



# The Quail Runner

Quail Run  
Condominium Trust

Volume 5, No. 3  
September, 2007

The Quail Runner, our condominium's newsletter, is published four times a year in March, June, September, and December to bring you information Unit Owners need to know. The Trustees would appreciate your comments and suggestions about how to improve The Quail Runner. Please send in your ideas and material for publication. See contact information on Page 10.

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## FROM THE DESK OF YOUR PROPERTY MANAGER:

Every time I write one of these notes, I feel that I am rushing the seasons. I noticed on the internet the other day, the fashion shows are featuring the winter clothing lines. I am still in the summer mode, however, since Labor Day was Monday, I am resigned that the fall season is upon us. I saw some pumpkins at a food stand in Maine this weekend and apple orchards are starting to advertise, "Pick your own apples." Before long, we will see Thanksgiving and Christmas ads.

This summer we have had some vandalism as well as unwanted visitors to the swimming pool. Please if you see anything suspicious, call 911. Quail Run is somewhat isolated from the city and I know that the kids like to use our pool. Rich has had to clean up beer cans and it appears that our pool, while fenced, can be broken into.

For the past three months, the Trust hasn't undertaken any major projects. The usual maintenance projects such as crack sealing, removal of overgrown shrubs and lawn sprinkler maintenance have kept Rich busy. We had one minor replacement of retaining wall at Johnson's Grant.

Some unit owners have indi-

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## RESPONSIBILITY REDUX

Continuing the theme of taking responsibility I wrote about in the last issue of *The Quail Runner*, I would like to remind all of my neighbors about several issues: the flu, another environmental issue, and your vote.

Before the role of microorganisms in the causation of diseases was recognized, it was thought that those that suddenly came down with fever (usually high), headache, extreme tiredness, dry cough, sore throat, runny or stuffy nose, and muscle aches were victims of some evil **influence** – or in Italian, influenza – flu for short.

The flu is a contagious respiratory illness caused by influenza viruses. It can cause mild to severe illness, and at times can lead to death. Every year in the United States, on average 5% to 20% of the population gets the flu, more than 200,000 people are hospitalized from flu complications, and about 36,000 people die from flu. Some people, such as older people, young children, and people with certain health conditions, such as congestive heart failure, chronic obstructive pulmonary disease, asthma, or diabetes, are at high risk for serious flu complications.

Flu viruses spread mainly from person to person through coughing

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Save the date !  
Wednesday  
November 14  
7:00 pm  
Joyce school  
Library  
For the  
Quail run  
Annual meeting



(Continued from page 1)

cated that if the Trust supplied the loam and grass seed, they would introduce grass at the rear of their units. This is another example of concerned Unit Owners working to keep Quail Run looking great. Vanaria is providing the loam at cost and he also is supplying a "bobcat" to move the loam to the rear of these units.

The fall season brings leaves and sometimes, leaves can clog gutters. The Trust hires a company to come and clean all of the gutters in the fall. This includes flushing the gutters and downspouts. This work is done sometime in November, ideally, the day after the last leaf or pine needle falls and before the first freezing of the water in the gutters. You will be notified when this work begins. The company may use some of your water to flush out the gutters and downspouts. Please cooperate with them. There is a second cleaning of the gutters in the spring, but only for units that have trees overhanging the gutters.

The landscaper will also be responsible for the fall clean up, and Rich will be cleaning out the leaves that have blown into the open garage bays. He will coordinate this work with the landscaper.

Enjoy the nice weather while it lasts.

Jim



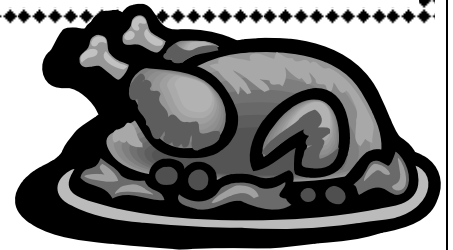
The pool is closed, summer is over, and fall is upon us.

**HERE IS A SIMPLE POEM**

my dad taught us, I taught it to my children, and now I'm teaching my grandchildren.

Come little leaves said the wind one day.  
Come over the meadow with me and play.  
Put on your dresses of red and gold  
For the summer has gone  
And the days grow cold.

Claire L. Kenney



Can Thanksgiving be far behind?

**New Unit Owners**

**Arthur and Patricia Burtnett  
15 Vine Brook Way**



**To Our Community**



Juliet, the guard cat of Michael's Green stands off a flock of wild turkeys, preserving Quail Run's good name, and preventing it from being changed to Turkey Run.



(Continued from page 1)

or sneezing by people with influenza. Sometimes people may become infected by touching something with flu viruses on it and then touching their mouth or nose.

**The best way to prevent the flu is by getting a flu vaccination each year.**

The vaccination generally becomes available in physicians' offices, hospitals, and clinics by the end of September or early October.

**Make sure you get yours.**

The following is an editorial published in the *New York Times* on August 1, 2007:

On the streets of New York or Denver or San Mateo this summer, it seems the telltale cap of a water bottle is sticking out of every other satchel. Americans are increasingly thirsty for what is billed as the healthiest, and often most expensive, water on the grocery shelf. But this country has some of the best public water supplies in the world. Instead of consuming four billion gallons of water a year in individual-sized bottles, we need to start thinking about what all those bottles are doing to the planet's health.

Here are the hard, dry facts: Yes, drinking water is a good thing, far better than buying soft drinks, or liquid candy, as nutritionists like to call it. And almost all municipal water in America is so good that nobody needs to import a single bottle from Italy or France or the Fiji Islands. Meanwhile, if you choose to get your recommended eight glasses a day from bottled water, you could spend up to \$1,400 annually. The same amount of tap water would cost about 49 cents.

Next, there's the environment. Water bottles, like other containers, are made from natural gas and petroleum. The Earth Policy Institute in Washington has estimated that it takes about 1.5 million barrels of oil to make the water bottles Americans use each year. That could fuel 100,000 cars a year instead. And, only about 23 percent of those bottles are recycled, in part because water bottles are often not included in local redemption plans that accept beer and soda cans. Add in the substantial amount of fuel used in transporting water, which is extremely heavy, and the impact on the environment is anything but refreshing.

Tap water may now be the equal of bottled water, but that could change. The more the wealthy opt out of drinking tap water, the less political support there will be for investing in maintaining America's public water supply. That would be a serious loss. Access to cheap, clean water is basic to the nation's health.

Some local governments have begun to fight back. Earlier this summer, San Francisco Mayor Gavin Newsom prohibited his city's departments and agencies from buying bottled water, noting that San Francisco water is "some of the most pristine on the planet." Salt Lake City has issued a similar decree, and New York City recently began an advertising campaign that touted its water as "clean," "zero sugar" and even "stain free."

The real change, though, will come when millions of ordinary consumers realize that they can save money, and save the planet, by turning in their water bottles and turning on the tap.

Finally, a reminder that we all have a responsibility to vote. Come November 6, 2007 we have an opportunity to fulfill our civic duty, our right, and our *privilege* to vote. We encourage all Quail Run to make their way to the new Reeve School on Lexington Street on that date to vote.

Joel Seidman

.....  
**WHAT WERE THEY DOING?**

July 1, 2007

**B**obbie and I sat at our kitchen window in wonderment, watching a dozen or so gray squirrels scamper all over the lawns, trees and bushes of Douglass Green. They ran up the trees and down the trees. They gathered in bunches under the bushes, then darted as a group across the pavement to disappear under another bush. The branches of the bush trembled as the critters did whatever they were up to out of our sight. Half a minute later six squirrels emerged and in a single file dash, nose to tail tip, streaked back across the street to disappear in greenery once again.

The group scattered and pairs chased one

(Continued on page 11)



**PETITION ASKS NEW POOL RULES**

The Trustees received this letter and responded to it. Others have written in favor and opposed. All are being printed here, and the topic will be on the agenda at the Annual Meeting

July 3, 2007

To the Trustees:

Due to recent events, it has come to our attention that the current Pool Rules and Regulations have created a discordant environment among Unit Owners at Quail Run.

In order to address these concerns, we would like the Trustees to consider the following proposed revision to the existing rules.

**Current Rule**

7.1 Pool Rules and Regulations

Item #13 - All guests must be accompanied by an authorized resident of Quail Run Condominium.

**Proposed Revision**

"All guests must be registered by an authorized Unit Owner prior to entering the Pool area. Authorized Unit Owners are required to be on the premises at Quail Run but do not need to accompany their guests the Pool area."

**Proposed Procedure**

A sign-in sheet will be posted at the portico with additional signage on the Pool gate indicating that all guests must sign in prior to accessing the Pool.

The sign-in sheet should include the following information:

1. Name of the authorized Unit Owner
2. The address of the Unit Owner
3. The number of guests
4. Date and time the guests are using

the Pool

We are also recommending that the sign-in sheets be collected on a weekly basis, and if there are any infractions of the rules, they should be addressed by APT and the Trustees exclusively.

Any infractions of the rules should be directed to APT, thus avoiding direct confrontation with Unit Owners and/or guests.

Implementing the proposed changes above would allow Unit Owners greater flexibility for

entertaining their family members and guests who wish to use the pool facility.

We are optimistic that these recommendations will provide an acceptable compromise to the current, somewhat inflexible language. It should be noted that to the best of our knowledge, historically there have been an insignificant number of pool infractions that have rendered it necessary for the Trustees or APT to enforce the rules to their fullest extent.

Attached please find a partial list of Unit Owners who have submitted their signatures in support of modifying this particular rule.

We respectfully request that this matter be addressed at the next Trustee meeting. Should the Trustees have any questions concerning this matter, a Resident Representative will be available to attend the meeting.

Thank you for your consideration and your prompt response to this matter.

Sally Elkind	3 Vine Brook Way
Thomas Kent	9 Kendall's Mill
Susan Zeller-Kent	9 Kendall's Mill
As Representatives of the Undersigned	

*[The letter was followed by 41 signatures representing a total of 37 Units.]*

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**The Trustees sent the following to the Unit Owners:**

August 8, 2007

The Trustees would like to bring to the attention of all Unit Owners a proposed change and a proposed addition to the Rules and Regulations.

**Proposed change to rules governing use of the pool**

Recently the Trustees received a petition (signed by Unit Owners of 37 units) to amend the Rules and Regulations as published in the Unit Owners' Handbook regarding guests at the pool. The current rule 7.1.13 states, "All guests must be accompanied by an authorized resident of the Quail Run Condominium."

The petitioners wish to change this rule to

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allow guests to use the pool with the permission of a Unit Owner, but without the Unit Owner being physically present at the pool, as follows: "All guests must be registered by an authorized Unit Owner prior to entering the pool area. Authorized Unit Owners are required to be on the premises at Quail Run but do not need to accompany their guests at the Pool area."

The procedure the petitioners propose would have a sign-in sheet posted at the portico with additional signage on the Pool gate indicating that all guests must sign in prior to accessing the Pool, listing the name and address of the authorized Unit Owner, the number of guests, and the date and time. The petitioners recommend that the sheets be collected weekly, and any infractions of the rules addressed by APT and the Trustees.

The Trustees discussed this petition at their meeting of July 11, 2007. They and the management company are unanimous in their opposition to this change for a number of reasons. Here are a few of them.

- ▶ Guests would have to be given the access code, with the potential for it to be disseminated widely.
- ▶ Unit Owners must be held responsible for the conduct of their guests, but cannot do so if they are not present.
- ▶ There is nothing to prevent guests from using the pool without signing in or from returning to use the pool when the Unit Owner is not on the premises.
- ▶ Non-residents' using the pool unaccompanied by a Unit Owner leaves the Association open to suit should there be an untoward occurrence.

However, the Trustees decided that all Unit Owners should have a chance to express their opinion on this matter. Therefore, this letter is being sent to inform you of the issue, and there will be an open discussion of it at the Annual Meeting this coming November before the Trustees make a final decision.

**Proposed additional rules to govern garage sales**

The Trustees propose these rules to minimize

the intrusion of strangers onto our private property, to promote social interaction among our residents, and to avoid disruption of non-participants.

**Garage Sales**

- ▶ The Social Committee shall organize all Garage Sales, subject to the approval of the Board of Trustees. It is anticipated that a complex-wide Garage Sale will be held once or twice a year in the spring and/or fall.
- ▶ Individual Unit Owners may not conduct Garage Sales; they must work through the Social Committee.
- ▶ Only Quail Run Residents and their guests shall attend Garage Sales as buyers.
- ▶ Advertising shall be conducted by the Social Committee by means of notices mailed to residents, posted at the mailboxes and the pool house, and published in *The Quail Runner*. No signs will be permitted at the entrance on Russell Street, and no advertising will be placed in outside publications.
- ▶ Garage Sales will be held at the pool house.

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**Letter Received**

In response to the Board of Trustees' letter strongly opposing a petition by 37 unit owners to change the pool rules to allow authorized guests to use the pool without the authorizing unit owner present, we must add our voices in support of the petition. In our view, the proposed change is quite reasonable, and the objections cited in the Board of Trustees letter do not necessarily reflect the likely reality. The four bulleted objections all seem to hinge on the likelihood that unit owners may sometimes allow untrustworthy or unruly guests to use the pool. We have more faith in the good judgment of members of our community. In particular...

- ▶ We do not believe that unit owners will likely give the access code to anyone who would widely disseminate it.
- ▶ We do believe that unit owners can be, and will expect to be held responsible for the

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(Continued from page 5)

conduct of their guests, whether they are themselves present or not; and will not invite guests who cannot be trusted to behave properly.

- ▶ We see no major threat arising from a guest neglecting to sign in; the unit owner will always be responsible for the behavior of guests.

The Association need not be held open to litigation for the possible misdeeds of an authorized guest. The unit owner who gives his/her authority will take responsibility, and can easily be asked to do so in writing, thus absolving the Association.

We understand that the Trustees take it as their jobs to act to protect the interests of all unit owners, and to point out what they believe to be potential risks in proposed rule changes. But we also believe that when unit owners submit petitions, especially when in sizable numbers, they should try to work with them, to assess the benefits and mitigate the likely risks, where possible, and try to arrive at a reasonable accommodation that can satisfy unit owners' wishes as well as Association interests. We urge the Trustees to engage the supporters of this petition seriously and objectively.

Respectfully,  
Joan and Arthur Solomon  
12 Vine Brook Way

*[The Solomon's did not sign the original petition. They bring the total Units making their opinion in favor of the petition known to 38.]*

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*[The Trustees believe that, by means of publishing these letters and putting the topic up for discussion at the Annual Meeting, they are following the Solomon's advice to work with the petitioners.]*

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**Letter Received**

In response to the August 8 mailing from the Trustees to Unit Owners, I would like to express my strong support for the position of the Trustees on the two rules questions, i.e., use of the pool and garage sales.

In particular, the proposed changes that would permit use of the pool by guests, including non-resident family members, without a hosting unit owner being present, would open a Pandora's box of potential problems. I believe the Trustees have clearly and accurately identified some of the very serious, and in my view, inevitable ramifications that would result.

We would do well to bear in mind that the pool is unguarded, meaning that any oversight of the behaviors of those using the pool, ranging from safety to sanitation and common courtesy and consideration of others, falls to a common understanding of those present as to what is appropriate and what is not. "Policing" one another is never easy or pleasant if it becomes necessary, but when we all are neighbors, our common interests make it possible. Do we want to put ourselves in the position of having to "police" the behavior of individuals we don't know? The pool is a very significant component of our collective home here at Quail Run. We want to welcome visitors, but cannot do so if we don't even know who they are.

We are a relatively small community and the pool is one of the places where it is possible to engage in the pleasant and relaxed socializing that is possible in a community of our size. There is no question in my mind that this sort of socializing also contributes positively to our sense of community. Let's not jeopardize that by introducing strangers to the mix.

I also support the Trustees proposal for Garage Sales Rules (6.2). As with the pool, we should be careful to preserve the small community assets of Quail Run. Why would we welcome the signage, traffic, and clutter of random garage sales held at the whim and convenience of almost 100 Unit Owners?

Respectfully,  
Bonnie Holmes  
5 Vine Brook Way

*[Bonnie is the immediate Past President of the Ocean Parks Jupiter Condominium Association in Jupiter, Florida, a 328-unit, 13-building, 35-acre complex, and still serves on its Board of Directors.]*

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**Letter Received**

All condos have rules. Some need to be strictly enforced and others only when there is a problem. Those of you who are original owners know that we have never required guests to be accompanied at the pool. Past history shows that this did not create overcrowding, either at the pool or at the tennis court. Liability is a non-issue. Any person on the grounds of Quail Run or at the pool is covered by our insurance whether they are a guest of someone or not. We also have not had any disturbing incidents at the pool except for when a group of teenagers climbed over the fence after hours, and a strict enforcement of the pool rule will not solve this! The pool is rarely used, we haven't had any problems with guests, the code has not been passed out indiscriminately to lots of people. Why do we need to change things now?

Quail Run is not a new complex where we need to make rules anticipating problems that may occur in the future. The rules we have had for the past 21 years, and our enforcement of them, have served us well. No problems have been created. Let's keep it that way.

Sally Elkind  
3 Vine Brook Way

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**Letter Received**

As far as yard sales go, I probably would never have one, but I do feel that telling people they can't have one is way beyond your control. We can have signs put up about our sealcoating being done but not a yard sale. We also can have seven signs at the mailbox about a cook-out and flyers put in our door about it. I do not like signs about a cookout put in my door and I would ask that you stop this also.

Thank you,  
Linda Collings  
17 Vine Brook Way

**Letter Received**

Regarding the notice that was recently released relative to garage sales at Quail Run, we would like to provide our strong objection to garage sales, on any level, in our Community.

Regardless of how well monitored the event might be, non-residents will not only gain access to the premises, but will share the information with their friends and family. In addition, this type of activity will provide an open invitation to some individuals, who may have questionable motives for attending the garage sale from the onset.

We have lived at Quail Run for over 17 years and, during that time, there have been fewer than 5 events of this nature. This type of event has not been part of the normal social activities of the Community. If the goal were to have more social activities, then we would be in favor of having more barbecues or "meet and greet" parties at the pool.

For those individuals, who wish to participate in garage sales, we would suggest that they bring their items to flea markets or the like, whose venues are designed for this type of purpose.

A major part of the allure of living in a private, semi-gated community is that non-residents are discouraged from coming into the development uninvited. Our privacy and anonymity helps to create the ambiance for which Quail Run is known. Also, in light of the recent vandalism that has occurred in Quail Run, we would strongly suggest that this type of activity not be offered as a social option in our Community.

To the point that the majority may rule in favor of conducting garage sales, we would strongly urge the following to be included in the procedures:

- ▶ Security would be posted, at the entrances to the community, preventing anyone who was not a unit owner from coming into Quail Run for the garage sale.
- ▶ Items requiring transportation by trucks would not be included in the sale items.
- ▶ Items that remained from the sale would be donated to local charities, such as homeless shelters, retirement/assisted living facilities, schools, or the like.

We appreciate your allowing our voice to be considered in this matter.

Susan F. Zeller-Kent  
9 Kendall's Mill



### QUAIL RUN POOL SOCIAL

The Quail Run Social was held at the pool area on Thursday, August 9<sup>th</sup>. Once again, we got lucky with the weather – a warm, clear evening with a beautiful blue sky and nary a cloud – certainly no thunderclouds.

The tables around the pool were covered with decorated tablecloths, and the food tables were laid out with delectable choices. As always, the food was great with a variety to please all. With help from the members of the Social Committee (ably led by Florence Fitzsimmons and assisted by Joe), everything was ready on time and Jim Boyle started grilling at 6:00 p.m. Fifty residents gathered to make it a highly enjoyable evening meeting new and old friends.

*[Our thanks to Florence, Joe, and Jim, and also to Walter Howe for his photography.]*



*[Photos on these two pages by Joel Seidman.]*

See more photos from the Quail Run Pool Social in full color on our website:  
[www.quailruncondo.org](http://www.quailruncondo.org).





### ***Flo's cookies were a big hit!***

#### **SIX LAYER COOKIES**

- 1 stick butter
- 1 cup graham cracker crumbs
- 1 cup shredded coconut
- 2 (6 oz) pkg chocolate chips
- 1 can sweetened condensed milk
- 1 cup chopped walnuts

Pour melted butter in a 9X13 pan.  
Sprinkle graham cracker crumbs evenly over the melted butter.

Sprinkle coconut evenly on top of the crumbs.  
Sprinkle chocolate chips on top of the coconut.  
Sprinkle walnuts on top of the chocolate chips.  
Pour the sweetened condensed milk evenly over all the ingredients.

Bake for 30 minutes at 350 degrees.

#### **CHOCOLATE WALNUT CRUMB BARS**

- 1 cup butter
- 2 cups flour
- ½ cup sugar
- ¼ teaspoon salt

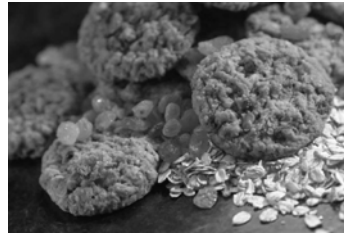
Beat butter until light. Add flour, sugar, and salt.  
Press 2 cups of the batter into a 9X13 pan. Bake for 10 – 12 minutes at 350 degrees.

- 1½ cups chocolate chips
- 1 can condensed milk
- 1 teaspoon vanilla extract

Melt chocolate chips in the milk and add the vanilla. Pour over the crust in the pan. Add remaining batter.

- 2 cups chopped walnuts
- ½ cup chocolate chips

Spread on top of the mix in the pan. Bake for 25 – 30 minutes at 350 degrees.



#### **NOTICES**

**Items, Services to Sell  
Items, Services Wanted  
Contractors You Like  
Restaurants You MUST Try  
Your Favorite Recipes  
Looking for partners for bridge?  
Mahjonn? Tennis?  
Put out your call in  
*The Quail Runner!***

**Do you have something that  
would go in this space?**

**Let us know!**



**ARCHSTONE UPDATE**

**Reprinted from the Boston Globe  
Thursday, August 16, 2007**

**Northwest Section**

**WOBURN**

**HOUSING FIGHT WEARS ON** - The State Supreme Judicial Court is likely to hear the city's appeal of the Archstone housing complex case in December, Mayor Thomas L. McLaughlin said. Archstone proposed a 640-unit housing development under the Chapter 40B affordable-housing law in 2000, but the city approved the project at 300 units in 2001. Archstone appealed to the state, which approved 420 units in 2003. With that matter pending, Archstone submitted an alternate application with 540 units, which ultimately earned the approval of a Superior Court judge. Woburn appealed that decision to the higher court. No date has been set yet, McLaughlin said.

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**The following is taken from a e-mail sent by Alderman Raymond Drapeau.**

Some of you have asked if you could make a contribution to the Archstone filings to the Supreme Court. I don't have the answer as to whether there can be input from citizens about the case.

I do have a better explanation about what the Supreme Court is actually deciding. I have been told that they will decide a very narrow issue. The issue is about whether the Housing Appeals Committee (HAC) can change the number of apartments. The issue arose out of the appeal Archstone made to the HAC when our Board of Appeals approved 300 units. If you remember the HAC changed the number from 300 to 420. The city contends that they only had the power and jurisdiction to deny their appeal or approve it.

There have been several court hearing after that which the HAC ended up saying 520 was a good number. It's my personal opinion that be-

cause of the narrow scope of the appeal to the Supreme Court wouldn't hear arguments about the effect of Archstone on our quality of life. They will decide based on the regulatory law set up by the legislature regarding 40B. Hopefully, the Supreme Court will understand that the HAC over-stepped their boundaries and decide in favor of the city. If that happens Archstone will have to settle on our original number of 300. If the opposite happens we will be looking at 520. I'm confident that the Supreme Court will decide in favor of the city and the City of Woburn will be responsible for setting precedent for the whole state.



Sealing of the cracks in the roadways and driveways by New England Sealcoating.

The workers squirt liquid asphalt in and around the crevices and then sprinkle coarse black sand as a binder - the same black grit that you have brought into your garages on the tires of your cars.

It's worth it, because this treatment will prolong the life of the pavement, thus saving money and helping to keep our condo fees down.

Can you guess how many linear feet of crack sealing were applied?

See the answer buried elsewhere in this issue.

**Senior Citizen Bumper Stickers:**

When did my wild oats turn to prunes and bran?



## WHAT THE TRUSTEES MUST DO FOR THE CONDO ASSOCIATION

[Adapted from *The Regenris Report*, a publication for management company executives, in June, 2007]

In a recent case, New Jersey's appellate court held that a homeowner association (HOA) board may breach its fiduciary duty to its members by failing to maintain the common elements, failing to increase assessments sufficiently to maintain the property and fund adequate reserves. In *Ebert v. Briar Knoll Condominium Association*, Ms. Ebert alleged that the board was not maintaining the property, was not setting aside adequate reserves and was not raising assessments sufficiently to fund these things.

The appellate court reiterated the longstanding rule that an HOA has a fiduciary duty to its owners, and is legally responsible to maintain, repair and replace common elements. The appellate then added that an HOA must assess and collect funds for common expenses sufficient to carry out those responsibilities. Then it wrote that a board's decision associated with repairs, reserves and the amount of assessments is protected by the "business judgment" rule *only if* the board's actions or inactions were authorized by law or its governing documents and, if so, whether the actions or inactions were "fraudulent, self-dealing or unconscionable."

Here, Ms. Ebert presented evidence that the HOA board had "allowed the common elements to deteriorate" thereby diminishing the value of the common property. She presented evidence that the HOA board "failed to provide adequate reserves for the maintenance of common elements by refusing over the course of years to increase maintenance fees sufficiently to create such reserves." This evidence included the HOA's own reserve study, which, at that time, recommended to the board that "maintenance fees be increased threefold in order to create adequate reserves."

New Jersey's Planned Real Estate Development Full Disclosure law requires that all HOA's must "prepare and adopt an operating budget which shall provide for... adequate reserves for repair and replacement of the common elements

and facilities." A board that fails to raise its maintenance fees to levels sufficient to maintain the property and set aside adequate reserves could very well be found to have breached its fiduciary duty.

Cases like this one remind HOA boards that despite the objections of owners, or concerns about a backlash, a homeowner association board must raise maintenance fees to a level sufficient to maintain the property and set aside "adequate" reserves. Reserve planning is the solution to this charge. The "reserve study," as it is called, identifies common element components that normally have a useful life of thirty years. When those components are identified, they must be measured and assessed for condition to determine their remaining useful lives. (For example, a thirty-year roof may only have ten years of life left.)

This kind of information directly affects the funds the HOA needs to replace the roof when due. The same principle applies to all other components.

The principle of planning for and funding common element repairs applies to HOA's in every state regardless of statute. The board is elected to plan properly. This is critical for maintaining the value of member homes.

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(Continued from page 3) **WHAT WERE THEY DOING?**

another all over the central green and the lawns in front of the units. One darted up a tree and out onto a branch with a second in hot pursuit. They darted at each other on the branch in a hectic dance and then reversed roles with the chaser becoming the chased for the dash down to the lawn.

In ten minutes this display of ... I don't know what, was over, leaving us to marvel at this behavior, neither of us had ever seen. They did not appear to be fighting nor running from a predator. They were moving too fast for this to be any kind of mating ritual.

It was a gorgeous, cool summer morning – perhaps they were just out for a frolic and having fun with friends and showing us how to do it!

Joel Seidman



**The Quail Runner needs to hear from you.**

We ask that all Unit Owners try to contribute material for publication. We will accept almost anything – social notes, requests for participation in activities, items wanted to buy or to sell, essays, editorials, poetry, letters, wildlife sightings, tips for Unit Owners, restaurant reviews, photographs (we publish in black and white only), etc. Please send any of these to the editor by November 30th for inclusion in the next (December, 2007) issue of the *The Quail Runner*. Articles should be limited to 500 words. The Trustees reserve the right to accept, reject, or modify any submission. We cannot publish anonymous submissions. The editor can be contacted by e-mail or by mailing articles, questions or other submissions via US Postal Service.

**CALL 911 !**

**Cars parked in Saw Mill Brook were vandalized recently. Keep an eye out for any suspicious activity, especially now as darkness comes earlier and Halloween approaches. Don't hesitate to call the police if you see anything out of the ordinary.**

**TO END ON A HUMOROUS NOTE**

- Sometimes, when I look at my children, I say to myself, "Lillian, you should have remained a virgin." Lillian Carter (mother of Jimmy Carter)
- Last week, I stated this woman was the ugliest woman I had ever seen. I have since been visited by her sister, and now wish to withdraw that statement. Mark Twain
- Santa Claus has the right idea. Visit people only once a year. Victor Borge
- Be careful about reading health books. You may die of a misprint. Mark Twain
- I was married by a judge. I should have asked for a jury. Groucho Marx
- I have never hated a man enough to give his diamonds back. Zsa Zsa Gabor
- My luck is so bad that if I bought a cemetery, people would stop dying. Ed Furgol

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**Volunteers are needed to write for The Quail Runner. Please call Joel Seidman 781-937-0406 for more information.**

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