

THE LAKE AT HERITAGE POINTE OWNERS ASSOCIATION  
MINUTES OF THE BOARD OF DIRECTORS MEETING  
Tuesday, February 24, 2009

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**1. CALL TO ORDER**

Vice President Sam Chahda called the meeting to order at 4:35 p.m.

**2. ATTENDANCE and QUORUM**

In attendance: Board members Sam Chahda, Randy Kaminsky, Michelke Fercho-Wilmoth and Linda Michl, plus Brian Lilley from CRESI and Facility Manager Lou Nagy-Gyorgy.

With four members in attendance, a quorum was confirmed and the meeting was declared duly constituted. Sam Chahda chaired the meeting and Brian Lilley recorded the Minutes.

**3. APPROVAL OF MINUTES**

Moved by Randy Kaminski and seconded by Linda Michl that the Minutes of the Board of Directors Meeting held on January 29, 2009 be approved and adopted as presented. All in favour. The chair declared the motion carried by a show of hands vote.

**4. TREASURER'S REPORT**

Brian Lilley reported that the 2009 fiscal year was off to a good start with no unusual expenses for January and a small positive variance versus budget. Receivables for the 2008 Association Fees stood at a single outstanding account. Invoices for the 2009 Association Fees were mailed to all owners on or about February 09.

Moved by Randy Kaminsky and seconded by Sam Chahda that the financial statements for January 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 January financial statements, with other issues being addressed under Old & New Business Sections.

**6. FACILITY MANAGER'S REPORT**

Lou Nagy-Gyorgy reported as follows:

- The new cameras and dvd recorder had been almost completely installed and operational with only one wire left to be connected
- Normal maintenance performed on the tractor ... operating hours were slightly higher than anticipated due to heavy December snowfall
- Applications for the Alberta STEP program were in the works with application being made for 4 employees

**7. OLD BUSINESS**

**7.1 2009 Landscaping Contract**

Brian Lilley reported that Bharat Mahajan had accepted the draft of the landscaping contract with the non-performance clause; and that he would execute the contract on behalf of the Board.

**7.2 Storage Facility**

Based on his emailed report to the Board dated February 04, David Baker reluctantly felt that more discussion was required and his recommendation was to look at only a storage facility with the addition of a site manager's office. Randy Kaminsky volunteered to assess the Beach Club building in terms of expansion possibilities. Further discussion and direction relative to any presentation to the owners was deferred until the March meeting.

**7.3 Mail Box Kiosk**

Brian Lilley reported that the Developer had confirmed that the title to the land (part of Block 5 registered under Plan No. 0110933) on which the mailbox kiosk was located had not yet been transferred to the Owners Association. In response to David Baker's contention that the developer as owner should be responsible for the snow removal costs, the developer indicated that usage and not ownership was the qualifying factor; and that they were not prepared to pay for that service.

Brian Lilley was asked to check with the developer as to when title might be transferred.

**7.4. Landscaping Approval Process**

Brian Lilley was asked to obtain legal clarification as to the association's enforcement options. An inquiry had been received from the Owner of unit 96 Heritage Lake Shores regarding the status of their non-approved paving stone patio that encroached onto community lake front property. Brian Lilley will investigate.

**7.5 Corix Rate Increase Application**

No information available at this time as to the status of the cooperative rate application appeal to the A.U.B.

**7.6. Video Surveillance Signage**

Randy Kaminsky suggested that signage be posted at the entrances to the complex noting the fact that the area was monitored by video surveillance. However, there are legal and liability issues about promoting a false sense of security, and any video surveillance warnings should be restricted to those areas that are actually under surveillance

**8. NEW BUSINESS****8.1 Shaw Cable TV Service**

Pursuant to the emailed approval of the Board, Brian Lilley confirmed that the Shaw Cable TV subscription for the Beach Club had been cancelled effective March 01, 2009 at a savings of approximately \$60.00 per month. The cable internet service was being retained.

**8.2 2009 Annual General Meeting**

Brian Lilley confirmed that the Golf Clubhouse had been booked for the 2009 AGM on Tuesday, April 28, 2009 with registration scheduled from 6:30 and the meeting at 7:00 p.m. Similar arrangements regarding refreshment services etc as last year were confirmed. Appropriate notices would be mailed to all unit owners 30 days prior to the meeting.

**8.3 Liability - Private Winter Vehicles on Ice**

In reference to concerns raised regarding the Association's liability relative to the use of private winter vehicles on the Lake Ice, Brian Lilley conveyed the following opinion from the Association's insurance broker:

- It is difficult to totally avoid all liability when it comes to the Occupiers Liability Act, primarily because there is nothing to prevent a person from suing for an incident
- The Association can only do what would be expected of normal prudent landowner:
  - Meet or exceed any local By-Laws
  - Proper signage that (1) prohibits people from operating private vehicles on the ice, and (2) warns of the potential for thin ice and the fact that the thickness of the ice is not monitored on an on-going basis by the Association
  - If people ignore the signage and usage restrictions, the Association needs to notify the offender that such usage is prohibited due to safety and liability concerns and that they should refrain from such practice in future.

Randy Kaminsky suggested that the Association identify those individual who are approved to help it clear snow off the lake for the various rinks; and ensure that they sign a waiver limiting the Association's liability and responsibility. Brian Lilley will follow up with Lou Nagy-Gyorgy. Anyone else would be issued prohibitive warnings.

**8.4 Spring Waste Removal**

Linda Michl expressed concern regarding the problem in prior years with excess garbage bags during the spring clean up period. Lou indicated that the issue was restricted to 30 or 40 homes, and that T&T had been generally very cooperative about applying the bag limit. After due consideration and discussion, it was determined that the Association would issue a reminder notice to all residents regarding the bag limit, and identify off-site depots where bags of grass clippings and other landscape debris could be dumped.

**9. NEXT MEETING DATE:** Tuesday, March 31, 2009 at 4:30 pm in the Beach Club

**10. ADJOURNMENT**

As there was no further business to discuss, the meeting adjourned at 6:15 p.m.