

**NEWINGTON COMMUNITY ASSOCIATION
BOARD OF DIRECTORS' MEETING – August 5, 2009
Minutes of the Meeting**

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

APPROVAL OF MINUTES

Director L Fernandez made a motion to accept the minutes of the July 1, 2009, monthly Board Meeting. Director Nolan seconded the motion. Vote 4 yes.

HEARINGS AND APPEALS

Lot 498 was in attendance for a hearing on a trash violation. The resident said he was helping his parents but put it out early by mistake.

Lot 367 was in attendance for a hearing on a trash violation. The resident said he has never put the trash out early before and would appreciate a warning instead of a charge.

Lot 501 was in attendance for a hearing on an architectural violation. The resident explained that he can't grow grass because people walk through his yard instead of using the steps on the sidewalk and the shade from the tree prevents grass from growing.

Lot 502 and 305 were scheduled for a hearing but were not in attendance.

COMMUNITY FORUM

A resident wanted the Board to explain why the Architectural Standards were being changed regarding the height of sheds. She stated there are very few sheds to choose from at the height being proposed. If the concern is that sheds are being used for dwellings, there are County rules that address that issue. Another resident stated it was not fair that the single family homes would be allowed a larger shed when the townhomes need the storage space more. It was recommended that sheds be limited to a specific square footage. Another resident did not agree with the change to the Architectural Standards regarding light bulbs. She felt yellow bug lights should be allowed and are very necessary when your front door is close to the woods.

EMAIL VOTES THAT OCCURRED SINCE LAST MEETING

Annual pay increase for Community Manager (CM). Vote: Motion passed.

COMMITTEE/BUSINESS REPORTS

Accounting/Finance Report

Treasurer Catherine provided information from NCA's July 31st balance sheet.

Architectural Committee

No committee report.

Budget Committee

The budget committee met a few weeks ago. There are major expenses for the coming year. A draft budget will be presented at the annual meeting. Director L Fernandez hopes to have another committee meeting within the next week. The budget is an agenda topic for the Board later in the meeting.

Landscaping Committee Report

Director N Fernandez stated he has met with the CM and NCA's grounds contractor. He is hoping to get residents interested in joining the landscaping committee and will address the need for volunteers at the annual meeting.

Maintenance Report

Treasurer Catherine stated he was working with the tot lots committee. He noticed the tot lots were being mulched this week. There is a concern about the State roads. The CM informed everyone Delong was not on the scheduled for paving this year but was told we are on a schedule for patching and repairing. The CM will get more information. A resident said there should be a number for all residents to call to complain about the condition of Delong. A resident stated she preferred the mulch to the rubber playground cushioning she has seen on other playgrounds.

Planning and Development Report

Lou Tobat provided an update on the work on the roads around the Engineering Proving Ground. There is now a traffic light on Backlick Rd. for entry into the EPG. There is a new letter Dave Albo just sent out to residents explaining recently funded road projects around the EPG.

Tot Lots Report

No committee report.

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, replacement of two tot lot benches, new wood on all other tot lot benches.*

NEW BUSINESS

- *General*
 - *NCA Vehicle Tickets: 3 on NCA roads, called in 3 on State road*
 - *Documents Signed: tree prunings per annual tree inspection*
 - *Disclosure inspection(s): 8258 Getty, 7745 Matisse, 7757 Euclid, 8527 Jenner*
 - *New Violation letters: TRASH (2), RULES (0), ARCHITECTURAL (8).*
 - *POOL: vandalism, continued complaints on not enough guards in chairs and not enforcing rules, health department closed pool due to lack of proper personnel (and chlorine levels were low), pool manager on vacation for two weeks*
 - *Annual meeting announcement sent to all NCA homeowners.*
 - *Ordered and received 6 new rubber playground seats.*

- *Lawsuit on an architectural violation status: Request for judgment postponed to September since resident was willing to fix all outstanding violations and pay \$5000 in legal fees. Postponement allows time for resident to replace windows which is a 6-8 week timeframe.*
 - *Called FCPA to try and get our paths looked at while they are doing construction on Pohick Creek.*
 - *Vandalism at pool July 12th. Damage done to A/C unit for office, burned signs on front door and tossed flower pots into pool area.*
 - *Maria Angulo started July 7th.*
 - *Trying to get County proxies to ensure quorum at annual meeting.*
 - *Request for proposals sent out on 2010 pool contract.*
- *Resident Complaints/Issues:*
 1. *Graffiti on bike path*
 2. *pick up truck towed because of racks*
 3. *broken shower handles (not broken) (needs longer chain)*
 4. *tree/shrub on Brandeis looks dead (a crabapple that just doesn't look healthy)*
 5. *County residents of 8456 Kitchener – Would Board like to pursue nuisance violation against owner?*
 6. *neighbor trespassing and moving trash cans in back yard*
 7. *dog poop on common grounds*

A resident stated that the pool closing last Sunday due to not having the proper personnel on staff was upsetting since many residents only have the weekends to use the pool.

GENERAL BUSINESS - OLD

Pool – The Board members were provided a quote to replace the pool filter in the format that was requested. There was discussion about why the filter system that was installed in 2004 needed to be replaced. There is concern that a cartridge filter system allows bacteria to go back in the pool and that it was designed for residential pools. When the County Health Department closed the pool on Sunday they raised no concerns about bacteria. There are other pools similar in size to NCA that do have cartridge filters. The filters are not installed properly and it would cost about \$500 to have the pipes cut and moved. A final decision won't be made until more quotes are obtained.

Time lost because the pool was closed needs to be deducted from the contractors fee. A resident suggested a performance driven contract. The belief is there are no pool contractors that would agree to that because they are so dependent on a young staff.

Sidewalk, Curb and Gutter, and Asphalt Trail Report – The reports are complete. Except for the new path work near the ball field, the entire NCA path system will need to be repaired. The next step is getting quotes to do the work so the Board can prioritize which paths to start with. Director N Fernandez motioned to go out for quotes for path repair work. Director Nolan seconded the motion. Vote: 4 yes.

Some of the recommended concrete work will be hindered by tree roots. There should be plenty of sidewalk/curb and gutter work that is being recommended by the engineers where trees are not the concern. The CM will re-look at the sidewalk report and provide a recommendation to the Board of where to start.

There was discussion about the tree work needed throughout the community as required by law and in conjunction with how the community is going to deal with community and resident's trees that are effecting community property.

Reserve Study – Director L Fernandez presented the Board with quotes to get a new reserve study. There was discussion about the different levels of review and how the Board was going to fund the study when it has not been budgeted for. Reserve studies cannot be funded by reserve funds. Director L Fernandez made a motion to accept Miller Dodson's reserve study update at a cost of \$2950. Director N Fernandez seconded the motion. Vote: 4 yes.

Architectural – Recommended revisions to three articles in the Architectural Standards (landscaping, lighting and sheds) were in the newsletter for the community to review and the Board cannot vote on the changes until 30 days after they are presented. A resident asked the Board if they supported the comments made during Community Forum. A Board member stated that he agrees that sheds should be looked at from a square footage perspective. There was discussion about grandfathering. The CM noted to the Board that there is a resident who is offended by the moving of religious statues from the front yards to the back yards.

Votes Taken Outside a Regular Meeting – The NCA Email Voting Policy was revised to change majority rule to unanimous rule for an email vote to be approved. One member stated that the revisions to the NCA Email Voting Policy looked good except for one comment. Another member wanted to know why NCA needed an email voting policy if it had to be unanimous. Discussion points included interpretation of the bylaws and what other association's email policies state. The NCA Email policy is now on its third revision and it was recommended that the policy should be reviewed by general counsel for their opinion and recommendation. The subject will be revisited after more Board members are available to discuss the matter.

Retainer Fee for an Attorney – There was discussion about what NCA would get in services for the money. The CM will get NCA's current general counsel's retainer fee.

Budget – Director L Fernandez presented the Board with a draft budget. There was discussion about the need for another budget meeting and what will be presented at the annual meeting.

GENERAL BUSINESS - NEW

Tree removals: Priority 1's – The CM explained to the Board that in return for a risk assessment by a licensed arborist of all trees on community property, the Board gives the

tree business to our grounds contractor. This year's tree assessment was mainly prunings that fell within the approval lines of the CM and the Board Liaison for Common Grounds. There are two dead trees that are considered a Priority 1 removal in the tree report which the Board would need to approve. Director L Fernandez motioned to have the two dead trees dropped in the woods at a cost of \$1350. The CM stated that all Priority 1 recommendations are taken care of for 2009 and, depending on available funds, will present information to the Board on Priority 2 recommendations. There is not enough money in the tree budget to take care of all Priority 2's and it will be contingent on emergency tree work required in the next three months.

Trash/Debris Removal from Pool Area – Director N Fernandez is concerned about the trash and cans around the pool area and the image it presents. He recommends storing it in the RV lot. The CM informed the Board that a community resident has said they will take care of finishing all the picnic tables so the wood will be moved. Director Nolan said he could build a lattice fence similar to the one inside the pool area on the outside of the pool area for about \$200. The CM will toss anything that has sat around the pool unused for a couple of years.

Request for Private Investigator on Delinquent Accounts – Collection attorney has filed multiple liens on a property and are recommending that the Board hire a private investigator to run a bank account search and an employment search. Director L Fernandez made a motion to deny the attorney's request for a private investigator. Director N Fernandez seconded the motion. Vote: 4 yes.

At 9:55 p.m. the Board adjourned to Executive Session to discuss hearings and a rule violation. Treasurer Catherine seconded the motion. Vote: 4 yes.

Public session reopened at 10:00 p.m.

Due to continued complaints about County residents on Kitchener Drive, Director L Fernandez motioned to pursue the nuisance complaint against the property owner. Director Nolan seconded the motion. Vote: 4 yes.

Regarding Lot 501, Treasurer Catherine made a motion to suspend a final decision on the hearing to allow time for the resident to complete the work by adding more rocks to the garden. Director L Fernandez seconded the motion. Vote: 4 yes.

Regard Lot 502, Director L Fernandez made a motion to suspend a final decision to allow time for the resident to complete the work by adding more garden edging. Director N Fernandez seconded the motion. Vote: 4 yes.

Regarding Lot 305, Director L Fernandez made a motion to waive any architectural violation assessments because repairs to the shed had been made. Treasurer Catherine seconded the motion. Vote: 4

Regarding Lot 367, Director L Fernandez made a motion to waive any assessment on the trash violation since there were no other previous trash violations. Director Nolan seconded the motion. Vote: 4 yes.

Regarding Lot 498, Director L Fernandez made a motion to assess \$50 for a trash violation. Director Nolan seconded the motion. Vote: 4 yes.

A motion was made to adjourn the meeting at 10:20 pm. Vote: 4 yes.