

**Estancia Primera Community Services Association (EPCSA)**  
**Minutes of the Meeting of the Board of Directors**  
**Friday, January 14, 2022**

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

**Others Present:** Greg Casey (Recreation Center Manager).

**Approval of Minutes of Previous Board Meeting:** The minutes of the Board meeting of December 10, 2021 were approved unanimously as submitted.

## **Reports**

**Treasurer's Report:** Treasurer Scott Bunton indicated that as of December 31, 2021 the Association's operating checking account contained \$9,886.40 (of which \$7,650 represented ARB performance deposits) and the capital reserve savings account contained \$225,791.19. He reported that EPCSA ended 2021 with its operating expenses within the total of its 2021 operating budget plus the 10 percent contingency fund, leaving a surplus of approximately \$2,600. A net amount of slightly more than \$23,000 was added to the capital reserve account after the capital reserve expenditures made during the year were paid.

About \$5,000 was withdrawn from the contingency fund during 2021 to cover the unexpected costs associated with various leaks that occurred at the Recreation Center. In the future, Mr. Bunton will highlight significant departures from the budget in his monthly financial reports sent to the Board by adding footnotes and will also mention those in his covering email to the Board members.

Mr. Bunton reported that our 2021 year-end financial data had been sent to CPA Richard Neel of Albuquerque who will perform the 2022 EPCSA financial compilation required by the NM HOA Act. Mr. Bunton further reported that as of January 12, owners of 122 of EP's 189 properties had paid their 2022 assessments.

Mr. Bunton indicated that Keith Kintigh (421 Calle Kokopelli) had recommended purchasing a Wi-Fi modem for about \$200 for the Clubhouse instead of paying each month to lease one from CenturyLink. Mr. Kintigh had advised that if we pay CenturyLink \$99 to perform the installation, it will give us a much-improved modem for the same price that will provide triple

the Wi-Fi speed and there would be no increase in our monthly phone bill. A motion duly made and seconded to approve a cost not to exceed \$340 including tax to purchase a CenturyLink modem and have it installed by them was passed unanimously after a discussion.

**Architectural Review Board (ARB) Report:** ARB Chair Kurt Sommer could not attend, and Secretary Errol Levine reported on his behalf. He indicated that there are currently thirteen ARB projects in various stages of progress (see attached spreadsheet). Three are major (Appendix IV) projects and ten are minor (Appendix III) projects. He noted significant issues involving two EP properties:

- Hudson property (759 Paseo Cresta): This property will soon be listed for sale. However, the owners have not yet sought final ARB approval for extensive renovations of the property. Barbara Chamberlin agreed to write to the property owners asking that they contact Mr. Sommer to request an inspection of the renovations so that final ARB approval may be granted.
- Sullivan Property (776 Calle Altamira): This property is under contract, but the sale cannot close until a new roof and a radon mitigation installation required by the prospective new owners have been completed. The ARB regards the new roof installation as a basic roof replacement requiring only ARB and neighbor notification. The Radon mitigation system requires an Appendix III application that was submitted by Ms. Sullivan and recently granted conditional approved by the ARB.

President Brenda Shears provided follow-up about two appeals of ARB decisions that had been filed with the Board:

- Miller Project (425 Los Altos Way). Dr. Miller filed an appeal with the Board via email of the \$2,500 fine applied against her by the ARB and of the ARB requirement that she complete her lot cleanup and landscaping not later than December 31, 2021. Ms. Shears is assembling the necessary documents for an appeal hearing.
- Streets Project (753 Paseo Cresta). At its meeting on October 26, 2021 the ARB had decided that unapproved gabions installed on the property should be removed no later than December 31, 2021 and that a Certificate of Non-Compliance should be filed against the property with the Santa Fe County Clerk for Ms. Streets' unapproved use of stucco undulations around every exterior edge of the home. Mr. Sommer informed Ms. Streets about these decisions in a letter dated November 21, 2021. However, Ms. Streets did not appeal the decisions within the allowed thirty-day period after she received Mr. Sommer's letter.

On December 7, 2021, two Cresta homeowners (Carla Skeen – 787 Paseo Cresta and Mary Walta – 769 Paseo Cresta) filed a Notice of Appeal of the ARB's decisions regarding the Streets' property. They also submitted a Request for Inspection of the ARB's records pertaining

to the property. Ms. Shears and Mr. Sommer provided the requested documents on December 16, 2021. On December 20, 2021, Ms. Shears received a follow-up email from Carla Skeen asking that an alleged additional violation on the Streets' property consisting of a metal portal roof visible from the street be added to the appeal. On December 31, 2021, Ms. Shears received a follow-up communication from Ms. Walta requesting additional EPCSA documents shown as attachments to the emails in the original production. Mr. Sommer is assembling the additional documents requested by Ms. Walta as appropriate.

Mr. Sommer has tentatively arranged to meet with Ms. Skeen and Ms. Walta towards the end of January to discuss their Notice of Appeal. Ms. Shears will wait for a report from that meeting before setting a date for the appeal.

**Real Estate Report:** Jill McIntosh reported that a home at 776 Calle Altamira is currently under contract and the sale is expected to close at the end of January. A vacant lot in Cresta is currently listed for sale. Eight homes and one unbuilt lot were sold during 2021.

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

- During routine pool maintenance by Kokopelli Pool and Spa, LLC., in September 2021, the pool was accidentally half emptied because of a valve misuse. The Company owner, Carver Busch, has agreed to credit the Association's next bill for \$260.52 for the estimated cost of refilling the pool.
- On November 15, the main waterline to the Clubhouse broke. After the leak site was excavated a break in a PVC pipe was located and repaired on December 2 by American Leak Detection Company (ALD). After the main leak was repaired, the Association continued to receive leak alerts via the City's Eye on Water app. The leak was determined to originate in a toilet in the Clubhouse and that was repaired on December 16. After the repairs, Mr. Casey contacted the City's Water Department, and the City issued a credit for \$1,860 for the water loss. The credit will be applied to the Association's future water bills.
- Mr. Casey met with Enrique Briano Rodriguez, the owner of the company that provides grounds maintenance for the EPCSA, to discuss excessive water use between August and October resulting from improper setting of the irrigation system controls by company employees. Mr. Rodriguez agreed to issue a credit of \$600 that will be applied to future Association grounds maintenance bills.
- Effective January 1, 2022, Mr. Casey will be responsible for monitoring the City's Eye on Water app for the Recreation Center.
- When the main water line to the clubhouse broke, it became apparent that high water pressure in the City's water lines might be responsible for it. ALD had therefore recommended the installation of a pressure reducing valve (PRV) for the line. They provided a quote of about \$5,200 for the work. Mr. Casey obtained a second quote for a total of \$3,957 (including tax)

from TLC of Santa Fe. A motion made and duly seconded to hire TLC to install the PRV was then passed unanimously after a discussion. Mr. Casey advised that installation of a PRV on the main line to the irrigation system was not needed because the PVC pipe had been replaced with a galvanized steel pipe and because lowering of the line pressure might result in malfunction of the irrigation system.

- Plaster cracks have developed on the east wall of the racquetball court and in other parts of the clubhouse and Mr. Casey will seek opinions about possible underlying structural issues. If there are no underlying problems, he will obtain estimates for crack repair work.
- Mr. Casey has noted a couple of low-lying areas on the newly installed tennis court surface where water accumulates. He will contact the company that installed the surface to determine whether anything can be done about these.

The Board commended Mr. Casey for his diligence in dealing with the Recreation Center leaks and for largely recovering the costs for the excessive water use at the Recreation Center that resulted from the leaks and other mishaps.

**Grounds Maintenance Committee Report:** Committee Chair Jo Beth Speyer indicated that she had nothing to report.

### **Unfinished Business**

Dr. Levine reported that in accordance with Rule III.K.1 in the Book of Resolutions he had requested and received completed Conflict-of-Interest statements for 2022 from all nine Board members.

### **New Business**

Ms. Shears indicated that, as she had previously notified EP owners, there is a man in a white Chevrolet truck without a license plate who frequently parks near the south EP entrance to watch our residents come and go. He has sometimes followed owners as far as their places of work. An owner recently saw the man again and called the non-emergency Santa Fe Police Department number (505-428-3710) to report this. Officer Stevenson called to interview the owner and assigned a Case number 2022-000487. She asked that we use this case number to report future sightings of this individual.

### **Homeowner Comments**

There were none.

### **Announcements**



The next EPCSA Board meeting will be held on Friday, February 11, 2022 using Zoom.

**Adjournment:** A motion was made, seconded, and approved unanimously to adjourn the meeting, and Ms. Shears adjourned it at 9:54 am.

Minutes prepared and submitted by: Errol Levine Date: 1/16/2022

(Errol Levine - Secretary)

Signed on behalf of Board by: Brenda L Shears Date: 2/11/2022

(Brenda Shears - President)

<u>ESTANCIA PRIMERA ARB - PROJECTS IN PROGRESS - January 14, 2022</u>							
	<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	Bouldin	779 Paseo Cresta	Rooftop solar panels	May 2021	\$250	No	Installation pending
2	Bradford	753 Aspen Compound	Mini-split AC system	July 9, 2021	\$250	No	Installation pending
3	Conine	748 Calle Altamira	Brick walkway & terrace wall	October 10, 2021	\$250	No	Final approval granted
4	Hermas/Stock	668 La Viveza	Atrium Window Renovation	Conditional approval pending	\$250	No	Construction pending
5	Hudson/Kaplan*^	759 Paseo Cresta	New deck/flagstone; New roof, re-stucco; stain/seal wood beams on new deck. Mini-split AC installation.	Nov. 1, 2020; May 8, 2021 (AC)	\$500	No	Inspection required
6	Miller	425 Los Altos Way	New home/landscaping	Approved	\$1,100	No	Home complete/ landscaping pending. ARB requires dead vegetation to be removed and landscaping to be completed by December 31, 2021. Fine of \$2,500 assessed by ARB for failure to address various issues in a timely manner. Appeal of ARB decisions filed by Dr. Miller .
7	Molinari	625 Cumbre Vista	Coyote fence extension	May 17, 2021	\$250	No	Installation pending
8	Otto/Coffee	648 La Viveza Ct	Fence/gate Installation	July 9, 2021	\$250	No	Construction Pending
9	Raczynski/Phillips	621 Cumbre Vista	New garage & AC mini-splits; Rooftop Solar panels	7/9/2021; 10/15/2021	\$1,700	No	Construction pending
10	Richards	750 Calle Altamira	Low retaining walls & drainage work	Pending	\$250	No	Construction pending
11	Sommer	766 Calle Altamira	New home	January 28, 2021	\$1,500	No	Construction started 1-3-22
12	Streets	782 Paseo Cresta	New home/new wall	April 2021 (wall)	\$1,100	No	Gabions installed without ARB approval. ARB requires their removal. Drainage of lot needs to be addressed via landscaping plan. Stucco "undulations" not approved by ARB. Certificate of Non-compliance will be filed with Santa Fe County Clerk. Appeal of ARB decisions filed by Carla Skeen & Mary Walta - 12-7-2021.
13	Sullivan	776 Calle Altamira	Roof replacement & Radon Mitigation System	Approval for radon mitigation installation granted - 1-14-2022	\$250	No	Notice received & accepted for basic roof replacement. Final approval for Radon mitigation installation pending.
	* \$250 deposit paid by Marcia Kaplan		^ \$250 deposit paid by Hudson's				

**Estancia Primera Community Services Association (EPCSA)**  
**Minutes of the Meeting of the Board of Directors**  
**Friday, February 11, 2022**

**Call to Order:** Vice President Scott Bunton called the meeting to order at 9:07 am via videoconference using Zoom. Mr. Bunton presided because President Brenda Shears was out of town and had a potentially unreliable Internet connection.

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

**Others Present:** Kurt Sommer (ARB Chair), Greg Casey (Recreation Center Manager), Benita Vassallo (533 Avenida Primera South), Robert Penkhus (536 Camino Los Altos), and Sandy Farmer (416 Kachina Court).

**Approval of Minutes of Previous Board Meeting:** The minutes of the board meeting of January 14, 2022 were approved unanimously as submitted.

## **Reports**

**Treasurer's Report:** Treasurer Scott Bunton indicated that as of January 31, 2022 the Association's operating checking account contained \$110,497.40 (largely reflecting recent annual assessment payments received) and the capital reserve savings account contained \$225,796.94. He indicated that only six annual assessments are unpaid. Reminders will be sent to these owners. Properties owners with unpaid annual assessments on February 15, 2022 will become subject to a delinquency administrative fee of \$50 and interest charges that accrue from that date.

**Real Estate Report:** Jill McIntosh reported that the sale of a home at 776 Calle Altamira had recently closed. A home at 759 Paseo Cresta is currently under contract. This is a private sale that is not included in the MLS. A vacant lot in Cresta is currently listed for sale

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

- The City has issued a credit for \$1,860 for the water loss at the Recreation Center that resulted from a break in the main clubhouse water line. The credit will be applied to the Association's future water bills.

- Carver Busch of Kokopelli Pool and Spa, LLC, has applied a credit of \$260.52 to the EPCSA's last bill for the accidental partial emptying of the pool that had occurred during routine maintenance in 2021.
- When the main water line to the clubhouse broke, it became apparent that high water pressure in the City's water lines might be responsible for it. The board at its January meeting approved a total of \$3,957 (including tax) for TLC of Santa Fe to install a pressure reducing valve (PRV) on the main water line to the clubhouse. The work is currently in progress and will be completed soon.
- Cracks have developed on the racquetball court walls and in other walls at the clubhouse. Mr. Casey consulted James Hands of Hands Engineering LLC of Santa Fe about the matter. Mr. Hands, who is a structural engineer, visited the clubhouse property on February 8 and obtained measurements. He found some evidence of settling that he did not regard as major for a building of the clubhouse's age. Mr. Hands will prepare a report that he will send to Mr. Casey. The cost for the consultation will likely be about \$350 to \$400 and will require board approval.

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

- The Committee recommends accepting a proposal from James Gilchrist of Very Good Tree Service of Santa Fe to prune the large cottonwood tree in the bed in front of the parking lot and the Russian Olive tree adjacent to the clubhouse building at costs of \$1,800 and \$1,600, respectively. These prices include disposal costs but do not include tax. The company will deduct from the total bill the \$100 that was paid to the firm for its consultation about the two trees. The total cost will therefore be \$3,586.88 including tax. A motion duly made and seconded to approve this expenditure was passed after a discussion.
- The Committee recommends screening the gas meter to the north of the Clubhouse. This requires 9 foot of coyote fencing. The Committee obtained a bid for \$600 including tax to do this project from Oscar's Tree Service LLC of Santa Fe. Other bids obtained were higher. The fence will be installed with metal rails and cedar pickets. The post will be cemented in the ground. Upon a motion duly made and seconded, the board approved unanimously an expenditure not to exceed \$700 for the fence work by Oscar's Tree Service.
- The Committee recommends awarding the grounds maintenance contract for 2022 to Tierra Bonita Landscape Company. The cost for monthly maintenance will be \$658.22. The proposed contract runs for eight months from March 1 to Oct 31, 2022 for a total cost of \$5,265.76 including tax. The firm also will charge \$250 to turn the irrigation system on in the spring and \$150 to shut it down for the winter, for a total of \$439.23 with tax. The total amount of the contract is therefore \$5,704.99. Upon a motion duly made and seconded the board approved unanimously the acceptance of the contract at a monthly cost of \$658.22 for eight months. A second motion to expend \$439.23 (including tax) for the turn on and shut down of the irrigation system was also passed unanimously after a motion was duly made and seconded.

- Enrique Briano of Tierra Bonita Landscape Company has issued a credit of \$600 to the EPCSA for excessive water use at the Recreation Center during 2021 due to improper setting of the controls for the irrigation system by company employees. The Grounds Committee wishes to improve the area north of the Recreation Center near the gas meter by adding plants and extending the irrigation system. Tierra Bonita Landscape Company will be doing only the irrigation work and will apply the \$600 credit toward the cost of that work. Greg Casey and MaryAnn Scanlon will procure the plants and plant them.

**Architectural Review Board (ARB) Report:** Mr. Sommer could not be present for this part of the meeting and Dr. Levine reported on his behalf. There are currently fourteen ARB projects in various stages of progress (see attached spreadsheet). Four are major (Appendix IV) projects and ten are minor (Appendix III) projects. There are significant issues involving three EP properties:

- Hudson property (759 Paseo Cresta): This property is under contract and is being sold privately. The owners, Michael and Daniel Hudson, made improvements including installing a new porch and a mini-split air-conditioning system. These had received conditional ARB approval. The owners recently requested final ARB approval of the work done. Mr. Sommer inspected the property. He granted final approval for the porch and the \$250 performance deposit for this project will be refunded to the original applicant (Marcia Kaplan).

Mr. Sommer found that the air-conditioning system installation had not been completed satisfactorily since exterior wall ducts had not been painted to match the adjoining stucco color and an electrical box required a cover. The property owners have asked their contractor to complete the modifications required by Mr. Sommer. When these are completed, the owners will notify Mr. Sommer who will conduct a second inspection. If the work is satisfactory, final ARB approval will be granted and the \$250 performance deposit will be refunded to the owners. The latter have agreed that their request to the EPCSA for Disclosure documents for the pending property sale be put on hold until final ARB approval is obtained.

- Sullivan/Schenkman Property (776 Calle Altamira): This property has recently been sold to Ken Schenkman and Nancy Moreland. The original owner, Joan Sullivan, had submitted an Appendix III ARB application to install a radon mitigation system prior to the closing of the sale. The ARB granted provisional approval for the installation. Owing to delays, however, the installation remained incomplete when the sale closed. Joan Sullivan has requested a refund of her performance deposit. However, a refund cannot be made until she and/or the new owners request an inspection of the installation and obtain final ARB approval. Both Ms. Sullivan and Dr. Schenkman have been notified accordingly.
- Sommer Property (766 Calle Altamira): Kurt and Cheryl Sommer obtained ARB approval to construct a new home on the vacant lot on January 27, 2021 and paid the customary \$1,500 performance deposit that was submitted with their Appendix IV application. However, they did not commence construction until January 3, 2022 because of labor and contractor issues related

to the Covid-19 pandemic. They eventually broke ground on January 3, 2022. Prior to the anniversary of the ARB having issued conditional approval for new construction, the Sommers applied to the ARB for a construction extension as is required by paragraph 1 of Appendix II of the EP Architectural Guidelines. The ARB granted a construction extension through December 31, 2022.

Dr. Levine reported that several ARB projects had remained on the monthly ARB spreadsheet (see attachment) for prolonged periods. Sometimes this was due to construction delays. Mostly, however, the owners had failed to seek final ARB approval when their projects were completed. The performance deposits are held by the EPCSA until final ARB approval is obtained. Dr. Levine indicated that it is the responsibility of owners to seek final approval of their projects. However, he requested that each board member should use the ARB spreadsheet to contact owners in their respective neighborhood subdivisions with unapproved projects and ask them to submit a request to Mr. Sommer for final ARB approval if their projects had been completed.

### **Unfinished Business**

Mr. Sommer reported as follows:

- Streets Project (753 Paseo Cresta). Since the last board meeting of January 14, 2022, there have been new developments in this matter. Mr. Sommer had attempted to arrange a meeting with Ms. Skeen and Ms. Walta to reach an accommodation. However, his efforts in this regard were unsuccessful. Also, Ms. Streets recently filed a notice of appeal with Ms. Shears and Mr. Sommer regarding the various ARB decisions about her property. Mr. Sommer therefore recommended to the board that the various disputed issues relating to the Streets property be directed back to the ARB for reconsideration and that the board should entertain a motion to that effect. The following motion was then made and duly seconded:

*“All disputed issues related to the Streets’ property at 753 Paseo Cresta should be directed to the ARB for re-examination and the ARB should convene a meeting to hear from interested parties before reaching conclusions about the disputed issues.”*

After a discussion, the motion was passed unanimously. Mr. Sommer indicated that he would convene a meeting in late March or April to which all interested parties would be invited. Ms. Streets can be represented at the meeting by her contractor if she prefers that.

Ms. Shears will write to Ms. Walta, Ms. Skeen, and Ms. Streets indicating that the disputed issues relating to the Streets property had been referred to the EP ARB for reconsideration.

- Miller Project (425 Los Altos Way). Dr. Miller filed a notice of appeal with the board of the \$2,500 fine applied against her by the ARB. The board will hold an appeal hearing on March 24, 2022 at 2:00 pm using Zoom. Dr. Miller will attend with her attorney. Ms. Shears will make documents pertaining to this matter available to the board members. Mr. Sommer recommended that he (as ARB chair) and Sean Krispinsky (as Los Altos ARC chair) should first make presentations to the board to describe the issues and explain why a fine had been imposed. Dr. Miller and/or her attorney may then respond. After that, the board members could discuss the issues raised and vote on the matter. Ms. Shears will submit a proposal to the board at its March meeting regarding how the hearing should be conducted.

### **New Business**

There was none.

### **Homeowner Comments**

Ms. Vassallo and Mr. Penkhus thanked the board for its diligent approach to neighborhood matters.

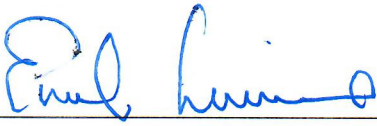
### **Announcements**

The next EPCSA board meeting will be held on Friday, March 11, 2022 using Zoom.

**Adjournment:** A motion was made, seconded, and approved unanimously to adjourn the meeting, and Mr. Bunton adjourned it at 10:25 am.

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Minutes prepared and submitted by:  Date: 2/14/2022

(Errol Levine - Secretary)

Signed on behalf of board by:  Date: 3/11/2022

(Brenda Shears - President)

**ESTANCIA PRIMERA ARB - PROJECTS IN PROGRESS - March 3, 2022**

	<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	Bouldin	779 Paseo Cresta	Rooftop solar panels	May 2021	\$250	No	Installation pending
2	Bradford	753 Aspen Compound	Mini-split AC system	July 9, 2021	\$250	No	Installation pending
3	Bunton	451 Avenida Primera S	Rooftop solar panels	February 1, 2022	\$250	No	Installation pending
4	Conine	748 Calle Altamira	Brick walkway & terrace wall	October 10, 2021	\$250	Yes	Final approval granted by ARB - 2-21-2022
5	Hermas/Stock	668 La Viveza	Atrium Window Renovation	Conditional approval granted	\$250	No	Project not yet complete
6	Hudson/Kaplan*^	759 Paseo Cresta	New deck/flagstone; New roof, re-stucco; stain/seal wood beams on new deck. Mini-split AC installation.	Nov. 1, 2020; May 8, 2021 (AC)	\$500	Yes - porch (\$250 refund to Marcia Kaplan); \$250 will be refunded to Hudsons.	Property inspected by Mr. Sommer (2-5-22). New porch given final approval. AC system installation given final approval - 3-2-2022.
7	Miller	425 Los Altos Way	New home/landscaping	Approved	\$1,100	No	Home complete/ landscaping pending. ARB requires dead vegetation to be removed and landscaping to be completed by December 31, 2021. Fine of \$2,500 assessed by ARB for failure to address various issues in a timely manner. Appeal of ARB decisions filed by Dr. Miller.
8	Molinari	625 Cumbre Vista	Coyote fence extension	May 17, 2021	\$250	Yes	Project complete - Approved by ARB - 2-21-2022
9	Otto/Coffee	648 La Viveza Ct	Fence/gate Installation	July 9, 2021	\$250	No	Project complete - requires inspection
10	Raczynski/Phillips	621 Cumbre Vista	New garage & AC mini-splits; Rooftop Solar panels	7/9/2021; 10/15/2021	\$1,700	No	Construction pending

**ESTANCIA PRIMERA ARB - PROJECTS IN PROGRESS - March 3, 2022**

	<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>
11	Richards	750 Calle Altamira	Low retaining walls & drainage work	Pending	\$250	No	Construction pending
12	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.
13	Streets	782 Paseo Cresta	New home/new wall	April 2021 (wall)	\$1,100	No	Gabions installed without ARB approval (Owner disputes this). ARB requires their removal. Stucco "undulations" not approved by ARB. Certificate of Non-compliance will be filed with Santa Fe County Clerk. Appeal of ARB decisions filed by Carla Skeen & Mary Walta - 12-7-2021 & by Jan Streets - 2-9-2022 and 2-10-2022.
14	Sullivan/Schenkmar	776 Calle Altamira	Roof replacement & Radon Mitigation System	1-14-2022	\$250	No	System inspected by ARB - 2-20-2022 - not installed according to submitted plans. Therefore, disapproved. Former and current property owners notified .

**Estancia Primera Community Services Association (EPCSA)  
Minutes of the Meeting of the Board of Directors  
Friday, March 11, 2022**

**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), Scott Bunton (Vice-President/Treasurer), Errol Levine (Secretary), Connie Burke, Barbara Chamberlin, Gene Creely, Jill McIntosh, and Jo Beth Speyer.

**Others Present:** Lauri Stock and Michelle Hermas (668 La Viveza Court) and John Harvey (799 Aspen Compound).

**Approval of Minutes of Previous Board Meeting:** The minutes of the board meeting of February 11, 2022 were approved unanimously as submitted.

## **Reports**

**Treasurer's Report:** Treasurer Scott Bunton had previously distributed the Balance Sheet, the Expense Detail Statement, and the Budget versus Actual Statement of February 28, 2022 to the Board members via email. He indicated that as of February 28, 2022 the Association's operating checking account contained \$125,504.67 (largely reflecting recent annual assessment payments received) and the capital reserve savings account contained \$225,802.14. Mr. Bunton reported that February expenditures are fully in line with the 2022 budget. All but one of EP's 189 property owners paid their 2022 assessments before the accounts became formally delinquent, and the delinquent owner ultimately paid the assessment, the delinquency fee, and accrued interest.

**Architectural Review Board (ARB) Report:** ARB Chair Sommer could not attend the meeting and Secretary Errol Levine reported on his behalf. There are currently fourteen ARB projects in various stages of progress (see attached spreadsheet). Four are major (Appendix IV) projects and ten are minor (Appendix III) projects. Three projects recently received final ARB approval and the owners' performance deposits will be refunded. There are/were significant issues involving three EP properties:

- **Hudson property (759 Paseo Cresta):** The sale of this property has closed. However, the closing was delayed because of an incomplete ARB project. The owners, Michael and Daniel Hudson, made improvements including installing a mini-split air-conditioning system. The latter had received conditional ARB approval. The owners requested final ARB approval of the work after the home went under contract. Mr. Sommer inspected the property and found that the air-

conditioning system installation had not been completed satisfactorily since exterior wall ducts had not been painted to match the adjoining stucco color and an electrical box required a painted cover. The outstanding issues were eventually corrected, and Mr. Sommer approved the installation on a follow-up inspection. The \$250 performance deposit will be refunded to the original owners.

- Sullivan/Schenkman Property (776 Calle Altamira): This property had recently been sold to Ken Schenkman and Nancy Moreland. The original owner, Joan Sullivan, had submitted an Appendix III ARB application to install a radon mitigation system prior to the sale closing. The ARB granted provisional approval for the installation. Owing to delays, however, the installation remained incomplete when the sale closed.

The new owners asked Mr. Sommer to inspect the installation. He found that the installation had not been done in accordance with the plans submitted to the ARB. A roof vent and fan need to be painted. Additionally, there are unsightly dangling and exposed electrical wires and an exposed electrical meter not shown on the ARB-approved plans.

Dr. Schenkman contacted Paul Smith, owner of Radon Pro of New Mexico, LLC, which is the company that performed the installation. Mr. Smith has agreed to correct the various problems. Mr. Sommer will re-inspect the installation after that. The former owner, Joan Sullivan, has requested a refund of her performance deposit. However, a refund will not be made until the installation receives final ARB approval.

Streets Project (753 Paseo Cresta): There are various disputed issues about this property including a gabion installation, a metal portal roof and undulating stucco that are subjects of a complaint by Mary Walta and Carla Skeen, both of whom are property owners along Paseo Cresta. Also, the property owner, Jan Streets, has appealed an ARB decision requiring her to remove the gabion installation. The board at its meeting of February 11 had at the request of Mr. Sommer referred all disputed issues related to the Streets' property to the ARB for re-examination and reconsideration. Ms. Shears wrote to Ms. Walta, Ms. Skeen, and Ms. Streets informing them about this. Mr. Sommer will convene an ARB meeting during April to which all interested parties will be invited.

Dr. Levine reported that there are two general ARB matters that require the Board's consideration and continuing action:

- a. Delayed Final Approvals of ARB Projects: Such delays result either from owners with completed projects forgetting to apply for final approval or from construction delays. Dr. Levine recommended that during the ARB report at each meeting the board should review the performance deposits being held to detect such cases. In the case of any deposit where it is thought the project is complete, or about which everyone is unsure, the Board representative from the neighborhood should be asked to contact the owner to inquire about the project, and to

urge the owner to seek final ARB approval if the project is complete. That requested intercession should be recorded in the minutes.

In cases of delayed construction, Paragraph 1 of Appendix II of the Architectural Guidelines states that if a request for final approval is not received by the ARB within 12 months of preliminary approval, any portion of the performance deposit not used for costs is forfeit unless an extension has been requested and granted by the ARB. If such cases are identified during the ARB report at board meetings, Mr. Sommer should be asked by the board to write to the owners concerned seeking an explanation for the delayed construction and suggesting that they seek an extension from the ARB. It was also agreed that Mr. Sommer when issuing approvals of ARB projects should remind applicants that they need to seek extensions if there are construction delays to avoid forfeiture of their performance deposits.

The Board agreed with these proposals.

b. *Incomplete ARB Projects at Properties Under Contract:* Dr. Levine indicated that these situations are problematic because if projects remain incomplete after the home sale closes, the project becomes the responsibility of the new owners. Accordingly, it would be best if the Board member appointed to complete Disclosure certificates for EP home sales indicates in the Disclosure certificate that there is an ongoing ARB project on the property that constitutes a violation and that such a violation will become the responsibility of the new owners if it remains uncorrected when the closing occurs. The Board agreed with this recommendation.

**Real Estate Report:** Jill McIntosh reported that the private sale of a home at 759 Paseo Cresta had recently closed. A home at 646 Cumbre Vista Drive is currently under contract. There is an active listing for a vacant lot at 797 Avenida Primera South in the Cresta subdivision.

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

- TLC of Santa Fe has successfully installed a pressure reducing valve (PRV) on the main water line to the clubhouse. The electrical supply to the irrigation system was inadvertently cut during the installation. Mr. Casey will obtain a quote for the needed repair from Enrique Briano of Tierra Bonita Landscape Company.
- Cracks have developed on the racquetball court plaster walls and in sheet rock walls at the upper clubhouse level. Mr. Casey consulted James Hands of Hands Engineering LLC of Santa Fe about the matter. Mr. Hands, who is a structural engineer, visited the clubhouse property on February 8 and obtained measurements. He found evidence of settling that he did not regard as major for a building of the clubhouse's age. Mr. Hands submitted his report (attached) on February 15, 2022. Mr. Hands concluded that the clubhouse building is not structurally unstable. However, the wood floor of the racquetball court has settled around the perimeter. These areas of settling need to be monitored for future movement. The sheet rock cracks in the conference room

and hallway walls are also likely due to settling. Mr. Casey agreed to obtain measurements every two weeks to determine if there is a progression of the settling at the racquetball court.

Mr. Hands found also that the grading on the north, east and south sides of the racquetball court is directed towards the building instead of away from it. He recommended that this be corrected by the installation of various swales, French drains, and trenches. Mr. Casey will obtain a quote from Enrique Briano of Tierra Bonita Landscape Company and others for this work. Mr. Hands submitted an invoice for \$759.06 for his inspection and report. A motion duly made and seconded to approve this expenditure was approved unanimously after a discussion. The Board noted that in the future this type of expenditure requires approval before it is incurred.

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

- Tierra Bonita Landscape Company's crew started the pruning and cleaning of the clubhouse grounds during the first week of March. MaryAnn Scanlon and Greg Casey will oversee the work.
- Very Good Tree Service will prune the Cottonwood in the bed adjacent to the parking lot at the beginning of April. This will be done at a cost of \$1800 previously approved by the board. When the Russian Olive tree adjacent to the clubhouse has developed foliage, the Company will prune it also at a cost of \$1600 previously approved by the board.
- The coyote fence screen has been installed adjacent to the gas meter.
- MaryAnn Scanlon has decided to plant an Eastern Redbud tree instead of an ash tree in the bed adjacent to the parking lot. Ash trees are at risk of being attacked by the Emerald Ash Borer, which is making its way to New Mexico, from neighboring states. It requires expensive treatment to control the pest. Ms. Scanlon selected an Eastern Redbud tree at Oscar's Tree Service. The cost of the tree is \$500. A motion made and duly seconded to pay Oscar's Tree Service \$500 for the tree was passed unanimously.

### **Unfinished Business**

*Miller Project (425 Los Altos Way).* Ms. Shears reported that at the request of the board officers Mr. Sommer had contacted Alicia Gutierrez, Dr. Miller's attorney, to determine whether a settlement could be reached that would obviate the need for the appeal hearing scheduled for March 24, 2022. Dr. Miller had filed an appeal with the Board requesting that the \$2,500 fine imposed on her by the EP ARB for delays in construction and lot landscaping be withdrawn. Ms. Gutierrez replied to Mr. Sommer on March 7, 2022 outlining five settlement terms that she and Mr. Sommer had discussed by telephone and to which Dr. Miller agreed. It had been further agreed that if the board approved the proposed settlement terms Ms. Shears (as EPCSA President) and Dr. Miller should both sign a Memorandum of Understanding (MOU) after which

the appeal hearing would be vacated. Ms. Gutierrez's email was distributed to the Board members prior to the meeting.

A motion was made and duly seconded to approve an effort to settle with Dr. Margaret Miller by negotiating a Memorandum of Understanding (MOU) based on the settlement terms contained in Ms. Gutierrez's email to Mr. Sommer. During the discussion, additional settlement terms were suggested to modify those settlement terms, and the motion was modified to include those additional terms. After discussion ended, the Board unanimously agreed to the motion as modified so that it specifies the following terms to be included in a settlement MOU:

- The EPCSA will retain the remaining \$1,100 of the original \$1,500 performance deposit submitted by Dr. Miller in 2017 with her EP ARB application for new home construction and landscaping, per the provisions of Paragraph 1 of Appendix II of the Architectural Guidelines for EP.
- The EPCSA will temporarily suspend the fine of \$2,500 that the ARB had imposed for the alleged failures listed in Mr. Sommer's letter to Dr. Miller dated December 6, 2021, in exchange for the terms listed in the following paragraphs.
- The list of plants and a plan identifying the remaining landscaping needs to be completed in and around her property that had been submitted by Dr. Miller will be provided to the ARB. The ARB will confirm the accuracy and completeness of the list with the help of Sean Krispinsky (Chair of the Los Altos Architectural Control Committee).
- Dr. Miller will complete all landscaping on the approved list no later than June 30, 2022. If the landscaping is not completed to the satisfaction of the ARB by June 30, 2022, Dr. Miller agrees to pay the \$2500 fine within 30 days of receiving notice from the ARB; if the landscaping is completed to the satisfaction of the ARB the fine will be waived in full.
- Dr. Miller will vacate her appeal of the ARB's determinations as set forth in Kurt Sommer's letter of December 6 by completion of the settlement agreement.
- The EPCSA and Dr. Miller will enter into a Memorandum of Understanding (MOU) as to the above terms.
- The EPCSA will acknowledge in the MOU that the Los Altos HOA is responsible for the maintenance of all drainage improvements and the drainage system for the Los Altos neighborhood as set forth in Article XI, Section 11.05 of the 2000 Declaration of Covenants, Conditions and Restrictions of Los Altos Subdivision and the 1995 Settlement Agreement between Charles Diker and EPCSA, Section 4 B. Drainage.

Ms. Shears informed the Board that she had set up a meeting with Mr. Sommer and Mr. Krispinsky for March 17 at which the above settlement terms and Dr. Miller's latest lot landscaping plan would be discussed. After that, Mr. Sommer and Ms. Gutierrez would draft a



Memorandum of Understanding to be signed by Ms. Shears on behalf of the Board and by Dr. Margaret Miller as owner of the property at 425 Los Altos Way.

A further motion duly made and seconded to grant approval for Ms. Shears to sign the MOU on behalf of the Board without the need for further Board approval, if there are no *substantive* changes in the proposed settlement terms, was then passed unanimously.

### **New Business**

- Connie Burke indicated that there is interest in holding a community-wide garage sale in the clubhouse parking lot and that she is willing to organize one if she can get help. It will be held on May 21 from 8:00 am to 1:00 pm. There is a \$5 charge per person wanting to offer items for sale. Ms. Burke also proposed holding a pool opening party on May 30 that she will organize. The EPCSA will provide funds (the amount is to be determined) to pay the cost of getting barbecued meats for the event. The residents will bring side dishes and beverages.
- Scott Bunton indicated that he and Ms. Shears had met with Sandy Farmer (416 Kachina Court). Mr. Farmer had expressed a tentative interest in becoming involved in EPCSA administrative matters. They had discussed with him his working with Jim Hays to get outstanding capital projects at the Recreation Center accomplished. These include replacement of the clubhouse entry tile and replacement of the concrete sidewalk at the front of the clubhouse and tennis court. Mr. Farmer has experience in managing projects of this type. Ms. Shears indicated that she had provided Mr. Farmer with documents and plans relating to previous attempts to get the work done. A motion duly made and seconded that Mr. Farmer be appointed as EPCSA Capital Reserves Projects Coordinator was passed unanimously after a preliminary motion duly made and seconded to waive the requirement that unannounced new business could not be voted on at a board meeting was also passed unanimously.
- The board briefly discussed an issue that had arisen about how consolidated lots in EP should be assessed. Ms. Shears indicated that she is investigating the matter and that the Board might need to seek legal advice regarding it. The matter will be placed on the agenda of a future board meeting. Ms. Shears is assembling documents regarding three consolidated lots in EP.

### **Homeowner Comments**

Mr. Harvey expressed his appreciation to the board for its work on behalf of the members.

### **Announcements**

The next EPCSA board meeting will be held on Friday, April 8, 2022 using Zoom. A community garage sale will be held in the Recreation Center parking lot on May 21 and a Memorial Day party will be held at the clubhouse on May 30 to coincide with the pool opening.

**Adjournment:** A motion was made, seconded, and approved unanimously to adjourn the meeting, and Ms. Shears adjourned it at 10:27 am.

Minutes prepared and submitted by: Errol Levine Date: 3/17/2022

(Errol Levine - Secretary)

Signed on behalf of board by: Brenda L Shears Date: 4/8/2022

(Brenda Shears - President)

**ESTANCIA PRIMERA ARB - PROJECTS IN PROGRESS - March 31, 2022**

	<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	Bouldin	779 Paseo Cresta	Rooftop solar panels	May 2021	\$250	No	Installation complete. Has asked for final approval.
2	Bradford	753 Aspen Compound	Mini-split AC system	July 9, 2021	\$250	No	Installation pending
3	Bunton	451 Avenida Primera S	Rooftop solar panels	February 1, 2022	\$250	No	Installation pending
4	Conine	748 Calle Altamira	Brick walkway & terrace wall	October 10, 2021	\$250	Yes	Final approval granted by ARB - 2-21-2022
5	Hermas/Stock	668 La Viveza	Atrium Window Renovation	Conditional approval granted	\$250	No	Project is complete. Will ask for final approval.
6	Hudson/Kaplan*^	759 Paseo Cresta	New deck/flagstone; New roof, re-stucco; stain/seal wood beams on new deck. Mini-split AC installation.	Nov. 1, 2020; May 8, 2021 (AC)	\$500	Yes - porch \$250 refund to Marcia Kaplan; \$250 refunded to Hudsons.	Property inspected by Mr. Sommer (2-5-22). New porch given final approval. AC system installation given final approval - 3-2-2022.
7	Miller	425 Los Altos Way	New home/landscaping	Approved	\$1,100	No	Home complete/landscaping pending. ARB requires landscaping to be completed by December 31, 2021. Fine of \$2,500 assessed by ARB for failure to address various issues in a timely manner. Appeal of ARB decisions filed by Dr. Miller. Settlement being negotiated with Memorandum of Understanding pending.
8	Molinari	625 Cumbre Vista	Coyote fence extension	May 17, 2021	\$250	Yes	Project complete - Approved by ARB - 2-21-2022.
9	Otto/Coffee	648 La Viveza Ct	Fence/gate Installation	July 9, 2021	\$250	No	Project complete - requires inspection.
10	Raczynski/Phillips	621 Cumbre Vista	New garage & AC mini-splits; Rooftop Solar panels.	7/9/2021; 10/15/2021	\$1,700	No	Installation partly completed. Garage construction will resume in summer.
11	Richards	750 Calle Altamira	Low retaining walls & drainage work	Approved	\$250	No	Project still incomplete.

**ESTANCIA PRIMERA ARB - PROJECTS IN PROGRESS - March 31, 2022**

	<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>
12	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.
13	Streets	782 Paseo Cresta	New home/new wall	April 2021 (wall)	\$1,100	No	Gabions installed without ARB approval (Owner disputes this). ARB requires their removal. Stucco "undulations" not approved by ARB. Certificate of Non-compliance will be filed with Santa Fe County Clerk. Appeal of ARB decisions filed by Carla Skeen & Mary Walta - 12-7-2021 & by Jan Streets - 2-9-2022 and 2-10-2022. ARB meeting will be scheduled in April to review disputed issues on the property.
14	Sullivan/Schenkmar	776 Calle Altamira	Roof replacement & Radon Mitigation System	1-14-2022	\$250	No	System inspected by ARB - 2-20-2022 - not installed according to submitted plans. Therefore, disapproved. Former and current property owners notified. Company that installed system has promised to correct problems.



# Hands Engineering, Inc.

February 15, 2022

Mr. Greg Casey  
Santa Fe, NM  
[greg.m.casey@gmail.com](mailto:greg.m.casey@gmail.com)

**RE: ESTANCIA PRIMERA CLUB HOUSE  
SANTA FE, NEW MEXICO  
Hands Engineering Project No. 2022-5840**

Dear Mr. Casey:

Per your request, Hands Engineering, Inc. was employed to perform a site visit to the referenced site. On February 8, 2022, James Hands visited the site to gather the information necessary for our analysis. The purpose of the site visit was to evaluate the structural condition of the walls at the handball court for the referenced club house.

Please note that the evaluation was a visual observation only and no plans were available at the time of the visit. Photos were taken at the site and are enclosed.

My observations and recommendations are:

1. The walls shown in Photo 1 have many shrinkage type cracking in the plaster finish coating. I recommend that you place measurements across the walls. These measurements should be monitored and measured every two weeks. At this point, I do not believe these walls are experiencing structural damage.
2. Photos 1 and 2 show the grading at the north side outside the racquetball court. It is my recommendation that the grading be changed to provide good positive drainage away from the building, especially at the run down flow from the canaels.
3. Photo 3 shows the soil grading at the east side of the racquetball court. The grading is sloping down from the uphill toward the building. A good drainage swale should be placed to channel the water away from the building and out to the south.
4. Photo 4 shows the soil grading at the south side of the racquetball court. This grading should be changed to also have a swale that slopes away from the building and out to the south.
5. Photo 5 shows the walkway to the exterior door at the northwest side of the racquetball court. This area holds the water which gets into this area. I recommend that a trench drain,

similar to the exiting trench drain, be placed approximately four feet out from the door. A subsurface six inch PVC pipe should tap into the drains and should outlet into a 4'-0"x4'-0"x4'-0" gravel subsurface pit located about 60 feet to the north of the building.

6. The enclosed plan is the floor plan of the racquetball court. The plan is approximately 20 feet wide and 39 feet long. The numbers shown are the elevation readings for the wood floor. The high point at the center of the plan was set as a reference for the readings. This point was set at 0'-0". All the readings around the walls show that the floor has settled around the perimeter. We shall continue to monitor these elevations for any future movement.

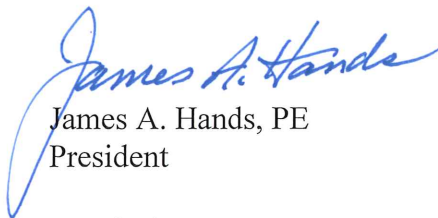
Based on the amount and type of cracking which is visible, I do not believe the building is structurally unstable. I believe we should monitor the cracking and floor movement for any future movement. I recommend the exterior grading, as described above, be provided for the site.

The conclusions and opinions stated are based on our understanding of the facts and evidence stated in the discussion above. Should additional facts or evidence become available pertaining to this project I reserve the right to review that information and revise my opinions when appropriate.

Please note that our office has provided structural consultation for only those items listed in this letter. Hands Engineering, Inc. assumes no responsibility for the structural adequacy of any other members or systems in this project.

Please do not hesitate to contact our office should you have any questions or if we can be of further assistance.

Respectfully submitted,

  
James A. Hands, PE  
President

JAH/lmh

Encl: Photos, Plan





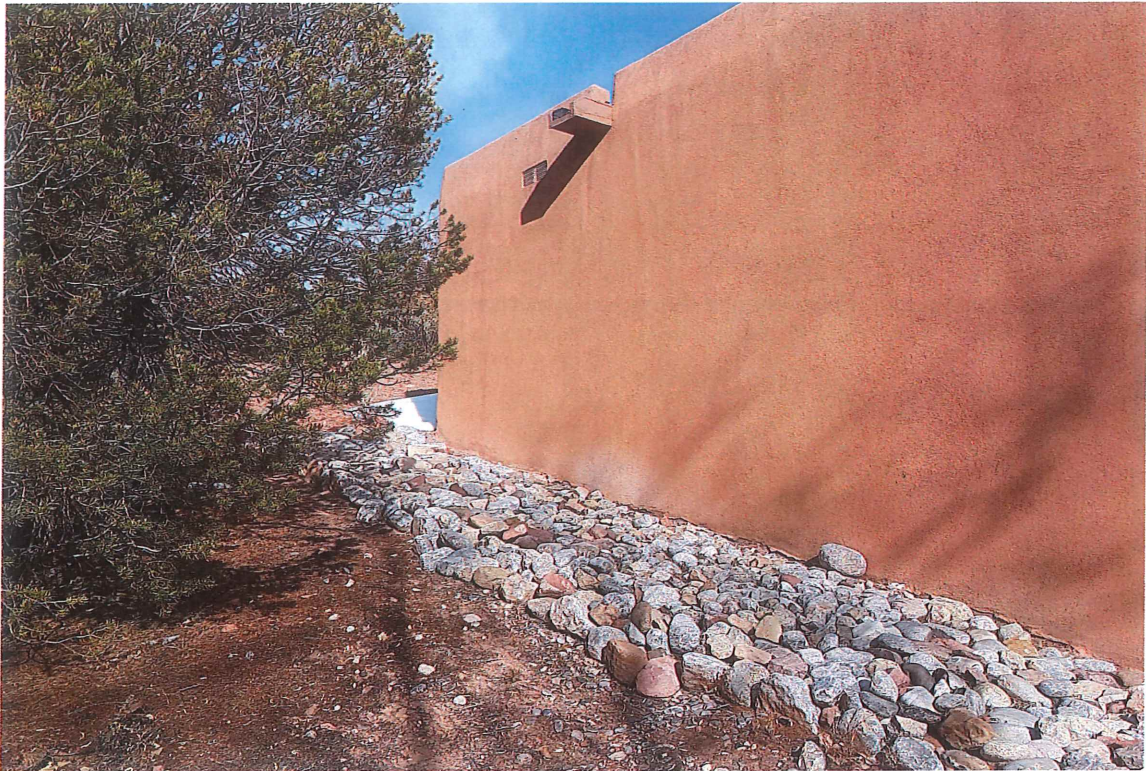


Photo No. 1↑



Photo No. 2↑





Photo No. 3↑

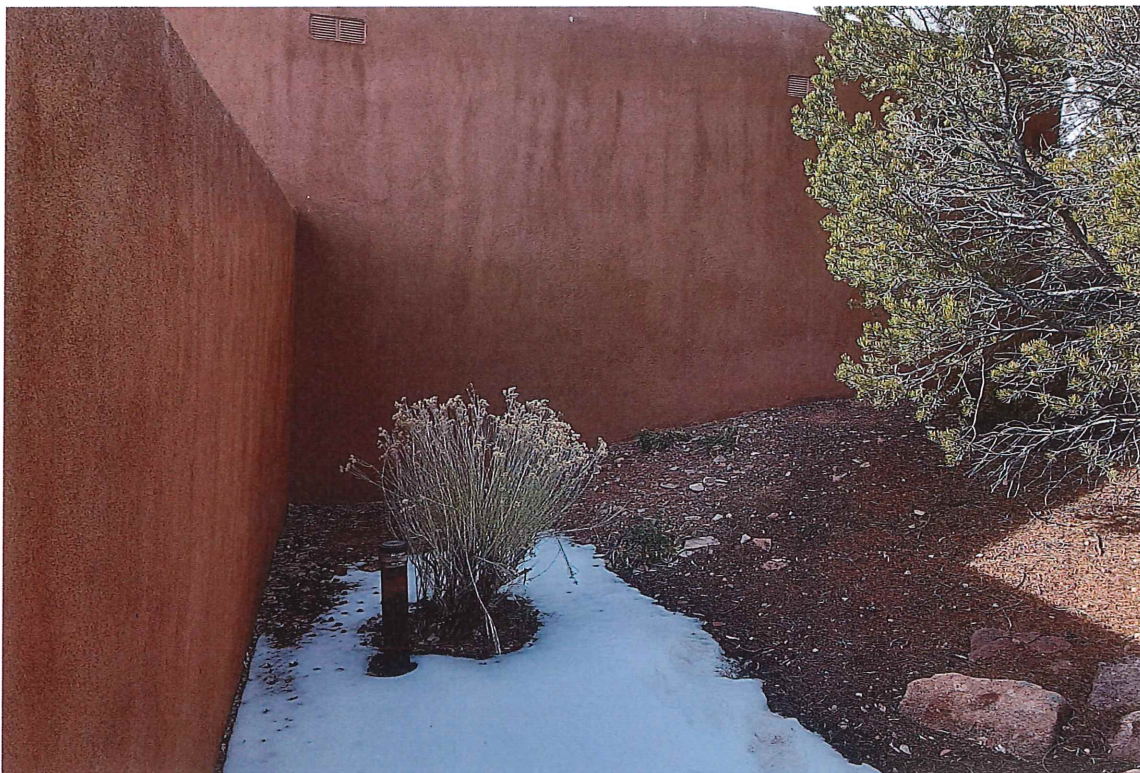


Photo No. 4↑





Photo No. 5↑

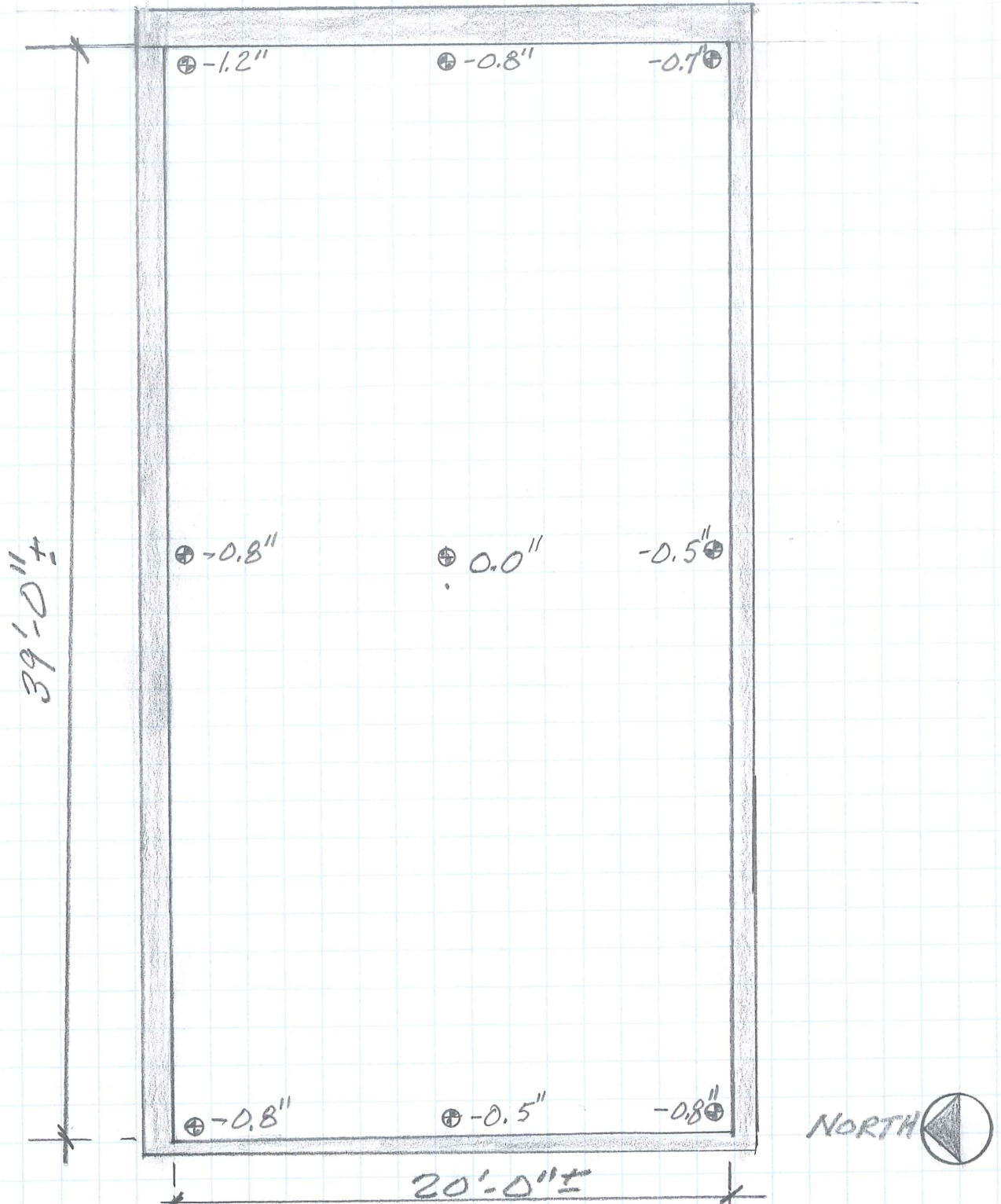


Hands Engineering, Inc.

JOB	ESTANCIA PRIMEKA		
SHEET NO	_____	OF	_____
CALCULATED BY	_____	DATE	_____
CHECKED BY	_____	DATE	_____

BOB LOCKWOOD CLUB HOUSE

FLOOR ELEVATION READINGS



RACQUET BALL COURT FLOOR PLAN

**Estancia Primera Community Services Association (EPCSA)  
Minutes of the Meeting of the Board of Directors  
Friday, April 8, 2022**

**Call to Order:** Acting President Scott Bunton called the meeting to order at 9:02 am via videoconference using Zoom. President Shears is currently out of the country.

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

**Others Present:** Kurt Sommer (ARB Chair), Greg Casey (Recreation Center Manager), Lauri Stock and Michelle Hermas (668 La Viveza Court), Rita Meek (684 La Viveza Court), Carla Skeen (787 Paseo Cresta), Mary Walta (769 Paseo Cresta) and Edward Platte (777 Paseo Cresta).

**Approval of Minutes of Previous Board Meeting:** The minutes of the board meeting of March 11, 2022 were approved unanimously as submitted.

## **Reports**

**Treasurer's Report:** Treasurer Scott Bunton had previously distributed the Balance Sheet, the Expense Detail Statement, and the Budget versus Actual Statement of March 31, 2022 to the Board members via email. He indicated that as of March 31, 2022 the Association's operating checking account contained \$117,631.63 (of which \$7,150 comprises ARB performance deposits) and the capital reserve savings account contained \$225,807.89. Mr. Bunton reported that March expenditures are in line with the 2022 budget except for the expenses incurred for repairing the leak in the main water line to the clubhouse and for the installation of a pressure reducing valve on the main clubhouse water line.

Mr. Bunton reported that he had received EPCSA's 2021 income tax return from our bookkeeper and that he had signed the return and mailed it. The EPCSA paid \$4.50 in taxes for interest income earned exceeding the exempt amount of \$100 during 2021.

**Architectural Review Board (ARB) Report:** ARB Chair Sommer reported that there are currently twelve ARB projects in various stages of progress (see attached spreadsheet). Four are major (Appendix IV) projects and eight are minor (Appendix III) projects. Three projects (Bouldin, Hermas/Stock and Otto/Coffee) recently received final ARB approval and the owners' performance deposits will be refunded. Two other projects (Bradford and Richards) are almost complete and will be inspected. There are issues involving two EP properties:

- *Schenkman Property (776 Calle Altamira)*: The current owners, Ken Schenkman and Nancy Moreland, will correct the problems with the radon mitigation system installation (see Board meeting minutes of March 11, 2022) that was started by the original owner, Joan Sullivan, and will then seek ARB approval for the project.
- *Streets Project (753 Paseo Cresta)*: Mr. Sommer reported that he will convene two ARB meetings during April or May to reconsider disputed installations on the property, to address an appeal from Ms. Streets regarding an ARB decision that she remove the gabions installed on her property, and to address complaints about the property from two Cresta homeowners, Mary Walta and Carla Skeen (see board meeting minutes of March 11, 2022).

**Real Estate Report:** Jill McIntosh reported that a home at 412 Los Altos Way and another at 608 Los Altos Norte are currently under contract. There are active listings for homes at 799 Aspen Compound and 425 Calle Kokopelli and for a vacant lot at 797 Avenida Primera South. Three homes have been sold to date during 2022.

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

- TLC of Santa Fe has successfully installed a pressure reducing valve (PRV) on the main water line to the clubhouse. The electrical supply to the irrigation system was inadvertently cut during the installation. Tierra Bonita Landscape Company has repaired this at no charge to the EPCSA.
- Settling cracks have developed on the racquetball court plaster walls and in sheet rock walls at the upper clubhouse level. The cracks and their measurements are as follows: One at a beam near the kitchen – ½ inch; one in the hall near the stairs to racquetball court – 1/8 inch; a crack in the north wall of the racquetball court – 1/16 inch and a crack in the east wall of the racquetball court - 1/16 inch. Mr. Casey will continue to monitor these for progression and will report on their status at the monthly board meetings. He will contact Tierra Bonita Landscape Company to obtain an estimate for the regrading work at the back of the clubhouse recommended by James Hands of Hands Engineering LLC of Santa Fe about the matter (see attachment to minutes of March 11, 2022).
- Mr. Casey will contact Carver Busch of Kokopelli Pool and Spa, LLC, to arrange for all preparatory work to be completed so that the pool can be opened Memorial Day weekend.
- A deep cleaning of the clubhouse will be done to get it ready for Memorial Day.
- Mr. Casey will sand and stain the clubhouse wood entry doors in May.

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

- Tierra Bonita Landscape Company started the maintenance work in the Recreation Center grounds in March working three hours each week, and the Committee is pleased with the work that has been done.

- Very Good Tree Service will soon prune the Cottonwood tree in the bed adjacent to the parking lot. The Company will also prune the Russian Olive tree adjacent to the clubhouse when it develops foliage.
- The coyote fence screen was installed adjacent to the gas meter.
- An Eastern Redbud tree was planted in the bed adjacent to the parking lot.
- The Committee is awaiting plant nurseries to have spring stock available so that MaryAnn Scanlon can purchase plants to install in the bed adjacent to the gas meter. She and Greg Casey will be doing the planting. Tierra Bonita Landscape company will provide the irrigation system extension to the new plants at no cost to the EPCSA.
- Ms. Speyer requested that the Grounds Committee be kept informed about the regrading at the back of the clubhouse and the concrete work that Sandy Farmer will be investigating so that they can assess the effect, if any, that these projects will have on the new plantings at the Recreation Center.

**Capital Reserves Project Update:** Mr. Bunton reported that the project coordinator, Sandy Farmer, could not attend the meeting, but had submitted a written report about the proposed tile replacement at the clubhouse entry and the concrete sidewalk replacement at the front of the clubhouse and tennis court as follows:

- Mr. Farmer has obtained and reviewed the background information about the projects and has discussed work previously done on the projects with the relevant persons involved in 2019 and 2020.
- The focus of the clubhouse entry tile replacement project will be to develop a workable and affordable plan to replace the existing Saltillo-like tile with Colorado Red flagstone. Initial discussions suggest this is likely achievable.
- The focus for the concrete sidewalk replacement project will be to develop a viable plan that does not require modifications to the tennis court entry ramp and/or chain-link gate at the side of the tennis court.
- Requirements will be incorporated in the project plans for improved drainage in the patio area in front of the clubhouse entry and in the inner planting area where two canales dump roof water.
- Requirements will be incorporated for extending the irrigation line from the inner planting area to the stand-alone planting area, which lies to the right of the outer entry area.
- Mr. Farmer's next step is to prepare a detailed description of the proposed scope of work for Board review and approval prior to initiating contact with three to four contractors who quoted on these projects in 2019.

### **Unfinished Business**



**Margaret Miller Project (425 Los Altos Way)**. Mr. Sommer reported that he had prepared a settlement agreement document containing the terms agreed to between himself and Alicia Gutierrez, Dr. Miller's attorney, with the terms also having been agreed to also by the board at its March 11 meeting (see meeting minutes) and by Sean Krispinsky (Architectural Control Committee Chair for the Los Altos HOA).

The settlement agreement has an attached memorandum containing a landscaping plan for the lot submitted by Dr. Miller and approved by the Los Altos Homeowners Association's Architectural Control Committee ("ACC"). Ms. Shears signed the document on April 6, 2022 on behalf of the EPCSA and the signed document was distributed to the board members prior to the meeting. Mr. Sommer then submitted the signed document and landscape memorandum to Ms. Gutierrez and requested that she obtain Dr. Miller's signature.

Ms. Gutierrez requested additional documents referred to in the agreement and Mr. Sommer provided those. If Dr. Miller signs the document, she will be required by the terms of the agreement to complete the landscaping on her property as described in the landscape plan attached to the agreement and to request final ARB approval for it. Also, by the terms of the agreement, the \$2,500 fine levied against the property by the ARB for delayed construction and failure to landscape the property will be suspended temporarily and will be waived if the property landscaping is completed to the ARB's satisfaction no later than June 30, 2022. However, if Dr. Miller fails to complete the landscaping by June 30, 2022 as set forth in the memorandum attached to the agreement, then Dr. Miller would agree to pay the fine of \$2,500 without further demand or notice by EPCSA within 30 days of June 30, 2022.

**Consolidated Lot Assessments**: Mr. Bunton indicated that there are currently three consolidated lots in EP each consisting of a developed lot and an adjacent unbuilt lot. Two of these lots are assessed as single built lots (\$656 per annum) and one is assessed as a developed lot (\$656 per annum) and an unbuilt lot (\$66 per annum). The issue of how consolidated lots should be assessed recently came to the Board's attention when an EP owner pointed to the provisions of Section 6.12 of the Amended EP Declaration which states in pertinent part that "*Consolidation of Lots shall not affect the obligation of any Lot Owner to pay assessments imposed by EPCSA or any Neighborhood Association unless agreed to in writing by all affected property owners.*"

The matter was discussed at the March 11, 2022 board meeting at which Ms. Shears had indicated that the EPCSA would seek legal advice about this matter. After the meeting, the board officers agreed to seek a consultation with Heather Boone, who is an attorney with Cuddy & McCarthy, LLP. The Board officers met with Ms. Boone via videoconference. Ms. Boone advised them that it was important for the EPCSA to develop a consistent policy that applied to assessing all current and future consolidated EP lots. She had further directed the Board officers' attention to Section 5.11 of Article 5 of the Amended Declaration which states as follows:

**5.11 Exempt Property.** *The Board of Directors may exempt, from time to time, certain portions of the Property from any and all assessments, including, but not limited to, Common Areas or publicly owned property.*

Ms. Boone indicated that the Board could therefore assess consolidated lots at one hundred percent of the general assessment rate as *single* Class I lots as per Section 5.5 of the Declaration, if the Board wished to do that. The only requirement would be for the board to vote on this at a duly called board meeting and to record such a decision in the minutes.

Ms. Boone indicated that Cuddy & McCarthy would be willing to enter a relationship with the EPCSA without the need for a retainer fee and would be willing to provide in writing the information that she had provided to the Board officers verbally for the EPCSA's official records. However, this would require that the EPCSA sign an engagement letter with Cuddy & McCarthy. Mr. Bunton indicated that an engagement letter has since been received. Mr. Bunton noted that the engagement letter indicates the fee structure for Cuddy & McCarthy including that partners in the firm bill at the rate of \$310 per hour.

Mr. Bunton indicated that since signing an engagement letter constituted "New Business," and since it requires board approval, it was necessary for the board to suspend the requirements of Rule III.B.5 in the EP Book of Resolutions because the rule precludes the board acting on new business that has not been included in the meeting agenda. A motion duly made and seconded to suspend rule III.B.5 to permit the board to act on a motion to engage an attorney to advise it regarding the matter of assessing consolidated properties was passed unanimously after a discussion.

A second motion to authorize Acting President Scott Bunton to sign an engagement letter with Cuddy & McCarthy, LLP, to permit the EPCSA to obtain representation and consultation on the provisions of the EPCSA's Governing Documents and other general matters in accordance with the firm's policy on services and fees as indicated in the engagement letter was then passed unanimously after a discussion. The engagement will apply to the issue of assessing consolidated lots and other legal matters that might arise in the future.

Mr. Bunton further indicated that the consultation with Ms. Boone and her provision of a letter containing her advice to the EPCSA would result in the EPCSA incurring legal costs and the Board's approval was required for that. A motion duly made and seconded to approve an expenditure not to exceed \$750 to cover the cost of a videoconference consultation by the Board officers with Ms. Boone held on April 5, 2022 and the cost for Ms. Boone preparing a letter for the EPCSA's records summarizing her advice to the EPCSA Board regarding assessments for consolidated lots in EP was then passed unanimously after a discussion.



The board members agreed that consolidated lots consisting of a developed and an adjacent unbuilt lot should be treated for assessment purposes as single developed lots. However, they felt that any new policy adopted should clarify that the exemption will not apply if an owner of such a consolidated lot constructs any structure (e.g., a casita or artist's studio) on the formerly unbuilt and unconsolidated lot. In such cases, the consolidated lot should be treated as two developed lots for assessment purposes. The board therefore directed Mr. Bunton to contact Ms. Boone to solicit her assistance in crafting a board rule that would address this concern. Mr. Bunton agreed to do this, and the matter will be considered again at the May Board meeting after Ms. Boone's letter is received.

**Pool Opening Party:** Connie Burke indicated that plans are going ahead to hold a pool opening party on Monday, May 30 from 5:00 – 7:00 pm and that she will organize it. Owners will be notified at the end of April. However, she needs volunteers to help with setting up and cleaning up after the event. The EPCSA will provide funds (the amount is to be determined for approval at the May board meeting) to pay the cost of getting barbecued meats as the main course for the event. The residents will bring side dishes and beverages.

**EP Garage Sale:** This will be held on Saturday, May 21 from 8:00 am to 1:00 pm. There is a \$5 charge per person wanting to offer items for sale. Owners wishing to offer items for sale can leave them at the clubhouse on the Friday afternoon preceding the event and reserve their tables then. Sellers can set up as early as 6:30 am on Saturday morning. If there are fewer than ten participants, the event will be canceled.

### **New Business**

There was none.

### **Homeowner Comments**

There were none.

### **Announcements**

The next EPCSA board meeting will be held on Friday, May 13, 2022 using Zoom. A community garage sale will be held in the Recreation Center parking lot on May 21 and a Memorial Day party will be held at the clubhouse on May 30 to coincide with the pool opening.

**Adjournment:** A motion was made, seconded, and approved unanimously to adjourn the meeting, and Mr. Bunton adjourned it at 10:05 am.

Minutes prepared and submitted by: Errol Levine Date: 4/14/2022

(Errol Levine - Secretary)

Signed on behalf of board by: Brenda L Shears Date: 5/13/2022

(Brenda Shears - President)

**ESTANCIA PRIMERA ARB - PROJECTS IN PROGRESS - May 3, 2022**

	<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	Bouldin	779 Paseo Cresta	Rooftop solar panels	May 2021	\$250	Yes	Installation complete. Final approval granted - April 2022.
2	Bradford	753 Aspen Compound	Mini-split AC system	July 9, 2021	\$250	No	Installation complete. Final approval pending.
3	Bunton	451 Avenida Primera S	Rooftop solar panels	February 1, 2022	\$250	No	Installation pending.
4	Colton	556 Los Nidos Drive	Landscape project	April 21, 2022	\$250	No	Installation pending.
5	Hermas/Stock	668 La Viveza	Atrium Window Renovation	Conditional approval granted	\$250	Yes	Project is complete. Final approval granted - April 2022.
6	Miller	425 Los Altos Way	New home/landscaping	Approved	\$1,100	Deposit forfeited under terms of agreement.	Home complete/landscaping pending. ARB requires landscaping to be completed by December 31, 2021. Fine of \$2,500 assessed by ARB for failure to address various issues in a timely manner. Appeal of ARB decisions filed by Dr. Miller. Agreement to end matter signed by EPCSA President. Document still awaiting Dr. Miller's signature.
7	Otto/Coffee	648 La Viveza Ct	Fence/gate Installation	July 9, 2021	\$250	Yes	Project complete. Final approval granted - April 2022.
8	Raczynski/Phillips	621 Cumbre Vista	New garage & AC mini-splits; Rooftop Solar panels.	7/9/2021; 10/15/2021	\$1,700	No	Installation partly completed. Garage construction will resume in summer.
9	Richards	750 Calle Altamira	Low retaining walls & drainage work	Approved	\$250	Yes	Project complete and granted final approval - 4-18-2022.
10	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.

**ESTANCIA PRIMERA ARB - PROJECTS IN PROGRESS - May 3, 2022**

	<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>
11	Streets	782 Paseo Cresta	New home/new wall	April 2021 (wall)	\$1,100	No	Gabions installed without ARB approval (Owner disputes this). ARB requires their removal. Stucco "undulations" not approved by ARB. Certificate of Non-compliance will be filed with Santa Fe County Clerk. Appeal of ARB decisions filed by Carla Skeen & Mary Walta - 12-7-2021 & by Jan Streets - 2-9-2022 and 2-10-2022. ARB meeting will be scheduled in April to review disputed issues on the property.
12	Sullivan/Schenkmar	776 Calle Altamira	Roof replacement & Radon Mitigation System	1-14-2022	\$250	Yes	Project granted final approval - 4-18-2022.

**Estancia Primera Community Services Association (EPCSA)**  
**Minutes of the Meeting of the Board of Directors**  
**Friday, May 13, 2022**

**Call to Order:** Vice President Scott Bunton called the meeting to order at 9:04 am via videoconference using Zoom. President Shears could not attend the first half of the meeting. Mr. Bunton presided for the first half of the meeting after which Ms. Shears joined the meeting and became the presiding officer.

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

**Others Present:** Greg Casey (Recreation Center Manager), Sandy Farmer (Capital Projects Coordinator) and Rebecca Welch (757 Paseo Cresta).

**Approval of Minutes of Previous Board Meeting:** The minutes of the Board meeting of April 8, 2022 were approved unanimously as submitted.

## **Reports**

**Treasurer's Report:** Mr. Bunton indicated that as of April 30, 2022 the Association's operating checking account contained \$117,811.83 (of which \$6,400 comprises ARB performance deposits) and the capital reserve savings account contained \$225,813.46. Mr. Bunton reported that April expenditures are in line with the 2022 budget.

**Architectural Review Board (ARB) Report:** ARB Chair Sommer could not attend the meeting and submitted a written report. Secretary Errol Levine presented the report on his behalf:

- There are currently seven ARB projects in various stages of progress (see attached spreadsheet). Four are major (Appendix IV) projects and three are minor (Appendix III) projects. Two projects (Bradford and Colton) are almost complete and will be inspected.
- A special ARB meeting was held on May 1, 2022 via videoconference to set a date for a review and further discussion of the Jan Streets residence (753 Paseo Cresta) and the complaints about it submitted by Mary Walta and Carla Skeen (see meeting minutes of April 8, 2022). Mr. Sommer informed the ARB members that Ms. Shears had provided a link to a dropbox containing all available documents and correspondence relating to the Streets property and requested that the ARB members peruse the documents. The ARB will meet on June 8, 2022 to discuss various issues relating to the Streets property including the gabion, the metal rear portal

roof, and the stucco undulation. Ms. Streets and her contractor, Ms. Walta and Ms. Skeen will be invited to attend the meeting.

**Real Estate Report:** Jill McIntosh reported that three homes (412 Los Altos Way, 425 Calle Kokopelli and 799 Aspen Compound) are currently under contract. Four EP homes have been sold this year to date. There is an active listing for a vacant lot at 797 Avenida Primera South.

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

- Minor electrical problems were encountered with the irrigation system when it was turned on. These have been corrected.
- The status of the settling cracks that have developed on the racquetball court plaster walls and in sheet rock walls at the upper clubhouse level is as follows: One at a beam near the kitchen – ½ inch; one in the hall near the stairs to the racquetball court – 1/8 inch; a crack in the north wall of the racquetball court – 1/16 inch and a crack in the east wall of the racquetball court - 1/16 inch. These are unchanged since last month. Mr. Casey will continue to monitor these for progression and will report on their status at the monthly board meetings. Mr. Casey has contacted Tierra Bonita Landscape Company to obtain an estimate for the regrading work at the back of the clubhouse recommended by James Hands of Hands Engineering LLC of Santa Fe about the matter (see attachment to minutes of March 11, 2022).
- Mr. Casey has contacted Carver Busch of Kokopelli Pool and Spa, LLC, to arrange for all preparatory work to be completed so that the pool can be opened for the Memorial Day weekend. He is also trying to get the City to perform the annual pool inspection.
- A deep cleaning of the clubhouse will be done to get it ready for Memorial Day.
- Mr. Casey will soon sand and stain the clubhouse wood entry doors.
- Mr. Casey has started weekly watering of the Desert Willow trees and other plants on the street islands at the north and south EP entries.

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

- Very Good Tree Service pruned the Cottonwood tree in the bed in front of the parking lot and the Russian Olive tree adjacent to the clubhouse building on April 27. Heavy branches of the cottonwood tree extending over the parking lot, sidewalk and street that could potentially break off and fall were lightened as was the entire canopy. The large leader branch of the Russian Olive tree leaning over the clubhouse roof was 90 percent dead and was removed completely. The remainder of the tree's canopy was pruned and shaped, and deadwood was removed.
- During a winter consultation with James Gilcrest, an arborist with Very Good Tree Service, he noted that the Cottonwood tree's bark was weeping and cracked about four feet from the ground. He diagnosed this as a bacterial infection, called "wetwood" or "slime flux." This condition is

not curable but usually does not affect the long-term survival of infected trees if they are kept stress free with pruning and watering. When the crew came out to prune, they said the weeping was worse and that there was another area of wetwood involving a large branch higher in the tree.

Mr. Gilcrest obtained photographs and discussed the possibility of cabling the high branch as well as two large leader branches for safety reasons. MaryAnn Scanlon will talk with Mr. Gilcrest to ascertain if the work is needed now or in the future. Another recommendation was removal of decorative stones within two feet of the bases of the trunks of the Cottonwood tree and other trees, since stones absorb heat which affects the tree roots adversely. Greg Casey has removed the stones under the new Crabapple trees and the Russian Olive tree and will do the same around the trunk of the Cottonwood tree.

- The Grounds Committee members met with Sandy Farmer who is investigating repaving the clubhouse parking lot. Ms. Scanlon had talked with Very Good Tree Service prior to the meeting, and they indicated that the Cottonwood tree needs to be protected from damage during the project. They therefore suggested erecting Tenax Guardian Fencing as a temporary barrier during the repaving project. Also, the repaved parking lot should not extend closer than four feet to the base of the tree and a concrete curb should be in place to prevent vehicles parking over the tree's roots. The Committee will also consider placing a plant such as a 3-Leaf Sumac (which ties in with the other Sumacs in the island) between the cottonwood tree's trunk and the concrete curb as a further protective measure after the parking lot has been repaved. Very Good Tree Service had also indicated that they could install a root barrier when the parking lot is torn up to discourage the large roots from causing upheavals of the new paving.

**Capital Reserves Project Update:** EP owner Sandy Farmer, whom the Board asked to coordinate the work of defining capital improvement and maintenance projects, seek bids on them, and guide the Board in acting on submitted bids presented a report on his proposed action plan for replacing the exterior tile at the entrance to the Clubhouse, replacing the sidewalk between the Clubhouse and the parking lot, and repaving the parking lot. Mr. Farmer had distributed detailed plans and recommendations to the Board members prior to the meeting. The Board commended him for his efforts, gave conceptual approval to his plans, and asked him to refine the plans, explore the interest of possible general contractors, and return to talk with the Board about the projects at its June meeting. It is hoped that this work can be done in early 2023 as soon as weather permits.

### **Unfinished Business**

**Margaret Miller Project (425 Los Altos Way).** Dr. Levine summarized the situation regarding this project:

- Mr. Sommer had prepared a settlement agreement document containing terms agreed to between himself and Alicia Gutierrez, Dr. Miller’s attorney, with the terms also having been agreed to by Dr. Miller, by the EPCSA Board at its March 11 meeting (see meeting minutes) and by Sean Krispinsky (Architectural Control Committee Chair (“ACC”) for the Los Altos HOA).
- The settlement agreement had an attached memorandum containing a landscaping plan for the lot submitted by Dr. Miller and approved by the Los Altos HOA's ACC.
- Ms. Shears signed the document on April 6, 2022 on behalf of the EPCSA.
- Mr. Sommer then submitted the signed document and landscape memorandum to Ms. Gutierrez and requested that she obtain Dr. Miller’s signature.
- It was understood by all that if Dr. Miller signed the document, she would be required by the terms of the agreement to complete the landscaping on her property as described in the landscape plan attached to the agreement and to request final ARB approval for it no later than June 30, 2022.
- By the terms of the agreement, the \$2,500 fine levied against the property by the ARB for delayed construction and failure to landscape the property would be suspended temporarily and would be waived if the property landscaping were completed to the ARB’s satisfaction no later than June 30, 2022. However, if Dr. Miller failed to complete the landscaping by June 30, 2022 as set forth in the memorandum attached to the agreement, then Dr. Miller would agree to pay the fine of \$2,500 without further demand or notice by EPCSA within 30 days of June 30, 2022.
- On April 12 Mr. Sommer received an email from Ms. Gutierrez containing a landscaping plan submitted to her by Dr. Miller that differed substantively from the landscape plan attached to the settlement agreement signed by Ms. Shears.
- The EPCSA Board officers decided that the revised landscaping plan needed approval by the Los Altos ACC and it was submitted to Mr. Krispinsky. He found problems with the proposed revisions.
- Mr. Sommer organized a Zoom meeting attended by himself, Ms. Gutierrez, Dr. Miller, and Mr. Krispinsky in late April to discuss the landscape plan. It was decided at the meeting that Dr. Miller should submit a revised landscape plan to Mr. Krispinsky containing various clarifications and revisions he had requested at the meeting. These included elimination of Austrian Pine trees from the plan. Also, there was a magnolia tree in the prior list that was regarded as unsuitable for Santa Fe area. So, Dr. Miller was required to provide a substitute tree in the revised landscaping plan.

The Board noted that Dr. Miller had still not signed the settlement agreement or submitted a revised landscaping plan, several weeks after the abovementioned meeting. The following motion was then duly made, seconded, and passed unanimously after a discussion:

*If Dr. Margaret Miller fails to obtain approval from the Los Altos Architectural Control Committee for a final landscaping plan for her property to replace the addendum to the*



*settlement agreement signed by EPCSA President Brenda Shears on April 6, 2022 on behalf of the EPCSA Board of Directors that was submitted to Dr. Miller's attorney, Alicia Gutierrez, and subsequently fails to sign the agreement by May 27, 2022, the Board's approval of the proposed settlement agreement shall be rescinded as of that date.*

The Board further agreed that the May 27 deadline was final and would not be subject to further negotiations. The Board noted also that if Dr. Miller fails to meet the May 27 deadline that she still has a right to appeal the ARB decision imposing a \$2,500 fine and the holding of an appeal hearing would then be the next step in dealing with the matter. Ms. Shears was asked by the Board to notify Dr. Miller, Ms. Gutierrez, Mr. Sommer and Mr. Krispinsky about the Board's decision and she indicated that she would do that.

**Consolidated Lot Assessments Update:** As discussed at the April Board meeting (see meeting minutes), the Board officers had a videoconference consultation with Heather Boone, who is an attorney with Cuddy & McCarthy, LLP regarding this matter. Ms. Boone provided a verbal opinion during the conference. The Board officers requested that Ms. Boone provide a written opinion about the matter and comment on a proposed new policy for assessing consolidated lots to be inserted in the Book of Resolutions.

Ms. Boone indicated that Cuddy & McCarthy would be willing to enter a relationship with the EPCSA without the need for a retainer fee and would be willing to provide in writing the information that she had provided to the Board officers verbally for the EPCSA's official records. However, this would require that the EPCSA sign an engagement letter with Cuddy & McCarthy. Mr. Bunton subsequently received an engagement letter and after signing it on behalf of the Board submitted it to Cuddy & McCarthy on April 15. They acknowledged receipt of the signed letter.

Ms. Shears indicated that she had reminded Ms. Boone via email about the need for a letter on May 9. However, to date she had not had any response from Ms. Boone, nor had she received the promised written opinion. The Board asked Ms. Shears to contact Ms. Boone again and to emphasize the need for the promised letter and opinion to be sent to her as soon as possible. The Board agreed that the matter should be tabled until the June Board meeting.

**Pool Opening Party Update:** Connie Burke reported that the annual pool opening party at the Clubhouse -- suspended during the past two years -- is planned for Memorial Day, Monday, May 30 from 5:00 – 7:00 pm. As in past years, the Association will provide barbecue meat, and those attending will be asked to bring a dish to share and their own beverages, utensils, and cups. Ms. Burke indicated that several owners had volunteered to help with setting up and cleaning up after the event. The company that will do the catering has not yet been determined.

**EP Garage Sale Update:** the provisional arrangement is that the garage sale will be held on Saturday, May 21 from 8:00 am to 1:00 pm. There is a \$10 charge per person wanting to offer items for sale. Owners wishing to offer items for sale can leave them at the clubhouse on the Friday afternoon preceding the event and reserve their tables then. Sellers can set up as early as 6:30 am on Saturday morning. Ms. Burke indicated, however, that to date only four EP owners had expressed an intention to participate. Ms. Burke will send out a second reminder about the proposed sale. However, if the interest level remains low, the garage sale will be deferred until another time.

## **New Business**

**Annual Members' Meeting:** This will be held on Wednesday, August 17 at 7:00 pm. Because of the various time deadlines required for setting up the meeting and holding the annual Board elections, the protocols for conducting the meeting will be finalized at the June Board meeting.

**Proposed Fire Hazard Reduction Meeting:** Ms. Shears indicated that the City has posted a YouTube video on fire prevention measures and that she plans to send a link to that video to all EP owners. She also considered it desirable to hold an evening Board-sponsored meeting at the clubhouse during which the County's Wildland-Urban Interface Specialist, Porfirio Chavarria, could be invited to address EP owners about how to reduce fire risks on their properties. The Board agreed that this would be a useful service to owners and Ms. Burke offered to help arrange the meeting. Ms. Shears indicated also that she had had requests from owners that the Board ask all EP owners not to grill outdoors, not to use indoor or outdoor fireplaces during the fire season and to avoid firewood stacked up against homes. The Board agreed that it lacked the power to ban such practices, but that Ms. Shears could use a newsletter to encourage owners to avoid such practices.

## **Homeowner Comments**

Rebecca Welch indicated that she was distressed about the dispute in the Cresta neighborhood subdivision about the property owned by Jan Streets. She felt that the dispute had the effect of making Jan Streets as a new owner feel unwelcomed in the EP community. Ms. Welch indicated that she and her husband own a home on Paseo Cresta that is close to the Streets property, and they do not regard any structures on the property as being aesthetically unsuitable for their neighborhood subdivision.

## **Announcements**

- The next EPCSA board meeting will be held on Friday, June 10, 2022 using Zoom.
- The pool opening party will be held on Monday, May 30 from 5:00 to 7:00 pm.

- A community garage sale might be held in the Recreation Center parking lot on May 21 if more owners express a desire to participate.
- The annual EPCSA Members' Meeting will be held on Wednesday, August 17 at 7:00 pm.

**Adjournment:** A motion was made, seconded, and approved unanimously to adjourn the meeting, and Ms. Shears adjourned it at 10:33 am.

Minutes prepared and submitted by: Errol Levine Date: 5/16/2022

(Errol Levine - Secretary)

Signed on behalf of Board by: Brenda L Shears Date: 6/10/2022

(Brenda Shears - President)

**ESTANCIA PRIMERA ARB - PROJECTS IN PROGRESS - June 2, 2022**

	<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	Bradford	753 Aspen Compound	Mini-split AC system	July 9, 2021	\$250	No	Installation complete. Final approval pending.
2	Bunton	451 Avenida Primera S	Rooftop solar panels	February 1, 2022	\$250	No	Installation in progress.
3	Colton	556 Los Nidos Drive	Landscape project	April 21, 2022	\$250	No	Installation in progress.
4	Miller	425 Los Altos Way	New home/landscaping	Approved	\$1,100	Deposit forfeited under terms of settlement agreement.	Home complete/landscaping pending. Fine of \$2,500 assessed by ARB for failure to address various issues in a timely manner. Appeal of ARB decisions filed by Dr. Miller. Agreement to end matter signed by EPCSA President and Dr. Miller. Settlement agreement requires that landscaping be completed no later than June 30, 2022 failing which Dr. Miller agrees to pay the \$2,500 fine without further demand or notice by EPCSA within 30 days of June 30, 2022.
5	Raczynski/Phillips	621 Cumbre Vista	New garage & AC mini-splits; Rooftop Solar panels.	7/9/2021; 10/15/2021	\$1,700	No	Installation partly completed. Garage construction will resume in summer.
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.

**ESTANCIA PRIMERA ARB - PROJECTS IN PROGRESS - June 2, 2022**

	<b><u>Owner Name</u></b>	<b><u>Address</u></b>	<b><u>Project</u></b>	<b><u>ARB Conditional Approval Date</u></b>	<b><u>Deposit</u></b>	<b><u>Deposit Refunded</u></b>	<b><u>Current Status and Final Approval</u></b>
7	Streets	782 Paseo Cresta	New home/new wall	April 2021 (wall)	\$1,100	No	Gabions installed without ARB approval (Owner disputes this). ARB requires their removal. Stucco "undulations" not approved by ARB. Certificate of Non-compliance will be filed with Santa Fe County Clerk. Appeal of ARB decisions filed by Carla Skeen & Mary Walta - 12-7-2021 & by Jan Streets - 2-9-2022 and 2-10-2022. ARB meeting will be scheduled to review disputed issues on the property.

**Estancia Primera Community Services Association (EPCSA)  
Minutes of the Meeting of the Board of Directors  
Friday, June 10, 2022**

**Call to Order:** President Brenda Shears called the meeting to order at 9:01 am via videoconference using Zoom.

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

**Others Present:** Kurt Sommer (ARB Chair), Greg Casey (Recreation Center Manager), and Janet Ringle-Bartels (646 Cumbre Vista Drive).

**Approval of Minutes of Previous Board Meeting:** The minutes of the Board meeting of May 13, 2022 were approved unanimously as submitted.

## **Reports**

**Treasurer's Report:** Scott Bunton indicated that as of May 31, 2022 the Association's operating checking account contained \$110,041.59 (of which \$6,400 comprises ARB performance deposits) and the capital reserve savings account contained \$225,819.21. Mr. Bunton reported that May expenditures were in line with the 2022 budget.

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

- There are currently eight ARB projects in various stages of progress (see attached spreadsheet). Four are major (Appendix IV) projects and four are minor (Appendix III) projects. Two projects (Bradford and Coffee/Otto) are either complete or almost complete and will be inspected by Mr. Sommer after which the owners' performance deposits will be refunded if the completed projects are satisfactory.
- He noted that the Raczynski/Phillips project (621 Cumbre Vista Drive) remains incomplete with the original provisional ARB approval having been provided in July 2021. The garage has been built and has passed a city inspection. Landscaping at the rear of the property remains incomplete and the installation of rooftop solar panels (approved as an amendment to the original ARB application) has not yet been done. The owners expect that the solar panel work will be completed in August or September 2022. The Board noted that the owners need to seek an extension for project completion from the ARB failing which their performance deposit will be forfeit under the provisions of paragraph 1 of Appendix II and of paragraph 5 (f) of Appendix IV of the EP Architectural Guidelines. Mr. Sommer indicated that he would email Martha Phillips

and Jim Raczynski about the need to apply for an ARB extension prior to the anniversary of the original preliminary approval date of July 9, 2021.

- Mr. Sommer indicated that he would convene an ARB meeting at the clubhouse on July 11, 2022 to review complaints about various alleged architectural violations at the Jan Streets residence (753 Paseo Cresta) submitted by Cresta property owners Mary Walta and Carla Skeen (see Board meeting minutes of April 8 and May 13, 2022). The alleged violations involved include a gabion, a metal rear portal roof, and stucco “undulations.” Mr. Sommer has asked the ARB members to review all available documents and correspondence relating to the Streets property prior to the meeting. Ms. Shears has provided a link to a dropbox containing the relevant documents. Mr. Sommer will provide Ms. Shears with a copy of the ARB meeting minutes indicating how the ARB disposed of the various issues. Ms. Streets and her contractor, Ms. Walta and Ms. Skeen have been invited to attend the meeting.

**Real Estate Report:** Jill McIntosh reported that the sales of three homes (412 Los Altos Way, 425 Calle Kokopelli and 799 Aspen Compound) closed recently. Seven EP homes have therefore been sold this year to date. There are active listings for vacant lots at 797 Avenida Primera South and 754 Calle Altamira.

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

- An error by a worker from Kokopelli Pool and Spa, LLC, had resulted in a water loss at the Recreation Center during May. Mr. Casey will get data regarding the amount of water overuse and its cost from the city. He has arranged with the company owner, Carver Busch, for the amount involved to be deducted from the next bill the EPCSA receives from Kokopelli Pool and Spa, LLC.
- 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 are as follows: One at a beam near the kitchen – ½ inch; one in the hall near the stairs to the racquetball court – 1/8 inch; a crack in the north wall of the racquetball court – 1/16 inch; and a crack in the east wall of the racquetball court - 1/16 inch. These are unchanged since last month. However, the cracks in the racquetball court walls have increased in length. Mr. Casey has obtained an estimate for about \$4,500 from Enrique Briano of Tierra Bonita Landscape Company for the regrading and drainage work at the back of the clubhouse recommended to mitigate settling by James Hands of Hands Engineering LLC of Santa Fe (see attachment to minutes of March 11, 2022). He has asked Mr. Briano to consult with Mr. Hands to ensure that the proposal from Mr. Briano will comply with Mr. Hinds’s recommendations.
- A deep cleaning of the clubhouse was done before Memorial Day.



- Mr. Casey has sanded and stained the clubhouse wood entry doors. He noted that other exterior and interior doors at the clubhouse need sanding and staining. However, he will defer this work until after the regrading project has been completed.
- The Board approved an expenditure not to exceed \$1,500 to cover the cost of purchasing eight new turquoise umbrellas for the pool deck and cushions for barbecue patio chairs. The umbrellas will cost about \$110 each. They will be obtained from Home Depot. The umbrellas chosen are warrantied and can tilt. Connie Burke will order the umbrellas and Mr. Casey will order the cushions.

**Grounds Maintenance Committee Report:** Committee Chair Jo Beth Speyer reported that MaryAnn Scanlon and Greg Casey had completed the planting of the bed near the gas meter. They planted eleven Russian Sages and four four-wing saltbushes. Tierra Bonita Landscaping will extend the irrigation system to the bed at no extra cost as compensation to the EPCSA for last year's water overuse caused by a malfunction of the irrigation system control panel. Because Ms. Scanlon and Mr. Casey did the work themselves, the total cost for the project is less than one-third of the amount that had been budgeted. Ms. Scanlon had also purchased, planted, and fertilized a new plant for a pot near the front door of the clubhouse and replaced an Agastache on the island between the parking lot and the sidewalk. The two homeowners who permitted Mr. Casey to use their water for watering the plantings on the two EP street entry islands have been compensated for \$50 each for water use last year.

**EP Exterior Facilities and Grounds Renovation Project Update:** Mr. Farmer was not present, and Ms. Shears and Mr. Bunton reported as follows on his behalf regarding the proposed project. The project consists of concrete sidewalk and curb replacement in front of the clubhouse, parking lot repaving and tile replacement at the clubhouse entry. The status of the project is as follows:

- A draft bid proposal has been created using a 2019 clubhouse exterior lighting bid proposal as a template. The content of the bid proposal is based on the Work Package Proposal document presented and discussed by Mr. Farmer at the May 13 EPCSA Board Meeting.
- Mr. Farmer and Mr. Bunton met with A.L. Bontrager (501 Camino Los Altos) on June 1 to review the draft bid proposal. Key questions from that review meeting centered on whether EPCSA would need to update the tennis court entry ramp and main clubhouse entry-step handrail to be ADA compliant under the currently proposed work package and whether the Association will need to hire an architect to obtain city permits for the project. These questions, with the bid proposal itself, were emailed to Jim Hays on June 2 for his opinion and input.
- Additional bid requirements raised in the review meeting included the possible need for a pre-bid meeting with all bidding contractors, general contractor verification of all material quantities, and the possible need for lien releases from subcontractors and major suppliers after release of the first payment for the project. These additional requirements will be incorporated

appropriately into the next version of the bid proposal that will be considered at the July 8 Board meeting.

### **Unfinished Business**

**Margaret Miller Project (425 Los Altos Way)**. Mr. Sommer and Ms. Shears reported as follows:

- After the EPCSA Board meeting of May 13 (see meeting minutes) the Landscaping Memorandum attached to the memorandum of understanding (MOU) was revised on May 18, 2022 by Los Altos Architectural Control Committee (ACC) Chair Sean Krispinsky in collaboration with Margaret Miller and signed by Mr. Krispinsky for the Los Altos ACC on May 20, 2022.
- The MOU with the revised Landscaping Memorandum was signed by Dr. Miller on May 18, 2022 and Ms. Shears and Dr. Miller subsequently initialed the Revised Landscaping Memorandum.
- On May 31, 2022, Alicia Gutierrez (attorney for Dr. Miller) provided the Revised Landscaping Memorandum initialed by Dr. Miller and Ms. Shears to Mr. Sommer as a separate page as a jpg file. Ms. Shears converted the jpg version of the Revised Landscaping Memorandum to a pdf file and inserted it into the signed MOU electronic pdf file.
- Mr. Krispinsky will inspect the landscaping on the Miller lot prior to the June 30 deadline in the MOU and will provide Ms. Shears and Mr. Sommer with a report regarding whether it is satisfactory.
- If the landscaping is granted final approval by Mr. Krispinsky and Mr. Sommer, they will advise Ms. Shears accordingly. Under the terms of the MOU the \$2,500 fine imposed on Dr. Miller by the ARB will be waived if the landscaping is deemed satisfactory and the matter will be considered closed.
- The MOU has been filed in the digital EPCSA files within the EP ARB and EP Board meeting dropboxes. Ms. Shears has also placed a hard copy in the EPCSA Archive filing cabinet housed in the Clubhouse archive closet.

The Board noted that under the provisions of Section 4 of the amended EPCSA Bylaws any EP owner/member may request and obtain a copy of the MOU by writing to Ms. Shears.

**Consolidated Lot Assessments Update**: As discussed at the March, April, and May EPCSA Board meetings (see minutes), a question arose regarding whether the Board could assess consolidated lots in EP consisting of a developed lot and an adjacent unbuilt lot as single developed lots or whether it was required to assess them as two lots as stated in Section 6.12 of the Amended Declaration. There are currently three consolidated lots in EP. One has been assessed as a developed lot (\$656 per annum) and a vacant lot (\$66 per annum), and the others have been assessed as single developed lots (\$656 per annum).

The Board officers consulted a local law firm, Cuddy and McCarthy, LLP, and the Board officers met with Heather Boone of that firm via videoconference to discuss the matter. Ms. Boone indicated verbally and in a subsequent letter to Ms. Shears dated May 23, 2022 that the Board has the authority under Section 5.11 of the Declaration to assess a consolidated lot consisting of a built lot and an adjacent unbuilt lot as a single developed lot if it wished to do that provided that the Board approved a motion to that effect at a Board meeting and recorded the decision/policy in the Book of Resolutions.

Because each consolidated lot usually consists of a developed lot and a vacant lot, concern was expressed at the April 8 Board meeting about what approach should be followed if the owner of a consolidated lot decided to construct a guesthouse, casita, artist's studio, or any other structure on the formerly vacant lot component of a consolidated lot. It was felt that in such instances, the exemption from two assessments under Section 5.11 of the Declaration should be withdrawn and the owner should be assessed for two developed lots. Ms. Shears in an email to Ms. Boone asked her about the legality of the latter approach.

Ms. Boone in her May 23 letter to Ms. Shears indicated that if an owner built a structure (e.g., an artist's studio, guest house or casita) on the formerly separate and vacant lot that the Association could withdraw the exemption (as outlined above) and could then assess the owner for two developed lots (2 x \$656 at the current assessment rate).

The Board discussed the above and noted the following:

- Since currently there are three consolidated lots in EP and since only one of the three has been assessed annually for several years as both a developed and an unbuilt lot, the loss in current EPCSA annual revenue that would result from an exemption would be \$66 at the current assessment rate.
- It is estimated that there are an additional three to five EP developed lots that are adjacent to vacant and unbuilt lots. If the owners of all such properties were, in each case, to consolidate their developed lot with the adjacent unbuilt lot, the loss of annual revenue to the EPCSA would be at maximum an additional \$330 at the current assessment rate for vacant lots.
- Some vacant lots that have already been consolidated with an adjacent developed lot and others that might be potentially consolidated are likely unbuildable because of the steep slope of the lots.
- The Board noted that if it decided to exempt current and future consolidated lots from paying assessments for both the developed lot and the unbuilt lot that had been consolidated, the policy change would apply *only* to the EPCSA and not to the nine neighborhood subdivisions. Section 6.12 of the Amended Declaration specifically indicates that lot consolidation does not affect the obligation of any lot owner to pay assessments imposed by the EPCSA or by any Neighborhood Subdivision Association unless agreed to in writing by all affected property owners. Each of the

neighborhood subdivision HOAs would therefore need to make its own determination regarding consolidated lot assessments based on the provisions of its own Declaration.

A motion to adopt the following EPCSA policy was then made, seconded, and approved unanimously.

"Under the authority granted to the EPCSA Board of Directors ("Board") by section 5.11 of Article V of the *Amended Declaration of Covenants and Restrictions for the Estancia Primera Community ("Amended Declaration")*, in any case where in Estancia Primera ("EP") an unbuilt lot is legally consolidated with another EP lot on which a dwelling exists and the owner of the consolidated lot provides such evidence as the Board may require that Santa Fe County has accepted the consolidation, the consolidated lot shall be subject under Section 5.5 of Article V of the *Amended Declaration* to assessment as one "Class I" property (which class pertains to "all living units which are being or have been occupied as a residence") per the terms of subsection (a) of that section; provided that this policy will be applicable to the consolidated lot until and unless a new and additional residential dwelling or accessory structure is constructed on any portion of the consolidated lot, after which the consolidated lot shall be subject under section 5.5 of Article V of the *Amended Declaration* to assessment as *two (2)* "Class I" properties. Consolidated lots shall be subject to all applicable restrictions on the number of Living Units, residential dwellings, guest houses, accessory structures, or other buildings upon any one lot."

Ms. Shears will include the above policy in the EP Book of Resolutions.

**Pool Opening Party:** The Board expressed its appreciation to Connie Burke for organizing the Memorial Day party that was well attended.

**Neighborhood Fire Prevention:** On June 2, 2022, the EPCSA Board sponsored a presentation by Mr. Porfirio Chavarria, a Wildland-Urban Interface Specialist with the City of Santa Fe Fire Department. Mr. Chavarria addressed wildfire awareness and mitigation measures. The Board thanked Connie Burke for organizing the event. After the meeting Ms. Shears emailed all EP owners summarizing her takeaways from the presentation and providing links as PDF files to five additional information sources provided by the city. The presentation was well attended, and the Board will continue to encourage owners and neighborhood subdivision HOAs to adopt fire prevention measures on their properties.

### **New Business**

**Annual EPCSA Members' Meeting:** The Board agreed on the following arrangements (see attached documents entitled "Meeting Protocol and Arrangements" and "Process for a Contested Election") for the 2022 EPCSA Annual Members' Meeting:

- The meeting will be held on Wednesday, August 17 at 7:00 pm via videoconference using Zoom. Information regarding how to join the meeting will be provided *on request* by Ms. Shears ahead of the meeting.
- The method of voting for the election of Board members for two vacancies will be “At Large by Neighborhood.”
- The Board positions for the Cumbre Vista and Los Nidos neighborhood subdivisions become vacant on August 17, 2022 owing to the expiry of the incumbents’ elected terms. The EPCSA has to date received nominations in good order from the following two EP owners to fill the vacancies: Cumbre Vista (Connie Burke) and Errol Levine (Los Nidos) They will seek re-election at the annual meeting.
- The election of Directors will be by acclamation if neither of the vacancies is contested. A protocol entitled “Process for Contested Election - 2022” (attached) will be followed if either of the vacancies is contested and an election by secret ballot is required. Two EP owners/volunteers, Nanette Pyne (664 La Viveza Court) and MaryAnn Scanlon (413 Los Altos Way), will serve as the Ballot Counting Committee referred to in the protocol. Keith Kintigh (421 Calle Kokopelli) and Steve Irsik (560 Los Nidos Drive) will act in this capacity as alternates.
- The quorum requirement for the meeting will be the representation by presence or proxy of EP members who hold ten (10) percent of the votes (the owners of nineteen lots) that may be cast on any business before the meeting.
- Ms. Shears will send an email (or letter in the case of owners with no emails or owners who have requested contact by USPS) in early July to all EP lot owners covering the following information:
  - Date, time, and method for holding the meeting.
  - Deadline for submission of Petitions of Candidacy (July 18, 2022) for any EP owner wishing to run for a Board position in his/her own neighborhood that will become vacant on August 17, 2022.
  - The method of voting for Board members.
  - The right of owners to submit proxy forms if they cannot attend the meeting (and a proxy form will be attached).
  - A link to the draft minutes of the Annual Meeting of August 18, 2021 on the EPCSA website will be provided; the owners must approve them at the August 17, 2022 meeting.
  - The fact that the meeting agenda, the 2022 Year-To-Date Financial documents, and the provisional budget for 2023 will be sent to all owners via email about seven days prior to the meeting date.

**Homeowner Comments**

Ms. Ringle-Bartels thanked the Board for allowing her to participate in the meeting.

**Announcements**

- The next EPCSA board meeting will be held on Friday, July 8, 2022 at 9:00 am using Zoom.
- The annual EPCSA Members' Meeting will be held on Wednesday, August 17 at 7:00 pm using Zoom.

**Adjournment:** A motion was made, seconded, and approved unanimously to adjourn the meeting, and Ms. Shears adjourned it at 10:08 am.

Minutes prepared and submitted by: Errol Levine Date: 6/15/2022

(Errol Levine - Secretary)

Signed on behalf of Board by: Brenda L Shears Date: 7/8/2022

(Brenda Shears - President)

**ESTANCIA PRIMERA ARB - PROJECTS IN PROGRESS - July 1, 2022**

	<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	Bradford	753 Aspen Compound	Mini-split AC system	July 9, 2021	\$250	No	Installation complete. Final approval granted - June 2022.
2	Bunton	451 Avenida Primera S	Rooftop solar panels	February 1, 2022	\$250	No	Installation almost complete.
3	Coffee/Otto	648 La Viveza Court	New fence/gate	July 9, 2021	\$250	No	Project complete. Final approval granted - April 2022.
4	Colton	556 Los Nidos Drive	Landscape project	April 21, 2022	\$250	No	Installation in progress.
5	Levin	759 Paseo Cresta	Fence & gate	July 15, 2022	\$250	No	Installation in progress.
6	Miller	425 Los Altos Way	New home/landscaping	Approved	\$1,100	Performance deposit balance forfeited under terms of settlement agreement.	Lot landscaping reviewed by Los Altos Architectural Control Committee (ACC) and granted final approval by ARB in June 2022. The \$2,500 fine assessed by the ARB for failure to address various issues in a timely manner will therefore be waived in accordance with the settlement agreement of May 2022.
7	Parsons	650 La Viveza	New landscaping, irrigation system installation and yard sculpture installation.	Conditional approval pending	\$250	No	Project approval pending



**ESTANCIA PRIMERA ARB - PROJECTS IN PROGRESS - July 1, 2022**

	<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>
8	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. Since 12 months will soon have elapsed since the original conditional ARB approval on 7/9/2021, the owners have submitted a request for an extension to avoid forfeiture of their performance deposit. The application is currently being considered by the ARB.
8	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.
9	Streets	782 Paseo Cresta	New home/new wall	April 2021 (wall)	\$1,100	No	Gabions installed without ARB approval (Owner disputes this). ARB requires their removal. Stucco "undulations" not approved by ARB. Certificate of Non-compliance will be filed with Santa Fe County Clerk. Appeal of ARB decisions filed by Carla Skeen & Mary Walta - 12-7-2021 & by Jan Streets - 2-9-2022 and 2-10-2022. ARB meeting has been scheduled for July 11, 2022 to review disputed issues on the property.

## **EPCSA – ANNUAL MEMBERS MEETING – AUGUST 17, 2022**

### **PROTOCOL AND ARRANGEMENTS**

1. The meeting will be held on Wednesday, August 17 at 7:00 pm via videoconference using Zoom. Information regarding how to join the meeting will be provided *on request* by President Brenda Shears ahead of the meeting.
2. The method of voting for the election of Board members for two vacancies will be “At Large by Neighborhood.”
3. The Board positions for the Cumbre Vista and Los Nidos neighborhood subdivisions become vacant on August 17, 2022 owing to the expiry of the incumbents’ elected terms. The EPCSA has to date received nominations in good order of the following two EP owners to fill the vacancies: Cumbre Vista (Connie Burke) and Errol Levine (Los Nidos) They will seek re-election at the annual meeting.
4. The election of Directors will be by acclamation if neither of the vacancies is contested. A protocol entitled “Process for Contested Election - 2022” (attached) will be followed if any of the vacancies are contested and an election by secret ballot is required. Two EP owners/volunteers, Nanette Pyne (664 La Viveza Court) and MaryAnn Scanlon (413 Los Altos Way), will serve as the Ballot Counting Committee referred to in the protocol. Keith Kintigh (421 Calle Kokopelli) and Steve Irsik (560 Los Nidos Drive) will act in this capacity as alternates.
5. The Quorum requirement for the meeting will be the representation by presence or proxy of EP members who hold ten (10) percent of the votes (the owners of 19 lots) that may be cast on any business before the meeting.
6. Ms. Shears will send an email (or letter in the case of owners with no emails or owners who have requested contact by USPS) in early July to all EP lot owners covering the following information:
  - Date, time, and location of the meeting.
  - Deadline for submission of Petitions of Candidacy (July 18, 2022) for any EP owner wishing to run for a Board position in his/her own neighborhood that will become vacant on August 17, 2022.
  - The method of voting for Board members.
  - The right of owners to submit proxy forms if they cannot attend the meeting.
  - A link for the draft minutes of the Annual Meeting of August 18, 2021 will be provided. These require approval by the owners at the August 17, 2022 meeting.
  - The fact that the meeting agenda, the 2022 Year-To-Date Financial documents, and the provisional budget for 2023 will be sent to all owners by the Treasurer via email about seven days prior to the meeting date.
7. All proxy forms should be sent via email or USPS to Board Secretary Errol Levine so that they are received no later than August 17, 2022. The names of owners who submit proxy forms will be checked off by Dr. Levine on a master owners’ list with the word “proxy” in parentheses and the name of the owner to whom the proxy has been assigned. He will provide the completed list to Ms. Shears prior to the meeting. Ms. Shears and Dr. Levine will create a list of owners who sign into the Zoom online meeting.
8. After each portion of the meeting’s agenda is presented by the President and/or other responsible Board member(s), owners may be recognized to make comments about that portion. The

President will invite owner comments on other topics during the Additional Homeowner Comments portion of the agenda. Each owner's comments are limited to a maximum of five minutes unless the owner requests additional time and the Board approves the request. When the President recognizes an owner to make comments, the owner will be asked to state his/her name and neighborhood for the minutes.

9. Because the annual meeting is not a Board meeting, the Board will not conduct Board business there. The Board may at its discretion consider and act on matters raised by owners during the annual meeting at subsequent Board meetings or may request that owners submit written proposals to have such matters placed on the agenda of a future Board meeting, conveying their proposals through their neighborhood subdivision Board representative. The only matters that may be voted on at the annual meeting are:
  - The election of duly nominated Board members.
  - The approval of the minutes of the 2021 Annual Members meeting.
  - The meeting adjournment.
10. Owner comments, questions, and suggestions on matters relevant to EP and to the EPCSA are welcome, but comments relating to and discussion of specific issues between individual owners and the EP ARB, or between individual owners and their neighborhood subdivision HOAs, are not appropriate or relevant topics for EP Annual Members' Meetings and will be ruled out of order.

*Approved By Board of Directors, Board Meeting, June 10, 2022*

## EPCSA – ANNUAL MEMBERS MEETING – AUGUST 17, 2022

### PROCESS FOR CONTESTED BOARD ELECTION

The process for a contested election in 2022 has been adjusted owing to the Board's decision to hold the August 17 Annual Meeting via ZOOM video- and tele-conferencing instead of by an in-person gathering.

If more than one candidate is nominated to run as a Board representative from a neighborhood with a Board member's term expiring in August 2022 (Cumbre Vista and Los Nidos) the following procedures will be followed:

1. A ballot will be emailed to each email address we have on file for every property owner (or mailed via USPS to the preferred street address we have for any owner for whom we have **no** email address). Only ONE ballot may be returned for each property. EP members who own more than one property may submit one ballot for each lot owned. Each ballot returned must provide the owner's/owners' name/s as it/they are listed on the property deed in Santa Fe County land records.
2. Ballots **MUST** be returned via USPS to the EPCSA, Post Office Box 8424, Santa Fe NM 87504-8424. Hand deliveries will **not** be accepted. To be valid and counted, ballots must be received by no later than the time of the normal mail delivery on August 16, which is one day prior to the Annual Meeting.
3. Ballots are to be placed in an **unmarked**, sealed envelope. That envelope is to be placed in another, outer envelope addressed to EPCSA that shows the owner's/owners' name/s and return address. If the owner resides at a different address than the EP property, the EP address should be printed in the lower left-hand corner of the outer envelope.
4. Two owners (and two alternates) will be appointed by the President at the June 10, 2022 Board Meeting to count the ballots on Wednesday, August 17. Appointees will be neither election candidates nor current Board members.
5. Election results will be announced during the Annual Meeting scheduled for 7 p.m. on Wednesday, August 17.
6. In contested elections, the candidate for a Board seat who receives the greatest number of votes of all the candidates for that seat is entitled to occupy that seat and serve on the Board for the prescribed term for which he or she was elected.

#### BASIS FOR CONDUCTING A CONTESTED ELECTION USING THE PROCESS OUTLINED ABOVE:

1. *Article VI, Section 5 – EPCSA Amended Bylaws. Method of Election.* Election to the Board of Directors shall be by secret, written ballot cast at the annual meeting or delivered to the Board of Directors or its designee prior to the start of the annual meeting. Cumulative voting is expressly prohibited. Obtaining a simple majority of all votes cast entitles that person (who is a member of EPCSA) to serve on the Board.
2. *NM Senate Bill 150 (as amended July 1, 2019). Section 4.*
  - A. The Association shall provide for votes to be cast in person, by absentee ballot or by proxy and may provide for voting by some other form of delivery.
  - B. Where Directors or Officers are to be elected by members, the bylaws may provide that such elections may be conducted by mail.
  - C. Ballots, if used, shall be counted by a neutral third party or by a committee of volunteers. The volunteers shall be selected or appointed at an open meeting, in a fair manner, by the chair of the board or another

person presiding during that portion of the meeting. The volunteers shall not be board members and, in the case of a contested election for a board position, shall not be candidates.

*Approved by Board of Directors, Board Meeting, June 10, 2022*

**ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION**

**PROXY FORM FOR ANNUAL MEMBERS' MEETING - AUGUST 17, 2022**

I/We, \_\_\_\_\_, (*print your name/s*)

hereby designate \_\_\_\_\_ (*print name*) of

\_\_\_\_\_ Santa Fe, NM 87501 (*print street*

*address*) to act on my/our behalf at the August 17, 2022 Annual Members' Meeting of the

EPCSA for the purpose of voting on any business brought before the membership requiring

my/our vote, including the election of Directors for the EPCSA Board of Directors.

This proxy may be exercised on my/our behalf as owner/s of the property located at

\_\_\_\_\_, (*print street address*)

Santa Fe, NM 87501.

**Signed** \_\_\_\_\_ **Date** \_\_\_\_\_

**Signed** \_\_\_\_\_ **Date** \_\_\_\_\_

Please either email form to board Secretary Errol Levine ([cfaberge@msn.com](mailto:cfaberge@msn.com)) or mail it to him (508 Los Nidos Drive, Santa Fe, NM 87501-8356) ensuring that your form will be received prior to the onset of the meeting.

**Estancia Primera Community Services Association (EPCSA)**  
**Minutes of the Meeting of the Board of Directors**  
**Friday, July 8, 2022**

**Call to Order:** President Brenda Shears called the meeting to order at 9:01 am via videoconference using Zoom.

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

**Others Present:** Kurt Sommer (ARB Chair), Greg Casey (Recreation Center Manager) and Sandy Farmer (Recreation Center Construction Project Coordinator).

**Approval of Minutes of Previous Board Meeting:** The minutes of the Board meeting of June 10, 2022 were approved unanimously as submitted.

## **Reports**

**Treasurer's Report:** Scott Bunton indicated that as of June 30, 2022 the Association's operating checking account contained \$108,648.09 (of which \$6,650 comprises ARB performance deposits) and the capital reserve savings account contained \$225,824.78. Mr. Bunton reported that June expenditures were in line with the 2022 budget.

**EPCSA Insurance Policies:** The EPCSA is close to the annual renewal date for its insurance policies. The renewal information for our general liability and property damage policies is not yet available. However, these policies will need to be renewed prior to the September Board meeting. Because there is no board meeting in August, Mr. Bunton indicated that he would seek unanimous board approval by email in late July or August to authorize renewal of the policies.

The costs for renewing our Directors and Officers and Employment Practices Liability Policies are now available. The cost to retain the Association's existing coverage for the coming year -- \$1 million of D & O coverage plus the employment practices liability coverage the Association added a couple of years ago -- is \$1,688. To double the D&O coverage only, to \$2 million, will add \$742 to the annual premium for a total cost of \$2,430. The Board noted that liability awards have been increasing generally and that it would be prudent to increase the D & O coverage to \$2 million starting in August 2022. A motion to do this was duly made and seconded and was passed unanimously after a discussion.

**Financial Compilation:** Mr. Bunton noted that Section 5 of the New Mexico HOA Act of 2013 (as amended in July 2019) requires that at least every three years the board shall provide for a

financial audit, review, or compilation of the association's records in accordance with generally accepted accounting principles by an independent certified public accountant. The board had previously approved the hiring of CPA Richard Neel of Albuquerque to perform a compilation at a cost of \$500 and the results of that are now available. The compilation is an abbreviated version of the balance sheet, but it meets the legal requirements. Mr. Neel's report will be placed in the EPCSA's files and can be accessed by EP owners by their submitting a request to Ms. Shears. A motion to pay the \$539.38 cost (including gross receipts tax) was duly made and seconded and was passed unanimously after a discussion.

*Disposition of Forfeited Performance Deposit – Miller Property – 425 Los Altos Way:* Mr. Bunton reported that the landscaping of Dr. Miller's lot had been completed to the satisfaction of the EP ARB. However, the balance of Dr. Miller's performance deposit (\$1,100) will be forfeited in accordance with the provisions of Paragraph 1 of Appendix II and of paragraph 5 (f) of Appendix IV of the EP Architectural Guidelines. These require that the performance deposit be forfeited if an owner's ARB project has not been completed in one year after conditional approval has been granted and if the owner has neither sought nor obtained an ARB extension for the project, as happened in Dr. Miller's case.

The forfeited deposit will therefore be removed as an EPCSA liability from the balance sheet and will be transferred to the EPCSA's operating checking account. Mr. Bunton reported further that the Los Altos HOA board of directors had requested that the \$1,100 amount be transferred to it to compensate those owners who had been adversely affected by the delayed construction and landscaping on the Miller property. A motion was then duly made and seconded that the EPCSA board authorize the transfer of \$1,100 to the Los Altos HOA.

During the discussion, the board noted the following:

- The Los Altos board of directors had not provided any indication about how the funds, if transferred, would be used, and had given no indication that any physical damage had occurred involving Los Altos property.
- The EPCSA board of directors had considered a similar situation at its meeting of November 11, 2011 and had decided that fines and forfeitures imposed on owners under the terms of the EP ARB major construction application (Appendix IV), as occurred in Dr. Miller's case, be considered as EPCSA funds and that such funds could not be diverted to the neighborhood subdivision HOA in which the affected property was located. Although paragraph 2 of Appendix II of the Architectural guidelines specifies that fines "will be used for the beautification of the subdivisions" the EP Board had decided that such funds should be used for purposes that benefit or potentially benefit all EP owners and not individual owners or neighborhood subdivision HOAs.
- A Court-approved settlement agreement dated November 16, 1995 between Charles Diker (the original owner of the Los Altos tract) and the EPCSA absolved the EPCSA from any



responsibility for maintaining streets, sidewalks, concrete curbs, and drainage structures in the Los Altos subdivision regardless of the causes of any problems involving these structures.

- Section 6.04 (*Deposit/Surety*) of the Declaration of Covenants for the Los Altos subdivision allows the Los Altos Architectural Control Committee (ACC) to require that anyone constructing a home in Los Altos pay a deposit of \$2,500 to ensure that all work is completed in conformity with the submitted plans and specifications. The ACC is permitted to use the deposit to ensure compliance. This deposit is in addition to that required by the EP ARB. The Los Altos HOA did not follow this procedure for the development of the Miller lot. If they had done so they could have used the \$2,500 deposit/surety to compensate Los Altos owners for alleged problems caused by the delayed construction and landscaping on the property.
- The EPCSA Board some years ago sought an opinion from Legal Counsel regarding the legality of using EP funds for purposes that benefit only some EP property owners. Counsel's opinion was that the EP Board cannot use EPCSA funds for any activity or purpose that does not benefit or potentially benefit all EP owners.

Because of the above considerations the Board resolved to deny the motion by a vote of one in favor and eight opposed and to use the forfeited performance deposit for a Recreation Center beautification project from which all EP owners might benefit.

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

- There are currently ten ARB projects in various stages of progress (see attached spreadsheet). Four are major (Appendix IV) projects and six are minor (Appendix III) projects. Mr. Sommer inspected two completed projects (Bunton and Coffee/Otto) and found them to be satisfactory. He will notify Mr. Bunton to refund the performance deposits. He found another project (AC mini-split installation – Bradford) to be incomplete because the ducts require painting so that they match the adjacent stucco. During the latter inspection, Mr. Sommer noted unpainted white ducts for a mini-split AC installation at the Caldwell residence (756 Aspen Compound). Mr. Sommer has contacted John Ferris (ARC Chair for Aspen Compound) and requested that he contact Ms. Bradford and Ms. Caldwell about the need for duct painting.
- Ms. McIntosh indicated that she will re-submit an ARB application for landscaping (Parsons – 650 La Viveza) to Mr. Sommer since he had not received the first submission.
- The rooftop solar panel installation at the Raczynski/Phillips residence (621 Cumbre Vista Drive) approved by the ARB in July 2021 has been delayed. The owners sought and obtained an ARB installation extension effective through May 30, 2023.
- Mr. Sommer indicated that he had convened an ARB meeting at the clubhouse on July 11, 2022 to review complaints about various alleged architectural violations at the Jan Streets residence (753 Paseo Cresta) submitted by Cresta property owners Mary Walta and Carla Skeen (see board meeting minutes of April 8, May 13, and June 10, 2022).

- Mr. Sommer indicated that in accordance with the memorandum of understanding (MOU) signed in May 2022 by President Brenda Shears and Margaret Miller (425 Los Altos Way), Dr. Miller had completed the landscaping of her lot as outlined in the revised Landscaping Memorandum attached to the MOU (see June 10 board meeting minutes). The Los Altos ACC had then inspected the lot and sent a favorable report regarding it to Mr. Sommer. Mr. Sommer inspected the Miller lot in June and found the landscaping to be satisfactory. In accordance with the provisions of the MOU the \$2,500 fine that the ARB had imposed on Dr. Miller will therefore be waived and the matter will be considered closed.

**Real Estate Report:** Jill McIntosh reported that since the last Board meeting two homes in Los Nidos (520 and 548 Los Nidos Drive) had been listed for sale. There are active listings for vacant lots at 797 Avenida Primera South and 754 Calle Altamira. Seven EP homes have been sold this year to date.

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

- An error by a worker from Kokopelli Pool and Spa, LLC, had resulted in a water loss at the Recreation Center during May. Mr. Casey had ascertained that the water lost had cost about \$425. He has arranged with the company owner, Carver Busch, for the latter amount to be deducted from the next bill the EPCSA receives from the company. This amount has not yet been credited.
- 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 are as follows: One at a beam near the kitchen – ½ inch; one in the hall near the stairs to the racquetball court – 1/8 inch; a crack in the north wall of the racquetball court – 1/16 inch; and a crack in the east wall of the racquetball court - 1/16 inch. These are unchanged since last month.
- Mr. Casey has obtained an estimate for \$5,367.68 (including gross receipts tax) from Enrique Briano of Tierra Bonita Landscape Company for the regrading and drainage work at the back of the clubhouse recommended to mitigate settling by James Hands of Hands Engineering LLC of Santa Fe (see attachment to minutes of March 11, 2022). Mr. Briano, Mr. Hands and Mr. Casey met at the Recreation Center to discuss the project and they agree on the methods that will be used to divert water away from the back of the clubhouse.

However, Mr. Casey has not yet received an email from Enrique Briano confirming that he and Mr. Hands agree about the project. The Board during a discussion of the project felt that a project of this magnitude would require three estimates. Mr. Casey will consult MaryAnn Scanlon about other potential sources for estimates. Sandy Farmer undertook to determine whether the regrading and drainage project could be included with the other Recreation Center projects for which he is acting as the coordinator. Ms. Shears will send him the report provided

by Jim Hands and the estimate from Tierra Bonita Landscape Company. The matter will be included in the agenda of the September meeting.

- Mr. Casey has installed three new umbrellas in the pool area and three more umbrellas have been received. New umbrella stands will also be required, and Mr. Casey will investigate obtaining them. He has also ordered eight new cushions from Wayfair that will match the existing blue cushions, and these are expected to arrive by July 11.
- Ms. Shears indicated that she, as President, needs to be able to manage locks and the alarm system at the clubhouse remotely and that she currently cannot do that. She and Mr. Casey will coordinate about this matter.

**Grounds Maintenance Committee Report:** Committee Chair Jo Beth Speyer reported that Tierra Bonita Landscape Company's ongoing maintenance of the grounds is satisfactory. Weeding of the beds has become a top priority because of the monsoon rains. By agreement with Tierra Bonita Landscape Company, the newly planted bed by the gas meter has been connected to the irrigation system at no additional cost to the EPCSA. They are planning to soon add a sprinkler head for a dry area in the island bed.

MaryAnn Scanlon, Greg Casey, and Ms. Speyer walked the area on the clubhouse side of Arroyo Saiz between the tennis courts and the street, noting dead branches and dead trees that need to be removed to reduce fire hazards. They recommend that the work be done either this fall, or next year after including the work as a line item in the 2023 budget. They also surveyed the area along the sidewalk north of the clubhouse. Last year, the chamisas there were cut back to five feet beyond the sidewalk. They noted much dead growth beyond that area, and they recommend that another 5 to 6 feet be cleared of dead vegetation. This too could be included in the 2023 budget as a line item.

The Committee suggested that since grounds maintenance expenditures are significantly below the 2022 budget projections, the EPCSA should purchase a large flat boulder, triangled with the two benches on the island between the recreation center parking lot and sidewalk. They have noticed families using the benches and the boulder could be used as a tabletop, or as an additional seat for people to face the benches. The estimate for that purchase is \$400 to \$600 plus tax, depending on the weight of the boulder. Delivery and set up are included in the price.

The board discussed the Committee's recommendations. It was noted that the Association is only at the halfway point for annual grounds maintenance expenses. The board recommended that Ms. Speyer raise the Committee's recommendations for further maintenance work and purchase of a boulder at the September meeting when the board will have a better understanding of the year-to-date expenses for grounds maintenance. Three estimates will need to be obtained for the suggested work.

**EP Exterior Facilities and Grounds Renovation Project Update:** Mr. Farmer reported as follows:

- Jim Hays had indicated that a city building permit will likely be required for all aspects of the work and that the city, during its review of EPCSA's submission, will decide whether the main entry-step handrail and tennis court entry ramp must be made ADA compliant. Mr. Hays believes also that architectural designs and documents would be needed not only for securing the necessary city building permit(s), but also for a truly comparative General Contractor bidding process. In addition, contracting with a professional architect would further ensure the highest quality outcome on what will be a significant capital investment for EP.
- Mr. Farmer is preparing to start the selection process for a professional architect. To that end, an architect package document was assembled and circulated on June 29 to involved community members (A.L. Bontrager, Jim Hays, Jo Beth Speyer, MaryAnn Scanlon, Greg Casey), Board sponsors (Scott Bunton, Brenda Spears), and two EP resident architects (Rita Meek and Ida Vorum) for feedback by July 7. Relevant input will be incorporated into the latest version of this document.
- Eight architects with commercial experience were initially identified for pre-screening by phone to determine fit, availability, and interest. Any architect that passes the pre-screen will be sent the finalized architect package by email. This process is expected to start next week.

### **Unfinished Business**

**Annual EPCSA Members' Meeting:** Ms. Shears indicated that she had sent out the annual meeting announcement letter with a proxy form and a link to the annual meeting minutes of August 2021. Board secretary Errol Levine requested that board members obtain proxies from owners in their respective neighborhoods. This is important to ensure that a quorum is obtained for the meeting. Ms. Shears will remind owners in her August newsletter of the need to submit proxies to the Secretary if they cannot attend the annual meeting.

### **New Business**

Ms. Chamberlin indicated that the neighbor-to-neighbor food drive will occur again in September and requested permission to mention that at the annual meeting. The Board agreed that she should do so.

### **Homeowner Comments**

There were none.

## **Announcements**

- The annual EPCSA Members' Meeting will be held on Wednesday, August 17 at 7:00 pm using Zoom.
- The next EPCSA board meeting will be held on Friday, September 9, 2022 at 9:00 am using Zoom. A board meeting will not be held during August.

**Adjournment:** A motion was made, seconded, and approved unanimously to adjourn the meeting, and Ms. Shears adjourned it at 10:28 am.

Minutes prepared and submitted by: Errol Levine Date: 7/12/2022

(Errol Levine - Secretary)

Signed on behalf of Board by: Brenda L Shears Date: 7/29/2022

(Brenda Shears - President)

**ESTANCIA PRIMERA ARB - PROJECTS IN PROGRESS - July 29, 2022**

	<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	Bradford	753 Aspen Compound	Mini-split AC system	July 9, 2021	\$250	No	Installation incomplete. Ducts & coverings require painting. John Ferris (ARC Chair for Aspen Compound) has notified the owner.
2	Bunton	451 Avenida Primera S	Rooftop solar panels	February 1, 2022	\$250	Yes	Final approval granted.
3	Caldwell	756 Aspen Compound	Unpainted white AC ducts need to be painted to match stucco	Not applicable	None	NA	Unpainted white ducts noted by Mr. Sommer. These are considered a violation and require painting to match the adjacent stucco color. John Ferris (ARC Chair for Aspen Compound) has notified the owner.
4	Coffee/Otto	648 La Viveza Court	New fence/gate	July 9, 2021	\$250	Yes	Project complete. Final approval granted - April 2022.
5	Colton	556 Los Nidos Drive	Landscape project	April 21, 2022	\$250	No	Installation in progress.
6	Hargeaves/Stewart	670 La Viveza Court	Mini-split AC system	Not yet approved	\$250	No	Conditional ARB approval pending.
7	Levin	759 Paseo Cresta	Fence & gate	July 15, 2022	\$250	No	Installation in progress.
8	Miller	425 Los Altos Way	New home/landscaping	Approved	\$1,100	Performance deposit balance forfeited under terms of settlement agreement.	Lot landscaping reviewed by Los Altos Architectural Control Committee (ACC) and granted final approval by ARB in June 2022. The \$2,500 fine assessed by the ARB for failure to address various issues in a timely manner will therefore be waived in accordance with the settlement agreement of May 2022. The forfeited performance deposit will be used for a beautification project at the Recreation Center.

**ESTANCIA PRIMERA ARB - PROJECTS IN PROGRESS - July 29, 2022**

	<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>
9	Parsons	650 La Viveza	New landscaping, irrigation system installation and yard sculpture installation.	July 12, 2022	\$250	No	Conditional approval granted by La Viveza ARC.
10	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.
11	Rountree	412 Los Altos Way	Coyote fence	July 22, 2022	\$250	No	Conditional approval granted. Installation pending.
12	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.
13	Streets	782 Paseo Cresta	New home/new wall	April 1, 2021	\$1,100	No	Gabions installed without ARB approval (Owner disputes this). ARB requires their removal. Stucco "undulations" not approved by ARB. Certificate of Non-compliance will be filed with Santa Fe County Clerk. Appeal of ARB decisions filed by Carla Skeen & Mary Walta - 12-7-2021 & by Jan Streets - 2-9-2022 and 2-10-2022. ARB meeting was held July 11, 2022 to review disputed issues on the property.
13							



No Board Meeting in August 2022  
Annual Members Meeting - August 17, 2022

**Minutes of the Annual Meeting of the  
Estancia Primera Community Services Association (EPCSA)  
Wednesday, August 17, 2022**

**Board Members Present:** Brenda Shears (President), Scott Bunton (Vice President and Treasurer), Errol Levine (Secretary), Barbara Chamberlin, Gene Creely, Jill McIntosh, and Leslie Walker-Hirsch.

**Call to Order:** President Brenda Shears called the meeting to order at 7:11 pm. The owners of 57 Estancia Primera lots were present in person or via proxy and a quorum was accordingly deemed to be present.

**Approval of Minutes of Previous Annual Meeting:** A motion duly made and seconded to approve without changes the minutes of the August 18, 2021 EPCSA Annual Members' Meeting was passed unanimously.

**Election of Board Members:** President Shears reported that the two-year terms of the Cumbre Vista and Los Nidos members of the Estancia Primera (EP) Board of Directors (Connie Burke and Errol Levine respectively) ended on August 17, 2022. Ms. Burke and Dr. Levine are running for re-election, and each had, as required by Article VI, Section 4 of the Amended Bylaws, submitted a Petition of Candidacy in good order signed by five EP Members in good standing by the due date of July 18, 2022. Ms. Shears indicated that since neither of the two positions was contested, it would be permissible, in accordance with past procedure, for the owners in attendance to re-elect the two candidates by acclamation. A motion duly made and seconded that Ms. Burke and Dr. Levine be re-elected by acclamation was then passed unanimously.

### **Reports**

**President's Report:** President Shears indicated that the 2021-2022 Board was comprised of herself as President, Vice President and Treasurer Scott Bunton, Secretary Errol Levine, and Directors Connie Burke, Barbara Chamberlain, Gene Creely, Jill McIntosh, Jo Beth Speyer, and Leslie Walker-Hirsch. Kurt Sommer continued to chair the EP Architectural Review Board (ARB), Jo Beth Speyer was the Grounds Maintenance Committee Chair, and Connie Burke chaired the Social and Events committee. Greg Casey continued in his role as Recreation Center Manager. Ms. Shears extended her thanks to all these individuals for their continued service. She also acknowledged the many EP residents who contribute to the business and betterment of the EP community each year through service to the EPCSA and neighborhood HOA boards and committees. Fifty-one owners, representing forty-five different properties, work on Estancia Primera's behalf all year long – some serving in two or more positions (see attached list).

Details of EPCSA activities and issues are available from the monthly board meeting minutes prepared by Board Secretary Errol Levine and posted on the EPCSA website (<https://estanciaprimer.org/board-of-directors/>). A brief overview of activities since the last annual meeting included the following items:

- A new mailing program is being used for the monthly news emails to the membership and to long-term tenants for whom the EPCSA has email addresses.
- EPCSA continues to be on a sound financial footing, building strong reserves to serve the Association going forward thanks to the substantial work of Treasurer Scott Bunton.
- The EP ARB under the leadership of Kurt Sommer continues to be active throughout the year evaluating applications for new construction, renovations, and other exterior projects. The EP Board of Directors received two appeals of ARB decisions: one was resolved through a Memorandum of Understanding with the property owner and the other was referred to the ARB for reexamination and reconsideration.
- The clubhouse and pool were fully re-opened this year marked by the return of the Memorial Day pool opening party. Ms. Shears indicated that she hoped to see a Community Garage Sale return this year or next. Connie Burke is the point person for these EP-wide activities.
- The Recreation Center use by our residents has increased even from pre-pandemic times, especially use of the pool and the tennis court. Recreation Center Manager Greg Casey continues to keep things in good order. There have been challenges this past year with leaks related to both the main clubhouse water supply and the irrigation system. Various capital upgrades are in the planning stage for the Recreation Center. Kachina Hills resident Sandy Farmer has accepted an appointment to serve in a volunteer role to coordinate the development of specifications, bids, and contractor selection for these projects (see report by Mr. Farmer below).
- The Grounds Maintenance Committee led by Jo Beth Speyer continues to be active overseeing the appropriate maintenance and care of the Recreation Center grounds. Further improvements have been made with an emphasis on tree health and pruning and developing strategies to reduce fire hazards.
- In June, the EPCSA Board sponsored a presentation on wildfire awareness and mitigation by the Wildland-Urban Interface Specialist with the City of Santa Fe Fire Department. A follow-up email to EP community members provided additional information and resources regarding wildfire risk education and safety tips.
- Last year's annual Food Depot Neighbor to Neighbor Food Drive, coordinated by Barbara Chamberlin and Jill McIntosh, resulted in over \$10,000 of monetary contributions by EP residents. Ms. Shears encouraged owners to participate this year as part of the EP community effort that is currently ongoing through September 17.

**Treasurer's Report:** Treasurer Scott Bunton reported that in accordance with the requirements of Article VII, Section 8 (d) of the Amended Bylaws and of Rule III.C.2. of the Book of Resolutions, he had on August 11 sent details about EPCSA's financial situation by email or ordinary mail to all EP owners and had provided the following documents:

- *A Report on Financial Matters to the EPCSA Membership.*
- *The Profit and Loss Budget vs. Actual Statement for the EPCSA as of July 31, 2022.*
- *Projected Capital Reserve Fund Expenditures between 2023 and 2025.*
- *A Notional/Draft 2023 Budget.*

Mr. Bunton reviewed the most significant aspects of each of those documents.

*Forecast of Adherence to the Current Year's Operating Budget:* Based on expenditures to date in 2022, every indication is that EPCSA will end the current operating year (calendar 2022) with operating expenditures within the 2022 budget approved by the Board in December 2021 (on which the 2022 assessment level was based). Mr. Bunton will recommend that any unexpended funds from the 2022 budget be transferred to the Capital Reserve Fund once 2023 assessments have been received.

*Forecast of the Amounts and Timing of Expenditures to Be Made from the Capital Reserve Fund:* To date in 2022, the EPCSA Board has not approved any expenditures from the Capital Reserve Fund. The only such expenditure in 2022 currently thought to be likely is payment of fees charged by an architect when one is selected to prepare plans and drawings and assist with obtaining city permits and selecting a general contractor for Capital Reserve projects at the Recreation Center the Board hopes to begin in 2023 (see report by Sandy Farmer below). To date, the Board has not been requested to approve any action that will incur or obligate an expenditure for these projects, but such requests may be presented to the Board in September, and if those are approved, requests to approve other actions and costs likely will follow later in the year and during 2023.

*Investments of and Anticipated Income from the EP Capital Reserve Fund:* The July 31, 2022 Balance Sheet shows \$225,830.53 in the Capital Reserve Fund savings account – a business high performance money market savings account that has a current annual percentage yield of .03 percent. That is typical of low-risk, high liquidity, easily accessible accounts available from banks in Santa Fe in the current economic environment, although those rates have begun to increase during 2022.

Mr. Bunton, anticipating possible expenditure of a substantial proportion of the Fund during the coming year for the projects described in above, plans to leave the funds in the current account to ensure sufficient funds are easily accessible to make required payments. Once all anticipated 2023 expenditures have been made, if interest rates have increased significantly, he, after taking into account that any interest or investment income in excess of \$100 a year will be subject to federal income taxation at a flat rate of 30 percent applicable to homeowners associations, may propose to the Board placing some of the funds in a different account or different financial instruments if significantly more after-tax income can be obtained while ensuring safety of principal, advisable liquidity, and convenient access by the Treasurer.

Notional/Draft 2023 Budget: Mr. Bunton reported that Article 5.6 (a) of the Amended Declaration charges the EP Board of Directors with approving each year's budget, and the Board does this for the next calendar year every November or December with the benefit of knowing the expenditures for nearly the entire current year rather than just over half the year that has elapsed to date. The Notional 2023 budget that he had distributed to the owners could therefore change between August and December because of changing circumstances. He reported, however, that based on our experience year-to-date, he did not anticipate increases for 2023 over 2022 budgeted amounts that in aggregate would require increasing the annual assessment amounts above the current \$656 for developed lots and \$66 for unbuilt lots.

**Architectural Review Board (ARB) Report:** ARB Chair Kurt Sommer could not attend the meeting and Dr. Levine gave the report on his behalf as follows:

- Rebecca Dickinson Welch (757 Paseo Cresta) had recently been appointed by the EP Board as the Cresta HOA representative on the ARB. She will serve for the unexpired part of the term of the prior Cresta ARB representative ending in September 2023. The ARB now has a full complement of nine members.
- The ARB manages many ongoing projects at any given time. Currently, there are three major exterior projects and seven minor projects in various stages of completion (see attached spreadsheet). One violation is currently being dealt with by the ARB.
- The ARB has dealt with or is currently managing three new home construction projects. There is currently one new home under construction (766 Calle Altamira) with an expected completion date of January 31, 2023. A home and landscaping at 425 Los Altos Way recently received final ARB approval. The home construction and landscaping were significantly delayed. However, a Memorandum of Understanding between the owner and the EPCSA resolved outstanding issues about the property and resulted in the owner forfeiting her performance deposit for failing to seek and obtain an ARB construction extension when the one-year period allowed for construction had expired. The recently constructed home and landscaping at 782 Paseo Cresta (owner, Jan Streets) has been the subject of complaints by two Cresta owners (Mary Walta and Carla Skeen) and an appeal by Ms. Streets about ARB decisions regarding her property. The ARB held an in-person meeting to discuss the various issues. Ms. Streets and her contractor and the two complainants were given an opportunity to address the ARB. The ARB plans to reconvene soon to resolve the various issues that have been raised regarding the property.
- There have been several problems connected with owners installing mini-split air-conditioning systems without submitting ARB applications and obtaining conditional ARB approval prior to the units being installed. Owners with unapproved installations are encouraged to apply for retroactive ARB approval. Failure to obtain approval might result in the ARB requiring an owner to make changes to a completed installation at their own expense or to remove the installation entirely.
- The ARB wishes to remind owners that conduit lines and exposed wires running over home facades, walls and parapets are prohibited in EP unless the ARB has granted a waiver.

- Owners are reminded that all ARB applications should be submitted in the first instance to their neighborhood subdivision Architectural Review Committee (ARC). The latter will review the proposed project and forward the application with a recommendation to the EP ARB which will provide conditional approval or require modifications of the proposed project. Work should not start without written approval from the EP ARB Chair. Minor projects require Appendix III applications and submission of a performance deposit of \$250 while major exterior projects require submission of an Appendix IV application and submission of a refundable \$1,500 performance deposit.
- Re-roof and re-stucco projects and rooftop solar panel installations require either an ARB notification or an ARB application depending on the nature of the projects (see Appendix II of Architectural Guidelines - <https://estanciaprimer.org/arb/>).

Ms. Shears indicated that she would notify owners in her next monthly news email that they need to seek and obtain ARB approval prior to installing air conditioning systems in accordance with the provisions of Paragraph 9 of Appendix II of the Architectural Guidelines for EP (see Appendix II of Architectural Guidelines - <https://estanciaprimer.org/arb/>).

Jody and Barbie Groce (765 Paseo Cresta), who are nearby neighbors of Jan Streets (see above), indicated that they were concerned by the treatment they understood that Ms. Streets has received regarding her property and felt strongly that her home is an asset to the neighborhood. Ms. Shears informed them that the review of the property was not complete and that issues surrounding it had been referred to the EP ARB. Ms. Shears further indicated that the annual meeting was therefore not an appropriate forum for discussion of the matter. Barbara Chamberlin (President of the Cresta HOA) offered to discuss the matter with Mr. and Mrs. Groce after the meeting.

**Real Estate Report:** Jill McIntosh reported that she continues to present a report to the Board at its monthly meetings regarding all real estate activity in EP. This is necessary so that the EPCSA can keep track of changes of home/lot ownership in EP so that the EP address list can be kept updated and so that owners can be billed properly for their annual assessments. Also, the HOA Act of 2013, as amended in July 2019, requires that the EPCSA and all neighborhood subdivisions within it provide Disclosure Certificates for all home sales when homes go under contract. Board Secretary Errol Levine prepares all disclosure documents for home sales in EP. Ms. McIntosh indicated that since August 2021 eight EP homes have been sold and one home is currently under contract. A vacant lot is currently listed for sale.

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

- The pool and clubhouse were fully opened for the season in late May starting off with a Memorial Day party. There has been a significant increase in use during the last year, and an increase in the purchase of replacement access keycards primarily by new owners who did not receive one at the time of closing on their properties.
- The umbrellas around the pool have recently been replaced and new cushions have been provided for patio furniture.

- The tennis court has been available for play almost year-round and receives regular use especially during the summer months.
- The racquet ball court use remains about the same. Cracks have appeared in the walls of the court, and these have been assessed by a structural engineer. They are believed to be due to settling. The engineer has recommended grading changes on the exterior to divert water away from the clubhouse building and the Board is obtaining estimates for this work.
- Two water leaks have required management during the past year and a pressure reducing valve was installed in the main water supply line to the clubhouse in January 2022 to help eliminate future problems.

**Grounds Committee Report:** Ms. Shears gave the report on behalf of Committee Chair Jo Beth Speyer who could not attend the meeting. The Committee, consisting of MaryAnn Scanlon, Greg Casey, and Ms. Speyer has nearly completed its overall plan for the grounds immediately around the Recreation Center. Improvements made included pruning of the large cottonwood and Russian Elm trees, placement of recreational benches in the island between the parking lot and the sidewalk along Avenida Primera, the addition of a coyote fence to screen the gas meter north of the clubhouse, and installation of new plantings in the bed next to the Little Library. The irrigation system was extended where needed.

The part of the Saiz arroyo extending from the tennis court and parking lot to the Los Nidos entry sign was cleaned up in the fall of 2021 as a joint project of the EPCSA and the Los Nidos HOA to reduce fire risks. The Committee plans to perform an additional more limited cleanup of the Recreation Center grounds in the fall of 2022. This will include removal of dead trees and tree branches on the edge of the grounds adjacent to the Saiz arroyo and the removal of dead chamisas for a depth of seven or eight feet from the concrete sidewalk along the part of the Recreation Center property that extends up the hill along Avenida Primera to the junction with the Los Altos Norte neighborhood subdivision.

**Exterior Facilities and Grounds Renovation Project Report:** Sandy Farmer reported that the *EP Exterior Facilities and Grounds Renovation* capital improvement project at the Recreation Center was initiated in March 2022. The main objectives of this project are to replace the tile around the clubhouse entry, to improve the drainage of rainwater in the clubhouse entry area, to replace the sidewalk sections adjacent to the clubhouse building, pool, and tennis court, to repave and regrade the parking lot and to construct a curbed isthmus from the vegetated island between the parking lot and Avenida Primera South into the parking lot to protect the roots of the large cottonwood tree located in the island. Some drainage, irrigation, landscape, and ADA improvements will also be made. Mr. Farmer, working with Ms. Shears and Mr. Bunton, is currently selecting a professional architect to oversee the project. To date, he has received one proposal and is awaiting two more. The current plan is to split the project into two phases. Phase 1 will include the sidewalk replacement and parking lot repaving. The target construction start date for Phase 1 is April 2023. Phase 2 will include tile replacement at the clubhouse entry and the improvement of water drainage in that area. It is expected to occur in spring 2024.

**Social and Events Report:** Ms. Shears presented the report on behalf of Connie Burke as follows:

- The Annual Memorial Day Pool Opening Party was held on May 30. The event was well attended, with many new residents participating. EPCSA provided the main dishes, catered by The Ranch House. Homeowners contributed side dishes and desserts.
- The spring Community Garage Sale was not held this year owing to a lack of interest, but Ms. Burke is planning a fall garage sale on September 24 to be held from 8:00 -1:00 pm in the clubhouse parking lot.
- Barbara Chamberlin and Jill McIntosh coordinated the Neighbor-to-Neighbor Food Depot Fund Drive. Estancia Primera contributed \$10,860, putting it in third place for HOAs with 76 to 200 homes. Sierra del Norte ranked first contributing \$30,655, and La Tierra ranked second contributing \$11,895.

**Unfinished Business:** There was none.

**New Business:** There was none.

**Additional Homeowner Comments:** There were none.

**Announcements:**

Next Board meeting: Friday, September 9, 2022 at 9:00 am.

Neighbor to Neighbor Food Drive: This will extend through September 17, 2022.

**Adjournment:** A motion was made and seconded to adjourn the meeting, and President Shears adjourned it at 8:40 pm.



Minutes prepared and submitted by: Errol Levine Date: 8/29/2022  
Errol Levine (Secretary)

Signed on behalf of Board by: Brenda L Shears Date: 8/16/2023  
Brenda Shears (Board President)

## 2022 EP Volunteers\*

Richard Anderson	EPCSA Tennis Court Maintenance Comm
Tatiana Andreeva	Cresta Board
Bud Averett	Assisted Grounds Maintenance Comm
Holly Bradshaw-Eakes	Aspen Compound Board
Scott Bunton	EPCSA Board, Los Altos Board
Rick Burdine	Aspen Compound Board
Connie Burke	EPCSA Board & ARB & Grounds Comm, Cumbre Vista Board & ARC
Reagan Burkholder	Altamira Board & ARC
Barbara Chamberlin	EPCSA Board, Cresta Board & ARC, N2N Food Drive
Jim Clay	Los Altos ARC
Ralph Craviso	Los Altos Norte Board
Gene Creely	EPCSA Board, Aspen Compound Board
Michael Cross	Cumbre Vista Board, ARC & Road Comm
Kathy Crowell	La Viveza Drainage/Road Comm
Paul de Stefano	Los Nidos Board
Cynthia Dean	Altamira Board
Sandy Farmer	Kachina Hills Board, EP Capital Projects
Sarah Fassett	Los Nidos ARC
John Ferris	EPCSA ARB, Aspen Compound ARC
Ralph Fuller	La Viveza Appeals Comm
Elsie Hartog-Gobey	EPCSA ARB, Los Nidos ARC
James Hays	EPCSA ARB, Kachina Hills Board & ARC
Bennett Hirsch	Los Altos Norte Board & ARC
Mickey Hunt	Kachina Hills ARC
Steve Irsik	Los Nidos Board & ARC
Mike Kelley	Aspen Compound Board
Keith Kintigh	Kachina Hills Board
Sean Krispinsky	EPCSA ARB, Los Altos ARC
Kerry Lee	Altamira Board
William Leeman	Cumbre Vista Road Comm
Errol Levine	EPCSA Board, Los Nidos Board
Carolyn McCollum	EPCSA ARB-Los Altos Norte
Virgil McCollum	Los Altos Norte Board
Jill McIntosh	EPCSA Board, La Viveza ARC, N2N Food Drive
Peter Meek	La Viveza Appeals, Snow Removal & Drainage/Road Comm
Rita Meek	EPCSA ARB-La Viveza
Mickey Melton	Los Altos Board
Jerry Odom	Cresta Board
Robert Reifel	Cumbre Vista Road Comm
Maryann Scanlon	EPCSA Grounds Comm
Brenda Shears	EPCSA Board-Kachina Hills
Kurt Sommer	EPCSA ARB, Altamira Board & ARC
Michael Spencer	La Viveza Board & ARC
Jo Beth Speyer	EPCSA Board & Grounds Comm
David Sproat	Los Altos Board & ARC
Susanne Stauffer	Kachina Hills Board & ARC
Drew Stewart	La Viveza ARC
Robert Trout	La Viveza Board
Ida Vorum	Cumbre Vista ARC
Leslie Walker-Hirsch	EPCSA Board, Los Altos Norte Board

Rebecca Welch

William White

Kate Woods

Cresta Board

Kachina Hills Board & ARC

Cumbre Vista Board

Appreciation is also extended to others who contribute to their own neighborhood's wellbeing in various ways, often without recognition.

\*51 people, representing about 45 properties (about 1/4 of our community )

**ESTANCIA PRIMERA ARB - PROJECTS IN PROGRESS - August 29, 2022**

	<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	Bradford	753 Aspen Compound	Mini-split AC system	July 9, 2021	\$250	No	Installation incomplete. Ducts & coverings require painting. John Ferris (ARC Chair for Aspen Compound) has notified the owner.
2	Caldwell	756 Aspen Compound	Unpainted white AC ducts need to be painted to match stucco	Not applicable	None	NA	Unpainted white ducts noted by Mr. Sommer. These are considered a violation and require painting to match the adjacent stucco color. John Ferris (ARC Chair for Aspen Compound) has notified the owner.
3	Colton	556 Los Nidos Drive	Landscape project	April 21, 2022	\$250	Yes	Installation complete. Project granted final approval.
4	Hargeaves/Stewart	670 La Viveza Court	Mini-split AC system	June 12, 2022	\$250	Yes	Conditional ARB approval pending.
5	Levin	759 Paseo Cresta	Fence & gate	July 15, 2022	\$250	No	Installation in progress.
6	McClure	789 Avenida Primera	Fence & entry wall	August 25, 2022	\$250	No	Installation pending
7	Parsons	650 La Viveza	New landscaping, irrigation system installation and yard sculpture installation.	July 12, 2022	\$250	Yes	Conditional approval granted by La Viveza ARC.
8	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.
9	Rountree	412 Los Altos Way	Coyote fence	July 22, 2022	\$250	No	Conditional approval granted. Installation pending.

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10	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.
11	Streets	782 Paseo Cresta	New home/new wall	April 1, 2021	\$1,100	No	Gabions installed without ARB approval (Owner disputes this). ARB requires their removal. Stucco "undulations" not approved by ARB. Certificate of Non-compliance will be filed with Santa Fe County Clerk. Appeal of ARB decisions filed by Carla Skeen & Mary Walta - 12-7-2021 & by Jan Streets - 2-9-2022 and 2-10-2022. ARB meeting was held July 11, 2022 to review disputed issues on the property. ARB will reconvene soon to make final decisions regarding disputed issues on the property.

**EPCSA Board Meeting Agenda**  
**Friday, September 9, 2022, 9 am**  
Conducted via Zoom due to COVID-19 Pandemic

**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), Scott Bunton (Vice-President/Treasurer), Connie Burke, Barbara Chamberlin, Gene Creely, Jill McIntosh, Jo Beth Speyer, and Leslie-Walker Hirsch.

**Others Present:** Greg Casey (Recreation Center Manager), Keith Kintigh (Acting Secretary), Kurt Sommer (ARB Chair)

**Nomination and Election of Officers for New Board Year Beginning September 2022**

- President – Brenda Shears was nominated by Scott Bunton, with a second by Barbara Chamberlin. There were no other nominations.
- Vice President -- Gene Creely was nominated by Brenda Shears with a second by Jo Beth Speyer. There were no other nominations.
- Secretary – Errol Levine was nominated by Connie Burke with a second by Leslie Walker-Hirsch. There were no other nominations.
- Treasurer -- Scott Bunton was nominated by Barbara Chamberlin, with a second by Jo Beth Speyer. There were no other nominations.
- Scott Bunton, acknowledging that there was only one nomination for each office, moved that all nominations – Shears for President, Creely for Vice President, Bunton for Treasurer, and Levine for Secretary – be approved by acclamation. The motion was approved unanimously.

**Minutes of Board Meeting of July 8, 2022.** President Shears noted that the minutes were approved via email and signed on July 29, 2022.

**Determination of Accuracy of 2022 Annual Meeting Minutes and Approval to Post as Draft on EPCSA Website**

- Speyer moved to certify that the previously circulated draft minutes of EPCSA Annual Meeting Minutes were accurate and to post those minutes as draft on EPCSA website. Second by Bunton. Approved unanimously.

**EPCSA Architectural Review Board Appointments (per Book of Resolutions Part IV.5)**

- Shears noted that the terms for the following ARB members expire as of this meeting: Connie Burke (Cumbre Vista), Jim Hays (Kachina Hills) and Rita Meek (La Viveza). Each have been re-nominated by their respective neighborhoods for an additional 3-year term from September 2022 to September 2025.
- Walker-Hirsch moved the appointment to the ARB for a new 3-year term of Connie Burke (Cumbre Vista), Jim Hays (Kachina Hills) and Rita Meek (La Viveza). Second by Chamberlin. Approved unanimously.
- Shears noted for the minutes that Rebecca Welch’s nomination by Cresta to fill the unexpired term of Richard Czoski was unanimously approved by the Board via email (8/4/22).
- The relevant paragraphs of BOR IV.5 will be revised to reflect these 4 appointments.

**Designation of Board Member(s) Responsible for Duties Pertaining to Sales of EP homes for New Board Year Beginning September 2022** (per subsection III.G.1 of the Book of Resolutions)

- Designation of Board Members Responsible for Duties Pertaining to Sales of EP Homes for New Board Year are made annually. Current Board members who have been performing these duties during the prior Board year have agreed to continue in this role.
- Burke moved that Errol Levine, Jill McIntosh, and Barbara Chamberlin be designated as Board members responsible for duties pertaining to EP home sales for the Board year beginning September 2022. Second by Creely. Approved unanimously.

**Reports**

**Treasurer's Report**

- Treasurer Bunton reported that current assets of the Association were \$319,066.61, including, \$87,680.32 in the operating account and \$5,550.00 in ARB Deposits, totaling \$93,230.32 in the EPCSA Century Bank Main Account, and \$225,836.29 of reserves in Century Bank Savings.
- The Association's property and liability insurance policy issued by Cincinnati Insurance Company (separate from the Directors and Officer's Insurance) has come due. Bunton moved that the Board approve payment of this \$11,221 bill for August 31-August 30 year. Second by McIntosh. Approved unanimously.
- Bunton moved that the Board approve payment of \$28.16 to Sandy Farmer for the cost of obtaining copies of the Recreation Center blueprints for use in obtaining bids for Recreation Center improvements (discussed below). Second by Chamberlin. Approved unanimously.
- For the Board's information, Bunton outlined why Los Altos ACC (its ARB) will receive half of the forfeited \$1100 ARB deposit for the construction of 425 Los Altos Way. Of the original \$1500 deposit, \$400 was expended by the ARB for architect review of the plans leaving the \$1100 that was forfeited in the recent EPCSA agreement with owner Dr. Miller. In connection with another matter Shears discovered (and Levine and Bunton verified) that the settlement agreement between Los Altos and EPCSA provides that ARB deposits received from Los Altos are to be split evenly between the Los Altos ACC and the EPCSA ARB. As no one was aware of this provision, the split was not made when the deposit was collected. The EPCSA officers determined that the appropriate course of action is to allocate the forfeited funds as they would have been if the proper procedure had been followed. Accordingly, they concluded that half of the remaining \$1100 would be transferred to the Los Altos ACC.

**ARB Report**

- ARB Chair Sommer reported that an ARB meeting to try to reach a final resolution on the Street matter is now scheduled for Sept 14, at 6:00 PM via Zoom. There were no other major ARB actions (see attached Status Report). Some minisplits have been approved, and some approved minisplits have been completed. Sommer's own house construction is proceeding as quickly as possible. At 420 Avenida Primera South a stone retaining wall adjacent to the driveway collapsed. Sommer inspected the property and authorized a repair to reinstall the stone wall. It may include additional stepping back of the slope and loss of one tree.
- McIntosh asked if the ARB had approved the completion of the project at 670 La Viveza. Sommer replied he had not yet heard from all ARB members on that matter and would follow up this afternoon.

**Real Estate Report**

McIntosh reported that nothing has changed since the Annual Meeting. Since last August, 8 homes have sold, and 1 is currently pending that will close at the end of September.

### **Recreation Center Report**

Recreation Center Manager Casey reported:

- Activity was very good at the club house for the month of August. There were 2 paid and 2 unpaid reservations. For September there is 1 paid reservation. Racquetball use remains the same with 4 players. No key cards that were issued in August and there is 1 outstanding request to be filled in September.
- There were no pool-related water use issues for August. Carver gave EPCSA a credit for water loss of \$425 on his last bill. Carver agrees that going forward, if there is loss, Casey will notify Carver of the amount and Carver will credit it on the last bill of the season.
- Casey is following four cracks in the Recreation Center walls: 1) Settling at a beam near the kitchen – ½ inch; 2) Crack in the hall near stairs to racquetball court – 1/8 inch; 3) Crack in the north wall of the racquetball court – 1/16 inch; and 4) Crack in the east wall of the racquetball court- 1/16 inch. The crack widths have remained unchanged, however the cracks on the north side have gotten taller, perhaps due to the rains we got last month.
- Nothing unusual to report on Eye on Water from the City for the month for August.
- Pool Use for May 30 to Sept 8 – 499 groups signed in the past 100 days for average of 4.9 groups/day. The total is 1219 people for the summer. The largest group size was 9 and smallest was 1. The pool will stay open until Sept 18<sup>th</sup> and until September 30<sup>th</sup>, weather permitting. Casey will place an appropriate sign on the doors after September 18.
- Casey noted one comment from a group concerning the cleanliness of bathroom floor tile.
  - Casey has done what he can with soap and water. Steam cleaning seems to be the only answer.
  - Casey contacted 3 vendors about steam cleaning the floors. The prices ranged from \$300 to \$350 for both bathrooms and from \$450 to \$500 for the rest of the Recreation center, prices exclusive of taxes.
  - After some discussion, Burke moved that the Board approve up to \$1000 (including taxes) to clean all of the Recreation Center floors after the end of the pool season. The Board would prefer the Santa Fe vendor but leaves the final decision to Casey based on vendor availability. Chamberlin seconded the motion. Approved unanimously.
- Casey continues to assist the grounds committee as they request it.
- The irrigation controller failed. Casey removed it and got a replacement under warranty. Enrique will install and reprogram it with a cost estimated by Casey to be about \$100.
- Casey contacted David Lang about the cracks under the tennis court net. He said he would be working in Dixon and would be out after Labor Day to look at the situation to see what is required to fix the issue.

### **Grounds Maintenance Committee Report**

- Grounds Maintenance Committee Chair Speyer noted that her report is similar to her Annual Meeting report. The Grounds Committee is planning an additional cleanup of the Recreation Center grounds this Fall. This includes removal of dead trees and branches on the edge of the grounds adjacent to the Saiz Arroyo as well as the removal of dead chamisas next to the section of the Recreation Center property extending up the hill along Avenida Primera, all needed for fire mitigation. We have just received a \$1100 bid to perform this work from Enrique of Tierra Bonita. The committee requests Board approval to accept the bid, which Enrique will perform in October, if accepted.
  - The Board decided to defer action until the Committee has had a chance to review the bid to make sure it covers all of the needed tasks. Once that is done, the Board would consider an email vote on a motion forwarded by the Committee.



- As reported above, Casey and Enrique are working to resolve a problem with irrigation controller, which should be done soon. The Committee thanks Greg Casey for hand-watering those plants which have not been receiving water from the system.
- Treasurer Bunton asked the Committee for a budget proposal (at the level of detail provided last year) to be provided in October and Speyer agreed.

### Capital Projects Update

At the Board's request, Farmer has investigated architects to use for repaving the Recreation Center Parking lot, and replacing the sidewalks and outdoor tile.

- Farmer contacted 23 firms and has two bids in hand, from Shaw Architects and Miguel da Silva, and a third, from Wilson Engineering, to be delivered soon. The other architects were not interested or did not reply to repeated queries.
- The bids were for architect services. Informal discussions with the architects suggest that the construction cost would be on the order of \$200,000 in addition to architect fees.
- Farmer reviewed pros and cons of the three vendors and concluded that da Silva was not a viable option. While his bid was lower than that of Shaw it failed to offer or provide useful services that are included by Shaw, notably active participation in bid negotiation and construction project contract administration. Farmer noted that the contingency costs included by Shaw were largely under the control of EPCSA. They can be minimized if we specify exactly what we want and don't change our minds. The architect bids are a small fraction of the overall project costs. When put on an equal basis in terms of services included, they are very close (within about \$1000). The third firm, Wilson Engineering, is primarily a civil engineering firm and this project is exactly what they do. Wilson can do more of the project in-house than the other architects. For Wilson, we would be a small project, limiting our leverage and their incentive to be responsive to us should problems arise. Unlike the other two, Wilson is not a local firm and is less knowledgeable about Santa Fe. Wilson's architect would be in Albuquerque and the project manager in El Paso. A big disadvantage is that Wilson would prefer to do the project all at once rather than in two phases as the EPCSA Board has envisioned the project.
- President Shears turned over Chair to Treasurer Bunton to manage the discussion. Bunton indicated that when consideration of this matter started about 3 years ago, a cost of about \$100,000 was envisioned, not \$235,000. However, that estimate did not include several elements, including repaving the parking lot included in the current plan. Bunton suggested that with \$225,000 in reserves and adding on the order of \$25,000 per year to capital reserves it is possible for EPCSA to (barely) cover the anticipated costs. Reserve funds would remain below a "comfort level" of \$100,000 in capital reserves for a few years, especially with upcoming possible needs to re-stucco and reroof the Recreation Center, replace its heater, and re-plaster the pool.
- Farmer indicated that based on his discussions with the architects, we could phase the project, but in the opposite order of what had been considered previously by the Board. This is because of expected interactions between project components. If phased, the repaving and sidewalk and curb work would need to come first, and the tile replacement and drainage issues second.
- Further discussion by the board led to a general agreement that da Silva was not a good option and that Shaw was preferred based on the available evidence. However, the board did not want to entirely rule out Wilson before receiving its bid. Shaw could start the phase 1 design work in October and the Phase 2 design in December.
- Bunton moved that the Board approve moving into a contract with Shaw Architecture, but granting Farmer, as project manager for EPCSA, the option to come back to the Board if, for cost or other considerations, he would recommend signing with Wilson Engineering instead. Chamberlin seconded the motion. Approved unanimously.

- The Board conveyed its heartfelt and enthusiastic thanks to Farmer for his tremendous efforts in moving the project forward.

### **Annual EPCSA Members' Meeting**

- The draft minutes have been circulated and approved as noted earlier.
- President Shears noted for the minutes that owners of 57 lots were present at the EPCSA Annual Meeting in person or by proxy.

### **Unfinished Business**

- Burke reported that only 2 residents expressed an interest in the garage sale so it will not happen.
- Chamberlin reported the Food Depot' Neighbor to Neighbor food drive is going strong. As of August 31, Estancia Primera is in 1st place in city. Shears and the Board extended thanks to Chamberlin for spearheading this. It was agreed that Shears need not send an additional email reminder near the deadline.
- Chamberlin reported that she and Carla Skeen and have requested that the city repave Avenida Primera South. We will have to wait for a response. The board thanks them for this effort.

### **New Business**

Update regarding Certification Statement required for Board Members (BOR III.K.2). This rule should be updated to indicate that Board members re-elected to the Board without a break in their Board service are not required to sign a new Certification Statement. Bunton moved to modify the rule with the addition of the underlined sentence below. Second by Speyer. Approved unanimously.

III.K.2. Board members are required to complete a Certification Statement. In accordance with the New Mexico Homeowners Association Act of 2013 as amended (specifically by Section 3 of Senate Bill 150 of 2019) each newly-elected and appointed Board member is required after July 1, 2019 to sign a Certification Statement attesting that the member has read the EP governing documents; will "work to uphold the ... documents and policies to the best of the member's ability"; and will faithfully discharge the member's duties to the EPCSA. The Certification Statement for EPCSA Board members follows this rule and is available on the Estancia Primera web site. The EPCSA will retain the signed Certification Statements as part of its records for a period of five years after the date of each election or appointment. The EPCSA Secretary shall send the Certification Statement to each newly elected or appointed Board member who shall be responsible for returning the signed form to the Secretary within ninety days after being elected or appointed. As required by the law, a Board member who fails to file the signed certification shall be suspended from the Board until the member complies. The requirements of Rule III.K.2 do not apply to Board members who previously submitted Certification Statements and who are re-elected to the Board without a break in their Board service. Amended September 9, 2022.

Approved June 14, 2019; Certification Statement approved on March 8, 2019.

<http://estanciaprimera.org/wp-content/uploads/2019/03/EPCSA-Board-Member-Certification.pdf>

### **Homeowner Comments**

None

### **Announcements**

- The next EPCSA Board Meeting is 9 am Friday, October 14, 2022
- The Neighbor to Neighbor Fund Drive is ongoing through September 17
- All-community Garage Sale tentatively scheduled for September 24 is cancelled.

**Adjournment**

Burke moved for adjournment; Creely seconded. Approved unanimously.

Minutes Prepared and submitted by:  Date: 10-06-22  
Keith Kintigh - Acting Secretary

Signed on behalf of the Board by:  Date: 10-14-22  
Brenda Shears – President

**ESTANCIA PRIMERA ARB - PROJECTS IN PROGRESS - September 9, 2022**

	<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	Bradford	753 Aspen Compound	Mini-split AC system	July 9, 2021	\$250	Yes	Installation now complete with AC ducts painted.
2	Caldwell	756 Aspen Compound	Unpainted white AC ducts need to be painted to match stucco	Not applicable	None	NA	John Ferris (ARC Chair for Aspen Compound) reported that AC ducts have been painted satisfactorily.
3	Colton	556 Los Nidos Drive	Landscape project	April 21, 2022	\$250	Yes	Installation complete. Project granted final approval.
4	Hargeaves/Stewart	670 La Viveza Court	Mini-split AC system	June 12, 2022	\$250	Yes	Final approval granted.
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8	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.
9	Rountree	412 Los Altos Way	Coyote fence	July 22, 2022	\$250	No	Conditional approval granted. Installation pending.
10	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.

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11	Streets	782 Paseo Cresta	New home/new wall	April 1, 2021	\$1,100	No	Gabions installed without ARB approval (Owner disputes this). ARB requires their removal. Stucco "undulations" not approved by ARB. Certificate of Non-compliance will be filed with Santa Fe County Clerk. Appeal of ARB decisions filed by Carla Skeen & Mary Walta - 12-7-2021 & by Jan Streets - 2-9-2022 and 2-10-2022. ARB meeting was held July 11, 2022 to review disputed issues on the property. ARB will reconvene on September 14 by videoconference to make final decisions regarding

**EPCSA Board Meeting Agenda**  
**Friday, October 14, 2022, 9 am**  
Conducted via Zoom due to COVID-19 Pandemic

**Attending:**

- **Directors Present:** Brenda Shears (President), Gene Creely (Vice President), Scott Bunton (Treasurer), Connie Burke, Barbara Chamberlin, Jill McIntosh, Jo Beth Speyer, Leslie Walker-Hirsch
- **Others Attending:** Greg Casey (Clubhouse Manager), Sandy Farmer (Capital Projects Chair), Keith Kintigh (Acting Secretary); Kurt Sommer (ARB Chair), Carla Skeen, Mary Walta

**Call to Order**

President Shears called the meeting to order at 9:02AM.

**Approval of Minutes of Board Meeting September 9, 2022**

Moved, Scott; Seconded, Barbara; Approved unanimously

**Reports**

**Treasurer's Report – Bunton**

- The Treasurer reported that the Association is in sound financial condition  $\frac{3}{4}$  of the way through the year. EPCSA has \$68,349 in its Operating Account, and additional \$5550 held for ARB deposits, and Capital Reserves of \$225,841.

• **ARB Report – Sommer**

- There have been some air conditioner requests but there are no new major projects before the ARB. Details on the ongoing projects are provided in the attached appendix.
- Sommer also reported that Mary Walta has summarized an engineer's report regarding drainage from the Streets property for consideration by the ARB. The ARB declined to consider the summary absent a certification by the engineer that the summary accurately reflected the conclusions of the report; a certification has been requested from Walta.
- An ARB hearing regarding the outstanding issues with the Streets property was scheduled, however an insufficient number of ARB members attended for the meeting to proceed. It turns out to be very difficult to find an in-person meeting time. Sommer will try this weekend to reschedule this meeting, emphasizing to the ARB members the Board's sense of urgency in resolving the issues.
- Kurt has consulted with the owners at 420 Avenida Primera S concerning the repair of the collapsed retaining wall adjacent to the driveway. The repair is underway.

• **Real Estate Report – McIntosh**

- At present there are no active listings nor are there houses under contract. The sale of a home at 520 Los Nidos Dr. closed September 30.

- **Recreation Center Report – Casey**

- Activity for clubhouse for the 2022 summer season -- May 3-September 30 (122 days) -- was excellent. In total, 538 groups (1-9 people) comprising 1277 people used the pool.
- Clubhouse reservations: September, one paid; October one paid but cancelled and will reschedule; December two tentatively scheduled
- Key card: one issued in September
- Water Issues: August, September – None
- Pool Winterized (Greg and Carver of Kokopelli Pool Service) September 30. The pool is now closed.
- Racquetball use continues the same as in recent months.
- Clubhouse Wall Cracks: northside cracks have gotten a little taller, but with no change in width
  - 1 Settling at a beam near the kitchen – ½ inch
  - 2 Crack in the hall near stairs to racquetball court – 1/8 inch
  - 3 Crack in the north wall of the racquetball court – 1/16 inch
  - 4 Crack in the east wall of the racquetball court- 1/16 inch
- Clubhouse was deep cleaned on October 6. The bathroom floors will be professionally steam cleaned by early November.
- Irrigation Controller: Replaced and reprogrammed by Enrique. There will be a cost.
- Tennis Court Problem: Greg has been unable to reach resurfacing contractor David Lang of D.M.L. Inc.; Brenda will follow up with Lang.

- 
- **Grounds Maintenance Committee Report – Speyer**

- The Committee seeks approval for three projects to be completed in 2022
  - Have Tierra Bonita -- if it can do the work satisfactorily while there are still leaves on the trees -- do fire mitigation work of cleaning out, pruning dead branches, removing dead plants and debris, etc. in the area of the grounds bounded by the Tennis Court, the parking lot, the sidewalk along Avenida Primera South, and where the slope of land from the parking lot down to the arroyo levels off;
  - Have Tierra Bonita do fire mitigation work of trimming chamisas and cleaning out dead plants, trees, trash, and debris in an area of EPCSA common land along Avenida Primera South between the Rec Center and the closest Los Altos Norte property to the north -- between the roughly 5-foot-wide swath along the sidewalk that was trimmed and cleaned last year and the bottom of the arroyo (approximately another 25 feet); and
  - Have Oscar's Tree Service deliver and place a large seating stone facing the two benches in the natural island between the rec center parking lot and Avenida Primera South, as envisioned in MaryAnn Scanlon's "master plan" for the island.
- A motion to approve these three requests, at a cost not to exceed \$3000, comes to the Board from the Committee and was seconded by Bunton. There was no discussion. Approved unanimously.
- Looking forward to 2023, the committee recommends a Grounds Maintenance budget of \$13,0000

- Tierra Bonita regular maintenance and seasonal irrigation turn-on and turn-off will increase 10% for 2023, to \$6291
  - KOA tree pruning costs will also increase from \$403 to \$462.
  - Very Good tree Pruning of big trees, \$0. For 2023 the committee does not anticipate expenses associated with trimming the big trees.
  - The Committee requests \$1500 for grounds maintenance incidentals
  - Cleaning out the portion of Arroyo Saiz between Rec Center and Los Nidos. Estimated EPCSA cost of \$2,500. This is done biennially in the late fall and was last done in 2021, with EPCSA paying 60% and the Los Nidos HOA paying 40% of the total cost. The Committee will solicit 2 to 3 estimates, including from Reyes Morales who has done this work previously and Tierra Bonita, and will make a recommendation to the Board in early 2023.
  - Ground mulching for bed by gas meter \$700. Committee Members will pin down landscape fabric and dress with gravel. Budget estimate includes the cost of the gravel and fabric and Greg Casey's time,
  - Grading, planting and mulching of new bed formed in the Rec Center's parking lot over the cottonwood's roots when the parking lot is repaved. \$ 1,000.00,
  - The Committee notes the importance of moving forward with the drainage project adjacent to the clubhouse.
  - Scott commented that Grounds Maintenance is the largest recurring budget item and that the Committee's proposal looks excellent and affordable. He appreciates the Committee's getting estimates for the work to be done.
- **Capital Projects Update – Farmer**
    - A Professional Services Agreement was signed with Shaw Architecture to provide architectural services related to the EP Exterior Facilities & Grounds Renovation project. The retaining fee has also been paid.
    - Schematic Design work for Phase 1 construction (i.e., replace damaged curbs and gutters, implement a curbed bump-out landscape area in front of big cottonwood tree, repave parking lot and entry drives, install new clubhouse-fronting sidewalk, modify tennis court entrance for ADA compliance) is to begin in late October. (Phase 2 will be tile, and drainage for the patio)
    - A meeting with a land surveyor (Dean Schrader of High Desert Surveying) has been scheduled for Oct. 21. Steve Shaw will join as well. The deliverable will be a partial topo map that the civil engineer can then use in Phase 1 design and development work. EP will directly own this deliverable.
    - In the Total Cost Estimate for Shaw Architecture (see “Cost breakdown for architectural work v3” spreadsheet discussed at the Sep. 9, 2022 EP Board meeting), a separate \$800 has already been budgeted as Additional Costs for such a survey.
    - The expected start of Phase 1 is April 2023, but the start date is contingent on a number of things. If we are unable to start in April, it will start in September 2023.
    - Thanks to Sandy from the Board for his valuable work moving this project forward.
  - **Unfinished Business**
    - EP Clubhouse Drainage Project - We have an estimate from Tierra Bonita. Sandy will contact Engineer Hand to get confirmation that the proposed work will remedy



the problems of moving runoff away from the upslope side of the clubhouse as identified in Hand's report.

- **Report on Neighbor to Neighbor Fund Drive - Chamberlin**
  - EP raised nearly \$10,000 and received a letter of appreciation from the Food Depot. City- and Countywide the Fund Drive raised \$293,000. EP ranked 3rd in our group of HOAs behind two neighborhoods that each raised about \$26,000.
  - Thanks to Barbara and to all who contributed
  
- **New Business**
  - Greg: Suggestions he has received and is passing on to the Board.
    - Upgrade clubhouse furnishing with rugs, sofa, comfortable chairs, etc. so it could be rented for a book club-type meeting. Discussion of this idea pointed out the extra cleaning costs and capital expenses when we have other urgent capital projects. The Board's sentiment was not to follow up on this suggestion.
    - Arrange for a way for tennis players to use the clubhouse bathrooms year-round. The Board felt that this was a reasonable request that should be followed up at a later meeting. The proposed solution is to assign a separate door keypad code to an individual EPCSA member so that if there were a problem, it would be known who was responsible and appropriate steps could be taken. It was emphasized that the homeowner should not pass the code on to guests but accompany them to open the clubhouse if needed.
  - Leslie asked about the survey stakes along Hyde Park Road and on the EP South entrance island.
    - Scott indicated that it was his understanding that this is a survey associated with a NM DOT project (not Mirasol) to widen Hyde Park Road to create a bike lane from Bishop's Lodge Rd to beyond the South entrance to Estancia Primera. Leslie will follow up with NM DOT for more information.

#### Homeowner Comments

- None

#### Announcements

- Next Board Meeting - 9 am Friday, November 11, 2022

#### Adjournment

- Moved Connie; Seconded Jo Beth; Approved unanimously.

Minutes Prepared and submitted by:  Date: 10/21/2022  
Keith Kintigh - Acting Secretary

Signed on behalf of the Board by:  Date: 11/11/2022  
Brenda Shears – President

**ESTANCIA PRIMERA ARB - PROJECTS IN PROGRESS - October 10, 2022**

	<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	DeFazio/Edsall	520 Los Nidos Drive	New rooftop HVAC system/new roof notification	Not yet approved	\$250	No	Conditional approval pending
2	Hargeaves/Stewart	670 La Viveza Court	Mini-split AC system	June 12, 2022	\$250	No	Final approval pending.
3	Levin	759 Paseo Cresta	Fence & gate	July 15, 2022	\$250	No	Installation in progress.
4	McClure	789 Avenida Primera	Fence & entry wall	August 25, 2022	\$250	No	Installation pending
5	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.
6	Rountree	412 Los Altos Way	Coyote fence	July 22, 2022	\$250	No	Conditional approval granted. Installation pending.
7	Schnitzer	553 Los Nidos Drive	AC mini-split installation	September 28, 2022	\$250	No	Project pending conditional approval by EP ARB
8	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.

**ESTANCIA PRIMERA ARB - PROJECTS IN PROGRESS - October 10, 2022**

	<b><u>Owner Name</u></b>	<b><u>Address</u></b>	<b><u>Project</u></b>	<b><u>ARB Conditional Approval Date</u></b>	<b><u>Deposit</u></b>	<b><u>Deposit Refunded</u></b>	<b><u>Current Status and Final Approval</u></b>
9	Streets	782 Paseo Cresta	New home/new wall	April 1, 2021	\$1,100	No	Gabions installed without ARB approval (Owner disputes this). ARB requires their removal. Stucco "undulations" not approved by ARB. Certificate of Non-compliance will be filed with Santa Fe County Clerk. Appeal of ARB decisions filed by Carla Skeen & Mary Walta - 12-7-2021 & by Jan Streets - 2-9-2022 and 2-10-2022. ARB meeting was held July 11, 2022 to review disputed issues on the property. ARB will reconvene in October by videoconference to make final decisions regarding disputed issues on the property.

**EPCSA Board Meeting Minutes**  
**Friday, November 11, 2022, 9 am**  
**Conducted via Zoom due to COVID-19 Pandemic**

Board Members Attending: Brenda Shears (President), Gene Creely (Vice President) Barbara Chamberlin, Jill McIntosh, Jo Beth Speyer, Leslie Walker-Hirsch

Residents Attending: Keith Kintigh (Acting Secretary), Sandy Farmer (Estancia Primera Capital Reserves Project Coordinator)

**1. Call to Order**

President Shears called meeting to order at 9:04 AM.

**2. Approval of Minutes of Board Meeting October 14, 2022**

- A motion to approve the minutes of the October 14 Board meeting was made by Barbara, seconded by Jo Beth, and approved unanimously.

**3. Reports**

- ***Treasurer's Report*** – Scott Bunton (Provided in written form and read by Shears)
  - The EPCSA operating checking account contained \$62,234.93, which amount includes \$5,550.00 of ARB deposits. The Capital Reserves Savings Account held \$225,847.61. All October expenditures were in line with the 2022 budget.
  - As soon as the November financials are available -- which should be sometime between Dec 3 and 7 -- Bunton will finalize and send them to the Board along with a draft 2023 budget. At the Dec 9 meeting, Bunton will move to approve that proposed budget. At this point, he sees no reason we won't be able to leave the assessment amount unchanged.
- ***ARB Report***
  - There was a meeting of ARB regarding the Jan Street house on October 24 2022 and Jan was notified of the ARB's decisions on November 5 2022. Brenda will forward the minutes of the ARB meeting to the Board once they are finalized. The ARB decisions have not been appealed. Briefly, the ARB decided:
    - The scalloped stucco wall tops must be corrected.
    - The sides of the gabions must be lowered (Jan has made a query to the ARB for some additional clarification on this point).
    - Additional landscaping must be installed to further shield the gabions from view and a complete landscaping plan must be submitted.
    - The metal roof over the portal is acceptable.
- ***Real Estate Report*** – McIntosh
  - No new listings or pendings in the last month. The only active listing is for the lot along Avenida Primera South.

- **Recreation Center Report** – Greg Casey (Provided in writing and read by Shears)
  - Activity was very light at the clubhouse for the month of October. There were no reservations in October; there is one in November, three in December and two in January. Racquetball court use remains with the same, with four players.
  - No key cards were issued.
  - There were no water usage issues shown on Eye on Water for October.
  - The pool is closed for the season.
  - The four clubhouse cracks Greg follows remained unchanged widthwise in October:
  - A deep clean on the entire club house was done on Oct 6<sup>th</sup>.
  - The board approved \$1000 in September to steam clean the bathroom and the rest of the tiled areas. This will be done on Nov 30<sup>th</sup>. The clubhouse will be closed that day.
  - Casey continues to assist the grounds committee as they requested.
  - Casey spoke to David Lang about the tennis court cracks in Oct. He is aware of the cracks. However, the work must be done when the temperature is above 50 degrees so it maybe spring before the work can be completed. Brenda confirmed that the warranty for cracks will be honored.
  
- **Grounds Maintenance Committee Report** – Speyer
  - At last month's meeting, the Board reviewed and elected to complete the projects including the cleanup of the area South of the parking lot, as well as the area North of the Rec Center, approving the bids submitted by Enrique Briano, of Tierra Bonita. Both projects were completed, on October 29 and October 30.
  - The irrigation was shut off for the winter, so the maintenance contract has been completed for 2022.
  - The purchase and placement of the large rock, to serve as a table or additional seating to complete the benches area will be completed by the end of December.
  - The Committee has continued to work with Sandy Farmer on the Capital Reserves Project. Jim Hand has submitted a written confirmation that the proposal by Enrique, with some changes, is adequate to correct the drainage issue causing the cracks in the walls of the clubhouse (see unfinished business, below).
  - Fire Prevention: Speyer has shared with the Board an email from Rebecca Shaw regarding the cleanup of their community property done by La Viveza. Errol Levine has shared information related to the work done by Los Nidos on their community property and the encouragement they have given individual landowners to assess the condition of their lots particularly those that abut the arroyos. Through regular and one special assessment on its common areas Kachina Hills has cut down dead trees, removed dead bushes and trimmed live bushes, removed organic waste, and removed brush from the catchment ponds. Altamira will be meeting soon on that issue. Speyer and Shears noted that it is gratifying to see significant progress to that end being made within our community.
  
- **Capital Reserves Projects Update** – Farmer
 

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

  - Schematic Design work for Phase 1 construction (i.e., replace new clubhouse-fronting and south-side sidewalks; replace adjoining curbs and gutters; modify tennis court entrance for ADA compliance; install a curbed, landscape peninsula in front of big

cottonwood tree; repave parking lot and entry drives) started in the second half of October.

- A site visit took place on Oct. 25, 2022, with Steve Shaw, Greg Casey and Sandy Farmer in attendance. The purpose of this visit was: 1) to review the scope for Phase 1 work, especially that for sidewalk and curb replacement, and for the new curbed peninsula in front of the large cottonwood tree; 2) to identify the location where Steve would drill to get a core sample of the tile and binding layers in the Patio Area, and then re-seal; and 3) for Steve to take measurements necessary for the design work to address the Inner Planting Box drainage issues. Both Steve and Sandy provided respective summaries of the meeting outcomes, which have been shared with Brenda Shears and Scott Bunton.
- A draft site plan has been provided that details the scope of Phase 1 work. Feedback has been provided by Sandy Farmer, Scott Bunton, and Brenda Shears. The draft site plan has also been shared with the EP Grounds Committee. If other Board members would like to see the draft site plan, Farmer is happy to provide a copy by email.
  - Regarding the draft site plan: The EP Grounds Committee has been asked to decide on the north-to-south length of the curbed peninsula in front of the large cottonwood tree: either 2 sections of curb (20') or 3 sections (30'). Target date for this decision is Nov. 20, 2022.
  - Regarding the draft site plan: The two handicapped parking spaces, one on each side of the parking lot ramp, will be consolidated on the north side of that ramp into two handicapped parking spaces with one central, shared handicap loading area. The reason for having both handicap spaces only on the north side is to avoid issues of ADA accessibility (from the parking space to the main entry steps) due to excessive (relative to code) cross-sloping of the in-between sidewalk area south of that ramp.
- An invoice dated Oct. 25, 2022, has been submitted by Shaw Architecture in the amount of \$946.38 for Schematic Design services. A check request has been submitted by Scott Bunton for this amount.
- High Desert Surveying (Dean Schrader) has provided a verbal quote (by text) for the topo survey in the amount of \$3,000 + tax on Nov. 9, 2022. A written proposal should be in hand by this coming Monday and would now entail an early Jan. 2023 completion date instead of an early Dec. 2022 completion date. The project had originally budgeted a survey cost of \$800. The additional cost is because we need a fairly detailed topological survey, not just a general survey, in order to address the cross-slope issues with the sidewalk (between the parking lot ramp and tennis court entry ramp), and the ADA compliance requirements for the tennis court entry ramp. In talking with Steve Shaw, he indicated that it would likely take a full 3 days (or a little more) to complete the topo survey, and that as such, \$3,000 was not an unreasonable cost. We are endeavoring to find an alternative surveyor that can complete the work earlier, and perhaps at lower cost; but achieving this seems unlikely.
- The Board thanks Sandy for his important and very effective efforts on this initiative.

#### 4. Unfinished Business

- ***Drainage Project Status.*** Shears reported that we now have a Description of Work that aligns with the recommendations made by Jim Hands of Hands Engineering to prevent

further settling cracks within the clubhouse. He has reviewed and approved the Description of Work and provided a letter agreeing that it aligns with his recommendations to redirect the drainage along the side and back exterior walls of the racquetball court. As has been previously reported, Tierra Bonita has provided an estimate of \$5367.68 (\$4950 plus \$417.68 tax) for the drainage and swale work that is required. It is important that the work commence prior to the onset of winter weather. Gene moved and Barbara seconded a motion to:

- 1) Approve the invoice from Jim Hands for \$433.25 including tax for his walk-thru and review of the description of work, and
- 2) Authorize Tierra Bonita to conduct the drainage work based on that current description of work as soon as it can be scheduled for a cost not to exceed \$6000.

The motion was approved unanimously

**5. New Business - None**

**6. Homeowner Comments - None**

**7. Announcements**

- The Next EPCSA Board Meeting will be held 9 am Friday, December 9, 2022

**8. Adjournment**

- Jo Beth moved and Gene seconded a motion to adjourn; approved unanimously and the meeting adjourned at 9:29 AM.

Minutes Prepared and submitted by:  Date: 11/12/2022  
Keith Kintigh - Acting Secretary

Signed on behalf of the Board by:  Date: 12/9/2022  
Brenda Shears – President

**ESTANCIA PRIMERA ARB - PROJECTS IN PROGRESS - November 11, 2022**

	<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 pending
2	DeFazio/Edsall	520 Los Nidos Drive	New rooftop HVAC system/new roof notification	Not yet approved	\$250	No	Conditional approval pending for HVAC system. New roof installation approved as a notification project.
3	Hargeaves/Stewart	670 La Viveza Court	Mini-split AC system	June 12, 2022	\$250	Yes	Installation granted final approval.
4	Levin	759 Paseo Cresta	Fence & gate	July 15, 2022	\$250	No	Installation in progress.
5	McClure	789 Avenida Primera	Fence & entry wall	August 25, 2022	\$250	No	Installation pending
6	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.
7	Rountree	412 Los Altos Way	Coyote fence	July 22, 2022	\$250	No	Conditional approval granted. Installation pending.
8	Schnitzer	553 Los Nidos Drive	AC mini-split installation	September 28, 2022	\$250	No	Project pending conditional approval by EP ARB.
9	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.



**ESTANCIA PRIMERA ARB - PROJECTS IN PROGRESS - November 11, 2022**

	<b><u>Owner Name</u></b>	<b><u>Address</u></b>	<b><u>Project</u></b>	<b><u>ARB Conditional Approval Date</u></b>	<b><u>Deposit</u></b>	<b><u>Deposit Refunded</u></b>	<b><u>Current Status and Final Approval</u></b>
10	Streets	782 Paseo Cresta	New home/new wall	April 1, 2021	\$1,100	No	ARB requires modification of gabions and removal of stucco "undulations." Metal portal roof approved. ARB requires owner to submit a landscaping plan for the property that will include vegetation that will make the gabions less conspicuous.

**Estancia Primera Community Services Association (EPCSA)**  
**Minutes of the Meeting of the Board of Directors**  
**Friday, December 9, 2022**

**Call to Order:** President Brenda Shears called the meeting to order at 9:01 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), Greg Casey (Recreation Center Manager) and Sandy Farmer (Recreation Center Construction Project Coordinator).

**Approval of Minutes of Previous Board Meeting:** The minutes of the Board meeting of November 11, 2022 were approved as submitted by eight votes in favor and one abstention.

## **Reports**

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

- There are currently nine ARB projects in various stages of progress (see attached spreadsheet). Three are major (Appendix IV) projects and six are minor (Appendix III) projects. One application (McClure) has been withdrawn and one granted final approval (Schnitzer). Mr. Sommer will inspect one completed project (Levin) for final approval. He will also seek a six-month ARB construction extension for the completion of his own new home in Altamira since his first construction extension expires at the end of December 2022.
- Mr. Sommer indicated that he had convened an ARB meeting at the clubhouse on October 24, 2022 to review complaints about various alleged architectural violations at the Jan Streets property (753 Paseo Cresta) submitted by Cresta property owners Mary Walta and Carla Skeen (see Board meeting minutes of April 8, May 13, and June 10, 2022). The ARB had after hearing presentations from Ms. Streets and her contractor (Forrest Henry) and from Ms. Walta and Ms. Skeen decided as follows:
  - The rear metal portal roof was approved.
  - The stucco “undulations” (that had not been approved prior to installation) should be removed within ninety days of the meeting, weather permitting, so that the home would conform with the straight-line stucco configuration found on all other homes in EP.
  - The side wings of the gabion should be lowered so that they would be no higher than one foot above the front spillway.

- Ms. Streets should provide the ARB within 90 days of the meeting with a landscaping plan showing evergreens that she will plant to screen the gabion and she should install the new plants, weather permitting, within 90 days of ARB approval of the landscaping plan.
- Ms. Streets should provide a final landscaping plan for the entire property within 90 days of the meeting and should complete all landscaping within 90 days of ARB approval of the plan, weather permitting.

Mr. Sommer informed the Board that a more recent communication from Morey Walker (the civil engineer who had submitted the lot drainage and grading plan prior to construction) indicated that the gabion side wings should be lowered by no more than 18 inches in height with the front part of the gabion remaining as built so that the gabion pond would still meet City of Santa Fe drainage requirements. Further inquiries addressed to the city will be needed to determine whether the proposed modifications will comply with city drainage requirements. If they do, Mr. Sommer will ask the ARB members to consider amending their decision to require that the side wings be reduced by eighteen inches in overall height.

Mr. Sommer noted also that labor problems in Santa Fe had made it increasingly difficult to get construction completed and that the ARB's requirement that the stucco "undulations" be removed within 90 days, weather permitting, of the date of the ARB meeting was probably unrealistic particularly since stucco work is highly weather sensitive. He will therefore propose to the ARB that Ms. Streets be given until the end of the 2023 construction season to remove the stucco undulations.

Mr. Sommer informed the Board that he would report to it at its January 13 meeting about his further discussions with the ARB and with Ms. Streets, Ms. Skeen and Ms. Walta regarding the gabion and stucco.

**Real Estate Report:** Jill McIntosh reported that since the last Board meeting one home in La Viveza (650 La Viveza Court) had been listed for sale. There are active listings for two vacant lots at 797 Avenida Primera South and 754 Calle Altamira, respectively. Eight EP homes have been sold this year to date.

**Treasurer's Report:** Treasurer Scott Bunton indicated that as of November 30, 2022 the Association's operating checking account contained \$56,883.93 (of which \$5,300 comprises refundable ARB performance deposits) and the capital reserve savings account contained \$225,853.18.

**2023 Budget and Annual Assessments:** Mr. Bunton reported that using the latest 2022 expenditure data he had prepared a proposed 2023 budget for the Board's consideration and action (see attachment). The proposed budget leaves the assessment levels where they have been for the past several years namely \$656 for a developed lot, \$164 for a lot with a home under

construction but not yet occupied and \$66 for a vacant lot. The budget also increases the Association's contribution to the capital reserves account by about 10 percent.

During 2022 the EPCSA kept expenditures at or below budget in all but six line items, and three of those were only slightly exceeded. Mr. Bunton indicated that he had increased the 2023 amounts for all six line items. The budgeted amount for Recreation Center grounds maintenance has been set at \$14,000 at the request of the Grounds Maintenance Committee. The budgeted amounts have been reduced for several line items based on the EPCSA's expenditure history with them over the past three years.

A motion made and duly seconded that the proposed 2023 budget be approved and that the assessments for 2023 be left the same as they were in 2022 was passed unanimously after a discussion.

**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 some minor dry wall cracks have developed elsewhere in the upper clubhouse level.
- The steam cleaning of the clubhouse locker rooms was postponed from November 30 until December 13. The clubhouse will be closed on that day.
- 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 will perform the landscape regrading work at the rear of the clubhouse on or about December 15, weather permitting.
- An owner had suggested upgrading the clubhouse furnishings so that they would include rugs, sofas, and comfortable chairs thereby making it possible for the clubhouse to be rented for small events such as book club meetings. Connie Burke noted that currently the clubhouse is rented mainly for large events and any furniture would have to be moved and stored for such events. Moreover, it was unlikely that holders of small events would be willing to pay the \$75 rental fee for the clubhouse. The Board therefore rejected this suggestion.

**Grounds Maintenance Committee Report:** Committee Chair Jo Beth Speyer reported that the landscape maintenance contract at the recreation center for 2022 has been completed within budget by Tierra Bonita Landscape Company. There will be a ten percent contract cost increase in 2023 owing to the company's increased costs. A large stone that will be placed adjacent to the

two benches in the bed next to the parking lot has been selected at Oscar's Tree Service and will cost \$649.80 including delivery and placement. It will be part of the 2022 budget.

The Committee will work with the Los Nidos HOA to determine if the joint biennial fire mitigation project in the Saiz arroyo between the Recreation Center and Los Nidos will be needed in 2023. The Committee has obtained an estimate of \$1,400 for a new bed to be constructed around the cottonwood tree when the parking lot is repaved, but the cost will depend on when the parking lot renovation is done. The new bed will need grading, planting, mulching, and probably irrigation run to it.

**Recreation Center Exterior Facilities and Grounds Renovation Project Update:** Sandy Farmer provided updates regarding various meetings he had held with our architect, Steve Shaw, and other individuals who are advising him regarding the project including Morey Walker, (a civil engineer), and Kody Keelin, the city's Land Use Compliance Officer who is advising the EPCSA about ADA requirements for the project (see attached report).

Dr. Farmer reported that he and Board Secretary Errol Levine had discussed how best to integrate Dr. Farmer's monthly report into the Board meeting minutes. They had agreed that the report would best be used in the future as an attachment to the minutes with the proviso that the text of the minutes would include any Board questions or suggestions requiring further action and any motions about the project that were passed by the Board.

Dr. Farmer indicated that a proposal, had been received from Terra Land Surveys, LLC on Dec. 9, 2022 for a topographical survey based on the final set of requirements for the project from our architect, Steve Shaw. The cost is \$2,425 plus tax. Field work can be started within two weeks of receipt of the executed contract. A quote from the other surveyor approached, Dean Shrader of High Desert Surveying, was for \$3,000 plus tax for a similar scope of work. A motion made and duly seconded to hire Terra Land Surveys, LLC, for the survey and to approve the cost of \$2,425 plus tax, was then passed unanimously after a discussion. Dr. Farmer will send the contract to Ms. Shears for her review and signature.

**Unfinished Business:** There was none.

**New Business:**

Ms. Shears reported that she had received two appeals of the recent ARB decisions about the Streets residence at 753 Paseo Cresta (see ARB report above):

- Ms. Streets filed an appeal of the decisions regarding her stucco and gabion on December 1, 2022 (see ARB report above). She indicated 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 home. Ms. Streets had then written to Mr. Sommer indicating that she accepted 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 as unfair and financially burdensome. She also objected to the ARB decision that the gabion side wings be reduced in height so that they did not exceed twelve inches above the spillway. She believes that the ARB should comply with the recommendation from her civil engineer, Morey Walker, that the side wings be reduced by eighteen inches in height.

- Ms. Skeen and Ms. Walta filed an amended appeal on December 4, 2022. They complained about the ARB’s recent decision that the gabion be modified whereas the ARB had decided previously that the gabion be removed because it was unsightly. They complained also that the ARB had not addressed significant terrain management and erosion issues on the property.

The Board noted the two appeals but deferred any actions regarding them until the January 13 Board meeting at which time Mr. Sommer will report to the Board on the ARB’s further deliberations about the gabion and stucco.

### **Homeowner Comments**

There were none.

### **Announcements**

- The next EPCSA Board meeting will be held on Friday, January 13, 2022 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 10:13 am.

Minutes prepared and submitted by: Errol Levine Date: 12/15/2022  
(Errol Levine - Secretary)

Signed on behalf of Board by: Brenda L Shears Date: 1/13/2023  
(Brenda Shears - President)

2023 Budget higher than 2022 for expenditures; lower for income or savings	<b>12/8/2022</b>
2023 Budget lower than 2022 for expenditures; higher for income or savings	
2022 Expenditures through November higher than 2022 budget (remember will be one more month*)	

**Estancia Primera Community Services Association**

**TREASURER'S PROPOSED 2023 BUDGET**

	2022 Budget	2022 Expend. Through Nov 30	Proposed 2023 Budget
<b>I. ADMIN &amp; OFFICE</b>			
1. ARB Admin & Office (6012)	100	0	100
2. Insurance (Prop, Liabil, D&O) (6045)	13,000	13,651	14,000
3. Licenses & Permits (6060)	50	10	50
4. Admin & Office (6010)	200	332	350
<b>II. GENERAL EXPENSE</b>			
5. Auditor	600	539	0
6. Website Hosting/Domain Name (6066)	225	187	225
7. Taxes (7110)	30	5	30
8. Mileage and Parking (7125)	30	0	30
9. Legal, General (7201)	1,000	2,140	2,000
10. Web Support (7203)	1,000	793	1,000
11. Bookkeeper (7204)	3,000	2,151	2,600
12. General Management (7206)	7,200	5,809	7,200
13. Office Supplies (7210)	600	0	100
14. General Expense - Other (6011)	100	0	100
<b>IV. SOCIAL EVENTS AND DECORATIONS</b>			
15. Social Events (6030)	500	0 *	500
16. Exterior Decorations (7020)	400	0 *	400
<b>V. GROUNDS/EXTERIOR</b>			
17. Grounds Maintenance (6040)	16,000	13,486	14,000
18. Grounds Supplies (6091)	200	0	100
19. Entry Sign Maintenance (6092)	150	0	100
20. Snow Removal (7100)	900	0	900
21. Electricity for Entry Signs (7115)	300	209	300
<b>VI. REC CENTER UTILITIES</b>			
22. Refuse (7070)	700	235	500
23. Electricity (7010)	3,350	2,453	3,350
24. Gas (7015)	3,300	4,739	5,500
25. Phone (7035)	1,000	918	1,000
26. Water (7060)	8,800	4,388	8,800
<b>VII. CLUBHOUSE MAINTENANCE</b>			
27. Cleaning Service (7031)	1,600	0	500
28. Maintenance Supplies (7032)	1,700	316	800
29. Maintenance Labor (7033)	1,000	140	500
30. Roof Maintenance (7037)	200	0	200
31. Security (7050)	1,100	1,007 *	1,100
32. Furnishings/Equipment Repair/Replace (7095)	800	0	800
33. Other Maintenance (7029)	800	6,305	2,000



	2022 Budget	2022 Expend. Through Nov 30	Proposed 2023 Budget
VIII. POOL/TENNIS COURT MAINTENANCE			
34. Pool Maintenance (7040)	400	0	400
35. Pool Supplies (7042)	500	0	100
36. Pool/Deck Furniture Repair/Replace (7043)	500	247	500
37. Pool Management Service (7045)	10,000	10,359	10,700
38. Tennis Court Maintenance (7055)	800	0	800
<b>Subtotal, Operating Expenses</b>	<b>82,135</b>	<b>70,419</b>	<b>81,635</b>
IX. CONTINGENCY FUND			
39. 10% Contingency Fund for Unexpected Costs (8050)	8,214	0	8,164
<b>TOTAL, OPERATING EXPENSES &amp; CONTINGENCY FUND</b>	<b>90,349</b>	<b>70,419</b>	<b>89,799</b>
40. X. ADDITION TO RESERVES FOR REPLACEMENT OF EQUIPMENT/ASSETS	30,316	30,316	31,023
<b>GRAND TOTAL</b>	<b>120,664</b>	<b>100,735</b>	<b>120,821</b>

**INCOME**

A. Assessment Income (4000) (2023: \$656/home X 181; \$66/lot X 6; \$164 bldg per X 1)	119,264	119,264	119,296
B. Delinquent Assess. Interest/Fees (4018)	0	55	0
C. Interest (4025)	100	71	100
D. Rec Center Card Replacement Fees (4030) (2023: 3 replacements @ \$50)	100	725	150
E. Clubhouse Use Fees (4290) (2023: 9 uses @ \$75)	600	1,050	825
F. Property Sale Disclosure Fees (4295) (2023: 6 disclosures @ \$75)	600	700	450
<b>TOTAL INCOME</b>	<b>120,664</b>	<b>121,865</b>	<b>120,821</b>

**ESTANCIA PRIMERA ARB - PROJECTS IN PROGRESS - December 9, 2022**

	<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	McClure	789 Avenida Primera	Fence & entry wall	August 25, 2022	\$250	Yes	ARB application withdrawn.
5	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.
6	Rountree	412 Los Altos Way	Coyote fence	July 22, 2022	\$250	No	Conditional approval granted. Installation pending.
7	Schnitzer	553 Los Nidos Drive	AC mini-split installation	September 28, 2022	\$250	Yes	Project completed and given final ARB approval.
8	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. Owner has applied for a further 6-month extension for completion of the residence, driveway and landscaping ending June 30, 2023.

**ESTANCIA PRIMERA ARB - PROJECTS IN PROGRESS - December 9, 2022**

	<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>
9	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.

Capital Projects Report  
December 9, 2022  
Sandy Farmer

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

**Status:**

- A site visit took place with the civil engineering consultant, Mory Walker, on Nov. 22, 2022. Another site visit took place with the city's ADA enforcer in the Building Dept., Mr. Keelin, on Dec. 8, 2022. Steve Shaw was in attendance for both site visits.
- Mr. Keelin informed that the time between document submission and permit receipt is approx. 3 weeks.
- All ADA-related issues have now been identified and/or confirmed. The tennis court entry ramp must be ADA-compliant and include an HC parking space. The upper pool ramp will have to be extended at the top, but its width will meet ADA requirements. The parking lot around the two planned HC spaces will have to be graded to meet cross-slope requirements. The latter two issues had not been previously identified. The upper pool ramp work will be done as part of Phase 2.
- A decision has been reached to install a back-up irrigation conduit between the inner (east, by clubhouse) and outer (west, along Avenida Primera) landscape areas instead of working to find and replace the existing irrigation connection line that runs in some manner under the parking lot. Phase 1 of this maintenance project will be responsible to prepare and restore the area before and after the physical installation of the irrigation conduit. The Landscape Committee will be responsible for the physical installation thereof.
- Repairing the shifting cross-slope on the east sidewalk (between main entry area and tennis court entry ramp), which is currently against code, will be more involved than initially expected. On the south sidewalk, the east ramp will be removed; and the west drainage cut will be replaced by an under-walk drain. Both changes are required to meet code.
- A further updated site plan has been provided by Shaw Architecture that now finalizes the requirements for the topo survey.
- A proposal, incl. fee, was received from Terra Land Surveys (Chris Medina) on Dec. 9, 2022 for the topo survey based on the final set of requirements from Steve Shaw, which are attached to the proposal. The fee is \$2425 + tax. Field work can be started 2 weeks from receipt of the executed contract. The contract has been sent to Brenda for review and signature following Board approval on Dec. 9, 2022 of the related expense. Note that the quote from the other surveyor (Dean Shrader @ High Desert Surveying) was \$3000 + tax for a very similar scope of work. His availability was approx. 7-8 weeks out to start the field work and another 2 weeks to complete the drafting. He asks for a 50% deposit; and the contract consists of our email correspondence.
- The proposal from the civil engineer is expected by end of this week.
- An invoice dated Nov. 25, 2022 has been submitted by Shaw Architecture in the amount of \$927.43 for Schematic Design services. A check request has been submitted by Scott Bunton for

this amount. Total cost of architectural services up to Nov. 25 is \$1873.81 against a Schematic Design budget of \$6000 and a contingency of \$6000.

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

- A site visit took place on Nov. 22, 2022 with Mory Walker (the civil engineering consultant), Steve Shaw and Sandy Farmer in attendance. The purpose of this visit was to review the scope of work for the sidewalk replacement, parking lot repaving, and curb replacement. Two key learnings came out of this meeting: 1) the east sidewalk from south of the main entry area to just past the tennis court entry ramp has completely failed from the perspective of its structural foundation; and 2) the parking lot is in good shape regarding its structural foundation, with only a few select places requiring re-compacting of the underlying soil. Both Steve and Sandy provided respective summaries of the meeting outcomes, which have been shared with Brenda Shears and Scott Bunton.
- A site visit took place on Dec. 8, 2022 with the city's ADA enforcer in the Building Dept., Mr. Keelin, and Steve Shaw in attendance. The purpose of this visit was to discuss general ADA applicability and to review accessible path of travel and parking criteria. Several key learnings came out of this meeting: 1) an HC parking space is required at the tennis court entry area [confirmed]; 2) the path up to the court, but excluding the court itself, must be ADA compliant [confirmed]; 3) the area around the HC parking spaces will have to be re-graded to meet ADA cross-slope requirements [new]; 4) the upper ramp (of the outer pool ramp assembly) can meet ADA requirements provided that a) we attach the minimum profile ADA-compliant handrail to the planter stucco wall on one side and to the wrought-iron fence (which is permitted) on the other (pool) side and b) pending confirmation by the topo survey, extend the ramp at the top around the corner and into the existing tiled area, which will also alleviate the step-up gap [new]; and 5) east ramp and west drain in south sidewalk do not meet code requirements [confirmed]. Note that item #4 would be done as part of Phase 2.
- **Parking Lot Re-paving:** Following his site visit (Nov. 22), the civil engineer recommended that we not remove all of the existing pavement, but rather grind down the top 1-2" and then apply a new pavement layer. For the few, select areas where the underlying soil foundation is failing, all pavement will have to be removed, and then the soil re-compacted before re-paving. Regarding the new pavement layer, blacktopping, which is how the current parking lot surface was done, is currently felt to be a better aesthetic option than asphalt paving.
- **East Sidewalk:** Removing the sidewalk cross-slope just south of the main entry area will entail 1) exposing some structure below the stucco wall fronting the outer pool ramp assembly and 2) likely adding a step to the bottom of the existing steps on the south side of said assembly. The exposed portion of structure below the stucco wall will then have to be properly built-up and re-finished.
- **South Sidewalk:** The east ramp is to be removed. The west drain is to be converted into an under-walk drain.
- **Irrigation Conduit between Inner and Outer Landscape Areas:** It was decided to install a back-up irrigation conduit instead of replacing the existing irrigation connector line that runs in some manner under the parking lot. The Landscape Committee has recommended the location, depth, dimensions and composition of the back-up irrigation conduit. Phase 1 of this maintenance project will be responsible to remove all pavement in and around the trench area for this conduit, to dig the trench and curb backside access holes, to refill the trench and curb

backside holes, and to compact the refilled soil in the trench area. The Landscape Committee is responsible for hiring the contractor who will purchase the materials and physically install the irrigation conduit per the design agreed to between the contractor and the Landscape Committee.