

## **The Lake At Heritage Pointe Owners Assoc.**

### **Meeting Minutes Mar 03 2010 - 7pm**

#### **1. CALL TO ORDER**

Greg Brown called to order at 7.10pm

#### **2. ATTENDANCE & QUORUM**

In attendance Greg Brown, Bill Ostare and Elaine Ironside. Elisabeth Brown and Jason Frankish.

#### **3. APPROVAL OF AGENDA**

Approved by all.

#### **3.1 SPECIAL BUSINESS**

3 members resigned Tom Gear (Feb 1), Peter Grant (Feb 08), Michelle Fercho (Feb 17) without explanation.

#### **3.2 Interim Coordinator update**

Elisabeth Brown reported that the lake house has been cleaned, condensed and a new fax, phones, blinds and office chair have been purchased. Maintenance of the building and office needed much overdue attention, repair and reorganising due to maintenance deficiencies in the past.

As of Mar 03 the Calgary Fire Dept has been keyed to our building and they now have access in an emergency. This was not the case in the past although a key box existed, no fire dept had access; a definite liability. Shaw is now our provider of phone and computer services at a savings of \$800 per/yr. Lake House blinds were purchased at a 45% discount in return for advertising on the website for 6 mths. The MD will reimburse the association for the mailing of flyers approx. \$100. Bank statements for a social committee found with balance of \$1764. This is residents' money and assoc. lawyer has been instructed to freeze account and recoup cash to the assoc. Again this committee had rented a storage facility using residents' funds. This has been cancelled and cleaned out. This committee is no longer sanctioned as there is no liaison with the board. It has cost the residents over \$3000 and Cresi has incurred on our behalf approx. \$300 in late payment of rental fees. This money will be requested from Cresi and returned to the association.

All forms have been reviewed and updated; liability forms and waivers will also be reviewed pending clarification from insurance re liability. Elisabeth reported that we may need a new computer before the old one completely fails. It was also reported a cheque for \$5000 to the assoc. from a resident was found at the lake house. Bill will investigate.

The pond, lake areas and common lands and property will be receiving new signage as required by insurance.

It was noted that residents need to take responsibility for closing the gates to our private pathways in order to be compliant with insurance and liability requirements. Elisabeth Brown left the meeting at 7.30pm.

**4. APPROVAL OF MINUTES** Jan 21, 2010 Approved by all.

Oct 20, 2009 (Bill will provide amendment and attachments) to be approved next meeting.

## **5. FINANCIAL REPORT**

It was reported that an invoice was presented for payment, for snow removal for Nov 2009 totalling \$1300. This was for cleaning the pathway to the mailboxes (approx 16ft long) on commercial private land not owned by LAPHOA. The board was never aware of this contract and found out that our past property manager B Lilley had signed and ratified it all by himself (October 27 2009) without board approval or knowledge. This was the same day the past association lawyer told the board they no longer existed and dismissed them. Mr Lilley had no authority to do this. Cresi was instructed to cancel this immediately that the assoc. was not responsible for any associated bills.

Cresi has been informed that any monies paid should be returned to the association. It is also important to note that LAPHOA has never owned this property. In August 2009 it was transferred from the developer to MD. We have been paying for snow clearing since Dec 2008. Cost to residents, to date is \$ 4962 or \$10/pre res.

The board finally, after many requests received the invoice from the past lawyer (Cresi had this bill and paid it Dec 2009), dated Nov 30 2009. The bill was substantial; over \$6000 but without any documented hours, rates or information. It was sent directly to Diane Vine at Cresi and paid without review or information. The board had no opportunity to approve as Cresi choose not to make us aware and B Lilley attended both board meetings Dec 01/08 2009. This is another example of Cresi's disregard as our administrator. The board discussed Cresi performance to date and it was decided they are more expensive than required. Their performance has been low, unwilling to follow direction, uncooperative and rude. Plan is to transfer at substantial savings to a more local finance director and move forward.

## **6.0. OLD BUSINESS**

### **6.1 Mission Statement**

Motion to approve mission statement and vision as discussed. To be posted to the website. Motioned by Bill Ostare. Seconded by Elaine Ironside.

### **6.4 Yahoo group site**

Greg Brown has contacted the moderator of this site. The board has no interest in this site or email addresses gathered from it. The moderator of the Yahoo site advised Greg that it was not board sanctioned?

### **6.2 Procedural rules and regulations**

Deferred until Ted is available.

### **6.3 Corix Rate application – appeal**

Greg Brown advised that Corix has rendered a decision. The AUC has also included the 'Ranches' even though it was controversial. This may affect residents and the board is investigating; our next step is to mitigate any damages. It was suggested this may be rectified through negotiations with the developer re licences and irrigation, although dependant on cooperation and success of negotiations.

The appeal had some success in rendering a 15% versus 23% increase to our water bill. It was also successful in that Corix request for a deferral was denied (deferral acc.makes Corix operation cost+)

### **6.5 Recording of Director Breach**

The board was advised that a former board member had breached confidentiality. Nondisclosure rules and guidelines were presented by the property manager and discussed by the board Dec 01 2009. All board members were aware and present. Peter Grant attended the Dec 16 2009 board meeting; the following day Dec 17 2009 he contacted the developer and discussed ongoing confidential committee and community business. Peter Grant was not a member of the developer relations committee and all board members agreed that negotiations were extremely sensitive. This breach was in direct defiance of the board direction. The consequence of this action may have resulted in the developer filing a Statement of claim against the residents and association. The developer contacted the board Dec 22 2009 and specifically noted Peter Grant's contact. The board came to agreement with the developer Jan 14 2010 and the lawsuit has been dropped; a standstill agreement was negotiated by Greg Brown and Tom Gear. The developer stated that a two year limitation period from Dec 2007 – Dec 2009 of discussion and no action with past boards had expired and the only option was to sue the LAHPOA.

### **6.6 Lake house expansion**

No new information.

## **7.0 NEW BUSINESS**

### **7.1 CRESI update**

Cresi informed the board Feb 23 2010 that they would no longer be handling the association payroll. This had never been discussed with Cresi and was considered an ongoing service that we pay for each month (\$4900 per/mth base rate). This appeared to be an arbitrary decision made by Diane Vine at Cresi with no basis and credibility. The board has moved to hire a temporary payroll service.

The board discovered by chance on Mar 05 2010, our association insurance would be cancelled effective March 31 2010. This again was non disclosure by Diane Vine of residents business without 30 days notice. The board discussed Cresi disregard and lack of credibility in managing our account. These actions reinforced the board's intention of moving away from Cresi. New insurance requirements will be met by the board and in place prior to March 31 2010.

### **7.2 Discuss "Director of Finance" applicants/bids**

To Date the board has received 3 resumes. The bidding process has been advertised and is open until March 10 2010.

### **7.3 Reassignment of workload for committees**

Elaine Ironside will replace resigned board members' position on developer relations committee.

### **7.5 Corix**

Greg Brown advised that the board had received water usage amounts from Corix as requested. The board also requested by letter that Corix provide a complete water system shutoff valve survey to determine compliance with safety standards. The board will employ on behalf of residents an engineer and water consultant to determine our usage and requirements.

## **7.6 Maintenance Report**

Jason joined the meeting at 8.30pm.

Jason prepared a written report for the board. It has been agreed that the community will no longer require additional sub contractors for snow removal for the 2010-11 year. Cost saving will be \$15 000 +. It is not anticipated that new equipment will be required.

Motion to approve new security lock for the lake house. This will remove need for keys and assist greatly with security and management of functions. Motioned by Bill Ostare. Seconded by Greg Brown.

Jason left the meeting at 9.15pm.

## **8.0 COMMITTEE UPDATES**

### **8.1 Communications Committee**

It was reported that the website launch has been successful and well received. Elisabeth Brown has provided 100+ hours of review and content editing to get it up and running. It is essentially a self managed site and volunteers will be required to keep it current and updated. Thank you Elisabeth for your work and much effort. It should be noted that the volunteer webmaster donated 75+ hours and we have a good system in place to move forward. Since launching the website the board is less reliant on billboard signage. The welcome book is under review and in process online. Thank you to Carol Oxtoby (HPPI Developer) for assisting in this process.

### **8.2 Community Issue Liaison**

Bill Ostare will take over the community liaison position.

### **8.4. Security and Safety**

New insurance will be in place by end of March with complete review of liability and replacement requirements.

### **8.5 Developer Issues**

All detail pertaining to the tree issue is on the website under progress report.

The water licence issue is under review and proceeding with consultant engaged.

Cresi has not provided or supplied any records as requested on the land transfer. Note: as per meeting in Jan 2010 with Diane Vine she promised to surrender all dead files and suggested that past board members or management may have them. Cresi are our record holders and are responsible for all such records. We have also requested from Cresi to gather all land transfer records from developer on phases yet to be completed; phases 5/6/7. Board members have volunteered 5+ hours at the MD office in an attempt to gather any additional land records. This was generally unsuccessful and it appears no one is cooperating. This lack of transparency towards our community records is suspicious. Further investigation and questions are required.

### **8.6 DRB update**

The board has been approached by Padel Association of Canada through the DRB to consider donation of land to facilitate a multi purpose racquet sports complex. The MD is supportive of such a facility and there would be no direct cost to the lake residents.

The board will consider an open house to detail the ideas put forward and ask the community for their input.

**9. NEXT MEETING:** Mar 24, 2010.

**10.0 ADJOURNMENT** Motion to adjourn at 10pm by Bill Ostare. Seconded by Greg Brown.