

NEWINGTON COMMUNITY ASSOCIATION
BOARD OF DIRECTORS' MEETING – March 3, 2010
Minutes of the Meeting

At 7:01 pm President John Peirce called the meeting to order. Board members in attendance included Vice President Liz Fernandez, Treasurer Chip Catherine, Secretary Sarah Jernigan, Director Bob Fasick, Director Nestor Fernandez, Director John Nolan, and Director Louise Whitt. Director Al Roy arrived after the first vote.

PRESIDENT'S COMMENTS

President Peirce stated NCA survived the last snow storm. Total cost this year is \$33,000 when only \$6,000 was budgeted. There was much tree damage from the heavy snow and the tree crew started Monday cleaning up the community. It took three full days to remove all the broken trees and branches. Bushes for rejuvenation pruning will be identified. Pool pass applications were distributed with the last newsletter. Get them in early to take advantage of free guest credits. The pool will be under the operation of a new pool company this year and we have already planned an adult only pool party for the first Friday evening after the pool opens. NCA will provide light food and lifeguards. It will be a 'bring your own beverage'.

APPROVAL OF MINUTES

It was asked that names be added to 'no' votes and John Peirce was the 'no' vote on the personal property policy revision. Treasurer Catherine requested the maintenance summary not include the wording about the static IP item being tabled. Treasurer Catherine emailed a request to the maintenance committee dated Jan. 6th requesting the item be removed from the maintenance committee's "wish list". He also noted that under the section on legal review of documents, his concern included conflict with the Article of Incorporation. Vice President L Fernandez asked that the word 'fine' be changed to 'violation assessment' in the second to last sentence of the minutes. Director Nolan made a motion to accept the minutes with the above changes. Treasurer Catherine seconded the motion. Vote: 6 yes, 2 abstain (Liz and Nestor Fernandez).

COMMUNITY FORUM

There was discussion on having the community more involved in the clean up of branches and leaves. It was mentioned there are insurance issues depending on what is done. Discussion included use of waivers and how we handle Clean Up Day. The Community Manager (CM) will call the insurance company to get clarification.

COMMITTEE/BUSINESS REPORTS

Community Manager Report

- *General*
 - *NCA Vehicle Tickets: 0*
 - *Disclosure inspection(s): 7757 Durer*
 - *New Violation letters: TRASH (0), RULES (1), ARCHITECTURAL (0).*
 - *Negotiated reduction to legal invoice (25%)*
 - *SNOW REMOVAL. Again and again and again!*

- *Budget analysis (see attached)*
- *Fairfax Water account confusion.*
- *Received only 2 bids on asphalt paths. Extended deadline to two companies.*
- *Trees and branches down everywhere. Clean up to start soon. Drove community trying to identify every problem tree/branch. Shrubs will be looked at later to see if they recover or not.*
- *Complaints and Issues from Residents*
 - *Resident Complaints/Issues:*
 - *Snow removal complaints were minimal. There were some compliments.*
 - *Branch on roof.*
 - *Excessive amount of dog poop on streets and sidewalks.*
 - *Large amounts of trash being put out every weekend on peninsula outside of 7750 Moline.*
 - *Damaged evergreens on property encroaching on another person's driveway.*

As part of the report, the CM provided the Board with a revised budget. The purpose is to move money around from different budget lines to help guide expenditures for the rest of the year. There is no change in the assessment. The revision was to address the fact that NCA is significantly over budget for snow removal.

In addition to the items on the report, the CM mentioned she will be in court on Tuesday in regards to an unpaid architectural violation, and that NCA has been denied on their alternative yard debris management application. This could effect us financially if we are required to have trash trucks go through the townhomes for a separate yard debris pick up every week.

There was discussion about the abundance of dog poop on the streets and sidewalk. It is everywhere and a huge problem. Community involvement is necessary. Reporting the times when people are walking their dogs and not picking up after them to animal control is necessary.

Maintenance Committee

A report was provided to the Board that included factors being considered when defining priorities for maintenance projects. No one expressed any concerns with the criteria. The committee will be addressing the repair of paths in the community and identifying which roads would need to be repaired first. Both the reserve study and engineering reports were deferred to. At its last meeting the committee discussed a Community Day in the Spring where businesses such as Home Depot, a local nursery and our grounds contractor could come out to NCA to provide advice, give workshops and possibly provide product.

Vice President L Fernandez asked if maintenance of Moline was being addressed. The CM explained that she has had some conversation on this with the asphalt company that fixed Moline that she was going to share with the maintenance committee. NCA engineers do not agree with the need for seal coating and there is a product that the asphalt company is recommending instead. More information is still needed on this.

The next meeting of the maintenance committee is March 27th at 10 a.m.

Nominating Committee

Director Fasick stated that the committee had its first meeting on Sunday, February 21st. The group discussed ways to reach out to the community to generate interest in being on the Board.

Planning and Development

Lou Tobat provided an update on the progress around Rolling Road. The Geospatial building and the new hospital on Belvoir are expected to open in 2011. Both VDOT and Ft. Belvoir have websites that provide more details. See www.belvoirnewvision.com or VDOT's www.vamegaproject.com and go to item F, Fairfax Parkway/BRAC. The machinery that has been working under the power lines is for routine shrub maintenance and is not a result of the Rolling Road/Parkway construction. The Army museum plans are not finalized.

Bylaws Committee

The next meeting will be held Friday March 5th at 7pm in the poolhouse.

GENERAL BUSINESS - OLD

T-bill – NCA had a T-bill expire in February for \$190,000. There was discussion on the government backed security investment options especially the risk associated with shorter term as opposed to longer term options. Director Roy made a motion to invest \$190,000 in TIPS. Vice President L Fernandez seconded the motion. Director Whitt expressed concern with an investment option that has a five year maturity with so much expenditures being recommended in the reserve study over the next three years. Vote: 8 yes, 1 no (Whitt). Someone asked the bylaw committee chairperson if the committee was looking at revising the section on CPI and NCA's limitations of raising assessments based on CPI. The Bylaws Committee Chairperson stated that the committee believes the community has worked well under the CPI restriction, the wording of the section is confusing, and with the significant number of assessment delinquencies in the community, it was recommended by the committee not to change it.

Roles and responsibilities – Secretary Jernigan has tabled this item

Removal of parking privileges for assessment delinquencies – NCA asked general counsel for an opinion on the ability to revoke parking privileges for delinquent owners. The response was that it could be problematic due to the lack of clear authority in the governing documents. President Peirce suggested raising the late fee. Director Whitt had questions about if we are repeating opinions from Legal Counsel and asked if we had files of all opinions with the current firm. Director Whitt suggested we get copies of all legal opinions for NCA business from our attorney including those that may have been passed to them when NCA switched counsel. The CM will look into it.

GENERAL BUSINESS - NEW

Auditor – Auditor has sent a proposal to perform the 2009 audit for \$2500, plus \$500 to prepare the tax return. It was noted that we have used Ahlberg for at least 15 years, they

have continually provided advice and more importantly guided us away from Koger Management before that company had legal and financial issues. Vice President L Fernandez made a motion to accept Ahlberg's proposal. Director Fasick seconded the motion. Vote: 9 yes.

Lee High School Donation – NCA has traditionally given \$100 towards Lee's All Night Graduation Celebration. Treasurer Catherine made a motion to donate \$100. Secretary Jernigan seconded the motion. Vote: 9 yes.

Towing Contract Renewal – The contract with Dominion is up for renewal. There have been minimal complaints regarding the service, there is no cost to the association, they are in a good location and provide 24 hour pick up. Vice President L Fernandez suggested looking at a towing contractor that would also offer curb painting for free. The CM stated that would be fine for next year but we are in the third, and hopefully final, year of a community wide curb painting project and it would be best to have the same quality painting done throughout before considering switching to another company for curb painting. It was agreed this should be looked into for next year. Treasurer Catherine made a motion to enter into another one year contract with Dominion Towing. Director Roy seconded it. Vote: 9 yes.

Write off – Our collection attorney has told us that due to bankruptcy NCA must write off \$1300 in pre-petition debt. Because the property has been foreclosed on and it would cost more to pursue litigation, they recommend NCA write off the entire \$1948.71 owed to NCA. Vice President L Fernandez made a motion to accept the recommendation. Director Fasick seconded the motion. Vote: 9 yes.

Budget/Finance Committee – Director Roy would like the Board's feedback on broadening the committee's role to include more than preparing the budget. He will talk with Budget Committee Chairperson, Vice President L Fernandez about the plan.

President Peirce called for a break and adjournment to executive session at 8:34 pm to discuss personnel issues. The CM said if personnel issues were going to be discussed in Executive Session that she has a statement to make. She stated she is aware that some Board members are upset with her and would like to fire her. She said she made a stupid mistake and would like the community to know what she did, what lead up to what she did, and how she has to be concerned that some Board members are waiting for her to make a mistake. There is nothing in the POA act that states personnel matters must be discussed in executive session, only may be discussed. The Board has already held one special Board meeting to discuss the issue and is going to meet again and have yet to give her an opportunity to defend herself against accusations.

The Board agreed to take a five minute break.

Discussions after the break revolved around the personnel issue. Members of the Board felt this should be kept confidential since the discussion could lead to other issues. Members of the community felt there was an obligation to be informed and that they

were not listened to when they expressed their satisfaction with the CM in November. Treasurer Catherine made a motion to adjourn to executive session to discuss personnel issues. Director N Fernandez seconded the motion. Vote: 5 yes, 4 no (Nolan, Whitt, Fasick, Jernigan). Motion passed. There was dissatisfaction from the audience that the CM was not given an opportunity to defend herself and she was then invited into executive session.

OPEN SESSION

Secretary Jernigan made a motion that the CM be given a written reprimand. Director Fasick seconded the vote. Vote: yes 4, no 5 (L Fernandez, N. Fernandez, Roy, Catherine, Whitt) Motion failed.

Treasurer Catherine made a motion that the CM be suspended for two weeks. Vice President L. Fernandez seconded the motion. Comments from the audience included questions on how the Board plans to cover the office for those two weeks and what it will cost.

Vote: yes 4, no 5 (Peirce, Jernigan, Fasick, Whitt, Nolan). Motion failed.

Secretary Jernigan made a motion for adjournment. There was no second. Motion failed.

Director Whitt made a motion for a verbal reprimand. Director Nolan seconded the motion.

Vote: yes 6, no 3 (N Fernandez, L Fernandez, Roy). Motion passed.

Secretary Jernigan made a motion to adjourn the meeting, Director Nolan seconded the motion.

Vote: 7 yes. Motion passed.

Meeting adjourned at 9:34 p.m.