

**NEWINGTON COMMUNITY ASSOCIATION  
BOARD OF DIRECTORS' MEETING –**

August 6, 2008

Approved Minutes of the Meeting

Meeting started at 7:00 pm. Vice President Al Roy presided. Board members in attendance included Treasurer Dave Rundgren, Director John Nolan, Director Kimberly Nagel and Director Oxendine. President Armand Boyd and Secretary Chip Catherine were not in attendance.

**HEARINGS AND APPEALS**

Lot 457 was in attendance for a hearing. The resident stated they were out of town and couldn't have put it out late Sunday or early Monday. There were diapers in the bag and her children are not in diapers. She does put her bills in the recycle bin but squirrels could have spread the trash. She was asked how long she has been in the neighborhood and responded 'one year'.

Lot 254 was in attendance for a hearing. She stated she had put it out early. She had a newborn at home and her husband was out of town.

Lot 148, 146, 59, 550, 471, 285 and 517 were not in attendance.

**COMMUNITY FORUM**

In summary, a resident wanted to speak to the Board about receiving a letter that she has black on her roof but didn't feel the Architectural Standard citation was accurate since her roof is not peeling or curling. She said a roofer has told her it is algae or fungus. She also stated that she felt the letters on violations were not consistently distributed throughout the street and wanted to know what standard was used for applying the rules. Additional comments were made by the residents in attendance regarding the cause associated with the black on the roofs, costs, frequency of which algae will need cleaning and questioned the reason their street was reviewed. One resident expected the letters to be rescinded. Additional comments made during the forum were regarding very tall trees in the woods that border the community.

Vice President Roy thanked everyone for coming and explained that the Board does the best they can. This Forum is an opportunity for residents to express their opinions. Some members will agree with the position presented to them and others will not. The Board takes comments into consideration and will discuss among themselves.

Director Nagel spoke to the attendees and informed everyone that she conducted the inspection on Brandeis

and made decisions based on what she saw. She is unable, from a distance, to tell if the shingles are deteriorating or have algae. Many who receive these letters simply fix their roofs. Her responsibility is to make sure architectural rules are enforced. She explained that letters can't be rescinded, that there is procedure that must be followed including the requirement that NCA send letters by certified mail. The street was reviewed because of complaints about certain homes and she went ahead and reviewed the whole street.

A resident concluded the roof discussion stating the Board should take the issue of black streaks under advisement and present a response at the annual meeting and letters should be rescinded. Vice President Roy said it was duly noted.

A resident stated they do not agree with the practice of going through trash to find out who put trash out early. Vice President Roy stated that this process of picking through garbage being put out early throughout the community has been productive and benefits the community.

A resident expressed a concern in the lack of outreach to the community and the lack of a welcoming committee. Vice President Roy said NCA doesn't have anyone step forward to volunteer and would like someone with such energy to help.

A resident spoke to the Board because she had received a late fee that she would like waived. She said she did not receive the second quarter invoice. Summit told her to write a letter. She received a letter from NCA explaining she could come to a meeting to appeal to the Board. She was told the Board would consider her request and get back to her. Other residents mentioned the problems they have with mail taking several days, then having a full box and getting other's mail. The residents were told they should call the Post office when this occurs.

A resident suggested getting a parking light out on Delong right before Newington Glen and that we should call the County and request it.

A resident asked about when the curbs will be fixed. It was explained that the engineers are working on finalizing a report regarding all curbs and sidewalks in the community.

A resident asked if a house on Kitchener was County owned. There was concern about odd behavior from someone who lives in the house. Residents should call the police if they have a serious concern.

Lou Tobat stated that with the recent resurfacing of Rolling Road it is his opinion that we shouldn't expect Rolling Rd. to be widened for a very long time. The County Parkway ramp by I-95 is in the first phase of the Parkway construction, but not the ramp at Rolling Road.

A resident asked if the Board was aware of a new tax law on assessments that becomes effective July 1<sup>st</sup>. No one was aware of this tax.

Vice President Roy stated that was the longest Community Forum since he was on the Board and the Board would now move on to Board business per the agenda.

### **APPROVAL OF MINUTES**

Director Nolan made a motion to accept the minutes of the July 2, 2008, Board of Directors meeting. Director Oxendine seconded the motion. Vote: 5 yes.

### **OLD BUSINESS**

Email Votes that Occurred Since Last Meeting:

Lot 550 Probable Cause. 5 Votes, all Yes.

Lot 550 Probable Cause (grass). 5 Votes, all Yes.

Lot 517 Probable Cause. 5 Votes, all Yes.

Architectural Standards Update. 7 votes; 5 yes, 2 no.

### **FINANCE**

Insurance – All forms have been completed and returned. NCA to receive \$11,865 from NCA's employee dishonesty policy

### **ARCHITECTURAL CONTROL**

Architectural Updates – changes to Standards were previously presented and all were voted on except the Siding section. This is not complete and will be tabled.

Architectural Process – These recommendations had been presented to the Board awhile ago but no one was familiar with them at this point. The recommendations would be considered before the next monthly meeting.

A resident asked about the process for changing Architectural Standards. It was explained that recommended changes are presented to the Board then published in the newsletter. The following Board meeting is available for community comments and then the Board votes on the recommended changes. The resident felt that when big changes are being made to the Standards, such as not requiring mullions in windows, ballots should be sent to everyone to provide their opinion. Another

resident felt all big changes should be discussed at the annual meeting.

NCA's attorney emailed the office wanting to know the status of the three properties that received letters on architectural violations and if NCA wants to proceed to filing lawsuits. Minor or no changes have occurred on these properties and a letter was sent to the joint owner of one of the properties who was not yet aware of the situation. Further discussion will be held in Executive Session.

### **GENERAL**

President Boyd was not available to provide any information on the basketball court and the Community Manager has been on the phone several times trying to get two more contractors to provide quotes on the tennis courts. A resident said that they almost ran into a basketball pole that is on Moline Way.

The trash contract will go out for bid. American Disposal confirmed that they believe the current contract was for three years as well.

### **MAINTENANCE**

Moline Pavement Restoration is complete.

A resident asked if we could convert our private streets to public streets. Two ex-board members were in the audience and explained that this possibility had been considered before but our streets aren't up to County code. They are not deep enough.

### **COMMON GROUNDS**

Vice President Roy explained that he had asked *Blade Runners* for a three to five year plan for common grounds improvements. Vice President Roy will review it again and put together a recommendation of how to spend the \$7500 budgeted for common grounds improvements for the year.

### **NEW BUSINESS**

### **ARCHITECTURAL CONTROL**

With regard to black streaks on roofs, the Board will discuss this further and will come to a resolution.

### **CONTRACTS**

Two yearly contracts need to be considered by the Board, Pool and Accounting. CM has asked Summit for an update of their cost schedule for 2009 but doesn't have it yet. There have been problems at the pool with regard to maintenance and disregard for the rules. President Boyd has spoke to the owner and stated he has four weeks to show he wants this

## **CONTRACTS, continued**

contract. Further discussions on these contracts will occur at a later time.

A resident stated that NCA shouldn't give a company that is not giving their best performance in the first year, another chance.

## **FINANCE**

The Board was asked if they want to reopen a closed delinquency case since it is believed the previous owners are now living in the community as renters. The Board asked the CM to ascertain the costs associated with the Interrogatories that the attorney recommends and whether the Board should contact these individuals directly.

Vice President Roy stated that the budget does not seem to be at a point to present at the annual meeting. There will not be a recommendation of an increase or decrease provided. The audit results could be presented.

## **MAINTENANCE**

Painting of curbs is supposed to occur on the north side of the community one year, the south side the next and then a year off. NCA went two years without painting addresses on curb. This year Woodmere, Luce Court and Newington Place were repainted. Moline was repainted after the renovation was complete. The CM will provide the Board with a quote to paint Euclid and Getty as well as the pool parking lot's yellow curb. Director Nolan made a motion to accept the painting contract at \$4066. Director Oxendine seconded the motion. Vote: 5 yes.

The CM explained that NCA does not have a maintenance plan for its streets. Streets should have crackfilling and there is debate about the usefulness/value of seal coating. However, before the engineers will provide a maintenance plan for the streets, they feel they need to get a better understanding of the construction of the streets and recommend doing test holes throughout the community. The CM was asked to get a quote for this project. A resident asked if they have puddling on their street, if it would be addressed in the street maintenance. Vice President Roy confirmed that it would.

In the Spring, an arborist was asked to review all trees throughout the community and provide an assessment. He provided a list of trees that he considered at risk to the community and gave them a priority of 1, 2 or 3. The Priority 1 trees were

removed. The board discussed if the Priority 2 trees should now be removed. Of the \$18,000 budget for tree removal, only \$5,700 is left. The cost to remove all Priority 2 trees is \$8,100. All Board members were in agreement to revisit again later in the year.

A resident asked why the very large trees were not taken down or at least topped. Because of the magnitude of this request, Vice President Roy stated there would need to be a plan and asked where it would even start. The trees outlined by the arborist would need to take first priority and there isn't enough money to remove all the trees that residents would like removed. There is a provision in the tree policy that allows a resident to pay to have a tree removed. The discussion included who was responsible if a tree falls on a home. A resident's homeowner's policy would cover all damage unless the tree was known to be unhealthy and the community did nothing about it.

Lot 517 was in attendance late for their architectural hearing. The resident said he made arrangements to take care of the lawn and that he has been mowing it but his lawn mower was stolen. He said it was not high again. He has made repeated calls to the office but no one is there.

At 9:22 pm, Director Nagel made a motion to adjourn to Executive Session to discuss hearings, legal response from attorneys and rules violations. Director Nolan seconded the motion. Vote: 5 yes.

After a brief break, the Board returned to open session at 9:28 pm

## **OPEN SESSION**

There was discussion on how to handle the black streaks on roofs. There was consideration of having algae excluded and providing vouchers from the community to have the work done.

Director Nagel made a motion to keep the existing Standards on roofs that make black streaks a violation. Director Oxendine seconded the motion. Vote: 2 yes, 3 no. Motion failed.

Vice President Roy made a motion that black streaks on roofs not be considered a violation and create an incentive plan to have algae cleaned from roofs. Motion seconded by Treasurer Rundgren. Vote: 2 yes, 3 no. Motion failed.

Because there was not consensus on this issue, it was agreed that all residents who still have outstanding deadlines should get a letter informing them that this issue is suspended until further notice.

Regarding Lot 457, Director Nagel made a motion to waive any assessment for a trash violation. Director Nolan seconded the motion. Vote: 5 yes.

Regarding Lot 254, Treasurer Rundgren made a motion to waive any assessment for a trash violation. Director Nagle seconded the motion. Vote: 5 yes.

Regarding Lot 148, Vice President Roy made a motion to waive any assessment for the covenant violation since the violation no longer exists. Director Oxendine seconded the motion. Vote: 5 yes.

Regarding Lot 146, Director Nagel made a motion to waive any assessment for the covenant violation since the violation no longer exists. Director Oxendine seconded the motion. Vote: 5 yes.

Regarding Lot 59, Director Nagel made a motion to assess the owner \$10 a day until the architectural violation is corrected (yard not well maintained), starting August 20, 2008. Treasurer Rundgren seconded the motion. Vote: 5 yes.

Regarding Lot 550, Vice President Roy made a motion to assess the owner \$10 a day until the architectural violations are corrected (tall grass, missing gutter, house number sign and glass in door), starting August 20, 2008. Director Nolan seconded the motion. Vote: 5 yes.

Regarding Lot 471, Treasurer Rundgren made a motion to assess the owner \$50 for the architectural violation (tall grass). Vice President Roy seconded the motion. Vote: 5 yes.

Regarding Lot 285, Vice President Roy made a motion to assess the owner \$50 for the architectural violation (tall grass). Director Nagel seconded the motion. Vote: 5 yes.

Regarding Lot 517, Vice President Roy made a motion to assess the owner \$50 for the architectural violation (tall grass). Director Oxendine seconded the motion. Vote: 4 yes, 1 no.

The Board discussed the outstanding architectural violations on three properties that received letters from the attorney. The next step is to proceed to filing a lawsuit. This was tabled for the next meeting.

All items under the Rule Violations portion of the agenda have been tabled.

Director Nolan made a motion to adjourn the meeting at 10:22 pm. Director Oxendine seconded the motion. Vote: 5 yes.

**NEXT BOARD MEETING:** September 3, 2008 7:00pm, Pool House, open to all NCA residents.  
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