

**Forest Glen Station Homeowner's Association**  
**Executive Board Meeting**  
**November 12, 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:** Sharon Montes, Clara Witt, Rodney Rudd, Birgit Mitchell, Vincent Hughes, Mike Pina, Tony Martella (CMI).

**Approval of Minutes of Last Meeting.** The Board approved the minutes from the meeting of October 8 after adopting several changes offered by Mr. Ehrlich.

**II. Officer / Committee Reports.**

The President provided a follow up report on the issue of train horn noise. The Board did write a letter of support to mitigate the noise at the Forest Glen Road crossing. Legislators contacted have been supportive. Nancy Floreen, member-at-large of the county council, said she will hold hearings. The estimated cost to the county of the noise abatement is about \$25,000. Council member Valerie Ervin has also been supportive. The President also introduced Mr. Tony Martella from CMI.

**A. Budget and Finance Committee.** The Treasurer provided a follow-up report on the possibility of investing the HOA's fiscal assets in municipal bonds. The Auditor said that the HOA can do it. The Board will need to check the HOA by-laws to make sure there is no prohibition. If such investment is allowed, the Committee will meet to make a recommendation to the Board. The HOA's only taxable income is from its investments. There is no tax on assessments collected from the membership. The Treasurer will do further research.

**B. Parking and Safety Committee.** Mr. Rudd said he had no new feedback regarding general security in the community. Forest Estates has had a number of break-ins lately, so their association asked for support to notify the county to increase patrols. He has had complaints about people going through the Stop sign at Kimball and Darcy Forest Drive without stopping. Previous calls about the same problem had resulted in police monitoring the intersection. Mr. Covert will provide contact information to Mr. Rudd. On another subject, there was discussion about the so-called "Domino's" scam. Robbers call for a pizza delivery to a home and then hold up the delivery man. Such a crime took place at the foot of Clark Place this fall. Police said that is a common scam.

**C. Landscaping and Grounds Committee.** Mr. Hughes reported on a Committee meeting in which the members walked around the community and noted shrubs and trees that need replacing. Depending upon funds remaining, Mr. Hughes would like to arrange for replacements. Only \$95 remains in this year's budget for landscaping. However, no money has been spent on tree maintenance this year and \$3,250 remains in the budget. The President noted that homeowners can donate funds for trees. One owner has been willing to do so. Mr. Hughes explained that some of the shrubs and trees are suffering because the original landscaping did not prepare the soil well. The drought this summer has also had an adverse effect.

**D. Covenants Committee.** Dr. Mitchell reported that the Committee had two meetings. The October 2 meeting was moved from the second Tuesday to the first. The Committee now tries to meet on first Tuesdays, usually at Mr. Keeton's house. There was no new business at that meeting but the Committee discussed planning for next year and other new initiatives such as a list of architectural changes that have been approved in past. The second meeting was an ad hoc meeting about a request for architectural change. An owner applied to build a fence and install trees along the border of her townhouse. The Committee disapproved the request because it

appeared to be prohibited by the Covenants. The next meeting will be on Monday, December 3, 2007, from 7:30 to 8:30 p.m. at 2113 Darcy Green Place.

**E. Social Committee.** The Board noted that the Halloween parade was successful and wanted the record to reflect the Board's thanks to the organizers, the McKelveys and Melissa Feuer, for planning and carrying it out.

**III. Open Forum.** Mr. Hughes mentioned an old issue, namely cars driving too fast as they approached the curve in Clark Place near the Tot Lot. The possibility of installing speed bumps was raised. Clark Place is a county road and the county has a process for requesting speed bumps, involving a petition to the county to perform an assessment. The President asked Mr. Rudd to explore this process.

Ms. Montes raised the issue of dogs defecating on lawns, particularly on Clark Place. The Board talked about this last year. It is a continuing problem. Discussion raised several possible actions: posting signs on the mailboxes (Postal Service property), posting signs at the three entrances to the community, and posting plastic bags with the signs. The President suggested and the Board concurred with asking the Landscaping and Grounds Committee to discuss this question as well as the possibility of a dog exercise area near the storm water retention pond, an idea raised by the Covenants Committee. The picnic area there is underutilized. The Americana Finnmark neighborhood has a dog exercise area along Arthur Street. Dog owners in the community could be asked to participate in this discussion.

The President thanked CMI for installing a latch and lock on the gate to the storm water pond.

#### **IV. New Business.**

**A. Contract renewals. Landscaping and Snow Removal.** The Board discussed the contract with A&W Landscaping which is up for renewal. Mr. Hughes reviewed the proposal from A&W, compared it to the last contract, and had some comments: The term in the proposal would be for two years instead of one year. At end of contract proposal, there were new provisions for finance charges of 1.5% for late payments (after 30 days). Collection fees would also be possible (a new provision). Mr. Martella said it would be CMI's responsibility to pay A&W on time. Mr. Hughes also suggested: 1) During spring cleaning and mulching, A&W should place a depression at the top of mulch piles so that the rain does not run off but remains around the bushes and shrubs. 2) With respect to the wood carpet applied to the Tot Lot once per year, this work should be done in the springtime. 3) With regard to snow removal, the contract should specify that plowing in the alleys should not block the egress of cars from the homes at the ends of the alleys, as happened last winter. Mr. Ehrlich raised the issue of starting snow removal in a timely manner and notifying the HOA. After much discussion, the Board approved a motion that the President negotiate with A&W to incorporate the changes suggested by Mr. Hughes, that snow removal of accumulations of 2 inches or more should commence within 4 hours after the snowfall stops, that tickets for the hourly labor of snow removal be furnished upon request, and that the contract be for one year.

**Trash removal.** The President called Rick Levine of the trash removal company, who said he would take over personal supervision of the contract to ensure that everybody's trash is collected on Saturdays.

**Management agreement with CMI.** Mr. Martella hasn't yet looked at the contract with us. It was noted that Mr. Ehrlich helped to rewrite the existing contract because much of the standard CMI language was not applicable to our community. The Board asked that it be put in these minutes that CMI is looking for a new manager to replace Mr. Maccado. CMI is looking for persons with 3 years experience in Community Management Associations. Mr. Martella has interviewed 7 individuals but he did not select any of them (for the 6 communities he would manage). In the meantime, Mr. Martella will be our point of contact. The contract with CMI calls for CMI management to attend at least 8 HOA meetings per year.

**B. Maryland Homeowners Association Act – Open Meetings Provision.** The President noted that the subject Act applies to all of our committees as well as the Executive Board. We have not always been in full compliance with the State Law about advance notices of meetings being given and the requirement that all meetings be open to the public. We must do better. The President asked that all of the committees let the President know when and where meetings are being held. One consequence of not announcing meetings is that

decisions are not enforceable. State law requires open meetings except for certain kinds of meetings (e.g., consultation with legal counsel, investigations into possible criminal matters, etc.) listed in state law. Everything must be open. Discussion among the Board and other attendees mentioned the potential for awkward committee meetings when difficult decisions must be made in open meetings. The point was made that it may be difficult to find community members willing to serve on committees because of the potential for disagreements among neighbors. President recognized that some matters are sensitive, but members need to present their views in public and learn how to disagree. Discussion also raised the point that committee or Board meetings open to the public can not be interrupted by those attending. Although an open forum is desirable, the Chair runs the meeting. There was also discussion about what constitutes public notification of upcoming meetings. The President will put the information about meetings in the quarterly newsletter. She asked the Chairs of the committees to tell her when their meetings will be held in the next few months. The HOA can also use the list server and the community bulletin board. State law specifies notification of all homeowners in the community. The President commented that for emergency meetings, the Board can use the list serve to get out the word. The Vice President noted that he got 6 people added to the list serve in the last week. The text of a portion of the Law (Maryland Homeowners Association Act) is now on our web page (See <http://www.forestglenstationmd.org/committees.htm> ). The President will compose and distribute a newsletter concerning the upcoming Board and committee meetings. She asked the committee chairs to tell her when their committee meetings will be occurring in next few months. The Vice President proposed that CMI notify new owners about the committee meetings and Mr. Martella asked for the text of a flyer to distribute.

**C. Planning the Annual Meeting and the Election of Board Members.** The upcoming annual meeting of the Homeowners Association will be on January 14. Discussion covered the elements of the process to prepare for the meeting.

The Board has approved the proposed budget for 2008. The budget must be circulated to all homeowners for their review prior to approval by vote at the meeting.

The terms of two of the Board members end in January, so the Board must solicit nominations for members of the community who would like to run for a Board position. The Board will have CMI circulate a nomination form. Residents may nominate themselves or others. The two positions are for 3 year terms on the Board. The President announced that she will not be running for reelection to the Board.

The annual meeting will also contain a vote for approval of any proposed changes to Covenants that the Board has approved. The budget, list of candidates for office, and the proposed Covenant changes should be sent to the membership around the last week of December. Approval of changes to the Covenants may have a special requirement (2/3 of homeowners) for passage.

## **V. Old Business**

**A. Vote on Tot Lot Equipment Repair.** CMI got a proposal from a company (Sports System) to do the repairs for \$650. It is the only local representative of the manufacturer of the equipment. Mr. Feuer noted that the budget has \$250 set aside for Tot Lot maintenance plus a reserve fund. Mr. Martella noted that replacement deserves the use of reserve funds. Discussion included the comment that when the time comes to replace all of the equipment, the Board might want to consider other companies. The Vice President moved, and the Board approved, that the expenditure to Sports Systems be authorized.

**B. Referral to Covenants Committee re Composter Covenant.** Mr. Ehrlich noted that the Board, at its October, 2007, meeting, had agreed to recommend for consideration by the Covenants Committee added language about composters for paragraph 7.2.q. of the Covenants, such that the proposed language could be put on the ballot for the January, 2008, HOA ballot. Because of some confusion about the electronic version of the 2006 changes to 7.2.q. on the Forest Glen Station web page, the Board delayed this action until this (November) meeting. At this November meeting, Mr. Ehrlich read aloud additional information from the Montgomery County web site that pertained to composters:

Besides the Montgomery County web site, an item of particular interest in the Montgomery County Code is 'Disposal of waste by compost piles', in 48-17, with URL [http://www.amlegal.com/nxt/gateway.dll/Maryland/montgom/partiilocallawsordinancesresolutionsetc/chapter48solidwastesnote?f=templates\\$fn=altmain-nf.htm\\$3.0#JD\\_48-17](http://www.amlegal.com/nxt/gateway.dll/Maryland/montgom/partiilocallawsordinancesresolutionsetc/chapter48solidwastesnote?f=templates$fn=altmain-nf.htm$3.0#JD_48-17) . To quote: "The use of compost piles for the disposal of garbage is permitted only when the pile is completely rodentproofed. Compost piles consisting entirely of leaves and dirt do not require rodentproofing. (1981 L.M.C., ch. 37, Â§ 1.)"

Mr. Ehrlich was requested by the Board to send his proposed rewording of 7.2.q to the Board and to the Covenants Committee for their consideration, such that action could be taken by the Covenant's Committee prior to the next Board meeting on December 10, 2007.

**C. Proposal to Change Covenants re Plastic Trash Bags.** Mr. Ehrlich cited the Montgomery County code that addresses the use of trash containers. After he read the text out loud, the Board agreed that the code does not permit plastic bags to serve as the only container for trash left outside. The code says that plastic bags with trash must be placed inside sturdy metal or plastic containers. Plastic bags by themselves are not permitted. The President stated that she will cite this guidance from law in the next Newsletter. Mr. Ehrlich will send the Internet address of the relevant code to the Board.

**D. Place for Older Children to Play.** The President noted for the record that the Board sent out a letter to residents about monitoring children's play in common areas. Ms. Montes advocated for an opportunity for children in our community to be safe while playing outside. Discussion among the Board and others present touched upon the following points: 1) A possible public meeting with interested parties, such as parents, to come back to Board with recommendations. 2) Children from outside our community have been part of the problem. 3) Perhaps the community can do something constructive and proactive to improve the land to afford older children a place to play. 4) The recommended age for children who can play in the Tot Lot could be reemphasized in the Newsletter. 5) There are at least 3 nice parks in the vicinity that would be good for children's play, but they are several blocks away. 6) The Board could authorize a special committee to explore options such as dedicating some community land, such as the space north of the retention pond along Arthur Ave., to a play area for older children. After discussion, the Board approved a motion to create a special committee. Ms. Montes offered to lead the effort. She could walk the grounds with Mr. Hughes to scout for possible play area locations. It might be useful to use a community questionnaire to generate interest and ideas. It was proposed that the committee report back to the Board in February.

**E. Status of CMI's Appointment of a Property Manager for Us.** See above (paragraph IV.A.).

**F. Status of Resident's Request for Architectural Change.** The Vice President summarized the issue, pertaining to a request to erect a fence and bushes alongside a townhouse to permit dogs to exercise. The Covenants prohibit pens and runs for animals only if the pens and runs are buildings but it is uncertain if the term applies to the requested fence. The Covenants Committee had denied the request because the change appeared to be in conflict with the Covenants. After much discussion, the President committed to working with the resident and the Covenants Committee to revisit the issue. The tentative plan is for the Committee to revisit the issue at its next meeting on December 3 and for the meeting to be publicly announced and open so as to ensure compliance with the Open Meetings Provision of Maryland Homeowners Association Act. The Vice President and Mr. Ehrlich emphasized the need to publicize committee meetings and Mr. Ehrlich reminded that posting notices of meetings on the community bulletin board is an excellent way to give due notice to community.

**VI. Next Meetings:** The next meeting will be December 10, 2007 at 7:30 PM, at the same location. All HOA members are encouraged to attend. The subsequent meeting will be the Annual Meeting of the full HOA membership on Monday, January 14, 2008. This meeting adjourned at 9:28 P.M.

Respectfully submitted,  
Francis L. O'Donnell, Secretary