

**NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS AND SPECIAL MEETING**

Thursday, June 1, 2023

7:00 p.m.

Minutes Taken by Kaitlyn Ambush

Attendees

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

Abaris Community Management: Shireen Ambush and Kaitlyn Ambush

City of Rockville Police Department: Lieutenant K. Matney

Homeowners: Debbie Mesmer, Maryanna Kieffer, Ron Tipton, Gloria Chen, Jim Denny, Kim Cullen, Kevin Wagman, Rocio Crumley, Raj & Madeline Gupta, Amber Rodriguez, Marilyn Schuman, Michelle Tongratanasiri, Lindan Silvers, Lori Nicely, Stella, Gerri, Alena Lair Ferrari, Par Reber, Jennifer Jackson, Stanley Sirotkin, Elyse Hagner, Peter Krug, Saven Wilkins, Patricia Keisler, Donna Rudert, Zoe Woods, Linda Huntington, Megan, 864 NME

Call to Order of the Special Meeting

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

Quorum Establishment

Joe Jordan confirmed that the 25% quorum requirement had been met.

Proof of Notice

Shireen Ambush attested that all owners received notice of the Special Meeting on April 9, 2023, via email and regular mail. Shireen read the following results as of 5 pm on June 1, 2023:

Bylaws: Yes: 250; No: 21

Declarations: Yes: 249; No: 24

Purpose of the Meeting

Kathleen Moran read a statement, which is an attachment to the minutes.

Shireen Ambush attested to the ballot results.

Joe Jordan attested to the ballot results.

Kathleen Moran stated that with the current votes received, as of June 1, 2023, at 5 pm, the New Mark Commons HOA has successfully passed the Amended Covenants and Bylaws.

Adjournment of the Special Meeting

Joe Jordan made a motion to adjourn the special meeting at 7:10 pm. The motion was seconded by Alex Belida and carried unanimously.

Call to Order of the Regular Board Meeting

Kathleen Moran called the Regular Board Meeting to order at 7:10 pm.

Kathleen Moran introduced Lieutenant K. Matney of the City of Rockville Police Department to answer any questions or comments related to safety concerns in the community, especially at the lake dam spillway.

1. Community Forum 1 and Board Response

Lori Nicely made the following comments: trespassing, fishing, smoking, public urination, and intoxication has been witnessed at the lake dam spillway by residents who do not reside in NMC; a walkthrough was conducted previously with Lt. Matney, and a fence installation was recommended.

Megan echoed the comments previously made and noted that overtime trespassers have become more aggressive towards NMC residents.

Michelle Tongratanasiri attested to the previous comments made and encouraged a peaceful and tranquil life in NMC. Michelle recognized the heavy foot traffic through Monroe Street by the fence hole in the 100-block of New Mark Esplanade and requested the liability concerns be considered and the fence be closed ASAP.

Amber Rodriguez thanked the City of Rockville PD for being so responsive in this matter and provided a timeline of recent incidents surrounding the NMC community from 2021 to 2023. Amber echoed the previous comments heard and urged the HOA to remedy this matter before residents of the HOA are harmed as a result of the fence opening.

Lindan Silvers echoed the comments previously heard and noticed the increasing concerns throughout the community. Lindan urged the Board to consider the fence installation, as well as security cameras throughout the community.

The owner of 864 NME echoed the previous comments and thanked the City of Rockville Police Department for responding to these issues. The owner inquired how the new Maryland State Law will apply to NMC and where it is appropriate for patrons to consume/smoke marijuana.

Stella remarked a recent incident where children ran into her front door, which knocked the door frame down and broke the glass door.

Zoe Woods echoed the previous comments regarding the activity at the lake dam spillway and urged the Board to install a fence at the spillway to close off the entrance at Monroe Street. Zoe noted she was told by the Board that NMC is not a gated community, but Zoe explained the difference between gating off the entire community or installing entrance gates in certain areas of the community. Zo requested an

update on the number of trees that have been removed throughout the community and an update from Bayland for a plan on the dam and lake spillway.

Rocio Crumly thanked everyone for their comments on the request to install a fence at the dam spillway and echoed the need for safety throughout the community.

Pat Reber suggested that a reminder could be sent to residents of children who attend Julius West Middle School that they should not enter or exit the community through the lake spillway. Pat also suggested that all pedestrian access points throughout the community should be fenced off.

Saven Wilkins expressed he does not support fencing off the community and noted this support to keep the community open.

Madeline Gupta expressed her sympathy for the comments heard and the safety concerns that have been discussed. Madeline noted her support to install a fence.

Board/ Lieutenant Matney's Response

Lieutenant Matney thanked everyone for their comments and noted he is willing to meet with any Board members to walk the HOA property and identify any problems throughout the community. Lt. Matney commented that smoking marijuana, recreationally, is legal in your own home, but not on the common areas of the HOA. The new law will be enforced as of July 1, 2023, but the ruling for law enforcement will not be issued until November 2023.

Joe Jordan inquired how residents should handle encounters with patrons fishing in the lake, vandalizing NMC property, etc. Lt. Matney encouraged residents not to engage and contact the Police immediately, as aggressive activity has been seen more frequently.

Lt. Matney commented that increased lighting or security camera installations will help deter any negative activity. Lt. Matney provided his contact information below:

240-314-8962

kmatney@rockvillemd.gov

Kathleen Moran thanked all participants for their comments, which are helpful to the Board and Abaris to understand the concerns that have been raised. Kathleen confirmed that two (2) "No Trespassing" signs have been posted and the Board is looking into all fencing costs and options. The area along the dam spillway at Monroe Street will be a construction staging site and the Board would like to keep that area open while the project is underway.

Agenda and Prior Meeting Minutes

Board Meeting Agenda 6-1-23: Joe Jordan made a motion to approve the agenda as distributed. The motion was seconded by Karin Boychyn and carried unanimously.

Board Meeting Minutes 5-4-23: Alex Belida made a motion to approve the minutes as distributed. The motion as seconded by Joe Jordan and carried unanimously.

2. Update on Governing Documents

Kathleen commented that votes have officially been obtained to pass the amended governing documents. The Board and Abaris will have legal counsel legally file the newly approved governing documents. Kathleen thanked all the residents who participated in this great effort. Shireen Ambush congratulated New Mark Commons!

3. Committee Reports

Architectural Control Committee (ACC) –

Tim Petros noted the next ACC meeting will be on Monday, June 5, 2023, and will provide an update at the next Board Meeting. Kathleen Moran thanked the ACC for their hard work on the homes throughout the HOA.

Rita Moleynaux reminded all residents that this is the busy time for constructions companies, as a lot of owners are submitting ACC applications.

Communications Committee –

Alex Belida commented that the Communications Committee would be happy to send out an email blast with the final vote count from the Governing Document Amendments. Shireen Ambush noted that any resident who is interested in submitting a ballot after tonight's meeting should contact Abaris Realty to request at ballot.

Landscape Committee –

Saven Wilkins reported that the Landscape Committee has planted more trees in the community.

Pool Committee –

Samuel Scheib reported the Pool Committee held a meeting, but there is nothing to report at this time. Kathleen Moran commented that the pool has officially opened and thanked Abaris and Pool Personnel.

Joe Jordan commented that Stephanie Bloom sent a detailed email about the Fourth of July Pool Party. Joe made a motion to approve the budget of \$4,000 for the Pool Committee for the Fourth of July Pool Party expenses. The motion was seconded by Samuel Scheib and carried unanimously.

Kathleen Moran commented that some of the expenses incurred are brought back in by the sales at the event.

Welcome/Social Committee –

None.

4. Treasurer's Report

Karin Boychyn reported that the Association is in good condition, but we are slightly over on legal and tree expenses. Karin commented that with the approval of the new Governing Documents, we should see the expenses for legal lessen. There is currently \$955k in the Replacement Reserve Fund, and \$490k in Unappropriated Member's Equity (UME). Karin confirmed that \$77k has been spent on reserve projects, such as the retaining walls – thanks to AW Landscapes! Along with \$8k spent for ETC to oversee those projects. Currently, over \$300k is still owed on the loan.

Management Report

The Board discussed fence installation project along the lake dam spillway. Shireen Ambush gave a brief overview of Abaris' taskings to gather proposals to install a fence along the lake dam spillway for the Board's review. Shireen expressed Abaris' recommendation to inquire with the City of Rockville as to what type of fencing *will be* approved for installation. Samuel Scheib requested Abaris to reach out to the City of Rockville to inquire what type of fence can be installed, so that the information can be shared with an AdHoc committee to develop a scope for the installation of a fence for Abaris to solicit proposals with. Joe Jordan echoed his support for Samuel's suggestion and agreed that the AdHoc Committee should have a Board Liaison and hold an open working meeting solely for the topic of fence installation at the lake dam spillway. Alex Belida inquired what is the hold up with a response from the City of Rockville and whether a gate can be installed to provide access for emergency vehicles and the lake dredging equipment. Kathleen Moran volunteered to gather the information from the City of Rockville and provide an update to Abaris. Shireen Ambush provided the suggestion for security detail (unarmed and random patrolling) for the Board to consider in light of the comments heard during Open Forum. Samuel Scheib commented that the repair of the two fence holes will not deter trespassing, as patrons will find another point of entry into the community. Kathleen Moran touched on the idea of a temporary fence installation and suggested that AW Landscape install a temporary fence along the dam spillway. Kathleen also suggested the Board investigate other temporary solutions, identify problem areas, discuss ideas for lighting enhancement, reconsider reconvening the Neighborhood Watch Committee to further avoid altercations with trespassers. Tim Petros echoed Kathleen's suggestions and supported the installation of a temporary fence and lighting enhancements. Abaris will arrange a walk-through with Lieutenant Matney, during dusk hours, to meet with the Board and any available residents, who would like to participate, within the next two weeks to discuss the safety concerns and develop solutions.

5. Old/New Business

- a. Abaris and the Board will conduct at virtual meeting with ETC on June 7, 2023, at 3 pm to discuss the retaining wall at the 100 and 800-blocks of New Mark Esplanade.

6. Community Forum 2

Ron Tipton congratulated the Board and Governance Committee for better and stronger Governing Documents. Ron also suggested that the Board consider hybrid meetings for future Board Meetings.

Pat Reber echoed Ron's comment regarding hybrid meetings as it would be great to get together in-person to celebrate moments like this for the HOA.

Zoe Woods commented that a discussion on the trees cut down in the community should be held, as there is a lack of understanding why so many trees have been removed so frequently. Zoe also inquired when Bayland will be invited to speak to the HOA as there are many concerns with their plan for the earth and dam.

Lauri Krug inquired how information can be communicated with residents regarding the lake dam project. There are concerns about the wildlife while the project is underway.

Elyse Hagner inquired if Abaris attended in-person meeting in the past and if so, are we paying a reduced management fee for their staff not joining in-person meetings? Elyse commented that many attempts have been made to contact Abaris, via email and call, but not responses have been given.

7. Board Response to Community Forum 2

Shireen Ambush noted that NMC is one of the few communities that are seeking in-person meetings. However, other communities are experiencing more success with participation virtually. Shireen noted another community recently underwent obtaining hybrid meeting equipment, which amounted to over \$7k. Shireen commented that tree removal is not desired for healthy trees, however, the community is over 50 years old, and the HOA must conform with the updated regulations related to tree removal.

Kathleen Moran thanked all residents for their comments heard and noted that Abaris has been exceptionally helpful in what they are responsible for and the services that are provided to NMC.

Joe Jordan noted his strong support for in-person meetings and is happy to go back to in-person meetings. Joe also commented that Abaris previously attended in-person meetings, but the Board changed the stop time to 9:30 pm to accommodate Abaris. There was a lot more participation during in-person meetings.

Samuel Scheib commented on the in-person meeting discussion and noted that everyone has different personal obligations (family, children, work, etc.), therefore it is important to have a virtual meeting platform. Samuel also commented that there is not a lot of volunteerisms from the community to run for the Board.

Tim Petros echoed the comments from Samuel and noted that he would have to resign from the Board if it was agreed upon to return to in-person meetings but would be happy to participate if the format is hybrid.

Kathleen Moran concurred with the comments heard from Samuel and Tim. Kathleen suggested that the Board consider holding special meetings in-person but noted that it is hard to attend each month's meeting in-person.

Joe Jordan addressed Laurie Krug's comment on the information regarding the lake/dam and noted the information is on the HOA website for resource and knowledge. Kathleen Moran echoed Joe's comment and noted that the duration/timeline for the project is not certain at this time.

Adjournment

There being no further business, Joe Jordan moved to adjourn the regular meeting. The motion was seconded by Karin Boychyn and carried unanimously. The meeting adjourned at 9:12 p.m.

Attachment #1: Kathleen Moran's Statement for the Special Meeting

The purpose of this Special Meeting is limited to voting on the proposed Amended and Restated Declaration (also known as the Covenants) and Bylaws. The new Covenants and Bylaws are the result of three years of work by the Governance Committee, input from approximately 180 homeowners in 2023, guidance from NMC's Legal counsel, and careful review and approval by the Board of Directors.

Hard copies of both the Covenants and Bylaws were mailed or emailed to all NMC homeowners in April. Proxy ballots have been accepted since the distribution of the documents. All ballots have been reviewed and confirmed to appropriately represent NMC homes.

As noted in the initial packet on these documents, there will be no ballot voting at this virtual Special Meeting. Any NMC homeowner who has not yet voted and is present at this meeting may vote within 24 hours of the conclusion of this Special Meeting. Ballots are available through Abaris and will need to be received by Abaris for inclusion in the final tally.

Proxy ballots received prior to this Special Meeting include:

- 249 For the Amended and Restated Declaration (Covenants)
- 24 Against the Amended and Restated Declaration (Covenants)
- 250 For the Amended and Restated Bylaws
- 50 Against the Amended and Restated Bylaws

Per the State of Maryland HOA requirements and the NMC current governing documents, the number of FOR votes counted meets and exceeds the requirements to approve both the Amended and Restated Declaration (Covenants) and the Amended and Restated Bylaws. The Covenants required 60% of the 384 NMC homes to approve or 231 votes – we received 249. The Bylaws required a majority or 51% of the homes to approve or 193 votes and 250 were received.

After any additional votes are received in the next 24 hours, New Mark Commons will proceed with the necessary legal filings to officially recognize the approved covenants and bylaws.

A huge thank you must be expressed to the many NMC homeowners who participated in the development of these documents and who made approval possible with their votes. Many also gave time to encourage others to vote and that was greatly appreciated.

A special thank you must be stated for all the members of the Governance Committee sharing their expertise and time. Members spent hours at meetings over three years creating draft covenants and bylaws that were presented to the Board of Directors for review and final revisions, prior to being distributed to the community for approval.

A special thank you is extended to Abaris staff and NMC legal counsel for helpful advice provided over the four years of work on these documents. The NMC Board of Directors members need to be recognized for their commitment, work, and stewardship to realize appropriate governing documents were developed and

approved. These new covenants and bylaws are essential to ensuring a strong future for New Mark Commons.

The success of replacing outdated 1967 governing documents here in June 2023 was not an easy journey and has only been possible because of the vast number of caring NMC homeowners who helped over the last four-years. With enormous gratitude to all, I am honored to congratulate the New Mark Commons community on achieving approval of new governing documents.