

**Minutes
Colonial Village III
Board of Directors Meeting
16 April 2007**

Call to order:

Mr. Nicoll brought the meeting to order at 6:58 P.M., and called the roll of Colonial Village III's Board of Directors. Eric Nicoll, president; Michael McGregor, vice president; Kevin Haley, treasurer; Dennis Gerrity, secretary; Cheryl Concelman, member at large, answered present. CVIII unit owner Donna Lee; maintenance engineer Stan Kiman; and association manager David McPherson were also present at that time. CVIII unit owner Seth Cavanaugh arrived shortly after the beginning of the meeting

Proof of Notice of Meeting:

All unit owners in attendance acknowledged the timely receipt of notice of this meeting.

Reading and Approval of Minutes:

Mr. Nicoll moved that the minutes of the 19 March 2007 board meeting be approved without change. Mr. Haley seconded this motion, and it was approved unanimously.

Open Forum for CVIII Owners:

Mr. Cavanaugh, resident owner of unit #210 at 1808 N. Queens Ln., told the board that his unit and the other three first floor units in his building experienced flooding to varying degrees during a heavy rainstorm early in the morning of Wednesday, April 4th. Mr. Cavanaugh said that there was extensive damage to the wooden flooring and ceiling tiles in his unit and a wall needed to be repainted. Mr. Cavanaugh said he was working with Mr. McPherson and Mr. Kiman to find a contractor who would do a satisfactory job at a reasonable price replacing damaged flooring in his unit. He said he was not unhappy with CVIII's efforts: he just wanted to make sure that things got done and this flooding would not happen again. Mr. Kiman said that water entered these four units through the condensate lines serving the air handlers for their heat pumps. Mr. Kiman said that these condensate lines were connected to the storm drainage system serving 1808 Queens Lane and a blockage, the cause of which he could not identify, somewhere downstream in the system of drainage pipes caused storm runoff to backup through these condensate lines. Mr. Kiman said that he had disconnected these condensate lines from CVIII's storm drainage system and this should eliminate the latter as a source of flooding in the future. (Mr. Kiman warned Mr. Cavanaugh that his condensate line could be blocked by an accumulation of dust or other debris washed from his condensate pan. This could lead to minor flooding. Mr. Kiman advised Mr. Cavanaugh to have a qualified technician service his heat pump system on a regular basis to prevent this from happening.) Mr. Kiman told the board that he was repairing water damage to the other three first floor units in this building and their owners and residents seemed satisfied with his progress. Mr. McPherson told the board that he had not yet filed a claim with State Farm for the cost of repairs to these four units, and he recommended not filing such a claim until expenses exceed \$5,000 in order to avoid premium increases.

Correspondence from Owners:

No correspondence was received from owners during the past month.

Reports of Officers:

See pending and new business.

Committee Reports:

See pending and new business.

Management Report:

March Financial Update: After making allowances for errors and omissions in the March income and expense statements, Mr. McPherson said CVIII had a year-to-date operating surplus of \$10,082.44 as of the end of March 2007. Details of the March financial report are available for unit owner review at the CVIII office.

Maintenance:

Mr. Kiman said most of his work hours during the last month were spent dealing with water damage to the first four floor units at 1808 Queens Ln.

Pending Business:

Replacement Roofs: The board asked Mr. McPherson for an update on the installation of replacement roofs at 1813 and 1821 N. Rhodes St. and 1728 Queens Ln. Mr. McPherson told the board that Pioneer Roofing had installed Sarnafil membranes on the roofs of these three buildings. However, Pioneer, without informing Mr. McPherson, installed the wrong size copper caps on the parapet copings of these buildings in order to conceal an open joint between courses of bricks. Mr. McPherson told the board that Pioneer had complied with an order from Arlington County's Historic Preservation Division and installed the correct size copper caps, but Pioneer was asking for a "change-order", which would require an additional payment, to tuck point this open joint. Mr. McPherson told the board that Arlington County's Historic Preservation Division had informed Pioneer that it had used the wrong color mortar to replace the wash-cap on the "dental" courses of decorative brickwork immediately below these buildings' parapets and it directed Pioneer to correct this situation, but Pioneer had not done so as of this meeting's date. Mr. Kiman told the board that Pioneer had not installed new copper caps on twenty feet of parapet at 1728 Queens Ln. and ten feet of parapet at 1813 N. Rhodes St. Mr. McPherson said that he had told Pioneer it was his position that tuck pointing open joints, the right color of mortar for wash caps, and the thirty feet of copper capping pointed out by Mr. Kiman were all covered by the original contract and change-orders were not warranted. After discussion, Mr. McGregor moved that the board support Mr. McPherson's position that Pioneer was obligated under the terms of its existing contract with CVIII to complete outstanding mortar work and copper capping at no additional expense to CVIII. Ms. Concelman seconded this motion, and it was approved unanimously.

Masonry Renovations: The board asked Mr. McPherson for a status report on the masonry renovation project it had approved at its March meeting. Mr. McPherson said that he and Mr. Douglas White of Thomas Downey, Ltd., the engineering firm hired by CVIII to manage this project, were preparing a detailed contract based on American Institute of Architects specifications for tuck pointing and related masonry renovations. Mr. McPherson said that he expected to have this contract ready to be signed within two weeks. Mr. McPherson said that Culbertson, the firm awarded this project, would have a crew available to begin work at CVIII as soon as this contract was signed. The board asked Mr. McPherson to make sure that residents and owners units in Building Four receive advance notice of the noise and dust pollution generated by these masonry renovations. Mr. McPherson said that notices of this work would be mailed to them, hung on their door knobs and posted on their common area bulletin boards at least two weeks before work began.

Due Process Resolution:

Mr. McPherson and the board continued consideration (begun at its February meeting) of adopting a formal procedure to ensure due process in adjudicating violations of CVIII's Bylaws and CVIII's Rules and Regulations. This procedure was spelled out in a draft document titled *Due Process Resolution* prepared by Mr. Daniel Streich, a lawyer with CVIII's law firm, Chadwick, Washington. It included detailed descriptions of procedural steps, samples letters for complaints, requests for compliance, hearing notices, and assessment of charges. Mr. McPherson noted the board's concerns about creating a complicated and cumbersome process. He said that in most cases it would not be necessary to resort to this procedure to enforce CVIII's Bylaws and Rules and Regulations, but situations would arise when it would be very helpful to have it available. To discourage frivolous or petty use of this process, Mr. McPherson suggested requiring that there be at least two complaints within a six month period and those

making complaints must agree to appear at hearings before resorting to this procedure. Mr. Gerrity moved that CVIII adopt this resolution as a procedure for enforcing CVIII's Bylaws and CVIII's Rules and Regulations. Mr. Haley seconded this motion. Mr. Gerrity and Mr. Haley voted aye; Mr. McGregor and Ms. Concelman voted nay; Mr. Nicoll abstained; and the motion failed to carry. Mr. McGregor, Ms. Concelman and Mr. Nicoll said that they were concerned that this procedure would allow an owner or tenant to force the board to hold hearings on a petty or specious complaint. Mr. Gerrity and Mr. Haley said they were sympathetic with their fellow board members' concern about abuse of this procedure, but because what constitutes "petty or specious" could be a matter of perspective and as a good faith gesture to their fellow owners, the board should be prepared to work through such problems. After discussion, the board asked and Mr. McPherson agreed to ask Mr. Streich to insert language in his proposed *Due Process Resolution* giving the board sole authority to make decisions to hold hearings on complaints with respect to CVIII's Bylaws and CVIII's Rules and Regulations.

Verizon Fiber-Optic Licensing Agreement: Mr. McPherson and the board reviewed the second draft of a proposed licensing agreement that would grant Verizon authority to survey CVIII's various buildings for ways to install fiber-optic cable in CVIII's common areas without entering units and, subject to the approval of HALRB and CVIII's board, then install this fiber-optic cable. Mr. McPherson told the board that both CVIII and Verizon's lawyers had approved this second draft. Mr. McPherson pointed out language in this second draft that clearly stated that this licensing agreement only covered common areas of CVIII and unit owners had sole authority to allow Verizon to install this fiber optic cable inside their units. Mr. McPherson said the Verizon was interested in holding a "town-hall" meeting for Colonial Village to explain the system and the FiOS package of services it would make available. Mr. McPherson said that Verizon also wanted to use this meeting to ask unit owners for permission to wire and pre-position some equipment in their units at no charge at the same time it was wiring CVIII's common areas. A unit owner's decision to allow Verizon to wire their units and pre-position equipment would not commit that unit owner to subscribing to any of the services available through this cable. After discussion, Mr. McGregor moved that the board approve a licensing agreement with Verizon to wire the common areas of CVIII with fiber-optic cable. Mr. Haley seconded this motion, and it was approved unanimously.

New Business:

Carpet Cleaning: Mr. McPherson brought to the board's attention a bid of \$1,700 from Clean Machine to clean common hallway carpets and treat them with Teflon. After discussion, Mr. Nicoll moved that the board accept Clean Machine's bid of \$1,700 to clean and treat with Teflon carpeting in CVIII's twenty-eight common hallways. Ms. Concelman seconded this motion, and it was approved unanimously.

Window Cleaning: The board discussed the best dates to schedule cleaning the exterior of unit windows given masonry renovations at Building Four and deferred a decision until its May meeting.

Recycling: Mr. McPherson told the board that he had been advised by CVIII's trash service, Thompson Hauling, that the barrels for recycling material in CVIII's trash rooms were regularly being contaminated with nonrecyclable material, often badly enough that everything in these barrels was disposed of with regular trash. After discussion, the board decided that it had to do a better job educating CVIII's residents on recycling.

Executive Session:

The board did not hold an executive session at this meeting.

May 2007 Board of Directors Meeting:

The next board meeting is scheduled for 7:00 P.M. on Monday, 14 May 2007, in the conference room in the CMI office at 1903 Key Blvd.

Adjournment:

Mr. Nicoll moved that this meeting be adjourned. Mr. Haley seconded this motion, and it was approved unanimously at 8:45 P.M.