

**NEW MARK COMMONS HOMES ASSOCIATION**

**BOARD OF DIRECTORS MEETING**

**Thursday, July 1, 2021**

**7:00 p.m.**

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Minutes Taken by Shireen Ambush

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**Attendees**

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

**Abaris Community Management:** Shireen Ambush and Glen Charles

**Call to Order**

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

**1. Community Forum 1 and Board Response**

None

**Board Response**

None

**2. Agenda and Prior Meeting Minutes**

**Board Meeting Agenda 7-1-21:** Alex Belida moved to approve the agenda. The motion was seconded by Joe Jordan and carried unanimously.

**Board Meeting Minutes 6-3-21:** Joe Jordan moved to approve the minutes as amended. Alex Belida seconded the motion which carried unanimously.

**3. Appeals**

None

**4. Hearing**

None

**5. CEM Design Clubhouse Accessibility Study**

Craig Maloney who is an architect with CEM Design was in attendance at the virtual meeting to discuss the accessibility study he recently performed on the clubhouse. He has contacted the City of Rockville Permitting Department but has not yet contacted the Historic Commission to find out what their requirements are. Discussion centered on whether handicap access and egress could come first

and accommodations like restrooms later. The Code requires two egress/ingress access points. Craig recommended doing all safety modifications first. If both levels of the clubhouse have restrooms, no handicap visitors would have to travel outside to be accommodated. Craig will contact the city regarding the accessibility modifications they require to be done at the same time and then he will modify his study accordingly. The Board thanked Craig for attending the meeting after which time he left the meeting.

## **6. Committee Reports**

### **Architectural Control Committee (ACC) –**

Timothy Petros noted that there has been no response as of yet from the owner of 13 Welwyn Way to the CCOC complaint that was filed for the unauthorized dog cages. The deadline for a response has passed. The ACC discussed the new Maryland law that passed regarding EV charging stations. The Association cannot prohibit any owner from installing an EV charging station in their assigned parking space. The ACC has already received one inquiry from a homeowner who is interested. Shireen Ambush suggested having NMC's legal counsel draft a policy regarding EV charging stations in accordance with the new law. The Board unanimously agreed with this suggestion.

### **Communications Committee –**

Alex Belida reported that the new directory is expected by July 15, 2021. Teenage residents will hand deliver the directory door-to-door. In the past year, 24 homes have sold and 4 have changed renters which is a 6-7% turnover rate. The next newsletter will be issued on August 7, 2021 and it will be a combined July/August issue. The deadline for submissions is August 1, 2021. The new tennis court rules will be posted in the new directory and on the website.

### **Landscape Committee –**

Lisa Halvorson reported that a tree fell onto the path and fence. The Association had the fallen debris removed but advised the homeowner that we are not responsible for repairing their fence. The Committee submitted a request for funding a pollinator garden. There have been ongoing discussions regarding the 218-226 row of townhomes and the Committee will come up with a proposal for the Board to consider.

### **Lake Committee –**

The Board reviewed 4 engineering proposals obtained by Abaris from engineering firms recommended by the City of Rockville to address the MDE dam inspection report. Shireen Ambush advised that the firms are each taking different approaches to deal with the citations in the MDE report so the bids cannot be easily compared apples-to-apples. She suggested holding virtual interviews with each firm to get their rationale on how to comply with the MDE report. The Board agreed with this approach and Board members, Kathleen Moran, Lisa Halvorson and Joe Jordan volunteered to conduct the interviews along with Shireen.

### **Pool Committee –**

Sam Scheib reported that the Committee has not met this month but so far, the pool season is going very well. A few complaints that were received from residents were conveyed to John Curry at Pool Personnel who addressed the issues immediately.

### **Governance Committee –**

Joe Jordan reported that the Committee did not meet this month. A request was sent to Brian Bichy regarding the Bylaws and the Committee awaits his response.

### **Welcome/Social Committee –**

The Committee welcomes new neighbors on an ongoing basis whenever Abaris notifies the Committee that a sale has occurred.

## **7. Treasurer's Report**

The Association has approximately 1.4 million dollars in cash on hand with very few delinquent accounts. Year-to-date, we are operating within budget.

## **8. Management Report**

Shireen Ambush presented the Management Report from Abaris:

A. **Abaris Recommendation for Dues Structure** - Shireen Ambush offered to prepare a recommendation for the Board's consideration on the dues structure using the recent reserve study from Becht Engineering. After meeting with Joe Jordan, Karin Boychyn and Kathleen Moran, it was agreed that the main component in the study that is specific only to the townhomes is the asphalt roadway and parking spaces within the townhouse sections of the community. Shireen has reached out to Mike Veirs at AB Veirs Paving to obtain an estimate for the cost of crackfilling and sealcoating the roadway every 5 years and also the cost of a full repaving of the asphalt 20 years from the date it was last re-paved. She will use these estimates to calculate a dues structure specific to the townhomes for the Board's consideration. The Board agreed to devote time at the August meeting to discuss the assessment concepts recommended by the Governance Committee and Abaris. There may be a need to change the August Board meeting date since Shireen may not be able to attend the August meeting to present her recommendation. This will be decided at a later date as we get closer to the August Board meeting date.

## **9. Old/New Business**

**Asphalt Repair Proposal for Basketball Court Sinkhole** – The Board reviewed the proposal from AB Veirs to address the sinkhole in the basketball court. After further discussion, the Board was in agreement that the court is useable with no hazardous conditions, so the Board agreed to defer consideration of the proposal at this time. Shireen Ambush will have photos of the current condition of the court taken so that we can use them as a basis to determine if the sinkhole is reappearing again in the future.

**Clubhouse Private Rentals** – The Board requested that Abaris obtain proposals for CDC cleaning of the clubhouse after each use. This should include whatever cleaning methods and products the CDC requires for indoor facilities including wipe down of all tables and chairs. The Board agreed that the cleaning fee would be passed on to the renter as a requirement for renting the clubhouse for private events.

**Pool Parties** – The Board discussed allowing pool parties to resume provided that advanced notice is given so as to allow only one party at a time. Joe Jordan moved to reinstate allowing pool parties under the same rules as we have used in the past. Sam Scheib seconded the motion which carried unanimously. Pat Reber will send out an email bulletin to notify residents.

**Trespassing** – The Board reviewed the statement from the Association’s legal counsel, Ruth Katz regarding trespassing. There are no on-going incidents of trespass around the lake that we are aware of. The Board discussed re-doing the new signs around the lake or purchasing new signs that state “No Trespassing”. Joe Jordan volunteered to meet with the City of Rockville Police Chief to see how residents can self-police trespassing. The Board agreed not to modify or install any signs around the lake at this time.

**Maryland Avenue Redesign** – The Board discussed the City of Rockville’s plan for bike lanes on Maryland Avenue. Joe Jordan reported that he attended a meeting with the city regarding this project. The idea is to create a buffer between the street and sidewalk by adding a bike lane. Some concerns were expressed about narrowing the roadway which could create traffic back-ups at the traffic lights. The Board agreed not to take any official position on this project at this time and to wait to see what the City’s next report will be on this project.

**Pool Hours** – Sam Scheib suggested that the pool hours be adjusted to stay open later on Saturdays instead of mid-week when no one really uses it that late. No official action was taken to modify the pool hours.

**Electrical Repair** – Joe Jordan commented on the work that was recently performed by Power Systems Electric to replace failed underground wiring in order to restore power to streetlights in the community. The area was not restored properly after the work was completed. Abaris will follow-up with PSE to ensure that the area is restored.

## **Community Forum 2**

Debbie Mesmer described her observation of behaviors around the lake that occurred over the last five years. There was someone fishing at the lake as recently as this past Sunday. A youth was observed riding his bicycle around the lake and throwing rocks and sticks at the baby goslings. Several adults tried to intervene, but he kept doing it. At the large staircase leading to the lake in the 100 block of New Mark Esplanade, a young couple camped out there with a blanket. ATVs have been seen driven at high speeds around the lake. Individuals have been observed harvesting things out of the lake (snails?). People are swimming in the lake. People have been observed using remote control boats in the lake to chase and scare the geese. High school kids have been seen walking across the lake when it freezes over the winter and a scooter was thrown onto the ice. Debbie advised that these behaviors are dangerous, and trespassing is definitely occurring at the lake.

Pat Reber commented on the Maryland Avenue redesign project. She voiced concerns about speeding and heavy trucks driving on Maryland Avenue. The City claims that the police cannot enforce these issues. It may be a good idea for the Board to notify the Police Department to start enforcement so no one is injured or killed. Pat agreed to draft the letter to the City Police Department.

John Fessel stated that he is a new owner on Farsta Court moving into the community in August. He was welcomed by everyone in attendance.

Michale Komlosh stated that she noticed kids around the lake who are quite rude. She suggested photographing any incidents and speaking with parents of these kids.

Saven Wilkins commented that he likes the virtual meeting platform but suggested Board members and Shireen use headsets so that the audio can be clearly heard.

Sam Scheib suggested contacting Cheryl Kagan regarding the Maryland Avenue issues. He commented that the intersection is crumbling and needs to be refreshed.

Joe Jordan thanked Debbie Mesmer for her comments about the lake and will speak with the Police to see what they recommend.

### **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 delinquent homeowner accounts. The motion was seconded by Timothy Petros and carried unanimously.

## **10. Adjournment**

Joe Jordan made a motion to adjourn the Board meeting which was seconded by Sam Scheib following the conclusion of the Executive Session. The meeting adjourned at 8:44 p.m.