

**NEWINGTON COMMUNITY ASSOCIATION
BOARD OF DIRECTORS' MEETING – August 3, 2016
Final Minutes of the Meeting – NCA Meeting Room**

At 7:15 PM President Elizabeth Rodriguez called the meeting to order. Board members present were President Elizabeth Rodriguez, Secretary Sarah Jernigan, Treasurer Louise Whitt, Director Florence Smoczynski. Director Mark Polansky arrived late. Vice President Kevin Benore was not in attendance.

President Comments

Welcome to the meeting, apologized for being late.

Community Forum

A resident was walking the paths in the woods and part of the path was not completed per the contract with Fairfax Paving and Concrete, however the contractor has been paid in full. A section of the path (which runs from basketball and past old shuffle board courts) should have been abandoned, because it's a safety issue. Was the project reviewed by the engineer before the project was paid for? President Rodriguez did not recall and ask the CM to research this.

A resident also suggested that we ask them to review a section of the path, behind the tennis courts / basketball heading towards the creek, there is an 8" drop-off in one section of the path that could be a safety issue. Secretary Jernigan agreed to walk the path before the next meeting to review area.

Approval of Minutes

Secretary Jernigan made a motion to approve the February 27, 2016 minutes as written. Director Smoczynski seconded. Vote 5 yes.

Secretary Jernigan made a motion to approve the July 6, 2016 minutes as written. Director Smoczynski seconded. Discussion was held on correcting the Planning/Development section, there were two VDOT meetings and when the Board will provide employee evaluations. Secretary Jernigan amended her motion to correct under Planning/Development it should read Mr. Tobat attended two VDOT meetings. The first meeting was to review the Fairfax County corridor study. The second meeting addressed the widening of Rolling Road from Parkway to Old Keene Mill Rd. Under General Business, Employee Evaluation change last sentence to President Rodriguez will ask for input from the Board prior to the formal employee evaluation. Director Smoczynski seconded. Vote 3 yes, 2 abstain (Polansky and Whitt).

Email Votes

Vice President Benore made a motion for an email vote. Vote 6 yes. President Rodriguez was unavailable.

Vice President Benore made a motion to remove architectural violation from Lot #10 and note file that any future work to shed or fence will need to follow architectural standards. Vote 4-0 against the motion. Rodriguez, Smoczynski unable to participate.

Committee Reports

Treasurer Report – will discuss budget later in the agenda

Community Manager's Report

General

- Disclosure Packets: 8373 Luce, 7727 Durer, 7759 Euclid, 7766 Brandeis, 8358 Moline
- Annual meeting letters, proxies and bylaws notice were mailed
- New playground structures are completed, special thank you to Lori Randall, notice in Aug newsletter
- Two new ads for website received
- One nomination received for Board meeting next month, published in newsletter
- Pool bathrooms began to back-up on 7/21. Griffin plumbing came 7/22 to auger main sewer line
- Light fixture in NCA office fixed
- American Disposal accounting error
- Budget meeting held on July 25, 2016
- Proxies are being turned in to NCA office

Resident Complaints/Issues/Comments

- Couple of pool complaints that lifeguards were not in chair when members were in deep end

- Resident paid HOA late fee when picking up passes, Summit account not updated to reflect
- Architectural questions regarding new shed on Gwynedd
- Resident inquired about obtaining a larger recycle bin
- Resident wanted to know if they could install an AC window in the back of home
- Positive feedback from residents on emailing upcoming events, meetings, etc. with newsletter
- Request from resident to replace speakers at the pool, guards have to turn music up loud to be heard, but it becomes distorted
- Resident suggested we increase recycling pick-up to two times a week
- A few complaints about commercial vehicles parking on Delong; looks like parking lot
- Noise complaints on Luce
- Pile of wood left on Gwynedd, resident concerned about common ground grass
- Resident complimented NCA office for helping to keep NCA looking nice
- Couple of new residents with trash and pool pass questions
- Front gutter of townhome is clogged; overflowing is coming into their garden
- Parking complaint on Luce
- Common tree on Luce appears to be covered in poison ivy
- Tree down in road on Northumberland
- Teenagers knocking on doors last Sunday, ringing doorbells on Luce Court; then continued hanging around in the woods on Luce; resident called non-emergency number; police did sweep the area
- Resident's car was towed twice in same 24 hour period
- Resident sent email that they received a letter in the mail from an NCA resident how residents who don't live in the neighborhood will not have a vote or rights regarding the association's affairs

Planning/Development Committee – Mr. Tobat not in attendance

Newsletter Committee – President Rodriguez delayed discussion as this topic is on the agenda.

Bylaws Committee – Secretary and Committee Chair Jernigan stated that the letter resident received in the CM report was clearly misinformed. All residents have the right to vote and was disappointed to hear that someone would lie to residents. She received comments about typographical errors in the existing Bylaws, but everything has been reviewed by the attorney. No additional corrections will be made.

A resident asked if that included the current wording, e.g., Article VII, Section 1 Nominations where a section was left out. There was discussion on the attorney approving the changes prior to the community's vote. The process on how the Bylaws are changed was discussed. Secretary and Committee Chair Jernigan clarified that the Board approved spending the money for the attorney to review the suggested wording. These changes will be voted on at the Annual Meeting.

A resident stated that the current wording does not correctly reflect the existing Bylaws on the website. The reference to "his" lot was also discussed, but will not be changed. Secretary and Committee Chair Jernigan will connect with the resident to review any additional omissions from the existing Bylaws to the current wording in the Bylaw changes.

General Business – Old

Newsletter Committee – President Rodriguez stated that the Board received a draft at the July Board meeting and is seeking approval of the policy. Discussion was held on whether to call this a policy or a procedure, to consider this a communications policy to include the website. The document presented is more a procedure of deadlines, roles and responsibilities, steps and timelines vs a policy guideline with enforcement.

A resident stated that if you develop a policy that governs the community then it needs to be published to the community for their comment before it is voted on.

Under Letters to the Editor, Secretary Jernigan asked for a third paragraph that states all Board members are held to Section II, Duty of Respect for the Board, Item A. Specifically, when a Board votes on a particular matter then the Board should not engage in any unauthorized activity which undermines the Board's decisions. Director Polansky stated that he felt this would limit the Board member's rights as a community member. The first paragraph states that the NCA Code of Conduct must be followed in the newsletter including Letters to the Editor.

President Rodriguez made a motion to accept the amended changes suggested by the newsletter committee to include the website in the newsletter policy/procedure. Secretary Jernigan seconded. Director Polansky discussed the wording that would have to apply to specify what applies to the

newsletter, vs the website, e.g., appendices. A Newsletter Committee member stated that per the POAA the newsletter is the primary means of communicating with the community members; therefore, does not feel the website should be included in the drafted newsletter policy/procedure. A resident suggested adding the website section as a new appendix and then the document presented can be a newsletter and website policy/procedure. Vote 3 yes, 2 no (Smoczynski and Rodriguez)

Secretary Jernigan made a motion to publish the newsletter policy in the next newsletter for community to comment. Treasurer Whitt seconded. Vote 5 yes.

Architectural Standards - the changes to the Architectural Standards need to be published to the community prior to the Board voting on them. President Rodriguez made a motion to vacate the Board's July vote on Architectural Standards and publish the proposed changes to the community. Secretary Jernigan seconded. Vote 5 yes.

Parking Lot Exception. A resident asked the Board to grant an exception for his 30' trailer. President Rodriguez stated that the trailer has to fit into a parking space. Discussion was held about trying to enlarge the parking lot, repainting the lines, or enlarging the lot as a source of income for NCA. President Rodriguez suggested someone could chair a committee to review the pool parking lot policy. Director Smoczynski offered to chair this committee. Director Polansky made a motion to grant this resident very limited exception to this policy pending review of the pool parking lot policy. Discussion reverted to the need of fire trucks to access this part of the parking lot to reach the back of the townhomes and if NCA would be held liable if there was a fire and the trucks could not access that area. Director Polansky removed his motion. President Rodriguez stated to the resident that at this time, the NCA Board is unable to grant him an exception to park his trailer and he has until Friday, August 26, 2016 to find another parking alternative.

Blade Runners –Secretary Jernigan suggested that NCA take care of category one trees and asked if CM verified all trees are on NCA property. A resident questioned the accuracy of the Blade Runners report because there are some trees on Kitchener where dead limbs are present, but not on their list. Resident also had some comments regarding standing water on a path on Kitchener too. President Rodriguez made a motion to remove all priority trees on common grounds, not to exceed \$14,590.00. Secretary Jernigan seconded. Vote 5 yes.

Fire Lane Signs – Secretary Jernigan made a motion to purchase all required supplies to fix fire lane signs not to exceed \$1,456.00. President Rodriguez seconded. Vote 5 yes. Secretary Jernigan made a request to amend her motion that the expenses will come from line item 7365. President Rodriguez seconded. Vote 5 yes.

American Disposal – Treasurer Whitt mentioned that when the CM contacted American Disposal to see what their 2016 rate increase is going to be effective January 1, 2017, they realized they did not increase the January 1, 2016 rates. President Rodriguez asked for Treasurer Whitt's recommendation on whether NCA go with American Disposal's proposed Option 1 or Option 2. Treasurer Whitt made a motion to pay American Disposals \$3,190.08 to cover the 2016 increase per contract from line item 7450. Director Polansky seconded. Vote 5 yes.

2017 Draft Budget – Treasurer Whitt provided a draft 2017 budget. She mentioned that any numbers changed appeared in the 3rd column in. Tree, snow removal and trash lines have been increased for 2017. Secretary Jernigan asked what the three year average is for snow removal. Discussion was held on 2016 and 2017 trash line budgets. Additional discussion on removing newsletter publishing line. Discussion was held on community manager and assistant community manager line items. Treasurer Whitt asked Secretary Jernigan what number she wants for those line items. Secretary Jernigan stated that the numbers should be based on the actuals, not based on number of hours because that fluctuates. It was discussed that the Budget Committee should determine good solid numbers, based on actual numbers not just randomly changed. Discussion reverted to the non-judicial foreclosure and tax line items. Treasurer Whitt wanted clarification from the Board on what should be presented at the Annual Meeting next week. President Rodriguez suggested she report on where NCA is on the current budget for this year.

Doubtful Accounts: Treasurer Whitt said per the 6 month review, the current doubtful account number is \$16,203.00. Next cycle will be in November before the number is given to the Auditor,

Meeting Room Scheduling – Secretary Jernigan thought this was off the agenda, she will submit her comments to CM separately for the September meeting.

Hearing

Code of Conduct Hearing – Treasurer Whitt asked if the Board was making a motion to go into Executive Session. President Rodriguez stated that since this was not an employee vs a Board complaint, they are not convening to Executive Session. President Rodriguez asked resident to state her complaint.

Resident advised that the Letter to the Editor was completely inappropriate because it addressed an issue that came up in Executive Session last fall. The resident felt that to share information verbally is one thing, but to put it in a community newsletter is different. The resident does not believe she would have been allowed to write a Letter to the Editor about the contents of her complaint and what transpired or the Board's decision. The way this Letter to the Editor was worded, the Board member was refusing to accept the decision of the Board, which goes against the Code of Conduct.

Treasurer Whitt responded that she was stating what her letter stated, that it was an admonishment not a reprimand. She stated that she was not disagreeing with the Board and did not refuse the Board's decision because she received the letter.

The resident wanted to know who decides the severity of a word. Discussion reverted to the two words mean the same thing. Treasurer Whitt disagreed and provided the definition of the words to the Board. Director Polansky stated that it was his choice of word in the letter, however, he felt the two words had the same meaning.

The resident stated that she was completely upset when she read the Letter to the Editor. The wording used made it sound like her complaint was frivolous and that is only a word that needed to be changed and misleading. The minutes produced by Treasurer Whitt had lies and demeaning content in them and was asked to change them but waited 3 months past the CM resigning to change them. The resident apologized that some think it's foolish or no big deal, and felt the Letter to the Editor was extremely wrong and a violation of the Code of Conduct.

President Rodriguez stated that both sides have been heard, the Board will move into Executive Session to discuss. They will reconvene to open session with their decision. Director Smoczynski made a motion to go into Executive Session. Director Polansky seconded. Vote 5 yes.

At 11:12 pm President Rodriguez made a motion to reconvene into regular session. Secretary Jernigan seconded the motion. Vote 4 Yes, 1 Abstain (Whitt).

Secretary Jernigan made a motion to request a private reprimand for Section I, G. of the NCA Code of Conduct to Treasurer Louise Whitt based on her Letter to the Editor in the July 2016 NCA newsletter. Director Smoczynski seconded. Vote 4 Yes, 1 Abstain (Whitt).

Secretary Jernigan made a motion to adjourn. Director Polansky seconded. Vote: 4 Yes, 1 Abstain (Whitt).

NEXT MEETING: Wednesday, September 7, 2016 - 7:00 PM, NCA John Nolan Meeting Room. All residents encouraged to attend.