

Brandywine Homeowners' Association
November 13th, 2018 Board Meeting Minutes

Call to Order: The meeting was called to order at 7:01pm by the Association President, Paul Mouritsen. All board members were present with the exception of Gloria Pazel.

Current Board Members:

Paul Mouritsen - President
Angela Taylor - Treasurer
Buz Underill - Past President

Brian Verse - Vice President
James Coffey - Secretary

Directors:

Gloria Pazel Ron Reeves Sarah Verse Sherry Covell

The following homeowners were also in attendance: Wes Covell, Mark and Lynn Koontz and T.J. Kushner.

Approval of minutes: At 7:02pm, Sherry Covell made a **motion** to approve the October 9th meeting minutes as presented. The motion was seconded by Ron Reeves with a correction. The minutes were then approved by a unanimous vote of the Board.

Treasurer Report:

- Past due dues accounts are looking pretty good.
- Paul attempted to contact Mr. Tirado three times and is waiting for a call back. He did send a check, but not for the full amount that is owed.
- The monthly financial report was accepted by the Board.

Committee Reports

Recreation:

- Sarah deferred until old business is discussed.

Safety:

- Nothing to report except for the standard speeders.
- There has been an increase in dead animals in the roads, but pretty normal for this time of year. No people have been hit as of yet.

Landscaping:

- Ron followed up on moving the electrical service from Patty's meter. He got one estimate from Selective for \$7590 including trenching. We are currently subsidizing Patty's electric bill by \$50/mo. This project is too costly to do right now in light of our current projects. The Board agreed to put this on hold.
- Ron mentioned that Flawless is doing better. They want to keep our business until January. Ron brought up the entryway project which is to add sod, shrinking the mulch beds so that we require less mulch annually and so it would not wash away as easily since the beds meet the curb in places. The cost is \$6000 for 12 pallets of sod laid down. \$500/pallet. TJ said he could get sod for \$200/pallet. It also includes pulling out the mulch. Angela requested we wait to make a motion on this project.
- Paul recapped the current projects under consideration: Sod, Sign, Tennis Courts, Stable Road - already voted on and approved. We budgeted \$8200 for the sign last year.
- Ron asked Flawless to cut away the grass around the tennis courts to keep it from growing into the court on the edges. The quote was \$675. He also got an estimate to

trim 72 palms which have not been maintained. \$1440 to trim 72 palms. There needs to be a barrier around the edge of the tennis courts to keep the grass from growing into it. Sarah mentioned this is required before doing any work to the courts.

- Ron called Tim Meyer about Mr. Sockbeson's complaint. He said his stump grinder was broken and he didn't grind the stump behind Mr. Sockbeson's house. They will take care of it.
- Buz mentioned a large pine tree in the pasture behind his property that is dead and needs to come down. Ron will have a look at it.

Architectural:

- We discussed the lot for sale on Sugar Creek drive. Nothing notable.

Equity Preservation Committee:

- No updates.

Stables:

- Paul recapped from the draft minutes from the annual meeting in December 2017. As the newly elected president in December 2017, Paul immediately went to mediation with Patty to attempt to resolve the lease agreement.
- Recently, Patty's attorney Mr. Alderman proposed more mediation. Mr. Alder from our insurance company responded that we are agreeable to mediation if it is agreed that Ms. Anderson is going to have to pay something as determined by the court or agreed between the parties for the use/maintenance. Mr. Alderman responded that his client has changed her mind and will not agree to rent or anything.
- Patty's lawyer's response discarded the original judge's comments as "not a ruling". He claims her damages are beyond any payment amount and she won't be able to pay. He recommended Jim Nichols as a mediator and that is not acceptable to the Board. Jim Beadle and Mr. Alder along with Paul believe it is pointless to go back to mediation at this time.
- Paul recapped Jen Machella's comments from December 2017. Part of Patty's requirement was unrestricted access to her property in the absence of a lease. The Board has never denied her access to her property in the absence of a lease. The Board will never agree to give her clients access to her property in the absence of a lease. It is believed that Jen Machella was interested in buying the property last year. The stables have been offered to the HOA for approximately \$460000.
- Paul will forward the emails from the lawyers for the Board to review.
- Minutes from December 2017 will be available on the website after approval at the annual meeting in 2018.
- Ron asked about the proposed lease from last year. Paul recounted our proposed lease: First 8 months, no charge; 10 year lease with 2 x 5 year options; \$500/mo for 20 years with no increase. Replacing the fences was never discussed, but the initial thought was we would buy the boards and she would do the work. It's the HOA's responsibility to maintain the boundary fence. \$6000/year proposed income from the stables will not be enough to replace the border fence.
- Paul continued that the monthly rental payments of \$500 were supposed to have begun in January 2018 and Patty would have gained access to "Tract A". Patty will repair and maintain the fencing, but not all at the same time. She would grade the road and pay for materials and paint the fences. Brandywine would pay for the relocation of the meter off Patty's property. The cost estimate for the electric service change is more than she would be paying for a year's worth of rent.
- In 2017, the homeowners put the pressure on and the Board made every effort to make an agreement with Patty to establish a lease.
- Mark Koontz asked if we should be concerned about Patty trying to recover money for damages. She could not operate her business without a lease. The issue of

damages is with regard to her right to operate the stables. Our lawyer, Jim Beadle, is confident that the Association is in good shape in this case.

- Patty has title insurance. They insured for a clear title so she has a case against her title company. The insurance attorney is working to resolve the title issue. Since she has no access to the property, they are liable.
- Paul expects to recap this issue at the annual meeting next month. This information is to help the homeowners understand all the steps the Board has taken to resolve this issue. We're not sure it is a large concern. Buz recommended a short summary.

Old Business:

- Entry Sign: Sherry attempted to get cleaner estimates from Sign Access and Art Kraft. Art Kraft was not interested. She passed out pictures of the sign. Sign Access quoted a dimensional sign for \$9759, not including cleanup of the structure. Buz got a quote for an aluminum sign replacement for \$2100 if we prepared the sign beforehand and they would install for \$250. The sign is in 2 parts. This would be a flat aluminum with UV coating.

Buz discussed the lifespan and characteristics of both sign types.

We encouraged us to make an investment in the foam.

- Tennis Courts: Sarah obtained 2 estimates: Lancelot resurfaced the courts 7 years ago. Their estimate was for \$12000, not including a fiberglass overlay. The Fiberglass option would add \$3100 per court. Each company stated that our courts are at their end of life.

Nite quoted complete replacement, ground up, at approximately \$75000 to \$80000. Their price to resurface the courts was \$16992. It would be an additional \$7787 to add the fiberglass overlay.

The Association will not have the money to replace the courts. Mike O'Reilly stated that the courts were resurfaced for \$10000 the last time.

Fiberglass overlay is not guaranteed to increase the durability of the court.

Ron asked about the status of the court lights.

Paul asked about the proceeds from the land sale. He then talked about the possibility an assessment of \$100/mo to be able to afford the repairs. We then discussed the assessment that was agreed to last year.

- Dues: The Board discussed presenting an assessment at the annual meeting. If we assess \$50/mo, it will give an excess of \$28,900 in the account. That would include paying for the sign and the tennis courts. It also includes the sod installation at the entry island and the road grading. Homeowners need to know how much all of these upgrades will cost. Paul recommended \$200/mo. for a year. We discussed recommending a 12 month assessment to the homeowners. We agreed to present a \$50/mo assessment at the annual meeting. We discussed the fences and that if there are no horses the fences may need to go away until we have horses again. We can do the sign and the sod and the road with the current budget and by using some of the reserves.

At 8:28pm, Sherry Covell made a **motion** to recommend a \$50 assessment per month for one year to the homeowners. Ron Reeves seconded the motion and the Board approved by unanimous vote. The proposed budget will be updated to reflect \$6000 for sod and \$15000 for the tennis courts.

At 8:32pm, Sherry Covell made a **motion** to move forward with the Sign Access sign proposal. Buz Underhill seconded and the Board voted unanimously to approve. The road will not happen until January. The budget proposal will provide \$43000 in surplus by the end of the year, but will include the tennis courts and the sod.

New Business:

- Brian asked for \$120 check to reserve the Church for the 11th of December. Gloria will pick up refreshments. Packet contents were discussed. Ballot candidates were

discussed. Paul recommended contacting Bill Slover for Vice President. Angela recommended Jodi Hicks.

Adjournment: At 8:46pm, the meeting was adjourned by Paul Mouritsen.