



Maple Court

Home Owners' Association

Minutes of the Maple Court Home Owners' Association Inc. Board Meeting
April 5, 2009 • 7:00 PM

Date and Time: Pursuant to Article VI, Section 1 of the Bylaws of the Maple Court Home Owners Association, Inc., a regular meeting of the board of directors was held on April 5, 2009, at 7:00 PM at 3 Maple Court, Simsbury, CT.

Officers and Quorum: The president, Matthew Cook, opened the meeting at 7:09 PM. The secretary, Deb Yurko, was present to record the meeting. Directors Michael Girard and Andrea Farrell were also present comprising a quorum. Jean Sablan was absent and not voting.

Minutes: The unapproved minutes of the March 1, 2009 meeting of the MCHOA Board that were circulated to all homeowners, were read by the members of the Board. There being no corrections, Matt Cook made a motion to approve the March 1 minutes as written without correction. The motion was seconded by Mike Girard and the minutes were unanimously approved by the board members present.

President's Report

Matt reviewed the agenda for the meeting and sought input from the Board on additional agenda items. There being no changes or additions, it was moved by Matt, seconded by Mike and unanimously approved by the board that the agenda for the meeting be accepted.

Matt presented an update on his attendance at the CAI-CT Trade Show Event. The event consisted of both seminars and a trade show with hundreds of vendors relevant to community and homeowner associations in the state. Vendors included roofing contractors, painters, sewers cleaners, asphalt contactors, attorneys, engineers, and reserve study specialists. Matt collected many business cards and a Directory of vendors that belong to the Community Association Institute. The free event was very informative. He suggested that others from the Board attend next year.

Treasurer's Report

Andrea reported that all homeowners' dues are current. Homeowners are reminded that effective February 1st, dues are \$131.00 per month (\$106 regular assessment plus the \$25 special garage roof assessment).

Old Business

- A. The Maple Court Entrance Sign has been completed. Mike suggested that the signpost be painted. All board members present agreed it would be a good idea. Mike will purchase new hardware for the sign to replace the rusty bolts. He was asked to provide a receipt to Andrea if he wished to be reimbursed. The board anticipates that the refreshed sign will be up within a week. Thank you Deb for repainting the sign. The Board and homeowners look forward to seeing your handiwork.
- B. The expenditure for snow plowing is \$1,065.30 to date for calendar year 2009.
- C. The date for **Spring Clean Up is Saturday, April 18th from 10:00 AM - 12:00 Noon. Raindate is May 16th**. Designated areas for cleaning were identified at the meeting. Bob Yurko has already removed the

tree limbs from the area by the condos and taken it to the dump at a \$30.00 expense. Prior to incurring the expense, Bob was requested (at an earlier time, outside the meeting) to submit a receipt to be reimbursed by the Association for the dump fees. He declined Matt's offer and said do not worry about it. The Yurko's fulfilled their clean-up day responsibility. All other homeowners should plan to attend or arrange to contribute in some way, if unable to attend. A reminder notice will be sent out soon.

- D. **Spring Painting of the West End Garages** is scheduled for **Saturday, June 6th** for prep work and **Sunday, June 7th** for painting of the trim and doors. Everyone is expected to participate in some way. Please bring whatever materials (e.g. scrapers, brushes, rollers, trays, ladders, etc.) you may have on these days. The association will be providing paint and a limited number of supplies. Mark your calendars!
- E. Mike Girard continues to organize a committee for the **Community Tag Sale** to work out logistics and will report back to the board shortly. He was away for part of February and had nothing new to report.

New Business

- A. **Association Attorney** (Perlstein, Sandler and McCracken)
 - 1. The property taxes paid on the common property (Parcels A and B) as shown in Declaration and survey map were discussed. According to an article entitled "Taxing Your Common Elements" in the Fall 2006 newsletter from Perlstein, Sandler and McCracken, Associations should not be taxed on common property separate from the individual units and lots in accordance with the Common Interest Ownership Act of 1984 Subsection 47-204(b)(2). MCHOA currently pays approximately \$1200.00 per year to the Town of Simsbury annually. The Association has been paying property taxes on the property since incorporation in August 1977. The Board believes it should not be paying such taxes. The newsletter suggests that Associations who are being taxed consult a reputable and experienced attorney in this area. Matt contacted them and they provided a letter stating that the cost to investigate this and pursue action against the Town was estimated by the firm to be between \$800-\$1200 in legal fees. However, Matt also reported that the firm might only be only able to recoup one year or less of paid back taxes, if any. Because the cost in legal fees and potential one year saving were equal, it seemed less feasible for the board to justify the cost in the short term. Long term, however the savings, if any, would be never pay property taxes on the common areas in subsequent years. Because of the cost vs. short term return was equal, a motion was made by Matt and seconded by Mike to instruct the President to speak with the Simsbury Assessor's Office on behalf of the association regarding CGS § 47-204(b)(2) and its application to Maple Court as a "planned community." The Association would speak with the town, prior to asking the Attorney to handle it and having to incur legal fees. Doing it ourselves, may save the Association the one time legal fees. It was noted however that an attorney might need to become involved if the outcome is not favorable to us. The motion to have the President speak with the Assessor's Office on taxation of the common areas passed unanimously by those present.
 - 2. The second issue discussed was the need for clarification of the definition of a trailer in the Declaration Article V Use Restrictions. The Yurkos had requested to park their trailer on their lot in March for a seven day period. Article V of the Declaration authorizes the board to designate an area of the property to park such a vehicle. The Board requested that the Yurko's sign a document acknowledging their acceptance of the Board's decision and stating the Board's course of action as outlined in the existing Association governing documents, should they default and keep the trailer on the property for more than 7 days. The Yurkos made other arrangements for their trailer. In the Boards deliberations via email, some board members were unclear whether the Article V applied to this situation, however in the past this article has been applied in this situation. Matt reviewed a letter from the Yurkos' attorney, Barrie Wetstone, with Mr. Wetstone and their interpretation of the word trailer, within the context of the Declaration Article V Section 3 pertaining to human habitation of outside structures, which differs, from

Mr. Cook's and other board members reading in the past. Deb Yurko also felt that several rules of the association were also in need of clarification. A lively but calm discussion ensued. The law firm of Perlstein, Sandler & McCracken estimated that the cost to review the declaration and to meet with the Board to discuss it would be \$500.00 plus the cost of their time at the board meeting. The Board agreed that Article V of the Declaration needed to be reviewed and if necessary clarified by the Association's attorney, as this same issue continually surfaces each year. Andrea Farrell moved that we review the issue of seeking legal counsel on this matter in 3 months, once the Association has passed 6 months in the budget and has necessary time to review its finances because the anticipated cost of \$500 in legal fees was not budgeted. This year's budget is already tight. The motion was seconded by Matt and passed unanimously by the four board members present.

3. It was moved by Matt, seconded by Mike and unanimously approved that the President be directed to sign a "Letter of Engagement" on behalf of the Association to engage the services of Attorney Scott Sandler of Perlstein, Sandler & McCracken, LLC to become, once again, the Association's attorney of record. Our previous engagement agreement with the firm instituted in 2005 lapsed. The firm handled the foreclosure against Ewing at 2 Maple Court. The firm would handle, without cost to the association, issues related to the collection of past due assessments. The engagement agreement also outlines the firm's hourly rates when the Association asks for assistance. There is no retainer to use their legal services but the association would be charged an hourly rate for their time if the Board requests the firm to look into anything (other than collections). The costs for collections of past due assessments would be billed to those individuals who are in collection, should any account ever get to that point, as provided under Connecticut law.

- B. Future Board Meeting Dates:** At the request of Deb, a motion was made by Matt, seconded by Mike and unanimously approved to move the regularly scheduled May 3rd meeting to May 17th. The motion passed unanimously to move the meeting date. The Board also identified and agreed to the following dates for upcoming meetings over the next several months. All times are 7:00 PM. Location is 3 Maple Court.

Sunday, May 17
Sunday, June 14
Sunday, July 12
Sunday, August 9

Adjournment

There being no further business before the board, a motion was made by Matt, seconded by Mike and passed unanimously to adjourn the meeting at 8:38 P.M.

The next MCHOA Board is scheduled for **7:00 PM on May 17th** at the home of Matt Cook, **3 Maple Court**. All association members are welcome, but please let Matt (president@maplecourt.org or 217-1411) know in advance, so that we can ensure there is adequate seating for all who wish to attend.

Respectfully submitted,

Deb Yurko
Secretary