



January 2017
Minutes of Board of Directors Meeting
Taberna Master Homeowner Association, Inc.
January 24, 2017

Board Members Attending

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

CAS

Jessica Vest

ACC

Dick Turner, Chair

Call to Order

The meeting was called to order at 3:00 p.m. by Bart Rovins, President.

Establish Quorum

Maryann Faulkner determined that a quorum was present.

Minutes approved from Special Meeting of January 3, 2017.

OPEN SESSION

Introduction of Homeowners

Brian and Charlotte Graham, 102 Friburg Road

Pat Rappaport, 113 Uster Court

City of New Bern Guests

Joseph Sabatelli, Financial Director

Brian McGinn, Electricities

Ryan Purtle

Committee Reports

Architectural Control
Building and Grounds

Dick Turner
Bill Durant

Vice President's Report

Nothing to report.

Treasurer's Report

Joe stated that, after looking at the year-end reports, we are in good shape going forward. The 2017 budget is in place and we are working against that. He looked at Excel file containing the reserve analysis and put together a spreadsheet of the five Communities with reserves, allowing for inflation of three percent.

Bart asked if Joe had electronic spreadsheets and questioned is there was backup to this in the event of illness or computer crash, etc. by either disk or machine. Katie said he could back up to external hard drive. Bart asked Jessica what other communities do in this regard. Jessica suggested keeping an external hard drive and keeping it in the HOA office and also said CAS could also keep a copy. CAS would be able to transfer that information in the event we had changed to another management company and then they would forward that to the new company.

Katie suggested setting up a Business Cloud which would always be available in real-time. This would be Windows and Apple compatible. She will look into this.

Reserve Analyses

Abbington Woods there is \$41,000 there so far vs. a need for fully funded of \$35,000. Their yearly contribution is more than adequate.

Boleyn Creek should be at \$94,000 to be fully funded. They are currently at \$89,000.

One Taberna Way to be fully funded requires \$123,000; year end at this point is \$107,500. Yearly contribution was a little under \$8500 in 2016, and it has been increased to \$10,792 for 2017. It escalates beyond this time period. Homeowners are aware of the need to build up reserves. Target for reserve between 70-80% seems to be industry standard per Katie. Jessica has completely underfunded neighborhoods at approximately 30% and others that are in the 70-90% range. This is due to reserve study updates.

Joe stated that it is appropriate to do another reserve study at the five-year point; last reserve study was 2012.

Bart asked who will do the update. Jessica stated it was normally the treasurer along with the reserve study advisors. Joe will see who did original study five years ago and will go ahead and see if it is adequate. We may not need to get someone involved.

Taberna Landing to be fully funded is \$7300. We are at \$9100. He has to go in to see what the starting reserve balance is required. Bill asked a question about Taberna Landing regarding payment of the assessment. Every property and/or lot owner has to pay the HOA dues as well as their sub community assessment per Joe.

TABERNA MASTER to be fully funded is \$233,000. We are at \$157,000.

Katie motioned that we try to expeditiously get the actual budgets up online as soon as we can within a 30-40 day window; Bart seconded it. This was approved unanimously.

ACC

Dick Turner explained the responsibilities of the committee to our guests in detail. Any change requests need to go to the Architectural Control Committee for approval. All information is in the drawers that are present in the HOA building.

Dick has advised us that a homeowner had a fence installed which violated five of the covenant guidelines. This fence installation was done without approval from the ACC. It extends back more than half of the distance of the lot line, and is too high. Fence was tied into privacy fencing that is located between two residences. Privacy fence is on the lot line, not on the owner's property. The homeowner used the privacy fence as part of its fence. Dick has met with the homeowner regarding this. The ACC has allowed for a variance to a degree but still maintains that a major portion of the fence must come down; however, the homeowner disagrees. Next step is to meet with the Board. The homeowner feels he has put too much money into the current fencing to remove it. The Board discussed numerous options should the homeowner choose not to comply with Taberna's covenants, which range from applying a lien to the home to asking the City of New Bern to get involved.

Jessica stated that we do have options. Town and County both have regulations such as building setbacks. Wrought iron fences and open fences don't violate them, but there could be a question regarding this particular fence. We could look into covenants of Abbington Woods and Taberna, we could go on the property which may not end well. Dick Turner suggested we wait to hear their position first. He will update us on the progress of this situation. Homeowner has been advised of next HOA meeting.

Jessica will be advised if there is no compliance on this issue.

By Dick's count there are 778 lots, plus 20 lots including the condos. There are 38 vacant lots. Where there was a home constructed there is a file with lot number and address. Vacant lot has a yellow folder in place of a file.

Dick stated it was brought to his attention that there was a possible drainage issue at two homes:

1. 114 Nyon Court
2. 228 Ticino Court

Both sites were visited. Nyon property was wide open. There is a foot bridge that goes across the drainage easement and there is nothing under that bridge. The property on Ticino Court is clear also.

Jessica stated that she cannot exit her car and go onto private property, but she can observe from her car. All seemed good there.

Building and Grounds Committee

Bill Durante explained his responsibilities to our guests in detail also. He works with Jessica Vest and our various landscape contractors to be sure contractual obligations are fulfilled with properties such as Abbington Woods, One Taberna Way, Boleyn Creek and Taberna Landing. If there is a problem, he and Jessica will investigate and see if any action needs to be taken. At this time, they are evaluating fencing issues in Abbington Woods as they are getting older and wood is getting cupped and broken. The money that the people pay in Abbington Woods over and above the HOA fees covers this. Bill and Jessica are going to see if individual boards need to be replaced, if the entire fence needs to be replaced. David Sawyer is handling this for us. Bill will look at these fences and advise David Sawyer what actually needs to be done. They will look house to house and evaluate. At this time, the reserve in Abbington Woods is approximately \$41,000. So far, only partial repairs have been required.

Bill will also contact Loomis via email regarding the perimeter areas landscape contract not being renewed.

Bart asked about the wrought iron fences on the bridges. Some of them are in need of repainting. City of New Bern is responsible for this repair work. Bill will speak with them regarding this.

Bart's last comments at the end of the Open Session concerning Capital Crossing indicated that he had spoken to James McLoughlin on Friday January 20th. There is a plan that would inject some additional money and positive direction for the balance of the calendar year regarding the Country Club. That plan was submitted to his bosses in late December of 2016. It is sitting there and there is nothing new to report. Bart shared with him the outcome of the letter as well as the Committee meeting and also renewed our collective frustrations with the local management.

Jessica will be changing around some of her dates in which she does compliance. On meeting day, it will be Tuesday, the first day of the month is unknown to prevent homeowners from following a pattern.

EXECUTIVE SESSION

President's Report

Bart stated that it was his understanding, based on communication from Bonnie Brodway, that even if we got the requisite 67%, we can only apply covenant change to future land owners. He wants to re shop that advice. Covenants run with the land and the NC Law is such that we can't amend covenants and then apply the change to the current landowners, even if they vote on it. Bart will meet with other attorneys (see action item below). Question was raised as to how would we pay for this. Bart has spoken to several people at Fairfield Harbor who have similar covenant situations and they think there is a lawsuit coming from the residents who were not in favor of the HOA supporting the amenities. Fees associated with various amenities would cover the note at Fairfield Harbor. There are several residents in Taberna who work for Ward and Smith and Oliver and Cheek. Bart will sit down with the attorneys listed below and will ask the necessary questions regarding the possibility of making changes to the covenants.

Katie motioned that the HOA Board make the necessary expenditure to get a second opinion regarding the covenant review. Bill seconded it. Motion passed unanimously. Bart will report back to us after he has met with the attorneys and advise us of his decision.

We need to add a secondary line item under "covenant review". Jessica will take care of this.

Manager's Report

Finance review of delinquent account status: As of this date we are owed \$5400, \$3000 of which is fines. Jessica stated we need to think about this going forward, as the majority of the delinquencies are not in actual assessments, but rather in fines and fees. When we are looking at our Master totals due, the breakdown as of today is \$6000 in assessments, \$9605 in violation fines, legal fees about \$3500 and all other fees, late processing fees, document processing fees is about \$2700.

- [REDACTED]: Jessica also stated that in regard to the [REDACTED] case, we will never recover the money owed. Once the actual foreclosure date is recorded properly by the bank, per our documents we write everything off. Once the bank takes ownership we will get a prorated amount for this year, but otherwise this money is non-existent.
- Jessica discussed the concept of cleaning up [REDACTED], which is an eyesore. House has been abandoned for two years and there has been no maintenance of the house and property. House needs power washing, pruning and general cleaning. We had discussion regarding the Board being willing to fund this cleanup and maybe using Loomis to do the work. Discussion was made stating that the Board members drive by [REDACTED] and advise Katie of our opinion of the appearance. We will advise her by email. We will review this as needed.

- [REDACTED]: The bulk of their balance of fees is violation fines. Total assessment is \$290, for dues and legal fees. Homeowner is in bankruptcy at this point. Post-petition, his assessment will go up another \$290 for dues, and the late fees that correspond with that. Legal fees will stay.
- [REDACTED] Post- petition, write off violation fines portion and everything else stands as is.
- [REDACTED] Move forward with foreclosure. Dues have not been paid for three years at this point.
- Katie motioned that we go ahead with foreclosure, Maryann seconded it. Motion passed unanimously.
- [REDACTED] Lien filed with the attorney in March in the amount of \$1700. Jessica stated we should move forward with foreclosure on this property at [REDACTED]. Motion to file for foreclosure made by Katie, seconded by Maryann seconded. Motion passed unanimously.
- [REDACTED]) Owner is actively in contact with attorney. Jessica said we will probably need to see action on this.
- [REDACTED] Foreclosure discussed. Maryann motioned, Joe seconded. Motion passed unanimously.
- [REDACTED] Maryann motioned to move toward foreclosure, Joe seconded. Motion passed unanimously.
- [REDACTED] This account is being paid off currently.

[REDACTED] Special assessment at OTW not paid. Jessica will check and see if he has paid this.

Violations Report: [REDACTED] removed the trailer. [REDACTED] are all taken care of and they will be closed out.

President's Comments

Nothing new to report. See above discussion.

Old Business

CAS Contract renewal: Bart has the new contract, and it has been amended as we discussed with February expiration date. John questioned that Joe brought up making a later expiration date, as the new board meets in January and will immediately need to make a decision on that. February board meeting is two weeks post expiration date. John motioned we accept the CAS contract, Bill seconded. Motion passed unanimously Bart signed the contract today.

New Business

- Adjudicatory Committee Procedures: Bart met with the committee and sent us his report on this. Katie motioned that we accept the procedure as outlined by Bart in his email of January 23rd, Joe seconded. Motion passed pending Jessica's approval.
- Board meeting times: We will review this in the future as required.
- Review potential need for Town Hall meeting: Nothing new to report at this time.
- Review of projected expenditures for Covenant review and community support: See above comments and explanation. We will create a line account under "covenant review".
- Reserve analysis- Master and Sub Communities: See above comments. Joe raised the question of the \$9600 special assessment in 2016 and it was part of the \$9 extra collected. We are still collecting that. We will hold on to that money until further notice.
- OTW needs to have insurance policies that include adjoining walls and we have to ensure that. Jessica said we needed to send a letter to the homeowners requesting an insurance certificate. Katie motioned that Jessica send a mailing to OTW residents to ascertain adequacy of insurance status. Dick seconded. Motion passed unanimously. Katie raised question to Jessica regarding the possibility of people not having insurance. At that point, Jessica will send another letter outlining the specific area of the covenant that requires them to have it. If still no response, we have documentation that we have done our due diligence in this regard. Jessica will see where this mailing was charged in 2012 and advise. Jessica will send mass email (to board?) outlining entire scope of the policies that we have. We are covered under DNO, and commercial liability. Jessica states we have a copy of that.
- Bart will send note to our Alderman E.T. Mitchell, to discuss the issue with sidewalk areas of buckling.
- Bart had received an email from E.T. Mitchell putting us in contact with an HOA Board member from Hardee Farms who is very motivated and concerned about the state of the roads near our communities. He thinks that the reps from all the HOAs will get together and approach the city around the road issues. According to E.T. the only way we will get attention is basically if the entire part of the City of New Bern here acts in contact. There are many other areas of the City of New Bern that also require attention.

Action Items

Bart:

- Go to Oliver and Cheek, and then meet with John King at Stubbs and Perdue, followed by Ward & Smith.

Joe:

- Will complete reserve study.

Bill:

- Will call City of New Bern regarding trees in retention ponds.
- Will also see if sidewalks are the responsibility of the City of New Bern.
- Will check with the City of New Bern about wrought iron bridges.

Katie:

- Katie will work on backup of information and check with Business Cloud regarding the possibility of implementing it.

Jessica:

- Send email to Board updating us on insurance status of OTW.

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

Adjournment:

Meeting was adjourned at 5:47 pm

Approved by the Board of Directors:

Submitted by: _____
Maryann Faulkner, Secretary

Approved by: _____
Bart Rovins, President

Date: _____

Date: _____