

File

THE CROSSING AT KENBERG  
PROPERTY OWNERS' ASSOCIATION

BOARD OF DIRECTORS REGULAR MEETING MINUTES  
May 16, 2023

Mr. Steve Cruz called the scheduled meeting of The Crossing at Kenberg Property Owners' Association (POA) Board of Directors (Board) to order at 7:00 PM at the POA conference room.

**Present:**

Steve Cruz, President  
Judy Hinnant, Vice-President  
Rebecca Rosier, Treasurer  
Neil Ciotola, Secretary  
Betsy McFarland, Business Manager

Steve Frost  
Mary Cooper  
Jack Banowsky

**Absent:** Michael Hemond

**Guests in Audience:** Kathleen Kirby; Bill Gosdin; Robert Neel; James Ruschhaupt

**1.. Confirmation of Quorum, Acceptance of Agenda, Approval of Minutes:**

**Quorum:** A quorum was determined present with one (1) Board Member absent and One Director Position vacant.

**Agenda:**

The Following items were added to the agenda:

Paragraph 3. "Old Business", Item D. "Mowing Contract"; Paragraph 8. Executive Session, Item B. "Previous Attorney Records Request"; Item C. "Construction Application".

A motion to approve the minutes as amended was made by Becky Rosier, seconded by Steve Frost, and approved by the Directors present/

**Minutes:**

**Corrections or modifications to Minutes of April 18, 2023:** None

A motion to approve the minutes of April 18, 2023, was made by Judy Hinnant, seconded by Jack Banowsky and approved by the Directors present.

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**2. Reports:**

**A. Financial/Property Management:** (Becky Rosier/Betsy McFarland) Becky Rosier provided the following: there is currently \$16,976.05 in the POA Checking Account;

\$73,782.39 in the POA Money Market Account; and \$50,459.12 in the POA Certificate of Deposit for a total of \$141,221.56 in all accounts.

Becky presented a copy of the "Actual Budget" to the Directors and Members present and briefed selected aspects of the report (see attached).

Betsy McFarland, the POA Business Manager, offered the following: 257 of 316 property owners have paid their dues/assessments for the operating year 2022-2023; approximately 19% of owners are delinquent in the assessments for a total of approximately \$17,000.00. Betsy went on to state that there were two property closings in the preceding month and two closures pending in May: 113 River Forest and 108 Hidden Lake.

**B. ARA Committee Report:** (Gerry True) Being absent from the meeting no report was rendered/presented for the month of May 2023.

**C. Community Events Committee:** (Maryanne Schuster Fernandez)

Judy Hinnant offered the following: The Association Salsa Contest on the evening of May 5, 2023 was a well-attended and enjoyable event; that the lunch for the annual meeting of the association will be a pot luck of sides and desserts with the Association providing the meat dish of Brisket and Chicken prepared by Steve frost. Judy asked all who plan on attending to bring a dessert or side dish. Betsy McFarland introduced the idea of a future photo contest in the POA and that selected photos from the same be displayed in the POA conference room.

**D. Welcome Committee:** (Michelle Horstman)

Judy announced that all new residents in the community have been welcomed by members of the committee as of this meeting. Betsy McFarland stated that the next new resident in the community is expected around June 4, 2023.

**E. Property Maintenance Committee:** (Jack Banowsky)

Jack Banowsky stated that he was still working on a second estimate for repair of one of the POA's water tanks located outside Pavilion Park. Jack went on to ask if there was an estimate for the removal of the dead tree located in the middle of the decking located below the pavilion. Discussion ensued. Jack asked that the Board consider trimming tree branches suspended over the pavilion and decking in the scope of the contract. Discussion continued. Betsy McFarland offered that she would ask the contractors that bid on pavilion repair to add the trimming to the scope of their estimates.

**F. Playground Equipment Committee:** (Judy Hinnant)

Judy offered the following: New Playscape items will be installed in the parks by the end of next week; and the POA purchased new tetherballs for all three poles in our parks.

**G. Financial Reserve Committee:**

Steve Cruz stated it remains inactive due to a lack of participation. Neil Ciotola stated that there are three property owners that have volunteered for that committee: Terry Boehner, Judy Hinnant, and Gigi Hall. Neil announced that he volunteered to be the chair of the committee beginning in June if the Board would

accept his volunteering for the same. Robert Neel stated that he volunteered to be on the committee. Jack Banowsky stated that his wife Carol has also volunteered to be on the committee. Becky Rosier stated that it appears that there will be seven members on the committee. Neil concluded his comments by stating that he will present himself to the new board after the annual meeting and volunteer once more if necessary.

**H. By-Law Update Committee: (Neil Ciotola)**

In response to questions or concerns related to the proposed amended By-Laws, and the meetings or presentations associated with the same Neil Ciotola offered the following: The By-Law update committee met on 11, 18, and 25 January; 8 and 15 February; and 14 March 2023. Updates on the committees' progress were presented at POA Board meetings on 17 January, 21 February, and 21 March 2023. That the By-Law draft was posted on the POA Website on March 22, 2023 as announced at the meeting on the previous date; that it was again posted on the POA website as an attachment to the Board's Regular Meeting Minutes of April 19, 2023; that the request for committee members was announced at regular monthly meetings of the Board at each monthly meeting and on Constant Contact; and that the committee and POA president presented briefings on the Proposed By-Laws on April 25, 2023 and 2 May 2023 which were announced prior to the same and aired live on Facebook.

Neil went on to address three questions that were presented by a property owner and a brief discussion ensued.

**3. Old Business:**

**A. Office Equipment Update (Printer and HVAC):** Betsy McFarland offers the following: that the new printer, copier, scanner, fax has been purchased and installed in the POA Business Manager Office; and that the system was purchased for \$541.24. Betsy went on to brief the cost of potentially replacing the POA Office HVAC system. To date she has received three bids ranging from \$6,600.00 to \$8,200.00. Discussion ensued. Robert Neel asked if the current system had lost any refrigerant since it was last recharged. Discussion continued. It was decided to not move on replacement of the current system until the system showed signs of imminent failure and additional estimates had been secured. (Secretary's note: the budget approved at the November 5, 2022, Special Meeting of the membership included \$5,000.00 for the replacement of the office HVAC system)

**B. Change of Insurance Agent:**

Steve Cruz offered the following: the POA's insurance policies are split between two agencies: Miller and Miller, and Blanken Insurance Group; that the Board and Business Manager have not been pleased with Miller and Miller due to a lack of service, and a lack understanding of, and responsiveness to, the POA's needs and current coverage requirements. Blanken Insurance Group has been much more responsive and presents as much more knowledgeable in the coverages available to the POA and the needs of the same. Miller and Miller currently holds the Association's General Liability Policy, and the fire and property policy. Steve

proposed migrating all our insurance policies over to the Blanken group to be our representative for all the association's insurance. In order to do so the Board must sign a Release of Information document so that the Blacken Zgroup can legally secure all the POA's insurance information from Miller and Miller. Discussion ensued. Neil Ciotola made a motion to move our insurance services over to Blanken and Blanken group, Judy Hinnant seconded the motion and the Directors present approved the same.

**C. Pavilion Repair Update:**

Betsy McFarland provided the following: We have received the Engineer's Report and she has forwarded the same to the three contractors that have expressed an interest in bidding on the Pavilion repair. Discussion ensued. The Board asked Betsy to secure an additional bid if one of the three contractors dropped out of the bidding process in order to have at least three bids to review and choose from. Jack Banowsky stated that there are differences between the Engineer's recommendations and that of the insurance adjuster. Jack asked if we should go back to the adjuster and discuss the differences between the two recommendations. Discussion ensued. It was agreed that the Engineer's report would be forwarded to the insurance adjuster to deconflict the differences between the two findings.

**D. Mowing Contract:**

Betsy McFarland stated that only one bid has been received for the Association's mowing. That the bid has been out for over a month. If the Board is receptive, she will present the bid for the board's consideration and vote. Discussion ensued. After discussion Judy Hinnant made a motion to accept the bid we have received, Mary Cooper seconded the bid and the Directors present approved the same.

**4. New Business:**

**A. Annual Meeting Preparation:**

Neil stated that the draft minutes of the 2022 Annual Meeting have been posted on the Association Website for ten months. He went on to state that the draft minutes of the Association Special meeting in November 2022 have not been published. Neil asked the board's permission to post the draft minutes of the November 5, 2022 Special Meeting on the Association website so the membership may review the same prior to the Annual Meeting on June 3, 2023. The Directors present approved Neil's request to post the draft minutes.

Neil next announced that he "messed up", that the information contained on the draft By-Law ballot, that he drafted, which was released to the membership for vote on June 3, 2023, was not accurate enough to reflect the changes to the proposed By-Laws and afford the members to vote on every article in the proposed document that were in fact proposed. Neil went on to present an amended By-Law ballot and cover letter for consideration and release to the membership if the Board agreed to the same. Neil went on to add that given the errors in the ballot were his error, and that a ballot had already been mailed to the membership, he would reimburse the POA for the cost of additional postage incurred as a result of any second mailing. Discussion ensued. It was agreed that a revised By-Law ballot would be presented to

the Directors the following morning for their review/consideration/recommendations, and vote for release to the membership.

Judy and Betsy presented the personnel requirements necessary to satisfy the Check-in, Ballot validation, Tabulator/Ballot Counter, and lunch server requirement. Discussion ensued. It was agreed that 20 volunteers would be needed to support annual meeting requirements.

Steve Frost asked for clarification of the brisket and chicken requirement necessary to support the meeting. Discussion ensued. It was agreed that three briskets and ten packages of chicken quarters would be prepared for the meeting.

**B. POA Collections Operating Procedure Review:**

Neil Ciotola stated that given the higher than usual numbers of property owners delinquent in paying their assessments for the operating year, he thought it prudent to review and read the association's current by-laws and the POA's Collections' procedure that address delinquent payments. Both of these documents have been in effect since 2013. Neil read selected aspects of both documents. A brief discussion ensued.

**C. Discharge of Firearms on Residential Property:**

Steve Cruz read and highlighted selected aspects of Kendall County Court Order number 03-23-2021 "Order Regulating the Discharge of Firearms in Subdivisions". A copy of the order is attached to these minutes.

**D. Wildlife Rescue and Rehab Brief: (at 17 minutes and 16 seconds into the scheduled meeting)**

Given his schedule David Bassi was introduced at 17 minutes into the meeting (between items 2.G. and 2.H.) to provide comments related to this item. David offered the following: he works for Wildlife rescue located in Kendall County; the Hill Country is in the middle of wildlife baby season; there are lots of questions about what to do when young wildlife is found without their "mother"; that mothers of young deer in particular will leave their babies in order to search for food so they can provide milk for their young; that by and large the animals mother will return; that the young animals have three inbred defense mechanisms: they have no scent, they are camouflaged, and are conditioned to not move until the mother returns. David stated the best thing to do is observe the young animal from a distance and if the mother does not return to retrieve the baby, and it is lying on its side then call the wildlife rescue office, but leave the animal alone David stated that the center is staffed 24 hours a day, seven days a week; that you should be able to reach someone between the hours of 8AM and 7PM seven days a week; that the phone will default to an answering service, after normal operating hours, which is checked repeatedly throughout the operating day; If you leave a message on the service a representative from the center will call you back. David went on to offer what to do if someone finds a baby bird. Build a small temporary nest in a box or a hanging basket and place the nest in an elevated area as near the original nest as possible and observe the animal. If the mother does not show up to nurse the young bird, then call the

wildlife center. He will provide an email that provides links to other informative websites that provide information on what to do to care for abandoned wildlife. In his closing comments David stated he will attempt to attend the annual meeting and provide additional information.

## **5. General Members Questions/Concerns:**

Bill Gosdin asked if the board would provide two years' worth of financial statements, balance sheets, and profit and loss statements at the upcoming annual meeting? Becky Rosier said we should be able to do so, profit and loss for sure, but balance sheets are still being worked on. Discussion ensued. Bill went on to say that it's been a few years since the membership has had complete financial information available to them.

Bill Gosdin asked for clarification related to the financial information presented this evening. In the "2022-2023 Actual/Est" expenses column, are those actual or estimated amounts? Becky Rosier said those are actual amounts, the numbers match the profit and loss statement exactly. Bill next asked about the amounts reflected on the second page under the 2024 audit. Becky explained that the monies have been set aside as a savings for the actual 2024 audit.

**6. Announcements:** Next scheduled meeting – June 3, 2023 (Annual Meeting of the Membership and first meeting of the elected Board) ; Next Regular Board Meeting, June 20, 2023, at 7:00 PM, POA Conference Room.

**7. Recess to Executive Session at 9:10 PM** on a motion made by Judy Hinnant, seconded by Becky Rosier, and approved by the Directors present.

**Executive Session convened at 9:19 PM**

## **8. Executive session:**

### **A. Payment Plan Review:**

The process of applying for and approving a payment plan request of a property owner was discussed. The Collections procedure of the Association was reviewed and discussed.

### **B. Previous Attorney Records:**

A letter sent to the POA's previous attorney, the lack of response, and way ahead was discussed.

### **C. Construction Application:**

The procedure for processing a construction application for a property owner in arrears was discussed.

Executive Session adjourned at 9:44 on a motion made by Jack Banowsky, seconded by Steve Frost and approved by the Directors present.

**9. Open General Session reconvened at 9:45 PM.**

Comments: No members remained in attendance.

**Adjournment:** With no more business to come before the Board, a motion to adjourn was made by Judy Hinnant, seconded by Mary Cooper, and approved by the Directors present.

Meeting adjourned at 9:45 PM.

Minutes Approved: Yes

Judy Hinnant  
Secretary

Attachment for Corporate Binder:  
Agenda

Filed: 1 Original—Corporate Binder  
1 Copy—Secretary