

FAIRLINGTON MEADOWS COUNCIL OF CO-OWNERS
MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS
SOUTH FAIRLINGTON COMMUNITY CENTER
APRIL 28, 2004

IN ATTENDANCE	John Thurber	- President
	David Andrews	- 1 st Vice President
	Judy Pisciotta	- 2 nd Vice President
	Bryan Hochstein	- Secretary
	Diane Thurber	- Recording Secretary
	Chuck Edwards and Lisa Farbstein	- Co-Chairs, B&G Committee
	Jack Clark	- Maintenance Manager
	Olivia Dixon-Powers	- Community Manager, CMC
	Ned Overton	- President, Fairlington Window & Door, LLC
	Judi and Rusty Garth	- 3445 S. Utah Street
	Terri Dunham	- 3416 S. Stafford Street
	Sharon Frey	- 4253 S. 35 th Street
	Leo Campbell	- 4263 S. 35 th Street
	David Manning	- Chair, Architectural Review Committee
	Kym Hill	- Member, ARC
	Mike Tillman	- JED Mechanical Services

CALL TO ORDER AND QUORUM The meeting was called to order at 7:05 p.m. by President Thurber. A quorum was established.

EXECUTIVE SESSION Mr. Thurber made a MOTION to move the meeting into Executive Session for the purpose of discussing the status of a continuing Bylaw violation. Ms. Pisciotta SECONDED the motion. It was CARRIED 3-0. (Mr. Hochstein had not yet entered the meeting.)

Mr. Thurber made a MOTION to move the meeting out of Executive Session and into regular session at 7:10 p.m. Ms. Pisciotta SECONDED the motion. It was CARRIED 3-0.

BYLAW VIOLATION Re: satellite dish violation at 3491 S. Utah Street. Homeowner Raymond Trifari was invited to attend tonight's meeting at 7:00 p.m. He told Mr. Thurber that he did not plan to attend and, in fact, did not. Counsel advised the Board that proper procedures for notification were followed. After receiving the original notice of hearing, Mr. Trifari notified CMC that he would be out of town and asked for a new date after March 28; the hearing was rescheduled to March 30 to accommodate him. He apparently did not have access to his mail for the four weeks he was away, and although he did return on the 28th, he did not open his mail until the 31st, and missed the hearing on March 30, at which time the Board had taken action and passed a motion of violation and penalty. Since that time, for the past month, both management and the Board President have been inundated with e-mails and telephone calls from Mr. Trifari, who calls three to five times a day, both at work and at home. In a conversation with him last Friday, Mr. Thurber got him to understand the nature of the violation. Mr. Trifari claimed not to know that attaching the satellite dish to the building was the problem, and said he thought it was a fence height issue. Mr. Trifari then agreed to the violation and said that he would remove the dish. It was at that time that Mr. Trifari indicated he would not be present at the April 28 meeting. The agreement reached between Mr. Trifari and Mr. Thurber was that he had two weeks from that day to remove the dish, which would be May 7. Mr. Trifari asked about waiving the penalties since April 1, and Mr. Thurber told him that that was for the full Board to decide. The Association also has accumulated costs and legal fees in connection with this matter. Counsel advised that despite the fact that the Board is in full compliance with due process, in cases like this where the individual calls right away, he recommends that his clients

"bend and settle and get on with things." Mr. Thurber made a MOTION that with regard to Raymond Trifari and the satellite dish violation, the Board's Motion on March 30 stands, with penalties accumulating on a day-to-day basis and recreational and pool privileges revoked up to May 7, at which time, if the satellite dish is either removed entirely or reinstalled in compliance with the rules, the Board will waive all penalties accumulated to date and return recreational privileges; otherwise, the Board will continue with these proceedings. Mr. Andrews SECONDED the motion. It was CARRIED 3-0.

APPROVAL OF MINUTES

Mr. Thurber made a MOTION to approve the minutes of the March 30, 2004, meeting, as submitted. Mr. Andrews SECONDED the motion. It was CARRIED 4-0.

SEWER LINES

Mr. Tillman showed a videotape of a problem sewer line in the Meadows that was exhibiting signs of deterioration, including a "belly" where water stands, and joint separation, which allows sewage to drain directly into the ground. After twenty or thirty years, terra cotta pipes can separate, crack, shift, sag, and become off-set. His company, JED Mechanical, has been relining pipes for three years now, and has installed over 11,500 feet of relining material. He displayed a section of the material, which begins as a flexible "sleeve" and after a three-hour "curing-in-place," becomes essentially a seamless PVC pipe. The technology works even when pipes are out of line. Four inch pipes are being installed in new construction, so our six-inch pipes should allow for plenty of flow even with the liner -- we "have way more pipe than (we) will ever need." Mr. Tillman went on to describe the procedure for the clean-outs that are currently being attached to the sewer lines, and said the process "is working beautifully." They run a camera through the toilet into the pipe, and find a good spot that won't crumble when drilled, which is why each clean-out is not located in the same place relative to the building. There is very little digging, and disruption to residents is minimal. The access pipes can be buried, but their recommendation is to make them flush to the ground. If the Board is interested in relining the sewer pipes, Mr. Tillman will work to set up a program, including developing a priority list, based on which pipes he believes are "emergencies." The Board would consider this a capital improvement, and budget for it over the course of several years. The clean-out installations will be completed and the pipes inspected prior to any further decisions.

Mr. Clark said that it took a couple of days to get everything working together on the sewer clean-outs but now the project is "moving along really well" and faster than anticipated. As of today, eleven clean-outs have been installed and are completed, six are in the ground but still have to be drilled out, cut down and capped off, fifteen more have been located, so they can start hydrovaccing at any time, two are scheduled for Friday to go in and locate the pipe, and the remaining ten residents haven't responded yet after repeated notices.

VOTING BY PROXY

Ms. Pisciotta departed the meeting following Mr. Tillman's presentation, after giving Mr. Andrews her voting proxy.

REPLACEMENT WINDOWS

1. In conjunction with their renovation request, which was presented to the Board and approved at its March 30 meeting, the Garths are seeking approval to replace their windows. They are asking the Board to waive one of the requirements of the Replacement Window Guidelines -- specifically, the sentence stating "Windows will be installed from the interior of the home." They believe the Board may want to consider making this a permanent change. The Board offered that since the Association has taken over responsibility for the outside woodwork, they are concerned that ladders and installations done from the outside could have a major impact on landscaping and the building's

exterior. Any damage to the woodwork then becomes the Association's responsibility. Mr. Overton has experience with interior installations in the Meadows, but says "there are dilemmas with doing that." In order to effect an interior installation, the inside window stop or trim must be removed, causing damage to the trim, which then must be replaced and repainted. Most bathroom windows

have drywall that acts as the window stop, and in order to replace the window, some of the drywall must be removed, destroying it and any wallpaper on the walls. Their proposal is to cut off the two side window stops, install the window from the outside, then install two new stops. The homeowner would still be responsible for painting the outside of the window to preserve the wood frame. This method "makes the installer's job a lot easier" and also "is simpler on homeowners" because there is no damage to the inside trim work. The Board said that they would need to investigate this further before making any decision. Mr. Overton offered to call them the next time he has a Saturday installation so they can go see it. It was noted that most of the work in North Fairlington is done from the inside.

2. The unit at 3391 S. Stafford Street in Court 3 has an incorrect kitchen replacement window.

RENOVATIONS

1. The Board received a proposal from David and Terri Dunham for kitchen renovations to their unit at 3416 S. Stafford Street. Ms. Dunham represented to the Board that there are "no structural implications," and that their contractor, Cameo Kitchens, is "aware of the condo rules." The Board was further assured that there would be no exterior modifications, including the kitchen exhaust fan, and that no trucks would be driven on the lawns. Mr. Thurber made a MOTION to approve the Dunhams' kitchen renovation as presented to the Board and submitted under cover letter dated April 14, 2004. Mr. Hochstein SECONDED the motion. It was CARRIED 4-0. The Dunhams have received approval from the Commonwealth of Virginia that qualifies these upgrades for historic tax credit.

2. Mr. Campbell recently purchased 3426 S. Stafford Street. The previous owner renovated the fourth floor, and he now wants to bring that conversion up to Code and add a full bath. It is his intention to keep the architect involved in the process right through to the end, with whichever builder he selects, because he feels "they know all the rules, know what to do and what not to do," and he doesn't want to get into jeopardy with historic preservation. There will be no exterior disruption of the walls, and no penetrations in the roof. Part of the request includes a different air conditioning unit out back, and he is not sure if a second penetration needs to be made. It would be done adjacent to the current one. They are also discussing a two-way system which could utilize the current hole. The Board strongly urged him to use a splitter; they wouldn't want two boxes. Re: the "fixed French doors," that is an interior, not an exterior installation. The condensate in the attic will drain into the plumbing created for the new bathroom. The dumpster may not be placed on the lawn, but can go in his parking space if it fits. Mr. Campbell does not anticipate much refuse because the space is already built out. Mr. Thurber made a MOTION to approve the proposal of Q-Design PLC, dated April 22, 2004, for master suite renovation at 3426 S. Stafford Street, and as personally presented by Mr. Campbell. Mr. Hochstein SECONDED the motion. It was CARRIED 4-0.

3. Mr. Manning is planning to remove the paneling in his basement and install drywall. After hard rains, there is a two-inch spot on the front wall that dampens the carpet, which indicates to him that there is a crack somewhere. If sealing it doesn't work and there is an exterior crack in the foundation, whose responsibility is it to fix that? He was informed that it is his responsibility, as stated in the Master Deed.

WATER/SEWER ISSUES

1. Ms. Frey's was one of the units affected by the back-up in January, and the damage still needs to be repaired. The Board informed her that other residents came to the Board with identical situations from the same event, also requesting payment for repairs and personal property. The Board at the time, without having seen the floors, considered providing those funds (except for personal property, which is and always has been the homeowner's responsibility), to the point where that was actually approved. Since that time, Ms. Pisciotta, Mr. Clark and Ms. Dixon-Powers visited each of the units, and their assessment was that the damage to the floors was caused primarily by the installation of carpet tacking strips, and not from the event in question. After a month of researching source documents (with the assistance of management and legal counsel) to determine the Association's responsibility, including what the

Board can and cannot do, not only was it determined that such repairs are the responsibility of the homeowner, there is not even a provision for the Board to make such payments. Since their fiduciary duties prevent them from doing so, the Board revisited the issue and passed a Motion to rescind the awards. The Association's responsibility for back-ups is limited to sending in emergency crews, initial clean-up, determining the cause of the problem, and making any necessary repair to the line. Ms. Frey was informed that any repairs to her unit are her sole responsibility. Although CMC sent in a carpet company and a contractor to examine the walls, that was done in error. Previous Boards acted in error and set a precedent that we cannot continue to follow, as it would wind up bankrupting the Association. The documents given to purchasers specify the homeowners' responsibilities. The Resolution recently passed by the Board to address water issues will be mailed out shortly.

2. Mr. Manning inquired about responsibility for stem pipes for common usage water. In the B-building adjacent to his unit, both owners of the units where the stem pipes are located have sealed them off internally and at least one was told by a plumber that it was not worth fixing. The lack of water access means he has to drag a hose to where it is needed. The only time the water should be shut off is in the winter to prevent pipes from freezing. Mr. Thurber said that the pipes should be fixed; the Master Deed is specific about responsibility to maintain things inside the building, and to keep them in good working order.

PAINTING Mr. Manning inquired if his unit is on this year's painting cycle and was told yes. Unfortunately, the bid received from Hann & Hann is extremely high (approx. \$30,000.00 more than last year), so the Board will be soliciting additional bids, which will affect the start date.

B&G COMMITTEE There are forty-four items on the spring planting, which totals \$20,000.00. The proposals have been divided into three parts -- one to be done this spring, including annuals, for \$7,500.00, some of which will come from the proceeds of the yard sale; the second in the fall, for \$6,500.00, including \$1,000.00 for pansies in the circle; and the third, also in the fall, for \$6,000.00. Committee members will be meeting with the landscaper this Friday and review and prioritize the list. The Board wants to be sure residents assume responsibility for items they requested. Mr. Edwards does tell them that, plus Valley Crest has a good warranty. The damaged laurels in the circle will be removed. Mr. Thurber made a MOTION to approve the B&G proposal for areas one and two in the amount of \$7,500.00 for spring and \$6,500.00 for fall, to be expensed from the B&G budget as well as a contribution from the yard sale proceeds. Mr. Andrews SECONDED the motion. It was CARRIED 4-0.

Mr. Thurber signed the contract with Terra Green Environmental Services, Jerry Dieruf, President, dated February 8, 2004, to provide arborist services as specified therein.

ARCHITECTURAL REVIEW The Board was faced with major distractions this past month and was not able to circulate the photos previously provided by the Committee. The Committee was asked to "press on with the next level," of their suggested guidelines for consideration. Their findings will be instrumental in the rewriting of the Bylaws.

POOL Repairs are progressing.

CONCRETE STOOP The Board received a proposal from Portugal Construction, Inc., dated April 15, 2004, to replace the existing rear entrance stoop at 3445-B S. Stafford Street, which has pulled away from the building and broken in half. Board members will look at the problem before making a decision on this contract.

SPRINKLER SYSTEM There are some broken valves in the system. Mr. Clark spoke with the County. The water has been turned off until the problem can be fixed.

**DAMAGED
WALKWAYS**

Portugal completed an inspection of the damaged walkways in Courts 8 and 14, and prepared a report summarizing what needs to be done. Responsibility for repairs needs to be determined.

**OVERGROWN
PATIO**

The patio at 3385 S. Stafford Street is extremely overgrown and has been in this state for about two years, in violation of the Bylaws. CMC was asked to send a letter to the owner.

PET COMPLAINT

The owner of the large black dog that resides at 3421-A S. Stafford Street never cleans up after her pet, in violation of the Bylaws. CMC was asked to send a letter to the owner.

**WAIVER OF
LATE FEES**

The Board received a request from Leo Campbell to waive late fees incurred on his April payments. Following consideration of his request, Mr. Thurber made a MOTION to waive the late fees as requested in Mr. Campbell's letter dated April 20, 2004. Mr. Hochstein SECONDED the motion. It was CARRIED 4-0-1 (Pisciotta, by proxy).

NEXT MEETING

Monday, June 14, 2004, at the FCC. Executive Session begins at 7:00 p.m., followed by the regular meeting, beginning with Residents' Forum.

ADJOURNMENT

By UNANIMOUS CONSENT, the meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Diane Thurber
Recording Secretary