



Minutes of the Executive Meeting of Falling Waters Board of Directors

July 20, 2023, held at Cross of Christ Church

6:30 p.m.

Call to order: Nathan Vis called the meeting to order at 6:31 p.m.

Roll call: Nancy Ellis, Mark Langbehn, Deb Mann, Lovie Davis, all present along with Mike Bottos from First American Management Company.

Nancy made the announcement that Rhonda Ables resigned from the board on Tuesday July 18, 2023, and thanked her for her years of service. The Board will decide whether to fill this position or wait until the next election in March.

Mark presented the first slide of Power Point presentation developed by Nancy Ellis

First 90 days of the New Board's accomplishments: please see the Power Point slideshow sent out to all homeowners for details.

Nancy outlined funds recovered and homeowner gains with a slide explaining each one, again this is on the Power Point slide presentation.

Mike Bottos from First American Management Company gave a presentation on the scope of responsibilities, also included in slideshow.

Nancy introduced the Financial Advisory committee members: Craig Paden-former Treasurer for the Board, Dave Cullom, Business owner and Mary Lewis an Accountant.

Dave started with the June Month end report. Income for the month was \$ 21,391.98 and expenses were \$13,561.88. All this information will be available on the Financial Report on the website.

Craig then gave an overview of the 2023 Budget and where we are to date, and this will be on the website as well, within our minutes.

Nancy reviewed the delinquencies. We still have \$17,758.03 in delinquent dues owed. There were 2 liens filed this month. There was an error in several homes being built that are now occupied and they were still paying only \$600.00 instead of \$1000.00. Letters were sent out to collect \$1,582.88.

There is a builder who owes \$2,60.00 in dues and will not be permitted to build another home until that is paid. There are homeowners who have not paid the second installment of their dues

by July 1, 2023, that amounts to \$9,815.15. Demand letters were sent out, and if this is not paid by August 1, 2023-liens will be filed.

Nancy presented a game for guessing what our biggest expenses were in our 2024 budget. Candy bars were given out to those who guessed correctly. A pie chart was displayed to account for all monies budgeted for the 2024 calendar year. This is also on the slideshow.

Mark introduced the ACC committee: Mike Berta, Bill Schab and Greg Howell.

Mark explained the fee charged to builders when building a home in falling Waters was \$1,000.00, fully refundable if there was no damage done and everything was completed properly. We have since raised that fee to \$1,500: \$300.00 for the road fund, \$500.00 to Adam McAlpine, Civil Engineer to oversee the site plan, with the builder to receive a \$700.00 refund if all conditions were met. The Board is considering raising that fee again, to \$2,000.00 to be applied: \$500.00 to the road fund, \$800.00 for Adam (to include as "as built" survey at the end of the project) and \$700.00 to be eligible for refund to the builder. These new fees will only be assigned on New Home Applications going forward.

Mark quoted a total of 23 homes this year. This spring we obtained 6 new home applications. Out of these six homes there are 4 new builders with custom home applications.

There are 6 pre-sold homes, and 11 spec houses on the market.

Deb introduced new members in our community since January 2023.

Geraldynne and James Magee-793 Cirque Drive, Greg and Tiffany Plamer-743 Verdano Terrace .Jeffrey and Linda Wolfe-45 Mattico Lane, Hadley and Kathy Hanson-754 Medwin Way, Dawn Gusick Trust-695 Verdano Terrace, Marjan and Menka Trajkouski-779 Cirque Drive, Denis and Rolaine Durling-701 Verdano Terrace, Kurt Neubauer-53 Annetto Ct., Patrick and Samantha Bogacz-95 Cambe Ct., Shawn and Jorie O'Keefe-78 Bergamo East Lane, Arne and Susan Skrodal 786 Cirque Drive, Kenneth and Heather Wingate-55 Annetto Ct., Kenneth and Tiffany Tropp-689 Verdano Terrace, Gregory and Jessica Howell-62 Levanno Drive, Marco Gonzalez Jimenez and Ashley James-84 Bergamo East Lane, William and Dianna Melby-691 Verdano Terrace , Josh and Tracie Pagel-98 Bergamo Ln. and Mirko and Isabella Bebekoski on Levanno Dr.

Mark presented the erosion control slide and the issues arising. The ACC will do inspections on the worksites and communicate issues to the builders which should help resolve these types of issues.

Mark revealed the results of the Homeowner Engagement Survey. Sixty percent of residents participated. These are all posted on the website, the questions asked for comments will be the only ones elaborated on here in the minutes.

Question #1-How satisfied are you with living in Falling Waters Subdivision. The survey stated that 60% of residents were very satisfied or satisfied. Unfortunately, approximately 27% were dissatisfied or very dissatisfied. Work still needs to be done.

Deb listed the most common comments to question #1-- 23 out of the 73 respondents quoted that it was a "Beautiful place to live". The most common complaint from the dissatisfied group was:

#1 Builders were not held to the same requirements as the homeowners. #2 Disliked the quality and non-uniqueness of the homes being built, look like "cookie cutter" homes. #3 Building lots and sites were not maintained, posing a bad appearance for the neighborhood in general.

Mark explained the remaining slides:

Question #7-Deb listed the most requested features desired in the community. #1-Walking Trails, #2 Playground and #3 Pavilion/Gazebo/Outdoor gathering area. Mark explained that the HOA does not own property to donate to make these things possible. It would have to be a joint effort with the Conservancy District because they own property within the development. The Board will try to obtain the costs of these features, relay this to the community to ask if they are willing to pay additional HOA dues to make it happen. Hopefully we will have this information by the November meeting.

Question #8-Deb read top three comments on the question "How likely are you to consider participating on a committee or volunteering for an event" 75% of respondents were either likely or undecided.

The top three responses for Committees were: #1 Holiday Decorating, #2 Beautification and #3 Gardening.

The speeding issue was addressed, and most respondents want to see the speeding curbed somehow. We will continue to work on this problem.

Mark reported that most of the community want the gates closed 24/7. The Board will investigate the cost of employing someone to sit in the guard house from 6:00 a.m. to 6:00 p.m. he had a ballpark figure of \$75,000.00/year. This cost will be relayed to the community and asked if it is worth the increase in dues to pay for it. A third lane for homeowners only, is an option as well. It will have to be thoroughly reviewed. A resident asked the question as to how to request a viewing of the cameras. Nancy explained that the best way is to file a police report, and the gate committee will help investigate from there.

Mark responded to the question regarding changing the covenants. 69% of the community said Yes/Maybe and 32% responded No. The Board has decided to establish a Committee to review all covenants, submit possible changes, it then has to be distributed to the community for voting

and in order for them to be passed there must be a 67% majority to say yes to the changes. This is a costly matter with Postage, legal fees, etc. Mike Bottos estimates the cost around \$10,000.00.

The remaining question of Revenue Generating ideas to boost the Road Fund. #1 Increase fees to builders, #2 Another 5-K Race/Car show, #3 Sponsorship from local businesses, #4 Food Trucks.

Nancy commented on the slide for the YMCA in Crown Point, along with a membership fee page. Many may not be aware of such a great facility nearby. This is not in lieu of any amenities here in the neighborhood, but an alternative until we consider all alternatives.

Nancy then recognized our volunteers of the various committees asking them to stand and Lovie handed them a "Lifesaver" candy roll, for being lifesavers!

ACC: Mike Berta, Bill Schab, Eddie Moore, and Greg Howell

Landscape Committee: Bill Schab and Eileen Plumb

Financial Advisory Committee: Craig Paden, Dave Cullom and Mary Lewis

Gate Committee: Sherri Cullom, Dave Cullom. John Konrady, and Omar Estrada

Webmaster: Omar Estrada

Social Committee: Trisha Hylek and Morgan Brosch

The Falling water Boards: HOA and Conservancy District-Mark Langbehn, Don Plumb and Dave Cullom.

Nathan Vis gave the Legal Report:

The first item is regarding the relationship between the Master Covenants established in 2003, which covered the initial acreage of the development. In 2017 The Cottage home concept was introduced and another set of Covenants for that part of the community. It is inclusive within the initial acreage, they "pancakes" with the Master covenants, not superseding them. A member of the Executive Cottage homes is included not only in the Cottage homes covenants but the Master Association as well.

The second item Nathan wanted to address is the Election process/Developer votes. In the beginning the developer was granted 3 votes for each lot. That is no longer the case, the developer now has one vote per lot that they own, just like another homeowner/lot owner.

Nathan addressed the indemnification of a Professional Engineer instead of volunteers being responsible for any issues that may arise. This relieves the board from any liability.

Notified the community of liens that were filed and the process of filing liens. We may file a lien for unpaid dues and or fines 30 days after non-compliance, but not foreclose on the lien for 90 days.

Demand letters were issued by 1st American and giving another 20 days before filing for the remaining amount due on July 1, 2023.

Nathan addressed the issue of flags and freedom of speech. It was a lengthy conversation and gave examples of both sides. However, there is an active case in Northwest Indiana addressing this very topic and Nathan feels we will learn a lot from these cases in what area will be determined proper/acceptable or prohibit them. A resident asked the question of adopting the same policy as the cottage Homes in establishing the only flag permitted to be flown is the American Flag. He will help us with that endeavor going forward.

Nathan discussed the Developer update. We are seeking to have a good relationship with the developers. The developers issued an amendment for the community to sign, with only two items for consideration. One was the issue of allowing fences, the other issue was prohibiting sex offenders from owning property in Falling Waters. Nathan will ask for a meeting between the developers and the Board to explain the efforts we are willing to make to change more than just 2 covenants.

The other item the developers submitted was to renew the Resolution of Nov. 2021 regarding leniency on signage and awnings in the neighborhood by builders. This resolution will expire in November, and the Board will not extend the resolution for another 24 months.

Nancy added one more comment regarding the Reserve Study. It was just completed and now and will be reviewed by the Board. It gives us an idea of what will be needed to continue into the future. Nancy invited anyone who wished to see it to let her know.

Questions from the floor:

A resident wanted to know what a "park" would consist of if we were to establish one. Mark answered that we do not know yet as to what kind of park people want. When we obtain a price for whatever is desired, we can let people know.

A resident inquired of the Boards authority to borrow money. The answer is yes. However, the board cannot increase your budget more than 10% unless a majority would vote for that to happen or a special assessment could be a possible alternative. His second question was referring to the developer in following the covenants as residents are required to do so.

This attitude creates a negative culture between the developer and the residents. The Board shares this opinion as well.

This homeowner commented that this was the most information he had ever received from the board since he has lived out here.

A resident asked why the developer, having the most votes, is not bound by our covenants like the rest of us. Nathan Vis responded that there are certain things that the developer does not have to adhere to, for example mowing their lots.

Don Plumb added that the Declarant is not bound by the Declaration.

Another resident wanted to know how absent members would be made aware of the results of the meeting. It was explained that it would all be on the website for anyone who could not be here, it was explained again, that all of this information would be on the website.

Mark made a motion to adjourn at 8:10 p.m. Nancy seconded-vote taken; all in favor-none opposed, motion carried.

Respectfully Submitted,

Deb Mann, Secretary

Falling Waters HOA, Inc.

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