

Forest Glen Station Homeowner's Association
Executive Board Meeting
March 10, 2008

I. Call to Order. The Board Meeting was called to order by the President, Kevin Covert, at 7:33 P.M. The meeting was held at Montgomery Hills Baptist Church, 9729 Georgia Avenue, in Room 202.

Other Board Members Present: Allen Feuer, V. President; Francis O'Donnell, Secretary; and Doug Keeton.

Others Present: Susan Morris, Birgit Mitchell, Rebecca Hess, Toni Negro (Montgomery County Commission on Common Ownership Communities), Diane Waters and Tony Martella (both from CMI).

II. Approval of Minutes of Last Meeting. The Board approved the minutes from the Executive Board Meeting of February 11, 2008 after adopting several changes offered by Mr. Covert.

III. Officer/Committee Reports.

A. Treasurer's Report. Mr. Feuer and Mr. Ehrlich had met and had some questions about the financial report from CMI. 1) Do the management fees contain a lawyer's retainer? Mr. Martella responded that they do not. He added, with respect to adding a snow removal line under the reserves category, that that change has been made to the budget. He also noted that a credit of \$4200 back to the HOA was made. The developer never cashed the check for that amount (related to the installation of street lights) so the amount was credited back. 2) The "working capital fund" was explained as a fund from the developer who charges twice the monthly fee when a home is first sold. These funds could be used when the developer turns the community over to the HOA. The auditor may be able to advise where to place such funds. Such funds are more often used in larger communities. Mr. Martella has a proposal to do the update on the study of reserve funds and will email it to the Board. The cost may be about \$1800. The President said he will ask the Treasurer and the Budget and Finance Committee to look into the issue of the working capital fund, particularly in view of the upcoming reserve study.

B. Parking and Safety Committee. There was no formal report because the Committee did not meet. One owner requested a key to the Metro gate and Mr. Rudd said that he will take care of it.

C. Landscaping and Grounds Committee. Mr. O'Donnell read from a written report provided by the Chair, Mr. Hughes. The Committee meeting on March 6 covered a number of items: 1) Landscaping budget. It was noted that about \$3000 are budgeted for tree removal. That could be used, if possible, for general landscaping maintenance. 2) Removal and replacement of dead plants and shrubs. One strategy would be to have the HOA underwrite better preparation of the soil and solicit donations of plants from residents. 3) Curb damage due to trash trucks. Perhaps the eventual repairs could be paid for out of the Site Maintenance portion of the budget. 4) Signs marking the forest reserve areas. The Committee consensus was that the signs could be removed, now that the community is fully developed. 5) Weeds in the lawn north of the retention pond. The Committee agreed to monitor the area. 6) The Committee discussed the possibility of installing a safety handrail alongside the steep sidewalk ramp in the Mews area. It was suggested that this could be done under Site Maintenance. 7) Mr. Hughes raised the issue of a possible set of steps at the north end of the Tot Lot to encourage people to cross the playground instead of treading up the muddy/icy hill to the Mews. He asked if Mr. Martella could explore an estimate for such work. 8) Mr. Hughes had spoken to Mr. Ambrogi of A&W Landscaping reminding him to ask the landscaping crew to apply mulch around trees in such a way as to create a water-retaining well for each tree. He also advised him about a hole in the ground next to the drain on Darcy Forest Drive. Mr. Ambrogi suggested notifying WSSC to determine if there is a broken water pipe there causing erosion. 9) The first Spring Cleanup session is scheduled for Saturday March 29th, depending upon the weather. 10) The next Committee meeting is scheduled for Thursday, April 3.

The Board asked the Committee, at its next meeting, to discuss the issue of the location of the picnic bench that was moved next to the Tot Lot . Board discussion also supported the notion that the landscaping budget (\$500) could be used to prepare soil for new plants, as discussed by the Committee. The tree removal might also be used. Three of the items mentioned above were passed along to the CMI representatives.

D. Covenants Committee. Ms. Mitchell reported. The Committee met on March 3. There were no new requests for architectural changes. As a follow-up to its February meeting, the Committee plans to work on the following: 1) A guide tailored to new homeowners, covering architectural changes and related covenants. 2) A review of the covenants handbook and some procedural modifications for architectural changes. 3) Posting guidance about storm doors on the HOA Web site. Residents have been asking.

The Committee still had questions about resignations and confirming members each year. The Committee nominated Ms. Mitchell to be Chair for the next year. The Committee's next meeting will take place on Monday, April 7. The Committee has changed its meetings to the first Monday of each month but still seeks guidance about requirements for notifications and locations. The President commented that the Committee can use the list serve and the newsletter. 3 days advance notice is the law. The Committee should try a regular, monthly schedule as much as possible. The President noted that all the Committee Chairs should be notified that they should notify homeowners 3 days in advance of meetings, and that they use a regular schedule, the list serve, and the newsletter. Chairs should email their schedules to Mr. Feuer for inclusion in the newsletter. He will try to prepare a monthly newsletter around the 1st of each month. Information should be sent to him by the 25th of the month before.

Ms. Mitchell asked about posting Committee minutes on the Web site, given the current limited readership. The President asked Ms. Negro about posting of minutes on the website. Ms. Negro commented that minutes of meetings could be paraphrased in the community newsletter. She advocated that summaries of Committee minutes be distributed. Doing so can serve as a mean of giving recognition to committee members' work on behalf of the community. Issues discussed can be summarized. Ms. Negro urged opening up of information. The President asked Ms. Mitchell Birgit to ask the Committee for its preferences.

The President noted that approval by the Board is not necessary for voluntary resignations from Committees or the Board. A Committee can ask the Board for removal of non-active Committee members. Incumbent committee members do not require re-approval each year. Formal decisions of the Covenant Committee should be forwarded to the Board and in turn to CMI for archiving. It is important that these be incorporated into the Minutes of Board. Mr. Martella offered to scan such documents.

E. Special Committee re Land Use. There was no report.

F. Social Committee. No report. Melissa Feuer has volunteered to be the Chair.

IV. Open Forum. Ms. Hess raised the issue of the picnic table that was moved to the Tot Lot area. She requested that it be moved back to its original location. She and other neighbors are not in favor of the current location. After discussion of the background for moving the table in the first place and other, possibly better locations, the Board agreed that the current location is not ideal. The Board asked the Grounds and Landscaping Committee to make a recommendation to the Board before the April Board meeting. If the Committee makes a recommendation to the Board, then the Board could make a decision via email to move the table before the next meeting. Ms. Negro commented that such decisions by phone or email should be documented in the next set of Board minutes, in keeping with the provisions of the Sunshine Law.

Ms. Mitchell commented that there is value having the warning signs in the Forest Retention Areas. The signs warn new residents and might dissuade owners from cutting down the trees in the retention areas.

V. Old Business.

A. Removal of No Trespassing Sign. Mr. Martella reported that the subject sign has been removed from the grassy area on Clark Place and placed on the fence by the storm water retention pond.

B. Replacing/Repairing Forest Retention Signs. Mr. Martella reported that CMI found 5 of them and removed 2 of them. Although they could be replaced fairly cheaply - perhaps \$200 for all of them – the Board approved a motion, by a vote of 3 to 1, to remove all of the signs and poles and to not replace them, in keeping with the Committee’s recommendation (see III.C above). Although the signs were intended to prevent dumping in the reserve areas, discussion included comments that the Spring Cleanup sends a message about community responsibility. Further, periodic notices in the newsletter and Board minutes could reinforce this message. Mr. Keeton asked about a resident having removed 2 healthy trees. Ms. Mitchell described the incident. Ms. Negro recommended consulting with the state’s Office of Natural Resources.

C. Metal Post Fragment at Corner of Darcy Forest and Kimball. Mr. Keeton was unable to pound the post into the ground. The Board asked CMI to pound it deeper.

VI. New Business.

A. Montgomery County Commission on Common Ownership Communities. The Board had asked the Commission for guidance about a variety of issues related to the HOA, and Ms. Toni Negro of the Commission made a presentation in response to the Board’s invitation.

The Commission has 15 volunteers. They include representatives from HOAs, real estate professionals, attorneys, and managers. The Commission was formed by authority of county code and has 3 functions: 1) Dispute resolution; 2) Education and advice (bi-monthly newsletter, web site, and an annual forum, attended by 150-200, each September or October); 3) Advice to policy makers in the county and state about communities.

The dispute resolution role includes hearings. The process usually begins with the filing of a complaint. The first step is then mediation. If that doesn’t work, the Commission may take on the case and a hearing can be held. Participants include homeowners, a professional, and an attorney. Similar to a court hearing, the process can involve the issuance of subpoenas. Presentation of evidence and witness testimony take place. A typical hearing lasts 3-4 hrs. The panel then renders a decision. It costs \$50 to file a complaint. Boards often hire attorneys to represent the HOA. Decisions are legally binding and enforceable in law. Parties have 45 days to comply, e.g., for an architectural dispute. The Commission’s web page has summaries of cases. Decisions have been appealed in Circuit Court, and in the State Court of Appeals.

Support for the Commission comes from assessments of \$2.50 per unit, collected from 980 communities in the county. The President noted that he has attended the annual forums. Ms. Negro commented that it appears that the FGS HOA Board is doing well. She advised that formal documents (Bylaws and Covenants) should be the Board’s guides. Other possible guidelines can cover architectural and land use issues, among others. She counseled that if the Board wants to establish new rules or guidelines, it should be done in an open way and such matters should be presented to the community to get buy in. Enforcement is important. The major issues typically relate to architectural matters and access to records. The management companies take their guidance from the Board. Committees should not be giving direction to management companies.

Ms. Negro commented on a few items of interest to the FGS Board. The problem with teenager loitering is common in many communities. The police advise that residents should call them if such loitering is a nuisance or worse. Even if the police don’t come out to the community after every call, notifying them will establish a pattern of calls. Ms. Negro also noted that the idea of constructing steps through the Tot Lot may encourage heavier transit and increase the community’s liability.

With respect to notices about Board and committee meetings, Ms. Negro attempted to address the question “What are the rules?” The Maryland condominium act is more specific than the HOA Act. The former calls for 72 hours advance notice to be in compliance with the principles of the Sunshine Law. Notices on the Web site should be sufficient for Committee and Board meetings. The Board should try to reach out to owners and tenants. All guidance, bylaws, and rules should be registered with the Land Clerk, via the management company. The content of meeting notices should address the agenda, location, and time. A bill in the legislature requiring the agenda to be distributed in advance did not get out of committee. Usually only officially constituted Committees’ meetings require notice. Other Committees may be adjuncts to the Board,

which has final approval authority. Email and phone meetings are not a problem with Committees. The Board needs to cite them in its minutes. The same is true for closed sessions that are authorized by the Bylaws. Such meetings should be referred to in minutes.

Ms. Negro mentioned a recent success regarding a WSSC proposal to raise rates for water and infrastructure upgrades. For condos and apartments, that was going to be an enormous increase in rates. The Commission presented its concerns to the County Council and the Council got WSSC to rescind the proposed rate increase. Peter Drymalski and Evan Johnston in her office are Points-of-Contact. The former's email address is Peter.Drymalski@montgomerycountymd.gov

B. Nomination of Committee Chairs. The President moved that the Board approve the Committee chairs proposed by the Committees for 2008: Birgit Mitchell (Covenants), Chuck Ehrlich (Budget and Finance), Rodney Rudd (Parking and Safety), Vincent Hughes (Landscaping and Grounds), Melissa Feuer (Social), and Sharon Montes (Land Use). The Board approved the motion.

C. CMI Management Report. The report had been distributed to the Board and a few items in it were discussed earlier in the meeting under III.A.

D. List Serve. Mr. Keeton had prepared a report on his effort to match homeowners to subscribers to the list serve. He distributed a spreadsheet and asked that the Board review it.

VII. Next Meetings.

Monday, April 14, 2008

Monday, May 12, 2008

The meeting adjourned at 9:46 P.M.

Respectfully submitted,
Francis L. O'Donnell, Secretary