

OAK KNOLL HOMEOWNERS' ASSOCIATION
September 22, 2021

BOARD OF DIRECTORS PRESENT (Via Zoom):

President-Karen Burnside	Vice President-Dan Rivers
Treasurer-Susan Ferrara	Director-Dean Kubler
Secretary-Amy Goldstein	Guest: Ryan Shrouder, Attorney

President Karen Burnside called the meeting to order at 7:34 pm. Amy announced that the meeting was being recorded.

MINUTES

The minutes from the April 21, 2021 meeting were read and accepted. Dean motioned to approve the minutes; Susan seconded the motion.

OPEN FORUM

Several residents thanked the Board for all that it does for the community.

PRESIDENT'S REPORT

Karen mentioned that the Standards were recently updated by committee, and the updates will be presented later in the meeting. She also thanked Amy Battaglia and Jorge Pujols for volunteering to assist with the initiative. The sidewalks will be cleaned early December and then will be inspected to determine what repairs are needed. Some sections of the sidewalk have been broken by workers in the community and those homeowners have been notified that they are responsible for paying for those repairs. The front walkway on the south side of the entrance recently became dark and slippery due to berries dropping so Karen had someone come out to pressure clean it twice and Mike Burnside and Deb Shustack have been using a leaf blower to keep the area clean.

Karen acknowledged that the homeowners on East who receive payments to cover the electricity for the fountain have not cashed any of the checks received since the fountain broke in February 2020. The maintenance person from the Country Club advised Karen that the replacement parts for the fountain had not come in and it turned out that the company had not ordered the parts because they had not yet received payment from the Country Club. Karen will continue to pursue this issue until it is resolved.

Mailbox painting: Karen advised that, if anyone wants to paint their mailbox, Amy has the paint and clear coating. When it is cooler, Karen and Amy will start repainting mailboxes.

TREASURER'S REPORT

We had two CDs at Bank United merged into one CD at Centennial, our new bank, totaling \$44,109.82 at .25%. At Bank of America, the bank we are leaving, we have a checking account with \$16,733.01 remaining. Whatever is left in that account after the next payment to the Country Club will be transferred to Centennial. We have an Operating Account at Centennial with \$98,145.23 and a Reserve Account with \$41,738.12. We have a liquid balance at Centennial totaling \$156,616.36. Karen mentioned that about 20 residents did not pay their quarterly dues in the switch over to Centennial and Platzer will be sending Susan a list of those residents; however, late fees will not be charged for missed third quarter payments. Starting with the fourth quarter payments, late fees will be reinstated. A resident asked how the road reserve payments are being reflected on the Treasurer's Report and Susan explained that, at this time, the monies are not being reflected separately. Platzer is working on that and, once the \$75 portion of the quarterly dues has been carved out, it will be placed in a money market until road

work can commence. Karen believes that, by the November budget meeting, we will be able to show the separate balance for the road reserves. ***The 16 quarterly payments of \$75 included in our dues are strictly for the future road repair; it will not/cannot be used for any other purpose.*** Ryan, our attorney, asked Karen to provide him background on the decision to collect the additional quarterly payments and believes that, since the \$75 per quarter is earmarked for road repair, it would be considered a “special assessment” but will confirm that after he has more information.

COMPLIANCE ISSUES

All letters that Karen sent out to homeowners have been responded to and issue resolution is in process, including the house on North with the blue tarp on the roof. In November, Karen will be sending out more letters concerning dirty roofs and asked residents to look at their roofs at various times of day to see if cleaning is needed, landscaping (missing or overgrown) and paint to ensure homes maintain their curb appeal. Karen also reminded residents that, as stated in the Standards, items should not be stored in front of the garage; items should be stored on the side of the house out of sight.

Karen advised that if residents see something they think needs to be addressed by the Compliance Committee, to email the board at oakknollestatesboard@gmail.com to bring it to their attention. If the Board is not contacted, please do not assume that anyone on the Board is aware of the issue.

A resident asked if the Board and ARC email addresses are on the Oak Knoll website. Amy was not sure and will update the website immediately if they are not already posted there.

A resident asked about the process for compliance and Karen explained that if a resident does not comply, the Board sends two letters and then, at the resident’s cost of \$250, a letter comes from our attorney. He asked if it was documented anywhere in the Standards or Declarations that three letters must be sent. Karen said that this has been the practice but was not sure if this was documented anywhere and will verify. She suggested that the Board (along with some volunteers) could establish a standard timetable by which compliance issues must be addressed.

A resident asked Ryan how the \$250 fine is paid. Karen explained that the HOA pays the attorney’s fee immediately, so our attorney is not out any money, at which point the homeowner must pay the HOA who has fronted the fine payment. Ryan further added that it is the responsibility of the resident to pay the HOA’s legal fees. The three ways to penalize homeowners for not adhering to HOA rules are to 1) be fined, 2) be foreclosed upon, in the case of non-payment of dues and, in extreme cases, 3) the HOA can bring a court-ordered injunction against the homeowner.

Karen stated that it is important that homeowners communicate with the Board. If they receive a compliance letter and cannot resolve the issue due to extenuating circumstances, email the Board to explain why the issue is not resolved and, if possible, provide a timetable by when the issue will be resolved.

OLD BUSINESS

Karen reminded the meeting attendees that speed humps were not approved for the neighborhood and, overwhelmingly, homeowners did not want speed humps installed.

NEW BUSINESS

Updated Standards

The new Standards were reviewed and changes to the 2017 Standards were specifically called out. A resident asked the attorney if our Standards should be legally recorded to be enforceable. He gave the example of a new homeowner buying and does not see the Standards until after purchase. Is there a legal requirement that they be recorded? Ryan responded that all recording does is “give you notice” so, if you recorded them now, it would not change the fact that they were not recorded when you bought your home. For the example the resident provided regarding solar panels, Ryan explained that the HOA cannot regulate solar panels; state law pre-empts HOA rules.

Ryan went on to say that it depends on the magnitude of the rule or regulation, we have restrictive covenants, by-laws and rules and regulations; the best way to explain it would be like the Constitution vs. State Statutes. We could not put in our Standards that Oak Knoll Estates is becoming a “55 and older community”; that is a major alienation and restriction on property rights; that would have to be a Covenant. So, it depends on the actual rules. If a change is a major alienation of your property rights, that change must be implemented via the Covenants.

Karen noted that during the Estoppel Letter process, she advises the purchaser’s representative to direct the purchaser to our website, where Oak Knoll Estate’s Covenants, By-laws and Standards are available for review.

Dan made a motion to approve the updated Standards, Susan seconded the motion.

Halloween

Karen reminded everyone that in 2020, we had a pre-Halloween event (due to COVID) to offer a safer trick-or-treating experience for the children residing in Oak Knoll Estates. A few residents voiced support for the pre-Halloween event as well as providing free ice cream. Dean also suggested a shaved-ice truck instead of ice cream. Karen asked the meeting attendees if they wanted to do a pre-Halloween event and asked if there was anyone opposed to having one; no one opposed it. Amy motioned to approve a pre-Halloween event with an ice cream or shaved-ice truck on Saturday, October 30 and Dean seconded it.

Speed Control

Karen asked for volunteers for a committee to look for traffic calming options other than speed humps. Steve Triana, Jorge Pujols, Dean Kubler and Jan Stenning-Tundervary volunteered to be on the committee.

Light Pole Painting

Dean got an estimate of approximately \$3,000 to paint all 15 light poles in the community but he will get additional estimates. A resident asked if we have done a test to see how long paint would last on light poles, but we have not done such a test. She suggested that we would not want to spend \$3,000 frequently if the paint does not hold up. A resident volunteered to provide Dean with additional information concerning painting light poles.

A resident asked if people could submit their names for consideration to join the Board in 2022. Karen stated that Board election information will be provided to all residents prior to the January meeting, at which time a vote would take place.

The next meeting, which will be the Budget Meeting, will be scheduled for November 2021 (date to be determined). Susan made a motion to adjourn the meeting at 8:55 pm. Dan seconded the motion.

Respectfully submitted,
Amy M. Goldstein, Secretary