

**NEW MARK COMMONS HOMES ASSOCIATION  
BOARD OF DIRECTORS MEETING  
THURSDAY, OCTOBER 2, 2014**

**ATTENDEES:** Dorie Mangan, Dunja Baker, Magnus Turesson, Ellen Stein, John Brown, John Hansman, Rocio Snowdy and Jim Denny.

Members absent: Jeff Miller

**Community Forum:** Rocio Snowdy, representing the City of Rockville, informed the Board of several upcoming events in the city. The Mayor and Council will be discussing and soliciting input on the Rockville Pike Plan at the 10/28/2014, 11/17/2014 and 12/8/2014 meetings. They will also be discussing 'Mac Mansions' at an upcoming Mayor and Council meeting.

**Officer and Committee Reports:** Ellen Stein informed the Board that a representative from Stadler Nurseries will meet with her and Cathy Berman to discuss suitable plantings for the open area near the intersection of New Mark Esplanade and Welwyn Way.

**Approval of minutes:** Upon a motion by Dorie Mangan and seconded by Ellen Stein the revised minutes of the August 7, 2014 board meeting were unanimously approved.

Upon a motion by Magnus Turesson and seconded by Dorie Mangan, the minutes of the September 4, 2014 board meeting were unanimously approved.

**Dues:** Jim informed the Board nine residents have not paid the second installment of their association dues. That includes five residents that have not paid for the entire year. After discussion, it was decided we will keep liens current on residences that are in arrears. Jim will continue collection efforts on past due accounts that do not have liens in place.

**Pool update:** Jim handed out copies of Pool Rules and Regulations that Dorie had obtained from several neighboring communities. It was decided we would ask the Pool Committee to assist in reviewing and updating our pool rules and regulations. Jim will contact Nancy Wood, Chairperson of the Pool Committee, to arrange a meeting to be held in the clubhouse. A target date of January 1, 2015 was proposed to have the changes available for the Board to review at the January 2015 meeting.

**NMC Insurance follow up:** Sean Connolly, from HMS Insurance, prepared a Marshall & Swift commercial building valuation report on the maintenance garage. The maintenance garage valuation exceeded the amount of coverage on our policy. Jim requested an increase in coverage to \$200,000 for the maintenance garage. Sean said the premium increase for the change should not exceed \$300 a year.

**3rd quarter financial review:** Jim gave the Board an update on the Association's financial status as of September 30, 2014. He presented the income statements, actual expenses year-to-date versus the budget and reviewed the Association's Operating and Reserve Funds balances as of September 30, 2014.

**ACC action:** Jim told the Board the Architectural Control Committee (ACC) had approved the application of the screen porch requested by Natalie Nelson and Phillip Lester at 518 NME.

**Open House:** Jim mentioned he has received 36 RSVP's for the Board of Director's Open House to be held on October 11<sup>th</sup>.

**Game Night:** Jim informed the board that Jonathan Smith is hosting a Game Night at the clubhouse on Saturday, November 1<sup>st</sup>.

**NMC email distribution list:** The new NMC Directory software does not have the ability to attach a document, in our case the NMC Newsletter, to a broadcast email. Jim will research other options to electronically distribute the newsletter.

### **Old Business**

**Community Pool Service winterization proposal:** We received a proposal from Community Pool Service for winterization chemicals, skimmer maintenance and pump motor storage for \$3,520.50. Jim reviewed the proposal with Community Pool management. Winter overhaul and storage of the pool motors was omitted from the list, along with two other items for a savings of \$1,977.50.

### **New Business**

**Titan Tree Care proposal:** We received a proposal from Titan Tree Care for tree pruning in five locations in the community for \$1,470. After discussion, Ellen made a motion that the Board accept the proposal from Titan Tree Care for \$1,470. John Brown seconded the motion which passed unanimously.

**Stolburg Landscaping Inc. snow removal proposal:** The snow removal proposal submitted contained one change from last years' contract. Last year, Matt Stolburg agreed to match the price quoted by Sivert Enterprises, after Sivert Enterprises notified us at the last minute they would not be able to handle the snow removal in NMC. The change is an increase in the labor rate from \$35 per hour, per man to \$45 per hour, per man. After discussion, John Brown made a motion that the Board accept the snow removal proposal from Stolburg Landcaping. Dunja seconded the motion which passed unanimously.

**Asphalt and concrete repair:** Jim presented three proposals to the Board for asphalt and concrete repair. The areas identified for repair were three townhouse parking lots, the asphalt path adjacent to the lake to be removed and replaced along with rebuilding a brick retaining wall along the entrance to the 800 block of New Mark Esplanade. We received proposals from Chamberlain Contractors, Dominion Paving and O'Leary Asphalt Inc. The prices ranged from \$70,777 to \$116,751. After discussion, Ellen made a motion that we accept the proposal from O'Leary Asphalt for \$94,066. John Brown seconded the motion, which passed unanimously.

**Commission on Common Ownership Communities (CCOC) summer newsletter:** Jim gave the Board copies of the CCOC newsletter with several items highlighted for their review. The first dealt with open meeting provisions of the HOA Act also covers committees of the community. The second was the recommendation of a book, Happy Homes written by Jeanne Ketley. She shares the valuable knowledge she gained during her ten years of experience with the Maryland Homeowners Association (MHA) and as a resident and board member of common ownership communities. Jim will obtain a copy of the book for the community. The email announcing the summer newsletter also informed us that Montgomery Councilmember George Levanthal this week introduced two bills to the County Council of particular significance to common ownership communities.

Bill 44-14 will allow the County to revoke or deny a rental license to a landlord if the landlord has been found by a court to be delinquent in its payments to the association.

Bill 45-14 will require the members of all association boards of directors in the County to take training in how to manage an association properly.

After discussion, the Board agreed that they would support Bill 44-14. Several of NMC's past due accounts receivable are rental properties. The also agreed they would not support Bill 45-14. John Hansman offered to prepare testimony to present to the Montgomery County Council in support of Bill 44-14 and opposition to Bill 45-14. John's written testimony is included in these minutes.

To: Montgomery County Council

From: John A. Hansman, President  
New Mark Commons Homes Association

Subject: Bill 44-14, Landlord-Tenant Relations, Licensing of Rental  
Properties  
Bill 45-14, Common Ownership Communities, Governing Body  
Training

Date: October 18, 2014

I missed the public hearing scheduled for October 14, but I hope that this written testimony can be placed in the public record and considered by the Council.

The Board of Directors of the New Mark Commons Homes Association discussed these two bills at our meeting of October 2 and authorized me to support 44-14 and to oppose 45-14.

New Mark Commons is 384 homes in the City of Rockville. We engage with these bills because the City has joined the Commission on Common Ownership Communities and will be asked to support these proposals, if they are approved by the County Council.

We support Bill 44-14 because it provides a significant additional tool to get our Association dues paid. The bill provides that a rental license may not be issued if the house is part of a homes association and has delinquent dues. As of October 2, New Mark had five homes with unpaid dues from 2013. Two of these units, 40 percent, are rentals. Rental license enforcement should have no consequential additional costs to government, especially if it is the responsibility of homes associations to take the initiative to notify the County or City of rental properties with delinquent dues.

We oppose Bill 45-14 because it is unnecessary and will create enforcement costs for the CCOC that will be passed on to homes associations and their residents. The bill provides that the CCOC must create a training course for homes association board members and then inspect and enforce attendance.

I have served on the boards of four non-profit corporations here in Montgomery County and have never encountered a board member who did not quickly understand his/her role and responsibilities. The CCOC already offers or recommends useful literature to homes associations and offers occasional training sessions on special topics. There is no need for an enforcement system. Has the CCOC provided an estimate of the staff time and expense to enforce this requirement? One new position? Two? Plus office space and consultants? Let government focus time and money on addressing real problems, not on marginal concerns with little, if any, benefit to the public.

Thank you for your consideration.