

NEW MARK COMMONS HOMES ASSOCIATION

BOARD OF DIRECTORS MEETING

Thursday, September 5, 2019

New Mark Commons Clubhouse, 7:02 p.m.

Minutes Taken by Shireen Ambush

Attendees

Board Members: John Daroff, Alex Belida, Joe Jordan Kathleen Moran, David Sloane and Karin Boychyn.

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

John Hansman referenced the memo he sent to the Board regarding the 2020 budget. His main concern is to separate the reserve fund from the operating fund. Paying off the loan should be a reserve expense. Capital projects paid out of reserve fund should have a 6-year plan. The CCOC has a free new service where they review and evaluate the finances and reserves of community associations.

Alex Belida read a message from Raj Gupta who could not attend voicing concerns regarding the need to keep operating expenditures separate from capital reserve fund expenditures.

Scott Gledhill, a resident at 296 New Mark Esplanade reported that acorns are falling from the tree over his parking spot and damaging his car. He says it is a nuisance and it needs to be dealt with by the Association.

Ulysses Triantis, owner of 238 New Mark Esplanade asked why boats covered with tarps are allowed to be parked in the clubhouse parking lot.

Board Response:

Kathleen Moran thanked John and Raj for their efforts on the budget and already addressed their concerns with the Board.

John Daroff responded that residents can register recreational vehicles with management to store them in the clubhouse parking lot provided that they meet the guidelines.

3. Agenda and Prior Meeting Minutes

A. **Board Meeting Agenda, 9-5-19:** Alex Belida moved to adopt the agenda with a few additions. The motion was seconded by Karin Boychyn and carried unanimously.

4. **Board Meeting Minutes, 9-5-19:** The Board had a discussion about the process of reviewing the draft minutes Alex Belida suggested that he would take the lead once the minutes are sent to gather all suggested edits and send the revised version back to Shireen. Joe Jordan moved to approve the minutes as amended to include edits suggested via email. David Sloane seconded the motion which carried with 5 votes in favor and one abstaining vote from John Daroff, who was not in attendance at the last meeting.

5. Appeals

None

6. Hearing

238 New Mark Esplanade- Ulysses and Mary Triantis

The owners were in attendance. They advised that the home was originally owned by their mother who has since passed away and the estate was finalized this past spring. The family has owned the home for 40 years and they have been able to make exterior changes in the past without approval such as the installation of a deck. The language in the Covenants is ambiguous. Their insurance company was insisting that the roof be replaced. They found a company and replaced the roof with a like kind roof that matches the roofs on a few other homes. There are other homes in the community with roofs and doors that do not meet the ACC guidelines. There is no uniformity and they feel singled-out in the Board's insistence that their new roof be replaced because of its color. In their opinion, the new roof is aesthetically pleasing and does not negatively affect the property values in the community.

John Hansman, ACC Chairperson commented that the rules have been in place for 50 years. No ACC application was ever submitted and if the owners had followed the proper procedures, the ACC would have informed them of the rules and guidelines. The owners pointed out the non-conforming roofs at 106 and 108 New Mark Esplanade. In 1988 the Board settled with the owners of these homes who installed the roofs without permission and were levied a \$500 fine. Both owners have been put on notice to bring the roofs into compliance when the roofs are replaced which will be due soon. The ACC has gotten more serious in recent years with enforcement of the guidelines and addressing unauthorized modifications. The ACC's position in this matter is reasonable given the length of time the owners have been in the community and the fact that they should have followed the proper procedures. Alex Belida commented that the ACC guidelines have always required the "Oakwood" shingle and this year the ACC approved an alternative shingle that homeowners may use. The owners should be aware of the rules after owning 2 homes in the community for 40 years and any lack of enforcement for unauthorized

modifications in the past is no excuse or justification for the unauthorized roof replacement. Kathleen Moran commented that we have tried to consistently comply with the rules and a new Governance Committee is working on revising the language of the governing documents. Jon Daroff commented that regardless of past enforcement, we have a process for exterior modifications that has been publicized but not followed. The rules and regulations have been on file with the County Land Records for the past 25 years. The Association puts out as much communication as possible but homeowners have the responsibility to read it. All exterior changes required the submission of an ACC application. Either party may file a complaint with the CCOC. The owner inquired if they could pay a fine similar to what the Board approved in the past for unauthorized roofs that were installed at 106 and 108 New Mark Esplanade. After further discussion, David Sloane moved to uphold the Board's previous decision requiring replacement of the non-conforming roof. Alex Belida seconded the motion which carried with 5 Board members voting in favor and 1 Board Members abstaining (Joe Jordan).

7. Committee Reports

Architectural Control Committee (ACC) –

David Sloane reported that the ACC approved 6 applications in August. The ACC agrees that it is time to move forward with the filing of CCOC complaints for non-conforming violations. The ACC agreed that the shed violation at 13 Tapiola must be enforced since it is a violation of the Covenants since neither the Board nor the ACC has the authority to override the Covenants. The ACC will prepare and file the complaint on behalf of the Association. Alex Belida moved to authorize the ACC Chairperson, John Hansman, to file the CCOC complaint against the owner of 13 Tapiola Court for the unauthorized shed. The motion was seconded by David Sloane. John Daroff suggested amending the motion to include appointing David Sloane as the Board representative authorizing him to conduct negotiations and represent the Association in this matter. The motion was amended accordingly and carried unanimously.

Communications Committee – Pat Reber reported that the website has been migrated from one system to another successfully. The Committee is working on the next newsletter that will go out on September 21st. The deadline for submissions is September 15th. Pat requested that Abaris provide her with a list of homeowners that do not actually live in New Mark Commons so the Committee can ensure that they receive a copy of the paper newsletter.

Landscape Committee –

Kathleen Moran introduced JP Muller who has agreed to serve as Chairperson of the Landscape Committee. Two weeks ago, we met with Wayne Knoll, an arborist from the City of Rockville to look at trees that have been flagged/identified as potential hazards. The Committee is trying to prioritize tree expenditures and wanted his opinion. The Committee will come up with an actual list of priorities for the October Board meeting. Alex Belida moved to appoint JP Muller as Chairperson of the Landscape Committee. The motion was seconded by Kathleen Moran and carried unanimously.

There is a new County lawn care law restricting the use of herbicides. We must plan for increases in cost to comply with the law while still maintaining the turf areas in the community.

Kathleen Moran volunteered to assume the role of Board liaison to the Landscape Committee. Ron Tipton has also voiced an interest in being the Board liaison so the Board agreed to defer any final decision until the next meeting when both Board members are present.

Shireen Ambush will obtain a proposal from Bartlett Tree to perform a tree inventory. A tour with Bartlett will be coordinated with the Landscape Committee.

The Board reviewed the proposals from S&P Tree and agreed to table any decision until the next meeting by which time the Committee will prepare a list of top priority tree issues that need to be addressed.

The Board reviewed the proposal from AW Landscape to trim the tree at 134 New Mark Esplanade for \$225. Karin Boychyn moved to approve the proposal. The motion was seconded by Joe Jordan and carried with 5 Board members voting in favor and 1 Board member abstaining (Alex Belida).

Lake Committee –

Lori Nicely reviewed some of the recent accomplishments of the Lake Committee including cutting back of the willows around the lake and installation of geese feeding signs. It has been 14 years since the dredging of the lake. The Committee recently had a discussion with the lake maintenance contractor, Solitude Lake who performed a bathymetric study in 2015. The study estimated 3200 cubic yards of sediment to be removed which must have increased over the past 4 years. We estimate there may be as much as 4000 cubic yards of sediment by now. There are 2 options to consider: One-time dredging versus hydroraking in 3 phases. Hydroraking is a new technology that was not available when the lake was last dredged. The Committee reviewed the negative impacts of sediment build-up and the process of removing organic and inorganic material. The dredging requires de-watering of the lake (draining) whereas hydroraking does not. Hydroraking looks like a boat on a barge and is wildlife friendly. Solitude estimates the cost of hydroraking to be anywhere from \$162,000 - \$237,000. The City of Rockville estimates the cost of a one-time full dredge to be \$400,000. The Committee is requesting funds in the 2020 budget for planning costs and execution cost of approximately \$250,000 - \$300,000 in 2021. The long-term prevention is to address the erosion at the inlets to the lake and consider sweeping up the sand from the parking lots after winter so it does not wash into the lake.

Pool Committee – Joe Jordan reported that we had a good pool season this year. The Committee will meet on September 18th to re-cap the pool season and come up with ideas and suggestions for next year. The Committee will be reviewing the pool rules and looking into a new fob system. John Curry at Pool Personnel has been great to work with and has been very accommodating. There are 3 items for the Board to consider: First, the whitecoat of the pool that must be done before opening next year. John recommends prepping the pool this fall and installing the white coat in the spring. John's proposal offers a 2 year warranty and no subcontractors will be used outside of the concrete delivery. Abaris also suggests that it is advantageous to have major repairs performed by the incumbent pool management company for warranty purposes. Second, the 2020 pool management contract. The Board reviewed the cost estimate for the 2020 pool management contract. Kathleen Moran moved to accept the proposal. The motion was seconded by Joe Jordan and carried unanimously. Third, the pool filtration system replacement. John's solution is to switch back to sand filtration system that we had once

before. The system would be installed where the current filters are located. The swim team storage room will be used to house the chlorine tanks. The Board discussed whether any discount could be negotiated with Pool Personnel since we are accepting all 3 proposals. Joe Jordan moved to award all 3 contracts to Pool Personnel. Karin Boychyn seconded the motion. The motion was withdrawn. John Daroff moved to approve all contracts for the stated prices with a request for a 10% discount if possible. The motion was seconded by Karin Boychyn and carried with 5 Board members in favor and 1 Board member opposed (Joe Jordan).

Social Committee – None

Welcome Committee –

Karin Boychyn reported that the Committee met yesterday and there were 25 residents in attendance. The Committee is up and ready to welcome new residents. We have lots of good ideas and enthusiasm.

Governance Committee – John Daroff moved to appoint Raj Gupta to fill the vacancy on the Committee. The motion was seconded by Joe Jordan and carried unanimously. The Committee has reviewed the attorney's scope of work at their meeting last Thursday. The Committee voted to accept the scope of work with the hourly rate clarified. The Board can officially vote at the next meeting. The Committee is continuing its review of the Bylaws and has identified a number of structural issues. The Committee meetings are well attended by community members. Dan Amodeo has developed a tracking sheet to help keep the Committee organized. Alex Belida suggested that the Board consider a charter amendment if a committee member decides to run for the Board that would force them to resign from the Committee. The Board agreed to revisit this at a later time after the budget is adopted.

8. Treasurer's Report

Kathleen Moran advised that Abaris is continuing to collect delinquent dues and overall the finances look good. Kathleen has provided the Board with additional information on the proposed 2020 budget prepared by Abaris. She requested feedback from the Board so that a consensus can be reached on a final draft to be presented to the homeowners. The Board agreed to meet for a budget working session to further discuss the budget and get it ready for distribution to homeowners.

9. Management Report

Shireen Ambush presented the report from Abaris:

- A. **Board Member Appointment** – The Board discussed Joe Jordan's email advising that Ron Tipton's appointment can only be until the next election and not until the end of Ellen Stein's term per the Bylaws. Therefore, at the next Annual Meeting, there will be an election to fill 4 positions.

- B. **AB Veirs Proposal 148 New Mark Esplanade** - The Board discussed the proposal from AB Veirs for installation of a drywell in front of 148 New Mark Esplanade

to help alleviate the flooding problem. Kathleen Moran moved to accept the proposal. The motion was seconded by Joe Jordan and carried unanimously.

10. Old Business

A. Directors & Officers Insurance Renewal –

John Daroff reported that the renewal D&O Insurance policy has been presented by HMS and the good news is that the renewal policy is back in the standard market and the premium is \$1400 less than this year's premium for the excess and surplus policy. Cincinnati was the only carrier in the standard market willing to offer a policy which carries a \$25,000 deductible. The current policy expires on September 18, 2019. Kathleen Moran moved to accept the renewal policy offer from Cincinnati Insurance. The motion was seconded by Joe Jordan and carried unanimously.

B. Becht Engineering Report –

Alex Belida moved to authorize Becht Engineering to send out the scope and specifications they prepared with one correction on the project number 4 to qualified bidders requesting bids to implement their recommendations. The motion was seconded by Kathleen Moran and carried unanimously.

C. Abaris Realty Contract Renewal –

Kathleen Moran moved to accept Abaris Realty's one-year contract renewal addendum. The motion was seconded by Alex Belida and carried unanimously.

11. New Business

A. In the interest of time, the Board agreed to table the following agenda items until the next Board meeting scheduled for September 10, 2019:

1. Board Code of Conduct
2. Vote of President No Confidence

12. Community Forum 2

A. None

13. Executive Session

A. None

14. Adjournment

David Sloane made a motion to adjourn the meeting. Kathleen Moran seconded and the motion which carried unanimously. Meeting adjourned at 9:49 p.m.