

NEW MARK COMMONS HOMES ASSOCIATION

BOARD OF DIRECTORS MEETING

Thursday, November 3, 2022

7:00 p.m.

Minutes Taken by Kaitlyn Ambush

Attendees

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

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

Homeowners: Jim Denny, Debbie Mesmer, Ambar Rodriguez, Ann Brown, Christy Alpa, Jennifer Jackson, Edward Hudgins, Pat Reber, Peter Krug, Robert Cohen, Madeline & Raj Gupta, Rainey Blomgren, Saven Wilkins, Sandra Crowe, Megan Morsheimer, Kenneth Davis, Vaughn (117 New Mark Esplanade)

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 10-6-22: The Board agreed to add the AW Landscapes add-on proposal for the retaining walls and to postpone the vote on the engineering bids and the tree removals at the dam until the next meeting. Karin Boychyn moved to approve the agenda as amended. Tim Petros seconded the motion which was carried unanimously.

Board Meeting Minutes 10-3-22: Karin Boychyn moved to approve the minutes as amended. Sam Scheib seconded the motion which was carried unanimously.

3. Appeals

None

4. Hearing

None

5. Alleged Violations of Board Misconduct

New Mark Commons' attorney was unable to attend the Board meeting due to a family emergency. The Board learned of communications that Joe Jordan sent to select residents, at which time the Board notified Joe of his alleged violations of the Board Code of Conduct. Kathleen Moran noted that Legal Counsel advised the Board to hold this discussion in open forum. Kathleen Moran read the allegations of Board misconduct, which was part of a summary reviewed and edited by Ruth Katz and is an attachment to the minutes. Joe Jordan made a statement in repose to the allegations of Board misconduct, which is also an attachment to the minutes. Joe Jordan requested that the Board hold this discussion in closed session. Karin Boychyn made a motion to move the discussion to Executive Session. The motion was seconded by Lisa Halverson and carried unanimously.

6. Draft Covenants Prepared by Legal Counsel

Kathleen Moran noted that Ruth Katz was supposed to be present to answer questions regarding the draft covenants. The Board has narrowed the Dues Assessment down to two concepts: 1. Take all operating and reserve expenses and divide the total equally amongst all homes; 2. Take all operating expenses and divide the total equally amongst all homes, and take the reserve expenses, minus the asphalt parking lot repaving for the townhomes to be paid by townhome owners ONLY and divide the remaining total amongst all homes.

The Board discussed what language Ruth Katz presented in the draft covenants and agreed to share the tentative number for fees. Karin Boychyn shared her PowerPoint presentation on the two dues options, which is an attachment to the minutes. The Board discussed the pros and cons of the assessment options and agreed to gather questions for Ruth regarding the parking lot dues separation option, as well as other items or changes to the draft covenants that the Board had questions about so that a vote on the draft covenants can be made at the December 2022 Board meeting.

Joe Jordan made a motion to post the draft covenants on the website for community review. Karin Boychyn stated that the Board needs to meet with Ruth Katz first before sharing the draft covenants. Tim Petros agreed with Karin that the Board needs to meet with Ruth Katz. The motion died due to lack of a second.

Sam Scheib made a motion to post the draft covenants on the website with all the redline changes included. Joe Jordan seconded the motion. The vote count was as follows: 3 For (Joe Jordan, Karin Boychyn, and Sam Scheib), and 4 Against (Tim Petros, Lisa Halverson, Alex Belida, and Kathleen Moran). The motion did not pass due to a lack of majority.

7. Committee Reports

Communications Committee –

Alex Belida requested the Board approve the proposal from Abaris Realty's Website Department for website maintenance services as of December 1, 2022. Alex noted that the maintenance fee is \$100 per month. Sam Scheib made a motion to approve the Abaris Realty Website Maintenance Contract. The motion was seconded by Karin Boychyn and carried unanimously. The Board noted the termination of website services from Josh Grabenstein.

Alex Belida commented on the recent vandalism incidents and requested the Board approve sending out an email bulletin, drafted by Pat Reber. The Board unanimously agreed to send out the email bulletin

highlighting the incident and thanked Pat Reber for conveying information to residents on how to report future incidents if they see them.

Architectural Control Committee (ACC) –

Tim Petros noted there is no report from the ACC. The ACC will meet next week to review the inspections template letter. Tim noted that the template letter will also be reviewed by the Board before any letters go out.

Landscape Committee –

Lisa Halverson discussed the landscape plan for the lake hillside and noted that the Committee has only received one estimate so far from AW Landscapes as others have declined to bid. The Board agreed to send request for proposals to other landscape architects/ designers but is also fine with accepting AW's proposal since their proposal price is below the budget set for the project if Abaris is unable to obtain additional bids.

The Board ratified the unanimous email vote to approve the purchase of bushes and plants for \$1,200 to be planted on the November 5th Community Enhancement Day.

Pool Committee –

None.

Welcome/Social Committee –

The Board thanked Karin Boychyn for facilitating the Open House event as it was a great turn-out and well attended! The community looks forward to future social events.

8. Treasurer's Report

Karin Boychyn presented the Treasurer's Report and noted the financials are in good shape overall and we are generally on budget, thanks to Abaris. Currently, we are over budget in snow, trees, and landscape. There is \$800,000 in Reserves and \$86,000 has been spent on capital projects so far.

Management Report

None.

9. Old/New Business

- a. The Board discussed the snow removal contract received from AW Landscapes. Joe Jordan noted that previous contractors never shoveled in front of the townhomes, therefore AW Landscapes should not shovel them. Alex Belida made a motion to approve the snow removal contract from AW Landscapes. The motion was seconded by Karin Boychyn and carried unanimously. Joe Jordan withdrew his comment.
- b. The Board unanimously approved the final payment to Abaris Realty for the 2022 Inspections.
- c. The Board discussed the landscape tree planting plan to plant 7 trees this fall for \$1,615. Karin Boychyn made a motion to approve the purchase of the 7 new trees for \$1,615. The motion was seconded by Sam Scheib and carried unanimously.

- d. The Board discussed the proposal from PSE to replace the two light poles near the basketball court. Karin Boychyn made a motion to approve the proposal from PSE to replace the two light poles. The motion was seconded by Sam Scheib and carried unanimously.
- e. The Board discussed the clubhouse rental and cleaning fees. Abaris confirmed that the current rental fees are as follows: \$150 cleaning fee + \$320 rental fee = \$470 total per clubhouse rental. Sam Scheib noted his opinion that the rental fees are too high. Tim Petros noted his opposition that the fees are too low. Alex Belida made a motion to keep the two fees separate. Karin Boychyn seconded the motion, and the vote count was as follows: 5 For (Kathleen Moran, Alex Belida, Karin Boychyn, Tim Petros, Lisa Halverson); 2 Against (Sam Scheib and Joe Jordan). The motion passed.
- f. The Board discussed the sample email opt-in policy provided by Abaris and unanimously agreed to have Ruth Katz draft a policy for the Board's review in congruence with the Association's Governing Documents.
- g. The Board discussed the additional charge from AW Landscapes for the masonry block the Board requested for an additional \$4,200. Abaris noted that AW Landscapes left samples at the clubhouse and the masonry block looks closer to the masonry block on the retaining wall in the 800 block. Joe Jordan made a motion to approve the additional \$4,200 charge. The motion was seconded by Sam Scheib and carried unanimously.

10. Community Forum 2

Raj Gupta commented on the 4 to 3 dues formula and noted that the Governance Committee always shared the formula in every comparison made for dues concepts. Raj urged the Board to include that table and noted that some townhomes have driveways.

Debbie Mesmer noted her interest in the language of the Declaration in regard to the dues, not so much the actual figures. Debbie inquired what was the actual cost in 2018 for repairing for the same scope of work that would support a townhome parking lot reserve fund?

Peter and Laurie Krug thanked the Board for hosting the Open House and agreed that the clubhouse rental fee is too high. Peter and Laurie noted they bought their townhome for a smaller yard and to be more environmentally conscious. The citations against Joe Jordan were shocking to hear as he has always been a great neighbor.

Kenneth Davis thanked the Board for hosting the Open House and noted his appreciation for Joe Jordan as he has reached out in the past as a neighbor.

Sandra Crowe echoed the comments made regarding Joe Jordan and noted her concerns about the equity for the dues concept. Sandra noted that it is fair to ask the townhome owners to pay for the parking lot repairs.

Saven Wilkins noted the Community Improvement Day will be held on Saturday, November 5, 2022, at 9 am. Come out and meet your neighbors and help beautify the community. Saven noted that the event is eligible for student SSL hours.

Vaughn at 117 New Mark Esplanade inquired if the draft covenants will be shared with the owners before the Board makes decision.

11. Board Response to Community Forum 2

Joe Jordan commented that he will share the cost of the 2018 asphalt project with Debbie Mesmer. Karin Boychyn commented that the cost was between \$300,000 and \$400,000. The asphalt paving is due again in 2041 and is estimated to cost \$540,000.

Karin Boychyn commented that the Board will put a proposal out to owners with one option of dues structure to vote on. There will be several town halls at which time homeowner's may present their feedback to the Board. Karin noted that the documents may change again as a result of receiving homeowner feedback.

12. Adjournment

There being no further business, Alex Belida moved to adjourn the meeting which was seconded by Karin Boychyn and carried unanimously. The meeting adjourned at 9:11 p.m.

Kathleen Moran's Statement – Alleged Board Misconduct Against Joe Jordan

1. Alleged Violations of the Code of Conduct Include:

- Failed to represent the board in a positive manner through statements which were misleading about:
 - i. Board actions on September 29
 - ii. The Planned process for finalizing new governing documents
 - iii. Accurately reflecting NMC history regarding capital projects
- Failed to maintain confidential information
- Questioned the commitment of the fellow board member by implying that opinions were swayed by living in a town home or detached home when the Board works diligently to make decision for the benefit of the whole community
- Failed to honor and uphold majority decisions by stating his personal disagreement with Board actions.
- resulted in confusion prevailing at the October 6 Board meeting amongst community members who attended.

Joe Jordan Response Statement to Alleged Board Misconduct Violations

I would like the charges leveled by Board President Kathleen Moran in her October 24th email, against me, to be read for the record.

I have demonstrated my commitment to the NMC community over the 36 years I have lived here. I have served the community as a member of various Boards of Directors 12 years, including six as Board President. I was a charter member of the recently disbanded Governance Committee, working for three years with several other committed residents in helping write new bylaws and covenants that will govern NMC for many years to come.

I honestly believe that the roles I played on these bodies are a testimony to my love for this community and my desire to preserve – and improve where or when necessary – the qualities that attracted me and my family to it those 36 years ago.

The allegations call into question my integrity, moral character, and ethical principles. In the last two elections, I stepped up to prevent a void, being the only candidate running representing the TH community during a critical interval when governing documents are being revised. I know that all directors are charged with making decisions on behalf of the entire community, and there is also no denying that the experiences of the physical community are different between townhome owners and those of detached homes. I think it is important to have those different perspectives represented on the Board. I have served on this Board in the manner as I have always done. Having to go through this experience now in front of community friends and neighbors is stressful and the ultimate embarrassment, but here I am.

I prepared a 3-page response to the allegations but woke up this morning asking myself if reading it would really have influence, or has the Board made up its mind. And why subject the residents that are here to hear about new covenants and assessment models to that.

I believe most of my fellow Board members would agree that I am a stickler when it comes to adhering to the rules and laws established by the County and State with respect to Homeowner Associations. I try to be exacting in what I say and write. For me to flout such things knowingly or intentionally is not who I

am.

So, I am hereby denying all the allegations, finding them ill-founded. If Board members choose to pursue this further in this open meeting, as opposed to a closed meeting as was done when another Board member was accused of violating the CoC, then I am happy to respond.

NMC DUES options

Karin Boychyn

3 November 2022

New Mark Commons Budget 2022

Budget:	Total Amount
Dues for Operating Funds	\$ 535,022
Total Reserve fund	\$ 523,846
Total revenue from dues	\$ 1,058,868
Other Revenue	\$ 43,107
Total Budget	\$ 1,101,975

TH	185
Det *	199
units	384

Current Dues

	Operating	Reserve	Total
TH 2br	\$ 1,259	\$ 1,567	\$ 2,826
TH 3br	\$ 1,333	\$ 1,567	\$ 2,900
Det 3br *	\$ 1,407	\$ 1,175	\$ 2,583
Det 4br	\$ 1,481	\$ 1,175	\$ 2,657
Det 5br	\$ 1,555	\$ 1,175	\$ 2,731

We all benefit from the common areas and Operating costs should be shared equally?

Type house	Current	All Pay the same	Changes	
TH 2br	\$ 1,259	\$ 1,393	\$ 134	10.66%
TH 3br	\$ 1,333	\$ 1,393	\$ 60	4.51%
Det 3br *	\$ 1,407	\$ 1,393	\$ (14)	-0.99%
Det 4br	\$ 1,481	\$ 1,393	\$ (88)	-5.94%
Det 5br	\$ 1,555	\$ 1,393	\$ (162)	-10.42%



- Administrative expenses
- Utilities
- Contracted services
 - Trash
 - Landscaping
 - HVAC
 - Pool
 - Snow removal
- Maintenance repairs
 - Trees
 - Landscaping/enhancement
 - Lake
 - Tennis courts
- Insurance and Taxes

Should Reserve fund costs be treated equally?

Type house	Current	All Pay the same	Changes	
TH 2br	\$ 1,567	\$ 1,364	\$ (203)	-12.96%
TH 3br	\$ 1,567	\$ 1,364	\$ (203)	-12.96%
Det 3br *	\$ 1,175	\$ 1,364	\$ 189	16.06%
Det 4br	\$ 1,175	\$ 1,364	\$ 189	16.06%
Det 5br	\$ 1,175	\$ 1,363	\$ 189	16.06%



- Asphalt for Townhouse parking
- Clubhouse
- concrete
- Dam
- electrical
- erosion
- fence
- Lake
- pool
- retaining wall
- sports facilities
- timber/edging

Or should we establish a separate Reserve fund for the Town House parking lots?

Type house	Current	All Pay the same	Townhouse Parking lot	Changes	
TH 2br	\$ 1,567	\$ 1,299	\$ 135	\$ (133)	-8.49%
TH 3br	\$ 1,567	\$ 1,299	\$ 135	\$ (133)	-8.49%
Det 3br *	\$ 1,175	\$ 1,299		\$ 124	10.52%
Det 4br	\$ 1,175	\$ 1,299		\$ 124	10.52%
Det 5br	\$ 1,175	\$ 1,299		\$ 124	10.52%



Everyone pays the same					
	Operating	Reserve	Total		
TH 2br	\$ 1,393	\$1,364	\$ 2,757	\$134	-2.43%
TH 3br	\$ 1,393	\$1,364	\$ 2,757	\$ 60	-4.93%
Det 3br *	\$ 1,393	\$1,364	\$ 2,757	\$ (14)	6.77%
Det 4br	\$ 1,393	\$1,364	\$ 2,757	\$ (88)	3.79%
Det 5br	\$ 1,393	\$1,364	\$ 2,757	\$(162)	0.98%

difference between options	
\$	(70)
\$	(70)
\$	65
\$	65
\$	65

Separate Parking lot reserve fund						
	Operating	Reserve	Parking	Total	Change total	
TH 2br	\$ 1,393	\$1,299	\$ 135	\$ 2,827	\$ 1.22	0.04%
TH 3br	\$ 1,393	\$1,299	\$ 135	\$ 2,827	\$ (72.84)	-2.51%
Det 3br *	\$ 1,393	\$1,299		\$ 2,692	\$ 109.77	4.25%
Det 4br	\$ 1,393	\$1,299		\$ 2,692	\$ 35.71	1.34%
Det 5br	\$ 1,393	\$1,299		\$ 2,692	\$ (38.35)	-1.40%

New Mark Commons Budget 2022

Budget:	Total Amount					
			TH	185		
Dues for Operating Funds	\$ 535,022		Det *	199		
Dues for Reserve Fund	\$ 498,846			384		
Dues for Parking lot fund	\$ 25,000					
Total Reserve fund	\$ 523,846		parking lot expenditure for 2041			\$ 527,714
Total revenue from dues	\$ 1,058,868		Over 18 years			\$ 29,317
Other Revenue	\$ 43,107		first year contribution			\$ 25,000
Total Budget	\$ 1,101,975		escalatio n			2%