

**NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
Thursday, February 1, 2018
New Mark Commons Clubhouse, 7:30 p.m.**

Attendees

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

Abaris Community Management: Shireen Ambush, Nick Hegedus.

Staff: Kirsten Hall taking minutes.

NMC Residents: Arnaud Busz, Chris Chiappa, Pat Dufour, Mira Frost, John Hansman, Joe Jordan, Rita Molyneaux, Lori Newman, Jason Olasky, Ruth O'Sullivan, Pat Reber, Judy Rudolph, Sergey Suslov.

Call to Order

John Daroff called the meeting to order at 7:32 p.m.

Explanation of new meeting format

There will be two community forums, one at the beginning of the meeting and one at the end. Forum participants will be timed using a new timer with lights and given three minutes to speak. The Board will deliver a response after everyone has spoken. Community members may not speak during the business part of the meeting unless asked to do so, outside of appeals.

Community Forum 1

Judy Rudolph had requested time to speak but deferred to speak at the second forum. The Board heard community members Joe Jordan, Ruth O'Sullivan, Mira Frost, Lori Newman, and Rita Molyneaux.

Joe Jordan: 1) Dislikes the new meeting format; feels it removes a sense of community and requires residents to sit through the entire meeting. 2) The retaining wall project at the 800 block seems rushed. Natural materials are a part of New Mark's identity and masonry sets the wrong aesthetic precedent and is in conflict with community history. Joe noted that he sent an email to the Board on these topics.

Ruth O'Sullivan: Feels the masonry project at the 800 block is not in harmony with nature; prefers replacement with timbers instead of concrete. Ruth noted that she expressed these thoughts in an email to the Board.

Mira Frost: Agrees with Joe and Ruth about the retaining wall and the new meeting format; feels dialog is essential and wants to be able to ask questions. Mira noted that she expressed these thoughts in an email to the Board.

Lori Newman: 1) Agrees with previous remarks about the retaining wall and feels there's a lack of discussion at board meetings. Feels board meetings have become unwelcoming. 2) Requests a timeline for the erosion repairs to be done on the side of her house (276 NME), which were approved by the Board.

Rita Molyneaux: 1) Would like the Board to research the original NMC design intentions and choose a retaining wall material most consistent with the original NMC design concepts.

Board Response to Community Forum 1

David Schwartzman: Feels that the type of masonry used will fit with NMC aesthetics. Timbers available today are not as durable as those used 50 years ago. The wall has been replaced and repaired in the past. It is currently unsafe.

Alex Belida: Hopes future boards will be as diligent as this one in addressing maintenance needs in the community. The timber wall has been deteriorating for some time. It's a pressing maintenance and safety issue.

Ellen Stein: Landscaping and planting will create a natural look around whatever material is used.

Shireen Ambush: Has read all emails received before noon today. Circumstances do not permit taking the preferred time to address design and aesthetics; cost and longevity of materials come first. Current efforts with the wall are a compromise to achieve what is best for NMC in the long term and maintain architectural integrity. Joe Jordan commented that there was no discussion of wood vs. timber with the community. Ruth O'Sullivan affirmed concern for long-term durability.

David Schwartzman: Regarding 276 NME, the Board will look into the timeline for the other erosion projects and see where they fit with Lori's erosion issues. Lori appreciated the response.

Minutes and Agenda

A. Board Meeting Agenda, 02-01-2018:

Revisions: David Schwartzman requested discussion of the Board approving committee members; the Board opted to add to the agenda approval of committee members by acclamation. No candidates for the Board were present to ask questions, so no 15-minute question time, which had been left off of the agenda, will not be necessary.

Alex Belida moved to approve the agenda as revised to included approval of committee members; seconded by Alex Manolatos, carried unanimously.

B. Board Meeting Minutes, 01-04-2018: Kathleen Moran moved to approve; seconded by Ellen Stein; carried unanimously with David Schwartzman abstaining.

Appeals

160 NME: Appeal of cost of replacing a front door. History: The ACC granted approval based on a small picture of the door, but once installed, the ACC realized the door was not conforming and asked the owner to replace the door. Shireen Ambush feels the Board made a mistake in approving the door and recommends the Board offer financial compensation toward bringing door into compliance. Allowing it to remain makes it a precedent for allowing similar-styled doors.

Discussion: The ACC had informed the owner that a multi-paneled door would not be accepted; a multi-paneled door was then submitted to the ACC and was declined. Later the small picture was submitted, and appeared to be a flush door but was in fact multi-paneled. The ACC regulations explicitly prohibit multi-paneled doors. There are several (approximately three dozen) doors not in compliance in the community.

Board consensus: No compensation should be awarded. Due to the fact that the applicant had been told that multi-paneled doors were not acceptable, the appeal will not be granted.

Kathleen Moran moved that the Board overrule the ACC approval for the door and direct management to inform the owner that the door is in violation and ACC approval has been overruled; seconded by Alex Manolatos; carried unanimously.

Committee Reports

- A. **Architectural Control Committee (ACC)** - Alex Belida: The ACC has not met since the last Board meeting; next meeting will be Monday, February 5, 7:15 p.m., at 6 Rayburn Court. The ACC will consider applications and review several guidelines. The ACC revised the list of approved doors to remove a duplicate and some that were not acceptable (not affecting any current appeals or applications). Those revisions are posted online in current ACC guidelines.
- B. **Communications Committee (CC)** – David Schwartzman:
 - a. The printed February newsletter will be delivered to homes the weekend of February 10.
 - b. The next CC meeting will be Wednesday, February 7, 7:30 p.m. at the Clubhouse. The CC requests Board approval of current CC membership at this meeting.
 - c. The Board approved membership of David Schwartzman (Chair), Pat Reber, Bill Holdsworth, Lori Newman and Joe Jordan, but not non-resident employee Kirsten Hall.
 - d. Information about Abaris is now on the website and has been publicized through a Community News item on the website, a broadcast email, and will be included in the upcoming paper issue of the newsletter.
 - e. The CC reminds residents that the Nextdoor social network is not an official platform for communicating with the Board or management.
 - f. Abaris contact information has been shared on the website, in the newsletter, and will be included at the bottom of broadcast emails. Residents are encouraged to use the website and sign up for broadcast emails to get community information.

- C. **Community Enhancement Committee (CEC)** – Magnus Turesson: Absent, no report.
- D. **Landscape Committee (LC)** – Ellen Stein:
 - a. S&P Tree Care removed two diseased trees at 816/824 area.
 - b. For the area near the 800 block retaining wall, NMC is responsible for carefully removing any valued plants before the wall is replaced. The LC hopes to preserve iris bulbs and other plants; funds from the Board may be needed for professional removal if the ground is frozen. After walls are built, the LC will choose plants to beautify the top of the hill and will involve the help of a landscape designer and any 800 block residents interested in participating.
 - c. The LC thanks Shireen for arranging contact with landscapers who can help with areas needing to be addressed.
 - d. The next LC meeting is Tuesday, February 6, 7:30 p.m., at 7 Cumbernauld Ct. All interested residents are welcome. Today four members had a productive meeting with one of the companies recommended by Shireen and walked through seven troubled spots in the community. One is the area near 324-326 NME. Ellen requests that all Board members visit that area.
- E. **Pool Committee** - Kathleen Moran: The PC met on January 16 and reviewed the survey of pool use and is considering an early bird swim and food trucks. The PC sent a list of concerns to Abaris management regarding pool management issues. The core concern was how to work without an onsite manager. Shireen wrote a full response right away. Nick Hegedus had asked PC about contact for pool rules signage; that is still being worked out by the PC. Jim Denny and Kirsten Hall will document the procedure for procuring nonresident memberships.
- F. **Social/50th Anniversary** - Alex Manolatos: The International Dinner is scheduled for March 10. Attendance is limited to 72 residents. RSVP by February 24.

Treasurer's Report

David Schwartzman: New Mark has a new checking account now that Abaris pays the bills. At the end of December, NMC had over \$53,000 in checking. Two reserve funds hold approximately \$334,000 and \$246,000. Funds total \$655,257. Dues payments are coming in. The Abaris accountant said NMC has budgeted well and is running its books properly.

Administrator's Report

Shireen Ambush presented the report from Abaris (see references at end of this meeting's agenda).

- A. **Status of Projects and Proposals:** Defer until after Old Business.

Old Business

A. **Parking Task Force and Towing; Henry Wrecker Proposal** – David Schwartzman:

The Parking Task Force met January 29 with residents from the 100, 200-300, 500, 800 blocks, and a detached homeowner. Input had been requested in recent newsletters. The task force received emails and solicited input and opinions from others. All input received was presented to the task force. The task force's recommendations are as follows:

- a. **Towing:** NMC should have a towing contract and only Abaris should call for a tow. Attempts should be made to solve parking disputes before towing, unless vehicle is parked in fire lane or there are other emergency circumstances.
- b. **Vehicles parked in reserved spaces:** Both the effected resident and NMC should give a warning notice before towing.
- c. **Multiple vehicles in a household:** The task force felt that NMC shouldn't institute rules about where to park; rather should encourage owners to be considerate about where to park "extra" cars and guest cars.
- d. **Large vehicles:** To be discussed in detail later by the Board.
- e. **Clubhouse parking lot:** Charging a fee to park is not recommended; registration of allowable vehicles is preferred, along with repainting of parking spaces to maximize the space.
- f. **Painting of parking spaces:** Townhouse curbs and "reserved" notations should be repainted now to make them attractive and clear, even though they will have to be repainted later when parking lots are redone.
- g. **Registration of parking for townhouse owners:** The task force suggests numbered stickers for owner vehicles and registration of all townhouse resident vehicles. The stickers would not be a permit to park. They would indicate who owns the vehicle so the owner can be contacted in an emergency.
- h. **Storage of vehicles:** Operational vehicles that are not being driven outside of the community on a regular basis shouldn't be stored in the parking lots. Some exceptions will be allowed for military service persons, college students, etc., but management must be informed and provided with the name of a contact person who has authority to move the vehicle in case it the need arises.
- i. **Inoperable vehicles:** Update parking regulations to clarify inoperable vehicle based on but not limited to Maryland SERO rules. Manage parking lots by educating residents about parking rules rather than towing. Reserve towing for egregious violations.
- j. **Henry's Wrecker Towing Proposal:** This is a no-cost contract; the vehicle owner pays for the tow. The contract permits NMC to tow legally.

Alex Belida moved that NMC enter into contract with Henry Wrecker; seconded by David Schwartzman; carried unanimously.

- k. **Signage:** Maryland requires specific text on towing notice signage, and that signs be two by three feet in size. NMC would require eighteen signs total, and signs must be placed at the entrance to every lot. New signs can replace current signs in many lots.

Signs will not be placed in front of any residents' homes. The task force has a list of locations where signs will be posted. Cost is approximately \$30 per brown and white sign, which will include references to NMC parking regulations and causes for towing.

B. Status of Projects and Proposals - Shireen Ambush:

- a. **315 NME Rear Fence enforcement, discussion:** A post from the gate remains but fencing was removed as requested. The Board feels no enforcement is needed and directs management to follow up regarding removal of posts that had been used to support the gate.
- b. **Erosion/drainage assessment from CSG:** CSG produced a report to the Board with findings. Abaris will recommend corrections appropriate to different areas. A topography survey is needed to create a good drainage plan. The City of Rockville topographical surveys were unavailable, or old and inaccurate. CSG recommends a 25-acre aerial survey of areas important for storm water management. Survey involves use of instruments in a small plane to develop a map of the area, to be used for development of cost estimates for drainage improvements and design. Survey cost is \$10,000. (A ground survey would be more accurate but more laborious, costing \$30,000, and that level of detail is not needed.) Some supplemental surveying may be needed after completing the aerial survey. The survey is best done when there are no leaves on trees.

David Schwartzman moved to approve the CSG proposal not to exceed \$10,000 and requesting that Shireen attempt to negotiate a lower price; seconded by Alex Belida; carried unanimously.

- c. **Retaining wall materials discussion and vote for 800 block and other areas:** Masonry samples were shown to the community, who favored the earthy colors and textures. At this meeting, after review of concerns expressed and discussion, and showing another photograph of how the finished block would look in a landscaped environment (which was met with approval by some of the residents who had previously opposed the blocks), the Board chose concrete block for its durability, longevity, resistance to tree roots, weathering, and ability to be made more aesthetic with landscaping. The Board chose a color and style from a graphic and Shireen will identify the matching material and color with Palmer and Belgard. It was noted that residents preferred the different-sized blocks, rough surface, and earthy color (Bella Blend and Brittany Blend in the samples). Board approval is subject to a final sample review of the masonry block in the pattern and color shown in the graphic.
- d. **New meeting format review:** Board will continue with current format and allow dialog between residents and Board.

Break, 9:30 p.m. to 9:36 p.m.

Remaining residents: Joe Jordan, Rita Molyneaux, Jason Olaski, Ruth O'Sullivan, Pat Reber, Judy Rudolph.

New Business

- A. **100 Block Retaining wall/CSG proposal:** Alex Belida moved up to allow expense of up to \$2500 for a survey of the deteriorating retaining wall; seconded by David Schwartzman; carried unanimously.
- B. **Continental Pool, American Pools, and Pool Personnel proposals:** Pool committee members (Jim Denny, Joe Jordan, Peggy Metzger, and Kathleen Moran) will interview these bidding contracts ASAP. The contracts are similar in cost but differ with personnel provided and cleaning supplies.
- C. **Assorted pavement/concrete proposals:** Bids received by CSG, AB Viers, American Pang Fabrics, and Finley Asphalt have great variety in recommendations. Shireen recommends hiring an engineer to review the property, judge the proposals, and recommend methods for this year's projects. Shireen will collect a proposal from an engineer.
- D. **Stolburg proposal to fix common area landscape damage between 142 & 144 NME** caused by vehicle owned by NMC resident and assess cost to vehicle owner: Board deferred discussion.
- E. **Palmer Brother LED fixture approval:** Alex Belida moved to choose the flat-bottomed LED fixture; seconded by Alex Manolatos; carried unanimously. Board appoints Alex Belida, Kathleen Moran, and Alex Manolatos to recommend pool house paint colors to the Board.
- F. **CGS pre-design report from CSG for 876 retaining wall:** The wall is not documented anywhere; it is threatening to fail and is not built to industry standard. Shireen recommends budgeting \$100,000 to replace the wall, and having routine inspections every six months to look for rapid issues with leaning and other deterioration. The Board agrees with these recommendations.
- G. **Landscape committee requests - master plan, landscape enhancements at seven locations:** These issues are covered in the LC report. Rather than creating a master plan, LC will develop a plan that sets priorities and broader goals instead of details for specific locations. Funds are needed to dig up bulbs and other plants to salvage from frozen ground before retaining wall work is done. The Board supports these efforts and expenses.
- H. **Discussion of signs around neighborhood - personal/business/political:** Only two individuals have remarked on the signs to the Board. Board does not consider this issue one that needs to be addressed. Maryland state homeowner laws override HOA covenants and do not permit banning political signs. The NMC covenants may specify timing restrictions, which the Board may visit in the future.
- I. **Discussion of noise complaint from landscape work and snow blowers.** No discussion needed. Noise ordinances are often violated to make roads clear.
- J. **800 block RV and general RV parking ideas (not addressed in Parking Task Force Report):** The conversion van parked in the 800 block lot doesn't violate NMC covenants and does not present a valid safety concern; the Board recommends that neighbors ask the owner to move the vehicle to a non-end parking spot so it doesn't block visibility.
- K. **2017 Community Enhancement responses:** Abaris will send responses to Magnus Turesson.

- L. **Piggy-backing of homeowner concrete and other projects:** Shireen noted that this is complicated; contractors don't want to request or receive homeowner payments directly. The Board will have to select a contractor, determine needs from residents, get a bid from the contractor, and inform residents of the rates. This puts NMC in the middle to collect money and make sure the homeowner is satisfied. NMC would need a plan to secure payment if an amount is agreed upon, and Abaris would hold the payments until the job is done to the owners' satisfaction. This can fall apart when someone is unhappy with the work done. The Board wishes to attempt the piggy-back projects and directs Abaris to notify those on the piggy-back list that a fresh notice will be released later when a contractor is chosen.
- M. **Predetermined New Business:** None; see items referenced in Administrator's report, and at end of agenda.
- N. **No Items added during meeting.**

Community Forum 2

Joe Jordan: Snow removal by Stolburg should not have been done with leaf blowers, or at all, as townhouse owners are supposed to clear their own sidewalks. Work appeared to be done randomly.

Board Response: John Daroff noted that the snow map might be confusing to residents and can make the job look half done. He will discuss Stolburg's work with Shireen.

Judy Rudolph, deferred from Community Forum 1: No issues to discuss.

Adjournment

Ellen Stein moved to adjourn; seconded by David Schwartzman; carried unanimously.
Meeting adjourned at 10:36 p.m.