

First Hyland Greens Association
Board of Directors Meeting
February 21, 2017; 7:00 – 9:00 pm
Hyland Hills Golf Clubhouse - 9650 Sheridan Blvd., Westminster, Colorado 80021

MEETING MINUTES - FINAL

Call Meeting to Order with a Quorum of Directors

President Mike McCurdy called the meeting to order at 7:03 PM. Board members Joe Armstrong, Matt Brozovich, Marianne Clark (proxy), Dane Ernsberger, Alan Meers, Linda Mollard, Julie Oldham (proxy), David Simmons, Chuck Smith, Tyler Urruty, and Bill West were present in person or by proxy. Board members Mark Mischke and Pam Moores and Monte Thompson were absent. Shanna Massier represented HAVEN Property Managers & Advisors.

Approval of Summary Minutes

Linda Mollard made a motion to approve the minutes of the January 17, 2017 Board meeting as submitted. Chuck Smith seconded. Motion carried unanimously.

Introduction of Homeowners & Invited Guests Present

Homeowners John Anthony, Jim Gilmer, Rich & Kathy Osner, David Thistle, John Van Royen, Gary & Betty Zurek were present to address the Board.

Old & New Business Reports

5010 West 103rd Circle – ACC Appeal

The homeowner from 5010 West 103rd Circle was present to appeal the Architectural Review Committee's denial of his trash enclosure. After thorough discussion, Mike McCurdy made a motion to deny the request to allow the trash enclosure to remain. Linda Mollard seconded. Motion carried 9-2. Dane Ernsberger & Chuck Smith offered their assistance in negotiating a solution that would meet the Associations legal requirements.

4695 West 102nd Place – ACC Appeal

The homeowner from 4695 West 102nd Place was present to appeal the Architectural Review Committee's denial of his roofing application. Several homeowners present requested an opportunity to speak to this issue.

John Anthony stated that the Association's Declaration of Covenants was established to protect property values, and that while this decision might be a difficult one, the Board of Directors must enforce the Covenants now in order to uphold future challenges.

Jim Gilmer stated that he believed the Association's Covenants only allow for shake shingle roofs and as such, any roof without shake shingles should be considered "not approved".

Rich Osner asked questions relating to the installation timeline and indicated that the installation of the roof was a clear violation of the Association's Covenants. Rich stated that all homeowners should understand their legal obligations as homeowners and absentee owners were not absolved of this requirement. Rich implored the Board of Directors to uphold the Covenants.

David Thistle asked questions regarding the Association's Architectural Review and enforcement process. He also indicated that he had driven by the address and tried to be objective regarding the color, but it is not acceptable.

Gary Zurek stated that even an emergency does not absolve a homeowner of following the Covenants and Architectural review process. He said that this was an expensive mistake, but that the Board of Directors must uphold the Covenants.

The homeowner from 4695 West 102nd Place was provided an opportunity to restate his position and indicated that he acknowledged that he had made an error in not seeking permission for the installation. Owner indicated that he felt a sense of urgency to replace the roof to prevent any further interior damage. He also stated that there were several others houses in the neighborhood that appeared to be inconsistent with the Association's legal documents.

Executive Session – The Board excused the members of the gallery and went into executive session to discuss the legal opinion they had obtained regarding this matter.

After the closing of executive session and with no additional questions from the Board of Directors, Dane Ernsberger made a motion to uphold the Covenants and require that the roof be replaced with an ACC approved roof no later than May 1, 2017. Linda Mollard seconded. Motion carried unanimously.

Budget Ratification

Joe Armstrong, Chairperson of the Budget Ratification Committee provided an overview of the Committee's discussion during their recent meeting. A timeline showing the two options for accommodating the State's new Budget Ratification process for pre-CCIOA Communities was reviewed. After discussion, the Board agreed that the Committee should proceed with a process to amend the Association's Bylaws to change the fiscal year and an appropriate schedule for meeting the scheduling goals. An article will be added to the March newsletter soliciting homeowner input.

Pools

Pool Video Camera System

Alan Meers presented information from the Video Camera and Surveillance Committee and reviewed the memorandum prepared by John Van Royen, Committee Chairperson. Several questions were raised regarding the plan and the Board of Directors agreed that a newsletter article should be included in the March newsletter edition soliciting homeowner input. The Board also agreed to engage the Association's attorney in answering questions that relate to liability and the use of camera and surveillance equipment.

Summer Planning

Alan confirmed that the swimming pool facilities will open the Saturday before Memorial Day, May 27, 2017 at 10:00 AM. He also shared that First Hyland Greens will see an increase in lifeguard service charges do primarily to the increase in the minimum wage. Pool maintenance and lifeguard service proposals will be presented at the March 2017 Board Meeting.

Treasurer

Financial Statements

Tyler Urruty reviewed the end of fiscal year (September 2016) financial statements. He highlighted that the way trash is reported and the fact that the Association's additional \$100,000 transfer to reserve provides for the EOY net income to be understated and actually the Association ended the 2016 fiscal year with a net income of \$155,130.61. The end of year balance in the operating account was \$124,551 and \$473,137 in the reserve account. With regard to current account balances, the First Hyland Greens Association has assets in the operating account as of January 31, 2017, totaling \$248,306.65 and assets in the reserve accounts totaling \$501,252.44.

Secretary

Due to time constraints, several agenda items were tabled to a future meeting. Joe Armstrong did provide an overview regarding the status of the City of Westminster's proposal to regain responsibility for the trash and recycle services. Mike McCurdy agreed to share data from the Association's trash services survey taken in 2015 to serve as community feedback. Homeowners will be encouraged to solicit their own feedback regarding this proposal to the City of Westminster. Contact information was included in the February 2017 newsletter.

Vice President

Due to time constraints, several agenda items were tabled to a future meeting. Dane Ernsberger did request that homeowners be identified in Association documentation (meeting agendas and minutes) as follows:

ACC and Covenant Violation appeals: Identified by Address

Homeowner Presentations and participation: Identified by Name

Financial and Legal Matters Identified by Homeowner Account Number

President

Due to time constraints, several agenda items were tabled to a future meeting. Mike McCurdy did ask for Board input regarding the timing of Board meetings. Several Board members suggested moving the time of the meeting because of the new committee's and volume of work currently in process. For the time being, no changes will be made.

Adjournment

Dane Ernsberger made a motion to adjourn the meeting at 9:35 PM. Bill West seconded. Motion carried unanimously.