

CUCKOO'S NEST ASSOCIATION
BOARD OF DIRECTORS MEETING MINUTES
July 10, 2021
Pavilion, Common Area 2

ATTENDANCE

Jim Amrein, Pat Evans, Richard Hanley, Derek Harris, Eddie Owens, Paul Rippeth, Denny Smith, Megan Zeranski
4 Residents

Paul called the meeting to order at 9:02 a.m. He turned the meeting over to Richard Hanley for the Treasurer's Report.

TREASURER'S REPORT

Richard reviewed the June 2021 Financial Statement:

- June 2021 Balances:

Checking	\$ 38,813.63
Savings	\$ 8,199.28
Reserve Funds	\$156,056.93
- Richard reported that the dues from 3 lots in Section 3 had been paid. Eddie asked how many dues were still outstanding. Richard responded that, at this time, he did not have the exact number but was aware of 1 that had been unpaid for 3 years and that the lot owner/resident refused to accept the registered letters. He was aware of a couple more but would report more accurately in August.
- He added that congratulations were due to Kathi Cline, outgoing Treasurer, for her diligent and hard work; that the position had increased in responsibility since he held the position many years ago.
- He asked if there were any questions. There were none.

COMMON AREA REPORT

In Pete's absence, Paul reached out to Jim for the Common Area Report.

- Jim began by mentioning that Common Area 1 seems to get neglected. The picnic tables need maintenance (he had recently power washed them) and more gravel is needed on the cart path.
- Jim asked about the status of more sand for the beach in Common Area 2. Eddie responded that, at the last meeting, the Board had approved the expenditure of \$1000 for sand but the correct sand has yet to be found. Denny added, to his understanding, we are looking for Maryland sand. Discussion began regarding the types of sand appropriate for the beach and where we it might be obtained. Derek mentioned redistributing the sand that was there. Jim added that the sand rakes, stored in the shed, should be put near the beach so beach users could assist in keeping the beach neat and raked. Several distributors that may have sand were mentioned.
- In addition to the sand, the condition of the current seawall, at the beach, was discussed. Discussion included pulling the sand away from the wall and installing reinforcement to help keep the sand from washing away, refurbishing the seawall, and researching replacement of the seawall.
- **ACTION ITEMS:**
 - Sand for beach
 - Refurbish/replace seawall – research, get estimates
 - Gravel for Common Area 1 cart path

COVENANT VIOLATIONS

Two current violations were discussed:

- The recent inappropriate and irresponsible use of a golf cart, on several occasions, within Common Area 2, doing donuts which displaces and tears up the gravel.
 - Since the Board is not yet 100% sure of the operator/owner of the golf cart it was decided that a community email regarding golf cart and multi-use vehicle usage would be sent along with the rules from Louisa County regarding operation.

- If the situation persists, the Board will pursue the identity of the operator/owner and communicate directly with the lot owner/resident.
- Construction of a garage in Section 3 that appears to be in violation of the Covenants. It has been reported, to the Board, that the two-car garage contains an approximate 500 sq ft area that may have been constructed as a living space. The violations relate to Section 4 Page 3, Temporary Structures, and Section 9 Page 4, Residential Structures, of the Cuckoo's Nest Declaration of Protective Restrictions and Covenants. Mention was made that all lot/home purchasers receive a copy of these Covenants with their POA Packet. More research will be done before the Board sends a letter to the lot owner.
 - Richard will contact the Health Department to see what type of septic permit was issued for this structure and report back to the Board.
 - Pat will create a letter, for the Board's review, to send to the lot owner.

REVIEW ACTION ITEMS

- *Addition of bumpers or other item(s) to the launch pier in Common Area 1 for personal watercraft and small skiff-type boats*
 - The Board discussed the request, possible ideas/solutions, the implications, and came to the decision that the launch pier had been built to code and the Board will take no action for alterations to the launch pier.
- *Obtain estimates for reconstruction of Pier 3*
 - This was reviewed and discussed at the June 5, 2021, Annual Meeting. Six builders/contractors had been contacted. Three responded but only one sent in a bid for the project. At the first meeting of the new Board (June 5, 2021) Denny requested that an alteration be made to the bid contract so that the Board could "back-out" of the contract 6-3 months before start date. Jim said he would contact the builder. The only builder to respond with a written bid/estimate was WH Construction, the contractor who was hired for piers 1 and 2 and the launch pier in Common Area 1.
 - Jim mentioned that the information requested by Denny at the June 5, 2021 meeting had been added, to the contract, and that the revised contract states ("*Association has option to back out of agreement with no additional charges up to 90 days prior to estimated start date.*") and motioned to accept the contract.
 - Denny noticed that the revised contract, for pier 3, did not contain the information, that was in the contract for piers 1 and 2 stating that WH Construction would remove free-standing boat lifts for \$75/hour, if the owner requested. He requested that same clause be added to the contract for pier 3.
 - Richard noted that 50% of the Authorization Forms for pier 3 have been received.
 - Richard motioned that once this new clause was added and the revised contract received, that the contract be accepted and signed by the President. Paul seconded the motion. All were in favor.
- *Evaluate gap/hole at end of ramp in Common Area 1*
 - How to resolve this has been a discussion at the past several meetings with no resolution. Richard said when he talks with the distributor about gravel for the cart-path he will ask him, have him review the area, and see what he recommends.
- *Estimate for more gravel for Common Area 2*
 - This is delayed until the completion of the Dominion project.
- *Install firehose bumper to launch pier in Common Area 2*
 - Firehose was previously installed to the ramp side of the launch pier in Common Area 2. The Board has been told that there is enough left over to install on the new launch pier in Common Area 1. The person who installed it on the launch pier in Common Area 2 is willing to do so for the launch pier in Common Area 1 but will need help. Richard, Denny, and Paul volunteered to help.

- *Knox Box key*
 - The Board was informed that the fire department had recently been to the Common Areas to review the Knox Boxes and that the access cards are now programmed for the box; they just need to be given to the appropriate person, at the fire department, so they can be placed within the box. Also, it was mentioned that the Knox Box in Common Area 1 is infested with ants.
 - Richard said he would find out who to give the cards to.
 - Denny said he would see about getting rid of the ants.

OLD BUSINESS

Dock 3 Reconstruction Update. This was discussed during Action Items under *Obtain estimates for reconstruction of pier 3*.

NEW BUSINESS

With new Board members elected, a transfer of the Gate-Keeper's responsibilities is needed. Denny and Derek volunteered to take on this responsibility. They will work with the previous Gate-Keepers to ensure a smooth transition.

The use of remote access "clickers" for the electronic gates was discussed. Denny began by mentioning that he had been informed that 5 residents have them. Consensus was that either everyone gets them or no one gets them. It was decided that since the original implementation of the gates included 2 access cards for lot owners/residents the "clickers" were in violation of the gate procedures. Derek motioned that the 5 "clickers" be deactivated/decoded and that they would not be permitted. Eddie seconded the motion. All were in favor.

Since the reconstruction of the new piers and launch pier, there have been discussions and requests regarding items being permitted to be affixed to the surface of the main walkways (i.e., cleats, bumpers). After much discussion, the Board decided that no cleats are needed on the launch pier; the pilings are adequate for temporary tie-up. The Board decided to remove the cleats from the Common Area 1 launch pier. It was also decided that cleats would only be permitted, installed by the Board, on the swim platform, and these would be fold-down cleats. Jim will purchase fold-down cleats for the swim platforms. Boat slip owners/lessees will not be permitted to install cleats, of any type, on the surface of the pier walkways. Boat slip owners/lessees may install bumpers to stop their boat from rubbing/bumping into the side of the main piers; however, permission, from the Board, is required, before any bumper is installed. During this discussion it was mentioned that if a boat causes damage to any part of the main pier the owner of the boat is financially responsible for the repairs.

OTHER BUSINESS

Jim brought up about storage in the shed in Common Area 2. He requested that the Board set a date to review what is inside and clean out unneeded items. Derek suggested that the lock be changed and that there be one person in charge of the shed. Richard mentioned that he had a file cabinet he is donating to the Association, he wants to put in the shed, for storage of Association records. It was decided that several Board members would review and clean the shed immediately following the meeting. Richard suggested that 3 people hold the combination – Shed Manager, Treasurer, Secretary. The Board suggested Jim as the Shed Manager. Jim did not disagree. Derek motioned that the lock combination be changed and it be given to the Shed Manager, Treasurer, and Secretary. Eddie seconded the motion. All were in favor.

Richard produced a copy of the original lease given to boat slip owners/lessees from Lake Anna Land Corporation. The original leases defined the responsibilities of the boat slip owner/lessee. He added, that as properties have changed owners several times over, the information has gotten lost and needs to be forefront and defined. He suggested a letter

be created, to be included with the POA Packets, that explains these responsibilities to prospective buyers. With the information introduced, Pat introduced the following motion to the Board, "Due to the information communicated to the Board, from the lawyer, in November 2020, *'that the Association can fix the individual boat slips with the cooperation (including financial) of the boat slip owners-lessees or with an authorization from a judge'*, I would like to motion to rescind the October 6, 2018, portion of the Board decision whereby the Board voted to assume financial responsibility for the finger piers on all original 7 piers." Paul seconded the motion. Vote: 7 yes, 1 no, 1 not in attendance.

Denny brought up questions sent to the Board from a lot owner/resident. The questions/concerns were discussed. Pat will create a response for Board review.

Richard presented, to the Board and attendees, a set of plans from Bell Surveyors for use for planning the reconstruction of piers 5-7 in Common Area 2. He suggested acquiring their help in developing future plans. No decision was made. Eddie mentioned that Reserve Funds could be used for this expenditure as it is related to the reconstruction.

Regarding a lot owner/resident's question, at the Annual Meeting about numbering the boat slips on piers 1 and 2, Derek presented an idea to the Board which does not require attachment using screws, nails, or adhesive to any part of the pier. He showed the Board an example of a recessed-etched number. He mentioned that he had the equipment for it and, if the Board approved, he would volunteer to do it. The Board was very impressed with the idea and agreed for him to proceed.

A resident brought up about subletting CNA boat slips. The question was first introduced, at the April 2021 Board meeting, and the Board's response was "...that the slips are the property of the owner/lessee. Any transaction of a boat slip can only be with lot owners/residents of Cuckoo's Nest." The Board made no formal decision but did believe slip owners/lessees should only sublet to persons within Cuckoo's Nest. Denny mentioned that since there is not supposed to be any commercial activity on the private side of the lake, if Dominion found out about it, there could be consequences for the slip owner/lessee or the Association. He also mentioned that to sublet a boat slip a person would have to relinquish one of their gate access cards to the person subletting. Is this good practice? Resident asked how this differed from lot owners/residents with short-term home/vacation rentals and the use of boat slips/docks by the renters. The Board did not have an answer. There was no more discussion regarding this issue.

A resident suggested that due to so much information having been discussed at this meeting, the Board consider distributing these Minutes to each lot owner/resident instead of the usual practice of just posting on the website. The Board will take this suggestion into consideration.

At 11:25 a.m. Paul motioned that the meeting be adjourned. Richard seconded the motion. The meeting was adjourned at 11:25 a.m.

The next meeting of the Board of Directors will be held on
Saturday, August 14, 2021, 9:00 a.m., Pavilion, Common Area 2.

MOTIONS/VOTES

Acceptance of Contract for Pier 3

- Richard motioned that once this new clause was added and the revised contract received, that the contract be accepted and signed by the President. Paul seconded the motion. All were in favor
Vote: 8 yes, 0 no, 1 not in attendance

Use of Remote Access Clickers for Electronic Gate

- Derek motioned that the 5 "clickers" be deactivated/decoded and that they would not be permitted. Eddie seconded the motion. All were in favor.
Vote: 8 yes, 0 no, 1 not in attendance

Change in Shed Lock

- Derek motioned that that the lock combination be changed and it be given to the Shed Manager, Treasurer, and Secretary. Eddie seconded the motion. All were in favor.
Vote: 8 yes, 0 no, 1 not in attendance

Rescind October 6, 2018 Board Vote to Take Over Financial Responsibility of the Finger Piers on All 7 Original Piers

- Pat introduced the following motion to the Board, "Due to the information communicated to the Board, from the lawyer, in November 2020, *'that the Association can fix the individual boat slips with the cooperation (including financial) of the boat slip owners-lessees or with an authorization from a judge'*, I would like to motion to rescind the October 6, 2018, portion of the Board decision whereby the Board voted to assume financial responsibility for the finger piers on all original 7 piers." Paul seconded the motion. Vote: 7 yes, 1 no, 1 not in attendance.

As the vote was not unanimous, votes are listed below:

Yes Votes:	Amrein, Evans, Hanley, Owens, Rippeth, Smith, Zeranski
No Votes:	Harris
Absent:	McKenney

CNABOD/pie

Approved by email: Amrein, Hanley, Owens, Rippeth, Smith, Zeranski