



## **PRESIDENT'S ANNUAL REPORT**

**OCTOBER 2021**

Dear Owner:

My name is Woody Cashman, newly elected President of the Ponds Association for 2021. Dave Wolf remains on the Board as CEO and VP of Customer Service. Dave has been instrumental in keeping the Ponds a viable resort over the last 37 years. Words cannot express how much Dave has meant to the Ponds Association owners during these past 37 years. He works every day, for hours, answering emails and phone calls, especially during the past two years with COVID interruptions, and answering many, many, many owner emails, mostly with detailed answers and explanations.

At our previous Annual Meeting, the Annual Budget for 2021 was passed, and the Board of Directors were elected/re-elected. Thank you for your support and confidence in our Board of Directors.

The enclosed slate of Directors is comprised of nine unpaid volunteer Ponds owners. Our Board of Directors play a critical role in managing our resort. Our resort is run solely by the Association. Serving on the Board takes time and effort that few are willing or able to expend. Serving as a Director on our Board is a serious responsibility.

Our Board is made up of a team that establishes the standards by which our resort will be measured. I am proud to say our Board of Directors has expertise and dedication and gives of their time to fulfill their responsibility to the Association.

**I ask that you vote “YES” on the enclosed Proxy card for the election/re-election of the Board of Directors.**

It is with deep sadness to report that Robert “Bob” McArthur passed away this year. Bob and Dave Wolf were instrumental in bringing the Ponds Association into solvency during the early 80’s and they remained on the BOD as President and Vice President until this year. We owe a debt of gratitude to both gentlemen for what they have done for the Ponds Association over many decades.

With all the dedication and the expertise of the individual Board Members, we have never experienced the type of challenges that we were confronted due to the COVID-19 Pandemic. Our Board had to make difficult important decisions that affected all owner’s interests at the Resort. Our decisions are always made in the best interest of the owners, and in accordance with our Fiduciary responsibilities.

We have encountered closings and mandated Pandemic protocols that have truly affected our owners as well as the Ponds BOD and management staff over the last two years.

We lost many employees, especially Beth O’Brien, our Assistant General Manager. We also lost key front desk employees, as well as maintenance and house-keeping staff. It took most of 2021 to replenish the staff to normal operating levels.

Closing the resort during most of 2020 helped the Association by saving tens of thousands of dollars in operating expenses and allowing us the monies and the opportunity to make many major repairs and renovations without disturbing owners and guests. During 2020, and thus far in 2021, we have spent over \$250,000 on much needed projects that we have contracted for without any special assessment to our owners. A listing of the major projects completed will be detailed in the following General Manager's operation report.

### **PROPOSED ANNUAL 2022 BUDGET**

Our 2022 Budget is made up of revenue from Maintenance Fees and Rentals. This is offset by anticipated operating expenses and money put aside into reserves for capital expenditures. We know that many of our members are experiencing health issues in addition to financial burdens relating to this Pandemic.

**We offer a 12-month payment plan to anyone who is having a financial hardship in paying their entire Annual Maintenance Fee when billed to you in January (right after the holidays). Our Automatic Direct Draft Plan enables you to spread your payments for your Annual Maintenance Fee up to 12 monthly payments during the calendar year, WITHOUT ANY INTEREST OR MONTHLY FEES. While enrolled in the payment plan an owner is considered current and a member in good standing and is able to use or trade their week before the entire Maintenance Fee is paid. Many of our owners have taken advantage of this payment plan. Please call our Front Desk Manager, Jeremy, at 413-637-1469 for the form to enroll in this plan.**

After you have had a chance to review the Proposed Budget, I sincerely hope you will give us your support by voting **YES to approve the enclosed Budget and the Election of the Board of Directors on the attached Proxy card.** Your cooperation by sending in your proxy **now** eliminates the **additional cost** of sending a reminder requesting your proxy.

### **OPERATIONS REPORT – EDWARD PELKEY, GENERAL MANAGER**

We prioritize the repairs and Capital replacements based on safety first, and the functional type of repairs needed and availability of resources. Some were:

#### **• Lighting upgrade**

A contract was approved and signed, and Blanco Electric placed an order for lighting for all units changing to energy efficient lighting throughout all buildings. Blanco Electric completed installation of lighting materials on March 26, 2021. National Grid inspected and approved the work on April 14, 2021, to verify all work was completed according to contract.

#### **• Phone System**

A new system was installed in order to facilitate emergency dialing outside the property, as well as calls within the resort.

Fiber optic cable was run throughout the property. With this new technology, our infrastructure is outfitted well for providing better internet now and in the future.

The equipment for the phone system was delivered in late September. Technically Amazing's Kevin Longo began running fiber optic cable to the units on Monday November 16, 2020. Additional trench work and conduit was

installed by Blanco Electric on November 20, 2020. Paving repair on the sidewalk and the driveway was completed on December 3, 2020. As of the end of December 2020 all cable had been run to the units.

The project was held up because building 21-24 is on a concrete slab. A new method of wiring was needed. Equipment needed to be ordered and we encountered delays in that regard, as well as miscommunication with vendors. The project was completed on March 19, 2021, upon the installation of wire housing on the outside of building 21-24.

- **Window Replacement**

2020 - Units Vanderbilt 8, 9, 10, 11, 12 installed a total of 9 windows. Westinghouse 3, 4, 5, 6 (master bedroom) and Westinghouse 8 (entryway window) 5 windows total among Westinghouse units. Work began November 12, 2020. All work in building 7-12 was completed by December 1, 2020.

2021 Window Repair in Building 1-6

Scope of work: To replace the remaining rotted and broken windows in the front of Vanderbilt and Westinghouse buildings. This proposal includes replacing the visible rotted framing, jacking entryway floors, and installing new siding and trim.

- **Miscellaneous Action Items**

Sump Pump Replacement - Sump pump inspection revealed the need for the replacement of a sump pump under unit which was replaced in March 2021.

The staircases behind units 7, 10 and 11 were repaired as they were showing signs of wood rot and were a safety hazard.

Interior Painting - trim and drywall associated with the window replacement project. All work associated with the first phase of window replacement is completed. Fire and Safety - An annual inspection of all 53 fire extinguishers was performed on April 2, 2021.

As our resort is now 41 years old, and our operating and major expenses have increased accordingly. With limited funds to address many issues, sometimes we can't get them taken care of as quickly as we would like. I assure you we are aware of these issues, and we will address each one of the issues on a priority basis. We are committed to replacing all windows blinds, road improvement, tree removal, clubhouse painting, exterior improvements, and interior furniture replacement and improvements.

### **BATHROOM RENOVATIONS**

This major capital expense project still has one of the highest priorities. Unfortunately, we have had to put this badly needed project temporarily on-hold because of the unusually major renovations and repairs that we have had to address. Renovating the bathrooms is the most costly and overdue project that we have at this time. Our plan has not changed, only the timing has temporarily slowed down. Please be patient with our addressing all other necessary projects and repairs.

## **OWNERS, WE NEED YOUR HELP ON UTILITY EXPENSES**

Electric rates and consumption go up every year. Each year we have had increases in expenses for electricity. We use our electricity for heat, hot water, air conditioning, stoves, and all our appliances, and of course inside and outside lighting. We have installed individual outside solar lighting fixtures for some of the walkway steps into the units.

We are looking into better timers for the lights on the entry to the units. The timers are supposed to go on and shut off at specific times, but they do not.

Despite posted signs in the units, we cannot depend on renters and guests to be mindful of turning off lights when not in use, or when leaving the unit. Some guest (and I hope not owners) do not close their windows when using air conditioning or heat. We can only count on our owners when you are in residence to make a conscious effort to help reduce our electric cost by closing windows when using the air conditioner or heat and turning off the lights when not in use.

We have approved a contract to install solar panels on our “Knolls” acreage. This will give us a much needed reduced flat rate for 20 years at minimal cost to the Ponds for permits.

## **DISCOUNTED RENTAL RATES FOR OWNERS, THEIR FAMILIES AND FRIENDS**

An owner can rent a weekend (2 NIGHTS) in a one-bedroom unit from one of our delinquent or Association owned weeks during the off-season for only \$195.00. (**See price sheet attached.**) This same weekend normally rents for \$400.00. Renting a week or a weekend is a wonderful way to treat someone to “a mini get-away-vacation”. I encourage owners to take advantage of the excellent discounted rates throughout the year on select weeks. Encourage your family and friends to rent a week or weekend at The Ponds. I find this a nice way of giving a friend or family member a gift of a get-away week or just a weekend. It is also a nice bonus for your employees, and it really helps the Association’s finances. If you haven’t tried The Ponds in the winter, you’re missing something special: snow covered mountains; cozy fires; warm Jacuzzis; sledding with your children or grandchildren. Great discounts on lift tickets at area ski slopes are available through our office. It is a unique and special gift for birthdays, anniversaries, weddings, and special employee rewards. Our staff at the front desk is available to you for making a reservation. **Call the Ponds at 413-637-1469**

## **CREDIT CARD POLICY**

To help us increase our rental revenue, especially by capturing the market of unplanned, spur of the moment vacationers, we accept credit cards for the payment of renting a unit. We also accept credit cards for the payment of your Maintenance Fee with a 3.5% convenience fee. The fee will cover bank charges that the Association must pay for processing the cards used for paying your Maintenance Fee.

## **OWNERS WHO RENT THEIR UNIT PLEASE NOTE**

Booking trends shows booking rentals on-line is the primary way the public makes reservations. This has enabled the public to book a rental reservation on-line with “On-line Travel Booking sites” like Expedia and Booking.com. The public can make a reservation for a unit 24/7 and to pay for the reservation on-line. Although we have incurred an added cost for the full exposure to our rental inventory, through On-Line Booking, we are booking many more rentals.

We ask that **you call** The Ponds **about two weeks prior** to the check-in date to see if your unit is rented. There is **no guarantee** a renter will not cancel at the last minute, but they will lose their deposit. The Ponds **does not**

notify you of the potential rental or last-minute cancellations. We will attempt to contact you 18 days prior to the check-in date if the unit **has not** been rented. This will give you an option to leave it in the rental pool, use the week, or give it to a family member or friend.

**Any request to withdraw your week from the rental pool MUST be in writing (mail, fax, or email) AND you must request a confirmation from The Ponds that your week has been withdrawn before any rental was made.**

Once again, I recommend to all owners who wish to rent their timeshare week, especially summer owners, **PLEASE MAIL IN YOUR RENTAL PERMISSION FORM AS EARLY AS POSSIBLE!** It is difficult to rent a unit turned in just a short time before the week comes up. The influx of calls at Foxhollow in January and February is high. Many would-be renters had to be placed on waiting lists for long periods of time. When rental permission forms were finally mailed in, many of those would-be renters had already made alternate plans. A study by the Berkshire Visitors Bureau showed that most visitors to the Berkshires make their reservation 6 months in advance. **It may take up to 45 days after the end of the rental month before you receive the rental proceeds out of escrow (especially during the summer months)**

### **SPECIAL EXCHANGES WITHOUT GIVING UP YOUR WEEK**

Take advantage of this great opportunity for an owner to book an exchange anywhere in the world **without giving up your week**. Our program enables an owner to **pay only the maintenance fee** on a delinquent week and use it to exchange to any of the many resorts listed in the Interval International exchange directory book. If you cannot get the exchange, you are looking for, we will refund the maintenance fee. We currently have some delinquent “red weeks” in our inventory; we have a very limited inventory available in each of the following weeks for this program: **Weeks 1 through 6; Week 8; Week 24; Week 36; Weeks 42 & 43; and Weeks 51 & 52.** Call The Ponds to see what units and specific weeks are available for this exchange.

### **EXCHANGE COMPANIES**

The Ponds is associated with a number of exchange companies. The three major exchanges companies are, RCI (Resort Condominiums International), Interval International and Dial an Exchange. Check our website under “Owners” link for special enrollment prices for Ponds owners.

Those owners who have never exchanged a week may not be aware that you do not have to exchange to a resort for the same week you are giving up. For example, you may exchange week 6 (a ski week in February) for any week throughout the year at a different resort, if it is “banked” by the owner of that other resort and it is in the Exchange Company’s inventory. Of course, the week you are giving up has a “value” based on certain criteria like “demand” and “season”. A spring week or a week in November won’t have the same value of a Tanglewood week.

### **USE OF FACILITIES DURING HOLIDAY & TANGLEWOOD WEEKS**

**The “right to use” when not in residence has always been limited to the amount of people that the unit you own allows you to bring when in occupancy.** If you own a Westinghouse unit it is four and a Vanderbilt unit is six. Some owners (not in residence) have recently brought many more guests for children’s birthday parties. Some have brought additional couples and all their children to spend the day at the pool. We have overlooked an occasional extra couple of people over the limited amount, but we cannot allow excessive abuse of the privilege. All owners not in residence must sign in at the front desk and verify the week and unit that you own. It has also always been required that you bring your own towels as well. Those owners who do not own Tanglewood weeks may use the pool and facilities during the week, and on weekends, if there is space available.

**DURING PRIME TIME AND HOLIDAY WEEKS, THOSE OWNERS “IN RESIDENCE” HAVE PRIORITY IN THE USE OF THE POOL AND FACILITIES, ESPECIALLY WEEKS 26 THROUGH 34. Non-residence guests will be asked to leave if it gets overcrowded.**

We will also be enforcing the posted rules for owners in residence, owners not in residence, renters, and exchange guests regarding the age of children unaccompanied by an adult using both the pools and especially the hot tub.

### **FOUR (4) YEAR CALENDAR FOR PONDS AT FOXHOLLOW**

**THIS SECTION IS VERY IMPORTANT PLEASE TAKE THE TIME TO READ IT. Enclosed is an interval calendar for 2022-2025.** Every year there are owners who do not check our calendar and arrive on the wrong week. The calendar normally moves back one day every year except it moves back two days due to a leap year. It changes when there are 53 weeks instead of 52 weeks in the year. To add more confusion our documents, specify that week number one is always the **“FIRST FRIDAY AFTER JANUARY FIRST”**. **If January 1<sup>st</sup> comes out on Friday, week number one starts on January 8<sup>th</sup> the first Friday after the 1st. PLEASE BE SURE TO CHECK THE DATES OF YOUR VACATION WEEK ON THIS YEAR’S CALENDAR.** If you have any questions about the correct week, please call the front office at The Ponds (413-637-1469).

### **NON-SMOKING POLICY**

As in many resorts, and in compliance with a Massachusetts Ordinance, The Ponds at Foxhollow is a **“NO SMOKING RESORT FACILITY.”** We have posted “no smoking” signs in all the units, as well as in the clubhouse. We expect that those who do smoke will abide by this policy, and smoke outside of the unit.

### **ROOM OCCUPANCY AND PARKING**

Occupancy for a Westinghouse (1 bedroom unit) is no more than four (4) persons. Occupancy for a Vanderbilt (2 bedroom unit) is no more than six (6) persons. If you plan to have more than the limited amount of people, you should consider renting another unit **at the owner’s discounted rate** when available. We provide parking for ONE car for each unit. It is only fair that one spot be available close to the front of each unit for that resident.

### **“LOCKED OUT OF UNIT” FEE**

We charge a \$50 fee, if someone must come back to the resort after the office closes to unlock a unit. If you are unable to get to the resort before closing, all you have to do is give us a call (413-637-1469), and arrangements will be made to leave a key card for you, and you can register the next morning. This fee also applies to anyone already checked in who loses his or her key card and have to come back after the office is closed. An emergency phone number is posted on our front door, if you forget to call for a late arrival.

### **GETTING OUT OF YOUR TIMESHARE OWNERSHIP**

**URGENT: OWNER BE AWARE** of unscrupulous companies. Many folks are receiving calls from “fraud” companies pretending to be one of our BOD members offering a seminar for specials. In most cases, these fake spam calls, emails, and letters are from companies who do not have a real estate license. They make offers to sell or take possession of your week for a fee (which in many cases is several thousands of dollars paid up front).

Many timeshare owners are getting solicitations to get rid of their timeshare obligations and annual maintenance fees. The basis of the “fraud” is that the owners may think that the lease is being transferred to an entity or

person(s) that will assume the obligation to pay their maintenance fee in the future and release the owner of his or her liability.

The entity or person named in the transfer has **no intention of paying the maintenance fee and our Association will still hold you responsible**. Many of us have been inundated with offers that seem too good to be true, especially if you are having a financial hardship and want to get out of your timeshare ownership.

**Please don't let this happen to you.** The best advice before signing with this type of solicitation is:

1. Call us at The Ponds and ask **what is accepted by the Association in order to legally transfer your lease to another. WE WILL WORK WITH YOU if you are having a problem in meeting your financial obligations to The Ponds. Don't be fooled by these "transfer companies"**.
2. We have a direct draft program enabling you to pay your Maintenance Fee over the 12- month calendar year without any interest or fees.
3. Don't even consider the validity of a solicitation that requires money up front and limits the offer for a limited time only (i.e., the offer is only good for 48 hours). Massachusetts recently passed a new law "House Bill 266" which provides strong consumer protection from fraudulent transfers. This law enables our Association to identify suspected fraudulent companies and reject the suspected fraudulent transfer.

**The following is a copy of "The Ponds' Ownership Transfer Policy"**

The Association has a fiduciary responsibility to ensure it has reviewed a new member's credit worthiness and it has verified the identity of new members. The Association also has the responsibility to ensure that the conveyance document used to transfer an interest in the resort properly and legally describe the interest. The Ponds at Foxhollow Association adopted the Ownership Transfer Policy under its Rules and Regulations:

**Rules and Regulations  
The Ponds at Foxhollow Association Ownership Transfer Policy  
(Adopted September 22, 2012)**

Notification of Sale (or transfer) of Vacation Ownership, Timeshare Interval, or Timeshare Estate requires all Ponds at Foxhollow Association Maintenance Fee(s) and Assessments must be current and paid in full prior to closing (or transfer). The current Member shall notify the Association in writing not later than (30) days before the voluntary or involuntary sale, transfer of assignment of any Vacation Ownership, Timeshare Interval, or Timeshare Estate.

Any transfer of this type UNLESS transfer of ownership is between the owner and family member (or approval by our Association); the current Member or their authorized escrow agent shall submit a Standardized Vacation Ownership Estoppel request, a Company Resolution from the proposed transferee (if a Corporation, Trust, or Company), a Membership Application from the proposed transferee, and a pro forma of the conveyance document prior to its recordation.

In the absence of such notice and required documentation and prior to the Association's approval of the recordation of the conveyance documents, the Association shall not be required to recognize the transferee for any purpose. Any action taken prior to giving the notice and required documentation by the transferor may not be recognized by the Association.

**Until such time as all requirements have been met, the original owner (or transferor) will continue to be held responsible for all maintenance fees and obligation to the Association.**

**This is very important: please email our VP of Customer Service, Dave Wolf, at “wolf1224@sbcglobal.net” if you have any questions before you sign with one of those suspected fraudulent companies.**

### **SUMMARY**

This past year we have started emailing periodic newsletters to keep our owners up to date concerning our resort, including current and future projects. These newsletters will only be sent by email. Please make sure that we have your current email address by calling **413-637-1469** or emailing [pondsres@capitalvacations.com](mailto:pondsres@capitalvacations.com) with your email address.

**WE DO NOT GIVE OR SELL YOUR EMAIL ADDRESS TO ANYONE. IT IS ONLY FOR THE PONDS TO COMMUNICATE WITH OWNERS.**

Having your current email address on file allows the Ponds to keep you up to date on what is happening at your resort and saves on our postage expense.

I thank our Board of Directors and our on-site staff for their enthusiasm and commitment to our resort. The Board and I appreciate and thank you, the owners of our Association, for your confidence and continued support for our decisions in the management of Foxhollow. We welcome those new owners who are now part of our Foxhollow family.

Once again, I now solicit **YOUR** help by asking you to send in your proxy **TODAY** and give us a **YES** vote for the **BUDGET** and the **ELECTION of the BOARD OF DIRECTORS**.

As always, we welcome your comments and constructive criticism. We appreciate and thank you for your continued support. On behalf of the Board of Directors, our staff and Management Company, and my wife, Maria, we wish you a very healthy, happy, and blessed holiday season.

Sincerely,

Mahlon “Woody” Cashman,  
President, Board of Directors  
The Ponds Association at Foxhollow