

**Malvern Club, Inc.**  
905 Malvern Drive  
Malvern VA 22727  
<http://malvernofmadison.org/>

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Minutes: Board of Directors Meeting, Thursday, December 11, 2008

Meeting called to order at 7:00 p.m. by President Jerry Monnat

Board members present: Jerry Monnat, Lee Rees, Ed Johnson, Pat Kaplon, Rick Curtin, Barbara Flynn

Members present: Gary Pilkerton, Ceil & Rick Collins, Frank & Barbara Sargent, Steve Reed, Joe Graham, Don Nicholson, Cathy and Norm Hensel, Jason Woodward

**Secretary/Public Relations:**

1. The Board approved the November 13 minutes.
2. Barbara handed out a draft of the Malvern Club Schedule. Jerry suggested Board members look it over and bring corrections to the next meeting – or email Barbara with corrections. She will then type an amended version.

**Treasurer's Report:**

1. November's income totaled \$450 -- from interest and rental of clubhouse. Expenses totaled \$2,422 -- mainly for Grounds and Maintenance. Total cash available as of today is \$48,235.
2. Only two lot owners have not paid assessments, but Ed is confident they will come through.

**Architecture Committee:**

1. Pat said there were no new applications.

**Common Areas and Lake:**

1. Lights at the entrance were rechecked and seem to be working.
2. The solar panel light went out at the lake. Gary fixed that.
3. Rick said that looking ahead to next spring he will request about \$1,600 for dock work at the lake and actually putting in a boat ramp.
4. Due to a rather disturbing recent event involving a deer, Rick researched a camera system for the clubhouse area. The goal of the system is to help identify those who might be involved with suspicious acts and/or vandalism. A possible solution is the installation of a 3 camera system with coverage of the parking lot and area around the clubhouse. His research showed the cost would be about \$1,150. Jerry suggested we think about this and asked Rick to bring it up at the next meeting.
5. Ed spoke about the recertification for our dam permit renewal. Our current permit expires March, 2009. Our dam in the past has been classified as a class III dam. New dam standards adopted in 2008 change the classification to low hazard potential. This classification means that an impounding structure failure would result in no expected loss of life and would cause no more than minimal economic damage. However, with the new criteria, we have to **prove** that we are a low hazard potential dam by a **set of calculations**. Ed contacted 3 engineers and got two proposals for going through these analyses – one for \$8,500 and one for \$20,000. He said he is still doing research on this. He feels as long as we can show the State Agency (DCR) we are working on submitting the application, we should be able to get an extension on our current 2003 certificate, if needed. (There was no recertification after the dam repairs in 2005.) Ed said he wants to check to see if we can get this done in a less expensive way. If designated a low hazard potential dam, no criteria would have to be met, but we have to get the designation. Ed will submit a letter detailing action we

have taken so far. He will file for an extension, but will do more research so that we can justify our request for this extension.

### **Roads:**

1. Only one more stop sign and one more speed limit sign need to be put up. We will then arrange to have our road signs and speed limits certified by a professional engineer and then resubmit our request to the Board of Supervisors to have our roads designated as “highways” for law enforcement purposes.

2. As to plowing and sanding, Don Nicholson will do plowing. Kemper Deane will do sanding – but just for this year. Don said in case of a big snow of 12” or more, he will need some extra help. Jason Woodward would be willing to help with this. Jason mentioned to the Board that there is a truck available that he can pick up at no cost to Malvern. This would be available to put the sander on -- and perhaps a plow if he can get one. The sander could stay on all winter. It would be for Malvern’s use. Jason didn’t want to get the truck if the Board didn’t approve of this suggestion. The Board had no problem with this.

### **Old Business:**

1. Last month the Board discussed a homeowner’s request to vacate an easement associated with a proposed 2<sup>nd</sup> lake on his lot. Jerry said that another homeowner having the lake easement on his property doesn’t care at all about having the easement vacated. Ed researched minutes for the years from 1991-93 and from 1997 forward. The most pertinent reference he found was an attorney’s opinion that the obligation for the lake was that of the original developer. The obligation left when the developer left and Malvern Club is under no obligation to build the lake. There were other references to studies done showing the soils were unsuitable and where the cost of construction would be prohibitive.

As to the present, Ed thinks it is time we deal with this issue once and for all. We record a document to vacate the lake easement as well as the other easements associated with the 2<sup>nd</sup> lake. The Articles of Incorporation allow the Board to vacate these easements on a Board motion. That should conclude the issue and there will be no more debate. We will pay the recording fees, which are felt to be minimal.

2. Another easement situation is bridle trails. Originally there was a stable on Malvern property for use by residents, but it was sold years ago. There is no need for bridle trails. The Board agreed with we should address these easements at the same time we address the 2<sup>nd</sup> lake easements. Ed will prepare a resolution for review by our attorney.

3. Don Nicholson asked about the reserve property along Oak Park Road. His property stops 75 feet from the road. He would like to be able to buy this land. Ed will do research on this issue also.

4. Rules Committee: Pat said the Committee has finalized proposed covenant amendments and by-law revisions. The proposals will need to be checked out by a lawyer. The Committee is now working on a manual for Board members and guidelines for the clubhouse.

5. Lot 158 update: Jerry said that after talking to the attorney and looking at the fact that the Goods never signed for or accepted our letter dated October 29, 2008, four copies of the letter were taken to the Sheriff’s Department. A deputy posted two letters, one for each homeowner, on the front door and returned two copies to us noting that they had been posted. This should more than suffice if a question ever arises as to whether they got it. In other words, **they have been legally served**. Fines have been in place since the 15<sup>th</sup> of November. If the issue remains unresolved until the middle of February they will owe \$3,600 and they will be served with a Notice to Pay. If payment is not forthcoming, we will proceed with our next available legal action.

(a) Mr. DeJarnette and Mr. Schakelford have discussed how to address the business aspects of this case.

(b) Pat read a letter from the Covenants and Rules Committee to the zoning administrator. A motion was made and seconded directing the Committee to prepare a letter (once the Board has had time to review the draft and submit their suggestions) to the zoning board. Jerry and the Committee members will sign the letter. The Board is to get their comments on the letter to Jerry by early next week. The Committee will prepare the letter and send it out after their meeting next Wednesday.

6. Lot 106 business status: Jerry spoke to the homeowner about the business card he placed on our bulletin board. He does home construction and renovation. He is not operating a business out of his home and there will be no coming and going traffic. However, in order for the Board to be consistent, we will ask him to sign a letter similar to the one Jason Woodward signed. Ed to prepare letter.

7. Lot 65: Regarding the structure in the back yard, Pat has never been able to reach homeowner; a member said he saw a moving truck the other day. Pat will try one more time. If she gets no results, Jerry said that when the house is sold the matter can be dealt with.

**New Business:**

1. It was recommended by Karen Pilkerton, a member of the Rules Committee, that we raise the cost of our disclosure packet from \$25 to \$100, as allowed by the POA. Frank Sargent, also a member, suggested we wait on this until the Rules Committee is finished updating the packet. It was suggested we table this until Karen is present.

2. A member suggested that we join CAI (Community Associations Institute). Jerry suggested that members go online ([www.caionline.org](http://www.caionline.org)) to read about this organization. This will go on January's agenda after the Board has had the time to research it.

3. A member complained about newspapers being thrown on the ground up at the newspaper cubbies. Barbara said she feels the carrier must have lost his key. She will call tomorrow and remind them that if the papers can't be put in the boxes, they should not be left at all.

4. Only Malvern residents can post things on our bulletin board. The resident's name and lot number must be on the advertisement. If anyone sees a posting by someone other than a resident, take it down and give Jerry the information. We may also choose to send them a letter.

Meeting adjourned at 8:40. Next meeting will be Thursday, January 8 at 7:00 pm.

Submitted by Barbara Flynn, Secretary