



# MONTEREY ESTATES

Community Association

P.O. Box 710162

Oak Hill, VA 20171

www.mecahoa.org

## MECA Board Meeting Minutes

Wednesday, August 21, 2013

The monthly MECA Board meeting was called to order at 7:31 p.m., at the Reston Regional Library, 11925 Bowman Towne Drive, Reston, VA 20190. The Board members in attendance were: Jim Zavrel, Paul Osborn, Adam Shubert, Delores Plum, and Mike Cutler.

Others present at the meeting were: Carlo Mancuso, Dominic Mancuso, David Marsh, and Jonathan Nelson (as counsel to Carlo Mancuso).

1. The meeting was called to order by President Jim Zavrel at 7:31 p.m.
  - a. President Jim Zavrel stated the scope of the complaint and process to be followed when the issue is brought before the Board. To wit, only the landowner of record is permitted to address the board, and if permitted, counsel for that landowner also.
  - b. The attendees, Board Members and others were introduced.
  - c. It was noted that Dominic Mancuso was recording the proceedings of the meeting, and Recording Secretary Michael Cutler was recording the meeting.
2. The minutes of the July 17, 2013 MECA board meeting were reviewed, errors in the spelling of Paul Osborn's name were noted, and the minutes were approved as amended, with the corrected copy to follow for posting in the archives.
3. Treasurer's Report – Paul Osborn.
  - a. Monthly Treasurers Report
    - i. OPC (Mowing Contractor) are not cashing checks in a timely manner.)

	\$1471.50
ii. Electric	\$14.47
iii. Late Notice Mailing	\$34.65
    - b. Income
      - i. Dues \$330.00
    - c. Dues
      - i. 2 Two delinquent
        1. 1 owner address unknown
        2. 1 rental (the dues bill needs to be forwarded)
    - d. Vote to execute lien on Property at 2607 New Concorde Court
      - i. Current homeowner is in arrears for two years (\$340 plus fees)
      - ii. Vote to execute lien
        1. Motion tendered by Jim Zavrel
        2. Seconded by Paul Osborn
          - a. Discussion presented by Adam Shubert regarding the process
          - b. Information to be forwarded to Laurie Dolson for processing the lien and resolving the issue.
        3. Motion passed by acclamation
    - e. Expenses Reimbursement (for Board Members)

- i. Paul Osborn-\$21.26 for Dues collection mailings
- ii. Jim Zavrel-\$12.22 mailings

4. ACC –

- a. In Dennis' absence, the following were discussed:
  - i. RV and Boat parking
    - 1. The community parking restriction regulations will be posted in the upcoming newsletter.
    - 2. Reiteration of the regulations that allow for 48 hour parking in preparation of loading/unloading the RV/boat for impending travel.

5. Playground and Common Area

- a. Basketball Court Vandalism Report
  - i. Bishop Contracting will be contacted to repair damage due to vandalism.
  - ii. Bishop also will be contacted to repair the damage from the previous grass cutting/mower damage.
- b. Swing Set Status
  - i. The swing set proposal will be tabled until the full cost of the project is known.
  - ii. Motion to table
    - 1. Motion-Delores Plum
    - 2. Second- Paul Osborn
    - 3. Passed by acclamation
- c. Parcel H Survey
  - i. Jim Thurber has been in contact with Mike Cutler
  - ii. Information regarding the survey will be forwarded to Thurber with Adam Shubert as the main Point of Contact
  - iii. Anticipated cost of \$200 as per previous discussions
  - iv. House in Monroe Manor a point of issue
- d. Adam Shubert-in talking with Jason Lynch regarding concerns of John Madden of OPC
  - i. Discussion of overgrowth in the common area affecting the efficiency of OPC and the mowing of the common ground
  - ii. New Austin Court and the tree line and the ensuing encroachment issues there
  - iii. Dumping in the common area
  - iv. Trees on the common area

6. Community Activities

- a. National Night Out
  - i. August 6, 2013
    - 1. Overall success in the community with over 20 people in attendance
- b. No other events planned at this time

7. Old Business

- a. Jennifer Wagner putting out newsletter
  - i. Topics
    - 1. New Board of Directors
    - 2. Annual Meeting Business
    - 3. Parking Situation
    - 4. President's Comments
- b. Reserve Study
  - i. Contract to be awarded to Community Association Engineering

- ii. Add on of the 20 year Cash Flow Analysis (\$200 additional)
  - iii. \$500 deposit required to start
- 8. New Business
  - a. Jim Zavrel
    - i. Status of legal representation
      - 1. Laurie Dolson closed her office for two weeks in August, leaving unfinished business
        - a. Property lien
        - b. Common ground encroachment
        - c. Complaint process compliance
      - 2. Proposal is to seek counsel from a larger firm that would better suit our needs
  - b. Discussion of Member Complaint Received from Jonathan Nelson on behalf of Carlo Mancuso (Moderated by Jim Zavrel)
    - i. Procedure
      - 1. Discussion of each item cited in the complaint individually
      - 2. Discussion of Code cited
      - 3. Interpretation of the complaint and allegations contained therein
      - 4. Executive Session to deliberate the complaint as written
      - 5. Vote on the complaint issues
    - ii. Jonathan Nelson has been granted permission to speak on behalf of his client
    - iii. Five areas of complaint
      - 1. Denial of right to speak during public comment period of board meetings
        - a. May 2009
          - i. Carlo Mancuso not listed as in attendance at this meeting
          - ii. CM-not sure this is the meeting in question
          - iii. 36 meetings have passed that this issue could have raised
          - iv. Carlo Mancuso concedes that issue cannot be substantiated
        - b. Not able to adjudicate based on a case 4 years old, with no records to support case.
        - c. June 2010
          - i. Minutes of meeting do not document any discussion of said violations
      - 2. Denial of use of proxy vote
        - a. June 2012
          - i. Va Code 55-510(E)-code not relevant to complaint
          - ii. Proxy vote not delivered properly i.e. to a Board Member or Homeowner
          - iii. Proxy in question was indeed voted by a homeowner
          - iv. Rules of proxy vote to be clarified
      - 3. Failure to enforce covenants
        - a. Covenants written with rather broad language
          - i. Covenants grant MECA flexibility in interpretation
        - b. Allegations merely a restatement of August 2011 complaint
        - c. Architectural Control Committee has already ruled on the issue
      - 4. Denial of permits
        - a. Complaint not subject to Virginia law in this instance
      - 5. Harassing behavior by Board Members

- a. In any case brought before the Board involving Mancuso, neither the Cutlers,(either Christine, or her successor, Michael) nor Delores Plum have voted on said issue
      - b. Ergo, this issue is moot
    - iv. Items 4 and 5 do not violate the Virginia Property Owners Act, therefore are not subject to this forum
  - c. Jim Zavrel moves to take Board in to Executive Session (846 pm)
    - i. Seconded by Paul Osborn
  - d. Executive Closed (850 pm)
  - e. Vote
    - i. Item 1-Denial of Right to speak-Did the Board of Directors violate the Virginia Property Owners Act
      - 1. Jim Zavrel Nay
      - 2. Adam Shubert Nay
      - 3. Paul Osborn Nay
      - 4. Michael Cutler Abstain
      - 5. Delores Plum Abstain
    - ii. Item 2- Denial of Proxy- Did the Board of Directors violate the Virginia Property Owners Act
      - 1. Table this item until correct statute is cited and the disposition of the proxy in question in determined
        - a. Jim Zavrel Stay
        - b. Adam Shubert Stay
        - c. Paul Osborn Stay
        - d. Michael Cutler Abstain
        - e. Delores Plum Abstain
    - iii. Item 3-Failure to enforce Covenants- Did the Board of Directors violate the Virginia Property Owners Act
      - 1. Jim Zavrel Nay
      - 2. Adam Shubert Nay
      - 3. Paul Osborn Nay
      - 4. Michael Cutler Abstain
      - 5. Delores Plum Abstain
    - iv. Items 4 and 5
      - 1. No call to vote
    - v. No statute or covenant covers financial remuneration
    - vi. Jonathan Nelson withdraws the request of item 2 from any further consideration
9. Next meeting to be held September 18, 2013
10. A motion to adjourn was made at 8:57 pm, followed by a seconding of the motion.

Submitted by:  
 Michael J Cutler  
 Recording Secretary