

## **Minutes of the February 17, 2004 Meeting of the Board of Directors of the Norbeck Hills Homeowner Association**

Board Members Present:     Jeffery 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.  
                                  Eight (8) Homeowners (see attached sign-in sheet)

The meeting was called to order by Jeffery Chavis, President, at 7:04 PM

### **1. OPENING REMARKS**

Mr. Chavis opened the meeting by stating to the homeowners present that the order of business would begin with brief reports on items that the Board viewed as general interest to the community.

Ms. VanDuser presented information regarding the progress of efforts in support of the victims of the community fire. Ms. VanDuser provided the totals for money collected, spent, and remaining. She explained how the monies were being used and provided information regarding the on-going expenses anticipated. She also reported on what activities are planned “to get the word out” regarding the specific items of need for each of these homeowners and the status of progress being made in restoring these properties and getting these homeowners back into their homes.

Mr. Romer informed the homeowners of the continuing activities associated with addressing vehicles parked in the firelanes and enforcing parking restrictions at the pool parking lot. He stated that six (6) cars had been pulled in the past weeks for parking in firelanes and at entrances. He informed the homeowners present that a sign had been placed at the entrance of the pool parking lot stating that the parking lot could not be used from September 15 to May 15 except when for parking while playing tennis. He explained the reason for this restriction was to ensure that the Snow Contractor and the Lawn Maintenance Contractor had a staging area for equipment and materials. He, further stated, the Snow Contractor would be placing equipment, sand, and ice melt products in this area. **(Action Item: Ravi Parkhie to remove old signs in front of the pool that authorize 24**

**hours parking, since these are confusing now that we have placed the new sign at the entrance.)**

Mr. Chavis reported that the snow contractor was performing well and feedback from the residents had been positive. He mentioned that the contractor performance on the first snow had not been at the level expected by the Board and that a meeting with the contractor had resulted in the contractor making immediate corrections. Several homeowners present responded that they too had been satisfied with the Snow Contractor's performance.

Karen VanDuser reported that the full snow contract and the trash policy had been placed on the Associations website.

Mr. Chavis encouraged homeowners to use the forum time to bring up any topic, since this was their forum. He directed them to look at the Agenda and to be sure to address any items, to which they wanted to provide input, prior to the Board taking actions later in the meeting, during their business meeting. He then opened the Homeowner Forum.

## **2. HOMEOWNER FORUM**

- a.** A resident of Fishermans Lane asked the Board to provide information on whether a Finance Committee meeting had been conducted since the last Board Meeting. The Board informed the homeowner that a meeting had not been conducted but was scheduled to be conducted in the near future. A member of the Finance Committee stated that he had talked to the Treasurer and that a meeting was scheduled of the first week of March and the Treasurer had provided him with some documents and assignments to ready himself for the meeting.
- b.** The same resident of Fishermans Lane asked whether the Board meeting dates for their next meetings had been set. She was informed by Mr. Chavis that they were set for the third Thursday of each month and would be held in the REMAX Community Room. He also stated that he would have the next three meeting dates, location, and time posted on the Association's website **(Action Item: Jeffery Chavis will contact Karl Borst to have these dates, locations, and times added to the website information.)**
- c.** A resident of Cannes Lane stated that her car had been blocked by snow deposits. When questioned regarding when this happened, she stated that it was during the first snow and the problem had not recurred. This led to a discussion by the Board regarding the procedures homeowners should follow when reporting problems with the contractor or other issues associated with snow. Ravi Parkhie stated that homeowners should call the Management Group phone number when these problems arise. The Board reminded Mr. Parkhie that a full set of call procedures was necessary, not just the procedures for the contracted answering service used by the Management Group.

**(Action Item previously assigned to Ravi Parkhie was further defined to ensure that Board can provide information to homeowners regarding what they can expect in terms of response times for call-back, action, etc.)**

- d. A homeowner who lives on Goose Creek asked about the Verizon work activity in the community and whether the Association was informed of this activity before it began. She also asked if the Board was aware of the damage to the common grounds (ruts, disturbed earth, etc.). She was informed that Verizon had not contacted the Association prior to entering the property nor had they had approached the Association to discuss what they were doing and how they were doing it, since they entered the community. She was told about a recent television news segment regarding homeowners and Verizon activities. Further, she was informed that a Board Member had approached the Verizon on-sight foreman and was told that they would seed and lay straw. She provided information that she had obtained when gas lines were rerouted on Goose Creek this summer. Specifically, she informed the Board that there is a county service that coordinates restoration of grassy areas with sod.  
**(Action Item: Board to pursue restoration with Verizon and County in the Spring when we can assess all of the damaged areas.)**
- e. The Goose Creek homeowner also asked whether the Board was aware of the house on Longview Lane that had had no siding for some time. She was informed that the AECC was aware and was monitoring the progress on this home. She then asked what could be done about the trailers parked on the county roads. She was informed of the county law, what direction had been provided to our security officers regarding the trailers, and who to call regarding these trailers.
- f. A Fishermans Lane homeowner asked if the 2004 debt carried over to 2005 had been cleared. Karen VanDuser report that all of the debt had not been cleared as yet and that the Treasurer would be providing a report later in the meeting (Bill Hicks arrived late to the meeting and was not present at the time of this question.) The homeowner asked what amount remained to be paid and whether the homeowners could be provided with information from the Management Report that showed what bills were paid in November, December and January. Karen VanDuser stated that this information would be provided to the Finance Committee and the amount paid and the amount carried over would be reported. The homeowner again asked what remained to be paid. Karen VanDuser said that she had done her own calculations but the Treasurer's Report and Finance Committee Report would provide the official figures. The homeowner asked for Ms. VanDuser's figures. Ms. VanDuser stated that the amount still remaining to be paid was approximately \$30,000. The amount carried over was between \$54,000 and \$55,000 and again stated the official figures would be provided by the Treasurer and the Finance Committee.

- g. A homeowner on Cannes Lane made a statement to the residents that she had been harassed by the Association when she parked her third car on MacDuff for an extended period of time. This led to a discussion of the steps that had been taken to get her to comply with the county law for this county road. These included a great deal of time and effort expended assisting her in trying to resolve her automobile title problem and her refusal to comply with the law by just rolling the car forward a few feet every few days. A Board Member stated that she was misrepresenting the facts regarding what had really happened to those homeowners present.
- h. This same homeowner asked “why is the Board harassing a homeowner on Cannes Lane regarding his fence?” She was informed that the Cannes Lane homeowner she was saying was harassed had come to the Board requesting AECC approval for a change that had already been completed. The change involved the construction of a cinder-block wall. The Board explained that, since this type of alteration required a building permit and a survey, the AECC had simply asked to see these documents, prior to making its decision to approve or deny the application. She was informed that it is the responsibly and right of the AECC to ask for this information. She was told that this right was clearly described within the Declaration of the Association.
- i. A homeowner who resides on Fishermans Lane asked if the parking lots in the townhomes would be stripped and stenciled this year and was informed by the Board that they would be.
- j. A homeowner on Gallagher Way informed the Board that there was an attempted vehicle theft which was thwarted on that street. He stated that the perpetrators got away and that the event occurred around 3:30AM. The Board responded that Security is aware of some of the individuals who engage in this type of activity and has not been able to catch them in the act. **(Action Item: Board needs to ensure that Security is informed of this incident.)**
- k. Another homeowner on Gallagher Way informed the Board that there is a homeowner on their street who repeatedly calls the police regarding her child and his playmates. She was informed by the Board that the homeowner has this right and that the police will inform the homeowner when they feel that he is becoming a nuisance caller.
- l. A homeowner who resides in a townhome on Sandy Knoll addressed concerns regarding the Parking Policy. She had mailed in written comments regarding the draft Parking Policy and had been encouraged to come and discuss them with the Board. Her specific concern was the inclusion of the townhome parking space dimensions and parking guidance in the draft policy. She stated her belief that this limited size of vehicles to an extreme. After some discussion of where the dimensions had come from, the need of the Board to write a policy that ensured two way traffic flow, and discussion of the county

parking space requirements at the time the community had been built, she stated that she would be satisfied with leaving the language in Section IVb the same as had been drafted. However, she desired that the parenthetical information of dimensions state that these dimensions were to be viewed as informational by leaving them off-set by parentheses and adding the word “generally” before the dimensions. The Board agreed to do this. **(Action Item: Board should make the editorial change of adding “generally” to the parenthetical information in Section IVb of the Parking Policy before issuing it as a final policy.)** The homeowner asked why the Board had include a height restriction within this paragraph. She was informed that the height did not include roof racks on SUVs (her primary concern) and that the height restriction was placed for safety reasons associated with back out of parking spaces when between vehicles (visibility concerns) and that it augmented some of the other definitions and restrictions within the policy. She stated that she was satisfied with the changes offered by the Board and the explanations. She, also, stated that she was satisfied with the policy with this one change, as agreed to by the Board

- m. Another homeowner who lives on Gallagher Way, asked why the Board continued to be so restrictive in its parking policy when it came to “commercial vehicles”. He was informed that the Board is responsible for developing policies that uphold the governing documents of the Association (By-Laws, Declaration, and Articles of Incorporation). Since the Declaration, specifically states in the restrictive covenants portion of the document that there shall be no commercial vehicles, the Board must uphold this restriction. The homeowner asked about changing the governing documents and was told that 2/3 of all homeowners must be willing to change the documents and that there are other entities (mortgage holders, etc.) who must also approved such changes. He was informed that, in short, it is very difficult to do. He stated his opinion that we (the Norbeck Hills Community) was made up of working class people and that these restrictions would drive out the working class from the neighborhood. He went on to state that it was his opinion that the continued adherence to the commercial vehicle restriction would result in the community becoming, primarily, a rental community. He was told that he could pursue changing the governing documents on his own, but the Board was not sponsoring or pursuing this avenue itself.

The President of the Board called Homeowner Forum to a close to begin the Business portion of the meeting at 8:45 PM.

### **3. REPORTS FROM COMMITTEES**

#### **a. Architectural and Environmental Control Committee**

Ellsworth Romer reported that the Architectural and Environmental Control Committee had received and reviewed five(5) applications since the last Board meeting. He stated that one had been received the day of the Board Meeting and the committee had not yet reviewed it. He went on to talk about each of the reviewed applications and the recommendations of the Committee.

4500 Cannes Lane - replacement of existing fence with Wyngate style fence - Committee recommends approval

24 Hines Court - replace damage fence portions and change location of the gate - Committee recommends approval

24 Hines Court - request delay in fixing fence to be completed April 15, 2005 - Committee recommends approval

4406 Cannes Lane - Retaining Wall, Stockade Fence, and Patio - Since the homeowner has already completed the work and is now seeking approval paperwork, the Committee has requested additional information from the homeowner. They will review this information and then make a recommendation to the Board. Specifically, they have asked for evidence of a building permit, a survey of the property to insure that it is on the applicant's property, and the signature of the next door neighbor, since the neighbor was not given the application to sign. The application signature requirements are described on the application and calls for the signature of those who would be most affected by the change. These signatures are, generally, obtained prior to the work being started. This process provides an opportunity for the affected homeowners to be notified and allows them to then register their concerns with the AECC prior to completion of the application review process.

17402 Gallagher Way - replace an existing sliding glass door with a new sliding glass door - The Committee recommends approval of this application, but requests for the records of the Association that the homeowner define if this is a basement or main level sliding door (the homeowner has two sliding doors on his home).

17600 Longview Lane - install a satellite dish on the deck at the rear of the home for DirectTV access - The Committee recommends approval of this application.

Ellsworth Romer then made a motion that the applications for 4500 Cannes Lane, 24 Hines Court, and 17600 Longview, and 17402 Gallagher Way be approved by the Board. Karen VanDuser seconded this motion. The vote of the Board present at the time (Bill Hicks had not arrived, as

yet) was unanimous. **(Action Item: Ellsworth Romer is to returned signed applications to Ravi Parkhie. Ravi Parkhie is notify the homeowners of the approval and obtain information from the homeowner at 17402 Gallagher regarding which of the sliding doors is being replaced to complete the Association's records.)**

**b. Newsletter Committee**

Ingrid Romer reported that most of the newsletter articles have been drafted and the Newsletter is still on schedule for publication in early Spring. She stated that a draft will be provided to the Board for review in early March.

**c. Security and Parking**

Ellsworth Romer reported that a list of addresses and automobile descriptions had been provided to the Community Officer at the Montgomery County Police Department. These addresses and vehicles are suspected as being used as part of the ongoing drug activities in the area.

He reported that our own Security force, also, has this information and is working to resolve the problems in the community which include drug activity, auto theft, and vandalism. He, again, reported that our Security Force and Tow Contractor have been addressing parking problems throughout the community and the Security Force has been active in citing traffic offenders.

**5. OLD BUSINESS**

**a. Approval of the Past Meeting Minutes, Reading of Board Activities since Last Meeting into this Meeting's Minutes, and Update of Action Items**

Karen VanDuser stated that the prior meetings minutes (Minutes for January 20, 2005 meeting) had been delivered electronically to all of the Board members for review and comment prior to this meeting. She made a motion that the Minutes for the January 20, 2005, meeting be approved. Ellsworth Romer seconded this motion. The Board Members present voted unanimously to accept the minutes as written (Bill Hicks had arrived, at the time of this action). She also made a motion that the Completed Action Items and Other Actions Completed be made a part of this meetings minutes (Attachment 1). The motion was seconded by Ellsworth Romer and was passed unanimously by the Board. Ms. VanDuser then requested updates on two Action Items assigned to the Management Group. She was informed that the Management Group has requested a Fire Marshal report, which would define where firelanes are designated (this report will insure that all curbs are properly painted and

signs posted), and expects the report to be delivered soon. The Management Group report on the second Action Item was that they would review their records to see if there has been proper follow-up on the house with the replaced shutters on Boastfield Lane. The Management Group will report to the Board at the next meeting.

**b. Treasurer’s Report**

Bill Hicks reported that he would be calling a Financial Committee meeting in early March.

Karen VanDuser discussed with him that fact that she had started with the information provided to the Financial Committee in November which listed anticipated bills and had applied the information from the Cash Distribution Sheets. She had found that the carryover was approximately \$22K higher than had been projected. Mr. Hick stated that the Finance Committee would have to verify this number.

Ellsworth Romer stated that in the Management Report there was an e-mail that showed that an Operating Fund account at Chevy Chase had been closed. He emphasized, that it was not until he received the Management Report, he became aware of this action. Karen VanDuser stated that this was a surprise to her, as well. Jeffery Chavis stated that he was aware of this and had been cc’d on the e-mail. However, he would take action to ensure that, in the future, all Board Members would at least be notified, whenever money was moved from one account to another. Ellsworth Romer stated that the Board should be notified of the intent and have time to weigh in on these decisions prior to action being taken. Jeffery Chavis voiced his agreement to this, as did Karen VanDuser. All agreed that the closing of this account was appropriate and that the money had been deposited in the operating fund checking account. The discussion was one of insuring open communication and information sharing among all Board Members.

**c. Parking Policy**

Karen VanDuser restated that, as a result of the Homeowner Forum discussion, the word “generally” would be inserted before the dimension of the parking space provided in Section IVb of the Parking Policy. **(Action Item: Karen VanDuser to make the change to the document in preparation of the final Parking Policy vote at the March Board Meeting.)**

**d. Letters Regarding Juvenile Crime**

Karen VanDuser stated that a decision was made at the January 20 meeting to compose letters to three government entities to seek their assistance in resolving the community's juvenile crime problems. She stated that she had prepared these letters (Attachments 2, 3, and 4) in two formats: 1) all Board Members signatures, and 2) just the President's signature. She asked which version everyone wanted to use and that she was would like to sign. All agreed that the version bearing all Board Members signatures would be used and the letters were signed at the meeting. **(Action Item: Karen VanDuser to mail these letters out and provide record copies to the Management Group for the Associations files.)**

## 6. New Business

### a. Motion to Balance the Budget

Karen VanDuser explained that the action taken at the January 20 Board Meeting to waive homeowner assessments for three months for each of the three homeowners who were affected by the fire has resulted in a need to balance the budget (anticipated income vs expenses). She offered a motion that the budget line items "community events" and "community contributions" be brought to zero from the originally budgeted amount of \$250, and to fund the remaining \$107.50, the "newsletter" line item in the budget be reduced from \$250 to \$142.50. The motion was seconded by Jeffery Chavis. The vote passing this motion was unanimous.

### b. Motion to Suspend Late Fees for Fire Victims

Karen VanDuser made a motion that "Since the fire victims may fall behind on their association fees due to cash flow constraints, the Board should proactively assert that late fees on past due fees will not be incurred until the homeowners have returned to the community. At that time, the Board will work to establish an agreed upon repayment plan for past due assessments." This motion was seconded by Ellsworth Romer. The vote to pass this motion was unanimous. **(Action Item: Treasurer and Management Group should work to ensure that accounting issues raising from this motion are addressed, appropriately prior to homeowners reentering the community.)**

**c. Board Discussion of Outstanding Questions and Issues**

Ellsworth Romer stated the he wanted to be sure that a written agreement be established with the off-duty police officers who we use for security. In this agreement, he wanted to insure that they reported “In and Out times” on their timecard submittal of hours spent in the community. Additionally, he wanted to ensure that a “Security Log” was kept and provided under the agreement at prescribed intervals. This “Security Log” should capture “Incidents, Action(s), and Follow-up Actions Planned.” Mr. Romer offered a motion to establish this written agreement with the requirements that he had just discussed included. This motion was seconded by Av Wofsey. The motion was approved by the full Board.

**d. Motion on Two (2) Commercial Vehicles**

Ellsworth Romer explained that the action of the prior Board to waiver the restrictive covenant that precluded commercial vehicles from parking on community property was inappropriate. He, further, stated that this waiver had been of concern to the Association attorney. For these reasons, he made a motion that the action of the prior Board be rescinded and that the two homeowners be informed that they had 30 days to find a place to park their vehicles. Karen VanDuser seconded this motion. The motion was voted on by the Board and carried with a majority vote. (The two homeowners who have been grated the waiver had been invited to and were present at the Board Meeting and were informed by witnessing this vote.)

**e. Discussion of Possible Guidelines for Community Regarding Drinking, Sunbathing, and Grilling in the Front of Homes**

Ellsworth Romer explained that he had been approached by homeowners on more than one occasion with complaints regarding drinking of alcoholic beverages in front of the townhomes, sunbathing in the front yard of townhomes, and grilling in the front of both single family and townhomes. He stated that these complaints dealt with questions as to whether there were any restrictions for these activities and concerns about the curb image of the community. The Board engaged in a discussion regarding whether these activities were taking place in front yards or common property. Mr. Romer stated it was his understanding that most of the occurrences were in front yards. There was some discussion that open containers might not be enforced by police unless they were on common property. There was some other discussion regarding distance from a structure that might be required by fire code for grilling. Since no one on the Board had full knowledge of the various ordinances, several Board

Members offered to take one of the three concerns for further research.  
**(Action Item: Ellsworth Romer will research sun bathing restrictions.  
Action Item: Av Wofsey will research drinking of alcoholic beverages  
in public view. Action Item: Karen VanDuser will research  
restrictions regarding grilling.)**

**f. Board Discussion of Outstanding Questions and Issues**

Because the Board Members had experienced some problems in this and past meetings in being kept fully abreast of actions taken within the Association, there was a re-enforcement of the requirement that all communication with the Management Group from the Board would be through the President of the Board. The Management Group is to direct all e-mail and phone inquiries to the President of the Board. The Board President is responsible for insuring that all of the Board Members are kept informed of direction given to the Management Group or another Board Member, and any inquiries from the Management Group or fellow Board Member. Board Members were encouraged to address their e-mails to ensure that all Board Members received a copy of their questions and/or responses. Further, it would be the Board President's decision, if he wanted to delegate someone to act for him, when he was out of town. If this action to delegate was taken, all parties would be informed by e-mail.

The Management Group was informed that no action should be taken unless the decision for action was provided by the President of the Board. All phone conversations between the President and the Management Group, which might provide direction, would be followed by an e-mail to satisfy the written direction clause of the Property Management Contract.

**g. Management Group Report**

Ravi Parkhie reported on the items accomplished by the Management Group since the last Board Meeting. These included providing possible articles for the Newsletter, getting the Trash Contract Addendum signed by the contractor without the requirement to call ahead for bulk pickup on Saturdays, providing an updated Court and Street Captain list to Barbara Beccles, developing of Key Control procedures, following up with the Snow Contractor, authoring Sample Trash Letters for homeowners who violated the Trash Policy, sending the Draft Parking Policy to homeowners, working with Accounting regarding Waiver for Homeowner Dues for Fire Victims, providing Outside Pool Membership documents (samples) for Board review (February Management Report), installing a no-parking sign at the pool, performing site inspections, and preparing and issuing the Request for Proposal for the asphalt and concrete repairs called for in the Reserve Study addendum.

Mr. Parkhie emphasized that the pool season is fast approaching and the outside pool membership packets needed to be reviewed and direction given by first or second week of March (**Action Item: Board and Pool Committee to review the information provided in the Management Report and provide direction to the Property Management Contractor by the second week of March**). Jeffery asked if the prior year outside members would all receive letters. Ravi said that all prior year outside members would receive letters and that the labels had been updated for new outside members last year. The Board needs to set a threshold of late assessment for homeowners. It is currently set to 60 days. (**Action Item: Board needs to confirm whether to set 60 days this year and provide some guidance regarding letting in banned homeowners as guests of another homeowner.**) He also reported that he would be conducting contractor walk-throughs of the property on the next day (Friday, February 19) in support of getting proposals for the asphalt and concrete work.

Several Board Members mentioned that the Management Report this month contained a great number of pages that were copies of e-mails that had been part of the Board conversations on various issues. They approximated 150 pages of e-mail printouts, which were pre-decisional in nature, had been provided. They expressed the opinion that these pages need not have been included in the Management Report. They stated that the presence of these e-mails made the Management Report bulky and difficult to get through. Because of this problem, these Board Members felt that they might miss important items that should be focused on within the Report.

Mr. Parkhie pointed to the Table of Contents for the document and stated his opinion that the important items could be reached using this tool. Many of the Board Members disagreed. This led to some discussion of the need for defining requirements of what the Board needed in terms of the Management Report and reinforced the prior discussion regarding e-mail protocol with all e-mail correspondence between the Management Group and the Board being focus through the Board President. Karen VanDuser suggested that the Management Report have a format that contained summaries of various actions taken by the Management Group and offered to draft a sample that the Board could discuss, in order to define requirements for the Report (**Action Item: Karen VanDuser to take the February Management Report and from it create a set of sample summary reports and content instructions for Board review.**)

Specific questions/concerns regarding items in the February Management Report were:

Karen VanDuser pointed out that the addresses of the Fire Victims were incorrect on page 281. **(Action Item: Ravi Parkhie to ensure that the Accounting Department be informed of proper addresses.)** She asked, since she had not found copies within the Management Report, whether the homeowners of the three homes affected by the fire had been notified of the Board decision to waive three months of association dues? Ravi Parkhie responded that the letters had not gone out and was instructed by the President to send the letters. **(Action Item: Ravi Parkhie to send a letter to each of the three homeowners informing them of the Board decision to waive three months of assessments.)**

Ellsworth Romer posed a concern regarding the reporting of delinquencies and the accompanying aging report presented in the Financial section of the Management Report. Both the Treasurer and the Management Agent offered possible explanations for the variances. **(Action Item: Ravi Parkhie to research and provide an explanation for these variances to the Board.)** Karen VanDuser posed a question regarding the “prior homeowners” listed on the delinquency report. She asked why, given that the houses have been sold, did we not recover these monies? **(Action Item: Ravi Parkhie to research and provide an answer to whether or not we had recovered any of the past due money from prior homeowners at closing or through some other means? Also, whether there is anything that can be done to recover the money and are we doing it, now that the homes have sold?)**

Karen VanDuser asked if the Board had an action to provide a response to a homeowner who had written regarding the parking of commercial vehicles within the community (page 129 Management Report). Since the draft Vehicle Parking and Enforcement Policy had been mailed out after the date of receipt of this homeowner’s letter, the Board determined that it had no action to provide an individual response.

Questions were posed to Mr. Parkhie regarding the stickering of a vehicle that had out of state plates and whether Security had been informed of the response from the homeowner (page 130). This led to much discussion of the need to ensure that all parties who provide Security and Towing Services are kept fully informed of the background on these vehicles and why this vehicle had been stickered in the first place. Ravi stated that he had not conveyed this information to Security because he had not completed collecting information that would then be presented to the Board for decision. **(Action Item: Ravi is to ensure that Security is made aware of this situation and the Board directed that any parking situation that results in a sticker being placed and then the tow is canceled allowing the car remaining in the lot be conveyed to Security with appropriate information.)**

Mr. Parkhie was asked about the call made to the Snow Contractor to come back to retreat sidewalk areas on Boastfield Lane. Specifically, the Board was concerned about the e-mail title on this direction (page 230) which stated “Homeowner Fall”. Mr. Parkhie stated that the homeowner had stated that they had fallen but had not presented any evidence of the fall. The Board instructed Mr. Parkhie that the Board wanted immediate notification of any injury notification whether formally filed against the insurance or simply mentioned. **(Action Item: Ravi Parkhie to ensure that procedures be modified to ensure that the Board is notified of any claim of bodily injury presented in any form to the Management Group.)**

Karen VanDuser provided some comments on the SOW provided for the Asphalt and the Concrete Request for Proposals, including trail repair. **(Action Item: Karen VanDuser will provide these changes in writing through the Board President to the Management Group.)** Board needs to make a Decision of who to provide the SOW to for bid. **(Action Item: Board has to provide direction to Management Group regarding who should be asked to bid.)**

Ellsworth Romer expressed his frustration with the communication of the Management Group with the Board. He emphasized that it is essential that the Board be informed in a timely fashion of critical issues. He stated that the Management Group had perceived their role as agents as being far more independent than he did. He stated that the Board was ultimately responsible for the community. He emphasized that he wanted to know about everything, whether it be a tree falling down, money being spent, or a person being injured. He did not want to be caught by surprise when dealing with homeowners. He stated he takes his responsibility to the homeowners seriously.

Karen VanDuser again stated we had a serious communication problem and all needed to work on solving it. She stated the Board needs to better communicate and define its requirements; but the Management Group needs to be receptive to changing to meet the Board needs. She pointed out the Board is continually met with comments from the Management Group that their approach worked in other communities, the approach has always worked in the past, or it's always been done that way. She further stated, she does not view this as communicating and it needs to stop. She emphasized that both sides need to work on this. She also stated that there is a tendency for the Board and the Management Group to “what if themselves to death” in an effort to address every possibility or action, even when items have been voted on and closed. She stated that we, the group, were not making forward progress. She suggested that when a “what if” is presented, the Board take an approach of weighing the probability and risk of the item and get on with business. She voiced her

belief that we, as a governing body for the community, owe the homeowners results. She stated that she believes the reason for poor attendance at the meetings and homeowner apathy is that the homeowners have voiced their opinions in the past, asked for things, and have not seen results.

Jeffery Chavis stated that he thought the e-mail single point of contact approach and clarity in the e-mails would alleviate some of the confusion, though certain information and work products must come back to the Board from the Management Group. Information regarding damage to property, suspicious activities, repairs needing to be made to protect the community, threat to homeowners, and injury of a homeowner need to be sent immediately to the Board (**Action Item: Management Group to insure procedures reflect the need to immediately report such items to the Board of Directors.**) Jeff emphasized that the Management Group should err on the side of sending too much to the Board rather than waiting until Board Meetings or not sending it.

Karen VanDuser stated that she had not seen letters to the homeowners in violation of the Trash Policy in either this or the prior Management Report and asked if letters had been sent. Ravi Parkhie stated that they had not but that a template letter for use was included in the Management Report. He was informed that two of the three violations had occurred prior to any discussion of template letters that occurred at the January 20<sup>th</sup> meeting and that these letters should be sent immediately. The Board reviewed the template letter for trash and made comments. These comments addressed the need to modify the letter to speak to: 1) placement of trash on common grounds (the template only addressed placement of trash on non-trash days), 2) placement of non-recycle pick-up items, 3) failure to remove receptacles from the front of homes after pickup, and 4) other circumstances. (**Action Item: Ravi Parkhie to send the three homeowners letters immediately informing them of the \$50 fine that has been levied due to their violation of the Trash Policy.**)

## 7. ADJOURNMENT

Due to the late hour, the Board deferred remaining items on the Agenda (Property Management Contract SOW Review and Comment) to the next meeting. A motion was made to adjourn by Karen VanDuser. Jeffery Chavis seconded the motion. The Board agreed and adjourned at 10:30 PM.

## **Items to Be Read Into The Minutes of the February 17 NHHOA Board of Directors Meeting**

### **Completed Action Items:**

1. Ravi to discuss with the trash contractor the problems being experienced regarding trash containers not being returned to point of pick-up and lids not being placed back on these containers. Ravi is to report back to the Board whether this is being formally documented in the Contract by attachment or whether the Contract must be modified, and if this action has resulted in a signed agreement. **Action Taken to Close: This item was closed after Board acceptance of the contract amendment at the January 20<sup>th</sup> meeting.**
2. Ellsworth Romer is to provide a list of additional homes to be included in County Code Enforcement Inspection and Follow-up by November 20, 2004. **Action Taken to Close: This item was completed and inspection was conducted.**
3. Ravi Parkhie to arrange for Jeffery Chavis to meet with both Handyman and Gardiner contractors to discuss cost of services, etc. **Action Taken to Close: Jeffery Chavis reported negotiation of costs with the contractor (Handyman) to the rest of Board on January 20.**
4. Ravi to provide electronic copy of Snow Contract to Board Secretary to adapt for Web posting, since some language has been added by both attorney and Contractor. Ravi provided this copy back to the Board. **Action Taken to Close: After removing company sensitive information regarding pricing the document was provided for posting on the Norbeck Hills Web site.**
5. The Board directed that the annotated draft (board decision and attorney comments) of the Parking Policy be delivered to the Residents prior to the next Board meeting. **Status: Karen VanDuser incorporated the first set of attorney comments into a draft final policy that was voted on by the Board on January 20. The policy was returned to the attorney for a final review and then was to be sent to the homeowners. The attorney returned some minor changes and cautions which were made. The Board President directed the Management Group to release the draft policy to the homeowners. The copy sent did not have all the attorney second review changes in it (mostly grammatical) - Homeowners received policy on or about February 10. This Action Item is now Closed.**

## **ATTACHMENT 1**

**Other Actions Completed Since Last Board Meeting (asterisk indicates that board vote was taken and notation is made if not unanimous)**

1. The Board conducted an e-mail vote on the issue of removing speed bumps from Longview Lane. The reasons for removal were cited as being 1) in response to the information provided by the Fire Department when fighting the fire on January 10 regarding the difficulty in leveling the hook and ladder truck because of the speed bumps and 2) the existence of speed bumps on locally maintained streets precluded the Association from receiving rebate through the County Roadway Reimbursement Program. The vote for removal was unanimous and the removal of these bumps will be accomplished when other asphalt work is being conducted in the community. Ravi will fold this into the Request for Bid being developed as Open Action Item 16.
2. A number of specific addresses and descriptions of vehicles were provided to the Montgomery County police along with a request for increased surveillance and patrols in our community. The addresses and vehicles were involved in suspicious activities. The information and request was provided to Officer Bruce Beardsley of the Wheaton Glenmont Station of the Montgomery County Police.
3. Board Members' phone numbers were provided to the Snow Contractor to ensure that any problems or questions they had could be immediately addressed and should problems persist with children interfering with the progress of the snow contractor a Board Member could respond.
4. A draft letter to homeowners was developed to provide information on how notice of Committee meetings will be communicated to homeowners.
5. A draft set of letters to Juvenile Authorities and the States Attorney was developed for the problems being experienced by juveniles residing at an HOC residence in the community.

## Open Action Items (new entries are bolded)

1. Board review options with the attorney regarding the Association's ability to take actions beyond calling the police when juveniles have damaged association property (vandalism, arson, etc.). Items to discuss include costs of damage (direct and indirect), inconvenience and disruption to the neighborhood, anxiety, etc. **Status: Av Wofsey has researched names and addresses for Juvenile Officers and the States Attorney and a draft letter is being prepared to address the problem with the young girls who reside in the HOC house.**
2. Karen VanDuser and Ellsworth Romer to query members of Finance Committee regarding continuation of service and pursue replacements, as necessary. **Status: Kevin Shaplin is not able to serve on the Finance Committee at this time. No replacement has been found, as yet. Action Item still open.**
3. Board to review Management Group Contract and define record keeping requirements to ensure that reports are defined with a frequency of delivery sufficient to ensure availability of information for proper and effective Financial Oversight. **Status: On-going. Comments received have been incorporated into the Statement of Work and the Board will review this document at the February 17 meeting. Action Item remains open.**
4. Board is to examine mailboxes and make a determination regarding scraping and painting of poles and boxes - **Status: Action Item Open and should be addressed in Spring timeframe.**
5. Board is to make site visit to common areas behind all townhome row to determine if there are drainage problems that require correction. They are to develop options for correction, if necessary, and timing of corrective action. **Status: Action Item Open and should be addressed in the late March or early April timeframe.**
6. Ravi Parkhie to recall the keys for all facilities (pool and tennis) and the Bulletin Board and write a Key Control Policy for Board review. **Status: Ravi has included a Draft Key Control Policy in the February Management Report. He reports that a second call has been placed to Becky Tener to return her keys to Jeffery Chavis over the weekend of February 12; Darstan Singhaus will drop off his keys to Bill Hicks over the same weekend, Bill will bring Darstan's keys to the next Board meeting; Barbara Beccles still has one key to the Bulletin Board. Action Item remains open until Board has reviewed and approved Key Control Policy.**
7. **Jeffery Chavis requested that Ravi Parkhie provide the actual procedures to follow for after hours calls to the Management Group to the on-call person. Status: Ravi reports that Focus Answering Service has been requested to provide their actual procedures to the Management Group's Director of Administration.**

*Action Item remains open until full procedure of both Focus and TMGA procedures are presented back to the Board.*

8. **During the Homeowner Association Meeting on January 20 and number of newsletter articles were identified to the Newsletter Committee for inclusion in the next Newsletter. They were: 1) When and Who to Call for Various Types of Parking Violations, 2) Homeowners Guide to Fire Insurance, 3) Proper Venting of Dryers and Cleaning of Dryer Vents and Ducts, 4) return of article on Animal Control Regulations for Montgomery County (curb your dog and clean up after it), 5) Trash Policy, and 6) How to Cancel the Gazette Newspaper Delivery. Status: *The Newsletter Committee is working from this list and some articles that they had wanted to publish in this edition. Ravi Parkhie, Management Group, has provided some articles on some of the topics that may be adapted for us. Action Item to remain open until Newsletter is published.***
9. **Finance Committee to meet and provide Financial Report and comments at Board Meetings starting in February. Bill Hicks has this Action Item. Status: *The Finance Committee has not met as of February 10. Given the constrictions of the MD HOA Act, it is proposed that this meeting take place after the notice of how committee meetings will be handled is sent to the community. It is anticipated a meeting date will be set for the first week of March (subject to committee member availability). Suggest that this Action Item remain open until two reports from the Finance Committee have been received for consecutive months.***
10. **Management Group report to reflect all homeowner calls related to trash and actions taken. Status: *Individual updates for calls were provided - suggest that this should be made a summary report in the Management Group Report to the Board. Details were: Ellsworth Romer called in for 17438 Gallagher Way, Ravi Parking spoke to tenant directly and got the phone number of the owner's daughter (Alicia 301-260-0710). The Property Manager spoke to the Board President about carpets on Cannes lane and Move out trash on Longview Lane. Suggest this be made a routine part of the Management Report and this item Closed.***
11. **Court and Street Captains to develop internal reporting procedures resulting from observing trash violations in their areas. Status: *Ravi Parkhie reports that he updated the spreadsheet for Street/Court Captains Coordinator and e-mail the file to her. Barbara Beccles has not reported any progress on this item. Action Item remains open.***
12. **Management Group to develop a letter to homeowners informing them of Trash Policy and consequences for failure to comply and present it to the Board for review. Status: *A template Trash Letter is being presented to the Board for Approval and is included in the February Management Report. Action Item remains open.***

13. **Management Group to ensure that procedures are in place for tracking Trash violation letters and addressing the charge back accounting (note: must address the 180 day window for reoccurrence). Status: The template letter is included in the February Management Report, once approved it will be entered into the TOPPS tracking system.** *This Action Item remains open until the accounting and charge back procedures are defined and shown to the Board. Forward funding with Contingency Fund, payments made to contractor from this fund, fund restored as fees are collected in accordance with prioritization of payments established in the Collections Policy. Must have accurate reporting of Contingency fund balances and use.*

14. **Management Group to get signed agreement of negotiated rate from Handyman Services to lock it in and to define procedures of opening trash a getting evidence of address/taking photos, etc. These procedures and the signed agreement are to be provided to the Board when completed. Status: Ravi reports that this item is still open, pending meeting with Handyman Services, Inc. Action Item remains open.**

15. **Karen VanDuser is to draft the procedures to be followed for Committee meetings and a letter to homeowners explaining how and where they can find out about Committee meetings (web and bulletin board). Drafts are to satisfy the Maryland Homeowner Association Act and when completed are to be provided to the Management Group for review and comment by the attorney prior to sending out to homeowners. Status: Karen drafted a letter that was e-mailed to all Board members for review on February 10. With the vote of the full Board at the February 17 meeting, the letter can be provided to TMGA to finalize and send to all homeowners. Action Item remains open until homeowners have received notice of new procedures for Committee meeting announcement.**

16. **Management Group to develop Statements of Work and Requests for Bid for work defined as safety related (concrete and electrical), asphalt repair, and striping and stenciling. These SOWs and RFBs will be provided for the Board for review and comment to ensure issuance of contracts in Spring and early Summer. Status: Ravi reports that RFP's for concrete ee p7tTj183540 12 161.04016 aconcrete ee p**

**18. Management Group to follow-up on AECC decision to reject shutters as installed on Boastfield Lane property. Letter should be placed in Management Report and corrective action tracked. Status:**

**ATTACHMENTS 2, 3 AND 4  
LETTERS REGARDING JUVENILE CRIME**