

MONTPELIER COMMUNITY ASSOCIATION, INC.
Board of Trustees Meeting Minutes
Deerfield Community/Recreation Center, Preschool Room
June 12, 2007

Trustees in Attendance: Kendra Wagner, Jeri Witt, Julia Coldren-Walker, Maribeth Petit, Sandy Martin, David Hartley and Susan Mathis Trustees absent with cause: Minnie Clark Lamar and Charley Obenschain

Community members present: Paul Buehler, Chris Harris, Steven and Suzanne Haversack, Jeannene O'Neil, Mary Hughes, Richard Dengler, James Mathis, John Martin, Paul Petit,
Non-Community members present: Officer Richard Delabrer

Trustee Wagner called the meeting to order at 6:54 PM. A quorum was present for conducting business.

Secretary's Report: Mary Hughes

The May minutes were read and amended. Trustee Witt made a motion to accept the amended minutes. The motion was seconded and passed unanimously.

Treasurer's Report: Julia Coldren-Walker

Trustee Coldren-Walker stated that Green Thumb's check was being held as she was under the impression it had not been approved yet. There is a little over \$51,000.00 in the operating account. Trustee Wagner stated she had a bill from Mike Owens Plumbing for emergency work done at the pool over and above what he had done to help get the pool opened on time. Mary Hughes stated there were several Community Pools bills due for payment. Paul Buehler said he had the bills and some deductions were being made but he would get them submitted for payment.

Committee Reports: Pool Committee, Paul Buehler, Chair

Mr. Buehler said he had talked to Ken Lines and that the diving board is not in jeopardy as had been previously reported. He also stated he had talked to the manager of the Maryland City pool - they have the exact same pool we have - 2 diving boards and they are insured by Allied Specialty Insurance. Their insurance is approximately \$5,000 less every year than Montpelier's but they do not have common grounds, tennis courts, etc. Mr. Buehler contacted Allied Specialty Insurance and asked for a rate quote. He included in the quote the common grounds, swim team, diving boards - he would like to bring back the high dive. He will report back to the board when he receives the quote. Action required.

There have been several issues with Community Pools. They put us last on the list for repairs, etc - just like they did last year. Their excuse was they had submitted a list of repairs to be done and not gotten the approval in time.

Another issue was the pool has been understaffed. Our contract reads 3 lifeguards at all times. When Mr. Buehler went to the pool there was only 1 lifeguard present - 1 had left and 1 was playing soccer. Community Pools had assured Mr. Buehler there would be no personnel problems this year. They said they would handle the problem and it would not happen again. Trustee Petit asked what would happen if we did not have the required number of guards per swimmers - 1 guard for 50 swimmers - Mr. Buehler stated he would have to close the pool.

Mr. Buehler stated he had installed a new filter on the baby pool. There was not enough volume of water to keep the pool clean and the new filter should eliminate this problem. All the pumps need to be winterized next year instead of leaving them on during the winter. Mr. Buehler stated he thought Matt Harris, the pool manger, was doing a good job. He also stated he (Mr. Buehler) had several ideas he would like to see implemented which were not in his budget. He wants to purchase lane ropes - the old ones have disappeared - so there will be a lap lane for swimmers. Also, he would like to replace the basketball hoop - the lap lanes will be taken down when a

basketball game is in progress or the hoop can be put on the other side of the pool. He would also like to purchase water polo net, a pin ball machine and replace the high dive. The bathhouse matting needs to be taken up permanently and replaced with an epoxy paint and sand combination for looks and health issues. The doors to the individual stalls need to be replaced or repaired as they do not close correctly, if at all. Mr. Buehler said he would like to take down the chain link fence that runs from the bath house to the pump house and replace it with an ornamental black iron fence. Trustee Mathis asked what the pool budget amount was. Trustee Witt stated there was a special budget voted on last year because of all the repairs, etc that needed to be done. Trustee Coldren-Walker stated that the pool committee had gone over budget last year by about \$8,000. No one had the budget figures so Trustee Wagner suggested she would find the old budget and get back to Mr. Buehler on that. He was asked to prioritize his list so we can discuss it at the next meeting. Action required

Mr. Buehler was asked about the power washer belonging to a resident and he said it was still down at the pool and he would return it shortly. Action required

Trustee Martin asked what happened when we had inadequate coverage of lifeguards. Mr. Buehler explained that Matt Harris had moved guards around and so far it has not been a problem. Trustee Martin also asked about the defibrillator especially a pediatric defibrillator. She was told that Community Pools was supposed to furnish us with this item and all the guards were supposed to be instructed in its use. Mr. Buehler stated he would look into this item along with the first aid kit that was supposed to be furnished by Community Pools but never was. Trustee Mathis made a motion that Mr. Buehler be authorized to purchase any safety items needed at the pool after giving Community Pools notice that they had 3 days to purchase these items or we would purchase them ourselves and it would be deducted from their bill. The motion was seconded by Trustee Coldren-Walker and passed unanimously. Action required.

The question of the white coat on the pool cracking was brought up and Mr. Buehler stated he still considered it a problem even though Community Pools said it was guaranteed for 10 years. He is watching the issue.

Trustee Martin stated she would like to see the swim test rules applied more strictly. The guards are supposed to be giving swimming tests before children are allowed in the big pool. Mr. Buehler said he would instruct the guards regarding this rule. Trustee Wagner suggested signs be made of the pool rules. Action required.

Trustee Witt asked about the showers required before entering the pool. Mr. Buehler said he was working on that issue and also the drinking fountains. Action required.

Trustee Wagner requested that Mr. Buehler get his winterizing list together so it can be approved at the July or August meeting. Action required. Member Mary Hughes stated she thought we were supposed to keep a list of items purchased by Community Pools and charged to us. Trustee Coldren-Walker stated she would go thru the old Community Pools bills and make a list of these items to make sure we had not been charged for them again this year. Action required.

Swim Team Committee; Jeannene O'Neil, Chair

Member O'Neil stated 75 children had signed up for the swim team, several less than last year, but more were expected to sign up later. The time trials went well and the first swim meet is scheduled for June 16th at home. Mary Hughes asked that a roster be sent to her so she could include it in the meeting minutes and in the permanent files. Mrs. O'Neil agreed to email her a copy right away. Trustee Witt requested a copy of the financial records of the swim team and Mrs. O'Neil stated she would give a report at the next meeting as she was not prepared at this time.

Mrs. O'Neil stated she had gotten several telephone calls regarding the Board's decision not to let non-home owners join the swim team. The issue seems to be the different interpretations of the insurance coverage. Four people have talked to Mr. Lines, our insurance agent, and have come

away with 4 different interpretations of the rules. Member Wagner stated her interpretation was only swim team members who lived in the community were covered by our insurance since you had to be a member (homeowner) to join the swim team.. Since PrinceMont, the governing body of the swim team, had decided not to get insurance coverage for the whole league it was up to the individual teams to furnish their own. If there was an internal qualification then that qualification had to be met within our own insurance. The whole insurance issue was a grey area that Trustee Wagner felt could have ramifications throughout the whole community. Mrs. O'Neil asked could the insurance company make an exception for this one family. Trustee Wagner stated this was a 'grey area" since our bylaws state only members and those with extended family coverage were qualified to join the swim team. Mrs. Haversack asked if this family had extended family privileges in the past and was told they did not qualify under the definition of extended family and could not be covered as same. The question was then asked if the family in question had been granted special circumstances in the past and was told by Trustee Wagner that it would not have been legal, according to our bylaws, to do so. Mr. Dengler stated he had gotten permission from prior boards but not for 2 years. Trustee Wagner stated this type of issue is not passed on from Board to Board and each year a new Board is elected this issue should be reintroduced.

Trustee Wagner then requested that each Trustee be allowed to speak on the subject.

Trustee Witt stated that this board was trying not to make the same mistakes the past boards had made - stating she had been on past boards herself. They were trying to go strictly by the procedures laid out in the bylaws without letting emotions or past actions guide them. Letting Officer Delabrer and his family become extended family members was illegal then and is illegal now under our current bylaws. Member Buehler stated could he bring the family in question in as his guests and was told guests are not allowed to join the swim team either. Member Buehler stated he did not agree with or understand Trustee Wagner's interpretation of the insurance. Trustee Wagner explained it was the grey area that had her concerned. Mr. Dengler stated he felt the police officer was a "contractor" trading his time for the right to use the pool. We hired police officers at Christmas and paid them \$25.00 per hour. Mr. Delabrer, the police officer in question, was basically being paid \$250.00 per season in exchange for his assistance. Mr. Dengler stated he would like the insurance agent to come to a meeting and speak to all of us at once. Mr. Dengler was told Mr.Lines had been invited to a board meeting but did not come. Trustee Wagner stated Officer Delabrer was given a gift membership for him and his family in return for his assistance. The swim team is an entirely different issue - as the membership did not cover the swim team or the bringing of guests to the pool. The gift membership was only for Officer Delabrer and his immediate family to use the pool. The Board needs to revisit giving these types of memberships at all.

Trustee Coldren-Walker stated that just because a person buys a guest pass that does not give the guest the right to be on the swim team. You have to be a member of the community to be on the swim team and the Officer and his family are not members of the community.

Trustee Mathis stated that the Board set aside rules that had to be followed by the swim team and one of these rules was that the members of the swim team had to be members of the community or on extended family passes. An option for the swim team would be to sever ties with the Board and pay for their own insurance, etc. The swim team families make up roughly 3% of the community population. This means that 97% of the homeowners pay for the insurance for 3% of the community. It also means that 97% of the community pays for the upkeep of the pool that the swim team uses. It is the duty of the board to protect the interests of all 695 homes not just the 35 or so who belong to the swim tem. She pointed out that she did not personally remember extending passes to anyone in past years but if that was the case the families involved should have been given their own number and not gained entrance to the pool on a homeowners lot number.

Trustee Witt stated she meant no offense to the police officer but she has been on the ACCC and the Board for the past 5 years - off and on - and she has never met this officer. She has had issues within the ACCC that certainly could have used the assistance of a police officer but Officer Delabrer did not come. She had brought issues to Mr. Dengler, the security committee, stating we needed a police officer and Officer Delabrer did not come. Officer Delabrer has worked for Mr. Dengler exclusively not the community as a whole with Mr. Dengler deciding what issues Officer Delabrer worked on - not the Board. Trustee Witt asked that Officer Delabrer, in the cause of being fair, please state what incidents Officer Delabrer has responded to for the Board or individuals in the community. We have trailers in the streets, kids jumping over fences from Crestleigh, a family being terrorized by kids from Crestleigh, boats in the street - where has the officer been during all this? Officer Delabrer stated he has left his personal telephone number at the pool, he suggested the basketball court be fenced, he stopped skateboarders on the tennis courts, he drives by the pool at night to look for trespassers, he checks on pool parties, he talks to 16 year old new drivers about being good drivers. He also stated other officers have been offered membership in the pool for their services in the past. Officer Delabrer stated he would have no problem coming to the Board meetings and giving a report of what actions he had taken for the community that month. Trustee Witt stated that as Chair of the ACCC she should have had access to these services in the past and would like to have them in the future. Officer Delabrer stated he ticketed a trailer in the street just that past night. Trustee Witt stated this issue with the trailer had been going on for 2 years and Mr. Dengler had known about it all that time. Why was something done the night before this board meeting and not 2 years ago?

Trustee Wagner stated that is why he was given the pool membership for him and his family because of his service to the community through Richard Dengler, but that did not include joining the swim team because he had to be a actual homeowner according to our bylaws and other factors. She told him how much we did appreciate his efforts on our behalf and wished we had been more aware of his efforts but we have bylaws we have to follow. Officer Delabrer stated he was not aware his children we not going to be able to participate until after he had already purchased their equipment and an ice machine for the team. He was reminded that a letter was sent to him over two weeks ago and Officer Delabrer said he had only opened the letter the past evening.

Member Beuhler stated the Montpelier Marlins were very visible in the community and we should be working on more creative ways to get more swimmers on the team. He also stated that even though the 700 families paid for the insurance it didn't cost more or less because of the swim team. Trustee Mathis stated that was true and her point was that 700 homes paid for the swim team to enjoy the facilities and therefore, the swim team should abide by the bylaws as set out at this time. The swim team uses the pool on the average of 100 extra hours more than the homeowners use it. Swim team members pay, thru their assessments, for the upkeep of the pool or for their insurance. Anyone who is not a homeowner but is on the swim team gets all that for free.

Trustee Hartley stated we were losing sight of the fact that children are involved. Most Board members do not use the pool but here is a group of people who are passionate about the pool. Trustee Hartley feels that the officer is an asset to the community. He agrees with the decision last month to give the officer and his family membership but thinks we should take it one step further by granting him the right to swim team privileges. The donations made to the swim team by the homeowners in the community has never been requested by the swim team. He suggests that money be used to supply insurance for this family. Trustee Hartley made a motion that we add on to our decision of last month by allowing this family swim team privileges for this season only. The motion was seconded and discussion followed. An amendment to the motion was voiced by Trustee Mathis. She stated in all fairness that we would have to extend membership to any prior swim team member that wanted to join and could not because of the bylaws. Also, she would like Richard Dengler to give us a list of any officer who has helped him out so we can extend the privileges granted to Officer Delabrer to any police officer who had assisted anyone in the neighborhood. In her opinion to do less would seem discriminatory. We should at least extend

the privileges to those who have been on the swim team in the past. Trustee Petit says she thought the idea was to give this one family, one time, joining of the swim team because he had already bought all the equipment, etc. Trustee Witt asked what was going to happen when next meeting there were 10 people sitting in the audience who had come to ask for an exception to the bylaws. Trustee Hartley said we would address that issue when it occurred and it may not occur. Trustee Witt's response was we had to think ahead to what repercussions our decisions tonight have on the community tomorrow. Member Petit stated the ACCC makes exceptions to the Covenants at times- why is this any different. Trustee Wagner stated anyone who comes to the ACCC for an exception is a homeowner and we are discussing an exception for a non-homeowner. Trustee Witt reminded the Board about the homeowners from another community who insisted they be allowed to buy a membership to the pool. When they were refused they said they would be keeping track of whether or not we let other non-homeowner use the pool. Trustee Mathis withdrew her amendment and Trustee Wagner restated the original motion so everyone would be clear. The motion was a one time exception for this one family for this one year to join the swim team. Member Harris stated he supported Trustee Hartley's motion as his children have been members of the swim team for years. He has investigated the insurance angle and does not agree with what has been previously said. Member Buehler stated he felt we should allow the swim team to run their own team and recruit members however, and wherever they can. The vote was taken and the motion did not pass (Aye's: David Hartley and Maribeth Petit; Nay's: Kendra Wagner, Susan Mathis and Jeri Witt; Abstained: Julia Coldren-Walker and Sandy Martin).

Member O'Neil asked how the checkbook was to be handled and it was decided they would handle it themselves rather than go thru the Board treasurer. Trustee Wagner thanked Officer Delabrer for his service to the community.

ACCC, Jeri Witt, Chair

Trustee Witt reported that the ACCC minutes were sent out to the community and she had nothing further to report. She submitted her committee roster for approval. A motion was made by Trustee Mathis and seconded by Trustee Martin to approve the ACCC - unanimously approved.

Traffic, Sandy Martin, Chair

Trustee Martin stated she had nothing to report. Trustee Wagner had a letter to give Trustee Martin from the State Highway Department and requested that she be able to give them Trustee Martin's email address. Permission was given.

Facilities, Paul Petit, Chair

Member Petit stated he had not gotten the volley ball nets yet because the poles were bent and had to be adjusted but he was working on that. He has gotten estimates for the locks for the tennis courts and the basketball courts. They will actually weld on to the fence and therefore be harder to steal. The cost was \$575.00 a piece. He is going to have Atlantic Fence put a tension pull on the gate to the basketball court so it will close and lock automatically. A motion was made by Trustee Wagner and seconded by Trustee Martin to allow Mr. Petit to purchase the locks - unanimously approved.

Trustee Wagner brought up the trees by the pool entrance and that they are full of bees and need to be removed. Member Petit said he would handle it with Green Thumb. Action required.

There were 3 gentlemen who volunteered to be a Tennis Committee but they were not present so that discussion was tabled.

Several members were bothered by the new Parliamentary Procedures being implemented by the Board. It was explained by Trustee Wagner that we were trying to put some structure in the meetings by all of us following the stated rules.

Social Committee, Susan Mathis, Chair

Trustee Mathis stated the Wednesday night pizza parties are quite the success. She is trying to get an adult only party organized for August. The pool manager and staff did a wonderful job at the teen party assisting and keeping order. We have another teen party coming up in August and a 4th of July party coming up also. Trustee Mathis asked that her committee (T. Eisenberg, L. Collman, S. Martin) be approved by the Board. Trustee Witt made a motion we approve the list, Trustee Coldren-Walker seconded - unanimously approved. Also, the yard sale had approximately 50 houses participating - it was a great success.

Security Committee, Richard Dengler, Chair

Member Dengler stated there were several thefts from cars and one car stolen in the month of June. The people who damaged the volley ball poles were residents of the community. People are being more aware - calls to 911 have gone up 30%. The signs are in and will be put up soon. He stated that the 6th. District Police Officers have orders when they are coming or going to go through our neighborhood. We might not notice them because a lot of them are in unmarked cars but we have a lot of police coverage. Major drug raid at 9200 Muirkirk Road that netted millions of dollars in drugs. He asked that we make more of an effort to drive past the pool. The light pole at the pool is in the process of being replaced. Light on top of the guardhouse is out and needs attention.

Web Committee, David Hartley, Chair Trustee Hartley stated he had nothing to report. Member Mathis asked why the Bylaws were not available on the website and Mr.Hartley explained they are re-designing the site and a lot of things are going to be changed. He would appreciate some volunteer help if any is available.

Governing Documents, James Mathis, Chair

Member Mathis stated he had sent the new copies of the bylaws out to everyone on the Board. He asked that we all go over them as they have to be approved by the Board before they can be presented to the homeowners at the Annual meeting in September. The lawyers need a month to go over them before they are published. A meeting was scheduled for June 26th.at Trustee Witt's house, to discuss these bylaws and make the final changes. Trustee Hartley made a motion that the draft of the new bylaws be placed on the website. It was seconded by Trustee Coldren-Walker - unanimously approved.

Benevolent Fund, Jeri Witt, Chair

Trustee Witt mentioned she felt the Benevolent Fund needed to be restructured as there are two check signing members on a committee that has a separate checking account. It was agreed more committee volunteers would be sought. Trustee Witt and Mary Hughes did an audit and found the fund was short \$1,004.45. She asked that a motion be made that amount be transferred to the Benevolent Fund Account. Motion made by Trustee Witt, seconded by Trustee Wagner and unanimously approved. Action required

Nominating Committee, Susan Mathis, Chair

Trustee Mathis asked that all members who are going to run again let her know. Please notify her by email, update your profile and fill out the documents that will be in the newsletter. Action required

Beautification Committee, David Soule, Chair

No report.

OLD BUSINESS:

Mary Hughes reported that all unpaid assessments have been sent to the attorney for collection - there were about 20.

An issue regarding insurance from the Boys & Girls Club using our soccer field was tabled.

NEW BUSINESS:

Member Buehler asked that facilities pour concrete in the entranceway to the basketball court as there is a lot of unnecessary dirt being carried to the pool. Also, he would like to extend the pool deck towards the basketball court.

Trustee Mathis requested we start using colored bracelets for grounds use passes. They are very popular with the children and won't easily be lost. \$700 will purchase 2,000 bracelets which will be red and black and will say Montpelier Comm. Assoc. Grounds Use Pass. We could also use another color for children who have not passed the swim test and should not be in the big pool. Discussion to be held later on particulars and enforcement. A motion was made by Trustee Mathis to purchase the bracelets. It was seconded by Trustee Wagner and passed with Trustee Hartley abstaining. Action required

Member Haversack spoke and said he was very disappointed in how the board was running the meeting and he found the bracelets very offensive. He felt the Trustees were too rigid and too conscious of lawsuits which, in his opinion, would never happen. Trustee Mathis replied that we were only trying to protect the neighborhood and being proactive.

It was agreed that all administrative duties related to the pool gate attendant would fall under Mary Hughes.

Chris and Josh Mathis will be delivering the newsletters on the "opposite to the pool" route.

Trustee Witt stated that the board meeting minutes printed in the newsletter are two or three months old by the time the community receives them. Discussion followed whether the minutes could be approved via email, but the governing documents do not allow this.

The next meeting will be held on the second Tuesday of July, July 12, 2007 at Deerfield Community Recreation Center, preschool room. The motion was made and seconded to adjourn at 9:12 PM. The motion passed unanimously.