

NEWINGTON COMMUNITY ASSOCIATION
BOARD OF DIRECTORS' MEETING – September 2, 2009
Minutes of the Meeting

At 7:00 pm the meeting was called to order by President John Peirce. Board members in attendance included Vice President Liz Fernandez, Treasurer Chip Catherine, Secretary Rita Steele, Director Nestor Fernandez, and Director John Nolan. All Board members were introduced. New officers had been elected on September 1, 2009.

APPROVAL OF MINUTES

Treasurer Catherine made a motion to accept the minutes of the August 5, 2009, monthly Board Meeting and August 13, 2009, annual meeting. Vice President L Fernandez seconded the motion. Vote 6 yes.

HEARINGS AND APPEALS

No one was in attendance for a hearing.

COMMUNITY FORUM

A resident, Sarah Jernigan, was present to reiterate what she had told the Board at the annual meeting. She would like to fill a vacant position on the Board of Directors. Sarah lives on Finlay Court.

A resident stated he attends the West Springfield Citizens Advisory Committee meetings each month and wanted to know if he should serve as a representative of the community. The Board agreed that would be helpful. The report from the last meeting is that the Summer has been quiet and our area has the lowest gang related issues.

A resident asked if the repair work done on Delong today was all the work that was going to be done. It is not known how much patching the County will do.

EMAIL VOTES THAT OCCURRED SINCE LAST MEETING

Request general counsel review NCA by-laws as they relate to maximum annual assessment increase. Vote 7 yes.

COMMITTEE/BUSINESS REPORTS

Accounting/Finance Report

The August financials are not ready this early in the month to share with the Board.

General counsel responded to NCA's request to review the bylaws as they related to maximum annual assessment increases. They stated that the assessments cannot be increased more than the October CPI-U figure which will come out in October 2009. There is an October 15th deadline for getting the budget published in the November newsletter and there won't be much time to change the budget once the CPI-U figure is known. There is no plan to increase the budget from last year but funds will be reallocated within the budget as needed.

The updated reserve study was received yesterday. There has not been enough time to review it extensively but it does show that NCA will run out of common grounds funds in 2019.

A budget meeting will be needed in the next couple of weeks.

Treasurer Catherine recommends NCA follow general counsel's advice and adopt a policy requiring the Board to increase the budget every year by the maximum CPI will allow. This would require a vote of the Board.

Architectural Committee

There has been only one Exterior Project Request this month.

Budget Committee

See Accounting Report

Landscaping Committee Report

Director N Fernandez reviewed the grounds contract. He stated that liming was not done. The Community Manager (CM) remembers it being done. He said it should be based on the soil test. The soil test had been forwarded to him. The contract calls for tree pruning between June and August and wanted to know where tree pruning was done and their standard for height. He asked if the person who offered to work on the tot lot committee was still involved in the project. The CM will contact her. The tot lots have a mulch requirement based on the height of play equipment and he wants to know if our mulch is to code. NCA spends \$3800 on seeding but it is not required in all areas of the community. Flowers are dead from lack of water. Recommends mums over pansies in the Fall. Clarification and recommendations are needed for shady areas and drainage problem areas. Additionally Director N Fernandez wants information on the Integrated Pest Maintenance program, what chemicals they use, and what problems have been reported as well as what seed blend is used.

Director N Fernandez stated that they are predicting a heavy snow this year and thinks we should consider having snow contractor create single paths in the streets before snow is complete and then come back when snow is over.

There is \$7000 in the community budget for common grounds improvements. Director N Fernandez believes it should all be used for tree work with maybe a little of the money being used to put top soil down in the eroded areas by Rolling Road.

Maintenance Report

No report

Planning and Development Report

Rolling Road work continues. Two roundabouts and an overpass are being built. They are ahead of schedule. The Fairfax Connector 304 bus was supposed to be cancelled but

it hasn't yet. It is believed there were enough complaints that it will continue to run. The Telegraph Road and Route 1 connection is moving forward as well.

Tot Lots Report

No committee report. The CM was asked to contact the Committee Chair on whether or not our equipment meets code. The CM went and looked at the tot lots and informed the Board that in her opinion all the equipment is sturdy in the ground except for one post of the Getty Court swing. If the Board wanted to improve the tot lots she recommends only replacing plastic and accessory pieces such as slides and wheels, etc. These recommendations are only to improve the appearance of the equipment.

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.*
- *Called FCPA to try and get our paths looked at while they are doing construction on Pohick Creek.*
- *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. Everything complete. Need to discuss one last item with Board on this matter.*
- *Request for proposals sent out on 2010 pool contract. Met with multiple contractors on pool filter and summer management contract.*
- *Request for proposals sent out on 2010 accounting contract.*
- *Patching of Delong scheduled within 30 days of email sent on 8/10.*
- *Met with Reserve Study Specialist.*

NEW BUSINESS

- *General*
 - *NCA Vehicle Tickets: taxi on Gwynedd*
 - *Disclosure inspection(s): 7748 Matisse*
 - *New Violation letters: TRASH (0), RULES (0), ARCHITECTURAL (15).*
 - *POOL: dirty, foul language, closed on August 10th (decided by guards without calling supervisor), had a guard removed permanently from the pool for admitting friends and not following NCA rules. Pool closed August 18th for cleaning. Did not reopen on 18th due to a lack of guards. Prepared to close pool on 8/22 if two conditions were not met: pool operator on duty and increase flow to health dept standards – both conditions met before I left on vacation. Closed 8/1 and 8/26 due to throw up in pool. Closed one hour early 8/29, 2 hours early 8/30, and 4 hours late on 8/31, all due to staffing issues.*
- *Resident Complaints/Issues:*
 1. *Believes the Community Manager is telling residents who initiated complaints against them.*
 2. *Not happy with tow policy, believes there should be warnings and thinks snow contractor does a lousy job.*
 3. *Ms. Fletcher of Durer Court would like the Board to know that she does not agree with changing the height of sheds.*
 4. *Car sitting too long in unnumbered spot on LeMoyné – put notice on car.*

5. *Pool closed when they went to use it and doesn't like grass being cut on one day and cuttings being blown on second day.*
6. *Car sitting too long in unnumbered spot on Durer.*
7. *3 reports of car break ins the evening of September 1st. (Euclid, Marconi, Kitchener)*

The CM was asked why the tennis courts have not been fixed. She has not called them about it yet. Secretary Steele felt the NCA parking/towing policy should run in the newsletter every month. Secretary Steele asked if the removal of a life guard was handled properly. She reviewed what took place that resulted in a lifeguard being disallowed to work at the pool and the resulting quitting of other guards. It was explained that everything was handled in accordance with the contract. There was additional discussion about the pool contractor and another pool the same size as NCA, built by the same builder, that is run by Atlantic Pools.

GENERAL BUSINESS - OLD

Pool Filter– The CM read her notes from meetings with pool contractors regarding replacement of the NCA pool cartridge system with a sand system. NCA has received two quotes for sand filter systems. A third contractor doesn't feel NCA needs a new filter system, just new filters and the filters need to be properly maintained. There was discussion about why NCA went to the cartridge system. The Board would like to meet with the contractors to discuss.

Sidewalk, Curb and Gutter, and Asphalt Trail Report – The CM has contacted the engineers to let them know we are going out for bid on the asphalt paths. She stated she would have to meet them next week to answer any questions they have. The sidewalk and curb work will be addressed after the CM has an opportunity to present some information to the Board on where work can be done that is not effected by trees.

Architectural – Changes to three sections of the Architectural Standards were discussed. More changes will need to be made and they will need to be republished.

Votes Taken Outside a Regular Meeting – The email voting policy was revised and presented at the last meeting but tabled until more members were in attendance. The CM explained that not everyone is in agreement on the changes, it is on its third revision since it was created two years ago, and recommends the Board let NCA general counsel provide a recommendation on an email policy. The CM explained that the Rules Violation Policy was revised two years. When NCA's attorney's were asked to pursue lawsuits for architectural violations last year, they recommended the Board go back to the original policy since the new policy was too detailed and confusing. The Board went back to the original policy before continuing with the lawsuits. Vice President L Fernandez stated unanimous consent is required by Virginia statutes for non profit organizations so money should not be spent on attorneys and recommended several changes to the email voting policy. There was a discussion on attorney rates. The CM stated that one of the changes recommended goes against the argument that unanimous consent is required by NCA's by-laws. President Peirce made a motion to accept the

email voting policy with changes recommended. The motion was seconded. Vote 4 yes, 2 no.

Retainer Fee for an Attorney – The CM provided notes of her discussion with NCA general counsel. They will prepare a retainer outline for NCA. They did state that based on our history, the cost of a retainer could be more than usage on an as-needed basis. As a side note, our attorney did recommend that NCA look at their policy on handling delinquencies. They recommend focusing more on lawsuits and less on liens. It would be more expensive but it gets rid of delinquency issues instead of letting them drag out for years.

Budget – See Committee Report

GENERAL BUSINESS - NEW

T-billed expired in June – A \$100,000 T-billed expired on June 15th. Funds are sitting in the sweep account with a .01% interest rate. A one year renewal would yield approximately .35%, 2 year at approximately 1%, and a three 3 year at 1.5%. NCA has typically had three t-bills laddered so that one expires every year but with current rates, one will expire in December of 2009 and another in February of 2010. The CM will look to see if there are shorter t-bill rates than one year.

Architectural Violation Lawsuit – Details will be discussed in Executive Session.

Pool Contract Bids – Six bids have been received and presented to the Board. There was discussion about bringing the contractors in for an oral presentation and best and final offers. It was recommended that Atlantic Pools be sent an RFP but there was a comment that they would not bid a pool with a cartridge filter system.

Accounting Contract Bids – Requests for Proposals have gone out. The Board would like the names of the companies the RFP's were sent to. The CM will email that information.

Golf practice on ball field – A resident oversees the ball field to make sure people who use it understand that there is a registration process for team use of the field and enforces the 'no pets' rule. He has been telling residents that they may not practice golf and the CM wanted to know if the Board supported this philosophy. The Board agreed that practicing golf on the ball field was acceptable.

At 9:20 p.m. the Board adjourned to Executive Session to discuss hearings, the new Board candidate, the status of an architectural violation lawsuit, and probable cause for hearings on architectural violations.

Public session reopened at 9:25 p.m.

Director Nolan made a motion to accept Sarah Jernigan as a new Board member. Treasurer Catherine seconded the motion. Vote 6 yes.

A lawsuit was filed against a property that did not fix their architectural violations. Before going to court the resident fixed the violations and paid all legal fees incurred up to the first court date. Some additional legal fees have been incurred since and the attorney would like to know if the Board would like to continue with the lawsuit to get those additional fees. The attorney felt a judge would not be very agreeable to the HOA and felt the resident's cooperation was tremendous. NCA has absorbed more in legal fees from other residents with architectural violations. Treasurer Catherine made a motion to no long pursue the architectural violation lawsuit and absorb the \$500 balance of legal fees. Vice President L Fernandez seconded the motion. Vote 6 yes.

Regarding Lot 501, Secretary Steele made a motion to waive an assessment since all requests to complete the landscaping project had been completed. Treasurer Catherine seconded the motion. Vote: 6 yes.

Regard Lot 502, Vice President L Fernandez made a motion to assess the owner \$10 a day, starting September 16, 2009, until the architectural violation is corrected. Director N Fernandez seconded the motion. Vote: 6 yes.

Regarding Lot 44, Treasurer Catherine made a motion that probable cause exists for a hearing. Director Nolan seconded it. Vote 6 yes.

Regarding Lot 94, Treasurer Catherine made a motion that probable cause exists for a hearing. Director N Fernandez seconded it. Vote 6 yes.

Regarding Lot 59, Treasurer Catherine made a motion that probable cause exists for a hearing. Vice President L Fernandez seconded it. Vote 6 yes.

A motion was made to adjourn the meeting at 9:40 pm. Vote: 6 yes.

NEXT MEETING: Wednesday, October 7 – NCA Pool House – 7:00 p.m. all residents welcome to attend.