

**MINUTES OF THE
COLECROFT STATION ASSOCIATION
BOARD OF DIRECTORS
MEETING**

**505 East Braddock Road
Alexandria, VA
September 22, 2009**

ATTENDEES:

Board Members Present:

Mr. Richard Calderon, President
Dr. John Fay, Secretary
Mr. Paul Abramson, Commercial Director
Ms. Catherine Drucker, Director

Cardinal Management Present:

Mr. Michael Yelton, Community Manager
Ms. Marlene Jose, Site Manager

I. CALL TO ORDER:

Mr. Calderon called the Meeting to Order at 7:00 PM.

II APPROVAL OF MINUTES:

MOTION: Mr. Abramson moved, Ms. Drucker seconded to approve the August 5, 2009 Minutes. The motion passed unanimously.

III OFFICER REPORTS:

Mr. Calderon, reported on three challenges to the Association's right-of-access since the last Board Meeting – two by renters and one by an owner – and his receipt of a legal opinion by Mr. Robert Segan, the Association's Lawyer that Bylaw Section 5.9 provides the necessary authority. The Segan letter is attached.

Mr. Calderon also reported his receipt of Mr. Robert Segan's opinion regarding maintenance responsibility of branch and trunk ventilation ducts within Colecroft Station. Dr. Fay wished to have Mr. Segan refine his language to explicitly state whether branch bathroom exhaust ducts are the responsibility of unit owners or the Association. Mr. Calderon will ask Mr. Segan for the clarification.

Mr. Burruss being absent, there was no Treasurer Report.

IV MANAGEMENT REPORT:

Site Manager, Ms. Marlene Jose, reported on investigation of exhaust ducts since the last Board Meeting. Duct technicians found that the Association's fans were in good working order and there were no obstructions in Association main ducts, though one damper was out of balance and was repaired. Ms. Jose is seeking bids for air volume measurement of all roof exhaust fans and will be forwarding the lowest bid to the Board. While Association equipment is in good shape, branch exhaust ducts of many unit bathrooms showed evidence of matted hair, carpet fluff and such. Ms. Jose had arranged for a reduced rate \$240 duct clean-up by Heart Corporation and R & B. Some two-dozen unit owners contracted for the service.

Ms. Jose also reported receipt of a landscape project around the turning circle by Springfield Nursery. The Board will review the proposal under Old Business.

Ms. Jose further reported that Mr. David Di Quollo, President Seal Engineering, the Association's Civil Engineers, will investigate the condition of Association balconies in later October. She asked Mr. Di Quollo to report his findings as soon as possible.

IV. OLD BUSINESS:

RATIFICATIONS: Mr. Abramson moved, Ms. Drucker seconded ratification of:

- 1. Installation of wood floors in 505 # 407 Entry, Kitchen, Bedroom and Living Room subject to the standard conditions – 80% carpeting of wood floors, no work outside of 8 am – 5 pm, elevator lock-down and padding etc.**
- 2. Installation of new Kitchen cabinets and counters in unit 610 # 201 subject to the standard conditions.**

The ratifications passed unanimously.

MOTION: Mr. Abramson moved, Ms. Drucker seconded approval of the \$1,986 Springfield Nursery proposal to install 34 Inkberry bushes around the western edge of the 505-545 Turning Circle. The motion passed unanimously.

V. NEW BUSINESS:

MOTION: Mr. Abramson moved, Dr. Fay seconded approval of the \$2,916 Livingston Fire Alarm and Sprinkler October 2009 inspection service. The motion passed unanimously.

MOTION: Dr. Fay moved, Ms. Drucker seconded approval of the \$34,950 OTIS elevator maintenance contract for 2010. The motion passed unanimously.

MOTION: Mr. Abramson moved, Ms. Drucker seconded allowing the 505 # 407 unit owner to acquire a second dog. The motion passed unanimously.

2010 BUDGET REVIEW:

The Board reviewed a draft budget for 2010 prepared by Cardinal.

- Unit Expenses (Power / Water / Sewer) are scheduled to increase slightly.
- Earned Interest on Reserve Funds are expected to decrease.
- Operating Expenses are projected to even out at close to 2009 levels.

Consequently, 2010 Assessments may need to be a little higher than 2009.

Ms. Drucker and Dr. Fay thought that the Board might consider a slight increase in Residential and Common Reserve contributions above the \$201,000 recommended by the 2005 Reserve Study. Mr. Yelton will provide the Board with this option, when he presents the 2010 Budget and expense narrative in several weeks.

VI. ADJOURNMENT:

Mr. Calderon adjourned the meeting at 8:20 PM.

SEGAN, MASON & MASON, P. C.

ATTORNEYS AT LAW

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September 16, 2009

Mr. Richard Calderon, President
Board of Directors
Colecroft Station Condominium Unit Owners Association
505 East Braddock Road, Suite 805
Alexandria, Virginia 22314

Re: Colecroft Station Condominium – Association Right to Access Units

Dear Richard:

You have asked for my opinion regarding the rights of the Association to access units.

The Association is given the right to access units in the Condominium Declaration, its Bylaws, and in the Virginia Condominium Act.

1. Article IV, Section 4.2 of the Declaration states that the “managing agent and any other person authorized by the Board of Directors” has “the right of access to any unit as provided in section 55-79.79 of the Condominium Act and Section 5.9 of the Bylaws. In case of emergency, such entry shall be immediate whether or not the unit owner is present at the time.”

2. Article V, Section 5.9 of the Bylaws states:

By acceptance of the deed of conveyance, each unit owner thereby grants a right of access to the unit, as provided by section 55-79.79(a) of the Condominium Act and subsection 4.2(a) of the Declaration, to the Board of Directors or the managing agent, or any other person authorized by the Board or the managing agent, or any group of the foregoing, for the purpose of enabling the exercise and discharge of their respective powers and responsibilities, including without limitation making inspections, correcting any condition originating in the unit or in a common element to which access is obtained through the unit and threatening another unit or the common elements, performing installations, alterations or repairs to the mechanical or electrical systems or the common elements in the unit or elsewhere in the Property or to correct any condition which violates any

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Mr. Richard Calderon, President
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Mortgage; provided, however, that requests for entry are made in advance and that any such entry is at a time reasonably convenient to the unit owner. In case of an emergency, such right of entry shall be immediate, whether or not the unit owner is present.

3. Section 55-79.79(a) of the Virginia Condominium Act states "Each unit owner shall afford to the other unit owners and to the unit owners' association and to any agents or employees of either such access through his unit as may be reasonably necessary to enable them to exercise and discharge their respective powers and responsibilities."

Based upon these provisions, it is clear that the Association, through its Board of Directors, may authorize anyone, including (but not limited to) a member of the Board of Directors, to access a unit for the purpose of carrying out the responsibilities of the Association, according to the procedures described above.

If you or the Board have any questions about this, please do not hesitate to contact me.

Very truly yours,

SEGAN, MASON & MASON, P. C.

Robert J. Segan