



Minutes – August 2013

Date, time and location: August 5, 2013 @ 730 pm - Location – Turner’s #7256

The Board meeting was attended by Arch Turner, Tom Ettinger, Bob Hudec, Jim Robertson and Kathryn Pett.

Meeting called to order by Jim @ 7:40 pm.

Approval of Minutes for July1, 2013 Board Meeting: Arch moved to approve; Board voted three to approve zero to disapprove- (3/0). The Chair did not vote.

Bob Hudec was appointed to Board to replace Kathy Bond, who resigned because of external conflicts with her Board responsibilities- (3/0).

New Business

1. Treasurer’s Report

a. 2013 Budget-	\$ 92.8K
b. Expenditures as of August 1	\$ 43.3K
c. Cash as of August 1-	\$ 28.0K
d. Reserves as of July 31, 2013	\$ 250.4K

Treasurer’s report approved 4/0

2. Reports from Committee Chairs

- a. ARC – E-mail from Betsy attached
 - i. Hardi Plank siding colors – Approved by ARC
Approved 3/2. Kathryn & Arch voted no pending their review and approval of the colors.
 - ii. Snyder & Simone ARC applications – Approved by ARC
Approved 4/0
 - iii. Rules & Regs. Attachment C – Approved by ARC - see attached draft
Board approved revision 3/0.
- b. Landscape – see attached report
Landscape’s report approved 4/0 including expenditures
- c. LRP – Change in reserves amount next year. Discussed and deferred until budget preparation in October ’13. Estimated cost to re-do roads is ~\$200k.

- d. Pond – Plant growth. Most of the weeds were manually removed. Additional control with use of chemicals is deferred until assurance that sediment problem is resolved.
 - e. Social – September date set – September 22, 2013. Mary has obtained community help in setting –up function
 - f. Maintenance – Bob Hudec now Chair. Lights around island and gazebo being repaired/updated.
 - g. Tennis – Tom will contact Brett re: new screens.
3. Governance issues –see attached document outlining rationale to proceed with outside counsel (Doug Levy) review. This was tentatively approved by the Board pending an agreement with outside counsel on Board’s recommendation and expected outcome as outlined in the attached document. Kathryn will lead this effort.
 4. 2013 AGM and Board Nominations
 - a. Select date for AGM – Suggest November 18th at MCC
 - b. Reserve room at MCC -- Request submitted to MCC
 - c. Dates approved and suggested names were discussed

Bob Hudec #7260
 Arch Turner #7256
 Kathryn Pett # 252
 Alison Meringoff # 7201
 Kevin Price #7276
 DJ Shyy #7208
 Andres Escobero #7220
 Osamu Toki #7207

5. Discuss nominations process and term structure
6. Board will act as nomination committee. Change to staggered terms will require a modification of the governance documents, which will have to be brought up at the Annual General Meeting in November.
7. Resolution to institutionalize Committees. Deferred pending review of governance documents (see para. 3 above)
8. The September Board meeting will be on the 4th starting at 7 pm, location to be determined.

Old Business

1. # 7281 compliance issue, leasing -- Jim – Watch and wait, no indication that owner is not complying to leasing restrictions.
2. Website update – Tom. Site has been updated. Defer decision to password protect selected documents until outside counsel has reviewed governance documents (see para. 3 above)
3. Walk-around will occur on September 7 with Paul Dyson, Bob Shipman, Joyce Turnquist and Tom Ettinger leading review team.

The meeting was adjourned at 9:15 pm.

Tom Ettinger
Secretary
Tom Ettinger

ARC August 2013 Report

Jim,

The ARC Committee met last evening, July 30, 2013. Coming to you for Board action per this meeting are the following:

1. Simeone Application to replace garage door and to replace garage siding: Approved with 5 yes votes and 0 no votes
2. Snyder Application #2 to install brass hardware on front entry door, including handle set and knocker: Approved with 5 votes yes and 0 votes no
3. Snyder Application #3 to install overhead light fixture at the front door (polished brass, clear glass, ht-10" and width 7"): Approved with 5 votes yes and 0 no votes
4. Snyder Application #1 to paint the house Putnam ivory and the trim Olympic mountains and the door black was table
 - a. The trim color of Olympic Mountains matched the door color of black matched but the house paint color of Putnam ivory did not match.
 - b. Trim and door approved, house paint tabled until an appropriate color board and match to Putnam ivory is provided
 - c. Called Anne and she said she was trying to avoid having to purchase a sample and had Duron try to duplicate the color and paint it on a sheet of board. She said she would try to get the correct color and board to me by Monday
 - d. The ARC committee gave me carte blanche to approve or deny the next sample prior to sending it on to you. It is not our job to over burden the homeowner in this process and make them apply again if we can settle it with a change.
5. Other OPEN applications were discussed:
 - a. No further action on Kathryn Pett Application #3 since no additional information for consideration provided
 - b. No further action on the Dyson/Tobin Application since no new color choices submitted

Per your request the following items were discussed and voted on by the ARC Committee:

1. The Hardi Plank colors were approved as presented to us as matches for our approved paint colors: 5 votes yes and 0 votes no
2. Committee discussed the fact that the samples provided were textured. All four previous owners who have installed Hardi Plank have installed the smooth to most resemble the current builder siding. We agreed that either the smooth siding or the textured siding was acceptable for installation and that be added to the DRAFT on page 2: 5 votes yes and 0 votes no

3. We also agreed that the trim color should match or coordinate using our approved colors but not to include white: 5 votes yes and 0 votes no
4. DRAFT: The line about the County may not be necessary; that the exact wording from the application should be repeated in the first paragraph for consistency and that the "Notes on paint colors" remain as is as an affirmation of the restrictions regarding paint colors and how applications for painting must be represented with an acceptable color board(this is our biggest problem); and that on page 2 first paragraph after color matches shown that the word "Closely" be removed and that no adjective be added that the word "matches" says it all.

(All suggested edits are shown on a copy of the documents themselves.)

Thanks for all your work on this.

Betsy Rice, Chairperson of the ARC Committee

Landscape Committee Report August 2013

Jim: Here are the projects we are intending to launch immediately:

1. Viburnum Removal: the committee voted to proceed with Genesis's proposal to remove the viburnum along near 7288 on the first curve along with the replacements proposed in the Genesis bid. It is understood that replacements noted are tentative until we see how the area appears after the viburnum is removed. At that time we will either proceed as currently proposed or adjust accordingly. Initial cost of removal phase is \$900.00. Tentative replacement cost is \$1850.
2. Installation of a crape myrtle on the green generally aligned with 7250. Genesis has quoted \$900/\$1000 for a 12/14 foot tree.
3. Correct erosion in Pachysandra bed by tennis courts. Install a 4"-6" of ornamental stone to allow water to draw through bed with cleaner appearance and reduce erosion. Genesis has quoted \$590. for this project. We also considered Terry OGrady but learned he did not accept jobs under \$1500.
4. A large limb fell from a tree behind Kathryn Pett's which caused a smaller limb to break. This happened a day or two before she had tree work done in front of her house. We were able to piggy-back with her tree company to remove for \$250. The bill has been submitted to the treasurer for payment. While the amount is small; I am not sure it is appropriate to charge to the landscape budget for a storm damage item.
5. We are looking forward to having the ARC walk-around include landscaping issues. To my knowledge this will be a first. There are a number of open back yards which, which if I may be blunt, are a mess. In the committee's view these situations need to be addressed no differently than other home deficiencies. On this issue we have a proposal from Genesis regarding the additional cost to each

affected homeowner to get full service. The proposal is based on 100% participation.

.Please let me know if there any issues with our moving forward with this agenda.

Jim: I failed to mention the minor damage to the common property in front of the Rice's home. As I think you know, a car carrier hauling a couple of autos from Milts house ran over a very small tip of grass in front of the Rice's. The Landscape Committee will arrange for topsoil and seeding on this area in the fall if needed. There is a good possibility that it will self repair in a few weeks. Again if you have any questions please let me know.

RULES & REGS ATTACHMENT C

ATTACHMENT C

ARCHITECTURAL REVIEW COMMITTEE (ARC)

PROCEDURES FOR APPLYING TO THE COMMITTEE

1. Complete the application for exterior changes form and send to the Chair of the Architectural Review Committee (see current newsletter for Chairperson's name) explaining what changes you want to make, including a diagram of the placement of your home and where the changes are occurring. Please attach a detailed explanation of the proposed improvement. Be very specific. Include as much information as possible. Examples: site plans, drawings and diagrams, permits, brochures, photos. Each paint color must be submitted on an 8.5" x 11.00" color board with your name, date, the requested color name and color catalogue number printed on the backside. Manufacturers paint color identifications (numbers or names) should be included. Please note that the ARC has the authority to approve paint colors and the installation of the approved storm door/window (see **Notes** below). **Please include or electronically transmit two copies of your application form.**
2. Allow enough time for the Committee to meet and confer with the EMPOA Board (the Board meets once a month). The Architectural Review Committee meets once a month (if necessary); at which time it will review all proposals and confer with the EMPOA Board at the next scheduled Board meeting. Following the EMPOA Board meeting, the homeowner should expect an answer in writing within the week.

Notes on paint colors:

Color selections for all exterior painting must be approved in advance by the EMPOA Architectural Review Committee (ARC) and then the Board. All approved colors are from Benjamin Moore. Homeowners may elect to use other brands; however, colors must be a match and approved by the ARC and Board.

Homeowners with exterior colors pre-dating these standards are not mandated to repaint; however, as homes are repainted, color selections must bring homes into compliance with this standard. **It is acceptable for a homeowner repaint in the same color as previously approved, however the color selected must be approved by the ARC and Board (sentence in red deleted by Board on September 3, 2013.)**

Trim and Siding Colors

Approved Trim and Siding Colors, and the acceptable Hardi Plank siding colors are as follows:

Benjamin Moore	Hardi Plank equivalent*
• Putnam Ivory (HC – 39)	No equivalent color
• Lancaster Whitewash (HC – 174)	Sail Cloth
• Embassy Green (1523)	Sandstone Beige
• Olympic Mountains (971)	Sail Cloth
• Delaware Putty (240)	Navajo Beige
• Revere Pewter (HC-172)	Cobble Stone

* Hardi Plank may be smooth, or grained finish. Trim pieces that are not available in the listed color, must be painted in the equivalent Benjamin Moore color.

Please note that color designations by the manufacturers change from time to time and it is incumbent of the homeowner to select a color that matches one of the above and must be approved by the ARC and the Board.

Houses with existing white vinyl replacement windows are encouraged to use colors similar to either Lancaster Whitewash or Olympic Mountains for trim. Future window replacements and storm windows should be a color that closely matches one of the approved trim/siding colors.

Homeowners may choose one color for both siding and trim, or they may choose one color for trim and another for siding. Trim is defined as windows and window framing, door framing (including sidelights), front porches (including pillars and gables), garage doors and framing, rake boards, and the vertical boards at the corners of houses. Siding is defined as the horizontal clapboards on the sides and upper gables of houses and garages.

Door and Shutter Colors

Homeowners may paint front doors a trim/siding color; however, the use of a door and shutter color is encouraged. The following door and shutter colors are approved:

- Black (80)
- Classic Burgundy (26)
- Country Redwood (23)
- Essex Green (E-43)
- Classic Hunter (42)
- Navy Masterpiece (1652)
- Charcoal Slate (86)
- Lafayette Green (HC-135)

Please note that color designations by the manufacturers change from time to time and it is incumbent of the homeowner to select a color that closely matches one of the above. Paint for doors and shutters should have a gloss finish (can be either a soft or high gloss). The color and finish of storm doors should match either the door or the door trim.

The color of doors and shutters on a house should be the same, except for 7274 and 7279 where the shutters may be painted the same color as the trim.

Door and shutter colors should generally not be repeated on adjacent houses.

Gutters and Downspouts

The approved color for all gutters and downspouts is Tudor Brown (62) in a soft gloss finish.

Utility Boxes and Meters

Utility boxes and meters should be painted either Tudor Brown (62) or the same color as a home's siding, subject to possible restrictions by the utility companies.

Wrought Iron Railings

The approved color for wrought iron railing on front porches is Black (80) in a gloss finish.

Storm Doors

Storm doors, if installed, must be similar to the Anderson All Seasons HD-3000, full view door with brass hardware. Similar door manufacturers, with similar proportions of glass to frame, can also be submitted for approval. The storm door must be painted to match the color of the door, or the trim, as appropriate.

Reasons to change

- Desire to maintain neighborhood quality
- Original document 30+ years old
- Clarity of current documents
- Lack of consistency in interpretation/application
- Time spent recently on compliance issues
- Changes in VA Statutes
- Over time, piecemeal change in EMPOA documents
- Turnover in Community
- Recent violations
- Questionable enforcement capability of current governance documents
- Risk mitigation

What needs be accomplished?

- Create a single document (e.g. Rules and Regulations) that clearly and fairly articulates the do and don'ts with supporting documents in the background
- Create governance documents that comply to law/statutes and that local jurisdiction will uphold

Issues and Concerns

- Last two compliance issues would have occurred irrespective of clarity of governance documents
- Community reaction to spending ~\$5k to update documents
- Consistent application/interpretation of governance documents by future boards

Recommendation

Support having outside counsel (Doug Levy) update governance documents **only if:**

- Board's strong preference is to create rules and regulations document that outlines all requirements, negating homeowner's needing to refer to by-laws, declarations, articles of incorporation, is created that will be distributed to all homeowners and that they acknowledge receipt and concurrence
- The supporting documents (e.g. Declarations, By-laws) are updated and filed
- Some level of assurance that key governance provisions (e.g. paint color) are enforceable
- Provision for fines/collections are clarified and enforceable
- Doug's deliverables are specified prior to engagement
- A process is created to archive all documents, forms, approved changes, etc.
- The fee to update and file documents/processes does not exceed \$5k and paid for out of the Reserves
- The Community is alerted on the rationale for engagement Community agrees to engagement and to engaging Doug to brief future EMPOA boards on governance practices (fee would be in addition to \$5k)