

**The Lake at Heritage Pointe Owners Assoc.
Minutes of Meeting Jan 21, 2010 - 7pm at Lake House**

1. CALL TO ORDER.

Meeting called to order at 7.05pm by Greg Brown

2. ATTENDANCE & QUORUM

In attendance: Board members Ted Ostrowski, Greg Brown, Bill Ostare and Elaine Ironside. The Board would like to welcome our new property manager Shelley Harris (Cresi) to The Lake at Heritage Pointe. Elisabeth Brown to attend at a later time in the meeting.(to be called). Andrew Ironside (to be called at end of meeting for website preview).

3. APPROVAL OF AGENDA

Approved as is: Motioned by Ted Ostrowski, seconded by Bill Ostare.

4. APPROVAL OF MINUTES

Motion to approve December 16 2009 by Ted Ostrowski, seconded by Elaine Ironside. Minutes for October 20 2009 deferred until next meeting, 2nd deferral. Waiting for Michele to update meeting minutes to reflect meeting, and requires both Michelle and Bill to be in attendance.

5. FINANCIAL REPORT

5.1 2010 Operating Budget presented by Ted Ostrowski. Ted will send out cost saving proposal and possible reductions for board to review. Motion to approve the 2010 operating budget by Bill Ostare, seconded by Greg Brown. No objections.

5.2 Ted read aloud a letter he has prepared for the residents re. our financial update and current position. This letter is to be included in the fee collection package to be sent out by CRESI. Ted will forward an email finalizing the letter to be read at the next meeting. Thank you Ted for your diligent and thorough work.

5.3 Assignment of \$10,000 gift/donation from Larry Thomson (Thomson Luxury Homes). Motion to have funds allocated to purchasing a Zamboni as per TLH to benefit the community in the near future by Bill Ostare, seconded by Ted Ostrowski. No objections.

6.0 OLD BUSINESS

6.1 Mission Statement - values, goals and Objectives. Deferred.

6.2 Procedural rules and regulations* Deferred.

6.3 Positions Descriptions* Deferred

6.4 Facility Maintenance Lead – applications, recommendations Shelley advised she had received 7 applicable resumes and interviews had been conducted. Mr. Jason Frankish was the most qualified and her recommendation. Greg Brown and Bill Ostare volunteered to meet with Mr. Frankish. The board had no objections. A motion was made by Elaine Ironside to approve his hiring based on the second interview approval and that this position be salaried monthly instead of hourly rate of pay. Seconded by Ted Ostrowski. No Objections.

6.5 Corix Rate application - appeal* Deferred.

6.6 Yahoo group site* Deferred.

6.7 Community speed control* Deferred.

6.8 Interim Community Coordinator – Elisabeth Brown

Elisabeth outlined a proposal to replace our current management model and in the process eventually replace our property management system gradually becoming more hands on, flexible and cost saving. Elisabeth was thanked for her efforts. Much debate followed and it was agreed to give CRESI 60 days notice as per contract with extensions possible through until June if necessary. Motion to accept future CRESI termination made by Elaine Ironside, seconded by Bill Ostare.

Elisabeth provided update re Lake House. Motion to rename the Beach Club to “the Lake House” made by Elaine Ironside, seconded by Bill Ostare.

Elisabeth advised that the Lake House is in disrepair and provided a list of all deficiencies she is aware of. She reported that residents at the lake house were concerned that some of the broken items had been that way for a long time. She hoped that now with our new maintenance manager that the lake house could be brought up to par as the residents expect and deserve. The board thanked Elisabeth for the report and she was dismissed. Motion to approve a start up budget for the lake house for \$5000.00 to cover office expenses, furniture and incidentals necessary to conduct business – all included in a time schedule provided by Elisabeth as necessary. Maintenance items are covered in 2010 approved budget. Motioned by Ted Ostrowski, seconded by Bill Ostare. Elisabeth will provide expense account updates to CRESI.

6.9 Other old business

CORIX storage – Carlos is now approved and Shelley will send thank you letter and \$100.00 gift cert. for Stockmans Restaurant to thank Doug Knight, for his personal efforts, in allowing us to use Corix facility to store snow Kabota equipment. We accept that this agreement ends in 2010.

7.0 NEW BUSINESS

7.1 Ratify cancellation of Janitorial contract. -

Already approved by Ted, Greg, Elaine, Bill and Michelle. Motioned by Elaine Ironside, seconded by Bill Ostare. Savings realized of \$7200/year.

7.2 Ratify change of corporate lawyer from Gowling Lafleur Henderson to John Clifton MacLean Prof. Corp(Okotoks) -

Previously approved by Ted, Elaine, Tom and Greg. Motioned by Ted Ostrowski, seconded by Bill Ostare. Letter to be sent by Shelley advising Gowling, Lafleur, Henderson.

7.3 Motion to set AGM date for November 17 2010 to be held at the Lake House at 7pm. Date and location are firm and not to be modified. Motioned by Bill Ostare, seconded by Greg Brown. No Objections.

7.4 Motion to set funds in place to purchase a proper display of Christmas lighting to be installed and functioning on common property 1 week prior to AGM. A \$1000.00 allowance to be in place to purchase on sale. Bill suggested offering residents to sponsor a tree. Ted agreed that funding would be supplemented by sponsors (min \$100 per tree) with advertising on website and portable signs. Motioned by Ted Ostrowski and seconded by Bill Ostare. Thank you to 3 board members who are each willing to sponsor a tree. Sponsors and monies to be collected and recorded at the Lake House.

7.5 Motion to adopt director and board code of conduct rules and responsibilities dealing with confidentiality of boards and committees as supplied by CRESI (handed out) in the interim, to use as a template until the board can ratify our own specialized copy. CRESI to supply this material to all board members at the next meeting although materials were already supplied to all board members by Brian Lilley by email in mid Dec 2009. Motioned by Bill Ostare, seconded by Greg Brown.

7.6 Motion that a statement of confidentiality, proper board member conduct will be agreed to by each board member and witnessed by a minimum of 3 other board members including all discussion, contract negotiation, committee negotiation, unapproved agenda's & minutes, salaries and resumes. Any board member in violation will be asked to remove themselves from subsequent meetings but will still be entitled to a copy of approved minutes. Form to be created by CRESI and to be executed at next board meeting. This is a mandatory requirement of a LAHPOA director. Motioned by Elaine Ironside, seconded by Bill Ostare. No Objections.

7.7 FIRE PIT MATS

Mats are required around the fire pit to allow lake skaters access. This complaint voiced by +2 residents at Jan 1st open house. The task will be given to the maintenance manager for cost estimates and purchase, as per 2010 approved budget. Approved by all

7.8 Motion to approve the mechanism of using email and verbal voting by directors in between board meetings. Allow directors to be called from a meeting and their attendance by phone will be valid and they will have full voting powers. All decisions will be automatically ratified at the following board meeting. Motioned by Bill Ostare, seconded by Elaine Ironside.

7.9 Motion to approve use of resident's emails to distribute appropriate community based communications only. The Board will not use resident's information for any other purpose. The

resident's information will remain with the board as private, confidential and protected.
Motioned by Ted Ostrowski, seconded by Elaine Ironside. No objections.

7.10 Motion to turn off all electronic devices including cell phones, computers and any audio or video recording devices etc., at all board meetings, unless use is specific to the meeting and all attendees' agree, to ensure that all board meetings and committee discussions are confidential.
Motioned by Elaine Ironside, seconded by Bill Ostare.

7.11 Mr. Larry Thomson has graciously offered to build an expansion to our Lake House at his cost. The board discussed this opportunity at length including the need to expand for office, storage and social reasons. This would also include a heated storage garage, for all outside equipment. Motion to approve \$2000.00 to scope and investigate the costs, building estimates, and preliminary blue prints. CRESI will investigate terms for equity mortgage on the Lake House property. Motioned by Ted Ostrowski, seconded by Elaine Ironside. No objections.

7.12 OTHER

Greg and Shelley outlined some of the many discrepancies in our contract accounts and expenses within the past year or two. The board authorized Shelley to pay out an invoice only, with approval and after review of the president and the treasurer, until such matters are resolved and proper contracts renewed. Approved by all. Greg and Elaine advised the board they had met with CRESI on behalf of the residents to air concerns re CRESI performance and conduct of our past property manager Mr. Brian Lilley. The meeting ensured that CRESI took our grievances seriously and we requested a refund for all expenses related to the 2008 and 2009 AGM meetings that were not properly conducted on our behalf. Ms. Diane Vine promised follow up on serious concerns with breach of confidential information re HP business, issuing of contracts without any authority and payment to unapproved contractors etc.

7.13 Breach of confidentiality ie. board member undermining conscientious efforts of developer committee email attached. Deferred until next meeting.

7.14 NEW BUSINESS

Andrew Ironside previewed the website to board members. Andrew has created a self managed website that can be updated by assigned individuals. Andrew will continue to support, train and assist as required. This form of website was considerable more effort than planned but with excellent efficiency and easy to use. It was received well and it is apparent that it will require maintenance to be updated monthly or weekly. Andrew advised that he had volunteered to build the site. Thank you for volunteering. Andrews company normally charges clients a minimum \$150.00 monthly charge to maintain the website but since he is a resident he would discount it to \$100.00 per month. Board members agreed that it is necessary to have the maintenance and a motion was made to approve a 2 year maintenance contract with Wicked Websites Inc. Motioned by Bill Ostare, seconded by Ted Ostrowski.

8.0 COMMITTEE UPDATES

8.1 Communication - Elaine, Michelle, Lis Brown Deferred.
Open House Jan 1 report /Web site/Newsletter update
Request material from each committee for web site update

Requesting funds for email registration draws

8.2 M.D Foothills Liaison – Ted

- The board is happy to report Mr. Collin Marx is our new HP representative, Dunbow Recreation Board (DRB). Thank you Collin for volunteering. Ted to contact Larry Spilak to introduce himself as LAHP liaison.

- Mr. Larry Spilak MD of Foothills, advised the board that the MD is willing to assist the LAHPOA by covering our cost of sending newsletters, mass info, MD community related news. Thank you to our Div 6 Councilor.

8.3 Community Issue Liaison

- 237 heritage ISLE.. drainage complaint - Peter* Deferred.

- 8 heritage Crt pool fencing appeal – Greg reported he called and emailed the resident to inform him that his application had been rejected. Greg offered that board was willing to work with the resident and asked resident to look into legal implications with his neighbor and fencing alternatives. Greg also mentioned that bylaws do not properly address this issue at this time. Greg sent the resident the approved minutes as per his request. Greg ended the conversation with the understanding that if the resident could possibly return with legal neighbors agreements (land caveats) and with more information that the board would be willing to review application again. The next steps are required by resident only.

- 76 mews sign complaint – Greg reported the sign was relocated and the homeowner had thanked the Board for the timely actions .

8.4. Security and Safety - Bill and Elaine

Motion to change committee name from security and insurance, to security and safety.

Motioned by Ted Ostrowski, seconded by Greg Brown.

8.5 Update on Developer Relations Committee - Trees, Standstill agreement, lands - Greg provided an overview of developments.

On Dec 22, 2009 the developer sent an email stating that they were considering on Jan 8, 2010 legal action against lahpoa based on a two year limitation period from an event that occurred on January 28, 2008 regarding email licenses, since the previous board had not resolved the issue. The developer also claimed that this board was not acting in earnest even though LAHPOA initiated the first contact with developer on Dec 7, 2009 stating that LAHPOA was interested in resolving the license issues.; two weeks had transpired. A meeting with developer occurred on Dec 29, 2009 and the minutes have been sent to developer. This committee has spent +10 hours in discussions, since then, with both parties legal council and related emails. Although our legal representative sees absolutely no merit in the developers two year limitation period it was deemed "easier" to enter into a January 14, 2010 "standstill agreement" to alleviate a unfounded statement of claim to be registered against lahpoa. This stand still agreement does not prejudice our community's position. We have attempted to continue, what we had already started, which was performing our due diligence on the last three land transfer parcels (phases) , getting a new inventory of Black Ash (sick and dead) trees, upper lake and lake integrity verifications, inspecting irrigation transfers, and last but not least engineering water requirements and related water license separation.

9.0 **NEXT MEETING** : Feb 17 2010 @ 7 pm Motion to adjourn at 10.05pm by Ted Ostrowski, seconded by Bill Ostaré.