

# NEW MARK COMMONS HOMES ASSOCIATION

## BOARD OF DIRECTORS MEETING

Thursday, September 1, 2022

7:00 p.m.

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Minutes Taken by Kaitlyn Ambush

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### Attendees

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

**Abaris Community Management:** Shireen Ambush, Kaitlyn Ambush, Henry Leung, and Rhianna Drieu

**Homeowners:** Debbie Mesmer, Jennifer Jackson, Pat Reber, Darya Melnyk, Bill Holdsworth, and Saven Wilkins

**Board Members Absent** – Lisa Halvorson and Tim Petros

### 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 9-1-22:** The Board agreed to add the Communications Committee Report to the agenda, as well as to add under old/new business the tree proposal that was received in response to the Bayland report. The Board also agreed to add the “open house” discussion from the Social Committee to the agenda, and to move the budget discussion to the top of the agenda. Karin Boychyn made a motion to approve the agenda as amended. Alex Belida seconded the motion which was carried unanimously.

**Board Meeting Minutes 8-4-22:** Alex Belida moved to approve the minutes as amended. Samuel Scheib seconded the motion which was carried unanimously.

### 3. Appeals – 4 Bracknell Court

Darya Melnyk presented to the Board her reasons to appeal the ACC’s decision to deny the the application for the installation of a shed at the rear of her home. Darya explained that the shed will be hidden from plain view and the shed would be better hidden in the back corner instead of attached to any part of the dwelling. Kathleen Moran responded that the ACC denied the installation request

since sheds are prohibited in the Covenants. Samuel Scheib made a motion to deny the owner's appeal since it is in direct conflict with the Covenants. Karin Boychyn seconded the motion which was carried unanimously.

#### **4. Hearing**

None

#### **5. Committee Reports**

##### **Communications Committee –**

Pat Reber's report regarding website issues is an attachment to the minutes of this meeting. Bill Holdsworth provided an explanation to the Board of the website issues the HOA has been experiencing lately.

##### **2023 Budget Discussion –**

The Board reviewed the second draft of the proposed 2023 budget presented by Abaris Realty. The Board discussed and agreed to further revisions to the budget which would provide a balanced budget without having any increase in the Assessments. The Board agreed to distribute the balanced budget to all homeowners with a cover letter announcing that it will be formally adopted by the Board at the October meeting. All Board members were in favor except Joe Jordan who abstained from the vote.

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

Shireen Ambush noted that Abaris needs the final focus list for the completion of the 2022 Inspections by October so that final payment can be released to Abaris for their services.

##### **Landscape Committee –**

Saven Wilkins reported that the Committee met with the Rockville Forrester and more tree work will be required. The proposal from S&P Tree Care should be submitted to Abaris shortly.

Fall Community Enhancement Day will be held in November.

Saven Wilkins commented on the compost bin request from the owner of 260 New Mark Esplanade and advocated for more composting in the community. Saven noted that a shared compost bin would be a big benefit to the community as he currently has a compost bin on his property that is being used by four households. Kathleen Moran and Karin Boychen thanked Saven for his efforts and encourages residents to be careful not to attract wildlife like rats/racoons as a result of composting. Saven suggested creating guidelines for safe composting. Sam Scheib suggested the Landscape Committee looks into companies that provide composting services off-site.

##### **Pool Committee –**

The Board discussed the request from someone to have a trial use of the pool over Labor Day weekend to confirm if they wish to sign up for a non-resident pool membership next summer and voted unanimously to approve it.

## **Welcome/Social Committee –**

Karin Boychyn noted the clubhouse is available on October 22, 2022, for “Open House” from 5-7 PM. The event will be “Adults Only”.

## **6. Treasurer’s Report**

Karin Boychyn presented the Treasurer’s Report and noted there is currently \$1.7 Million in the bank, and the HOA owes less than \$420,000 on the loan. There were 41 non-resident pool memberships this year. New Mark Commons is on budget, year to date, and the HOA has currently spent \$81,000 on Capital Projects. There is \$668,000 in Reserves. Karin noted that the 2021 Audit confirmed that New Mark had a good year, with a surplus of \$50,000. Karin commended the low delinquency rate and thanked Abaris for their efforts. The Unappropriated Member’s Equity is \$289,000. Karin commended the Reserve Study from 2021 and urged Board Members to continue monitoring the financials. Karin reviewed the 2022-2023 audit engagement with Goldklang. Sam Scheid inquired if the HOA should spend some funds to pay down the loan, which Karin confirmed she is currently looking into this with Abaris.

## **Management Report**

- a. The Board discussed the letter drafted by Kathleen Moran to the City of Rockville providing feedback on the identified implementation actions within the 2040 Comprehensive Plan for Rockville and agreed to send the letter on HOA letterhead to the City of Rockville on behalf of New Mark Commons.

## **7. Old/New Business**

- a. The Board discussed and unanimously approved the proposal for \$650 from S&P to prune the trees at 504 New Mark Esplanade, under Abaris’ spending authority. The Board also discussed the proposal given to Saven by S&P in the amount of \$14,950 for the following breakdown of the scope of work:
  - Elevate the tress on the common pathway in the core of the community using bucket truck (\$5,200)
  - Tree pruning by the Playground, tree pruning on the 400 and 500 block, plus weeping willow on the lake (\$5,650)
  - Tree removals on pathway, 400 and 500 block (\$4,100)

Joe Jordan requested that the Board obtain competitive bids as this is a large-scale project and the Board should choose the best price. Kathleen Moran noted that the tree work needs to be done before the leaves begin the fall. Samuel Scheib agrees to move forward with this approval, while also agreeing with Joe to obtain competitive bids in the future. The Board requested Abaris to obtain a proposal on the 18-tree removal at the lake per Bayland’s identified scope. Samuel Scheib made a motion to approve the proposal from S&P in the amount of \$14,950. The motion was seconded by Karin Boychyn. The following Board members voted in favor – Alex Belida, Samuel Scheib, Kathleen Moran, and Karin Boychyn. The following Board members voted against - Joe Jordan. The motion carried and the proposal from S&P was approved.

- b. The Board discussed the amendments to the Covenants prepared by the Governance Committee and the idea to have a closed, working meeting with Legal Counsel, Ruth Katz to review and discuss it.

Joe Jordan inquired what the status is with the contract that was signed with Legal Counsel, Brian Bichy, and what work remains outstanding from contract with him. Joe also inquired why the working session cannot be open to the rest of the community as there are more questions that need to be answered. Kathleen Moran confirmed that Brian Bichy has been paid in full and his work to the community has been fulfilled, except for presenting the documents to the community for review. Joe Jordan reminded the Board that in addition to presenting the documents to the community, Brian Bichy still owes the Board a legal sufficiency review and at least one conference call. Joe also asked how Ruth Katz's work on the covenants will be charged, e'g', flat fee, hourly rate, special rate, etc. Karin Boychyn suggested the Board have a meeting to discuss the assessments that are required to ensure that Brian Bichy has fulfilled his terms of the contract to review the draft Covenants. Alex Belida suggested the Board contact Brian Bichy for his understanding on what is remaining from what the HOA has paid thus far, and that Joe Jordan be the point of contact with Brian Bichy to ensure that the Board's questions and any additional questions that Joe may have are answered. Alex agreed with the Board to have the closed meeting with Ruth Katz as the Board will be discussing in-depth legal information to gain a better understanding. The Board unanimously agreed that Kathleen will arrange a meeting with Ruth Katz to discuss the amendments to the Covenants prior to releasing them to the community. Kathleen will also reach out to Brian Bichy to discuss the last part of his proposal which is to attend a meeting to present the amendments to the community.

- c. The Board discussed the request from the owner of 2 Bentana Way to waive the \$125 for the tree clean up that AW conducted on New Mark Esplanade. Joe Jordan stated his lack of support in waiving the fee as the owner did not notify management of their plans to have the city remove the debris. Samuel Scheib and Karin Boychyn shared their support in waiving the fee, as well as Alex Belida who noted that the City of Rockville has been experiencing delays in trash collection. The Board unanimously agreed to waive the fee of \$125 from the owner's account.

## **8. Community Forum 2**

Debbie Mesmer requested a quick re-cap of the top five priorities for the 2040 plan. Kathleen noted the following: 1. The safety of the I-270 interchange at Falls Road and Maryland Avenue for pedestrian traffic. 2. Lighting and Maintenance Improvement of the Bicycle/Pedestrian tunnel under Maryland Ave to Monument Park. 3. Retain the right of way of the existing bicycle connection to Dogwood Park. 4. Explore the demand and use of Ellwood Smith Community Center. 5. Improving factors to enhance the quality of life in the community.

Saven Wilkins commented on the website report provided by the Communications Committee and noted that \$2,000 to rebuild the website is a great price. Saven noted that website redesign is normal to keep up with the latest updates and security advancements and encouraged the Board to pursue the website redesign. Samuel Scheib thanked Saven for his comments and would like to add this topic to the agenda for discussion at the next meeting.

Pat Reber thanked Saven for his comments and for his donation of hard drives to the Communications Committee. Pat noted that the Committee lost confidence in the current website designer but is currently looking for new options for web design. Pat asked that Abaris shared the draft 2023 budget and the letter to the City of Rockville with the Communications Committee to post on the HOA's website

## **9. Adjournment**

There being no further business, Karin Boychyn moved to adjourn the meeting which was seconded by Alex Belida and carried unanimously. The meeting adjourned at 8:32 p.m.

### Pat Reber's Report - Website Crisis

A combination of two problems contributed to Website problems in August - first, our website consultant reported an apparent onslaught of attempts to hack our website ; and second, outdated software . It's not clear if the two problems were related. They happened one after the other.

**PROBLEM 1:** We addressed the first problem after a resident got a strange email that purported to be from New Mark. This prompted us to check with our consultant. As a result:

**Step One:** The committee agreed at its regular August meeting to spend \$99 recommended by our Website consultant to upgrade security to Wordfence. Kirsten determined that some of the "fake user accounts" had Russian email extensions RU – but it wasn't clear if they were former residents or New Mark landlords who live elsewhere.

**Step two:** To protect resident data in the directory, we removed the link to the online directory and posted a message advising people to use their printed directories until we secured the website. This notice should still be on the website if you click on resident directory.

PLEASE NOTE: We have received no other messages from residents about getting strange fake New Mark emails. It's possible that this was a problem in the resident's own email, which may have been hacked by someone who noticed the resident was getting other emails from the REAL New Mark.

**PROBLEM 2:** About a week later, parts of the website started crashing and disappearing. Joe noticed problems with the Governance file. Kirsten and Bill – who fortunately were not out of town in August (WHEW) – managed to coordinate with Josh – the consultant - to find that several areas of the website were affected and to seek solutions. Josh did manage to salvage the material in a spread sheet and in a zip file. He offered to start restoring it to the website, if Bill or Kirsten would tell him where each and every file was to be stored. But Bill , who Kirsten says has done the lion's share of the work, found that until he spent the time advising Josh about all that, it was easier to do it himself.

Since Bill is the one who really understands how a website works, I'll let him explain a little about why information on the website became garbled or got lost.

## **BILL:**

- We use WordPress for the NMC website.
- WordPress has a Media Library, where we store images and documents.
- Our website used a WP plug-in, called Document Gallery, which allowed us to build folders that would point to specific documents in the media library. The chief example was the Meeting Minutes, Agendas and Other Reports page in the resident area.
- Using that Document Gallery was easier than building links one-by-one.
- Unfortunately, when WordPress upgraded to its latest version, the Document Gallery plug-in stopped working. The folders display gibberish instead.
- The documents were still in the Media Library. We didn't have a record of which documents were in those folders. We have about 1,000 documents in the Media Library. About 800 were in Document Gallery folders.
- Josh couldn't restore back to earlier version of WordPress to give us a chance to peek at what those folders contained.
- Josh was able to give us a spreadsheet listing the 1,000 documents in the Media Library.
- Using that spreadsheet, I was able to guess which documents belonged in which folders. I then used the spreadsheet to create HTML code to paste into the folders.
- Undoubtedly there are some errors.

**SOLUTIONS:** We think a combination of factors contributed to the problems. Some of it has to do, as Bill explained, with plug ins and how they were creatively adapted to use the main system WordPress. We feel let down by our consultant, who was receiving \$1,200 a year to watch over things and correct them as they occurred. We think the website suffered neglect. We are looking for new solutions.

1. Our consultant has suggested rebuilding the website for \$2,000 with other programs than WordPress. This would entail about \$400 a year for a security system in addition to Josh's building and maintenance fees. The \$2,000 is what we paid him to create the website in 2017. In August, the Committee felt we should try to continue to work with what we have and simply upgrade the security coverage.
2. Kirsten regularly updates a website for a church, her other employer, which employs and services WordPress successfully. She and Bill will have a phone consultation with that company next Wednesday to see what might be possible.
3. Abaris offered over the past year to have a consultation with their website person, another option we could consider pursuing.
4. Meanwhile, we need to make sure we maintain the restored website and its material for as long as possible. Bill and Kirsten have spent HOURS restoring what was lost and are still working on it. Most of the material in the resident's area was garbled, and some of it in the public Administration tool. Much has been restored ... Bill started with restoring the governance material, to see how it would go; then moved through the other bins. He had hoped to have the Board agendas and minutes 2017-present restored by this evening.

