

Forest Glen Station Homeowner's Association
Executive Board Meeting
December 10, 2007

I. Call to Order. The meeting was called to order by the President, Catherine Bocskor, at 7:36 P.M. The meeting was held at Montgomery Hills Baptist Church, at the corner of Georgia Ave. and Forest Glen Rd.

Other Board Members Present: Kevin Covert, Vice President; Allen Feuer, Treasurer; Francis O'Donnell, Secretary; and Chuck Ehrlich.

Others Present: Jason Sartori, Doug Keeton, Birgit Mitchell, Judy Tiktin, Clara Witt, Rodney Rudd, Susan Morris, Tony Martella (CMI).

Approval of Minutes of Last Meeting. The Board approved the minutes from the meeting of November 12 after adopting several changes offered by Mr. Ehrlich.

II. Officer / Committee Reports.

A. Parking and Safety Committee. Mr. Rudd will host a Committee meeting at 2207 Kimball Place on Wednesday, December 12. No other report.

B. Landscaping and Grounds Committee. Susan Morris reported on the Committee for Mr. Hughes. 1) He has observed the repairs on the tot lot equipment and is pleased.. 2) The lock to the stormwater retention pond was damaged. He called Mr. Martella about it and pointed out the possible dangers when the pond is frozen. Mr. Martella had given the combination to Vincent and to Paul Ambrogi (A&W Landscaping). Mr. Ehrlich noted the gate opening is wider at the bottom than the top, making it possible for a child to enter. The President asked Mr. Rudd to check the lock. Mr. Covert asked about putting a No Trespassing sign on the gate. The Board concurred in asking Mr. Martella to find a sign. 3) The Board had asked the Committee to study the subject of composters, but it will await the Board's decision on composters.

C. Budget and Finance Committee. No Committee report. The President asked about a CMI report on back dues (assessments) owed. Mr. Martella reported \$2,217 dollars in unpaid assessments, mainly owed by 4 owners. In the ensuing discussion, Mr. Martella noted that auditors say that 5% of the annual assessment is the threshold for referring the matter to an attorney. He asked if our HOA has a policy for the threshold. Mr. Sartori recalled that the HOA had set a threshold some years ago but he could not recall the specific amount (percentage). Mr. Martella said our auditor would comment on the amounts in arrears during his audit.

D. Covenants Committee. Ms. Mitchell reported. The last meeting was on Monday, December 3, 2007, at 7:30. The Committee meeting covered: 1) A proposal for an additional covenant about composting. This subject was discussed later in this Board meeting (see paragraph V.A. below). 2) A proposed covenant regarding plastic trash bags was deemed moot since the County code covers this issue. 3) The application for architectural change. This was discussed later in this Board meeting (see paragraph IV.A. below). 4) A new procedural rule limiting the time permitted for Committee members to make remarks during discussions. 5) Open meeting requirements. The Committee suggested the Board organize training for Committee chairs to clarify the pertinent guidance and asked if the Board would discuss the possible need for a public place for Committee meetings. 6) Whether or not language about fences for townhomes should be added to the Covenants. 7) The January meeting had not been scheduled, but normally the Committee meets on the first Monday of each month.

E. Social Committee. No report.

III. Open Forum. Mr. Sartori offered comments about the request for architectural change that the Covenants Committee has been considering. He discussed the wording of the Covenants, the Committee's decision to disapprove the request, Board support for Committee decisions, and precedent setting by waiving Covenants. He

also addressed the issue of open Committee meetings and the conditions under which such meetings comply with requirements for open meetings of Committees. The President thanked Mr. Sartori for his insights and recommendations. She explained some guidance on open meetings that she had received from the state.

Mr. Keeton also commented that it would be helpful to be fully advised about the source authority for guidance about open meetings. He noted that the Committees need further education about such sources.

IV. New Business.

A. Townhouse owner's application for fence and bushes. The President summarized the current situation. The Covenants Committee reviewed the resident's application for a fence and bushes and disapproved it. The applicant appealed that decision to the Board.

Mr. Ehrlich asked if the Committee would review for the Board the timeline of events. Ms. Mitchell, Co-chair of the Committee, summarized: The Board had referred Ms. Witt to the Committee about her proposed fencing. The Committee received correspondence in October from Ms. Witt but it lacked the necessary signatures from neighbors. Signatures were later obtained. At a special meeting requested by the resident, the Committee concluded that it could not approve the application. The Board expressed concern that that meeting did not fulfill the requirements for open meetings so the results may have been invalid. Subsequent to that meeting, Ms. Witt erected the fence she needed to confine her dogs during their brief outdoor exercise periods. She allowed that she would remove the fence if objections were made. Subsequent communication from the Committee to the resident noted that approval signatures from neighbors don't automatically allow the requested architectural change. The Covenants Committee has to consider the Covenants in making its decisions. At the November Board meeting, there was no formal decision by Board. The Committee decided to have an open meeting on December 3. The Committee disapproved the request. Ms. Witt was present and she subsequently received a written copy of the decision.

Ms. Witt then spoke. She purchased the materials before the Board meeting in November, during the appeal process. After the Board meeting, she felt that the decision was at the Board level and it had overturned the Committee decision. She sensed that there was public opinion that she violated procedures. She didn't put in the fence until after the Board meeting. She thought that the Board thought that the issue was closed. If the Board felt that the issue should be reopened, she would understand, but she was offended by the public comments.

The President asked for further comments. Ms. Witt felt that the apparent procedural problems about open meetings had adversely affected her application. She expressed that failure to reach an amicable decision might result in the issue going to the county mediation board. She had obtained a copy of the Covenants when purchasing her property, had read the Covenants so she would not violate them, and saw nothing that prohibited erection of the fence she wanted. She did not agree with the definition of "pens". The Covenants refer to a "building". Her dogs go to the fenced-in area for a few minutes a day. They don't live there. If the Board accepts such a definition, then the decks behind homes could be considered in the same way. She agrees that the Covenants need to be followed but questioned the narrow definition of "pen". She was concerned about the process and asked for a public apology from Board.

The President asked the Board members to make statements before putting the issue to a vote. The President spoke first. She expressed a number of legal concerns related to the specific wording of the Covenants. She referred to paragraph 7.2.h regarding "pens, runs," etc., the reference to a "building", that the Covenant about fences may apply to single family homes only and not to townhouses, and similar issues. She disagreed with the conclusion that the requested architectural change is prohibited by the Covenants. She disagreed with the interpretations of the Covenants Committee and had concerns about meeting the requirements for open meetings. She addressed the concerns about establishing a precedent. She said that the Board could write a decision very narrowly so that it did not apply to subsequent decisions about Covenants. For example, the Board could

conclude that the requested fence could be temporarily erected but would have to be removed under certain conditions. The Board can tailor its decision to this specific situation.

Mr. Covert commended both the Committee and Ms. Witt for their investment in this issue. Ms. Witt had studied the bylaws and tried to follow the rules. The Committee showed good faith in trying to respond to the request and tried to respond quickly. He made an appeal that we all live together as neighbors and with civility. He noted that this issue was not put to a vote by the Board at the previous meeting and apologized to Ms. Witt for leaving her with the impression that it had been put to a vote. He expressed the wish that the Board had provided better guidance to both her and to the Covenants Committee.

The President asked Ms. Witt if she'd be willing to enter into an agreement with restrictions about her fence. She responded that she was willing, depending upon the specifics of any proposal.

Mr. Feuer noted that he does not agree with the President's interpretation and he believes that the fencing qualifies as a "pen." He would vote against approving it.

Mr. Ehrlich mentioned that there has been much confusion about this issue. He understands and appreciates the Committee's concerns about precedent, possible noise and smells, and shares those concerns. However, he believes that this is a unique situation. Ms. Witt's townhouse location might allow this. A safety issue was never raised. He feels that her request for an apology is warranted because the wording in the flyer was not appropriate. He is willing to vote in favor of the fence, as long as there are caveats about the possible noise and smells and precedents. Approving it should be done in such a way as to not set a precedent.

Mr. O'Donnell commented that he appreciated the efforts of the Covenants Committee on behalf of the community and the time and effort they have invested in this particular issue. He noted that the language of the Covenants was sometimes ambiguous and made interpretation difficult in instances like this. He said he was sensitive to the issue of setting bad precedents, as had been mentioned by Mr. Sartori and Ms. Mitchell, among others. He also noted that he felt that the fence and shrubbery were not aesthetically negative and he was supportive of Ms. Witt's goals for installing the unobtrusive fence. He had not seen a way to achieve a compromise on this issue until the President had mentioned the possibility of a very narrowly constructed, non-precedent setting decision. He felt that this option was a way to accommodate a new resident's reasonable needs while upholding the importance of the Covenants.

After further discussion that included commentary from Mr. Keeton and Ms. Mitchell, Mr. O'Donnell moved and the Board approved, by a vote of 4 to 1 - Mr. Feuer was opposed - a motion that the Board authorize a special group consisting of Mr. Covert, Mr. O'Donnell, and Mr. Keeton to meet with Ms. Witt to work out an agreement that would permit the fence to stand, that would not alter the force of the Covenants in general, and that would be so narrowly constructed as to not be precedent setting. Enforcement of the Covenants with respect to this particular fence would be suspended and the group would present its proposal to the Board at the meeting on January 14, 2008.

B. Proposed Nomination/Credentials Committee. The President introduced for discussion the subject of whether or not the membership should be informed about the credentials of prospective Board members. This would require asking applicants for their credentials. Discussion among the Board covered the following issues: this requirement might discourage prospective applicants; the Association has no criteria against which to evaluate credentials; and, ownership of a home in the community may be the most important qualification. Mr. Martella of CMI noted that such a requirement is unusual for associations. He said that some associations have a "Candidate's night" at which candidates speak to the membership. Although our HOA has asked candidates to speak on the night of the election at the Annual Meeting, he recommended that we consider having such a "Candidate's night" in future years at a meeting before the election.

C. Agenda for Annual Meeting. Mr. Martella said that the mailing will go out next week to advise the total membership about the upcoming Annual Meeting on January 14. The mailing should include the tentative agenda and the text of any proposed changes to the Covenants. The mailing needs to be sufficiently in advance to meet the requirements for open meetings. Discussion covered: whether the newsletters are as effective as electronic notification; difficulties reaching owners who move away and rent their properties; the efficiency of the process by which new residents are added to the List Serve. The Board discussed topics that should be on the agenda for the January meeting, including the applicable laws, the needs for open meetings, and notification guidelines.

D. HOA's Legal Liability for Listserv Postings/Insurance Coverage. The President asked Mr. Martella to check whether the Association's Insurance policy covers the content of the List Serve. Right now the List Serve has an administrator (Mr. Covert) but does not have a moderator. It was agreed that the Board should solicit a volunteer from the community to serve as moderator, and the President said she would ask Josh Pitlick about this role. Mr. Martella said he would check with our insurance agent about the question raised above.

E. Snow removal. The Board discussed a resident's complaint about the unsatisfactory plowing during the last storm. The resident's egress from her garage was blocked. The President said she will discuss this issue with A&W Landscaping and this should not be a problem in 2008 because a specific provision about plowing was put into next year's contract. The President will contact the complaining resident and keep her posted.

F. Parking Problem on Darcy Green Court. A resident had complained about someone who had parked in her reserved space. The Board asked that the Parking and Safety Committee consider this issue and related matters at its meeting on Wednesday night.

V. Old Business

Proposed new Covenant on Composters. Language for a proposed Covenant had been the subject of continuing discussion between the Covenants Committee and the Board since October. At this meeting, the final language for a Covenant to be presented to the general membership was reached. The wording was as follows:

"No recycling, garbage, trash containers or composting container shall be kept on the front yard of any Lot. No recycling, garbage, trash or composting containers shall be kept on the rear, or side yard of any Lot, unless screened from public view in a neat and attractive manner. Composting within the boundaries of Forest Glen Station shall be allowed only in a high quality, manufactured composting container with a lid and vents. Composting may be practiced only on single family home lots. Single family homeowners who desire to maintain a composting container will follow recognized best practices for composting (no meats, cooked foods, dog waste, etc.)."

Mr. Ehrlich moved that the proposed Covenant change, as amended, be put forward to the Annual Meeting for approval by the general membership. The motion was passed unanimously by the Board.

VI. Next Meetings: The next meeting will be the Annual Meeting of the full HOA membership on Monday, January 14, 2008 at 7:30 PM, at the same location. All HOA members are encouraged to attend. The subsequent meetings will be on February 11 and March 10, 2008. This meeting adjourned at 9:45 P.M.

Respectfully submitted,
Francis L. O'Donnell, Secretary