

# **Minutes of the June 16, 2005 Annual Meeting and Meeting of the Board of Directors of the Norbeck Hills Homeowner Association**

Board Members Present: Jeffery Chavis, President  
Avrom Wofsey, Vice President  
Ellsworth Romer (Treasurer)  
Karen VanDuser (Secretary)

Others Present: Ravi Parkhie, Agent for the Association,  
The Management Group Associates, Inc.  
Seven (7) Homeowners (see attached sign-in sheet)

## **A. Annual Meeting**

### **1. Meeting Called to Order**

The Annual Meeting was called to order by Jeffery Chavis, President, at 7:30 PM.

### **2. Rules of Order and Procedures**

Karen VanDuser, Secretary, read from the By-Laws of the Norbeck Hills HOA Association the rules for conduct of the Annual Meeting, which require 51% (228 homes) of all homeowners to be represented either in person or by proxy to conduct the meeting. She explained that the By-Laws provide that each home within the community has one vote and that for purposes of determining whether there were fifty-one percent of the homeowners present a roll call would be taken along with a certification of proxies. She further explained that should fifty-one percent of the homeowners not be present or represented by proxy that the meeting would be re-scheduled for July 21 and that the By-Laws provide that all proxies and attendees shall constitute a quorum for the that meeting to serve as the Annual Meeting.

### **3. Roll Call and Certificate of Proxies**

Karen VanDuser called the roll of homeowners present and asked for each to identify whether they were holding any proxies. She also asked the Management Agent to identify the number of proxies that he currently held. The total number of homes represented was sixteen, which fell significantly short of the 228 homes needed to reach the 51% representation.

Ms. VanDuser made a motion the due to lack of quorum the Annual Meeting that the meeting agenda be closed and that the meeting be reconvened on July 21, 2005. The

motion was seconded by Jeff Chavis. All present unanimously voted in favor of this motion.

The Annual Meeting closed at 7:35 PM.

## **B. Board of Directors' Meeting**

### **1. Board of Directors Meeting Called to Order**

Jeff Chavis, President, called the Board of Directors' meeting to order at 7:36 PM.

### **2. Opening Remarks**

Mr. Chavis reported on accomplishments since the May 19, 2005, Board Meeting which included: 1) Mail boxes were inspected; 2) Common Grounds were inspected for drainage problems; 3) Electronic Copies were made available on the Web for Emergency Call Procedures, Minutes of the May Board Meeting, Pool Rules, 2005 Pool Contract, and the 2005 Swim Team Calendar; 4) the Board fielded and addressed numerous issues associated with the opening of the pool and admission of residents; 5) the Board inspected problems identified with Deck on Sandy Knoll Drive being held up by scaffolding; 6) the Community Cleanup was conducted; and 7) furniture items were collected for the Fire Victims. After this report, the meeting was opened up to the homeowners.

### **3. Homeowners' Forum**

- a. A resident from Cannes Lane reported that several of her neighbors had smelled gas for a few days prior to bringing it to her attention. She stated that upon receiving notice and confirming the smell she called the Gas Company. The leak was located at the corner of Cannes Lane and MacDuff Avenue. She suggested that homeowners be reminded through a notice on the Web Page and the Newsletter that if they smell gas or suspect a gas leak to immediately call the Washington Gas Company. Av Wofsey, Vice President, suggested that the number for Columbia Gas (who has the large gas line running behind the community) also be listed on the Website. **(Action Item ---: Board to create a notice to be placed on the Website that provided both the Washington Gas number and the Continental Gas number.)**
- b. This same Cannes Lane resident reported, during repairs to her home which is a Braxton model with a front porch, she became aware that when Pulte replaced the Fire Retardant (FRT) Plywood on the main roof but not the roof of the porch. She suggests that homeowners may be interested in this fact and that a Newsletter article be published reflecting this information.

- c. A homeowner from the 17400 Block of Gallagher Way asked a series of questions. 1) He wanted to know if the minutes provided were draft or final. He was informed that they were draft and would be voted on at this meeting. He stated that he felt that he had not refused to share tax information with the Board. He was informed that the minutes reflected what was on the tape. 2) He asked if the parking lots would be re-stripped this year. He was informed that the work was out for bid and it was anticipated that this work would be completed this week. 3) He asked if the March recommendations of the Finance Committee had been adopted. He was informed that most of them were but that the April Minutes which are available on the web would detail what ones had been adopted. 4) He asked which of the budget line items had been redefined to address the increased debt passed from 2004. Mr. Romer responded to this and provided the information regarding what line items were changed and offered to provide any additional information that the homeowner would like to have.
- d. As a follow-up to the homeowners question, Av Wofsey informed that homeowners present that over \$84,000 of 2004 expenditures had been passed from 2004 to 2005 for payment. He made these statements for the benefit of additional homeowners who had not been attending Board meetings. Mr. Wofsey reported that this Board had worked hard using recommendations provided by the Finance Committee and work of the Board members to address this debt and ensure that the budget was held to a level to pay off the debt and not incur new debt that cannot be paid in 2005. Karen VanDuser reported that she had researched where the problems started and had identified the Association had started carrying debt over each year starting in 1997. She identified that Security for the community had been un-budgeted in the year that it began and had resulted in an un-budgeted \$30,000 expense and that a snow storm in 2003 had also been un-budgeted. She explained that Boards who were present at these time had not increased dues or levied special assessments because they felt that the homeowners would not tolerate it. She reported that while she had identified some problems, she could not find any evidence of malfeasance. She stated that all expenses had been approved by the Board. She also discussed the fact that the General Ledger figures relied on by the Board of Directors in past years, did not reflect any outstanding/un-invoiced bills, so they were not fully aware of the available funds when making some of their decisions regarding spending. The homeowner from the 17400 Block of Gallagher Way stated he believed that the Accounting side of the Management Group should be held accountable for this problem. Karen VanDuser explained that the Contract called for accrual based accounting and the Management Group Contract was written in such a way as to cause the Association to bear court costs for the Management Group. Again, it was emphasized that the money was authorized to be spent in the community by the Board.

- e. The homeowner from Cannes Lane stated other Boards had not addressed these prior year bills and she commended this Board for addressing them and getting the community back on track. Ellsworth Romer stated that he appreciated all of the help and attention paid by the Finance Committee and his fellow Board members. He further stated that when he provided the Treasurer's Report the homeowners would be provided with the full picture of where we started and where we are now.
- f. A homeowner from the 17300 block of MacDuff Avenue reported that he had used the pool recently. He stated that the work required of the lifeguards to keep the pool clean was excessive due to the pine trees located outside of the fence. He suggested that the trees be removed. He was informed that the cost of tree removal was beyond the level of the budget for this year.
- g. Karen VanDuser reported that Mr. Goldman, 17300 block of MacDuff Avenue, had pursued with the county the trimming and replacement of trees on MacDuff Avenue and Hines Road.
- h. Another resident on Cannes Lane asked if the Board had instructed a homeowner to remove artificial flowers from her flower beds. The Board stated it had not.
- i. A resident from Boastfield Lane asked if there is any plan on the part of the Board to return to one reserved parking space and one guest space from the two reserved parking spaces. The Board responded that they had no such plan.
- j. A resident of the 17400 Block of Gallagher Way asked if the Association had any plans for building any guest spaces. The process of approval by Park and Planning and cost (\$1500 per space + additional reserve fund contributions) has been examined by the Board and they informed the homeowner that there are not plans to build any more parking spaces at this time.
- k. Homeowner asked if there away to pay homeowner dues quarterly. She was informed that she has the ability to pre-pay any or all of her homeowner association fees.
- l. A homeowner asked what was the procedure regarding a neighbors dog defecating in her yard. She was provided the information regarding identifying the owner and reporting to the Department of Animal Control. Ellsworth Romer informed the homeowners that the Department of Animal Control had been responsive to him with a recent problem and they had informed him that the Association was high on the list of complaints regarding dog problems.

- m. A number of homeowners joined in a discussion regarding the county services for recycle collection and their refusal to allow homeowners in townhomes to place their recycle bins directly in front of their homes for pickup. The Board already has an action item on this matter to confer with County Councilman Knapp on this matter.

#### **4. Review of Prior Meeting Minutes**

Karen VanDuser reported that the minutes had been circulated to the Board prior to the meeting via e-mail for comment. She stated a homeowner had raised a question regarding potential change during the homeowner forum. She asked for a motion on accepting or changing the minutes. Av Wofsey made a motion to accept the minutes as written. Ellsworth Romer seconded this motion. The motion was voted on and unanimously carried by the Board.

#### **5. Reports from Committees**

- a. Architectural and Environmental Control Committee

Ellsworth Romer reported on the recommendations of the AECC regarding Architectural Requests.

- 1) 17614 Longview Lane - AECC recommends approval of installation of brick pavers under deck and replacement of fence with stockade or split rail fence. Since they have a shed the AECC recommends approval of brick pavers and stockade fence due to the presence of the shed.
- 2) 4545 Boastfield Lane - AECC recommends approval of installation of the three rail split rail 48 inch fence with wire mesh in rear yard but stipulated, if the homeowner has a shed he must shield the shed with a 6 foot fence.
- 3) 4431 Cannes Lane - AECC recommends approval of replacement of shingles with same color, installation of aluminum drip edge, rake board, and caulking.
- 4) 17412 Gallagher Way - AECC recommends approval of replacement of siding and windows. The AECC recommends that the replacement of shed must be predicated on the replacement of their current 48 inch fence with a 6 foot fence.
- 5) 17309 MacDuff Ave - AECC recommends lattice shaded pergola be approved. This will be locked in the rear yard next to the existing deck.

- 6) 9 Hines Court - The AECC recommended approval of the replacement of the roof and shingles but had asked that the homeowner obtain signatures from both neighbors (either side) and provide a sample of the shingle color. This was handled at the last Board meeting and to date the homeowner has not submitted the requested paperwork and sample.

Karen VanDuser made a recommendation that all of the applications cited above with the exception of the 9 Hines Court application be approved by the Board. Av Wofsey seconded the motion. The Board voted unanimously to adopt the motion.

b) Finance Committee Report

Ellsworth Romer, Treasurer, reported that at the time the 2005 Budget was passed it was expected that \$30,000 of unpaid 2004 expenses would be passed to 2005 for payment. He reported that the actual was \$84,652.64; a difference of \$54,652.64.

Mr. Romer reported this so far this year progress has been good. The budget that was passed was \$365,482.00. In January deposits were \$38,349.76; February deposits were \$31,086.16; March deposits were \$28,525.20; April deposits were \$30,335.79; May deposits were \$48,319.30; and as of December 31, 2004 prepaid assessments available were \$18,884.22. This totals to \$195,510.34

Mr. Romer reported expenditures paid in January was \$49,771.76; February was \$10,914.88; March was \$51,083.38; April was \$34,598.14; and May was \$17,379.31. This totals to \$163,747.47

The difference between deposits and prepaid credits available to this time period and expenditures is \$31,762.87.

As of now, we have two 2004 outstanding bills which are being disputed and one bill which has been invoiced but has as yet not been paid which total to \$14,810.78. Current cash on hand is \$12,839.57 which results in the Association current deficit being \$1,971.21.

Mr. Romer stated that the worst case scenario is that we will be carrying over approximately \$1,800 in debt to 2006, but it is anticipated that we will be carrying over a zero balance to 2006 with prudent spending and oversight.

Mr. Romer stated that to address this debt the Board had taken actions to reduce spending in the area of lawn maintenance (mowing and chemicals), tree maintenance, property maintenance, the newsletter, website, and reserve contributions. However, the ability to cross to year 2006 with a zero balance is dependent on no catastrophic events such as hurricanes, snows, etc. It is important to note that we will owe ourselves money next year for reserve contributions (approximately \$30,000) and

must still be prudent to ensure that we do not experience any cost overruns in 2006 and can make the appropriate contributions to reserves.

Av Wofsey made a motion to accept the Finance Report. Jeff Chavis seconded. The Board vote of acceptance of the Finance Report was unanimous.

c. Fire Victims

Karen VanDuser reported the current balance in the Fire Victim account is \$503.79. She reported expenditures this month were for storage facility fees to carry it to September. She reported that there have been no deposits this month but that a number of furniture and household items had been collected and placed in the storage facility for the families. She reported that the desk set and coffee table which had been contributed will be useful to the Petersons. She reported the permit had not yet been received. The county is working to expedite the permit. She reminded those present that contributions can be made at the Bank of America in Olney to the Norbeck Hills Fire Victims Fund.

## 6. Old Business

### a. Board Discussion of Actions to be Taken and Voting Items

- 1) Action Item 16 - Asphalt and Concrete Bids. Ravi Parkhie was asked and responded to when bids would be expected on the Asphalt and Concrete Statements of Work. Bids are expected in the next 7 to 10 days. When received Ravi will forward these bids directly to the Board of Directors, which will be prior to the next Management Report.
- 2) Action Item 37 - Lawn Maintenance Contract. Karen VanDuser addressed her confusion regarding the actual cost of Mainscape to perform the work this year. Ravi Parkhie responded the Mainscape bid was equal to the Basic Contract - carving, mulching of trees, and turf chemicals. She was specifically concerned with whether leaf collection, tot lot maintenance and other items beyond mowing and edging were included in the cost of Basic Services, as had been in our original Statement of Work. Mr. Parkhie was confident the cost was inclusive. Karen VanDuser reported that she had followed up with calls to two of the three references. She stated these individuals were extremely happy with the services of Mainscape. She ensured that special small mower cutting was accommodated by the contractor and that special instructions were followed, including limiting use of the string trimmer. She stated one of the properties was 75 acres and others were condos where individual lawns were also cut. She reported that one of the references had stated that had started using Mainscape this year for one of their properties and they have already

turned the property around. Karen VanDuser made a motion to accept Mainscapes Bid based on signing for at total on \$18,250 for Basic Services as reflected in our template contract including leaf removal, tree and scrub maintenance, etc. This motion was seconded by Av Wofsey. The Board voted unanimously in favor of this motion.

- 3) Action Item 48 - Disputed Bills - Ravi provided copies of the returned Kenco bill. These two invoices can not be written off (\$1,553.93). With regards to H&H, Jeff Chavis suggested that we contact McCabe regarding his recommendations regarding this case. McCabe should be briefed on the case and asked if the Board should pursue this discussion and resolution or should it be handled by the attorney. The briefing should address the requirement for written approval and past practices of not requiring written approval and making payment.  
**Action Item update: Av Wofsey will go to the attorney on this issue and then Jeff Chavis will make a phone call to talk to H&H regarding a negotiated settlement and payment.**
- 4) Action Item 79 - H&H per cut performance. Since the concerns regarding the per cut performance had been delivered to the contractor, it was decided that this Action Item could be closed.  
**Action Item 79 - closed.**

**b. Board and Management Group Discussion of Management Group Assigned Item non-voting.**

Ravi Parkhie, Management Agent, needed to depart early. Therefore, he was directed to provide a written report of status on each of the following Action Items 18, 24, 33, 46, 47, 52, 55, 70, 74, 78, 80, 81, 84, 88, 92, 93, the Pool Party of 6/11 who rented and who approved, and who provided the keys and opened the gates for Time Trials on 6/11.

**c. Ravi Parkhie New Review Item**

Ravi Parkhie had presented the Board with a draft Addendum to the Trash Contract which listed all of the common trashcan locations and instructed the Trash Company to include these in normal pickups. Karen VanDuser made a motion to accept the Addendum as written and to authorize the Management Group to pursue this as an addendum to the Trash Contract. Av Wofsey seconded the motion. The motions was unanimously accepted by the Board.

**d. Board Discussion of Board Assigned Action Items**

- 1) Action Item 6 and 85 - Life-guards and Operator Information and Other Information from the Swim Team - Karen VanDuser reported

that to date the Swim Team had not supplied any of the information requested by the Board regarding qualification and presence of life-guards and availability of operators during practices and swim meets. Jeff Chavis stated, since the only keys were in the hands of RSV Pools and the Management Group. For this reason, he will be pursuing the matter with RSV Pools to see whether their staff is opening the pool for practices and meets and define that they are responsible for ensuring proper compliance with Montgomery County Code. Karen VanDuser also stated that the additional swim team registrations had not been received. Jeff Chavis will pursue with the Swim Team to updated swim team registrations. **(Action Item Updates: Jeff Chavis will pursue with RSV Pools how the pool is being opened for practices and meets and are always aware of when the pool is opened. Further, he will pursue with Becky Tener receiving the updated swim team registration forms (this information is critical to filing taxes properly for the community.)** Ellsworth Romer stated he had serious concerns regarding providing money for the Swim Team in the budget in the new budget year. Av Wofsey stated that an formal agreement needs to be established with the Swim Team to required that they have a representative at all Board meetings.

- 2) Action Item 21 - Verizon Restoration. Karen VanDuser reported she has been in contact with Timothy VanCleve of Verizon and and Briana at Cable Com regarding restoration of the common grounds and the repair of asphalt with proper hot patch where cold patches were installed. Karen VanDuser will continue to ensure that restoration actions are taken by the Verizon sub-contractor. Ellsworth Romer requested that Comcast be contacted to come in and bury their cable. Av Wofsey said he would make this call **(New Action Item: Av Wofsey will contact Comcast to instruct them that they must come in an bury all of their cable within the community.)**
- 3) Action Item 28 - Management Group Monthly Management Report Format - This Action Item was assigned to Karen VanDuser who is leaving the Board of Directors and the Community. For this reason and the improvements made by using numbered Action Items in all reporting, this Action Item is being closed. **(Action Item 28 - Closed.)**
- 4) Action Item 34 - Publication of House Rules - Karen VanDuser reported that the House Rules were available for presentation to either the Attorney or the Community. The Board decided they would first provide the House Rules to the Attorney for review and then publish it to the community in draft and finalize it after the comment period. **(Action Item 34 - Av Wofsey will sent the House Rules to the Attorney for review. After received to Attorney comments,**

**changes will be incorporated and the rules will be provided to the community in draft and final.)**

5. Action Items 53, 62, 68, and 77 - Attorney Response Attorney response to various issues including encroachment on community property, trash violation correction on homeowner privately owned property, pursuit of actions to restore property destroyed by minor children of homeowners, snow removal by homeowners of common sidewalks in front of their homes, etc. Jeff Chavis wanted to ensure that placement of grills would not preclude court/block parties. The Board determined that snow removal direction to homeowners would go out with the draft and final Budget mailing. The Board will take action to send letters to homeowners who have fence encroachment issues, now. **(Action Item New: Board will direct the Management Group to send letters to each of the fences which are currently placed on common property, certified letters to be sent by the Management Group. Board will also ensure that snow removal direction be provided to homeowners at the time that the budget is sent.)** Karen VanDuser noted that special assessment question has not been posed to the Attorney. The question regards whether a full community assessment or a court by court assessment could be levied for over-budget costs associated with removing discarded items from the common grounds. **(Action Item New: Av Wofsey will pursue the discussion of the appropriate time and parties for special assessments for community property cleanup actions necessary due to discarded items by homeowners.)**
6. Action Item 57 - Security Reporting - Av Wofsey will prepare a sample monthly report log (who, what, where, when report) which reflects entry to courts, incidents time and location, etc. and define what information should be submitted with time reporting monthly by the Security Guards. **(Action Item 57 update: Av will develop this and deliver and discuss with Ellsworth Romer over the next two months.)**
7. Action Item 58 - Posting Web Address at the Pool - Karen VanDuser noted that the bulletin board at the pool is now in worse shape than previously reported. **(Action Item New: Av Wofsey will work with the Management Group to have the Bulletin Board removed.)** **(Action Item 58 - posting of the web address at the pool has been closed due to the interior bulletin board being Anaconda only.)**
8. Action Item 86 - Basketball at the Pool Av Wofsey is still working with Mr. Henderson to get the basketball net moved to the pool. Jeff Chavis had sent some recommended times and days (Monday, Wednesday and Friday 11AM to 6:00 PM) to RSV Pools regarding

basketball setup and pull down. Karen VanDuser noted that the trash can surround from Jenner Court would need to be moved to the pool as well. **(Action Item 86 update: Work continues by several Board members to get the basketball net to the pool and to get RSV Pools familiar with the rules of play.)**

9. Action Item 101 - AECC Violations with Impact to Continued Use of Pool - Ellsworth Romer reported that he will follow-up on violation letters just sent and correction activities and provide a list of suspended pool access to the Management Group shortly after the next Board meeting. **(Action Item 101 update: Ellsworth Romer will monitor repairs and corrections to violation letters just mailed and will provide a list of suspended homeowners shortly after the next Board meeting on July 21.)**

## 7. New Business

- a. AECC Exterior Colors update to AECC Guidelines - Karen VanDuser reported that she had received from Ellsworth Romer the minutes of an AECC meeting held in April 2000 where additional colors for exterior trim and shutters had been approved. She has retyped this list (see Attachment 1) and made a motion that the AECC Guidelines be updated to reflect these new colors. The motion was seconded by Ellsworth Romer . The Board voted in favor of the motion. **(New Action Item: Karen VanDuser will send the list of colors to Ravi Parkhie for an update of the AECC Guidelines and e-mail a copy to Jeff Chavis for posting on the web.)**
- b. Pool Party Guidelines - Karen VanDuser provided the current Pool Party Guidelines to each Board member and requested that they review them and provide any comments or updates by the next Board meeting. **(New Action Item: Each Board member to review the current Pool Party Guidelines and provide comments via e-mail for Board discussion prior to the next Board Meeting when the Pool Party Guidelines will be finalized and provided to the Management Group for issuance to the community.)**
- c. Fire Marshal Report - Karen VanDuser brought to the Board's attention that the Fire Marshal Report of firelanes provided by the Management Group in the April Management Report did not show all yellow curbs. She noted the Board must make a decision on what will be provided under the Asphalt and Concrete Repair Statements of Work as guidance for where fire lane painting must take place.**(New Action Item: Board to review and make a determination regarding what should be attached to the contract to provide guidance on fire lane painting.)**

- d. Replacement of Swing at Sandy Knoll Tot Lot - Karen VanDuser asked what the Board wanted to do regarding replacement of the swing at the Sandy Knoll Tot Lot. Jeff Chavis stated that he would pursue with the Management Group getting estimates for the swing replacement. **(New Action Item: Jeff Chavis to pursue with the Management Group the costing of the replacement of the broken swing at the Sandy Knoll Tot Lot.)**
  
- e. Board Member Acts of Nepotism - Av Wofsey proposed that any employee of a contractor or a contractor cannot be relative of a Board Member. The Board agreed that a Code of Conduct for the Board should be developed. **(Action Item new: Board to develop a code of conduct).**

## **8. Adjournment**

The Board meeting was adjourned at 9:55 PM.

## AECC GUIDELINES ADDENDUM

The AECC at their April 6, 2000 meeting approved the following:

Glidden Colors for Shutters: Shadow Play, Evening Shadow, Dove Gray, Rich Mocha, Wright Stone, and Prism White

Glidden Colors for Trim: White Buck, Cornerstone, White on White, El Dorado Tan, Coach House Brown, and Colonial Red

McCormick Colors for Shutters: Kingston Clay, Wheat, Farm House Red, Patuxent Blue, and Smokey Pewter

McCormick Colors for Trim: Colonial White, Cobblestone Gray, Amber White, Sugar Loaf, and Newport

Duron Colors for Shutters: Oak Flat, Cockatoo Gold, Deep Space, Scrubgum Green, and Cherry Rose

Duron Colors for Trim: Bay Bridge, Briney Deep, Mysterious, Beach Basket, Tattersall Brown, and Silver Slipper

Sherwin-Williams Colors for Shutters: Black Sea, London Fog, Umbrella Black, Touchstone, Tricorn Black, Stone Cutter, Steeple Gray, Gray Bridge, and English Ivy

Sherwin-Williams Colors for Trim: Nimbus White, Polar White, Riverstone, White Heron, Windfresh White, Natural Tan, Cocoa Shell, and Midland Green

These colors were never added to the AECC Guidelines formally by the Board of Directors. These were be additional color choices to augment the list and update it to a more current compatible color palette.