

NEWBERRY STATION HOMEOWNERS ASSOCIATION  
BOARD OF DIRECTORS MEETING

May 2, 2018

**I. Call to Order**

A. The meeting was called to order at 7:15 PM.

B. Roster

Board Attendees    Brandon Farlander  
                              Michael Miller  
                              Mark Dalton  
                              John Saulsbery  
                              J. David Simcic

Management        Birgit Burton

Special Guest:     Pia Trigiani, representing the Association's law firm Mercer Trigiani

**II. Approval Of Minutes**

Mr. Saulsbery moved to approve the minutes of the April 4 meeting; Mr. Dalton seconded. Approved unanimously.

**III. Community Forum**

A. Felled Trees

In the woods between Trestle Ct. and Stationhouse, south of the access road to the pool, a contractor for the Association had cut down several dying trees. Several residents of the houses on Stationhouse complained that at least one of the trunks had been sliced into large, unnatural looking, and unsightly circular pieces. Mr. Miller moved to obtain a quote from Professional Grounds, Inc., to remove the pieces; Mr. Saulsbery seconded; approved unanimously.

B. Annual Cleanups

Ms. Dalton, head of the cleanup committee, requested that the Board schedule the annual cleanups on the date of pool opening and the date of pool closing. Mr. Saulsbery moved to approve the request; Mr. Dalton seconded. Approved unanimously.

C. Trash and Pet Excrements

Given resident complaints that residents continue to violate Association policies on when trash may be put out for collection and on pet excrements; the Board tasked Sentry to include reminders of the policies in the mailings of the annual meeting.

#### D. Swings

Our broken. The Board tasked Sentry to obtain repair.

#### E. Pool Policies

Several residents had complaints about unattended children in the pool area. The Association attorney, Pia Trigiani, warned that Federal law prohibits policies that discriminate against children; such as requirements that an adult accompany children. [Mr. Miller subsequently revised the pool policies to remove any discriminatory language for the annual meeting mailing.]

### **IV. Revising The Reserve Schedule To Permit Asphalt Repairs In 2018**

The May 24 2014 Reserve Study Update by Community Association Engineering anticipated that the Association, in 2019, could expect to spend \$48,993 on asphalt repairs to the travel lanes of streets throughout the community. This was based on an expectation that 10% of the surface area of the roads would need repair at a cost of \$28 a square yard.

On April 17, 2018, Mr. Farlander authorized an expenditure of \$300 for Mr. Budnik to mark areas of the roadways that need repairs; Mr. Miller and Mr. Budnik jointly inspected the street and so marked the areas. Round about 10% of the area would need remilling at an estimated cost of \$15 a square yard (\$22,000); another 16 square yards will need full depth pavement removal at \$28 a square yard (\$448). [Revised figures based on information provided by Mr. Budnik subsequent to the meeting.] In addition, the contractor would be tasked to do crack filling both on the streets and asphalt trails.

Given that the roads and asphalt trails need immediate attention, Mr. Miller moved to revise the Reserve Study's schedule to allow asphalt repairs in 2018 and initiate the repairs immediately. Mr. Simcic seconded; approved unanimously.

### **V. Audit**

Last October, Goldklang & Group sent a draft audit for the years ending December 31, 2016 and 2015. The audit in part stated that *"as of December 31, 2016, the Association had not fully funded its replacement reserves due to the unappropriated members' equity deficit of \$169,681. In order for the Association to maintain financial stability, it must be able to raise and collect sufficient funds from its members to fund an adequate replacement reserve program and meet its operational needs"*. The report also contained a number of other questionable findings that should have been allayed by talking to the Board's Secretary and Treasurer, such as an alleged absence of Board minutes documenting expenditures.

Mr. Simcic asked whether Goldklang & Group will continue to serve as our auditors; when work will begin on the audit for the year ending December 31, 2017, and when the related letter of engagement will be sent. Mr. Simcic requested that he be notified of all the above and have an opportunity to present the Association's views on how the audit should proceed before work begins. In particular, he objected to any finding of an "unappropriated members' equity deficit" without regard to how the Board has actually handled reserve funding.

## **VI. Retaining Wall**

Ms. Burton reported that one last proposal on the construction entrance was due the following day; then Sentry could proceed with award per the February 7, 2018, Board's motion to "accept the lowest priced bid thus submitted" against the RFP with Mr. Budnik's specifications attached. Mr. Miller expressed concern that the contractor not be given a start work order until the Board had accepted an offer to build the wall itself as Phase II of the project.

Ms. Burton confirmed that she had the RFP and bidders list for Phase II; the next step is to get prices for that phase.

## **VII. Pool Supplies**

Continental Pools submitted their annual list of necessary and recommended supplies and repairs. This included a \$1,525 bill to install a fan and light in the chlorine storage shed (necessary ventilation). They also submitted a separate itemized list of \$2,049 which Ms. Burton recommended be approved less \$193 for an umbrella that she subsequently discovered that we already owned. Mr. Dalton moved to approve the request; Mr. Simcic seconded. Approved unanimously.

## **VIII. Removal Of Invasive Vines In The Resource Protected Area (RPA)**

Mr. Miller reported that the County had approved the Association's plan and Professional Grounds, Inc., began work the day of the Board meeting.

## **IX. Inspections**

Ms. Burton reported that she had re-inspected homes that had received violation notices last November with a due date of April 30 for resolving the alleged violations. As of this April 30, 75% were not in compliance, with only one lot owner having requested an extension beyond April 30. The Board tasked Sentry to send a letter to the 75% telling them to reply within 30 days either requesting an extension or reporting completion of work on all violations; and failure to reply would trigger a notice of hearing.

Ms. Trigiani weighed in on the authority of the Architectural and Environmental Control Committee (AECC) to issue regulations. She said that the Covenants authorize the AECC to issue the regulations but cautioned that any significant changes in those regulations should be vetted with the Board and community at large. For instance, the continuing question of paint colors; the AECC has authority to issue a new palate of paint colors and directions on their application to any future repainting; but would be ill advised to apply them retroactively against houses that conform to the original palate or that had been constructively grandfathered. And the AECC should seek the views of the community before authorizing a palate that differs dramatically from the original.

## **X. Towing**

Ms. Burton presented a new draft contract from Dominion Towing. Mr. Farlander work on final revisions for his signature.

## **XI. Executive Session**

Mr. Saulsbery moved to enter the Executive Session; Mr. Miller seconded. Approved unanimously.

## **XII. Executive Session and Adjourn**

Mr. Dalton moved to both close the Executive Session and adjourn; Mr. Miller seconded. Both motions approved unanimously.