

NEWINGTON COMMUNITY ASSOCIATION
BOARD OF DIRECTORS' MEETING – January 6, 2010
Minutes of the Meeting

At 7:00 pm President John Peirce called the meeting to order. Board members in attendance included Vice President Liz Fernandez, Secretary Sarah Jernigan, Director Nestor Fernandez, Director John Nolan, Director Louise Whitt, Director Bob Fasick, and Director Al Roy. Treasurer Chip Catherine was not in attendance.

PRESIDENT'S COMMENTS

President Peirce wanted to address the audience with what he felt was probably a concern on everyone's mind, snow removal. The snow storm of December 19th was an exceptional snow storm. Our snow removal was no worse than other communities and in some cases, better. He explained that our snow contractor does not dedicate a truck to NCA when the snow starts to fall because we are not set up as a priority customer. This has saved NCA money in the past. By combining the President's comments with Community Forum, there were discussions with the audience about the difference between being an 'on call' customer and a 'priority' customer. Director Nolan stated he has lived here for 37 years and there have only been 3 snows really worth talking about. Another resident felt this was the first year their driveway was not blocked in. Some individuals felt that a better job could be done. It was stated that NCA is not responsible for the County roads of DeLong, Lodge, Northumberland, etc. There was additional discussion about how the streets could be managed and the rate we are charged. There was a recommendation to form a committee to review different services and rates for the community. Kimberly Nagel agreed to Chair the committee and another resident offered to be on it.

APPROVAL OF MINUTES

Director Nolan made a motion to accept the minutes of the November 11, 2009 special board meeting and the December 2, 2009 monthly Board meeting. Director Fasick seconded the vote. Vote: 6 yes, 2 abstain.

HEARINGS AND APPEALS

There was no one in attendance for scheduled hearings.

EMAIL VOTES THAT OCCURRED SINCE LAST MEETING

None

COMMUNITY FORUM

A resident stated he wanted to apologize for any inappropriate comments he made directly to Board members at the last meeting.

Resident wanted to ask why the community doesn't have once a week trash removal. It was explained that there is minimal storage for trash which would build in back yards and smell and attract animals. It was also explained that the cost savings is minimal because

there is an expected amount of trash from a community and the trash company will still have to pick up that trash no matter if it is once a week or twice a week.

Resident offered to research opportunities for the community to go more 'green'.

COMMITTEE/BUSINESS REPORTS

Maintenance Committee

Secretary Jernigan stated the Maintenance Committee has been established and will have its first meeting on Saturday, January 16th at 11 a.m. and others are welcome to attend.

The purpose is to develop a plan and assess priorities for maintenance in the community.

The Snow Removal committee's input would be included.

Community Manager Report

- *General*
 - *NCA Vehicle Tickets: 1 (Kitchener) w/ tow*
 - *Disclosure inspection(s): 8456 Kitchener Drive, 8471 Brainerd*
 - *New Violation letters: TRASH (2), RULES (1), ARCHITECTURAL (0).*
 - *Renewed Yard Waste Recycling system forms for County.*
 - *Stop sign on Brandeis hit by Mattress Warehouse truck. Working on repair and reimbursement.*
 - *Annual report filing with State Corporation Commission*
 - *New office equipment (computer monitor, pdf software and scanner)*
 - *Court date of February 2nd for non payment of a violation charge on maintenance of lawn. Resident contesting charges. Trying to get date change as it is a conflict with a vacation.*
 - *Pool Rules sent to Board for comment. Responses due January 10th.*

- *Resident Complaints/Issues:*
 1. *Snow removal*
 2. *Car parked in yard*
 3. *Hazardous tree assessment request*

At the recommendation of the Community Manager, Vice President L Fernandez made a motion to request the resident who parked their car on common grounds instead of their parking space to receive a notice of hearing for a rules violation. Director N Fernandez seconded the motion. Vote: 8 yes.

The Community Manager was asked to develop a general policy that makes it clear that common grounds are not for vehicles.

GENERAL BUSINESS - OLD

T-bill – NCA has a T-bill expiring in February for \$190,000. Updated rates were provided. Director Whitt brought up the option of looking at U.S. Treasury zero coupon bonds since currently they produce better returns. Since there is time to look more into

this option, the CM will contact our investment broker and Director Roy will look into the option as well before February's meeting.

Legal review of governing documents – At December's meeting the Board voted to have NCA's general counsel review the governing documents in regards to voting rights and membership. Director Whitt asked for an opportunity to review the governing documents before consulting with the attorney. She noted that the statement about 'no class A membership' in the amendment document was made after the section in quotes. Only the section in quotes are amendments to the original Articles of Incorporation. This item will be tabled so that this information can be shared with the Board member that is most concerned with the ambiguity of the Articles.

GENERAL BUSINESS - NEW

Committee Development – Director Whitt suggested that the Nominating Committee be reestablished. It would require a member of the Board to Chair the committee. Director Fasick volunteered to Chair the committee. Director Whitt also recommended the development of an ad hoc committee for review of the Bylaws. She pointed out several paragraphs that could be improved upon. Tom Queen volunteered to chair the committee. Director Fasick encouraged participation from all parts of the community.

Hearings – Director Whitt suggested to the Board that Lot #s not be used in the agenda or minutes since they identify residents with violations. This topic would be further discussed in Executive Session.

Assistant Community Manager Position – This topic will be further discussed in Executive Session.

Architectural Violation Lawsuit – A resident has a complaint against their neighbor's property since she believes the neglect of the rake board may be causing water to come between their homes and causing mold in her basement. Since the neighbor has received an architectural violation for the rake board, the Board would have to consider legal action to pursue the next step of a violation. The Board promised a response to her the next day. This topic will be further discussed in Executive Session.

Legal Services Invoice – NCA has received a bill for legal services of \$975 for attendance at a Board meeting which was not approved by the Board. Since individual Board members do not have spending authority, President Peirce stated he takes responsibility for the decision. He was asked if it was ok and he said yes. Director Roy recommended NCA pay the invoice. Secretary Jernigan agreed but stated this will be the only time and Board members should inform the entire Board on these decisions. Residents wanted to know if the attorney served any purpose, was there an end product, if he was here for a collection matter since it was our collection attorney, and what was to stop Board members from doing it again. Director Roy made a motion to pay the invoice. Vote: 5 yes, 3 no.

Waiver Request – This topic will be discussed further in Executive Session.

Director Al Roy had questions on the draft financial statement figures provided in the agenda regarding delinquencies. There are 75 outstanding delinquencies as of 12/31/09 for a total of \$49,671 owed to the community

The Board adjourned to Executive Session to discuss personnel issues, violation hearings and legal matters.

Upon return to open session, Director Roy made a motion to assess Lot 526 \$50 for a trash violation. Secretary Jernigan seconded the motion. Vote 8 yes.

Vice President L Fernandez made a motion to assess Lot 530 \$50 for a trash violation. Secretary Jernigan seconded the motion. Vote 8 yes.

Assistant Community Manager – The Board was asked what it is they are looking for in an Assistant. Secretary Jernigan will take on the responsibility of defining the roles, responsibilities of the Community Manager and Assistant as well as Board members. She should have something within two months. The Community Manager has people to call to fill in for administrative needs in the office.

Architectural Violation Lawsuit – After reviewing the file, the Board agrees that a resident's issue with water involves a party wall and is not the responsibility of NCA.

Waiver request – After reviewing the file, Director Roy made a motion to accept the attorney's recommendation and not waive any legal fees on this matter. Vice President L Fernandez seconded the motion. Vote: 8 yes.

Hearings – The Board agreed they will continue to use Lot #s to identify residents for hearings both in the agenda and minutes.

Community Manager – The Board approved a holiday bonus for the Community Manager.

The meeting adjourned at 9:35 p.m.