

# LONG HILL ESTATES CONDOMINIUM ASSOCIATION

## Board of Directors Meeting

September 14, 1998

### MINUTES

A Meeting of the Board of Directors of the Long Hill Estates Condominium Association was held on Monday, September 14, 1998 at SDE, Route 202, Peterborough, NH.

Present: Jonathan Hampson, Amy Myhaver, George Austermann and Cal and Ted Davison of Cardiff Management, Inc.

Absent: None.

#### ***Call to Order***

The Meeting was called to order by President, Jonathan Hampson, at 5:04 p.m.

#### ***Review/Approval of Minutes***

##### Special BOD Meeting, August 4, 1998

A Motion was made by George to approve the Minutes of the Special BOD Meeting of August 4, 1998. All in favor: 2; opposed: 0. Motion passed. Note: As Jonathan Hampson was not a member of the Board on that date, he was ineligible to vote.

##### August 17, 1998 BOD Meeting

A Motion was made by Jonathan to approve the Minutes of the BOD Meeting of August 17, 1998, as amended. All in favor: 3; opposed: 0. Motion passed.

#### ***Old Business***

##### Capital Reserve Study - Review

Deferred. Tentative review: November BOD Meeting.

##### Declarant Issues

There was a detailed review of the items known to be required by the Town as well as those of which the Association feels strongly that the Declarant must address prior to exiting the relationship with the Condominium. See list included as attachment.

It was agreed that Ted and Jonathan would meet with Mary Huot (goal: Thursday, September 17 for lunch), to review with her the list developed as Association requirements. Additionally, it was confirmed that Ted and Jonathan will meet with Peter Ryner from the Town on Friday, September 18 at 7:00 a.m. to review status.

## **New Business**

### Jane Morrissey - Present

The Board met briefly with Ms. Morrissey prior to the Call to Order of the Meeting.

She had been advised that the Board understood the issue concerning the documents as they relate to financial obligations to the Association by a buyer, but that it required further research. There was a commitment made that the issue will be reviewed at the October 12 Board meeting and that she would be advised shortly thereafter.

Cardiff confirmed that there is some concern about the documents they currently have access to as there are some conflicts. In this regard, Cardiff will be pulling a copy of the actually recorded documents from the County shortly.

### Unit Owner Attendance at BOD Meeting

Cal to develop a Rule for review by BOD at next meeting. The message of the Rule will be presented at the Annual Meeting.

### Annual Meeting

Cal reviewed the process for the Annual Meeting such as checking people in, not denying anyone ballots due to delinquency, but rather disallowing the votes after the fact, the need for the Secretary to validate that notices were sent, etc.

## **Other Business**

### Number of Board Members

George asked if there was an opportunity to vote in more than one person at the Annual Meeting in order to expand the Board. Cal and Ted advised the restrictions as to what can be officially voted on after the Agenda is published, how the Board can be expanded, etc.

### Snow Plowing - 1998/1999

So that we can confirm expectations regarding snow plowing in the coming season, Cardiff will invite TJ Jarest to the Board meeting to be held on October 12, 1998.

**Painting**

Ted and Cal reviewed the paint scheduled for this year, tentatively September.

**Management Report**

The Management Report was reviewed without further discussion.

**Adjournment**

There being no further business before the Board, the Meeting was adjourned at 6:42 p.m.

**Respectfully submitted,**

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**Cal Davison, Scribe for  
Amy Myhaver, Secretary**

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**Dated**

**Next Meetings**

- Annual Meeting, September 27, 1998, 2:00 p.m., Monadnock Hospital
- BOD Meeting, October 12, 1998, 5:00 p.m., SDE

**LONG HILL ESTATES CONDOMINIUM ASSOCIATION**

**Declarant Punch Out Lists**

**September 14, 1998**

**Requirements of the  
Town of Peterborough  
and  
the Association**

<u>Item/Task</u>	<u>Comment(s)</u>	<u>Estimated Value</u>
- Water/sewer system termination	Huot = Agrees	
- Sidewalk		
- Roads (incl. back gravel road)	Huot = Agrees	
- Drainage/clear catch basins	Huot = Agrees	
- Change in Site Plan	Huot = Agrees	
- Hydrant		
- Hydroseed	Huot = Agrees	
- Building #9 - Drainage	Huot = ? Agrees	

Date: September 14, 1998

To: Board of Directors  
Long Hill Estates Condominium Assoc.

Fm: Cardiff Management, Inc.

Ref: Monthly Management Report  
Financial: EOM 08/31/98  
Property/Admin: 08/

### ***Financial***

#### **Revenues**

##### **Association fees:**

YTD Budget	4,500	
YTD Actual	<u>4,000</u>	
YTD Variance	500	11.0% under budget

Primarily due to title transfer without asking for Certificate of No Liens where the past owner has outstanding fees.

##### **Total revenues:**

YTD Budget	4,500	
YTD Actual	<u>4,250</u>	
YTD Variance	250	5.5% under budget

#### **Expenses**

YTD Budget	8,679	
YTD Actual	<u>2,636</u>	
YTD Variance	6,043	77% under budget

Primarily due to expected grounds care and insurance invoices not being received and, therefore, not paid as well as some repair and maintenance items completed, but not invoiced.

### Delinquency

There are some unit owners showing delinquencies due to the problems with the purchase obligations issue: They are:

San Martino, #1, \$225, Morrissey, #10, \$350; Forrest, #34 \$240, and George, #36, \$225. Till-NH, \$350. These will be resolved once we are able to obtain a copy of the actually recorded Declaration and Bylaws.

The following have no relation to the purchase issue:

Dunn, #13, \$140.

Till-NH, #33, \$390. We received a check for this in September. However, it was made out incorrectly and so has been returned for re-issue.

### **Property**

#### Step at Mail Hut

Due to concerns raised by some unit owners regarding the difficulty in reaching their boxes, we contacted the Post Office to ask for their thoughts on what could be done. Despite a follow up call, we did not hear back from them. Therefore, a contractor has built a step for use by those having difficulty with the reach.

#### Painting

The painter has indicated he will be doing the scheduled touch-up painting during September. Note that some people are calling saying they had been advised it would be done during July or August.

#### Grounds Care

Had received some requests that bushes or trees be trimmed back or removed. We had contacted the grounds care contractor who committed to doing the work at the appropriate time in the season, specifically, once the growth period had ended. Our understanding is that they have just now completed this work.

#### Irrigation System

We became aware that there was some work required on the irrigation system. TJ Jarest presented a quote, but advises that the work should wait until the Spring of 1999 to avoid winter damage.

### **Admin**

#### Declarant Issues

The meeting with the Declarant, the Board, Cardiff and the Town took place on Friday, September 11. There are some concerns that the Declarant is reluctant to

appropriately correct some of the deficiencies noted such as the walkway. It appears, however, that the Town is in support of the Association's requirements.

As the Town is not involved in some aspects of the Declarant's obligations, but which the AG's office would want to be aware of, we are generating a letter to the AG's office to identify our concerns for their review and action, if appropriate.

#### Documents - Conflicts

It has come to our attention that there are conflicting sets of governing documents for the Association. One indicates that all purchasers must make a contribution to the initial working capital and capital reserve funds. Others say that the first time purchaser pays into the fund, but with no reference of other subsequent purchaser's required to do so.

It further indicates that when the Declarant pays into these funds, they will be reimbursed when the Declarant then sells the unit by the buyer.

At this point, we need to pull an actual copy of the recorded documents. Further, we need to research where the records are showing what unit payments comprise deposits into the initial working capital and capital reserve accounts, and who made the payments.

#### Amendment to Bylaws

We had received a copy of a letter sent to an attorney by Tom Forman after his resignation from the Board, asking the attorney to record the amendment to the documents changing the fiscal year from January through December to July through June. By the time we were able to contact the attorney, he had forwarded it up to Hillsborough County for recording. Fortunately, he included a copy of the amendment for us (not previously provided by Tom). We have not, however, received a copy of the recorded document. This we will get at the same time we are getting the originally recorded Declaration and Bylaws.

We are concerned, however, that the document being recorded is in conflict with other parts of the Declaration and Bylaws as they were not changed in the amendment process.

#### Administrative Records

When we assumed management, we received only the past financial records of the Association. We are aware that many other records, including the minutes, annual meeting records, amendment ballots, etc., may still be held by Tom Forman. In this regard, and as one unit owner appears ready to challenge the amendment and other rules adopted by the Board in the past, we have written to Tom asking that he contact us to advise when we can pick up the records he holds, and advise where else they might be held if he does not have all of them.

### Sunroom Additions to Units

There are two related, but different issues. First, when a previously sold unit wishes to add a sunroom and second, when the Declarant had turned over a building, but added a sunroom on a unit not yet sold to an initial purchaser.

Once a building is sold, all area around it becomes Common Area. Some parts are defined as Limited Common Area. The LCA, however, is still owned equally by all association members rather than being owned and deeded solely to the unit to which it is assigned. Therefore, it is illegal to allow construction of a sunroom as this would be taking property owned by all and giving it to a single owner.

When at the AG's office on another matter, I checked with him regarding the sunroom additions to see what options might be available since there would really be no harm to others. He has confirmed that these additions ARE illegal. However, he has given us information on what he would approve to transfer title to the unit to which the patios was assigned. There are cost involved, however. Therefore, those unit benefiting from it would be responsible if the Association was not willing to assume the cost.

### Gift Certificate for Tom Forman

We obtained the gift certificate for Tom as requested by the Board and had members of the Board sign the card enclosed to him with it. It was mailed that same day, 9/11/98.

### Letters to, Letters from...

Fm Atty Emmer, 8/17/98 copy of letter to Hillsborough County asking that the amendment be recorded; copy of amendment was included with our copy.

Fm The Peterson's, Inc. (Real Estate), 7/14/98 letter forwarded to Tom Forman, then given to us in late August, re sunroom and/or M/M Crutchley claiming people had the right to build them, etc. To Peterson's, 8/18/98 advising him of where he was incorrect. Copy to M/M Crutchley.

To Town (Ryner and Weeks), 8/18/98 asking that they insure the Association was copied on all appropriate correspondence to or from the Declarant, advising the Association would be developing a list of deficiencies required to be corrected, etc.

To Till-NH, 8/26/98 advising that there had been outstanding fees owed by the seller prior to them taking title that would have been identified had the Realtor or lending institution make the normal inquiries, but that regardless, as the new owner, they were now responsible.

To George, #36, 8/26/98 regarding initial contributions associated with the purchase of his unit.

To Morrissey, #10, 8/26/98 regarding initial contributions associated with the purchase of her unit. From her, asking why we showed April fees being paid by her (it was what was given to us), asking why the purchase charges were not posted earlier, etc. To her, 9/5/98 in response. From her again 9/6/98 very rude and

accusing, insinuating we had posted such charges only to her account, saying her attorney had called us and was told verbally what was owed on the unit, etc. From her again, 9/9/98 still very rude and making the same accusations, but adding an insinuation that the amendment and rules adopted by the Board have not been done appropriately, etc. Note: While she insists her attorney spoke with our office, this is absolutely not true. Under no circumstances do we EVER give out information verbally, rather, responses to all requests regarding fees owed are given in writing, and only after we receive a payment in the amount of \$10.00 per state statute.

To SanMartino, #1, 8/26/98 regarding initial contributions associated with the purchase of her unit.

To LaBosieirs, #35, 8/25/98 regarding issues raised by her for correction, some builder responsibility, others to be done by grounds care contractor.

To Morrissey, #10, 8/25/98 regarding issues raised by her for correction, some builder responsibility, others to be done by grounds care contractor.

To Dunn, 8/29/98 raising concerns that despite many communications asking that Granite Bank change the mailing address, they had failed to do so and we were concerned about the resulting delays in getting the statements (due to forwarding) and that the forwarding order would ultimately expire. Note: after this, we finally began receiving the statements direct.

To TJ Jarest, 8/29/98 asking that they advise as to when work should be done on irrigation system, quotes for winter season, and some bush trimming requests. Fm him, 9/2/98 advising irrigation should wait till Spring, he was reluctant to give a fixed seasonal quote for snow, and that the bushes would be taken care of.

To LaBosieir, #35, 9/9/98 advising that the grounds care contractor had gotten back to us to advise they could not pull the weeds from the stone wall behind her unit as they felt the weeds were assisting in erosion control.

To Forman, #2, 9/10/98 asking that he call us to advise when we could pick up the records he had, or advise who had them.