

**Stoney Brook Homeowners Association
Minutes of the Meeting of the Board of Directors
September 22, 2021**

Approved by the Board – October 27, 2021

Directors Present: Stan Trout, John Cowan, Craig Weber, Jack Kiner, Robert Bulkley, Debbie Wolach, Andy Klatskin, Uli Kappus, and Bill Letson

Others Present: Angela Miller, Office Manager

Others Absent: Oliver Lynch, General Manager

Homeowners Present: Evelyn Burke (Unit 44), Bill Taylor (Unit 11), Stacey Beakes (Unit 462), Katrina Shanks (Unit 311), Vincent DiBiase (Unit 380), Jerry Gordon and Laura Goff (Unit 323), Mark Winski (Unit 428), Ellen Epstein (Unit 393). Andrew Ehrnstein (Unit 393 contractor), and Kay Ceilley (Unit 378)

Call to Order: Mr. Trout called the meeting to order at 6:30 p.m. with a quorum established.

Homeowners Comments: Ms. Shanks reported someone needs to address the cracks in the roads as soon as possible. Mr. Trout responded the contractor plans to be on-site to assess the roads.

Approval of the Minutes: Mr. Cowan would like to see the word owner be plural in the motion with the corrections in italics:

- A **motion (Bulkley/Weber)** to authorize Mr. Trout and Mr. Cowan to do what is necessary to accelerate collections towards the *owners* in arrears passed with no opposition.

A **motion (Kappus/Kiner)** to approve the August 25, 2021, Meeting as amended passed with no opposition.

President's Remarks: Mr. Trout welcomed our newest Board member, Ms. Wolach. The Capital Reserve Fee is now active for any new buyers. Mr. Trout thanked the Social Committee for a successful summer event. Mr. Letson commented the event was terrific, everyone seemed to have a great time and we should consider doing these types of events more frequently. Please include a brief statement or synopsis if a new business item needs to be added to an agenda. The new resident meeting is October 6, 2021, current residents are welcome to attend as well. If you plan to park your vehicle outside of your garage per the Denver police department lock your car and no visible items to prevent break-ins.

General Manager's Report: Mr. Lynch provided a report.

ONGOING PROJECTS:

- Pond & Stream clean up
- Bi-weekly: string trimming & edging
- Common area pruning
- Water is turned off to the central location ponds temporary to assess any leaks
- Yosemite Fence installation from 4605 entrance to mailbox (fence will eventually have stone columns)

NEW PROJECTS:

- Painting: starting 09/20/21 if paint container is delivered - Mr. Trout inquired of the paint schedule. Ms. Miller replied the contractor is waiting for the paint container to arrive either

this week or next week. Update as of 09/23/21: the paint container has arrived and currently working on Units 449-451. Exterior surface temperature has to be at least 50 degrees or higher to paint

- Landscape behind Units 7-9 adjacent to Chateau parking lot

COMPLETED PROJECTS:

- Remaining fencing materials stored at court 3
- Replaced row of trees between Units 205 and 469

POOL CLOSING END OF SEPTEMBER, WEATHER PERMITTING

Treasurer's Report: Mr. Cowan provided the August 2021 Financials. Mr. Cowan mentioned that the Chateau is current with their fees and has paid the weekly mowing expense. Comcast is over budget due to receiving funds sooner than the September budget. Salaries Overtime item over budget YTD due to seasonal snow removal and pool maintenance. Pond maintenance over due to algae treatment. Utilities over budget in common water for August but will be expecting a credit due to error in meter reading. Any items in the operational reserves that are under budget due to mostly timing. As of August 31st, \$37K has yet to be collected for the Road Assessment. \$772K has been spent for the road project, which leaves it at \$131K under budget; however, we had the storm sewer line repaired at an un-budgeted \$25K expense; Pond liner expense over budget \$7K due to concrete repair in Pond 6. Therefore, a net of \$100K capital reserve cash flow. The Finance Committee agrees no decision would be made about the residual cash flow until all invoices have been received. The anticipation is to keep it in reserves and pay it back by lowering future dues. The balance sheet as of the end of August reflects consolidated reserve balances of \$511,708 with \$195K in the bank checking or investments accounts, and another \$287K is in prepaid insurance, which will result in increased cash flow over the next 11 months as a result of being a non-cash item in the Profit and Loss Statement. The current amount owing from homeowners from the Road Assessment is \$30K. Mr. Kappus suggested when the decision has been made, the owners deserve an explanation where the funds from Road Assessment will be distributed.

Finance Committee: Mr. Cowan reported no meeting since August. Mr. Lynch recommended a raise increase for our crew in September to prevent any loss to other job opportunities; the committee approved Mr. Lynch's recommendation effective September 15th pay period. The Finance Committee approved moving forward with a new Reserve Study, the company will start from fresh by not using any current data from previous studies and provide us software to allow us to continue to update when needed. The study process will take about 8 weeks to complete.

Architectural Review Committee: Mr. Kiner reported four approvals and two received via email today. Mr. Kiner reported Unit 353 plans to replace their driveway/sidewalk and is advisable to seek an engineer's analysis of their front slope drainage issue.

Safety Advisory Committee: Mr. Kiner advises residents should walk facing traffic, be aware, wear reflective vest or carry a light while walking at night. In addition, watch your speed while driving through the community.

Grounds Committee: Ms. Wolach reported plants and a water system were installed at the berm area (east side of Chateau parking lot). Porfie continues to maintain the common area grounds and will be here on Tuesdays through the season (end of October). Ms. Wolach mentioned the committee is researching type of plants to be installed at the new Yosemite fence.

Ms. Ceilley questioned the use of the large white rock at the berm near the Chateau. Ms. Wolach commented the size of the cobble helps with keeping mulch and soil in place, the smaller the rock could slide into the stream, etc....

Education Committee: Mr. Bulkley mentioned the new and current owners' meeting for October 6, 2021, at 6:30 p.m. Mr. Kiner will not be able to attend therefore Ms. Wolach will discuss ARC and Mr. Bulkley will handle Safety Advisory.

Insurance Committee: Mr. Beakes plans to have Mr. Towne, agent from Moody Insurance, to do a presentation for residents not only to talk about HOA insurance, but personal insurance and acquiring loss assessment coverage in later in October.

Communications Committee: Any articles for the November/December newsletter should be submitted by October 29, 2021.

Old Business: Ms. Goff has received one bid for the pool furniture replacement and will try to have more bids by next Board meeting.

New Business:

- *Renewable Energy Devices Insurance Requirement (ARC):* Ms. Epstein has requested to install solar panels but finds the requirement in section 4 of the Rules Governing Renewable Energy Generation Devices to be a problem. Ms. Epstein states this rule requires homeowners who receive approval to install solar and carry no less than \$2 million of liability insurance with the HOA named as an additional insured, and to notify any prospective purchaser that they must carry the same upon purchase of any home with a renewable energy device. Ms. Epstein is concerned that this type of rule is inconsistent with current law, which provides that a covenant, restriction, or condition affecting the transfer or sale of real property that effectively prohibits or restricts the installation or use of a renewable energy generation device is void and unenforceable. Stoney Brook's insurance requirement falls squarely within this statutory provision in that it effectively prohibits or restricts the installation of solar in Stoney Brook, and inappropriately encumbers the future sale of her home. Ms. Epstein urges the Board to repeal this requirement either this evening or if necessary, after consultation with counsel. Mr. Bulkley stated per our insurance agent, this requirement is in place to protect the HOA of any damages/issues that may occur in common area. Mr. Trout will forward this to our HOA attorney for review and comments if we can enforce the \$2M liability insurance.
- *Update Bank Resolution to add Ms. Wolach:* a **motion (Cowan/Weber)** to adopt the Banking Resolution 2021.09.001 presented for Ms. Wolach to be a new signer with no objections.
- *Unit 513 Driveway (General Manager & Roadway):* Perfect Patch contractor will submit an insurance claim of the hydraulic oil machinery malfunction along with oil residue in the asphalt that has caused this residue to stain Unit 513's driveway and tracking into owners' garage. The contractor plans to redo the asphalt in this area and power wash the driveway.
- *Clubhouse handicapped accessibility:* Mr. Letson seeks for an egress solution in case a person may develop a situation where they are not able to exit the pool/hot tub area safely. Mr. Klatskin reminded the Board this area has an annual inspection for ADA compliant by the City of Denver and Stoney Brook has three handicap parking at the Chateau. Mr. Taylor suggested the HOA could purchase a wheelchair to keep at the clubhouse. A defibrillator was also suggested to have at the clubhouse. The gate opening to the Chateau provides wheelchair access to the handicap spots with no steps. Perhaps there should be some posting of that on the gate.

Executive Session: At 7:53 p.m., a **motion (Cowan/Bulkley)** to adjourn into an Executive Session to discuss personnel matter and accounts in arrears, which passed unanimously. At 8:44 p.m. a **motion (Kiner/Kappus)** to resume the regular session passed unanimously.

Adjournment: At 8:58 p.m., there being no further business, a **motion (Bulkley/Cowan)** to adjourn until Wednesday, October 27, 2021, passed unanimously.

Respectfully submitted,
Angela Miller, Recording Secretary