

## Drum Point Village West

### Minutes of June 17, 2009 Board Meeting

Meeting was called to order at 7:01 PM.

**Board members attending:** Fred Weintraub, Natasha Binkowicz, Gene-Ann Pesano, Paula Groppe

**Homeowners attending:** Mary Helik, Harriet Martin, Robert Martin, Ronald J. Dougard, Lillian Hughes, Matthew Carrara, Herb Armstrong, Lucky Wade

**Approval of 4/22/09 Minutes:** Motion – Fred, Second – Natasha, approved unanimously.

#### **Reports from Trustees:**

##### **❖ Township (Fred):**

- Fred has been in constant contact with the township regarding the scratchcote and storm drain projects. We have been waiting for two months for information they promised to deliver in two weeks. They have been put on notice that if the Township does not follow through immediately, then they can expect phone calls from the media about this. The fence at 23 WSW which the township's contractor removed to install a new patio was re-installed today.
- A representative from the Township's engineers will be here tomorrow morning to inspect the walls, specifically, the warping of the cement boards on some units.
- The drain at the parking area near 26 WSW was scheduled this week, but the rain precluded the work from being done. Fred has requested 48 hour notice when the work will be done so he can post notices at the parking area that it may not be used for several days so the work can be done. The intent of this is to prevent pooling of water in the area of the driveway at 24-26 WSW and the parking area.

##### **❖ Landscaping (Natasha):**

- Shrubs were trimmed this week as well as the willow tree in the drainage basin.
- The back of 12-22 MD will be reseeded as soon as the sprinkler heads have been corrected. Currently, there is too much water being delivered to the back of the unit. The sprinkler heads in the back of the building will be replaced with heads that will deliver less water to the area.

##### **❖ Well/Sprinklers (Natasha/Fred):**

- Sprinklers have been readjusted to "balance" the pressure used by all of the zones. Now there is some "fine tuning" of sprinklers for best coverage.
- The well has been operational for two weeks. There are some minor problems to be addressed but these are ongoing. Small stones and pebbles in the system can cause problems with the valves and need to be found and removed.
- The quality of the water from the well was not tested for drinkability. The iron content is lower than the acceptable level to prevent staining and the pH is good according to George.

- The final costs of the well project should be available at the next meeting. We expect the cost to be well under our original estimates.
- Ronald J. Dougard pointed out that the sprinklers between 22 and 24 WSW is watering the street. Natasha will notify CYMRU.
- Fred reminded the homeowners that they should report any problems that they see with the sprinklers to the Association via email or phone call.

❖ **Roofing/Siding (Gene-Ann):**

- All repairs from the spring storms have been done
- A Mignatti unit reported a leak this week. The work order has been called in.

❖ **Pest Control (Gene-Ann):**

- A Mignatti unit reported a bees nest hanging from the front porch light. Ozane has been contacted.
- The Sentricon system will be installed at 17-31 WSW and 33-41 WSW by July 7<sup>th</sup> (weather permitting). Termites have been found in the 17-31 WSW building and the next building is very close to it which is why these two buildings have been selected for this year. Markouts will be done about a week prior to installation

❖ **Miscellaneous Maintenance (Fred):**

- Garage door framing at 21 WSW has been replaced. It was badly damaged by termites.
- The Township has a program to place shields at the mouths of the storm drains throughout the town to prevent debris from entering the system. We are high up on the list to get them installed.
- BTMUA notified two homeowners that their sewer clean out caps are broken and must be replaced. We have contracted BTMUA to do these replacements at a cost of \$200 for both of them.

❖ **Correspondence (Fred):**

Nothing to report.

**Committee Reports:**

❖ **Covenants Committee:**

Nothing to report. Natasha pointed out that people are doing cleaning and leaving things for large item pick up on the grass. Please be advised that fines can be issued for this. Items can be left at the curb or on the edge of the driveways for pick up but must not be put on the grass.

❖ **Newsletter (Gene-Ann):**

- Hope to have the next one out at end of July. Homeowners are welcome to give us articles or ideas for articles.

**Review Financials:**

Financials were not available for the meeting. However, they are posted on our web site shortly following the monthly closing of the books.

**Old Business:**

❖ **Audits**

The documents and other materials for several audits are in the hands of the auditor.

**New Business:**

❖ **Patios (Fred):**

A Notice was sent to all owners regarding the condition of some of the patios. Fred showed pictures of some of the very dirty patios that are black with mold and asked that someone explain how this does not affect the values of our homes. He noted that we are not expecting a “military clean” condition but a reasonably clean condition. While the maintenance of the patios is the responsibility of the owners, the Board also has a responsibility to ensure that our health, safety and values are protected. The mold is a health hazard. Ron Dougard asked if there is something that the patios can be treated with to prevent the mold that occurs on the patios in deep shade. Natasha advised us that CLR can be used on the patios and is very effective. Refer to the newsletter article on this topic for information on this. We are not aware of any product which can prevent the mold long-term. Fred will look into this.

**Open Forum:** *(Note that for the legal protection of the Association, the following portion of the meeting has been transcribed verbatim. Anything appearing in italics is an editor’s note and is included for purposes of clarification.*

*Homeowners speaking are identified by their first names.)*

**Matt:** “I want to address this fence fiasco that has plagued our community. *(next sentence was not clear on the digital recording)*. I think what’s happening here is a disgrace. First of all, I like a level playing field. I’m living here eleven years and that has not been the case. If you’re in the loop you get preferential treatment and people look the other way. For example, going way back, just a quick one, Gladys *(former owner of 20 WSW)* was in the loop big time. She’s allowed to put a flagpole in front of the house with a spotlight on it. 90 homes, one with a flagpole in the front because she was in the loop.

**Gene-Ann:** After 9/11 folks were told they could display American flags.

**Matt:** I lost a nephew on 9/11 and I am a veteran. Nobody asked me if I wanted a flagpole.

**Gene-Ann:** Nobody asked her if she wanted one, she asked the Board. We have a record of the approval for it.

**Matt:** Why would you put one flagpole with a spotlight, why did you agree to that? She got it because she was in the loop. And that is how this place operates.

**Harriet:** And the fence is an issue because I am in the loop?

**Matt:** I’m not talking about your fence.

**Fred:** *asked that homeowners speak one at a time.*

**Matt:** People have a lot to say for \$150, I want my \$150 worth. I gave you one example, I’ll give you another example. Years ago a woman who does not live here any more had a little wading pool for her kids and they were told that it was damaging the grass and she would have to remove the pool. So she got rid of the pool. When Bob became President of the Association, he put up a big illegal tent on the side of his house and that tent was up there for a good portion of the summer. Now, he got it because he is in the loop. Nobody was worried about that. *Bob tried to respond but Fred asked him to wait and allow Matt to finish speaking.* Nobody was worried about grass being damaged. It is illegal, you can’t have it, it is an eyesore. Was he fined \$15 a day? Huh! He’s in the loop. This is what I mean by being in the loop. Some people get things, if you are out of the loop, you don’t get. Now while his tent was up, his next door neighbors, Ron and Andrea, never complained. They never complained. They could have said hey, get that tent down,

it's an eyesore, it's ugly, it don't belong here. They were good neighbors. They let it go. All of the neighbors including me did not like the tent there. It was an eyesore. He couldn't have it. But you know what? We let him go, we let him have it. We were good neighbors. We're good neighbors, we let it go. That's the difference. Now we got 90 families here, 90 families and one family has protested a fence. Nobody has ever protested a fence. In, out, bad or indifferent. And the family that's protesting the fence lives there 6 months of the year. They're not even there all year round. But they're in the loop.

**Fred:** Stop, stop.

**Matt:** Let me finish. I have a lot to say. Let me finish my train of thought here. Now. Everybody has a fence. We got maybe 10% people don't have a fence. Everyone of youse have a fence. We all have a fence. He can't have a fence? (*indicating Ron Dougard*).

**Fred:** Yes he can.

**Matt:** Oh well, let's get to that, let's get to that. Yeah I want to get into that. Now, what has happened here because you're friends (*indicating Bob Martin*) You're in the loop, so what do you do?

**Fred:** By the way, I am going to let you speak. I take exception to the statement you just made and I want it in the minutes. Nothing is being done in this community because anyone's in the loop. I know you have a history and you're explaining it. I will say this to you and I will allow you to continue and say everything you want. If you want to talk about things that are in the loop, that concerns the decisions of this board, I'll be happy to entertain it. What other Boards did in this community, have nothing to do with the conduct of this Board.

**Matt:** All right, I'm talking right now. So what happened was he don't want the fence (*indicating Bob Martin*). You don't want the man to have the fence. So what happens? Youse all agree with him. And what do youse do, you drag two other homeowners into this that has nothing to do with this. Now you sent a threatening letter to Herb that says that his fence may come down and Lucky is told that her fence may come down. So what have youse done? The bottom line, here's what youse done. You took care of your friend, let him have what he wants, and you threw tree homeowners under the bus. Tree homeowners, under the bus. You told one homeowner you can't have your fence and you told the other two your fence may have to come down. All right, now that's not fair. That is not fair in my eyes. Now. Here's something I don't understand would somebody explain this to me. 21 years the development is, 21 years we're here. People are putting up fences for 21 years. Everybody's living in harmony, nobody's complained about a fence. All of a sudden out of the clear blue sky a fence has to be brought up. A firewall and 32 inches in. Where did this come from? Where is it said. Every fence, nobody ever mentioned this. We got 10% fences left to be put up. We're going to change horses in midstream now and make new rules? I don't understand what's going on here. And let me tell you something else about why this guy (*indicating Ron Dougard*) deserves a fence more than anybody. Where he lives is common ground, the kids play there and play ball. He don't care. Let them play ball. When a ball is hit and comes flying, isn't it better for him if it hits an fence rather than him and his wife in the head which has happened already before that fence went up. Everyone of us, everyone of us, when we sit on our patios, there are no balls flying over our heads. But he has that problem. And if you were fair minded people that looked at this with straight eyes, you would say "You know what? The man does deserve a fence. A fence not only for privacy but for protection."

Now I have one more point I have to bring up. On this (*indicating patio notice*) you say if we don't clean the patios, the value of your house can go down. We have a homeowner with a broken window with a bag in that window for 6 months. Use your smarts. If that going to effect the value of our homes? Now if we don't address that if someone else's window breaks are they going to put a piece of plywood or cardboard. Are we going to let that go? Now this hasn't been addressed in 6 months and I don't know why. In the meantime, he's (*indicating Ron Dougard*) being fined \$15 a day. \$15 a day for a legal fence in my eyes. And we got a window for 6 months with a bag in it.

**Fred:** Let me ask if you are finished because I wouldn't want to interrupt you unless you are finished.

**Ron:** I want to add something to what he says (*indicating Matt*).

**Fred:** I want to remind you about the window you talked about.

**Ron:** You mentioned before that the Mayor Acropolis administration inherited decisions of the previous administration. We went to ADR in April. The first thing that Dennis Salerno said to you was when you said prior boards approved these fences I didn't. He said you inherited what you take. That's the first words he said. I have it on tape.

**Fred:** By the way, by the way. That's fine. If you want to reveal things that were said in ADR, this board will not discuss anything that was said in ADR. We're not allowed to.

**Ron:** All right. I read Condominium law and it doesn't say that.

**Fred:** As far as the window is concerned, sometimes when you look at the iceberg you see the tip but you don't see the iceberg that is buried. You don't have any idea about this because it is not something we would bring forward in the community of the amount of correspondence and discussion that went on between the Board and the unit owner in regards to that window. We have been given substantiation of the fact that perhaps what's gone on there, and believe me I don't want that plastic up either and I'm not going to make any excuses for this guys. The fact that when the window came in it was the wrong window. The fact #2 is as we've been told is that the hardware that exists on that window does not match what is manufactured now and they're trying to get a match for it. I'm not trying to make an excuse for anything but what I'm trying to tell you is that the assumption that is made on the part of the community as top what activity went on does not have the true picture and we most certainly wouldn't sit in our meetings and outline that thing. So, I'm with you. I don't like it. And I've been pretty upset about the whole thing. I don't the true answer to this except that Anderson is being brought into the picture and I'm not trying to make excuses for anybody. And as far as the three fences are concerned, the board will not discuss anything because of pending litigation.

**Lucky:** When will we hear?

**Ron:** There's actually four fences. Gene-Ann's fence is not on her firewall either. It's on her neighbor's window.

**Gene-Ann:** That's where the firewall is.

**Ron:** On your neighbor's window?

**Gene-Ann:** Yes. Those are very narrow units.

**Fred:** You know what, I'll check it out for the next meeting. Just so we're not making bad assumptions, I'm not saying whether you are right or wrong, I have no idea. You know how I went into your unit and I went into Bob's unit so I was able to physically locate where the firewall is within the sheetrock. I will do the same. As far as commenting on anything to do with the fences, comments will not be made by the board because there is pending litigation.

**Matt:** Here's what I don't understand, Fred. 21 years, 21 years fences are going up and down. Never been a problem, everything is running smooth. Until 8 months ago, out of the clear blue sky I gotta hear that fences have to be put on a firewall and 31 inches in. Where did this come from? I want to see it in writing, I want to see the rules on it.

**Fred:** That's going to be a court decision and you will get to see it.

**Matt:** I'll tell you what Fred, I hope we go to court on this cause I want to testify under oath and look in that judge's eyes and I want to tell him what's going on here. I hope we go to court. This is a kangaroo court what's going on here.

**Harriet:** Can I talk?

**Fred:** I think we're going to allow the Martins to talk.

**Bob:** About the tent (*speaking to Matt*), you can't even see it from your house. It was up for a week and taken down when the party we had was over. I may have put it up another weekend for a party. It wasn't here all summer, you're wrong.

**Harriet:** It was never on the lawn.

**Matt:** Did anyone else get to do that? If I ask for a tent, can I get it?

**Fred:** Did you ask for it? Did anyone else ask for a flagpole and was denied? It sounded like an application was put in for a flagpole and I don't know if I would have agreed with it or not. I want to know were other people denied the right to have it? If they were then I understand what you are saying but if they weren't denied then your whole theory falls apart.

**Matt:** How the hell could you agree to a flagpole and deny a fence? A fence is with the decorum of the community. Everybody has a fence. This is one flagpole in front of one house with a spotlight on it. It should have never been granted. But she was in the loop, because she was in the loop big time. I'm a quiet guy and I see what goes on here.

**Gene-Ann:** I would like to bring to your attention, you can check the news on it and you can check the history on it. A couple of years ago a community in East Windsor named Twin Rivers was sued by one of their homeowners because they denied them the right to put an American flag out. It cost that condo association hundreds of thousands of dollars to defend the suit. The end result was that **no** association can deny people the right to put out the American flag.

**Lucky:** I think it was ugly and out of place. I'm an American and I believe that everyone can put out an American flag. I had a flag out my front door and another in the back. Believe me, it didn't look good, the flagpole. None of us ever were asked if we wanted one. That should have been voted on. A flagpole looks stupid. It looks stupid out there. If it's in front of this place, that looks wonderful, but not in front of someone's house. One flagpole through the whole development, that looks ridiculous.

**Harriet:** Do I get to speak now?

**Fred:** Yes, you do.

**Harriet:** First of all, I told Ron Dougard the day I moved into that unit. I said "Ron, that concrete in the back is on my unit."

**Ron:** You never said that.

**Harriet:** And I am going to have a fence put on the firewall. And you (*indicating Ron Dougard*) said "If you (*Harriet*) are going to put a fence on the firewall, then I am going to put in a balcony out of my bedroom. The last week that I was in their (*Dougard's*) house, his wife said to me "You may have won with the tree, but I'm going to win with the fence". And I said "Over my dead body". And I'm still here. (*at this point the conversation is unintelligible as Matt was trying to speak over Harriet*). Shut up (*speaking to Matt*).

**Matt:** Don't tell me to shut up.

**Harriet:** You're the quiet guy who is shouting

**Matt:** Don't tell me to shut up.

**Harriet:** The fence is on my window. I can't even look out the window. It is like having a blinder. And I don't care if you have one on yours, and you have one on yours, he's (*indicating Ron Dougard*) not having one on mine. I already have a permit, it's been OKed by the town. It's going up on the firewall. Period.

**Ron:** That's when I get an injunction.

**Harriet:** Go for the injunction. When we have problems I have to listen to people fighting for seven years, every single night, 3 o'clock in the morning. I hear people screaming right against my wall.

**Matt:** That's personal, don't go there.

**Bob:** 9 or 10 months ago Ron asked me about the fence and I said "Ron, I'm going to get permission to put it up on the firewall." Nothing was said after that. The fence was put off until we came back from Florida. In the meantime he (*indicating Ron Dougard*) put up a fence without a permit and without approval of the Association which was illegal and also the fence was put in the wrong spot. Now, I went down and submitted a request and all of the information that the town wants and I am going to have that fence put up in the right spot. It was told to me, we'll discuss it when you come back from Florida, Bob. Well, guess what. A week before I returned from Florida a fence was put up and that is low.

**Harriet:** Without permission after being told by the board not to put it up.

**Ron:** Wait. Let me get this straight Bob. Fred sent me a letter around the end of March, beginning of April

**Fred:** That would have been in relation to the 3/27 installation of the fence?

**Ron:** No you said prior to that the Martins are coming back from Florida on or about April 28<sup>th</sup>. This thing has been dragging out since October. That's why I told you let's expedite ADR let's not wait until the Martins get back. The mediator said that the Martins have nothing to say about this. He said this is between you and the Association.

**Fred:** I will footnote that I am glad you brought that up that way. I would also inform you that the area that the fence was approved for by permits for him (*Bob*) to put up is neither on his property or on your property. We learned that lesson from the zoning department. That fence, if he puts it up is on Association property. So if you're going to get an injunction be aware of what I just told you. I am just explaining this to you but you already know that from the Zoning Department being out at the site. They (*the Zoning Board*) claim that if the fence was put up without a permit, then the consequences are put on the Association and not on him. So everyone in this community is going to be paying for the summons and fine for that. And if you're looking for an injunction I think you need to consider that. And that's all I'm going to say to you about that.

**Matt:** So what are we going to have, 2 fences?

**Fred and Gene-Ann:** We don't know that yet. We cannot discuss this in light of pending litigation. Herb do you have something to say?

**Herb:** OK, two things. The first thing I'd like to say in the past the Association paid for a fence to be installed on a homeowner's unit.

**Fred:** Where is that?

**Herb:** Between 53 and 55 WSW.

**Fred:** I have no idea. When was that? Were you on the board?

**Herb:** About 4 or 5 years ago. I found the fence on the monthly expenses that we paid and the fence was \$850 which is an exorbitant amount of money. It was put on the firewall but the question is why was it paid for by all of us?

**Fred:** I don't know.

**Matt:** When I wanted a fence, I had to pay for my fence as all of us.

**Herb:** With that said, I understand that we have an issue here with the fence – should it be over here or over here? We also have is not usable space. If that fence goes over to the edge of the patio it is not usable space by the next door neighbor. Harriet, you, Paula and myself.

**Paula:** It's blinding.

**Herb:** It's going to be blinding even if it is moved over 31 inches. *(overlapping conversation renders the next 30 to 45 seconds unintelligible)*. What we have to do here is to use common sense.

**Lucky:** If my fence has to be moved, they're going to have to pay for it because I'm not.

**Fred:** Everyone is entitled to their opinions but the final decision will be made in litigation. And anyone who wants to testify or what not can get on the team of those they want to testify for. That is what America is about.

*(at this point there is so much overlapping comments that it is not possible to sort out who is saying what...however the gist of the conversation related to who has a right to speak and who does not)*

**Herb:** I can understand if we had a fence issue and there was usable space by both parties, then it would be infringing upon your rights. It is not usable space by yourself *(looking at Harriet)*. No matter where it is out there you will still see it through your peripheral vision. You're going to see it, you are going to see it. You'll only see less of it but what percentage of less, I'd have to calculate that out. My point is, if it was usable space by both homeowners and one homeowner took another homeowner's usable space, I could understand that. But we don't have that here. And that is what it comes down to.

**Fred:** We are not interested in an argument between homeowners at this meeting. Has everyone said what they would like to get into the record? I'd like to know that because I don't want to prevent anyone from saying what they would like to.

**Ron:** I only want to say that the Master Deed reads: " Limited Common Elements: The patio, porch or deck, courtyard, terrace, if any and the driveway parking space appurtenant to each unit. Except as provided herein, the Limited Common Elements are reserved for the exclusive use of the unit owner of said unit."

**Fred:** Thank you for reading that into the minutes for us. You've just made the case. Thank you.

**Ron:** Mine are the only sliding doors accessing that patio since 1987.

**Fred:** The answer to this problem will be resolved in litigation using the statement you just read to us.

**Bob:** And I'm going to tell everyone here, because of him *(indicating Ron Dougard)* this litigation and what it is going to cost is going to cost all of us a lot of money. Think about that when you're screaming about a fence that doesn't belong there.

**Harriet:** I don't want the fence on my window. Period.

**Ron:** It's not on your window.

**Harriet:** Don't tell me it's not on my window. And that little piece of concrete is mine. I could put flowerpots on it if I wanted to.

**Ron:** You say it's blocking your vision. Blocking your vision of what?

**Harriet:** It's not blocking my vision of your patio but it is blocking my vision of my back yard.

**Ron:** What back yard? You have the trees blocking your vision of the drainage basin.

**Matt:** Nobody else has the trees that you have.

**Bob:** *(looking at Ron Dougard)* Who paid for the trees that are blocking our sight? We both did. You and I.

**Ron:** I didn't pay for trees behind your house. I'll show you my checkbooks.

**Bob:** We engaged George to put those trees there. We.

**Ron:** I never paid for those trees.

**Fred:** Does anyone else have something to say that is not rehashing what has already been said?

**Ron:** I have no problem following the rules. All my life in the police, I followed rules. We knew what the rules were and they were easy to follow. When the rules change midstream and you can't figure out what the rules are from day to day, that creates an unfair situation, a very unfair situation. If you want to change the rules to say that all fences have to be within the firewalls, go ahead and do it. I'll vote for it. But don't tell me midstream since 1987 that all of a sudden we're going to change the rules because Harriet Martin doesn't like them.

**Fred:** The rules were not changed and that is what the litigation is about.

**Matt:** When is this litigation?

**Fred:** We will inform the three involved parties as soon as we know. I am sure one of them will let you know.

**Next Meeting:** August 12, 2009, 7:00 PM at Century Solid Gold office.

**Meeting was adjourned at 7:55 PM.**