

May 2007 SCA Meeting Minutes
May 17, 2007
7:30 pm

Per the by-laws of the Stoneybrooke Citizens Association (SCA), the SCA Annual Meeting was held on Thursday, May 17 in the Stone Mansion. The agenda, per the by-laws, was as follows.

- 1 Call to Order
- 2 Reading of the minutes of preceding meeting
- 3 Report of the Treasurer
- 4 Reports of Committees
- 5 Transaction of Business
- 6 Unfinished Business
- 7 New Business
- 8 Adjournment

Call to Order

The meeting was called to order at 7:30pm on May 17, 2007 by SCA Chairman, Mike Jurkowski.

Reading of the minutes of the preceding meeting (January 2007)

Mike Jurkowski motioned that we forego the reading of the minutes from the January SCA meeting. He mentioned the minutes were posted in the February Sentinel which has been available online for three months. He continued by noting there are several items on the agenda and a limited amount of time. The motion was seconded and passed without opposition.

Report of the Treasurer

SCA Treasurer, Bernie Tabarini, provided a description of the SCA account. The current balance in the account is \$6,317.60. Bernie noted that an annual balance sheet would be included in the June 2007 Sentinel.

Reports of Committees

• Children's Committee – Barbara Bougie

Over the course of the year, two children's events were organized by the children's committee: the Halloween party and the Christmas Party. Both parties were attended by approximately 30 children.

In addition, an Easter Egg Hunt was held for the children of Stoneybrooke. However, this event was organized by members of the community rather than the children's committee.

• Neighborhood Watch – Don Faxon

Don provided a brief overview of some of the activities he completes as the Neighborhood Watch Coordinator. As a safety measure, Don recommended that all Stoneybrooke residents keep their exterior lights on at night.

- Land Use Committee – Jessica Kaplan

Jessica described that the Land Use Committee is a group of representatives from 25-30 different neighborhoods that meets with representatives from Fairfax County. In her six months in the position, no issues have been raised that directly affect Stoneybrooke.

Transaction of Business

There were no issues to discuss under this agenda item.

Unfinished Business

- Establishment of a Sanitary District for Trash Collection Purposes

At the January 2007 meeting, the members of the SCA voted to approve the initiation of a petition drive to establish Stoneybrooke as a sanitary district. This vote was in response to complaints concerning the aesthetically unpleasant appearance of trash cans/recycling bins on the Stoneybrooke streets every day of the week.

In the months since the January 2007 meeting, Mike Jurkowski worked with the three trash collectors that service Stoneybrooke to coordinate their collection schedules. Through Mike's efforts, the three collectors agreed to collect trash in Stoneybrooke on the same days.

Since the coordination of the Stoneybrooke trash collectors addresses the concerns that led to the vote for the sanitary district petition drive, the SCA board decided it would no longer support the sanitary district petition drive. As a result, a vote was introduced to rescind the vote to support the start of a sanitary district petition drive.

Following a discussion period, a vote was taken to determine whether Stoneybrooke residents support the rescinding of the vote to support the start of a petition to switch trash collection to Fairfax County (via a sanitary district). Only SCA dues paying residents were eligible to vote. Signed proxy votes were accepted prior to the meeting. The voting results were as follows:

Position	Number of Votes
FOR the rescinding of the vote to support the start of a petition to switch trash collection to Fairfax County (via a sanitary district)	48
AGAINST the rescinding of the vote to support the start of a petition to switch trash collection to Fairfax County (via a sanitary district)	4

New Business

- Amend by-laws to include \$20 dues

Mike Jurkowski described the background information concerning this issue. The SCA dues were changed from \$10 to \$20 at a prior meeting by a vote of all members in attendance. The dues increase was approved at the meeting.

In recent weeks, it was brought to the SCA Board's attention that SCA by-laws state the SCA dues can only be changed by amending the by-laws. This detail was unintentionally overlooked by the Board when the dues were increased.

In response to this oversight, a vote was introduced to amend the by-laws to change the SCA annual dues from \$10 per year to \$20 per year.

Following a discussion period, a vote was taken to determine whether Stoneybrooke residents support amending the by-laws to change the SCA annual dues. Only SCA dues paying residents were eligible to vote. Signed proxy votes were accepted prior to the meeting. The voting results were as follows:

Position	Number of Votes
FOR amending the by-laws to change annual dues from \$10 per year to \$20 per year.	51
AGAINST amending the by-laws to change annual dues from \$10 per year to \$20 per year.	5

- Motion to approve retroactively the SCA dues increase

After the amending of the by-laws to change the annual dues was approved, a resident motioned to approve retroactively the action of raising the dues to \$20 as of two years ago. This motion was seconded.

Following a discussion period, a vote was taken to determine whether Stoneybrooke residents support approving retroactively the action of raising the dues to \$20 as of two years ago. Only SCA dues paying residents in attendance were eligible to vote since this motion was introduced at the meeting. The voting results were as follows:

Position	Number of Votes
FOR approving retroactively the action of raising the dues to \$20 as of two years ago	32
AGAINST approving retroactively the action of raising the dues to \$20 as of two years ago	4

- Motion for vote of confidence

A resident motioned for a vote of confidence to show appreciation for the SCA Chairman and the rest of the SCA Board for their good work. This motion was seconded.

Following a discussion period, a vote was taken to determine whether Stoneybrooke residents approve a vote of confidence for the SCA Chairman and Board. Only SCA dues paying residents in attendance were eligible to vote since this motion was introduced at the meeting. The voting results were as follows:

Position	Number of Votes
FOR a vote of confidence to show appreciation for the SCA Chairman and the rest of the SCA Board for their good work	33
AGAINST a vote of confidence to show appreciation for the SCA Chairman and the rest of the SCA Board for their good work	1

- SCA Lawsuit

The SCA was named as the defendant in a lawsuit issued by a Stoneybrooke resident. In response to this lawsuit, the SCA Secretary, John Finamore, read a prepared statement to describe the details of the lawsuit. The statement is included in the Attachment A of this document. Following the reading of the prepared statement, there was a brief question and answer period.

- Election of Officers (2007-2008)

As is stated in the by-laws, elections for all SCA officers are held at the annual meeting. There were no candidates for the positions of Chairman, Vice-Chairman, and Parliamentarian.

John Finamore ran unopposed for the position of SCA Secretary and was elected with 51 votes.

Bernie Tabarini ran unopposed for the position of SCA Treasurer and was elected with 48 votes.

- Future of the SCA

The final 15 minutes of the meeting was spent discussing the future of the SCA. Prior to the meeting, the SCA Vice-Chairman and SCA Parliamentarian submitted their resignation effective at the conclusion of the May 17, 2007 meeting. Also prior to the meeting, the SCA Chairman submitted his resignation. This resignation is effective at the time of his choosing.

With less than half of the SCA Board positions occupied, the future of the SCA is an unknown. With this issue in mind, Mike Jurkowski proposed a meeting to take place at some point this summer to have an in-depth discussion about the current status of the SCA and what revisions, if any, should be made to the SCA and the SCA Board to better serve Stoneybrooke.

Adjournment

The meeting adjourned at 9:00pm.

Prepared Statement Regarding the Lawsuit Filed Against the SCA

The following is a prepared statement, reviewed and approved by the Stoneybrooke Citizens Association (SCA) Board of Directors (the Board), and its attorney, regarding the lawsuit filed by a Stoneybrooke resident against the SCA. At the end of this statement, we will entertain questions but not any questions regarding the specifics about the case. As soon as the case is resolved, we will let you know the specific details.

An electronic copy of the lawsuit is available upon request. A sheet is located at the sign-in table. If you would like to receive the lawsuit, please leave your name and email address on the sheet.

On Wednesday, April 28, 2007, Mr. Michael Lamarra of 3805 Stoneybrooke Court filed a lawsuit against the Stoneybrooke Citizens Association. The suit was served on SCA Chairman Mike Jurkowski at 8:30 p.m. Saturday, April 21, 2007.

The SCA was given 21 days to respond. Without response, a summary judgment would be entered by the court possibly giving Mr. Lamarra all that he requested within the suit. As the suit was served on a weekend, the deadline for filing the response was Monday, May 14, 2007.

The SCA Board of Directors convened on Sunday, April 22 and voted unanimously to seek legal counsel. On Wednesday, April 25, the Board of Directors met in a conference call with Lawrence McClafferty of The McCandlish & Lillard law firm.

After the conference call, the board voted unanimously to hire McCandlish & Lillard. In addition, the board also voted unanimously to send a letter to Mr. Lamarra, signed by all board members, asking him to withdraw his suit given the financial strain the court proceedings could place on both parties. In the decision to send Mr. Lamarra a letter, the board felt it would be remiss in the management of the SCA treasury to not ask him to withdraw. In addition, the Board agreed to offer Mr. Lamarra a meeting to discuss his concerns. The Board did not believe it would be fair to ask Mr. Lamarra to withdraw his suit without the opportunity to speak with us.

The same day, the letter to Mr. Lamarra was drafted, edited, and agreed to by all members of the board. Signatures from all board members were secured on Friday, April 27 and the letter was sent by U.S. Postal Service Express Mail on Saturday, April 28.

Mr. Lamarra's lawsuit is lengthy and includes 137 points. Due to the size of the document, it is difficult to summarize it in a few sentences. With that being said, some basic points included in the lawsuit are the following. These points are copied verbatim from the lawsuit.

- The Association appears to be an alter ego for the Board as a whole or the Chairman alone.
- The Chairman's private and public statements and behavior lead to questions about the Board and the Association.
- The Board is an unlawful board and must be removed immediately, cannot act for the corporation, and all of its actions are null and void.
- No valid elections have been held during the Time Period; current Board is unlawful and should be removed immediately; all actions by Board are null and void.
- The Board keeps its minutes secret from the Association; members are incapable of evaluating reported actions of the Board against Board discussions and votes; members cannot evaluate participation of each Board member; a fully-informed vote is impossible at the invalid elections that have been held by the unlawful Board.
- Dues have not been raised in accordance with the Bylaws; may have been raised by Chairman alone using the Association as an alter ego; back dues are unlawful; and both (back dues and amounts in excess of the Bylaws) must be returned to members with interest; Board members must be personally liable for refunds greater than available Association funds.
- The Board ignores responsibilities defined in the Articles and Bylaws in favor of personal interests or pet projects.
- Chairman had an unlawful conflict of interest that was not examined and approved by the Board and/or the Association as required by the Code; put Association resources at the service of another organization he belonged to for personal gain; owes Association payment for services given to another organization.

In response to these points, Mr. Lamarra's lawsuit seeks relief on 14 items. For time reasons, only the first five items will be read. For those that are interested, the complete list of items is available in the lawsuit. These items are copied verbatim from the lawsuit.

- Enter an order removing the current Board of Directors from office, notifying the members of the Association of the actions and reasons why, posting that notice on the Association website as well as anywhere the Court deems necessary to deter this from happening in the future in other civic associations.
- Enter an order appointing a custodian or receiver over the Association to conduct proper elections as soon as possible, if the most recent lawful board cannot be found and reconstituted.
- Enter a prohibitory injunction preventing the election scheduled by the current board from taking place.
- Enter a prohibitory injunction preventing the current board from publishing the Stoneybrooke Sentinel and contacting members by the Association mailing list, web site, phone list, etc.

On Monday, April 30, 2007, Mr. Lamarra responded to the letter from the board by sending an email to SCA Treasurer Bernie Tabarini. Mr. Lamarra's email read as follows:

Please forward this to the other supposed Board members and cc me on the forward. I want to be sure that they are actually aware of this message and participate in your requested discussion.

Other Board members, please reply to this message with your responses using an email address where I contact you. I want to be sure I am speaking directly to each of you.

Our email exchanges over the next couple of days will have to suffice for the meeting you requested. I don't think a single face to face meeting would allow us to flesh this out properly. Consider this the meeting you have requested.

I am willing to settle this matter amicably. I don't like problems.

I'd like to "discuss this issue in greater detail", as you wrote me.

I believe my complaint is very detailed. Where can I amplify or clarify for you?

You, on the other hand, have offered nothing except the idea that I just quit and go home.

That's a non-starter and you must have known that before you wrote your letter.

So, if the purpose of your letter was to find a way to settle this without going to court, I'm willing to listen to your ideas.

There are some specific things you can do that would incline me to stop the case. But this discussion can only continue with a solid, serious offer from you that addresses what I have uncovered about you and the association.

If you are unwilling to do so, please have your lawyer contact me at this email address to continue any settlement discussions. Remember, the May 2 deadline is your idea, not mine.

But if we (or your lawyer and I) can come to an agreement by then, that's fine with me.

Sincerely,

Michael Lamarra

The SCA Board acknowledged Mr. Lamarra's email with a simple response,

Your email has been received and forwarded to SCA Board Members.

Our attorney will be in contact with you.

The Board did not further acknowledge Mr. Lamarra's response nor did it accept his offer to communicate with him via email. Nor did any member of the board respond to Mr. Lamarra individually. The SCA's attorney, Mr. McClafferty, spoke with Mr. Lamarra by phone but no agreement was reached.

Earlier this month, Mr. Lamarra filed a motion to secure an injunction stop of tonight's SCA meeting. With Mr. Lamarra and the SCA's attorney in attendance (in person and by telephone, respectively), the judge denied the request to hold a hearing on this issue prior to the SCA meeting date of May 17, 2007.

On Monday, May 14, 2007, the SCA's attorney filed a response to Mr. Lamarra's suit. Due to the sensitive nature of the response, the SCA Board has been advised by Mr. McClafferty not to discuss the response until after the court hearing.

The hearing has been scheduled by Mr. McClafferty with the court for Friday, June 1, 2007. As this is open, civil court, any resident is welcome to attend. The SCA's legal counsel is confident of a positive outcome in favor of the SCA. The SCA will provide a full report on the status of the case in the June Sentinel.