

**TANYARD SPRINGS HOMEOWNERS ASSOCIATION, INC.
BOARD OF DIRECTORS MEETING – VIA TELECONFERENCE
7:00 P.M. ON NOVEMBER 9, 2021**

The Board of Directors of the Tanyard Springs Homeowners Association met via teleconference on November 9, 2021. The following persons were in attendance:

BOARD OF DIRECTORS

Jonathan Trent-Carlson, Treasurer
Daniel Zadra, President
Alyssa Shirk, Director at Large
Jessica Arseneault, Secretary

Chris Loyko, Director at Large
Rosie Rivera, Director at Large
Thomas Trower, Vice President

OTHERS

Shireen Ambush, Abaris Realty
Glen Mammen, Abaris Realty
Mark Moorman, Abaris Realty
Glen Charles, Abaris Realty

Cheryl Brownell, Assistant Treasurer

HOMEOWNERS PRESENT – Refer to GoToMeeting attendance sheet.

REGULAR SESSION

CALL TO ORDER

Daniel Zadra chaired the meeting and called the Regular Session to order at 7:05 p.m.

AGENDA

Chris Loyko requested that the tree removal discussion be postponed till next meeting and that proposed a vote for in-person meetings for the Board. Jessica requested that the gas update renewal be added matters for board decision, and electronic opt-in, financial management resolution, and DRC member removal to administrative matters. Dan clarified that in-person board meetings would be added to matters for administrative discussion as well. No objections were made to the suggested changes.

A brief recess was taken from 7:08-7:09 pm to allow a homeowner into the meeting.

MINUTES

Thomas Trower mentioned a change as he was not in attendance for the last meeting to which Jessica responded that she had cleaned up the minutes already and sent an updated version out to the Board. Minutes from the October 2021 meeting were approved with the updates that Jessica Arseneault had made.

BOARD INTRODUCTIONS

Not done.

FINANCIAL REPORT

Jonathan Trent Carlson gave the financial report, stating that the financial statements are emailed every month to every Board Member for the period ending on Sept 30, 2021. The total operating revenue is \$1,016,902.00, while the year-to-date operating expenses have tallied to

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\$1,186,734.00 which produces an operating loss of \$169,832.00. The total outstanding delinquencies totaled \$191,456.55 for a delinquency rate of 12.4%.

Board Discussion:
No comments.

COMMITTEE REPORTS

Design Review Committee (DRC)

Chris Loyko gave report that the DRC reviewed 16 applications and approved 16.

Community Garden Committee (CGC)

Alyssa Shirk gave report, stating that the growing season has ended the hoses have been removed and spigots have been locked, and the committee has emailed to renters to clear the plots to prepare for the winter. She also informed that a new bed had been made near the shed and it would not be rented out, but used for the food bank.

Social Committee

Rosie Rivera gave report that the next meeting will take place on December 6th at the clubhouse, and that the committee is still in need of members.

Daniel Zadra called for a recess at 7:14pm -7:16 pm for homeowners to join the meeting.

MATTERS FOR BOARD DECISION

Action 1: Constellation Gas Renewal.

Shireen gave update that at the last meeting a multi-year lock in was executed for the electricity at the clubhouse and that this is for the gas. Currently it is at .73 per therm and Constellation gas is offering .72 per therm for 36 months. Abaris is recommending to accept the proposal as there is an expectation for gas prices to rise.

Thomas Trower made the motion to approve the renewal of the Constellation New Energy Natural Gas Agreement, seconded by Alyssa Shirk.

Homeowner comments:

Michael Brown asked if the rates do not increase is there an early termination fee.

Board Discussion:

Jonathan Trent-Carlson stated that this is a gamble based on the projection that prices will go higher, and he does question locking in prices now while prices are at an all time high, but given that the amount is insignificant compared to electricity and other expenditures that he will go with whatever the Board decides.

A vote was called for and the motion passed unanimously.

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Action 2: 2022 Pool Management Contract

Shireen Ambush stated that there were 3 proposals before the Board which were within the same ballpark as for pricing. She continued that Abaris recommends that the Attorney draft an addendum that the contractor has to agree to which will cover a number of the issues that arose last pool season.

Jessica Arseneault made a motion to conditionally approve HSP’s pool management proposal as a 1st choice and Aquasafe’s pool management proposal as a second choice pending a legal review. The motion was seconded by Alyssa Shirk.

Homeowner comments:

Mike Brown asked what issues were had at the pool last year that requires an addendum. Additionally, Mike mentioned that prior to voting the contracts should be reviewed by the legal team.

Board Discussion:

Thomas Trower said that based on the contracts this is the best route to go and the addendum protects the association from having the pool companies put liability on the association side. He agrees with having HSP for the first choice with Aquasafe as a second. Jessica stated that Aquasafe has better rating and there were some issues with HSP in the past, but given the issues of the past year if HSP can properly staff the pool that is her baseline ideal. Jonathan Trent-Carlson said he was happy to not be going with American Pools again. Alyssa Shirk liked the High Sierra proposal because of the school hours on school days which will help cut down on hours and may provide an opportunity to talk with schools again to have the buses come closer to the clubhouse. Chris Loyko recused himself from the discussion and vote.

A vote was called for and the motion passed.

	In Favor	Opposed	Abstained	Absent
Jonathon Trent-Carlson	X			
Daniel Zadra	X			
Jessica Arseneault	X			
Alyssa Shirk	X			
Thomas Trower	X			
Chris Loyko			X	
Rosie Rivera	X			

Action 3: Holiday House Decorating Contest.

Shireen Ambush stated that the Board had discussion between meeting regarding the Halloween decorating contest and its nominal cost, and if open meeting laws allowed for these decisions to be made without an official board vote. Shireen continued that if there was unanimous consent, and the expenditure was nominal and within Abaris’ spending authority than Abaris can approve such expenditures without a Board vote and it would be and action undertaken under the

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authority of the management contract.

Rosie Rivera made a motion to approve the budget for up to \$550.00 for the Holiday House Decorating Contest. The motion was seconded by Chris.

Homeowner comments:

Mike Stearns stated that he often decorates and that he doesn't believe that he or anyone does it for prize money, and he doesn't think prize money is required, maybe just a blurb in the Tanyard Times.

Board Discussion:

Jessica stated that she likes community activities, but she does not approve of making these decisions outside of board meetings. Rosie stated that she likes giving back to the community and she does not think people do look at the prize amount but that she feels it is good to show appreciation for homeowners who go all out in decorating. Jonathan said that the contests are good for the community and morale. Chris and Alyssa were for it. Thomas also agreed and said that we should earmark the \$550.00 for the contest.

A vote was called and it passed unanimously.

Action 4: 2021-2022 Snow Removal Contract.

Shireen stated that Abaris solicited bids, while some contractors declined to bid due to having inadequate staff and equipment given the size of the community. Shireen continued that, 5 bids were obtained of which all except one provided an hourly rate, while one did provide a seasonal rate.

Jessica Arseneault made a motion to approve SBC's Snow Removal Proposal subject to discussion on pre-treatment options and pending review by legal. The motion was seconded by Thomas Trower.

Homeowner comments:

Mike Brown asked why review for legal team after the fact rather than before, and in reference to the discussion on pre-treatment is the Board looking to increase or decrease the amount at which pre-treatment occurs.

Board Discussion:

Jessica stated that she was a fan of SBC as during the last snow season there was trouble with O'Leary who left mid-season and SBC was able to step in and help. She also stated that the community gave a good review after stepping in. She did not that she thinks there was pretreatment that may have been excessive. She said the Board needs to figure out how the decision to pre-treat is made. As for the legal review she said there are some negotiations with the contractor which legal backing and review would assist in finalizing the contract. Rosie stated that she also was a fan of SBC but to re-look at the contract due to the cost. Jonathan said that with any company there will be a learning curve, but that pre-treatment should be discussed. Chris was ok with SBC and they did a good job last year, he also stated that he would not throw

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O’Leary under the bus and still considers them as a second choice. Thomas stated that clear guidelines for pre-treatment should be established as last year was a bit excessive which drove the cost up.

A vote was called for and the motion passed unanimously.

ADMINISTRATIVE MATTERS FOR BOARD DECISION

Action 1: Social Committee Events.

Jonathan Trent-Carlson presented the discussion about whether to begin holding social events again and what the association should do to protect resident health.

Board Discussion:

Jessica Arseneault stated that she wanted input from Shireen and said that currently there are waivers for the gym and pool. She wanted to know that though there are no additional requirements from the county or state, what else would need to be done to protect the association, should legal create a waiver for events, or are sign in sheets needed, what would need to be done to be covered? Shireen answered that it would depend on the type of event, that the only events that Abaris’ communities are now hosting are outdoor events. When discussing indoor events, you have to discuss masks and social distancing and would require some legal review and could possibly require a waiver. Jessica was in favor of hosting outdoor events. Rosie was ready to get the ball rolling on events and asked if the Social Committee should put a list together for review as some events may be outdoor but need indoor access. Shireen agreed that it would be good to have a list and note if the event is indoor, outdoor, or combined for legal review. She went on that currently with indoor you may have to worry about capacity, masks, and social distancing, and that if provided a list she would have legal review. Jonathan agreed that he was in favor of outdoor events, and indoor events should be reviewed by the legal team. Chris stated that he was for a free-for-all and that Anne Arundel County is supposed to lift restrictions this month, and he has no problem with opening the social committee completely. Alyssa agreed and stated the state lifted the capacity restrictions and the mask mandated had ended and per the Anne Arundel County website the restrictions have ended so the Association should not have any restrictions either. Dan was unsure if restrictions had ended for county government building to which Alyssa stated that per the website the restrictions had ended. Thomas stated that once the county restrictions are lifted the association should move forward while adhering to any restrictions the county may have at the time.

Jessica Arseneault made a motion to create a list of events for Abaris to provide to legal for review and conditionally approve all outdoor events. The motion was seconded by Rosie Rivera.

Board Discussion:

Chris Loyko disagreed with wasting money having legal review. Alyssa as long as it’s confirmed that local government is allowing things than legal is not needed.

A vote was called, and the motion passed.

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	In Favor	Opposed	Abstained	Absent
Jonathon Trent-Carlson	X			
Daniel Zadra	X			
Jessica Arseneault	X			
Alyssa Shirk	X			
Thomas Trower	X			
Chris Loyko		X		
Rosie Rivera	X			

Action 2: Electronic Opt-In Resolution.

Alyssa Shirk stated that the purpose of the resolution is to reduce unnecessary community printing and postage cost and to increase electronic communication and move in a more environmentally friendly direction. Homeowners who do not opt-in will now have the cost associated with mailing passed back to them along with the monthly assessment. She said that this update will take place 60 days after approval of the resolution. Alyssa made a motion to approve the resolution which was seconded by Jessica Arseneault.

Homeowner comments:

Mike Brown was curious if there is a limit to this, as some things that were mailed out, were relatively expensive for mailing. He continued to ask how much has been spent on postage and what is driving this move, is it from Abaris or a Board member. He thinks more information should be shared with the community. Kelly Bradford asked how to stop the monthly mailings with the statement. She was told to email Shireen so that she can be put in touch with the Billing Dept. Mike Stearns agreed that electronic should be done, but that one last communication should be sent out, he also said that it would be better to automatically opt everyone in and then have homeowners decide if they want to opt out back to paper mailings.

Board Discussion:

Jessica said she is a huge fan of this and it's environmentally friendly and cost effective for the community, and those who do not opt in should understand that they would have to pay. Jessica continued if everyone opts in then that allows for annual meetings to be done via email which had great feedback after the last election. It should be highlighted to the community on how to electronically opt-in for notifications and for mailings regarding billing, as it is 2 different processes, and a reminder would be a great idea. She said that we do not have all the contact information to automatically transition everyone to electronic mailing. Rosie agreed that it would be nice to automatically switch everyone over, however not everyone is ready for that change. Jonathan stated that mailings do cost a lot of money and that it is time to save where we can. Thomas agreed supporting the resolution and noted that for the resolution it means for all necessary notices that are required by governing documents and applicable laws.

A vote was called, and the motion passed unanimously.

A brief recess at 7:59 pm which reconvened immediately at 7:59.

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Action 3: Financial Management Resolution.

Jonathan Trent-Carlson stated that the purpose of the resolution is to apply all or part of the excess assessment income if any to the following year's assessments at the Boards discretion. Jonathan Trent-Carlson made a motion to accept the resolution which was seconded by Jessica Arseneault.

Board Discussion
No comments.

A vote was called for and the motion passed unanimously.

Action 3: Design Review Committee Member Removal.

Chris Loyko made a motion to remove Jon Kurth and William Jones from the committee due to inactivity. The motion was seconded by Jessica Arseneault.

Board Discussion:

Jessica corrected that it is Josh Kurth. Jonathan stated that if they don't show up then they should not be on the committee. Chris thanked Jessica for the correction, and that they have missed a total of 7 meetings.

A vote was called for and the motion passed unanimously.

Action 4: In Person Board Meeting Discussion.

Chris Loyko suggests that the Board start meeting in person again and he made a motion for the current Board to meet in person for the monthly meetings and budget meeting as the Board move forward. The motion was seconded by Thomas Trower.

Board Discussion:

Jessica Arseneault stated that she is not in favor of meeting in person as she likes her computer setup in front of her and being able to see her notes and documents during the meeting is helpful. She also stated that online meetings allow for more participation by offsite owners occurs and time is saved by not traveling and is safer. She also said that why not continue to do things online and potentially open up the clubhouse for rentals. Rosie was for going back to in-person meetings, but would like more conversation as to how this would affect Alyssa as she would have to travel to be onsite. Jonathan thinks it's hypocritical to have everyone opt in to electronic email and then have in person. Jonathan continued that this was discussed during the September meeting and the motion was voted down. He feels that there is no benefit to meeting in person. Chris was all for meeting in person, that more can get done by having discussions in person. He continued that with restrictions lifted it's time to go back and that it can still be streamed to the community. Alyssa clarified that she was making it recently for the monthly meetings and that she can do that as long as she's off and being online is the best way for her to participate. Thomas was in favor of this and is not trying to remove the virtual option from anyone except to the Board members. Thomas said that it would be more efficient for Board Members to have discussion in person rather than having to mute unmute under virtual settings. He stated that Board members who do live off site are willing to make the drive in, and that in the chance that

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they are unable to make it that the Board will be understanding. Thomas continued that we are not trying to take anything away from the community only to have more options. Shireen stated that Abaris has not resumed in person meetings and will have to participate virtually, given that meetings occur 4-5 times per week which increases exposure. Jonathan asked Shireen how many other communities have gone back to in person meetings to which she responded none. Daniel Zadra stated that the current motion does not have any mention of a virtual option and asked if anyone wanted to amend the motion or table. Thomas Trower clarified that the motion is for the Board to meet in person, to which Rosie responded that the motion should be tabled to see what that means for Alyssa.

Rosie Rivera made a motion to table which was seconded by Jessica. There were no additional comments to the motion. A vote was called and the motion failed.

	In Favor	Opposed	Abstained	Absent
Jonathon Trent-Carlson		X		
Daniel Zadra		X		
Jessica Arseneault	X			
Alyssa Shirk			X	
Thomas Trower		X		
Chris Loyko		X		
Rosie Rivera	X			

This put the vote back to the original motion for the Board members to meet in person. Jessica asked Shireen if the motion should be amended to add additional information regarding homeowner access. Shireen agreed or that it should be tabled until speaking to legal council. That during these meetings vaccination status cannot be asked or used to discriminate against homeowners and is worth checking for legal ramifications under the retainer.

Jessica made a motion to table the motion until having a discussion with legal which was seconded by Rosie. Rosie commented that we need information about clearly what a yes or no looks like from legal. Chris suggested to vote pending legal review.

A vote was called and the motion to table passed.

	In Favor	Opposed	Abstained	Absent
Jonathon Trent-Carlson		X		
Daniel Zadra	X			
Jessica Arseneault	X			
Alyssa Shirk				X
Thomas Trower	X			
Chris Loyko		X		
Rosie Rivera	X			

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MANAGEMENT REPORT:

Shireen Ambush gave the management report stating that she had nothing more to add other than what is noted in the report.

OPEN FORUM

Mike Brown asked the following: will there be a November edition of the newsletter with Jess leaving; can Abaris explain what expenditures can be paid from reserves; what is the association doing about the total delinquency which is above \$190k, there are some discrepancies in the uploaded minutes; can the board state the number of volunteers in each active committee, and finally is the treasurer signing all checks for transactions as per the Bylaws Article 8, Section 8.8, subsection D? Pat Warner commented regarding the social committee and activities, stating that she has heard many people say that it be a “community event” rather than small social gatherings, which would than be outside and available to all and eliminate any issues with covid protocols. Pat also stated that outdoor events help with community unity and provides the opportunity for everyone to take part. David Gurulé stated regarding social committee events should include the entire community and it cannot be a small meeting and cannot be exclusive. He asked the Board to check with legal and to have the training done. David Gurulé stated that there are 3 Board Members and one non-Board Member at the Clubhouse and he has seen private conversations between Chris and other individuals there and those conversations need to be open to the community and that a single conversation cannot take place between Board Members or Officers that are not open to the community. He asked for an email response and asked why is this being allowed to continue. Daniel asked who the Non-Board Member at the Clubhouse is, to which the response was Cheryl, he followed up why she was not online, to which Cheryl responded she saw no need to add a 4th computer logged in all competing for mics. Dave Kurtik also commented that the Solley Elementary School Patrons are still using Warbler’s Perch Way as a parking lot daily. He asked that given the amount of focus placed into the inspection process that there should be similar effort into mitigating this issue as it also affects property values and quality of life.

NEXT MEETING – December 14, 2021 at 7:00 pm.

ADJOURNMENT

Daniel Zadra adjourned the Regular Session at 8:27 p.m.

SIGNATURE

DATE