

NEWINGTON COMMUNITY ASSOCIATION
BOARD OF DIRECTORS' MEETING – July 1, 2009
Minutes of the Meeting

At 7:02 pm the meeting was called to order by Treasurer Catherine. Board members in attendance included Vice President Peirce, Secretary Rita Steele, Director Liz Fernandez, Director Nestor Fernandez, and Director John Nolan. President Rundgren was not in attendance.

VICE PRESIDENT'S COMMENTS

Vice President Peirce thanked everyone for coming to the meeting.

APPROVAL OF MINUTES

Director L Fernandez made a motion to accept the minutes of the June 3, 2009, monthly Board Meeting. Director N Fernandez seconded the motion. Vote 6 yes.

HEARINGS AND APPEALS

Lot 295 was scheduled for a hearing on a rules violation. This resident pruned a bush on common ground property and felt that it was a service to the community. NCA paid the common grounds contractor to repair the bush after another resident complained that it was pointy and dangerous. The resident stated she was being singled out and that she spoke to other residents on the street before pruning the bush. She presented the Board with signatures of residents on Brandeis that feel the pruning was a good idea. The Board asked the resident if there had been a landscaping crew to maintain common ground property all the years she has lived here and why she didn't follow the direction given to her by the Board to get a petition signed before doing the work. She did not feel it would be an issue.

Lot 116 was scheduled for a hearing but was not in attendance.

COMMUNITY FORUM

A resident of 35 years on Durer Court stated that there is a very large, healthy oak tree just a few feet from the back of his property. The roots have encroached on his yard and the branches overhang his home. He would like to remove it at no cost to the Association. He is aware of his rights regarding cutting the roots and pruning branches but believes his money would be better spent removing the tree and the concern and headaches associated with it. The Board will discuss the matter and get back to him.

A resident believes the June minutes are inaccurate when it states that the reason for the black streaks on the roofs is not known. Many residents have gotten professional opinions and have said it is mold.

EMAIL VOTES THAT OCCURRED SINCE LAST MEETING

Three dying trees to be removed at a cost of \$2300. Vote: 5 yes, 1 no, 1 abstain.

COMMITTEE/BUSINESS REPORTS

Accounting/Finance Report

Because the July meeting falls on the first of the month, June's financials are not available to share with the Board. There is a Budget Committee Meeting on Sunday, June 12th.

Budget Committee

Director L Fernandez stated she was hoping there was a narrative from prior budgets of each of the line items in the budget. The upcoming Budget meeting should be a quick preliminary meeting.

Architectural Committee Report

Secretary Steele informed the Board that there has been a walk through of Marconi, Dampier and Matisse looking for architectural violations.

Landscaping Committee Report

Director N Fernandez stated he was hoping to get residents interested in joining the landscaping committee. He believes the existing grounds contractor does an adequate job but thinks the overall appearance of the community is dated and some things can be done without spending a lot of money. He would like to see some areas not mowed when there has been too much rain to avoid damage to the grounds and feels some trails need to be looked at for low branches.

He would like to meet with the grounds contractor and develop a community agenda. A newsletter article will be written about the landscaping committee.

Maintenance Report

Vice President Peirce stated that the Board needs to look at getting a new Reserve report now that NCA has gotten engineering reports on NCA streets, sidewalks, curbs and paths so that a maintenance schedule can be followed for dealing with recommended repairs. Other comments will be saved for specific agenda items.

Planning and Development Report

Lou Tobat reported there is significant progress on the FC parkway extension. He is not sure how the extension of the Parkway will be linked to the existing Parkway.

Tot Lots Report

No update was available.

Community Manager Report

OLD BUSINESS

- *Tennis court has cracks. Will come out in May or June to repair. Needs follow up.*
- *Recreation Fixtures: ongoing replacement of trash can for basketball court, replacement of two tot lot benches, new wood on all other tot lot benches.*
- *Curb painting for 09 complete.*

NEW BUSINESS

- *General*
 - *NCA Vehicle Tickets: N/A*
 - *Documents Signed: n/a*
 - *Disclosure inspection(s): 3*
 - *New Violation letters: TRASH (1), RULES (0), ARCHITECTURAL (0).*
 - *POOL*
 - *Electrical work outside bath house complete.*
 - *Last bath house leak fixed. Recommends a new water heater (see agenda)*
 - *Going to court July 10th asking judge for a default judgment on an architectural violation.*
 - *Storm knocked out three trees and multiple branches.*
- *Resident Complaints/Issues:*
 1. *Neighbor's grass is too tall. OK at last check.*
 2. *A resident complimented the curb painting project. He has been a resident through three previous curb painting and was impressed with efficiency and quality of painting.*
 3. *Two cars towed from Gwynedd for curb painting. Resident asked for waiver due to heart surgery. Explained that Board would have to be addressed.*
 4. *Light in pool parking lot is out – called Dominion and should be fixed today.*
 5. *Neighbor waters yard and water hits her home. I am not aware of an NCA violation on this matter. Recommended contacting County.*

GENERAL BUSINESS - OLD

Pool – Palm pools has not responded to our request for more information on a new filter system. The CM will follow up.

Sidewalk, Curb and Gutter, and Asphalt Trail Report –Some members of the Board walked the community and found the report from the engineers to be accurate. One of the major effects to curbs and sidewalks in our community is tree roots and the community will have to start looking at removing healthy trees to deal with the issue. Director L Fernandez stated that NCA needs to look at its replacement tree policy since the original trees throughout the community were poor choices.

Reserve Study – GJB has finished their report on the NCA private streets and estimates \$1.4 million will be needed over time to bring the rest of the streets to an improved condition. All the streets are in fairly good condition for their age. The asphalt is old and brittle and can't be reused. Durer is considered the worst street.

Architectural – Recommended revisions to three articles in the Architectural Standards (landscaping, lighting and sheds) were discussed. There were some changes and these revised Standards will be put in the newsletter for the community to review.

Disclosure Packet fees and regulations – Last month it was discussed that disclosure packets can be a source of income and currently all fees go to Summit. The Community Manager (CM) stated that the office is not staffed to respond to immediate requests but is involved in the inspection process for disclosure packets and has started adding a \$50 disclosure inspection fee to the seller's NCA account every time an inspection is conducted. Later in the meeting the entire Board felt the fee should be \$100, the maximum allowed by the Virginia Property Owner's Act.

Pool hot water heater – It has been highly recommended that NCA replace the bathhouse hot water heater. It is 16 years old. Two quotes were obtained, one for \$1177 and one for \$995. Director L Fernandez made a motion to accept the quote from R. D. White for \$995. Secretary Steele seconded the vote. Vote: 6 yes.

Social Activities – Director L Fernandez was disappointed about the insurance carrier's response to having alcohol at pool events. She still feels we need more activities and would like to continue with a TGIF. There was a recommendation to have a party on Saturday, July 25th (Christmas in July). However, July 24th was agreed to in order to stick to the TGIF theme. The CM recommended an event after the pool closed if the social activity was going to include alcohol. The Board agreed that the social would be an alcohol-free event starting at 6:30 at the pool.

Articles of Incorporation Amendments – Last month Treasurer Catherine expressed concern with the Amendments to the Articles of Incorporation and how they contradict everyone's understanding of membership and voting rights. It was suggested that our attorney's should review the documents. Treasurer Catherine wanted to explore some free services. He called George Mason but because they are not members of the bar they can't give legal advice. He did speak to an attorney at Segan, Mason who stated that the CCR's have precedent over the Articles. This is understood by not stated in our governing documents. Our governing documents do state that CCR's have precedent over our Bylaws.

GENERAL BUSINESS - NEW

Retainer Fee for Attorney/Votes Taken Outside a regular meeting - Treasurer Catherine spoke to Segan, Mason about having their law firm work for NCA on a retainer and provided the Board with documentation provided by Segan, Mason. The CM explained that our current general counsel provides some of the services outlined in the retainer documentation and at no cost and that our current general counsel is more knowledgeable and could provide quicker answers since they have been our general counsel for many years. The Board will review the documentation and discuss at the next meeting.

Treasurer Catherine also spoke to Segan, Mason about NCA's email voting policy and the information in the Bylaws about actions taken outside of a regular meeting. In their opinion, all email votes must be unanimous. When there is not a unanimous vote, the Board may vote on the issue again at the next Board meeting or call an emergency meeting. This opinion contradicts the email voting policy.

Contracts Format – Vice President Peirce suggested to the Board that future contracts not be multiple year contracts but one year contracts with option year pricing. He also felt that the contracts should have performance incentives. It was mentioned that turnover of contractors from year to year is not good for the community and that most contractors for HOAs won't sign a performance based contract. The CM asked the Board if they wanted to go out for bids on the Accounting and Pool contracts. The Board agreed that they did.

A resident spoke up that wasn't in attendance earlier in the meeting. She was concerned that there is a maroon cargo van on Euclid that has not been towed like the other cargo vans. The Board informed her they would look into the matter.

There was discussion about alternate pool pass systems to eliminate work load in the community office and addressing abuses of too many names being put on applications.

At 9:25 p.m. Vice President Peirce made a motion to adjourn to Executive Session to discuss hearings, probable cause for hearings, attorney's recommendation of a write off, and a resident's request for a waiver of an architectural violation assessment. Treasurer Catherine seconded the motion. Vote: 6 yes.

Public session reopened at 9:32 p.m.

Regarding Lot 295, Director L Fernandez made a motion to charge the resident \$90 for the expense of repairing the shrubs. Secretary Steele seconded the motion. Vote: 6 yes.

Regarding the resident's request to remove the oak tree behind his home, Treasurer Catherine made a motion to allow the resident to take the tree down at his expense as long he grinds the stump down to grade and gets resident's approvals who are within 50 feet of tree. Secretary Steele seconded the motion. Vote: 6 yes. Treasurer Catherine clarified that the resident would not be required to replace the tree since this is not a planned landscaping area and another tree in the same spot would just be a future problem.

Regarding Lot 116, Secretary Steele made a motion to waive a charge to the resident for an architectural violation since everything has been fixed. Vice President Peirce seconded the motion. Vote: 6 yes.

Regarding Lot 502, Director Steele 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 501, Director Steele made a motion that probable cause exists for a hearing on an architectural violation. Treasurer Catherine seconded the motion. Vote: 5 yes, 1 no.

Regarding Lot 305, Director Steele made a motion that probable cause exists for a hearing on an architectural and covenant violation. Director Nolan seconded the motion. Vote: 6 yes.

Director L Fernandez made a motion to write off \$704.49 in uncollectible debt. Vice President Peirce seconded the motion. Vote: 6 yes.

Regarding Lot 392, Director L Fernandez made a motion not to waive any architectural violation assessments. Treasurer Steele seconded the motion. Vote: 6 yes.

Treasurer Catherine made a motion to adjourn the meeting at 10:25 pm. Secretary Steele seconded it. Vote: 6 yes.

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Next Meeting: Wednesday, August 5, 2009 – 7:00 pm – NCA Pool House. All residents welcome to attend.