

Fallsreach Homeowners Association

Board of Director's Meeting Minutes

June 29, 2011

**Potomac Community Center
Potomac, MD 20854**

I. Call to Order. The meeting was called to order at 7:38 p.m.

II. Attendance. The meeting was attended by Lou Levy, Dave McWhorter, Ken Becker, Michael Gartman, Randy Goldel, Donn Layne and Geoff Evans. Don Dorsey and Mike Lichty from the Montgomery County Department of Environmental Protection were also in attendance.

III. Minutes. The minutes from the Board's meeting of March 23, 2011 were approved as amended.

IV. Storm Water Management Restoration Project. Don Dorsey and Mike Lichty from the Montgomery County Department of Environmental Protection ("DEP") attended the meeting to make a presentation on the status the Storm Water Management Restoration Project.

Ken Becker provided an introduction, in which he reviewed the background and status of the project, including a review of the two options for the two proposed ponds originally presented by DEP, and the County's agreement to develop a hybrid plan to address Community concerns, particularly with respect to preservation of the affected area for use as a sledding hill for community children.

Mr. Dorsey then reviewed the original design of the community and the storm water management pond, noting that the State changed the water release standard governing storm water release designs in 2000, hence the need to redesign the Fallsreach storm water management area. The purpose of the State's change to the water release standard, Mr. Dorsey explained, was to reduce erosion, and also reduce nutrients and sediment entering the stream from the storm water management area. He also said that the driving force for the upgrade is that the County must comply with National Pollutant Discharge Elimination System ("NPDES") and needs a Municipal Separate Storm Sewer System Permit (MS4), which requires (1) watershed restoration, (2) assigned waste-load allocations and (3) trash and litter management. Compliance with these standards is necessary avoid a lawsuit against the County by the State.

Mr. Lichty then discussed the specific criteria for assessing the two options originally proposed by the County and the hybrid plan – channel protection and water quality protection. The two options and the hybrid plan offered the same level of channel

protection. With respect to water quality, the hybrid plan fell in between the levels of protection offered by the two original options.

Mr. Dorsey then discussed tree removal and replanting issues, noting that only native trees and wetland trees will be planted in the affected area to compensate for the trees removed as a result of the restoration excavation.

Summarizing, Mr. Dorsey stated that all three options – i.e., the original two options and the hybrid – would receive partial credit toward waste load allocations under the MS4 permit. He also emphasized that DEP will take the HOA's thoughts into consideration in order to balance the impact on the community, the level of storm water control, and the environmental impact.

Mr. Dorsey then addressed a question regarding mosquito control, noting that the storm water facility would likely not be a problem because the water would be flowing rather than standing. He also stated that DEP would inoculate the pond by providing natural predators.

After further discussion regarding the need to preserve the sledding hill leading down toward the proposed pond area, Mr. Dorsey noted that if the pond is shifted closer to the streambed, additional trees on the Town Home side of the area will have to be removed. The Board indicated it had no objection to this. Mr. Dorsey then said that he would talk to the DEP engineer about the modification suggested by the Board and get back to the Board as soon as possible.

In response to a question from Mr. Becker, Mr. Dorsey said that the plan also envisages replacement of the bridge leading up to the Town Homes. Mr. Becker noted that, given the costs of bridge replacement, the current bridge cannot be removed until the HOA can assess replacement feasibility. He then asked Mr. Dorsey to consider options for the Board to consider.

V. Treasure's Report. Mr. Becker reported that, per previous Board discussion, he had been authorized to modify the collection policy to extent the dues payment period from 15 to 30 days. After 30 days, penalties would be assessed. He then asked the Board to approve the revised collection policy, a draft of which had been circulated to the Board by email. The collection policy was approved.

Mr. Gartman suggested that the Board be lenient in its enforcement of the collection of late fees.

VI. Grounds Committee. Mr. Levy reported on the non-native species invasion in the woods adjacent to the stream bed behind the homes on Reach Road between Falls Chapel Road and Trailridge Drive. Mr. Levy, Mr. Becker and the HOA's landscaper Jason Perreca had met with Mr. Dorsey and Mr. Lichty to discuss the need to eradicate this invasive growth. Mr. Perreca subsequently provided a proposal for this work. This proposal was reviewed and approved by the Board.

Mr. Becker then discussed the high engineering costs relating to replacement of the bridge leading up to the townhouses from Trailridge Park, noting that he continues to work this issue with the engineers.

VII. Town House Committee. Mr. Becker reported that he and Mr. Levy conducted a walk-through of the Town House area with a contractor (Mattern Construction Company) for purposes of getting a proposal for repaving the area. The contractor subsequently submitted a proposal to complete the work for \$160,000. This proposal, however, was not itemized. Given that some of the items discussed with the contractor, such as curb replacement, were discretionary, Mr. Becker asked the contractor to revise the proposal so that each item was listed separately. He also asked him to consider doing the work in phases. Mr. Becker also noted that there was \$90,000 in the Town House reserve fund, thus requiring the Board to carefully consider budget implications of this project.

Mr. Levy asked whether the Board should consider a special assessment to help defray the repaving costs. Mr. Becker noted that two thirds of the HOA member would have to approve this, and that such approval was unlikely.

Donn Layne then reported that nothing had been done yet with respect to hiring a towing company to enforce parking rules in the Town House area. Mr. Layne agreed to assume responsibility for finalizing the agreement with the towing company.

VIII. Architectural Control Committee Report. Mr. Becker reported that there were no pending violations, and that the committee had approved a small number of applications for sidings and roofs.

IX. New Business. Mr. Levy reported that he had met with State Delegate Aruna Miller to discuss conditions of Fallsreach streets, and conveyed Del. Miller's suggestion that the Board urge HOA members to write letters to the County Council demanding that the streets be repaved.

Mr. McWhorter noted that a shrub on Reach Road extending from the property located at the home on the corner of Falls Chapel and Reach into the street. Mr. Becker said that he would write letter to the homeowner asking that they address this issue.

The Board also approved scheduling of the next Annual Meeting for November 6 or December 4, depending on venue availability.

X. Adjournment. The meeting adjourned at 9:35 p.m.