

NEW MARK COMMONS HOMES ASSOCIATION

BOARD OF DIRECTORS MEETING

Thursday, September 6, 2018

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

FINAL – APPROVED 10-4-18

Attendees

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

Abaris Community Management: Shireen Ambush

6 NMC Residents

1. Call to Order

John Daroff called the meeting to order at 7:02 p.m.

2. Community Forum 1 and Board Response

Joe Jordan – Raised the following questions:

Why is the proposed 2019 budget being discussed under treasurer's report and not under new business? Given we are will be funding some capital improvement projects with a loan, what is the projected contribution % for reserves in 2019, and will it be lower, based on advice from Abaris? What we will be spending on "supervisors" for the repaving and concrete work, and why, if Abaris will be supervising and Veirs will provide a supervisor, do we need a third party to "supervise". Can you break out the cost for 'supervisors", and what the total cost will be, including the clubhouse lot and walking paths? Can the board/Abaris invite residents to come to next board meeting with suggestions for 2019 budget, using 2018 budget as basis? Joe further stated that full length parking stall lines will make the townhouse areas look like strip malls and he requests that we continue using the same method we have in the past. Joe asked why the Association appears to be over budget in insurance premiums.

John Hansman – Raised a question regarding the basketball court and tennis courts stating that they were repaired extensively in 2012 and 2016 and should not be due for repair at this time. He further stated that it is useful to keep track of reserve expenditures for future reference. He is awaiting further financial analysis from the Board that justifies the doubling of the dues.

Aaron Friedman – Owner of 148 New Mark Esplanade – commented on the underground sewer pipe repair needed at his home and the letter he received from the Association stating that he would be charged for the cost of the repair. The tree roots have grown into the lateral pipe that exclusively serves his unit as well as the main shared pipe that serves the entire row at the connection where they both meet. The actual location of the intersection of the pipes is on common area beyond his property

boundary line. He questioned the rationale that is being used to hold him responsible for the pipe repair.

Pat Reber – Commented on the email she sent to the Board after observing acrobatic stunts being done off of the diving board at the pool which was a safety concern which the lifeguards ignored until she said something to them. Since then, the guards seem to be doing a better job of controlling such behavior. She suggested that the Pool Committee meetings be held later than 4 pm so others can attend.

Ron Tipton – Appreciates the willingness of the Board to answer questions and applauds the Board for being responsive. The Board's decision at the last meeting to defer the removal of the white pine trees is concerning since they could pose a safety hazard to the homes nearby. He urged the Board to consider removing them sooner than later.

Board Response – John Daroff addressed Joe Jordan's comments as follows: Some residents want full length parking stall lines while others do not. The lines are needed and we have seen some homeowners resorting to self-help by spray painting the markings themselves. The parking spaces must be clearly delineated and over time, the full length stall lines will be unnoticeable as they are in many other townhouse communities in our area. The full length lines will also help to ensure that vehicles are parked appropriately. Regarding the reserve fund allocation, all 2019 budget questions will be answered at the upcoming budget working meeting in October. Regarding the paving project supervision, the engineer's supervision will be like an insurance policy for the Association to ensure that the contractor performs a quality job to standard specifications so we are getting the best quality for what we are paying. Abaris supervision is more of a facilitator and administrator doing different tasks in order to ensure that the job goes smoothly and resident questions/concerns are responded to while construction is underway. Regarding the insurance, the premiums went up due to claims activity and coverage being broadened.

John Daroff addressed John Hansman's comments by stating that we are unaware of the scope of work that was done to the courts in 2012; however there is a sink hole in the basketball court presently and the tennis court surface has worn off in many areas showing the webbing material underneath. The 1 year warranty on the previous job has long expired and both courts are in dire need of attention now.

John Daroff addressed Aaron Friedman's comments by welcoming him to submit any evidence or documentation from experts regarding the sewer line problem and the Board will be happy to consider it. The governing documents of the Association are 50 years old and required the review of the Association's legal counsel in order for the Board to determine who is responsible for the pipe repair. The Board is happy to share the legal advice that was obtained and we are open to further communication on this matter.

3. Agenda and Prior Meeting Minutes

- A. **Board Meeting Agenda, 9-6-18:** The Board voted unanimously to approve the agenda.
- B. **Board Meeting Minutes, 8-2-18:** Kathleen Moran moved to approve the minutes as written. Alex Manolatos seconded the motion which carried unanimously.

4. Appeals

None

5. Committee Reports

Architectural Control Committee (ACC) - Alex Manolatos reported that the ACC recently met and approved many applications recently submitted. So far, 27 homeowners have responded to request proposals for concrete repairs on their property to be done in conjunction with the common area project. There are 3 properties that have had their appeals denied, yet the violations remain outstanding. The next step would be to file a complaint with the CCOC. There are 9 owners who have been notified of violations which have not yet been corrected. The next step is a formal hearing before the Board. John Daroff suggested that the common areas be brought up to par before we initiate any CCOC complaints against homeowners for failing to maintain their properties. Furthermore, CCOC complaints will cost the Association legal fees. He suggested tabling any enforcement until next year. Magnus Turesson advised that a member of the ACC can represent the Association at the CCOC hearings and legal counsel is not necessary. The violations in question are pretty simple and straight forward. John suggested that before any CCOC complaint is filed, we ask the Association's legal counsel to conduct a "compliance check" in Land Records to ensure all ACC rules have been properly filed since any oversight would adversely affect the Association. John Daroff and John Hansman will draft the language for letters to be sent to the 3 owners as a final request for compliance within 30 days before the Association proceeds to file CCOC complaints. Hearing letters will be sent to the 9 owners with outstanding violations once a hearing date has been confirmed by the Board. The Board directed Abaris to contact the Association's legal counsel to request that he perform the compliance check.

Communications Committee (CC) - Pat Reber reported - our August "hiatus" turned into a nearly full-fledged work month for Bill Holdsworth, who coordinated solving some website problems with our website designer, Josh Grabenstein. New Mark paid him \$150 for his efforts, which included an hour and a half telephone consultation with members of the committee and many hours of work by a developer he uses to address issues he couldn't solve. At one point, our website host One.Com had disabled the website for two days because it detected malware in some of the website content. Josh's developer cleaned up the malware, and that enabled the website to return to full usage. The website is designed using a multitude of "plug-ins" from different companies and different programs. Those companies send constant updates, which David, and more recently Bill, have been carrying out. One of the problems was a conflict between one of those updates and a separate plug-in that affected the "contact forms" used by residents to obtain a log-in for the resident area or to subscribe to a newsletter. Another problem was Bill's inability to delete names from the list of resident users - either the names of people who have moved out; or the names of phishing requests that are not accepted because they are not residents. Either way, the list had gotten unwieldy and unmanageable. We believe that problem has been solved. Josh has submitted an informal bid via email to perform a regular monthly maintenance and scan for malware. The cost would be \$100 a month. Unfortunately, the technical expertise on the committee does not extend to such complicated issues that were on our website.

Josh has also urged us to install a malware filter, the cost of which is unknown. He suggests that we also secure the website by becoming an https. If you note right now, and are using chrome, when you call up the website you get a "not secure" message from google. For \$59 for the first year and 74\$ a year to renew, we can purchase this security from GoDaddy, for example. We realize that a regular maintenance contract with Josh would have to be considered as part of the budget. We believe however that now that the website has been restored to working condition, it would be of strong benefit to engage Josh for another month to carry out some of the above fixes that he has recommended. That might be \$100 to \$150. The Board unanimously authorized the expenditure of \$100 per month for the website support services and to proceed with securing an https.

Landscape Committee (LC) – Ellen Stein reported as follows:

1. AW and FSC Landscape Contractors have submitted their proposals for the 2019 grounds maintenance contract and this winter's snow removal contract.
2. AW's contract price is \$58,608 and FSC is \$62,790. After discussion the Landscape Committee decided to recommend AW for next year. Shireen suggested that the Committee interview the two and she was even willing to suggest questions. However, the committee members, felt we had already met with Alan Walcoff and Ellen walked two communities that AW services and liked what she saw: mulch not piled on tree trunks, shrubs trimmed in a natural manner (not boxed), etc...
3. The Landscape Committee decided we needed to set a policy for people who want to honor a current or past resident of NMC. After the discussion at our August 7th meeting, Kathleen Moran volunteered to write a policy using the criteria that we (Beth Williamson, Ellen Stein and Kathleen Moran) developed. The policy, Resident Tribute Trees, and the application form will be added to NMC website.
4. Lake Sub-Committee (Lori Nicely and Barbara Cano) met for the first time last week. One of their suggestions was have the plantings along the lake at the bottom of NME hill cut back to 2'- 3' and keep this height until the lake is dredged. This will give a neater appearance. After dredging is completed, the Landscape and Lake members will decided the next steps.
5. Branch overhanging the walking/biking path - one branch originates from a tree belonging to 6 Bentana Court. Another branch overhanging the walking/biking path originates from 17 Watchwater Way. The owners should be notified and requested to trim the branches.
6. The common area trash receptacles have been photographed and will be marked on a map of the community so that Abaris can obtain bids to have them serviced all year-round.

Ellen Stein made a motion to accept the 2019 grounds maintenance contract and snow removal contract from AW Landscapes. John Daroff requested written clarification in the contract that the in-person property checks for ice events will be done at no charge. The motion was seconded by Magnus Turesson and carried unanimously.

The Board discussed the Resident Tribute Trees Policy drafted by Kathleen Moran. The Landscape Committee will provide 3 options for species of trees that may be planted and will be in charge of specifying the locations. No plaques will be permitted due to the fact that they are constantly damaged by the landscape maintenance equipment. An application form has been created for residents to use. Residents can also make monetary donations in lieu of planting a tree. A new revenue budget line item will be created to track the funds. The Board voted unanimously to approve the Policy as drafted.

The Board discussed a proposal from S&P Tree Care for various tree work needed in response to resident concerns and potential safety hazards. John Daroff moved to accept all items except #4. Ellen Stein seconded the motion. After further discussion the motion was withdrawn. Magnus Turesson moved to accept the entire proposal not to exceed \$3600. The motion was seconded by Ellen Stein and carried with 5 Board members in favor and 1 Board member (Alex Belida) opposed.

Pool Committee – Kathleen Moran reported that the next meeting of the committee is on September 17th and the committee will evaluate this year’s pool season and the performance of the new pool management contractor. A meeting was held with Kathleen, Shireen, Jim Denny and John Currie from Pool Personnel after hearing about the acrobatic stunts that residents were very concerned about from a safety perspective. John Currie recommends that the pool filter cartridges are replaced before opening next year and the ADA chair lifts be replaced.

Social Committee – None

Drop-In Report – Kathleen Moran and Alex Belida attended the drop-in session on August 27, 2018 on behalf of the Board. There were seven residents present.

There were questions about the proposed dues increase, operating costs and the major capital projects. Several residents, while generally supportive, expressed the view that there should be better explanation of the reasons behind the doubling of dues.

There was also a suggestion that the Board produce an updated document showing the increase in property values to support the decision to use the provision in the Covenants for raising dues more than the cost-of-living.

There was unanimous agreement that in the future, Boards need to stay on top of regular maintenance to ensure New Mark doesn’t fall into the kind of expensive traps we now find ourselves in.

A few other items came up, including the proposed widening of 270 and how parking slots will be marked during the repaving. There was opposition voiced to “full stripes” vs. small marker lines.

The meeting ran well past the one hour originally scheduled for the drop-in.

6. Treasurer’s Report

The Board discussed the \$750,000 line of credit loan term sheet from Union Bank. John Daroff requested that the choice of law provision be changed to Maryland instead of Virginia since the Association is located in Maryland. He also requested clarification on the amount of the “meaningful” deposit the bank is requiring as collateral for the loan. A discussion ensued as to whether we should pursue a higher loan amount to cover all costs related to this project. It was agreed not to pursue a higher loan amount since the requirements from the bank for the dues increase and collateral deposit will likely increase. Kathleen Moran moved to accept the loan offer with the clarifications identified by John Daroff. The motion was seconded by Ellen Stein and carried unanimously. John Daroff moved to accept all revised pricing submitted by AB Veirs following the property walk-around conducted with Jim Denny and Shireen Ambush which identified additional areas not included in the original scope. The motion was seconded by Magnus Turesson and carried unanimously.

Treasurer, Kathleen Moran reported on the proposed 2019 budget which includes a 50% increase in the dues. The additional revenue will be used for the loan repayment (\$125,000 annually), to increase the annual contribution to the replacement reserves (\$76,000) and to cover rising operating expenses (\$63,000). Alex Belida moved to distribute the proposed 2019 budget in the September newsletter with a provision that there will be a budget working meeting in the near future and the budget will be officially adopted at an open Board meeting with proper advance notice to all homeowners. The motion was seconded by Alex Manolatos and carried unanimously.

7. Administrator's Report

Shireen Ambush presented the report from Abaris:

A. **Steps at 288 New Mark Esplanade:** The Board reviewed three bids obtained by management for replacement of these deteriorated wooden railroad tie steps in response to a complaint from a resident. The Board voted to table this until the next meeting.

B. **Tennis Courts & Basketball Court:** The Board reviewed bids obtained by management and requested additional bids which will be reviewed at the next meeting.

8. Old Business

A. None

9. New Business

A. None

10. Community Forum 2

A. No time permitting

11. Adjournment

Ellen Stein made a motion to adjourn the meeting. Alex Manolatos seconded and the motion carried unanimously. Meeting adjourned at 9:41 p.m.