

HANOVER POINTE HOMEOWNER'S ASSOCIATION
02/17/2021
SPECIAL HOMEOWNER'S MEETING

A special meeting of the Hanover Pointe Homeowner's Association was via a Zoom virtual call on February 17, 2021 at 7:00pm.

Board Members Present: Dan Marion, Rich Marek, Vinh Ho
Hano & Ginsberg LLC Property Personnel Present: None

Dan Marion called the meeting to order at 7:04pm.

Introductions

Dan Marion introduced the Board present.

Meeting Guidelines

Dan Marion announced everyone will be muted to avoid talking over each other. He asked if anyone had a question or comment to indicate so in the chat window. When unmuted, Dan Marion asked to state your name and address for the HOA's records.

Dan Marion announced the meeting is being recorded for minute meeting accuracy only. The recording would NOT be shared with anyone or published. Only BOD members will have access to the recording.

Other Business

Dan Marion first spoke about a snowstorm coming for Thursday.

The Board did not receive any delays in regards of trash disposal from Advanced disposal and advised on putting out trash on Wednesday (usual trash day) and to put it higher on the apron so that it would not interfere with snowplows to do their jobs.

In addition, for anyone who has cars in the parking lots to please move them to their driveways so that the plows can adequately plow the snow out of the area efficiently. The last storm, there were several cars in the lots which made it impossible for the plows to properly plow the lots.

New Business and the Reason for This Special Session

Session with Scott Reidenbach, the principal owner of Reidenbach & Associates.

Dan Marion stated the BOD does not have legal expertise to review docs such as deeds. The Board will make the deeds available to the community via the Facebook site after our internal review, but it is important they are reviewed by a necessary third party.

Dan Marion further stated all sources we talked to expressed that we should have an attorney to represent us regarding these and other matters. We need to understand what a Deed recording means to the HOA.

Note these are not personal Deeds related to your home and lot. These are Deeds of common area control – HOA control -- (Phase 1A and Phase 1B). Phase 2 is not ready for deeding to Montgomery County.

Phase 1A starts on Tallowood at the intersection of Moyer and it goes to the bridge on Tallowood. Phase 1B starts on the intersection of Pixie and Tallowood to the intersection of Pixie and Lomara Drive.

Phase 2 starts from the intersection of Pixie and Lomara to the cul-de-sac and down the Tallowood hill until the intersection again with Pixie.

Introduction of Scott Reidenbach of Reidenbach & Associates. Dan Marion researched about 4 law firms, interviewed 2 and based on discussions with the other two Board members, and the Board concluded Scott's firm is a best fit for Hanover Pointe.

Dan Marion explained Scott and his team know we do not have a budget for their services. They are willing work with us to make sure that we have the coverage of attorneys and their legal counsel on hand when needed. Scott assured us that his firm will work with the Board to provide the necessary services at a reasonable cost.

Although the HOA has an immediate need, we will reach out to Scott for our Phase 2 and other needs, as necessary.

Scott talked about his company (Reidenbach & Associates, Wayne PA) and company's focus. They excel on focusing of assisting HOA's and communities with best practices with transitions and toward self-governance. The firm employs 10 attorneys. Scott is looking forward to the relationship with the HOA and the Board of Directors.

Dan Marion made a motion to engage with Reidenbach & Associates pertaining to legal matters relating to the Hanover Pointe HOA.

Rich Marek seconded the motion.

**Homeowners for questions/concerns—
Questions asked-**

Rich Marek asked-

Question about taxes and how that works with common property. Where do we get that information, as we do not have any of that.

Scott replied- We should be a not- for-profit corporation or an unincorporated association. Taxes should be little or none on the land owned by the association.

The process you are about to go through is the deeding over of these lands (Phase 1A and 1B). Scott and team will work with your accounting professional or your management company to make sure this process is done correctly. Scott's team can pull country records of what taxes the Declarant has paid on this land to date.

Vinh Ho- Please clarify deed of house versus deed of community?

Scott replied- Deed of house. You own your own taxes for the house you own as assessed by Montgomery County.

Tax liability around common areas will be paid by HOA dues from assessments.

Rich Marek- Do we have to declare ourselves as a non-profit organization or is that understood because we are an HOA?

Scott replied- When your Developer recorded the Declaration, they should have already declared Hanover Pointe as a not-for-profit. Documents will be pulled from Harrisburg to make sure HP community is setup as not-for-profit or an unincorporated association. Scott would be surprised if that was not done already.

Rich Marek asked is there a limit to what we have from a reserve account?

Scott replied- There is always two accounts: Operating and Reserve. If there is a surplus, we can roll-over to the following year or in rare occasions, it will be redistributed back to owners.

Rich Marek asked is there a difference between the Developer deeding us the common area and township dedication?

Scott replied- When the Developer is turning all units to the homeowners, part of the process is the township inspects to make sure everything is done per the approved plan. If everything is in order, then the Township will re-issue the Developer's escrow monies or bonds back to the Developer. From that time on, the Association pays for maintenance, repair, and replacement.

Scott also mentioned associations hire their own engineers and accountants to ensure their interests are being served.

Rich Marek asked if most associations hire their own professionals to help with transition.

Scott replied that is true and he includes his firm as one of the components.

Dan Marion- The township performed an initial inspection of Phases 1A and 1B in June of 2020 and created a punch list. How can the developer record the deeds when they have a punch list when they not satisfied the demands? In addition, Phase 1A Phase 1B still did not get a second coat of the asphalt?

Scott replied before the Deed is recorded or conveyed, all items on punch-list are satisfied prior to Developer turning it over to HP community.

Meghan asked the common area behind where the playground is going to be, is it included in Phase 1B, because it borders the two phases.

Dan Marion replied – He has a map shows delineation of Phase 1B. Dan Marion will post the map on the FB page. [done]

Meghan wants to make sure it is done prior to it being change hands from Developer to HP community.

Maren Bhalla asked: Rain gardens at Tallowood and Heather court area. Is this part of the punch list as well?

Dan Marion replied – the Developer spoke at the last meeting regarding the conversion of the storm water drains, which also includes detention basins, and on the street and under properties with easements. The Developer feels the silt liner bags will remain there a while longer until the Developer is given permission [from the Conservancy District) to be removed. The Township will perform a camera survey to make sure it is all good working order prior to transitioning ownership to the HOA. It will be tested for proper run-off after a rainstorm event. Dan Marion recognizes it is a problem to see these basins and rain gardens are almost overflowing after a big rainstorm event.

Maren Bhalla asked what is the time frame of it being converted?

Dan Marion replied- No time frame offered. Inspection requested it back in June. Township created a punch list and drain basins not converted is on that last.

Jennifer Goldring- Retention line on Pixie Moss. Projected date? Tyler stated it would be done by December.

Dan Marion said he will reach out to Tyler but has no information from Ryan Homes.

Rich Marek asked - A punch list was created. Are there actually two punch lists, one for township and one from Developer?

Scott replied- No. Only one punch list. We can hire our own engineer, but it could cost a lot more out of pocket. The Board can hire their own Engineer who can create a punch list as well, that may be more inclusive.

Dan Marion stated the HOA does not have its own Engineer and we are currently relying on the Township Engineer's punch list.

Rich Marek asked - Are there caveats to using the townships engineer?

Scott replied- There will be more time used by using our own engineers. The Declarant will give due weight to the Township Engineer's punch list.

Linda Marek asked - The punch list has been done a while ago. Will we have an updated punch list?

Dan Marion replied - Yes. The Developer has 6 months to mitigate the punch list items. If they are not mitigated in that timeframe, it is void and a new punch list will be created, which could incorporate new items.

Dan Marion said - We will have a lot more info after we receive the Deeds. We will also have more info after we speak with Scott and team.

Rich Marek asked - Uniform Planned Community Act. Does it supersede HOA rules or vice versa?

Scott replied- UPCA is a state statute to govern all communities. HOA bylaws all look to the statute. If there is a discrepancy, the state statute supersedes. Your HOA your documents can do more, but not less than the state law.

Board vote -- Vote to have Reidenbach & Associates to engage with the Hanover Pointe HOA.

- Dan Marion – Yes
- Rich Marek – Yes
- Vinh Ho – Yes

Motion passed.

General Questions and Answers

Jennifer Brown-Dawson- Any updates on streetlights on Tallowood?

Dan Marion replied- No news. Per the site plan, there will have a light at the corner of Tallowood and Moyer. The hole that he saw, it was on the wrong side. There will be a light there.

Kim - Do we know if the playground equipment has been purchased and received?

Dan Marion replied- Since the last time, the person who was at the last meeting has been transferred to another location, which obviously sets us back a little bit. No further news on the playground.

Maren Bhalla- Since we are going to have our own attorney and possibly Accountant/Engineer teams, what additional costs could that mean to the HOA in regards of retainer fees, etc.?

Dan Marion replied - Scott was speaking generally about other HOA's like ours, but not local, just from his experience. The New Hanover Township Engineers appear to be doing an excellent job on our site. Jamie Gwynn, the Township Supervisor, talks in detail about what their engineers do to make sure that everything surpasses expectations. Dan Marion's opinion was we do not want to spend more money duplicating engineering services if the Township is doing an excellent job in this area.

In regards of the Accountants, we will have further discussions with Scott on the current property management company that is really an accountant company and we do not want to duplicate that service as well.

Rich Marek's opinion is the management company would also be the accounting firm.

Dan Marion - Closing Statements

- We will be tracking legal expenses with Scott so that we will not get surprises in any specific investigations.
- Since September, we have a continued healthy reserve budget and are monitoring expenses.
- It is important that HOA budgets are healthy. When people are buying/refinancing, banks WILL look at financial health of HOA. Banks will and have denied first mortgages and refinanced mortgages if the HOA's financial status is not on solid ground.
- As soon as we get new updates from speaking with Scott, and we receive the Deeds, we will update everyone.