

LANDMARK MEWS COMMUNITY ASSOCIATION MINUTES

Board Meeting June 14, 2006

The June LMCA Board Meeting was called to order at 7:35 p.m. by Board President Lou Wagner at his home. Members present: Simon Bennett, Dan Ferezan, Carole Trimble and Bruce Wood. Officers/Committee Members present: Roger Casalengo, Marty McDonald and Robert Ridgely. Other homeowners present: Chris Dale, Bill Evans, Brenda Johnson and Barbara O'Leary.

1. Minutes

Minutes of the May 8, 2006, meeting were approved unanimously on a motion by Bruce Wood that was seconded by Simon Bennett.

2. Financial Report – See report filed with minutes.

In response to a question by Carole Trimble, posed in an e-mail prior to the Board meeting (*Please see e-mail correspondence filed with the secretarial records.*), Treasurer Marty McDonald reviewed a number of small, miscellaneous expenditures, primarily for landscaping projects, that brought the balance of expenditures in Bucket #3 into balance with the expenditures reported previously in reports from the property managers. Following that review, Bruce moved that the treasurer's report be approved as submitted. Simon seconded the motion. It was passed unanimously.

Discussion then proceeded to consideration of Marty's recommendation regarding the investment of \$20,000, currently invested in a certificate of deposit at Wachovia, but coming due in July. Marty's recommendation was to add another \$9,000 to the invested funds in order to purchase a \$30,000, 24-month certificate from Wachovia. Simon asked if that purchase would put LMCA investments with that institution over the \$100,000 FDIC insured limit. After some discussion, the Board determined that investments with Wachovia would remain under \$100,000 even with the purchase of a \$30,000 certificate. Lou Wagner moved that the Board approve the purchase of a new, \$30,000, 24-month certificate of deposit from Wachovia. Bruce seconded the motion. It was passed unanimously.

Marty reported that the trash collection fee has increased again. He said the new increase was to cover the cost of another jump in dumping fees. Altogether, according to Marty, trash collection fees as of July 1 will have increased \$550 per month over the past 18 months. He warned the Board that the increases will cause a cost overrun for this budget item of about \$150 at the end of the year, despite the fact that the Board had added funds to this budget line in anticipation of additional increases due to rising gas prices.

Marty also told the Board that he was planning to present an initial draft of the 2007 budget at the July meeting.

3. Property Manager Report

Lou opened the review of the property manager's report with a reference to the e-mail traffic that had occurred since the May Board meeting concerning the question of how to properly allocate and account for maintenance and repair costs for infrastructure items. The primary issue concerned which items should be covered through the special fund for major infrastructure projects (i.e., streets, curbs, sidewalks, gutters and the brick wall) and other more routine infrastructure repairs and maintenance. (*Please see e-mail correspondence filed with the secretarial records.*) Lou summarized the consensus ultimately reached as any expenditures estimated at more than \$4,000 generally should be drawn from the major infrastructure repair fund while any anticipated expenditures under that amount should be accounted as part of Bucket #3, routine maintenance and repair funds. He stressed that this determination was simply a guideline for how to account for expenditures, but that future Boards would be free to act as appropriate on a case-by-case basis.

Roger Casalengo began his report with an update of the efforts to increase lighting along Stevenson Avenue in order to reduce vandalism along that street. He said, with Tim Foster's assistance, Fairfax County has agreed to reimburse Dominion Power for increasing the candlepower along the street from five to nine illumines. Lou reported that he had sent a letter to the Fairfax County police department, requesting increased patrols along Stevenson Avenue, but had not yet received a response.

Additionally, Roger reported that he had planted three trees along Stevenson Avenue and spent \$80 to move a magnolia tree. All the trees were donated by homeowners. He also said that he had purchased three hoses to help keep the Stevenson Avenue area watered. He thanked Homeowner Barbara O'Leary for helping to water that area and said he planned to give her one of the three hoses to help her with ongoing watering needs. Roger also told the Board that he had not yet spent the funds approved for purchasing and planting replacement trees along Stevenson Avenue. He said he plans to delay that project until fall.

Discussion then turned to Roger's recommendation for street and sidewalk repairs to be undertaken this summer. Roger recommended that the Board approve the low bid submitted by Dominion Paving. (*Please see proposals filed with the minutes.*) In response to questions posed by Simon in e-mail correspondence regarding details of the Dominion Paving bid, Roger provided the following answers.

- Wire mesh is installed to support concrete when the concrete will be bearing heavy loads. Cars passing across aprons to driveways are not considered to be a heavy load. Therefore, Dominion will not install wire mesh when repairing portions of aprons. However, if wire mesh is discovered when a complete apron slab is removed, Dominion will replace that wire mesh at no extra cost. According to Roger, only three driveway aprons are marked for repair.
- Expansion joints will be installed every 30 feet; control joints will be used every four feet. All new joints will match existing ones.
- Dominion did not submit a bid for replacement or repair of any curbs and gutters.
- Work will be done between 7 a.m. and 5 p.m. daily.
- Dominion estimates that it will take two days to break and replace the concrete marked for repair. All marked areas will be repaired simultaneously.

- An additional day will be required to complete the asphalt repairs to streets.
- A spec sheet for the entire project will be faxed to Roger.

In response to issues raised by Dan Ferezan, the Board discussed whether it made sense to use the information gleaned through the bid solicitation process conducted to date in order to create a Request for Proposals for the needed street and sidewalk repair work. Dan pointed out that following this process would compel contractors to respond to standards set and specific criteria defined by LMCA rather than having contractors dictate the work to be done through their proposals. Roger responded that he had followed a process that established a set of criteria on which contractors could base their bids. Marty said that expert help would be required to craft a RFP as proposed by Dan. Bruce then recapped the process Roger followed.

- Roger and Marty walked the community with Bill Hines of Professional Striping and Sealing, Inc., to identify and mark sidewalks that needed repair.
- Dominion Paving walked the community to examine the marked sidewalks for bid purposes and proposed some street repairs to extend the life of the streets.
- Chamberlain Contractors also walked the community to examine the marked sidewalks. Chamberlain's bid was off about 1,000 square feet for sidewalk repairs, added 2,200 square feet in proposed curb and gutter repairs and added mesh support to concrete repairs.
- Professional Striping and Sealing was invited back to the community to examine the street repairs recommended by Dominion so that all the proposals would be based on the same repair elements.
- Chamberlain was not invited back to bid on the street repairs because the per square foot charge for concrete repairs was substantially higher than the other two bids.

Carole asked whether Chamberlain had been contacted to determine whether there was an error in the square footage repair estimate. Roger responded that Chamberlain had not been contacted because the square footage cost for concrete repair was substantially higher than the other two bids even when calculated on the correct amount of repair work to be completed.

Bruce said he thought the process conducted to solicit bids was good and that the Board should proceed with the work. He pointed out that delaying a decision was likely to result in a higher cost because of ongoing petroleum price increases.

Roger informed the Board that Dominion also has a contract to complete a similar, but larger project (estimated at \$400,000) for Kingstown. He said that he was comfortable that LMCA would get good value for its money by contracting with Dominion.

Dan asked why Chamberlain had bid on the curbs and gutters when neither of the other two contractors had. Marty speculated that Chamberlain had noticed some cracks in the ramps that enable people with disabilities to access sidewalks although no contractor had been asked to bid on replacement of those ramps since they did not represent a trip hazard. In response to Board questions, Roger and Marty said that no one had contacted Chamberlain to ask why a bid for curb and gutter repair had been included in the company's proposal.

Bruce moved that the Board accept Roger's recommendation to award the contract for sidewalk and street repairs to Dominion. Simon seconded the motion. It was passed unanimously.

Roger then reported on his exploration of replacing the asphalt walkway on the berm. He said the cost to cover the existing walkway would be \$10,000. He proposed that he serve as general contractor for the walkway replacement project and hire independent labor that would work under his supervision to install a new walkway at a more affordable cost. Various Board members expressed concern that Roger had the necessary knowledge and experience to manage a project that was likely to have drainage implications and could pose liability issues for LMCA if not carried out properly. After some discussion, the Board directed Roger to contact a landscape architect and obtain information about what would be involved in drawing plans for a walkway replacement project.

Marty brought to the Board's attention two other items on Roger's proposed maintenance and repair plan. (*Please see documents filed with the minutes.*) Those projects involved replacement of wrought iron railing atop retaining walls and replacement of community street lights. According to Marty, hiring someone to clean the wrought iron with a wire brush and then paint it would extend the life of the wrought iron. Regarding replacement of street lights, Marty said that the community would be saved a great deal of money if the Board authorized Roger to continue with a phased replacement and upgrade program rather than following the engineering reserve study recommendation for total replacement. Roger explained that he has been pursuing a band-aid approach to street light repairs that involves anchoring lights and protecting the bases with a concrete pedestal. No final decision was reached regarding street light replacement, but the Board directed Roger to use independent labor to clean and paint the wrought iron. Simon volunteered to let the workers use electricity from his home to complete the work.

The Board then returned to a brief discussion regarding the process of awarding contracts for major repair and replacement projects. Bill Evans pointed out that the Board would be making decisions regarding a number of very large and very expensive projects in the next few years and should determine a consistent process for eliciting the best bids. Lou acknowledged that this was an important point. He said the Board may want to consider hiring engineers to assist with preparation of RFPs for some of the major projects.

Bruce introduced discussion of Roger's proposal to extend the LMCA irrigation system across Stevenson Avenue. He reported on his legal investigation, summarizing e-mail traffic regarding the issue over the past month. He said that his query to LMCA's legal counsel as to whether it was legal to expend association funds for infrastructure improvements to land not owned by the association yielded the response that the Board had the authority under the association governing documents to take such action. In response to an e-mail query from Carole, Bruce said he requested another legal opinion as to whether is legal under Commonwealth of Virginia law to take such action. Again, Bruce reported that the answer was yes. (*Please see correspondence included with the minutes.*) He is still waiting for Chadwick to respond to questions related to regulatory and liability issues that could be associated with such a project.

Bruce said that, in his opinion, there was a clear, hard division among Board members regarding this proposed project and that if a majority viewpoint existed, it was a bare majority. Therefore,

he proposed deferring the matter until the end of the year. He circulated a proposed resolution that would table the matter. Carole objected to the introductory language of the resolution. Lou said such explanatory material was not necessary in order to adopt a resolution that would defer the matter. Bruce moved that the Board adopt the following resolution.

Resolved: The Board defers further consideration of extending the irrigation system along Stevenson Avenue for the remainder of 2006.

Simon seconded the motion. It was passed unanimously.

Roger then asked how the Board felt about maintaining the trees on Stevenson Avenue. Dan responded he certainly was not in favor of extending the irrigation system to cover that land and pointed out that it was rather fruitless to plant new trees while the region is in the midst of a drought. Roger disagreed with Dan's position. Lou directed Roger to continue watering the area for the time being.

4. Covenants Committee

Robert Ridgely, Chairman of the Covenants Committee, reported that the spring inspections had been completed and that the committee was in the process of preparing the inspection letter reports for homeowners. Additionally, he told the Board that the committee was beginning to examine a recently discovered issue involving new standards for heat pumps. According to Robert, heat pump standards changed in January 2006. The new pumps are not compatible with existing pipes in Landmark Mews homes. The only two ways to resolve the problem are to knock out interior walls on all four floors of the townhouses and install new pipe or run new pipe up the outside of the townhouse and hide it under a false drainpipe. Robert said the committee would report back to the Board with a recommendation of how to proceed in giving guidance to homeowners who need to replace existing heat pumps.

5. Records Project

Lou asked Board members if anyone had any comments on the new system of recording Board actions in the Landmark Mews Book of Resolutions and Decisions and on the web site as compared with the old system. He said that one major difference between the systems – and the major objection posed by Marty at the May Board meeting regarding the new system – was the elimination of a numbering system for the resolutions. Carole explained that she dropped the numbers when she separated formal resolutions from routine Board Actions and created separate lists of Board Actions organized by topic and by date because they were confusing. The numbers did not run in sequence, but were scattered throughout the resolutions book because resolutions were recorded by topic, not by date enacted. She said she replaced any reference to a numbered resolution that superseded a previous resolution with the actual dates of Board action to make it easier to track. To make a numbering system, such as the one previously employed, usable, Carole said an index cross-referencing topics and dates of Board actions with the numbers would have to be created. With no comments from other Board members, Lou said the new system would be adopted.

6. Zoning Committee

Annie Foster submitted a Zoning Committee report (*see report filed with the minutes*) that reported on a Cameron Station homeowners' association to attend a special meeting scheduled to discuss an air quality issue about which that community is concerned. Apparently, an asphalt production facility near Cameron Station is causing concern among homeowners. Annie recommended that LMCA take no action on the matter. She continues to monitor developments regarding the redevelopment of Landmark Mall and plans by BJ's to install gas pumps.

7. New Business

Lou announced that he had recruited volunteers to serve as the Election Committee for the 2006 election of two Board members. Mal McKinnon has agreed to serve as Chairman and Peggy Potts and Fred Williams have agreed to be members. Lou moved that these three people be appointed as the 2006 Election Committee. Simon seconded the motion. It was passed unanimously.

Lou also told the Board that he has asked Bruce to investigate the possibility of developing a resolution regarding vicious animals in Landmark Mews. Although there have been no problems in Landmark Mews with such animals, Lou said that Bruce thought it would be better to have a resolution in place, if possible, before such a problem did occur. He said that the Virginia state legislature had adopted a statute earlier in the year in response to the death of a woman who was mauled by pit bulls. Anything adopted at Landmark Mews, according to Bruce, would have to be consistent with that state law and the Board would have to have legal counsel regarding any potential resolution to be adopted.

Marty pointed out that a prior Board had adopted an Animal Control Policy in 1988, but Bruce said it did not address the issue of vicious animals. He distributed background information from the Insurance Information Institute explaining liability issues related to vicious animals and conceded that creating a policy governing ownership and control of vicious animals would be a difficult issue. (*Please see the report filed with the minutes.*) Any resolution proposed by the Board also most likely would require a change in the governing standards and therefore would have to be presented to the homeowners for a vote, he said. Any change in governing standards requires a two-thirds vote of homeowners who are present and/or voting.

8. Homeowner Questions

In response to Lou opening the floor for homeowner questions, Chris Dale raised the issue of inequity in enforcement of parking rules. She said the problem persists despite Lou's direction to Roger at the May meeting to resolve the problem. Lou promised another effort to address her complaint.

Noting that this meeting would be the last attended by Carole, Bill Evans thanked her for her service to the community. Bruce moved that she be formally thanked for her contributions; Simon seconded the motion. It was passed unanimously.

9. Executive Session

The Board went into Executive Session at 9:50 p.m. and reconvened in open session at 10:20 p.m. Bruce moved to adjourn the meeting, Simon seconded the motion and the Board voted unanimously to adjourn.

Respectfully submitted,

Carole Trimble
LMCA Secretary