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PRESIDENT'S perspective

Mentoring is a long term relationship that meets a developmental need, helps develop full potential and benefits all partners; mentor, mentee and the organization. Mentoring is particularly appropriate for increasing client retention, facilitating cultural shifts and encouraging organizational diversity. It is often used to support talent programs so that participants get the most they can from their involvement, using a mentor to help them embed learning.

At SEVA-CAI it is no different! Over the years we find the senior chapter members mentor and foster the growth of the chapter by guiding our junior chapter members in getting the most out of their chapter membership experience. The purpose of mentoring is always to help enhance the experience of the mentee by improving their education, developing their leadership qualities and promoting their partnership skills with our Community Association Volunteer Leaders, Manager Members and Business Partners.

Mentoring is a mutual relationship, with an intentional agenda designed to convey specific content, along with life wisdom from one individual to another. Mentoring does not happen by accident, nor do its benefits come quickly. Mentoring is a supportive learning relationship between a caring individual who shares knowledge, experience and wisdom with another, who is ready and willing to benefit from this exchange, to enhance their professional relationship.

Every chapter member takes an active part in mentoring. They often do not realize what they have successfully achieved! Committee chairs guide committee members through hosting a successful educational or social function, while training their future chair replacement. Senior managers lead junior managers to get the most of the educational training and interpersonal skills to become future

leaders in the community association management industry. Long term business partners mentor newly joined business partners to get the most out of their partnership by social networking at our many events, and assist with the education of our manager members and board members.

As the chapter and its members age, we need to mentor and inspire what will be the future of the community association industry. Whether you are a newer member, or a veteran of the chapter, I implore you to continue fostering the relationships you already have, as well as grow new relationships.

By continually encouraging each other, we can retain and increase our membership numbers, cultivate our personal relationships and promote strong future leaders.



Colletta Ellsworth-Wicker, CMCA®, AMS®, PCAM®, is the Vice President with the Management Firm of *Associa® Community Group* in the Newport News Branch. Colletta has been active with SEVA-CAI since 1999, and has received many awards and accolades as a Committee Chair and a member of the Board of Directors.



*If your actions inspire others
to dream more, learn more,
do more and become more,
you are a leader.*

— JOHN QUINCY ADAMS

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Currents

Articles, ads or other submissions must be submitted prior to the dates listed below for inclusion in the issue immediately following. All dates are firm. If submission is missed, updates will be in the following issue.

SUMMER 2017
June 15th

FALL 2017
September 15th

WINTER 2018
November 15th

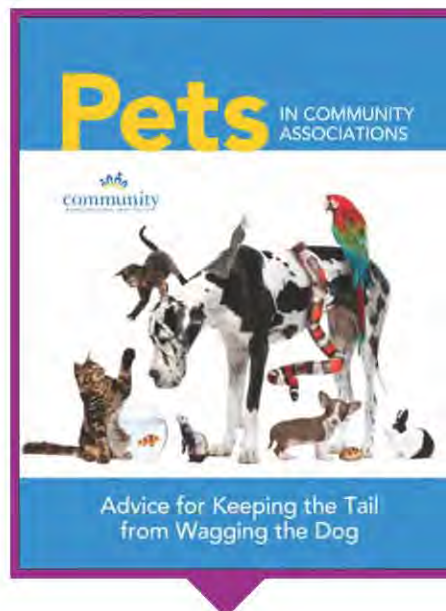
SPRING 2018
February 15th

Currents encourages and welcomes articles on any topic relating to the many "Currents" of community association interest. Please include a twenty to thirty word description of the author at the end of the article. All articles are subject to editing.

Please send your submissions to:
todd@desrochescpas.com

The views of authors expressed in the articles appearing in the CAI Southeastern Virginia Chapter Newsmagazine do not necessarily reflect the views of SEVA-CAI or CAI. We assume no responsibility for the statements and opinions advanced by the contributors to this publication. It should be understood that the publisher is not engaged in rendering accounting, legal or other professional services. If such advice is needed, the reader is advised to engage the services of a competent professional. Acceptance of advertising does not constitute endorsement of the products or services offered. We reserve the right to reject any advertising copy. We welcome submissions of articles and announcements from our readers, with the understanding that such material is subject to editing and scheduling to conform to space limitations.

FROM THE executive DIRECTOR



CONTENTS

- Pet Rules
- The Fair Housing Act
 - Dog Parks
 - Grandfathering
 - Court Cases

One of my new favorite publications is CAI's newest publication "Pets in Community Associations: Advice for Keeping the Tail from Wagging the Dog". Get it at the bookstore at www.caionline.org.

How do you establish good rules that pet lovers can live with? What does the Fair Housing Act say about making accommodations for an assistance animal? Is a dog park a good thing? How realistic is it to enforce pet rules when some pets are grandfathered? How can you ensure your common areas are free of poo even if residents don't pick up after their pets?

Benefit from the combined wisdom of community association leaders and experts on all aspects of living happily with pets—and their owners—in homeowner and condominium communities. This collection of in depth articles from CAI periodicals answers these questions and more. It also includes a sampling of court cases illustrating various legal opinions about pet regulations.

This is my six month old puppy, Dakota. He is going to be a huge one! My other dog Milo and my two cats, Taz and Felix have now fully accepted Dakota into the family and everyone is getting along well. I just love the new addition to my family and how much more fun we seem to be having teaching a new dog new tricks.

In the Pets publication it talks about training and how it helps achieve good manners and my favorite quote on the back is "It's not so much about the dogs, as the owners; and, not about size or weight, but about behavior." These are as true today and as they always were. This is especially true about community associations and the

(L-R) Dakota, Taz, Felix, & Milo



residents that live in them. No, I'm not comparing people to animals, just that, it's about the owners and their behavior that determines the future of an association. Building better communities can start with building a better resource library.

What exactly does a board president do? Why does the association need a reserve study? How should associations prepare requests for proposals? Comprehensive answers to these questions, and hundreds more just like them, can be found in the many books available from CAI Press, the publishing division of CAI. CAI Press offers the largest selection of books and brochures on association governance, management and operations. Find just what you need in the CAI Press online bookstore at www.caionline.org/shop, where you can browse by category, view the most popular products and discover what's new. CAI members receive 40 percent off nonmember prices.

Even if you don't want to buy any publications, be sure to take advantage of thousands of articles that have been published in CAI magazines and newsletters over the years. Nearly all of them are available to CAI members in our online Research Library at www.caionline.org/researchlibrary. Even articles from publications that are now defunct can be accessed through this channel. Users enter a key word or phrase and specify one or more or all periodicals to search. Results can be customized to display by relevance or date, and Search Tips are included to ensure you find what you need. The Research Library is also a rich vein of knowledge that should be mined often for its wealth of information.



Rebecca Woodring
Rebecca Woodring, CAE

Chapter Executive Director
Southeastern Virginia Chapter Community Associations Institute



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CA DAY 2017 WELCOME RECEPTION







FUNDING CAPITAL REPLACEMENT PROJECTS

By **Don Plank, PCAM®**, *National Cooperative Bank* and **Douglas Greene, RS®**, *DMA Interactive Reserves*

For many years now the focus of new residential development has been in planned communities, homeowner associations and condominiums that offer safer, more attractive neighborhoods, recreational amenities and “maintenance free” infrastructure. However, buyers are not always aware of the simple fact that they are actually buying all of these elements in addition to their own home or unit. More importantly, when these improvements wear out or fail, the owners, through their association, have to replace them. Where does the money come from to do that?

In a perfect world, all capital projects, large, small or unexpected, would be funded through association reserve accounts. Reality, though, has a way of intruding into perfect scenarios and many association boards and managers find themselves

scrambling to find palatable funding options for large or unexpected capital projects. Below is a summary of the three primary funding alternatives available to associations.

RESERVE FUNDS

The primary source for funding of all capital replacement projects is a capital replacement reserve fund. This usually is, and should be, a separate savings account from the normal association operating account. It is a cost effective and fair option as typically the reserve fund has been built over a series of many years by residents who have paid their fair share while living in the community. The key to adequately funding this account usually depends on the community

obtaining a professionally prepared Capital Replacement Reserve Study and updating it regularly. Reserve Studies estimate the likely cost of replacing these capital components, and also the expected remaining life of the components, so that an adequate funding plan can be developed. Communities who have consistently updated reserve studies and followed recommended funding levels can usually fund upcoming projects in this manner. However, even the best communities may fall short due to unexpected events (e.g. early pipe failure, etc.) and will need to find a way to supplement available funds.

SPECIAL ASSESSMENTS

Special assessments are a quick way to raise additional funds without raising underlying assessments. While typically cost effective for the association, large special assessments can have a substantial negative impact on the community. Not all owners will be able to absorb large, unplanned assessments. This in turn may drive up delinquencies. In addition, a history of special assessments can have a negative impact on resale values as potential buyers may view the community as not planning well. Special assessments are an option to address specific projects, but they are not a replacement for inadequate reserve funding. When considering a special assessment, it would be wise to include your reserve study analyst in this planning to ensure that it will accomplish its goal and see if other long term funding adjustments need to be made to the reserve account. Finally, special assessments penalize the unlucky owners who happen to own when the special assessment is put in place, thus limiting the fairness factor addressed by funding over a longer time period. Be aware that special assessments may also require a vote by the community.

LOANS

As associations age and face very large and/or unanticipated infrastructure projects, more and more communities are considering at least partial funding through a loan. A loan will allow costs to be spread out over the useful life of a capital item (some up to 15 years), thus permitting costs to be absorbed into ongoing assessments over a much longer period. This helps address the fairness issue as a loan will be paid back by both current and future owners who benefit from the capital item being financed. Be aware that acquiring a loan requires substantial work from both board members and management as authorization to borrow frequently requires a vote by membership as well as the time and effort needed to complete the loan process.

Key questions to ask if you are considering a loan are:

- DOES YOUR COMMUNITY NEED A VOTE BY MEMBERSHIP IN ORDER TO BORROW?
- WHO WILL ADMINISTER THE PROCESS AS ANY LOAN WILL REQUIRE ADDITIONAL

ADMINISTRATIVE TIME AND EFFORT?

- IF MANAGEMENT, HAVE YOU BUDGETED TO COMPENSATE FOR THE NECESSARY EFFORT TO FACILITATE THE PROCESS?
- IS THERE COMMUNITY BUY-IN? ARE OWNERS AWARE OF WHAT IS NEEDED?
- IS YOUR COMMUNITY FINANCIALLY PREPARED FOR A LOAN? ARE DELINQUENCIES UNDER CONTROL?
- ARE YOU BUDGETING APPROPRIATELY TO MEET OPERATING NEEDS AND FUTURE CAPITAL IMPROVEMENTS NOT COVERED IN THE LOAN?

While each bank will have slightly different requirements, all lenders will want to see a community willing to make sound and realistic business decisions. If you are considering a loan, contact a lender who is familiar with community association loans and get their feedback. Most are happy to help and will give helpful input into the decision-making process.

COMBINATION OF ALL

Many communities need to get creative when faced with funding needs and implement a combination of the options listed above. For example, some projects may include using reserves, a special assessment and a loan, thus spreading at least some of the cost out over a longer period.

Any shortfall in funding will likely cause at least some heartburn and handwringing among community members and require boards of directors and management to navigate a delicate political environment. Open communication is essential to successfully resolving and addressing funding shortfalls. Many communities have navigated this road and there are definite solutions to funding capital projects. Reach out to experienced professionals such as management, attorneys, reserve specialists, lenders or auditors for advice, communicate effectively with owners and recommend sound business decisions. Doing so will help put your community on the path to making sound funding decisions for both immediate and future capital projects.



Don Plank holds a PCAM® designation from CAI and managed community associations for 9 years before assuming his current position as Vice President of Association Banking Services at National Cooperative Bank.



Douglas Greene is an architect and holds a Reserve Specialist (RS®) designation from CAI. He is a senior partner at DMA Interactive Reserves.

ENZYMES.

WHAT ARE THEY?

HOW DO THEY WORK?

By Rebecca Shultz, Peerless Carpet Care & Restoration Services

You see it all the time on cleaning products, "Now with Enzymes" or "Powered by Enzymes". Have you ever wondered what is an enzyme and how does it help clean or freshen?

In order to understand a little more about enzymes and bio-enzymatic cleaners, you have to understand a little about decomposition. Decomposition is a matter of chemistry. In short, decomposition is the process by which organic substances are broken down into simpler matter. Most stains and smells are composed of some type of organic matter. Organic matter is made primarily of organic compounds. An organic compound is any member of a large class of gaseous, liquid, or solid chemical compounds whose molecules contain carbon.

So why is this important to cleaning? Because organic compounds decompose over time and exposure to the elements. Controlling and speeding up the process of decomposition can enable someone to actually transform an unwanted stain or smell into a completely different substance, thus completely eliminating the issue.

This is where enzymes come in. Enzymes are types of proteins that are present in all living cells. These proteins act as catalysts and help living cells break up complex molecules into smaller pieces. This allows them to be more easily digested. Enzymes can break up compounds that do not react well to detergents or agitation into compounds that are. These smaller compounds are often more soluble and easier to remove. Enzymes can be created to target specific compounds. Proteases targets protein spots like blood and many food-related stains. Lipases are used to target oils and greases. Amylases can be used to target starchy material.

Many enzymatic cleaners contain a combination of enzymes and specific types of bacteria in solution. Often used for tough odors, these solutions when applied to an area start breaking down the target naturally. Called bio-enzymatic cleaners, they use the presence of enzymes to help speed up the bacteria by making it easier for bacteria to consume whatever is causing the stain or odor. These

cleaners essentially digest the chemical and organic wastes. The byproduct of these bio-enzymatic cleaners are simply carbon dioxide and water. Making it not only an effective product, but completely safe for children, pets, and the environment. Bio-enzymatic cleaners begin working immediately, but depending on the product and the target, may continue working for hours, even days after application.

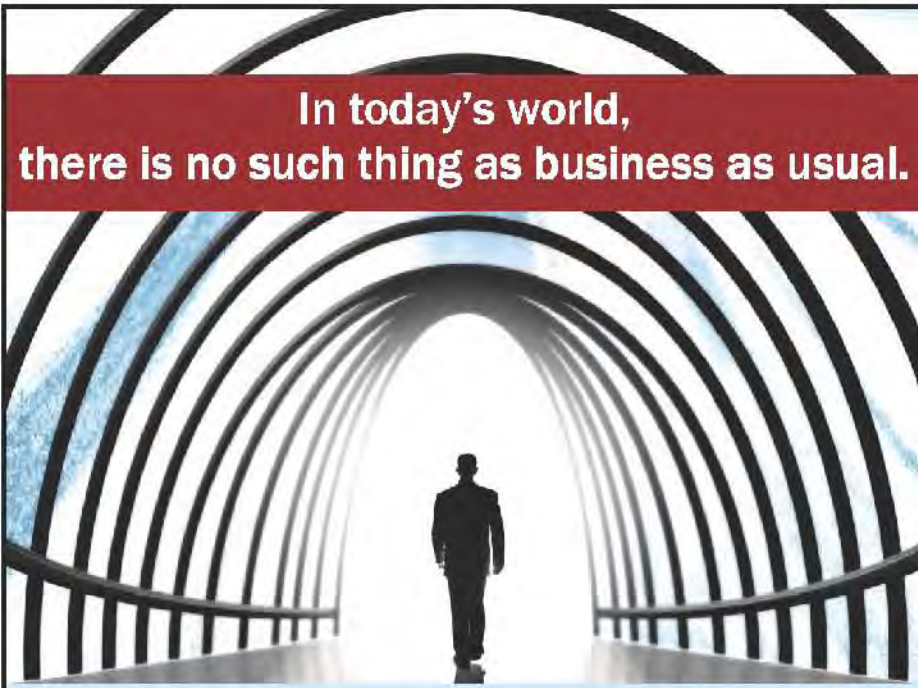
One caution, enzymes or bio-enzymatic cleaner should never be used with bleach or disinfectants because these substances can damage or even kill the helpful bacteria and can reduce or eliminate the effectiveness of the enzymes.

Enzymatic and Bio-Enzymatic cleaners are especially useful when dealing with stains and odors left behind from pets or food on carpets and upholstery. So when trying to remove stain and odors and all else fails, get help from the nature's littlest helper, enzymes.



Rebecca Shultz is the Marketing Director for *Peerless Carpet Care and Restoration Services*. In her alternate professional life Rebecca is a working musician, performing in both bands and as a solo artist.

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Not Quite Tree Hugging, But Less Tree Shrugging

- TREE CARE FOR THE GENERATIONS -

By Nader Abouelgubein, Town Scapes

When it comes to association tree care there are a few questions that must be addressed before we spring into action. From tree variety to location to desired effect, how we care for a tree is predicated on a few basic principles. Beyond that, maintenance is fairly simple and unless you want to try and do everything perfectly by the book written by people who work in a classroom not in the field, it's hard to mess up.

WHAT KIND OF TREE IS IT?

Obviously plants all need the same basic things right? Sun, water, air, and nutrients. Anyone who has ever taken elementary school science remembers those things, but life is more complicated than the basics so we must determine what we are looking at, or at a minimum the variety of tree. Let's not OVER complicate it with seed types and leaf types though; I like to break them down into 3 obvious categories: Ornamental trees like crape myrtles, Bradford Pears, and Dogwoods: bottom line they are smaller and have pretty flowers. Evergreen trees like a Junipers, Pines, Firs: bottom line they often look like Christmas trees and stay green year round. Shade trees like a big maple, oak, or gum. Clearly this isn't perfect but it'll get you going in the right direction.

WHAT PURPOSE DOES IT SERVE?

Is the tree one of a dozen in a row planted so you don't have to look at the trailer park across the street? Is the tree a feature in a big common area meant to provide joy for kids climbing or shade for reading on a nice day? Is it part of a beautiful main drive that is showy all spring and fall with breathtaking colors? Or is the tree just randomly planted near your house and you don't like it because it drops flowers on your nice new car? Or does

it bang against the roof and siding and you're afraid of broken limbs? What purpose the tree serves makes a big difference in how to trim it and maintain it.

WHERE IS THE LOCATION?

If you are looking to plant a new tree obviously you don't want it right next to the foundation but how far is far enough? Maybe the tree was planted for you and now you need to know if it will damage anything later on? Is it cheaper to take the tree down than trim it every few years? Has it begun dropping limbs and damaging property? You can't just transplant a large tree but can you heavy prune it? Is the tree in dense shade or does it have full sun? Is it in the parking lot or is it in a common area? Will the roots crack a sidewalk or a water main? So let's dive in and I hope this article serves as a quick resource for future board meetings.

If you are looking to plant a new tree, decide purpose first, then location, then variety. No one can help you with purpose, and you know location better than anyone else, but for sure a reputable landscaping company can help you with variety. Think not only long term and fully-grown but also start up and initial care. Don't be cheap when it comes to new trees either. Buy the largest size container you can afford because it can withstand far more than a smaller one. 15 gallon should be the smallest, 45 gallons are big trees that instantly make an impact on any landscape.

If you already have the tree but don't know what to do to keep it looking beautiful and living a long time, then we need to figure out the type first. Some trees are hard to kill and others are hard to keep alive. Don't come to this article for help keeping your imported Japanese bonsai alive, you're on your own there champ.

cont'd. on next page...



PRUNING

Pruning for common trees is fairly simple when you think about the elementary science behind it. Trees, like all plants, gather sunlight from their leaves to photosynthesize for energy. If you prune a tree when it's dormant and has no leaves, ie: winter, then the tree will put off lots of new growth so it can create enough leaves to survive. If you over prune, and there's not enough stored energy in the tree; it will die. Simple. If you don't want the tree to grow more, then you want to cut it after it's put off all it's new growth for the spring, ie: summer. So the tree will be able to create and store less energy and now it grows slower. The worst time to prune is in the fall because with the weather change you make the tree susceptible to disease when it's trying to go dormant. In other words, think of the cut on the tree as a wound on your skin without a bandaid. A fresh cut on branch, when the tree isn't growing, stays "fresh" longer and opens the tree up to infection.

Pruning should be done to help the tree's health overall. And it's mainly common sense. For example, if there are two leading branches coming out of the top, then that creates a "V" in the middle of the tree. Look at trees that split during storms and see how many of them have "V's" in the middle (most). If you top a tree to avoid it hitting a power line, then you'll create waterspouts that will weaken the tree and make it prone to infection. If a tree has a branch rubbing on the trunk, then

obviously bark gets removed and that's an "abrasion" which welcomes infection. If there is a dead branch still connected, it will decay by virtue of insects and other pests, thus introducing problems in the tree. The purpose of mulch is to help retain moisture in the ground. If the tree is 60 feet tall, it doesn't need your mulch to get moisture. If it's 6 feet tall and newly planted, then mulch is a good idea. Think critically, use common sense, and more than likely you'll make the right decision.

FERTILIZATION & DISEASE CONTROL

When it comes to fertilization and disease control, pruning is the first step. A fungal infection can be nipped in the bud by allowing more air and light into an area. Assuming the tree is pruned properly and main branches are without competition, then you need to identify the disease in order to treat it. Because trees are usually fairly hardy after they've taken root, treating every tree every year becomes a waste of money and dumps chemicals into the environment. Instead, you should only treat when necessary to preserve the life of the tree. Remember trees grow slowly so they will recover from disease slowly too. Don't expect overnight results. Trees need nutrients that come from the soil. You can't spray a liquid fertilizer on a tree and expect the tree to absorb it. Nutrients should be placed near the roots and most of the time if you are fertilizing grass, then the soil will be rich enough for the tree too.

I hope this article gives a basic breakdown of what trees need and how to look are various situations. Experts are great and helpful but you don't need to be an expert to have common sense. Have confidence in yourself and enjoy the process!



Nader Abouelgubein's love for the outdoors brought him to *Town Scapes* in 2010 where he excels at establishing and maintaining customer relationships. He holds a Commercial Pesticide Applicators License, spent over 100 hours in horticulture study this past year, and regularly attends industry specific continuing education courses. Outside of the company he trains working dogs at Tidewater Schutzhund Club.



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MANAGING PESKY MOSQUITOES

in Your Community to Help
Reduce the Spread of Disease

By **Gavin Ferris**, SOLitude Lake Management



I was on a genealogy website not long ago when I was reading about an ancestor, and this line stuck out to me: "...the first year after his return from the army he was able to do but little work, as he suffered greatly from fever and ague, which he had contracted in the service." Fever and ague was, at the time, the terminology used to describe what we now call Malaria, and the war in which my ancestor contracted the disease was the American Civil War. He probably was bitten by an infected mosquito somewhere in Virginia.

Zika virus is making a lot of news lately, but mosquito-borne diseases are nothing new in the United States. Malaria was common over most of the country up through the 1800s, and wasn't eradicated here until the early 1950s. Other mosquito-borne diseases such as West Nile Virus, and more recently Chikungunya, are currently carried by mosquitoes in the United States, and can pose a serious threat to public health. Preventing the transmission of mosquito-borne diseases, and the other unpleasant consequences of mosquito infestation, requires a proactive multi-pronged approach. It is important to understand the biology of the mosquitoes involved, their behavior, and how environmental conditions contribute to mosquito problems.

Different diseases are transmitted by different species of mosquito. These different mosquitoes, in turn, have different ecologies and breeding habitats. For example, the *Aedes aegypti* mosquito, which is known to carry Zika virus, breeds primarily in small containers. Other species of mosquitoes, by contrast, breed in streams, ponds, and lakes with vegetation. This has important management implications. If the mosquitoes plaguing your neighborhood are container breeding, like the Asian Tiger mosquito, management techniques such as treating a pond for mosquito larvae or stocking fish may be ineffective.

Mosquito larvae prefer shallow warmer water, and tend to thrive in stormwater ponds. Cattails and other non-beneficial shoreline vegetation can provide breeding habitat for mosquitoes along the edges of a pond. Maintaining beneficial vegetation such as Pickerelweed and Cardinal Flower, however, can help provide habitat for mosquito predators like dragonflies. With regular maintenance, a buffer of native plants can also be managed to help control erosion without creating breeding pools for mosquitoes. Keeping a pond adequately stocked with an appropriate species of small fish like Fathead minnows or bluegill is the most effective means of controlling any mosquitoes that may be breeding in shallow areas. Circulating the water with a fountain or submersed aeration system also makes the waterbody less hospitable to algae, as does treating the weeds and algae that can create isolated pockets where mosquitoes may be able to reproduce.

With regard to Zika virus, the offending mosquitoes utilize containers for breeding. They are found primarily

in a swath of the Southeastern US from South Carolina across to the gulf coast of Texas, but are a growing concern for areas throughout the United States. The best way to prevent their prevalence locally is to limit their breeding habitat. When possible, standing water should be eliminated by clearing up litter, keeping gutters clean, repairing potholes, emptying containers and removing tire piles. Small pools that cannot be reliably kept dry like flower pots, bird baths, and very small stormwater basins can be treated with a bacteria called *Bacillus thuringiensis israelensis*, commonly abbreviated as Bti. This bacteria produces a toxin that is only harmful to some insects, including mosquitoes.

For communities, an Integrated Mosquito Management program can further help to prevent disease and keep pesky mosquitoes at bay. Typically, such a program begins with public education. Depending on the species of mosquito in question, they may only be active during certain times of day. Informing the public about ways to avoid exposure to mosquitos and reduce breeding habitat on their property, and promoting the use of repellents can help to mitigate against the risks posed by mosquitos even before control efforts are implemented.

An integrated approach to mosquito management also includes surveillance and testing efforts. This typically includes the sampling of breeding habitats for the presence of mosquito larvae, and the use of various types of mosquito traps to determine which species are present and at what densities. Mosquito species capable of transmitting certain diseases can be tested, and areas where the disease is detected can then be made the priority for intensive treatment.

Even if you live an area with low risk of Zika or West Nile virus, mosquitoes are a royal pain that nobody wants to deal with. While mosquitoes are an annoyance and a hazard that we are unlikely to remove entirely from our lives, they can be mitigated against by limiting and managing their breeding habitats. Implementing a proactive and integrated management approach that addresses all aspects of the problem is essential to helping prevent mosquito bites and the transmission of serious disease.



Gavin Ferris is an experienced Ecologist with *SOLitude Lake Management*, a full service lake, pond and fisheries management company. Gavin has a Master's degree in entomology from the University of Delaware and research experience in fisheries biology, entomology, invasive plant ecology, and nutrient management. Gavin can be reached through the website at www.solitudelakemanagement.com.

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Due to the volume of questions we receive, we regret that we may not be able to reply to each question in the next issue. Keep checking back to see your question answered!

Q:

Recently the Board of Directors has been discussing preventative maintenance, and one of the discussions was in regards to painting. The first reserve study completed for the association included painting the exterior and interior of the condominium building. The updated study excluded painting as a reserve expense and categorized it as a maintenance item. The Board is concerned with the cost of the painting as an operating expense vs. a replacement reserve expense. How should we handle painting expenses for the Association? Also, what are the consequences of using replacement reserve funds for painting when it is not in the reserve study?

”

A:

Communities often need a substantial sum of money set aside for expensive projects that aren't always included in the reserve study; your question is fairly common. It seems practical to include painting projects in the reserve study solely because the community should accumulate the funds to complete such a project before the work begins. Including the painting project in the reserve study to ensure the funds are available to complete the project might "get the job done", however, this approach does not fully align with the technical guidance on the topic. The correct answer to any specific situation will vary, so understanding the rules affecting your situation, and the available alternatives will serve to inform your decisions.

Painting is not a capital expenditure according to the IRS who ruled that painting is a maintenance cost which is properly classified as an operating expense (Rev. Rul. 75-370, 1975-2 CB 25). Because painting does not qualify as a capital expense for income tax purposes, most reserve studies do not include painting as a component of the funding analysis. Depending on the type of income tax return the community files (there are three options available), the tax consequences would change. It is worth mentioning the tax consequences of using replacement reserve funds for deferred maintenance would almost always be naught for a community who files a Form 1120H (the most commonly filed). Regardless of the tax implications, the fact remains

that certain maintenance projects are very costly, are not already provided for in the reserve study, and many communities aren't able to include the entire cost of these projects in their annual operating budget.

The solution to funding large deferred maintenance projects such as painting the condominium buildings, without the use of replacement reserve funds, is a two-step process. First, the community should assess the common property to establish a deferred maintenance plan, including the estimated cost to execute the plan. It seems appropriate to seek the assistance of a reserve advisor or a similar experienced professional to prepare this assessment. The second step is to establish a funding plan to pay for the cost of deferred maintenance so the community can address costs within the limitations of the annual operating budget. Failure to plan for these costs, and failure to perform maintenance on the common property will cause the community to age faster. Accelerating the deterioration of the common property is a sure-fire track to more expensive replacement projects that may be required ahead of the funding timeline estimated in the reserve study.

The funding component of the deferred maintenance plan should prepare the community to pay for deferred maintenance projects on time, while spreading the cost of the projects between the peak years of deferred maintenance project spending. For a familiar point of reference, the deferred maintenance funding plan functions similarly to the replacement reserve funding model; dividing the cost of a project across a number of years before the project is expected to occur. Under this funding method, a deferred maintenance reserve would need to be established to separate funds designated for future deferred maintenance from funds available for normal operations. A deferred maintenance reserve is an operating reserve, and should not be co-mingled with replacement reserve funds.

Another method for funding deferred maintenance is to deploy a deferred maintenance cycle, where a portion of the community receives maintenance each year until the entire community has been served. After the entire community is served, the cycle is started over again. An example of this plan is a community with six buildings that require repainting every six years. If possible, one building may be painted each year for six years. Once all buildings have been painted, the cycle would begin again. The cost of painting is managed

by limiting projects to an annual term, making it possible to fund the cost with the annual operating budget. This plan works in some situations, does not require a deferred maintenance reserve and accomplishes the same goal. Most likely, a complex community will employ a combination of both a deferred maintenance reserve and a deferred maintenance cycle to accomplish their objectives.

It would be inappropriate to use replacement reserve funds to pay for a deferred maintenance project, if the project is not included in the reserve study. That isn't to say the Board isn't able to use replacement reserve funds for such an expense, but, doing so would be to use replacement reserve funds for something they were not accumulated for. If you are facing the reality of a large deferred maintenance project in the near term, and there is no deferred maintenance reserve, the project would be fittingly funded from a contingency or other operating reserve. In some cases, however, there are no operating reserves to offset the cost of deferred maintenance. In those situations, the decision to use replacement reserve funds for deferred maintenance should be based on the Board's judgment, the community's available resources and the severity of the need to act.

Reserve studies are invaluable tools, enabling communities, Boards and Managers to effectively plan for the future major repair and replacement of the common property. Although the reserve study is a familiar tool for most community leaders, a plan for deferred maintenance should not be overlooked or ignored. There is still a dire need in many communities for a well-formed and fully implemented deferred maintenance plan. Deferred maintenance plans extend the life of the common property, maintain the quality of appearance throughout the community, and avoid critical issues before they occur. If you are ever faced with a required deferred maintenance project that isn't already funded, you should consider all sources of available funds, weigh the consequence of using each funding source and make an informed decision that is in the best interest of the community as a whole.

A DECISION IS MADE

By Michael Zambriczki, GAF

With shingle roofing there is one thing for certain, you really do get what you pay for. Recently a management company decided it was time to re-roof one of their properties in Central Virginia. So they hired a roof consultant and put the project out for bid. The consultant stressed the importance of hiring a local commercial roofing contractor who would make the property (Hotel) eligible for triple warranty coverage on labor, materials and contractor workmanship, with a final inspection by the manufacturer to ensure that the new roof was installed per manufacturer and National Roofing Contractors Association (NRCA) standards. After the final inspection was passed, then and only then would the roofing manufacturer award the "20-year, no-leak warranty which covers even misapplied flashings."

The maintenance manager was tasked with gathering proposals and meeting with contractors. The maintenance manager understood why triple warranty coverage from a single point of accountability – the roofing manufacturer – was so important. And he realized that with 20-year coverage for leaks, the hotel

would be able to rent out more rooms during busy seasons.

It was time for the busy hotel general manager to make the decision. Which contractor would be hired to replace the roof?

The reason inspections have become so important – and required by most sensible property managers and property owners – is when the installing roofing contractor knows there will be an inspection and has trained his crews to properly follow all the steps necessary to pass an inspection, everyone wins! The property owner receives a correctly installed roof, the roofing contractor is happy and proud of his work, and the roofing manufacturer has a happy customer who will probably use their products for future projects.

Unfortunately, the General Manager decided he was smarter than the roof consultant. He sent his recommendation to the hotel owners to go with a cheaper roofing contractor, one that he believed was offering a comparable warranty at a cheaper price than the other bids. The maintenance manager tried one last time to convince the General Manager that there were huge differences in the installation details and the contractor workmanship coverage after successful completion of the inspection by the roofing manufacturer, but the General Manager had made his decision and was sure the owners would be happy with the money he had saved.

The owners of the hotel decided to follow the recommendation of their General Manager, but not the recommendation of the maintenance manager – the one person who understood the difference between the proposals presented by the competing roofing contractors.

Let's fast forward to six months after a new architectural shingle roof has been installed on the hotel. The less expensive roofing contractor has already been paid in full, and the roof received a manufacturer warranty on labor and materials. After a severe rainstorm, leaks show up in many of the same locations that leaked prior to the installation of the new roof. To make matters worse, several new leaks have appeared. The General Manager asks the maintenance manager to call the installing roofer to fix the leaks. The roofer



comes out and explains it's not his fault – the leaks are the responsibility of the roofing manufacturer. So the General Manager has the maintenance manager call the roofing manufacturer.. but because the roof is too high, the manufacturer's rep has to reschedule the inspection at a later date, when a much longer ladder can be rented in order to access the roof. The General Manager agrees to pay the additional expense to rent a longer ladder for the inspector to access the roof leak areas. At the inspection, the rep determines that the leaks are not covered by the warranty for labor and materials since there is not any material failure. Instead, the leaks are all related to reused flashing and misapplication.

The roofer comes out again and meets with the General Manager and the maintenance manager. He explains the written contract between the roofer and the hotel. The only warranty that the roof has is the labor and material warranty from the roofing manufacturer and no contractor workmanship warranty. Since the General Manager agreed to take out the specifications necessary to pass the roofing manufacturer's inspection, the roofer was able to lower the price of the job.

Now the General Manager realizes his mistake: awarding a roofing job that he really didn't understand and not listening to the roof consultant and the maintenance manager. So the General Manager has the maintenance manager call the roofer that has specified the correct installation in his proposal (the one that would have gotten the job if the General Manager had not focused on going the "cheap" route).

In the end, the General Manager is no longer employed by the hotel owners realized they spent almost \$60,000 (over \$40,000 for roof repairs plus over \$15,000 for ceiling damage repairs and painting in the rooms) for what should have cost them only \$19,000.



Michael Zambriczki of GAF is the local territory manager for the world's largest roofing manufacturer. Michael played Division One Baseball for the University of Pittsburg and resides in Richmond VA.



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EVERYTHING YOU DIDN'T KNOW THAT YOU WANTED TO KNOW ABOUT COMMUNITY LIGHTS



Shannon Lee is president of *Relay Electric, LLC*, a full service professional lighting and electrical maintenance and design firm based in Suffolk, VA. Shannon breathes practical, real world wisdom and inspiration – laced with humor – into her interactions with the human race. She's a sought-after speaker and trainer who has received rave reviews for her fresh and easy to implement solutions to some of the challenges faced by businesses today.



If you live in a community association, or work with one, it's important to be educated on some of the special nuances associated with lighting. Armed with this information you will be a more valuable resource to all the people you serve.

There are three different types of lighting in a community: Watch lights, Street lights and Private lights.

WATCH LIGHTS

Watch lights are non-metered neighborhood street lights owned and maintained by Dominion Power. "Non-metered" means that no one is counting how much electricity is used by these lights. "Maintained" by Dominion Power does not mean they do inspection of lights. Watch lights must be reported as out.

There is no way to turn a Watch light off. Tying into a Watch light is against Dominion Power's policies. The community association will have a Dominion Power Watch light account and will pay a monthly fee for the use of these lights.

STREET LIGHTS

Street lights are owned by the City and located on the streets and maintained by Dominion Power or City Maintenance Crews. The Community Association doesn't pay anything for these lights and has no responsibility for them.

PRIVATE LIGHTS

Located anywhere and in any style, Private lights are metered, maintained and owned by the community. The community can change them at will and add and/or remove Private lights at will if the community agrees.

Because these are the communities' Private lights, any electrical needs can be pulled from these lights. They are yours!

There will be Private Meter Account(s) associated with these Private lights. The Community only pays for the actual electricity that is used.

No matter what type of lights you have – Watch lights, Street lights, or Private lights, they will stay what they are forever. Once a Watch light, always a Watch light...and so on.

This article is just a brief overview of Everything You Didn't Know that You Wanted to Know About Community Lights.

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PREVENTING A "TRASHY" SITUATION

Having trouble with animals raiding your garbage cans and creating an awful mess? You're not alone. Dogs, cats, raccoons, opossums, rats and other animals can have a king-sized buffet if they get into your trash—even if the lids on your cans are latched on properly.

First, let's cover some things you shouldn't do:

- **Don't put your trash out early.** Don't put your cans out until shortly before the scheduled for pickup.
- **Don't pour bleach, ammonia or other chemicals on the garbage.** Animals might be repelled only temporarily, and the chemicals can damage your yard and environment. Also, garbage handlers aren't fond of strong chemicals coating their hands and clothes.
- **Don't shoot or poison the animals.** They're hungry, they smell food and they need to eat to survive. They don't realize they're causing you trouble. If it's a pet, such as a neighbor's dog or cat, contact the owner and explain the problem.

You should contact local animal control if you need help solving the problem.

Now, here are some options for deterring the scavengers:

- **Stake the handles.** If your garbage cans have handles, drive stakes into the ground and place the handles around them. It prevents animals from knocking over the cans.
- **Try bungee cords.** Connecting bungee cords helps secure the lids and, if you wrap them around multiple cans, may keep them in an upright position. You also may try connecting the cords to a fence or other structure.
- **Put them in a box.** Put the cans in a wooden or plastic box with a lid and clasp. It hides unsightly cans and adds another level of protection from animals. Please check association guidelines to ensure your box complies.





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2017



{ LEGISLATIVE UPDATE }

FOR VIRGINIA COMMUNITY ASSOCIATIONS

The 2017 Session of the Virginia General Assembly convened on January 11, 2017 and adjourned sine die on February 25, 2017. This was a “short” session of the General Assembly, lasting only 45 days. A reconvened, “veto” session was held on April 5, 2017.

In all, 2,959 bills and resolutions were introduced during the 2017 session and 242 were carried over from the 2016 session for consideration this year. This is an increase in the number of bills introduced during the last short-session in (2015 – 2,776 bills), but a decrease in the number introduced in last-year’s “long” session (3,286). Of the bills and resolutions considered, 1,773 were passed by both the Senate and the House of Delegates. A total of 1,428 bills failed. Governor McAuliffe vetoed 40 bills, the most vetoes by a Virginia governor in a single session.

The Community Associations Institute Virginia Legislative Action Committee (“VALAC”), through our lobbyists, followed more than 80 bills during the 2017 session, more closely monitoring 28 bills directly affecting community associations. These bills included legislation related to short-term rentals, home-based businesses (including licensed child day cares), declarant control, resale disclosure, board meetings, amendments and fair housing.

Throughout the session, VALAC members and other representatives met with legislators and other stakeholders, testified by committees in both the House of Delegates and Senate, served as a subject matter resources for legislators, and hosted a Community Association Day at the Capitol.

On behalf of VALAC, the following is our report on legislation adopted (and, in some instances, not adopted) during the 2017 session of the Virginia General Assembly. Unless vetoed or otherwise notice, measures that passed by the General Assembly become effective July 1, 2017.

SHORT-TERM RENTALS

Senate Bill 1578, introduced by Senator Thomas “Tommy” Norment, authorizes a locality to adopt an ordinance requiring the registration of persons offering property for short-term rental. Senate Bill 1578 defines “short-term rental” as the provision of a room or space suitable for sleeping or lodging for less than 30 consecutive days.

Senate Bill 1578 also amends the Alcoholic Beverage Control Act to clarify that certain property rented on a short-term basis is considered a bed and breakfast establishment for purposes of ABC licensing and that the exception from ABC licensing for serving alcoholic beverages to guests in a residence does not apply if the guest is a short-term lessee of the residence. Approved amendments to Senate Bill 1578 confirm that nothing in the bill should be construed to supersede or limit private contracts, including recorded governing documents or condominium instruments.

With the adoption of Senate Bill 1578, the authority to offer a lot or unit for rent on a short-term basis remains dependent on the locality and the specific provisions of an association governing documents or condominium instruments.

AMENDMENTS – PROPERTY OWNERS’ ASSOCIATIONS

House Bill 1554, introduced by Delegate David Bulova with the support of VALAC, amends the Virginia Property Owners’ Association Act provisions related to amendment to address concerns raised by the Virginia Supreme Court decision in *Tvardek v. Powhatan Village Homeowners’ Association*, clarifying the Act provisions apply only when a declaration is silent on amendment.

House Bill 1554, although it passed unanimously out of the House of Delegates, was met with significant opposition on the Senate floor. Ultimately, the bill passed the Senate 23-17 and is effective July 1, 2017.

FOR-SALE SIGNS

Several similar bills (House Bills 2045 and 2274 and Senate Bills 1231 and 1255) were introduced providing that except as expressly authorized in governing documents or condominium instruments, no association may (1) require a specific sign provided by the association (at or a fee or for free), or (2) causes a violation of the Virginia Real Estate Board regulations.

The legislation also includes authority for associations to regulate signs on common area and address specific issues related to real estate signs through the adoption of rules.

ASSOCIATION DISCLOSURE PACKET – REQUIRED ONE-PAGE FORM

Delegate Robert Orrock introduced House Bill 1475 that requires the Common Interest Community Board to include in its current one-page form that accompanies association disclosure packets that are required to be provided to all prospective purchasers of lots located within a development that is subject to the Virginia Property Owners’ Association Act that the purchase contract for a lot within an association is a legally binding document once it is signed by the prospective purchaser where the purchaser has not elected to cancel the purchase contract in accordance with law.

Amendments to House Bill 1475 reflect compromise language, with input from VALAC and the House Builders Association of Virginia.

FAIR HOUSING

Companion bills, House Bill 2006 (introduced by Delegate Betsy Carr) and Senate Bill 1228 (introduced by Senator George Barker) address the rights and responsibilities under the Virginia Fair Housing Law (§ 36-96.1 et seq.) related to the use of an assistance animal in a dwelling. The bills, as introduced, were a recommendation of the Virginia Housing Commission.

Among other things, House Bill 2006 and Senate Bill 1228 define "assistance animal" and establish a process through which a person with a disability may submit a request for a reasonable accommodation to maintain an assistance animal in a dwelling, including any supporting documentation verifying the disability and disability-related need for an accommodation.

House Bill 2006 and Senate Bill 1228 also provide that whenever a request for a reasonable accommodation to maintain an assistance animal in a dwelling is denied for reasons other than that the requester does not have a disability or a disability-related need for an assistance animal, an interactive process must be initiated to determine if there is an alternative accommodation that would effectively address the disability-related need.

House Bill 2006 and Senate Bill 1228 also define "major life activities," "therapeutic relationship," and "physical or mental impairment."

It is important to note, however, that House Bill 2006 and Senate Bill 1228 amend only the Virginia Fair Housing Law and do not affect or amend the federal Fair Housing Act or related federal laws. Community associations must continue to comply with both federal and state fair housing laws.

House Bill 2006 and Senate Bill 1228 address the distinction between federal and state fair housing laws, and provide that if any provision of the legislation is determined by the U.S. Department of Housing and Urban Development to be not substantially equivalent or otherwise inconsistent with the federal Fair Housing Act of 1968, 42 U.S.C. § 3601 et seq., as amended, that provision is unenforceable.

DAM SAFETY – STATE FUNDING

Delegate Mark Cole introduced House Bill 1562 allowing state funds to be dispersed in the form of grants to localities and private entities that own dams in order to protect public safety and welfare. The grants can be used for the design, repair, and the safety modifications of dams identified in safety reports.

{ FAILED BILLS }

In addition to those bills that passed, several bills that failed to pass were followed very closely by VALAC. We expect that several of these failed bills will be introduced, in some form, in the 2018 session.

• HOME-BASED BUSINESSES & CHILD CARE

Senator Chap Petersen introduced Senate Bill 1096, legislation similar to a bill he introduced in 2016. VALAC opposed the bill and members testified against the bill in the Senate Committee on General Laws and Technology, where it failed.

Senate Bill 1096 provided that a lot owner who is a licensed child care provider (licensure is generally triggered when five or more children, in addition to those children who live in the home, are cared for) operating within his personal residence pursuant to state law and in compliance with local ordinances shall be considered an "accessory residential use" and may not be prohibited by a property owners' association unless child day cares are specifically prohibited by the declaration.

Had Senate Bill 1096 passed, property owners' associations that restrict home businesses based on a limitation that lots be used "for residential purposes only," would no longer be permitted to restrict licensed child care providers. And, communities that prohibit "commercial use" could also no longer restrict licensed child care provider.

As the law stands currently, it is generally agreed that those child care providers with 4 or less children (in addition to those children that live in the home) may be considered an "accessory residential use" (depending on the locality and document provisions) and are typically permitted (unless the recorded documents address day cares specifically). T

• RESALE FEES FOR SELF-MANAGED PROPERTY OWNERS' ASSOCIATIONS

Delegate Vivian Watts introduced House Bill 2376, providing that a property owners' association that is not professionally managed may act as a professionally managed association only upon complying with specific conditions set out in the bill. House Bill 2376 failed in subcommittee, but has been referred to the Virginia Housing Commission for study.



- **FAIR HOUSING:
GENDER AND SEXUAL ORIENTATION**

Senate Bill 822 was introduced by Senator Wexton that would have added discrimination on the basis of an individual's sexual orientation or gender identity as an unlawful housing practice under the Virginia Fair Housing Act.

- **SERVICE OF PROCESS**

Senator Wexton also introduced Senate Bill 823, that would have required an employee or agent of a common interest community with restricting access (i.e., a gate or key-controlled access doors) grant entry to a person attempting to serve process on a party who resides in, occupies, or is known to be present in the community.

- **CORPORATE REINSTATEMENT**

Proposed changes to Section 13.1-916 of the Virginia Nonstock Corporation Act were proposed by Delegate Albo (House Bill 1527) that would have allowed for reinstatement of a corporation's status, regardless of the length of time that has passed since the corporate status was terminated.

- **WRITTEN CONSENT TO BOARD DECISIONS**

Delegate David Bulova introduced House Bill 1553 related to the use of unanimous written consent by the boards of directors of property owners' associations. House Bill 1553 would have amended Section 55-510.1 of the Property Owners' Association Act adding additional requirements for the use of written consents by boards of directors of property owners' associations (not condominium unit owners' associations).

- **DECLARATION COVER SHEETS**

Delegate David Bulova introduced House Bill 2307 that would have required the cover sheet for a declaration creating a development that is subject to the Property Owners' Association Act to contain an acknowledgment of the review of best practices for the contents of declarations published by the Common Interest Community Board.

- **GROUP HOMES**

Senator Tommy Norment introduced Senate Bill 1373 related to group homes that would have provided that any entity intending to locate a public or private detention home, group home, or other residential care facility in a locality shall give the chief administrative officer of that locality and the president of any home owner's association for the neighborhood in which such public or private detention home, group home, or other residential care facility is to be located at least 90 days' written notice prior to the issuance of the license.

- **DECLARANT CONTROL OF PROPERTY
OWNERS' ASSOCIATIONS**

Senate Bill 1401 was introduced by Senator Siobhan Dunnivant that would have required, unless the declaration expressly provides otherwise, that the membership of the board of directors of the association include lot owners other than the declarant until the transfer of the common area to the association by the declarant.

CONCLUSION

The number and significance of legislation continues to place significant demands on the investment of time by members of VALAC. Although the investment of time that VALAC has put into our advocacy efforts over the last 18 years have paid dividends, the nature of legislation introduced, and the sentiments of certain legislators can be alarming.

Throughout the off-session, VALAC needs your support in both investments of time and money. Please continue to stay informed about legislative matters through VALAC's website (www.cai-valac.org) and on Twitter @CAIVALAC.

*Jeremy Moss is an attorney with Vandeventer Black LLP, with offices in Norfolk and Richmond, Virginia, Raleigh and Kitty Hawk, North Carolina, and Hamburg, Germany.

Jeremy is the Chair of the Virginia Legislative Action Committee of Community Associations Institute, a fellow of the College of Community Association Lawyers, a member of the SEVA-CAI's 2017 CA Day Committee, Secretary/Treasurer of the Virginia Bar Association Real Estate Section Council, and Chair of the Virginia State Bar Real Property Section Committee on Common Interest Communities.



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Preview of the Virginia Leadership Retreat

Submitted by The Virginia Leadership Retreat Committee

Community Managers and Business Partners will gather this summer at The Omni Homestead Resort in Hot Springs, Virginia to celebrate and learn at The 9th Annual Virginia Leadership Retreat (VLR). The event will be held from August 2 through August 6, and will once again feature educational courses, fun, and networking opportunities. We are going nautical this year with the theme of *"Leaders at the Helm – Charting the Course,"* so we hope you've got your sea legs ready (no Dramamine needed)! As always, the theme will permeate the entire event, so dig out those Topsiders, and get ready to boogie to some Yacht Rock.

The central feature of the VLR is the education, and we are working hard to recruit the most experienced people in the industry to share their knowledge on topics of interest to both Community Managers and Business Partners.



Our program has been approved in the past for managers to obtain 8 hours of Continuing Education and PCAM Redesignation credits, and we believe that this will continue in 2017. We will also be providing a Virginia Fair Housing session that will be facilitated by Virginia Common Interest Community Board (CICB) approved speakers

and will meet the requirement for manager licensing/recertification training.

For managers not attending the National Conference in Las Vegas, this is an affordable and local opportunity to earn your recertification credits during a single event.

Our keynote speaker this year is Charles Marshall, one of the most popular humorous motivational speakers speaking today, and he has over 20 years experience speaking to audiences all over the United States. Each year, Charles travels 100,000 miles to perform in over

cont'd on next page...





100 corporate and civic venues from New York to California. His animated delivery and original observations have captivated over 1,000 audiences over the past two decades, including many Fortune 500 companies.

He is the author of several books including: *The Seven Powers of Success* and *I'm Not Crazy But I Might Be A*

Carrier. He also has produced and performed two full-length comedy videos, *Fully Animated* and *I'm Just Sayin'!*

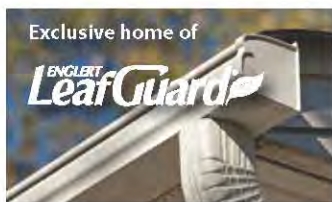
We encourage VLR participants to extend their trips since the negotiated room rate for the conference is available for the entire week. But whether you come just for the event, or bring your family to enjoy a mini-vacation at the resort, there are plenty of activities and amenities to keep everyone busy. There are 2 golf courses, 2 pools, a Lazy River, a gun range, a world-class spa, and an extensive array of tours and outdoor activities. There are a variety of formal and casual dining options at the resort, and the famous morning buffet called The Art of Breakfast should not be missed.

The Virginia Leadership Retreat is a great opportunity to earn your education credits while spending an exciting weekend at an exclusive resort with familiar colleagues and new friends. Your brochure should be arriving in the mail any day now, or you can download it from the WMCCA website. There are still plenty of sponsorship opportunities available for Business Partners, and there is no better way to use your marketing budget than by supporting this great event. For more information, you can email the Committee at vlrcommittee@gmail.com, and you can "Like" our Facebook Page to receive updates and announcements. We hope to see you at the Homestead in August!



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PAVEMENT MAINTENANCE BASICS

By Patrick Kennedy, *Parking Lot Maintenance*

Pavement maintenance contractors have the responsibility of ensuring association managers, maintenance supervisors and communities understand the best way to maintain their paved surface. While aesthetic is usually the first thing that concerns decision makers, the primary purpose of a pavement maintenance plan should be to sustain pavement useful life and utility. Depending on the goals of the community, pavement maintenance plans can vary in scope from pothole repair and crack sealing to seal coating. Understanding how all the parts of the maintenance plan works together is crucial. One of the most important parts of a successful pavement maintenance plan is asphalt seal coating.

Understanding how seal coating works, one must understand the nature of pavement. Asphalt pavement has for many years been the preferred material for most roadways because of its excellent durability, waterproofing and flexibility. Asphalt pavement technology has developed considerably over the years with improvements to the aggregate, the binders and the chemicals used to manufacture the asphalt products we use today. With its elasticity and waterproofing characteristics, today's pavement is ideal for all heavy load bearing applications.

Although pavement products available in today's market are technologically superior to those of the past, pavement strength and durability is directly related to not only the product(s) used, but also to proper design of the pavement from the ground up. The "base" is the component of the asphalt system that really carries the traffic load. Ensuring proper construction of the base is critical to the life of any paved surface. Even with a properly designed base, however, there are some drawbacks related to the chemical makeup of asphalt pavement overlay that must be addressed with routine seal coating. Without routine seal coating, the base becomes exposed to damaging materials. Exposure to these damaging materials will cause the base to lose strength and integrity over time.

Despite its waterproofing characteristics, pavement remains susceptible to weather, salts and chemicals, which attack and disintegrate its asphaltic molecules. The first sign that this phenomenon is occurring, is the progressive change in the surface color from black to brown or grey. In addition to weather and salts, petroleum based products such as oil, fuel, grease and anti-freeze will dissolve asphalt binders easily. Over time, the asphalt aggregate and binders begin to unravel under the stress of weather, salts, and chemicals. This causes cracking from all volumes of traffic and weather conditions. Due to the way cracks develop, water is able to seep into the base, causing damage to the base course. As the base course is affected by this exposure to water and other materials, the pavement's load bearing ability is reduced significantly. Once this occurs, rutting and shifting may cause severe alligatoring. At that point, the pavement must be overlaid or removed and reinstalled; a much more expensive project than routine preventative maintenance.

Seal coating in tandem with crack sealing can slow down oxidation and water penetration even further. Seal coating when properly applied, helps with resisting gas and oils spills. Coal tars that make up the seal coat are not soluble to gas or oil. Seal coating material is a dark black color. The blacker the seal coat, the more heat it draws from the sun, making the material more pliable and penetrative and able to protect the pavement system from external forces. Fresh seal coating brings a dark black color to the pavement helping it to look and wear better. A newly sealed parking lot has a rich black and clean appearance that not only protects the pavement, and the base, but also presents a positive image for the entire community.



Patrick Kennedy is your community association representative for Parking Lot Maintenance. He is an active member of the SEVA-CAI Social Committee.



YOUR HOME FOR DINNER



What is a termite? A small pale white insect that lives underneath of the ground and can cause severe damage to lumber and trees. Everyone knows the term of a termite. They played in our cartoons when we were younger where they would eat a chair or a house in five second and cause some catastrophic incident where we would all laugh. It is not until we are older and are home owners, property managers, real estate agents, and anyone that owns some sort of residential/commercial property or building. That we start to realize the horrific truth to what a termite can really do. They are no longer the fun cartoon laughter we use to have.

Termites are actually a decedent of cockroaches "After conducting the most exhaustive genetic analyses yet into the subject, studying 107 different species of termites, cockroaches and mantises from across the globe, entomologist Paul Eggleton at the

Natural History Museum in London and his colleagues now conclude termites are indeed a family of cockroaches" (Charles Q. Choi. Live science).

Termites biology and system is very similar to a cockroach in the fact that they lay eggs similar in the way a roach does, the way their body functions and the vast number of termites into a single colony.

Termites have anywhere from 200,000 to 1,000,000 termites in one colony alone. With several colonies residing on one acre of land. As of 2013 there were anywhere from ten to twelve colonies per acre in Virginia. The latest studies has been shown to almost double that. "A Texas A&M study found that there is an average of 17 to 20 colonies of termites per acre" (Gulfbugs Year of the Termite). With the rise of termite colonies in the south this major issue is becoming more and more prevalent to be protected if not there could be serious damages accumulated to your home. Termites accumulate approximately five billion dollars' worth of damage per year nationwide. With the most of this damage being in the southern states

from Virginia to south of Florida and ranging across to the southern side of California.

This biggest issue for the property owner. With having termites so rampant in our state and all other states across the country is; Ounce this damage has accumulated in your home, condominium, or apartment. There is no insurance that will cover the damages accumulated. This mean the expense comes out of your pocket. With the average termite repair cost being Three thousand dollars per home and ranging an upwards of forty thousand or more in some cases. It takes about two years for a home to acquire an extensive amount of damage. With most home/commercial owners not seeing any signs of an infestation until a colony reaches maturity and reproductive termites also known as swarmers start flying out of the walls into the residence. It takes a magnitude of three years for a colony to reach maturity. Which means in most case damage has occurred to a severe amounts and needs to be treated immediately then suffering from the repair cost on top of that.





Matthew T. Bell is the Branch Account Manager for *National Exterminating* a full-service pest control company providing professional service for termites, pest control, and moisture issues. "Our mission is to be the best service company possible this will be accomplished by delivering quality service and value to all of our customers "regardless of size." Consistent output and continuous attention to detail will result in long term relationships with both internal and external customers."

Which brings me to the importance of being prepared for termites before the damage has occurred. Since there is no insurance for termites. The best way for you to insure yourself and become protected from the turmoil of termites is to hire an excellent and professional exterminator. There are several different ways to treat a home for termites to protect yourself. Modern advances in the industry has options available for treatments. From extensive optimal treatments that provide you with the best piece of mind while costing a little more in price to smaller treatments which will take a little longer for effect but is a little easier on someone's budget. These options range from liquid applications, foaming treatments, borate treatment on wood, and baiting systems that are monitored quarterly. All these options can and will protect you with termite protection as long as they are applied correctly to the owner's structure. Every termite treatment is different there is no cookie cutter solution. A good pest professional will do a thorough inspection, provide good information, show the customer where the issues are happening, explaining what need

to be done and how to do it, and making sure all questions are answered before a treatment is scheduled.

One of the biggest things that combines with the treatment of termites is the warranty provided to a company from the pest control provider. Since there is no insurance for termites for a home/business owner. A warranty from your pest control provider is a huge benefit. Not all pest control companies offer the same warranty so it is best to find the one that fits your wants and need. These warranties usually range from one of two options. A control bond where if termites were to ever come back the company would retreat the area of re-infestation within ten feet of each side at no extra cost. The other type of warranty is a damage warranty this warranty still includes the for mentioned control bond but including the repair of any damage accumulated after your

property has been treated by your pest professional.

With using these procedures, treatments, and warranties. This provides you and your home/business with the best protection available so you are able to enjoy spending time with your family or saving money in your budget for other important things in your life. Instead of having to worry about your property and the damage it could be undertaking from 1,000,000 tiny gnawing little jaws taking a junk out of your property one bite at a time.



Work Cited

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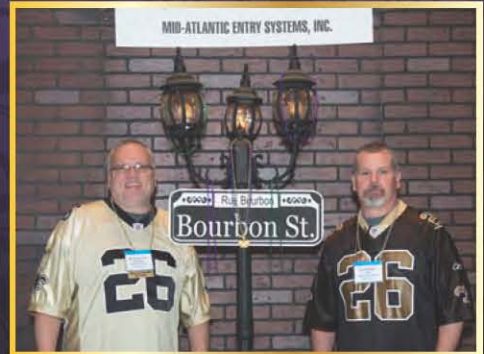
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Why a Maintenance Schedule is Important

From time to time, residents submit maintenance requests and become frustrated when something isn't attended to immediately. Part of the reason for the delay is that associations often develop and follow an annual maintenance schedule, and the manager knows that next month's routine maintenance will take care of the request. Associations also use the schedule to address small unseen problems before they become noticeable.



Routine maintenance is scheduled for a number of reasons.

- It eliminates unexpected replacements and breakdowns.
- It keeps costs down because repairs are not made on an emergency basis.
- It extends the lives of expensive common elements and reduces reserved funds.
- It stops problems before they occur.

Associations should work with a qualified engineer and other experts to develop the maintenance schedule. The schedule specifies when common elements will be routinely inspected, adjusted and repaired. Regularly monitoring the property eliminates surprises. Minor problems are caught and corrected before an expensive repair is needed. This, of course, helps control costs by extending the life of the common elements, which in turn reduces the money that must be reserved for an eventual replacement.

The maintenance schedule is a useful tool that keeps costs down and property function and appearance up. Hang in there, eventually everything will get done in the most efficient, economical way.



Spring Cleaning: Inspect After the Winter Thaw

This winter has been long and frigid. Now that the deep freeze has melted away, prepare your home for spring. The steps you take now can help avoid costly maintenance and repairs later. Here's what to do inside and outside your home:

- **Inspect the roof and gutters.**

Check the roof for damage; it's been taking a beating all season. Then clear gutters of debris; a clog can lead to water damage.

- **Check the HVAC system.**

Hire a professional to clean and service your system. You also should clean or replace filters; it'll help ensure your system is running efficiently, keep energy costs in check and remove extra allergens from your home.

- **Clean & repair driveways, fences, decks.**

Spray away salt, sand and de-icers. Then fill any cracks, holes or gaps.

- **Examine windows, doors and seals.**

Look for damage. Sealants can crack in extreme cold, leading to water damage and drafts. Clean the window panes, drapes and blinds too.

- **Inspect paint inside and outside.**

Make any necessary paint repairs or try a fresh look.

- **Replace smoke detector batteries.**

If you didn't do this when daylight saving time began, do it now.

- **Steam-clean floors and carpets.**

- **Remove salt, sand and de-icing chemicals.**

- **Examine your chimney.**

Hire a chimney sweep to check for damage and clean the flue.

- **Vacuum underneath & behind your refrigerator.**

A dusty, dirty fridge also increases electric bills.

- **Clean out refrigerator, freezer & pantry.**

Toss expired foods, clean surfaces and reorganize.

- **De-clutter closets.**

Donate, repurpose, recycle or set aside clothes for a garage sale.

Your Curb Appeal Checklist

The curb appeal of any community depends on each resident maintaining his or her property as completely as possible. For those who keep their homes and yards well maintained, the associations should thank the owners and residents for their efforts and good examples. Encourage all residents to pay particular attention to the following maintenance items.



EXTERIOR PAINT.

Paint is a quick and easy way to keep a property looking fresh, new and clean. It will also protect against corrosion, weathering and insects.



LANDSCAPING.

Landscaping is extremely important to a community's curb appeal. Remove dead plants and branches. Keep shrubs properly pruned and flowers well-tended. Keep yards free of leaves and remove grass clippings.



ROOFS.

Insure roofs are properly maintained and cleaned.



DRIVEWAYS AND SIDEWALKS.

Repair cracks, pitted or flaking surfaces and other concrete problems. Remove weeds from sidewalk joints and debris from driveways and sidewalks. Do not use driveways for storage or auto repairs.



GUTTERS AND DOWNSPOUTS.

Keep them cleaned out to prevent overflowing and flooding.



WINDOW BOXES, AWNINGS AND DECKS.

Replace worn or damaged fixtures, check fittings for stability and paint all items according to your maintenance schedule, sometime bi-annually.





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- Ten Steps for Document Redraft
For board members and managers actively involved in document redraft.
- Rule Making Authority
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 - Hot areas of rule making and testing the limits
 - What can be banned by rule v. amendment: guns, smoking, inspections of utilities
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COMMUNITY ASSOCIATION KEY DEFINITIONS

APPEAL An appeal is a request for a review of a case by a higher authority - if permitted by the governing documents, resolution or state statute. For example - if the hearing panel is a committee, the board of directors acts as the higher authority. If the board of directors is the hearing panel, the alleged rule violator must appeal to an authority outside the community association - for example, alternative dispute resolution.

CASH BASIS OF ACCOUNTING Records revenue when it is collected and expenses when they are paid (similar to a checkbook). It is a very simple method to use and is perceived as easy to understand. However, it often does not provide a true picture of the association's financial condition.

FIDUCIARY DUTY Requires directors to act in the best interests of the community as a whole, and for the benefit of the corporation. This fiduciary duty has two components:

- Board members are required to avoid conflicts of interest and acting out of self-interest.
- They are also required to act as reasonable people in managing the association's affairs.

Although they may delegate some of their authority to others, they cannot delegate their legal obligation to protect the asset that is the total community. It is the board that is ultimately responsible for the management of the association. The board can direct or empower the manager to take certain actions on behalf of the community association. However, the board is still responsible to the owners.

MAINTENANCE FEE The owner's financial obligation to the community association during a given period of time—usually one year. Also commonly referred to as an assessment. A maintenance fee for an owner's share of the common expenses is a binding legal obligation based on the community association's governing documents. It covers the owner's share of the common expense (known as "common expense liabilities" in some states). Maintenance fees may be paid on a monthly, quarterly, or annual basis. Most of a community's revenue will come from maintenance fees.

PARLIAMENTARY PROCEDURE A set of rules for conduct at meetings. Experience demonstrates that this can be a very effective decision-making method in a group setting. Be sure to introduce new board members to parliamentary procedure as they take their places on the board. The most popular version of parliamentary procedure is Robert's Rules of Order.

RESERVE STUDY A budget planning tool with which the association expects to offset ongoing deterioration and prepare for inevitable future expenses. Reserve projects are typically the largest expenses that an association faces, and proper financial preparation is essential. The reserve study is used for developing a reserve account budget. The study addresses all major common physical components of the property that the association must repair, replace, restore, or maintain. The study should contain, at a minimum, a statement of the remaining useful life of each item; an estimate of the current cost of repair, replacement, or restoration, of those items; and an estimate of the total annual contribution necessary to defray the cost of repair, replacement, or restoration, of those items after deduction of existing reserve funds. In essence, the study must include all items for which the community has long-term replacement responsibility.

STATUTE

Statutes are laws written and adopted by legislatures or administrative agencies. There are three types of state statutes that apply to community associations:

- General state statutes
- Specific state statutes
- Uniform state statutes

State statutes are one of several sources of legal obligations for community associations.

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9:
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Legal and Legislative
Update & Expo
Hampton, VA

AUGUST

3-6:
Education Program
The Virginia Leadership Retreat
Hot Springs, VA

10-11:
PMDP Course
M-203: Community Leadership
Virginia Beach, VA

10:
Networking Event
Party with the Pros
Virginia Beach, VA

SEPTEMBER

12-16:
Education Program
Large Scale Managers Workshop
Sugarland, TX

15:
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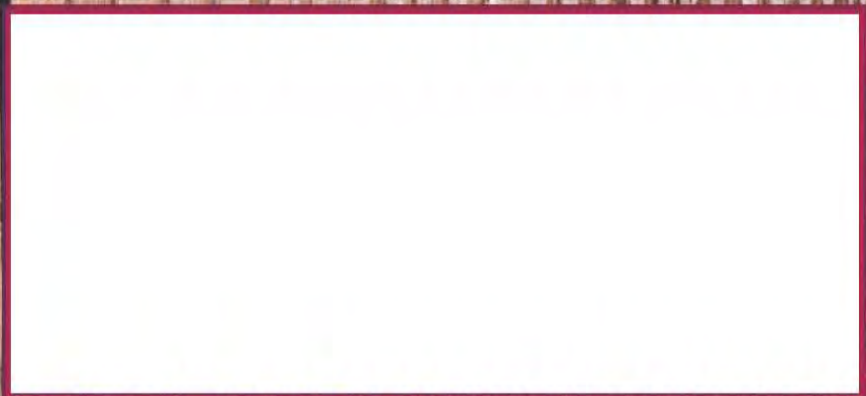
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