

# RIVER VIEWS

November/December 2016

**The newsletter of the River Towers Condominium Unit Owners Association**

## Where We Are:

In recent weeks, representatives of the Board and the engineering advisory group have met and/or spoken with several different engineering firms (KCE Engineering, Keast and Hood and Structural Engineering, among others), and with architects, in addition to our contract engineer, (Thomas Downey Associates), to ensure that work going forward best meets our needs and that no single opinion is adopted without proper vetting.

In addition, we have contracted with an attorney who specializes in insurance claims (Pillsbury) to maximize the potential for a successful negotiation with our insurance carrier. The Board is trying to engage KCE Structural Engineers, P.C., to assist the Association in determining the cause of loss and to prepare a report on that cause of loss, which will be shared with all owners when it is finalized. After that report is finalized, the Board expects it will be able to make a final decision on the engineer and contractor who will supervise the repair work. We realize this process has been protracted, and that we are all frustrated by what appears to be lag time, but meeting with and vetting these various firms has been time consuming, yet necessary, as we want to ensure work done leads us toward a positive outcome for everyone. It's important to keep in mind that this project is incredibly complex with multiple decision points at every step along the way.

## Insurance/Displaced Residents:

We are aware that displaced homeowners continue having issues with their individual insurance companies and while we are not specialists in the field, we have been advised of two things that might be helpful. First, residents might consider filing a Bad Faith Complaint against their private carriers who continue withholding services. Second, it has been suggested to us that if our insurance attorney, who has a solid rate of success, is helpful in ensuring that our master policy covers repairs to the buildings, this could help ensure individual policies pay out as well. *Of particular interest to displaced residents* is that while there are no guarantees at this time, our insurance attorney is suggesting it's possible that they can obtain loss of use coverage for you via our Master Policy. Again, we realize there is an understandable level of frustration and we hope that soon there will be some answers for our displaced residents.

## Repairs to Units:

We have been advised that some residents are concerned that repairs to units damaged as a result of the partial collapse will not be made by the Association. However, Article VII, Section 1 of the Bylaws provides that:

in the event of damage to or destruction of all or any of the buildings as a result of fire or other casualty, the Board of Directors . . . shall arrange for and supervise the prompt repair and restoration of the Buildings (including any damaged Units, and the floor coverings, kitchen or bathroom fixtures and appliances initially installed therein by the

Declaration, and replacements thereof installed by the Declarant, but not including any furniture, furnishings, fixtures, equipment or other personal property supplied or installed by the Unit owners in the Units).

This means that floors that have buckled (except those upgraded by owners), plaster that has crumbled, doors that are askew, and so on, will be repaired as part of the overall rehabilitation process. When the time comes, the Association office will be available to help navigate these repairs and to work with owners regarding how best to cover costs for any upgrades.

#### Waiver/Condo Fees/Bylaws:

While we are all frustrated by the limitations imposed by Bylaws, the Board does not have authority to waive the condominium fees for displaced owners absent receiving consideration from such owners. It is also important to note that while most of the community would appear to support the notion of waiving condo fees for impacted residents, the Association has also received correspondence from several owners who do not support the move, for a variety of reasons.

#### Heaters in the Porticos:

At the time recent work to the porticos was completed, heaters were installed to try to minimize issues with freezing pipes. Given the fact that the entire portico ceilings have been removed, Minkoff Construction has wrapped the pipes in heat tape to help ensure pipes under the porticos do not freeze during construction.

#### The Board:

The Board is comprised of seven homeowners just like yourselves, who agreed to serve in what is often a relatively thankless, uncompensated position. These owners are bound by our Bylaws and by the Virginia Condominium Act and hence do not always have the 'last word' with regard to what can and can't be done. Of late, while there have been numerous expressions of appreciation for work done, there has also been a cadre of residents railing against the Board and management. Please keep in mind that no one is happy with the current situation, but members of the Board, on a volunteer basis, have been working long hours, meeting with contractors and potential contractors, drafting correspondence, responding to inquiries and doing what needs to be done to positively resolve our current situation and, at the same time, doing what needs to be done to keep operations of the property moving forward. Board members have jobs, have family obligations and their own personal interests and challenges, just like everyone else. Hence, by necessity, there has to be a limit as to what Board members can reasonably be expected to do and as to the number of hours they can reasonably be expected to work on your behalf, and we simply ask residents to keep these factors in mind.

#### Meetings with Elected Officials:

We are appreciative of efforts made by Supervisor Stork and Delegate Levine, who have met with displaced residents. Most recently, Mr. Stork brought with him Mr. Brian Foley, who is a building official

with the county, who provided an interesting talk about what happened to the 31 portico and outlined his office's efforts to streamline permitting for us moving forward, which is appreciated.

While it is clearly useful for our elected representatives to be invested in our property, they do not and cannot know all of the intricacies of work that is ongoing nor of actions being taken to try to positively resolve all aspects of our situation for the Association. Hence, we encourage homeowners to garner pertinent information needed from Management. We understand there is some concern that information has been slow in coming, but, as noted above, after a period of vetting contractors, things are now moving forward and it behooves us all to make informed choices and to allocate our funds wisely.

#### Communications:

We are aware there continue to be concerns with 'communications'. While the Communications Committee will soon be meeting to discuss this, along with other agenda items, we also continue looking into the inadequacy of our current email 'blast' system, which seems to operate only intermittently. Related, along with forums as part of board meetings and the presence of our 'resident to resident' bulletin board, we are also looking into ways to provide other forums for interested residents. Our current website does not support a 'chat room' option and even if it did, we currently have no capacity to hire a 'webmaster' who would oversee such an operation, but we are looking at various options.

#### The Media:

Representatives from various local media outlets have been interested in our current situation. Please be advised that because of the pending and tentative nature of insurance negotiations, the Association will not be responding to media requests for information.

The Association – Who Are They? It seems from some comments made by residents that there is some confusion as to who comprises "The Association". The Association is all 525 unit owners. We jointly own every brick, every blade of grass and every foot of asphalt called River Towers. Many condominium associations and certainly rental complexes, hire a full service management company and at one time, so did River Towers. Since that time, we hire our own staff who are Association employees. We pay their salaries, provide their health insurance, contribute to their retirement accounts and offer them vacation and sick leave. We use CFM management for financial purposes only; i.e., they collect condo fees for us, and pay Association bills.

While the Association makes every effort to address the needs of its membership, like any other owner of any other type of home, circumstances arise that an entity, like a homeowner association, simply cannot always address, particularly to everyone's satisfaction. The Board, its managers, and its professionals are doing their best to deal with a particularly difficult situation correctly. We recognize that some of our owners are dealing with a tremendous hardship, but we hope others appreciate that we are working hard to represent the interests of all unit owners and to restore the buildings as promptly as possible.

### Committees:

There has ostensibly been some recent interest in committee operations. To summarize, there are regular reminders that volunteers for committees are both needed and welcome, most recently at the annual meeting held in October. To further clarify, there is only one committee mandated in the bylaws and that is the Covenants Committee. Beyond that, we have several standing committees created and perpetuated over time with a specific and longer-term focus. While there are currently no ad hoc committees, there have recently been ad hoc committees that were created for a limited and short term focus, for example, pool and trash. There are currently two advisory groups (pipes and engineering), which are comprised of interested residents who perform research in these areas and make suggestions to the Board.

Recently, there was a call for interested residents to serve as committee chairs. At that time, only one current chair (Katherine Smitherman of Communications) had expressed a prior willingness to continue and she was hence reappointed. Since then, Jennifer Nichols has asked to continue as Chair of the Covenants Committee, Mike Sieracki has asked to continue as Chair of the Grounds Committee and Diane Snyder has volunteered to head-up the Garden Committee. All of these residents will be appointed in these capacities.

In addition, every effort is made to assign a member of the Board to serve as liaison to the various committees, who coordinate with committee chairs and provide updates at board meetings when chairs are not present. Melanie Wallace has been and will continue to be the board liaison to the Communications Committee and Jennifer Smith will continue as liaison to the Garden Committee. As Treasurer, Bill Nichols will continue as liaison to the Budget committee. There have been no other expressions of interest from the community to serve as Chairpersons for other committees and board liaison persons to other committees have not yet been appointed.

Related, we want to thank Sherri Lutz, who has served as Chair of the Events Committee for the past several years, and who has opted to rotate off of this committee.

### Holidays:

In the midst of everything else, the holiday season is upon us. While we are aware the season has been significantly dampened for those living away from their homes and also for those dealing with the day to day realities of resolving this situation, we continue to feel that some recognition of the season is in order.

While our lobbies are hardly inviting at present, we will be erecting our large, beautiful holiday trees in the 21 and 41 lobbies and a smaller display in the elevator lobby of the 31. Sadly, we will not be holding our usual large holiday event, as there is simply no staging area that can accommodate it, given that our Club Room and hence our kitchen facility is located in the 31 building and the lobby there is 'off limits'. Instead, we will hope to plan a nice 'welcome home' celebration later in 2017, when the bulk of all of this is behind us and our neighbors, now living off the property, can return to their homes. We are looking into the possibility of holding smaller 'tree trimming' activities in each of the buildings, and more information will follow should this prove to be an option.