

# NEW MARK COMMONS HOMES ASSOCIATION

## BOARD OF DIRECTORS

Thursday, July 6, 2023

7:00 p.m.

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Minutes Taken by Kaitlyn Ambush

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### Attendees

**Board Members:** Alex Belida, Kathleen Moran, Joe Jordan, Samuel Scheib, Lisa Halverson, and Tim Petros

**Abaris Community Management:** Kaitlyn Ambush and Andrew Moorman

**Homeowners:** Debbie Mesmer, Cou, Rita Molyneaux, Ron Tipton, Ambar Rodriguez, Pat Reber, Zoe Woods

### Call to Order of the Board Meeting

Kathleen Moran called the Board Meeting to order at 7:00 pm.

#### 1. Community Forum 1 and Board Response

Debi Mesmer inquired if the budget meeting in August will be opened to all owners to join and what the effective date of the newly amended Governing Documents is.

##### Board Response

Kathleen Moran noted there is no timeline or effective date for the newly amended Governing Documents, at this time. The budget workshop with Abaris is opened to all owners to join, and Abaris will review the draft budget line-by-line.

##### Agenda and Prior Meeting Minutes

**Board Meeting Agenda 7-6-23:** Kathleen Moran suggested adding the painting of the yellow curbs in the townhome parking lots to the agenda. Alex Belida made a motion to approve the agenda as amended. The motion was seconded by Tim Petros and carried unanimously.

**Board Meeting Minutes 6-1-23:** Alex Belida made a motion to approve the minutes as distributed. The motion as seconded by Lisa Halverson and carried unanimously.

#### 2. Committee Reports

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

Tim Petros noted the ACC submitted the final draft of the online ACC application and would like to launch the online application on the HOA's website. Alex Belida inquired if the existing ACC application will be eligible. Tim Petros confirmed the existing ACC application will still be eligible. Tim Petros made a motion

to implement the online ACC application. The motion was seconded by Samuel Scheib and carries unanimously. The Board thanked Cou and the ACC for their efforts to launch the online ACC application!

#### **Communications Committee –**

Pat Reber noted the Communications Committee will be issuing the Barracuda end of season newsletter in July and the deadline for the newsletter is July 24, 2023. Pat also noted the Communications Committee will be issuing a photo story of the July 4<sup>th</sup> Pool Party.

#### **Landscape Committee –**

Lisa Halverson noted that Saven Wilkins submitted an email request to purchase a metal wheeling chart for \$250. Joe Jordan made a motion to approve the purchase of the metal wheeling chart for \$250. The motion was seconded by Samuel Scheib and carried unanimously.

Lisa also noted that the Landscape Committee is looking to modify the landscape maintenance contract with AW Landscapes to include the mowing of the fence line along Monroe Street. Tim Petros inquired if the mowing of the fence line is already included in the contract scope. Joe Jordan inquired when the renewal date for the landscape contract is. Abaris will send the current landscape maintenance contract to the full board for review.

#### **Pool Committee –**

Samuel Scheib reported that the Pool Committee met to discuss the diving board replacement and noted their support for the replacement of the entire diving board. The Committee is actively looking for replacement proposals for the Board's review. Kathleen Moran thanked the entire Pool Committee, especially Stephanie Bloom, for their efforts throughout the pool season. The Fourth of July event was a great success!

#### **Welcome/Social Committee –**

Kathleen Moran thanked the Social Committee and Cou for organizing events for the community!

### **3. Treasurer's Report**

Kathleen Moran presented the following Treasurer's Report in Karin Boychyn's absence:

*Currently, the HOA still owe about \$330,00 on our loan. As for our expenses, we are \$6,000 overbudget on our legal expenses, but still under our annual allowance. The same applies to Audit/Tax and Postage/Printing. We are almost \$6,000 overbudget on Tree Care, but the HOA took action on the pine trees in the 200-block of NME. The HOA has accomplished a lot in the first 5 months, and we are overall in good financial shape. We have \$965,243 in replacements reserves and almost \$400,000 Unappropriated Member's Equity. We have spent \$92,000 on Capital Projects; with \$57,000 spent on retaining walls and an additional \$11,000 on engineering work for the 100 and 800 NME retaining wall, \$20,000 on dam work and \$4,000 on the tennis court.*

#### **Management Report**

None.

### **4. Old/New Business**

- a. Kathleen Moran highlighted the onsite meeting with Lieutenant Matney to discuss security concerns throughout the community and noted the following key comments from the meeting:
  - i. Fishing in the lake is a rule established by the HOA and cannot be enforced by police. Residents are encouraged to call the police, ask for assistance, and wait to them accompany the police to speak to the person/people fishing together. If the person refuses to leave upon a request made by the NMC owner, then the police can take action.
  - ii. Contacting the City of Rockville Police Department rather than the Montgomery County Police Department was encouraged. The City of Rockville has a policy to respond to all calls at the following number: 240-314-8900. The Montgomery County Police are not obligated to respond to a call to enforce an HOA policy.
  - iii. Surveillance cameras are the best tool for handling security concerns.

Kathleen Moran inquired about the specific agreement for the HOA to request a designated agent for the HOA, either through the City of Rockville Police Department or the Montgomery County Police Department. Abaris will research the specific agreement and report back to the Board.

Joe Jordan inquired if the summary of the onsite meeting with Lieutenant Matney could be sent out to the entire community. Kathleen Moran confirmed that she will include the summary as part of the Annual Board President's Message to the community.

- b. The Board discussed the request for the formation of a Security Ad Hoc but agreed that specific guidelines for the committee must be established before the committee is chartered. Kathleen Moran provided the Board with a draft guideline for the committee. Joe Jordan thanked Kathleen for taking lead on drafting the guidelines and noted his support for the draft but recommended extending the life of the committee. Kathleen noted that the security should be considered on a global scope, throughout the community. Samuel Scheib noted his support for a periodic security patrol of the entire community, as the formation of the Ad Hoc Committee is too focused on one issue/area of the community. Tim Petros noted his support for the committee but is weary it could sway in one direction. Alex Belida thanked Kathleen for drafting the guidelines, but expressed his hope that residents of the community will volunteer to serve on the committee. Alex Belida also inquired about the cost for security patrolling of the community. Abaris will share the security patrolling proposal from American Protection Solutions for unarmed and armed security detail. Joe Jordan made a motion to approve the formation of the Ad Hoc Committee for the security and safety of the community. The motion was seconded by Lisa Halverson. Kathleen Moran suggested sending out a concept memo to the entire community to explain the Ad Hoc Committee and request for volunteers to join the committee. Joe Jordan expressed his curiosity as to what is the best solution for the security concerns expressed and why the Board is reluctant to initiate the committee. Alex Belida noted his support in forming the committee but also commented that there are other options such as fencing, security camera, lights, and signage to help solve some of the crime-related issues throughout the community. The original motion made by Joe Jordan and seconded by Lisa Halverson was called to a vote and carried with the following vote count: For – Samuel Scheib, Lisa Halverson, Alex Belida, Kathleen Moran; Abstain – Tim Petros.
- c. The Board discussed the installation of a fence along the lake dam spillway and noted the City of Rockville will only allow an 8 ft fence adjacent to the Parkside Apartments, but there are limitations for fence installation along Monroe Street. Tim Petros noted his support for the installation of an 8 ft fence adjacent to the Parkside Apartments and suggested wood or wood-like material. Kathleen

Moran and Alex Belida echoed their support for a wood or wood-like material fence to deter visibility through the fence. Alex Belida inquired if there would be any risk involved with erecting a wood-like fence along the dam spillway. Abaris will inquire with Bayland on the installation of a fence. Joe Jordan inquired if the Board would seek input from the community on the material and design of the fence. Samuel Schieb suggested the Board create a uniform design scope for the fence installation so that Abaris can solicit bids with a specific scope of work. Kathleen Moran suggested the Board would work with the ACC to draft a scope for the fence design along the lake dam spillway.

- d. The Board discussed the installation of a temporary fence along the lake dam spillway and the pricing received from AW Landscapes. Alex Belida noted his support for a temporary fence and is in favor of the installation of a wire mesh fence for \$750. Joe Jordan noted his support for a temporary fence. Kathleen Moran noted the wire mesh fence is more sturdy/stable. Lisa Halverson commented that the orange fence is more for WARNING but is inclined to support the wire mesh fence for more durability. Alex Belida made a motion to approve AW Landscapes proposal to install a wire mesh fence along the lake dam spillway ASAP for \$750. The motion was seconded by Joe Jordan and carried unanimously.
- e. Kathleen Moran provided a brief summary of the virtual meeting with ETC to discuss the design scope for the concrete retaining wall installation, with an aesthetic front wall façade, with the least footprint, and no excessive draining. Kathleen commented the Board can expect in 6-8 weeks a completed design scope that can be put out for bid, and by October the Board will have more information on the status of this project. Kathleen also noted that she has sent an email to all the affected owners with an update on the project thus far.
- f. The Board discussed the lamppost on Harlow Avenue and noted the HOA does not possess any historic documentation to understand the easement responsibility. The lamppost matches the same design as the lampposts on the city-owned sidewalks, however, the City of Rockville has denied responsibility. Lisa Halverson noted this issue is worth having legal counsel investigate as lighting on the Harlow Avenue pathway is critical at night. The Board unanimously agreed to have legal counsel investigate the easement responsibility of the Harlow Avenue pathway between the New Mark Commons HOA and the City of Rockville.
- g. The Board discussed the request to repaint the curbs in the townhome parking lot. Joe Jordan noted this work has been done before and included the repainting of the parking lot spaces. Abaris will solicit bids for the Board's review to repaint the yellow curbs and parking space tags in the townhome parking lots.
- h. The Board discussed the August Board Meeting date and the decision to cancel the August Meeting. Tim Petros made a motion to skip the August Board Meeting, with the possibility of holding a special meeting for the approval of the fence installation if attained. The motion was seconded by Alex Belida and carried with the following vote count: For – Tim Petros, Alex Belida, Samuel Scheib, Lisa Halverson, Kathleen Moran; Against – Joe Jordan.
- i. The Board discussed the date of the budget meeting for which Abaris confirmed will be announced to the community once the draft budget is complete.

## **5. Community Forum 2**

Ambar Rodriguez commented on the fence discussion and supports the installation of a fence that cannot be breached or jumped over. Ambar urged the Board and ACC to keep that in mind when creating the design scope for the fence.

Debbie Mesmer inquired about the budget meeting with the Board to discuss the draft 2024 budget and whether it will be a public meeting.

Ron Tipton noted his agreement to skip the August Board meeting with the option to hold a special meeting to discuss the fence installation. Ron also noted his support for in-person meetings as there would be more participation from the community. Ron suggested the Board consider referring to the Security Committee as a “task force” rather than an “ad hoc committee”.

Zoe Woods thanked the Board for their support of the installation of a temporary fence as it will reduce the abuse of the wildlife in the community. Zoe also noted that during the walk-around with Lt. Matney it was discussed that the police cannot respond to action on private property unless the owner of the property is present and accompanies the officer. Zoe also noted her support of a fence along Monroe Street and echoed Joe’s perplexity of resistance to the security task force.

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

Kathleen Moran confirmed that the budget meeting will be open to the community, as it was last year, to display full transparency with the community.

Joe Jordan noted his support of Ron’s idea to refer to the security committee as a “task force”. Joe also elaborated on Debbie Mesmer’s inquiry for Community Forum 1 regarding the timeline of the governing documents and noted the documents will be fully executed after July 10<sup>th</sup> once they are signed and filed by Kathleen Moran and Joe Jordan.

### **Adjournment**

There being no further business, Alex Belida moved to adjourn the regular meeting. The motion was seconded by Samuel Scheib and carried unanimously. The meeting adjourned at 8:25 p.m.