

Norbeck Hills Homeowners Association
Board of Directors Meeting
November 16, 2006

(As Amended and Approved at the January 22, 2007 Board of Directors Meeting)

Board Members Present: Barbara Beccles, President
Louie DiPlacido
Av Wofsey

Board Members Absent: Ellsworth Romer
Eva Tax

Others Present: Ruchita Patel, Management Agent
Officer Aubrey Arnold
Dele Awoniyi
Grace Bennett
Odessa Henderson
Maureen James
Folly Kuevey
Jean Pannoni
Ann Roldan
Edna Woodard

Call to Order

The meeting was called to order at 7:02 p.m. by Board President Barbara Beccles.

Homeowner Forum

Jean Pannoni of 4501 Cannes Lane advised that she had recently painted her house, but received a letter that her home was painted an unapproved color. She requested approval from the Board to keep the home the existing color. She advised that her neighbors had seen it and had no problem with the color. Barbara Beccles advised that she had also seen the color and agreed that it was acceptable to remain. The Board's consensus was to allow the paint color for Ms. Pannoni's home to remain as is.

Ms. Pannoni advised that, in her opinion, the community looks much better than it has in the past. Some of the neighbors with whom she had spoken believe that the letters are too nitpicky; however, she does not believe that the letter she received was. Barbara Beccles advised that she had seen more smiles than frowns in the community and believes that most residents are pleased with the neighborhood. Based on a concern raised by Louie DiPlacido, a discussion regarding whether to send letters to homeowners regarding maintenance issues would be held later in the meeting but, in her opinion, there must be some documentation that a violation has been noted. Homeowners are welcome to respond to these letters if they believe that they were cited incorrectly. One of the reasons that the community looks better is because of the enforcement process.

Ms. Pannoni agreed that requiring homeowners to place their trash out in trash cans looks better and prevents birds and cats from picking apart the trash bags. Barbara Beccles added that this also keeps rats from infesting the community.

Louie DiPlacido stated that, in his opinion, a large percentage of the letters that are issued are appropriate, necessary, and courteous. However, a small percentage of the letters should not have been sent out; instead, the Association should have called the homeowner to determine why a situation was as it was. Av Wofsey disagreed and gave an example of a situation in his own job in which a person had been called six times about a particular problem. These individuals then went to the Board of Education and denied ever receiving the calls. Barbara Beccles explained that letters are used for documentation purposes, and homeowners are always welcome to respond. Ms. Pannoni added that people are working and do not always answer their phones. Louie DiPlacido advised that he is not advocating for everyone to receive a phone call; however, he ran for the Board for two reasons, one of which is to try to prevent harassment by the Board through the maintenance letters. A discussion ensued. Barbara Beccles advised that the letters also ensure that everyone is treated the same way.

Ann Roldan of Goose Creek Road advised that she has attended several meetings over the past year, at which the same issue has been raised by Mr. DiPlacido. She expressed her hope that this issue would be put to rest once and for all. She whole-heartedly believes that letters are necessary, not only for documentation purposes, but also to improve the appearance of the community. She pointed out that the letter does invite homeowners to contact the Association if they have questions about what they were cited for or if they believe they were cited in error.

Folly Kuevey stated his hope that the Board does not show favoritism through who gets letters. He raised some questions regarding the budget. Barbara Beccles requested that these questions be deferred until the budget was discussed.

Mr. Kuevey questioned why the last statement on the website was from June 2006. He believes that TMGA maliciously did not respond to his questions raised in his October 21, 2006 e-mail. Ruchita Patel advised that, in this e-mail, Mr. Kuevey did not state to what financial statements he was referring. Therefore, Ms. Patel based her responses on the most recent statements available, which were the September 2006 financials. Folly Kuevey advised that Ms. Patel should have known that he was referring to the June 2006 financial statements, even though he did not specifically state this in his e-mail, because these were the last statements posted.

Dele Awoniyi advised that his account was delinquent and that he had received correspondence from the Association's attorney. Ruchita Patel advised that this matter could be discussed in Executive Session if Mr. Awoniyi preferred; however, Mr. Awoniyi advised that he did not mind discussing this in open forum. After a review of Mr. Awoniyi's account based on the information contained in the management report, the Board advised the homeowner that they did not have enough information to determine why his account was delinquent. Ruchita Patel will research the account and will advise the Board of Directors. They will do an e-mail vote regarding Mr. Awoniyi's account prior to the January 2007 meeting.

Odessa Henderson questioned who did the inspections. Barbara Beccles advised that TMGA is contracted to do the inspections. Ms. Henderson advised that she had received two letters over the course of two days and believes that they should have been sent at the same time. However, she acknowledged that the issues for which she was cited were valid and that she is working on making the necessary repairs. In the meantime, her neighbor several doors down has a fence that is not in accordance with the guidelines and she questioned whether they were being cited as well. Barbara Beccles advised that it was very possible that they were cited, but that the information was not available at that time. Barbara Beccles advised that the enforcement process takes time to complete. Odessa Henderson advised that she was happy to hear that enforcement was being done fairly. Ruchita Patel advised that she will place Ms. Henderson's issue on hold until the spring so that she had time to address them.

Odessa Henderson advised that she had spoken with Patty from Portugal Construction. Before the concrete repair work was done, Portugal Construction spray-painted "No Parking" on the concrete that was scheduled to be replaced. When Ms. Henderson questioned Patty as to when the work would actually be done, Patty could not tell her. Since the work was scheduled to be done in front of both of Ms. Henderson's parking spaces, she had hoped that she would get more notice. Folly Kuevey stated that residents should have been told that the work was scheduled to occur. Ruchita Patel explained that this was not easy to do because the work was dependent on weather. Av Wofsey cited an example from earlier this year regarding bushhogging of the drainage culvert.

Barbara Beccles warned Folly Kuevey that, if he did not settle down, he would be requested to leave the meeting. The warning was based on Mr. Kuevey interfering with the conduct of the meeting, interjecting himself into other residents' speaking time and dominating the discussion. He did not sit down when requested by Barbara Beccles.

Grace Bennett advised that she had received a maintenance letter regarding mold on her roof. She advised that it is from her neighbor's tree. Ruchita Patel explained that another member of her staff had conducted the inspection this fall and that this was something that she would not have cited. She will close the violation and will ask Ms. Bennett's neighbor if he would prune back the tree.

Folly Kuevey questioned how the trash violation process works. The Board advised him that, if a violation is noted, a work order is issued to the handyman and the bill is charged to the responsible homeowner if that person can be identified. Ruchita Patel advised that the number of trash violations had significantly decreased since summer 2005.

Folly Kuevey questioned which insurance policies cover TMGA. Barbara Beccles and Ruchita Patel advised that the Association's Directors & Officers policy covers the management agent. In addition, TMGA has an Errors & Omissions policy, which is in place primarily to protect its clients. Ruchita Patel explained that, per the terms of the management contract, Norbeck Hills is required to hold TMGA harmless if TMGA is sued for conducting its management activities, provided that it does not do so negligently or with willful misconduct. Louie DiPlacido expressed concern that, because TMGA is covered, they may not care if they are sued. Ruchita Patel quoted from the actual management contract to confirm that this was not, in fact, the case.

Barbara Beccles closed the Homeowner Forum and stated for the record that a quorum of Board members was present.

Meeting Minutes

Barbara Beccles moved to approve the minutes from the October 19, 2006 meeting with the following change:

The spelling of Ann Roldan's name was corrected.

The motion was seconded by Av Wofsey and passed unanimously.

Committee Reports

a. Swim Team

Maureen James advised that the swim team is planning a holiday party. She thanked Ruchita Patel for including the flyer in the most recent mailing. A copy of the flyer will also be included on the website and posted on the bulletin board.

Ms. James advised that the swim team will clean and seal the wooden partition separating the bathhouse from the pool deck.

Ms. James thanked the Board for including the requested swim team budget in the Association's budget. Folly Kuevey questioned whether funding the swim team was legal. The Board replied that it is.

b. GOCA

No report.

c. Newsletter

Ruchita Patel advised that she was writing the newsletter as per Ingrid Romer's request. Hearing no objection from the Board, she advised that the newsletter would be mailed to all homeowners with the final budget. The deadline to submit articles will be November 27, 2006.

d. Website

No report.

e. Pool Comm

Greg Lawson for the upcoming season until the January 2007 meeting.

The Board reviewed the pool furniture inventory as prepared by RSV Pools and requested that bids be obtained to replace the umbrellas and chairs as indicated.

f. AECC

Av Wofsey moved to approve the Architectural Change Request form submitted by Don Henderson of 17224 Sandy Knoll Drive to replace his existing fence. The motion was seconded by Louie DiPlacido. Av Wofsey advised that Mr. Henderson will be replacing the fence with the same style and in the same location. The motion was approved unanimously.

Av Wofsey moved to approve the Architectural Change Request form submitted by Ann Roldan to install a fireplace and chimney. The motion was seconded by Louie DiPlacido and passed unanimously.

The Board deferred a discussion regarding possible architectural violations at 17514 Gallagher Way until the January 2007 meeting.

g. Grounds Committee

The Board reviewed proposals submitted by three contractors to remove trees throughout the community. After discussion, Av Wofsey moved to award the contract to AMS Tree Care for a total cost of \$1,165.00. The motion was seconded by Louie DiPlacido and passed unanimously. Louie DiPlacido questioned whether Ellsworth Romer was going to pay for the cost to grind out the stump in the parking finger in front of his home. Ruchita Patel advised that he had confirmed that he would do so earlier this year. Now that a contract has been awarded, she will advise him of the cost.

Financials

Ruchita Patel provided the finance report for the statements ending October 31, 2006.

2007 Draft Operating Budget

The Board answered questions regarding the budget. Some of the questions raised included funding for the swim team, income taxes, the security costs, reserve funding, what is done with the excess income, and whether the single family trees should be pruned.

Av Wofsey moved to set aside \$5,000.00 to prune trees in the single family sections of the community in 2007. The motion was seconded by Barbara Beccles and passed 2-1. Louie DiPlacido voted against.

Av Wofsey moved to approve the 2007 operating budget with the following changes:

- a. The Tree Maintenance budget was increased from \$7,000.00 to \$12,000.00
- b. The contingency fund was decreased from \$24,000.00 to \$19,000.00.

The motion was seconded by Barbara Beccles and passed 2-1. Louie DiPlacido voted against the motion.

Taping of the Meeting

Upon his departure, it was noted that Folly Kuevey had been taping the meeting. Officer Aubrey Arnold advised that this is not permitted without the individuals who are being recorded consenting. A discussion ensued, during which strong objections were raised by the individuals remaining at the meeting that they did not know that Mr. Kuevey was recording the meeting. They requested that the tapes be retrieved from Mr. Kuevey and that he be strongly reprimanded. Louie DiPlacido passed out an article he had clipped from a newsletter and advised that there should be a policy regarding taping the minutes. Ruchita Patel advised that the newsletter article referred specifically to a government agency, which was a public entity and may be subject to different rules. After an extensive discussion, the Board requested a written opinion from Jack McCabe regarding taping the meeting. They also requested that Jack McCabe request Folly Kuevey return the tapes.

Old Business

The Board's consensus was to defer a discussion of the Board meeting schedule until the January 2007 meeting.

Barbara Beccles thanked everyone for their diligence and hard work over the past year.

Adjournment

The meeting was adjourned at 9:30 p.m.

Submitted by Ruchita Patel, The Management Group Associates

RP/vl
NH – III6, III6c