

**NEWINGTON COMMUNITY ASSOCIATION**  
**Board of Director's Meeting – April 5, 2017**  
**Approved Minutes – NCA Pool House Meeting Room**

At 7:01 pm President Kevin Benore called the meeting to order. Board members present were President Kevin Benore, Vice President Sarah Jernigan, Secretary Elizabeth Rodriguez, Treasurer Dennis Kruse, and Director Florence Smoczynski. Director Stacey Perritt arrived late.

#### **PRESIDENT'S COMMENTS**

President Benore stated that he is very happy with the current Board. There is **unity** and the Board is accomplishing a lot. A couple of house cleaning items that he referred to the 11<sup>th</sup> Roberts Rules (p. 86 lines 12-30). You can adjourn the meeting without a motion. If it's at the end of the agenda items, the Chair can opt to adjourn the meeting. Per the Code of Conduct, President Benore stated that he is going to try to enforce the recognition rule. If a Board member wants to say something, please raise your hand.

For motions, if a member of the Board is seeking a decision from the Board, then go ahead and make the motion, have it seconded, then wait for discussion, this will streamline the process. This will make motions more efficient and more transparent. Vice President Jernigan asked who was taking the minutes and acting CM, Cheryl Austin confirmed that she was taking minutes along with Secretary Rodriguez for this Board meeting.

#### **APPROVAL OF MINUTES**

For March 1, 2017 Board draft minutes, Treasurer Kruse stated that he had a correction on page 1, first paragraph, last sentence add "reserves" after "community association". On page 2, second paragraph, last sentence change second "he" to "the Auditor" to distinguish between Auditor and Treasurer. There were no additional comments. The amended minutes stand as approved.

For March 15, 2017 Special Board draft minutes. There were no comments on the minutes as published. The minutes stand approved.

#### **COMMUNITY FORUM**

A community member stated she had some concerns on the proxy policy and form. She provide her written comments to share with the Board. The original concern was proxies be members themselves in good standing and felt this was a misreading of NCA's declaration. The member who is giving the proxy to someone must be the one in good standing. The current proxy is restricting who the proxy can be given to. The member in good standing should be able to give the proxy to another family member, a lawyer, the mailman, etc. The resident also mentioned that a representative from Fairfax County Housing Development as an example of someone who turns in proxies, even though it is for quorum purposes only. The proxy definition was discussed. There was discussion on a possible document version error. Vice President Jernigan will provide the version that was provided prior to the annual meeting. Treasurer Kruse stated he had some concerns with the policy allowing anyone to vote for a community member because they don't know what they are voting on. President Benore stated this topic is on the agenda as Old Business and requested to save further discussion and allow resident to finish their remarks. The resident also stated that under NCA's governing documents, there are no requirements for having proxies. The resident also mention the Board may want to consider Power of Attorney, they can vote for me and any other interests, they wouldn't have to fill out a proxy and should receive a ballot to vote on that person's behalf. There is no authority to limit proxies.

A resident stated that he didn't want to see the parking spaces off Matisse Way (Rowanta, Dampier and Red Ash) to be converted back into fire lanes. He stated that 20 years ago he worked with the fire inspector to convert the fire lanes into parking spaces. The resident used to work on Navy ships and knows that the fire department can put out a fire in those tight parking situations. The existing spaces belong to elderly residents now or residents with small children who need to bring in their groceries. President Benore stated that the NCA Board does not have the authority to override the fire marshall. The resident stated the Board does have the authority to speak for the association. The resident stated he has not been to a Board meeting for many years to due to the lack of support from the Board when he wanted to approach the local, state, and federal authorities to help deal with a drug situation off Dampier Court. President Benore explained that if NCA is in violation for fire lanes, the Board has to act. President Benore also stated that if there is a process for a non-judicial appeal the Fire Marshall or to get those fire lanes overwritten, short of going to court to avoid legal fees, he directs the CM to look into that.

A resident stated that he attended the Special Board meeting and heard that they want to favor choosing someone who lives in the community and he doesn't have a problem with that. However, the HOA laws are becoming more complex. One concern with always picking someone from the community is we are becoming too inbred. He would love to see a well-qualified person whether from within or outside the community but with minority involvement. President Benore

stated this topic will be discussed later in the agenda under personnel. The resident also discussed salary wages that he found on CAI's website (an Assistant CM, without credentials \$44,993/year and with CMCA \$50,256/year. Onsite manager without credentials, \$62,753/year and with CMCA \$72,807. With part-time it seems like these figures are in line with what we offer. President Benore concurred that he also researched with Payscale.com and we are right in the \$20-\$25/hour range which is what we offer. The resident continued to state that he will be staying in NCA for the long-term and is not selling his home. He discussed some issues he still has with the Board. His concern is the concept of detailed minutes and they're not really detailed and felt there was some deliberate manipulation. For example, he stated in the August 2016 minutes in the CM report and the Bylaws Committee section, it says the comments in the letter sent to residents was false. The resident has a copy of the letter that he sent to solicit proxies and offered to read his letter now. President Benore stated that he is not aware of the conversation or the false statement he was referring to. The resident encouraged the President to read the August newsletter. The resident continued with a discussion of a personal nature in which President Benore interrupted and stated that this is non-association business.

EMAIL VOTES BETWEEN MEETINGS - None

HEARINGS - None

### COMMITTEE/BUSINESS REPORTS

Treasurer's Report - Treasurer Kruse provided an addendum to his original report sent to the Board. He stated that conducted an analysis of available Streets and Curbs Reserve funding to repave Kitchener/Brainerd and Gwynedd Way later this year. Additionally, to gain perspective on how funding these near-term projects might affect ability to fund expected requirements in future years and compared reserve study repaving projections through 2020 with reserve fund availability through that period. He also extended the analysis through 2027 to further evaluate a projected deficit through 2020. That analysis showed that all expected repaving requirements could be adequately funded through 2027. However, if all curb and sidewalk work from the reserve study is also included, we could have a small deficit that could likely be managed with effective planning over the ten-year period. He provided a list of reinvestment options for CD that matures on April 21. That CD is at Eagle Bank and they have scheduled a money market account and associated checking account to become active and receive funds from the maturing CD. The interest rate on that money market account would tentatively be 0.2%. He recommend that the Board agrees to transfer the funds to a money market account at another institution with a significantly higher rate. He also noted we have an additional \$200,000+ of reserve funds in a 0.75% Treasury note that matures in April 2018 plus \$189,000 in a reserve fund checking account earning 0.25%. Treasurer Kruse stated that the CM purchased a one year subscription of the software for managing community association reserve requirements and expenses as authorized by the Board at the March meeting. The availability of that software will be quite helpful to our new Community Manager (CM) in evaluating reserve fund status and expenditures and preparing for the next reserve study that is due in 2019. The subscription includes enough licenses to allow the maintenance committee to use it as well. Lastly, he stated the February financial statements continue to show income and expenses are generally in line with both budget and expectations. The increase in prepaid assessments noted in December did not presage a reduction in late payment of assessments. Overdue assessments at the end of February totaled \$44,275 with a total of 89 accounts overdue. The decline between the first and second month of the quarter was less than usual and the amount overdue more than 90 days actually increased slightly. Vice President Jernigan asked about the two internet banks being FDIC insured

### Community Manager's Report - General

- Four covenant inspections; three new ad requests
- NCA Community Manager (CM) resigned effective Thursday, March 16, 2017
- Architectural letters were issue to Gwynedd Way
- Second half of architectural inspections for Gwynedd need to be completed
- Heater blower on NCA heat pump replaced
- April newsletter completed
- Volunteer for NCA clean up days is available
- Pool registrations are heavily underway
- New RV parking lot trailer requested
- Ballfield in use Mondays through Thursdays for soccer practices
- Harvester church confirmed; CM and Assistant CM visited site; easy access
- Assistant CM returned key to Pohick and picked up returned deposit check
- Fallen shutter off a home on Kitchener was reported
- One Finance and one Architectural Advisory committee Meetings held in February

### **Resident Complaints/Issues/Comments**

- Trash and wood piles and other junk reported off LeMoyné
- Trash reported off Northumberland and Rowanta
- Temporary night time office hours posted on website, phone and gates
- Trash being left out and not brought back-in after snow on 3/13 and 3/14
- Resident complained about not being able to drive up Northumberland after it snowed
- Dominion Power entering backyards to read meters; resident called – they were unable to read meters from outside the fences
- A few parking policy and towing questions
- Rats reported behind townhomes on Moline
- Trash reported on walking paths off Gwynedd leading into the woods
- Dog waste on common property
- Three appliances randomly left on Moline Place on 3/8 (dishwasher, stove and fridge)
- Two covered cars reported on Gwynedd
- Issue with yard debris resuming on scheduled date of 3/1 for single family homes
- Question raised about the ability to use a dumpster at home to clean out house
- Early trash violations
- Request to paint inside of fence not visible from the outside

Additional questions about painting exterior of homes and roof replacements

There was discussion on calling the Health Department in the event rats are seen. There was discussion on dog waste and how a Board member was called out on a community app, called Nextdoor Saratoga. Director Smoczynski asked about the red fox. There is not much the community can do. A fox is not a nuisance and animal control won't do anything unless there is an actual bite.

Planning & Committee – Mr. Tobat asked what the procedure was on down tree limbs on community property. President Benore stated that the first action is to notify the CM of branches on common property. Lou asked if there was an update on the speed humps. There is no update since the last Board meeting. He thanked Treasurer Kruse for attending the Mt Vernon meeting. There was discussion on the work and new development going on off Route 1 near Ft. Belvoir.

Architectural Committee – Director and Committee Chair Stacey Perritt mentioned that there was not meeting last month due to some personal circumstances. The next meeting will be held on Saturday, April 15<sup>th</sup> at 10am. A lot of apathy in the community. She committee the current NCA Architectural Standards in line with Fairfax County. The second item is the policy for charging electrical vehicles. She asked for the revised parking spaces which the CM will send. She encouraged the community to get involved and is surprised the apathy in the community. These standards affect everyone in the community. On average there are 4-5 exterior project forms per month. A resident stated that the extension cords have been seen coming from single family homes as well and should also be considered a violation. Regardless of whether they are charging a battery or any vehicles, etc.

Personnel Committee – we received 59 resumes, which included only 8 with actual CM experience and narrowed that down to 4. Out of the 4, 3 showed up for their phone interviews. Out of the 3, none are from the community, no resumes have been sent in from the community. The next steps will be to look at these candidates and setup interviews with the full Board. The Personnel Committee consists of President Benore, Treasurer Kruse, Director Perritt and resident Karen Chauvin. A resident stated that plans to replace the CM is not an executive session matter and wanted to be sure there was transparency from the Board with the community on filling this position. President Benore stated the only matters being discussed in Executive Session is the applicants themselves and their resumes. He also stated no decisions are being made. Again, resident stated that hiring someone is an HR function and not a personnel matter. Director Perritt wanted to clarify what a resident stated earlier in Community Forum that the Personnel Committee did discuss the fact that a qualified applicant, regardless of their residency should be considered over a community resident who does not have experience. She stated that there was not a consensus from the Personnel Committee, but wanted it in writing that this was discussed. Vice President Jernigan stated that she was the one who made the comment about a resident within the community should be weighted over a non-resident. It was based on a survey with community feedback and was only providing that information as background.

## **General Business - Old**

Proxy Policy - President Benore suggested we table this discussion. Vice President Jernigan made a motion to table the topic with the intent to double check for an updated format, if one is found publish it in the next newsletter. Secretary Rodriguez seconded. Director Perritt felt there was more discussion needed than just the latest version and feels there will be more edits, including the member in good standing discussion. There was discussion on proxies being divvied up amongst community members at the annual meeting and the proxy person should also be eligible to receive additional proxies at the meeting. Secretary Rodriguez mentioned these are possibly legal issue and may need to have a legal review. There was a comment to vote on the motion as stated. Vote: 5 yes, 1 no (Perritt).

Newsletter Distribution List – President Benore stated that a couple of newsletter recipients were left off the distribution list. The representative from Fairfax County Housing & Development, and NCA Vendors that could improve the service

to us, e.g., Summit. President Benore made a motion that we make these additions to the NCA distribution list, Appendix C, add Fairfax County Housing & Development and NCA vendors whom the President or CM deem appropriate. Sarah Jernigan seconded. Vote 6-0.

Website Procedures – Secretary and Website Committee Chair Rodriguez reiterated that the procedure has been out for community comment. A resident stated that the number of days to post final minutes needs to be clarified if it's 7 days or 7 business days. The resident suggested that there needs to be a chain of command on who gives direction to the webmaster to correct or update the website. Secretary Rodriguez made a motion to update the websites procedures to change the chain of command to be the NCA President or his designee where it appears in the document and the meeting minutes will be published in 7 business days versus and 7 days. Directory Smoczynski seconded. Vote: 6 yes.

Street Paving – Vice President Jernigan asked about the difference between Option I and Option II. The difference between the two options is how deep the mill to get under the old surface. There was discussion on if affects the lifespan of the repaving if you go with either option. Since the streets are so old it could be recommended to do Option II. Mrs. Lori Randall stated the work dues include curb and gutter and possible some lead in sidewalks. President Benore stated that the Board needs to agree on Option I or Option II. For option II, Mrs. Randall stated that this is 20-25 year fix with some minor crack fill repairs, etc. Lori Randall reviewed the numbers of the contracts. Propave is \$202,746, Dominion Paving is at \$200,000 but did not give max so they didn't follow the RFP. Tibbs is \$202,533 Tibbs. Fairfax Paving \$199,207 and \$267,000 the max load. We have experience with Fairfax Paving and they did Brandeis. We have past experience with Tibbs. They did Moline and Durer and some path work. However the next time we asked them for a quote they never came out. Mrs. Randall recommended Fairfax Paving. A resident suggested not using Tibbs. President Benore stated that Dominion Paving and Finley are not even in consideration since they did not follow the RFP. Secretary Rodriguez made a motion to award the contact to Fairfax paving for the repaving of Kitchener and Brainerd for Option II for \$205,000 out of Reserves. Vice President Jernigan seconded. Vote: 6 yes. Mrs. Randall asked who would be managing the project. President Benore stated that hopefully there will be a new CM by that point, he offered to help with the project if needed 3 days a week. Vice President Jernigan and Treasurer Kruse offered to help as well. There was a discussion on putting a flier on the door of all impacted homes

Eagle Bank CD – Treasurer Kruse provided a variety of options. Money market account and CD rates to get a better return rate. The CD expires on April 20, 2017 and will be confirming that Eagle Bank will put the funds in a money market until we decide. There is some money in the checking account. His suggestion is to keep the money liquid for now at Eagle Bank. The checking account is with United is about \$180,000 There was discussion of 1% with Capital One with at least one year. There is enough money on hand to cover the street projects. There is a treasury note that does not expire for another year. Around 2020 there could be a deficit of \$200,000 if we are not careful. We are scheduled to do another reserve study in 2019. Treasurer Kruse recommended hiring someone to help with maintenance and long term planning. There was discussion on having the CD with Eagle Bank becoming liquid until the street paving is decided. There was discussion on using the liquid funds available in the United Bank first and then combining the funds from the two accounts and reinvesting them. Treasurer Kruse will come back for the May meeting. A resident discussed the special assessment for repaving of streets, sidewalks, etc. There was some continued discussion on special assessments.

### **General Business – New**

Soccer goal. CM presented the cost to replace the soccer goal for \$1,000. The Board requested that additional quotes be provided and ensure that the weight of the goal post be equivalent to the existing goal. This item is tabled until the next meeting.

President Benore made a motion to go into executive session at 9:08 pm to discuss personnel matter. Vice President Jernigan seconded. Vote: 6 yes.

President Benore made a motion to reconvene into regular session at 9:38 pm. Secretary Rodriguez seconded. Vote: 6 yes

Meeting adjourned at 9:39 pm.

**NEXT BOARD MEETING:** Wednesday, May 3, 7:00 PM - NCA Pool House. All residents encouraged to attend.