

FAIRLINGTON MEADOWS COUNCIL OF CO-OWNERS
MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS
SOUTH FAIRLINGTON COMMUNITY CENTER
3308 Stafford Street, Arlington VA 22206
JULY 19, 2017

IN ATTENDANCE

Mary Ellen Finigan	1st Vice President
Lisa Farbstein	2nd Vice President
John Sitton	Secretary
Anne Gillis	Director
Sabiha Noorzai-Barbour	Portfolio Manager, CMC

CALL TO ORDER AND QUORUM

Ms. Finigan called the meeting to order at 6:45 p.m. A Quorum was established.

EXECUTIVE SESSION

By unanimous consent the meeting was moved into Executive Session to discuss anticipated upcoming vacancies on the Board and related election and transition issues. Following discussion, by unanimous consent the meeting was moved out of Executive Session and into regular session at 7:10 p.m.

ENVIRONMENTAL ISSUE

Ms. Finigan indicated that there were two issues concerning possible Tetrachloroethylene (PCE or PERC) contamination to be discussed at this meeting: (1) communication with Meadows residents to inform them of possible groundwater contamination and (2) our access agreement with environmental consultant ECS Mid-Atlantic for assessment and monitoring activities in the Meadows.

Communication with the Community

Ms. Finigan suggested discussing the communication issue first. She said that the Glen recommended that the first communication from the Board should be with only those courts that are directly affected by the contamination rather than with the community as a whole. She said that Ms. Farbstein had indicated to her that she disagreed with this approach, advising that we address the entire community by letter first, and hold a meeting with affected residents only if testing reveals a contamination problem.

Ms. Farbstein said yes, this was her position, that the entire Meadows community should know of the possible problem, as it could impact all of us. Ms. Finigan concurred, suggesting that if we do not inform the entire community there could be possible liability for the Board.

Mr. Sitton agreed with sending a letter to inform the entire community of the potential problem. Ms Gillis agreed also.

We discussed the draft letter prepared by Ms. Farbstein. Ms. Noorzai-Barbour stated that legal counsel should also be involved in approving the language of the letter.

Ms. Finigan said that our letter should indicate that groundwater contamination has occurred in the Glen and, to insure that there is no impact on the Meadows, the Board will approve testing.

Mr. Sitton suggested adding a sentence to the letter addressing drinking water. Ms. Finigan agreed and read a sentence, which can be added to the letter, pointing out that our water comes to us through pipes and is thus not affected.

Ms. Finigan summarized the discussion. We will send a letter to all owners informing them of the issue, and indicating that the Board is working to approve testing.

Ms. Finigan made a motion that a letter be sent to each owner (and to resident renters when possible), on CMC stationery, under Ms. Noorzai-Barbour's name, contingent on approval of the Association's attorney.

Mr. Sitton seconded the motion. The motion was approved 4-0.

Agreement with ECS Mid-Atlantic

Ms. Finigan asked Mr. Sitton to explain why we should sign two separate agreements with ECS instead of one.

Mr. Sitton said that the original agreement provided to us by ECS covers both testing and mitigation (in the event that it is necessary). But we have no indication yet that there is a problem in the Meadows. And he believes that we should not lock ourselves into a mitigation agreement before understanding the problem, if we have one. He said that we need to know first if PERC had crossed the street into the Meadows. He said that he took out language from the draft agreement regarding mitigation steps.

Mr. Sitton said that he also removed language from the draft agreement in which ECS states that they are the owner's agent but they are not the generator or transporter of hazardous wastes; that ECS is just preparing information for the owner of the shopping center. Mr. Sitton believes that ECS may be afraid that without that language they may be accused of not being qualified to perform the work as there are specific requirements for generators and transporters of hazardous wastes.

Ms. Finigan asked if we should get copies of all communication between ECS and the Virginia Department of Environmental Quality. Ms. Farbstein pointed out that those would be public documents.

Mr. Sitton said that we need to approve the draft agreement, contingent on the approval of our attorney, and send it to ECS. He has sent the edited draft agreement to her, but hasn't heard back from her yet.

Ms. Finigan made a motion to accept the draft agreement as edited, contingent on final review by the Association's attorney. Mr. Sitton seconded the motion. It was approved 4-0.

Next Steps

Ms. Finigan clarified that the letter would go to owners and to those renters that we can identify.

Mr. Sitton said that we need to hold the meeting with affected owners as soon as we have test results showing contamination.

Ms. Finigan said that she will call ECS to get their timeline for testing and turn around time for results. Mr. Sitton said that once the agreement is in place ECS will schedule testing.

There was a discussion about possible health effects. If testing reveals contamination in the Meadows, VDEQ will be asked to address health effects at the scheduled meeting with affected residents. Mr. Sitton pointed out that the concentration of PERC in the Glen is very low.

Ms. Finigan asked if a call to ECS is sufficient once we have an agreement to present to them or if we should meet with them to present the agreement for review.

Mr. Sitton said that we need to talk to the Board attorney about the language of the agreement, and whether she approves. And we need to ask her if she will be the one to fight for or argue for it. He believes that ECS may not like some of our changes.

Ms. Finigan said that VDEQ implied, in an email to her, that they were eager to have our agreement with ECS signed as soon as possible. Mr. Sitton said that he would call our attorney tomorrow to check on her approval of the agreement and our changes.

Ms. Finigan said that she would contact VDEQ to let them know where things stand and to tell them that we will schedule a community meeting soon if test results show contamination.

OTHER ISSUES

Ms. Farbstein brought up issues with our pool management people. Ms. Noorzai-Barbour said that the Mews uses the same pool management company and is also unhappy with them. She noted that we currently are on a year-to-year contract for pool management services, and therefore will solicit bids for the 2018 season.

Ms. Farbstein said that a resident regularly brings her dog to the pool, and on one occasion chained the dog to the sign-in table. She asked if this was appropriate, and said she was concerned that it sent a message to other residents that this was okay. Ms. Finigan said that our rules/bylaws say no. Ms. Farbstein asked Ms. Noorzai-Barbour to post signs at the pool indicating no pets, and Ms. Noorzai-Barbour said that she would do that.

Mr. Sitton said that he would be meeting with Bill Herschberger, a resident who attended the June Board meeting to talk about trash and recycling issues.³

APPROVAL OF MINUTES

By motion made, seconded and carried 3-0-1 (Farbstein), the minutes of the June 21, 2017 meeting were approved as presented.

ADJOURNMENT

By unanimous consent the meeting was adjourned at 8:31 p.m.

Respectfully submitted,
Anne Gillis