



**February 2017**  
**Minutes of Board of Directors Meeting**  
**Taberna Master Homeowner Association, Inc.**  
**February 28, 2017**

**Board Members Attending**

Bart Rovins	President
John Scirica	Vice President
Joe Frangipane	Treasurer
Maryann Faulkner	Secretary
Dick Stern	Assistant Treasurer
Bill Durante	Member at Large

**Absent**

Katie Shorter, Assistant Secretary  
Jessica Vest, CAS  
Dick Turner, ACC

**Call to Order**

The meeting was called to order at 3:08 p.m. by Bart Rovins, President.

**Establish Quorum**

Maryann Faulkner determined that a quorum was present.

Minutes approved from Informational Meeting of December 19, 2016 and HOA Board Meeting of January 24, 2017. There was a discussion regarding routing these minutes to each Board member after they are signed. Maryann will send them to each Board member and Jessica.

**Committee Reports**

Building and Grounds: Bill spoke to Bart about the broken sidewalks and that is being worked on. He also spoke with Jim Young who painted the new stop signs at the intersection of Taberna Circle and Taberna Way. They have been painted and have been paid for. Bill also emailed Loomis about the cancellation of the contract involving the perimeter areas. We as the Board all received this email. Capital Crossing has been notified as well. Bill spoke again with Jim Young who, along with Charlie Webb, does the undeveloped lots. He informed Bill that he will lower his empty lot bush hogging prices for this year. Apparently a few years ago he was told to charge a certain price per acre and that is how he set his price. Now that there is more competition he said he would lower his prices. Bill let Jessica know about this possible rate change. Jim will forward these invoices directly to CAS. Jessica will then forward the invoice to the lot owners.

Bill stated that approximately every two years at the dog park, we get dirt sent there to fill in holes dug by dogs, bare spots, etc. Bill mentioned this to Jim and told him that we are in need of this which costs a few hundred dollars. Bill made a motion to approve this, Maryann seconded. Motion passed unanimously.

Bill also spoke with Jason Raper of the Advisory Committee and Jason has indicated that he is very happy to help Bill with the Building and Grounds work. Bill told Jason he will contact him next week about setting up a meeting with him and David Sawyer regarding the fencing at Abbingtion Woods. This will allow Jason to meet with some of our vendors. Joe asked about replacing the fences. Bill and Jason will look at the fences and see whether they need to be replaced or repaired and get back to us on this.

Bill and Jessica walked to the back of [REDACTED]. Homeowner complained that KutRite is blowing leaves in the back of their yard. Bill looked at this and stated that it could be falling from trees. In good faith, Bill and Jessica said it will be cleaned up on a one-time basis.

Another homeowner spoke about the berm behind her home at [REDACTED]. She wants it cut down but neighbor does not. Bill thinks that Jessica needs to get involved in this. Bill will call the homeowner and state that the Board will look into this and advise her in the future.

Bill also spoke with Joe Kelly regarding painting contractors for OTW and Joe will get back to him with names regarding this. If this doesn't work, we may need to solicit bids for the painting.

#### **Vice President's Report**

Nothing to report.

#### **Treasurer's Report**

Joe looked over the reports that Jessica put out for the month ending in January. Even if the dues are not paid, they are booked as income. They do however book the expenditures as they occur. If we look at the A/R aging report for the Master, it tells us who has not paid.

Joe distributed an update of the budgets to the Board. They have previously been set up in quarters; Joe has changed them into months.

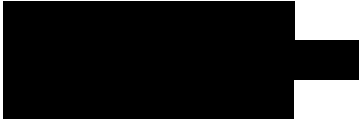
We were all given Replacement Reserve Analyses from Joe. The first was Abbingtion Woods. Joe forced year end 2016 to match year beginning 2017 and added to second analysis what the escalation would have been and the interest income was still at 3%. His third analysis said forced year beginning 2017, use interest income at 0.5% which was the recommendation from CAS and then adjusted the yearly funding increase to keep us liquid for as long as possible Percentages run into the 90's until we hit the year of 2034 at Abbingtion Woods. This can be updated. Bill stated that what needs to be replaced, will be replaced. Repairs or replacements will be done on an as needed basis.

Bill brought up the possibility of doing a 5% increase per year and feels that would keep the reserve positive. An update will be prepared for the Master and Sub-Communities taking into consideration the Percent Funded, i.e., the ratio of Starting-to-Fully Reserve Balance remains at 70%.

Taberna Landings is in good shape with their reserve.

One Taberna Way- on Joe’s analysis #2, he recommends that we go to 5% per year and .5% interest income and we work out when we paint them.

Motions were made and seconded to authorize foreclosure actions for:



**Manager’s Report**

Community manager was absent but will be meeting with Bart and Bill on Thursday to review B&G topics and Taberna Townes. All of the required financial documents were provided by CAS in time for today’s meeting.

**President’s Comments**

As of today Capital Crossing has not responded to the Advisory Committee’s communications. The Committee is interested in conducting a community-wide online survey concerning the Taberna Country Club, and wants to determine if Capital Crossing wishes to participate and if Capital Crossing will pay for the mailing costs associated with the survey.

**Old Business**

Bart has been in touch with Dick Turner and Bill Cheesman of the Adjudicatory Committee to determine the best way to proceed with a fence installation that is not in compliance with the ARC procedures and the Covenants.

**New Business**

Attorney Bonnie Braudway phoned Bart during the meeting in response to Bart’s inquiries concerning incorporating Taberna Townes into the HOA. A summary of Bonnie’s comments follows:

In 2003, Weyerhaeuser transferred 7.58 acres to RAM of Eastern North Carolina, LLC and it was said in that deed that all homes in the development shall be members of the Taberna Master Homeowners Association and that the land is conveyed subject to the master covenants for Taberna. However, RAM will need to record an official annexation into Taberna, once it is subdivided. In 2007, RAM recorded the final plat of Taberna Townes showing 19 town homes. Common areas and some association property were identified. In December of 2008 there is a covenant amendment that was recorded between Weyerhaeuser, RAM and TMHOA whereby

Weyerhaeuser transferred all their Declarant rights (powers as developer) and the TMHOA consented to these 19 lots becoming part of the association, subject to the terms of the Covenants and confirmed that the property is subject to the Master Covenants for Taberna. Immediately after that document, they recorded an amendment to the protective covenants of Taberna creating Taberna Townes.

According to this amendment, the developer (RAM) is supposed to be maintaining the property and as the property is sold, the dues become owed. The owners are supposed to be paying regular dues to the Taberna Master Homeowners Association as well as supplemental dues (reserves). Therefore, the annual dues should have been payable once the property has been transferred to a third party owner. If the property was built and ended up being leased versus being sold, there should have been dues paid as well.

Eventually and conceptually, the HOA will be responsible to maintain certain aspects of the town homes as well as the common areas, roads and storm water management system within the sub-association. Transfer of these responsibilities has not occurred. Bart stated there may not clear title to the main road (Battlefield Trail) due to a dispute with the railroad.

Bonnie asked if everything had been built, and she was informed that it is not even close and not even likely to be done within years to come. There is one building with four units and only three are occupied. Bonnie raised the question as to whether the developer has abandoned this. She was informed that he is now deceased, and prior to that, in lieu of a bankruptcy deeded the whole 7.58 acres to First South Bank. Bart confirmed on February 28, 2017 that First South is on record as the one responsible to maintain the storm water system, per the City of New Bern. It appears that the Bank is performing minimal maintenance (ie, grass cutting), but it is not clear who has responsibility for the roads as the City as not taken yet taken responsibility. Bonnie will research who holds the developer rights and the answer to this question will allow us to determine if the Bank or another party is responsible for roads, common areas and storm water management systems.

The first town home was sold in 2014, and two in 2016. The fourth is still for sale. Bart asked how far back we can go to collect the HOA dues. The Board will make formal decisions regarding HOA dues and sub-association assessments after we receive Bonnie's full report.

Bonnie will look into what role the Bank is playing to determine any liabilities to the HOA. She will also look at the bankruptcy and see if there is a foreclosure filing. Bart stated that the building in question is almost ten years old and there are no reserves for any upcoming maintenance. We have been informed by Jessica that HOA money can't be used for this, and if money is needed, we would have to get a bank loan for such repairs.

John asked Bonnie if it would be advantageous for us to not pursue the bank to pay the HOA dues on the empty unit. Bonnie said it was part of the HOA because there was a consent signed in 2008 that made these units all part of the HOA. We will wait to hear back from Bonnie regarding the Bank's status.

Bart spoke with the City of New Bern earlier this morning regarding the storm water system. There is a separate covenant between the City of New Bern, the Trustee for RAM and First South Bank that says the City has the right to go on to the property, inspect the system, and if no one else will make the repairs, they will do the repairs and invoice the appropriate party. He got some information regarding standards of maintenance, names of experts in this, and the Engineer at the City stated we can't take responsibility for part of that system. It is all or none. The City wants us to take them, as they have confidence we will maintain them. Any action on this topic was deferred.

Bonnie will put together a package of all this information and documents and send it to Bart.

There was much discussion regarding how far back to go with Taberna Townes regarding collection of HOA dues. Dick stated that the items that could come under replacement have started to age since the house was built in 2008. He feels the special assessment needs to be collected sooner rather than later. The sense of the Board was that we need to proceed with caution as we do not know what the owners were told regarding HOA dues. All decisions on these points were deferred pending Bonnie's work.

It is delineated in the covenant that the HOA is responsible for the following:

1. Exterior maintenance repairs including power washing, painting, repair and replacement of roof, shingles, gutters, downspouts, all other exterior building surfaces other than windows, screens and glass doors.
2. Repair of all exterior architectural features and all fixtures with the exception and replacement of exterior light bulbs and light fixtures attached to the unit.
3. Maintenance and repair and replacement of exterior driveways and walkways.
4. Maintenance and repair of any streets in Taberna Townes not dedicated to the City of New Bern (start date is unknown).
5. Maintenance and repair and replacement of storm water bio system and maintenance of any area subject to a conservation declaration now or hereafter with regard to protection of wetlands (start date is unknown).

#### **Action Items**

- **Bart** will send Bonnie the name of the engineer at the City of New Bern (Amanda Banks) and the information she sent him around the plan, standards, etc. The objective for this would be to see if whether we get the city to act and inspect the system to see that it performs as indicated in the event of severe weather damage.
- **Joe** will do a Replacement Reserve Analysis to determine if a Special Assessment is required for Taberna Townes. This will exclude the Bio-Retention Ponds and Storm System. He will check and see life cycle of roofs, etc. and check with Bill regarding this.

- **Bill** will get in touch with Jason Raper and investigate the fences at Abington Woods.
- **Maryann** will email executive session minutes once they are approved at the meeting to each Board member and Jessica.
- **John** will call Claudia Unsicker regarding the sale of these homes in Taberna Townes.
- **Dick** will complete the OTW maintenance outline and arrange a meeting with the OTW Committee.

**The next meeting is March 28, 2017 at 3 p.m.**

**Adjournment:**

Meeting was adjourned at 5:12 pm

Approved by the Board of Directors:

Submitted by: \_\_\_\_\_  
Maryann Faulkner, Secretary

Approved by: \_\_\_\_\_  
Bart Rovins, President

Date: \_\_\_\_\_

Date: \_\_\_\_\_