

MINUTES OF
SPECIAL MEETING OF
BOARD OF DIRECTORS
CRESTMoor PARK (2ND FILING) HOMES ASSOCIATION
(March 11, 2025)

A special meeting of the Board of Directors of Crestmoor Park (2nd Filing) Homes Association was held on March 11, 2025, by conference telephone call; the meeting was called to order by Mr. Draper at approximately 5:03 p.m.

1. **Directors in Attendance.** Present on the telephone conference call were Rebecca Kenny, Cecilia Retelle Zywicki, Mariette Bell, Ted Martin, Tom Deline, Jeff Burnside, Andy Draper, and Robert Brown. John Derungs submitted written comments to Mr. Draper in advance of the meeting in anticipation that Mr. Derungs would not have a good telephone connection while traveling in remote areas of New Mexico.

2. **Proposed Settlement with Ryan Yoffe re 125 Southmoor Drive.** Mr. Draper and Mr. Burnside reported to the Board their telephone meeting with Ryan Joffe, the principal behind new home construction at 125 Southmoor Drive and 5801 E. Third Avenue. Mr. Joffe failed to construct certain major improvements at 125 Southmoor in conformity with the plans he submitted and which the ARC had approved. As a result, in November, the Board authorized the recording of a Notice of Noncompliance with respect to that property. Following the telephone meeting, Mr. Joffe presented a written offer to the Board to resolve issues of noncompliance with the previously approved plans and to take certain additional actions.

Several board members noted in connection with both of Mr. Joffe's projects that neighbors had complained about various matters including failure to secure the sites, failure to maintain a neat and orderly construction site, work conducted outside of proper hours, and, generally, not being a "good neighbor."

Because of the possibility of litigation, the Board determined to discuss and evaluate the proposed settlement offer in an executive session.

After an approximate 15-minute executive session, the Board returned to an open meeting having discussed at length protection of the neighborhood and affected neighbors, multiple violations of Design Guidelines requirements and other conduct inconsistent with the Crestmoor community.

The Board discussed possible responses to the settlement proposal offered by Mr. Joffe and agreed to pursue an acceptable settlement taking the following steps:

- (i) Mr. Burnside will promptly reply to Mr. Joffe by text or email indicating in general terms that the Board was inclined to enter into a settlement

with Mr. Joffe pursuant to a Settlement Agreement to be drafted and approved by the Board.

(ii) Mr. Joffe must immediately bring his delinquent dues obligations current with respect to both 125 Southmoor and 5801 E. Third Avenue.

(iii) Mr. Joffe shall immediately remove all trash and debris from both 125 Southmoor and 5801 E. Third Avenue and consolidate and appropriately and neatly store construction materials to present a neat and clean construction site consistent with the Crestmoor community.

(iv) Mr. Yoffe will immediately cease using water from neighbors' properties and otherwise cease to trespass on neighbors' properties.

(v) Immediately secure both 125 Southmoor and 5801 E. Third Avenue with construction fencing and lock such fencing when no one is on site.

(vi) The Board and Mr. Joffe will execute a proposed Settlement Agreement, which will include, among other terms: (a) Mr. Joffe will make a full resubmittal of essentially as-built plans for 125 Southmoor including payment of a full submittal fee of \$1,600, and (b) will provide notice to affected neighbors as required by the Design Guidelines, which neighbors will have an opportunity to contact the ARC with comments or objections.

(vii) If the ARC approves the full resubmittal and confirms compliance by Mr. Joffe, resolution of the Notice of Non-Compliance will be reconsidered for settlement with Mr. Yoffe.

Mr. Burnside made a motion that the Board approve the tentatively approved amending language to the Design Guidelines relating to standing seam metal roofs, with such ARC and Board approval, to be effective upon the further vote of the Board at its next meeting. In the interim, Mr. Brown will finalize the revision language in the Design Guidelines, including comments submitted by Ms. Kenny. Mr. Brown seconded the motion. Following brief discussion, the motion was approved unanimously.

Mr. Burnside moved to approve the items listed above that will constitute the path to complete the proposed settlement with Mr. Yoffe. Mr. Brown seconded the motion. After brief further discussion, the motion passed unanimously.

After additional brief discussion, Messrs. Draper and Burnside agreed to be in charge with further discussions with Mr. Joffe consistent with the preceding.

3. **Annual Meeting.** Mr. Draper called attention to setting a date for the Annual Meeting, including election of directors. The Board asked Mr. Deline, Mrs. Retelle Zywicki and Mr. Burnside whether they would stand for re-election as directors. Each agreed, and Mr. Draper will prepare a proposed slate of directors for presentation at the meeting. Mr. Draper will cause appropriate notices of the Annual Meeting to be circulated to members by email. The Board approved a meeting in the early evening of April 23, 2025.

4. **Crestmoor Pool Party.** Mr. Draper and Mrs. Retelle Zywicki discussed a planned party for the members of the Crestmoor community to be held at the Crestmoor Swim and Tennis Club, having discussed appropriate arrangements with the Club's officers. Mrs. Retelle Zywicki described having food trucks, such as a Park Burger truck and an ice cream truck as well as providing a bartender to dispense beverages. The Board generally approved the plan and thanked Mrs. Retelle Zywicki.

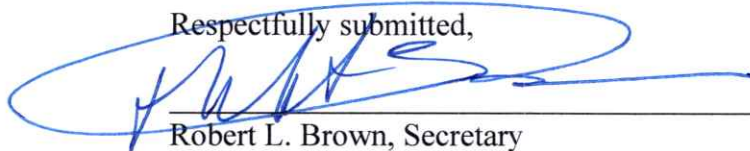
5. **New Business.** Mr. Brown requested Board members to review the most recent draft of the Welcome Letter as revised by Ms. Kronenberger.

Mr. Deline suggested that at the next Board meeting, the Board determine how best to utilize the Yoffe settlement payment described above for the benefit of the Crestmoor community and recommended a substantial portion be utilized to renovate and upgrade the entry islands on an accelerated schedule.

Mr. Brown also reminded the Board that it had not yet addressed a proposal raised by some Board members to amend the Bylaws to establish a schedule of fines for noncompliance with the Covenants and the Design Guidelines relating to submission of plans for construction and their approval. Mr. Brown had recently received an advice email from the Board's outside counsel, Candice Cavanagh, and will separately circulate that to Board members.

Adjournment. There being no further business coming before the Meeting, it adjourned at approximately 5:45 p.m.

Respectfully submitted,



Robert L. Brown, Secretary

March 17, 2025

Approved by the Board March 17, 2025, by email