

NEW MARK COMMONS HOMES ASSOCIATION

BOARD OF DIRECTORS MEETING

Thursday, May 5, 2022

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: Kaitlyn Ambush, Shireen Ambush and Glen Charles

Homeowners: Ann & Paul Grandin, Debbie Mesmer, Jennifer Jackson, Pat Reber, Jim Denny and Raj & Madeline Gupta, Mark Wetterhahn, Vadim Finkov and Saven Wilkins

Call to Order

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

1. Community Forum 1 and Board Response

Pat Reber commented on the federal fund for the Potomac Valley sidewalk. A total of 23 trees were planted.

Ann & Paul Grandin expressed concerns about the proposed sidewalk and urged the Board to write a letter petitioning the City not to install it. Their privacy will be impacted as several trees and bushes have been marked for removal.

Debbie Mesmer raised her question from the April Board meeting about the lake and the status of approving the proposed treatment to prevent algae blooms. She sent an email to the Board earlier today outlining her concerns and urging the Board to be proactive.

Mark Wetterhahn stated that he submitted comments to the City engineer about design alternatives for the proposed sidewalk and suggested that the Board wait for the City's response while taking into consideration all of the feedback from concerned residents. Mark commented on the proposal to build an assisted living facility on Potomac Valley Road which may create more noise and traffic concerns for residents of New Mark Commons.

Madeline & Raj Gupta announced a new member to the Communications Committee, Rocio Crumley. The Committee is in the process of starting a project to preserve the history of New Mark Commons by archiving documents and photographs digitally. The Committee is also hoping to hang posters in the clubhouse. Raj Gupta noted that he did not vote on principle in this year's election because there was no secret ballot. His intention on counting all of the election ballots was to point out the consequences of an

unintended mistake. All members votes were left exposed because there was no option to cast a secret ballot.

Saven Wilkins supported Debbie Mesmer's comments about the lake and urges the Board to act on growing algae blooms.

Vadim Finkov agreed there is no need to install the proposed sidewalk which would destroy our historic neighborhood and would create a privacy issue.

Board Response

Kathleen Moran thanked everyone for their comments. She confirmed that Lake Solitude continues to service the lake and provides their reports to the Board. The Board will address the algae blooms when Lake Solitude provides their recommendations. Kathleen also thanked Raj Gupta for his comments which were helpful.

Joe Jordan advised that he spoke with a City representative and there is an opportunity to petition the proposed sidewalk at the upcoming Mayor & Council Town Hall meeting next week. The nursing home construction may not start for another year and will take another year to build. We will continue to keep the community informed.

2. Agenda and Prior Meeting Minutes

Board Meeting Agenda 5-5-22: Karin Boychyn moved to approve the meeting agenda with no changes. Joe Jordan seconded the motion which was carried unanimously.

Board Meeting Minutes 4-7-22: Karin Boychyn moved to approve the minutes as amended. Lisa Halvorson seconded the motion which was carried unanimously.

3. Appeals

None

4. Hearing

None

5. Committee Reports

Architectural Control Committee (ACC) –

Tim Petros made a motion to approve the new set of ACC applications to fast track a list of items that apply to the approval to increase efficiency. Alex Belida seconded the motion which was carried unanimously.

The Board discussed the results of Abaris Realty's first full inspection of every home in New Mark Commons. Approximately 80% of homes were cited for maintenance violations with some issues being more major than others. The ACC is trying to differentiate the levels of each violation and is overall happy with this first round but requests that Abaris revisit ACC Guideline violations as part of this inspection.

Shireen Ambush noted that the pre-inspection meeting with the ACC Members and the Abaris Inspections Team was an opportunity to review, discuss and clarify the criteria for the inspection. She requested that the ACC come up with a list of specific guideline violations they wish for the Inspections Team to look for and they will return to reinspect and add those guideline violations to the overall inspection results.

Communications Committee –

Pat Reber reported on behalf of the Committee with a proposal of up to \$530 to archive historical files of New Mark Commons. This includes:

- \$180 to purchase a hard drive to house digital historical files.
- \$300 to frame posters so they will be preserved
- \$50 to scan remaining information from Ed Bennett to preserve it.

Pat also noted that the Committee went to the City of Rockville for a \$1000 grant. Kathleen Moran moved to approve the Committee's request to spend up to \$530 for this purpose. Alex Belida seconded the motion which carried unanimously.

Pat noted that the next newsletter will be issued on May 20th and the deadline for submissions is May 15th.

Landscape Committee –

Lisa Halvorson presented 7 landscape related requests for the Board's consideration. Jim Denny clarified that the \$11,186 price for tree work includes remediation of the grounds to restore turf. The Board reviewed the proposal from AW Landscapes. Jim Denny suggested delaying the installation of playground wood chips. The total amount of all items being proposed is \$14,900. Karin Boychyn moved to approve the proposal not to exceed \$15,000. Sam Scheib seconded the motion which carried unanimously.

The Board discussed comments from residents about AW's leaf blowers and Alan Walcoff's response. The Board agreed that the current contract with AW does not require them to use electric blowers. Alex Belida noted that Alan Walcoff stated this may be affordable in the future or the Board may consider not blowing the areas after mowing is performed.

Pool Committee –

Sam Scheib reported that the Committee is meeting on May 17th at 7:30 pm. Pat Reber will send out an email broadcast. Sam thanked Joe Jordan for being the point of contact for the pool.

Governance Committee –

Joe Jordan reported that the Committee met on April 12th and sent the final draft of the Bylaws to the Board. The Committee sent the most current draft of the Covenants to the Board on May 4, 2022. Joe announced that the second longest member of the Committee Raj Gupta has submitted his resignation as of tonight's meeting. We owe Raj a tremendous debt of gratitude for all of his work and we wish Raj well.

The Board reviewed the following provisions of the Bylaws and voted on each one accordingly:

- Section 10 – Closed Meetings – The Board agreed unanimously to the language drafted by the Committee
- Books & Records – The Board agreed to leave the list but add “to be in compliance with the law” or remove the list so it won't get outdated. Joe Jordan moved to include the list within the Bylaws.

Sam Scheib seconded the motion which failed with 1 Board member voting in favor (Joe Jordan) and the other Board members voting against the motion. Lisa Halvorson moved to remove the list from the Bylaws and add a statement that we will follow State law. The motion was seconded by Karin Boychyn and carried with all Board members voting in favor except Joe Jordan who voted against the motion.

- Powers & Duties of the Board – The Board asked legal counsel, Ruth Katz if adding outside pool memberships to the list of the Board’s powers & duties. She suggested that if we add it, we keep the language simple with no specifics or details. Sam Scheib moved to accept Ruth’s recommendation for a simple statement “the Board has the authority to grant outside pool memberships on terms established by the Board”. Joe Jordan seconded the motion which carried unanimously.
- Nominations – The Board agreed unanimously to retain the current practice of 30 days prior to the Annual meeting for submission to the Board and 3 weeks prior to the meeting for the Board to provide names of candidates to the Association.
- Waiver Statement – Joe Jordan moved to insert the waiver statement in the “miscellaneous content”. Karin Boychyn seconded the motion which carried unanimously.
- Secret Ballots – Karin Boychyn moved to leave the language as drafted by the Committee. The motion was seconded by Joe Jordan and carried unanimously.
- Board Vacancies – Karin Boychyn moved to remove the struck-out language in Section 8 that provided for voting by secret ballots. Tim Petros seconded the motion which carried with 4 Board members voting in favor (Kathleen Moran, Tim Petros, Karin Boychyn and Lisa Halvorson) and 3 Board members voting against the motion (Sam Scheib, Joe Jordan and Alex Belida).
- Principle Officers – Sam Scheib moved to retain the language drafted by the Committee that provided for voting by secret ballots. The motion was seconded by Alex Belida and failed with 3 Board members voting in favor (Sam Scheib, Alex Belida and Joe Jordan) and 4 Board members voting against the motion (Kathleen Moran, Tim Petros, Karin Boychyn and Lisa Halvorson) The language will be struck.

Joe Jordan moved to approve the draft Bylaws as amended. Tim Petros seconded the motion which carried unanimously.

The Board discussed the fact that the Governance Committee is now down to 2 members. Sam Scheib moved to disband the Committee with heartfelt thanks for all of their hard work. Alex Belida suggested asking Debbie Mesmer and Raj Gupta to remain as consultants but then withdrew his suggestion and seconded Sam’s motion. Tim Petros voiced his objection to disbanding the Committee at this time and suggested delaying the decision until we get more information. Sam Scheib withdrew his motion. Kathleen Moran asked Directors to read the draft Covenants and be prepared to discuss next steps.

Welcome/Social Committee –

Karin Boychyn welcomed any ideas or suggestions for safe social events.

6. Treasurer’s Report

Karin Boychyn reported that NMC has roughly 1.5 million dollars in the bank and owes roughly \$456,000 on the commercial loan. We are on budget as of the end of March with the exception of snow removal and tree care. We have spent roughly \$53,000 on capital projects so far this year.

Management Report

- A. Shireen Ambush reported that MDE recently approved New Mark Commons Emergency Action Plan (EAP) for the lake dam prepared by Bayland.
- B. The Board reviewed the master insurance policy renewal. The premium has increased by \$1800. Alex Belida moved to approve the renewal proposal. The motion was seconded by Tim Petros and carried unanimously.
- C. The Board tabled any decision on the bid received from All Pro Courts for refurbishment of the tennis courts until more bids arrive.
- D. The Board reviewed Abaris Realty's proposal for administration of the lake dam and dredging projects which is 4% of the total construction costs. Tim Petros moved to approve the proposal from Abaris Realty. The motion was seconded by Lisa Halvorson and carried unanimously.
- E. The Board reviewed the unauthorized walkway installed at 216 New Mark Esplanade which partially extends onto NMC's common area. Joe Jordan moved to notify the owner to remove any portion of the walkway that extends onto NMC's property. The motion was seconded by Sam Scheib and carried unanimously.
- F. Board Members will review the common area inspection report from Abaris Realty and decide on which items need to be addressed.
- G. The Board agreed unanimously that Alex Belida will draft a letter to the City of Rockville addressing the proposed sidewalk on the south side of Potomac Valley Road.

7. Old/New Business

- A. None

Community Forum 2

None

8. Adjournment

Alex Belida made a motion to adjourn to Executive Session for the purpose of discussing homeowner accounts. The motion was seconded by Joe Jordan and carried unanimously.

There being no further business, Joe Jordan moved to adjourn the meeting which was seconded by Alex Belida and carried unanimously. The meeting adjourned at 9:39 p.m.