

**NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
Thursday, June 1, 2017
New Mark Commons Clubhouse 7:00 p.m.**

Attendees

Board Members: David Schwartzman, Alex Manolatos, Alex Belida, John Daroff, Ellen Stein, Kathleen Moran; Magnus Turesson arrived 7:30 p.m.

Staff: Jim Denny, Administrator; Kirsten Hall taking minutes

NMC Residents: Sandra Clark, Betsy Burkhard, Mira Frost, Sally Guardia, Raj and Madeline Gupta, John Hansman, Joe Rosen, Judy Rudolph, Mark and Marilyn Wetterhahn.

Non-Residents: Peter Kurtze, Maryland Historical Trust; Janet Kelly, City of Rockville; Nancy Pickard, Peerless Rockville.

Call to Order

John Daroff called the meeting to order at 7:02 p.m.

Community Forum: Presentation

New Mark's application to the National Register of Historic Places: Peter Kurtze, Maryland Historical Trust

Peter Kurtze displayed a map of NMC showing the original Edmund Bennett site plan, which NMC had included in its first application to the National Register as justification for including whole community. The National Register returned the NMC application, expressing concern that, by including the areas not built out during the Bennett development period, we were introducing "non-contributing elements." The Register asked that the community boundaries be reduced to eliminate non-contributing properties. The new boundaries as drawn by Peter Kurtze and John Hansman remove 93 of the 384 NMC properties, including colonial style houses in the north end and some homes along Scandia Way that were designed later by other architects. Kurtze feels the revised boundaries will be accepted by the Register.

Kurtze said the vision of the original developer and collaboration with architects is what set NMC apart as being eligible for the National Register.

Question and Answer Period

Boundaries: Kurtze acknowledged that the Register's understanding of the past is constantly evolving, and in 10 to 20 years a new application to the Register could potentially include some of the non-conforming properties. The pool, clubhouse and lake are integral to the concepts that define the neighborhood; they fall within the revised boundaries.

Properties Included in Recognition: In terms of recognition, the entire community would benefit from the revised boundaries. "New Mark Commons Historic District" would be the official name on file. The listing would apply only to accepted areas.

Protection of all properties: Kathleen Moran noted that once a property goes on the National Register, a project using federal funds would impact land within a certain distance of the registered property. Having historic recognition for even part of the community would help protect the whole community from any development or road alterations.

Kurtze noted that there is no downside to being included in the National Register. There is no review of any later changes to the property by the city or National Register.

Rehabilitation Tax Credits: Properties that contribute to the Historic District will be eligible to apply for state rehabilitation tax credit status, which credits 20% of the cost of certain kinds of historic rehabilitation efforts. (Kurtze noted that making the Clubhouse ADA compliant probably would not be considered historic rehabilitation.) In the case of projects that make use of the tax credit, the projects must adhere to certain standards.

Exploring other options: John Hansman noted that the University of Maryland prepared the application for NMC because they had access to historical material that made it possible to make the case about the collaboration between Bennett and his architects. We could have gone another direction, but it would have been more work than we could do with our resources and in time for the 50th Anniversary Celebration.

Submitting the application: The application with revised boundaries is ready for submission and no further process would be required. It would take about 45 days to be approved.

Community Forum Continued

Erosion Issues at 338 NME: Mira Frost said the continued erosion on her property is rapid; roots of the sycamore are exposed and water is pooling. She offered to contact the City of Rockville to help with any needed coordination. A civil engineer has not reviewed the property yet. She requested that the issue be given higher priority to keep cost of correction from increasing.

Jim Denny has scheduled an arborist to come next week for additional estimates and will have a civil engineer look at the property. He suggested contacting the City of Rockville to see what firms have submitted erosion control applications prior to doing construction, and to find contractors who have successfully done this kind of work.

David Schwartzman asked Jim Denny to have a civil engineer also look at 276 NME and the surrounding areas when looking at Mira's property.

John Daroff affirmed that this erosion issue is considered an urgent need now because it hasn't been resolved for two years.

Pool Guest Passes: Marilyn Wetterhahn requested that residents be given free guest passes at the start of the season. John Daroff recommended purchasing the \$20 guest pass that allows ten uses, regardless of the day of the week.

Magnus Turesson arrived at the meeting- 7:30 pm.

ACC Appeal: Betsy Burkhard, 1 Farsta

- **Summary of case:** Betsy Burkhard wrote an appeal to the Board on April 28, 2017 in response to the April 20, 2017 letter she received from the Architectural Control Committee. The letter from ACC instructed her to remove her non-compliant detached shed. The shed was built in place of a pre-existing detached metal shed, which was in poor condition. She submitted an application to the ACC two years ago and received no response within 30 days of submitting her application, so she proceeded with the construction of a new wooden shed. No application to the ACC could be found at the time the April 20 letter was written. Jim Denny located the ACC application stamped "received" in June of 2017. The covenants do not permit detached sheds, but they also state that if a resident submits a proposal to the ACC and receives no response in 30 days, they may proceed with the proposed work.
- **Precedents for exceptions for detached sheds:** John Daroff shared an approval by the Board for a non-conforming detached shed for 10 Scandia Way. Another detached shed was approved at 1 Lakeside Overlook to accommodate a radon abatement device.
- **Validity of the application:** There was discussion about whether Betsy's application was valid; the Board concluded that it was a valid application and was not responded to within the 30-day time frame normally required. Jim said he visited the property at the time of application and did not feel an attached shed was feasible due to topography.
- **Exceptions for non-compliant structures:** Alex Belida and Magnus Turesson noted that the ACC has been under pressure from the community to enforce violations. Making an exception for an application that violates the covenants would open doors to further challenges and requests for exceptions. There was discussion about whether any exceptions would apply to a new owner after the property was sold.
- **Appeal tabled to July meeting:** John Daroff moved that the appeal be tabled to the July Board meeting and that the Architectural Control Committee be directed to examine the feasibility of moving the shed to bringing it into conformance with the covenants, allowing

30 days for the ACC to research costs and feasibility; seconded by David Schwartzman; carried unanimously.

Landscape Committee Report: *The Landscape Committee report (see below) was presented at this time so Sally Guardia could speak before she left the meeting.*

Approve Minutes and Agenda

Alex Manolatos was absent from the meeting for items A through C below, and returned for item D and remained until 10:30pm when she left the meeting.

A. Agenda June 1, 2017

Additions to the Agenda:

- a. Vote on revised historic district boundaries
- b. Landscaping update for Mira Frost/ Joe Rosen's property at 338 NME
- c. Update on common area landscaping repairs in the 800 block
- d. Proposals for playground mulch and tree work

Magnus Turesson moved to approve the amended agenda; seconded by Alex Belida; carried unanimously with Alex Manolatos abstaining.

B. Minutes April 6, 2017 Board Meeting: Ellen Stein moved to approve; seconded by David Schwartzman; carried unanimously with Alex Manolatos abstaining.

C. Minutes May 4, 2017 Board Meeting: David Schwartzman moved to approve; seconded by Kathleen Moran; carried unanimously with Ellen Stein and Alex Manolatos abstaining.

D. Minutes March 2, 2017 Board Meeting: Members of the previous Board are eligible to vote. Ellen Stein moved to approve; seconded by Alex Manolatos; carried unanimously by Alex Manolatos, Magnus Turesson, Ellen Stein and John Daroff. Kathleen Moran, Alex Belida, and David Schwartzman abstained.

Committee Reports

A. Landscape Committee - Ellen Stein with Sally Guardia: Gabe Kosarek, senior civil engineer who managed City of Rockville's most recent dredging and maintenance projects, recommended hiring a consulting firm for planning the dredging of the lake. Kathleen Moran will consult city public records to locate a sample Request for Proposal, identify two or three possible consultants, and review the companies that had been considered for city projects. Sally said there aren't many companies willing to take on small jobs like our lake. Ellen credited Chris Chiappa and "T" Chiappa for working with her to plant flowers for the pool.

B. Architectural Control Committee - Alex Belida: No report.

- C. **Communications Committee** - David Schwartzman: After the June 8 CC meeting, Judy Rudolph will no longer serve as committee chair, newsletter editor, website administrator, or creator of Community Enhancement Committee documents; she will remain on the committee and provide consultation. Committee wants to maintain oversight of the newsletter. David Schwartzman will serve as chair in the interim. David Schwartzman and Kirsten Hall have been trained on Mailchimp, website updates, and the community calendar. David will upload minutes and agendas to the website. Kirsten is handling MailChimp and calendar work. David thanked Anna Turesson for scanning all the prior minutes to searchable pdf, which David will sequence and upload in advance of the August 31 due date. The Board recognized Judy Rudolph's efforts on the Communications Committee.
- D. **Community Enhancement Committee** - Magnus Turesson: The CEC met May 25, and is now down to three members and still in need of a chair. CE will meet with the new city inspector next week to learn what city can do for us in terms of enforcement. The Association's concrete work has been moved to the fall. 48 homeowners have signed up for the piggyback work. Regarding abandoned parked vehicles, the city has a way to report an abandoned vehicle if located in a townhouse lot where the homeowner's association owns the property. The next CEC meeting will be September 28. There was discussion about whether or how to provide estimates or any work for homeowners before the fall concrete work begins.
- E. **Pool Committee** - Kathleen Moran: Pool Party interim guidelines were written and placed in the May newsletter. The committee met April 28 to review party rules. Next meeting will be later this month. The committee would like to repeat last year's Adult Pool Party event, with proposed date of July 29. The entry fee of \$15 covered the cost of food, but the Association covered the cost of lifeguards last year. The cost is \$29 per hour per lifeguard, minimum two guards for three hours. The date of the party and approval of the cost of lifeguards will be discussed during this meeting's New Business. John Daroff asked the committee to consider submitting final Pool Party regulations to the Board for approval. Swim team banquet is July 22.
- F. **Social Committee** - Alexandra Manolatos: During the pool opening weekend (May 27-29), the 50th Anniversary Committee was present with a table. Pat Reber and other volunteers interviewed families and took pictures. The banners are hanging. Yellow cards with 50th Anniversary events were handed out.

The Board discussed whether to have food trucks at NMC pool; the Social Committee will explore options.

Break at 9:30 p.m. for five minutes

City Presentation

Janet Kelly, City of Rockville, reviewed events coming up:

- June 7, 7:30 p.m., Lincoln Park Community Center: Know Your Rights Seminar: Regarding encounters with police and immigration enforcement.
- June 24, MC Rockville Campus, Rockville Pride program for LGBTQ community: Interactive exercises and performances; first Pride program in Rockville. Another will be held July 12 at Twinbrook Community Center.

Administrator's Report

Finance and dues update: 149 residents have not paid their dues, 39% of the community. Last year at this time number was 130. More payments are expected before June 15; Jim will review income mid-month.

Pool update: The pool passed opening inspection and opened on time on May 27. Had only one lifeguard at first but American Pools sent in two more quickly. Water was in mid-60s and it was raining so usage was low. Monday (Memorial Day) generated over \$140 in guest fee revenue. Last year's guest passes are still good. Lifeguards Rachel and possibly Petr from last year will return, and the other two from last year will arrive by June 15. The pump system has developed problems; Jim has requested a bid on replacing an old pump filter. Swim Team is practicing. Signage will be added to the fourth lane to make sure it is reserved for residents. The eyewash station discussed last month is an OSHA (federal) requirement, not Maryland requirement. It can be plumbed in and Jim will research the cost. Jim will check to see if there's an OSHA exception that would apply if installation would be expensive.

Plantings and repairs at 824 NME: Ellen and Jim, possibly Matt Stolburg, will meet Tuesday June 6 to review selected replacement plantings; reimbursement has been received from the city for the plants, as well as \$600 from a resident's contractor for the damaged light pole.

Erosion control issues at 338 and 314 NME: Jared Stuart has examined the erosion areas at 338 and 314 NME and he has advised New Mark to create a dry retention pond in the woods near the bike path to capture excess water. Drainage materials will be layered and planted with water-loving plants. In heavy rainfall, water will be diverted to the dry pond for drainage; these ponds do not hold standing water. The area between 274 and 276 NME will be examined as well for the same issues.

Old Business

Approve revised boundary for NMC application to National Register of Historic Places: David Schwartzman moved that the Board ask Peter Kurtze to submit New Mark Commons' application for the National Register with the revised boundaries that Peter Kurtze put forward; seconded by Alex Belida; carried unanimously. John Daroff will notify Peter Kurtze of the Board's decision.

Reserve fund study proposals: We have received proposals from Falcon Group, Mason & Mason, and Miller Dodson. Bids range from \$3300 to \$4500 for a level one, all-inclusive reserve study.

- Falcon Group \$3895: This is the only bid that mentioned doing a field measure. Offers civil engineering, land surveying, ADA analysis and remediation studies, and pavement pouring for asphalt and concrete.
- Miller Dodson \$3300: Assumes scale building and property plans are available; they are available for the clubhouse and maintenance area, but not all of the buildings in the whole community. They plan to complete the study in one site visit, which may be unrealistic. They are the only bidder that asked for a deposit.
- Mason & Mason \$4500: Includes an asphalt condition and assessment as part of the study.

Jim will focus on Falcon Group and Mason & Mason. He will look for "fee creep" in the contracts (especially Falcon Group), check references, and compare costs of asphalt coring.

Architectural Control Policy on Violations: Alex Belida moved that the Board approve the attached ACC violations policy and direct that it be attached to the current *ACC Guidelines*, and to publish the revisions on the NMC website and in the next NMC newsletter; seconded by David Schwartzman; carried unanimously.

Discussion about quarterly non-signatory review of books: The Administrator currently presents Association bank statements to the Board on a quarterly basis. The books are open to Board review at any time. Following discussion, the Board has decided to not schedule quarterly non-signatory review of the books.

New Business

Parking lot repaving proposals: One proposal has been received from O'Leary. Jim will get another proposal and work will begin in the fall.

Discussion of parking regulations revision: David Schwartzman noted that the Association could require that vehicles parked on NMC property (townhouse parking lots) be legally operable and not in violation of Maryland Transportation code. The City of Rockville's abandoned vehicle form (available online) may be used have a vehicle towed within 48 hours if not removed, at a cost of \$102 per vehicle.

David will work to define “abandoned vehicle” for the purpose of NMC Parking Regulations, and will further define specific violations and parking regulations, and coordinate with the Community Enhancement Committee and staff to deal with cars parked for long periods of time or that are inoperable. Jim has sent parking violation letters to the owners of five vehicles and will continue enforcement efforts.

Discussion of fence encroachments from 315 NME: The fence at 315 NME is on Association property. Gates present an emergency access issue. Jim and Ellen will talk to the owner and explain the encroachment issue and the Board’s concerns, and will report to the Board at the July meeting. They will follow up with a letter if necessary.

Playground mulch proposals: Two proposals have been received. Gold Leaf Group, \$2520, would put new mulch over the old. Stolburg, \$8400, would remove old mulch, level out the playground, and lay new mulch. The old mulch is mildewed and Stolburg’s approach is favorable but the cost is high. Jim will seek to either negotiate with Stolburg or get another bid for the July meeting. Ellen Stein moved to approve that the work be done by Stolburg, not exceed \$5,000; seconded by Magnus Turesson; carried with Kathleen Moran, Ellen Stein, John Daroff and Magnus Turesson in favor; David Schwartzman and Alex Belida opposed.

Tree work at the playground: Only one proposal has been received so far from Titan Tree Care; Jim will seek another. Kathleen Moran moved to approve the tree removal and stump grinding not to exceed \$7800; seconded by David Schwartzman; carried unanimously.

Jim will have the dead tree at 7 Tegner examined again to make sure it is sound; it was intentionally left in place as a habitat.

Scheduling July Board Meeting: The July meeting will take place as planned on July 6; a quorum will be present but John Daroff will be absent.

Adult Pool Party, additional lifeguard fees: David Schwartzman moved to approve Board expenditure for lifeguards at the Adult Pool Party on July 29; seconded by Kathleen Moran; carried with Kathleen Moran, John Daroff, Magnus Turesson, and David Schwartzman in favor; Ellen Stein and Alex Belida opposing.

Closed Session Pursuant to the Maryland Code 3-305(b)(1)

At 11:39 p.m. John Daroff moved to close the meeting for a personnel issue; David Schwartzman seconded; carried unanimously. Ellen Stein moved to return to open session; seconded by David Schwartzman; carried unanimously at 12:01 a.m.

Adjournment

Kathleen Moran moved to adjourn; seconded by Magnus Turesson; carried unanimously. Meeting adjourned at 12:01 a.m.