

**Minutes of the
Sierra Los Pinos Property Owner's Association (SLPPOA) Board Meeting
November 12, 2013**

Call to Order

Meeting was called to order at 7:15 pm by President Joe Brophy.

Board members present: Mr. Brophy, Ms. Kilburg, Ms. Fredlund, Ms. Pero, Ms. Star, Mr. Nyhan

Board Members absent: Mr. Veverka, Mr. Bennett

Guests: Harold Corn, Barbara Van Ruyckevelt, Mary and Jeff Moore, and Sabine and Brad Shurter.

Approve Minutes of October Meeting

Ms. Star moved to approve the October minutes with minor corrections. Ms. Fredlund seconded. Vote was unanimous. Minutes approved.

Officer and Committee Reports

Secretary

No Report

Ms. Star requested the draft copy of the September 2012 annual meeting minutes be sent to the Board for review and, the September 2013 regular Board meeting and the October 2013 minutes be sent to her for posting to web.

Treasurer

Ms. Kilburg reported the following:

Account Balances are as follows:

Operating account: \$51,680.39

Reserve account: \$57,765.04

Special Assessment account: \$2,139.45

Property at 11 Aztec was foreclosed, and purchased by LANB. Ms. Kilburg has been in contact with bank and check will be received for total delinquent amount of \$2420.70. No further legal action is required for this property. LANB will put property on the market and will let us know when they require water service returned.

One other resident has been making payments towards delinquent account and another indicated they would pay by end of the year. Other delinquent accounts have been referred to the attorney for collection through other means such as a collection agency.

Five properties are in foreclosure status with a total uncollectable amount of \$9,012.68 until such time as the property is sold. So far this year there has been at least three foreclosed properties sell and we collected all past due amounts. Those delinquent in non-foreclosure status total \$9,338.70.

SLPPOA is now in good standing with PRC. There had been a clerical error at the PRC with the correction of the registered agent designation for SLP which delayed the 2012 filing . It was also then discovered that the 2010 paperwork had not been filed. This was corrected and our status updated.

Special Assessment. One more bill is coming from Baker Utilities for \$1597.76 See attached Balance Sheet for financial status report.

Water Maintenance

Water Operator (WO) Report WO and water chair not present. Star asked if the WO has communicated with anyone. Van Ruyckevelt asked about the WO's activity reports that are part of his contract and that have not been produced since his hiring. Nyhan said he hasn't talked to but would make contact. A number of WO activity issues need to be addressed.

Ms. Kilburg reported that tests have been performed as required and all results are within normal range. Nyhan -. PRVs were installed at 2 properties experiencing high household pressures. Now their pressure is at 40 psi.

Levelcon is providing erroneous readings. Mark cannot use the data.

Harold reported that parts are in for ISSAC system radio controller which helps to regulate tank fill without the timer. Harold thinks there is no increase in leak rate. Mark will double-check with meter loop.

Mr. Brophy reported that he has been checking the System 2 pump house and System 2 is stable.

American Leak Detectors (ALD) from Albuquerque has been hired to perform leak testing on system 1. As a national company, getting test gas is easier for them. The cost estimate is about. \$4000 (\$2000/day). Mr. Nyhan is in contact with ALD and will be scheduling the tests in the near future. Tests can be done in winter.

Ms. Kilburg stated that she is filing the monthly sampling reports. Star suggested posting reports to help alleviate members' concerns about chlorine levels. Ms.. Van Ruyckevelt said she now can't detect any chlorine in her water. One other resident said he thinks there's too much at his home. Ms. VanRuyckevelt asked about our sampling plan that should be on file with NMED. No file is known to exist.

Star asked if the chlorine injectors have been cleaned. She suggested the last time she was in the Aspen Grove and Hovenweep pump houses that there was

indication of corrosion at the injector site and that Hovenweep injector site appeared to be leaking.

System 1 and 2 Status

Water Compliance

Ms. Star suggested that the Water Operator needs to have a sampling location plan of where testing samples are taken, in order to be in compliance with state regulations. It was stated that there has never been a written plan from any water operator and that samples are taken randomly, scattered across various parts of the Association.

Mr. Moore stated that he can still taste chlorine in his water. Mr. Nyhan explained that chlorine may be moving into the direction of where there may be leaks. Ms. Shurter asked where the 40%-70% leak rate was coming from. Mr. Nyhan explained that those numbers are total loss and not just main line loss. Mr. Brophy added that per Mr. Stanley, System 1 is leaking approximately 13.8 gal/min. Chlorine readings, with range, date and location/address of test and residual levels, will be posted on website.

Roads

Mr. Brophy reported that ten (10) loads of approximately 25 tons each of crushed concrete were delivered and laid down, mostly along Los Griegos. Ruts on Scouts Lane have also been filled. Road money available for repairs has been spent. Mr. Brophy reported that roads are now in overall good condition.

Discussion were held regarding current snow plow contractor who is stepping down, and another contractor taking over. If Pete does continue for this year as usual, he will increase his rate From \$7,500 to \$9,500. There is currently no contract in place. Mr. Brophy will work with Pete to get contract in place by the next board meeting. Pete agreed to do the sanding even if he doesn't contract for snow removal.

It was stated that volunteers/residents are allowed to pull material that has washed into culverts and re-spread over road, except in areas where millings have been spread.

Cinders have been delivered by the fire station and are available for anyone to use. New sand barrels (trash cans) need to be purchased for sand. There will be a call for volunteers to fill new and existing sand barrels. Approximately 8 – 10 barrels with tied lids and scoops are needed. Scoops can be empty coffee cans and plastic flower pots with holes in bottom work quite well.

Legal

Ms. Star reports that our attorney Brad Hays has completed title searches on five properties, and is compiling complaints for foreclosure

Ms. Kilburg asked if Mr. Hays was ordering foreclosures. Kilburg suggests that these delinquents were to be handled by a collection agency, not to be foreclosures. Star asked for any written correspondence from Brophy regarding his previous conversations with Hays regarding what services we expected. Brophy stated it was 4 vacant properties where water turnoff would not be effective. Brad Shurter asks why a lawyer needs to be involved with hiring a collection agency.

Ms. Star will follow up with Atty. Hays to confirm what course of action was requested and the status of the current situation.

HOA Act.

Star suggested that according to the Act there are certain governing docs that SLPPOA must file with county to be in compliance. Brophy states that the intent of the HOA Act is directed towards communities that do not have by-laws in place. It was stated that our bylaws should be the controlling document.

811 Law

Star questioned whether any action had been taken by the water team on the new 811 law requirements. Nobody present knew of any updates.

Architectural

No report.

Parks

No report.

Firewise

Forest Service is continuing controlled burns on Cerro Pelado and Paliza areas.

The locked road to Los Griegos has been graded. It was questions whether it could serve as an emergency exit for Los Griegos residents

Ms. Fredlund will inquire with Forest Service (Todd Lerke) as to whether the locked gate off High Rd. on the east side of the Association will continue to be an emergency exit, and this information be posted on website. She will try to get a map which should be distributed to the membership before the next fire season.

Public Relations

Mr. Nyhan questioned if it is needed to create a charter for this position, and will come up with some ideas. Nyhan would like to query the membership on their reactions to board responsiveness on such issues as curb stops that do not work anymore, chlorine issues, work projects with member involvement, etc.

New Business

Ms. Star brought forward a suggestion for a motion for the scheduled handling of

delinquent accounts, including an installment plan for members and aggressive and timely enforcement and legal action when deemed necessary. She voiced concern regarding the increasing delinquencies from 2011 ~\$2300 to the current ~\$18,000. and the fact that many delinquents are rolling over from year to year with no action for collection except liens. She suggested that liens alone will not solve the problem and that more aggressive action is needed.

She requested a clarification of process for all members to be included with the annual assessment billing.

Jan 1 is the due date for annual dues. Kilburg stated that all members have a 90 day interest free grace period until March 31 in which to pay their dues. If the dues are not paid by March 31, interest will be charged retroactive to January 1st.. If paid before, there is no interest due.

Star also requested that the special assessment (SA) due dates be clarified on the SA billing. March 1 is the due date, interest starts on March 10. There is no 90 day interest free grace period provided for in the SA document. However the same bylaw remedies prevail

Star suggested that the bylaws do not permit payments and that the board needs to either create a payment policy, if payments are to be accepted, or to remedy all delinquents equally

Discussion: The suggested motion was discussed. Some board members stated that taking each delinquency on a case by case basis to allow for extenuating circumstances (ie: folks who have lost work, who are making efforts to pay, or for whom shutting off water would not force payment) was a more productive method, as evidenced by recent receipts for some past dues. Brophy commented that we are dealing with an economic crisis. This is the first time in the history of the association that members have to pay dues and a special assessment.

The suggested Motion was tabled until December.

April 1st. Ms. Kilburg responded that she will make sure to include the assessment clarifications on the billing statements along with the bylaw reading. During these 90 days 3 warning letters will be sent. On July 1 a lien will be filed.

Ms. Star questioned whether installment plans for all members, in lieu of the current economic situation, might produce better collection results. Ms. Kilburg produced delinquency report from a past year in which installment plans were allowed which shows that payment plans did not produce better receipts.

Barbara asked whether there are any credit checks or how the board verifies the “hardship” of those now making payments.

Brad Shurter questioned what about the people who are on the hinge line and pay their dues although it is not easy for them, Shouldn't they be offered the same payment courtesy.

Ms. Kilburg stated that, according to the bylaws we cannot propose installment plans, but can work with individual property owners on a case by case basis. Mrs. Moore questioned how many people have been turned off? She stated that this remedy might produce more effective results and why not tried.

Kilburg stated that warnings have been issued but no turn offs have been initiated. Kilburg suggested one member has assured her that they will pay up by the end of the year.

Star suggested that the board should not guess what is good for the membership but instead ask them. Some on the board were not in favor with this course of action.

Discussion: Would it make a difference in collecting past due payments if we followed the letter of the law and shut off water for non-payers? Mr. Brophy suggested we move this discussion and Star's suggested motion to the December meeting.

Cell Tower Update

Jeff Moore reported on the meeting in Jemez Springs regarding proposed new cell tower in which he attended, and how it might affect SLP residents. The tower will be located near the State Monument, with a small footprint, and only about 200 residents would be reached. It would provide 3G service.

The next possible target for a tower is on the mesa behind Amanda's General Store. There is currently already a repeater there. This tower might be able to provide cell service to SLP. Mr. Moore agreed to work with Russ Kaufman of ComNet to convince him to put a tower there.

Mr. Nyhan suggested we petition ComNet to look here after Jemez Springs tower is in, a process which might be another six months due to regulations, etc. He suggested an informational blurb be sent to residents, followed by a petition to place 4G here. The discussion will be continued as old business in December meeting.

Old Business

Induction compensation on pumps idea from Mr. Bennett was tabled till the December meeting since Mr. Bennett was not in attendance..

Special Assessment Cost Update: Mr. Corn reported project costs vs. projections (see attached)

Ms. Shurter suggested that this information be posted to the membership in a shorter version. The board agrees to post this information

Water Usage Webpage: Discussion regarding publishing water usage information on a public page vs a password protected page vs not at all. There was stated a need to be aware of public perception when showing household leak rates, but the information is still useful to encourage residents to repair leaks that are discovered during the meter readings. Ms. Kilburg indicated that meter numbers will appear on the invoices so providing a list with the annual assessment billing would assure confidentiality.

Ms. Star will provide Ms. Kilburg information to be placed in the billing letter regarding average usage, etc. so residents may compare their own usage rates and take action as necessary.

Mid-November Billing motion to reduce delinquencies.

Ms. Kilburg reports that billing statements are ready to go out and is waiting on information regarding water usage, etc. before mailing.

Ruling on 811 Compliance Ms. Star will work with Mr. Corn to begin somewhat lengthy application process. A determination of who will be listed as Association contacts for the 811 call process is tabled till the December meeting.

Adjournment

Ms. Pero moved to adjourn the meeting at 10:26 pm. Ms. Fredlund seconded. Vote was unanimous to adjourn.