

CHERRY HILL VILLAGE HOMEOWNERS ASSOCIATION

Board of Directors Meeting Minutes

Monday, November 20, 2017; 6:00 p.m.

Canton Human Services Building, 50430 School House Rd., 2nd Floor Conference Room

1. **Call to Order and Roll Call**

Present were Directors Ms. Barb Babut, Dr. Leland Ropp, Ms. Bridgette Cramton, Mr. Brian Czapla, Mr. Michael Kyle, Mr. Rick Miller, Mr. Mike Sielaff and Ms. Monica Wolfson.

Absent: Mr. Stanley Szczotka

Present for management: Jeff McDuff, Site Manager and Dan Herriman, Herriman & Associates, Inc., Management Agent

ELECTION OF OFFICERS

Director Ropp moved and Director Czapla seconded to elect the following directors to the corresponding officers:

President: Barb Babut

Vice President: Michael Kyle

Secretary: Monica Wolfson

Treasurer: Leland Ropp

The motion was unanimously approved.

2. **Approval of Agenda**

Director Sielaff moved and Director Wolfson seconded to approve the agenda as published. The motion was unanimously approved.

3. **Co-owner Comments**

Due to the length of them, co-owner comments appear at the end of the minutes.

During this portion of the meeting, the following resolution was made:

Mr. Czapla moved to place upon the agenda a discussion about what we can and cannot do to reduce speeding on Jackson Lane and elsewhere in CHV. Director Ropp seconded. The motion was unanimously approved.

4. **Approval of Minutes of Preceding Meeting(s)** (October 16, 2017)

Director Ropp moved and Director Czapla seconded to approve the minutes of the meeting of October 16, 2017 as published. The motion was unanimously approved.

5. **CHV I and CHV II - Review of Preceding Month Financial Report**

Director Ropp presented an overview of year-to-date financial results for both CHV I and CHV II. He indicated that, year-to-date, both are operating close to budget.

Director Babut moved and Director Kyle seconded to approve the financial reports. The motion was unanimously approved.

6. **CHV I and CHV II - Committee Reports**, if any

There were no Committee reports.

7. **CHV I and CHV II - Management Report**

Mr. McDuff highlighted several items from his recent weekly reports to the board.

8. **CHV I and CHV II - Unfinished Business**

- 8.1 Future Plans for Filmore Street Vacant Land (this matter has been tabled; no action is expected to be taken at the November 20, 2017 board meeting)

9. **CHV I and CHV II - New Business**

- 9.1 Review Status of the Collection of Ballots on the pending Proposed Amendments and Discuss and Adopt Initiatives to Secure more Ballots
Director Ropp moved and Director Miller seconded to undertake a new initiative to propose the Amendments to the membership on or about January 6, 2018 if the current initiative fails. The motion was unanimously approved.

9.2 CHV I and CHV II Contract Issues, if any

- 9.2.1 Approve Purchase of 40 Coroplast Signs For Event from Fast Signs for \$830.02. Director Ropp moved and Director Miller seconded to purchase three sandwich board signs for not more than \$200, to be used to currently to advocate owners vote on the Amendments. The motion was unanimously approved.

- 9.2.2 Accept Proposal of Xtreme Concrete to Replace Concrete in the vicinity of Fountain Park

It was moved by Director Ropp and seconded by Director Wolfson to accept the bid from Xtreme Concrete, the lowest bid, of \$14,230 to remove and replace concrete in the vicinity of "Fountain Park". The motion was unanimously approved.

- 9.3 Approve Proposed Settlement Agreement Between CHV (II) and Cherry Ridge, LLC
The former developer will quit claim all interests they have in the unbuilt units to the Association. Settlement is very straight forward—developer quit claims all units to us, and in exchange we dismiss the lawsuit with prejudice. Then the Association will "own" these former units 177-86, although as you know they do not in fact actually exist anymore, and the goal of the lawsuit was to ensure the Association can proceed to do whatever it wants with that vacant land without worrying about someone showing up claiming to own buildable units. That goal has been reached.

It was moved by Director Ropp and seconded by Director Miller to accept the proposed settlement and direct President Babut to execute the settlement agreement. The motion was unanimously approved.

10. **Directors' Remarks**

There were no additional remarks.

11. **Next Meeting**

The next Board meeting shall be Monday, January 15, 2018 (third Monday) at 6:00 p.m. at Canton Human Services Building.

12. **Executive Session** (there was none)

The meeting was adjourned at 8:25 p.m.

Co-Owner Comments

Jack Ventimiglia advocated securing additional pricing on costs (to maintain, repair and replace those components the responsibility for which is proposed to be transferred from the Association to the individual CHV I owners) in order to provide more accurate estimates of costs the Association would incur if the proposed Amendments fail. Mr. Herriman replied that two more vendor proposals are expected for both snow removal and landscape maintenance. He said irrigation is the biggest challenge due to the need for engineering specifications owing to the need for water taps, water meters, etc. in order to secure contractor proposals. Mr. Ventimiglia condemned the preparation of a written statement that advocated for certain director candidates in connection with the recent election. He also cited various violations in the community, such as a satellite dish on the front lawn and the use of chicken wire as a dog fence.

Anthony Truman sought verification as to the lawfulness of the proposed Amendments. A director replied that the Association has a legal opinion that the proposed Amendments, with the outcome left to the voters, is completely lawful. Mr. Truman asked how owners are to get reimbursed for the expense they incurred to replace concrete sidewalks. A director replied that the proposed Amendments include no allowance for such reimbursement. Mr. Truman opined that individual owners should be responsible for all sidewalks (adjacent to their lots), whether public or private.

Chris Bowlby expressed his disappointment in the manner in which the election (of directors) was run and specifically the distribution of a statement advocating for certain candidates. He expressed dissatisfaction with the budgeting process and specifically not budgeting for the replacement of all trees that have died. He opined that the Association is over-budgeting for future expenses while not replacing trees. Director Czapla asked if Mr. Bowlby had reviewed the Association's reserve studies for long-term repairs and replacements and compared it to the Association's current annual contributions to the reserve funds and the current amount in the reserve funds. Mr. Bowlby replied that the road work will cost about \$2,000,000, that's about \$3,100 per home, not a lot of money. Mr. Bowlby added that he does not think the Amendments will hold up to a legal challenge.

Andy Balch advocated continuing the past practice of (CHV I) owners maintaining the areas they have maintained for the past sixteen years. It (to do otherwise) defies common sense, he said. The Developer installed sprinklers in such areas (tied to each owner's home).

Christopher Coy advocated presenting alternate solutions to owners. Director Wolfson said that former Director Bowlby advocated a slate of options. Mr. Bowlby said he advocated for a town hall meeting. Director Wolfson cited September board meeting minutes that state that Mr. Bowlby made a motion to offer alternative options at the annual meeting.

Dain Fordell thanked management for a communication he received about a tree in his front yard that is in need of replacement. He inquired about how to get it replaced going forward. Director Ropp replied that, for now, we'll wait to see if the Amendments pass. Mr. Fordell expressed concern about the traffic on Jackson Lane. He said he saw a tractor-trailer transporting construction materials on Jackson Lane. Director Ropp suggested that should it happen again that Mr. Fordell could take a picture (or otherwise identify the vehicle) and send it to Jeff McDuff who will follow-up with the company that owns the vehicle. Mr. Fordell also expressed concern about speeding on Jackson Lane. Several current and former directors present outlined the recent history of attempts to slow the traffic down, and specifically the installation and then the mandated removal of several new stop signs.

Michelle Fordell said that, sometime in the past, she was told the street tree was her responsibility. Director Wolfson replied that opposing information (regarding the responsibility of such areas) came to light only this year.

Gary Mason expressed concerns about rising costs and an earlier statement that we are over-budgeting for reserves. He advocating implementing measures to slow down the traffic on Jackson Lane.

Linda Fischer expressed concern about rising costs and assessments (should the proposed Amendments not pass).

Director Cramton provided some history relative to the Developers' commitments to clean-up defects in the governing documents, prior to the onset of the recession. She said that when she served on the board many years ago the Developers never expressed any intent for the Association to be responsible for sidewalks in front of CHV I homes.

Director Ropp said that he passed out only three copies of the document that advocated for certain director candidates. He said he accepts the criticism for having done that.

Director Ropp said that some of the violations mentioned, like basketball hoops, will likely be under consideration to be relaxed when amending the restrictions in the Bylaws.

Mr. Herriman said that other violations – those mentioned this evening – should certainly be addressed.