

**Estancia Primera Community Services Association (EPCSA)  
Minutes of the Meeting of the Board of Directors  
Friday, January 13, 2023**

**Call to Order:** President Brenda Shears called the meeting to order at 9:00 am via videoconference using Zoom.

**Directors in Attendance:** Brenda Shears (President), Gene Creely (Vice President), Scott Bunton (Treasurer), Errol Levine (Secretary), Connie Burke, Barbara Chamberlin, Jill McIntosh, Jo Beth Speyer, and Leslie Walker-Hirsch.

**Others Present:** Kurt Sommer (ARB Chair) and Greg Casey (Recreation Center Manager).

**Approval of Minutes of Previous Board Meeting:** The minutes of the Board meeting of December 9, 2022 were approved unanimously as submitted.

## **Reports**

**Treasurer's Report:** Treasurer Scott Bunton indicated that as of December 31, 2022 the Association's operating checking account contained \$48,570.88 (of which \$5,050 comprises refundable ARB performance deposits) and the capital reserve savings account contained \$225,858.93.

Mr. Bunton reported that to date the owners of 107 of our 188 properties had paid their 2023 assessments. The due date for payment is January 31 but the delinquency and interest charges become applicable for payments not received by February 15. Mr. Bunton requested that Board members remind the owners in their respective neighborhoods to make payments accordingly.

Upon a motion made and duly seconded, the Board approved unanimously that Mr. Bunton be reimbursed \$38.50 for postage expenses he incurred on behalf of the EPCSA during 2022.

**Architectural Review Board (ARB) Report:** ARB Chair Sommer reported as follows:

- There are currently seven ARB projects in various stages of progress (see attached spreadsheet). Three are major (Appendix IV) projects and four are minor (Appendix III) projects. Mr. Sommer will soon inspect three completed projects (Levin, Rountree and Edsall/DeFazio) for final approval. He has obtained a six-month ARB construction extension for the completion of his own new home in Altamira since his first construction extension expired at the end of December 2022.
- Mr. Sommer indicated that he had spoken to Jan Streets (753 Paseo Cresta) about the various issues relating to her property (see Board meeting minutes of April 8, May 13, June 10, and

December 9, 2022). She intends to comply with the ARB's requirements regarding the landscaping of her property. She is also willing to lower the side wings of the gabion by whatever maximal amount is allowed by the city so that the gabion will still comply with the city's code requirements. Ms. Streets' consulting civil engineer had indicated that the side wings of the gabion could not be lowered by more than eighteen inches according to these requirements. The ARB at its meeting of October 24, 2022 had required that the side wings of the gabion be lowered so that they would be no higher than one foot above the front spillway. However, this would make the gabion non-compliant with the Code and the ARB therefore agrees that the side wings of the gabion be lowered by eighteen inches in height.

Mr. Sommer indicated also that he had discussed the issue of the unapproved stucco "undulations" at her home with Ms. Streets. She had indicated that she was willing as a compromise solution to consider removing the undulations as has been required by the ARB, but needs, if she pursues that option, an extension into 2024 because of financial considerations. However, Ms. Streets still wishes to pursue her written appeal to the EP Board of Directors.

Ms. Streets had indicated in her appeal communication of December 1, 2022 addressed to Ms. Shears that the ARB at its meeting of October 26, 2021 had decided that the stucco "undulations" could be removed in the future when she needed to re-stucco the entire home. Ms. Streets had then written to Mr. Sommer accepting that decision. However, at its meeting of October 24, 2022 the ARB had reversed its earlier decision and had required that the "undulations" be removed in 2023. Ms. Streets indicated that she regarded this change of decision as unfair and financially burdensome.

Mr. Sommer summarized the situation as follows:

1. The ARB accepts as a final resolution of the matter that the gabion side wings be reduced in height by no more than eighteen inches (see above).
2. The EP Board of Directors should schedule an appeal hearing to determine whether the stucco "undulations" should be removed either in 2023 or early 2024 or in the future when the home's entire stucco needs replacement.

Ms. Shears indicated that she would schedule an appeal hearing at a time when the Board members, Mr. Sommer, Ms. Streets and the two complainants in this matter (Mary Walta and Carla Skeen) were available to meet via videoconference using Zoom. Ms. Shears will confer with Gene Creely and others regarding the scope, format, and rules for the conduct of the appeal hearing.

- Errol Levine indicated that the position of Los Nidos representative on the EPCSA ARB had become vacant owing to the passing of the Los Nidos owner who had previously filled that

position. The Los Nidos Board of Directors had decided unanimously to recommend Ed Hildebrand (504 Los Nidos Drive) to fill the position and Dr. Levine had notified Ms. Shears about this. However, in accordance with the requirements of section 3.6 (b) of the Amended Declaration for EP such nominations require the approval of the EPCSA Board of Directors. A motion duly made and second that Mr. Hildebrand be appointed to the EP ARB as the Los Nidos representative was then passed unanimously. Mr. Hildebrand will serve for the unexpired term of the previous holder of the position and his appointment will therefore end in September 2024. Ms. Shears will modify rule IV.V in the Book of Resolutions accordingly.

**Real Estate Report:** Jill McIntosh reported that only one home in EP (650 La Viveza Court) is currently listed for sale. There are also active listings for two vacant lots at 797 Avenida Primera South and 754 Calle Altamira, respectively.

**Recreation Center Report:** Recreation Center Manager Greg Casey reported as follows:

- The widths of the settling cracks that have developed on the racquetball court plaster walls and in sheet rock walls at the upper clubhouse level continue to be monitored and remain unchanged since last month in both length and width, but several minor dry wall cracks have developed elsewhere in the upper clubhouse level.
- The steam cleaning of the clubhouse was done on December 13<sup>th</sup>.
- Mr. Casey has reached an arrangement with Steve Schneider (777 Paseo Cresta) whereby Mr. Schneider will be provided with a clubhouse alarm system access code so that he can arrange for tennis players to have clubhouse bathroom access without compromising the confidentiality of the access code.
- Enrique Briano of Tierra Bonita Landscape Company has deferred the landscape regrading work at the rear of the clubhouse and will do the work in mid-February, weather permitting.
- The Board authorized Mr. Casey to purchase a new clubhouse clock.
- A light bulb in one of the low light fixtures along the north driveway entry to the recreation center has failed. Mr. Casey is searching for a compatible bulb replacement.

**Grounds Maintenance Committee Report:** Committee Chair Jo Beth Speyer reported as follows:

- MaryAnn Scanlon purchased a stone from Oscar's Tree and Landscaping of Santa Fe. The stone was delivered on December 7<sup>th</sup> and Greg Casey and Ms. Scanlon worked with Oscar's crew to place the stone near the two benches in the bed in the front of the clubhouse parking lot. This involved excavating a small area for stone placement and using a mini crane to lift the stone into place.
- At the Committee's request, Enrique Briano of Tierra Bonita Landscape Company inspected two areas on the recreation center property for vegetation management and dead shrub removal for fire hazard reduction purposes. One area is located between the tennis court and the

Saiz arroyo and the other is on the hill leading from the clubhouse rear to Los Altos Norte. The proposed work is a line item in the EPCSA's 2023 budget. Mr. Briano can start the work during the week of January 16, weather permitting. His cost estimates for the two areas are \$867.50 and \$704.85, respectively, including tax. A motion duly made and seconded to approve these two expenditures was passed unanimously after a discussion. The Board agreed that if there was an extra cost for the removal of two small cottonwood trees (see below) in the north area that this was approved also without a need for further Board approval.

- Mr. Briano's proposed maintenance contract for the Recreation Center grounds during 2023 will be available for consideration by the Board at its February meeting. The new contract will likely show a ten percent increase owing to rising costs.
- There are two young volunteer cottonwood trees on the north end of the Recreation Center property. One is behind the light post and the larger one is up the hill near the private property at 420 Avenida Primera South. The latter tree is located close to the concrete sidewalk and its roots have already caused a slight elevation of the adjacent concrete. The Grounds Committee recommends that both trees be removed by Tierra Bonita Landscape Company when they perform the cleanup of the two areas described above. The Committee will check to determine whether the tree removal can be covered by the approved costs for the two cleanup projects.

The Committee will as a courtesy notify the owners of the home at 420 Avenida Primera South about the larger tree's pending removal. Ms. Shears will also check with ARB Chair Kurt Sommer to determine whether ARB approval for removal of the two trees is required. The Board rejected the Committee's suggestion that the slightly elevated concrete sidewalk block adjacent to the larger tree be replaced when the concrete sidewalk replacement work is done at the Recreation Center. The Board noted that after the two trees are removed, the remaining roots should be treated chemically to prevent regrowth of the trees.

**Recreation Center Exterior Facilities and Grounds Renovation Project Update:** Sandy Farmer could not attend, and Mr. Bunton reported on his behalf. He indicated that during architect Steve Shaw's work on the design and documentation phases of the project, a city inspection revealed that the project will be significantly more complicated and therefore more costly than expected. This is primarily because the parking lot and the sidewalk between the parking lot and the recreation center have several grade variances that cause them to be in violation of the current version of Americans with Disabilities Act (ADA).

Accordingly, a topographical surveyor (Terra Land Surveys, LLC) was contracted to assist Steve Shaw so that his ultimate design would be ADA compliant. Also, at Steve Shaw's recommendation, Morey Walker, a civil engineer with Walker Engineering, was hired to further assist Steve Shaw's preparation of the project's document package. The latter will probably be completed by mid to late February. It will then be submitted to the city so that EPCSA may obtain the necessary permits including ADA and land use approval permits. After the latter have

been obtained, Steve Shaw will prepare a bid package that will be sent to construction firms that we hope will be willing to submit bids. Dr. Farmer will analyze those bids and recommend one of them to the Board after which construction can be scheduled.

The initial hope was that all the above would be completed by April 2023, and that we would therefore be ready to open the Recreation Center and pool for full use by Memorial Day. Mr. Bunton reported, however, that Sandy Farmer thinks that it is unlikely that this can be achieved and believes that the Phase 1 project (parking lot asphalt renovation and concrete sidewalk replacement) will most likely need to be delayed until after the pool closes in the fall.

Mr. Bunton reported that we are still roughly in line with the Board-approved project budget. The total amount expended to date is \$5,000 to \$6,000 but more invoices for the topographical survey, the civil engineering work and the architect's monthly invoices will result in more expenses being incurred soon. These expenses will be paid from the Capital Reserves account. Mr. Bunton indicated that since the ultimate cost of the total project is likely to be higher than originally anticipated, it is possible that Phase 2 (tile replacement at the clubhouse entry), might need to be deferred until 2024 or even until 2025 should there be a risk of the Capital Reserves Account balance falling below \$50,000 at any point.

## **Unfinished Business**

**Board Member Annual Conflict of Interest Statements:** Secretary Levine reported that in accordance with Rule III.K.I. in the EP Book of Resolutions and with the requirements of the NM HOA Act of 2013 (as amended) he had at the beginning of January 2023 provided to each EPCSA Board member the EPCSA's Conflict of Interest Policy and Conflict of Interest Statement. All Board members had returned the completed statements to him duly signed and dated and the forms will be retained as EPCSA records.

**ARB Appeals – Streets Residence (753 Paseo Cresta):** See ARB Report above.

## **New Business**

**Unauthorized and Fraudulent Mailing regarding “Next Door” Social Media Website:** Gene Creely noted that many EP residents had received via the US postal service a letter ostensibly from an EP resident on behalf of the EPCSA, suggesting they join *Nextdoor.com* and giving a link to a page with which to do so. He reported that this is not a legitimate mailing and should be ignored. It was not sent out by the EP resident shown as the letter's signatory, and it was not authorized by the EPCSA Board or any of the EP neighborhoods. Ms. Shears will therefore send out an email to all EP owners about this and will indicate that if any EP resident wishes to join that group, they should reply to her email, and she would then send them a specific invitation to join that is legitimate.

**Structural Integrity of North and South EP Bridges along Avenida Primera:** Barbara Chamberlin had requested that the city repair potholes on the bridges. The work was satisfactorily completed. In their report to Ms. Chamberlin, the city's Streets and Drainage Maintenance Division indicated that they would reevaluate the road in the spring of 2023 for resurfacing. They noted also that the bridges are aging and may need an evaluation as to their state of repair. Ms. Chamberlin will follow-up on this in the spring and seek to get the city to evaluate the structural integrity of the two bridges.

### **Homeowner Comments**

There were none.

### **Announcements**

- The next EPCSA Board meeting will be held on Friday, February 10, 2023 at 9:00 am using Zoom.

**Adjournment:** A motion was made, seconded, and approved unanimously to adjourn the meeting, and Ms. Shears adjourned it at 10:07 am.

Minutes prepared and submitted by: Errol Levine Date: 1/19/2023.

(Errol Levine - Secretary)

Signed on behalf of Board by: Brenda L Shears Date: 2/10/2023.

(Brenda Shears - President)

**ESTANCIA PRIMERA ARB - PROJECTS IN PROGRESS - January 13, 2023**

	<u>Owner Name</u>	<u>Address</u>	<u>Project</u>	<u>ARB Conditional Approval Date</u>	<u>Deposit</u>	<u>Deposit Refunded</u>	<u>Current Status and Final Approval</u>
1	Cool	793 Avenida Primera	Mini-split AC system	November 9, 2022	\$250	No	Installation granted conditional ARB approval and is pending.
2	DeFazio/Edsall	520 Los Nidos Drive	New rooftop HVAC system/new roof notification	October 10, 2022	No deposit	No	Conditional approval granted for rooftop HVAC system. New roof installation approved as a notification project.
3	Levin	759 Paseo Cresta	Fence & gate	July 15, 2022	\$250	No	Installation complete. Owner has requested an ARB inspection and final approval.
4	Raczynski/Phillips	621 Cumbre Vista	New garage & AC mini-splits; Rooftop Solar panels; landscaping at rear of property.	7/9/2021; 10/15/2021	\$1,700	No	Garage construction is complete and has been approved by the city. Landscaping at rear of property remains incomplete. Rooftop solar panel installation has not yet started. Owners applied for and obtained an ARB extension for project completion through May 30, 2023.
5	Rountree	412 Los Altos Way	Coyote fence	July 22, 2022	\$250	No	Conditional approval granted. Installation pending.
6	Sommer	766 Calle Altamira	New home construction	January 27, 2021	\$1,500	No	Construction started 1-3-22. ARB granted Mr. Sommer an extension through 12-31-2022 for completion of his new home construction. ARB has granted a further 6-month extension for completion of the residence, driveway and landscaping ending June 30, 2023.



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7	Streets	782 Paseo Cresta	New home/new wall	April 1, 2021	\$1,100	No	ARB requires modification of gabion and removal of stucco "undulations" in spring 2023 weather permitting. Metal portal roof approved. ARB requires owner to submit a landscaping plan for the property that will include vegetation that will make the gabion less conspicuous. Appeal of ARB decisions regarding stucco and gabion filed by Jan Streets with EPCSA Board of Directors on December 1, 2022. Amended appeal of ARB decisions regarding gabion and lot drainage filed with EPCSA Board by Mary Walta and Carla Skeen on December 4, 2022. EP Board will schedule a hearing in February or March, 2023.

Capital Projects Report  
January 13, 2023  
Sandy Farmer

This report deals only with the *EP Exterior Facilities & Grounds Renovation* project.

**Status:**

- An invoice dated Nov. 25, 2022 has been submitted by Shaw Architecture in the amount of \$419.64 for Schematic Design services. A check request was subsequently submitted by Scott Bunton for this amount. Total cost of architectural services up to Dec. 25, 2022 is \$2,293.45 against a Schematic Design budget of \$6000 and a contingency of \$6000.
- The contracted cost for the topo survey by Terra Land Surveys is \$2,425 + tax. The topo survey will support both Phase 1 and Phase 2 design work. The original budget estimate for survey work was \$800, but that estimate, which was formulated during the process of selecting an architect, did not anticipate both the extent and nature of what would actually be needed. Terra Land Surveys confirmed receipt of the signed contract by email on Tuesday, Dec. 13, 2022. Terra Land Surveys started on-site work as of Tuesday, Jan. 2, 2023.
- The topo survey should be available by Friday, January 13. Chris Medina of Terra Land Surveys submitted the invoice by email on Tuesday, January 10, to Sandy Farmer, who subsequently forwarded that invoice to Scott Bunton for payment. The invoiced cost was \$2,611.42 and in line with expectations.
- An initial proposal from the civil engineering consultant (Morey Walker of Walker Engineering), who works with Steve Shaw (the architect), was received on Dec. 29, 2022; and a revised proposal, on Jan. 2, 2023. The revised proposal has been forwarded to Brenda Shears and Scott Bunton.
- The scope of the civil engineering proposal, which is for Phase 1 work only, has been worked out between Steve Shaw and Morey Walker. The cost up to and including construction documents is \$4,500 + tax (= \$4,880 in total). This cost does not include site visits during construction, which cost is estimated @ \$2,250 + tax (= \$2,440 in total) and includes 5 observation / inspection visits @ \$450 per visit. Therefore, the full cost of the civil engineering proposal to completion of Phase 1 construction is estimated @ \$7,320.
- The civil engineering proposal was reviewed by Scott Bunton and Brenda Shears, and was signed by Brenda on Jan. 8, 2023. The signed proposal was emailed back to Morey Walker on Jan. 8, 2023, and Steve Shaw was copied.
- By late February, Steve Shaw expects to be able to issue 1) a construction document package to Santa Fe City for the necessary permits, and 2) a bid package for construction firms. Steve has been told by the Santa Fe City ADA representative that permit turn-around times are currently running at 3 weeks.
- Whether in a little more than 1 month we can obtain at least two construction bids, review and analyze these bids, present to and obtain a decision from the EPCSA Board, and finally schedule a Phase 1 construction start for early April 2023 is unknown; but it would seem unlikely. It seems far more likely that we will have a Phase 1 construction start date in early September.

### **Additional Detail on Specific Items**

- **Perspective on the Civil Engineering Proposal:** The civil engineering proposal takes us through work stages #1-3 (Schematic Design, Design & Development, Construction Documents) and #5 (Construction, which is the last stage) for Phase 1. Only Bid Negotiation (stage #4) is not included, but that stage should mainly involve Steve Shaw as the overseeing architect.
- **Cost of the Civil Engineering Proposal:** The total project budget estimate, excl. contingency costs (@ \$9,000), for both architectural and supporting services to completion of construction for both Phase 1 and Phase 2 is \$26,800. The full, estimated cost of this civil engineering proposal @ \$7,320 represents 27% of that total. This does not seem unreasonable given that 1) the vast majority of non-construction work in Phase 1 involves the civil engineering proposal and the topo survey, and 2) Phase 1, when compared to Phase 2, is by far and away the more extensive phase of this overall capital maintenance project.