

Estancia Primera Board of Directors Minutes February 8th, 2013

BOD Members Present: Jim Fassett, Pat Jackunas, John Amos, A.L. Bontrager, Jacob Waltz, and Pat Hauter.

The following motions were proposed and voted on (vote count indicated):

1. The minutes from the December board meeting were approved (6-0).

Other items:

1. The Treasurer's report was presented. The Treasurer reported a current excess of \$9000.
2. The ARB President had no unusual issues to report.
3. The EPCSA President will investigate means by which the EPCSA website can be kept up to date and possibly redesigned.
4. The Grounds Committee reported that work is currently on hold until Spring.

ESTANCIA PRIMERA BOARD OF DIRECTORS MEETING MINUTES
APRIL 11, 2013

BOD Members Present; Jim Fassett (presiding), Pat Jackunas, A.L. Bontrager, Carol Genebach, Richard Czoski, and Ann Bailus

The meeting was called to order at 9:05 a.m.

The following motions were proposed and voted on:

1. The minutes from the March Board Meeting were approved unanimously (Richard Czoski recused himself because he did not attend the March meeting).
2. The President asked the Board to move up on the agenda approval of Ann Bailus to replace John Amos as Board Member from the Cumbre Vista Neighborhood Association.
3. A motion by the Board to approve Ann Bailus' appointment as the new Director from Cumbre Vista was approved unanimously.

Treasurer's Report – Al Bontrager

1. There was little activity in the past month. The operating budget is \$4,600 below plan. There is \$104,000 in the capital account.

Clubhouse Managers Report – Pat Jackunas

1. The pool should be open by April 30, 2013. A request was made for a volunteer to work as a back-up person to close the pool each evening. A letter will be sent to homeowners with a description of the duties involved.

ARB Report – Bill Schiller

1. Activity is increasing. The ARB is currently reviewing two small projects. The ARB bank account stands at \$10 which is owed to the main ESPCA Board, but must be maintained in order to keep the bank account open.

Grounds Maintenance Committee Report – Pat Jackunas

1. A request was made for another volunteer committee member.
2. The scope of work and pricing for a proposed landscaping, irrigation, and lighting project for the island between Avenida Primera and the clubhouse parking lot was explained by Jim Hayes, the contractor who submitted a proposal for this work. There

are two phases, priced at \$18,905 for Phase 1 and \$12,960 for Phase 2. Phase 1 consists of shaping the ground to provide for water detention basins, electrical repairs for the irrigation system and lighting, general clean up, seeding, adding and redistributing existing rock cobble. It was suggested that in any case, Phase 2 should be postponed until autumn to assess the success of Phase 1. If Phase 1 is successful in reviving the existing plant material, Phase 2 may not be required. An amount of \$7,000 was budgeted for this work; however, the \$11,905 balance for Phase 1 could be funded from the capital reserve budget.

A motion to approve Phase 1 was made by Richard Czoski and seconded by A.L. Bontrager. Ann Bailus' request that a vote on the motion be deferred until she could review the proposal was rejected. The motion was voted on with all Directors except Ann Bailus voting in favor.

3. A request was made for another volunteer to assist with maintaining the dog waste stations.

Website Update and Revisions

1. President Fassett reported that several items have been corrected and updated on the ESPCA website. It was mentioned that the 2013 Board meeting minutes had not yet been posted and Mr. Fassett agreed to post the 2013 minutes approved to date. He will also investigate adding the text of the ESPCA insurance policy to the website to comply with the new Home Owner Association (HOA) Act.

Estate Sale Signs

The subject of signs announcing estate sales was discussed. It was determined that approval for these sales and signs would be addressed on a case by case basis.

New Mexico Homeowners Associations Act

Mr. Fassett announced that the NM Legislature had recently passed the HOA Act which calls for certain new obligations on homeowner associations. Mr. Levine, who had attended a forum on the Act, was asked to summarize the sections of the act that applied to EPCSA. Mr. Fassett reminded all present that each of the nine neighborhoods within Estancia Primera must also comply with the new HOA act and he stated that he would send a copy of the HOA Act to all the EP Neighborhood Presidents via email so that they would be in compliance with the Act. Ms. Lawton, President of the Cumbre Vista Homeowners Association, suggested that the ESPCA records required by the Act were not all available in the EPCSA files and that consequently the ESPCA was not in compliance with the Act. Ms. Lawton was asked to withhold further comments until the time for "Homeowner Comments" came up.

New Business

1. The status of the illegal squatters at Hobo Hill was discussed and it was reported that the new owner of the Hobo Hill property was cooperating with the Santa Fe Fire and Police departments to remove the homeless squatters from that area and to regularly patrol the area so that they would not return.
2. The status of the trees along Hyde Park Road on the north side of the road was discussed. Richard Czoski agreed to follow up with the State to ascertain if the land owner can be compelled to trim and/or remove the dead trees.
3. It was suggested that the Board write a thank you letter to John Amos for his services to EPCSA and Mr. Fassett agreed to do that.

Homeowners Comments

1. Mr. Fassett asked Mary Lawton for a list of documents missing from the Association files and she agreed to do that.
2. Kerry Brock discussed xeriscaping the new landscaping project adjacent to the clubhouse and expressed concern about future water consumption. Others agreed that the new water-retention features of the approved landscaping project would be helpful in minimizing water use. Our swimming pool may not be consistent with water conservation, but it is one of most used and attractive fixtures of the Association. The swimming pool cover does help to reduce evaporation from the pool.
3. Resurfacing of the tennis court should start in June.
4. Carrie Burke offered to organize a community flea-market sale to be held in the clubhouse parking lot, similar to what has occurred in the past. There would be small charge for each table to pay for the advertising.

The Meeting was adjourned at 10:15 a.m.

ESTANCIA PRIMERA BOARD OF DIRECTORS MEETING MINUTES

June 14, 2013

BOD Members Present; Jim Fassett (presiding), A.L. Bontrager, Carol Genebach, Richard Czoski, Pat Haueter, and Ann Bailus

The following motions were proposed and voted on (vote count indicated)

1. The minutes from the May Board Meeting were accepted unanimously.
2. A change order for \$2,467 to Hays Associates, Inc. to repair and refurbish the light fixtures in the island area in front of the club house was approved.
3. The Board approved having EPCSA attorney John Patterson review the fire-patrol security agreement (see discussion below).

Treasurer's Report – A.L. Bontrager

1. Little activity in the past month. The operating budget is below plan.
2. The resurfacing of the tennis courts has been successfully completed at a cost of \$13,408.
3. Approximately \$104K is in the capital account.
4. The only immediate new project anticipated is tile replacement in the women's restroom in the clubhouse.

Clubhouse Manager Vacancy

1. Two applicants applied for this position and were interviewed.

ARB Report

1. The ARB is reviewing one small project in Aspen Compound.
2. ARB review fees should not be collected by the neighborhood ARB's.

Grounds Maintenance Committee Report

1. There was a discussion regarding EPCSA committee-membership eligibility and it was stated that all Association committee members must be property owners in Estancia Primera.

A Fire-Patrol presentation was made by Steve Proehl from Ranchos Colorado representing a consortium of several homeowners associations in the Hyde Park Road area.

1. Steve presented information on the dangerous situation of homeless people camping and building fires on the land along the Hyde Park Road corridor. Three fires in this area were recently extinguished by the SF Fire Dept.

2. It was proposed that ESPCA sign on to a group contract with a security company to patrol the areas where people typically camp and build fires. The unarmed security officers will observe, identify, and photograph trespassers and report them to the police in order to dissuade this behavior. In addition, the existence of this neighborhood consortium would provide a stronger incentive for the SF City Council members to take action to help alleviate the problem of homeless people camping and building fires in the Hyde Park Road corridor.
3. The cost to ESPCA to help support the security patrols would be about \$620 for a 60-day trial period.
4. Concerns about EPCSA's liability in joining the neighborhood group's security-patrol endeavors were discussed.

Board Officers

1. President Jim Fassett reminded the attendees that the terms of seven Board members expire in August and reviewed the schedule and process for filing petitions for the Board of Directors positions up for election. It was stated that these procedures, along with copies of petition and proxy forms, would be sent to all homeowners via a mass email.

Other Business

1. The methodology for reviewing next year's budget prior to the Annual Meeting on August 15 by Estancia Primera homeowners was discussed.
2. Board member Ann Bailus offered to prepare a monthly newsletter to distribute to all homeowners.
3. Establishing a telephone tree to distribute information was discussed. Not all homeowners have email.
4. Pool hours were discussed. The pool is now open from 9:00 AM to 9:00 PM.

Homeowners Comments

1. Irrigation of plantings along the side of the tennis court was discussed.

Executive Session

Homeowners were asked to leave and the Board entered into Executive Session to discuss personnel matters related to hiring a clubhouse manager. No minutes were taken. Following that discussion the Board came out of Executive session and voted unanimously to approve the selection of Connie Burke as our new Clubhouse and Facilities manager.

The Meeting was then adjourned.

Estancia Primera Board of Directors Minutes

July 12th, 2013

BOD Members Present: Carolyn McCollum, A.L. Bontrager, Carol Genebach, Pat Hauter, Jim Fassett, Jacob Waltz, Ann Bailus, and Richard Czoski.

The following motions were proposed and voted on (vote count indicated):

1. The minutes from the previous board meeting were approved (8-0)
2. A motion was approved to sign on to the Hyde Park corridor security agreement (6-1-1)
3. A motion to have EPCSA attorney John Patterson review all aspects of the Hyde Park corridor security agreement did not pass (2-6)
4. A motion to have EPCSA insurance review potential liability concerns with the Hyde Park corridor security agreement did not pass (2-6)

Other items:

1. The Treasurer reported that EPCSA was currently \$10k under budget, but with certain pool expenses coming due soon
2. The Clubhouse manager gave an update on work and maintenance
3. Preparations for the Annual Meeting were reported on; candidacy petitions for 5 of the 7 open Board spots had been received at the time of the meeting.

ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION

ANNUAL-MEETING MINUTES

August 5, 2013

Jim Fassett (President) called the Annual Meeting of the Estancia Primera Community Services Association (EPCSA) to order at 7:05 pm on August 15, 2013 at the Culpin Recreation Center. Other Board members present were Pat Jackunas (Vice-President), A.L. Bontrager (Treasurer), Carol Genebach, Richard Czoski, Pat Haueter, and Ann Bailus.

1. **President's Introduction:** Jim Fassett asked the members present to observe a moment of silence and reflection for the late Frank Jackunas who had been the long-time Clubhouse manager for the EPCSA. Frank had passed on July 6, 2013 at the age of 72 years. His devoted and meticulous service to the EPCSA was recognized by all and the Association extends its deepest sympathy to his wife, Pat Jackunas.

2. **Approval of 2012 Annual Meeting Minutes:** The minutes were distributed to all homeowners prior to the meeting and were also distributed at the meeting. The 2012 minutes were approved unanimously as submitted.

3. **President's Comments:**
Introduction of Board members: Jim Fassett introduced the Board members present and thanked them for their service to the EPCSA.
New Mexico Homeowners Association Act: Jim explained the background of the new Act and its implications for the EPCSA and each of the nine neighborhood subdivisions. He reported that he had filed a Notice of Homeowners Association for the EPCSA with the Santa Fe County Clerk and that each of the nine neighborhood subdivisions needed to do the same. The other main responsibility imposed by the new Act results from the requirement that the EPCSA (and each of the nine neighborhood subdivisions) provide a disclosure certificate to an owner (or the realtor representing the owner) within ten business days after receipt of a written request from the lot owner (or realtor). The EPCSA had already processed several such requests.
Hyde-Park-Road-corridor security agreement: Jim reported that the EPCSA Board of Directors had agreed to participate in a two-month trial of a security patrol along the Hyde Park Road corridor. There had been a long history of homeless people camping out on land along the corridor and building fires there. This constitutes a serious hazard for the Estancia Primera neighborhood. The EPCSA had therefore joined a consortium of eleven nearby neighborhoods or institutes to hire a private security company to patrol the area. The total cost for the two-month trial period to the EPCSA is \$500. Jim explained that the people patrolling the area would not enter private property, they are not armed, and their main purpose is to track vagrants and to obtain photographs of them committing illegal acts such as building camp fires. They would then report these incidents to the Police and Fire Departments. Jim reported that he had met with the consortium members and that there had been a decrease in camp fires since the patrolling had begun.

Some homeowners questioned whether participation by the EPCSA in the patrols exposed the EPCSA to liability issues. Jim Fassett and A.L. Bontrager indicated that they had referred that matter to an attorney. His opinion was that the agreement with the private security company was such that the EPCSA would be held harmless if litigation ensued as a result of the patrols. Although the Insurance Company that underwrites the policy for the EPCSA had not been consulted about the matter, the Board will consider doing this if it should decide to continue participating in the Hyde Park Road patrols. Jim reported that the consortium was also planning to lobby City Council members to provide additional police patrols along Hyde Park Road. The Board will also have a member of the group address concerns about the patrols at a future Board meeting. Jim indicated that there was no perfect solution to this difficult and perennial problem. Most homeowners present indicated their sincere appreciation to the Board for making these efforts to ameliorate the problem.

Tennis court resurfacing project: Jim Fassett reported that this work had been highly successful and that many tennis players had expressed their satisfaction with the final results. Jim Hays is addressing a couple of water drainage issues relating to the tennis court.

4. **Clubhouse Manager's Report:** Jim Fassett introduced Connie Burke, a Cumbre Vista resident, who is the new clubhouse manager. Connie indicated that there were both immediate and long-term issues that she had needed to address. She was very grateful for the outstanding records maintained by the late Frank Jackunas. She indicated that she had resolved problems relating to the key cards for clubhouse entry and the clubhouse-event calendar. She had also had landscape maintenance performed in various locations and had replaced various dead light bulbs on the clubhouse grounds. Some poolside umbrellas had also been replaced. Regarding long-term maintenance, tiles in the Clubhouse restrooms needed to be replaced. This will be done after the pool is closed for the year. The clubhouse front door lock needs repair and a new pool cover will have to be purchased and installed. Connie will also hire a cleaning company for heavy-duty cleaning at the Clubhouse.
5. **ARB Report:** The ARB Chair, Bill Schiller, presented the report. Dr. Schiller reported that the ARB had last met on May 9, 2013 and had memorialized all projects approved by e-mail since the prior ARB meeting. The ARB members had agreed to continue to approve appropriate projects via e-mail correspondence among themselves. This greatly reduces the turn-around time for approvals after applications are received. There are currently four active projects under the supervision of the ARB. Dr. Schiller requested that homeowners undertaking routine maintenance work on their properties, e.g. stucco replacement, should inform him of this. Although routine maintenance that does not change the exterior appearance of homes does not require ARB approval, a courtesy notice from owners to the ARB is very helpful. Records are kept of such notices and this helps protect homeowners in the future. Bill also reminded homeowners to submit plans and applications for any exterior changes to their homes *prior* to any work being started. Applications should be submitted first to the neighborhood Architectural Committee and then to the EP Architectural Review Board. Application forms and the Architectural guidelines can be found at www.estanciaprimer.org.
6. **Clubhouse Landscaping Report:** Jim Hays presented a detailed report regarding the ongoing landscaping project between the clubhouse parking lot and the sidewalk along

Avenida Primera. He indicated that he had adopted various methods, including ponds, to ensure that plantings in the area receive rainwater runoff from the graded parking lot. These methods had proved highly successful during the recent rain falls. Four irrigation zones have been established and are now functional in the area. New top soil and compost have been installed and local grasses have been planted. The lighting bollards have been set back from the parking lot to avert damage by motor vehicles and new wiring and conduits for them have been installed. Multiple LED lights have replaced incandescent lights in the bollards to reduce energy consumption. The Board has not approved Phase II of the project, however, A.L. Bontrager is working on a plan whereby homeowners may sponsor shade trees and shrubs in the area in memory of family members and other individuals. The aim is to have sufficient trees so that there will be shaded parking on the south side of the parking lot.

7. **Treasurer's Report:** A.L. Bontrager presented the report. Three financial documents were distributed to all owners prior to the meeting and were also handed out at the meeting. These were 1) Profit & Loss Budget vs. Actual (for January through July), 2) EPCSA's Budget for 2013 and the Balance Sheet (as of July 31, 2013), and 3) the Budget Forecast for 2014. Mr. Bontrager indicated that depreciation was now being treated as a monthly expense at the recommendation of Greg Klos who is the bookkeeper for the Association. Mr. Bontrager reported that the Association's Reserve fund currently stands at \$91,000. He mentioned too that an accountant he had consulted felt that the Capital Reserve Fund should really be \$120,000 with a Ready Reserve fund of \$10,000 to cover unexpected items such as the replacement of the pool cover. The only way in which the EPCSA could achieve this would be by an increase in the annual dues since annual expenses are more or less fixed. He indicated, however, that there is no current plan to raise the EPCSA annual dues since the Board had voted against a dues increase of \$60/annum at the end of 2012.

8. **Election of New Board of Directors:** Jim Fassett reported that the following board members' terms expire this month: Carol Genebach (Altamira), A.L. Bontrager (Los Altos), Carolyn McCollum (Los Altos Norte), Pat Jackunas (Kachina Hills), Richard Czoski (Cresta), Ann Bailus (Cumbre Vista), and Pat Haueter (La Viveza). Richard Czoski and Pat Haueter announced that they would not run for re-election, and Jim thanked them for their service on the Board. The other Board members whose terms were expiring had been re-nominated by their neighborhoods for another two-year Board term and Jill McIntosh was nominated as the Board member for La Viveza and Britt Piper as the Board member for Cresta.
Jim explained that since there were no contested elections, the Board had decided unanimously not to conduct an election by secret ballot in order to save unnecessary expense and effort. There has a longstanding precedent in the EPCSA for uncontested elections to be decided by acclamation at annual meetings. A motion was duly made and seconded to elect to the Board by acclamation, Carol Genebach, A.L. Bontrager, Carolyn McCollum, Pat Jackunas, Ann Bailus, Jill McIntosh, and Britt Piper for two-year Board terms and the motion passed unanimously. Jim Fassett reported that Jacob Waltz had recently resigned as the Board member for Aspen Compound. Jim will write to the Aspen Compound Homeowners Association asking them to nominate a resident from there to fill

the vacancy for a one-year period expiring in August 2014. The Board would then consider this nomination at its September 2013 meeting.

9. **New Business**: A bear sighting in the neighborhood was discussed.
10. **Adjournment**: The meeting adjourned at 8:15 pm.

EPCSA Board of Directors
Meeting Minutes
September 13, 2013

Board members present: Jim Fassett, Pat Jackunas, A.L. Bontrager, Bill Schiller, Carol Genebach, Jill McIntosh and Carolyn McCollum.

Jim Fassett called the meeting to order at 9:00 am.

1. **Welcome to newly elected or re-elected Board members:** Jim Fassett welcomed the newly elected or re-elected Board members namely Pat Jackunas (Kachina Hills), A.L. Bontrager (Los Altos), Carol Genebach (Altamira), Jill McIntosh (La Viveza) Carolyn McCollum (Los Altos Norte) and Ann Bailus (Cumbre Vista). Jim noted that the newly-elected member for the Cresta subdivision had resigned and that he had written to the Cresta Homeowner Association informing them that they may nominate a resident for appointment to the Board.
2. **Appointment of Aspen Compound Board member:** After the resignation of Jacob Waltz in August, the Aspen Compound Board of Directors had nominated Bill Schiller for Board membership. The EP Board unanimously appointed Bill to fill the position until the 2014 Annual meeting and election.
3. **Election of Board officers for the coming year:** The following officers were elected unanimously:
 - Jim Fassett – President
 - Pat Jackunas – Vice-President
 - A.L. Bontrager – Treasurer
 - Bill Schiller - Secretary
4. **Approval of Board minutes:** The Board unanimously approved the minutes of the meeting of July 12, 2013 as submitted.
5. **President's report:** Jim Fassett reported that Mary Lawton's attorney (Frank Herdman) had served a subpoena on the EPCSA (via the EPCSA Legal Counsel, John Patterson) for the production of various Association documents. Mr. Patterson advised the Board to allow fourteen days before responding to the subpoena in case any of the defendants in the Lawton lawsuit had wished to challenge it. The Board had complied with the subpoena by providing Ms. Lawton access to the Association's Clubhouse records for several hours during which Board members accompanied her. The Association copied the requested documents (about 450 pages) and provided them to Ms. Lawton. A duplicate set of the documents was made for the EPCSA files.

Jim Fassett reported that Section 12 of the Homeowner Association Act of 2013 imposed a responsibility on the EPCSA to provide a disclosure certificate pertaining to the sale of lots. The Act requires that the Association provide certificates within ten (10) business days after receipt of a written request from a lot owner (or the realtor representing the owner). The information contained in the disclosure certificate is required to be current as of the date on which the Association furnishes the disclosure certificate to the owner and the Association may impose reasonable charges for preparation of the certificate. The information provided includes the amount of the annual dues, financial status of the Association and information relating to the Association's insurance policy. Neighborhood subdivisions within the EPCSA are subject to

the same requirement. The Board discussed whether there was a need to charge for the provision of disclosure certificates as is expressly permitted by the new Act. There was general agreement that since the process is time consuming and requires copying of documents a reasonable charge should be assessed. After discussion, a motion to charge \$50 per disclosure certificate passed by a vote of six in favor and one opposed. Subdivision homeowner associations may levy their own charges if they wish to do this. The Board noted that the Title Insurance Companies will be responsible for collecting the fee at closing and will then send a check to the EPCSA. However, realtors contacting the EPCSA should be told about the fee so that they can notify the Title Companies.

6. **Treasurer's Report:** A.L. Bontrager presented the Treasurer's report and distributed copies of the report at the meeting. He indicated that there had not yet been any need to draw on the Capital Reserve Fund and that we are under budget so far this year. The Reserve Account currently amounts to about \$91,000. A.L. projected that we are likely to have \$75,000 - \$80,000 in the Capital Reserve Fund at year's end after withdrawals to pay for improvements of the club house grounds.
7. **Clubhouse Manager's Report:** Connie Burke presented the report.
 - a. The newly-installed pool cover had jammed but has now been repaired.
 - b. The pool will be kept open until the weather changes.
 - c. The Clubhouse had undergone a thorough cleaning that had taken six hours to complete. Connie will have cleaning done more frequently in the future.
 - d. Connie drew the Board's attention to obstruction to pedestrian traffic caused by overgrown chamisas, brooms and other vegetation at two homes at the east side of the Los Nidos subdivision along Avenida Primera. These had been trimmed back in the past by the EPCSA. The Board had previously agreed unanimously that responsibility for maintaining vegetation so that it does not encroach on the concrete sidewalk **was the responsibility of the adjacent homeowners**. They are responsible for maintaining the entire area extending from their yard walls across the sidewalk to the curb. Jim Fassett indicated that he would write to the President of the Los Nidos Homeowners Association requesting that she discuss the problem with the two homeowners and ask that they maintain the area so that pedestrians are not impeded. The Board felt that there were two possible solutions. The owners may either remove the offending shrubs and place weed barrier and gravel in the area or they will need to have the shrubs trimmed back at least twice annually at their own expense. Some Board members noted that there were several dead and partially dead trees along the Avenida Primera side of the Cresta and Cumbre Vista subdivisions. Connie Burke and Pat Jackunas will investigate further and will contact the two homeowner associations.
 - e. The Board noted that the tennis court sign that indicated various rules for tennis court use had disappeared. Connie will draft a new sign after consulting regular tennis players and will submit a draft sign for Board approval.
8. **ARB Chairman's report:** Bill Schiller indicated that there were four active projects under ARB supervision.
9. **Report from the Grounds Maintenance Committee:** A.L. Bontrager reported that he had received a proposed landscaping plan from Clemens and Associates, Inc. for the area between the Clubhouse parking lot and the sidewalk along Avenida Primera. The plan was distributed to Board members. Clemens had suggested some pinion trees and various rock arrangements. Clemens will provide details regarding costs for individual trees and rocks so that owners who wish to donate trees or rocks in memory of deceased loved ones may do so.

- 10. Hyde Park Corridor Security Patrol:** Jim Fassett reported that the first eight weeks of the security patrol had been fairly successful. No new fires set by homeless people had been discovered in the past several weeks. The first eight weeks had cost the EPCSA about \$500. Jim had attended a meeting of the consortium of homeowner associations and institutes that employ the private security patrol company (ASI) and that all the activities of the company had been documented. Jim reported that the EPCSA's Insurance Company had seen the contract with ASI. They agreed that the terms of contract hold the EPCSA harmless should any form of litigation ensue as a result of the patrol. However, our Insurance Company had recommended that we be listed as a named insured in the insurance policy for ASI and ASI is completely agreeable to doing this. Jim will make the contract available to those Board members who had not already seen it. After a motion duly made and seconded, the Board agreed unanimously to continue the contract with ASI as part of the consortium for a further eight weeks.
- 11. Old business:** A.L. Bontrager noted that Ann Bailus in her most recent unofficial newsletter to all EP owners had stated that he had recommended at a previous Board meeting that there was no need for the Board to consult its own legal representative in connection with the Hyde Park corridor patrol. He indicated that this was completely false. He had simply consulted his own attorney about the contract and provided this information to the Board. At that point, the Board was completely free to consult its own Legal Counsel and he had never recommended otherwise. Jim Fassett indicated that the recordings of the different Board meetings confirmed this. It was because of this and other inaccuracies in Ms. Bailus's newsletter that Jim had sent out an e-mail to all owners indicating what had actually transpired.
- 12. Homeowner comments:** Two homeowners complained about city lights that are not working notably one at the south entry to Avenida Primera. Jim Hays has already been authorized to refurbish some of the bollards at the Clubhouse.
- 13. Adjournment:** The meeting adjourned at 10:15 am.

EPCSA Board of Directors
Meeting Minutes
November 8, 2013

Board members present: Jim Fassett (President), Pat Jackunas (Vice-President), Bill Schiller (Secretary), Carol Genebach, Jill McIntosh, Ann Bailus and Noel Rietman.

Jim Fassett called the meeting to order at 9:00 am.

1. **Appointment of new Board member:** Jim Fassett indicated that the President of the Cresta neighborhood association had nominated Noel Rietman to fill the vacant Board position for that neighborhood. The Board voted unanimously to appoint Mr. Rietman to fill the position until the 2014 Annual meeting and election.
2. **Fire hazards in EP arroyos and neighborhoods:** The Board had invited Porfirio Chavarria, a Wildlife Urban Interface Specialist with the Santa Fe Fire Department, to give a presentation regarding procedures that can be adopted in Estancia Primera for reducing fire hazards. Mr. Chavarria reported that the City assists neighborhoods and individual property owners in various ways after receiving requests for help. These include:
 - Temporary provision of a dumpster in which vegetation can be deposited for later collection by the City
 - Identification of sites at the sides of roads where vegetation removed by owners can be left for later pickup by the City
 - Risk assessments and consultations with individual owners and homeowner associations about fuel mitigation methods they can adopt themselves to reduce fire hazards on their properties
 - Free fire hazard reduction work on private property by a City crew of ten persons who work for three months each year starting in mid-April. There is a two-year waiting list for this service and Estancia Primera is on the list. In these cases the Fire Department works closely with property owners to identify what vegetation will be removed so that there is no room for misunderstandings

Mr. Chavarria recommended that the Association and its members should consider removing certain flammable and highly invasive trees located in the EP arroyos. These are Russian olive trees, Siberian elms and junipers. Pinon trees have a lesser degree of flammability.

Mr. Chavarria emphasized that the City will work only with people or entities that have the authority to perform or authorize the fire reduction procedures. Therefore, the EPCSA will not get involved in fuel mitigation work on property belonging to individual owners or neighborhood subdivision associations. Each Board member present was asked to encourage their homeowner association and individual property owners to undertake fire hazard reduction procedures and to apply for City assistance as needed. Some owners present felt that two cleanup days should be designated each year during which volunteers could help with brush removal in the arroyos as happened recently in the Altamira subdivision. Mr. Chavarria distributed materials designed to assist homeowners in adopting their own fire reduction measures on their properties.

3. **Approval of Board minutes:** The Board unanimously approved the minutes of the meeting of September 13, 2013 as submitted. The Board noted that a formal meeting could not be held during October owing to lack of a quorum. There are therefore no meeting minutes for October 2013.
4. **Treasurer's Report:** A.L. Bontrager was unable to be present. Jim Fassett distributed copies of the most recent financial reports provided by A.L and the Board accepted these unanimously. Jim indicated that the new Homeowner Association Act imposed significant burdens on the EPCSA and individual neighborhood homeowner associations because of the work involved in preparing disclosure certificates for EP owners selling their properties. In the future, the EPCSA will levy a charge of \$50 for each disclosure statement prepared as agreed at the September 2013 Board meeting. Funds received will be deposited in the EP bank account. Individual neighborhood subdivisions within EP may if they wish impose their own charges for preparation of disclosure certificates.
5. **Clubhouse Manager's Report:** Connie Burke was unable to be present and Jim Fassett presented the report. He indicated that some fence poles and part of the tennis court fence on the south side had been blown over during a heavy windstorm. American Fence Company had installed four metal props to the affected segment of the fence and these are welded to existing fence poles. The props are embedded in a concrete footing. The Company had neglected to weld one of the props to a fence pole and has been asked to return to complete the work. No payment will be made until the job is complete. Richard Romero has been hired to paint the metal props using the same green color as that of the fence itself. He will also repair the cracks in the stucco at the bases of some fence poles. Jim reported that the fence damage had resulted in some minor cracks in the new surface of the tennis court outside of the playing area. These have been repaired. The top rail of the fence is rusting and the fence may need repainting in the spring. New vines may also need to be installed.
6. **ARB Chairman's report:** Chairman Schiller indicated that the ARB continues to process architectural applications using e-mail correspondence among ARB members. He will, however, convene a meeting of the ARB in January to finalize all applications. Three projects currently under ARB supervision include a new coyote fence in Cresta, a small residence addition in Kachina Hills and a remodeling project in La Viveza.
7. **Report from the Grounds Maintenance Committee:** Pat Jackunas reported that the Los Nidos Homeowners Association had hired Reyes Morales to trim back vegetation encroaching on the concrete sidewalk on the south side of Los Nidos along Avenida Primera. This had greatly improved pedestrian access through the area. Six new trees (four pinon trees and two deciduous trees) and some rocks were installed in the Clubhouse bed on the south side of the parking lot. These had all been donated by EP owners who had had the trees professionally installed. Pat felt that the bed needed about four more trees donated and Board members were asked to encourage their homeowners to consider this. Pat emphasized, however, that all donations need to be coordinated with the Grounds Maintenance Committee and that the trees need to be professionally installed.
8. **Board member resignation:** Ann Bailus distributed a memorandum (attached) announcing her immediate resignation from the Board. The memorandum contained

several suggestions for future Board actions. The Board will consider her suggestions at a future meeting. Jim Fassett, on behalf of the Board, thanked Ann Bailus for her service.

9. Old business: There was none

10. New business: There was none

11. Homeowner comments:

- a. Jim Kissock (Aspen Compound) inquired whether individual property owners or neighborhood subdivision associations were responsible for trimming back vegetation encroaching on concrete sidewalks to improve pedestrian access. Jim Fassett indicated that this decision rested with each neighborhood subdivision. The EPCSA is not responsible for this type of work except for the concrete sidewalk adjacent to the Clubhouse property.
- b. Jim Kissock asked also whether arrangements had been made for snow plowing during the coming winter. The EPCSA will hire someone to do the plowing along Avenida Primera. Individual neighborhood subdivisions either may organize their own plowing within their neighborhoods or may ask to participate in the EPCSA plowing arrangements in which case they will be billed for the work done. Jim Fassett indicated that Connie Burke will make the necessary arrangements when she returns from her vacation. Neighborhoods wishing to participate in the EP plowing program need to notify Connie accordingly.

12. Adjournment: The meeting adjourned at 9:50 am.

EPCSA Board of Directors
Meeting Minutes
December 13, 2013

Board members present: Jim Fassett (President), Pat Jackunas (Vice-President), William Schiller (Secretary), A.L. Bontrager (Treasurer), Carol Genebach, Jill McIntosh, Carolyn McCollum and Noel Rietman (via cell phone).

President Jim Fassett called the meeting to order at 8:27 am.

Nomination of Board member: Jim Fassett indicated that Ann Bailus had recently resigned as the Board member representing the Cumbre Vista neighborhood subdivision. He had then written to Mary Lawton, in her capacity as President of the Cumbre Vista Homeowners Association, asking that the Association Board nominate a Cumbre Vista resident to fill the vacant Estancia Primera Board position. Mary Lawton has replied in writing that the Cumbre Vista Board of Directors had nominated her to fill the position.

Jim Fassett asked the Estancia Primera Board to consider the nomination. A motion duly made and seconded that Mary Lawton not be appointed to the Estancia Primera Board of Directors was approved by a vote of five in favor and one opposed without any discussion. The cell phone connection to Noel Rietman was lost during the vote.¹ However, since five votes represent a majority of the current eight-member EPCSA Board of Directors, the motion was deemed to have been adopted.

Mary Lawton then rose to a point of order to address the Board's vote on her nomination. Jim Fassett ruled her out of order. He indicated that she would have an opportunity to address the Board during the Homeowner Comments section of the Board meeting as per established Board rules and procedures. However, Ms. Lawton declined to accept the President's ruling. The Board then decided to adjourn the meeting and go into Executive Session. The President requested that all homeowners, who were not Board members, should leave the Clubhouse meeting room and they did so.

The Board then reconvened in Executive Session at about 8:45 am. No minutes of the session were taken.¹

¹ When the cell phone connection to Mr. Rietman was restored, he indicated that he endorsed the vote taken by the majority of Board members. Another Director, who was delayed and arrived shortly after the open part of the meeting had adjourned, also indicated her concurrence with the decision taken by a majority of the Board on this matter.