

NEW MARK COMMONS HOMES ASSOCIATION

BOARD OF DIRECTORS MEETING

Thursday, September 3, 2020

7:00 p.m.

Minutes Taken by Shireen Ambush

Attendees

Board Members: Alex Belida, Kathleen Moran, Karin Boychyn, Ron Tipton and Zoe Wood

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

1. Call to Order

Kathleen Moran called the meeting to order at 7:02 p.m.

2. Community Forum 1 and Board Response

Samuel Scheib stated his interest in serving on the Board of Directors. He moved to NMC a year ago and chose the community for the amenities, scenic environment and close proximity to the Metro. He has 5 years of Board experience and volunteers to be of service to NMC.

Debbie Mesmer stated her interest in serving on the Board of Directors. She is an 11-year resident of NMC and is a recently retired Biotechnical Scientist. She was a senior project manager with quality assurance experience and served 2 years on another Condominium Board. She is currently a member of the Governance Committee and remains an active contributor. She is interested in the governing documents and encourages a structure for shared creativity.

Ron Tipton asked each candidate what they consider NMC's priority issues to be at this time.

Samuel Scheib responded that his primary concern is for future generations of homeowners not saddled with years of deferred maintenance. He is interested in finance and can help ensure the current generation bears their share of expenses for capital improvement projects.

Debbie Mesmer responded that her top priority is erosion which has an immediate impact on some residents. She also considers the governing document amendments as a second priority and the lake dredging as a third priority. All three are under the same umbrella of having our finances in order.

Joe Jordan stated that we are fortunate to have 2 great volunteers who have come forward to serve on the Board. He has worked with Debbie Mesmer on the Governance Committee. Joe retracted his offer to return to the Board in light of these candidates.

Karin Boychyn asked each candidate if they would run for re-election in March.

Samuel Scheib responded that he would run but reserves the right to resign if he cannot serve the entire 3-year term.

Debbie Mesmer responded that she is reluctant to make that commitment at this time. She has attended most Board meetings and is relatively up to speed on current issues and takes the aspect of continuity very seriously.

Joe Jordan advised the Board to use proper language in the minutes as to why a closed meeting is being held after the Board meeting this evening. The only 2 reasons for a closed meeting would be to discuss legal advice or personnel issues. Joe also inquired about Abaris Realty's renewal management contract and if there is any increase in the management fee.

Karin Boychyn thanked Samuel and Debbie for their interest and the Board will notify them of their final decision in the near future.

3. Agenda and Prior Meeting Minutes

Board Meeting Agenda 9-3-20: The Board added the following items to the agenda:

- Ratification of officer positions unanimously agreed to via email
- Clubhouse reservation request for May 2020

Zoe Wood moved to adopt the agenda as amended. The motion was seconded by Karin Boychyn and carried unanimously.

Board Meeting Minutes 8-6-20: Alex Belida moved to approve the minutes as amended. Karin Boychyn seconded the motion which carried unanimously.

4. Appeals

- The homeowners of 850 New Mark Esplanade were in attendance by phone to appeal their front door violation. Mr. & Mrs. Young advised that they acted in the best interest of the occupants of the home to find a replacement door and install it immediately due to the old door not being able to close properly which was not only a security hazard but it was also allowing cold air to enter the unit where 2 small children live. They could not find an exactly matching door that was readily available and custom ordering a matching door would have taken 2-3 weeks. They thanked the Board for their patience in rescheduling their Appeal due to medical issues. They inspected the community and found 25 homes in addition to theirs with front door violations. Some had identical doors as theirs. They thought they were doing a good thing by replacing the old door and asked if the Board will make an exception for them to be allowed to keep it in place.

Kathleen Moran commented that the Board understands the situation and the ACC is well aware of the other front door violations and we are working towards obtaining compliance from those homeowners.

John Hansman commented that the homeowners did not request ACC approval at the time the door needed replacement. Home Depot carries a matching door that is readily available for \$500. The

Covenants require an ACC application be submitted before any exterior work is done. If they followed this procedure, they would have averted the violation. The ACC is enforcing the other front door violations. New Mark Commons is in the National Historic Registry and we want to do everything possible to maintain and preserve the architectural integrity that has made this such a special place.

Mrs. Young commented that she contacted the City of Rockville to report this matter as she considers this a structural defect that could have been a potential health hazard which needed immediate attention. Her inspection of the community revealed 25 front door violations of which 8 doors look exactly like the new door she installed. She feels singled out. What if she cannot afford to replace the door now? Will the Board be lenient with giving her extended time to replace it?

Zoe Wood stated that she sympathizes with the situation, but the governing documents are very clear. When she wanted to replace her own door, she submitted an ACC application for the door she liked and it was denied because it did not meet the Architectural Guidelines.

Ron Tipton assured Mrs. Young that she was not being singled out and the ACC is already in the process of enforcing the other front door violations. Those homeowners will be required to bring their doors into compliance.

Zoe Wood moved that the Board does not override the ACC's decision that this front door is in violation and must be replaced. The motion was seconded by Alex Belida and carried unanimously.

5. Hearing

None

Committee Reports

Architectural Control Committee (ACC) –

Kathleen Moran reported the Association's legal counsel, Ruth Katz has reviewed the ACC violation letter to homeowners along with the list of violations identified by the ACC. The letters will be going out soon and Kathleen thanked all residents who follow the prescribed ACC processes and procedures.

Communications Committee –

Kathleen Moran thanked the Committee for their excellent communication during the Pandemic.

Landscape Committee –

Ron Tipton reported that 2 issues were discussed at the last meeting of the Committee:

- The landscape on the hillside in the common areas between 218-228 New Mark Esplanade which is unattractive
- The area at the end of the lake and path to Monroe Street

The Committee asked AW Landscapes for a proposal to address both areas and they provided a proposal for \$2300 for the first area. This would include a large planting area and the Committee is discussing whether to encompass both areas or treat them separately.

The Committee is inquiring as to what their legal liability is for tree evaluations in response to homeowner complaints. Shireen Ambush advised that tree related issues involving the health and safety of trees should be evaluated by a licensed arborist which will protect the volunteer Committee members from liability. The Association is typically not responsible for damages that may occur due to acts of God such as trees or limbs falling down; however, if the Association is put on notice of a potential hazard and we fail to take action, we could be liable.

Ron Tipton moved to accept the proposal from S&P Tree Care for tree pruning services. The motion was seconded by Karin Boychyn and carried unanimously.

Pool Committee –

Kathleen Moran thanked the Committee for their tremendous efforts to provide a safe, organized pool season despite the Pandemic. We managed to add extra hours on Labor Day, close the pool Tuesday – Thursday and reopen Friday – Sunday after which time it will close for the season. The Board unanimously agreed with this schedule.

Governance Committee –

Kathleen Moran gave a huge thank you to the volunteers who have contributed to the work of the Committee. We now have drafts of new Bylaws and Declaration which incorporate Committee and legal counsel feedback. The Board agreed to hold a separate meeting in late October for the Board's review of the documents and invite the Governance Committee members to observe the Board's discussion. Alex Belida noted that the amended documents do not include the dues structure pending the results of the community survey. Each Board member must read the documents in advance and identify any questions or issues and come fully prepared to discuss those at the meeting with the Committee. Kathleen Moran stated that the dues survey is being finalized for distribution and the deadline for responses will be September 25, 2020. Alex Belida will convey this timeline to the Communications Committee so that an email broadcast can be sent out.

Welcome/Social Committee – Karin Boychyn reported that the Welcome Committee is still welcoming new homeowners and we are working on coming up with a way to greet new renters since we are not notified when a new renter moves in.

6. Treasurer's Report

Karin Boychyn reported the Association is in good standing and within budget as expected. There will be a budget working meeting tomorrow with Abaris so they can present the first draft of the proposed 2021 budget to the Board. The Association currently has \$300,000 in total equity. Karin reviewed year-to-date variances in the budget categories. Kathleen Moran inquired what happens to any year-end surplus. Shireen Ambush explained that any year-end surplus or deficit is added to the Association's unappropriated member's equity account. These funds can be transferred to the reserves to fund capital replacement projects or used to fund excess operating expenses such as if we have a bad snow season and overspend the snow removal budget. At this time, the Board unanimously supports no increase in the dues in 2021. Alex Belida moved to continue not assessing late fees until the end of 2020. The motion was seconded by Karin Boychyn and carried unanimously.

Management Report

Shireen Ambush presented the Management Report from Abaris:

- A. **AW Landscapes Proposal for 114 & 116 New Mark Esplanade Drainage-** The Board reviewed the proposal submitted by AW Landscapes to address the drainage problem that caused severe flooding into 2 homes and voted unanimously to approve it. The Board also noted that it must address the issues reported by 112 New Mark Esplanade as well.
- B. **AW Drainage & Erosion Project Update-** The project has begun and Abaris will obtain a work schedule which will be provided to the Communications Committee for the broadcast to the community.
- C. **Tennis Court Crack Repair** – The Board reviewed one proposal received from ATC for the crack repair and requested that Abaris obtain a second proposal and award the job to the lowest bid not to exceed the amount of the proposal from ATC.
- D. **Lake Footbridge** – Shireen Ambush reported that the contractors are still trying to get an answer from the City of Rockville as to whether a permit is required for the repairs.
- E. **Temporary Electrical Wiring for Path Lights** – The Board requested that Abaris obtain a second proposal for installation of a temporary electrical wire for the path lights and then installation of a permanent underground wire once the erosion and drainage projects are completed.
- F. **Vehicle Damage to Garage Building** – The pool lifeguard’s vehicle accidentally rolled into and hit the garage building and went through one of the garage doors. The door was forced into track to get the car out. The vehicle owner has filed a claim with their vehicle insurance for the damages. Abaris will follow up to have Becht Engineering conduct an inspection to determine if any structural damage was caused to the building and will work with the insurance claim adjuster to get payment for all damages.
- G. **Sidewalk Repair at Potomac Valley** – The City has confirmed that this area does not belong to the City but to NMC. Abaris has contacted AB Veirs for a proposal. Shireen Ambush will review and approve it subject to the Board’s final review and it being within Abaris’ spending limit. The Board unanimously agreed.
- H. **Clubhouse Reservation Request** – The Board discussed the request for a reservation in May 2021. Due to CDC guidelines for capacity limits and cleaning, it would be a potential liability for NMC to permit rental use of the clubhouse. The Board agreed to allow the reservation to be booked but reserves the right to cancel it depending on the status of the Pandemic at that time.
- I. **New Officer Positions** – Ron Tipton moved to ratify the Board’s unanimous decision via email to appoint Alex Belida as Vice President and Zoe Wood as Secretary. The motion was seconded by Karin Boychyn and carried unanimously.

7. Old Business

None

8. New Business

None

9. Community Forum 2

A. Joe Jordan stated his disagreement with meetings not being open to all owners when the Board meets with the Governance Committee and also for the budget working session. He is glad we are moving forward with the dues survey and asked for the Governance Committee to be able to comment on it before it goes out.

B. Pat Reber requested Abaris to provide her with the construction schedule for the drainage project ASAP so she can send out the email broadcast.

C. Debbie Mesmer commented that the CCOC has guidelines on open meetings. The clubhouse should be equipped with the ability to hold remote meetings with attendance broadcasting.

10. Executive Session

Zoe Wood moved to adjourn the Board meeting at 8:45 pm and enter into Executive Session for the purpose of discussing personnel matters and the pending CCOC complaint. The motion was seconded by Karin Boychyn and carried unanimously.

11. Adjournment

Karin Boychyn made a motion to adjourn the meeting. Zoe Wood seconded and the motion which carried unanimously. Meeting adjourned at 9:05 p.m.