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**WATERS LANDING HOA MINUTES FROM 6/21/23 MONTHLY MEETING**

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**Called to order at** 7:05 via Zoom

**Notation of Attendance:** John Pesce, President, Nic D' Ascoli, Vice President, Laura Magnuson, Treasurer, Anita Weinstein, Secretary, Mark Sagarin, At Large, Kristin Czarick, General Manager, Shelia Jenkins-Diaz, Executive Assistant to the General Manager, and Sonia Iraheta from First Service Residential, Vlade Jankovic from RSV Pools Inc., MCPD Officer Edward Trybus, MCPD Sgt. Rebecca Innocenti, and Michael Paylor of MDOT. John Pesce has opted not to exercise his right to vote as chairperson so unanimous means all four voting members (D'Ascoli, Sagarin, Magnuson, Weinstein)

1. **Members of Community Present:** Peter Rotella, Andy Williford, Anna Davis, Kathy Kyne, Jason Elkjer, Jennifer Leitner, Sharon Black, Stephen Tise, Tom O'Connor, Suzanne Wiggins, Don Wiggins, Dee Dee Allison, Gary Jennings, Kathleen Mead, Lydia Frasier, Josh Clayton, Anita Duvall, Travis Pratt, Audra Duboy, Tom Arcuri, Hosalli, Bruce Schwalm, Kim Schwalm, Annchen Knodt, Peter Beaucage as reported and provided by the office

**Approval of Minutes:**

1. Open Meeting Minutes—Minutes from 5/17/23 Open Public Meeting—Magnuson motion/Sagarin seconded—all four approve
2. Hearing Minutes— Minutes from 5/25/23 Appeal Hearing—Magnuson motion/Sagarin seconded--all four approve

**Traffic Concerns Presentation:**

- a. Spinning Wheel Drive speed and traffic concerns: Michael Paylor of MCDOT was thanked for all the help with crosswalks and curbs. Concerns about speeding on a particular residential street, Spinning Wheel Drive. Other issue is parking along Waters Landing Drive. White lines painted along parking lanes. Josh Clayton speaks spoke about Spinning Wheel Drive...section that goes downhill. Got 25 mph signage posted, but sign taken down. Cars speeding down street. About 3 weeks ago, strips put out...but it is on an area that goes up the hill so it would naturally be slower. Even it is 20m mph that is still too fast. There are no speed limit signs on street. Advised that the 20-mile hour speed sign will be installed in August when the County initiative "20 in Enough" to reduce speed limit in neighborhoods and influence slower traffic takes effect. Josh Clayton asked if MCPD could come back out to install strips in a better location, rather than uphill. Michael Paylor of MCDOT advised that generally the county will not reduce speed further unless in school zone or rural roads. A lower speed limit would be challenged and probably not be enforceable. Paylor said the average speed on Spinning Wheel is 17 mph.
- b. MCPD Officer Edward Trybus related that on 5/22 utilized stationary LIDAR to track 18 vehicles between 6:45-7:20 a.m. and none were above 25 mph. 5/31—DOT used their traffic volume and speed measurer with 80 vehicles northbound into Spinning Wheel and 84 vehicles southbound leaving Spinning Wheel which is 164 vehicles over 24 hour period. During that period, 2 vehicles above 25 mph (27 and 29) which is .01%; on 5/30 there were 110 vehicles northbound and 108 vehicles southbound for a total of 218 vehicles over 24-hour period. Of those, 5 vehicles travelling above 25 mph speed limit (26,26,28,28,30) which is .02% of total volume traffic. On June 5, we wanted to do different time between 8-9 a.m. and 4 vehicles came in or out and none above 25 mph; For Traffic Calming on Low volume residential streets of less than 1,000 cars per day, Officer Trybus said educational strategy is recommended and there is low priority for enforcement. For other interventions, the speed limit must be 25 or 30 mph and a speed study must be 7 mph above speed limit with traffic volume of 100 vehicles per hour. The

- officer explained that speed cameras do not take pictures unless 12 mph over speed limit. —but must certain volume of traffic and minimum operating speed to justify their placement. There is not the necessary volume of traffic on Spinning Wheel for that, he said. He told the audience that he believes the strips were in proper place. Josh Clayton says the busiest time was in afternoon about 4-6 p.m. during school year when there was increased traffic, but in morning it was less.
- c. Sgt. Innocenti restated that the average speed 16 or 17 mph. With the new initiative and the change in speed, there is a need to post with new signs going up in August. She noted that an officer did go talk to day care—community services officer. That Owner did ask parents to be mindful of speed limit. The Sgt. Said there is no data to support that it is the day care and that often is the residents who are exceeding limits. Innocenti said there would be no Speeding concern—going forward —no additional speed study until September but the new 20 mph speed limit signs would be going up in August and there would be an education component before enforcement. They will work with HOA to work on that.
  - d. Josh Clayton also stated there is a specific woman who is filming kids while driving and it doesn't seem like anyone cares. Josh and Travis Pratt called police with license plate number. Travis spoke with the owner about ongoing issues and will leave note a for owner when issues arise but he has been threatened with restraining order. Travis Pratt commented that he thinks too small of a sample of time and when strips are installed that people naturally slow down. He reiterated that he wouldn't be wasting his time if this wasn't a problem.
  - e. Michael Paylor from MCDOT is hoping speed limit signs will be installed sooner; they can install traffic cameras, but another option is to collect data for a longer period of time— fuller, more robust data collection. He said they may need to come back in fall when school starts again. Spinning Wheel is a narrow road so can't use chicanes which would make it less accessible. Travis Pratt thinks sample will not be enough right now since school is out. Michael Paylor stated there would be another study immediately and follow it up with another one in the Fall.
  - f. Bruce Schwalm: Expressed the poor timing on study —right around Memorial Day holiday weekend—probably not good enough sample until school starts again. Seeing children playing in the street with cars parked on both sides—people should be mindful and reduce speed. Need to craft a law to protect kids.
  - g. Josh Clayton: is there a way to get a community signature to decrease speed? Paylor said most vehicles tracked are at target speed limit and they would not reduce speed limit to 10-15 mph.
  - h. Kim Schwalm: Asked for an update on recent shooting on Shadyside Way shooting in May. Sgt. Innocenti: It is still under investigation. On May 20 at 1:13 p.m. a shooting was reported in progress with an adult male victim with a gunshot wound. Multiple suspects fled and the case is still open with no arrests; She indicated it can be a challenge if witnesses and victims may not be relaying information. It is not believed to be a random shooting as there is an association between suspects and victim. Cheri Willis asked about how the perpetrators got access to the building, but police did not have that information.
  - i. Parking Along Waters Landing Drive and the painted white lines along the lanes— Laura Magnuson asked Michael Paylor about the lack of enforcement of the rule against commercial vehicles parking along Waters Landing Drive and often parking up on the curbs and in the planted areas next to the curbs. Issue about white lines on side of road and commercial vehicles which seem to think white lines signify parking lanes, but the lanes are too narrow. Laura inquired whether the county could repaint lines? Sgt Innocenti explained there are about 160 complaints and asked that we send reminders to Officer Trybus because they rotate areas. She suggested putting some warnings or issuing tickets. Please email MCPD if the problem is not getting better. Laura Magnuson said to consider this a request for enhanced enforcement. Innocenti noted that parking is one of the biggest complaints because not enough space for vehicles to park. **ACTION**

**ITEM:** Periodically contact community officer to report vehicles parked on Waters Landing Drive.

Paylor expressed that if the Association wants to change configuration and perhaps only provide lane markings on one side of the drive that MCDOT can explore that and cost to do that but it may need additional funding. He said they would take a look and try and figure out what we can do. It may take more time. Kristin said that for years there were no painted lines and could removal of lines be explored. Paylor claimed that the risk is that there is no guideline and vehicles could be parked in travel way. He said they would consider all options.

Stephen Tise: Called into police a number of times for abandoned vehicles—damaged trailer abandoned for 2 months but response time is extremely slow and that they need more funding for community officers.

Bruce Schwalm: Can call into 311 so there is a record? Paylor: Probably yes!

**Contractor Report:** Vlade Jankovic is in attendance

1. RSV Pools, Inc.—Vlade reports Small problems but cleaned up—need more training of guard but that overall things better than last year.
2. Bathhouse Cleaning—Condition of both pool houses within 1<sup>st</sup> week of opening. Do we need to do power washing and inspecting before opening? Manager Denise made an effort to try and paint ceiling in Poolhouse A. Consider cleaning ceiling with chemicals. Pool A Women's bathhouse has poor ventilation and consider installing fans. Vlade said he will keep an eye on it but it will definitely need painting and renovation after season. Need paint; power wash floors; drains have mud. Vlade said he would power wash floors in evening.

**Financial Report:**

1. Sonia Iraheta, First Service Residential— Questions about Narrative
  - a. Laura—XML \$115,000-\$120,000 in interest income. FSR money is in interest bearing—all in interest except Capital One operating account. Over \$300,000 in operating—do you want that moved. **ACTION ITEM:** Kristin and Laura and look at what want to sweep from Operating Account into interest bearing account.
  - b. In April there were few payments to vendors—why not show regular expenses for month of April. Not see any invoices in May. Sonia responded there are a large amount of invoices in May. Pool contract and others in May. Potomac Edison did not take money out in April; May not seen an invoice yet. Personal property taxes over budget by \$35,000 because the County not send invoices.
  - c. Detailed Cash Disbursement Report: Different Cash disbursement by payee report...dropped in One Drive and has full description that Kristin enters. Sonia can run this report—FSR report.

**President's Announcement:**

1. WTP Invoices for the past 4 months were approved unanimously by email and have been submitted for payment; The board will be going into Closed Executive Session immediately after the meeting to discuss the CSL Litigation.

**Open floor** (20 minutes total 1-2 minutes per speaker):

1. Bruce Schwalm: Mold in bathhouses could be dangerous situation; mold remediation people take a look—Kristin needs to look at ventilation of entire area. Need mold remediation company—Mold can cause significant health issues. Kristin will contact companies to come and evaluate. Nic suggests fans and doing extensive cleaning but solving problem long-term.
2. 6/10/23—Letter—from Jane Wikman—confused about last status sheet from AERC and what is an after the fact application. John explained that this is an application that is submitted

after the work was done without approval. Since it was done in violation, the change must be removed at the time the property is sold. There is no real enforcement of this.

3. Open floor closed at 8:41 p.m.

### Committee Reports:

1. AERC Report. AERC Voted unanimously for the board to consider another survey. June applications: **12 applications in total**. 10 were approved, and 2 were tabled. Out of the 10 approved, 3 were "After-the-fact" Applications.
  - a. **5 in lake forest Neighborhood**
    - i. Cloverdale Place, remove 3 pine trees (A)
    - ii. Neerwinder Court, tree removal (A)
    - iii. Neerwinder Court, replace a shrub with an arborvitae (A)
    - iv. Neerwinder ST., 5ft fence in rear and side of property (A)
    - v. Cloverdale Place, 6ft fence in rear and side of property (A)
  - b. **2 in Country Lake Neighborhood**
    - i. Afternoon Lane, Shed (A)
    - ii. 4ft fence (replacement) (A)
  - c. **2 in Waters Edge Neighborhood**
    - i. Long Channel Drive, EV Charging Station (A)
    - ii. b) Long Channel Drive, sidewalk Channel (T)
  - d. **2 in Harbor Place Neighborhood**
    - i. Waters Point Lane, EV Charging Station (A)
    - ii. Waters Point Lane, sidewalk Channel (T)
  - e. **1 in Waterbury Downs South Neighborhood**
    - i. Demetrias Way, replace window w/ a Door (A)
2. Schedule EV Charging Committee meeting with the Board. Trying to coordinate dates for Board-AERC meeting.
  - a. Nic—need policy on EV Charging Stations—Josh tracked changed on indemnification agreement
  - b. Indemnification for EV Charging Stations—that is what holding up 2 tabled applications.
  - c. When things tabled—what does that mean for channeling piece. All four applications favored channel through; the channel under option is same cost but more problematic. Shepard's hook might be used between time application approved and time to do work.
  - d. Peter Beaucage—member of committee—like drain in sidewalk.
  - e. Josh—says about 2 inch installation with gap of no larger then 1 inch or less—can we include cover?
  - f. Anita submitted a draft EV Charging Guideline but asked for detailed specifications for the channel method.
  - g. Laura—can we sit down with committee? Need sit down with EV Charging Station Committee and Board. Can get questions for contractor ahead of time?
  - h. **ACTION ITEM:** Get questions ABOUT EV Charging Stations back to Kristin by next Friday?
  - i. **ACTION ITEM:** Ask Attorney for names of HOAS who have formulated a policy on EV Charging Stations.
  - j. **ACTION ITEM:** Please provide all information which we have on assigning parking spaces in townhouse communities.
  - k. Nic—To designate parking spaces, what needs to be done.
  - l. Kristin explained there is no deeding a space, but spaces can be designated if townhouses vote for that. It takes 2 ballots and majority of those voting to approve designated spaces.
  - m. Kristin had further questions for legal because this issue came up many years ago.
  - n. Out of four applications, 2 are in Waters Edge with no assigned parking. Harbour Place has assigned parking.
3. AERC Questions:

- a. What does it mean when the AERC tables a 6-foot fence? Nic asks if approved in 60 days automatically or does it go back to AERC for re-review. Must it be decided at July meeting or it's automatically approved.
  - b. Laura—why is an application tabled? Shelia noted it was tabled because it lacked information and is considered an incomplete application and needs to go back for additional information. Want on agenda for board-AERC meeting. This is considered as “incomplete” not tabled application according to John Pesce and incomplete applications not considered.
  - c. Laura asked if there was an after the fact application for 5-foot fence and John replied that it was just a gate between his house and neighbor's fence.
  - d. Laura—what is policy for approval after the fact meaning after the changes have already been made? John responded that if the modification is within specs, it gets approved retroactively but if there is a violation, then it can be approved but not conveyable. Laura responded that the better policy would be to go through entire process and approve or disapprove as if within the guidelines.
  - e. Laura—need AERC policies. John noted that if residents apply for something in violation, they may be asked to remove it when they move. Kristin said the Association cannot hold resale packet hostage—but notify that owners they are not in compliance.
  - f. **ACTION ITEM:** John and Laura discussed meeting together with AERC to divvy up responsibilities for any policy writing
  - g. **ACTION ITEM:** Kristin—start putting AERC status sheet in board folder in AERC folder
4. AERC Upcoming Appeals—Continuation of 6 foot fence hearing 6/22; 6/27 appeals 6 p.m. (Lakeforest) and 7 p.m (Woodlands)
  5. Swim Team—sign ups completed; **ACTION ITEM:** get final updated list to Kristin—checking to see if families are current with assessment—updated final roster.

### General Manager's Report:

1. Inspections:
  - a. Annual: To be addressed at AERC and Board meeting
  - b. Review of Process--tabled
2. Upcoming Items
  - a. Parking Space Line painting—in connection with resurfacing, sandblast and stain where color is there for life—yellow curbs.
  - b. Evaluating Concrete and Asphalt—evaluate in all TH communities—3 year plan; some need crack filling, some need overlay and concrete work—hefty dollar amounts –3 to 6 weeks –savings if we do at one time. If do contract over a 3 year period and stage it, they could also improve economics, Kristin is putting together a map and the contractors walk the property.
    - i. Consider hiring an independent contractor --- to review entire scope of work. Nic concerned that contractors should not tell us what should be spent. Most managers put together their scope and then contractors walk it.
    - ii. Rec center parking lots and townhouse parking lots (10 TH neighborhoods); 6 TH need overlays over the next few years.
    - iii. Question about reserve study—helps us to look at which lots to address –they do not do full scope of work.
    - iv. **ACTION ITEM:** Contact independent contractors to help determine concrete and asphalt scope of work
  - c. Bathhouse Maintenance/Renovations—reserve project;
  - d. Upcoming Contracts— tabled
3. Investments
  - a. Checks—**ACTION ITEM:** Follow-up on RBC check –send John John an email on check number and dollar amount.
  - b. Reserve Transfer—RBC to XML—CD comes due—need to do transfer due for June 30. Follow-up on RBC check –send John John an email on check number and dollar amount.
4. Handyman Services--tabled

## Board Report:

1. CSL Update—hoping to get mediation scheduled; move to executive session
2. Board Month in Action-start next month—quick summary of what board has accomplished

## Old Business:

1. EV Charging Station Options/Indemnification—see above
2. Amended AERC Hearing Appeal Agenda—general appeal agenda with abbreviated time periods. 6/6/23 email from Nic. Changes in the Initial Appeal Hearing Agenda are increased time for Introduction from 2 to 3 minutes; Summary of Comments (either bullet form or appellants letters read) stays at 5 minutes; Introduction of Evidence which is the list of all evidence in the official record stays at 5 minutes; Time for Submitter to make their case/comments—increased from 10 to 20 minutes; Time for Appellants to present their case increased from 10 to 20 minutes; time for comments on issues not previously raised which had been 10 minutes is deleted; Rebuttal from Submitter (rebuttal only if appellant speaks) stays at 5 minutes; When, where and ow the decision will be rendered stays at 2 minutes.  
**Motion to approve Amended Initial Hearing Process** made by Nic, seconded by Laura—approved by all four voting members
3. Market Research Committee: Appointment of Candidates: **Motion to Appoint Candidates for Market Research Committee:** D’Ascoli makes motion to appoint Stephen Tise, Jessica Faupel Badger, Bruce Schwalm—seconded Laura. Approved by all four voting members.
  - a. How to empower this group--Group has initial charter. Does board want a first meeting with this group to kick them off? They are a committee and open meetings—provide input to the committee; Committee makes recommendation with Nic as primary board contact. Committee evaluates each service provided to residents by HOA, alternatives, costs, evaluations. The committee needs chair, co-chair and secretary. Need to advertise meetings. Committee of 3 with 2 people as a quorum. John asks to consider a survey to the community.
  - b. ACTION ITEM: Set up meeting with Board and Market Research Committee
4. In-Person vs. Zoom Meetings: Tabled.

## New Business:

1. WTP Communications Log—tabled

**Adjournment: Motion to adjourn at 10:14 p.m. made by Magnuson, seconded by Sagarin at 10:14 4 voting members approve; and then enter into closed session.**

## ACTION ITEMS from March Meeting

- Action Item #1--For the **April Agenda**, Kristin will provide all minutes which still require approval including closed meeting minutes—**Still Need to approve the Closed Meeting Minutes from April 14, 2023 Closed Meeting but Settlement Terms still in discussion**
- Action Item #2—Kristin will provide the fee structure for the T & J by the **April meeting--DONE**
- Action Item #3—**Within one week (by March 22)**, the office staff, Sonia and XML will confer to figure out the fund transfer process- **DONE**
- Action Item #4—Determine if there are any outstanding invoices so that FSR can close the books on 2022 and begin 2023—**Kristin needs to verify that all outstanding invoices are listed with new General Ledger categories**
- Action Item #5—Kristen will resend to board any unpaid invoices --**DONE**
- Action item #6—**Within 2 weeks (by March 29)** FSR will determine if the \$124,000 expense for pool white coating which was paid out of the operating expense fund requires a transfer from the Reserve Fund to reimburse Operating Funds.—**Kristin needs to follow up on this**
- Action Item #7—**Within 2 weeks by March 29**, FSR and Kristin will advise if there are any changes to December financials--**DONE**
- Action Item #8—Kristen will speak with Whiteford Taylor Preston (WTP) to remind them that they are to provide regular quarterly collections reports to the Board of Directors (BOD)—**Quarterly report not yet submitted.**
- Action Item #9—FSR will provide an accounting of the WTP bills for the past 6 months and advise what was billed, what was approved, and what was paid by the next board meeting—**Still open invoices**
- Action Item #10—FSR will provide accounting of collections payments received by WTP in pursuance of delinquent accounts by the **April meeting**
- Action Item #11—FSR (Sonia) will attempt to determine why WTP bills go directly into the AVID system and to FSR without going through Kristen by the next board meeting. This is the only vendor whose bills go directly into AVID before being

approved by the GM. At the current time, FSR has to double back and forward the bills to Kristin for approval.—**DONE.**  
**WTP will send invoices to AVID and a copy to Kristin**

- Action Item #12—GM will report to the BOD at the **next meeting** on progress on hiring temporary help for the office. **Kristin will meet with Nic April 27 to begin planning and procedures for office staffing and upgrades.**
- Action Item #13—Kristin will provide a more detailed Reserve Project Report with explanations and details of requested improvements, projected dates for each improvement, and how the projected cost was arrived at for the next board meeting. **Engineer/Architect to help with bidding process for capital items.**
- Action Item #14—GM will follow up with Inspection Report from RSV Pools as to the condition of each pool by **March 16, 2023—Zoom meeting with RSV on Monday, April 24.**
- Action Item #15—Kristin will send the board members the pool packet from last year by **Friday, March 17--DONE**
- Action Item #16—Kristin will obtain bids from pool vendors and schedule an additional open meeting as soon as possible. **Zoom meeting with RSV Pools representatives on Monday, April 24.**
- Action Item #17—by **Memorial Day which is Monday, May 29**, the GM will have reviewed the list of Waters Landing Swim Team Members and Team Reps to be certain that all participants are current in dues/assessments. This will be done again by **June 18, 2023** for any additional swim team participants. **Outstanding item for June.**
- Action Item #18—Kristin will bid out the trash contract with attempts to get vendors which can provide curbside pickup, bulk pickup, and holiday trash pickup. In the interim, the contract with T & J was approved for an extension. **DONE**
- Action Item #19—**Prior to the June/July meeting**, Kristin will contact WTP about the procedure for increasing the size of the BOD. For June/July meeting, Kristin will include this on the agenda. **Outstanding item for future meeting.**
- Action Item #20—**by Wednesday, March 22, 2023** Kristin will make contact with representatives from RBC to determine what needs to be done to complete direct deposit for any dividend/interest checks from the RBC account. **Coordinate with John, Laura and Kevin from RBC for direct deposit.** What happened to outstanding checks?

#### **ACTION ITEMS from April Meeting**

- GM to get bids for digitizing and archiving records for May.
- Get list of architects/engineers to do assessments of the capital improvement needs and costs for the May/June meeting.
- Determine areas that need asphalt patching and asphaltting in neighborhoods for May/June.
- Provide contractor proposal to renovate siding at Pool A and B and to do roofing on Pool B.
- Get quotes from other handymen in the area for the May meeting.
- Report back on reimbursement and disbursement SOP at the May meeting.
- GM will report to board on staffing needs for the office.
- Set up work session to address neighborhood budgets and whether we should be allocating interest to neighborhood reserves
- GM will reimburse Laura Magnuson for cost of CSL deposition transcripts----DONE

#### **ACTION ITEMS from May Meeting**

- Kristin to ask Ben for date stamped copies of CSL motion filings
- Kristin and Sonia to work on getting a cash disbursement report with more details about expenditures--DONE
- Work with Beth from XML to make sure any materials posted on accounts have private information redacted
- Kristin will meet with swim team representatives to check and finalize schedule and to determine when there are lifeguards needed beyond the contract schedule. Contract needs amendment for those dates.

#### **ACTION ITEMS for June Meeting**

- Periodically contact community officer to report vehicles parked on Waters Landing Drive.
- Kristin and Laura and look at what want to sweep from Operating Account into interest bearing account.
- ACTION ITEM: Get questions ABOUT EV Charging Stations back to Kristin by next Friday?
- ACTION ITEM: Ask Attorney for names of HOAS who have formulated a policy on EV Charging Stations.
- ACTION ITEM: Please provide all information which we have on assigning parking spaces in townhouse communities.
- ACTION ITEM: John and Laura discussed meeting together with AERC to divvy up responsibilities for any policy writing
- ACTION ITEM: Kristin—start putting AERC status sheet in board folder in AERC folder
- ACTION ITEM: get final updated list to Kristin—checking to see if families are current with assessment—updated final roster.
- ACTION ITEM: Contact independent contractors to help determine concrete and asphalt scope of work
- ACTION ITEM: Follow-up on RBC check —send John an email on check number and dollar amount.—DONE by Anita 6/22/23
- ACTION ITEM: Set up meeting with Board and Market Research Committee
-