

**CROMWELL PARK at SALEM CONDOMINIUM ASSOCIATION**  
**Board of Directors Meeting**  
**Cromwell Park – Zoom Meeting**  
**September 17<sup>th</sup>, 2020**

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September 17<sup>th</sup> was held as a Virtual Meeting via Zoom

The HOA Board for Directors is convening the meeting based on the COVID-19 emergency provisions provided by law. *“the nature of the declared emergency makes it impracticable or unsafe for the governing board to assemble in a single location and the purpose of meeting is to discuss or transact the business necessary to continue operations of the common interest community association and the discharge of its lawful purposes, duties, and responsibilities.”*

**Board Members**

Gary Scott, Charles (Chuck) Brisbin, Brett Poyner, Adrienne McCoy, John Russo

**Community First Management Company**

Chris Hassell and new CFM member introduced who will be helping Chris

Gary opened with a review of the July 16th draft meeting minutes. A motion was made to accept the minutes. Motion was seconded and approved.

**Owners Forum Topics**

Brett talked about a visit he had with a home owner as he was checking about a violation. He discussed that he didn't do a good job of identifying himself and had forgot his mask. He apologized for this and said he will make sure this doesn't occur again.

**Deliver trucks**

- A homeowner brought up her concerns about the numerous delivery trucks speeding through the neighborhood. She noted that on the back side of Cromwell Park Drive, there are no speed bumps. A request was made for a speed bump to be added to the back side of Cromwell Park Drive. There was a discussion about adding additional speed limit and Parking and Towing signage to over communicate. The board will ask First Community to get some quotes for an additional speed bump and will consider the request for signage. Chuck mentioned that if someone sees a delivery truck speeding through the neighborhood, please call the delivery company and inform them that this is occurring. This was done in the past with good results.

**Pet Request**

- A homeowner talked about her pet request being denied due to the size restrictions. There was a discussion about the size limit listed in our rules which is posted on the website. There was also information brought up about the condo rules delivery to the homeowner from the seller was a realtor requirement in Virginia. The homeowner said she was not given the rules

by her realtor as she was buying her unit, and that the previous owner had an oversized dog. The homeowner requested a waver consideration on pet size. Gary asked the homeowner to get a statement from the realtor that she was not provided the rules during her purchase and to submit another request with that statement for consideration. Several homeowners said they also were not given the rules when they bought their units. Gary requested that Community First send out an information package when they set up the common fee billing. Gary and John will work on a summary sheet and provide it to Community First for distribution.

#### Water Issue

- A home owner brought up a water situation that has been going on for quite some time and wanted to know what First Community has done to address the situation. Chris said that he had recently sent out a letter to the homeowner. John (Secretary) will coordinate with Chris to get a hearing set up with the owner to resolve the issue.

#### Communications

- A homeowner commented that there needed to be better communications to the homeowners. He used the recent example of the water shutoff, and this needs to be the responsibility of the Community First and the Board. The homeowner said that the web-site is not a good communications method. The sign on the entrance gate was a good method to communicate. He emphasized the need to over communicate. He also voiced his concern about the hanging tree branch. Gary told the owner the board had been alerted about the broken branch.
- There have been several complaints from homeowners that they have not received any response from Chris even after several e-mail attempts. Chris responded that he typically has a back-up but with the Covid situation, they have had people out. Another home owner also cited her example about a neighbor's fence falling that hasn't been addressed She was very frustrated that Community First didn't get this situation fixed. Things are taking too long and there is no follow-up communication from First Community.

#### Community Communications Meeting

- One of the homeowners commented that the web site updates have greatly improved with the Zoom meeting and water shut-off information, she also wanted to make sure everyone knew that there is a gathering of homeowners that meets on the Second Thursday of every other month (when there is no Board Meeting) to gather input from the community. This is a community driven meeting (not board sponsored), and discussions brought up at this gathering are forwarded to the Board and Community First by the group. The group will be meeting in October via a Zoom Meeting.

#### Covid Meeting Notes from April 9<sup>th</sup>

- A homeowner referenced information from the web meeting minutes section from the April 9<sup>th</sup> meeting notes about a mailing that was going to be sent out to all homeowners about the

on-going litigation. She has not received a mailing and wanted an update. Gary commented that the April meeting was not a Board meeting but an emergency Covid Board Discussion meeting that the Board needed to have ahead of the May scheduled meeting. These were discussions only and not definitive decisions. Gary told the meeting that the homeowner's association attorneys recommended that no communications be sent out to the community. He will discuss the litigation a little later in the meeting.

#### Condo Insurance

- A homeowner voiced her concerns that with recent storm damage to unit facia coverings. A previous meeting minutes described that facia maintenance was the responsibility of the homeowners. She has seen some of the repairs that she believes are very sub-standard. Gary commented that the Board has worked to get a list of preferred contractors. Examples include our roofing specialist and plumbing specialist. Gary has been working with our insurance company to get an easily understood description of what is covered by the Home Owners Association insurance policy especially where a situation includes both units. Chuck provided some input that Dragas set up the condo association by-laws to read that the Association was responsible from the roof line up, and the homeowner was responsible for everything below the roof line. The facia situation has come up in the past, and as it is below the roof line, it is the homeowner's responsibility. The gutters are also the homeowner's responsibility. A question was asked if the insurance could be changed. Homeowners should not rely on a typical condo insurance policy but needed to get a more through homeowner's insurance for sufficient coverage.

#### Changes to the Condo By-Laws

- Chuck brought up past attempts to have the By-Laws changed and the difficulty of getting the needed 66.6% quorum of homeowners required to make changes. There was a request made for the Board and Community First look into this situation where we have shared elements. Another homeowner stated that the existing by-laws are pre-historic. He stated that the by-laws should be reviewed and updated to cover today's situation. Gary recommended that homeowners get together, review the By-Laws, and put together a proposal. He also reminded the group that this still needed a 66.6% quorum to get it approved. Adrienne commented that the community communication group had started to review the rules and suggestions for updates. A homeowner talked about going door to door. Gary suggested that the door to door approach could be considered, and that if the homeowners got him a proposal, he would get it to our legal team for review. Chuck responded that rules could be changed by a positive vote from the majority of the board. The homeowners were reminded that the community directory was not sanctioned by the board, but neighbors could certainly continue.

#### Children in the Community

- There were complaints about youth recklessly riding bikes too close to vehicles. Gary told the homeowners that there was a similar situation in 2016. The board consulted our legal team. Legal advised that if the community is upset about the problem of unsupervised children, then Child Protective Services or the police should be called. The HOA Board simply doesn't have the authority to tell people how to parent or supervise children.

## Committee Reports

### Architectural Committee

- John commented that there were no pending Architectural Review Requests for the committee
- Hearing Committee. I am awaiting an update from Chris

### Covenants Committee

- John said there are currently no hearings scheduled. Chris commented that he would be sending an updated list on Monday of homeowner's who had multiple violation letters. There was a discussion about the hearing process and Chris communicated that there were timeframes listed in the communications to the homeowners.

### Landscaping Committee

- Brett reported that because of the rain last week, he would be bringing the landscapers back in on Saturday, even though he tries to avoid work on the weekends. Brett outlined the services through the fall and winter months:
- Oct 7<sup>th</sup> final large shrub pruning
- Mid Oct aeration, seeding, fertilizer and Lime
- October 20<sup>th</sup> fall color installation. Landscaper suggests Autumn Blasé Pansies and Dusty Miller we have used this before and will go with their recommendations.
- In November winter fertilizer and winterization of irrigation system
- In November our weekly service switches to off season
- We will have 3 leaf removals. (Right before Thanksgiving and Christmas, and third removal when all the leaves have dropped for final clean-up.

### Retention Pond Committee

- Gary reported that he gets status reports from Solitude Management Corporation. We recently had one of the pumps repaired and the Biocide and Herbicide treatments have been attended to. Reminder that the storm retention pond is not a recreational feature of the community, other than its aesthetics. We have had past issues with people throwing things into the lake and more recently someone fishing. Given that the area near the bank and Riprap is unsafe, we put up No Fishing Signs for the protection of the homeowners. Also water quality is something we do not insure based on the street run-off and chemical treatments. Brett commented that when the water levels get low the pump on the Southeastern portion of the pond starts to tilt. This puts extra strain on the pump motor. When he sees this situation, he shuts that pump off. Based on a recommendation from Solitude, he is also shutting off the pumps at night to extend their life and minimize repair costs. The purposes of the fountains are aeration and wave action which retards the growth of mosquito larva.

### Social Committee

- Adrienne reported that due to the Covid situation, we have postponed all social events. There are no other updates.

## Treasurers Report

- Gary reported on the current budget:
- August YTD about \$16,000 over budget. Two key reasons
  - Landscape company billing for December was delayed and applied in the first quarter. This is about \$7,500 or about ½ of our overbudget situation.
  - Water and sewer through August were over budget by about \$8000
- We are over budget in our legal fees by about \$3,500 (Gary clarified this is due to pending litigation)
- We have about \$3,000 in unspent tree maintenance
- We will spend the rest of our ground's maintenance budget on the plantings Brett talked about.
- Gary reviewed last year's budget for Utilities and reported we were only \$82 over budget on about \$138,000 expenditures. This year we have a totally different pattern. In April we were over budget by just \$655. In May \$698, in June \$1,500, In July \$1,400, in Aug \$3,162. The trend probably has to do with the Covid shut down orders, but cannot pin down the exact reason why August has taken such a large jump. The budget committee will need to deal with this going into our 2021 budgeting process.
- The budget committee schedule has been set up with a timeline to get the 2021 budgeting done by October 1<sup>st</sup>. One homeowner had already volunteered and got another volunteer to round out the committee. We will be meeting by Zoom and Gary will provide materials for the committee. Gary reviewed the three-meeting schedule and the day and time was confirmed.
- The goal is to have the budget completed no later than October 6<sup>th</sup> so it can be distributed 30 days prior to our November Annual meeting.
- Any gain or minus we have gets rolled into the current reserve. We will continue to look for cost savings to off-set the over budget situation for this year. A homeowner asked if it was Cromwell Parks common practice to bid out our contracts every year. Gary replied that we certainly can look into this as an activity of the budget committee.

## Property Managers Report

- Chris reported that he has been averaging about 25 e-mails per day from the community. These activities include:
  - 7 pet requests
  - 3 architectural reviews
  - Coordinated repair for 4 roof leaks
  - Rear gate still needs another bid and this will be taken care
  - Reordered gate fobs
  - Club house facia repairs completed
  - Entry gate battery replacement will be done next week.
  - Will have the front gate preventative maintenance plan for the budget.

### New Business

- John commented on the communications issues brought up earlier in the meeting. He and Gary have been working on a plan to help improve that situation and also address the concerns about limits in communications directly to the board. He talked about setting up an e-mail address that we would like the community and the management company to include with all e-mail correspondence. The board will use those e-mails to log and track all communications to help eliminate lost or missed communications which has been contributing to our communications issues. He will be testing this set-up in the next week and working with Gary on a communications and roll-out plan.

### Annual Meeting

- Due to Covid, the annual meeting will need to be done virtually. This will require paper ballots for voting, nomination of board members, voting on the board of directors, annual budget, counting of ballots, and validation of any proxy ballots and quorum requirements.
- We will be conducting this via a mailer to the homeowners.

### Litigation case

- Gary received Two specific requests and feedback from the community concerning the litigation.
  - The first request was for the board to publish the HOA legal defense information to keep the homeowners informed. The attorney replied that he does not recommend publishing a response to the litigation.
  - The second request was for a verbal review of where we are in the lawsuit by Cromwell Park and a written review by the attorneys of where we are with the case.
  - Gary reported that on September 17<sup>th</sup> the lawyer responded that you can advise the homeowners that in a response to the complaint, a motion has now been filed with the court seeking to dismiss. A homeowner asked how much had been spent so far on the legal fees. Gary noted that we have spent \$4,900 so far this year in our legal fees account.

With no other new business, the meeting moved into executive session.