

**CARLYON BEACH HOMEOWNERS ASSOCIATION  
REGULAR BOARD MEETING  
September 25, 2007**

**Call to Order:** By President, Mike Malaspino at 7:02 pm with the Pledge of Allegiance.

**Board Members Present:** Bert Bertils, Shelly Evans, Colleen Hoss, Don Loffler, Mike Malaspino, Dick Morton, Dick Schaffer, Doug Smith

**Board Members Absent:** Rick Day.

**Dick Morton moved to excuse the absence of Rick Day; Bert Bertils seconded. Motion carried**

**Approval of Minutes:**

**Bert Bertils moved to approve the minutes of the regular meeting of August 28, 2007; Dick Morton seconded. Motion passed with Shelly Evans abstained.**

**Bert Bertils moved to approve the minutes of the special meeting of September 18, 2007; Don Loffler seconded. Motion carried**

**Member Comments:** None

**Treasurer's Report:**

Doug Smith provided the profit and loss statement as of August 31, 2007. He noted that as of September 20, the general assessment income had increased over the report to \$185,452 and the Capital budget revenue as of that date is \$89,816.

In accordance with the bank statements: Key Bank \$76,143.78; Venture Operating \$210,910.83; Money Market \$121,883.48; Water \$10,745.35; Marina \$8,215.04

He anticipated the CPA preliminary report of the 2006-2007 finances in approximately two weeks. The CPA will review the payroll as requested by the Board and will have recommendations for bookkeeping adjustments. Doug feels the additional \$200 approved by the Board for this is money well spent.

Doug thanked Debbie for her excellent collections of \$1,218 of past due assessments for 2005 and \$13,692 past due for 2006.

**Facilities Report:** Debbie reported:

-Collection letters had been sent out with the notation that if not paid, water service would be terminated. Some delinquent members do not have water service. Of those with water there are two who have not paid nor established payment plans and are scheduled to be turned off as of September 28.

- Lee Schumacher reported to Debbie that approximately 19,000 gallons per day are processed through the treatment plant.

- 28% of the water meters have been set

- Debbie recommends reduction of the rental house from \$1,200 to \$1,000 per month. It still has not rented and she feels that may be the reason.

Discussion included the deposits required and whether the rental should be on a lease of a month-to-month basis and the issue of pets versus no pets. Dick Morton stated it was his recollection that it is more difficult to evict a tenant if there is a lease rather than a month-to-month agreement

**Dick Morton moved that the Board not allow pets in the rental house; Don Loffler seconded. Motion carried with Doug Smith abstaining.**

**Shelly Evans moved that the Board establish a lease to rent the house for not less than six months and include an eviction clause; Doug Smith seconded. Motion carried with Dick Morton opposed.**

The Treasurer offered to assist the Facilities Manager in developing a list of causes for eviction.

Mike Malaspino noted for the Board that Butch Ayala had striped the parking lot and how good it looks.

Debbie reported that a new part time pump truck driver has been hired. He lives on Windward and is a retired 30 year Teamster driver. He started September 24 and works three days a week.

**Doug Smith moved the Board approve the hiring of Scott Adler as part time pump truck driver; Dick Schaffer seconded. Motion carried**

#### **COMMITTEE REPORTS:**

##### **President –**

1. The attorney's letter regarding Board Members and Representation with Other Organizations. The attorney noted that the Board is questioning the authority and ability of Board members in their roles as representatives of the Board with other organizations, entities and associations and if there is a conflict of interest when a Board member represents the position of the Board either without their guidance and direction or in opposition to the Board's stated position.

Following review of the attorney's letter, the Board discussed the appropriateness of a non-board member discussing a lease with DNR and submission of the marine survey with the lease application without prior Board review. Concern was raised about the survey possibly including an expansion of the marina.

It was noted that the final survey had been received over the weekend and neither the Facilities Manager nor the Marina Trustee had an opportunity to review prior to the meeting.

Bert Bertils suggested a special meeting with the attorney present to discuss issues addressed in the attorney's letter.

**Don Loffler moved to table the discussion of the marina survey to the next work session; Shelly Evans seconded. Motion carried with Doug Smith abstained.**

2. Mike Malspino noted that there seems to be some problems with trustees understanding their roles and responsibilities. He thought this might be a result of his appointment of the capital budget coordinators. He stated that he would be changing some trustee assignments. He asked Don Loffler to assume the Sewer Trustee responsibilities; Dick Morton to assume the Water Trustee responsibilities and Shelly Evans to assume the Architecture Trustee responsibilities.

Doug Smith noted his satisfaction with the draft water report and that in his opinion Shelly Evans should be left in the position of Water Trustee.

Shelly Evans stated the assignment would not be appropriate use of her skills. She stated that she would not take the Architecture position and would resign that evening if the President persisted in the assignment.

Mike Malaspino accepted her resignation. Shelly left the meeting at 8:00 pm.

Bert Bertils expressed concern over the commitment to get the water plan completed quickly with the change of assignments.

Discussion of a replacement trustee ensued. Barb Way was the next highest vote recipient at the annual meeting in June 2007.

**Dick Morton moved that the Board notify Barb Way of the vacancy and determine if she will accept it; Don Loffler seconded. Motion carried. Doug Smith abstained.**

**Dick Morton moved to direct the Secretary to send a letter of appreciation to Shelly Evans for her years of work on the Board and sharing of expertise; Don Loffler seconded. Motion Carried. Bert Bertils and Doug Smith abstained.**

Don Loffler agreed to act as Architecture Trustee until a new trustee is onboard. Dick Morton will complete the water manual in a timely manner.

**Administrative Committee** – Last met to review the performance evaluations and salary recommendations.

**Architecture** - Don Loffler reported the storm water issues that have held up some permits appear to be resolved. The committee approved a couple of fence projects.

Darren Finney asked about the possibility of road closures. He stated that he had been assured by Kelley Dorning that he would be able to build throughout the winter. It was explained that the road closure issue is an item under Unfinished Business and would be discussed at that time.

**Budget and Planning** – Doug Smith reported for Rick Day. The Planning Committee calendar and deadlines were presented to the Board. Rick requested that Board members review them and provide any input. Doug stated that the committee continues to look for additional members.

#### **Capital Budget -**

1. Roads – The three bids received were provided in writing for Board Review – Ridley paving; K&K Asphalt and Looker & Associates. Nine sites were included in the bid. The two options are “tear out and pave back” and “layover”. The consensus was for the former.

Doug Smith reported that \$30,000 could be released from the Capital Budget at this time and additional dollars could be released and revenue is received.

**Bert Bertils moved to award the project to Ridley for the tear out and pave back option; not to exceed \$27,923.84; Doug Smith seconded. Motion carried.**

2. Catch Basin Cleaning – The three bids received were provided in writing for Board review – MWC, Pipe Experts and Materials Northwest. It was noted that Ed Wiltsie has stated there are no sumps in 50% of the ponds.

Bert asked about the dumping of residue issue that was raised at the time the bids were first opened. Dick Morton explained that there is no law which states the residue is required to be taken to a designated dump site. It is up to the owner to determine that the waste is not harmful. Doug Smith said he had talked with both the Department of Health and Department of Ecology. He stated that their documents say the basins are waste and possible soil contaminants need to be tested. He further stated that the consensus of those departments is that the best practice is to take the residue

to a designated disposal area rather than dump on CBHA land. Dick Schaffer state he had received information directly in opposition to what Doug had discovered.

**Don Loffler moved that the Board accept the Pipe Experts bid that includes both the cleaning of the 110 catch basins and the vault and hauling the residue away for the cost of \$3,000.00; Bert Bertils seconded. Motion carried.**

Dick Schaffer noted that the black top removed in the paving project will be transported to the water tower and disposed of there.

(Note: at 8:34 pm, the Board took a break and the recording tape was stopped. The tape was turned on again at 8:40 pm.)

3. Well #2 – Dick Morton sent new letters to the original 20 firms contacted and also the additional four that Shelly had recommended. He had revised the dates; asked the bidders to identify when they would be able to complete the project and provided an explanation on the availability of well #1 in the event #2 was incapacitated. The letters were sent on September 19 with request for response by October 23.

Dick Morton recapped for the Board and members the major projects already underway including the Bulkhead; establishment of fences at sites #3 and #5; catch basin cleaning; road patching; and windows for the clubhouse.

Debbie asked about changing the filters at the vault at the same time as the cleaning. Money was allocated for that in the special assessment of 2006 and has been accounted for in the bookkeeping for that assessment. It was agreed that the two should take place simultaneously.

4. Clubhouse Painting – Debbie and Dick Morton had been personally contacting firms who had received invitations to bid but hadn't to determine why. As of the board meeting, Grenier had provided a bid; two additional firms had looked at the project but not yet bid and another was due on site the following day. They will follow up.

**Doug Smith moved that the Board grant the Facilities Manager the authority to accept a bid to paint the clubhouse not to exceed \$8,500; Don Loffler seconded. Motion carried.**

Debbie noted that the windows are due to be installed the week of October 9; it will take two days. She will coordinate the painting of the clubhouse after that.

**Marina** - Bert Bertils reported: "B" dock was painted by volunteers including John Esary, Jim Robb, Mark Wheeler, P.J. Spanier, Roy Evans, Don Bradford, Doug Smith and Gayle Vendoloski. "A" dock is planned for painting this next Saturday also by volunteers.

The condition of the launch ramp is being investigated. New supports to the gates of A and B docks are being installed. P.J. plans to pressure wash A dock.

New boom sticks are in place and being secured by the maintenance worker. They are waiting for one piece of equipment to complete the securing.

Doug Smith met with the Gig Harbor Yacht club and reviewed their proposal. He informed that Yacht club that current rules prohibit what they propose and rules will be reviewed. Doug assured the Board that no representation was made of Board or member inclination. Bert recommends review of the Gig Harbor proposal in a work session.

**Roads and Drainage** – Dick Schaffer reported: Issues were discussed early in the meeting

**Sewer** – Dick Morton reported that all is fine.

**Water** – No oral report. Dick Morton was provided the written report prepared by Shelly Evans.

**UNFINISHED BUSINESS:**

1. Garage on Olson Property on Steamboat Island Road – Don Loffler reported that three letters had been received from concerned neighbors on Steamboat Island Road. The letters were the same but signed by the three different land owners. Mr. Olson was present.

Don Loffler expressed concern that issues of light, view and air should not supersede an individual's rights to build within the CBHA rules and regulations. Bert Bertils expressed concern that there is a responsibility to insure that lots not be devalued by owners building on other lots.

Discussion took place on the reasonable expectation of a guarantee of view and whether a landowner owns "unobstructed (currently) or "unobstructable" (ever) property.

Doug Smith asked whether the home is within the 16" height restriction and whether or not the proposed garage is. The response to both was "yes".

**Don Loffler moved that the Board approve the Olson garage building permit; Dick Schaffer seconded. Motion carried.**

2. Board response to the Cudahy Letter. Mr. Cudahy had submitted a request in writing to the board for water to his lot in the slide area so he could use it for recreational purposes. Shelly Evans had been researching the history and provided a three page generic draft response and suggested it be reviewed by the Board, the Board's attorney and the Thurston County Development Services. It was agreed that Dick Morton would write a letter to Mr. Cudahy advising that the release of slide lots for occupancy, limited or ongoing, was a Thurston County issue and should be addressed with the County.

3. Winter Road Closure. Don Loffler expressed the concern that the time frame and weight limit for road closure within CBHA is arbitrary and not based on actual potential damage to roads. Debbie has developed an emergency road closure variance form that could be used in specific cases. Don expressed concern for the members wanting to build who had been held up 4-5 months by CBHA storm water permits not being issued in a timely manner. Dick Schaffer addressed concern about damage to roads during freezing periods in the winter.

**Dick Morton moved that as provided for by Rule #10 of the Roads and Storm water section of the current CBHA Rules and Regulations, Doug Smith, Treasurer, be the primary contact for those members interested in requesting an emergency release from the October 1 to March 31 weight restrictions. Such release shall be temporary and limited as defined in the release form obtained from and filed in the office of the Facilities Manager; Bert Bertils seconded. Motion carried.**

It was agreed that although Doug would be primary, any of the four officers could sign the form if the Treasurer was unavailable.

4. The President read a letter from the attorney for the Thurston County employee who had considered filing a suit against CBHA for a fall in its parking lot in 2004. The letter advised CBHA that the party would not be going forward with the suit. The letter is attached to and made a part of these minutes.

5. The President provided a letter from a member regarding ongoing issues with her neighbor. It was noted that the property addressed in the letter is for sale at this time. It was agreed that the issues raised in the letter are personal issues and do not address violations of CBHA rules and regulations or by-laws. The letter is attached to and made a part of these minutes.

6. The President provided a letter from the CBHA attorney outlining a proposed settlement by RB Enterprises regarding the lots CBHA sold to RB Enterprises. The issue unresolved by RB Enterprises is one lot that it maintains is not buildable. Additionally, CBHA contends that RB Enterprises is in default of CBHA Rules and Regulations and owes both assessments and fines. It was agreed that the President would work with the attorney to attempt to attain a trade of the lot for the assessments and fines owed to CBHA. The letter is attached to and made a part of these minutes.

#### **NEW BUSINESS:**

1. **Doug Smith moved that whereas the Facilities Manager collected \$14,910.90 in past due membership assessments for the years 2005 and 2006, the \$14,910 be allocated to the to the bulkhead project and that the \$14,910 be deposited in a certificate of deposit; Dick Morton seconded. Doug Smith in favor; opposed Bert Bertils, Colleen Hoss, Don Loffler, Dick Morton, Dick Schaffer. Motion failed.**

Concerns were raised that allocating operations income to a capital budget project would be in direct conflict with the Board's budgeting intent in creating separate operational and capital budgets and possibly in violation of a by-law amendment approved by the members at the last annual meeting.

#### **CORRESPONDENCE:**

The President read a letter from a member to the CBHA staff thanking them for assisting Mary Boswick with a water problem.

Dick Schaffer noted he would be out of town and unavailable for the October meeting.  
**Bert Bertils moved to adjourn at 9:45 pm; Don Loffler seconded. Motion carried.**

Respectfully submitted:

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Colleen Hoss, Secretary