

# MINUTES

## Silver Woods CA Quarterly Board Meeting

March 28, 2023

6:30pm – 7:30pm via Zoom

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### Housekeeping

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- Call to order.
- Approval of Q42022 minutes. No questions.

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### New Business

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1. (Margie Beatty): Introduction of 2023 Board members, position, roles: Board members introduced themselves and stated their role. No questions.
2. (Margie Beatty): Introduction of Tabitha Hammerstone/Premier Property Management. Please be aware that Board communication (e.g.: notices, meeting, monthly newsletter, etc.) will be sent from *Premier Community Association*. **Please ensure you have updated your email address with Premier so that you receive pertinent information regarding community issues. Also, ensure you have signed up with Vantaca, Premier's portal. This portal is for homeowners to use to communicate with Premier and to pay HOA dues. Action item.**
3. (Marc Bogner): Introduction of Scott Deosaran, CLT, CPH, Account Manager/BrightView Landscaping: Scott introduced himself and provided attendees with a brief background of his credentials and responsibilities with BrightView. He encouraged **everyone to sign up on Brightview portal** to which is the method of communication between BrightView and homeowners. Scott also mentioned that starting next week the first application for weed control (pre/post emergent) and fertilization will occur and it is best to stay off lawn for 24 hours. **Action item.**
4. (Margie Beatty): President's Report:
  - a. Margie thanked Laura and previous Board members for their service to the Silver Woods community. Their willingness to volunteer on behalf of the community is appreciated.
  - b. She went on to explain the purpose of the CA Board: (1). To maintain common areas **after turnover from the developer**. (2). To draft a budget, reconcile, and report on financial information of the community. (3). To uphold the intent of the governing documents. She noted that there seems to be a misunderstanding of Board responsibilities by the homeowners. Particularly, with regards to written bylaws and governing documents. The Board is tasked with carrying out rules; they did not make rules. The Board does not have authority to change governing documents; changes can be made only by the community. The Board does not have authority to make changes to common areas (suspect trees, walking trails, roads, clubhouse size, amenities on common land, pool expansion), as common areas are the responsibility of the developer until turnover of this land to the community.
  - c. All community members are welcome to attend monthly Board meetings which will only be in-person meetings. Board meetings are typically held the first Tuesday of the month at 6:30pm at the clubhouse. The Board may hold executive meetings without public participation. For now, quarterly meetings will be via Zoom.

- d. She reminded all dog owners that there is a requirement of the town of Ocean View and this community to have your dog on a leash when outside of your home or yard and to pick up after your dog. Every homeowner assumes this responsibility as part of owning a pet.
5. (Laura Giorgianni): Treasurer's Report: See below.
6. (Tabitha Hammerstone): Property Management Report: Tabitha summarized her responsibility as the property manager: (1). To provide general information at monthly meetings where homeowners have an opportunity to ask questions. (2). To conduct bi-monthly community inspections to determine the "health" of the community and to report back to the Board issues that need to be addressed either with the homeowner or the developer. For instance, broken items, trash cans continually left outside of the garage or trash can enclosure, exterior work/changes done without and ARC application, algae on house, and other general community housekeeping events that are incongruent with guidelines/bylaws, etc.). (3). Processing of and communication of ARC applications. (4). Reporting of CA account balance and delinquent dues management, resale of homes, etc. Premier has been familiarizing themselves with our bylaws and governing documents while taking a consistent and transparent role. (Margie Beatty): Silver Woods community inspections: If during an inspection, a homeowner is deemed to be in violation of a community guideline/governing document, the homeowner will receive a courtesy notice detailing the issue and providing the homeowner an opportunity to provide feedback to ensure everyone is working together on a resolution. If the issue has not been resolved in the allotted time, the homeowner will be sent a violation notice and will be fined. This process may seem new to most of our homeowners as it has not been managed effectively by the previous property management company, so the Board wanted to provide homeowners with time to inspect their own property prior to the mailing of courtesy notices/violation letters in a month or two. The most common violation to date is the need to power wash algae from areas on the exterior of many homes. Power washing algae should be part of your spring clean up as it will be included as part of the inspection process.
7. (Trish Scott): Pool opening: Coastline pools have been engaged by the Board to manage pool service. Representatives will monitor the pool daily to ensure all aspects of maintenance are completed. The pool will open May 27, 2023. Hours of operation are 7:00 am -11:00 pm daily.
8. (Marc Bognar): SWARC New Home Application (pre-read): With the change to a new property management company the approval of ARC applications will now be done within our community. The Board appointed an internal ARC team whose members have the experience and responsibility to review ARC applications for new home builds and modifications to existing homes to ensure these new builds and modifications adhere to governing documents. After reviewing new home build ARCs, the committee makes a recommendation to Board. The new build ARC application distributed as a pre read was drafted by this team and addresses concerns that may arise from a new build and guideline/regulations of Silver Woods community. It includes detailed expectations for the new homeowner and for the builder. It also includes a fee schedule for violations resulting from non-compliance with our governing documents. There is currently a new home build at 30 Old Forge Drive being reviewed. The Board is voting to approve the new build ARC application fine schedule. Marc made a motion to the current Board to officially approve as presented. The floor was opened to questions from the homeowners. There were a few clarifying questions relating to hours of work permitted. Ron Hope said that SWARC application prohibits work on weekends which is incongruent to what the Town of Ocean View states. Apparently, Ocean View permits work from 8-7 on Saturdays. Marc will research. Sandra Magera asked whether the modifications for existing homes were affected, and it was explained this was only for new home builds, not modifications to existing homes. Margie called for a vote. All Board members voted in favor of the motion. Motion was approved.

9. (Marc Bognar): Walking trails: There has been a lot of feedback on our Facebook site and throughout the neighborhood in regard to the walking trails. The plan for these trails was designed and approved by Ocean View Planning & Zoning in 2016. The Board has been working with town of Ocean View to have the homeowners' feedback heard and addressed. Since this plan was previously approved there is little control the Board or town has over modifying this plan. However, the Board is doing everything they can to pressure the developer regarding the next phase of building. Jim Medina asked if there was money in the budget to maintain the trail. Marc replied that we don't have money budgeted maintain the trail since it is not ours yet nor to change from mulch to another material. He advised that the plan shows that trees will be added to the trail that may result in a bit more privacy to homeowners whose yards are next to the trails. Beth Douglas opined that the trails are dangerous with exposed ground roots. Again, common areas, including the trails, are owned by the developer with no control by homeowners or the Board until turnover. The liability of the trails lies with the developer. Ed Kelly asked about ADA adherence for trails. The Board had already discussed this issue with the attorney and was advised ADA doesn't apply as Silver Woods is not a public venue. Homeowners are welcome to write letters to the developer or to the town of Ocean View as the Board has done previously. **Action item.**

10. Open Forum:

- a. Sandra Magera asked if there were any changes to the ARC application for modifications to existing homeowners. No, the current application is in place and follows previous application. Application fees were reduced from \$75 to \$50 dollars.
- b. Margie reminded homeowners that she now writes a monthly newsletter which Premier distributes. All communication to homeowners is sent by Premier, so it is important to ensure they have your correct email.
- c. Mary Jane Volk reminded everyone to put in their email/phone number in Vantaca and encourages everyone to enter their information in case of an emergency.
- d. Tom Villa asked if there are any updates on trees because of the survey done last year. As mentioned previously, the Board sent a letter to the developer concerning the tree survey results. The developer has ignored our requests to address this issue and since the common area trees are owned by developer, homeowners have no authority.
- e. MaryBeth McCusker asked if there was anything a homeowner can do if a tree falls on their home. She said that she spoke with the developer at his place of business to ask and he said he would send someone out to look at it but never did. Unfortunately, the Board is experiencing the same with the developer, regardless of attorney intervention. Several homeowners suggested putting the developer on notice and picketing his business.
- f. Laura advised the participants that Premier filed a complaint on behalf of the community with the State of Delaware Department of Justice Ombudsman in hopes something can be done. The Ombudsman is not a legal authority to force the developer to comply but will try to influence the developer to do the right thing. Again, until we start the turnover process, we do not have hope he will do anything. Tabitha says she heard back from Ombudsman requesting more information which Tabitha has sent. Using the Ombudsman is a way to save money on legal fees. In March 2022 our attorney sent a letter to the developer and his attorney which listed a variety of issues with our common areas and clubhouse. This letter did not generate a response from the developer.

- g. Steve DePrince asked if backyard sheds are permitted. The governing documents prohibit putting sheds in yards. Joe Douglas advised Steve that an enclosure could be added (with ARC approval) to the house that could serve the purpose as has been done with a few other homeowners.

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## Budget/ Financial Information

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(Laura Giorgianni) Treasurer's Report: Laura reviewed the 2022 Year End Balance Sheet and the 2022 Year End Profit and Loss Statement which were distributed to HO as a pre-read. Reviewed the bank account balance and reserve account balance from the balance sheet. The reserve account is on track with what our reserve study says we should have now. On the P&L there is a minor positive variance in income due to 7 houses sold. On the expense side our clubhouse expenses were over budget as expected due to second payment for our new pool furniture. Snow removal over budget due to the community having to pay for snow removal. In the future, the town has said they will pay for plowing our roads since the topcoat of asphalt is in place; this is despite the roads being turned over to town of Ocean View. Reassessment of clubhouse resulted in higher taxes compared to budget and legal services higher than budget due to more legal involvement with developer on behalf of the community issues. 2023 Financial Statements for the community can be found in the homeowner portal on Vantaca. Going forward the board will be presenting the reports Premier compiles. The 2/28/22 Balance Sheet and Statement of Revenue & Expenses were also sent out to homeowners as a pre-read. Balance Sheet shows a high amount of money in the bank as many invoices were delayed in getting paid due to the transition between property management companies. Pre-Paid Homeowner Assessments are currently high as we are at the beginning of the year, and some prepay for the entire year. As the months go by this amount will decrease. On the Revenue & Expense Statement income is a bit higher than budget due to resale of homes. Management Contract line is high due to paying Premier for December, January and February in the first two months this year/ We paid both Premier and Excel in December so there was overlap during the transition. It is also worth noting that Premier charges \$1800/month and the budget was set with Excel's monthly fee of \$1674/month. As you can see many other invoices are not paid up to budget for the first two months, and this will be corrected by the March financials. Items such as all electric bills and landscaping contracts mostly. The last page shows our reserve accounts. Premier handles our reserves differently than Excel. Excel would pay our reserves quarterly. Premier pays into our reserves monthly as homeowners pay their monthly assessments. You can see that the budget for our reserve for our common areas amounts to \$9808 for the year and \$19620 for the clubhouse/pool for the year.

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## Action Items

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1. Homeowners should set up an account in Vantaca and ensure your correct contact information is listed. (All homeowners)
2. Homeowners should set up an account on the Bright View portal. (All homeowners)
3. (Marc) will research construction hours for the Town of Ocean View.

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## Next Meeting

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April monthly BOD meeting: April 11, 6:30pm, in person, clubhouse.

Second Quarter SWCA Meeting: June 2023. Date TBA.

Agenda

SWARC New Home Application

Financials Reports

FINAL