

MERIFIELD ACRES NEWSLETTER

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Service District Status. A special general meeting of Merifield Acres property owners was held on February 14th to vote on the proposed agreement between MALA and Mary Fran Lewis whereby the 1991 agreement between those two parties would be modified at such time as the Service District was enacted. The agreement was approved by a vote of 128 (for) to 33 (opposed). Ms. Lewis has informed the county Board of Supervisors of her continued support for the creation of the road maintenance Service District. We have been told that the Board of Supervisors has a number of issues yet to be resolved before the required public hearing is held. Hopefully they will proceed in a timely manner.

Fire. We have had another disastrous fire in Merifield acres. On Monday, February 4th, **Garry and Jean Wilburn's** house at the end of Longmeadow Drive burned to the ground. Garry and Jean were uninjured but were unable to salvage anything from the house. The fire began in the garage shortly after Garry returned home in the early afternoon, parked his car in the garage and closed the garage door because we were experiencing extremely high winds (gusts as high as 50 mph). A short time later they noticed smoke coming out from under the eaves and found that the entire garage was in flames. In due course the Clarksville Volunteer Fire Department arrived but by the time they were able to get their hoses rigged, the house was totally engulfed. Owing to the winds, the fire spread to the surrounding ground area igniting leaves but did not spread into the upper trees. The winds also carried embers across the inlet to the area at the end of Elm Place where leaves and ground material were set afire. The burned area came within 100 feet of the Cottrell's home although the house itself was not damaged. Six local fire companies (Clarksville, Boynton, Chase City, South Hill, Midway, and Bullock) fought the fire and the Virginia Department of Forestry assisted with their bulldozer to cut a fire break around the two areas. The Mecklenburg County Emergency Rescue Squad also responded and when they found there was no emergency medical treatment required, pitched in alongside the fire fighters and helped contain the blaze. Although the actual cause of the fire is unknown, the car is suspected.

Garry is the MALA Treasurer and unfortunately the MALA computer, printer, copier, and paper records were also lost including a dozen assessment checks that had just been picked up from the MALA PO Box that morning. Checks mailed during the week of January 28 were probably the ones that were lost. If your 2002 assessment check does not clear the bank in a reasonable time, we ask that you send us another one. The good news is that our computer records were completely backed up with the back-up disks in the President's custody. We have MALA's 2001 Audit Board (**Jerry Boyle** and **Lee Hummel**) to thank for that bit of good fortune. One of the Audit Board's recommendations addressed the necessity of maintaining an off-site back-up record of our computer data. MALA has purchased the components required for a replacement computer and our own resident computer guru, **Jim Gordon**, has volunteered to build our computer system as his contribution to our community. Thanks Jim.

MALA's other fire-related problem is the loss of the "Treasurer's Office." Until Garry and Jean can rebuild, we need a place where we can install our computer, printer, copier and a two drawer file cabinet. A vacant/infrequently-used home would be ideal as a temporary "Treasurer's Office". Any offers? We promise to be good tenants.

I'm sure there will be a number of lessons to be gleaned from this tragedy and they will be passed along in a future newsletter after we better understand these issues.

Covenant and Rules Enforcement. You will recall that MALA sent a letter to all property owners last October addressing the problem MALA has with property owners not observing their existing covenants and MALA's Rules and Regulations. The letter urged most strongly that every property owner review their covenants and ensure that they, and persons residing with or visiting them, comply with the letter and spirit of these covenants. It went on to say that failure to comply will put the property owner at risk for the institution of legal action as provided for in the Virginia Property Owners' Association Act. True to our word, we have begun taking action. In the month of January we have sent formal letters to five property owners advising them that failure to comply with our communities rules will put them at risk of civil litigation. In almost every case, the offending party cited the Association's past failure to enforce its rules as justification for their actions and cited the unfairness of being "singled out and made an example of". None were willing to acknowledge that the only way to enforce a rule is to do so, one-at-a-time. While it is not the intent of your Association to unduly embarrass anyone, it seems that our credibility in this issue requires something that will help get the message out to all that we are enforcing our rules. To this end, we are going to publish the names of the property owners in violation and a brief description of the violation and the date. This list will also be posted on the community Bulletin Board.

Here is the first increment:

<u>Property Owner</u>	<u>Violation</u>
Michael Ramm	Unauthorized out building
Edgar McClellan	Unconstrained dogs (2 Labradors) on MALA property harassing automobiles and walkers. (1/25/02)
Ralph Moore	Open Burning (1/28/02)
Thomas Parker	Open Burning (1/28/02)
Mark Layne	Use of ATV on MALA property (1/31/02)

One final note: A number of us on the Board have received both oral and written comments concerning our covenant enforcement program. Most have applauded our actions but a few think it un-neighborly and contrary to fostering a community spirit. All of the cautionary letters issued to date have resulted from a complaint by a concerned property owner or by the observance of an event that is clearly a threat to the community. None of the Board or the Association's officers have been elected to serve as wardens or policemen - we are all property owners like you and all of us together, are responsible for maintaining our community standards which are based on our covenants. If you perceive our actions as being inequitable because you observe covenant violations that seemingly are being ignored, it is because the apparent violation is considered too trivial to warrant formal action (and this is a de-

termination made by the individual observing property owner), or the observer was unwilling to report the apparent violation. Our community will only be as good, or as bad, as all of us, collectively, are willing to make it.

Deer Population Control. The presence of wildlife in the form of deer, turkey, squirrel, fox, bobcat, otters, beaver, etc. in our community adds to the pleasing ambience of Merifield Acres and is something that most all of us want to preserve. There is a downside to this and that being that we have not been able to convince the deer that azaleas, hostas, and English ivy also add to the Merifield ambience. This has been an especially bad year for shrubbery. In our quest for a solution to this problem, we called in a couple state wildlife experts as reported in our October Newsletter. They visited Merifield Acres and then met with the Board of Directors in December. What they told us was not good news. In a nutshell, here was their message. We have a captive deer population (water on three sides) that has an abundance of good things to eat. In that there is no hunting permitted in Merifield Acres, the size of the herd can be expected to increase dramatically in the next few years (Each doe will produce 13 offspring over a five year period!) being limited only by the availability of forage. Feeding the deer is the worst thing we can do - it doesn't keep the deer away from our gardens and it encourages additions to the existing overpopulation. After discussing the matter at the February Board meeting, the Board concluded that a Select Panel should be created to develop a comprehensive plan for dealing with our deer problem. I have asked **George Holzworth** to lead this effort. This panel should have broad representation of residents having an interest in preserving our quality of life here in Merifield Acres. The Panel will report its findings and recommendations to the Board. Anyone having an interest in helping resolve this serious problem should contact **George Holzworth** by phone or E-mail (374-8651 or georline@kerrlake.com).

Aircraft Damage. Transient aircraft parked on the MALA airstrip have experienced minor damage on two occasions recently. We believe that this has been caused by curious juveniles. All Merifield Acres homeowners should ensure that residents and visiting friends of residents are aware that our facility is an FAA licensed landing strip and, as such, aircraft using the facility enjoy protection under federal law. ***Interfering with, damaging or disabling any aircraft on these premises is a federal offence punishable by fines up to \$10,000, imprisonment for 20 years, or even death, if such an action causes an accident resulting in loss of life.*** The FBI has cognizance over such occurrences and will be informed.

Vandalism. Vandalism comes in a lot of different forms. Some is spiteful, some malicious, and some just plain stupid. This latter is the kind of activity we usually associate with unthinking, juvenile acts. We experienced this type of vandalism around the holidays when someone with a golf club and a bucket of golf balls taken from the Kinderton Country Club decided to use Oak Park as a driving range with the stable as a target. Our vinyl sided building has a number of dimples and holes as a result. In the belief that no thinking adult would do such a dumb thing, we are left with the likelihood that there is a set of parents in our community with an unthinking young son/daughter, interested in golf, who is/are badly in need of parental guidance on what constitutes an appropriate driving range.

Perk Test Standards. Since the 1970s when most of the property in Merifield Acres was tested for perkability, the statewide health department standards have been revised twice, the last being in 2000. These revised standards

have made them more rigorous, particularly in terms of the minimum required standoff separation between the bottom of the drain field and the water table or soil restriction/rock formation. Formerly the minimum was 12" and now is 18". The county environmental safety specialists in the Department of Health advise that the 2000 revision recognizes the potential hardship this change could entail and allows the tester/inspector to do everything possible to ensure the continued building approval permit through a "variance" process. There are a number of "pre-treatment" processes that can be employed to compensate for an insufficient standoff separation. Typically, these processes increase the cost of the septic system by a factor of three. In rare instances a previously approved lot cannot be approved under any circumstance. The bottom line in all of this is that if you are contemplating building, don't assume that your circa 1971 perk permit will still be valid.

MALA Welcome Wagon Program. MALA's Welcome Wagon coordinator has been hampered by a failure to get timely information concerning the arrival of new residents in Merifield Acres. We have a system in place but it's a very imperfect system. If you see someone new moving into your area, please give **Nancy Hayes**, our Welcome Wagon coordinator, a call and let her know. You are our last line of defense in this important function.

Merifield Acres Telephone/E-Mail Directories. The 2002 phone directories have been distributed to those residents of Merifield Acres who were at home at the time the District Coordinators made their deliveries. If you have not received your directory, you can get your copy from one of the MALA Officers (**Phil Hart**, 374-0369; **Paul Lautermilch**, 374-0148, or **Pat Wells**, 374-2925) the next time you come to the lake. We are not mailing directories because of the expense and we only printed sufficient copies for each Merifield Acres homeowner/renter.

MALA's Annual Easter Egg Hunt. March 30th, the Saturday before Easter, at 12 noon; **Cindy Carter** (374-4376) needs some adult assistance in making this event something our children will enjoy. She is also in need of a replacement Easter Bunny this year.

Coming Events. Merifield Acres 3rd Annual Memorial Day Pig Pickin' is scheduled for Saturday, May 25th (with the 26th as an alternate rain date, if needed). We're looking for a volunteer to assist in coordinating this event. Call **Mary Fran Lewis** (374-4441) or **Paul Lautermilch** (374-0148) if you can help. Michelle Yauch, who did the honors in previous years, is scheduled to be away that weekend. More on this later but mark your calendars now.

Boat Dock Service. The lake is beginning to rise slowly, thanks to the rains we've had in the last couple weeks. Tending one's dock as the lake level rises will soon be necessary. If you want someone to keep an eye on your dock while you're away, you can contract with **Dennis Hayes** (374-2083) for this service.

Richmond Times Dispatch. Effective March 1st, a new delivery person will begin delivering the *Richmond Times Dispatch* in Merifield Acres. Subscribers should be aware of the delivery time standards established by the paper (6:30 AM Mon-Sat and 7:30 AM Sun). Tardy or no delivery can be reported to the Circulation Department at 1-800-468-3382 or by E-Mail (circulation@timesdispatch.com).