

Forest Gate HOA Board Meeting Minutes
October 4, 2016

The meeting was called to order at 6:05 pm by President, Brent Wallace. All Board members were present.
Guests: Jeff Crank, Curt Linke, Deborah Wallace

President and Secretary had no report.

Treasurer – Bob Kenny handed out the monthly financial report and there is nothing out of the ordinary. He brought up the fact that there were homeowners that at the Annual meeting last year donated money towards Trail Maintenance/Repair. Since the trail project has been postponed until 2017, Bob is going to contact those homeowners and ask if they want their money returned, applied towards 2017 dues, or kept in the trail maintenance fund for planned work in 2017.

Mulch was purchased and placed by the HOA. Ed will contact Gary and decide how best to reduce his visibility.

OLD BUSINESS:

- Don Messmer reported that he did receive confirmation that the County had received the HOA letter requesting road maintenance/repair on the Forest Gate streets where the road is separating. They indicated the request was put into their system, but it is a low priority and there is no way to know when and if they will repair our roads.
- Diane Saign reported that she has one monument/homeowner agreement but is waiting on the other.
- Regarding the vote to either restrict access to the trail to residents only or leave it open to the public . . . 30 homeowners voted – 20 yes / 10 no To restrict non-resident horses on the trail - 28 homeowners voted – 20 yes / 8 no. The covenants read that there needs to be a majority vote of home/lot owners to make a change and neither issue received votes to restrict the trails to our members only, so it will stay open at this time. Regarding the restriction of horses, the covenants do allow the HOA through the Board to make rules regarding the trail use. This has to be discussed further, as the covenants do not require a vote on rules, only on prohibiting outsiders.
- Mack Sharp had volunteered to trim the grass in front of and behind the large “west” monument (that is on his property). However, he would need to purchase a weedwacker and wanted the HOA to pay for it. It was discussed and decided that Brent would thank Mack for his offer, however, the current landscaper does both monuments and manages the weeds and we will keep things as they are.

NEW BUSINESS:

- Brent and Diane reported on the meeting they had with a real estate lawyer, Debra L. Fortenberry to review the HOA Covenants and the PUD plan with regard to our options and her recommendation as to how to proceed with areas of the trail that are not currently within the trail easement. They also presented the proposed letter from Jeff Crank’s lawyer regarding leaving the trail where it is which is currently not within the trail easement on two lots.
- Bottom line advice: It is the Board’s responsibility to enforce the covenants. The PUD is an official, recorded document so the HOA is obligated to relocate the trail where it is shown on the PUD.
- They also asked for her interpretation of the HOA’s responsibilities for the trail. The covenants state the HOA is responsible for maintaining the trail easement, not improve the trail. And if it is not maintained, it can be argued that the HOA was negligent.

- There was much discussion amongst the board members as well as the two guests. With regard to relocating the trail (which would mean cutting down part of the willow area behind Lots 14 & 43, Curt Linke noted that the willows that would need to be cut down in order to relocate the trail onto the easement, would grow back quickly, would need a lot of maintenance and would provide a much greater hazard for trail users to walk over potential roots, etc. vs. walking around the willows where the trail is currently located.
- One suggestion was to relocate the “arrow” sign to indicate the trail “officially” goes into the willows, knowing that trail users would utilize the existing trail. The question: Would this eliminate the HOA’s liability because we did direct people to where the trail easement is?
- Another option would be to ask the two property homeowners if they would a permanent trail easement for the existing location so the trail would not have to be moved.
- Jeff Crank suggested that his lawyer and Ms. Fortenberry be given a directive from both him and the Board to contact each other and spend no more than ½ hour (to limit the cost) and see if they can agree on a compromise between him and the HOA.
- There was a motion from Diane Saign to have the Board research the new dedicated easement option to get costs, etc. and to then speak to the two homeowners about this option and table the trail easement issue until the January Board meeting. It was seconded and voted yes.
- There are four options to be considered by the Board members prior to the January meeting:
 - Have the two attorneys talk and see if a letter is appropriate.
 - Do nothing
 - Relocate the trail according to the PUD
 - Have two dedicated trail easements to the HOA filed
- Regarding the Annual Meeting. A date was suggested of December 6th and Diane was going to confirm with the Fire Station. Diane (representing the Firewise Committee) asked if they could have a mini presentation from Fire Chief Bryan Jack and Black Forest Together Director Ed Bracken at the Annual Meeting. The Board approved the first 30 minutes for this. A letter will be sent to all home/lot owners regarding the HOA Annual Meeting, with details on the proposed budget attached.
- Brent Wallace announced that he was resigning from President of the HOA effective at the Annual Meeting. Diane suggested that Brent be the architectural consultant to the board for future projects. The Board agreed, but we are waiting to hear from Brent. Brent did say he would continue to collect and report the water meter information to the county.
- The HOA Board will have four slots open for new board members. Ed Cooke and Ed Pedersen’s terms are up, Brent is resigning, and there is an open slot for a 7th board member. An email will go out to the HOA in the next two weeks asking for homeowners to be on the ballot for the board.

The next board meeting is November 3rd at the Black Forest Fire Station Conference Room at 6:00 pm

The meeting was adjourned at 8:05 pm.

Respectfully submitted,

Diane Saign, Secretary