

NEW MARK COMMONS HOMES ASSOCIATION

BOARD OF DIRECTORS MEETING

Thursday, February 7, 2019

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

FINAL Approved 3-7-19

Attendees

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

Abaris Community Management: Shireen Ambush and Henry Leung

1. Call to Order

John Daroff called the meeting to order at 7:03 p.m.

2. Board Candidate Questions

None

3. Community Forum 1 and Board Response

Joe Jordan – There have been three CCOC complaints filed by Richard Berman costing the Association over \$50,000 in legal fees to defend. Another \$15,000 was spent in legal fees defending the complaint he himself filed against the Association for a drainage issue behind his home. In an effort to avoid another costly legal battle on the most recent CCOC complaint, he suggested a compromise. He commented that in 1986 a letter of opinion was obtained on the governing document provisions pertaining to the cumulative argument and 4 to 3 contribution to the reserve fund which could be challenged in court. He further suggested that the Association compromise on the pending ACC violations instead of pursuing them through CCOC complaints. He asked for clarification as to whether the dues increase is necessary for the commercial loan or not. He stated that a precedent has been set in 1986 for a 2/3 majority vote on dues increases of this size.

Board Response:

John Daroff stated that the Association has never taken any owner to the CCOC; however it is the only mechanism available to get compliance on outstanding violations when owners refuse to voluntarily comply. The Association's governing documents must be modernized. The Board is prioritizing capital improvement projects after 2 major accomplishments: Hiring Abaris Realty to professionally manage the Association and repaving of the townhouse parking lots.

4. Agenda and Prior Meeting Minutes

A. **Board Meeting Agenda, 2-7-19:** Alex Belida moved to approve the agenda. The motion was seconded by Ellen Stein and carried unanimously.

B. **Board Meeting Minutes, 1-3-19:** Kathleen Moran moved to approve the minutes as amended. Alex Belida seconded the motion which carried unanimously.

5. Appeals

None

6. Committee Reports

Architectural Control Committee (ACC) –

Alex Manolatos reported that the ACC met and reviewed 2 applications which were both approved with certain conditions. The ACC is recommending a revision to the ACC Guidelines regarding the description of approved front doors to include photo illustrations as follows:

Proposed Modification of ACC Regulations for Doors

The original doors on houses of contemporary design were all **flat-panel or** flush doors painted to harmonize with the house colors. Such doors fit the house designs and are recommended when a door needs to be replaced. However, the Association wants to be responsive to the desire of some homeowners to have a different door. Therefore, alternative doors with contemporary sensibility are illustrated in an appendix. Doors of these designs will be favorably reviewed by the ACC. Colors must harmonize with the rest of the house.

Note that doors with **multiple raised panels or raised moldings are traditional designs** and will not be approved for contemporary houses.

The ACC proposes to add the following door to the list of approved doors. Note it is similar to another door on the approved list which has a full glass rectangle.



This is the previously approved door with the glass center



Alex Belida moved to adopt the proposed revisions to the Guidelines as recommended by the ACC.

Alex Belida reported that the Board late last year approved setting a hard 60 day deadline for four residents to correct ACC violations or face possible action before the CCOC. The deadline for all four to comply is February 10th. At its meeting on Monday, Feb. 4, 2019, the ACC decided to recommend to the Board that it pursue these four cases before the CCOC. However, rather than taking all four cases to the CCOC as a group, the ACC would suggest moving forward with one case at a time. The suggested order recommended by the ACC is:

1. 13 Tapiola shed
2. 314 New Mark Esplanade: gate higher than fence
3. 5 Lakeside: door
4. 120 New Mark: archway

The ACC understands it may be the Board's desire to defer any action in light of the fact that New Mark is currently dealing with two other CCOC cases brought by residents. After careful consideration, the Board agreed unanimously not to pursue filing any CCOC complaints at this time.

Communications Committee (CC) – Pat Reber reported that the Committee is working on the February paper issue of the newsletter. Two obituaries will be included. An email blast will be sent reminding of the Board nomination deadline. Photos of the snow from Sally Guardian were posted on the website. The Committee is always open to suggestions.

Pool Committee – Kathleen Moran reported that the Committee met on January 21, 2019. She thanked the Board for the support on the handicap lift replacement and filtration system replacement which are both needed. Two residents, Stacy Rabkin and Stephanie Bloom have volunteered to coordinate the pool parties this year. There will be an adult party with a budget of \$300 and the 4th of July Party with a budget of \$3500 (\$3200 was spent in 2018). We have a total amount of \$7500 budgeted for social events for the entire year. John Daroff moved to approve the

proposed budgets for the 2 pool parties as proposed by the Committee. The motion was seconded by Kathleen Moran and carried unanimously.

Lake Committee - Lori Nicely reported as follows:

- The Committee prepared a spreadsheet listing their recommendations for 2019 capital improvement projects which is replacement of the lake piers. The Committee solicited and obtained 3 bids and the spreadsheet provided a comparison of each bid in terms of cost, materials, quality and warranty. The Committee's recommendation is the proposal from Deck Master using the composite material option for a total cost of \$20,000. The Board thanked the Committee for their research and agreed to take their recommendation into consideration for the 2019 capital improvement projects.

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

- As a follow-up to the last meeting, the Committee obtained more bids on the trees in the 300 block which confirmed that S&P Tree Care offered the best value.
- The Committee is looking into the Rockville Rainscape Rebate Tree Canopy Program. They provide a \$150 rebate per tree and Stadler Nursery offers a \$65 rebate per tree from the State with free tree planting through March (\$110 value per tree). The Committee is requesting Board approval of \$300 to purchase 2 trees. Shireen Ambush suggested that we maximize the program and spend \$1200 to get \$600 in rebates for a net cost of \$600 for 4 trees. The trees will be planted in highly visible areas for all residents to enjoy. Ellen Stein moved to accept the proposal from S&P Tree Care for the removal of the trees in the 300 block of New Mark Esplanade and to approve the expenditure of \$1200 for the Rockville Rainscape Rebate Tree Canopy Program for 4 new trees to be planted in the community. The motion was seconded by Alex Manolatos and carried with 4 votes in favor and 1 opposing vote from Alex Belida.

Social Committee - None

Amendment to the Agenda - John Daroff moved to amend the agenda to add a Closed Session at the end of the meeting to discuss the CCOC complaints and homeowner account requests. Items 10 and 11 will be omitted from the agenda. The motion was seconded by Alex Manolatos and carried unanimously.

7. Treasurer's Report

Kathleen Moran reported as follows:

- The Association has over \$500,000 in total cash
- There are a total of 8 delinquent accounts
- The 2017 audit has been completed and finalized
- The Association went over budget in 2018 mainly due to tree related expenses

The Board discussed the recommendation from Abaris Realty's CFO, Tom Kunjoo that the Board authorize an inter-equity transfer to move funds from the unappropriated member's equity to the replacement reserve fund. John Daroff moved to transfer \$300,000 accordingly. The motion was seconded by Kathleen Moran and carried unanimously.

The Board discussed government workers who are furloughed and some requests from residents with hardships. Kathleen Moran moved that for as long as the furlough lasts, any Federal government worker who provides proof of furlough status will be permitted to pay whatever they are financially able to pay until such time that the furlough ends without incurring any late fees. Once the furlough has ended, all balances must be paid in full within 30 days or late fees will be imposed thereafter. The motion was seconded by John Daroff and carried unanimously.

8. Management Report

Shireen Ambush presented the report from Abaris:

A. **Pool Filtration System Replacement** - The Board discussed Shireen Ambush's recommendation to hire an independent consultant to research code requirements for sand filtration systems and evaluate the proposals that we have obtained for the conversion. The Board reviewed the proposal from Pool Consultants to provide this independent analysis for a cost not to exceed \$2250. John Daroff moved to accept the proposal. The motion was seconded by Alex Belida and carried unanimously.

B. **2BR VS. 3 BR Issue** - There are a few unknowns in the 800 block as to whether the home as 2 or 3 bedrooms. The Board will conduct a historical records review in order to confirm the 2 bedroom homes and 3 bedroom homes.

C. **Common area trash can servicing** - The Board reviewed the notice from AA Refuse terminating their contract for the servicing of 9 common area trash receptacles effective February 28, 2019. The Board voted unanimously to accept the proposal from AW Landscapes for the servicing of the trash receptacles 2 times per week for a cost of \$175 per month.

D. **Falcon Engineering Invoices** - The Board reviewed 2 invoices from Falcon Engineering for their construction oversight services for the repaving project. John Daroff moved to pay both invoices totaling \$15,120 from the line of credit. The motion was seconded by Kathleen Moran and carried unanimously.

E. **AB Veirs Invoice** - The Board reviewed the invoice from AB Veirs in the amount of \$32,854 which has been approved for payment by Falcon Engineering. Kathleen Moran moved to pay the invoice from the line of credit. The motion was seconded by Alex Manolatos and carried unanimously.

F. **AB Veirs Proposal** - The Board reviewed the proposal from AB Veirs for additional items noted on the inspection of the project with Falcon Engineering. The total cost for the additional items noted is \$3300. Alex Belida moved to accept the proposal. The motion was seconded by John Daroff and carried unanimously.

G. **2019 Capital Improvement Projects:**

1. **Clubhouse Renovation & Handicap Access** - The Board discussed updating the clubhouse to include handicap accessibility. John Daroff suggested hiring an architect to prepare plans. Shireen Ambush will obtain bids from various architects for this project.
2. **Lake Pier Replacement** - The Board agreed that the Committee's recommendation requires further discussion and consideration.

3. **Basketball & Tennis Court Resurfacing** – Shireen Ambush will obtain new bids for resurfacing of both courts asking the contractors for their professional assessment of what each one needs.
4. **Clubhouse Foyer & Lower Level Flooring** – The Board reviewed bids obtained by management for installation of the new flooring. Alex Belida moved to accept the low bid from Specialty Interior with the color selection of Porthole PX2007. The motion was seconded by Alex Manolatos and carried unanimously.

9. Old Business

- A. None

10. New Business

- A. None

11. Closed Session

- A. John Daroff moved to go into closed session for the purpose of discussing the CCOC complaints and homeowner account requests

12. Adjournment

Alex Belida made a motion to adjourn the meeting. Ellen Stein seconded and the motion which carried unanimously. Meeting adjourned at 9:45 p.m.