

NEW MARK COMMONS HOMES ASSOCIATION

BOARD OF DIRECTORS MEETING

Thursday, June 3, 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 and Henry Leung

Call to Order

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

1. Community Forum 1 and Board Response

Nancy Wood inquired about payment of the 2.5% credit card fee which is already on the agenda.

Board Response

None

2. Agenda and Prior Meeting Minutes

Board Meeting Agenda 6-3-21: Kathleen Moran noted 3 additional items to be added to the agenda as follows: virtual versus in-person meetings, July 4th ideas, and Maryland Avenue redesign. Sam Scheib moved to approve the agenda. The motion was seconded by Karin Boychyn and carried unanimously.

Board Meeting Minutes 4-1-21: Joe Jordan moved to amend the minutes to include the Governance schedule he prepared which was referred to as an attachment in the minutes. Karin Boychyn seconded the motion which carried unanimously.

Board Meeting Minutes 5-6-21: Joe Jordan moved to approve the minutes as amended. The motion was seconded by Karin Boychyn and carried unanimously.

3. Appeals

None

4. Hearing

None

5. Committee Reports

Architectural Control Committee (ACC) –

The Board noted that June 12, 2021 is the deadline for response from the owner of 13 Welwyn Way to respond to the CCOC complaint that was filed for the unauthorized dog cages. The owner of 314 NME has not responded to the violation letter sent for the unauthorized door. Alex Belida moved to proceed with filing the CCOC complaint. The motion was seconded by Sam Scheib and carried unanimously. It was noted that the owner of 224 NME has withdrawn their application for installation of a new deck.

Communications Committee –

Alex Belida reported that the Committee is working on a new directory by July 15th and is looking for favorite photos of New Mark Commons to include in the directory. Pat Reber thanked Karin Boychyn's daughter and her friend for delivering the newsletter which got a great response on new website registrations.

Landscape Committee –

Lisa Halvorson reported that the Landscape Committee is asking for Board input on 2 items. There was a tree trimming request received from the owner of 316 NME and the arborist inspected and confirmed that there is plenty of clearance, so no trimming is needed, and the owner was notified accordingly but is appealing to the Board. The Board concurred with the arborist ruling and will not remove the branches requested by the owner from the healthy tree at this time. Karin Boychyn moved to notify the homeowner of the arborist's findings and explain that no trimming will be performed at this time. The motion was seconded by Joe Jordan and carried unanimously. The Board discussed the proposals from AW Landscape for the drainage problem behind 334-336 NME. Surface water from the common area is flooding into the rear yards. The area needs to be re-graded so the swale is functional again. The Committee suggests that the Board approve items A, D and E of the proposal and Joe Jordan made a motion to approve those items. The motion was seconded by Karin Boychyn and carried unanimously. Joe Jordan inquired about the tree trimming request at 326 NME and the overgrown shrubs around the utility boxes at 168-170 NME which were previously reported to AW to address. Abaris will follow with AW on these items.

Lake Committee –

None

Pool Committee –

The Board discussed allowing guests and charging guest fees now that the capacity restrictions have been lifted. The Board agreed unanimously to start allowing guests as of this weekend. There are still some logistical issues with cashless transactions for guest fees through Member Splash that the Committee is trying to work out. They plan to use this system also for ice cream sales. Some residents have pre-paid guest cards from last year's season that can be used immediately until the on-line system is set up. Shireen Ambush volunteered to sell guest cards at the Abaris main office front desk by check only since no cash is accepted. This is a temporary way to provide guest cards until the on-line system is set up. Member Splash charges a 2.5% fee for credit card electronic payments. The Board agreed unanimously that the processing fee is to be paid by the user and not by NMC. The Board agreed that it is too early to allow organized parties at the pool and agreed to defer that decision to a later date after the pool opens and we can see the usage for a few weeks. Nancy Wood gave a special thanks to Kaitlyn Ambush at Abaris Realty who is doing a great job handling all Member Splash pool registrations!

Governance Committee –

Joe Jordan reported that the Bylaws have been cleaned-up and sent to Brian Bichy for final review. Raj Gupta realized some troublesome language and suggested deletion of one sentence which the Board unanimously agreed to via email. Raj also had a call with Brian recently and he is under the impression that we have already completed phase I and II and therefore, any further review will incur additional cost. Raj thought the review was included in the \$10,000 fixed price. Joe Jordan requested Abaris to provide a report of all invoices paid to Brian Bichy over the last 2 years. The Committee met last Tuesday to review the Covenants provisions.

Welcome/Social Committee –

Karin Boychyn reported new neighbors continue to be welcomed on an ongoing basis whenever Abaris notifies the Committee. Several homes are currently up for sale.

6. Treasurer's Report

Karin Boychyn reported that NMC has roughly 1.2 million dollars in the bank and owes roughly \$560,000 on the commercial loan. We are operating under budget in general which is mainly due to the timing of utility bills being paid. Postage & printing is over budget and Karin requested Abaris to provide a GL listing of all invoices paid from that budget line item. In total we are roughly \$31,000 under budget year-to-date although we are over budget on the snow removal line item. We have roughly \$89,000 in the operating contingency account and approximately \$630,000 in unappropriated member's equity (UME) which does not reflect the transfer that the Board approved at the last meeting. We have spent roughly \$22,000 from reserves year-to-date. Karin also reported that there are 3 lights that are not working behind the pool which were recently repaired by PSE and should be covered under warranty. Abaris will follow up with PSE. Joe Jordan noted that we have already spent 65% of the legal fee budget this year and last year we went over budget so we must be prudent with use of legal counsel only when absolutely necessary.

7. Management Report

Shireen Ambush presented the Management Report from Abaris:

- A. **MDE Dam Inspection Report** – Shireen Ambush reported that Abaris has sent out new RFPs to engineering firms recommended by the City of Rockville for compliance with the MDE dam inspection report and the bid deadline is June 14th. We hope to include at least 3 bids in the July management report.

- B. **Abaris Recommendation for Dues Structure** - Kathleen Moran commented on the offer from Shireen Ambush to prepare a recommendation for the Board's consideration on the dues structure using the recent reserve study from Becht Engineering. Shireen explained that a decision must be made on which components listed in the reserve study are exclusive only to the townhome sections. Joe Jordan, Karin Boychyn and Kathleen Moran agreed to meet with Shireen to review the reserve study and come up with the list of components that are specific only to the townhomes.

8. Old/New Business

Tennis Court Signs – The Board discussed the language Kathleen Moran prepared for a new tennis court sign. The Board agreed to change the color for the sign to beige with brown lettering to match other signs in NMC. A discussion ensued regarding the use of the tennis courts for soccer tennis and whether to allow the courts to be used for any activity other than tennis or pickleball. Joe Jordan made a motion that the tennis courts be limited to only tennis and pickleball. The motion died for a lack of second. Sam Scheib made a motion that the new sign states “these courts are lined for tennis, pickleball or other net sports”. The motion was seconded by Karin Boychyn and carried with 6 Board members voting in favor and 1 Board member opposing (Joe Jordan). The sign will be brown with white lettering and the revised layout will be sent to the Board for final review before it is fabricated.

Asphalt Repair Proposals for Tennis Court & Basketball Court – The Board reviewed bids obtained by Abaris for crack repairs to the tennis courts and for addressing the sinkhole that has re-appeared in the basketball court. After further discussion, the Board agreed that both courts are useable with no hazardous conditions, so the Board agreed to defer consideration of any repair proposals at this time.

Clubhouse Accessibility Study from CEM - The Board discussed the study from CEM which proposed the simplest solution to meet current code requirements for handicap access. Kathleen Moran suggested that the Board review the study and come up with a list of questions or concerns so we can get back to CEM to schedule a meeting to discuss the study.

Clubhouse Private Rentals – The Board discussed resuming to allow private rentals of the clubhouse and after further discussion agreed to postpone any decision until July.

Virtual Meetings Versus In-Person Meetings – Shireen Ambush gave reasons why Abaris as a company is conducting Board meetings virtually for now. Proof of vaccination cannot be requested as it may violate FHA laws and be construed as discriminatory. Unvaccinated people should still wear masks, but this is totally based on the honor system, and we really have no way of knowing if an unmasked person attends a meeting is vaccinated or not. Board members suggested holding in-person meetings a few times a year after September and some were concerned about another COVID-19 surge. The Board agreed that meetings will continue to be held virtually for now.

Trespassing – Kathleen Moran will provide the Board with the statement she received from the Association’s legal counsel, Ruth Katz regarding trespassing. No Board action was taken.

July 4th Ideas – The Pool Committee is brainstorming ideas for the Board to consider. Joe Jordan made a motion to approve whatever can be done easily and to approve the expense for supplies and a DJ. The motion was seconded by Alex Belida and carried with 6 Board members voting in favor and 1 abstention (Timothy Petros).

Maryland Avenue Redesign – The City of Rockville has announced Maryland Avenue is being redesigned this summer. There will be one lane in each direction with a dedicated bike lane on each side. Sam Scheib reported that he contacted the city to fix 2 pedestrian crossings at intersections.

Community Email List – Joe Jordan noted that Senator Cheryl Kagan’s office is using NMC group email addresses for distribution of her political information. He suggested that she be notified to cease and desist from using the group email addresses. The Board agreed unanimously and Kathleen Moran will notify Senator Kagan’s office accordingly.

Community Forum 2

Debbie Mesmer inquired as to when the reserve study will be posted on the website and was advised that it will be posted ASAP. She also agreed to brief Joe Jordan on the trespass incident that occurred in May in case he intends to contact the Police Chief.

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 purpose: discussion of matters involving potential litigation and related advice from legal counsel. The motion was seconded by Sam Scheib and carried unanimously.

10. Adjournment

Alex Belida made a motion to adjourn the Board meeting which was seconded by Karin Boychyn following the conclusion of the Executive Session. The meeting adjourned at 9:16 p.m.