

NEW MARK COMMONS HOMES ASSOCIATION

BOARD OF DIRECTORS MEETING

Thursday, July 11, 2019

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

Minutes Taken by Shireen Ambush

Attendees

Board Members: John Daroff, Kathleen Moran, Ellen Stein, David Sloane and Karin Boychyn.

Abaris Community Management: Shireen Ambush

1. Call to Order

John Daroff called the meeting to order at 7:06 p.m.

2. Community Forum 1 and Board Response

Brandon Zhang, owner of 154 New Mark Esplanade commented on the common area hillside across from his row of townhomes which is full of overgrown weeds. He also made a suggestion for the Board to consider installing electric car charging stations in the community.

Board Response:

Management will refer the comment regarding the weeds on the hillside to the landscape contractor. The suggestion for the electric car charging stations will be discussed later on in this meeting.

3. Agenda and Prior Meeting Minutes

A. **Board Meeting Agenda, 6-6-19:** Karin Boychyn requested to add an item to the agenda from a resident who suggested a social event. With this addition, Kathleen Moran moved to approve the agenda. The motion was seconded by Karin Boychyn and carried unanimously.

B. **Board Meeting Minutes, 6-6-19:** Ellen Stein moved to approve the minutes as amended. David Sloane seconded the motion which carried unanimously.

4. Appeals

None

5. Hearing

The Board discussed the correspondence received from the attorney representing the owner of 238 New Mark Esplanade which requested access to the Association's books and records. Due to the fact that the information being requested is located within the individual unit files for each townhome, it would take management a considerable amount of time to go through nearly 200 unit files to extract the information that is being

requested and compile it for their review. These unit files also contain financial information pertaining to the Association fee account which must be kept confidential and that is the reason why we cannot allow anyone other than the Board or management to review them. A response will be sent to the owner's attorney suggesting that their request is overly broad and excessively burdensome. We will suggest that they narrow their request for information. The owner requested a hearing before the Board that will be held at the September Board meeting. A response will be sent to the owner's attorney accordingly.

6. Committee Reports

Architectural Control Committee (ACC) –

David Sloane reported that the ACC approved 10 applications this month and one is pending. The ACC has discussed the survey of all homes to identify those in need of maintenance and come up with a plan to address them going forward. The ACC has agreed to postpone the survey until early Fall. The ACC is interested in providing input to the Governance Committee for revisions to the governing documents as it pertains to ACC matters.

Communications Committee (CC) – Alex Belida submitted the following report in advance of the meeting: The Communications Committee will not be issuing a traditional newsletter for the month of July. Instead there will be a special issue focused on the Swim Team and the Pool. It is being prepared by members of the Pool Committee in coordination with Kirsten Hall and others from the Communications Committee.

We reported on the CCOC decision in a Mailchimp to all residents. We also posted several items on both our website and links on Nextdoor regarding the installation of “Don’t Feed the Waterfowl” signs as well as pool events like the food trucks.

Landscape Committee (LC) – Ellen Stein reported that the Committee didn’t meet because of the holiday and she announced her resignation from the Board and Landscape Committee effective immediately. John thanked Ellen for her many years of service on the Board on and off for many years and wished her all the best. John suggested filling the vacant position at the September Board meeting. The Board tabled discussion until later in the meeting. Ellen Stein left the meeting at this time.

Pool Committee – Shireen Ambush read the following report from Joe Jordan who could not attend the meeting: The Committee is trying to schedule a meeting with John Currie from Pool Personnel for when Shireen is back in her office next week. With respect to the gender identity issue, all factors should be considered in how a policy is written to ensure that it respects the needs of everyone. John Daroff shared the legal opinion obtained from the Association’s legal counsel on the gender identity issue. Fair Housing laws govern New Mark Commons since it is private property and therefore ADA laws are not applicable since this is private property and not a place of public access. The Association’s legal counsel not discriminating with signs. Furthermore, we do not have a gender-neutral bathroom. All residents are welcome to use whatever facility they choose. John Daroff moved to affirm this interim guidance that is in accordance with the Fair Housing Act. The motion was seconded by Karin Boychyn and carried unanimously. John Daroff will draft a policy citing the Fair Housing Act.

Governance Committee – The Board discussed appropriation of funds for the Governance Committee. John Daroff moved to appropriate funds in the amount of \$3500 for the remainder of 2019. Kathleen Moran seconded the motion which carried unanimously. The Board reviewed the Governance Committee Rules. John Daroff moved to adopt the rules as proposed. The motion was seconded by Karin Boychyn and carried unanimously.

Social Committee – None

7. Treasurer's Report

Kathleen Moran reported on the May 2019 financial statement. New Mark Commons remains in sound financial shape with nearly 1 million dollars in the bank. We have initiated collection on delinquent Association fee accounts. Kathleen distributed a summary of capital responsibilities for New Mark Commons. The Board needs to discuss the next phase of capital projects when we work on the budget in August.

Management Report

Shireen Ambush presented the report from Abaris:

A. **154 New Mark Esplanade electric car charging station** – The Board discussed the suggestion made by this homeowner and agreed that it is not feasible at this time due to budgetary constraints and other more pressing capital projects that need to be done.

B. **146 New Mark Esplanade** - The Board discussed the proposal from A.B. Veirs to correct the flooding drainage problem. The Board felt that the proposed correction was too costly and asked if Veirs can provide a less costly correction such as installing a drywell.

C. **Social Event for Singles** - The Board reviewed the suggestion from a resident that a social event be held for single residents who may need the support of others. The Board agreed to allow the use of the clubhouse for this event at no charge; however, refreshments must be provided by those who participate.

D. **Welcome Committee** – Karin Boychyn proposed appointing a Welcome Committee for New Mark Commons. The Committee will make in-person visits to new residents in the community to provide useful information. Madeline Gupta and Rita Molyneaux volunteered to serve on the Committee and Karin Boychyn will serve as the Board liaison to the Committee. Board voted unanimously to appoint all three individuals to the Welcome Committee.

E. **324 New Mark Esplanade Curb Stencils** – The Board discussed a complaint received from the owner of this home regarding the differing sizes of curb stencils in the parking spaces. John Daroff reported that he was present at the time the decision was made with the paving contractor on-site to paint smaller size stencils on the sections of curb that are shorter in height and larger size stencils on the sections of curb that are full height. The varying size of stencils corresponds to the varying curb height.

F. **Reaffirm Release of Final Payment to AB Veirs** – Kathleen Moran moved to reaffirm the Board’s unanimous email decision to release the final payment to AB Veirs for the parking lot repaving project. The motion was seconded by David Sloane and carried unanimously.

G. **Legal Opinion on Drainage Issue** – The Board reviewed the opinion obtained from the Association’s legal counsel regarding a drainage problem impacting 2 single family home lots. Since this does not involve common area or property belonging to the Association, the homeowners must resolve the issue amongst themselves.

H. **Release of Payment to Abaris Realty** – The Board reviewed the request from Abaris Realty to be compensated for the administration of the parking lot repaving project and commercial loan that was used to fund the project. Kathleen Moran moved to release payment in full in the amount of \$32,205.06 to Abaris Realty. The motion was seconded by Karin Boychyn and carried unanimously.

I. **282 New Mark Esplanade Debris Removal** – Kathleen Moran moved to approve the estimate from AW Landscapes to remove the pile of yard waste debris for a cost of \$180. The motion was seconded by Karin Boychyn and carried unanimously.

8. Old Business

A. None

9. New Business

A. John Daroff will be provided with the election results from the Annual meeting to confirm who was the candidate with the next highest number of votes. It was the consensus of the Board that this individual will be asked to fill the Board vacancy created by Ellen Stein’s resignation. If this person would not be able or willing to join the Board, we will ask the next runner up. If neither of them agree to fill the position the Board will consider sending a notice to all homeowners announcing the vacancy asking for volunteers to come forward.

10. Community Forum 2

A. None

11. Executive Session

A. David Sloane moved to enter into Executive Session to discuss individual owner’s assessment account and to consult with staff personnel, consultants, attorneys, Board members, or other persons in connection with pending or potential litigation or other legal matters. The motion was seconded by Kathleen Moran and carried unanimously.

12. Adjournment

David Sloane made a motion to adjourn the meeting. Karin Boychyn seconded and the motion which carried unanimously. Meeting adjourned at 9:10 p.m.