

Morgan Street Birch Run Homeowners Association Phase II, Inc.

Annual HOA Meeting

Saratoga Polo Club
Tuesday, May 17, 2016

Meeting called to order: 7:02p

Call to Order – Dean Higgins, President of Board

Roll Call and Proxy Count – John Safford, Edgewater counted members present & proxy's and we had 23 so a quorum was met

(Quorum – 60% of the homeowners – $35 * 60\% = 21$)

Annual Picnic will be Sunday, Sept 18th with rain date of Sunday, Sept 25th

Motion to approve the May 20, 2015 Homeowners Annual Meeting Minutes Mary Carr, Bob Doran second, all approved.

Election of Board Members – Teddy Foster read the names of three board members up for re-election: Dean Higgins, Bob Doran & Tracy Riley. There were no nominations from the floor. Dean took a vote on the slate of officers presented and all homeowners were in favor. Dean Higgins, Bob Doran, Tracy Riley will each serve a 3-year term.

Presidents Report – Dean Higgins

Hospital Project

Summary of the hospital project. The hospital and our HOA board and neighborhood groups have been involved for over a year since coming to the table and the Planning Board. A small committee from Birch Run met regularly with representatives from the hospital, lawyers, and LA Group. When we first started off, we were looking at how we were going to be addressing this with the Planning Board and we were looking very frankly for if there was a legal basis we could take a how we could approach to see if there was opposition or whatever. As it turned out, the Comprehensive Plan from the city had been altered months before the project started so when it came out of the Planning Board, the two big issues that the Planning Board decided about the project was that they issued a negative deck meaning there was no unfavorable environmental issues although they never did a long form study but the Planning Board decided 1) there were no negative environmental issues to consider and 2) also that the project was in compliance with the comprehensive plan that had been changed a couple of months before. The hospital had sponsored the change essentially in the Comprehensive Plan and it went from Residential to a Commercial status allowing the building to go forward. So at the point when we first got into the project, there wasn't much to authorize a full legal study to see what we could find although several attorneys from Phase I and II board took a look at it and couldn't see anything internally that caught our eye but we did meet with the hospital and we did talk and exchange a lot of information with the hospital and the Planning Board and we were able to reduce the height of the building, creation of a berm around some of our property areas near our property and it was a very extensive involvement that we had and continued to have. Around the first of the year two things happened that took everyone by surprise 1) a petition was signed by a local neighborhood organization in which the petition under the particular statute that applied would require 4/5 vote of the city council and the matter had moved from the Planning Board to the City Council so they needed 4/5 and then 2) almost simultaneously two of the city council members recused themselves for conflict. John Frank who's our accountant and works with Phase I and the mayor because she had sought consulting jobs with the hospital. So they were down to three members on the council and they didn't have the ability to get a 4/5 vote so the matter is stalled. There was an article in the paper today in which Angelo Carbone and the hospital basically reiterated it and said we're stalled. So we believe they are waiting for a regime change in the city so that they can get a favorable council together. So Dean believes they are waiting for a regime change in the city so that they can get a favorable council together so he believes the issue will be back depending on how long it takes. Tonight the City Council is entertaining Commissioner Mathieson's application to return the Comprehensive Plan to its original design meaning it

would go from Commercial designation back to Residential. The reason being the issue had not been fully discussed that the hospital didn't disclosed that they were putting up a building. That vote will be taken tonight with the three members of the board and we believe it will be a 2/1 vote defeating Mathieson's application to have the Comprehensive Plan changed back.

Reminder on Renting

Please refer to our HOA Rules, Bylaws and Declarations of Covenants. The lease agreement must contain the language we have in our Rules. ***A copy of the lease must be provided to the HOA board for approval.***

Recently we had a situation where 5 Skidmore students were looking at 3 Saratoga Circle which is currently for sale and a neighbor spotted them. According to the conversation, a parent was going to buy this unit and allow his daughter and friends to live there. The board wrote a letter to the listing agent, Tamara Valentine and copied Tom Roohan advising them of our Rental Rules, Bylaws & Declarations of Covenants which states single family rentals only.

Claudia Ryan strongly suggested strengthening the language to the Bylaws and Declarations of Covenants on single family rentals and suggested Edgewater provide these to the listing agents at the time a unit goes on the market so prospective buyers can review prior to closing. The board will review and amend the language to the Declarations of Covenants and the By-laws and tie it to the deed. The board agreed to meet to discuss the language immediately.

Water & Trees to the Berm:

On Wednesday, June 1st, Sunshowers will install a sprinkling system into the 2nd water meter at #24 Saratoga Circle/Kane's. The sprinkler system will provide water to the berm where trees will be planted by Brookside Nursery in mid-June.

Treasurer's Report: Bill D'Agostino

2015 Budget \$38,460.00 Spent \$36,418.54 – assessments were not raised again this year.
Motion to accept Financials Teddy Foster, Fil Fina seconds, approved.

Managing Agent Report – John Safford/Edgewater

- During this past year their name changed from Maxwell Management to Edgewater Management
- If homeowners would like to review Birch Run Phase II financial reports, contact John Safford
- Directory of homeowners and email addresses was handed out
- Real Estate – before a closing, typically an attorney/mortgage company contacts Edgewater to get a letter stating all dues are paid up however, if a buyer purchases in cash, it's harder to track. Edgewater watches property transactions in the paper. Board has requested Edgewater to provide Rules & Bylaws and Declaration of Covenant to listing agents.
- Spraying – to keep Birch Run uniform looking, spraying must happen in all areas. Board has requested Edgewater to email homeowners in advance of spraying.
- Snow Removal – Back in November 2015, Phase II extended our winter contract with Cleveland Brothers for three years. The winter contract includes snow removal of 3-1/2' from the driveway to the front door...it does not include snow removal from the courtyards. In the winters past when winters were light, Cleveland Brothers shoveled some of the courtyards however, it was never stated in their contract that they had to do this.

Claudia Ryan voiced her concern with the snow removal in the courtyard since she was one of the units getting her courtyard shoveled. Back in February 2015, she claims that John agreed this should be cleared. She requested the board revise the existing winter contract with Cleveland so snow is removed from the courtyards. Dean will review Cleveland's winter contract so the courtyards are taken care of.

Tim Riley requested Cleveland Brothers **not use** rock salt on the brick walkways, only calcium chloride.

- Mailboxes – On Saturday, June 4th, Jeff Sheridan will remove any mailbox that needs painting and return them on Monday, June 6, 2016. The HOA Board has requested the paint name/brand be given to Edgewater so homeowners can obtain for touch ups.
- Painting Schedule: A **revised** 7 year painting schedule was handed out. This summer the following units will be painted:

11, 13, 15, 17, 19 Saratoga Circle - painting begins May18th

24, 26, 28, 30, 32 Saratoga Circle – late notices will be going out

2, 4, 6, 8, 10 Saratoga Circle – painting will begin after Labor Day

The board requested John to stay on top of this summer's project due to the number of buildings being painted and if it looks like Powell can't complete, to have a backup plan in place.

Claudia raised concerns about the painting procedures and lack of communication/miscommunication by Edgewater. Board asked her to stay and speak at the HOA meeting to follow.

The board requested in early January, John/Edgewater mail a notice reminding homeowners they are on the painting schedule for that year; the bill will follow.

Following are the procedures and the board has requested John/Edgewater share these procedures each year when painting bills are mailed.

- 1) Edgewater mails paint bill (noting, this does not include repairs)
 - 2) All buildings must be paid before Edgewater contacts painting contractor
 - 3) Once all buildings paid, Edgewater contacts painting contractor
 - 4) All bushes/trees must be trimmed away from homeowner's townhome
 - 5) Painting Contractor will power wash townhome
 - 6) Contractor will provide a list of repairs with a date when repairs must be complete (homeowner can do own repairs or contract out)
 - 7) Painting begins on given date
- Assessments – Bob Doran would like to review our assessments. It was suggested a committee be formed with Phase I and Phase II homeowners to review this.

Motion to adjourn Mary Carr, Fil Fina seconded, all approved

8:18p

Morgan Street Birch Run Homeowners Association Phase II, Inc.

Annual Special District Meeting

Saratoga Polo Club
Tuesday, May 17, 2016

Meeting called to Order: 8:18p

Election of Board Members –Dean Higgins, Bob Doran, Tracy Riley will each serve a 3-year term.

Motion to approve May 20, 2015 Minutes of the Special District Annual Meeting Bob Doran, Teddy Foster seconds, all approved.

Treasurer's Report for Special District: Bill D'Agostino

2015 Budget \$89,890.00 paid out \$101,392.00. We didn't raise assessments – still \$690

During the 2015 winter, we paid extra for salting; we are putting more money into reserves.

Money Market \$20,015.83

Storm Sewer Fund \$25,959.00

\$10,000 transferred to Reserve Fund

Fil Fina will put together a projection on costs to repair our Infrastructure (water lines, storm sewers, sanitary sewer system, street lights and poles, roads).

Motion to Adjourn Annual Special District Meeting Rocco, Fil Fina second, approved

8:40pm

