

Olney Oaks Homeowners Association Board Minutes – October 6, 2009

The meeting was called to order at 7:30 p.m. by President Dennis Bourque.

Present: Don Beeson, Jay Feinberg, Dick Harris, Carolyn Knight, Nicole Lechner, and Theresa Kyne Robinson

A. Discussion on Pavilion Usage Issue

Dennis explained that he was concerned about allowing the pavilion to be used for a yard sale on May 8th that included some non-resident vendors because of liability issues and other HOA members being told previously that they could not use the pavilion for yard sales. He described an incident at a pavilion elsewhere in this area that resulted in lawsuits against that HOA and all the members of that HOA's board. The possibility of people with ill intentions attending a pavilion event prompted our board to discuss whether or not we needed a pavilion usage agreement and if so, what it should include. Nicole, who has experience in contracts, volunteered to search online for an agreement that would limit the HOA's and board members' liability. Jay said he would ask the HOA's lawyer about the need for a pavilion usage agreement to protect all of us and would check with both our lawyer and insurance agent about the need for additional liability coverage to protect our board members. At the present time, any HOA member can reserve the pavilion for yard sales and other legal events.

B. Improving Communication

Theresa stated that when she receives e-mails from Dennis regarding neighbors' questions or concerns, she does not know what has already been attempted to resolve the situation. Dennis said he receives all the neighbors' e-mails from Marc because his email system blocks the messages sent to president@olneyoaks.org and forwarded by the HOA system, and he responds to each e-mail soon after he receives it. He will ask Marc again if there is anyway to get his system to stop blocking the emails and will send to all of us the responses he sends the homeowners.

C. Discretion of Treasurer Regarding Late Payment

Don expressed concern about waiving of late fees and wanted to know whether all homeowners should pay the late fees or if it should be handled at the discretion of the treasurer. Nicole said it would be unfair if some had to pay late fees and others did not, but Jay said there needs to be some discretion on the part of the treasurer and that a very lenient policy was in place this year because of confusion over the much earlier due date. Next year, people will be notified to pay required late fees that were not included with late dues payments.

D. Leaf Collection

Sometime around October 20-25, Montgomery County will announce when their leaf collection center will be open for bulk leaf drop-offs. U.S. Lawns will then notify us about the two start dates for leaf collections in our HOA. Dennis will pick up the leaf collection signs from Jay, have them updated with this year's dates, and put them out prior to the leaf collections. Marc will need to put the dates on the HOA website and send out email notifications.

E. Tree Removal

Don handled a complaint from a homeowner on Bilney about dead trees on HOA property along his back lot line. Don arranged for Joe Ferro's tree service to cut down two trees, but apparently a third tree also was dead. Don and Dennis will contact Joe to cut down the third tree. To avoid confusion over which trees should be felled, the targeted trees in the future should be tagged.

Don mentioned there is also a branch down on the common grounds behind a house on Shallow Brook Drive. Don and Dennis will also ask Joe to remove this branch.

F. Walk-Through Notes Highlights

1. Townhouses

Sealing of Parking Lot

Dennis will arrange to have the townhouse parking spaces along Carrisa Lane sealed, striped and numbered. He asked if anyone had the parking lot's numbering scheme, which nobody did, and said he would come up with a numbering scheme if he can't find the original.

Townhouse Sinkhole

A sinkhole developed behind the townhouse at 3730 Carrisa Lane. Part of the depression is on the homeowner's property and part is on HOA property. Dennis talked to the homeowner about splitting the cost of filling the sinkhole and cutting down some pine trees that are tilting and unstable due to the sinking ground. He will request a written estimate for board approval.

2. Dam

Montgomery County has spent the summer and early fall modifying the stormwater management dam located between Darnell and Skymist. A section of the asphalt path had to be removed and replaced. The new section of path crosses the top edge of a buried concrete wall that had to be put in to reinforce the earthen dam. The county notified the HOA that if the path sinks where it abuts to the concrete that it would be the HOA's responsibility to add asphalt to eliminate any tripping hazard where the asphalt and concrete meet. The county's work on the dam should be finished by mid-October.

3. Pavilion

A decorative board that had framed the top of one of the posts needs to be replaced, some trim boards along the roof need to be replaced, the bottom of the posts need to be re-caulked, and some shingles on the pavilion roof might need to be repaired. Dick Harris will check with a handyman about getting the repairs done.

G. Lawn Service Contract Renewal

The current contract ends at the end of this year. Jay stated U.S. Lawns has not increased their fees over the period of the last 5-year contract. According to Dennis, this makes the charges lower than what is typically charged per acre in this area. U.S. Lawns is proposing a new 5-year contract with a 5% increase for the first year and a 3% increase in each of the subsequent years. Jay will email a copy of the bid to the board members. Dennis will check to see if he can get any other bids.

H. Treasurer's Report: Jay Feinberg

- The Income and Spending Summary for July 1, 2009 through October 5, 2009 was distributed.
- Since we are early in the current fiscal year, we are still well within our budget.
- At the end of August when all annual assessment payments were due, there were still 13 households that had not paid. After some calls and emails, the number of unpaid households is down to 6.
- Montgomery County raised the assessment homeowner associations pay the Common Ownership Communities Commission from \$2.25 per household to \$3.00. Therefore, we will be \$317 over budget in the category.

I. Review of May 13, 2009 Minutes – We quickly looked over the items.

J. New Business

1. GOCA Report – The developer selected by the county for the 32-acre site on Bowie Mill Road might drop out if the number of houses drops below an acceptable level. The County Council determine how many houses can be built on the site under the existing zoning.

2. Carolyn will write an article for next year's newsletter about problems with water collecting in open trashcans.
3. Don shared that if 200 people sign up for trash collection with the company ESRD, then each family will pay \$5 - \$7/month. However, the company insists on one bill, which means the Olney Oaks Homeowners Association would have to collect each household's fees and pay ESRD. Because of this issue, the board is not likely to approve it. Carolyn is concerned about where ESRD brings the trash it collects and appreciates Montgomery County using the Dickerson Incinerator because it converts the burned trash to electricity. Trash that cannot be burned is buried in Virginia.

K. Meeting adjourned at 9:30p.m.

The next meeting will be a 7:00 p.m. dinner meeting at Dave's American Bistro on Route 108 near Zion Road on November 5th, 2009.

The last board meeting of the year will be at 7:30 on December 3, 2009 at Dennis' house.

The annual meeting will occur on January 27th at Olney Elementary from 7:30 to 9:00.