

Meeting Called to Order: 10:14 AM 2008-07-26

Present:

Nick and Morgan Cornwell (304 Chinkapin Drive)

Tony Varda (116 Lakewood Drive)

Melissa Corder (123 Bell Haven Circle)

Donald Browder (146 Bell Haven Circle)

Kathleen Gennaro (119 Bell Haven Circle)

Frances Coddington (372 Surrey Club Lane)

Stanton Daywalt (335 Surrey Club Lane)

Ron Wible (200 Camilla Ct.)

Mark Stivers (PO Box 1737 Winchester 22604)

Charles Mesko (PO Box 296 Middletown (mailing) 355 Surry Club Lane)

### **Call to order and reading of the minutes**

President, Nick Cornwell, opened the meeting with a call to order and asked for the minutes to be read the minutes from the 4/12/08 meeting. Secretary, Melissa Corder, read the minutes. Nick Cornwell asked for a motion to accept the minutes and Ron Wible motioned to accept the minutes. Tony Varda seconded the motion. All voted aye with no dissenting votes.

### **Treasurer's Report**

Treasurer, Tony Varda read the current treasurer's report. Nick Cornwell asked for a motion to accept. Melissa Corder motioned to accept the report, and Stan Daywalt seconded. All voted aye with no dissenting votes.

### **Street Light Report**

Tony Varda gave a report on the streetlights. The home on 112 Woodbridge Court -There is a T box along the driveway that needs protection. Melissa Corder will check into bollards (plastic covered concrete posts) before the next meeting.

Chinkapin Drive – The clearing and grubbing of the foliage around the streetlights was completed.

### **Old Business**

Nick Cornwell asked about Clearwater and Hackberry. Tony Varda reported that D&D proposes \$550.00 to clear up the brush that has been piled up by various homeowners and it will be removed by Wednesday or Thursday. Mowing of the Somerset common area will be completed, however prices for quarterly brush-hogging will go up. Striping for new town homes has been completed for \$250.00. Drainage problem has not been addressed but will be looked by Tony next week.

Francis Coddington asked about the drainage at Hackberry and yellow paint on the pavement at Surry Club and Hackberry. Melissa Corder will check to see what the yellow paint denotes. Since the paint is yellow it probably denotes electric power lines. (Melissa

has confirmed this.) Francis Coddington said the drainage needs to be corrected before the 1 year time period of the builder's responsibility runs out. Tony Varda spoke about drainage problem and believes County will participate in the correction.

Nick Cornwell asked Mark Stivers to speak about the proposed fire and rescue substation. Mark Stivers informed the group that there is a fairly steep price tag and Frederick County will need to figure out how to raise the money. There is an advantage to having a fire station in proximity to this side of I81. It should reduce homeowner insurance. The HOA will need to make the donation of the land conditional, with time limits for construction, and reversion to the HOA should property cease to be used for a fire house, and that the County Attorney would need to be involved.

Nick Cornwell requested an update on 100 Sugar Creek. Tony Varda said they occupants appear to have moved out and left some debris/personal property out front by the road. Since one of the items was a refrigerator with the door attached, the Sheriff was contacted due to possible danger to children. Tape was wrapped around the fridge and later door was removed. County Publicworks employee, Lori Puffenberger, was contacted about debris. The County did not have a contractor available to clean it up. Tony Varda contacted D&D to clean up the debris.

Tony Varda discussed some properties have 2 sheds on the property and that Article 15 adopted in March 1999 states that original owners could have a 2<sup>nd</sup> shed if it was present at that time, however a second shed is not permitted once a property has changed hands. Mark Stivers recommended that the HOA continue with any trash cleanup through County.

Tony Varda asked Mark Stivers if bills for enforcement of HOA Rules/Regulations and Covenants/Restrictions are recoverable? Mark Stivers advised that typically a Judge will award conservative costs and fees but this usually does not cover all costs. Judgments would need to be placed which must be paid before title to a property transfer occurs.

Nick Cornwell requested a status of the tractor/trailer on premise at 102 Chinquapin. The tractor gone and the trailer is to be removed shortly. This is a landlord tenant situation. He asked Mark Stivers if the language in the rules and regulations is sufficient. Mark Stivers advised that the language may be obsolete because of changes in terminology. He read the rule/regulation language regarding temporary buildings or trailers not being permitted. Nick Cornwell stated that a letter requiring removal was sent stating the trailer had to be moved in 15 days and that he had asked tenant for cooperation. Mark Stivers recommended sending a second letter. Nick Cornwell agreed to send a second letter before pursuing legal means for removal.

### **New Business**

Mark Stivers asked to advise the group about changes to laws that affect Homeowner Associations as of July 1<sup>st</sup>. This law has not been promulgated yet, however the HOA may now have new obligations and authority, which may include paying for and being subject to a Governor appointed panel and submission of a financial report. We need to

be able to deliver HOA packets by electronic means and be required to have specific types of insurance.

Nick Cornwell moved we reserve the library meeting room for August 23<sup>rd</sup> to hold the next meeting and asked for a motion to adjourn. Ron Wible motioned to adjourn the meeting. Tony Varda seconded the motion and Nick Conwell adjourned the meeting at 12:05 PM. The next meeting will be August 23, 2008 at 10:00AM.