

**CUCKOO'S NEST ASSOCIATION
BOARD OF DIRECTORS MEETING MINUTES
September 12, 2020
Location: Common Area Pavilion**

Board members in attendance:

Jim Amrein, Kathi Cline, Pat Evans, Bonny Geris, Pete McKenney, Eddie Owens
11 Residents/Lot Owners

As the President and Vice President were not in attendance the Board needed to decide on a Chairperson for the meeting. Jim nominated Pete. Pete declined. Eddie nominated Pat; Jim seconded the motion. Pat accepted.

The meeting was called to order at 9:00 a.m.

TREASURER'S REPORT

Kathi reviewed the **August** financial report.

A total revenue of \$104.00 was received and deposited.

- Balances are as follows:
 - Checking \$ 25,125.36
 - Savings \$ 8,198.59

No dues received this month. A total of 2 residents'/lot owners' Association dues are still unpaid. Three POA packets were received from Tranquility.

COMMON AREA REPORT

At the Annual Meeting Larry requested that additional gravel for CA2 be added to the September 12, 2020 agenda. Pete described the area around the pavilion is in need of additional gravel as much has washed out due to heavy rain. No gravel needed in CA1. Pete estimates approximately 1 truckload is needed. He will check cost and report back to the Board.

All the new signs have been put up in CA1 and CA2. Jim wondered if we needed to add an additional sign, at the beach, stating No Fishing from the Beach and No Glass Containers. After discussion it was decided that even though hooks that may get lost in the water near the beach are a hazard, there will always be fishing from the water; fishing from the beach is very infrequent.

The question was asked as to whether an additional No Parking sign should be purchased to replace the older one still at the boat launch area near the pavilion. It was decided to leave the sign as is, for now.

Kathi suggested that the Board check with the current lawn maintenance vendor to see if we can schedule service closer to major holidays. Discussion only; no one assigned to this.

COVENANT VIOLATIONS REPORT

No change.

ACTION ITEMS

Action Items were reviewed and the following will be added:

- Cost of more gravel for CA2 (Pete)

Several Action Items have been completed and were removed from the list.

Regarding the Knox Box key, Pete mentioned that we need to think about giving Dominion a Common Area access card. Issue would be who at Dominion would hold it? There are several different divisions from Dominion who need access to the Common Areas. Peery Agee may be a good person to start to find out. No one was assigned to this.

Regarding the repainting and repair of the pavilion, Kathi mentioned that Larry wants to power wash the pillars one more time before painting. Replacement molding is in the shed; a person with mitering expertise is needed to make the cuts for the molding at the bottom of the pillars.

OLD BUSINESS

Dock Replacement - Project is scheduled to begin the first week of March 2020. Letters to residents/lot owners are being reviewed by lawyer.

A resident/lot owner suggested that the new docks be waterproofed every few years to decrease the aging process.

The parking at the covered slips should be more controlled with the new signs.

NEW BUSINESS

Dues Increase and Dock Concerns

In order to properly address residents'/lot owners' questions and concerns regarding financial obligations for the new docks the Board has retained the services of an experienced HOA lawyer. Before deciding on one, the Board researched and spoke with 4 different firms. A firm in Spotsylvania was chosen – R. Scott Pugh. Responses are anticipated to be sent to the Board the week of September 14th. Until these responses have been received, the Board will delay with any decisions relating to the issues/concerns.

The possibility of turning the management of the Association over to a Management Company was discussed. Eddie stated that a previous Board had researched this. There would still be volunteers but the Company would ultimately be in charge. The cost would be substantial to residents/lot owners. Pete suggested we “table” this for now. A resident expressed that it would be a good idea to look into this. There was no further discussion.

Regarding an additional sign at the beach for No Fishing or Glass Containers the Board decided that this was not needed at this time.

Regarding **personal items in the storage shed in CA2** Pete stated that there are none.

The **downed trees in CA2**, will be removed.

Special Election Results

47 ballots were received. Results: Derek Harris (11 votes), Donald Henshaw (5 votes), Denny Smith (16 votes), Megan Zeranski (10 votes). **Denny Smith was elected as the Board member to replace Bonny Geris.**

Bonny spoke to the group saying that her decision to resign was strictly personal reasons and that even though she won't be a member of the Board she will still fully support the Board and the work the volunteers do. She will continue to be an active member, of the community, as a resident. The Board was grateful for the service Bonny had given to the Board and is thankful that she won't be far away.

Kathi mentioned that there will be 3 positions open in June 2021 and would like to see the 3 persons who ran for this election put their names in for those positions.

Director Positions for the new Board will remain the same till all Board members are in attendance.

OTHER BUSINESS

None

RESIDENT/MEMBER COMMENTS & QUESTIONS

The Board was in receipt of a Formal Complaint from a resident/lot owner. As this resident/lot owner was in attendance the Board asked if he/she wanted to delay the discussion to a time with less resident/lot owner attendance. The resident/lot owner said they were prepared and preferred to address the concern at this meeting.

The complaint states that "waterfront property owner's dues be less due to a 2018 Board Approval of Commons Area boat slips now paid for by all property owners". The resident/lot owner stated that he/she had researched some other subdivisions, around the lake, to see how they handled finances for waterfront vs. water access and was told that slip owners were responsible for financial obligations related to the slips separately from all other association amenities; waterfront residents/lot owners were not part of boat slip obligations. He/she believes that since waterfront residents/lot owners are unable to utilize the boat slips in the Common Areas, they should not be financially responsible for any maintenance and/or replacement and dues should be assessed accordingly. He/she informed the Board that they had contacted Lake Anna Land Corporation regarding the lease for the water access boat slips, in the Common Areas, and were told that this agreement is what owners are given when they purchase property. This document states that the Lessee is solely responsible for the maintenance and upkeep of their boat slips. They had a copy of this lease.

Pat responded that the Board understands this concern; had heard it at the August 1, 2020, Annual Meeting, and due to the concerns, addressed to the Board, had retained the services of an HOA lawyer to correctly and legally interpret the documents, pertaining to Cuckoo's Nest, to ascertain who is responsible. She also mentioned the gaps in the paper trail for the boat slips. Another resident/lot owner interjected that he/she had not received any paperwork regarding a boat slip but had been given a Post-It Note with the Pier # and Slip #. The Board will delay any further decisions or recommendations until the lawyer's responses have been received.

A resident/lot owner, who had been on the Board at its inception, stated that that Board had presented the same question to a lawyer and were told that ultimately, when a person purchases property within the Association they are part of the Association and thus subject to all parts of the Association. He/she also mentioned that it is the homeowner's/lot owner's responsibility to find out about the lease or paperwork for their slip.

Resolution regarding this complaint is "on hold" until responses are received from the lawyer.

ADJOURNMENT

At 10:29 Jim motioned that the meeting be adjourned. Jim seconded the motion. The meeting adjourned at 10:29.

Before everyone left, Pat mentioned that the Board had previously discussed holding meetings during colder months at her home and wanted everyone to know they were welcome. She said her address would be included on the agenda and website. Everyone was agreeable to the location change.

The next meeting is scheduled for Saturday, October 10, 2020, 9:00 a.m. 689 Elnor Road, Bumpass, VA.

CNABOD/pie