

These minutes were amended on June 3, 2021, with a unanimous vote of the Board of Directors, to add the Governance Committee proposed timeline document.

NEW MARK COMMONS HOMES ASSOCIATION

BOARD OF DIRECTORS MEETING

Thursday, April 1, 2021

7:00 p.m.

Minutes Taken by Shireen Ambush

Attendees

Board Members: Alex Belida, Kathleen Moran, Karin Boychyn, Samuel Scheib, Timothy Petros, Lisa Halvorson and Joe Jordan

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

Call to Order

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

1. Community Forum 1 and Board Response

None

Board Response

None

2. Agenda and Prior Meeting Minutes

Board Meeting Agenda 4-1-21: Alex Belida moved to approve the agenda with one addition to approve the minutes of the Organizational Meeting. The motion was seconded by Sam Scheib and carried unanimously.

Board Meeting Minutes 3-4-21: Alex Belida moved to approve the minutes as amended. Lisa Halvorson seconded the motion which carried unanimously.

3. Appeals

None

4. Hearing

None

Committee Reports

Architectural Control Committee (ACC) –

Timothy Petros reported that the ACC will be meeting on April 5, 2021 and has 10-12 items for discussion.

Communications Committee –

Pat Reber reported that the A to Z Directory proposal has been received. They have provided two options: Either print the Directory and post it for a cost of \$1600 or post it online only for a cost of \$550. New Mark Commons will receive a commission on any ads that are included in the Directory. The Committee will provide more information at the May meeting. The new pool registration system is a big challenge with lots of requests for on-line fillable forms. David Schwartzman created fillable forms that are now posted on the website. The Committee inquired if a wet signature is required on the COVID-19 waivers or if a type written signature is acceptable. Abaris will contact NMC's legal counsel to confirm the answer and report back to the Committee.

Landscape Committee –

Lisa Halvorson reported that a butterfly garden is being considered near the lake for a cost of \$500. The Committee has identified specific butterfly attracting plants and needs to stake out the area and finalize the plans.

Lake Committee –

The Committee submitted estimates they obtained to refurbish the lake piers and bridge that includes a complete tear-down and re-build for a cost of \$28,477 for both piers and \$20,577 to refurbish the bridge to current code. The best proposal is from Deck Master who is offering a \$2000 discount if the contract is signed in the next 7 days. The Board was concerned about what permits would be required by the City of Rockville for this project and whether the permitting costs are included in the proposal pricing. We know from another contractor who was asked to bid on the job that the City is requiring a commercial permit that requires a stamped architectural drawing. The Board directed Abaris to contact the City of Rockville for clarification on the permit requirements needed for this project and also confirm the permit fees. Shireen Ambush commented that several years ago, she filed a complaint with the Better Business Bureau against a company called Deck Masters but she is not sure if this is the same company or not. After further discussion, Sam Scheib moved to accept the proposal from Deck Master contingent upon Abaris verifying if this is the same company they filed a BBB complaint against and subject to verification of the City permitting fees and requirements and confirmation that those are included in Deck Master's contract. Karin Boychyn seconded the motion which carried with 5 Board members voting in favor and 2 Board members opposing. Karin Boychyn asked the 2 Board members who voted against the motion why they are opposed to it. Joe Jordan expressed concern over Shireen Ambush's statement that this may be a company she filed a BBB complaint against, and he feels we are rushing into this decision. Lisa Halvorson commented that she is new to the Board and does not know the history of this project. She is not aware of the urgency of needing to fully replace the piers and bridge at this time.

Pool Committee –

Sam Scheib reported that the 2021 pool registration packet has been sent out and the registration is going smoothly so far. The Board discussed special requests on pool registration applications and agreed that those should be handled by the Pool Committee unless the Committee wants to defer to the Board based on the circumstances.

Governance Committee –

Joe Jordan's report is appended to the minutes of this meeting. The Board will have a further discussion about the items in the report at the May Board meeting.

Welcome/Social Committee –

None

5. Treasurer's Report

Karin Boychyn reported on the February 2021 financial statement. We have approximately 1.3 million in cash. The dues collection is going well so far. NMC owes roughly \$570,000 on the loan. We have spent \$20,000 on snow removal in January and February. On March 17, 2021, past due reminder notices were sent out by Abaris to any homeowner who did not yet pay their dues. NMC has roughly \$534,000 in the reserve fund. We recently received an updated reserve study conducted by Becht Engineering that will help us guide through 2021 and beyond. The Board agreed to schedule a virtual meeting with the engineers at Becht who prepared the reserve study to go over it and answer any questions from the Board. Joe Jordan suggested inviting the community to this meeting. Shireen Ambush suggested this would be a working meeting with no official Board decisions being made and the meeting may result in revisions to the draft reserve study so the Board may want to consider not inviting the community to avoid any confusion once the final study is released. Joe Jordan objected to Shireen's suggestion. The Board agreed to set the meeting based on Board member schedules and availability and to announce the meeting to the community if any homeowner wishes to listen in but not engage in the discussion the Board will have with the engineers. Shireen Ambush will proceed to get the meeting scheduled with Becht. Karin reported that the draft 2021 audit should be received by the May meeting.

Management Report

Shireen Ambush presented the Management Report from Abaris:

A. **Tennis Court Repairs** – Kathleen Moran noted that the same cracks in the court that were repaired last fall have re-appeared in addition to new cracks. The proposal obtained for this year's crack repairs includes a 2-year warranty but most tennis court companies advise that crack filling is a yearly maintenance requirement given the age of the courts and there's no real way to prevent the cracks from re-appearing without repaving the courts. The Board directed Abaris to contact Mike Veirs to see if his company works on tennis court repairs. The Board discussed the fact that the tennis courts are often used for non-tennis activities. Tim asked if the courts could be used for soccer-tennis with no definite answer. It was reported that the sink hole is reappearing on the basketball court in the same location where it was repaired when the major repaving project was done a couple of years ago. The Board directed Abaris to contact asphalt repair contractors to get bids to repair both the tennis courts and basketball court. Joe Jordan commented that the signs on the tennis court gate and fence could use updating.

B. **City of Rockville Stormwater Fee Credit** – Kathleen Moran noted that she will testify on behalf of NMC at the upcoming Mayor & Council meeting on April 12, 2021. Kathleen drafted her statement and provided it to the Board for feedback prior to the meeting.

C. **CEM Design Clubhouse Study** – Kathleen Moran reported that the architect is working on comparison of the building blueprints and we hope to receive his report by the May meeting.

D. **13 Welwyn CCOC Complaint** – The ACC has drafted the CCOC complaint to be filed against the owner of 13 Welwyn for the unauthorized dog cages. Abaris has sent 4-5 letters to the owner with no response. The Board voiced no objections to the CCOC complaint being filed. John Hansman will proceed with the filing.

E. **334 New Mark Esplanade Retaining Wall Repair** – The Board reviewed correspondence from the owner of 334 NME requesting that NMC reimburse her \$350 which represents half of the \$700 cost she paid to have a coating applied over the cracked common area cement retaining wall adjacent to her home. The Board discussed the previous request sent to this homeowner to submit an estimate for the cosmetic repair for the Board's consideration; however, the owner has proceeded to have the repair made and is now requesting reimbursement of 50%. Joe Jordan moved to approve the request for reimbursement from the homeowner. The motion was seconded by Kathleen. The motion failed with 5 Board members voting against it – Karin, Tim, Sam, Kathleen, Lisa - 1 Board member voting in favor and Alex abstaining from the vote.

6. Old Business

None

7. New Business

None

8. Community Forum 2

Pat Reber stressed the urgency of getting the answer from NMC's legal counsel regarding the type of signature that is acceptable on the COVID-19 waiver forms.

9. Executive Session

Consistent with the authority under Section 11B-111 of the Maryland Homeowners Association Act, Alex Belida moved to go into Executive Session for the following purposes: (1) Consultation with legal counsel on legal matters and (2) discussion of individual owner assessment accounts. The motion was seconded by Sam Scheib and carried unanimously.

10. Adjournment

Sam Scheib made a motion to adjourn the Board meeting which was seconded by Timothy Petros following the conclusion of the Executive Session. The meeting adjourned at 8:31 p.m.

Proposed Timeline to Finalize the Bylaws

On Feb 27th, the Committee sent the Board a memo requesting the Board to:

"Commit to prioritize the finalization of the bylaws by adhering to the timeline below, as much as possible." For the information of new Board members, the memo is posted on the website under "**Documents sent to by Committee to Board.**"

At its March 4th meeting, the Board unanimously agreed to prioritize completing the Bylaws.

The Committee held 5 meetings in March and finished Step 1 on March 27th by sending the Board a complete package of materials.

Proposed Timeline as per Feb. 27th Memo:

1. The Committee will:
 - Complete its revision to draft bylaws by no later than the end of March. {Done}
 - Ensure nothing in the new bylaws conflicts with the current covenants. {Done}
 - Draft a transmittal memo to Brian Bichy that will accompany the final draft of the bylaws to be approved by the Board. {Done}
 - Submit draft bylaws and draft transmittal memo to the Board for approval sometime in April. {Done}
2. **April - May 2021**: Board approves the two documents.
3. **June 2021**: The Committee sends final draft to Brian with a request to provide us a final document by sometime in June.
4. Ask Brian to do a legal sufficiency review (i.e., ensure nothing is inconsistent with the law), and ask him for any needed clarification.
5. Brian sends us a final draft.
6. **July 2021**: Board finalizes bylaws in early July.

Unlike the covenants, the bylaws are mostly about process. Therefore, we do not believe a listening session with the membership is necessary prior to finalizing the bylaws.

7. Committee invites members to a special Committee meeting later in July to answer any questions about the final bylaws.
8. **August 2021**: The Board calls a special membership meeting sometime in August for members to vote to approve amendments to the bylaws pursuant to Article VIII §8 of the current bylaws.