

Mallard Bay Property Owners Association  
Minutes  
Meeting of Board of Directors  
DRAFT August 2, 2021

*Note: Attachments to this report are available to all MBPOA property owners from the Secretary, MBPOA Board of Directors*

The meeting was called to order in the Mallard Bay Clubhouse by MBPOA President Mary McGuire at 6:25 p.m.

Board Members present:

Mary McGuire, President  
Keith Lilienfeld, Vice-President  
Victoria Coffineau, Secretary  
Jeanne Widenmyer, Treasurer and MBPOA Registered Agent  
Marshall Sebra, Board Member and Maintenance Committee  
Lynda Browne, Board Member and Landscaping Committee

Board Members not present:

John Miller, Board Member at Large

Committee and Support Personnel present:

Ted Hobson, Architectural Review Committee  
Mary Yordy, Amenities Committee  
Bob Mitchell, Social Committee

Property Owners present:      Hank Hilker      Gary Yordy

### Opening Comments

Ms. McGuire opened the meeting by welcoming all attendees but delayed the opening comment period for a little later in the meeting. She took the opportunity to thank Mr. Sebra for donating and installing fishing rod holders at the Mallard Bay Marina dock and for other dock repairs that he made this past month. She also thanked Mr. Larry Norris for stepping in as the “pool overseer” in the temporary absence of Mr. Malloy, and thanked the Hobson’s for their work on the Clubhouse playground.

### Reports

**Secretary** (Victoria Coffineau) – Ms. Coffineau presented the Minutes of the July 2021 meeting for approval. No discussion was forthcoming. On a voice vote, the Board approved the Minutes.

**Treasurer** (Jeanne Widenmyer) – Ms. Widenmyer advised that two property owners have not yet paid their 2021 dues and liens have been placed in those cases. One of the two is currently selling her house, so she will be given a grace period before her case is transferred to an attorney for legal action. The other will have 30 days to satisfy the debt or face legal action. Two property owners are in pre-pay status. We are currently under budget just over \$200. Ms. McGuire mentioned that the Affordable Tree Service (ATS) final bill will be paid once Mr. Hobson is able to confirm to her that the tree cutting services have been rendered as specified in the contract. Mr. Hobson mentioned that the western side of the dam could probably use additional cutting but that this area was not specified in the contract and therefore ATS cannot be held liable for this work. The final bill from ATS is likely to be close to \$20K.

**Property Manager** (Tanya Mitchell) – Ms. McGuire advised that Ms. Mitchell had nothing to report at this time.

**Webmaster, Dockmaster & Clubhouse Manager** (Scott McGuire) – Ms. McGuire advised that Mr. McGuire reported that there are four dock slip vacancies.

**Architectural Review Committee** (Ted Hobson) – Mr. Hobson had nothing to report.

**Landscaping Committee** (Lynda Browne) – Ms. McGuire mentioned that the plants are doing well and that Ms. Roberta Jones did a great job for stepping in for Ms. Browne. Ms. Browne then thanked Ms. McGuire, Ms. Jones and Ms. Widenmyer for helping out last month with the watering. Ms. Browne plans to strengthen and realign the leaning trellises and mentioned that the Mandevillias are now looking very nice. Ms. Browne noted that additional weeding is needed in front of the Clubhouse and Ms. McGuire said that volunteers will step in to help her with this project. Ms. Widenmyer asked whether the water spigot at the Gatehouse can be replaced by a rain barrel, given that this spigot is very rarely used yet costs \$500 per year to retain. There was some discussion about water utility billing. Mr. Sebra mentioned that a 30-gallon rain barrel would likely be sufficient to meet the gardening needs at the Gatehouse and Ms. Browne confirmed that a rain barrel could serve her watering needs and she will assist in identifying a suitably sized barrel. Ms. Coffineau wondered whether the spigot might serve other purposes, for example, in an emergency to extinguish a fire at or near the Gatehouse. Given the high recurrent cost of maintaining a significantly underused utility, the decision was made to drop the Gatehouse spigot in favor of a rain barrel.

**Maintenance Committee** (Marshall Sebra) – Mr. Sebra mentioned that the Clubhouse deck will be stained in the early part of the fall, as scheduled.

**Social Committee** (Bob Mitchell) – Mr. Mitchell noted that the next scheduled Social Committee event is the Labor Day “Luau” Picnic on Saturday September 4 and asked for input on whether it should go forward given the latest developments in the COVID-19 pandemic (Delta variant). The response from the assembled was a resounding “yes”, with the caveat that we will follow VA State guidance in effect at the time of our picnic. Mr. Sebra reported that two deck lounge chairs have broken straps. Ms. Widenmyer advised that replacement straps have been purchased but require strong hands to install. Ms. Yordy noticed additional damaged pool furniture items set aside at the far end of the deck. Ms. McGuire recommended that we wait until Mr. Malloy’s return to address the pool furniture items discussed.

**Amenities Committee** (Mary Yordy) – Ms. Yordy reported that she had toured the RV Lot and that it now looks a lot better. The derelict camper is still in the RV Lot along with two old boats that still have not been registered and need to be disposed of. Ms. Widenmyer confirmed that a letter was sent to the owner of the derelict camper with a September 15th deadline to remove the camper or a \$10 per day fine would be imposed. She also noted that a certified letter confirming the fines must precede imposition of the fines. Ms. McGuire recommended sending the certified letter ASAP and there was some discussion about next steps in this case. There was also some question about the status of some personal property items in the RV Lot belonging to another former resident and whether any abandoned items can now be disposed of. There was additional discussion about this case. Ms. Yordy noted that the Spring Valley Trail is overgrown and that passage beyond the first wooden bridge is impossible. On the Flyway Commons Trail, most of the pathway is pretty clear, however there is a small downed Holly tree blocking a portion of the path. Mr. Sebra kindly volunteered to cut and remove the tree and Ms. McGuire thanked him for stepping forward. Ms. McGuire pointed out that there is a significant amount of poison ivy and/or oak on that trail and that even though she had sprayed the area it persists – so people should be aware of this if they decide to walk it. Ms. Yordy queried Mr. Hobson (as ARC Chair) as to what building activity might be underway in the back of Lot 133 requiring heavy machinery. Mr. Hobson was not aware of any ARC approved projects but said that he will inquire with the lot owner. Ms. McGuire noted that VDOT has filled the large cracks on Canvasback Lane on the edge of the road near Lot 133 as well as the road cracks on Goldeneye Way and Mallard Bay Drive.

## Updates

- Outstanding Dam Issues and Next Steps (Ms. McGuire) – Ms. McGuire reported that she had not heard back from Aqua Block and she asked if Mr. Hobson might inquire further with them. Mr. Hobson provided an explanation as to how Aqua Block might work on our dams to mitigate the leaking water. Ms. Widenmyer asked Ms. McGuire if she had a rough estimate of the cost of Aqua Block services and she said that the cost is calculated based on the tonnage of material required, plus labor and other costs. Ms. McGuire provided data from an invoice on a much larger project in an effort to approximate what the costs might be for our project. Mr. Hobson said that it would be good to have a price range, given that we have four locations that require some repair. Ms. McGuire confirmed that this project must go forward as we are obligated to protect our lake frontage.
- Canvasback Lane Recreational Area Tetherball Court Upgrade project and Tennis Court installation of new net and repairing of cracks (Ms. McGuire) – Ms. McGuire confirmed that the Tetherball Court Upgrade project that was proposed by Ms. Coffineau is approved with a budget of under \$300. On the Canvasback Tennis Court installation of new net and repairing cracks, the Tupper's are completely done with the patching of one court surface and the other court surface is almost completely done. When the second court is done, the new net will be installed.
- Raising POA Fees to cover increased expenses (Ms. McGuire) – Ms. McGuire opened this issue for discussion by all attendees. Ms. Yordy confirmed that Ms. McGuire had received her input on this issue via e-mail. Ms. Browne requested clarification from Ms. McGuire as to which Mallard Bay property owners might be affected by the increase in dues. The ensuing discussion centered on who benefits from property ownership in Mallard Bay, the dangers of not raising fees in a timely matter, whether special assessments could be levied just to cover the dam repair, the actual Reserve funding levels, whether property owners can pre-pay their dues, and in what fashion can they do so.

Ms. Widenmyer pointed out that many vacant lot owners actually live locally (12) or elsewhere in Virginia (18) and do make use of the amenities offered by Mallard Bay even if they do not have a residence. As such, she did not see any rationale for having two separate rate schedules (for vacant lot owners and homeowners). Ms. Browne queried about the justification for having two rates, and Ms. McGuire explained that we haven't raised our dues in 10 years and that it behooves us to do so now, in particular to avoid the possibility of a costly special assessment as our amenities age. She then asked Mr. Lilienfeld to share his previous experiences with HOAs to illustrate her point. Mr. Lilienfeld shared a cautionary tale about his previous HOA experiences in which he had been "burned twice". In one particular case, the HOA dues had not been raised in eight years - which compelled the HOA to impose five separate and costly special assessments payable over a period of seven years to cover the costs of repairing ponds draining in the community. Those assessments represented between 75% – 125% of what the annual HOA dues were. Mr. Lilienfeld went on to say that he had a buyer back out of buying his house when the buyer learned of the special assessment obligation and considered it a sign of poor financial management by the HOA.

Mr. Yordy asked if we might just do one special assessment to cover the cost of dam repairs. Ms. Widenmyer replied that we have been reducing our Reserve (funding) percentagewise and the State of Virginia recommends at a minimum 50% Reserve level while anything under 30% is at a critical level. She said that the Mallard Bay POA started with a Reserve of 85% but that we've been dropping for the last five years. We are now at a Reserve level of 51% and Ms. Widenmyer believes that a level of 75% is prudent and fiscally responsible. Mr. Yordy asked if a dues increase across the board would help cover the dam repair costs and she replied that we have 156 lots and if we were to increase our dues by just \$100, we would accrue approximately \$15,600 for CY 2022 – and then every year thereafter which will increase our Reserves. In the first year and subsequent years, our dam expenditures would be covered and included in our annual planning cycle. Mr. Hobson asked as to why our Reserves have gone down and Ms. Widenmyer

stated that our recurring costs of doing business have gone up (over the past 10 years). In addition, 13 vacant lots have been merged, at a loss of \$450 per lot in annual dues. Ms. Widenmyer confirmed that Mallard Bay has 90 lots with homes and 66 vacant lots. Ms. Yordy and Ms. Widenmyer both felt that there needed to be an increase in dues and that it should be across the board – applicable to all property owners. Mr. Sebra wondered if property owners could make two or more payments per year, (pre-pay status) to avoid one large bill and Ms. Widenmyer said that would be fine, suggesting that this option can be advertised on our website. There was a lengthy discussion of what the final draft letter (ballot) might look like and again, who benefits and how by owning a property in Mallard Bay.

After considerable discussion, a Motion was made to propose an increase of the MBPOA annual dues rate by \$100, and on a voice vote, all Board Members approved the Motion. The second issue for decision was whether the increase would apply to all MBPOA property owners. Mr. Mitchell shared that he bought his lot 25 years ago, but has only been living in Mallard Bay for the last five years. He said that he is just one of the many vacant lot owners who have enjoyed the amenities offered here well before he built his house. There was some discussion about other options that might be pursued post-Annual MPOA meeting to address our Reserves, and Ms. Widenmyer answered a question about the percentage of ballot returns normally received (not 100%). Mr. Hobson reminded all about the function of Proxy votes.

After additional discussion, a Motion was made to apply the \$100 annual dues increase to all MBPOA property owners and to send the ballot letter to all MBPOA property owners so stating. On a voice vote, five Board Members approved the Motion and one objected to it, and with that, Ms. McGuire confirmed that the Motion had passed. Ms. McGuire then asked for any additional closing comments.

#### **Closing Comments**

Ms. Yordy asked Ms. Widenmyer to clarify how the pre-pay system works, and Ms. Widenmyer explained that persons wishing to pre-pay their annual dues may do so within the year preceding the new year ( i.e., a person may pay incrementally in 2021 for the 2022 dues). Dues must be paid in full by January 1, 2022, and any remaining dues unpaid by February 1, 2022 will accrue a \$50 late fee. Mr. Yordy reported that the contractor has finished his inspection of the Clubhouse chimney and that he had observed several cracks that need to be repaired. Mr. Yordy also mentioned that all property owners should be reminded of their obligation to cut back any overgrowth (including tree branches) that extends to the street from their property. Ms. McGuire said that she has called VDOT to trim back tree branches in areas of their responsibility. Mr. Sebra clarified that there are vacant lots with overgrowth encroaching on the ditches and that Mallard Bay grass cutters are no longer able to cut those areas because of it. There was some discussion about options for identifying properties that have this overhang/overgrowth problem but the issue will require more consideration and will be discussed at greater length at the next regular meeting.

The meeting was adjourned at 7:28 p.m. The next regular meeting of the Mallard Bay Board of Directors will be Monday September 6, 2021 at 6:30 p.m. in the Clubhouse.

Submitted by:

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Victoria Coffineau, Secretary