

**NEW MARK COMMONS HOMES ASSOCIATION  
BOARD OF DIRECTORS MEETING  
Thursday, November 2, 2017  
New Mark Commons Clubhouse, 7:00 p.m.**

**Attendees**

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

**Abaris Community Management:** Nick Hegedus.

**Staff:** Kirsten Hall taking minutes.

**NMC Residents:** Sandra Crowe, John Hansman, Joseph Jordan, Miki Komlosh, Pat Reber, Judy Rudolph.

**Call to Order**

John Daroff called the meeting to order at 7:02 p.m.

**Residents present at start of meeting:** Joseph Jordan, Pat Reber, Judy Rudolph.

**Approve Minutes and Agenda**

- A. **Agenda, 11-2-17:** David Schwartzman moved to approve the minutes; seconded by Ellen Stein; carried unanimously.
- B. **Board Meeting Minutes 10-5-17:** Magnus Turesson moved to approve the minutes; seconded by Ellen Stein; carried unanimously.
- C. **Board Budget Work Session Minutes 10-18-17:** Alex Belida moved to approve the minutes; seconded by Alex Manolatos; carried unanimously.

**Committee Reports**

- A. **Architectural Control Committee (ACC)** - Alex Belida: The ACC is moving forward systematically to refine its methods, work with Community Enhancement on community inspections, repair ACC regulations where there are conflicts, and work with homeowners to meet needs within the framework of the regulations. Recent inspections turned up several violations, mainly light fixtures. Two larger cases of violations are being repaired voluntarily by the homeowners. The ACC is preparing to deal with the remaining violations if necessary. Nick Hegedus will send out formal approvals for ACC applications and notices of violations. The ACC meets Monday, November 6, at 7:15 p.m. at 6 Radburn Court.

**B. Communications Committee (CC) - David Schwartzman:**

- a. **Website:** NMC domains and web hosting now are under NMC ownership. David Schwartzman met with Abaris to discuss creating web pages for Abaris on the NMC website, with links to Abaris functions such as reports and dues payments. The pages could possibly include a list of vendors used by Abaris that residents can contact and use themselves.
  - b. **Contact information:** Some residents continue to contact Jim Denny at his personal email and phone. The CC reminds the community that Jim is now Citizen Denny and not the Administrator. The CC is working on syncing email databases with Abaris.
  - c. **Newsletter:** The November newsletter is a paper issue and will include information about the budget and Abaris. The submissions deadline is Wednesday, November 8.
  - d. **CC Meeting and members:** The CC meets Wednesday November 8 at 7:30 p.m. in the Clubhouse. Lori Newman will be joining the CC. Judy Rudolph has stepped down from the CC. The Board thanked Judy for her work on the committee, with applause.
- C. Community Enhancement Committee (CEC) –** The CE did not meet on 10-26-17 as scheduled, and has not rescheduled. The CE is working on sending out emails or letters regarding CE violations. A new letter has been composed by Judy Rudolph, who is stepping down from CE.

*Resident Sandy Crowe joined the meeting.*

- D. Landscape Committee (LC) –** Ellen Stein: The LC has a shortage of active participants; currently has three active members. The Fall Cleanup is scheduled for this Saturday, November 4 (November 18 rain date). Ellen met with Jim Denny and Stolburg regarding the 800 block areas damaged by the gas and water main breaks. They identified bushes to be removed and replacement plantings. The soil needs to be amended. Repairs will be completed this month. The next meeting will not be held on the usual first Tuesday of the month.
- E. Pool Committee -** Kathleen Moran: absent; no report.
- F. Social/50th Anniversary -** Alex Manolatos: The Board Open House went well thanks to all participants. The Halloween party also went well. Alex questioned need for a social committee.

## **Community Forum**

**Sandra Crowe:** Sandra described the situation with the rental home at 884 NME, near hers, at which there are some younger tenants who play loud music, and a mix of unrelated tenants making the home more like a boarding house than a family dwelling. She expressed concern about the number of rentals, the boarding house character of some, the low age of renters (18), and her desire to live in a pleasant, stable neighborhood. She asked if the NMC Covenants could be amended to provide some restrictions on the number and character of rental units in the community.

*Response from the Board and Abaris:* NMC currently has no rules to regulate rentals. NMC cannot discriminate by age due to fair housing laws, but possibly can specify that units be rented to one family and not several unrelated individuals. The Board will need to seek legal counsel to make any changes; the Board is interested in investigating the issues in order to maintain home values.

Sandra offered to Chair or volunteer on a committee to look into rental regulations. Magnus Turesson invited Sandra to join the Community Enhancement Committee to help enforce rental code violations and landlord licensing.

**Judy Rudolph:** Judy was scheduled to speak, but she said that due to David Schwartzman's response to her email, she does not need to speak at community forum tonight.

**Joe Jordan:** He continues to not receive some NMC email broadcasts. He asked how a resident could know when a seat is available on a committee. He asked how outstanding landscaping projects are transitioning to Abaris.

*Response from the Board:* The email broadcast issue is a problem for some, and ways of dealing with it will be published in the November *New Mark News*, a paper issue. Meanwhile, all NMC broadcasts are also posted on the website as Community News. Committees do not have "openings" as all are welcome; the only restriction is a minimum of three members, including the Chair and Board liaison. The Administrator's report this evening and the projects update in the newsletter will address the current projects; Abaris is working with Jim Denny and Ellen Stein. Dry weather has put some planting projects on hold but they should be completed soon now that rain is coming.

**Pat Reber:** Pat asked how budget information from today's meeting would be communicated to the community, since it needs to go out before the printed newsletter. The Board will hand-deliver a letter to all residents this weekend. The information will also be included in the newsletter.

**Miki Komlosh:** A group of NMC residents met November 1 at the Clubhouse regarding the new elementary school [which would be attended by NMC children] with a FARM rate of 53%. Proposals for student distribution have flaws and City Council will try to rectify the problems in the proposals. Currently NMC residents at the meeting stand behind proposal option 2, which includes the Chinese immersion program and brings in Rose Hill to lower the FARM rate. Miki requested the Board send a broadcast to residents informing them about the hearings on November 6 and 8. The Board will discuss this issue under New Business.

**Judy Rudolph** asked that the Board revisit its intent to obtain email addresses and leases from NMC landlords and require that leases include an agreement by the tenant to be informed of and abide by the NMC Covenants.

## Management Report

Nick Hegedus presented the report from Abaris.

- A. **Dues:** Semi-annual assessments will be due February 1 and June 1; bills will be sent January 8 and May 8.
- B. **Transition update:** Jim Denny is officially retired. Please contact Nick and Abaris for questions and concerns. Projects are being transferred to Abaris.
- C. **Capital and Landscaping Projects:**
  - a. *Tree removal:* AA Enterprises will remove the trees next to 100 and 144 NME, because they are dying and too close to structures.

- b. *Erosion Control:* There are four target areas:
  - 338 and 342 NME; Low area with runoff creating exposed tree roots and erosion channels. This will be a long process. Repairs require a site survey, tree experts, and City permitting. When approved it will take a few months to complete.
  - 508 and 516 NME; Runoff from parking lots is creating erosion channels (flows into main area behind 338 and 342).
  - 300-314 NME and 300, 306 NMC; More erosion between bike path and rear area, where storm water needs to be mitigated. Engineers are providing proposals and the Board can vote on the options provided, either dry ponds or barriers to divert the water.
  - The hillside next to 276 NME may need a retaining wall as well. Four engineers have come out: Falcon and Earthman have provided proposals; CSG and Soil Structure Engineer proposals are due next week.
- c. *Retaining walls:*
  - The timber wall in front of 816-822 NME is falling apart and to be reconstructed with concrete masonry unit (CMU).
  - Timber steps from clubhouse to parking lot will be removed and replaced with CMU and railing.
  - The fence falling down near the tot lot will be stabilized or replaced.
- d. *Resident information forms:* Residents have submitted 80-100 forms. Abaris asks that all please fill out the resident information form. Automatic transfers will be withdrawn from resident accounts on February 5 and 10 for those who elect to use that method when they complete the form.

*Miki Komlosh and Sandra Crow left the meeting. John Hansman arrived.*

## **Break at 8:00 p.m.**

The meeting resumed at 8:06 p.m.

**Residents present:** Pat Reber, John Hansman, Judy Rudolph, Joseph Jordan.

## **Old Business**

- A. **Proposed 2018 Operating Budget** – David Schwartzman: Some changes have been made to the budget since the October 2018 budget work session. Total operating budget is \$452,911 with an increase of \$50,194 or 12.46% from 2017.
  - a. Administrative(proposed increase of \$14,807)
    - Contractor Administrative Support: This amount is for hiring Kirsten Hall to take minutes and assist with communications; actual expenses may be less than the budgeted amount

- Taxes and electricity budgets have been reduced; we no longer have payroll taxes for Jim Denny.
  - Legal fees budget amount increased in anticipation of updating the Association's governing documents.
  - Website maintenance amount reduced due to volunteer support.
- b. Clubhouse (proposed increase \$2,775):
- Telephone increased when NMC office phone was moved to the Clubhouse.
  - Trash pickup is now necessary at the Clubhouse.
- c. Lake (proposed increase \$1,585): Fountain repairs expected and maintenance costs increasing.
- d. Maintenance (proposed increase of \$16,717):
- Contracted maintenance will replace the tasks Jim Denny did.
  - Extra landscaping is anticipated following erosion and tree care projects; tree pruning, removal and replacement are anticipated.
  - Lawn service contractor may need to be re-evaluated.
- e. Pool (proposed increase of \$1,010):
- Management costs expected to increase; operating hours may increase.
  - Swim team budget reduced with expectation that swim team can raise funds; will help pay for trash removal.
  - Water costs increasing.

*Discussion:* Abaris recommends a Contingency fund of 5-10%. Contingency funds could cover any expense overages. Expenses such as postage can be broken into separate line items for next year. No changes to any budget numbers thus far.

- B. **Capital Expenses** are based on reserve fund plan: \$442,560. The Board discussed priorities for expenses in the reserve fund plan. The general consensus was to place first priority on asphalt projects, concrete safety hazards, erosion projects, the retaining wall in the 800 block, and the pool concrete. The total of these first priority projects comes to approximately \$425,000 in 2018 capital expenses.

*Discussion/brief community forum:* Judy Rudolph requested that parking lots be restriped and cleaning of totem pole for aesthetics and public relations value, which would not be capital expenses. John Hansman suggested that a ramp for the Clubhouse be placed on the priorities list. The need for a comprehensive ADA plan for the Clubhouse, with the possibility of getting some funding through a bond issue with state legislation, was also discussed.

*John Hansman left the meeting.*

- C. **2018 Budget continued; Income:** Proposed increase in dues income from \$430,523 in 2017 to \$529,030 for 2018.

David Schwartzman moved to use Article VI, Section 5(a) of the Covenants to raise dues by a vote of the Board to match the proposed increase from \$430,523 in 2017 to \$529,030 for 2018; seconded by Alex Manolatos, carried unanimously.

Alex Belida moved to approve the preliminary budget as presented for the review of the community, seconded by Magnus Turesson, carried unanimously.

The 2018 budget will be finalized at the December 7 Board meeting.

## New Business

- A. **RME #5 Survey results and proposed NMC Board official position/action:** The Board sent a survey to residents via email broadcast regarding the Montgomery County Schools Superintendent's recommendations for the boundaries of the new elementary school (RME #5) to which NMC children would be assigned, with a modified option 2 boundary proposal. 60 out of 65 household responding felt the Board should take a position on the proposal.

Alex Belida moved that the Board take the position to support the target of 25% FARM rate for RME#5 and the modified school boundaries; seconded by Ellen Stein; carried unanimously.

John Daroff will write a letter of support over the weekend for Board review. The Board approved an email broadcast announcing hearing dates, as requested by Sandy Crowe in the Community Forum.

- B. **Architectural Control Committee Motion regarding "Technical Changes" to ACC Guidelines:**

Alex Belida moved that the following Board action be carried:

*The Board hereby authorizes the Architectural Control Committee (ACC) to revise entries in the ACC regulations and the ACC application form to take into account the retirement of the NMC Administrator, Jim Denny, and the hiring of Abaris Realty, Inc. as community manager. The Board also authorizes the ACC to make other technical changes in these documents as need, including the designation of the ACC Chair and the Board Liaison to the ACC as the two individuals with designated approval authority for select applications.*

The motion was seconded by Ellen Stein and carried unanimously.

- C. **Discussion: 2018 Board Elections.** Kathleen Moran provided a schedule for the 2018 election. Ellen Stein suggested running an article in the November newsletter including ways to prepare to be a Board member candidate, based on the article published in the 2016 November newsletter. The article will be edited and adapted for the 2018 election.
- D. **Information relating to Sandra Crowe's neighbor issue:** Alex Belida read Article 3, Section 10a of the Covenants, where references to "offensive activities" and "nuisances" may assist Sandra in responding to her loud neighbors.

## Adjournment

Alex Belida moved to adjourn; seconded by David Schwartzman; carried unanimously. Meeting adjourned at 10:02 p.m.