

EMPIRE HILLS CONDOMINIUM ASSOCIATION

ANNUAL MEETING

2/24/10

October 3, 2009

MINUTES

- I. **ROLL CALL:** Mr. Sciannella, Empire Hills Condominium Association (EHCA) Board Treasurer, conducted the roll call of lots. Mr. Sciannella counted 18 lots of members present, 15 proxies held by Mr. Meehan, EHCA Board President, 10 proxies held by Mr. Halperin, and 1 proxy held by Mr. Bennett, EHCA Board Secretary, for a total of 44 lots present or present by proxy. Mr. Sciannella reported that 41 lots were required for a quorum (60% of 69 lots in good standing) Mr. Meehan declared that there were a sufficient number of members present and proxies of record to form a quorum.
- II. **CALL TO ORDER:** Mr. Meehan called the EHCA Annual Meeting to order at 10:45 a.m. (EDT).
- III. **OLD BUSINESS:** Mr. Meehan (Lot #s 18 & 76) asked for discussion of the 2008 Annual Meeting minutes. There was no discussion. Mr. Chesney (Lot # 46) motioned that the minutes of the 2008 EHCA Annual Meeting be approved by vote of EHCA members present. The motion was seconded by Mr. Williams (Lot # 61). The vote was unanimous to approve the minutes.

The Board reported that, to date, there has been no response from the Empire Village President, Empire Village Zoning Administrator, or the developer of the New Neighborhood to the letter sent by the Board regarding the "junk" piled up on a New Neighborhood lot abutting EH property.

Mr. Bennett, EHCA Secretary, (Lot # 70) referred the EHCA members present to the 2008-2009 Board Actions Report, which was sent to the members prior to the meeting and asked for questions or concerns about the actions taken. In response to a question about dividing up the work of the Board equitably between the Board members, Mr. Bennett explained that areas of Board responsibility, such as road maintenance, snowplowing, landscaping of the Bennett Street entryway to Empire Hills, mowing, pump and sprinkler system for the entryway, EHCA archives, among others, have been divided up among the Board members to oversee.

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- IV. TREASURER REPORT:** Mr. Sciannella, EHCA Treasurer, (Lot # 11) presented the 2008-2009 Treasurer Report. The Treasurer's report was handed out at the meeting and was discussed.

Mr. Sciannella reported that several owners are seriously in arrears. Mr. Dykstra (Lot # 21) asked the Board whether Lot #s 22, 23, & 24 had been resold. The Board stated that the lots had been owned by the holder of the previous owner's mortgage from late February 2008 to the recent sale of the lots. Dues have been paid since March 2008. Unpaid dues on 22-23-24 from 2005 through Feb 2008 will, in all likelihood, have to be written off.

Mr. Ball (Lot #s 35 & 36) asked if the Board collects late fees on delinquent Association dues. Mr. Sciannella responded that interest is charged on the amount of dues delinquent at the rate of 7%. Mr. Sciannella reported that interest is not assessed on delinquent dues until six months of delinquency is reached.

Mr. Sciannella stated that owners in arrears on their dues must pre-pay for fall mowing.

The proposed budget was discussed. Mr. & Ms. Halperin (Lot # 28) noted the amount spent for snow plowing in 2008-2009 and the budgeted amount for 2009-2010. The Halperin's proposed that the Board look into getting multiple bids for snow removal to reduce the cost and review ways that the expense be reduced while still providing safe access to homes that are occupied in the winter. Mr. Sciannella responded that the Board seeks multiple bids for contracts exceeding \$250.00, such as snow plowing.

Mr. Wollenhaupt (Lot #s 12 & 13) stated that a proposed budget is a "working tool" that can be increased, if necessary, or funds shifted to different areas to meet needs and obligations that arise.

Ms. Ball (Lot #s 35 & 36) proposed that the Board needed the opinion of the owners before the Board votes on issues related to the budget and expenditure of EHCA funds. Mr. Schaus (Lot #71) asked the Board if there was a maximum limit to the budget. Mr. Hulick (Lot #s 49 & 69) replied that 10% of monies collected by must go into the EHCA general fund. Mr. Schaus stated that homeowners and lot owners have a common interest in making EH look attractive.

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Mr. Bennett stated that EH is a community of both homeowners and lot owners, and it would be destructive to EHCA to start pitting one against the other - "us-against them"- on the issue of snow removal. Mr. Bennett continued that clear roads in EH is important to residents, visitors, delivery vehicles, repair vehicles that use the EH roads during the winter.

Mr. Sills (Lot #26) stated that lots are looked at during the winter and snow plowed roads would be an asset to those trying to sell their lots.

In response to a question as to whether dues can be increased if the budget is exceeded, Mr. Sciannella replied that there is no history of the budget being exceeded. Ms. Chesney asked as to whether there is a rule in the EHCA By-laws for spending. And, Ms. Ball asked if there is any provision in the By-laws that allows funds to be moved from one item to another and that owners would have to approve such an action. Mr. Sciannella replied that the Board would look into this.

Mr. Dykstra suggested that the Board should establish a set price for snow plowing. Mr. Spidell (Lot # 48) replied that, if done, the Board would not find anyone to do the plowing. Mr. Sills suggested that the Board adopt a "snow philosophy" that would include more than just a dollar amount.

Ms. Williams (Lot #61) motioned that the budget be accepted. The motion was seconded. The vote was unanimous to accept the budget.

V. Committee Reports

Ms. Hanson (Lot # 11) presented the Architectural Review Committee (ARC) Report.

Ms. Hanson reported that ARC did not receive a request for the approval of any house during the 2008-2009 year. Ms. Hanson described the ARC and the work it performs for EHCA. She stated that any changes to a house's originally approved landscaping plans must be submitted to the ARC for approval. Ms. Hanson indicated that the ARC will be making changes to the ARC Checklist for the approval of building plans in order to better reflect the EHCA By-laws because it is the ARC's responsibility to ensure the building plans adhere to the By-laws. And, Ms. Hanson indicated that there was currently a position open on the ARC due to a resignation.

Ms. Ball suggested that, after reviewing the plans, the ARC might have a professional look at the plans. Ms. Hanson responded that the ARC would have to take into consideration whether funding was available before considering a contract with a professional to review plans. Mr. Wollenhaupt stated that in the past house plans were submitted to an architect.

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Mr. Wollenhaupt cautioned that in submitting plans to an architect for review the ARC would have to make sure that the plans are approved within the 14 days required by the EHCA By-laws. Ms. Weissblatt (Lot # 53) commented that, in her experience, architects take a long time to make decisions.

The Board asked for volunteers to serve on the ARC over the 2008-2009 year. Mr. Murray (Lot # 64), Ms. Weissblatt, Mr. Sills (Lot # 26), Ms. Schaus (Lot # 71), and Ms. Hanson volunteered to serve. A question arose from the floor as to whether the ARC could have five members. Ms. Schaus made a motion that the ARC could have five members. Mr. Schaus (Lot # 71) seconded the motion. The motion was approved unanimously. All five volunteers were appointed to the ARC.

Ms. Hulick (Lot #s 49 & 69) questioned the Board as to whether landscaping could be done in the common areas, such as the South Village Court cul-du-sac. Mr. Meehan invited Ms. Hulick to present the Board with a proposal for landscaping the cul-du-sac and other common areas. Ms. Deanne suggested that the cul-du-sac and other common areas to be landscaped be given an "up north" look with prairie grass and natural wildflowers native to the area.

VI. Nomination and Election of Board Officers

Mr. Hulick presented an amendment to the EHCA By-laws to create four permanent Board positions: President, Vice-President, Treasurer, and Secretary. Mr. Sciannella stated that the Treasurer-Secretary' position includes almost all the work done by the Board, which would be a heavy burden on one Board member. Mr. Sciannella explained that in the past one member was added to the Board so that there could be a separate position of Treasurer and a separate position of Secretary held by two different Board members. Mr. Sciannella stated that since 2005 four Board members have been voted onto the Board at the Annual Meeting. Mr. Sciannella indicated that all four members have been voting members on the Board.

Mr. Ball suggested that perhaps the Board could find a professional treasurer to help the Treasurer-Secretary. Mr. Ball suggested that the Treasurer-Secretary would supervise the professional treasurer. This idea was put aside for the time being.

MRS BALL

~~Mr. Koser~~ (Lot # 40) motioned that a vote be taken to establish four permanent Board positions: President, Vice-President, Treasurer, and Secretary. Mr. Chesney (Lot# 46) seconded the motion. A vote was called and the motion was passed unanimously.

The vote was unanimous to pass the amendment.

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Mr. Meehan announced that he and Mr. Bennett would not be standing for election to the Board, but that Mr. Hulick and Mr. Sciannella would. Mr. Wollenhaupt and Mr. Halperin expressed their interest in standing for election to the Board. Ms. Dean motioned that nominations be closed. Mr. Sills seconded the motion. The motion was passed unanimously.

Mr. Sills asked that those nominated introduce themselves by giving their background, reasons for their interest in being on the Board, what their vision is for EH and EHCA, and what they would like to accomplish while on the Board.

Mr. Sciannella spoke of his year and a half as Board Treasurer, the need for small, well designed "For Sale" signs on all lots, and culling EHCA By-laws for the purpose of making changes, amendments, and deletions.

Mr. Hulick also indicated that he wanted to address the For Sale sign issue and review the By-laws to make them more relevant. Mr. Hulick expressed his interest in creating a better presentation of EH with improvements to entryways and streets.

Mr. Halperin also expressed his interest in the presentation of EH and For Sale signs on lots; improvement of EH roads, more frequent communication of the Board to owners.

Mr. Wollenhaupt stated that had already served on the Board a number of years. He indicated that he has the same interests as the other nominees, especially the idea of more communication from the Board to owners.

Mr. Meehan called for the election of the nominees to the Board by voice vote. The four nominees were approved unanimously by voice vote.

Mr. Chesney asked when the term of the new Board would start. Mr. Meehan replied that it started immediately.

VII. New Business

Mr. Hulick asked for a vote to present a proposal for "For Sale" signs on empty lots in EH. Mr. Sciannella suggested that the Board could explore the issue of modest For Sale signs in EH.

Mr. Halperin motioned to approve the new board's preparation to hold a special vote by all members in good standing to approve or deny a revision to the By-laws to allow specifically designated For Sale signs on empty lots in EH. Mr. Spidell seconded the motion. Mr. Meehan called for a vote. The vote was 23 ayes and 19 nays. Mr. Meehan announced that since more than 50% of the voting members voted aye, the motion was passed.

Mr. Hulick announced that, upon request, the Board will provide a cd of the By-laws EHCA members.

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VIII. Adjournment

Mr. Meehan motioned that the meeting be adjourned. Mr. Sills seconded the motion. The motion was passed unanimously. The meeting was adjourned at 12:15 pm.

Special Note: It is anticipated that for the year ended 12/31/09, for each dollar of dues paid, 86 cents will go toward expenses and 14 cents will go to the road reserve.