

## LANDMARK MEWS COMMUNITY ASSOCIATION MINUTES

Board Meeting August 12, 2009

The August LMCA Board Meeting was held on Wednesday, August 12, at the home of Joel Kaplan, 6309 Chaucer View Circle. Members Present: Bruce Wood (President), Loren Scieurba (Vice President) Bill Gaffney, Joel Kaplan, Linda Carter, and Delia Riso. Also present were Marty McDonald (Treasurer), Roger Casalengo (Property Manager), and Karen Kovach (Recording Secretary). Absent: Siham Wehbi. Homeowners present: Simon Bennett, Bill Evans, Dawn Patillo, and Tracy Patillo.

Bruce convened the meeting at 7:00 p.m.

The minutes of the July 8, 2009 meeting were approved.

**Financial Report** - Marty reviewed the budget and end-of-year projections. The LMCA Financial Report dated July 31, 2009 is filed with minutes. Marty noted that under “Major Infrastructure Repair” the 2009 “App’d Expense” of \$23,368.00 is for the asphalt overlay and wall repair. He compared the 2009 actual project costs and to budgeted costs and discussed the budget history report, explaining that it shows how much of our funds is required to keep Landmark Mews operating. Following a review of CD Investments (see handouts filed with minutes) a discussion ensued on late penalty charges for homeowners not paying association dues on time. The discussion centered on determining what point in time to notify legal counsel of delinquent payments.

The discussion continued at length over Resolution and Decision 89-05, which reads as follows:

RESOLVED that effective with homeowner assessments due January 1, 1990 and thereafter, the following penalties will be assessed: a. A \$15 late fee for payments received after the tenth day of the month or the following mail delivery date when the 10th falls on a weekend or national holiday. Interest on amount due, including late fee, will accrue at the rate of 18 percent until amount in arrears is paid in full. Treasurer will send late notices. b. If a second monthly payment is not received by the due date, treasurer will notify Counsel who will send, by registered mail, a formal notification that if payment is not promptly received a lien will be registered on the property to cover amounts in arrears, late fees and penalties, and all collection expenses, including legal fees. c. If payment in full is not received by the third monthly due date, Counsel records lien and takes whatever action is appropriate to collect amounts owed.

Opinions were expressed regarding time limits and how to address the problem of homeowners who are chronically late every month—as opposed to those who miss a payment infrequently. There are people who don’t pay until several months have passed. Joel proposed increasing the late fee to \$40.00, but the motion was not seconded.

Board members discussed a revision to R/D 98-05 as proposed by the Treasurer (a new R/D to be assigned when posted to the Book of Resolutions and Decisions):

RESOLVED that effective with homeowner assessments due January 1, 2010 and thereafter, the following penalties will be assessed: a. A \$25 late fee for payments postmarked after the tenth day of the month or the following mail delivery date when the 10th falls on a weekend or national holiday. Interest on amount due, including late fee, will accrue at the rate of 1 and ½ percent per month (18 percent per year) when the amount in arrears reaches 2 (two) months. Treasurer will send late notices. b. If a fourth monthly payment is not received by the due date, treasurer will notify the Board who will send, by registered mail, a formal notification that if payment is not promptly received a lien will be registered on the property to cover amounts in arrears, late fees and penalties, and all collection expenses, including legal fees.

*Linda Carter moved that the Board approve a new R/D regarding HOA late fees and penalty charges. Joel Kaplan seconded the motion. Approved 5-0 (1 Nay (Riso), 1 Absent (Wehbi).*

The financial report continued with a line by line item review of the budget projector. Marty explained changes to the reserve study that have increased that item cost. Bad debt (uncollected dues) is expected to be about \$1900.00. The operating budget for 2010 will be voted on at the October Board meeting. Increasing budgeted amount for snow removal from \$6,000 to \$8,000 was mentioned as an attempt to establish sufficient funds. Marty will continue to work on the budget to achieve a more accurate projection and refine definitions and estimates of monthly expenses; he explained that the auditor prefers to have expenses identified instead of undefined “miscellaneous” categories. Bruce informed the Board that a line will need to be added in Bucket 1 for Covenants inspections. This year \$5700.00 was spent on wall repair, and it’s reasonable to expect that maintenance costs will be a continuing expense.

**Property Report** - Roger reported on his contacts with the Overlook property management committee and his tour of the adjacent areas with the Fairfax County arborist. The Overlook management company was not aware that they owned the wooded property behind Landmark Mews.

All electrical work is completed. Since July many lighting projects have been done. There are now 20 wall lights up and a new pole light installed on Chaucer View Circle.

Valley Crest has been watering Monday, Wednesday, and Friday the 99 plants (arborvitae and burning bush) along Stevenson Ave. There have been some losses because of the low rainfall, but Valley Crest will replace free of charge any plants lost. Roger recommended changing the watering schedule to twice a week, Tuesday and Friday, and increase the watering times. The plants will receive more water at a time at no further expense to the Association. Bruce recommended a cap of \$300.00 per week for the next 5 weeks, thereby taking us through the next Board meeting and the middle of September. No formal vote was taken, but there were no objections to this plan.

Roger and Joel will select a spot for the Neighborhood Watch sign, and Roger will have Alfredo install it. Joel raised the issue again about the Berm being very dark, which is a security concern. Roger reported that a black, oily film is leaking from the ground in the Berm on the Manchester Way side (near 6317). It is not from an irrigation leak. It will cost \$500.00 for Valley Crest to dig

to determine the source. Joel recommended testing the water before digging to find out first if there's a hazard.

Replacing landscape timbers is almost completed; the cost is estimated at \$2,500.00. To seal the new berm path will cost about \$1,200.00. Roger asked the Board to approve \$4,200.00 in projects.

*Joel Kaplan moved that the Board approve \$4,200.00 for digging to determine the source and identify the black film oozing from the ground on the berm, for landscape timber replacement/repair, and to seal the berm path. Loren Scieurba seconded the motion. Approved 6-0 (1 Absent-Wehbi).*

### **Neighborhood Watch - Joel Kaplan**

Joel has discussed the releases for the volunteers with counsel and has distributed flyers, seeking additional volunteers. The Board expressed its appreciation for Joel's continued dedication. In the interest of security, Joel encouraged residents to move empty recycle containers and newspapers from sidewalks in front of neighbors' homes. Having such items in front of homes is a sign that the home is unoccupied.

The Board reviewed the proposed Landmark Mews Community Association, Inc. Resolution: Landmark Mews Neighborhood Watch Committee. This resolution was drafted to provide structure to the Neighborhood Watch program and make the supervisory role of the Board clear regarding final approval over appointees. Some board members noticed that paragraph IV: Number of Members & Appointment, didn't address numbers of members, and so the title should be "Appointment." Agreeing to this change, the Board voted to approve the resolution.

*Loren Scieurba moved that the Board approve the Neighborhood Watch resolution. Bill Gaffney seconded the motion. Approved 6-0 (1 Absent-Wehbi).*

*Bill Gaffney moved that the Board approve appointments to the Neighborhood Watch Committee of Lloyd Muller; Lea Abrams, and Christopher Thompson. Loren Scieurba seconded the motion. Approved 6-0 (1 Absent-Wehbi).*

### **Covenants Committee Report - no report.**

No executive session was held. Board members voted to approve July Executive Session meeting minutes, previously distributed.

*Joel Kaplan moved to approve July 8 Executive Session minutes. Bill Gaffney seconded the motion. Approved 6-0.*

There being no further business, the meeting was adjourned at 9:10 p.m.

Karen Kovach  
Secretary