

Minutes of the Jan 28, 2013 Meeting
Strawberry Knoll Elementary School

Board members present: Clyde Lutter, Steve Schuyler, Tom O'Brien, Patrice Johnson, and David King

Home owners present:

Barbara Faverly of 9070 Centerway Rd
Tammy and David Nocket of 18904 Glendower Rd

President, Clyde Lutter, called the meeting to order at 7:07 PM.

Members Time:

Barbara Faverly of 9070 Centerway Rd complained that the parking lot plowing was not done until 7:00 PM. She complained that it was difficult to move in the parking lot because her car was slipping around in the snow and she was wondering why the snow plow man waited until dark where the visibility was low to start plowing the ice and snow from the parking lot. The board mentioned didn't know why this happened but mentioned to her that we would keep an eye on the future conduct of the snow plowing and if there were any further complaints we would investigate what is going on with the snow plowing company.

Tammy and David Nocket of 18904 Glendower Rd complained about the letter they received requesting that the portion of the fence that goes around the right hand side of their property be completed. David showed the board evidence that architectural request to complete the roof on an existing playground structure (which was higher than 7 feet tall) had been previously approved by a HOA board many years ago. David also showed evidence of a prior architectural request for a fence to be constructed around the property. This previous architectural request was many years old. Steve mentioned to David that there is a provision in the HOA covenant which prohibits outbuildings from being taller than 7 feet tall. Steve also mentioned that architectural requests expire after one year, after which time another request must be submitted if the requested work was not done. After some deliberation, the board arrived at a mutually agreeable solution to the conflict. The board agreed that since there was a document showing that the board had at one time approved a modification to the playground structure the existence of the playground structure should be "grandfathered in". However, the board agreed that the fence must ultimately be built since this would somewhat hide the structure from view and grant the neighbors some measure of privacy. The board also approved a plan

which grants David and Tammy additional time to build the fence, by agreeing to a plan which would allow David and Tammy until 9/30/2013 to complete the construction of the fence. The board mentioned that if economic conditions were such that the fence could not be completed by 9/30/2013 then all that David and Tammy would have to do is resubmit another architectural request form and then the board would grant them as much additional time as necessary to complete the task. The architectural chairman Steve Schuyler agreed to send a letter by mail which details the nature of our agreement to David and Tammy in writing.

The board then expressed its concern that going forward, the one year expiration date on future architectural approval forms could be challenged in courts of law if there is not an explicit mention of the fact that this on the form that the homeowners sign themselves. Clyde Lutter mentioned that in a court of law, if there is any ambiguity in a contract then the case is typically decided against the side representing the contract writer rather than the contract signer. Because of this, Clyde Lutter agreed to review the electronic soft copy of the standard architectural request form to see if the wording could be modified somewhat so that the 1 year expiration date on the request is explicitly mentioned in the form.

Ongoing Business:

Steve Schuyler mentioned that he went out on Jan 26th to take a look at the tree that the owner of 9156 Centerway Rd had complained about. The tree has branches which are touching the gutters and shingles of two townhomes located at 9154 and 9152 Centerway Rd. The HOA Board has approved spending up to \$300 to trim the tree so that the branches no longer touch the townhomes in question.

Treasurers Report:

The HOA board has approved a contract for \$1500 to have Property Diagnostics Inc conduct our reserve studies this year for budget purposes.

The HOA board has provisionally agreed to raise the annual townhouse assessment fees by 5% pending legal advice from the property management agency Allied Realty. We are implementing this 5% increase in dues to provide the necessary funding for the future management of townhome parking by the property management company Allied Realty.

Architectural Report:

There were no requests to discuss this month

Other Ongoing Business:

Steve Schuyler will recast a townhouse letter regarding parking management and will also revise the proxy form which will be distributed to the townhouse residents next year.

The board decided to move the discussion concerning the webmaster, Verizon and the LED lighting to next month.

The meeting was adjourned at 8:30 pm.