ATHERTON COMMON UNIT OWNERS ASSOICATION

BOARD MEETING MINUTES

SEPTEMBER 12, 2023

The meeting was called to order by President Dick Stout at 4:03 pm. Also in attendance were Vice President Grover Penny, Director Pete Eiche, Secretary Joan Ferguson, Treasurer Howell Mitchell, and Association Manager Norman Desrochers. In addition, Unit Owners Tracey Tocher, Rick Lack, Shirley Eiche, Kaki Lochhead, Cliff Kinghorn, Larry McCoy, Avis Moller, Kevin Eagan, and Jan Madigan were present.

Painting. Desrochers reported that the painter was looking to start the week of Sept 18, weather permitting. He advised that if the painting does not begin by the end of the month, the Board will need to discuss other options. For example, paint only one building, if possible, this year and catch up next year. He added that exterior painting has not begun at any of the condominiums he manages.

Unit 31. Kinghorn requested the Board re-consider its decision not to pay the $500 invoice related to rot repair at Unit 31. He explained he was in the process of replacing windows and sliders in the sunroom (unit owner responsibility) when the carpenter found extensive rot along the unit wall. While Desrochers had met with the carpenter prior to the windows and sliders repair, neither knew the extent or rot repair. The carpenter, in the process of installing the replacements, found the rot and proceeded to rip out the rot and make the repairs even though the repairs had not been approved. Kinghorn explained he stopped the work as soon as he noticed and asked the carpenter to install new boards in the already ripped out rot, but not to go further. He felt it was an honest error in not getting Board approval for the work, but that it had to be done to prevent water damage pending rain before it could get the Board approval. (The invoice is for filler, sanding down of the boards, painting, and labor.) The Board declined to approve the request because it was not approved prior to the repairs made as per the bylaws related tor repair limited common areas.

However, the Board approved Kinghorn's request to have rot repairs made to the front of the unit up to $1.9K with both Desrochers and Kinghorn supervising the work.

Eagan asked if rot repair was accomplished on the two buildings set for painting this year (including the building that includes Unit 31). Desrochers said it has been done, but that additional rot repair is always found during paining preparation. With the delay in the painting schedule, Unit 31's rear rot hadn't been discovered.

(Secretary Note: Subsequent discussions among the Board members following the meeting approved the $500 invoice with reluctance. Unit Owners are reminded limited common area repairs/improvements require Board approval prior to work to ensure quality of materials and labor as the Association is liable for any repairs of limited common area. The Board will no longer consider submitted invoices without prior approval unless it is an emergency.)

Finances. The complete financials are posted in the Great North Portal. Mitchell said the Operations budget is likely to be over budget by End of Year particularly on landscaping, snow removal, tree work and irrigation, attributed to weather and work needing to be done. All other line items are stable. At least one portion of the Insurance premium is due in October and, according to

Desrochers, the Association can anticipate a rate increase between 10-19%. Mitchell added $12K has yet to be moved to Capital Reserve. (Secretary Note: the $12K building painting invoice was paid out of Capital Reserve earlier this year. The 2022 building painting was contracted late in the season as the original painter reneged on the contract. See previous minutes.)

The Board agreed to meet later to discuss options to ensure the approved budget is maintained.

Stout pointed out that landscaping and irrigation are currently overspent by $11.6K with fall preparation remaining, including some needed tree trimming. In addition, the pond's retaining wall (on the wooded side) -- as it is near collapse -- and riprap plans to prevent further erosion alongside the woods side of the road is planned before the end of the fiscal year. Desrochers said Akorn estimates the retaining wall repair between $1.4K -$1.6K. The Board approved the Akorn proposal.

(Secretary Note. Earlier this year, someone placed a metal sheet in front of one of the pond's drains that blocked effective water flow into the creek. It was removed by the landscaper as any dam must be monitored by the state, and a potential overflow of the pond – with the increasing levels of rain and water that drain into the pond from outside of the property -- encourages damage to the foundation of the road. Unit Owners are asked to advise the Board if there is tampering of the pond structure and are strongly discouraged to not tamper with the structure without consulting with the Board who will investigate the proposal.)

McCoy asked about the status of septic replacement. Stout replied the Association has town and state approval of the plans for the two most critical septic systems. He admitted the replacement of the two septic systems most likely to fail are in difficult to access areas and will require heavy equipment access between Units 36 and 37, perhaps adding more cost to the work. Penny asked that Meridian be approached about doing both systems (perhaps one next year and one in 2025) to ease the scope, cost and timing. Important will be the eventual contractor understands the lay of the land. McCoy added that one system be replaced followed by the other one to get best value of the costs. He added spring is not the best time to accomplish the work because of the weather (the clay foundations hold water) but that the best timeframes are summer and fall.

The Board unanimously approved investing another $100K 6-month certificate of deposit of funds in Capital Reserve.

Maintenance. Eiche explained that riprap needs to be placed at various places along the road to prevent further erosion and encourage drainage into the pond. He advised this will be accomplished prior to the end of the year. The Board agreed to meet to view and approve the selected locations that begin just in front of the tennis courts, extend to the pond and on the slopes on both sides of the pond.

Drains and catch basins need to be cleared and inspected (budgeted at $1K). In addition, there is a disposal fee for the debris.

Tocher asked about the fallen leaves around her unit as they are in the gutters, driveway and porch. Also, they seem to be simply blown into the bushes. She asked if they are going to be cleared before winter sets in. It was explained that Akorn has two extensive leaf cleanups – fall and spring. In addition, the gutters are cleaned in the Fall. Desrochers said he would inspect the area around Unit

17 following the fall cleanup, In addition, Tocher may submit a work order if the fall cleanup isn't completed and the Board will consider the request.

Madigan noted that gutter cleanup is contracted separately, suggesting that it might be accomplished too soon in the fall. Desrochers agreed to investigate the timing – subject to contractor availability, weather, etc.

McCoy was curious if Akorn fertilizes once or twice a year, wondering if fertilizing really only needs to be done in the fall. Stout said the contract is for twice a year as this is what the landscaper recommends.

As for snow removal – the contract expired this year – Akorn's proposal for 2024 is $51.36K, a 40% increase. Other proposals were similar. The Board asked Desrochers if Akorn could be approached for a 2-year contract. (Secretary's Note: Akorn subsequently agreed to a 2-year contract with no price increase the second year and the Board approved the 2-year contract.)

McCoy asked why Akorn appeared to arrive later after the snowstorms to begin snow removal of the driveways. Desrochers explained while the main road is cleared and sanded throughout the storm, the actual plowing might not begin until the storm has passed when the plowing will be most effective. (Secretary Note: Atherton Lane is a private road, and the town will not plow it.)

Madigan asked if the Unit Owners might be required to put garbage in a closed container as well as secured in plastic bags especially if it is put out the night prior to pick-up. The Board said it would ask the owners at the annual meeting to make the decision regarding mandating secure containers.

She also asked the speed limit sign be moved further toward the entrance as drivers don't see it because they are focused on rounding the corner. She suggested it be placed in the same location as the former sign. The Board agreed and Desrochers will ensure the sign is moved.

Tennis Courts. The Board was asked about the courts. The Board members pointed out the tennis courts have low priority because of the substantial costs to repair (estimated at $23K to bring up to standard) and to maintain on an ongoing basis. In addition, the facility is known to have a low usage by the Unit Owners, except to run dogs and an occasional basketball pick-up game among guests. Egan recommended the net be removed as the area is too slippery to play on due to the moss.

HOA Fee. Stout said the Board had received one complaint that the annual fee was too high to attract potential buyers, suggesting special assessments are more attractive. Stout explained the Board wants the HOA fee to reflect actual known costs of the Association and the special assessments should only be used to address catastrophic events such as an ice storm that requires clean-up from downed trees and branches. He added that regular special assessments keep actual costs artificially low. Desrochers said a record of annual special assessments imply the Association is underfunded (and thus unstable), making potential Unit Owners wary of an Association. Stout noted five units have been posted for sale year-to-date and were sold within a few weeks at the cost asked. The Board will not incorporate special assessments into budget planning.

Mowing. Madigan asked there be only one mowing or brush hogging behind her building until late fall to encourage natural growth of wildflowers and other plants that attract birds and insects. The Board, however, expressed concern that the leach field and septic system behind the building might be impacted, advancing septic failure of an already aging system. McCoy said Unit Owners should know that mowing means ensuring the clippings are picked-up, whereas bush hogging is simply cutting the area and leaving the debris in the field. He added that leach fields should only have 3-4 inches of plant coverage to allow the areas to vent. (Secretary Note: there are two brush hogging of the fields – one in mid-July and one in late October/early November.) Following discussion among the Board members, the Board subsequently advised the area behind Unit 37 will only be bush hogged once a year if it can be determined if the area is not part of the building's leach field and septic system. This single bush hogging would be accomplished when the other fields are bush hogged in late fall. The exception was made because the area is not only difficult to access but isn't readily visible from the street. All other fields will be mowed/bush hogged twice a year according to the landscaping contract as proper maintenance of the areas is a health and safety issue.

The meeting was adjourned at 5:27 pm. As previously advised the next meeting will be November 7 at a time and place TBD.

Respectfully submitted,
Joan Ferguson
Volunteer Secretary