

# **NEW MARK COMMONS HOMES ASSOCIATION**

## **BOARD OF DIRECTORS MEETING**

**Thursday, October 4, 2018**

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

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**FINAL – APPROVED 11-1-18**

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### **Attendees**

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

**Abaris Community Management:** Shireen Ambush and Henry Leung

**13 NMC Residents**

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

John Daroff called the meeting to order at 7:01 p.m.

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

Ellen Stein read aloud an RSVP email from Renee Burns, a resident who expressed concern about the clubhouse not being handicap accessible.

Joe Jordan – Thanked the Board for their hard work but suggested that major decisions require more community involvement. Special meetings should be called similar to those that have been held in the past to hear the opinions of residents. If the Board had done so with regards to the full length parking stall lines, he would not have felt the need to reach out to homeowners on NextDoor to solicit their opinions.

Brian Malickson – Thanked the Board for their hard work and raised 3 issues:

1. He is not in favor of the full length parking stall lines
2. He is in favor of keeping the parking lot island and tree in the 300 block of New Mark Esplanade instead of removing it.
3. He is in favor of leaving the assigned parking space configuration as it is and not making any changes to relocate the 2 spaces at the top of the 300 block.

Marilyn Johnson – Voiced her appreciation to the Board for all that they do and voiced opposition to the full length parking stall lines.

Vladislav Lazebnikov – Urged Board to consult with community residents before making major decisions and consider putting things to resident vote.

Stephen Fan – Stated that he is a 15 year resident of New Mark Commons and this is his first meeting. He is not in favor of the full length parking stall lines.

Todd Kusterer – Stated that he is a 20 year resident of New Mark Commons and this is his first meeting. He agrees that more communication with residents is needed before major decisions are made to avoid adversarial relationships.

Madeline Gupta – Suggested going back to having block captains so more people are involved when there is an issue in order to facilitate better communication with the community residents. This takes the burden off of the Board.

Board Response – Alex Belida commended Madeline Gupta for her idea to reinstate block captains to create more outlets for better communication. Ellen Stein concurred. John Daroff stated that the Board has read and appreciates all of the feedback from community residents. Email is a good way to inform the Board of your opinion but it is not meant to be used for a dialogue with the Board. We want to follow rules for open meetings where actual decisions are made. Some residents expect the Board to make decisions over email but we cannot do that. Decisions must be made and recorded at open Board meetings that are announced in advance to all homeowners. Any questions or concerns regarding policy decisions should be directed to the Board and not to Abaris. Property Management can only execute Board policy, they cannot make it. There is a logistical overload for Abaris when they get flooded with homeowner emails and phone calls stating their opinions on policy matters. Alex Belida stated that Abaris is committed to responding to every inquiry so the tidal wave of emails creates a huge overload for Abaris staff. Kathleen Moran stated that this evening is the first opportunity that the Board has had to discuss the concerns about full length parking stall lines.

### **3. Agenda and Prior Meeting Minutes**

- A. **Board Meeting Agenda, 10-4-18:** The following items were added to the draft agenda: Email from Linda Silversmith requesting permission to erect a sign, Proposed 2019 budget, Union Bank loan commitment letter, 148 New Mark Esplanade sewer pipe repair, parking stall line length. The Board voted unanimously to approve the agenda with these additional items.
- B. **Board Meeting Minutes, 9-6-18:** Kathleen Moran moved to approve the minutes as written. Ellen Stein seconded the motion which carried unanimously.

### **4. Appeals**

None

### **5. Committee Reports**

**Architectural Control Committee (ACC)** - Alex Belida reported that the met on Monday evening and approved 15 applications. There are no other pending issues. The ACC hearings will be held before the Board of Directors on October 17, 2018 starting at 7:00 pm.

The Board considered the request from Linda Silversmith for permission to erect a sign on common area that reads "YOUR VOTE MATTERS". After careful consideration, the Board noted the provisions of the Association governing documents which prohibit such signs. John Daroff moved to deny the request. The motion was seconded by Ellen Stein and carried unanimously.

**Communications Committee (CC)** – Alex Belida reported that the 1986 Board meeting minutes have been successfully restored to the website. The photo gallery has also been restored. We have resolved issues that were preventing registration of new subscribers. The next newsletter will be issued around October 22 -23. The deadline for submissions is October 14.

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

- She provided a description of AW Landscapes proposal for cutting back bush, vines, volunteers and invasives along lake side closest to NME as discussed with Alan Walcoff, Jimmy Denny and Ellen Stein. The goal will be to gain some control of the area so that we can begin to maintain this lake edge in a manageable fashion throughout the growing season. Work will best take place during a dry period in an effort to maximize efficiency of crew. **Price \$2700.** \*Note: While the crew is on site, we will also cut the vines growing on the Hollies along the backside of dam. Once these weeds die and begin to fall off they will be easier to remove.
- The following questions were asked of Alan Walcoff who provided answers:
  - Question: How did you arrive at \$2700? Answer: I am figuring on a 3 man crew for two days on site working on the lake area. This works out to about \$1200 per day.
  - Question: Is there a hauling fee and does the MC dump accept the debris waste. Answer: Added to dump fees and some management time and that is how I go to \$2700. MC Transfer station will accept the debris, but there is a charge for commercial vehicles.
  - Question: “Once the weeds die and begin to fall off they will be easier to remove” is this removal included in the \$2700? What is your guess, when they are cut back what chance is there we can keep the height of the Red Twig Dogwood to 3’? Answer: Regarding the Red Twig Dogwoods, we can cut them back to 3 feet, but I want to get a better look at them once we clear out the invasives. The proper way to cut Red Twig Dogwoods is not to trim off the tops (although sometimes inevitable) but rather to thin out the older canes. The problem with topping them is that they then start to branch out at the cut instead of coming up from the ground. Question: Will there be an extra cost for removing the dried vines from the Hollies? Answer: The price does not include future removal of them but I am confident we will be able to remove them during our regular maintenance routine.
- Recommendations to the Board for the Lake sub-committee:
  - Fund an official paid position (not volunteers) to clean up trash in the lake. Frequency of cleanup: Twice/year (April and October) and as needed (e.g. following a strong storm resulting in a lot of trash getting channeled into the lake)
  - Barbara Cano to contact the Board to confirm 2022 commitment for funding of dredging and getting past 5 years of activity regarding lake dredging
  - Sally Guardia to Contact the City to clarify purpose of the City’s check/monitoring of the lake every other year
- Ellen Stein moved to accept AW Landscapes proposal of \$2700 for the clearing of the area described above. The motion was seconded by Alex Belida and carried unanimously.

**Pool Committee** – Kathleen Moran reported that the Committee met on September 17, 2018 and reflected upon this past season. Pool Personnel did a great job but there were some logistical issues on how pool parties were handled. This is a great foundation to build off of next year and the lifeguards were very good about helping out with community events such as the 4<sup>th</sup> of July party.

**Social Committee** – None

**Drop-In Report** – John Daroff, Alex Manolatos, Kathleen Moran and Ellen Stein attended the recent drop-in session. Only a handful of residents attended and the discussions centered on parking stall lines and the lake.

## **6. Treasurer's Report**

Kathleen Moran reported that the Association is over budget YTD in various line items. There are fewer delinquencies and the pool revenue is down due to lack of lifeguards properly checking-in and collecting the guest fees.

John Daroff reported on the budget working meeting held last night where the budget was reviewed line by line. The proposed 2019 budget was included in the last newsletter and will be sent out by regular mail to all owners. The dues are going up 50% in 2019 which is a requirement of the commercial loan and is necessary in order to adequately cover operating expenses of the Association. Some changes have been made to the first draft of the budget following the working session. John commended Shireen and Abaris as well as Kathleen Moran, Ellen Stein and Alex Manolatos their time spent working on the budget and presenting it to the full Board for consideration. This took a lot of time, care and effort.

John Daroff reported on the Directors & Officers insurance renewal. Our insurance agent received notification that the existing policy was not being renewed by the current carrier and therefore had to shop for coverage. Due to three cases filed in the CCOC by Richard Berman against the Association necessitating the filing of insurance claims to payout a judgment against the association and to pay for legal defense coverage. As a result, the Association is no longer able to purchase D&O coverage in the regular insurance market. Therefore, coverage had to be sought from the excess and surplus market at much higher rates. Only 2 proposals could be obtained. One proposal included an annual premium of \$13,000 and a very high \$30,000 - \$50,000 deductible (retention) with a complete exclusion for any matters pertaining to Richard Berman. The other proposal included an annual premium of \$15,700 and a \$10,000 deductible (retention) with a special \$25,000 deductible (retention) imposed for any matter pertaining to Richard Berman. The Association also had to purchase prior acts coverage which cost another \$5,000. The Board chose the higher premium policy with better coverage and lower deductibles. We will shift some of the extra cost to 2019 by financing the policy over a few months. The proposed 2019 budget had to be adjusted to reflect this increase in the insurance premium. As a result, we had to delete the money set aside for a consultant to evaluate the lake in preparation for the next dredging. Other line items including social, snow removal and tree care have also been reduced in order to balance the budget.

Kathleen Moran commented that the proposed 2019 budget is a giant step in the right direction and she is thankful to have Shireen Ambush and Abaris Realty assist us through this process.

The Board discussed a concern raised by some residents regarding the loan repayment being funded in the operating budget. The Board has consulted with Abaris Realty's CFO, Tom Kunjoo, CPA who advised that it is proper to fund the loan principal and interest repayments in the operating budget and the Board is inclined to go along with that recommendation. Kathleen Moran moved to distribute the final version of the proposed 2019 budget to all homeowners along with the 2019 dues schedule and fees versus valuation spreadsheet. Alex Belida

seconded the motion which carried unanimously. The results of the updated dues versus valuation spreadsheet show that the values increased by over 2000% while the dues have only increased by 500%. The Board thanked John Hansman for creating the first spreadsheet which required research of original archived records.

The Board reviewed the revised loan commitment letter from Union Bank. Kathleen Moran moved to accept the commitment letter as proposed. The motion was seconded by Magnus Turesson and carried unanimously.

## 7. Administrator's Report

Shireen Ambush presented the report from Abaris:

A. **148 New Mark Esplanade Sewer Pipe Repair:** The Board reviewed another proposal obtained by the homeowner from Roto Rooter for the repair of the underground sewer pipe which is lower in cost than the original estimate from O'Connor Plumbing. The homeowners requested that the Association pay for this repair since it involves Homes Association property and is outside of the boundaries of their private property line. John Daroff commented that the Association sought a legal opinion; however the governing documents are quite vague and ambiguous. Although the pipe exclusively services this unit, it is connected to a shared main line and the repair has to be made partially on common property. After careful consideration, Ellen Stein moved that the Association splits the cost of the pipe repair with the homeowners. The motion was seconded by Alex Belida and carried unanimously. Shireen Ambush and Ellen Stein will take the lead on setting up a meeting with the homeowners to evaluate the proposal they obtained in order to ensure that it meets all of our requirements.

B. **126 New Mark Esplanade:** The Board reviewed correspondence sent by management to the owner of this home as well as photographs of large volumes of cardboard boxes piled on the common area in the court without any notice to Abaris or the Board. Abaris received multiple complaints regarding the unsightly boxes that sat on the common area for days and therefore had to hire a contractor to remove and dispose of them. The owner was sent a letter charging them for the cost of the removal of the boxes they dumped. The Board reviewed the response from the homeowner advising of a flood they had in their home which forced them to put the boxes out while they made arrangements for their collection. The Board discussed the fact that it is incumbent on the homeowner to have contacted Abaris and be pro-active when affecting the common areas. Abaris acted properly by responding to the situation. Ellen Stein moved that the resident should pay the cost of the removal of the boxes. The motion was seconded by Magnus Turesson and carried with 3 votes in favor and 2 opposing votes.

C. **6 Bentana Court – Hazardous Tree Limb:** The Board discussed Abaris' report of the telephone response received from the owner of this home regarding the hazardous tree branch that needs to be cut from a tree on their property. The owner screamed at Abaris staff and insisted that the tree is not on her property. The Board authorized Abaris to file a complaint with the City of Rockville so they can advise the homeowner of their responsibilities.

D. **228 New Mark Esplanade Steps:** Kathleen Moran reported that she went and inspected the steps and spoke with the homeowner. The steps and wall are all

located on common property. The Board agreed to defer any action on the bids obtained by management until December when 2019 projects will be discussed.

E. **150 New Mark Esplanade Steps:** Ellen Stein agreed to discuss these steps with Alan Walcoff at AW Landscapes to get his recommendations to fill in the timber border.

F. **Parking Stall Lines:** John Daroff reported on the number of emails he has received from homeowners voicing their opinions on full length parking stall lines. The majority of responses are in favor of not having full length stall lines and only the tick marks that exist now. Kathleen Moran researched legal requirements for parking stalls and confirmed that full length lines are not required by law. After careful consideration, the Board unanimously agreed to mark the spaces with the tick marks that extend 16" from the face of the curb instead of full length parking stall lines.

G. **Reserved Parking Space Relocation 300 Block:** It has come to the Board's attention that the 2 parking spaces at the top of the 300 block of New Mark Esplanade were not originally designated to be parking spaces because they are not the length of a full parking stall per code and should therefore be relocated into the parking lot with the other spaces. The dead end area should be marked as a fire lane so that parking is deterred. The Board requested that management coordinate a meeting among the neighbors in the immediate area in order to get a consensus on how the existing spaces should be shifted in order to relocate these 2 spaces so that residents can park as close as possible to their homes.

H. **A.B. Veirs Proposal for Extra Items:** The Board reviewed various proposals from A.B. Veirs for additional items that have been noted in the course of construction, some of which have been pointed out by the contractor, engineer or residents. The Board requested that Abaris obtain cost estimates for fabrication and installation of parking stall plaques so that they can evaluate it in comparison to the cost of painting reserved stencils on the curb face every few years. In the proposal dated September 25, 2018, the Board voted to approve items 1, 2 and 3. In the proposal dated October 4, 2018, the Board voted to approve items 1 and 2 and requested clarification on the cost estimates for removal of the parking lot island in the 300 block of New Mark Esplanade versus replacing the curb around it and keeping it in place. The Board will make a final decision once clarification is obtained.

I. **Wood carpet at Tot Lot:** The Board reviewed 3 bids obtained by management to replenish the wood carpet in the tot lot. The Board voted unanimously to accept the proposal from Goldleaf Group which is the same vendor that last did this job.

J. **Engineering Bids for Concrete and Asphalt Project Oversight:** The Board reviewed bids obtained by management from various engineering firms for oversight of this project. After careful consideration, John Daroff moved to accept the low bid from Falcon Engineering which is 5/5% of the total cost of the project. The motion was seconded by Alex Belida and carried unanimously.

K. **Tennis Court and Basketball Court Resurfacing:** The Board reviewed bids obtained by management for refurbishment of the tennis courts and basketball court. Both courts are in need of a full overhaul. The Board agreed unanimously to have the sink hole in the basketball court repaired before winter and table and major resurfacing of the courts until next spring.

L. **Common area trash receptacles:** The Board reviewed bids for servicing of 9 common area trash receptacles located throughout the community on a weekly basis. John Daroff moved to accept the low bid from AA Refuse for \$108 per month. The motion was seconded by Ellen Stein and carried unanimously.

M. **Clubhouse Security System Upgrade:** The Board reviewed a proposal to upgrade the security system in the clubhouse and voted to table it.

N. **Lake Fountain Pump:** The Board reviewed the proposal from Solitude Lake for repair versus replacement of the lake fountain pump. After careful consideration, John Daroff moved to accept the proposal for replacement of the pump which comes with a 3 year warranty. The motion was seconded by Ellen Stein and carried unanimously.

## **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. Kathleen Moran seconded and the motion carried unanimously. Meeting adjourned at 9:50 p.m.