

THE LAKE AT HERITAGE POINTE OWNERS ASSOCIATION
MINUTES OF THE BOARD OF DIRECTORS MEETING
Tuesday, August 25, 2009

1. CALL TO ORDER

President David Baker called the meeting to order at 5:00 p.m.

2. ATTENDANCE and QUORUM

In attendance: Board members David Baker, Michele Fercho-Wilmoth (at 6 pm), Tom Gear, Elaine Ironside, and Peter Grant plus Brian Lilley from CRESI and Facility Manager Lou Nagy-Gyorgy.

With six of seven members in attendance, a quorum was confirmed and the meeting was declared duly constituted. David Baker chaired the meeting and Brian Lilley recorded the Minutes.

3. APPROVAL OF MINUTES

Moved by Tom Gear and seconded by Elaine Ironside that the Minutes of the Board of Directors Meeting held on June 23, 2009 be approved and adopted as presented. All in favour. The chair declared the motion carried by a show of hands vote.

4. FINANCIAL REPORT

Brian Lilley reported that the Association was running a \$9,500 surplus for the first 7 months of the fiscal year as expenses caught up with budget over the past 2 months. Generally speaking, expense items are in line with budget with the possible exception of Irrigation System Repairs and Tree Replacement.

As of Aug 25, 2009, receivables for the 2009 Association Fees stood at approximately \$6740 from 6 units, which have been sent to legal counsel for collection.

Moved by Tom Gear and seconded by David Baker that the financial statements for June and July 2009 be accepted as presented.

All in favour. The chair declared the motion carried by a show of hands vote.

5. MANAGEMENT REPORT

Brian Lilley referred to the Management Report appended to the June and July financial statements.

6. FACILITY MANAGER'S REPORT

Lou Nagy-Gyorgy reported as follows:

- Repairs have been made to the Beach Club dock plus various paddle boats & kayaks
- Advised that he will be on annual vacation from Sept 18 to Oct 19 but will be around
- Advised that additional assistance might be required for snow removal next winter if snowfall levels remained high, and suggested that Len Harris might be retained on a casual part-time paid basis to help out
- Lake algae problem was being treated with copper sulfate

Security Issues

Lou also reported on the following security issues over the past summer and recommended that the Board take steps to address the issues:

- Increase in non-residents using both the beach club and the lake facilities
- Lack of security due to fact that entrance gate is not self-closing (and constantly left open), and there is no entrance security
- Access card system is fairly basic and doesn't provide photo id
- Kids appear to be breaking into the beach area after hours ... abusing facilities (fire pit broken) ... under age drinking

The Board requested that Lou put together a specific proposal with costs to better control facility access. Possible options included photo id's, controlled gate access, establishing separate access to the beach club house and the lake

Phase 7 Irrigation System

Lou advised that Jason had done an excellent job getting the system up and running, and that the developer was anxious to have the Association sign off on it. The Board deferred acceptance pending the outcome of other developer issues.

7. OLD BUSINESS**7.1 Water Licenses**

David Baker advised that Ted Stack has not followed up on his original request to meet with the Board to discuss the possibility of changing the designates on the two non-potable water licenses.

7.2 Corix Rate Increase Application

Tom Gear advised that the Alberta Utilities Commission had likely ruled on Corix's rate increase application; and that the September 1, 2009 public meeting was likely to announce the increase. David Baker indicated that he would be attending the meeting.

7.3 Calgary Regional Partnership

David Baker advised that there was 45 days left in the appeals process; and that there was nothing new to report.

7.4 Grass Bin

Lou reported that the use of the municipally sponsored grass bin was a good experiment this past summer. It probably lightened T&T load and helped the residents dispose of their grass clippings. However, the problem of residents dumping bagged grass in the bin as opposed to unbagging the clippings persisted. Perhaps better signage might help next year if the municipality decided to continue the service.

8. NEW BUSINESS**8.1 Landscaping/Architectural Approvals**

The Board considered the following applications:

- 8 Heritage Lake Court ... approved the outdoor swimming pool addition and landscape plan revision as documented on approved by Mary Boyes dated Aug 13, 2009 along with the pool mechanical equipment enclosure as detailed in Gary Ray's email of Aug 14, 2009. Brian will solicit any objections from the neighbour at 4 Heritage Lake Court relative to the enclosed versus non-shelter equipment arrangement with a view to resolving any issues in a mutually satisfactory manner. The possible issue of replacing the existing perimeter fencing with a similar 6' high fence was not addressed and would be considered as a separate application if brought forward by the owner.
- 124 Heritage Lake Drive ... attached storage shed approved as submitted

8.2 Restrictive Covenant & Encumbrances Agreement

Brian Lilley advised that the Association's lawyer, Darren Taylor of Gowlings, had provided him with the following verbal advice pending a more detailed written report:

- The prohibitions in the Restrictive Covenant & Encumbrances Agreement were enforceable in court ... and that the courts would take a positive approach
- While the prohibitions could be enforced, the Association could not force owners to do something ... i.e. landscape guideline could be enforced but residents could not be forced to landscape
- The enforcement process involves a warning letter (or two) from the Association before referring the matter to legal counsel ... legal counsel would serve notice and file with the court if the situation was not remedied
- If a resident failed to rectify the problem in the face of a court injunction, legal counsel would apply for an enforcement order
- The Association would likely receive court costs but not necessarily legal costs

The Board asked Brian to ascertain the legal costs involved in the process.

76 Heritage Lake Drive – Commercial Signage

Brian Lilley advised that he had no response to his letter of August 7 regarding the resident's non-approved commercial sign. The Board advised Brian to write one more letter before resorting to stronger legal action.

Recreational Vehicle Parking On-Site

The Board instructed Brian Lilley to provide non-compliant owners with a 2nd more strongly worded warning. The Board would decide at what stage the issue would be turned over to the legal counsel for prosecution.

8.3 Community Website

The Board reviewed potential static content for the website with consideration for a dynamic element, which could be used for timely notices, event promotions, special event news etc. David Baker indicated that he would put something together for Board consideration in time for the September Board meeting.

8.4 Tree Replacement Situation

Despite Brian and Lou's cooperative effort the Developer has not been able to coordinate a site meeting including their landscaper. With the latter's return from vacation, it is anticipated that the meeting will take place in the next week.

8.5 Block Watch Program

David Baker reported that one of the residents had offered to re-start a community Block Watch Program, and that he was looking at setting up a meeting in mid September. Input was being sought from the Rural Crime Watch Group, and there was potential for MD financial assistance.

8.6 Garbage Collection

David Baker advised that Recycle Blue were struggling with the limited number of clients within the community, and he was going to get a quote from them for an Association sponsored community wide program. Such a program might allow the Association to lower the bag limit with T&T to reduce the collection cost to help offset a recycling program.

8.7 M.D. Recreation Field

David Baker advised that the plan was moving along with final drawings going to council in the near future. He anticipated that there might be public meetings in the fall, with possible preliminary fieldwork started next spring.

9. NEXT MEETING: Tuesday, Sept 29, 2009 at 5:00 p.m. in the Beach Club House

10. ADJOURNMENT: 8:30 p.m.