

MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS

September 21, 2022

Virtually by Zoom

CALL TO ORDER:

The meeting was called to order 7:00 p.m. by John Pesce, President

NOTATION OF ATTENDANCE:

The Board provided introductions and announced officers.

John Pesce, President

Nic D'Ascoli, Vice-President

Erik Herron, Secretary

Laura Magnuson, Treasurer

Mark Sagarin, At-Large

Others:

Kristin Czarick, CMCA®, AMS®, WLA GM

Shelia Jenkins-Diaz, Executive Assistant to the GM

APPROVAL OF MINUTES:

ACTION:

Erik Herron offered a motion to approve the August 17, 2022 minutes.

Mark Sagarin provided the second.

Motion carried. (D'Ascoli/Herron/Sagarin; Magnuson Abstain)

ACTION:

Erik Herron offered a motion to approve the Closed Meeting Statements of August 17 and August 25, 2022.

Mark Sagarin provided the second.

Motion carried. (D'Ascoli/Herron/Sagarin)

PRESIDENT OPENING COMMENTS:

John Pesce announced that the Board would be going into a closed session following this meeting to discuss ongoing litigation and staffing concerns.

CONTRACTOR REPORT:

Simon Harrington, owner of RSV Pools, Inc. was present. Simon mentioned that Vlade (RSV Pools) made note that a new pump would be needed at Pool A. The current pump is 10 years old. The credit for Pool B being closed at the beginning of the season was briefly discussed, but additional discussion with Simon is necessary and a meeting will be scheduled.

OPEN FLOOR:

Open floor opened at 7:06 p.m.

- I. Bruce Schwalm asked about the process of reviewing the pools post season. Laura Magnuson addressed that there are specifics within the pool contract and the GM addressed that Montgomery County inspectors conduct a final inspection towards the end of the season, which is more thorough.
- II. Anita Weinstein asked if there were any Churchill Senior Living litigation updates. Erik Herron addressed that not much has changed, but that the case is moving

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- towards trial in February. Laura Magnuson addressed the date for completion of discovery is October 14.
- III. Noelie Angevine asked about an Environmental Impact Study for the next phases of Churchill Senior Living. John Pesce addressed that that would be under Montgomery County jurisdiction and the GM noted that nothing has been received. Erik Herron provided a link to the Montgomery County Planning Board's report and plans.
- a. <https://montgomeryplanningboard.org/wp-content/uploads/2022/09/320220060-Churchill-Senior-Housing-Staff-Report-Final.pdf>
 - b. <https://eplans.montgomeryplanning.org/daiclinks/pdoxlinks.aspx?apno=320220060&projname=Churchill%20Senior%20Housing>
- Concerns over shade and shadow are addressed on pages 19-20.
- IV. Stephen Tise commented on a letter he addressed to the planning Board regarding the 10-story height and the need to address parking. Erik Herron noted that the plan addresses parking.
- V. Pat Furey asked for a summary of the CSL litigation. Laura Magnuson addressed that a collections case was filed in April 2021. Amendments were made to include all appropriate entities and parcels.

Open floor closed at 7:26 p.m.

COMMITTEE REPORT (AERC):

John Pesce, as Chair of the Architectural & Environmental Review Committee (AERC) provided an update on the September meetings.

September: 11 applications were reviewed.

A member of the AERC committee has recently resigned and John Pesce asked the Board for direction on issuing a new call for candidates, noting that the AERC currently has more single-family home representatives and there should be a focus on a representative from a townhome community.

ACTION:

Erik Herron offered a motion to issue a new call for candidates.

Laura Magnuson provided the second.

The Board discussed candidate qualifications and position requirements. The Declaration addresses the AERC at length and questions were previously established for selection criteria. Documents to be recirculated to the Board. Motion carries.

COMMITTEE REPORT (Electric Vehicle (EV) Charging Stations):

Josh Clayton, Chair of the EV charging station committee, was present to address that the committee members attended the Montgomery County presentation on September 6th and await the Board decision on establishing criteria for residents of townhome communities to install charging stations on their private property. Josh addressed that through the webinar, several new contacts were made.

SWIM TEAM COMMITTEE REPORT:

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Christy Jordan was present and addressed that the swim team season was over, and that planning for next year is already under way. She asked why the pool closed at Labor Day. The Board addressed that a decision could not be made in time. Swim team has asked for additional funding and provided their budget, but not a request for the amount of additional funding.

NEIGHBORHOOD ADVISORY COMMITTEES (NAC):

Harbour Place representatives, Holley Salono & Meridith Lynch, were present to address their progress as an NAC, which is looking to address traffic and other safety issues and potentially landscaping concerns.

FINANCIAL REPORT:

Sonia Iraheta of First Service Residential was present to review the financials, which were submitted electronically. Laura Magnuson asked about a new line item for the RBC investment checks. The GM addressed that a new general ledger (GL) line item would be established for the virtual annual meeting expenses.

GM REPORT:

GM addressed an upcoming community survey that would seek what residents would like to see from the HOA and what topics are of interest. This could be included with one of the upcoming large mailings. GM also addressed upcoming items, including aeration and overseeding, which will take place in October. Following aeration and overseeding, organic turf application (fertilizer) will then take place.

BOARD REPORT:

OLD BUSINESS:

Investments

Discussion about investment options, interest rates and potentially laddering CDs. Recommendations provided by Laura Magnuson as Treasurer, attached.

ACTION:

Nic D'Ascoli offered a motion to direct Loren Danielson of RBC to reinvest the \$186,000 in a short-term CD with the best rate possible.

Mark Sagarin provided the second.

Erik Herron asked that the office verify if treasuries could be investment options.

Motion Carries (D'Ascoli/Sagarin/Pesce yay; Magnuson/Herron nay)

EV Charging Stations

The Board continued discussions about EV charging stations. Erik Herron addressed that the recent law addresses deeded spots only. It was discussed to allow residents to apply to the AERC, who would in turn make a decision and residents could appeal to the Board. Laura Magnuson addressed that the process should include community involvement. Discussion also included the safety & liability issues if the Association authorized a charging cord to cross common ground sidewalks. The Association currently does not authorize EV charging cords to cross common ground sidewalks. Whiteford, Taylor & Preston (WTP), Association counsel,

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advised that an indemnification agreement should be required if authorization were ever granted. Josh Clayton, as EV charging station committee chair, suggested that the longer without decision, the greater potential liability the Association faces. No motions offered.

NEW BUSINESS:

ACTION:

Nic D'Ascoli offered a motion to remove the poles that Big Tow left after removing the tow signs on behalf of Churchill Senior Living.

Laura Magnuson provided the second.

Erik Herron suggested that the matter should be discussed in closed session given its bearing on the broader CSL litigation.

Motion withdrawn.

ACTION:

Nic D'Ascoli offered a motion to post a plat of Churchill Senior Living with a Board member's signature for the generator to the Association website.

Laura Magnuson provided the second.

Motion carried unanimously. (D'Ascoli/Herron/Magnuson/Sagarin)

ADJOURNMENT:

ACTION:

Erik Herron offered a motion to adjourn the meeting at 9:59 p.m. to closed session to discuss ongoing litigation and staffing concerns.

Laura Magnuson provided the second.

Motion carried unanimously. (D'Ascoli/Herron/Magnuson/Sagarin)