

NEWINGTON COMMUNITY ASSOCIATION
BOARD OF DIRECTORS' MEETING – August 1, 2012
Minutes of the Meeting – NCA Pool House Meeting Room

At 7:01 pm President Sarah Jernigan called the meeting to order. Board members present were President Sarah Jernigan, Vice President Kirk Brustman, Secretary Mike Smith, Treasurer Louise Whitt, and Director Matthew Reid. Director John Stiteler was not present.

PRESIDENT'S COMMENTS

President Jernigan thanked the Board for their hard work and intended to thank them publicly at the annual meeting.

APPROVAL OF MINUTES

Treasurer Whitt made a motion to accept the minutes of the July 11, 2012 meeting with grammatical changes. Secretary Smith seconded the motion. Vote 4 yes, 1 abstain.

COMMUNITY FORUM

Two residents who had past hearings addressed the Board regarding their trash violation charges.

COMMITTEE/BUSINESS REPORTS

Treasurer's Report, Louse Whitt

Treasurer Whitt shared a Doubtful Accounts analysis with the Board. This shows that based on NCA June 30th receivables we have doubtful accounts of \$18,000. This includes one account whose status is in transition from being at the attorney for collection to being classified pre-bankruptcy debt. NCA has a reserve of \$17,000. After the first time of adhering to the new policy, Treasurer Whitt felt there may need to be some additional changes to the policy. Treasurer Whitt shared a Reserve Fund Status report with the Board. There was discussion on how the approval column and results column. Treasurer Whitt recommended that when payment is made for the Durer Court project, one half come out of each reserve account so that they both maintain their premium savings rate. The Board looked at the first draft of the budget. Copies will be available at the annual meeting.

Planning and Development, Lou Tobat

The final resolution from the Widening of Rolling Road Committee was submitted to Supervisor Hyland. Copies will be at the annual meeting. The committee is asking Supervisor Hyland to remove this project from the County's comprehensive plan. President Jernigan stated that there is a situation involving an NCA Board member and potential ethical violations. She asked the Board if they want to discuss in open session or move the topic to executive session. The Board agreed to discuss in executive session.

Neighborhood Watch, Mike Smith

There were no patrols this month but the other member of the watch is concerned with the suspicious activities at the end of Gwynedd. They will try to narrow down the time frame that problems occur in order to notify the police.

Community Manager (CM) Report, Lori Randall

General

- *NCA Vehicle Tickets: 0*
- *Disclosure inspection(s): 8417 Dampier*

- *Exterior Project Requests: 3*
- *Per the Board's request, contacted Fairfax County police on resident who shoved a tree branch in the NCA office gate. Reported as defacing property.*
- *Contacted VCB regarding overdraft protection. There is no fee associated with funds transfers for these transactions and amount transferred will be to achieve a zero balance.*
- *Follow up on contract questions for Durer Court project as they relate to concrete debris removal and references.*
- *Annual meeting preparation (letter to all homeowners, signs, notices in newsletter, ballots, etc.)*
- *Recreation: Sundae Sunday (bad weather – will probably reschedule); NCA cookout (good turnout); canoe rentals very successful (four reservations w/ 1 cancellation)*

Resident Complaints/Issues/Comments

- *Several calls on dead branches and hanging branches after recent storms. One tree has split down the middle and will be taken care of sooner than the others. Required the use of a crane.*
- *Incident at pool whereby resident felt lifeguard's reaction wasn't quick enough to a child who panicked when goggles came off after jumping off diving board.*
- *Continued threats of lawsuit from a resident who has wanted the common ground tree closest to his home removed for years. Drafted a response and sent certified mail. Note: The resident was offered opportunity to move his parking spot.*
- *Washington Post shopping guides thrown throughout the community. Most don't make it to the front steps and end up in gutters, sidewalks, common grounds. Requested that the free shopping guide no longer be distributed in our community.*
- *Robbery reported on Durer Court.*
- *Dead branches in tree close to parking spot (Brandeis). Arborist asked to provide an assessment of the tree's health.*

Additionally, a resident was upset that a tree was removed from in front of his property. This tree was considered a safety hazard by a certified arborist. The resident was also concerned about wood dust on his car and he was given the name and number of our contractor.

Last month three accounts totaling \$9,500 were paid and closed with the collections attorney.

GENERAL BUSINESS -- Old

CIC Board Complaint Process – The Board reviewed a draft resolution to comply with the State's recent requirement that homeowner's associations have written procedures for written complaints concerning actions or inactions allegedly inconsistent with state laws and regulations governing common interest communities. One board member felt that section E.2. of the resolution provided the CM too much time (seven days) to notify the Board after completing the required review for completeness. Director Reid made a motion to keep the language as written giving the CM seven days to notify the Board. Vice President Brustman seconded the motion. Vote: 4 yes, 1 no.

The Board continued to address the confusing language of section E.2 of the resolution. After deliberation, the Board agreed to table the discussion to the next monthly Board meeting. The Board has a deadline of September 28, 2012 to implement a policy. All Board members are to provide a recommendation on new language for that section prior to the next meeting.

The CM asked the Board if they wanted to reconsider allowing complaints to be responded to via email or facsimile. The Board was concerned there would be confirmation of receipt issues if methods other than mail or hand delivery were used.

Durer Court Repair Project – The Board was informed that the preferred contractor, Tibbs, was available to start the job August 13th but September was already booked with a large job on Ft. Belvoir and will need to move quickly on the contract if they want the job started this summer. Secretary Smith made a motion to use Tibbs Paving for the Durer Court job. Director Reid seconded the motion. Vote: 4 yes, 1 no.

There was discussion on what would need to take place if the contractor doesn't agree to NCA's contract revisions and another contractor needs to be approached. Director Reid made a motion to perform work outlined in option 2 (asphalt replacement on entire street plus sub grade repair in travel ways) and concrete work plus additional smaller jobs as outlined in the May 2012 Asphalt Concrete Repair Request for Proposal at a cost of \$141,000 to a maximum of \$160,000. Secretary Smith seconded the motion. Vote: 0 yes, 5 no. Director Reid made a motion to engage Tibbs to perform work outlined in option 2 (asphalt replacement on entire street plus sub grade repair in travel ways) and concrete work plus additional smaller jobs as outlined in the May 2012 Asphalt Concrete Repair Request for Proposal at a cost of \$142,000. Vice President Brustman seconded the motion. Vote: 5 yes. There was additional discussion that the Board President would be the liaison if there were any project overruns.

The Board needs more time to review the contract. The Board was reminded that this contract was used for the \$260,000 Moline project in 2008 and has been approved by NCA's general counsel. What changes from project to project is the RFP which is an addendum to the contract. They will meet Saturday, August 4th at 5 p.m. to continue this discussion.

GENERAL BUSINESS -- New

Pool Contract Renewal – Titan provided a new agreement to manage the pool for the next three years at a fixed price of \$44,800. Secretary Smith made motion to accept Titan's contract for 2013. Director Reid seconded the motion. Vote: 5 yes.

Other Contract Renewals – The Board will continue with the accounting contract with Summit and snow contract with Springfield Lawn for 2013. The Board had previously expressed interest in quotes for auditing service. Our financial management company provided two references. Quotes obtained were for \$3,300 and \$3,350. Our current auditor charges \$3500. Mr. Lou Tobat informed the Board that our current auditor is trustworthy and has been auditing NCA's financials probably more than 30 years. The CM will ask for an engagement letter from our current auditor to see if the price has increased.

Assistant Manager Annual Review – The CM stated that our current Assistant is doing a great job and is an important asset in case anything should happen to the Community Manager. She has posted hours of ten hours a week. Director Reid made a motion to increase the Assistant Community Manager's pay .75 (cents). Vice President Brustman seconded the motion. Vote: 4 yes, 1 no.

The Board adjourned to Executive Session at 9:30 pm to discuss ethical violations by a Board/Committee member and an assessment collections case. The Board returned at 10:00 pm.

Vice President Brustman made a motion to initiate Board removal procedures against John Stiteler for ethical violations. Treasurer Whitt seconded the motion. Vote: 5 yes.

A resident is asking the NCA attorney for a waiver of some of the legal fees they owe. The Board has

agreed to only waive half and ask for reinstatement of those fees if they are ever delinquent in the future. President Jernigan will contact the attorney immediately after the meeting with the counter offer.

The Board agreed they will not change their decision on the two early trash violations that were presented to the Board during Community Forum.

GJB engineering has recommended speaking to the County to ensure there are not issues with using concrete debris to stabilize the s-turn in the creek that is too close to the path. The Board agreed this is not necessary since the two projects are not in sync and NCA could end up with concrete debris sitting around for a long period of time.

Secretary Smith made a motion to adjourn the meeting at 10:20 pm. President Jernigan seconded it.
Vote: 5 yes.