

**MINUTES OF THE BUEHLER-MOSELEY-SLATTERY APPEAL
HEARING OF THE BOARD OF TRUSTEES
OF LUDLOW MAINTENACE COMMISSION, INC.**

Tuesday, 14 August 2007 – 10:56 a.m. Bay View Room

Trustees: Vaughn Bradshaw, Ted Buehler, Ian Feltham, Stan Kadesh, Paul Moseley, Art Moyer, Jerry Nelson, Sonny Sanzaro, and Elizabeth Van Zonneveld.

President Bradshaw called the appeal hearing to order at 10:56 a.m. and explained several LMC Trustees were recusing themselves from this appeal hearing in accordance with LMC Regulation V, Article II, Paragraph 6. President Bradshaw asked if there were any Board members present who did not feel they could hear this appeal with an open mind.

Lengthy discussion followed.

President Bradshaw asked for roll call. Trustees Sonny Sanzaro, Stan Kadesh, Ian Feltham, Art Moyer, Vaughn Bradshaw, and Jerry Nelson were present. Trustees Ted Buehler, Paul Moseley and Elizabeth Van Zonneveld recused themselves. Approximately 17 LMC members attended the hearing.

Summary of Facts: Ted Buehler (Lot 2-3-105), Paul Moseley (Lot 2-3-096), and John Slattery (Lot 2-3-092), et al, requested an appeal hearing related to a decision by the LMC Operations Committee. This decision involved view maintenance of trees located at Lot 2-3-115 (Leenhouts – 142 Pioneer Dr.).

President Bradshaw invited LMC members affected by the Operations decision to testify for up to a 5-minute period.

The Trustees heard testimony from Pete Leenhouts and John Van Zonneveld.

Operations Committee Presentation – John Van Zonneveld, Chair: Mr. Van Zonneveld presented the background of this matter and the rationale for the Operations Committee’s decision. Testimony was given by Bill Wilke, a retired forrester, regarding the age of the trees in question. Mike Larkin also provided testimony. Further testimony was given by Pete Leenhouts, Lot 2-3-115, owner of the property in question.

Discussion and questions from the Trustees followed.

Ted Buehler, Appellant, speaking on behalf of himself, Paul Moseley, John Slattery, et al, presented his case to the Trustees.

Questions followed.

Operations Committee rebuttal was presented by John Van Zonneveld, Chair.

Appellant Ted Buehler presented his rebuttal to the Trustees. Questions from the Trustees to the Appellant followed.

The Trustees recessed to Executive Session for deliberation at 12:29 p.m.

The Buehler/Moseley/Slattery appeal hearing reconvened at 1:30 p.m.

Following deliberation, President Bradshaw issued the following statement: There is no way to tell if the trees in question were planted or not. The Board does not feel the provisions in the Regulations about planted trees can be applied. Regulation 2, Article I, Paragraph 2b. states a scattering of tall evergreens is encouraged to enhance the beauty of the neighborhood as long as views from neighboring lots are not unduly impaired. The Board, having seen the current water views from all three appellants' homes, does not feel that the trees in question unduly impair their views. The Board, therefore, affirms the decision of the Operations Committee.

President Bradshaw called for a vote of the Trustees to affirm the decision of the Operations Committee. The decision carried 4:1. Trustee Moyer opposed. President Bradshaw abstained.

The appeal hearing was adjourned at 1:32 p.m.

Respectfully submitted,

Jerry Nelson, Secretary
Ludlow Maintenance Commission, Inc.

Prepared by Carol Shamhart
LMC Recording Secretary