

**NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY, OCTOBER 6, 2016**

ATTENDEES: John Hansman, John Daroff, Alex Manolatos, Ellen Stein, Judy Rudolph, Pat Reber, Emily Meyer, David Schwartzman, Lori Newman, Chris Durso, and Jim Denny.

Absent board members: John Brown, Dorie Mangan, Alex Manolatos

Late arrivals: Magnus Turesson, Sally Guardia, Dave Ziebarth

Community Forum: Lori Newman who lives at 276 New Mark Esplanade (NME) was present to discuss the damage to her home by recent storm. She also believes soil erosion on the north side of her home has contributed to some structural issues identified by an engineer and contractors inspecting her home after the storm damage. She mentioned snow piled on the common area between 274 and 276 NME in 2010 contributed to the structural damage. She also feels the cost of the large crane Titan Tree Service contracted to remove the tree from her home should have been shared by NMC. NMC also contracted with Titan Tree Service to remove a nearby storm damaged pine tree. Titan Tree Service used the crane to remove both trees. Jim requested that Lori send us a copy of the engineers' report when it is received.

Emily Meyers was present to request the use of the clubhouse for a community after Trick or Treat potluck dinner. She proposed a parade for the younger residents, followed by a potluck dinner. She is willing to organize the event. The Board agreed it was a good idea and Judy Rudolph mentioned she would include in the next NMC newsletter.

David Schwartzman was present to discuss parking issues. He would like to see longer lines separating the parking space. The short, curb tick marks are not adequate for residents to stay within their parking space. He also would like to see more aggressive parking regulations addressing cars that are parked and not moved for long periods of time.

Chris Durso was present to discuss the recent Community Enhancement letter he received. It noted his front door was non-compliant for a contemporary home. He informed the Board his front door had been approved by a prior Board of Directors. Chris mentioned his interaction with the Tree Committee this spring was less than satisfactory. He felt there was too much emphasis placed on saving all trees, while disregarding the safety of the homeowner. He also mentioned we had a great group of lifeguards at the pool this summer.

Judy Rudolph believes the 800 block of NME has been ignored and not received their fair share of landscaping and capital improvement resources. She gave the Board a handout titled Analysis of NMC Tree and Landscape Expenditures dated 10/6/2016. She also mentioned we should adopt the City of Rockville practice of posting all supporting material for the Board meeting prior to the meeting.

Approve minutes and agenda: The minutes of the September 1 Board meeting could not be approved. Not all the Board members present tonight attended the September 1 meeting.

John Hansman added another item to the agenda. There was a request from Phil Lester who lives at 518 NME. Phil would like to build a small stacked stone wall on the common property in front of his home. Several years ago, he built a similar wall across the parking lot from his home with the Board's permission. John Hansman made a motion to allow Mr. Lester to construct a

small, stacked stone wall on community property in front of his home. Ellen seconded the motion which passed unanimously.

John Hansman announced the Board will go into a closed session at the end of the meeting to discuss legal issues.

Office and Committee Reports

John Daroff spoke for the Communications Committee (CC). He told the Board the new website is very close to being complete. He thanked Judy Rudolph and Pat Reber for all their hard work on the new site. He said we will have more control over the site and it will be easy to update by NMC staff. Judy solicited testers to check the function of the new website. She will send Beta test instructions for the testers to use this weekend. They are only to look for significant problems or 'show stoppers'. John mentioned the September newsletter will be a paper issue. The CC recommends that, due to the labor, printing and materials expense involved, NMC institute a charge of \$50 per year for those residents who desire a paper newsletter. After discussion, John Daroff made a motion approved in concept, that NMC develop a charge for an annual newsletter subscription rate for residents that want a paper newsletter. Magnus seconded the motion which was unanimously approved. The Communication Committee Report is attachment A.

At 8:40 p.m. Dave Ziebarth, who lives at 7 Don Mills Court, arrived. He wanted to know the status of his Architectural Control Committee (ACC) application for a new roof. He mentioned the shingle selected is CertainTeed Land Mark Pro. The color selected is Burnt Sienna. Jim did not know the status of the application, but would investigate and get back to him in the morning. Jim also said that Burnt Sienna was a color that had been approved in the past by the ACC.

At 8:45 p.m. Sally Guardia, who lives at 100 NME, arrived. She told the Board about a conversation she had with Megan Barniea, a P.E. with Bayland Consultants about dredging the NMC lake. She sent Sally an email outlining Bayland's options to start the dredging process. Sally asked the Board to consider committing funds to start the lake dredging process next year. Bayland Consultants and Designers options are ATTACHMENT C.

John Hansman gave the Architectural Control Committee report. He mentioned that most of the applications received last month were approved by the quick approval process. He also mentioned the beige privacy fence installed at 1 Harlow Court has generated some controversy.

Ellen Stein gave the Landscape Committee report. Pruning the Red Twig Dogwood was beyond the scope of the committee members to undertake. Jim will solicit a proposal from Stolburg Landscaping to prune the dogwoods and other brush along the lake bank. Ellen looked at the hillside in front of 324-326 NME that needs ground cover. She thinks that Periwinkle would grow well in that location. She mentioned the Fall Cleanup will be held November 5th and have a more limited scope than last year. Effort will be centered around the clubhouse and lake. Judy mentioned she would send a reminder broadcast message. The Landscape Committee meeting minutes are Exhibit B.

Jim Denny gave the Pool Committee (PC) report. The PC has not met since August. He is planning on having a meeting on October 17th. The minutes of the October 17 Pool Committee are exhibit D.

Magnus Turesson gave the Community Enhancement Committee (CEC) report. At the September 22nd meeting the committee developed a process for handling Response Forms

received back from residents. Response Forms received with ACC questions or issues will be forwarded to John Hansman for investigation and follow up.

Old Business

John Hansman mentioned the CCOC hearing for case #53-16, Berman v NMC is tentatively scheduled for 11/10/2016. As of August 31st, the Association has spent approximately \$14,100 in legal fees.

The Board of Director's annual Open House will be held on October 15 from 5 to 7 p.m. in the clubhouse. Judy mentioned she would bring committee sign-up sheets

Jim mentioned the 2017 Budget work session is scheduled for October 19 at 7:30 p.m. in the clubhouse.

Raj and Madeline Gupta have volunteered to revive the International Dinner. They will prepare an article for the next NMC newsletter soliciting volunteers and announcing a planning session date.

Hiring additional NMC office staff: Several questions were raised. Should the position be an NMC employee or a contractor? What is the proposed salary and for how many hours a week? What would be expected? Ellen mentioned, the current job description, is not realistic for one person to handle and under compensated.

New Business

John Hansman asked the Board members to review the proposed revision to the parking rules and regulations. Please send any comments to him and he will consolidate and present at the November meeting.

Jim presented a proposal from Titan Tree Service for maintenance pruning on 15 trees throughout the community for \$5,560. Jim felt the proposal may be a bit high and asked the Board to approve a 'not to exceed \$5,560' for maintenance pruning of 15 trees. He will solicit a proposal from another contractor and select the lowest price for the work. After discussion, Magnus made a motion that Board approve an amount "not to exceed \$5,560' for maintenance pruning 15 trees. Ellen seconded the motion which was approved unanimously.

Jim presented three proposals from Stolburg Landscaping. Proposal number 2336 contained three parts. The first was to remove 7 dead Junipers and plant 7 Otto Luyken 3 gallon bushes for \$625. The second was to plant, behind 824-830 NME on the hill with existing landscaping (5) Burning Bush, 3-gallon (3) Hameln grass, 2 gallons, (3) Spires, 3-gallon (4) flats of Vinca and (7) Forsythia, 3 gallon for \$1,198.50. The third was to plant at 318 NME (5) Viburnum, 3 gallon to hide drain area for \$292.50.

The second proposal, number 2337 contained three parts. The first was to prune a Maple tree across from 100 NME for \$75. The second part was remove a brush along wood chip path across the parking lot from 144 NME leading to Monroe Street. Work is to be done at a time and material price, not to exceed \$450.00. The third was to remove brush/scrub bushes around the clubhouse parking lot and playground to increase sight line for added security. Along black path, cut vegetation 3' off from light poles. Work us to be done at a time and material price not to exceed \$1,500.00.

The third proposal, number 2339, was to remove the broken bamboo stalks hanging into the lake located behind 100NME, work 'not to exceed' \$400.

The total for proposal #2336 was for \$2,116.50.
The total for proposal #2337 was 'not to exceed' \$2,025.
The total for proposal #2339 was 'not to exceed' \$400.

The Board unanimously approved the three Stolburg Landscaping proposals totaling \$4,541.50.

John Daroff mentioned he would like the 800 block landscaping issue to be addressed as soon as possible.

Jim present proposals from four contractors for a new roof on the clubhouse. The prices ranged from \$17,960 to \$24,670. All four contractors were selected from Washington Consumer Checkbook. After discussion, Ellen made a motion that Board accept the proposal from Rimel Roofing and Home Improvements for \$15,800. Magnus seconded the motion which was approved unanimously.

Jim presented proposals from two contractors for a new forced air furnace for the clubhouse. A third contractor who visited the site did not send a proposal. The two proposal were from Germantown Heating and A/C for \$7,890 and M.P. Energy Services for \$8,460. While Germantown Heating and A/C price was lower, M.P. Energy Services offered a better warranty. In addition, M.P. Energy Service installed the A/C units in the clubhouse 10 years ago. After discussion, Ellen made a motion that the Board accept the proposal for M.P Energy Services for \$8,460. Magnus seconded the proposal which was approved unanimously.

Jim mentioned the two asphalt and concrete contractors were unable to provide a proposal before the Board meeting. John Daroff asked if it would be more cost efficient to replace longer sections of sidewalk versus just repairing damaged smaller sections. Replacing a longer would improve the esthetics of the community as well as preventing the need for additional smaller repairs to the same section in future years. He also mentioned we should identify locations to install handicap ramp access to the sidewalk.

Administrator's Report

3rd quarter financial update: Jim gave the Board an update on the Association's financial status as of September 30, 2016. He presented the Income Statements, actual expenses year-to-date versus the budget and reviewed the Association's Operating and Reserve Funds balances as September 30, 2016. John Hansman mentioned that as of September 30 we are approximately 90% through the budget for the year. John mentioned the Board approved expenditures today while recognizing that total 2016 operating expense will exceed the adopted budget of \$367,000. Necessary or desirable expenditures, mainly for legal representation, tree care and snow removal has or will far exceed estimates by the end of the year. The cash operating reserve is approximately \$98,000, so the Association can comfortably cover the extra expenditures.

Dues update: Jim reported eight residents were not current with their HOA dues.

At 11:25 p.m. the Board closed the meeting to discuss legal issues. At 11:45 p.m. the closed session was adjourned. At 11:46 p.m. the Board meeting was adjourned. See attachment **E**.

ATTACHMENT A

**NMC Communications Committee
Report to the NMC Board
October 6, 2016**

Website redesign/rehosting

- We are in the final stages of preparing the site for implementation, and hope to adhere to the following schedule and implementation plan
 - Beta test (John Hansman and up to 5 participants) 10/7-9
 - “Soft” release: midweek, week of 10/10
 - Publicity: we will send a broadcast when we are sure it’s ready
 - Hoping for availability for 10/15 Open house, using a projection system and having flyers with access information
- **ACTION REQUESTED: IDENTIFICATION OF 5 PARTICIPANTS**

Newsletter

- The September hardcopy issue was delivered to all NMC homes over the weekend of 9/24-25
- At its 9/8 meeting, the Committee discussed the issues related to delivery of PDF’d paper copies of electronic issues to those requesting them. *Unanimous Motion to change* **It was decided to recommend to the Board that, due to the labor, printing, and materials expense involved, we institute a charge of \$50 a year for those who desire this option. ACTION REQUESTED: APPROVAL** *approve in concept*
M JB 2nd May Jan paper *annual subscription*
↓
- The October electronic/email newsletter is target to go out the morning of 10/15, to serve as a reminder about the Open House and provide additional information about the 10/19 Budget work session. Deadline for content is Sunday, 10/9; this has been communicated to those responsible for developing material.

Google Business implementation

- New email addresses are in the 2016 Directory and the September newsletter
- John Daroff will work training with Jim and the Board on email and the Google drive
- It was decided that, for now, we will defer requesting consideration of a Board policy re (1) use of NMC email addresses/accounts and/or (2) storage of NMC documents/artifacts on the Google drive
- We have begun populating the Google drive with Communications Co. artifacts. Board and other committees will follow

Branding: We have begun to transition the paper and electronic newsletters to the new design and the redesigned logo that will be on the website. We will ask the Board to adopt the new logo for the NMC letterhead and other artifacts. We will provide a sample of the logo during the meeting. **ACTION REQUESTED: APPROVAL** *Modern interp.*

Directory: Jim will report on its status.

Broadcast emails

- The group discussed briefly the need for an updated policy because of the new tools acquired since the policy drafted in 11/2015
- One option is to transition to Mailchimp for all broadcasts and just maintain AtoZ for the Directory. (*The was a related discussion: synching the 2 databases*)
- Judy will gather some Mailchimp statistics for the next meeting

Databases: It was determined that further work in resolving chronic email bounces will revert back to Jim

Availability of volunteers to perform ongoing HOA work:

- Lack of responsiveness to communications and deadlines by those submitting material, and “scope creep” of work that has transitioned to volunteers is becoming a critical issue. There was a brief discussion at the September Committee meeting re: [NMC staff vs. committee/volunteer responsibilities for the newsletter and website, after their development phase.](#)
- Some shift of newsletter content development back to the Administrator will begin with the October newsletter
- *It was recommended that the current Board activity relating to the need for additional staff should deal further with this.*

Electric Car charging station survey status

- We are available to assist the developers of the survey with Mailchimp integration

The next meeting is Thursday, 10/13 at 7:30 PM; location TBD.

ATTACHMENT B

LANDSCAPE COMMITTEE MINUTES
TUESDAY, OCTOBER 4, 2016
7:30 PM

Attendees: Cathy Berman, Barbara Cano, Theresa Dahlman, Beth Williamson, Ellen Stein

- The committee members all agree with our proposed Ground Policy, and Lake Policy,
- but want to rewrite Tree Policy to make it simpler and more encouraging. Barbara wrote suggestions and the committee wants to first review by-laws as well as the policy that is currently in the new A-Z Directory 2016-2017. We plan to do this before the 2017-18 Directory is printed.
- Beth, Barbara, and Theresa volunteered to accompany me to walk through community to look at how to improve common property.
- Theresa will design and choose plants for the main entrance on mailbox side and identify which
- overhanging branches need trimming
- We decided to ask for Stolburg to help us dig out the large weeds that are growing in the Red Twig Dogwood and then cut back the Dogwood and clearing bamboo from lake
- Plan activities for Fall Cleanup on Saturday, November 5 or rain date Saturday, November 12.

JOB	SUPERVISOR
Trimming/weeding main island	Barbara Cano
Trimming at lake steps	Beth Williamson
Trimming bushes at perimeter of pool	Chris Chiappi
Picking up Trash	

ATTACHMENT C

Bayland Consultants & Designers

Sally Guardia, 100 New Mark Esplanade, met Megan Barniea, P.E., Project Engineer with BayLand Consultants & Designers, Inc., at the Stoneridge Pond. The Stoneridge Pond is a storm water management pond near the intersection of Cabin John Parkway and Leverton Place. The City is getting ready to dredge the pond and Bayland Consultants is one of their contractors. Sally mentioned the NMC lake and received the following email.

On Sep 13, 2016, at 3:30 PM, Megan Barniea <mbarniea@baylandinc.com> wrote:

Hi Sally,

It was a pleasure meeting you on Saturday. I've provided a link below to BayLand's website and the services our company can provide.

<http://www.baylandinc.com/technical-specialties>

If you're interested in our services, there are a couple of options moving forward. We can provide you a scope of work and cost proposal to meet with community board members and discuss the community goals and explain our recommended first phase of the project. Depending on the number of meetings, our fee would run \$1,000 to \$2,000 for the initial meeting(s) and technical support.

Next, we would provide another proposal for the first phases, including field investigations and feasibility study. We'd perform a bathymetric survey of the lake to determine the depth of sediment and then prepare a preliminary concept plan and report summarizing the results, design recommendations, and permitting requirements. Once the feasibility study is completed, we'd coordinate meetings with the regulatory agencies to get their feedback. Our fee for this phase would range approximately \$15-\$20k.

Have you received any estimates regarding the magnitude of construction costs for the dredging? I'd be happy to provide you some rough numbers for planning and budgeting.

I look forward to hearing from you. Thanks,

Megan Barniea, P.E.
Project Engineer

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<image001.jpg>

Visit us on the web at <http://www.baylandinc.com>

Please consider the environment before printing this email.

ATTACHMENT D

New Mark Commons Homes Association
Pool Committee meeting
Monday, October 17, 2016

Attendees: Nancy Wood, Mincy Neil and Jim Denny

Jim mentioned we received a proposal from American Pool for 2017 pool management. The proposal was for \$55,700 which was \$3,300 increase over the 2016 contract. The 2017 proposal included the Montgomery County increase in the minimum wage from \$10.75 to \$11.50 that goes into effect on 7/1/2017. The quote was for the same hours as the 2016 season, meaning shortened hours at the beginning and end of season. Jim will request another quote with regular, in-season hours for the entire contract period and the cost to extend the pool season for an additional week after Labor Day.

It was agreed that an article should be developed for inclusion into the NMC newsletter to inform residents that their requests for extended hours have been heard.

It was agreed that funds would be earmarked for a 2017 Adult Pool Party during 2017 budget discussion.

Other pool issues, such as large private parties during busy weekend times, increasing guest fees and non-resident membership fees will be discussed later. Swim team issues were not discussed at this meeting, but will be covered at a later date and include swim team representation.

ATTACHMENT E

WRITTEN STATEMENT FOR CLOSING A MEETING UNDER THE OPEN MEETINGS ACT

Date: 10-6-16 Time: 11:25 p.m. Location: NMC clubhouse. Motion to close meeting made by: John Daroff

Seconded by: Ellen Stein Members voting in favor: John Daroff, Ellen Stein, Magnus Turesson and John Hansman. Opposed: none Abstaining: none. Absent: John Brown, Dorie Mangan, Alex Manolatos

STATUTORY AUTHORITY TO CLOSE SESSION, General Provisions Article, §3-305(b) (check all that apply):

- (1) To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals;
- (2) To protect the privacy or reputation of individuals concerning a matter not related to public business;
- (3) To consider the acquisition of real property for a public purpose and matters directly related thereto;
- (4) To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State;
- (5) To consider the investment of public funds;
- (6) To consider the marketing of public securities;
- (7) To consult with counsel to obtain legal advice on a legal matter;
- (8) To consult with staff, consultants, or other individuals about pending or potential litigation;
- (9) To conduct collective bargaining negotiations or consider matters that relate to the negotiations;
- (10) To discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans;
- (11) To prepare, administer, or grade a scholastic, licensing, or qualifying examination;
- (12) To conduct or discuss an investigative proceeding on actual or possible criminal conduct;
- (13) To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter;

____ (14) Before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

FOR EACH CITATION CHECKED ABOVE, THE REASONS FOR CLOSING AND TOPICS TO BE DISCUSSED:

§3-305(b) (X)
Discuss proposed settlement to CCOC complaint.

§3-305(b) () _____ ()

§3-305(b) () _____ ()

This statement is made by _____ Presiding Officer:

SIGNATURE

.....
WORKSHEET FOR USE IN CLOSED SESSION (CHECKLIST OF DISCLOSURES TO BE MADE IN MINUTES OF NEXT REGULAR MEETING- NOT A PART OF THE CLOSING STATEMENT)

PERSONS ATTENDING CLOSED SESSION: JOHN DAROFF, ELLEN STEIN, JOHN HANSMAN, MAGNUS TURESSON, JIM DENNY.

TOPICS ACTUALLY DISCUSSED: PROPOSED SETTLEMENT OFFER RECEIVED FROM RICHARD BERMAN.

ACTION(S) TAKEN (IF ANY) AND RECORDED VOTES: THE BOARD DECLINED THE SETTLEMENT OFFER. JOHN DAROFF MADE A MOTION TO DECLINE THE SETTLEMENT OFFER. ELLEN STEIN SECONDED THE MOTION. JOHN DAROFF, ELLEN STEIN , JOHN HANSMAN AND MAGNUS TURRESON VOTED IN FAVOR OF THE MOTION.

TIMECLOSEDSESSIONADJOURNED:11:45 P.M.

PLACE OF CLOSED SESSION: NMC CLUBHOUSE, 607 TEGNER WAY, ROCKVILLE, MD 20850

PURPOSE OF CLOSED SESSION: DISCUSS PROPOSED SETTLEMENT OFFER FROM RICHARD BERMAN

STATUTORY AUTHORITY FOR THE CLOSED SESSION: §3-305(b) () ; () ; ()

MEMBERS WHO VOTED TO CLOSE: JOHN DAROFF, ELLEN STEIN, JOHN HANSMAN AND MAGNUS TURESSON.

(Form Revised 10/1/14)

