



**NEW MARK COMMONS
HOMES ASSOCIATION, INC.**
C/O ABARIS REALTY INC.
7811 MONTROSE RD STE 110
POTOMAC MD 20854-3349
301-468-8919
www.newmarkcommons.net

April 20, 2023

Dear New Mark Commons Homeowner,

Happy Spring! The New Mark Commons pool is being prepared for its scheduled opening on Saturday, May 27, 2023. As of the date of this notice, there will be no COVID restrictions at the pool this summer, however this is subject to change if State and County mandates are imposed in the future. This summer's pool registration will be as follows:

1. The registration process is described in Attachment 3 and 5. Residents who registered in MemberSplash last year remain in the system but may have to update their registration if members have left or joined their household or there is a caregiver/ houseguest.
2. If you are new to MemberSplash, detailed directions on how apply for the pool with Abaris are enclosed. This should be done this spring before the pool opens or you will not be able to access the pool when it opens.
3. This information will then be validated and Abaris, as administrator, will allow into the system all occupants that meet the following criteria:

General Admission Guidelines for NMC Pool during the 2023 Season

All NMC Residents and NMC Nonresident Pool Members who are current with all payment of all NMC financial dues obligations are eligible to use the pool.

A resident is defined as someone who permanently resides within New Mark Commons. Your New Mark address is your primary residence and where you officially receive mail and are registered to vote. Abaris Realty, Inc. and New Mark residents assigned by the Board to validate residents reserve the right to request a valid government issued ID to confirm residency.

The only exception is children who may live away from the family household to attend college or other activity. Children may use the pool until they reach the age of 26. Once they turn 26 they must pay applicable guest fees for entry and be accompanied by a New Mark resident. Abaris Realty, Inc. and New Mark residents assigned by the Board to validate residents reserve the right to request a valid government issued ID to confirm age.

Nonresident Care Providers. Care Providers apply to young children, individuals with special needs, and seniors requiring assistance. The Care Provider must be identified in advance by an owner or renter within the pool registration system. There is no charge for Care Providers as long as they have been identified in the system, attend with the person for whom you are providing care, and a legal guardian for that individual is not present. If a legal guardian is present applicable guest fees apply. **Houseguests** may be registered within the system and use the pool free of charge. In order to qualify as a houseguest, the individual(s) must be physically residing at a residence within New Mark for an extended period of time during the course of the summer. **Local family members or friends do not qualify.** In order to have someone entered into the system as a houseguest please email your request along with justification to board@newmarkcommons.net. The Board may request additional information and may delegate action on or resolution of the request to New Mark residents assigned by the Board. Houseguests will be decided on a case-by-case basis.

Note: At the conclusion of each swim season the membership management system will automatically delete anyone classified as a Care Provider or houseguest.

Renter or Tenant of NMC Property. NMC pool membership is associated with one family per property. An owner of NMC property must declare in writing to Abaris Realty, Inc. whether an identified renter/tenant may be granted a NMC pool membership for the season instead of the owner. If the owner chooses to use the pool membership for the season, the renter/tenant may apply for a nonresident NMC pool membership and pay applicable fee if a membership is available. **For all tenants, a copy of the current rental lease is required in order to be validated within the system.**

If you believe a household member has been denied validation in error, please provide a valid government issued ID to Kaitlyn Ambush at:

Abaris Realty, Inc.
Attention: Kaitlyn Ambush
7811 Montrose Road Suite 110
Potomac, MD 20854
Fax: 301-468-0983
Email: kambush@abarisrealty.com

Upon validating you as a NMC resident, entry into the system will be granted.

Pool Rules and Pool Access Permission & Liability Waiver: Enclosed are the pool rules and the 2022 Pool Access Permission & Liability Waiver form. If you have children in your household ages 9 through 15, they must pass the swim test and a new form must be completed and returned to Abaris Realty in order for them to use the pool without being accompanied by an adult parent or guardian.

Rules for Pool Parties: The Board of Directors has adopted rules for pool parties held during regular operating hours which are attached.

On behalf of the Board of Directors, I hope you have a great summer at the pool and please stay safe!

Sincerely,

A handwritten signature in black ink, reading "Shireen Ambush". The signature is fluid and cursive, with the first name "Shireen" and last name "Ambush" clearly distinguishable.

Shireen Ambush, PCAM, CPM
Property Manager

Attachments:

1. 2023 Hours of Operation
2. New Mark Commons 2023 Swimming Pool Rules
3. 2023 Pool Registration Application
4. 2023 Pool Access Permission & Liability Waiver
5. Pool Party Rules
6. Pool Personnel's inclement weather policy

Pool Hours of Operation 2023

While public school is in session May 27 through June 16, the hours of operation will be as follows:

- Monday, Memorial Day, May 29: 10 a.m. - 8 p.m.
- Saturday and Sunday: 10 a.m. – 8 p.m.
- Monday – Friday: 2 p.m. – 8 p.m.
(except June 16, MCPS half day, 12 noon - 9 p.m.)

After public school is out of session from Friday, June 16 through Saturday, August 26, the hours of operation will be as follows:

- June 16, Friday: 12 p.m. – 9 p.m. (MCPS half day)
- Monday – Friday 11 a.m. – 9 p.m.
- Saturday: 10 am – 8 p.m.
- Sunday: 10 a.m. – 9 p.m.
- July 4, Tuesday: 10 a.m. – 6 p.m. (Independence Day)

Sunday, August 27 through Monday, September 4, the hours of operation will be as follows:

- Sunday, August 27: 10 a.m. – 8 p.m. (one hour shorter than previous Sundays)
- Monday – Friday: 4 p.m. – 8 p.m. (school in session)
- Saturday and Sunday: 10 a.m. – 8 p.m.
- September 4, Labor Day: 10 a.m. – 6 p.m.

New in 2023! Pool Breaks and Guest Passes

- **Pool Breaks:** To meet a Fair Housing Act requirement, the NMC Pool will no longer have an age discriminatory break every hour with all children ordered out of the water. Instead, a “Quiet Time” for 15 minutes will be instituted in which there will be NO balls, no games, no toys, and no jumping or diving in the pool allowed. Ice cream sales will be limited to this 15-minute period.
- **Guest Passes and Fees:** All NMC homeowners registered in [MemberSplash](#) will receive 10 guest passes (at no cost) for use during the 2023 season. But you MUST be registered in MemberSplash to receive the passes. Guest fees are \$2 per guest during the week and \$4 per guest on weekends and holidays. A 10-use guest pass can be purchased for \$20, for use on any day of the week. For more passes, read here: [How to Obtain Guest Passes for NMC Pool.](#)

New Mark Commons 2023 Swimming Pool Rules

1. The pool changing rooms and showers will all close promptly at designated schedule times. No one will be admitted to the pool 15 minutes prior to closing.
2. NMC swim team meets for events held at the NMC pool will impact opening and closing times. Dates and times will be provided.

ADMISSION

All NMC Residents and NMC Nonresident Pool Members who have registered and been validated within the Member Splash pool registration system and who are current with payment of all NMC financial dues obligations are eligible to use the pool. If you have not been validated within the registration system you will be denied access. You may request validation by contacting the property management company Abaris Realty, Inc. at 301-468-8919 or email kambush@abarisrealty.com. Once a valid government ID has been provided validation will be granted.

Entering through the side gate with check-in on the pool deck worked well last year and will be in place again this year. Once you have been validated you will just need to provide your name to the guard as you check in. Please wait while they enter your name in the system and are instructed to enter before proceeding past the check-in table. You must follow this practice at each visit prior to entering the pool facilities. Again, if your name has not been validated within the system you will be denied entry.

In order to close the pool on time, all swimmers will be asked to get out of the pool 15 minutes prior to closing time. In addition, lifeguards will not admit swimmers if they arrive 15 minutes before closing or later.

Guests must be accompanied by NMC residents or nonresident NMC pool members in order to be admitted once the appropriate guest fee is paid. Guest Passes may be purchased via Membersplash or a \$20 guest card can be purchased at Abaris Realty.

NMC Pool Party Rules allow up to 15 guests to be brought to the pool during standard hours of operation if the NMC host has applied for and received approval in advance from the NMC Pool Management Company, Pool Personnel. Contact nmcpoolmgr@gmail.com. See attachment 4 for additional information regarding pool parties.

Ongoing admission is dependent upon pool users complying with the NMC Pool Rules.
All persons using the pool area do so at their own risk and accept responsibility for their own safety.
Personal property is the responsibility of the persons using the pool.

SWIMMING RULES FOR CHILDREN:

1. Any child under 16 years of age may enjoy unrestricted use of the main pool upon successfully passing a Basic Swim Test administered by a lifeguard.

2. All children under 9 years of age must be accompanied in the pool by an adult or responsible person 16 years or older.
3. Children who have not passed the Basic Swim Test must have a responsible person in the pool with them within an arm's reach at all times and are prohibited from the deep end of the pool or using the diving board.
4. Non-swimmers must remain in shallow water (chest deep or less).
5. Only US Coast Guard approved flotation devices and noodles are permitted in the main pool.
6. Children ages 9-15 may come to the pool to swim without parents accompanying them only after successfully passing a Basic Swim Test and having a 2023 Pool Access Permission & Liability Waiver form completed and signed by their parent or guardian on file with the NMC property management company Abaris Realty, Inc., and the pool management company, Pool Personnel. Forms are available in this packet or on the NMC website: www.newmarkcommons.org
7. The Basic Swim Test consists of:
 - a. Swimming half the length of the pool with confidence, using one of four basic swimming strokes.
 - b. Stopping and treading water for a period of one-minute.
 - c. Resuming swimming the length of the pool with confidence.
 - d. Successful completion of the test shall be at the discretion of the pool manager/lifeguard.
8. A 15-minute quiet time will be instituted 15-minutes prior to the hour's change in which jumping, diving, splashing, and ball/game/toy play will be prohibited.

NMC SWIMMING POOL USERS' RULES

1. All pool users must:
 - Wear swimming apparel (bathing suit or trunks, UV protection tops).
 - Shower before entering any pool
 - Only enter the pool when a lifeguard is on duty
 - Refrain from spitting, spouting water or blowing the nose while swimming
 - Refrain from underwater swimming for distance
 - Comply with all NMC pool rules and directions issued by the lifeguards
2. Absolute NOs for all pool users:
 - **NO RUNNING, CARELESS OR ROUGH PLAY, IMPROPER CONDUCT**
 - **NO ABUSIVE OR PROFANE LANGUAGE**
 - **NO HARD BALL PLAYING ON THE POOL DECK OR AGAINST A CLUBHOUSE WALL**
 - **NO GLASS BOTTLES OR CONTAINERS** (including baby bottles)
 - **NO FOOD ON THE POOL DECK.** Eating is restricted to seated tables in the patio area.
 - **NO CELL PHONES, CAMERAS, or other VIDEO devices may be used in the changing rooms or restrooms.**

- **NO CHEWING GUM**
 - **NO ALCOHOL, DRUGS, SMOKING OR VAPING.** This is a State of Maryland Law.
 - **NO PETS are permitted within the pool area.**
3. Patrons with the following health conditions may not swim in any pool: anyone with skin abrasions or skin diseases; having a cold, cough, inflamed eyes, open sores, infection, excessive sunburn, nasal or ear discharge.
 4. Any child who is not toilet trained or adult who is incontinent must wear a clean diaper or disposable swim diaper that is covered by a separate rubber/vinyl pants fitting snugly around the legs and waist.
 5. Diving rules as posted and/or directed by a lifeguard must be adhered to. Diving is only allowed in the diving well. Only one person is permitted on the diving board at a time. Dives must only be forward in direction. Only one bounce on the diving board is allowed. No back dives or flips allowed. No flotation device, goggles or toys are permitted while the diving board is in use. They are allowed when general swimming in the diving well is occurring. Divers will not dive until the previous diver has reached the ladder at the side of the pool. Only individuals who have passed the safe swim test may use the diving board.
 6. Lap lanes are for fitness swimming. Hanging on the lane ropes is prohibited.

NMC CLUBHOUSE AND SWIMMING POOL FACILITY RULES

1. NMC encourages all users to be respectful of each other and the facility itself while enjoying the Clubhouse and pool.
2. All users must obey the direction of the pool manager/lifeguards. Please note that the pool manager/lifeguards are not only authorized but are required to enforce the NMC pool rules for the purpose of ensuring the safety of all users/guests. The pool manager/lifeguards have the authority to establish and enforce any other rules and regulations that will further the safe operation of the pool. **They also have the authority to prohibit any activity, whether specifically described in the facility/pool rules, or unstated, that they determine is unsafe.**
3. The pools may be closed at the discretion of the lifeguards at any time due to weather (heavy rain, thunder, lightning, etc.), breakdown of equipment, operational defects, or other causes. See attached flyer regarding weather related closures.
4. The pool office is only for the use of pool managers and lifeguards.
5. If a patron with a disability needs special accommodations to use the pool complex, please contact the Pool Manager.
6. Radios, CD players and other portable electronic devices may be played only with earphones, at a volume that does not disturb others. All electronic devices on the pool deck must be battery operated.
7. Bicycles, skateboards, rollerblades/roller-skates or scooters are not permitted on the pool deck. Baby strollers and baby wagons are allowed.
8. A designated basketball is permitted only when used to play basketball in the pool. Only soft balls are permitted for play in the pool area.
9. All trash and recycling must be deposited in receptacles provided.
10. There will be no guest entry refunds for inclement weather closures of the pool.
11. NMC residents who are interested in a private pool party or use of the Clubhouse outside of standard pool hours of operation should speak to the property management firm Abaris Realty, Inc. at 301-468-8919.

Attachment 3:

**NEW MARK COMMONS HOMES ASSOCIATION
2023 POOL REGISTRATION**

Please allow at least 7 calendar days for processing new applications. Tenants who are renting must provide a copy of the current rental lease along with the pool pass application in order for the application to be processed. Residents will be contacted when they have been activated within the pool membership data base.

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The only exception is children who may live away from the family household to attend college or other activity. Children may use the pool until they reach the age of 26. Once they turn 26 they must pay applicable guest fees for entry and be accompanied by a New Mark resident. Abaris Realty, Inc. and New Mark residents assigned by the Board to validate residents reserve the right to request a valid government issued ID to confirm age.

Nonresident Care Providers. Care Providers apply to young children, individuals with special needs, and seniors requiring assistance. The Care Provider must be identified in advance by an owner or renter within the pool registration system. There is no charge for Care Providers as long as they have been identified in the system, attend with the person for whom you are providing care, and a legal guardian for the charge is not present. If a legal guardian is present applicable guest fees apply.

Houseguests may be registered within the system and use the pool free of charge. In order to qualify as a houseguest, the individual(s) must be physically residing at a resident within New Mark for an extended period of time during the course of the summer. **Local family members or friends do not qualify.** In order to have someone entered into the system as a houseguest please email your request along with justification to board@newmarkcommons.org. The Board may request additional information and may delegate action on or resolution of the request to New Mark residents assigned by the Board. Houseguests will be decided on a case-by-case basis.

Note: At the conclusion of each swim season the membership management system will automatically delete anyone classified as a Care Provider or houseguest.

Renter or Tenant of NMC Property. NMC pool membership is associated with one family per property. An owner of NMC property must declare in writing to Abaris Realty, Inc. whether an identified renter/tenant may be granted a NMC pool membership for the season instead of the owner. If the owner chooses to use the pool membership for the season, the renter/tenant may apply for a nonresident NMC pool membership and pay applicable fee if a membership is available. **For all tenants, a copy of the current rental lease is required in order to be validated within the system.**

Please be advised that there will be no walk-in service for pool pass applications. Abaris Realty is fully responsible for processing pool memberships. The lifeguards are not able to issue new pool memberships or activate memberships that have been deactivated.

**NEW MARK COMMONS HOMES ASSOCIATION
2023 POOL REGISTRATION APPLICATION FORM**
(For New Residents or Those who Need to update their Registration)

Resident Name: _____

Property Address: _____

Work Phone: _____

Home Phone: _____

Cell Phone: _____

E-Mail: _____

Circle one: **RESIDENT OWNER** **TENANT**

Household Members

**Adult's Names
(18 and over)**

**Date of Birth
Required for all children
Until the age of 26.**

1. _____

2. _____

3. _____

4. _____

Minor's Names

1. _____

2. _____

3. _____

4. _____

PLEASE NOTE: Include a picture or copy of a current Government Issued ID for all adults over the age of 18.

PLEASE NOTE: If you have children in your household between the ages of 9 – 15, a new Pool Access Permission & Liability Waiver form must be completed and returned to Abaris Realty in order for them to use the pool without being accompanied by an adult parent or guardian.

PLEASE NOTE: For all tenants, a copy of the current rental lease is required in order for pool passes to be issued.

I attest that the above has been read and fully understood

Signature: _____ Date: _____

**Completed Applications should be sent to: Abaris Realty, Inc
7811 Montrose Road Suite 110
Potomac, MD 20854
Fax: 301-468-0983
Email: kambush@abarisrealty.com**

Attachment 4:

2023
NEW MARK COMMONS HOMES ASSOCIATION, INC.
POOL ACCESS PERMISSION & LIABILITY WAIVER
(Swimmers Age 9-15)

I acknowledge that I have received and read the New Mark Commons Homes Association, Inc. (the "Association") Pool Rules and Regulations. I further acknowledge the following:

1. All children under 9 years old must be accompanied in the pool by an adult or responsible person 16 years of age or older.

2. An adult or responsible person 16 years or older must be in appropriate swim attire and within arm's reach of any child in the water who has not passed the basic swimming test*.

3. Children between the ages of 9 and 15 (i.e., the child's 9th birthday has passed but he/she has not reached his/her 16th birthday) may use the pool unaccompanied by an adult or responsible person 16 years of age or older if he or she passes the basic swimming test each year and has a signed permission form on file with the pool.

By signing this form, I grant my child(ren) named below, permission to access the pool without being accompanied by an adult or responsible person 16 years of age or older. I am the parent or legal guardian of the child(ren) named herein, and in such capacity have the legal authority to sign this form. I acknowledge that the child(ren) named below are between the ages of 9 and 15 and passed the basic swimming test. **I hereby agree that use of the swimming pool is at the child(ren)'s and my own risk. As a condition of my child(ren)'s use of the swimming pool, I on behalf of myself, my heirs and assigns and the child(ren) named herein, expressly agree to hold the Association, its members, directors, officers, agents, employees, independent contractors, their heirs, successors and assigns harmless from any claim, liability, loss, damage, or expense of any kind or nature whatsoever (including personal injury or death) that may arise due to the child(ren)'s use of the pool.** I further acknowledge that the child(ren) will abide by the Pool Rules and Regulations, any posted or published rules or signs, or any instruction given by a lifeguard, and their failure to do so may result in immediate termination of use of the pool. I further acknowledge that the lifeguards are not babysitters for the child(ren) and there is a risk associated with the child(ren)'s use of the pool without supervision by an adult or responsible person age 16 or older. I further acknowledge that I may be held financially responsible for acts of malicious mischief or vandalism by the child(ren) that results in damage to Association property.

Child's Name: _____ Age: _____ DOB ____/____/____

Child's Name: _____ Age: _____ DOB ____/____/____

Child's Name: _____ Age: _____ DOB ____/____/____

Child's Name: _____ Age: _____ DOB ____/____/____

Parent/Guardian Signature: _____

Printed Name: _____

Date: _____

Address: _____

Emergency Contact: _____

***Swim Test consists of: swimming ¼ the length of the pool with confidence, treading water for 1 minute, and then swimming the remaining length of the pool with confidence. Successful completion of the swim test will be judged by the pool manager at his/her discretion**

Attachment 5:

REGISTERING FOR MEMBER SPLASH!

For new residents once you have been validated by Abaris for pool use, please follow the instructions below to register in MemberSplash. We ask that when you first log into the new system you please take a moment to verify all your account information and make any corrections needed. If you have any questions or need assistance making changes, please contact us at:

Abaris Realty, Inc.
Attention: Kaitlyn Ambush
7811 Montrose Road Suite 110
Potomac, MD 20854
Fax: 301-468-0983
Email: kambush@abarisrealty.com

To log into your new account please complete the following steps:

1. Go to <https://newmarkcommons.membersplash.com>

This will take you to a login screen.

***Please NOTE:** If you logged into your Member Splash account, and changed your default password to a custom password, please continue to use the custom password you set for your account.

2. **The default username for your account is your full street address all lowercase, no spaces and spell out esplanade, court, circle, and way. For example:**
100newmarkesplanade

The **default password** is: NewMarkCommons

Upon first log-in you will get a message in a yellow box at the top of the screen directing you to provide additional information.

Your account is missing the following required information. You'll need to update it before proceeding.

Your password needs to be updated.

An email address is required for the billing member on the account.

3. At a minimum you will be prompted to pick a new password. Please take a moment to update it to something secure and be sure to store that password somewhere. If you ever lose your password you can use the password reset link, but this requires a valid email address on file. You can store one email address per adult member by clicking **Edit** next to their name on the account management screen. Each household will have their own password, multiple passwords per household are not needed.
4. Edit and delete members. To edit a member, click on the pencil icon. To delete a member, click on the trashcan icon. To upload a picture, click on the camera icon. ***Please remember, all members must have the same permanent address.***



5. **You must upload a face shot of each individual in your family membership under their name.** To do so, click on *Manage Account, Account Details*, add each photo by clicking on the camera icon after each member's name. Please use a close up headshot or cropped face photo.
6. Add emergency contact info. To do so, click on the red pencil icon next to emergency contact info and add the correct info.

As a member you do not have permission to add individuals to your household account. If you have additional family members living with you, please submit the enclosed form to kambush@abarisrealty.com and Pool@newmarkcommons.net. During this initial set-up period the Pool Committee will be assisting Abaris in adding household members as appropriate.

Thank you for taking the time to complete your residency profile within the new system. We look forward to seeing all of you this summer.

Attachment 6:

NEW MARK COMMONS POOL PARTY RULES

The following rules apply to private pool parties held during normal pool hours:

- All parties at the pool must be scheduled at least one week in advance with our pool management company, Pool Personnel, by emailing them at: nmcpoolmgr@gmail.com
- The party administrator is authorized to deny an event if the requested date conflicts with a previously scheduled party or falls on one of the blackout dates.
- Blackout dates are: Memorial Day weekend, Father's Day, July 4th weekend or surrounding days, and Labor Day weekend.
- No more than 15 swimmers, including both members and non-members, can be included in the pool party guest list.
- The party host must check-in with the guards upon arrival.
- The party's food focus must be contained within the designated eating area and may not overtake the entire area. The party's host is reminded that your party is being held during normal operating hours, and we request that you show courtesy towards other pool users. This would include bringing your own table to use for food distribution and ensuring the area is cleaned up at the conclusion of the party.
- Parties are limited to two hours. Set-up and clean-up are in addition to the two-hour maximum.
- The preference is to limit the pool schedule to one party per day. The Party Administrator has the discretion to schedule up to two parties.
- The pool party host will pay applicable fees. (non-members fees: \$2 per guest weekday and \$4 per guest weekend)
- Non-member pool party guests between the ages of 9 and 16 must sign a liability waiver.
- All pool parties must provide a minimum of two chaperones.
- Pool party guests must comply with all NMC Pool Rules.

To be eligible to host a NMC pool party, you must be a resident or non-resident pool member in good standing and be in attendance throughout the duration of the party.

QUESTIONS AND PARTY SCHEDULING: Contact the New Mark Commons Pool Management Company at nmcpoolmgr@gmail.com and use the subject heading **"New Mark Commons Pool Party."**

The Pool Rules can be found on the NMC website: <https://newmarkcommons.org/pool-registration-forms-rules/>