

WEXFORD VILLAGE BOARD of DIRECTORS MEETING

Tuesday, April 3rd, 2007
Room -- 525 Junction Road

Present: Don Michalski, Trish Watts, Dave Tolmie, Paul Stang, Matt Thomas and Ken Schmidt

Not Present: Jim Rather, Sabi Atteyih and Darrell Flemming

1. Meeting minutes – Trish
Motion to accept March minutes seconded and approved.
2. Financial Report – Paul
Reviewed March 2007 Treasurer Report and Summary of Receipts & Disbursements.
Motion to accept financial report seconded and approved.
\$8,0000 + 5,000 for attorney fees in the court case in 2007.
3. Old Business
 - a. Application of City grants for parks.
Apple Hill Circle grant applied for \$500 grant from city, possibly total cost of \$1200. Don has signed and Ken will mail 4/4/07. To be used for trees, perennials, clean-up, etc.
2 stumps need removal and 2 trees still hanging down. Don will call Mike Rourke Forestry who contracted the original bid.
 - b. Up to \$20,000 matching grant for cul-de-sacs needs some analysis over the summer before being submitted next year.
4. New Business
 - a. Review and strategy resulting from the Middleton Street court case.
Court Decision: Enforcement action dismissed on the merits, with prejudice, with statutory cost to defendants. Defendants may retain fence as long as it surrounds private swimming pool within meaning to City of Madison General Ordinances. Defendants not required to shorten their fence to height of 3 feet or less as long as it surrounds a private swimming pool.
Don will speak with Alder on defining pool for further clarifications.
Request Greg to meet with the board to discuss strategy going forward.
 - b. Neighborhood Watch - April 4th
Meeting tomorrow at 7:00 p.m. at Alicia Ashman library. Mary Ann Thurber from the Madison West Precinct will talk about home security and such.
5. Committee and Board assignments for 2007
 - a) Architectural Review – Darrel and Matt
Nothing to report.
 - b) Block captains - Jim
Nothing to report.

- c) Contracting - Don & Matt
In 3rd year of 4 year contract with Barnes for Grass cutting – about \$21,000/yr
2 lights need replacement, more possibly. Don, Ken and Matt will do a quick inspection to determine needs.
- d) Covenants - Don
Rob and Renee Cromer, Sawmill Road, wanted a 4' fence.
Anonymous letter – Complaint about the condition of 18 Fiskdale Circle. Don will send a note to them. Suggestion for form letter to be able to send to others in same situation. (101,132)
Questionable Treehouse lot number 096 – 7014 Harvest Hill Rd.
- e) Parks & City Relations – Ken
 1. Porta potty requested for more than 1 month. Ken will follow up regarding this issue.
 2. Park Clean up day 4/21/07. See Watch for details.
- f) Social - Hilary
April 7th is the Easter Egg Hunt.
Soccer request for equipment about \$500. Do you know how I could get in contact with the Wexford Board about having the neighborhood association cover the cost of some new equipment for the Junior Soccer league? The balls and jerseys we are currently using are in pretty rough shape. I've priced the equipment out at a few places, and it seems that the best deal for us would be MC Sports. New soccer balls would be around \$15 a piece (we'd need around 15), and new jerseys would be around \$5 a piece (we'd need around 40). So I'd be asking them to cover somewhere around \$425, maybe \$500 at most. Motion: Approve up to \$500 from Parks budget to Soccer League. Motion seconded and approved.
Garage Sale May 11th and 12th.
- g) Website – Trish
Keep me updated!
- h) Wexford Watch - Dave
Next issue submissions due 4/21/07.

Meeting adjourned at 849 p.m.

Addendum

State of Wisconsin
Circuit Court of Dane County Branch 9
Case No. 04 CV 3268

Wexford Village Homes Association, Inc. Plaintiff, v. Matthew Moriarity and Tracy Moriarty
Defendants

Findings of Fact, Conclusions of Law and Order for Judgment

Findings of Fact and Conclusions of Law

This action was tried to the court without a jury on February 20, 2007. Plaintiff Wexford Village Homes Association, Inc. appeared in person by corporate representative and by its attorneys Murphy & Desmond, S.C. by Gregory P. Seibold. Defendants Matthew Moriarty and Tracy Moriarty appeared in person and by their attorneys Hayes, Van Camp & Schwartz, S.C. by Harry E. Van Camp. After hearing the evidence, considering the written legal arguments of counsel, and being fully advised in the premises, the Court hereby makes the following findings of fact, conclusions of law, and order for judgment.

1. Wexford Village Homes Association, Inc. ("Wexford Village") is a domestic non-stock, non-profit corporation and the successor to Westaire, Inc., responsible for administering and enforcing certain provisions in the Declaration of Conditions, Covenants, Restrictions and Easements of Drumhill Addition to Wexford Village.
2. Defendants William and Tracy Moriarty are the owners of certain real estate located at 1006 Middleton Street, Madison, Wisconsin and legally described as Lot 397, Drumhill Addition to Wexford Village, in the city of Madison, Dane County, Wisconsin (The "Moriarty Property").
3. The Moriarty Property is subject to the Declarations of Conditions, Covenants, Restrictions and Easements fo Drumhill Addition to Wexford Village recorded with the Dan County Register of Deeds at Volume 9779, Page 63 as Document No. 200844 ("Deed Restrictions").
4. Section 1 .q. of the Deed Restrictions provides:
No fences over three (3') feet in height shall evr be permitted (with the exception of compliance with local ordinances with respect to enclosing private swimming pool areas) unless such fences are approved by Westaire, Inc. or its subsequent approving authority.
5. In the summer of 2004, the Moriartys constructed a fence approximately four (4) feet in height along the entire perimeter of their rear yard (with the exception of the far back lot line) and connecting up with the southeast and southwest corners f the home on a Moriarty Property.
6. The Moriartys did not seek or obtain permission from Wexford Village prior to installing the fence that is on their property.
7. Subsequently, the Moriartys have build a small in-ground swimming pool on their property.
8. The City of Madison Code of Ordinances Section 29.30 (1) requires all private swimming pools to be enclosed by fences of at least four (4) feet in height.
9. The fence build by the Moriartys meets the requirements of the City of Madison Code of Ordinances Section 29.30 (1), except that it fails to enclose the pool on one side.

Order for Judgment

1. This enforcement action commenced by plaintiff Wexford Village Homes Association, Inc., is dismissed on the merits, with prejudice, with statutory cost to defendants Matthew and Tracy Moriarty.
2. The defendants Matthew and Tracy Moriarty may retain the fence that is currently on their property as long as it surrounds a private swimming pool within the meaning of the City of Madison General Ordinances, and otherwise complies with theCity of Madison General Ordinances.
3. The defendants Matthew and Tracy Moriarty are not, and shall not be, required to shorten their fence to a height of three (3) feet or less, as long as it surrounds a private swimming pool within the meaning of the City of Madison General Ordinances.

Dated this 19 day of March, 2007

By the courte
Richard G. Niess
Circuit Judge