

NEWINGTON FOREST COMMUNITY ASSOCIATION, INC.
MINUTES OF THE MEETING OF OCTOBER 6, 2009
(Held in the Community Center)

CALL TO ORDER

The meeting was called to order at 7:30 p.m. by Mr. Crooks.

ATTENDANCE

In attendance were:

John Crooks, President
Joe Martocci, Vice-President
Robert Cooper, Treasurer
Jeff Rose, Secretary
Ken Frye, Assistant Secretary/Treasurer
Jeff Bailey, Board Member
Cathy Alqahtani, Board Member
Stephanie Jackson, Community Manager
Wanda Walsh, Administrative Assistant

Mr. Crooks asked if any of the residents in attendance or any member of the Board would like to tape the meeting. No one responded with a desire to tape.

READING AND APPROVAL OF THE MINUTES OF THE SEPTEMBER 1, 2009
BOARD MEETING

Since the minutes of the September 1, 2009 Board meeting had been emailed to the Board for review prior to the meeting, Mr. Crooks made a motion to accept the minutes as presented. Mr. Rose seconded the motion. With there being no discussion held to change the minutes, a vote was taken on the motion. The minutes were approved as written by a unanimous vote.

HOMEOWNER'S FORUM

Mr. Gregory Johnson, 8108 Steeple Chase Ct., introduced himself and his wife to the Board and noted that he attended the meeting to discuss a letter which he had received from the Association office. The letter outlined problems that other residents of Steeple Chase Ct. have been having with Mr. Johnson and the fact that he does not like neighboring children playing in the street. Mr. Johnson then read a prepared statement to the Board detailing his side of the story as well as the damage that he has sustained to his personal property from the children at play.

Mr. Johnson noted that in other communities that he has lived in, it was against the rules for children to play in the street. Mr. Johnson felt that a similar rule should be instituted in the community.

Mr. Crooks responded by noting that there are limited things the Association can do as a rule prohibiting children from playing in the street cannot be enforced. Mr. Crooks noted that it is not feasible to tell other residents that their children cannot play on the common areas of the community (and the street is considered a common area). Mr. Crooks advised Mr. Johnson to speak with the parents of the children responsible for the damage done to his vehicles. If further damage should occur, Mr. Crooks informed Mr. Johnson that he should call the police.

Mr. Johnson also brought to the Board's attention the fact that residents of the community walk their dogs on common ground and never clean up after them. Mr. Johnson felt that one reason the children do not play on the grassy areas of the court is due to the fact that they are full of dog feces. Mr. Crooks responded that pet owners who do not clean up after their pets are violating not only the Association's rules but also the County's. Mr. Crooks noted that information on being a responsible pet owner is always put in the newsletter but that does not seem to be enough to control the problem. Mr. Crooks further noted that, if Mr. Johnson could identify a resident who is not cleaning up after their pet, the Association could take action against that resident.

Mr. Jonathan Yabes, 8100 Parkdale Ct., noted that he has a stained deck and attended the meeting to hear the Board's decision regarding townhouse deck staining. Mr. Yabes made the Board aware that he was not responsible for staining the deck as it had already been stained when he purchased the property. Mr. Yabes did not feel that power washing his deck to remove the stain was an option.

Mr. Rex Davis, 8102 Parkdale Ct., stated that he also received a letter regarding his stained deck. Mr. Davis noted that the deck was red when he purchased the property 8 years ago and questioned why the color may need to be changed now. Mr. Crooks responded that the deck was found during a survey of the community that was conducted by the Association staff. Mr. Crooks noted that Mr. Davis received the letter because his deck was stained. Mr. Crooks informed Mr. Davis that there is no requirement to do anything to his deck until a decision on townhouse deck staining is made by the Board.

Mr. Neal McBride asked that the foliage growing on a utility pole along Pohick Rd. be trimmed back to allow for a better line of sight looking to the left off of Newington Forest Ave. onto Pohick Rd. Mr. McBride also felt that there is a line of sight problem that needed to be addressed for vehicles pulling off of Cold Plain Lane when looking to the left towards the elementary school.

TREASURER'S REPORT

Mr. Cooper reported that, as of the date of the meeting, the Association's accounts had the following balances:

Operating:	\$78,118.81
Lockbox:	\$116,050.80
Reserve:	\$382,019.12
T-Bills:	\$700,000.00

Mr. Cooper made the Board aware that funds will be taken out of the Reserve account to purchase another \$200,000 T-Bill on October 15th.

NEW BUSINESS

Approval of Tree Removal Expenditure

Mr. Crooks reminded the Board that prior authorization had been given to remove a number of dead or dangerous common area trees. All that was needed at this point was a vote by the Board to approve the expenditure. Mr. Crooks then made a motion to expend \$3,275 to remove dead or dangerous common area trees. Mr. Frye seconded the motion. A vote was taken on the motion, and the motion passed with a unanimous vote.

OLD BUSINESS

Continued Review (Fuel Surcharge)/Vote on Snow Removal Contract

Mrs. Jackson reminded the Board that she had been asked to speak with Springfield Nursery to ascertain how high gas prices would have to go before the fuel surcharge was imposed. A handout was provided to the Board detailing the list of services and associated costs for snow removal in 2009/2010. Also included was a statement from Springfield Nursery which noted that, should the cost of fuel go over \$3.00 per gallon and stay there, the nursery would consider imposing the fuel surcharge. The fuel surcharge would also potentially add between 2-4 percent to the hourly rates for snow removal which would equate to between \$2.00 and \$3.00 per hour. Mrs. Jackson made the Board aware that Springfield Nursery would be willing to add language to the snow contract which would cap the amount of the surcharge at no more than \$5.00 per hour.

Mr. Crooks made a motion to accept the Snow Removal Contract with Springfield Nursery with the added language regarding the cap on the fuel surcharge. Mr. Martocci seconded the motion. A vote was taken on the motion and the motion passed with a unanimous vote.

Continued Review/Vote on Concrete/Curb & Gutter Repairs

Mr. Crooks reminded the Board that, at the previous meeting, they had voted to accept Alba Construction's proposal to do the concrete/curb and gutter repairs on the Newington Forest Ave. side of the community provided no other bids could be acquired by September 25, 2009. Mr. Crooks informed the Board that a second bid from Commercial Concrete was received at a significantly lower price than that provided by Alba Construction.

Following a review of the bids received and a brief discussion of previous work done in the community by both companies, Mr. Crooks made a motion to accept the bid from Commercial Concrete at a cost of \$12,444 to do the concrete/curb and gutter repairs. Mr. Rose seconded the motion. A vote was taken on the motion and the motion passed with a unanimous vote.

TOWNHOUSE DECK APPEARANCE STANDARDS

Mr. Crooks reminded the Board that the Architectural Review Committee (ARC) had been asked to take a look at the townhouse decks which had been identified with stain issues. Mr. McBride, Chairman of the ARC, informed the Board that the committee agreed to extend the color palettes to include reds/browns and was considering recommending the allowance of solid stains and possibly paints. Mr. McBride noted that more details would be provided to the Board following the next ARC meeting scheduled to take place on October 14th.

Mr. Crooks noted that there are currently two sets of deck staining standards (one for single family detached homes and one for townhouses). Mr. Crooks asked Mr. McBride if the committee felt the standards should remain separate or if they should be combined into one set of standards for any home in the community. Mr. McBride responded that he felt the standards should be combined into one for the entire community. The Board discussed the fact that one set of deck staining standards for any home in the community would make it easier not only for the residents but also the covenants inspectors. The Board also discussed adding red/brown hues to the color palette and whether the painting of decks should be permitted.

In the discussion that followed Mr. McBride's presentation, the Board discussed whether painting treated wood decks was appropriate as well as the maintenance issues associated with painted decks. Mr. Frye felt that maintenance issues created by painted decks could be handled as such. Mr. Frye also felt that the Board needed to expand the number of colors approved for use as it was his opinion that too many decks have been in non-compliance for too long. Mr. Martocci noted that, as difficult as it has been to monitor deck staining with the limited number of colors, it will be even harder for the covenants inspectors to

monitor if more colors are introduced. Mr. Frye noted that he did not see how colors that currently exist have been a major problem as there is already a wide range of colors on the decks and the Association hasn't been getting complaints about the colors.

Mr. Crooks polled the Board Members asking for their opinion on widening the number of colors approved for deck staining in the community. The following points were made:

- Ms. Alqahtani felt that, given the fact that the main goal is to preserve the appearance of the community, the color palette should be extended as additional colors will not take away from the look of the community.
- Mr. Bailey noted that he would like to see the Board allow stains that are common around the community. He felt that residents should be encouraged to choose the color for their decks that will make them as attractive as possible to others, not just themselves. He also noted a concern about a wider color palette making it difficult for the covenants inspectors.
- Mr. Cooper noted that if colors are allowed, the Board needed those colors to be very broad so that the covenants inspectors do not need to have a color palette with them when conducting property inspections.
- Mr. Rose thought the allowable deck treatments should be limited to either semi-transparent or solid stains.
- Mr. Martocci noted that he had concerns about the fact that a number of property owners had stained their decks without permission and how they would be handled so that the Association could preserve its ability to enforce covenants in the future.
- Mr. Crooks stated that it was his opinion that the Association must tell property owners, whose decks are not currently in compliance, that they have violated the rules by not applying for, and receiving approval of, changes to the exterior of their properties. He felt that this could be done in conjunction with a notification about a variance or in conjunction with notification that their deck meets the new standards.
- Mr. Cooper felt that each of the homeowners whose decks cannot be brought into compliance should be fined.
- It was Mr. Frye's opinion that, since the Association has not enforced the standards of the community, the right to control deck staining/painting has been forfeited. He felt that there would be an inconsistent enforcement of the rules if you fine the homeowners whose decks have now been found to be in non-compliance with the covenants of the community considering they have been stained or painted, in some cases, for a number of years.
- Mr. Crooks made the Board aware that the attorneys have been very clear that the homeowners who have been identified to have an unapproved stain or paint on their decks are in violation of the rules of the community. Mr. Crooks noted that perhaps the Board needs to look at the issue of the

color of the deck and its importance in the overall appearance of the deck versus the safety of the deck and whether it needs maintenance.

Since the Board still needed to continue their review of the draft budget, Mr. Crooks tabled further discussion on this topic until the next meeting.

CONTINUED REVIEW OF DRAFT 2010 BUDGET

Continued Discussion of Springfield Nursery's Requested Addendum to Contract for Leaf Removal

Mr. Crooks reminded the Board that leaf removal would be conducted in the December/January timeframe at a cost of \$8,550. Mr. Crooks asked the Board if this was a worthy enough service to the community to consider adding the cost to the 2010 budget. Mr. Frye, Mr. Rose, and Mr. Cooper felt that it was worth adding to the contract while Ms. Alqahtani, Mr. Bailey and Mr. Martocci did not. Mr. Crooks asked that the cost for the service be added to see how it affects the budget.

Funding for the Third Phase of the Townhouse Court Common Area Cutback Project

The Board reviewed the fact that the third, and final phase, of the common area cutback project would be conducted on Bark Tree Ct., Burning Forest Ct., Great Lake La., Southrun Rd., and Windfall Rd. at a cost of \$4,950. The Board felt that the third phase needed to be undertaken and factored the cost into the budget.

RECESS INTO EXECUTIVE SESSION TO DISCUSS PERSONNEL ISSUES

The Board recessed into Executive Session at 9:15 p.m.

RECONVENE

The Board meeting was reconvened at 9:50 p.m. A brief discussion was held regarding the next Board meeting and items that should be reviewed prior to that meeting. Items to be reviewed would include the updated version of the proposed 2010 budget that would be emailed to all Board Members by the Treasurer after tonight's adjustments have been included.

ADJOURNMENT

Mr. Rose made a motion to adjourn the meeting; Mr. Frye seconded the motion. Following a unanimous vote, the meeting was adjourned at 10:00 p.m.