

NEW MARK COMMONS HOMES ASSOCIATION

BOARD OF DIRECTORS MEETING

Thursday, January 5, 2023

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: Kaitlyn Ambush, Henry Leung, and Rhianna Drieu

Homeowners: Pat Reber, Debbie Mesmer, Saven Wilkins, Zoey Woods, Jennifer Jackson, Winnie Herrmann, Jim Denny, Elliot Pickar, Peter Krug, Aaron Rubin

Call to Order

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

1. Community Forum 1 and Board Response

Debbie Mesmer commented on her email sent to the Board prior to the meeting and requested clarification from the Board on the 10/29/22 email from Kathleen Moran regarding the amended governing documents. Debbie also inquired if the Board should have the authority to design a fine schedule/chart and how can the Board ensure compliance.

Zoey Woods inquired if the Board will further explain the concerns which have been raised regarding the townhome parking lots and the new covenants. Zoey thanked the Board for the removal of the orange temporary fence but inquired if it will be replaced.

Board Response

Kathleen Moran noted there are no plans to restore the orange netting at this time and confirmed there is no future plan to increase other community amenities. Kathleen commented that the draft covenants will be discussed during the Board meeting and noted that the fine process gives the Board authority but does not grant specifics for future Boards.

Sam Scheib thanked Debbie Mesmer for her comments and noted that the Board should address Cheryl Kagan's request for future double-sided mailings.

Alex Belida noted the discussion regarding fines originated from the ACC violation fines in order to avoid taking the case to the CCOC. Alex also noted that the draft amended covenants are hypothetical if additional changes are required.

Agenda and Prior Meeting Minutes

Board Meeting Agenda 1-5-23: Alex Belida made a motion to approve the agenda as distributed. The motion was seconded by Tim Petros and carried unanimously.

Board Meeting Minutes 12-1-22: Joe Jordan made a motion to approve the minutes as amended. The motion was seconded by Karin Boychyn and carried unanimously.

2. Committee Reports

Communications Committee –

Pat Reber reported that the next newsletter will highlight the upcoming Board Elections and the International Dinner. The newsletter will be posted on Next Door. Pat noted that the Committee is currently applying for a matching grant with the City of Rockville for help to archive and store materials in the clubhouse, such as shelf installation, etc. Pat confirmed that the draft application for the matching grant will be shared with the Board before it is submitted.

Architectural Control Committee (ACC) –

Tim Petros noted there is no update from the ACC as the next meeting is on Monday, January 9, 2023. The ACC will work on the template inspection letter for the Board's review.

Landscape Committee –

Lisa Halverson noted that the committee did not meet and there is no update. Lisa commented there are small projects ongoing, but nothing is major.

Pool Committee –

Sam Scheib noted that the committee did not meet but has received, reviewed, and edited the 2023 Pool Management contract with Pool Personnel.

Sam Scheib made a motion to approve the revised 2023 Pool Management contract with Pool Personnel at \$90,375. The motion was seconded Karin Boychyn and carried unanimously.

Welcome/Social Committee –

Karin Boychyn noted that the International Dinner is scheduled for February 25, 2023, and details were included in the last community newsletter. Karin commented it is great to get together again as it has been three years since the last International Dinner. Karin thanked Madeline Gupta for her help planning the event!

3. Treasurer's Report

Karin Boychyn noted the finances are in good shape thus far. Karin made the following additional comments: we currently have \$1.5 million in the bank; we have \$385,000 remaining on the loan; we are currently over in income, expenses, snow, grounds, and tree care; we have currently spent \$160,000 on reserve expenditure, while the dam and lake dredging are still upcoming.

Management Report

None.

4. Dues Structure and Declaration Amendment

The Board discussed the drafted Amended and Restated Declarations provided by Ruth Katz after receiving Board comments. Kathleen Moran confirmed that the draft highlights only one of the two concepts seriously focused on by the Board. The assessment method in the draft is: equal payments for all operating and reserve funding minus the asphalt pavement fund for the townhomes. The other assessment method considered is equal payments for all homeowners. Alex Belida credited Ruth Katz, the Governance Committee, and the Board for their hard work on the draft covenants and urged the Board to approve the draft for community input. Alex Belida made a motion to send out the January 5, 2023, updated and clean-up version of the draft Amended and Restated Declarations from Ruth Katz, included as a hyperlink to the documents posted on the Community Website in the cover letter drafted by Kathleen Moran, via mail, to the community for review. The motion was seconded by Karin Boychyn, and the motion carried with the following vote count: 6 In-Favor (Kathleen Moran, Karin Boychyn, Alex Belida, Lisa Halverson, Tim Petros, and Sam Scheib); 1 Against (Joe Jordan).

The Board unanimously agreed to print all future mailings double-sided.

5. Old/New Business

- a. The Board discussed the HMS Insurance proposal and inquired what exactly the insurance covers. Henry Leung confirmed that the insurance is for fidelity coverage, which is required by all HOAs in Montgomery County. Karin Boychyn made a motion to approve the renewal proposal from HMS Insurance. The motion was seconded by Alex Belida and carried unanimously.
- b. The Board discussed the proposed email opt-in policy, which was sent out for community review and no comments were heard. Sam Scheib made a motion to approve the email opt-in policy as distributed to the community. The motion was seconded by Karin Boychyn and carried unanimously.
- c. The Board discussed the new proposal received for the removal of the 18 trees, stumps, and other vegetation as outlined in Bayland's report. Tim Petros inquired why 3 out of the 4 bids are similar in price but the new proposal received is significantly lower. Joe Jordan inquired why this proposal was not presented to the Board at the December Board meeting. Kathleen Moran confirmed that Abaris sent the proposal to the Board on the night of the December Board meeting, but she did not see the proposal until after the Board meeting. Kathleen confirmed that Abairs has not approved any contract at this time. Jim Denny noted that he met with Prestige Tree but has not reviewed the competing bids. Henry Leung noted that Abaris has sought proposals from Prestige Tree in the past, but we have not approved any work with them. Sam Scheib inquired if Prestige Tree does not meet the contract requirements, can funds be withheld. Karin Boychyn made a motion to withdraw the previous approval to Titan Tree Care and approve the proposal from Prestige Tree Care for \$16,500 to remove the 18 trees, stumps, and other vegetation outlined in Bayland's Report. The motion was seconded by Joe Jordan and the motion carried with the following vote count: 6 For (Kathleen Moran, Joe Jordan, Karin Boychyn, Alex Belida, Lisa Halverson, and Sam Scheib); 1 Abstain (Tim Petros).
- d. The Board discussed the parking space request from the owner of 144 New Mark Esplanade. Kathleen Moran noted that each townhome is allowed one parking space, but a previous request to relocate a parking space has been approved. The Board agreed table the discussion until the Board

has a chance to speak with the owner of 144 New Mark Esplanade in more detail to better understand the request before providing a decision.

6. Community Forum 2

Winnie Herrmann thanked the Board for mailing out notices to residents who do not use email.

Aaron Rubin inquired what the dates are for the Draft Amended Covenants townhall and what the review process will be for the new documents.

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

Pat Reber clarified the distribution and review process for the draft documents and commented on the timeline for the Annual Meeting notices. Henry Leung confirmed that first and second annual meeting notices are sent to the community. Pat Reber confirmed that the Communications Committee will update the election candidate application for distribution.

Zoey Woods requested clarification on the timeline for the draft amended covenants and why there is no schedule for events. Zoey noted her concerns regarding the hill spillway and will submit the comments in writing to the Board.

Debbie Mesmer thanked the Board for utilizing the mechanisms for notifying residents of the new amended documents.

Alex Belida inquired if 30 days is sufficient time to review the document changes and provide comments.

Aaron Rubin inquired about past discussions regarding the return to in-person meetings or the decision to remain virtual.

7. Board Response to Community Forum 2

Joe Jordan echoed Alex Belida's comment and inquired if more time is needed past March to review and comment on the draft amended covenants. Joe also noted that the 2023 approved budget should be posted on the website.

Kathleen Moran noted that virtual meetings are consistent, but the Board noted that special meetings in-person are optional, and the Board is open to a combination of both in-person and virtual meetings.

The two townhall events will be held on January 22 (in-person), and January 29 (virtual), 2023.

Adjournment

There being no further business, Samuel Scheib moved to adjourn the meeting which was seconded by Karin Boychyn and carried unanimously. The meeting adjourned at 8:20 p.m.