

ALLENVIEW HOMEOWNERS
Board of Directors' Meeting
 Tuesday, July 27, 2021 at 6:30 PM
 Daybreak Church, Student Ministry Building

| Board Member | Term | Mar. | Apr. | May | Jun. | Jul. | Aug. | Sep. | Oct. | Nov. | Dec. | Jan. |
|--------------------|------|------|------|-----|------|------|------|------|------|------|------|------|
| VACANT | 2022 | | | V | V | V | | | | | | |
| Jacob Fogarty | 2022 | X | A | X | X | A | | | | | | |
| Bryan Simmons | 2022 | X | X | X | X | X | | | | | | |
| John Burleson | 2023 | X | X | X | X | X | | | | | | |
| Lewis Reagan | 2023 | X | X | X | X | X | | | | | | |
| Marie Yagel | 2023 | X | X | X | X | A | | | | | | |
| Alexandria Bowling | 2024 | X | X | X | X | X | | | | | | |
| Lita Godoy | 2024 | X | X | A | X | A | | | | | | |
| Emily Hansen | 2024 | X | X | X | X | X | | | | | | |
| Trish Connolly | 2022 | A | A | | | | | | | | | |

X = Present, A = Absent, V = Vacant seat

Also in attendance: Joann Davis, administrative manager; Meg Kelly, pool manager; Debra Wallet, homeowner; Duane Stone, HOA Attorney

1. Call to order: Meeting called to order by B. Simmons at 6:32 PM.

2. Homeowner concerns:

Debra Wallet, 450 Allenview Drive

Ms. Wallet began by thanking board members for serving on the board. Having previously served for many years, she understands the commitment and appreciates all that they do on behalf of the homeowners.

Ms. Wallet had emailed the Board of Directors with concerns regarding the adoption of the revised governing documents and the process which was used to amend the C&Rs and Bylaws. Specifically, she feels the effective date is violative of the documents, there is not an instrument to record in compliance with the process, and she is upset there was a deadline for voting and then it was extended arbitrarily. She also objects to the procedure of going door-to-door to solicit votes.

Attorney Stone responded to Ms. Wallet's concerns.

Regarding the effective date, there is some ambiguity in the law regarding the thirty days that you can do some amendments and then if challenged within a year, it doesn't go into effect. It is not a clear situation when you have governing documents that conflict and don't meet what needs to be done in a community. There is case law and statutory law that say the amendment process has to be followed with 67% of the vote. The three years mentioned in the current documents is looked at as being unfair and too restrictive in some states. There is also case law that says even one year is too long. Pennsylvania doesn't say what the end date is. You have a statute of limitation of one year to challenge any amendment by a board. The Uniformed Planned Community Act states an executive board is allowed to make curative amendments that do not conflict with the C&Rs. There is no definitive answer so it was decided to use what is best for the community, which was the 67% vote.

Regarding the deadline for voting, there was a weekend with terrible weather as well as still dealing with Covid concerns. Considering those circumstances, it was thought a court would allow an extension of voting for a limited period of time.

Regarding the door-to-door solicitation of votes, that is protected by the Constitution. It is okay to go out and ask people to vote. The same process for voting door-to-door was used as the mail-in ballot; homeowners

recorded their vote on a ballot, placed it in a secrecy envelope, placed that in an outer envelope, and signed the outer envelope.

Regarding what instrument would be recorded, the new documents would be filed to make sure everything would pass the HUD office. That is the start of the process. There was discussion regarding having an instrument signed by 2/3 of lot owners. That is typically in a Declarant situation. The current declarations have been amended numerous times and signatures were not obtained. When the Declarant turns over the HOA the signature rule usually doesn't apply. The instruments do not have anything to do with the vote. The vote happens first, and then you submit the instrument, which are the documents.

The result of the vote was that 211 homeowners were in favor of accepting the revised governing documents and 22 were opposed. 233 ballots in total were received out of 291 owned properties. 72% of homeowners voted in favor of the new documents. The vote is 100% valid under normal law. The signatures to be submitted with the instrument will be obtained as a next step in the process.

M. Kelly left the meeting due to a scheduling conflict and was unable to stay.

D. Wallet left the meeting.

3. **Approval of minutes from the June 2021 meeting:** Motion to approve the minutes by J Burleson, A. Bowling seconds, motion passes with all in favor.
4. **Pool** – B. Simmons on behalf of M. Kelly
 - a. A monitor was terminated for failure to report to work.
 - b. There was concern expressed about miscommunication with monitors about the baby pool and whether it is closed. A sign posted to show if the baby pool is closed would be helpful as well as making sure monitors on each shift know the status of the pool.
 - c. A broken picnic table was disposed of. M. Kelly would like to replace the table, but it will be on hold for consideration next season.
 - d. M. Kelly would like to change the adult swim time next season to 10:30-11:30 AM, and then open swimming up to all. This is based on feedback she has received from residents.
5. J. Burleson motions to enter into executive session to discuss legal matters, E. Hansen seconds, meeting enters into executive session at 8:45 PM. The regular meeting resumes at 9:32 PM.

D. Stone left the meeting.

6. **President's Report** – no report
7. **Treasurer's Report** – J. Burleson
 - a. The financials were reviewed. Things remain healthy and stabilized. The balances are still strong in the bank and the receivables remain good.
8. **Committee Reports**
 - a. Architectural Control – J. Davis on behalf of L. Godoy
 - i. The ACC is seeking formal approval of newest ACC members Vivian Williams and Kalila Warner. A. Bowling motions to approve Vivial Williams and Kalila Warner as ACC members, L. Reagan seconds, motion passes with all in favor.
 - ii. Approved ACC requests
 - 1) 908 Allenvue submitted an emergency request for a porch roof replacement. ACC and the Board of Directors approved the request.

iii. ACC requests needing approval

- 1) 740 Allenvue submitted a request for a window and sliding door replacement. ACC approved the request.
- 2) 317 Elgin Circle submitted a request for two garage windows and frosting of upstairs master bathroom window. ACC approved the request.
- 3) 2102 Beacon Circle submitted a request to change the color of the front door and shutters. The front door is currently a cream color and the shutters are a faded red color. The new color proposed is Valspar 4009-4 Fly-by-Night Blue. ACC recommends approval. L. Reagan motions to approve the request, A. Bowling seconds, motion passes with all in favor.
- 4) 752 Allenvue submitted a request to replace a shutter that came off with an identical shutter. ACC recommends approval. E. Hansen motions to approve the request, A. Bowling seconds, motion passes with all in favor.
- 5) 752/754 Allenvue submitted a request to change the color of the shutters and door to a maroon color found on other units in the building. ACC recommends approval. E. Hansen motions to approve the request, A. Bowling seconds, motion passes with all in favor.
- 6) 2306 Foxfire Circle submitted a request to remove shrubs at the front of the home and noted on the request the intent to submit separately an architectural design for the front of the house, which will include a larger sidewalk leading to the front door. They would like to get the process started by removing the dead shrubs. This was received after the ACC meeting, but sent via email to ACC members for any comment. It is felt a deadline is needed for the replacement of the shrubs. J. Burleson motions to approve the shrub removal and within 90 days submit a replacement plan, A. Bowling seconds, motion passes with all in favor.

iv. Other

- 1) 627 Allenvue was sent a letter regarding exterior maintenance. There has been work done on the property including mulch at the front and the side being cleaned up.
- 2) There was discussion regarding the enforcement process for ACC violations and the fine policy. It is an ongoing discussion with ACC members on how to best approach dealing with violations, particularly habitual ones.
- 3) A plan for the dead tree to be removed at 2300 Foxfire Circle has not yet been received. The homeowners were asked to submit a plan by August 1, 2021. L. Reagan motions if nothing is received, to send a letter giving 30 days for removal of the tree or the fine process is started, J. Burleson seconds, motion passes with all in favor.

b. Recreation – E. Hansen

- i. A posting was placed on the Facebook page asking people interested in serving on the recreation committee to contact E. Hansen; she heard from two people interested in joining the committee. The committee will be meeting on August 11th to look at planning a fall block party, getting seniors in the community involved, and having some free events such as kickball in the park area.

c. Nominating – L. Reagan

- i. L. Reagan will retain the ballots from the vote on the revised governing documents to maintain the chain of custody.

d. Audit – no report

e. Budget – no report

f. Maintenance – B. Simmons

- i. The paving for the lot by 600-614 Allenvue has been completed. The concrete curbing will be replaced with asphalt curbing. The goal moving forward is to have a seal coating rotation and continue replacing concrete curbing with asphalt curbing.
- ii. E. Davis has completed taking care of the open items that were on the maintenance list.

- iii. A homeowner emailed to request a change to the lawn maintenance plan: either have the tan bark placed, or eliminate the tan bark dumping all together. The homeowner feels it is a burden on residents and an unnecessary cost. The board discussed the request, but no changes will be made at this time.
- iv. There are three post lights that require an electrician to rewire and access the inside of the homes. Letters were sent to the homeowners asking them to set up an appointment with JL Ruth, who will bill the HOA. All three have an appointment scheduled with an electrician for August 19th.
- v. A homeowner emailed to request a change in post light bulbs from the current bulb to a bug resistant type. It was looked into and determined it would not be a cost-effective replacement to make.
- vi. A homeowner emailed to say the mowers are tearing up the French drain pavers in the rear of the 900s. It will be addressed with Four Season.
- vii. Several homeowners have emailed about the brush behind the 600 evens. That will be cut back by Four Season.
- viii. A homeowner emailed to request the shrubs at the island with the mailboxes in 600s get trimmed back as it is getting difficult to see cars coming around. That will be addressed with Four Season.
- ix. Several homeowners have reached out about trees that need trimming. The trees will be assessed in the fall; they should only be cut in the fall and the spring.
- x. James Costello will continue painting as long into the fall as he can. He said he could also clean the white fences as he was painting.
- xi. Cameras were purchased for the pool area and E. Davis will install them.
- xii. Playground mulch was put down where the weeds were removed on half of the playground area. The other half will be completed with the same mulch.
- g. Publicity – J. Davis on behalf of M. Yagel
 - i. Please submit any information you have for the next newsletter to M. Yagel so she can present a draft at the August meeting.

9. Manager's Report – J. Davis

- a. Resale certificates were done for 2107 Foxfire Drive and 624 Allenvue Drive.
- b. Messiah Village is not available to outside groups for 2021, so the annual meeting cannot be held there. Daybreak is still undergoing construction and working on their fall ministry calendar. They will have a better idea in September if the large room would be available for an annual meeting.
- c. It was reported a Verizon Fios access box on the ground near 604/606 Allenvue is missing the cover. J. Davis contacted Verizon and they are to send someone out to look at it. A technician called back to say it would be taken care of in the next several days.

10. Meeting Adjourned: B. Simmons motions to adjourn the meeting, J. Burleson seconds, motion passes with all in favor. Meeting adjourned at 10:07 PM on July 27, 2021.

Next Meeting: August 24, 2021 at 6:30 PM, Daybreak Church Student Ministry Building