



**NEW MARK COMMONS  
HOMES ASSOCIATION, INC.**

P.O. BOX 4206  
ROCKVILLE, MD 20849-4206  
301-340-0288

<http://www.newmarkcommons.net>

**BOARD MEETING AGENDA  
Thursday May 4, 2017  
7:30 pm at the NMC Clubhouse**

- |                 |    |  |
|-----------------|----|--|
| 7:30pm          | 1. | Call to Order  |
| 7:30pm – 8:00pm | 2. | Community Forum <sup>1</sup> <ul style="list-style-type: none"> <li>A. NMC 50<sup>th</sup> Anniversary Committee Update – Pat Reber.</li> </ul>  |
| 8:00pm – 8:25pm | 3. | Approve Minutes and Agenda <ul style="list-style-type: none"> <li>A. Approve Agenda for May 4, 2017.</li> <li>B. Minutes for October 19, 2016 Budget Board Meeting.</li> <li>C. Minutes for November 16, 2016 Board Conference Call.</li> <li>D. Minutes for February 2, 2017 Board Meeting.</li> <li>E. Minutes for March 2, 2017 Board Meeting.</li> <li>F. Minutes for April 6, 2017 Board Meeting.</li> </ul>  |
| 8:25pm – 8:45pm | 4. | Committee Reports <sup>2</sup> <ul style="list-style-type: none"> <li>A. Architectural Control Committee – Alex Belida</li> <li>B. Communications Committee – David Schwartzman</li> <li>C. Community Enhancement – Magnus Turesson</li> <li>D. Landscape Committee – Ellen Stein</li> <li>E. Pool Committee – Kathleen Moran</li> <li>F. Social Committee – Alexandra Manalatos               <ul style="list-style-type: none"> <li>i. Discussion of Historic Registry Designation.</li> </ul> </li> </ul> |
| 8:45pm – 9:00pm | 5. | Administrator's Report <sup>3</sup> <ul style="list-style-type: none"> <li>A. Finance and Dues Update.</li> <li>B. Townhouse Parking lot update.</li> <li>C. Update on long term vehicles in Clubhouse Parking Lot.</li> <li>D. Voted to approve the draft audit last month. Final 2016 Audit from DeLeon &amp; Stang is nearly done. Revisions were needed resulting from the insurance payment.</li> <li>E. CCOC refunds were distributed on schedule.</li> </ul>  |

<sup>1</sup> Preference to speakers will be given to those who provide advance notice. To provide notice, email [board@newmarkcommons.net](mailto:board@newmarkcommons.net).

<sup>2</sup> Each Committee Report shall be no longer than 3 minutes. No Discussion or voting during committee reports.

<sup>3</sup> Limited questions will be entertained at the end of the report as time permits.

- F. Pool Update.
- G. 824 common area water/gas main break damage repair scope and status
- H. Downed light pole in front of 824 NME
- I. Mira Frost/Joe Rosen erosion concerns (from 4/6 and 2/4 Community Forum requests)
- J. 834 NME – Tax Sale.
- K. Insurance Update – General Liability & Workman’s Comp.
- L. City of Rockville Community Enhancement Violation re: dead tree on NMC Property.
- M. Implementation of Digitizing Records in accord with CCOC 80-16. (Dave Schwartzman)

9:00 – 9:05pm

Break

9:05pm – 9:20 pm 6.

Old Business

- A. Community Enhancement Committee Action Items
  - i. Mission Statement and Policies
  - ii. Inspection Checklist
  - iii. Sample Letters

9:20 pm – 10:15 7.

New Business

- A. Architectural Control Proposals
  - i. Delegation of Authority for Certain Items.
  - ii. ACC Violations and how NMC Responds.
  - iii. ACC Violation Notice at Sale Policy.
  - iv. Stormdoors for Contemporary Homes.
- B. Reserve Fund Study Proposals.
- C. White Box Truck in Clubhouse Parking Lot.
- D. Pool Guest Fee Increase Proposal
  - i. Proposed weekday fee increase from \$1 to \$2 per person.
  - ii. Proposed weekend/holiday fee increase from \$2 to \$5 person.
- E. Guidelines for pool parties during regular pool hours.
- F. Pool Repairs, Parts & Supplies Proposal.
- G. Renewal of Excess Liability Insurance.
- H. Playground Mulch Proposal.

10:15

Adjournment.

**NMC Communications Committee  
Report to the NMC Board  
May 4, 2017**

*Please review the full contents of the minutes of the 4/13/2017 committee meeting, attached.*

*These items are particular importance:*

**May paper newsletter content, logistics, and deadlines**

- The May issue will be Kirsten's first experience producing the *New Mark News*, using a new Word template.
- **To accommodate the logistics of producing and delivering the paper newsletter, *the deadline for all May newsletter content submissions will be Wednesday, 5/10 9 AM to Judy Rudolph.***
  - **W 5/10 9 AM** Copy deadline to Judy
  - **Su 5/14 9 AM** All "groomed" copy to Kirsten
  - **Tu 5/16 9 AM** Final proof copy to Judy et al from Kirsten
  - **Tu 5/16 7 PM** Revisions to Kirsten
  - **W 5/17 9 AM** Final review to Judy
  - **W 5/17 12 noon** Camera-ready soft copy to Jim
  - **F 5/19 AM** Back from printer
  - **F/S 5/19-20** Deliver

**Website:**

- Posting of Board/committee minutes and agendas
  - Maryland Open Meeting Act and CCOC agreement requirements
  - Staff/volunteer logistics and availability
    - Requirements and process for content from Board and committees
- Recent website technical issue
  - Impacted ability to post minutes and agendas
- Outside website support arrangements
  - We have identified and received assistance from volunteers Bill Holdsworth and Melanie Huston
  - We need to have backup contractor arrangements defined and in place
- Google Analytics
  - This tool will enable us to track website activity (as we can for the Mailchimp broadcasts and newsletters, per the metrics attached at the end of this report)
  - After John Daroff generates the code from our Google Business suite, we hope that several of our more technical volunteers can assist us with implementation
- As of 4/27/2017, 85 residents have requested/received website Resident Area logon access

**Nextdoor as a communications medium:**

- In discussion of the various communications tools [website email broadcasts, Community News, etc.] available and the results of the January Communications Preferences Survey, the Committee would like the Board to begin to discuss (1) the relationship of the HOA with Nextdoor NMC and (2) expectations for staff and/or Board

representatives to ensure that substantive resident concerns are “heard,” acknowledged, and acted upon.

**Databases:**

- **Non-Resident requests for Newsletter Subscriptions/Mailchimp:** We still need coordination of data/lists from staff to implement the guidelines approved by the Board in January. [(1) Non-resident pool members should be put into a subgroup for delivery of newsletters from April to August; (2) adult children of residents who ask to be kept informed if their elderly parents live here; (3) landlords, who under their lease should be obligated to keep their renters informed; we need staff to provide an updated list of non-resident owners and ensure that owners are aware of this requirement.]

**NMC staff training/support:**

- Kirsten now has Mailchimp access and can create and send broadcast emails
- We are coordinating Kirsten’s availability and priorities with Jim and hope to train and turn over to staff the ability to post minutes and agendas to the website.

*The next Communications Committee meeting is Thursday evening, 5/11/2017 at 7:30 PM.*

**Recent Mailchimp activity:**

		NEW MARK COMMONS			NewMark New Mark Commons Home...		Help	Q
		Campaigns	Templates	Lists	Reports	Automation		
<input type="checkbox"/>	<b>Broadcast: 04222017 Spring Cleanup Status Update</b> Regular • New Mark Commons Homes Association, Inc. 02122017 Sent on Sat, Apr 22, 2017 6:34 am	473 Subscribers	44.5% Opens	0.0% Clicks	View Report	▼		
<input type="checkbox"/>	<b>April 2017 New Mark News</b> Regular • New Mark Commons Homes Association, Inc. 02122017 Sent on Fri, Apr 21, 2017 4:40 pm	473 Subscribers	45.3% Opens	1.9% Clicks	View Report	▼		
<input type="checkbox"/>	<b>Broadcast: 04082017 SWM fee insurance settlement</b> Regular • New Mark Commons Homes Association, Inc. 02122017 Sent on Sat, Apr 08, 2017 8:26 pm	468 Subscribers	61.5% Opens	0.0% Clicks	View Report	▼		
<input type="checkbox"/>	<b>Broadcast: 04082017 2017 Budget passed</b> Regular • New Mark Commons Homes Association, Inc. 02122017 Sent on Sat, Apr 08, 2017 8:25 pm	468 Subscribers	54.2% Opens	0.2% Clicks	View Report	▼		
<input type="checkbox"/>	<b>Broadcast: 04042017 Important Upcoming Events and Activities</b> Regular • New Mark Commons Homes Association, Inc. 02122017 Sent on Tue, Apr 04, 2017 11:57 am	468 Subscribers	54.8% Opens	3.2% Clicks	View Report	▼		
<input type="checkbox"/>	<b>Broadcast: 04032017 New Mark Commons Homeowners Association, Sidewalk repairs</b> Regular • New Mark Commons Homes Association, Inc. 02122017 Sent on Mon, Apr 03, 2017 3:40 pm	469 Subscribers	57.9% Opens	0.0% Clicks	View Report	▼		

**NMC Communications Committee Meeting**  
**Thursday, April 13, 2017, 7:30 PM**  
**Minutes**

The meeting took place at Pat Reber's, 705 NME.

**Present:** David Schwartzman, incoming Board Liaison; Judy Rudolph, Chair; Bill Holdsworth; Pat Reber. **Absent:** John Daroff, Jim Denny, Melanie Huston, Jonathan Smith.

Since this was David's first meeting, we discussed some of the broader issues involved in producing the newsletter and communicating within and among New Mark officers, staff, and volunteers. David noted that John Daroff should have a President's Column in every issue. He said that as Secretary/Treasurer, he would discuss with Jim Denny some of the things that have changed in the Board's perspective on communications, including the need for an Administrator's Column every month and a need for regular updates on ongoing and capital projects.

#### **May Billing Enclosures**

- Judy will modify the Information Update Form to go out with the May dues billing. It asks residents to update their contact email and phone information.

#### **Website**

- Priorities for the 2017 budget allocation of \$1,500 still need to be defined.
- We are waiting to hear back from John Daroff about his conversation with Josh Grabenstein, the web consultant, to request estimates for several development tasks and adding to that a request for assistance/a recommendation about Google Analytics to measure the website click rate. Bill Holdsworth said that Google Analytics appears to be too complicated for us to install and maintain. It was decided that **Pat** would remind John about the other items<sup>1</sup> and add to that a request about Google Analytics.
  - **Pat** will remind John that Bill has posted a redirect notice on the old website.
  - **David** will follow up with John in two weeks to check on the outcome.
- **Judy** reported that Kirsten now has Mailchimp access and can create and send broadcast emails; she will work with Kirsten next week to show her how to post minutes and agendas to the website.
  - **David** said he would also work with Jim in defining Kirsten's availability.

#### **Website Community News and Broadcast Email Guidelines**

- Judy has received comments from people about feeling "spammed" with too many broadcasts; there are also people who like the emailed broadcasts and others who prefer to use only Nextdoor for their NMC information.
- It was decided that **Pat** would prepare a set of guidelines for Committee review and recommend to the Board. The Board should determine who decides what gets sent out

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<sup>1</sup> Quotes for (1) Platform/URL migration; (2) adding a payment portal; (3) moving files from nmc@gmail, which was created for the first newsletter, into the Google drive and propagate out to the website (via Google Business) (4) consolidate onto NS, the website, Google Business and emails; (5) taking down the old website and conduct search engine optimization to drive traffic to the new website

via broadcast or on Nextdoor. The consensus of the committee is that it's always a judgment call, and our job is to keep people up-to-date about NMC news and activities.

### Newsletter

- The **April** newsletter is well underway. Judy is awaiting approval from Jim on the Pool Opening story as submitted by Nancy Wood. It was agreed that the article should run as submitted if Jim does not get back with feedback by the 4/16 deadline. This should be the guideline for all submissions to the newsletter: if things are not submitted by the deadline, then the newsletter will be published without those inputs.
- The use of the Mailchimp click rate data could boost interest by advertisers, but because there has been no followup on billing for ads by staff for many months, we have stopped soliciting ads. **David** will add that to his list of things as Treasurer to be taken up with Jim.
- The May newsletter will be one of the four paper newsletters each year that are delivered door-to-door. Judy has worked with **Kirsten** to develop a Word template that Kirsten can use to create the printing master files for future paper newsletters. Kirsten can convert the final content for each issue to gray scale for high resolution B&W paper printing.
- We will have to coordinate production of the May newsletter with Kirsten's work schedule. We tentatively decided on a tightened schedule to provide for the lead-time needed to coordinate the production, printing, and delivery requirements. Judy will first confirm with Kirsten before notifying all contributors. We proposed:
  - **Copy deadline – May 10**
  - **Camera Ready – May 17**
  - **Deliver May 19-20**
- Because it appears that landlords/non-resident owners often do not provide email addresses for their tenants on the bi-annual Information Update Forums, it's possible that the delivered paper newsletter might be the only way we reach many renters. We therefore agreed that the May paper newsletter should have a prominent item asking tenants to supply the staff with their email and other contact information, to ensure that they keep up-to-date with happenings and receive the digital newsletter.

### Broadcast emails

- The committee agreed that we do not have the resources to consider a monthly interim mini-newsletter/broadcast. Any breaking news can be handled in broadcasts/Nextdoor, as we did recently with a landscape project and two stories out of the April board meeting.

### Possible Technology Task Group

- Judy suggested creation of a Technology Task Group (either as a subgroup of the Communications Committee or reporting to the Board).
- Currently, many requests for IT and technical advice and solutions that are not related to communications/PR have been channeled through the Communications Committee. Examples include:
  - The ACC's request to electronically archive ACC and homeowner/property records
  - Scanning and loading to the website by 8/31/2017 all Board minutes dating to the early 1970s (as required by the CCOC mediation agreement with Richard Berman).
  - Google drive and @newmarkcommons.net email administration
  - David indicated that he can oversee archival material/scanning as one of his duties as HOA Secretary
- Database management/oversight
  - Kirsten is now maintaining AtoZ and Mailchimp
  - We think Jim manages pool system
  - We need followup by **Jim** and Kirsten on
    - Adding and creating a segmented Mailchimp mailing list for non-resident owners
    - Requesting email and phone numbers for all tenants (David indicated that the CCOC may requires this) and adding all tenants to Mailchimp and AtoZ
    - Creating a segmented Mailchimp email list for the June-August e-newsletters and emailing the PDF version of the May newsletter to them

### Staff vs. volunteer responsibilities, *continued*

- We need Jim's assistance and Board guidance re:
  - Coordinating Kirsten's other NMC priorities, schedule and availability to synchronize with anticipated newsletter and website support needs (See first topic above)
  - Training Jim to back up Kirsten for broadcasts and posting web minutes

5:07 PM

## New Mark Commons Homes Association Inc.

05/01/17

## Balance Sheet

Accrual Basis

As of April 30, 2017

	<u>Apr 30, 17</u>
<b>ASSETS</b>	
<b>Current Assets</b>	
<b>Checking/Savings</b>	
102000 · B of A - Operating fund	167,732.36
121000 · Revere Bank reserve fund	244,876.06
125000 · Congressional Bank	269,905.60
<b>Total Checking/Savings</b>	<u>682,514.02</u>
<b>Accounts Receivable</b>	
11000 · Accounts Receivable	11,649.29
111000 · Allowance for doubtful accounts	-3,980.00
<b>Total Accounts Receivable</b>	<u>7,669.29</u>
<b>Other Current Assets</b>	
12000 · Undeposited Funds	543.94
145000 · Prepaid Insurance	10,348.26
<b>Total Other Current Assets</b>	<u>10,892.20</u>
<b>Total Current Assets</b>	701,075.51
<b>Fixed Assets</b>	
151000 · Fixed Assets	
160000 · Land	250,000.00
162000 · Buildings	332,945.00
164000 · Furniture & Equipment	117,370.02
168000 · Lake & Property	714,447.00
171000 · Accumulated Depreciation	-1,013,220.34
<b>Total 151000 · Fixed Assets</b>	<u>401,541.68</u>
<b>Total Fixed Assets</b>	<u>401,541.68</u>
<b>TOTAL ASSETS</b>	<b><u><u>1,102,617.19</u></u></b>
<b>LIABILITIES &amp; EQUITY</b>	
<b>Liabilities</b>	
<b>Current Liabilities</b>	
<b>Accounts Payable</b>	
200000 · Accounts Payable	29,216.07
<b>Total Accounts Payable</b>	<u>29,216.07</u>
<b>Other Current Liabilities</b>	
210000 · Accounts payable - trade	0.23
220000 · Payroll Taxes Payable	2,191.50
247000 · Prepaid assessments	1,828.02
<b>Total Other Current Liabilities</b>	<u>4,019.75</u>
<b>Total Current Liabilities</b>	33,235.82
<b>Long Term Liabilities</b>	
250000 · Storm Water Reimb CCOC 53-16	6,463.85
<b>Total Long Term Liabilities</b>	<u>6,463.85</u>
<b>Total Liabilities</b>	39,699.67
<b>Equity</b>	
30000 · Opening Balance Equity	643,476.11
32000 · Retained Earnings	-240,812.29
320000 · Operating - Begin retained earn	-1,175.23
321000 · Reserve-Begin retained earn	513,053.74
Net Income	148,375.19
<b>Total Equity</b>	<u>1,062,917.52</u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b><u><u>1,102,617.19</u></u></b>

5:09 PM

**New Mark Commons Homes Association Inc.**

05/01/17

**Profit & Loss**

Cash Basis

January through April 2017

	<u>Jan - Apr 17</u>
<b>Ordinary Income/Expense</b>	
<b>Income</b>	
400000 · Dues - Detached homes	86,507.74
405000 · Dues - Townhouse	72,859.00
415000 · Reserves - Detached homes	16,173.26
420000 · Reserves - Townhouse	20,162.42
425000 · Late Fees	450.00
431000 · Interest-Congressional Bank	265.06
432000 · Interest-past due accounts	386.87
439000 · Interest-Monument Bank	516.38
440000 · Storm Water Mgmt. Fee	7,848.45
441000 · Commission on Common Ownership	933.96
450000 · Clubhouse - Rental	1,250.00
451000 · Garage rental	422.50
465000 · Other Income	2,054.20
<b>Total Income</b>	<u>209,829.84</u>
<b>Gross Profit</b>	209,829.84
<b>Expense</b>	
500000 · Administrative Expenses	
501000 · Wages - Administrative	16,262.50
504000 · Payroll taxes	1,169.30
512000 · FUTA & SUTA	102.50
515000 · Storm Water Mgmt. Fee	912.26
515500 · CCOC SWM Reimb CCOC 53-16	-40,918.00
520000 · Insurance	4,773.00
540000 · Telephone	39.96
542000 · Electricity	1,634.57
550000 · Administrative	1,079.93
560000 · Printing	1,511.38
570000 · Legal	20,608.64
572000 · Accounting	6,750.00
582000 · Entertainment	1,308.48
584000 · Computer-software & support	660.81
<b>Total 500000 · Administrative Expenses</b>	<u>15,895.33</u>
600000 · Clubhouse	
602000 · Washington Gas	701.25
604000 · PEPCO - electricity	617.22
606000 · Telephone	887.27
610000 · Expenses	1,114.50
<b>Total 600000 · Clubhouse</b>	<u>3,320.24</u>
700000 · Pool	
701000 · Pool Management	5,899.00
706000 · Pool pass system	449.44
710000 · Water	212.25
740000 · Pool repairs	426.12
<b>Total 700000 · Pool</b>	<u>6,986.81</u>
800000 · Lake	
810000 · Electricity	407.92
820000 · Maintenance & chemicals	1,868.00
800000 · Lake - Other	174.99
<b>Total 800000 · Lake</b>	<u>2,450.91</u>

5:09 PM

**New Mark Commons Homes Association Inc.**

05/01/17

**Profit & Loss**

Cash Basis

January through April 2017

	<u>Jan - Apr 17</u>
<b>900000 · Maintenance</b>	
<b>962000 - Reserve Projects</b>	125.00
<b>901000 · Lawn Service</b>	15,577.96
<b>902000 · Contracted Maintenance</b>	900.00
<b>910000 · Maintenance expenses</b>	352.68
<b>912000 · Snow Removal</b>	9,765.00
<b>930000 · Lighting-parking lots &amp; path</b>	713.91
<b>950000 · Landscape Maintenance</b>	3,695.00
<b>Total 900000 · Maintenance</b>	<u>31,129.55</u>
<b>Total Expense</b>	<u>59,782.84</u>
<b>Net Ordinary Income</b>	<u>150,047.00</u>
<b>Net Income</b>	<u><u>150,047.00</u></u>

**NMC Community Enhancement  
Committee  
Report to Board and  
Items requiring Board Action  
March 2, 2017**



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## **New Mark Commons Community Enhancement Committee Mission Statement and Policies**

### **Mission Statement**

The Community Enhancement Committee was formed to ensure that our community is well maintained by encouraging homeowners to maintain their properties in accordance with NMC covenants, rules, and guidelines.

The Board and the Committee work together: the Committee assists the Board by performing inspections and making recommendations to homeowners; the Board enforces the covenants, rules, and guidelines.

### **Policies and Procedures**

#### **Inspection Procedure**

Every two years the Enhancement Committee will inspect all houses in New Mark Commons. A detailed form will be completed and sent to each homeowner. This Inspection identifies areas of concern, noncompliance with NMC covenants, rules, and guidelines, and City of Rockville regulations.

The Community Enhancement Committee will review against the following criteria:

- Safety of residents and safeguarding of property are the first consideration.
- Preserving the architectural style of New Mark Commons.
- Preserving the integrity of the New Mark Commons infrastructure.
- Enforcement of New Mark Commons and City of Rockville laws and regulations.
- A consistent inspection form will be used, Form 1.

### **NMC Rules and Resources**

The NMC HOA requires all NMC homeowners to comply with NMC By-Laws, Covenants, Rules, and Regulations. They can all be found on the NMC website:<http://newmarkcommons.org/forms/>.

### **Response Policy**

- The Community Enhancement Committee provides information and recommendations to help residents in choosing the right materials, products, and resources.
- A specific response form will be used, Form 2.

### **Followup Policy**

A followup response letter to the homeowner will be used if needed to discuss or document additional dialogue.



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## Inspection Checklist for

**Address** \_\_\_\_\_

**Directions:** Mark each **G**=Great or **NI**=Needs Improvement

*Only use NA, Warning or Exemplary markings for appropriate/extreme conditions (probably less than 5%).*

**G** = Property generally well maintained, structurally safe, acceptable in appearance, healthy, secure, in compliance with NMC covenants and ACC guidelines

**NI** = Concerns about safety, health, security, appearance, and/or compliance with NMC covenants.

**Δ**= **WARNING: needs immediate attention!** Very serious concerns about safety, health, security appearance, and/or compliance with NMC covenants. Please describe.

**NA** = Not accessible or not applicable

- 1 Grading, splash blocks and water removal \_\_\_\_\_
- 2 Landscaping (plants & trees) \_\_\_\_\_
- 3 Hardscaping \_\_\_\_\_
- 4 Landscape lighting \_\_\_\_\_
- 5 Fences, gates, lattices \_\_\_\_\_
- 6 Walkway \_\_\_\_\_ (Does not include sidewalks)
- 7 Steps \_\_\_\_\_
- 8 Railings \_\_\_\_\_
- 9 Porch \_\_\_\_\_
- 10 Mailbox \_\_\_\_\_
- 11 Air conditioner enclosure \_\_\_\_\_
- 12 Waste collection area \_\_\_\_\_
- 13 Roofing \_\_\_\_\_
- 14 Solar collector \_\_\_\_\_
- 15 Chimney \_\_\_\_\_
- 16 Fascia \_\_\_\_\_
- 17 Soffits \_\_\_\_\_
- 18 Kitchen/laundry vents \_\_\_\_\_
- 19 Gutters down-spouts, rain barrels \_\_\_\_\_
- 20 Siding/walls \_\_\_\_\_
- 21 Windows \_\_\_\_\_
- 22 Shutters \_\_\_\_\_
- 23 House numbers \_\_\_\_\_
- 24 Doors \_\_\_\_\_
- 25 Light at main entry \_\_\_\_\_
- 26 Other lighting \_\_\_\_\_
- 27 Decks \_\_\_\_\_
- 28 Common areas \_\_\_\_\_



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### **"Look For's"**

1. Grading, splash blocks and water removal
  - a) positive slope to move water away from house
  - b) splash blocks in place as needed
  - c) Does drainage affect neighbors or walkways adjacent to property? cause erosion?
2. Landscaping (plants & trees)
  - a) Is landscaping neat and well-maintained? not overgrown?
  - b) Does landscaping enhance or detract from appearance?
  - c) No dead limbs, branches or plants
3. Hardscaping
  - a) Landscape ties, walls and terraces are well maintained, not deteriorated
4. Landscape lighting : well-maintained, does not impact neighbors
5. Fences, gates, lattices: well maintained, no missing or collapsing parts,
6. Walkway
  - a) solid surface
  - b) no uneven surfaces, cracks or holes
  - c) no sinking or rising
  - d) consistent with or similar to original concrete
7. Steps
  - a) even, level
  - b) no sinking or rising
  - c) unbroken surfaces
  - d) material consistent with adjoining surfaces
8. Porch
  - a) surface is even, level
  - b) no sinking or rising
  - c) unbroken surface
  - d) material consistent with adjoining surfaces
9. Railing
  - a) securely attached
  - b) finish/paint in good condition
  - c) consistent in style with house
10. Mailbox
  - a) securely attached
  - b) finish/paint in good condition
  - c) consistent in style with house
11. Air conditioner enclosure
  - a) materials in good repair
  - b) brick work is complete, repaired. No collapsed or missing brick work
  - c) wood finish is in good condition
  - d) Enclosure is in place as originally built, or modified to be consistent with original design



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12. Waste collection area
  - a) Bins and cans are in good condition
  - b) Stored in a way that does not detract from appearance of the home
13. Roofing
  - a) In good condition: no missing cracked, curling shingles. No staining, curling
  - b) Consistent with HOA approved roofing materials (Townhomes: Certainties "Oakwood", Tegner Way, "Tamko "Weathered Wood" and "Tweed Blend", Owens Corning "Autumn Brown"
  - c) See for Tamko : <https://www.tamko.com/ShingleColors>
  - d) See for Owens Corning: <https://w.owenscorning.com/roofing/shingles/filter#tab=color&color=brown>
14. Solar collectors
  - a) In good repair
  - b) No observable rust, broken or missing parts
15. Chimney
  - a) In good repair ( as much as can be seen from street level)
  - b) No missing, or spalling bricks
  - c) No missing mortar joints
16. Fascia
  - a) Paint in good condition
  - b) For townhouses, paint matches that of rest of section
  - c) For single family homes, paint is the same for entire house
  - d) No holes or evidence of animal intrusion
17. Soffits
  - a) In good repair: no missing sections, holes or loose boards
  - b) Paint/finish is in good condition
  - c) No holes or evidence of animal intrusion
18. Kitchen/laundry vents
  - a) In good repair: securely attached to wall, no broken parts
  - b) Finish in good condition. No rust
  - c) Evidence of animal screening, no evidence of animal intrusion
19. Gutters, down spouts, rain barrels
  - a) properly attached
  - b) Gutters clean and free of debris (no visible leaves, branches or growing matter)
  - c) appropriate color to match or coordinate with fascia and walls
  - d) drainage directs water away from structures, does not impact neighbors, and does not drain directly onto walkways
20. Siding/walls
  - a) In good repair: no missing sections, holes or loose materials



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21. Finish/paint: in good condition.
  - i) If painted, no wood showing through; no flaking, staining or peeling.
  - ii) If brick, no missing, spalling, broken bricks. No missing mortar,
  - iii) If stained cedar shakes, no cupping or curling, no missing shakes
  - iv) No use of vinyl siding except as approved by HOA
22. Material matches original and approved by HOA
  - a) No holes or evidence of animal intrusion
23. Windows
  - a) retain original appearance
  - b) frames are painted and sealed. No flaking, or peeling
  - c) joints are caulked so there are no gaps
  - d) glass is clear and unbroken
24. Exterior Shutters
  - a) In good repair
  - b) Finish/paint: in good condition - no flaking, staining or peeling
  - c) Size matches windows
25. House numbers
  - a) Clearly visible from street
  - b) Well lit
  - c) Style consistent with style of house
26. Doors
  - a) In good repair: no dents, holes
  - b) Finish/paint in good condition: no flaking, staining or peeling
  - c) Hardware consistent with style of house, in good condition matching finishes
  - d) Door style consistent with style of house as approved by HOA
27. Light at main entry
  - a) In good repair: covers in place, no exposed lightbulbs, no rust, no broken parts
  - b) Provides sufficient light for safety and security, but does not negatively impact neighbors
  - c) For town houses: light style approved by HOA (Hinkley: 1650TT or Minka: Bayview in oil rubbed bronze depicted to right)
  - d) For single family homes: style consistent with style of home
28. Other lighting
  - a) In good repair: covers in place, no exposed lightbulbs, no rust, no broken parts.
  - b) Provides enough light for safety and security, but does not negatively impact neighbors



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29. Decks & patios
- a) In good repair.
  - b) Wood decks : railings in place, no missing or broken parts, free of moss, stains, rot, supports are unbroken. Stain or paint in color of style consistent with style of house
  - c) Metal railings: painted: no flaking staining or peeling
  - d) Concrete/stone decks:
    - i) even and level
    - ii) No sinking or rising
  - e) No holes or uneven seams

**Note to townhouse and modern style homeowners:**

*For guidance in learning about making choices appropriate for your style home:*

- Visit the National Trust for Historic Preservation's website. and search for modern architecture: <https://savingplaces.org/modern-architecture#.V5zwQJMrK8U>
- Zillow's blog on mid-century has style guidance links: <http://www.zillow.com/blog/mid-century-modern/>
- Google and Google Images: modern architecture
- Look on pintrest
- Look at "Dwell" magazine
- Google and Google Images for architects: Joseph Eichler, Frank Lloyd Wright, Richard Neutra, and Rudolph Schindler.



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Celebrating our 50th year! *Founded 1967*

DATE

XXXXXX XXXXXX
XXXXXX
Rockville, MD 20850

Dear XXXXXX,

For the second consecutive year, the Community Enhancement (a Board-appointed committee with emphasis on beautification of NMC) surveyed all of the homes in New Mark. 2017 marks the NMC's 50th year. We should make it even more beautiful than before. The goal is to identify maintenance issues for both landscaping and structures. As residents, we often become so used to the appearance of our homes that we fail to notice things that are apparent to others. We hope that you will respond constructively. Keeping your home in good condition enables you to avoid more costly repairs in the future and to maintain and even increase property values for yourself and the whole community.

We observed the following items at your house for which we recommend attention. A follow-up survey will be conducted every 2 years. If you need additional information about the items noted and recommendations, please indicate that on your response form. If you have already done the required/recommended maintenance, simply check the appropriate box on the form before sending it back.

- XXXXXXXX
• XXXXXXXX

You can refer to Article IX of the New Mark Commons Homes Association covenants that requires homeowners to keep their property well maintained. Please be aware that homeowners also need to comply with NMC Architectural Control Guidelines and City of Rockville codes. You can find both the Covenants and guidelines on our website. http://newmarkcommons.net/. If you have any questions, do not hesitate to contact a member of the Board at board@newmarkcommons.net.

Thank you in advance for your cooperation.

Sincerely,

Board of Directors
New Mark Commons Homes Association, Inc.



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DATE

NAME  
ADDRESS  
Rockville, MD 20850

Dear NAME,

You may be aware that we recently conducted a walk-through inspection of all the homes in New Mark Commons. **We are pleased to inform you that your home was noted as exemplary in several categories.**

The survey was conducted by residents of NMC. We do the survey because property maintenance is important. As you clearly know, keeping your home in good condition enables you to avoid more costly repairs in the future and to maintain and even increase property values for yourself and the whole community.

We observed the following items at your house that was exemplary:

- LIST

Thank you for helping keep New Mark Commons such an outstanding neighborhood. If you have any questions, do not hesitate to contact a member of the board or myself.

Congratulations!

Sincerely,

TBD  
President  
New Mark Commons Homes Association, Inc.



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DATE

NAME  
ADDRESS  
Rockville, MD 20850

Dear NAME,

It appears that your trash carts remain in public view on days other than trash collection days.

In case you aren't aware of them, both the New Mark Commons Covenants and City of Rockville laws and regulations establish standards that apply to this matter. Most importantly, adhering to these rules and guidelines is the neighborly thing to do.

- From the New Mark Commons *Covenants* (<http://newmarkcommons.net/wp-content/uploads/2016/08/Decl-of-Covenants.pdf>),

Article X. Section 3. E.

(e) Trash and garbage containers shall not be permitted to remain in public view except on days of trash collection.

This means that in single-family homes, trash and recycling bins should be stored in garages or on the side or rear of the home. In townhouses, trash bins must be stored within the fenced trash enclosures. We realize that this has become more difficult with the introduction of the larger bins, but it is still possible and is necessary to ensure the overall neat appearance of the neighborhood. City of Rockville Refuse Website:

- City of Rockville: <http://www.rockvillemd.gov/index.aspx?nid=1114>: Your cart must be removed within 24 hours of collection.

If no one in your household is able to wheel the carts to the curb, complete an application for back door collection at <http://www.rockvillemd.gov/recycling-refuse%5D> or call the Recycling and Refuse Division at 240-314-8568.

Other sources of assistance may be a thoughtful neighbor. It has been suggested that you use a permanent marker to identify your carts with your address, so that that willing neighbor can help return them to your property.

If you need help to come up with a solution or if you have a special circumstance please contact [nmcadministrator@newmarkcommons.net](mailto:nmcadministrator@newmarkcommons.net) or call (301) 340-0288.

Sincerely,

Board of Directors  
New Mark Commons Homes Association, Inc.

ACC memo to Board re delegation

Motion:

The Board of Directors permits the ACC to delegate to the ACC Chair and the Administrator, together, the authority to approve applications:

To repaint in the same colors

To re-roof per Section S of the Guidelines

To replace windows or add storm windows per Section BB of the Guidelines.

To repair, but not change, existing structures.

To replace the front door of a contemporary house with a flat panel or flush door.

To install solar panels on a roof. [Approval requested]

## DRAFT

### ACC Violations and How NMC Responds

The enforcement of architectural regulations is a vital function of the NMC Board and its Architectural Control Committee. It is vital, therefore, that these regulations and the treatment of violations be spelled out clearly and communicated to all residents. While absolute adherence to the regulations and strict enforcement is the goal, it is important to note the Board and the ACC are allowed some flexibility in decision-making.

As Montgomery County's Commission on Common Ownership Communities (CCOC) has stated: *“The board of directors has a fiduciary duty to enforce the association’s rules, but that does not mean it must strictly enforce every rule in every case. The association documents give the board discretion on how to enforce the rules. However, the continued failure or refusal to enforce rules can eventually lead to a finding that the association has abandoned or waived its covenants.”*

There are several categories of violations. The Board and the ACC have agreed on the following responses:

1. Cases in which a homeowner has NOT applied for ACC permission for a change he/she has made that required advance ACC action.

***Owners shall be required to submit an ACC application. If approved, no further action is necessary. If denied, the owner may appeal to the Board. If the Board denies the appeal, the owner shall be required to comply with the ACC’s decision. This may entail a modification of the change or complete removal of the alteration at the owner’s expense. Any owner who refuses shall be taken before the CCOC.***

2. Cases in which a homeowner has applied for ACC approval and received it but has made a change that differs from what was applied for.

***Owners shall be required, at their own expense, to make the change conform to the original ACC ruling. Any owner who refuses will be taken before the CCOC.***

3. Cases in which a homeowner is denied ACC approval but makes a change anyway.

***Owners shall be required, at their own expense, to remove the change. Any owner who refuses shall be taken before the CCOC.***

4. Cases in which a change was approved in the past but the change was in fact in violation of the ACC regulations or NMC covenants.

***The sitting ACC will inform the owner of its finding of a violation and require that the change be removed or brought into conformity with current regulations before the property can be sold or otherwise transferred.***

***In all cases, it is the position of the Board and the ACC that owners have two weeks to respond to a notice of violation and 60 days to bring their property into conformity. No property in NMC can be sold or otherwise transferred until it is in conformity with ACC and Board decisions.***

The ACC and the Board are empowered to consider any external changes, including but not limited to, doors, windows, railings, hardscaping, paint color, lighting, extensions and sheds.

The following excerpts from CCOC rulings are provided as illustrations to homeowners in support of the NMC position:

*“A homeowner who obtains approval for an application, but then makes changes and does not build according to the approved application, can be ordered to submit a new application for the structure as finally built and to comply with the association’s ruling on the revised application.”*

*“If a homeowner builds something different from what he applied and obtained approval for, and if the changes do not meet the community’s architectural standards, the CCOC will uphold the standards and require the homeowner to comply with them and make the necessary alterations.”*

*“When an association approved a member’s plans for a new deck, and he built the deck following the approved plans, the association cannot thereafter force him to change the deck, nor can it alter the deck without his approval, until such time as he sells the house.”*

*“When a member cannot show that he ever applied for, and received, approval for a deck, the association can require him to alter it, or can enter on the property to alter it at the owner’s cost.”*

***Despite the last citation, please note, the NMC Board and the ACC have decided the NMC administrator or a contractor hired by NMC will NEVER enter any property to make mandatory changes required by the Board or the CCOC. However they will strictly enforce requirements for such changes before the sale or transfer of any property.***

**Board Policy on Architectural Control corrections prior to sale of a house 11-30-16**

The Administrator, with assistance from Board members, is responsible for identifying homes for sale and checking for possible AC violations. If violations are found by inspection of the property and the records maintained for that property, then the Administrator shall notify the property owner, the real estate agent, and any other appropriate party. That notice shall specify the correction required in order to get a clean report from the HOA.

**Background**

The following legislative update is from the Fall 2016 "Community Assn LawLetter by Thomas Schild Law Group.

**HOA Resales.**

Maryland homeowner assns. For the first time will be required to provide information and documents to owners when they sell their property. This requirement is effective Oct 1, 2016.

This includes information about the total amount of assessments and fees charged by the assn, whether any of the assessments or fees are delinquent, the contact information for the assns of its management agent, unsatisfied court judgments and pending claims, covenant violation actions or notices of default against the property.

The required information and documents must be provided to an owner within 20 days of a written request. A homeowners assn may charge up to \$250 for the resale disclosure information and HOA documents plus rush fees of up to \$100.

Correct me if I misremember, but I think that past requests for such documents, including covenants, have come from the real estate agent or settlement attorney. But maybe they are agents of the owner.

This legislation does support our policy of publishing covenant violations [ACC infractions] in the documents related to proposed property sales.

**Proposed addition to the ACC Guidelines, Section I Doors: Storm doors**

Storm doors on contemporary design houses must fit that style. The storm doors may be almost entirely glass with a simple frame. The frame color should be white or match the color of the main door. Full glass storm doors are preferred. If the door is part glass and part a solid panel, the panel shall be simple without designs or decoration.