

NEWINGTON COMMUNITY ASSOCIATION  
BOARD OF DIRECTORS' MEETING – October 7, 2009  
Minutes of the Meeting

At 7:00 pm the meeting was called to order by President John Peirce. Board members in attendance included Vice President Liz Fernandez, Treasurer Chip Catherine, Director Rita Steele, Director Nestor Fernandez, Director Sarah Jernigan, and Director John Nolan. All Board members were introduced and Sarah was welcomed as a new Board member. Director Steele has stepped down as Secretary.

#### APPROVAL OF MINUTES

Treasurer Catherine made a motion to accept the minutes of the September 1, 2009, meeting to elect officers and the September 2, 2009, monthly Board meeting. Director Nolan seconded the motion. Vote 7 yes.

#### HEARINGS AND APPEALS

Lot 590 was in attendance for a hearing. The resident stated that he is new in the country and didn't realize he needed to make separate arrangements to have his grass mowed while he was away for two months on vacation.

#### EMAIL VOTES THAT OCCURRED SINCE LAST MEETING

None.

#### COMMITTEE/BUSINESS REPORTS

##### Accounting/Finance Report

The September financials are not ready to share with the Board.

##### Budget Committee

Vice President Fernandez does not have a complete budget to submit to the Board. She will finalize and send to the Board in the next week.

##### Architectural Committee

The committee has no report.

##### Landscaping Committee Report

Director Fernandez stated he wanted Blade Runners to be invited to this meeting and he wants to know why the Community Manager did not invite them. The CM stated she answered this question for him when he called the office earlier in the day and was it really necessary to bring this to an open meeting. He felt it was. The CM informed him she had spoken to the Board President and that it is not the committee's job to confront the contractors on contract issues in open meetings. If he had any further questions on the matter, he needed to speak to President Peirce. President Peirce said the grounds contractor could be invited to a separate meeting.

##### Maintenance Report

No report

### Planning and Development Report

Rolling Road work continues. Mr. Tobat shared his observances with the Board.

### Tot Lots Report

Ms. Curb stated that she has inspected the equipment and only found one problem with the Getty Court swing. She has been unable to find a contact in the County that can inspect NCA tot lots to ensure compliance. It was recommended that our landscaper be asked.

### Community Manager Report

The following written report was presented to the Board. The CM stated the highlight of the report is fact that she submitted to the Board on September 4, 2009, her resignation. She stated that no one has asked why but she has documented her reasons in a letter to the Board which she will present to them at the end of the meeting for inclusion in the minutes. (attached) Additionally, the Board should take note of the opportunity to apply for grant money for the community. Someone is needed to coordinate this for it to happen.

#### *OLD BUSINESS*

- *Tennis court has cracks. Will replace under warranty but wants to wait until next Spring, early Summer to see if there are any additional problems after the Winter. Will fix all warranty work and any new cracks at no charge.*
- *Recreation Fixtures: Need trash can for basketball, removal of two tot lot benches.*

#### *NEW BUSINESS*

- *General*
  - *Community Manager resignation – letter for Board.*
  - *NCA Vehicle Tickets: Durer Court – in blank space for long time (moved)*
  - *Disclosure inspection(s): 8540 Gwynedd, 8483 Kitchener, 8385 Luce, 7772 Euclid*
  - *New Violation letters: TRASH (3), RULES (0), ARCHITECTURAL (8).*
  - *Pool season ended: water dropped too low and lap lane rope not removed prior to removing water. Still needs fresh water lines blown and antifreeze added to bathrooms, algaecide added, and pool lines drained.*
  - *County Neighborhood Enhancement Grant application for \$5,000 received. Need someone who can put time into an award winning submission.*
  - *Met with engineers to discuss bid package for asphalt path work*
- *Resident Complaints/Issues:*
  1. *Cars with out of state tags remain on our streets and cars sit in blank parking spaces for long periods of time. (Kitchener)*
  2. *Children play in the middle of the street and do not move for cars. (Matisse)*
  3. *Car is being repeatedly vandalized (LeMoyne)*
  4. *One resident unhappy with violations inspection that went into disclosure packet.*
  5. *Children at bus stop are destructive to property (Durer) – Flyer*
  6. *Street needs an architectural inspection. Entry ways are filled with personal items. Two houses need to mow grass. Possibly an abandoned Honda on street – never moves. (Gwynedd)*

7. *Cars are not moving for weeks from blank spots (Euclid)*
8. *graffiti on Getty tot lot.*

The CM was asked if the tennis courts were still under warranty and to make sure this is documented for the next Community Manager.

## GENERAL BUSINESS - OLD

Pool Filter– President Peirce stated that with some of the prices being quoted to replace the cartridge system with a sand system, it is a worthwhile expense to the community. It will save money after two years. It was mentioned the cartridge system is installed too close to the wall and is difficult to maintain. It was recommended the pool filter quotes be tabled until discussion with pool companies and their pool management contracts. A motion was made and seconded to continue to pursue a sand filter system for the pool. Vote 6 yes, 1 no. The Board was asked if the pool filter system was under warranty. It was stated that the company who installed it, is now out of business.

Pool Contract Bids – The Board reviewed the bid comparison chart and discussed different contractors. One Board member felt the Board should consider the highest bid to give the community a high quality pool contractor. Better Business Bureau ratings were discussed. Vice President L Fernandez presented the Board with an Alexandria performance report. Atlantic Pools was number 1 on the list and discussed. The CM stated that she didn't understand why the Board would consider Atlantic when they did not return a call when asked if they wanted to submit an RFP. There are five good bid packages received and all have been very responsive and a few continually touch base to ask if there is anything more that is needed from them. The Board wants to meet with all the contractors who submitted bids and has tabled this item.

Sidewalk, Curb and Gutter and Path Report – The CM has walked the paths with the engineer and have come to the conclusion that several of the steeper trails and the washed out culvert are not on NCA property but Fairfax County Park Authority land. The County will be contacted about addressing the concerns of these paths. Signs can be posted notifying people of where NCA maintenance of the trails ends. There are two small trails that loop back onto other trails that do not provide any access to the trails from homes. The engineer and CM are recommending they be abandoned by tearing up some asphalt and putting up signs. Treasurer Catherine made a motion to abandon the trails. Director Nolan seconded the vote. Vice President Hernandez stated she wanted to see the trails before she makes a decision.. The CM stated she would like a decision before the next meeting so that the bid package can go out.

Architectural Standards revisions – Director Steele stated that Article I, Section 1 of the Architectural Standards addresses resident's concerns about a grandfather clause. It was noted that the problem may be in providing proof since there is no guarantee that all Exterior Project Forms are in the Lot files in the office.

The Board reviewed the latest draft of the revisions to the Landscaping and Lighting sections of the Architectural Standards. Vice President L Fernandez made a motion to publish the latest draft of the Landscaping section. Treasurer Catherine seconded the motion. Vote: 7 yes. Vice President L Fernandez made a motion to publish the latest draft of the Lighting section. Director N Fernandez seconded the motion . Vote: 7 yes. Director Steele will re-evaluate the Sheds revision. There was discussion about the fact that fences are allowed to be 4 ft or 6 ft yet the Sheds section of the Standards, state that all sheds must be next to a 6 ft. fence and don't mention a 4 ft. fence.

Retainer Fee for an Attorney – The subject will be tabled for 6 months to see how often NCA consults with general counsel on general matters.

T-bill expired in June – A \$100,000 T-bill expired on June 15<sup>th</sup>. Funds are sitting in the sweep account with a .01% interest rate. The CM was asked to look into rates shorter than one year. These numbers were provided to the Board. Since rates seem to be rising there is a concern about locking into low rates. President Peirce made a motion to renew the \$100,000 in a one month T-bill. Vice President Fernandez seconded the motion. Vote: 7 yes. There was discussion about the by laws that state reserve funds can be invested in money market mutual funds that invest a majority of the assets in U.S. Government Treasury Obligations.

Accounting Contract Bids – Bids have been received. Since NCA's current contractor is half the cost of the others, the CM did not make copies of all documents received for every Board member unless asked. Vice President Fernandez stated she would like to review all the bids to see if other services were being offered in the higher bids.

In light of the resignation of the Community Manager, Vice President Fernandez expressed some ideas on having an On-site Community Manager that could be shared by other communities in the area. The benefit to other Associations that already use a management company is that they would now have an On-site Manager at the NCA office closer to home that could share in the expenses of the office. Vice President Fernandez agreed to spearhead the project. A concern was expressed about making sure other associations pay NCA. The on-site CM would be employed by a management company, not NCA. Directors Jernigan and Steele offered to help.

Treasurer Catherine called Summit Management and they can provide an Onsite Community Manager who could step in right away. This person would need to be trained by Lori.

Audit – Treasurer Catherine made a motion to approve the 2008 audit. Director Nolan seconded the motion. Vote: 7 yes.

#### GENERAL BUSINESS - NEW

Unappropriated Owner's Equity – The NCA auditor was asked if NCA had surplus funds at the end of the year if they could be put towards owner's equity. While Vice President

Fernandez understands the auditor's concerns that NCA has negative owner's equity when a positive of 5% to 10% is recommended, she believes there is a desperate need for reserves. The topic will be looked at again when NCA's end of year balance is available.

Tree Removals – Every year an Arborist analyzes the trees on NCA property. All Priority #1's have been taken care of. The CM reviewed all Priority #2's and made a recommendation of \$4,650 worth of tree work. One tree on the list will be substituted with another that has recently come to the CM's attention. Vice President Fernandez made a motion to approve. Director Jernigan seconded the motion. Vote: 7 yes.

At 8:45 p.m. the Board adjourned to Executive Session to discuss hearings, an appeal of an architectural violation assessment, an appeal of a violation notice and probable cause for hearings on architectural violations.

Public session reopened at 8:50 p.m.

Regarding Lot 119, 264, 282 and 597 Vice President L Fernandez made a motion to assess these residents \$50 for their early trash violations. Director Steele seconded the motion. Vote: 7 yes.

Regarding Lot 59, Director Steele made a motion to assess the owner \$10 a day, starting in two weeks. Director Nolan seconded the motion. Vote: 7 yes.

Regarding Lot 44, Director Steele made a motion to waive any assessment since the violation no longer exists. Vice President L Fernandez seconded it. Vote: 7 yes.

Regarding Lot 94, Director Steele made a motion to waive any assessment since the violation no longer exists. Vice President L Fernandez seconded it. Vote: 7 yes.

Regarding Lot 590, Director Steele made a motion to waive any assessment for the tall grass violation. Director Nolan seconded it. Vote: 7 yes.

Regarding Lot 500, a motion was made and seconded to assess the owner \$50 for each email complaint received regarding their tenant's behavior. Additional complaints could result in additional single offense charges. Vote: 7 yes.

Waiver of \$900 violations assessment – Vice President Fernandez made a motion to maintain the NCA position that this resident owed for architectural violation assessments. Director Nolan seconded the motion. Vote: 7 yes.

Regarding Lot 530, a motion was made and seconded that this property does have an architectural violation and they will be required to fix the violation. Vote: 7 yes.

Regarding Lot 505, a motion was made and seconded that this property has a violation but will be looked at again in the Spring since the violation involves growing grass. Vote: 7 yes.

Regarding Lot 476 and 409, motions were made and seconded that probable cause exists for hearings. Vote: 7 yes.

Meeting adjourned at 9:10 pm.

Attachment to October 7, 2009, minutes:  
To the Current NCA Board of Directors as of October 7, 2009:

I submitted my resignation as Community Manager on September 4th. My reason for leaving includes the complete lack of professionalism shown by members of the current Board as outlined below.

I am expected to present the Board with information on agenda items days in advance of a Board meeting so the Board has an opportunity to review the material. It was even suggested that the information be given out weeks in advance. Board members do not hold themselves to the same standard. For the past two meetings important information was presented at the meeting without any opportunity for prior review. (reserve study proposals, draft budget and changes to the email voting policy).

I believe everyone knows my stance on the email voting policy – it should be recommended by and reviewed by our attorney. For two monthly meetings, statements were made that the NCA governing documents require NCA to have unanimous written consent for its email voting policy. At the last meeting the VA statutes were listed as the reason. Other possible interpretations are disregarded. The email policy that this Board passed makes an exception for members who are on vacation. No exceptions are noted in either our bylaws or the VA statutes. I was asked a question in the meeting as to why I removed a paragraph. Without an opportunity to review the question in advance of the meeting, I was unable to provide an answer. It is a little difficult to take minutes of the meeting and be able to answer unexpected questions. After reviewing the revised policy, I found the reason the paragraph was removed was because again it does not agree with the requirement we are being told of unanimous written consent, yet it was placed back in. This Board passed a policy that directly contradicts the very documents that were stated as being the reason the policy had to be changed.

Additionally I have witnessed members of this Board continually disregard the Board members Code of Conduct that they signed including unauthorized expenses, interfering with management of contracts and are praised for doing so. We have some excellent contractors that I have developed a very good relationship with, learned a lot from, and believe they provide excellent service to this community including our general counsel, our grounds contractor, our auditor, our financial manager and our snow contractor. Yet the Board wants to continually dwell on fixing what is not broken instead of putting energy into the areas that are broken such as a pool management contract and the lack of any maintenance plans, specifically for streets, concrete repairs and path work.

I believe I was inappropriately questioned on my handling of a situation in that it was done at an open Board meeting and without cause or warning. I was not given the courtesy of a conversation through the proper chain of command (the CM reports to the President) and I believe some Board members eagerly look for things that I am doing wrong, and don't care about all the things I do right.

Members come on the Board and make demands without knowing the policies and limitations of the office. There is no courtesy, no 'when you get a chance', 'could you look at this please', 'can you explain why this is done'. Instead it is 'why haven't you done this', 'this is appalling' and 'I won't vote until my demands are met'.

Finally, there is no respect or appreciation for my experience and knowledge of working in this community. This is why I submitted my resignation.