

**Forest Glen Station Homeowner's Association  
Executive Board Meeting  
September 8, 2008**

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

**Other Members Present:** Marc Weinberger, Vice President; Chuck Ehrlich, Treasurer; Francis O'Donnell, Secretary; and Doug Keeton.

**Others Present:** Susan Morris, Clara Witt, Vincent Hughes, and Diann Waters (CMI).

**II. Approval of Minutes of Last Meeting.** The Board approved the minutes from the Executive Board Meeting of August 11, 2008.

**III. Presentation by Thomas Schild.** The President introduced Mr. Schild, a lawyer whose practice (since 1985) involves primarily HOAs in Montgomery County. His firm's office is in Rockville. He supports HOAs as a general counsel, and mentioned his experience with covenant interpretation and transition issues as relevant to our HOA. He has worked with CMI. He has chaired the relevant Maryland legislative action committee and he also teaches. He described his fee options: With an annual retainer, there would be unlimited telephone consultation for matters that don't require additional research. He can answer lots of questions over the phone. Also covered is incidental email, attendance at the annual HOA meeting, and relevant newsletters several times a year. Letter opinions would entail additional fees. Annual retainer is \$2400/yr. For additional services the hourly rate is a reduced \$295/hr., compared to usual \$325/hr. He described the other professional member of his firm, Christopher Hitchens, whose specialty is storm water management issues.

In response to questions from the Board, Mr. Schild reported: Collection work is on a flat fee basis. Complete handling of transfer of the storm water pond would be for 5 thousand dollars. He noted that a new pond, such as ours, is likely to be less problematic than older ponds. In the matter of transfer of the property from the developer to the HOA, he would need the deeds to the common area. It is important to proceed with this matter because the developer might go bankrupt before the property is transferred. He also made some comments about collection services, corporate charter, foreclosures and bankruptcies, and assessment collections and the use of liens.

**IV. Officer/Committee Reports.**

**A. Treasurer / Budget and Finance Committee.** The Committee had met on the previous Thursday. It reviewed the CMI monthly report on the budget and expenditures. The HOA has thus far spent less than budgeted, primarily due to reduced snow removal costs (\$8,300 less than budgeted). Delinquent payments of assessments are currently not a problem. Mr. Ehrlich had discussed with Mr. Martella of CMI several items: Keeping the snow removal reserves separate from the other (replacement) reserves; the increase in

bank service charges; and the pending credit from Potomac Disposal. Mr. Ehrlich also noted that maintaining two separate categories of reserves for street lighting and electricity may not be necessary. Other expenses in the CMI report were in order. The Potomac Disposal contract costs for next year will likely increase because of increased fuel costs.

**B. Covenants Committee.** The Committee did not meet. The President asked the Board to give to the Chair, Ms. Mitchell, any comments on the draft information sheet for new residents.

**C. Parking and Safety Committee.** Mr. Keeton reported on his follow-up actions regarding the cars which appeared to never move from parking spaces on the street. In one case, the owner said that he does drive the car every three days, but that he always uses the same parking spot. Mr. Keeton recommended that he vary the locations where he parks. CMI does not have any phone numbers for the other car owner. Mr. Keeton said he would send the owner a note, asking that the owner move the car.

**D. Landscaping and Grounds Committee.** The Chair, Mr. Hughes, reported. The Committee met on September 2. Five shrubs and one tree on common property need to be replaced. Mr. Keeton mentioned up to 4 dead trees north of the pond. After discussion, the Board approved a motion authorizing Mr. Hughes to take steps to purchase replacement trees and shrubs. He will obtain estimates from nurseries and seek the Board's final approval. The budget already provides for up to \$2,000 for landscaping maintenance. The motion also covered the movement of a cherry tree at the foot of Darcy Forest Drive because it is blocking the view of the STOP sign at the corner with Clark Place. The representative from the Park and Planning Commission said that the questionable limb behind the homes on Darcy Forest Drive does not need to be removed but that other trees were in need of trimming. Additional discussion noted that residents should keep monitoring the trees in the neighborhood for possible safety issues. Board members also volunteered to trim the photinias growing through fence near the Metro lot.

**E. Social Committee.** The President announced that the Annual Picnic will be held in the Mews area on September 20 from 11 – 2. The rain date will be September 21.

**IV. Open Forum.** Mr. Keeton introduced a discussion of the home at the corner of Darcy Forest Drive and Kimball Place. It is vacant. Neighbors have been mowing and edging the lawn. The inside of the house is messy. It is unclear who owns the house. It was reportedly sold in January for \$300,000. The assessments are paid up. It was unclear who is paying.

Discussion about the landscaping contract included the following: quality of services has been disappointing; the service costs about \$2,900 per month; documentation of services performed has not been verified; pruning of personal shrubs is not included; weeding is not being done well; A&W said that they would raise their annual costs by 5% due to increasing fuel costs. Mr. Keeton said he would discuss the contract with Ms. Titkin who said she would research other possible contractors

## **V. Old Business**

**A. Reserve Study.** The President led off the discussion of the “Replacement Reserve Report FY 2009” performed by Miller-Dodson Associates. There were some inaccuracies in the report, which Miller-Dodson will correct, such as the amount of current reserve payments and the number of streetlights in the community. The President asked for CMI to check if they have complete sets of the community engineering drawings (site plans, record plats, building plans). Ms. Waters said she would check. The Board should consider funding asphalt seal coating in the near future. Still pending is transfer of responsibility for the storm water retention pond to the county. Other comments dealt with vegetation overgrowth near fences, that the picnic tables have recently been marred by graffiti, and the fact that many or most of the streetlights are owned by the county. The HOA is not responsible for 15 such streetlights, as cited in the Report. The President noted that the Report (Reserve Study) is a guideline for the HOA to use. Mr. Ehrlich commented that the study needs to be repeated every 5 years to permit factoring in inflation for the costs projected. Miller-Dodson will be apprised of the corrections that are necessary.

**B. HOA Annual Picnic** – See IV.E. above.

**C. Mice/Rat Issue.** The exterminator came to the neighborhood and laid traps. The Board asked Ms. Waters to request that the exterminator inspect the property around the vacant house (see above) and put traps and bait near it.

**D. Review of HOA Vendor Contracts.** Mr. Keeton volunteered to review the contracts up for renewal: landscaping/snow removal (A&W Landscaping) and Saturday trash collection (Potomac Disposal). Mr. Martella had advised that there will be no increase in CMI fees in 2009.

## **VI. New Business**

### **A. Maintenance.**

**1. Wood Around Tot Lot.** The wood border is starting to shift. There may be a need for a new railroad tie on the southeast corner. The costs would come out of tot lot reserves.

**2. Asphalt Sealing.** This is recommended in the Reserve Study. It involves a thin layer of sealant and must be done next summer. After it is done, traffic and parking lines will need to be repainted. The Board agreed to put this on the maintenance schedule.

**3. Tree Behind Darcy Forest Drive.** See IV.D. above.

**4. Retaining Wall on Darcy Forest Drive.** The wall is tilting and was mentioned in the reserve study. Mr. Weinberger and Mr. Keeton will inspect it.

**5. Curb and Sidewalk Repair.** Mr. Hughes described options for improving the corners that are subject to trucks running over them. The options include lowering the curbs at the corners and/or carving out more space so that the alleys are wider at the corners. The President asked Ms. Waters to look for a contractor who could provide a professional opinion and estimate possible costs. The HOA will need to identify the corners which may need alteration.

**B. 2009 Budget Preview.** The President asked Mr. Ehrlich to review the highlights of the draft 2009 budget. He will review it line by line at the October meeting. One way to offset the projected increase in expenditures is to better manage the General Operating Fund and utilize some of those funds which have gone unspent. Approximately 21 thousand dollars are available in the Fund, and he proposed taking 3 thousand dollars from it now. Mr. Ehrlich explained the main changes to the budget. The net effect is to increase homeowners' assessments from \$71.72 to \$78.14 per month (townhomes) and from \$44.66 to \$54.89 per month (single family homes).

Mr. Ehrlich moved, and the Board approved (5-0), to retain Mr. Thomas Schild as a lawyer on retainer to the HOA. Two major, unresolved issues that require legal assistance are the transfer of the storm water retention pond to the county and the transition of community property from the developer to the HOA. The President asked the Budget Committee to estimate costs of these legal services for the budget. Because three thousand dollars have been budgeted for legal services and there are fourteen thousand dollars in the cash reserves, the 2009 budget may not need to be changed. The President asked the Board members to forward comments on the budget to Mr. Ehrlich.

**C. CCOC Annual Forum.** The President mentioned the Montgomery County Commission on Common Ownership Communities dinner on October 1. He asked if one of the other Board members would be available to attend with him.

### **VIII. Next Meetings**

Monday, October 20, 2008, and Monday, November 10, 2008.

The meeting adjourned at 9:53 PM.

Respectfully submitted,  
Francis L. O'Donnell, Secretary