

Concerned Members report and comments on the Board meeting of SLPPOA – April 10, 2018

NOTE: this is not the official Board meeting minutes that the Board is responsible for producing

Authors' notes and comments

- Our community is leaking over 500,000 gals/mon. -- *and the blame lies with the community. When are we going to wake up and understand that a reliable system costs money and cannot be a piecemeal project that wears out our volunteers.*
- A new proposal for a Bylaws change to charge for excess water usage is in process. *What you need to know is that it is not the only change, but that others will be added that will restrict your rights. We're waiting to see if the Board tells the membership about the other changes required by law to be incorporated as well. If they don't we will bring our report to the meeting.*
- Injury on playground equipment is a potential liability. *And, it can happen in SLP. A recent Nevada HOA [lawsuit](#) may cost each homeowner \$90,000 to pay off a judgment of \$20,000,000 all because of an injury caused because of Board negligence. Does SLP really need playgrounds?*

Meeting called to order 7:15pm

Board members present:, M. Otero, L. Otero , Nelson, Kilburg, Veverka, Corn, Weary

Guests: Star, Van Ruyckvelt, Chad Luke

Minutes approved

Agenda approved with Nelson's addition that he is resigning in May due to a move to CO.

No Officer Reports

Chad Luke the new webmaster brought to the meeting a contract for the board to review. Kilburg will coordinate with Schacht, the past webmaster. The Board has hired Luke for \$40/hr. As he has other work and family commitments, he will provide web update services periodically.

Treasurer Report

Account balances:

Operating - \$151,106

Reserve - \$118,829

Special Assessment - \$0 Money from the account was transferred to the reserve account.

Past Due - 4 delinquents owe a total of \$9,132. 11 members are still due the entire amount and 11 members still owe a portion of their dues. No report on the total outstanding balance.

\$660 was received from HOAMCO from the operating account to be transferred to the reserve account.

Legal cost – the lawsuit is currently at \$ 51,949

Other legal cost –\$936.59 –includes work on covenant violations, foreclosures etc.

Water Maintenance

A new owner of a lot that borders the system 1 tanks is having problems due to no pressure.

Raue has been hired to dig up the entire valve gallery at the system 1 tanks. The new valves will be labeled. Raue's estimated cost was \$2500-3500 for labor, plus new valves (\$1500 est.) The total expense is estimated at \$6000, and Raue can start next Wed. There may be water outages on system 1.

During discussion it was suggested that the valve at the system 2 tank should be replaced and that putting in a meter loop with a culvert where testing can be done should be considered. The final cost was estimated at \$8000 on tanks and valves.

Veverka met with an electrician (Manny) to review what improvements and removal of nonfunctioning parts are needed on the well houses. Manny will provide a list and send an estimate. He charges \$60/hr.

Water Compliance

Corn did not get the monthly report from water operator Frank, but says the report is in the mail.

The Consumer Confidence Report on the water systems is coming due. It will be posted for the membership and sent to NMED.

The well meter readings have been filed with state, and Corn is still dealing with finishing the requirements of the sanitary survey. One well head with new vent has been installed.

The Board is looking for a replacement for the water compliance officer.

Veverka reported that Level con is back on line for system 1.

Water usage- our community is wasting over 500,000 gals/mon.!!

Sys 1 – 658,500 gals. pumped, usage at 250,000 gals., leak rate is up– 9.4 gals/min. that could be due to a leak at the valve at the system 1 tanks. 20 leak flags reported and 4 users greater than 7000 gals/mon. The highest user at an unoccupied home is at 17,299 gals/mon. and was shut down and an email was sent to the owner.

Sys 2 – 293,000 gals. pumped, usage at 134,000 gals. at an increased leak rate of 3.7 gals./min. There were 6 leak flags, 2 properties usage above 7000 gals., and one at 14,000 gals. The owner was contacted by M. Otero and has indicated he will fix the leak promptly. *Glad to see a Board member taking action.*

Roads

Bonito Way – Montano & Assoc. can deliver millings and will be cheaper than cinders. Nelson questioned whether a hay roll should be employed for temporary resolution on erosion.

A sign for the cinder pile should be ready shortly and the same vendor may be contacted for signs for the valves.

Nelson question the liability for Crane the current snowplowing contractor. It was suggested that Crane may not continue the job next year and that a new contract needs to be developed and a new contractor hired.

Legal

Collection of past dues may be available on 2 foreclosed properties.

A motion to supplement the record for the lawsuit may incur some extra charges.

A certified letter has been sent out regarding a covenant violation. There has been no response yet.

Firewise

There were about 30 people at the first firewise activity this past weekend.

Chipper information is currently on hold due to a death in the Dickenson family.

Nobody from the county has responded on when the slash pit will open. M. Otero stated that the forest service is still assessing when it will open.

The fire season outlook is not good. Rumor suggests that the forest may be going into stage 1.

Parks

M. Otero stated that he could provide an unprofessional opinion of the playground equipment and that efforts to inspect need to be documented.

Architectural

M. Otero reports that one person has agreed to help on the Architectural committee. *Bylaws require a committee for any review.*

Old Business

Survey regarding the encroachment of the firestation on lot 16 – not completed

Sandoval county cinder pile is on hold until the survey is complete.

Water system spare parts – no progress.

Leak flags –Corn and Otero are looking into the possibility of using Google email scripting to notify those with leak flags because few property owners review the webpage for information. *We question why they haven't given a concerted effort to personally contact those with leak flags.*

Excess usage policy – a letter was submitted from Fredlund for Board approval to move ahead with a Bylaws change. Discussion included that a Bylaws change can only be accomplished after a membership meeting and then ballots will be sent for a vote. Additional changes that have been contemplated for Bylaws changes; explanation on late fees and a clarification on lot 16 that houses the firestation, need to be considered. Decision on whether go for one bylaw change or multiple changes was put on hold. *What the Board fails to address are the mandatory provisions of the 2013 HOA law that will automatically be adopted; some that will rescind or change our Bylaws rights.*

Nelson –Cattle fencing for SLP –no report from Schmitt.

Kilburg – Management /Accounting firms bids –no progress

Kilburg– Property taxes went up and property evaluation rates need to be reviewed before Apr 30.

Veverka –Covenant revisions – no progress

Kilburg –Lawsuit info – posted

Drainage on Cerro Pellado – may be able to start cleaning it up.

Board –Policy on annual dues assessment was passed. *There was no explanation on about what the policy included.*

New Business

Luke will be contacted to take over the Google drive management because Fredlund resigned.

Nelson will resign at May meeting.

Star brought up a [*lawsuit*](#) in Nevada that concluded in a \$20,000,000 jury judgment award against an HOA for a swing set that collapsed and cause brain damage injury to a 15 year old. The judgment can leave each property owner holding the bag for \$90,000. *A precedence has been set for more extreme judgments and you can guess who the winners and losers will be. [*Kids don't lose in court.*](#)*

Star reiterated her concern regarding the liability to SLP owners and whether the playground equipment is worth the risk. Kilburg stated that there was no need for concern as she has inspected the equipment herself on occasion, talked to the insurance agent and that this incident was a *fluke* and it will probably be negated in the appeal process. *We question why the laissez faire attitude about a potentially serious situation. We're talking about seldom used playground equipment vs risk of severe monetary liability to property owners in SLP. Can't happen here.. huh? The insurance agency could care less. Their only responsibility is to pay out according to the limits of the policy (\$1million per occurrence) and the property owners will shell out the rest. The insurance agency has no dog in this fight.*

Star asked about the insurance updates, and commented about some errors on the policy. She also questioned the claim with Philadelphia Insurance that is an exclusion on the Travelers D&O insurance policy. No one could answer the question. *In the June 2016 minutes Brophy reported, "Philadelphia, declined to renew our policy due to our loss frequency and severity as a result of two claims with a loss ratio of 405.43%. This was due to the amount they paid for the flood damage on one residence." We're requesting clarification on this issue.*

Closed meeting called 9:10 pm

Cars dispersed 9:30pm

ss/bv