

NEWINGTON COMMUNITY ASSOCIATION
BOARD OF DIRECTORS' MEETING – May 6, 2009
Minutes of the Meeting

At 7:00 pm the meeting was called to order by President Rundgren. Board members in attendance included Vice President Peirce, Treasurer Chip Catherine, Secretary Rita Steele, Director Liz Fernandez and Director Nestor Fernandez. Director Roseanne McLafferty was not in attendance.

PRESIDENT'S COMMENTS

President Rundgren started the meeting by stating that he wanted to recognize Chip Catherine, who as a Board member is always working hard to improve our community. President Rundgren was happy to see another monthly Board meeting with such good attendance. He also asked that when anyone wishes to speak during Community Forum, that others not interrupt and allow them their time to speak.

APPROVAL OF MINUTES

Treasurer Catherine made a motion to accept the minutes of the April 1, 2009, monthly Board Meeting. Vice President Peirce seconded the motion. Vote 6 yes.

HEARINGS AND APPEALS

Lot 331 was in attendance to appeal his fine for an architectural violation. He explained that it took time to get his yard in compliance and doesn't understand the assessment. He stated his yard looks well maintained now.

Lot 103 was scheduled for a hearing for an architectural violation. The resident was not in attendance.

Lot 137 was scheduled for a hearing for an architectural violation. The resident stated that she addressed the issue of repairing her gutter but did not realize there was a second violation and would like time to fix it.

Lot 500 was scheduled for a hearing on a nuisance violation. The owner of the property has submitted a written response which will be read to the Board after Executive Session.

COMMUNITY FORUM

The tenants of Lot 500 are in a residential program sponsored by Fairfax County. Their representative, Connie Price, attended the meeting to address any concerns the Board might have with their residential program and who they have placed in the rental property. She explained that three people are in the house who are checked on two to three times a day. She provided phone numbers of the contact person who can be called for immediate problems. These tenants are not sex offenders, have no felonies and are just special needs people. The purpose is to teach them to be independent and get jobs. Some take medications. Other audience members complained that these residents have asked other neighbors for drugs in the past and still continue to ask for cigarettes. The Fairfax County representative was asked how they address issues brought to their

attention. They sit with the client and, when needed, send them to the hospital to get medication. If a problem pattern continues, they will make new accommodations. Program Office telephone# is 703-732-0452. Director Supervisor, Olivia Owusu-Boakyewaa is at 703-577-4907 (cell) or 703-455-1864 (office).

A resident of the community expressed his interest in being on the NCA Board of Directors. He has lived on Kitchener for 13 years. The Board thanked him for his interest and will discuss his acceptance in Executive Session.

Greg Budnik, NCA engineer, stopped in to address the Board on the outstanding Street Maintenance Report. He explained that the test holes were done in January and that GJB Engineering is to provide a maintenance plan for NCA streets. Unfortunately, the second engineer involved in this project has been unable to devote time to the report recently due to the serious illness of his child. Vice President Peirce asked if the data for the test holes was available which Greg said he would forward to the office the next day.

Another resident asked if NCA would be having National Night Out this year (August 4th). She has received information from the Franconia Police Station. This event was not held last year due to the lack of a coordinator. Usually there is a cookout and the police are asked to come speak to the residents and answer any questions or concerns they may have.

A resident asked if anything can be done about the poor condition of the street at the entrance to Delong. It was explained that we have been put off multiple times on this. It was recommended that NCA contact Dave Albo.

EMAIL VOTES THAT OCCURRED SINCE LAST MEETING

- 1) Approved two new board members, Liz and Nestor Fernandez – 5 Yes votes
- 2) Repair of Red Ash Wall – 5 Yes Votes
- 3) New pool white coat – 5 Yes votes.
- 4) Hire private investigator for a specific property that owes money to NCA – 2 Yes votes, 3 No votes. Motion failed.
- 5) Blow lines to remove obstructions in pool – 7 yes votes.

COMMITTEE/BUSINESS REPORTS

Accounting/Finance Report

Treasurer Catherine provided current financial figures from NCA's balance sheet as of 4/30/09.

Architectural Committee Report

Secretary Steele informed the Board that four Exterior Project Requests were received, three were approved and one was disapproved. There has been a walk through of Kitchener Drive looking for architectural violations. They are currently working on LeMoyne and Brainerd.

Planning and Development Report

Mr. Tobat explained that funding of all four phases of the EPG project have been approved but they will not affect our portion of Rolling Road.

Community Manager Report

OLD BUSINESS

- *Tennis court has cracks. Will come out in May or June to repair.*
- *Missing no parking sign on DeLong – called in 2nd request. Neither VDOT or County will take responsibility. Put in a special sight lines request to VDOT. VDOT visited property 4/10. Said signs should go up shortly.*
- *Graffiti on Dominion light poles was painted over. Took care of guard rail ourselves.*
- *Recreation Fixtures: looking into costs of trash can for basketball court as well as replacement of two tot lot benches. Trash pick up will be handled by American Disposal. More tot lot benches need new wood – John is working on. John is replacing wood on ball field benches.*
- *Meeting with engineers after street report is completed – report not complete yet*

NEW BUSINESS

- *General*
 - *NCA Vehicle Tickets:*
 - *Not between lines (0)*
 - *Not in operating order – on jacks (0) – TOWED (0)*
 - *Not a vehicle (0)*
 - *Commercial (0)*
 - *Vehicles reported on State Streets: ()*
 - *Notices (cargo vans, long term blank parking and out of state tags) (0)*
 - *Documents Signed: White coat of pool, Red Ash Wall, tree on Brandeis, shrub on Brandeis, blow air in all pool pipes*
 - *Disclosure inspection(s): 8327 Moline 2nd time, 8385 Luce, 7772 Euclid*
 - *Rules Violation letters:*
TRASH (1), RULES (1), ARCHITECTURAL (0)
 - *Gate swung open and damaged the Assistant Community Manager's car. Have called insurance company and fence company. Gate is now repaired.*
 - *Yard Sale in parking lot Saturday, May 2nd.*
 - *Called in backed up storm drain on Kitchener Drive.*
 - *Extremely busy with pool passes*
 - *Several pieces of pool furniture are in bad condition – have ordered 19 pieces of furniture be restrapped.*
 - *CM called electrician to fix multiple electrical issues in pool house*
- *Resident Complaints/Issues:*
 1. *cable across steps at parking lot – called Verizon twice and have gotten no response.*
 2. *Resident has too many cars on Marconi – 5 or 6*
 3. *pen being built for garden in back yard*
 4. *Red biohazard bags being used by a resident for trash bags. Called trash company telling them not to pick these bags up.*
 5. *Attorney is collecting on a delinquent assessment that is mainly due to a rule violation and resident has emailed Board that the assessment should be revoked.*
 6. *Lemoyne – children are throwing rocks and playing where they shouldn't be playing.*

7. *Concerns about pit bull on Durer that is not controlled when walked. Resident needs to call Animal Control.*
8. *Two residents asking for waiver of their late fee. Explained this is not traditionally done but they can come to a Board meeting if they feel theirs in an exceptional situation.*
9. *Towing of cargo vans from NCA streets. Told resident policy has always existed, just allowed tow company to enforce now.*

GENERAL BUSINESS - OLD

Pool – Palm pools, who has done all repair work on the pool this year, was asked to provide a quote to replace the filter system from a paper cartridge to a sand filter. Vice President Peirce stated that he would like to see a more detailed quote that provides a breakdown of costs (materials vs. labor) He wanted to know if piping would need to be replaced, is it included, how long it would take to do the work, is there a warranty, life expectancy of equipment. There was discussion about other types of filter systems and the different materials that can be used other than sand. The Board had approved Palm Pools to blow air into all the pipes to make sure there are no obstructions. The work was done and we have been told there are no obstructions.

Sidewalk, Curb and Gutter, and Asphalt Trail Report – The Board wants to meet and walk the community before having a discussion on the next step for maintenance of NCA's sidewalks, curbs and gutters, and paths. They agreed on Sunday, June 7th, at 10 a.m. If it gets postponed the rescheduled date is Sunday, June 14th.

Reserve Study – This item needs to be addressed in the budget. Yearly meeting is in August and everyone needs to start thinking about the 2010 budget. Director Liz Fernandez has agreed to Chair the Finance Committee.

Street Light on Lodge – Vice President Peirce made a motion to dismiss the idea of contracting with Dominion Power to put a street light on Lodge Court. Treasurer Catherine seconded the motion. The cost would be \$4800. The one resident who asked that the street light be put on Lodge did not support the optional location of the light. The original requested site is very close to a home and there are four pine trees in that area. Vote 6 yes.

Streets – See Community Forum above regarding visit from engineer.

Architectural – Secretary Steele asked the Board's opinion on changing the Architectural Standards to prevent religious displays in the front yard. Prohibiting all religious statues was considered. The Board felt that religious statues didn't have to be prohibited but when a structure was built around the statue other rules may pertain to the situation. The Community Manager (CM) was asked to contact other communities to see how they handle this issue. It had been recommended that sheds require approval from neighbors similar to the procedures for decks. This is not currently a requirement. Secretary Steele recommends that there be maximum dimension limits for townhouse yards and single family yards. Secretary Steele was asked to provide a written revision for that section of the Standards.

Common Grounds Improvements – pruning of bushes on Brandeis was tabled until after Executive Session.

Disclosure Packet fees and regulations – The Board was informed last month that a resident's account was charged when the disclosure packet fees were not paid to Summit Management at settlement. It appears the title company is to blame. CM confirmed that NCA is being charged for these missed fees and then the fees are applied to the new owner's accounts. She explained that she spoke to the attorney and he confirmed that this new law of deferring disclosure packet fees has caused some problems and when there is an error it is feasible to go after the new owner. The Board discussed this issue further and Director Liz Fernandez said she would work with the CM to evaluate the situation further. She asked the CM to get account histories on the five properties.

Board Meeting Times – The Board agreed that the existing meeting schedule was good for everyone.

GENERAL BUSINESS - NEW

Private Investigator – The attorney is recommending that NCA hire private investigators to obtain information on two more delinquent residents. This item was tabled.

Tot Lots – Treasurer Catherine informed the Board that the tot lots will need to be replaced. The CM was instructed to look for vendors and obtain detailed bids to replace all the tot lot equipment. When asked if the tot lots are used, it was stated that use is very cyclical.

Code of Conduct – Prior to the meeting, the Board had been provided a draft copy of the NCA Board Member Code of Conduct with some additional statements. Vice President Peirce made a motion to accept the Code of Conduct including the fourth, seventh and eighth extra paragraphs in the supplemental document. Treasurer Catherine seconded the motion. It was recommended that the Whereas statement in the first paragraph include the section of the bylaws or covenants that allow the Board to adopt additional rules.
Vote 6 yes.

Architectural – The Board discussed a violation of the Architectural Standards, the installation of flood lights to the front of a home. Some board members felt that security lights should be allowed. Director Steele would draft a revision to the lighting section of the Architectural Standards for the Board's consideration.

At 9:30 pm Treasurer Catherine made a motion to adjourn to Executive Session to discuss hearings, an appeal of a fine, a new Board member, and probable cause for hearings on architectural violations. President Rundgren seconded the motion. Vote: 6 yes.

Public session reopened at 9:40 p.m.

Regarding Lot 103, Director Liz Fernandez made a motion to fine the resident \$10 a day for up to 90 days if the violation is not corrected in two weeks. Treasurer Catherine seconded it. Vote 6 yes.

Regarding Lot 137, Vice President Peirce made a motion to fine the resident \$10 a day for up to 90 days if the violation is not corrected in five weeks. Director Steele seconded it. Vote 6 yes.

Regarding Lot 331, this resident came to the meeting to appeal his fine for an architectural violation. The property is no longer in violation. Director Steele made a motion to reduce the \$900 fine by 50% to \$450. Director Nestor Fernandez seconded the motion. Vote 6 yes.

Regarding Lot 500, Vice President Peirce made a motion waive any assessment for a covenant violation since the owner will be putting the house on the market and the current tenants will be leaving. Director Steele seconded the motion. Vote: 5 yes, 1 no.

Regarding bushes on Brandeis, the Board agreed that a resident violated NCA rules by pruning a bush on Brandeis and should be assessed the cost to repair the bush.

Regarding Lot 114, President Rundgren made a motion that probable cause exists for a hearing on an architectural violation. Vice President Peirce seconded the motion. Vote 6 yes.

Regarding Lot 471, Director Steele made a motion that probable cause exists for a hearing on an architectural violation. Treasurer Catherine seconded the motion. Vote 6 yes.

Regarding Lot 140, the Board of Directors all agreed that the violation has not been fixed and that the CM should proceed by asking the Financial Manager to add the fine to the account.

At 10:15 pm, President Rundgren made a motion to adjourn. Vice President Peirce seconded it. Vote: 6 yes.