

## Meeting Minutes

**Regular Meeting** of the Board of Directors of the Rocky Ridge Properties' Owners Association

Meeting Date: **October 12, 2021, 1:30 pm**

Location: ZOOM Internet Meeting

**Notice of Meeting:** Bill (Yates) Bauder confirmed that he provided notice to the homeowners of the Board meeting in accordance with the requirements of the Association's Bylaws (e.g., by the means permitted by the Bylaws and with sufficient advance notice to comply with the Bylaws).

**Attendance and Quorum:** Yates patched into the ZOOM internet meeting from his office at the base of the Rocky Ridge hill. Board members Steve Dohrmann, Laura Bertone, Bob Schuchardt, Nick Farwell, Frank Pagliaro, Curt Sproul and Bruce Shepherd joined the meeting from other remote internet connections. With 7 members in attendance, a quorum was present. Non-Board members Yates, Matt Howarth, Jon Carlson and Ron Janes also attended the meeting.

President Steve Dohrmann called the meeting to order at 1:32 pm.

1. **Approval of Minutes:** Frank moved that the Board approve the minutes of the September 9, 2021 board meeting in the form posted on the Association's website; Curt provided a second, and the board approved the minutes by 7-0 vote. Laura moved that the Board approve the minutes of the September 25, 2021 member meeting in the form posted on the Association's website; Curt provided a second, and the board approved the minutes by 7-0 vote.
2. **Property Manager's Report; Preparations for Winter.** Yates reported that his team is busy preparing Rocky Ridge for winter. The team is rebuilding portions of the beach clubhouse deck. Yates also reported that The North Lake Fire authority visited the property and inspected the brush clearance around the buildings. The authority was pleased with the defensive measures taken at Rocky Ridge. The authority also recommended that townhouse owners be asked to cover with fire protective tarps any fire wood stored in the entryways and/or decks of the townhouses (at least during the summer and fall months).
3. **Insurance Report.** Yates had nothing new to report to the Board with respect to efforts to procure insurance for next year. Steve noted that in the most recent conversations with Rich Votaw (the Association's insurance consultant), Rich has continued to warn that there may be a material increase in premiums as a condition to procurement of next year's policies.
4. **Financial Report and Assessments.** Yates and Laura reported that they believe that they will complete preparation of the budget in advance of the November Board meeting. The Board plans to consider and approve the budget at the November board meeting. The lack of predictability with respect to premiums for fire insurance infuses significant uncertainty into the budgetary process.
5. **Discussions with TRPA Regarding Additional Buoys.** The TRPA continues to move slowly with respect to awarding additional buoys. Bob said that he has submitted additional supporting materials for our application, but he does not have visibility as to when decisions will be made.
6. **Tree and Brush Clearance Policy.** The Board concluded that the existing brush and tree clearance policy is adequate. The policy is included in the rules and policies notebook that has been circulated by the board. In brief, the policy contemplates that initial decisions on pruning of brush and trees will be made by the Property Manager in application of the following general principles:
  - The Property Manager generally will not remove mature trees, though the Property Manager may remove trees that are sick or dying, that pose a significant hazard or that are located in close proximity to Rocky Ridge buildings;
  - The Property Manager in its discretion may remove smaller trees (X<6 feet) in order, among other purposes, to preserve view corridors; and

- The Property Manager may prune branches in the lower 1/3 of a taller tree, but generally will not prune branches above that level.

Townhome owners seeking pruning or removal of a tree may provide their arguments for such action to the Property Manager. The Property Manager has discretion to consider the perspectives of other owners in determining whether a particular tree warrants pruning or removal, so townhome owners should consider building consensus with other owners before seeking the pruning or removal. The Property Manager's decisions may be appealed to the board of directors.

Ron Janes (unit 32) suggested that a smaller tree should be removed in the area generally to the south from his unit's entry. Ron will submit to Yates and the Board further advocacy in support of the proposed removal. Yates said he will try to assess the perspectives of other townhouse owners in the vicinity. Yates indicated that he would like further Board guidance before making a decision on this request.

7. **Policy Regarding Installation of Air Conditioning Equipment.** As per discussion in the 9-9-21 Board meeting, the board considered a proposed policy regarding the installation of air conditioning equipment by townhouse owners. After much discussion, the Board (motion by Nick; 2<sup>nd</sup> by Steve; 7-0 vote) adopted the policy attached to these minutes as an exhibit. In brief, the policy confirms that each proposed installation will be considered on its own merits, and the policy further establishes principles, parameters and procedures for the Board to apply when considering each individual application.
8. **Request for Installation of Mini-Split Air Conditioning Equipment in Unit 40.** After adopting the air conditioning policy, the Board turned to consideration of Jon Carlson's request to install a Mitsubishi MXZ-5C42NA mini-split air conditioning system for his townhouse (unit 40). Jon proposes that the system will have an exterior system with two interior units, including one wall unit downstairs in the dining room and one wall unit ducted through the attic for the upstairs. The Board (motion by Bruce; 2<sup>nd</sup> by Steve; 7-0 vote) approved the installation of the air conditioning equipment, subject to the following conditions:
  - The equipment and installation must comply with the requirements of the air conditioning policy adopted by the Board.
  - For a number of reasons, including safety and aesthetics, the Board concluded that the outdoor portions of the air conditioning equipment should be located under the back deck of unit 40 (i.e., on the Lake side of the unit), rather than on the side that contains the front door for unit 40. Jon agreed to work with the owners of neighboring units to assess their locational views, to endeavor to reasonably accommodate those views (in the context of the under the back deck location), and to return to the Board with proposed final locational specifications. The Board asked Jon to submit the proposed final locational specifications prior to the next Board meeting.
9. **Discussion of Risks Posed by Storage of Lithium Batteries Within Rocky Ridge Townhomes.** In connection with the annual homeowners' meeting, a townhouse owner (Ann Cleary) asked the Board to consider whether storage of such batteries in Rocky Ridge townhouses (at least in sizes sufficient for "e-bikes") posed significant safety risks. The Board concluded that it requires more information before addressing this issue. The Board formed a committee (consisting of Laura Bertone, Bob Schuchardt and Matt Howarth) to look into the issue further and report to the Board at the 11/21 meeting. The committee welcomes input from townhouse owners on this issue - interested owners should contact Laura Bertone.
10. **Discussion of Development Within Rocky Ridge of Level 2 (or Higher) Charging Stations for Electric Vehicles.** This issue also was prompted by inquiries received in connection with the annual homeowners' meeting. The Board concluded that the Association does not have a duty to provide such stations, but that it at least should explore the relativities of providing the stations as an amenity. The Board further concluded that it requires material further background information before reaching substantive conclusions with respect to the issue. Questions to be explored include, without limitation, the following:

- The potential locations for such stations within Rocky Ridge, and the technical feasibility of bringing sufficient power to those locations;
- The costs of installing and operating the charging stations;
- The means of paying those costs, and the relative equity of burdening the common expense pools (which under the CC&R's are allocated in equal shares to all townhome owners) with any of the costs arising out of the installation or operation of the charging stations;
- The modifications that would need to be made to the Association's CC&R's to enable installation and operation of the stations, and the nature of the approvals that would be required under the CC&R's in order to achieve the requisite CC&R's modifications;
- Various challenges involved in operating the charging stations, including the challenges of snow removal and charging mechanisms for the charging service;
- Issues that might arise out of permitting electric vehicle charging in the absence of higher level charging stations (e.g., extension cords and the safety, easement and aesthetic issues which use of extension cords might trigger); and
- Whether third party developers/operators might be engaged to develop and operate the charging stations, thereby perhaps insulating the Association from development and operational risks.

The Board established a committee (Steve Dohrmann and Nick Farwell; Peter Elkind suggested that his son Ethan Elkind also could contribute to the committee) to look into these questions and to report back to the full Board in the Spring of 2022. The committee welcomes input from townhouse owners on this issue - interested owners should contact Steve Dohrmann.

11. **Fire Walls in Crawl Spaces.** Frank noted that he believes that he questions whether the current fire walls in the crawl spaces below the townhomes comply with applicable law (including grandfathering provisions). Frank suggested that the Board discuss the issue at a future meeting. The Board concluded to ask Yates to look into the issue so the Board could assess the magnitude of the problem (i.e., how many units might be affected, what type of remedial work is required (or desirable, if not legally required) to address the problem, and at what expense?) at a future meeting. The Board put the issue on the tentative board agenda for the 2-15-22 board meeting.

12. **Future Agenda Items:**

- November 16, 2021: Consideration of Jon Carlson proposal re: Unit 40 air conditioning equipment.
- November 16, 2021: Consideration of report from Board committee on restrictions upon storage within townhouses of lithium batteries for e-bikes
- November 16, 2021: Consideration of the Association's budget for 2022
- February 15, 2022: Consideration of report from Board committee as to whether the Association should continue to explore establishing charging stations for the charging of electric vehicles.
- February 15, 2022: Consideration of whether the firewalls under the existing townhome structures comply with applicable law, and whether the Association should take steps to alter the firewalls.

**Adjournment.** The meeting adjourned to executive session (to discuss certain employee issues) at approximately 3:54 pm.

**SCHEDULE FOR FUTURE BOARD MEETINGS: (All meetings are scheduled to start at 1:30 pm, unless otherwise noted. Dates, times and locations are subject to change):**

11-16-21 (Location: Zoom)      12-14-21 (Location: Zoom)      2-15-22 (Location: Zoom)  
4-12-22 (Location: Zoom)      5-24-22 (Location: Zoom)      7-12-22 (Location: Zoom)  
9-3-22 (Location: Rocky Ridge Beach clubhouse; start at 9:00 am)

**SCHEDULE FOR FUTURE HOMEOWNER/MEMBER MEETINGS (Subject to change):**

September 3, 2022 at 11:00 am. (Location: Rocky Ridge Beach clubhouse)

## ATTACHMENT TO MINUTES OF 10-12-2021 BOARD MEETING

### Policy Pertaining to Installation of Air Conditioning Systems Servicing Rocky Ridge Townhome Residences

This policy is adopted pursuant to Section 3.06 of the Declaration of CC&R's duly adopted by the Rocky Ridge Properties Owners' Association. This policy shall constitute a part of the "Architectural Review Guidelines" referenced in Section 5.04 of the Declaration of CC&R's and shall be incorporated into the policies adopted as part of the Association's Operating Rules. Capitalized terms used in this policy without definition shall have the meanings assigned to them in the Declaration of CC&R's.

The Board of the Association recognizes that with both higher seasonal temperatures and increased wild fires, many Townhome Residence Owners are perceiving a greater need for air conditioning. The Board is sympathetic to these views, but it also wants to make sure that the impact and appearance of the installation and operation of air conditioning systems (each, an "AC system") by one Townhome Residence Owner (or by multiple Townhome Residence Owners) do not impose inappropriate burdens upon, or unreasonably detract from the experience enjoyed by, other Townhome Residence Owners. Accordingly, the Board has established the following conditions to approval of the installation of AC systems:

- a. No equipment related to an AC system for a Townhome Residence shall be installed outside of the interior walls of the Townhome Residence unless the installation and operation has been approved by the Association's Architectural Control Committee (sometimes referred to in the Declaration of CC&R's as the "ACC" of the Association). In considering whether to approve a particular proposed AC system, the ACC will consider among other factors the following:
  - i. The AC system must be rated by the AHRI 210/240 standard to confirm that the maximum noise produced by the AC system shall be no greater than 56 decibels.
  - ii. The use and operation of the AC system with respect to a Townhome Residence shall not cause objectionable odors or vibrations within, or on the exterior deck(s) that are attached to, any other Townhome Residence.
  - iii. The AC system shall include shielding and other protective features to assure that the operation of the AC system shall not pose a meaningful threat to the safety of individuals, such as children.
  - iv. The equipment for the AC system shall be installed only in locations that have been approved by the ACC. The proposed locations for the pertinent equipment shall be identified in a site plan submitted to the ACC as part of the applicant Owner's application materials.
  - v. All exterior platforms, wiring, cords, tubes, vents, ducts and other equipment or materials related to the AC system shall be affixed and secured in a safe and aesthetic manner. In this vein, when evaluating an Owner's proposed installation plans, the ACC may disfavor plans which call for wires, cords, tubes, vents, ducts or the like to be left loose or hanging or in a manner which poses risk to others (e.g., through cords or wires or ducts which others might trip over).
  - vi. In considering whether to approve proposed locations, the ACC may consider the size and appearance of the equipment involved in the pertinent AC system, whether the proposed AC system, as installed, will be in harmony with the external design of other structures and landscaping within the Rocky Ridge Development, and whether the proposed locations reasonably minimize the adverse visual impacts of, and the noise, vibration and smells emanating from, the AC system. Given the idiosyncratic designs of the various Townhome Residences, each proposed AC system shall be evaluated and approved or disapproved on its own merits and in the context of its own individual circumstances; subject to the limitations in Section 5.07 of the Declaration of CC&R's, the approval of a particular AC system with respect to one or more Townhome Residences shall not restrict the authority of the Association to decline to approve the installation of the AC system with respect to another Townhome Residence.
- b. As part of the application for approval of a proposed AC system, the applicant Townhome Residence Owner shall agree that:

- i. As part of the application package, the applicant Owner shall provide the ACC with a description of the AC system, the noise rating for the AC system, the dimensions of the AC system, the proposed locations for installation of the relevant equipment (or alternative potential locations), and a photo or photos reasonably depicting the equipment involved in the proposed AC system and the manner in which such equipment shall be deployed.
  - ii. The AC system and its installation must comply with all local laws, including permitting requirements and any requirements applicable to the minimum set back of an AC system from the perimeter of any adjacent or nearby townhouse units.
  - iii. The ACC may provide copies of the application package to Owners of other Townhome Residences. The Owner's application package shall be submitted in a manner which facilitates re-distribution through electronic means. As contemplated by Section 5.13 of the Declaration of CC&R's, the ACC also may solicit comments from other Owners with respect to the installation of the AC system. Notwithstanding the foregoing, nothing herein shall be construed as providing approval/disapproval authority to any other Owners with respect to a proposed AC system installation, or as conditioning the authority of the ACC or the Board with respect to a proposed AC system upon the consent of any other Owner or Owners, it being understood that the authority to approve or disapprove the installation of an AC system shall be vested exclusively in the ACC and the Board.
  - iv. If, after installation, the installed AC system generates noise, vibrations or smells violative of the standards referenced above, then the Owner of the Townhome Residence will take such steps as the Board reasonably requests to bring the AC system's noise/vibration/smells within the required thresholds. If the required thresholds cannot be achieved, then the Owner of the Townhome Residence will remove the AC system.
  - v. If, after installation, the technology applicable to shielding the visual, noise, smell or vibration impacts of the units evolves so as to enable impacts which are materially less intrusive, the Townhome Residence Owner shall make revisions to the installation of the AC system, as requested by the Board, so as to cause the AC system to be reasonably consistent with the evolving technologies; provided, however, that the Board shall not have the right to require revisions if the costs of the revisions are unreasonable relative to the benefits achieved as a consequence of the revisions.
  - vi. The Owner of the Townhome Residence shall agree to take all steps, at its own expense, that may be necessary to make sure that the use and operation of the AC system do not unreasonably interfere with maintenance activities vested within the authority of the Association under the Declaration of CC&R's.
  - vii. The applicant Owner shall agree that the approval by the Association or the ACC of the installation of an AC system shall not be construed as imposing any responsibility upon the Association or the ACC for damages caused by the AC system, it being understood that (subject to the provisions of Section 9.05 of the Declaration of CC&R's), the Owner of the Townhome Residence within which the AC system is installed shall be responsible for any damages caused by the installation or operation of the AC system to the same extent as the Owner would be liable for damages arising out of installation or operation of equipment that is located exclusively within the walls of the Townhome Residence
- c. The ACC shall approve or disapprove a proposed installation of an AC system in accordance with Article V of the Declaration of CC&R's (including without limitation Sections 5.07, 5.12 and 5.13 of the Declaration of CC&R's). The burden shall be on the applicant Owner to provide evidence reasonably satisfactory to the ACC to demonstrate compliance with the requirements included within this policy.