

Summary of Special Meeting Minutes

July 8, 2008

1. The meeting was called to order at 7:04 PM.
2. Attendance was checked against proxies by the secretary. Appropriate proxies were removed if a proxy signer was present at the meeting. Twenty-six (26) lot owners were physically present. Seventy-four (74) lot owners were represented by proxy.
3. Mike Fel db lum explained the ballot for voting on proposals.
4. The ballots were distributed. Any lot owner who held proxies was instructed to write their address on the ballot for proxy verification. This was announced three times. Any lot owner holding proxies was instructed to write at the top of the ballot the number of proxies held such +2, or so on. The number for each proxy holder was announced by the secretary before voting began. Each of the three (3) proposals was read and voted on, one at a time.
5. Andy Shaffer and Mike Fel db lum collected the ballots. Attorney Duane Stone counted them as Mel James and Pat Cavanagh observed. Three (3) ballots cast were disqualified because 2 lot owners with proxies did not write their address on their ballot, and 1 was disqualified because it was turned in after the ballots had already been collected.
6. Attorney Stone retained the ballots to confirm the vote totals at his office.
7. The Secretary's copy of the ballot count indicates only one proposal passed (according to the By-laws Article IV, §7) with a vote of 79 yes and 20 no votes. The following regulation will be adopted into the regulations affecting town homes only: "No permanent clothes line of any kind shall be installed on any Lot ." The other two proposed By-law changes failed because the majority vote did not reach the required 67% of all lot owners which is 109 votes. The proposed By-law change for hiring a management company had a vote of 81 yes and 20 no. The proposed By-law change regarding the removal of a member of the Executive Board member had a vote of 87 yes and 14 no.
8. The wording for the proposed changes to the By-laws was moderated by Attorney Duane Stone. All of the proposed By-law changes were submitted by lot owners in the community. The new wording for these proposals is in the attached document.
9. An Open Discussion was held and moderated by Attorney Stone. The following items were discussed:
 - a. Lou Johnson asked what was the purpose for the proposed change in By-law Article VI. He did not see a reason for two boards. Lou felt the community needs for lawn mowing and snow removal would be much more difficult to manage with two boards, and he felt strongly there should only be one board.
 - b. Greg Grudovich agrees with Lou Johnson and further stated that two boards would not solve the problems of two different types of homes within the HOA community.
 - c. Don Hess agreed with both Lou Johnson and Greg Grudovich. The developer planned the community this way and while Mr. Hess was not aware of any other HOA with mixed types of homes, it is now here and creating two boards would not solve the problem. (Duane Stone interjected that not only is this type of HOA common in Pennsylvania, it is becoming the norm across the country.) Mr. Hess also commented that Attorney Stone has repeatedly stated that the HOA cannot be divided into two HOAs and that if there were problems with realtor representation, lot owners should contact the local board of realtors. Mr. Hess further stated that information had been given to lot owners in the past.
 - d. Pat Cavanagh concurred and stated that lot owners may be unhappy with their realtor, and if a lot owner felt their realtor did not fully disclose HOA information, that lot owner should contact the local board of realtors.
 - e. Lou Johnson stated that the Executive Board has addressed the differences between the single family homes and the town homes. There is now a division of the regulations for each type of home; for example, in the original regulations in-ground swimming pools were not allowed for single family homes. There was a proposal to allow this and it passed. Mr. Johnson stated that is the way to handle the needs for each type of home in the HOA community.
 - f. Mel James felt that the two boards would act in favor of the two types of homes within the community.
 - g. Pat Cavanagh raised a question about the Non-compliance committee. She asked why the names of the people on the committee were not disclosed to the HOA community. Duane Stone remarked the names are confidential because some people might retaliate against those committee members. Pat Cavanagh also asked if the Executive Board had authorized the non-compliance committee members to look inside people's windows to look for issues of non-compliance. The Executive Board answered this with an emphatic no, they are not. All issues of non-compliance must be visible from common grounds or the public roadways. Attorney Stone also pointed out that nothing inside a lot owner's house is subject to compliance regulations so it would be pointless for the Non-compliance committee to look in a window.
 - h. Mr. and Mrs. Grudovich wondered if the board had authorized the non-compliance committee to come on their lawn and take pictures of their home and children. The Executive Board also answered this with an emphatic no. There is no reason for the non-compliance committee to do this. Attorney Stone said if this is happening, residents should call the police and in addition, they should take pictures of the people taking pictures of their property.
 - i. Mrs. Grudovich reported that the police had been called and they advised they should place "No Trespassing" signs on their property and they wondered if this was allowed. Posting signs, except for realtor signs, is not allowed. The Executive Board agreed to discuss this issue at their next meeting.
 - j. Mrs. Ifill asked how many lot owners there are in the community. Duane Stone answered that there are 163 lots. Not all lots have been fully developed but all lots have voting rights, including undeveloped lots. The reason for this is that those lots are owned by someone. There were several comments from the community regarding undeveloped lots being allowed to vote. Pat Cavanagh said they do not live here. Duane Stone affirmed this is the law, those lots are owned by someone and they have a right to vote. Those lot owners have a vested interest in the community because they own those lots. In addition, some lot owners do not live here but rent a property and the lot owner still has a right to vote.
 - k. Duane Wuorinen suggested that the entire set of By-laws and Regulations be retooled and he volunteered to chair such an Ad Hoc committee.
 - l. Andy Shaffer offered the information that all municipalities have the right and authority to look on any one's property for compliance with local laws and other reasons such as appraisals of property.
 - m. Ron Jackson noted that in this community any lot owner may report an issue of non-compliance to the board. Duane Stone affirmed this, and noted that many of the non-compliance issues of the past have reported by some lot owner and not always by the non-compliance committee.
10. Meeting was adjourned at 9:40.