



January
2006

News Letter from Board of Directors

John McGauley, President	493-6813
John Casey, V. President	493-4498
Dan McMillan, Treasurer	749-9286
Karen Clelland, Secretary	749-5313
Marge Baumgartel	493-6386
Ted Carvey	749-1592
Bob Fraser	493-9788
Kevin Grady	493-2207
Chris Hoffman	748-6874
Joseph Khamalah	749-1648
Jim Miller	493-6703
Dave Ritenour	749-2526
Jim Wenglikowski	493-0015
Joanne Renselle	

From the President

The coming year will present several new and difficult challenges. We are faced with having to file federal and state income tax returns for the years 2000 thru 2004 that were not filed by the previous Board. There could be several thousand dollars in late fees and penalties; however, we are hoping to negotiate some of that away. A tax accountant has been hired who will timely file our 2005 return by March 15th and then handle the delinquent returns.

We have plans to make landscaping improvements at the entrance on Welshire and

remove several dead trees in the common area in the spring. Board member Barb Bumgartel has taken the responsibility for that effort.

We have made application for CEDIT funds to put the ADA cuts in the sidewalks throughout the Villas. We had asked for some assistance to put ADA cuts in the sidewalks to the common areas but have been told CEDIT funds are not available for private property.

Several association members have suggested we restart the landscaping contest for the summer and the Christmas decorating contest. This will be announced, if instituted at a later date.

We will be working with the city to remove the first 7 street lights on Welshire Boulevard from our power line to the city's power source and to eliminate the cost of electricity that we have been paying for years unnecessarily.

2005 Annual Meeting

The annual meeting of the Kensington Downs Community Association has held Thursday, November 10, 2005 with a disappointing 31 voting association members present. Several motions made and voted on by the members were found not to be in accordance with law and therefore not implemented by the Board. One such issue voted on by the members was to

increase the dues assessment back to \$119 from the \$100 approved by the Directors. It was determined that according to the by-laws only the Directors can set dues assessment, therefore that vote was nullified. Other issues voted on by the members present were not implemented because the law requires the entire membership to be notified 30 days in advance of a meeting where a vote of the members will be taken.

Dues Assessment

The reason for the reduction of the dues was to stop adding to excess funds being retained by the association. The total 2005 expenditures came to a little less than \$100 per household. That is how we arrived at the \$100 assessment. The association has approximately \$25,000 in savings and it was felt by the Board there was no need to continue to increase that total using your money. We considered \$15,000 of that could be surplus which would leave us with a \$10,000 reserve for emergencies.

According to the association by-laws, all dues are payable by January 31 and any members not having paid by that date are considered delinquent. Delinquent accounts can be assessed a \$25.00 late fee and 8% interest until paid. Members voting rights are suspended when dues are delinquent. That would include the meeting scheduled for February 22, 2006. That is a rule in the by-laws and not a decision by the Board of Directors.

2006 Meeting Dates

All meetings will begin at 7:30 p.m. at the Fire Department on Lahmeyer Road.

February 9
April 13
June 8
August 10
October 12
November 9 (ANNUAL MEETING)
December 14

Survey Results

The survey received a large number of responses, some with excellent suggestions. The results are as follow:

Lower the curbs at the entrances to the sidewalks in the common area to make them handicap accessible. Agree 85 Disagree 70

The Board has voted to discontinue the use of the fountains. Agree 124 Disagree 38

Landscape around the detention pond with rock (rip rap) to stop erosion.
Agree 46 Disagree 111

Use some of the funds each year to clear snow from sidewalks in the common area and to provide professional salting of intersections and/or streets when needed.
Agree 116 Disagree 48

Retain the funds in savings for an emergency.
Agree 125 Disagree 28

Raise the dues assessment back to \$119 to help pay for any or all of the above suggestions.
Agree 58 Disagree 100

Not every person returning a survey responded to all of the questions. Some people wrote a message and did not mark the survey. Some people did not feel informed enough to respond or for other reasons did not return the survey. We should consider making a survey a permanent part of the yearly dues assessment letter. The survey was sent to everyone to find out what issues all of the members felt to be important. It is not binding on the Board members, but I hope we will keep in mind the members opinions when we vote on issues during 2006.

Special Meeting – February 22, 2006

Please do not forget the special meeting demanded by a group of concerned neighbors and called by the Board as required by the by-laws and State Law. The meeting is limited to taking a vote to retain or remove the entire Board of Directors and if removed, the election of a new Board of Directors.

The special meeting will be limited to voting without discussion. The concerned neighbors group has given you a letter setting forth their concerns. The Board has issued a response and you now have all of the facts. Please understand that the Board of Directors will conduct this meeting. We ask that civility be maintained. Anyone causing disruption will be asked to leave.

You will be given a paper ballot upon arrival and you will sign a membership list. There is one vote per lot and each member of the household must agree on the vote cast. There are no half votes. All votes must be cast between 7:30 and 8:30 p.m. There will be no discussion before voting. It is imperative that you

vote to finally tell the community how you want to see the association to run. You may leave or wait for the vote count.

The board of Directors had to hire an attorney to deal with many of the issues raised by the “concern neighbors”. This has caused the association to spend over \$1,000 in legal fees to deal with those issues.

The attorney has assure the current board that the meeting scheduled for February 22, 2006 has complied with the by laws and the Indiana State Statutes.

We regret any confusion over the date, time and place of this meeting. The concerned neighbors group had the right to request a meeting to be called by the Board. The Board of Directors is required by State Law to set a meeting date within 30 days of having received the demand. The concerned neighbors had no right to call their own meeting unless the Board failed to call a meeting. The concerned neighbors did not consult with the Board before calling the meeting.

If for some reason you cannot attend the meeting, you can still vote on this issue by giving your proxy to a neighbor or friend. We encourage using this procedure. Reminder: You must have a proxy dated for the February 22, 2006 meeting. For example, if you have a proxy dated March 2, 2006, it will not considered a valid proxy for the February 22, 2006 meeting. You may contact any Board member to obtain a proxy.

If you have a question or need more information, you may contact one of the

concerned neighbors or you can call one of the Board members listed at the beginning of this newsletter.

Parking will be a problem if a large number of people attend this meeting. Please try to ride with a neighbor or friend, if possible. Dr. Painter has authorized us to use his parking area. Dr. Painter asked that we leave the driveway open to the rear of his office, because this is his private residence.

You may address any questions or comments regarding the February 22, 2006 meeting with John McGauley, President of the Board of Directors at mccauley1@verizon.net or any board member.

In order to keep each association member more informed, we ask that you provide us with your e-mail address. Please send your e-mail address to mccauley1@verizon.net. The e-mail list will only be used for official business of the association.

ANNUAL GARAGE SALE

The annual garage sale will be May 19 and 20th. The association will place advertisements in both newspapers and place a sign at the entrance to announce the dates.