction in dues for the future. On the contrary, an

increase might become necessary at some time. We currently have about \$115,000 in our Reserve or Capital account. This is invested mainly in Certificates of Deposit with laddered maturity dates and some of the money is in money market funds. Beverlee reported that while she has the tax information for EP submitted to our accountant, Judith Wilson, by February 1 each year, Ms. Wilson never has the taxes filed in a timely manner and always requires an extension. Beverlee intends to insist that the returns for EP be filed in a timely manner in 2008.

4. **ARB Report:** Pat Jackunas indicated in a written report indicated that the ARB had met on December 12, 2007 and approved the proposed addition at the Vassallo home in Kachina Hills. A landscaping project had also been approved in La Viveza. It was noted by some Board members that the requirement in the architectural guidelines for neighbor notification was not being fully observed. The guidelines (Appendix II) state that *"For all modifications to the exterior of existing homes, including walls and fences, the homeowner must notify all neighbors who face the remodeling of the request to the ARB for approval, and of the date of the ARB meeting to review the plans. The ARB suggests that every effort be made to discuss the plans with neighbors, and address any concerns they might have prior to the ARB meeting which will review the request for modifications."* The requirement does not mean that the neighbors have will have to approve the project since this is the responsibility of the local and main ARBs. The neighbors must, however, be informed about what the project involves and be given an opportunity to express any concerns that they have to both the local ARB and the EPARB before any final decisions are taken. There was some discussion as to how best to achieve this goal. Several Board members felt that a written document should be required from the homeowner making the architectural application and should be submitted with the application package. This document should be signed by the neighbors and indicate that they had been made aware of the pending application. It was unanimously agreed that an oral statement that the neighbors had been informed about the application was **NOT** acceptable since some homeowners had been disingenuous about this in the past in their dealings with the local and EP ARBs. Frank Jackunas and Mike Cross indicated that they will draw this to the attention of Pat Jackunas.

4. **Old Business:**

- a. **Bob Lockwood:** The installation of a plaque recognizing Bob Lockwood in the Community Room is pending.
- b. **Short-Term Rental update:** Mike Cross will request a legal opinion from Carla Skeen regarding whether home swapping is equivalent to home rental or leasing in Estancia Primera and whether the one-month minimum rental rule would therefore also apply to home swapping
- c. **Mail Delivery Problems:** The Board agreed that while mail delivery problems remain serious and intractable in most subdivisions the likelihood of any formal approach to the Post Office succeeding was minimal. No further action will be taken at present.

5. **Adjournment:** The meeting adjourned at 8:45 AM.

EPCSA Board of Directors
Meeting Minutes

February 22, 2008

Members Attending: Mike Cross, John LeMaster, Errol Levine, Beverlee Anderson, Carroll Seghers, Pennington Way and Ginny Brewer.

Guest Present: Frank Jackunas.

The meeting was called to order at 8:02 AM by Mike Cross.

1. **Approval of Minutes:** Upon motion by Beverlee Anderson, seconded by Ginny Brewer, the minutes of the January 22, 2008 meeting were approved by all as submitted.
2. **Clubhouse and Grounds Report:** Frank Jackunas presented a detailed report (copy attached to the original set of minutes). Frank reported that he had followed up with ChemDry regarding cleaning of the grout in the Community room. ChemDry does not work on Saltillo tile as it has to be stripped, cleaned and resealed. They had recommended another company that would charge about \$1,260 for tile and grout cleaning. After discussion, it was generally agreed that the Saltillo tile and grout in the community room are not in a bad condition and, in fact, have a slightly "aged" look that is regarded as desirable in Santa Fe. The Board therefore agreed that instead of our spending \$1,260 to get his work done, Frank will arrange for our regular maintenance people to do a thorough cleaning of the room at their next visit. This was agreed to unanimously. The carpets will, however, be cleaned. Frank is awaiting final pricing for parts to repair the damaged bollard. Some other bollards need maintenance work and this will be done after the winter snow has cleared. Frank reported that he had met with Geoff Rowe of Thundercloud Gardening. They did a drive-by and survey of the neighborhood referring to the maintenance and landscaping list provided by Beverlee Anderson. Geoff will draft a proposal for a spring clean-up based on their discussion. This will be submitted for discussion at the next Board meeting. Frank advised Geoff that after the spring clean-up, no grounds work of any kind was to be done until it is approved by Frank in advance. The policy will be that Frank will call Geoff about subsequent work on as needed basis instead of Thundercloud coming out monthly without prior consultation. While EPCSA will budget about \$8,000 for grounds maintenance in 2008, this will not be communicated to Thundercloud Gardening. Frank will try to work within this budget and keep the cost lower by calling out Thundercloud Gardening only when maintenance becomes necessary. Frank will also attempt to obtain his pool maintenance certification prior to pool opening on the Memorial Day weekend so that he can provide back-up for Daniel when needed.
3. **Treasurer's Report:** Beverlee Anderson reported that about 75% of homeowners have paid their annual dues. The final date for payment is March 1. After that Mike Cross will contact homeowners who have not paid their dues by phone. Beverlee reported that the EPCSA web site has been updated. The soft ware will permit all future changes to be made more easily than in the past. The web site will include a Google calendar. Beverlee will post the minutes of the August 2007 annual general meeting of EPCSA on the web site. She requested that Board members look at the information posted about their respective neighborhoods. They should inform her if they require any changes made.
4. **ARB Report:** There was no new activity to report. The ARB will discuss the neighbor notification requirement at its next meeting. It was generally agreed that this is a very important

part of the ARB process and that no applications should be considered in the absence of certainty that affected neighbors have been notified of any pending applications prior to ARB approval.

5. **Old Business:**

- a. **Bob Lockwood:** Mike Cross showed the plaque for the community room. Although it looked very nice it has some defects and he will return it to the Company for repairs prior to installation. The plaque is composed mainly of copper and brass. The cost was about \$427. The plaque will be mounted above the main doorway on the inside of the Community Room. Bob Lockwood and his son and daughter will be invited to a forthcoming Board meeting for the unveiling of the plaque.
- b. **Short-Term Rental update:** Mike Cross has discussed with Carla Skeen whether home swapping is equivalent to home rental or leasing in Estancia Primera and whether the one-month minimum rental rule would therefore also apply to home exchanges. She will get back to him about the matter.
- c. **Dog Problems:** Mike Cross will write to the renter and owner of the home in La Viveza where the dogs are causing a noise problem for homes in Los Nidos. Ginny Brewer will provide him with the necessary contact information for the renter and homeowner. Ginny reported that she had picked up a booklet published by the City dealing with noise pollution caused by dogs. The City will take the matter to Municipal court after three written complaints have been received. The complaining neighbors will, however, be required to appear in court to testify about the nature of the nuisance. She will send a copy of the booklet to Mike Cross.
- d. **EP Drainage Structures:** Mike Cross indicated that Walker engineering had completed its inspection and report and that he had submitted a copy of the report to the City with a covering letter.

6. **New Business:**

- a. **Liability Insurance:** Pen Way indicated that he is still investigating the issues of getting a less costly insurance policy for Estancia Primera and of replacing the multiple insurance policies for the subdivisions in EP with a single policy. Neither Los Altos Norte nor Cresta currently has an insurance policy. Beverlee Anderson will provide him with a list of homeowners in each of the subdivisions so that he can get data regarding the number of homeowners living in each subdivision.
- b. **Conference Call Facilities:** Mike Cross reported that La Viveza had requested that EPCSA install a Polycam Sound Station in the Community room (cost about \$350). The purpose is to permit absent homeowners to join Association and Board meetings by conference call and vote by conference call if they wished to. The Board generally agreed that this was unlikely to be used much if installed and that the expense was not warranted. Mike will inform La Viveza accordingly.
- c. **Frozen Water Meters:** Carroll Seghers reported that several meters had frozen in her Altamira since the meters had been altered by the City.
- d. **Berm in Los Altos Norte:** Beverlee Anderson requested that attempts should be made to get Los Altos Norte to form a homeowners Association. The berm there requires maintenance and this is the responsibility of the subdivision.

4. **Adjournment:** The meeting adjourned at 8:35 AM.

EPCSA Board of Directors
Meeting Minutes

March 11, 2008

Members Attending: Mike Cross, John LeMaster, Errol Levine, Rex Wilmore, Carroll Seghers, Pennington Way, Ginny Brewer and Katherine Beck.

Guests Present: Frank Jackunas, Pat Haueter, Bob Lockwood and Carla Skeen

The meeting was called to order at 8:04 AM by Mike Cross.

1. **Approval of Minutes:** Upon motion by Rex Wilmore, seconded by Ginny Brewer, the minutes of the February 22, 2008 meeting were approved by all as submitted.
2. **Bob Lockwood Community Room Dedication:** Bob Lockwood attended this part of the meeting. Mike Cross described the outstanding service that Bob had provided to the EP Board of Directors and the EPARB over a more than 10-year period. He has provided much invaluable advice to Estancia Primera in helping the Association deal with the City of Santa Fe. Bob's assistance with the many repairs and improvements to the Clubhouse will be remembered for years. On behalf of the Board, Mike thanked Bob for his dedication to his City as well as to his neighborhood. Mike then unveiled the "Bob Lockwood Community Room" plaque above the doorway and dedicated the meeting room in honor of Bob Lockwood. In reply, Bob indicated that he felt deeply honored. He had greatly enjoyed his years as a Board member. He encouraged the Board to continue in its efforts to make Estancia Primera a better place to live in.
3. **Home Exchanges:** Carla Skeen (in her capacity as attorney for EPCSA) had been asked by the Board to provide an opinion as to whether a home exchange in Estancia Primera could be viewed as a rental or lease of a unit and would thereby be subject to the one-month minimum rental period required by Article 6:21 of the EP Covenants. She submitted a letter (copy attached to original copy of minutes). Her conclusion was that while there is no cash involved in most home exchanges, homeowners do benefit from the exchange and therefore receive a form of compensation. Accordingly, in her interpretation, the EP Declaration of Covenants would prohibit home exchanges unless the initial period is not less than one month. The Board felt that this was useful information that Mike Cross could at some suitable time make known to all EP homeowners. There was, however, no mechanism for policing such situations currently. The rule would therefore only be invoked if a homeowner makes a habit of the practice or if the people who occupy the home cause a nuisance to any neighborhood.
4. **Drainage Problem on Paseo Cresta:** Carla Skeen presented this problem to the Board on behalf of the Paseo Cresta Homeowners Association in her capacity as their Treasurer. Paseo Cresta is a steeply-inclined private dirt road. There is a home in Cumbre Vista that has an asphalt driveway that exits onto the lowest part of Paseo Cresta. The home belongs

to Martha Murray and its address is 705 Avenida Primera South. Ms. Murray currently resides in California and the home is leased out. It is not clear whether there is an easement for the asphalt driveway recorded with the City. It is also not known whether the Estancia Primera ARB approved the asphalt driveway in its present form. During rain storms, the driveway, according to Carla, causes a large amount of water to drain onto the lower part of Paseo Cresta where the water causes ruts on the dirt road. The cause of this is two fold. Firstly, there is a short dirt extension of the driveway that connects the asphalt part to Paseo Cresta. The dirt part totally obstructs a drainage channel (parallel to the street) that conveys water from the upper part of Paseo Cresta causing water to flow directly onto Paseo Cresta. Secondly, water from the driveway itself flows directly onto Paseo Cresta despite the presence of a small hump intended to slow water flow. Photographs of the area were circulated.

Carla Skeen informed the Board that during the past 5 years, the Paseo Cresta Homeowners Association had sent several letters and e-mails to Martha Murray asking her to make changes to the driveway that would limit water flow onto the street. All these communications had been ignored. Carla informed the Board that their HOA lacks the resources to undertake the needed repairs themselves. Their Association does not have annual dues, but they assess members of the Association for all expenses incurred in maintaining the road. Since Ms. Murray's home is located in Cumbre Vista, the Paseo Cresta HOA cannot proceed against her since under their Declaration of Covenants they have no authority to deal with someone living in another subdivision. Carla therefore requested that the EP Board consider legal action against Ms. Murray including such possibilities as filing a letter of non-compliance with the City or filing a law suit against her.

The Board discussed the matter in great detail. Mike Cross reported that he and John LeMaster had inspected the area. Rex Wilmore had also looked at the area. John felt that a major component of the problem is that there is no culvert under the driveway near its junction with Paseo Cresta. Also, some of the damage to the lower part of Paseo Cresta might result from water simply draining there from the upper part of the road which is steeply inclined and from other lots in the subdivision. John felt that ripping out some of the asphalt and installing a culvert might cost \$1,000 - \$2,000. Rex Wilmore pointed out that it is not known who owns the lower part of Paseo Cresta. Since there is no common property in Cresta it is possible that the area involved belongs to Bill Buchsbaum (755 Paseo Cresta) and he and Cresta could therefore make the necessary repairs. Rex felt that it would be preferable to spend money on making the repairs rather than spending it on litigation. Ms. Murray could also be asked to contribute to the annual maintenance of the street. Rex also felt that it would be undesirable to get the City involved in this matter even though the driveway might not be in compliance with City ordinances.

Mike Cross offered to contact Ms. Murray and to discuss the problem with her. After further discussion, the Board agreed that this is largely a private matter between the Paseo Cresta HOA, Ms. Murray and the actual owner of the easement. The Board also felt that there was insufficient information available at this time about several aspects of this problem and that further research needed to be undertaken by the Cresta HOA. The Board concluded that the problem does not fall under its jurisdiction since this type of

situation is not covered by the EP Covenants. It was recommended to Carla Skeen that the Paseo Cresta HOA could if it wishes refer the matter initially to the EPARB. The ARB could then examine the plat for the subdivision and refer the matter back to the EP Board for further action, if the ARB considered such a step to be appropriate. Carla Skeen indicated that she would discuss the matter with the Cresta HOA and left the meeting at this point.

5. **Clubhouse and Grounds Report:** Frank Jackunas presented a contract from Advanced Cleaning systems, Inc. (copy attached to the original set of minutes). For a one-time charge of \$475, they will sweep and mop all floors in the Clubhouse including the entry area, spray buff all Saltillo tile floors, clean all carpets and rugs and machine scrub both bathroom floors. The Board agreed that this should be tried once and, if successful, should be repeated annually preferably in the spring. In between annual cleanings, our regular housekeeping staff will clean the area at a cost of \$80 per cleaning. Frank also reported that Thundercloud Gardening had started the spring cleanup outside the Clubhouse. He was supervising them carefully and checking on the hours worked.
6. **Treasurer's Report:** Beverlee Anderson was not present but had submitted a list of homeowners who had not paid their annual dues. Mike Cross will begin following up with late payers in April.
7. **ARB Report:** There was no new activity to report.
8. **Old Business:**
 - a. **Insurance:** Penn Way indicated that he was investigating an umbrella insurance policy for all the subdivisions in EP with the Blue Chip Insurance Agency. In response to his questions, he was informed that only Los Nidos, Los Altos and Kachina Hills have public streets. Avenida Primera is also a public street. All other subdivisions in EP (including Los Altos Norte) have private streets. All the subdivisions have Bylaws and Covenants although not all have a board of directors. All subdivisions, other than Cresta, have insurance policies.
9. **New Business:**
 - a. **Street Signs:** Carroll Seghers requested information as to where she could obtain a speed limit sign for her neighborhood. She was informed that there are many online sites from which these can be ordered.
 - b. **Vagrants:** Mike Cross reported that a large number of vagrants were now camping out in the area across Hyde Park Road. This matter will be referred to the police if necessary.
10. **Adjournment:** The meeting adjourned at 9:00 AM.

EPCSA Board of Directors
Meeting Minutes

April 8, 2008

Members Attending: Mike Cross, John LeMaster, Errol Levine, Rex Wilmore, Beverlee Anderson and Carol Seghers.

Guests Present: Frank Jackunas and Ken Reid.

The meeting was called to order at 7:58 AM by Mike Cross.

1. **Approval of Minutes:** Upon motion by Rex Wilmore, seconded by Beverlee Anderson, the minutes of the March 11, 2008 meeting were approved by all as submitted.
2. **Bob Lockwood Community Room Dedication:** Mike Cross reported that he had received a letter from Bob Lockwood thanking the Board of Directors for naming the Community Room in his name. Bob indicated that he considered this gesture a great honor and would be available to assist the President and the Board at any time.
3. **Tennis Court Use:** Ken Reid (e-mail address kennethreid@spinn.net) asked the Board whether a formal tennis group could use the tennis court for future tournaments. The Board had no objection to the creation of a formal tennis group in principle. However, it was decided that Ken should submit a formal proposal to Mike Cross before permission for this could be granted.
4. **Clubhouse and Grounds Report:** Frank Jackunas submitted a detail report (attached). The spring cleanup by Thundercloud Gardening has been completed. Frank indicated that he did not intend to use Thundercloud again for the remainder of the summer. Some Board members felt, however, that some maintenance such as weed removal and chamisa trimming would probably still be necessary during the summer along Avenida Primera and that a fall cleanup would also be needed. Some Board members also felt that the north and south EP entries needed to be cleared of scoria and that dirt accumulating on Avenida Primera (especially outside the Clubhouse after rain storms) should be cleared as needed. John LeMaster recommended that instead of relying on the City, Frank should hire Thundercloud Gardening or Morales Landscaping to clean up the scoria at the two entries with a broom brush and haul it off. The same could be done with dirt accumulating on Avenida Primera. There was general agreement to this proposal. Frank reported that the hot water heater in the Clubhouse (which is about 20 years old) will need to be replaced at some time in the future. Coates Tree service had given an estimate of \$170 to remove the tree adjacent to the berm at the South entrance to EP. The exact ownership of the tree is unknown. The Board agreed that this should be done and that the wooden post near the tree should also be removed. Beverlee Anderson reminded the Board that we cannot continue doing work in subdivisions like Los Altos Norte. Even if Los Altos Norte is unwilling to form a Homeowners Association they need to maintain

the berm by hiring someone to do the work and sharing the costs among the homeowners. Frank reported that he had met with Daniel King. He is still willing to help take care of the pool for a couple of hours each day.

5. **Treasurer's Report:** Beverlee Anderson presented the report (attached) and submitted a list of homeowners who had not paid their annual dues. Mike Cross indicated that he had called some homeowners on the list and that they had promised to pay the dues. The biggest problem is in Altamira where a resident, Janet Morton has undertaken to contact late payers. Beverlee Anderson indicated that she levies a late charge of 10% per month in these cases but not all late payers include it when they make their payments. She decides on an individual basis whether to let the nonpayment of the late charge go or whether to submit a second statement for it. The Board noted that the costs of both snow removal and grounds maintenance had declined significantly as compared with 2006 and 2007.
7. **ARB Report:** Pat Jackunas submitted a report (attached). There was no discussion.
8. **Old Business:**
 - a. **Mail Delivery:** Carol Seghers reported that she was still not receiving her mail. She had found Brian Wall, a supervisor at the Post Office, to be helpful. She recommended that anyone having mail problems contact him at 988-6354.
9. **New Business:**
 - a. **Dog Barking Problems:** Mike Cross reported that he had received numerous complaints about barking dogs in Los Nidos. Allan and Harriet Raff (512 Los Nidos Drive) had moved to Los Nidos in 2000 with two dachshunds that had caused a significant disturbance in the neighborhood for some years. One of these recently died and the Raffs had acquired two new dachshund puppies. These are left outside for long periods of time and bark at any sign of activity on Los Nidos Drive or on Avenida Primera South. Mike has received many complaints about the noise from Los Nidos and from residents in other subdivisions. The barking therefore affects a large part of Estancia Primera and its impact will be worse in the summer when residents spend more time outdoors and keep their windows open. Errol Levine indicated that he had been in contact with Allen Raff by e-mail and telephone in February and March about the problem, but that there had been no improvement. He had recently sent the Raffs a formal letter from the Los Nidos Homeowners Association (attached) asking them to correct the problem by keeping the dogs indoors. Carol Seghers reported that she is badly disturbed by the barking when she sits outside on her portale in Altamira and that the barking had been almost unbearable last Sunday (4/6/08). After discussion, the Board concluded that the Raffs were in violation of Article 6, Paragraph 10 of the

Estancia Primera Covenants. The Board asked Mike Cross to call the Raffs to ask them to correct this serious neighborhood problem.

b. **Property Taxes:** Rex Wilmore indicated that he had seen an article in the Santa Fe New Mexican that the City of Santa Fe had started assessing property taxes on the Clubhouse and pool in the Casa Solana neighborhood. He is concerned that EPCSA could become liable for property taxes on our Clubhouse, pool and tennis court should an assessor in the neighborhood decide to take the matter up. Rex suggested that Carla Skeen should be asked to look into the matter without making any contact at all with the County Assessor's office that would draw their attention to us. Carla should be asked what the criteria are for taxing the Clubhouse and if there are educational or other grounds that might make us exempt from property taxes. The Board agreed with this proposal and Mike Cross will ask Carla Skeen to investigate the matter.

10. **Adjournment:** The meeting adjourned at 8:40 AM.

EPCSA Board of Directors
Meeting Minutes

May 20, 2008

Members Attending: Michael Cross, John LeMaster, Errol Levine, Rex Wilmore, Beverlee Anderson, Carol Seghers and Catherine Beck.

Guest Present: Frank Jackunas.

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

1. **Approval of Minutes:** Upon motion by Rex Wilmore, seconded by Beverlee Anderson, the minutes of the April 8, 2008 meeting were approved by all as submitted.
2. **Clubhouse and Grounds Report** (attached): There was discussion of a complaint received from Bob Lockwood (via Errol Levine and John LeMaster) about the clover weed problem along Avenida Primera. Frank reported that he had instructed Thundercloud Gardening to spray the weeds with Roundup along the entire length of Avenida Primera from the north to the south entrance. Geoff Rowe had provided an estimate of \$285 for this work. Rex Wilmore stated that he had found Weed-B-Gone to be a better product for this purpose inasmuch as it was less likely to damage other plants than Roundup. Board members also requested that the spraying should include the strips on *both sides* of the concrete sidewalk along Avenida Primera. Frank indicated that he would discuss these issues with Geoff Rowe. Board members also recommended that the situation be reviewed two weeks after spraying to determine whether there are new clover weeds that need to be treated. Errol Levine reported that Bob Lockwood had suggested that we revert to our previous grounds maintenance program in which monthly maintenance was done by Thundercloud Gardening. Bob felt that the sidewalk along Avenida Primera had an untidy appearance this year. Beverlee Anderson was opposed to a monthly maintenance program. After discussion, it was generally agreed that Frank should call out Thundercloud Gardening as often as is needed to maintain a tidy appearance for the area along Avenida Primera. Bob Lockwood had also raised the issue of the Clubhouse meeting area not being properly cleaned up after private meetings. Frank assured the Board that in such cases he withholds the deposit and has the cleanup done at the expense of the individual or group that has reserved the Clubhouse.
3. **Treasurer's Report:** Beverlee Anderson reported that four homeowners had still not paid their annual dues. Also, some late payers had not included the late fees when they had made their payments. Beverlee and Michael Cross will contact these homeowners within the next week.
4. **ARB Report:** Pat Jackunas submitted a report. There are several ongoing projects. Home additions are in progress in Kachina Hills, Aspen Compound and Paseo Cresta. A new home is under construction in Los Altos. Installation of an air conditioning system

had been completed in Los Nidos but not yet finally approved. Pat indicated that the ARB would meet within the next two weeks. At the meeting, the above items will be reviewed. Other items that will be addressed include a fence and exterior lighting problem in Los Altos, a fence problem in Los Nidos and a new portal project in Altamira. The ARB will also review the proposed new additions to the EP Architectural Guidelines regarding ducts and conduits on home facades and the retrofitting of air conditioning systems.

5. **New Business:** Michael Cross reported that there had been several applications in recent years for retrofitting of home air conditioning systems. Most of these had originated in Los Nidos. The applications had caused problems because homeowners wished to do such unacceptable things as placing condensers or evaporative coolers on ground level or having several conduits on their home's facades conveying water and electrical power to the roof. Errol Levine had researched the existing EP Architectural Guidelines (as last revised in 1998) and found that there was no specific prohibition of ducts, conduits and wires running on the facades of homes or over the parapets. Also, the issue of air conditioning systems was not addressed in any detail in the Guidelines. He had contacted Rex Wilmore. Rex had recommended that the Guidelines be changed to reflect the current thinking of the ARB and the Board of Directors regarding these issues. It was also felt that it would be helpful to homeowners to have some guidance regarding the ARB requirements when they discuss the proposed installations with their contractors and prior to submission of their applications. Also, Pat Jackunas had asked Errol Levine to draft revisions to the Architectural Guidelines to address these issues. Most Board members had reviewed the proposed additions to the Guidelines (attached) and agreed with their content and intent. However, as required by the Covenants, the EP ARB needs first to review and approve the proposed additions. Pat Jackunas had agreed to do this at the next ARB meeting. Thereafter the proposed additions (with any needed modifications) would require formal review and approval by the Board before they are added to the online version of the EP Architectural Guidelines. The matter will be voted on at the next Board of Directors meeting since the ARB will have considered the additions by then.

6. **Old Business:**

- a. **Insurance:** Michael Cross reported that Penn Way had reviewed the issue of insurance for EP and the various neighborhood subdivisions. Currently, EP has its own insurance policy covering liability and Directors and Officers Insurance. Most of the neighborhood subdivisions in EP have insurance policies. It had been thought that a significant financial saving could be achieved if there could be a single master policy for all of Estancia Primera. Penn Way, at the request of the Board, had investigated this matter and had consulted Jay Winter of Blue Chip Insurance. Penn believed that it would be possible to have a single master policy for the entire neighborhood. Michael Cross indicated that he had discussed the matter with Carla Skeen and she had not been encouraging about the proposal. She had stated that she would have to first review the

Covenants for all nine neighborhood subdivisions. For the project to be feasible, the neighborhood homeowner associations would have to all agree to sign a formal document indicating that they would never sue each other or EPCSA. Significant legal expenses would be incurred and these would have to be paid for by assessing the neighborhood subdivisions. The Board discussed the matter in some detail. It was generally felt that most of the neighborhood Homeowner Associations would be reluctant to make this kind of change. Conditions vary from neighborhood to neighborhood. Not all have the same level of coverage, some currently do not have insurance, some have private streets and others have City streets and some have common areas and others do not. It was also not clear where the saving would be achieved if the legal expenses would be high. Most Board members felt that it was not worth pursuing this matter at the present time. Michael Cross said that he would contract the Presidents of the nine neighborhoods within EP to determine what their level of interest is in making changes to their insurance coverage before incurring any legal expenses. If the level of interest is low or if most are opposed to the change, the matter will be dropped. The Board agreed with this and the matter was therefore tabled without any formal resolution.

- b. **Los Altos Norte:** Michael Cross reported that he had had some discussions with Dr. McCollum, a resident of Los Altos Norte, about forming a Homeowners Association for the subdivision. Dr. McCollum had initially suggested that they might join the Los Altos Homeowners Association. This would, however, be legally difficult. While the street in Los Altos is a City street, the street in Los Altos Norte belongs to the homeowners. It is unlikely that the Los Altos residents would want to accept financial responsibility for maintaining the street in Los Altos Norte. Michael Cross had therefore suggested to Dr. McCollum that they form their own Homeowners Association. All the legal documents for this step are available through John LeMaster. All that would be required is for Los Altos Norte to elect a Board of Directors and an Architectural Review Committee. Michael Cross indicated that he would encourage Dr. McCollum to undertake these steps.
7. **Future Meetings:** The next Board meeting will be on Tuesday, July 8 at 8:00 AM. The Annual General Meeting of EPCSA will be held in August. The Budget and Finance meeting will occur on Monday August 18 and the main Annual Meeting will occur on Tuesday August 19. Beverlee Anderson will discuss the proposed agenda at the next Board meeting as well as the need for various documents that need to be posted on the EPCSA web site prior to the annual meeting.
8. **Adjournment:** The meeting adjourned at 8:40 AM.

EPCSA Board of Directors
Meeting Minutes

June 10, 2008

Members Attending: Michael Cross, Errol Levine, Rex Wilmore, Beverlee Anderson, Carol Seghers and Ginny Brewer. John LeMaster and Catherine Beck were absent but had assigned their proxies to Michael Cross.

Guest Present: Frank Jackunas.

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

1. **Approval of Minutes:** Upon motion by Beverlee Anderson, seconded by Ginny Brewer, the minutes of the May 20, 2008 meeting were approved by all as submitted.
2. **Addenda to Estancia Primera Architectural Guidelines:** Michael Cross reported that Errol Levine had drafted two addenda to the Estancia Primera Architectural Guidelines at the request of the EP ARB (attached). These covered the use of wires, ducts and conduits that run over home exteriors and over parapets and the retrofitting of refrigerated air conditioning units and evaporative coolers. The ARB had reviewed the new guidelines at its meeting on May 28, 2008 with the request that they be modified to allow for the use of window air conditioners under special circumstances. Errol had added the necessary text to the document and the addenda were now before the Board for approval. In reply to a question from Carol Seghers, it was indicated that the addenda would apply only to installations done after the date of Board approval. After a brief discussion, a motion by Beverlee Anderson to approve the guidelines was seconded by Rex Wilmore and approved unanimously. Beverlee Anderson will include the new requirements in Appendix II (Architectural Review Board Additional Requirements) of the online version of the Estancia Primera Architectural Guidelines (revised October 13, 1998) with the dates of final approval indicated in parentheses. Beverlee or Pat Jackunas will send a copy of the addenda by e-mail to the Chairs of the neighborhood subdivision Architectural Review Committees and to the Presidents of the neighborhoods for their information.
3. **Treasurer's Report:** Beverlee Anderson reported that three homeowners had still not paid their annual dues. The situation with two of the three late payers is not yet clear and is under review. Michael Cross had contacted the third homeowner, Jill McIntosh, who has a rental home at 660 La Viveza Court. She is a realtor at Sotheby's and had explained that she could not afford to pay the annual dues owing to a drop in income in the last year. Michael had consulted Carla Skeen. Carla had advised placing a lien on the home and the Board agreed that this should be done. Liens of this type, unlike mechanics' or plumbers' liens, do not have an expiry date. The lien would therefore remain in place until Ms. McIntosh cures the lien by paying the dues, late fees and any legal expenses incurred by EPCSA. Also, Mr. Buchsbaum (755 Paseo Cresta) had not

included the required late fees when he made his dues payment several weeks late. Michael Cross will contact Mr. Buchsbaum within the next week about this. Mr. Buchsbaum is a habitual and unapologetic late payer. The Board felt that some form of penalty should be applied because of the additional administrative problems caused by his habitual late payments.

Ginny Brewer inquired about the financial situation of EPCSA. Beverlee promised to provide an updated report at the next Board meeting. Ginny inquired about the Reserve Funds of the Association. She wanted to know how the funds were invested, at what banks and what interest rates they were earning. Beverlee promised to provide this information at the next Board meeting. Updated information will also be available at the EPCSA Financial meeting held in August.

4. **Concrete Replacement for Avenida Primera Sidewalks:** Michael Cross reported that John LeMaster had informed him that he will have a truck containing colored concrete in Estancia Primera within the next 2-3 months. Since small amounts of colored concrete are both expensive and difficult to obtain, John had offered EPCSA the opportunity to use some of the concrete for sidewalk repairs at that time. Any badly deteriorated concrete can be replaced. The Board asked Frank Jackunas and Ginny Brewer to inspect the concrete sidewalk from the north to the south entrance of Estancia Primera. They should report back to Michael Cross regarding concrete sidewalk slabs in need of replacement. Michael will then estimate with John the amount of concrete required and the cost involved and will report back to the Board.
5. **Dog Problems:** Michael Cross reported that he had been in contact with Animal Services of the City of Santa Fe regarding the problem of dog owners not picking up dog excrement along Avenida Primera. This constitutes an unlawful nuisance under City Ordinance 5-7.6, violations of which may subject the dog owner to various penalties. At Michael's request, Animal Services has sent out a patrol vehicle intermittently between 7:00 and 8:00 AM on some days. Persons walking their dogs in a public area are required by the Ordinance to be able to prove to the patrolling officer that they have in their possession a sanitary and disposable means of removing the animal's waste failing which they might be cited. Also, if any homeowner observes another homeowner violating the Ordinance they may report the matter anonymously to Animal Services. They need to give Animal Services the name and address of the homeowner involved and the department will then send an officer to the home to warn the homeowner about avoiding repetition of the violation.
6. **Clubhouse and Grounds Report** (attached): Frank Jackunas reported that some routine roof maintenance was being performed at the Clubhouse at a cost of \$1,500. This has to be done from time to time to ensure the continuation of the warranty. Frank indicated that he had first received a complaint about the severe clover weed problem along Avenida Primera on May 12 from Errol Levine. Since then, he had been unsuccessful in getting any landscape company to come out and spray the weeds or try to remove them. He had himself removed some of the weeds by hand assisted by Michael Cross. Errol

Levine pointed out that if we had had a relationship with a landscape company, the problem would have been correctible at a much earlier stage. Frank also reported that Beverlee Anderson had requested the installation of a wireless Internet access system at the Clubhouse. He had investigated the matter through Comcast. The cost for a 6 MB connection would be \$59.95/month plus tax with a \$29.95 installation charge. There would be a need for a modem and hub at a cost of about \$150. Some Board members asked why there was a need for this currently and whether there was any information about how many homeowners were likely to use it. It was indicated that wireless Internet access had not been requested by any homeowners. Beverlee Anderson stated, however, that she needed Internet access while at the pool and meeting room areas to work on Association matters. Some Board members expressed skepticism about the appropriateness of spending about \$800 per annum on this, when there was no indication that it would be used much. Concerns were also expressed about non-residents parking at the Clubhouse for free Internet access and the possibility of the system being hacked into. Beverlee Anderson made a motion that we sign a contract for Internet Access for a one-year trial period. If at the expiration of the contract, it is evident that the system is not used extensively or is subject to abuse by hackers, the contract would not be renewed. The motion was seconded by Rex Wilmore. The motion passed with five Board members voting in favor and three voting against the motion.

Frank Jackunas asked whether the Board needed to establish updated guidelines for a fee for the use of the Clubhouse. It was felt that such a fee could definitely not be levied for use by the Board, ARB or any of the neighborhood Homeowner Associations holding official meetings. Board members were also dubious about assessing fees for approved use of the Clubhouse by Estancia Primera residents. The matter was therefore tabled after a brief discussion.

7. **ARB Report:** Pat Jackunas submitted a report (attached). The Ruffs (516 Los Nidos Drive) have removed the chicken wire fencing that they had placed on their metal fence to contain two new dogs. This was done in response to two letters sent to them by the EP ARB. It is therefore assumed that the issue of installing a coyote fence is now moot. A security lighting problem at the Varakian residence (540 Camino Los Altos) has hopefully been resolved by the homeowner having agreed to remove some of the lights directed towards the future new home of John and Susan LeMaster in Los Altos. Errol Levine's addenda to the EP Architectural Guidelines had been approved at the last ARB meeting.
8. **Old Business:** Michael Cross reported that he still intended to contact the Presidents of the various neighborhoods in EP to assess the level of interest in the use of a single master insurance policy to cover all the neighborhoods in EP for liability and Directors and Officers Insurance. A proposal to this effect had been submitted to him by Penn Way.
9. **New Business:** Errol Levine presented a proposed landscape maintenance program for 2009 and beyond (attached). The document was intended only as a starting point for

discussion of the matter. He indicated that he and Bob Lockwood were concerned about what they perceived as a deterioration in the appearance of Avenida Primera since EPCSA had abandoned its past policy of having Thundercloud Gardening come out once each month to do maintenance. He and Bob had noticed that Avenida Primera looked overgrown, that there were dead leaves left over from last fall and that there were dead plants and other debris there. In addition, the pervasive clover weed problem had made most of Avenida Primera look unsightly and unkempt. He and Bob felt that a monthly maintenance program would have kept the weeds from reaching the large size that they have attained. Errol felt that not much could be done about the remainder of 2008 since our relationship with Thundercloud Gardening had apparently been severed. It would be necessary, however, to find some sort of stopgap arrangement to cover the rest of 2008. The basic elements of the proposed landscape maintenance plan for 2009 and beyond are monthly maintenance extending from April through November each year, supervision of the landscape company by the Grounds Manager and an allocation of about \$10,000 to cover the program for 2009.

Some Board members questioned what areas along Avenida Primera should be maintained by EPCSA. Rex Wilmore pointed out that traditionally EPCSA has been responsible only for maintaining the strip between the concrete sidewalk and curb. He did not think EP should have to pay for maintaining private property between the sidewalk and homes or on the opposite side of the street. Beverlee Anderson questioned the need for performing maintenance monthly and felt that Avenida Primera should have a natural appearance rather than the pristine appearance of a neighborhood like Los Nidos. Errol Levine felt that a natural appearance would be fine but that a natural appearance should not include extensive weeds, piles of rotting leaves, dead plants and debris. After further discussion, Rex Wilmore made a motion that Errol's landscape maintenance program proposal be tabled until the July Board meeting to permit further investigation and discussion. He further moved that Frank Jackunas should make immediate arrangements for a cleanup to be done along Avenida Primera at a cost of about \$2,000. Beverlee Anderson seconded the motion. During discussion of the motion, Errol Levine indicated that since the proposal was for 2009 and beyond, he had no objection to it being tabled provided that the matter would continue to be discussed at monthly Board meetings until an acceptable plan for 2009 and beyond had been developed. The motion passed unanimously. Frank Jackunas was asked to make arrangements for a landscape company to be hired to remove weeds and do a general cleanup along Avenida Primera as soon as possible.

10. **Future Meetings:** The next Board meeting will be on Tuesday, July 8 at 8:00 AM. The Annual General Meeting of EPCSA will be held in August. The Budget and Finance meeting will occur on Monday August 18 and the main Annual Meeting will occur on Tuesday August 19. Beverlee Anderson will discuss the proposed agenda at the next Board meeting as well as the need for various documents that need to be posted on the EPCSA web site prior to the annual meeting.
11. **Adjournment:** The meeting adjourned at 9:30 AM.

EPCSA Board of Directors
Meeting Minutes

July 8, 2008

Members Attending: Michael Cross, Errol Levine, Rex Wilmore, Beverlee Anderson, Carol Seghers, Virginia Brewer, John LeMaster, Pennington Way and Catherine Beck.

Guest Present: Frank Jackunas.

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

1. **Approval of Minutes:** Upon motion by Beverlee Anderson, seconded by Rex Wilmore, the minutes of the June 10, 2008 meeting were approved by all as submitted.

2. **Treasurer's Report:** Beverlee Anderson reported that only one homeowner (Jill McIntosh) had still not paid her annual dues. Michael Cross had prepared a letter to Carla Skeen authorizing that a lien be placed on the property. The Board approved this action.

Beverlee Anderson reported that the tax returns for EPCSA had been filed this week. The Board reviewed a document indicating Revenues and Expenditures for EPCSA from January 1 through July 7, 2008 as well as the proposed budget for 1/1/09-12/31/09 (both attached). Some Board members questioned whether we could not get a better rate for insurance for EPCSA. We are currently insured by Philadelphia Insurance Company with Blue Chip being our insurance agency. Michael Cross and Pennington Way will contact State Farm to determine whether they can offer a cheaper policy. Beverlee reported that we currently have a Reserve Fund amounting to about \$110,000. There is one CD for \$75,000 and one for \$35,000. There was discussion about whether there was any cap on the Reserve Fund. The EPCSA Bylaws do not specify such a cap, but one was probably determined by a previous Board resolution. Most Board members felt that the cap should be increased. Michael Cross and Beverlee will research the source of the resolution determining the current cap for the Reserve Fund and whether the cap can be adjusted.

3. **Concrete Replacement for Avenida Primera Sidewalks:** Frank Jackunas reported that he and Ginny Brewer had done a sidewalk walk-about on 7/5 and marked in red the areas they thought needed repair. Fifty three blocks of concrete (each about 4' x 8') had been identified as being in need of repair. John LeMaster indicated that colored concrete cost about \$200/yard for the material alone with there being about 80 square feet of concrete per yard. The cost for labor would be about \$5-6 per square foot. He thought that the total cost for such repairs could run to \$10,000 - \$15,000. He indicated that damaged concrete cannot be patched and needed replacement. Most of this would be necessary for cosmetic reasons to maintain a neat appearance for the neighborhood. John felt that the City is responsible for the repair of concrete sidewalks and curbs along Avenida Primera and in subdivisions like Los Nidos where the streets are public. He recommended that

the appropriate City department be contacted first to determine whether they will do the repairs of the concrete sidewalks and curbs. Frank Jackunas will contact the City and he and John will meet with the City's representative if the City sends someone out to inspect the areas involved. The Board agreed that this would be a good first step. If it proves impossible to get the City to do the repairs, John will provide Frank Jackunas with technical specifications for the concrete needed for the repairs as well as the name of the contractor that he uses. Frank Jackunas will then obtain three estimates for the work and submit them to the Board. The Board agreed that if negotiations with the City fail, the work will be limited to the concrete sidewalks and will not include the concrete curbs. John will be getting colored concrete work done in the fall and, if necessary, we can use his contractor.

4. **Clubhouse and Grounds Report** (attached): Frank Jackunas reported that there had been some difficulties with the grounds maintenance due to the erratic availability of Erickson Tree Service, the company that is currently doing the maintenance work. Some progress has been made, however. The routine annual roof maintenance at the Clubhouse had been completed. The pool inspection was completed and certified by the State of NM on June 16th.
5. **ARB Report**: Pat Jackunas indicated in a submitted report that there had been no activity since her last report (attached).
6. **New Business**: The next Board meeting will be held on Tuesday, September 9 at 8:00 AM. The Annual General Meeting of EPCSA will be held in August. The Budget and Finance meeting is scheduled for Monday, August 18 at 7:00 PM and the main Annual Meeting will be held on Tuesday, August 19 at 7:00 PM. Beverlee Anderson presented a sample letter of the announcement to homeowners regarding the meeting. The Board approved the document. The minutes of the 2007 Annual Meeting have been posted on the EPCSA web site as have nomination and proxy forms. Financial reports for the fiscal year ending December 2007 and the proposed budget for 2009 will be available on the EPCSA web site after August 1.
7. **Adjournment**: The meeting adjourned at 8:44 AM.

ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION**ANNUAL BUDGET/FINANCIAL MEETING MINUTES****August 18, 2008**

The Annual Budget/Financial Meeting of EPCSA was called to order by Michael Cross (President) at 7:08 pm in the Culpin Recreation Center meeting room. Other Board members present were Beverlee Anderson, Errol Levine and Virginia Brewer. No guests were present.

1. Approval of Minutes of the Budget/Financial Meeting of August 14, 2007: A motion for approval made by Ginny Brewer and seconded by Errol Levine passed unanimously.
2. Financial Reports: Beverlee Anderson (Treasurer) presented three financial documents for review. These are Financial Expenditures YTD Comparison (January through December 2007) (attached); Balance Sheet as of August 10, 2008 (attached) and a Proposed Budget for 1/1/09 through 12/31/09 (attached). All three documents are available for review at the EPCSA web site. Errol Levine moved that the documents be approved and the motion was seconded by Ginny Brewer. The motion passed unanimously.
3. Bank Accounts: It was noted that we currently have almost \$139,000 in two CDs and two accounts at Century Bank. Since this exceeds the \$100,000 covered by FDIC insurance, it was agreed that when one of the CDs matures, the principal should be transferred to another bank, possibly the Los Alamos National Bank. Michael Cross and Beverlee Anderson will go to Century Bank to sign the transfer documents.
4. Clubhouse Valuation: The Board noted that according to the report presented by Beverlee the Clubhouse is valued at about \$308,000 and the 3-acre lot at \$350,000. It was agreed that these figures (derived from an informal appraisal by Bob Lockwood) are too low. It was therefore agreed that we should obtain a formal appraisal to obtain the current value of the building and lot. We might then have to adjust the insurance coverage for the Clubhouse building and its associated facilities. Michael Cross will place this matter on the agenda of the September EPCSA Board Meeting.
5. Adjournment: The meeting adjourned at 7:35 pm.

ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION

ANNUAL MEETING MINUTES

August 19, 2008

The Annual Meeting of the Estancia Primera Community Services Association was called to order by Michael Cross (President) at 7:02 pm at the Culpin Recreation center. Other Board members present were Beverlee Anderson, Errol Levine, John LeMaster, Carol Seghers, Penn Way, Rex Wilmore and Virginia Brewer.

1. **President's Welcome:** Michael Cross welcomed everyone to the 20th annual meeting. He indicated that the Board of Directors is composed of representatives from each of the nine neighborhoods in Estancia Primera. The Board meets at 8:00 am on the second Tuesday of every month and all homeowners are welcome to attend the meetings as guests.
2. **Approval of 2007 Meeting Minutes:** Upon motion by Beverlee Anderson, seconded by Rex Wilmore, the 2007 annual meeting minutes were approved as submitted.
3. **Introduction of Current Board Members:** Michael Cross (Cumbre Vista) introduced Ginny Brewer from La Viveza (Vice-President), Beverlee Anderson from Aspen Compound (Treasurer), Errol Levine from Los Nidos (Secretary), and members at large John LeMaster (Los Altos and Los Altos Norte), Carol Seghers (Altamira), Rex Wilmore (Kachina Hills) and Penn Way (Los Altos). He thanked all the Board members for their contributions. John LeMaster thanked Michael Cross on behalf of EPCSA for all his efforts and hard work. He indicated that Mike spends many hours of his time on Association matters and was largely responsible for the sound financial situation of EPCSA.
4. **Election of New Board of Directors:** The following board members' terms expire in August 2008: Errol Levine, Penn Way and Virginia Brewer. All have agreed to serve another term. Janet Morton moved and Rex Wilmore seconded that these individuals be re-elected for another two-year term. The motion passed unanimously.
5. **President's Report (Michael Cross):** Mike Cross reported that it had been a quiet year for EPCSA as compared with 2007. It had been a regular snow year, there had been no major breakdowns at the Clubhouse, there had been less new construction, there had been very little reported crime and there had been a reduction in noise associated with false alarms from homes. The Board of Directors takes pride in the fact that our annual dues remain at \$360 per year and have been this low for more than 15 years. Challenges that remain include a major concrete problem involving the sidewalks and curbs along Avenida Primera, persistent dog waste problems, recurrent vandalism with recent tagging of one EP entry sign and some problems with home rentals. In Estancia Primera the minimum home rental period (as stated in the Covenants – Article 6, paragraph 21) remains one month. The Board had sought legal opinion and had been advised that the one-month minimum period applies to home exchanges also. The Board has decided to undertake concrete repairs on the sidewalk along Avenida Primera adjacent to the Clubhouse and in other common areas. Estimates for this work are currently being obtained. The Board has not yet taken a decision as to what to do about concrete sidewalks along Avenida Primera outside individual homes. It is generally believed that the individual homeowner is responsible for

maintaining the concrete sidewalk outside of his/her home, but the Board is still discussing this matter. The Board is also investigating whether the repair of concrete curbs along Avenida Primera is the responsibility of the City of Santa Fe.

6. **Neighborhood Watch Report (Michael Cross):** The past year has seen a decrease in criminal activity but we are still being targeted. We have many houses vacant for long periods and thieves know that Estancia Primera is an affluent neighborhood. The following steps should be taken to prevent burglaries:
 - Use your monitored security system and have a small exterior sign indicating that the property is being monitored.
 - Create an atmosphere of activity around the home during your absence by stopping your newspapers and using lights and radios on timers.
 - Report any suspicious activity by calling Police dispatch at 428-3710 for **Non-Emergency** issues and 911 in the case of an emergency.
 - Use the Neighborhood Watch List to spread word of problems occurring around the neighborhood. Names and numbers can be found at www.estanciaprimera.org.
 - If you will be out of town for a prolonged period, you can contact Police dispatch and request a "Close Patrol" for your property.
 - Consider using a car alarm in a panic situation.
7. **Treasurer's Report (Beverlee Anderson):** Beverlee reported that the formal annual Budget/Financial meeting had been held on August 18th. EPCSA is in good shape and we have a balanced Budget. Only one homeowner has not paid her dues for 2008 and a lien has been filed on her home. The Association currently has about \$139,000 in two bank accounts and invested in CDs. We remain within budget and do not spend more than our annual income in dues. The Board plans to seek a professional appraisal of the Clubhouse, the Clubhouse grounds and Clubhouse facilities. One purpose of this is to update our Insurance coverage. The financial documents for 2008 and the proposed budget for 2009 are available for review at the EPCSA web site.
8. **ARB Report (Pat Jackunas):** Michael Cross presented the report on behalf of Pat Jackunas. It was emphasized that any homeowner wishing to make exterior changes to a home (including installations on rooftops and landscaping) needs to discuss the matter with their neighborhood Architectural Committee and with the main ARB **prior to** commencement of any work. In many cases, a formal ARB application with payment of a deposit will be required before the work can proceed. Information as to how to proceed with ARB applications is outlined in detail on the Estancia Primera web site (www.estanciaprimera.org) under ARB. Pat reported that one new home is currently under construction and that a few home additions are in various stages of progress. The ARB recently amended the Architectural Guidelines to cover the requirements for retrofitting swamp coolers and refrigerated air conditioning units to existing homes. The ARB also introduced a requirement that no ducts, wires or conduits of any sort should run up the facades of homes or over the parapets. The EP Board had approved these amendments to the Architectural Guidelines and the detailed amendments can be found under "Additional Requirements" in the Architectural Guidelines at www.estanciaprimera.org.
9. **Clubhouse and Grounds Report (Frank Jackunas):** Frank Jackunas was unable to attend the meeting and Beverlee Anderson presented his report. Details are available in the report (see below).
10. **Women's Group Report (Benita Vassallo):** Ginny Brewer presented the report and described the activities for 2008. Anyone wishing to be placed on the announcement e-mail

list should send a request to benitav@comcast.net. Flyers are also posted on mailboxes around the neighborhoods announcing forthcoming events. Events are usually held on the third Tuesday of each month. Volunteers are needed to help with activities such as planning and organizing the Labor Day barbecue.

11. **New Business:**

- Stacie Rivers (Aspen Compound) indicated that there was a problem with barking dogs in Aspen Compound and asked what the Board suggested she do about this. It was recommended that she should first contact the offending neighbor directly. If this is unsuccessful she should complain formally to the Aspen Compound Homeowners Association who might consider sending a certified letter to the offending homeowner. If this does not achieve the desired result she can refer the matter to the EP Board through the President. Another possible approach would be to contact Animal Services of Santa Fe. On receipt of a complaint they will send out a control officer to warn the offending neighbor. If repeated complaints are received the Department will refer the matter to Municipal Court.
- Some homeowners complained about persistent problems with mail delivery. Michael Cross indicated that many residents including he had pursued this matter vigorously with only limited success and that there was really no permanent solution to the problem. Homeowners experiencing problems have achieved some success by bringing the matter to the attention of the Post Office directly.

12. **Adjournment:** Upon motion by Herman Morris, seconded by Beverlee Anderson, the meeting was adjourned at 7:40 pm.

Minutes prepared by Errol Levine (Secretary)

Clubhouse Manager's Report Annual Meeting, August 19, 2008

During the last 12 months...

- A new floor had to be installed in the racquet ball court, necessitated by water damage resulting from last summer's (2007) storms. The replacement cost of \$5,426 was covered by insurance. In addition, substantial stone work was done at the back of the building, resulting in no further water seepage and/or damage during this year's heavy storms.
- Major neighborhood grounds "spring cleanup" was completed. Because of numerous ongoing concerns, the annual contract for landscaping and upkeep is currently under review for next season.
- Building electrical has been updated to conform to code.
- Much needed maintenance on roof performed, including re-tarring of parapets.
- Men's room plumbing has been updated.

EPCSA Board of Directors
Meeting Minutes

September 9, 2008

Members Attending: Michael Cross, Errol Levine, Beverlee Anderson, Carol Seghers, John LeMaster, Pennington Way.

Guests Present: Frank Jackunas, Mary Walta, Bud Reitman and Audrey Kaplan.

The meeting was called to order at 7:59 am by Michael Cross.

1. **Approval of Minutes:** Upon motion by Beverlee Anderson, seconded by Carol Seghers, the minutes of the Board Meeting (7/8/08), the Annual Budget/Financial Meeting (8/18/08) and of the Annual General Meeting (8/19/08) were approved by all as submitted.
2. **Board Vacancy:** The Board agreed that the vacant Board position (for Cresta) should be left unfilled for the foreseeable future.
3. **Election of Officers:** Upon motion by Carol Seghers, seconded by Pennington Way the following officers were unanimously elected for the period September 2008 through August 2009:

Michael Cross - President
Virginia Brewer - Vice-President
Beverlee Anderson - Treasurer
Errol Levine - Secretary
4. **Treasurer's Report:** Beverlee Anderson reported that there were no budgetary or financial problems (reports attached).
5. **Clubhouse and Grounds Report:** Frank Jackunas submitted his report (attached). There was no discussion.
6. **ARB Report:** Pat Jackunas submitted a written report (attached). There was no discussion.
7. **New Business:** Mary Walta appeared before the Board in her capacity as President of the Cresta Homeowners Association (CHA) to discuss the problems that had occurred with Paseo Cresta. Bud Reitman and Audrey Kaplan, who are residents of Cresta, were also present. Mary distributed a document (attached). She also presented a plat (attached) for the part of Paseo Cresta that joins Avenida Primera and the adjacent lands. The latter is the final Plat of Phase 1-A for Estancia Primera (October 1981).

Mary indicated that the lower end of Paseo Cresta had been extensively damaged by recent rains. She believed that contributing causes are drainage from the Cresta neighborhood (Tract J), drainage from the Cumbre Vista lot (705 Avenida Primera South) and the associated paved driveway owned by Martha Murray, drainage from lands belonging to EPCSA and the absence of proper drainage and water retention structures on the lower end of the road. She presented evidence that suggested to her that EPCSA (as the successor to New Mexico

Resources) owns the lower part of Paseo Cresta and the land on both sides of the road beginning at Avenida Primera and ending at the Cresta boundaries, 55 feet north of Avenida Primera and 15 feet north of the Murray driveway. The part of the road she believes belongs to EP is shown in solid yellow on the plat and the adjacent lands she believes are owned by EP are shown as cross-hatched areas. The red dots on the plat indicate the locations of pins and stakes found in the ground that identify the boundaries of some of the lower Cresta lots and their intersections with Paseo Cresta. She stated that the paved driveway of Martha Murray's home is located on EPCSA property in an area that had originally been granted by the developer as an easement to the City of Santa Fe for the development of a public road. Ms. Murray's driveway is located, she believes, on this original easement and Ms. Murray therefore also has an easement of ingress and egress over the lower portion of Paseo Cresta. However, the source of the easements is unknown. It is also unknown whether Ms. Murray has any documentation indicating that easements in this location had been legally granted to her.

CHA has consulted a drainage engineer and a road contractor. The latter has come up with a proposal that includes recommendations for the lower end of Paseo Cresta and the Murray driveway. On behalf of CHA, Mary requested that EPCSA agree to CHA's final proposal for repair of the lower part of Paseo Cresta. She also requires approval by EPCSA to the use of its lands for drainage purposes and requests that EPCSA enter into negotiations with Martha Murray. She also requested that EPCSA pay for the cost of the necessary drainage structures and repairs on lands belonging to it. Members of CHA living along the road would pay for repairs on modifications on the part of the road located within the Cresta boundaries.

The Board discussed Mary's proposals and arguments in detail. Some Board members questioned whether even if the lower end of Paseo Cresta belongs to EPCSA, the latter should be required to pay for repairs and maintenance of structures on an easement granted to Cresta by New Mexico Resources. Some believed that there might be similar areas with murky histories elsewhere in EP. By paying for repairs and modifications on Paseo Cresta, EPCSA and its Board might create an undesirable precedent allowing other EP neighborhoods with private roads to make claims on EPCSA. Some Board members felt that the steep slope of Paseo Cresta and the adjoining lands made it unlikely that the road problems could ever be entirely corrected. Careful maintenance would be required and there would be problems with two entities having to be involved in maintaining the road. Some Board members also questioned the dedication of the homeowners along Paseo Cresta to making the necessary improvements and paying for them. Mary indicated that the CHA had recently been reconstituted with her as President and that she felt confident that the will was there to try to correct this problem. It is unclear, however, whether all of the involved homeowners have agreed to pay the necessary assessment for initial repairs and modifications and later annual assessments for subsequent maintenance.

A Board member noted that Martha Murray had submitted an application to the ARB for permission to install a culvert under her driveway where it intersects Paseo Cresta and that this had been pended by the ARB until an overall solution for the road could be achieved. Mary was asked whether this would be helpful. She said that it would be of some help in ensuring uninterrupted water flow along the roadside drainage ditch on Paseo Cresta, but that there were other areas on the Murray property that were causing excessive water flow onto the lower end of Paseo Cresta and that these also needed attention. She felt, however, that Martha Murray knew that she was part of the problem and that she would be cooperative in trying to reach a solution.

After further discussion the following three-part motion made by Beverlee Anderson and seconded by Errol Levine was approved unanimously:

- a. A Real Estate attorney should be hired by EPCSA to determine who owns the land on which the lower part of Paseo Cresta is located and how much of the land and adjoining areas are owned by the various parties in this matter;
- b. The attorney should advise what legal authority EPCSA has over Martha Murray's driveway and whether she has a legal and recorded easement for the use of this land;
- c. The attorney should advise whether there are other areas related to EP neighborhoods that are not within tracts and might therefore be owned by EPCSA and what EPCSA's legal rights are with respect to driveways or any other structures placed on such lands.

Mary Walta informed the Board that she needed an urgent answer to her questions since CHA wishes to undertake the necessary repairs and modifications prior to the onset of the coming winter. Work cannot commence on the Cresta part of the road until the problems associated with the lower end have been resolved. Most Board members felt, however, that owing to the complexity of the problem it would be unlikely that a solution would be achieved in so short a period of time. The Board also requires that the reports of the Drainage Engineer and of the Road Contractor obtained by CHA be submitted to it. The Board also requires a breakdown of the costs that will be involved in making the necessary improvements and repairs both on the main part of Paseo Cresta and the lower end where the ownership is currently disputed. Mary Walta promised to submit this further information when it becomes available.

8. **Adjournment:** The meeting adjourned at 9:30 am.

Manager's Report, BOD Meeting 9-09-2008

General

The sidewalk and curb repair issues are still open. Per City of SF Ordinance #2006-64, it appears that any repair of sidewalks is the responsibility of the homeowner. We need to finalize who are the owners, and exactly what and where is EPCSA's responsibility (curbs, as well as sidewalks? i.e. all areas that have been marked red?)

Landscaping issues are still pending, hopefully to be resolved by next spring. In response to a comment about exposed wiring/hoses in the island in front of the clubhouse, two bids were received, in the \$4,000 range, to de-weed and cover with Santa Fe brown stone. The wires, etc. are leftovers from last October, when it was decided by the BOD to mothball the system.

Looking at past records, Thundercloud was paid \$8,684.96 in 2006, \$11,304.62 in 2007, and \$3,125.30 year-to-date. We did spend an additional \$1,500 this year for cleanup by another landscaper.

- Graffiti problem at North entrance has been taken care of (sandblasted).
- Large tree in island in front of clubhouse has been trimmed, and a Russian olive tree at the South end of the clubhouse parking lot has been cut down.

- Tennis court tree and vine hangings have been trimmed and secured to fence. They are kept in place to prevent winds from disrupting tennis play.

Pool Area

- Based on sign in sheets, usage is as follows:
 - June 2008, 250 users
 - July 2008, 280 users
 - August 2008, 228 users.

There is no comparable data available from last year. It should be noted that the numbers include only those who have signed in.

- Carver Busch, Kokopelli Pool & Spa, has been tending the pool since the beginning of the season, and we have received numerous compliments on how well the facility looks.
- Depending on the weather, the pool will be shut down sometime by the end of September.
- Some maintenance issues will have to be addressed before next season:
 - New cushion covers for the lounge chairs
 - Replacement of valves for the pump
 - Replacement of sand in the sand filter (needed every 4-5 years)
 - Replacement of tiles dislodged last winter

Frank Jackunas

ARB Report

September 9, 2008

Finished additions/project that have been reviewed and approved to receive deposits back

Scanland-Kachina Hills

Vassallo-Kachina Hills

Cools-Paseo Cresta

Rivers-Coats-Aspen Compound

Raff-Los Nidos

Two projects in LaViveza have been approved

Solak-awning

Stewart-deck

Pat Jackunas

Estancia Primera Community Services Association
09/08/08 - Revenues & Expenditures (prepared by Beverlee Anderson)

Accrual Basis January 1 through September 8, 2008

Jan 1 - Sep 8, 08 and Jan 1 - Sep 8, 07

Ordinary Income/Expense

Income

	4000 · Assessment Income	
	4007 · 2007 Assessment Income	0.00
62,748.00		
	4008 · 2008 Assessment Income	63,756.00
0.00		
	Total 4000 · Assessment Income	63,756.00
62,748.00		
	4018 · Assessment Late Fee	183.00
432.00		
	4025 · Interest	36.25
74.42		
	4030 · Pool Card Fee	50.00
275.00		
	4290 · Other Income	300.00
2,304.00		
	Total Income	64,325.25
65,833.42		

Expense

	6000 · Accountant	656.28
593.22		
	6010 · Admin & Office	215.34
292.29		
	6012 · Admin & Office - ARB	151.73
40.00		
	6025 · Drainage- Inspection	377.78
376.69		
	6030 · EPCSA Functions	903.39
311.22		
	6035 · General Maintenance	1,766.28
1,471.53		
	6040 · Grounds Maintenance	7,195.56
8,706.72		
	6045 · Insurance- Bond	7,620.00
6,130.00		
	6060 · Licenses and Permits	260.00
390.00		
	6065 · Miscellaneous	0.00
157.92		
	6090 · Operating Supplies	1,095.73
267.26		
	7000 · RC Expenses	
	7070 · Refuse	257.44
349.48		
	7010 · Electricity	1,657.77
1,597.82		

2,169.61	7015 · Gas	2,619.97
197.31	7020 · Decorating	1,097.13
8,148.07	7030 · Maintenance	10,292.09
195.93	7035 · Phone	484.18
2,617.74	7040 · Pool Maintenance	3,257.59
526.15	7050 · Security	488.95
0.00	7055 · Tennis Court Maintenance	20.37
674.65	7060 · Water	306.48
4,749.73	7080 · Contract Labor	2,759.28
257.73	7095 · Furnishings Equipment	431.64
21,484.22	Total 7000 · RC Expenses	23,672.89
10,200.70	7100 · Snow Removal	2,760.54
50.00	7110 · Taxes	50.00
103.63	7115 · Utilities-Electricity-Signs	128.50
0.00	7120 · Women's Group	227.18
0.00	7200 · Professional Services Other	1,000.00
314.80	7201 · Legal General	591.01
494.80	7202 · Legal - ARB	0.00
621.38	7204 · Bookkeeper	911.65
3,354.30	7206 · General Management	6,496.68
4,785.28	Total 7200 · Professional Services	8,999.34
55,360.68	Total Expense	56,080.54
10,472.74	Net Ordinary Income	8,244.71
10,472.74	Net Income	8,244.71

Estancia Primera Community Services Association
Balance Sheet (prepared by Beverlee Anderson)
Cash Basis as of September 8, 2008

Sep 8, 08

ASSETS

Current Assets

Checking/Savings

1000 · Operating Account Century Bank-	21,890.46
1001 · Century Bank Savings	10,743.18
1007 · Certificate 1	43,483.48
1008 · Certificate 2	53,391.68
Total Checking/Savings	129,508.80

Accounts Receivable

1300 · Accounts Receivable	-1,996.00
Total Accounts Receivable	-1,996.00

Total Current Assets	127,512.80
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Fixed Assets

1200 · Clubhouse	307,907.38
1210 · Decking	22,458.00
1215 · Furniture, Fixtures & Equipment	37,749.92
1220 · Land	350,000.00
1225 · Landscaping	12,716.50
1235 · Parking Lot	44,916.00
1240 · Post Lights for Clubhouse	2,948.44
1245 · Signs at Entrances	8,556.00
1250 · Swimming Pool	72,800.62
1255 · Tennis Court	24,410.75
1256 · Tennis Court Resurface	20,505.00
1260 · Walls	29,196.00
1265 · Total Accumulated Depreciation	-280,962.00
Total Fixed Assets	653,202.61

TOTAL ASSETS	780,715.41
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LIABILITIES & EQUITY

Equity

3900 · Retained Earnings	772,506.70
Net Income	8,208.71
Total Equity	780,715.41

TOTAL LIABILITIES & EQUITY	780,715.41
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EPCSA Board of Directors
Meeting Minutes

October 14, 2008

Members Attending: Michael Cross, Errol Levine, John LeMaster, Rex Wilmore, Pennington Way and Virginia Brewer.

Guest Present: Frank Jackunas

The meeting was called to order at 8:12 am by Michael Cross.

1. **Approval of Minutes:** Upon motion by Rex Wilmore, seconded by Pennington Way, the minutes of the Board Meeting of 9/9/08 were approved by all as submitted.
2. **Treasurer's Report:** Beverlee Anderson is currently out of town and no Treasurer's Report was submitted.
3. **Clubhouse and Grounds Report:** Frank Jackunas submitted his report (attached). Frank outlined various electrical maintenance and repair projects that had been performed at the Clubhouse and on the two Estancia Primera entry islands. A new hot water heater has been installed at the Clubhouse and the shower controls were replaced in both Clubhouse bathrooms. The total cost for the various projects outlined in the report was about \$8,000. The pool has been closed for the winter and winterized. Frank is currently working on finalizing landscaping and grounds maintenance guidelines for the common areas of Estancia Primera and will work on selecting a landscaping and grounds maintenance contractor for 2009. Frank reported that weed barrier is required under the gravel on the islands at both EP entries and he will discuss the matter with Reyes Morales. Frank reported that in the past Thundercloud Gardening had cleared snow off the Avenida Primera sidewalks when snow accumulations had reached 4 inches. Frank personally clears the concrete sidewalk outside the Clubhouse after a snowfall. We no longer, however, have a working relationship with Thundercloud Gardening so some other company will need to be found to do the work.

John LeMaster pointed out that whoever is hired to do this work should have a certificate showing that they are covered by Workman's Compensation. He recommended that no contractor should be hired to do work on the Clubhouse or on the common areas of Estancia Primera unless he/she first shows a current Certificate of Insurance. Otherwise, if the contractor or one of his/her employees is injured while in the employment of EPCSA, the Association could become legally liable for costs of thousands of dollars to cover medical and living expenses. Moreover, if the State of New Mexico were to audit EPCSA, the Association could be required to pay retrospectively for Insurance for the period that any uninsured contractor had worked for the Association. John pointed out that some contractors show a Certificate of Insurance and then cancel the Insurance after they have been hired. In such situations, however, if the Association has made a good faith attempt to document that insurance exists, the legal liability would probably be lessened. The Board agreed with John's advice and directed Frank Jackunas to require a Certificate of Insurance before any electrician, plumber, landscaper, Grounds Maintenance Company or Pool Maintenance Company is hired.

to do work for EPCSA. In the case of companies that perform work for EP on a regular basis, the companies should be required to present evidence of insurance at least annually.

The Board discussed the need to clear snow from the Avenida Primera sidewalk during this coming winter. Although a Santa Fe Ordinance requires that individual homeowners clear snow from concrete sidewalks outside their homes along Avenida Primera, the Board felt that this would not happen because of the large number of seasonal residents and the difficulties involved in enforcement. The Board therefore asked Frank to obtain an estimate from Reyes Morales for this work with the proviso that he not be hired unless he can show a Certificate of Insurance. If Reyes cannot do this, Frank should investigate hiring someone else to do the snow removal work and report back to Michael Cross and the Board about the matter. It should be emphasized to anyone hired that no salt or mineral preparations of any kind should be applied to the concrete sidewalks to avoid concrete pitting and erosion.

4. **ARB Report:** Pat Jackunas reported by e-mail that the EP ARB had met the previous week and approved a remodeling project at the Anderson/Schiller residence at 784 Aspen Compound. This consists of enclosure of a deck off a bedroom. There had been no other ARB activity since the previous report.
5. **Paseo Cresta Update:** Michael Cross reported that he had followed the Board's earlier directive to consult an attorney regarding whether EPCSA owns the property that is identified as "Easement for Future Road" on the Estancia Primera Phase 1-A Plat ("The Road"). The question had arisen because Mary Walta, in her capacity as President of the Cresta Homeowners Association (CHA), had presented data at the previous Board meeting (9/9/08) suggesting that the Road was owned by EP. She had furthermore requested that EPCSA should pay in part for the repair of Paseo Cresta and its continuing maintenance and for the construction of drainage structures that would limit future damage to the road from storm water run off. Michael had therefore obtained an appointment to see Paula Cook, an attorney with *Comeau, Maldegen, Templeman and Indall LLP* of Santa Fe, and he was accompanied to the appointment by Rex Wilmore. Paula had later submitted an opinion dated October 10, 2008 (attached).

In her opinion Paula Cook indicated that although she had not had an opportunity to review all the documents that may be relevant, based upon those that she had reviewed her preliminary conclusion is that EPCSA does **NOT** own the Road and that Jo Ann Hoover, the Cresta Homeowners Association or the owners of all the lots in Tract J own the Road. Paula had found no evidence in the Courthouse records of a transfer of the Road to EPCSA. Mary Walta had also suggested that the Estancia Primera Declaration of Covenants could be interpreted to read that unclaimed land was conveyed by default to EPCSA. Paula Cook pointed out, however, in her opinion that the Covenants were not adopted until January 1982 well after Jo Ann Hoover had acquired her interest in Tract J and the Road. Paula therefore does not believe that the Road was conveyed to EPCSA by the assignment language in the Covenants. Moreover, the CC&Rs for Estancia Primera had indicated that apart from certain trails and semi-open space, every piece of a property not part of a lot would be considered as Tract common area. There is evidence, however, in the CHA CC&Rs to suggest that only the roads that serve the two cul de sacs in Cresta are Tract common areas. Paula found no recorded evidence to indicate that the Road had ever been conveyed by Jo Ann Hoover to the CHA. In Paula's opinion the Road is also not a dedicated City street.

In reviewing the information available, Board members felt that since EPCSA had never used or maintained the Road or paid property taxes on it, there was no way in which EPCSA could have obtained ownership of the Road by adverse possession. If anything, CHA and Martha Murray (705 Avenida Primera South) would, apart from the other considerations mentioned above, have been more likely to have acquired ownership of the Road by adverse possession arising out of their continued use and maintenance of the road over a prolonged period of time.

Michael Cross reported that he had invited both Mary Walta and Carla Skeen to attend today's Board meeting. He also intended to send them copies of Paula Cook's report. He noted also that Martha Murray of Cumbre Vista had offered to pay her share of the expenses involved in repairing Paseo Cresta and in maintaining the road at frequencies required by circumstances. Rex Wilmore therefore made the following four-part motion that was seconded by Pennington Way and approved by the Board **unanimously**:

- a. The Board accepts the Attorney's opinion that EPCSA has no ownership interest in the Road as had been claimed by the Cresta Homeowners Association;*
- b. The Board accepts the Attorney's opinion that the Road belongs to Jo Ann Hoover, the Cresta Homeowners Association or the owners of all of the lots in Tract J;*
- c. The EP Board will therefore not participate in or pay for any road work, repairs, drainage structure construction or maintenance of the involved area;*
- d. If CHA continues to believe that the land in question is owned by EPCSA, the onus is on them to prove such ownership by providing the EP Board with a detailed legal trace of ownership and records of transfer.*

Michael Cross reported that he understood that CHA would probably proceed with the necessary repairs on their own with Martha Murray contributing. There was some discussion as to whether the EP ARB or the City should be consulted about the matter. It was generally agreed that the EP ARB should not get involved unless CHA requested approval for the repairs. It was also felt that the City should not be consulted about the matter since only repairs and the construction of minor drainage structures are involved. The Board felt, however, that Michael Cross, representing the Board, should continue to discuss the matter with Mary Walta and CHA to ensure that the street repairs and drainage structure construction are performed in a manner that does not result in any adverse consequences for EPCSA. EPCSA does have some interest in this matter since after heavy rain storms a considerable amount of dirt and debris washes off Paseo Cresta onto Avenida Primera. John LeMaster pointed out that to achieve a definitive solution it would be necessary for CHA to ensure that storm water was conducted into a series of check dams along the street that would retain water and slow the flow of water onto Paseo Cresta and Avenida Primera. John believes that the problem is a drainage problem rather than primarily a road problem. Michael Cross indicated that CHA plans to install a 24" culvert that will run under Paseo Cresta above Martha Murray's driveway and that the culvert will drain water into a pond in the triangular area on the northeast side of the junction of Paseo Cresta with Avenida Primera. John LeMaster felt that this would work only if it were combined with other drainage improvements higher up on the street.

6. **Clubhouse Appraisal and Property Tax Issues:** At the Annual Financial Meeting (8/18/08) the Board had noted that according to the report presented by Beverlee Anderson the Clubhouse is valued at about \$308,000 and the 3-acre lot at \$350,000. It was agreed that these figures (derived from an informal appraisal by Bob Lockwood) were too low. It had therefore

been agreed that we should obtain a formal appraisal to obtain the current value of the building and lot. We might then have to adjust the insurance coverage for the Clubhouse building and its associated facilities including the pool and the tennis court. Pennington Way suggested that since a formal appraisal might be costly, it would be more cost effective to ask our Insurance Company to provide a replacement cost survey. The Board agreed that Penn should contact the Insurance Company about this matter. Rex Wilmore had expressed concern at an earlier Board meeting (4/8/08) that the Clubhouse and its facilities could become subject to property taxes because we have no specified educational function. John LeMaster felt that this was unlikely to occur and even if it did we would probably not be expected to pay property taxes retrospectively. Most Board members felt that it was unwise to raise this issue and that no action should be taken unless we are contacted by the County.

7. **Concrete Repairs – Avenida Primera:** John LeMaster reported that he had obtained a proposal (attached) from a concrete contractor, Domingo Ornelas of Tres Batitos Concrete, for needed concrete sidewalk and curb repairs along Avenida Primera. The bid included three components, namely the sidewalk outside the clubhouse, the Clubhouse driveway and various areas along Avenida Primera where the curbs and sidewalk needed to be removed and replaced. Mr. Ornelas would be pouring concrete at John's new home in Los Altos this week and could perform the EP work next week for a total cost of \$14,356. John felt that the work should be done before the cold winter weather arrives. Six-inch thick concrete is required in the Clubhouse driveway area and 4-inch concrete is required for the sidewalks and curbs. John felt that in most cases the property lines for individual lots along Avenida Primera stop at the inner edge of the sidewalk and that the responsibility for sidewalk repair was therefore that of EPCSA since the City was most unlikely to do the work. It is not clear, however, whether the City is responsible for the repair of the concrete curbs with Avenida Primera being a City street. The Board discussed the matter. It was generally agreed that the concrete problems were currently mainly of a cosmetic nature and therefore did not need to be urgently addressed. The Board therefore agreed to pend further consideration of this matter until the spring when 2-3 estimates will be obtained. At that time, we will also have additional funds in our checking account from dues paid for 2009.
8. **Snow Removal Contract for Avenida Primera and Neighborhood Streets:** Michael Cross reported that he had renewed our Annual Snow Removal Contract with Advantage Asphalt and Seal Coating Company. The cost had increased slightly since the last contract.
9. **Pending Business:**
 - a. When one of our CDs at Century Bank matures some of the funds will be transferred to another bank to keep the amount invested at any one bank below \$100,000 as decided at the Annual Financial Meeting (8/18/08). Current FDIC insurance of bank accounts was recently increased by Congress from a maximum of \$100,000 to \$250,000, but this is a temporary adjustment. There is, however, no longer any immediate urgency to make the transfer.
 - b. Creation of a Homeowners Association for Los Altos Norte (Board meeting 5/20/08). There have been no further developments in this matter.
10. **Adjournment:** The meeting adjourned at 9:20 am.

EPCSA Board of Directors
Meeting Minutes

November 11, 2008

Members Attending: Michael Cross, Errol Levine, Rex Wilmore, Pennington Way and Carol Seghers.

Guests Present: Frank Jackunas and John Amos

The meeting was called to order at 7:58 am by Michael Cross.

1. **Approval of Minutes:** Upon motion by Rex Wilmore, seconded by Pennington Way, the minutes of the Board Meeting of 10/14/08 were approved by all as submitted.
2. **Treasurer's Report:** Beverlee Anderson's submitted report was considered. It was noted that EPCSA had spent \$4,728 on legal expenses to date. Most of this expense had been incurred in hiring Paula Cook to research the claim by Cresta Homeowners Association that EPCSA owned the lower part of Paseo Cresta and adjoining areas. It was also noted that costs for Clubhouse maintenance and repairs had increased significantly as compared with 2007.
3. **Clubhouse and Grounds Report:** Frank Jackunas submitted his report (attached). Frank indicated that the lights at both EP entrances had been vandalized. He is working with AllTech Electric to come up with a more permanent solution to the problem. Frank reported that he had contacted multiple landscapers regarding grounds maintenance for EP. Most had not proved satisfactory for one reason or another. His first choice, however, is KC Landscapes. Their basic rate is \$25/hour. They will charge \$1,000 for a fall cleanup and \$3,400 - \$4,000 for a 2009 contract. The latter will include a spring cleanup in the last week of March (\$1,000), monthly maintenance in the last week of each month (April through October) at \$250/month and a fall cleanup in November (two visits being required because of need to remove fallen Cottonwood leaves) for \$400. The total for 2009 (including NMGR) would therefore be about \$3,400 - \$3,500. If less time is required for any of these jobs, EPCSA will be charged only for the actual time worked. All work will be supervised by a company foreman working in conjunction with Frank Jackunas. The work will be confined to the area between the concrete sidewalk and curb along Avenida Primera, the Clubhouse grounds and tennis court and the two entry islands. **No work will be performed in individual neighborhoods except at their immediate entries.** Along Avenida Primera no work will be done between the inner edge of the concrete sidewalk and the adjacent home. The exception to this is where chamisas and other shrubs project onto the sidewalk from a property in which case the offending shrubs will be trimmed back. The following work will be done: trash pickup, cleaning of sidewalks and curbs, cleaning, pruning and weeding of the two EP entryways, weeding and pruning of the beds at the Clubhouse, pruning of annuals and perennials around the Clubhouse, pruning and training of the vines at the tennis court, pruning and weeding along Avenida Primera, pruning trees and shrubs to provide unimpeded pedestrian access on the Avenida Primera sidewalk and fertilization of perennials.

The Board discussed the matter. A motion by Rex Wilmore, seconded by Pennington Way, to approve the expenditure of \$1,000 for the 2008 fall cleanup by KC Landscapes was approved unanimously. The Board felt that the proposal for 2009 provided by KC Landscapes

looked good and the work was reasonably priced. It was therefore agreed that if KC Landscapes performs satisfactorily during the fall cleanup, Frank Jackunas will have the discretion to hire them to do the grounds maintenance during 2009. John Amos, who had previously been in charge of grounds maintenance in EP, attended the meeting. He described several areas in EP that he felt needed more attention. After discussion, it was decided that an informal committee be set up consisting of John Amos, Michael Cross and Frank Jackunas. They will walk around the grounds and draw up a list of any additional items that need attention both now and during 2009. The Board decided not to hire anyone formally to shovel snow off the Avenida Primera sidewalk during the coming winter. It was also agreed that no chemical of any type should be used for snow and ice removal on the Avenida Primera sidewalk to prevent further damage to the concrete. It was also agreed that maintenance of the rock wall that fronts Cumbre Vista is the responsibility of the Cumbre Vista Homeowners Association and not that of EPCSA.

4. **ARB Report:** Pat Jackunas reported by e-mail that the new John LeMaster home in Los Altos is complete and has passed ARB inspection.
5. **Paseo Cresta Update:** Michael Cross reported that he had had no further communication with Mary Walta about this matter. Frank Jackunas indicated that neither Mary Walta nor Carla Skeen had called him again regarding reviewing the EPCSA documents stored at the Clubhouse. He or an EPCSA Board member would have to present if and when they review the documents. Michael reported that he had instructed Paula Cook not to undertake any further legal or investigative work in connection with this matter unless the Board requests that such work be done. One Board member expressed concern that EPCSA had had to spend in excess of \$4,000 in legal costs to prove a negative, namely that we did not own the lower end of Paseo Cresta or the adjoining easement. It was felt that Cresta Homeowners Association should have had to pay for the legal work and to prove to EPCSA that we owned the land. The Board remains unanimously of the opinion that EPCSA does not own the land involved and that we will not undertake any repair work or maintenance in the area or make any financial contribution of any kind for such repair work or maintenance. It was also agreed unanimously that EPCSA will not make any loans to Cresta Homeowners Association for any repairs on Paseo Cresta as had been requested by Mary Walta.
6. **Los Altos Norte Homeowners Association:** Michael Cross reported that the Association has been formed with Dr. McCollum as President. They are aware of their responsibility for maintaining the berm there.
7. **Appointment of Ninth EPCSA Board member:** The Board agreed unanimously to delay the appointment indefinitely.
8. **Pending Matters:**
 - a. Concrete repairs on Avenida Primera (Board meeting 10/14/08)
 - b. Clubhouse and clubhouse grounds appraisal (Board meeting 10/14/08)
 - c. Transfer of a CD to another bank on maturation (Board meeting 10/14/08)
9. **Adjournment:** The meeting adjourned at 8:40 am.

EPCSA Board of Directors
Meeting Minutes

December 9, 2008

Members Attending: Michael Cross, Errol Levine, Rex Wilmore, Virginia Brewer, John LeMaster, Beverlee Anderson and Carol Seghers.

Guest Present: Frank Jackunas.

The meeting was called to order at 8:04 am by Michael Cross.

1. **Approval of Minutes:** Upon motion by Beverlee Anderson, seconded by Rex Wilmore, the minutes of the Board Meeting of 11/11/08 were approved by all as submitted.
2. **Treasurer's Report:** Beverlee Anderson reported that she did not have a current report. The books are with the bookkeeper since she is running the invoices for the annual dues so that they can be mailed out at the beginning of January. Payment of the annual dues will be required as of February 15. Late charges will apply for payments not received by March 15, 2009. Beverlee will add a prominent sticker to the invoices for habitual late payers emphasizing that late charges will apply if dues are not paid by March 15. A comprehensive financial report for 2008 will be available for the January Board meeting. There had been little financial activity during November. Beverlee thanked the ladies who had helped decorate the Clubhouse for the holidays.
3. **Clubhouse and Grounds Report:** Frank Jackunas reported that the 12 lights at both EP entries had been vandalized. They have been replaced with four sturdier fixtures (two per each entry) that will hopefully be less likely to be vandalized. Christmas lights have been erected at the Clubhouse for the holidays. The work was performed by Alltech Electric. The components were hardwired to facilitate future installations. The lights are controlled by timers. While the total bill for the work has not been received, Alltech charges \$65/per man hour with two electricians usually working on each job. KC Landscapes has completed the fall cleanup on time and at a cost of \$1,187.50 which is slightly in excess of the budgeted amount of \$1,000 agreed to by the Board. Errol Levine asked whether there was any plan to clean up the fallen cottonwood leaves outside the Clubhouse and along Avenida Primera. The original proposal from KC Landscapes had called for two visits in the late fall, the second being to remove the cottonwood leaves. Frank indicated that there was no plan to do this immediately but promised that the dead leaves would definitely be cleaned up in the spring. Frank reported that he was satisfied with the work done by KC Landscapes. The Board authorized Frank to write a letter to the owner indicating that we are satisfied with the work and that he would be in contact with her in the early spring to make arrangements for grounds maintenance for next year starting in April. The Board agreed that 5-6 maintenance visits by KC Landscapes will probably be required in the period between April and November 2009. The Clubhouse interior was cleaned on December 3 by Advanced Cleaning in preparation for the holiday season.
4. **ARB Report:** Pat Jackunas reported by e-mail that no further activity of the ARB had occurred since the last Board meeting. Michael Cross reported that he had been in contact with various City departments regarding a development adjoining Cumbre Vista. The developer had erected coyote fences 8-9 feet in height separating his homes from some homes in Cumbre Vista. City ordinances require that such fences should not exceed 6 feet in height. Michael reported that he had made no progress with the City regarding this matter.

5. **Paseo Cresta Update:** Michael Cross reported that he had received a total bill from Paula Cook for about \$11,400 for legal work done on the Paseo Cresta problem. An earlier bill for about \$4,100 had been received for work done in late September and early October and this is included in the total amount. The date of Paula Cook's memorandum to Michael Cross was October 10, 2008. After that Michael had authorized Mary Walta to discuss the matter with Paula Cook. Paula is now billing EPCSA for the telephone discussions between herself and Mary Walta and for five hours of legal research to prepare for a meeting between her and Mary Walta and Carla Skeen. At some point after the consultations between Paula Cook, Mary Walta and Carla Skeen, Michael had sent Paula an e-mail telling her not to undertake any further legal investigations into this matter. Michael will investigate the exact date when this e-mail was sent. There had, however, also been subsequent phone calls and e-mail exchanges between Michael and Paula Cook and between Rex Wilmore and Paula Cook and Paula had billed EPCSA for these exchanges. Most Board members felt that the amount billed was excessive and that at least some of the billable hours had not been authorized by EPCSA. It was agreed that Paula Cook should have contacted Michael Cross to obtain authorization for the additional research hours. This additional research had been undertaken at the instigation of Mary Walta and EPCSA should not have any responsibility to pay for the time involved.

Beverlee Anderson requested that Michael Cross and Rex Wilmore provide her with copies of all e-mails exchanged between themselves and Paula Cook so that she could determine which amounts she would be required to pay as Treasurer. The Board requests that Paula Cook should be asked to document who authorized any further legal work after the completion of her memorandum dated October 10, 2008 and after the receipt of the e-mail from Michael Cross asking that no further legal work be performed. The Board agreed that no payments should be made for any legal work done after October 16. Beverlee Anderson will draft a letter to Paula Cook asking that further documentation regarding these matters needs to be provided and asking that late charge payments not be assessed until a revised bill had been received. The letter will be sent out under Michael's name after approval by the Board. The Board also agreed that there be no further communications about the Cresta problem between Michael Cross and Mary Walta and Carla Skeen except regarding the copying of documents. The Paseo Cresta repair has been completed at a cost of about \$17,000.

Frank Jackunas reported that Mary Walta and Carla Skeen had selected a large number of documents for copying from the EPCSA files. Mary Walta had called him and asked whether the copies were available. He sought guidance from the Board as to what he should do. After discussion, it was decided that Beverlee Anderson will write a letter to Mary Walta indicating that copying of the documents will require expenditures for EPCSA since Frank Jackunas' time is involved and if the copies are made at Kinko's there will be a charge of 15 cents per page. Mary Walta is to be informed in the letter that no copies will be made available until she authorizes in writing that the work be done and guarantees payment by herself or the Cresta Homeowners Association.

6. **Pending Matters:**

- a. Concrete repairs on Avenida Primera (Board meeting 10/14/08)
- b. Clubhouse and Clubhouse grounds appraisal (Board meeting 10/14/08)
- c. Transfer of a CD to another bank on maturation (Board meeting 10/14/08)
- d. KC Landscapes contract for 2009 (Board meeting 12/9/08)

9. **Adjournment:** The meeting adjourned at 9:12 am.