

WEST HILL ESTATES HOMEOWNERS' ASSOCIATION

P.O. Box 5892, Salem, OR 97304

email: whehoa503@gmail.com; website: www.whehoa.com

MINUTES OF BOARD SPECIAL MEETING

January 6, 2024

Held outside, adjacent to the home of Bob and Naomi Burns

Purpose: To meet with Bob and Naomi Burns to view and discuss what course of action is mutually beneficial to WHE HOA and the Burns concerning the portion of the Burns property that they verbally agreed in 2006 to let the HOA maintain as part of its common area near the southeast corner of Chapman Hill Drive and Orchard Heights Road.

Board Members present: Greg Malkasian (chair), Robert Aceves, John Galvin, Steven Gordon, Peter Stafford. **Absent:** Andi Stout

Residents present: Bob and Naomi Burns, Chuck and Kristin Smith, Christie Call, Doug Austin, John Shaver, and Doug Montgomery.

Reading of Minutes:

Since this is not a regular board meeting, no reading of minutes of prior board meetings was done.

Actions:

The Burns showed the board the approximate location of their lot's northern boundary line, stating that it ran in a straight line from the rear (northeastern) corner of their backyard fence, downhill to the Chapman Hill Drive sidewalk adjacent to a green utility box. It was understood that this is an approximation, without known existing survey monuments or markers to precisely delineate the boundary line. The Burns also showed (and agreed to provide and were received later that day) to the board (Stephen Gordon who, left about a half-hour prior to the conclusion of the meeting, expressed his vote, if any, could be made by the President) photographs taken in 2008, showing the then-existing appearance of the land between northern side of the Burns side and backyard fence and their northern lot boundary. The Burns' partial portion of their lot is generally a triangular-shaped piece of land (the "Burns Triangle") has been subject to a 2006 verbal agreement between the Burns and the HOA, permitting the HOA to landscape and maintain the Burns Triangle as part of the HOA common area abutting the HOA's City of Salem easement leading to Chapman Hill Drive and Orchard Heights Road.

Motions

The board discussed whether one or two motions was needed to set out the board's decision as to what to how to best maintain the Burns Triangle. After discussion, it was decided to vote on a single motion, as follows:

1. That the HOA continue to maintain the Burns Triangle so that it continues to appear as part of the HOA common area, and should the board enter into a written agreement with the Burns setting out the parties' respective rights and obligations as to the Burns Triangle.

The motion passed unanimously.

The board also discussed whether it should reimburse the Burns for their expenses incurred because of the imminent failure and collapse of one of two trunks of a large conifer growing in the Burns Triangle adjacent to the Burns northeastern fence.

2. That the board reimburse the Burns a total of \$1,150.00, representing their expense in paying a tree service to fell and buck the conifer trunk and to address related damage to a cherry tree growing in the Burns' backyard.

The motion passed unanimously.

At the conclusion of the special meeting, the board and the Burns agreed that the HOA will create a draft document setting out a possible agreement governing the HOA's and Burns' rights and obligations concerning the Burns Triangle. Peter Stafford volunteered to do a first draft of this document, with the understanding that the board should review the first draft and any necessary revisions be made to it before it is presented to the Burns for their review and any revisions they deem necessary.

Adjournment

The meeting adjourned at 11:07a.m.