

MINUTES OF
REGULAR MEETING OF
BOARD OF DIRECTORS
CRESTMoor PARK (2ND FILING) HOMES ASSOCIATION

(Date: November 9, 2022)

The regular meeting of the Board of Directors of Crestmoor Park (2nd Filing) Homes Association was held on November 9, 2022, at 140 Ivanhoe Street and was called to order by Andy Draper, President of the Board, at 5:40 p.m.

1. **Directors in Attendance.** Tom Deline, Cecilia Retelle Zywicki (by Zoom), Mariette Bell, Andy Draper, John Derungs, Jeff Burnside (by Zoom) and Robert Brown.
2. **Approval of Minutes.** The Board of Directors, having previously received and reviewed draft Minutes submitted by Mr. Brown of the September 13, 2022 regular meeting, approved such Minutes.
3. **President's Report.** Mr. Draper reported a contact from an HOA Member at 130 Locust Street reporting a "life safety issue." Mr. Draper will respond.
4. **Database/Mailing List.** Mrs. Retelle Zywicki reported on efforts to create a master contact list for all homeowner addresses in the subdivision. She reported that a property owner address list had been purchased from SKLD (the joint title plant for the metropolitan area and a client of Mr. Brown) and that database was merged with Mr. Sadwith's CTLA database. The goal is to associate multiple email addresses with particular properties and update conflict information. Mrs. Retelle Zywicki reported 629 addresses even though the HOA only had approximately 485 lots noting that 15 to 20 were known to be duplicates to assist in resolving address issues. Mr. Brown commented that it appeared SKLD included addresses in Crestmoor Filing 1 (old Crestmoor). Mrs. Retelle Zywicki will follow up with Andrea Legere at SKLD to confirm, as requested by Mr. Brown, that only legal descriptions in Crestmoor Homes (2nd) Filing were on the list and that each lot in Crestmoor Homes (2nd) Filing was identified by a property address.

The Board congratulated Mrs. Retelle Zywicki on her progress to date and thanked her for her effort in developing an accurate database for notice to Homeowners by email and/or snail mail.

5. **Annual Meeting.** Mr. Draper noted that notice for Annual Meetings could be sent in multiple ways to Homeowners, including mail and email. Mr. Deline stated that Homeowners should not be excluded from notice if they did not have email access. The Board discussed issues related to notice in connection with the next Annual Meeting as well as resolving other issues prior to presentation to Members at the Annual Meeting. Mr. Deline moved to revise the Bylaws to provide notice of the Annual Meeting to Homeowners by email (if

the Homeowner consents to email contact) and otherwise by U.S. mail. Mr. Brown seconded the motion. After additional discussion, the motion passed unanimously as an amendment to the Bylaws.

6. **Additional Notice Concerns.** Mrs. Retelle Zywicki discussed additional notice concerns with the Board. The Board approved sending a postcard notice to all HOA mailing addresses regarding deferring the Annual Meeting as well as to those HOA email addresses on the Board's list to solicit from all HOA Members preferred contact by identified emails or otherwise by home address or other address. Mr. Brown noted the importance of not having email be the exclusive notice method and permitting Homeowners to require mail notice. The Board agreed that notices of the next Annual Meeting should be sent by hard copy to all HOA Members with copies by email where such addresses were available, and that procedures will be modified to part email and part U.S. mail thereafter.

7. **Bylaws Modification.** Mr. Draper reported that Candyce Cavanagh generally approved the structure and language of the HOA's currently effective Bylaws. The Board needs to provide additional guidance to Ms. Cavanagh to complete the Bylaw review and revision process.

The sense of the Board was to have either an in-person Annual Meeting or a hybrid meeting with attendance permitted by Zoom or other electronic means. The Board discussed the availability of hybrid voting in connection with hybrid meetings. Mr. Deline provided anecdotal information based on a condominium association of which he was a member. The Board consensus was that with a hybrid meeting, a moderator conducting the meeting and discussion from in-person and remote participants was extremely important. Mrs. Retelle Zywicki volunteered to be the moderator and the Board accepted. Mr. Deline suggested limiting online participation to persons requesting time to inquire in advance. Mr. Brown suggested that participation by HOA Members should not be so limited. Mr. Brown volunteered to revise the Bylaws to permit hybrid meetings as discussed.

With respect to voting for Officers and Directors at Annual Meetings, the Board acknowledged that only Directors were elected by the Members, Officers being elected by the Board. Mr. Deline and others discussed the need to submit information to HOA Members well in advance of the Annual Meeting regarding interested Director candidates. Mrs. Retelle Zywicki described "Election Buddy" software to conduct elections and recommended that voting be held open for a period of approximately 1-2 weeks after the Annual Meeting for Homeowners to vote. The Board generally approved the process as discussed.

The Board briefly discussed whether provisions in the Bylaws for proxies should be maintained. The Board's sense was that with a hybrid meeting, proxies would be unnecessary. Mr. Deline made a motion to delete the proxy process from the Bylaws. Mr. Brown and Ms. Bell seconded. Mrs. Retelle Zywicki proposed a friendly amendment that tied to the absence of proxies was the procedural requirement of an approximately 15-day voting period following the Annual Meeting. The amendment was accepted and the Board approved the motion, as amended, unanimously.

8. **Design Guidelines.** Mr. Deline discussed the current progress of the ARC revising the Design Guidelines and reported that he has updated his most recent revision suggestions circulated by email today. Mr. Deline cited the garden wall modification requirements and recommended that Mr. Brown follow up on the language he previously drafted for Sections 1.14.4 and 1.14.5 of the Design Guidelines. The Board discussed requirements related to three-car garages on corner lots and elsewhere. Mrs. Retelle Zywicki discussed Mr. Hickman's three zone proposal for garden walls and Mr. Brown said he would take that under consideration in the redrafting process. Mr. Deline noted that the ARC was not in a position to approve or disapprove construction in the Denver right-of-way adjacent to front lot lines.

The Board discussed provisions related to placement of dumpsters, port-a-potties, and on-street storage. The Board recommended that the Design Guidelines provide guidance rather than strict rules.

Mr. Draper inquired of the lawyers on the Board as to the difference between "should" and "shall." Mr. Brown recommended that if the language used was "should," then the Design Guidelines should provide standards by which submittal requests would be evaluated.

Mr. Deline also described the recommended changes to Homeowner submission requirements that will require, among other things, providing digital files of all submissions to facilitate the review process.

Mr. Draper inquired regarding the requirement that Homeowners not demolish improvements unless plans for the replacement structure be approved. Mr. Deline led a brief discussion about this and the relationship between the Design Guidelines' provisions and the Covenants.

Mr. Deline described next steps in the Design Guidelines review process. Final comments will be submitted, discussed, and developed by Mr. Deline and Mr. Brown. The ARC will review and recommend a revised draft to the Board of Directors. The Board of Directors will then proceed to discuss and approve as submitted or with modifications.

9. **Design Guidelines and Mini Libraries.** The Board addressed how construction/installation of mini libraries be dealt with under the Design Guidelines. The Board agreed that mini libraries were "structures" and again voiced concern regarding regulation of improvements in the Denver right-of-way. After discussion, the Board recommended an amendment to the Design Guidelines that (i) any plans for a mini library be submitted to the ARC, (ii) such site plan and design also be delivered to adjoining neighbors, (iii) the mini library be properly maintained, and (iv) the mini library not be closer than eight feet to a neighbor's property line absent the agreement of such neighbor.

10. **Design Guidelines – Construction Site Signage.** Mr. Draper asked about the Design Guidelines' requirements related to construction-site signage. Mr. Deline pointed to Section 1.14.1(a) permitting signs. The Board's consensus was that the Design Guidelines be modified to require notice and contact information on every construction site similar to the

language in the current form of Compliance Agreement as well as requiring that all construction sites be fully secured, including locked fencing prior to weathering in a residence.

11. **New Board Members.** Mr. Draper reported on four candidates to become Directors with respect to three seats, two of which are currently vacant because of the resignations of Mr. Sadwith and Mr. Hill, and the expiring term of Ms. Bell. The three new candidates were Brad Karr, Rebecca Kenny, who was active on behalf of her neighbors with respect to the Monaco sidewalk issue, and Ted Martin. Mr. Brown noted that the Board should not under these circumstances be recommending one candidate over the other. Mrs. Retelle Zywicki suggested sending a questionnaire to candidates requesting responses to questions propounded by the Board as well as inviting a candidate statement. The questionnaire and responses would be circulated to all HOA Members with annual meeting materials.

Mr. Deline raised the Bylaw requirement that Homeowners interested in participating on the Board be recommended by 25 Homeowners. Mr. Brown recommended that the Bylaws be amended to eliminate that requirement as being wholly unrealistic, and the Board agreed that the Bylaws should be so modified.

Mr. Draper noted that candidates ought to demonstrate, and be elected based upon, ability to provide skill sets in identified areas such as finance/accounting, IT, design and architectural, and the like.

Mrs. Retelle Zywicki volunteered to propose a list of questions on the questionnaire including requesting information about experience that would match Board of Directors' needs ("bench strength").

The Board of Directors unanimously approved the preceding.

12. **Security Patrols.** Mr. Draper noted that the current security provided by Covenant Communities and Mike Gargaro were being terminated as of the end of November. Mr. Draper reported his attempted contacts to multiple security services as well as contracting members of the Denver Police Department for referrals. The only response was from Securitas Services USA, an international company that locally provides security services to Lowry. He noted the responsiveness of the sales personnel, that it would be priced based on a fixed price for each patrol of approximately \$29.00, and the initial proposal was for three security patrols per day in marked vehicles. Mr. Draper noted that he had received a draft contract and that it has been reviewed by Mr. Brown who has provided comments to Mr. Draper. Mr. Deline moved that the Board approve Mr. Draper continuing in finalizing negotiations with Securitas based upon recommendations by Mr. Brown. The motion was seconded by Mrs. Retelle Zywicki and adopted unanimously.

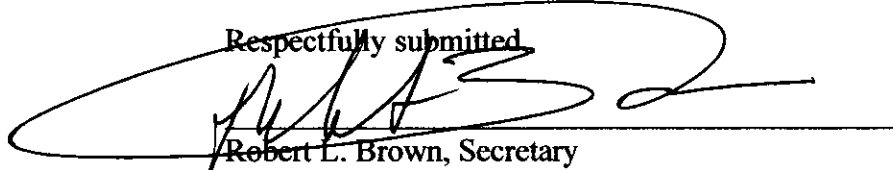
The Board discussed payment arrangements under the Securitas contract with Ms. Bell who indicated a preference that payments be made by check rather than ACH or wire. Ms. Bell noted that payment in advance would be acceptable even though the number of patrols would not be known until the end of each month.

13. **Confirmation of Deferred Annual Meeting.** At the request of Mr. Draper and Mr. Brown, the Board unanimously approved amending the Bylaws to approve that the Annual

Meeting for 2022 be held during the first quarter of 2023 to accommodate resolution of notice and address issues as discussed above and in the expectation that the Board would be able to finalize a hybrid structure for the meeting, provide appropriate notices, and include presentation to the Directors of revised Bylaws and Design Guidelines.

14. **Adjournment.** Mrs. Retelle Zywicki moved to adjourn the meeting at approximately 7:40 p.m. Mr. Brown seconded and the motion was unanimously adopted.

Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to read 'R. L. Brown', is written over a horizontal line. The signature is enclosed within a large, hand-drawn oval.

Robert L. Brown, Secretary

Approved by Board of Directors:

January 11, 2023