



Regular Board Meeting Minutes, North River Estates Community Association, Inc.

A Regular Meeting of the elected directors of the North River Estates Community Association, Inc, was held on Thursday, September 28, 2023, at the Clubhouse, 7001 36<sup>th</sup> Street, Ellenton, FL 34222. The meeting was called to order by President K. Clapp at 6:00 PM. Pledge of Allegiance was said. 30 residents were in attendance along with Mark Lind, CAM from Newby Management.

**President's Comments**

P. Chamberlain informed the BOD and owners that she was recording the meeting with an electronic recording device.

K. Clapp shared that the recently published letter to NRE Owners and Residents from the HOA Attorney was the result of a resident requesting details for a worker's compensation claim that resulted from an NRE resident incurring an injury while volunteering to move a gym equipment donation to NRE. K. Clapp explained she consulted with Mark Lind at Newby Management and in turn he consulted their Tampa attorney. With the contents of the worker's compensation claim protected by Federal HIPAA laws minimal information was released. With the resident making the request not satisfied with the information provided, a petition was circulated to select NRE residents with a false accusation of wrongdoing and fraud by K. Clapp and P. Bader. These allegations, without evidence, were also made directly to the HOA Attorney. The HOA Attorney obtained information and concluded that the injury and worker's compensation claim were handled appropriately, and he then released the letter to NRE Owners and Residents.

K. Clapp read an anonymous letter addressed to the BOD from a resident expressing concern for what they labeled nasty behavior to each other.

**Secretary:** E. Hollick reported that all members were properly notified by notice and the agenda was posted on September 25, 2023, and via Constant Contact email. A quorum was present with members K. Clapp, R. Kitterman, P. Bader, S. Simpson, and P. Chamberlain.

E. Hollick stated there were no changes or corrections to the September 12, 2023, minutes.

S. Simpson made a motion to waive the reading of the September 12, 2023, minutes, 2<sup>nd</sup> by P. Bader. Motion Carried.

K. Clapp made a motion to accept the September 12, 2023, minutes as distributed, 2<sup>nd</sup> by R. Kitterman. Motion Carried.

**HOA BOD Responsibilities in Mitigating Risk for NRE Owners – Mark Lind, Newby Management**

Mark Lind thanked the group assembled for being invited to share his thoughts and experiences. He reminded the group that he is not a licensed attorney and not a licensed insurance agent. He shared that his remarks this evening are based on his experiences managing communities and should not be interpreted as legal advice or insurance advice.

Key points:

- Risk exists
- Lawsuits are prevalent – insurance companies often settle with plaintiff and raise premium of defendant – cheaper for insurance company than going to trial
- Alcohol at events can increase risk – need to check with insurance agent what current policies cover and/or what is recommended
- Risk Comfort for the HOA is a duty of the HOA Board of Directors
- Pending litigation against the HOA has to be disclosed on the Estoppel Letter (generated at time of home sale), similar to special assessment that are in affect or upcoming
- An example of reducing HOA risk is contractors, hired to complete work for the HOA, are required to carry worker's compensation insurance and liability insurance, with North River Estates as a named insured

Mark and the BOD provided answers to a few questions regarding the logistics of the NRE implementation of the Liquor Liability endorsement (to the general liability insurance), and the waiver of liability and private insurance for private events.

S. Simpson shared the results of inquiries to other communities in the general geographic area regarding their allowance of the private use of their clubhouse and allowance of alcohol at events.

**Treasures Report:** P. Bader reviewed the financial statement ending August 31, 2023. The balance sheet was posted on community property. S. Simpson made a motion to accept the August 31, 2023, financial statement, 2<sup>nd</sup> by P. Chamberlain. Motion Carried. (Posted balance sheet filed with minutes in office)

### **Committee Reports**

**Budget & Finance:** P. Bader NRE HOA was notified that the insurance company that underwrites the Umbrella Liability policy has notified existing customers that they will not be continuing to issue those type of policies. The existing \$5Million policy remains in place until 12/31/2023 (current coverage period). P. Bader shared that the HOA Insurance Agent is in the process of exploring the options for 2024.

**Capital:** S. Simpson provided an update regarding the submission of the 2024 Manatee County Neighborhood Enhancement Grant. 3 quotes/estimates for rehab of swails (behind lots 1-5 along Mendoza Road, behind pool to pond with bench) and preserves have been obtained (\$19,500.00, \$28,500.00, \$54,740.00). The timeline would be for application submission to the county in early October 2023, with county review and site visit, and anticipated approval/denial of grant award in first quarter of 2024. The preserve areas are included in the scope of the project since the preserves and swails work together to produce the current poor drainage situations.

**Facilities & Grounds:** R. Kitterman reported Ed, the Pond Maintenance Vendor will be joining the October 26, 2023, board meeting.

R. Kitterman reported he is still working with electricians to obtain estimates for tying the clubhouse air conditioner unit into the generator emergency power supply.

R. Kitterman reported securing an estimate of approximately \$12,000.00 for needed tree work around the community and is currently looking at staging the work in anticipation of funds being approved to complete the work.

**Architectural Review:** None

**Social:** B. Pare shared information regarding October 7, 2023, monthly birthday potluck, October 14, 2023, Coffee Hour. B. Pare also announced that planning is starting for the November 11, 2023, Veterans Day celebration and November 23, 2023, Thanksgiving Dinner.

### **Unfinished Business**

**Architectural Review Requests Addendum Lot #27:** K. Clapp made a motion to approve the ARC, 2<sup>nd</sup> by R. Kitterman. Motion Carried.

**Architectural Review Requests Addendum Lot #95:** K. Clapp made a motion to approve the ARC, 2<sup>nd</sup> by R. Kitterman. Motion Carried.

**Manatee County Neighborhood Enhancement Grant 2023:** At the March 23, 2023, BOD meeting, the BOD approved the submission of a 2023 Manatee County Neighborhood Enhancement application and approved the spending of up to \$4,500.00 from reserves. The application was submitted after the county had dispersed the allotted grant funds. No NRE reserve funds were spent. As a measure of good financial housekeeping P. Chamberlain made a motion to rescind the approval to spend \$4,500.00 from reserves, 2<sup>nd</sup> by P. Bader. Motion Carried.

**Manatee County Neighborhood Enhancement Grant 2024:** (see Capital above for description). S. Simpson made a motion to submit an application to the Manatee County Neighborhood Enhancement Grant 2024 program, 2<sup>nd</sup> by K. Clapp. Motion Carried. Note: no funds were approved to be spent. Once the grant award is approved or denied, the BOD will review the funding needs and determine next steps.

**New Business:**

**2024 HOA Budget:** P. Bader presented the proposed 2024 budget, highlighting line items where the 2024 budget amount is greater than the 2023 budget, providing insight into actual 2023 expenses and anticipated 2024 increases. P. Bader noted that the monthly HOA assessment remains at \$125.00 per month per lot (\$145,500.00 annual). P. Bader made a motion to approve the 2024 budget, 2<sup>nd</sup> by S. Simpson. Motion Carried.

**Architectural Review Request:**

Lot #59 submitted request to remove tree, tree negatively impacted lawn mowing. Provisional approval granted to allow tree removal to match contractor availability. The owner is aware of the requirement to replace the tree on the lot when the land is built out. In the event of a sale of the lot, this requirement would be included on the Estoppel Letter. K. Clapp made a motion to approve the ARC, 2<sup>nd</sup> by R. Kitterman. Motion Carried.

Lot #93 submitted request to install new sod. K. Clapp made a motion to approve the ARC, 2<sup>nd</sup> by S. Simpson. Motion Carried.

Lot #2 submitted request to install flagstone along east side of home. K. Clapp made a motion to approve the ARC, 2<sup>nd</sup> by P. Bader. Motion Carried.

**Resident Comments: Lot #45:** Inquired why the HOA would carry Workers Compensation insurance when the HOA doesn't have any employees. BOD Response: The HOA has carried Workers Compensation insurance for the past five years to protect/cover residents volunteering to complete community projects (bush trimming, planting, storm cleanup, etc.). The annual premium is \$600.00 per.

**Adjournment:** There being no further business, a motion to adjourn was made by K. Clapp, 2<sup>nd</sup> by R. Kitterman. Motion carried. Adjourned at 7:02 PM.

Respectfully submitted by:

Erik Hollick, BOD

Minutes approved October 10, 2023

Next Board Meeting is on October 10, 2023, 9:00 AM