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**MINUTES  
ASHBURN FARM ASSOCIATION  
BOARD OF TRUSTEES MEETING  
March 2, 2021**

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The Ashburn Farm Association held its regular meeting of the Board of Trustees on Tuesday, March 2, 2021.

**Board Members Present:** Dave Tighe, Scott Batchelder, Cary Hancock, Dr. Stephen Lubore, Mark Fedak (virtual).

**Board Members Absent:** Rich Oakley, Doug Brewer

**Others in Attendance:** Jeremy Cushman (General Manager), Steve Lovejoy,

- President, Dave Tighe, called the meeting to order at 7:00 PM.

**BOARD MEMBER COMMENTS**

- Mr. Hancock commented that he had been working to create staff instructions as to how to administer the annual property inspections and improve process control, consistency, respect, and liability.

**APPROVAL OF MINUTES**

Mr. Hancock made a motion to **approve the February 2<sup>nd</sup>, 2021 meeting minutes, as submitted.** Dr. Lubore seconded the motion. The motion passed (5/0/2/0), (Mr. Brewer & Mr. Oakley absent).

**PUBLIC FORUM**

- Cathy and Ron Tippet, Curbing Trash and Recycling
  - Mrs. Tippet asked the Association prohibit the curbing of trash and recycling on common areas and require residents to place their trash and recycling in front of their own home for collection to reduce the piles of trash and recycling placed upon median islands in the townhome streets/parking lots. Mrs. Tippet noted that Hedgerow Terrace had been collected at 7AM previously and asked that the townhomes in general be serviced first by Patriot Disposal because of the density of homes. Mrs. Tippet also noted that previously recyclable items at the curb on Mondays were collected but feels that these things are being left at the curb and collected as recycling on Thursdays.
  - Mr. Cushman noted that Patriot Disposal must choose whether to collect recyclable materials placed at the curb on non-recycling collection days or leave them for the recycling collection three days later and is urged by Loudoun County to recycle as much as possible.
  - Mr. Batchelder asked how the trash and recycling was curbed in her neighborhood and Mrs. Tippet provided pictures for the Board's review showing how trash and shipping boxes are piled on common area islands in parking lots.

- Mr. Tighe asked whether the Association endorsed placing trash and recycling in median islands in the townhomes and Mr. Cushman noted that the issue is not uncommon in townhome neighborhoods and became commonplace for a myriad of reasons ranging from vehicles obstructing utility strips in front of homes to convenience, to an effort to avoid receiving a violation from the Association if it were placed where it could be conclusively attributed to a property.
  - Mr. Batchelder noted that the way recycling is curbed for collection is a mess and is contributing to the litter in the streams.
  - Mr. Tippet noted that boxes are not always broken down or are sometimes used as containers for loose trash.
  - The BOT indicated that there are several items regarding Patriot that would be discuss later in the meeting and thanked them for the additional information.
- Ms. Zeinab Defuli, asked if the Association was considering adding sidewalks between townhomes to ensure secure footing to access the rear yards with trash containers as they are not permitted to be stored in front of homes. Ms. Defuli also asked about tree pruning and general common area maintenance.
    - Mr. Cushman noted that the maintenance staff wanted to meet with Ms. Defuli to better identify her specific maintenance concerns. He also noted that the cost to put trails or sidewalks between townhomes has never been approved by the members of the street to initiate installation as a majority of the affected property owners must vote to approve the expenditure that would be assessed to those affected.
- Mr. Cushman initiated a discussion on leaving dumpsters at the pool locations year-round to help residents better dispose of bulky boxes or holiday overflow, etc. but had been persuaded otherwise by the trash left outside of the dumpsters the Association does have, as opposed to being placed in the dumpster, including mattress box springs, etc.
    - Mr. Hancock noted that with many people at home and ordering things by mail, having a location to dispose of this overflow would be beneficial.
    - Mr. Tighe noted concerns looking at the dumpster locations just outside of the community and their typical appearance.
    - Mr. Batchelder noted that residents may not be aware that Patriot Disposal will collect items that cannot be placed at the curb for an additional fee and may avoid dumping things in the dark of night where they are not permitted and noted that the issue can be distilled down to people respecting their community and environment.
    - Mr. Cushman noted that special pick-up items that Patriot will collect are collected at a cost set by Patriot Disposal.
    - Mr. Batchelder inquired about the use of lidded containers in the townhomes and whether they discouraged use because they are difficult to drag around the rear of the homes.
    - Mr. Cushman noted that containers are required by Loudoun County and reduce the litter and blowing trash and are in use more in townhome neighborhoods that have a garage.

- Mr. Hancock inquired whether Patriot was concerned about being cited for disposing recyclable materials by Loudoun County.
- Mr. Cushman noted that Patriot is required by the county to recycle a minimum percentage of their total tonnage and helps motivate their effort to recycle and that the streets look their best when Patriot collects everything, they are able.
- Mr. Hancock asked that Patriot Disposal should collect anything at the curb they are legally able to each day of service.

#### **MANAGER'S REPORT** – reported by Mr. Cushman

Mr. Cushman noted that the Association had received several parking enforcement concerns recently, some of which were ticketed and a few that were towed, creating additional concerns about the policy. Mr. Cushman detailed a request by one such resident whose vehicle was towed because it had been double parked behind parking bays on a townhome street and was found by the towing service on patrol. The owner of the vehicle asked the Association to refund the towing and impound fee. Mr. Cushman explained that the Association, nor the towing service have any way to know if someone is parking behind (blocking) their own vehicle or someone else's and that the parking policy prohibits blocking or impeding ingress or egress of driveways and parking spaces. Additionally, that the parking-bay side of the street is used to satisfy the fire lane requirement in some areas because the Association does not permit double parking and that parking in this manner essentially narrows the street and could prevent emergency vehicles from timely access. The Board did not take up this matter, refusing to refund the fee.

Mr. Cushman noted a similar matter regarding a vehicle towed for violating the Association's 72-hour parking policy that prohibits the monopolization of parking spaces and is only enforced upon the Association receiving a concern, spawning approximately fifteen similar reports, and raising concerns of using the Association to harass others. Mr. Cushman went on to explain that monopolization of parking spaces can persist within the 72-hour parking policy when members of a household coordinate the swapping of vehicles from an open space to a reserved space and effectively prevent anyone else from parking in that open space.

Mr. Cushman noted that the licensing fee for Vantaca to replace the Association's current database through Summit Management was \$18,000 annually and exceeded the expectation of previous conversations on the matter and that additional information was needed before the Board should consider the issue further. It was noted that the first-year cost of a transition would include licenses for both the AFIMS database, as well as the Vantaca database, but that future years would be offset by not having to update the AFIMS license. Mr. Batchelder and Mr. Hancock noted concerns about the cost to switch to a new database. Mr. Cushman noted that it would be difficult to quantify any savings Vantaca could create by making many Association tasks simpler and more efficient, but that the transparency and improved communication via the portal that all community members would have would allow Association documents such as exterior alteration applications and their approvals to be delivered instantly. Mr. Hancock noted that the cost of Vantaca would be an annual expense that the Association would have to incur. Mr. Cushman noted that it would be \$4.68 per community member per year, which is more than double the cost of the current database

that does not have a mobile application to facilitate inspections but has alternate methods to document home conditions, but no means of providing architectural record reviews in the field.

Mr. Fedack asked whether the Association's IT service would be needed in we moved to Vantaca, which Mr. Cushman noted would be required, but that the current database would not be needed in the second year of Vantaca.

Mr. Cushman mentioned the written update included with the Board Information Package regarding three delinquent properties discussed at the last Board meeting to ensure the Board had no additional questions.

Mr. Cushman introduced the "Yard of the Month" initiative suggested by Mrs. Karen Lowe, who is the Association's Covenants Director, that identifies and awards members of the community that are maintaining their property exceptionally well monthly and would include a sign to be placed at the property announcing its excellence and providing a \$50 gift card. Mr. Fedak asked that the Association solicit donations from local businesses and advertisers.

Mr. Cushman asked the Board to consider suspending the annual property inspections due to the ongoing Covid-19 pandemic as was done in 2020. Mr. Tighe endorsed the suspension of the inspections to allow additional time to codify the process & procedures that Mr. Hancock had been working on to standardize the process so that members of the community would have time to respond to the forms & policy changes, as well as to reduce unnecessary interactions, liability and the chance of transmitting the Coronavirus which could be of greater concern with spring break, etc. Mr. Cushman noted that the staff would continue patrol inspections for trash, landscaping, etc. as it did in 2020. Mr. Hancock suggested that the Association perform only off-property inspections so that homes/properties do not go a second year without annual inspections to ensure the community standards are being maintained. Mr. Fedak endorsed the off-property annual inspections in response to the Covid-19 pandemic. Mr. Batchelder remarked that each Board Member should have their property fully inspected. There was some additional discussion regarding accessing properties from common area or other public space, including pipe-stem driveways.

## **OLD BUSINESS**

- **Association Inspection Notice, Process & Letters Review** – The Board reviewed the documents from the last meeting that were updated based on that discussion. Mr. Hancock has distilled the numerous conversations and documents previously discussed and added additional framework discussed by the Board and will be reviewing the criteria and policies used by the Association staff to perform the inspections. After a resident who lives beside a pipestem noted a concern regarding the off-property inspection being felt differently by the various homes in the community, Mr. Tighe spoke up in agreement; nothing the pipe-stem driveways are equally owned by the homes it services and is not public property and could make it difficult to inspect homes/properties off of pipe-stems because there is limited common area / public space. Mr. Hancock noted the design of the off-property inspection

was to make inspections equitable for all homes in the community.

## **NEW BUSINESS**

- **Ashburn Farm Information Database License Renewal**

Mr. Cushman noted that the current license expired in January and needed renewal. After a brief discussion considering the \$106 annual increase; the Board passed the motion (Made by Mr. Hancock, Seconded by Dr. Lubore) to renew the license for \$8,252 for the next calendar year.

- **Exterior Alteration Application Update**

Mr. Cushman noted that the certification reviewed at the last meeting had been added to the Exterior Alteration Application as well as a requirement that included property plats must clearly indicate where drains, downspouts or sump pumps discharge, and clearly mark locations where water flows on to or off their property, so it can be confirmed by neighboring residents. Mr. Cushman noted that similar requirements were also included on the various Exterior Alteration Application Worksheets.

Dr. Lubore questioned the phrasing of the certification statement and asked that it be reviewed by legal counsel. The Board approved adopting the updated documents pending the outcome of legal review and review by the staff regarding the use of Lot numbers and was passed 5, 0, 2, 0 (Mr. Brewer & Mr. Oakley absent).

- **Exterior Modifications Not Needing Review**

The ARB provided the Board a list of exterior alteration application items, (secondary Air Conditioning Units, Attic Vent/fans, Front Door Replacements & Color Changes, Driveway Extensions, Siding Repairs, Drainage & Erosion Control, New Colony Additions) they felt should no longer require an EAA. Dr. Lubore made a motion that was seconded by Mr. Batchelder to adopt the Architectural Review Board recommended changes. Mr. Hancock suggested moving to an administrative review process.

Mr. Batchelder suggested adding the list of recommendations by the Architectural Review Board to the list of modifications that can be reviewed by Association Staff as part of an administrative review. Mr. Cushman noted that split decisions by the staff administration would be escalated to review by the Architectural Review Board. Mr. Hancock suggested expanding the list of modifications that can be reviewed by staff, once the Architectural Review Board, and Board of Trustees have had an opportunity to review that list.

Mr. Hancock noted, and the Board agreed that having a record of the change, was better and would allow the Association to better resolve issues and document changes in the community.

Dr. Lubore called the vote, which concluded in the motion failing 0, 5, 2, 0, all opposed, (Mr. Brewer & Mr. Oakley absent). Mr. Tighe and Mr. Hancock noted that additional

clarification/expansion of the modifications that can receive administrative review is needed.

- **Director's & Officer's Insurance.**

Mr. Cushman recommended accepting the Directors and Officer's insurance and noted that the Coronavirus and General Liability illness exclusions have driven the increases that the Association has seen since the last renewal. Mr. Hancock made a motion to approve the policy, in the amount of \$9,541 seconded by Dr. Lubore, passed 5, 0, 2, 0, (Mr. Brewer & Mr. Oakley absent).

- There was a member present that had a question about a matter to be discussed in Executive Session and asked if there was any additional information that the Board would like and what change is being questioned. Mr. Cushman summarized the concern reported to the Association which involved a downspout extension and drainage from one property to another, noting that the site plan provided to the Association and members involved clearly showed the original intended flow of water.
- Dr. Lubore motioned to go into executive session to consider contracts, pending or probable litigation, seconded by Mr. Fedak at 9:05PM.

#### **EXECUTIVE SESSION**

- Upon exiting Executive Session, the Board made no motions.

Prior to Adjournment, Mr. Fedak asked whether the Employee Relations Committee (ERC) had a Charter or other supporting documentation that outlined the ERC responsibilities. Mr. Cushman noted that the document outlining the ERC was the Association's Personnel Policy Manual.

#### **INFORMATIONAL**

- **Association Delinquent Status Report** – The Board discussed the status provided by the Association's Attorney of delinquent accounts.

#### **ADJOURNMENT**

*Minutes for the Ashburn Farm Board of Trustees (BOT) Meeting are developed from meeting recordings and BOT member input by the Recording Secretary.*