

**Deerfield Village Community Association**  
**REGULAR BOARD MEETING – Teleconference**  
**Monday, March 22, 2021**  
**7:00 PM**

Dial-in Number (646) 749-3112 Access Code: 851-166-757

The regular meeting of the Board of Trustees of the Deerfield Village Community Association was held at the community center; however, all committee members attended via conference call in order to maintain social distancing guidelines. The dial-in number and access code were provided for all Board Trustees, Committee Members and Residents in the published meeting agenda. President Eric Toureilles called the meeting to order at 7:04 PM.

Trustees in attendance were Eric Toureilles (President), Brent Burris (Vice President), Kristine Spiller (Secretary), Terry Gray (Treasurer), Jason Nace, Bill Potscavage, John Murphy, Hak Dickenson and John Devine.

I. DETERMINATION OF QUARUM (6 required)

Eric determined there was a quorum. Trustees introduced themselves to the attendees listening.

II. APPROVAL OF MINUTES

After a review of the February special meeting minutes, Brent motioned to approve as submitted by Kristine. The motion was seconded by Eric and passed unanimously.

After a review of the February regular board meeting minutes, Eric motioned to approve as submitted by Kristine. The motion was seconded by Terry and passed unanimously.

III. RESIDENTIAL INQUIRIES

None

IV. PRESIDENT'S REPORT

A. The freeze damage to the facility has been repaired. Landscaping repair is ongoing.

V. MANAGER'S REPORT

A. Office processing 10 AAs.

B. Ready for elections to begin.

C. Working on 7 payment plans for assessments getting processed.

D. New mailbox has been installed. New placement is being discussed.

VI. STANDING COMMITTEE REPORTS – (Including Funding Requests and Board Authorizations)

A. Community Services Committee

None

B. Swimming Pool Committee

1. Swimming pool hours: no changes from last year with 100% capacity. Mask use to be optional and use of furniture is up to DCVA (furniture must be sanitized every two hours) Decision must be made by April 1<sup>st</sup>. Hand sanitizer will still be available.
2. Eric motioned, Brent seconded on accepting hours as presented. Motion passes unanimously.
3. Furniture use: Allow use but provide wipes and signage asking for residents to wipe furniture after use. John Murphy motioned to adopt this plan, Bill seconded, and decision passed unanimously.
4. Opening weekend is May 1<sup>st</sup> (with no swim meet)
5. Repairs completed after freeze. Mustard algae resulting from broken pipe/chlorinator, waiting on delivery of a part.

C. Landscape Committee

1. Spring planting proposal (typical planting of flowers. Waiting longer for shrub recovery to decide on replacement of existing plants).
  - a) Requesting to use Green Masters Lawn instead of CJ's Yardworks as they already maintain the landscaping. John Murphy motions to approve. Bill seconded. Motion passes unanimously.
2. Vanbury playground
  - a) Replacement was already delayed by one year.
  - b) Equipment originally installed in 1999. Would like to resell after dismantling. Eric recommended moving forward in researching costs, etc.

D. Tennis Committee

1. Update on Texas Christian HS: practice 3 days a week
2. Two expenses (paid from reserves):
  - a) New fuse box outside court three: \$1,281.
  - b) New lock on court one gate: \$2,061
3. Proposal for fence post painting
  - a) Cost: \$7,450, to be completed in June. Monies come out of reserves. Terry motions to accept proposal, Brent seconds. Motion passes unanimously.

E. Recreation Committee & YES Subcommittee

1. Proposal for groups to meet again in April as members have been vaccinated. Would like to meet inside when outside is not possible. Inside will be allowed as long as masks are worn.
2. Easter egg hunt - March 28

F. Deeds Committee

None

G. Security Committee

1. One burglary of a POD
2. Speak to SEAL regarding signs for neighborhood. Need to determine placement.

H. Financial Services Committee

1. Collections rate is 89.7%.
2. Expenses are \$25k under budget.
3. Payment plans for 2021: 33 plans in place. 8 are paid off. 2 are delinquent.
4. 7 accounts are in collection.
5. In February, committee passed motion to request to post monthly financial reports on website. Eric recommends postponing vote to next meeting as to research way of implementing the idea for resident access only.

I. Election Committee

1. Voting begins March 23.
2. Ballots to be counted on March 28. Five candidates total and have posted videos/answered questions.

J. Fence Committee

None

VII. OLD BUSINESS

A. Changes/updates to Covid-19 restrictions

1. In April issue a new update regarding capacity, etc.

VIII. NEW BUSINESS

A. Amend January minutes

1. Eric motioned to approved amended minutes, as they were missing information. Terry seconded. Motion passes unanimously.
2. MUD donation agreement has not been received as it has not been voted on yet. MUD meeting will be in April and will most likely be voted on then.

IX. EXECUTIVE SESSION – (Property discussions, referrals, and personnel)

Eric motioned to move to executive session, Bill seconded. Motion passed unanimously. Executive session began at 8:16 PM. Executive session ended at 8:58 PM.

A. House A: File a second lawsuit (in addition to one previously filed: awaiting court date) for additional violations.

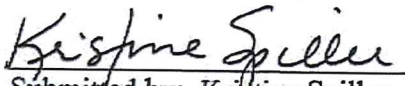
1. Terry motioned to file the second lawsuit. Bill seconded. Motion passes unanimously.


B. Travelers DNO insurance discussion

1. Claim filed when letter received from J. Hopko threatening lawsuit. Previous letter (issued 3/6/2020) filed a grievance, but not a lawsuit threat; however, Travelers feels that the issue should be handled by Hanover, DVCA's previous policy holder. Both Hanover and Travelers have declined the claim. Mr. Gaynor has responded that Travelers must cover the claim. Awaiting decision.

X. ADJOURNMENT

Motion to adjourn at 9:08 PM by Eric. Seconded by Brent. Motion approved unanimously.

  
Submitted by: Kristine Spiller  
DVCA Secretary

  
Accepted by: Eric Toureilles  
DVCA President

To: DVCA Trustee's

At last month's Board meeting I described several concerns with respect to the fence project:

- communications to members
- the financial implications of the plan being considered, and
- that other DVCA committee recommendations about the project had been ignored

and about the planned fence vote and ballot:

- that the ballot was poorly written and very confusing as to what one was voting on and
- that the voting process was going back to the illegal process DVCA used a few years back that was replaced by our current election process that ensures the integrity of the election.

The document I used last month is attached and should have been sent to each of you by Cat after the meeting in January .

I have not heard anything back from anyone on those concerns, which is certainly each of your prerogative, but does not convey an openness to discuss and try to come to some type of an understanding. I have repeatedly requested (at Board meetings, through emails, texts and voicemails) for the Board to provide more information and start a real dialogue with the members about this project, but those requests have not resulted in any actions or communications.

My reason for bringing these things up last month is that it is very clear to me that we have a resident who is very upset about the fence and how the board has handled the communications and approval process. He has already cost DVCA significant attorney fees and from what I can tell, plans to take legal action against the DVCA board and possibly each of you individually. From what I have heard, I believe the risk of this individual following through is pretty high and from my understanding of the facts a very high probability that he may be successful. That could cost DVCA and possibly each of you a significant amount.

I implore each of you to strongly consider the action you decide to take tonight as it could lead to some significant negative impacts on DVCA. I understand that you have attorneys who are giving you their opinion that what you plan to do is legal, but I can tell you that I know of a few lawyers who have provided an equally strong and opposite opinion. So the risk is real. If I was in your position and wanted to push this project forward, I would have made sure that I was working to ensure that everything I could control was done in a way that would not create any additional controversy or add risk to the successful completion of the goal.

Unfortunately in my opinion you have not done that. The number of areas that can be challenged is very scary from my perspective. There are legal, process and fiduciary issues associated with how things have been done and each could have significant consequences. In my opinion, there has been enough documentation provided to the Board about these issues that your Director's insurance may not apply if suits are filed. Just the fact that the Finance Committee has not been able to support the fence project and has made financial recommendations that the Board is ignoring by moving forward with the current plan should be a big red flag. Even if you ignore the legal issues and claims, you are in a fiduciary role as a Trustee and are legally responsible for the financial decisions you make. And this is the largest decision in the history of DVCA.

Once again I implore you to be very careful as you consider how to move forward at the meeting tonight.

Respectfully,

Glenn

## AMENDMENT I

### Concerns about the Fence and Fence Vote

#### Fence Vote and Ballot

1. Ballot is very confusing as to what we are voting on.
  - Describes vote as "My vote for the 2021 Proposed \$85 Special Assessment"
    - Then mixes voting for the Special Assessment and support for the Fence Project, and
    - Voting in Against the Fence Project
    - Seems to be more of a vote about the Fence project that the Special Assessment
2. Ballot is poorly written and not clear on what is really happening on the assessment
  - Describes a one time \$85 special assessment for the fence
    - Implying a one time fee
  - Then describes that the remaining cost will be paid from future annual assessments
    - But does not say that the \$85 cost or more will continue for the future
  - This is really a vote for \$85 or more to be charged for the fence continuously for the future
  - That is really pretty deceptive
  - Fence tab home page has been updated to say **Vote for a special assessment of \$85 per year to move forward with the fence. Special Meeting Information Project Capital costs is \$1,010,000 and maintenance and insurance will be just under \$10K per year.**
    - Special Assessment can only be for one year – not multiple
3. Voting process takes us back to the illegal process we were using a few years back before we developed the great process we use now for Trustee elections that ensure the integrity of the vote
  - There is no way described to ensure the integrity which is what the issue was a few years ago and why we created the new process
  - There is no way to validate that a member is in attendance or is voting

#### Fence Project concerns

1. Details communicated to Members are not very complete
  - How we are paying for the \$1,010,000 costs – not described in letter
  - Understand that
    - \$710K loan at 4.06% for 20 years – approx. \$52,000 year payment
      - Exceeding the FC Nov recommendation to not pay more than \$43,500 annually
    - \$225K from the reserves - with no plan to refund those reserves
    - \$75K from the MUD - but MUD has not formally committed
  - \$85+ assessment is not one time but an annual fee and pushing the CPI assessment cap
    - Which will impact any future plans or requirements
  - Scope of the fence is not described
    - not the full perimeter – Patio homes along Clay not included
  - Cleaning Costs have not been addressed
    - $12,400 \times 8 \times 2 = 198,400$  sq foot – call it 200,000 sq ft
    - Avg cost for power wash – 34 cents/sq ft - \$67K per washing
2. Not paying attention to recommendations from other DVCA Committees

- Deeds and Security Committee – recommended full perimeter including Clay Road Patio homes
- Finance Committee recommendations
  - Nov- balance the budget over the next 3 years by \$30 increase per year – not possible
  - Nov – max loan DVCA can handle is 450K @5.25% for 20 years – approx. \$43,500/year
    - Current plan is for \$52,000 per year