

Estancia Primera Community Services Association (EPCSA)
Minutes of the Meeting of the Board of Directors
Friday, January 12, 2024

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

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

Others Present: Linda Averett (Secretary), Kurt Sommer (EPARB Chair), Greg Casey (Recreation Center Manager), Sandy Farmer (Capital Projects Coordinator)

Homeowners Present: A.L. Bontrager, Los Altos

Approval of Minutes of Previous Board Meeting: The minutes of the Board meeting of December 8, 2023, were approved unanimously as submitted.

Reports

Treasurer's Report:

Treasurer Bunton indicated that as of December 31, 2023, the Association's operating account at Century Bank contained \$33,231.12 (of which \$3,000 comprises refundable ARB performance deposits) and the capital reserve savings account at Century Bank contained \$76,745.06. Additionally, the Association's account at Enterprise Bank and Trust of Santa Fe contains \$200,179.01 after maturation of a CD. Mr. Bunton requested a motion for a reimbursement check of \$ 42.06 to himself for postage on checks mailed to contractors and vendors. The motion was made by Connie Burke and seconded by Leslie Walker-Hirsch. The motion was passed unanimously. Mr. Bunton reported that he has received dues from 88 of the 188 homeowners and hopes to receive the balance of dues by January 31. Treasurer Scott Bunton made a motion for authority to transfer operating surplus of 2023 into Capitol Reserve account. The motion was seconded by Errol Levine and passed unanimously.

Architectural Review Board (ARB) Report: ARB chair Kurt Sommer reported several requests have been received for mini splits and solar panels. These requests have been vetted by the local ARC and the EPARB. Construction on Carothers home has been approved by the city and EPARB. Barbara Chamberlin has ARB approval on her home project and is working with the city for their approval. There are no landscaping projects due to winter weather.

Real Estate Report: Real Estate Chair, Jill McIntosh, reported that the sale of 774 Calle Altamira has closed; two homes have been removed from the market (503 Los Nidos and 768 Calle Altamira); and two homes have been listed (680 La Viveza Ct; 698 La Viveza Ct.).

Recreation Center Report: Recreation Center Manager Greg Casey reported as follows: Clubhouse reservations have picked up in December. Racquetball activity remains the same. No water issues were reported. He will continue to monitor four cracks in the Clubhouse. Information was provided regarding snow removal issues (see New Business: Snow Removal below).

Grounds Maintenance Committee Report: Committee Chair Jo Beth Speyer reported that there has been no activity regarding Grounds Maintenance since the irrigation has been turned off for the winter.

Recreation Center Exterior Facilities and Grounds Renovation Project Update: Capital Reserves Project Coordinator Sandy Farmer reported that he is continuing to make efforts to secure proposed contract language and that he with the officers are going to think about alternative approaches if this doesn't happen. While we are still working toward the project to be completed prior to the May 25 opening of the pool, that will depend on our ability to have a contract in place to establish a start date for the paving project.

Unfinished Business

There was none.

New Business

Snow removal

President Shears reported that after the recent heavy snowfalls she had received comments and suggestions regarding snow removal from three homeowners. She suggested that the Board members and others should offer their thoughts about this topic based on their own experiences.

As per the existing EPCSA snow removal protocol and city code, the following apply in Estancia Primera:

- **Main Street:** Avenida Primera South was dedicated to the city in 1984 and EPCSA has no obligation to remove snow or manage ice on it. The city is responsible for doing this work. However, in cases of snow accumulations on Avenida Primera South greater than 6 inches or icing that have not been addressed by the city and that the EPCSA President believes may pose a significant health and safety risk to EP residents, the President (or his/her alternate if the President is unavailable) may arrange with a licensed and insured contractor to plow the street and/or treat it with sand or cinders. Any contractor hired is required to provide the Association with a current Certificate of Liability Insurance.
- **Sidewalk Opposite Recreation Center Property:** As per Article 23-1.8 of the city code, EPCSA is responsible for maintaining the stretch of sidewalk opposite the clubhouse property, extending from the border of Los Altos Norte to the Los Nidos end of the Arroyo Saiz bridge, free of snow and ice.
- **Clubhouse Entrance:** Following every snowfall, the Recreation Center Manager is responsible for clearing the steps and Clubhouse entry and the sidewalk between the Recreation Center parking lot and the Recreation Center facilities for approximately fifty feet in each direction from the Clubhouse entry.
- **Clubhouse Parking Lot:** If by 2:00 pm on the day snow falls (or the day after it fell if it fell during a night) there remains an accumulation of three inches of snow or more on at least half the surface of the Recreation Center Parking Lot, the Recreation Center manager is responsible for arranging with an approved contractor to clear as soon as possible the parking lot and any uncleared portion of the sidewalk between the parking lot and the Recreation Center facilities.
- **General Avenida Primera Sidewalk:** As per Article 23-1.8 of the city code, the adjacent property owner, whether it be an HOA or a private property owner, is responsible for maintaining the adjacent sidewalks free of snow and ice.

In addition, it was noted that snow and ice management within neighborhood subdivisions is entirely the responsibility of the nine neighborhood association Boards of Directors.

The Board discussed the following measures for each of the above areas:

Avenida Primera South: The Board noted that the existing protocol is adequate in most cases. So, EPCSA will continue the policy of getting the street plowed when there is a snow accumulation of six inches or more. However, the sloping parts of the street near the north and south EP entries may become difficult to navigate even after a three-inch snowfall when there is ice formation. The Board is considering the desirability to have our contractor (Ballew, Inc.) apply cinders to these areas when the Los Nidos neighborhood requests snow plowing on Los Nidos Drive (plowing is requested by Los Nidos when a snow accumulation of three inches or more occurs with freezing temperatures persisting). Ms. Shears will request an estimate from Ballew Inc. for this work.

Recreation Center Parking Lot and Entry Steps: The existing protocols are adequate. However, Mr. Casey is seeking quotes for snow clearance in the parking lot.

Sidewalk Opposite Recreation Center Property: Mr. Casey is seeking quotes for snow and ice clearance. The Board discussed the possibility of EPCSA acquiring and storing a snowblower for this work. It could be used both for the parking lot and the sidewalk. He will also determine the cost and feasibility of contracting personnel to operate the snowblower. As an interim measure, however, Mr. Casey will ask a vendor to clear the sidewalk manually in consultation with Ms. Shears.

General Avenida Primera Sidewalk: The Board noted that currently while it does not participate in removing snow and ice on the sidewalk, the EPCSA has minimal liability. However, if it were to start such work it might assume the liability of the contiguous property owners if the work were not performed to the required standard and someone experienced a serious injury after falling on the sidewalk, The Board had requested an opinion from Blue Chip Insurance Agency through which the EPCSA obtains its insurance. The broker had indicated that if EPCSA were to manage the sidewalk, it would not incur additional liability or increased premium costs “unless the service is outside the normal operations of the Association.”

Ms. Shears noted that Mr. Casey had experienced significant difficulty in obtaining quotes from local companies to perform sidewalk snow and ice management adjacent to the Recreation Center. However, based on the estimates from one independent contractor, sidewalk management for the entirety of Avenida Primera might cost more than \$10,000 per annum, based on an average year (about twelve significant snowfalls). The Board decided that while further quotes should be obtained, it was unlikely that the EPCSA could undertake an extensive project of this kind. The Board noted, however, that the use of a snow blower (as opposed to the use of a shovel) on the concrete sidewalk might significantly reduce the cost and Mr. Casey will investigate this option.

The Board agreed on the following based on a lengthy discussion:

- The Clubhouse Committee (Brenda Shears, Connie Burke, Bud Averett and Greg Casey) will in the future be responsible for comparing options, assessing feasibility, and providing draft information that will be required for implementing the various policies stated above. They will report to the Board at future meetings.

- Ms. Shears will endeavor to find an EP owner who is willing to become an overseer for snow and ice management in the neighborhood. He or she would be responsible for the development of an overall policy regarding snow/ice issues and for implementing the policy now and during the next winter.
- A motion was passed that following the current protocol, the sidewalk adjacent to Avenida Primera South from Los Altos Norte across the Arroyo Saiz bridge should be cleared of snow and ice as well as the sidewalk in front of the clubhouse. The motion was made by Connie Burke and seconded by Jo Beth Speyer.
- When a revised general policy is in place and is working, the Board will revisit the issue of snow/ice removal along the entirety of the Avenida Primera sidewalk.

671 Hyde Park Road. There is a vacant one-acre lot adjacent to Camino Los Altos and currently accessed from Hyde Park Road. This lot was not included in the original development of Los Altos. President Shears has been copied on correspondence between David Sproat, President of Los Altos Homeowners Association and Joseph Karnes of Sommer Karnes, attorney for the owner Jim Scott expressing Mr. Scott’s desire to explore the possibility for 671 Hyde Park Road to become a part of Los Altos and Estancia Primera. The EPCSA Declaration sets forth a process for annexation. The Board Officers Shears, Creely, and Bunton will comprise a task force and update the board if the issue moves forward.

Holiday Lights. Connie Burke requested homeowners be required to remove holiday lights. President Brenda Shears will include this request in the next general Estancia Primera email.

Homeowner Comments

There were none.

Announcements

The next EPCSA Board meeting will be held on Friday, February 9, 2024, at 9:00 am using Zoom.

Executive Session

Prior to adjournment, President Shears called the Board into Executive Session at 10:40 am.

Adjournment

A motion was made, seconded, and approved unanimously to adjourn the meeting, and President Shears adjourned meeting at 10:55 am.

Minutes prepared and submitted by: Linda Averett Date: 2/9/2024.
(Linda Averett, Secretary)

Signed on behalf of Board by: Brenda L Shears Date: 2/9/2024.
(Brenda Shears - President)

Estancia Primera Community Services Association (EPCSA)
Minutes of the Meeting of the Board of Directors
Friday February 9, 2024

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), Barbara Chamberlin, Errol Levine, Jill McIntosh, Jo Beth Speyer, and Connie Burke

Directors absent: Leslie Walker-Hirsch

Others Present: Linda Averett (Secretary), Kurt Sommer (EPARB Chair), Greg Casey (Recreation Center Manager), Sandy Farmer (Capital Projects Coordinator)

Homeowners Present: None

Approval of Minutes of Previous Board Meeting: The minutes of the Board meeting of January 12, 2024, were approved unanimously as submitted.

Reports

Treasurer's Report

Treasurer Scott Bunton gave the following report. As of January 31, 2024:

- EPCSA had \$96,499.51 in the operating checking account, awaiting arrival of assessment checks totaling \$23,158. Of that \$96,499.51 amount, \$3,250 is the total of ARB deposits held.
- EPCSA had a total of \$305,328.65 in capital reserve savings, spread over three accounts:
 - \$200,000.00 in an Enterprise Bank & Trust 90-day CD
 - \$179.02 in an Enterprise Bank & Trust savings account
 - \$105,149.63 in a Century Bank savings account. This amount reflects the transfer from the operating account of the \$28,402.58 operating surplus for 2023.
- EPCSA has budgeted an additional contribution to capital reserve savings of \$37,052 during 2024, and therefore an end-of-year total of \$342,380.65 – minus, of course, all capital reserve expenditures during the year, both expected and unexpected. The big, expected item is the repaving of the Rec Center parking lot and replacement of the adjacent sidewalks and curbs and gutters. Considering the proposals we received last year, the cost of that project is anticipated to be somewhere in the \$250,000 to \$275,000 range – hopefully not higher.

There will be a new status regarding the annual assessments received once the post office box is checked Thursday for the arrival of payments. As of today, there are nine unpaid owners, but Mr. Bunton expects some additional payments by Thursday.

Architectural Review Board (ARB) Report

ARB Chair, Kurt Sommer reported that several mini-splits and solar projects have been reviewed and approved by the EPARB. An updated spreadsheet was sent to President Brenda Shears (see attached).

Real Estate Report

Real estate chair, Jill McIntosh, reported that the following homes are currently on the market: 698 La Viveza Ct. (MLS listing), 680 La Viveza Ct. (on waiver and under contract), 668 La Viveza Ct., (on waiver and under contract), 560 Los Nidos Dr. (under contract). Ms. McIntosh requested that board members notify her about any new neighborhood homes for sale that might not be listed with MLS, so she can issue the required disclosures.

Recreation Center Report

Recreation Center Manager Greg Casey reported that Gabe Vargas performed the annual maintenance on both Clubhouse furnaces on January 28, 2024, and made a required repair on January 30. Both furnaces are working properly.

Brenda Shears reported that she had received the following suggestions from homeowners that were subsequently discussed by the Clubhouse Committee and provided recommendations to the Board.

- Creation of a lap swim lane. The pool has been a general recreation pool since its installation, and it is not considered desirable to partition it for specific purposes. Given the number of residents who use the pool, it is believed that those that prefer to swim laps most likely can find a time when there are few or no others in the pool. The Clubhouse Committee does not recommend the installation of lap lane; the Board will not pursue this suggestion.
- Tennis court fall maintenance. Prior to this fall season, two tennis players have voluntarily swept leaves and debris from the court to help preserve the surface but have not been able to continue this service. They requested that EPCSA have that service provided. EP does actually provide this service as follows: The tennis court is cleaned of leaves at the time of the last seasonal maintenance of the Recreation Center grounds in October. Subsequently, Greg Casey removes leaves from the court two or three times as leaves continue to drop. EPCSA will continue to have leaves cleared in this manner each fall season. Brenda Shears asked for clarification from the Board regarding upkeep of the court for play during the winter. Board members confirmed that the court was available for play when weather permitted but any further clearing of leaves or snow would be the responsibility of those wishing to play tennis in the off season.

Grounds Maintenance Committee Report

Committee Chair Jo Beth Speyer reported that MaryAnn Scanlon will meet arborist, Chris Seidel, on February 14, 2024, to discuss pruning of small trees and the sumac and the fate of the redbud tree. Treasurer Bunton reminded the committee that even though funds have been budgeted for this work, an estimate should be requested in advance for board approval. Given that the arborist visit was scheduled prior to the next board meeting, Mr. Bunton moved that the board approve the services of Chris Seidel not to exceed \$1,000.00. The motion was seconded by Errol Levine and passed unanimously.

Recreation Center Exterior Facilities and Grounds Renovation Project Update

Capital Reserves Project Coordinator Sandy Farmer reported the following:

- On Jan. 29, 2024, President Shears, Vice-President Creely, Treasurer Bunton and Capital Reserves Project Coordinator Farmer met virtually to discuss and formulate a minimum set of additional terms, in the form of an Addendum, that would be attached to the updated Leeder / CAI bid proposal for signature by EPCSA, Leeder and CAI prior to start of construction in the Spring 2024. Because EPCSA has been unable to persuade Leeder for several months now to submit a draft contract for EPCSA review and because Spring 2024 is rapidly approaching, it was decided

that EPCSA would send Leeder, and now CAI as well, this set of minimum terms for their review and subsequent discussion.

- A draft document was finalized on Feb. 2 with input from the EPCSA architect on this project, Steve Shaw. On Feb. 3, that draft document was sent to Gary Friedman, the attorney selected by EPCSA in the Fall 2023, for his review, comments and suggested revisions before engaging Leeder and subsequently CAI.

Unfinished Business

Snow Removal and Ice Mitigation Policy

In follow-up to the snow removal discussion at the January meeting, a Snow Removal & Ice Mitigation Policy was drafted by Board members Shears, Bunton, and Creely and reviewed by the Clubhouse Committee. The policy is intended to update and replace the Snow Removal Protocol. The draft was circulated to the Board members prior to the current meeting. A motion was made by Jo Beth Speyer and seconded by Barbara Chamberlin to approve the recommended Snow Removal and Ice Mitigation Policy. After some discussion regarding the threshold of snow removal in the parking lot, the new policy (attached) was approved and will be entered into the Book of Resolutions. Working guidelines for implementing the policy were drafted by the Clubhouse Committee and an information copy was distributed to the Board members.

The guidelines and policy will inform President Shears, Recreation Center Mgr. Casey and Event Coordinator Connie Burke as snow removal and ice mitigation decisions are made at the time of snowfall events.

The Clubhouse Committee met on January 23 to discuss options for snow removal on the Recreation Center common property. In talking to potential contractors, it was learned that sidewalk snow removal services are generally provided on a per person/hour basis and primarily hand shoveled; leaf blowers might be employed under certain conditions.

- Snow Blower: After exploring the option of a snow blower at the request of the board, Bud Averett and Greg Casey both indicated that in their discussion with potential vendors they were advised against the use of a snow blower and did not find vendors who typically used one. While a snow blower may be useful for a home setting when the snow can be removed right away, it is slower and less effective than having the snow hand shoveled under the conditions we experience. The committee discussed the possibility of EPCSA purchasing a snow blower but recommend against it based on the feedback received regarding effectiveness under our conditions and other concerns such as storage, maintenance, and availability of personnel to do the snow blowing.
- Potential contractors: Greg Casey identified about 6 possible vendors. Several were landscapers who primarily provided the service for their own landscaping customers. Only two estimates have been received: Tierra Bonita and Lopez. Rates were distributed to the Board members in advance of the meeting. Tierra Bonita provided the lowest estimate.
- Recommendation: Contract with Tierra Bonita on an on-call basis (following EPCSA Snow Removal & Ice Mitigation Policy)

A motion to approve the recommendation of the Clubhouse Committee to contract with Tierra Bonita on an on-call basis was made by Jo Beth Speyer, seconded by Barbara Chamberlin and unanimously approved.

Ms. Shears indicated that EPCSA will not pursue at this time written recommendations received from some owners that EPCSA undertakes clearing of snow and ice from the concrete sidewalk along Avenida Primera other than the section that is located on EPCSA common property as indicated in the updated snow/ice management policy (attached).

Potential Annexation of 671 Hyde Park Road

Scott Bunton, the Los Altos representative to the EPCSA Board, relayed a request from the Los Altos HOA Board regarding the potential annexation of 671 Hyde Park Road by Los Altos and Estancia Primera. The Los Altos Board asked if at this time the EPCSA Board has any objection to the Los Altos Board having further conversations with the owner of this property and his attorney regarding the potential annexation. A discussion by the Board at this very preliminary point elicited some comments by Board members related to (1) the concern that EPCSA incur no costs related to such an annexation, (2) the possible necessity to obtain consent of the City of Santa Fe that may include modification of the Estancia Primera Master Development Plan, and (3) the need for approval of any annexation proposal by a significant number of EPCSA owners following the process required in the Declaration for such an annexation.* With that said, at this time, EPCSA board members voiced no objection to the Los Altos Board having further conversations regarding the potential annexation of 671 Hyde Park Road. Mr. Bunton indicated that the Los Altos Board is committed to keeping the EPCSA Board informed and will not make any commitments or enter any agreements pertaining to annexation without prior consultation with the EPCSA Board.

*See Articles 1.42 and 2.2a Amended Declaration of Covenants and Restrictions for the Estancia Primera Community)

New Business

There was none.

Homeowner Comments

There were none.

Announcements

The next EPCSA Board meeting will be held on Friday, March 8, 2024, at 9:00 am using Zoom.

Executive Session

A motion was made, seconded and unanimously approved to enter into Executive Session at 10:19 am.to discuss matters pertaining to pending litigation involving the property at 753 Paseo Cresta in which EPCSA has been named a defendant. Following the completion of the business of the Executive Session, a motion was made, seconded, and unanimously approved to conclude the Executive Session and return to regular session at 10:28 a.m.

Adjournment:

A motion was made, seconded, and approved unanimously to adjourn the meeting, and President Shears adjourned meeting at 10:30 a.m.

Minutes prepared and submitted by: Linda Averett Date: 3/8/2024.
(Linda Averett, Secretary)

Signed on behalf of Board by: Brenda L. Shears Date: 3/8/2024.
(Brenda Shears - President)

ESTANCIA PRIMERA ARB - PROJECTS IN PROGRESS - February 9, 2024

	<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	Carothers/Marin	778 Calle Altamira	Pergola construction	Conditional approval pending.	\$250	No	Construction has commenced.
2	Chamberlin, Barbara	787 Avenida Primera South	Deck construction	Conditional approval pending.	\$250	No	Conditional approval pending. Application submitted 6-30-2023. There are issues to address with the City of Santa Fe. Work is on hold.
3	Sommer	766 Calle Altamira	Landscaping plan		\$250		Approved but waiting to install depends on weather
4	Gustafson	512 Los Nidos	Installation of white or tan roof and mini-split	Approval denied by Los Nidos approved tan; denied white; EPCSA ARB to address	\$250		Need to follow up on this project.
5	Stewart/Hargreaves	670 La Viveza	Restoration of Atrium	Approval granted	\$250		Need to follow up on this project.
6	Breckenridge/Sproat	509 Camino Los Altos	Installation of mini-split	Approved by EPCSA ARB	Confirm receipt of deposit		Need to follow up on this project.
7	Roundtree	412 Los Alto	Fence	Approved by Los Altos and EP	\$250		Need authorize refund
8	Groce	765 Paseo Crest	Mini-split request	Pending approval by ARB	Confirm receipt of deposit		Need to follow up on this project.
9	Cynthia Dean	745 Calle Altamira	Window renovation	Approved by Altamira	Confirm receipt of deposit		Pending approval of EPCSA
10	John Hauser	757 Aspen Compound	Mini-split request	Approved	Confirm receipt of deposit		Approved but waiting to install depends on weather

EPCSA SNOW REMOVAL AND ICE MITIGATION POLICY

Approved 2-9-2024

Avenida Primera South: Avenida Primera South is a residential street that serves as the primary artery for accessing the neighborhoods in Estancia Primera, and it was dedicated to the City of Santa Fe on November 20, 1984. Because Avenida Primera South is a city street, it is the City of Santa Fe's responsibility, not EPCSA's responsibility, to remove snow from it, and EPCSA could incur potential liability if it should assume that responsibility routinely. However, since Avenida Primera is a street not designated to receive routine snow removal by the City of Santa Fe, and due to its importance to accessing the neighborhoods in Estancia Primera, EPCSA agrees to take reasonable steps to contract for services to remove snow from Avenida Primera South as a service to Estancia Primera residents under the following conditions: In cases where (1) more than approximately 6 inches of snow has accumulated, or there is significant and unusual icing, on Avenida Primera South that has not been addressed by the City and (2) the EPCSA President believes the snow and ice conditions may pose a significant health and safety risk to Estancia Primera residents, the EPCSA President (or his or her designee if the EPCSA President is unavailable) may hire a contractor to plow snow from the street and/or treat it with sand or cinders (but not with sodium chloride or other chemicals) to mitigate ice on the street. Before EPCSA may use any contractor, EPCSA must request and receive from the contractor its license to operate and its current Certificate of Liability Insurance.

Note: EPCSA will clear Avenida Primera South as indicated above. Other streets within the development are governed by the respective neighborhood HOA:

- Los Altos Way* and Camino Los Altos*: Los Altos
- Los Altos Norte*: Los Altos Norte
- Calle Kokopelli* and Kachina Court*: Kachina Hills
- Los Nidos Drive*: Los Nidos
- Cumbre Vista Drive**.: Cumbre Vista
- La Viveza Court**.: La Viveza Drive
- Aspen Compound**.: Aspen Compound
- Paseo Cresta**.: Cresta
- Calle Altamira**.: Altamira

*City Street

**Private Street

Sidewalk Along Avenida Primera South Adjacent to EPCSA Recreation Center Common Area: An EPCSA Common Area adjoins Avenida Primera South from the border of Los Altos Norte across the Arroyo Saiz bridge. Per city ordinance, EPCSA is responsible for removing snow on the sidewalk located on this EPCSA Common Area adjacent to Avenida Primera South. If snow on this sidewalk should not melt by the end of the day during which the last snow accumulation occurred, or if it is in his or her judgment that the weather will prevent the snow from melting during that time, the Recreation Center Manager shall take reasonable steps as soon as practical to remove snow from the sidewalk. Also, if ice is present or is anticipated to develop, the Recreation Center Manager shall take reasonable steps to apply sand or cinders (but not sodium chloride or other chemicals) on the sidewalk to mitigate ice on the sidewalk. Alternatively, after securing the approval of the EPCSA President (or his or her designee if the EPCSA President is unavailable), the Recreation Center Manager may arrange with a contractor that has been approved for this purpose by the Board to remove snow and mitigate ice (using sand or cinders, but not sodium chloride or other chemicals) on the sidewalk as soon as practical thereafter.

Note: Snow, Ice (and Vegetation) clearance on sidewalks adjacent to a city street, such as Avenida Primera South, are the responsibility of the property owner (see City of Santa Fe Ordinance *Article 23-1.8 A - Removal of Snow and Ice from Sidewalks*, *Article 14-9.2 H - Maintenance of Public Pathways*, and *EPCSA Book of Resolutions Part I.5*). In the case of the sidewalk around Avenida Primera South property owners include Estancia Primera neighborhood subdivision HOAs (Los Nidos, La Viveza, Altamira) and EPCSA as indicated above in addition to individual property owners.

Clubhouse Entrance: Once snow accumulation has stopped for every snowfall, the Recreation Center Manager shall take reasonable steps as soon as practical to remove snow and mitigate ice (using sand or cinders, but not sodium chloride or other chemicals) on the walkway and steps leading from the parking lot to the Clubhouse entry.

Sidewalk Between the Parking Lot and the Recreation Center: Once snow accumulation has stopped for every snowfall, the Recreation Center Manager shall take reasonable steps as soon as practical to remove snow and mitigate ice (using sand or cinders, but not sodium chloride or other chemicals) on the sidewalk between the Recreation Center parking lot and the Recreation Center facilities for approximately 25 feet in each direction from the Clubhouse entry steps. If the Clubhouse is reserved for use under snowy conditions, the Recreation Center Manager shall consult with the EPCSA President (or his or her designee if the EPCSA President is unavailable) to determine what reasonable steps should be undertaken to remove snow and mitigate ice (using sand or cinders, but not sodium chloride or other chemicals) on the sidewalks around the Recreation Center.

Recreation Center Parking Lot: If by the end of the day during which the last snow accumulation occurred there remains an accumulation of 3 inches of snow or more on approximately half or more of the surface of the Recreation Center Parking Lot, the Recreation Center Manager shall take reasonable steps as soon as practical to arrange with a contractor that has been approved for this purpose by the Board to plow the snow and mitigate ice (using sand or cinders, but not sodium chloride or other chemicals) on the parking lot. The Recreation Center Manager shall coordinate with the contractor plowing the parking lot to avoid snow being redeposited on the adjacent sidewalks.

Estancia Primera Community Services Association (EPCSA)
Minutes of the Meeting of the Board of Directors
Friday, March 8, 2024

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

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

Directors Absent: Connie Burke

Others Present: Linda Averett (Secretary), Greg Casey (Recreation Center Manager)

Others Absent: Kurt Sommer (EPARB Chair), Sandy Farmer (Capital Projects Coordinator)

Homeowners Present: A.L. Bontrager (Los Altos) Anita & Jim Caldwell (Los Nidos), Brett Ringle (Los Altos), David Stein & Blake Shanley (Los Altos)

Approval of Minutes of Previous Board Meeting: The minutes of the Board meeting of February 9, 2024 were approved unanimously as submitted.

Reports:

Treasurer's Report.

- Treasurer Scott Bunton reported that as of February 29
 - EPCSA had \$120,480.18 in the operating checking account.
 - Of that amount, \$3,250 is the total of ARB deposits held.
 - EPCSA had a total of \$305,331.16 in capital reserve savings, spread over three accounts:
 - \$200,000.00 in an Enterprise Bank & Trust 90-day CD that will mature this month, and its corpus and accrued interest will be transferred into our Enterprise Bank & Trust savings account
 - \$179.03 in an Enterprise Bank & Trust savings account
 - \$105,152.13 in a Century Bank savings account
 - An additional \$37,052 is budgeted during 2024 for capital reserve savings, and therefore an end-of-year total of \$342,383.16 – minus, of course, all capital reserve expenditures during the year, both expected and unexpected, and plus interest accrued during the year. The big, expected item is the repaving of the Rec Center parking lot and replacement of the adjacent sidewalks and curbs and gutters.
- Assessments:
 - All owners paid, although two paid after the formal delinquency deadline of February 15 and one check has bounced. A replacement check is being sent to cover the bounced check and once it is received all assessments will be in EP operating account. Mr. Bunton asked for board members' opinions on pursuing late charges for the three properties unpaid as of February 15. There was a consensus among board members to forego imposing a late fee in each of the three cases due to the receipt of payment from each-close to the delinquency

date and the amount of additional effort it would take by volunteer board members to pursue notifying the three owners of those fees and collecting them.

Architectural Review Board (ARB) Report. No report

Real Estate Report. Real Estate Chair, Jill McIntosh, reported on the following EP properties: 698 La Viveza Ct. (active on market), 560 Los Nidos Dr. (under contract, disclosure distributed), 680 La Viveza Ct. (closed, disclosure distributed), 668 La Viveza Ct. (closed, disclosure distributed), 503 Los Nidos Dr. (temporarily withdrawn from market, still listed). New owner information has been received for the two properties that have closed.

Recreation Center Report. Recreation Center Manager Greg Casey reported that the snow removal protocol is in place as of February. Both heating units at the Recreational Center have been cleaned and checked, including the heat exchange and blower. The plan is in place for annual inspection and maintenance of the heaters. President Shears reported that the replacement of the Clubhouse heaters is on the capital reserves list, to be replaced when necessary.

Grounds Maintenance Committee Report. Committee Chair Jo Beth Speyer reported that MaryAnn Scanlon met with Chris Seidel, the arborist, at the Clubhouse grounds on February 14, 2024, for the planned pruning and consultation. They discussed the trees around the Clubhouse, as well as the removal of concrete and asphalt around the large cottonwood. He and the other arborist did structural pruning of the crabapples, plums, ornamental pine, pinyon, pears and sumacs. They disposed of green waste at the transfer station. Excess soil was removed from the root system of the crabapple. The total for material, labor and fees was \$787.06.

As a result of the consultation, Ms. Scanlon requests board approval to fund the moving of the ash tree (next to the One-seed Juniper) to an area next to the rocks to fill in that space. Recreation Center Manager Casey has received a quote of \$240 from Oscar's Tree & Landscaping for relocating the Ash tree (digging up the tree, digging the new hole and moving and re-planting). The transplanting would not be done until October, prior to which time the roots would need to be cut at the canopy to ensure a better chance at a successful transplanting. A motion was made to approve funds from Grounds Maintenance Budget for the Ash tree relocation not to exceed \$275.00. Motion was seconded and passes unanimously.

The 2024 Terra Bonita seasonal landscape maintenance contract for the EP Recreational Center has been received and circulated to the EPCSA Board via email. It was unanimously approved and is in place. Tierra Bonita's crew is to start work this week; Mr. Casey will meet with them to discuss where they need to focus, such as the trimming of the Cotoneaster and late winter pruning of the Chamisas. Recreation Center Manager Casey will also be giving Tierra Bonita the list of things that will need to be done in preparation for the capital project. Mr. Casey was cautioned that no prep work is to be done until the Board formally approves the work.

Errol Levine asked that Barbara Chamberlin contact the City of Santa Fe about removal of scoria from Estancia Primera South and asked that Los Nidos be included in that request. Ms. Chamberlin agreed to put in a request in April for this work. Dr. Levine also asked that a request be made to repair potholes near the north arroyo bridge; Ms. Chamberlin will contact a different department concerning the pothole repairs and will follow-up on both projects.

Recreation Center Exterior Facilities and Grounds Renovation Project Update. Capital Reserves Project Coordinator Sandy Farmer provided a report, which was read by President Shears (see attached).

Unfinished Business:

Potential annexation of 671 Hyde Park Rd. Scott Bunton reported that Los Altos HOA Board was originally contacted by the owner of 671 Hyde Park Rd regarding the possibility of annexation into Los Altos HOA and the EPCSA. The President of the Los Altos HOA then contacted the EP Board to consult on how negotiations might be handled if the request were to move forward. The EPCSA Board will be following the Los Altos Association lead but would be willing to consider the annexation if Los Altos homeowners agree to proceed (see February 9, 2024 EPCSA Board meeting minutes). There has been no further update to the EPCSA Board.

President Shears invited homeowners who were in attendance and had comments on this issue to make them at this point in the meeting rather than waiting for the Homeowners Comments section.

Several points of clarification were made in response to questions from Board member Errol Levine and Los Altos owners Shanley Blake and Brett Ringle:

- The possibility for annexation was initiated by the owner of 671 Hyde Park Road and his attorney to the President of the Los Altos HOA Board.
- The EPCSA Board has done no research on this issue and will follow the lead of the Los Altos HOA.
- The EPCSA Board has no knowledge of options the owner may have for accessing utilities to the lot at 671 Hyde Park Road.
- No action by Estancia Primera will be taken until Los Altos HOA decides to move forward.
- If negotiations do move forward, the primary thing that the EP Board would be trying to accomplish would be ensure that the owner of 671 Hyde Park Road would pay the expenses that EPCSA would incur in the annexation process, which primarily would be the fees of an attorney selected by the EP Board to review associated documents and make recommendations to the board.
- The EPCSA Board knows of no specific plans/intentions of the owner of 671 Hyde Park Rd lot regarding building on the lot.
- The board has no information about what the city would allow specifically on that property as opposed to what Estancia Primera and Los Altos associations would allow based on their Declarations and Architectural Guidelines.
- The EP Board believes that EPCSA and Los Altos have more restrictive requirements than the City of Santa Fe.
- 671 Hyde Park Road is the only remaining lot in proximity to any EP neighborhood including Los Altos with the potential to be annexed by the neighborhood and EP.
- Since this issue has not formally come before the EPCSA Board, questions would be more appropriately directed to the Los Altos Board at this time.

New Business:

In-Person Board Meetings. President Shears asked that the Board consider returning to in-person board meetings. It was suggested that we might have a hybrid format, so that members could have the option of attending in person or via Zoom since we have internet available at the Clubhouse. President Shears will explore that possibility.

Homeowner Comments: The board was thanked for their volunteer contributions to EPCSA. Comments were made under Unfinished Business above regarding the potential annexation of 671 Hyde Park Road discussion.

Announcements: The next EPCSA Board meeting will be held on Friday, April 12, 2024, at 9:00 am using Zoom.

Executive Session: A motion was made, seconded, and unanimously approved to enter into Executive Session at 9:42 am. to discuss matters pertaining to pending litigation involving the property at 753 Paseo Cresta in which EPCSA has been named a defendant. Following the completion of the business of the Executive Session, a motion was made, seconded, and unanimously approved to conclude the Executive Session and return to regular session at 10:15 a.m.

Adjournment: A motion was made, seconded, and approved unanimously to adjourn the meeting, and President Shears adjourned meeting at 10:16 am.

Minutes prepared and submitted by: Linda Averett Date: 4/12/2024.
(Linda Averett, Secretary)

Signed on behalf of Board by: Brenda L Shears Date: 4/12/2024.
(Brenda Shears - President)

Capital Projects Report
March 8, 2024
Sandy Farmer

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

Status:

- On Feb. 14, 2024, Farmer spoke with Gary Friedman, the EPCSA attorney retained for this capital project. His only comment regarding the set of additional terms proposed by EPCSA (to be attached to the final bid proposal) was that a 3-year warranty on the construction work would likely not be accepted.
- On Feb. 16, 2024, Farmer emailed Roddy Leeder this set of additional terms. Farmer spoke with Roddy Leeder on Monday, Feb. 19. Roddy's son, John, who runs the company, had reviewed these terms. The only upfront objection was to the duration of the warranty for the paving work. RL Leeder Co. will only warrant for 1 year, not our proposed 3 years, as Friedman had predicted. Leeder said that he would forward these terms to their attorney, Gil Frith, for further review.
- On Feb. 19, 2024, Shaw sent these terms to Steve Peterson of CAI, the concrete subcontractor. Shaw spoke with Peterson on Feb. 20, and then informed EPCSA that Peterson will coordinate a joint response with RL Leeder Co. As of Mar. 6, nothing further regarding these additional terms has been received from RL Leeder or CAI.
- On Feb. 27, 2024, Friedman emailed an invoice to EPCSA in the amount of \$181.21 against its retainer of \$1,000.

Estancia Primera Community Services Association (EPCSA)
Minutes of the Meeting of the Board of Directors
Friday, April 12, 2024

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

Directors in Attendance: Brenda Shears (President), Gene Creely (Vice President), Barbara Chamberlin, Errol Levine, Jill McIntosh, Connie Burke, and Jo Beth Speyer

Directors Absent: Scott Bunton (Treasurer), Leslie Walker-Hirsch

Others Present: Linda Averett (Secretary), Greg Casey (Recreation Center Manager), Sandy Farmer (Capital Projects Coordinator)

Others Absent: Kurt Sommer (EPARB Chair)

Homeowners Present: None

Approval of Minutes of Previous Board Meeting: The minutes of the Board meeting of March 8, 2024, were approved unanimously as submitted.

Reports:

Treasurer's Report. Reported by Brenda Shears in absence of Treasurer Scott Bunton.
Accounts of March 31,

- EPCSA had \$118,878.45 in the operating checking account, including \$3,250 ARB deposits.
- Capital reserve saving total \$305,459.04, in two different bank accounts:
 - \$200,304.24 in an Enterprise Bank & Trust savings account. (The 90-day Enterprise Bank & Trust CD matured during March; its corpus and accrued interest was transferred into our Enterprise Bank & Trust savings account so the full amount can be accessible to pay for the capital reserve construction project.)
 - \$105,154.80 in a Century Bank savings account.
 - An additional contribution to capital reserve savings of \$37,052 is budgeted during 2024, and therefore an end-of-year total of \$342,511.04 – minus, of course, all capital reserve expenditures during the year, both expected and unexpected, and plus interest earned during the remainder of the year. The big, expected expenditure is for repaving the Rec Center parking lot and replacing the adjacent sidewalks and curbs and gutters.

A replacement check for the assessment check that bounced has been received and deposited – and it included the late assessment administrative fee and accrued interest. With that payment, all EP owners assessments have been paid for 2024.

Architectural Review Board (ARB) Report. No report

Real Estate Report. Jill McIntosh reported that the sale of 580 Los Nidos Dr. has closed, and new owner information has been submitted to President Shears.

Recreation Center Report. Recreation Center Manager Greg Casey reported that activity at the Clubhouse has been good. He contacted David Laing of DML Inc. about tennis court concerns and awaits a response. Mr. Laing was informed of the construction activity that will occur in the Clubhouse parking lot in May. Connie Burke noted that she has informed the hiking group that parking will not be allowed during parking lot construction and will confirm with clubhouse reservation holders re clubhouse closure.

Grounds Maintenance Committee Report. Committee Chair Jo Beth Speyer reported that the Grounds Committee has been preparing the Recreation Center grounds for the capital project, which is due to commence next week. Greg Casey has been working with Tierra Bonita on the preparations. Tierra Bonita has begun seasonal maintenance of the grounds. Both Greg and MaryAnn Scanlon were present at the board's walk-around the grounds led by Sandy Farmer and contributed to the explanation of the upcoming capital project.

Recreation Center Exterior Facilities and Grounds Renovation Project Update.

Status of Exterior Facilities and Grounds Renovation Project

Capital Projects Coordinator Sandy Farmer reported:

- Total remaining construction costs, which include GRT and remaining Related EP costs, are now estimated at \$234,391.
- An updated bid proposal was received from Leeder on March 28, 2024, in the amount of \$272,146 incl. GRT. The updated bid proposal was based on the final Walker Engineering design plans dated August 11, 2023.
- Current actual and estimated EP-related construction costs are \$17,674 with \$1,000 thereof (legal retainer) already paid in Aug. 2023.
- Landscape and hardscape pre-construction preparatory work started this week; construction is expected to start on April 15 and to last 6 weeks.
- Gary Friedman, the attorney retained by EPCSA, reviewed Leeder's Mar. 28 bid proposal, including the terms, on April 10 and provided his revisions the next day. Farmer and Leeder discussed these revisions in a call on Apr. 11, and a final version of that bid proposal, including terms, is being given a final review by Leeder on April 12.
- A pre-construction meeting was scheduled for 1:30 PM at the EPCSA Rec Center for Friday, Apr. 12. Attendees will be President Shears, Greg Casey, Sandy Farmer, Walker Engineering, Shaw Architecture, Leeder, and CAI.

Final Approval of Project Costs

- President Shears reported that she had sent Board members via email the final bid proposal with a request for Board approval of the updated costs and Board approval to sign on behalf of EPCSA. She further reported that since Treasurer Scott Bunton was unable to attend the April meeting, he had provided a follow-up email to all Board members that provided background for this project and indicated his support and the rationale for that support. He asked that his message be included in today's minutes (see attached). Ms. Shears also noted that Board member Leslie Walker-Hirsch has also indicated her support of the project.
- Errol Levine made a motion to approve up to \$300,000 to be designated from capital reserves to cover the expenses related to the construction phase of the concrete replacement and parking lot re-paving project. The motion was seconded by Barbara Chamberlin and passed by all Board Directors in attendance.
- Gene Creely made a motion for approval for President Shears to sign the construction contract and the Addendum to Bid Proposal Terms with R. L. Leeder for the concrete replacement and parking lot re-paving project behalf of EPCSA, providing there is no substantive change when the final

document is presented for signature. The motion was seconded by Barbara Chamberlin and approved by all Board Directors in attendance.

Unfinished Business: None

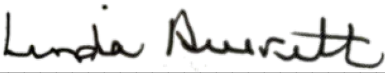
New Business: Homeowners were again reminded via the April EPCSA E-News that no political signs are allowed within Estancia Primera.

Homeowner Comments: None

Announcements: The next EPCSA Board meeting will be held on Friday, May 10, 2024, at 9:00 am using Zoom.

Executive Session: A motion was made, seconded, and unanimously approved to enter into Executive Session at 9:22 am. to discuss matters pertaining to pending litigation involving the property at 753 Paseo Cresta in which EPCSA has been named a defendant.

Adjournment: A motion was made, seconded, and approved unanimously to adjourn the meeting, and President Shears adjourned meeting at 9:39 am.

Minutes prepared and submitted by:  Date: 5/10/2024.
(Linda Averett, Secretary)

Signed on behalf of Board by:  Date: 5/10/2024.
(Brenda Shears - President)

ATTACHMENT TO EPCSA BOARD MINUTES, APRIL 12, 2024

Scott Bunton (Treasurer) provided the following message to the Board members: I regret it was not possible for me to participate in today's Board meeting. For that reason, I will not be able to vote when the motion is made to approve the construction agreement with General Contractor Leeder to replace the Recreation Center's parking lot pavement and the adjacent curbs and gutters and sidewalks, and to authorize Brenda to sign that agreement on behalf of the EPCSA Board. So I'm submitting this statement and ask that it be included in the meeting minutes to indicate how I would have voted had I been present.

I have been deeply involved with the efforts to accomplish the objectives of this project for more than six years, and it has been a difficult and rocky road with many disappointments and frustrations along the way. With great thanks to Sandy Farmer who agreed two years ago to be the project manager for EPCSA, and thanks, also, to Brenda with whom I served as the Board's liaisons to work with Sandy on the project, a proposed construction agreement has been finalized and is being presented to the Board today, with a recommendation from Sandy and from your Board-member officers that it be approved. This is brought to the Board after very careful consideration including consultation with an attorney regarding contract provisions, and following the completion of the lengthy process of developing plans with a consulting architect and civil engineering firm, a competitive bidding process, and the refinement of the bid the Board approved selecting last summer. We are persuaded the selected General Contractor and its concrete subcontractor will complete the project in accordance with the carefully developed plans and specifications. While the costs – like almost all construction costs – have risen significantly over the past several years due to pandemic issues and related supply chain, labor, and materials issues, and the project costs more than we initially had anticipated and certainly than we would have preferred, we are in agreement that it is almost inconceivable we could succeed in getting the work done for less if we were to abort at this point and seek to identify and reach an agreement with another contractor.

It is important to note that there are areas of the existing concrete sidewalk that are becoming hazardous, especially to those with mobility issues, and we have an obligation to address those. It also is important to note that it would be foolish and irresponsible to move forward with needed replacement of the front steps to the Clubhouse and the deteriorating exterior tile, and to deal with associated water drainage issues, before completing the replacement of the concrete that this project will accomplish – because demolition of the existing concrete could damage any new tile work. Properly maintaining the Rec Center is one of EPCSA's cardinal responsibilities, and it would not be right to prevent the ability to properly care for other exterior issues by delaying action on this work for several years or longer.

In order to proceed with this project, we will have to expend an amount of our capital reserve savings that will leave us with a lower balance than we would prefer. However, including the budgeted 2024 contribution to those savings, we will have more than \$50,000 remaining after payment of the known costs, and even if unanticipated costs were to rise to the high level of \$20,000, we will still have more than \$30,000 remaining, and these amounts will pertain to only the last half of this year before they can be augmented from 2025 assessments. We therefore believe we will not have difficulty covering any unanticipated project costs, or any other unanticipated EPCSA costs not related to this project that normally are paid from capital reserve savings. We will carefully consider the status of the capital reserve savings in the 2025 budget process, and the Board will decide at that time what actions to take with respect to them.

In conclusion, I believe that Sandy and your Board-member officers are presenting to you today a proposal that, all factors being carefully considered, merits approval. To borrow a phrase the late U.S. Senator Daniel Patrick Moynihan used occasionally, I believe it would be a serious mistake in this case to let the perfect become the enemy of the good. I hope the Board will vote to authorize Brenda to sign the construction agreement with Leeder. If I were able to be present, I would vote to do so.