

Rules Adherence Committee Public Presentation (2003) — Heritage Village

Summary

This video records a February 2003 public presentation by the Heritage Village Rules Adherence Committee at the retirement community in Southbury, Connecticut, introducing a comprehensive rewrite of the village's rules and regulations to residents in the room and to a television audience. The meeting opens with introductions of the committee members, followed by a slide presentation walking through the structure of the proposed rules — nine articles covering the preamble, responsible parties, definitions, the rules themselves, a schedule of fines, an investigation and findings process, an appeals process, applicable law and invalidity, and amendment procedures. Committee members stress that the categories are largely unchanged from the old rules but have been clarified, simplified, and — most significantly — made enforceable through a new enforcement and fines structure. They emphasize this is not the creation of a police force and urge residents to treat the proposal as a whole rather than nitpick individual items, and to take it back to their condo trustees for review.

Speakers include Walter, the master of ceremonies who introduces the panel and then leaves for a medical appointment; Bob Vanassel, chairman of the Rules Adherence Committee, who delivers the slide overview; and Connie Saven (also referred to as Connie Sabin), the committee's attorney "spark plug," who presents the rules, fines, and enforcement and appeal procedures in detail. Henry Beckoff offers a brief remark. Other committee members named include Dr. Eugene (Jean) Schlaggel (absent, in Florida), Lauren (Lori) Shapiro, and Anita Saven. During the question period, identified audience members are an unnamed forplex owner with asthma and emphysema concerned about hallway smoking, Elaine Hendrickson (Condo 19 president), Tracy Slack (Condo 11), Ray Sagali (Condo 20), Marie Gabriel (Condo 4), Jean Blocks (44C, Village View), Lauri Dorl (Condo 17), Herbert Garber (Condo 23 president), and Jack Zimmerman (a condo president). Others mentioned but not present include Connecticut official Richard Blumenthal, Ted Wellerson, and President Theodore Roosevelt (quoted).

Transcript

Speaker 1: I just don't want to get into debate. Okay. That's all right. Do I need their names? No.

Walter: Good morning. Good morning everybody. Thank you all so much for coming this morning. It's going to be an enlightening morning and you're going to get a lot of information, and we hope we will enlighten you and open up your eyes to maybe what the rules are and where the rules are going. Before we start, I just want to make sure everybody knows, if there's an emergency during this presentation: exit door, exit door, exit door, and worst comes to worst, up the stage and out. Okay? And if you want, you can just follow me, because I'll probably be the first one out. I'd like to take a moment to introduce members of the rules committee and the panel that is here this morning. We have Bob Vanassel, who is now chairman of the rules committee. And yes, thank you — that's the first time he ever got applause. He has been the champion in getting these rules put together the way they are. Connie Saven, what we call Mr. Spark Plug. He's the guy who really pushed us and made a lot of the verbiage changes and kept us on track. We have Henry Beckoff — I don't think Henry needs any introduction. We are unfortunate that Dr. Eugene Schlaggel, who had a lot to do with the rewriting of the rules, is not here. He went to Florida, as a lot of villagers do. But I also want to honor him and thank him. We also have Lauren Shapiro, who's going to act as our interlocutor, if I can call that, making sure

we're on the right track with our questions. And then also lovely Anita, who is Connie Saven's wife, who represents the other gender on the committee, along with Bob's wife too. Really, it is a pleasure to have you here.

I want you all to understand these are new rules you're looking at, but there's nothing that new. The categories are all the same. A lot of the verbiage is the same. We used the old rules as a guideline to rewriting what is now the new rules. We put a lot more clarification in. Things that were ambiguous, we've tried to clarify more — like, what do you mean by a parking lot? What do you mean by a vehicle, a car, or a transportation mode? Who's responsible if someone violates a rule? That's a good question. When we asked that, we weren't really sure ourselves. So we've clarified those types of things. On pets, we've clarified a lot. But the biggest thing I think we've done is we've put in the whole section on enforcement. I want to stress that, because without enforcement you might as well get rid of the rules. If you have rules and you can't enforce them, then they're just nice niceties on paper.

Now, when I say enforcement, I don't want anybody in this room to think we're starting a police force. That's not our intent. Our intent is, if someone is violating rules consistently and refuses to honor the rules, there has to be some way to penalize that person to make sure the rule is not violated anymore. These rules were put in 25, 30 years ago by our forefathers for the main purpose of keeping Heritage Village as it is today: pristine and nice and a beautiful place to live. If people don't want to follow the rules, well, we're not going to accept that. The rules are there for people to follow, to keep this village in mind first and foremost. People say, "Well, they're violating a rule." We will never on the committee know that a rule was violated unless somebody complains. We don't go out looking for rule violations. People have to come to us.

So let me start this committee meeting. We've got the whole process — you'll see the whole thing. This meeting this morning is not to get into debate. You can ask questions. We probably won't have time to answer them; we will write them down and take them into consideration. If you have problems with what you think are some of the rules, we urge you to read them all, understand them all, then get back to your trustees, because that's the people who are going to come back to us. Yes, there is a follow-up, and you'll see that in pretty good detail. This way everybody will understand, when somebody violates a rule, what the process is. We're not looking for debate here this morning. We will take comments and suggestions from the audience. We ask you to try to keep the comments pertaining to the principle of the rule and not one little sticky item inside the rule. We can get caught on semantics and we'll be here all morning. I ask only one question per person, because we have quite a few people here and I'm really pleased about that, and try to do it with no follow-up. Otherwise it will go on forever. Each person will be allowed approximately one minute to state their question or concern. We will note it and make sure we get back to the trustees and the executive committee.

This presentation you are seeing this morning — and welcome to the television audience too, I forgot we have a television audience watching us this morning — this presentation has already been given twice to the executive committee. The first time, as you're getting it today, we gave them copies. We went through all the rules the same way, not in as much detail as maybe some people would like, but we want you to read the detail. They went back for two weeks. They came back to us and said, "Okay, here's some of the comments we have." That's what we're looking for today: that you understand what the rules are, what the sections are. Go back, look them over, then get with your condo people, get with your trustees. They're the ones that are going to come back to us, probably to make changes. So we ask one question per person with no follow-up. We will take all your comments and concerns and review them all. We ask you to take the copies, review them, go back to your condo, talk them over with your neighbors and your trustees. We still have quite a ways to go yet before these will be in your phone books, as most of the rules are, but we're getting there. The biggest hurdle was getting through the

executive committee. Now we're getting before all the owners here this morning, and then we will get to the trustees.

So let me start the program. I will be leaving about 10:30 for a medical appointment, but Bob Vanassel and Connie Saven will be basically running through all the program. So with that, I think I'll turn it over to Bob. Thanks all for coming. I really appreciate it. Thank you very much.

Bob Vanassel: You notice Walter said he's leaving at about 10:30. That's before it gets controversial. As we said, this is an opportunity for you to see what we are proposing and to go back to your condominiums to look over what we are proposing and make suggestions. We will try to make as many people as possible available for condo meetings during March, if you have specific questions or you'd like somebody from the rules committee to come out to your condo and explain in more detail to your condos exactly what's happening. We've sort of set a timetable on this. We're presenting this tonight, which is early February. We would like to have it through the condos by the end of March, make any revisions, and then present it to the trustees in April and have it either accepted or rejected by May or June at the latest. To give you an idea, we've been working on these for over six months. We met once a week. There are literally thousands of man-hours involved in this revision. I understand it was revised about four or five years ago, but not to the extent that you're going to see today.

So without further ado, I'll start the presentation, and I ask that you hold all your questions till after it's over, because a lot of the questions, I think, will be answered as we go along. Then at the end of the presentation we'll open it up, as Walter said. May I have the lights toward the stage dimmed, please?

These are the people who worked on these — the Heritage Village Rules Adherence Committee. You just heard all the names mentioned, basically the people here, plus Dr. Jean Schlaggel, who is not here today, and my wife, who's over at the women's club this morning. Why new rules? Our present rules are dated and for the most part cumbersome and unenforceable. We need to simplify them while keeping the spirit of the rules intact. We needed to make them enforceable. What should a rule do? It should ensure that the rights and privileges of the residents are protected, provide for the safety of village residents, protect property values, and probably the most important and hardest thing, be palatable to a diverse community. A rule should be fair. It should be enforceable, and it should be measurable.

How do we go about it? We identified complaints and problems. We went back and looked at where our complaints were coming from and identified them. Next we reviewed the existing rules. Then we discussed what changes need to be made, determined the format for the proposed changes, and then wrote proposed new rules. The major change was not in the rules themselves but in the format — and there is a correction, we did make a few major changes. Major changes will be identified as we go along. The rules that you see here are just made to be simpler, more understandable, and more enforceable.

The proposed rules have nine articles. Article one is a preamble. Article two is the responsible parties. Article three is a general definition of terms. Article four — the meat and potatoes — is the rules. Article five is a schedule of fines. Article six is investigations, findings, and decisions. Article seven is an appeal process. Article eight is applicable rules and invalidity — if some of these rules are found to be invalid, what rules remain in force, et cetera. And number nine is how you go about amending them. We are now in a process that the existing rules call for, and that is a public hearing before we can amend anything.

Okay, show me the beef. Article one, the preamble, discusses becoming a citizen of a condominium. If you have a copy of the rules in front of you, you can follow along. Under A in article one, it tells you what we consider becoming a member of this community, what you can

expect the community to do for you, and what we expect you to do for the community. Article one section B goes into the board of trustees. C is the responsibility of residents. D is the interchangeable pronouns that are used and describes those. E is a disclaimer on conflicts — namely, if we have one rule that contradicts something we've overlooked, there's a disclaimer saying that if one of these rules violates something in the charter, this rule couldn't apply. We've looked them over pretty carefully. We don't think there are any, but there certainly is always room for error. F is directors of HV Foundations Incorporated — it goes into what their responsibility is. And there's a one-month effective date: basically, if these rules are approved, they will become effective one month after the date they're voted into existence.

Now we're on to article two. Mind you, we're just doing highlights here. When we get into the actual rules, Connie's going to go through rule by rule with you and describe them in more detail. What we're in right now is, I'm going to call it, a housekeeping kind of thing. Article two is responsible parties. Who's responsible for seeing that rules are obeyed? We're saying persons who have the title or the right to reside in a condominium. We're saying that when title is passed, subsequent owners are responsible. And under C, here's something — we're saying that an owner is responsible for guests, invitees, employees, or independent contractors. Before, it was a very gray, unenforceable area. Somebody who was breaking a rule and was a guest of a unit owner — we had no way of enforcing it, no way of going to that person and saying, "Hey, you're breaking the rules." So what we're saying here is, it's the owner's responsibility. If you invite somebody here, or one of your employees or an independent contractor comes in and he breaks the rules, you as a unit owner are responsible for that person.

Article three — we probably spent I don't know how many evenings going over this. It was a real time-consuming effort. It's a definition of terms used in the rules. For example, for the first time we defined what a family is. I heard before the meeting that we've left out one — somebody said we've left out husband and wives. We've described everything else with the exception of married couples, which is a possibility. When we sat down to write these rules, we said these are one-family units. You could define a family in the 1970s as probably a husband and wife and children. But a 2003 family is altogether different from the 1970s family. So we've put in there all the definitions, and if in doubt as you go through these rules, when you get to the rules section and say, "Gee, what are they referring to?" you can go back to the definition and find out exactly what we're referring to. What is a vehicle? What is a motor vehicle? These things were never defined in the previous rules, and they've caused a great deal of problems trying to enforce them, because everybody had something different. We've defined what a multiple-use vehicle is, or combination plates, and so on, and we went right to the Bureau of Motor Vehicles definition on these things.

We have different classes of violations. As we went through these rules, we said, one person walking a dog where they shouldn't, or off a leash, might be considered a minor violation, while somebody using chlordane on their garden, where it affects the quality and costs thousands of dollars to have it taken off the property — they shouldn't have the same class of violation. So we came up with different classes. A class A violation is a flagrant violation — a rule violation so bad that it can neither escape notice nor be condoned. A class B violation means a rule violation which affects a resident's quality of life or village policy, as determined by the HVMA board of trustees, without necessarily causing actual injury or damage to a person or property. And a class C violation is a nuisance violation — a rule violation which is considered neither flagrant nor minor, but is one that is annoying. You'll see, as we go through, each rule has one of those after it.

We're going to get on to the rules now, and I'm going to turn this over to Connie Saven, and I'll work the slides here and try to keep up with Connie. Can we have the lights up a little bit? I'm

sorry. Connie has to read here as we go along. Also, Connie — I want to preface this by saying we nicknamed him spark plug, because what would happen was, we would spend literally hours discussing rules and we thought we got pretty smug. We thought, "Well, we've got this one all nailed." And Connie wouldn't say a word throughout the whole meeting. Then at the end, he would set his mousetrap and get us caught and say, "Well, you can't do this because of..." and he'd always have a very legitimate reason. He kept us on track. As he and Anita traveled back and forth to Long Island, I could be sure of at least three emails on my computer changing this, that, and the other. So the rules as you see them now have probably gone through at least 50 to 60 changes already, and probably we'll have a few more before we get further. Okay, let's get on to the rules.

Connie Saven: Well, thank you all for coming to this presentation, or tuning us in. You have already started to examine our proposal with the assistance of our chairman's visual aid presentation. It is my task to dwell on the restated, expanded, or modified rules and enforcement procedures. Our rules revision project represents almost a year of dedicated weekly meetings. Our proposal represents untold hours of deliberation, argument, compromise, innovation, and most importantly, constant change. When the dust had cleared, we had a proposal that represented our unanimous recommendations. The proposal consists of several thousand words, and surely any one of our 4,000 or so residents can find a word or phrase not to his liking. We implore you, wherever possible, to treat our proposal as a whole work rather than subject it to unreasonable nitpicking, remembering that for every action taken there is a reaction elsewhere. We who were so closely immersed in the project recognized that possibility. In turn, each of us at one time or another acted as the devil's advocate, opposing the majority. Yet each time the bottom line was the same. We all agreed on the final language and on our purpose. This document is man-made, subject to unintended errors of omission or commission, but created by persons who wanted to do what they believe to be right and in the best interests of all villagers. We do not expect you to rubber-stamp our proposal, but we have every right to expect you to view the project in its entirety.

Some of you may be paying attention to the source material from which our proposal was derived. For the most part, as pointed out already, we rearranged and restated the old rules, tightening up and simplifying the language, and providing for a finding process — speedy investigation and determination with ample appellate relief. Some new material dictated by over 30 years of experience has been added. While reference to former rules may be helpful to you, we challenge you to approve the new rules as presented. Assume that there were no old rules for comparison. If our proposal is not satisfactory to you, then it matters little how much it resembles or is in contradiction to our current rules and regulations. Our recommendations should be able to stand muster on their own merits. The preamble, to which your attention has been directed, says it all. We think we have produced a document that reasonably reflects our past traditions and customs as well as our future needs. Hopefully, we have designed our rules to be reasonable, understandable, and capable of reasonable enforcement, with a certainty of response within a limited period of time. We did not design a set of rules to produce a police-like atmosphere or to instill fear, nor did we create a specific finding system as a means of enhancing village revenues. At all times, each of us was aware that the strictest law can sometimes become the strictest injustice. Our deliberations and conclusions have had but one purpose in mind: to encourage and create a more harmonious atmosphere to be shared and enjoyed by ourselves, our families, our neighbors, as well as by the stranger who, like us, inhabits this wonderful place we call Heritage Village. President Roosevelt, in addressing the Congress, said, "No man is above the law and no man is below it. Nor do we ask any man's permission when we require him to obey it." That was the standard set by our committee. The rest is all commentary. We are confident of your support.

And now I'll get into the nitty-gritty. Article four is the rules. It sets forth a series of rules, and what we did was to treat rules in the order in which we occupy units. In other words, we were designing a system that would talk about first our units and then the common and limited areas. The former rules, which most of you had, consisted of 34 different named rules with various subsections which had no headings, and they ran the gamut and moved around. What we tried to do was to center first on the use of our units, then on our use of the common and limited areas.

So rule number one talked about the restrictions on occupancy, family status, and age. Most of that obviously comes right out of our bylaws and declarations. We could not make a change with that. So it's just a question of how we lined it up for you. Even the clause that provides that people who could not otherwise reside — guests, children — in fact can reside for a period not exceeding six months comes right out of our bylaws. No change on transferability. We talked again about the waiver of the first right of refusal which the condo has. We talked about no unit owner may own or lease an interest in more than two units at any one time. No change. A waiver of the first right of refusal — when you sell your unit, you need to deliver that, and that document will clearly alert the subsequent purchaser that he is taking something that requires him to obey in terms of rules. It's referred to in the document as it already exists.

Item C is a new one. Prior to occupancy, any grantee — a new owner; we didn't talk about a purchaser, we said a new owner — for consideration, meaning purchaser, or otherwise, which could be a gift or a transfer in trust, and any lessee, must provide the HVMA management office with a copy of his deed or lease, as the case may be. That's an internal request that was made. It helps us to identify who's where and has been ignored by so many people, especially when you're making transfers that do not involve sales, because in that case usually there is no question of waivers. You just transfer it to your family member, or a trustee, or anyone other than a purchaser. So when it comes time to elect and who has the right to vote, nobody knows, because those things aren't on record. We're saying now that it's important administratively to do that. It was a request made of us, and we thought it was worthwhile.

Rental requirements: a rental shall be for no less than three consecutive months. No change. A unit owner may not rent his unit more than once in any 12 consecutive months. No change. But now if you put the two clauses together — that you have to let your lessor submit his lease — we can track more than one rental during a period, and that has occurred several times. It's one of the things that's not observed and should be. Signs: again, no basic change. We're still talking about the same signs. We've just defined them a little better, and we're saying you can't display them.

Restrictions on actual use. So we went now from who can be in a unit to how a person who is in the unit already may be restricted with the use of something he owns or perhaps leases. Again, we defer to the general welfare. You have to observe laws — federal, state, and local. No change. There are certain prohibited business and commercial practices. No change. It's just where we put it and the language we put it in. For instance, I want to quote this one to you: "Prohibited business and commercial practices. No industry, business, or trade of any kind shall be conducted or permitted in any unit. Consultative services that do not unreasonably affect the residential character of the unit and village may be conducted, provided that customer clients do not visit the unit for such service." We took out some of the ambiguity. The services are not to be publicized or advertised except by phone number.

Structural changes: everything in structural changes — things that we take for granted — we've codified it. I think we can move down to storage of hazardous materials. You wonder, why do you have to put that in a rule? Well, we had it. You don't want anybody next door to you putting things in there that could endanger your safety and well-being. Nothing unreasonable about

that, and the people who drew our first rules didn't find anything unreasonable about it. We've just codified it in what we think is a little clearer language.

HVMA management possession of pass keys. Again, we've referred to that in the old rules. In particular: "Except for two-car Berkshire garage doors, all unit owner residents shall furnish the safety department or its successors with pass keys to all current locks installed on their units and garage doors." Now the Berkshire unit who has two cars, he can lock that garage door, but the pass key that gives entrance to his unit is available to us. So in an emergency situation, we can gain entry to that garage even though it's seemingly locked.

Exterior painting: no owner, his agent — we threw that one in here — or employee shall paint or change the exterior color. We take that for granted; it's in there. We've now made it clear. And if you do those things, we've said, hey, that one is a class A violation, the idea being, of course, that changes in colors of a unit is a serious thing that should not be undertaken.

Smoke alarm detectors: except for units in forplexes — that's new — every owner resident at his own cost must install the smoke detectors, at least two of them. How are we going to enforce that? We're not walking into anybody's unit to see if they have one or two. But if you know that you should have two, maybe you will have the two, and maybe by your having the two, you'll protect your neighbor next door. The forplexes already have the smoke alarm detectors, but we don't unless we put them in. So like any rule, it becomes important from the standpoint of enforceability, and we cannot gain entrance absent an emergency to your unit. So we ask you to abide by the rule, knowing full well it has limited enforcement capability.

Plumbing precautions: this is a substantial change from what we used to have. What we used to have had all kinds of ambiguities. It talked about vacancy — but when does a unit become vacant? When does the unit owner intend to come back? We said what's important is plumbing precautions. So we said now, generally, in the heating system between October 1 and March 31, a unit owner shall not leave his unit for any period of time — a weekend, a month, six months — without, quote, taking reasonable precautions, settings, et cetera, to prevent freezing or bursting of the plumbing system. And we don't just mean the unit owner's. We're worried about the next-door neighbor whose plumbing system may be controlled by the party who left the unit. We're not saying 50 degrees, 55, or 65. In the old rules, they talked about 55 degrees. If you've been reading the recent publications, we've been urged to keep our heat at 65 degrees. We haven't said what it should be. What we say is, use a standard of reasonableness. Now what's reasonable? We've defined it in the articles. You know reasonableness when you see it and when you hear it. So if you walk away from the unit and do nothing, you have a problem should there be a plumbing leak of any kind. Emergency entry for repairs: nothing new, nothing unreasonable in having such a requirement. Restrictions on outdoor cleaning: no change. We just moved it into this section because it applies to your use of the unit. So when the new unit owner comes in and he's concerned what he can and can't do, he'll go to one section of the rules and there they are. He doesn't have to worry about whether he misses it in reading all of the words involved.

From there we moved on to common and limited areas. We've already defined what common and limited areas are. Basically the same type of precautions you would take in your unit, you would apply in the common and limited area. Basically, you're talking about your garage storage — what you can put in there, how you can put it in there. Does it create a safety hazard to people who come in? Because most of us share our garage areas. So it's an important item. While we have various subdivisions listed under there, practically each one of those can be found in other disjointed paragraphs of the current rules. I will point this one out to you — it's rule 4(B)(7), talking about the garage, and it's on page nine. Without a variance — very important — firewood may not be stored on common or limited common areas and may only be

stored in a garage or carport if it is stacked at least three inches from a wooden wall and is shielded from the wall by a plastic sheet. The amount stored shall not exceed three feet in height, four feet in length, and 18 inches in depth. So that tells you how, where, and how much. But it doesn't preclude you from storing more, because it says "without a variance." So the door has been left open for the exception or the need, but you've got to go through the variance procedure.

Common vestibules, halls, and stairways: again, it's a repetition of what we had with a slight difference in C(1). The current rule says, before you can put anything in your hall — and now we're talking about the forplexes — you've got to get your neighbor's permission. That creates a problem. Sometimes your neighbor says yes, sometimes no, and reason has nothing to do with either. And sometimes you get a new neighbor. What do you do? Is the no forever? Is the yes forever? So we tried to take that out of speculation and said: a reasonable amount of furniture and decoration may be placed and maintained in the hall at the owner resident's sole risk, provided it does not create a fire or other safety hazard as determined by the Southbury fire marshal or the village safety department, or is in contravention of any other rule. So we opened up the door slightly to eliminate possible conflicts between neighbors who just don't get along for one reason or another.

Patios, decks, and balconies. For the first time, the rules have defined what a patio is, what a deck is, and what a balcony is. The rules we put in here are basically the same rules we're operating under and took for granted. Nothing changed there. You can't enclose your patio — to do so would require a variance. Awnings: no change. We just moved it back. Now, if you're making a request for a variance which affects a common area, which we've already defined and which most people understand, then you get the consent of the neighboring unit owner. Once the consent is granted, your use is governed by the terms of the variance. And the variance procedure comes down starting with the village manager, and there are methods of even appealing his denial of such an application. That's not part of the rules; that's part of our operating procedures. But the rules talk about what you can and should do to get relief under certain circumstances. And if you choose to get this relief without following the rule, then you're in violation, understandably so.

Landscaping restrictions and variances: still just about the same language that currently exists. Poisonous pesticides: a reference has already been made to the question of chlordane. These are the things we're looking for in the common areas. Outdoor washing of motor vehicles: if you recall, just recently the board of trustees changed a rule and then a couple of weeks later changed it back again. Well, here it is in the form it was originally. Canvassing and solicitation: no change. It's clarifying what can and can't be done. K talks about rubbish and debris. We've had lots of problems involving whose garbage pail is whose, and can I use somebody else's garbage pail and under what conditions? We wondered why we even have to put this into a rule, but because of the problems we are experiencing — and when I say problems, I'm not talking about a multitude, but if it's two problems, if it's 10 problems, you try to address it if you can — we've addressed the problem for the very first time in this clause.

Pets. Pets has always been a point of issue and continues to be, and probably is one of the more complained-of things throughout the village. We limited pets to two — no change. We want you to understand that under federal law, pets can include service animals. So a person who is legally blind can bring in certain types of pets. There's nothing we can do to change that; that is a federal law and we're mandated to abide by it. So we say no pets of any kind may be kept or bred. Any pet — very important — causing unjustified injury to persons or property within the village, or causing an unreasonable disturbance on more than one occasion in the village, must be removed from the residence unit following 30 days' written notice from the rules adherence committee, in addition to the fine imposed by the committee. So those of us with pets

— and I include myself — be forewarned. This will be enforced. Under no circumstances shall any pet be permitted in any portion of the common area unless carried or attached to and restrained by a leash no longer than 10 feet in length. Now I know many of you have these things that expand and go to 20 feet. It's very difficult to control a dog when he's out there 15 feet; if something else catches that dog's attention... We thought 10 feet made some sense, and we ask you to bear that in mind. So if you have a 25-foot extender, make sure you don't extend it any more than 10 feet. Of course, who's walking around with a ruler watching you? We understand this. But a situation will arise when somebody does just that, and that's when first they should be called on the carpet — not necessarily looking to find them, but saying, "Hey, 10 feet, do what's reasonable, so people aren't going to get caught up in your leash or anything else."

One harboring a pet or service animal shall be responsible for cleanup and sanitary disposal of its waste. That should be taken for granted, but it never has been and continues to be ignored. We think it's an important rule. Not only are you responsible for cleanup, but you must dispose of the cleanup in a sanitary way. That means if you've got the grandchildren out there walking your pet, you are responsible. Those grandchildren should be instructed — if Fido has a bowel movement, you pick it up, or you carry with you something that Fido can have his movement in. The owner is responsible. And if your tenant does this or fails to do it, you, the absentee owner, are equally responsible. There's no way we can find a tenant, but we can find an owner. So please pay attention to pets. Bird feeders are prohibited where feed or bird droppings might fall on a deck or patio. That sounds like common sense. It's in our bylaws and rules in one form or another. It's been recategorized. Where should you keep a pet? All those things we transposed into this new clause called pets.

You'll be interested, I'm sure, in motor vehicle requirements. Again, administratively, we talk now about identification of vehicles. We're saying that within 30 days of the commencement of residency — so you have a 30-day window — a resident must obtain from the HVMA safety department and properly display on all motor vehicles he now or hereafter owns, leases, or generally uses, regardless of whether actually registered or the actual state of registration, an approved Heritage Village motor vehicle identification sticker. Some people don't like to show that they're from Heritage Village, and how the mechanics of this will ultimately work is not a question for the rules. The key is, we should be able to identify vehicles that we find in the village. Now, who do you make the rules for — those who obey the rules or those who don't? That's an old story. But we hope that those who don't intend to commit a violation will adhere to the rule, so that if there's a parking problem, we'll know who to contact. If somebody's going through a full stop sign within the village, we'll know who to contact. Enforcement may be difficult, but we thought the time for the rule has come, and we think we've covered all kinds of operation. So if somebody lends you a car and you're going to be generally using it, that car has to be identified. Own it, lease it, generally use it — you're responsible for letting us know it's in your possession.

Subdivision I of this motor vehicle requirement: no great change, just about the same. Only we're asking that all vehicles have a registration on them. We've had situations in which people leave unregistered vehicles in their garages or carports, and that's something we don't want to happen. If you want to get rid of your car, that's your business, but you should have that car registered. As we go down the other requirements, we talk about Connecticut motor vehicle laws which shall apply to motor vehicles driven by residents upon village roadways. Now, here's something new. All residents must observe the following posted village traffic signs: full stop, one way, handicapped parking, prohibited parking, and shall not park within five feet of a fire hydrant. Does anything sound unreasonable in there? We're not talking about traffic — we don't have a police force — but these things are vital for the safety and general welfare of our

residents. To bring that to a head, we have added a new clause. The Heritage Village safety department is authorized to ticket owner-resident operators for violations of the following rules affecting motor vehicles. So if one of our safety staff sees you go through a full stop sign and is able to get your attention and stop you, they can give you a ticket. It's an information ticket. It tells you what you did wrong and tells you this might be the penalty for what you did wrong. And as you'll see later on, that's it. A notice will now go to the rules adherence committee and the information will be passed on. If the safety officer was correct, certain things can happen to the rule violators — no different than if you were on the public streets in Southbury and went through a full stop sign or were illegally parked. We're not asking you to do any more than observe the minimal.

Owners and users of garages below a carriage house or two-car Berkshire shall not back their vehicles into such garages, nor shall they idle their motor vehicles, motorcycles, or mopeds therein. And when we talk about passenger automobiles, the state of Connecticut says a passenger automobile is something limited to a maximum of 10 people. Everybody thinks it could be two, three, five, six, but actually the statute goes up to 10. But it specifically includes other vehicles as non-passenger vehicles. You take the Connecticut vehicle that has a combination plate — it might only hold three, but it could have a commercial use, so it does not fall within the description of a passenger vehicle. So we're not looking to see combination vehicles parked in anyone's garages. Restrictions on recreational vehicles are also carried over as they had been in the old rules into the new rules.

Motor vehicle daytime parking: again, most of it is a carryover from what we had. We added something different at item N(3), which says: without the resident's consent, parking or unloading is not permitted in the driveways adjacent to two-car Berkshires. There are many condos where you actually cross the driveway in front of a two-car Berkshire to get to your parking area. That's okay. But you can't park your car in there so that the person who is visiting or using the Berkshire unit can't back out without calling safety. It's a thing we take for granted, but now we've codified it into a rule. We've added: when not in use, owners of passenger motor vehicles, including motorcycles and mopeds, are urged to park such vehicles in assigned garages or carports. In other words, we tried to free up as much parking space within the clusters as we could without saying it's an absolute must. That's not a rule violation, something we urge you to do out of common courtesy.

Motor vehicle overnight parking is new, because now we're saying if you have a garage, park your car in the garage by 11:00 at night. The reason we want you to do that is then we'll know what strange vehicles may be out in that parking lot. We thought 11 p.m. was a reasonable hour. If you have two cars, of course one is going to be in, one won't be. We understand that. And we also understand if you have a second car, try to put it in an area of your cluster that's the least used. And we also know you may be visiting somebody else's condo and be parked at his condo at 12:00 at night. We understand that. That's why having your ID on your car gives us a heads-up on whether there has been any rule violation. So again, daytime parking, no particular problem as long as it's a passenger automobile. We ask you to put your car in the garage if you can; if you can't, so be it. Nighttime parking — please, please get your vehicle into your garage by 11.

Miscellaneous rules: again, some have been added, some we take for granted, and some are in a bylaw. Pets are not permitted within or upon Heritage Village foundation properties, including patios, unless properly leashed; then in that event they can be walked on Heritage Village pathways or roadways. Bicycling, and of course something new that didn't exist when we had the original rules — rollerblading and skateboarding are not permitted on any Heritage Village paths or walkways or within a cluster driveway. The reason we don't want it even in the cluster driveway is people do walk in the cluster driveway to get to the mailbox, the garbage, their cars.

And if the kids or young adults are on these things in the driveway, somebody may get hurt. So we say, use your head. No refuse, debris, or animal waste shall be deposited in HVF ponds. It is a privilege to have a pet in the village. Now, we're not talking service animal, a pet. It's a privilege. We expect you to pick up the waste and, as we said before, dispose of it in a sanitary manner. You don't dispose of it in a bag by throwing it into one of our ponds. And that has been done. That is more than a no-no. Smoking is prohibited in any foundation building. It goes without saying — you hear it every time there's a trustees meeting. No smoking on the property.

So that's the rules. As I say, there's room for expansion, and probably as years go by there may be need for change. But we think we have drawn from these 34 basic rules and the various unitemized subdivisions and our own experience enough to make this livable and reasonable. Now, having said that, what else are we going to do with it? We set up a schedule of fines, and that comes right after the rules. We differentiated in the fines by class. As we previously had the definition of a class A, which was a very serious violation, we set the fine for a first-time violation at a maximum of \$200. So we had a spread of anywhere from zero to 200. That means if and when fines are levied, one person for the same violation might get \$100, and another person 50. And you wonder, is that fair? It's really no different than judges when they're called upon to pass sentence. They have a maximum and a minimum, and depending on the circumstances, he or she tries to use reason — what's right for this particular violation. We do know it can't be any more than \$200. We think this sum would be upheld by any judge, because you should clearly understand that whatever we say here is still subject to judicial review. If a court finds that our proposals are out of line, coercive, or not reasonable, they will issue an order staying our ability to collect it or just set it aside in its entirety. So we try to think of what was reasonable under the circumstances. We also provided: once burned, second time around, your fine now goes up to \$500 maximum for the same violation. It doesn't mean it goes up to \$500. If it's a class A violation that had nothing to do with the first one, we use the same practice — as we scale down the violation, we scale down the maximum fines. So class B had a maximum fine of \$100, a repeat violation of \$200, and so on to class C.

So now we've put together definitions, rules, and fines. Now, how do you implement this? I want to jump ahead by saying that our recommendations covering the investigation, findings, and decisions, set forth in article six, as well as article seven, which covers the appellate procedure — that appears on page 15 of the rules — the whole process should be over in 30 days, instead of what we had found ourselves in numerous instances going on and on and on. There is certainty at the end result within 30 days. We figured that was both fair and, to use that same term, reasonable.

Now let's take a look at what we said in the investigations and findings. Something new — and really basically all of this is new, because we had very little to go on in the old rules. The HVMA safety department or its successor has been given power to investigate allegations of certain scheduled rule violations. I'm not going to go back over and name them all, but they're all identified by number — 2(E), 4(B), 4(B) Roman subdivision five. They basically relate to things that our safety department can see with the normal eye. They can see a traffic violation, a parking violation. They can see you throwing stuff into a pond if it shouldn't be — things that are relatively small that they can see. They can initiate an investigation. Now, upon determination that a possible rule violation as described has occurred, the safety department member shall prepare a notice in triplicate describing the nature of the rule violation and the maximum initial fine provided for same, giving the alleged violator a copy and furnishing copies to the chairman of the rules adherence committee as well as the head of the safety department. So that's a notice — that's all it really is.

Now, upon receipt of a copy of the notice from the safety department officer, or a written complaint from a condo president — and I think we've already covered that in article 4(A), how it

was done — or a written complaint from any other owner or resident forwarded to the chairman of the rules adherence committee, an investigation is to be commenced by the committee to determine if there has been a violation. So the allegation of violation is all that it is. It's an allegation which is then to be investigated, whether that allegation results from a complaint by an individual, from a president passing it on, or a safety department officer saying, "I saw this violation take place." The buck starts right with this committee. As soon as possible after receiving the complaint, the chairman appoints a subcommittee of three members — a small group, excluding any party to a complaint — designates one of these three people as chairman, and they investigate the allegations and submit a written finding and decision to him within seven business days. So the clock starts running the minute the subcommittee chairman gets the appointment. He's got seven days to investigate it and turn it in. If the subcommittee finds no basis, then the complaint is closed, and its chairman promptly forwards a notice to all interested parties, and that's it. If the subcommittee determines a violation has occurred, then it has several options. It forwards a copy of its decision to the unit owner, providing him with a warning, or it may issue a cease-and-desist order with a preliminary fine as provided, or it may issue a cease-and-desist order, levy a fine, but issue a stay of execution, imposing such conditions for the stay as it deems appropriate. I think everybody knows what cease and desist means. You all know what a fine is. What's a stay of execution? It means the fine won't go into effect as long as you observe these conditions. If you remember, I said we're not interested in a police state. We're not interested in raising money for the village. We are interested in improving our ability to enjoy what we have. That's the whole purpose of the rules and the enforcement procedures.

Now, notice of any fine levied is given to the HVMA controller, and payment thereof shall be due and payable by the unit owner with his next scheduled monthly maintenance charge. Obviously, if it's stayed, it won't be attached to his bill. So what we've had is, we know there was a rule violation, we've investigated, the investigating committee has decided one of three things, and they've given notice of all of that to the chairman, the person who made the complaint, and the person who's been found responsible of a violation. The matter doesn't end there, because now we go to the appeals process. An appeal shall not affect the implementation and collection of a fine provided in the notice issued by the HVMA safety department or by decision of the rules adherence committee or subcommittee, unless specifically stayed. So if the bottom line said, "Okay, cease and desist, but we find you nevertheless \$25," that \$25 is going to be on your next bill. If they say, "We're going to stay that fine. We find you \$25, but if you clean up your rack, that's it," that's fine. So it goes on automatically unless stayed.

Now, within five business days following his receipt of notice of rule violation — what's business days? We haven't defined it, but practice generally is business days mean the five working days, Monday through Friday, so theoretically, depending on when the notice goes, you might get even a seven-day notice — the unit owner may appeal such decision, but the burden is on the unit owner, and he must serve a written notice of appeal in person (telephone is not enough) or by certified mail, return receipt requested, upon the chairman of the rules adherence committee. We don't expect him to go looking up where the chairman lives. All he's got to do is send it to the executive offices of HVMA, and we're all supposed to know where that is located, and we gave you the address: One Heritage Way. When that request for an appeal is received, the chairman shall promptly — again, we have not given a fixed date — schedule and preside at a review of such disposition or fine, or both, by the full rules adherence committee. If you recall, I said the subcommittee was only three. Now we're talking about the full one, which may be eight or 10 people. This appeal shall take place at the HVMA offices at a time convenient to both parties, but no later than 10 days from the date the notice of appeal is received by the committee chairman. You can't file your notice of appeal and take off for four months in Florida — not unless you intend to take the risk of not showing up at your appeal. And the rules

adherence committee chairman cannot stall your appeal by waiting and waiting. The unit owner may appear personally and/or be represented by counsel — you can bring your lawyer at such hearing — but the review proceedings will be conducted informally under the direction of the rules committee chairman. We're not having people shout "I object" or anything else. It's like a small claims proceeding, very informal, and the idea was, we are talking to our neighbors. We're not talking to strangers. That's basically new.

With it, written notice of the full committee's decision shall be provided to the appellant no later than four business days following the hearing. So now he has had two cracks: a crack at the subcommittee and a crack at the full rules adherence committee. Within 48 hours following his receipt by mail or in person of a copy of the decision, the unit owner gets his last crack. He can serve notice on the HVMA president, or in his absence on the vice president, forwarded in the same manner in which he filed his original appeal. Within 48 hours thereafter — two days — the president or vice president, when he gets that final notice, appoints a final review panel consisting of five trustees, one of whom he shall designate as chairman, but excluding any party to the complaint and the complainant's trustee. That is markedly different from what we have, because what we did have was a full board of 24 trustees doing this appeal, and the trustees only meet once a month. So this is not going to go to a full board of trustees. The final review body consists of five trustees, and when they make that decision, it's final. There's no further appeal. And when they make the decision, they are not taking what we might call testimony. They're not listening to the complainant and they're not listening to the person who made the alleged violation. They are reviewing all that occurred below them: What was the decision? What were the facts as the subcommittee found them? What were the facts and the decision of the full committee? That's it. You don't get another crack to bring in new evidence. You had your two days up front, and you've had all kinds of appeals. When the five trustees, who are completely disinterested, reach their decision, the matter is over. And I said earlier, this should normally occur within an approximate 30-day period. So the person who complained and the person who is being complained of should know where they stand within that 30 days.

The reviewing trustees, however, may extend the required performance by the unit owner, but such extension shall not constitute forgiveness or modification of any fine already imposed and approved by the full rules adherence committee. I'll give you a simple illustration. Somebody gets a variance to do something, and they do it, but they do more. They don't comply with the terms of the variance, or their contractors don't, or their son-in-law who did all of this for them didn't. And it's found that to restore the premises to the condition might take 40 days, and the lower reviewing groups haven't given him 40 days. They find him, since it's class A, the first time around \$100. Now, of course, if he doesn't do it in the 30 days, that's a second violation, so now the fine could go up to \$500. So the final review body can say, "Okay, we think it's unreasonable to do it in 30. You can do it in 40, you can do it in 60." They can extend the time for performance, but they can't change the fine. So there is some redress that you can get from this appellate hearing, this final group, that in effect constitutes the procedures for enforcement.

We did have a clause in here: any fine previously paid by the alleged rule violator prior to a reversal — in other words, I said earlier, when the decision is made, the controller is going to get notice that a fine has been imposed and it'll go on your bill, and you say, "Okay, I'll pay it, but I'm appealing it at the same time. I didn't get a stay. I'm appealing it" — if he's successful on the appeal, his prior payment is to be promptly refunded to him by the controller. Applicable law and invalidity: it's common to most agreements. If anything you put down is in conflict with the law of Connecticut and is declared so by Connecticut, then that particular rule will be gone, but the other rules will still be enforceable.

Amendment of rules: this is a substantial change from what we have. I want to read to you what we have now, and this is what started me off: "The board of trustees may amend these rules

and regulations upon proper notification and a hearing of unit owners." Now, what does that mean? What kind of notification? When is the hearing — before, after? How is the hearing? And how do they amend? It seems so lacking that we came up with an amendment clause which mirrors in its entirety the same way the trustees would amend their bylaws. HVMA has its own set of bylaws. So we said the HVMA board of trustees shall have the power to amend these rules by a two-thirds weighted vote, with proper notice being 28 days beforehand. We eliminated public forums, because now, since it's the trustees, we've laid out how the trustees are going to do it, and we know trustees reflect, or should reflect, what goes on in their condos, so there's plenty of notice. Now, to those who don't partake in condo meetings, who don't watch us on television, they should be aware of a rule change that's been adopted. So we say, notice of any approved amendment, modification, or extension of these rules shall be published for three consecutive weeks in the Heritage Village weekly bulletin or like publication, and if there be none, by separate notice mailed to each owner and resident.

That, my friends, concludes my presentation. I just wanted to thank you for the silence — it was never this silent at our meetings, I'll tell you that. I have Mr. Beckoff here on my left, and he would just blast me. He's been quiet now, and I guess now it's his turn. We thank you very much, and we hope, as I said, that you treat the proposal as a package rather than zero in on any one item. Thanks very, very much.

Bob Vanassel: If anyone has a comment, concern, or question, we would ask you to go to the podium please and use the microphone so that everyone can hear you.

Henry Beckoff: After our learned attorney got through with this, what is there left for me to say? That's it for me.

Bob Vanassel: We thank you for attending. As you see, we have made every effort to make these rules palatable but enforceable, and we will endeavor at this point to get them passed. If you go over to the podium over there, please. There's a podium. Watch your step.

Audience Member: Excuse me. I am an owner in a forplex. I live upstairs. I put my sign out saying please do not smoke in this hall because I am ill. I was told to take it down — they took it down. Now, in your rules about walking through that hallway, I know you can smoke in your units. I don't take that away from them, but please do not smoke in that hallway when I come up. I belong to the rights for non-smokers, and I wrote to Richard Blumenthal, and he said I have every right to insist that in a common area, even though it's a hallway with four families, that they do not smoke in that area. They also smoked in the garage. Someone hired an aide that smoked all around the building. That I can't do anything about, but when she smokes near the garage, I was annoyed. I have emphysema, I have asthma. I love it here. I feel that I am in my rights to have no smoking coming into that doorway up to my unit, because the smoke rises and stays up there. We have no means of ventilation. That's all I have. I'd like you to change it. Please, no smoking coming up in that hallway. And that article was in the old records on page 42. Thank you.

Elaine Hendrickson: Hi, I'm Elaine Hendrickson, Condo 19 president, and I commend you. There are some excessively long sentences describing family, but other than that, most of this is very comprehensible and good. I do have an objection when you get to your investigation, findings, and decisions — and I'm not talking about the motor vehicle observations by these security people. In no place in here during the investigation part is there the right of the accused or the alleged violator to come and answer the charges. No place do I read that in here, and please, that must be inserted. If you say, "Well, it's a normal part of the investigation," it should be stated that the person has a definite time when he can appeal before you get to the appeal. Because why should I put out a hundred or \$500 on my next condo payment and then get it back when it isn't due? In any court proceeding, in any public hearing, on any town board, a

person has a right, certainly when a cease and desist is issued, to come up and make statements that could modify that. So maybe I'm wrong, but I see nothing in here until you get to the actual appeal, and then it's only implied. It said an appointment convenient to both parties must be made. It doesn't even say — it says an informal procedure. The informal procedure is, you got five minutes, say what you want. The person accused has to be written in here with the right to be heard, and to be heard fully. That was really my only comment. I think you did a very good job. Thank you.

Bob Vanassel: Thank you, Elaine. We'll take your comments, and we've recorded it, and we'll look into that. Thank you.

Tracy Slack: I'm Tracy Slack, Condo 11. As one of the slides seemed to indicate that not only should we be careful about feces from pets on the grounds, but the pets should not be riding bicycles or smoking. I question the rule that no permanent wiring in garages is permitted. I was required in the state of New York by an electrician to hardwire some things I had — a Mickey Mouse setup — in my own garage. I'd like that looked into. And finally, in the area of responsible persons, we have alumni of the village scattered about and close by, in Pomperaug Woods, East Hill Woods, and other facilities, most of whom in fact were very important parties of this community. And I would like the rules to allow an establishment of some kind of guest privilege which those people can acquire or be awarded, tempered by the capacity of the hall and whatever facility is involved. Thank you.

Bob Vanassel: Thank you, Tracy. Just one comment on the hardwiring. The common garages — we have common electricity. Everybody pays for the electricity in those garages. We're not looking for the person who goes out and buffs their car or runs an electric drill. But what we have found is that people have put in freezers and refrigerators out there, and this is the kind of thing we're trying to address. And as to your second comment, I know that the FFC committee is looking into their rules and regulations right now and rewriting theirs. They just set up a committee the other day. Am I correct? Yes. And that would probably cover guests, am I correct? Under your use of the FFC.

Tracy Slack: There have been occasions of very hard feelings about use of garden plots and stuff like that, and I say the capacity of the gardens or the halls involved should control, but this should be simply handled. Thank you.

Ray Sagali: Thank you, Tracy. I'm Ray Sagali, Condo 20. I just want a clarification of outdoor washing of motor vehicles. It says no one shall wash a motor vehicle anywhere but on a village asphalt driveway. So does that mean you can wash your car in front of your garage?

Bob Vanassel: That I'm not sure of. I would think if it's asphalt and there's drainage — all our drains do go into a common area. I'd have to really look into it to give you an honest answer, but off the top of my head, I would think that would probably be allowed. It would not be allowed, as I know, with the use of detergents, et cetera, but just clear water.

Ray Sagali: But it can be done in front of your garage?

Bob Vanassel: Well, it could be done in front of your garage. Again, are we blocking somebody else from using their garage and so on? I don't think that would be permissible — to block somebody else's garage or to tie up the area while you washed your car.

Ray Sagali: So would that person have to move their car?

Bob Vanassel: Yes, I would think so.

Marie Gabriel: Okay, thank you. Marie Gabriel, Condo 4. I think you must have had many discussions about all of these, and I compliment the committee. I have a concern about the

communication with nonresident owners. I wonder at what point the committee is going to send this material to non-resident owners.

Bob Vanassel: I really don't know. Can anybody answer? Well, for myself, if you are a nonresident owner, you're entitled to no better treatment than a resident owner. A resident owner receives the Villager, receives notices of publication. I don't see where it's appropriate to specifically send this document to somebody who is not living here. They are still represented in a condo, and if they express an interest, I have no problem with sending them, but to send the document out just to every owner who doesn't physically reside — I don't see any necessity for it, any more than I think there's a necessity for sending out in advance what motions are going to come up before the board of trustees which may have an effect on their own units. You choose to be a non-resident owner. You may be a non-resident owner because you're a snowbird, or you are renting your unit. So I don't — what is important is that after adoption all owners be advised, but prior to adoption I don't see any reason to send them out personally. After adoption, since you want them to adhere to it, they'd be entitled to it, and I see nothing wrong at that point in doing just that.

Marie Gabriel: I know I was limited to one question, but I have another. In the future amendments to these rules and regulations that are passed by the board of trustees, could you insert some way that these be separate from other actions of the board of trustees? Sometimes in the past, resolutions that have been considered by the board have contained two components, and the trustees are asked to vote with the two components, and I think anything that affects the rules and regulations of the village should be by separate resolution. Thank you very much.

Bob Vanassel: Thank you. That's a very good suggestion. No tag-on bill, so to speak.

Jean Blocks: I have only one question.

Bob Vanassel: Reidentify yourself please, sir.

Jean Blocks: Oh, Jean Blocks. I'm living 44C here at the Village View. I have two floors now. I have two decks. My bottom deck does not have anything to stop anybody from walking up onto the deck and looking into the windows. I have never requested a variance, because I went out and I got one of those things you get for a baby so the baby doesn't fall down the stairs. And all I do is put it there. A two-year-old could knock it over, but it's just to say to anybody, if you want to come in, that's why that fence is there. Do I have to go out and get a variance for something like that? I mean, it's a big nothing. It's just to stop people from coming up onto the deck and looking into the house.

Connie Saven: May I suggest you see us after the meeting? This is a specific problem for your unit. I'd be glad to look into it and advise you on it, sir. After the meeting, sir, please.

Lauri Dorl: Hi, Lori.

Bob Vanassel: Lori, would you bring the microphone down a bit too? Thank you.

Lauri Dorl: I'm Lauri Dorl in Condo 17. I'm just a little confused. In several instances you talk about owners and residents. Now, does that mean the resident would include renters? In other words, when it says owners and residents, the renters would be notified or covered by those? Like at the very end, your very last thing, as an example, it says that if there were to be an amendment, it would be mailed to each owner and resident. Now, I assume that if Mr. and Mrs. Smith own a unit, a letter does not go separately to Mr. Smith and Mrs. Smith and to their son John, 25 years old, who lives with them. So I assume that the resident there would mean renter. Am I correct?

Connie Saven: A resident means any occupant of a condominium unit. So that would include a renter.

Lauri Dorl: Okay. And in relation to that, you had made the comment that you can't find a renter because you have no authority. So if a renter were to repeatedly not pick up after a dog, the fine would be to the owner rather than the renter?

Connie Saven: That's correct.

Lauri Dorl: Okay. Thank you.

Connie Saven: Just for an analogy — and I don't mean to — if you lease an automobile and you get traffic tickets, your contract, the lessor and lessee of the automobile, provides that the renting agent can come back against the renter, the one who leased the vehicle, and you'll be responsible for those charges. So too, an owner who rents his apartment out should have, at least I'm advising him, in his lease, a specific responsibility to reimburse that owner in the event the owner incurs any type of fine as a result of actions attributable to the resident, or in this case the renter.

Lauri Dorl: Thank you.

Connie Saven: That was the purpose of the heading "responsible parties."

Bob Vanassel: You know something, I realize now that we sort of glanced over — we showed the slide but we didn't explain this, as Connie went into deep explanation that we're not making this a police state. What I would like to describe is the complaint procedure, which I don't think we went into. What we are suggesting, or what is part of this, is that, number one, when something on a resident-resident disagreement arises, the two residents try to work it out amongst themselves. If that doesn't work out, then we suggest that the cluster captain get involved. Now, I know that certain cluster captains don't want to get involved, and in certain instances the cluster captain might be part of the complaint, but the one person that we are insisting do get involved is the condo president. The reason for this is that in a lot of cases that come to the rules adherence committee, the condo president has been skipped in this whole procedure and doesn't know there is a problem within his own condominium. So we're saying that on almost all of these things — needless to say, not traffic violations or something like that — we want the condo presidents to be part of the loop, and work its way right up the chain of command, and see if everything can be handled prior to issuing of a summons or a violation. We don't want — we want this to be friendly rules. We want these to be something that people will voluntarily comply with.

Herbert Garber: Herbert Garber, president of Condo 23. I also want to commend the committee. Your work has been — I can appreciate the amount of time and effort, and I think you did a commendable job. I have several questions, but one in particular that bothers me a bit is in the appeals process on page 15, when the person against whom a fine has been levied or a finding has been found that they were out of compliance — I just don't quite understand what the purpose would be in going to the 5(A). It doesn't seem as if the person has any opportunity to present a reason for vacating the previous finding against them. Does this committee have the right or the power to vacate the fine or the findings of the previous appeals procedures?

Connie Saven: You're talking about the five trustees?

Herbert Garber: Yes.

Connie Saven: They can't vacate a fine. They can overturn the entire decision, which automatically disposes of the fine.

Herbert Garber: Okay. That's what I was not clear on, the way I see it written here. It sounds as if they can only postpone the payment of the fine. That's what troubled me.

Connie Saven: No, no. When you're appealing, you are saying, "I want to reverse what was done below." So if the decision of those trustees is final, if they reverse it, that's it. They have the power to extend, so they can change the direction of the first appellate group, but they can't review and determine for themselves what the fine is. The fine is specific. It's in force. So I think your question clearly is that it ends with them, and there's nothing left to be said. They had the right to overturn, and once they overturn, they overturn the fine as well. If they sustain the lower decision, then all they're doing is giving more time for performance. That's perfectly okay. The first appellate may have acted too hastily, but they're not taking more testimony. They're not listening to more things to be said in behalf or against. They are just looking to see what has been reviewed. And just as somebody said, "Well, there's nothing in here that gives the alleged violator a chance to talk" — well, obviously, at least I thought obviously, the review process itself, the investigatory process itself, requires a contact with the individual who is alleged to have committed the wrongdoing. And certainly if that was never done, I would reverse it on appeal immediately if you hadn't contacted that person. But I understand the question that was asked, and if the committee thinks it's worthwhile to put in that the investigatory process will include an interview with the alleged violator, I see no objection to that whatsoever.

Herbert Garber: Anything else? Well, I hope I understand correctly. In other words, if I find myself in the position of appealing to this panel, I will be permitted to tell what it is I object to in the previous findings. Is that right?

Connie Saven: That's correct — to the full rules adherence committee, not the final trustees. Now you appeal to the final determiner, the final arbiter. They're not interested in what you said. You had your chance. You had not one chance, you had two. All they want to see is whether what was done below was done properly. If they find it was done properly, they'll normally uphold it. If they find it was done unreasonably but properly, they may extend the time for performance, but basically they're not taking testimony. In the same manner, if you went to Connecticut, or where I'm more familiar, in the state of New York, you have your case tried — maybe it's the Supreme Court, which is what we call our lower court of jurisdiction. You get a chance to appeal that to what we call the appellate division. Then you get to the court of appeals, which is your final arbiter. There's no testimony up there. They're just looking to see what was done below. And in effect, that's what we've created. You get two days in court here. We let you talk to the investigatory group. They'll make the first decision. If you're not happy with that result, you get a chance to talk once again, showing where that first group was in error — and that's the full committee. Now if the full committee still finds against you, all you can show on to the final group is that the people below the full committee didn't look at it properly on the basis of whatever is written down. That's why we said it was very important to have written findings, not oral.

Herbert Garber: Yeah, I think I understand you now. If I get to the abuse, I'm going to get out of town pretty fast.

Connie Saven: I'll be right behind you.

Herbert Garber: But in other words, I will be able, in my appeal, the third appeal —

Connie Saven: No, wait. What I'm asking —

Herbert Garber: What I'm asking is, in my written appeal, I will be able to point out what it is I found was an error by the —

Connie Saven: Definitely.

Herbert Garber: Okay. Thank you very much.

Connie Saven: And again, it's just — there's no appearance. There is no appearance.

Herbert Garber: Oh, I understand that. Sure. Thanks very much.

Connie Saven: Again, sounds like you're setting up a defense there.

Herbert Garber: Well, I'm planning to commit something and I want to be sure I know the procedure.

Bob Vanassel: Thank you, Herb.

Elaine Hendrickson: I don't see anybody else wanting to talk, so I would just like to clarify. No place in here — someone interviewed me and wrote their findings and gave it to the committee. No, the person must have the right to address that committee right from the start. He's already talked to the president; the president gave his name. That should be guaranteed.

Connie Saven: I think I already said I had no objection to writing such a thing in, that the initial interview process will involve discussions with the alleged violator. I have no problem with that at all.

Elaine Hendrickson: Okay. Thank you.

Bob Vanassel: Thank you, Elaine.

Jack Zimmerman: Good morning. I'm Jack Zimmerman. I'm a condo president, and upon seeing the new rules for the first time, and also the cross-referencing materials, I took the trouble to compare the new rules with the old rules. It is somewhat difficult because of the reorganization. But I did find it necessary, after doing that and also after hearing Bob give a little talk to our condo board, to identify the main substantive changes that were being made. And I would suggest to the committee that in selling the new rules to the village at large, it might be desirable to identify what those changes are, to make the point that the changes are very few actually, and what they are. I communicated this anyway to the residents in my condo.

Bob Vanassel: Thank you, Jack. I know Jack took the time, and I haven't shared it with the committee, but he wrote to Ted Wellerson with a complete breakdown of the changes, which I think will prove very useful in selling it when we go out to the condos. And I thank you for the time and effort you put into that, Jack.

Connie Saven: If I may, just to interject — I understand where you're coming from, but I also tried to make the point, for me individually, if our condos don't think that the proposal should stand for itself on its own merits, then whether there were changes made or not wouldn't influence my vote one bit. If I was a condo president or a condo trustee and I don't think this proposal is a good one for the village, I wouldn't care how much of a change it made from the old one or how much it kept. In my opinion, it should stand on its own merits. But I understand where you're coming from, and we have prepared — we have some changes, because the first time we did it, since that time we made a multitude of changes, so there are page number changes and things like that. I understand it, and I'm sure our chairman has agreed to give that as a guideline.

Jack Zimmerman: It's very difficult to follow when you're jumping back and forth.

Connie Saven: I understand and I appreciate it.

Jack Zimmerman: I would suggest one other general change. You've made some very commendable changes in the organization, but it has made it difficult to compare the old with the new. It might be desirable to reconsider the labeling, so as to make it seem more understandable and less oppressive to people who view this for the first time, as well as people

who are considering buying properties here in Heritage Village. It might seem overly legalistic and not sufficiently user-friendly. I'm sure you have considered this before, but it might be well to take a last look at the subject of labeling and polish and that kind of thing.

Bob Vanassel: Thank you, Jack. Is there any other audience? Anybody else who would like to be heard? If not, I'm going to suggest that we wrap up.

Lauren Shapiro: Yeah. Thank you very much for attending. This has been a wonderful session, and stay tuned.