

# OAKHURST COMMUNITY ASSOCIATION, INC.

## BOARD OF DIRECTORS MEETING

June 21, 1999 - 7:00 p.m.  
at Oaks Recreational Club

### MEETING MINUTES

#### I. CALL BUSINESS MEETING TO ORDER / DECLARE QUORUM

The Monday, June 21, 1999 meeting of the Oakhurst Community Association (OCA) Board of Directors was called to order at 7:04 p.m. by President Jim Mulvoy, at the Oaks Recreational Club clubhouse. A quorum of the Board was established, with Jim Mulvoy voting, with the following Board Members in attendance:

Absent	Present	Board Member	Board Title
	X	Jim Mulvoy	Director & President
X		Ron Joyce	Director, Vice President & Landscape Chairman
	X	Ron Papale	Director & Treasurer
X		William Poppe	Director & Secretary
	X	Clifton Hanna	Director & Modifications Chairman
	X	Bob Nasenbeny	Director & Compliance Chairman
X		Christopher Tabb	Director & Recreation Chairman

Also in attendance was Property Manager Michelle Cohen, representing MC Property Management (MCP), and the following Neighborhood Representatives:

Neighborhood Representative	Representing	Neighborhood Representative	Representing
John Rahn	Ashbrook	Debbie Beatty	Summerfield
Jim Dechene	Ashbrook	Absent	Wild Meadows
Christopher Drucker	Aspen	Absent	The Woods
Judy Jurgensen	Autumn Meadows	Absent	Autumn Lakes Condo Assn.
Dan Polanski	Breckenridge	Absent	Country Homes of Oakhurst Assn.
Nick Furibondo	Carriage Estates	Leigh Mull (for Mary Armstrong)	Heather Glen Assn.
Gary Grissinger	Inverness	Absent	Towns of Oakhurst Assn.
Doug Gienger	Inverness	Absent	Towns of Oakhurst Condo Assn.
Absent	Mayfair	Absent	Hunters Glen Apartments
Absent	Stanfield		

President Jim Mulvoy welcomed everyone on behalf of the Board. The Board introduced themselves. Roll was called by the Recording Secretary. Jim reviewed the Agenda for the meeting.

## II. RESIDENT FORUM

There were no resident comments.

## III. NEIGHBORHOOD REPRESENTATIVE FORUM (Opening Comments)

Nick Furibondo, Carriage Estates - correction to Minutes, p.10, which stated that he had asked to join Bob Nasenbeny's Committee, when in fact he was just inquiring about the outcome of the note that was sent out for volunteers, and what plans had been made. Jim noted that the Minutes would be revised to state "Nick inquired to Bob the outcome of the workshop."

Gary Grissinger, Inverness - correction to Minutes, p.3, which stated that Gary had offered a sample of a barbecue permit. It should read "fire pit permit." This was noted by Jim.

Debbie Beatty, Summerfield - inquired what has been decided on the issue of yard waste bags. Jim replied that nothing was really decided, and that the flyer was in error. It was intended to say the BBQ grills are kept in the rear yard. As far as waste bags, there has to be a discussion. The Board will try to determine this for the next meeting.

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Jim stated that the meeting was now moving into the business portion, which is not open to Residents or Representatives for discussion or comment, and that it is requested that all comments be held until the end of the business portion of the meeting.

## IV. APPROVAL OF MAY 17, 1999 MEETING MINUTES

Jim stated that the Board had reviewed the Minutes in Executive Session. The comments have been duly noted on pp. 3 & 10 from the Representatives this evening.

Jim entertained a motion to approve the May 17, 1999 Minutes, with changes noted on pp. 3 and 10.

**MOTION:** Clif Hanna moved to approve the Minutes. Bob Nasenbeny seconded the motion.

**DISCUSSION:** None

**VOTE:** Motion carried, 4-0.

## V. DIRECTORS AND OFFICERS REPORTS

### A. President / Legal & Executive (Jim Mulvoy)

President Jim Mulvoy read from Christopher Tabb's resignation letter:

"It is with my deepest regrets that I find I am no longer able to balance my responsibilities between home, work and Oakhurst lives as such. I am compelled to tender my resignation to the Board. When I volunteered to run for the Board, I had expected my work responsibilities to ease up and thus add to my general availability. Unfortunately, I find that neither of these have come to fruition. In fact, my work duties have continued to increase with no end in sight. As such, I no longer have the time or energy to fulfill my duties for the Board. I would like to thank each of you for your kindness and patience toward me. I would also like to apologize for any inconvenience my resignation causes the Board. Respectfully, Chris Tabb."

Jim stated that the Board wishes Christopher and his family well and would like to thank him openly in this meeting for the time and effort that he has given to the community during his short tenure. Jim pointed out that anyone considering running for the Board of Directors should very seriously evaluate the time that they have to offer the Community before accepting a nomination. The Master Association is very intensive, and as you can see by the Agenda's each month, there is no loss for business. Each item, though it may look minor on the Agenda, does involve a large amount of time. The Board is actually meeting twice a month, in addition to regular committee meetings and other things we get involved with. Keep this in mind, because it puts the Board in a precarious position to replace people midstream. A letter has been mailed to Single Family Representatives requesting nominations for the vacated Board seat. This is a little different than how the last appointment was handled. When a Director resigns, the Board is in a position to appoint its replacement for the remainder of the term. In this case, we decided to go out for nominations, and we asked that the nominations be back this evening at the latest. Anyone with nominations please be sure to drop them off. He added that it is not anticipated that the new Director will be responsible for the Compliance Committee. The Board hopes to make this appointment by the July meeting. Jim also announced that Bob Nasenbeny will switch duties and take over the Recreation Committee. Clif Hanna will take over Compliance in the interim. Jim asked the Board to review the function of the Compliance Committee. It is Jim's opinion the Committee needs to be restructured. This function could be delegated, with some established guidelines, to either the Representative level or to the Management Company. This will be discussed further in Executive Sessions, and the Board will advise, hopefully next month. The Ad-hoc Committee reviewing the Property Managers is making progress, has submitted their first and second reports, and are continuing in their efforts. Jim thanked Nick Furibondo and Donald Houck for their efforts. The Committee reviewing the Role of the Representatives, through Chairman Bob Nasenbeny, has submitted their report. There were only two suggestions given to the

Board - first, to have a Representative liaison attend the Executive Meetings, which Jim explained is not possible from a legal standpoint. These meetings have to be closed, and are not available to Representatives or Residents. The second suggestions was to improve communications, which has been the goal since day one, and there has not been enough resources available to do much more than we're doing. Jim thanked Bob, Debbie Beatty and John Rahn for their efforts. Jim added that the scope of the Committee was to interview Representatives, both old and new, and work with the Board in determining how the Representatives should interface with the Board and the Committees. Jim expressed his opinion that more needs to be done in this area, and is requesting the Committee to continue its efforts. He asked for feedback on Representative involvement in open meetings, and what involvement they would like to see. He asked for feedback on what role they would like to play on voting issues that relate to the Community, not issues relating to the financial business of the community, which has to be the Board. He wants a plan where the Representatives can play a very active role in the community and work with the Board on these issues. He would like to have some kind of update by next meeting, even if it is brief. Jim added that the Annual Meeting will be coming up, and the process of obtaining nominations and having an election for new Board members will be taking place. The letters will be going out to the Community before the July meeting. Jim stated that he has served the Community for a little more than four years, and during that time has met a lot of great people, though some have disagreed with him. But he has enjoyed serving the Community, but after thinking very long and hard, he feels it may be time he stepped down and give others in the Community an opportunity to serve, and go back to being a Resident. He wanted to make it common knowledge that it is not his intent to run, and he thanked everyone for their support and help over the years.

**B. Treasurer (Ron Papale)**

Ron Papale reported that there is still \$37,208.89 in uncollected funds due to the Association. He re-emphasized that the Collections process is operating well, and accounts are being taken to Court and the Association is collecting. He suggested that Residents inform any neighbors who may not be paying their assessments that not only will they have to pay the original amount, but every step that is taken in Collections, their account is charged - which can be hundreds or even thousands of dollars. The Grand Total cash position of the Association is \$178,873.72.

**C. Modifications Chairman (Cliff Hanna)**

Cliff Hanna urged Representatives to instruct Residents to allow for sufficient lead time on modifications approvals. He noted that the Modification Request Form has been revised, with the help of MCP. The form highlights some critical items, such as fence height, etc. A procedure has been submitted regarding Compliance policy, for the Board to review and discuss in Executive Session. Cliff would appreciate any comments or additions to fine tune the procedure

**D. Compliance Chairman (Bob Nasenbeny)**

Bob Nasenbeny reported on Compliance issues - based on the monthly report he receives from MCP, he has put together some YTD statistics on violations from MCP: So far in 1999 there are 50 violations (+ 7 from last year). 1/3 have been fined, which means they have occurred more than once. Most violations are first time letters. 23% are for unkempt property (maintenance issues), 12% are for animal violations, 35% are for basketball hoops, 23% are for overnight parking, 5% are for seasonal decorations, and 2% for commercial vehicles.

Bob also reported on Recreation issues - the first half of AYSO soccer finished last week or the week before. They will start again in August. They have maintained the soccer fields very well. It could have been bad with the rains. They've been very good. They put signs up, canceled games, and kept the kids off the fields during the heavy rains. He commended them on the job they've done. Tennis started two weeks ago. There will be two 5-week sessions by the Rush Copley tennis pro's on our courts. The second session will be in July and August. It is going pretty well.

Lastly, Bob reported that the Internet Committee is looking for an HTML coder for the Association web page.

**VI. PROPERTY MANAGEMENT REPORT**

Michelle Cohen of MC Property Management (MCP) reported that a request has come in, which she has copied to the Board, for the use of the Pavilion for a July 3rd gathering, which can be discussed later. Michelle asked Ron Papale to report on banking transactions because Michaelene could not attend the meeting. She reported that there have been 94 homeowner calls this past month, and 45 were modification requests. All other topics will be discussed under old and new business. Jim asked for the invoice from the attorney. Michelle will find out if it has been sent yet, and if so, she will get another copy.

**VII. OLD BUSINESS**

**A. Editorial Correction to 1998 Financial Report Approval**

Jim referred to Board Packet p. 28. A small typing error was found, page 5, note 1. "The Association began its operations on 12/23/98." It should state "12/23/88."

Jim entertained a motion to amend the 1998 Financial Report, based on this correction.

**MOTION:** Ron Papale moved to approve. Clif Hanna seconded the motion.

**DISCUSSION:** None

**VOTE:** Motion carried, 4-0.

**B. Decision on Heather Glen Landscape Issue**

Jim stated this item is not in the Board Packet. This issue was discussed at the last Board meeting regarding the Heather Glen subassociation berm and landscape monies paid by the Oakhurst Master Association in assistance to Heather Glen. Jim recommended the Heather Glen issue, of owing money to Oakhurst Association for common lands, be dropped. The overall responsibility is the Master Association. Oakhurst's claim is and should continue to be with Montalbano Homes.

Jim entertained a motion to drop claim.

**MOTION:** Ron Papale moved to approve. Bob Nasenbeny seconded the motion.

**DISCUSSION:** None

**VOTE:** Motion carried, 4-0.

**VIII. NEW BUSINESS**

**A. Banking Transactions for the Next 30 Days**

Ron Papale went over the 30-day transactions. He reported that after this evening's checks that will be cut, this leaves -\$14,225.42 in the account. There is a CD of \$75,000.00 maturing. \$25,000.00 of this will be transferred into the Operating NOW account, bringing its balance up to \$10,774.58, which is consistent with our standard in keeping the account at approx. \$10,000.00. The remaining \$50,000.00 in the CD will be re-rolled in a new one-month jumbo rate CD, in the Operating Account. In the Reserve Account, there is a one-month CD of \$67,000.00 maturing. This will be re-rolled into another one-month \$67,000.00 CD.

Jim entertained a motion to approve the banking transactions for the next 30 days, as stated.

**MOTION:** Clif Hanna moved to approve. Bob Nasenbeny seconded the motion.

**DISCUSSION:** None

**VOTE:** Motion carried, 4-0.

**B. Ratify Landscape Maintenance Expenses**

Jim read from a package received from MCP tonight from Western DuPage Services. He noted pp. 2 & 3, regarding two proposals dated 5/17/99, Proposal RK098 for \$280.00 to repair grading, top dress and overseeding areas in the community, and Proposal RK099 for \$1065.00 for two tree replacements, dated 5/17/99.

Jim entertained a motion to approve the Landscape Maintenance Expense as stated.

- MOTION:** Ron Papale moved to approve. Bob Nasenbeny seconded the motion.
- DISCUSSION:** Bob asked if this was outside the Landscape contract. Jim answered yes.
- VOTE:** **Motion carried, 4-0.**

**C. Ratify Landscape Repair Expense**

Jim noted proposal number RK097 for \$5,000.00, for nine large crab trees that were damaged from a vehicle accident. This will remove/dispose of the nine trees, and install nine new crab trees that are 8-9 feet in height, repair the tire ruts. The trees are \$470.00 each, the disposal charge for the lot is \$450.00, and the repairs to all the sod is \$320.00. This is in Ashbrook, along the center island as you enter off New York Street. Reimbursement for the funds are being sought from the insurance company. Jim is asking Michaelene to set up a separate line account, as is being done with Attorney fees on collections. The expense will be paid out of the Operating fund. Michelle asked if Ron Joyce had obtained a police report yet. Jim suggested she contact Ron.

Jim entertained a motion to approve the Landscape Repair Expense as stated.

- MOTION:** Clif Hanna moved to approve. Bob Nasenbeny seconded the motion.
- DISCUSSION:** None
- VOTE:** **Motion carried, 4-0.**

**D. Ratify Backyard Baseball Request**

Jim noted that this item is not in the Board Packet, but was discussed in Executive Session. He explained that the request to use Association baseball fields from June 4 through July 15, for backyard baseball. It is Oakhurst Residents, for Oakhurst kids, and it is the Board's understanding that this is not league play, not officially organized, and no fees will be charged.

Jim entertained a motion to ratify the request as stated.

- MOTION:** Bob Nasenbeny moved to approve. Clif Hanna seconded the motion.
- DISCUSSION:** None
- VOTE:** **Motion carried, 4-0.**

**E. Ratify Granger School Request for Pavilion**

Jim referred to pp. 57 & 58 of the Board Packet. This is a request for permission to use the Pavilion. The date was 6/7/99, 9:00 a.m. to 11:00 a.m., for the 7th Grade team of 100 students and 5 teachers from Granger School. The Board approved it and the letter went out, so this is to make it official.

Jim entertained a motion to approve the Pavilion request as stated.

**MOTION:** Clif Hanna moved to approve. Bob Nasenbeny seconded the motion.  
**DISCUSSION:** None  
**VOTE:** Motion carried, 4-0.

**F. Decision on Fine Waiver for Dog Issue**

Jim referred to Item 51 in the Violation Log, which is a violation for having over the maximum number of dogs in a residence. He noted that the Resident had received several violation notices, but is now in compliance, and he recommended waiving the \$75.00 fine.

Jim entertained a motion to waive the \$75.00 fine.

**MOTION:** Bob Nasenbeny moved to approve. Clif Hanna seconded the motion.  
**DISCUSSION:** None  
**VOTE:** Motion carried, 4-0.

**G. Approve Mail Address Resolution**

Jim read from information concerning the post office, pp. 36-39 of the Board Packet. The US Postal Service now states that private mail box receiving agencies, i.e., Mail Boxes, Etc., may no longer use the term "PO Box" or "Box" in their addresses. The Association's new address will be "PMB 116." The Association's official corporate address and all stationery will be changed. This change is not required until Fall.

Jim entertained a motion to approve the mail address resolution as stated.

**MOTION:** Bob Nasenbeny moved to approve. Clif Hanna seconded the motion.  
**DISCUSSION:** There was discussion on how best to utilize remaining envelopes. Labels could be used to place over old address.  
**VOTE:** Motion carried, 4-0.

**H. Approve New Bank Resolution for Escrow Account**

Jim reported that this is a new savings account set up to accumulate interest for the AYSO security funds, #8326050, presently at \$1,250.00. The resolution assigns four signatures to access the money - Michaelene Conrad, Ron Joyce, Jim Mulvoy and Ron Papale.

Jim entertained a motion to approve the new bank resolution.

**MOTION:** Clif Hanna moved to approve. Ron Papale seconded the motion.  
**DISCUSSION:** None  
**VOTE:** Motion carried, 4-0.

**I. Approve Horton Restoration Contract**

Jim referred to pp. 48-51 of the Board Packet, a proposal prepared by Horton Brothers, Inc., Building and Restoration Contractors, dated 5-13-99, for \$6,467.00. It includes

brick and masonry work and tuckpointing of all the walls that have bricks and mortar. It is something that has to be done on a regular basis. A few years ago it was done on some of the walls that were crumbling. The rest have to be finished at this point. All of the walls have been inspected. Heather Glen needs work on their foundation, even

though it's new. The Townes needs work also on subwalls. Also 8 walls, 16 pillars in main entries. The balance of the walls, for Mayfair, Stanfield, Ashbrook, Autumn Lakes, Breckenridge, Carriage Estates, Summerfield and Inverness, there was no work needed. Any areas not mentioned simply do not have walls. This covers all of Oakhurst. Jim recommended starting in warm weather. Ron Papale added that these funds should come from Reserves. Jim agreed.

Jim entertained a motion to approve the contract as stated.

**MOTION:** Ron Papale moved to approve. Clif Hanna seconded the motion.

**DISCUSSION:** Clif asked if this included any of the wooden signs. Jim answered no, since the signs have been done recently. Jim will sign the contract this evening.

**VOTE:** Motion carried, 4-0.

**J. Ratify Internet Registration Expenses**

Bob Nasenbeny reported that the expenses amount to \$120.00, \$50.00 of which is a one-time fee, then \$35.00 for each of the first two years. After this, it is \$35.00 annually.

Jim entertained a motion to approve the Internet registration expenses as stated.

**MOTION:** Ron Papale moved to approve. Clif Hanna seconded the motion.

**DISCUSSION:** Clif asked if there would be additional deposits. Bob Nasenbeny stated this is for securing the name. There are others as far as managing the web site. Jim asked if there is a contract explaining this. Bob stated that there is, and will get a copy to Michelle

**VOTE:** Motion carried, 4-0.

Jim noted that this concluded the business portion of the meeting.

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**Follow-Up on Ashbrook Neighbor Issue**

Jim commented on the issue that was brought up at the last Board meeting regarding disruptive activity by neighbors near the old barns which back up to New York Street in Ashbrook. There had been much discussion at the previous meeting. Jim noted that it is private property, and it has nothing to do with Oakhurst. The Residents should keep in touch with Aurora Police and DuPage County Sheriff, because it is an unincorporated pod. He suggested that the Residents install a fence, and even though the property doesn't back up to a street, the Board could see a variance would be applicable for a taller than 4-1/2 foot fence.

**IX. NEIGHBORHOOD REPRESENTATIVE FORUM (Closing Comments)**

Gary Grissinger - referred to letter that went out to the Association with incorrect information regarding BBQ's. Jim stated that the BBQ's was an error. Gary asked why there has been no retraction. Jim stated it has not been printed yet. Clif added that there are 2,090 homes, and to be more cost effective, he felt the correction could be sent with the next billing statements. A consensus of the Representatives present stated that they felt no retraction was needed. A Resident suggested using the newsletter to print the information instead of a special mailing. Jim asked if Gary had another issue. He stated the tone of the letter was not good. He added that outdoor fire pits are not illegal in Aurora, and that Resolution 97-06 does not deal with electronic fencing (Michelle sent him a copy). Jim stated that what is not illegal in the State can be illegal in Aurora, and what is not illegal in Aurora can be restricted in Oakhurst. You can have tighter restrictions but not lesser. Jim noted that all of the Resolutions have been adopted in Board meetings and shared with the Representatives at the time, and in some cases there has been discussion prior to approving. The issue on no open burning has been in the CC&R's since its' beginning. Jim and Michelle will go over the original copy of Resolution 97-06 and also see what copy Gary has.

Nick Furibondo - asked for clarification on disposing of yard waste. He noted that this issue was supposed to be discussed in last month's Executive Session. Jim stated that trash is supposed to be out of view of neighbors. He put the question to the Representatives to come up with feedback on the yard waste issue.

Clif Hanna - discussed Ad-hoc Committees, explaining that if three or four Representatives would get together, put out a letter or draft resolution, it would take burden off the Board, and it would make a difference.

Mike Agase, Autumn Meadows - requested discussion on issues with the Board after the meeting, 10 or 15 minutes. Jim stated the Board is not prepared to discuss the issues without reviewing his file. Jim told Mr. Agase that the extension on his violation has been granted until the middle of July. Jim advised Mr. Agase that the next Executive Session is July 6, 1999.

Leigh Mull, Heather Glen - discussed trees and homes hit in the recent storm. Jim stated that they are private because they are on the individual Resident property, and can be replaced like for like, no modification needed.

Jim discussed evolution of the Board and his retirement.

Sanjiv, Autumn Meadows - discussed an Association dues issue, stating that theirs is a unique case. Jim recommended it be discussed in Executive Session July 6, rather than open forum. A letter will be sent to confirm. The discussion would probably be around 8:00. Clif asked him to write letter to the Board in the meantime. Jim added that if the account is in Collections, they cannot meet, because any discussion has to go through the Attorney at that point.

John Rahn - stated that the issue of the disruptive neighbors near the barn has had some improvement.

Jim Dechene - asked what is a reasonable amount of time to expect modification requests to be reviewed. Clif answered that he tries to get them out in five days. Every one this year has been hand delivered, or faxed at their request, by himself or Karen Troller. Michelle tries to mail them out the same day. Jim Dechene noted that the website could be useful in this regard. Jim Mulvoy agreed.

Nick - \$75.00 to develop the web page - Net Source - recommended to Bob Nasenbeny to call them, rather than waiting for someone to volunteer

Jim mentioned to the Representatives that with the Annual Meeting and Board elections coming up, you have an outgoing Board who knows the most about the Property Manager, and the incoming Board, who knows the least about them. He raised a question: "Is it smart to have the Annual Meeting and elections prior to the Property Manager contract renewal?" He asked the Representatives to consider this issue and advise the Board. Jim noted that Internet access should improve communications.

**X. ESTABLISH NEXT MEETING DATE**

It was noted that the next Board of Directors Meeting is scheduled for **Monday, July 19, 1999**. The meeting will be held at The Oaks Recreational Club Clubhouse, starting at **7:00 p.m.**

**XI. ADJOURNMENT**

With no further business to come before the Board, Jim entertained a motion to adjourn the meeting at 8:46 p.m.

**MOTION:** Clif Hanna moved to approve. Bob Nasenbeny seconded the motion.  
**VOTE:** **Motion carried, 4-0.**

Respectfully submitted,

Karen Berry  
Recording Secretary

William Poppe, Secretary  
Oakhurst Community Association