

NEW MARK COMMONS HOMES ASSOCIATION

BOARD OF DIRECTORS MEETING

Tuesday, July 17, 2018

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

FINAL submitted by Shireen Ambush July 22, 2018 approved August 2, 2018

Attendees

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

Abaris Community Management: Shireen Ambush, Henry Leung.

5 NMC Residents

1. Call to Order

John Daroff called the meeting to order at 7:00 p.m.

2. Community Forum 1 and Board Response

Bernadette who lives at 150 New Mark Esplanade inquired about her neighbor's recent sewer back-up and whether the shared sewer pipe is the responsibility of the HOA. John Daroff commented that the Association's legal counsel has been engaged to provide a legal opinion on this matter which we hope to receive in the near future.

Lori Nicely – Owner of 5 Watchwater Court commented on 2 issues. The first is a request to reinstitute the Lake Committee which she volunteers to serve on. Her home has a direct view of the lake and she was a former member of the Board for several years and is interested in making the lake the “jewel” of New Mark Commons. She will submit a full presentation to the Board at the next meeting. The second is an inquiry on behalf of her neighbor at 142 New Mark Esplanade who could not be in attendance at tonight's meeting regarding an issue she reported to management regarding drainage. This item is listed on the agenda and will be discussed later on in the meeting.

Joe Jordan- Requested that the Board make every effort to manage the meeting time so as to allow enough time for homeowner comments at the end of the meeting before the 9:30 pm adjournment time.

Mira Frost – Inquired if the sidewalk and pavement repairs will be done in the 300 and 500 blocks of New Mark Esplanade as she has pointed out several deteriorated areas previously. An updated proposal from AB Veirs for all areas is on the agenda for discussion later on in the meeting.

Board Response – Ellen Stein reported on her conversations with Lori Nicely about reinstating the Lake Committee. Ellen requested that time be allotted on the agenda for the next meeting to allow Lori to make her presentation to the Board. Ellen suggested that the Lake Committee be a sub-Committee of the Landscape Committee and Ellen agreed to be the Board liaison to the Committees.

3. Agenda and Prior Meeting Minutes

- A. **Board Meeting Agenda, 7-17-18:** The Board voted unanimously to approve the agenda.
- B. **Board Meeting Minutes, 5-3-18:** A correction to the May Board meeting minutes was discovered after the minutes were approved. Ellen Stein moved to approve the corrected version. Alex Manolatos seconded the motion which carried unanimously.
- C. **Board Meeting Minutes 6-6-18:** Kathleen Moran moved to approve the minutes as written. The motion was seconded by Ellen Stein and carried unanimously.

4. Appeals

- A. The Board reviewed the ACC appeal from the owner of 9 Lakeside Overlook. Alex Manolatos reported on behalf of the ACC and distributed copies of the diagram the homeowner submitted with their original application that depicted a flat cap railing. The posts protrude higher and the owner is appealing to be allowed to leave the posts as they are. After careful consideration, Alex Belida moved to deny the appeal and require that the owner bring the railing into compliance within 60 days. The motion was seconded by Kathleen Moran and carried unanimously.

5. Committee Reports

- A. **Architectural Control Committee (ACC)** - Alex Manolatos reported that the ACC met on July 2nd and approved 8 applications. Three enforcement items were referred to Abaris to send letters to homeowners accordingly. The ACC reviewed correspondence from the owner of 13 Tapiola Court insisting that their shed had been previously approved by the ACC. A review of the ACC's records revealed a denial that was issued by the ACC for this shed 10 years ago. In light of the denial on the record, the Board agreed unanimously to require the unauthorized shed be removed within 60 days.
- B. **Communications Committee (CC)** – Pat Reber announced that the newsletter is going out this weekend and it will be a shorter version than usual. There will be no formal Communications Committee meeting in August. The AtoZ directory is being finalized and the proof should be back by Friday.
- C. **Landscape Committee (LC)** – The following landscape related items were discussed:
 - 1. The Board discussed the dead Ash tree that sits on the property boundary line at 246 New Mark Esplanade. The owner has been contacted and offered to split the cost of the tree removal with the Homes Association since it is on the property line. The owner responded and prefers to wait until the fall while she consults with the City representatives. The Board agreed unanimously to notify the homeowner that due to liability reasons, the tree must be removed within 30 days or she assumes all liability if the tree should fall. The homeowner will be furnished with the 3 bids obtained by management for the tree removal.

2. The Board discussed the dead/dying trees behind 830 and 870 New Mark Esplanade. Ellen Stein moved to accept the proposal. The motion was seconded by Kathleen Moran and carried with 4 Board members in favor and 1 opposing vote from Alex Belida.
3. The Board reviewed correspondence regarding the Aphid insect problem infecting an Oak tree at 288 New Mark Esplanade. The treatment for Aphids should be done in early spring according to the arborist. The Board requested that management inquire with the arborist as to whether the treatment will be effective this time of year.
4. The Board reviewed bids obtained by management for the removal of 6 large white pine trees at the lake. All trees were measured and confirmed to be located on the Homes Association's property. After discussion, the Board agreed that the tree removal cannot be afforded in this year's budget and requested that the Landscape Committee prepare a plan for enhancement of the area after the trees are removed so that can be part of the project when it is undertaken.
5. The Board reviewed the report from the arborist on trees located on the Homes Association property in the 500 block of New Mark Esplanade which are showing signs of severe root and trunk damage. After discussion, the Board agreed that the tree removal cannot be afforded in this year's budget and requested that the Landscape Committee prepare a plan for enhancement of the area after the trees are removed so that can be part of the project when it is undertaken.
6. Ellen Stein reported that there have been some changes in the Committee members as 3 members are no longer active. Ellen and Jim Denny are working on a revised scope of work for the 2019 landscape maintenance contract that can be put out for re-bid. The Committee is also working on criteria/policy for memorial plaques/memorial trees which will be presented at the next meeting.

D. **Pool Committee** - Kathleen Moran reported that the Committee met on June 26th with representatives from the pool company and Abaris Realty to discuss various concerns in order to ensure smooth operations for the remainder of the season. The new pool rules sign has been installed. The adult pool party will not happen because no one volunteered to help coordinate the event. There was an emergency pool repair which was completed by the pool contractor successfully. Alex Manolatos reported that she received complaints from another resident that the lifeguards are not enforcing the rules and are on their cell phones while on duty. Management will address this with the pool contractor immediately.

E. **Social**- None

6. Treasurer's Report

Treasurer, Kathleen Moran reported on the most recent financial statement issued by Abaris for the period ending May 31, 2018. Kathleen visited Abaris and met with Abaris CFO, Tom Kunjoo who prepares the monthly financial reports and she now has a much better understanding of how to interpret the reports. As of May 31, 2018, the Association is over budget on postage, snow removal and tree care. There are a total of 18 homes with delinquent balances on their

accounts as of July 9, 2018. There are 22 accounts with very small change balances. Kathleen and John will draft a friendly reminder notice to be sent to those homeowners with significant balances alerting them of the balances before an official past due notice is issued by Abaris which must contain legal language in accordance with Federal law.

7. Administrator's Report

Shireen Ambush presented the report from Abaris:

A. **Resident Agent Change:** The Board voted unanimously to request the Homes Association's legal counsel to draft an official resolution changing the Resident Agent for the Homes Association to Shireen Ambush and Abaris Realty.

B. **148 New Mark Esplanade:** The Board reviewed correspondence from the owner regarding the recent sewer back-up involving a shared sewer line serving this row of homes. The Homes Association's legal counsel has been engaged to review the City of Rockville's maps that depict these underground lines and render a legal opinion as to who is responsible for the maintenance, repair or replacement of the underground sewer line in question based on the Association's governing documents.

C. **AB Veirs Updated Proposal:** The Board reviewed the updated proposal obtained from AB Veirs for the 800 block only and also for the entire property (all parking areas and sidewalks owned by the Association). The prices have increased significantly since 2017 due to rising prices of asphalt driven by rising fuel prices. The Board requested that management submit an official request to the City of Rockville along with a copy of the Veirs proposal asking that they make a monetary contribution towards repaving the townhome parking lots since much of the disruption and damage to those lots has been caused by the City when they had to replace their underground water and sewer pipes that have failed over the years. John Daroff suggested that the Board consider doing the entire project since the price of asphalt is expected to continue to rise. He also encouraged the Board to approve applying for the million dollar line of credit so that it can be available as an option for funding our major projects. This way the cash reserves can be used for smaller reserve items that come up from time to time. Kathleen Moran noted that it will take a 30-40% increase in the dues to afford the million dollar loan repayment. This doesn't include increases in the operating budget that we know are coming. She suggested that there are three options that could be considered- a loan, a special assessment or a dues increase. Alex Belida stated that he is in favor of repaving the parking lots over 2 years despite increased costs. He and Magnus are opposed to the idea of a commercial loan without endorsement from the community. He also likes the idea of an assessment to fund the projects and thinks that the retaining walls should be taken off the table because they have looked this way for years. After further discussion, the Board agreed to send a survey out to the community with specific funding options for these major projects. The results of the survey will help the Board gauge how homeowner feel about funding and what methods they prefer. Board Members Alex Belida, Kathleen Moran and Ellen Stein volunteered to draft the survey. Alex Belida made a motion to accept the AB Veirs proposal for the 200, 300 and 800 blocks only. There was no second to the motion. The Board will revisit this matter at the next meeting by which time the survey results will hopefully be received.

D. **City of Rockville Citation 800 Block Sidewalks:** The Board reviewed the citation issued by the City of Rockville for sidewalks in disrepair in the 800 block of New Mark Esplanade. The Board directed management to contact the City to request an extension until late fall due to the fact that we are still in the process of reviewing pricing for the work and surveying homeowners on options for funding the project.

8. Old Business

A. The Board reviewed the flooring samples obtained by Magnus for the clubhouse lower level and foyer/steps. Due to budgetary constraints, the Board voted to table any action on this project.

B. The Board reviewed the proposals from CSG Engineering for preparation of the project manual for the drainage and erosion corrections in areas 1, 2, 3 and 4 and voted to table any action at this time.

C. The Board reviewed the proposal from Facility Service Company for repair of the cracked concrete retaining wall at 334 New Mark Esplanade. Kathleen Moran made a motion to approve the proposal. The motion was seconded by John Daroff and carried with 4 Board members in favor and 1 abstention from Alex Manolatos.

D. John Daroff announced that Mr. Berman has officially withdrawn his CCOC complaint and the case is now closed.

9. New Business

A. The Board reviewed correspondence from the owner of 142 New Mark Esplanade expressing concerns about the drainage and retaining wall on her property. Management shared the correspondence with CSG Engineers and they confirmed that the drainage issues on that property are in no way caused by the Homes Association property and therefore, the Association should not have any responsibility to make any corrections. The owner will be notified accordingly.

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 and Abaris Realty's renewal management agreement. Ellen Stein seconded and the motion carried unanimously. Meeting adjourned at 9:39 p.m.