

## LANDMARK MEWS COMMUNITY ASSOCIATION MINUTES

Board Meeting August 7, 2012

The August LMCA board Meeting was held on Tuesday, August 7th, at Samuel W. Tucker Elementary School. Members Present: Bill Gaffney (Vice President), Linda Carter, Dan Aminoff, Joel Kaplan, Bill Evans and Maria Santos. Absent was Board member Tom Craig. Also present were Roger Casalengo (Property Manager), Marty McDonald (Treasurer), Bill Evinger (Covenants Chair), and Heather McGhee (Secretary). Also in attendance were several-around 35-40 homeowners, more so than at most Annual Meetings. Bill convened the meeting @ 7:05pm.

Comment [MH1]: Loren Scieurba

### Secretary's Report

Heather asked if everyone had looked over the minutes from the July 11<sup>th</sup> meeting as well as the special meeting of the Board that was held on July 25<sup>th</sup>.

*Bill Evans moved to approve both sets of minutes. Dan Aminoff seconded. Approved 6-0*

### Proposal to Amend the Vote Previously Adopted During the July 25<sup>th</sup> Special Meeting of the Board

Maria Santos moved to amend the vote removing Dan as President that was taken at the July 25<sup>th</sup> meeting, so that she could change her vote to abstain. Homeowners asked why she wanted to change her vote and Maria answered that as she was new to the Board she wasn't aware that she could abstain from a vote and considering her lack of involvement and knowledge of the issues leading to the vote on July 25-at hand, she wished to change her vote. Homeowner Jim Landerkin then stood and said that there was not enough notice given to the community prior to the meeting held on the 25<sup>th</sup> of July, so any motion taken at that meeting was invalid. Homeowner Loren Scieurba then said that in addition to the lack of notice, there also wasn't a purpose given to the community in regards to what the meeting was about. Bill Evans then said that legal counsel should be consulted to ensure that no rules were broken. Bill Gaffney also agreed that consulting legal counsel would be the best course of action. Homeowner Ladd Ryan then said that he wasn't comfortable with the community's money being spent on legal counsel, and expressed concern that the Board couldn't resolve this issue on their own.

Comment [MH2]: Maria Santos

Several other homeowners' expressed their concern about the way the Board handled the situation, and that the community deserves better than what it is getting from the current Board.

Homeowner Karen Gray asked if any members of the Board had held a meeting for the purpose of discussing Dan's removal as President. Bill Evans admitted that such a meeting did-had taken place, however, it was not expressly for the purpose of discussing Dan's removal from office. It was to discuss all matters about the community. In attendance were Board members Bill Evans, Linda Carter, Joel Kaplan and Bill Gaffney. When pointed out by Homeowner Gray that this was a meeting in violation of the Virginia Open Meeting Act, Bill Evans admitted-said that he was not aware of this, and now that he is, he will be sure that it does not happen again. Previous Board Member, Loren Scieurba then read the law and reminded the Board that the same paragraph had been read at a previous Board meeting as recent as May 2012, and that according to the

minutes of that meeting Board Members, Linda Carter, Bill Evans and Joel Kaplan were all in attendance.

Comment [MH3]: Loren Sciarba

After further discussion it was decided to move forward with the agenda and to rescind the vote taken at the July 25<sup>th</sup> Special Meeting.

*Bill Evans moved to rescind the vote taken on July 25<sup>th</sup> removing Dan Aminoff as President. Linda Carter seconded. Approved 5-0, Abstain 1*

### **Financial Report**

Marty said that there weren't any unusual expenses during the month of July and asked if anyone had any questions. Dan said that he had asked Marty to put together a spreadsheet of delinquent accounts and Marty distributed the document to Board Members. The report will be a regular part of the Treasurer's reports going forward, with identifying information deleted.

### **Property Report**

Roger began by saying that there are no projects that need to be voted on this evening and reported on what was coming up. He was working on the snow removal contract and it will be ready for approval at the Board meeting in September. All the burnt out bulbs had been replaced throughout the community and he reminded residents to report light outages to him so that he can get them replaced as soon as possible.

### **Covenants Report**

Bill Evinger reported that on account of the weather and thunderstorms he would be moving the fall inspections back a few months. Dan expressed his concern with the inspections being done at a later time as by the time the enforcement process is completed, it will be the middle of winter, which is also not conducive to doing repair work. Dan then asked about the requests to modify process. Based on the current rules, a homeowner submits a request to modify to the Covenants Committee, the Committee approves, denies or returns the request. The next step if a request is approved or denied is clear, but what is the due process if a request is returned? To avoid confusion and adhere to the process, requests will no longer be returned, but simply denied. Also, all previous "returned" requests will be re-labeled "denied."

### **Presidents Report**

Dan started by once again going over the two budget proposals, one plan by him, and the other by Marty. The differences were explained again. It was decided to table the discussion on this issue until the September 2012 meeting. Also, a draft budget incorporating the two proposals will be placed on the website for review.

Next, the topic of contracts for the Property Manager, Treasurer, Secretary and Covenants Chair were brought up. He said that the auditor was under the impression that contracts were already in place, but that isn't the case. Additionally the topic of the contractors being issued 1099's was discussed. The rule states that anyone receiving more than \$600 per year, and who have not filed an exemption via IRS Form W-9 should be issued a 1099.

Marty admitted that he had not previously collected W-9's from any vendors nor had he issued 1099's to any vendors. A Homeowner questioned why Marty was eager to "sweep the 1099 issue under the rug," when the internal auditor had indicated it is an important issue for the Association.

After some discussion, Marty committed to issue IRS Form W-9's for completion by all vendors and contractors immediately and he will issue IRS Form 1099's at year end as required. Further, Marty had also indicated that despite being advised that if he were to issue 1099's prior to August 1<sup>st</sup> of 2012 for calendar year 2011, the Association could mitigate any penalties for its failure to issue 1099's, he chose to ignore that advice and did not issue 1099's for 2011.

Next Dan brought up the Architectural Standards Committee and the fact that Loren Sciarba and Steve Rochon had resigned and that with the HOT Lane task force he doesn't really have time to serve on this committee either. Bill Evinger then said that after browsing through the Operating Procedures of the Covenants Committee it states that the Covenants Committee shall review the Architectural Standards and based on that he proposed that the current committee be disbanded and that all Architectural Standards documents be forward to the Covenants Committee.

*Bill Evans moved to accept the proposal that: 1) The current Architectural Committee be disbanded and any material gathered be forwarded to the Covenants Committee. 2) The Board direct the Covenants Chair to conduct a comprehensive review of the Architectural Standards beginning January 2013. 3) The color palette review be included in the full Architectural Standards review, not as a separate review. Linda Carter seconded. Approved 6-0*

Next, on account of Dan's earlier resignation as Chair of the HOT Lanes task force, the Board reappointed Dan as the HOT Lanes task force chair, and Dan agreed. There had also been a couple resignations on the Landscape Advisory Committee, including the Chair, Estella Laguna. On account of her resignation Kathleen Ryan was appointed as the new Chair for this committee.

#### **Other Business**

Maria Santos reminded the residents to report suspicious activity. Ladd Ryan then asked that with all the Board issues of late, that perhaps it was time for some new Board members if they didn't think that they could work together. Joel Kaplan said that he didn't see any reason why the Board couldn't work together in the future.

There being no further business, Maria Santos moved that the meeting be adjourned, and it was seconded by Linda Carter, *Approved 6-0*, so the meeting was adjourned at 9:25 p.m.

The Board's next regularly scheduled monthly meeting will be on September 12th at Linda Carter's home, 6304 Chaucer View Circle at 7:00 p.m.

Respectfully submitted,  
Heather McGhee  
Secretary, LMCA