

Concerned Members report and comments on the SLPPOA Board meeting – December 8, 2015

NOTE: this is not the official Board meeting minutes that the Board is responsible for producing

Authors' notes and comments

- *The Treasurer will no longer report on the size of the debt from property owners categorized as “uncollectables.” This is another case of this Board being unable to come clean with the residents about what is the true state of affairs in this Association. It is baffling why this should be kept secret. Or is it that the Board is embarrassed that again this year delinquencies will be higher than usual? We calculate debt to be in the vicinity of \$13K. But we wager you’ll never hear that figure from the Board. Do members have to worry that “uncollectable” debt will be written off?*
- *One property owner has not paid anything this year. Since July, the Board has tasked and paid the attorney to lean on this owner to pay up. The owner ignores the attorney; and nothing happens. Under the Bylaws, the Board could turn this person’s water off-- but they won’t despite the SLP attorney advising in September 2009 that “he “saw no problem with the Association shutting off the water of those property owners that are delinquent in payment of association fees..” What if this person enters the “uncollectable” category, and the membership loses out again?*
- *The Board has set aside \$40K to have work done on the roads before winter weather sets in. A little was done on one road, but a lot still remains to be done.*
- *How much money will be rolled over unused from this year’s budget into the operating account? Will the Board report on that?*
- *A company has been identified who will conduct a tailored study to determine the size and means of collecting adequate money for a reserve account. The current reserves (see the report below) are inadequate to deal with any large water system problems.*
- *It is agonizing listening to Board members trying to come up with a policy on how and when to notify water users of potential leaks on their property. The purpose of the policy is to call attention to the fact that a resident’s meter is flagging a leak and the resident is using 10,000+ gallons of water a month, well above the average. Why is a simple phone call so intimidating?*

They put the issue on the agenda month after month but are finding it hard to come up with a consensus on what to do. With 68% of System 1’s water being lost to leaks, why isn’t this more of a priority? Isn’t it worrisome that the Association has been in danger of overallocating its water rights for years? The recent leak detection effort has not helped to locate mainline leaks. At this point, the Board has to rely on the cooperation of all water users to address problems.

Board members present: Bennett, Brophy, Nyhan, Veverka, Otero, Fredlund, Kilburg
Absent: Bushnell, Ballman

Guests: Star, Moore, Ms. Otero, Corn, Shurter, Mr. and Mrs. Schacht, Timo Schacht

Agenda approved. Minutes – approved

Treasurer's Report

Account balances (as of Dec. 7, 2015):

Operating: \$86,039

Special Assessment: \$28,950

Reserve: \$65,924

The Special Assessment account will roll over into the operating account once all late payments are in and no other costs are levied against it - such as money for replacement or repair parts for meters.

Since last month, a property on Aspen Grove has sold, and another on Los Griegos is pending.

Dues for 2016 have begun to be collected. So far, \$5,520 is in.

Still six property owners are delinquent; in the “collectable” category, two are making payments, one isn't, and this latter issue is being pursued by the attorney... *This has been report on since July; it doesn't seem like this person is very concerned about consequences. Why not turn this person's water off?* Total outstanding debt that could be collected from these three is \$2,316.

Three properties are in the “uncollectable” category. *The Treasurer wouldn't report on the size of this outstanding debt, but we know from the reports given at the annual meeting, the number is \$11K+.*

So the bottom line on delinquencies is: 6 properties are delinquent, the total amount that is owed the Association at this time is \$13K+. If you hear a lower number from a Board member, be aware that you aren't getting the full story.

Water Maintenance Report

One part-time resident reported they could not get their water turned on. It appeared that freezing was to blame. Veverka suggested they try thawing the area. Brophy noted that the water storage tank(s) in System 2 have recently been dropping about 2” nightly. A leak is suspected. However, Corn noted that a new user on system 2 used 27,000 gallons--just last month. No leaks are indicated on the property.

Veverka called the three residents with high water usage to alert them might have leaks. He has not received return calls from any of them.

American Leak Detection Co. still has not produced a final report on their findings from two months ago. Veverka will contact them to remind them that we expect such a report and to see if they would return to do some work gratis using sonic technology, especially to do further detection work near the well house, where a big leak is still suspected.

Schacht reported on further upgrades to the water profile tables that are now available on the web. He and Corn are conducting studies and creating these profiles. Discussion ensued about who should have access to all the profile tables and data. It was agreed that this information should be restricted to those who work on the water system: Brophy, Corn, Nyhan, Veverka, Schacht, and Stanley.

Water Compliance Report

Nyhan passed out a printout to Board members only and reported on his study on types of drinking water systems within NM. They include community and non-community systems. Subcategories are co-ops, mutual domestics, domestic non-profits, and homeowner associations. Public systems or political subdivisions of the state are eligible for government funding (loans and grants); private systems (like ours) are not. The report was hard to follow and the facts questionable .

This is our best understanding: there are only 12 homeowner associations with water systems in NM. Supposedly there are 45 water co-ops. These may be eligible for some types of government funding if they comply with State voting and filing requirements. There are 201 mutual domestic water systems in NM. These are political subdivisions within the State, and they are they are eligible for state funding.

The rest of the over 1000 NM community water systems are any of 24 organizational structures with varying governance and operational systems and funding opportunities (we provide you this courtesy link for a better understanding. http://uttoncenter.unm.edu/pdfs/water-matters-2015/13_Community_Water_Systems.pdf .)

Nyhan reported that ALL mutual domestics want to get out of this organizational form. *However, he didn't provide any proof.* He also reported on structural specifics of mutual domestics and water co-ops and an organizational form he referred to as domestic nonprofits—but this also was hard to follow. The study is ongoing and he is going to confer with Water Bureau people to get more data.

Firewise Report

An article written by a member of the La Cueva Volunteer Fire Department will appear soon in the Jemez Thunder on issues related to home safety. The Forest Service is planning more prescribed burns. The pumice mine across from SLP on Hwy 4 will be closed for two years to allow the area to recover from the mining operations

IT Report

All water data are online but not accessible to everyone. Schacht can change this if given permission by the Board. Veverka emphasized how important it is to control these data. Only a

few people may see everything—maybe six people maximum. These include Board members Veverka, Brophy, and Nyhan and nonBoard members Corn, Stanley, and Schacht.

The spam problem related to emails for SLPPOA officers seems to be abating. Kilburg wants to continue to maintain email addresses on GoDaddy while Schacht will deal with the web part. There appeared to be confusion who has authority to do what.

Schacht has found out that antennas on Cerro Pelado are only for cell phone signals and do not have a microwave link with data capabilities.

It appears that Windstream's DSL speed goes down each day around 5 PM.

Roads Report

The corner of Cerro Pelado and Los Griegos was cleaned up somewhat; however, the new road contractor, must be contacted to ensure that he will continue the promised work.

Legal Report

\$8619 has been spent so far on legal costs.

Community Relations, Parks/Architectural Reports: Nothing to report.

Action Items

Get final report from Am. Leak Co.

Still working on getting info to clarify covenants re. tree density.

Nyhan has many ideas concerning rewriting the Bylaws and Covenants, but does not want to continue under the circumstances.

Working on getting another bid for the Reserve Study to learn how much money the Association will need in reserves. One company has given a bid of \$3K and will use our assets to construct the report. Issues that should be considered include our roads, water system, wells, (but not structures)—*we question why these are not considered to have replacement value?* Nyhan also wants to study how quickly the water table is recharging. Bennett pointed out that the study should concentrate only on asset management.

Still working on getting the policy regarding use of the list server.

Old Business

Working on getting a notification policy instituted that will be used to alert above average water users to their situation and encourage fixes to leaks. Lots of discussion ensued regarding a reasonable threshold of usage that would trigger use of the notification. Under discussion is a guideline that includes a leak flag on the meter and use of more than 10,000 gallons/month. *According to the USGS website that suggests 80-100 gal per day (~3600 gals/month) is an estimated average of household use. The SLP water usage page reports individual consumption.*

Included in the discussion is agreement on if (and when) water maintenance personnel can shut off water to an unoccupied property. First someone would notice and suspect water leaks are damaging property, 2) an attempt would be made to notify the property owner that their water will be shut off but they would not be locked out, 3) after this step, water will be shut off. No agreement was reached, and the discussion was tabled until the next meeting.

New Business

A new property owner is adamant about the issue of changes and clarification to current covenants. The covenants have rarely been enforced over past years; but they should be changed to reflect changing times and requirements. This is also true of the Bylaws. One Board member said "you don't want to go there." The Board is worried that someone may sue for not enforcing the covenants. A Board member thought that this could be stopped if it could be shown that the Board is working on updating them. Someone suggested the importance of talking to neighbors about these issues and trying to understand their feelings and how they are affected.

Open Forum

Star asked what was the amount of "uncollectable" debt? The Treasurer informed her that she had been advised by two sources to no longer report this number because nothing can be done to collect this debt once it enters this stage. Foreclosure procedures or auctions must proceed and only then can the Association hope to collect. *Will the Board report to the membership if the Association does or does not get the money it is owed from these delinquent accounts?*

Moore asked information about the delinquent who has been under legal action all year.

Q: Is this person a resident? A: Yes.

Q: Has this person been delinquent for more than a year? A: No

Q: Why not turn this person's water off? A: That would be inhuman. We want to be good neighbors. *The Board knows that the Bylaws gives it the remedy to turn water off, but has decided not to do it. They fear turning someone's water off may result in a lawsuit, despite the fact that the SLP attorney issued advice in an email September 10, 2009 that he "saw no problem with the Association shutting off the water of those property owners that are delinquent in payment of association fees...." They worry about people's privacy. They don't seem to worry much about failing to collect dues and assessments owed the Association.*

Closed meeting called 8:45pm

No topics announced.

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