

Berkley Grove's POA

The Grove: Newsletter

Fall 2019

What's coming up & important dates...

- **Berkley Grove Town Hall Meeting with POA Board** – September 16, 2019
 - **Location:** Fishers East Conference Room, Fishers Library
 - **Time:** 7pm – 8:30pm
 - **Purpose:** Answer questions regarding Proposed Covenant Amendments
- **Berkley Grove Fall Garage Sale:** September 20 & 21, 2019 8-3 p.m.
- **Berkley Grove Fall Festival & Chili Cookoff** – Saturday, October 12, 2019 4-7 p.m.
Watch for further details on the Berkley Grove website
- **Happy Halloween October 31st** – Pizza before Trick or Treating 5-6 p.m. in the Park
Watch for further details on the Berkley Grove website

Meet Your Berkley Grove POA Board and Committee Heads...

Executive Board

President: David Martin, MA, CRC – president@berkleygrove.com

Treasurer: Bob Barcheski – treasurer@berkleygrove.com

Secretary: Pam Wise – secretary@berkleygrove.com

Committee Heads

Communications /Newsletter Editor: Tom Bartle

Electronic/Internet Communications: Steven Frank

Community Events: Barb Magsamen

New Resident Welcoming: Pam Wise

Parks/Entryway: Dave Jacocks

Maintenance/Pond/Waterfall/: Steve Verplank

UPDATE BERKLEY GROVE COVENANT AMENDMENTS PROPOSAL – As you are aware, the Berkley Grove Board of Directors is proposing amendments to a few of the Covenants. Each resident received a detailed mailing outlining the proposals in April before the Annual Meeting. Since we need 182 residents to vote favorably to make any changes, we are reaching out to residents once again. At the present time, we have 37 favorable votes and 3 negative votes. These votes are good for 180 days from the date of the Annual Meeting, or until November 17, 2019.

Enclosed with this Newsletter is another copy of the Proposed Covenant Changes. As you read through the proposals, the Board only tackled those that are outdated, to give clarity to residents, or provide the board a means to hold all residents accountable to abide by the covenants. A Town Hall has been scheduled for **September 16, 2019** to answer any questions you may have, and you will also have an opportunity to cast your Voting Ballot at that time. Only one (1) vote per household will be counted, but that one vote matters. The Voting Ballot can also be found on the Berkley Grove Website at www.berkleygrove.com/forms. Do your part, support your Board and cast your Voting Ballot.

SLOW DOWN!! The neighborhood's posted **speed limit is 25mph**. **Watch Your Speed** within and around the neighborhood—especially around the park area as our children are playing on the new park equipment. With school back in session, our children are out early waiting on School Buses—**SLOW DOWN!!**

ARCHITECTURAL REVIEW FORM – Reminder, as stated in the Covenants, you must submit this form if you are planning any project that affects the outside of your home or yard (excluding routine landscaping, non-permanent playground equipment, or if you are repainting your home or trim the same exact color it already is). **The form and guidelines can be found on the website at www.berkleygrove.com**

WEB-BASED/SOCIAL MEDIA COMMUNICATION - As always, the best way to get information is the website www.berkleygrove.com. If you have any questions concerning the website or where to locate information please reach out to info@berkleygrove.com

In Addition to the Website: www.facebook.com/berkleygrove.hoa/- This is a public page so you may view it without a Facebook account. Facebook will be used to share events and important information to connect residents with info. **Your Email-** If you are on our email list you will receive all updates there as well. If you are not but would like to receive a few emails from us to be updated and in the know, please email info@berkleygrove.com to be added to get the most up to date information.

SAFETY AWARENESS –Here are a few helpful tips on how to protect you, your family, and your home:

SAFETY TIPS

- »» Propane and charcoal BBQ grills should only be used outdoors.
- »» The grill should be placed well away from the home, deck railings and out from under eaves and overhanging branches.
- »» Keep children and pets at least three feet away from the grill area.
- »» Keep your grill clean by removing grease or fat buildup from the grills and in trays below the grill.
- »» Never leave your grill unattended.
- »» Always make sure your gas grill lid is open before lighting it.

CHARCOAL GRILLS

- »» There are several ways to get the charcoal ready to use. Charcoal chimney starters allow you to start the charcoal using newspaper as a fuel.
- »» If you use a starter fluid, use only charcoal starter fluid. Never add charcoal fluid or any other flammable liquids to the fire.
- »» Keep charcoal fluid out of the reach of children and away from heat sources.
- »» There are also electric charcoal starters, which do not use fire. Be sure to use an extension cord for outdoor use.
- »» When you are finished grilling, let the coals completely cool before disposing in a metal container.



Your Source for **SAFETY** Information

NFPA Public Education Division • 1 Batterymarch Park, Quincy, MA 02169

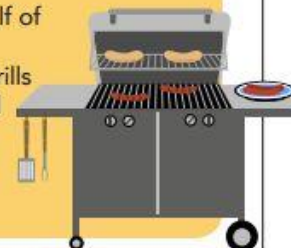
PROPANE Grills

Check the gas tank hose for leaks before using it for the first time each year. Apply a light soap and water solution to the hose. A propane leak will release bubbles. If your grill has a gas leak, by smell or the soapy bubble test, and there is no flame, turn off the gas tank and grill. If the leak stops, get the grill serviced by a professional before using it again. If the leak does not stop, call the fire department. **If you smell gas while cooking, immediately get away from the grill and call the fire department.** Do not move the grill.

If the flame **goes out**, turn the grill and gas off and wait at least **15 minutes** before re-lighting it.

FACTS

- ! July is the peak month for grill fires.
- ! Roughly half of the injuries involving grills are thermal burns.



www.nfpa.org/education

Did you Know: School Bus Safety Week – October 21-25, 2019. **Safety** is important everywhere and every minute, but it is during the transport to and from **school** where extra **safety** is vital. From getting on and off to staying seated, there are a number of lessons for young children and their families to learn about.

From the Indiana State Police website: State law requires motorists to stop when a school bus is picking up or dropping off children. Watch for school buses with their stop arm extended and red lights flashing, which means **STOP**, not proceed with caution!

This law applies to all roadways except those that are divided by a physical barrier or an unimproved median. On a divided roadway, only vehicles traveling in the same direction as the school bus are required to stop. Extra awareness is also required in rural areas where distracted or impatient drivers often ignore school buses when children are getting on or off the bus. Disregarding a school bus stop signal is serious, and you can receive a traffic ticket for doing so.

COVENANT VIOLATIONS – If you are in **VIOLATION** you **WILL** receive a notice

- each lot shall maintain continuous dusk-to-dawn lighting to be controlled by a photocell, in lieu of public street lighting (i.e., outside garage lights or a yard light controlled by a photocell)
- trash bins should not be visible from the street except on trash pick-up day
- your lawn is properly maintained by mowing and trimming
- cut down and remove dead trees
- keep the exterior of your home in such a state of repair or maintenance as to avoid it from becoming unsightly including repair to rotting wood and flaking paint
- no trucks one (1) ton or larger in size, campers, trailers, boats, or similar vehicles shall be parked on any street
- be courteous of your neighbors and keep the sidewalk in front of your home free from snow and ice in the winter, tree limbs and lawn clippings in the warmer months

CURB APPEAL – DOES YOUR HOME HAVE IT?

Keeping the exterior of your home in good repair, enhances the overall **CURB APPEAL** of your home and helps maintain Berkley Grove as a desirable place to live. Curb Appeal is defined as the visual attractiveness which a house, commercial establishment, or other real estate property has when initially seen by a prospective buyer or other person standing in front of the property "at the **curb**"; "landscaping, the front entrance, and the condition of the paint or siding are the biggest factors in curb appeal". Curb Appeal is a term often used by realtors trying to sell or evaluate a piece of property.

1. It's the first thing buyers see.
2. It reflects the maintenance of the home.
3. Bad curb appeal can be a deal breaker for some buyers.
4. It helps your home stand out from the competition.
5. It increases the perceived value of the home.

Whether Berkley Grove is your 'forever' home or you are moving on, every resident is responsible to take a good look at the outside of your home. Keeping our homes well maintained, grass mowed and trimmed, removing dead trees or bushes, power washing your house to keep algae off the siding, keep the trim, front door and garage doors painted; these are all items every resident should look for outside your home and make necessary repairs to ensure you are in compliance with the Covenants. This will keep our neighborhood a desirable place to attract new residents, keep those that are here, and enhance our neighborhoods overall **CURB APPEAL**.

**PROPOSED AMENDMENTS TO THE
DECLARATION OF COVENANTS AND RESTRICTIONS
BERKLEY GROVE – SECTIONS ONE, TWO AND THREE**

Our Board of Directors of the Berkley Grove Property Owner’s Association, Inc. recommends that our homeowners approve the following amendments to our Declaration of Covenants and Restrictions. The original document was filed with the Hamilton County Recorder for each section of Berkley Grove by the community's developer in 1988, 1989, and 1990.

It does not contain any specific rental restrictions. Thus, based upon our current covenants, our Board cannot prohibit or otherwise control the leasing of homes in Berkley Grove. To address this, our Board proposes adding a new Section to the end of our Declaration to allow for solvency and maintain accountability of the Covenant to both the owner and lessee. To be approved, the owners of at least seventy-five percent (75%) of our total number of lots must give their consent. Since we have 243 total lots, that means that the owners in good standing of at least 182 lots must approve the amendment for it to be passed and then filed with the Hamilton County Recorder.

Each proposed change is detailed below for your consideration.

A. AMENDING SECTION 3(D): The board recommends changing Section 3(D) of the Declaration entitled “Exterior Construction” to add language to the sentence regarding outbuildings as follows:

Current wording:

D. Exterior Construction. The finished exterior of every building constructed or placed on any lot in the Development shall be of material other than tar paper, rollbrick siding or any other similar material. No house shall have metal prefabricated flues that extend above the highest roof line. All driveways must be paved with asphalt or concrete. All outbuildings shall be constructed of wood or wood products.

Proposed Language:

D. Exterior Construction. The finished exterior of every building constructed or placed on any lot in the Development shall be of material other than tar paper, rollbrick siding or any other similar material. No house shall have metal prefabricated flues that extend above the highest roof line. All driveways must be paved with concrete. All outbuildings shall be constructed of wood, wood products, composite materials, or any alternative materials provided the materials used are within the aesthetics of the neighborhood, and approved by the Architectural Review Board prior to commencement of construction.

B. AMENDING SECTION 5(B): The board recommends changing Section 5(B) of the Declaration entitled “Signs” to add language to the section that references the state statute that allows posting of political signs during election seasons as follows:

Current Wording:

B. Signs. No signs or advertisements shall be displayed or placed on any lot or structures in the Development, except entry signs and home or lot sales signs.

Proposed Language:

B. Signs. No signs or advertisements shall be displayed or placed on any lot or structure in the Development, except entry signs, home or lot sales signs, or political signs that may be placed on a Lot during election seasons as set forth in Indiana Code 32-21-13 as enacted or amended hereafter. Any political sign posted by an owner in accordance with this statute must be posted in the front yard of the owners Lot. Any sign may be subject to further rules and regulations as adopted or amended by the Board of Directors from time to time.

C. **AMENDING SECTION 5(D):** The board recommends changing Section 5(D) of the Declaration entitled "Vehicle Parking" to add language to the section that provides a time period for which vehicles may be parked for purposes of loading and unloading as follows:

Current Wording:

D. Vehicle Parking. No trucks one (1) ton or larger in size, campers, trailers, boats, or similar vehicles shall be parked on any street in the development.

Proposed Language:

D. Vehicle Parking. No trucks one (1) ton or larger in size, campers, trailers, boats, or similar vehicles shall be parked on any street in the development for longer than a period of seventy-two (72) hours. No such vehicle shall be parked in a manner that blocks any driveway or makes it difficult to maneuver out of any driveway. Any vehicle parked on the street in violation of this section shall be subject to enforcement.

D. **REMOVAL OF SECTION 5(G):** Section 5(G) contains a provision for limitations on Model Homes in the community. This provision is outdated, and being that the community is not under development, the provision no longer applies. Therefore, the Board is recommending removing this provision in its entirety from the Declaration.

E. **AMENDING SECTION 10(D):** The board recommends changing Section 10(D) of the Declaration entitled "Notice and Quorum for Any Action Authorized Under Section C" to add language to the section that provides the Association with a method to resolve failing to obtain quorum when there is a need for a special assessment as follows:

Current Wording:

D. Notice and Quorum for Any Action Authorized Under Section C. Written notice of any meeting called for the purpose of taking any action authorized under Section C shall be sent to all members not less than thirty (30) days nor more than sixty (60) days in advance of the meeting. At the first such meeting called, the presence of members or of proxies entitled to cast sixty percent (60%) of all the votes of the membership shall constitute a quorum. If the required quorum is not present, another meeting may be called, subject to the same notice requirement, and the required quorum at the subsequent meeting shall be one-half (1/2) of the required quorum

at the preceding meeting. No such subsequent meeting shall be held more than sixty (60) days following the preceding meeting.

Proposed Language:

D. Notice and Quorum for Any Action Authorized Under Section C. Written notice of any meeting called for the purpose of taking any action authorized under Section C shall be sent to all members not less than thirty (30) days nor more than sixty (60) days in advance of the meeting. At the first such meeting called, the presence of members or of proxies entitled to cast sixty percent (60%) of all the votes of the membership shall constitute a quorum. If the required quorum is not present, another meeting may be called, subject to the same notice requirement, and the required quorum at the subsequent meeting shall be one-half (1/2) of the required quorum at the preceding meeting. If at the second meeting called, quorum is not present, a third meeting may be called, subject to the same notice requirements, and the required quorum at the third meeting shall be ten percent (10%) of all the votes of the membership. No subsequent meetings shall be held more than sixty (60) days following the preceding meeting.

F. **AMENDING SECTION 16:** The board recommends changing Section 16 of the Declaration entitled "Amendment" to add language to the section that provides procedures for amendments to the Covenants and provides the Association with a method to obtain quorum when there is a need for amendments as follows:

Current Language:

These Restrictions may be amended by a vote of seventy-five percent (75%) of the then lot owners of all lots in the Development.

Proposed Language:

These Restrictions may be amended or changed, in whole or in part, at any time upon approval by the owners in the manner described below. All owners in good standing must be given the opportunity to vote on any proposed amendment(s). An owner will not be considered to be an owner in good standing if said owner has unpaid assessments that remain due as of the date of the meeting or if the owner has been notified in writing of any violation of the Covenants, Bylaws, Articles of Incorporation or Rules and Regulations that remain at issue as of the date of the meeting. Approval for an amendment to this Declaration may be obtained:

(a) at a meeting of the members of the Association duly called and held in accordance with the provisions of the Association's By-Laws where owners may cast their vote in person or by proxy; or

(b) by written consents or approvals received from the owners; or

(c) the Board of Directors shall have the power to authorize voting by the Members through a secure, internet-based online voting system ("electronic voting"). The Board of Directors can adopt rules and regulations concerning the use of acceptable, verifiable means of technology, including electronic means for Lot Owner notice, voting, signatures, consents and approvals. A verifiable electronic signature satisfies any requirements for signatures on documents. If an Owner either does not have the

capability or desire to conduct business electronically, the Association shall make reasonable accommodation, at its expense, for the person to ensure he or she can conduct business without the use of electronic or other similar means; or

(d) pursuant to any other procedure recognized under Indiana law, including those recognized under the Indiana Nonprofit Corporations Act of 1991, as amended, including, but not limited to, written mail-in ballots; or

(e) any combination of the above.

The Board of Directors of the Association shall determine the cut-off date by which all votes for or against a proposed amendment must be received by the Association. To be effective, the owners of a majority of the lots in the Development that are subject to this Declaration must cast votes through one of the methods described above. There shall be one vote per lot. If the Association receives votes from the owners of a majority of the lots on or before the cut-off date, the votes shall be tabulated; if a majority of the votes cast are in favor of the amendment, only then shall the amendment be adopted.

The President and Secretary of the Association shall execute the amendment, certifying that the requisite number of owners approved such amendment. Thereafter, the amendment shall be filed with the County Recorder.

G. ADDING NEW SECTION 17: The board recommends adding new Section 17 to the Declaration entitled "Lease and Contact Information" to be added to the end of our Declaration of Restrictions to read as follows:

17. Lease/Rental and Contact Information. Any Owner who does not reside in the home shall provide the Board of Directors with the following information: a) Name(s) of lessee; b) the length of the term of the lease or occupancy; c) the contact information of the lessor and lessee; (d) a copy of the lease with any monetary portions redacted must be provided to the Board within thirty (30) days of execution. Any change in this information must be provided to the Board of Directors within thirty (30) days of any such change. Any lease/rental on a property in the subdivision must be in writing and shall not be for less than one (1) year without prior written authorization from the Board of Directors. Any lease/rental on a property must be for the entire home. All leases shall be made expressly subject and subordinate in all respects to the terms of this Declaration, the By-Laws, the Plat Covenants, the Articles of Incorporation, and any rules and regulations promulgated by the Board of Directors, as amended, to the same extent as if the tenant were an Owner and a member of the Association.