

CHIMNEY HILL OWNERS ASSOCIATION, INC.
BOARD OF DIRECTORS MEETING
SATURDAY, SEPTEMBER 1, 2018

MINUTES

The meeting was called to order at 10:20 am by Gene Clark, President.

Present were Board members Jane Cary, Kerri Tyerman, and Mary Ann Montano. Absent were Keith Mears and Diana Gould. Others present were Ken Spicer, ED, and homeowners Brian Lynch, Brent Hazard, Craig Creller, Joseph Martin, and Joseph Montano.

The minutes of the July 7, 2018 BOD meeting were not approved. Kerri wants to strike the line about “punitive action” at the bottom of the first paragraph as she did not recall Keith saying that. Jane asserted he did. Keith needs to say whether he did or not. We will not approve the July 7 minutes until the next meeting.

Recording the meetings from now on was moved, seconded by Kerri and approved. We had voted to do so in July, said Kerri. That action will be added to the revised July minutes.

A motion to table the 7/7/18 minutes approval until we get clarification on what Keith said was moved by Kerri, seconded by Mary Ann, and approved.

New Business: Homeowner Brian Lynch, present, asked for a 19’ setback variance for a shed. Gene said ACC was recommending this variance be permitted. Brief Q and A ensued, all satisfactory to the Board. Kerri moved that a variance for a 6’ by 14’ shed with a setback variance of 19’ from the property line be granted to Brian Lynch. Motion was seconded by Jane, and approved.

Financial Report:

Kerri handed out a current report and reviewed it. No Board questions. Ken noted that we had gotten some better interest rates on our CDs from Edward Jones in Brattleboro. Motion to accept the financial report was moved by Jane, seconded by Mary Ann, approved.

New Business, continued (we had let Brian Lynch leave early)

Kerri had heard from a homeowner that the swing sets are rickety, hazardous, and should be taken down. Kerri looked at the Birchwood and Pond Loop swings and they are indeed rickety (especially Birchwood). The Clubhouse ones are fine. They should be taken down now and new swings budgeted for next year. All agreed.

Old Business:

Kerri said the Legal Cte. met with attorney Kristin Swarthout of Fisher & Fisher at 9am, Sept. 1 re: Covenant and By-Law reform. The Board is looking forward to an updated draft based on the suggestions we shared re: the first draft she submitted. Attorney Swarthout will send a new draft before our next meeting. We will proceed with public meetings when the draft is set, with the goal of having a document to vote on at the Annual Meeting.

Executive Director's Report:

A maintenance employee needs a shoulder surgery. He will receive six weeks of worker's compensation. He will return to work, we hope, with doctor's approval in December. Another maintenance employee had resigned. Gary is looking for a replacement and may have found someone for the winter. We are still down one employee. We hope Jay can help now that the Clubhouse will be closed mid-week. And there may be a part-time employee who can stay on.

Ken reported on a garbage issue. A home's caretaker said a bear had knocked a rubbish bin off its block into a truck and CHOA should pay for the damage. This issue was eventually resolved with the owner. We talked about other bear-caused problems. They've been a big headache for staff. They have gotten very clever re: opening our bear-proof bins. Ken thought it was one of the worst "bear years" ever.

Committee Reports:

Clubhouse: Kerri said the committee was winding down on a great summer season Sunday night (9/2) will be Bingo night at 7pm. Jason Hoagland helped out with the prizes, Kerri made up the baskets. BBQ will be at 5:30. Help is needed.

Ken: water system update. 2, 3-phase pumps up in the B-section. He gets a 5-page review each a.m. of pump performance. Really slick system of notifications via phone go to Ken and Gary.

Homeowner Joseph Martin (JM) argued at length that he should be allowed to come to the Legal Committee meetings. Kerri said Legal Committee meetings are not open when a legal matter is discussed. Then, says JM, those should be discussed in Exec. Cte. and the other Legal Committee. meetings should be open. JM insists that he be allowed to attend, there being no apparent prohibition against his attending. Questioned why it was not open. Gene said there will be multiple meetings. Kerri says we have a lot to get through. JM says he will not speak at such a meeting until or if called upon. Ken says some committee meetings need not be open. The attorney today says it need not be open either. JM is curious as to what she is using as a basis for her legal opinion re: covenants and by-laws. Jane said she was using state statues. Kerri said the next legal committee meeting could be open. Gene agreed. Ken disagreed; it does not need to be open.

Craig Creller added he understood that a draft of the suggested by-law changes was to be shared.

Other Business/Owner, Public Comment: JM said certain of our Board processes are ‘glaring errors.’ The names of the Board member making the motion and the “seconding” names must appear. Those who decline should be named. “Unanimous” need not be named. The only thing that gets recorded are **actions**. If we refer in the minutes to a letter being delivered/sent, we have to attach it to the minutes. Also, said JM, don’t use abbreviations like DRL; spell them out. He argued that if we say a meeting will start at 10, a sub-cte meeting should not interfere/run into a Board mtg. Ken says JM concerns/questions should/could be on the agenda for the next meeting. He can submit them to Ken, but Ken needs them at least 10 days before the meeting.

Craig Creller asserted that the letter he was handed [concerning his removal from the Board] prior to the June 2 meeting was “slanderous and also completely illegal. He asserts these actions constitute knowing dereliction of our fiduciary obligation.

JM said the financial report, if approved by the Board, should be attached to the minutes. Ken and Kerri agreed.

Homeowner Brent Hazard offered thanks to the Board for what we do. Gene thanked him.

Next BOD mtg 11/17/18, time TBD.

The meeting was adjourned at 11:25 am.

Respectfully submitted,
Jane Cary
VP/Secretary