

Board Meeting Agenda
Lehman's Crossing II
April 12, 2024

Attached - April 3, 2024 Interview – Attorney Sara Austin

Meeting called to order at 12:30 pm

Roll Call: Kathy F, Kathy H, Jane, Earlene, Project Manager Cal (Chad absent)

Reading of March 25, 2024 Minutes. Earlene approved with no additions or corrections, Kathy F 2nd. Motion carried.

Note: Minutes of February 12, 2024. Bid from Kurt Baer for \$200 per tree was corrected to read \$200 for 6 trees.

New Business:

Attorney Freye is retiring. He also has a conflict of interest with the new development. He knew and worked with engineer of the new development.

- a) Please note that Attorney Freye was paid \$1000, which equates to two retainer fees.
- b) Attorney Freye was asked to submit his fees to date. As of April 5, we have not received a bill.

New attorney selected:

The Board interviewed an attorney for Lehman's Crossing II on Wednesday April 3, 2024. We interviewed Sara Austin. We were impressed with her profile, her teamwork approach, and her immediate interest in the plan of 179 houses to be built in our neighborhood. She picked out concerns and had suggestions we never thought of. This is why we selected Sara Austin to be the attorney for Lehman's Crossings II

Board, please see the Engagement Letter, dated, April 5, 2024. (Copy of letter will be passed out as a handout).

1. Board do we approve the Engagement Letter? **APPROVED?** Kathy H moved to approve. 2nd by Earlene. Motion carried.
 - a) If approved by board, either Kathy Folcik or Cal Yoder can sign the letter. Kathy Folcik signed the letter.
 - b) The board to consult with our treasurer about payment of \$2000 retainer to Attorney Austin which is due upon signing the Engagement Letter.

Earlene reported budgeted amount for attorney fees is \$1000. Snow removal is under budget, we can withdraw \$1000 from what is budgeted for snow removal to pay the retainer.

- c) Can attorney request additional retainer at any time? Attorney will withdraw from retainer. If retainer is absorbed, she will bill on an hourly basis.
- d) Should we plan a special assessment ahead of time if needed to cover legal fees? Earlene said not this year but maybe next year.

2. Surveyors contacted:

- a) Budget Associates – unable to contact by phone
- b) Stephen Fisher – unable to contact by phone
- c) Lyons Surveying – left message
- d) Justin Doty – left message
- e) Spoke with Mark, at All Land, LLC out of Chambersburg. Emailed Mark and provided Cal Yoder's contact information along with hyper link of the plan of homes to be built so he can discuss the land to be surveyed.

Did Mark contact Cal? If so, what is his availability? What was his charge? Cal will call Mark.

- f) Another surveyor?
Board Members suggested Brehm & Lebo from Carlisle, and Diffenbaugh from Newville.

3. Cal do you know where our deed is for Lehman's Crossing? Cal explained that each house has its own deed.

4. Architectural Request approved:

123, Ron and Laura Brunner, Motorized Awning
135, Sandra Boone, Privacy Panel
133, Susan Boldosser, Storm Door on back
123, Ron and Laura Brunner, Flower Bed Wall

5. Maintenance Request:

155, Lehman Simpson, possible roof leak.

Meeting Adjourned on a motion made by Jane, 2nd by Earlene 2nd. Motion carried.

Attached to the minutes of the April 12, 2024 regular board meeting.

For the Record. Lehman's Crossing Board members discovered the property adjacent to Lehman's Crossing II had been sold, and that the North Middleton Township Planning Commission approved the preliminary plan to construct 179 new housing units on the adjacent property. Since Chatham Drive allows easy access to the new development, board members are concerned about the possibility of heavy construction vehicles, as well as additional traffic from residents who live in the new development will destroy our road. The board decided to retain legal representation to advise us on how to protect our private road.

April 3rd, 2024, via Google Meet, board members interviewed Attorney Sara Austin. Lehman's Crossing II board members present: Kathy Folcik, Kathy Hershey, Earlene Heckendorn, Jane Donison, and Project Manager, Cal Yoder.

Cal opened the interview at 4:00 pm by asking board members to introduce themselves to Attorney Austin. Each introduced themselves as well as their position on the board. Cal asked Attorney to talk a little about herself. She explained that her firm handles a variety of legal matters. She has several attorneys in her firm as well as paralegal staff. She said that 75% of her firm's time is spent representing HOA's.

Attorney Austin was asked about her fee. Her personal rate is \$295.00 per hour including travel time. If she uses the assistance other professional staff, possibly for research to paralegal duties, the rate would range from \$195.00 to \$295.00 per hour.

Cal provided Attorney Austin with a copy of the development plan via email during the interview. After a quick review of the plan, she recognized the boards concerns.

The Google Meet ended at 5:05 pm.

After the interview, discussion continued with the board concerning their thoughts about Attorney Austin's qualifications. Kathy Folcik was impressed with her profile, her teamwork approach, and her immediate interest in our concerns. Other board members felt she was attentive to our concerns and demonstrated legal knowledge while answering individual questions. It was also impressive to learn that her firm spends 75% of their time representing HOA's

Kathy Folcik moved to retain Attorney Austin, Jane Donison 2nd. Motion carried.

Kathy Hershey asked that Cal act as liaison between the board and the attorney. The majority agreed.

Board discussion ended at 5:40 pm.