

HOA BOARD MINUTES

Fieldstone Homeowners Association

September 6, 6:00 PM | Meeting called to order by Bill Navigato, President

In Attendance

Bill Navigato, President; Barbara Schroeder, Treasurer; Tom Musto, Vice-President; Tim Ward, Secretary were all present

Meeting called to order at 6:00 PM

Board Welcome

1. Meeting was held at the Savoy Recreational Center and 10 Fieldstone residents were in attendance.
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Approval of Minutes

1. Minutes of May 3, 2023, meeting was posted on the fieldstonehoasavoy.org website under 2022 meeting and reports.
 - Ward motioned to approve minutes, Schroeder seconded motion. Motion passed.
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President's Report

1. No Report
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Treasurer's Report

1. No Report
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Secretary's Report

1. No report
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New Business

1. Outstanding HOA Dues
President Bill Navigato shared that he had talked to the attorney and that according to bylaws and covenants, we can file a lien on the properties that are outstanding on HOA fees. In 2023, 189 lots paid and two have not. Treasurer Barb Schroeder has sent multiple correspondences to the residents and no payments have been made. Discussion included when to send paperwork to place liens on the properties.

MOTION: Navigato made a motion to send a final payment letter request to residents that if they don't pay within 30-days of receipt or letter, HOA will file a lien on their property. Due is HOA Fee of \$225, accrued interest to date, plus a \$75 attorney fee. Ward seconded motion. Motion Passed

2. Storm Sewer and Homeowner Liability

- Navigato has had multiple discussions with the HOA attorney on the invoices (\$1,393.37 per homeowner) that were sent to 1308 and 1310 Fieldstone five months ago after the sewer drain blockage in their backyards was completed. At the time of the drainage problem the HOA determined that using Schoonover Sewer Service and Fred's Plumbing was best to remedy before further issues developed. In the past week, the homeowner's attorney sent the HOA a letter. Navigato asked if the HOA Board would like to go into executive session as they have in the past when discussing these financial and legal issues or stay in an open meeting. Further discussions with a Fieldstone resident drove the HOA board to request that we stay generic as to who the residents are, but since it's been discussed in previous meetings, we'd remain as an open meeting. Navigato provided an overview of liability of HOA according to covenants as well as why HOA acted as it did.
- *Here is a complete review of the situation: The Fieldstone HOA called Schoonover Sewer Service came out to inspect the lines only to be unable to clear the whole line. They then worked with Fred's and a few days later, Fred's and Schoonover arrived and after discussing the location of the blockage with Schoonover Sewer Service they excavated down to the storm drain line. They located the section of line where the sump discharge line for 1308 was connected into the main line. The sump line was stubbed into the corrugated tile main and was not tightly fit, which had allowed significant root intrusion into the line, and it was stubbed so far in Schoonover could not get past it. They cut open the line and found a root ball had formed in the main line, causing the blockage. They had Schoonover run their cleaning equipment through the line. A hydro-jetter was used to attempt to clear the line. The jetter encountered another blockage in the line a short distance from the original dig. They excavated at this location and found the sump discharge line for 1310 connected into the clean out drains, which was not per code, and roots had gotten into the main line through that connection. They cut open the line and cleared a second root ball from the pipe. Schoonover resumed jetting and was able to jet freely in both directions, the line appeared to be flowing well after jetting was complete. They installed new sections of PVC pipe to replace the removed sections of corrugated tile. The new sections of pipe were adapted to the existing line with fernco adapters. New PVC was installed in both sections of pipe and connected to the home sump lines. A new cleanout tee and surface cleanout access was installed in the line for future cleaning and maintenance access. The excavated area was backfilled with existing dirt. The existing corrugated tiles on the east side of the neighborhood will continue to be an issue, but existing code at the time of building allowed for the system to be installed. The HOA believes there will continue to be issues for homeowners due to tree roots plugging main lines. As mentioned previously, without any understanding of where the blockage issue was located near 1308 and 1310, the HOA acted quickly to determine the problem and to find a solution.*
- Navigato went on to share that it's always been the homeowner's responsibility for sump pump connections and that it has no connection to the pond erosion issues we've talked about in the past. The HOA attorney believes that we were in the right to send original invoices and that the homeowners are responsible for payments. Navigato went on to share that we should have our attorney reach out to their attorney and ask for

payment in addition to our attorney's time and total amount, including the \$415 the HOA paid.

- Residents from 1308 and 1310 Fieldstone added that they were not informed of the work being done and that the HOA didn't have permission to do the work without their approval/agreement. Further discussion delved into whether HOA has the ability or responsibility to fix situations like this on properties in the best interest of all properties. It was deemed at the time by the HOA, that the drain damage could create more water damage if not fixed. History of cleanout problems exists and properties on the east side of the neighborhood are problematic. Residents at 1308 and 1310 shared their frustration of receiving invoice without any knowledge or option to approve fixing the damage. Schroeder added that it was cheaper to pay this way, splitting the bill, rather than paying separately.
- Navigato shared how south pond issues are also an HOA issue and how we work within the covenants to fix that which is broken, even if on a homeowner's property.
- Residents from 1308 and 1310 asked for all documents to include invoices. Treasurer Schroeder says we will send to them all documentation.
- Ward shares that continuing to go back and forth with attorney talking to attorneys will just drive more costs to residents, and if possible, a resolution be found that meets everyone's approval.
- Schroeder suggests that we go back to our attorney, have them draft one more letter to request payment be made including all fees, and if not, follow HOA attorney's lead for moving forward.
- Navigato shares that we don't want to set a precedent for HOA paying for issues like this and that if a resident doesn't like the way the HOA is handling the situation, they have the ability to run for a spot on the HOA Board, and since there is currently one opening, they can sign the agreement and join. A resident says she will run. Ward says he will send the resident the HOA agreement.
- A Fieldstone resident says she didn't receive an email about the May meeting otherwise they would have attended to discuss the drain issues. They also did not appreciate that someone they thought was a representative of the HOA, which was not a representative but the husband of board member Schroeder, Rick Schroeder. Schroeder is an engineer and was there to evaluate the situation and give the HOA feedback on best options for fixing the solution.
- Board member Musto shared that the aim of the HOA is to cover all 191 residents and that we should be careful on how far the HOA should go in fixing homeowner issues. It could turn into all homeowners becoming involved in fixing all issues moving forward with special assessments. Mabe it's best to let the attorneys to determine legality based on all the facts. Whatever the outcome is, we need to be okay with it unless we come to an agreement with all involved.
- Schroeder provides an overview of the Schoonover and Fred's expenses, explains again what the \$1,393.37 per homeowner invoice entails and suggests the two residents pay \$1,200 each and HOA will pay balance. Navigato believes it is a bad precedent to go that route and suggests we have our HOA attorney send a letter to all residents showing that they (the residents) have all responsibility for this type of expenses moving forward.
- Ward believes that the Schoonover work would fall on the HOA due to jetting the main line and that all of Fred's work and payments be that of the residents at 1308 and 1310.

- Schroeder shares that in talks with Ward and if the board agrees, the HOA will only request that the residents at 1308 and 1310 pay \$1,064.12 each for a total of \$2,124.24 and the HOA will pay the remaining amount of \$1,077.50. Musto asks if this should go through the attorneys. Navigato says if we move forward, it's a one-time deal.

MOTION: Ward makes a motion that the HOA will pay the \$1,077.50 to Schoonover and expedite a new invoice to the homeowners that they have 30 days to pay \$1,064.12. Navigato requests that we state we are doing this in good faith and that we will not get anymore attorneys involved as long as the payments are made within 30 days. In addition, our attorney sends a letter to all residents that states we will not be working on any future homeowners drain issues. Ward agrees to the additional request from Navigato. Schroeder seconded the motion. Motion passed.

3. Fieldstone Phase 3

- Navigato mentioned that Phase 3 does not have voting rights or representation due to the Builder's not turning that over to the HOA. A resident from Phase 3 asked how they could pay HOA fees and not have those rights of Phase 1 or 2 residents. Current state HOA law states that once homeownership exceeds 75% the HOA automatically turns over to the neighborhood HOA. At this point in time, Phase 3 doesn't have that %, but is almost there. Schroeder suggested that Phase 3 residents reach out to the builders and ask for them to turnover their rights to the HOA so that all residents in Phase 3 can have voting privileges.
- A Warwick Drive resident asked if they could get a refund for 2023 dues, but Navigato explained that dues are legal for all Phases of Fieldstone. Board member Ward confirmed that the HOA board has reached out to Builders but that Phase 3 residents would be well served to reach out individually.
- Navigato shares that Phillips (home builder) is unaware of Phase 3 not having voting rights. Once again, recommends reaching out to Philips to get the ball rolling to have the trustees sign over rights for Phase 3.

Old Business

1. No old business

Next Meeting

Looking at mid-October and first week in November for next meetings.

Motion to adjourn at 7:25 PM, Motion passed

Respectfully Submitted, Tim Ward, Secretary