

NEWINGTON COMMUNITY ASSOCIATION
Minutes of the Meeting of the Board of Directors
Video Conference Call, via Ring Central Teleconference
Meeting ID:
October 2, 2024 | 7:00 PM

CALL TO ORDER: Meeting was called to order at 07:03 pm.

BOARD MEMBERS PRESENT: President John Kyllis, Vice President John Woods, Secretary Camille DiFolco-Visbeck, Treasurer Dave Randall, and Director Daniel Bojanini (Note: Director Bojanini had to leave before Executive Session).

MANAGEMENT PRESENT: Lori Randall

OTHER ATTENDEES: 5 residents

PRESIDENT'S COMMENTS:

- Thank you everyone for the flexibility last month when I was on vacation.
- We have lots to cover tonight.
- Thanks to those who have submitted a response to the pool survey.

COMMUNITY FORUM:

- A resident asked whether we could plan a community yard sale.
- A resident stated they felt harassed by Dominion Towing and wanted to know what we, as residents, pay to them. Resident reported several incidents on Kitchener: (1) a tow driver attempted to tow resident's company car with VA plates but out-of-state inspection sticker – car should not be towed per VA laws but tow driver was angry and situation escalated; (2) a resident intercepted a tow driver towing his car and wanted to pay drop fee of \$50 but while resident was getting their wallet, the driver took off with the car and the resident had to pay \$250 to get car back; and (3) unmarked tow driver shining flashlights into car at night, and when neighbors went outside to question him, he reacted angrily. [President said we will revisit the topic in the management report]
- A resident reported a scam to be aware of and stated they would provide details in an email to the Board.

HEARINGS: None

APPROVAL OF MINUTES:

September minutes approved by acclamation

OFFICER/COMMITTEE REPORTS:

Treasurer: This year, the budget is okay. Recommendations in Board package; reserve accounts in

poor financial conditions for next year.

Architectural Advisory: Committee meeting TBD – volunteers, please consider joining.

Environmental: No updates re: shredding event; Fall Clean Up event will be first week of November. VDACS came out to identify potential fire ants – the ants are actually Argentine ants, not fire ants. No action recommended/needed at this time.

Maintenance: None.

Management Contract Committee: The purpose of the committee is to review contracts from management companies to compare to our current management, Summit. President Kylis mentioned that multiple contract changes and personnel changes have taken place since he joined the Board, and he started this committee to improve the community's management. Kylis reached out via Google to a handful of local management companies to see if they had any interest; his expectation was that, after researching other options, NCA would find that our hybrid structure (association employee + management contractor) was the best option and that we would stay with Summit. The main things the committee was looking for are increased and modernized processes, increased digital footprint with everything from pool parking lot requests to EPRs, and avoiding an increase in cost. The committee found a company called Cardinal Management, (association managers of Saratoga Community Association), and they reached out with all of the modernization processes included in their contract, and the contract will be a significant cost savings to NCA.

- Another committee member, Treasurer Randall, disagreed and said switching to Cardinal will not represent a cost savings. Treasurer Randall cited the potential that NCA might be locked into a multi-year contract with new company, resulting in higher costs.
- A third committee member, Secretary Woods, stated that the one-time costs associated with switching management companies should not be a deterrent against change, and stated that Cardinal is offering NCA more services at a lower cost.
- President Kylis closed the topic for tonight and scheduled a Special Board Meeting for October 9th in order to further discuss the Cardinal contract proposal. The Board needs to decide whether to stay with Summit or switch to Cardinal by November 1.

Pool: Pool bathrooms need improvement. Potential change to pool rules to allow food. Maybe a trial month to see how it works. (Treasurer Randall disagrees).

Planning & Development: None.

Recreation: Potential events for fall/winter: ugly sweater, cooking. Request cafeteria at Saratoga ES if we want to use the space.

Welcoming: None.

Neighborhood Watch: None.

GENERAL BUSINESS – MANAGEMENT REPORT:

Administrative

Votes Held Between Meetings

- None

Financial Review

Aged Balances Report: As of 9/25/24 there are 11 delinquent accounts in collections.

2025 Budget: First draft provided in August board package. Version 4 on Pages 21-29. Version 4 changes include reduction in pool contract for 2025 (increase is in 2026 for extra week in summer). and recalculation of CPI increase.

Provision for Doubtful Accounts: Per the NCA policy (Page 30) the calculation is as follows using 9/25/24 Aged Balances Report:

\$0 - 100% of previous owners balances

\$11,125 - 50% of accounts over 90 days and in excess of \$800 (4 accounts of the 11 in collections) = \$5,562.66

As of 8/31/24 financials, Provision is \$6,000.

Recommendation and Board vote at November meeting.

Homeowner Communications

- Homeowner concern about Fire Ants on Moline. Homeowner contacted Virginia Department of Agriculture & Consumer Services (VDACS). Ants are Argentine ants, not fire ants. No further action needed/recommended by VDACS.
- New residents on Godolphin were digging up backyard and parking in driveway over the sidewalk. [Parking over the sidewalk is a County rule and would need to be enforced by them.]
- Homeowner cut down tree on common behind their home. [violation notice sent. Homeowner apologized and will remove stump.]
- Mattresses on Durer Court. Homeowner thinks it's a problem that recycling is on a different day than trash pick up. [directed mailing and signs put up.]
- Resident on Gwynedd uses blank parking spaces and leaves assigned space open. [This is becoming more of a problem throughout the community and the board may want to consider revising the policy. When Kitchener curbs were painted, the first 10 to 20 cars back on the street after the work was done were parked in blank spaces.]
- Car parked for a week in blank space on Jenner [ticketed]
- Wobbly mailbox. [Manager used a wrench to tighten bolts on base]
- Resident on Luce saw tow truck and notified neighbor about their car. Tow driver was yelling and calling person a 'superhero' loudly and sarcastically. Homeowner felt they were owed an apology. [Management spoke to tow company. Drivers do get frustrated when residents interfere as they have invested time and have liability when they come on a property. Driver was spoken to. No further action is being requested.]
- Drive-by shooting directed to home on Matisse. Multiple reports received from residents in the area. Police were called. [Owners of property have moved tenants outside of Newington Community. No reports of previous problem activity reported to management prior to the incident. New reports of lights not working that will be looked at. One resident would like a Neighborhood Watch. They were encouraged to attend the next meeting.]
- Commercial vehicles are parking in parallel spaces on Euclid. [reported to Dominion Towing]

- Resident let Board know he has put up his Halloween decorations outside the allowed time.
- Resident is concerned about basketball net on Delong and the people and trash it attracts.

Other Management Actions

- Annual ARC inspections Completed. List of all violations in August board package. Follow up inspections have been started.
- Curb painting on Kitchener complete but Durer has been postponed twice due to weather. No rescheduled date at this time.
- No RV lot lottery was needed for either the large spaces or the regular spaces.
- Private hauler used for Matisse, Moline and Durer bulk trash. Planning on calling for couch and metal pole on Kitchener and paint cans at pool.
- Hand delivered flyer to Lemoyne residents asking them to water the area of grounds restoration.

OLD BUSINESS

Maintenance - Operating

Street signs: (12/2023-6/2024) Volunteer labor to remove all unnecessary fire lane posts and signs is in progress. (7/2024) Inquiry with Woodbridge Metal Recycling to remove poles at pool. They will not pay for them if they have to pick them up. Online inquiry with Potomac Metals in Springfield since they have a mobile service. Awaiting response. (8/2024) Called Potomac Metals. They said steel is cheap and not cost effective for them to come out with their mobile service. Currently .05 per pound. If someone were to haul it to them, they could get about \$50 for it. Will arrange for private hauling of posts. (9/2024) No update. (10/2024) Received quote of \$250 to \$300 to have poles hauled away by private hauler. Offer from Springfield Lawn owner to remove poles at no charge. Will take any additional poles that come out of ground as well.

Tree Work: Tree maintenance is being tracked.

Pool Furniture: (7/2024) The cost to restrap 21 chaise loungers is \$91 each for a total of \$1911. \$56 for 2 chairs = \$112. They have a rental program, and we can get temporary replacements while the pool is active in the summer for a total cost of \$75. Pick-up and delivery is \$295. Total in proposal is \$2514. The cost of the new chaise loungers in mesh this year was \$366 each and chairs were \$164. For \$2514 you can get approximately 5 or 6 new mesh loungers plus shipping. (8/2024) To be revisited in September after pool closes. Based on the 2025 draft budget it would make sense to have this done in 2024. There is no need for new loungers. This recommendation was based on expected maintenance of older loungers, not on adding to the existing inventory and expending reserve funds.

Maintenance - Reserves

Common Grounds

Path Repairs — (7/2024) J. Kylis received a voice message from Fairfax County Stormwater Management that the path area is in VDOT right-of-way. Work order sent to Fairfax County deferred to VDOT. Work order sent to VDOT. Service Request #1952589 (8/2024) VDOT closed the service request. Email sent to customer service asking why this was canceled when no work was done on the path. No response to date. (9/2024) 2nd VDOT service request #1981530. (10/2024) second service request closed by VDOT.

Streets: Based on engineer's evaluation in March, management recommends the next street project being Moline and waiting until there are enough funds, which appears to be in 2025. Association could contract with engineer for a specifications report in late 2024 or early 2025. (4/2024-10/2024) No action at this time.

Trash Issues: (5/2024) Flyer on bulk trash issues sent by email blast. (6/2024) letter prepared by Board for Euclid Way residents to respond on a potential install of a trash can storage box on their street. (7/2024-9/2024) Update on survey to be provided by J. Kylis. Two response forms received by management. Signs placed in problem areas on Moline and directed flyers sent as needed. (10/2024) Signs placed on Kitchener (1), Durer Ct and later moved to Euclid Way (3) as problem areas; continued use of white bags and placing bulk trash out.

Parking Spaces - Matisse: Second assigned parking space for a unit was moved to a ramp accessible space at resident's request, which affected the unassigned parallel parking spaces on that street. (7/2024) Surveyor contracted by County to assess situation. (08/2024) Motion not to waive trash bin storage policy. See Motions from August minutes. (09/2024) Management provided the Board's response stating that application is denied until a written confirmation is received that NCA is not responsible for maintenance of metal ramp installed on common grounds. Tabled until work is complete, then Board will reassess. (10/2024) ARC requests approved for ramp and sidewalk. Awaiting completion of project before considering reworking parallel spaces and space assignment.

NEW BUSINESS

Contracts: Currently in audit

EV Charging Policy: Topic to be discussed when more information is available on neighboring HOAs who have implemented policy in townhomes.

Corporate Transparency Act (CTA): In 2021, Congress passed the "Beneficial Owner Information Reporting" (BOI) requirement for most entities registered with the state, such as corporations and limited liability companies. This law, the Corporate Transparency Act (CTA), will become effective December 31, 2024. Please carefully review the attached CTA Guide, as it provides information for compliance (Pages 37-39). A beneficial owner is defined as an individual who, directly or indirectly, through any contract, arrangement, understanding, relationship, or by other means, either exercises substantial control over the entity or owns or controls not less than 25 percent of the entity's ownership interests.

From Summit:

The "exercises substantial control" standard involves various roles, including serving as a senior officer of the company, having authority over the appointment or removal of any senior officer or a majority or dominant minority of the directors or managers of the company, having decision-making power over important matters affecting the company, and any other form of substantial control over the company.

In recent years, lawsuits and injunctions have challenged the requirement for community associations to report certain information. As of now, the courts have not made a ruling on this matter. A ruling or amendment to exempt common ownership communities from this requirement before December 31, 2024, or 2025, is not expected. Therefore, associations must comply with the requirements for reporting this information.

Only one person may enter the information. It can be anyone assigned by the Board or a third party. Board members will be required to provide their full legal name, birth date, home address, identifying number (i.e. drivers license, passport) or a FinCEN identifier number. Penalty for noncompliance is \$500 a day. Beyond 1/1/25, any board member changes will also have to be entered.

Summit will share more information about their plan to help the Board of Directors meet this requirement before the deadline.

Zoom Account Renewal: Renewal is effective 11/02/2024, \$159.90. President Kylis stated we will let the Zoom account lapse since we use Ring Central currently.

MOTIONS

- Motion out of committee for funds up to \$600 for Recreation committee to plan Christmas party for the community. Motion President Kylis, seconded Vice President Woods. 5 yes, 0 no.
- Motion to remain doubtful accounts provision at \$6000. Motion President Kylis, seconded Vice President Woods. 5 yes 0 no
- Motion to change employee position of assistant manager from employee status to contract vendor status. Motion Secretary DiFolco-Visbeck, seconded Vice President Woods. 3 yes, 1 no (Treasurer Randall), 1 absent (Director Bojanini)

The Board convened into Executive Session: 9:02pm

At 9:02pm the meeting will convene to Executive Session for the purpose of discussing an employee matter, namely conversion of the Assistant Community Manager (ACM) to vendor status.

Reconvened into Open Session: 9:21pm

ADJOURNMENT: The Board adjourned at 9:34pm

Minutes prepared by Secretary DiFolco-Visbeck