



# Cluster Handbook



Reston Association

**Reston Association**  
2nd Edition; 2001, February

# *Introduction*

Homeowners whose property is governed by a cluster or condominium association have the opportunity to become directly involved in the leadership of their neighborhoods. The decisions that each cluster or condominium board makes directly affect the lives of every resident of that association. Boards make decisions about managing common areas (what species of tree to plant for a buffer or whether there will be a tot lot, for example), how an association will use its assets, what kinds of parking regulations are needed, how often the trash will be removed and much more.

Reston Association (RA) and the Cluster Information Exchange Committee have designed the Cluster/Condominium Handbook as a guide for new board members. We hope it also will serve as a helpful reference for experienced board members.

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# *What Is a Cluster or a Condominium Association?*

A cluster/condominium association is a property owners' association, similar to RA. These associations are necessary because each cluster or condominium owns its open space (common areas), recreational facilities (such as tot lots) and internal streets and parking areas, and is responsible for its maintenance. In the case of condominiums, the associations' responsibility includes the maintenance of the common elements of the building as well.

Each association has its own set of governing documents and its own board of directors. The governing documents provide the legal foundation for the cluster or condominium association. These documents include the Deed, the Articles of Incorporation and the Bylaws. (Some condominiums are not incorporated and therefore do not have Articles of Incorporation.) Membership in the association is mandatory and begins automatically with the purchase of a home in the cluster or condominium.

Since each homeowner is a member of the association, each member pays assessments or dues. The association uses the assessments to maintain the common areas and to provide necessary services such as snow and rubbish removal. Each homeowner-member also is subject to the provisions and restrictions contained in the documents of the association.

# *Associations Inside an Association*

*A*lthough the Reston Association is much larger, it is a property owners' association just like the cluster and condominium associations. It encompasses all of Reston's clusters, condominiums, apartments and single family homes. RA also has documents, common property and a board of directors.

Larger associations such as RA often are referred to as master associations. The governing documents of a master association apply to all the single-family homes, apartments, condominiums and smaller property owners' associations that form its membership. The cluster and condominium associations, then, are subsets of RA.

The governing documents define areas of responsibility for the master association and the subset associations. Generally, RA is responsible for the maintenance of the master association's common property (pathways, pools, tennis courts, open space and lakes). Reston's Deed of Dedication places responsibility for the administration and enforcement of the architectural and maintenance covenants with RA. The clusters and condominiums are responsible for their own common property, their own finances and enforcement of their association rules (parking rules, for example). According to the Deed of Dedication, RA has little or no responsibility for internal cluster/condominium matters such as parking or finances.

# General Information

*T*his section of the Handbook addresses issues specific to the internal operation of a cluster or condominium. They include the cluster/condominium boards, Virginia Property Owners' Association Act (POAA), officers, record keeping, communication, financial information and common areas.

## Cluster/Condominium Boards ---

The cluster or condominium board provides the leadership for the association. The board draws its authority from the association's governing documents and is organized according to those documents. It is important that board members be familiar with their governing documents. These documents establish the legal responsibilities and limitations of the association and its board of directors.

The cluster or condominium documents specify the board officers. Generally, these are president, vice president, treasurer and secretary. The responsibilities of the officers depend upon the specific position.

## Officers • • •

### President ---

The association president serves as a community and business leader whose role is to run the business of the association and to act as a steward, working for the good of the community. The president must ensure that the association prepares and adheres to a budget, formulates and enforces rules and policies and sets and achieves goals.

The president helps define the goals of the association and initiates ideas and activities to promote those goals, although the actual tasks may be delegated to other board members. The president is responsible for conducting board meetings and ensuring that



they run smoothly. The president should prepare an agenda and distribute it to the other board members a few days in advance of the meeting. He or she also should promote open discussion and the sharing of ideas to help the board work as a team in accomplishing the association's goals.

The president works with the treasurer to prepare the budget and oversee expenditures, ensuring that the budget reflects the wishes of association members and takes into account the available resources. The president also should identify and train potential association leaders by encouraging other association members to participate in activities and volunteer on committees throughout the year.

### **Vice President** \_\_\_\_\_

The vice president acts in the capacity of the president if the president is absent.

### **Treasurer** \_\_\_\_\_

The treasurer is the financial voice of the board and the community as a whole. The treasurer's duties include keeping financial records, collecting assessments and delinquent accounts, filing all income tax returns in a timely manner and ensuring that safeguards are in place to protect the association's assets.

The treasurer oversees the investment of the association's funds. The investment policy should be structured around safety, liquidity and yield-in that order.

The treasurer is responsible for the association's reserve account. The reserve account contains money the association has set aside to fund the periodic replacement or maintenance of major assets (re-paving the parking area, for example). The treasurer must make sure the reserve program is followed and the annual assessments are set properly. The association should update the reserve schedule every 3-5 years to allow for changes in replacement cost and to evaluate the condition and remaining life of major assets.

The treasurer must prepare a solid operating budget each year. The budget determines-and is the basis for-the annual assessment. Some associations have a finance committee to assist the treasurer

with duties such as examining invoices for approval, monitoring the investment program and selecting a CPA to perform the annual audit. Some associations contract out portions of these tasks.

## **Secretary**

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The secretary is responsible for record keeping and retrieval and storage of information. This includes recording the minutes of board and membership meetings; maintaining the governing documents; and keeping bids, contracts, financial data, membership lists and correspondence. The secretary should store information in such a way that future officers will be able to locate it easily. Some duties of the secretary may overlap with the duties of other board members. These might include handling certain association correspondence and filing necessary forms with state agencies.

The minutes of board and membership meetings record the actions taken, show the rationale for board decisions and preserve the voting records of the directors. To ensure accuracy, the secretary should transcribe the minutes as soon as possible after a meeting and distribute them to board members for approval at the next meeting. Complete and accurate minutes are essential, as minutes can be admitted into evidence at a trial (see Record Keeping).

The secretary also is responsible for maintaining and updating the Book of Resolutions for the association. The Book of Resolutions contains copies of all resolutions, dating back to the formation of the association. It should include a table of contents that lists each resolution and its adoption date. If your cluster does not have a Book of Resolutions it would be a good idea to start one now. You should be able to locate old resolutions in the minutes of past meetings. The Community Associations Institute's Gap Reports 18, 22 and 23 ("The Role of an Association Secretary," "The Role of an Association Treasurer" and "The Role of an Association President") offer much useful information about these topics. For ordering information call the CAI office at (703) 750-3644.

## **Record Keeping • • •**

### **Minutes**

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The minutes of board and membership meetings are the association's official records, and as such they are admissible as evidence in a court of law. The minutes should accurately reflect all matters brought before the board—whether they are adopted, dismissed without discussion or vote, rejected, deferred, tabled or simply presented as information. Minutes also should record all actions taken by the board. They should be kept in an orderly fashion for easy reference. It isn't just good common sense to keep minutes—it is required by law. The Virginia Property Owners' Association Act mandates that association boards keep minutes of their meetings and that the minutes be available to all members. In the case of condominiums, the Virginia Condominium Act applies.

### **Property Maps**

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It is important that the board of directors of an association have a map, or site plan, of the cluster or condominium. This document should indicate boundaries with neighboring associations and RA property, and should clearly distinguish common areas from private property. A property map will help the association ensure that it is maintaining all areas for which it is responsible. It also can be used in settling disputes between association members. Maps are available for a fee through the Fairfax County Office of Zoning Permits.

### **Contracts**

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Copies of contracts (for grounds maintenance, road and sidewalk repairs, refuse removal, snow removal, management, audit review, etc.) and insurance policies should be readily available for easy reference. It is a good idea to store the originals in a safe deposit box along with the association's governing documents.

Review the terms of each contract periodically. Regular reviews can ensure that both the association and the contractor are fulfilling the terms of the contract. In the case of insurance policies, it is important to keep the insurance carrier apprised of any changes in the association or its property and to periodically review the coverage limits for adequacy.

Keep old contracts as well as current ones. Old contracts provide a foundation and basis of comparison when negotiating new contracts. Insurance policies should be kept indefinitely, since claims against the association can be presented many years after an incident.

### ***The Legal Requirements of Record Keeping • • •***

Section 55-510 of the Virginia Property Owners' Association Act (POAA) requires associations to keep detailed records of receipts and expenditures in accordance with generally accepted accounting practices. The POAA also states that the association must have all books and records available for examination and copying by any association member in good standing or his agent on 5 days written notice. These records must be provided at a mutually convenient time and place. The POAA allows the association to charge a fee reflecting the cost of labor and materials incurred in connection with providing copies. It also prohibits the use of the association's membership list for commercial solicitation. The Virginia Condominium Act, not the POAA, governs condominiums.

## **Virginia Property Owners Act & Disclosure Documents**

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The Virginia Property Owners Act (POAA) is the primary piece of legislation in the state that addresses homeowner associations. If an association is incorporated, legislation dealing with incorporated entities also would apply. The following section discusses some of the important aspects of the POAA. All associations should obtain a copy of the POAA. RA has copies and will make them available upon request. The Virginia Condominium Act and the Horizontal Properties Act govern condominiums in Virginia. While the Condominium Act has similar requirements to the POAA, there are significant differences between the two acts. Condominiums should seek guidance from their attorney for specific information concerning the Condominium Act.

## ***Disclosure Packet & Sale of Property • • •***

The POAA imposes certain duties on a property owners' association and its officers when a member sells his or her property. Section 55-511 requires disclosures to be made by the seller to the purchaser. The seller must obtain (from the association) an Association Disclosure Packet for the purchaser. The information in the packet must be current as of a specified date within 30 days of the purchase contract. Paragraph D of the POAA deals with the penalties if the Disclosure Packet is not provided as requested when the fee has been paid by the seller, including the fact that delinquent assessments will be deemed waived and other violations will be set aside.

Section 55-512 of the POAA requires that an association deliver the Disclosure Packet within 14 days of the written request and receipt of the fee from the owner or owner's agent. The fee is to cover the cost of the preparation of the Disclosure Packet by RA and cannot exceed \$100.

The law requires that certain specific materials be included in the Disclosure Packet:

### **1 Name & State**

The packet must contain the name of the association. If the association is incorporated, the state of incorporation must be disclosed, along with the corporation's registered agent in Virginia.

### **2 Capital Expenditures**

The packet must include a statement of any capital expenditure anticipated by the association in the current year. If available, the packet may include anticipated capital expenditures for the following 2 years.

### **3 Assessments**

The packet must contain a statement that details the amount of all assessments and any other mandatory fees or charges imposed by the association on the lot being purchased, including the right of use of common areas. Additionally, the statement must include the status of the assessment account associated with the lot.

This statement is crucial, because the association is bound by any statements made regarding the status of the account (unless the purchaser had actual knowledge that the statement was in error). Thus, if the association represents that the account is current when the account is actually delinquent, it may lose its right to collect the delinquent amount from the purchaser.

**④ Other Entities/Associations**

The packet must include a statement as to whether the lot owner may be liable for fees for any other entity or facility. This usually refers to recreational associations of which the association is a part, or fees required for a clubhouse or other association facility.

**⑤ Reserve Fund**

A statement must be included that details the status and amount of any reserve or replacement funds, as well as any portion of the funds that have already been allocated by the board for specified projects.

**⑥ Current Budget**

The packet must contain a copy of the association's current budget (or a summary thereof) and a copy of its statement of income and expenses (or a statement of financial condition) for the last fiscal year for which such statements are available.

**⑦ Pending Suits/Judgments**

The packet must state the nature of any pending suits or unpaid judgments to which the association is party that could or would have a material impact on the association or its members or that relates to the lot being purchased.

**⑧ Insurance Coverage**

The packet must contain a statement setting forth all insurance coverage, including fidelity bonds, that is maintained by the association.

### **9** **Violation Notice**

The packet must contain a statement as to whether any notice has been given to the seller that any improvement or alteration made to the lot (or uses made of the lot or its assigned common area) is in violation of any of the instruments of the association (see Governing Documents, below).

### **10** **Sign Restrictions**

The packet must contain a statement that indicates whether there is any restriction, limit or prohibition on the right of the lot's owner to place a sign on the lot advertising the lot for sale or advertising a business.

### **11** **Governing Documents**

The packet must include a copy of the current Declaration, the association's Articles of Incorporation (if applicable), Bylaws and any rules and regulations or architectural guidelines promulgated by the association. The association is bound by any statements made in the disclosure packet regarding the status of the lot with respect to any violation of any of these instruments (unless the purchaser had actual knowledge that the statement was in error).

### **12** **Flag Restrictions**

The packet must contain a statement setting forth any restriction, limitation or prohibition on the right of a lot owner to display any flag on the owner's lot, including any restrictions as to size and placement of such flag and appurtenant flagpoles.

*The Virginia Legislature frequently amends the POAA Act and disclosure document requirements. Please check with RA or your attorney for changes affecting disclosure documents.*

## ***Other Aspects of the POAA • • •***

While the association treasurer should be familiar with the POAA, the association's attorney should handle the enforcement and the bringing of liens against owners.

The preceding discussion is not offered as a legal opinion of the RA. The association should consult its attorney as each situation may require.

It is important to note that the POAA does not apply to associations created under the Virginia Condominium Act.

## ***Communication • • •***

### ***Newsletters***\_\_\_\_\_

An association newsletter can be a valuable tool. It can be used to build a sense of community and to encourage member participation. It is a good way to recognize the efforts of current volunteers and to appeal for new volunteers. It can include announcements and reminders of events that are planned for the community.

A newsletter also can be a forum for letting members know what is going on in the community, publicizing the board's accomplishments, addressing issues currently facing the board and soliciting input and feedback. Open communication is important. It reinforces that the board is made up of a group of volunteers who are working to meet the needs of the cluster/condominium and its residents. Each issue should list the names of current board members and tell how to get in touch with them.

### ***Announcing Meetings***\_\_\_\_\_

The association's governing documents and the Virginia Property Owner's Association Act mandate how and when the association announces some meetings-particularly the annual meeting and special meetings of the membership. The board also should make an effort to provide notice to the entire membership of routine board meetings, since these meetings are open to all members. The board may announce meetings in a number of ways, such as publishing the yearly schedule in the newsletter or posting notices of upcoming meetings. The bylaws should specify notification requirements



# *Financial Information*

*T*he duties and responsibilities of officers and directors of homeowners associations are many and varied. One of the most important is the responsibility for properly conducting the financial affairs of the organization. Only with proper financial planning, accountability and responsiveness will the cluster or condominium association realize its overall goals.

## **Budgets • • •**

The budget process begins the financial cycle. Through the budget process, the association develops its financial expectations for a set period. Consideration is given to the various costs associated with carrying out the association's goals, the need for funding of reserves to meet long-term requirements and the impact of these costs on assessments. Once developed and approved, the budget provides the officers and directors with the basis for collecting assessments and disbursing funds. It also serves as the yardstick for measuring how closely the actual financial results meet the expected results.

When dealing with the complexities and interrelationships of budgets, books, records and taxes, it is important to keep the overall goals of the association in mind. The ultimate goal of the cluster/condominium association is to provide for the maintenance of common areas and other services for the members in an efficient and cost-effective manner. Too often, associations assume that it has been a good year because the assessment has not increased and the actual monetary figures for the year compare favorably with the budget.

All of these things would point to a successful year from a financial viewpoint. But if the amenities are deteriorating, the trash service is unreliable and there is no plan for building a reserve to pay for future sidewalk replacements, the overall goals of the association are not being met. Budgets, books and tax decisions are a

very important aspect of the operation and management of a cluster or condominium association. However, they do not in themselves measure the success of the organization.

*Kenneth McKendree, CPA, of Ross, Langam & McKendree prepared the preceding section.*

## ***Dues & Their Collection • • •***

One of the most crucial concerns for any community association is the regular collection of assessment income from its members. Most boards struggle to balance their fiduciary duty to collect unpaid fees with their reluctance to pursue collection activity against a neighbor. Boards that focus on their responsibilities to collect these fees without regard to their personal feelings or friendship with the delinquent owners are rewarded with reduced delinquencies and better overall financial stability for their associations.

The board and the members of its management team (including outside management, bookkeepers and legal counsel) must be familiar with the particular provisions of the association's documents and follow them to the letter. Most associations find that a reminder letter sent within 15-30 days of the date the first installment is missed, followed by commencement of the collection process shortly after the second installment is missed, results in a better overall recovery rate.

An association should expect its counsel to prepare a Memorandum of Lien to secure against the property. This will ensure that the association has an interest in the property and that it will be paid before a sale occurs. The Memorandum of Lien is an important safeguard in the event the debtor intends to file for protection from the Bankruptcy Court in the future. The association also should expect its attorney to file suit against the individual owner and to pursue recovery of the judgment. Typically, in Fairfax County, a case may be heard by the court within approximately 6 weeks of the initial filing.

RA's governing documents of give a cluster board (this does not include condominiums, but condominiums often have similar language

in their own documents) the authority to “accelerate” an owner’s assessments if the owner is delinquent. This allows the association to declare future assessments for the balance of the year to be immediately due and payable in full if any of the installments are missed. Acceleration keeps the association from having to take legal action many times in one year against a persistently delinquent unit owner. The threat of acceleration also is a powerful tool to encourage prompt payment of assessments.

The association and its management team should not discuss delinquencies by name or address in open sessions of the board, nor should they discuss a particular delinquent account with anyone other than the owner who owes the debt. Although many associations have the ability to post lists of their delinquent owners, few have found this to be an effective technique when compared to the potential liability associated with the posting of incorrect information.

There are creative measures available to associations for the purpose of recovering assessments. The most effective technique is to pursue delinquent owners promptly so that their minor financial problems do not become major financial problems for the association.

*Denise Palmieri prepared the preceding section addressing collection.*

## **Taxes • • •**

Although cluster and condominium associations have many of the characteristics of not-for-profit entities, they do have a tax responsibility—either in the form of paying taxes or filing an information return with the IRS. The association’s books and records provide the financial data required to prepare the returns and the documentation necessary to support the entries on the returns.

### **Federal Taxes**

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Because of the unique aspects of being part not-for-profit and part for-profit, computing the proper tax can be quite complex. Some associations have been approved as not-for-profit organizations by the IRS and are required only to file an information return. Those that are not so classified can elect to file under a special IRS code

section for homeowners associations or to file as a regular corporation. Each method has its advantages and disadvantages and specific requirements. The election of which filing method to use is made annually. Filing as a regular corporation usually produces the lowest tax rate, but the additional complexities involved in filing in this manner may override any tax benefit gained. It can be helpful to consult with an accountant when dealing with tax matters.

## State Taxes

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Associations that do not have the 501 (c) (4) tax exempt status are responsible for filing state income taxes using Virginia Form 500. Generally, associations are responsible only for paying tax on their interest income. For specific information, call the Virginia State Income Tax Information office at (804) 367-8037.

*Kenneth McKendree, CPA, of Ross, Langam, & McKendree prepared the preceding section.*

## Contracts • • •

Contracts-whether for lawn care, a new lighting system, playground equipment or refuse removal-are very important. How well a cluster/condominium board defines bid specifications and develops the resulting contract will determine how satisfied it will be with the results of the contract.

In order to ensure the highest quality work at the best price, the board must develop clear bid specifications. These specifications define the basic who, what, when and where of the job to be done and let potential contractors know what the association expects up front. Eventually, the specifications will provide the basis for a contract. Bid specifications should include the following items:

### **1** Parties of the Contract

The specifications should note precisely who is contracting the work. The specifications should name the association as the party seeking to have the work performed and should include the names, addresses and phone numbers of people to contact in reference to the contract.

## **② Timelines & Deadlines**

The specifications should note the deadline for bids and give a time frame for when the association expects the work to be performed.

## **③ Insurance & Damages**

The specifications should delineate the insurance requirements for the contractor. The association also may wish to explain how any damages relating to performance of the contract will be handled.

## **④ Warranties**

Specifications should clearly define any required warranties for the work to be performed.

## **⑤ Material Selection**

The specifications should define who is responsible for choosing the materials.

## **⑥ Notifications for Overruns**

Sometimes the work required to complete a job is more extensive than initially estimated. The specifications should clearly define who is to be notified and how that notification is to be made if such a situation occurs. They also should note who may authorize additional work.

## **⑦ Job Inspections**

The specifications should allow for progress inspections of the job and state who will perform the inspections and when the inspections are to take place.

## **⑧ Location**

The specifications should note clearly where the work is to take place. For example, consider the case of a new lighting system. By the time of installation, the board will have invested considerable time with a lighting consultant to develop a system that meets its needs. It is important to specify clearly where the light poles are to be installed so that the plan translates into reality. Again, installation locations must be precisely described.

Be sure to consider life cycle costs. Cheaper elements could well entail expensive maintenance or frequent replacement down the line.

Once the specifications are in order, bids can be solicited. Ideally, on a major job like a lighting system, the association should try to get bids from at least 3 contractors and more if possible. In addition to asking for bids, the association should require references from all respondents.

When evaluating bids, the association should look at more than price. Each contractor's references should be called. Check with Fairfax County's Office of Consumer Affairs and visit some of the contractor's past job sites if possible.

The board should meet to discuss the various proposals. Sometimes, in reviewing a bid, the board will determine a need for more information. The contractor should be asked to clarify any points of confusion and provide any additional information that might be necessary. Careful review of the proposals will help guarantee the association is getting a good job at a good price. The time invested in drawing up the bid specifications should make reviewing the proposals an easier task.

Once the board has reached a decision about which bid to accept, all respondents-not just the successful bidder-should be notified. Since the other companies probably spent a fair amount of time preparing their bids, thank them for their time.

The bid specifications provide the basic stipulations for the contract, which should contain the following basic information:

- Complete specifications of what is to be accomplished.
- The total cost of the work.
- All terms and requirements of the contract such as work schedules, payment plans, liability for damages and any special site requirements. This information should include obligations of all parties to the contract.
- Specific descriptions of the locations (legal addresses, site plans and photographs) in which the work is to be done and directions concerning what is to be done at a given site.
- Insurance certificates that designate the responsibility of both parties.

Information for the preceding section was derived from the Community Associations Institute's Gap Report 9, "Bid Specifications and Contract Negotiations." This pamphlet is available from CAI. Call CAI at (703) 750-3644 for additional information.

## **Reserves • • •**

Nothing lasts forever. Eventually streets, sidewalks, parking lots and playgrounds will wear out and need to be replaced. Managing your association's reserves is crucial to laying the groundwork for replacing these expensive items.

In order to plan properly, the association must know what it owns. Everyone expects the manager of a store to have an inventory of the products he or she stocks. Managing a business wisely without such an inventory would be impossible. Association boards may find a similar inventory, or reserve study, of their cluster or condominium's amenities helpful.

Things to include in such an inventory would be tot lots, docks, carports, cluster pathways, mailboxes, parking lots, drives, etc. The inventory should note the size, age, estimated life span and replacement cost of each item.

In addition to an inventory of the clearly defined items such as parking lots and carports, some clusters and condominiums have found it useful to have an inventory of their landscaping. Knowing what varieties of trees and shrubs exist (and their overall health) can help in the development of a long-term landscape plan. The long-term landscape plan can be a useful tool for determining the budget for landscape expenses.

# *Common Areas*

*T*he common areas that belong to clusters and condominiums are valuable additions to the open space owned and maintained by RA. These open space parcels provide visual and noise buffers as well as important habitat areas for birds and wildlife. It is important to have a management plan or guidelines for maintaining your association's open space.

## *Landscaping Information*

*S*ome associations seem to be in a semi-permanent state of turmoil regarding landscape issues. Is it the plants, or possibly the design? Is it the company with whom they contract? Could it be past maintenance practices or the fact that they spend lots of money? To help quell the turmoil and make wise decisions, it helps to know what is involved in landscaping—from conception through maintenance to eventual decline and demise.

### **Components • • •**

A community's landscape can be categorized in terms of large mature trees, smaller landscape plantings and turf grass. Each of these plant groups has its own requirements. Specialists who deal with each category include arborists, who work with trees; landscapers, who work with smaller "woody" plants; and agronomists, who specialize in turf grass. Their efforts must be coordinated, and the requirements of each group of plants considered together or trouble may ensue. For instance, it is not uncommon to find turf grass being limed to the point that, while it is thriving, the trees and overall landscape are in trouble.



The importance placed on each group of plants varies in communities. Mature trees are the real value in the landscape and are not replaceable, whereas virtually every other element is. Their needs should be considered before undertaking efforts to improve the lawn or the landscape, and their care should take precedence in any community fortunate enough to have them.

The lawn gets a certain amount of attention simply because inattention is obvious to everybody. In most communities, the lion's share of the budget goes toward lawn care. Often, landscape plants are the poor stepchildren.

It is inevitable that parts of the landscape will decline, since all plants have a finite life span. When the landscape goes to the dogs, it is a painful experience for any community. Dealing with such a trauma has political as well as economic ramifications. Several options exist, and each may be appropriate in a given situation.

Landscaping offers the opportunity for the community to improve its situation and correct mistakes. A common error to avoid is thinking that declining plants must be replaced with the same species or in the same number. Original plantings may have been designed for instant effect rather than for longevity and ease of care. Conditions may have changed since they were put in; for example, what was a sunny area may now be shaded by trees.

Plant species better adapted to the conditions and more suitable to the needs of the community are a better choice. Adequate spacing can then be provided, since instant effect is usually not a necessity. Certainly communities will want to choose plants for the beauty they provide, but tolerance of the site and low maintenance should be overriding factors.

Site analysis and decisions about what the community wants plantings to do for them should result in a list of species that might work. Design involves selecting the ones that work well together in the right numbers and configuring them in a pleasing and functional way. Most communities would be well advised to seek professional advice when planning such a venture.

A landscape design is based on plant selections that appeal to the buyer because of color, shape, texture, flower or fruiting habit. The useful life of a landscape depends on spacing and life span of plant selections and the maintenance practices used. A planting might be designed to have immediate impact by using fast-growing species placed closed together and perennial flowers that must be dug up and separated every few years. Such a planting might begin to decline in 3 to 5 years, though its remnants often persist for much longer. The other extreme in design is one where long-lived plants are spaced out and allowed to mature gracefully.

A well-planned landscape that receives good maintenance can last decades. Many landscape professionals, however, have been trained in a school of thought that calls for wholesale replacement of all plantings every 10 years or so. Either approach is acceptable, as long as buyers understand which product is being sold to them. If one is concerned at all for the future owners of a site, some plants in any landscape plan should be expected to last a long time.

## ***Maintaining Plantings*** • • •

While the cost of new plants may seem high, the real cost is in maintaining a landscape over time. A well designed, properly maintained landscape becomes more valuable. A poorly designed planting costs more to take care of, and-as it declines-more good money is thrown after bad without hope for improvement.

The maintenance activity that most affects a plant's longevity is pruning. Pruning may be done for various reasons, such as to improve flowering and fruiting, to shape a plant, for health reasons or to control size. When done properly, pruning can and should be performed year round. If it becomes necessary to prune any plant year after year simply to control its size, the plant is probably ill suited for its location-it has grown too big. If such a plant is valuable (say, for example, an old Japanese maple growing a couple of feet from the foundation), the cost of good pruning may be justifiable. If the entire landscape is this way, tough decisions must be made about removals, replacements or rejuvenation.

Fine pruning is a science and an art that requires an understanding of various plant growth patterns seen in nature. Some species should be cut to the ground periodically and then left alone for several years. Others should have a portion of the growth removed at ground level each year. Some may never need any pruning except to remove dead or damaged branches. Timing may be immaterial to the flowering of some species but critical to others.

Once the community settles on a landscape design, implementation may be phased or done all at once, depending on budgetary constraints. Some communities do it themselves, but most will want professional help since considerable labor may be involved. The benefits of a good design are lost if installation is done poorly.

Plan what the community wants to accomplish. Choose the right plants for the situation. Do a good job of planting them, help them through the first couple of years and they should be on their way to good health for many years to come.

Edward P. Milhouse, a certified arborist and owner of Edward P. Milhouse Inc., in Catharpin, Virginia, prepared the preceding section. It is reprinted with permission from Quorum, and is copyrighted by the Washington Metropolitan Chapter of the Community Associations Institute.

## ***Open Space Guidelines*** • • •

RA has developed a set of guidelines for maintaining its open space. A copy these guidelines may be obtained by calling (703) 437-7658. Clusters and condominiums are welcome to use them as a starting point for developing guidelines for their own open spaces.

In addition to the open space guidelines, RA has published a handbook entitled *Naturescaping*. This publication contains useful information about landscaping and caring for common areas. It can be purchased from RA for a small fee.

# About the Reston Association

The following sections of the handbook describe what RA does and how it interacts with clusters and condominiums. The two departments with which cluster and condominium associations have the most frequent contact are Covenants Administration and Parks & Recreation (see Open Space Resources & Maintenance).

## **Covenants Administration • • •**

RA's Covenants Administration Department supports the Design Review Board (DRB) and the Covenants Committee and administers the protective covenants related to the use and maintenance of Reston property. Staff members will answer inquiries about design guidelines, make community inspections and educate homeowners about covenant obligations.

The DRB reviews all proposed construction and modification of structures on land covered by the Deed of Dedication. Approval is required for certain actions specified in the Deed's covenants. These include removal of trees, erection of walls and fences and other exterior changes.

The Covenants Committee considers cases dealing with the use of property covenants, which address such things as vegetation, refuse and debris, vehicles, animals, restoration and maintenance of property and nonresidential uses of residential property. The committee maintains a complete reference library relating to technical details of covenant standards. RA's professional counselors are available to assist homeowners with questions about property use and maintenance.

The DRB and Covenants Committee use the Design Guidelines and the Use/Maintenance Covenants to guide their decisions

when they review cases. RA's Deed and covenants provide the basis for the design guidelines. In the case of RA, the DRB must approve any revisions to the Design Guidelines. RA's Board of Directors adopts and approves the association's Use/Maintenance Covenants based on recommendations from the Covenants Committee.

## **Design & Maintenance**

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The first question that crops up when discussing Architectural and Maintenance Guidelines relates to design and maintenance. A design issue would be the color an owner may paint his or her house, while a maintenance issue would be the fact that the paint is flaking and the structure needs to be repainted. In Reston, the DRB handles design issues and the Covenants Committee handles maintenance issues. Reston's governing documents stipulate this division of responsibilities. RA is like any homeowners association-it must act in accord with its documents.

## **Design Guidelines**

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There are more than 133 clusters and 28 condominiums in Reston, each with its own unique design standards. Design standards define exterior items such as paint/stain colors, fences, decks and lights.

Standards originate where the cluster/condominium originates: at the initial construction phase of the project. Following site and grading approval, a builder presents a proposed plan for exterior elements to the DRB. The DRB reviews the application and, once the exterior elements are approved, design standards are established.

Cluster/condominium standards are not etched in stone. They can be modified as residents assume control from the builder or as the cluster or condominium ages and certain elements need to be updated and/or replaced. Changes to established DRB-approved standards require an application from the association board (on behalf of its residents) followed by review and approval by the DRB.

It is important to note that although standards can be modified, DRB-approved standards are maintained indefinitely. (For example, if a homeowner received DRB approval in 1987 for a color from an approved palette, even though the cluster updated the

palette in 1994, that homeowner may continue to use the DRB-approved color. However, the homeowner must choose a color from the 1994 palette if he or she wishes to change colors.)

Cluster/condominium standards offer design continuity, yet can be modified to offer some degree of flexibility. Such standards allow members to take an active role in determining the direction and definition of standards for their cluster or condominium by working with the DRB to make design decisions. Standards also allow for quicker review for cluster/condominium association members, as more items can be reviewed by Reston Association staff and fewer items must go through the DRB review process.

### **Signatures for DRB Applications** \_\_\_\_\_

A resident with a DRB application comes to your door and asks you to sign the application as a representative of your association board. What do you do? First, take time to talk with the resident and familiarize yourself with the project. You may want to walk to the property with the applicant and take a look at the site. If this is the first time you've been through this process, you're bound to have several questions:

- ***Does my board have an internal policy about this action?***  
Some clusters and condominiums have a process in place whereby a committee, or only certain board members, are authorized to sign a DRB application. It's important to remember that RA isn't going to know about, or enforce, this rule. It's up to the association to make sure that all board members know whether they can sign a DRB application.
- ***If I sign the application, am I “approving” or “disapproving” it?***  
No. You are simply indicating that the board (through your representation) has been made aware of the application. It will be the DRB's job to approve or disapprove the application based on its evaluation of the project.
- ***What if I refuse to sign?*** It is best to go ahead and sign the application, even if the association objects to the project. The DRB will probably review it anyway (because the applicant made a reasonable effort to obtain your signature), and, if the application is unsigned, the board will not be aware of the review or have an opportunity to become involved.

- **What if our cluster/condominium objects to the project?** Start by trying to work out any differences before the application comes to the DRB. One of the purposes of the requirement is to foster communication between the applicant and anyone who might be affected by the project. Next, sign and date the application. If you still have concerns, circle “yes” where it asks if you intend to register as an Affected Party. Within 5 days, follow up with a letter to the DRB secretary requesting that your association be designated as an Affected Party and explain briefly your objections. Regardless of whether you circle “yes” or “no,” the application can be reviewed at any time after the 5-day waiting period. Circling “yes” indicates to RA that the association is concerned about the application, and staff will expect to hear from you. Be sure to spell out your objections. Simply circling “yes” does not constitute registering as an Affected Party.
- **What is an Affected Party?** The DRB’s administrative procedures define an Affected Party as “any owner of property subject to the Reston Deed, including the Board of Directors of RA or of any cluster, cooperative or condominium association or their agents who request that status in accordance with the procedures ....” The administrative procedures also state that the DRB may deny such status “if it determines that the owner’s property is not affected materially by the application.” An Affected Party may be heard at DRB meetings, will be notified of decisions and any subsequent actions on the application, will be notified of any appeal and may file his or her own appeal of the decision.

If you would like more information, call your Covenants Counselor at the RA Covenants Administration office at (703) 437-9580. Each counselor serves as a liaison between cluster/condominium members and the DRB and can provide detailed information about design issues.

## Maintenance & the Covenants Committee

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Unlike Design Guidelines, which vary from one cluster or condominium to another, there is only one maintenance standard throughout Reston. For example, a house's paint is either in good shape or it needs to be painted; a wall is either structurally sound or it needs to be repaired. The Covenants Committee hears cases from throughout all of Reston using the same set of maintenance standards.

Cluster boards often have concerns about the upkeep of their property. Consider, for example, the case of several homeowners in the cluster who refuse to repaint and repair their houses even though conditions have deteriorated significantly. There are several ways boards can address maintenance issues and work with RA's Covenants Committee:

- 1 Clusters may wish to perform their own inspections and notify owners of possible maintenance violations.

**Advantages:** Board members generally know their neighbors. They may be much more aware of the owner's circumstances. They can negotiate appropriate deadlines for the needed work and adjust them as necessary. If homeowners do not comply with the request to perform repairs and it becomes necessary to submit a complaint to RA.

**Disadvantages:** Some boards don't have time to conduct inspections and subsequent notifications. They also may be reluctant to judge their neighbors' properties.

- 2 The board may submit complaints against properties within its cluster directly to RA instead of following the cluster-initiated process.

**Advantages:** The cluster would be relieved from all responsibility for the inspections because RA would conduct them and initiate subsequent notifications.

**Disadvantages:** None.



③ RA staff may conduct a cluster-wide inspection at the cluster's request after providing several months' advance notice to each homeowner. The full cluster board must choose this option at a regular, announced and open meeting and must provide RA with a copy of the minutes of that meeting. The officers must verify the request by signing the minutes. The purpose of these requirements is to discourage any single officer from making a decision for the entire cluster and to provide homeowners with an opportunity to comment on the proposal.

**Advantages:** First, owners who have similar maintenance/repair needs can negotiate with the same contractor for possible group discounts. Second, the process demonstrates clearly to homeowners that everyone is subject to the same standards. Finally, homeowners are provided the opportunity to budget for repairs or to complete work prior to the RA staff visit.

**Disadvantages:** None.

④ The board may request that RA conduct a cluster-wide inspection in one year.

The requirements, advantages and disadvantages are the same as for option 3 above.

## Differences between Condominiums & Clusters \_\_\_\_\_

The situation for condominiums varies in many respects from that of the clusters. Usually the key difference between a cluster and a condominium is that the condominium association, rather than the individual owner, is responsible for the exterior maintenance. In a cluster, the individual lot owners are responsible for the exterior maintenance of their homes. This means that in a cluster, individual homeowners are more likely to be working directly with the Covenants Department. In the case of condominiums, it is more likely that the board of the association will be working directly with the Covenants Administration.

Another difference is that, because condominiums have responsibilities relating to the interiors of buildings that clusters don't have, condominiums usually have more authority to address these issues internally. Examples would include condominium rules against storing personal property in common hallways and noise

RA can help with enforcement of Use/Maintenance and Design Covenants. Call the Covenants Administration at (703) 437-9580.

RA's Parks & Recreation Department cares for about 1,100 acres of commonly owned open space. Its two principal areas of work are in maintenance (maintaining open space in an environmentally responsible manner) and education (helping residents of all ages understand the unique interaction of the community's man-made and natural environments).

RA maintains more than 50 miles of pathways that offer residents numerous opportunities to exercise and to enjoy the natural beauty of Reston. Some of the paths are on RA property while others are on easements through cluster or condominium common ground.

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is responsible for the maintenance of the surrounding property. For example, the removal of a dead tree or shrub on cluster or condominium property in the vicinity of a pathway is the responsibility of the cluster or condominium.

Another consideration for clusters and condominiums is that RA crews prune to keep the pathways clear. They do not give special consideration to ornamental plantings. If a cluster or condominium has ornamentals along a pathway, the association may wish to do the pruning itself to ensure that the work is done to its satisfaction. Clusters and condominiums should ensure that new plantings are located far enough from the pathway edge to have room to grow and mature without becoming a maintenance problem.

Some clusters and condominiums own and maintain their own private pathways. If you are not sure whether a pathway is a cluster/condominium pathway or an RA pathway, staff will be happy to help you determine ownership. RA also can provide you with maps of the pathway system.

If you have a concern about the maintenance of any of RA's common areas or if you have questions, call the Central Services Facility at (703) 437-7658.

## ***Facilities*** • • •

RA's common areas include a large number of special facilities. They include:

### **Tennis Courts** \_\_\_\_\_

RA's 49 tennis courts are available for all Reston residents. RA conducts a variety of tournaments and lessons for all ages and all skill levels. A tennis/soccer day camp is held each summer.

### **Aquatics Facilities** \_\_\_\_\_

RA's 16 swimming pools are available to all Reston residents. RA offers swim lessons for all ages, water aerobics for all fitness levels and movie float nights for families and teens. Selected pools are available for private rental.

A resident pass is required to access RA tennis courts and pools. Passes are available at RA's office for a token fee. Proof of residence is required. Non-Reston residents can purchase memberships for courts and pool use.

### **The Walker Nature Education Center** \_\_\_\_\_

Deep in the heart of Reston, at 11450 Glade Drive, this 72-acre natural sanctuary is the center for RA's environmental education programs. Natural surface trails connect various habitats. A covered pavilion serves as an outdoor classroom and picnic shelter and is available for private rental. Nature center staff conduct outdoor summer day camps for youngsters from ages 4-16.

### **Lakes** \_\_\_\_\_

RA maintains 4 man-made lakes that cover 125 acres-Lake Anne, Lake Audubon, Lake Newport and Lake Thoreau. These lakes provide natural beauty, storm water management and recreational boating and fishing. Swimming and ice skating are not permitted.

### **Other Recreation Areas** \_\_\_\_\_

RA maintains 25 ballfields for baseball, softball, football and soccer. There also are 3 tennis practice walls, 10 picnic areas, 15 play meadows, 22 multi-purpose courts and 35 tot lots.

### **Community Buildings** \_\_\_\_\_

Brown's Chapel and Glade Community Room can be rented to accommodate group meetings and family and civic functions.

### **Soapstone Campfire Ring** \_\_\_\_\_

The Soapstone Campfire Ring has picnic tables and a small pavilion. It is the site for many a sing-a-long and marshmallow roast.

### **RV & Boat Storage Facility** \_\_\_\_\_

Boat and RV storage space can be rented at RA's Central Services Facility, 12250 Sunset Hills Road.

For more information about any of RA's facilities, call (703) 437-9580 or visit the RA offices at 1930 Isaac Newton Square.

## ***The Cluster/Condo Information Exchange Committee • • •***

The Cluster Information Exchange Committee is a group of volunteers who work with RA to provide cluster/condominium board members with information and ideas they can use in conducting their business.

Committee members explore how various clusters and condominiums are functioning and then share what they learn in a quarterly newsletter, *The Exchange*, which is published by RA and mailed to cluster and condominium board members. Cluster and condominium officers may use anything they find in *The Exchange* in their own newsletters, meetings or flyers. No permission is needed!

The Exchange also announces upcoming RA workshops and reports on the results of surveys. Problem areas-such as parking-are discussed and solutions that have worked for other clusters and condominiums are shared.

The Cluster Information Exchange Committee also organizes 6-7 workshops each year on topics of interest to clusters and condominiums. Topics might include landscaping, neighborhood security and legal issues. For more information about upcoming workshops, call (703) 435-6503.

The committee is open to anyone who wishes to join. It meets once a month (usually the first Wednesday or Thursday at 7:30 p.m.) at RA headquarters, 1930 Isaac Newton Square. For further information call (703) 435-6503.

## **Other Information • • •**

When you're looking for information the first rule is, "Ask questions." Contact your fellow board members, former board members and fellow residents and homeowners. People enjoy talking about what they do or have done in the past.

Whatever you are trying to do, chances are-with all the clusters and condominiums in Reston-someone else has probably done it before. Call board members from other clusters or condominiums. A list of cluster and condominium board presidents is included in the back of the A Place Called Reston telephone directory published annually by New Town Publications and distributed free to all Reston residences. Even if the list is not up-to-date the person listed can probably steer you in the right direction.

RA has individuals on staff who are knowledgeable in some of the areas you will encounter as a cluster or condominium officer. For information, call RA's main number at (703) 437-9580. Fairfax County is another source of information. County departments and agencies are listed in the blue pages of the Bell Atlantic telephone directory.

## **Reston Association • • •**

Switchboard	(703) 437-9580
Fax	(703) 435-6516
Maintenance Office	(703) 437-7658
Fax	(703) 435-6555

## **Fairfax County • • •**

General Information	(703) 246-2000
Animal Control	(703) 830-3310
Building Permits	(703) 324-1555
Drainage/Erosion	(703) 934-2800
Extension Office	(703) 324-8556
Gypsy Moth Information	(703) 324-5304
Home Improvement Loan Program	(703) 246-5155

## ***Fairfax County (continued)***

Land Records	(703) 246-4102
Inoperative (Junk) Motor Vehicles	(703) 280-0587
Police (non-emergency)	(703) 691-2131
Storm Drain Flooding	(703) 934-2800
Tax Relief	(703) 222-8234
Zoning/Permits	(703) 222-1082

## ***Fairfax County Park Authority • • •***

Ball Fields, Scheduling for Baron Cameron Park, Fox Mill Park, Reston North Park, South Lakes Park	(703) 324-5523/33
Lake Fairfax Park	(703) 471-5415

## ***Virginia Department of Transportation (VDOT) • • •***

Plowing, Street and Sidewalk Repair	(703) 383-8368
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## ***Transportation Information • • •***

Metro	(202) 637-7000
Reston Internal Bus System (RIBS)	(703) 548-4545

## ***Other Useful Phone Numbers • • •***

Reston Board of Commerce (RBC)	(703) 707-9045
Reston Community Center (RCC)	(703) 476-4500
Miss Utility	(800) 257-7777

# Afterword

Reston's founder, Robert E. Simon, offered a few words about how the clusters began and his hopes for the future. We believe his remarks provide a fitting conclusion for this Handbook.

## Where the Clusters Began ... & Some Hopes for the Future

In 1962, when Reston was in its early planning stage, we came up with the concept of grouping neighboring townhouses into cluster associations. There was no way we could forecast how many townhouses there might be, let alone how many condominiums (since the condominium method of financing had not yet taken hold in the USA). The market over the coming decades would determine the proportion of these, of mutual units and of single family detached houses in the eventual housing mix. But we knew we wanted to make provisions for smaller political entities that would be represented by our 7 planned villages-each of which would have 2,500 units or more.

There were two principal reasons for this. First, the 100 or so families in a typical cluster would get to know each other sooner and better than if there were no such association. The business of decision making-electing officers, approving budgets and dues, arranging for special events-promotes a degree of sociability that carries over to working together and partying together following the decision making. The feeling of community often starts at the cluster level. Second, it seemed desirable for people to have a greater voice in determining how their immediate environment would be handled. Making these decisions at a cluster level seemed more appropriate than at the village level.



So we established clusters-3 in 1964 (Hickory, with 90 townhouses; Waterview, with 90 townhouses; and Washington Plaza, with 45 townhouses). As people started to move in during December of 1964 and thereafter, I went to the organizational meetings for each cluster. Among other topics covered, I stressed that each cluster was free to contract with our Maintenance Division or with an independent contractor to do necessary and desired yard work or to divide the work among their own active members. (Just as most single family owners in the 1960s took care of their lawns and gardens themselves on free weekends and evenings, so I pictured physically active cluster people, old and young, doing the same for their cluster's property.)

Our plans included dividing an area at the top of the hill overlooking Lake Anne just off North Shore Drive into individual garden plots. These plots would satisfy the impulses of apartment dwellers who lacked ground to be tilled and of townhouse dwellers who were frustrated by the small amount of land that came with their homes. We decided that by charging a modest fee (I believe \$10 a year) we would minimize the number of plots that would be started with enthusiasm and subsequently abandoned.

I must confess that there are many fewer such activities in Reston today than I had imagined there would be. With expanded staff in the role of pied piper, it may be that increasing numbers of Restonians will share in the joys of horticulture and forestry. (In my case, I got started in early July of 1947, having moved to Long Island in a summer rental. I was astonished after having planted a few vegetables and annual flower seeds to find lush gardens in my neighbors' back yards. From this innocent beginning I became an enthusiast, even more so the more I became involved.)

So, I look forward to more exciting cluster open spaces as the years pass. I envision more wildflowers growing in cluster woodlands and a greater variety of flowering shrubs, annuals and perennials in cluster-owned properties. I foresee increased pleasure for the activists who bring this about, increased enjoyment for everyone and increased property values for the householders.

# Acknowledgments

*T*he Community Association Institute (CAI) made much of this publication possible, and Cluster Information Exchange Advisory Committee members relied upon CAI materials in developing the various sections of this Handbook.

The Community Associations Institute is a nonprofit association created in 1973 to educate and represent America's residential community associations. CAI members include homeowners associations, property management companies and service providers. CAI serves its members through workshops, conferences, education programs and legislative advocacy. It publishes a large variety of reference guides related to community associations as well as several periodicals. CAI can provide everything from basic advice about homeowners' associations to lists of contractors. The organization publishes a series of booklets on different aspects of associations. References to some of these booklets are included in this Handbook.

The Washington Metropolitan Chapter of CAI provides other services to members, including a speakers' bureau, workshops and a monthly magazine (Quorum) that covers topics of interest to homeowners' associations. RA is a member of the Community Associations Institute. For more information about the Community Associations Institute contact one of the offices listed below.

Community Associations Institute  
Washington Metropolitan Chapter  
7700 Little River Turnpike, Suite 404  
Annandale, VA 22003  
Phone: (703) 750-3644

National Office  
1630 Duke Street  
Alexandria, VA 22314  
Phone: (703) 548-8600

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*The following persons wrote certain sections of this Handbook.*

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### **Cluster Landscaping**

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### **Dues and Their Collection**

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### **Where the Clusters Began...& Some Hopes for the Future**

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