

LANDMARK MEWS COMMUNITY ASSOCIATION MINUTES

Board Meeting December 14, 2005

The December LMCA Board Meeting was called to order at 7:35 P.M. by Board President Lou Wagner at the home of Bruce Wood and Estella Laguna. Members present: Simon Bennett, Suzann Evinger, Dan Ferezan, Eve Holtzman and Bruce Wood. Officers/Committee Members present: Roger Casalengo, Paul Edgell, Estella Laguna, Marty McDonald, Adrian Polk and Carole Trimble. Other homeowners present: Chris Dale and Bill Evans.

1. Minutes

Minutes of the November 9, 2005, meeting were approved unanimously on a motion by Simon Bennett that was seconded by Eve Holtzman.

2. Financial Report – See report filed with minutes.

During the review of the financial report, Lou Wagner noted that the reporting block tracking the Major Infrastructure Repair Fund had been changed to account for both collections and expenditures. The Board also noted that there was a typographical error in the report, with \$38,850 available in that fund rather than \$38,250 as noted on the report. In response to a question from Marty McDonald, Lou directed Marty to allocate all other capital expenditures to Bucket # 3, the Other Maintenance and Services fund.

In response to a question from Bruce Wood regarding how much money would remain at the end of the year that could then be dedicated to reserves, Marty said he was not sure because he was still receiving bills. He said he had received a bill from LMCA's law firm for \$689 for providing counsel regarding Virginia law governing homeowner election proceedings, bringing total legal fees for the year to \$3,210, substantially exceeding the \$1,000 budgeted for this expense. He added that he had received a letter from the law firm announcing that rates would be increasing in 2006. Marty also commented that the legal firm bills were not adequately explaining the services rendered for the fees charged. Lou directed Marty to provide the bills to Bruce so that Bruce could review them and discuss them with the law firm if necessary.

Marty said that the good news was that he did not anticipate needing to transfers funds from savings in order to cover operating costs as he had previously thought he might. After analyzing the financial report, Dan Ferezan projected that there will be approximately \$10,000 to \$15,000 at least in excess funds at the end of the year. The concensus of the Board was that all excess funds should be committed to reserves, even though the budget resolution only required that about \$10,000 be set aside this year.

Marty reported that, in response to the request from the Board that homeowners who were renting their property provide a copy of the rental agreement, he had received one lease from General Magnus. He confirmed for the Board that the lease included a paragraph informing renters that they had to comply with LMCA standards and rules. Dan suggested that the lease be returned to the General with a cover acknowledging that the lease is in compliance with LMCA

requirements and thanking the General for sending a copy. Lou asked Bruce to prepare a letter for his signature to the other four or five homeowners who are renting their properties requesting that copies of the lease agreements be sent to the Board. Lou asked Marty to provide Bruce with a list of the names and addresses of those homeowners.

The Community Association Institute has released a new management tool, "The Complete Guide to Managing Community Associations," that is a comprehensive guide with sample materials to help homeowner associations better manage their communities, according to Marty. Lou said he and Bruce would review the materials and let the Board know whether they thought it worthwhile to purchase the package at a cost of \$237.

3. Property Manager Report

Items addressed by Roger Casalengo during his property manager's report included the following.

- Replacing the vandalized sign at the Stulz Avenue/Chaucer Lane entrance into Landmark Mews cost about \$1,400 with repair work to be completed before Christmas.
- Homeowners are experiencing drainage problems along the alleyway between Chaucer Lane and Masefield Court. Roger obtained an estimate of \$1,600 from B. Rushing to clear the alley, extend PVC lines, install pop-up emitters to resolve the problem and lay new rock. In response to a question from the Board as to why resolving this drainage problem was the community's responsibility, Roger said that drainage issues are a common problem and that the community has the responsibility to maintain the alleys even though the land technically belongs to homeowners. Roger said he was negotiating with B. Rushing over the estimate and planned to delay the work until January.
- Roger reported spending \$300 on additional exterior lighting to help reduce vandalism.
- Tree trimming by Tyson's Tree is going to cost about \$13,000 for all the community and privately-owned trees that will be trimmed.
- The landscape contract with Pine Ridge is up in 2006. Roger said he had forwarded to the company a letter from Marty querying the cost of snow plowing and sanding (*see e-mail correspondence in Secretarial Record book*) and had received a totally inadequate response (*see correspondence filed with the minutes*). He also reported that the last plowing job was very poorly done. He proposed soliciting other bids for the contract and said he had obtained recommendations from Fountainhead about other landscaping firms. Bruce suggested that Roger notify Pine Ridge that the Board intends to compete the contract in 2006 and Lou directed Roger to notify the head of the firm that the Board expects a better response to the community's concerns. Dan suggested that the resolution to the problem might be to split the contract, separating landscaping and snow plowing. The Board concurred that should be an option to consider when rebidding the contract.
- The concern raised by homeowner Brenda Johnson about possible damage to community trees caused by over-mulching is still outstanding, according to Roger. Brenda and Pine Ridge have never been able to coordinate schedules in order to tour the property and discuss her concerns. At Bruce's suggestion, Lou directed Roger to ask Brenda for the dates of specific Saturdays that she would be available and then coordinate the tour with Pine Ridge.

- The work on the wall has been completed except for one spot near the Stevenson and Stulz bus stop where the mortar was not dyed the correct color.

4. Covenants Committee

A review of the recommendations of the special committee appointed to review the covenants process dominated the rest of the meeting. (*See the report filed with the minutes.*) Lou complimented Committee Chair Paul Edgell on the job done by the committee. He said he intended, after the discussion, to appoint a Board committee to further review the recommendations and come back to the full Board with a proposed resolution regarding the recommendations that should be adopted. He set a March deadline for completion of the work so the amended system would be in place by the time a reconstituted Covenants Committee begins spring inspections.

A point-by-point review of the recommendations yielded the following reactions.

- Terms of appointment for committee members. Adrian Polk noted that it might be too much to expect that committee members could be enticed to serve more than one two-year term, although consultation with prior members certainly was critical for continuity. Dan suggested that the solution to the problem might be to stagger terms of committee members. Lou concurred with that suggestion.
- Election of committee officers. Paul noted that previously the Board had selected the committee's officers, although the LMCA bylaws state that the committee should elect its own officers following the annual meeting. Bruce said that the Board should play at least an informal role in choosing the committee's officers.
- Number of committee members. Lou asked everyone on the Board to suggest and help recruit possible committee members. Paul and Adrian warned the Board that filling Covenants Committee slots is very challenging because it is the most difficult volunteer job in the community. Roger said he was not optimistic that five committee members could be enlisted by spring. Dan pointed out that the potential for conflict between homeowners and the Covenants Committee could be elevated by increasing the committee membership from three to five because more people conducting inspections would potentially result in even more differing judgment calls regarding a property's condition. Lou explained that concern would be addressed through Bruce's suggestion that the committee chair act as an "ombudsman," overseeing the work of committee members and acting as an intermediary with homeowners in the case of disputes. Bruce added that the chair also would play a leading role in cases where remedial action is required because of repeated neglect by a homeowner of a notice to repair from the committee. The Board consensus was that the committee should have at least three members with the same two people always conducting inspections to ensure consistency. Additionally, the Board agreed that if five members were recruited for the committee, the chair should institute quality control measures at the beginning of the spring inspection process by having all committee members inspect some properties together as a training process and to establish some consistency in judgment calls.
- Documentation. The consensus was that improved documentation of Covenants Committee action would be a very good thing, but concern was expressed about how much improved documentation would increase the workload of committee members and how the information

collected could be kept up to date and protected. Roger said that there are existing records dating back to 1985, but no one was sure how complete those records were. Paul explained that the committee had established three levels of needed documentation: (1) process and procedures; (2) monthly reports to the Board, and (3) homeowner records. He said that the committee was not recommending that any attempt be made to fully reconstruct homeowner records; only that available records be maintained and future documentation be computerized for easy research and access.

- Compromisation of committee authority. Lou noted that it particularly important recommendation that the Board be careful not to insert itself prematurely into committee affairs. Adrian said that he knew of at least four instances when a homeowner approached a Board member about a covenants matter and the dialog between the homeowner and the Covenants Committee regarding resolution of the matter ceased at that point. Lou said the Board should not insert itself into Covenants Committee matters unless and until there is a formal appeal of a committee action by a homeowner or the committee has referred a matter to the Board.
- Verification of committee records by the Board secretary. Paul explained that this was recommendation was a safeguard for the Board to ensure that records do indeed exist.
- Publication of modifications requests on the website. Adrian again expressed concern that this recommendation would increase the workload of committee members. Lou responded that it would be a simple entry process. Bruce said he thought it would be important to post the requests and the rationale for acceptance or rejection in order to build a historical record for homeowners to use as a reference in requesting modifications. Lou, Simon and Dan said the rationale posted should be simple; if requests are approved, they are approved because they are consistent with community standards; if they are not approved, the prevailing paragraph of the standards should be cited along with a brief explanation of the rationale for the committee's decision.
- Covenants Committee approval of common area modifications. Paul explained that this recommendation originated from the governing documents that call for Covenants Committee approval of any modifications to common areas. Bruce disagreed with this recommendation. He does not believe this is a correct interpretation of the Declaration and that adopting this recommendation would interfere with the Board's authority over common areas.
- Development and maintenance of a comprehensive checklist of properties with nonconforming conditions. Dan and Bruce argued in favor of creating a "snapshot" or new base line for all properties to determine items that are out of compliance, but grandfathered in because of time elapsed, lack of records or prior approval by the Covenants Committee. They maintained such a record would assist homeowners and the Covenants Committee in researching and responding to future modification requests.
- Disclosure of information of the "Members Only" section of the web site. The Board engaged in a lengthy discussion about how and why information should be posted on the web site and ways to protect any information that is posted. Estella Laguna said that while she has not formally tracked usage of the web site, she knows more homeowners are tracking it because of e-mail correspondence she receives.
- Pre-sale home inspections. Adrian and Marty affirmed that Virginia law does not require a pre-sale inspection; the only requirement is for a letter stating whether or not a property is in compliance with a community's architectural standards. The Board then engaged in another lengthy discussion, considering such questions as:
 - ways to handle out of compliance issues identified in a spring inspection in a pre-sale letter;
 - the differences between out of compliance issues and maintenance matters;

- whether maintenance issues should be addressed in pre-sale letters, and
- whether the report of the most recent inspection should prevail as the basis for the pre-sale compliance letter.

There was some discussion as to whether it would be useful to try to obtain sample letters from other homeowner associations to explore the practice in other communities. Marty said he had a checklist provided by realtors that provided guidance as to the practices of other communities.

Lou ended the discussion by saying the Board was not likely to solve the issue during this meeting. He said the review committee he planned to appoint would consider the matter and make a recommendation to the Board. Adrian recommended that someone from that committee have a conversation with homeowner Loren Sciorba who claimed he never received a pre-sale letter. According to Adrian, Mr. Sciorba's experience is typical of what has been happening in connection with the pre-sale inspections.

- Hiring inspectors, either professionals or homeowners. Lou said he would hate to take this step, but that the Board may be forced to do so because of the difficulty in filling these volunteer slots. Adrian said the hard part of the job is enforcement, not the inspections.
- Avoid future efforts to revise the Architectural Standards. Bruce strongly disagreed with this recommendation; he said the Board needs to keep revising the standards until the job is done correctly. He reminded the Board that a number of issues had been set aside to be dealt with at a later date, after the work of the special committee was concluded. Lou said that future revised drafts should be circulated to the community for comment before the Board takes any final action.
- Homeowners bear the burden for proving to the Covenants Committee that requests for approval alternative materials and/or products should be granted because the proposed materials are superior to those currently approved. Lou particularly liked this recommendation because it could ultimately lead to substantive changes in the Architectural Standards that would authorize utilization of superior materials.
- Compensation of Covenants Committee members. Lou said this was an item for the review committee to consider. Adrian spoke strongly against the proposal, saying it would generate too much negative comment in the community. At the conclusion of the discussion, Lou appointed a Board committee to review the special committee's recommendations and report back to the Board by the February meeting with a resolution regarding the recommendations to be adopted. He appointed Don Washington as committee chair. Other members are Dan Ferezan and Carole Trimble. Lou directed the Board committee members to communicate with the members of the special review committee to ensure they understood the rationale behind all of the special committee's recommendations.

5. Engineering Study

Marty updated the Board on the search for a firm to conduct the five-year engineering study to ensure that reserves are adequate to meet infrastructure repair and maintenance projections. He said he had contacted 10 different engineering firms and send e-mails requesting that they submit proposals. According to Marty, two of the firms declined to respond, two already submitted

proposals, another proposal was in the mail and a fourth under development. The consensus was that four proposals should be enough.

Marty said that all the firms charged for producing copies of the final report, generally \$50 for each copy. Lou told Marty to request one copy and that the Board could reproduce others as needed. Dan suggested that Marty request the final report be submitted on a cd rom.

Currently, Marty said he was working on developing evaluation criteria to assess the proposals and asked for input from Board members. Lou said the evaluation criteria was simple: (1) reputation and reliability; (2) the comprehensive nature of the proposal; (3) cost, and (4) timing.

Marty said the Board should not expect the study to be undertaken until spring, after the streets can reasonably be expected to be clear of snow and ice.

6. Reserves Certification

In compliance with Virginia law, the Board unanimously adopted the annual statement certifying that reserves are adequate to meet anticipated infrastructure repair and replacement needs (*See statement filed with the minutes.*) Bruce Wood moved that the certification be adopted. Lou Wagner seconded the motion.

7. New Business

Lou distributed a sign-up sheet for volunteers to host Board meetings. The schedule and location of Board meetings in 2006 is as follows.

- January 11: home of Carole Trimble, 6312 Chaucer View Circle
- February 8: home of Roger Casalengo, 6325 Manchester Way
- March 8: home of Bruce Wood & Estella Laguna, 6362 Brampton Court
- April 12: home of Lou Wagner, 6336 Manchester Way
- May 10: home of Simon Bennett, 6351 Brampton Court
- June 14: home of Don Washington, 6255 Masefield Court
- July 12: home of Bill Evans, 6314 Chaucer View Circle
- August 9: home of Eve Holtzman, 6311 Chaucer View Circle
- September 13: home of Marty McDonald, 6318 Manchester Way
- October 11: home of Dan Ferezan, 6358 Brampton Court
- November 8: home of Lou Wagner, 6336 Manchester Way
- December 13: home of Bruce Wood & Estella Laguna, 6362 Brampton Court

8. Homeowner Questions

Estella Laguna raised the issue of an increasing number of people parking in the fire lanes of the community and leaving their cars there for hours. This is a violation of Landmarks Mews parking rules and of Fairfax County ordinances. After some discussion, the Board directed that notices be posted on the web site and in the *Mews News*, warning homeowners that cars can be ticketed and towed if they are parked in fire lanes.

9. Executive Session

The Board moved into Executive Session at approximately 10:40 p.m. and reconvened in open session at approximately 11:05 p.m. Simon moved to adjourn the meeting. Eve seconded the motion.

Respectfully submitted,

Carole Trimble
LMCA Secretary