

**NEW MARK COMMONS HOMES ASSOCIATION  
BOARD OF DIRECTORS MEETING  
THURSDAY, NOVEMBER 3, 2016**

ATTENDEES: John Hansman, John Daroff, Ellen Stein, John Brown, Dorie Mangan, Magnus Turesson, Judy Rudolph, Pat Reber, Dunja Baker, Anne Cobb, Roger Zions and Jim Denny.

Absent board members: Alex Manolatos

**Community Forum:** Anne Cobb, who lives at 503 New Mark Esplanade, was present to discuss her plans to build a screen porch on the rear of her home. The location would require the removal of two large trees. What would be the Association's position on the removal of the tree? John Hansman asked Anne to submit an Architectural Control Committee (ACC) application for the screen porch and mark the location of the two trees that she would like to remove.

Roger Zions, who lives at 822 New Mark Esplanade, was present to discuss the landscape work performed on Association property behind 824 to 830 NME. The area was cleared of overgrowth, ground cover and bushes planted and the area mulched. He would like to have been told of the project before it started. He also mentioned a large tree fell on his home fifteen years ago. He would like the stump removed and a hedge planted to block his view of the cleared area. He also mentioned he received a letter, from the Community Enhancement Committee, stating the shingles on the front of his home and the north side did not match. When the tree fell on his home, all the shingles on the north side of the home were replaced and stained the same color as the rest of the house. The colors would be different due to weathering.

Dunja Baker, who lives at 3 Tapiola Court, was present to discuss the letter she received from the Community Enhancement Committee (CEC) stating her exterior light fixture and house numbers were not in compliance with ACC Guidelines. She stated the person who evaluated her home had not read the ACC Guidelines for exterior light fixtures. Her fixture is compliant and the house number is in the proper location. Her mother-in-law also received a letter, from the CEC, listing minor and insignificant violations. Her home and landscaping is very well maintained. Dunja feels the residents, who take exceptional care of their homes, were not recognized. Ellen also mentioned she had received several complaints about the CEC letter.

Judy Rudolph, who lives at 830 New Mark Esplanade, wanted to go on record that the Association is in violation of the Open Meeting requirements pertaining to posting the agenda and supporting material within the required time before the meeting. She mentioned one Board member is required to have Open Meeting training. She also believes the Association needs a more professional view regarding regulatory issues and more professional management. She does not believe this can be accomplished with an hourly contractor added to the Association staff.

**Office and Committee Reports**

Communication Committee (CC): John Daroff mentioned there was an action item in the CC report. The committee is requesting the approval of a proposal from JG Productions for \$1,000 for website documentation, support and enhancements for the remainder of 2016. After discussion,

John Daroff made a motion that the Board approve the proposal from JG Productions for \$1,000. John Brown seconded the motion which passed unanimously. The Communication Committee report is attachment A.

**Approval of Minutes and Agenda:**

Upon a motion by Ellen Stein and seconded by Dorie, the minutes of the September 1, 2016 Board meeting were unanimously approved.

Upon a motion by Ellen Stein and seconded by John Daroff, the minutes of the October 6, 2016 Board meeting were unanimously approved.

**Old Business**

**2017 proposed budget and 2016 financial review:** Jim gave the Board the proposed budget for 2017, incorporating a 0.8% dues increase. He also included income and expenditures as of October 31, 2016, versus the 2016 budget and the reserve fund expenditures for 2016. The Association's governing documents set forth the maximum amount the dues can be raised. In recent years, the dues increases have been held within or under the annual Consumer Price Index (CPI) for the Washington/Baltimore metropolitan area from September to September.

John Hansman told the Board we will have a deficit this year of approximately \$35,000 to \$40,000 due to, greater than anticipated expenditures in legal representation, entertainment, tree maintenance and landscape projects. The Association has adequate cash in the operating reserve to cover the extra expenditures.

Jim prepared the proposed 2017 budget with input from the October 6 board meeting and anticipated contracted expenses. The income reflected 0.8% increase in dues which equal approximately \$3,000 increase in operating revenue. The Board agreed to increase non-resident pool memberships from \$575 to \$625 for the 2017 season. They also agreed we should charge a Transfer Fee when a home is sold in the community. The fee will cover administrative expenses associated with updating the Association's data bases.

There were several questions concerning the NMC swim team finances. What does the \$50 fee per swimmer go towards? What are the swim team's expenses? What is the swim teams financial position?

The Board decided to add \$20,000 to fund a new assistant administrator position. It would be staffed by a contractor paid an hourly rate. John Daroff mentioned the current arrangement of a salary and bonus is not satisfactory and needs to be reviewed.

The budget for website support and enhancement was increased to \$10,500. The increase will cover fixes and enhancements to the website and training for NMC personnel to website as needed.

The entertainment budget was increased by \$3,000 to cover two additional event in 2017. The International Dinner and NMC's 50<sup>th</sup> Anniversary Celebration.

John Hansman mentioned he did not want the clubhouse accessibility improvements, a ramp to the upper level of the clubhouse and ADA bathroom on the upper level to be postponed.

The initial assessment is we would need an 11% operation dues increase to cover planned

expenditures for 2017. We will

### **New Business**

John Hansman request the Board approve \$80 for purchasing tickets to the Peerless Rockville's 37<sup>th</sup> Annual Award program where New Mark Commons is being recognized for their effort to research and designate NMC as eligible for placement on the National Register of Historic Places. John Brown made a motion that the Board approve spending \$80 for board member tickets to Peerless Rockville's 37<sup>th</sup> Annual Award program. Dorie seconded the motion which passed unanimously.

Jim presented a proposal from Titan Tree Care for maintenance pruning on 2 trees for \$1,585. After discussion, Magnus made a motion that Board approve the proposals from Titan Tree Care for \$1,585. Ellen seconded the motion which was approved unanimously.

Jim presented a proposal from Stolburg Landscaping. The proposal number is #2353 for remove dying plants, strip existing grass, remove soil around the Oak tree, install 90 Periwinkle ground cover and mulch the area for \$1,000. After discussion, Magnus made a motion that Board approve the proposals from Stolburg Landscaping for \$1,000. Ellen seconded the motion which was approved unanimously.

Jim presented a second proposal from Stolburg Landscaping. The proposal number is #2350 to prune the Red Twig Dogwood bushes and other growth along the lake bank, not to exceed \$1,000. After discussion, Ellen made a motion that Board approve the proposals from Stolburg Landscaping for 'not to exceed \$1,000'. Magnus seconded the motion which was approved unanimously.

Jim presented a proposal from American Pool for the addition of winterization chemicals for \$1,691.36. The chemicals are algicide, enzymes and phosphate removal product. The addition of the chemicals prevents excessive staining of the pool plaster coat. The pool can be opened next summer without having to be totally drained and power washed with an acid solution. This extends the life of the pool plaster coat. After discussion, Magnus made a motion that Board approve the proposals from American Pool for \$1,691.36. John Brown seconded the motion which was approved unanimously.

### **Office and Committee Reports** (continued)

Magnus Turesson reported the Community Enhancement Committee (CE) had two items to discuss. The resident at 604 Tegner Way has not responded to CE letter and nor to the neighbor at 606 Tegner Way asking for access to repair and paint a side of their home that can only be accessed through the back yard at 604 Tegner Way. The other item was to determine who owns the privacy fence between 1-3 Tegner Court and 518 to 522 NME. Jim told the Board the fence belonged to the residents of 1,2,3 Tegner Court. John Daroff mentioned the resident at 1-3 Tegner Court may not be aware that the fence is in their property. The fence condition will be included in the CE letter to each residence.

Jim gave the Board an update of the Capital Improvement Plan (CIP). Several landscape improvements had been completed. We received a proposal from Finley Asphalt for concrete and parking lot repair for \$242,495. We are waiting for another proposal from O'Leary Asphalt. We have tentative start dates for the installation of the new clubhouse roof and furnace. The Capital Improvement Plan (CIP) is attachment B.

Discussion on the proposed changes to the NMC Parking Rules & Regulations will be deferred until the next Board meeting.

Jim told the Board we have not received any new correspondence from Ms. L Newman regarding her home that was damaged by a falling tree.

### **Administrator's Report**

Jim gave the Board an update on the late dues. There are 8 residents who are in arrears. A Notice of Intent to Record a Statement of Lien was prepared by our attorney and sent to 3 residents. Two properties have been foreclosed. One has been sold and settlement is scheduled for early November. The second property has a 'for sale' sign on the property. Jim is following up with two other residents.

We had an inquiry from a resident about second hand smoke that is entering her home from her neighbor. The neighbor smokes on his own property and NMC community property. She asked is there anything the Board can do to ban smoking on community own property. Magnus gave the Board a provision from the Montgomery County rules dealing with smoking in common area of multi-family buildings, however that would not be applicable to our community. We can prohibit smoking in the clubhouse and at the pool but not on common property.

Judy and Jim mentioned that Margaret Chao has signed up to be a committee member for the Association's 50<sup>th</sup> Anniversary celebration. Margaret was the Chairperson of NMC's 40<sup>th</sup> Anniversary celebration.

At 10:00 p.m. the Board closed the meeting to discuss compensation issues. At 10:45 p.m. the closed session was adjourned. At 10:50 p.m. the Board meeting was adjourned. The written statement for closing a meeting is attachment C.

## ATTACHMENT A

### NMC Communications Committee Report to the NMC Board November 3, 2016

#### Website redesign/rehosting

The website “went live” on 10/15 and was demo’d at the Board Open House. To date, 43 residents have requested and received access credentials for the restricted Resident Area. The current version of the website does not have the capability to provide “click” rates that would indicate the number of accesses. User problems have been minimal.

Judy Rudolph has been able to update the website by adding new minutes and newsletters as they have become available, and John Daroff is maintaining the calendar. However, we need additional user maintenance documentation from JG productions to enable us to update more complex items, including the Community News. We have a proposal from JG Productions for the documentation, which had not been a requirement of the original contract; the \$500 cost is available from the remaining budgeted funds that the Board had approved.

We anticipate that there will be a need for ongoing support and minor enhancements to the website for a period of at least 6 months, and solicited and received a proposal from JG Productions. John Daroff will provide this information as a request for the 2017 budget.

**ACTION REQUESTED:** Approve proposal from JG Productions for documentation, at a cost of \$500 and an additional \$500 for website support and maintenance through the end of 2016.

#### Newsletter

- October electronic issue 10/15; metrics are available on request. November issue will be hand-delivered paper issue, containing the draft budget
- We requested support from Josh Grabenstein masthead graphics design support to incorporate our rebranding effort with the new logo. (Our attempt to locate volunteer NMC resident support was unsuccessful.) We have received the 12 targeted banners for the next year at a cost of \$300. The first was used in the October electronic issue.
- Delivery of PDF’d paper copies to those requesting [PER OCTOBER BOARD MTG, WE WERE TO ASSESS ACTUAL COST PER ISSUE x 8 ELECTRONIC ISSUES TO ASCERTAIN A REALISTIC ANNUAL SUBSCRIPTION RATE; JIM—CAN YOU COME UP WITH A FIGURE BASED ON AVG 26 PAGES FOR PRINTING, LABOR, DELIVERY?]
- At its October meeting, the Committee to develop and provide a hard copy communication method preference survey along with an updated version of the Resident Information Form with the January dues bills

#### Google Business implementation

- The new website is now hosted on this platform, and we are maintaining the calendar that is link to the website using Google Calendar. We hope to investigate integrating the Google calendar with the newsletter in the future
- The Committee will discuss at its November meeting [rescheduled date and logistics TBD]:
  - Google drive access/sharing
  - Populating Google drive with all of the NMC files on Jim’s, Board members’ and committee chairs’ personal computers
  - Who needs training on email? Google drive?

**Branding:** The new logo has been implemented in the electronic newsletter and Mailchimp broadcast emails. It will appear in the November paper newsletter. Judy Rudolph will create a black and white letterhead and provide it to Jim.

**Broadcast emails**

- We continue to increase the use of Mailchimp for broadcast emails, and would like to train Jim or the possible additional staff member on the process
- Updated policy on Broadcast emails is needed, but we suggested waiting until we have the capability to update the Community News feature on the website homepage

**Databases:** Resolving chronic bounces and synchronizing the AtoZ and Mailchimp databases continues to be a challenge.

**Alternative Open Meetings Act-compliant communications tools:** We are investigating the use of conference calls for Board and committee meetings,

## ATTACHMENT B

### NMC Capital Improvement and Maintenance Projects Progress and Plans November 2016

#### Landscape and Maintenance projects.

*Ellen Stein, Chairperson of the Landscape Committee, along with Landscape Committee members worked on the following items.*

- Planting at the corner of NME and Welwyn Way. COMPLETED.
- Painting wooden street signs, metal handrails & garage. COMPLETED.
- Fabricate and install three metal ADA handrails 254, 256 and 874 NME. COMPLETED.
- Power wash and repair the courts. COMPLETED.
- Remove existing Yew and scrub bushes. Clean area, remove debris and install a 4' ring around storm drain using Delaware Valley Stone near 318 NME. COMPLETED
- To mitigate erosion, installed 4-6 ton of 5-8" Delaware Valley Stone along bike path behind 812-814 NME. COMPLETED.
- To mitigate erosion near the playground, fabricate (9) 4' wide by 4' long steps encased with timbers using 6x6x8 pressure treated lumber, install rebar and spikes, steps will be back filled with existing gravel. COMPLETED.
- Tree maintenance and removal in 13 locations throughout the community. COMPLETED.
- Planting near 142, 318 and 824 to 830 NME. COMPLETED.
- Remove bamboo that is hanging in the lake behind 100 NME. COMPLETED.

#### Ongoing Maintenance projects.

- Storm water runoff and drainage behind 300-314 NME. Contract with Mark Willcher signed and deposit mailed. Estimated start date is October 17-21. COMPLETED
- Replace rotted railroad ties with 6 X 6 pressure treated timbers and backfill disturbed area with soil near 220 NME. On going
- Mitigate storm water runoff in front of 324-326 NME and along the side yard at 328 NME. On going.

#### Maintenance projects approved at the 10/6/16 Board meeting.

- Pruning along the bike path, playground and clubhouse parking lot identified as needed during neighborhood safety walk. Scheduled for week of 11/7 to 11/11.

## Capital Improvement Projects.

### Handicap access to NMC Clubhouse – started in March 2016.

- Identify options for access.
- Research ADA and City code requirements.
- Identify and call contractors to set up appointments.
- Board members visited six neighboring pools with meeting facilities during August to evaluate how NMC's clubhouse and pool compared with these mostly newer pools. After those visits the Board developed a set of clubhouse renovation priorities.
  - New roof with insulation and a new furnace.
  - Upper level - ramps to each level from driveway plus ADA/family bathroom.
  - Lower level - remove interior wall within each lower level locker room and convert one stall to handicap access. New paint, updated lighting fixtures, update shower and sink plumbing fixtures, repair door frames, upgrade ventilation system and possibly add air conditioning.
  - Upper level – insulate exterior walls and drywall. Convert fireplace room into office space for administrator. Install audio-visual equipment and lighting.
  
  - In considering office space, we should look at the maintenance building. There is a washroom. Space can be rearranged. We need better file storage with humidity control.

### Asphalt and concrete repair, along with parking space stripping of the townhouse parking lots including clubhouse parking lot – started in mid-August.

- Inspect sidewalks, curbs and asphalt with resident participation.
- Identify and rank areas that need to be repaired.
- Identify and call contractors to set up appointments.
- Seek contractor's input on type of repair required by area.
- Work to start in August or September, depending on contractor's backlog.
- Jim Met with first of two contractors August 29. On-going process through September. Finished contractor meetings on October 3.
- Neither contractor could deliver proposal for the October Board meeting.
- Received a proposal from Finley Asphalt & Sealing for \$242,495.

### Replace clubhouse roof.

- Identify contractors and solicit proposals in late July or early August.
- Remove and replace existing roof. Shingle style and to be determined.
- Repair 8' X 8' water damaged section of roof.
- Repair or replace north side gutter and install additional downspout.
- Work would begin as soon as possible after pool closes on 9/5.
- Four roofing proposal received and to be reviewed at the October Board meeting.

- Rimel Roofing and Home Improvements Co., Inc. was selected to install a new roof on the clubhouse. Projected start date of 11/10/16.

Replace the clubhouse furnace.

- Identify contractors and solicit proposals in late August or early September.
- Two furnace proposals received and to be review at the October Board meeting.
- M.P. Energy was selected to install a new furnace in the clubhouse. Installation scheduled for 11/7/16.

New item - Replace failing wooden retaining wall across the parking lot from 802 to 808 and 872 to 878 NME with a new stone retaining wall.

- We received a proposal from Stolburg Landscaping to build a new stone retaining wall.
- Additional bids will be solicited.

**ATTACHMENT C**

**WRITTEN STATEMENT FOR CLOSING A MEETING  
UNDER THE OPEN MEETINGS ACT**

Date: 11/6/16 Time: 10 p.m. Location: Clubhouse Motion to close meeting made by: ELLEN STEIN  
 Seconded by John Brown, Members voting in favor: E. Stein, J. Brown, D. Mangan, J. Hansman,  
Magnus Turesson Opposed: NONE Abstaining NONE Absent J. Saroff

**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) (1) Discuss administrators compensation +  
 §3-305(b) ( ) \_\_\_\_\_  
 §3-305(b) ( ) \_\_\_\_\_

This statement is made by John Hansman, 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: E. Stein, J. Brown, D. Mangan, J. Hansman, M. Turesson.  
 TOPICS ACTUALLY DISCUSSED Administrator compensation + assistant admin compensation.  
 ACTION(S) TAKEN (IF ANY) AND RECORDED VOTES: Administrator salary for 2017 to be \$52,000.  
advertise for assistant administrator position.  
 TIME CLOSED SESSION ADJOURNED: 10:45 P.M.  
 PLACE OF CLOSED SESSION NMC Clubhouse, 607 Tegner Way, Rockville, MD.  
 PURPOSE OF CLOSED SESSION: discuss administrator compensation  
 STATUTORY AUTHORITY FOR THE CLOSED SESSION: §3-305(b) ( ) ; ( ) ; (1)  
 MEMBERS WHO VOTED TO CLOSE: E. Stein, J. Brown, D. Mangan, J. Hansman, M. Turesson

(Form Revised 10/1/14)

Appendix C

**ATTACHMENT D**

**ATTACHMENT E**