

**Minutes from Carshalton by the Bay Homeowners Board Meeting**  
**July 22, 2017 10:00 AM**

Saturday, July 22, 2017, the Board held its second quarter meeting at the Carshalton pavilion to discuss the status of the community, ACC update, and treasurer update. Board President Chris Halkowitz, Board Treasurer Steve Hensley, Board Vice President Sean Chevalier, and Board Member-at-Large Jake Rittlinger, were present at the meeting. Secretary, Sheila Spagnolo was not present. Sheila had notified the Board that she would be out of town on this date.

**Reports of Directors:**

Opening comments from Board President Chris Halkowitz:

Chris opened the meeting with a welcome and asked any new neighbors that had moved into the development since last October to stand and introduce themselves. New neighbors were Patty Aul, Dan Miller, Hugh Chapman, Corey Bridges, Jackson Pernell.

Chris thanked all for coming and let everyone know that Member-at-Large Jake Rittlinger, had resigned from the Board. With Sheila being out of town, Chris asked Jake if he would delay resigning until after this meeting so that the Board would have a quorum to meet, since the HOA members had already been notified of the date and time. Jake said that he would delay his resigning if he could have the opportunity to read a letter to the community that he had already sent to the Board. Chris told him he could. Jake's letter is attached as Appendix A.

Chris provided background regarding the letter. At the HOA meeting on April 8, discussion was had regarding the installation of steps from the pavilion to the dock. On Thursday, June 29, the Board met to discuss the agenda for the quarterly meeting and voted (4 affirmative with the Vice President not present to cast a vote) to engage Precision Landscape to do the installation. Early in July, several members via Facebook suggested that they could get together and do wood steps which would cost much less than the quote we received from Precision (approximately \$4,000). Chris presented to the Board via email a motion to allow the members to go forward with the project (Appendix B). The vote was 3 affirmative and 2 abstaining, the President and Treasurer.

Following the reading of Jake's letter, Mitch informed the members that having looked at the scope of work, the materials and labor necessary, he had determined it was beyond the ability of the community to carry this out. He suggested that the stone steps be installed professionally.

Judy Hensley presented a response to Jake's letter. (Appendix C)

Following this reading, Jake responded with several comments, regarding weather delays, appropriate help, and impact on schedule.

Chris asked Jake two questions, 1) Did he vote affirmatively for the stone steps? Jake said he did. 2) Did he vote for the motion as presented by Chris in his email for the community to install wood steps? Jake said he did.

The schedule was questioned regarding the installation of steps by Precision and Sean mentioned that since it had already been 7 months, what difference would it make for a few more. At that time Sean said that he was resigning as Vice-President.

There was a brief discussion related to improving communication in the community and the best methodology for those communications to take place.

Mitch asked that the motion for the community to install the wood steps be pulled. Steve explained that we are bound by the governance laid out under our CC&Rs and by-laws. The motion was still in effect and Chris concurred. There was then discussion regarding reengaging Precision Landscape to install the stone steps. Chris asked Jake if his resignation was effective at the end of this meeting and he said yes (this was to provide a board quorum for voting and conducting business). Steve made the motion to put Nate back on the schedule. The motion carried with 3 affirmative votes. Sean Chevalier was no longer at the meeting. There was further discussion regarding any steps being slippery and the option of installing a handrail. Steve or Chris will contact Nate for an update to the quote.

After the discussion regarding the steps, previously unfinished business was discussed. Based on the surveys, two committees were to be formed of volunteers from the community, a social committee and a security committee. No one has volunteered at this time to head up a social committee. Rick Wyatt has started the security committee. There is currently a Kayak club on Saturday mornings at 9:00. You can contact Rick Wyatt for more details.

#### **Financial update from Board Treasurer Steve Hensley**

Finances are on track per our budget. We have just paid the insurance policy for next year. You will notice that this is up by approximately \$200. We had an increase in our payment to Precision recently as they do a preventative maintenance on the cypress trees on the berm. If you have junipers or conifers in your yard, you may want to check for bagworms. This is the time of year that they are active. We do budget for this cost for the berm in the budget.

We currently have total \$33,250 cash amount, with a total of \$13,000 expected to be in savings at the end of the year.

#### **ACC Report (The Architectural Control Committee)**

There are 4 property owners behind in mowing payment.

ACC – lots of activity. Good cooperation with builders and property owners. We have preliminary indication of 3-4 homes coming in the future. Several current homeowners have homes for sale.

Carshalton by the Bay development has a branding. This branding is in our signage and the colors displayed in those signs. This includes the mail box signs, house signs, front entrance signs, website logo, etc. We want to maintain that branding. These colors are not standard colors. Mayfield Signs in Greer should be contacted for refreshing of mailboxes or house number signs.

Kurt mentioned doing a community project at the dock by limbing up trees and wiping out underbrush. Several neighbors said they would be glad to help.

### **Security Committee Report**

Rick Wyatt mentioned the survey regarding community safety. Rick has taken the lead for looking into security and neighborhood watch. The Hounsells and the Pabsts have helped on this committee. Judy Pabst passed out community watch pamphlets.

The committee was able to meet with Deputy Darren Dukes with Crime Prevention. Unfortunately the Sheriff's department has very limited resources. They have 4 patrolmen and 1 lieutenant, so little manpower. Even if called to the neighborhood, they are not necessarily going to recognize problems, such as someone being in the area that should not be.

The best course of action is knowing your neighbors, observing, be aware of what is going on. Know what kind of cars your neighbors drive, when they are usually at home and when they are not. Participate in activities to get to know your neighbors. If you do see unusual activity, call 911. Deputy Dukes is comfortable with our development being large enough for a watch. He does suggest that the community establish a point of contact. He will be glad to schedule a meeting to come and speak to us. This would need to be scheduled in advance as he has a very busy schedule.

Don't leave mail in the box overnight. Rick mentioned that he had mail stolen last year. He opened a case a year ago regarding this. The case number is 16011240. If we aggregate reported mail thefts into a single case, it will garner more attention from the police.

Areas the committee is looking into: locking mailboxes, or even a central mail box, additional security at the pavilion. Deputy Dukes is not a fan of security cameras. He doesn't think that for the cost versus the effect, it is worth the expense.

You should also be sure to keep your house and cars locked, use your security system (even if you don't have a system, get a sign), get a dog.

The Sheriff also communicated that if you are going to be on vacation, you can call the sheriff's office for the Keepcheck program where they will do routine drive-bys. The number to call is 864-503-4501 for the Spartanburg County Sheriff's Office.

The security/neighborhood will be having their next group meeting on Tuesday. If you would like to attend, please contact Rick Wyatt at wyattrd53@gmail.com.

### **New Business**

Nominations for new board for 2018 must be submitted to Sheila Spagnolo by September 15. The person being nominated must have agreed to be nominated.

With the resignation of Member-at-Large Jake Rittlinger at the close of this meeting and the resignation of Vice President Sean Chevalier during this meeting, Chris called for a special meeting on

August 12 \*\*\*at 10:00 a.m. at the pavilion to elect the vacancies for these board members. Chris then announced that he and Steve would be resigning also. Steve read his resignation letter. (Appendix D). Chris' resignation letter is attached. (Appendix E). Chris explained the significance of the resignations. The HOA requires 2 signatures on all checks and the resignations only leave one officer. Therefore, unless the positions are filled, the HOA will not be able to pay its bills on a timely manner after August 12.

**ADJOURNMENT:** There being no further business, the meeting was adjourned at 11:20 AM.

Respectfully submitted by

Judy Hensley, as substitute for Secretary Sheila Spagnolo

**\*\*\* At the request of several members and the unanimous consent of the three current board members, the meeting day was changed to August 19, 2017 as noted in the letter to all Association members. To facilitate the change the President and Treasurer agreed to extend the date of their resignations until the August 19 election.**

Board:

I will agree to come to the July 22<sup>nd</sup> meeting so that Chris and Steve can conduct their business on the board one more time before my resignation, only on the condition that I am allowed to read the following letter, out loud, in full, and at the beginning of the meeting. I anticipate that this will not be granted.

My resignation comes on the grounds of the following items, although they don't include all of my complaints, and given the nature of these items I will not negotiate with Chris to remain on the board:

1. **The President has recently made a motion that, if the action were carried out, could potentially put a number of our residents at a considerable health and safety risk.** Please review the forwarded email titled "Reconsideration of Steps --- Vote"
2. **Coercive tactics have been used against members of the board, as well as against members of the community, for thinking and voting differently from the President and Treasurer.** As above, please review the aforementioned email.
3. **A two-way open line of communication has not been welcomed between the President and myself.** Please see below.

As to the President's motion, when the board voted 3 – 2 that instead of the proposed installation of stone steps a community-executed project of wooden steps would be planned, he created conditions in which the involved members would be put at unnecessary and unsafe risk. The project was to be completed within seven days regardless of any uncontrollable factors (such as weather or climate) or available community members' schedules. With a start date of no later than August 30, Chris would have us working on this project during the three hottest months out of the year. On July 14<sup>th</sup>, eight days after Chris emailed the board his requirements, the local news issued a safety advisory that the public should remain indoors due to the heat index of 100 degrees. With members including seniors already having shown the interest to complete the project, the President's motion is not one that I can defend with good conscience and therefore I will not.

As to the coercive tactics, I believe these narrow conditions with which to complete this project were designed specifically so that the project would be cancelled, and Steve's original proposal for the stone steps would be continued. At the June 29<sup>th</sup> board meeting when the stone steps were discussed as well as alternative solutions, please evaluate these points of argument. Liability, by way of splinters, was cited as the reason why the wooden steps were not satisfactory. Here is a key question: Which of these would be easier to treat – a splinter or a heat stroke? Meaning our President would risk someone suffering from heat exhaustion during construction while arguing a splinter would create a liability. Moreover, it was also cited that because of his own past experiences, the Treasurer had no faith that community members would arrive nor complete the project. Now considering the conditions created for the wooden steps, this becomes a faulty reasoning as the interested parties would be all but doomed to fail at their task. To make two points with one anecdote, community member George Goetz was a tremendous help to us when we cleaned up the volleyball area last summer, and we were very grateful to have him there. However, he and his wife aren't available for this current project as they have a

summer home in New York – this is just one example of the short notice of Chris’s requirements working against us as it concerns our neighbors’ availability. Coming back to the recent board meeting again, upon my asking the Treasurer why the price point had to be so high at the \$4000.00 mark, his response was that when people invest in the market values in this neighborhood, then the walkway created needed to match this level of living – even while to this day the pavilion entrance shows interested neighborhood-shoppers a broken fence, parking spaces that need to be repainted, and unsightly patches of dirt spanning 6 feet or more interspersed across the lawn.

I’m going to be especially frank here. I don’t know who this Nate person is, whom Steve wants to do the stone steps, other than that he’s with Precision. I’m not interested in helping a stranger earn a \$4000.00 contract, but I am interested that our docks have a safe walkway at a reasonable price. And I am certainly interested in and obligated to protecting the safety of all our neighbors. Why wouldn’t the elected Treasurer be more responsible with our money, by going and getting several estimates? Presenting reviews to us for multiple contractors? Offering any information on public work that any of us may go and evaluate ourselves? All that has been said as to why Nate is the most qualified is that Steve has known him for years and he does good work. I was already very concerned with these facts, but now that I’ve seen our President resort to jeopardizing the safety of our community neighbors as either a punishment for voting differently or for a cancellation of the voted-for alternative – so that one man named Nate can be granted this contract – then I no longer count this pursuit as a community interest but rather as a personal interest.

Folks, when someone is handling \$4000.00 of our money, no matter what their title is or how good with money they claim to be, we are owed better transparency than this.

As to the communication, I very much have the impression that my role on this board has included a “Speak only when spoken to” policy. Let it be known that to this day the President has not offered me his phone number, although I have given him mine on more than one occasion. This was true even having gotten along well with him and voted the same as he in the first six or so months of being on the board – there was no conflict or tension between us yet, and yet still no phone number, no visit to the house. It would have been especially handy to have his number when we had to move 30 minutes away for six months during our new home’s construction.

Other than not welcoming two-way communication, a major issue I had occurred last summer and involved the strip of land at the edge of the subdivision, and whether said strip would be absorbed by the bordering lot owners. My wife and I discovered from our realtor Jan Parkkonen that this topic would be discussed at our HOA meeting, the very next day. We had never heard of it, and there was no heads-up given that this topic would be discussed. Being as how we sometimes hadn’t been able to make HOA meetings, we might well have been left out of this conversation altogether. We struggled to determine how our realtor knew about this information before us, especially given my status as a board member.

Recently, the President has missed a very key opportunity to make contact with me, regarding my discontent with how the walkway has been handled. On July 9<sup>th</sup> I emailed Chris a very strong criticism in this spirit, and was hoping for some response that would address my concerns. No response whatsoever

came, and a contact from him could have made quite a difference here – perhaps a complete peace wouldn't have been achieved, but certainly there was a real chance at reaching an understanding or a compromise.

I hope I've clarified sufficiently why I am leaving the board. Let it be known that if there is any attempt to place an unreasonable amount of blame on myself for the difficulties the board is currently facing – instead of the responsibility being assumed by the remaining members, then I will assuredly make this very letter available to as many of the community members as possible, alongside of the President's email regarding his requirements for the wooden steps. Aside from this measure, in consideration of how the community would respond to such finger-pointing, please review the following summary of this year's dynamics on the board:

1. On the day this year's board members were to be voted for, a last-minute attempt was made to replace almost the entire board.
2. A difficult relationship has been known to exist between the Vice President elect and the Treasurer.
3. Even with no. 2, each board meeting has been held at the Treasurer's home, rather than at a neutral environment. I am unaware of any attempt to reach out and offer an alternative meeting place.
4. The Vice President has not attended a single board meeting.
5. An altercation regarding a fire had occurred between the Vice President and the President and Treasurer, and allegedly swearing was involved. This altercation carried over into email in which our Secretary was involved.
6. At the last board meeting, on June 29<sup>th</sup>, a verbal confrontation was made between the Treasurer and the Secretary – not a disagreement or debate, but a full-on and drawn out confrontation.

I am not taking sides on any of the above items, and certainly I wasn't present for no. 5 aside from the emails I was copied on. That said, it should go without saying that while many of our neighbors are likely aware of most or all of these events, further blaming from here moving forward will not grant productive results and only worsen the situation.

If I do not hear from Chris between now and Saturday's meeting (which is likely given his track record), then I will assume my request to address the floor has been denied and that my resignation has been accepted by the board. In this event, I will not attend the meeting.

I would close by saying that while there are most likely some hard feelings after reading this letter, I'm only doing what I think is responsible and correct. I wish ill intent on no one. I will continue to wave as I see you, and would understand if I didn't receive one in return under these circumstances. In spite of all things I would still stop and offer you help if you were stranded on the side of the road, and that goes for any of you.

Sincerely,

Jake Rittlinger  
404-309-2151



Chris Halkowitz &lt;&gt;

## Reconsideration of Steps --- Vote

Chris Halkowitz &lt;&gt;

Thu, Jul 6, 2017 at 12:55 PM

To: Steve Hensley &lt;&gt;, Sean Chevalier &lt;&gt;, Shelila/Tony Spagnolo &lt;&gt;, Jake Rittlinger &lt;&gt;

HOA Board:

Both through discussion and comments on our Facebook page, I have learned that there is support to tackle the steps project as a community and utilizing wood steps. Given that support and development, I'd like to propose a new vote of the Board now, prior to the meeting in a few weeks, to allow that to happen.

Parameters of the vote as follows **with actionable items in red**:

1. **Community group designs stairs, determines costs, selects date for installation (subject to #2 below), and obtains SJWD approval for submission to the HOA Board by August 15.** This will not be led by the Board but a member of the community. **A chairperson of this group will need to be identified as the lead on the project.** The chairperson will be responsible for communications to the Board, for the completion of the project per budget and plans, as well as submitting receipts for reimbursement.

2. Upon receipt and anticipated approval, the group installing the stairs would have until August 30th to begin work and would need to complete work within one week. The HOA will pay costs up front or reimburse homeowners for the cost with applicable receipts.

*The general feedback that I have seen is that with enough people this can be taken care of in possibly a day. The time frame of a week will be generous in that regard and prevent the dock area from being under construction for a significant amount of time.*

3. Should the project not comply with the agreed upon schedule, budgetary constraints, or approved plans, the HOA Board will engage a contractor to install steps as originally agreed upon at the June 29th Board meeting at a cost of \$3,800.

4. If the work is not completed in a satisfactory manner, then the cost may actually increase. **Group Chairperson will suggest to Board whether to pull from existing reserves or require an assessment to the Community for costs.**

5. Below is an image of the expected step design and quality.





Please provide your vote as soon as possible and any further comments.

Thanks,

Chris

I would like to respond to some of the areas Jake addressed in his letter to the Board on the evening of July 20.

There seems to be much conversation regarding the steps from the pavilion to the dock. I'm not sure how all of this got so sideways, but it did. During the April 8 meeting, the picture of the proposed steps was submitted. There was some discussion, but no objection was mentioned. There was a mention of a possible assessment in order to keep the money in savings intact. This must have weighed on the minds of some and in early July a new direction was born. The direction was submitted to the Board and the vote was three affirmative and 2 abstaining.

No project is accomplished without a plan. The Board President put forth the plan. It is obvious that many did not like the plan. Every project must have a project manager. Other than Mitch, not one person stepped up to the plate to manage the project. The comment was made that the start date was to be no later than August 30 (this was 45 days from approval). No doubt the heat has been an issue and we do have some "seasoned" neighbors among us. Yet, another reason to farm this project out. This project requires engineering, grading, precision, heavy labor, etc. If an outside company takes on this project, we have accountability. If something goes wrong, we have recourse. If our community takes this project on, what happens if we hit a roadblock, an impasse? There is no recourse, except then to bring someone in and finish the job. The proposed amount is a strong amount. Does everyone realize though that if assessed for this project, we are all looking at less than \$45 for each lot owner. That is the cost of a nice evening out for most of us. In my book, that is money well spent. And for the record, Nate actually had us on his schedule to do the work next week, estimated two – three days, with four laborers and heavy equipment.

It was mentioned that the pavilion entrance shows a broken fence, parking spaces that need to be repainted and unsightly patches of dirt spanning 6 feet or more interspersed across the lawn. All maintenance takes money and contrary to the thoughts presented, this Board and every Board since the inception of 2011 has tried to do what was necessary, while being conscious of community funds. These issues didn't take place overnight and they can't be resolved overnight. The broken fence has already been addressed in the fence rail project, which was discussed at the last meeting. Per the minutes, "Steve requested that the community get together and install the rails but a member pointed out that it isn't as easy as getting together." This project was deemed "not easy" while installing the steps became the "easy" project.

As for "who is this Nate person." Nate has been managing the landscape for the community for the last 5 years. And just as a side note, this is put out for bid on a recurring basis. His company has also installed two patios for us in the backyard, both of which required excavating, grading, and building a retaining wall. We were pleased with his work personally and felt very comfortable that he would provide an excellent product for the community. All of us have certain vendors that we use on a regular basis that we have become comfortable with. We have that in the person that cuts the lots here, the person that services the irrigation and the pump at the lake, as well as a go-to person for plumbing. None of these people would be considered necessarily close friends, but they are not complete strangers either.

It is true that all of the Board member meetings have been held at our house. Chris has two small children. No other person on the board has ever offered their house for a meeting place. I would say to that "Shame on you for not offering."

There was mention that "when someone is handling \$4,000 of our money, no matter what their title is or how good with money they claim to be, we are owed better transparency than this." I would suggest to you that the office of the treasurer has always been transparent. The check book along with the folder that includes every bill that has been paid filed by month comes to every meeting that we have. It is open to any member that cares to know anything about what is collected or what is spent on behalf of this community. When this HOA was formed in 2011, we started with zero dollars and a number of past-due bills. The street lights were turned off twice for non-payment to Duke. This community was upside down as it related to finances. Today, only 6 years later, there is \$13,000 in the savings account, and we are able to meet our expenses every month, never being late to make a payment on anything. This Board has spent countless man hours taking emails, phone calls, writing letters, trying to collect monies owed, and many other things that you will never know. They do this without remuneration and most often without any thanks. That is what is so sad to me regarding these personal attacks of character.

We moved into this neighborhood in 2007 because we liked what we saw and I would guess that is why many of you moved here. But lately there is a huge movement to undo all that was begun with the original developer. Without rules and guidelines, there is chaos. People in general want rules and guidelines, but they personally don't want to be bound by them. It can't be both ways. Our rules and guidelines are set in Covenants and Restrictions and you elect a board to enforce those rules. I applaud the current board and those that came before them for taking the criticisms, holding the line, and continuing to make this a viable neighborhood. We have had real estate agents tell us that we have a gem here in Carshalton. There aren't neighborhoods like this replicated in Greenville. I would hope that the next Board would be as diligent at preserving this development as the Boards in the past have done.

July 21, 2017

Carshalton by the Bay HOA Board

Letter of Resignation

My wife and I became members of the Carshalton Community in 2007 with the purchase of the lot at 325 Reflection Drive and the subsequent building of our first house. I have had the opportunity of serving the community as a member of the board of the HOA since the conveyance of the board responsibility from the original declarant in July of 2011. In that time we have seen the community grow and prosper, moving from not being able to keep the lights on or the grassed mowed to a community that is growing and moving toward being fully built out.

The job of serving as Treasurer, and for one term President, a volunteer job as are all the HOA and ACC positions, has become increasingly a challenge. It would be difficult were it a highly compensated job, and has become impossible as a volunteer. Therefore my resignation as Treasurer is submitted effective with the election of a Treasurer at the special meeting called for that purpose, or close of business, August 12, 2017, whichever occurs first. If no Treasurer has been elected by close of business August 12, I will delivery to Mr. David Holmes, the attorney for the HOA, all financial records and instruments for safe keeping until such time as a Treasurer is elected according to the community by laws.

At the time of either event I will remove my personal guarantee from the hosting site for the community web site. If a member wishes to provide their personal guarantee to keep the site active they will need to do so prior to the above mentioned events.

Submitted

Steve Hensley  
Treasurer for the HOA

July 22, 2017

Carshalton by the Bay HOA Board

Re: Letter of Resignation

I have served on the board in some capacity as a member since 2014. Most recently, I was elected president for the years of 2016 and 2017. The community and some members of the Board have become increasingly adverse and as a result negative attacks on my character have taken place.

In addition, with the circulation of Jake's letter to all of the Board as well as all members of the ACC, not one person had issue with the items he claimed. There is complicity in those Board and ACC members' silence. As a result, my resignation as President is submitted effective with the election of a President at the special meeting called for that purpose, or close of business, August 12, 2017, whichever occurs first.

If no President has been elected by close of business August 12, that position will be vacant until a community member is elected according to the community by laws.

I will provide transitional information as needed to the new President and Board members as my time allows.

Submitted

A handwritten signature in black ink, appearing to read 'CHALKOWITZ', written over a horizontal line.

Chris Halkowitz  
President, Carshalton by the Bay Homeowners Association