

Huntington Forest Homeowners Association
Board Meeting
March 9, 2017

Meeting called to order: by Steve Piper at 7:04pm

Meeting place: Montessori School of Alexandria, 6300 Florence Lane

Board Member Attendees: Steve Piper, Tim Rogers, Dave Kolo, Kerry McCabe, Frank Donahoe, Rhonda Crawford, Chris McCormack, Grace Washburn

Homeowner Attendees: Jess Schrum, Bob Redman, Janet Roberson, Heidi Gaines, Trish Milligan, Lindsay Foutz, Diane Piper, Jen and Brendan O'Dowd, Sarah Kolo, Agnes Dellasantro

Quorum Established by Steve Piper.

Member Discussion:

Trish Milligan

- Informed the Board of an email she sent to Steve Piper regarding Ratification of Articles of Incorporation at Nov 17, 2016 Special Meeting in which she questioned whether there were enough votes for the ratification to be valid.

Secretary's Report: Rhonda Crawford

- Distributed for approval (Circulated to the Board Members via email prior to meeting)
 - Feb 09, 2017 Board Meeting Minutes
 - Feb 15, 2017 Special Board Meeting Minutes
 - Feb 27, 2017 Special Board Meeting Minutes
- No further corrections noted. Minutes approved as distributed.

Treasurer's Report: Frank Donahoe

- Discussed breakout of outstanding invoices Rees Broome
 - Upon review of remaining invoices the Treasurer determined that \$1972 and the President estimated \$1000 could be apportioned to non-Manning case litigation. The Treasurer requested the Board approve a Not-to-Exceed amount of \$1972 for payment to Rees Broome to settle a portion of the remaining balance, contingent upon further review of the differing estimates.
 - Steve Piper informed the Board that Rees Broome (RB) has requested payment for \$474 (\$237 x 2) for collection of outstanding Annual Assessments. Stated that it would be refunded to the Board upon collection from homeowners.
 - Chris McCormack questioned the way it the collection was presented to the Board in a previous meeting...stating that the positive vote was based upon the understanding that the HF HOA would not be liable for any part of the collection fees.
 - Frank Donahoe informed the Board that the amount of the collection would continue to increase each month if not collected from homeowners. He also asked if we should remove it from Rees Broome and collect for ourselves. Steve Piper stated that after Feb 28, 2017 we would not have had the option for a lien.

- Frank Donahoe informed the Board that one homeowner sent the a check for the amount of the assessment plus interest but did not include the collection fee. He sent the check to Rees Broome for adjudication.
 - Frank Donahoe articulated the process and attempts to collect the assessments prior to turning it over to the attorney.
- Federal Income Tax Return was filed
- Have not yet paid State income tax
- Motion to approve payment to RB for 1) \$474 for collection fees and 2) NTE \$1972 for outstanding legal fees; LDACO fees and approve Treasurer’s Report:
 - Kerry McCabe
 - Second: Dave Kolo
 - Carried unanimously

President’s Report

Matters Raised by Members to President of the Board.

- Concern with trend of HFHOA expenses
- Question of amending our By-Laws to restrict the Board’s ability to file a lawsuit.
- Last month Trish Milligan proposed that the Articles of Incorporation should be dated as of the day it was voted upon at the Special Meeting on November 17, 2016. No, the date registered with the SCC is January 7, 2008, the November 17, 2016, ratification didn’t change this date.
- Community Association Institute (CAI) February 25 Conference & Expo (2,165 registrants, over 114,000 square feet of exhibits, 15 education sessions) at the Washington Convention Center. Steve Piper attended three “Education Sessions:”
 - Being an Effective Board Member, Community Association Jeopardy, Virginia Legislative Update
 - Legislative update
 - Ham radio antennas
 - Drones and privacy
 - Home child care businesses
 - Extended time period for SCC to allow re-incorporation when corporate status has expired. This proposal was not approved, but is likely to be considered again next year.
 - On Tuesday, March 21, GWWCA will hold its membership meeting at 7 PM in the church hall of All Saints Sharon Chapel Church, 3421 Franconia Road. The primary speaker — from Combined Properties — will report on the status of the South Alexandria land development, located on the site of the now demolished Penn Daw Plaza, will be composed of 400 Class-A apartment units, 41 townhouses, 44,000 SF of retail space, and a national specialty grocer.
 - Your Community, You’re Connected: Association Communications is a live program on Channel 16, Tuesday, March 21, at 7pm. Michelle L. Thompson, Fairfax County Consumer Affairs Branch; Todd Sinkins, attorney with Rees Broome, PC and Christa M. Brady, Senior Community Manager with CFM Management Services will respond to your live calls, emails, tweets and Facebook posts during the hour.
 - Topics to be addressed:
 - What are the best practices for developing an annual association communication plan?

- How can the association board avoid some of the common challenges that come with using social media to communicate with its members?
 - What is the board’s responsibility for creating a forum for the members to communicate with one another?
- Next LDACO meeting, scheduled for March 22 at 7pm, will have County budget presentation with Supervisor McKay; Tamara Kaufax, Lee District School Board representative; and someone from the county’s budget and management office.
- Michelle L. Thompson, Fairfax County Consumer Affairs Branch, has accepted an invitation to speak at our June 8 Board meeting President’s Report approved unanimously

Committee Reports

- ARC/ACC — Dave Kolo
 - 3 ARC Requests submitted and 3 approved at the March ARC meeting.
- Discussion:
 - Grace Washburn inquired about the plan to discuss ARC Guidelines.
 - Steve Piper inquired about the pending Spring walkaround.
 - Kerry McCabe inquired about training for ARC members
 - Discussion deferred to “Old Business”
- Common Area — Kerry McCabe
 - Reported roadwork complete on Florence Lane
 - Street sweep pending
 - Reported some trees in common area will require ash borer treatment
 - Received quote for approximated \$400 to treat trees
 - Tim Rogers inquired if there was a county service that the HOA could use and indicated that this had been done before (documented in Board Meeting minutes from 2 years ago)
 - Action: Kerry will look into it.
- External Affairs — Kerry McCabe
 - Reported Fairfax County dropped plans to prohibit plastic bag use for lawn debris.
- Land Use — Nothing Reported
- Motion to approve Committee Reports.
 - Rhonda Crawford
 - Second: Dave Kolo
 - Carried unanimously

Old Business

- Outstanding Legal Bills — Rhonda Crawford
 - Briefed board on the discussion with RB regarding outstanding legal bills.
 - Steve Piper informed the Board that an HOA member sent to RB a notice of intent to file a declaratory judgement as to memberships in the 2008 Corporation and has asked the HOA

to join in the legal action. RB had advised the HOA against joining legal action. This action is unlikely to be covered by insurance.

- Kerry McCabe stated that this action is not covered by insurance. Steve Piper reiterated that RB had checked with our insurance agent, confirming that this action is not covered.
 - There was continued discussion regarding the SCC and court role in determining corporate status.
- Amendment to ACC Guidelines re satellite dishes and other Over-the-Air Reception Devices- Dave Kolo
 - Motion to approve proposed revision ARC guidelines updating OTARD rule as distributed.
 - Rhonda Crawford
 - Second: Frank Donahoe
 - Unanimously approved
 - Next steps regarding revisions to the ARC Guidelines proposed by the ARC in November 2016
 - Grace Washburn inquired about the timeline for moving forward with review of Revised ARC guidelines. Frank Donahoe advised that the first priority should be the legal bills and the second should be corporate status. Kerry McCabe recommended that we should do a section of the guidelines at a time. However, Grace Washburn disagreed and reiterated the need for Town Halls to get feedback from the membership and underscored that she believes there is no sense of urgency. Chris McCormack stated that we need to manage expectations because there are other issues on the table.
 - There was brief discussion regarding upcoming ARC Walk-around, to include concern about using current ARC guidelines or the (unapproved) revised ARC guidelines. Conclusion: ARC will use the current ARC guidelines for the walk-around.
 - There was additional discussion regarding a town hall meeting for community input into the ARC Guidelines. Meeting places considered: Montessori School is free; church is \$150; and a member suggested use of one the public schools at \$75.
 - Revision of Policy Resolution #12-02 re Filing of Complaints – Steve Piper
 - Steve will withdraw the proposed complaint policy draft based on discussions from the CAI conference.
 - Updated Directory of Members – Rhonda Crawford
 - Only 2 more responses received.
 - There was some discussion about whether we should move forward with publishing the directory and what information will be included. Phone numbers will not be published without permission.
 - Communication – Steve Piper Pointed out the website was out of date and asked Chris McCormack to work with webmaster to update.

New Business

- Kerry McCabe – Because of the warm weather the neighborhood can expect trespassing in the common area. The President will need to work with Mt Vernon Police on renewing the Police access agreement for the common area and schedule early morning random patrolling to deter break-ins.

Members Forum

- Jess Schrum
 - Suggested inclusion of non-Board and non-ARC members on the walkaround.
 - Reminded members that plastic bags for yard waste must be clear
 - Complaint process: Declaration violations are a violation of law and must be addressed by addressed by formal process.
 - Member Directory should include name and addresses of members

- Matt Troiani
 - Decisions should be made in executive session and the outcome is public record.
 - SEC will discuss items in their purview but are forbidden from giving private legal advice.
 - SEC preview includes procedural, administrative matters (forms, fees etc.)
 - Jess Schrum reiterated that the SCC spoke freely about procedural matters.

- Bob Redmond
 - Reminded the Board to be cognizant of the budget; \$1900 of the \$6000 legal expense budget line item has already been spent.
 - Asked why Michelle Thompson will be the guest speaker at a Board meeting and not the Annual Meeting. Steve Piper responded that a guest speaker (Supervisor McKay) has already confirmed for the Annual Meeting and that Board Meetings are open to all HOA members.
 - Reminded members that the references to New England Colonial style does not exist in HOA documents but it is still being used to a degree in ARC decisions.
 - Steve Piper agreed
 - Dave Kolo stated that those references have not come up since he has been Chair of the ARC.

- Janet Roberson
 - Stated she does not remember the date, but noted that she read in previous ARC minutes that a door was disapproved because it was not New England colonial style.
 - Shared an expense trend sheet that she developed and asked the Board and Members be cognizant of the ratios of outlays to vs receipts. (attached).
 - Shared that the HoA spent more on legal expenses in 2016 than it had in a the last 16 years.
 - Discussed concern brought up by previous Board President (Debbie Halla) regarding maintenance of common area/insurance and the annual assessment was previously increased from \$33 to \$90 based upon that. She also noted that in 2008 the umbrella policy was updated to include indemnification for Directors/Board members.
 - Stated that a Special Assessment is not a “rubber stamp”, the Board should get advance approval from membership before incurring debt.
 - Drew parallels to 2011 violation regarding converting a garage when RB advised the Board that a law suit could be long and protracted and would cost between \$15K-\$20K. Argued that the 2015 violation was not as clear as the one in 2011. Questioned the process by which the Board makes decisions to pursue legal action and added that when the decision was made in 2015, there was not enough money in the budget to cover the expense.

- Stated that 2015 Treasurer's Reports were not posted on website. Steve Piper stated that they were just posted in the wrong place, and that we need to look at how the website is organized.
 - Stated that Board should not request a special assessment approval from members until bylaws are addressed to curtail Board authority. Contends that by-laws (Article7) powers not reserved the Association members but it should be.
 - Asked how does the Board decide on the ceiling of future legal action.
 - Asked about the process for changes to By-Laws.
- Heidi Gaines
 - Stated that in Nov 2016 [sic] a door was disapproved by the ARC because it was not New England Colonial style and asked why it was still an issue. Contended that ARC needs consistency in application of guidelines. Dave Kolo's response was that there is no consistency issue stating that the ARC's decision-making process has continually upheld the rules and procedures outlined in the HOA's Covenants and Architectural Guidelines.
 - Brendan O'Dowd
 - Expressed concern about neighborhood response to legal action and showed support for the Board.
 - Stated that a lien could be a low-cost option to resolving covenant violations.
 - Matt Troiani
 - Stated that liens are generally quite cheap. However, VA statute requires that a lawsuit be filed within one year. After one year, the debt becomes uncollectable.
 - Expressed concern that issues regarding corporate status are still not defined and that we may have to retain another attorney to resolve it. Also, stated that it is typically more expensive to litigate than to resolve.
 - Jess Schrum
 - Rebuttal regarding 2011 covenant violation to correct the record. Expressed that no litigation occurred in that particular instance because the homeowner cooperated with the Board to resolve the issue.
 - Janet Roberson
 - Asked if the Board will continue to pursue law-suits to address covenant violations and argued that there needs to be a cost-benefit analysis before moving forward.
 - Motion to adjourn meeting.
 - Kerry McCabe
 - Second: Rhonda Crawford
 - Carried Unanimously

Meeting Adjourned: 8:55PM

Attachments:

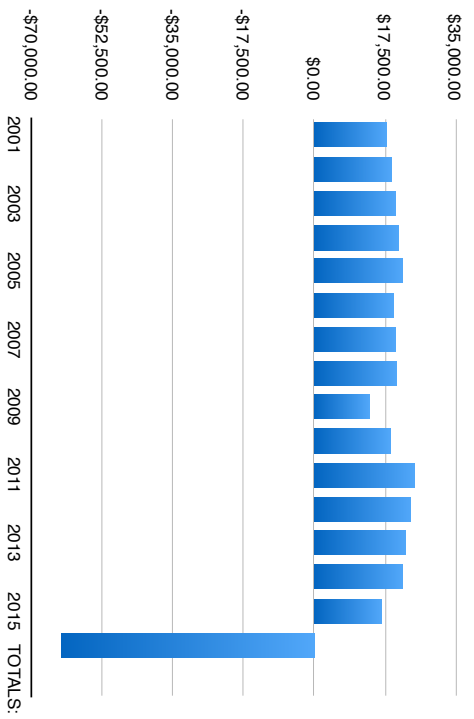
1. Expense Trends (presented by Janet Roberson)
2. ARC Revision - OTARD

HFHOA Income and Major Expenses: 2001 - 2016

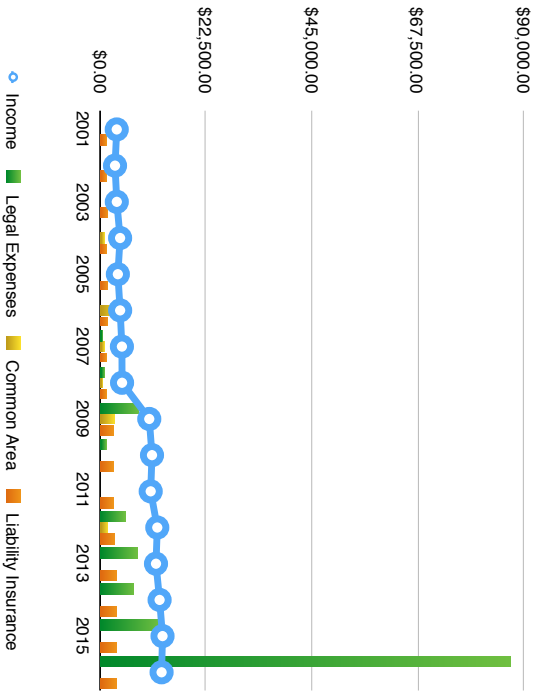
Year	Income	Legal Expenses	Common Area	Liability Insurance	Surplus/ Deficit	Reserve Fund	Report Timeframe	Comments
2001	\$3,633.12	\$0.00	\$0.00	\$1,242.00	\$1,711.63	\$18,019.00	Annual	
2002	\$3,268.44	\$0.00	\$0.00	\$1,230.00	\$1,108.76	\$19,138.62	Annual	
2003	\$3,645.49	\$0.00	\$150.00	\$1,575.00	\$589.10	\$20,153.44	Annual	
2004	\$4,346.06	\$0.00	\$875.00	\$1,552.00	\$467.02	\$20,943.78	Jan. - Nov. 8, 2004	
2005	\$3,871.18	\$0.00	\$0.00	\$1,612.00	\$1,713.92	\$21,793.30	Jan. - Nov. 26, 2005	
2006	\$4,355.66	\$0.00	\$3,800.00	\$1,675.00	-\$2,343.13	\$19,657.34	Annual	Unanticipated expenses for tree removal.
2007	\$4,730.66	\$766.00	\$975.00	\$1,229.00	\$638.68	\$20,079.23	Jan. - Nov. 26, 2007	Rees Broome retained as outside counsel.
2008	\$4,761.26	\$1,165.13	\$700.00	\$1,429.00	\$196.51	\$20,431.50	Jan. - Nov. 15, 2008	
2009	\$10,534.70	\$8,460.50	\$3,300.00	\$2,968.90	-\$4,783.50	\$13,490.87	Jan. - Sept. 30, 2009	Homeowners voted to increase the annual assessment because of the Board's request for annual maintenance in the common area, more robust liability insurance, and professional outside legal counsel. Reserves needed to be tapped to pay legal bills. There was significant concern regarding the finances of the HFHOA and the possibility of bankruptcy.
2010	\$11,115.36	\$1,406.00	\$0.00	\$2,969.90	\$5,181.60	\$18,672.47	Annual	
2011	\$10,838.27	\$189.00	\$0.00	\$2,980.90	\$5,988.31	\$24,668.78	Annual	Although a violation of one of the Declaration's restrictive covenants was discovered, the Board took no action on the advice of Rees Broome and out of concern that such action could affect the ability of homeowners to refinance and/or sell their homes.
2012	\$12,236.77	\$5,389.00	\$1,650.00	\$3,235.00	-\$891.03	\$23,777.75	Annual	Rees Broome worked on revising ARC guidelines and preparation of policy documents. Common Area Committee abolished. Treasurer proposed raising budget for legal expenses.
2013	\$11,963.42	\$7,988.01	\$0.00	\$3,402.00	-\$1,240.41	\$22,584.48	Annual	Rees Broome worked on "flawed" Declaration, Common Area variances and access guidelines, and other projects. (There are minor variances in financial reports for this year.)
2014	\$12,727.43	\$7,216.75	\$0.00	\$3,694.00	-\$759.48	\$21,825.00	Annual	Rees Broome was present at the annual meeting and continued to be consulted on a variety of documents and issues. (There are minor variances in financial reports for this year.)
2015	\$13,348.26	\$12,515.50	\$0.00	\$3,720.00	-\$5,118.42	\$16,705.58	Annual	Lawsuit filed against a homeowner over an alleged covenant violation. Rees Broome also continued to work on a variety of documents including draft Articles and Declaration.
2016	\$13,148.84	\$87,173.63	\$0.00	\$3,702.00	-\$69,615.21	-\$2,524.41	Annual, including accrued expenses not paid in 2016.	Continuing lawsuit against a homeowner over an alleged covenant violation.
TOTALS:	\$128,524.92	\$132,269.52	\$11,450.00	\$38,216.70				

Note: Some numbers vary from one report to another depending on whether the budget/expense year is from January through November or an entire calendar year. There are also differences depending on how the treasurer for the period computed the numbers. The variances are insignificant, but point to the need for an outside audit and documented standards for reporting expenses.

Reserve Fund Trends



Critical Expenses Relative to Income



Current Guideline

Guideline 2 – ANTENNAS

2.1 Traditional T-shaped television and radio antennas are not permitted on the exterior of a dwelling.

2.2 Circular dish antennas 24 inches in diameter or smaller will generally be permitted, and, to the extent possible, should be placed in an inconspicuous location.

2.3 All other types of antennas (C.B., HAM radio, etc.) will be considered on a case-by-case basis by the ACC.

2.4 Freestanding elevated antenna structures (towers, poles, trees, etc.) and elevated antenna wire detached from the house are not permitted.

Proposed Revision (recommended by ARC/Board2)

Guideline 2 - ANTENNAS – Over the Air Reception Devices

2.1 In accordance with the Federal Communications Commission's ruling on Over the Air Reception Devices (OTARD 47 C.F.R. Section 1.4000) the following guidelines exist concerning antennas. Customer-end antennas (including circular dishes) designed to receive video programming or transmit/receive fixed wireless signals are:

a. permitted if they measure one meter (39.37 inches) or less. To the greatest extent possible, permitted antennas must be installed in a location shielded from view when standing on the street provided this placement does not unreasonably increase expense to the homeowner or result in unacceptable signal strength.

b. prohibited if measuring more than one meter (39.37 inches) diagonally or in diameter.

2.2 Freestanding elevated antenna structures (towers, poles, trees, etc.) and elevated antenna wire detached from the house may be permitted only if acceptable signal strength is unattainable by means of an inconspicuously house-mounted antenna.

2.3 All other types of antennas (Citizen Band, amateur radio service, etc.) will be considered on a case-by-case basis by the ARC. The homeowner bears all responsibilities in conforming to government regulation regarding structure requirements and usage.

2.4 Installation of antennas in common areas is prohibited.

This FCC webpage explains the OTARD rule and its application:

<https://www.fcc.gov/media/over-air-reception-devices-rule#filing>

Below is a snapshot of the rule:

47 C.F.R. Section 1.4000 prohibits restrictions that impair the installation, maintenance or use of antennas used to receive video programming. The rule applies to video antennas including direct-to-home satellite dishes that are less than one meter (39.37") in diameter (or of any size in Alaska), TV antennas, and wireless cable antennas. The rule prohibits most restrictions that: (1) unreasonably delay or prevent installation, maintenance or use; (2) unreasonably increase the cost of installation, maintenance or use; or (3) preclude reception of an acceptable quality signal.

Examples of how other HOAs have written their guidelines to comply with OTARD rules:

Ex. 1 (Virginia)

In accordance with Federal Communications Commissions' ruling of Over the Air Reception Devices (OTARD), the following guidelines exist concerning dish style antennas:

Size: Dish size may not exceed 1 meter (39.37") in size.

Location: In order to maintain a colonial style to the property, the Board of Directors has established a hierarchy of locations when installing dish style antennas to obtain an acceptable signal quality.

1. Devices shall be installed solely within such individual Lot and shall not be installed on Common Area, and are to be placed at the rear roof portion or rear yard, or yard area, within the lot. Ideally, the device should not be visible from the street unless acceptable signal quality is unavailable.
2. To the maximum extent possible, Devices shall be located in a place shielded from view when standing on the street and from the view of other lots; provided, however, that nothing in these Rules would require installation in a location from which an acceptable quality signal cannot be received. This section does not permit installation on Common Area, even if an acceptable quality signal cannot be received from the individual Lot.
3. If acceptable signal quality still cannot be obtained dish antennas may be installed within the front of the property. Notification of this type of installation should be sent to the ACC along with a statement from the installer that this is the only location that could be used to receive acceptable signal quality.

No antenna may be mounted on the common areas of the Association.

Cabling: Cables associated with the installation and use of dish style antennas should be bundled together and, if required to run outside of the

home, attached to the home so it not detract from the appearance of the property or community.

Ex. 2 (California)

Antennas and Satellite Dishes

Any individually-owned outside television antennas and satellite dishes constructed, installed, or maintained in said Properties are subject to reasonable standards regarding placement, screening, maintenance and indemnity obligation as specified in section 207 of the Telecommunications Act of 1996 and the FCC OTARD Rule. Installation of a vertical or wire antenna for the purpose of transmission or reception of radio signals is subject to local zoning ordinances as provided by FCC PRB-1, with the following exceptions: • Free standing towers are prohibited. • Roof mounted antenna support structures are prohibited. A waiver may be granted by the Board if the structure is deemed necessary for CERT (Community Emergency Response Team) or RACES (Radio Amateur Civil Emergency Service) communications.