

NEWBERRY STATION HOMEOWNERS ASSOCIATION
BOARD OF DIRECTORS MEETING

May 3, 2017

I. Call to Order

A. The meeting was called to order at 7:07 PM.

B. Roster

Board Attendees Brandon Farlander
 Michael Miller
 John Saulsberry
 Thomas Little
 David Simcic

Management Michael Prutz

Special Guest: Greg Budnik

II. Approval Of Minutes

Mr. Farlander moved to approve the minutes of the April 12 meeting; Mr. Miller seconded. Approved unanimously.

III. Open Forum

A. AECC

The Board and attendees discussed the role of the Architectural and Environmental Control Committee (AECC) in reviewing applications for Architectural/Environmental Improvements (Applications) and modifying or waiving provisions of the Architectural and Environmental Regulations (AER). Mr. Prutz had informed the Board that the Association's Attorney, citing contemporaneous State statutes governing homeowners associations, opined that the Board may not delegate authority to establish rules and regulations to unelected committees such as the AECC notwithstanding express language to the contrary in the Association's 1978 vintage Covenants. Moreover, Mr. Prutz noted that waivers of AER requirements constitute constructive changes to the AER inasmuch as they establish precedents; enforcing the AER becomes problematic if one homeowner can cite the waiver another homeowner had obtained and said waiver was not known to the person trying to enforce the AER.

Mr. Miller suggested that the representatives of the Board and the AECC meet with the Association attorney to clarify the exactly what authority may be delegated to the AECC under State law and how the Covenants should be constructively amended as a consequence (and Sentry should provide current homeowners and future buyers with a supplemental document that specifies what provisions of the Covenants are no longer applicable and the exact language of State statutes that supersede those provisions). If the sole function of the AECC is screening Applications for exact compliance with the AER and, where not in exact compliance, referring the Applications to the Board, than the question becomes whether that is a function better performed by Sentry (since Sentry as the agent of the Board for inspec-

tions needs to be in the loop anyways for potential waivers and policy changes and to provide advice on said waivers and policy changes).

B. Sewer Lines

A resident reported a blockage to his sewer line which may or may not have been caused by roots from a tree on Association property. Mr. Prutz has our insurance agent on the case; the takeaway for residents is that water line insurance does not cover sewer lines; insurance for sewer lines (in the form of a Sewer Line Repair Program) is available from Dominion Energy Solutions.

IV. Retaining Wall Project

To minimize Fairfax permitting costs, Mr. Budnik recommended that the Project be divided in two; each with separate permits. The first project is the access road off Blanche Drive in Raceway Farms; the second the wall. The Board agreed with that approach. Whereupon, Mr. Farlander moved to approve the expenditure of up to \$3,000 for related Fairfax County permits. Mr. Saulsberry seconded the motion. Passed unanimously.

Mr Budnik reported that the Projects are 98% designed. The current plan is to release the RFP with a July start date for construction; giving the Board May and June to solicit offers and select a contractor. Mr. Budnik has four names for a potential bidder's list.

V. Dominion Power

Mr. Prutz had received notice that the Association is delinquent on paying the electric bill. Mr. Prutz responded with a notice of dispute, given that the bill is based on projections of actuals recorded in summer months when the pool is in use rather than the actuals from all months covered by the bill. Apparently the Dominion staff had problems accessing the pump room where the meters are located and thus resorted to projections. Mr. Prutz believes that the bill will be at least \$800 less once the meter readers return to the site and do their job.

VI. Curbs

Mr. Prutz reported that representatives from Acme Parking Lot Maintenance claim that they had scrapped before painting and that Acme is not at fault for the painting peeling, because the sub paint is peeling from a prior job. Mr. Saulsbery said that, no, Acme's staff did not scrap and he has the pictures to prove it. The rest of the Board members agreed, no-one saw Acme scrapping before spray painting the curbs and there was no evidence of scrapping (such as pieces of scrapped paint on the street and grass). Moreover, if the problem was with the underlying paint, why wouldn't the scrapping have removed that paint before the new paint was applied? Mr. Prutz will take our complaints back to Acme.

VII. Clubhouse Repairs

At the request of Mr. Miller, Mr. Prutz had inspected the locker rooms. The three toilets are beyond repair; someone had even disconnected the water supply to the toilet in the men's room; toilet paper and soap dispensers are not functional; sinks are cracked; shower stall bars and curtains are in bad shape. Mr. Miller moved to authorize not to exceed \$2,800 for work on the locker rooms; Mr. Farlander seconded. Passed unanimously.

VIII. Reimbursements

Mr. Prutz reimbursed Mr. Farlander and Ms. Dalton for the costs of tables (about \$400) for the clubhouse and Fall cleanup (about \$50), respectively.

IX. Adjourn

Mr. Farlander moved to adjourn; seconded by Mr. Saulsberry. Approved unanimously.