

**Emerald Green Property Owners Association
Monthly Meeting of the Board of Directors
EGPOA Clubhouse and Zoom
Dec. 18, 2022 - 9:00 am**

Name	Present
Patrick Kennell (President)	✓ (in person)
Earl Silas (Vice President)	✓ (in person)
Dan Brumbaugh (Treasurer)	✓ (in person)
Tom Ganz (Assistant Treasurer)	✓ (in person)
Chris Loomis (Secretary)	✓ (in person)
Joel Cohn	✓ (Zoom)
Arthur Kaplan	✓ (Zoom)
Ilana Kaufman	✓ (in person)
Alex Rey	✓ (in person)
Zach Siegel	✓ (in person)
Hal Simon	✓ (Zoom)

Staff: Michael Hoyt and Brittany Cunningham

LLM Water Co.: Alan Schantz

A. CALL TO ORDER

- **Roll and Pledge**
- **Approval of Minutes of 11/20/22 Regular Meeting.** Chris motioned, Dan seconded, motion passed.
- Board members had not yet had adequate time to review meeting minutes for the 10/16/22 regular meeting, 10/30/22 special meeting, 11/12/22 special meeting, and 12/11/22 special meeting. Patrick asked the board to review/request changes before Thursday, 12/22/22, after which they would be posted for members.

B. CAPITAL PROJECTS UPDATE

- **Entertainium Project - Outstanding Items (report delivered by Michael)**
 - **Main Entrance**

- Need to decide on flooring, carpet or paint.
 - Need to take delivery of the elevator during the last week of December.
 - Delivery of elevator last week december. Coordinated
 - Access system and fire alarms are being worked on now.
 - Minor electrical work like electrical covers remains to be done.
- **Basketball court**
 - The 1st and 2nd floors needed cleaning. Michael has an appointment with ServePro on 12/20/22. Earl asked about cleaning costs/budgeting – Michael said that was uncertain; he noted the epoxy estimate included cleaning.
 - Floor needs to be painted and striped.
 - Cove base needs to be installed on floor. Has been delivered; awaiting painting.
- **Fitness center**
 - Heat hasn't been installed. Compressors are on order (6-8 month backlog).
 - Also needs a thorough cleaning.
 - TV's have to be ordered. Set up for 5 TV's, which were included in the project's IT budget. Set up for streaming.
 - Minor electrical work: outlet covers, finishes for access systems (card readers).
- **West Wing (bathroom side)**
 - Need to decide on flooring. We have carpet that would take care of the 2nd or 1st floor but need to figure out the rest of it. Michael's rec would be to keep the same carpet that we have. Estimate is \$5,200 for 30 bundles, not including installation. Michael said it only accounts for the west side but there should be enough to finish both the west wing and main entrance.
 - On the 2nd floor vestibule: we have sufficient flooring material left over from the track to use the same material there.
 - Ilana asked if carpeting funding would come from the project's contingency funds. Michael confirmed that the flooring was beyond the scope of the existing project budget. Michael said the funds also could come from operating reserves, transfer & construction, or other budget lines in the assessment.
 - We need to finish installing the split units. Michael is trying to track down contractors to do the work.
- **East Wing (office side)**
 - Need to finish access system
 - Need to finish split units
 - Most IT up and running
 - Minor electrical work.
 - Hoping to move in during the last week of December pending temporary CO.
- **Questions**
 - Ilana asked if the cleaning and flooring were the only "new" expenses from the scope of work discussed in September. Michael said yes.
 - Hal said the only decision remaining appeared to be the flooring in the main entrance and west wing. He asked if there was consensus on purchasing the

carpet. Dan said he was concerned about where the funds would come from in the budget. He said \$5000 of materials could involve \$10,000 for installation.

- Patrick asked about equipment in the Entertainmentium. Michael said the basketball hoop is on order (half court). Pickleball net was donated.

- **Fitness Center equipment**

- The lease with Advantage was signed; awaiting a delivery date.
- Patrick asked about publishing the layout and equipment list.
- Discussion on adding a Smith machine - joined by Joe Bachana. Chris said the pricing would be around an additional \$5,000 including plates.
- Joe Bachana: Existing equipment list would target all muscle systems in all three planes of motion. Smith machine is a controlled system that is pretty safe as far as plated systems go. A "fabulous" system on its own terms, especially for experienced users. The only risk is the plates themselves with inexperienced users, particularly in unattended gyms.
- Patrick asked about the demand for this equipment. Dan said we are opening the fitness center with basic equipment, "getting the community on board", and then could consider expanding the equipment list down the road.
- Chris suggested that we revisit the Smith machine question in 3-6 months when we have equipment installed and have a sense of safety procedures. Dan said he just didn't want to "close the door" on future upgrades. Hal said we should wait and see both from a financial and a demand perspective.
- Joe confirmed a Smith machine would be possible to fit in with the current equipment layout.
- Hal asked about signage/instruction manuals from Advantage. Chris said he would follow up with Advantage. Joe said he could offer his time to help members walk through and show them how to use the equipment.
- Discussion about risk management. Chris asked Zach to follow up on implications for insurance. Joe suggested that anyone using the facility sign a waiver. Michael said it is possible to enforce waivers with the access system (card swipes) but members tend to let other members in. Hal suggested extra signage at the entrance. Michael said the insurance company might also have some guidance/requirements.

- **Fitness Center equipment**

- Patrick asked what programming will be offered for the new facility. Chris said he would take that up with the Events Committee and coordinate with Michael.

C. **MANAGEMENT REPORT**

- **Lake Louise Marie Dam NYS DEC report.** Patrick read from the DEC's 12/7/22 report: "The Department previously assigned a Condition Rating of "No Deficiencies Noted" to Lake Louise Marie Dam. This condition rating will be maintained based on the current and previous inspections performed at the dam along with a review of the file. This condition rating means that no existing or potential dam safety deficiencies were recognized at that time and that acceptable performance is expected under all applicable loading conditions in accordance with the applicable regulatory criteria, but minor maintenance items may be required."

- Hal asked about the gate by the dam. Michael said we are still waiting on a vendor.
- **Other Maintenance Items**
 - Hal asked for an update about a maintenance contract for the buildings. Michael said we are still in a holding pattern on that.
- **Insurance Renewal**
 - Zach said our broker was “striking out.” The dam and more comprehensive gym were complicating the process.
 - Patrick said he had another possible broker option.
 - Michael said our biggest challenge is the lakes/dams.
 - Ilana asked about the worst-case scenario. Zach said it was the premiums; Patrick said the terms of coverage could end up not including the dams.

D. FINANCIAL REVIEW

- **Capital Project (Pool/Entertainment) Loan Terms**
 - Dan reported that we converted the construction loan to a 10-year note as of 12/3/22 at 6.60% for five years. We paid \$3,000 in closing costs. By closing quickly we avoided a significant rate increase. “We just saved an awful lot...by getting this done.” Our first payment would be on Jan. 3.
- **2023 Operating Budget Vote Update.** Patrick clarified that while the printed due date for member dues was Jan. 1, members had until Jan. 31 to pay on time. Dan added that was the same due date as in prior years.
- **Adoption of 2023 Dues Payment Plan.** Michael said the first payment plan would be due in January, and that members wishing to get on payment plans could find the form in the dues mailing/email.
 - Chris motioned, Dan seconded, motion approved.
- **Approval of November 2022 Financials:**
 - Dan: Income above projected: dues, late fees, and water company income of \$5,400. Expenses: payroll was higher, accounting fees due to audit. Payables down from \$290k to \$161k. “We’ve paid off a massive chunk of our payables.”
 - Michael said legal fees were ongoing due to ongoing litigation/collections.
 - Michael said pool electric bills had been over budget because NYSEG had difficulty accessing the meter. He said they are now reading it regularly.
 - Chris motioned, Patrick seconded, motion approved.

E. WATER COMPANY (ALAN)

- Alan said they hoped to close on the CFD property sale.
- He said the water company had been paying \$1900 a month in interest on the credit line (which the sale would pay off) while they waited for closing. He said that had made payments to EGPOA more difficult. He said the water company would work to get EGPOA an accurate number on the dividends payments.
- Tom asked about the Princeton Hydro report. Michael said he hoped they would receive it in the next few weeks.
- Ilana asked about the financials. Alan said they hadn’t gotten them until yesterday.
- Chris asked to put a discussion of the water tank on the agenda for the next joint EGPOA-LLM Water Co. workshop.

F. COMMITTEE REPORTS

- **Lakes (Rich Brown).**
 - **Programs under discussion by the committee:** motor craft speeds, boat parking/storage, lake cross-contamination (hitchhiking), fish regulation, stocking, pollutants, dam management.
 - **Grant programs:** Rich said the committee had discovered available grants from DEC for dam repairs and turned that information over to Patrick and Michael.
 - **Docks:** Received 2 bids for 10-12 slips, both below existing bids from last year at about \$60k. Rich said that after talking with Hal/Long-Range Planning that this wouldn't happen this year. He said they need to identify community needs. Rich said the first come/first serve system leaves some residents in an uncertain position about buying a boat. He also mentioned the need to address the racks by the LLM dam side.
 - **Storage area:** Committee had spoken with vendors; they believe at least one is dropping salvage materials at the storage area. He urged creating a registration system for people using it, and to limit it to electric devices. He said RV's, etc. would have to be maintained to prevent leakage.
 - Earl said that they should sit down together with Michael because there was overlap with Oversight. Discussion on feasibility/legality of plans followed.
 - Patrick directed the two committees to work together to resolve and return to the board.
 - **Electric craft:** Patrick asked Rich to refer any proposed regulations to Bylaws.
 - **Culverts:** Rich said they had identified 55 culverts into LLM. He said storm water would complicate pollution mitigation.
- **Bylaws (Patrick):** Meetings going forward will be on 2nd Tuesdays at 4pm. They are working on a violation hearing procedure; a proposed amendment to make the bylaws a standing committee (a permanent committee that's not appointed with each iteration of the board); electronic voting/vendors; overall audit on bylaws and make recommendations to clean up "ambiguities" and "inconsistencies."
- **Oversight (Earl):** Need to coordinate with Lakes on docks. Going to do audit on lights. Going to collaborate with Welcoming on intro guide to the community.
 - Dan raised the possibility of collecting ads from newsletters.
- **Long-Range Planning:** First committee meeting last Thursday. Attended by Hal and Rich. Discussed goals: new docks, pole barn for ice rink, grills and picnic area on Davies Lake, utilizing golf course (installing cameras for security in the near term).
 - Earl raised the possibility of using the golf course for storage.
 - Ilana asked how to engage the community on long-term goals.
 - Michael raised the question of long-term maintenance costs for capital projects.
- **Events/Welcoming (Chris):** Chris said we had 40-50 people at the Winter Warm-Up and that the Holiday Lighting Contest was ongoing. Welcoming Committee had started on welcoming, in addition to a how-to guide for new members. Chris thanked Brittany for her critical support on Welcoming/Events work.
 - Patrick clarified that members should check out the official EGPOA facebook page for news and events: Emerald Green Property Owners Association.
- **Finance (Joel):** Will set a date to meet in January.

- **Lakes Community Alliance:** (Michael stepped out.) Patrick said that the LCA had requested a \$10,000 donation from the LCA. Discussion followed. Consensus of the Board was to decline the donation.

G. **PERMITS:** No permits.

H. **RULES AND REGULATIONS**

- **Airbnb case.** Patrick said the Board held a hearing and issued a decision. Without discussing specifics, the Board found that a violation occurred, levied a fine, and demanded other relief including removal of the listing and no further renting outside of EGPOA rental rules. It appears that the listing is down and the matter is resolved.
- **Strengthening rental rules.** Patrick put forward a proposed change to the EGPOA rental rules (based on consultation with EGPOA counsel) that would add the following paragraph to the rental rules:

“Any advertisement, whether by print, website, mobile application, social media, electronic or physical bulletin board, or any other media whatsoever, for the rental of a home or any portion thereof for a term of less than 90 days, or for a daily or weekly rate, is prohibited and will subject the homeowner to a daily fine for each day the advertisement is published or otherwise available to the public.”

Hal motioned, Chris seconded, motion passed (Earl recused).

- Brittany said the clubhouse rental rules also needed updating once rentals resumed.

I. **NEW BUSINESS**

- **Fireworks.** Michael proposed booking fireworks for Saturday, July 1 with a backup date of Saturday, July 8. Michael said that while in the past they had booked fireworks with a rain date for the following day, the company had changed its policy.
 - Patrick motioned, Dan seconded, motion passed.
- **Lighting on Deerfield Court.** Michael said the town is adding street lights on Deerfield Court. Michael said he also is talking to the town about adding lights along Lake Shore Drive West from Lakeview Court to North Emerald. Michael said that usually members call the EGPOA office first when street lights aren't working; Val will maintain a list and communicate with the town. He said all of the wooden poles are being replaced. Patrick commended Loretta Duarte for raising the street lights issue, and encouraged other folks who don't have lights to reach out to the EGPOA office.
- **Mailboxes at the townhouses.** Michael said this has been a long-term issue and this has gone to the postmaster general. Michael hopeful that we will yet get it straightened out.
 - Hal requests to keep this on the agenda.
- **Water leak on Surrey St.** Work tomorrow. Community would be notified by email.

J. **PUBLIC COMMENT**

- **Marcie Wild:** She said the count on drains and culvert is probably low. We should consider renaming the golf course. She said new docks would only benefit a small number people in the community. She asked about why payroll was trending up.
 - She said she would bring the EGPOA Board's comments to the LCA for further response.
- **Rich Brown:** Rich asked how to get more people involved in EGPOA, citing low attendance at the meeting and on the budget vote. Discussion followed on engagement - and how to make meetings shorter.
- **Ross Frommer:** Ross raised the issue of high-speed watercraft on the lake. Tom noted that rules raised the question of enforcement.

L. NEXT MEETING: 1/15/23.

ADJOURN TO EXECUTIVE SESSION.

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