

# Georgetown East Association, Inc.

August 10th, 2021 Meeting

**Board Members:** Sheila Goodwin and Jean-Paul Antona were present via webinar and Sam Gray and Gerard Bribiescas were present at the Ameri-Tech office conference room.

**Ameri-Tech Community Management Present:** Robert Kelly, LCAM

Gerard Bribiescas called the Meeting to order at 6:32 pm: A quorum established with JP and Sheila on the webinar and Gerard, Sam, and Bob at the Ameri-Tech office conference room. Alison Thompson was not in attendance. Proof of Notice was posted on two neighborhood bulletin boards August 7th, 2021 in accordance with Association ByLaws.

**Consent Agenda Approval:** Sam motioned to approve the consent agenda. Sheila second. All in favor.

1. June 2021 Minutes
2. Officer, Board & Committee Reports
3. President's Report
4. June/July 2021 Manager's Report
5. Ratify the Contract with Mitchell Insurance Services, Inc

## **Attorney Stephan Nickoloff**

1. I have provided a first draft of the amendments as conveyed to me in changes by the committee (Task Force). One issue is the desire to have a balanced budget. That is impossible. The ability to have a balanced budget implies that we have a known income. For HOA, the approved budget reflects Board approved assessment. To balance the budget, we need the budget to be equal to what the desired assessment is. We adopt a budget with the hope of hitting a target assessment amount.
2. The other thing is a desire to delineate what powers and duties the Board has. That is already governed by the law. Those powers reserved to the members must be expressly provided for in the document. Ultimately, the association is a not for profit. The goal is that the budget expense and income match as closely as possible. If it says X number of members need to approve something, then that applies to the Board.
3. There are provisions in the law that are based on a certain percentage of members, we have to be very cautious about what powers we give the Board versus special members. If the power rests with the Board of Directors, we can't talk about it as a member's meetings. We can't discuss Board issues at a member meeting and vice-versa.
4. The amount of things that the members vote on is very small: elections, amendments, and recalls. The Board is elected representatives from the members. HOA is a democratic republic: you vote for people to make decisions on your behalf.

5. Once a person is voted on the Board, it is only the members that can remove them. The Board itself cannot oust another Board member. Members vote you on, then only members can vote you off - except when the Board member is in arrears, etc.
6. Unless a provision explicitly identifies members, then the power is assumed to be for the Board.
7. If you have a surplus, move it to the Deferred Maintenance reserve account. Deferred Maintenance should never contain more than 10% of an annual budget.
8. Gerard: satellite dishes are appearing in the neighborhood. We sent letters. Some have removed them. Neighbors are complaining about the neighbor who hasn't removed them. What are the national standards?
9. Attorney: Congress passed the Federal Communications Act. Said no HOA that has restrictions regarding the use of real property, can prohibit satellites. What the HOA can do through architectural standards can define where the satellite can be, as long as it doesn't interfere with the signal. We can ask vendor for a range of options for where the satellite can be.
10. Gerard: some of these satellites dishes were placed a long time ago based on a Board President verbally allowing it. There is no written documentation of approval.
11. Attorney: We would need to revitalize that provision and make it enforceable in a way that grandfather's the old satellite dishes. It's called a chattel shipping letter. It allows the association to draw a line in the sand: rules before and after. For as long as it remains or as long as you own the home. After the date of this letter, it should come to the architectural standards committee.
12. Bob: If a new dish replaces an old dish, can that be prevented.
13. Attorney: that would fall under the guise of repair rather than removal and replace.
14. Bob: If the unit is sold, a new owner inherits.
15. Attorney: the rule applies to the land, not the owner.
16. Gerard: if they place a satellite six months before a letter, is it grandfathered?
17. Attorney: yes, as long as it is before the date of the letter.
18. If we haven't been enforcing our satellite covenant it doesn't give carte balance.
19. Bob: Can we try to enforce it?
20. Attorney: Yes, as long as we don't sue them, you can try to enforce. Previous boards actions will be imputed (grandfathered).

### **Governing Documents Task Force Report**

1. Mary: We received the initial draft from the Attorney. The bad news is that they are not at a level I expected. Will require a lot more work. We don't feel comfortable providing the Viewpoint Group these drafts yet. The Task Force members will meet Thursday this week when we will coalesce all the individual reviews. Then we will sit down with the Attorney again. We are fundamentally looking for readability and thoroughness.
2. Mary: The Viewpoint Group met two weeks ago. The attorney recommended that we change the nominating process that is currently in our document. The draft document includes that new process. We will go to a self-nominated process that does not permit motions from the floor. 60

days before the meeting everyone will get a self-nomination form. 40 days from the meeting, they must submit their form. So we will not see nominations from the floor.

3. Mary: Task Force is two-pronged: getting the documents right and communicating effectively with the Viewpoint Group. With covid, we are limited on how much interaction we can have.
4. Mary: We seem to be lacking an interactive mechanism. Do we have a communication mechanism that will allow us to hear comments?
5. JP: people can respond to the emails we send out. Then we can compile all the questions and answer them in one FAQ email so that everyone can see the same questions and answers.
6. Bob: Our webmaster will allow us to add photos to the web site soon.
7. Mary: Does the Board only expect to receive the FINAL draft?
8. Gerard: Our job is to sell the document to the community. The Task Force's job is to help compile the information for the community.
9. Sheila: I don't have a problem with waiting for the final.
10. JP: I'd like to see some milestone drafts to get a sense of trajectory. But ultimately all I really need to see is the final draft.

### **Treasurer's Report**

1. See Treasurer's report.

## Follow-up Business

### **ByLaws: Article VI, Section B:**

1. Gerard: We are preparing for the election on the governing documents. Article VI, Section B has never before been utilized in getting voting members to submit who in their lot is going to be a voting member. That section describes how we will move forward
2. Sam: I move to implement Article VI, Section B of our Georgetown Bylaws and instruct our Ameri-Tech Property Manager to prepare needed materials for an August 2021 mailing to our Georgetown East Association LOT owners who are fictional entities, e.g. corporations, trusts, or LLCs.
  - a. Sheila seconded.
  - b. Sam: The reason for this motion is that we have never formally implemented this section for our Board. The Board is often pained to achieve a quorum for our meetings and special votes. This will facilitate those instances as well as who to contact for compliance issues.
  - c. Sheila: I'm in favor for the reasons outlined.
  - d. JP: I'm in favor for the reasons outlined.
  - e. Gerard: I'm in favor as well because we have at least 8, possibly 14 lots that are LLC / fictional entities and lot owners with renters, who need to find out who is the voting members for those lots.
  - f. All in favor.

**Compliance Walk-thru Update:**

1. Bob: There are nine first violations
  - a. 506 Georgetown Place; 2 A/C condensers in view.
  - b. 503 Haverhill Lane; Paint repairs / vine growing on stucco.
  - c. 510 Haverhill Lane; Wall needs repair.
  - d. 512 Haverhill Lane; Satellite dish.
  - e. 514 Haverhill Lane; Satellite dish.
  - f. 1102 Kensington Ct; House needs to be painted one consistent color.
  - g. 510 Roxbury Dr; Satellite dish.
  - h. 514 Roxbury Dr; Satellite dish.
  - i. 1208 Roxbury Dr; Satellite dish.
2. Bob: Ongoing second-level violations
  - a. 511 Georgetown Place; Satellite dish
  - b. 1204 Roxbury Dr; Crepe Myrtle needs to be transplanted from pot to the ground.
  - c. 1210 Roxbury Dr; Satellite dish was moved to a new location on the backside of the chimney, it can still be seen.

**Stormwater System Update:**

1. Gerard: Steve Robinson forwarded me names of professional engineers that the county uses. Seth, one of our lot owners, is also providing names.
2. Bob: We did start PRS to pump down the water in the storm drain to run a camera to determine the condition of the pipes. They were able to get most of it done but with the rainy season they ran into debris. So we put it on pause because it's the rainy season plus the system seems to be working fine in the rainy season. PRS is estimating 3-4 days to clean the pipes out and pump-down. That is \$5550 dollars a day for four days. Seminole Septic quote is estimating 3-4 days with usage of vactor truck and 3-4 days with camera. \$1800 dollars a day for each truck. Total of \$12800. Looks like Seminole Septic is more cost effective than PRS. The state requires inspection once a year. Other companies in this space are not good at providing quotes.
3. Gerard: We still need to go between Pond B and Pond C. Is PRS or Seminole addressing that?
4. Bob: Most of the blockage is between the Kensington and Dartmouth ponds. Roxbury to the Dartmouth pond is complete. It's a good sign that we've gotten a lot of rain and it seems like it is functioning. We can wait until it dries up.
5. JP: We don't need another bid. We can move forward with either Seminole Septic or PRS in the non-rainy season.
6. Gerard: Can Seminole Septic use the video PRS has done?
7. Bob: Yes, Seminole can take over from where PRS left off.
8. Gerard: I'm in favor of waiting for the water level to go down to finish the video feed.

**New Business****Letter of Resignation Acknowledgement:**

1. Gerard: I acknowledge and reluctantly accepted the resignation from Tom Geraci. We are down to five Board members. We are legitimate with five Board members. The documents say a minimum of three and up to seven. We are always looking for Board members.
2. Gerard: Thank you Tom for your service and thank you Nancy for putting up with all that Tom had to endure.

#### **Delinquencies Discussion:**

1. Gerard: The HOA is charged a delinquency fee when the homeowner does not pay on time. I would like to pursue a motion in the next September meeting that allows us to charge the homeowner 10% for any delinquency fees. But the fee won't be applied in the first 30 days. The cost adds up. It seems like it is the same ones that are delinquent.
2. JP: We should not be paying for delinquencies.
3. Sheila: We should not be paying for delinquencies.

**General Comments and Questions:** Carolyn Smith, ROOF Douglas, Joseph and Jackie Mallozzi, Roth Block, Carol Fienberg, Lois Miller, and Linda Marshall.

1. Victoria Romera (518 Westborough Lane): There are a significant number of perimeter and interior walls. What are the plans for repair and replacement of those walls? The association cannot legally pay any maintenance on private property. Some walls are on community property. I look at my survey, the wall is on community property. Shouldn't the community look at this survey and confirm the community is not responsible. Do we know how many walls are shared by the community so we can allocate funds for their replacement when the time comes. I have also been told that stucco walls can only be replaced by vinyl or stucco. I understand that the wall maintenance is a thorny thing. I understand that there is an initiative in place for amendments to address. Requesting in the meantime that the Board provide transparency and clarity.
2. Roof: Thank the Board for your work. Who handles our website?
  - o Gerard: Mike G who works at Ameritech.
  - o Roof: One concern upon going to the web site today. When I go to the web site it says George Town East Townhomes. Why two words George Town and why Townhomes. Can we remove the Townhome designation.
3. Jackie Mallozzi: Just to let you know in my opinion the Board should have an opportunity to review the Governing Documents draft. As far as the CCR the membership has to vote on the articles of incorporation and ByLaws. Does the membership have to vote on the CCRs?
  - o Gerard: Yes
4. Joseph Mallozzi: The viewpoint group seems small and hand-picked. I suggest making it bigger than it is today. Negative and positive viewpoints should be published. Once the final draft is published, how much time will the community have to review the documents before voting on it.
5. Carolyn Smith: One of the things the Board needs to understand is that the Task Force Committee has been working on a lot of these questions. We don't work in a vacuum. We can only work as fast as some of the people who work with us. I'm hoping you can communicate to others that this is something that needs a little patience.

Motion to Adjourn: 8:05 pm Sam motioned to adjourn. Seconded by Sheila. All in favor.