

## **Olney Oaks Homeowners Association Board Minutes – December 8, 2010**

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

**Present:** Don Beeson, Dennis Bourque, Jay Feinberg, Dick Harris, Carolyn Knight, and Julia Pinto-Fryer

### **President's Report – Dennis Bourque**

Dennis said that he worked out problems with reserving the All Purpose Room at Belmont Elementary School and gave Jay a copy of the contract. We cannot use Olney Elementary School this year because of construction. Dennis proposed that in 2011 each board member would be responsible for handling issues that arise in a designated geographic area of Olney Oaks instead of having him handle all the inquiries and complaints from homeowners. Details will be worked out at the next board meeting.

### **Treasurer's Report – Jay Feinberg**

Jay reports the association is in sound financial shape with normal levels of expenditures. We paid Montgomery County \$77.04 in personal property taxes. The property is mainly the warning signs throughout the development.

- Status of dues payments
  - Liens were paid off by two homeowners
  - Attorney David Gardner is preparing lawsuits to collect dues and legal fees from two homeowners who have unpaid dues going back to 2008. There is a 3-year statute of limitations on collecting HOA dues via a lawsuit and a 2-year limitation on liens.
  - One house on Headwaters Dr. is being sold and the lien will be cleared.
  - One homeowner on Headwaters Dr. declared bankruptcy, so collections are on hold.

### **Fall Leaf Removal**

The first leaf removal went smoothly. The second removal was delayed to rain. Dennis reported that U.S. Lawns first came through to condense the leaves into fewer larger piles and then came through with the vacuum trucks. Carolyn suggested that they collect the leaves that drop in the street so that the streets look better even from in front of homes that do not have piles of leaves. Dennis said that they generally do that except they skip two houses on Morningwood and two on Shallow Brook because the homeowners do not want to participate in the leaf collection process. Don suggested that next year we have the signs say "week of *month/starting day*" rather than show two specific days for each collection as was done this year.

### **Snow Removal**

Dennis agreed to terms with U.S. Lawns for snow removal but is waiting to receive a copy of the contract. They will not clear the snow without approval from Dennis or another board member. We generally should wait for 24 to 48 hours after a snowfall to allow time for the county to plow the roads so the plows do not push snow back into the cleared walks at the street intersections. The point is to have the walks cleared just prior to when school will be in session.

### **Annual Meeting**

Jay passed out drafts of the agenda for the annual meeting, the cover letter and the reply card. The suggestion was made that our members should be asked to help clear snow from around fire hydrants and sidewalks by intersections. Removal of snow by volunteers will reduce the amount we have to pay U.S. Lawns for snow removal. Base on input from homeowners, Dennis asked to include a proposal to install a basketball court near the pavilion on the meeting agenda. Jay will also include this topic in the cover letter and as a survey question on the proxy reply card. Jay will provide copies of the annual meeting materials to Julia, who will prepare the mailing.

### **Basketball Court**

Dennis obtained estimates from several companies for building a basketball court near the pavilion so that we can provide an activity for older children and teens. The best price was about \$27,000 for the court plus \$2000 to \$3000 for equipment. In addition to two basketball poles and backboards, there will be center-court holes to allow for tennis, badminton or volleyball nets to be used on the court.

### **Maintenance Action Items**

- Dennis is obtaining estimates for replacing the Route 108 sign and planting along with adding smaller Olney Oaks signs on one or both ends of our HOA on Morningwood.
- Pavilion storm drain – a rodent dug a hole under a portion of the concrete surrounding the drain. Dennis asked original contractor to repair the hole but it still needs to be done.
- Queen Elizabeth entrance – Sediment is partially blocking the water flow on the outflow side of the three pipes that run under the street. Dennis was told that the county did not have the budget to fix this so he asked one of his crews to remove the sediment, but it has not been done yet.
- Pavilion roof – Many shingles were blown off the roof during a recent storm. Dick will ask the handyman, who recently did repairs on the pavilion, to replace the shingles.

### **WSSC Request**

The WSSC asked permission to go on Olney Oaks common property to do maintenance on their sewer lines. Dennis signed a permission letter.

### **Trees**

Dennis asked that our policy on handling tree problems be clarified and that homeowners share more responsibility for common area trees that fall on their property. Homeowners who get the benefit (shade, property value, etc.) of living next to wooded areas must accept some of the responsibility for the care of the trees. Here are various situations and how they should be handled.

- Homeowners are responsible for removing from sidewalks and HOA common grounds any fallen trees or tree branches that originated on their property. They must also keep their trees and bushes trimmed so they don't obstruct paths and sidewalks.
- The HOA is responsible for removing any trees or branches that originate on HOA common grounds and fall on paths and grassy areas of common grounds or in wooded areas where a safety hazard is created by a partially fallen tree or branch.
- If the HOA Board of Directors becomes aware of a dead, damaged or dying tree that could pose a threat to a neighboring common grassy area, path, or private lot, the HOA will remove the tree. A tree expert will be consulted as necessary. This is our legal responsibility to eliminate any known safety hazards.
- The HOA will **not** pay to remove healthy trees growing next to private lots or healthy branches growing next to or over private lots just because the homeowner thinks they might

fall down. Trees typically lean toward open lots but usually don't represent safety hazards. Homeowners are allowed by law to cut back branches growing over their property as long as they don't damage the trees. The HOA might grant permission to a homeowner to remove a common area tree that is considered a threat by the homeowner. A tree expert will be consulted as necessary. Note that trees in the woods surrounding the houses on the Carrisa Lane cul-de-sac are in a special Forest Conservation Easement area and require county approval for the cutting of any trees – living or dead.

- If a tree or branch originating on HOA common grounds falls onto private property, the HOA will split the cost of removing the tree or branch with the homeowner. The HOA is not legally required to pay for the removal of any of the tree material on private property or damage to the property, but is responsible for the portion on the common grounds.
- If a tree or branch originating on HOA common grounds falls on a house or other structure, the homeowner's insurance will most likely pay for the removal of the tree and repairs to the house. Homeowners should contact their insurance agent before contacting the HOA.

### **Olney Oaks Website**

Marc is working on revising our website but he was not at the meeting to provide an update.

### **County Council Action**

Jay reported that the Montgomery County Council recently passed Zoning Text Amendment ZTA09-03 to limit parking and paving to 30% of a front yard in an R-200 zoning, which covers Olney Oaks. The ZTA also only allows light commercial vehicles under 10,000 pounds gross weight, shorter than 21 feet and lower than 8 feet to be parked on residential lots. The regulations go into effect on 4/24/11. Over parking must cease by 10/24/11.

### **Board Meetings**

- The annual dinner meeting to thank board members for their voluntary service was held on November 16<sup>th</sup>.
- The date for the next board meeting will be determined after the annual meeting.