

## Crystal River Country Estates Property Owner's Association

Special Board Meeting

August 17<sup>th</sup>, 2021

### CALL TO ORDER:

- Tom McBrayer called the Special Board meeting to order at 5:31 PM

### BOARD MEMBERS PRESENT:

- Tom McBrayer
- Jim Hamlin
- Angela Loughry
- Raymond Pojman
- Gracie Orf

### HOMEOWNER PRESENT:

- Dan Perlman
- Jeff Crane
- Ruth Hollowell
- Earlene Mathias
- Andrew Morris
- Ann Keller

### QUORUM ESTABLISHED:

- Quorum was met with all five board members present.

### NEW BUSINESS:

- Tom McBrayer read the bylaws of the Special Board Meeting rules. Dan Perlman had some questions after this. His first question was about a printout of the bylaws? His second question was why is it called a Special Meeting? Tom McBrayer answered that the bylaws are in the screen, and that the bylaws only require one meeting a year which is the Annual Meeting.
- Tom McBrayer talked about a contract that the POA is working with the insurance company and the attorney on for any work to happen at the POA. Tom McBrayer stated that the contract they are working on will protect the POA.
- Amy Lawhead stated that the requirements of vendors with Cheryl&Co CAM is that they have to turn in a W9 and Insurance before work can be completed.
- Tom McBrayer talked about the bylaws requiring that a CPA does an audit of the POA's books which will cost \$1,500-\$5,000. No one is wanting to pay that amount for the audit.

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- Dan Perlman doesn't understand if the homeowners present at the Special Board Meeting are only listening to the board and can't ask questions. Tom McBrayer stated that only when a motion is made with a second can a homeowner ask questions.
- Ray Pojman stated that once they get the contract back from the attorney, they would have Cheryl&Co CAM send it out with a cover letter to all homeowners.
- The board discussed an "opt in" list for homeowners. There has been 20 individuals complaining about the overuse of emails from certain people. Gracie Orf also spoke of this with some of the individuals saying the same thing to her as well and it seems to be 3 individuals causing the chaos within the community. Ray Pojman stated that even homeowners who have moved are still getting several emails. Angela Loughry does not understand why the 20 individuals can't just delete the emails and ignore them completely. Angela Loughry thinks there has to be a better form if questions arise etc.
- Jim Hamlin stated that most of the overuse of emails started a year and half ago with the pandemic. Cheryl&Co CAM to handle most all emails, easy central location Ray Pojman stated, as that is why we have a management company. Tom Mc Brayer made an example about the incident repost from the fire was agreed by the board to send out to all homeowners which Cheryl&Co CAM sent out once the reports were available.
- Angela Loughry stated that she doesn't feel anything about the email issue as she gets several hundred emails a day, she also doesn't understand why so many people have to be babysat, they can just ignore the emails. Angela Loughry also said that she has seen this in other management companies she works with that they tell people they can't give out certain information do to State Laws. The other issue Angela Loughry stated is there is not a lot of communication, questions and/or problems arise and there is no way to discuss them as they only have an Annual Meeting a year. There must be a better form such as a new letter Angela Loughry stated.
- Motion made by Tom McBrayer to create an 'opt in' policy so the property must request in writing, what information they want to allow to be added to the directory, second by Gracie Orf - **PASSED**.- motion carries with 'opt in' and newsletter
- Jim Hamlin stated that he wants homeowners to know they need to send emails to Cheryl&Co CAM so Cheryl&Co CAM can approve of the email before sending it out.
- Gracie Orf stated that the emails are borderline harassment and would like some clarity to the 'opt in' policy . I'm sorry clarity if homeowners do the 'opt in' option they can get emails that say anything asked Angela Loughry. Gracie Orf replied "Yes"
- Angela Loughry then stated trying to get to the root of why all the emails started. There wasn't a communication vehicle, so can there be something Cheryl&Co CAM to do like send out a monthly letter? Jim Hamlin then spoke, saying it seemed like when we sent out the directory with the emails, all the emails started and was just blanket to whoever. Angela Loughry replied that there is an error of communication, we are 5 people trying to answer a question by email and it takes weeks to get that answer, by then the person is

already frustrated. We as a board can answer the question, and that person does not like the answer, so the questions continue to be asked over and over, to the point the board does not know what more that person wants stated Ray Pojman.

○ HOMEOWNERS TIME TO SPEAK

- Ruth Hollowell doesn't want all the emails in the future, but they already have me emails, so the cow is out of the bag. Really likes the idea of going through Cheryl&Co CAM but does not think this will stop those individuals. Gracie Orf stated that she can block those individuals. When she was on the board, they would get questions like these and take long extensive process to answer the question for that individual only to be called a liar. When that is said to me, you just don't want to communicate with that person any longer. Ruth Hollowell also stated that there is no problem getting a hold of a board member, I have been here over 30 years it always worked before
- Dan Perlman it's a sensitive issue and I think what Angela Loughry said that we need to have better communication with what's going on in this neighborhood and the people who live here, and it hasn't been good. We can move on with your motion however the horses are out of the pasture, so it doesn't really matter we have freedom of speech in this country. People on this board has very aggressive at times with questions or not understood questions and not been willing to talk with the person asking the question or have a meeting to discuss resolution so I don't think it matters if you pass this or not it will still go on. Tom McBrayer disagrees with Dan Perlman's statement, stated the people who have harassed the board had put themselves in the situation they are in which are only a few people.
- Earlene Mathias- I've dealt with Tom McBrayer for over 30 years, so did my husband and I have never had any problems with neither Tom McBrayer nor Ray Pojman. Ray Pojman has been my life saver since I lost my husband. I think all this stuff going on is ridicules, we never had this, we don't know what it is, we have no idea.
- Jeff Crane – Disappointed it came to this, that we can't speak as neighbors, we don't have a policy or procedure to have an open discussion. This meeting is an example, I only have 2 minutes to speak my mind, that is not a lot of time. I have a lot of things I would like to say to the board. I don't know how to do it. Ray Pojman and I have had good friend discussion concerning road issues. Ray Pojman and Tom McBrayer have been good talking about things, but we don't have a process here in this room or meeting. I don't know how to get

anything on the agenda to address the board. We have an annual meeting and then we had a notice and agenda for this meeting. I had some road issues I wanted to talk about, but I couldn't get it on the agenda because the agenda had already been set and could not be changed. That's just a little too formal and inflexible if you ask me for such a small 36 member POA. We should be able to speak as neighbors and I know there are issues with some individuals and I commend you (the board) in dealing with it, but we need some kind of process in dealing with it so we can have a meeting to deal with it. Tom McBrayer stated that his 2 minutes were up and Jeff Crane stated yeah see this is the problem.

- Tom McBrayer talked about the process to call a Special Membership meeting, which has been done in the past, but there is no quorum because people are not interested in them. That has been the problem as they can't host a meeting without quorum. That is why these board meetings have worked as they only need 3 board members present to host the meeting. We are bound by these bylaws which we will get to that here in a minute. Which lead to this question from Jeff Crane, does the bylaws state that we (guest of the special board meeting) only has 2 minutes to speak? Tom McBrayer replied it says the chair gets to choose, Jeff Crane said you are the chair, can't I speak longer? In which Tom McBrayer recapped what Jeff Crane stated during his two minutes.
- Jeff Crane- Just last week I tried to work with Ray Pojman on trying to save the POA some money with road work that he feels is unnecessary. We put together a master plan the Road Committee to talk about what the Road Committee wanted done, before we know it, there's a contract in place- Tom McBrayer stopped Jeff Crane and stated 1.) I understand why you were not at the annual meeting and your proxy voted on that measure. We are not going back to undo the Annual Meeting. Jeff Crane then stated right, I'm not trying to undo the Annual Meeting either. I'm just saying we need a better simple process to save money. Tom McBrayer stated that they are not undoing the Annual Meeting. The budget was passed at the meeting for this year, you can bring it up at the Annual Meeting next year. Jeff Crane started talking and Tom McBrayer stopped him, which Jeff Crane stated this is my point exactly! Tom McBrayer then went over how to call a Special Meeting. Tom McBrayer and Jeff Crane spoke more about the Annual Meeting and the process of getting items on the

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agenda. Jeff Crane spoke to all 5 board members stating that he wants to put something on the agenda at the next meeting the POA has.

- Angela Loughry spoke on how people at the POA are getting frustrated with the lack of communication, these are good people and there is where we get the emails starting.
- Ray Pojman stated that he has been working hard with the Road Committee to get all work done. He has 900+ emails already from everyone. Jim Hamlin said his emails were going into his junk folder.
- Angela Loughry wants to add a friendly amend to the motion, if we take away the emails, we as a board come up with another form of communication. Ray Pojman stated by opting in on the email list it would not be official unless it comes from Cheryl&Co CAM. That is when Angela Loughry suggested that they create a monthly update email for all the owners with a clarification question – can the board be on the list, or do they have to be on the list? Ray Pojman stated that he wants anything for the POA to be sent from Cheryl&Co CAM.
- Jeff Crane thanks Ray Pojman for all his hard work. Thanks, the work the board has done and left the meeting.

## **OLD BUSINESS:**

- Tom McBrayer spoke about the bylaws and how formal and binding they are. The board was accused of not following the bylaws, in which they did since becoming an official POA in 2016. The bylaws were then sent out in 2019 to all homeowners. Homeowners don't always understand the bylaws. The board has to follow the bylaws or else the board gets in trouble if not followed, then the homeowners get upset when they do follow the bylaws. There are issues with the bylaws which they can go piece by piece to correct or create a process to address the issues which will allow the POA to handle things differently. Any changes to the bylaws has to be done by homeowners' votes.
- Angela Loughry- To kickstart the bylaws changes is there a list of things that need to be looked at. Tom McBrayer stated that Dan Perlman has already created a list of items that need to be looked at for possible change. Tom McBrayer stated a good place to start would be the process of non-payments and what happens, and he feels the past bookkeeper picked and chose who got late fees. The second would be the covenants and how they are enforced and what the process is for people that are complaining and how the board deals with the formal complaint process. Angela Loughry stated that what she notices and even the board meetings are wonky that they need to be notices and there has to be a motion in place for any homeowner to be able to talk about anything. Tom McBrayer then stated that even the Road Committee needs to have notices and all this stuff too which makes no sense. The Board continued talking about the bylaws and the

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changes before CCIOA rules came around. The board agrees that they ask homeowners what areas of the bylaws they would like to see changed and see if any volunteers come forward to help form a committee to help with this.

- Motion made by Angela Loughry that we form a bylaw subcommittee that starts sending the bylaws in the monthly newsletter asking for feedback and asking for volunteers wanting to read the feedback, Ray Pojman wants one correction he keeps hearing HOA and in fact they are POA and would like to keep that, second by Ray Pojman- **PASSED**.
  - Natalie Andl said that she was part of an HOA in Vail that just updated their bylaws and suggest that they cap the attorney fees, so they don't go over budget like the Vail HOA did.
  - Dan Perlman agrees with Natalie Andl to have caps on budget item having an attorney review the bylaws after the committee does the work , which last year he volunteered to do this when he was on the board, as there are a lot of updates needed. I read through it, it was not the most fun to read there are some significant updates needed, which I'm still willing to contribute to that process, I think we can send it to everybody, which I don't think we will get a lot of feedback, we might get some, then create a new draft that hasn't been done in 5 years and send it out. Then the new draft would have to be reviewed by the attorney before the final vote can take place.
  - Ray Pojman said it sounds to him that once we get through all this we will be at the next Annual Meeting. So, we have to worry about a budget. Tom McBrayer stated that we need to be aware of a budget. Ray Pojman stated they can have it and get an idea of what it will be. Angela Loughry- So let me make sure I hear you correctly Ray Pojman, you don't thing we would get to sending it to our attorney until after the Annual Meeting. Ray Pojman- before the Annual Meeting. Angela Loughry said then we do need to have a budget before the Annual Meeting? Ray Pojman said, "Well at least an idea of a budget to bring to the Annual Meeting." What Angela Loughry said is correct, Tom McBrayer stated. Depending on how far we get with the process, depends on what we talk about at the Annual Meeting said Tom McBrayer. Ray Pojman stated that they are just doing the leg work at this time, which let to Angela Loughry asked, " So the board agrees no to spend any money right now?," both Tom McBrayer and Ray Pojman said agreed.
  - Dan Perlman stated that they start talking about creating a process to move it ahead, which the board would be involved in before it was brought to the Annual Meeting.

- Camera Policy discussion started.
  - Tom McBrayer- Historical review of the camera policy. The bridge had been damaged prior June 30<sup>th</sup>, 2016, several times and the people that damaged it just left, and we ended up paying for the damages. The idea came up about a camera to watch the bridge so that we can see who has damaged the bridge, by the way because of the camera we have twice forced the people who damaged the bridge pay for it which the camera has paid for itself. On June 30<sup>th</sup>, 2016, there was a Board Meeting with Lee Hollowell, Jim Hamlin, Carl Smith (Who is now gone), Ray Pojman, Tom McBrayer. Property owners: Mike Henry, Tim Rafelson, Jason Orf and Attorney Kelcey Nichols all present. There was a motion to move forward with installing a camera. There were specifics that had to be solved and basically the people left in charge voted to do that. The vote was 3 in favor, 1 against and 1 abstention. I was the one who voted against the camera because his wife said “ I don’t like camera’s” but also, I thought we would come to this point that someone will probably use that footage for personal reasons. That is where we are, and the person left in charge of the camera is accused of. So there were issues to where to put the camera, how to get power to it. It was put on private property; the private property owner made it clear that only two people and themselves had access to the camera. The discussion was clear that the camera was for only to monitor the bridge. And last summer we had an individual request footage for personal use, the board said, “You can’t have it.” Then that person turned around and accused Ray Pojman of using that system to file a police report. Tom McBrayer asked Ray Pojman if that video existed from the camera system, which Ray Pojman reported it does not. Ray Pojman used video from his personal dash cam to file the restraining order, which he gave to Tom McBrayer to view during the meeting.
  - Ray Pojman- In the accusations category that I am using abusing the camera for personal use. Never has the camera been used for anything other than what it was for. We had a home invasion where the Pitkin sheriff office requested video footage, so they were given that. So, the camera has never been used for anything other than what they agreed upon. Threatening people with a police report due to the video from the camera, it doesn’t exist. The restraining order that I filed clearly states the video is from my dash cam. I want to make it clear that the camera was abused in any way and there is no reason to do anything with it and to proceed the way we have.

- The video given to the Pitkin Sheriff's office was played so the board members and those present can see that the bridge camera was not used, and it was in fact a dash cam.
- Ray Pojman- So this was the video given to Pitkin County Sheriff's office, the told me to file the restraining order, which I did. The restraining order was declined, but there is no other video. You can't see from our location the bridge camera. The camera has never been used or abused from the beginning. Phil Lopez said, "You can have the camera on my property, I will supply the power and keep it in my garage, but I'm not having it where everyone can come on to my property." Ray Pojman stated that if something came up and someone needed access and he was not around, there is others who can access it, but the camera is not there for person use.
- Angela Loughry- I think that the discussion and the question brought to the board was 'what is the camera policy'. Ray Pojman stated that policy is the camera is to monitor the bridge only. Angela Loughry- I understand that, but we really don't have a policy that address that, we only have a paragraph in meeting minutes stating that and it doesn't address that. I purposed the if we keep the camera, we need a more thorough policy. Tom McBrayer- Basically what happen the policy was to monitor the bridge and Ray Pojman got put in charge of it and it worked until last summer and I don't disagree, I feel it would be a mistake to get rid of it because of someone hits the bridge the POA is out thousand of dollars for repair. Ray Pojman- I understand the argument that the POA wants it, everyone should have access to it, example block 2 we have shares to the water company, but we can't just walk up there to get access to it, it's all locked up. Angela Loughry- Well I think if this is footage that is from the POA (the bridge camera) we need a policy of how that footage is accessed. I think restricting that access to one person is a problem, I understand that the property owner doesn't want random folks or whatever, but it leads/put the POA in a liability situation, it leads to misunderstanding when you say to someone you have film on them, and that person knows you have access to the POA camera. I understand that is what it is, and that can be seen as abuse. Ray Pojman stated that was not what happened. Angela Loughry said again, "That is my understanding that is what happened," which Ray Pojman replied, "That is not what happened." Angela Loughry stated again "My understanding from the other person that is what happened." Ray Pojman stated that he was accused of

doing something that they can't substantiate there's no evidence, and you are sitting here forgive me, saying that 'It's my understanding that they say it is what happened', it didn't happen, I'm telling you it didn't happen, it never happened. Angela Loughry spoke up and said, "I'm not saying what is or did not happen, I just saying what the other person understood," but the other person clearly understood what was going on, Ray Pojman stated. Tom McBrayer spoke and said there is no evidence of that either, but they should have known there was a police report filed and that is available, in which Ray Pojman stated it was sent to him. Tom McBrayer- I understand what you are say it can create a situation where someone could come to the conclusion. Angela Loughry stated, "Oh my gosh the POA is out to get me, they are monitoring me on this camera and saying I can see images', which if I where in the situation I would be very upset as well. If that is a misunderstanding I don't know, my understanding is that the person who is asking about the policy, understood wither incorrectly or not that the POA'S camera was being used in a private compliant against them, Ray Pojman then stated, "There was never anything based on that, it was made up." "Weather it was made up or not, how we are writing can open us up to that potential accusation," Angela Loughry said. Tom McBrayer then asked Angela Loughry a question, I think that we keep the camera, because it has proven that it's worth it, if we keep it do, we do the same kind of thing we did with the bylaws and create some sort of policy, or we can get rid of the thing it solves all kinds of problems unless the bridge gets hit. How should we proceed? Angela Loughry answered, "Well if we keep the camera, we need a policy, we have the original intent but it's not on the minutes who has access to the camera, it's not on the meeting minutes if the person in charge doesn't know something but someone else in the POA does, how do they get access to it, someone said it was on the meeting minutes that we only keep records for two weeks, I don't even know if that is correct or not. We just need to have a policy explaining all this." Ray Pojman said' "Some we need a clarification them, and that is fine." Angela Loughry stated that there are policy, but they need one to address the camera. Ray Pojman then read an email that was sent to Lynn Merriam answering questions she had about the camera. Ray Pojman continued talking about requests from other owners wanting to know who and dumped trash, or a wheelbarrow etc. in which he stated to them that the

camera is not for that, only when the Pitkin County Sheriff and the two other bridge incidents.

- Motion made by Tom McBrayer to keep the camera and the board move forward by make policy and procedures, second by Gracie Orf- **PASSED**.
- Angela Loughry- question in mind. I heard what Tom McBrayer said about recouping cost on the bridge. I personally fine with whoever tapes me, I'm not a privacy person. But I fear it is creating a bunch of problems with the POA. So, I'm a bit resistance against it. I can say if the motion passes, we do go through the policy. I would advocate strongly that either the plan gives permission to some, or a group pf people, or we have to move it which creates cost. We need more than one person with access to it, I think just creates problems. Ray Pojman has thought about having a neutral party like Cheryl&Co CAM to review or 2 board members to look it over if it's need because someone's car gets hit, kids get hurt, say we need to review the footage, we can have 2 board members review the footage. Angela Loughry as long as it's something that we don't put ourselves in that situation again. People are going to have disagreement, if those disagreement get blown into board business, if the person in the disagreement is the only one with access to the camera. Ray Pojman stated that he was not the only one with access to the camera, there are a number of people that have access to the camera. Tom McBrayer open the discussion up to the homeowners present.
  - Earlene Mathias spoke up saying "I have taken care of the Lopez's house for 12 years, never have I seen the camera I know where it's at, but I have never seen it, he won't want me. He would not let me, he would let nobody use it, he told Ray Pojman he could come into his house, was the way it was set up."
  - Ruth Hollowell- Addressing your comments Angela Loughry about the camera being trouble, has there been any other trouble beside this one incident that I don't know about? Angela Loughry- "I don't know has then been other issues"? She asked the board. Ruth Hollowell then stated that this is a unique situation and I think that we should keep the camera and come up with guidelines for access without too much to do.
  - Ann Keller- I personally think the camera is a good idea because people do run into the bridge, and I would say somehow don't have just one person who is going to look at what's on the camera so that one person doesn't get blamed. If the camera needs to get looked at, have two people there so that one person doesn't get blamed. I feel like I live in kindergarten because all we do are picking on each other.
  - Jim Hamlin- To me it's more then looking at why you want to look at the camera. Ann Keller- Set rules of how the camera gets used for and

don't let one person who can be blamed for it. Jim Hamlin stated that not one person has brought up anything like who done that or who thrown that in the trash hasn't happened. Ray Pojman- Well if we have the two persons review, I think everyone will go along with it. Jim Hamlin, you need to set up something on how you are reviewing it.

- Andy Morris- We just went through this at a HOA in Vail where the footage is downloaded to a neutral server and requests have to be made including by the board to obtain the footage that way it solves problems for everyone. Ray Pojman said, "well the policy, if we have a policy, I mean how can we be in favor of anyone viewing footage, I mean there has to be a legitimate reason for the footage like a break in, someone's property getting damaged, police report something not just I want to see what's going on today. We are a small POA and if we can solidify legitimate reasons, the server still stays in Lopez's garage." Tom McBrayer- I think what Andy Morris is saying would be more policy and procedure is a process as to say why, the board has to determine if that footage can be review.
- Andy Morris- Part of that is someone might want that footage, because we all own that camera, someone might want it for something personal and it meets all the requirements to release the footage, the board can give it to that person and no one else has to see it but that person.
- Dan Perlman- I think it is important that our policy reflect that we have more than one person accessing the video. I question how long it the video kept for? Ray Pojman replied, "30 days." So, after that is erases, so if there is a break in, we can see what color that car was or if there is a reason that is reasonable it should be review. But it shouldn't be open to like Ray Pojman to whenever he wants to in an open way. It needs to be in the policy where there is a reason and make a list of those reasons. Ray Pojman- That is what we pretty much have down except we are going to recodify it. Dan Perlman- But you aren't the point person so that you don't get blamed for anything. Tom McBrayer asked if anyone else had any additional comments. Ray Pojman stated that there will always be one as I have a key to Phil Lopez's property. Andy Morris again that is why it should be uploaded to a neutral server. Tom McBrayer agreed it would stop that problem.

## **ROAD UPDATE:**

- Ray Pojman- There was some discussions about putting in collection ditches, for some of you that hasn't seen a flood come through our area, this is about 3 miles from us. You could have an Olympic sized swimming pool and that will be full in about a minute or

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two. Just so you know, this is what comes down. Tom McBrayer- just so you know this is from Swiss Village which is actually 2 miles away from here. The pictures were shown at this time. There were several different comments about the video shown of flooding at Swiss Village. Tom McBrayer stated that they have been lucky these have been localized, if they had a storm hit the entire Crystal River valley it would be devastating. Ray Pojman- we will probably lose our bridge if we get 6 inches of rain or even 4 inches of rain. The showed the video again of the. Dan Perlman stated, "We don't need to look at it again Tom McBrayer, come on." Earlene Mathias asked Tom McBrayer if he was there when the flood came down and wiped the Anderson's house out? Tom McBrayer replied, "No that was before me."

- Ray Pojman went on with the Road update. Work will start in September. Matt Piffer stated it doesn't matter when the roads are going to get done potholes will develop etc. Matt Piffer also stated that it would not be worth his time if the POA makes cuts to an already accepted bid and as a homeowner he already paid his dues and wants the work done like everyone else. Matt Piffer will pretty much go with the what the bid is. Tom McBrayer asked when was the first time Matt Piffer had been contacted about the work? Ray Pojman stated, "July 7<sup>th</sup>, 2021." Tom McBrayer also asked how many truckloads they took out of, Ray Pojman jumped in there and said 35 truckloads from Swiss Village. Matt Piffer also stated that if you want no potholes, plow it every time it snows it will help with the potholes. If they (POA owners) really want to make the roads great you are looking at \$50,000 to \$60,000, Tom McBrayer stated that is an opinion of where the roads need to be. There was more talk about the roads and such. Angela Loughry asked if the road committee met. Ray Pojman said only by email so far. Andy Morris and Jeff Crane would like to save money. Ann Keller, Charity Merrill, and Ray Pojman are on board for the work approved. Ann Keller said road be done after May 15<sup>th</sup> as April can be hard. Ray Pojman stated the Matt Piffer said "It doesn't matter what you do to the roads, when you do them, they are dirt roads and will always need some kind of work done to them." Tom McBrayer- those who have been here a while have agreed to cut the assessment back and not do any work to the roads before so that is an option.
- Natalie Andl- There were some potholes down by the bridge, did someone filled those, and was it paid for? Ray Pojman- Jeff Crane took his John Deere down and graded the holes. Dan Perlman asked is there going to be any gravel on the lower road to help lower the mud? Ray Pojman said, "Yes Matt Piffer will grade it and try his best to fix it up then add gravel to it." Dan Perlman then asked about the bridge inspection piece. Ray Pojman said that we will go over the bridge here in a min, does anyone else have anything about the roads? Jim Hamlin spoke up the upper road and a curve, maybe make a bike path and tell everyone to be careful and don't shoot up it so you don't have problems with the kids.
- Andy Morris- Yeah so there again there is only one point of contact here with you (Ray Pojman) and Matt Piffer, and there should be more. Ray Pojman stated, "Hold on, I spent

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8 hours over emails going back a fourth, Matt Piffer contacted Ray Pojman saying he can meet at 6 am this morning, I'm out the door." Andy Morris- again I didn't get an invite to that meeting at all. Ray Pojman replied, "We didn't get an invitation when you (Andy Morris) went around with the fire department." Andy Morris replied, "Yeah I did, Angela Loughry knew about that and everyone else know that there would be a fire fighter walking around, Tom McBrayer said, "You (Andy Morris) never said when." Andy Morris- What I'm saying I didn't get an invite to this (Matt Piffer and Ray Pojman) meeting this morning. Ray Pojman- "No one got an invite because it was an impromptu meeting and that just the way it worked out." There have been lots of emails and not once did you (Andy Morris) show any interest in attending any meetings." Andy Morris- Again there was no option to. Ray Pojman- The bid is what it is, I'm not going to be making any changes. Matt Piffer can't start until September anyway, so if there are any issues, suggestions we have time to address them now. I can only spend so much time as Ray Pojman is not an employee of the POA, and I got a call this morning at 6 am saying the time he can meet. Andy Morris said, "Do you see what I am saying"? Tom McBrayer said that Ray Pojman is chair of Road Committee, and the bid was from last year's Road Committee bid, the Road Committee's job this year is to do what the membership told them to do which is accepting the bid for Matt Piffer, it's really not that difficult. Andy Morris stated, "The Road Committee is useless." Tom McBrayer stated, "You (Andy Morris) are wasting everyone's time wanting to change what was approved already." Andy Morris- "How did I waste your time pal"? Tom McBrayer replied, "Not my time Ray Pojman's time." Andy Morris asked, "How am wasting Ray Pojman's time? He is wasting my time." Tom McBrayer- so what happens next is the Road Committee recommends want needs done next year, it's not that tough. Andy Morris- It is that tough when you don't have a Road Committee, the Committee is Ray Pojman. Tom McBrayer did state that he saw all the emails and knows Jeff Crane and Ann Keller have been involved. Ann Keller has not sent out any emails, I know I have sent emails out, Andy Morris replied. Tom McBrayer then said, "Well then I don't understand your problem with Ray Pojman expect your ego is bruised." Angela Loughry stepped in and said, "Well I think Ray Pojman /Tom McBrayer have been part of the POA for decades, and we have other people who want to be part of the process, and intentionally get left out not as you (Tom McBrayer and Ray Pojman) make it hard. Graci Orf spoke up asking Andy Morris, "Why can't you call Matt Piffer yourself and get the update"? Andy Morris replied, "Ray Pojman is the point contact on the Road Committee, and it's Ray Pojman's job to have contact with the rest of the Committee, meeting times and everything else that is going on. It's Ray's responsibility to take the consensus of the Road Committee and reflect that with the work." Gracie Orf said, "That is what Ray Pojman been going doing." Andy Morris replied, " No it's not." Angela Loughry- No I don't think so, as we have a Road Committee member Jeff Crane who is extraordinary upset about the communication,

# Cheryl & Co.

COMMUNITY ASSOCIATION MANAGEMENT

obviously there is a problem. Ray Pojman- No, Jeff Crane is not upset about the communication, he is upset in the fact that they can't just void the vote and make changes, it's not about communication. Andy Morris said, "No Jeff Crane did say something about communication. Ray Pojman replied, "No it's not the communication, I talked with Jeff Crane." Andy Morris stated, "Again this is the problem, you (Ray Pojman) can say one thing and I can say another." Tom McBrayer started talking on what Ray Pojman had stated earlier in this conversation. Andy Morris then stated, "Jeff Crane can't communicate with the board right there." Dan Perlman replied, "Jeff Crane stated that earlier in the meeting." Angela Loughry said, "As a member of the board, I love that people are passionate in service, it's so much harder to get someone to volunteer in this do it yourself, completely understand that. But I think we have people who want to be involved, but sometimes feel they aren't involved, as board members and committee's we need to take the extra effort to accept the involved, not to the point it causes tons more work, it always create some extra work, but to include more people." Ray Pojman said, "I believe that I went the extra effort and the fact that it worked out this morning," Andy Morris spoke up while Ray Pojman spoke saying, "A simple text or email this morning, 'Ray Pojman stated I don't do text.' well a simple email or phone call this morning that's it.

- Tom McBrayer moved on to the bridge. Ray Pojman- The bridge, I got an email from Jeff Crane from last year, he got a thing from John Sequoia, anyway that 3 years ago there's an issue with our bridge, Andy Morris asked, "Our bridge?" Ray Pojman put his hand up, Andy Pojman replied, "I'm sorry." Ray Pojman continued on with the email, Ray Pojman replied back to him and found out that basically he had the wrong bridge. We got a hold of Otto to get an inspection done on the bridge. Otto stated that the foundation needs to be worked on before any other work, the Engineers agree that the foundation issues needs done because they don't believe there is any real problem with the bridge, no cracks, nothing shifting. Kumar and Associates said that they will be out the 1<sup>st</sup> or 2<sup>nd</sup> week of September when the water is normal to do a bank assessment. We will get that report and share it with Otto and go from there. You might say that it saves you \$4,000 dollars, but not really as we have to do something with the river before spring. You have to start from the bottom up. Angela Loughry asked, "What does the road committee say about that?" "Sit the water out and inform you all what we (Road Committee) are doing." More discussion on the bridge work went on.
- Andy Morris sent an email out and has not heard anything back. The bridge is only Insured for \$5,000. Why are we not Insuring it for the full amount? Tom McBrayer stated, "We got a quote last year for over \$30,000 a year for damage from a flood. So, we can spend \$30,000 a year or roll the dice. There is not much choice." Andy Morris said, "Is that from our current Insurance company?" Tom McBrayer replied, "Yes that is from the current Insurance company. You understand the risk to the bridge of devastating

# Cheryl & Co.

COMMUNITY ASSOCIATION MANAGEMENT

damage could be from water, Andy Morris spoke up and said, 'or mud.' And that is special Insurance, and the board at the time thought that they could spend the \$30,000 a year for 10-15 years, that's the price of a new bridge. Andy Morris stated, 'That should have been communicated.' Tom McBrayer continued, the other side is we can put money in reserve, which many people are opposed to that because they may not live long enough to see the bridge replaced, then homeowners were saying how much would it be per lot for the replacement of the bridge, which is about \$15,000. So, \$15,000 or \$20,000 compared to the current value of property. And another thing is that CDOT may not allow us to put the bridge back in, we have been through this all over the years." Ray Pojman spoke about the assessments going up an extra \$1,000 a year just for bridge Insurance to be fully covered, and I think we did send that out, we did communicate about the Insurance.

- Angela Loughry- I think there is a motion brewing here, I will make my motion, as it may be different that your motion (as she was talking to the rest of the board members.)
- Motion made by Angela Loughry that we honor what was voted for at the Annual Meeting to spending up to \$5,000 on engineering study of the bridge starting with soils and seeing where that leads. I don't think until the engineering study happens, we can jump ahead and say we are spending this money on rip rap, that is the reason for the engineering study. We hire them to tell us what to do so we might get a head of ourselves we have approval to get the engineer study done, let get it going, it sounds like the only change might be a twostep engineer study , second by Tom McBrayer- PASSED.
  - Ray Pojman- So you are saying that we should do the bank assessment and move on to the bridge. Angela Loughry said, "And then move on to the structural assessment, Tom McBrayer added as indicated." Ray Pojman- And it should as you (Angela Loughry) where saying, if they come back and say if the bridge doesn't need anything then we will take the advice of the engineer? Angela Loughry said "Yes."
  - Natalie Andl- Is there any way that we can asked them when they are doing the report if they were to replace the bridge where the replacement location might be? Ray Pojman- Theres no way to do that, as there will have to be a CDOT review. Tom McBrayer talked that in the past that CDOT talked about putting a bridge around a park areas. There was more discussion on the bridge and possible future replacement.
  - Natalie Andl followed up with a question. After all the flooding and fire situation, I'm concerned about another way out, can there be a line of something to get out? Tom McBrayer- that has come up through the fire department. When the bridge was damage and getting replaced in 1986, we used the lower river road, now there is a boulder there, which we can explode it if there is any emergency.

# Cheryl&Co.

## COMMUNITY ASSOCIATION MANAGEMENT

- Dan Perlman- In reference of the bridge obviously we talked about getting the inspection done last year, now we are looking at the fall, by November 1<sup>st</sup> we should have information from the two engineering companies, then we can have that information to make the same plan about what we need to do with all the people in our community, because right now we don't have that information. And I appreciate it if the board member(s) will not threaten me with lawsuits and negative comments, when I say I worry about the bridge safety. Tom McBrayer asked Dan Perlman, "Which board member threaten you with a lawsuit?" Dan Perlman said, "Ray Pojman." Tom McBrayer then asked Ray Pojman, "Did you threaten Dan Perlman with a lawsuit?" Ray Pojman said, "That, I don't have the email right in front of me." Tom McBrayer said, "Never mind." Dan Perlman spoke up, "I don't care about the lawsuit information, I was worried about the bridge and Ray Pojman just said, at this meeting that if we had 4 inches of rain the bridge will be gone, we just need this information as soon as possible. Tom McBrayer agreed, we will come to that bridge when we get there and depending on what they say, if it's expensive, we will have to have a special meeting to discuss a special assessment obviously that information will come out before the meeting to discuss.

### **FIRE PROTECTION MEASURES:**

- Angela Loughry- We can read the incident report, which the other board members stated they have read the reports. Angela Loughry then stated, " There has been people getting organized for brush clearing and we as a board has not address it and I feel we should." Angela Loughry went over the incident report discussed that the board would address the homeowners wanting to volunteer, directed it through Cheryl&CO CAM by emails sending out brush cleanup is (Date and time). Tom McBrayer- this got hung up with the lawsuit issue. Tom McBrayer went on about the discussion on the fire protection and contracts from the lawyer due to issues. Andy Morris stated, "The POA is responsible for 15 feet off the road." Tom McBrayer stated, "No that is private property, and we can't go on to people's private property, they can sue us if we do. We would have to have survey's done to determine where the POA land is." Andy Morris replied, "I disagree with that." Jim Hamlin stated, "We (POA) have an easement, not a right of way."
- Andy Morris- In our bylaws it states we have 15 feet from the center of the road. There is enough plats out there to determine the 15 feet. I think there can be a general conciseness among the homeowners, to decided where the center of the road is. I don't think it's this giant conundrum it's getting made out to be.
- Angela Loughry- So, what I think I'm hearing from you Tom McBrayer, is that you don't feel it should be the board's role to advocate for, Andy Morris jumped in and said, 'The bylaws,' for fire controls in any way except much by lateral, so you don't want people

# Cheryl & Co.

## COMMUNITY ASSOCIATION MANAGEMENT

trimming brush unless they have surveyed their property? Tom McBrayer- Well to where the road is now, because of that center of the road is 5 feet into Jim Hamlin's fence, Jim Hamlin wouldn't want me to tear down his fence. I'm saying that the Association is responsible for the Association property and private property owners are responsible for their private property. Angela Loughry said, "So the Association is responsible for the road?" Tom McBrayer said, "Yes." There was more discussion about the fire protection measures.

- Angela Loughry asked the question to the board, "Anyone on the board interested in a brush clean up as a community?" Jim Hamlin replied, "We have done this in the past, but we had people try to sue us." Ray Pojman- I think with the POA property I would feel comfortable to get the attorney revised contract first. Then we have something if people want to volunteer, we can have the owners sign it.
- There was more discussion about the work of brush clearing. The board also talked about a way to let homeowners know so they can say what they want done in their yard if they want their yard to be part of it.
- Andy Morris talked about some dead trees, that a survey can determine who's responsible for them, as they can fall, who will pay for them if they fall? Ray Pojman spoke up and said that no one can cut the dead trees down around the Crystal River without a permit. That led to a discussion of who will pay for the tree removal if the tree falls on the road from a private property. Ruth Hollowell asked about the removal of trees and the fire trucks.
- Tom McBrayer- If a wildfire happens, the owners need to evacuate as the department won't come up to save the homes. The fire department won't risk people period. Andy Morris said, "I have spoken to the fire department about this several times, Tom McBrayer stated, 'I have too.'" Andy Morris continued, "They will cross our bridge to save our homes, which Tom McBrayer said, 'They will, but we are supposed to be gone by then.'" Andy Morris continued, "The fire that happened by your place (Tom McBrayer) is a prime example of we might not get an evacuation order, and that is what keeps me up sometimes at night." Tom McBrayer said back to Andy Morris, "I'm good with that. You (Andy Morris) said it's each owner's responsibility for their own stuff. Andy Morris replied, "That's a selfish way to look at life." Tom McBrayer continued, "If you (Andy Morris) tell me to evacuate, I would not listen to you as that's my right. If I get a reverse 911 call as we were told to do. The potential of the fire spreading was very little, there was complete pandemonium down there. The people there were irresponsible, driving under a down power line. What happened when the fire department showed and found out what happened, they did nothing until the power was shut off." Andy Morris jumped in and stated, "Again I was trying to wake you (Tom McBrayer) up as it looked like it was at your place." Tom McBrayer replied, "Thank you, but I think you put people in danger, I talked to Bill Gavette and there were different opinions." Andy Morris replied, "I guess I

# Cheryl&Co.

## COMMUNITY ASSOCIATION MANAGEMENT

won't do that again, and really the fire department thanked me.” Tom McBrayer stated, “By the way the fire incident was not in Crystal River Country Estates, Andy Morris remarked ‘Yeah like a fire cares where they burn’ Tom McBrayer came back with Yeah they do fire will burn wherever.”

- Ray Pojman went back to the contract and wanting to wait for the attorney. Andy Morris stated, “We are covered so much under our (POA) Insurance that we can have volunteers.” Angela Loughry stated, “No we don't have that we talked about that earlier in the meeting.” Tom McBrayer stated, “That may be a cheaper way.”
- Motion made by Ray Pojman that we (POA) wait to get the contract from the attorney, and then we can send it off to the Insurance company and work out all the liability issues first then we can proceed with how the volunteer stuff is going to work, what papers need to be signed by volunteers, like waivers and stuff, that way we are covered, second by Angela Loughry. **PASSED.**
- Angela Loughry- Doesn't want this to take forever because we have members that want to get this work done. If the board doesn't want the work done, they can just say that.
- Tom McBrayer stated, “Or see if there is an opportunity to add Insurance instead. Ray Pojman continued, “based on the contract we can add Insurance or vice versa, but we need to start with a contract first. Andy Morris jumped in saying, “To me it doesn't mean it's an insurance thing because we all pay this Insurance policy, so we are all covered because we all live there.” Ray Pojman and Jim Hamlin both stated, “Not necessarily.”
- Andy Morris, Ray Pojman, Jim Hamlin, and Angela Loughry continued talking about the insurance liability, and the POA letting volunteers to do work, which needs to have a contract to take liability off the POA if anyone get hurt.
- Tom McBrayer- Next we move on to talk about the meetings voted on in the Annual Meeting to talk about the two block meetings to change the covenants. Does the board want to be involved in them? The board discussed this, and they feel that a majority of the board needs to be present for both blocks since the board is responsible for the violation of the covenants.

### **NEW BUSINESS:**

- Delinquency report from Cheryl&CO CAM and reminders sent, basically today if you have not paid anything yet, you are past due, the bylaws are pretty specific. Andy Morris jumped in saying, “I haven't even got a bill yet.” Which Amy Lawhead was asked to take the information down and check it out, which she did on her phone. Took Natalie Andl's email address and sent her the statement again and confirmed with her the email for Andy Morris as well and showed her where the statement had been sent twice. Angela Loughry stated, “The list seems pretty long, I don't know if this is normal or not.” Tom McBrayer talked about that there is a number of people that forgot, and we (CRCE POA) wait to the end of September to see if they get their accounts paid up or get a payment plan setup,

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COMMUNITY ASSOCIATION MANAGEMENT

then the board will follow the bylaws with late fees and such. Tom McBrayer asked Amy Lawhead which email she had on file for Andy Morris, Amy Lawhead replied with [andy@roaringforkresidential.com](mailto:andy@roaringforkresidential.com), Andy Morris said, "That it, but I didn't get a statement, unless it had my name on it, I don't read them. We all get all kinds of weird emails; we all know that." Tom McBrayer and the rest of the board asked if he got the meeting minutes and meeting invites by email? Andy Morris replied, "Yes." Tom McBrayer then stated, "Anything coming from Cheryl&CO CAM is official." Andy Morris talked more about how there is lots of junk emails out there, and that if it doesn't have his name on it then he disregards it. Which Ray Pojman asked Andy Morris, did you get the meeting minutes? Andy Morris replied, "I did." Ray Pojman then stated, "They came by email." Andy Morris talked about the people having troubles communicating online, he doesn't understand why the bills are not coming by mail. Tom McBrayer talked on that, "Because we asked people to sign up by email as a mode of communication of the association, if you (Andy Morris) needs to change it, get with Cheryl&Co CAM to get it changed." Natalie Andl replied, "They are sending it to me."

- Angela Loughry asked about the trial and if there is anything the Association needs to do and if the insurance covering the trial?" The trial was set for a trial date of September 9<sup>th</sup>, 2021 at 1:30 pm stated Tom McBrayer. Tom McBrayer said, "No the insurance is covering everything. The insurance company has made numerous offers and no agreement was made, so the judge sent it to trial." Angela Loughry then asked, "If and when we hear results will there be a FYI email sent out to everyone?" Tom McBrayer stated, "There will be results we just have to wait to hear from the Insurance company."

## **ADJOURNMENT OF MEETING:**

- Motion made by Ray Pojman to adjourn the meeting, second by Jim Hamlin. Meeting adjourned 8:07 PM.

Respectfully submitted,  
Amy Lawhead, Association Manager Associate  
Cheryl&Co CAM

Approved

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COMMUNITY ASSOCIATION MANAGEMENT

Draft