

Eldorado Community Improvement Association, Inc.
Monthly Board of Directors Meeting
December 17, 2015

TIME AND PLACE:

A regular meeting of the ECIA Board of Directors was held on Thursday, December 17, 2015 at the Community Center.

CALL TO ORDER:

President Ryen called the meeting to order at 7:02 PM.

DESIGNATION OF QUORUM:

The roll was called and the following members answered present: Dag Ryen (President), Pam Henline (Vice-President), Todd Handy (Treasurer), Greg Colello (Secretary), Jeanne Calzada (Director), David Yard (Director) and Antone Forneris (Director).

Absent: None

Staff Members present: Brenda Leonard, ECIA General Manager

ANNOUNCEMENTS

President Ryen reminded all residents that the meeting was being recorded. The Board scheduled an open forum for the entire community on Wednesday, January 27th from 6 to 8 PM at the Community Center in the Railroad Building. It is an open agenda for the community.

AGENDA

Director Handy requested 2 new items to be added to New Business, amending the agenda: 1) Stable issues and 2) the extension of Avenida Eldorado. The motion was moved to approve the amended agenda for 12-17-15; all were in agreement with this request and the agenda was unanimously approved as amended.

OPEN FORUM

Three residents signed up for the open forum. President Ryen noted that open forum was limited to four minutes of discussion.

Ms. Francine Kern, 115 Moya Road, a 28 year resident, addressed the Board with her concern of PNM's upgrade obstruction of Avenida Vista Grande between Moya Place and Monte Alto on November 30, 2015. Ms. Kern's concern is whether installation of new cable lines by PNM could be violating her private property. Ms. Kern did not receive any proper notification for the limited purpose. She contacted ECIA office and spoke with Mark Young who confirmed that PNM is working on upgrades. Furthermore, Ms. Kern made informal complaints in writing to the NM Public Regulation Commission who forwarded the letter to PNM, who asked what her resolution would be to see if the matter can be resolved. Ms. Kern requested that the semi-trucks stay off her property. The main concern for Ms. Kern is the semi-truck flat bed parked on her property near her house is tearing up her private property and stated whether or not PNM has violated any property easement agreement and requested that the ECIA Board verify and requested future notification from PNM utility work. President Ryen explained that he had spoken to the foreman of the project twice and confirmed that no notice was given to the property owners and the work will be completed in due time. President Ryen confirmed that PNM was within the easement; and reminded Ms. Kern the edge of the road to 20 feet was County property and there is a 10 foot easement within the utility easement of the property. President Ryen explained some of the concerns were valid and will assure any repairs to the hike/bike trails and seed and grade property next to the homes that have been impacted. President Ryen also explained that the PNM work crew will fix any construction on properties; they will follow-up with any repairs at the end of their project repairs of the conduit line and electrical

cable project. A recommendation was made to have Ms. Kern take photos of the project for proof and request a PNM representative to attend next month's meeting for further explanation of the project.

Homeowner Joe Eigner of 5 Verano Drive was acknowledged for being honored as one of the "Top Ten Individuals of Northern NM" - Eldorado being one of the leading communities for sustainability. Mr. Eigner addressed the Board with old and new business. Mr. Eigner addressed an old business issue of whether a letter of support had been drafted to support the waste management franchise and communicate the legal constraints endorsing a privately owned company. He is requesting the support letter before the January 26, 2016, County Commission meeting and requests a copy of the letter to be sent to County Commissioner Liz Stefanics. Resident Eigner requested an adoption of a resolution to support the franchise which would be sent to the County staff, the County Manager and Board of County Commissioners. Mr. Eigner updated the Board with announcement of the installation of the 90th worm composting system stating most of them are in Eldorado. Mr. Eigner commented that 5000 active worm systems were distributed at no cost. Mr. Eigner thanked the Board for advertising on the bulletin board for the collection of warm hats, gloves, scarves, etc and discarded Christmas lighting strings. A final announcement by Mr. Eigner was a change in leadership as he will be stepping down as Secretary from the 285 Recycles Group and replaced by Libby MacLaren. Karen Sweeney is stepping down as Chair and will be replaced by Sue Daniel. Co-Chair will be Sue Garfitt and the new Treasure will be Sheila Sullivan.

President Ryen confirmed a letter will be provided to the County on the issues brought up by Mr. Eigner before the January 26th County Commission meeting. In clarification of resolution authority this subject will be discussed at a future meeting.

Dr. Bob Yudin, homeowner at 37 Estambre Road, would like to discuss the Eldorado Community Covenants. Dr. Yudin has been dealing with the behavior of the property renters/neighbors next to his home who have been running a business from the home at night. For the past year his concern and frustration regarding the vagueness of the Covenants needs to be addressed. Dr. Yudin emphasized conversations with Mark Young.

President Ryen clarified that the Covenants were written in 1970 by the developers from New Jersey. President Ryen stated it requires a 51% of community members to make any changes to the covenants. 51 % of community members would need to vote in favor of changes.

Director Jeanne Calzada informed Dr. Yudin that the policy and procedures regarding restrictions can be enforced. Director Yard requested that a log from the resident would be helpful to document disturbances. President Ryen will follow-up on this matter.

CONSENT AGENDA:

Director Calzada made the motion to approve the consent agenda, seconded by Director Handy.

- 15-12-50.1 Approval of November 19, 2015 Board Meeting Minutes
- 15-12-50.2 Approval of Covenant Compliance Report
- 15-12-50.3 Approval of Treasurer's Report
- 15-12-50.4 Approval of General Manager's Report
- 15-12-50.5 Variance Request for 19 Valencia Loop, Height Requirement
- 15-12-50.6 Variance Request for 13 Descanso Road, Garage Setback

Copies of these documents are available upon request at the ECIA offices.

OLD BUSINESS

None

NEW BUSINESS

15-12-51 Variance Request for 3 Frasco Place to allow existing garage to intrude 9 feet 6 inches into the 20 foot side setback. This garage has been on the property since approximately 1984. Since the garage has been in place for over 10 years (approximately 31 years) and since the garage is well screened and hidden from neighbors, this variance is appropriate. Vice President Henline made a motion to the ECIA Board to grant the variance applied for by Susan Seaborn and Bill Cope. This motion was seconded by Director Yard and the motion passed unanimously.

15-12-52 Variance Request for 3 Frasco Place to allow an existing railroad tie retaining wall to intrude into the 20 foot side setback as far as the property line. Vice President Henline made a motion that the ECIA Board grant a variance applied for by Susan Seaborn and Bill Cope.

The following stipulations apply:

1. Owner shall be aware that a portion the retaining wall was built within the 10 futility easement and leaving this structure in this easement is at the ner's risk. Should the utility company need to access this easement they may require the owner to remove this structure at the owner's expen
2. The ECIA Board does not give permission for a portion of the retaining wall to extend onto the property of 1 Frasco Place. Leaving this structure s at the ner's

This motion was seconded by Treasurer Handy and the motion passed unanimously

15-12-53 **Acceptance of the 2016 Operating Budget from the Finance Committee**

Treasurer Todd Handy made a motion that the ECIA Board adopt the Finance Committee's recommendation for the 2016 Budget for Recurring Operating Expenses of \$1,000,813 including an Annual Assessment fee of \$460 per year and the following additional items and transfers:

- a. Operating Contingency of \$38,000
- b. Non-Recurring Operating Project for an outside examination of ECIA's Replacement Reserve items not to exceed \$10,000
- c. Non-Recurring Operating Project for resolution of the former rental house not to exceed \$30,000
- d. Transfer to the Replacement Reserve Fund of \$225,137
- e. Transfer to the Capital Reserve Fund of \$25,000 for a total Operating and Reserve Transfer Budget of \$1,328,950.

This motion was seconded by Director Calzada and the motion passed unanimously. A roll call vote was taken and the motion passed unanimously.

15-12-54 **Motion to accept 2016 Reserve Replacement Budget**

Treasurer Handy made a motion that the ECIA Board Accept the Finance Committee's Recommendation to adopt a 2016 Replacement Reserve Maintenance Budget not to exceed (NTE) \$116,931 in accordance to Table 1 included in their letter of Budget Recommendations to the ECIA Board and Membership, dated November 27, 2015. As appended herein.

This motion was seconded by Director Calzada and the motion passed unanimously.

15-12-55 **Motion for instructions to the Association's Auditor: Year-end Surplus**

Treasurer Handy made a motion that the ECIA Board Accept the Finance Committee's Recommendation to instruct the Association's Auditor to use the amount transferred at the end of the 2015 fiscal year to the Replacement Reserve Fund to adjust any remaining 2015 Operating Budget surplus, or deficit, to \$0.

This motion was seconded by Director Calzada and the motion passed unanimously.

15-12-56 **Motion for Instructions to the Association's Auditor: Capital Reserves**

Treasurer Handy made a motion that the ECIA Board accept the Finance Committee's Recommendation to instruct the Association's Auditor to transfer an amount to the Capital Reserve Fund at the end of the 2015 fiscal year sufficient to bring it to a 2015 year end balance of \$25,000.

This motion was seconded by Director Calzada and the motion passed unanimously.

15-12-57 **Motion to Approve Election Petition Changes for Increased Clarity**

Director Calzada made a motion that the ECIA Board of Directors approve and accept both the Information and Instruction Sheet for Becoming a Candidate for Election to the Eldorado Community Improvement Association, Inc. (ECIA) Board of Directors and the Nomination Petition for Board of Directors for a Term Expiring May 6, 2019 as submitted by the Elections Committee and represented by the attached copies of said documents.

The motion was seconded by Treasurer Handy and the motion passed unanimously.

Stable Issues: The Board discussed recent emails between ESC and the stable owners wherein, incorrect information and inflammatory accusations against the Board and Vice President were made. It was decided that a letter to the ESC will be drafted by Treasurer Todd Handy and Vice President Pam Henline to clarify the incorrect and inflammatory accusations and presented to the entire Board for review prior to distributing.

It was also noted that in the last thirty days three horses/donkeys were loose in the stable area and that the Board, for the safety and welfare of all, require that the gates be closed at all times.

A discussion was held about the extension of Avenida Eldorado and the Sunday newspaper article. Treasurer Handy commented that at the meeting held by Peter Wirth, Rudy Garcia informed those present that the road is a driveway that Rancho Viejo purchased from the State Trust Land and the driveway has a gate at the end which will be locked. The Board received emails from homeowners accusing them of involvement and not notifying the community.

President Ryen commented, for the record, that the Board is appalled that they were not notified by any entity of the sale or the driveway and that any future development of the property will require notice to the community based on zoning and planning requirements which will allow the community to be able to express their concerns. There is a note on the ECIA website about this matter and noting that the Board had no prior knowledge.

ADJOURNMENT OF OPEN MEETING

The regular meeting was adjourned at 8:40 p.m.

Submitted By:

Linda Sosa

Recording Secretary _____ Date _____

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