

**HSIA GENERAL MEETING  
THE KEY SCHOOL  
March 9, 2006**

**BOARD MEMBERS PRESENT:** Bill Shuman, Noel Gasparin, Bill Anderson, Natalie Lobe, Laura Bertran, Kate Penn

**ADMINISTRATIVE STAFF:** Jean Somers, Jim Schwallenberg

**GUESTS:** Donna Shuman, Betty Pahr, John Pahr, Coles Marsh, Eddie Erber, Paulette Schwallenberg, Tom Schwallenberg, Ray Johnston, Patty Goodchild, Joe Goodchild, Dee Harned, Phil Jones, Kathy Ballman, Jim McElree, Dennis Conti, Ann Lund, Samantha Lund, Angie Carroll, Kevin Green, Jeri Singleton, Greg Singleton, Irv Winters, Wendy Winters, Mary Green, Jerry Green, Bob Puryear, F. Puryear, Gail Vernon, Ted Shepherd, Jackie Fletcher, Fred Hickman, Carol Padgett, Mark DiBerardinis, Nan Lodor, Jack McPartland, Jennifer Gunderson, Teri DeVito, Coleen Mennucci, Oliver Birch, James Heibel, Anne Heibel.

Bill Shuman called the meeting to order at 7:10 p.m.

Minutes from the January General Meeting were distributed and accepted as read.

**TREASURER'S REPORT:** Bruce Walker was not present. No questions were asked about the budget.

**PRESIDENT'S REPORT:** Bill Shuman reported that we signed a grass-cutting contract with Stewart Landscaping and a security contract with B&B Security. B&B will provide a marked patrol car and will patrol different days during the week. We also will continue with our two off-duty Anne Arundel County police officers patrolling the community at various days and hours. The next *Sea Breeze* will be a combined March and April issue.

**SOUTH RIVER FEDREATION:** Drew Kaslow made a presentation about the South River Federation. The focus was on the restoration of the shoreline and drainage patterns. Drew is working closely with Kate Penn, our Beach Committee Chair, to offer recommendations for our beach. SFR is also concerned about habitat and oyster restoration. The points discussed were: Hands on Restoration; Water Quality Monitoring; Advocacy; Outreach; and Education.

**SAVE OUR ANNAPOLIS NECK:** Gwen Azama, from Save Your Annapolis Neck, made a presentation on some of the upcoming development plans for the Annapolis Neck Peninsula. The Annapolis Neck Peninsula Federation supports this group. They are trying to educate people and get them engaged in what's happening on the Neck.

**ADMINISTRATIVE:** Jean Somers reported that Come And Get It Day was successful and went smoothly. There is a heavy volume of mail at this time, so please be patient for stickers and keys. Dumpster Days are scheduled for April 28 and 29. The dumpsters will be located at the pool property unless there is a lot of rain – then they will be located at the beach parking lot. The

community yard sale is scheduled for Saturday, May 6 with a rain date of Saturday, May 13. The Key School Book Festival is scheduled for Saturday, May 6.

**COMMUNITY SURVEY:** Angie Carroll is coordinating data entry of the surveys. At this time, there are about 15 people inputting data.

**BEACH :** Kate Penn mentioned our upcoming Community Work Day scheduled for Saturday, April 22, from 9 am – 1 pm. We will be painting, restoring benches, restoring the volleyball court, spreading gravel, and other miscellaneous tasks. Please come out and lend a hand.

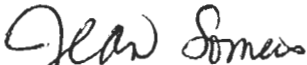
**BEACH STRIP LAWSUIT:** A paper was distributed providing the current status of the Beach Strip Lawsuit. At this time, the board held a question and answer period about the lawsuit. Much discussion followed. **Dennis Conti motioned that the Board negotiate in good faith with the beach strip property owners for a financial resolution. Betty Pahr seconded the motion. Discussion followed. Vote taken – 20 approved, 20 disapproved, 1 abstained.**

**OLD BUSINESS:** None.

**NEW BUSINESS:** None.

There being no further business, the meeting adjourned at 9:30 p.m.

Respectfully submitted,



Jean Somers  
Administrator

**HSIA GENERAL MEETING**

**The Key School**

**March 9, 2006**

**Officers/Board Members**

Bill Shuman

Noel Gasparin

Wilhelm. Ordono<sup>TH</sup>

Marcia Labe

**Guests**

Jean Emes

W. R. J.

Donna Shuman

Bea Pal

John Pal

Peter MARRIT

Eddie Eiber

James L Schwallenberg

Pauline Schwallenberg

Lon Schwallenberg

Ray DUNSTON

Ry Suki

Cathy Goodhill + Joe

Dee Hearn

Phil Jones

Kathleen Ballman

# HSIA GENERAL MEETING

The Key School

March 9, 2006

## Officers/Board Members

Laura Bertram

~~Kate Penn~~

## Guests

John C. McCall

Art M... ~~...~~

Rennis M. Conti

Ann & Lund & Samantha

Angie Carroll

Kevin Green

Jeri Singleton

Deg Singleton

Joy J. Winters

W & "

Mary G. Green

J. Green

Bob + Sandy Simpson

Gail Vernon

Ted Shephard

Jackie Fletcher

**HSIA GENERAL MEETING**  
**The Key School**  
**March 9, 2006**

Officers/Board Members

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

Guests

Fred Hickman  
Carol Padgett  
MARK DiBerardino  
Jan Rodon  
Jack McPartland  
Jennifer Gundersen  
Tere Devito  
Cleen Mennucci  
Oliver Birch  
James Heibel  
Anne Heibel

---

---

---

---

---

---

---

---

---

---

---

---



## Beach Strip Lawsuit Status – 3/9/06

1. On December 5<sup>th</sup>, the Court of Special Appeals ruled that the beach strip property was owned by each and every lot owner in Hillsmere and that if the plaintiffs wanted to take the property by adverse possession that they would have to sue all of the approximately 3000 property owners.
2. On January 24<sup>th</sup>, the board meet in a closed Special Meeting (as permitted in the bylaws when legal issues are being discussed). The board authorized the following offer to settle the lawsuit:

### **Plaintiffs agree:**

1. To remove fences, hedges and other encumbrances that block access back to property line.
2. Remove any "No Trespassing" signs and agree not to put any signs up that would make someone think they could not walk on the HSIA property.
3. To drop lawsuit and all claims of adverse possession.

### **HSIA agrees:**

1. Not put up any fences or other structures.
2. That the only improvements allowed would be a ground level walkway.
3. To allow Singleton to keep the part of his pool that is on HSIA property and to allow a fence on HSIA property no more than 10 feet from the property line if required by county code for a pool.

Agreement would be legally binding on future HSIA boards.

3. On February 21<sup>st</sup> we received a response from the lawyer for the plaintiffs. It said that "under no circumstances would (the plaintiffs) go forward with a solution that does not involve their owning the property". The letter also offered to pay \$135,000 if HSIA "executes a deed for all of it's right, title, and interest in and to the property". The offer was on behalf of all of the seventeen lots except for 105, 107, and 127 East Bay View.
4. Since the court already ruled that HSIA does not own the property alone, we would be selling only HSIA's interest. We would, in effect, be removing ourselves from the suit and telling the members of our community, who are also owners, to fend for themselves if attempting to assert their rights..
5. HSIA has a legal obligation to protect the rights of all Hillsmere lot owners with regard to this property. The deed that gave HSIA this property (executed on July 9<sup>th</sup>, 1952) said that HSIA shall hold the property "for the use and benefit of all Hillsmere lot owners". It further says that HSIA shall "protect and defend"

the use of the property as a "beach recreational area" and "for no other use, intent, or purpose whatsoever". It goes on to say that nothing in the deed shall deprive the lot owners of Hillsmere of any of the rights to the use of the property.

6. If it were legally possible or morally defensible for the board to sell its rights to the property to the plaintiffs then the sale price should be equal to the market value. The combined value of the 17 properties (according to zillow.com) is 15.8 million dollars. Everyone knows that having riparian rights greatly increases the value of any waterfront property. Assuming a 10% increase in value (without even considering the additional land) that places a more reasonable offer at over 1.5 million dollars (nearly 12 times the amount offered). The average value of the 17 properties is just under \$69 per square foot. Singleton (the first one who sued) is seeking to take nearly 7,500 square feet of community property. Based on the value per square foot, his additional land alone would be worth over \$515,000.
7. If a way could be found for HSIA to legally sell the property and if the price were equal to its actual value then the board might be convinced to approve the sale. The offer of \$135,000 is much less than one year's budget. The benefit to any lot owner would be totally negligible. A price closer to the \$1.5 million figure could allow the building of a community center or other projects that would benefit all the residents in a direct, perceivable way.
8. The HSIA board will be meeting in a closed Special Meeting on March 15<sup>th</sup> to consider the plaintiff's offer and decide on a response. This meeting will not be open to the public, as permitted in our bylaws, because we will be discussing legal issues.
9. The March/April issue of the Sea Breeze will announce the board's decision and any response it may approve.