

NEW MARK COMMONS HOMES ASSOCIATION

BOARD OF DIRECTORS MEETING

Thursday, January 7, 2021

7:00 p.m.

Minutes Taken by Shireen Ambush

Attendees

Board Members: Alex Belida, Kathleen Moran, Karin Boychyn, Ron Tipton, Debbie Mesmer, Samuel Scheib and Zoe Wood

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

1. Call to Order

Kathleen Moran called the meeting to order at 7:03 p.m.

2. Community Forum 1 and Board Response

None

Board Response

None

3. Agenda and Prior Meeting Minutes

Board Meeting Agenda 1-7-21: The Board agreed unanimously to add the proposal from AW Landscapes for work on the dam and the repairs proposal from Pool Personnel to the agenda.

Board Meeting Minutes 12-3-20: Karin Boychyn moved to approve the minutes as amended. Alex Belida seconded the motion which carried unanimously.

4. Appeals

None

5. Hearing

None

Committee Reports

Architectural Control Committee (ACC) –

Kathleen Moran reported the ACC met this week and approved 6 applications. The ACC approved changes to the Guidelines for roofing and siding in the townhomes. The new changes give homeowners more flexibility. Debbie Mesmer moved to approve the new Guidelines. Alex Belida seconded the motion which

carried unanimously. The updated Guidelines will be filed in the Depository. The Board agreed to seek guidance from legal counsel if the Association is required to publish/mail the revised Guidelines to all owners or if it is sufficient to post it on the website.

The ACC has identified 6 front door violations, 7 roof violations and 3 shed violations. The ACC will draft letters that Abaris will send to each homeowner putting them on notice of the violations.

Communications Committee –

Pat Reber reported that there was no paper delivery of the newsletter due to COVID-19. The Directories were delivered door to door. The January newsletter contains information on the Board elections.

Landscape Committee –

AW Landscapes will look into the drainage problem at Kay Miller's house (insert address) and will consult with Becht if needed.

Lake Committee –

None

Pool Committee –

The Board reviewed the renewal pool management contract. The MCPS school year dates have not yet been confirmed so we may need to revise the contract once that information is available. Ron Tipton moved to accept the renewal contract. The motion was seconded by Sam Scheib and carried unanimously.

Shireen Ambush provided an update on a recent call with Nancy Wood, Kaitlyn Ambush and representatives from Member Splash to discuss the logistics of the new pool registration system that we will be using this summer. Abaris Realty has provided a proposal to set up the new system which will include verification of every application and lease verification for tenants for a flat \$1500 fee in addition to the annual \$2500 fee for pool registration administration throughout the season. This is a one-time set up fee that won't be charged in future years once the databased has been established. Samuel Scheib moved to accept the proposal. Karin Boychyn seconded the motion which carried unanimously. The guest procedures are still being worked out by the Pool Committee and they will draft recommendations for the Board's consideration.

Governance Committee –

Debbie Mesmer's report is an attachment to these minutes. The Committee has been quite active in December and requested that the Board review and respond to their version of the Bylaws sent to the Board on January 6, 2021 within 10 days.

Welcome/Social Committee –

Karin Boychyn reported that on average 2-3 new residents are greeted per month. Madeline Gupta is doing a great job greeting the new residents on behalf of the Committee.

6. Treasurer's Report

Karin Boychyn gave a brief overview of the finances. The Association has roughly 1 million dollars in cash on hand and currently owes approximately \$600,000 on the loan. Year-to-date we are approximately

\$50,000 to \$70,000 under budget due to underspending in the social, snow removal and utility line items. We have spent roughly \$220,000 in capital improvement projects in 2020 which mainly consisted of the drainage/erosion project which looks great and is functioning well. Karin has researched the past 35 years of audits and is preparing a list of past reserve projects and annual reserve contributions for the Board's review. She hopes to have it ready by the next meeting date.

Karin reported on the virtual meeting that was held with Abaris Realty's Accounts Receivable Director, Sammi Lai who created a step-by-step instructions document explaining to homeowners how to make their dues payment on-line through ClickPay. The Board agreed unanimously not to change the frequency of the dues billing to quarterly for the additional cost of \$8,000.

Management Report

Shireen Ambush presented the Management Report from Abaris:

A. **City of Rockville Meeting on MDE's Dam Inspection Report** – Shireen Ambush reported on the virtual meeting held with City representatives to discuss MDE's recent inspection report of the dam and what process and procedures must be followed in order for NMC to qualify for the storm water fee credit. The City provided a list of recommended engineering/surveying companies that the City has used in the past and suggested they be asked for proposals to comply with MDE's report. An engineer should be engaged by November and compliance with the citations must be made within 5 years. Abaris will send RFPs to the engineering and surveying firms to get proposals for a lake boundary survey to be conducted and for a condition assessment on how to comply with MDE's citations in the Dam inspection report. We expect to receive the Lake Maintenance Agreement from the City's legal counsel by the end of January. The goal is to get the City's confirmation by May so NMC does not have to pay the 2021 storm water fee.

B. **Capital Projects and 2021 Priorities** – Karin Boychyn reviewed the status of the UME and Reserve fund balances and the list of possible projects as follows:

1. Lake Piers
2. Pedestrian Bridge Repairs
3. Erosion/drainage
4. Planter boxes
5. Dredging or Hydroraking of the Lake
6. Fountain replacement
7. Dam Rehab
8. Clubhouse upgrades
9. Paths
10. Retaining wall replacement in 100 and 800 blocks of New Mark Esplanade

The Board reviewed the proposal from Pool Personnel for 2021 pool equipment and repairs which total \$14,000. Karin Boychyn moved to approve the proposal and to pay the expense from the reserve fund with the exception of the ladder repair and ventilation repairs. The motion was seconded by Debbie Mesmer and carried unanimously.

The Board reviewed a 5-year plan for annual contributions and expenditures from the reserve fund.

C. **Board Member Resignation** – The Board voted unanimously to accept the resignation from Zoe Wood.

D. **Annual Meeting and Board Elections** – Alex Belida will discuss with Shireen Ambush the process to hold this year’s meeting virtually. The first notice of the Annual meeting will be sent out in the next few days with nomination deadline of 5 pm on February 12, 2021.

E. **Recording of Board Meetings** – Kathleen Moran shared the opinion of the Association’s legal counsel who strongly advised never to record meetings for a variety of reasons. The Board concurred unanimously with the advice from counsel.

F. **MDE’s Dam Inspection Report** – The Board discussed the citation to remove trees and clear vegetation from the bank and to stabilize the dirt path and grow grass where trees are removed. AW Landscapes has provided a proposal for \$2800 to clear the vegetation and stabilize the pathway. Samuel Scheib moved to accept the proposal. Ron Tipton seconded the motion which carried with 5 Board members voting in favor and 1 Board member opposing.

7. Old Business

None

8. New Business

None

9. Community Forum 2

Joe Jordan reminded everyone that the Pool Committee tabled purchasing the baby pool umbrella last year because the baby pool was closed in 2020. He reported on a recent meeting he attended at the CCOC. The CCOC Chairman, Mark Fine has announced that his term was extended for one year. The City of Gaithersburg Mayor and Council voted down joining the CCOC once again.

A homeowner inquired about installing ground cover instead of grass and was directed to consult with the Landscape Committee.

10. Adjournment

Debbie Mesmer made a motion to enter into Executive Session for purpose of discussing delinquent accounts and the CCOC complaint. Karin Boychyn seconded and the motion which carried unanimously.

Karin Boychyn made a motion to adjourn the Board meeting which was seconded by Alex Belida following the conclusion of the Executive Session. Meeting adjourned at 9:19 p.m.

Attached to these minutes are two reports:

1. **Governance Committee Update**

2. Treasurer's NMC Capital Projects PowerPoint

Governance Committee Update: January 7, 2021 Board Meeting

Committee had a very active December and New Year.

12/8/20: On 12/6 the Committee received the Board's responding draft of covenants stemming from the Board's November working session. The committee began its responding review at a meeting on 12/8/20.

Committee decided to fast track our work for a number of reasons. A second December meeting was scheduled.

Committee Chair corresponded with counsel, Brian Bichy, as a courtesy to inform him that he would not receive draft documents back before the March 2021 timeframe.

12/22/20: Committee met and finished a review of the covenants document identifying additional feedback needed from the Board regarding: insurance, ACC process, delinquency fees, and the landscaping committee, as well as the entire Article on Assessments, which has been deferred for Board decision.

Committee also began work on a formal recommendation to the Board on various aspects of the covenants' article on Assessments, as per the Committee Charter. This memo will include the Committee's recommendations on formulae for assessments, reserve and operating funds, increases in assessments, limits on board's authority to increase assessments, reserve studies, etc. The Committee plans to submit its recommendations to the Board in advance of the Board's planned meeting on this subject to be held on January 25th.

Bylaws, specifically the Board's response to the Committee's draft, is still pending with Board after Board's October working session. I distributed yesterday (1/6/21) an updated draft for the Board's resolution. Examples of topics needing further discussion by the Board include the purpose statement, and decisions on quorum requirements, minimum number of directors, and potential term limits. After Board resolves its issues with this version, it will go back to the Governance Committee.

Next Governance Committee meeting is **January 12.**

Board working session on assessments is **January 25.**