

## **Shadow Brook Homeowners' Board Meeting February 10, 2005**

**Board Members Present:** Warren Begas, Jody Tempel, Monique Bosomworth,  
Rodney Whitefield, Steve Ferree, Bruce Morrison

**Others Present:** Michael Calhoun, Rita Maczka, Kelli Sheumaker, Robin Royale,  
Dhiren Sutaria, Lynn Kepp

Meeting in session at 7:15 p.m.

### **Homeowners' Forum:**

A group of four homeowners, residing on Winterset Way, described their experience of "Disturbing Noises" from an adjacent property. They desired the Board's assistance in eliciting action by the property owner which would end the "Disturbing Noises." The property owner does not reside in the property. A desire for more visible police presence in the neighborhood was also expressed. Traffic issues of speeding and parking were also mentioned. For perspective, Warren related his understanding of the civil procedures required or available for dispute resolution.

Another homeowner, Dhiren Sutaria, spoke about the recent car theft and break-ins, and the need for measures to discourage theft. In the ensuing discussions, the need for more visible police presence was again mentioned. A recent home robbery was one of five in the Almaden Valley. For perspective, Warren related his understanding of the civil procedures required or available for dispute resolution.

**Minutes from 1/13/05 :** The minutes were corrected and approved as corrected.

### **Pool Report:**

Decorative plantings of pansy have been planted at the pool.

The entrance area across from the pool lacks a source of water. Any plantings which are planted there will require weekly watering for about a year. A volunteer committee, who would commit to doing the watering, is desired before any plantings be done at that location.

Covers have been purchased for the lane lines and the starting blocks.

A gardener was contacted about repairing the sunken wood blocks between the concrete paving slabs. The work was quoted on an hourly basis of \$25/ hour plus materials. There are places where the concrete paving slabs have subsided producing a "step" between the slabs. Grinding will be explored as the method for correcting this defect.

Bruce recommended that pool repair not require formal bids for project expenses less than \$2500.

Advertising flyers for a pool manager have been posted at DeAnza College, S.J. State University, West Valley College, and Graystone school.

### **Treasurer's Report:**

Bruce handed out a copy of the capital budget from the prior year for comment on changes that should be made.

Rodney indicated dissatisfaction with the roof estimate, and questioned the estimated interval between pool re-plastering. He suggested that the pool re-plastering interval should be longer because the present re-plastering was done two years later than originally scheduled.

Bruce does not wish to repeat past estimates of lifetime and costs and needs knowledgeable input. He desires to use the correct lifetimes, estimated to an accuracy of plus or minus 15%.

The Swim Team is not covered by our liability policy. Swim Team coverage is a separate policy. He has asked for a quote from our carrier. Last year the Swim Team was covered though the league at a cost of about \$400. Practice starts April 1, so coverage is to be in place before then.

Bruce has asked Jordan Wong to handle the title transfers.

Address list information will be shared between the Treasurer, the Secretary, and the Welcoming Committee so that the Swim Club's address lists can be brought up to date.

Bruce does not want to be sent emails which are not directly related to the Treasurer's job because of the present work load on Treasurer's matters.

Bruce moved that: "Allan and Cook be retained as the Shadow Brook Swim Club accounting firm for the next year." The motion was approved unanimously. The cost will be about \$2,700.

Bruce handed out copies of the proposed budget (Profit and Loss data sheet), the Balance Sheet as of 1/31/05 and a summary listing unpaid dues. The Swim Club received a \$3,700 bill for fourth quarter workman's comp. The invoice was returned with the notation that there were no employees during the fourth quarter.

The classification rate last season was \$17/\$100 of payroll. This year's bill is expected to be about \$9,000 and the rate about \$12.72/\$100 of payroll. A letter has been sent to see if the Swim Club can be reclassified into a lower cost category.

There is no evidence of liens being filed in 2003 or 2004.

The bank statements have been reconciled.

**Social:** Jody had prepared a proposed social calendar for 2005.  
New things proposed were: Sunday Afternoon at the Pool, and a Chili Cook-Off.

The budgeted \$5,900 was deemed sufficient.

**Communications:** Splasher deadline is today 2/10/05. The web site is being reorganized and improved.

**Secretary:** Copies of last year's Associate Member mailing cover letter and contract were handed out.

The Board agreed on a deadline for reply of March 30. This presumes that the mailing will take place before the end of February. After the deadline, the Secretary will attempt to contact any non-responding former members for 10 days before offering the opening to persons on the associate member waiting list. One sentence was deleted from last year's cover letter.

Bruce will receive the contracts, and after March 30, will give the secretary a list of those who have responded and have been accepted. Waiting list persons will be given a more limited time of 10 to 15 days to respond and return the contract.

## **OLD BUSINESS**

### **ACC Issues:**

Warren had contacted an attorney about the potential for enforcement of the CC&Rs. His impression was that enforcement of the single family dwelling and annoyance provisions was possible. With regard to the "Disturbing Noises," he posed the question, "Should the Association or a Lawyer send a letter to the owner requesting his cooperation in resolving the issue?"

A motion was made that: "A lawyer write a letter to the homeowner about the problem."

The motion passed unanimously. The purpose is to bring the problem to the owner's attention and elicit his cooperation in resolving the "Disturbing Noises" issue.

Warren also had received the impression that painting issues can generally be resolved favorably to homeowners' associations. [A letter had been received regarding an ACC house painting issue requesting that the present paint be accepted by the Board because it does not "substantially differ from the approved color scheme of the Shadow Brook neighborhood."] Two members expressed opinions that the house was acceptable as painted. Others differed for various reasons.

A motion was properly made and passed that: "The owner be invited to come to the board and make his case for accepting his house as painted at an executive board meeting."

The vote was 3 yes, 1 no, 1 abstention. The meeting will be within three weeks.

### **Budget For Next Year:**

The budget for the pool manager item was discussed. The decision was to reduce the budget for the pool manager to \$12,000.

The lifeguards are to wear "lifeguard" swimsuits this year which are to be paid for by the Swim Club. \$2,000 was budgeted for swimsuit cost.

A motion was properly made and passed: "To approve the budget as revised." Motion passed unanimously. The "review of pool policies" was set over to the next meeting.

### **New Business: Spring General Meeting**

The Spring General Meeting is to be in April. Jody will ask Mary Jo to check the calendar at the Almaden Country School and reserve a date. April 18, 19, 20, or 21 was suggested.

Splasher deadline for March was not determined.

**Next Meeting:** The next meeting will be at the Steve Ferree residence, 6652 Charter Oak Place. The meeting will be at 7:00 p.m., Thursday March 10, 2005.

**Meeting adjourned about 10:30 p.m.**

Submitted by:

Rodney Whitefield: Secretary

As corrected and approved 3/17/05