

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

July 2, 2008

Approved Minutes of the Meeting

**OLD BUSINESS**

**EMAIL VOTES THAT OCCURRED SINCE  
LAST MEETING**

- Lot 471 had a probable cause vote for an architectural violation (grass). 7 votes, all yes.
- Lot 148 had a probable cause vote for a covenant violation. 7 votes: 6 yes, 1 no.
- Lot 59 had a probable cause vote for an architectural violation (grass). 7 votes, all yes.
- Lot 146 had a probable cause vote for a covenant violation. 7 votes, all yes.
- Lot 285 had a probable cause vote for an architectural violation (grass). 6 votes, all yes.

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

**HEARINGS AND APPEALS**

Vice President Al Roy read the lot numbers that would have an opportunity for hearing. No one was in attendance.

**COMMUNITY FORUM**

A resident had received a letter about the black streaks on his roof. The resident was looking at the cost to fix the streaks and had some questions for the Board. If a fine is assessed, how is it determined? Director Nagel explained the violations process and that the charge was determined by the Board. It was noted that violations of a continuing nature usually were charged at \$10 per day up to ninety days but single day offenses were charged a one time \$50 assessment. He explained that he has not been able to get many contractors to look at the roof but one that looked at it thought the asphalt was bleeding through. The roof was put on in 1993. He wanted to know how many other homes had been cited for the black streaks. He was told six other homes were cited and that some have made attempts to clean. There is one home that used a chemical because the black on the roof was mold, not deteriorating shingles, which completely fixed the violation. The resident asked for names of contractors that he could use. The Board explained that NCA does not maintain a list of contractors. Treasurer Rundgren said he had the name of a contractor for the resident and they exchanged information.

Lou Tobat informed the Board that there were meetings held on the Fairfax Parkway and Engineer Proving Ground work but he was unable to attend. The plan for Rolling Road is unknown at this time.

**APPROVAL OF MINUTES**

Director Nolan made a motion to accept the minutes of the June 4, 2008, Board of Directors meeting. Secretary Catherine seconded the motion. Vote: 5 yes.

**FINANCE**

The Community Manager, CM, asked if there had been a vote on the 2006 audit after President Boyd emailed copies to everyone. She was aware that two Board members had approved it. For the record, Director Nagel made a motion to accept the 2006 audit. Treasurer Rundgren seconded the motion. Vote 5 yes.

With the completion of the 2006 audit, the President has filed a claim to NCA's insurance carrier under the employee dishonesty policy for a total of \$12,115.

Director Nagel asked the Treasurer if the Board will see the draft 2009 budget before the annual meeting. Treasurer Rundgren said he worked with the CM for two hours and has a draft and wants to discuss it with Vice President Roy before presenting to the Board and the community. The two Board members will schedule a meeting soon and VP Roy asked that an electronic copy be sent to him.

The CM presented to the Board information on 2008's write-offs to date. Earlier in the year the emails provided from the attorney and accountant included both outstanding assessment balances and outstanding legal fee balances. The request for a write-off in June was for the assessment balance only. After inquiry, the CM wanted to make the Board aware that the only portion of the write offs the Board voted on, that are recorded in bad debt, are the assessments. That makes the total year to date write offs \$4,173, not \$5,321 which matches the income statement. The loss in legal fees is evident from the fact that the legal fees expense is currently at \$10,000 and the legal fee income is at \$1,500. Historically, these balances have offset each other. VP Roy stated this isn't as big a

concern since \$20,000 was budgeted to cover the attorney income statement. The loss in legal fees is evident from the fact that the legal fees expense is currently at \$10,000 and the legal fee income is at \$1,500. Historically, these balances have offset each other. VP Roy stated this isn't as big a concern since \$20,000 was budgeted to cover the attorney expense. The Board discussed the need to pass a motion. Director Nagel made a motion to revise the write-offs in 2008 to exclude legal fees so that the total is \$4,173, not \$5,321 as of July 2, 2008. Secretary Catherine seconded the motion. Vote 5 yes.

### **ARCHITECTURAL CONTROL**

Director Nagel had no additional information to present to the Board on the Architectural Standards update. The CM asked the Board to consider voting on the changes at this Board meeting since architectural violations have not been cited over the past eight months in anticipation of revised sections to the Architectural Standards. Changes had been presented to the Board at the May meeting, the changes were posted in the newsletter and last month the Board supported some additional minor changes. The only section that is incomplete is the new section on Siding which could wait until Director Nagel completes it. VP Roy stated he hadn't had a chance to review them yet but would put them out for an email vote if the CM would email him a copy.

Director Nagel had no additional information on the architectural inspection process. This was tabled for the next 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**

Discussion on the basketball courts and tennis courts has been tabled until President Boyd returns.

One resident had a complaint about tree branches being too close to her home. VP Roy explained that he spoke to the resident and has followed up with a letter stating there doesn't seem to be a compelling reason to remove the tree or its branches and that she could always appeal to the entire Board if she wanted.

The CM asked the Board last month if they wanted to go out for bid on the trash contract. After reviewing the contract, she informed the Board that it does not expire until December 2009. During conversations on this topic, everyone realized that in one spot on the contract it shows four years and on the other three years. The CM will contact the trash company to find out what they think is the end date of the contract. Treasurer Rundgren noted that there is a July 4<sup>th</sup> pick up.

### **MAINTENANCE**

Pool – Secretary Catherine drafted and President Boyd sent a letter to the pool contractor outlining some of the maintenance issues with the pool and asked for clarification on what maintenance/service is covered in the pool contract and what the community would need to contract separately for. In the letter NCA's expectation for future improvements were outlined with a request for assistance in these matters. He stated the diving board was broken and not set properly and that the pool had run very low on toilet paper and didn't know who was responsible. After reviewing the contract, toilet paper was clearly outlined as the responsibility of the contractor, Dominion Aquatics.

The Moline repavement project is well under way. There is a lot of concrete curb and gutter work and there was some additional work that was brought up at the last minute that will need to be done. Additionally, sidewalk/gutter work that was defined for Moline place in the sidewalk, gutter and path report will also be repaired while the trucks are already there. Concrete work will continue through the 8<sup>th</sup>, then there will be a brief break and asphalt work will start on the 14<sup>th</sup>. Asphalt work should be completed by the 18<sup>th</sup>. The residents of Moline Place have been cooperative with staying off the streets. The CM asked the Board for their support in having the tow company enforce towing on the street. No cars should be parking there through the July 4<sup>th</sup> weekend. The concrete work has a minimum two day curing period. The Board agreed this is an extremely expensive job and no one should be on the street.

### **COMMON GROUNDS**

Vice President Roy explained that he had asked Blade Runners for a three to five year plan for common grounds improvements. All Board members had been emailed a copy of the draft plan. Members found the layout confusing. Because a single garden could cost as much as \$5000, VP Roy asked if NCA<sup>2</sup> were to go with the plan and implement, would NCA

be able to expense it as a reserve item given that these expenses would be related to common ground improvements and maintenance which would be considered an allowable expense. The CM mentioned that common grounds were not part of the current reserve budget plan and that the amount of money currently put into reserves should not be used for something that has not been included in the reserve budget. VP Roy reiterated that because improvements as identified in Blade Runners proposal weren't budgeted or included in the reserve plan, did not obviate the Board from moving forward if the Board supported and approved the work. The CM stated that there is a \$7500 line in the operating budget for common ground improvements and that NCA could do the turf renovations that were recommended, that so many residents have asked for, and only spend \$2500 of that line. It was further discussed that since some items in the plan are not necessarily ready to be replaced or repaired, the reserve plan could be revisited to include Blade Runners proposal and be implemented as soon as next fiscal year. The recommendations by Blade Runners are a first draft and will require further review.

Vice President Roy stated that a resident had complained about the bushes on her street being too tall and a safety hazard at night. He has surveyed the community and believes there are several areas that could benefit from a hard pruning that is not currently in the yearly services. VP Roy will contact blade runners to have them provide a quote to perform this work.

A resident asked about her neighbor's tree that is leaning towards her property. Director Nagel stated she had lost track of the email and hasn't had a chance to look at it but will take care of it shortly. Someone asked if Blade Runners could take care of it. Because the tree is on private property, the covenants state that if the Architectural Committee deems it detrimental, then the owner of the property with the tree will be given an opportunity to fix it.

At 9:05 pm, Treasurer Rundgren made a motion to adjourn to Executive Session to discuss hearings, legal response from attorneys and staff salaries. Secretary Catherine seconded the motion. Vote: 5 yes.

## **EXECUTIVE SESSION**

At 9:15 pm, Secretary Catherine made a motion to leave Executive Session and return to Open Session. Treasurer Rundgren seconded the motion. Vote: 5 yes.

## **OPEN SESSION**

Vice President Roy stated that the annual increase for NCA employees had been discussed and a maximum 5% had been approved.

Regarding Lot 70, Director Nagel made a motion to assess the owner \$50 for the trash violation. Director Nolan seconded the motion. Vote: 5 yes.

Regarding Lot 543, Secretary Catherine made a motion to assess the owner \$50 for the trash violation. Director Nolan seconded the motion. Vote: 5 yes.

Regarding Lot 138, Secretary Catherine made a motion to assess the owner \$50 for the covenant violation. Director Nolan seconded the motion. Vote: 3 yes, 2 no.

Regarding Lot 139, Secretary Catherine made a motion to waive any assessment for the architectural violation since the violation no longer exists. Vice President Roy seconded the motion. Vote: 5 yes.

Regarding Lot 6, Secretary Catherine made a motion to assess the owner \$10 a day until the architectural violation is corrected, starting July 15, 2008. Director Nagel seconded the motion. Vote: 5 yes.

At this point, Vice President Roy had to excuse himself from the meeting.

The CM presented to the Board various lots that had received notices on being assessed \$10 a day starting on specific days. With regard to Lot 331, Secretary Catherine made a motion that this resident has reached the maximum 90 days without correcting the violation. Director Nolan seconded the motion. Vote: 4 yes. With regard to Lot 338, Treasurer Rundgren made a motion to assess the owner for 13 days. Secretary Catherine seconded the motion. Vote: 4 yes. Regarding Lot 129, Director Nagel made a motion that the violation had been corrected and no assessment should be charged. Secretary Catherine seconded the motion. Vote 4 yes.

Regarding Lot 477, Director Nagel made a motion that probable cause exists and this resident should have a hearing on their architectural violation. Secretary Catherine seconded the motion. Vote: 4 yes.

The Board discussed the outstanding architectural violations on three properties that received letters from the attorney. The CM stated that only minor changes had occurred on one property and nothing on the other two. She also mentioned that the one property has two owners and she forwarded the attorney's letter to the second owner of the one property because they have been responsive in the past. The next step is to proceed to filing a lawsuit. This was tabled for the next meeting.

Director Nagel made a motion to adjourn the meeting at 10:05 pm. Treasurer Rundgren seconded the motion. Vote: 4 yes.

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