



# Springbrook Hill

## Owners Handbook



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## Handbook for Owners

Version 16 — 2022-08-24

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# A. INTRODUCTION

Welcome! The Executive Board ("The Board") of the Springbrook Hill Owners Association ("The Association") has prepared this document to assist you in adapting to condominium life at Springbrook Hill. Whether you have recently purchased a unit, or have been an owner for a while, we hope this handbook will help to make your time here happy and comfortable.

Information included here is written for unit owners but may also pertain to renters and guests. Our goal is to provide an informal description of the way our condominium association works. While we strive for accuracy, everything included here is *explanatory, not authoritative*.

Our authoritative documents, collectively referred to as "Documents", are the **Declaration of Condominium** ("Declaration"), the organization's **Bylaws**, and the **Rules and Regulations**. The Documents supersede and prevail over any information written here. However, they are legal texts so if you have questions please ask the Property Manager or a member of the Board for any clarification needed. The above documents, and any other documents mentioned here, can be accessed by signing in to the owner's section of the association website at [springbrookhill.com](http://springbrookhill.com).

## 1. Contact Information

### a. Executive Board

Doug Chamberlin - Garden rep/President	<a href="mailto:doug@springbrookhill.com">doug@springbrookhill.com</a>
John Morey - Secretary & Treasurer	<a href="mailto:john@springbrookhill.com">john@springbrookhill.com</a>
Al Tenoff - At large member	<a href="mailto:actenoff@gmail.com">actenoff@gmail.com</a>
David Leonard - Townhouse rep	<a href="mailto:dsleonard76@gmail.com">dsleonard76@gmail.com</a>
Tally Avener - Duplex rep/Vice President	<a href="mailto:belfastswimmer@gmail.com">belfastswimmer@gmail.com</a>

One email address that goes to all board members [board@springbrookhill.com](mailto:board@springbrookhill.com)

### b. Property Management

Belfast Property Management	<a href="mailto:manager@springbrookhill.com">manager@springbrookhill.com</a>
David August/ Jess Eggen	
41 Springbrook Dr. Belfast, ME 04915	
(207) 338-6644	
One email address that goes to all the above	<a href="mailto:management@springbrookhill.com">management@springbrookhill.com</a>

## **2. Vision and Mission**

The vision of the Springbrook Hill Owners Association is to develop a community that people are proud to call home and where they feel at home.

The mission of the Springbrook Hill Owners Association is to provide residents with a financially sound community in an attractive and respectful environment, through its governance, maintenance, and enhancements.



## **B. PRACTICAL MATTERS**

### **1. Parking**

Vehicles may be parked on Springbrook Drive but only on the side that has street lights. Look for marked spaces and use them if they are present.

Do not drive off the pavement anywhere unless you have obtained permission. However, because the side road down to building 28 is so narrow you may need to pull off the roadway in order to leave room for others to pass.

Other common parking rules apply. Do not block entrances and do not park in front of fire hydrants. Watch for street signs at specific locations that may have specific parking restrictions. Vehicles in violation may be towed!

#### **a. Duplex and Townhouse Parking**

Vehicles may be parked in driveways to Duplex and Townhouse units and the paved turn-around areas, so long as such parking does not impede snow removal or use of a shared driveway.

#### **b. Garden Parking Lots**

The official parking policy was adopted 2018-09-11 and is available on the Springbrook website. However, this is a summary of the essential parts.

The policy exists to manage the scarce resource of the parking areas adjacent to the Garden buildings. Because all parking spaces are in the condominium common space, they are subject to management by the Association. Therefore, no unit is guaranteed use of any specific parking space.

However, it has become customary to allocate up to two spaces per unit for preferred use by residents of that unit. This allocation is done with the understanding that:

1. Assigned spaces may be changed to accommodate the needs of other residents.
2. Assigned spaces are posted in the buildings and communicated to owners by the Association.

3. Temporary use of any space is allowed for contractors or vendors during the work day.
4. Unassigned spaces can be used by anyone at any time.
5. Parking lot maintenance tasks, such as snow removal, may require all vehicles to be moved. It is the responsibility of unit owners to ensure that all vehicles can be moved promptly when necessary. This may include leaving keys with a neighbor or the Association.
6. Notice must be provided to the Association before large vehicles are used for move-in/move-out operations.
7. No unit may have more than three vehicles in any of the four parking lots at any one time. All additional vehicles must be parked in the marked spaces on Springbrook Drive or in the Clubhouse parking lot.

## **2. Trash and Recycling**

Trash and recycling pickup is a current amenity that has been paid for by the Association and funded by condo fees. However, the location and number of containers may change. We currently have one location near the Clubhouse. Two trash containers are at the south end of the waste management site. On the north end are two recycling containers.

Note: It is vital that everyone respect the separation of trash from recyclables. If we fail to do this the convenience of having on-site pickup will be jeopardized. Please see the visual "ZERO-SORT RECYCLING" poster and the explanatory letter to residents available on the web site.

## **3. Mail Service and Package Delivery**

Postal delivery is done for each Garden building to the inside post office boxes, and for all other units to the kiosk near the Clubhouse. Each location has a slot for outgoing mail. For those receiving mail at the kiosk, if a package is delivered that is small enough the carrier will place it in a locked space in the kiosk and leave a key to that space in your mailbox. Sometimes large items will be left at your door or at the Clubhouse. Be prepared for this if you are expecting packages.



## **4. Pets**

Pets present a particular challenge for condominium living. One person's lovable pet can be another person's problematic neighbor. Therefore, pet owners need to ensure that their pets behave appropriately and do not interfere with the safety and comfort of other residents. All pets must have current rabies and distemper shots and must be licensed in accordance with local law.

Owners are fully responsible for cleaning up after their pets, and dogs must be on a leash at all times when outside any unit. Excessive noise from pets falls under the anti-nuisance clause in the governing documents, and may be cause for a fine.

The specific type and number of pets allowed are now determined by Executive Board rules. Please see the Springbrook Hill Rules and Regulations document for more information.

## **5. Storage**

There are no storage facilities on the property outside the buildings. Note that the mechanical rooms in each building are *not* to be used for personal property. In the Garden buildings each unit has a designated storage area in the basement which can be locked. The area outside these rooms is *not* a storage area. We advise caution regarding storing items directly on the floor of the storage rooms as the floors sometimes get wet. These areas cannot be considered dry basements because they are not waterproofed.

## **6. Clubhouse**

Our Clubhouse is a well-appointed, comfortable space which can be used for a variety of activities including ping pong, TV, reading, and exercise. It is generally used on a first-come, first-served basis. However, the entire building can be reserved for private events. There is a fee schedule for private usage since such events generally mean extra attention is needed in cleaning. See the web site for the latest fee schedule. Scheduled events will be posted on a sign by the building entrance. Please contact the Property Manager for reservations. Reserved and published events take precedence over drop-in use. Please do not touch the heating and air conditioning controls.

Children are welcome in the Clubhouse with responsible, effective supervision. The usual behavior rules apply: no rambunctiousness, no running, no climbing on furniture, no

spilling of drinks or food, etc. Adult supervision is required at all times for children under 17 years of age. Any adult present can limit children and pet behavior to ensure safety and to protect the premises. Pets are not allowed on furniture!

"The Clubhouse" includes the building and its surrounding recreational facilities such as the playground, tennis court, and basketball court. The tennis court is for tennis/pickle ball use only. The basketball court is mainly for basketball, however, it may be used for general purposes and play so long as it is not harmed or damaged. Do not adjust the height of hoops.

The Board reserves the right to bar anyone from use of the clubhouse at any time if their presence is likely to foster conflict with others, cause harm to themselves, or cause damage to the property. Any Board member, or a Board authorized representative, can make such a judgment at any time when present.

## **7. Bicycle Racks**

There is a bicycle rack between each set of Garden buildings. Bicycles must be stored in those racks, or in spaces controlled by unit owners - inside apartments, storage units, within Limited Common Elements (meaning inside the deck space, not outside). With respect to Townhouse and Duplex units, bicycles must be stored in the garages or inside the units.

## **8. Insurance**

The Association carries a master insurance policy that covers, among many other things, replacement of the structures. This means that if a building is destroyed or badly damaged, the master policy will pay to rebuild it as originally built. It will not cover personal property, or any improvements made to your unit. Improvements include things like granite counter tops, enhanced flooring and stainless-steel appliances. The board strongly urges owners to obtain a special condominium-owner's policy known as a HO-6. This will cover personal property, liability, loss of use (temporary relocation) as well as improvements that you or a previous owner have made to your unit.

The sole authority to determine what constitutes a claim and to initiate a claim under the Association's insurance policy rests with Board or the Association's Insurance Trustee.

Also, to keep costs and monthly fees down, the Board has chosen to have a high deductible on the master policy (currently \$10,000.) Therefore, if your unit were the only one damaged, you could be liable for the first \$10,000 of repair. A HO-6 policy can be written to cover that. (You can choose your own deductible on the HO-6.) Since the master policy covers reconstruction of the basic structure, a HO-6 policy is less expensive than a regular homeowner's policy.

As with other areas of this Handbook, the material here is for your information. The definitive division of responsibilities and protections relating to the Association and unit owners is contained by the Declaration, the Association's insurance policy and applicable law.

## **9. Rental of Units**

Units owners have a right to lease their units to others. However, owners who do this should understand the added responsibility they take on when they rent their units. In short, the unit owner is taking on responsibility for the behavior of others, the tenants. Certain restrictions apply to these arrangements.

These restrictions are established in the Declaration, and the Rules and Regulations documents and may be subject to revision by the Association at any time. In addition to these restrictions, it should be noted that the Association has a legal relationship with the unit owner, but not the tenant. It is the responsibility of the unit owner to stay in communication with the tenant to ensure that tenants act appropriately in the community. Failure of tenants to adhere to the Association rules reflects on the unit owner and may result in the unit owner being fined.

Likewise, formal pursuit of conflict resolution must be channeled through the unit owner who must then communicate with other residents, unit owners and/or the Association. Unless conflicts can be resolved between the conflicting parties themselves, any problems with tenants are communicated to the unit owner who must deal with the tenant. This may seem awkward and complicated but it is the best practical method of handling the situation, since the Association has no way to control who becomes a tenant. Hopefully, holding unit owners strictly accountable for their tenants will help ensure that tenants are responsible in their attitudes and actions.

Owners interested in renting their units can find details regarding rental restrictions on the community website within the Rules and Regulations document.

## **10. Utilities**

### **a. Water**

Water is provided by the City of Belfast and the fees for water are included in monthly condo fees. Water is metered to each building and water usage is paid for equally by the owners of all units in a class. Help yourselves and your neighbors out by conserving water!

### **b. Sewer**

Sewer service is also provided by the City and paid for from condo fees. However, plumbing stoppages can be costly to fix and costs that can be attributed to specific units will be assessed to those units.

### **c. Electricity**

Each unit has its own electric meter and each unit owner has an account with Central Maine Power. In addition, each building has a shared meter for service to shared space, and that cost is divided equally among residents in the building class.

### **d. Air Conditioning**

Several air conditioning systems serving the units in our community have failed and are beyond repair. Given the age of our community, failure of others is expected. Similar to the replacement of the boilers providing heat and hot water, replacement of failed air conditioning units is the financial responsibility of the unit owner in line with specifications established by The Board.

Two developments complicate this replacement: new technologies have emerged in the 20 years or so since the construction of our community which may be suitable alternatives to the current technology. Additionally, the refrigerant used by original systems has been outlawed due to environmental harm caused by this gas. The Board has approved a policy to address both situations. You can find it at the web site.

### **e. Heat**

Our heating systems are fueled by propane, which is stored in underground tanks shared by several condo units. The clubhouse has its own tank. Management is responsible for

keeping the tanks filled and also reading meters that measures the propane used by each unit.

Owners have the option to make a uniform monthly payment based on estimated use and once a year, in July, will receive a refund or a bill to reset the amount back to zero. This system ensures that no unit ever runs out of propane and allows us to pay less than the market price, since the Association contracts for the bulk purchase of a year's worth of propane.

The boilers that power the heating system are LCEs and maintained by the Association. The Association manages the maintenance and repair of boilers, but the cost of replacement and repairs belongs to unit owners. All of the boilers here now have been installed since 2011.

Some owners/residents desire to supplement the heat provided by our boilers by adding alternative sources of warmth to their homes. The Board has approved a policy that identifies which types of secondary heat systems are approved for use in our community and which aren't. The policy is available on the web site.

## **11. Landscaping and Community Gardens**

Everyone at Springbrook appreciates the extensive open space and landscaping of our property. The Board is committed to retaining and managing it so we all can continue to enjoy it.

Each of us has our own opinion about appropriate lawn appearance, grass cutting schedules, use of herbicides, tolerance for weeds, etc. The Board understands that the appearance of the grounds does not always meet everyone's desires. However, everyone should understand that these matters are under active management.

Part of the beauty of Springbrook is that our property has far more acreage per unit than is typical. That means cost of landscaping per unit is much higher than usual. Therefore, the Board is acutely aware of the need to balance appearance and cost.

Over the years the Board has kept landscaping costs down by handling the work using our regular maintenance workers and not contracting with a landscaping service. We have also planned a systematic replacement of high-maintenance plants and shrubs that are

not native to this environment. The Board has also pursued soil studies and experiments with different grass varieties and cutting schedules.

There are 6 Community Garden raised beds in back of the Clubhouse which are available to rent for a nominal fee. If you are interested in renting 1 or more of those please contact our Property Manager in the early spring.

## **12. Winter Weather Precautions**

Frozen pipes can cause big insurance claims! Therefore the Association requires that owners take the following precautions to prevent them. Each unit type has its own vulnerable spots, so further precautions may be recommended by the Property Manager.

Keep garages heated to 55° or more. If plumbing in your unit exists in exterior walls, during the coldest weather (when the outdoor temperature is below 10 degrees Fahrenheit) open cupboard doors where there are pipes that might freeze and leave water trickling in sinks overnight.

If you have a battery-powered thermostat, replace the battery frequently. Or replace the thermostat with a battery-free model.

If your unit is going to be unoccupied for several days, you are required to notify the Property Manager! During October through April the rule is applicable if you are gone for 48 hours or more. During May through September it is 72 hours or more. During the time you are away the Association will monitor your unit and ensure that if the heat goes out measures are taken to keep the pipes safe. There is no charge for this service. Our insurance takes into account that we perform this monitoring, so it is important that we follow through on it.

There may be opportunities for Duplex and Townhouse owners to improve the insulation quality above and around their unit. Weatherizing your home can help prevent ice dams, frozen pipes, and drafty rooms. It can also help you stop wasting energy and take control of your heating and cooling costs. Efficiency Maine offers rebates and loans for weatherization projects.

## **13. Snow Removal**

The Association is responsible for keeping our road and walkways safe in the winter. In general, plowing will begin when 2 inches of snow has accumulated. Depending upon conditions, time of day, and forecast, it may begin before or after that. Duplex and Townhouse walkways are usually cleared when the snow has stopped, and sand will be applied as needed. Common sense also applies. If you must come or go very late at night or early in the morning during snow storms, make sure you have a vehicle and tires that can handle a few inches of snow.

Note that most walkways are *not* kept cleared of snow to the extent the roadway and parking areas are.

Because Garden units do not have garages, special arrangements exist to empty the parking lots for plowing. As a rule, you can expect to have to move your vehicles out of those lots, or at least all to one side, by 10:00 am after or during a storm. This allows those plowing to work efficiently.

The Property Manager will update owners and residents via email of snow removal plans and requests for moving vehicles. The Association will remove snow from building roofs as needed. Please don't try this yourself!

## **14. Protection of Property**

In order to respond to emergencies, the Association needs to have immediate access to all parts of the property. Therefore, all owners need to provide a key to their unit that will be kept by the Association. Even if you have installed a lock that uses a keypad a backup key still needs to be provided. Contact management for details if you have specific questions.

## **15. Online Systems and Communications**

The Association employs several online systems for effective communication and efficiency. The main system is the website at [www.springbrookhill.com](http://www.springbrookhill.com). This is our public face but also contains information intended solely for owners and residents. The owner and resident areas are protected and accessible only through a login. Each owner and resident should request a login account with their own password through the website,

itself, by entering an email address that is used as their username. If you sell your unit and leave the community, please delete your account.

The usual method for the Association to communicate to the owners is through the email addresses that are registered with accounts on the web site. It is important that you also keep your mailing address, and other contact information up to date on the web site.

In the past a regular newsletter was published for the community. This has been replaced with an Association blog on our website. If you wish to contribute to the blog, by writing an article please contact any member of the Board!

We also maintain email addresses associated with the springbrookhill.com domain for key people in the Association. These are the email addresses of officers of the Board and the Property Managers. These should only be used for Association business. If you receive an email message from one of these addresses you can be confident it comes from someone working on behalf of the Association. There is one NoReply email account associated with springbrookhill.com that is used for official email notifications. These are important! Therefore, be sure your email client program is configured to allow these messages through and does not falsely classify them as spam.

The Association has established systems to make online and automatic payments to the Association. To determine the current options that you have for making online payments, contact the Property Managers. We may also adopt a platform for online community discussion. If so, this will be an optional activity intended to bring the community closer together. Of course, you will be notified when this happens.



## C. GOVERNANCE

By purchasing a condominium unit, you have voluntarily agreed to join a group of people who collectively own the condominium property. Certain parts of the property are owned and controlled by you, other parts are owned collectively by all unit owners.

By participating in a condominium, owners agree to limit their property ownership rights and share the rights and responsibility of ownership with other owners. Therefore, you do not have the same ownership rights as you would when owning a private home.

### 1. Applicable Law

Several state laws are applicable to condominium life. Since the Association is a non-profit organization, the Maine Non-Profit Act applies. This law can be found at the web site for the Maine Secretary of State.

<https://legislature@maine.gov/statutes/13-B/title13-B.pdf>

The Maine Condominium Act further codifies law specific to homeowners' associations.

[www.mainecondo.com/mc-main-page.php?Maine-Condominium-Law-2](http://www.mainecondo.com/mc-main-page.php?Maine-Condominium-Law-2)

The *Declaration of Condominium*, which is our founding document, provides restrictions and commitments that are specific to our community and restrictions on our community life.

In addition, our *By Laws* and the *Rules and Regulations* provide even more detailed commitments and restrictions on our community life. By Laws are adopted by the Association. Rules are set by the Executive Board.

The Declaration, By Laws, and Rules and Regulations are listed roughly in the order of most long lasting and difficult to change down to easiest to change. State laws, of course, can only be changed by the State Legislature. Amendments to our Declaration can be changed with a super-majority vote of all unit owners. Provisions exist that also give mortgage holders the right to participate in certain changes. In contrast, the Rules and Regulations can be amended by a majority vote of the Board.

Provisions in the Declaration prevail over the By Laws and Rules. Therefore, the Board cannot create rules that contradict the Declaration.

## 2. Organizational Structure

There are 3 types of property elements that are recognized and referred to in the Documents:

- *Units* are the space within each residential unit.
- *Common elements* (CEs) are the space, land, and other property that is jointly owned by all unit owners. An example would be the roadway through the property.
- *Limited common elements* (LCEs) are jointly owned property that provides benefits to only some of the owners and often to only one unit. An example would be the walkway to the front door of Duplex and Townhouse units or the porch outside a Garden unit.

The governing documents describe the details of who can use what elements, how they can be used, and what responsibilities each owner has for each type of element. Generally, you have the most responsibility for your unit and any LCEs from which you directly benefit. In some cases, this includes responsibility to maintain, replace, and pay for these elements. In other cases, the Association has these responsibilities.

The Board is the principal governing body of the Association and holds the broad responsibility and authority over the property of the Association. However, the Board can and does delegate certain authority and responsibilities to others. Principal among them is the Property Manager.

The Property Manager is a professional contractor engaged by the Board to conduct day-to-day management of the property. While not an Association employee, many of the manager's duties are performed on behalf of the Board.

## 3. Management and Compliance

The majority of the responsibility for *managing* the CEs rests with the Board, a group of unpaid, volunteer unit owners. Many of the actions you would have taken as a property owner of a private home can only be taken by the Board, which acts on behalf of all owners and has the overall responsibility to preserve the value of the property and keep it in good repair.

Owners are asked to finance some work ordered by the Board. This is done through *assessments* made by the Association on the unit owners. All assessments are subject to approval by the unit owners as a group. All owners are required to comply with assessments that are properly made by the Board and ratified by the owners. Therefore, all owners should pay attention to the plans and decisions made by the Board.

The Board has the authority to delegate some of its work to an agent who acts on its behalf. At the present time we use Belfast Property Management as our agent and David August as our Property Manager. David is an experienced professional who can be relied on for accurate explanations of the many details relevant to condominium life.

The Board also has the authority to ensure that the provisions of the governing documents are adhered to by unit owners, residents, and guests. The Board has adopted a set of guidelines for enforcement of rules at Springbrook Hill. In following these guidelines, the Board seeks to have the grievances addressed in a uniform and fair manner. The full set of guidelines is available from the Association website. However, here are a few key points.

- We all must recognize that we live in close proximity to each other and make appropriate accommodations for that fact. This means, for example, making less noise than we would if we lived in private houses. It also means we should recognize that others have different habits, customs, and behaviors than we may be used to and allow for them.
- In the case of unavoidable conflict, any grievance should first be handled between the individual parties themselves. That means each owner and resident is expected to contact the other party and attempt to come to a reasonable accommodation. However, if safety is a concern, any owner or resident should not hesitate to contact Belfast police for assistance.
- If your attempts have not resolved the situation an Association representative may be able to help. You may request help by contacting the Property Manager or any Board member. Please explain the extent to which you have attempted to resolve the conflict already. It is extremely helpful to have written documentation of the problem and attempts at resolution. An Association representative will determine if a rule has been violated and decide if further official action is warranted. In the case of rule violation, the Association can fine unit owners. (This includes violations by renters since the Association holds

owners responsible for the behavior of renters.) However, all owners have a right to be heard by the Board first, so this process can take time.

## 4. Procedures

The Documents require an annual meeting of the Association. This is where major decisions can be made by all owners.

One of the most important decisions asked of owners at the Annual Meeting is ratification of the annual budget prepared by the Board. This is when owners can ratify any special assessments planned for the coming year.

Another important decision at annual meetings is to elect the members of the Board. The terms of these positions are staggered so that all members are not elected at one time.

There are also rules about these positions. Currently there are 5 members. That number can be changed, but we have found 5 to be the ideal number that keeps the group small enough to be workable but large enough that all constituencies are represented. Three members represent classes of units (1 each for Garden, Duplex, and Townhouse) and 2 are At-Large. The class representatives are elected by the owners of units in that class. There can be no more than 2 Board members from one building class. This means that the 2 At-Large members must be owners from different classes.

When a member resigns the Board can appoint a replacement. Appointed members serve out the remainder of the term of the member they are replacing.

Board meetings are always open to owners to observe unless the Board goes into executive session to discuss sensitive financial or contractual matters. During official meetings the Board usually provides a time for owners to speak to the Board about any subject but lengthy discussion is not available during those times. There is simply not enough time. The minutes of Board meetings are made available as soon as is practical after they are approved. They are posted in the Clubhouse and made available online at the web site.

The Board also schedules "workshop" meetings to work informally on issues that demand thorough discussion. Owners are especially welcome at these meetings because it is an open forum of free discussion.

## **5. Committees**

The Board creates committees to pursue specific areas of community life. Board committees make recommendations to the Board which then makes final decisions.

Currently one standing committee exists - the Maintenance Committee. This committee works with the Property Manager to catalog and prioritize maintenance tasks.

## D. HISTORY

Springbrook Hill was built in 2000/2001 by MBNA as housing for employees. The project was designed and construction was completed under MBNA ownership and supervision, but after construction the bank was acquired by Bank of America and MBNA sold the property to a developer. In 2006 this developer formed Springbrook Hill, A Condominium. In 2009, with only 3 units sold, the developer filed for bankruptcy. In 2010 prices were slashed, 13 more units sold, and the first owner-led Executive Board was formed. Later that year there was a foreclosure auction, with 8 units selling to the public and the remainder selling to M&T Bank. In 2011 David August was contracted to manage the property, and nine more units were sold to the public. A year later the remainder of the bank-owned units sold.

Since the project was intended to be owned and operated by MBNA, much of the construction was designed and built as commercial property, not residential property. Consequently, most of the systems within the building, such as heating, cooling, fire suppression, etc. were commercial systems. Heating systems, for example, were not provided separately for each unit but shared by units in each building. While this can be workable it is not the usual arrangement for condominiums. Commercial systems are typically higher maintenance and higher cost than equivalent residential systems. Over time some of our systems have been adapted to be better suited to the residential situation we have now. For other systems it is cost-prohibitive to change.

Most condo associations start life with significant reserve funds that, when combined with annual contributions to reserves, will fund the repair/replacement of major Community assets. We did not start this way. Due to the developer's bankruptcy, the Association was not able to create an owner-led budget until late 2010, which began the process of saving reserve funds for capital projects in 2011. This shapes how the Association funds needed capital projects. Since 2011, the Board has worked diligently to gradually build reserves from owner payments of monthly fees, and that effort continues today.

Due to the Community's ownership/financial turmoil and the initially non-existent reserve fund, several maintenance projects were deferred. In addition, we have begun to encounter building and landscape maintenance that you would typically find with a property that is 20 years old.

To this end, capital projects have been planned and completed in the last few years to renovate our buildings and grounds. These include: new roofs for all buildings, extensive exterior trim repair/replacement, new boilers for all units, waste management site upgrade, Garden building hallway renovations, & Duplex unit utility doors renovation/replacement. Roadway improvement/resurfacing is the next capital project we are planning to begin. While these projects have required assessments to owners, we generally view them as necessary work that keeps our property healthy and up-to-date.

## **E. FINANCES**

### **1. Classes**

Our Declaration divides the property into separate *classes* based on building type - Duplex, Garden, Townhouse, and Common. The units of each type of building constitute the class of that type. Each class is governed by financial accounting that only pertains to that class and may have rules that only pertain to that class. There is also a fourth unit that includes common use facilities such as the Clubhouse, and spending supporting the whole community, such as legal and professional fees.

### **2. Budgets**

Each class has its own yearly budget. There is a fourth budget for CEs, called the Association. (A composite budget document is prepared which sums the four components mentioned above.)

The Board submits to unit owners all budgets before each annual meeting of the Association. At the annual meeting the budgets are discussed by the Board and the owners are presented with the budgets and asked to ratify them by vote. Owners may vote on their class budget and also for the overall Association budget, including the monthly fees owners will pay. If the budget fails to be ratified, the previous year's budget will be carried over to the next year and will be used until/unless a new budget is prepared and subsequently ratified.

### **3. Reserves and Reserve Analysis**

*Reserves* are funds set aside for large capital projects that lie outside the normal annual maintenance budgets. Reserve funds are segregated from operating funds and held in separate accounts. We have a *reserve analysis*, a special kind of budget that details these anticipated expenditures, the reserves needed to pay for them, and any shortfall in reserves.

Some condominium associations try to build up reserves to cover *all* anticipated capital expenditures. In this case the reserves are said to be *fully funded*. To achieve full funding an Association must charge high monthly assessments on each unit. The advantage of fully funding reserves is that it eliminates the need for special assessments to complete capital projects.



Other associations choose to keep monthly assessments low by holding minimal reserves. This can result in a rude surprise if something like a roof or sewer line fails before it should.

Still other associations strike a balance between the two approaches. Springbrook Hill is one of those. Our goal is to eventually be 70% funded. That is, to have 70% of anticipated capital expenditures in reserve. That would assure that special assessments would rarely be needed. Until then, if our reserves are, for example, 40% of full funding, then 40% of a capital project will be paid from reserves and the other 60% will be funded by special assessment.

At least 10% of our monthly fees is budgeted for reserves, in accordance with FNMA guidelines. This enables Springbrook Hill buyers to obtain FNMA-backed mortgages. We feel that this is an advantage to unit owners when they sell. Reserves are also accumulated via annual budget surpluses, capital projects that cost less than budgeted, and interest paid on the reserves.

In addition, the membership fees that are paid when purchasing a unit are another source of reserve funding.

#### **4. Assessments**

Assessments are required payments from unit owners to the Association. Regular assessments, commonly called "condo fees", are monthly payments used to fund the Association's routine operations as captured in the budgets described above. Special assessments are non-regular payments required to supplement the money already saved for major capital expenditures. When special assessments are levied, payments from all unit owners go toward supplementing reserve accounts in support of capital projects.

Both regular and special assessments are planned ahead for the coming year and presented to the unit owners at the annual meeting. They are then ratified along with the class and Association budgets. *Note that by state condominium law, unit owners who are not present to vote at the annual meeting and do not request and submit a proxy are considered to have voted in agreement with the assessments and budgets.* Only extraordinary circumstances would require a special assessment outside this procedure but a special meeting of owners can be called for this purpose.

Expenditures for capital projects are made from reserves, and special assessments are made to re-supply reserves. Therefore, a special assessment will never match exactly to

the cost of any given capital project expenditure. In order to minimize the risk of the community experiencing an existential financial crisis, the Association Board will never totally deplete reserves to support an individual project. As a result, the Board will choose to partially fund a future project from existing reserves and provide the balance through a special assessment. Any unspent funds will remain in reserve accounts. For example, if the Board decides to partially fund a planned new roof with \$10,000 from existing reserves and the project is estimated to cost \$14,500, the Board may plan a total assessment of \$6,000 prior to the time of the roof replacement. If the actual cost of the roof ends up at \$15,650, it will be paid for from the available \$16,000 and the remainder will stay in the reserve fund.

Planned projects that may have required the Board to levy special assessments are managed separately from the assessment payments. However, a certain number of assessment payments usually must be received before the project plans, contract, and actual work may be started. It is important to know that your assessment payments do not go directly to pay for project work, but are used to replenish reserve funds. Therefore, withholding those payments, perhaps as a protest, is not permitted and would not have a direct effect on work being done.

## **F. Maintenance/Modifications/Replacements**

### **1. Legal Definitions**

Please see the Springbrook Hill website for policy & specification details!

The Covenants Section & The Owners and Residents Section offer links to Board approved Policies and Specifications regarding maintenance, modifications, and repairs or replacement.

Maintenance and financial responsibility for common elements lies solely with the Association. Maintenance and financial responsibility for items within a unit lies entirely with the owner.

For LCEs, in some instances the Association has allowed owners to perform some routine maintenance. For example, cleaning and staining of decks and porch railings. However, for repair and replacement of LCEs, while the financial responsibility lies with owners, the management of repairs and replacement is handled by the Association.

If you have questions about what items are CEs, LCEs, or unit elements, refer to the *Article 2 - Definitions of the Declaration* or contact the Property Manager. In some cases, you may want to perform maintenance on, or alter a feature of your unit, but you need permission from the Board. In all cases it is advisable to notify the Property Manager of your intentions. This avoids misunderstandings and potential conflicts. Remember that *we are constrained by the legalities of our documents, state laws, and local laws*, so these determinations are not always obvious. There are always three aspects of such work: 1) Who decides what can be done, 2) Who does the work, and 3) Who is responsible for paying for the work. Each case can be different, so it is to everyone's benefit to communicate with the Association before making plans.

### **2. Alteration of Property**

Generally speaking, as a unit owner you control what happens inside your unit. However, changes that you may want to make may not be allowed under the rules of the Association. It is best to check with an Association representative before planning any alterations.

One common request from owners of Garden units is whether the flooring can be replaced and what options are available. The Executive Board has determined that replacement of carpet with new carpet is acceptable but changing the flooring from carpet to any wood or other hard material is not permitted. This is due to the fact that hard flooring reflects sound quite differently than carpet and excess noise is one of the chief issues that arise between neighbors. Our buildings were not designed or constructed to accommodate the increased noise levels that come with hard flooring, therefore, the Executive Board has agreed to keep the original flooring material in place to minimize noise complaints. Any hard flooring in place when this decision was made will have to revert to original flooring when unit ownership changes.

## **Portal Funding Policy**

The term "Portal" is used in reference to Front & Rear doors, Deck doors, Garage Doors, and Windows.

The Board has tasked the Maintenance Committee to develop specifications and policies for replacement of deck doors, garage doors, and front doors. The Declaration specifies that owners are financially responsible for replacement of doors in their units when, in the judgment of the owner, such replacement becomes desirable. This replacement must be in line with the specifications established by the Board to ensure architectural consistency across the community.

To date, the Board has approved specifications for the replacement of deck doors for all units. These specifications in policy form are available on our website. Should an owner want to replace these doors please coordinate with the Property Manager. Complicating replacements for these particular doors, the manufacturer of our current/original doors is no longer in business and alternative manufacturers do not produce doors identical to the current doors for these units.

Specifications for Townhouse and Duplex front doors, all storm doors, and garage doors are available on the website.

A policy for Window replacement has been developed and may also be viewed on the website.

## **4. Privacy Walls Policy**

All Townhouse and Duplex units have privacy walls that enclose one or two ends of the decks. Springbrook management will be responsible for surveying and determining the extent of the needed repairs. Owners can request an assessment by contacting management. The policy and repair specifications are available on the website.

## **5. Deck and Front Entrance Maintenance/ Modifications Policy**

A deck and front entrance maintenance and modifications policy with building specifications has been developed and is available on the Springbrook Hill website.

## **6. Fencing**

Duplex, Townhouse and a few Garden units have a small area extending out from their decks which is designated as a Limited Common Element (LCE). Portions of that property may be fenced for privacy or to give dogs and children a safe place to romp.

The first step for owners who wish to erect a fence on their LCE is to read the Fencing Specifications Policy in the owner section of the Springbrook Hill website. The next step is to contact the Property Manager. Fencing any part of an LCE requires Board approval prior to *any* work being done, and the Property Manager is vital to getting that approval.

Once an LCE area is fenced, the unit owner is responsible for maintaining both that area and the fence. The Association will no longer mow the grass or do other landscape work there. It must, however, have access to that space for building maintenance, so plan for a gate!

Temporarily fencing an LCE is also an option. Owners have done this when caring for a dog for a month or two. Temporary fencing can be approved by the Property Manager and is a shorter process.

## **7. Air Conditioner Unit Replacement**

An A/C unit replacement policy has been adopted by the Board. The policy outlines the choices unit owners have when a unit fails, and offers information regarding replacement options. The policy is available on the community website.

## **8. Secondary Heating Systems Policy**

The Board has a duty to ensure any supplement or change to current systems do not pose a safety, financial, or aesthetic risk to the Association or other units. The policy was developed and adopted based on this duty. The Springbrook Hill website has a link to the policy available.

## **9. Portable Generator Use Policy (Townhouse & Duplex)**

Townhouse and Duplex units may use portable generators during power outages. There are regulations in place regarding generator specifications, safe and operation, and for safe fuel storage. Fuel storage requirements are based on state laws and fire codes.

The policy is available on the website.

## **10. Unit Walkway Policy**

A policy has been developed outlining details regarding the numerous walkways at Springbrook Hill. The original style and color of paver stones that were used for the majority of established walkways are no longer available for purchase. We've established an approved replacement paver that is similar to the original, and was available for purchase at the time this policy was written. Please contact Springbrook Hill management if you have questions, or before deciding to perform any alterations on existing walkways near your unit. The policy is available on the website.

## A Special Thank You to Board Members

Our Association thanks all volunteer Board members, past and present, for attending to our community's affairs. Board members meet regularly to review and make decisions regarding our finances, legal issues, building and grounds maintenance and repair, strategic planning for capital projects, communication with owners and our Property Manager, and countless other issues affecting us. Thank you for your dedication and service!



*Cliff Richards (Dup / Pres): 2010-2011*

Mike Cuning (Dup / Tres): 2010-2011

Dan Lynch (Gdn): 2010-2011

Stan Cunningham (Dup / Pres): 2011

George Klein (Gdn / VP): 2010-2012

Sonia Workman (Twn / Sec): 2010-2012

Chuck Poirier (Gdn / Pres): 2011-2014

Jack Driscoll (Dup): 2011-2012

John Kraft (Gdn / Sec): 2012

***John Morey (Twn / VP, Tres, Sec): 2012-2015, 2019-***

*Donna Loomans (Twn / Tres, Sec, VP): 2012-2018*

***Doug Chamberlin (Gdn / Pres, Sec): 2012-***

Ken Chartier (Dup / Tres): 2013-2016

*Sharon Larson (Gdn / VP, Pres): 2014-2020*

*Jesse Liebman (Twn / Tres): 2015-2020*

***Tally Avener (Dup, VP): 2018-***

***Al Tenoff (Dup): 2020-***

***David Leonard (Twn) 2020-***

### Key

Name (Class of Unit Owned / Offices): Tenure

*Italics* = current owner

**Bold** = current representative