

# NEW MARK COMMONS HOMES ASSOCIATION

## BOARD OF DIRECTORS MEETING

Thursday, December 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, Karin Boychyn, and Tim Petros

**Abaris Community Management:** Kaitlyn Ambush and Henry Leung

**Homeowners:** Debbie Mesmer, Saven Wilkins, Jennifer Jackson, Madeline & Raj Gupta, Msryanna Kieffer, Peter Krug, Michael Devillo, Pat Reber, Zoey Woods, Rita Molyneaux, Ron Tipton, Hona Popa, Bryan Malikson, Vaughn Martirosyan, Sandra Crowe, Owner - 184 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

Raj Gupta shared his legal analysis of the 4:3 reserve contribution formula, which was shared with the Board and Legal Counsel, and inquired if the Association will be covered under the current insurance policy if the Board continues to contribute to the reserve fund under the 1986 4:3 dues structure formula.

Saven Wilkins inquired if the Board had any comments on the recent acts of vandalism from the Julius West Middle School students.

#### Board Response

Kathleen Moran confirmed that the Board does not have any update on vandalism since the recent actions.

Ruth Katz responded to Raj Gupta's comments and confirmed that a response would be provided after receiving the recent information provided and discussing the matter with the Board in Executive Session following the regular Board meeting.

#### 2. Agenda and Prior Meeting Minutes

**Board Meeting Agenda 12-1-22:** The Board agreed to add the AW Landscapes proposal for the hillside design under Old/ New Business and add an Executive Session to discuss the comments raised by Raj Gupta. Samuel Scheib made a motion to approve the agenda as amended. Alex Belida seconded the motion, which was carried unanimously.

**Board Meeting Minutes 1-3-22:** Tim Petros made a motion to approve the minutes as distributed. The motion was seconded by Karin Boychyn and carried unanimously.

### **3. Censure of Board Member**

Kathleen Moran read the following statement proceeding the Board's decision regarding the censorship of a Board Member at the November Board Meeting:

As you know, the Board has been diligently working to prepare amendments to the Association's Declaration and Bylaws. The Board met with legal counsel in executive session back on September 29th to go over the legal affects and legal ramifications of the proposed changes and to make sure that the provisions are consistent with industry practices and applicable laws. Following that executive session, a fellow Board member, Joe Jordan, sent an e-mail to some residents in which he misrepresented the Board's confidential discussions and brought to question the Board's integrity and dedication to the community. The Board reviewed Joe's actions and its Code of Conduct that each director pledges to follow and found that Joe's actions were directly in violation of the Code of Conduct and are completely unacceptable, divisive, and misrepresentative of the Board. As elected directors who volunteer their time to serve the community, each of us strives to work together as a single united Board to best administer the Association's interests and affairs. It is imperative that each of us follows the Code of Conduct, which includes representing and supporting the Board in a positive manner; respecting and maintaining confidential information; treating fellow Board members with dignity; and honoring and upholding majority decisions of the Board while retaining the right to seek changes at the appropriate time through the appropriate means. While we may as individuals hold diverse and, at times, conflicting thoughts and opinions on various issues- and we welcome these diverging approaches as part of a vibrant and productive discussion- once the Board makes a decision, that is what ultimately governs and becomes the action of the Board as a whole, irrespective of our difference. We hope that Joe's serious lapse in judgment and violation of the Code of Conduct does not reoccur and anticipate his full compliance and cooperation moving forward.

### **4. Discussion with Legal Counsel: Dues Structure and Amended and Restated Declarations**

Ruth Katz led the discussion after receiving comments from the community and the Board on the Dues Structure and the Amended and Restated Declarations. Ruth provided an updated roadmap of the course of actions the Board, Legal Counsel, Abaris, and the community has been a part of since the beginning of this process. Ruth provided responses to all questions brought forth by the Board with regards to the assessment language, paring provisions, and other miscellaneous questions pertaining to the amended and restated declarations. After receiving the Board's questions and comments, Ruth Katz agreed to revise the documents for the Board's review in two weeks. Karin Boychyn inquired what the process would be for community review after the Board received the revised document in two weeks. Joe Jordan inquired if the documents could be posted on the community website and noted he would not support sending out any documents until the January 2023 Board meeting once approval is received. Alex Belida commented that the Board has not officially approved any documents. The revised documents will be shared with the community once approved by the Board for community review, townhalls held for community input, final documents approved and distributed to the community- 30 days prior to the official vote for review and only approved if the 60% approval vote is received.

### **5. Committee Reports**

**Communications Committee –**

Alex Belida noted that Rocio Crumley and Jim Denny are experimenting on how to best hang the historical posters in the clubhouse and Kathleen Moran is working on the design and layout. The project is still a work in progress.

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

Tim Petros noted the ACC has not met yet but plan to finalize the inspections template letter draft letter to the community following the 2022 Inspections for Board approval and distribution in January 2023.

#### **Landscape Committee –**

Lisa Halverson noted how successful the community clean-up day was and the various new trees that were planted throughout the community! We hope to have more engagement at the next event. Lisa also noted the committees plans for a friendly garden competition in Spring 2023. More details are to come. Saven Wilkins noted that the Landscape Committee planted large grasses along the hillside of the lake.

Alex Belida inquired why the tree along the connecting pathway by the 300 block of New Mark Esplanade was removed, as it was recently planted. Saven confirmed that the tree died and needed to be removed.

Kathleen Moran thanked the Landscape Committee for the recent plantings as they are great additions to the community and make a difference in the overall appearance of the community.

Sam Scheib inquired if the area where the tree along the connecting path died should be paved over with asphalt to stop future plantings.

#### **Pool Committee –**

None.

#### **Welcome/Social Committee –**

Karin Boychyn noted that the planning for the International Dinner is underway and projected for February or March. Karin noted the committee's plan for quarterly gatherings to socialize and meet fellow neighbors.

Sam inquired if the Association pays for the International Dinner. Karin confirmed that the Association pays for drinks only and uses the reusable china and glassware from the clubhouse.

#### **6. Treasurer's Report**

Karin Boychyn noted there is no report at this time, as the financial report from Abaris has not been received. Karin noted that tree and snow are still over budget but otherwise the finances are in good shape.

#### **Management Report**

None.

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

- a. The Board discussed the draft email opt-in policy and unanimously agreed to send out the proposed policy for community review and formal adoption at the January Board meeting.
- b. The Board discussed the proposals received to remove the 18 trees, stumps, and other vegetation as outlined in Bayland's report. Alex Belida inquired if we are required by the state of Maryland to have this work done by a specific date? Joe Jordan made a motion to approve the proposal from Titan Tree for \$29,962 and start the work ASAP. The motion was seconded by Alex Belida and carried unanimously.
- c. The Board discussed the proposal from All Pro Tennis to install a new bottom rail on the perimeter of the fence. Karin Boychyn inquired if the railing will deter the overall look of the fence and if the Board should entertain a bid from a fencing contractor? Lisa Halverson and Samuel Schieb agreed that the railing is necessary as it prevents items from exiting the courts. Karin Boychyn made a motion to approve the proposal from All Pro Tennis for \$4,250 to install the bottom rail. The motion was seconded by Samuel Schieb and carried unanimously.
- d. The Board discussed the proposals for engineering oversight and preparation of the scope of work for the replacement of the large retaining wall in the 100 and 800 block of New Mark Esplanade. Karin Boychyn inquired if the Association has any advantage going with Becht's proposal since they conducted the last reserve study. Joe inquired if the Board should reach out to Becht for an updated proposal to include the geotechnical survey. Henry Leung confirmed that ETC has their own engineer to conduct the geotechnical survey and would not need to outsource that portion to another engineer. Joe Jordan made a motion to accept ETC's proposal for \$14,250. The motion was seconded by Alex Belida and carried unanimously.
- e. The Board discussed the Landscape Design proposal provided by AW Landscapes. Lisa Halverson made a motion to approve the proposal from AW Landscapes for \$2,850. The motion was seconded by Karin Boychyn and carried with the following vote count: 6 In-Favor (Kathleen Moran, Karin Boychyn, Tim Petros, Lisa Halverson, Joe Jordan and Samuel Scheib); 1 Abstain (Alex Belida).

## **8. Community Forum 2**

Jennifer Jackson thanked the Board for their work on the governing documents.

Horia Poppa commented on the bottom rail for the tennis courts and their opinion that the rail is not needed at this time, and the community funds could be used elsewhere.

Peter Krug thanked the Board for informative meetings.

Ron Tipton commented on the Dues Assessment and noted it is appropriate to think about alternatives.

Vaughn Martirosyan thanked the Board for the meeting and inquired if the community has a social media page.

Zoey Woods made the following comments: the parking fee should be discussed, and a fee should be set that will not change in the future; the orange netting is in need of repair or replacement after the recent police chase through the area. The downed fence attracts a lot of foot-traffic throughout the community.

## **9. Board Response to Community Forum 2**

Kathleen Moran confirmed that there currently is not a social media page for the NMC community as there have been challenges in the past to start and maintain one. The Board will also look into the orange netting.

Alex Belida responded to the comment regarding the adjustable parking fee or parking reserve and that the parking fee could be reevaluated by the current Board each year.

Karin Boychyn responded to the comment regarding the parking fee, as well, and confirmed that the parking fee could be adjusted annually but the parking reserve would be set by the reserve study. Karin also noted her support in reviewing options for a community social media page.

Samuel Scheib noted his appreciation for the comments received regarding the tennis court railing.

### **Adjournment**

There being no further business, Samuel Scheib moved to adjourn the meeting which was seconded by Alex Belida and carried unanimously. The meeting adjourned at 8:29 p.m.