

NEWINGTON COMMUNITY ASSOCIATION
BOARD OF DIRECTORS' MEETING – October 7, 2015
Minutes of the Meeting – NCA Pool House Meeting Room

At 7:06 pm President Beth Rodriguez called the meeting to order. Board members present were President Beth Rodriguez, Treasurer Louise Whitt, Secretary Chris Hammel, Director Mark Polansky and Director Florence Smoczynski. Vice President Kevin Benore was not in attendance.

PRESIDENT'S COMMENTS

In order to keep the meeting running smoothly, she requests that anyone at the meeting who wants to speak, should raise their hand and wait for her to call on them.

APPROVAL OF MINUTES

Director Smoczynski made a motion to accept the September 2nd monthly board meeting minutes as written. Treasurer Whitt seconded the motion. Vote: 4 yes, 1 abstain (Polansky). President Rodriguez made a motion to accept the September 2nd monthly board meeting executive session minutes as written. Secretary Hammel seconded the motion. Vote: 4 yes, 1 abstain (Polansky). Secretary Hammel made a motion to accept the August 13th annual meeting minutes with revisions. Secretary Whitt should be changed to Treasurer Whitt. The words “from the Burke and Herbert account” were added to the second bullet in the Treasurer’s report. A sixth bullet was added to the Treasurer’s report that states “When TIPS investment expired, \$208,000 was invested in a treasury note at .75% for 3 years.” President Rodriguez seconded the motion. Vote: 4 yes, 1 abstain (Polansky). Mark Polansky was not a board member as of the last two meetings.

HEARINGS

Lots 275, 371, and 577 all had a scheduled hearing as an opportunity to comment on a rule violation but were not in attendance. Lots 350, 349, 371 and 373 (via written correspondence) addressed the Board on their violations.

COMMUNITY FORUM

Mike Smith had three items he wanted to address with the Board. First, he felt insinuations had been made and noted in the NCA minutes but the CM, Lori Randall has not made the details public. He wanted to address any allegations made by noting he has a behavior disorder and suffers from paraphilic infantilism. He has since the age of 10. He believes the CM is taking advantage of the fact he has this behavior since he confided this to her. He described attire he may have been seen wearing such as diapers or a dress with panties. He is concerned she may have told the Board different stories, that she may have alleged being touched inappropriately by him or his using sexually suggestive language. If she has, than he wanted it noted that it is not true. He also stated he may have come to the office in described attire but wore adult clothes over outfits.

Second, Mike said several people approached him recently about something the CM had done in the past. The house at the top of Godolphin, 7830, where the owner had passed away, before going on the market, the grass was very high. The CM was mowing it and raking the leaves and stuffing the leaves in the storm drain. He didn’t see in the minutes that the house had been cited for tall grass and wasn’t sure she was reporting all violations.

A statement was made that being neighborly includes mowing someone’s lawn on their own time. Another resident commented that as a licensed realtor, they are a realtor 24/7. He also thinks that the CM is a CM 24/7.

Mike stated that the CM does architectural inspections. He reviewed the bylaws noting the Architectural Committee was made up of the President, Vice President and Secretary or designees and they can't be compensated for performing inspections. He stated that in the CCRs there was a discrepancy between the general rules and the rules for single family homes as to whether a designated person could be paid to perform these inspections. He also stated that all violations resulting from a paid person doing the inspection were invalid. Another Member asked 'When things need to get done and there are not a lot of volunteers, how qualified does one need to be?'

Lori Randall, stated she mowed the lawn during the weekend and not as was not paid to do so, and that she did not push leaves in the storm drain and she has not made public her concerns with Mike Smith returning to the Board out of fear of being sued if she were to state details.

Robert Fasick read a letter to the Board stating that the Community Manager, Lori Randall, had verbally accosted him outside the meeting, charged at him and was concerned she was going to physically assault him. He stated that Tina Queen and Flo Smoczynski had to restrain her. He felt his letter should be in her personnel file.

Lori Randall stated that Bob's letter was inaccurate.

A resident asked if the trash contractor will pick up construction debris. They are not required to and if they don't the CM can make other arrangements for picking up the debris.

There was also a statement made about bushes and trees that encroach on the sidewalk. How it is handled depends on if the tree is on private property or common grounds.

COMMITTEE/BUSINESS REPORTS

Treasurer's Report, Louise Whitt

The 2016 budget is on the meeting agenda.

Community Manager (CM) Report, Lori Randall

General

- *Disclosure Packets: 7761 Durer, 7766 Euclid, 7725 Durer*
- *Asphalt paths/stream crossing update: County has approved bridge design. Bid accepted by board. Contract requested. Sent contract but missing a section of work.*
- *Survey ends August 30th: 50 electronic, 25 paper. All paper responses added to survey in computer and prepared for Board. See agenda regarding participation drawing.*
- *Door to door architectural inspections: Kitchener COMPLETE, starting LeMoyné*
- *Yellow curb painting in Newington Place (four plexes) – COMPLETE*
- *Follow up on Durer. After street flooded from blocked storm drain, County rep recommended rip rap at opening to storm drain behind 7700 Durer. A work order was put in but because of the number of utility lines in that area, the project was denied.*
- *Final audit was received.*
- *Attended meetings to address a grievance against a board member.*
- *Called private hauler for construction debris on Gwynedd, concrete debris on Durer and soccer goal metal end on ballfield.*
- *Common grounds improvement landscaping on Brandeis and Euclid complete.*
- *Annual Tree inspection approved at previous meeting. ALL COMPLETE*
- *Follow up with Fairfax County on exposed sewer pipes in stream. They will need to reinforce under the pipe and bring in rip rap to secure bank. I will coordinate with them when path is started to discuss best equipment access.*

- *Follow up with Dominion on watchlights on Brandeis and Moline. New work orders put in. New light out on Matisse.*
- *Follow up with Dominion on vapor lights on Northumberland. Three new school may be complex and they are aware they are out. New light at Rowanta reported.*
- *Follow up with VDOT on blocked drains on Northumberland and Godolphin. Work orders are still open.*

Resident Complaints/Issues/Comments

- *Is scuba equipment allowed in the pool? [This request was denied due to the damage a heavy tank can do to the coping stone. Will consider addressing in 2016 pool rules.]*
- *Blank parking space has been used by same car for two months on Kitchener. [pictures show a different car one month ago but monitoring spaces in this area anyhow.] Complaint states one house with multiple cars is taken same space repeatedly.*
- *Request for an outside electrical outlet on their home. [No prohibitions in rules.]*
- *Watchlights still out on Moline and Brandeis. [contacted Dominion power again and spoke to agent about delay in getting lights fixed. New work orders generated.]*
- *Increase in solicitors in the neighborhood. [No soliciting signs are posted at entrance to Delong and Northumberland and Godolphin. Anyone can remind the solicitors of the signs or call police to let them know the signs are being disregarded.]*
- *Common grounds landscaping on Euclid looks great.*
- *A resident is extremely unhappy that the County Health Department was called on his property. He wanted to know who did it. I explained that anyone can call the County, it doesn't have to be management or the Board. A resident can call.*
- *Complaint about appearance of one house that has no shrubs in garden, wood above windows, and unpleasant color of green shutters.*
- *Tree branches from common ground tree hit his car in heavy winds.*
- *Tree branches from a resident's front yard are too low.*
- *Common ground tree fell on a house over the weekend. [Resident was directed to call their insurance company.]*

Regarding the eighth bullet above, the CM stated she could probably only enforce putting plants in the garden. The Board felt that no violation existed if a person did not have plants in an area of the yard set up as a garden.

Planning and Development, Lou Tobat

Lou noted there are backups on Rolling Road at the Fairfax County Parkway as they continue to develop the ramp into two lanes. Also he felt Route 1 construction at the Tulley Gate is being handled very well.

Amending CCRs Committee, Beth Rodriguez

Beth reported that the Amending CCRs Committee met. She provide the Board with their draft recommended changes. She would like the Board to review and provide comment. They eventually will have a question/answer session with the community but are not there yet. They would need 75% of the community to approve any changes.

Next meeting of the Amending CCRs Committee is October 19, 2015 @7:00 pm.

GENERAL BUSINESS – Old

Draft Budget –Board held a special meeting to discuss the budget on September 23rd. There will be one more CPI announcement before the Board votes on the budget. Treasurer Whitt made a motion to

put the draft budget in the newsletter for the community to review. Comments can be made at the next Board meeting. There is a formula problem in the spreadsheet that will be fixed before it goes in. Secretary Hammel seconded the motion. Vote: 5 yes.

Director Polansky would like to address the budget expense line of \$40,000 for a collection attorney. This topic can be added to next month's agenda.

GENERAL BUSINESS – New

Review of 2015 Annual Meeting Election Procedures – There was a complaint at the September meeting that the annual meeting elections were not proper because there were unexpired Board vacancies that could be included in the elections, as had been done in 2010. Based on a review of past elections, it was noted that this happened in 2004, not 2010. There was an article in the August 2010 newsletter that there were four positions up for election, one being for a one year term. The Annual Meeting letter to the owners, the minutes, and the ballot all reflect four expiring terms up for election for another three years. It was noted that the bylaws are confusing and need to be revised. Bylaws state that unexpired terms are filled by appointed to the Board. The Board is not obligated to repeat a mistake made in the past. A member felt that the bylaws should allow unexpired vacancies on the Board to be voted on at an annual meeting if no appointment has occurred. There were statements about the need to keep the elections staggered so that there were expired positions every year. There was discussion about developing a committee to amend the bylaws. Secretary Hammel made a motion to put an article in the newsletter seeking volunteers to participate on an ad hoc committee to amend the bylaws to look at election procedures and other areas that need updating. Director Polansky seconded the motion. Vote: 5 yes. Mike Smith offered to chair the committee.

The Board agreed there was no additional action needed on this topic. There is no mechanism in the bylaws for fixing mistakes. The elections were held per the bylaws.

Emails to Board@ -- As follow up to a resident's concern that there is an expectation of privacy when a member of the community sends an email to the Board using the board@newingtoncommunity.org email address, the CM stated her job description includes being the interface between the community and Board. She is included in the distribution of those emails since she responds to them. The website was revised after the last meeting to include a statement of who is part of the shared mailbox. If privacy is necessary, the Board President is the only recipient of emails that go to president@newingtoncommunity.org. The newsletter will be updated as well.

Doorhangers for all Violations – Regarding a statement in a previous meeting that door hangers should be used for all violations, the Board agreed that door hangers will continue to be used only for tall grass violations.

Recording of Minority Votes in the Minutes – Secretary Hammel made a recommendation to record minority votes to provide extra clarity on who the dissenters were in a vote. President Rodriguez made a motion to record minority voter's names in the minutes. Director Polansky seconded the motion. Vote: 5 yes.

Pool Winterization – The CM provided the Board with a quote for winterizing pool services. She recommended the Board continue with the same services of the prior years. A monthly watch was not needed. Director Smocynzski made a motion to accept proposal for pool winterizing services for a total of \$1,585. Treasurer Whitt seconded the motion. Vote: 5 yes.

Code of Conduct Revision – The Board reviewed changes made to the Board Code of Conduct that include adding employees and management to the list of people to whom the Board is required to act civilly and respectfully. Additionally a section of the Board’s Responsibility Policy was incorporated into the Code of Conduct to make clear the CM’s role regarding vendors and community members. There were minimal changes to the policy but the Board felt a vote should be tabled until all six board members were in attendance.

Community Survey and \$50 Drawing – The CM provided the Board the results of the community survey. She shared a draft newsletter article. She was going to provide a section of survey with responses to the comment sections. The Board agreed that the results of all 75 questions should be put in the newsletter and the responses to the comment sections should be prepared a section at a time and provided on the website. She will provide a list of comment responses for the Board to review over the next three or four meetings.

President Rodriguez pulled the winning survey door prize. 7751 Euclid Way won \$50.

Tree Removal by a Resident – A resident asked permission to remove three trees on common grounds that are close to his home. Director Polansky made a motion to allow the resident to remove the trees at his expense as long as he ground out the stumps, removed the grindings and put soil/seed down where the tree was. Director Smoczynski second the motion. Vote: 5 yes.

Benches in woods along path – A resident asked if a bench could be put in the woods at the base of the steep section of walking path located near 7853 Godolphin. The cost associated with purchasing and installing a bench would be approximately \$800. There was concern about the fairness of putting only one in and incurring an expense at the request of one resident. The Board members will walk the paths and come up with a recommendation. The topic is tabled until next month.

At 9:54 pm President Rodriguez made a motion to convene to executive session to discuss hearings, probable cause for hearings, maximum violations and seeking injunctive relief. Treasurer Whitt seconded the motion. Vote: 5 yes.

At 10:36 pm Director Smoczynski made a motion for the Board to reconvene to the regular meeting. Treasurer Whitt seconded the motion. Vote: 5 yes.

Regarding Lot 275, Director Smoczynski made a motion to assess a \$50 charge for a tall grass violation. President Rodriguez seconded the motion. Vote: 4 yes, 1 no (Whitt).

Regarding Lot 350, Director Smoczynski made a motion to not assess a charge for a tall grass violation. Director Polansky seconded the motion. Vote: 4 yes, 1 no (Whitt).

Regarding Lot 371, Director Polansky made a motion to not assess a charge for a tall grass violation. Director Smoczynski seconded the motion. Vote: 4 yes, 1 no (Whitt).

Regarding Lot 372, Secretary Hammel made a motion to not assess a charge for a tall grass violation. President Rodriguez seconded the motion. Vote: 4 yes, 1 no (Whitt).

Regarding Lot 373, Director Polansky made a motion to not assess a charge for a tall grass violation. Director Smoczynski seconded the motion. Vote: 4 yes, 1 no (Whitt).

Regarding Lot 577, Secretary Hammel made a motion to assess a \$50 charge for a tall grass violation. Director Smoczynski seconded the motion. Vote: 4 yes, 1 no (Whitt).

Regarding Lot 349, Director Polansky made a motion to not assess a charge for a tall grass violation. Director Smoczynski seconded the motion. Vote: 4 yes, 1 no (Whitt).

Regarding Lot 84, Secretary Hammel made a motion to assess the maximum charge of \$900 for architectural violations. Director Smoczynski seconded the motion. Vote: 4 yes, 1 no (Whitt).

Regarding Lot 189, Secretary Hammel made a motion that there was probable cause for a hearing on architectural violations. Director Polansky seconded the motion. Vote: 3 yes, 1 abstain (Smoczynski), 1 no (Whitt). Motion passes.

Regarding Lot 269, Secretary Hammel made a motion that there was probable cause for a hearing for the missing shutter. The letter should state that the rear siding needs to be cleaned. President Rodriguez seconded the motion. Vote: 4 yes, 1 no (Whitt).

Regarding Lot 437, Director Polansky made a motion to consult with counsel to seek injunctive relief for violations listed in maximum fine letter dated 10/4/12. President Rodriguez seconded motion. Vote: 4 yes, 1 no (Whitt).

Regarding Lot 189, The Board will table the decision to seek injunctive relief until next month after a hearing for two additional architectural violations. The Board would like to know at that time if the maximum fine from previous violations was paid.

The Board considered concerns brought up in Community Forum. The Board has no response to the concern of insinuations being made. The Board has no reaction to what Lori Randall did as a volunteer. The Board agreed that the following needed to be added to the agenda; review of bylaws and policies regarding the Community Manager, as a paid employee, performing architectural inspections. As direct Supervisor to the Community Manager, the Board President will handle the complaint in the letter provided by Bob Fasick. The CM felt that letter should not be in her employee file. President Rodriguez will summarize the concerns, interview those identified in the letter (Tina and Flo) and prepare a conclusion to the investigation for the CM's personnel file.

At 11:30 pm Director Smoczynski a motion to adjourn. Director Polansky seconded the motion. Vote: 5 yes.