

NEWINGTON COMMUNITY ASSOCIATION
BOARD OF DIRECTORS' MEETING – November 4, 2015
Minutes of the Meeting – NCA Pool House Meeting Room

At 7:01 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.

APPROVAL OF MINUTES

Director Smoczynski made a motion to accept the October 7 monthly board meeting minutes as written. Treasurer Whitt seconded the motion. Vote: 5 yes. Treasurer Whitt made a motion to accept the September 23 special board meeting minutes to discuss the budget. Director Smoczynski seconded the motion. Vote: 3 yes, 2 abstain (Polansky, Smoczynski). Motion passes.

HEARINGS

Lots 269 and 189 had a scheduled hearing as an opportunity to comment on a rule violation but were not in attendance.

COMMUNITY FORUM

Mike Smith wanted to state that he has friends and a good reputation and that one person cannot destroy that. He stated the statements he made and are included in the minutes were accurate. He also wanted to express his opinion that although some people are concerned with the amount of money NCA spends on collection attorneys, other people say we need that and NCA's rights to collect are in the governing documents. Mike would also like to become a cheerleader for getting more involvement in the community and push people to join the Board that still has a vacancy. He would like to write editorials for the newsletter which he will send to the Board President. He would like to see the Board back to nine members and at least three people on all the committees.

The Saratoga Stingrays Swim Team Representative introduced herself and stated they were attending to talk to the Board about their request that is on the agenda. Two NCA residents were also in attendance to support the discussion of the Saratoga Stingrays.

A resident wanted to know more about the situation in the minutes about the CM mowing a lawn at the top of Godolphin. She wanted to know why this was a negative and believes pitching in and helping neighbors is what makes a community good. She saw it when it occurred and doesn't think it should be discouraged.

COMMITTEE/BUSINESS REPORTS

Treasurer's Report, Louise Whitt

The 2016 budget and Doubtful Accounts Analysis are on the meeting agenda.

Community Manager (CM) Report, Lori Randall

General

- *Disclosure Packets: 8513 Eucalyptus*
- *Asphalt paths/stream crossing update: County has approved bridge design. Bid accepted by board. Contract requested. Contract signed. Meeting this week to go over access/schedule/what work can be accomplished.*
- *Door to door architectural inspections: Kitchener COMPLETE, starting LeMoyne*

- *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. Brandeis light fixed.*
- *Follow up with Dominion on vapor lights on Northumberland. Three near 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.*
- *Survey response prepared*
- *Reviewing procedures and letters to create a template/procedure book for all violation letters.*
- *Pool parking lot registration reminders sent out to current occupants*
- *Inquiry on how NCA can have a blog.*
- *Phone line (455-3606) down since 10/29.*

Resident Complaints/Issues/Comments

- *Kids were laying in road and jumping up and saying it was a prank when people stopped to ask if they were hurt.*
- *Pot holes at entrance to Luce*
- *Diapers dropped out of a trash can on Durer and sanitation worker didn't pick them up.*
- *Someone put flyers with Nazi signs along Northumberland.*
- *Investing in a 1% CD seems low. Isn't there an investment that has a higher yield? [Note: referred resident to language in bylaws that detail how association funds can be invested]*
- *Question on status of a maintenance issue on a home on Brandeis.*
- *Resident attended last board meeting and wants to make sure the minutes and newsletter reflect the conversation held during open discussion with members of the community.*
- *RV lot fee should be prorated for mid-year entrants and application fee should be waived for existing occupants of RV lot.*
- *Resident would like Board members to keep Board's personal issues out of newsletter.*
- *After reminder that new cable line must be buried, resident provided update that they are still trying to get the cable buried.*
- *Trash collector is missing Kitchener tot lot trash can.*
- *Soliciting is becoming a major problem in the community. Has written before and wants the Board to know that it is not stopping or decreasing.*

Planning and Development, Lou Tobat

Lou wanted to state everyone should be careful. There are a lot of leaves on the ground and when they get wet, it is slippery. The CM interjected that Blade Runners is scheduled to do leaf removal November 9th and 10th.

Lou also commented on the local elections and that Bulova, Watts and Barker were re-elected and Storck will not fill the vacated Mount Vernon Supervisor position.

A resident commented that new townhomes are being built at the corner of Edinburgh and Lake Pleasant. They will be ten, 3 bedroom, two car garage units with a pre-market price of \$500,000.

Another resident commented that she almost hit a person on skateboard wearing dark clothing who was in the middle of the street in the dark. An article will be put in the newsletter.

Amending CCRs Committee, Beth Rodriguez

Beth provided the Board with a list of amendments the committee is recommending. If the Board concurs, they can put the recommendations in the newsletter. Residents and members had questions

about the recommendations. The CCR committee will need to provide what the changes to the CCRs are and written justification for each and present it back to the Board. After the Board and then the community, the recommendations will need to be sent to an attorney. A resident asked if they know how much this was going to cost the community and if there was a budget for this plan to revise the CCRs. Another meeting of the Amending CCRs Committee will be in November.

GENERAL BUSINESS – Old

Draft Budget – A draft 2016 budget was placed in the November newsletter. Since that time, CPI-U has gone down. To get to the new maximum increase the total budget would need to be decreased approximately \$1500. Secretary Hammel made a motion to accept the 2016 budget with a reduction to the collection attorney budget line from \$40,000 to \$38,000. This change will help accommodate any potential further reduction of CPI-U next month. Director Smoczynski seconded the motion. Vote: 5 yes.

Code of Conduct Revision – The Board tabled the item until all six board members were in attendance.

Community Survey Response, for Newsletter – The Board approved the format for sharing the survey response with the community. It will be published in the December newsletter.

Bench in Woods Near Path – Secretary Hammel made a motion to not entertain adding a bench in the woods at this time. Director Smoczynski seconded the motion. Vote: 5 yes.

GENERAL BUSINESS – New

Swim Team at NCA Pool – The Saratoga Stingrays team representative, Mary Moran, sent a letter to the Board inquiring on the availability of NCA's pool to host the Saratoga Stingrays. They would need use of the pool for approximately 100 swimmers for after school practices and morning practices (once school is out), use of the shallow end for swim lessons, closing of the pool for swim meets, ability to hang sponsor banners, and space to store swim team equipment. They have swimmers insurance, are a non-profit entity, can provide pool operators for testing the water and guards for practices and meets. The Board discussed all the pros and cons of the endeavor including noise, insurance, administrative time, cleaning needs, the benefits of more NCA parents and kids getting involved in the community, and the possibility of being considered a public accommodation and needing ADA compliant facilities.

After more discussion at the end of the meeting, Director Polansky made a motion to explore the possibility of offering limited use of the NCA pool to the Saratoga Stingrays. President Rodriguez seconded the motion. Vote: 5 yes. The CM will get a copy of the swim teams existing insurance and share it with NCA's insurance agent to see if it is sufficient to cover NCA for damage or liability. President Rodriguez will look into the potential for ADA compliance. She also asked that the CM forward a recent attorney newsletter on the subject to the Board.

Audit Services, Accounting Services, Snow Removal – The auditor has prepared a letter of representation for audit and tax returns. Director Smoczynski made a motion to accept the audit services of Daly, Hamad through 2018 at an increase of \$50 a year. Secretary Hammel seconded the motion. Vote: 5 yes. Secretary Hammel made a motion to continue the accounting services of Summit Management with contract cost increases of CPI-W. Director Smoczynski seconded the motion. Vote: 5 yes. Director Smoczynski made a motion to accept renewal of the snow contract with no changes to rates. Secretary Hammel seconded the motion. Vote: 5 yes.

Provision for Doubtful Accounts – Treasurer Whitt provided the Board with a Doubtful Accounts Analysis. Based on the calculation, the recommended amount is \$16,000. Currently the balance sheet shows \$15,900 and the Board will only have to expense an additional \$100 or \$200 to maintain that balance. Treasurer Whitt made a motion to use \$16,000 as the basis for the doubtful account starting January 1, 2016. President Rodriguez seconded the motion. Vote: 5 yes.

Collection Attorney Expense – Last month Director Polansky inquired about the budget expense line of \$40,000 for a collection attorney. The CM prepared a spreadsheet, by year, of all delinquent assessment balances, balances at the attorney for collection, legal fee reimbursement per the financials, and attorney expense per invoices. The board discussed the number and felt knowing how much assessments were collected by the attorney would be helpful to know if the collection process has value. The CM will obtain that information for the next meeting.

Ad Hoc Committee to Revise Bylaws – President Rodriguez recommended waiting until the CCR committee has made its changes since there is some crossover. Others felt they could be revised without waiting. It was noted that it is not clear if mid-term Board vacancies could be filled by the members at an annual meeting and if mistakes were made in the past who has the authority to fix them and who has the ability to modify terms of the board members. Director Polansky made a motion to develop an ad hoc committee to review the bylaws and recommend amendments. Secretary Hammel seconded the motion. Vote: 5 yes. Sarah Jernigan volunteered to Chair the committee. Director Smoczynski made a motion to accept Sarah as the Chair of the committee. Secretary Hammel seconded the motion. Vote: 5 yes. Director Polansky will be the Board Liaison.

Who is Allowed to Perform Architectural Inspections – In response to a concern, the Board reviewed the pertinent sections of the CCRs, Bylaws, Architectural Standards, Exterior Project Request Form, NCA violation policy and Virginia POA Act. Members of the Architectural Control Committee are not entitled to compensation for services. After review of all documents the CM noted that the Control Committee is still the same three Board members as outlined in the governing documents and they perform the functions outlined in the governing documents, approving and disapproving architectural requests as a result of having the duty to prevent the erection of poorly designed improvements and preserving the natural beauty of the community. The documents are silent on who can perform violation inspections. The Bylaws also state the Board may employ someone and prescribe their duties. Secretary Hammel made a motion to keep the status quo on inspections and that no action is needed. The CCR committee can consider amendments in their review. Director Smoczynski seconded the motion. Vote: 4 yes, 1 no (Whitt)

Response to comments in Survey for Website, Section 1 – Secretary Hammel thanked the CM for doing a good job on the comments. They will be added to the NCA webpage.

Employee Grievance Procedure – This topic has been tabled until the CM drafts the procedure.

At 9:54 pm Secretary Hammel made a motion to convene to executive session to discuss hearings, probable cause for hearings, and legal action for violations. President Rodriguez seconded the motion. Vote: 5 yes.

At 10:13 pm Director Smoczynski made a motion for the Board to reconvene to the regular meeting. Secretary Hammel seconded the motion. Vote: 5 yes.

Regarding Lot 435, Secretary Hammel made a motion that there was probable cause for a hearing on a

covenants violation. Director Smoczynski seconded the motion. Vote: 4 yes, 1 abstain (Whitt)

Regarding Lot 269, Secretary Hammel made a motion to assess \$10 a day starting November 18, 2015, and up to ninety days for an architectural violation. Director Smoczynski seconded the motion. Vote: 4 yes, 1 no (Whitt)

Regarding Lot 189, Secretary Hammel made a motion to consult with counsel to seek injunctive relief for violations regarding window frames, garage door, fence, and weeds in front and back yards. President Rodriguez seconded motion. Vote: 3 yes, 1 abstain (Smoczynski), 1 no (Whitt).

At 10:40 pm Secretary Hammel made a motion to adjourn. President Rodriguez seconded the motion. Vote: 5 yes.