

Concerned Members report and comments on the SLPPOA Board Meeting – June 14, 2016

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

Authors notes and comments:

- *This Board likes to intimidate. At this Board meeting, a guest was interrogated in front of all present about why she requested certain information. This question is expressly prohibited by the NM State Sunshine Law (or Inspection of Public Records Act) which says “No person requesting records shall be required to state the reason for inspecting the records.” It is true that Sierra los Pinos Property Owners Association is a private entity, but it would seem that complying with the spirit of these laws would be worthwhile.*
- *Did you know that walking on the SLP roads with a clipboard could get you in trouble? Some folks in the subdivision seem to think this is subversive and reported it to a Board member(s). The complaint was then repeated at the Board meeting by the President and leveled at meeting attendees who it turns out were walking around as volunteers helping with the recent leak detection exercise. One guest who was away visiting an aging parent was misidentified as a culprit. One guest was not in the subdivision during this time. And this Board wonders why people don’t volunteer?*
- *Recently SLPPOA lost its insurance policy. Thankfully, it was replaced this month but with another policy costing about four times the old one. Why did this happen? Not sure. This is the nature of the inquiry mention in the first bullet. But one Board member did say that finding another company was difficult because the Association has too many outstanding liens filed against its members. Haven’t the Concerned Members been saying since day one that the nonchalant approach the Board has taken against people not paying their dues and assessments could create problems? This is proof of that concern.*
- *You cannot believe everything reported by the Board. At this meeting, the member responsible for legal issues reported that in the past the Association’s insurance policy did not cover Officers and Directors insurance. It appears that the Board is uneducated and incorrect about many of the past board affairs. We suggest they concentrate on the issues at hand instead of continuing to place blame prior boards.*
- *It was suggested that some buyers are shying away from SLP because of the lawsuit. They should. Not only do we have a board that doesn’t seem to understand the need for transparency and is reluctant to disclose financial information but has known about the failing water system since 2011 and is still not taking aggressive action to get professional help about this issue that could affect all members property values in the future.*

Meeting called to order 7:17pm

Board Present: Nyhan, Kilburg, Bennett, Ballman, Brophy, Otero

Board Absent: Fredlund, Vergamini , Veverka
Guests: Ms. Otero, Mr. Weary, Ms. Star, Ms. Shurter, Ms. Moore, Mr. Corn

Agenda for this meeting and the minutes from the May meeting were approved.

Treasurer's Report

Account Balances as of June 13, 2016

Operating Account: \$115,921

Special Assessment Account: \$4408

Reserve Account: \$100,952

Delinquencies

Uncollectables: Three members. Total owed \$15,384.

Collectables: Eleven members. Total owed \$4,881. Some owe only interest, and 6 are making monthly payments, and 1 there has been no response.

The total in arrears is over \$20K.

Collection on the largest account due since 2012 – involves a foreclosure with an undisclosed mortgage company.

A prospective buyer for a property on Los Griegos requested disclosure documents.

It was suggested that some buyers are shying away from SLP because of the lawsuit. *They should. This Board not only is reluctant to disclose financial information, but has known about the failing water system since 2011, and is still not taking aggressive action to get professional help that could affect all members' health, safety and property values in the future.*

Legal costs to date are over \$22K.

Water Maintenance Report

On May 25, a diagnostic test was run on System 1 using a newly purchased, more sensitive flow meter device. All households on system 1 were turned off and valves at the head of various sections were turned off, one by one to test the mainline.

The good news is that 50% of the sections appear to be water tight. However, the other half, mostly on the long main stretches are leaking. The leaks are between 2-4 gallons/minute with two sections in the 4 gal/min range. The footage on 2 of these sections (*Bonita Way 2-3 gpm and downhill section of Hovenweep ~ 4gpm*) equals about 2200 feet of mainline. These two sections are projected to be replaced.

The projected replacement of Bonita and a part of Hovenweek is hoped to cut the leak rate by 6 gpm. So what are we going to do about the other 10 gpm? It was stated that the committee discussed extensively the options and ‘the majority think we should replace the sections that have the highest leak rates’. Star reminded the committee of a professional engineering cost assessment at the [June water committee meeting](#) that was presented to the membership in 2011 and that close to 50% of the membership were in favor of a full system replacement of \$1.1M.

The water committee is in the process of getting estimates on what the Bonita and Hovenweep line replacement will cost. *Funds for this replacement are expected to come from the SLP reserve account. With no professional engineering guidance or long term*

planning for future replacements, we are concerned on how they plan to attack the remaining leak rate. The additional repairs will either be again delayed or not initiated because of lack of funds or a special assessment may be needed. But there is no discussion of a plan to determine where the money will come from to mitigate the remaining 10 gpm (438,000 gal/month) system 1 water line problems.

Mr. Corn reported on an alternative view that was put forward by the water committee to do an engineering study and get a professional involved to do “it right.” Mr Corn referenced a plan in 2011 *that was prepared by Scott Medina, a professional water engineer, suggesting back then, that the SLP water system infrastructure was failing.*

Other leak repair suggestions included slip lining, replacing the mainline with 6” line (they are now 4 inch), and using High Density Polyethylene lines. The discussion following these proposals showed that some of these ideas are controversial with some Board members, *and none of the ideas have had professional input.*

Water Compliance Report

The Consumer Confidence report was completed and submitted to the State ahead of the deadline. Well production readings and water quality samples have been sent to the appropriate state offices. The electric bill was down \$20 last month, however it continues to fluctuate. The following figures were cited for electric bills over the last few months: \$688, \$897, \$758, and \$928.

The system 2 Levelcon transducer needs to be replaced at a cost of about \$200. Also the batteries on the controller need replacing. Mr. Corn may have some.

Firewise

A sign has been erected near the old SLP slash pit saying “No Slash Dumping.” Two fires were extinguished since the last report.

IT

Mr. Schacht is keeping up with required website tasks, so all is well.

Roads

Work is proceeding and is expected to be finished by the end of July. A Board member said that the contractor is pulling down too much material off the easements in some areas. Mr. Nyhan reported that resident Mr. Baca is willing to donate fill for the roads from his project to dig out his basement.

Legal

The next court date for the suit against the Board is July 12 at 9 a.m.

Legal action is proceeding on two delinquent “collectable” SLP members. Mr. Brophy had a telecom with Los Alamos National Bank and the SLP lawyer concerning one of them. A court date is set for December for another.

SLP has a new insurance policy after the old one was cancelled. It includes coverage for the Officers and Directors (i.e., the Board Members) from Travelers Insurance and general liability policy for the rest of SLP from a company called Mesa Direct.

The cost of the policies went from \$4700/yr to \$12K/yr. This is because the cancellation of the old policy resulted in a poor rating for the Association, which may stay on the books for the next 3-5 years.

Mr. Brophy suggested that in the past the Association's Board members were not covered by insurance, nor was the playground, or the water tanks. *The Board is uneducated and incorrect about some past affairs. We suggest they concentrate on the issues at hand instead of continuing to waste time blaming prior boards.*

Ms. Kilburg said that she believes that a new insurance company was difficult to find and was more expensive than the old one was due to two factors: 1) the number of liens filed and 2) the lawsuit. *She failed to mention that the insurance was dropped due to a claim that was apparently poorly handled by our current board, however they have still not released the details. Detailed in the May meeting [report](#).*

Mr. Bennett said that Ms. Moore's request for information regarding the cancelation of the old insurance policy was in process. He will be able to comply when he gets some of the documentation from the SLP lawyer.

A Board member questioned why Ms. Moore wants this information. *An interrogation of this kind is explicitly forbidden by the "Sunshine Law" or the Inspection of Public Records Act NMSA1978 14-2-8 (C). Obviously this Board has not read this law and certainly doesn't abide by its spirit. The law also says that "all persons are entitled to greatest possible information regarding the .. official acts of public officers" .. and "to provide persons with such information is an essential function of a representative government and an integral part of the routine duties of public officers.."*

Community Relations Report

Mr. Nyhan tried to inject some levity by showing a cartoon of some kind. Since the paper wasn't shared with the guests at the meeting, we have no idea what this meant.

Architectural and Parks Report

No architectural activity. The park was mowed by the Oteros.

Action Items

- Road contractor contract – no report
- Stakes to i.d. water and telephone lines along the roads – not yet obtained
- Aspen well water table measurement – Done. Mr. Stanley has the data
- Fredlund will inform the board when there are applications available for funding for thinning.
- Capping of abandoned well – Not done. Mr. Nyhan stated this is mandatory and strongly urged whoever does it to take pictures so the action can be documented with the Drinking Water Bureau Emergency Response Plan (ERP)

Old Business

Grants:

Still waiting on Mr. Bushnell for information on grants. Bennett noted that he will probably drop this as Bushnell is no longer on the board and has moved to Hawaii.

Reserve study.

Mr. Brophy proposed two alternatives: 1) delay the activity for a year and 2) get another quote from another company. Discussion followed regarding the importance of

this activity. Ms. Kilburg stated that audits since 2009 recommended the study. Mr. Nyhan said that such a study is required if we are to get grant money from the EPA. Mr. Brophy was tasked with getting an updated quote from the one company that offered to perform the study some months ago and to include the specs that Mr. Nyhan said were needed for grant proposals. Mr. Nyhan gave Mr. Brophy a copy of the EPA publication.

Accounting services proposal.

Ms. Kilburg is to come up with performance metrics for this proposal.

Nominating committee chair.

Three positions on the Board for three-year terms are available this fall. Mr. Otero volunteered to help whoever chairs the committee to identify nominees. He asked for help with this task.

Watch where you step.

Mr. Bennett reported that Ms. Star, Ms. Shurter and Ms. Van Ruyckevelt were seen walking around the subdivision with a clipboard! *Ms. Shurter was out of the country most of the months of March, April and May. Ms. Van Ruyckevelt was not in the subdivision during the past month.* Ms. Moore said that the “sighting” must have been when she and Ms. Star were working as volunteers on the leak detection project on May 25.

Ms. Moore did use a map and clipboard to fulfill her task to check whether all meters in system 1 were turned off prior to the test and later to determine whether they had been turned back on again.

It was unclear to what benefit this inquisition was brought up at the board meeting. Needless to say, Ms. Star and Ms. Moore were offended to be accused of walking roads and that their efforts as volunteers were so poorly treated. Ms. Shurter was disgusted about such erroneous allegations and the time wasted on another petty issue. And this Board repeatedly says that not enough people volunteer to help. No wonder.

Executive session was announced 8:24 pm.

No discussion topics were announced for executive session.

Cars dispersed 9:30pm

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