

A TIME-SENSITIVE NOTICE FOR NORTH FAIRLINGTONIANS

PLEASE READ IMMEDIATELY!!

Last Friday afternoon, the County Manager was to have signed an agreement with CBI Fairmac as to future CBI and County responsibility for sewers in North Fairlington. Because there was no direct resident involvement in the negotiations leading to this eight-page document, and because the County Manager was not planning to have the agreement debated and discussed before the County Board, Board members Dorothy Grotos and Walter Frankland (with the apparent concurrence of Mr. Wholey) succeeded in having the signing delayed until after the residents of North Fairlington were given an opportunity to comment on this important document and County commitment.

The draft agreement between the County and CBI Fairmac essentially provides for the following: 1) the agreement will run for two years and requires CBI Fairmac to 2) provide a full cleaning or recleaning of all laterals for both occupied and unoccupied buildings in the Arlington area of North Fairlington; 3) install a cleanout connection outside the building to facilitate periodic full cleaning of those lateral sewers which experience two backups (not caused by "improper" material being put in the lines by residents) which occur within nine months of one another during the term of the agreement; 4) repair those lateral sewers included in (3) above which are found to be structurally defective; and 5) place approximately \$30,000 in escrow to assure fulfillment of the agreement. There are 248 lateral sewers in North Fairlington (Arlington portion).

THE COUNTY BOARD WILL DECIDE WHETHER TO AUTHORIZE THE COUNTY MANAGER TO EXECUTE THIS AGREEMENT AT ITS TUESDAY MEETING, NOVEMBER 15TH, WHICH WILL BEGIN AT 8PM IN ROOM 202 OF THE ARLINGTON COUNTY COURT HOUSE (CALL 558-0200 FOR DIRECTIONS). A LIMITED NUMBER OF COPIES OF THE TENTATIVE AGREEMENT WILL BE MADE AVAILABE BY THE AD HOC COMMITTEE BEFORE THE MEETING.

THIS PROPOSED PACT DIRECTLY AFFECTS YOU AND YOUR PROPERTY. PLEASE COME AND MAKE YOUR VIEWS KNOWN.

AD HOC FAIRLINGTON SEWER RESOLUTION COMMITTEE

ACTION

● The Arlington County Board has directed the appropriate County officials

- Require proof of compliance with ALL codes from CBI Fairmac before Certificates of Occupancy are issued: the "burden of proof" will be on CBI Fairmac to show that a CO should be given.
- Review all CBI Fairmac representations and activities for compliance with those representations as well as compliance with ALL codes and ordinances and agreements.

We believe this review will include representations by CBI Fairmac to the County in 1972 to get exempted from the requirement to replace all lateral sewer lines -- 585 total in No. & So. Fairlington; representations that state or imply that:

- * CBI Fairmac had records of all ^{sewer} sewer maintenance and would repair or replace those sewer lines which had a record of problems;
- * CBI Fairmac would provide access points for inspection of all sewer lines throughout the Fairlington development;
- * Inspections would be performed on all sewer lines as part of the conversion-to-condominium process.

We expect the County to notify the residents of all units which are believed to have "problem sewers" that the sewers must be repaired or replaced by the owner within a specified period of time. The owner is you through your condominium association.

OUR OPTIONS

● At least three courses of action appear to be available to Fairlington co-owners:

1. Do nothing: Wait and see what happens; avoid an assessment for litigation, sewer repair and replacement as long as possible; continue to hope the problem goes away or doesn't happen to you.
2. Rely solely on band aids; avoid litigation or solutions: Elected officials and residents of some villages believe regular treatment of problem sewers with tree root killer deals with the problem well enough and is preferable to costly repair and replacement.
3. Support a joint effort of all Fairlington co-owner's associations:
 - litigation will be initiated if a reasonable prospect of winning exists.
 - relief sought in the courts would be to have CBI-Fairmac pay for inspection of all sewers and for the repair and replacement of all "problem sewers."
 - ONE ATTORNEY IS CHEAPER THAN SEVEN ATTORNEYS. A joint approach would be the least expensive approach if litigation is warranted. The same work -- depositions and other evidence collection -- would have to be done by any legal counsel whether representing one individual, one co-owner's association, or all of Fairlington.

RECOMMENDATIONS

● Support the efforts of the Fairlington Ad Hoc Sewer Resolution Committee with financial contributions NOW. We have retained legal counsel on the ultimate behalf of ALL Fairlington co-owners. We have successfully presented our case to the County Board and staff. We have tried to get the individual homeowner's association to take the lead; they declined. Our modest expenses and the continued retention of legal counsel well versed in Arlington County matters require:

1. Your financial contribution, made payable to the Fairlington Ad Hoc Sewer Resolution Committee, sent immediately to our treasurer:

3528 South Wakefield Street Phone 379 8026

Donations of from \$5.00 to \$100.00 have been received & are needed

2. Get your co-owner's association board to financially and otherwise support the sewer resolution effort. What we're doing now and may do through litigation is far less costly than paying for the replacement of problem sewers ourselves.
3. Attend the PUBLIC MEETING OF ALL FAIRLINGTON CO-OWNERS (No. & So.) at 7:30, Thursday, September 29, at the Fairlington School.

Our legal counsel will be prepared to discuss the considerations for litigation; county officials will present a status report of county actions; Presidents and members of each village board and representatives of North Fairlington Sections are urged to attend and present their views.

RAW SEWERAGE BACKUPS PLAGUE FAIRLINGTON

A TIME-SENSITIVE MESSAGE FROM THE FAIRLINGTON SEWER RESOLUTION COMMITTEE

The Ad Hoc Fairlington Sewer Resolution Committee was formed in June to address the problem of sewer backups into Fairlington homes and to determine who should be liable for the permanent correction of this serious health and financial question. Over 200 residents have responded to our "sewer questionnaire" and we now have documentation of almost 300 instances of backups since renovation, affecting over 120 homes in both North and South Fairlington. The Arlington County Board has expressed its serious concern with this situation and has scheduled a public "work session" on the question for 8AM, SATURDAY, SEPTEMBER 10TH in the Board chambers, Room 202 of the Courthouse. The item will be on the Board agenda for further discussion and "action" later in the day. Contact Anton Schmalz (379-7771) for further information.

In our July 28th letter to the Board, we requested that body to consider the following corrective action at County and/or CBI Fairmac expense: the immediate inspection and possible repair/replacement of all presently unused laterals and documented "problem" laterals; the future inspection, etc. of the remaining Fairlington laterals; and the County initiation of an investigation to ascertain whether there were/are violations of County Codes in other aspects of Fairlington's renovation. While the above proposals are open to reasonable compromise, it must be emphasized that it is presently you, the homeowner, and your condominium association, who is responsible for the maintenance, repair and replacement of these common lateral sewers (one homeowner's professional estimate to replace his relatively short lateral came to over \$6000-- there are 540 such lines in Fairlington).

The County Board has expressed an interest in discussing other apparent problems associated with Fairlington's renovation. Accordingly, your knowledge of the following is solicited:

1) possible sanitary-storm sewer hookups. This is illegal under the BOCA Plumbing Code and can cause a backup through the sanitary lines when there is a heavy rain. If you have had rainwater leakage through your walls (foundation leaks) that has been corrected through the digging up of your basement floor with the possible connection of your "french drain" to the sanitary line, please let us know (John Tobin 379-7241).

2) possible improper dryer venting. The present BOCA Code states that the length, composition and installation of dryer venting must adhere to "manufacturer recommendations." If after checking your owners booklet, you feel this has not been done, contact the Mechanical Section, Arlington Division of Building Services (Mr. Shrout 558-2821).

The Sewer Committee is additionally interested in receiving responses on the following questions: a) were you told verbally or in the sales literature before buying that your unit would be connected to a common sewer?; b) if you are the owner of a "low unit", were you told the significance of this before settling?; and c) were there any public claims in advertisements, sales literature, etc. that induced you to buy which later you felt might have been "misleading" and, if so, can you provide us with a copy of such documents?

Your response on the questions above is vitally needed by September 2nd to document our final report to the County Board to be submitted no later than September 6th. Mail or "drop" for the written responses is 4305 South 35th or 3522 A1 South Utah 22206.

A FINAL NOTE: There is a possibility that our case might have to go to the Courts. At present, our financial resources do not allow for that eventuality or even the present retention of paid professional advice. We desperately need at least the financial help of concerned residents in order to successfully and permanently correct this problem. Your contribution addressed to our Treasurer (Charles Ziegler 3528 South Wakefield St.) is urgently needed. Many thanks to ~~those~~ those who have already contributed. All unspent funds will be proportionally refunded on the resolution of this issue.

I know of or believe I have had a sanitary-storm sewer hookup under my
basement _____ Details on back.

I was/was not told about common sewers before I settled. _____

I was/was not told about the significance of my "low unit" before I settled. _____

I am forwarding documents relating to public claims. _____

NAME

ADDRESS

Village 1 2 3 4 5 6 N. Fairlington

AN IMPORTANT LETTER TO ALL FAIRLINGTON RESIDENTS

We, the undersigned residents of Fairlington, have formed an ad hoc group to serve as a vehicle to bring before other Fairlington residents and the Arlington County Board a serious problem that now exists in Fairlington, a situation which will become worse in the immediate future unless we all band together to resolve it now. We refer to the continuing problem of sewer backups into the basements of "low" units, which constitute approximately one in every 6-10 homes in Fairlington. There are 540 "lateral" sewers that were originally installed during WW II and now serve approximately 3450 Fairlington units. We have partial records that show over fifty of these laterals have had serious backups in South Fairlington alone since renovation, and we feel sure that this circular will provide evidence of many more.

These continuing backups have not only caused untold physical and emotional suffering to the owners of the "low" units and directly affected their resale prospects, but they also impact directly on the resale prospects and pocketbooks of neighboring residents in that this problem can be permanently solved only through the repair and/or replacement of these sewers, the extreme expense of which is and will be borne by all condominium owners.

We have Arlington County documents which show that in 1972, when CBI Fairmac originally proposed the renovation of Fairlington, the original plans approved by the County indicated that new lateral sewers would be installed with separate connections for each unit. The Building Inspectors Office acknowledged this in a 12 June 1972 memorandum and expressed disturbance at Fairmac's revised plans which called for continuing the use of the existing 6" sewers. The memorandum went on to state that if this was to be allowed by the County, then each sewer lateral was to be dug up and inspected by County personnel as renovation continued. This was required, according to the memorandum, because of many complaints of backups in the past in Fairlington and "...in order to protect the investment to be made by the purchasers of these units." Within two weeks of the issuance of this clear requirement, however, it was dropped and CBI Fairmac was allowed to inspect and repair lines only as it deemed necessary. We have yet to receive any reason or explanation from the County or CBI Fairmac as to why the latter was exempted from the inspection, certification and possible replacement of these WWII laterals.

We believe there is a good case to be made that the County was negligent in carrying out its responsibility to protect our subsequent investment and yours. We do not believe that anyone should be faced with the prospect of a sewer backup into their homes and/or having their condominium fees raised to astronomical levels in order to permanently repair the problem. We have written to the Arlington County Board requesting a hearing on this problem, and asking that the County assume the responsibility of rectifying this County-related situation or, if appropriate, requiring CBI Fairmac to do so. We ask for your help and support in our presentation before the Board in late August or early September. We need extensive elaboration on the partial evidence we already have and are requesting from the County, CBI Fairmac and the Villages. We would also like to obtain evidence of backup-related defects such as possible sanitary-storm sewer hookups. All responses will be used solely to support Fairlington's case before the County Board and, if necessary, for possible presentation before the Commonwealth Attorney.

AD HOC FAIRLINGTON SEWER RESOLUTION COMMITTEE

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|--|--------------------------------|
| *Anton B. Schmalz 3522-1A S. Utah 379-7771 | Henry Allen 4621A S. 36th |
| *John & Kathleen Tobin 4305 S. 35th 379-7241 | John & Barbara Kissinger |
| Ernie Philipp 4200 South 34th | 4216 S. 35th St. |
| *Mr. & Mrs. Charles Ziegler 3528 S. Wakefield | John & Nora Glenn 4377 S. 35th |
| *Mr. and Mrs. J.C. Menes 3315 S. Stafford 379-1045 | Cynthia Puskar 4271 S. 35th |
| Susan S. Hubbell 4518 S. 36th St. | Richard Clarke 4672 S. 34th |
| Richard Miller 3364 S. Utah Street | |

Drop in any of the * mailslots and/or call any of the * above as soon as possible.

I have had a sewer backup ___ time(s). Reported cause _____

Other backup-related problems _____

NAME ADDRESS Village(1 2 3 4 5 6) No. Fairlington () PHONE(S)