

## NEWINGTON COMMUNITY ASSOCIATION BOARD OF DIRECTORS' MEETING –

December 3, 2008

### Approved Minutes of the Meeting

At 7:00 pm the meeting was called to order. President Kimberly Nagel presided. Board members in attendance included Vice President Dave Rundgren, Secretary Chip Catherine, and Director Rita Steele. Director Roseanne McLafferty and Director Neil Oxendine were not in attendance.

### PRESIDENT'S COMMENTS

President Nagel stated she had no comments.

### APPROVAL OF MINUTES

Vice President Rundgren made a motion to accept the minutes of the November 5, 2008, Monthly Board Meeting. Secretary Chip Catherine seconded the motion.

### HEARINGS AND APPEALS

Lot 130 was scheduled for a hearing but not in attendance.

### COMMUNITY FORUM

Because of the significantly high number of assessment delinquencies, a resident suggested NCA consider prohibiting residents who are delinquent from using their NCA parking spaces. He saw this suggestion on a government website for HOAs. The Board stated that they have been considering this idea. There was discussion about NCAs Covenants relating to this subject.

There was a complaint about a home on Durer who has dead brush. This house has already received a door tag reminding them to clean the yard.

A resident complained about the gumball trees on her street. She has a neighbor who has hurt herself. She would like the tree removed. Brandeis Way seems to have most of these trees. It was explained that the Board cannot remove healthy trees when there is a list of trees being recommended for removal by an Arborist and this one is not on it. The cost to remove trees is just too high. There was discussion about the gumballs being cleaned when the leaf removal crew comes through in the next day or two. The Community Manager (CM) noted that she was on this street today and there were no gum balls around. It was stated that leaf removal was started on the North side of the community yesterday and they are doing a fantastic job.

### EMAIL VOTES THAT OCCURRED SINCE LAST MEETING

- Lot 244. Does probable cause exist for a hearing on the architectural violation? 7 votes. 6 yes, 1 no.
- Lot 140. Does probable cause exist for a hearing on the architectural violation? 7 yes votes.
- Lot 338. Does probable cause exist for a hearing on the covenant violation? 7 yes votes.
- Lot 267. Does probable cause exist for a hearing on the architectural violation? 5 votes. 2 yes, 3 no.

**COMMUNITY MANAGER'S REPORT** (Discussion on the report is included in brackets)

### OLD BUSINESS

*Discrimination case – no update*

- *Architectural Violations lawsuits.*
  - 1) *one correction effort – Board is being asked to temporarily reconsider pursuing lawsuit. Not discussed last month but Board will discuss in Executive Session.*
  - 2) *status from attorney on two outstanding architectural violation lawsuits will be discussed in Executive Session.*
- *Pool lines from skimmers to pump winterized. Last month only bathhouse fresh water lines were winterized, diving board taken down.*
- *Trash contract not yet signed. Hopefully this week.*
- *Snow contract signed.*
- *Fidelity insurance policy needs to be increased in accordance with new Virginia law. Law went into effect July 1, 2008. CM has a revised invoice for next year for this increased coverage but insurance company requires a Letter of Warranty. President Nagel wants to discuss with Board first. Carried over from last month. Very important the Board address this.*
- *Kinko's rates and discount policies have changed and I was searching for a new printer for the monthly newsletter. Quotes from Minuteman Press on Alban were excellent and will hold rate for at least six months. Prepared December's newsletter and it looked great.*

*Tasks from last meeting:*

- *Question on cost to remove broken tree branch on Delong. \$125.*
- *Advertised need for a new person to assist with door tags. Done but no interest to date.*

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*Tasks from last meeting, continued....*

- *Engineers report on conditions of NCA sidewalks, curbs and community paths was completed and reviewed. CM had questions on priority of path maintenance. Does Board have questions? After speaking to engineers, the approach on reporting the maintenance of the paths will be different. Some of this will be highlighted in Executive Session.*
- *Graffiti. Called VDOT to clean up sidewalk. Done. Called street painter to power wash play ground equipment. Expensive but is done. CM spray painted all green utility boxes that had graffiti. Still some graffiti on barricade at end of Delong. Also asked VDOT to replace a missing no parking sign on Delong near pool parking lot entrance. Not done.*  
[President Nagel asked how much the power washing cost. \$300. President Nagel asked the CM who authorized the power washing. The CM stated it was done because it needed to be done.]
- *Newsletter notice about residents being responsible for own leaves. Noticed residents are raking into piles on islands which could kill grass. Continue to get complaints about this activity.*  
[The Board stated the we need to keep putting reminders in the newsletter that residents are responsible for the leaves in their yard]

**NEW BUSINESS**

- *General:*
  1. *Disclosure inspection(s): 7800 Marconi, 8327 Moline*
  2. *NCA is defendant on a legal complaint. Basically, NCA put a lien on the property for past debt and now the two owners are in litigation. Attorney has written a statement to the court to protect our interest. A response is required. I asked that it be a minimal response which it is since they only owe us \$400. Told there is no research so response would be quick and easy.*
  3. *Cold call from a pool contractor. Gave quotes to perform testing of lines for cracks, white coat and drain (Baker Act) replacement. Still need concrete deck repair and deck drain blockage quotes.*  
[President Nagel asked if we have any quotes from current contract. No. She asked the CM

to call the contractor and ask them if the pool is now winterized. There is no deadline in the contract and the CM is to ask for the contract to be revised with such a date. She is concerned that they are not responsive to NCA.]

4. *Washington Post has put a paper box on NCA property at corner of Rolling and Northumberland. I've made calls trying to get this out. Have a call to return and then should be taken care of.*  
[According to several people this box has been there for a while. The box is on private property and opens NCA up to other requests for signs and vending boxes.]

*Resident Complaints/Issues*

*Resolved:*

1. *Resident called about car on Kitchener not moved for months. Suspected that it is not a resident. Put note on car and got a call that it was their third car and not used much. Put another note on that I need this individual's name and address in our community and it was moved. Now they have moved to another blank spot around the corner and it never moves.*  
[Discussion included that blank spaces should be used only for short term parking. Permits were considered. President Nagel asked for someone to lead this topic.]
2. *Unattended children. Nothing we can do but I am running article in newsletter on this subject.*
3. *Leaves on path. Was told by Blade Runners that second community leaf clean up is 2<sup>nd</sup> to 3<sup>rd</sup> week of December but they started on North side of community yesterday.*
4. *Dryer on Euclid. Flyered. Gone by Friday.*
5. *Tennis court net sagging. Called installer. O/S item.*  
[Resident suggested finding out if the tension should be different in the Winter from the Summer.]
6. *Fairfax County Housing Development inspection. Noted some handrails that need repair (done), electrical boxes full of graffiti (done), and brush that needs to be removed (ordered). Brick wall deteriorating and peeling paint, small area of tilted sidewalk, and missing baluster on rail attached to brick*  
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### *Resident Complaints/Issues, continued*

*wall were also noted but not addressed. The CM mentioned the County's attitude about these complaints and that they are being treated like any other resident. Some items can be immediately remedied and others cannot.*

- 7. Abundance of political signs on residents lawns despite these signs being a violation of covenants – placed door hangers and signs are now removed.*

### *Outstanding:*

- 1. Neighbor has teenagers that visit and hang out until early in the morning. Throwing trash, parking on yellow lines. Told them to call police if loud.*

*[Board agreed there are nuisance and right of enjoyment clauses in the covenants and a letter should be drafted for addressing these situations. CM will send draft to the Board.]*

### *Outstanding from prior month:*

- 1. Kids playing in street*
- 2. Letter from one resident included people not cleaning up after pets, trash left in parking lots and sidewalks, kids hanging on NCA trees as they leave school. Recommend notices to residents on animals, installing signs about littering, talking to school principal, or denote problems in newsletter. (Board did say at last meeting not to call the school)*
- 3. Additional complaint on dog poop. Resident witnessed and was asked to pick up after dog on Gwynedd but ignored request. [The Board stated that pet owner's responsibilities with dog poop need to run in every newsletter]*
- 4. Question on NCA policy for out-of-state cars in parking lots. Laws require residents living in Virginia to have Virginia plates, unless they have DOD registration.*

## **FINANCE**

Monthly Report – The CM provided the Board with some financial information that was requested including a report of the status of delinquencies, report on all line items that were either 10% above or below budget and a report of all line items to budget. As of 10/31/08, delinquencies are up from last month but this is a normal trend for the first month of a quarter. 33 accounts are with the attorneys for collection.

T-bill renewal - The CM stated that the 100,000 t-bill that was approved to be renewed for three years was not. When she was given the one year and three year rates, she informed the Treasurer who agreed this renewal should be discussed with the Board again. The one year rate quoted was 1.52% and the three year was 1.6%. There is no benefit right now to getting a three year t-bill. Vice President Rundgren made a motion to renew the \$100,000 t-bill for one year as long as the difference between one and three is not greater than 1%. Director Steele seconded it. Vote: 4 yes.

In October the Board discussed putting excess operating funds in a money market account versus a checking account because our operating accounts are non-interest bearing. It was agreed that when the next Treasurer is elected, that individual can decide to pursue this topic or not.

Reserve Study - There was an in depth discussion on the NCA reserve study. The cost to prepare the last one was \$3,295. Discussion included when NCA will suffer if it is not more fully funded, NCA Board's responsibility to the future, is it too late to add to the reserves, can special assessments be used to fund reserves, not following the current reserve plan, and taking all the maintenance information we are gathering and getting a new reserve study.

Treasurer – Al Roy has resigned from the NCA Board of Directors effective December 1, 2008. The Board will need someone to fill this position. Secretary Catherine said he would consider it but would not be both Secretary and Treasurer.

## **ARCHITECTURAL CONTROL**

Director Steele reported on the Architectural Control Committee. She stated that there was one request for an Exterior Project approval and no complaints of architectural violations.

## **MAINTENANCE**

Streets – There was discussion on the quote to perform test holes on NCA streets. The purpose is to give the engineers more information to prepare a street maintenance plan. Additional information was shared with the Board based on a conversation the CM had with the engineers. The Board wanted to know what is measured with the test, are there standards and are the quotes to perform the work still good.

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*Maintenance, continued...*

Trees – The CM was asked if there was any room in the budget to remove trees from the arborists priority tree removal list. Of the \$18,000 line only about \$1,000 is left but CM has been told there are some trees across the community paths and she needs to go find them. If there is any money left, the CM will email the Board by December 20<sup>th</sup> so that one more tree can be removed.

**GENERAL BUSINESS**

**OLD**

Street Light on Lodge - Secretary Catherine stated that the previous contact at Dominion Power is in a different position now and he doesn't have a good contact for this matter. Will continue to pursue this matter.

Board Responsibilities List is tabled for next month.

**NEW**

Contract Review – Towing. President Nagel explained that she would like the Board to review contracts every month and has asked the CM to provide the contract list to the Board with the addition of the CM's opinion on the contractor's performance. The next contract to expire is the towing contract, on 2/28/09. The CM explained that the Board just explored changing tow companies earlier this year. There are no complaints since speaking to Dominion Towing last year about treatment of customers and fixing the appearance of lurking at expiration. They are in a good location and attendants are there 24 hours a day. Secretary Catherine made a motion to renew the towing contract with Dominion. Director Steele seconded it. Vote: 4 yes. Because there are no contract that renew for the next six months or more, President Nagel will look into getting visitors and NCA consultants to come to the meetings to provide the Board with pertinent information.

Fidelity Insurance - Fidelity insurance policy needs to be increased in accordance with new Virginia law. Law went into effect July 1, 2008. The CM's gotten a revised invoice for next year for this increased coverage but they won't increase without a Letter of Warranty. President Nagel wanted to discuss with Board before signing letter. President Nagel wanted to make sure our policy

included legal coverage for board members in case they are brought before the CIC board on a complaint. The CM explained that the fidelity policy is for Board, employee, or management company theft and dishonesty. NCA's liability policy would address legal assistance in the case of a complaint or lawsuit. President Nagel stated she would sign the letter.

Two Board Meetings per Month - The Board discussed the necessity of this. They agreed that two Board meetings per month might not be necessary but they could have special meetings to discuss current topics that do not have a vote. Dates are not yet set.

At 9:06 pm, Director Steele made a motion to adjourn to Executive Session to discuss hearings, a Board member nomination, architectural violation lawsuits, legal aspects of concrete and path report, and legal aspects of Rules Violation Policy. Vice President Rundgren seconded the motion. Vote: 4 yes.

At 9:15 pm, Director Steele made a motion return to open session. Vice President Rundgren seconded the motion. Vote: 4 yes.

Secretary Chip Catherine resigned from the Board position of Secretary. Vice President Rundgren made a motion to nominate Chip Catherine as Treasurer. Director Steele seconded it. Vote: 4 yes. President Nagel made a motion to accept John Peirce as a Board Member. Treasurer Catherine seconded it. Vote: 4 yes.

The Board thanked John for his willingness to join the Board. It would become effective tomorrow and he will be caught up on all the outstanding issues before the Board.

Regarding Lot 130, Director Steele made a motion to assess the owner \$50 for the trash violation. Treasurer Catherine seconded the motion. Vote: 4 yes.

Regarding Lot 285, President Nagel made a motion that probable cause exists and this resident should have a hearing on their architectural violation. Director Steele seconded the motion. Vote: 4 yes.

Regarding Lot 88, Treasurer Catherine made a motion that probable cause exists and this resident should have a hearing on their architectural violation regarding the gutter. President Nagel seconded the motion. Vote: 4 yes.

Regarding Lot 548, Vice President Rundgren made a motion that the architectural violation on this property has been corrected. Treasurer Catherine seconded the motion. Vote: 4 yes.

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*General Business, continued...*

Regarding Lot 59, President Nagel made a motion that after 90 days, the architectural violation still exists and the maximum fine of \$900 should be assessed. Vice President Rundgren seconded the motion. Vote: 4 yes.

Regarding Lot 550, Vice President Rundgren made a motion that after 90 days, the architectural violations still exist and the maximum fine of \$900 should be assessed. Director Steele seconded the motion. Vote: 4 yes.

Regarding Lot 468, because some attempt has been made to fix the architectural violations on this property, President Nagel made a motion to hold off on filing the lawsuit until another letter is sent to the resident. Director Steele seconded the motion. Vote: 4 yes.

After considerable discussion, the Board approved holiday bonuses for NCA's two employees, Lori Randall and Rosemary Gil.

Write-offs – The CM reviewed with the Board that NCA's collection attorney has recommended NCA write off assessments for two properties. Vice President Rundgren made a motion to write off \$1,126.01 in assessment debt. Treasurer Catherine seconded the motion. Vote: 4 yes. The attorneys have another property that is in a delinquency status, have no indication of a foreclosure, and cannot ascertain if the individuals are living in the property. There are two judgments on the property already. The attorney's recommendation is to hire a private investigator to get more information. President Nagel made a motion to spend up to \$500 for an investigator. Treasurer Catherine seconded it. Vote: 4 yes.

The Board discussed the recommended revisions to the NCA Violations Procedures Policy that were provided by general counsel. The Board will review the recommendation and will vote by email on this matter.

The CM provided a detailed report on her discussion with the engineers regarding NCA's path maintenance plan and the new direction they intend to go with regard to a recommendation.

At 10:40 pm, Vice President Rundgren made a motion to adjourn. Treasurer Catherine seconded it. Vote: 4 yes.

**NEXT MEETING:** Wednesday, January 7, 2009 at 7:00 p.m. - NCA Pool House. All NCA residents welcome.

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