

**HIGHLANDS HERBICIDE, PESTICIDE AND TOXIC
SUBSTANCES POLICY**

RECITALS

A. It is the position of the Board of Directors of the Highlands Condominiums Association that herbicides, pesticides and/or any toxic or potentially toxic substances (collectively "Toxic Substances") should not be used on or about the Highlands grounds, roads and buildings (i.e., the entire Highlands complex, except the pool and the hot tub) unless it is absolutely essential to do so. In the event that it is absolutely essential to use any Toxic Substances, they shall be used only in accordance with the following official "Highlands Herbicide, Pesticide and Toxic Substances Policy," including these Recitals.

B. These recitals and the numbered list below shall together constitute the "Highlands Herbicide, Pesticide and Toxic Substances Policy." This policy applies to grounds maintenance and upkeep as well as to the application of any Toxic Substances to any residential buildings, garages, common structures and/or utility areas.

C. This policy shall apply to the Highlands Condominiums Association, the Board of Directors of the Highlands Condominiums Association and any committee formed by the Board of Directors, including, without limitation their agents, assignees, contractors and employees.

D. This policy shall apply to any and all individual condominium owners, including, without limitation, their renters, lessees, occupants, agents, assignees, contractors and employees.

E. This policy shall apply to any management company, employees, independent contractors or any other party retained by the Highlands Condominiums Association to perform services on or about the Highlands complex.

F. This policy shall govern and shall be incorporated by this reference in the **BMC-Highlands Grounds Maintenance Agreement** and the **BMC-Highlands Required Grounds Service Summary**.

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IT IS HEREBY AGREED, ENACTED AND DULY VOTED UPON THAT:

1. The least toxic herbicide and pesticide products shall be selected and applied in any project requiring the use of such substances. When considering other chemical applications, the least toxic product shall be selected and used.
2. The minimal amount of Toxic Substances necessary to accomplish the maintenance or upkeep project shall be used.
3. For every Herbicide, Pesticide and/or Toxic Substance used, the Material Safety Data Sheet (MSDS) shall be obtained, provided to the Board and then kept on permanent record in a file containing MSDS reports for all Toxic Substances used at the Highlands.
4. All hazardous waste and/or toxic products shall be discarded off-site at a facility set up specifically to accept such materials.
5. Whenever Toxic Substances are to be applied within ten feet of a residential unit or common utility building, or are to be applied directly to a residential unit or common utility building, the party responsible for such application shall notify the Board and the owner and/or resident of the unit(s) and/or common utility building in question sufficiently prior to the application to allow the Board and the owner and/or resident of the unit(s) to respond.
6. Where Toxic Substances are required to be used which would normally be used by a professional applicator and/or exterminator, Bennett Management Company shall not apply the Toxic Substances in question. Instead, Bennett Management Company shall notify the Board of this situation and shall consult with the Board in retaining professionals to perform the required applications.
7. Where Toxic Substances are to be used for building maintenance and preservation, for example, without limitation, wood sealers and preservatives, this policy shall apply. Accordingly, when products such as wood sealers, etc., are used, the MSDS shall be obtained, provided to the Board, and permanently maintained on file.
8. For purposes of this policy, Toxic Substances shall also include, without limitation, cleaning products used on buildings, in laundry rooms, trash rooms and other common areas.
9. Whenever Toxic Substances are used and the MSDS, packaging information or common care indicates that protective clothing and/or breathing apparatus should be used, Bennett Management Company will supply all such protective clothing and devices and shall insure that such protective clothing and devices are worn by all Bennett Management employees on the premises. This Paragraph 9 regarding

protective clothing and gear does not apply to third party independent contractors retained by Bennett Management Company.

10. A. This policy shall apply, without limitation, to any condominium unit owner, lessee, renter or other unit occupant. This policy shall further apply, without limitation, to any third party agent, assignee, employee, or independent contractor retained by any of the above named parties.

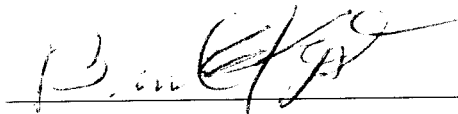
B. In particular, but without limitation, this policy shall apply to any pest exterminator or pest extermination company retained by any of the above named parties. Accordingly, external pesticide application by a unit owner, lessee, renter or other unit occupant or by any third party agent, assignee, employee, or independent contractor thereof shall be strictly prohibited. External pesticide application shall include, without limitation, spraying or otherwise applying pesticides or other toxic substances to the buildings, foundations or adjacent grounds as well as drilling holes in the walls of units and spraying or otherwise injecting pesticides or other toxic substances into the walls and/or under the buildings. The Highlands Condominiums Association is empowered to take any and all legal action necessary to immediately enjoin such activities. Further, the Association's legal remedies to enforce this policy shall be unlimited and shall include in addition to injunctive relief any damages, penalties, fines or monetary assessment allowed by law.

11. Any questions regarding this policy should be directed to the Board of Directors of the Highlands Condominiums Association. Any party, including any condominium unit owner, lessee or renter, seeking a temporary waiver of this policy must make a request to do so before the Board of Directors of the Highlands Condominiums Association at a regular meeting or by directly contacting a member of the Board of Directors. Permission to waive or deviate from this policy shall only be granted in exceptional circumstances where human health or protection of condominium property is immediately at stake and all non-toxic, least toxic or otherwise minimally harmful and minimally invasive methods have been tried.

12. This policy shall not apply to the interior of individual units. Provided, however, that any application of any Herbicide, Pesticide or Toxic Substance capable of migrating or otherwise infiltrating into adjacent units is strictly prohibited. Accordingly, individual unit owners, lessees, renters or other occupants are discouraged from using herbicides, pesticides or toxic substances within their units unless done so in accordance with this policy. Further, any such party contemplating the use of any herbicide, pesticide or toxic substance which could reasonably be expected to migrate to, infiltrate to, penetrate to or otherwise reach the interior of an adjacent unit must obtain written permission from the Board of Directors before

undertaking any such application. Failure to do so may result in the Board of Directors seeking legal relief, including injunctive relief, and/or the imposition of fines or other monetary penalties.

13. Maintenance and cleaning of the pool and hot tub shall only be undertaken using standard chemicals and procedures for such maintenance and cleaning.
14. The Recitals are incorporated in the body of this policy as if fully set forth herein.
15. This policy shall take effect immediately upon signing.


_____ Burt Kaplan, President

4/19/06 _____ Date

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