

# **NEW MARK COMMONS HOMES ASSOCIATION**

## **BOARD OF DIRECTORS MEETING**

**Wednesday, June 6, 2018**

**New Mark Commons Clubhouse, 7:00 p.m.**

---

**FINAL submitted by Shireen Ambush June 24, 2018; APPROVED JULY 17, 2018**

---

### **Attendees**

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

**Abaris Community Management:** Shireen Ambush, Henry Leung.

### **8 NMC Residents**

#### **1. Call to Order**

John Daroff called the meeting to order at 7:04 p.m.

#### **2. Community Forum 1 and Board Response**

Judy Rudolph- Stated that she sent an email to the Board in May regarding the deteriorated sidewalks in the 800 block of New Mark Esplanade. She has not had a response to the email. She also inquired about the Board's decision to not fill the vacant position. She asked what the plan is for the management contract with Abaris that is expiring in September and suggested that an RFP be prepared with more complete details based on our first year's experiences. She asked the Board to respond to her May 23<sup>rd</sup> request to unbundle the sidewalk work from the erosion and drainage project and suggested that the Board prioritize safety issues to make sure we have proper funding for them.

Joe Jordan- Stated that he hopes the Board and Abaris are not only taking care of the issues that owners keep complaining about and advised that a complete overhaul of townhouse parking lots and concrete curbs and sidewalks needs to be done. The proposal from AB Veirs has been on the table for over a year and he inquired as to why has it not been executed given that there is money in the reserves to fund the project. He also inquired why the community spent \$32,000 on snow removal so far this year which exceeded the budget of \$25,000 and it didn't snow that much this year. There is \$1200 in the entertainment budget which could easily afford about \$300 for the swim team/adult pool party this summer. The event last year cost less than \$300. He inquired about the status of the Line of Credit which may be better than a commercial loan. He stated that he is the only resident that sent the Board a letter volunteering to fill the vacant position and is disappointed that his offer was not recognized at the last meeting. He inquired as to why the Board decided not to fill the vacancy. He has spoken with a couple of Board members about his interest in being on the Board. He thanked Shireen for her letter that was published in the last newsletter based on what happened at the Town Hall meeting.

Margaret Chao- Thanked the Board members for serving and stated that she is a former Board member herself. After the Town Hall meeting, residents don't know what to expect. She suggested that the Board form a Committee of residents and Board members to review the various proposals to see what is best for the community. We need to investigate alternatives to flow wells which may not work because of our soil conditions. She has sent emails to the Board in response to newsletter articles accusing prior Boards of not funding the reserves properly. She has an issue with that since she had been on the Board for 10 years and during that time she was always under the impression that the reserve fund was based on a formula. During her tenure on the Board, there were many accomplishments and upgrades at the community clubhouse, lighting, tennis courts, sidewalks, basketball courts, pool and landscaping. There was never any study performed on drainage or erosion and she feels that it is wrong to say that the prior Boards did not fund the reserve fund properly.

Lori Newman- Thanked the Board for the Town Hall meeting and thought it was really informative. She stated that she was embarrassed by the tone of the meeting and that is how the community represents itself in front of an outside company. She agreed that the erosion issues have been in existence for a long time. She has emails dating back to 2010 and would like to know the status of a committee being formed to address these issues. There are many knowledgeable residents that can join the committee to volunteer their expertise and skills and a few of them attended the Town Hall meeting. She needs to know if the drainage issues will ever be resolved and her home has already sustained structural damage. She would like to see a plan put into action.

Roger \_\_\_\_\_ Inquired as to why the Board made a decision to not fill the vacant position. In his opinion, the Board has a responsibility to check with the community to see if they want to fill the spot as opposed to this being a Board decision. The Board should take the responsibility and fix the erosion problems which are impacting the homes of our residents. He is opposed to the 3 minute limit for homeowner comments at the meeting. This is a community and people are entitled to say what they have to say even if it takes more time. He felt that the Town Hall meeting was a disaster because the Board didn't send out all the information. He also takes exception to a threatening letter that was sent to Betsy because of comments she made at that meeting. This is a community forum where residents should be able to say what's on their minds.

Betsy Berkhart - Agreed with other comments made by residents so far. Regarding the vacant position, given the amount of issues, the Board/community is facing, every Board position needs to be filled. An advisory committee needs to be created. There were lots of expertise and opinions at the Town Hall meeting and serving on the committee should be open to everyone and not hand-picked. Several things need to be defined such as what is an owner's responsibility versus what is the community's responsibility? She stated that Board meeting dates should not fluctuate and the meetings need to be held on a set schedule on the same date and time every month. She received a letter stating that she may be sued for expressing her opinion. For the first time, she also got a letter about her fence needing to be shortened within 30 days. The maximum time limit for homeowner comments of 30 minutes is a problem. If people have things to say and it has to go over 30 minutes and over 3 minutes per person, it

should be permitted. There also needs to be some response from the Board to homeowner inquiries.

Mr. Gideon - Stated concerns about lack of lighting. He has been outside during late night hours and has noticed that some areas don't have lighting at all. He is also concerned about implementing solutions that will require ongoing maintenance which then have to be budgeted which can get expensive. He received a letter about an unauthorized shed that needs to be removed. He has all the paperwork from 10 years ago to prove that the shed he installed was approved.

Mira Frost - Stated that the erosion issues are very old and she has correspondence dating back to the 1990s with the former Administrator that proves this problem was known but no action has been taken to date.

3. John Daroff - The Board has received a lot of information at the Town Hall meeting. The intention of that meeting was to make the community aware of the issues. Certainly the community is aware now based on all the comments and feedback. Tonight, the Board will discuss how to proceed. It will be a balancing act weighing the differing opinions and concerns and prioritizing the various issues that affect different people at different times. That is why you elect a Board of Directors to make such decisions. The Board is happy to hear input from everyone. The reason for the 30 minute limitation on homeowner comments is because the Board has a lengthy agenda of business items to discuss. There have been Board meetings that have lasted 5 hours and we still cannot get it all done. The Board must either meet more frequently or take other measure to get the business done. We just can't hear from everyone and let everyone speak as long as they want to. All Board members are volunteers. Community forum is set up this way so residents can first state their concerns without interruption and then the Board will respond. Judy Rudolph's concerns will be discussed this evening. The Board meetings are held on a set schedule which is the first Thursday of every month; however, due to Board members' vacation and travel schedules during the months of June and July, the meeting dates had to be changed in order to achieve quorum. Regarding the Board vacancy, the Bylaws state that it is the Board's sole discretion as to whether or not to fill the vacancy and if the Board desires to do so, the Board will also decide the manner in which the vacancy will be filled. The Board made its decision regarding the vacancy at the last meeting. We don't intend to keep the position vacant for 2 years. The thought was to fill the vacancy at the next election, resulting in 3 positions being up for election.

Alex Belida - Stated that with regards to Mr. Gideon's shed, the Covenants state that sheds are not allowed to be free standing structures in the community. The rules may not have been enforced in the past. Last year, there was a perception that ACC regulations were not being enforced and there was an inspection which documented many violations. The ACC has been working through these violations and the Board has heard many appeals. Homeowners are entitled to appeal any decision of the ACC to the Board. Our ACC Chairman, John Hansman will contact Mr. Gideon directly.

#### 4. Agenda and Prior Meeting Minutes

- A. **Board Meeting Agenda, 6-6-18:** The Board voted unanimously to approve the agenda after several items were added.
- B. **Board Meeting Minutes, 5-3-18:** Alex Manolatos moved to approve; seconded by Magnus Turesson; carried unanimously.

#### 5. Committee Reports

- A. **Architectural Control Committee (ACC)** - Alex Manolatos reported that the ACC recently approved 12 requests without issue and 2 had approval with some clarifications/conditions.
- B. **Communications Committee (CC)** - Alex Belida defers to Pat Reber who gave a report which included an update on the AtoZ directory updating and the other logistical functions of the Committee which is still in transition from former Chairman, David Schwartzman.
- C. **Landscape Committee (LC)** - Ellen Stein:
- Ellen Stein requests \$4860 to have the newly installed plants watered during the spring and summer. Think of this as our warranty for plant replacement which is calculated as follows: \$45 per hour with a 2 hour minimum therefore \$90 per day. The first 2 weeks the plants need to be watered 3 times a week= \$540. The rest of the summer into the 3 week of September is 12 weeks times twice a week is 24 times @ \$180 = \$4320. Total=\$540 +4320=\$4860. After discussion, Alex Belida moved to approve the watering costs as needed not to exceed \$4860. The motion was seconded by Magnus Turesson and carried unanimously.
  - A committee decision was made to set up guidelines for planting Memorial trees. Kathleen Moran volunteered to write a draft (as a starting point) for the committee to use to write the guidelines.
  - The Landscape Committee members want to enforce the Tree Policy - when a tree is cut down, a tree replacement is planted. (Removed trees should be replaced to sustain our community's urban forest. Native trees with a caliber of at least one inch or greater are recommended for replacement of removed trees.)
  - The evaluation process for a new Landscape Contractor and Snow Removal Contractor has begun.
- D. **Pool Committee** - Kathleen Moran:
- The PC will meet again in late June to assess the new pool Management Company and lifeguards.
  - The committee wants to have an adult pool party on August 4<sup>th</sup> with a rain date of August 11<sup>th</sup>. Last year's costs for the guard and miscellaneous expenses was a total of \$286. Ellen Stein moved to authorize up to \$300 for this year's adult pool party. The motion was seconded by Alex Manolatos and carried unanimously.

- The Board discussed the cost of Home Depot pre-fabricated trash enclosures to house the trash and recycle totes which are kept on the clubhouse driveway between collection days. Kathleen Moran made a motion to purchase 2 enclosures at a cost of \$305 per enclosure which should fit all of the totes so they will be screened from plain view. The motion was seconded by Alex Belida and carried unanimously.
- The Board discussed the 4<sup>th</sup> of July pool party. Alex Manolatos moved to fund the party at the same level as last year - \$3000. The motion was seconded by Alex Belida and carried unanimously. Alex Manolatos volunteered to be the organizer of the event.

E. **Social- None**

## 6. Treasurer's Report

Treasurer, Kathleen Moran reported on the total cash balance as of April 30, 2018 which is \$673,458.66 and provided a breakdown of the cash accounts. She requested that Abaris sends the monthly financial statement to all members of the Board.

## 7. Administrator's Report

Shireen Ambush presented the report from Abaris:

A. **334 New Mark Esplanade Cracked Concrete Retaining wall:** The Board reviewed correspondence from the owner who requested that the cracked wall be repaired as it is on common area. The Board requested management to obtain a proposal for the repair of the wall.

B. **518 New Mark Esplanade:** The Board reviewed correspondence from the owner regarding relocation of a towing sign and the brightness of the newly relocated street light. The Board agreed to defer to management to meet with the resident to see if the sign can be relocated within the general area so that it is still in compliance with the towing laws. The new light is brighter due to a different type of bulb and the Board agrees that the brighter bulb is better for safety.

C. **138 New Mark Esplanade:** The Board reviewed correspondence from the owner alerting of a low area on the common sidewalk that accumulates water. The Board agreed that this will be corrected in conjunction with the parking lot repaving and concrete curb and sidewalk repair project.

D. **300 and 800 block of New Mark Esplanade sidewalk complaints:** The Board reviewed correspondence from owners in these courts regarding deteriorated areas of common area concrete sidewalk in need of replacement, some of which pose tripping hazards. The Board discussed the sidewalk repair and repaving project and agreed that it is a priority. Since the Board is now on notice of the issues, we must prioritize and allocate funds to repair the worst areas first. The Board requested that management contact AB Viers to request a proposal for only the 800 block of New Mark Esplanade for repaving and sidewalk/curb repairs.

E. **Underground storm drain line jetting:** The Board discussed the idea of having the underground storm drain pipes jetted and cleaned. The last time this was done was approximately 18 years ago. Shireen Ambush advised that her conversations with drain experts and the engineers at CSG confirmed that due to the age and likely

deteriorated condition of these underground pipes, jetting is not recommended. Due to the high pressure of water that is used for jetting of these lines, it could cause more damage to the pipes which may already be compromised by tree roots and 50 + years of freeze-thaw cycles.

**F. CSG Proposal for Project Manuals for Drainage Areas 2, 3 and 4:** At the Board's request, Abaris obtained a proposal from CSG to write the project manual (detailed scope and specifications on which bidders can bid) for the drainage and erosion issues identified in Areas 2, 3 and 4. The Board discussed the need for CSG to provide "options" for the Board's consideration for each area. Shireen Ambush advised that when CSG was first retained to evaluate the drainage and erosion problems, they were asked to provide the most effective, long-term solution for each area that was identified. The options are very limited if we wish to save as many of our large trees as possible because their roots are being compromised and weakened by the erosion of the ground. Shireen strongly advised the Board members to have an on-site meeting with the engineers from CSG for a hands-on, first-hand look at each of these drainage and erosion areas so that the Board members can better understand why our options are very limited. The Board agreed to hold the on-site meeting with CSG engineers and asked management to arrange it for either Monday, June 11<sup>th</sup> or Wednesday, June 13<sup>th</sup> at 6:30 pm. Management will email the Board members the confirmed date/time as soon as it is confirmed with the engineers at CSG.

**G. July Board Meeting Date:** The Board discussed their individual travel schedules and agreed that the July meeting date must be changed from the regular 1<sup>st</sup> Thursday schedule in order to achieve quorum. The Board agreed to hold the next Board meeting on Monday, July 16<sup>th</sup> at 7:00 pm.

**H. Retaining Walls:** The Board requested the opinion of CSG Engineering on the suggestion of using soil nails to stabilize the existing failing retaining walls on the property and make them fully vertical. This suggestion was made by a homeowner in NMC who is a geotechnical engineer and licensed civil engineer. CSG's opinion on soil nails is that they are used for transportation projects and they would not be a suitable option due to the already deteriorated condition of the wooden walls that have timbers that are rotten. The Board agreed to discuss this in further detail with the CSG engineers when they have the on-site meeting next week.

**I. Clubhouse Foyer Painting Completed:** The Board voted unanimously to authorize the release of the payment to Palmer Brothers for the repainting of the clubhouse foyer which has been completed and looks great! The Board also discussed having some type of floor matting material installed in the foyer and lower level.

**J. Management Staffing:** The Board discussed the current level of staffing and management services provided by Abaris and also from Jim Denny and Kirsten Hall. John Daroff suggested having an on-site presence in the clubhouse with posted office hours on a part-time basis. This on-site manager would work with residents directly and allow Abaris personnel to deal with the priority issues and Board directives. This will also provide a single point of contact for residents and this individual will be responsible for triaging resident complaints and questions to the appropriate staff at Abaris. When the Board began the search for a professional property management company, there was a fair amount of uncertainty as to what level and types of services the community needed. The past 6 months have been an experimental period and we now have a much better idea and understanding of what the community needs are. The Board will have to discuss reallocating funds in next year's budget to accommodate this

on-site staff. Alex Belida commented that there must be a cultural change in New Mark Commons by transitioning to a professional management company and he hopes this on-site person will not become a “punching bag” for residents. John Daroff requested Shireen Ambush’s assistance in preparing a job description for the on-site staff and how they will interact with Abaris.

K. **Board Vacancy:** Alex Manolatos stated at the last meeting the Board decided not to fill the vacancy until the next Annual meeting. She is concerned that an owner has come forward to volunteer to fill the vacancy. The Bylaws give the Board discretion and in order to be fair we should consider sending a communication out to all owners to invite anyone who is interested in serving on the Board to come forward. She thanked Joe Jordan for his interest and willingness to volunteer. Alex Manolatos moved to fill the vacancy. The motion was seconded by Ellen Stein and failed with 2 Board members voting in favor and 4 Board members voting against the motion. The vacancy will be filled at the next Annual meeting.

L. **834 New Mark Esplanade:** The Board discussed the recent payment received for the delinquent dues associated with this property. Magnus Turesson volunteered to visit the courthouse to obtain the point of contact on the case number so we can hopefully contact that individual to discuss the exterior maintenance issues on the property.

## **8. Old Business**

- A. None

## **9. New Business**

- A. None

## **10. Community Forum 2**

- A. No time permitting

## **11. Adjournment**

Kathleen Moran made a motion to adjourn and go into executive session for purpose of discussing the latest update on the CCOC case. Alex Manolatos seconded and the motion carried unanimously. Meeting adjourned at 9:37 p.m.