

NEWBERRY STATION HOMEOWNERS ASSOCIATION
BOARD OF DIRECTORS MEETING

September 1, 2010

I. Call to Order

A. The meeting was called to order at 7:16

B. Roster

Board Attendees	Brandon Farlander Michael Miller Todd Austin John Saulsbery Mark Sajbel
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Management	Brandi Langeneck, Community Manager
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II. Approval Of Minutes

Deferred.

III. Election Of Officers

President	Brandon Farlander
Vice President	John Saulsbery
Secretary	Michael Miller
Treasurer	Todd Austin
Member At Large	Mark Sajbe

IV. Shannons Landing Way

A number of the owners of lots on Shannons Landing Way have expressed a wish to leave the Association. The Board does not object to this occurring and is willing to assist in making it happen. This assistance might include such measures as providing information, submitting the matter to the members for a vote, and signing the necessary and appropriate documents.

As a first step, the Ms. Langeneck, at the Board's request, provided Mr. Saulsbery a complete mailing list of the owners of all lots on Shannons Landing Way to share with those owners.

Mr. Miller and Ms. Langeneck met with the Association's attorney, Maurice E. Moylan, who advised them that the Board can do nothing further at this time pending the formation of a corporate entity by the residents of Shannons Landing Way and the hiring of an attorney by that corporate entity.

V. Loan And Road Construction

During the past month, the Board circulated ballots to members of the Association, asking for a vote on the proposition "Do you consent to the Association borrowing the amount of \$280,000.00 from M & T Bank, subject to and in accordance with the terms and conditions set forth in the bank's loan commitment letter dated June 23, 2010." Ms. Langeneck reported, as of September 1, 2010, 128 members of the Association had voted yes; 14 had voted no.

Section VII of the "Articles of Incorporation of the Newberry Station Homeowners Association" and the Article IV, Section 1(a) of the "Amended And Restated Declaration Of Covenants, Conditions, And Restrictions" (Covenants) of the Newberry Station Homeowners Association both require, in the words of the Covenants "the consent of two-thirds (2/3) of each class of the then members of the Association, voting separately, to borrow money for the purpose of improving the common areas and community facilities . . .". Inasmuch as the Association currently has 182 members, the Association has received consent from a sufficient number of the members to proceed with the loan.

Ms. Langeneck further reported that M&T Bank had extended the period of acceptance for the commitment letter to September 15.

Helaine Berry, Vice President of the Bank, is preparing the loan documents for signature by the Association President. These documents should be completed and signed within the week.

With the loan in hand, Mr. Miller moved to accept the proposal from Commonwealth Paving, Inc., for \$335,000 to rebuild Hamilton Court, Trestle Ct., Ainsley Court, Pool Access Road, and Stationhouse Court and also to award a contract of \$10,000 to GJB Engineering Inc., for inspection of the work to assure conformance with the specifications in the Association's Request for Proposals. The motion was seconded by Mr. Sajbel and approved unanimously.

Note that Commonwealth requires a 21 day advanced written notice prior to the date of the Notice to proceed with the work.

Mr. Dexter Johnson has volunteered to function as the Association's Contracting Officer's Representative in administering the Commonwealth contract.

The Board also requested that an offer be made to GJB Engineering Inc., for a determination of the feasibility of amending the Commonwealth contract to having Commonwealth asphalt the walkway from Shannons Landing Way to the pool and clubhouse (and if feasible coming up with the specifications for the additional work).

VI. Accounting For Snow Removal

The "Statement of Income and Operations", as of August 20, 2010, shows a charge of \$24,220 against operating expenses for the snow removal contract, as opposed to the \$3,500 budgeted for that contract in 2010. Article V, Section 3, of the Covenants, states that "The reserve for replacements . . . may be expended . . . for start-up expenses and operating contingencies of a

non-recurring nature relating to the common areas and community facilities". Given that the unexpectedly large expense for snow removal was caused by a pair of non-recurring, extraordinary snow storms, Mr. Miller moved to have the \$24,220 charged to the reserve replacement fund instead of operating expenses. Mr. Allen seconded; the Board approved the motion unanimously. The \$3,500 budgeted for ordinary levels of snow fall is now set aside for November and December of 2010.

VII. Repairs To Plumbing In The Clubhouse

Mr. Miller noted that the toilet in the clubhouse is still not functioning properly. Ms. Langeneck will arrange the repairs.

VIII. Pool Contract

Mr. Miller moved to not exercise the option for extending the contract with Continental Pools and to instead resolicit, with the solicitation clearly identifying opening and closing tasks that will NOT be performed by the contractor. Mr. Allen seconded; the Board approved the motion unanimously.

IX. Landscaping Contract

Mr. Saulsbery moved to not exercise the option for extending the contract with Professional Grounds Inc. and to instead resolicit. Mr. Miller seconded; the Board approved the motion unanimously.

Concerns were expressed that Professional Grounds staff last cut the grass at a level below that in the Quality Assurance Surveillance Plan. Ms. Langeneck will investigate and, if that is the case, deduct the specified amount from payments to the contractor.

X. Trash Contract

Mr. Sajbel moved to not exercise the option for extending the current contract and to instead resolicit. Mr. Saulsbery seconded; the Board approved the motion unanimously.

XI. Street Signs

Ms. Langneck reported that she is working with Mr. Dexter Johnson on obtaining signs, Mr. Johnson having volunteered for that task.