

LANDMARK MEWS COMMUNITY ASSOCIATION MINUTES
Board Meeting August 11, 2010

The August LMCA board Meeting was held on Wednesday, August 11, at the home of Joel Kaplan, 6309 Chaucer View Circle. Members Present: Loren Sciorba (President), Delia Riso (Vice President), Linda Carter, Joel Kaplan, Bill Menzies, Bill Gaffney and Dan Aminoff. Also present were Marty McDonald (Treasurer), Roger Casalengo (Property Manager), Bill Evinger, (Covenants Chair), and Heather McGhee (Secretary). Homeowners present: Simon Bennett, Bill Evans, Norman Taylor, Estella Laguna and Chris Dale. Loren convened the meeting at 7:00 p.m.

Secretary's Report

Heather McGhee began by saying that she didn't have anything new to report and reminded Marty McDonald that she still needed the addresses and names of new residents so that she could begin updating the directory. Marty responded by saying that he was still working on accumulating all the contact info and would forward everything on to her once it was complete. Loren reminded him that the records are well out of date and asked that he provide whatever information he had so that Heather could update them. Heather then continued by asking whether everyone had reviewed the minutes.

Linda Carter moved to approve the minutes. Delia Riso seconded. Approved 7-0

Bill Gaffney asked about the possibility of approving the minutes by email prior to the monthly Board meetings and Loren Sciorba responded by saying that he had raised that issue with the Board previously and they had not been in favor of the idea. Joel Kaplan said that he had initially been against the idea, but because the community doesn't see the minutes until 30 days after the meeting, he would now possibly be in favor of approving the minutes prior to each Board meeting. Loren reminded everyone that any vote taken by email must first be agreed upon by all Board members before an electronic vote can take place, and if one Board member is against an electronic vote, then it can't happen. Bill Evinger then said that he had gone to a legal seminar a few years ago and that the lawyers there had frowned upon associations taking votes by email. Bill Menzies pointed out that if the minutes are approved prior to a Board meeting that residents of the community would not have an opportunity to make comments as they should be able to. Joel suggested placing a draft of the minutes on the website for all to look at and then still approving the final minutes at each meeting.

Bill Gaffney moved to post a draft of the minutes on the website upon their completion. Joel Kaplan seconded. Approved 7-0

Financial Report

Marty began by saying that of the approved \$22,877 for projects, \$15,000 had been approved for spending and \$11,208 had already been spent. He also said that the \$3,500 for the drainage project had been paid and the work is completed. He went on to say that the stump removal had not taken place yet. He then explained that a six month CD he had purchased in January will expire on 8/24 and that because the interest rates from ING were better than anything else he was going to convert the six month CD into a 12 month. Bill Evinger asked whether Marty had checked the interest rates that the Business Bank was offering, and Marty said that he hadn't, so Bill volunteered to check and report back his findings. Marty then moved on to say that he provided two budget sheets to the attendees, one for the current year, and the other for the projected budget for 2011 which will need to be approved at the October meeting. Within next year's budget, one big cost

facing LMCA will be the reserve study. Loren asked for everyone to review the budget prior to the September meeting because it will be discussed there. Marty ended the financial report by saying that it was his understanding that with the passing of health care reform, every corporation has to submit a 1099 form for any expense over \$600. Loren said that it didn't sound right to him, but that he will run it past the LMCA counsel.

Outstanding Issues

Loren provided a handout relating to the spending of LMCA funds without prior Board approval which contained information he had obtained from LMCA's Book of Resolutions and By-laws, and the Virginia Property Owners Association Act. He then reported that both the President and Property Manager had the authority to approve, up to their designated amount of expenditures, for any items that need to be taken care of before the next scheduled board meeting. He continued by saying that if it exceeded the monetary limit set by the Board of Resolutions, then the expenditure could be voted on by email, but of course, the email vote had to be approved beforehand. Marty asked what the triggering device would be for something that needed to be taken care of immediately which would then authorize the use of the contingency fund and Loren responded that from what he could find in the bylaws there didn't seem to be one, only whatever was necessary to keep things moving between meetings. Bill M. suggested defining a situation where the use of the contingency fund would be acceptable, and Roger Casalengo asked why it was necessary since it hadn't been a problem before. Bill Evinger then said that the use of this fund was probably always going to be a judgment call. Marty stated that it's not just the Board, but also the residents who have a right to know where the LMCA funds are being spent and that perhaps use of the contingency fund between meetings should be reflected in the minutes of the following meeting. Loren agreed, noting that this is already the practice.

Joel Kaplan moved that any expenses that occur between meetings be recorded in the minutes of the next meeting. Bill Gaffney seconded. Approved 7-0

Property Report

Roger started by saying how much he appreciates when Board members take the time to walk through the property with him so they can get a better idea as to what projects he's been working on. He then continued by saying that he now believes the internally regulated, energy efficient bulbs the community has been converting to are not producing nearly as much light as the 150 watt sodium bulbs with external ballasts. Dan Aminoff asked whether Roger had any estimate as to the difference in the electrical cost between sodium bulbs and energy efficient bulbs and Roger said that he didn't, but questioned whether a price should be placed above the safety of the residents. Loren then said that even though it was decided previously to go with the energy efficient bulbs, they have proven to not produce the amount of light for which they are rated. Linda Carter reminded everyone that the original reason for using the energy efficient lights was that they were cheaper to operate and replace, and wondered whether it was possible to find replacement ballasts. Roger said that there are replacements available and that the only issue at hand was their cost. Loren then asked what the longevity of the ballast lights were and Roger said that some ballast lights within the community had been working since 1984.

Roger mentioned that he had an extra light post head, and could have another light installed for a low price. Loren then asked whether Roger, Joel and Bill M. had ever taken their tour of the community to inspect the lighting needs, and the answer was no. It is suggested that they take the tour and then report back before a decision is made.

Roger then moved on and said that the drainage project on Cottingham had been completed. He also informed the Board of a possible new project which involves the largest oak tree on the berm. The tree's roots are above the ground and it was recommended by the landscaper to backfill that area and fill with timber at a cost of \$1,400. He continued by saying that the homeowner whose property the tree was near would pay for half the cost. Joel asked why this should be done, and Roger said simply because the roots were exposed. Linda suggested that the Board look at the tree before voting on whether to take action or not. Roger then went on to discuss the request of Marty to trim the branches of a couple of trees, which are owned by LMCA, that are blocking his satellite reception. Marty explained that he had had the antenna for about 10 years before the trees started growing together and caused the interference and that he would be willing to pay the cost, so there would be no expenditure by the community. Joel said that such a request should be evaluated on a case by case basis because of the fact that the trees are owned by LMCA and not by a resident.

Dan Aminoff moved to approve the trimming of the common property trees at the cost of Marty. Bill Gaffney seconded. Approved 7-0

Covenants Committee

Bill Evinger provided a progress report of the modification list. He then asked Board approval to make Mecky Putnam a member of the covenants committee.

Delia Riso moved to appoint Becky Putnam to the covenants committee. Linda carter seconded. Approved 7-0

Bill then went on to say that it is policy that all residents, whether they pass or fail the inspection, should receive a letter notifying them. Dan Aminoff asked whether Bill could put together a spreadsheet with the problems that homeowners need to get fixed and Bill said that he would work on it.

Bill then brought up the problem of literature being placed in resident's doors and Linda agreed that she was tired of having to pull items from her front door. Joel pointed out that having several flyers left in a resident's door for multiple days could show that no one is home and is a safety issue. It was decided that Bill will prepare a form letter to be sent to business owners directly to inform them that Landmark Mews is not a solicitation area.

Bill then asked that \$242 be approved for office supplies for the covenants committee.

Dan Aminoff moved for the approval of the cost. Bill Menzies seconded. Approved 7-0

Bill continued by saying he would like notice put in the Mews News stating that RCS will be taking pictures of all the residences in August in order to update their files. He also said that RCS will be back in September to conduct follow up inspections and that all work would take place from the sidewalk and no one would be on a resident's property. Norman Taylor requested that it be highlighted in the newsletter in a way that draws the residents eyes to it so they are aware of what will be happening.

Marty then brought up the question of why the Board transferred responsibility for preparing seller's packet from the RCS. He said he and Bill were doing the work and RCS is getting paid. He said that by doing so, the Association had given up a source of revenue, and noted that we could charge a transaction fee on each sale in addition to the packet fee. Loren responded that his was done after changes in the law increased the complexity of the packet, and the purpose was to switch both responsibility and liability to an outside entity. He also said that the Board considered the lost income, but that it

was not a significant amount. He said it seemed inappropriate for the Board to seek ways to profit from a homeowner's transaction and that perhaps the Board should go back and take a look at the record to refresh their memories on this matter before it is revisited at a later meeting.

Social Committee

Estella Laguna reported that LMCA had the lowest resident turnout in memory for National Night Out and also reported that the police officer had apologized for no policemen showing up for the event.

Elections Committee

Loren moved for the appointment of Grace Hughes, Simon Bennett, and Brenda Johnson to the Elections Committee. Delia seconded. Approved 6-0, 1 Absent.

Other Business

Norman Taylor expressed his appreciation of the Board and their service and said it was very beneficial for residents to attend board meetings. He continued by expressing his concern over the fact that renters are able to serve on the Board, and asked if it was appropriate for renters to vote on matters that would bind homeowners. Loren explained that this topic had been discussed before and if as renter ran for the Board and was elected then it would be the voice of the community, meaning that the community had given their approval for the renter to vote on their behalf. He also noted that because renters are not members of the association as defined by the By-laws, they have no authority to vote. Norman then asked how the residents would actually know if the person running was an owner or renter and Loren said the best way would be to look up the person in the directory, which is also another reason to make sure it is as up to date as possible.

Parking

Loren reported that Chris Dale had offered to assist Roger with parking enforcement.

Joel moved to approve Chris Dale to assist with parking enforcement. Bill Gaffney seconded. Approved 7-0

Chris also asked about the trees along Stevenson and brought up the fact that they are blocking a lot of the light which it makes it difficult to see. Bill Evinger responded that the trees are outside the walls and that possibly Virginia Power should be contacted and asked to trim them.

Joel then brought up his request to have a visitor parking space reserved for the neighborhood watch director, which would also serve as good advertising to promote the fact that LMCA had a neighborhood watch program. Loren said that while he appreciates all the Joel does, there aren't enough visitor spaces as is, and he doesn't want the residents to perceive any Board member favoritism. Delia and Dan expressed similar concerns. Joel then pointed out that if the parking rules were enforced more, then there will be more visitor spaces open. Roger said that he is in favor of helping Joel, because of all his hard work, but is concerned that if it is approved then there will be a lot of push back from the residents.

Bill Menzies moved for the approval of a parking space for the Neighborhood watch Director. Bill Gaffney seconded. Approved 4-3

Executive Session

As policy is not discussed in executive session, Loren closed discussion and the Board entered executive session.

Delia Riso moved to enter executive session. Bill Menzies seconded the motion. Approved 7-0

At the conclusion of the executive session, the Board reconvened in public session, as required by the Property Owner's Association Act.

There being no further business, Linda Carter moved that the meeting be adjourned, and it was seconded by Dan Aminoff so the meeting was adjourned at 9:45 p.m.

The Board's next meeting will be Wednesday September 8, at Delia Riso's home, 6269 Chaucer View Circle, beginning at 7:00 p.m.

Respectfully submitted,

Heather McGhee
Secretary, LMCA