

**CHESHIRE FOREST HOMEOWNERS ASSOCIATION
BOARD OF DIRECTORS**

**MEETING MINUTES
Regular Board Meeting
June 16, 2020**

MEETING CALLED TO ORDER: Quorum established; meeting called to order at **6:02 p.m.**

Members present: Lonnie Harrelson (President), Allen Jacobs (Vice President), Paul Corcoran (Secretary), Mitch Gold (Director)

Board members absent: Cliff Krebs (Treasurer), Tom Speelman (Director), and Julie Halsnoy (Director)

Management representative present: Jennifer Williams

1. Agenda Review and Adoption

- The board motioned to adopt meeting agenda with the Jones' dog restriction added to Old Business and to move Board disclosure packages discussion from the Executive Agenda into the new business portion of the Regular Meeting agenda. **MSC**

2. Minutes (Review and Approval)

- The board motioned to approve the May 19, 2020 Board Meeting minutes. **MSC**

EXECUTIVE SESSION

Motion made to enter Executive Session to discuss (a) Executive Minutes, (b) Delinquency, (c) Owner Correspondence, (d - f) Contracts, and (g) CC&R review. **MSC**

3. Executive Session (6:08 p.m. – 6:39 p.m.)

OPEN SESSION

- The board motioned to reenter Open Session. **MSC**
- Minutes are kept separate, as items discussed in executive session are confidential. All motions are made in Open Session.
- 3.(a)(1) The board motioned to approve the Executive Minutes from the May 19, 2020 Regular Board Meeting. **MSC**
- 3.(c)(1) The board motioned to deny the request. **MSC**
- 3.(c)(2) The board motioned to deny the request. **MSC**
- 3.(f)(1)(a) A motion was made to accept the quote from Craftsman Fencing for \$4,300, with confirmation of removal of existing fence, to be funded from replacement reserves. **MSC**
- A motion was made, during community news/issues, to break, and return to homeowner's forum.

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MSC

4. Homeowner's Forum – (8) Homeowners present

- Most homeowners present for the pool and swim team discussions.
- One homeowner wants to be more involved with the HOA.
- Board described how close workings with Tracy Tucker and HSP pools was ongoing in order to determine the path forward with opening the pool and compliance with current restrictions and limitations. The challenge with opening the pool for the community is fulfilling the enforcement of the governor's restrictions for cleaning stations and other requirements outlined in the current phase. HSP explained they do not have the capability to provide the personnel to address current compliance rules outlined in the Governor's phased openings.
- Homeowner asked if there was a volunteer committee that could be built to serve as enforcement capability for pool opening. The answer is yes. It is recommended to work with the Pool Committee to coordinate this effort.
- A question was asked about pool contract, and how it has been reduced due to COVID, will the contract be pro-rated if the pool opens? The answer is yes, but that cannot be determined until the contract resumes.
- A homeowner asked, if a waiver could be required and signed releasing liability maintained with the resident pool pass? Great option. The homeowner stated they have an attorney that they would ask to draft and review a waiver. If a waiver is in place it must require parental acknowledgement/responsibilities for minors at the pool must be accompanied to ensure enforcement. Additionally, the questions that shall be asked prior to entrance into the pool area can only be agreed to by an adult (18 years or older) and guests may not be allowed.
- Monitors, not lifeguards, are being defined as individuals responsible for monitoring social distancing rules and regulations, sanitizing, etc. Management will look into potential of hiring personnel to serve as monitors.
- Moving forward we are going to get with HSP to complete the pool electrical inspection and City of Chesapeake inspection, remove the cover from the pool, maintain water quality, a plan of opening to address legal review of a waiver for community use, monitors scope of authorities/responsibilities established, pool cleaning capability, back-up plans to find lifeguards if HSP pools cannot provide certified lifeguards.
- Cameras would be a great addition, if the pool is going to be opened, the camera option may assist with security and safety of the pool.

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5. Reports

5.a. Financial Report – (Treasurer: Cliff Krebs) Not in attendance

- Nothing significant to report.
- Question on where the CPI increase for annual income is derived from (increase for past year is estimated 3% total, in the contract it states that 1.5% + CPI).

5.b. Manager's Report – (Manager: Jennifer Williams) In attendance

- Board reviewed the Manager's Report.

6. Committee News/Issues

6.a. Architectural Committee: (Chairperson: Mitch Gold) In attendance.

- Provided the Board of Directors an updated copy of the ACC Guidelines for review.
- Discussed additional application routing and informational tracking for open applications.

6.b. Social Committee: (Chairperson: Randi Corcoran) Not in attendance

- 4th of July - Bike Parade and Kona Ice Truck
- Community Yard Sale – 11 July, alternate date 18 July
- Outdoor Movie Nights
- Pizza by the Pool on hold
- Adult Bash – usually held in August, will await Governor's Phase 3 guidance before potential rescheduling.
- Eat the Streets (Food Trucks) continue in July and August

6.c. Pool Committee: (Chairpersons: Jim and Mary Burre) Not in attendance

- On stand-by awaiting further pool opening guidance.

6.d. Newsletter Committee: (Chairperson: Ann Dumenigo) Not in attendance

- Summer newsletter request for input coming out soon.

6.e. Neighborhood Watch: (Chairperson: Alan Crouch) Not in attendance

- Filed a report with CPD on 5/23/2020 for the tagging/painting/vandalism done on signs at front entrance.

6.f. Swim Team: (Representative: Tracy Tucker) In attendance.

- Developed plans/procedures to allow Swim Team to hold practices during phased reopening.
- Tracy will continue to advance the planning and coordination to start the Flying Fish Team events.

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6.g. Yard of the Month Committee: (Chairperson: Imelda Barrera / Melissa Dominek) **Not in attendance**

- 601 Sheffield Court is the Yard of the Month for the month of June. Congratulations, job well done!

7. OLD BUSINESS

7.a. Pool / Playground Drainage. Cliff Krebs has requested a contractor present a proposal to address the drainage between the playground and tennis courts. Follow on meeting to discuss proposal, insurance, and scope was scheduled to occur April 7th. The 7 April meeting was delayed to COVID-19 restrictions. Management will move forward obtaining quote and specifications. Two contractors came by on 9 June to gather information for proposals, and we are currently waiting those proposals.

7.b. Reserve Items. Manager has included the items slated for replacement this year, there may be items from previous years that have not been completed and the board should review these as well. Once the items that will be replaced are identified manager can begin obtaining proposals as the board requests. This was discussed at the previous meeting and tabled for further discussion and items from previous years not completed. This item was tabled from the previous meeting to obtain additional proposals for the rear deck area and remains awaiting proposals.

7.c. Pool and Club House Opening Status. As of the date this package was created, we are in Phase Two of re-opening Virginia. Manager has included the EO65 that was published and has reached out to the Pool company to determine if they have any changes/updates on their end for the pool opening. In regard to the clubhouse reservations, the number of people gathering has increased to 50 people while still maintaining social distancing and following the other guidelines that have been set by the Governor. At this time the Board should advise if the association would like to open the clubhouse for events and if so, sanitizing and enforcement of gatherings. The board agrees that the Club House should be available for renting, with a signed application that clearly states the homeowner acknowledges and agrees to ensure all guests adhere to the Virginia Governor's current executive orders and restrictions.

7.d. Homeowner's Dog Restriction Request. During the March 2020 meeting a homeowner attended the board meeting and talked during the homeowner's forum. The topic was dog restrictions. The homeowner also wrote an article on aggressive dogs which was published in the Spring Cheshire Chat. The homeowner emailed the Board to check on the status of their dog restriction proposal from March. Particularly, is this something that would be possible and is there anything else they need to do?

At the annual meeting, a motion may be made by any homeowner for a specific amendment to the declarations. Once the motion is seconded, discussion on the motioned amendment may occur and the board President may call a vote. Without two thirds of the homeowners affirmative vote the motion is dismissed. It is recommended to create a motion and share it with the board, although this is NOT a requirement, for review prior to annual meeting. An attorney practicing community association law should review the recommended amendment and proxy for validity and legality, at owner's expense.

8. NEW BUSINESS

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8.a. 2020 Goals. Manager has included the 2020 Goals presented to the membership at the Annual Meeting in November.

8.b. Disclosure Packages. After the last meeting there have been emails between the manager and the board regarding the Virginia Property Owners Association Act and the relation to the requirements of the disclosure package. Management has been providing a special inspection for each disclosure package as long as the contract with Chesapeake Bay Management has been in place. Chesapeake Bay Management Representative requested a quote from Attorney Jeff Hunn to draft a release/hold harmless agreement with regard to disclosure packages. Jeff Hunn provided a quote for one hour of time for a rate of \$250 for the letter. The request is based off the board's past guidance to stop doing special inspections for disclosure packages. The current contracted inspection schedule, while onsite, consists of 1/3 of the association per week. When a disclosure package is requested the manager stated that a more thorough inspection is completed.

Per Virginia Property Owners Association Act; section 55.1-1809 (effective October 1, 2019) Contents of association disclosure packet; delivery of packet, there are 18 specific items that, by law, must be in a disclosure packet within 14 days after receipt of a written request. A special inspection is not one of those 18 items. Subsequently, in section 55.1-1810. (effective October 1, 2019) Fees for disclosure packet; professionally managed associations, paragraph I states that "At the option of the purchaser or purchaser's authorized agent, the requester may request that the association or the common interest community manager perform an additional inspection of the exterior of the dwelling unit or lot, as authorized in the declaration, for a fee not to exceed \$100."

It was discovered, when CBM is approached for resale documents, the existing process (use of Homewisedocs.com) does not facilitate requesting just disclosure documents. "Bundles" are offered for purchase to requesting agents and potential buyers that include the disclosure packets IAW with Virginia Law, as well as a special inspection from the management company. The Board disagrees with the bundle approach, where special inspections are included without specific request from potential buyers or buyer agents.

On several occasions in the past year, special inspections have been completed and, often, multiple potential violations have been noted and included within requested resale packets. Subsequently, these caused undo friction with the potential resale. The Board has several trepidations with the special inspections, when completed. Primarily, the identification of, often multiple, violations not identified during regular inspections, coupled with no inspection result reporting to the current homeowner. This practice contradicts all legal rights of due process, adjudication, and approved processes outlined in the governing documents with regards to the rights of the current homeowner to address inspection violations. In short, a potential buyer may be informed of "possible" violations before the actual homeowner is informed or given the opportunity to address identified inspection results.

A request for the Board to discuss this issue with Dana Shotts-Neff, President of Chesapeake Bay Management, Incorporated was made.

MEETING ADJOURNED – 9:55 p.m. Next Meeting is scheduled for July 21, 2020.


PAUL CORCORAN
CFHOA Secretary


LONNIE HARRELSON
CFHOA President