

**NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
Thursday, October 5, 2017
New Mark Commons Clubhouse, 7:00 p.m.**

FINAL

Attendees

Board Members: Alex Belida, John Daroff, Alexandra Manolatos, Kathleen Moran, David Schwartzman, Ellen Stein, Magnus Turesson.

Abaris Management: Allan Cohen, Nick Hegedus, Steve Landsman.

Staff: Jim Denny; Kirsten Hall taking minutes.

NMC Residents: Judy Rudolph, Sima Osdoby, David Sloan, Madeline Gupta, Chris Chiappa, Attilio "T" Chiappa, Roger Zions, Marilyn Johnson, Rhonda Gordon, Margaret Chao; at New Business, Robin Isaacson and her fiancé Steve Hater.

Guest: Janet Kelly, City of Rockville

Call to Order

John Daroff called the meeting to order at 7:00 p.m.

Approve Minutes and Agenda

- A. **Agenda, 10-5-17:** Ellen Stein moved to approve the minutes; seconded by David Schwartzman; carried unanimously.
- B. **Board Minutes 9-7-17:** Kathleen Moran moved to approve the minutes; seconded by Alex Belida; carried unanimously.

Committee Reports

- A. **Architectural Control Committee (ACC)** - Alex Belida: Thanks to David Schwartzman, the online application for Architectural changes is now available as a fillable pdf. It still has to be printed to receive neighbor signatures. The ACC guidelines on the website are up to date with the 30-day rule. The ACC met early this week, approved applications, sent an inquiry to 4 Lakeside Overlook regarding the noncompliant freestanding mailbox; no response yet. Future ACC meetings will begin at 7:15 p.m. instead of 7:00 p.m.
- B. **Communications Committee (CC)** - David Schwartzman: The CC met September 13 at Judy Rudolph's home. The September *New Mark News* was printed and delivered on schedule. Judy and Pat Reber met with several printers to gather quotes for the newsletter and future printing needs. Rockville Printing was used this time for the newsletter, matching another

printer's price. The October issue will be released electronically on October 21. The CC is looking forward to working with Abaris and will coordinate with Abaris about how we communicate with residents, and discuss the possibility of putting dues payment links on the website. Next meeting is Wednesday, October 11, 7:30 p.m.

- C. **Community Enhancement Committee (CEC)** – Magnus Turesson: The CE met September 28, with guest Tom Howley, supervisor of Code Enforcement for the City. The dialog with Tom Howley was helpful and he emphasized that residents should contact Charles Auberton at the City to report or discuss code violations and city-appropriate complaints. Charles has been prompt to respond to requests. Nick Hegedus of Abaris will be informed of the next CE meeting date, hopefully end of October.
- D. **Landscape Committee (LC)** – Ellen Stein: The LC meets the second Tuesday of the month and looks forward to working with Abaris to perfect the landscape. Last meeting discussed the fall cleanup, which will be November 4 (first Saturday) with a rain date of November 18. Ellen shared an email by Sally Guardia, October 2, regarding lake: the NMC 2018 budget didn't address preparing for lake dredging. The last dredging was 2005. Our lake depth is reaching limits of health (close to four feet).
- E. **Pool Committee** - Kathleen Moran: The PC will meet October 17, 5:00 p.m., in the Clubhouse. The committee hasn't met since April. They will evaluate the past season and capture dreams of new leadership from the swim team. Jim Denny will attend.
- F. **Social/50th Anniversary** - Alex Manolatos: Still a committee of one.

Children's Halloween Party Tuesday, October 31: Emily Myers is helping plan the event, which will be held at the Clubhouse and includes a neighborhood costume parade.

Board Open house, Saturday, October 21: Wine is being purchased. Alex M. will arrange for food from Whole Foods. Signs will be purchased, \$55 each.

50th Anniversary Presentation at City Hall, October 16: Board members are encouraged to attend; the presentation will happen tentatively at 7:35 p.m.

50th Anniversary Poster Display, Sunday October 22: Posters will be displayed in the Clubhouse, more information to come.

The National Register Plaque has been purchased for the Clubhouse.

- G. **50th Anniversary Committee** – Judy Rudolph, David Sloan, and Madeline Gupta:

City Mayor and Council Meeting presentation, Monday, October 16: Joe Jordan and Madeline Gupta helped arrange the meeting, which begins at 7:00 p.m. at City Hall. NMC will be awarded a certificate of recognition for its 50th anniversary, inclusion in the National Historic Register, and its diversity. The NMC 50th Anniversary video will be shown. All available Board members are encouraged to attend and one (John Daroff if available) needs to receive the certificate. The meeting will be live-streamed on channel 11 with video available online the next day. David Sloane is working with channel 11 about video equipment.

50th Anniversary Booklet: The booklet has been printed and was passed out at the meeting. It was a cooperative effort of Pat Reber, David Sloane, Judy Rudolph and Kirsten Hall. The printer was FedEx Kinkos, which may also help with newsletter. The Board thanked the committee for their hard work.

50th Anniversary Video: The 50th Anniversary video was played on the monitor, and received with applause.

Community Forum

Judy Rudolph: Judy presented her email regarding the trash enclosure in front of 202 NME and adjoining 200 NME. She feels the structure is noncompliant and that the ACC should not have approved it.

Alex Belida responded for the ACC: The CCOC gives HOA boards flexibility in enforcing their covenants. The ACC engaged in a good faith effort to work with the homeowner who was dealing with a collapsing brick wall due to tree roots. The existing enclosure wasn't adequate to cover existing AC units and two large trash containers. The ACC allowed an enclosure made of wood; the new enclosure is compatible with nearby enclosures, and no immediate neighbor raised an objection. The applicant had signatures of neighbors, including the neighbor opposite. While a homeowner has the right to appeal to the Board if their application is rejected, there is no provision allowing someone other than the homeowner to challenge an approved ACC decision.

Response from forum members: Madeline Gupta has seen the enclosure and does not feel that it's a problem. Marilyn Johnson feels it's very different from those nearby and doesn't like it.

John Daroff tabled the discussion for possible inclusion in this meeting's new business.

Janet Kelly, City of Rockville: Janet listed upcoming events in the City of Rockville, including the Roctobierfest, Antique Classic Car Show, Budget Kickoff on November 13, Aging in Place event, and the F. Scott Fitzgerald literary conference on October 22. Complete details are available in *Rockville Reports* and on the City website.

Retaining wall across from 812-818 NME, Attilio "T" Chiappa and Roger Zions: The original retaining wall of railroad ties is deteriorating; what will replace it?

Response from Jim Denny: Bids have been solicited to replace the retaining wall with concrete. The timeline for the work to be done is unknown; the project has been identified in the recent reserve study as a critical element. "T" and Roger gave a thumbs-up.

Chris Chiappa asked about landscaping when the retaining wall is replaced. Jim said a railing or fence will be built above the wall on one side, for safety. He is working with Ellen Stein on storm water management landscaping issues after the new retaining wall is in; hopes it will happen this fall but it's been a bit dry for planting.

Roger Zion: Received permission from his neighbor to cut down the neighbor's tree at his own expense of \$1,000, to prevent the tree from falling on his property. Roger reminded the community that property owners are responsible for damages done by a neighbor's tree falling on their property. Jim Denny noted that in the last 60 days, NMC has spent \$2800 on the trees over Roger's house and on the plateau. Roger said thank you. John Daroff said the Board will respond to all requests for help with trees and doesn't want anyone's property damaged by common property trees.

Forum closed: John Daroff closed the community forum at 8:00 p.m.

Most residents left the meeting. Remaining in attendance: Abaris representatives, Janet Kelly, Judy Rudolph, Sima Osdoby.

Introducing Abaris: John introduced Allan Cohen, Nick Hegedus, and Steve Landsman of Abaris.

Administrator's Report

A. Finance and dues update:

- a. *Unpaid dues:* Three homes have unpaid dues; two from 2017. One from 2016-2017 and the owner lives in Switzerland. The house was recently sold at a tax lien sale and NMC may eventually receive the unpaid dues following the sale, but it takes a while.
- b. *Budget:* We are at 60% of budget at 75% of the year. Budget is doing well. Some projects remain to be done. The budget shows detached homes have exceeded budgeted dues contributions because we have received past due payments from the previous year.

B. Pool update: American Pools came on October 3 and began the process of dropping the pool water to winter levels. They dismantled and dried filter assemblies. Jim Denny will meet with them to go over repairs to the pool deck before next pool season. A new plastic or PVC skimmer basket container to replace the original cast iron will cost \$4300-\$4400. Pool committee meets October 17, 5:00 p.m.

C. Erosion update, 338 NME, 300-314 NME, 274-276 NME, and 500-522 NME: Jim Denny and Ellen Stein have been seeking engineering plan estimates to take to city for permits and to give to contractors for a bid. Two bids have been received but are not comparable:

- Earthman Design (Dick Radcliffe) proposed \$48,600 but \$28,950 if we do all the work at once.
- Falcon Engineering, of Falcon Group proposed \$12,850, but the bid was not inclusive of all items requested. It's missing permitting or site plans, final plans for reviewing agencies, and work related to easements or erosion control sediment. Ellen noted that the proposal had a lot of fee creep. Jim confirms it's throughout the entire document. The Falcon proposal was received October 4 in the afternoon so there hasn't been time to respond to it; likely it would be considerably higher than it appears.

D. Administrative Transition and Introduction to Abaris: Nick Hegedus, Allan Cohen, and Steve Landsman of Abaris came out early this week for a walk around the common areas with Jim. Steve Landsman said Abaris is proud to be trusted to be stewards of this historic property. Abaris will need some additional information and direction from the Board and hopes to attend each committee meeting to see how all the committees work.

- *Staffing during transition:* John Daroff met with Kirsten Hall and Kirsten will continue to be communications assistant for broadcast emails, newsletter formatting, recording minutes, and to inspect the Clubhouse before and after events. The nmcadministrator email address and NMC phone number will be forwarded to Abaris.
- *Communication with Abaris:* Abaris will send an introductory letter to residents with an information request form. Residents should use the main phone number to contact Abaris: 301-468-8919. Kirsten will give Nick and Allan resident logins to the website and the exported resident directory.

Break at 8:26 p.m.

The meeting resumed at 8:35 p.m. No residents or guests left the meeting.

Old Business

- A. **Board Open House/Cocktail Party Update** - Margaret Chao: RSVP total is 102. Cheryl Kagan will read the proclamation. One of Edmund Bennett's sons wants to speak. Many from the Bennett family are coming. No politicians will speak.

Two activities are planned: 1) Find your Decade signs, with a prize for oldest and newest residents. 2) World map from 2007 compared with current world map, each with place-marks for residents' country of origin. Margaret Chao will lead the activities; Alex Belida will introduce John Daroff. Board members will welcome the invited guests. Everyone will wear a name tag showing the year they moved in.

Food, alcohol and other beverages are being procured. Jim and Abaris will work on arranging cleaning of the Clubhouse. The National Register plaque is in shipment, to arrive Friday the 6th, and there is a plan to install it. The committee is under budget.

- B. **Parking Regulations** – David Schwartzman: David explained the Proposed Revision to NMCHA Parking Regulations, updated October 4, 2017. Abaris will enforce the regulations, when approved by the Board. Discussion among Board and community members resulted in the following:

- The proposed revision will be reviewed by NMC's attorney.
- The Board will look into establishing an agreement with a towing company and will consider chalking tires or establishing some method to show that a vehicle has not been moved.
- The Board hopes to update and revise some of the governing documents next year, including consideration of charging for vehicle storage.
- The Board decided by consensus to establish an ad hoc parking regulations task force led by David Schwartzman (after he gets 2018 budget work done), to refine the proposed regulations. The task force will solicit input from the community, address the issue of space taken up by boats and larger numbers of cars per household, and will report back to the Board by the February Board meeting.

New Business

- A. **Enforcement Action: Boat that caught fire in the Clubhouse parking lot:** Boat Owners Robin Isaacson of 322 NME and her fiancé Steve Hater entered the meeting.

Summary: Steve explained what happened: The boat is co-owned by Robin and Steve, and they had secured permission to store the boat in the lot. The boat caught fire on Wednesday, October 4, due to mechanical malfunction during minor repairs Steve was making in order to prepare the boat for the weekend (replacing a gasket). Marine surveyors who looked at the boat after the fire were unable to determine the cause other than an equipment malfunction.

Discussion: John Daroff noted that repairs on vehicles in the parking lots are not permitted by the covenants. Article 10, section 3d: "...nor shall the repair or extraordinary maintenance of vehicles be carried out..." Board consensus was that preparing a boat to go out for the weekend does not count as extraordinary maintenance.

The Board concluded no enforcement is necessary, but suggests that owners registering their vehicles in the lot be provided with an information sheet and reminder of what is permitted and prohibited with stored vehicles.

- B. **Discussion: Reserve Study Results.** Mason & Mason visited with Jim Denny and David Schwartzman to look at NMC asphalt, retaining walls, and other areas in issue. Field measurements were done. Every common element except the lake was examined. NMC can still have a conference call with Mason & Mason if needed.

Summary: The goal of the study was to make the reserve fund fully funded within 20 years; accomplished by an increase in annual contributions of \$42,000 per year for the first two years, beginning 2018 (averaging \$109 per year for each household), and then increasing 2.8% per year after that. Capital expenditures this upcoming year are \$402,000. Following Mason & Mason's goals, the reserve will drop by \$200,000 at first but will recover and eventually reach 2.7 million. Without using these methods, the reserves would be spent before completing upcoming projects. The lake dredging was not included in the study. Loans may be required in the short run for some expenses. David will give copy of study to Abaris and the Board.

Discussion: Alex Belida would like to see the various projects prioritized, placed on a timeline. John Daroff would like to have a spring plan, since these are mainly spring projects. The Board would like Mason & Mason to include the lake dredging in the reserve study.

- C. **Discussion: Preliminary Budget Figures** – David Schwartzman: The preliminary budget includes Abaris management costs, contract staff, updated insurance and workmen's comp, and anticipated regular expenses. It also includes the last year of the three-year contract with Stolburg. Total budget increase is about 8.3%. Annual estimated dues with 10% operating increase would be \$1253-1400 per year per household; an increase of \$16-18 per month. \$442,000 has been budgeted for the coming parking lot repairs but the work will not be done all at once. Steve Landsman requested that the preliminary budget include a contingency fund for snow and other unforeseen costs.

Voting and Communicating about the Dues Increase: Judy Rudolph commented that the November paper issue of the newsletter reports on budget issues, so it is important that the Board vote in November. The last chapter of the 50th anniversary booklet, "The Way Ahead," discusses the loss of volunteer hours and the need to increase expenses; it may be a good communications tool for explaining the dues increase. The Board discussed the need to communicate to the community the value gained from the dues increase, such as increased property values and needed repairs.

Budget Worksession: The Board scheduled a budget meeting with Abaris on the revised preliminary budget to allow time for advice from Abaris before the November Board meeting vote. The meeting will be public with a community forum: Wednesday, October 18, 7:00 p.m. at the Clubhouse. Kirsten will prepare and send an email broadcast.

- D. **Speed Limit Signs:** Tabled for discussion at a future Board meeting.
- E. **50th Anniversary ROC Grant** - Sima Osdoby: The 50th Anniversary Committee is requesting a grant of \$1,000 from the City, to get materials for proper historical records

archiving, such as storage boxes for records and photos, repairs to some items, and possibly a storage cabinet. The Committee will need to provide the City with the NMC tax ID number and \$1,000 worth of volunteer service, as was done for the previous grant.

Alex Belida moved to approve that the 50th Anniversary Committee proceed with the ROC Grant proposal with Judy Rudolph as the point of contact; seconded by David Schwartzman; carried unanimously.

F. **Political Signs:** Tabled for discussion at a future Board meeting.

Sima Osdoby and Janet Kelly left the meeting, 10:07 p.m.

G. **Board elections 2018:** Ellen Stein has files about how elections were conducted last year, following the CCOC guidelines. Kathleen Moran volunteered to create the calendar for preparing for the meeting in November, with help from Ellen.

Adjournment

David Schwartzman moved to adjourn; seconded by Ellen Stein; carried unanimously. Meeting adjourned at 10:09 p.m.

**NMC Communications Committee
Report to the NMC Board
October 5, 2017**

The Committee met at Judy Rudolph's house on Thursday September 13, 2017.

Newsletter:

1. The September Printed Newsletter was delivered on schedule (September 16-17. Judy Rudolph and Pat Reber talked to a few printers to find both the best price for price for and delivery guarantee for the September printed Newsletter. Rockville Printing was able to meet all the prices AND assure us of timely delivery.
2. Target date for October newsletter distribution is Oct 21, the day of the Board Open House.

Abaris

Once the details of Abaris's role, activities, and needs/desires to interface with the newsletter, website and other communication issues, interface are known, we'll need to update the information in both the electronic and paper newsletter mastheads, the Board page on the website, all other website pages (the About tab has many), all forms (standalone forms + links on website), and—eventually—the 2018 directory info, to replace references to Jim, and possibly the (301) 340-0288 phone number, to Abaris contact info.