

MINUTES

STONEBROOK VILLAGE OA BOARD MEETING November 24th 2014

The Special Board Meeting of the Stoneybrook Village Owners Association was convened in the clubhouse at 4:00pm by Steve Napack. Directors who were present included Tony Olsen, Cindy Bond, Steve Napack and Kendall Clapper. Kurt Powell, Willamette Community Management, also attended. There were 4 owners present at the meeting.

Steve noted the special meeting was called for the possibility to rescind the motions made at the previous meeting on requesting WCM compose a letter to TruGreen requesting two months worth of payments (around \$14,000) to Stoneybrook Village Owners Association for their negligence by not performing the contract and for the excessive watering of the front yards in the community during the past year. The question was raised by reservations expressed by two Board members when asked to sign said letter.

WCM had contacted Vial Fotheringham and reported to the board that enforcing a contract outside the methods of the contract could open the association up to lawsuit.

Cindy Bond moved to rescind the motions made at the last meeting demanding payment from TruGreen.

In the significant discussions that ensued, all Board members and several owners made comments. Some of the comments were (paraphrased):

- if we were unhappy with TruGreen performance at a time prior to when we began, correctly, withholding payments for the work they had not done, we should have taken some action at that time.
- we have penalized them within the terms of the contract, are not going to renew their contract anyway, and now we are going to try to make them pay for things we had not really addressed at the time.
- it is time to move on and put TruGreen behind us
- the worst consequence of sending a letter demanding payment is that we will get a letter from their lawyer. They don't want to sue us any more than we want to sue them.
- if we send the letter, it will certainly get their management's attention.
- maybe they will give us some money just to avoid possible litigation
- separating the damages caused by the extreme winter and the extreme summer from poor work and negligent over watering would be very difficult
- TruGreen clearly worked hard in the Spring to repair winter damage, including resodding lawns, beyond what was required in their contract.
- the Board has previously hid behind lawyer opinions rather than defend what is best for the Owners
- Owners did not get what they paid for in terms of landscaping this year
- Even if we got money from TruGreen, how would it be distributed? Some Owners have no complaints, some got new lawns this year. Some had problems- do they get more? How much more? Etc.
- They are just not a quality company

The Board **ADOPTED** the motion to rescind the letter. Steve, Logan, and Cindy voted in favor of the motion. Kendall and Tony voted against the motion.

Tony moved to send a (now standard) letter to TruGreen listing those remaining contracted items TruGreen must perform for the month of November or funds will be withheld per contract terms. The Board **ADOPTED** the motion.

Tony moved to send a second letter describing SVOA dissatisfaction with TruGreen performance and noting that all contract work for Stoneybrook Village must be completed by the end of December and that SVOA will not pay the contract for any months (November and/or December) not completed by then. The Board **ADOPTED** the motion.

Cindy moved to have SVOA reimburse WCM for the telephone call to Vial Fotheringham. The Board **ADOPTED** the motion.

Steve moved to ask WCM to charge SVOA for additional management time/costs for enforcing the contract for TruGreen; such amount not to exceed \$1000 and WCM to provide documentation of the expenses. The Board **ADOPTED** the motion.

Kendall moved to ask that TruGreen reimburse SVOA for the costs that WCM incurred by including the WCM invoice with the letter sent to TruGreen. The Board **APPROVED** at this motion. Kendall, Tony, and Cindy voted in favor of the motion. Steve and Logan voted against the motion.

The meeting adjourned at 5:15pm.