

NEW MARK COMMONS HOMES ASSOCIATION

BOARD OF DIRECTORS MEETING

Thursday, December 2, 2021

7:00 p.m.

Minutes Taken by Glen Mammen

Attendees

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

Abaris Community Management: Glen Charles and Glen Mammen

Call to Order

Kathleen Moran called the meeting to order at 7:00 p.m.

1. Community Forum 1 and Board Response

Raj Gupta acknowledged the importance of the work that the Board, especially given the backlog of infrastructure that was not taken care of. He stated that the association members should be thankful for the time and effort the Board puts in. Raj continued, the Board may hear when homeowners disagree with them, but they don't hear often enough that homeowners also respect the work and effort that is put forward, and so he thanked them for the service. Raj mentioned that he was happy to see new homeowners attending various meetings. Raj continued that he was disturbed to see that per the agenda at least 2 Board Members are subject to censure for violating the code of conduct, and he wanted to understand why this action was taken. Raj noted the recent issues the Board has had with keeping members may be compounded by Covid which has not allowed for personal contact in building relationships. He encouraged the Board to be reasonable with each other and to not "go after" each other.

Board Response

Kathleen Moran thanked Raj for his comments and welcomed all the homeowners to the Board Meeting.

2. Agenda and Prior Meeting Minutes

Board Meeting Agenda 12-2-21: Kathleen made a motion to move items c,d,e, and f from old and new business to closed session. Samuel Scheib seconded the motion. Joe Jordan commented that he would vote in favor to move the items contingent upon him being given an opportunity to make a statement during open session. The motion was amended to include Joe's request and the amendment was supported by the Board; the amended motion was approved unanimously.

Board Meeting Minutes 11-4-21: Joe Jordan moved the approve the minutes as amended by Kathleen. Samuel Scheib seconded the motion which was carried unanimously.

3. Appeals

None.

4. Hearing

None

5. Committee Reports

Architectural Control Committee (ACC) –

Timothy Petros reported that the ACC has not met since the last meeting, but there is the issue of a door that has been replaced and the ACC will discuss it forthcoming.

Communications Committee –

Pat Reber reported that over the summer when the Budget for the communication committee was being drawn up, that she had a conversation with Shireen regarding the compensation for Kiersten who maintains the website and other consulting services. Shireen informed that there was room in the budget to increase her pay from \$17.00 to \$20.00 per hour. Pat asked that the Board approve this increase. Pat commented that when she was initially hired that she would be paid \$1500.00 a month which included taking the minutes. Pat stated that she believes that Kiersten only puts in for \$300-\$400 per month for all her work, and she appeals for the Board to increase her pay rate. Karin Boychin made the motion to increase Kiersten's payrate, and the motion was seconded by Samuel Scheib. The motion carried unanimously. Pat mentioned that Abaris had reached out to gauge interest in having Abaris provide web services which was declined by the committee. New rules regarding installing EV charging stations have also been posted to the website per Pat.

Landscape Committee –

Lisa Halvorson commented that a lot of time is spent on landscaping during the meetings and raised the issue of whether the Board should consider allowing the committee to have some spending authority. Lisa continued that the amount spent could be limited in cost and to certain items, but that this could allow for more efficiency and save for time if not everything needed to come before a board vote. Kathleen stated that Shireen suggest that the Board establish a financial threshold of \$500-\$1,000 so that if a homeowner calls with a landscaping issue and that the committee and Abaris agree upon an action that this can be carried out without Board approval, provided there are funds within the budget and it is within the spending limit. Sam confirmed with Lisa that prior to any action, the occurrence would be reviewed by the appropriate committee for example a dead tree would be reviewed by the tree committee. Joe Jordan asked if the spending limit is per event? He also suggested some guardrails such as having a threshold which would require Board intervention to refresh the spending amount. Joe also raised his concerns regarding S&P or other tree vendors or any tree work being done without Board knowledge. Timothy Petros raised the ongoing issue regarding a tree near a homeowner's house and the delay in any resolution. Karin stated that in general she is in favor of committees having more authority to spend within their respective budgets. Karin stated that for planting the committee should come with a plan to the Board for approval, but for dead tree issues which pose a risk for fall she agreed with Tim that faster resolution is needed. Sam asked what the general cost per occurrence to which Kathleen gave some examples. Kathleen went on to explain her concerns regarding the delay in action giving an example that homeowner complaints in May and June resulted in receiving proposals in July which was subsequently only approved in November. Lisa suggested that items be bundled together and maybe a

monthly spending limit should be considered. Alex asked if the landscape committee would reach out to contractors directly to which Lisa answered she still envisioned Abaris reaching out to contractors to get proposals. Joe Jordan voiced that he was uncomfortable with this plan without more structure or limits to the proposition. Sam agreed with Joe and that the committee should draft a more detailed proposal for the Board to consider. Karin agreed that the idea to empower the committee to act faster is good but that the process is more complicated than just approving a spending limit. Lisa noted the suggestions and would go back to the committee to put together a proposal.

Kathleen also updated the Board regarding the white pine trees specifically regarding 216 stating that an Arborist has been on site, but a proposal has not been received as of yet. She noted that more homes are affected beyond just 216. Alex stated that this was raised 2 years ago and that at that time it required a crane and could cost \$40,000 to remove 5 trees and that it's time to get it done. Lisa clarified that she thinks it can be done now without a crane. Kathleen mentioned that it was noted budgeted in the past year, to which Alex stated that by using the UME they association does have enough money to get it done. Karin confirmed that the trees would be properly marked prior to requesting Abaris to obtain proposals.

Kathleen also acknowledged that AW Landscaping had replaced the bushes that had been eaten by the deer.

Lake Committee –

Kathleen stated that AW did the second pruning of the red twig Dogwoods along the lake, along with that the met with the Lake Committee and removed a significant amount of bamboo and other items away.

Pool Committee –

Sam Scheib noted that the committee did not meet but a few items need to be purchased for a cost of about \$500 to \$600. Karin commented that she agreed with Joe's suggestion to hang the poles on the fence thus not requiring the purchase of a ladder. Kathleen mentioned that often either John Curry or Jim Denney have purchased the items and they have been reimbursed from the association through Abaris. Kathleen asked Karin if the association had money to spend now or wait until later, to which she affirmed that it can be done now. Lisa commented that there were concerns about open ended authority for one committee to which seems to be not shared in this similar instance. Sam and Karin agreed that a specific list is needed to which Alex stated he had the list and went over it briefly, stating that the cost was potentially \$1,800 max.

Governance Committee –

Joe Jordan reported that the committee met last month and reviewed the Boards discussion regarding assessment ideas from the previous meeting. The meeting was largely devoted to the topic of assessment and dues in relation to the work being done on the covenants. Joe informed that the committee has agreed to withdraw the memo that was sent in January and withdraw the recommendation that was made. He noted that they are working toward recommending using a simple average, and are putting in work toward analysis and creating a presentation.

Welcome/Social Committee –

Karin gave report that new neighbors are being welcomed as they come in, and that the welcome package is well received.

6. Treasurer's Report

Karin Boychyn reported that NMC has \$1.4 million in the bank. The association less than \$500,000 on the loan the exact being \$499,282. She continued that the association is still under budget, and it should maintain till the end of the year. She mentioned that the association is still spending too much on legal and overspent on snow last year. She projects that the association will be underbudget on utilities, that \$70,000 were spend on capital projects and have over \$400,000 in replacement funds and \$428,000 in UME giving a total equity of just over \$900,000. Karin by getting the Reserve and Dam studies next month they can better plan for the next 5 years.

7. Management Report

All action items in the management report were covered under this meeting's agenda

8. Old/New Business

Snow Removal Contract

Kathleen mentioned that the Snow Removal Contract from AW is identical to last year's contract, with same pricing and same service territory. She clarified that in the townhouses it is to clear a drive but not the individual parking spaces and for common sidewalks but not individual walking paths.

Joe Jordan asked if the chemicals used are pet friendly to which Kathleen could not provide an answer.

Alex Belida made a motion to approve AW snow removal contract for the 2021-2022 Snow removal season. The motion was seconded by Timothy Petros. The motion passed unanimously.

Removal or Not of the Fountain in the lake during Winter.

Kathleen stated that Shireen and Jim Denney recommended removing the fountain during the winter, while Lake Solitude recommended leaving it as there is wear and tear upon removing the fountain. Joe Jordan agreed with Lake Solitude and mentioned that per the correspondence in the management report Jim agreed with Lake Solitude. Kathleen mentioned that Jim had initially recommended removing the fountain.

Lisa made a motion to retain the fountain in the lake during the winter. The motion was seconded by Joe Jordan and the motion passed unanimously.

Statement from Joe Jordan

Joe Jordan read the following statement.

"I am asking that the following statement be made part of the record by including it in the minutes of this meeting and any part of it can be used if a newsletter article is written.

I am Joseph Jordan – I live at 328 NME and am a 34-year resident of NMC. Over the years I have served as a member of the Board of Directors a total of 11 years – I have served as Board President, VP, and currently Secretary. For the past two years I have served as the only original member of the Governance Committee – working on rewriting our bylaws and covenants.

On October 4th I received – out of the blue – an email from the association’s attorney with subject line “Letter of Censure” and an attached file containing the letter named “Letter of Censure to Joe Jordan”.

The act of censure has been in the news lately, as our House of Representatives held a public debate and vote to censure a sitting Representative. A censure is defined as a judgement or resolution reprimanding a person for misconduct.

Stepping back a few months, in September, homeowners were sent information on the proposed 2022 budget, and several homeowners sent emails to the Board commenting on or asking questions about some of the budgeted expenses. One line item that raised several questions was the \$11,136 to have Abaris staff conduct an architectural inspection of all 384 homes in the community. The vote to include this in the budget was 6 – 1 in favor and I cast the one vote opposed to the expense.

One writer asked why the expense was necessary, another wrote it isn’t a worthwhile use of NMC funds. I sent an email in response to those two homeowners’ inquiries. I didn’t criticize the Board in any way for its action – I did however say the vote was not unanimous, and I voted in opposition because I was not comfortable having an outside agency do the inspections, and I shared concern with possible contention issues between homeowners, the ACC and the Board. What I shared with them was a matter of record in an open meeting and my position was also reported in the Association’s newsletter.

Those two emails from me to the homeowners were the basis for alleging that I had violated the Board’s code of conduct leading to the Board taking censure action against me. I was never told the Board was preparing a censure, never given an opportunity to respond to the allegations.

If the intent of any part of the code of conduct is to silence a board member to the extent he or she is not able to explain in writing his or her reasoning for a vote, while still honoring the majority decision, then that needs to be addressed and corrected.

In closing, the action taken against me was done in a manner that violated the association’s bylaws and mut be rescinded.”

9. Community Forum 2

Jennifer Jackson thanked everyone for being welcoming as a new resident to the community and wished everyone a happy holiday.

Matt Hagner thanked the Board and mentioned that he also is a new homeowner in the community and he and his wife had a great first year in New Mark Commons. Matt continued that he appreciates transparency from the Board and also appreciates Board responses to his questions. He also said that responses should not be penalized.

Raj Gupta stated that he was concerned about why the censure was enacted and he appreciated open communication. He stated that he does not believe that it was a breach of confidentiality and that something should be done to prevent this from happening.

Kathleen thanked everyone for their comments.

Savin Wilkins stated that he was happy that the bamboo got trimmed out.

10. Adjournment

Lisa Halvorson made a motion to adjourn the meeting which was seconded by Timothy Petros and carried unanimously. The meeting adjourned at 8:18 p.m.