

Minutes of the January 20, 2005 Meeting of the Board of Directors of the Norbeck Hills Homeowner Association

Board Members Present: Jeffrey Chavis (President)
 Avrom Wofsey, Vice President
 William Hicks, Treasurer
 Ellsworth Romer (Member at Large)
 Karen VanDuser (Secretary)

Others Present: Ravi Parkhie, Agent for the Association,
 The Management Group Associates, Inc.

1. Meeting Called to Order and Opening Remarks

Av Wofsey called the meeting to order at 7:10 PM when a quorum of Board Members was present (Av Wofsey, William Hicks, Karen VanDuser).

He opened the meeting by bringing the homeowners present up-to-date on a number of items of interest within the community.

- a. Av began by reporting on the fire that had occurred on Longview Lane on January 10, 2005, the Gazette News article, the establishment by the Association of the fund at the Bank of America for the victims (3 households), and funds at Cashell Elementary and Magruder High School. He mentioned, as well, the contributions by homeowners, the Management Group, and local businesses. Av thanked them all.
- b. Homeowners were informed of the difficulties experienced by the firefighters in accessing the home that was on fire. Av stated that a number of cars had to be towed from firelanes during the fire. Av mentioned the fact that fire trucks had to be driven across common areas, lawns, and sidewalks to gain access. He stated that the firefighters had informed him. He stated that a vote should be taken

at the meeting regarding removal of these speed bumps.

- c. Av informed the homeowners of the award of the snow contract to Roche Brothers and the need to restrict parking at the pool parking. The contractor will be using the pool lot at a staging area and storing equipment and

chemicals. The snow contractor will be using skid loaders to do cleanup and to move snow that has been plowed within the townhome lots.

- d. Homeowners present were made aware of a letter that had been sent to each townhome owner that provides procedures and authorization ids that are to be used to call for towing from their individually assigned reserved parking spaces. This letter was sent out by the Management Group in response to a continuing problem with parking in the townhome reserved spaces by unauthorized persons. Homeowners should call the police (301) 279-8000 and tow truck contractor when they see cars parked in firelanes. **(Action Item to Newsletter Committee - write an article that discusses when and who should be called regarding the different parking violations (parking in reserved spaces, firelanes, double parking, etc.) and present it to the Board.)**

The meeting was opened to homeowners for discussion at 7:20 PM.

2. Homeowner Forum

- a. A homeowner suggested that the Newsletter Committee might want to contact a local insurance agent to get information regarding fire insurance coverage to write an article on this topic. **(Action Item: Newsletter Committee write an article for the next newsletter encouraging homeowners to examine their coverage and renters to also examine coverage for their personal items.)**
- b. There was a discussion among those present (Board and homeowners) of the requirements for dryer venting; flexible plastic vent hoses are not recommended or legal. The fire that occurred on January 10 was being attributed to dryer lint igniting. **(Action Item: The Newsletter Committee will write an article on the proper venting of dryers and cleaning of dryer vents and ducts.)**
- c. A townhome owner requested that the Newsletter Committee again address an article to dog owners that they must cleanup after their pets. The discussion of this topic provided information to the homeowner that, while an article can be written, the most effective way to stop the problem of dog feces being left on common grounds and lawns is to report the incident and the name of the owner directly to the County (240) 773-5960. The County will contact and, when deemed appropriate, levy fines on the pet owner for these actions. **(Action Item: The Newsletter Committee will rerun an article on proper actions of dog owners called for by the Montgomery County Code in the next Newsletter.)**

- d. A resident asked if a financial report would be provided this evening. William Hicks stated that the financial records were not presented to the Board for the month of December until the Management Report was delivered. He stated that he had received the November financial records with the Management Report approximately a week ago but that the December financial records were not received until the January 19. This led to a discussion of how accruals were handled at the Management Group. Another homeowner present at the meeting, stated that estimated accruals based on authorizations for payment and known expenditures could be used for the purpose of producing a report in a more timely fashion and that the actuals versus estimated could be reported when the actuals became available. Karen VanDuser stated what was called for in terms of financial reporting from the Management Group based on the language within the contract for Property Management. Mr. Hicks stated that a Finance Committee meeting should be held prior to the next Board meeting and a financial report would be provided at the next Board Meeting. **(Action Item: Financial Report to be reviewed and comments provided by the Finance Committee and a Financial Report along with Finance Committee comments are to be presented at the next Board Meeting.)**
- e. A homeowner reported that they have made numerous calls of complaint to the Management Group regarding the placement of trash and recycle on the parking finger by a neighbor on other than trash pickup days. She, further, stated that these calls addressed the failure of this resident to return their trash can to their property after trash pickup. The homeowner stated that the trashcan and trash litter is frequently found in the her parking spaces and in the road. She stated that the resident, either has not been notified of the offense or is unresponsive. The homeowner wanted to know what could be done about this continuing problem. She, also, stated that she has received inconsistent or no feedback when calling the Management Group regarding this problem. The Board informed the homeowners present of actions taken by the Board to report these problems to Montgomery County Code Enforcement and provided information on the new Trash Removal Policy. The homeowner was informed to report the name and the address to the Management Group and the Management Group will take action to inform the resident of proper procedures for trash and recycle disposal. She was informed that fees for removal of trash, when it was not properly disposed of, will be levied if the problem persists. Ellsworth Romer asked for the assistance of the Court Captains to 1) survey on Thursday and Sunday for violations and 2) to report these immediately to the Management Group and the Board, so that violators can be cited and actions can be taken to remove the trash and cans. **(Action Item A: Board needs to see in the Management Group reports of homeowner calls (name and address of complainant and violation address) related to trash and actions taken.) (Action Item B: Court Captain Committee develop internal reporting procedures for violations.) (Action Item C: Newsletter Committee to**

write an article that reports that the policy for Trash was mailed out in December and went into effect in January.)

- f. Another townhome owner reported a specific violation of the Trash Removal Policy. She reported that the homeowner at 4427 Cannes Lane is not using a trash can and continues to place plastic bags of trash at the curb. **(Action Item: The Management Group should write a letter to the homeowner and inform them of the Trash Removal Policy and the consequences for failure to comply(see Section 5b of these minutes).)**
- g. A resident reported that many homeowners are not picking up their Gazette Newspapers. She suggested that, if you do not want your Gazette or you notice that a neighbor consistently leaves their Gazette Newspaper on their sidewalk or lawn for an extended period of time, you call the Gazette and cancel the delivery of the newspaper for your or your neighbors address. **(Action Item: The Newsletter Committee will write an article that includes the number to call to cancel the Gazette Newspaper.)**
- h. Av Wofsey reported to the community that the Board conducted a community cleanup of outlot A to remove trash and debris. Eighteen bags of trash, lawn furniture, and a grill were removed. Av reported that he is working with the school and is looking for kids who would like to volunteer for community service credits in the Spring when another community cleanup will be conducted.
- i. A homeowner asked what was the current status of the fire that was started in the woods on November 18. Karen VanDuser reported that the HOC stated that they have been unable to get the report but that she would be called as a witness should the case go to court. Another homeowner reported that the police informed her that the normal course of action was to send the family to counseling and to provide counseling for the children involved. Ellsworth Romer stated that the same young person, who was observed carrying the gas can used to start the fire, was observed in a physical altercation with another child. He also stated that she had cursed out our security forces. Av Wofsey stated that for any Juvenile case a letter can be sent to ask that the States Attorney to become involved. Karen VanDuser reported that homeowners had asked that we pursue other actions than the use of the police and the juvenile services avenue. Karen VanDuser again asked that the Board meet with the Attorney on this matter.
- j. A homeowner asked what criterion is used for determining payment to victims of the fire from the Fire Fund. Karen VanDuser stated that any expenses resulting from the fire would qualify for payment including clothing, storage facilities, mental health, etc. It was explained that all of the homeowners had insurance but insurance does not cover everything.

- k. A homeowner asked what actions were being taken regarding parking of cars behind other cars. Ellsworth Romer stated that he would be covering this in his report on Security and Parking when Committee reports were given.

3. Minutes and Board Reports

The Board, having received an electronic copy of the November 18, 2004, meeting minutes for review prior to this meeting voted unanimously to accept the minutes as written.

4. Committee Reports

- a. Architectural and Environmental Control Committee

Ravi Parkhie reported on the December walk-through of the community that he conducted with the representative of Montgomery County Housing Code Enforcement. The entire community, both single family and town homes, was reviewed. Many fences were identified as needing repair or replacement. The County identified a number of violations. The current status is that a number of tall grass violations identified in previous walk-throughs have been cleared out but a number of violations from the December walk-through have not yet had letters written. It was noted, however, that the house on Sir Walter Road has made significant progress in correcting their violations. This home had a great deal of rotting wood. The townhome on Gallagher Way with rotting woods and trash is being pursued vigorously, as is the Fishermans Lane home. A complete update from the County and the associated copies of letters sent are expected to be delivered in February.

Inspector Marra of Montgomery County Housing Code Enforcement noted that one homeowner on Cannes Lane has built a retaining wall and had drainage coming out through this wall. He was planning to refer this over to another Division within the County for follow-up.

Ellsworth Romer presented to the homeowners and the Board a history of multiple letters that had been sent to the homeowner of 17438 Gallagher Way regarding trash and litter. Ravi was instructed by the Board to do whatever it takes to correct this situation, as letters do not seem to be getting a response from the homeowner.

- b. Court and Street Captains Committee

Barbara Beccles reported that the Court and Street Captains had assisted the Norbeck Hills Fire Victims Fund activities. They had delivered flyers

to each home in the community. The flyers provided information on the fire and the fund that had been set up for these homeowners.

Barbara also reported that the Court and Street Captains Committee was still in need of court and street representatives for a number of streets within the community. Maria Wolf and Av Wofsey volunteered to serve in this capacity for the single family section of Sandy Knoll, Scotch Meadow, and Clifton Spring. Sheila Wright volunteered to take the upper part of Gallagher Way.

Ms. Beccles also reported that one of the Street Captains had provided her with a list of suggested places where victims of the fire could get replacement items such as furniture, etc. She will be providing this to Ingrid Romer and Karen VanDuser.

c. Newsletter Committee

Ingrid Romer reported that a Newsletter will be published for the Spring. The closing date for articles is February 7 and the publication date is planned for March 21. She stated that this Newsletter will contain information on the fire and related articles on dryer safety and insurance. The Newsletter will also contain information on the Trash Policy, Community Cleanup, and a call for additional Court and Street Captains.

d. GOCA Representative

A topic of conversation at the GOCA meeting was the multi-use proposal for the shopping center where the theater is now. Additionally, there was discussion of the shopping center proposal for the former site of the Silo Inn. GOCA is encouraging everyone to write to the County Council on these two proposals and voice their opinions. GOCA's position is that they are not in favor of either of these proposals.

GOCA is accepting award nominations for the GOCA Citizens Award.

GOCA is also working with its members toward getting a greater police presence in the Olney area.

Ingrid, also, reported that she had informed GOCA of the Norbeck Hill Fire Victims Funds and that it was the intent of the Fund administrators to solicit more involvement by the Olney commercial sector.

e. Security and Parking Committee

Ellsworth Romer reported that security has been active in trying to catch two young men who were responsible for the vandalism of Christmas lights in the Community. He also reported that an arrest warrant was

being served in the community and that some residents witnessed members of the Drug Task Force, which has been present in the community, catching a person fleeing from the house being served. Security has reported a high volume of speeding in the community and tickets have been issued. Security has, also, reported that a number of parking violation tickets have been issued on MacDuff for parking beyond the signs and within the townhome courts for parking in the firelanes. The tow truck driver has reported pulling up to five cars in a single night for parking violations.

5. Old Business

a. Reading of Items into the Minutes

Karen VanDuser made a motion that completed Action Items be read into the Minutes of this meeting and stasured the open Action Items.

Closed Items included: Newsletter articles being written, updates of the Website with GOCA information; Trash Policy issuance and recording; AECC Policy issuance and recording; Collections Policy issuance and recording; letter sent to the Montgomery County Police Department authorizing them to serve as agents of the Community, thus providing them with the right to enter the property on a patrol basis; the 2005 Budget was sent to homeowners as final; a number of letters were sent to homeowners in response to incidents and/or their letters to us; and the Parking Policy was reviewed and comments provided for redraft.

One open action item regarding providing additional addresses for properties for the December walk-through with the County was closed, since the inspection had been completed.

A complete copy of the Action Item Report is made a part of these Minutes as (Attachment 1) as a result of a vote of the Board at this meeting.

Karen VanDuser read in the Minutes of the emergency electronic meeting that authorized the use of the Association's tax id for setting up the Norbeck Hills Fire Victims Fund. The minutes were voted on by the Board for inclusion into the minutes of this meeting and the vote was unanimous. The minutes are included as Attachment 2 to these minutes.

b. Self Help Trash Removal Activities

The Board engaged in a discussion regarding the procedures regarding trash removal using Self Help. The Board made a determination that, if the trash was hazardous from a health standpoint such as garbage, a letter

need not be sent and immediate pick-up and charge back can be invoked. The Board of Directors voted to send a letter certified mail stating the policy and the requirement for the homeowner to correct their behavior and/or remove the item, if the item was not garbage. No letter will be sent if the item is garbage. Homeowners who have placed items on common grounds that is not garbage will have 7 days to correct the offense by removing and properly disposing of the item(s). If an offense occurs again within 180 days (e.g., dumping on common grounds), the homeowner will be charged for the removal of the item(s). The Management Group will keep track of the addresses and letters sent to ensure that only one letter will be sent. **(Action Item: The Management Group is responsible for demonstrating to the Board that a procedure has been established to keep track of letters being sent to addresses and taking proper action for immediate removal and charge back, as necessary. Only one letter will be sent to each home.) (Action Item: The Management Group is responsible for developing a standard letter for notification of homeowners of offense and future charge back, if offense continues.)**

Jeff Chavis reported that Handyman Services (John Smith) was charging \$45 per hour for each call. Hours charged included travel to and from the site and hours on the property. Additionally, dump fees were charged back to the Association. Mr. Chavis reported that Handyman Services has agreed, for purposes of self-help under the Trash Policy, he will charge a \$50 flat fee per pickup per address. **(Action Item: Management Group will get a signed agreement reflecting this charge rate from Handyman Services to lock it in and to define the procedure of opening trash and getting evidence of address/taking photos, etc.)**

Ravi suggested that the contractor come out the first month on the day after each trash pick-up day to open the trash and pick it up. Ravi also suggested that the other general maintenance contractors be approached to get the same or comparable rates so that we have backup contractors. There was no direction from the Board to pursue these suggestions.

c. Vehicle Parking Policy

The Vehicle Parking Policy had been delivered to the Board Member by e-mail for review prior to the meeting. Karen VanDuser made a motion to accept the Vehicle Parking Policy as written, send it to the Attorney for final review, and then be mailed to the Homeowners. Av Wofsey seconded the motion. The motion passed unanimously. **(Action Item: Karen VanDuser will provide a clean copy of the Vehicle Parking Policy to Ravi Parkhie to send to the Attorney.) (Action Item: Ravi Parkhie will send the policy to the Attorney for final review**

(definition of commercial and language consistency) and will send the policy to the homeowners as a proposed policy change.)

6. New Business

a. Motion on behalf of Fire Victims

Karen VanDuser made a motion that the three victims of the fire be provided with relief of late fees and be provided with an opportunity to for a flexible repayment plan. This lead to a discussion among Board members that the homeowners should be forgiven their association fees all together. A caution regarding the balancing of the budget and the unknowns with regard to how long the victims will be out of their homes was presented by Karen VanDuser. Ravi Parkhie indicated that 8 months of forgiven dues for these three homes will total \$1620 and one year will be \$2430. There was no second to the motion.

Jeffrey Chavis made a motion that these homeowners be forgiven their association fees for 3 months. Karen VanDuser agreed that this at least placed a cap on the amount of money that would not be collected. The motion was seconded by Ellsworth Romer. The motion was passed by a majority.

b. Notification of Homeowners of Committee Meetings

Karen VanDuser proposed a motion that was to be consistent with the Maryland Homeowner Association Act requirement to notify homeowners of committee meetings. She wanted the letter to be reviewed by the Attorney, if passed, and then sent to the community. The motion was that that homeowners be notified by letter that the Association would be using its Web Page and the Bulletin Board at the Pool to post notice of Committee Meetings, 7 business days prior to the meeting of a committee. Bill Hicks suggested that the motion be modified to include that the notice of Committee Meetings would be posted 7 calendar days prior to the meeting. The motion was seconded, as modified. The resultant vote was unanimously in favor of the modified motion. **(Action Item: Karen VanDuser will draft something and provide it to Ravi to present to the Attorney.)**

c. Letter to Attorney Regarding Juvenile Crime And Actions That Can Be Taken

Some discussion by the Board Members regarding what should be presented in the letter took place. Av Wofsey suggested that letters on specific events be sent to the States Attorney. Av also stated that he would look into making contact with the assigned officer for Juvenile

Affairs at the Montgomery County Police to come talk to the Board about what avenues were available. **(Action Items: Av will investigate the States Attorney route and its use by the Board and make contact with the Montgomery County Police to identify the Juvenile Affairs officer in our district.)**

d. Report from the Management Group

1. Ravi reported that the Trash Contractor had been contacted regarding the complaints and been presented with language for the Trash Contractor to sign. This contract direction called for the contractor to replace lids on trashcans and to place trashcans back at the location where they were placed by the homeowner. Karen VanDuser moved that the language proposed by the Management Group be presented to the Trash Contractor for signature, that the Management Group sign this language for the Association, and that the signed amendment to the Trash Contract be filed in the Association records. Ellsworth Romer seconded the motion. The vote on the motion was unanimously in favor.
2. Ravi stated that the Snow Contract had been signed and reported on the performance of the Contractor. It was noted by the Board that when we are doing limited snow activities, the school path on Sandy Knoll and the asphalt path behind Fishermans Lane should be included along with the shoveling of Hines Road and MacDuff segments.

e. Assignments to the Management Group

Karen VanDuser noted, that to be responsive to the safety issues raised in the Reserve Study, statements of work and Requests for Bid need to be developed for asphalt, concrete, and electrical work. The Management Group was assigned this action. **(Action Item: Management Group to develop Statements of Work and Requests for Bid for the work defined as safety and asphalt repair in the Reserve Study and present these to the Board for review and comment.)**

Bill Hicks asked if the billing for fertilization had been discussed with H&H the Association Lawn Contractor. Ravi reported that it had.

7. Meeting Adjournment

Jeff Chavis made a motion to adjourn. The motion was seconded by Karen VanDuser. The meeting adjourned at 9:45 PM

