

The Malvern Communicator

October 2020

PRESIDENT'S NOTES – RODNEY TAYLOR

The time has arrived for our annual Fall Membership Meeting. At this meeting, we will report to the Membership on 2020 activities, approve a budget for 2021, and discuss any other topics of interest concerning Malvern. This is the time for residents to instruct the Board on community issues. A barbecue lunch will be served for Members that attend immediately following the meeting.

Please vote on the Short-Term Rental Covenant Change if you have not already done so. One vote per lot. There is a Recordation Page in this Communicator that can be turned in at the Fall meeting. There is also a drop box located at the newspaper boxes at the entrance to Malvern where you can deposit your vote. Two thirds of the 234 lots must vote in favor of the change for it to be approved. Voting started at the Annual Membership meeting and will continue until there are 156 votes in favor, 78 votes against, or the 11-month time limit is reached. The 11-month time limit started at the Annual Membership which was held June 27, 2020.

I hope each Member takes the time to review the proposed 2021 Budget. As a Board, we have attempted to keep costs low while saving as much as possible for future paving and maintenance of facilities. I feel that the Budget represents a responsible and prudent course of action for 2021.

Please attend the Fall Meeting if possible and if you are unable to attend, give your proxy to a Board Member or another Member that can attend. Proxies can be emailed to the Board at malvern-proxy@malvernofmadison.org or dropped in the drop box at Malvern's entrance. A link to download a proxy is on malvernofmadison.org.

Thank you.

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2020-2021 Board members:

Rodney Taylor:	President
Fred Bourque:	1st VP, Secretary
Grover Dean:	2nd VP, Roads
Diana Wright:	Treasurer
Fred Bourque:	Pool
Doug Beaver:	Director
Rick Collins:	Director, Lake & Grounds
Steve Langone:	Director, Clubhouse

October Membership Meeting

Where: Malvern Clubhouse
905 Malvern Drive
Date: Saturday, October 17, 2020
Sign in: 9:30 until 10:00 a.m.
Meeting: 10:00 a.m.

Agenda: 2021 budget approval
Short-term rental covenant change
Committee reports
Open forum
Proxy: Please grant your vote to a community or Board member if you can't attend the meeting – see page 7 for the form.

CLUBHOUSE – STEPHEN LANGONE

The Malvern Clubhouse had a change in management this quarter. At June's Annual Membership Meeting, Stephen Langone was elected to the Malvern Board and will chair the Clubhouse Committee, as well. Fred will continue as a member of the Clubhouse Committee to assist Stephen with the Clubhouse and manage the Pool.

In July the ten-year-old Clubhouse Heating, Ventilation and Air Conditioning (HVAC) system failed. After inspection of the complete HVAC system, the existing ductwork was found to be in very good condition. The issues were with the HVAC components themselves and various refrigerant leaks (i.e., Freon) throughout the system. Licensed contractors provided quotes for identical equipment. Each quote consisted of three units with different efficiency ratings. All quotes were technically acceptable. After review, one contractor was selected by vote of the Board. The selected contractor provided the best dollar value for the installation and warranty. Installation was completed within one day.

The fire extinguishers supporting the Clubhouse and Pool were inspected for compliance with Federal Regulations 29-CFR 1910.157(c)(2)], "Mount, locate, and identify portable fire extinguishers so that they are readily accessible to occupants and service people." This is an annual inspection that is performed every summer.

An annual pest control contract has been executed for the Clubhouse complex. This service will rid the Clubhouse of the rodents and bugs that have invaded the Clubhouse and Annex buildings.

The Clubhouse Committee drafted a new set of policies and procedures for reservation and use of the Clubhouse by members of the community. The Board approved the document suite at its September 2020 meeting. The documents are available on the Malvern website and may be viewed here <https://www.malvernofmadison.org/info-clubhouse.php>. Members who wish to reserve the Clubhouse for their private use are encouraged to review all four documents before submitting an application for a reservation.

Questions regarding the Clubhouse may be submitted to the Clubhouse Committee at clubhouse@malvernofmadison.org.

ADOPT-A-HIGHWAY – STEPHEN LANGONE

Stephen Langone has volunteered to lead Malvern's participation in the Virginia Department of Highways Adopt-A-Highway program. The Malvern community thanks Nancy Negrone and Papi for leading the program the past two years. The program is currently paused during the Coronavirus (COVID-19) pandemic. We have been in contact with the highway department for additional information and will be notified when supplies supporting the program are once again available and the service is operational. Questions regarding the Adopt-A-Highway program may be submitted to clubhouse@malvernofmadison.org.

ROADS – GROVER DEAN

As outlined in our 2019 Reserve Study the scheduled paving project was completed this summer. As the final cost was well below our total budgeted amount, additional roadways were re-surfaced that would not have been completed until 2024. The paving contractor estimated the life span of the new pavement surface to be approximately 12-15 years.

Emergency repairs (not in Reserve Study) were also necessary along Old Forge Way to correct failing pavement. These repairs consisted of removing the failing pavement and replacing it with a larger aggregate that would offer better resistance to rutting and top-down fatigue cracking. Subsequently, when the road is re-surfaced in its entirety in 2024, a better base structure will be present.

The Roads Committee agenda for 2021 will be to prioritize each road's condition, maintain road surface integrity, to include emergency repairs, as well as seal cracks in pavement surface.

As fall approaches, all members are encouraged to check their driveway culverts for leaves to ascertain that water can flow freely through the culvert.

TREASURER'S REPORT – DIANA WRIGHT

I want to thank everyone for prompt payment of dues this year. Please keep in mind you can start making payments towards next year's dues in January in monthly increments if it helps you out.

The financial statement speaks for itself as far as our year and the upcoming year.

SOCIAL EVENTS – DIANA WRIGHT

Halloween will be celebrated in Malvern on October 31 with house to house "treat" giving. Please be sure to email Katie with your intentions and leave your lights on if you are participating.

Christmas: Decorations will be provided at the entry to Malvern and the Clubhouse/Annex area.

On Friday December 11 we will be decorating the Clubhouse for the social. If you want to help, please email me. I usually send out an email to many who have participated in the past.

The **Christmas Social** will be on December 12th. Please save the date. If anyone wants to provide musical entertainment or accompany members who would like to sing Christmas Carols please email me treasurer@malvernofmadison.org. This is an event with all members bringing food to share and providing their own beverages. We will provide, coffee, water, and some cold beverage. In the past most members have preferred to provide their own.

The Fall **Yard Sale** is advertised and will be held October 3rd. Ellie Tarbous is the coordinator for this event, and I thank you for this! To participate in this year's event, or to sign up for next year's event, call Ellie at (540) 717-5711.

DRAFT MALVERN OF MADISON 2021 BUDGET

	Budget 2020	Actual as of 9/16/2020	Budget 2021	2021 Comments
Accounting	\$3,000	\$1,740	\$3,000	Invoicing, financial reports
Administrative	\$2,200	\$1,094	\$2,000	Office supplies, postage, printing
Bad Debt	\$2,000	\$1,000	\$1,000	
Dam Drain required to complete in 2020	\$10,000	\$7,000	\$0	
Grounds	\$18,500	\$4,930	\$19,750	Landscaping, mowing, lake, common area maintenance
Licenses	\$500	\$35	\$500	Licenses required by Virginia
Insurance	\$5,500	\$5,390	\$5,500	Insurance for fidelity of officers and general liability
Legal fees	\$2,000		\$2,000	Collections and consulting
Clubhouse and Annex Building	\$6,900	\$12,754	\$8,030	Maintenance, repairs, and security cameras
Pool	\$10,200	\$5,330	\$10,200	Seasonal open/close, daily cleaning, maintenance, keys
Playground	\$900	\$992	\$900	Maintain mulch
Road maintenance	\$34,500	\$278,000	\$22,000	Repairs
Snow removal	\$5,000	\$1,343	\$5,000	
Income tax		\$3,970	(\$1,180)	Income Tax – CD interest and estimated tax 2021
Social events, Garage Sales, Firewise	\$500	\$123	\$2,000	Yard sales, winter social, annual meeting
Electric	\$7,200	\$2,984	\$7,200	Clubhouse, entrance, and mail area \$600 x 12
Telephone, cable, internet	\$2,000	\$1,440	\$2,000	
2024 Paving fund			\$20,000	
Reserve fund deposit per long term plan	\$35,450		\$35,450	
Total Expenses	\$146,350	\$328,126	\$145,350	
Funds from retained earnings and reserve		\$245,530		Reserve withdrawal for Paving and Clubhouse HVAC
Current year actual expenses to date		\$82,596		
Projected/actual Income from member dues	\$134,550	\$134,550	\$134,550	
Income Other	\$8,800	\$5,409	\$8,800	Clubhouse revenue and Disclosure Packets
Interest Income	\$3,000	\$4,365	\$2,000	Higher interest rate due to CD investment in 2019
Total Revenue Projected/Actual	\$146,350	\$144,323	\$145,350	

Budget as approved by Board of Directors, September 10, 2020

Note to all members: the budget for 2021 shows that we have the ability to pay our bills and add back to our reserve.

Special Expenditures were approved in 2020				
1. Roads Paving per 5-year plan	\$265,000	\$261,875		
Road major repair to preserve quality	(\$235,000)	(\$235,000)		
Funds from reserve and retained earnings	\$30,000	\$26,875		
Funds from 2020 operating budget				
Balance of funds left over will go back into retained earnings				
2. Dam Drain fund required by Virginia				
Saved in 2019	\$10,000			
Saved in 2020 budget	\$10,000			
Needed in 2020 from retained earnings	\$10,000			
Total of \$30,000 to complete the dam drain	\$30,000			

Any additional funds resulting from staying under budget are held as retained earnings

POOL – FRED BOURQUE

It was another loud liquid summer at the Pool. First, I'd like to commend Gwen Bracqbien for keeping the Pool in pristine, sparkling condition for the third straight year. Gwen gets beaucoup compliments from everyone, and they are well deserved. We sold 125 keys this season, and I think just about everyone who bought a key must have gotten in or near the water at least once. I counted 42 people inside the fence one afternoon. That's not a record, I'm sure, but it was fun to see so many people having fun during an otherwise difficult year. We opened Memorial Day weekend and closed September 20th, just in time for fall. During the almost 4 months of operation there were no problems. None. We had no equipment failures. No one climbed the fence, broke anything, or had to be asked to leave. No one did their business in the pool, and only one enthusiast had to be gently reminded that the Pool closes at 10 p.m. The Aquatic Ladies did their thing MWF mornings. If you'd like to join them next summer, well, you should. So. See you all out there Memorial Day Weekend 2021! And you may keep your key. It fits the Pool Restroom, which comes in handy on your walk.

LAKE AND GROUNDS – RICK COLLINS

Hopefully by the time you read this our lake will have a siphon drain installed so we can get an Operational Certificate. The state requires that all impoundments have a way to lower the water level. We have been operating under a Conditional Certificate for several years until the installation of a drain. This project requires the trenching of the dam and reseeding the area. It is especially important that we keep all foot traffic off the back of the dam and the seeded areas too. Last winter we had some members using the back of the dam for sledding. This is strictly forbidden as any disturbance to this area can increase erosion. The ground cover should not be disturbed. A sign will be going up soon reinforcing this requirement. Each year we get a lot of leaves and grass in the spillway clogging it and the fish barrier. Please try to keep leaves and grass from the lake.

You will see additional parcel boxes in the mail area soon. We are in the process of getting more boxes to accommodate the increased use of the mail for shopping. Roadside trimming has been completed again this year. I would encourage members to trim their frontage back to reduce our reliance on contractors. The autumn olive bushes are especially numerous and are non-native. Thanks for your cooperation.

ARCHITECTURE – FRED BOURQUE

There has been a flurry of new construction in Malvern over the last year. I count seven new houses that I can think of offhand and too many additions, sheds, carports, pools, and fences to count. Oh, and one tennis court. It's been gratifying, I'm sure, for long-time residents to see the renewed interest in our community. We have a great place to call home, and others have noticed. If you are planning to improve your property, please remember that we have building guidelines posted on the Malvern website: <https://www.malvernofmadison.org/info-bld.php>. The Malvern covenants are not extensive. They are intended to maintain the standard of quality Malvern members have set in home design; to protect the investments we have all made in Malvern real estate; and to reimburse the association for damage caused to the roads and common areas during construction. If you're adding to the square footage of your home or installing an accessory building, the guidelines basically specify the setback requirements (the distance from your property line), prohibited structures, and the minimum residence size and roof pitch. You must submit a building application to the Architecture Committee. If your plan meets the minimum requirements of the covenants, the Malvern Board will approve it. Submit your application to the committee at least one week before the monthly Board meeting. If you have questions, call Fred at 703.405.9621.

MEN'S LUNCH

Did you know there's a Malvern Men's Lunch Group? They get together once a month, always on the first Thursday of the month, and have lunch somewhere nearby. It's not a large group, but it is a talkative group. There are anywhere from four to fifteen guys, depending on who shows up. We don't take roll, there are no exams or wrong answers, and you can lie with impunity. If you'd like to join us, call Fred at 703.405.9621 to be put on the call list.

HALLOWEEN – BOO!



Let's enjoy an evening outside of Halloween fun for the kids! Please feel free to contact Katie with any questions or concerns at 703-477-7745 or email kharrison@yahoo.com

The Halloween flyer is posted here:

<https://malvernofmadison.org/MalvernNews/images/Halloween2020.pdf>

ANNUAL MEMBERSHIP MEETING

June 27, 2020

Draft Minutes Highlights

Quorum Present: The Secretary reported that 56 lots were represented by members attending or proxies executed. The President announced that the minimum 50-member quorum requirement was met and called the meeting to order at 10:06 a.m.

Board Members Present

President:	Rodney Taylor
1st VP & Secretary:	Fred Bourque
2nd VP:	Grover Dean
Treasurer:	Diana Wright
Director:	Rick Collins
Director:	Doug Beaver

Decisions & Actions

1. The minutes of the October 20, 2019, Regular Membership Meeting were approved.
2. Directors were elected to fill four Board vacancies: Rick Collins, Steve Langone, Rodney Taylor, and Diana Wright.
3. The vote on the proposed amendment to the Deed of Dedication to add a covenant limiting short-terms rentals was begun.
4. The new siphon drain for the lake will be installed in September.
5. The Clubhouse is available for reservations without restrictions.
6. The Pool will be open through Labor Day with COVID19 protocols in effect.
7. Tree trimming and mowing will be done along the roadways this summer.
8. The Playground will get a new layer of mulch this summer.
9. Paving for 2020 has been completed, except for emergency repairs that may be required.
10. A catered barbeque lunch will be provided following the October 17th meeting.

See full Draft Minutes here:

<https://www.malvernofmadison.org/minutes/minutes-2020-annual.pdf>

PROPOSED DEED OF DEDICATION AMENDMENT

Background: The membership directed the Board to develop a covenant prohibiting short-term rentals during the April 2019 Spring Membership Meeting. The Board presented the proposed wording and the method that would be necessary to amend one of the existing covenants during the October 2019 Fall Membership Meeting. The membership then directed the Board to proceed with the process to present the proposed amendment to the membership for vote.

Proposed Deed of Dedication Amendment: The Association proposes that the Deed of Dedication be amended by replacing the current Section 2 with the following new Section 2 (new language is in bold text):

*2. The lots designated in the subdivision shall be used for residential purposes only, and no profession, business, trade, enterprise or commercial activity of any kind or any nature shall be conducted or carried on upon any said lot or within any dwelling hereinafter erected thereon, without the express written approval of the developer and/or Property Owner's Association. **No lot or dwelling thereupon shall be rented for revolving use, transient use, or hotel purposes—including use as a bed and breakfast, for short term online rental, or the like. No lot or dwelling shall be leased or rented in its entirety for any period less than 30 days.***

Voting: A two-thirds majority is required to adopt the amendment. This means owners representing at least 156 lots within Malvern must vote for the amendment to be adopted. The voting period will commence during the June 27, 2020 Annual Membership Meeting. Voting can be in person or by proxy. The voting period will end when at least 156 lots vote in favor of adoption, when at least 79 lots vote against adoption, or May 27, 2021, whichever event occurs first.

What you need to do:

If you have not already voted, fill out the form on the next page and return it to the Board. This can be done by mailing it to Malvern Club, Inc., 905 Malvern Drive, Madison VA 22727, or by placing it in the drop box located at the newspaper boxes at the entrance to Malvern, or by bringing it to the Membership meeting on October 17, 2020 at 10:00 am.

A fillable form can be found here:

<https://www.malvernofmadison.org/DocForm/ballot.pdf>

BALLOT

Proposed Deed of Dedication Amendment for Short-term rentals

The Association proposes the following resolutions to amend the Deed of Dedication (new language is in bold text):

a) RESOLVED, That the Deed of Dedication be amended by deleting the current Section 2 of the Owner's Consent and Dedication, as amended, and replacing it with the following new Section 2 (added language in bold):

*2. The lots designated in the subdivision shall be used for residential purposes only, and no profession, business, trade, enterprise or commercial activity of any kind or any nature shall be conducted or carried on upon any said lot or within any dwelling hereinafter erected thereon, without the express written approval of the developer and/or the Property Owner's Association. **No lot or dwelling thereupon shall be rented for revolving use, transient use, or hotel purposes—including use as a bed and breakfast, for short term on-line rental, or the like. No lot or dwelling shall be leased or rented in its entirety for any period less than less than 30 days.***

b) RESOLVED, that this amendment shall affect all future use of lots within the subdivision and shall become a covenant running with the land on each lot lying within the subdivision, as of the effective date of recordation of same in the land records of Madison County.

Vote for either Option A or Option B below:

- Option A - I/We hereby approve the forgoing proposed resolutions regarding amendment of the Deed of Dedication, and I/We have signed the Recordation Page below.
- Option B - I/We do not approve the forgoing proposed resolutions regarding amendment of the Deed of Dedication.

Signature (Owner): _____ Date _____

Signature (Owner): _____ Date _____

Recordation Page

RATIFICATION OF CHANGES TO SECTION 2 OF THE DEED OF DEDICATION

The undersigned is the owner of Lot address _____, part of the Malvern Club, Inc. (a.k.a. Malvern of Madison) subdivision, located in Madison County, Virginia, that was established by a deed of dedication entitled the Owner's Consent and Dedication, as amended, and which was recorded in Deed Book 105 at Page 435 (the 'Deed of Dedication').

NOW, THEREFORE, by affixing his/her signature hereto, the undersigned consents to amending Section 2 of the existing Deed of Dedication for Malvern Club, Inc. (a.k.a. Malvern of Madison) concerning and related to rentals.

Signature (Owner): _____ Date _____

Signature (Owner): _____ Date _____

NOTICE OF REGULAR MEMBERSHIP MEETING

Where: Malvern Clubhouse
905 Malvern Drive, Madison, VA

Date: Saturday, October 17, 2020

Sign in: 9:30 until 10:00 a.m.

Meeting: 10:00 a.m.

Agenda: **1)** Approval of the 2021 Annual Budget; **2)** short-term rental change **3)** reports and other business of the Association

Items to be voted upon:

1. **2021 Annual Budget:** one of the purposes of the October membership meeting is for the membership to consider and approve the budget for the forthcoming fiscal year. The budget is prepared by the treasurer with input from the other officers, directors and committee chairmen. The membership needs to approve the budget at the October meeting. Capital improvements, if proposed, need a two-thirds affirmative vote for approval, which requires a written ballot. The remainder of the budget needs just a majority vote for approval.

There must be at least 50 lots represented in person or by proxy to hold the meeting. There are only 2 membership meetings each year. These meetings are a necessity to ensure proper maintenance of our common amenities, which include over 8½ miles of roadways, signs, culverts, clubhouse, pool, lake, playground and common areas. Proper maintenance of our amenities helps to preserve the value of your property. So please either attend the meeting or alternatively provide a signed proxy as instructed below.

Proxy

(I)(We), _____ and _____ as owner(s) of the following Lot(s) _____ Malvern Club, Inc. under the provisions of the duly recorded legal instruments governing said Club, do hereby grant my/our Proxy to _____ of Malvern Club Inc., owner of Lot # _____. This Proxy is executed for the 2020 Regular Meeting to be held on Saturday, October 17, 2020 at 10:00 AM, at the Malvern Clubhouse, and carries with it the full right to cast votes allocated to said lot or lots as the proxy holder sees fit on all issues properly brought for a vote at the meeting for which this proxy is valid.

Signature (Owner): _____ Date _____

Signature (Owner): _____ Date _____

Instructions: Each lot is entitled to one vote; please indicate all lots owned. This proxy will be used to satisfy QUORUM requirements of 50 lots represented either in person or by proxy. Your proxy may also be used on majority votes and on votes requiring a two-thirds vote of members voting either in person or by proxy. You are instructing the member you assign this proxy to vote your wishes or to vote in the same manner as the member will vote.



Malvern Club Inc.
905 Malvern Drive
Madison, VA 22727

ADDRESS CORRECTION REQUESTED