

LANDMARK MEWS COMMUNITY ASSOCIATION MINUTES

Board Meeting May 4, 2005

The May LMCA Board Meeting was called to order at 7:35 p.m. by Board President Lou Wagner at the home of Karen Kovach. Members present: Virginia Addison, Simon Bennett, Suzann Evinger and Dan Ferezan. Officers/Committee Members present: Roger Casalengo, Bill Evinger, Karen Kovach, Marty McDonald and Carole Trimble. Others present: Leslie Knaup and Tim Foster.

1. Minutes of the April 6, 2005, meeting were approved on a motion by Simon Bennett that was seconded by Dan Ferezan and approved unanimously.

2. Financial Report See report filed with minutes.

Treasurer Marty McDonald distributed a specially created summary balance sheet and expense summary chart to be posted on the homeowner's section of the new web site once the site is up and running. The expense summary chart illustrated the percent of the budget spent year-to-date for each line item. Board members discussed whether it would be better to indicate actual dollars spent in each line item category since percentages with no reference point were rather meaningless. The board also discussed adding a footnote to the summary balance sheet to explain the meaning of restricted and unrestricted reserve funds. Dan suggested that the names of the funds be changed to "emergency reserves" and "special capital fund" to clarify for homeowners the fund that is being built from the increased fee initiated in 2004 to cover the cost of anticipated capital improvement needs to streets, sidewalks, curbs and the surrounding wall. The board directed Marty to explore whether that option is consistent with accepted accounting principles and to adjust the financial reports accordingly.

Marty reported that he had invested another \$10,000 in the Vanguard investment fund as the board agreed at the April meeting.

Marty requested board approval to move money among accounts to keep budgets in line. He requested approval to move \$300 into the account for producing homeowner packets to cover the cost of printing more books since he was now down to 10 books in reserve and \$500 into fees and subscriptions to cover the cost of joining the Community Associations Institute (CAI) and purchasing information materials from them. He recommended moving the \$800 needed to cover these expenses from the Other Capital Improvements budget. That line item was currently budgeted for \$16,000 with few expenditures committed at this point in time. Simon Bennett suggested that the \$800 be moved from the unrestricted reserve fund, but Dan objected to that idea, stating that the money in that fund should be tapped only if needed at the end of the year.

Lou asked Bruce Wood and Simon to provide the board with a recommendation that would allow the treasurer to move limited amounts of dollars among accounts without the need for board approval as long as transfers remained within the total budget for the year. Dan suggested examining the possibility of establishing the transfer limit in two ways: as a firm dollar cap and

as a percent of the line item budget. He thought establishing the transfer cap in both ways might be useful as a year progressed and, therefore, fewer dollars remained in specific budget lines.

Marty reported that the first of the funds in the capital improvement line item budget of \$16,000 were spent in April to pay for cleaning the back fence on the LMCA property. Total cost of the project was \$2,850.

Additionally, Marty reported that, on behalf of LMCA, he had joined CAI, as directed by the board at the April meeting, and had purchased three of the association's booklets on reserve funding. He took one copy and gave the other two to Simon and Roger Casalengo. Marty requested authority from the board to purchase more of the association's information pamphlets, in particular a guide dealing with the relationship between homeowners and a homeowners' association that he thought might be useful to include in the homeowner packets. Tim Foster pointed out that Fairfax County offers similar guides for free on the county web site. Tim also suggested that it might not be wise to embrace a "cookie-cutter" approach toward homeowner association management that might conflict with LMCA bylaws, standards and practices.

Lou asked Marty to try in the future to distribute the financial report to board members three days in advance of a meeting so that members would have a chance to review the report prior to discussing it during the meeting. Lou said he thought this step might save time during future meetings.

3. Property Manager Report

Roger began the property manager report by stating that spring is the best time of year at Landmark Mews, the time when the property looks its best. Action he reported as underway to make sure the property looks good was as follows.

- Fountainhead had been over the property twice to inspect and make recommendations regarding the irrigation system and sprinkler heads. Fountainhead also has examined the drainage problem with the berm behind Chaucer View Circle, but Roger plans to solicit additional proposals and bids regarding a resolution of that situation.
- Pineridge mowed the property twice in April and mulched trees on Stevenson Avenue at a cost of \$100.
- The summer flower rotation starts in May and will run through June.
- The Masefield Court landscaping project is again on hold; this time because the O'Learys asked that nothing be done until their new fence was completed. Virginia Addison will work with Roger on planning the landscaping for that area.
- The street sweeper was unable to complete the cleaning of the streets on April 26 because the truck broke down. No reschedule date had yet been set.

Roger then reported that \$100 had been paid to Tyson's Tree to chop up and haul away the residue left after Dominion Virginia Power had cleared trees and other plantings around a transformer on Chaucer View Circle and left the debris on the street. The board then engaged in a lengthy conversation about the problems that occurred when Dominion Virginia Power began a cable replacement project with no notification to LMCA. Power was cut off and landscaping

around the transformer – located on private property – was cut down without prior notification or discussion. Subsequent conversations with elected officials and the power company revealed that LMCA was partly at fault in the situation because the transformers carry warnings that no plantings are to be placed within 10 feet of a transformer. Roger reported that there are 13 transformers on LMCA property, most close to, if not actually on, homeowner land, and that this incident was just the first action in Dominion Virginia Power’s cable replacement program. He asked for authority from the board to contact Dominion Virginia Power to seek redress for the damage done and reach an agreement for a notification process when future cable replacements are planned. The board directed Roger to see what could be negotiated.

Other items Roger reported included the following.

- A variety of people currently are living in Mel Clark’s house and there had been a report of a break-in at the rear of the house. The board directed Roger to contact Mr. Clark and suggest that he have someone check on the condition of the house.
- Stump removal of Bradford Pear trees was to begin in early May. Once the trees have been replaced, that will be the end of the board’s involvement with any Bradford Pear trees located on homeowner property. Following the property manager’s report, Bill Hines, a heavy construction contractor who has worked for LMCA in the past, presented his analysis of the state of the infrastructure at Landmark Mews. Hines said his analysis was based on a property walk-through he had conducted about six months ago. His findings included the following.
- There are numerous trips hazards on the sidewalks. He suggested that the LMCA insurance company might have input on this issue.
- The curbs and gutters have serious grading problems that probably date back to the original construction. This is causing drainage problems in some parts of the community. These elevation problems must be corrected before any asphalt work is done.
- The asphalt on LMCA streets is “marginal at best”. Hines said that the real life of asphalt is 10 years, even though government standards place it at 20. LMCA’s streets are at the end of their expected life span. He cautioned against repaving on top of the current layer of asphalt and warned that the older the asphalt gets, the more catastrophically it is going to fail, thus costing the association even more to replace.

According to Hines, the most cost effective way to repair the streets is to use an alternative to breaking up and digging out the asphalt. Hines proposed milling down the asphalt one and one-half inches, laying paving material (Petromat by Amoco) and then laying asphalt on top of this synthetic net. He explained that the overlay fabric he was describing was designed to prevent repeat cracking because it spreads stress and said that the street repair package he recommends will add years to the life of asphalt. Later in the discussion, he said that the best investment for LMCA would be to mill down two inches, lay the fabric and then spread two inches of asphalt on top. If the board opted for this procedure, Hines said that his company would offer a two-year guarantee on the work as opposed to the normal one-year guarantee.

Hines said that LMCA can achieve the best economy of scale if all infrastructure projects are undertaken at one time. His recommendation is for the association to launch all the repair projects now, fixing the curbs and gutters first, then the sidewalks and, finally, repairing the streets. He said that prices of raw materials have increased substantially since he originally

submitted a bid of \$107,000 to undertake all the necessary infrastructure repairs because the price of oil has skyrocketed. He did not anticipate that prices would go down in the next few years. His estimate for completing the repair work was two weeks for all the concrete replacement, one day to mill the asphalt and one day to pave it. No driving would be allowed on the streets for 24 hours after they were paved and no parking would be allowed for 48 hours.

Leslie Knaup asked if homeowners could be given the opportunity to piggyback on the project and replace concrete driveways when the sidewalks, streets and gutters are repaired. Hines said he would be willing to negotiate special prices for that work if done simultaneously with the repairs to community property. Roger volunteered that the association would assist in making those arrangements for any homeowner who wanted to take advantage of the opportunity.

In response to board member questions, Hines said that not all of the sidewalks, curbs and asphalt in the community needed to be replaced. He and Marty calculated that about 4,200 square feet of sidewalk, 18 percent of the total sidewalks in Landmark Mews, needed to be replaced; 428 feet of curb and gutter, 7 percent of the total; and 7,202 square yards, 83 percent, of the asphalt, needed to be replaced. These calculations did not include driveway aprons. Hines pointed out that only curbs and gutters that were cracked or where drainage problems were evident (i.e., sand and dirt collecting in spots after a rainstorm) needed to be replaced. He added that these elevation and drainage problems should be undertaken first, before any other repair and replacement work is launched. Hines volunteered to walk the community again and mark the sidewalks, curbs, gutters and streets that need replacement. He said that the Chaucer Lane and Chaucer View Circle streets should not need replacement since his company had repaired those streets five years ago. He warned that correction of drainage and elevation problems could impact the amount of asphalt that must be replaced.

Hines recommended that the association obtain tonnage certificates from whatever company was selected to replace asphalt so that LMCA could be assured of exactly how much asphalt was laid. He also warned that the mill and overlay procedure he was recommending for the street replacement could not be done if the streets suffered catastrophic failure. In the case of such failure, Hines said that deeper milling of the asphalt would be required, thus increasing the cost of the project. Additionally, he advised that LMCA not attempt to seal coat the streets personally, as had been suggested by a Fairfax County engineer. He said that the seal coating products that could be purchased from Home Depot were not the same as commercial products. He also advised against dowelling old concrete to new.

After Hines left the meeting, the board engaged in further discussion about the infrastructure repair and replacement issue, including commentary on the report of a walk-through of the community with Katherine Moore, a Fairfax County Maintenance Engineer, accompanied by several board members and other homeowners (see report filed with minutes). In response to board member questions, Marty responded that LMCA has the money now to undertake all needed infrastructure repair and replacement projects if both unrestricted and restricted capital repair funds are tapped totally. Lou suggested that more exploration of repair and replacement needs and costs was needed and that the main question was whether the condition of Landmark Mews infrastructure was bad enough to warrant a panic reaction. Marty responded that projects

could be broken into segments, addressing specific sections according to specific needs, but, that, in his estimation, such an approach would cost the association more in the long run.

Tim then mentioned that LMCA had commissioned an engineering study in 1988 to assess infrastructure issues and that the company that had conducted the study was still in business. The board discussed the fact that some kind of study had also been conducted in 1992 and 2001 and that in 2004, quotes for another assessment from the first engineering firm had been solicited. Dan said that the quote was for thousands of dollars, somewhere in the neighborhood of \$3,500 to \$5,000, and that the board had rejected the idea of spending that amount of money for another study.

Lou asked if the board had enough information – with the analysis from the Fairfax County engineer and the recommendations from Hines – to begin soliciting bids. Board members agreed that even though the county engineer and Hines were not that far apart on their recommendations, with the exception of the time frame for asphalt replacement requirements, more information was required before bids could be solicited, particularly marking the infrastructure portions that must be replaced or repaired.

Lou noted that if and when bids are solicited, the board must be focused on selecting the best value bid, not necessarily the lowest the bid. Dan suggested that a request for proposals for assessment bids – determining repair and replacement requirements, marking those specific sections and bidding on the work to be done – could be sent out now. Lou added that the RFP could stipulate that the work might not be undertaken this year. Dan pointed out that if the board waits to take action on this matter until next summer, a total of \$108,000 will have been accumulated in the special homeowner assessment fund created to finance these infrastructure repair and replacement projects. Any additional costs could then be drawn from the reserve fund.

The board agreed that there are some trip hazard safety issues involving sidewalks that probably need to be addressed now. Members also agreed that a starting point for addressing those issues was exploring with the Fairfax County water department the possibility of replacing existing water main covers with smaller ones, as suggested by the Fairfax County engineer. If the water department agreed to replace the covers, there is a possibility that the county will then agree to share the cost of replacing the sidewalks around the new covers.

Lou asked Roger to work with Dennis Flynn to begin identifying the worst problem areas in Landmark Mews. He also requested that board members further consider the issues discussed during the meeting and be prepared to discuss them again during future meetings.

4. Covenants Report

Committee Co-Chairman Bill Evinger reported that the committee had hand-delivered hard copies of the updated architectural standards to all homeowners and that spring inspections would begin after May 15. He said a notice announcing the inspections would be published in the Mews News. He anticipated that the inspections would take two weeks to a month to complete. Lou asked to review the cover letter that would be sent to homeowners with inspection

reports before it was sent because of past complaints about its tone. Carole Trimble also volunteered to assist with editing the letter.

5. Old Business

Architectural Standards – Regarding the special committee formed to modernize the architectural standards, Dan reported that he had identified and contacted a couple of professionals who assisted homeowner associations with this type of project. He said he was putting together a letter of intent asking for proposals outlining the parameters and costs of an assessment project and will then come back to the board for a decision as to whether the board wants to spend money for such professional advice. Dan said his goal is to have a decision on the way to proceed with this updating project by this fall so that funds for it could be allocated in the 2006 budget.

Expanded Website – Lou reported that Estella Laguna would be proceeding with assigning homeowner passwords for access as soon as she replaced a home computer that would give her added capacity.

Zoning Committee – Annie Foster, via Tim, submitted a written report (filed with minutes) covering the following issues.

- Supervisor Penny Gross replied to correspondence regarding proposed redevelopment of Landmark Mall, reporting that she has been briefed on the issues and has expressed her concern regarding traffic issues. Follow-up correspondence has been sent to the Fairfax County Executive with copies to all county supervisors recommending immediate county involvement in the issue before further action is taken.
- Negotiations with Pulte regarding replacement plantings for those that did not survive from last year's installation along the Brampton Court/Manchester Way buffer are nearing an agreement for a financial settlement. If a financial settlement is achieved, Roger proposed using the money to replace plantings along Stevenson Avenue.
- Overlook's property manager has been contacted to recommend that the community power-wash and seal that community's section of the dividing fence as LMCA has done with our section.

6. New Business

Security Issues – Carole reported on security issues brought to her attention by Nancy Bauer, a homeowner on Masfield Court with a daughter who is a member of the Fairfax sheriff's department. Apparently, a number of incidents on Stevenson Avenue have prompted the department to step up patrols in the area. Roger said that there have been periodic problems on Stevenson over the years and that whenever these occur, Fairfax County increases patrols for a short while. He also said that he has been told by Fairfax County police officials that this area has one of the lowest crime rates in the county. Lou suggested that the best resolution of the problem was for all homeowners to remain alert.

Conduct of Association Business Regulation – Lou reported that following a seminar conducted by LMCA’s consulting attorneys regarding Virginia law governing the management of homeowner associations, Bruce Wood had written the firm for a clarification on two issues raised during the discussion – proxy voting by board members and discussion of association business outside of board meetings. (see e-mail correspondence filed with minutes) A report is expected for the June meeting.

Simon moved to adjourn the meeting at approximately 10:00 p.m. Suzann Evinger seconded the motion.

The next meeting will be at the home of Roger Casalengo.

Respectfully submitted,

Carole Trimble
LMCA Secretary