**Middleton Estates Community Association**

Carlisle, PA 17013

Monthly Board Meeting

**Date:** September 13, 2022

**Time:** 6:30 pm

**Location:** Stuart Community Center

**Board Members in Attendance:** Jan Verow, Judie Darr, Jim Porter

**Board Members Absent:** Joe Tubioli, Jennifer Michaud, Jordon Michaels

The meeting was called to order by Jan at 6:35 pm. with only 3 Board members present. Because there were not a sufficient number of Board members in attendance to constitute a quorum, no votes could be taken at this meeting.

**Approval of August Minutes:** Deferred due to lack of a quorum.

**Open Floor: N**o members were present

**COMMITTEE REPORTS**

**Recreation -** Waived

**Publicity & Communication –** Waived

**Budget/Finance** – Jan recently spoke with our accountant and learned that our annual tax return was recently filed. Because it was filed by the extension deadline there is no penalty, though we may be liable for a small amount of interest.

Jan handed out various financial documents. One listed our total account balances as of the 2nd week of September for each calendar year from 2018 to 2022. The balance has consistently decreased each year and is presently down about 37% compared to 2018. The decrease is the result of transferring money from the reserve funds to pay annual operating expenses. These transfers have been necessary because prior budgets have been based on the assumption that all annual dues will be paid, when historically they have not been, and because no annual dues increases have taken place in several years despite rising expenses.

One new owner was charged a $200 initiation fee earlier this year. Because the unit was purchased from an immediate family member the new owner should have been exempt from the fee and the money will be refunded.

In reviewing the financial transaction details the payments to Bartlett’s Tree Service for treatment of the pine trees along Spring Road were discussed. Some, if not all of these trees are diseased and the treatments can only slow down the progression of the disease but will not reverse or cure the disease. Jan will talk with Bartlett’s to discuss whether or not the treatments are cost effective and will cancel them if they are not.

We continue to offer ACH payments as a method of paying dues and so far only 4 people (less than 4% of homeowners) are paying dues in this manner. There was some discussion as to whether or not the cost and effort involved in offering this option is worth it but no changes were proposed at this time.

**Architectural & Maintenance** – Brian Connelly was asked to join the maintenance committee and accepted. He has started looking at the 4 mailboxes in the community and has shimmed one post where it meets the sidewalk to minimize the rocking movement. He will see what he can do with the others as well. We talked about tightening the top portion of the mailboxes where they attach to the posts and this will be looked into as well.

While on the subject of mailboxes Judy discussed the possibility of obtaining some type of weatherproof display cases to attach to the mailboxes to display notices, etc. This would allow for a better method of displaying information that the current process of taping them to the mailboxes.

Jim reported that the light for the flagpole at the entrance to the community was replaced because it had burned out. One other light is burned out and will also be replaced soon.

We talked about purchasing a second flag so that they could be rotated, allowing for washing or cleaning on a regular basis to maintain their appearance.

**Nominating Committee –** According to the Bylaws 3 Board seats must be up for election at the 2023 Annual Meeting. This will be further discussed at a future meeting.

**OLD BUSINESS -** None

**NEW BUSINESS**

**Attorney Report –** Homeowners reported to the Board that they had, at their own expense, consulted with an attorney to obtain a legal opinion on the authority of the Board to make and enforce rules, pursue unpaid assessments, etc. The stated purpose of obtaining this legal opinion was the homeowner’s concern that in the past the Board has not always taken an active role in enforcement of rules and the collection of past due accounts.

The attorney conducted a thorough review of all governing documents, including the **Covenants and Restrictions**, the **Bylaws** and **Pennsylvania’s Uniform Planned Community Act** and provided a written legal opinion, which was that the Board does, in fact, have the authority and Fiduciary Obligation to establish and enforce rules, assess fines for non-compliance and has specific legal avenues to collect unpaid assessments. The avenues include obtaining a judgement, filing a lien against the property and, rather than sitting and waiting for years to collect after a property has been sold, pursuing legal actions up to and including forcing a sale of the property in the most egregious cases of non-payment.

**Unpaid Assessments –** We have continued to monitor our past due assessments on a monthly basis and are about to embark on a more intentional approach to collection. This will include more regular follow-ups with those who are delinquent, trying to prevent people from falling behind by contacting them earlier in the process rather than waiting for several months to go by, negotiating payment plans as appropriate and taking action via the courts when necessary. Letters will be sent in the near future to all those with delinquent accounts.

**NEXT MEETING DATE:**  The next Board meeting is scheduled for October 11, 2022.

The meeting adjourned at 8:03 p.m.

Submitted by Jim Porter

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