

MONTPELIER COMMUNITY ASSOCIATION, INC.

Board of Trustees Meeting Minutes

Deerfield Community Center

January 13, 2009

Trustees in Attendance: Richard Dengler, Bob Derrick, Patricia Douville, Lillian Fazio, Damian Fedoryka, and Tim Jacobs.

Trustees Absent with Cause: Jack Keating and Paul Petit.

Community Members Present: Joe Bacarella, Paul Buehler, Julia Coldren-Walker, Brian and Carolyn Dennis, Mary Derrick, Mary Hughes, Gloria Hynes, Bev Jacobs, Thomas Jaehnigen, Marcia Segura, Peg Stainer, and Kendra Wagner.

President B. Derrick called the meeting to order at 7:02 PM. There was a quorum to conduct business. Due to the resignation of Trustee Harris, there was a vacancy on the board. Trustee Douville made a motion to appoint Julia Coldren-Walker to the board. Trustee Derrick seconded the motion and it passed with T. Jacobs and D. Fedoryka abstaining.

Secretary's Report: Patricia Douville

Trustee Douville presented the minutes of the December 2008 meeting. The minutes were amended and a motion was made and seconded to accept the amended minutes. The motion carried with Trustee Coldren-Walker abstaining.

Treasurer's Report: Lillian Fazio

- Old signatories were deleted from the accounts as needed.
- Trustee Derrick requested a credit card for MCA use, but the card must be in the name of an individual rather than the association. There is a debit card available in the name of the MCA and the treasurer.
- All bills being paid online will be verified at the following board meeting.
- One account was over the FDIC insurance limit of \$250,000 so \$20,000 was moved into a new ING account.
- Trustee Derrick wanted a review of the last three years financial records because the association has not had an audit since 2005. Chevy Chase Bank provided a history but prior to June 2006 the accounts were with Wachovia. Trustee Fazio will double check with Ms. Witt to verify the location of the financial records for 2002 on. The previous treasurer, Ms. Witt, reviewed the records when she became treasurer because the accountant was unable to complete an audit. ACTION REQUIRED
- Records are being compiled by Ms. Witt and Trustee Fazio for an audit of 2008 and they will meet with the accountant prior to the next board meeting. ACTION REQUIRED
- Trustee Fazio made a motion to authorize the treasurer to continue paying common, recurring bills (such as utility bills, etc.) online with the treasurer's report showing such expenditures at the next board meeting. Trustee Douville seconded the motion and it passed unanimously.

COMMITTEE REPORTS

ACCC: Marcia Segura, Chairperson

Ms. Segura reported that an outstanding lawsuit was settled. The settlement amount should cover all costs of litigation. Ms. Segura provided several options for the new phone line and voice mail boxes. She recommended the Connect Me Voice (option 1) for \$29.95 a month for a line and 10 mailboxes. Trustee Douville made a motion to accept this recommendation and Trustee Jacobs seconded. Trustee Dengler had information on another company. The motion passed with Trustee Dengler abstaining. Board members will continue to publish their phone numbers for members to call them directly. After the line has been activated, Ms. Segura will turn the management of the phone line to the Communications Committee and will coordinate with the treasurer to ensure that the line is in the name of the association. Trustee Douville suggested that the pool telephone number be retained if possible.

Benevolent Fund: Jeri Witt, Chairperson

There was no activity this month.

Facilities: Paul Petit, Chairperson

No report.

Pool Committee:

- Mr. Buehler reported that the awning was destroyed in the last windstorm. He will research the cost of a new awning and the other awnings at the same time. Insurance may cover replacement of the wind damaged awning. ACTION REQUIRED.
- Pool protocols were given to the president and will be posted online. Committee members are now: E. Brown de Colstoun, G. Hynes, and R. Dengler.
- Information was provided on the sand filter replacement project. Sand filters will cost approximately \$15,000 over ten years and the current system will cost \$35,000. Three bids were supplied. Three bids were sought for the pool maintenance contract and two have been provided. Trustee Douville made a motion to accept the proposal from Lighthouse Pools to install the sand filters. Trustee Coldren-Walker seconded and the motion passed unanimously. Mr. Buehler will get the contract. Trustee Fedoryka asked if a salt water system was researched. Mr. Buehler will ask all three companies about this system. ACTION REQUIRED.
- Replacing all of the concrete around the pool will cost approximately \$70,000 (Sidewalk, baby pool, planter, and pool tripping hazards). Two more quotes are being sought, as are fencing quotes. Trustee Derrick suggested that the scope of work on the "tripping hazards" was defined and the board would be ready to review those quotes when they are received. ACTION REQUIRED
- The adult slide was too large for our pool.

Security Committee: Richard Dengler, Chairperson

Trustee Dengler reported that the old "no soliciting" signs have all disappeared except one. He will provide more information at the next meeting. He also warned the community that leaving your car running, untended, in your driveway can result in a \$150 ticket. Trustee Derrick asked how often speed traps can be set up in the neighborhood. Trustee Dengler will speak to the police and report to the board. ACTION REQUIRED.

Communications Committee: Tim Jacobs, Chairperson

Trustee Jacobs gave Ms. Segura access to the sharepoint system to determine if this would accommodate committee needs. We have 25 mg for free and 100 g. will cost \$108 a year. The website is up to date. Trustee Jacobs will take care of the registration of domain names and the bill for the MCA website. ACTION REQUIRED.

Governing Documents Committee: Jeri Witt, Chairperson

No report.

Old Business:

The tabled motion to direct the ACCC to cease surveys was discussed. Trustee Fedoryka read a statement explaining the conflict of interest. (Copy attached.) Board members questioned whether the ACCC acts as an agent of the board or as a community member in doing surveys looking for violations. Members of the ACCC explained that neighbors are reluctant to report on each other and if they are to enforce the covenants, they need the surveys. A committee member offered to rewrite the guidelines. The vote was called and Trustees Fedoryka and Jacobs voted yes and Trustees Douville, Dengler, Fazio and Coldren-Walker voted no. The motion for the board to direct the ACCC to cease surveys failed.

The appeal of 12704 Silverbirch was discussed. The homeowner reported that he is 75-80% complete. He was delayed because the company that supplied his windows went bankrupt. Trustee Coldren-Walker made a motion to hold the fine in abeyance for another month. The motion was seconded and passed unanimously.

Ms. Hughes reported that mailing the newsletters would cost the community more than using the delivery persons. The contract will contain language which requires the delivery persons to give all the left over newsletters to the person completing resale packages and that person will authorize the treasurer to pay them. ACTION REQUIRED.

Trustee Derrick thanked Ms. Witt for organizing the holiday light judging.

New Business:

Ms. Hynes, a master gardener, proposed beautification of the pool area. She and Ms. Jacobs and Ms. Stainer, also master gardeners, surveyed the area and broke the project into three phases. The first would be to remove all overgrown plants along the entrance to the pool and installing a brick-like surface (rubber bricks). They would use "green" products, low maintenance, disease-resistant and bay-friendly plantings. The fence around the pool was also discussed and they will work with Mr. Buehler on that and the planter replacement. They will have diagrams and proposals for the next meeting. ACTION REQUIRED.

The next meeting will be held on **Tuesday, February 10, 2009 at 6:45** at Deerfield Recreation Center, preschool room. The motion was made and seconded to adjourn at 9:15 P.M. The motion passed unanimously.

The issue we are considering is the practice of the quarterly surveys of the neighborhood by the Board to discover covenant violations, as described in the ACC Committee Guidelines dated May 7, 2005. The Guidelines explain how the ACC Committee reviews, investigates and advises Members with respect to Covenant violations. Please note that the Guidelines are not governing documents of the MCA but are a document generated by the ACC Committee itself. Section 5.1 of the Guidelines describes how complaints are made:

The covenant enforcement procedures begin with written complaints from MCA Members. Such complaints that are received by the association are referred to us for action. In addition, at the request of the MCA Board of Trustees, we conduct quarterly surveys of the community to ensure a more uniform enforcement of the covenants. We generate written complaints ourselves for covenant violations identified during surveys. (ACCC Guidelines, Section 5.1)

Then later, in section 5.1, these quarterly surveys are described:

Approximately every 3 months, at least two members of the ACCC or their designated representative will visually survey all lots in the community and record all apparent covenant violations. The resulting list of violations will be considered as written complaints from an MCA Member and handled by the ACCC as such. (ACCC Guidelines, Section 5.1)

Since the MCA stands to benefit financially from covenant violation findings, I contend that the practice of surveys by the board through its agent, the ACC Committee, constitutes a conflict of interest and can be viewed by reasonable persons as a potentially corrupt practice. Furthermore, one of the main functions of the board in covenant matters is to arbitrate what are essentially disputes between homeowners – one homeowner makes a complaint against another homeowner. By commissioning the ACC Committee to conduct surveys and generate complaints, in other words, by playing the plaintiff in the dispute, the board prejudices itself against the homeowner accused of violations. In such a case, clearly all hope for impartiality is lost.

Therefore I move that the Board direct the ACC Committee to discontinue the practice of surveys for covenant violations.