

**NEWINGTON COMMUNITY ASSOCIATION
BOARD OF DIRECTORS' MEETING –
September 3, 2008
Approved Minutes of the Meeting**

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

HEARINGS AND APPEALS

Lot 150 was in attendance for a hearing. The resident stated they had renters who placed the trash out early as they were moving out. They were in the eviction process and found out the renters left early by way of the trash violation letter. Lawyers told to these owners to stay away from the property. The property has been fixed up and they are very sorry this occurred.

Lot 558 was not in attendance for a hearing.

Lot 290 was not in attendance but has paid the assessment.

Lot 58 was not in attendance but has communicated with the community office. The Community Manager would provide that information to the Board after Executive Session.

COMMUNITY FORUM

A resident asked the Board if they were aware that the house at the end of their row was vacant. There concern was that the air conditioning was still running. The resident also expressed concern with the speeding of cars on their street, Euclid.

APPROVAL OF MINUTES

Treasurer Roy made a motion to accept the minutes of the August 6, 2008, Board of Directors meeting and the August 14, 2008 annual meeting. Secretary Catherine seconded the motion. Vote: 5 yes.

OLD BUSINESS

**EMAIL VOTES THAT OCCURRED SINCE
LAST MEETING**

Lot 58 had a Probable Cause vote for a hearing on an architectural violation. 5 Votes, all Yes.

A resident asked for a waiver of their late fee. An email vote occurred and four voted no to waiving the fee and three voted yes. According to the email voting policy the President only votes to settle a tie so he was unable to vote on this request.

FINANCE

The Board was asked if they wanted 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. The costs were approximately \$700. Treasurer Roy made a motion to not pursue interrogatories. Secretary Catherine seconded the motion. Vote: 4 yes, 1 no.

2009 Budget and Timeline – Treasurer Roy's goal is to get the budget approved by the Board by October 1st to meet the newsletter deadlines for the November issue. He stated that the reserve study needs to be taken seriously and that adjustments need to be made to assessments to fit with reserve needs. A fully funded reserve will be recommended. He believes a \$36 per quarter increase will be needed. If not, the Board would have to consider special assessments in the future.

A resident mentioned that she owns in another community and they pay \$360 per quarter. It was mentioned that when the budget is presented to the community, a comparison to other communities would be valuable.

A resident expressed concern that the reserve study projected for 30 years instead of the past reserve studies of 25 years. He felt this change effects the amount of reserves being recommended.

ARCHITECTURAL CONTROL

Architectural Updates – changes to Standards were previously presented and all were voted on except the Siding section. There was discussion about this being tabled until the black streaks on roofs is addressed. It was stated they are separate issues. Secretary Catherine made a motion to continue the moratorium and table the topic of black streaks on roofs for up to one year until the Board has an opportunity to get more information from professional vendors and suppliers. Other policies will stay in effect. Director Steele seconded the motion. Vote: 5 yes.

A resident mentioned that the materials used to make shingles has changed over the years and that zinc based shingles do not leave black streaks.

At 7:35 pm, Director Roseanne McLafferty was in attendance.

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. Further discussion will be held in Executive Session.

GENERAL

Trash Contract – Letters requesting bids have been sent. Because of the effect on the budget the CM was asked to contact the potential contractors by email and fax as follow up to the letters. The Board would like a rough order of magnitude from the contractors by September 15th.

Contract renewals. Pool – There was a lengthy discussion among the Board, the Community Manager and audience about the issues, and negative and positive actions of the management of the pool over the Summer. Director Neil made a motion to keep the current contractor with the contingency that there be new management. Vote: 5 yes, 1 no.

Contract renewals. Accounting – The current contractor provided updated cost information. Treasurer Roy made a motion to renew the accounting contract for the next year. Director Oxendine seconded the motion. Vote: 6 yes.

There was discussion about continuing the pool service weekends in the month of September. It was agreed this would have to be decided before the weekend.

MAINTENANCE: Streets

In the last meeting, the CM explained that NCA does not have a maintenance plan for its streets. 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. Last month, the CM was asked to get a quote for this project. She explained that she did not get to this task.

MAINTENANCE: Common Grounds

Vice President Roy explained that he had asked *Blade Runners* for a three to five year plan for common grounds improvements. In the previous meeting, Treasurer Roy stated he would put together a recommendation of how to spend the \$7500 budgeted for common grounds improvements for the year. He does not have an update for the Board on this item.

The tennis courts and basketball courts continue to be an outstanding item. The CM has made phone calls but still only has one quote to repair the tennis courts. There was discussion about the basketball courts. Secretary Catherine made a motion to approve \$1,500 for hoops and nets so that the basketball courts could be re-established. Treasurer Roy seconded the motion. Vote: 6 yes.

RULE VIOLATIONS

Two properties need to be reviewed by the Board because of their status after 90 days. They will be discussed further in Executive Session.

NEW BUSINESS

ARCHITECTURAL CONTROL

Two properties need to be reviewed by the Board to see if a hearing is warranted. They will be discussed further in Executive Session.

FINANCE

Write off – The NCA collection attorney is recommending that the Board write off \$542.37 in debt from a foreclosed property. Secretary Catherine made a motion to write off the pre-foreclosure debt. Director McLafferty seconded the motion. Vote: 6 yes.

Treasurer Roy has reviewed the 2007 draft audit. There is one item that he needs to contact the auditor about. He would like more information on the adjustment from member's equity to deferred assessments. He will inquire as to what deferred assessments are.

Treasurer Roy pursued a question to him about the balance sheet's reserve figures not matching the actual balances in the Charles Schwab reserve accounts. The accountant was aware of the situation which existed from the previous accountant. It is possible that the previous accountant recorded the money but didn't actually move it. The accountant has been told to move the money from the operations account to the interest earning reserve accounts.

Treasurer Roy will follow up with the accountant regarding interest on the new operations bank accounts.

An email was shared with the Board from a resident who is concerned about the pods that fall from a sycamore tree onto the streets and sidewalks. The CM was instructed to inform the resident that there is a scheduled clean up of the parking lots and that NCA is doing everything it can.

MAINTENANCE

Trees - A large branch from a community tree on Brandeis broke off the tree into the parking area. The branch was removed but the resident has asked that the tree be removed. The arborist was asked for their opinion and a quote. The cost to remove is \$1,485. The arborist stated there is no substantial

structural flaws and recommended a crown reduction at a cost of \$450. Secretary Catherine made a motion to perform the crown reduction and remove the limb hanging over the parking space. Director Steele seconded it. Vote: 4 yes, 2 no.

Pool – Secretary Catherine stated that once the pool is closed, off season work needs to be performed including replacing the cartridge filter system with a sand filter system as well as other repairs.

Reserve Plan – The Board discussed the reserve study that outlines work to be done in the community and the need for a starting point.

MISCELLANEOUS

Street Light on Lodge. A resident recommends getting the county to put a street light on Lodge Court where there is a dark area. The CM provided the Board with information from the last time a light was requested on Lodge. The community paid to have one put in. A resident has the NCA light meter and will assist the community to provide a light reading in that area.

A list of Board responsibilities were presented to the Board. There was discussion about the open slots. This will be addressed later.

Director McLafferty asked the Board if the time for putting trash out could be changed since it is getting dark earlier. Director McLafferty made a motion to move the time for trash to be put out from 6 pm to 5 pm. Vote: 4 yes, 2 no.

At 10 pm, Secretary Catherine made a motion to adjourn to Executive Session to discuss hearings, fines and legal matters after a brief break. Director McLafferty seconded the motion. Vote: 6 yes.

The Board reconvened to open session at 10:04 pm

OPEN SESSION

Regarding Lot 150, Secretary Catherine made a motion to waive any assessment for a trash violation. Director Oxendine seconded the motion. Vote: 6 yes.

Regarding Lot 558, Secretary Catherine made a motion to assess the owner \$50 for the trash violation. Treasurer Roy seconded the motion. Vote: 6 yes.

Regarding Lot 58, Director Oxendine made a motion to assess the owner \$10 a day until the architectural violation is corrected (yard has bare ground), starting September 17, 2008. Secretary Catherine seconded the motion. Vote: 6 yes.

Regarding Lot 290, the resident paid \$50 for this trash violation.

With regard to Lot 350, Treasurer Roy made a

motion that this resident has reached the maximum 90 days without correcting the violation. Director Oxendine seconded the motion. Vote: 5 yes, 1 abstain

With regard to Lot 392, Secretary Catherine made a motion that this resident has reached the maximum 90 days without correcting the violation. Treasurer Roy seconded the motion. Vote: 6 yes.

Regarding Lot 549, Secretary Catherine made a motion that probable cause exists to hold a hearing. Treasurer Roy seconded the motion. Vote: 6 yes.

Regarding Lot 126, Treasurer Roy made a motion that probable cause exists to hold a hearing. Secretary Catherine seconded the motion. Vote: 6 yes.

The Board discussed the outstanding architectural violations on three properties that were sent letters from the attorney. The next step is to proceed to filing a lawsuit. Regarding Lot 257, Treasurer Roy made a motion to pursue a lawsuit as necessary to get these properties into architectural compliance including issuing another letter to owners with a copy of the lawsuit. Director Oxendine seconded the motion. Vote: 6 yes. Regarding Lot 468 Treasurer Roy made a motion to pursue a lawsuit as necessary to get these properties into architectural compliance including issuing another letter to owners with a copy of the lawsuit. Director Oxendine seconded the motion. Vote: 6 yes. Regarding Lot 28, Director McLafferty made a motion to pursue a lawsuit as necessary to get these properties into architectural compliance including issuing another letter to owners with a copy of the lawsuit. Secretary Catherine seconded the motion. Vote: 6 yes.

NCA has received a housing discrimination complaint from the US Dept of Housing and Urban Development. Director Oxendine made a motion to send the letter and request for information to NCA's legal counsel. Treasurer Roy seconded the motion. Vote: 6 yes.

Director Oxendine made a motion to adjourn the meeting at 10:50 pm. Director Steele seconded the motion. Vote: 6 yes.

NEXT MEETING: Wednesday, October 1 at 7:00 p.m. - NCA Pool House. All NCA residents welcome.

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