

# NEW MARK COMMONS HOMES ASSOCIATION

## BOARD OF DIRECTORS MEETING

Thursday, November 7, 2019

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

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Minutes Taken by Shireen Ambush

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### Attendees

**Board Members:** John Daroff, Alex Belida, Joe Jordan, Kathleen Moran, Karin Boychyn and Ron Tipton

**Abaris Community Management:** Shireen Ambush, Henry Leung and Glen Charles

### 1. Call to Order

Kathleen Moran called the meeting to order at 7:01 p.m.

### 2. Community Forum 1 and Board Response

Ms. Kimelman, a resident of Lakeside Overlook commented that the proposed increase in the townhome dues to \$2900 per year is not competitive with the fees in other townhouse communities which are as low as \$84 per month. She fears that home values will be impacted negatively if the dues are so high. She asked whether we really need to make all of these capital improvements.

Board Response:

Kathleen Moran thanked Ms. Kimelman for her comments but assured her that the proposed budget contains realistic projections based on the needs of our aging community.

### 3. Agenda and Prior Meeting Minutes

**Board Meeting Agenda, 11-7-19:** Alex Belida moved to adopt the agenda as presented. The motion was seconded by Joe Jordan and carried unanimously.

**Board Meeting Minutes, 10-3-19:** Karin Boychyn moved to approve the minutes as amended. John Daroff seconded the motion which carried unanimously.

### 4. Appeals

None

### 5. Hearing

None

## **Committee Reports**

### **Architectural Control Committee (ACC) –**

Alex Belida reported that the ACC met and approved several new applications. In September the ACC rejected the appeal submitted by the owners of 238 New Mark Esplanade for the new roof that they installed without approval. The owners were given 30 days to bring the roof into compliance and that deadline has now passed with no response from the owners. Alex Belida moved that the ACC Chairman be authorized to file an official CCOC complaint against the owners of 238 New Mark Esplanade for this violation. The motion was seconded by Joe Jordan and carried unanimously. The CCOC complaint has been filed for the unauthorized shed at 13 Tapiola Court. There was unanimous Board consensus to appoint Alex Belida to serve as the Board liaison to the ACC.

The Board agreed unanimously to send out the letter drafted by the ACC and Communications Committee to off-site owners reminding them of the ACC guidelines and procedures.

**Communications Committee** – Pat Reber reported the October meeting of the Committee was canceled due to illness and the next meeting will be held on November 13, 2019 at 7:30 pm. The deadline for the next newsletter submissions is November 17, 2019.

In response to the Committee's inquiry about why dirt keeps falling into the storage room of the clubhouse where supplies are stored Abaris sent a contractor to investigate and it was confirmed to be a pest problem of some sort. An appointment is being scheduled with the exterminating contractor this week.

### **Landscape Committee –**

Ron Tipton reported that the Committee had a productive meeting with AW Landscapes on October 21, 2019. Attendees were JP Muller, Jim Denny, Ellen Stein and Kathleen Moran. There is a new law in Montgomery County that bans the use of non-organic pesticides and herbicides on lawns. AW Landscape's renewal grounds maintenance contract will outline optional services for our consideration to include organic products to treat for weeds that are more expensive and less effective. The Committee is of the opinion that small routine maintenance jobs that come up from time to time should not require Board approval. The Board unanimously agreed that any job \$300 or less should fall under the Committee's discretion to approve as long as we stay within the budget. Joe Jordan commented that the City of Rockville does not fall under the County's recent ban on pesticides and herbicides and the community falls under the City's jurisdiction. There is currently no ordinance at the City of Rockville that bans the use of herbicides and pesticides. Overall the meeting with AW Landscapes was very informative and productive and JP Muller is very active as the Committee's new Chairperson. Here are some highlights of the recent meeting:

- S&P Tree Care has completed the tree removals and pruning that the Board previously approved totaling \$17,000. The Committee is discussing the need for more tree pruning for preventive maintenance purposes. The Committee plans to plant trees where trees have been removed.
- The slope leading down to the lake is becoming badly eroded. This slope is used for emergency vehicle access. The Committee is exploring solutions to address the erosion.

- Jim Denny performed the fall clean-up by boat in the lake and retrieved a basketball and some litter/debris.
- The lake fountain is being pulled and stored for the winter.

#### **Lake Committee –**

None

**Pool Committee** – Joe Jordan advised that the pool is currently being prepped for the new whitecoat that will be installed in the spring. The County permit application has been submitted for the new filtration system and it could take up to 30 days to receive the permit. The new system should be installed and up and running well before opening day.

**Governance Committee** – John Daroff reported that the next meeting of the Committee will be on Tuesday, November 12, 2019 and the Committee has agreed to meet on the second Tuesday of every month going forward to establish that as a standing meeting date. The Committee has concluded their review of the Bylaws and the comments have been sent back to the attorney. We are still considered to be in Phase 1 of the scope of work. The Committee is proposing a few changes to the Committee Charter. The Board agreed to change the word “shall” to “must”. Alex Belida moved to accept this final, revised version of the Charter. John Daroff seconded the motion which carried unanimously.

The Board discussed whether or not to ask legal counsel to review the resale disclosure package that is issued to new homeowners to confirm that it contains all governing documents of the Association as recorded in Land Records. This would not be covered under the retainer agreement and the Association would be billed by the hour for the attorney’s time. John Daroff volunteered to take a more in-depth review of the resale package and Abaris should continue using the current package for now.

**Welcome/Social Committee** – Karen Boychyn reported that the cocktail party on October 19<sup>th</sup> was well attended. The Committee is still getting organized to welcome new residents with helpful information.

## **6. Treasurer’s Report**

Karin Boychyn commented on the draft 2018 audit report. The Association only has a 2% delinquency rate which is very good. The audit confirmed that the current reserve balance is too low and will not be sufficient to meet future needs. Shireen Ambush gave some financial highlights from the audit report as follows:

- Total income in 2018 was \$567,052
- Total expenses in 2018 was \$466,634
- Total amount contributed to the replacement reserves in 2018 was \$128,700
- The Association ended the year with a deficit of \$28,282
- As of December 31, 2018, the Association had a total of \$614,490 in cash assets

The Board reviewed the deferred assessment resolution that is recommended by the Association’s independent auditors, Goldklang Group. Karin Boychyn moved that the

Association elects to apply all or part of any excess assessment income to the following year's assessments and such final amount shall be at the Board's discretion. The motion was seconded by Alex Belida and carried unanimously.

Kathleen Moran announced that the 2020 budget adoption is being deferred until the December meeting to give owners ample time to review and comment. A total of 4 homeowners responded to the email blast regarding the budget correction. Two of those homeowners needed financial hardship consideration and the other two supported the proposed budget after having their questions answered. There has been no comment on the revised budget letter that was sent to all homeowners. Joe Jordan commented that he has heard from neighbors who are upset about the increase and feel that there is a disproportionate increase between the dues for townhomes versus the dues for single family homes.

## 7. Management Report

Shireen Ambush presented the report from Abaris:

A. **AB Veirs concrete warranty repairs-** The Board discussed the list of warranty repairs that AB Veirs has to make on the newly installed sidewalks and curbs. Due to the lateness of the season and winter weather rapidly approaching, there is a concern that any new concrete may not have adequate time to cure and harden before the first freeze. Therefore, AB Veirs will be notified to defer the warranty repairs to next spring as soon as winter is over.

B. **AW Landscapes Snow Removal Contract 2019-2020** – The Board reviewed the renewal snow removal contract from AW Landscapes. The Board agreed that it is okay to use rock salt on the pavement and pet friendly ice melt on all sidewalks. Ron Tipton moved to accept the renewal contract. The motion was seconded by Karin Boychyn and carried unanimously.

## 8. Old Business

A. **Drainage Bids** – Becht Engineering expects to have bids for the drainage project by the December Board meeting.

B. **Board Vacancy** – The recent resignation of David Sloane has created a vacancy on the Board of Directors. Alex Belida advised that any appointment would only be until the next Annual meeting in March 2020 so it may be advisable to simply wait until the Annual meeting to elect someone to fill the vacancy. Ron Tipton agreed with this suggestion. Joe Jordan advised that the Covenants state that the Board shall appoint a replacement. Karin Boychyn commented that the first call for nominations for the Annual meeting goes out in the December newsletter which is right around the corner. Ron Tipton moved to leave the position vacant until the Annual Meeting. The motion was seconded by John Daroff and carried with 4 in favor and 2 abstentions (Joe Jordan and Karin Boychyn).

C. **2020 Election Plan** – Alex Belida moved to approve the proposed 2020 election plan which are an attachment to the minutes of this meeting. The motion was seconded by Karin Boychyn and carried unanimously. The first notice of the Annual Meeting which is the call for nominations will be sent out by Abaris in January.

D. **Board Code of Conduct** – All Board Members present signed the Code of Conduct.

## 9. New Business

A. None

## 10. Community Forum 2

A. Ms. Kimelman asked if the Board can survey more homeowners for feedback before adopting the 2020 budget. Kathleen Moran responded that there was a special budget hearing work session held in the clubhouse to give owners an opportunity to comment on the proposed budget and have any questions answered. The Board will still take any feedback from owners up until the December Board meeting when the vote will be taken to officially adopt the budget. Alex Belida commented that this Board inherited years of deferred maintenance and capital improvement projects. While no one wants to raise dues, it is absolutely necessary in order to replace our failing infrastructure.

B. Madeline Gupta warned about comparing our dues to the dues of other communities. New Mark Commons has many amenities that other communities lack. Past Boards have been reluctant to raise the dues which is the reason why they must be raised so significantly now. If the Board did not raise the dues, we risk property values being negatively impacted because special assessments would be necessary in order to complete capital improvement projects. Kathleen Moran responded that we are currently conducting a thorough review of the governing documents to propose a change in the fee structure but until that is officially adopted by the membership, we are forced to abide by the language in the original documents.

C. Ron Tipton commented that the sediment build-up in the lake makes it more shallow and it is currently one foot deep at some points along the banks where it was four feet after the last dredge. Pat Reber suggested visiting the City of Rockville to ask for the official stormwater management plan under which NMC was developed to see if there was any agreement between the City and the developers on the future maintenance of the lake. Shireen Ambush commented on two nearby communities (Tuckerman Station and Grosvenor Park) that both have man made stormwater management lakes that require dredging periodically. In the case of Tuckerman Station, the original developer entered into an agreement with the County that the HOA would perform all routine maintenance but any major work such as dredging, or replacement of the infrastructure would fall under the County's responsibility. In the case of Grosvenor Park, it is 100% private and the Association is paying for 100% of all maintenance and upkeep to include dredging and the infrastructure.

D. Residents commented on the new pickle ball lines painted on the tennis courts which are much appreciated and used by many residents. The nets may be in need of replacement and we need to keep brooms on the courts so residents who come to use them can sweep any leaves before playing.

## **11. Executive Session**

A. Alex Belida moved to enter into executive session for the purpose of discussing private homeowner financial matters. The motion was seconded by Joe Jordan and carried unanimously.

## **12. Adjournment**

Alex Belida made a motion to adjourn the meeting. Joe Jordan seconded and the motion which carried unanimously. Meeting adjourned at 8:33 p.m.

Attachment: Board 2020 Elections Information and Application (Which will appear in the December newsletter and be posted on the NMC website):

## **New Mark Commons 2020 Election Schedule: Five Board Positions Are Up For Election**

Due to resignations over the past two years as well as the expiration of regular terms, the 2020 elections for the New Mark Commons Homes Association Board of Directors will be for **five** positions. All those interested in serving the community by joining the Board are encouraged to apply and should use the form attached to this notification to declare their candidacies.

Four of the positions open in March 2020 are currently held by Alex Belida, Karin Boychyn, Kathleen Moran and Ron Tipton. The fifth position was held previously by David Sloane and is currently vacant.

The positions held by Belida, Boychyn and Moran are for three-year terms. The position held by Tipton, who replaced Ellen Stein, is for a one-year term. The vacant position held previously by Sloane is for a two-year term.

In accordance with past practice, the top three vote getters will be elected to full three-year terms, fourth place will get the two-year term and fifth place the one-year term.

The NMC Board has approved the following schedule to fill the board positions.

**January and February Communication plan** (NMC website, newsletter, etc.) implemented to promote 2020 NMC board member opportunities and election schedule.

**Thursday, February 6 NMC Board Meeting** agenda dedicates 15 minutes for potential candidates to have an opportunity to ask questions of the board.

**Friday, February 14 5:00 p.m. Deadline for submission of candidate self-nomination form to Abaris.**

**Tuesday, February 18 Distribution of candidate information packet and “paper” ballots to all NMC residents.**

**Thursday, March 5 Candidates Forum prior to NMC Board Meeting.**

**Friday, March 6 Deadline for Abaris receipt of NMC resident “early voting” via mailed or hand delivered paper ballots. One ballot per household.**

**Monday, March 9 NMC Annual Meeting and elections:**

- Residents who have not voted by mail will be able to vote in person.
- One ballot per household.
- Date is second Monday of March as required in the NMC By-Laws Article IV Section 2.
- The 2020 NMC election team assisted by Abaris staff will be responsible for handling receipt of and counting of paper ballots at the annual meeting.



NEW MARK COMMONS

**HOMES ASSOCIATION, INC.**

P.O. BOX 4206  
ROCKVILLE, MD 20849-4206 301-340-0288 <http://www.newmarkcommons.net>

## **NMC Board of Directors Candidate Statement of Intent**

*This document must be returned by Friday, February 14, 2020 to be valid.*

**Name:**

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**Address:**

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**Telephone:**

**Email:**

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I wish to state my intention to run for election as a member of the NMC Board of Directors. I have reviewed the responsibilities of the Board of Directors and the qualifications for a director's position as set out in the NMC *Bylaws*, Article V <http://newmarkcommons.org/wp-content/uploads/2016/08/Bylaws.pdf>. I am qualified and willing to serve as a member of the Board.

***I wish to share with NMC residents the reasons that I am qualified to serve this community:***

- 1. Brief Biography:**
  - 2. Relevant Professional and/or Volunteer Experience:**
  - 3. No prior experience with NMC issues is required, but if you do have a special interest or concern that you would bring to the Board of Directors, feel free to describe it here.**
  - 4. Please state why you should be elected to the NMC Board of Directors:**
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**Signed**

***Please return your completed statement by Friday, February 14, 2020:***

*Via mail or in person: Abaris Realty  
Attention: Shireen Ambush NMC Election*

*7811 Montrose Road, Suite 110 Potomac, MD 20854*

*Via email: [sambush@abarisrealty.com](mailto:sambush@abarisrealty.com)*