

**Stoney Brook Homeowners Association
Minutes of the Meeting of the Board of Directors
September 23, 2020**

Amended by the Board – October 28, 2020

Directors Present: Stan Trout, John Cowan, Uli Kappus, Craig Weber, Jack Kiner, Ron Branish, Andy Klatskin, Robert Bulkley and Bill Letson

Others Present: Angela Miller, Office Manager

Others Absent: Oliver Lynch, General Manager

Homeowners Present: Trina Shanks (Unit 311), Eric Gary (Unit 450), Vincent DiBiase (Unit 380), Jerry Gordon & Laura Goff (Unit 323), John Vondras (Unit 436), Dolly Bunke (Unit 128), Barry Wolach (Unit 370) and Karen Palaoro (Unit 118)

Call to Order: Mr. Trout called the meeting to order at 6:30 p.m. with a quorum established.

Approval of the Minutes: Mr. Trout recommends revising the “motion section” of the September 3, 2020 Meeting Minutes as follows in italics: to authorize Mr. Lynch to sign the proposal from NPW Contracting, Inc. for \$14K plus \$55/linear foot allowance for any additional crack sealing to repair the stream passed with no opposition. A **motion (Kappus/Branish)** to approve the August 26, 2020 Meeting Minutes and the amended September 3, 2020 Special Meeting Minutes both passed with no opposition.

President’s Message: Mr. Trout encourages homeowners to run for the board. Mr. Trout mentioned he has been contacted about the drag racing that has been occurring in the area recently. Mr. Kiner provided an update that police are unable to chase the drag racers per the law and safety of the public. Mr. Kiner mentioned owners may contact their District 4 Councilwoman, Kendra Black at kendra.black@denvergov.org to express their concerns of these issues.

General Manager’s Report: Mr. Lynch provided a report.

ONGOING PROJECTS:

- Pond/Stream clean up (weather permits)
- Painting/Power wash to be completed week of 09/21-09/25
- Pruning in-house
- Arbor Garden removing oversized dead branches

NEW PROJECTS:

- Waiting on Contractor to spray stream from Units 128-130
- Crack seal to start on main roads (excluding cul-de-sacs & Radcliff Circle) week of 09/21/20
- Prep and redesign stream from Units 440-444 week of 09/21/20
- Running test on ponds for leaking pipes

COMPLETED PROJECTS:

- Stream repair near Units 328-338, 349-351 and 367-369

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- 2021 Revised Homestead Painting Proposal added Units 112-114 & moved Units 118-120 from power wash to paint
- POOL WILL CLOSE FOR THE SEASON 10/4/2020 @11PM

Mr. Gary expressed concerns of the power wash/touch up process. Mr. Gary mentioned from the July 2020 Meeting Minutes it states the inspection of the units on August 5<sup>th</sup> will include the units postponed for painting in 2020 and those scheduled for 2021, the proposed 2021 schedule does not include the 2020 units. If the Board is going to extend the interval 7-year paint cycle, Mr. Gary recommends owners to have an expert evaluate for any exterior concerns to avoid any long-term issues to their units. Mr. Weber explained the evaluation process and the owners' responsibility for the carpentry repair expense. Mr. Weber stated a final decision on the proposed 2021 paint schedule will not be determined until the power washed only units are evaluated. Mr. Cowan mentioned the Board has taken on the responsibility to assist owners with painting of their buildings in the best interest of Stoney Brook to achieve uniform and quality standards. Homeowners that have the capability, and the responsibility of the building, and may paint outside of the scheduled paint cycle. An appeal from Unit 425 was submitted to the Board for review. Mr. Lynch, Mr. Weber and Paint Contractor will be assessing these buildings that were appealed and the power wash units.

**Treasurer's Report:** Mr. Branish provided the August 2020 Financial reports. Mr. Branish reported finances are in line with budget. The cash flow is \$56K. The balance sheet as of the end of August reflects consolidated reserve balances of \$307,359 of which \$230,282 is in bank checking or investments accounts, and another \$81,200 is in prepaid insurance that will increase our cash flow as a result of being a non-cash item in the Profit and Loss Statement. Mr. Cowan mentioned even though we have a commitment for a Line of Credit in place, the board is not allowed to move forward pending homeowners' approval. Mr. Branish mentioned we met all the insurance billing requirements which the final premium policy payment of \$170K, which will be reflected in September financials.

**Finance Committee:** Mr. Cowan provided the September 16, 2020 Finance and LRP meeting minutes, which will be posted on the website. Mr. Cowan summarized the bullet points from the meeting.

*Asphalt Repairs:* The Asphalt Committee, research engineers and several contractors provided recommendations along with estimates for repairing the streets to the LRP Committee. One of the engineer recommendations was to tear up and replace 30% of the streets (\$1M). This requirement is not known for certain until assessing the damage after milling the top layer. The LRP has placed this in the budget for 2023 and repairing the remaining streets, cul-de-sacs and the parking pads estimated at \$600K in 2024 both projects with an assessment of approximately \$5,400/unit.

*Ponds and Streams:* The maintenance crew has done in-house repair for any minor leaks to the ponds/streams. The pond behind 214 was repaired in 2015 by installing a fiber/rubber compound liner which should have long term results. Currently most of the streams are turned off to determine how much water is leaking from the ponds. The pond behind Unit 407 is losing water. If major repairs are needed the pond will be drained and cleaned out. LRP has a budget for a rubber compound liner in 2021 (\$30K). A bid was submitted to repair ten major ponds (\$411K) plus cleaning out sludge (\$10K) per pond. The LRP has planned about every 3-4 years for major pond repairs.

*Painting:* the 2021 proposed paint schedule will increase the budget by \$10K by adding two buildings to the list.

*Paths:* No specific plans, except for any in-house repairs.

*Court 3:* The committees agreed with so many other priorities (painting, ponds and asphalt) to hold off on this project at this time. A possibility for our staff to install a bocce ball court if time allows. This project was moved to 2025 in the budget as a place holder.

*Budget Status Review:* Currently looks good, but some of the items have yet to receive invoices or there is a timing issue compared to the budget forecast. The Year-End cash flow should be close

to what was budgeted. The Capital Reserves are building at \$44K continuously each year. A truck (\$40K) is planned to be purchased in 2022. Mr. Kappus inquired when should we start collecting for the assessment? Mr. Cowan responded from recent committee discussions the plan is to start collecting in 2022 for the project starting in 2023.

**Long Range Planning Committee:** Since the Finance and LRP Committee had a joint meeting, Mr. Weber did not want to be redundant by covering Mr. Cowan's topics again.

**Architectural Review Committee:** Mr. Kiner reported the committee approved 7 projects and additional 2 approved this morning. Mr. Kiner expressed no exterior work can begin unless proper forms should be submitted to ARC for approval. ARC has 45 days to review/approve projects. ARC approval is needed for any tree to be planted within an owners' plot or common area. The Grounds Committee is exploring the idea of transplanting plants from around ponds to other areas in the community instead of purchasing plants. Mr. Kiner is contemplating filing a formal complaint towards an owner, if they continue to do any work on their deck without submitting any forms for ARC approval.

#### Declarations Article 8 (ARC)

**Section 8.2 Required Approval.** *No structures, including residences, accessory buildings, tennis courts, swimming pools, antennas, flag poles, fences, walls, exterior lighting, landscaping, or any other Improvement shall be constructed erected or installed on a Lot, nor shall any alteration or change to the exterior of the Improvements, the exterior of a residence, to a Lot or to any structure or any attachment to the exterior of a residence (including paint, awnings, patios, decks, or shutters) be commenced within the Community unless complete plans and specifications shall have been first submitted to and approved in writing by the Committee as outlined in the Rules and Regulations.*

*The Committee may require that applications of Owners and their plans and specifications show exterior design, height, materials, color, location of the structure or addition to the structure or proposed Improvement (plotted horizontally and vertically), location and size of driveways, walls, windbreaks and grading plan, as well as such other materials and information as may be required by the Committee.*

**Section 8.3 Architectural Criteria.** *The Committee shall exercise its reasonable judgment to the end that all attachments, Improvements, construction, landscaping and alterations to Improvements on a Lot or landscaping of a Lot shall comply with the requirements set forth herein. The approval or consent of the Committee on matters properly coming before it shall not be unreasonably withheld, and actions taken shall not be arbitrary or capricious. Approval shall be based upon, but not limited to, conformity and harmony of exterior appearance of structures with neighboring structures, effective location and use of Improvements on nearby Lots, preservation of aesthetic beauty, and conformity with the specifications and purposes generally set out in this Declaration.*

**Section 8.5 Reply and Communication.** *The Committee shall reply to all submittal of plans and specifications made in accordance herewith in writing within forty-five (45) days after receipt. In the event the Committee fails to take any action on submitted plans and specifications within forty-five (45) days after the Committee has received the plans and specifications, approval shall be deemed to be granted. All communications and submittals shall be addressed to the Committee at the office address of the Association.*

**Safety Advisory Committee:** Mr. Kiner mentioned a couple of safety incidents (drag racing, I-225 noise, truck convoys and homeless tents @ Micro Center) in the surrounding DTC area. As

mentioned before please contact Kendra Black, [kendra.black@denvergov.org](mailto:kendra.black@denvergov.org) or non-emergency police, (720) 913-1300 to express any concerns in these matters.

**Insurance Committee:** Mr. Branish mentioned the \$262K insurance bill was paid in full. No claims reported.

Mr. Letson inquired if the Line of Credit was established. Mr. Branish mentioned per the Declarations the majority of the membership (67%) and the Board will need to approve before moving forward on the Line of the Credit, this may take effect during a special or annual meeting with proper notice.

**Education Committee:** Mr. Bulkley invited Ms. Bunker, Social Committee Chair to attend the meeting as well. The Education meeting will be held October 7, 2020 at 6:30 p.m. via Zoom meeting for new and existing owners.

**Communications Committee:** Any articles for the November/December newsletter should be submitted by October 30, 2020.

**Old Business:** Rules Modification: A **motion (Cowan/Letson)** to adopt the new revisions as written for Rule 5 *Animals are not permitted on the tennis courts, in the pool or hot tub areas, or in the clubhouse, except for service dogs* and Rule 14 *There shall be no smoking or vaping (tobacco or marijuana) within the Clubhouse, deck, pool, hot tub, and tennis court areas. No glass containers are permitted in the pool or hot tub areas, on the deck or on the tennis courts* passed with no objections.

Mr. Kappus asked what is the limit of guests per unit at the pool? The pool rules state 4 guests per unit and the owner must be present. Mr. Letson suggested this number increases. Ms. Miller stated owners have extended the limit of guests and it is difficult to monitor until the following day or weekend.

**New Business:** Mr. DiBiase suggested the Board require a minimum of 2 bids for a major project or annual projects (trees and paint) to meet the needs of Stoney Brook and in writing with the Board changing every 3 years. The GM is required to receive Board approval of any bid in excess of \$5K. Mr Cowan said, while it is not a formal requirement, multiple bids are solicited whenever possible to confirm we have selected the best provider and price.

Mr. Weber recommended we contact the HOA attorney to receive a list of requirements for handling the annual meeting if it needs to be a virtual meeting.

**Adjournment:** At 8:18 p.m., there being no further business, a **motion (Letson/Klatskin)** to adjourn until Wednesday, October 28, 2020 passed unanimously.

Respectfully submitted,  
Angela Miller, Recording Secretary

