

# **NEW MARK COMMONS HOMES ASSOCIATION**

## **BOARD OF DIRECTORS MEETING**

**Thursday, November 1, 2018**

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

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FINAL Approved 12-6-18

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### **Attendees**

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

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

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

John Daroff called the meeting to order at 7:00 p.m. and made the following announcements:

- A big thank you goes out to Henry at Abaris Realty for doing a fantastic job posting flyers on doors and cars throughout the paving project, including on Halloween!
- John addressed a persistent rumor that Abaris may be receiving kick-backs from the paving contractor. These rumors are blatantly false and such lies and accusations of that nature can be very damaging to a company's reputation for which there may be legal consequences for the individual spreading such rumors. The Board simply cannot and will not allow these types of rumors to persist.

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

Joe Jordan – Commented about the curb markings in front of his house and requested that the curb be stenciled with the words “No Parking” instead of being painted yellow. Joe also suggested that the Board send a letter to all NMC homeowners refuting the rumors John Daroff addressed at this meeting for the benefit of those owners who don't attend meetings or read the minutes of the meetings. The strip of grass in front of his home that had to be disturbed during the concrete replacement and repaving is now dirt and damage was caused to the fence. Joe further commented that the workers seemed to be very responsive and the damage was unintentional.

Pat – 860 New Mark Esplanade – Commented that the paving contractor, A.B. Veirs is doing a very good job on the paving project and it seems to be going very well.

Michael Kosh – Due to the parking congestion caused by the paving project, motorists are parking vehicles along Lakeside Overlook all the way up to the intersection which is a safety hazard. A parked vehicle also had one of their side view mirrors smashed while parked on the street.

Board Response – John Daroff responded that since this is a City of Rockville owned roadway, the Association does not have jurisdiction. We have been sending email notifications to residents with parking reminders. Any issues or concerns that come up between Board meetings should be reported to Abaris.

Alex Belida – Voiced a complaint regarding a pedestrian crosswalk being blocked by a parked car near the lake. This may be a temporary inconvenience due to the paving project but the crosswalk is clearly marked and should never be obstructed.

Ellen Stein – Thanked Pat Reber and Kirsten Hall for the email blast notices which were timely and very informative.

Alex Manolatos – The workers were very polite and friendly and whatever damage they accidentally cause, they readily agree to repair.

John Daroff stated that anytime we have such a massive project like this, there will be collateral damage which is unavoidable but will be taken care of in some shape or form.

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

A. **Board Meeting Agenda, 11-1-18:** The ACC hearing for 13 Tapiola Court will be tabled until the December meeting since the homeowner has responded and indicated that he is out of town until after Thanksgiving. The Board voted unanimously to approve the agenda as amended.

B. **Board Meeting Minutes, 10-4-18:** Ellen Stein moved to approve the minutes as amended. Magnus Turesson seconded the motion which carried unanimously.

C. **ACC Hearing Minutes 10-17-18:** Ellen Stein moved to approve the minutes as amended. The motion was seconded by Alex Manolatos and carried with 4 Board members voting in favor and 1 Board member (Alex B) abstaining since he did not attend.

### **4. Appeals**

None

### **5. Committee Reports**

**Architectural Control Committee (ACC)** – John Hansman provided a recap of the shed violation at 13 Tapiola Court. The owner contacted Abaris to advise that he is out of town and therefore the hearing will be postponed to the December meeting along with 2 other hearings that will be held for ACC violations.

**Communications Committee (CC)** – Pat Reber reported that she is in constant contact with Abaris and Shireen’s team during the paving project. Email blasts are sent at the same time Abaris staff posts flyers on doors and cars alerting residents of lot closures as we move through the project. There are some ongoing website issues the Committee is trying to resolve with the help of Josh Grabenstein. The Committee requests Board approval of the proposal from Josh for website support services for \$100 per month. The Board voted unanimously to approve this proposal effective November 1, 2018. Pat will post the budget meeting notes on the website along with lots of good photos of the Halloween parade.

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

- In accordance with the paving contractor’s instructions, AW Landscape has been notified not to put down any ice melt chemical on the property this winter while the new pavement and concrete is curing. Only sand will be used when necessary. All homeowners need to be

alerted repeatedly over the winter months not to apply any chemicals to the sidewalks or pavement.

- Ellen discussed the proposal from S&P Tree care for various tree related work and suggested accepting item #2 only for \$575. Accordingly, Alex Belida moved to approve only this one item. The motion was seconded by Magnus Turesson and carried unanimously.
- Ellen discussed the proposal from AW Landscapes for 2 items, one of which is already done and S&P Tree has been asked for a proposal for the other item in hopes of getting a lower price than AW's quoted \$375.
- Some homeowners are putting up netting/fencing to protect their landscape from deer. ACC approval is required for any type of exterior modifications such as this and the Committee recommends that it be as inconspicuous as possible so as not to create an eyesore. The owner of 5 Bracknell Court has installed obtrusive deer netting so at the direction of the ACC, the owner was asked to remove it. The Board agreed that deer protection warrants further discussion at a future meeting. Alex Belida suggested that residents who take the time to protect their landscape from deer should not be subject to ACC overreach and perhaps we should enforce those owners who do not maintain their yards which is more conspicuous than deer netting. Ellen stated that the Committee will write an article for the next newsletter.

**Pool Committee – None**

**Social Committee – None**

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

In Kathleen Moran's absence, John Daroff reported as follows:

As of September 30, 2018

**Cash assets total \$652,078.87**

**RESERVE FUND BALANCE \$496,124.57**

**EXPENSES \$54,846 total over budget**

Note: 2019 budget increases support to expenses of operating budget by \$63,040

Budget lines over spent as of 9/30 include:

- \$ 2,814 Postage Printing
- \$ 2,908 Water/Sewer
- \$ 1,140 Trash
- \$ 3,500 Pool management contract
- \$ 7,750 Snow Removal
- \$14,170 Tree Care
- \$ 1,100 Tennis Court maintenance
- \$ 225 Maintenance supplies
- \$ 392 Unemployment insurance
- \$20,847 Insurance, master policies

**Delinquent Report shows 11 residents owing dues for an approximate total of \$9,000**

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 that the Board members are scheduling a meeting with the auditor to go over the draft 2017 audit report in detail. Abaris is obtaining bids from other auditing firms that specialize in Community Association audit and tax return preparation.

**Proposed 2019 Budget** – John Daroff announced that the Board received comments on the proposed budget in writing from homeowner, Sandra Talley urging the Board to reconsider Article 6, Section 5a of the Declaration and also reconsider the proposed increase in the dues. Emails were also received from homeowners Brent Gruelich and John Hansman and the Board noted these comments for the record which were all taken into serious consideration by the Board.

The proposed 2019 budget was previously mailed to all homeowners. The Board obtained a legal opinion that confirmed the Board’s authority in Article 6, Section 5a of the Declaration to increase the dues as proposed. The CCOC has not ruled on the Board’s authority under this section despite 3 complaints that have been filed by the same homeowner. The Board’s decision to use this authority to raise the dues was done after thorough research and only after obtaining consistent legal advice. John Daroff moved to authorize use of Article 6, Section 5a of the Declaration as proposed in the 2019 budget. The motion was seconded by Alex Belida and carried unanimously. Alex Manolatos moved to adopt the 2019 budget as proposed. The motion was seconded by Magnus Turesson and carried unanimously.

## 7. Management Report

Shireen Ambush presented the report from Abaris:

A. **City of Rockville 5-Year Capital Improvement Plan** -The Board discussed the recent notification received from the City of Rockville announcing their 5 year Capital Improvement Plan. The City is asking for any requests for projects that should be included in this Plan be submitted to the City by November 9, 2018.

B. **Dead End Parking Lot areas in 300 and 800 Block:** Falcon Engineering has identified 2 other locations in the 800 block near 812 and 894 New Mark Esplanade that are dead ends like the one in the 300 block. The Board agreed that all areas should be marked consistently for uniformity. There is no official Fire Lane Order on file. The Board agreed unanimously to have all 3 areas stenciled with the words “No Parking”.

C. **Handicap Parking Space in 100 Block:** A decision was made to eliminate one visitor parking space so that a hash marked area could be stenciled on the pavement immediately adjacent to the handicap parking space for proper handicap access. The rest of the parking spaces in that row had to be 6” wider in order to accommodate the elimination of the one visitor space.

D. **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. At the suggestion of the engineer, paving fabric was used to seal the cracks after the old pavement was milled in order to prevent them from re-emerging through the new asphalt surface. The fabric is intended to prolong the life of the pavement. The total cost of the paving project to date with all extras that have been approved is \$705,378. The engineering and administrative oversight adds 9.5% to the total project cost. Alex Manolatos moved to accept the proposal for the additional items. The motion was seconded by Magnus Turesson and carried unanimously.

E. **New Appointment to the Tree Committee:** Ellen Stein announced that J.P. Muller is interested in joining the Tree Committee and she moved that he be officially appointed to the Committee. The motion was seconded by Alex Belida and carried unanimously.

## **8. Old Business**

A. None

## **9. New Business**

A. None

## **10. Community Forum 2**

A. Joe Jordan suggested that a letter be sent to all homeowners regarding Abaris Realty's role in the paving project and also alerting homeowners not to use any ice melt chemical on the walkways or pavement this winter. He further commented that the 2016 Audit report posted on the website is still in draft form and he requested that it be replaced with the final 2016 audit report.

## **11. Adjournment**

Ellen Stein made a motion to adjourn the meeting. Alex Belida seconded and the motion carried unanimously. Meeting adjourned at 8:36 p.m.