

# CASTLE PINES NORTH ASSOCIATION, INC.

## BOARD OF DIRECTORS MEETING

February 18, 2010  
7pm, Community Center

### MINUTES

#### 1: CALL TO ORDER

The meeting was called to order by President Andy Rhodes at 7:36pm in the community center.

*Directors Present:* Andy Rhodes, Jim Steavpack, Larry Cook, Steve Labossiere

*Directors Absent:* Anna Mallinson, Jack Zelkin, Joan Millspaugh

*Delegates Present:* Al Whitehouse, Carol Grant, Keith Dodd, Ken Bassett, Suki Fitzgerald

*Delegates Absent:* Alison Gibbens (HOA #2), Brian Moe (Stonecroft), Carol Padilla (Briarcliff), Cheryl McDade (Hidden Pointe), David Necker (South Lynx), Dick Lichtenheld (HOA #1), Don Van Putten (Pine Ridge), Jennifer Havercroft (North Lynx), Kim Hoffman (Bristlecone Single), Lin Wu (Tapestry Hills), Maureen Shul (BrambleRidge), Mike Henry (Winterberry), Scott Sinelli (Crossings), Shirley Beer-Powell (Greenbriar), Steve Margin (Glen Oaks).

*Management Company Present:* Barbara Finch, Garry Schaffer, Robin Quick

*Guests Present:* Adam & Kristyn Nichols, Andy Sosnicky, Bill & Kim Wieland, Gerry Novreske, Mike & Catherine Massman, Nancy Wilt, Patrick Newell, Rod Crane, Roger Addlesperger, Shirley & Bill Dalton, Tim Gamble, Valerie Locke

#### 1C: Additions/Deletions/Modifications and Approval of Agenda

- Andy asked that homeowner input be moved to the front of the meeting; the Board agreed by acclamation.

*Larry moved to move the homeowner section to the beginning of the meeting to accommodate the Claremont homeowners; Jim seconded; the motion passed with a unanimous vote.*

#### 3: Homeowner Input

Andy reviewed the obligations of the Master Association and the related obligations of the management company.

- Summer 2009 brought issues to the attention of the Master
- Declaration referred to rules being for properties owned by the Master; this was interpreted to mean the CPN Board did not have authority to enforce rules as these are private properties
- Directed the management company to develop set of basic rules that would be enforceable

Claremont homeowners' points presented for not having rules other than the Declarations:

- They follow the covenants and rules they have. They have done just fine for 24 years; they want to live independently, the Master should just leave them alone.
- The Master has no authority to just come in and make rules without consulting the homeowners. The Association is supposed to give 30 days notice and have a public hearing before instituting any changes.

- Allegations of illegal, unprofessional and unethical procedures by the management company.
  - Management company told them they were small and didn't matter; never contacted Claremont homeowners for input; told them their only recourse was to spend thousands of dollars and form their own HOA.
- Complaints were from Huntington, not Claremont. Claremont isn't like Huntington, and don't want to be like Huntington, and don't need the same rules as Huntington.
- Their community was the one that saved CPN when it went bankrupt.
- There are rules that violate Colorado state law as well as US statutes.
- Served our time on the Board (2 people from Claremont were on the Board in the 1980's).
- It all started with a complaint about RV's in Huntington; why weren't the covenants enforced – the attorney says you can (*see comments from Mark Payne below*). Just follow what's already there; the Master take legal action when homeowners are not in compliance.
- Huntington homeowner with "crap" all over his back yard, just installed a huge pole light, certain this wasn't approved, disturbs the Claremont homeowners, must disturb wildlife.
- Management company should take pictures and document infractions and report to the Board.
- Contacts on the website for the Board are not correct, looked everywhere for information.

CPN Attorney, Mark Payne, reviewed the wording of the Declaration and stated that, although there is conflicting wording in the Declaration he believed the Master did have the authority to enforce the rules by taking legal action against homeowners who violate them. If the Master receives a complaint, they are obligated to investigate and can sue the homeowner to force compliance. Also, the Master does have the authority to make rules as it believes necessary.

Laurie Goldey, homeowner in Claremont, stood and commented that the management company had asked for volunteers from both communities, and that all they were trying to do was address issues that had come up because homeowners were not following the covenants.

Andy's responses:

- The attorney tonight gave his opinion that the Master can enforce the rules
- Requested committee of homeowners from both neighborhoods to review the rules in the Declarations and see what needs to be updated. Example: clotheslines prohibited, that is now against the law.
- Rules need to be enforceable not just in Claremont but throughout the Master Association. The purpose for rules and regulations is to maintain property values and insure the quiet enjoyment of their property to residents.
- Appreciate the attendance, there is too much apathy. Want to have open and honest conversations with our residents
- Will send Huntington homeowner a letter regarding these issues, will count this as a complaint being filed with the Master Board
- Asked Mark to write a legal opinion of the Declarations and rule enforcement as far as fining owners who are not in compliance and taking legal action against them
- Thanked all of the Claremont homeowners for attending

## 2: APPROVAL OF MINUTES

Andy asked if there were any corrections to the minutes for the January 21, 2010 meeting.

- He asked that the overview of the January roundtable between Delegates and the Board be added to the January minutes.

*Larry moved to approve the minutes with that addition; Jim seconded; there was no further discussion and the motion passed with a vote of 3 in favor and 1 abstention.*

### **3: HOMEOWNER INPUT**

Andy asked if there was any other homeowner input.

- Suki asked about the community garage sale; Jim replied that it was scheduled for May 14-15 and said there would be more information forthcoming.
- Suki asked about the community directory; Jim said that 500 copies had been shipped to the management company; Garry said he'd re-directed them to the community center as Client Preference can't store them and they are more accessible to the community. Jim will make sure it was distributed to the community.

### **4A: PARKS AUTHORITY REPORT**

Jim attended the Parks Authority meeting in Anna's absence.

- Grading will be complete as of the end of the week
- 50% complete with the design development
- More parking spaces have been added

### **4B: METRO DISTRICT REPORT**

Andy reported.

- The Metro District is working on another large water acquisition
- Andy has been elected President of the Board
- The interconnect pipeline is in the design phase.

### **4B: CITY OF CASTLE PINES NORTH REPORT**

- Barbara has not received a response from the City about a representative to report to the Master.
- Andy asked her to ask that if there is no representative if the City would send a report to be read.

### **5A: WEBSITE REDESIGN**

Anna wasn't present to report. Barbara will check with her to see if there is any update and to be sure the website designer will attend the March meeting.

### **5B: COMMUNITY GARAGE SALE**

- Dates: May 14-15
- Original idea was to look at getting uniform signs, but it was too much money so logistically it will not work.
- Discussion: possible sponsors for the signs. Jim will look into the cost of signs and pursue this possibility.
- Jim reported he plans to use the same project plan as last year; this will be the 20<sup>th</sup> annual community garage sale.
- Without the cost of signs, the only cost will be advertising. Bills from last year show the cost was about \$500, but the Board didn't advertise in the Castle Pines Connection.
- Would like to do an ad in the CP Connection, 1/2 page ad is \$450-600
- Discussion: Getting a lower-cost ad, Terri is going to do an article, Garry reported that the Board could get a discount because Client Preference is a member of the Chamber of Commerce. Jim will look into these costs.

### **5C: DELEGATE INVOLVEMENT COMMITTEE**

Jack wasn't present to report.

## **5D: RECOGNITION OF EMAIL APPOINTMENT OF STEVE LABOSSIÈRE**

This was noted for the record. Ratification cannot take place until the members who voted via email are present, but the vote was official and Steve will fill the vacancy left by Jeff Huff's resignation.

## **5E: MISSION STATEMENT WORKGROUP**

Andy thanked Steve for his initiative, and reported he has really taken the development of a mission statement and gone in-depth.

## **6A: MONTHLY FINANCIAL REVIEW**

1. Reviewed the 2008 audit
2. Andy asked that Barbara email the draft of the audit to Board members who were not present.
3. Garry reviewed the assessment income and charges; 340 residents have not yet paid, which is about the same percentage as last year.
4. The following account decisions were made:
5. 12760: Jim moved to waive the late fees and interest; Larry seconded; there was no further discussion and the motion passed with a unanimous vote.
6. 13318: Resident has been late before, is asking for another waiver of a late fee. They have not yet paid. The Board asked that this be brought back at the March meeting when the resident has paid before a decision is made.
7. 13541: Jim moved to waive the late fees and interest; Larry seconded; there was no further discussion and the motion passed with a unanimous vote.
8. 15307: The Board asked that this be brought back to the March meeting.

## **7A: REPORT RE BOARD-DELEGATE SESSION JANUARY 21**

Andy asked that Barbara send this to the Board members not present, along with a summary of the February 18 session. She is to ask for their comments and corrections so the information can be posted on the website for the Delegates.

## **7B: REPORT ON ATTORNEY OPINION REGARDING MASTER ASSOCIATION FUTURE**

This was handled at the Delegate session, so was not covered again.

## **8A: NEIGHBORHOOD DIRECTORY UPDATE**

This was covered in the homeowner input section.

## **8B: LETTER TO PARKS AUTHORITY ABOUT RENEGOTIATION**

- Andy reported that the Parks Authority had sent a letter to the Metro District and the City stating the same things in the letter.
- Andy recommended the Board not to take action on a letter until Anna is present to give her opinion; the Board agreed by acclamation.
- Discussion: Steve said he has significant concern about the amount of money the Master Association has given the Parks Authority over the years but has nothing to show for it.
  - If the Parks Authority is rolled into the City, so is control of the parks, and the City can do whatever it likes with them and the Master would have no say whatsoever even though those members paid for the parks.
  - Need to get a legal opinion of the Master's rights if the Parks Authority gets rolled into the City

- The Board has a fiduciary responsibility to the homeowners to safeguard their investment
- Steve believes the original agreement would be found to be inequitable in court because the Master is giving money and getting nothing in return
- At the very least needs to be able to have control to see that the parks have to remain parks
- Just because it's been going on for years doesn't mean the Master doesn't have recourse, that's what we need the legal opinion for

*Steve moved that the Board get a legal opinion as to what legal recourse they might have in the event something happens that the parks could be taken away from them. He then withdrew his motion to clarify that the Master undertake to get their lawyer to provide a formal opinion as to what legal recourse could be taken in advance of something happening that would remove any remaining consideration the Master might have over the parks, and that the lawyer look to see if the AGA is equitable, and that no funds be turned over to the Parks Authority until that is done. Jim seconded. Discussion: Is there any way to make sure non-Association members don't use the parks? Who would monitor usage? No way to do it. Andy asked if there was any further discussion. There was not. The motion passed with a unanimous vote.*

## **9: ADDITIONAL HOMEOWNER INPUT**

- Al: possible to move business that has to do with Delegates to the beginning of the meetings and do housekeeping towards the end or in executive session. More Delegates might attend if they didn't have to sit through the rest, they can stay or go as they wish.

*Andy moved to restructure the agenda as discussed; Jim seconded; there was no further discussion and the motion passed with a unanimous vote. Andy explained in the past there has been concern about clandestine meetings of the Master Board held for one reason but discussion other things, and that to be 100% transparent the Board will talk about everything in the open.*

- Ken Bassett thanked the Board for having the HOA #1 website redirected immediately following the January meeting when he brought it up.

## **10: NEXT MEETING**

The next meeting of the Master Board will be March 18, 7pm, at the Community Center; there will be no Delegate session prior.

## **11: ADJOURNMENT**

There being no further business before the Board, the meeting adjourned at 9:19pm.

### **Director Terms:**

*Expiring November 2010:*

Anna Mallinson

Joan Millspaugh

*Expiring November 2011:*

Andy Rhodes

Jim Steavpack

Steve Labossiere

*Expiring November 2012:*

Jack Zelkin

Larry Cook