

Approved on October 10, 2018

## **Churchill Village South Homeowners Association Board of Directors Meeting September 12, 2018**

The Board of Directors of Churchill Village South Homeowners Association held a Board of Directors Meeting at the CVS Community Center on Wednesday, September 12, 2018 at 7:30 p.m.

**Board Members Present:**

Jim Ganz, President  
Robert Fuss, Treasurer  
Patricia Jones-Butler, Secretary  
Kathie Matthews, Director  
Aaron Skolnik, Director

**Also Present:**

Randy McClement, Community Manager  
Ruth Ann Allen, Recording Secretary

**Board Member Absent:**

Steve Buc, Vice President

**Guest:**

Cene Ketcha, WSSI

**Homeowners Present:**

Lawrence Evans, 12417 Winterspoon Lane	Gayle Komisar, 20222 Waterside Drive
Jim Chin, 13525 Winterspoon Lane	Linda Stern, 22 Waterside Court
David Zeller, 20243 Laurel Hill Way	Wendy Wang, 20012 Wanegarden Court
Edith Davis, 13537 Winterspoon Lane	Ram Negendran, 13236 Meander Cove Drive
Mary Heckhaus, 13541 Winterspoon Lane	Rick Stewart, 13424 Winterspoon Lane
Ann Jenkins, 13540 Winterspoon Lane	Brenda Sweeney, 13509 Winterspoon Lane
Mary Frances Milford, 13500 Winterspoon Lane	
Loise Muthaa and Cuthingi Ihuria, 20 Waterside Court	
Cesar Castillo and Laura Miller, 13520 Winterspoon Lane	
Choon Yip Neoh and T. Wong, 20008 Wanegarden Court	

**A. CALL TO ORDER**

The September Board of Directors meeting was called to order by Jim Ganz at 7:37 p.m.

**B. GUEST SPEAKER**

Cene Ketcham, a certified arborist with Wetlands Studies and Solutions, Inc. (WSSI), inventoried the 1,407 trees in CVS for species, size, condition, observed defects, and maintenance recommendations and provided the Board with an Excel spreadsheet listing by location all of the trees on common property in CVS. Mr. Ketcham noted that 82% of the trees are in "good" or "fair" condition and 18% of the trees are in "poor" condition or "dead." Twenty-three (23) trees were noted as high priority for removal. Mr. Ketchum provided photos of damaged trees in the community. This damage was caused by numerous factors

including guiding hardware being left on the tree for too long, tree roots damaged by lawn mowers, large roots severed by construction, and “volcano” mulching. Besides indicating which trees were dead, Mr. Ketcham also noted that some trees are in the process of dying, while others have dead branches, diseases, or bark inclusions. He indicated that some of these trees pose a hazard to vehicles in parking lots, walkers on trails and sidewalks, and the trail/sidewalk infrastructure.

Mr. Ketcham also noted that preventive maintenance goes a long way. Guiding hardware installed on newly planted trees should be removed after one (1) year, the mulch ring around trees should be expanded and/or decorative planting at base the of the trees should be used to keep mowers away from roots, the community should never allow the landscaper to use volcano-style mulching around the tree, work should be done to improve branch structure, and roots should be protected from construction projects, if possible.

The Board noted that residents should report any landscape/tree concerns in the community to Management.

### C. HOMEOWNER OPEN FORUM

#### 1. Painting of Concrete Storm Drain Pad

Jim Ganz noted that the Board and Management had received correspondence from many homeowners stating there were against the storm drain concrete pad painting on Winterspoon Lane and many of those homeowners were present.

Mr. Ganz stated that Ana Arriaza, Department of Environmental Protection (DEP) had come to the July Board Meeting to explain the storm drain concrete pad painting project to the Board. The Board noted at that time that the DEP had not been in contact with the HOA informing them of the project. Management inquired about a status update from the DEP on the project, and DEP noted that the project was not moving forward until the DEP internally revised how to proceed with these projects. The issue of the blue painted storm drain concrete pad is still an issue.

**MOTION:** (Jim/Aaron) Reject the request from the DEP for the art work painted on the storm drain concrete pad on Winterspoon Lane.

**Vote:** Motion Passed – Unanimous

Jim Ganz noted that the Board has discussed whether DEP should paint the concrete pad or sandblast to remove the paint. Mr. Ganz stated that the Board would push for removing the paint. A letter will be sent to the DEP with this request.

Mr. Ganz noted that the project is not a bad idea, however, the DEP was short sighted in doing this project in residential communities.

2. Mary Heckhaus, 13541 Winterspoon Lane, noted that the Association should suggest a time frame of 4 to 6 weeks to the DEP to remove the paint.
3. Cesar Castillo and Laura Miller, 13520 Winterspoon Lane, stated that they had not been given an opportunity to respond to homeowners and the Board who are against the DEP storm drain painting project. They noted that the already-painted storm drain is within the bounds of their property, and the Board just approved asking Montgomery County to come onto their property to remove the paint. They also noted that the discussion has been rather one-sided and that they were neither informed about other homeowners’ reactions nor the Board’s correspondence with the DEP. Ms. Miller noted that the goal of this program is to help keep the community and lakes clean and that the Association should

consider participating in this program. Ms. Miller noted that the blue paint color is very bright but that that was not the plan.

They also noted that they were sent a violation notice, and they were not in violation.

The Board noted that the DEP should have provided better communication on the project to the HOA. As the DEP is re-evaluating how to move forward with the project and once the DEP gets the process together, it can be brought to the Board for reconsideration.

Mr. Ganz also noted that residents should be more vigilant about picking up trash and suggested reinstating the community clean-up on Earth Day that has been previously held in the community.

4. Wendy, 20012 Wanegarden Court, noted that her neighbors at 20008 Wanegarden Court are parking on the shared right of way and that this parking is damaging the common areas. The Board noted that the pipe stem is not a parking area and that if Wendy can provide a written statement and photos of these occurrences to Management, Management can send a violation notice to the residents of 20008 Wanegarden Court.

The homeowners of 20008 Wanegarden Court were present and inquired about the parking policy for pipe stems in the community. Management noted that parking is not allowed on the pipe stems. Residents are to park in their own driveway; if they would like to expand their driveway, they would need to submit an Architectural Change Application.

5. Loise Muthaa, 20 Waterside Court, noted that they had installed a temporary gazebo on their patio which is not a permanent structure and can be removed. Ms. Muthaa noted that the neighbor at 22 Waterside Court has complained that the structure is blocking access of a gate out the back of her home. Ms. Muthaa stated that the gazebo is not blocking any gate.

Linda Stern, 22 Waterside Court, replied that she has lost access to her property from behind the house as well as losing her view of the lake. The Board noted that a lake view is implied but not guaranteed for residents near the lake. It was also noted that Ms. Stern is trespassing on the property of 20 Waterside Court. Ms. Stern stated that previous homeowners have allowed her egress through their backyard.

The Board noted that there is nothing in the documents about what constitutes a permanent versus temporary structure and requested that Management have Legal Counsel provide comment on this matter.

Mr. Ganz recommended that Ms. Muthaa remove the gazebo for now, as the summer season is almost over. He asked that Ms. Muthaa provide Management with photos of the gazebo before it is removed.

**MOTION:** (Jim/Patricia) Bring the issue of 20 Waterside Court to the attention of Legal Counsel with the facts provided to Management and the Board to provide recommendations on permanent versus temporary structures.

**Vote:** Motion Passed – Unanimous

6. Mary Francis Milford, 13500 Winterspoon Lane noted that the landscaper is tearing up the common ground behind her house and not trimming along the fence line. The Board noted that Management can talk with Ruppert Landscape regarding this issue.

7. Rick Stewart, 12324 Winterspoon Lane, noted that the work that the landscapers are to perform should be explicitly stated in the grounds maintenance contract. Mr. Stewart noted that he preferred the grass killer along the fence line.
8. Lawrence Evans, 13417 Winterspoon Lane, stated that with the increase in the monthly assessment, CVS now has the most expensive monthly assessments in Germantown. Mr. Evans noted that CVS is one of the best communities in Germantown, but the homes have lower appreciation. Mr. Evans noted that a monthly assessment over \$100.00 is a “kiss of death” for resale of homes.

Kathie Matthews noted that CVS is an aging community and that the trees, pools, and tot lots are all among the items that need upkeep.

Mr. Evans suggested that the Board look at monthly assessments and contractor costs of other HOAs in Germantown for comparison.
9. Brenda Sweeney, 13509 Winterspoon Lane, inquired about cutting the weekly trash pickup to one (1) day a week. The Board noted that they had investigated this and found the difference between twice (2x) a week versus once (1x) a week to be only \$0.20 per unit; this does not provide much of a reduction in costs for CVS.

Mr. Ganz noted that The Board always tries to reduce costs in the community; however, the community gets what it pays for. The Board was also proactive on the budget to allow for the minimum wage increase from contractors.

Ms. Sweeney also inquired about the Association subsidizing the swim team. Jim Ganz noted that the Association has subsidized the coaching and insurance for the swim team for many years, and the Board believes the swim team is an important community activity.

Ms. Sweeney also inquired about closing the Winterspoon Pool, as she believes it to be underutilized.
10. Rick Stewart noted that he like the Winterspoon Pool as it was quieter than the Wanegarden Pool.

Mr. Stewart also noted that the common driveway of his home hasn’t been sealed in a long time.
11. Kathie Matthews provided a copy of a flier was placed on a vehicle on 20174 Timber Oak Lane regarding parking enforcement in the community. Ms. Matthews noted that this is unacceptable and requested that Management place a notice in a flier to the community indicating that residents are not take parking enforcement into their own hands.

#### **D. MINUTES**

1. July 17, 2018 Board of Directors Meeting Minutes

**MOTION:** (Jim/Robert) Accept the July 17, 2018 Board of Directors Meeting Minutes as amended.  
**Vote:** Motion Passed – Unanimous

#### **E. MANAGEMENT REPORT**

1. Swimming Pools

Management noted that there were continual day-to-day pool management concerns with Community Pools over the summer.

At the final inspection of the Wanegarden Pool, Community Pools was to use the pool as an example on closing a pool. Management indicated that he would attend the final inspection; however, when Management arrived at the appointed time, everything had been completed. The pool furniture was also stored before Management could inspect the furniture for repairs or replacement. Management made Community Pools pull the pool furniture out of storage so that it could be inspected.

The Board requested that Management provide a proposal for all brand-new furniture for the Winterspoon Pool in a different color from the Wanegarden Pool furniture.

Community Pools offered to cover the cost of the closing of the pools. Management provided the Board with the winterization supply lists for the Wanegarden Pool and the Winterspoon Pool; however, Management noted that the cost of closing of the pool should just about cover the cost for the winterization supplies.

It was noted that the water in the Winterspoon Pool overflowed. The Board requested that Management compare the water bill with previous bills.

2. Pool Management Contract

The Board requested that Management send out RFP's for pool management for next year. Management requested that the Board review the current Pool Management contract and provide any service suggestions that need to be changed prior to the RFP being sent out.

3. Tree Removal Contract Ratification

At the August Budget Meeting, the Board approved a proposal from Ruppert Landscape for removal of a tree struck by lightning off Wynnfield Drive at a cost of \$1,450.00.

**MOTION:** (Jim/Aaron) Ratify the vote to approve removal of the tree struck by lightning on Wynnfield Drive by Ruppert Landscape at a cost not to exceed \$1,450.00.

**Vote:** Motion Passed – Unanimous

4. Pool Soda Machine Update

Management reported that Management attempted one last time to contact every division of Coca-Cola regarding the soda machines at the pools. Coca-Cola has finally responded back that they will remove the soda machines.

5. Community Center Light Replacement

At the August Budget Meeting, the Board approved the proposal from Montgomery Lighting to replace six (6) outdoor wall pack lights at the Community Center with LED lights at a cost of \$1,700.00.

**MOTION:** (Jim/Aaron) Ratify the vote to approve the proposal from Montgomery Lighting to replace six (6) outdoor wall pack lights at the Community Center at a cost not to exceed \$1,700.00 to come from Reserves.

**Vote:** Motion Passed – Unanimous

Jim Ganz requested that proposals itemize the supply costs and the labor costs separately.

6. Underwater Light Replacement at Wanegarden Pool

At the August Budget Meeting the Board approved a proposal from Community Pools to replace five (5) underwater lights and purchase five (5) transformers for the Wanegarden Pool in the amount of \$4,400.00.

**MOTION:** (Jim/Aaron) Ratify the vote to approve the proposal from Community Pools to replace five (5) underwater lights and purchase five (5) transformers for the Wanegarden Pool at a cost not to exceed \$4,400.00 to come from Reserves.

**Vote:** Motion Passed – Unanimous

Management noted that when Community Pools came to replace the lights, one of the lights was working and one had a conduit obstruction and would need excavation/repairs before the light could be replaced, so they ended up replacing only three (3) lights.

Further, Community Pools recommended replacing all of the transformers as they are all originals and that the proposal to purchase five (5) transformers did not include the cost of installation.

Community Pools provided a new proposal to install the previously approved transformers at a cost of \$2,000.00, excavate and repair the light conduit at a cost of \$1,000.00, and provide and install seventeen (17) additional light transformers at a cost of \$9,180.00.

The Board agreed to defer any action on this proposal and requested that Management have Montgomery Lighting check the lights from an electrical stand point.

7. Underwater Light Replacement at Winterspoon Pool

The day before opening day at the Winterspoon Pool, Community Pools found two (2) underwater lights out at the Winterspoon Pool and replaced them. The Board approved this repair after the work was completed; however, the expense for the underwater lights can be paid from Reserves.

**MOTION:** (Jim/Kathie) The cost of replacement of the two (2) underwater lights at the Winterspoon Pool done before opening day in the amount of \$1,440.00 to come from Reserves.

**Vote:** Motion Passed – Unanimous

8. Additional Concrete Work

At the August Budget Meeting, the Board approved a proposal from Finley Asphalt and Sealing to make repairs to the common area sidewalk near 20145 Laurel Hill Way at a cost of \$1,571.00. This work will be completed in conjunction with the current concrete work being done in the Villas area of the Community.

**MOTION:** (Jim/Aaron) Ratify the email vote to approve the proposal from Finley Asphalt and Sealing to make repairs to the common sidewalk near 20145 Laurel Hill Way at a cost not to exceed \$1,571.00.

**Vote:** Motion Passed – Unanimous

9. Retaining Wall Replacement

In July, The Board approved replacement of the retaining wall near 19705 Teakwood Circle at a cost not to exceed \$1,496.00. Management reached out to other contractors, and D&A Dunlevy submitted a bid to do the work for a total cost of \$1,050.00.

**MOTION:** (Jim/Aaron) Ratify the email vote for approval of the proposal from D&A Dunlevy for replacement of the retaining wall near 19705 Teakwood Circle at a cost not to exceed \$1,050.00 to come from Reserves.

**Vote:** Motion Passed – Unanimous

10. FY2019 Draft Budget

The Board held a budget discussion meeting in August with Management. After discussion of the draft FY2019 budget, the Board approved the distribution of the draft budget with a proposed monthly assessment of \$104.00 to CVS homeowners via the website and through a postcard directing them to the website.

**MOTION:** (Jim/Kathie) Ratify the email vote to approve the distribution of the FY2019 draft budget to homeowners for review through a mailing and on the website.

**Vote:** Motion Passed – Unanimous

11. Grounds Maintenance Contract

Management provided the Board with a proposal from Ruppert Landscape for grounds maintenance service for 2019 with the option of two (2) additional years.

The Board agreed to defer the discussion of the proposal for a future Board Meeting.

Kathie Matthew noted that Ruppert is not edging the sidewalk along Lake Park Drive, nor are they mowing between 20000 and 19998 Lake Park Drive. Management will contact Ruppert Landscape on these matters.

12. 2016/2017 Draft Audit

Management provided the Board with the 2016/2017 draft audit prepared by Goldklang Group.

**MOTION:** (Jim/Robert) Accept the 2016/2017 Draft Audit as prepared by Goldklang Group.

**Vote:** Motion Passed – Unanimous

13. Audit Engagement Letter

Management provided the Board with the Engagement Letter from Goldklang Group to perform the 2018/2019 Audit. The fee for the preparation of the December 31, 2018 and 2019 audits will be \$4,150.00 and \$4,200.00, respectively. The fee for preparation of the federal and state income tax returns will be \$400.00 per year, and preparation of the Maryland personal property return, if needed, will be \$100.00 per year.

**MOTION:** (Jim/Robert) Accept the audit Engagement Letter from Goldklang Group for the 2018/2019 audit.

**Vote:** Motion Passed – Unanimous

14. Extra Asphalt Work

At the August Budget Meeting, Management provided the Board with a proposal from Finley Asphalt and Sealing for asphalt repair to the driveway at the entrance to the Community Center. The Board approved the proposal at that time for a two-inch (2") depth repair. Finley Asphalt contacted Management that the proposal was to repair part of the driveway at a two-inch (2") depth in the amount of \$1,178.00 and the other area with alligatoring of the asphalt with a six-inch (6") depth in the amount of \$14,300.00.

**MOTION:** (Jim/Aaron) Accept the proposal from Finley Asphalt and Sealing for repairs to the asphalt drive lane at the entrance to the Community Center for the area with a 2-inch depth at a cost not to exceed \$1,178.00 to come from Reserves.

**Vote:** Motion Passed – Unanimous

**MOTION:** (Jim/Aaron) Approve the proposal from Finley Asphalt and Sealing to repair the asphalt alligating area at the entrance driveway to the Community Center at a 6-inch depth at a cost not to exceed \$14,300.00 to come from Reserves.

**Vote:** Motion Passed – Unanimous

15. Snow Removal Contract

Management provided the Board with a three (3) year snow removal contract renewal from D&A Dunlevy for the 2018-2021 snow seasons.

**MOTION:** (Robert/Jim) Accept the proposal from D&A Dunlevy for snow removal for the 2018 through 2021 snow season, not to exceed the budgeted amount of \$70,000.00.

**Vote:** Motion Passed – Unanimous

16. Trash Removal

At the July Board Meeting, the Board requested that Management get the cost from Ecology Services to move to a once a week trash removal. The current cost for twice (2x) a week pickup is \$4.96 per home per month. The cost for once a week trash pickup would be \$4.76 per home per month.

The Board agreed to stay with a two times per week trash pickup.

17. Swale Repairs

Management provided the Board with a proposal from Ruppert Landscape to repair a swale near Building 3 (13236 Meander Cove Drive) for an area that does not be drain within a reasonable time after heavy rain. The cost of the proposal is \$1,950.00.

**MOTION:** (Jim/Aaron) Accept the proposal from Ruppert Landscape to repair the swale near 13236 Meander Cove Drive not to exceed \$1,950.00.

**Vote:** Motion Passed – Unanimous

18. 20218 Waterside Drive

Management received a request from 20218 Waterside Drive asking for a reassignment of the parking spot as it is difficult backing out of the current space, the driver's side door cannot be opened fully, and the space is near the storm drain so when it rains there is a considerable amount of water to step into.

**MOTION:** (Jim/Robert) Accept the request from the homeowner of 20218 Waterside Drive to move his parking space to one identified by the homeowner and make the old parking space a visitor space.

**Vote:** Motion Passed – Unanimous

F. **ADJOURNMENT OF BOARD MEETING TO CLOSED MEETING**

**MOTION:** (Jim/Patricia) Adjourn the Board of Directors Meeting into Closed Meeting at 10:20 p.m.

**Vote:** Motion Passed – Unanimous



**G. RESULTS OF THE CLOSED MEETING**

The Board discussed the application for an ADA approved ramp. The Board also took actions on writing off of bad debt and a request for a payment plan.

**H. ADJOURNMENT OF THE CLOSED MEETING**

**MOTION:** (Jim/Aaron) Adjourn the Closed Meeting at 10:30 p.m.

**Vote:** Motion Passed – Unanimous