

# NEW MARK COMMONS HOMES ASSOCIATION

## BOARD OF DIRECTORS MEETING

Thursday, December 6, 2018

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

---

FINAL Approved 1-3-19

---

### Attendees

**Board Members:** Alex Belida, John Daroff, Kathleen Moran, 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 7:02 p.m.

### 2. Community Forum 1 and Board Response

Pat Reber – There was a menorah lighting on Tegner Way. This was part of a menorah lighting run from neighborhood to neighborhood.

### 3. Agenda and Prior Meeting Minutes

A. **Board Meeting Agenda, 12-6-18:** Kathleen Moran suggested adding the 2019 Board election schedule to the agenda. Alex Belida moved to approve the agenda as amended. The motion was seconded by Magnus Turesson and carried unanimously.

B. **Board Meeting Minutes, 11-1-18:** Magnus Turesson moved to approve the minutes as written. Alex Belida seconded the motion which carried with 4 votes in favor and 1 abstaining vote from Kathleen Moran who was not in attendance at the last meeting.

### 4. Appeals

None

### 5. ACC Hearings

A. **5 Bracknell Court Unauthorized Fencing-** Nancy Miller, owner of 5 Bracknell Court was in attendance and apologized to the Board for the delay in removing the deer protection mesh/fencing as she was injured and unable to physically remove it until she recovered. The fencing has been removed and thus the violation has been corrected. The Board considers this matter to be closed. Ellen Stein suggested that the Landscape Committee's suggested guidelines for deer protection be put on the website and published in the next newsletter.

B. **13 Tapiola Court Unauthorized Shed** – The owner emailed Abaris today to advise that he cannot attend the hearing due to his 20<sup>th</sup> wedding anniversary. The Board discussed the fact that this hearing has been delayed several times at this owner's request

for one reason or another. Furthermore, this last minute cancellation is unacceptable considering the fact that ample notice of tonight's hearing was provided to the homeowner and the Board agreed that the hearing will proceed as scheduled in the owner's absence. John Hansman provided a brief history of the unauthorized shed that this homeowner installed without ACC approval. John also confirmed after a review of this owner's file that nothing else is contained in the file besides the previously issued ACC denial of the unauthorized shed, a copy of which has already been provided to the homeowner several times. After careful consideration, the Board voted unanimously to reaffirm their previous decision that this shed is in violation and the owner will be given 60 days to remove it. This is the final decision of the Board of Directors on this matter and if the owner fails to comply, a CCOC complaint will be filed.

C. **5 Lakeside Overlook Front Door** – John Hansman provided a brief history on this unauthorized front door violation. The homeowner installed a front door without ACC approval which does not comply with ACC guidelines due to the fact that it has 2 raised panels. After careful consideration, the Board voted unanimously to reaffirm their previous decision that this front door is in violation and the owner will be given 60 days to remove it. This is the final decision of the Board of Directors on this matter and if the owner fails to comply, a CCOC complaint will be filed.

D. **120 New Mark Esplanade Unauthorized Archway** – The Board directed Abaris to send this homeowner written notification once again to remove the unauthorized archway they installed over their walkway without ACC approval within 60 days. This is the final decision of the Board of Directors on this matter and if the owner fails to comply, a CCOC complaint will be filed.

E. **314 New Mark Esplanade Unauthorized Front Gate** - The Board directed Abaris to send this homeowner written notification once again to remove the unauthorized front gate they installed without ACC approval within 60 days. This is the final decision of the Board of Directors on this matter and if the owner fails to comply, a CCOC complaint will be filed.

## 6. Committee Reports

### Architectural Control Committee (ACC) –

Alex Belida reported that the ACC is proposing a change in the enforcement process for the Board's consideration. In the interest of simplifying the enforcement process, the ACC agrees that one single 60-day notice to the homeowner requiring their compliance with any ACC violation is sufficient. If the owner fails to comply within this time frame, a formal hearing will be scheduled before the Board. The current enforcement process calls for a first notice and then a second notice being sent to the homeowner before the Board hearing is scheduled. The Board briefly discussed the ACC's recommendation. Alex Belida moved to publish the new ACC enforcement process as recommended by the ACC as follows:

*Owners will be sent a first letter giving them 60 days to bring their property into conformity. If they do not, they will receive a second letter scheduling a hearing by the Board of Directors. At least 30 days' notice shall be provided for this hearing. Owners may, on their own, appeal to the Board of Directors within 30 days of the first letter. An appeal to the Board will stay the 60 day period to bring the property into conformity. Appeals will be heard at the next regularly scheduled monthly Board meeting provided that the appeal is submitted to the Board 10 business days*

*before the Board meeting. In the event the Board rules against an owner, the owner has 30 days to bring the property into conformity or the Board is empowered to bring the owner before the CCOC.*

The motion was seconded by Ellen Stein and carried unanimously.

**Communications Committee (CC)** – Pat Reber reported that the committee is not meeting this month but they are coordinating publication of the next paper newsletter. The newsletter deadline is this Sunday.

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

- Stadler Nursery planted a total of 3 trees along the walkway between the clubhouse and the clubhouse parking lot (1 redbud and 2 pink dogwood trees) in honor of Geri Mesner. The trees were planted using money raised from resident tree tributes. The Committee budgeted for 3 watering donut rings to be purchased and used for watering of these new trees in order to ensure their survival.
- The Committee is not meeting this month
- The Committee suggests that their recommendations and guidelines for deer protection be published in the next newsletter.
- The tip of the month will be to address unauthorized tree removals. All homeowners need to be reminded of the requirement that prior approval from the Tree Committee is required before removing any tree from their property.

**Pool Committee** – Kathleen Moran reported that the Committee is meeting in January to get a head start on planning the 4<sup>th</sup> of July pool party. The Committee has reviewed the renewal 2019 pool management contract from Pool Personnel and recommends that it be accepted by the Board. John Daroff moved that the contract be executed after it is sent to legal counsel for final review. Alex Belida seconded the motion which carried unanimously. The Board reviewed the proposal from Pool Personnel for an upgraded pool filtration system. Kathleen Moran agreed to contact the City of Rockville for further information and their advice on various types of pool filtration systems which will be discussed by the Committee before they make a recommendation to the Board on the proposal.

**Social Committee** – None

**2019 Board Election Schedule** - The Board reviewed the 2019 Board Election Schedule and agreed to have it published in the next several issues of the newsletter from December – February.

## **7. Treasurer’s Report**

Kathleen Moran reported as follows:

- The Board unanimously agreed to authorize Abaris to shift funds in various NMC bank accounts in order to resolve cash flow needs as recommended by Treasurer, Kathleen Moran who will work with Abaris CFO, Tom Kunjoo to get it completed.
- Board Members John Daroff, Kathleen Moran, Ellen Stein and Alex Manolatos met with the auditor from Deleon & Stang to review the draft 2017 audit report at the offices of Abaris Realty. The Board members expressed their disappointment that the audit report is being issued so late in the year and was not available for the 2019 budget planning process. Furthermore, the audit report itself capitalizes assets of the Association that cannot be sold which is inappropriate. The Board members and

auditor reviewed the list of these assets and determined that the only item that is appropriate to capitalize is the furniture at the pool/clubhouse which is insignificant in comparison to the original long list of items. The auditor has revised the draft 2017 audit report accordingly and issued draft #2. After careful consideration, Kathleen Moran moved to accept draft #2 of the 2017 audit report. The motion was seconded by Magnus Turesson and carried unanimously. The Board also discussed the bill that has been submitted by Deleon & Stang for additional fees in conducting the 2017 audit. There was never any advance notice to the Board or Abaris of these additional fees and the Board finds the bill unacceptable, especially in light of the audit performance issues and tardiness discussed with the auditor. The Board finds their services totally lacking. For these reasons, the Board disputes the invoice and will not authorize payment.

- The Board discussed 3 bids that have been solicited by management for the 2018 audit and tax preparation services. The Board reviewed 2 bids that were obtained from Goldklang Group and UHY. Kathleen Moran moved to accept the proposal from Goldklang Group which was the low bid. The motion was seconded by Alex Belida and carried unanimously.

## 8. Management Report

Shireen Ambush presented the report from Abaris:

A. **Fire Lanes** - The Board discussed the recent correspondence from the City of Rockville Fire Marshall confirming that no official Fire Lane Order is on file for New Mark Commons Homes Association. The Board agreed to table any action until further information is obtained from the City as to signage and curb painting requirements to properly identify the fire lanes once an official Fire Lane Order is established.

B. **330 New Mark Esplanade Request for Vehicle Damage Repairs** - The Board reviewed correspondence from this homeowner who is requesting that the Association pay for damage restoration to her vehicle which was parked on New Mark Esplanade during the repaving project. The Board agreed that residents had several alternative locations where they could park their vehicles during the repaving project and the Association cannot accept responsibility for the damage to this homeowner's vehicle. The Board suggested that the homeowner consider reporting the damages to their vehicle insurance company for reimbursement.

C. **Power Systems Electric Proposal for Electrical Panel Replacement** - The Board reviewed a proposal for the replacement of the main electrical panel in the 100 block of New Mark Esplanade that services the street lights. The electricians have reported that the panel is severely rusted and beyond repair and should be replaced before it fails completely which will cause a wide-spread street light outage. Due to the potential safety concern, John Daroff moved to accept the proposal. The motion was seconded by Kathleen Moran and carried unanimously.

D. **Capital Projects for 2019:** The Board agreed to place this item on the agenda for the January 2019 Board meeting. The Board plans to invite community feedback on capital projects from community residents.

E. **Thank you to Abaris:** The Board thanked Shireen Ambush, Henry Leung and the rest of the Abaris staff that helped coordinate and administer the repaving project over the past several weeks. The newly paved parking lots are a huge improvement to the overall

community. Our sidewalks are safer and more accessible after elimination of tripping hazards that previously existed at many locations. This is a milestone accomplishment for the community and the Board thanked Abaris for their guidance and assistance.

**9. Old Business**

A. None

**10. New Business**

A. None

**11. Community Forum 2**

A. None

**12. Adjournment**

Alex Belida made a motion to adjourn the meeting. Magnus Turesson seconded and the motion carried unanimously. Meeting adjourned at 8:58 p.m.