

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

Attendees

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

Abaris Community Management: Shireen Ambush, Nick Hegedus.

Staff: Kirsten Hall taking minutes.

NMC Residents: *Present at beginning:* Margaret Chao, Mira Frost, Kathy Gall, Madeline Gupta, Wini Herrmann, Joe Jordan, Lori Newman, Mincy Niel, Pat Reber, Judy Rudolph, Ron Tipton. *Entering at Community Forum:* Arthur Katz.

Call to Order

John Daroff called the meeting to order at 7:03 p.m.

Board members present at Call to Order: Alex Belida, John Daroff, Kathleen Moran, and David Schwartzman.

Approve Minutes and Agenda

- A. **Agenda, 12-07-17:** Kathleen Moran moved to approve the minutes; seconded by Alex Belida; carried unanimously.
- B. **Board Meeting Minutes 11-02-17:** Tabled due to lack of quorum from 11-02-17 meeting.

Committee Reports

- A. **Architectural Control Committee (ACC)** - Alex Belida: The ACC completed three application approvals. John Hansman met with Shireen Ambush on Monday, December 4, and discussed a process for Abaris and the ACC to work together. They discussed the list of approved contemporary doors; some may not fit with the mid-century modern aesthetic. Abaris has sent out four violation notices. Four of ten violations recently identified by the current ACC were approved by previous boards on appeal.
- B. **Communications Committee (CC)** - David Schwartzman:
 - a. **Newsletter:** The November newsletter was hand-delivered on time and included a second dues notification and detailed information about dues, expenses, and capital projects. The December electronic newsletter will be published Sunday, December 17. Copy is due to the CC on December 13. The December issue will include Board election information. Self-nomination forms are available under the Administrative tab of the NMC website in the Forms and Applications section.

- b. **Website:** The CC plans to create a new section dedicated to Abaris on the NMC website; it will include an introduction to Shireen Ambush and her team, a list of services Abaris will provide to residents, Abaris' "express service" for handymen and maintenance tasks, payment options and links to the Abaris payment portal. The best way to stay up to date with NMC news is to opt in to the email list and get a login for website.
- C. **Community Enhancement Committee (CEC)** – Magnus Turesson: Not present, no report.
- D. **Landscape Committee (LC)** –David Schwartzman reporting for Ellen Stein: On November 29, 2017, Solitude removed the lake's fountain. Repairs to the fountain will be needed. Ellen left a voice message with Bob at the City, 240-314-8566, requesting another leaf pickup for NMC. The number of residents completing applications for tree removal and/or trimming has increased. Details of specific projects and the December 4 Landscape Committee meeting with Abaris are available in this month's Landscape Committee report to the Board attached to the end of the minutes.
- E. **Pool Committee** - Kathleen Moran: Last month's report did not get shared in her absence. Pool committee met in October to evaluate the season. Great year, new rules with parties and ice cream went well. PC issued a survey about new uses and/or programming for the pool, receiving 127 or more responses. Pool Committee requests reimbursement for \$35 charged by SurveyMonkey to get the full results of the survey. In the future the PC will address how the pool will be managed during the transition with Abaris. The Board agreed to reimburse the \$35 survey fee.
- F. **Social/50th Anniversary** – Margaret Chao for Alex Manolatos: The 50th Anniversary Committee will be working with Peerless Rockville regarding storage of NMC historical documents. All records are currently stored in the Clubhouse. The Board thanked the 50th Anniversary Committee for their hard work and their huge contribution. Extra copies of 50th Anniversary booklets will be included in resident move-in packets. Extra 50th anniversary booklets are being sold for \$10.

Magnus Turesson entered the meeting.

Discussion and Approval of 2018 Budget

David Schwartzman presented the budget; copies of the budget and dues were provided to community members present.

Budget changes from 2017: No changes have been made to the draft 2018 budget since the November Budget meeting. Attempts were made to lower or move expenses and funds. From 2017 there will be a 12.5% increase in operating expenses, 73% increase in capital expenses, resulting in 20-21% increase in assessments. The budget will be made available to the community on the NMC website Resident Area under Minutes and Agendas, to be posted Friday, December 8, after approved at this meeting.

Capital projects: The Board has committed to spend \$425,000 on capital projects in 2018, including the erosion project at the 300 and 200 blocks, parking lots at 500, 300 and 200 blocks (feeds into erosion project), and pool and concrete repairs throughout community. Other projects include safety issues that must be addressed. The list of projects has been given to Abaris.

Swim team budget \$1,000 decrease: Trash collection costs have increased. The swim team is important to the Board and community, and the community supports the swim team and pool by keeping the pool open and functioning all season long.

Dues increase: Without a dues increase, special assessments would be necessary, which could impede home financing when sales are made in the community.

Discussion: Several Board members noted that they have heard expressions of support from several community members, and complaints from only about five members, for the increased dues. Community members have expressed appreciation for the upcoming capital projects and noted that NMC dues are low compared with other managed communities.

Abaris Management: Shireen Ambush introduced herself. She has studied the reserve study and was assigned to NMC to make sure the projects in the study are successful. She looks forward to this challenge and is proud to be a manager of NMC's historical community. She was not part of the budget process but noted that the budget and reserve study are precisely as she would have recommended; good planning is appropriate and saves costs. Abaris fully supports budget.

Community Forum

Attendance note: Arthur Katz entered the meeting 7:45 p.m. Lori Newman left the meeting at 8:00 p.m. Ron Tipton entered the meeting at 8:15 p.m.

Judy Rudolph: Requested that her email of Tuesday, December 5, be entered into the record for this meeting. Requested two items be added to this meeting's agenda: 1) Need for interim web page for Abaris with contact information for Abaris and ACC projects. 2) Requested ACC review of changes made to common areas during capital improvement projects, to ensure proper aesthetics and that improvements conform to ACC regulations. Noted that Stolburg's work on the water main damage at the 800 block changed the topography of the hill and it may require engineering review. Asked from where in the budget will expenses in the reserve fund study will come.

Agenda changes: It was requested that the Board send an email broadcast to the community if the Board meeting agenda changes; the Board will do so in the future.

Posting CCOC complaint: The CCOC complaint received will not be posted on the NMC website on advice of counsel but is available as a public document through the CCOC.

For the next newsletter: It was suggested that an article explain the roles Abaris plays in the community.

Budget and Dues: One resident felt the difference between what townhouses and detached homes pay into the reserve fund has changed and the dues structure isn't equitable, and that past Boards have been irresponsible in the past if such increases are needed now. Another asked about how high dues can go; it was explained by the Board that NMC documents allow the use of either the Consumer Price Index (for a minimum) or allows dues to be increased based due on the increase in value of properties since community was founded. NMC has not come near the allowable cap rate based on the Section 6, Article 5a limit. Four other residents expressed support of the budget and thanked the Board for its hard work.

Thanking 50th Anniversary Guests: Two Maryland congresspersons who attended have not been thanked. John Daroff requested contact information from Madeline Gupta so thanks can be sent.

Civility and timing at Board meetings: Some residents noted that cutting speakers short at Community Forum was creating an uncomfortable environment and was disrespectful to attending residents. The Board will try to establish speaking time expectations and rules at future meetings.

Wini Herrmann, utility boxes: Asked that the tilted and uncovered Comcast box behind her house be repaired/repositioned. Shireen Ambush will contact a Montgomery County office that handles utility complaints; an inspector can review and repair the utility boxes that need attention.

Other discussion: Topics included support for new dues, costs of being on the swim team in the past and present, savings that are possible by having Abaris manage NMC capital projects that are similar to projects in other communities managed by Abaris (and a request to quantify those savings), and how to pay dues.

Motion to Raise Dues: David Schwartzman moved that the Board authorize use of Covenants Article 6 section 5a to increase dues as proposed for the 2018 budget; seconded by Kathleen Moran; carried unanimously.

Motion to Approve Budget: John Daroff moved to adopt the 2018 budget as presented; seconded by Magnus Turesson; carried unanimously.

Break at 8:18 p.m.

The meeting resumed at 8:26 p.m. Residents remaining in attendance: Mira Frost, Wini Herrmann, Joseph Jordan, Pat Reber, Judy Rudolph, Ron Tipton.

CCOC Complaint

Richard Berman has filed a complaint with the Commission on Common Ownership Communities against the Association. The matter has been handed over to an attorney provided by the USLI, (our Directors & Officer's policy company). No Board comments are being made to the community until further counsel.

Treasurer's Report

David Schwartzman: Abaris has their own banking system; Abaris pays the Association's bills so operating funds have been transferred to Abaris' system. The Association still has the Bank of America account (Jim Denny is now off the account). With the current funds present and the incoming 2018 dues, we will have sufficient funds in operating expenses for next year and in the reserve fund for the coming year; \$694,000 in assets at present.

Administrator's Report

Shireen Ambush presented the report from Abaris.

- A. **Assessment billing change proposal:** This topic will be deferred pending a meeting with the NMC Board, to be scheduled with Treasurer. Bills will be sent out January 8-10 this year.
- B. **Status of Stolburg work on 800 block:** Work is underway; plant material is coming in this week and should be completed by Friday. There will be final inspection before payment.

- C. **Erosion proposals from CSG, Falcon Group, Earthman, Soil & Structure Engineers:** All are equally qualified; Shireen has only worked with CSG and Falcon and currently has projects underway with CSG; recommends CSG. Alex Belida moved to adopt the CSG proposal and authorize Abaris to move forward with erosion proposal; seconded by David Schwartzman; carried unanimously.
- D. **CSG proposal concerning retaining wall adjacent to 876 NME:** Job requires engineering advice, so proposal was requested from CSG. Wall will be evaluated and CSG will prepare offer on costs and how to rebuild. Alex Belida moved to adopt the CSG proposal; seconded by Kathleen Moran; carried unanimously.
- E. **Facility Service Co. proposal for maintenance and repair list** (at end of agenda, CE construction proposal): Abaris is requesting direction for which items to begin as soon as possible and which to get bids on for discussion at next NMC Board meeting. Removal of items comes out of operating costs; replacements are capital expense.
- F. **CE proposal for laundry list items:**
 - a. Two removals from CE items f, g, and h on laundry list (see Dec 2017 agenda), \$750, \$4485, and \$2240. Alex Belida moved to begin these removals; seconded by Magnus Turesson; carried unanimously.
 - b. Bids: Abaris will get bids on items a-e, and i-k.
- G. **Request for 7:30 p.m. Board of Directors start time:** Abaris requests and Board approves of the time change; Board Meeting times will return to the 7:30 p.m. start time beginning with the January 2018 meeting.
- H. **Leaf removal:** Final leaf removal will cost \$2,000, from Stolburg. City will lump us in with section 2 on their leaf removal plans and NMC will get another City leaf removal the second or third week of December. David Schwartzman moved to have Stolburg address leaf removal per Shireen's negotiation of a better price and not to exceed proposed \$2,000; seconded by Kathleen Moran; carried with vote of 3-2 with Magnus Turesson and Alex Belida voting against.
- I. **Email from John O'Neil regarding slippery Tennis courts:** Shireen received an estimate from a tennis court contractor who recommends power washing; estimate of \$1600 to power wash the courts. That will be delayed and done at a later time.

Old Business

- A. **Parking Lot task force/Speed signs update** – David Schwartzman: First meeting of anyone interested will be held in January. After meetings, a report will be made to the Board at the end of February or beginning of March. Contact David Schwartzman to be part of the task force.
- B. **Election update:** The Board approved the election plan proposed in November and the Communications Committee will implement its portion.
- C. **Political signs update:** Withdrawn, per Alex Belida's request, due to lack of interest from the community.
- D. **Rental properties update:** Deferred to future update of overall governing documents and counsel.

Ron Tipton left the meeting.

New Business

- A. **Approve reserve fund study:** Alex Belida moved to adopt the reserve fund study; seconded by David Schwartzman; carried unanimously. Study will be posted on website.
- B. **Fountain oil service contract approval (Solitude Lake Mgt.):** Kathleen Moran moved to approve the contract to remove, clean, inspect, maintain, return, deploy and test the fountain, for \$695 per year; seconded by David Schwartzman; carried unanimously.
- C. **AtoZ Directory Proposal:** Contract is free. Kathleen Moran moved to continue contract with AtoZ; seconded by Magnus Turesson; carried unanimously.
- D. **CAI Board Membership:** Gives all Board members access to educational information and resources; \$295. Individual membership is \$135. Alex Belida moved that David Schwartzman get an individual membership for \$135; seconded by Magnus Turesson; carried unanimously.
- E. **50th Anniversary Report acknowledgement** (actual report to be addressed at a later time): Report was received; recommendations will be added to a future agenda.
- F. **Notice of another Berman CCOC complaint** (addressed earlier).
- G. **Note of Thanks:** The Board thanks Nick Hegedus for dealing with a recent graffiti issue promptly and in a manner that looks good on fence in common path near Harlow.

Adjournment

Kathleen Moran moved to adjourn; seconded by David Schwartzman; carried unanimously.
Meeting adjourned at 9:18 p.m.

LANDSCAPE COMMITTEE REPORT FOR DECEMBER 7, 2017 MEETING

1. On November 29, 2017, Solitude removed the Lake's fountain. Repairs to the fountain will be needed.
2. Called City and left a voice message with Bob 240-314-8566 requesting another leaf pickup for NMC
3. Number of residents completing applications for tree removal and/or trimming has increased. This is good.

ADDITIONAL

NOTES FROM MEETING WITH SHIREEN AMBUSH, NICK HEGEDUS, JIM DENNY AND ELLEN STEIN DECEMBER 4, 2017

- When communicating with Abaris, send message to Shireen (sambush@abarisrealty.com), Nick (nhegedus@abarisrealty.com) or nmcadministrator@newmarkcommons.net
- Work in front of 824, tree and evergreen removal, till and add leaf grow, planting new plants. Work to be started and completed during 12/5-12/8
- Totem Pole entrance- removal of downed tree sections (Stolburg proposal over \$1000) can Abaris do better? **Shireen will check for other vendors. NICK CALLED WEDNESDAY, DECEMBER 6TH, A VENDOR IS COMING TODAY FOR THIS JOB AND REMOVAL OF TULIP POPLAR ON LAKE'S EDGE**
- Removal of Tulip Poplar from slope of lake's edge **Remove tree when NM has other tree work done.**
- Removal of pile of branches and twigs from bike path going down to tunnel) **Jim will pick up pile with tractor.**
- Removal of leaves from stone trenches on bike path's side of pool (blow out leaves so water can flow) (We need an additional leaf pickup from Stolburg) **Shireen will take care of this.**
- Trimming of trees impacting safe pedestrian passage on sidewalks (This is in Stolburg's contract) **Shireen will follow up on this.**
- Start plans for dredging lake **Ellen sent email to Shireen.**
- Status of Erosion Proposals (**suggestions to Board on making comparisons**)
- The Landscape Committee's feels it is extremely important that we hire a professional Landscape Designer (open for more discussion)
- What is the procedure for requesting the use of the Clubhouse? **WEDNESDAY, DECEMBER 6TH NICK CALLED. THE PROCEDURE FOR REQUESTING THE USE OF THE CLUBHOUSE IS TO COMPLETE THE APPLICATION FOR THE CLUBHOUSE AND THEN CALL ABARIS, NICK OR SHIREEN WILL CALL YOU BACK ON THE SAME DAY OR WITHIN 24 HOURS**