

## PROPERTY LIENS

11/16/2010

4. **Finance:** Pat Rich reported the following:
  - a. **Motion from Committee, seconded by Bill Stephenson to approve the Fines Policy and Procedure, as amended.** Discussion followed concerning changing the last line of no. 7 to read "...aggregate is \$1,000 or more, a lien may be filed against the property." **Motion passed unanimously.**
  - b. **Motion from Committee, seconded by Bill Stephenson to approve the Suspension of Use Rights Policy, as amended. Passed unanimously.**
  - c. **Motion by Pat Rich, seconded by George Watson to authorize a hearing on suspension of use rights for the owners of the following properties: 2213 Colfax Ct.; 2205 Oxford Ridge Cir.; 2081 Berkley Way; 2274 Eaton Lake Ct.; 2305 Berkley Way; Unit 202, 2280 Somerset Cir. Passed unanimously.**
  - d. **Motion from Pat Rich, seconded by Bill Stephenson to waive the following fees as uncollectible: \$128.68 (2275 Carnaby Ct.); \$256.43 (2303 Carnaby Ct.); \$1,607.06 (2238 Berkley Way). Approved unanimously.**
  - e. **Motion from Committee, seconded by Jack McManus to authorize a contract with Myers, Brettholtz & Co., PA for accounting services for the period January 1 - December 31, 2011, at a cost of \$16,380. Approved unanimously.**

01/18/2011

## DOG WASTE

- d. **Motion by Committee to have the Board of Directors designate dog waste on any property within Westminster Community as a nuisance under Section 5.19 of the Governing Documents and that dog waste must be picked up by the owner within 5 minutes of the event, passed unanimously.**

05/17/2011

## FINES/ FEES

4. **Compliance:** Jack McManus reported on the following:
  - a. The minutes of the Compliance Committee meeting dated May 11, 2011 were presented to the board for review. The board had felt that it was necessary to provide for uniformity of fines to protect itself against claims of selective enforcement. This was addressed by the committee which had categorized violations into two levels, one for more serious violations and the other for less serious. More serious violations would call for fines of \$100 per day and loss of the use of amenities after 10 days of fining, but only after adequate notice and a hearing before the Compliance Hearing Committee. Less serious violations would call for fines of \$50 per day and loss of the use of amenities after 20 days of fining, again only after adequate notice and a hearing. Jack McManus moved to adopt the procedure proposed by the Compliance Committee, effective immediately. The motion was seconded by Rick Coronati and passed unanimously.
  - b. Jack McManus moved to appoint Joe Campbell of Lambeth Court to the Compliance Hearing Committee, seconded by Pat Rich and passed unanimously.

07/19/2011

1. **Compliance:** Jack McManus reported that in order to enforce compliance with three problem areas, rules need to be adopted to provide consistency. (A) Trees and branches overhanging the sidewalks and streets. A standard of clearance needs to be adopted by the board. The Manager will prepare a list and review it with the Common Grounds Chairperson from which compliance actions will be taken by the Compliance Committee. (B) A set of driving rules for operators of vehicles within Westminster need to be prepared by the Community Access Committee and adopted by the Board of Directors so the Compliance Committee can take appropriate action. (C) The water irrigation schedule needs to be made and a rule by the Board of Directors needs to approve it after a recommendation is made by the Ground Water Committee.

04/17/2012

## COMPLIANCE

- f. **Oversized Vans and Trucks:** Research is being done regarding the load capacity of resident trucks to help the committee make decisions about how to proceed with violation issues. The Committee agreed, however, to proceed with a letter to a resident on Carnaby Ct. regarding a commercial vehicle with at least two document violations.
- g. **Vehicles Parking in the Golf Course Parking Lot:** The Committee is requesting that the golf course not allow long-term parking of vans, trailers, campers, etc. There are two vehicles parked there now. In the past, it was explained that it is private property and not under Association rules. The golf course makes an independent judgment as they come up.
- h. **Hearing Procedures and Meeting Schedules:** The committee agreed that members of the Compliance Committee will serve on the Compliance Hearing Committee on a rotating basis. Those who do not wish to do so may excuse themselves. The Hearing Committee will meet on the 3<sup>rd</sup> Thursday of each month. At each Hearing Committee meeting, John Hutton will introduce the issues. The members of the Committee will ask the resident to present his/her case. A decision concerning the disposition of the case will be decided after the resident has left the room. The decision will be referred to the Board of Directors. If the resident does not concur with the decision of the Board, he/she may appeal it directly to the Board. The Compliance Committee will meet on the 2<sup>nd</sup> Thursday of each month. The next meeting will be on Thursday May 10, 2012 at 2 p.m. in the Community Center.

01/20/2015

- c. **Compliance:** Jeanne St Jean reported on the January 8, 2015 meeting. Most of the trees requiring trimming (that were blocking the street lights) have been completed. Those few not done by Owners will receive a second noncompliant letter. Letters have also gone out to residents with properties needing roof cleaning.

We are now in the process of compiling a list of all properties requiring mulch and other landscape issues that need to be addressed and those letters will be sent out soon.

We have a new list of Compliance Hearing Committee Members that were approved by the Board at the December Board Meeting.

The "Uniformity of Fines" established by the Board regarding the fine limits was updated. The fine limits were changed for the "Minor" infractions from \$50 a day "up to the max allowed by our docs" to \$50 a day "up to a max of \$1000". No change was made to the "Major" infraction limits.

**A motion was made by Jeanne St Jean to approve the updated "Uniformity of Fines" effective immediately. The motion was seconded by Mike Patasky and passed 7-0.**

She noted that issues regarding some rental leases are emerging again. Barbara and John have been monitoring these particular issues and we will send out letters citing the issues and will proceed with hearings when required.

Jeanne informed the board of the Compliance Hearings held on January 8<sup>th</sup> which addressed two Owners who had not kept their dogs on a leash as required in our documents. The first, the Owner at 2189 Berkley Way concerned a dog off the leash which had bit a neighbor. The committee recommended a fine, but no loss of amenities. **Jeanne made a motion to fine the Owner of 2189 Berkley Way a total of \$100 for the day which the dog was left off its leash but with no loss of amenities. Al Joseph seconded the motion which passed 7-0.**

04/19/2015

REASONABLE TIME

- 5. **Reasonable Period of Time:** The Board wanted to know what her opinion was on "reasonable period of time" when it applies to suspension of amenities.
  - She stated that until the issue was in compliance, is a "reasonable amount of time". The length of time totally depends on the owner as to when he/she becomes "in compliance" to end the suspension.

05/19/2015

MAILING

**Jeanne made a motion, seconded by Ron Read to accept the Non-Compliance Enforcement Document. Jack made an amendment to the motion, seconded by Ron Read to amend the Non-Compliance Enforcement Document's second mailing from "regular" mail to "certified" mail. The amendment passed 6-0. The motion, as amended passed 6-0.**

COMPLIANCE

c) **Compliance:** Jeanne St Jean has provided a copy of the July 16, 2015 minutes to the Board and has posted them for review. The Compliance Committee continues to update old issues and discusses new issues as needed. The Committee was given a copy of changes to the Guidelines for Non-Compliance Enforcement. Discussion and changes were made to bring forward to the Board. Jeanne briefly informed the Board of the change in the Law and the changes to the guidelines recommended by the committee. The Board reviewed the document and recommended that a change be made to the procedures. If the Board votes to assess a fine or any loss of amenities to a non-compliant party, then a hearing will automatically be held by the Compliance Hearing Committee, no sooner than 14 days of the notice of the Board's decision to the non-compliant party. The Compliance Hearing Committee will review the facts, documentation and hear testimony, if any, presented by the non-compliant party. Testimony may also be presented by a representative of WCA and/or homeowners affected by the issue of non-compliance. **Mike Patasky motioned, seconded by Ron Read to accept the Guidelines for Non-Compliance Enforcement. Jack McManus amendment the motion, seconded by Jeanne St Jean to amend the Non-Compliance Enforcement Document to give the non-compliant party the opportunity to have the Hearing Committee appeal the Board's decision. The amendment passed 7-0 and the motion as amended passed 7-0.**

07/21/2015

**WESTMINSTER COMMUNITY ASSOCIATION**

Guidelines for Non-Compliance Enforcement

Revised by the Compliance Committee on July 16, 2015

Approved by the Board of Directors on July, 21, 2015 In the event that an Owner of the Westminster Community Association Inc., is not in compliance with the covenants, conditions, restrictions and easements or is tampering or interfering with the maintenance of Westminster Community, the violating party may be referred to the Compliance Committee for enforcement action as set forth under Section 10 of the Governing Documents for Westminster Community Association, hereafter known as "WCA".

The following are the procedures for enforcement of the covenants:

Committee for enforcement action as set forth under Section 10 of the Governing Documents for Westminster Community Association, hereafter known as "WCA".

The following are the procedures for enforcement of the covenants:

- I. **FIRST NOTICE OF NON-COMPLIANCE:** The notice will be handled by the Community Manager with a notice to the non-complying Owner as a friendly reminder of the rules and to request compliance. This may be in the form of a phone call, face-to-face visit or a written friendly notice. If the non-complying resident is someone other than the Owner, then both the Owner and the non-complying resident must be notified of the infraction(s). Similar violation(s) within twelve (12) months of the first notice will be treated as a continuation of the original violation(s).
- II. **COMPLIANCE COMMITTEE REVIEW:** If the violation(s) is not rectified **and** the Manager has not been contacted by the non-complying resident/Owner within 14 days of the first notice or the violation(s) is repeated within twelve (12) months, notice will be given to the Compliance Committee for review. The Compliance Committee will review the violation(s) and will decide by majority vote to dismiss or send the non-compliant violation to the Board of Directors for further action. A list of all violations reviewed and voted on by the Compliance Committee will be listed on the Board of Director's agenda and will be presented to the Board of Directors by the Compliance Chairman or the Manager. A second notice will be sent via certified U.S. mail by the Manager to the address on record of the Owner. In addition, if the non-compliant resident is someone other than the Owner, the Manager will also send a copy of the second notice via regular U.S. mail to the non-compliant resident. The second notice shall state that if the violations(s) is not corrected within 14 days of the notice that the Owner may be subject to actions listed in III, a) below. Said notice shall include a statement of the date, time and place of the board meeting and a statement of the provisions of the Governing Documents which have been allegedly violated. The meeting will be held during the next scheduled Board of Director's meeting no sooner than 14 days from the date of the second notice.
- III. **BOARD OF DIRECTORS ACTION:** The Board of Directors will consider the non-compliance violations presented by the Compliance Chairman. They will review the facts, documentation and hear testimony, if any, presented by the non-complying party. Testimony may also be presented by a WCA and/or any homeowners affected by the issue of non-compliance.
  - a) **Possible actions:** Upon review of the non-complying party's case and any testimony presented at the meeting, the Board of Directors will determine by vote, whether to: **1)** Impose a fine; **2)** Take corrective action at the non-complying Owner's expense; **3)** Restrict the Owner's and the resident's use of facilities and common areas including, but not limited to; the use of the bar codes, community center, tennis courts and pool area; **4)** Take any action in accordance with Section 10 of the Governing Documents for WCA; or **5)** Other, Enforcement actions will be in compliance with Section 10 of the Governing Document for WCA.
  - b) **Notification of Board of Director's decision:** The Owner will be notified by the Manager in writing, via certified mail, within 7 days of the Board of Director's decision, including penalties if any. If the non-compliant resident is not the Owner, then the resident will also be notified by the regular mail within the same time frame as the Owner. A copy of the letter will also be sent to the Board of Directors.
- IV. **APPEAL:** The Owner and, if applicable, the non-compliant resident will have an opportunity to appeal the decision of the Board of Directors at a hearing before a Hearing Committee. The Hearing Committee will consist of at least three (3) residents appointed by the Board of Directors who are not officers, directors, and employees, relatives of officers, directors or employees of the association. The Owner and, if applicable, the non-compliant resident will receive notification of the date, time and place of the hearing which will be included in the Board of Director's certified letter of their decision. The hearing will be scheduled no sooner than 14 days from the date of the letter.

**If the Chairman of Compliance feels that a violation is so egregious, a single notice may be sent to the Owner notifying them that the violation will be acted upon as outlined in III above by the Board of Director's at a special or scheduled meeting. Fourteen (14) days notice will be given of the time, date and place of the board meeting as provided in II above.**

## RECKLESS DRIVING

10/18/2011

Attachment:

### **Reckless Driving Parameters for Westminster Community Association**

(ADOPTED OCTOBER 18, 2011)

The following is a list of driving infractions which should be considered as a partial description of "reckless driving" by the Compliance Committee in order to enforce the speed restrictions of the community and ensure greater safety for the Associations' residents and children.

### **The official posted speed limit of the community is 19 MPH.**

Any persons believed to be in excess of this speed will be considered to be "driving recklessly". The violations listed below will also be considered in the meaning of the term, but not limited to the entire definition:

- Exceeding posted speed limit
- Driving in an unsafe manner
- Failure to observe traffic control devices
- Passing another vehicle at speed
- Driving on the wrong side of the street
- Failure to yield right of way to pedestrians at intersections and crosswalks
- Driving on unpaved surfaces
- Tailgating
- Parking in handicap spot or in a fire lane w/o handicap placard
- Weaving or swerving down road
- Driving under the influence

Persons reported for said violations will be reviewed by the Compliance Committee and actions taken in accordance with the severity of individual situations:

- 1st offense – written notification
- 2nd offense – written warning as to future actions
- 3rd offense-Compliance Committee hearing

Actions of the Compliance Committee toward residents may result in fines, removal of residents' access to community common areas (including shutting off barcode).

Actions of the Compliance Committee toward non-residents (ie; contractors, vendors, service personnel) may include suspension of right to enter community.

11/15/2011

1. **Compliance:** a. Jack McManus discussed the minutes of the Compliance Committee meeting of 11-2-2011, again discussing the roof cleaning process and the suggested changes to the irrigation rules. He pointed out new letters were prepared for the Reckless Driving rules since it required three notices, not the normal two for violations. It was suggested that copies of these driving rules and the new irrigation rules be provided with the next mailing to the residents. Copies of these rules will be included in our web site.

b. Jack McManus moved that Ronald Read and Bob Jung be appointed to the Compliance Hearing Committee, seconded by Jack Griffith and passed unanimously.

## FEEDING WILDLIFE

11/19/2013

### I) New Business:

1. **Feeding of Wildlife:** Jack McManus presented a proposal to limit the feeding of wildlife in the community. This is an effort to stop the feeding of Muscovy Ducks, a nuisance fowl which creates a problem for our residents and has led to complaints. The association has tried to remove the ducks from Westminster with only partial success.

Jack McManus made a motion that no feeding of any wildlife within Westminster shall be permitted with the exception of feeding birds with commercially sold bird seed in commercially sold bird feeders after specific approval of such feeders by Westminster's Architectural Review Committee. This prohibition is to reduce the spread of wild animals within the community which cause damage to homes and community property. Violations of this policy will be addressed by the Compliance Committee with appropriate action by the Board of Directors. The motion was seconded by Mike Patasky and passed 5-0. This will be put in the next community wide mailing, as a notice in the Westminster Crier and considered for adoption at a future meeting, probably in January, 2014.

01/28/2014

2. **Proposal to limit the feeding of wildlife in the community:** A notice had been sent out to all residents regarding the proposal to adopt a rule regarding the feeding of wildlife. Jack McManus moved that no feeding of any wildlife within Westminster shall be permitted with the exception of feeding birds with commercially sold bird seed in commercially sold bird feeders after specific approval of such feeders by Westminster's Architectural Review Committee. This prohibition is to reduce the spread of wild animals within the community which cause damage to homes and community property. Violations of this policy will be addressed by the Compliance Committee with appropriate action by the Board of Directors. The motion was seconded by Mike Patasky and passed 6-0.

Becki pointed out that the Common Ground Committee was still committed to remove as many Muscovy Ducks from our community as possible and asked the board if they could do so by all legal means available. The board agreed.