

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

November 5, 2008

Approved Minutes of the Meeting

Although a Board quorum was not met at 7:00, President Nagel was able to hold a discussion with the audience. One resident stated he had noticed the vacancies for Board positions and decided to attend and see if he could help. John Peirce introduced himself as an owner for 22 years. He led the drive to get a single assigned parking space and later a second assigned parking space. He recognized this is a new Board and thought a long time resident's voice could contribute to the community. He has a concern with upkeep of the appearance of the neighborhood and has a working background in facilities management. He has not been on NCA's Board before. President Nagel stated the Board would discuss this in Executive Session and thanked him for volunteering. He was asked to provide contact information and to attend next month's meeting.

At 7:15 pm, quorum was met and the meeting was called to order. President Kimberly Nagel presided. Board members in attendance included Vice President Dave Rundgren, Director Roseanne McLafferty and Director Rita Steele.

PRESIDENT'S COMMENTS

President Nagel stated that her comments would be presented later in the meeting.

APPROVAL OF MINUTES

Vice President Rundgren made a motion to accept the minutes of the October 1, 2008, Monthly Board Meeting. Director McLafferty seconded the motion. President Nagel stated the vote count was missing and should be added to the minutes of record for the motion to have Chip Catherine hold the position of Secretary and Dave Rundgren to hold the position of Vice President. Vote: 4 yes. (Note: missing vote was 7 yes, 0 no).

HEARINGS AND APPEALS

Lot 50, 61, 548 and 90 were scheduled for a hearing. Lot 90 was in attendance. This resident stated that they had not put their trash out early. She mentioned they have just moved to the community in August. She also had questions about getting rid of an air conditioning unit and questions on her bill from Summit. She was given phone numbers of who to call. No one was in attendance from the other lots.

REPORTS

**EMAIL VOTES THAT OCCURRED SINCE
LAST MEETING**

None.

COMMUNITY MANAGER'S REPORT

A written report was read to the Board as follows:

Community Manager's Report – November 5, 2008

OLD BUSINESS

1. Discrimination case – HUD recognized the discrimination complaint and wrote NCA that it is being handled by Fairfax County's Office of Human Rights who subpoenaed NCA for documentation. Attorney's responded with detailed letter (10/10/08) after I first tried to ascertain if our insurance would cover (at attorney's suggestion). They would not. Attorney's letter stated NCA would be willing to resolve through conciliation, services offered by FCOHR. Received letter from our attorney acknowledging recent voicemail from FCOHR that Complainant is not willing to pursue conciliation and investigation by FCOHR is proceeding.
 - o Received a resident's request for a copy of the complaint but confirmed that this information is not part of public record and informed that that updates on case would continue to be summarized in Board meetings.
2. Architectural Violations lawsuits. Discussed my concern with Rita. Will be presented to Board tonight.
3. Basketball hardware ordered and received. Not expected to be installed until the Spring.
4. Pool bathhouse fresh water lines were winterized, diving board taken down.
5. Tasks from last meeting:
 - o Did not renew T-bill – see Finance
 - o Can off season pool use decision be made on a week to week basis? – Email sent to Board. We can but price will change if weeks are skipped due to cost of keeping pool running
1. After approval of common grounds improvements (turf renovations and garden on Matisse) – work was completed, flyered

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- community where turf renovations were done to “please water”.
- After Board approved tennis court’s repair contract, contract was immediately signed and work started in 10 days of meeting. Work progressed daily and was complete by 10/22.
- Dead tree over path was removed.
- Met with current trash contractor who invoked ‘right to compete’ clause in contract and agreed to meet best offer. More discussion tonight.

NEW BUSINESS

GENERAL

1. RV Lot application process completed for another year. There are a few spaces available.
2. Will need a new person to assist with door tags. The person who currently works for the office doing this task will be moving out of the community.
3. Tree branches on Delong broke and were removed.
4. Fidelity insurance policy needs to be increased in accordance with new Virginia law. I’ve gotten a revised invoice for next year for this increase coverage but we haven’t increased the limit for this year until Kimberly has an opportunity tonight to discuss this topic more.
5. Engineers report on conditions of NCA sidewalks, curbs and community paths was complete. Have not had a chance to review yet.
Vacation in December – Both Rosemary and myself will be out of the office the week after Christmas. We’ve closed the office for that week in the past without issue. Can make arrangements for phone and email back up if necessary. Rosemary will be gone additionally the month of January.
7. Karyn Schneider has volunteered to run holiday party scheduled for Friday, December 12th. I’ve completely stepped away from this. She does need volunteers and knowing she has support before the day of the party will help her in planning how much she needs to do.
8. Kinko’s rates and discount policies have changed and I’ve been searching for a new printer for the monthly newsletter.

RESIDENT COMPLAINTS/ISSUES

Resolved:

1. Car on Gwynedd not moved for months. Request to call police. Thought to be abandoned. Put note on car and it was moved.
2. Tree is dying believed to be on community property. I believe it to be on private property.

3. Solicitors putting flyers on doors. Sign at entrance – residents should call police when a nuisance.
4. Budget concerns email. Forwarded to Board.

Outstanding:

1. Kids playing in street
2. Letter from one resident included concerns of people not cleaning up after pets, trash left in parking lots and sidewalks, kids hanging on NCA trees as they leave school. Recommends notices to residents on animals, installing signs about littering, talking to school principal, or denote problems in newsletter.
3. Additional complaint on dog poop. Resident witnessed and was asked to pick up after dog on Gwynedd but ignored request.
4. Question on NCA policy for out-of-state cars in parking lots
5. Residents blowing leaves on to street
6. Graffiti showing up on community on sidewalks on Delong (next to broken into car), Rolling, light post on Delong, sandwich board at the office. Police called on Delong incident
7. Abundance of political signs on residents lawns despite these signs being a violation of covenants.

President Nagel asked if the expenses for the basketball nets were approved by the Board. They were. President Nagel asked if the Community Manager (CM) would be advertising in the newsletter for someone to do door hangers. She said she was. Director McLafferty asked the CM how much was spent to remove downed branches on Delong. She said she would get that information for her. President Nagel asked the CM if she was looking for a response now on the outstanding items. No, the CM stated these are items that she needs guidance on from the Board either through policy or a Board philosophy since there isn’t any at this point. The Board discussed residents blowing leaves into the street. There should be a newsletter notice that this is not acceptable. When wet, the leaves will be very slippery. There was a question about whether the leaves are killing our grass and if we are covered if it does. There was additional discussion on this topic. President Nagel said that graffiti is her biggest concern. She asked the CM to call the County to see if they will remove it from the sidewalks.

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FINANCE

2009 Budget – Director Steele made a motion to accept the budget published in the November newsletter. Vice President Rundgren seconded the motion so that the motion was on the table. He stated he was still concerned with the budget and wanted to review the changes in the current version compared to the previous version the Board had developed. As these comparisons were made, President Nagel provided a summary to the audience on the information she received at a recent seminar.

President Nagel attended a seminar sponsored by numerous law firms for HOAs regarding the new Virginia law that went into effect on July 1, 2008. This new law significantly changes how communities are managed as a result of the Koger situation. Some of the highlights of the law:

1. Community Managers are now required to be licensed by the Commonwealth of Virginia (with some exceptions)
2. Contents and billing procedures of the disclosure package changes
3. Increased insurance requirements for dishonesty
4. New Common Interest Community (CIC) Board at the State level. This Board will hear complaints against HOAs where the complainant has not been satisfied with the decision of the HOA Board.

Basically, residents will see little change in how the HOAs are managed. The changes really happen at the Community Manager, Accountant, and Board level of operations. Much of the implementation of the CIC Board is yet to be determined. Two additional points President Nagel took away from the meeting are:

1. NCA must ensure all policies are in writing, and
2. This new law will cost associations in general, including Newington Community, a great deal in increased fees and insurance premiums.

As more seminars are held by the attorney's more updates will be provided to the community.

As a resident left, she was asked if she had a question. She stated she had hoped to speak to the Board but in private so she wasn't going to stay. The members in the audience offered to step out. Vice President Rundgren made a motion to take a five minute recess. Director Steele seconded it. Vote: 4-0.

The audience returned to the meeting. Vice President Rundgren made a motion to return to open session. Director Steele seconded it. Vote: 4-0.

The Board continued to discuss the existing budget. The change in the line for the CM's pay was discussed in detail since it had been decreased from the Board's third version to the fourth version. Additional discussions included concerns that the budget should not have any increase for 2009 and questions on the various lines for accounting services, including delinquency processing and invoicing. A resident stated that more needs to be done to negotiate existing NCA contract increases. The CM made a statement to the Board that since the current reserves are based on information that past Boards have not been comfortable with, the Board should think about the fact that a lot is being done to update that information and a new study could be done next year. Engineers have completed a maintenance study of all NCA sidewalks, curbs and community paths, a new maintenance recommendation of the NCA streets is in the near future if the test hole work is approved, and Secretary Catherine is working to get quotes to do a lot of needed pool maintenance. Discussion turned to how NCA needs to get people to pay their assessments and not involve the attorneys as much. As of 9/30/08, NCA is owed \$35,000 in delinquent assessments and half of the 68 owners are in the collection process with NCA's collection attorneys.

Based on the motion to accept the 2009 budget with an adjustment to the CM's pay line a vote occurred. Vote: 2 yes, 2 no. Motion failed.

After further discussion on the budget and the effect of not increasing from 2008 the amount allocated to reserves, Director Steele made a motion to accept the budget published with a \$1,000 increase to the CM's payroll line and no increase in reserve allocations. Vice President Rundgren seconded the motion. Vote: 4 yes.

President Nagel stated that every month the Board needs to review an existing NCA contract to see if contractors are meeting their obligations or need to have increases reconsidered.

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. Because he was unable to attend tonight, he asked the Board to table this until the next meeting. It was agreed this item would be tabled.

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Treasurer Roy's discussion on a money market account versus a checking account will be tabled until the next meeting.

Write-offs – The CM reviewed with the Board that NCA's collection attorney has recommended NCA write off assessments for two properties for a total write off of \$1,285.06. Judgments were filed with these two owners and if they try to purchase another home, they would need to pay NCA first. In those judgment, there are unrecoverable attorney expenses. Director McLafferty asked if we could find out why those expenses are unrecoverable. The CM received a third write off recommendation the morning of the meeting but this will wait until next month. Vice President Rundgren made a motion to write off \$1285.06 in assessment debt. Director Steele seconded the motion. Vote: 4 yes.

ARCHITECTURAL CONTROL

Director Steele reported on the Architectural Control Committee. She stated that inspectors walked Moline Place, Luce Court, Getty Court and Euclid Way. There will not be any more architectural inspections until March. Letters will continue to go out in response to complaints. Director McLafferty asked what could be done about absentee owners who rent their homes out. She believes several rental properties are in bad condition. It was explained that when inspections are conducted, no one knows whether owners or tenants reside in a home and all homes are inspected equally.

Pursuit of a lawsuit on one of the properties that has architectural violations is being reconsidered. The Board will look at pictures and reconsider after Executive Session.

Director Steele explained to the Board that she had some concerns about paying residents to do architectural inspections although she understands there is a budget line for this service and believes they might be more consistent with helping if they are paid. There was discussion about the pay being more than minimum wage. She won't be advertising again until maybe early Spring.

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. The topic will be tabled until next month.

Snow – The CM has a contract from Springfield Lawn. Their rates went up this year yet match the rates quoted from Blade Runners in their lawn proposal two years ago. Vice President Rundgren made a motion to accept the snow contract with Springfield Lawn. Director Steele seconded the motion. Vote: 4 yes.

PLANNING AND DEVELOPMENT

Lou Tobat provided an update with regard to Ft. Belvoir's EPG. Excavating and blasting are continuing. The Army museum will be built off the parkway at Kingman and they are taking away a golf course for it. This project is four years away from being completed.

RECREATION

Holiday Party – Friday, December 12th, 6:45 pm at Saratoga Elementary School cafeteria. Please volunteer to help in advance of the party.

WELCOMING

Director McLafferty has heard of only one new person moving in the neighborhood.

GENERAL BUSINESS**OLD**

Trash Contract – After telling American Disposal that the NCA Board voted to contract with CSI, American Disposal invoked the right to compete clause in their contract. American Disposal and CSI both provided updated contracts that covered all of NCA's concerns and only had small differences. One was five years and the other three. One didn't cover the cost of dump fees in their twice a year offer of roll-off service. The Board agreed that with American Disposal's new offer, the trash contract was worth revisiting. Vice President Rundgren made a motion to not contract with CSI and renew with American Disposal. Director McLafferty seconded the motion. Vote: 3 yes, 1 no.

Both agenda items, Street Light on Lodge and Board Responsibilities List were tabled for next month.

NEW

Attorney Seminar update. See above. The CM stated that while working on the budget questions she did not hear the information that was shared with the audience. President Nagel would provide a summary for the minutes.

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At 9:50 pm, Director McLafferty made a motion to adjourn to Executive Session to discuss hearings. Director Steele seconded the motion. Vote: 4 yes. At 9:52 pm, Director McLafferty made a motion return to open session. Director Steele seconded the motion. Vote: 4 yes.

Regarding Lot 90, Director McLafferty made a motion to waive any assessment for a trash violation. Vice President Rundgren seconded the motion. Vote: 3 yes, 1 no.

Regarding Lot 50, Vice President Rundgren stated the architectural violation had been corrected and no assessment was necessary. Director Steele seconded the motion. Vote: 4 yes.

Regarding Lot 61, Director Steele stated the architectural violation had been corrected and no assessment was necessary. Vice President Rundgren seconded the motion. Vote: 4 yes.

Regarding Lot 548, Director Steele made a motion to assess the owner \$10 a day starting in two weeks for the architectural violation. Vice President Rundgren seconded the motion. Director McLafferty asked that the next letter they receive explain what is still wrong with the property. Vote: 3 yes, 1 no.

Regarding Lot 6, 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.

Probable cause votes would be done by email.

At 10:05 pm, Director McLafferty made a motion to adjourn. Director Steele seconded it. Vote: 4 yes.

NEXT MEETING: Wednesday, December 3 at 7:00 p.m. - NCA Pool House. All NCA residents welcome.

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