

EPCSA Board of Directors
Meeting Minutes January
10, 2014

Board members present: Jim Fassett (President), Pat Jackunas (Vice-President) (present by telephone), William Schiller (Secretary), Jill McIntosh, Carolyn McCollum, Noel Rietman and Terry Schultz.

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

1. **Appointment of new Board member:** The Board voted unanimously to appoint Terry Schultz to fill the vacant Board position for the Cumbre Vista neighborhood subdivision until the 2014 Annual meeting and election.
2. **Action taken by Board after December 13, 2013 meeting:** Because of the premature termination of the December meeting, the Board was unable to complete the business scheduled for that meeting. Accordingly, Jim Fassett contacted the Board members shortly after the meeting and obtained their unanimous written consent for the following items:
 - a. The Board approved the minutes of the November 8, 2013 meeting;
 - b. The Board approved the final budget for 2014 as submitted by the Treasurer;
 - c. The Board approved the annual dues remaining unchanged at \$360 for 2014.
3. **Approval of Board minutes:** The Board unanimously approved the minutes of the meeting of December 13, 2013 without corrections.
4. **Treasurer's Report:** A.L. Bontrager could not be present. Jim Fassett distributed copies of the most recent financial reports provided by A.L. These included a Profit and Loss Budget versus Actual statement for 2013 and a Balance Sheet as of December 31, 2013. The capital reserve fund for the EPCSA is currently about \$87,355. This is lower than it should be. An accountant consulted by the Board some time ago had recommended that the reserve fund should be about \$120,000. Jim Fassett indicated that funds in the Operating Account not spent during a financial year automatically transfer to the reserve fund. However, since expenditures in Estancia Primera during 2013 closely matched revenues there was no addition of funds to the reserve account during 2013.
5. **Clubhouse Manager's Report:** Connie Burke and others reported as follows:
 - a. Reyes Morales performed a cleanup of the grounds around the Clubhouse including raking, weeding and removal of dead leaves.
 - b. Connie will hire a cleaning company to clean the Clubhouse which had extensive use during the holidays.
 - c. Connie calls out Jonathan Ballew to plow Avenida Primera when there is a snow accumulation of 6" or more. Some neighborhood subdivisions have signed up to have their streets plowed whenever Jonathan plows Avenida Primera. She will work out a system with Jonathan whereby he will bill each of the neighborhoods separately instead of sending a composite bill to the EPCSA.

- d. Dr. Schiller reported that the metal braces placed on the tennis court fence, after it fell over due to high winds, are stable. Richard Romero will paint them the same color as the fence when the weather gets warmer and will also perform minor repairs of the concrete-stucco footings of the braces. Areas of discoloration in the fence will also receive attention. Some new landscaping will be added in the area during the spring and the fence vines will be allowed to grow back. The EPCSA Insurer paid for the repairs except for the \$500 deductible that was paid by the EPCSA.
 - e. Connie Burke reported that some tiles in the change rooms at the Clubhouse had become loose and that she had consulted Bob Lockwood about the matter. The floor in the men's change room also had a "squishy" feel suggesting the possibility of a water leak. The Board authorized Connie to have the matter investigated fairly urgently and to obtain estimates for any repairs needed.
 - f. There are four bollards at the Clubhouse that need sandblasting, repainting and installation of LED lights. The Board authorized Connie to contact Jim Hays about this matter and if he is unavailable she may get estimates for the work from another contractor.
6. **ARB Chairman's report:** Chairman Schiller indicated that the ARB has two projects in the final stages of completion and two projects in the final stages of being approved. There will be a formal ARB meeting on February 13, 2014.
 7. **Report from the Grounds Maintenance Committee:** Pat Jackunas could not attend and no report was available.
 8. **Hyde Park corridor security activities:** Jim Fassett reported that the EPCSA had participated in the Hyde Park corridor security group's activities for the past 3 – 4 months. The group consists of eleven different homeowner associations and organizations. Its main purpose is to discourage homeless people from camping overnight along Hyde Park Road and its environs and lighting fires that can spread to nearby homes. The Security Company's officers had encountered about twelve regular campers and others who camped near Hyde Park Road occasionally. The Security Group's representatives met with the Santa Fe Police Department and city officials on November 21. The Police Department has agreed to assign two patrol officers to monitor Hyde Park Road for camping and fire lighting activities by homeless people.
 9. **Old business:** There was none.

10. **New business:**

- a. **Infraction of rules for the conduct of EPCSA Board meetings:** Jim Fassett reported that a homeowner had seriously disrupted the December 13, 2013 Board meeting and

had refused to accept the Chair's ruling that she was out of order. The Board had to terminate the meeting and to continue in Executive Session. The entire Board felt that this type of activity was damaging to the EPCSA inasmuch as it prevented the Board from performing its duties. Jim Fassett then read from a document entitled "*Procedures for EPCSA Board meetings to be implemented starting June 15, 2012.*" The Board adopted these rules and procedures unanimously in May 2012 and the document is available on the EPCSA website. The document indicates that no comments or discussion by Estancia Primera homeowners are allowed until the "Homeowner comments" section of the monthly meetings unless the Board calls on an individual homeowner to address a specific matter. Jim indicated that anyone who ignores this rule has committed a rule infraction and could be declared "*not in good standing*" by the Board in accordance with the relevant sections and articles of the EPCSA governing documents. After discussion, the Board agreed that it would apply this type of sanction only for serious rule infractions and would deal with each incident on a case by case basis. The Board directed Jim Fassett to send a notice of the rules for Board meetings to all EP owners.

b. **Use of the Clubhouse racquet-ball court:** Jim Fassett reported that a new homeowner had contacted him requesting that the Board consider replacing the racquet-ball court by an exercise or workout facility. Dr. Schiller and Noel Rietman indicated that someone had made a similar request in 2001 at which time the matter was fully aired. The matter was discussed at the 2001 Annual Meeting of the Association. The membership had disapproved the creation of a Clubhouse workout facility on the following grounds:

- ✓ High cost of equipment purchase and maintenance;
- ✓ An adequate and inexpensive workout facility exists a few minutes away at Fort Marcy Park;
- ✓ There were some owners who played racquet ball regularly and who had been implicitly promised the facility when they purchased their homes;
- ✓ There were concerns that the unsupervised use of equipment such as treadmills by minors might expose the EPCSA to additional liability;
- ✓ A survey mailed to all EP owners revealed that only a small percentage of owners would use a workout facility at the Clubhouse on a regular basis.

The board discussed the matter and felt that the same considerations still apply. Moreover, the Board agreed unanimously that with the EPCSA reserve account being much lower than it should be, funds were not available for this type of capital expenditure. The Board therefore agreed unanimously not to give further consideration to this proposed new capital project.

11. Homeowner comments:

a. **Mail problems:** There have been mail delivery problems since the sudden death of the long-time EP mail carrier. The Board agreed that individual owners should speak to the temporary mail carriers themselves or contact the Post Office about any problems.

- b. **Use of racquet-ball court for yoga and other activities:** Some owners felt that better use of the racquet-ball court could be made if, for example, yoga and other classes were held there. Board members were concerned that use of the racquet-ball court in this way could result in violations of the rule that precluded use of the clubhouse for commercial purposes if yoga and other similar instructors were paid for conducting classes. The Board decided not to act on this matter. However, the Clubhouse Manager and the EPCSA President will deal with applications of this type, if received, on a case-by-case basis.
- c. **Racquet**-ball court rules: One owner complained of excessive noise caused by racquet-ball players that disturbs participants in meetings in the Clubhouse meeting room. Connie Burke will post rules for the use of the racquet-ball court.
- 12. Adjournment:** The meeting adjourned at 9:55 pm.

**EPCSA Board of Directors
Meeting Minutes
February 14, 2014**

Board members present: Jim Fassett (President), Pat Jackunas (Vice-President) (present by telephone), William Schiller (Secretary), Noel Rietman and Terry Schultz.

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

1. **Approval of Board minutes:** The Board unanimously approved the minutes of the meeting of January 10, 2014 without corrections.
2. **Johnstone-Lawton Covenant and Settlement:** The First District Court has dismissed with prejudice Mary Lawton's lawsuit against Barbara and the late James Johnstone for "interference" with the views from her home allegedly caused by trees on the Johnstone property. The Judge's Order was filed on January 23, 2014. On December 10, 2013, Barbara Johnstone filed with the Santa Fe County Clerk a "*Declaration of Restrictive Covenants*" against her property at 416 Kachina Court as part of her settlement with Mary Lawton. The Declaration runs with the land and limits the heights, planting and maintenance of trees and other vegetation on the Johnstone property now and in the future. Board members acknowledged that any Estancia Primera owners may enter into private contracts between and among themselves. However, they had serious concerns and had therefore informally consulted various independent attorneys about the matter. The concerns include:
 - ✓ Neither owner had ever consulted the Board of Directors (as the EPCSA representative) about the private Declaration. The Board was therefore not a party to the Declaration. The Board only became aware of its existence in late January 2014.
 - ✓ Paragraph 2 a of the Declaration of Restrictive Covenants entitled "*Covenants to Run with the Land*" reads as follows: "*The covenants set forth herein **shall** run with, and be binding upon, the 416 Kachina Court Property and **shall** be enforceable by the Kachina Hills Home Owners (sic) Association and the **Estancia Primera Home Owners (sic) Association.***" (Emphasis added) Board members expressed concern about the use of the word "shall" since this imposes they believe an absolute obligation to enforce a private covenant to which the EPCSA was not a party.
 - ✓ The terms of the private covenant are contrary to those of the existing EPCSA covenants regarding trees and vegetation. If owners, in general, agree to set up private contracts of this sort there might therefore be irreconcilable conflicts between such private covenants and the covenants for the EPCSA and various neighborhood subdivisions. Such conflicts likely exist in the case of the Johnstone Declaration.
 - ✓ The Board is concerned also what the implications are regarding successor owners of the Lawton and Johnstone properties since the private covenant runs

with the land. The Board needs to establish what its obligations are, if any, with respect to disclosing the existence of the private covenant to potential buyers of the properties involved and to enforcing the covenant for or against new owners.

- ✓ The Board members believe that there may be a need to file a document with the County Clerk dissociating the EPCSA from the Johnstone Declaration so as to prevent future EPCSA entanglement in this matter.

A motion duly made and seconded to refer the entire matter to the EPCSA's Legal Counsel, John Patterson, for his *written* opinion on the above issues was adopted unanimously. The opinion will be filed with the Association's records. The Board authorized the President to contact Mr. Patterson as soon as possible.

3. **Entertainment allowance for EPCSA parties:** The Women's Group approached the Board regarding increasing the entertainment allowance (currently \$1,000 per annum) so as to permit the holding of two neighborhood annual parties (instead of the current one annual party). One party will be held on Memorial Day and the other on Labor Day. The allowance will cover the cost of entertainment, drink, a catered main course, paper goods and some decorations for the Clubhouse and pool area. Owners will also bring potluck items to these events. After discussion, the Board agreed unanimously to increase the annual entertainment allowance to \$1,500.

4. **Treasurer's Report:** A.L. Bontrager could not be present. Jim Fassett distributed copies of the most recent financial reports provided by A.L. These included a Profit and Loss Budget versus Actual statement for January 2014 and a Balance Sheet as of January 31, 2014. The capital reserve fund for the EPCSA is currently about \$87,359. The Board reviewed a list of twenty owners who had not paid their annual dues since the deadline for payment is February 15, 2014 representing an outstanding amount of \$6,396.80. Owners had received multiple reminders about dues payments. Jim Fassett indicated that owners who had not paid by the deadline might be subject to a late penalty of ten percent (\$36) unless owners advanced convincing reasons for nonpayment. Eventually, if owners fail to pay, the Board has the power under the Declaration to file liens against the properties involved. Further examination of the list revealed that two owners listed had moved and sold their homes. Jim Fassett asked the Board members to contact nonpayers in their neighborhood subdivisions and to urge them to make their payments immediately. Nonpaying homeowners will shortly receive certified letters requiring payment with the penalty added to the invoice.

5. **Clubhouse Manager's Report:** Connie Burke and others reported as follows:

- ✓ Connie recommended that the Board authorize a one-time purchase of a speaker phone for the Clubhouse Meeting room. This will enable two or three Board members who cannot attend a meeting to be legally present by telephone and to

participate in the meetings. It would avoid the dropped calls associated with the current use of cell phones for Board members to be present. The Board authorized Connie to investigate the matter and to make the purchase after consulting the President.

- ✓ The Board considered the installation of Wi-Fi equipment at the Clubhouse to permit owners and meeting participants to use laptops and other electronic devices for Internet access. The Board noted that this would be costly. The Board had previously installed Wi-Fi at the Clubhouse in 2009 for a six-month trial period. However, data provided by the Internet Service Provider had shown that very few owners had logged on and the Wi-Fi installation was therefore discontinued. The Board in 2009 had also been concerned about unauthorized access to a Clubhouse Wi-Fi installation and about the potential for liability if the system were hacked.

- ✓ The refurbishment of some of the Clubhouse bollards will be delayed until the company involved can allocate time for the work.

- ✓ Connie indicated that she believed that the Clubhouse needed professional cleaning about three times per annum. It costs about \$180 for cleaning the tile floors and \$225 to strip the floors and put down a surface application to improve the appearance of the tiles. Each window cleaning costs about \$80. The restrooms also need a deep cleaning intermittently. The Board agreed that the cleaning program should continue at Connie's discretion.

- ✓ The EPCSA had in 2007 initiated a critter control agreement with a local company because of a rodent problem at the Clubhouse. The program consisted of inspecting bait stations at various locations in and around the Clubhouse and placing fresh bait in them every other month. During November 2013 and January 2014, about 75% of the bait had been consumed. The cost of the program is \$80 for each examination and replacement of the bait. After discussion, the Board agreed to discontinue the program. Connie will report back if she finds evidence of rodent activity in which event she will resume the program.

- ✓ There is vegetation (mainly chamisas) at the north and south entries of EP that obscures approaching traffic on Hyde Park Road from view and is therefore potentially dangerous for EP owners. The Board authorized Connie to hire Reyes Morales to cut back or remove the offending vegetation.

- ✓ Connie reported that the green paint on the fence around the pool showed numerous chips. Dr. Schiller will ensure that these are painted when the tennis court fence braces are painted.

- ✓ The fire extinguishers at the Clubhouse need to be inspected regularly. Connie will make arrangements for this to be done.

6. **ARBChairman'sReport:** Dr. Schiller reported that an ARB meeting was held on February 13. The ARB memorialized various projects that they had previously approved by e-mail. The ARB discussed and approved a home addition in Cumbre Vista at the meeting. It is the responsibility of owners involved to request inspections after project completion. In response to a question from Jim Fassett, Dr. Schiller indicated that he had in his

possession all the ARB minutes relating to his and Pat Jackunas's tenure as ARB chairs and owners can inspect these or request copies. These are mainly in hardcopy form. Older ARB minutes going back decades are stored in the locked archive at the Clubhouse. After discussion, the Board decided that all future ARB meeting minutes will be posted at the EP website in the same way as minutes of the Board meetings are currently posted there. Jim Fassett will arrange this after receiving each set of ARB minutes electronically from Dr. Schiller.

7. **OldBusiness**: There was none.

8. **NewBusiness**:

- a. **Street parking in Estancia Primera**: The Board had received complaints from owners about two motor vehicles that are frequently parked during the day along the south curb on Avenida Primera a short distance from the Estancia Primera south entry. Many owners believe that these vehicles constitute a hazard for drivers. Further discussion revealed that the two vehicles apparently belong to employees of the homeowners at 544 Camino Los Altos. Section 6.9 of the Estancia Primera Declaration of Covenants states that "*No automobile or other motor vehicles shall be parked in any Common Area or in any public or private street within the Property except in designated parking areas.....*" The Board recognized that street parking of an intermittent nature such as occurred when owners hosted parties at their homes or when they hired workers was permissible. However, habitual street parking of this nature is both hazardous and a likely violation of the covenants. The owners concerned have ample parking areas on their lot. Jim Fassett will contact the owners and ask that their employees park on the property and not on Avenida Primera in the future.
- b. **Street sweeping**: Street sweeping is done by the City of Santa Fe and as such is not under the purview of the Board. Any owners concerned about this matter should therefore consult the relevant City department themselves.

9. **HomeownerComments**: There was none.

10. **Adjournment**: The meeting adjourned at 10:00 am.

MINUTES FOR MARCH 14, 2014 EPCSA BOARD MEETING

Board members in attendance: Jim Fassett (President), Pat Jackunas (Vice-President), A.L. Bontrager (Treasurer), William Schiller (Secretary), Noel Reitman and Terry Schultz.

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

- 1. Approval of February Board meeting minutes:** Pat Jackunas moved to approve the minutes without correction and A.L. Bontrager seconded her motion. The motion was approved unanimously.

2. Treasurer's Report (A.L. Bontrager):

- ✓ A Profit and Loss Budget versus Actual statement for February 2014 and a Balance Sheet as of February 28, 2014 were available.
- ✓ The postal system is likely responsible for some problems with dues statements not being received by some members and checks being lost in the mail. There is a need for an updated and accurate Estancia Primera address list. The Association has not always been notified of members moving and of address changes. The Association adds a return request for dues notices not received by homeowners.
- ✓ A Financial Committee report a couple of years ago had projected the replacement of the pool cover as a major expense for 2014. However, the pool cover was replaced in 2013. No major expenditures are expected for this year.
- ✓ Three members have outstanding dues balances, two of those being for lots. The Association will file liens against these properties if necessary.
- ✓ The new Homeowners Association Act requires sellers and realtors to contact EP to obtain disclosure statements for home sales. EP charges a \$50 fee for providing this information.

3. Clubhouse Manager's Report (Connie Burke):

- ✓ The floors in the clubhouse were recently stripped, cleaned and sealed.
- ✓ The clubhouse windows were cleaned.
- ✓ Reyes Morales has trimmed the chamisas at the south entrance to Estancia Primera. He still needs to trim chamisas at the North entrance.
- ✓ Trees at the Clubhouse were watered regularly during the winter because of the dry weather.
- ✓ D&D electric have not responded to phone calls about work on the remaining bollards. Connie Burke will contact other contractors.
- ✓ A Speaker phone was purchased for the clubhouse. It will be set up after Connie Burke has contacted the company that monitors the clubhouse alarm system.
- ✓ There is a need for another sign in the landscaped area to the south of the clubhouse parking lot reminding homeowners to pick up dog waste.
- ✓ The drip irrigation system in the landscaped bed to the south of the clubhouse parking lot was damaged by dogs and other animals digging there during the

winter. Repairs are needed before the irrigation system is turned on in the spring and Bill Leeman may be able to do this work.

- ✓ The fence and supporting brackets around the tennis court and pool were painted.
- ✓ Owners will be asked to consider donating shrubs and other plantings for the bed on the south side of the tennis court fence and elsewhere at the clubhouse. A.L. Bontrager quoted a bid by Clemens Landscaping Service of \$3,500 for landscape work near the tennis court. The Board will ask members to consider donating trees and shrubs to be planted at the clubhouse. A list of the types of trees and shrubs needed and their prices will be provided. It is not known currently whether such donations are tax deductible. Jim Fassett will investigate this.
- ✓ It will cost about \$300 to repair and replace damaged tiles in the men's and women's restrooms. We will also need to purchase new tiles for the men's restroom.
- ✓ The front steps of the clubhouse also need repairs. Lockwood Construction repaired this area last year for \$200. Connie Burke will contact Mr. Lockwood about the needed repairs.

4. ARB Chairman's Report (William Schiller):

- ✓ Two appendix 4 projects have been approved and one of these has been started.
- ✓ One minor appendix 3 project was approved.
- ✓ A fourth project has been completed. Dr. Schiller is waiting for the homeowner to contact him for the necessary final inspection.
- ✓ The ARB bank account has been closed. Transactions for the ARB will in the future be processed through the EPCSA bank account. A.L. Bontrager will provide Dr. Schiller with information about ARB financial issues.

5. Homeowner Comments:

- ✓ Jim Fassett explained that he had moved the Homeowner comment item up on the agenda as suggested by a Board member to allow homeowners to comment on agenda items prior to any Boards discussion.
- ✓ Mary Lawton stated that she preferred to make her comments on the agenda items pertaining to her as the items are raised. The Board agreed that she could speak to items 6 & 7 on the agenda when they are brought up.

6. Announcement of motion to sue EPCSA by Mary Lawton:

- ✓ Jim Fassett stated that it was his intention to announce the possibility of the EPCSA being included in Mary Lawton's lawsuit against various owners. However, he did not intend there to be an in-depth discussion of the matter as there has not yet been a judicial ruling officially joining the EPCSA.
- ✓ Mary Lawton read from a motion filed in 2011 by some of the defendants in her lawsuit asking the court to include the EPCSA as an indispensable party to represent all EP owners. She further stated that she had opposed the motion in 2011 and had made the Board aware of the motion at a Board meeting in February

2012. She is now proposing her own claims against the EPCSA in a new motion filed recently with the court.

7. EPCSA Attorney's response to Johnstone Declaration of Covenants:

- ✓ Jim Fassett contacted John Patterson about the Johnstone Declaration of Covenants recorded as part of the Johnstones' settlement with Mary Lawton. The Declaration had indicated that its terms shall be enforceable by the Kachina Hills Homeowners Association and by the EPCSA. Mr. Patterson stated that the Johnstone Declaration of Covenants is a private agreement or contract between two parties (namely the Johnstones and Mary Lawton) and that the EPCSA has no responsibility for its enforcement. An attorney consulted by A.L. Bontrager had expressed the same opinion.
- ✓ Mary Lawton stated that she had reached a resolution with two of the parties in her lawsuit and she is open to a similar resolution with the remaining parties that would conclude the lawsuit and eliminate her claims against the EPCSA. She further stated that the Board could, if it chose to do so, exercise its influence over the remaining parties to facilitate a resolution. Jim Fassett stated that he did not think the Board could do that. He and the other Board members stated that there was no reason for the EPCSA to become involved in the Lawton lawsuit.

8. Dog Walking:

- ✓ A homeowner had contacted Jim Fassett concerning a Great Dane not on a leash and a resultant confrontation with two smaller dogs. Dr. Schiller knew of the incident and stated that the Great Dane was on a leash and had pulled away from the owner when startled by the barking of the two smaller dogs. The Board agreed that all dogs should be leashed when being walked in the neighborhood.
- ✓ Some owners still do not pick up after their dogs. Owners need reminders to pick up dog waste and to deposit it in the receptacles provided for that purpose.

9. Old Business: None

10. New Business:

- ✓ The County Assessor has hired a company to re-assess the values of all homes in Santa Fe and many homes in EP have already been included in the survey. The Board encourages owners to scrutinize the new assessments for errors and to report these to the Assessor's office.

11. Adjournment: The meeting adjourned at 9.35 am.

**APPROVED MINUTES APRIL 11, 2014
EPCSA BOARD OF DIRECTORS MEETING**

Board Members present: Pat Jackunas (Vice President), William Schiller (Secretary), A. L. Bontrager (Treasurer), Jill McIntosh, Carol Genebach, and Noel Rietman.

Vice President Pat Jackunas called the meeting to order at 9:00a.m.

1. Approval of Board minutes: The Board unanimously approved the minutes of the meeting of March 14, 2014 as submitted.
2. Treasurer's Report: A.L. Bontrager reported that there has been minimal activity regarding expenditures this last month, which is typical of the first three months of the year.
 - a. The same homeowner who has not paid their Annual Assessment for the past few years, again failed to pay their 2014 assessment – there has been an outstanding lien on this property since this homeowner failed to pay their dues.
 - b. There were problems with some homeowners not receiving their dues notices this year, either because of new and unreported addresses or problems with the post office delivery system. It was suggested that the President of each individual Homeowners Association inform President Jim Fassett of the current contact information for the new homeowners in their neighborhoods. This topic will be reviewed and considered at a future Board meeting.
3. Clubhouse Manager's Report: Connie Burke reported that Reyes Morales has been watering the trees in the Clubhouse area once a month in the winter months. She will change that schedule to once every other week now that the weather is warming. Connie will also consult with Jim Hayes or Clemens and Associates regarding the correct operation of the drip system timers.
 - a. The chamisa shrubs have been trimmed at the north entrance to the clubhouse.
 - b. Connie met with Fire Safety representatives regarding the Clubhouse fire extinguishers to ensure that everything is in compliance with the Fire Code.
 - c. Connie will meet with Kokopelli Pools the first week in May to begin preparation for the pool opening in late May.
 - d. Loose tiles in the restrooms are being replaced and reset. It was determined that the tiles were not set properly and were the wrong size to be set on a curved surface.
 - e. Connie announced that the clubhouse phone is now equipped with a speaker phone which will make communications with absent board members easier.

f. The feeder lines to the drip irrigation system are in need of repair. Jim Hayes or Clemens and Associates will be consulted.

4. **ARB Chairman's Report:** Chairman Schiller stated that the ARB has two projects to be approved; one is completed, but has not been inspected yet.

5. **Homeowners' Comments:** No comments from homeowners.

6. **Update on Motion by Mary Lawton to sue EPCSA:** No updates to report.

7. **Old Business:** A. L. Bontrager reported that his attorney advised him that landscaping donations are not tax exempt.

8. **New Business:** A.L. obtained a quote and a drawing from Clemens Landscaping for completing the clubhouse landscaping near the Tennis Courts. The bid was \$3,500.00, which A.L. reported that the budget can accommodate. There was a motion to hire Clemens for this project, which was seconded and approved unanimously.

a. EPCSA will sponsor a Memorial Day Pool party from 5:00 to 8:00 on May 26; a reminder of this event will be sent out later this month. EPCSA will furnish beer, wine and soft drinks along with barbeque.

b. A Flea Market is planned later this year for some time in September. When a date is selected, a notice will be sent to all Homeowners.

9. **Adjournment:** The meeting was adjourned at 9:17a.m

EPCSA Board of Directors Meeting - May 9, 2014

Board members present: Jim Fassett (President), Pat Jackunas (Vice-President), A.L. Bontrager (Treasurer), William Schiller (Secretary), Jill McIntosh, Carol Genebach and Terry Schultz.

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

1. **Approval of April Board meeting minutes:** Pat Jackunas noted that the official adjournment time of the April 2014 Board meeting was 9:17 a.m. Dr. Schiller will correct this in the final version of the approved minutes. Apart from this change, the minutes were approved unanimously.
2. **Treasurer's Report (A.L. Bontrager):**
 - ✓ A Profit and Loss Budget versus Actual statement for January through April 2014 and a Balance Sheet as of April 30, 2014 were presented to the Board.
 - ✓ The EPCSA is on track with the budget at this point. The Association typically does not spend much in the first four months of each year.
3. **ARB Chairman's Report (William Schiller):**
 - ✓ At this time there are four approved Appendix III projects and two Appendix IV projects. One of the Appendix III projects has been cancelled and Dr. Schiller is waiting to be contacted for inspection of another completed project.
 - ✓ The Board noted with sympathy and regrets the passing of Chris Gobey who was a longstanding ARB member.
4. **Grounds-Committee Report (Pat Jackunas) :**
 - ✓ The pool will open by May 17th depending on weather conditions. Pat Haueter has again volunteered to open the pool and Pat Jackunas will close the pool while Connie Burke is on vacation.
 - ✓ The landscaping project on the south side of the tennis court has been completed.
 - ✓ The drip irrigation system at the Clubhouse has been turned on. There are four zones. The system is scheduled to run on Tuesdays, Thursdays and Saturdays.
 - ✓ Estimates are being obtained for additional landscaping near the tennis court.
 - ✓ Reyes Morales has been hired to do cleanup work around the Clubhouse and will regulate the irrigation system.
5. **Clubhouse Manager's Report (Bill Leeman for Connie Burke):**

- ✓ Kokopelli Pools has cleaned the pool, balanced the chemicals and replaced some tiles. The pool is not yet heated pending an inspection. The pool hours will be 9:00 am through 6:00 pm through May 23rd. The pool will close at 9:00 pm from the end of May.
- ✓ The pool pump is at least 6 years old and will most likely need to be replaced soon at a cost of \$1,500. A.L. Bontrager noted that funds allotted in the 2014 budget for pool maintenance, supplies and furniture totaling \$5,100 had not yet been spent. Ample funds are therefore available for replacement of the pool pump.
- ✓ A.L. Bontrager contacted D & D electric about work on the remaining Clubhouse bollards. The cost will be \$600 per unit. This is the same price as in the original estimate. A motion to approve the expenditure was approved unanimously.
- ✓ A new sign indicating tennis court rules is being made for the tennis court. Two signs are being made for the island on the south side of the parking lot reminding dog owners to pick up after their pets.
- ✓ Emails will be sent out to all EP homeowners reminding them about the Memorial Day party at the Clubhouse.
- ✓ Dr. Schiller has observed that the lock on the tennis court gate had been forced open recently. The only way to solve the problem is to completely change the lock. Alternatively, a video-camera could be installed near the gate.

6 HomeownerComments:

A pricing list for donating trees and shrubs for the island area on the south side of the Clubhouse parking area will be posted on the EPCSA website.

7. UpdateonmotiontosueEPCSAbyMaryLawton:

There is no new information available.

8. OldBusiness:

- ✓ Five wet sleeping bags were found under the bridge at Aspen Compound. The police were called to investigate but cannot legally remove such property if the owners are absent. The Parks and Recreation Department was called and they removed the materials. In the future, in the event of such property being found, the police should be called first in case the area is part of a crime scene.
- ✓ Hyde Park Security Update: There was nothing new to report on the security patrol and no indication of any campsites used by vagrants. The City has dedicated two police officers on mountain bikes and in four-wheel drive vehicles to patrol the area.

- ✓ There are dead trees on the other side of Hyde Park Road from Estancia Primera. The State is responsible for the maintenance of this area, but past attempts to get the dead trees removed have been unsuccessful.

9. NewBusiness:

There is now a functional speakerphone in the Clubhouse but there is no indication of the phone number. Connie Burke will be asked to provide the number to Board members who may wish to call in from out of town so as to be present for Board meetings by telephone.

10.Adjournment: The meeting adjourned at 9:23 am.

EPCSA Board of Directors Meeting – June 13, 2014

Board members present: Pat Jackunas (Vice-President), A.L. Bontrager (Treasurer), William Schiller (Secretary), Jill McIntosh, Carol Genebach, and Noel Rietman.

Pat Jackunas called the meeting to order at 9:00 a.m.

1. Approval of May Board Meeting Minutes:

The minutes of the May 9, 2014 meeting were approved unanimously without correction.

2. Treasurer's Report (A.L. Bontrager):

- ✓ A Profit and Loss Budget versus Actual statement for January through May 2014 and a Balance Sheet as of May 30, 2014 were presented to the Board.
- ✓ The category of grounds maintenance will be somewhat over budget for the year. However, expenditures on other items will be less than what was budgeted. It is therefore likely that we will remain within budget overall for 2014. If we spend less during 2014 than was budgeted for, the excess may then be applied to the Reserve Fund.
- ✓ A.L. Bontrager indicated that the Reserve Fund currently amounts to about \$87,000. This is lower than was recommended by our accountant for an Association of our size. The recommended reserve is about \$115,000 to \$120,000. He thought that the Board might therefore wish at some point to reconsider raising the annual dues from \$360 to \$400 per annum so as to gradually increase the depleted Reserve Fund.

3. Clubhouse Manager's Report (Connie Burke):

- ✓ The pool has opened.
- ✓ We will probably need a repair of cracked decking around the pool.
- ✓ The pool pump and heater are really old. Some preliminary bids are available for replacement. We can probably get through this summer with the existing equipment.
- ✓ A sign will be installed reminding pool users to put the umbrellas down when they leave the pool area. This will help minimize wind damage to the umbrellas.
- ✓ The Clubhouse tile floor is now being cleaned on a more regular basis.
- ✓ The Clubhouse may be used for parties until 10:00 p.m. Nearby residents in Altamira should therefore expect to hear some noise until that time when a party is in progress.
- ✓ There are new cracks in the recently repaired tennis court surface. The company that did the resurfacing will be contacted and asked to repair the cracks.
- ✓ The last four outstanding parking lot bollards have been refurbished and are now operational.

- ✓ Neighborhood subdivisions that front on Avenida Primera will be asked to assist again with weed removal in the parkway and cutting back of vegetation that encroaches on the concrete sidewalk and impedes pedestrians.

4. ARBChairman'sReport(WilliamSchiller):

There has been no new activity.

5. GroundsCommitteeReport(PatJackunas) :

- ✓ There is a need for continued attention to weed removal in the bed south of the parking lot and around the tennis court.
- ✓ A motion duly made and seconded that the Board appropriate an additional \$2,400 for completion of the landscaping project near the tennis court was passed unanimously.

6. HomelessCampsinArroyos

- ✓ There has been recent evidence that homeless people may have been camping in the Arroyo Saiz adjacent to Altamira.
- ✓ The Police and Fire Department did a recent sweep of the arroyos but found little evidence of camps or old fires.
- ✓ The Board agreed unanimously that "No Trespassing" signs should be placed at appropriate locations near the arroyo entrances to put the homeless people on notice that their presence within Estancia Primera is illegal. Pat Jackunas and Connie Burke will have the signs made.

7. HomeownerComments:

Comments about dead and dying trees on a lot in Los Nidos and on the need for trimming a pinion tree at the entry to Los Nidos Drive were referred to the Los Nidos Homeowners Association for further attention.

8. UpdateonMaryLawton'slawsuitagainsttheEPCSA:

Pat Jackunas reported that the EPCSA has been joined as a Defendant in Mary Lawton's lawsuit against various EP homeowners. The Association's Insurer has agreed to provide an attorney to represent the EPCSA in the lawsuit and to pay the Association's legal costs. Lawsuit issues will be discussed only in Executive Sessions of the Board. A motion duly made and seconded to appoint a Litigation Committee consisting of Jim Fassett, Pat Jackunas and William Schiller with A.L. Bontrager as an *ex officio* Committee member was passed unanimously.

9. OldBusiness:

There was none.

10. NewBusiness:

There was none.

11. Adjournment:

The meeting was adjourned at 9:25 a.m. by a unanimous Board vote.

EPCSA Board of Directors Meeting – July 11, 2014

Board members present: Jim Fassett (President), A.L. Bontrager (Treasurer), William Schiller (Secretary), Jill McIntosh, Carol Genebach, Noel Rietman, Jill McIntosh and Terry Schultz.

Jim Fassett called the meeting to order at 9:00 a.m. A revised agenda was distributed to Board and audience members with recent additions shown in red.

1. Approval of June Board Meeting Minutes:

The minutes of the June 13, 2014 meeting were approved unanimously without correction.

2. Treasurer's Report (A.L. Bontrager):

- ✓ A Profit and Loss Budget versus Actual statement for January through June 2014 and a Balance Sheet as of June 30, 2014 were presented.
- ✓ We are currently somewhat over budget in the categories of website maintenance, office supplies and grounds maintenance.
- ✓ Our finances are in reasonable shape and we should have a surplus of about \$4,000 to \$5,000 at the end of 2014.
- ✓ A.L. Bontrager cannot attend the August Annual Meeting of the EPCSA. However, in early August he will submit all current financial reports and a provisional 2015 budget to Jim Fassett. The Bylaws require that this information be provided to owners prior to the Annual Meeting. The final 2015 budget will be approved by the Board at its December 2014 meeting.

3. Clubhouse Manager's Report (Connie Burke):

- ✓ Connie obtained twenty-five new clubhouse access cards for future use.
- ✓ David Laing, of D.M.L., Inc., which had performed the recent tennis court repair, inspected the new cracks in the tennis court surface. He reported that he had not seen this type of rapid deterioration before. He will contact the manufacturer about it since he believes that the cracks suggest a manufacturing defect. He rolled the surface again resulting in some improvement. Connie will email the Board as soon as she hears from Mr. Laing.
- ✓ Coates Tree Service provided an estimate for pruning the big cottonwood tree at the south end of the island and some of the smaller trees at the Clubhouse. The bid for about \$635 was approved by the Board as routine maintenance.
- ✓ Reyes Morales will weed the two entrance islands and the area near the bridge on the north side of Avenida Primera. Connie will organize a schedule in which he will perform maintenance at the clubhouse every second week.
- ✓ Carter Bush of Kokopelli Pools gave an oral presentation. He indicated that the pool pump and heater are over twenty years old. He recommends their replacement using the same brand that we have currently. He believes that the present equipment will continue to work for the remainder of 2014. He will submit proposals to the Board via Connie Burke for the proposed replacements during

2015. A rough estimate of costs is about \$1,800 for the pump installed, about \$4,500 for the heater installed and about \$500 for the filter. Appropriate warranties will be provided. This year he has replaced gaskets and the pilot light and repaired two leaks.

4. ARBChairman'sReport(WilliamSchiller):

Chairman Schiller reported that there has been no new activity.

5. GroundsCommitteeReport:

✓ The contract with Clemens and Associates to complete the landscaping project near the tennis court had been canceled. The Landscaping Sub-Committee consisting of Pat Jackunas, William Schiller and Carolyn McCollum will seek further bids for this work and will submit their recommendations to the Board for discussion at a later meeting. The proposed work should include provisions for weed control.

✓ There is a need for continued attention to weed removal in the bed south of the parking lot and around the tennis court. A.L. Bontrager recommended that the Board should consider hiring a landscape contractor to perform our maintenance work at the clubhouse on a regular basis provided that funds are available.

6. RememberingBobLockwood:

Bob Lockwood died on June 17, 2014. Errol Levine had written an obituary that Jim Fassett had sent to all EP owners. Several Board members discussed their memories of working with Bob Lockwood as a longstanding Board member and ARB member. Bob had made an outstanding contribution to the welfare of the community and his dedicated service and wisdom in resolving community problems will be sorely missed. The Board noted that the meeting was taking place in the "Bob Lockwood Community Room" where a plaque dedicating the room to Bob Lockwood is mounted on the wall.

7. HomeownerComments:

There were no comments.

8. AppointmentsofARBmembers:

Jim Fassett indicated that he had received nominations for the appointment or re-appointment of five individuals to the Estancia Primera ARB each representing his or her respective neighborhood subdivision. The nominees are:

Elsie Hartog-Gobey (Los Nidos) – nominated by the Los Nidos Board of Directors via Jill Meyer;

Kurt Sommer (Altamira) – re-nominated by the Altamira Board of Directors via Larry Adams;

William Schiller (Aspen Compound) - re-nominated by the AC Board of Directors via Jacob Waltz;

Rita Meek (La Viveza) – nominated by the La Viveza Board of Directors via Gene Andes;

Jim Hays (Kachina Hills) – re-nominated by Kachina Hills Board of Directors via Mike Batte.

A motion duly made and seconded that all five nominees be appointed or re-appointed to the ARB for a three-year term passed unanimously. The terms become effective immediately. Dr. Schiller indicated that the responsibility for nominating or re-nominating ARB members to represent individual neighborhood subdivisions lay with the respective neighborhood's Boards of Directors.

9. Date and rules for Annual EPCSA Meeting in August:

The Board agreed unanimously on the following arrangements and rules for the Annual meeting:

- ✓ The meeting will be held on Wednesday, August 20, 2014 at 7:00 p.m. in the Community room at the Estancia Primera clubhouse. Jim Fassett will chair the meeting and prepare an agenda for it. Board officers will present the ARB, Clubhouse, Grounds Maintenance and Financial reports. The three main goals of the Annual Meeting are to elect or re-elect Board members, to submit and discuss the provisional budget for the coming fiscal year, and to approve the minutes of the 2013 Annual meeting. The draft minutes for the August 2013 meeting will be posted on the Estancia Primera web site so that owners may read them prior to the meeting.

- ✓ Four of the existing Board members' terms expire in August. These are Terry Schultz (Cumbre Vista), Jim Fassett (Los Nidos), Bud Rietman (Cresta), and William Schiller (Aspen Compound). They were either appointed to the Board since the last election (Terry Schultz, Bud Rietman and William Schiller) or elected in 2012 (Jim Fassett). Dr. Schiller reported that all four Directors wish to run for election or re-election at the Annual Meeting and that he had received Petitions of Candidacy for them that are in good order.

- ✓ Any owner who resides in a neighborhood with an upcoming Board vacancy may nominate himself or herself for the position. This requires submission of a petition of candidacy to the Secretary at least 30 days before the date of the Annual Meeting. Each petition must be signed by five Estancia Primera homeowners in good standing. Completed petitions must be received by Dr. Schiller, as Secretary, no later than Monday, July 21.

- ✓ If the above four Directors are not opposed by other candidates from their respective neighborhoods, they will be elected by acclamation as has been the past practice in Estancia Primera for many years. Otherwise, ballots will be used.

- ✓ The method of voting that will be used at the meeting will be "At large by neighborhood subdivision."

- ✓ The Secretary will mail a notice regarding the date, time and place of the Annual Meeting as well as the method of voting to be used to all EP owners at least fifteen (15) days before the meeting date.

- ✓ A statement of income and expenditures for 2014 and a provisional budget for 2015 will be made available to all owners on the Estancia Primera website prior to the Annual Meeting.

10. Old Business:

- ✓ The issue of erecting “No Trespassing – Private Property” signs in the arroyos to try to dissuade homeless people from camping there was discussed. The Board decided to table the matter. Carol Genebach will make recommendations to the Board regarding possible locations for the signs.

- ✓ Unpainted air-conditioning units on rooftops were discussed. All rooftop structures including air-conditioning units, satellite dishes and ventilation ducts need to be painted the same color as the stucco as indicated in the Architectural Guidelines. These issues should be addressed by the neighborhood subdivision Architectural Committees initially. The Estancia Primera ARB will become involved only if it receives a formal complaint about an unpainted rooftop structure and when the neighborhood Architectural Committee has been unable to resolve the matter.

- ✓ Exterior lights on homes need to be shielded so that the light from them is directed downwards and does not cause glare to adjoining residents.

11. New Business:

- ✓ Recently in Los Nidos an oversized vehicle belonging to a Moving Company delivering the possessions of new owners had been unable to negotiate the narrow and tortuous street and had caused serious damage to pinion trees. The Board recommends that neighborhood subdivisions with narrow streets consider adopting a policy banning oversized vehicles. New owners should be informed by the neighborhood subdivision Board of Directors that such vehicles should park at one of the two Estancia Primera entries or at the clubhouse and that furniture should then be shuttled to the residence using smaller vehicles.

- ✓ Workmen performing interior and exterior renovations of homes in Estancia Primera, particularly in La Viveza, have been dumping construction materials in arroyos. Dr. Schiller as ARB Chair indicated that projects requiring ARB supervision and approval will not get final approval until the area has been returned to its original condition. Repair and maintenance projects, however, are often not brought to the ARB’s attention. In the latter situation, a dumping problem should be dealt with by the Board of Directors in the neighborhood subdivision that abuts the affected segment of the arroyo.

- ✓ Christmas trees may not be dumped in the Estancia Primera arroyos.

12. Adjournment:

The meeting was adjourned at 10:12 a.m. by a unanimous Board vote.

ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION

ANNUAL MEETING MINUTES

August 20, 2014

President Fassett called the Annual Meeting of the Estancia Primera Community Services Association (EPCSA) to order at 7:00 pm on August 20, 2014 in the Community Room at the Estancia Primera clubhouse. He indicated that copies of the agenda, budget and the list of candidates for election to the Board had been made available to owners on signing in.

1. **President's Introduction:** President Fassett announced the recent passing of Bob Lockwood and recognized his extensive contributions to the Estancia Primera community.

2. **Approval of 2013 Annual Meeting Minutes:** The minutes had been posted previously on the Estancia Primera web site and the attention of owners had been drawn to their presence there so that they could peruse the minutes prior to the meeting. The 2013 minutes were approved unanimously as submitted.

3. **President's Comments:**

a. **Introduction of Board members:** Jim Fassett introduced the Board members present and thanked them for their service to the EPCSA. Board members present were Jim Fassett (President), Pat Jackunas (Vice-President), William Schiller (Secretary), Carol Genebach, Carolyn McCollum, Noel Rietman, Jill McIntosh and Terry Schultz. A.L. Bontrager (Treasurer) could not be present because of a family event but had submitted the Treasurer's report for the meeting.

b. **Lawton lawsuit against Estancia Primera:** President Fassett advised owners that Mary Lawton had filed a lawsuit against the EPCSA. The Lawton motion to join the EPCSA in her existing lawsuit against several of her neighbors for owning trees that allegedly interfered with her views was filed with the First District Court in February 2014. The EPCSA insurer, Cincinnati Insurance Company, was notified of the motion. They took the matter under advisement and asked President Fassett to notify them when the EPCSA had received a summons. The summons was served by the Lawton attorney, Frank Herdman, on the EPCSA attorney, John Patterson. The summons was forwarded to the Insurer who indicated that the EPCSA's defense in the lawsuit would be covered under our insurance policy.

The Insurer engaged an Albuquerque law firm, Arland and Associates, and the attorney designated to defend the EPCSA in the Lawton lawsuit is K. Stephen Royce. On Mr. Royce's advice the Board appointed a Litigation committee to be the sole liaison between him and the EPCSA. The Litigation Committee consists of Jim Fassett, Pat Jackunas, William Schiller and A.L. Bontrager all of whom are officers of the EPCSA. Mr. Royce had informed the

Litigation Committee that the Board should not respond to any questions from members about the ongoing litigation. Homeowners, who wish to do so, may however get access to all documents about the lawsuit that have been filed with the First District Court through the Court Clerk's office.

c. Major capital expenses: Major expenses for 2014 included an extensive landscaping project at the clubhouse, replacement of the swimming pool pump, heater and pool cover and resurfacing of the tennis court.

4. Clubhouse Manager's Report (Connie Burke): Connie Burke indicated that there had been an average of ten events each month at the clubhouse. Heavy cleaning at the clubhouse is performed by a cleaning company on a quarterly basis. The new tennis court surface is cracking. The company that performed the resurfacing has been largely unresponsive. The new surface is under warranty for the next two years. Snow removal was minimal this year but the snow removal company was called three times to remove snow and ice from the clubhouse parking lot and from Avenida Primera. The pool deck will require extensive repairs during 2015 and bids are being obtained. The tile in the clubhouse bathrooms also needs repairs.

5. ARB Report (William Schiller): The ARB Chair, William Schiller, presented the report. Dr. Schiller reported that the ARB had approved nine projects since the last annual meeting. A major project is currently under consideration by the ARB. The ARB tries to do email approvals so as not to delay projects although major projects almost always require a formal ARB meeting. Homeowners were reminded that they need to notify Dr. Schiller when their projects have been completed so that he can do inspections and return performance deposits. Dr. Schiller reminded owners that there is a requirement that satellite dishes be painted in a color that matches that of the stucco using a flat paint. The same applies to rooftop air conditioning units. There are many unpainted units around the neighborhood.

Dr. Schiller requested that homeowners undertaking routine maintenance and repair work on their properties, e.g. stucco or roof replacements, 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. Dr. Schiller also reminded homeowners to submit plans and applications for approval of any exterior changes to their homes *prior* to any work being started. Applications should be submitted first to the neighborhood Architectural Review Committee and then to the EP Architectural Review Board which makes the final decision regarding architectural applications. Application forms and the Architectural guidelines can be found at www.estanciaprimer.org.

6. Clubhouse Landscaping Report (Pat Jackunas): The island on the south side of the parking lot has been re-landscaped. There is still a need for more trees and shrubs and

donations from owners will be much appreciated. There have been five major contributions of trees, rocks and shrubs. The area around the tennis court is also being re-landscaped.

7. **Treasurer's Report (A.L. Bontrager):** President Fassett presented A.L. Bontrager's report. Three financial documents for the EPCSA were distributed to all owners prior to the meeting and were also distributed at the meeting. These are the Profit & Loss Budget vs. Actual (for January through July 31, 2014), the EPCSA Budget for 2015 and the Balance Sheet (as of July 31, 2014). The major projects involving the pool, landscaping and tennis court had cost about \$48,000. This had made a big dent in the Reserve Fund. A.L. Bontrager had prepared a memorandum proposing a dues increase of \$60 per annum and that had been sent to all owners via email. The Capital Reserve Fund is currently about \$80,000.

An accountant consulted a couple of years ago had recommended that the Capital Reserve Fund for an association of our size should really be \$120,000 - \$130,000. 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. Several owners commented on the proposed dues increase and most felt that it was appropriate that the dues be increased as recommended. The dues have remained unchanged at \$360 per annum for about twenty years. The Board members will vote on setting the dues for 2015 at the December Board meeting. The prior analysis of the financial situation of the Association by A.L. Bontrager and Gene Andes will be made available to all owners on the Estancia Primera web site.

8. **Election of New Board of Directors (William Schiller):** Dr. Schiller reported that he had received nominations for the election of the following individuals for two-year Board terms: Jim Fassett (Los Nidos), William Schiller (Aspen Compound), Noel Rietman (Cresta) and Terry Schultz (Cumbre Vista). All nomination forms had been signed by five Estancia Primera owners in good standing as is required by our Bylaws and all the nominations were in good order having been received by the required deadline. President Fassett explained that since there were no contested elections the Board had decided unanimously not to conduct an election by secret ballot to save unnecessary expense and effort. There was a longstanding precedent in the EPCSA for uncontested elections to be decided by acclamation at annual meetings. A motion duly made and seconded to elect by acclamation Jim Fassett, Noel Rietman, Terry Schultz and William Schiller for a two-year Board term was approved.

9. **New Business:** Larry Adams commended the entire Board for its work and thanked President Fassett for his leadership of Estancia Primera.

10. **Adjournment:** The meeting adjourned at 8:19 pm.

September 12, 2014 EPCSA Board Meeting

Board Members present: Jim Fassett (President), Pat Jackunas (Vice-President), A.L. Bontrager (Treasurer), William Schiller (Secretary), Jill McIntosh, Noel Rietman, and Terry Schultz.

The meeting was called to order by Jim Fassett at 9:00 A.M.

1. **Election of Officers:** Four Board members who had either been appointed to the Board after the August 2013 Annual EPCSA Meeting or whose terms had expired after two years of service were re-elected at the August 20th Annual EPCSA Members meeting. These individuals included Jim Fassett (Los Nidos), Terry Schultz (Cumbre Vista), William Schiller (Aspen Compound) and Noel Rietman (Cresta). In compliance with the Amended Bylaws for the EPCSA, the election of officers was held at this present meeting. A motion to re-elect the current officers was passed unanimously. The officers are Jim Fassett (President), Pat Jackunas (Vice-President), A.L. Bontrager (Treasurer) and William Schiller (Secretary).
2. **Summary of August 20, 2014 EPCSA Annual Meeting:** The election of four Board members took place at the annual meeting as described. The minutes of the 2013 Annual EPCSA Members Meeting were approved unanimously.
3. **Approval of July Board Meeting minutes:** The minutes of the July 11, 2014 Board meeting were approved unanimously.
4. **Treasurer's Report (A. L. Bontrager):**
 - a. The budget has been exceeded for office supplies. The category for Grounds Maintenance is over budget because of an unanticipated expenditure of \$1,500 needed for cutting down a damaged Cottonwood tree at the clubhouse. The replacement of the pool heater has been completed with the cost of \$6,700 having been taken from the operating budget.
 - b. A. L. Bontrager presented an update of why he recommends an increase of the annual EPCSA dues starting in January 2015. These have been fixed at \$360 for at least fifteen years. In 2012, Gene Andes and A.L. completed a review of the EPCSA budget and finances. Past expenditures dating back to 2008 were studied, and based

upon this information projections were made as to likely future capital expenses. An accountant had been consulted and had recommended that an Association the size of the EPCSA should have a Capital Reserve Fund of about \$120,000. A. L. Bontrager and Gene Andes had therefore recommended that the Board should consider raising the annual dues by about \$60 per annum. However, a Motion to raise the annual dues by \$60 did not pass at the December 2013 Board meeting.

- c. The Reserve Fund is currently about \$87,000. A dues increase of \$60 per annum would probably replenish the depleted Capital Reserve Fund within four to five years. A.L. Bontrager suggested that the Board should consider such an increase when it approves the 2015 budget at the December 2014 Board meeting.
 - d. Mr. Bontrager addressed the previously expressed concern that if the Capital Reserve Fund were replenished the available funds would be spent simply because additional funds were available. He felt that the Board would be prudent in its future expenditures and would try to ensure that funds would be set aside annually to replenish the Capital Reserve Fund.
 - e. A concern had been raised by some owners that the EPCSA might lose its status as a Not-for-Profit Corporation if the Capital Reserve Fund were increased. Our book keeper, Greg Klos, was consulted and indicated that IRS regulation 528 states that as long as 90% of the annual EPCSA income is spent to maintain and develop our facilities, there is no risk of us losing our status as a Not-for-Profit Corporation.
5. **Clubhouse Manager's Report:** Connie Burke was not present. However, Jim Fassett explained that recent heavy rainfall had weighted down the pool cover, resulting in damage to the site where the motor controlling the cover was fastened to the pool itself. This problem has been repaired. He also offered additional information regarding the Cottonwood tree which was cut down and removed at the Clubhouse. The tree had been evaluated by Mr. Coates from Coates Tree Service. He had found that the tree had become structurally unsound and was therefore in danger of falling and causing damage to people or property, and thus the decision was made to remove this tree.
6. **ARB Chairman's Report:** Chairman Schiller stated that a new Appendix IV project has been approved and a new Appendix III project is in the process of approval.
7. **Grounds Committee Report:** Pat Jackunas stated that Reyes Morales has finished the ground cover work to the north of the tennis court entrance. Money remains from the

project to add butterfly bushes in that area. A plaque dedicated to the memory of Chris Gobey has been placed on a stone in the newly planted area.

8. Homeowner Comments:

- a. A positive discussion of the proposed annual dues increase of \$60 took place with homeowners proposing suggestions as to how the proposed increase might best be presented to Estancia Primera residents.
- b. Jill McIntosh will compile a table comparing the annual EPCSA dues with those of other developments in Santa Fe of comparable size and with similar facilities so that EP owners will be better informed.
- c. Some owners noted that replenishing the Capital Reserve Fund to approximately \$120,000 would obviate the need to call for a special assessment at a later date.
- d. A general email to the owners was proposed as a method of informing Estancia Primera owners about the reasons for the proposed dues increase.

9. Old Business: There was none.

10. New Business: There have been recent reports that trash containers remain a target for animal predation, resulting in scattering of their contents. A City Ordinance allows trash containers to be placed near the curb at 6:00 P.M. the day before pick-up day. However, such containers are vulnerable to being turned over by bears and owners will be encouraged to place the containers outside on the morning of pickup rather than on the night before.

11. Adjournment: The meeting was adjourned at 9:40 A.M. by unanimous vote of the board members.

Minutes for October 10, 2014 - EPCSA Board of Directors Meeting

Board Members Present: Jim Fassett (President), Pat Jackunas (Vice-President), A.L. Bontrager (Treasurer), William Schiller (Secretary), Carolyn McCollum, Jill McIntosh, and Terry Schultz.

The meeting was called to order by President Fassett at 9:00 a.m.

1. **Approval of September Board Meeting Minutes:** The minutes of the September 12, 2014 Board meeting were approved unanimously as submitted.
2. **Treasurer's Report (A.L. Bontrager):** The budget is generally on track with two areas of overage. Seven thousand dollars had been budgeted for grounds maintenance for 2014. We have exceeded this amount by \$219 because of additional unexpected work that had been needed. This work included rock placement near the tennis court and the cutting down of a cottonwood tree near the clubhouse that had become damaged and was thus a potential danger to clubhouse users. Four thousand dollars had been budgeted for 2014 for maintenance labor. We are currently \$450 over budget due to the expenditure for refurbishing some parking-lot-lighting bollards. It may be necessary at some future time to replace the clubhouse heating unit. The unit is over-sized and causes excessive noise that makes meetings in the clubhouse difficult to conduct. Consideration will need to be given soon to obtaining a smaller, more energy-efficient unit.
3. **Clubhouse Manager's Report (Connie Burke):**
 - a. The pool is closed. Winterizing now includes the use of floating, half-full plastic bottles that freeze in cold weather, thus protecting the tile.
 - b. The chair cushions will be brought indoors as soon as they have dried from the last rain storm.
 - c. Reyes Morales has trimmed the vines on the tennis court fence.
 - d. The watering schedule for the clubhouse landscaping is being tapered and in two weeks the irrigation system will be shut down.
 - e. The neighborhood garage sale was successful.
 - f. Fall flowers have been planted in the pots near the entrance to the clubhouse.
 - g. An estimate has been obtained from Leisure Pools for repair of the pool decking.
 - h. There have been no return calls from the tennis court company regarding the warranty repairs of the unexpected cracks in the new tennis court surface. The warranty is in effect for two years, but repairs should be made soon to prevent further damage to the

surface during the winter when water in cracks freezes and thaws. President Fassett will follow up in a more formal way.

- i. There has been considerable booking and use of the clubhouse.

4. **ARB Chairman's Report (William Schiller) :**

- a. There have been three new Appendix III projects approved by the ARB.
- b. One Appendix IV project is completed and ready for the inspection and final approval.
- c. Another Appendix IV project will most likely be cancelled.

5. **Grounds Committee Report (Pat Jackunas):**

- a. Recently, voluntary donors have provided funds for the planting of two new locust trees in the island area in front of the clubhouse. This brings the total of donated plantings to seven.
- b. Consideration will be given to placing weed barrier under the rocks to the south of the tennis court entrance and also under the rocks in the island in front of the clubhouse and this work will probably be done in the spring.
- c. The clubhouse plantings seem to be in good health, most likely due to more effective watering.

6. **Homeowners Comments:** None

7. **Old Business:** Jill McIntosh is compiling comparative list of annual dues for different homeowner associations of similar size to that of EPCSA. This is proving difficult since each association has its own particular amenities.

8. **New Business:** The Police Department will be meeting with homeowner associations in November as an informational service regarding security issues. There have been no new reports of homeless individuals camping in our neighborhood.

9. **Adjournment:** The meeting was adjourned at 9:21 A.M. by unanimous vote of the board members.

**Minutes of EPCSA Board of Directors Meeting
November 14, 2014**

Board members present: Jim Fassett (President), Pat Jackunas (Vice-President), William Schiller (Secretary), Carol Genebach, and Jill McIntosh.

President Fassett called the meeting to order at 9:00 A.M.

1. **Approval of October meeting minutes:** The minutes of the October 10, 2014 meeting were approved unanimously without correction.
2. **Treasurer's report (President Fassett):** There have been no unbudgeted expenses in the past 30 days. We are slightly under budget. The budget for 2015 will be discussed at the December meeting. The Board will also approve the dues for 2015 at its December meeting.
3. **Clubhouse Manager's Report (President Fassett):**
 - a. The pool has been winterized.
 - b. The irrigation system has been winterized.
 - c. The Estancia Primera Women's group will install the holiday decorations at the Clubhouse on November 29th.
 - d. There have as yet been no estimates for repair of the pool decking. No one has made contact with the company that resurfaced the tennis court since earlier this year. Jim Fassett will write to the company. The Board is anxious that the cracks in the new tennis court surface be repaired prior to the winter.
4. **ARB Committee Report (William Schiller):**

There has been no new activity. There is one non-performing project. A year has passed since the ARB approved the project. Accordingly, the ARB will consider rescinding the approval and returning the performance deposit to the builder.
5. **Grounds Committee (Pat Jackunas):** The snow removal contracts for the individual neighborhood subdivisions are being completed. A couple of neighborhood subdivisions wish to be included when Jonathan Ballew does snow removal for Estancia Primera. The remaining neighborhood subdivisions will make their own arrangements for snow removal.
6. **Old Business:**
 - a. Disclosure statements for home sales in Estancia Primera currently include a statement that the EPCSA is a party to the Lawton lawsuit but that the lawsuit has been dismissed.

- b. Jim Fassett indicated that he will advise all owners by email that a possible small annual dues increase will be considered by the Board at its December meeting. Jill McIntosh is compiling a comparative study of annual dues in Santa Fe Homeowner Associations that have comparable facilities to those of the EPCSA. She will present these data at the December Board meeting.

- 7. **Adjournment:** The meeting was adjourned by a unanimous vote at 9:20 A.M.

MINUTES OF EPCSA BOARD OF DIRECTORS MEETING MINUTES DECEMBER 12, 2014

Board Members present: Jim Fassett (President), Pat Jackunas (Vice President), William Schiller (Secretary), A.L. Bontrager (Treasurer), Jill McIntosh, Carol Genebach, and Terry Schultz (attending by telephone).

President Fassett called the meeting to order at 9:00 a.m.

Approval of November Board meeting minutes: The Board unanimously approved the minutes of the meeting of November 14, 2014 without corrections.

Treasurer's Report (A.L. Bontrager): A.L. Bontrager reported that we are on budget for this year. There were fewer expenses than expected to date this year so that we are currently about \$12,500 under budget. The Capital Reserve Fund is currently at \$87,388. Our balance sheet shows that our Operating Account currently contains \$10,882. The amount remaining from the \$10,882 at the end of December will be transferred to the Capital Reserve Fund.

The proposed budget for 2015 was posted on the Estancia Primera website and is higher on the expense side owing to projected major repairs to the Clubhouse. These repairs include, but are not limited, to the resurfacing of the pool deck (\$7,000 - \$8,000) as well as the possible replacement of the furnace (about \$8,000). Due to the increase of the Capital Budget expenditures the Board is proposing a \$60.00 per annum dues increase. A desirable Capital Reserve Fund for an Association of our size should be about \$130,000-140,000 as was recommended by an accountant consulted by the Association a couple of years ago.

Jill McIntosh provided a report showing how the annual dues for the EPCSA compared with those of other Northside subdivisions. The table (attached) shows that our annual dues are substantially lower than those of most other subdivisions that do not have the amenities and facilities that Estancia Primera offers. In light of the higher expenses that our subdivision is facing in 2015 the seven Board members present voted unanimously to increase the annual dues by \$60.00 a year bringing them to \$420.00 a year.

Clubhouse Manager's Report (Connie Burke): There are no significant issues at the Clubhouse. Weekly maintenance is still being performed. The Women's Group has decorated the Clubhouse for the Holidays. There have been six events scheduled for the Holidays so far. Connie Burke will contact the Presidents of the individual neighborhood subdivisions regarding whether they want to be included in the overall Estancia Primera snow removal plan with Jonathan Ballew. The entire Clubhouse parking lot and the two Estancia Primera entries will be plowed whenever Avenida Primera is plowed. Sanding and salting will also be used if there is a significant ice accumulation in these locations. Our threshold for calling for snow plowing for Avenida Primera is about 5-6 inches of snow, but the determination is based also on existing weather conditions.

Connie Burke will be resigning from her post as Clubhouse Manager because of other obligations. Her resignation will become effective when her replacement has been appointed. The Board has been contacted by an Estancia Primera resident who has a background in real

estate management and who is interested in being considered for the position. Connie Burke and Pat Jackunas will be available to help with Clubhouse management during the transition period to a new Clubhouse Manager.

President Fassett has spoken to the owner of the company that did the recent tennis court resurfacing about the cracks that have developed in the new surface. He has owned the company for about twenty years. He gave assurances that he stands behind his work and will resurface the tennis court under the warranty so that there will be no charge. The resurfacing will be done in May of 2015. The repairs of the pool decking will also be completed in early spring.

ARB Chairman Report (William Schiller): Chairman Schiller stated that a project in Kachina Hills has been completed and the performance deposit has been refunded. The ARB rescinded approval for another project because there had been no action for one year after the ARB approval. The performance deposit has been refunded to the contractor. There has been one unauthorized building project reported that will be discussed at a meeting of the Estancia Primera ARB members at the end of December. It may be necessary to refer this matter to the Board of Directors.

Chairman Schiller reported that a large cottonwood tree opposite Aspen Compound and near Avenida Primera had been removed during the past week without consultation with the ARB. However, since the tree was mostly dead, he will consider this a maintenance issue. Removal of dead trees and vegetation is considered a maintenance matter. However, the removal of large living trees requires prior approval from the ARB. This is necessary because tree removal alters the exterior appearances of homes and changes the streetscape. Also, all significant landscaping changes in Estancia Primera require prior ARB approval and tree removal falls into this category. The Board directed President Fassett to advise owners of the need to obtain ARB approval before removing significant living trees when he next sends out a communication to all owners.

Grounds-Committee Report (Pat Jackunas): There were no updates to report.

Homeowners Comments: The issue of home maintenance such as roof replacement, stucco replacement, and painting of trimming was discussed. The ARB considers such projects as maintenance projects provided that the maintenance does not change the exterior appearances of homes. Therefore, if there is a stucco replacement, for example, that is of the same color as the original stucco, formal ARB approval is not needed. However, the ARB Chair would prefer to be notified in advance of such projects as a matter of courtesy so that he can deal with questions from neighbors. The Board decided that this information should also be included in the President's next communication with all owners. The communication may also contain information about other issues such as when trash containers should be placed outside homes and the information should be sent out annually with the dues statements because of the high turnover in some neighborhood subdivisions.

Old Business: There was none.

New Business: A.L. Bontrager reported that he will not attend the January and February Board meetings.

Adjournment: The meeting was adjourned at 9:30 a.m. by a unanimous vote of the Board members.

Executive Session: The Board convened at 9:33 a.m. in Executive Session to consider the advice of Legal Counsel.

PLEASE SEE ATTACHMENT ON NEXT PAGE

Comparison of Northside Subdivisions and Dues Paid				
Subdivision	Dues per Month	Dues per Quarter	Dues per Year	What Dues Cover
cane Lorna Norte	\$190.00		\$2,280.00	Snow removal, trash, water, sewer, ground maintenance, and insurance
Cerros Colorados			\$300-\$500 Depending on sq. ft.	Snow removal, common area maintenance, and Insurance
1200 East		\$600.00	\$2,400.00	
1000 East		\$650.00	\$2,600.00	
Sierra del Norte			\$400.00	Snow removal, common area maintenance, and Insurance
800 East		\$500.00	\$2,000.00	
HlghSummlt		\$500.00	\$2,000.00	
SF Summit (North}		\$750.00	\$3,000.00	
Las Barrancas			\$500.00	
Estancia Prlmera			\$360.00	Snow removal, common area maintenance, and insurance, pool maintenance, club house maintenance, and tennis courts.