

# Forest Glen Station Homeowner's Association

## Minutes of the Meeting of the Executive Board February 15, 2005

The meeting was called to order by the President, Catherine Bocskor, at 7:33 PM. The meeting was held at the Americana Finnmark Condominium, 9900 Georgia Avenue, Silver Spring, Maryland.

**Board Members Present:** Catherine Bocskor, President; Joshua Denney, Vice President; Francis O'Donnell, Secretary; Charles Ehrlich.

**Others Present:** HOA members: Norah O'Donnell, Donna Rodney, Jason Sartori, Dan Kilcoyne, Matt McKelvey, Kevin Covert. CMI representatives: Ron Maccado, Michael L. Holzman

**I. Agenda.** The agenda was distributed. See copy enclosed.

**II. Minutes of the last meeting (the Annual Meeting).** Approved by vote was a change to paragraph III.C. whereby the words "There is a new sidewalk to the Metro" should read "There is a new sidewalk to the gate opening onto Metro property." Then, the amended minutes were approved by acclamation.

**III. Officer Reports.** The President introduced Mr. Maccado, new property manager from CMI. Mr. Maccado advised the meeting that he has been in the business for about 2 years. He briefly described his current responsibilities, which include about 6 other properties. Board members introduced themselves to Mr. Maccado, as did the representatives from the condominium association.

The President reported that she had filed with Montgomery County Court the changes to the covenant which had been approved at the Annual Meeting. When notification of approval is received back, the changes can be added to the full set of covenants.

The President discussed several items about CAI. After committee chairs are approved by the Board, she will circulate CAI information to committee chairs and board members. She will distribute passwords. CAI has an extensive library of publications for HOAs. Mr. Holzman reported that CAI will hold an expo in March. There is a fee. The CAI web site is at [cai.org](http://cai.org)

The President passed out copies of extracts from new Maryland laws pertinent to HOAs.

### IV. Committee Reports:

**A. Grounds and Landscaping Committee:** Norah O'Donnell reported on the deliberations of the Grounds and Landscaping committee on behalf of Vincent Hughes, the Chair. The committee met on February 9.

1) The community bulletin board is ready for installation by CMI. Committee members visited the proposed site, just north of mailboxes near the corner of Darcy Forest Drive and Clark Place. It will be placed parallel to the street. The O'Donnells volunteered to maintain custody of the keys.

2) There is still some outstanding landscaping remaining to be done by the developer, including replacement of some dead trees and installation of stakes to support some recently planted trees.

3) The committee developed horticultural findings and recommendations for the Covenants Committee regarding the landscaping on the corner of Kimble and Darcy Forest Drive. Mr. Hughes wrote a letter to Covenant committee. The latter can report to the Board.

4) Procedures for donations of trees by homeowners. The Committee approved the offers by homeowners to plant trees in the forest reserve areas. The Committee will have to approve all proposals with respect to appropriate (native) species and location. Donors will have to be responsible for costs of the trees and planting.

The President noted that the Covenant Committee has written a handbook that says that requests for landscape changes would first go to the Landscape Committee, and then on to the Covenant Committee.

Mr. Denney noted that a NO PARKING sign on Darcy Green Place was knocked over. He will notify Rob Tarkington, Chair of the Parking and Safety Committee.

The President reported that Mr. Hughes had suggested that the Board consider where to put the new community bulletin board. Mr. Maccado suggested moving the parking sign 2 feet closer to the corner, allowing additional space for the bulletin board.

Mr. Holzman raised the issue of installing a slab to anchor the bulletin board. The choices are concrete slab or a concrete sleeve. A slab would be more affected by weather (moisture, temperature changes). He recommended using sleeves.

The President asked if the cost of installation by CMI might be more than \$200. Mr. Holzman said that Day 1 would be used to define the holes; day 2 would be to finish the job. The cost might be \$300. The President moved to authorize up to \$300. The CMI representatives said that they will send a proposal. The motion was approved.

The President asked Mrs. O'Donnell to report on the rat situation and street lighting. She reported the following. The exterminators visited the neighborhood a couple of times, most recently last week. They reported that everything looked good. Mrs. O'Donnell showed him one resident's garage where there had been droppings. She encouraged the resident to get a garbage can. The rat problem has been resolved for the time being.

Mrs. O'Donnell also reported on the communications with Centex about street lighting. Centex estimated costs of about \$7 thousand to install 5 lights. She had forwarded the Centex email to the Board members. She had asked Mr. Green of Centex about the number of lights on the site plan. He said 12. She noted that there are currently only 10 operating street lights in the community. Mr. Green had also said that Centex would contribute to the installation of the 5 others. It is unclear who will pay the cost of the electricity to power the street lights. Mr. Holzman explained that developers often enter deals with lighting suppliers. The developer agrees to pay the electricity costs if the power company installs lights. Eventually the electricity bills will show up at CMI as the developer transfers responsibility to the HOA. Typically the developers' contracts are for 5 years. Sometimes the developer has paid half of bill that has shown up at CMI (previous developers for other communities). In our case, there is a PEPCO deal with Centex. Bob of Centex had said there is a contract with PEPCO. The President asked Mrs. O'Donnell to get a copy of Private Lighting Agreement from Centex.

Mrs. O'Donnell said she would contact Mr. Green of Centex regarding the \$7 thousand estimate and ask about Centex contributing more.

She also reported that Centex had fixed the fence overlooking the retention pond.

Mr. Denney pointed out that significant projects still to be done by the developer include the street lighting and the repairs to the road of Darcy Green Place.

Mr. Ehrlich asked if the Board had previously budgeted for street lighting. The members present could not recall and will have to review previous meeting minutes.

**B. Covenants Committee:** Kevin Covert, the Chair, reported. The committee met on February 8. Prospective new members include Bridget Mitchell, Mark Weinberger, and Amy Brown. They reviewed the covenant handbook. Mr. Covert noted that the handbook is not on the website, apparently because of broken links. Mr. Denney suggested that he contact Mr. Pitlick, who maintains the website. Mr. Covert said that the covenants themselves should be scanned onto web site.

The President noted that the Handbook is an internal document. Mr. Denney said that the Board had approved it. Mr. Covert said that the schedule of fines should be posted.

Mr. Covert stated that the committee had decided to grant the request to approve the landscaping changes made by the single family home owner. This decision was largely based on the written, favorable opinions of immediate neighbors (12) who endorsed the planting that had been done. The committee had considered all prior events, including hearings. He noted that he had delivered to the resident today a letter explaining the process for an architectural change. (See Letter). Changes must be approved in advance, must be in harmony with neighborhood, and must not block lines of sight important for traffic safety. The committee reserves the right to revoke approval if there are changes with respect to appearance or safety. The committee will review the content of the letter from the Landscaping and Grounds Committee regarding the horticultural aspects of the yard in question. Mr. Covert said that he would photographically document the current landscaping appearance.

Mr. Covert said there is other pending business. He needs the files from the previous Chair. The committee plans monthly meetings and the next is scheduled for March 7.

Mr. Covert stated that he sees potential for the HOA Newsletter and website to be used for greater effect. He said that the Covenants Committee would have a monthly contribution to the newsletter. His wife has tentatively volunteered to be editor of newsletter.

Mr. Covert also raised the proposal to change several covenants, such as the prohibition on garden hoses in front yards. The President said that the procedure to change covenants would be the same as had just been changed at the recent annual meeting. Mr. Covert said that he would review both the covenants and the results of homeowner surveys.

Mr. Covert also suggested compiling a list of potential additions or architectural changes which had been pre-approved by the committee, such as decks, patios, and so on. If this list were available to homeowners, then they could choose specifications and colors which would be more likely to be approved when they applied to the committee. They will compile list of previously approved changes.

Mr. Denney asked if there a procedure to notify community when a covenant committee decision is made. A resident may want to appeal the decision. Discussion indicated that the notice could be placed in the Newsletter and on the new community bulletin board.

The Chair of the Parking and Safety Committee was not present.

#### **IV. OPEN FORUM:**

Mr. Sartori inquired about the rat inspection. He was advised that the exterminator had gone through the entire neighborhood. He noted that the wheeled trash cans of unknown origin remained behind the homes on Darcy Forest Drive. Board members said they had checked and the cans do not belong to either CENTEX or the county. The trash pickup trucks are emptying them. The Board asked CMI to arrange for their disposal if they are not claimed.

A member asked about the kinds of information that need to be disseminated. What are the media, such as the web site, newsletter, and bulletin board. Mr. Kilcoyne volunteered to help with communications. Mr. McKelvey said that possibly his wife might help.

#### **V. OLD BUSINESS:** None

#### **VI. NEW BUSINESS:**

A. The President reported on the provisions of new Maryland laws regarding electronic transmission of notices for HOAs. The law permits electronic notices of board and committee meetings and even voting by the membership, if certain, specific requirements of the law are met. The President distributed a written summary of the law's provisions.

Discussion covered how to find out which members own computers and which do not. This question could be addressed by the communications committee.

Provisions of the law covered approval by the Board, HOA member approval. The lot owner gives written approval. An officer must certify that notifications have been given to the members. There are certain conditions for delivery of notifications.

Mr. Denney said that the effort to complete a directory is incomplete. Amy Brown has information from the surveys, but only for 10 owners.

Mr. Holzman had previously provided a list of owners. Mr. Sartori will update the Access database of owners.

Mr. Denney moved that the Board authorize HOA to provide notices of meetings by electronic means. The motion was approved by acclamation.

The President also noted that new laws provide that the HOA must make its records available to members. In addition, the HOA and its covenants cannot prohibit residents from flying one US flag. Accordingly, the covenants will need to be updated. The President provided the information to Mr. Covert to review.

B. CONDOMINIUM: The President suggested putting this item on the agenda so that the Board could be informed.

Donna Rodney, President of the Condominium Association (CA), discussed the possibility of transfer of authority with respect to the condominium's 7 homes. The condominium bylaws give the CA authority to delegate Condominium Board (CB) powers to the HOA. She reported that the small CB was uncomfortable with making decisions for all seven condos. The condominium owners are part of HOA. She presented a copy of the condominium by-laws to the HOA Board. Ms. Rodney and Mr. Kilcoyne will explore the CA's options for future and will make an approach to the HOA in the future. CA members have a monthly assessment of \$78/month. These costs exceed those of the HOA because of condominium insurance premiums and the costs of the annual financial review. Insurance costs have increased.

Ms. Bocskor asked whether the CA has considered dissolving the condominium. Ms. Rodney said that the legal costs might run from 30 – 100 thousand dollars. The 7 homes are a condominium because their location was zoned for condominiums when the development began. No attempt was made to have the zoning changed.

Ms. Bocskor suggested that the CA simply ask the Maryland National Capital Planning Board to change the zoning.

**VII. Next Meeting:** Tentatively scheduled for Tuesday, March 15, 2005. Mr. Maccado will reserve the room. When he confirms the reservation, the President will let board members know. Thereafter, the Board will try to meet on the third Tuesday of each month.

**VIII. Executive Session:** The session began at 9:00 P.M. The Board appointed the Chairs of the following Committees:

- Parking and Safety – Robert Tarkington
- Landscaping and Grounds – Vincent Hughes
- Budget and Finance – Jason Sartori
- Social and Communications – Daniel Kilcoyne

The Board approved the following appointments as members of the following committees:

- Covenant - Marc Weinberger
- Budget and Finance - Allen Feuer, Bradley Dwin, Matthew McKelvey, Gregory Slovik
- Landscaping and Grounds – Francis O'Donnell
- Social and Communications – Lesya Covert
- Newsletter Editor – Lesya Covert

**IX. Adjournment:** The meeting adjourned at 9:15 P.M.

Respectfully submitted,

Francis L. O'Donnell  
Secretary