

M E M O R A N D U M

DATE: January 19, 2008
TO: Board of Directors and Officers, Committee Chairs
FROM: Harvey F. Young, President
Property Owners Association of Arundel-On-The-Bay
RE: President's Monthly Report

The following is the President's report for the past month.

1. The Court has issued an amended opinion with regard to the Bellamy et al. (Chesapeake Walk) v. AOTB oral arguments. Both the Plaintiffs (Bellamy et al.) and Defendants (POA-AOTB) had requested clarifications in their favor. The amended opinion clarifies or narrows the definition of "public easement" which exists for AOTB platted streets adjacent to the Plaintiff's properties. This easement is based on "the existence of a public way" which "may be established by evidence of an uninterrupted user by the public for twenty years. However, the public rights so established are an easement, not fee simple title." "Because the lot owners of Arundel on the Bay generally utilized the streets without interruption beyond the twenty years, the disputed streets are subject to an easement by these lot owners and their successors."
2. The November 2007 issue of "The Pier" containing the Court ordered statement on the Chesapeake Walk Settlement Agreement, was published and mailed by Rebecca Morris without review by the POA-AOTB President. This was an inappropriate action from various perspectives including the Association constitutional assignment of responsibilities and the opinion of the Association counsel.
3. On January 1, 2008 the POA-AOTB Treasurer, Rebecca Morris, submitted an email to POA-AOTB Officers and Board informing us that:

"I will attend the January 26 General Meeting to complete my responsibility for the FY09 budgets. I will not attend any other Board or General Meetings for the remainder of my term and will not be a nominee for this position again. I will continue to pay the bills, maintain the Association books and provide the necessary financial reports until June 30 or until a replacement Treasurer can be found whichever comes first."

In response to this email, interpreted by the President and most of the Board as a resignation, discussions were initiated at the January 8th Board Meeting to

begin a search for an accounting / financial services firm who would perform the book keeping tasks for the Association. A request for a replacement volunteer treasurer, who would co-sign Association checks, was to be made at the January 26th General Meeting.

Following the Board Meeting, Bob Krohn, the POA-AOTB Board Chairperson, undertook to “delve into the situation” and has issued an email reinstating Rebecca Morris as the POA-AOTB Treasurer. Bob has explained that he informally polled several Board members before pursuing this course of action. The President was later advised that Rebecca Morris had been “reinstated”. This “reinstatement” which occurred outside of a POA-AOTB Board or General Meeting context, though understandable in light of Rebecca’s years of service to the Association, is not currently considered valid until this unusual situation is addressed at a formal Association meeting. None of us work in a vacuum. Rebecca Morris is welcome to execute her elected responsibilities of Treasurer both until (as interim Treasurer) and after (as formal Treasurer through June, 08) such a meeting occurs.

4. The deadline for work being done under the POA-AOTB FEMA grant which funds repair of Hurricane Isabel storm damage has been extended once already until March, 2008. Kenster Shoreline Improvements has received the bid award for the first phase of this work. However, Dr. Levitski, the owner of an adjacent property is refusing to sign the release to allow construction access at the extreme west perimeter of his property. Per the January 8th POA-AOTB Board Meeting, a letter is to be written by the POA-AOTB Board Chairperson to Dr. Levitski, to advise him of the Association plan to proceed with the work and unfortunately leave a gap in the bulkhead at the corner of his property where we are not allowed construction access. Dr. Levitski has held up this work since January 07. The President has contacted the Maryland Emergency Management Agency and FEMA Region III and has formally requested an additional 90 day extension through June, 08.
5. The President arranged a formal presentation from the Association Counsel, Wayne Kosmerl, for the January 9th Board Meeting regarding the current status of the previously approved compromise offer which has been made to the Kelly’s pursuant to the lawsuit they have filed to claim title to the Association property adjacent to their lot(s). The compromise offer has been refined and is in the hands of the Plaintiff. This offer has been made in an effort to avoid an extended legal proceeding. The exact nature of the offer will be published when it has either been accepted or rejected.
6. The Association is in receipt of a second letter dated 1/2/2008 from counsel representing Barbara Jackson-Nash requesting that the POA-AOTB consider appropriating fund to accomplish necessary repairs to a

“deteriorated... bulkhead”. The first letter addressed to the Board Chairperson is dated 12/26/06. The Board is currently prioritizing repairs to the POA-AOTB bulkhead.

7. Snow plowing costs have increased by \$50 per snow storm incidence from \$675 to \$725. The Board has agreed to pay this increase for the remainder of the early 2008 snow season.
8. The Association has received the Stewart Landscaping bid for “Lawn Service Visits” in the amount of \$4,290. An additional \$595 has been bid for a “Seasonal Clean-Up” for the two front entrance beds. Other bids are currently being sought.
9. Harvey Young, POA-AOTB President has transitioned the remainder of the POA-AOTB Security Chairperson duties to Dr. Irving McConnell, who now has full responsibility for managing AOTB Security. Mr. Young has fulfilled both the roles of POA-AOTB President and POA-AOTB Interim Security Chairperson (later Co-Chairperson with Dr. McConnell in November, 07) since assuming the role of President (June, 07).
10. Future Meetings:
 - Board of Directors, Tuesday, February 12, 2008, 7 pm
 - General Meeting, Saturday, April 12, 2008, 10 am