

NEW MARK COMMONS HOMES ASSOCIATION

BOARD OF DIRECTORS MEETING

Thursday, April 5, 2018

New Mark Commons Clubhouse, 7:30 p.m.

Attendees

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

Abaris Community Management: Shireen Ambush, Henry Leung.

15 NMC Residents

1. Call to Order

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

2. Community Forum 1 and Board Response

Lori Newman: Stated that she is incensed about Next Door being used to incite hate, misleading information and vile commentary on our volunteer Board members. People are using Next Door to promote agendas. The parking sign issue should have been addressed at a Board meeting, not in a public social media forum that may discourage potential purchasers from living in this community. Previous Boards neglected maintenance which has left us with severe problems that affect the value of our homes.

Joe Jordan: Stated that he is responsible for putting the post on Next Door only to residents of New Mark in an effort to gauge opinions of neighbors. As a past President, he accomplished several major projects under his tenure. He does not believe there is a parking problem. Other Abaris managed communities do not have so many parking signs. He now realizes that the number of signs are required in order to have the ability to immediately tow vehicles that are in violation. In his opinion, there are too many signs and immediate towing enforcement is not needed.

Jon Bernheimer: As a resident in the 200 block of New Mark Esplanade, he knows of at least 3 vehicles that have been parked without moving, displaying expired tags, inoperable (flat tires, broken parts) for 2-3 years taking up valuable parking spaces that could have been used by other residents. Contractors often park in the fire lanes. Signs are needed in order to have the ability to enforce towing of vehicles in violation.

John Daroff: The quantity and placement of the towing signs has been done in accordance with County and State law requirements in order to properly and legally enforce towing.

Betsy Berkhart, Karen Walters and Chris Durso: All three homeowners received violation letters at the direction of the ACC for violations pertaining to fencing. This matter will be addressed as part of the regular agenda.

Patricia Dofour: Stated that she has a fence in need of replacement and has received some estimates. The fence is falling into the neighbor's yard. She inquired about the procedure to replace the broken section and was advised to submit an ACC application describing the scope of work and materials involved with making the fence repair. The ACC will expedite its decision on the application in light of the circumstances.

Mincy Neal: The new parking signs are concerning since she did not think there was a parking problem to warrant so many signs. These signs are highly visible when entering the community.

Jim Denny: Stated that his court has 24 parking spaces and 2 signs. The ability for immediate towing enforcement should not drive the aesthetics of the neighborhood. Please consider reducing the quantity of signs to what previously existed.

Marilyn Johnson: Inquired why 1 sign at each court is not sufficient and stated that there is no parking problem in her court. Immediate towing enforcement ability is not needed. There are other options such as ticketing vehicles in violation.

Pat Reber: Stated that she is a reporter covering this Board for the past 2 years. The parking issues have come up repeatedly and the Board had no ability to do anything about the violations. Next Door was not an appropriate forum for this discussion. There is a homeowner forum at every Board meeting and the parking issue has been published for quite a while.

She summarized an email from resident Sima Osdoby, a professional mediator, who offered to mediate between the disgruntled parking sign critics and the rest of the community.

Judy Rudolph: The current parking rules have been in place since 2012 and support one single sign at each entrance. Some of the previous parking problems have been enforcement reluctance on the part of past Boards. She recently drove through the Starbucks shopping center and noticed only 1 sign at the entrance of the parking lot. There has been a philosophical change about communications in the past year. Next Door is completely separate from New Mark Commons and we don't have interaction during homeowner's forum and there have been no recent submissions for the Resident's Corner of the newsletter. We need to be more proactive with communications.

Alex Belida: Stated that he has been a New Mark resident since 1985. The volume of un-neighborly and offensive criticism has escalated because of a few disgruntled owners who look for anything to complain about. The community has been self-managed for 50 years. The debate over parking signs has diverted the Board and management's time and attention away from the 1.5 million dollars in major capital improvement projects we have to address. We must be better neighbors and try to be more civil with one another. There are very few residents feel personally wronged about every decision of the Board. All issues have been discussed for months. Critics won't bother to run for election. The Board must serve the entire community as a whole. The vast majority of Board members feel underappreciated and he does not want to be responsible for the death of New Mark Commons.

Joe Jordan: His Next Door post was a way to collect neighbor opinions in a civil way. He served on the Board for 8 years and had many accomplishments during that time. He recently resigned from the Communications Committee because he couldn't communicate with the Chairperson.

A resident commented that the new retaining wall in the 800 block of New Mark Esplanade looks fantastic!

John Daroff: Read an email from Raj & Madeline Gupta who could not be present at the meeting. They understand why parking signs are needed and they also understand why neighbors are upset about the signs. They have read all of the comments posted on Next Door. They have lived in New Mark Commons for the past 45 years. The new parking signs were installed after hiring a professional management company who advised on the law requirements for towing enforcement. The Board has serious issues to address and the demands on the Board are unreasonable. Our new management company may not want to continue managing the community and we should not allow so few residents to define New Mark Commons this way. The advent of social media provides a forum for residents to vent. Those who care should help to protect the community. Not many residents want to volunteer. If we frustrate our volunteers, what awaits our future? What if the management company walks away? They encourage residents to participate and understand that Board members are our neighbors. The negativity needs to be dialed back and we need to engage in constructive feedback with the Board.

John Daroff: Stated that he has read all of the emails on Next Door and those sent to Abaris. The parking signs are necessary per County and State law. He is sympathetic to the views about signs but the signs are necessary for enforcement. If a friendly resolution cannot be obtained, we must be able to tow. We have 384 homes in the community and all residents won't agree on all decisions but we need to respect each other. Board members feel bullied. Abaris has put the Board on notice of a serious increase in their management fee due to the volume of administration and correspondence it is taking to manage the community. He is hereby instructing management to stop communicating with residents on policy issue but focus on Board directives. The Board is composed of volunteers and we have tried to accommodate our fiercest critics. We can no longer do this due to nearly 2 million dollars in priority projects that must be done.

David Schwartzman: Stated that there are two options for towing enforcement. The first option is to have one sign at each entrance and if towing enforcement is needed, the law requires that a notice be posted on the vehicle and a minimum of 48 hours must be given before towing can take place. The second option is to have the signs where they currently exist in order to have the ability for immediate towing enforcement. This is especially important for enforcement of reserved parking spaces in the event that a resident cannot wait 48 hours to have an unauthorized vehicle towed from their reserved parking space.

Kathleen Moran: Thanked everyone for their comments and announced the tally she kept of those residents in favor of the parking signs and those that are not. The tally is 19 residents who are not in favor of the signs and 17 residents who are in favor of the signs. This is nearly a 50/50 split but we must keep in mind that in total, this represents only 10% of the townhouse owners.

John Daroff: Asked for a motion on the parking signs in light of all comments the Board has received. There being no motion, no Board action was taken and therefore, the parking signs will remain where they have been installed.

3. Agenda and Prior Meeting Minutes

A. **Board Meeting Agenda, 4-5-18:** Alex Belida moved to approve; seconded by Magnus Turesson; carried unanimously.

B. **Board Meeting Minutes, 3-1-18:** Magnus Turesson moved to approve; seconded by Alex Manolatos; carried with Magnus Turesson and Kathleen Moran abstaining.

C. **Board Organizational Meeting Minutes, 3-18-18:** Ellen Stein moved to approve; seconded by Alex Belida; carried with Magnus Turesson abstaining.

4. Appeals

A. **160 NME appeal of ACC decision regarding front door.** Alex Belida: The Board discussed this case at the February meeting and decided to deny the appeal and deem the multi-panel door a violation. The Homeowner received notification of the Board's denial and submitted additional correspondence requesting the Board to reconsider. Alex Manolatos moved to uphold the Board's previous ruling; seconded by Alex Belida; carried unanimously.

B. **120 NME appeal of ACC decision regarding archway.** Alex Belida: The Homeowner installed an archway in front of the home without ACC approval which is not in conformance with the guidelines. The ACC felt no need to meet with the owner and voted to deny the after-the-fact ACC application that the Homeowner submitted. The owner responded and is appealing to the Board. Kathleen Moran moved to deny the appeal and notify the Homeowner to remove the unauthorized archway within 60 days; seconded by Magnus Turesson; carried unanimously.

C. **1 Tapiola appeal of ACC decision regarding front door.** The Homeowner, Miriam Worthing was in attendance. Alex Belida: The front door was installed in 2007 and rejected by the ACC. The homeowner produced an email from the previous Administrator, Jim Denny. The Homeowner produced an email from Mr. Denny stating that he did not recall the Board ever denying a resident their request for a new door after an ACC denial. So the Homeowner proceeded to install the door. In reality, the Board never ruled on it.

Discussion. John Hansman: ACC recommends deeming the door to be a violation on the lot but allowing it to remain until the home sells. The previous Administrator granted approval that he did not have the authority to grant without Board approval but that does not change the fact that the door is not in compliance with the guidelines. We are handling this in the same manner as other non-conforming doors that have been installed without approval.

Alex Belida moved to deny the appeal; seconded by Kathleen Moran; carried unanimously.

D. **1 Lakeside, 1 Farsta and 21 Farsta appeal of ACC decision regarding fences.** Alex Belida: All three cases involve split rail fences that have portions that extend past the front of the home. The Covenants specifically state "Fences... and shall not extend beyond the front of any living unit". No fence is permitted within 30 feet of the street. There is no ACC approval on file for any of these lots.

Discussion. A general discussion with all 3 Homeowners in attendance was held to answer questions and provide clarification as to the interpretation of the Covenants. At least one of the fences is deteriorated and in need of replacement at this time. Some of the fencing has been in place for over 20 years and was installed to deter foot traffic. Homeowners felt that the violation letter was too threatening and did not allow sufficient time for compliance. Members of the Board expressed that the Board is willing to work with Homeowners and grant reasonable extensions upon request. The three Homeowners were encouraged to contact the ACC with or without applications if they needed any further clarification or an in-person visit as to what each must do in order to bring their fencing into compliance.

John Daroff moved to provide all three Homeowners 60 days from this date to bring their fencing into compliance; seconded by Alex Belida; carried unanimously.

Abaris Realty will request the ACC to review and approve all future violation letters before they are sent out.

5. Committee Reports

A. **Architectural Control Committee (ACC)** - Alex Belida: The ACC met last week and discussed enforcement notices sent by Abaris. John Hansman and Mimi Li are working together to track ACC violations and compliance deadlines. In light of the recent Board decision to merge the Community Enhancement Committee with the ACC, we invite Magnus Turesson to the next ACC meeting to discuss the annual inspection previously conducted by the Community Enhancement Committee. We will need more volunteers to conduct the next inspection.

B. **Communications Committee (CC)** – David Schwartzman: The next meeting of the CC will be held on April 11, 2018. The electronic newsletter is going out on April 22, 2018. Kirstin Hall is working with A to Z on the directory. The CC feels that the number and frequency of email blasts is appropriate and the CC has received feedback from residents that the frequency of email blasts in the past seemed excessive. The website has been recently updated to have a link to the entire community news page.

C. **Landscape Committee (LC)** – Ellen Stein:

A. The LC met on Tuesday evening and Wednesday morning this week to go through the bids obtained by Abaris from landscape contractors for enhancement of the 7 areas identified by the LC and decided to work with Facility Service Company. This contractor demonstrated their ability to follow the LC's desires and directives when designing the enhancements for the 7 areas which the LC was very impressed with. The LC will work with Facility Service Company to have them prepare a revised proposal for the areas that need to be done now which will be presented for the Board's consideration at the next meeting.

B. A proposal has been obtained from S&P Tree to grind the stumps and cut the honeysuckle near the clubhouse so that something nice can be planted in that highly visible location.

C. The LC is putting the grant applications on hold for now.

D. **Pool Committee** - Kathleen Moran: The PC has revised the 2018 Pool Rules to be distributed to all homeowners in the 2018 Pool Registration Packet prepared by Abaris. The PC also created rules for a sign as requested by the Board.

E. **Social/50th Anniversary** - None

6. Treasurer's Report

David Schwartzman: Total cash balance as of March 31, 2018 is as follows:

- Operating Account (NCB) \$133,862.32
 - Bank of America \$9,495.78
- Reserve Accounts
 - Congressional Bank \$344,404.13

- Revere Bank \$246,862.80
- Capital Bank \$21,450.00
- TOTAL CASH \$756,075.03

7. Administrator's Report

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

A. **860 NME Unauthorized Sign:** The Homeowner as erected a sign at the front yard that says "Keep off the Grass". The Board agreed that such signs are not permitted per the existing Covenants. Alex Belida moved that no violation letter be sent but rather that the Communications Committee be asked to put an article in the next newsletter reminding all residents of the Covenant provisions regarding signs; seconded by Magnus Turesson; carried unanimously. Magnus Turesson volunteered to make personal contact with this Homeowner.

B. **City of Rockville Complaint:** Abaris was recently contacted by the City of Rockville regarding a complaint filed by Judy Rudolph pertaining to common area sidewalks in the 800 block of NME that are deteriorated and in need of repair. The Board agreed that a response should be sent to the City advising that the Board is aware of the concrete repairs needed throughout the common areas and bids are being sought and evaluated to address this issue. Given that the community needs to perform roughly 2 million dollars in capital improvement projects, the concrete repairs will be done on a priority basis as funds permit.

C. **S&P Tree Care Proposals:** The Board reviewed proposals from S&P Tree dated March 28, 2018 and April 3, 2018 for hazardous, dead tree conditions that warrant immediate action for safety reasons. Kathleen Moran moved to accept both proposals; Ellen Stein seconded; carried with Alex Belida abstaining.

D. **CSG Engineering Evaluation of Asphalt & Concrete Bids & Drainage and Erosion Corrections:** CSG has rendered their written report and recommendations after evaluating all bids that were obtained by management for asphalt repairs and repaving and concrete curb and sidewalk repairs/replacement. Shireen Ambush advised that the parking lot work goes hand-in-hand with the drainage and erosion corrections. The report from CSG on drainage and erosion issues has just been received this week now that the results of the aerial topographical survey have been received. Management recommends that the Board invite the engineers from CSG to the next meeting to discuss the various reports they have prepared so that we can come up with a comprehensive plan on how to tackle these major projects. The entire membership must be invited and encouraged to attend this meeting.

E. **Landscape Plans:** Abaris is in the process of gathering bids for this coming winter's snow removal services and the 2019 grounds maintenance contract services which will hopefully be available for the May Board meeting.

F. **Clubhouse Foyer Repainting:** A request was made from the Board that Abaris obtain an estimate to repaint the clubhouse foyer and steps and to upgrade the lighting similar to what was done in the lower level.

8. Old Business

A. **New Parking Regulations:** David Schwartzman: Defining the term “junk vehicle” puts us at risk. Vehicles that are an “eyesore” should be considered junk. The parking regulations need to be revised to address vehicles that pose an “eyesore” and to specify what the term “inoperable” means. The issue is tabled until further revisions can be made and presented to the Board for consideration.

B. **Commercial loan:** John Daroff: The Board has reviewed the bank term sheets for a 1 million dollar commercial loan obtained by Abaris. From an accounting perspective, 2 million dollars in capital improvement projects cannot be accomplished without a massive dues increase. A special meeting will be needed to evaluate all options for financing these major projects. The commercial loan is tabled at this time.

9. New Business

A. **Clubhouse parking lot:** The request from a resident to park their van in the clubhouse for as long as they live in New Mark or sell the van was reviewed. In accordance with the existing regulations, the Board authorized permission for a 1 year period which the Homeowner can renew annually.

B. **Damage to Asphalt Path behind 15 Watchwater:** The Board agreed to repair the damage to the asphalt trail in conjunction with the asphalt repaving project.

C. **ACC Guidelines Revised:** Alex Belida: The ACC has created revised guidelines for a number of items which also clarify certain issues. John Daroff moved to adopt the revised ACC guidelines subject to legal counsel’s opinion on whether the guidelines are required to be mailed to all homeowners in proposed form first; seconded by David Schwartzman; carried unanimously.

D. **Pool Rules and 2018 Pool Registration Packet:** The Board reviewed the revised 2018 Pool Rules submitted by the Pool Committee and the 2018 Pool Registration Packet prepared by Abaris. Ellen Stein moved to adopt all documents and mail them out to all Homeowners; seconded by Alex Belida; carried unanimously. Alex Belida moved that non-resident children under 12 can enter free if accompanied by a grandparent Homeowner; seconded by Magnus Turesson; The motion failed with 3 opposing votes, 1 abstaining vote and 2 votes in favor.

10. Community Forum 2

A. **Judy Rudolph:** Asked if the pool parking lot can be discussed per her recent email. She is considering selling her home and the vehicles in the lot are posing an eyesore. There is a bobcat and trailer that belongs to the landscape contractor and some vehicles and boats have expired tags or have been stored longer than the maximum allowable time. Management will work with Jim Denny to review the inventory list he had been keeping to identify those vehicles that are unregistered.

B. **Joe Jordan:** Expressed his disappointment about some comments made earlier in the meeting. He felt there was not enough communication from the Board to the community regarding immediate towing enforcement versus the 48 hour notice towing

enforcement. Any notification regarding an increase in assessments or a special assessment should be sent to every Homeowner by mail in addition to posting on doors and he is happy to offer his assistance.

11. Board Member Resignation

A. David Schwartzman: Has been a resident of New Mark Commons for 20 years and has volunteered and taken on too many tasks recently. Some residents have expressed their thanks and gratitude and understand that the Board is ultimately responsible for making decisions. Board members are still residents who have a right to voice their opinions. Past Boards failed to fund reserves properly. The transition to Abaris has made the Board realize the magnitude of the physical plant issues NMC faces today. A few residents insist on micro-managing the Board step by step and their constant demands for immediate response is a waste of the Board's time and is adversely impacting his health. For this reason, he is resigning effective immediately from the Board. He will continue to serve on the Communications Committee but not as Chairman.

12. Adjournment

Alex Belida moved to adjourn; seconded by Ellen Stein; carried unanimously. Meeting adjourned at 11:43 p.m.