

LANDMARK MEWS COMMUNITY ASSOCIATION MINUTES

Board Meeting August 4, 2004

The August LMCA Board Meeting was called to order at 7:35pm by Board President Virginia Addison at the home of Bruce Wood. Members Present: Bruce Wood, Eve Holtzman, Dan Ferezan, Lou Wagner, Bea Taylor, Madelaine Morgan. Others Present: Karen Kovach, Marty McDonald, Roger Casalengo, Suzann and Bill Evinger, Annie and Tim Foster, Barbara and John O'Leary, Rosemary Harris, and Carol Trimble.

1. Minutes of 7 July 2004 meeting were approved.

2. Virginia welcomed the homeowners attending the meeting and since the Board's interest in redesigning the common area midway along Masefield Court was the primary subject of interest, placed this topic first on the agenda. Virginia expressed appreciation for Mr. and Mrs. O'Leary's contribution to the common area. Virginia prefaced reading from the governing documents, Declaration of Covenants, Article IV, Section 1 and Article VII Section 12, and from Resolutions and Decisions, August 26, 1989, (attached) by stating the board's goal to ensure that any action regarding changes to the common area are in the best interest of the community and adhere to the governing documents. The subject was then opened for comment.

Mr. O'Leary provided background on the area, explaining he had received approval for the gate in the wall to allow access to Stevenson Ave and expressed concern over expenditures to redo the area and his objection to the manner in which the Board's intentions to alter the area have been communicated (the lack of notification). The O'Leary's have landscaped the area and maintained it and permit residents to access the gate by walking on their property. He requested clarification of the issue.

Rosemary Harris spoke regarding the barrier that necessitates going onto private property to access the gate to Stevenson Ave and opined that the Board should come up with a solution that allows access to common property without intruding on private property.

Mr. Evinger read a statement on his position that he is in favor of a change. The Evinger's have been advised by an insurance carrier not to allow persons to cross their property. Mr. Evinger believes he might be liable in the event of a personal injury.

Madelaine Morgan asked about the choice of a wood gate and not an iron gate. At the time, no other gate was on Stevenson Avenue and security was an issue. An iron gate would have been noticeable to nonresidents and it was desired that it be only for the convenience of residents.

Tim Foster provided background on the development of the property from the perspective of a past president, commenting that the property is attractive as it is and if building new sidewalks is a desire, there are other areas needing sidewalks.

Bruce Wood asked if access is being impeded. Accessing the gate requires walking on the grass or on residents' sidewalks. Mrs Harris explained that as a 2-year homeowner she was not aware

that it was common access and didn't know that the Evingers didn't want persons on their property; however, the O'Leary's made clear that they have given permission for persons to walk on their property.

Non-board/committee members were invited to wait downstairs until the rain subsided. Board/committee members continued discussion. Dan Ferezan observed that installing walkways in other common areas would also be an improvement and queried the immediate necessity of altering the Masefield area. A brief discussion ensued to the effect that other areas will be addressed in due time, but the difference with this area is that it already has a gate and a wood structure (barrier fence) in need of maintenance, making it a higher priority.

Marty McDonald observed the undesirability of having to walk on the grass and the awkwardness of walking on neighboring property. Madelaine Morgan stated her concern about the perception that it is private property. She explained she had been a homeowner for many years before becoming aware that it was not private property.

Bruce Wood summarized the issues that had been raised: e.g., need to replace the deteriorating wood structures, security concerns of public access to the property from the street, and that as common property access needs to be facilitated and it should be clear that it is common property, not just to residents on Masefield, but to the entire community. The fact was raised that although current homeowners do not object to their property being used as a walkway, a future homeowner may feel differently and it is an opportune time to preclude this being an issue in the future. Bruce also suggested that surveys are needed to determine common property lines; no one expressed agreement.

As the discussion began to focus on sidewalks and how to improve the landscaping, Virginia proposed that the Board direct the Property Manager to develop a design for the common area between 6260 and 6262 Masefield Court that provides for direct access on a walkway from the Masefield Court sidewalk to the gate that opens through the brick wall to Stevenson Avenue.

This proposal was accepted. Virginia so moved; motion seconded by Eve Holtzman. Vote, verbal to approve/disapprove. Unanimously approved. Dan advised that since the Board has been notified of a liability should someone be injured, the fence should come down immediately. Most Board members took the position that hasty action would be unproductive and action would be taken as expeditiously as possible while ensuring the best, most feasible design and getting input from homeowners affected.

3. Other Business: Marty distributed the financial report. He has purchased two new CD's (see attached report). An electronic vote will be taken regarding putting stored documents on CDs. A homeowners' association advised Marty that as long as bylaws are kept up to date, nothing (other than required financial documents) needs to be retained.

Annie Foster informed the Board of a letter from Jim Moran offering to visit. As requested by the Board, Annie will extend an invitation to both party candidates to visit the homeowners' meeting in October.

There being no further business the meeting was adjourned at 9:00pm.

Concerned that both homeowners on either side of the Masefield common area be advised of the Board's intentions at the same time, a telephone call was placed to Mr. and Mrs. O'Leary and the motion read over the phone by the LMCA Secretary.

Respectfully Submitted,

Karen Kovach
LMCA Secretary

ATTACHMENTS:

- Email from Virginia Addison dtd 8/3/04 ref August LMCA Board Meeting (Agenda and excerpt of Covenants articles IV, section 1 and VII, section 12.
- Covenants Committee Report dtd 8/3/04.
- Memo from John and Barbara O'Leary to LMCA Board of Directors dtd August 4, 2004, ref Common Area.
- Email to LMCA dtd July 30, 2004 from Eric Wolf ref: Common Area on Masefield Court and related board practices.
- Dominion VA Power letter dtd Aug 4, 2004; subj: Transformer Access
- Email from Aileen Dugan dtd Aug 2, 2004; subj: Mid-Masefield Court Common Area.